



A guide
to installing
alley gates on
private or public
alley ways

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Background to alley gates

The borough of Wigan is the largest in the Greater Manchester conurbation, with an area of 77 square miles and a population of over 305,000. There are 10 townships based around the larger towns of Wigan and Leigh and there are thousands of alley ways across the borough. The majority of these are adopted by the council and are public highways.

The council's Alley Gating Team prioritise the areas to be gated. These are alley ways that are suffering from the highest rates of crime, anti-social behaviour, fly-tipping and fires and they do this in a coordinated and systematic method. This means that time scales for installing gates can be a long process.

Partners and Communities Together (PACT) have a rolling programme of community engagement through a consultation process. The purpose of consultation is to identify what the key issues or concerns are for local communities at a local level. This information will provide the PACT Co-ordinator with the opportunity to identify the top three priorities raised by three or more respondents and will be included in the PACT action plan. A problem solving approach will be undertaken to find an appropriate solution to the concerns raised. This may include exploring various partnership ideas to design out crime and may include alley gates. No gating scheme pursued by this route

will be undertaken without the prior knowledge and involvement of local elected members.

Alley ways, ginnels, backways, snickets, passages, paths and walk ways, whatever name you use for the narrow walkways behind houses, putting a gate in has proved to be a very successful way of preventing burglary, anti-social behaviour, fly-tipping, dog fouling and small fires.

This guide shows you how it may be possible to put gates into an alley way to protect your own street and the homes of everyone who lives there, and details the help and support you could expect to receive from Wigan Council.

However, be aware that installing alley gates can be complex due to legislation as well as time consuming and could take up to twelve months to progress.



Section 1: Getting started

What you need to know before considering alley gates

The first thing you must consider is the status of the alley way. You need to determine whether the alley way is a public highway or a private alley way.

A **public highway** is a means of getting from A to B.

There are two types of public highways - **an adopted highway** (these are areas where the council acknowledge responsibility for the upkeep) or **unadopted highway** (this is an area where the council has no responsibility for the upkeep of the alley way/path etc) but it could still be considered a public right of way.

These could include highways that have a private owner, either by being the registered owner or by having conveyances showing that the land has been bought and sold over a long period of time.

Please note:

Such ownership in no way affects the public highway rights.

The route to getting alley gates on a public highway can only be undertaken by Wigan Council Alley Gate Team under a 'Gating Order'.

What is a private alley way?

Usually, but not in all cases this is where the alley way does not allow people to go from A to B, in other words it ends in a dead end or cul-de-sac that do nothing more than serve the rear of properties.

There are some alley ways that may not be suitable for gating for a number of reasons, such as the physical layout of the alley way **or** if it restricts primary access to residential dwellings and or prevents access to premises used for business or recreational purposes.

It is important to note that alley gates are not always the most appropriate or cost effective method to preventing crime or anti-social behaviour. Other methods should be looked at first, such as Youth Mediation, implementing a Homewatch Scheme or forming a residents' association to look at the problem further.

For further information contact Wigan Council's Environmental Services helpline on 01942 404364 they will pass on your enquiry to the Alley Gate Team.

Section 1: Getting started

Reporting crime

Are you and your neighbours suffering from crime and anti-social behaviour in your area and do you believe that the fitting of alley gates may help stop the problem?

If **yes** - then please contact **Wigan Council Environmental Services helpline on 01942 404364** they will pass your information to the Alley Gate Team who will be able to advise you on the status of the alley way, for example, **is it a public highway or is it private?**

The team will also inform you if the area is part of their gating programme, this is a list of the areas suffering from the highest recorded rates of crime, disorder and anti-social behaviour. The Alley Gate Team will offer advice and provide you with the most suitable course of action.

If the area is a public highway and not deemed to be a high crime area then it is important that you **report any incidents of crime and anti-social behaviour to the police**. You must provide clear address details, of where the crime is taking place, for example, **in the alley way or on your street**. It is also vital that you keep a detailed log of all incidents including:

- Date
- Time
- Location
- Details of the incident.

Recording this information could be beneficial to you, as it is a method to evidence crime in your area over a significant period of time and could be used to support your request for alley gates via the 'Gating Order' process. To report crime please ring the police on **0161 872 5050** or in an emergency call **999**.

Please note:

The council cannot guarantee, or categorically state that a highway has 'rights of way' that exist or don't exist. It is up to individuals to confirm the status of alley ways; the council cannot be responsible in any civil dispute.

If the alley way is deemed to be a public highway, go to **Section 2**.

If the alley way is deemed to be private, for example, not a public highway, go to **Section 3**.



Section 2: Public highway definition

What is a public highway?

A public highway is a means of getting from A to B and the public has a right of way to use them. The only means of installing alley gates on these alley ways is by an application for a Gating Order under Section 129A of the Highways Act 1980 and the Cleaner Neighbourhoods and Environment Act 2005. There are also some unadopted and private alley ways that are deemed to be public highways that can also be gated under this act.

What is an adopted highway/alley way?

These are areas where the council acknowledges responsibility for regularly maintaining them.

What is an unadopted highway/alley way?

This is an area where the council has no responsibility for the upkeep of the area but it could still be considered a public right of way.

What is a Gating Order?

A Gating Order is a legal process which allows the council to apply for and install alley gates on the public highway with the proviso that the area is suffering from high rates of recorded crime, anti-social behaviour, fly-tipping or low level fires.

Legislation states that alley gates in these areas can only be carried out by Wigan Council and you cannot erect gates on these types of highways without the involvement of Wigan Council's Alley Gate Team.

What is a Conditional Gating Order?

These are Gating Orders where gates are opened and closed at certain times and days. It also states who is responsible for the opening and closing. Should the gates not be opened or closed when specified, the council would be guilty of an offence and be liable to a civil claim. For this reason the council cannot support any Conditional Gating Order.

Please note:

The council cannot guarantee, or categorically state that a highway has 'rights of way' that exist or don't exist. It is up to individuals to confirm the status of alley ways; the council cannot be responsible in any civil dispute.

Section 3: Private alley ways

What is a privately owned alley way?

Usually, but not in all cases this is where the alley way does not allow people to go from A to B, in other words it ends up in a dead end or culs-de-sac that do nothing more than serve the rear of properties.

It can be hard to know who owns an alley way. If the rights seem complicated or unclear, ask a solicitor to look into it, or contact the Land Registry Office.

If you are suffering from crime and anti-social behaviour you should contact your local councillor or **Wigan Council's Environmental Services helpline on 01942 404364**, who will then contact the Alley Gate Team, who will contact you to provide you with more information.

Installing alley gates on private alley ways

First you need to write to everyone whose home backs on to the alley way to find out if they support the idea of putting in a gate, with a contact name and telephone number. See **Appendix A** for example.

Arrange a meeting with your neighbours/residents to discuss your concerns. This way you will be able to gauge just how many of them support the gating scheme.

You will also need to get your neighbours/residents to complete a Residents Consultation form, this sets out everyone's responsibilities prior to the gates being installed. See **Appendix B** for example.

You will require 100% consent from all residents who will be affected by the gates before the gates can be installed.

Please note:

If 100% agreement cannot be obtained but you still go ahead and decide to erect alley gates, be aware that a civil case could be brought against those persons and Wigan Council will not be liable or be involved in any civil dispute.

Reaching an agreement

Ask your neighbours to help with organising and deciding what to do. Set a timetable for getting things done.

A residents' association could also help. If there isn't a residents' association, this could be the beginnings of one.

Section3: Private alley ways

You can ask the Alley Gate Team for advice on which contractor to use or use an independent contractor.



Please note:

When you erect your own gates on private land, the cost of the gates, installation, keys and key replacements will be the sole responsibility of the residents. Therefore, consideration should be given to forming a **Residents Trust Fund** to pay for these and future ongoing maintenance.



Section 4: Information you need to consider before installing gates on private alley ways

What you need to know about gates

Gate height restrictions - you can have gates up to 2 metres high if they are set back at least 2 metres from the highway. If you want a higher gate, you will need planning permission. If your alleyway does join to a road that cars use, you cannot have a gate more than 1 metre in height unless you get planning permission. For example, if you live in a terrace without front gardens and want to put in a gate that is flush with the front walls of the houses, you will need to get planning permission.

Where to put the gates - If you can, put the gate at the outside end of the alleyway so that if someone tries to climb it they can be seen from the street. If the alleyway starts between two houses, it needs to be put where the garden walls of the two houses cannot be used to give the burglar a leg up. For alleyways wide enough to allow a motor vehicle through, it may be necessary to use double gates because of weight limitations. In this instance, the bolt that holds the second opening gate in position must be inaccessible when the first opening gate is closed and locked.

How will the gates affect refuse collection?

Where it is still possible for the refuse vehicle to drive into the alleyway, collection will continue as normal as long as residents have left the gates open at both ends of the alley on collection day. Where the refuse vehicle can no longer get into the alleyway the bins will be collected from an agreed collection point near to the gates. The Cleansing Department can make provision to assist the elderly and disabled who may struggle to move their bins.

For more information or advice on any of these points please contact Environmental Services helpline on 01942 404364.

Who to inform after the gates have been installed

- Wigan Council's Alley Gates Team on 01942 488263 so that they can update their records and note ownership.
- Utilities services: gas, water, electric
- Emergency services: fire ambulance, police

Section 4: Information you need to consider before installing gates on private alley ways

Other points to consider

- Planning permission
- Funding of the gates and keys
- Ongoing maintenance costs and lost key replacements

Frequently asked questions..

Q How much do the gates cost?

A Anything up to £1,500 per set of double gates depending on the size.

Q What happens if a resident leaves the gate open?

A You can place signs on the gates requesting that people keep the gates closed, or send a polite letter to all residents asking them to keep the gates closed as this protects them from crime and anti-social behaviour.

Note: The council cannot force people to keep the gates closed, it is up to local residents to manage this between themselves.

Q How do I get a replacement key?

A Speak to the person who organised the fitting of the gates.

Q Who is responsible for repairs to the gates?

A The residents are responsible.

Q What happens if someone objects to the gates?

A You should take notice of any objections and try to negotiate a solution. If this is not possible and even if only one person objects, the gates cannot be erected.

Q Which contractor should I approach to install the gates?

A You can either source them yourselves or contact Wigan Council's Alley Gate Team for advice.

Q Where do I get the keys and locks from?

A The contractor can arrange this for you.

Q Who is responsible for keeping the alleyways clean?

A The residents are already responsible, and will continue to be responsible for keeping the alleyway clean. It is hoped that the alley gates will encourage communal activity to keep the alleyways cleaner and greener.

Appendix A

Dear Neighbour,

Installing gates in our alley way

I am writing to you to seek your support and views in relation to considering the installation of alley gates at the rear of our properties, because in other areas they have proved to be very effective in preventing crime and anti-social behaviour.

I feel that the area around the alley way is suffering from various problems which I am sure you are already aware of. It would also appear that these problems are not being reported to the police or the council so there are no crime records to support our views.

I have contacted Wigan Council's Alley Gate Team who have provided me with information regarding our alley way, as a result it would appear that it is not a public highway and appears to be private, in that case we can possible install gates ourselves.

If all the residents whose houses back onto the alley way agree to have gates fitted, I am sure that we would all feel more secure and safer in our community. Before I can proceed, I need to know how many people support the idea of alley gates, so it would be useful if we can arrange a meeting where we can discuss the proposal and the attached Residents Consultation form.

Please contact me on _____ or _____

Please note that if we **do not** get 100% agreement to the gates we cannot go ahead and fit gates.

Thanks in anticipation.

Signature _____

Appendix B

Resident Consultation form

Proposed alley gating scheme at: _____

Your name: _____

Address: _____

_____ Post code: _____

Phone number: _____

To be signed by house owner(s) or proprietor(s)

Signature: _____ Date: _____

Signature: _____ Date: _____

I/we agree/disagree to the gating of my alley way. I understand that I/we will be supplied with a key and will continue to enjoy full access along the alley way.

I/we agree that no structure (permanent or temporary) will be erected in the alley way that will cause an obstruction to access and I/we will abide by all current planning regulations.

I/we are willing to contribute to the cost of the gates.

I/we understand that once the gates are erected I/we will be joint owner of the gates and I/we will be responsible for the ongoing insurance, maintenance and repair of the gates.

I/we will ensure that all other residents residing in properties served by the alley are guaranteed free access along the alley directly outside my property.

I/we will ensure that our refuse bin is taken to the collection point near the alley gate on bin collection day and that the gates are only left open on bin collection day.

If your property is leasehold or rented you must forward this form to your landlord/landowner or obtain their permission to sign it for them.

Notes

We can make this information available in other formats and languages on request. Contact:

Environmental Services Department
Civic Buildings
New Market Street
Wigan
WN1 1RP
www.wigan.gov.uk

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