
25 October 2006

Report to

Cabinet Member (Neighbourhoods, Health and Equalities)

Report of

Head of Corporate Policy

Title

Petitions in respect of a footpath at Fir Tree Avenue and Broad Lane

1 Purpose of the Report

- 1.1 To recommend a further response to petitions in respect of a footpath linking Fir Tree Avenue and Broad Lane following consideration by Cabinet Member (Urban Regeneration & Regional Planning) on 2 February 2006 and new legislation allowing Gating Orders to restrict access to highways under the Clean Neighbourhoods and Environment Act 2005.
- 1.2 The first petition, signed by 39 residents, was submitted to Council on 13 December 2005 by former Cllr Sheila Lacy requesting that two gates on the footpath be removed.
- 1.3 The second petition, signed by 24 residents, was also submitted to Council on 13 December 2005 by Cllr Nigel Lee requesting the gates on the footpath be brought back into use.

2 Recommendations

- 2.1 To note that current levels of reported crime and anti social behaviour are insufficient to warrant restricting access to the entryway using the criteria agreed at Cabinet.
- 2.2 To request the area's Safer Neighbourhood Group to develop further interventions to reduce and prevent crime and anti social behaviour at the site.
- 2.3 To note and reaffirm the decision of the Cabinet Member (Urban Regeneration & Regional Planning) of 2 February 2006 to keep the gates locked in an open position.
- 2.4 To request the Community Safety Team to monitor levels of crime and disorder at the location and present a further report in six months unless the situation requires action prior to that date.

3 Information/Background

- 3.1 A resident-led gating scheme, with a £450 contribution towards costs from the Community Safety Team, was established in 2001 leading to two sets of gates being installed on a

footpath running between Fir Tree Avenue and Broad Lane following concerns about crime and anti social behaviour. The footpath is situated in Westwood Ward and runs from a point adjacent to 151 Fir Tree Avenue to a point adjacent to 175 Broad Lane. At the time the promoters of the scheme believed that the footpath was private.

- 3.2 Following local objection to the closure of the alleyway, the Council investigated claims that the route was an established Right of Way. Evidence was provided to demonstrate that the footpath had been in continual use for at least 20 years and that, in accordance with Section 31 of the Highways 1980 Act, a presumption had been raised that the footpath was a public Right of Way.
- 3.3 The gates were removed in July 2002 following enforcement action by the Council but were re-installed in November 2005 by the householders at 149 and 151 Fir Tree Avenue following reported attempted burglaries.
- 3.4 Cabinet Member (Urban Regeneration and Regional Planning) considered a report on 2 February 2006 setting out the potential use of available legislation to close the footpath. Following consideration, the report's recommendation that there was insufficient evidence of reported crime to support footpath closure was adopted. It was also agreed that the gates should be locked in an open position and that the Community Safety Team should consider the restriction of access to the footpath when new legislation allowing the use of Gating Orders under the Clean Neighbourhoods and Environment Act 2005 became available.
- 3.5 On 26 July 2006, Cabinet endorsed an amended Gating Policy enabling the use of Gating Orders to temporarily restrict access to highways to reduce and prevent crime and anti social behaviour, without removing underlying highway status. Cabinet endorsed a local set of criteria to determine when Gating Orders would be considered, namely an average of one reported crime or incident of anti social behaviour per adjacent property to the highway in a 12 month period, subject to a minimum of 10 crimes or incidents of anti social behaviour.
- 3.6 There are 5 properties immediately adjacent to the Fir Tree Avenue / Broad Lane footpath, hence requiring the minimum level of 10 reported incidents in a 12 month period before a Gating Order would be considered.
- 3.7 Two reports of crimes or anti social behaviour made to either the Police or the It's Your Call anti social behaviour reporting line that can be directly attributed to the presence of the footpath have been reported in the 12 months to 3 October 2006. These are:
 - Group of young people in alley smoking; group ran off when caller went outside (30/6/06)
 - Group of young people in alley making noise (2/2/06)
- 3.8 Hence the level of crime and anti social behaviour does not meet that agreed to initiate Gating Order proceedings.
- 3.9 Given that the footpath is approximately 3 metres wide at the point where the gates are located it is considered that gates locked in an open position do not form an obstruction to the footpath.

4 Proposal and Other Option(s) to be Considered

- 4.1 That the Community Safety Team monitors the level of crime and anti social behaviour at the footpath linking Fir Tree Avenue and Broad Lane and presents a further report to be Cabinet Member (Neighbourhoods, Health and Equalities) in six months or earlier, as appropriate.
- 4.2 That, in the interim, the gates continue to remain locked in an open position.
- 4.3 That the area's Safer Neighbourhood Group carry out a visit to the site and identify any further action that can be taken to prevent crime and anti social behaviour.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Neighbourhood Management	✓	
Best Value		✓
Children and Young People		✓
Comparable Benchmark Data		✓
Corporate Parenting		✓
Coventry Community Plan	✓	
Crime and Disorder	✓	
Equal Opportunities		✓
Finance		✓
Health and Safety		✓
Human Resources		✓
Human Rights Act		✓
Impact on Partner Organisations		✓
Information and Communications Technology		✓
Legal Implications		✓
Property Implications		✓
Race Equality Scheme		✓
Risk Management		✓
Sustainable Development		✓
Trade Union Consultation		✓
Voluntary Sector – The Coventry Compact		✓

5.2 **Neighbourhood Management** - The entryways are situated within Neighbourhood Management South.

5.3 **Coventry Community Plan** - Reducing anti social behaviour is a key target reflected within the Coventry Community Plan and Local Area Agreement.

5.4 **Crime and Disorder** - As a member of the Community Safety Partnership, Coventry City Council is committed to tackling anti social behaviour, including the misuse and nuisance use of motorcycles and mini motos.

6 Monitoring

6.1 The Community Safety Team will monitor levels of crime and anti social behaviour and the interventions co-ordinated by the area’s Safer Neighbourhood Group. Information from the Its Your Call anti social behaviour reporting line is included within the fortnightly Active Intelligence Mapping reports to enable the identification of emerging or reoccurring hotspots for crime and anti social behaviour.

7 Timescale and expected outcomes

7.1 Should the recommendation in this report be approved, a further report will be presented to Cabinet Member (Neighbourhoods, Health & Equalities) in six months or earlier as appropriate.

	Yes	No
Key Decision		✓
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		✓
Council Consideration (if yes, date of Council meeting)		✓

List of background papers

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Papers open to Public Inspection

Description of paper

Location

None