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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;">17 2015</td> <td style="width: 33%; text-align: right;">March</td> </tr> </table> | Date | 17 2015 | March |
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Report Title: Public Rights of Way – Proposal to restrict public rights over alleyway between Brunswick Street/South Bank Avenue, (Micklegate Ward)

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| Decisions Requested |
| <p>Authorisation to make a Draft Public Spaces Protection Order (PSPO) under Sections 59 and 64 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; crime and anti-social behaviour (ASB) currently associated with the alleyway, the possibility of these activities occurring; and the detrimental effect that this has or may have, on the quality of life of those in the locality.</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, 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 62 affected/adjacent properties, show that there were 3 reported incidents of crime and 4 reported incidents of ASB. For the period November 2013 to November 2014, there were 6 reported incidents of crime and 6 reported incidents of ASB (Annex 3: Crime & ASB Statistics). This may be considered to be a high number of incidents for only 62 properties.</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 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 as black bags from the front of properties. 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 seven responses were received from the 67 letters sent to residents (Annex 4: Responses from Informal Consultation).

Twenty residents were in favour of gating the alley.

Seven objections were received, of which 3 specifically objected to the installation of alleygates and 6 objected to changes in waste collection.

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 correspondence with regards to the proposed Alleygating at Brunswick Street, York, YO23 1EB. 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, North Yorkshire Police.

The breakdown of resident responses was as follows:

Brunswick Street – 18 responses, 15 in favour, 3 objections

South Bank Avenue – 9 responses, 5 in favour, 4 objections

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

Objections from residents of both streets included; the proposed changes to waste collection; not wanting to live as part of a gated community; the positioning of the gates; and ‘the use of “valuable” council resources in the current economic climate.

These concerns are 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, the carrying out of informal consultation does not necessarily mean that gates will be installed. The alleyway currently has a rear collection bag regime and the majority of residents who responded were supportive of the changes that would be required if the gates are installed.

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 - Micklegate

Cllr J Gunnell: Thanks Claire and please will you keep me updated.

Cllr D Merrett: 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: *"I don't have any objections if this is supported by residents"*.

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 scheme (2 x double gates), will be in the region of £2,000.

The authority is responsible for maintenance of gates installed using PSPOs.

If authorisation to make the PSPO is given, formal consultation will begin. It is anticipated that, should the scheme go ahead, alleygates would be installed by December 2015.

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: 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 the 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.

Two of the objections from Brunswick Street relate to the proposed positioning of the gates at the west end of the alleyway. In line with legislation, the dwelling located within the alley (49a Brunswick Street) cannot have its primary access blocked by gates. There is also a garage door behind number 104 South Bank Avenue, which means that the gate

would have to be located approximately 36 metres into the alleyway. This positioning would leave number 45 Brunswick Street outside of the gated area and they have objected to the scheme on this basis.

The western arm of the alleyway is unsuitable for gating as it comprises completely of garages, with no brick walls.

Both properties adjacent to Location A are in favour of the scheme, though No 1 Brunswick Street commented that locating the gates back from the road may create a parking space in front of the gate. Where vehicular gates have been installed elsewhere in the city, they have been set back by approximately 5 metres to prevent vehicles which are turning into the alleyway, from blocking the highway and/or pavement. Information to this effect could be added to the formal consultation letter, to counteract possible objections. Signage affixed to the gates includes a “No Parking” sentence.

Three respondents requested that more detailed information with regard to waste changes be provided, and to facilitate this, an onsite meeting was arranged with Waste Services. It was subsequently agreed that refuse collection would have to change to black bags, presented at the front of properties. The formal consultation letter will make this change clear to residents, and give the reasons why the change is necessary.

Option 2: This option would leave the alleyway open for use by the public and the incidents of crime and ASB may 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 | | | |

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| Internal Consultation | |
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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 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.

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.

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.

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

Financial – 2015/2016. 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 formal consultation is undertaken. | | | |
| Contact Details | | | |
| Author: Claire Robinson Assistant PROW Officer Tel: 01904 554158 | Manager Responsible for the Report: 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) Guidance for Public Spaces Protection Orders
 - 3) Crime and ASB Statistics
 - 4) Responses from informal consultation
 - 5) Community Impact Assessment