

REGENERATION, COMMUNITY AND CULTURE OVERVIEW AND SCRUTINY COMMITTEE

6 AUGUST 2015

ALLEY GATING SCHEME FOWEY CLOSE

Report from: Richard Hicks, Acting Director, Regeneration,
Community and Culture

Author: Andy McGrath, Assistant Director Frontline Services

Summary

This report provides an update on a request to add more restrictive gates to paths leading to a grassed area at the rear of Fowey Close

1. Budget and Policy Framework

1.1 Decisions made in relation to this scheme can be made by Council Officers under delegated powers.

2. Background

2.1 A petition was received by Medway Council in February 2015. The petition requested kissing gates to be installed on two separate alleyways leading to a rough grassed area adjacent to woodland at the rear of Fowey Close. The request was based upon anti social behaviour and nuisance motorcycles. The response from the Council was that it would not add to the existing barriers as this might restrict access too far. As a result, the Lead Petitioner presented the petition to Committee on 7 April 2015.

2.2 At that meeting, the Assistant Director for Frontline Services offered a site visit to resolve the issues, if possible. That was accepted by the lead petitioner. The meeting took place on the afternoon of 27 April 2015 with the lead petitioner. The site was already protected by two metal barriers fitted across the two footpath access routes to the grass. The grass itself is coarse and the soil underneath very uneven. Access to the land is a public right of way, however, the land is privately owned.

2.3 Land searches on the site have revealed two owners, one being a property development company, the other a charity. Approaches have been made to both organisations to seek their views on further restricted access to the site.

2.4 The Council have a duty under section 17 of the Crime and Disorder Act 1998 to take into account the reduction of crime and anti social behaviour in its decisions.

3. Options

- 3.1 The options for the Council are either;
- to leave the access provisions as they are or;
 - to restrict access.
- 3.2 It is fair to say that there are not landscaping or gating solutions that would allow full access to the public but that would restrict access by motorcycle.

4. Advice and analysis

- 4.1 It would be inappropriate to offer a view on the solution until the views of residents and both land owners have been obtained, including any information that suggests restricting access is discriminatory.
- 4.2 Medway Council has a duty under section 149 of the Equalities Act 2010 which says that in the exercise of its functions, we must have due regard to eliminate discrimination. This combined with decisions of the Courts has indicated that we should carry out a lawful consultation before we make a decision on this type of scheme as it would limit access.
- 4.3 As a result, a consultation exercise with local residents has been started which seeks both to obtain their views on further restricting access, what they access the area for and if more robust gating would restrict their access.
- 4.4 A Diversity Impact Assessment has been drafted.

5. Risk management

Risk management Risk	Description	Action to avoid or mitigate risk	Risk rating
Contravention of the Equalities Act 2010	By restricting access we could discriminate against sections of the community.	Lawful consultation, documented consideration of other options. Accepting the natural non-accessibility of the area	Low

6. Financial implications

- 6.1 The cost of the scheme is less than £3000 and is available from existing revenue budgets.

7. Legal implications

- 7.1 The duty under the Equalities Act 2010 has been outlined above together with the planned steps to meet it.

8. Recommendations

- 8.1 The Committee asks officers to continue the assessment of the scheme taking into account the results of consultation with residents and land owners.

Appendices

None

Lead officer contact

Andy McGrath, Assistant Director Frontline Services, Gun Wharf, 01634 333163,
andy.mcgrath@medway.gov.uk

Background Papers

Petition received by Medway Council in February 2015