

Individual Decision

The attached report will be taken as an
Individual Portfolio Member Decision on:

Thursday, 13th May, 2010

Ref:	Title	Portfolio Member(s)	Page No.
ID1996	Gating Order Speen Lodge Court	Councillor David Betts	1 - 34



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Individual Executive Member Decision

Title of Report:	Variation to Gating Order at Speen Lodge Court
Report to be considered by:	Individual Executive Member Decision
Date on which Decision is to be taken:	Thursday 13 th May
Forward Plan Ref:	ID1996

Purpose of Report: For Individual Member Decision to be made on the proposal to vary the Gating Order at Speed Lodge Court

Recommended Action: Vary Gating Order at Speen Lodge Court

Reason for decision to be taken: As it stands the Gating Order does not allow for anyone living outside Speen Lodge Court to have a key. The variation will give WBC the discretion as to who is permitted to have a key. It does not mean that everyone applying for key, if the Decision is granted, will be provided with one. Each application will be considered on a case by case basis.

Statutory: **Non-Statutory:**
Other:

Other options considered:

Key background documentation: Original Gating Order Individual Decision Report

Portfolio Member Details	
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Contact Officer Details	
Name:	Alex O'Connor
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Implications

Policy:	Gating Order Protocol will require amendment if the Variation is agreed.
Financial:	None
Personnel:	Significant office time involved - Asst Community Safety Officer and Legal.
Legal/Procurement:	Financial cost of the consultation and applying for the Variation.
Environmental:	Continued improvement in the use of the footway. It is not envisaged that if the variation were to be agreed, that there will be a vast number of applicants requesting a key.
Partnering:	None
Property:	The footway is vested in West Berkshire Council
Risk Management:	The application for the variation has not received any objections from the statutory bodies which would have caused a public inquiry
Community Safety:	The granting of the Gating Order has improved the quality of life for the residents of Speen Lodge Court. It is not envisaged that the variation will change this but it will allow WBC some discretion if other members of the public request a key. Application for a key will not necessarily mean it will be granted.
Equalities:	The reason for the variation is to ensure that anyone genuinely needing a key who does not live in Speen Lodge Court could now apply for one and have their case considered by the Gating Order Panel.

Consultation Responses

Members:	
Leader of Council:	Cllr Graham Jones
Overview & Scrutiny Management Commission Chairman:	Cllr Brian Bedwell
Select Committee Chairman:	Cllr Quentin Webb
Ward Members:	Cllr Marcus Franks Cllr Paul Bryant
Opposition Spokesperson:	Cllr Keith Woodhams
Local Stakeholders:	Speen Parish Council

Officers Consulted: Michele Sherman - Legal
Bruce Lousley - Highways
Paul Hendry - Countryside & Environment
Rachel Craggs - Community Safety Manager

Trade Union: Not Applicable

NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Management Board.

Is this item subject to call-in.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
<p>If not subject to call-in please put a cross in the appropriate box:</p> <p>The item is due to be referred to Council for final approval <input type="checkbox"/></p> <p>Delays in implementation could have serious financial implications for the Council <input type="checkbox"/></p> <p>Delays in implementation could compromise the Council's position <input type="checkbox"/></p> <p>Considered or reviewed by OSC or associated Task Groups within preceding 6 months <input type="checkbox"/></p> <p>Item is Urgent Key Decision <input type="checkbox"/></p>		

Supporting Information

1. Background

- 1.1 The Gating Order for Speen Lodge Court was granted back in February 2008 via Individual Member Decision (ID1579) by Cllr Keith Chopping (Appendix A).
- 1.2 In June 2009 a review was undertaken of the Order which we are required to do (Minutes of meeting – Appendix B). Certain issues were raised that needed to be considered. One of these was the fact that the current Order is very prescriptive in who can and cannot have a key to the gate.
- 1.3 Currently the Order states that only residents of Speen Lodge Court and statutory bodies can have a key. We did receive some letters from people not resident within Speen Lodge Court, who would like to use the gate and in particular a disabled gentleman.
- 1.4 The options open to WBC were to vary the current Order to give WBC some discretion as to who can apply for a key and ensure that we are complying with the Disability Discrimination Act 1995 and the Human Rights Act 1998.
- 1.5 The residents of Speen Lodge Court have been delighted with the Gating Order and their quality of life has improved.

2. Decision to Vary the Order

- 2.1 Based on the discussions that took place at the review the decision was taken to apply for a variation to the Gating Order at Speen Lodge Court.
- 2.2 A draft order and notice were compiled (Appendix C)
- 2.3 In order to vary the Order full consultation has to be carried out, as was the case with the original Order, before an Individual Member Decision can be made.
- 2.4 Ward Councillors and residents of Speen Lodge Court who were involved in the original Order were notified by letter (dated 15th December, 2009) of the decision to vary the Order.
- 2.5 The letter explained the reasons and enforced that statutory bodies and those resident in Speen Lodge Court will still be the only people with outright entitlement to a key. Those living outside Speen Lodge Court would have to apply for a key through the Gating Order Panel, who would assess every application on a case by case basis. A key may then be granted in exceptional circumstances, the Variation would be not mean that every application for a key would be granted.
- 2.6 4 responses were received from residents who were sent the letter and all expressed their doubts about varying the Order.

3. Consultation

- 3.1 Within the Clean Neighbourhood and Environment Act 2005 it states that Gating Orders must be satisfactorily publicised before they are made and states:
'Under Section 129A Highways Act 1980 the Council must publish on its website and in newspapers circulating in its area, a notice which identifies specifically the

relevant highway, set out general effect of a gating order; identify alternative routes available to pedestrians and vehicles if the Order were to be made; set out a draft of the proposed order and invite written representations within a specific period i.e. 28 days.'

It further specifies that:

It is not only necessary to make the notice available to the general public. Certain groups which may be directly affected should be specifically informed of the planned order through receipt of a copy of the order. These include:

- all occupiers of premises adjacent to or adjoining the relevant highway;
- any authority through which the gated highway will run including:
 1. Any other council, including parish and town councils;
 2. Police authorities (informing the chief of police);
 3. fire and rescue authorities;
 4. NHS Trusts; NHS foundation trust or NHS primary care trust
- any Local Access Forum through whose area the relevant highway passes
- other public bodies and companies that do maintain or provide services on or around the locality in which the relevant highway is situated including:
 5. statutory undertakers;
 6. gas or electricity services providers;
 7. water services providers;
 8. communications providers;
- anyone who requests a copy of the notice; and
- anyone who has asked to be notified of any proposed gating orders.

3.2 The council should also inform anyone they reasonably consider might have an interest in the proposed order. This could include a wide range of groups, and it is the responsibility of the applying council to decide who this might include. However, it is recommended that councils also notify a variety of groups that are likely to take an interest in the gating of a highway.

3.3 With this in mind the Gating Order Notice and the Draft Order (*Appendix C*) were sent out to a wide variety of people on 2nd March 2010. The Council consulted with all the required statutory undertakers, the relevant statutory bodies and public and also residents of the area i.e. residents of Speen Lodge Court and other user groups including Ward Members and the Parish Council, communication companies and the local school.

Notice was placed in the local newspaper, on the council website www.westberks.gov.uk/gatingorder and also by site notices (notices were displayed in the area of Speen Lodge Court), and where applicable, writing to the owners and occupiers of the properties at Speen Lodge Court and certain properties in Speen Lane. Letters were addressed to all residents at the property so therefore if they wished to comment on the proposal separately, then they could. There is no written policy which requires only one voice in one household and therefore all family members could have responded with differing views. In the same way an individual could respond on their own and then also respond on behalf of a Group. Objections and representations were to be received by 1 April 2010.

3.4 A full list of all those that were consulted with, along with the results are attached (Appendix D).

4. The Results

- 4.1 While it is important to consider all representations, certain authorities' representations as to whether a variation should be made, bear more significance. Consequently, an objection to the variation from these bodies will automatically cause a public inquiry to be held, if the relevant highway passes through their area. These authorities include:-
- the chief officer of a police force;
 - a fire and rescue authority
 - any council (including parish councils); and
 - a NHS trust, NHS foundation trust or NHS primary care trust
- **No objections were received from these bodies.** However it should be noted that Speen Parish Council (the relevant highway passes through their area) did not object to the proposal but are not in favour. (Appendix D).
- 82 letters were sent out in total, with 14 responses and in 68 instances no response was received.
- 4.2 Local Councillors
Both Ward members were written to as part of the consultation; however no response was received from either.
- 4.3 Local Parish Council – Speen
As previously mentioned Speen Parish Council did not formally object to the variation proposal. An initial letter was received from the Council but it was not clear if the Council was objecting outright. Further correspondence was circulated and the situation was clarified. There was no motion to formally object to the proposed variation.
- 4.4 Speen Lodge Court
The householders of the 21 properties in Speen Lodge Court all received the consultation letters. However only 1 person responded and that was a strong objection.
- The person concerned was a key member of the initial group involved in obtaining the Gating Order for Speen Lodge Court. His concerns are that it is not necessary, will not reduce crime and anti social behaviour, feels that there must be a proper need for a key, Disability Discrimination Act must be proven and Human Rights must be relevant.
- 4.5 Residents in the area were also given the opportunity to respond but very few did. One was heavily involved in the initial application for the Gating Order and although didn't object does feel that the release of keys may weaken the success of the Gating Order. Another resident did object if the issue of the keys is not strictly limited.

5. Points for consideration by Individual Member

- 5.1 Most of the objections or comments received against varying the Order appear to be based on people expecting a huge number of applications for keys. It is not envisaged that there will be a high number at all.
- 5.2 Each application for a key will be assessed by the Gating Order Panel (representatives from Community Safety, Highways and Legal) on a case by case basis. Varying the Order will not mean that every application is granted.
- 5.3 Anyone granted a key will have to sign an allocation form giving certain information and accepting certain responsibilities as a key holder. These forms are held by the Assistant Community Safety Officer.

6. Options

The Options open are:

- 6.1 Consider that the objections and concerns raised during the consultation are justified and reject the application to vary the Gating Order at Speen Lodge Court on the grounds that it is not appropriate and not necessary.
- 6.2 Proceed with the application and agree to vary the Gating Order.

Appendices

- Appendix A – Individual Member Decision ID 1579 Report *
- Appendix B – Minutes of 12 month Gating Order Review
- Appendix C – Variation Draft Order and Notice
- Appendix D - List of Consultees
- Appendix E – Correspondence with Speen Parish Council

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Individual Decision

Title of Report:	Application for a Gating Order at Speen Lodge Court, Newbury		
Report to be considered by:	Councillor Keith Chopping	on:	Tuesday 26 th February
Forward Plan Ref:	ID1579		

Purpose of Report: For Individual Member Decision to be made on the Gating Order application

Recommended Action:

Reason for decision to be taken: Petition raised by local residents for a Gating Order to reduce crime and anti social behaviour in Speen Lodge Court

List of other options considered: Complete closure of the footway

Key background documentation: Section 2 of the Clean Neighbourhoods and Environment Act 2005 introduced a new power allowing Councils to make, vary or revoke Gating Orders in respect of highways within their area.

Section 17 of the Crime and Disorder 1998 gives West Berkshire Council a duty to do all it reasonably can to prevent crime and disorder in its area.

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Supporting Information

1. Background

1.1 Section 2 of the Clean Neighbourhoods and Environment Act 2005 introduced a new power allowing councils to make, vary or revoke gating orders in respect of highways within their area. This was achieved by inserting new sections 129A to 129G in the Highways Act 1980 which enable councils to restrict public access to any public highway by gating it (at certain times of the day if applicable), without removing its underlying highway status. This allows local authorities to make gating orders on grounds of anti social behaviour as well as crime.

1.2 Before a Gating Order can be made it is essential that the local authority consider all representations as to whether or not an Order should be made. If there is considerable objection to the Order, it is necessary to be absolutely sure that there are sufficient grounds for the order to be made. Attention has to be given to Section 129A of the Highways Act 1980, balancing crime and anti social behaviour concerns against the impact it will have on users of the highway and local residents.

2. Particulars relating to Speen Lodge Court

2.1 The geographical area of interest is a footway which runs between Speen Lodge Court and onto the Bath Rd in Newbury (circled in red on map below). Speen Lodge Court is proximal to one of the main hotspots in Newbury for crime and anti social behaviour – Kersey Crescent and vicinity. The footway provides a short-cut for people travelling between Newbury Town Centre and in the direction of Kersey Crescent.

Footway between Speen Lodge Ct & Bath Rd, Newbury
01Aug2006

20 0 20 40 Meters



Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office. (c) Crown Copyright 2006. West Berkshire District Council 00015113

2.2 Residents have raised Section 17 of the Crime and Disorder Act 1998 and that WBC 'has a duty to participate in the reduction of crime and anti social behaviour and should be seen to take all necessary measures in accordance with the law'.

2.3 When looking at the application for a Gating Order in Speen Lodge Court there are 3 issues that should be taken into consideration from the outset:

i). **There has been a gate at the end of the footway before.** When the houses in Speen Lodge Court were built a metal gate was installed at the north end of the footway (The original bolts are still in the wall). This was damaged and had to be removed. It was never replaced. The application for the gating order is to replace the gate incorporating a facility enabling it to be locked and accessed by local residents. In a recent resident survey one resident stated "it would be good to have the 'alleyway' back to how it was when we moved in – with a gate."

ii). The **original planning permission** for Speen Lodge Court was found at Reading Records Office but there is no text relating to the gate, and maps available relate to an earlier draft layout of the estate. However planning permission for the houses in Speen Lodge Court (960/72 on 3rd April and 543/73 in November 1973) both contain two identical conditions:

- *There shall be no pedestrian or vehicular access to the trunk road*

- *A 6ft high brick wall in colour and texture to match the existing wall on the eastern side shall be erected along the site boundary adjoining the trunk road and shall be erected before work commences.*

These do not appear to have been enforced (Investigated by Cllr Paul Bryant email dated 12/4/2007 and 16/10/07 – *Appendix 1*).

The Title Deeds to a property in Speen Lane (Belle Vue) also shows no access through the end of Speen Lodge Court. Speen Lodge Court was developed in 1970-72. The house in Speen Lane was built and bought in 1980 and even then the land registry shows no exit via the pathway (*Appendix 1*).

Subsequent use by the public has created a highway as it would appear that no one has attempted to stop the public from the using the route.

iii). **Support for the Gating Order** by Residents in Speen Lodge Court. Residents of Speen Lodge Court signed the original petition. A recent resident survey was conducted in Speen Lodge Court, Speen Lane and to houses that have direct access to Speen Lane going east. Nobody in Speen Lodge Court objected to the proposed Gating Order. In particular those houses, 10 and 11 that are adjacent to the footpath.

iv). **The residents campaigning for the Gating Order do not want to stop the legitimate use of the footway.** People that use the footway i.e. local residents, parents route to school etc will be able to apply for a key.

3. The Process

3.1 A petition, organised by Stuart Forte (local resident) was submitted to the Newbury Area Forum on 4/7/06 and contained 29 signatures: To close the footway between Speen Lodge Court and A4 Bath Road due to vandalism and damage to private property.

3.2 A subsequent report written by Colin White (*Appendix 2*), local resident stated that 'the petition to close the footway was seen by the residents as the best solution to the increasing problem of criminal activity and anti social behaviour in the area'. It stated that reported crime had increased significantly

over the last 18 months, with a third of residents reporting a crime. The problems of vandalism and anti social behaviour in the area were thought to be caused by people passing through and not residents.

- 3.3 At the Newbury Area Forum meeting on 4/07/06, Community Safety was asked to convene a meeting with all the concerned parties and Victor Vanni, who was the CDRP (Crime and Disorder Reduction Partnership) Analyst, was asked to do some analysis of the area.
- 3.4 'A Report on Crime and Anti Social Behaviour Incidents around the footway between Speen Lodge Court and Bath Road' by Victor Vanni was completed at the end of July 2006 (*Appendix 3*). The aim of the report was to identify the nature and scale of emerging and current crime/anti social behaviour trends and patterns, and linked crimes or incidents around the footway. The report was based on data from the Thames Valley Police Crime Records Database (CEDAR) and the Thames Valley Police 999-calls database (Command and Control). The time period covered was from 1st November 2004 to 30th June 2006. It stated that looking at all the postcodes in Shaw and Speen Police Beats, Speen Lodge Court was not located in the top percentile of postcodes with regards to crime incidents. The report predicted that the problems of damage were likely to continue because of the location of the houses where the incidents occurred adjacent to the footpath. The footway between Speen Lodge Court and Bath Road seemed less likely to be the cause of the problem. Rather the footpath behind the houses in question may pose more of a problem.
- 3.5 Listed at the end of the report were some options for consideration: working with the Crime Prevention Design Adviser at Thames Valley Police. (However their remit is such that they are now only involved in major developments); Neighbourhood Watch Scheme – although there are several in the vicinity there are none specifically in Speen Lodge Court; mobile CCTV was considered and was a recommendation from the first meeting held on 17th October 2007, as it would firstly act as a deterrent and also provide evidence as to the number of people using the footway and may help identify any offenders. The Police recommended a site for the location of a mobile CCTV camera. However the current CCTV policy with West Berkshire Council does not include the use of mobile CCTV.
- 3.6 A 'Response to the Crime and ASB Incidents around the footway between Speen Lodge Court and Bath Road' was compiled by Mr Colin White (*Appendix 4*). Mr White highlighted his concerns with Victor Vanni's report. Anti social behaviour had been observed in the area, and in every case that he was aware of, the perpetrators were not residents of Speen Lodge Court. The report did not specifically include anti social behaviour reports where i.e. attempted criminal damage is witnessed and reported. 7 out of 21 residents in Speen Lodge Court had reported crimes during a 17 month period. Speen Lodge Court is used as a pathway to and from local activities beyond the 500 metres suggested in Victor Vanni's report. Mr White also disputed the claim that the footway between the houses is less likely to be the cause of the problem and that the footpath behind the houses may pose more of a problem.
- 3.7 The first meeting was held on 17th October 2006. Residents reported issues going back to 2004 and they did not agree with the report compiled by Victor Vanni. Minutes from the meeting are attached (*Appendix 5*). As a result of the meeting:
- i). A pedestrian survey was conducted by Mr Stuart Forte and Mr Colin White, local residents, to show the usage of the footway. The survey was done over a period of time from 17th October 2006 to 8th November 2006 and during those times when the footway was likely to be at its busiest. In total, the surveillance period was 46 hours and during that time 92 non residents and 3 residents used the footway (*Appendix 6*).

ii). CCTV was to be investigated along with necessary statutory undertaker searches i.e. Utility services – water, BT, electricity and communication companies.

iii). Legal advised that the actual closure of the footway i.e. blocking it up would have to be applied for through Magistrates Court under Section 116 and only one objection would be needed for it to fail in Magistrates Court. If the decision was to go for closing the footway the owners of the footway would have to be located and their permission sought. Research identified that the owners of footway no longer existed and would have to be identified via Companies House. If a Gating Order was decided upon, permission from the owners would not be needed.

3.8 A second meeting was organised and took place on 19th March, 2007 where the decision was taken to apply for a **Gating Order**. Legal advised those present that the Council would have to consider any representations as to whether or not the proposed gating order should be made or not, and the Council may cause a public enquiry if Chief Police, Fire and Rescue, the NHS Trust or a Council through whose area the relevant highway passes, objected to the Order.

4. Utility Searches

4.1 Highways conducted a utilities search of the area. Results highlighted one utility within the footway, that being Thames Water.

5. Funding

5.1 Newbury Area Forum were asked to contribute towards the funding and at the Forum meeting on 11th July, 2007 the Forum agreed that Speen Lodge Court – proposed Gating Order – be added to the Area Traffic Management Works Programme to the sum of £2,000.

5.2 Speen Parish Council were also approached as it seemed appropriate that the Parish Council contribute towards the funding if the gating of the footway is deemed to be that important an issue within the Parish.

At the 16th July, 2007 Parish Council meeting a second resolution that was suggested to the Chairman regarding the financial contribution toward the cost of the work, was not tabled. However at a meeting held on 17th September, 2007 ‘there was support for an intent to go ahead with the Gating Order and contribute some funds as budget will allow.’

6. Costings:

6.1 **Legal** - costs to date for the consultation as at 11/7/07 = £252.00 and publication costs = £350.00

6.2 Officer Time:

a) CDRP Analyst time for original report

b) Assistant Community Safety Manager – considerable impact on workload and has organised all meetings, produced and circulated all minutes, replied to considerable numbers of emails on the issue. Completed all relevant Council paperwork i.e. Forward Plan submission form, Individual Member Decision report, given updates at relevant NAG meetings and Newbury Area Forum and is now involved in the Policy Development Commission request for a protocol on gating orders. In the last week alone (week commencing 28th January, 2008) has spent 14.5hours getting the report ready.

c) Legal officer time - 18 hours to date. This will increase as there will be more work once the Decision has been made.

d) Highways officer time – 20 hours

e) BCU Performance Manager – Crime analysis request for the period April 2006 to December 2007 – 70 hours (approximately 2 weeks work)

f) Cost of Gate: various other council websites show approximate cost of between £1,500 and £3,000. There is also the maintenance of the gate and the question of who maintains it, and who will be responsible for the administration of the keys.

7. Criteria

7.1 Before making a Gating Order, West Berkshire Council must be satisfied that the three statutory criteria set out in Section 129A(3) of the Highways Act 1980 and listed below, are met:
(Appendix 7 and 7b - Crime reports – should be read in conjunction with all the following necessary criteria).

(a) the premises adjoining or adjacent to the highway are affected by crime or anti social behaviour;

The two houses immediately adjacent to the alleyway are No.10 and No.11, both of whom expressed their support for the Order in the consultation. Both No.10 and No.11 have had to replace their whole fences.

09/01/05 No.11 reported a Non dwelling burglary where offenders came from the A4 and walked off towards Speen Lane.

24/03/06 No.11 reported criminal damage to their fence.

No.11 also reports bottles and rubbish being thrown over the fence. A brick was thrown and narrowly missed the kitchen window. People stand in the footpath drinking and smoking and being anti social.

5/4/06 No.10 suffered criminal damage in back garden.

7/9/07 youths gathering at the end of Speen Lodge Court drinking and causing a nuisance.

No.10 has lots of incidents of bottles and cans being thrown into the backyard, dog faeces being left by the back gate and loud and unruly behaviour in the middle of the night.

13/12/06 Assault in the footway

10/7/07 Robbery at a nearby garage, suspicious car parked in Speen Lodge Court

(b) the existence of the highway is facilitating the persistent commission of criminal offences or anti social behaviour; and

In addition to what has already been mentioned in (a) above – the footpath leads into a cul de sac (Speen Lodge Court) which leads to Speen Lane. Several incidents of damage have been recorded on Speen Lane between 1/11/04 and 30/06/06 including damage to vehicle window, damage to rear wooden fence, on two occasions damage to plants, another two occasions damage to the wall in the front of gardens, damage to a window and damage to a vehicle

31/07/05 disorder/disturbance in Speen Lodge Court.

6/10/05 anti social behaviour in Speen Lodge Court

1/11/05 anti social behaviour in Speen Lodge Court

18/11/05 suspicious person in Speen Lodge Court

13/12/05 attempt burglary in Speen Lodge Court and offenders made off on foot towards Speen Lane

21/01/06 suspicious caller in Speen Lodge Court

30/12/06 robbery offenders walked off towards Starting Gate pub

2/11/06 Theft from vehicle in Speen Lodge Court.

16/9/06 Criminal damage to property in Speen Lodge Court

28/1/07 criminal damage to property in Speen Lodge Court

7/06/07 anti social behaviour in Speen Lane

10/6/07 anti social behaviour in Speen Lane along with criminal damage going toward footway

7/9/07 anti social behaviour in Speen Lodge Court

(c) it is in all the circumstances expedient to make the Order for the purpose of reducing crime or anti-social behaviour.

Points a and b above are also relevant to this point. Residents state that there is a corridor of crime from the A4 Bath Road entrance to Speen Lodge Court and then down Speen Lane towards Goldwell Park.

Analysis from the Residents Survey which was done in November 2007 shows that 29 households had experienced the effects of crime and anti social behaviour over the last five years (Appendix 10). Over the last two years the main problems include damage to property (including fences, walls and gardens), burglary, theft and the anti social behaviour (including drunkenness, bottles being dropped and other litter).

7.2 Section 129A (4) (a) to (c) of the Act requires a Highway Authority, before making a Gating Order, to take into account:

i) the likely effect of making the Order on the occupiers of premises adjoining or adjacent to the highway;

Both properties support the Gating Order proposal. In the recent Residents Survey the resident of No.10 stated 'my house borders the alley so I witness more bad behaviour than many, a gate would make the whole area more secure'. Residents of No.10 and No.11 Speen Lodge Court are both repeat victims of crime.

ii) the likely effect of making the Order on other persons in the locality; and

All the residents of Speen Lodge Court signed the original Petition to close the footway. All the residents of Speen Lodge Court and not just those adjacent to the footpath, are in favour of the gating order.

A pedestrian survey was done to assess the usage of the footpath. Over a surveillance period of 46 hours it was used by pedestrians on 95 occasions - 92 by non residents and only 3 by residents. The non residents that use the footpath for legitimate reasons i.e. taking children to school would be able to apply for a key.

iii) in cases where the highway constitutes a through route, the availability of a reasonably convenient alternative route.

The alternative routes for pedestrians are available by using the A4 Bath Road, the Old Bath Road, Speen Lane and Pound Lane, Newbury as shown on the Order Plan. Legitimate users of the footway will be able to apply for a key.

8. Crime Evidence

8.1 A report has been compiled by the BCU Performance Manager – (Appendix 7). The maps highlight where the crime and anti social behaviour incidents that have been recorded by the Police, have taken place. From the Police reports 60% of anti social behaviour was committed after 18:00 hours and the crimes that were reported all took place after 17:30 hours.

8.2 However it is likely that residents will state that the figures only scratch the surface of what is actually going on in the area. They will claim that many incidents of anti social behaviour are not reported, while some residents state that they have reported incidents to the Police but they do not appear in the figures. Appendix 7b highlights some of the crimes and incidents that some of the residents are aware of. Some of the information has been mentioned under 7.1(b) as relevant to the criteria being met.

9. Applying for the Gating Order

9.1 Consultation

Within the Clean Neighbourhood and Environment Act 2005 it states that Gating Orders must be satisfactorily publicised before they are made and states:

‘Under Section 129A Highways Act 1980 the Council must publish on its website and in newspapers circulating in its area, a notice which identifies specifically the relevant highway, set out general effect of a gating order; identify alternative routes available to pedestrians and vehicles if the Order were to be made; set out a draft of the proposed order and invite written representations within a specific period i.e. 28 days.’

It further specifies that:

It is not only necessary to make the notice available to the general public. Certain groups which may be directly affected should be specifically informed of the planned order through receipt of a copy of the order. These include:

- all occupiers of premises adjacent to or adjoining the relevant highway;
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 3. fire and rescue authorities;
 4. NHS Trusts; NHS foundation trust or NHS primary care trust
- any Local Access Forum through whose area the relevant highway passes
- other public bodies and companies that do maintain or provide services on or around the locality in which the relevant highway is situated including:
 5. statutory undertakers;
 6. gas or electricity services providers;
 7. water services providers;
 8. communications providers;
- anyone who requests a copy of the notice; and
- anyone who has asked to be notified of any proposed gating orders.

9.2 The council should also inform anyone they reasonably consider might have an interest in the proposed order. This could include a wide range of groups, and it is the responsibility of the applying council to decide who this might include. However, it is recommended that councils also notify a variety of groups that are likely to take an interest in the gating of a highway.

9.3 With this in mind the Gating Order Notice and the Draft Order (*Appendix 8*) was sent out to a wide variety of persons on 2nd July, 2007. The Council consulted with all the required statutory undertakers, the relevant statutory bodies and public and also residents of the area i.e. residents of Speen Lodge Court and other user groups including Ward Members and the Parish Council, communication companies and the local school.

Notice was placed in the local newspaper, on the council website www.westberks.gov.uk/gatingorder and also by site notices (notices were displayed in the area of Speen Lodge Court), and where applicable, writing to the owners and occupiers of the properties at Speen Lodge Court and certain properties in Speen Lane. Letters were addressed to all residents at the property so therefore if they wished to comment on the proposal separately, then they could. There is no written policy which requires only one voice in one household and therefore all family members could have responded with differing views. In the same way an individual could respond on their own and then also respond on behalf of a Group. Objections and representations were to be received by 2nd August, 2007. An extension was given to this date for the Local Access Forum to 23rd August, 2007.

9.4 A full list of all those that were consulted with, along with the results are attached (Appendix 9).

10 The Results

10.1 While it is important to consider all representations, certain authorities' representations as to whether a Gating Order should be made, bear more significance. Consequently, an objection from these bodies will automatically cause a public inquiry to be held, if the relevant highway passes through their area. These authorities include:

- the chief officer of a police force;
- a fire and rescue authority;
- any council (including parish councils); and
- an NHS trust, NHS foundation trust or NHS primary care trust

▪ **No objections were received from these bodies.**

10.2 Local Councillors and Speen Parish Council supported the application.

10.3 Speen Parish Council supported the proposed Gating Order for the footway between Speen Lodge Court and the A4 Bath Road for the purposes of reducing crime and anti social behaviour. The resolution was approved with a unanimous vote on 16th July 2007.

10.4 Nobody in Speen Lodge Court raised any objections to the proposal. The majority of responses in favour came from local residents.

10.5 Open Spaces, Berkshire Local Countryside Access Forum opposed the Order as did Footpath Secretary from the West Berkshire Group and West Berkshire Liaison Group on disability. Addresses from outside the Speen Parish also objected – Stanford Dingley, Woolton Hill, Henley on Thames. Those objecting cited the prevention of a shortcut, insufficient grounds, lack of evidence, designed for inner city ghettos, not for routes that serve a public purpose and that the route to be gated has been included in the recently published Newbury Walking Map.

10.6 Head of Planning, West Berkshire Council (received late - 11/09/07) objected to the order 'given that the footway provides valuable permeability between residential areas and the necessary diversion by foot or cycle involves a considerable distance. Given the provisions of the criterion (g) of policy OVS2 in the local plan 1991 to 2006, it is considered the proposal is contrary to this element of the core policy'. Policies in the local plan are to keep pedestrian routes open wherever possible. It doesn't relate specifically to Speen Lodge Court.

10.7 The analysis of the consultation results by Legal shows that in 38 cases no reply was sent and that there were 20 supporting and 20 objecting (Appendix 9).

10.8 Local residents raised concern over the results of the consultation. Mr Colin White did his own analysis (*Appendix 9b*) and states there are 25 individuals in favour and 11 valid objections. He states that:

- not all the residents responded to the consultation and it was understood that because they had already signed the original petition supporting the Gating Order, they did not need to respond. Newbury Town Council is shown as an objection but paperwork shows that the voting did not cast any actual conclusion - so should be neutral.
- The closing date should not have been extended for the Local Access Forum to 23rd August, 2007 to reply.

- The majority of objectors live outside Newbury.
- 10.9 Local residents have expressed concern that many of those objecting to the Order have done so as a matter of principle rather than looking at the issues being faced, and concerns being raised by the people who are being affected, the local residents. Some of the objections are due to a lack of information about how the gate would operate i.e. would it be locked all the time, how could a key be applied for etc? Some people have objected but have also stated that if the Order were to be granted, they would like to apply for a key.

11. Gating Order Questionnaire

- 11.1 A resident's survey was conducted on 18th November, 2007 and was delivered to every house in Speen Lodge Court, Speen Lane and any properties with direct access to Speen Lane. It further highlighted residents request for a Gating Order to be granted with no one in Speen Lodge Court raising any objections or concerns. A brief summary of the findings is attached, along with a copy of the questionnaire (*Appendix 10*). Information from the properties adjacent to the alleyway No.10 and No.11 are particularly pertinent and attribute to the relevant criteria for a Gating Order being met.

12. Points for consideration by Individual Member

- 12.1 West Berkshire Council can make a Gating Order in respect of 'a highway that is facilitating high and persistent levels of crime and/or anti social behaviour that adversely affects local residents'.
- 12.2 West Berkshire Council can 'continue with a Gating Order, even if objections are made (if it is in the best interests of the local community to do so)'. After consideration of the representations and objections West Berkshire Council have discretion on how to deal with the representations and objections and can continue with the gating order as published, even if there are objections to the proposal.

13. Options

There are a number of options that could be taken:-

- 13.1 As there are objections, the Decision could be to proceed with a public inquiry to consider both sides of the debate.
- 13.2 Consider whether the level of objections, bearing in mind who was objecting, give rise to the Council to call a public inquiry.
- 13.3 Or, disregard the objections received and proceed with the Order – in this scenario Legal believe there may be a challenge.
- 13.4 Agree that all the relevant Criteria required for making the Order have been met and grant the Order.
- The Decision could be **to grant the Order and lock the gate at all times**. The majority of residents asked during the resident's survey would prefer this option – only 3 stated that it should only be locked at night. Any evidence gathered after installation, to suggest that the gate does not need to be locked at all times would contribute to the Order being varied.
 - The Decision could be **to grant the Order and lock the gate from 6pm**. This would support the recommendation from BCU Performance Manager's crime report). Again, any evidence gathered after installation to indicate that the locking of the gate after 6pm is not sufficient would contribute toward the Order being varied.

If either option is taken, the Gating Order will have to be reviewed after 1 year when there will be the opportunity to vary or revoke the Order.

13.4 Find that the Criteria has not been met and not grant the Order

14. Participants

14.1 Throughout the whole process the local ward councillors, a representative from Speen Parish Council and local residents have been involved along with representatives from West Berkshire Council:

Alex O'Connor – Community Safety, WBC

Bruce Lousley – Highways, WBC

Michele Sherman – Legal, WBC

Roy Tolcher - Speen Parish Council and resident

Colin White – Resident Speen Lodge Court

Stuart Forte – Resident Speen Lane

Cllr Marcus Franks – WBC

Cllr Paul Bryant - WBC

Others also involved in meetings:

Melvyn May – Highways Manager, WBC

PC Pete Sutherland – Speen Neighbourhood Officer, Thames Valley Police

Appendices

Appendix 1	Planning Issues
Appendix 2	Petition Report – Closure of footway between Speen Lodge Court and the A4 Bath Road
Appendix 3	Report 'Crime and Anti Social Behaviour Incidents around the footway between Speen Lodge Court and Bath Road' by Victor Vanni
Appendix 4	Response to Crime and Anti Social Behaviour Incidents around the footway' by Colin White
Appendix 5	Minutes of meetings
Appendix 6	Pedestrian Survey – Oct/Nov 2006
Appendix 7	Crime Report by Margaret Herbert BCU Performance Manager
Appendix 7b	Crime Reports from residents
Appendix 8	Gating Order Notice and Draft Order
Appendix 9	WBC Legal, Consultation File
Appendix 9b	Consultation Analysis by Colin White
Appendix 10	Residents questionnaire and results

Implications

Policy:	Policy Development Commission has asked for a proposal for a Gating Order Protocol for WBC to be looked into. It will be suggested that applications are made by residents through Town or Parish Councils, Neighbourhood Action Groups, residents associations and not West Berkshire Council.
Financial:	Legal costs as described above regarding the consultation and then if the Order is granted, the application. Costs of buying, installing and maintaining the Gate including the administration of the keys. There is no current funding for this within West Berkshire Council.
Personnel:	Significant officer time involved – Community Safety (14.5 hrs on report writing alone), Legal (18hrs so far), Highways (20hrs). BCU Performance Manager, TVP.
Legal:	Financial cost of initial work and applying for the Gating Order and officer time. If the Gating Order is to be granted it will set a precedent for other similar Orders and there will be implications on officer time.
Environmental:	It will improve the use of the footway for those who genuinely use it. There will be a reduction in litter and an improvement to the lives of residents, in particular, those adjacent to the footway, but also those living in Speen Lodge Court and Speen Lane
Equalities:	Need to ensure that anyone genuinely requiring a key can apply for one and that those with disabilities are able to use the gate. The pedestrian survey on the footway did not highlight this as an issue
Partnering:	Speen Parish Council will be requested to administer the scheme
Property:	The footway is a West Berkshire highway.
Risk Management:	If the Gating Order is approved WBC may be faced with a challenge from the Ramblers Association or any other body that opposes the Order. If the Gating Order is rejected residents who have been campaigning for nearly 2 years will take action.
Community Safety:	The granting of the Gating Order may lead to a reduction in crime and anti social behaviour in the immediate vicinity. It will significantly reduce the fear of crime and improve the day to day lives of local residents.

Consultation Responses

Members:

Leader of Council: Cllr Graham Jones

Overview & Scrutiny Cllr Brian Bedwell

Commission Chairman:

Policy Development Cllr Quentin Webb

Commission Chairman:

Ward Members: Cllr Marcus Franks

Cllr Paul Bryant

Opposition

Spokesperson:

Cllr Keith Woodhams

Local Stakeholders: Speen Parish Council

Officers Consulted:

Michele Sherman – Legal

Bruce Lousley – Highways

Susan Powell – Safer Communities Partnership Team
Manager

Rachel Craggs – Community Safety Manager

Trade Union:

Not applicable

Is this item subject to call-in.	Yes: X <input type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by OSC or associated Task Groups within preceding 6 months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

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Speen Lodge Court Gating Order – 12 month Review Meeting 1pm Monday 22 June, 2009 at 20 Mill Lane, Newbury

Present:

Alex O'Connor – Asst Community Safety Manager, WBC
Paul Hendry – Countryside Manager, WBC
Bruce Lousley – Highways, WBC
Liz Patient – Legal, WBC

The meeting was called to conduct the annual review of the Speen Lodge Gating Order.

1. Effect of the Gating Order:

Some of the residents initially had concerns regarding the type of gate that had been installed. However the original gate has remained in situ, although spikes were added to the top of the gate in order to prevent people climbing over it. There had been some complaints after items had been placed in the lock to prevent it from being used. However, this has now been resolved. No one present at the review had received any recent complaints regarding the use of the gate.

Over the past 12 months Alex received a number of letters from residents of Speen Lodge Court stating how pleased they were with the installation of the gate and how much their lives had improved. Reduction in noise, litter and damage were the most frequently mentioned improvements. The Police had not reported any problems but there were no recent crime figures to enable a detailed assessment of whether the installation of the gate had not been successful. However Alex was able to state that prior to the gate being installed she had received a number of complaints regarding anti-social behaviour. If things had not improved then the residents would have notified her.

Action: Alex to contact the Police for recent crime figures in respect to the area to confirm that there had been a reduction in anti-social behaviour

2. Concerns regarding the Gating Order:

Since the installation of the gate, Alex had received only 3 complaints. All of these complaints related to requests for a key to the gate. However, the wording in the Order does not allow anyone, apart from residents of Speen Lodge Court and statutory agencies to hold a key.

One complaint was from Royal Mail, in particular the postman for the area; another was from a resident of Speen Lane whose family had previously used the footway daily to go to and from school and the last was from an elderly disabled gentleman living in Kersey Crescent who requested a key due to his disability. All the complainants have been responded to by the Council.

3. Future of Gating Order

Due to the complaints received in respect to the gating order it was proposed that the Council should consider a variation to the gating order to allow the Council some discretion with regard to who should be allowed to hold a key to the gate. The GOOP would assess every application on a case by case basis. It would NOT mean that every application for a key would be granted. A key would only be given in exceptional circumstances i.e. where the individual has a disability which severely affects their mobility. Any variation to the gating order would require consultation and advertising in the same way as the original order. This process would include getting an Individual Member decision to authorise the variation order.

It may also be appropriate to amend the Gating Order Protocol in order to provide some more detail as to how the Council will exercise their discretion with regard to authorising individuals to hold keys for the gate.

Action: Liz to draft a variation order and circulate for approval

Action: Liz to consult with Moira from Policy to see where the amendment to the Gating Order Protocol would need to go i.e. Individual Member decision, PDC etc ...

There was no evidence to suggest that the times of Gating Order needed to be changed. It is currently locked at all times. If it were to be changed i.e. to be open all day and then shut at night it would mean that those people currently requesting a key would be able to use the footway during the day when they wanted to. However it was felt that this may undermine the gating order and result in an increase in anti-social behaviour on the footway.

WEST BERKSHIRE DISTRICT COUNCIL

NOTICE OF INTENTION TO VARY A GATING ORDER

SECTION 129A HIGHWAYS ACT 1980

Footway between Speen Lodge Court and Bath Road, Newbury

WEST BERKSHIRE DISTRICT COUNCIL (“the Council”) **PROPOSES** to vary an Order preventing anyone, other than those persons specified in the Order from using the footway between Speen Lodge Court and Bath Road Newbury (“the Highway”) for the purposes of reducing crime and antisocial behaviour. The Highway is shown hatched between points A and B on the attached plan. The restriction will apply at all times.

The Order will exempt any person who lives in Speen Court Lodge, the emergency services personnel, statutory undertakers and utility providers, the Highway Authority and any person who has been granted a special exemption by the Gating Order Panel from the restriction

The alternative routes for pedestrians are available by using the A4 Bath Road, the Old Bath Road, Speen Lane and Pound Lane Newbury as shown on the Order plan. A draft of the proposed Variation Order is set out in the Schedule to this Notice.

A copy of the proposed Variation Order, a plan and other associated papers are available for inspection at the offices of West Berkshire District Council, Council Offices, Market Street, Newbury Berkshire RG14 5LD during the hours of 8.30 a.m. to 4.30 p.m. Monday to Friday (at Main Reception on the Ground Floor). A copy of this notice can be viewed by visiting the Council’s website at www.westberks.gov.uk and clicking on Speen Lodge Variation Gating Order

If you have any objections to or representations about the proposed Order please send them in writing to the undersigned quoting reference MS/L13_1756 by not later than 1 April 2010

If no such representations or objections are duly made, or if any so made are withdrawn, the Council will proceed to make the Variation Order.

Dated 4 March 2010

David Holling
Head of Legal and Electoral Services
West Berkshire District Council Council Offices Market Street Newbury RG14 5LD

SCHEDULE

**WEST BERKSHIRE DISTRICT COUNCIL
SECTION 129A and 129F HIGHWAYS ACT 1980**

Footway between Speen Lodge Court and Bath Road, Newbury

West Berkshire District Council (“the Council”) in exercise of its power under Section 129A (1) and 129F(2) of the Highways Act 1980 (“the Act”) and of all other enabling powers being satisfied that the conditions set out in Section 129A(3) of the Act have been made **HEREBY MAKES THE FOLLOWING VARIATION ORDER:**

1. This Variation Order shall come into operation on the [] day of [] 2010 and may be cited as **The West Berkshire District Council [Footway between Speen Lodge Court and Bath Road, Newbury] Gating (Variation No. 1) Order 2010**
2. Save as provided in Article 2 to this Order no person shall use the public right of way over the footway between Speen Lodge Court and Bath Road, Newbury (“the Highway”) at any time. The Highway is shown hatched between points A and B on the plan annexed to this Order
- 3.1 The restriction in Article 2 shall not apply to any person who lives in Speen Court Lodge or to any police, ambulance or fire service personnel acting in pursuance of statutory powers or duties or to any statutory undertaker, gas, electricity, water or communications provider or the Highway Authority requiring access to their apparatus situated in the Highway
- 3.2 The restriction in Article 2 shall not apply to any person who has applied to the Council’s Gating Order Panel and been assessed as being a person who is eligible to use the Public Right of Way and to receive a key for this purpose
4. A Gate has been installed at the point marked “A” on the Plan annexed to this Order. The Maintenance of the Gate will be the responsibility of the Highways Team who can be contacted at West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire RG14 5LD on telephone number 01635 519080
5. If any person desires to question the validity of this Order on the Ground that the Council had no power to make it, or any requirements of Part 8A of the Act has not been complied with in relation to the Order, he or she may apply to the High Court within six weeks from the date on which the Order is made.

**THE COMMON SEAL of WEST
BERKSHIRE DISTRICT COUNCIL**

hereunto affixed the

day of 2010 is

authenticated by:

Authorised Signatory

SPEEN LODGE COURT GATING LETTERS 01/03/2010

No	Personal Name	Name	Address1	Address2	Address3	Parish	Town	Postcode	Salutation	Closing	Additional wording	Comments	DATE RECEIVED
1		Vodafone Limited	The Connection				Newbury	RG14 2FN	Sir	faithfully		No response	
2		Viatel UK Limited	Parnell House	25 Wilton Road			London	SW1V 1LW	Sir	faithfully		No response	
3		GC Pan European Crossing UK Limited	Lismirrane Industrial Estate	Elstree Road		Elstree	Hertfordshire	WD6 3EA	Sir	faithfully		response received from McNicholas - Proposal will not affect COLT apparatus.	09/03/2010
4		Racel Telecommunications Limited	Solihull Parkway				Birmingham	B37 7YU	Sir	faithfully		No response	
5		TANet Limited	Unit 2 Floor 1	Saturn House			Aldermaston	Reading RG7 8SA	Sirs	faithfully		No response	
6		Connect	Ocean Park House	East Tyndall Street			Cardiff	CF24 5GT	Sirs	faithfully		No response	
7		Orange PCS	Fujitsu Telecommunications Limited	Solihull Parkway			Birmingham	B37 7YU				No response	
8		Level 3 Communications Limited	First Floor	6 Maidstone Road	Footscray		Sidcup	BA15 5HH	Sirs	faithfully		No response	
9		Eastern Group Telecommunications Limited	Constantine House	PO BOX 37	Constantine Road		Ipswich	IP1 2DH	Sirs	faithfully		Box cancelled - Gone away	10/03/2010
10		Fibernet Limited	Olympus House	Calleva Park	Aldermaston		Reading	RG7 8SA	Sirs	faithfully		No response	
11	Mrs C Horne	Atomic Weapons Establishment				Aldermaston	Reading	RG7 4PR	Madam	sincerely		No response	
12	The Administrator - Plant Enquiries	Cable & Wireless	Churchhill Industrial Estate	Marlborough Road		Lansing	West Sussex	BN15 8JU				Gone away	09/03/2010
13		National Grid PLC	NRSWA Enquiries	PO BOX 7324		Coleshill	Birmingham	B46 1AR	Sirs	faithfully		No apparatus in vicinity	15/03/2010
14		NTL South Central	Wharfedale Road	Winnersh		Wokingham	Berkshire	RG31 8BW	Sirs	faithfully		No response	
15		Energis Communications Limited	Street Works Office	Littlebrook Business Centre	Littlebrook Manor Way		Dartford	DA1 5PS	Sirs	faithfully		Gone away	09/03/2010
16		Fisher German	Chartered Surveyors	The Grange	80 Tamworth Road	Ashby De La Zouch	Leicestershire	LE65 2BW	Sirs	faithfully		No apparatus in vicinity	11/03/2010
17		NTL	Network Services	National Network	Crawley Court		Winchester	S021 2QA	Sirs	faithfully		No response	
18		The Environment Agency	Thames Region	Isis House	Howbery Park	Wallingford	Oxon	OX10 8BD	Sirs	faithfully		No response	
19	Mr Roger Penfold	Secretary, Mid and West Berkshire Local Countryside Access Forum	Reading Borough Council	Mezzanine Floor	Civic Centre	Reading	Berkshire	RG1 7TD	Mr Penfold	sincerely		No response	
20		Berkshire West Primary Care Trust	Newbury Area office	Northcroft Wing	West Street	Newbury	Berkshire	RG14 1BZ	Sirs	faithfully		No response	12/03/2010
21	Mr Richard Blofeld	Head Teacher	Robert Sandilands School	Digby Road		Speen	Newbury	RG14 1TS	Mr Blofeld	sincerely		No response	
22	Mr and Mrs C White		Ashoever	Speen Lodge Court		Speen	Newbury	RG14 1QS	Mr and Mrs White	sincerely		Objecting - does not think that varying the order is expedient nor reduce crime or anti social behaviour. Feels that there must be a proper need for allow for a key. DDA must be proven and HR must be relevant	09/03/2010

2010

Appendix D

SPEEN LODGE COURT GATING LETTERS 01/03/2010

No	Personal Name	Name	Address1	Address2	Address3	Parish	Town	Postcode	Salutation	Closing	Additional wording	Comments	DATE RECEIVED
23	Mr and Mrs A Fisher and Gordon Fisher			1 Speen Lodge Court		Speen	Newbury	RG14 1QS	Mr and Mrs Fisher and Mr Gordon Fisher	sincerely		No response	
24	Mr and Mrs S. Van Der Merue			2 Speen Lodge Court		Speen	Newbury	RG14 1QS	Mr and Mrs Merue	sincerely		No response	
25	Mr and Mrs N A Pratten and Mr Euan Pratten			3 Speen Lodge Court		Speen	Newbury	RG14 1QS	Mr and Mrs Pratten and Mr Euan Pratten	sincerely		No response	
26	Mr R. Stacey and Ms C. Goodsell			4 Speen Lodge Court		Speen	Newbury	RG14 1QS	Mr Stacey and Ms Goodsell	sincerely		No response	
27	Ms Joyce Lamb			5 Speen Lodge Court		Speen	Newbury	RG14 1QS	Ms Lamb	sincerely		No response	
28	Mr and Mrs K Astill and Ms Natalie Astill			6 Speen Lodge Court		Speen	Newbury	RG14 1QS	Mr and Mrs Astill and Ms Astill	sincerely		No response	
29	The Owner/Occupier			7 Speen Lodge Court		Speen	Newbury	RG14 1QS	Sir or Madam	faithfully		No response	
30	Mr A Gore and Ms Rackham			8 Speen Lodge Court		Speen	Newbury	RG14 1QS	Mr Gore and Ms Rackham	sincerely		No response	
31	Mr and Mrs D Rosier			9 Speen Lodge Court		Speen	Newbury	RG14 1QS	Mr and Mrs Rosier	sincerely		No response	
32	Mr J Holdsworth and Ms Woodward			10 Speen Lodge Court		Speen	Newbury	RG14 1QS	Mr Holdsworth and Ms Woodward	sincerely		No response	
33	Ms S Cushing			11 Speen Lodge Court		Speen	Newbury	RG14 1QS	Ms Cushing	sincerely		No response	
34	Ms A Curran			12 Speen Lodge Court		Speen	Newbury	RG14 1QS	Ms Curran	sincerely		No response	
35	Mrs H Frost and Mr N Frost			13 Speen Lodge Court		Speen	Newbury	RG14 1QS	Mrs Frost and Mr N Frost	sincerely		No response	
36	Mr and Mrs J Holden-Bell			14 Speen Lodge Court		Speen	Newbury	RG14 1QS	Mr and Mrs Holden-Bell	sincerely		No response	
37	Ms M Miles			15 Speen Lodge Court		Speen	Newbury	RG14 1QS	Ms Miles	sincerely		No response	
38	Mr and Mrs J Smyth			16 Speen Lodge Court		Speen	Newbury	RG14 1QS	Mr and Mrs Smyth	sincerely		No response	
39	Mr and Mrs K Sasitharan			17 Speen Lodge Court		Speen	Newbury	RG14 1QS	Mr and Mrs Sasitharan	sincerely		No response	
40	Ms J Jones			18 Speen Lodge Court		Speen	Newbury	RG14 1QS	Ms Jones	sincerely		No response	
41	Ms A Slater			19 Speen Lodge Court		Speen	Newbury	RG14 1QS	Ms Slater	sincerely		No response	
42	Mr and Mrs R James			20 Speen Lodge Court		Speen	Newbury	RG14 1QS	Mr and Mrs James	sincerely		No response	

SPEEN LODGE COURT GATING LETTERS 01/03/2010

No	Personal Name	Name	Address1	Address2	Address3	Parish	Town	Postcode	Salutation	Closing	Additional wording	Comments	DATE RECEIVED
43	Mr and Mrs S Forte		Bellevue	Speen Lane		Speen	Newbury	RG14 1RW	Mr and Mrs Forte	sincerely		A staunch supporter but feels that the release of keys to others may weaken the success of the scheme to keep out anti-social behaviour	09/03/2010
44	Mr and Mrs C Branch and Mr T Branch		Oakwood	Speen Lane		Speen	Newbury	RG14 1RW	Mr and Mrs Branch and Mr Branch	sincerely		Objects unless issue of key strictly limited to disabled people living in area who are inconvenienced by closed gate. Concerned that variation might lead to resumption of local disturbance and rowdy drunken behaviour and damage	27/03/2010
45	Ms Maisie Legge		Summerfold	Speen Lane		Speen	Newbury	RG14 1RW	Ms Legge	sincerely		No response	
46	Mr Graham Smith		The Mill House	114 Shaw Road			Newbury	RG14 1HR	Mr Smith	sincerely		No response	
47			Scottish and Southern Energy PLC	Arrowhead Road		Theale	Reading	RG7 4AH	Sirs	faithfully		No response	
48			BT Repayment Projects	pp203	Reading Central ATE	41 Minster Street	Reading	RG1 2JB	Sirs	faithfully		No response	
49	Ms Allison Mair		Scottish Gas Networks PLC	Plant Location	95 Kilbirnie Street		Glasgow	G5 8JD	Ms Mair	sincerely		No response	
50			Thames Water Utilities	Diversions Operations	The Business Centre	PO BOX 79	Brentford	TW8 0EE	Sirs	faithfully		No objections	30/03/2010
51	Mr N J Pike		Footpath Secretary - West Berks Group		2 Liguier Close		Hungerford	RG17 0BW	Mr Pike	sincerely		No response	
52			The Ramblers Association	2nd Floor	Camelford House	87-90 Albert Embankment	LONDON	SE1 7TW	Sirs	faithfully		No response	
53	Mr P Mason		West Berkshire Liaison Group on Disability	6 Elm Cottages	The White City	Woolton Hill	Newbury	RG20 9TH	Mr Mason	sincerely		No response	
54	Mr Patrick Hurt		CTC Representative	10 Newbury Road		Lambour	Hungerford	RG17 7LL	Mr Hurt	sincerely		No response	
55			Cyclists Touring Club	Parklands	Railton Road		Guildford	GU2 9JX	Sirs	faithfully		No response	
56		Bruce Lousley		Head of Highways and Transport	Technician - Records/Licences							No objections raised to the Proposal	04/03/2010
57		Newbury		Head of Planning and Trading Standards								No response	
58		Eastern		Head of Planning and Trading Standards								No response	
59	Mr Andrew Zoldan		Manager	Superintendent (Traffic)	Thames Valley Police	Traffic Management Unit	Bicester	OX26 2ZA	Mr Zoldan	sincerely		No objection	26/03/2010
60	Group Manager Hayward		Operations Support Department	Royal Berkshire Fire and Rescue Service	103 Dee Road	Tilehurst	Reading	RG30 4FS	Group Manager Hayward	faithfully		No response	
61	Ms Lynne Bartholomew			South Central Ambulance NHS Trust	Newbury Ambulance Station	Hawthorn Road	Newbury	RG14 1LD	Ms Bartholomew	sincerely		No response	

SPEEN LODGE COURT GATING LETTERS 01/03/2010

No	Personal Name	Name	Address1	Address2	Address3	Parish	Town	Postcode	Salutation	Closing	Additional wording	Comments	DATE RECEIVED
62	Mr Graham Hunt	Chief Executive	Newbury Town Council		Town Hall	Market Place	Newbury	RG14 5AA	Mr Hunt	sincerely		No response	
63	Mr Rob Trehwella	Delivery Office Manager	Royal Mail		Cheap Street		Newbury	RG14 5BS	Mr Trehwella	sincerely		No response	
64	Dr P Bryant			The Bumbles	Well Meadow	Shaw	Newbury	RG14 2DS	Councillor Bryant	sincerely		No response	
65	Mr Marcus Franks				42 Digby Road	Speen	Newbury	RG14 1TS	Councillor Franks	sincerely		No response	
66	Ms A Julia Ives		Clerk to Speen Parish Council		30 Westons	Beedon	Newbury	RG20 8SL	Ms Ives	sincerely		No objection - but not in favour	12/03/2010
67	Dr D L Hughes				20 Speen Lane		Newbury	RG14 1RW	Dr Hughes	sincerely		No response	
68	Mr and Mrs B Tindall				Cheriton Lodge	Speen Lane	Newbury	RG14 1RN	Mr and Mrs Tindall	sincerely		No response	
69	Mrs Jane Kieley		1 Lawrence Mead			Kinbury	Hungerford	RG17 9XT	Mrs Kieley	sincerely		No response	
70	Dr Ralf Irmer		Stable Cottage	Speen Lane		Speen	Newbury	RG14 1RJ	Dr Irmer	sincerely		No response	
71	Mr David Shepherd		Bugeildy	Jennetts Hill	Stanford Dingley		Reading	RG7 6JS	Mr Shepherd	sincerely		Only interest as Member of the West Berkshire Local Access Form. Roger Penfold to respond on behalf of its members.	
72	Mrs Kate Besley		Holmby	Speen Lane		Speen	Newbury	RG14 1RN	Mrs Besley	sincerely		No response	
73	Mr J Warren		24 Speen Hill Close			Speen	Newbury	RG14 1QR	Mr Warren	sincerely		No response	
74	Ms J Warren		11 Cavendish Court				NEWBURY	RG14 2RY	Mrs Warren	sincerely		No response	
75	Mr Graham Smith		114 Shaw Road				Newbury	RG14 1HR	Mr Smith	sincerely		No response	
76	Mr Neal Pike	Hon Footpath Secretary (East)		2 Liqueil Close			Hungerford	RG17 0BW	Mr Pike	sincerely		No response	
77	Mr and Mrs G Vince		38 Kipling close				Thatcham	RG18 3AY	Mr and Mrs Vince	sincerely		No response	
78	Dr Tony Vickers	Member for Northcroft Ward	62 Craven Road				Newbury	RG14 5NJ	Councillor Dr Vickers	sincerely		No response	
79	Mrs Susan Hopes		30 Speen Place			Speen	Newbury	RG14 1RX	Mrs Hopes	sincerely		No response	
80	Miss Kate Ashbrook	Open Spaces Society	General Secretary	25a Bell Street	Henley on Thames		Oxon	RG9 2BA	Miss Ashbrook	sincerely		No response	
81	Mr R Tolcher			10 Speen Lane			Newbury	RG14 1RW	Mr Tolcher	sincerely		No response on a personal level but see Speen Parish Council response	
82	Mr P Knight			40 Speen Lane			Newbury	RG14 1RN	Mr Knight	sincerely		No response	

SPEEN PARISH COUNCIL

Clerk: Ms A J Ives, 30 Westons, Beedon, Newbury RG20 8SL

27th March 2010

Mrs Alex O'Connor
Assistant Community Safety Manager
Safer Communities Partnership Team
West Berkshire Council
20 Mill Lane
Newbury
Berks RG14 5QU

Your Ref: MS/L13_1756

Dear Mrs O'Connor

**Re: Notice of Intention to Vary a Gating Order: Section 129A and 129F
Highways Act 1980 - Footway between Speen Lodge Court and Bath Road,
Newbury.**

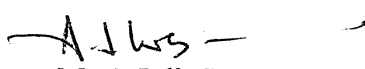
Thank you for your letter dated 23rd March 2010. This has been circulated to all Speen Parish Councillors as requested.

I can confirm that no motion to formally "object" to the proposed Variation was put to council at the meeting held on 8th March 2010. Therefore council is not objecting outright to the Variation.

However, as stated in the minutes, council is not in favour of the proposed Variation and has serious concerns about its implementation and the possible consequences. It is of the view that a Public Inquiry is not justified.

Since the current Gating Order came into operation there has been a very significant reduction in crime and anti-social behaviour in the area, much to the appreciation of the local community.

Yours sincerely


Ms A Julia Ives
Parish Clerk

Telephone: 01635 248411
e-mail: ajuliaives@btinternet.com

23 March 2010

Speen Parish Council
c/o Clerk to the Parish Council
Ms A J Ives
30 Westons
Beedon
Newbury
Berks
RG20 8SL

Safer Communities Partnership Team

20 Mill Lane
Newbury
Berkshire RG14 5QU

Our Ref: SLC Variation

Your Ref:

Please ask for: Alex O'Connor

Direct Line: 01635 264608

Fax:

e-mail: aoconnor@westberks.gov.uk

REF: MS/L13_1756

Dear Ms Ives

Re: Notice of Intention to vary a Gating Order: Section 129A and 129F Highways Act 1980 – Footway between Speen Lodge Court and Bath Road, Newbury.

Thank you for your letter dated 12 March, 2010 in which Speen Parish Council comments on the proposal to vary the current Gating Order in Speen Lodge Court to allow WBC some discretion in who can have access to the gate.

Your letter states some concerns over the variation but WBC is unsure as to whether Speen Parish Council is objecting outright. This is an important point. Under the regulations if WBC receives an objection from any of the following – Thames Valley Police, Royal Berkshire Fire and Rescue Service, NHS Trust or **any Council (including Parish Council) through whose area the relevant highway passes, the Council shall hold a public inquiry.** Therefore if WBC deems your letter to be an objection then a public inquiry will have to be held. At the present time I am not clear if the comments are an objection or if the Council is not in favour of the variation and is stating its concerns, there is a difference; or indeed if the implications of objecting are known. A public inquiry would be in respect of the variation to the Gating Order, although it is possible that an Inspector would look at the whole essence of the gating order at the time of the Public Inquiry.

I have read the Minutes from the Speen Parish Council meeting where this was discussed and at no time does the word 'object' appear and no resolution was made.

I would therefore ask that this letter be circulated to all members of Speen Parish Council for their comments and for the response to be put in writing to me as to whether or not Speen Parish Council is objecting to the variation of the Gating Order.

If you have any queries please do not hesitate to contact me.

Yours sincerely

Mrs Alex O'Connor
Asst Community Safety Manager

SPEEN PARISH COUNCIL

Clerk: Ms A J Ives, 30 Westons, Beedon, Newbury RG20 8SL

12th March 2010

Miss Michele Sherman
Legal & Electoral Services
West Berkshire Council
Council Offices
Market Place
Newbury
Berks. RG14 5LD

Your Ref: MS/L13_1756

Dear Miss Sherman

**re: Notice of Intention to Vary a Gating Order: Section 129A and 129F
Highways Act 1980 - Footway between Speen Lodge Court and Bath Road
Newbury**

Thank you for your letter dated March 1st 2010 re the above. This item was discussed by council at its meeting held on the 8th March 2010.

The current arrangements for the issue of keys to Speen Lodge Court residents only have worked extremely well. Crime and anti-social behaviour has been significantly reduced both in the Close itself and in the adjoining area. The residents' quality of life has been improved. Council is of the view that the issue of keys to householders living outside the Close will cause problems which could threaten the viability of the scheme and undo all the good work carried out over the last few years. It is reassuring that it is proposed to continue with the Order.

With regard to more detailed points in your letter we would make the following comments:-

- 1 Anyone making a case for a key should be "registered disabled".
- 2 Applicants should be required to demonstrate a "need" for a key not that he/she would "like" to have a key.
- 3 There is currently no discrimination against disabled persons and the 1995 Disability Discrimination Act is not considered to be relevant.
- 4 The Human Rights Act 1998 is not considered to be relevant.
- 5 If a key is granted to a disabled person there could be a claim that the gate and its current locking arrangements are not suitable for use by a disabled person.

*Telephone: 01635 248411
e-mail: ajuliaives@btinternet.com*


6 The membership of the proposed Gating Order Panel is not specified. One assumes that a member with local knowledge (Parish Councillor?) would be included.

7 No examples are given of the "exceptional circumstances" under which a key may be granted.

8 In para 3 of your letter the word "access" should read "assess".

Speen Parish Council considers that there is no good reason to vary the existing arrangements.

Yours faithfully



Ms A Julia Ives
Speen Parish Clerk