



JLAF Position Statement on Gating Orders.

Joint Local Access Forum (JLAF) for Bath & North East Somerset, Bristol City and South Gloucestershire

Position Statement on Gating Orders. The wording below was ratified by the JLAF at their meeting on the 3rd July 2009.

This constitutes formal advice from the Joint Local Access Forum (JLAF) for Bath & North East Somerset, Bristol City and South Gloucestershire.

Bath & North East Somerset, Bristol City and South Gloucestershire Councils are required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.

The Highways Act 1980 (Gating Orders) (England) Regulations 2006 – Duty of Councils to Consult

The above Regulations set out the duty of Councils to notify the Local Access Forum, among others, of the intention to make a gating order under Section 129A of the Act thus:

3. *Before making a gating order under section 129A of the Act, a council shall -*
 - (a) *cause to be published on its website and in a newspaper circulating in its area a notice -*
 - (i) *identifying specifically or by description the relevant highway;*
 - (ii) *setting out the general effect of a gating order being made;*
 - (iii) *identifying the alternative routes which would be made available to pedestrians and vehicular traffic if the proposed order were to be made;*
 - (iv) *setting out a draft of the proposed order; and*
 - (v) *inviting written representations, within such period as is specified in the notice, being not less than 28 days, as to whether or not a gating order should be made.*
4. *Copies of the notice referred to in regulation 3(a) shall be given by the council to -*
 - (f) any local access forum through whose area the relevant highway passes.**

The JLAF is keen to make the consultation as meaningful as possible and to avoid any undue delays. To make this possible the following information would be required in addition to the bare details of the notification: (Please note that currently we meet three times a year in early March, July and November.)

- 1) A copy, or website address, of the Council's policy regarding gating orders including the arrangements for annual review.
- 2) What crime and/or anti-social behaviour the gating is designed to address.

- 3) What evidence there is regarding the level of such crime or the fear of such crime?
- 4) How the gating will affect a decrease in crime/anti-social behaviour taking into account the possibility of displacement of crime, or evasion of the gate(s).
- 5) What other means have been tried to reduce crime or the fear of crime and whether gating is a last resort.
- 6) Whether the gating is the minimum necessary to deal with the problem e.g. have consideration been given to restricted hours, or access to pedestrians, cyclists and others where a vehicular nuisance is being addressed.
- 6) What the impact will be on local residents and users not directly benefitting from the gating.
- 7) What level of objection has been expressed or is anticipated from those not directly benefitting from the gating.
- 8) Whether it is anticipated that further gating orders will be made locally.
- 9) The position and design of the gate(s)/barrier(s) to be used and an assessment of the visual impact taking into account the urban or rural landscape.
- 10) What are the installation, maintenance and annual review costs and the cost of removal should this become appropriate.
- 11) How the costs are to be met particularly the proportion from local residents, and from which Council budget.
- 12) If the Procedure is not being led by the Public Rights of Way Department whether that Department has been consulted and whether they are in favour.