

Alleygating Phase 5 Inquiry: Terms of Reference

The Inquiry will examine, consider and report on Belfast City Council's decision to place alleygates on [insert street name] pursuant to its powers under Part 1 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, Section 69D (5) & (6).

The 2011 Act provides that *if, before the expiration of 30 days the district council receives an objection from any person on whom a copy of the notice is required to be served or from any other person appearing to be affected, it shall cause a local Inquiry to be held unless the objection is withdrawn.* However

The Council is only required to hold a local Inquiry where an objection is received from the occupiers of premises adjacent to or adjoining the road and it is considered necessary to hold an Inquiry to consider the proposed order and the issues raised in the objection in more detail. The decision as to whether it is necessary to hold an Inquiry in such circumstances will be for elected members to determine.

The Council must however hold an Inquiry if an objection is received from the owner of any cables, wires, mains, pipes or other apparatus placed along, across, over or under any road to which the order applies.

Any Inquiry shall be held in accordance with the provisions of Schedule A1 of the Interpretation Act (Northern Ireland) 1954, a copy of which is attached to these Terms of Reference.

In carrying out its work, the Inquiry will consider the views and opinions of residents, statutory undertakers, the PSNI, NIFRS and other statutory bodies, and other persons who are directly affected by the installation of alleygates at this location, whilst also affording Belfast City Council with the opportunity to explain its rationale for installing alleygates at this location. The Inquiry will determine, having taken into account the views and opinions of affected persons, whether the objection received on (insert date) has merit and warrants Belfast City Council reversing its decision, or whether Belfast City Council is justified in proceeding with the installation of alleygates at this location.

In meeting its aims, the Inquiry will:

- a) Consider and examine the content of the objection received and afford said objector with an opportunity to further elaborate on his/her concerns;
- b) Consider the evidence available to Belfast City Council, and all steps taken in preparing to make the gating order, which informed its decision to install alleygates at this location, to include allowing Council officers an opportunity to address the Inquiry;
- c) Consider the opinion of other affected residents within the locality and their views on the advantages/disadvantages of installing alleygates at this location;
- d) Consider the opinions of other interested parties, such as (but not limited to) PSNI, NIFRS and other statutory bodies as to the advantages/ disadvantages of installing alleygates at this location;
- e) Produce its report and any recommendations in a timely manner.

The aims of the Inquiry are to:

1. Examine Belfast City Council's decision to install alleygates at the location in accordance with the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, in light of an objection received from an effected resident within said location, and produce a report which shall deal with the following:
 - (i) Consider whether there is evidence of persistent crime and anti-social behaviour at this location;
 - (ii) Determine whether or not the objection received, taking into consideration the views and expressions offered during this inquiry by persons identified as being affected, carries considerable merit or otherwise;
 - (iii) Having considered all opinions expressed during the inquiry, and the evidence (both written and oral) offered, make a recommendation to Belfast City Council as to whether it should make the gating order either without modifications or subject to such modifications as the Inquiry thinks fit.

Outcomes of the Inquiry:

2. (i) Produce a report from the chair of the Inquiry in a timely manner stating his/her views as to whether Belfast City Council are justified in continuing to make the gating order either without modification or subject to such modifications as the inquiry thinks fit;
- (ii) Make said report available to Belfast City Council to allow it to make an informed decision as to whether or not to proceed with the installation of alleygates at this location;
- (iii) Identify the lessons to be learned from the above to inform any future Alleygating scheme;
- (iv) Although the Inquiry's recommendations will only be applicable for Belfast City Council and affect those within the location identified for gating, it's recommendations may have relevance for other councils within the jurisdiction.