

## **4.7 POLICY STATEMENT: CRIME RELATED ISSUES**

### **4.7.1 Introduction**

The Crime and Disorder Act 1998 (Section 17) required local authorities to consider the impact that their services have on crime and disorder. Preventing crime and disorder should be a core part of the Local Authority's business and be integrated or mainstreamed in to all services, policies, administration, financial planning and decision-making wherever appropriate.

Since 2003 over 116 requests for closure of public rights of way for crime related reasons have been received by the Countryside and Rights of Way Service.

The Countryside and Rights of Way Act 2000 gave highway authorities a power to consider the closure of public rights of way, if it could be shown that there is a clear relationship between the existence of the right of way and high local crime levels.

The use of this power needs to be balanced against the duty to assert and protect public rights of way.

The Act requires that, before such closures can take place, the area around the path must be a designated crime area – which requires an application to Secretary of State. A number of local authorities have made such applications, including Bradford, and have successfully designated crime areas. In Bradford a part of Little Horton former Priority Policing Area

was designated and one path has been extinguished for reasons of high crime.

As part of the considerations, the Act requires the local authority to show that options, other than closure, have at least, been considered. Therefore, the CROW Act powers are the **last** resort in a hierarchical series of possible actions and considerations in response to reports of criminal or anti-social activity associated with a public right of way;

- 1) No action needed / possible.
- 2) Police / Anti-Social Behaviour Team Involvement / Environmental Improvements (e.g. better lighting)
- 3) Suitability of Gating Order (public rights retained, path can be opened at certain times of day/order revoked when problem abated).
- 4) CROW Act closure in designated areas – permanent deletion of Public Right of Way.

#### **4.7.2 What we do now**

One officer in the CROW team has responsibility, as part of their overall role, to deal with such requests. Each request is recorded, including details of location and, crucially, evidence of crime. An indication is also recorded of factors, such as availability of a reasonable alternative route, strength of local support for the closure and whether it would be actually possible to physically close the route on the ground. These records assist in assessment of the position of the request in relation to the hierarchy of options for action.

When reports of misuse of a public path are received landowners are advised to keep a record of incidents and report them to the police on a regular basis.

Implementation of the crime closure power is complex and the Council has only closed one path using this power. There are two main issues:

- Gathering the crime statistics and evidence which shows a clear link between the existence of the path and high crime levels.
- Lack of clarity about funding of closures.

In 2006, the Council allocated a one-off budget of £100,000 to fund “alleygating” schemes. This was targeted at routes that had private access only. Routes that required a legal order to close were not considered for this funding.

Recent changes to legislation, contained within the Clean Neighbourhoods and Environment Act 2005, allow for closure of public rights of way using Gating Orders. This would make temporary closures (such as during night-time) a possibility and would not require the designation of crime areas. The Council has made two gating orders, covering five routes, to date.

The Council also employs a number of Anti-Social Behaviour officers. Many requests for path closure appear to be as a result of anti-social behaviour rather than more serious crime. Approaches from the Anti-Social Behaviour Team could help resolve some of these issues.

#### **4.7.3 What the consultations have shown us**

Only one specific comment was made during the ROWIP consultations relating to the use of the crime closure power. This was a plea to make easier the extinguishment of rights of way in urban settings, when they are a source of crime and harassment for people living alongside them.

Other discussions about this have taken place in the Bradford Rights of Way Forum and the West Yorkshire Pennine Local Access Forum. The general tone of these discussions has been that forum members urge the Council to be very

circumspect in its use of this power and consider options such as improving routes first rather than resorting to closures.

#### **4.7.4 Improvements for Action Plan**

- Where appropriate seek environmental improvements or Anti-social Behaviour Team involvement before considering restriction of public rights.
- In view of the time consuming nature of the CROW Act powers, high level of proof of crime needed, and the alternative approaches available, we do not propose to apply for designation of any further crime areas, unless the current register of requests includes a strong case for doing so and other alternatives have been considered.
- If a legal order is necessary, the CROW Service will concentrate on applying the powers to remove the public rights only. It is unlikely that CROW Service resources will be available to carry out detailed research of crime statistics or arrange the physical closure of a route.

