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|  CITY OF YORK COUNCIL | DIRECTORATE OF CITY & ENVIRONMENTAL SERVICES | REQUEST FOR DECISION | |
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| Decision making level | OIC - Director | Date | 3February 2015 |

Report Title: Public Rights of Way – Proposal to restrict public rights over alleyway between Stanley Street and Warwick Street (Stanley Mews), (Guildhall Ward)

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| Decisions Requested |
| <p>Authorisation to make a draft Public Spaces Protection Order (PSPO) under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 to restrict public access along the above alleyway (Annex 1: Location Plan).</p> |
| Reason |
| <p>To prevent or help to prevent crime and anti-social behaviour (ASB) currently associated with the alleyway.</p> |
| Background Information |
| <p>This PSPO has been requested by local residents, North Yorkshire Police, Safer York Partnership and Councillors.</p> <p>This is part of the Council’s continuing scheme to restrict public access over rear alleyways which are subject to incidents of crime and ASB, this time using new powers given to local authorities under the Anti-social Behaviour, Crime and Policing Act 2014 (which came into force 20th October 2014).</p> <p>Before an alleyway can be considered for a PSPO it must be demonstrated that it meets all the requirements of the legislation (Annex 2: Legislation & Guidance).</p> <p>Crime and ASB statistics produced by Safer York Partnership covering a period from November 2012 to October 2013 for the 36 affected/adjacent properties, show that there were 2 reported incidents of crime and 2 reported incidents of ASB. For the period November 2013 to November 2014, there were no reported incidents of crime (Annex 3: Crime & ASB Statistics), however residents have been reporting incidents of ASB to the Council’s Community Enforcement Team, and most recently this includes</p> |

four incidents of ASB within the period 18/12/2014 – 19/01/2015. As this period only covers one month, this may be considered to be a high number of incidents for only 36 properties.

The implementation of Alleygating on rear alleyways in other parts of the city has shown a significant reduction in crime and ASB since gates were installed. These results have been encouraging and show that Alleygating can significantly reduce crime in an area and improve the quality of life for those residents living alongside problem alleys.

If alley gates are installed along this route, waste will be collected either from the front of properties or from a central collection point. Waste Services do not enter gated alleyways, so that the security of gates is maintained at the highest level possible. The required change in refuse collection has already been implemented.

Consultation Process

Informal Consultation

Informal consultation has been carried out with residents and statutory consultees. Thirteen responses were received.

No objections were received, all 13 responses were in favour of gating (Annex 4 : Responses from informal consultation).

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:

“Thank you for your correspondence with regards to the City of York Councils proposals to gate off alleyways to the rear of Stanley Street and Warwick Street, York. I have studied the proposals and on behalf of the Chief Officer of the North Yorkshire Police offer the following observations; No comment. Steve Burrell, Traffic Management Officer”.

Statutory Powers

1. A PSPO can be made by the council, under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014, if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space;

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

It is considered that the requirements of the legislation have been met in this instance.

It should be noted that PSPOs may not have effect for a period of more than 3 years, unless extended. So, if made, this PSPO will require to be reviewed and remade in three years time.

Ward Member(s) view - Guildhall

Cllr J Looker: *“I would like to properly welcome this report. It has sometimes felt like an arduous journey, and it is reflecting quite a complicated network of back alleys which have needed addressing. But some of the anti social behaviour has been an ongoing source of distress to residents. I hope this order will deter some of the people causing the mess and trouble to go away.”*

Cllr B Watson: *“That’s perfectly with me. Thanks for all your efforts with the issue.”*

Group Spokespersons view

Cllr A D’Agorne: No comments received.

Cllr D Levene: No comments received.

Cllr A Reid: No comments received.

Cllr C Steward: No comments received.

Financial Implications

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 £1,000. It is estimated that the cost of this scheme (2 x double gates and one single gate), will be in the region of £2,500. The authority is responsible for the maintenance of gates installed using PSPOs

After formal statutory consultation has been carried out, and if authorisation to make the PSPO is given, the process of installation will begin.

The new legislation does not require a statutory Notice to be advertised in The Press and this represents a saving of approx £800.

Options

Option 1: Authorise the making and advertising of a draft PSPO, therefore allowing statutory consultation to commence.

Option 2: Do not authorise the making of a draft PSPO.

Analysis

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 are received, a further report will be prepared for decision at OIC as to whether the objections should be overruled and the PSPO sealed (made operative).

If no objections are received, the PSPO will be sealed and installation of the gates will begin.

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 the part of the route which is restricted will be given a Personal Identification Number with which to access the gates, along with emergency services and utilities who may need to access their apparatus.

Option 2: This option would leave the alleyway open for use by the public and the incidents of crime and ASB could continue.

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| Level of Risk | | |
| 1-3 Acceptable | ✓ | 16-20 Action Plan |
| 4-8 Regular Monitoring | | 21-25 Registered as a corporate risk |
| 9-15 Constant Monitoring | | |

Internal Consultation

Implications:

Legal - Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 enables the Council to make a Public Spaces Protection Order on the grounds that two conditions are met. The first condition being that;

- a) Activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) It is likely that activities will be carried on in a public place within that area and that they will have such an effect

And the second condition is the effect, or likely effect, of the activities;

- a) Is, or is likely to be, of a persistent or continuing nature,
- b) Is, or is likely to be, such as to make the activities unreasonable, and
- c) Justifies the restrictions imposed by the notice.

A PSPO may not have effect for a period of more than 3 years, unless extended.

Before making such an order the Council must also consider the likely effect of the order on adjoining and adjacent owners and other persons in the locality. Where the highway constitutes a through route the Council must consider the availability of a reasonably convenient through route.

Financial – 2014/2015. Other than that discussed in the main body of the report and annexes, there are no other financial implications.

HR – To be delivered using existing staffing resources.

Sustainability – There are no Sustainability implications.

Equalities – A Community Impact Assessment has been undertaken (Annex 5: CIA)

A PSPO (gating of an alleyway) presents a challenge in terms of fairness and inclusion. For example older and younger people, disabled people and people with young families are likely to find alleygates to be both an obstruction to their mobility as well as a solution to antisocial behaviour that may target them and affect them adversely.

Special consideration should be given to those people with disability who perhaps presently use the routes as shortcuts / access to their properties and would find any alternative route / access to their property inconvenient. Alternative routes should be free from obstructions and suitably paved.

Property – there are no Property implications.

Crime and Disorder - other than that discussed in the main body of the report and Annexes, there are no other crime and disorder implications.

Communities and Neighbourhoods (Waste Services) - other than that discussed in the main body of the report, there are no other Communities and Neighbourhoods implications.

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| Recommendations | | | |
| That Option 1 is approved and authorisation to make a draft Public Spaces Protection Order (PSPO) under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 to restrict public access along the above alleyway is given. | | | |
| Contact Details | | | |
| Author: Claire Robinson Assistant PROW Officer Tel: 01904 554158 | | Manager Responsible for the Report: Tony Clarke Head of Transport | |
| | | Report Approved | Date |
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| Wards Affected: Guildhall | | | All |
| For further information please contact the author of the report | | | |

- Annexes:**
- 1) Plan showing gate locations and alternative route
 - 2) Summary of Legislative Requirements and Home Office Guidance for Public Spaces Protection Orders
 - 3) Crime and ASB Statistics
 - 4) Responses from informal Consultation
 - 5) Community Impact Assessment