

**Decision Session - Executive Member for
Transport and Planning**

3rd December 2015

Report of the Acting Director of City and Environmental Services

**Public Rights of Way – Presentation of Petition for the closure of
two alleyways to the rear of properties on Bachelor Hill and Gale
Lane and Batchelor Hill**

Summary

1. This report presents a petition (Annex 1) submitted by Cllr Sue Hunter, Ward Member for Westfield Ward, requesting the alleyways between 30-38 Gale Lane, 1-9 Bachelor Hill and to the rear of 11-15 Bachelor Hill (Annex 2) be gated for reasons of security. The Executive Member is asked to consider not progressing the request at this time, but to add the request to the list of other requests for Alley-gating so that it may be prioritised accordingly.

Background

2. The Council has powers available to it under the Anti-social Behaviour, Crime and Policing Act 2014 to make a Public Spaces Protection Order (PSPO) which allows gates to be fitted to an alleyway so that public access may be restricted, if it is satisfied that certain legislative requirements can be met.
3. The petition, which is signed by 10 residents was presented to Council on 8th October 2015 and requests that the above 2 alleyways be gated for security reasons. The first alleyway runs between 30-38 Gale Lane and 1-9 Bachelor Hill the second runs to the rear of 11-15 Batchelor Hill and is bounded to the south-west by high security fencing.

4. The alleyway between 30-38 Gale Lane and 1-9 Bachelor Hill is recorded on the Council's List of Streets Maintainable at the Public Expense (adopted). The alleyway running to the rear of 11-15 Bachelor Hill is not adopted. Both alleyways are located on land owned by the Council (managed by Housing Services) and therefore both will require a Public Spaces Protection Order to be made to restrict public access.
5. It should be noted that the petition does not include the nearby alleyways connecting Gale Lane to Haddon Close/Tennent Mews due to them being a short cut for residents and the possibility of objections being received should they have been included in the petition request.
6. Crime and anti-social behaviour (ASB) statistics have been requested for both alleyways (Annex 3).
7. Alleyway between 30-38 Gale Lane and 1-9 Bachelor Hill - For the period between 01/10/14 and 30/09/15, there were no recorded incidents of crime and/or ASB.
8. Alleyway to the rear of 11-15 Bachelor Hill – For the period between 01/10/14 and 30/09/15, there were no recorded incidents of crime and/ ASB.
9. Both the above crime/ASB study areas also include the short-cut alleyways mentioned in paragraph 3 above. There are no reported incidents of crime and/or ASB associated with these alleyways either.

Consultation

10. The purpose of this report is to request a decision as to whether to progress the petition request to gate the 2 alleyways. Should it be decided to progress the request, informal consultation with Prescribed Bodies i.e. residents, police etc would be carried out at this time.

Options

11. Option 1: Progress the petition request and begin informal consultation.
12. Option 2: Do not progress the petition request at this time, but add the two alleyways in question to the list of other alley-gating requests to be prioritised accordingly.

Analysis

13. Option 1: Before an alleyway can be considered for a PSPO it must be demonstrated that it meets all the requirements of the legislation (Annex 4).
14. The petition request gives the reason for wanting gates to be installed as providing greater security for the alleyways.
15. Crime and ASB statistics produced by the CYC Business Intelligence Unit, show that there were no recorded incidents of crime and ASB that may have had a detrimental affect on the quality of life of those in the locality, for the period between 01/10/14 and 30/09/15.
16. Given the above one year timeframe when no recorded incidents of crime or ASB were recorded, it is perhaps unlikely that in the future such activities will be carried on within the alleyways in question, or that if they do, they are unlikely to be of a persistent or continuing nature.
17. It is therefore considered that the requirements of the legislation are not currently being met in this instance and to continue the request on this basis may bring about an appeal to the High Court.
18. Option 2: Although there are currently no recorded incidents of crime and ASB associated with the two alleyways in question, the request to gate them could be added to the list of other requests to be prioritised accordingly, as and when resources allow.

Council Plan

19. The Council Plan is built around 3 key priorities – A Prosperous City for All, A Focus on Frontline Services and A Council that Listens to Residents.

These schemes support the following aims of the plan:

- Residents are protected from harm, with low risk of crime
- Focus on cost and efficiency to make the right decisions in a challenging financial environment
- Use evidence based decision making

Implications

20. **Financial:** There are no financial implications associated with this report.
21. **Human Resources (HR):** There are no HR Implications.
22. **Equalities:** There are no Equalities implications.
23. **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.

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.

24. **Crime and Disorder:** Other than those mentioned within the report there are no further Crime and Disorder implications.
25. **Information Technology (IT):** There are no IT implications.
26. **Property:** Other than those mentioned in the report (Para 4) there are no further Property implications.
27. **Other:** There are no other implications.

Risk Management

28. This section should be the penultimate one in the report (before Recommendations) and should include an assessment of risks associated with any recommendation to be made below. Further advice is available from the Risk & Insurance Manager in Resources. If there are no known risks, it should say so.

Recommendations

29. The Executive Member is asked to consider:

Option 2: Do not progress the petition request at this time, but add the two alleyways in question to the list of other alley-gating requests to be prioritised accordingly.

Reason: The requirements of the legislation are not currently being met in this instance.

Contact Details

Author:

Alison Newbould
Rights of Way Officer
Transport Service
Tel No. 01904 551481

Chief Officer Responsible for the report:

Neil Ferris
Acting Director City and Environmental
Services

Report
Approved



Date 20.11.15

Wards Affected: Westfield

All

For further information please contact the author of the report

Background Papers:

- Anti-social Behaviour, Crime and Policing Act 2014

Annexes

- Annex 1: Petition
- Annex 2: Location Plan
- Annex 3: Crime and ASB Statistics
- Annex 4: Legislation

Glossary

ASB – Anti-Social Behaviour

CYC – City of York Council

PROW – Public Right of Way

PSPO – Public Spaces Protection Order