



APPLICATION FOR TEMPORARY GATING ORDER

Section 129A Highways Act 1980

Applications for Gating Orders are to be made to the County Council by the local District Council and have the support of the local Community Safety Partnership. Individuals or businesses wishing to apply for such orders will need to first seek the support of their local District Council. It will be open to the District Council to seek contributions from third parties such as local residents or businesses.

Where the local District Council is not prepared to give financial support to an application, the individual or business concerned will need to give a commitment to meeting the costs of both gathering the necessary evidence and consultation before any work on an application for a gating order is started

This application form is to enable your Council to apply to the County Council (Leicestershire Highways Authority) under S.129A Highways Act 1980 for a Gating Order to be made in respect of a “Relevant Highway”.

Legislation and guidance relating to Gating Orders can be found on the Home Office website at:

www.respect.gov.uk/members/article.aspx?id=12592

The power to make Gating Orders applies to all minor public highways (Not Trunk Roads, Motorways, Principal Roads or Classified Roads). It includes all Rights of Way (Footpaths, etc). However, government guidance emphasises that the powers will normally be considered to be appropriate for urban jitts, jetties, alley ways, etc, where anti-social behaviour is causing annoyance and distress to adjoining residents.

Before proceeding with the preparatory work for a Gating Order application, you should check with the County Council that the path(s) concerned are public highway.

The County Council has to be satisfied that other measures have been considered to eliminate or reduce the crime or anti-social behaviour experienced by local residents before a Gating Order is considered. However, Gating Orders are not regarded as the last resort and can be stand alone proposals or form part of a number of initiatives.

Please complete this form fully. Where relevant **All** parts are compulsory and unless completed (and any documentation required attached) any request will be returned or refused.

Where there is a Box provided to confirm you have provided the required information or attached documents please insert an X.

On receipt you will receive an acknowledgement and an indication of the time scale involved in the decision making process.

The County Council will need to be satisfied that there is a need for the Gating Order, that the needs of local people and users have been taken into account (including reasonably convenient alternative routes) and that the gating of the route is practical in terms of future access and maintenance and servicing of adjacent properties.

This form should be returned to –

The Chief Executive
Leicestershire County Council
County Hall
Glenfield
Leicester
LE3 8RA

Quoting Reference JPP/COMHS

Your application will be allocated a unique reference Number that will be entered on the Form and notified to you for future reference.

Documentation

Where the application needs to be supported by evidence such as letters from official bodies or residents good quality photocopies must be attached.

Data Protection Act 1998

The provisions of the Act apply to the processing of any personal data and the express consent of individuals is required to the disclosure of any information that identifies individuals. Therefore any correspondence requested from individuals (other than as representatives of official bodies or organisations) should include a statement that any responses will be deemed to include consent to disclosure under the Act

1. Description of Highway Proposed for Gating

More than one route may be included in an application. This should be made clear in the description below. However, not all routes may be approved by the County Council.

Path 1 From: _____
To: _____

Path 2 From: _____
To: _____

Path 3 From: _____
To: _____

(E.G. A path “from its junction with X to its junction with Y opposite No 23” may assist in identifying the route.

Please indicate on separate sheet if additional paths are applied for.

Plan

A good quality plan of Ordnance Survey standard or equivalent to a scale of not less than 1:2500 must be provided showing the path(s). The path(s) should be shown with the following Notation -

for its length and in Black ink (suitable for photocopying)

Plan attached

2. Gating Application

Gating Orders may operate as a full 24 hour closure or for specified hours. In order to strike an appropriate balance between combating crime/anti-social behaviour and protecting the rights of people wishing to use the highway, the County Council will normally expect gates to be closed only at those times reasonably necessary to address the problems experienced.

Please indicate in ONE of the Boxes what the application is for each path.

Path 1	24 hours	<input type="checkbox"/>
	Part time	<input type="checkbox"/>
	Hours/days (Insert) ()	
Path 2	24 hours	<input type="checkbox"/>
	Part time	<input type="checkbox"/>
	Hours/days (Insert) ()	
Path 3	24 hours	<input type="checkbox"/>
	Part time	<input type="checkbox"/>
	Hours/days (Insert) ()	

The County Council will usually review a Gating Order every 12 months from its introduction, though this would be dependant on what was agreed at the approval stage. That review may suggest a modification to the hours or even withdrawal of a Gating Order. In such cases applicants will be invited to submit their comments before any change is decided on.

3. Supporting Evidence

Before submitting an application for gating a highway, there must be clear evidence that premises adjoining or adjacent to the highway are affected by crime and/or antisocial behaviour. It is insufficient to rely solely on the views of individuals or local community groups. Robust documentary evidence should be obtained. The Local Community Safety Partnership, particularly Police and District Council representatives, will have a key role in providing the evidence base and this should include as a minimum the following:

- a) Details of incidents of crime and ASB for the immediate area to be gated together with Police Crime Incident Statistics over a period of at least twelve months. The data supplied should also provide a

comparison of crime and antisocial behaviour in the whole of the Local Command Area.

- b) Verification by the CSP of comments made by individuals or community groups about the local and severity of the different types of crimes and ASB. (If not evidenced by (a) above).
- c) Evidence of different methods/schemes used to reduce crime and ASB, the duration of such measures and the effectiveness or otherwise of such measures.
- d) A Statement from the local CSP and Police that
 - Premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour;
 - The existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour, and
 - It is in all the circumstances expedient to make the order for the purposes or reducing crime or anti-social behaviour.

The following documents can also be submitted in support -

- | | |
|--------------------------------|--------------------------|
| Representations from residents | <input type="checkbox"/> |
| Police Reports | <input type="checkbox"/> |
| Media Reports | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Good quality copies of all representations (both for and against a proposal) must be attached to this Application.

4. User Profile

It is important that the County Council is able to assess the level of the current frequency of use and the reason it is used by the public. Although representations may be made to the County Council about proposals the County Council requires that on site surveys be carried out to obtain information about usage and point of destination of individual journeys.

On site surveys should be carried out over at least 2 week days and one weekend day, preferably Saturday. Surveys will need to take account of any different use at different times of the year (e.g. school terms).

The information required is specified in a standard User Survey Form. A copy is annexed to this Application Form and the format and questions shown on it should be applied in the survey exercise. Separate survey sheets will be required for each separate day the survey is carried out. The User Survey

Forms must be submitted with this application. Good quality A4 copies will be acceptable but originals should be retained for future reference.

The County Council may require further surveys or carry out its own further surveys. Please complete the boxes to confirm you have carried out and have attached the survey results.

Survey	Date	Day of Week	Attached

The application should identify a suitable alternative route. In doing so the application should indicate:

- The additional distance users would need to walk.
- Whether the alternative route is suitable for all users including disabled users and children in pushchairs (This may require an Equality Impact Assessment to be undertaken).
- Whether there is a likelihood of additional vehicular use and whether walking/cycling would be discouraged

5. Gate Specification and Operation

If approved the County Council will require a suitable gate or gates to be installed by the applicant appropriate to the local setting. The design of the gate(s) must be approved by the County Council (Director of Highways Transportation and Waste Management and/or Director of Community Services).

The physical restrictions of the path and of adjoining premises may require special designs and these should be carefully considered before an application is submitted. Additional works, such as fencing, may be required to deter trespass into gardens etc.

The powers available to make Gating Orders do not confer any rights to carry out works or install gates outside the limit of the public highway without landowner's consent.

Applicants will need to obtain any planning consent, other approvals, consents or licences required for the installation of the gate(s) whether statutory or not.

In particular, the installation of gates may need special consideration and approval in Conservation areas or where Listed Buildings are involved.

Applicants are advised that consultations should be undertaken with appropriate bodies at an early stage and in most cases prior to the submission of the application.

Please confirm your Council's agreement to provide and maintain any gate(s)

Access arrangements

For both full time and part time closures consideration will be needed to permit access to the path for maintenance and other purposes. Gating Orders do not remove public highway rights and access requirements including any private access served off the path will need to be agreed.

Applicants must submit on a sheet annexed to this application headed ACCESS ARRANGEMENTS the following information.

- a) Statutory Undertakers affected
Arrangements for Access
- b) Emergency Services
Arrangements for access
- c) Private Access arrangements
Arrangements for access

On installation of any gate(s) applicants will provide to the County Council, emergency services and all relevant utility companies, details of any Key Holders with contact details including both day time and out of hours telephone and where available other contact means.

Please indicate ACCESS ARRANGEMENTS sheet is attached

Part Time Closures

Where the gating Order is to apply only during specified hours the County Council will need confirmation that suitable arrangements are in place to ensure the path is open outside the restricted hours.

Please indicate what arrangements are proposed:

Where the arrangements involves locking and unlocking of a closure device the County Council will need to approve arrangement and be provided with details of the responsible person(s) to undertake the work. This will normally need to be a public body or their appointed contractor.

NOTICES - The County Council may require Notice Boards at the start/end points of the path(s) stating hours of closure

Please tick the Box to confirm Notice Boards will be provided and maintained by the Applicant

6. Consultations

All applications must include copies of consultations with the following consultees. A period of 8 weeks is recommended. This is in addition to the formal period for representation following the posting of public notices once the County Council has decided to make an Order.

- a) Parish Council (where applicable)
- b) Chief Constable
- c) Fire & Rescue Service
- d) NHS Trust/Foundation
- e) Occupiers of all premises adjacent to or adjoining the route
- f) Statutory Undertakers, Gas, Electricity, Water & Communications provider
- g) Leicestershire Local Access Forum
- h) The Ramblers' Association
- i) The Leicestershire Footpath Association
- j) Local Community Safety Partnership
- k) Leicestershire County Council Youth Offending Service
- l) Local Crime Reduction Officer (Leicestershire Police)
- m) Leicestershire County Council Area Officer Highways Transportation & Waste Management
- n) Leicestershire County Council Community Services Department (Countryside Service)
- o) Other local community groups where applicable
- p) Any other consultees considered appropriate by the County Council

Applicants should note that objections at a later stage from any of the bodies (a) to (d) above would require a public inquiry. Consequently any objections received at the consultation stage should be considered carefully.

GATING ORDER

DECISION MAKING PROCESS

Consideration of Applications

The County Solicitor, in consultation with the Directors of Highways Transportation & Waste Management and Community Services and the Head of Youth Justice & Safer Communities, will assess the application to ensure that all information has been provided and that the survey and consultation processes have been correctly undertaken.

A report will then be submitted to the Development Control and Regulatory Board, setting out:-

- The evidence submitted to support a Gating Order being made;
- The outcome of the initial consultation undertaken;
- Comments of the relevant County Council Service Heads

The decision of the Development Control and Regulatory Board will be reported to the next available Cabinet meeting for determination.

Once Cabinet has approved a Gating Order proposal, the County Council will prepare a draft Order, post site notices and advertise. After a 28 day period for objections, a further report will be presented to Cabinet, seeking approval to overrule any objections and make Order.

In the meantime, design and operational details can be agreed with the County Council, discussions over details can take place with residents and a formal agreement can be prepared to cover permissions to work on the highway, operational and financial arrangements.

Once final Cabinet approval has been secured, the formal agreement can be finalised and works undertaken.

Whilst there is no maximum limit to how long a highway can be gated. Government guidance recommends annual reviews of orders to evaluate whether the gating order is acting as a useful crime or anti-social behaviour reduction measure. It should also assess the impact it is having on the community and discussions should be held with local residents to gauge whether the limited access is causing excessive inconvenience.