

NOTTINGHAM CITY COUNCIL
HIGHWAYS ACT 1980 – GATING ORDER

NOTTINGHAM CITY COUNCIL (NESTON DRIVE, CINDERHILL,
NOTTINGHAM) GATING ORDER 2009 (GO 5006)

The Nottingham City Council in exercise of its power under section 129A of the Highways Act 1980 ("the Act") and being satisfied that the conditions set out in section 129A(3) of the Act have been met hereby makes the following order:-

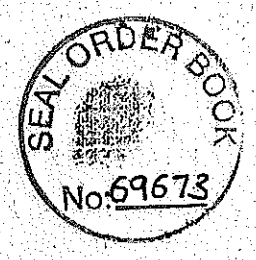
1. This order shall come into force for all purposes on the 24th day of April 2009 and may be cited as "Nottingham City Council (Neston Drive, Cinderhill, Nottingham) Gating Order 2009".
2. Save as provided in paragraph 4 below, no person shall proceed on foot, pedal cycle, horse or in vehicle or cause any animal to proceed in the public right of way over the highway described in Schedule 1 hereof ("the Highway") shown by the solid black line between points (A) and (B) on the Map attached to this Order ("the Order Map") during the times specified in Schedule 2 hereof.
3. A barrier or barriers may be installed for the purpose of enforcing the restrictions provided for in this order and the contact details of the persons who are respectively responsible for maintaining and operating the barriers are given at Schedules 3 and 4 hereof.
4. Nothing in paragraph 2 shall apply to the following:-
 - (a) The personnel of the Ambulance/National Health Services, Fire and Rescue Services or Police Authority proceeding in the Highway;
 - (b) Occupiers of premises and the invitees and licensees of occupiers of premises adjoining or adjacent to the Highway who require access to or egress from such premises;
 - (c) Persons carrying out any of the following operations if the vehicle being used in relation to such operations cannot be conveniently used for such purpose in any other highway:
 - (i) building, industrial or demolition;
 - (ii) the inspection, maintenance, improvement or repair of the Highway;
 - (iii) persons carrying out any works for the laying, erection, alteration or repair of any sewer, main, pipe or apparatus in, on, under or adjacent to the Highway in connection with the supply of gas, water, electricity or electronic communications as defined in Schedule 3 of the Communications Act 2003.

T.F./NH

- (d) The service for the collection of refuse or other items from premises adjacent to or adjoining the Highway.
- 5. The alternative route which is available for use to pedestrians during the hours of operation of this Gating Order is described in Schedule 5 hereof and shown by the dashed black line between points (A) and (B) on the Order Map.

GIVEN UNDER }
THE COMMON SEAL of }
NOTTINGHAM CITY COUNCIL }
this 22nd day of April 2009 }


AUTHORISED SIGNATORY



AREA Two Committee (Basford and Bestwood Wards)
28th January 2009
Minute Number 46a

NOTTINGHAM CITY COUNCIL
HIGHWAYS ACT 1980 – GATING ORDER

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SCHEDULE 1

THE HIGHWAY

Is the section of footpath running between point (A) Sk5423 4397 and point (B) Sk5423 4392 comprising a total distance of 70 metres.

SCHEDULE 2

HOURS OF OPERATION

All times on all days

SCHEDULE 3

MAINTENANCE OF BARRIER(S)

The Team Leader of the Highways Maintenance Section of Nottingham City Council at Humber Building, East Croft Depot, London Road Nottingham, NG1 5NT telephone number 0115 9152100

SCHEDULE 4

OPERATION OF BARRIER(S)

The Director of Community Protection of Nottingham City Council at Central Police Station, North Church Street, Nottingham, NG2 3AH telephone number 0115 9670999 extension 5514 or 5517.

SCHEDULE 5

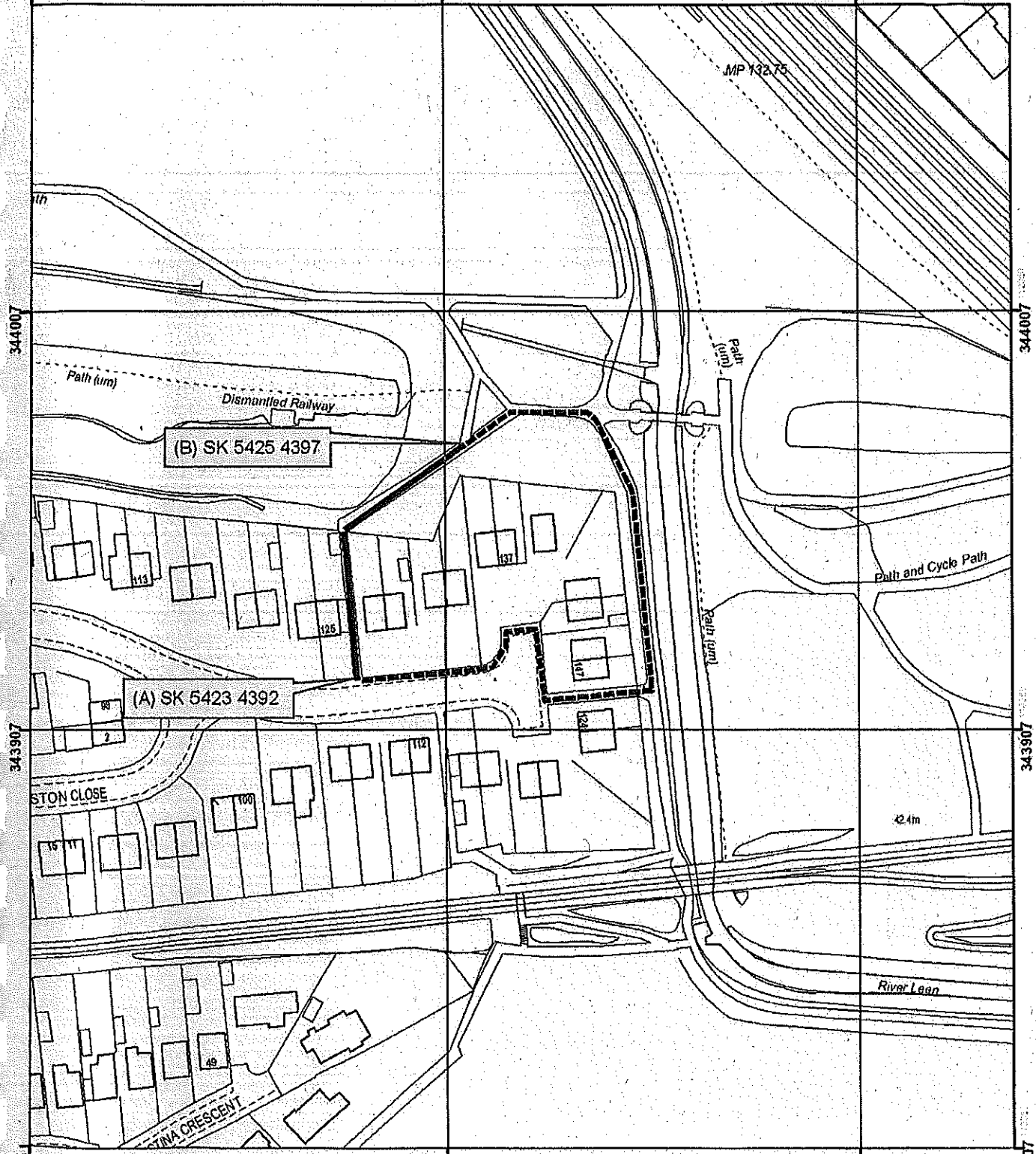
ALTERNATIVE ROUTE

Will be from point (A) continue east along Neston Drive then east along the footpath adjacent to 124 and 147 Neston Drive, turn left and continue north for a distance of 68 metres to a point adjacent to the footbridge across the River Leen then turn left and continue west for a distance of 13 metres to point (B) comprising a total distance of 190 metres as shown on the Order Map by a dashed black line.

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Nottingham City Council (Neston Drive, Cinderhill, Nottingham) Gating Order 2009 (GO5006)

Legend

-  path subject of gating order
-  alternative route

Map produced on
3 March 2009
Map produced by
John Lee
Traffic Management



Environment and Regeneration

Scale 1:1,250

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Nottingham City Council 100018317 2009.

My Ref: TM/ROW/GO5006
Your Ref:
Contact: Tina Furlong
Direct Line: 0115 9156580
E-Mail: tina.furlong@nottinghamcity.gov.uk
Date: 04 March 2009



Nottingham
City Council

Environment and Regeneration
Traffic, Safety and Parking
Lawrence House
Talbot Street
Nottingham
NG1 5NT

Mrs Lynn Stevenson
125 Neston Drive
Cinderhill
Nottingham
NG6 8QY

Tel: 0115 915 6580
Fax: 0115 915 6591

Dear Mrs Stevenson

Proposed Gating Order for Neston Drive

At their meeting on the 28th January 2009 the Council's Area Two Committee (Basford and Bestwood Wards) considered the request for a gating order for the footpath between 125 and 127 Neston Drive. To approve a request for a gating order the Committee must be satisfied that the statutory criteria for making an order contained within Section 129A(3) of the Highways Act 1980 has been met. Therefore, evidence collected by the Council must demonstrate that;

1. premises adjoining or adjacent to the footpath are affected by crime or antisocial behaviour;
2. the existence of the footpath is facilitating the persistent commission of criminal offences or antisocial behaviour; and
3. the gating order will actually help reduce crime or antisocial behaviour in the locality;

The Council must also consider:-

4. the likely effect of the order on premises adjoining or adjacent to the footpath and other persons in the locality; and
5. the availability of an alternative route should the footpath be gated.

The evidence and other information provided by the residents, police and the Crime Disorder Partnership demonstrate that the statutory criteria has been satisfied and Area Committee therefore resolved that the request be approved. It is anticipated that the proposed gating order will be published during March 2009 and if no objections are received the gates will be erected during June 2009. If any objections are received the objections will be referred back to Area Committee for their decision on how they wish to proceed in light of those objections. Please refer to page 7 of the enclosed guidance notes regarding the statutory consultation and what happens if objections are made against the order.

Also at their meeting, Committee discussed the importance of the three footpaths in this area for accessing the tram and cycle network and the possibility of displacement of crime and/or antisocial behaviour after the gating order between 125 and 127 is implemented. It was agreed that the proposed order should be progressed and the affects of it closely monitored over the next twelve months and any displacement addressed by either revoking or modifying the order as necessary.

<http://open.nottinghamcity.gov.uk/comm/download3.asp?dltype=inline&filename=36925/090128.doc>

AREA TWO COMMITTEE (BASFORD AND BESTWOOD WARDS)

MINUTES

of meeting held on 28 JANUARY 2009 at the

46 REQUESTS FOR FOOTPATH GATING ORDERS

(a) Neston Drive, Cinderhill

The report provided information to enable the Committee to consider whether to authorise the making of a gating order to restrict public access along a footpath adjacent to 125 and 127 Neston Drive, Cinderhill, to reduce crime and anti-social behaviour.

The following comments were made by members:

- the length of alternative routes should be taken into account when considering gating orders;
- a number of anti-social behaviour complaints had been received within the Neston Drive area;
- monitoring of displacement activity should be ongoing.

RESOLVED

- (1) that the making of a full time gating order to restrict public access along the footpath adjacent to 125 and 127 Neston Drive, Cinderhill to reduce crime and anti-social behaviour, be authorised;
- (2) that the decision by the Executive Board to allow an Area Committee to authorise more than one gating order per financial year as set out at paragraphs 3.3 to 3.5 of the report be noted.

(b) Between Bagnall Road and Greenwich Avenue, Basford

The report provided information to enable the Committee to consider whether to authorise the making of a gating order to restrict public access along a footpath which ran between 124 and 126 Bagnall Road and 20 and 21 Greenwich Avenue, Basford, to reduce crime and anti-social behaviour.

The following comments were made by members and community representatives:

- a petition had been submitted to Full Council to request that this order be made;
- incidents that had been reported to the police had not been reported by residents who lived on Greenwich Avenue or Bagnall Road;

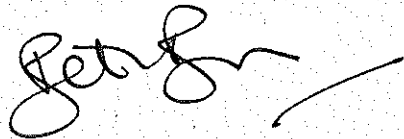
NOTTINGHAM CITY COUNCIL (NESTON DRIVE, CINDERHILL, NOTTINGHAM)
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(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, CHAPTER 2
SECTION 59 – 75)

Pursuant to section 60(2) of the Anti-social Behaviour, Crime and Policing Act 2014 the period that the Nottingham City Council (Neston Drive, Cinderhill, Nottingham) Gating Order 2009 has effect has been extended. This extension was approved by Sherwood, Berridge and Basford Area Committee on 30 September 2020. This Order will now expire on 18 October 2023.

Dated this 9 day of October 2020

Signed:

A handwritten signature in black ink, appearing to be 'George', written over a horizontal line.

Authorised Signatory

NOTTINGHAM CITY COUNCIL (NESTON DRIVE, CINDERHILL, NOTTINGHAM) GATING ORDER 2009(GO 5006)

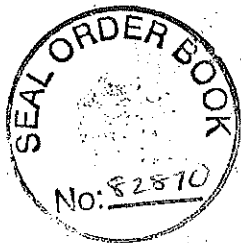
(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, CHAPTER 2 SECTION 59-75)

Pursuant to section 60(2) of the Anti-social Behaviour, Crime and Policing Act 2014 the period that the Nottingham City Council (Neston Drive, Cinderhill, Nottingham) Gating Order 2009 has effect has been extended. This extension was approved by the Portfolio Holder for Neighbourhoods, Safety and Inclusion on 16 October 2023. This Order will now expire on 17 October 2026.

Dated this SEVENTEENTH day of OCTOBER 2023

This Deed is given under the
Common Seal of Nottingham
City Council:

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A handwritten signature in black ink, appearing to read "Malcolm R Townroe".

Malcolm R Townroe - Director of Legal & Governance

Beth Brown - Head of Legal & Governance

