



# USING THE LAW TO SET BOUNDARIES

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# Research into Gated Communities

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



# Definition of a Gated Community

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- 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

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# The 'transferability' of gated communities

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- 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

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# Research findings

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- 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

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- 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

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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

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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 over 16s (not applicable to Scotland – but – but based on Hamilton Child Safety Initiative)  
n Hamilton Child Safety Initiative)



# Neighbourhood perceptions

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- 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

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- 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

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# ODPM (2004) 'Safer Places'

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- 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

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# The role, and limits, of the law

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- Law functions to establish and enforce boundaries of all kinds
- 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

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### *Spatial*

- Symbolic markers and home zones
- Well-designed, safe, public space

### *Behavioural*

- Good Neighbour Agreements
- Rewards as well as sanctions?
- Prevention and rehabilitation given equal importance with enforcement

# Welcoming gates at Pembroke Street Estate Management Board, Plymouth

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