

BRISTOL CITY COUNCIL

**MINUTES OF THE MEETING OF THE
PUBLIC RIGHTS OF WAY AND GREENS COMMITTEE
HELD ON 27TH OCTOBER 2008 AT 2.00 PM.**

- P Councillor Quartley (in the Chair)
- A Councillor Brown
- P Councillor Cole
- P Councillor Crew
- P Councillor Daniels
- P Councillor Kitson (substituting for Councillor Brown).
- P Councillor Jackson
- A Councillor Main

**PROWG
14.10/08 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies had been received from Councillor Peter Main.
Councillor Kitson substituted for Councillor Brown.

**PROWG
15.10/08 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**PROWG
16.10/08 MINUTES – PUBLIC RIGHTS OF WAY AND GREENS
COMMITTEE – 21ST JULY 2008**

**RESOLVED - that the minutes of the meeting of
the Public Rights of Way and
Greens Committee held on 21st July
2008 be confirmed as a correct
record and signed by the Chair.**

**PROWG
17.10/08 PUBLIC PARTICIPATION - STATEMENTS AND
PETITIONS**

Agenda Item No.	Title	Name
6.	Draft Gating Order Policy	Peter Gould

PROWG

18.10/08 DRAFT RIGHTS OF WAY PUBLIC PATH ORDER POLICY

The Committee considered a report of the Director of City Development (Agenda Item No. 5) advising on the draft Public Path Order policy and requesting views and suggestions on its content, prior to approval at a later date.

The representative of the Director of City Development introduced the report and informed the Committee that;

- The draft Policy had arisen as a result of the Joint Rights of Way Improvement Plan.
- Cabinet had agreed the resources required to implement the Policy in March 2008. The draft Policy had been approved by Officers in August 2008.
- Any comments about the draft Policy should be submitted by February 2009, directly to the report author.

RESOLVED - that the report be noted.

PROWG

19.10/08 DRAFT GATING ORDER POLICY

The Committee considered a joint report of the Director of City Development and Director of Neighbourhoods (Agenda Item No. 6) advising of the draft Gating Order Policy, Procedure and Practice document and requesting views and suggestions on its content, prior to final approval by the Executive Member for Sustainable Development.

The representative of the Director of City Development introduced the report. Below is a summary of the salient points;

- The City Council was ordinarily obliged to take action in the event that a Right of Way or Highway was blocked. However, the proposed Gating

Policy would give the City Council powers to close a route if anti-social behaviour was sufficiently problematic, and clearly attributable to the relevant route.

- The draft Gating Policy was intended to help overcome crime and anti-social behaviour, but would only be used in extreme cases. Alternatives, such as CCTV and lighting, should be tried in the first instance.
- The City Council would closely follow a number of set procedures, including statutory consultations, in order to restrict access to a route. The emergency services may object to a proposed gating scheme.
- Gated routes would be reviewed, probably annually, so that if the anti-social behaviour ceased, the route would be re-opened.
- Some footpaths were not generally used by members of the public, so it was more straightforward to gate these locations. When a footpath was gated, the public's right of way was removed.
- The cost of installing gating, including the legal fees, would be primarily met by the applicants. It was hoped that residents would have more ownership of a scheme if they had paid for it themselves. Funds for those with limited means may be available from Avon and Somerset Constabulary.
- It had not yet been established who would be responsible for the cost of maintaining the gates, but the City Council would be reluctant to bear the cost, particularly as the gates may be subject to vandalism.
- A 'Step-by-Step Guide to Gating Problem Alleys: Section 2 of the Clean Neighbourhoods and Environment Act 2005' had been produced by the Government and could be found at the following link; www.respect.gov.uk.
- Any comments on the policy should be sent to the report author, by the end 30th November 2008.

In response to questions asked by Members, the representative of the Director of City Development informed the Committee that;

- Prior to gating a route, the City Council would need to consider the availability and convenience of alternative routes. The number of people that used a route, multiplied by the distance travelled, was a useful measure.
- Whilst it was possible for gates to only be closed at night time, this would need to be facilitated by a willing volunteer or funded by the City Council.
- There were a number of potential implications if the City Council failed to open/close a gate at the agreed times. For example, someone could get shut in accidentally or houses could get burgled.
- The potential for using timed locks, that automatically locked/unlocked gates at a specified time, would be looked into.
- Whilst the amount of gating scheme funding that was available from Avon & Somerset Constabulary was very limited, some applications had been successful.
- The relevant Executive Member would decide whether any gating scheme funding would be provided by the City Council. Should this be approved, the funds would be administered by a suitable department, such as Safer Bristol.
- In some circumstances, local residents may wish to conduct fund raising to pay for a gating scheme. It was possible that other departments of the City Council, such as Parks, may be willing to make a contribution.
- The responsibility for gathering evidence to support a gating application would lie with the applicant.
- If utilities equipment needed to be relocated in order to install gates, the cost would be significantly higher.
- When local residents were consulted regarding the proposed gating of a route, this would be facilitated by Avon & Somerset Constabulary, or Safer Bristol. Relevant stakeholders, such as the Ramblers' Association and ward Members, would be included.
- It was unlikely that a proposed gating scheme would be supported by 100% of local residents, but the scheme could proceed if 90% were in favour.
- Whilst some gating schemes had already been

installed in the City, they had been on privately owned land.

- The nature of the Policy meant that problems with anti-social behaviour would be dealt with on a reactive, rather than proactive basis.
- The amendments to the draft Policy that had been suggested by the Public Rights of Way Liaison Group had been noted.

RESOLVED - that the report be noted.

**PROWG
20.10/08**

UPDATE REPORT

The Committee considered a joint report of the Director of City Development and Director of Central Resources (Head of Legal Services) (Agenda Item No. 7) noting the present position with regard to Wildlife and Countryside Act applications; town or village green applications; public inquiries and miscellaneous rights of way orders, agreements and legal proceedings.

Members were informed of the following;

- Item 3, Avonmouth - Wessex Water had commenced work at the site on 20th October 2008.
- Item 4, Friary Road, Bishopston - The Inspector had recently ruled that the Order should be confirmed, without modification.

RESOLVED - that the report be noted.

**PROWG
21.10/08**

DATE OF THE NEXT MEETING

RESOLVED - that the next meeting of the Public Rights of Way and Greens Committee be held at 2.00pm on Monday 19th January 2009.

(The meeting ended at 2.55pm)

CHAIR