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Director Decision

25 November 2015

Report of the Acting Director of City and Environmental Services

**Public Rights of Way – Proposal to restrict public rights over alleyway between Brownlow Street, Eldon Street and Neville Terrace (Guildhall Ward)**

**Summary**

1. The above Public Spaces Protection Order (PSPO) has been requested by residents and Safer York Partnership and has the support of Guildhall Ward Councillors (Annex 1). This report provides details and results of the informal public consultation which was carried out in August 2015. A petition has also been received from residents (Annex 7). A decision is requested granting permission to proceed to a formal (statutory) consultation.

**Background**

2. The Anti-social Behaviour, Crime and Policing Act 2014, gives local authorities the power to make a PSPO, in order to tackle those activities which are having a detrimental effect on the quality of life of those in the locality, and which are likely to be both unreasonable and persistent (Annex 2). For this particular proposal these activities include drug/alcohol abuse, fly tipping, graffiti and urination. Before an alleyway can be considered for a PSPO it must be demonstrated that it meets all the requirements of the legislation.

Statistics provided by the Business Intelligence Unit show that in the period from January 2014 to December 2014, show there were 6 reported incidents of criminal damage (Annex 3). For the period of 1 January 2015 to 31 August 2015, there was one reported incidence of ASB. It should be noted that most incidents of graffiti and drug paraphernalia are reported via the Customer Contact Centre, and therefore do not appear on crime and ASB statistics. Due to long standing technical issues CYC is unable to accurately record the locations of Enviro-crime, which therefore means no analysis can be done.

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to implement crime reduction strategies in an effort to reduce overall crime in their administrative area. This Order will support that obligation.

The Council, as the highway authority has powers available to it, under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014, to make a Public Spaces Protection Order. Once an Order is made it can be reviewed and either varied or revoked (s61). Annex 2 summaries the requirements of the legislation on the use and life of a PSPO.

With due regard to the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010, the Council has identified that there is one positive and six negative impacts of this PSPO which involve mobility and access issues (Annex 5). Some of the negative impacts can be mitigated by design and installation options. PSPOs must be reviewed every three years, or on demand, which can accommodate any change in local circumstances. It may be considered that the positive impact of additional security to residents, increasing peace of mind and providing a safe area to the rear of properties, justifies the negative impacts.

### **Consultation**

3. Informal consultation has been carried out with residents and statutory consultees. In total, 21 responses were received, from 60 letters sent out (Annex 4).

All 21 respondents were in favour of gating the alleyway. No objections were received. Residents had previously submitted a petition and supporting emails, outlining details of anti-social behaviour associated with the alleyway.

As stated on the FAQ sheet which accompanies the consultation documents, it is assumed that residents who do not return the consultation form within the prescribed time, neither support nor object to the scheme going ahead.

In line with the new Legislation, consultation was undertaken with the Chief Officer of Police and the local policing body, for the police area that includes the alleyway; (section72(4)), and their response was as follows:

*“No issues. Regards, Steve Burrell, Traffic Management Officer, North Yorkshire Police”.*

Internal consultation has been carried out;

### **Ward Members**

Cllr D Craghill: No response received.

Cllr J Looker: *"I have visited the site and I am very happy with the proposed scheme"*.

Cllr J Flinders: *"I don't have any comments on this proposal"*.

### **Group Spokespersons**

Cllr A D'Agorne: *"We are very supportive of this application. We are aware that it is very much wanted by residents backing onto the alleyways who have been experiencing many problems with anti-social behaviour in the alleyways. We believe it has very high levels of residents support and are happy to support it"*.

Cllr D Williams: No response received.

Cllr A Reid: *"I am happy for the consultation to take place"*.

## **Options**

4. **Option 1:** Commence statutory consultation.
- Option 2:** Do not commence statutory consultation.

## **Analysis**

### **5. Option 1**

This option would allow a draft PSPO to be advertised on the Council's website and on site. Statutory consultation would then commence.

If formal objections/representations are received, a further report will be prepared for the Decision Session – Executive Member for Transport and Planning, as to whether the objections/representations should be overruled and the PSPO sealed (made operative).

If no objections are received, the PSPO will be sealed and the procurement and installation of the gates will begin. It is anticipated that the scheme would be completed by March 2016.

Should the alleyway be closed, the alternative route, as shown on the Plan (Annex 1), is considered to be convenient.

Only those residents living in properties which are adjacent to or adjoining those parts of the routes which are restricted will be given a Personal Identification Number with which to access the gates, along with emergency services and utility companies who may need to access their apparatus.

The installation of gates may help with the issues of alcohol/drug abuse, fly tipping, graffiti and urination as, once gated, responsibility for behaviours within the alleyway will lie wholly with those properties that have access to the gated areas. If gated, vehicular access to vehicular alleyways will be preserved. It will be the responsibility of residents to maintain PIN security.

Properties on Brownlow Street, Eldon Street and Neville Terrace already present their waste at the front of property, so no changes would be necessary.

The presence of a property within the alleyway, means that only the highlighted portion can be restricted.

### **Option 2**

This option would leave the alleyway open for use by the public and the incidents of crime and ASB could continue. Notwithstanding this, the scheme may be revisited at a later date, budget and resources permitting.

### **Council Plan**

6.

The Plan is built around 3 key priorities:

- **A Prosperous City For All**

- **A Focus On Frontline Services**

This scheme supports the following aims;

- Residents are protected from harm, with low risk of crime.
- All children and adults are listened to, and their opinions considered
- Ensure neighbourhoods remain clean and safe environments
- Keep our city and villages clean

- **A Council That Listens To Residents**

This report supports the following aims;

- Use evidence-based decision making.

- Always consider the impact of our decisions, including in relation to health, communities and equalities.
- Engage with our communities, listening to their views and taking them into account.

## Implications

7.

- **Financial** Capital funding has been secured for the scheme through the Council and Safer York Partnership. Supply and fit of a double gate with lock is approximately £2,000. The cost for this scheme (3 double gates) would therefore be approximately £6,000. The authority is responsible for the maintenance of gates installed using PSPOs. An outside company is now used to fix broken locks, at a cost of £50 per hour. Other works, such as broken hinges, noise dampening treatments etc are carried out by CYC blacksmiths at the same approximate cost. The new legislation does not require a statutory Notice to be advertised in The Press and this represents a saving of approx £800. The cost of this scheme can be funded from the allocation in the 2015/16 Transport Capital Programme owing to savings made from the non progression of other alleygating schemes.
- **Human Resources (HR)** To be delivered using existing staff resources. The current Alleygating post will be lost in March 2016, due to budget cuts.
- **Equalities** There are no Equalities implications other than those already discussed.
- **Legal** There are no Legal issues other than those already discussed.
- **Crime and Disorder** There are no Crime and Disorder issues other than those already discussed.
- **Information Technology (IT)** There are no IT implications.
- **Property** There are no property implications.
- **Other** There are no other implications.

## Risk Management

8. The implementation of a Public Spaces Protection Order is a power of the authority, not a duty. There are no rights of appeal should a decision

not to progress with the Order be made. However, crime and ASB levels local to the area are likely to continue should the Order not be pursued.

### Recommendations

9. The Director is asked to:
- 1) Grant permission to proceed.

Reason: So a formal consultation can be undertaken.

### Contact Details

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**Report  
Approved**

**Date** 25  
November  
2015

**Specialist Implications Officer(s)** None

**Wards Affected:** Guildhall

**All**

**For further information please contact the author of the report**

### Background Papers:

- Anti-social Behaviour, Crime and Policing Act 2014
- Crime and Disorder Act 1998
- Equalities Act 2010

### Annexes

- Annex 1: Draft Order and Plan
- Annex 2: Summary of Legislative requirements
- Annex 3: Crime and ASB Statistics
- Annex 4: Responses from informal consultation
- Annex 5: Community Impact Assessment
- Annex 6: Residents Petition and supporting emails