

 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 alleyway next to substation in Cornlands Park, Cornlands Road (Westfield Ward)

Decisions Requested
<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).</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 and Ward Councillors.</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 2012 to October 2013 for the 68 properties adjacent to the park, show that there were 8 reported incidents of crime and 8 reported incidents of ASB. For the period November 2013 to November 2014, there were 5 reported incidents of crime and 4 reported incidents of ASB (Annex 3: Crime & ASB Statistics). This may be considered to be a high number of incidents for 68 properties.</p> <p>The implementation of Alleygating on rear alleyways in other parts of the</p>

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.

Waste collection for the 2 affected properties would not be affected by the proposal.

Consultation Process

Informal Consultation

Informal consultation has been carried out with the 68 properties which are adjacent to the park, and statutory consultees. Eleven responses were received, which is a relatively low number for an informal consultation (Annex 4: Responses from Informal Consultation). This may be due to the fact that the alleyway directly affects just the 2 properties either side.

9 residents were in favour of gating the alley.

2 objections were received.

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 Cornlands Road, 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:

Cornlands Road – 3 responses, 3 in favour, no objections

Tennent Road – 6 responses, 5 in favour, 1 objection

Lown Hill – 2 responses, 1 in favour, 1 objection

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

Only two comments were received, 1 in favour and 1 against;

“Near the electricity building is a gap where rubbish is dumped and fires as the side. Also fly-tipping”;

“I oppose this as the majority of Tennent Road residents use the snicket, including most school children. Residents will have to walk right round to the end of Tennent Road”.

With regards to collection of waste from the properties that would be affected by a closure, Waste Services have confirmed that no changes would be required to take place.

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
- justify 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 – Westfield Ward

Cllr S Burton: *“Thanks for this report which I generally welcome. This issue has been raised in the past with local residents who, at that stage had mixed views.*

However, since the upgrading of Cornlands Road Play Area this proposal will probably have a positive impact on the area both in terms of Community Safety and additional protection for the Play Area”.

Cllr A Waller: *“The snickets in this area of Cornlands Road/Tennent Road have been a source of antisocial behaviour. The closure of this small part of the network may assist the residents locally, and be of support for the play area that the local Residents Association has obtained. However, there is need for a more through review of snickets to tackle antisocial behaviour to respond to requests by residents.”*

Cllr D Williams: No comments received

Group Spokespersons view

Cllr A D’Agorne: No comments received

Cllr D Levene: No comments received

Cllr A Reid: *"I support Cllr Waller's comments on this proposal"*.

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), and extra fencing/railings will be in the region of £3,000. The cost would be funded from the 15/16 capital programme alleygating budget.

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: 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 a Decision Session (in public) (as is required by the legislation) 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.

The electricity substation could still be accessed via the footpath which runs through the centre of the park. School children could still use the footpath through the park to reach Tennent Road/Cornlands Road.

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		

Internal Consultation

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.

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.

Financial – 2014/2015. 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 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 – Cornlands Road Park is owned by City of York Council. Asset and Property Management have no objections to this proposal

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, & Parks and Open Spaces) – There are no Waste Collection changes for this scheme. Parks and Open Spaces have been consulted and have no objections.

Recommendations

That Option 1 is approved and 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, is given.

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: Westfield

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) Community Impact Assessment