

**Meeting:** **SEFTON EAST PARISHES AREA COMMITTEE**

**Date of Meeting:** **18th MARCH 2010**

**Title of Report:** **PROVISION OF ALLEYGATE – A PASSAGEWAY  
LEADING FROM ALT AVENUE, MAGHULL**

**Report of:**

Andy Wallis  
Director of Planning and Economic  
Regeneration

**Contact Officer:**

Brian Mason (Highways Development  
Control) 934 4175

This report contains	Yes	No
<b>CONFIDENTIAL</b> Information/		√
<b>EXEMPT</b> information by virtue of paragraph(s).....of Part 1 of Schedule 12A to the Local Government Act, 1972 (If information <u>is</u> marked exempt, the Public Interest Test must be applied and favour the exclusion of the information from the press and public).		√
Is the decision on this report <b>DELEGATED?</b>	√	

**Purpose of Report**

To obtain approval to proceed with a Gating Order following requests from the Neighbourhoods Division for the area identified in the report and as shown upon the attached plan.

**Recommendation(s)**

It is recommended that:-

- (1) The Director of Planning and Economic Regeneration in conjunction with the Legal Director be authorised to:-
  - (a) Process a Gating Order application pursuant to s129a of the Highways Act 1980 by advertising the Council's intention to install a gate to the effect of which would be to restrict access to the passageway as highlighted in the report and shown on the attached plan numbered DC0567.
  - (b) Subject to there being no objections during the statutory advertising period, the Legal Services Director be authorised to confirm the respective Order. Where an objection is raised, a report will be prepared to the Area Committee, unless the objection is raised by the

Emergency Services in which case, the matter would be referred to a Public Inquiry.

### **Corporate Objective Monitoring**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1.	Creating a Learning Community		√	
2.	Creating Safe Communities	√		
3.	Jobs and Prosperity		√	
4.	Improving Health and Well-Being	√		
5.	Environmental Sustainability		√	
6.	Creating Inclusive Communities		√	
7.	Improving the Quality of Council Services and Strengthening local Democracy	√		
8.	Children and Young People		√	

### **Financial Implications**

	<b>2009/ 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>
<b><u>CAPITAL EXPENDITURE</u></b>				
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by: Neighbourhoods	1000			
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? No	When?			
How will the service be funded post expiry?				

### **Departments consulted in the preparation of this Report**

Planning and Economic Regeneration, and Legal Services.

### **List of background papers relied upon in the preparation of this Report**

None

#### **1.0 BACKGROUND**

- 1.1 A passageway leading from Alt Avenue, Magull has been highlighted for alleygating as shown upon the attached plan. Numbered DC0567. Funding has been allocated from the Neighbourhoods Division to alleygate those areas which would most benefit from the scheme to reduce incidents of anti – social behaviour within the communities.
- 1.2 The application has been assessed to determine if it meets the essential criteria and the Director of Planning and Economic Regeneration is now satisfied that the application should be processed in accordance with s129a-g of the Highways Act 1980, particularly as the general public are provided with a reasonable suitable alternative.
- 1.3 It is therefore considered that the support for the Order is sufficient to justify its introduction and the making of the Order will be of benefit to the residents and the environment.
- 1.4 Any objections raised during the statutory advertising period will be submitted to the Area Committee, in due course.
- 1.5 Under Section 129A of the Highways Act 1980, a person desiring a highway to be gated may request the Highway Authority (in this case the Council) to make a Gating Order in respect that the highway is facilitating high and persistent levels of crime and anti-social behaviour which adversely affects local residents.
- 1.6 The Council must give 28 days notice of making the Order specifically to adjoining owners/occupiers and statutory undertakers and in addition must publish notices on the Council website, in a local newspaper and also display a site notice.
- 1.7 Any person who receives the notice referred to above, or uses the highway or who would be aggrieved by the gating, has a right to be heard. Under the Councils present constitution, this consideration will be carried out by the Area Committee. The Council can determine the continuation of the Gating Order, even if objections are made and it is in the best interests of the local community to do so.
- 1.8 If the Order is confirmed the passageway will be maintained as a public highway, however its effect is to end the right of the public to use it as a highway until such a time that the Order is revoked.

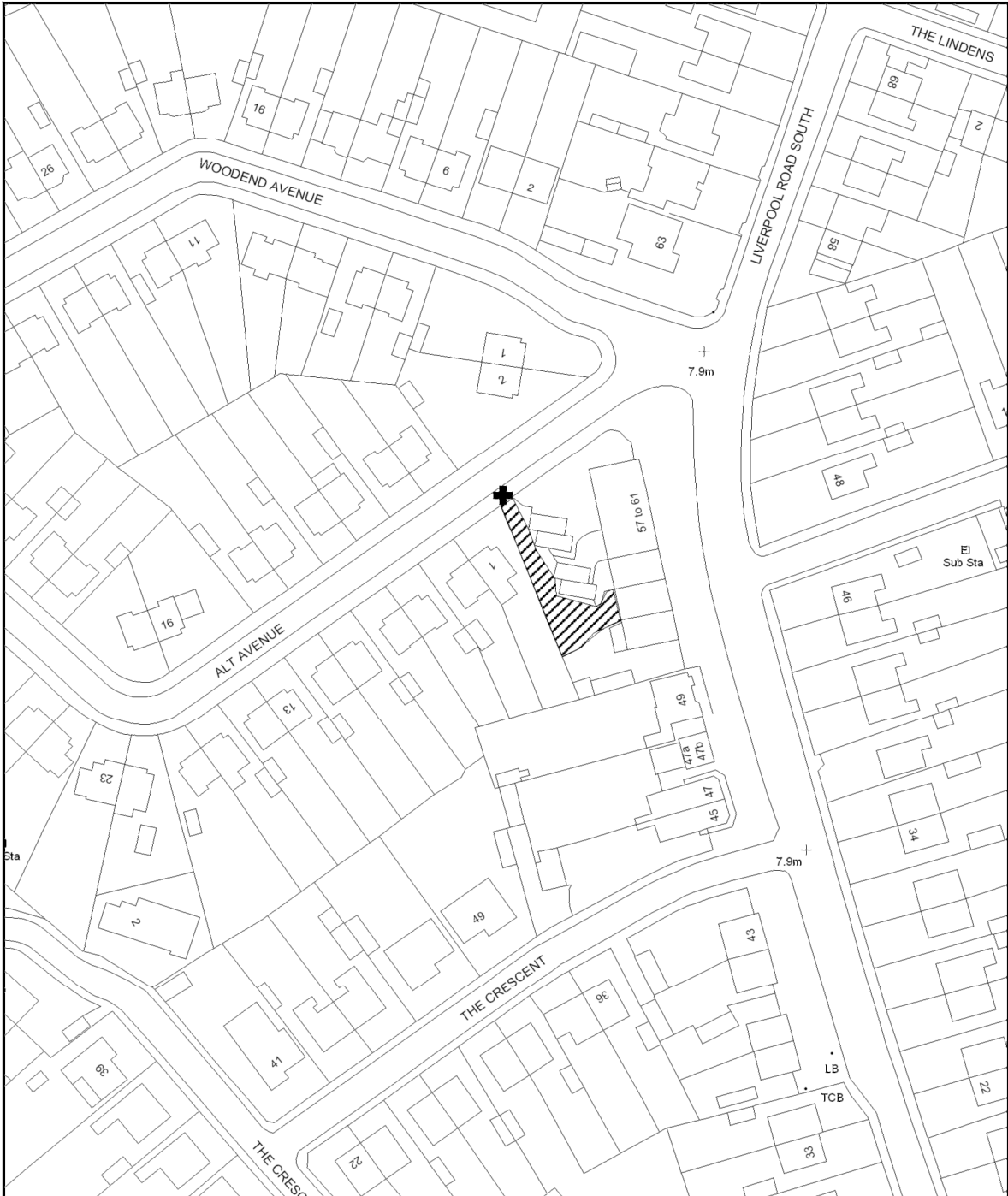
## **2.0 Conclusion**

- 2.1 An application has been received from the Neighbourhoods Division for the gating a passageway leading from Alt Avenue, Magull, as shown upon the attached plan. The Director of Planning and Economic Regeneration is satisfied that the application meets the strict criteria and as such, can be processed under s129a-g of the Highways Act 1980. Subject to there being

no objections being raised during the statutory advertising period, the Legal Director will confirm the Order however, if any objections are raised, a report will be prepared to the Area Committee for consideration.

- 2.2. The cost of processing the application including the gate will be funded by the applicant.

**ANDY WALLIS**  
**Director of Planning and Economic Regeneration**



SEFTON M.B.C.



Gating Order Location Plan

Passageway leading from Alt Avenue, Maghull

