

## **Public Rights of Way Alley Gating Procedure**

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All requests (including petitions) to gate footpaths for crime and/or anti-social behaviour reasons should be referred to the appropriate Neighbourhood Management Team. Such requests should be considered case by case and will follow the steps detailed below:-

### 1. Route Status

Neighbourhood co-ordinators to investigate the status of the route to confirm that the path has public status; i.e. that it is adopted/right of way. If the path is on Solihull Community Housing land the application should be passed to the Solihull Community Housing anti social behaviour team for input. If it can be confirmed that the route has no public status, the applicant will be contacted and their details passed to the Crime and Disorder Reduction Team for further information on grants related to the erection of security gates on private rights of way.

### 2. Assessment

In all other cases where it can not be reasonably considered that a route is private, Neighbourhood Co-ordinators will utilise their network of contacts to assess the merit of each request using the criteria set out in the **Gating Criteria**. The criteria will focus on assessing any gating request against the following themes:

- The impact that a paths closure would have upon local pedestrian access:  
An assessment of the suitability of alternative routes will be made in consultation with the Rights of Way Officer and the Crime and Disorder Reduction Team. The distance saved by use of a path depends on both the origin and destination of a journey. Strategic value will depend on the layout of local facilities and the distribution of people wishing to access these.
- The degree to which a path is generating crime and/or antisocial behaviour:  
Through consultation with the police and the Environmental Health Section, crime and anti-social behaviour statistics for the local area will be assessed. A closure request will only be supported when there is a demonstrably heightened rate of crime and/or anti-social behaviour amongst the properties adjoining the path.
- The use of alternative solutions:  
It is important to ensure that alternative solutions to gating have been explored where feasible. In consultation with officers from the Places Directorate, the Crime and Disorder Reduction Partnership and the Police; possible alternative solutions to reduce crime and antisocial behaviour should be considered before a gating order is recommend.
- The cost to be incurred in processing the application  
A gating order should only be processed if suitable funding can be identified and secured to cover the costs involved in making an order.

### 3. Consultation

Whilst the assessment of the gating request is being undertaken, internal and external consultation should begin in order to gauge the views of all interested parties on the proposed order.

Consultation internally with other departments within the Council will potentially identify other information that will need to be considered when processing a gating request. Consequently the following teams should be consulted on all gating requests:

- The Crime and Disorder Reduction Team
- Highways Services
- Legal Services
- Youth Services
- Solihull Community Housing
- Regeneration
- The School Travel Plans Officer
- The Solihull Antisocial Behaviour Operations Group

In addition to internal consultation within the Council, it is also important to inform anyone that may have an interest in the proposed order. It is therefore necessary to consult with the following groups prior to the making of an order:

- Local residents
- Ward Councillors
- Parish and Town Councils
- Adjoining Local Authorities (where appropriate)
- Local Walking Groups
- All statutory consultees.

In order to ensure that any person that may be affected by the gating of a route is given the opportunity to comment on the proposed order, a notice outlining the proposal should be posted on site for a period of not less than 28 days. All comments received will be considered and noted in any subsequent report concerning the order.

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Consideration should be given to undertaking site visits with consultees to ensure that the individual aspects of each site are highlighted and discussed.

In instances where any of the following object to the proposed gating order, the gating request will not be recommended for approval:

- the chief officer of a police force through whose police area the relevant highway passes;
- a fire and rescue authority through whose area the relevant highway passes;
- a NHS trust or NHS foundation trust through whose area the relevant highway passes; or
- a council through whose area the relevant highway passes,

In order to ensure that gating requests meet the needs of local residents and users of the route that it is proposed to gate, a request to gate a route should not be recommended for approval if more than 40% of those consulted object to the proposal.

4. Recommendation and reporting

Following this final stage of consultation, if evidence and research supports the gating request and the relevant prescribed tests for making an Order are met, a report will be drawn up by the Neighbourhood Management Team and submitted to the Cabinet Member for Transport and Highways recommending that an Order should be made.

If the information collected indicates that a gating Order is not warranted, or that the relevant prescribed tests for making an Order are not met, then a report will be submitted to the Cabinet Member for Transport and Highways recommending that the order should not be made.

Following the analysis of the crime data and consolation process with residents, in all situations where it is appropriate and possible a time restriction should be included in the recommendation i.e. The route should only be closed for specific limited periods or times of the day.

5. Making of an Order

Following a resolution to make an Order, Legal Services will be instructed to make the relevant Order in the prescribed format, which will be advertised in local newspapers and should be displayed on site for a minimum period of 28 days. This will ensure that anyone who is unaware of the proposal is notified that the route will be gated.

All comments received will be considered and noted in any subsequent report concerning the Order.

6. Gating

Appropriate metal gates to be installed and maintained by Transport Highways and the Environment. Keys to access the route at anytime will need to be supplied to all residents who require access to their property along the alleyway.