Clean Neighbourhoods and Environment Bill: Alleygating

1   Introduction

This briefing paper examines topics which arose from the Clean Neighbourhoods and Environment Bill - specifically the issue of alleygating. Issues highlighted for further investigation in relation to alleygating included costs, processes and provisions in the Belfast City Council alleygating scheme, including any impact assessment or evaluation of the scheme, and briefing on examples of alleygating schemes in operation in other jurisdictions, including costs, procedures, appeals and impacts.

2   Background

The Clean Neighbourhoods and Environment Bill[1] was introduced in the Assembly on 22nd June 2010 by the Environment Minister Edwin Poots MLA. The Bill completed Second Stage on 30th June 2010 and is now at Committee Stage. The Gating Order included in the Bill - 69A (2)[2] - is an administrative order (which is an enforceable order issued by a public authority) - in this case enforceable by district councils. This differs from a statutory rule/order in that they are issued by a government or its agencies for the enactment or enforcement of a specific statute.

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[1] The Clean Neighborhoods and Environment Bill [online] available from:
http://www.niassembly.gov.uk/legislation/primary/2009/niabill31_09.htm
[2] Ibid

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3   Belfast City Council Alley-Gating Scheme: Costs, Processes and Provisions

The implementation of alleygates involves various costs. Belfast City Council states that a gate for an average sized alleyway costs around £3000. The Council explains that the cost is high due to the specifications needed for the gates to be certified as being safe and fit for their purpose. The breakdown of likely costs for alleygating is outlined by Belfast City Council and incorporates the following:

DRD Road Service – Consent Costs: DRD Roads Service ask for a 'consent' amount to be paid to cover the cost of repairing the surfaces of the entry if work is not carried out to a satisfactory standard. The minimum fee, set by the Roads Service, is £300 per gate. This fee acts like a deposit and is refunded if an inspection six months after installation of the gates find the entry surfaces in satisfactory condition.

DRD Engineering / Technical Costs: DRD Guidance requires the gates to be checked by a Chartered Civil/Structural Engineer and certified as safe and fit for purpose.

Keys: Each resident, the emergency services and other service providers need keys to access the alleyway. The keys needed are specialised security keys which can only be cut under license.

Additional Security: Costs may also be necessary for additional work to secure, improve or build up the surrounding fencing or walls to secure the entry.

Insurance: It is necessary to obtain insurance for the gates in the event of compensation claims arising from accidents that occur through usage of the gate.

Maintenance: Belfast City Council has estimated that the cost of maintaining the gates will be approximately £130 per gate per year. The council states that hinges need to be kept in good condition, locks may need to be replaced if they are damaged and the gate may need sprayed or painted on occasion. The council notes that if communities follow the manual guidelines[3] they provide and install gates to the Council's specification they can apply to the Council who may assume long-term responsibility for maintenance and insurance.

Process for installing alley gates in Belfast

Belfast City Council has provide an 11 step guide for residents wishing to avail of an alleygating in their area, the steps are summarised here:

1. Contact local Community Safety Partnership;
2. Contact Roads service to establish legal status of alleyway;
3. Conduct preliminary survey of alleyway, check suitability for gates and obtain information on a variety of available gates;

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[3] Belfast City Council – Alley gating Manual [online] available from:
http://www.belfastcity.gov.uk/communitysafety/Docs/Alleygatingmanual.pdf

4. Arrange a meeting of those who will be directly affected by the gates and establish support;

5. Arrange a meeting to include the wider community, addressing issues such as finance and timescales;

6. Commence the consultation process;

7. Consider design and installation of the gate and engage the services of a Chartered Civil/Structural Engineer;

8. Examine options for liability insurance and future maintenance;

9. When all previous steps are completed submit application to Roads Service;

10. If Roads Service accepts proposal they publish notice of intention in newspaper;

11. Decide what to do with the entry once the gates go up

Belfast City Council, in conjunction with the Community Safety Partnership produced a questionnaire asking Belfast residents whether they felt that alleygates would help in areas that suffered from antisocial behaviour.

The questionnaire was designed for residents of houses with alleyways where the alleygating scheme could potentially be implemented. It stated that Belfast City Council and the Community Safety Partnership had applied for funding to install more alleygates in Belfast and the subsequent questions were designed to gauge the possible impact of the proposed scheme in individual communities. The questionnaire stated that in areas where Belfast City Council and the Community Safety Partnership had already installed alley gates:

▪ 73% of residents reported a positive impact on the reduction of littering and dumping

▪ 87% of residents believed that the gates had a positive impact on reducing crime[4]

4   Alleygating Schemes in Other Jurisdictions

Salford City Council, Greater Manchester, England

Salford City Council states that it will pay up to £1110 for the applications for planning permission and closure for a standard alley gating scheme.[5] The procedures for installing alleygates in Salford City Council are generally similar to those described previously for Belfast City Council, with the prerequisite that consultation has been made with neighbours and planning permission has been sought and granted.[6]

According to Salford City Council a number of local authorities have successfully pursued alleygating schemes. Many of these are yet to be fully evaluated but interim findings indicate a reduction in burglary rates of up to 50% in terraced housing areas. Publicity surrounding some of these schemes and the designation of some parts of the

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[4] Belfast City Council – Alley Gates [online] available from: http://www.belfastcity.gov.uk/communitysafety/alleygates.asp
[5] Salford City Council – A Guide to Alley Gating in Salford [online] available from:
http://www.salford.gov.uk/d/alley_gating_policy-2.doc
[6] Ibid

city under the Countryside and Rights of Way Act 2000 has led to a dramatic increase in requests for alleygating across the city.[7]

The alleygating schemes could contribute towards the delivery of many of the pledges contained in the city council's Mission Statement, namely, according to the council;

- Pledge 2 – Reducing Crime in Salford
- Pledge 5 – Promoting Inclusion in Salford
- Pledge 7 – Enhancing Life in Salford

Further, alleygating schemes can also contribute towards the achievement of strategic objectives in the following strategies and policies – Housing Strategy, Crime and Disorder Reduction Strategy, Community Plan, Neighbourhood Renewal Strategy and the Housing Market Renewal Pathfinder Initiative.[8]

Cardiff County Council, Wales

Cardiff County Council claims that it will only encourage and support the lawful implementation of alley gating schemes where crime and/or anti-social behaviour reduction can be demonstrated. The reluctance coming from the fact that alleygating requires a stopping up order which permanently extinguishes a right of way[9] which Cardiff County Council state, is their statutory duty

> *"The Council has a statutory to protect all public highways whether registered on the Definitive Map and Statement and/or the List of Streets Maintainable at Public Expense or otherwise, and failure to undertake this duty could result in the Council acting unlawfully".[10]*

The Council must therefore exercise caution before embarking upon any proposals that may adversely effect or interfere with the rights of the public to pass and re-pass along any public highway, or potential public highway. However, the Council also has a duty, along with the police and other 'responsible authorities', to reduce and prevent crime within their administrative area under Section 17 of the Crime and Disorder Act 1998. This may mean that these two duties conflict with, or contradict each other and therefore this conflict or contradiction must be minimised.[11]

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[7] Salford City Council – A Guide to Alley Gating in Salford [online] available from:
http://www.salford.gov.uk/d/alley_gating_policy-2.doc
[8] Ibid
[9] Cardiff County Council – Strategy for Alley Gating Schemes [online] available from:
http://www.cardiff.gov.uk/objview.asp?Object_ID=12332&
[10] Ibid (page 3)
[11] Ibid