



EAST RIDING
OF YORKSHIRE COUNCIL

ALLEY GATING ON PRIVATE ALLEYWAYS

**A GUIDE TO GATING PRIVATE ALLEYWAYS
IN YOUR NEIGHBOURHOOD**

THE EAST RIDING OF YORKSHIRE COUNCIL



THIS GUIDE IS AIMED AT PRIVATELY OWNED, PRIVATE ACCESS ALLEYWAYS IN THE EAST RIDING THAT ARE NOT PUBLIC HIGHWAYS OR PUBLIC RIGHTS OF WAY

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The East Riding of Yorkshire Council is keen to improve the quality of life for all our residents and visitors. We work with Humberside Police and many other partners to reduce crime and anti-social behaviour.

There are a variety of different ways to tackle problems. Here we explore the opportunity to use alley gating as a crime prevention and reduction tool.

Alley gating can be used as a very simple crime prevention tool. It involves the installation of lockable gates to the end of alleyways that have problems associated with them. The purpose of alley gating is to restrict access of unauthorised persons to such alleyways, thereby reducing the opportunity to commit crime and anti-social behaviour. Keys are given to legitimate users of the alleyway, which could include residents adjacent to the alleyway, utility companies, emergency services and Council workers.

Gating will normally only be suitable to make secure and safe secondary access routes (e.g. rear alleyways or tenfoots) and not as a means of preventing or restricting public access to private properties.

Poorly managed alley gating schemes can result in important aspects being overlooked or even the creation of new problems. This guide is aimed at trying to reduce such problems by outlining an effective management system.

THIS GUIDE IS ONLY AIMED AT THE GATING OF PRIVATELY OWNED, PRIVATE ACCESS ALLEYWAYS IN THE EAST RIDING THAT ARE NOT PUBLIC HIGHWAYS

Most alleyways are public highways and so cannot be obstructed without legal orders. This may also apply to a route, path, or way that runs between two other highways and is used as a through route and has existed for a number of years (usually at least 20 years). This may give a reasonable presumption that highway rights exist. It is important that this matter is given consideration on a case by case basis, as the installation of any gates or barriers on a public highway may constitute a criminal offence unless lawful authority can be demonstrated. **IN THESE CASES THIS GUIDE DOES NOT APPLY.**

If the alleyway you propose to gate is a public highway or owned by the Council you will need to ask the Council to consider this by telephoning the Anti Social Behaviour Team on 01482 396380 or sending an email with brief details of your proposal and a contact telephone number to safe.communities@eastriding.gcsx.gov.uk

The Advantages of Alley Gating

There are many potential benefits to restricting the access to alleyways other than reducing burglary, including:

- Reducing opportunities for anti-social behaviour
- Reducing fly tipping, littering and dog fouling offences
- Reducing criminal damage, vandalism, graffiti and drug dealing
- Reducing deliberate fire setting (arson)
- Reducing opportunity to commit violent crimes
- Reducing the fear of crime
- Reducing the use of the alleyway as a 'rat run' for traffic

- Reducing the cost of local authority services through reduced maintenance (not applicable if the alleyway is privately owned and maintained)
- Reducing the cost of home insurance

In addition, alley gating can:

- Create cleaner and safer environments for residents to enjoy
- Improve community spirit with residents feeling safer in their homes
- Improve health of residents through reduced stress

Issues Concerning Alley Gating of Private Alleyways

Alley gating schemes that are poorly managed can result in important aspects being overlooked or even the creation of new problems. It is important to consider as many of the possible obstacles to the success of your alley gating scheme as soon as possible. This is integral to the success of any potential scheme. Such obstacles would include:

- Wider issues involved – see below for details
- Legal implications concerning private rights of way
- Maintenance of the alleyway if it were gated – including waste management
- Operation of the gates – including locking gates after use
- Neighbours/children congregating in the gated alleyway
- Key management – including provisions for lost or stolen keys
- Design and specification of the gates
- Costs of installation and maintenance of the gates
- Planning permission if required

Encouraging interest in the scheme once the gates have been installed to ensure they remain effective. Alley gating should not be viewed as the only method available to tackle crime or anti-social behaviour associated with an alleyway. When thinking about alley gating you should consider what it is you want to achieve. It is not necessarily the case that the installation of a gate will reduce or prevent the crime or anti-social behaviour experienced. The Council's Anti Social Behaviour Team will be able to help and advise you on a number of issues, including who can help deal with the problems.

You may wish to consider the following:

- The options of any alternative, possibly more appropriate means of tackling the problems
- The physical layout of the alleyway – it may not always be suitable for a gate to be erected, or it may require major work to be undertaken to ensure the gate is an effective obstacle (such as constructing higher walls adjacent to the gates)
- How other potential crime prevention measures can be used instead of, or combined with alleygating
- Improved home security (for example improved locks, burglar alarms, lighting)
- Neighbourhood Watch schemes

- Improvements to the alleyway itself such as lighting, cleaning or surface improvements – this may encourage increased legitimate use, and help discourage unlawful use

Alley gating will be more effective where it is part of a wider initiative such as Neighbourhood Watch. This would also benefit the local community through a sense of ownership of the whole scheme and the space you wish to create.

What Next?

The process of alley gating will vary with each case. There is no set timeframe for the process – it will all be dependent on local circumstances and the issues that will inevitably arise from discussions with all parties involved. Any successful alley gating scheme will need the commitment of the local community from the proposal stage to the erection of gates

Alleyways may be owned and/or maintained by the Council, or privately owned by one or more people. If you are unsure who owns the alleyway, contact the Land Registry who may be able to tell you (a fee will be payable).

If the passage is recorded as a public highway, then it is necessary that a legal process is undertaken before the alleyway can be gated and the outcome of the process cannot be guaranteed. This process will be managed by the Council. However, this does not mean that all unrecorded routes are not public highways. There may be an outstanding claim or order to record the route as a public highway and the status of the alleyway that you are interested in can be sought from the Definitive Map Team.

Consideration should also be given to whether the alley has been used for a long period by the public. The most common way that rights of way come into existence is by ‘presumed dedication’. There is a long established principle that long use by the public without challenge can constitute evidence that the landowner intended to dedicate the used route as a public right of way. Presumed dedication can take place by common law or statute law. Statute law requires a period of use of 20 years whereas common law dedication may require less time. If the alley that you propose to gate possibly fits into this category, you should contact the Council’s Definitive Map Team for advice.

The Council can only advise on highways/public rights of way. They cannot provide advice on private rights of way, so independent legal advice should be sought on this matter (private rights may extend beyond the properties adjoining the alleyway). The advice given by the Definitive Map Team should allow you to gauge whether this guide applies.

If the alleyway you propose to gate is a public highway or owned by the Council you will need to ask the Council to consider this by telephoning the Anti Social Behaviour Team on 01482 396380 or sending an email with brief details of your proposal and a contact telephone number to safe.communities@eastriding.gcsx.gov.uk

STEP ONE:

If you would like to gate an alley you should firstly contact the Council's Anti Social Behaviour team on 01482 396380 who will be able to check whether the alley is a public right of way or has any highway status. If it does not, you should follow the following steps.

STEP TWO: Gaining Permissions

For the scheme to be given permission you will require:

- Written consent from ALL of the residents who are affected by the scheme
- Written consent from agents or landlords who own or manage residences affected by the scheme
- The legal consent of the landowner/s. If residents, or others, have a right of access in their deeds, or jointly own the passageway, they must ALL agree to changes to such access rights, before the scheme can go ahead.

Firstly, write to all of the affected residents, and landlords, explaining the reasons for the potential scheme. You should then invite them to a meeting to explain what the scheme would involve and invite any questions they have. People may be put off by the potential scheme if they feel they don't know enough about the issues involved. By arranging for appropriate discussions about this, people who may have concerns will be able to express them, offering an opportunity to alleviate any concerns.

The stakeholders listed in Appendix One should also be consulted to invite comments they might have. It may be the case that more meetings are needed, so that people feel that they have had a chance to raise all of their concerns.

After you feel all parties are in agreement with the principles of the alley gating scheme, write to all the affected residents again, including a tear off slip in your letter. This tear off slip should ask for their written consent for the scheme to go ahead and ask if they would be willing to contribute to any costs associated with the installation of gates and future maintenance.

Consents should agree to:

- The alley gating scheme
- Making property deeds available to evidence who owns and occupies the property and what private rights exist (this ensures that consent is obtained from all of the relevant people)
- Contribute towards the costs of the scheme
- Help set up, take part in, and contribute towards, a trust fund for the future maintenance of the gates and alleyway

The Council must be consulted about all alley gating plans. All of the emergency services and statutory service providers will need to be consulted to establish whether they require access to

the alleyway for any purpose. This will include the local electricity, gas and water providers, telecom companies, services that require sewer access, and emergency services (police, fire & rescue and ambulance). You will need to discuss specific requirements that they may have with them.

This may include making sure that they have access, if necessary, to the gated area, ensuring that the gates do not obstruct the main pathway when open, or a guarantee that no work will occur that would make access to pipes or cables etc. difficult. Fire safety advice should be sought in each case. In the case where utility companies have cables, pipes, or other equipment in the area to be gated they may want it to be moved so that it can be accessed freely. Movement of equipment can prove very expensive (potentially thousands of pounds). Alternatively they may agree to have a key to access the alleyway, or they may not agree to the scheme at all. It is therefore essential to consult with everyone affected at an early stage.

STEP THREE: Management of the Scheme

FORMING A COMMITTEE

The ideal way of organising any alley gating scheme is through a residents committee. The idea behind this is to manage the setting up of the gating scheme and its maintenance. Roles within the committee may include:

- Co-Ordinator/Chair – the single point of contact and deciding vote
- Secretary – organisational role, keeps the records
- Treasurer – financial control
- Key Holder – controls key management
- Gate Keeper – to report on the gates operation and maintenance
- Ordinary Members

All residents should be invited to take part if they wish. It is important that the scheme is steered by a group, rather than individuals to ensure fairness. Remember this committee could offer an opportunity to discuss any issues it wishes to raise, which could be outside the scope of the alley gating scheme.

If a committee is set up, it should decide the aims and objectives of the alley gating scheme. This would include how the scheme will be managed, how meetings will be held, how interested parties will be kept informed and the procedure for membership to the residents committee.

PLANNING MEETINGS

Meetings should be held regularly to keep everyone informed and up to date of the progression of the alley gating scheme. Any meeting agenda should be sent out in advance so that people know what the meeting will be discussing.

KEEPING RESIDENTS INFORMED

It is important to keep all residents informed about what is going on. A brief newsletter would be a good way of doing this as not everyone will be able to make it to the meetings. It can be short and simple, but should be informative. Fundraising events and meetings can be publicised in this way.

FINANCES

You will be responsible for the finances of your scheme. You will need to set up a bank account for this. You must keep records of where money has come from, the amount in the account, and how the money has been spent. Receipts should be given to people who contribute financially towards an alley gating scheme.

FUNDRAISING

Raising funds to pay for your alley gating scheme can be a difficult process. You could think about writing to local businesses, charities or other relevant local interest groups in your area to find out if they would be interested in contributing towards the scheme.

STEP FOUR: Planning Permission

For guidance, any gate or other means of enclosure over two metres high is likely to require planning permission. If the means of enclosure is no more than two metres high then planning permission is only required if it adjoins a highway used by vehicles and is higher than one metre. A “highway” is not just a public highway, but could be any road that is used for access to properties or land by the general public. An access to a rear tenfoot or parking area is unlikely to be considered a “highway” if it does not serve as the sole means of access to any properties. Where it is proposed to close an alley that comes off a highway, it may be possible to avoid the need for a planning application by locating the gates two metres into the alley so that it no longer “adjoins” the highway.

Forms to submit a “Do I need planning permission ?” enquiry are available on the Council’s website, or you could e-mail beverley.dc@eastriding.gov.uk All enquiries will need to be made in writing with full details and plans showing your proposals. At the present time this is a free service. Your information will be assessed and you will be told whether a formal planning application is required.

If planning permission is required the Planning Officer can also advise you as to whether special consideration needs to be given to ensure that the design of the gates fits into the character of the area, and does not adversely impact on any neighbours. **NOTE: Before an application is submitted it is important to ensure that affected properties are already aware of the proposal, and have (so far as this is possible) given their support.**

GATE DESIGN

Gate design is a vitally important issue. It not only has to consider access requirements of all the people who may be using the alleyway, but also be fit for its purpose. The alleyway may need to

be accessible to pedestrians, vehicles and/or wheelchairs. Consideration of these issues is vital at this stage. Gate designs can depend on the aesthetics, size and shape of the alleyway, as well as the funds available.

Alley gates must be fit for purpose to address the aims of the scheme. See Appendix Two for some examples. Design features must result in:

- Restriction of access to the alleyway to all unauthorised people
- Good visibility for natural surveillance of the alleyway
- Gates that open inward
- Gates that are difficult to climb
- Gates that require as little maintenance as possible
- Gates that will have a long lifetime, are strong and difficult to damage
- An affordable scheme
- Gates with locking systems that are easy to open and pass through
- Gates that when open do not obstruct the main pathway.

It is also important to consider if the gates need any other features specifically for the residents in your area, such as a visitor communications device. The location of the gates is important. It should not be placed near any features that would help people to climb over it. Your Local Crime Prevention Officer should be able to help you with the design and location of the gates.

GATE OWNERSHIP

Gates are the responsibility of the residents. This includes their maintenance. The owners of the gate may be liable for insurance claims should any injuries be caused by them (e.g. from people trying to climb over it). Advice on public liability insurance should be obtained independently and will confirm whether you will need to take out such insurance for your gates. If a person were injured in a gated alleyway, the residents may be liable to pay for any damages.

KEYS

There are many options not only for the type of gate that you install, but also the lock that secures it. Some of the options include 'slam to lock' automatic mortise deadlocks that click into place when closed, gates that lock manually with a key or even a simple padlock. The lock type should be chosen according to what will suit your gates and the users' best.

It may be necessary to have a large number of keys for the gate. You will need to establish whether emergency services will require access to the alleyway. A system should be set up to control the distribution and ownership of the keys, including whether master keys will be made available.

Once the gate design and the finer details of the scheme are concluded, it is time to calculate the costs. All residents should be contacted once the estimated costs for the scheme are known. Remember to include all the likely costs. These might include estimated costs for:

- Planning Consents
- Solicitors Fees (if applicable)
- Skip Hire/Refuse Clearance
- Insurance
- Maintenance Costs
- Moving of Utility Company Equipment (if applicable)
- Physical Works Required

The costs at this stage need to be agreed amongst the residents, in writing, who are willing to contribute towards the scheme.

STEP SEVEN: Periods of Due Notice

'Due notice' must be given to all those affected by the scheme before the project should proceed – this means that each resident and homeowner should be contacted in advance of the gates being installed. This should be done through hand delivered letters explaining the scheme and what is required of each person.

STEP EIGHT: Payments

A number of contractors should be asked to provide quotes. Dates that the gates will be fitted should be agreed with the chosen contractor, when all the residents have paid their agreed share of the costs. Everyone should be given a receipt for his or her contributions. This should be co-ordinated by the person responsible for the alley gating scheme. This co-ordinator should then look into the installation of the gates, including payments and issuing of keys. Residents should set up a maintenance fund for the future costs of the gates, and be given receipts for their contributions.

CONCLUSIONS

The information in this guide should help you to decide if your area would benefit from an alley gating scheme. Hopefully it will encourage you to think seriously about the issues involved in any potential alley gating scheme. It should also explain how to go about the alley gating process.

Appendix One – Useful Contacts

1. EAST RIDING OF YORKSHIRE COUNCIL CONTACTS

County Hall, Cross Street, Beverley, East Riding of Yorkshire YO25 9RN

Anti Social Behaviour Team

Website <http://www2.eastriding.gov.uk/living/crime-and-community-safety/>

Email safe.communities@eastriding.gcsx.gov.uk

Tel 01482 396380

Definitive Map Team

Email: Definitive.Map@eastriding.gov.uk

Tel 01482 395554

Planning - Development Control

Website <http://www2.eastriding.gov.uk/environment/planning-and-building-control/planning-applications/pre-application-planning-guidance/#at-my-home>

Tel 01482 393792

2. HUMBERSIDE POLICE – Crime Prevention Officer

Email tracy.rokahr@humberside.pnn.police.uk

Tel 01482 597909

3. UTILITIES/EMERGENCY SERVICES

The Anti Social Behaviour Team will provide you with an up-to-date list of utilities / emergency services that you should consult with.

4. LOCAL ACCESS FORUM

Local Access Forum, East Riding of Yorkshire Council, County Hall, Beverley HU17 9BA.

5. LAND REGISTRY

Website <http://www.landregistry.gov.uk/contact-us>

Tel 0844 892 1111