USING THE LAW TO SET BOUNDARIES

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Research into Gated Communities

- Study of one GC in Sheffield
- Gated Communities in England
- Associated NDC research:
 'Boundary Building'

Definition of a Gated Community

- A combination of features:
- Built form: fenced or walled residential area, to which access for non-residents is either restricted or controlled by CCTV and/or security staff, served by private internal roads
- Legal regime: ties the residents into a common code of conduct and agreements about the use of property
- NB. The collective nature of the development within the walls makes GCs a distinct form of housing.

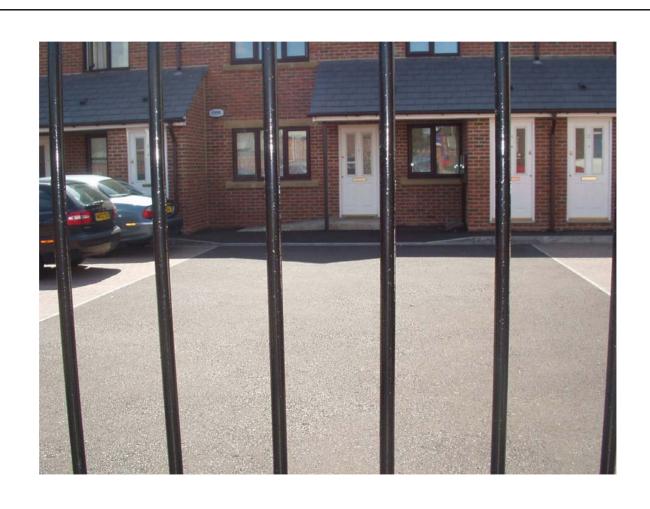
Gated community, Sheffield, South Yorkshire



The 'transferability' of gated communities

- January 2004 speech by David Blunkett, Home Secretary:
- GCs regarded as a positive feature and should be adopted by local authorities to re-engage residents and improve community safety
- 'make available to the many what is currently available to the few'
- envisaged that residents paying for upkeep and security of immediate surroundings would make them feel greater ownership and involvement in the area

Gated community in Chester-le-Street, County Durham



Research findings

- Ambiguity about sense of community cohesion and active associational interactions amongst residents
- Disputes as a result of self management and internal boundaries
- Isolation of GC residents from wider community
- Increased fear and sensitization to crime amongst GC residents

Use of legal documents to set behavioural boundaries

- GCs stringent covenants in legal documents to control residents' and visitors' behaviour and use of property
- None of the NDC areas in study had adopted Good Neighbour Agreements
- Community cohesion and common purpose? GC residents unaware of what they had signed up to

Legal powers and spatial boundaries

Exclusion of *individuals*:

Contract

- Injunctions based on tenancy agreements
- Possession proceedings

Administrative powers

 Injunctions based on residence in local authority area

Quasi-contractual

Acceptable Behaviour Contracts

From Procedural to Criminal law

Exclusions from named area:

- Application for / breach of ASBO
- Authorising the exercise of dispersal powers / refusal to disperse or returns within 24 hours to 'relevant locality'
- Linked powers: curfew 9pm to 6am for er 16s (not applicable to Scotland – but
 - but based on Hamilton Child Safety
 - n-Hamitarcanidesafetyn-Initiaties)

Neighbourhood perceptions

- legal definition of ASB
- Home Office Findings 252/04, based on British Crime Survey 2003/04:
- 76% perceive ASB as a problem in their area (36% a 'very big' problem)
- Car-related issues most widespread
- 28%: vandalism, graffiti, and 'teenagers hanging around'

Links between community and place

 Residents of 'hard-pressed' areas four times more likely to perceive ASB than those in 'wealthy achiever' neighbourhoods

 Situational Crime Prevention as a logical response?

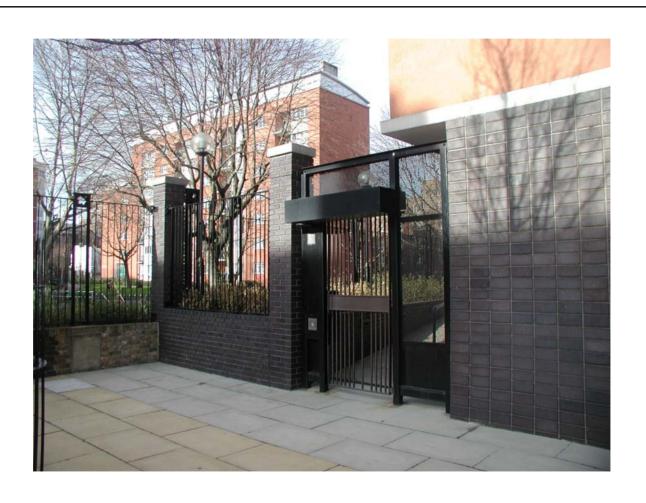
Local authority estate, Southwark



ODPM (2004) 'Safer Places'

- Planning guidance:
- 'the Government believes... that the gating of developments should only be considered as a last resort'.
- Example of Cromer Street, Kings Cross:
- Before: external problems of drugs, prostitution and burglaries
- During and after: resident involvement, enclosed courtyards, tenancy agreement

Cromer Street



The role, and limits, of the law

- Law functions to establish and enforce boundaries of all kinds
- o Can law be used to define what is acceptable?
- Dangers of criminalisation, exclusion and displacement
- Development of social cohesion and social efficacy requires a more strategic approach

Boundaries: some concluding thoughts

Spatial

- Symbolic markers and home zones
- Well-designed, safe, public space
 Behavioural
- Good Neighbour Agreements
- o Rewards as well as sanctions?
- Prevention and rehabilitation given equal importance with enforcement

Welcoming gates at Pembroke Street Estate Management Board, Plymouth

