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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 | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: right;">Date</td> <td style="width: 33%; text-align: center;">18</td> <td style="width: 33%; text-align: right;">March</td> </tr> <tr> <td></td> <td style="text-align: center;">2015</td> <td></td> </tr> </table> | Date | 18 | March | | 2015 | |
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Report Title: Public Rights of Way – Proposal to restrict public rights over alleyway between Kyme Street, Baile Hill Terrace and Newton Terrace, (Micklegate Ward)

| Decisions Requested |
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| <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). There are two options available with regards to gate locations.</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 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 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 2013 to November 2014 for the 64 affected/adjacent properties shows that there were 11 reported incidents of crime and 5 of ASB (Annex 3: Crime & ASB Statistics). This may be considered to be a high number of incidents for only 64 properties.</p> <p>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</p> |

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.

Consultation Process

Informal Consultation

Informal consultation has been carried out with residents and statutory consultees. Twenty eight responses were received. (Annex 4: Responses from Informal Consultation).

15 residents were in favour of gating the alley.

13 objections were received of which 10 objected to changes in waste collection, and 3 objected to gates.

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; (section 72(4)), and their response was as follows:

"Thank you for your correspondence of the 28th November and 1st December 2014 with regards to the gating off of alleyways between Kyme Street and Newton Terrace, York. I have studied the proposals and on behalf of the Chief Officer of North Yorkshire Police offer the following observations: No comment. Steve Burrell, Traffic Management Officer."

The breakdown of resident responses was as follows:

Kyme Street – 8 responses, 5 in favour, 3 objections

Baile Hill Terrace – 2 responses, 1 in favour, 1 objection

Newton Terrace – 16 responses, 7 in favour, 9 objections

Victor Street – 2 responses, 2 in favour, no objections

Therefore, overall, the majority of respondents are in favour of gating.

Objections related to possible accumulation of wheelie bins/bin bags in front of the gates, blocking vehicular access to the alleyway; possible use of bins to climb walls into properties; taking rubbish through the house; not wanting to live in a gated community; and the belief that the cost of

gating cannot be justified in the current economic climate. Of the above objections received, 3 related to concerns about vehicular access to garages in the alleyway. This concern is discussed further in the Analysis section of this report.

With regards to collection of waste from the properties that would be affected by a closure, it was previously decided to implement refuse collection changes for these properties, citing the installation of gates as the reason. However, the carrying out of informal consultation does not necessarily mean that gates will be installed. The alleyway currently has both a bin bag and wheelie bin regime and residents were not supportive of the changes that would be required if the gates are installed.

Bearing the above in mind, and after further discussion with Councillors, it was decided to abandon collection changes until a decision is made whether or not to proceed with gating.

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 - Micklegate

Cllr D Merrett: *"I have had a number of exchanges with and met some local residents, who have conveyed a number of concerns about the scheme and in particular the related original waste collection change to front door collection proposals – with the concerns I've previously e-mailed in. My thanks to officers for their response which culminated in our recent site meeting where resident suggestions for a modified alleygating scheme, with gates set back from the alley ends to cater for the maintaining unrestricted access to several garage / parking areas off the main alley entrance in Kyme Street, and to allow continued use of the*

current centralised waste collection points at the three alley entrances. I think a revised scheme on this basis, and subject to the fine detail over the gate location whilst not perfect, is much more likely to be acceptable, and I'd support consulting on that basis".

Cllr J Gunnell: No comments received.

Cllr S Fraser: 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 and Ward Councillors then I am content for the proposal to proceed".*

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 original scheme (2 x double gates and one single gate), will be in the region of £2,500.

Should the revised option be taken forward, the cost would be (2 x double gates and 2 x single gates), approximately £3000 plus extra fencing, for those properties which would fall outside of the gated area, if appropriate. The authority is responsible for 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 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 for the current proposal, therefore allowing statutory consultation to commence.

Option 2: Authorise the making and advertising of a revised Draft PSPO, therefore allowing statutory consultation to commence.

Option 3: 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 process of procuring the gates will begin, with installation planned before end of December 2015.

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: Bearing in mind the objections received about the affect that gating would have on vehicular access to garages served by the alleyway, it may be possible to relocate the gates so as not to interfere with vehicular access (Annex 5: Revised Location Plan). As described above, it may be possible to locate gates behind number 22 Kyme Street and between numbers 9 & 10 Baile Hill Terrace, and a single gate behind number 18 Kyme Street and adjacent to 2 Kyme Street, therefore gating the alley in two separate sections. This would leave numbers 9 & 10 Newton Terrace (who require vehicular access) and number 22 Kyme Street outside the gated area. It should be noted that number 22 has a low wall - additional fencing could be offered to these properties, if budget allows.

This option may require further informal consultation to be carried out with the residents affected by this revised proposal, and a further report to be considered.

Option 3: This option would leave the alleyway open for use by the public and the incidents of crime and ASB may 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: | | | |
| <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 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. | | | |
| <u>Financial</u> - other than that discussed in the main body of the report and annexes, there are no other financial implications. | | | |
| <u>HR</u> – to be delivered using existing staffing resources. | | | |
| <u>Sustainability</u> – there are no Sustainability implications. | | | |
| <u>Equalities</u> – A Community Impact Assessment has been undertaken (Annex 6: 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.

Recommendations

That Option 2 be approved and further consultation be carried with those properties affected by the revised location of the gates and a further report to be presented for consideration.

Contact Details

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Tony Clarke
Head of Transport

**Report
Approved**

Date

Wards Affected: Micklegate

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) Revised plan showing gate locations and alternative route
 - 6) Community Impact Assessment