

 CITY OF YORK COUNCIL	DIRECTORATE OF CITY & ENVIRONMENTAL SERVICES	REQUEST FOR DECISION	
Decision making level	OIC - Director	Date	17 March 2015

Report Title: Public Rights of Way – Proposal to restrict public rights over alleyways between Barbican Road/Willis Street, Willis Street/Gordon Street and Gordon Street/Wolsley Street, (Fishergate Ward)

Decisions Requested
<p>Authorisation to make draft Public Spaces Protection Orders (PSPO) under Sections 59 and 64 of the Anti-social Behaviour, Crime and Policing Act 2014 to restrict public access along the above 3 alleyways (Annex 1: Location Plans).</p>
Reason
<p>To prevent crime and anti-social behaviour (ASB) currently associated with the alleyway, the possibility of these activities occurring, and the detrimental affect this has, or may have on the quality of life of those in the locality.</p>
Background Information
<p>These PSPOs have been requested by Safer York Partnership.</p> <p>This is part of the Council’s continuing scheme to restrict public access over rear alleyways which are subject to, or may be 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 138 affected/adjacent properties, show that there were 9 reported incidents of crime and 10 reported incidents of ASB. For the period November 2013 to November 2014, there were 6 reported incidents of crime and 5</p>

reported incidents of ASB (Annex 3: Crime & ASB Statistics).

The implementation of Alley-gating 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 Alley-gating 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. Properties on Barbican Road, Wellington Street and Heslington Road already present their waste at the front of property, so no changes would be necessary for these properties. Changes to waste collection would, however, be required for Willis, Gordon and Wolsley Street

Consultation Process

Informal Consultation

Informal consultation has been carried out with residents and statutory consultees. The University of York Students Union were also informed of the scheme, as the area has a high number of student properties. Several letting companies were also contacted, and asked to pass the consultation documents to the owners of rented properties. In total, 26 responses were received, from 164 letters sent out (Annex 4: Responses from informal consultation).

In total, 22 respondents were in favour of gating the alleyways.

Four objections were received, of which 3 specifically objected to the installation of alley gates and 3 objections were concerned about changes to waste collection.

Residents adjacent to the Barbican Road/Willis Street alleyway were given a choice of two possible gating schemes. Due to dwellings within the alleyways between Willis Street and Gordon Street and Gordon Street and Wolsley Street, there was only one possible scheme that could be considered.

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 proposed Alleygating in Fishergate & Barbican, York. I have studied the proposals and offer the following observations on behalf of the Chief Officer of North Yorkshire Police; No Comment. Regards, Steve Burrell, Traffic Management Officer, North Yorkshire Police”.

The breakdown of resident responses is as follows:

Barbican Road/Willis Street – 6 in favour, 1 objection. Of those that responded 5 residents voted for Scheme 1 and 1 resident voted for Scheme 2.

Willis Street/Gordon Street – 11 in favour, 1 objection.

Gordon Street/Wolsley Street – 5 in favour, 2 objections.

Therefore, overall, for each of the 3 alleyways, the majority of residents are in favour of gating.

Objections include; proposed changes in waste collection; the loss of unimpeded access to the back alleyway both by foot and by vehicle; the possibility of the PIN being compromised as the high proportion of rented properties means a higher turnover of residents; and the use of council resources in the current economic climate.

Four residents expressed concern that the response to the consultation would be poor given the high number of rental properties. These concerns are discussed further in the Analysis section of this report.

The majority of respondents agreed to the waste collection changes, though they did request clarification on what those changes would be.

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.
- Section 64 gives the Council the power to make an Order restricting public right of way over a highway.
- 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 - Fishergate

Cllr A D’Agorne: No comments received.

Cllr D Taylor: No comments received.

Group Spokespersons view

Cllr A D’Agorne: No comments received.

Cllr D Levene: No comments received.

Cllr A Reid: *“If this is supported by residents then I have no objection”.*

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 the gates for Willis/Gordon/Wolsley (4 x double gates), will be in the region of £4,000. For Barbican Road/Willis Street the cost for Scheme 1 would be (2 x double gates and 1 x single gate) £2,500 and Scheme 2 would be (2 x double gates) £2,000. The authority is responsible for the maintenance of gates installed using PSPOs.

If authorisation to make the PSPO is given, the process of procurement and 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 the procurement and installation of the gates will begin and it is anticipated that the scheme would be completed by December 2015.

Should the alleyways be closed, the alternative route for each, 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 response to this consultation has been lower than average, and this may be due to the high number of student and private rental properties. Each of these streets has a very high proportion of rental properties, being between 64-72% rental, compared with the UK average of 16% per street (Streetcheck.com). Proposals for each scheme were sent to the University of York Student Union to help disseminate the information, and several letting agencies responsible for properties in the area were asked to pass the consultation documents onto owners/landlords. A PROW officer attended the Neighbourhood Forum meeting in February to present details of the schemes to residents and Ward Councillors. Two residents expressed concern that the response rate would be poor because of the number of Houses in Multiple Occupation (HMO).

Three residents commented that the high number of rental properties had led to increased ASB and a general lack of environmental regard. Responses also included concerns about fly tipping (by students and landlords), drug and alcohol abuse taking place in the alleyway, and the lack of security precautions taken by students eg leaving windows open. Two respondents commented that the installation of gates could actually exacerbate the issue of fly tipping as they believe that those on short term lets and landlords are primarily responsible. Two residents were concerned that the installation of alley gates, and movement of rubbish bags to front of properties, could exacerbate the lack of parking which is

already an issue in the area.

One resident commented that the Neighbourhood Forum police report had indicated that crime in the Fishergate area as a whole was low, and that open public spaces with free access should not be hindered.

For the Barbican Road/Willis Street alleyway, residents were given the choice of two schemes and the majority selected Scheme 1. This option would see all 3 entrances ie both arms, of the alleyway gated off. Vehicular access would be preserved. The single gate on Barbican Road would need to be set back approximately 10 metres to allow for recycling bins to be left out for collection. There is also a security door with a PIN pad for Victoria Apartments within this arm of the alleyway, though their primary entrance point is on Heslington Road. It should be noted that this alleyway has a large number of garages and some parking spaces, and respondents were particularly concerned that easy vehicular access should be maintained.

The installation of gates may help with the issues of fly tipping and alcohol/drug abuse 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.

In line with other gating schemes in the city, it is more effective when all the alleyways within a network are gated, rather than single schemes.

Despite the low response rate, as the majority of those who did reply were in favour of gating these alleyways, further consultation, with specific information about waste collection, should be undertaken as part of the formal consultation process, if it is decided to authorise the making of the draft PSPO. Additionally, taking into account the HMO issue, a longer and perhaps more proactive consultation exercise, during the statutory consultation period, may garner a better response.

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

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			
<p>Implications:</p> <p><u>Legal</u> - 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;</p> <ul style="list-style-type: none"> 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 <p>And the second condition is the effect, or likely effect, of the activities;</p> <ul style="list-style-type: none"> 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. <p>Section 64 gives the power to the Council to restrict a public right of way over a highway as long as certain conditions are met.</p> <p>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.</p> <p>A PSPO may not have effect for a period of more than 3 years, unless extended.</p> <p><u>Financial</u> – 2015/2016. Other than that discussed in the main body of the report and annexes, there are no other financial implications.</p> <p><u>HR</u> – To be delivered using existing staffing resources.</p> <p><u>Sustainability</u> – There are no Sustainability implications.</p> <p><u>Equalities</u> – A Community Impact Assessment has been undertaken (Annex 5: CIA)</p> <p>A PSPO (gating of an alleyway) presents a challenge in terms of fairness and inclusion. For example older and younger people, disabled people</p>			

and people with young families are likely to find alley gates 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.

Recommendations	
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That Option 1 is approved and formal consultation undertaken.

Contact Details	
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	Report Approved		Date	

Wards Affected: Fishergate	All
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For further information please contact the author of the report
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- Annexes:**
- 1) Plans 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