

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

**3 March 2016**

Report of the Director of City and Environmental Services

**Public Rights of Way – Proposal to restrict public rights over the  
alleyways between Knavesmire Crescent/Curzon Terrace and  
Curzon Terrace/Albemarle Road, Micklegate Ward, using Public  
Spaces Protection Order legislation**

**Summary**

1. The above Public Spaces Protection Orders (PSPOs) have been requested by Safer York Partnership (SYP). This report provides details of the public consultations which have been carried out and the subsequent results. Delegated Authority exists for the Director of City and Environmental Services to seal (make operative) the PSPO, however as formal objections have been received, the Executive Member is asked to make the decision as to whether or not to seal these draft PSPOs (Annex 1). It is recommended that this scheme is not progressed.

**Recommendation**

2. The Executive Member is asked to consider:

Not making the PSPOs and therefore abandon the schemes.

Reason: The number of objections received would suggest that this scheme would not be appropriate for this area, and the money saved could be better used. Previous schemes have shown that where gates have been installed, without the full support of all residents, it can lead to gates being misused and local tensions between supporters and objectors.

## **Background**

3. The Anti-social Behaviour, Crime and Policing Act 2014, gives local authorities the power to make a PSPO in order to tackle those activities which are having a detrimental effect on the quality of life of those in the locality, and which are likely to be both unreasonable and persistent. For these particular proposals the activities include urination, dog fouling, fly tipping and drug use.
4. Statistics provided by Business Intelligence Unit (Annex 2) show that in the 12 months between November 2013 and November 2014, for the 194 properties affected/adjacent to both alleyways, there were 11 recorded incidents of crime and 8 reported incidents of anti-social behaviour. Annex 2 shows a breakdown of incidents for each alleyway affected.
5. Pre Order (informal) consultation was carried out for these schemes in December 2014. The results were presented at the Officer in Consultation meeting on 17 February 2015 where authorisation was given to proceed to statutory consultation.
6. As a result of the statutory consultation, a total of 13 formal objections for both schemes were received. These are discussed in detail in the Consultation and Analysis sections of this report.
7. The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to implement crime reduction strategies in an effort to reduce overall crime in their administrative area. This Order, if made operative, will support that obligation.
8. Once a PSPO is made it can be reviewed and either varied or revoked (s61). Annex 3 summarises the requirements of the legislation on the use and life of a Public Spaces Protection Order.
9. With due regard to the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010, the Council has identified that there is one positive and six negative impacts of this gating scheme which involve mobility and access issues (Annex 4 - Community Impact Assessment). Some of the negative impacts can be mitigated by design and installation options. As PSPOs must be reviewed every three years, or on demand, any change in local circumstance may be accommodated at this time. It may be considered that the positive impact of additional security to residents, increasing peace of mind and providing a safe area to the rear of properties justifies the negative impacts.

## Consultation

10. In total, 194 properties are affected by this proposal. The statutory consultation took place in August 2015 for Knavesmire Crescent/Curzon Terrace and in November 2015 for Curzon Terrace/Albemarle Road (Annex 5). The consultation for Curzon/Albemarle was delayed due to comments received from the informal consultation which requested that the location of Gate A be changed. In order to do this, a low wall would need to be raised and therefore the owner's consent had to be gained. It took some months to contact the householder as they live abroad. The results from the formal consultations are detailed below;

For Knavesmire Crescent/Curzon Terrace, 8 objections were received, 1 representation received in favour, and 2 undetermined responses.

For Curzon Terrace/Albemarle Road, 5 objections were received.

It should be noted that several residents sent more than one formal objection.

11. Informal consultation for these schemes was carried out in December 2014, and the responses are attached (Annex 6).
12. Micklegate Councillors and Group Spokespersons have been consulted and the following response has been received ;  
*Cllr Ann Reid: It is difficult for me to comment without seeing the report. I have no idea what the issues are, what residents views are and if the criteria we use will be met. If there is a proven ASB problem and residents are generally supportive then I have no objection in principle.*

## Options

13. Option 1: Seal and make operative the draft Public Spaces Protection Orders.

Option 2: Do not seal the draft Public Spaces Protection Orders.

## Analysis

### 14. Option 1

If the draft Public Spaces Protection Orders are sealed, the alleyways will be gated at all times. Only those residents living in properties which are adjacent to or adjoining the restricted routes will be given a Personal Identification Number (PIN) with which to access the gates, along with emergency services and utilities that may need to access their apparatus.

15. The Order will then be reviewed after 3 years or before if necessary, by conducting a full consultation with residents. Depending on the outcome, the gates could either remain in situ; the conditions by which they remain in situ could be changed; or, they could be removed altogether.

*In response to the formal representations and objections received (Annex 5):*

#### **Knivesmire Crescent/Curzon Terrace;**

Of the 8 objections and 2 undetermined responses received, 7 object to both the gates being installed and the waste collection changes which would occur should the gates be installed. Six of the objectors question whether there are any incidents of crime and anti-social behaviour to warrant the installation of gates. Five objectors express concern that gates will hinder their access to the alleyways and garages, and one objector questions if putting refuse sacks on the front pavement would breach health and safety regulations.

#### **Curzon Terrace/Albemarle Road;**

Of the 5 objections received, 4 object to the waste collection changes, and 3 objectors question the levels of crime and ASB. One resident has objected to the location of Gate A as it would leave their back gate outside of the gated area. Unfortunately, due to garage doors and low walls, this is the only possible location for this gate. Consent was requested to add trellis to the low wall, but the owners declined, therefore the consultation had to go ahead with the original gate position.

16. If gates are installed, vehicular access for both cars and cycles will be maintained.

17. A Community Impact Assessment has been carried out (Annex 4) and the summary is at paragraph 8 above.  
After consultation with residents the Council is not aware of any resident, at this point in time, who may have difficulties in accessing the gates because of a protected characteristic under the Equality Act 2010 (e.g. due to age or disability). However, the gates will present an extra obstacle to those who access the alleyway using a vehicle, as they will be required to get in and out of their vehicles to open and then close the gates.
18. If gates are installed, waste collection will have to change to front of property (central collection points are not feasible). Anyone who has physical difficulty presenting their bagged waste to the pavement may opt to register for an assisted collection. Of the 13 objections received for this scheme, 11 specifically object to changes in waste collection.
19. Previous alley gating consultation responses have been distorted by the need to change waste collections in some instances. This would not be the case if rubbish continued to be collected from alleyways after gates have been installed. Waste Services have confirmed that they would not be considering changing waste collections at these locations, were it not for the alley gating proposal.
20. Option 2  
This option would leave the alleyways open for use by the public and the incidents of crime and ASB are therefore likely to continue at previous levels. Notwithstanding this, gating these alleyways may be revisited in the future.

### **Council Plan (2015/19)**

21. The Council Plan is built around 3 key priorities. The Alley-gating process meets the following Council priorities:
  - **A Prosperous City For All**
  - **A Focus On Frontline Services**These schemes support the following aims;
  - Residents are protected from harm, with a low risk of crime.
  - All children and adults are listened to, and their opinions considered

- Ensure neighbourhoods remain clean and safe environments.
- Keep our city and villages clean.

- **A Council That Listens To Residents**

This report supports the following aims:

- Use evidence-based decision making.
- Always consider the impact of our decisions, including in relation to health, communities and equalities.
- Engage with our communities, listening to their views and taking them into account.

## **Implications**

### **22. Financial**

Capital funding has been secured for the scheme through the Council and Safer York Partnership. To supply and fit one double (vehicular) gate with locks is approximately £2,000 and one single gate with lock, is approximately £800. The total cost of gates for these two alleyways would therefore cost approximately £8, 800 (4 double gates and 1 single gate). Repairs to alley gate locks are undertaken by an outside company at a cost of £50 per hour. The gates would be maintained through the existing Rights of Way maintenance budget.

- **Human Resources (HR)**

To be delivered using existing staffing resources. The post of Alleygating Officer will be cut at the end of March due to a restructure within Transport Services.

- **Equalities**

Implications are included in Annex 3 and summarised at paragraph 8 in the main body of the report.

- **Legal**

Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 enables the Council to make a Public Spaces Protection Order restricting access to an alleyway which is a public highway where the Council is satisfied 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 that these activities are, or are likely to be, persistent and unreasonable in nature, and justify the restrictions imposed by the notice. Before making such an Order the Council must also consider the likely effect of the Order on adjoining and adjacent occupiers of premises and other persons in the locality. Where the highway constitutes a through route the Council must consider the availability of a reasonably convenient alternative route. For this scheme, the alternative routes are clearly defined on the Order Plans.

- **Crime and Disorder**

This report is based on tackling crime and anti-social behaviour issues as set out in the main body of the report and Annexes.

- **Information Technology (IT)**

There are no IT implications

- **Property**

There are no Property implications

- **Other**

Should alleygates be installed in these locations, Waste Services have indicated that waste collection arrangements would have to be changed to front of property collection.

## **Risk Management**

23. The implementation of a Public Spaces Protection Order is a power of the authority, not a duty. There are no rights of appeal should a decision not to progress with the Order be made. However, Crime and ASB levels local to the area are likely to continue should the Order not be pursued.

A person may apply to the High Court for the purpose of questioning the validity of a Public Spaces Protection Order if they believe that the Council had no power to make it, or any requirement under this Part was not complied with in relation to it.

## Contact Details

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**Chief Officer Responsible for the report:**

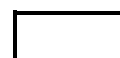
**Neil Ferris**  
**Acting Director, City & Environmental Services**

**Report Approved**



**Date** 09.02.16

**Wards Affected: Micklegate Ward**



**For further information please contact the author of the report**

### Background Papers:

- Anti-social Behaviour, Crime and Policing Act 2014  
<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm>
- Crime and Disorder Act 1998  
<http://www.legislation.gov.uk/ukpga/1998/37/contents>
- Equalities Act 2010  
<http://www.legislation.gov.uk/ukpga/2010/15/contents>
- Officer Decision – : Public Rights of Way – Proposal to restrict public rights over alleyways between Knavesmire Crescent/Curzon Terrace and Curzon Terrace/Albemarle Road, (Micklegate Ward), using Public Spaces Protection Orders legislation.  
<http://modgov.york.gov.uk/ieDecisionDetails.aspx?ID=4340>

## Annexes

- Annex 1:** Draft Public Spaces Protection Orders and Plans
- Annex 2:** Crime and Anti-Social Behaviour Statistics
- Annex 3:** Legislation
- Annex 4:** Community Impact Assessment
- Annex 5:** Formal consultation responses including representations and objections



## **Annex 6: Informal consultation responses**

### **Abbreviations used in the reports and annexes**

ASB- Anti Social Behaviour

CIA- Community Impact Assessment

CYC- City of York Council

HR- Human Resources

IT- Information Technology

MP- Member of Parliament

NYP- North Yorkshire Police

PIN- Personal Identification Number

PSED- Public Sector Equality Duty

PSPO- Public Space Protection Order

ROW- Rights of Way

SYP- Safer York Partnership