

**Notice of a public meeting of  
Decision Session - Executive Member for Transport and Planning**

**To:** Councillor Gillies (Executive Member)  
**Date:** Thursday, 3 March 2016  
**Time:** 2.00 pm  
**Venue:** The Thornton Room - Ground Floor, West Offices (G039)

**AGENDA**

**Notice to Members - Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democratic Services by **4:00 pm** on **Monday 7 March 2016**.

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate, Scrutiny and Policy Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00pm** on **Tuesday 1 March 2016**.

**1. Declarations of Interest**

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which he might have in respect of business on this agenda.

**2. Minutes (Pages 1 - 10)**

To approve and sign the minutes of the Decision Session held on 11 February 2016.

### **3. Public Participation - Decision Session**

At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is **Wednesday 2 March 2016 at 5:00pm**. Members of the public may speak on an item on the agenda or an issue within the Executive Member's remit.

#### **Filming, Recording or Webcasting Meetings**

Please note this meeting may be filmed and webcast or audio recorded and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>. or, if sound recorded, this will be uploaded onto the Council website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/downloads/file/6453/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetingspdf](http://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_of_council_meetingspdf)

- ### **4. Public Rights of Way - Proposal to restrict public rights over the following alleyways using Public Spaces Protection Order legislation; Knavesmire Crescent/Curzon Terrace and Curzon Terrace/Albemarle Road(Pages 11 - 70)**
- 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.

**5. Public Rights of Way – Proposal to restrict public rights over the alleyway between Brunswick Street/South Bank Avenue, Micklegate Ward, using Public Spaces Protection Order legislation (Pages 71 - 120)**

The above Public Spaces Protection Order (PSPOs) has 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 this draft PSPO.

**6. Public Rights of Way - Proposal to restrict public rights over the following alleyway using Public Spaces Protection Order legislation: Brownlow Street/Eldon Street (Guildhall Ward) (Pages 121 - 182)**

The above Public Spaces Protection Order (PSPO) has been requested by residents, Ward Councillors and Safer York Partnership (SYP). This report provides details of the public consultations which have been carried out and the subsequent results. As no representations have been received following the formal consultation, and the scheme appears to be fully supported, the Executive Member is asked to seal and make operative this PSPO. This scheme is the final location in the alley gating scheme as the capital funding allocation has been fully utilised.

**7. Urgent Business**

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

## Democracy Officers:

Name: Jill Pickering and Catherine Clarke

Contact Details:

- Telephone – (01904) 552061 and (01904) 551031
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For more information about any of the following please contact the Democratic Services Officers responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

City of York Council

Committee Minutes

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Meeting	Decision Session - Executive Member for Transport and Planning
Date	11 February 2016
Present	Councillor Gillies (Executive Member)
In Attendance	Councillors Craghill, Gunnell, Levene, Looker and Waller

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**47. Declarations of Interest**

At this point in the meeting, the Executive Member was asked to declare if he had any personal, prejudicial or disclosable pecuniary interests in the business on the agenda. He declared that he had none.

**48. Minutes**

Resolved: That the minutes of the Decision Sessions held on the 7 and 14 January 2016 be signed and approved by the Executive Member.

**49. Public Participation - Decision Session**

It was reported that there had been eleven registered speakers under the Council's Public Participation Scheme.

Tony Fisher from Strensall and Towthorpe Parish Council spoke regarding road safety. He advised the Executive Member that adding cycle lanes on to York Road would not ease the traffic problems encountered there, and that a pelican crossing was needed. He raised concerns that funding was only allocated to locations where accidents had already occurred and he considered that this was a reactive rather than proactive approach. He felt that only a small number of residents were being consulted on highway items in the area. He considered that the residents and the Parish Council were not being consulted appropriately and that their concerns were being ignored. He wanted to work co-operatively with the Council and the Executive Member to identify the source of the problems addressing road safety in the area.

One of the registered speakers did not attend.

The following speakers spoke regarding Agenda Item 4 (Monkgate Parking Changes):

Paul Bushnell spoke about how he had safety concerns regarding the current parking layout. He stated that when the car parking bays were full that a situation called 'bay diving' occurred, when cars rushed from one side to another down the street. Double parking occurred when cars waited for a space. This was particularly bad on the southern side of Monkgate, and was very hazardous for cyclists. He wanted more parking spaces to be introduced. He urged the Executive Member to select the do nothing option and to seek an alternative arrangement.

Joy Plaskitt expressed concerns that the time of the Decision Session had been rescheduled in that it would not allow for people who worked to attend. She gave an example of how removing the car parking spaces affected her in that she had to use the Monk Bar Car Park overnight when returning home from evening classes as there were no spaces outside of her house. She pointed out the car parking spaces on Monkgate were oversubscribed. She suggested that an alternative proposal would be to use marked bays on the road to avoid people abandoning their cars and to allow space for two cars instead of one.

Anita Adams stated that the photographic evidence used by Officers had been taken during the day when most residents were not at home. She questioned why Council Highways Officers did not voice concerns when planning permission was granted for new developments in the area, when they were aware of visibility problems at the Agar Street junction.

Vanessa Smith spoke on behalf of residents of Orchard Court. She stated that it was dangerous exiting Agar Street with a vehicle since the cycle lane had been put in as cyclists thought they had right of way. She added that it was regrettable that in order to implement a safety measure that residents only parking spaces had to be removed, but if nothing was done and if there was an accident there might be a liability on the Council. She urged the Executive Member to approve the removal of the spaces but to also look at alternative measures to recompense Monkgate residents.

Councillor Looker spoke as the Ward Member. She strongly supported the proposed scheme as detailed in Annex A of the Officer's report on road safety concerns, and also stated that it was dangerous exiting Agar Street. She felt that as this scheme had removed residents only parking in the city centre, that perhaps it would be a good idea to revisit other residents parking zones in Monkgate and the Groves.

Barbara Hunt spoke regarding Agenda Item 6 (East Mount Road: Consideration of Objection received to recently advertised proposal to amend the York Parking, Stopping and Waiting Traffic Regulation Order). She informed the Executive Member that she was the owner of the short vehicle mentioned in the report at Paragraph 7, and when she could not park there she used a longer space. She asked that the short space be retained as to lose this would be losing a longer space.

Councillor Craghill spoke regarding Agenda Item 8 (City and Environmental Services Capital Programme-2015/16 Monitor 2 Report). She spoke regarding the transfer of funds for road safety from the Navigation Road Speed Management Scheme to the Speed Review Process budget for other parts of York. It was noted that the funding for the scheme was originally given as a result of a petition as older people had found it difficult crossing Navigation Road. The area had suffered traffic wise as it had been used as a rat run and cut through. She felt that more crossing points should be installed as this would mean that more people would get out of their houses more, and would generally feel healthier.

Councillor Waller spoke regarding Agenda Item 9 (Local Safety Schemes- Casualty Reduction Programme 2015/16). He shared his thoughts with the Executive Member on the proposed schemes;

- Thanet Road- there were sight problems opposite the rugby club and a cable box which obscured cars.
- Tudor Road/Kingsway West-how would a bin lorry manage this?
- Cornlands Road-he was grateful for the markings put on after resurfacing and although residents the removal of railings, he hadn't felt they had obscured.

Councillor Gunnell spoke as the Ward Member regarding Agenda Item 10 (Objections to the advertised Residents Priority Parking Scheme on Nunthorpe Grove, Micklegate). She stated that she supported the Officer's recommendation mainly as the neighbouring streets were in Residents Parking schemes. Cars were also unevenly parking on Nunthorpe Grove making other vehicles having to zig zag in and out to travel down the street, which was dangerous.

Councillor Levene spoke regarding Agenda Item 11 (Free Weekend Bus Travel for Young People in January and February 2016 Update). He felt that the Executive Member should approve Option 2 to approve funding of the offer for a further period to expire at the end of the Easter Holidays, mainly as the original period of a month, had been cut short due to flooding. He also felt that the trial had not been advertised widely and so the cut off point was not known to young people.

## **50. Monkgate Parking Changes**

The Executive Member considered a report which asked him to approve changes to the parking layout on Monkgate.

Officers reported that they endorsed calls from Councillor Looker to revisit parking zones in Monkgate and the Groves and comments made by Paul Bushnell about double parking. This particular issue had not been brought to their attention before. They also stated that they had to balance the use of the road by various users. They also informed the Executive Member that a report into a Parking Review at a city wide level which would be considered at the next Executive meeting, would look into various options for residents parking across the city.

Resolved: (i) Approve the parking proposals as shown in Annex A noting the changes that may come about as a result of the procurement from the Parking Review report that is considered by Executive.

(ii) That the installation of cycle parking stands in the two parking spaces on the south side of Monkgate be approved.



Reason: To enhance road safety by improving visibility for drivers emerging on to Monkgate.

**51. Consideration of Petitions received from Residents of Haxby and Wigginton**

The Executive Member received a report which detailed the options that could be taken in response to two petitions submitted by Councillor Richardson in respect of implementing parking restrictions on Abelton Grove and South Lane.

The Executive Member reported that he had received an email from Councillor Richardson requesting more meaningful engagement with residents.

Officers stated that they had investigated the reported requests but they advised the Executive Member that the situation was similar across the city.

The Executive Member suggested that residents could put a white line in front of their properties and residents parking could be investigated, and that Haxby Town Council might wish to come up some proposals to submit to Officers.

Resolved: That the matters are closed and no further action be taken.

Reason: Both areas were included and considered earlier this year as part of the 2015 Review of Waiting Restrictions. A recommendation of no further action was confirmed by the Director of City and Environmental Services. Extracts from this report are attached as Annex A (Abelton Grove) and Annex B (South Lane).

**52. East Mount Road: Consideration of Objection received to recently advertised proposal to amend the York Parking, Stopping and Waiting Traffic Regulation Order**

The Executive Member considered a report which concerned a resident parking bay on East Mount Road.

Resolved: That Option B, to uphold the objections (in part) and implement the changes outlined as (a) and (c) in paragraph 6; the white bar marking to remain in situ, be approved.

Reason: To take on board residents concerns whilst still achieving an improvement to the parking amenity for residents of 50 East Mount Road.

**53. Consideration of Petitions received from Residents of 110-128 Broadway (Fulford & Heslington Ward)**

The Executive Member considered a report which asked him to approve a formal consultation with residents in response to a request for Residents Priority Parking for the properties of 110-128 Broadway.

The Executive Member read out the written representation received from Councillor Aspden, which was attached at the annex of written representations.

Officers stated that they would not normally enter into direct contact with the Ministry of Defence or other organisation themselves on behalf of residents.

Resolved: That the formal consultation be approved.

Reason: The documentation package we provide enables residents to make an informed decision.

**54. City and Environmental Services Capital Programme – 2015/16 Monitor 2 Report**

The Executive Member considered a report which set out progress to date on schemes in the 2015/16 City and Environmental Services (CES) Capital Programme, including budget spend to the end of December 2015.

In response to comments raised under Public Participation by Councillor Craghill, the Acting Director of City and Environmental Services informed the Executive Member that the speed survey undertaken could be redone at a cost of £300-£400. The Executive Member agreed to this being carried out.

Resolved: (i) That the amendments to the 2015/16 City and Environmental Services Capital Programme as set out in Annexes 1 and 2 be approved.

(ii) That a speed survey be undertaken on Navigation Road/Walmgate.

Reason: To enable the effective management and monitoring of the council's capital programme.

**55. Local Safety Schemes - Casualty Reduction Programme 2015/16**

The Executive Member received a report which sought approval of a detailed 2015/16 Casualty Reduction programme, following initial consultation which identified three packages of work-Schemes, Minor Works and Studies.

Resolved: That Option (i), i.e to approve in principle the schemes of Hull Road/Tang Hall Lane, Cornlands Road/Gale Lane and Tudor Road/Kingsway West and authorise Officers to undertake further local consultation and advertisement of traffic orders as necessary, and implement the schemes if necessary are received be approved. Any insurmountable objections will be reported back to the Executive Member for a decision.

Reason: To improve the overall level of safety in the city and reduce the number of casualties.

**56. Objections to the advertised Residents Priority Parking Scheme on Nunthorpe Grove, Micklegate Ward**

The Executive Member considered a report which informed him of the objections received to the proposal to make Nunthorpe Grove a Residents Priority Parking area.

Resolved: That the scheme be implemented as advertised, and a 24 hour Residents Priority Parking area on Nunthorpe Grove be introduced.

Reason: This is in line with a well established procedure when dealing with requests for new Residents Parking Schemes; however the return percentages are very close to the implementation limits.

**57. Free Weekend bus travel for young people in January & February 2016 update**

The Executive Member considered a report which provided him with an updated on the take up of the free weekend bus travel offer as agreed by him at his Decision Session on 9 December 2015.

In response to Councillor Levene's comments raised under Public Participation, Officers responded that the trial was advertised on buses.

The Executive Member stated that he was disappointed when he saw the take up figures. He informed Officers and those present that he had recently met with the Youth Council and had asked if they would work with Council Officers and the bus companies to investigate a way to encourage more young people to use the bus more often. He said that he would make a small amount of funding available for them, and that he was happy to work with the Youth Council rather than extending the scheme as it was in its current form.

Resolved: That the free travel offer be finished at the end of February but instead of extending the scheme, money be made available to Officers to work with the Youth Council and other relevant groups of young people to investigate measures which would increase bus use by young people.

Reason: (i) The scheme has not generated increased bus use in the target market (children and young people).

(ii) To find out the views of young people in respect of bus travel.

**58. Petitions: Langdale Avenue and Rydal Avenue Area - Highway Condition and Nevinson Grove, Stirling Grove, Wilsthorpe Grove (Heslington Lane) - request for inclusion in future resurfacing plans**

The Executive Member received a report which concerned two petitions that related to highway condition and the adoption of private streets. It also asked him to approve a review of the existing policy for the adoption of private streets.

Officers informed the Executive Member that there were approximately 100 unadopted roads in York, and that residents would have to be in agreement before a street could be adopted. The responsibility for funding bringing a road up to adoptable standard rested with the frontagers of the street with a potential contribution from the Council under the existing policy. Funding for the future maintenance of the street would be allocated from Council resources once it was adopted by the Council.

Resolved: That the findings of the investigations surrounding the petitions be noted and the review of the existing policy for the adoption of private streets be approved.

Reason: To ensure that the most appropriate policy is in place relating to the adoption of private streets.

Councillor Gillies, Chair

[The meeting started at 2.00 pm and finished at 3.05 pm].

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**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

### Author:

**Claire Robinson**  
**Rights of Way Officer**  
**Transport Services**  
01904 554158

**Chief Officer Responsible for the report:**

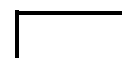
**Neil Ferris**  
**Acting Director, City & Environmental Services**

**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

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**THE COUNCIL OF THE CITY OF YORK  
ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59**

**The Council of the City of York  
Knavesmire Crescent/Curzon Terrace Draft Public Spaces Protection Order 2015**

This Order is made by the Council of the City of York ("The Council") under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 59 ("the Act").

1. This Order relates to the public highway described in Paragraph 1 of the Schedule below and defined by cross-hatching on the plan attached to this Order ("the restricted area"), being a public place in the Council's area to which the Act applies:
2. The Council is satisfied that the two conditions below have been met, in that:
  - a. activities carried on in the restricted area as described below, have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and that they will have such an effect. The said activities being urination, dog fouling, fly tipping and drug use.
  - b. that the effect, or likely effect of the activities described above, is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

**BY THIS ORDER**

3. The effect of the Order is as follows:
  - a. To restrict the use of the public right of way over the highway within the restricted area described in Paragraph 1 of the Schedule below, the restriction being in place at all times.
  - b. This restriction shall not apply to the occupiers of premises adjoining or adjacent to the restricted area so indicated.
  - c. The alternative to the restricted highway is as indicated in Paragraph 2 of the Schedule below;
  - d. There is authorised the installation of a lockable metal gate at the ends of the restricted highway identified in Paragraph 1 of the Schedule, whose maintenance is the responsibility of the Assistant Director (Transport, Highways and Fleet), West Offices, Station Rise, York, YO1 6GA.
4. The Order will remain in force for a period of 3 years from the date of this Order, unless extended by further Orders under the Council's statutory powers.
5. A person guilty of an offence under conditions (3) (a) above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £100.

**THE SCHEDULE**

1. The highway to be restricted (A-B-C-D) commences at Point A (OS grid reference SE 59583 50248) on the Order map, behind No 36 Knavesmire Crescent and adjacent to No 9 Curzon Terrace, continuing in a south westerly

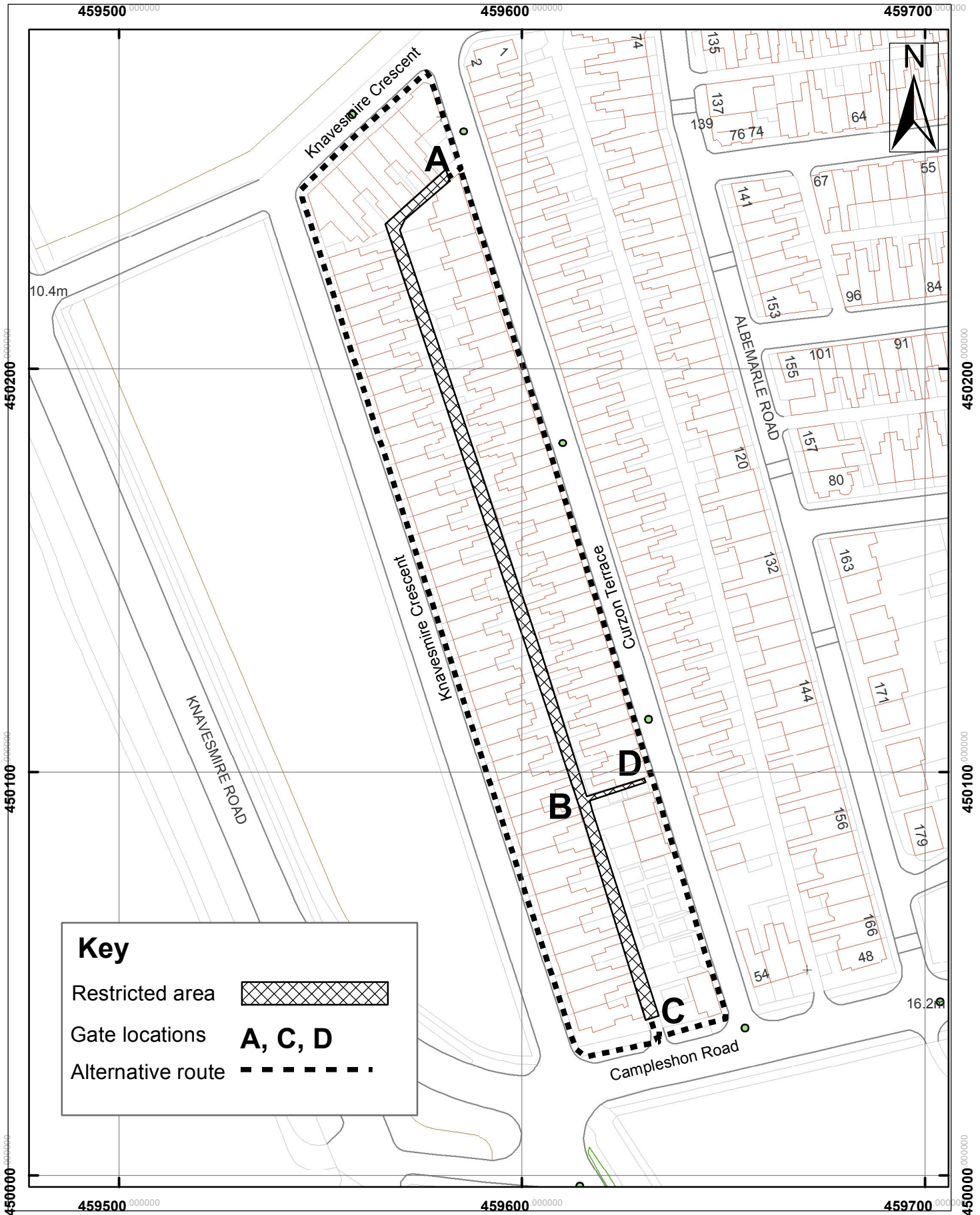
direction for 20 metres, then in a south easterly direction for 207 metres to Point C (OS grid reference SE 59633 50040) at the rear of No 132 Knavesmire Crescent and adjacent to the electricity substation within the alleyway, and also encompassing a short spur running from Point B (OS grid reference 59614 50093) on the Order map, continuing in an easterly direction for 18 metres finishing at Point D (OS grid reference 59630 50098) adjacent to No 79 Curzon Terrace.

2. The alternative route is along Knavesmire Crescent and Curzon Terrace, as shown by a bold broken line on the Order map.

THE COMMON SEAL of the )  
Council of the City of York was )  
this day of 2015 )  
hereto affixed in the presence of:- )

Assistant Director of Governance & ICT

DRAFT



West Offices, Station Rise  
York, YO1 6GA  
Telephone: 01904 551550

**Anti-social Behaviour, Crime & Policing Act 2014  
Knavesmire Crescent/Curzon Terrace Public Spaces Protection Order 2015**

Scale 1:1,250	Drawn By: CR	Date: 31/07/15
Public Rights of Way	Reference: Grid Ref 6053	Drawing No.

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**Public Spaces Protection Order**

**Anti-social Behaviour, Crime and Policing Act 2014 Sections 59 to 68**

**City of York Council Draft Public Spaces Protection Order 2015**

**Curzon Terrace/Albemarle Road**

This Order is made by the City of York Council (“the local authority”) under Sections 59 to 68 of the Anti-social Behaviour, Crime and Policing Act 2014 because it appears to the local authority that certain anti-social activities carried on at the public rear alleyway between Curzon Terrace and Albemarle Road, York (OS Grid Reference SE5950), being a public place within the authority’s area, have had a detrimental effect on the quality of life of those in the locality. And further, that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature such as to make the activities unreasonable and which justifies the restrictions imposed by this Order. These said activities being urination, dog fouling, fly tipping and drug use.

**BY THIS ORDER**

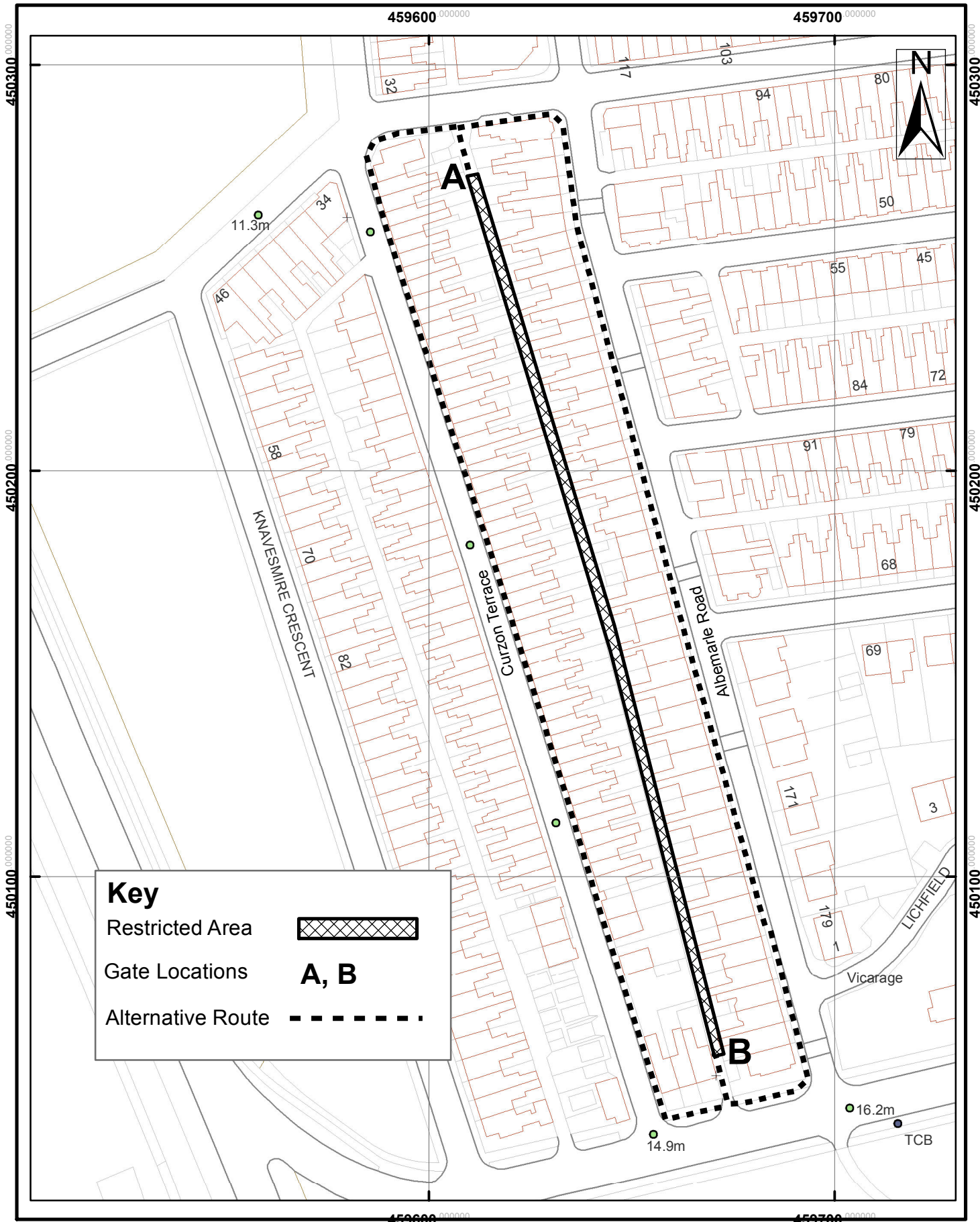
The effect of the Order is as follows:

- 1 To restrict the use of the public right of way over the above mentioned public place (‘the restricted area’) the restriction being in place at all times.
- 2 This restriction shall not apply to the occupiers of premises adjoining or adjacent to the restricted area so indicated.
- 3 Access to the restricted area is to be controlled by the installation of lockable metal gates at either end of the alleyway between Curzon Terrace and Albemarle Road, York, as shown on the attached Order plan. The maintenance of the gates, locks and keys will be the responsibility of the Assistant Director (City and Environmental Services), West Office, Station Rise, York, YO1 6GA.
- 4 The alternative route to the restricted highway is along Curzon Terrace, Queen Victoria Street, Albemarle Road and Campleshon Road.
- 5 It is an offence under section 67 of this Act for a person without reasonable excuse to do anything that the person is prohibited from doing by a Public Spaces Protection Order, or to fail to comply with a requirement to which the person is subject under a Public Spaces Protection Order, and a person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- 6 Access to the footpath shall be unrestricted at all times for all authorised local authority employees, the emergency services and statutory undertakers for all purposes in connection with inspection, repair and maintenance of the surface and the street lights and for any other purpose in connection with the undertaking of its statutory functions.
- 7 The Order shall have effect for a period of 3 years from the date of this Order, unless extended by further Orders.
- 8 An interested person wishing to question the validity of a Public Spaces Protection Order may apply to the High Court within the period of six weeks beginning with the date on which the Order is made.

The COMMON SEAL of the                    )  
Council of the City of York                )  
was this day of            2015                )  
hereto affixed in the presence of:        )

Assistant Director of Governance and ICT  
Council of the City of York



**Key**

- Restricted Area
- Gate Locations **A, B**
- Alternative Route



West Offices, Station Rise  
York, YO1 6GA  
Telephone: 01904 551550

**Anti-social Behaviour, Crime & Policing Act 2014  
Curzon Terrace/Albemarle Road Public Spaces Protection Order 2015**

Scale 1:1,250	Drawn By: CR	Date: 21/07/15
Public Rights of Way	Reference: Grid Ref SE5950	Drawing No.

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**Annex 2 Crime and ASB Statistics**

Street	Crime or ASB Type 2013 and 2014	Total
Curzon Terrace - Albermarle Road	ARSON NOT ENDANGERING LIFE	1
	BURGLARY IN A BUILDING OTHER THAN A DWELLING	1
	CRIMINAL DAMAGE OTHER	1
	CRIMINAL DAMAGE TO VEHICLES	1
	OTHER THEFT OR UNAUTHORISED TAKING	1
	THEFT OF PEDAL CYCLE	3
	VEHICLE INTERFERENCE	1
Curzon Terrace - Knavesmire Crescent	ASB	8
	ATTEMPTED BURGLARY IN A BUILDING OTHER THAN A DWELLING	1
	CRIMINAL DAMAGE TO VEHICLES	2

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## Anti-social Behaviour, Crime and Policing Act 2014

### Chapter 2

#### Public Spaces Protection Orders

##### 59 Power to make orders

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is 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.
- (3) The second condition is that 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.
- (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and-
  - (a) Prohibits specified things being done in the restricted area,
  - (b) Requires specified things to be done by persons carrying on specified activities in that area, or
  - (c) Does both of those things.
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
  - (a) To prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
  - (b) To reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- (6) A prohibition or requirement may be framed—
  - (a) So as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;
  - (b) So as to apply at all times, or only at specified times, or at all times except those specified;
  - (c) So as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.
- (7) A public spaces protection order must—
  - (a) Identify the activities referred to in subsection (2);
  - (b) Explain the effect of section 63 (where it applies) and section 67;
- (8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.

**ANNEX 3: LEGISLATION**

**60 Duration of orders**

- (1) A public spaces protection order may not have effect for a period of more than 3 years, unless extended under this section.
- (2) Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
  - (a) Occurrence or recurrence after that time of the activities identified in the order, or
  - (b) An increase in the frequency or seriousness of those activities after that time.
- (3) An extension under this section—
  - (a) May not be for a period of more than 3 years;
  - (b) Must be published in accordance with regulations made by the Secretary of State.
- (4) A public spaces protection order may be extended under this section more than once.

**61 Variation and discharge of orders**

- (1) Where a public spaces protection order is in force, the local authority that made the order may vary it—
  - (a) By increasing or reducing the restricted area;
  - (b) By altering or removing a prohibition or requirement included in the order, or adding a new one.
- (2) A local authority may make a variation under subsection (1)(a) that results in the order applying to an area to which it did not previously apply only if the conditions in section 59(2) and (3) are met as regards activities in that area.
- (3) A local authority may make a variation under subsection (1)(b) that makes a prohibition or requirement more extensive, or adds a new one, only if the prohibitions and requirements imposed by the order as varied are ones that section 59(5) allows to be imposed.
- (4) A public spaces protection order may be discharged by the local authority that made it.
- (5) Where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State.
- (6) Where an order is discharged, a notice identifying the order and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.

ANNEX 3: LEGISLATION

**64 Orders restricting public right of way over highway**

- (1) A local authority may not make a public spaces protection order that restricts the public right of way over a highway without considering—
- (a) The likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway;
  - (b) The likely effect of making the order on other persons in the locality;
  - (c) In a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.

- (2) Before making such an order a local authority must—
- (a) Notify potentially affected persons of the proposed order,
  - (b) Inform those persons how they can see a copy of the proposed order,
  - (c) Notify those persons of the period within which they may make representations about the proposed order, and
  - (d) Consider any representations made.

In this subsection “potentially affected persons” means occupiers of premises adjacent to or adjoining the highway, and any other persons in the locality who are likely to be affected by the proposed order.

- (3) Before a local authority makes a public spaces protection order restricting the public right of way over a highway that is also within the area of another local authority, it must consult that other authority if it thinks it appropriate to do so.
- (4) A public spaces protection order may not restrict the public right of way over a highway for the occupiers of premises adjoining or adjacent to the highway.
- (5) A public spaces protection order may not restrict the public right of way over a highway that is the only or principal means of access to a dwelling.
- (6) In relation to a highway that is the only or principal means of access to premises used for business or recreational purposes, a public spaces protection order may not restrict the public right of way over the highway during periods when the premises are normally used for those purposes.
- (7) A public spaces protection order that restricts the public right of way over a highway may authorise the installation, operation and maintenance of a barrier or barriers for enforcing the restriction.
- (8) A local authority may install, operate and maintain barriers authorised under subsection (7).
- (9) A highway over which the public right of way is restricted by a public spaces protection order does not cease to be regarded as a highway by reason of the restriction (or by reason of any barrier authorised under subsection (7)).
- (10) In this section—

## ANNEX 3: LEGISLATION

“dwelling” means a building or part of a building occupied, or intended to be occupied, as a separate dwelling;  
 “highway” has the meaning given by section 328 of the Highways Act 1980.

### **65 Categories of highway over which public right of way may not be restricted**

- (1) A public spaces protection order may not restrict the public right of way over a highway that is—
- (a) A special road;
  - (b) A trunk road;
  - (c) A classified or principal road;
  - (d) A strategic road;
  - (e) A highway in England of a description prescribed by regulations made by the Secretary of State;
  - (f) A highway in Wales of a description prescribed by regulations made by the Welsh Ministers.
- (2) In this section—
- “Classified road”, “special road” and “trunk road” have the meaning given by section 329(1) of the Highways Act 1980;
  - “Highway” has the meaning given by section 328 of that Act;
  - “Principal road” has the meaning given by section 12 of that Act (and see section 13 of that Act);
  - “strategic road” has the meaning given by section 60(4) of the Traffic Management Act 2004.

#### *Validity of orders*

### **66 Challenging the validity of orders**

- (1) An interested person may apply to the High Court to question the validity of—
- (a) A public spaces protection order, or
  - (b) A variation of a public spaces protection order.
- “Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.
- (2) The grounds on which an application under this section may be made are—
- (a) That the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
  - (b) That a requirement under this Chapter was not complied with in relation to the order or variation.
- (3) An application under this section must be made within the period of 6 weeks beginning with the date on which the order or variation is made.
- (4) On an application under this section the High Court may by order suspend the operation of the order or variation, or any of the prohibitions or requirements

**ANNEX 3: LEGISLATION**

imposed by the order (or by the order as varied), until the final determination of the proceedings.

- (5) If on an application under this section the High Court is satisfied that—
  - (a) The local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
  - (b) The interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under this Chapter, the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).
- (6) A public spaces protection order, or any of the prohibitions or requirements imposed by the order (or by the order as varied), may be suspended under subsection (4) or quashed under subsection (5)—
  - (a) Generally, or
  - (b) So far as necessary for the protection of the interests of the applicant.
- (7) An interested person may not challenge the validity of a public spaces protection order, or of a variation of a public spaces protection order, in any legal proceedings (either before or after it is made) except—
  - (a) Under this section, or
  - (b) Under subsection (3) of section 67 (where the interested person is charged with an offence under that section).

*Failure to comply with orders*

**67 Offence of failing to comply with order**

- (1) It is an offence for a person without reasonable excuse—
  - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - (b) To fail to comply with a requirement to which the person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

**68 Fixed penalty notices**

- (1) A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 or 67 in relation to a public spaces protection order.

**ANNEX 3: LEGISLATION**

- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.
- (3) The local authority specified under subsection (2) must be the one that made the public spaces protection order.
- (4) Where a person is issued with a notice under this section in respect of an offence—
  - (a) No proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice;
  - (b) The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (5) A fixed penalty notice must—
  - (a) Give reasonably detailed particulars of the circumstances alleged to constitute the offence;
  - (b) State the period during which (because of subsection (4)(a)) proceedings will not be taken for the offence;
  - (c) Specify the amount of the fixed penalty;
  - (d) State the name and address of the person to whom the fixed penalty may be paid;
  - (e) Specify permissible methods of payment.
- (6) An amount specified under subsection (5)(c) must not be more than £100.
- (7) A fixed penalty notice may specify two amounts under subsection (5)(c) and specify that, if the lower of those amounts is paid within a specified period (of less than 14 days), that is the amount of the fixed penalty.
- (8) Whatever other method may be specified under subsection (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under subsection (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (9) Where a letter is sent as mentioned in subsection (8), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (10) In any proceedings, a certificate that—
  - (a) Purports to be signed by or on behalf of the chief finance officer of the local authority concerned, and
  - (b) States that payment of a fixed penalty was, or was not, received by the date specified in the certificate, is evidence of the facts stated.
- (11) In this section—

“authorised person” means a person authorised for the purposes of this section by the local authority that made the order (or authorised by virtue of section 69(2));

## ANNEX 3: LEGISLATION

“chief finance officer”, in relation to a local authority, means the person with responsibility for the authority’s financial affairs.

**70 Byelaws**

A byelaw that prohibits, by the creation of an offence, an activity regulated by a public spaces protection order is of no effect in relation to the restricted area during the currency of the order.

**71 Bodies other than local authorities with statutory functions in relation to land**

- (1) The Secretary of State may by order—
  - (a) Designate a person or body (other than a local authority) that has power to make byelaws in relation to particular land, and
  - (b) Specify land in England to which the power relates.
- (2) This Chapter has effect as if—
  - (a) A person or body designated under subsection (1) (a “designated person”) were a local authority, and
  - (b) Land specified under that subsection were within its area.
 But references in the rest of this section to a local authority are to a local authority that is not a designated person.
- (3) The only prohibitions or requirements that may be imposed in a public spaces protection order made by a designated person are ones that it has power to impose (or would, but for section 70, have power to impose) by making a byelaw in respect of the restricted area.
- (4) A public spaces protection order made by a designated person may not include provision regulating, in relation to a particular public space, an activity that is already regulated in relation to that space by a public spaces protection order made by a local authority.
- (5) Where a public spaces protection order made by a local authority regulates, in relation to a particular public space, an activity that a public spaces protection order made by a designated person already regulates, the order made by the designated person ceases to have that effect.
- (6) If a person or body that may be designated under subsection (1)(a) gives a notice in writing under this subsection, in respect of land in relation to which it has power to make byelaws, to a local authority in whose area the land is situated—
  - (a) No part of the land may form, or fall within, the restricted area of any public spaces protection order made by the local authority;
  - (b) If any part of the land—
    - (i) Forms the restricted area of a public spaces protection order already made by the local authority, or

## ANNEX 3: LEGISLATION

(ii) Falls within such an area, the order has ceases to have effect (where sub-paragraph (i) applies), or has effect as if the restricted area did not include the land in question (where sub-paragraph (ii) applies).

**72 Convention rights, consultation, publicity and notification**

- (1) A local authority, in deciding—
  - (a) Whether to make a public spaces protection order (under section 59) and if so what it should include,
  - (b) Whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,
  - (c) Whether to vary a public spaces protection order (under section 61) and if so how, or
  - (d) Whether to discharge a public spaces protection order (under section 61), must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.
- (2) In subsection (1) “Convention” has the meaning given by section 21(1) of the Human Rights Act 1998.
- (3) A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—
  - (a) Making a public spaces protection order,
  - (b) Extending the period for which a public spaces protection order has effect, or
  - (c) Varying or discharging a public spaces protection order.
- (4) In subsection (3)—
 

“the necessary consultation” means consulting with—

  - (a) The chief officer of police, and the local policing body, for the police area that includes the restricted area;
  - (b) Whatever community representatives the local authority thinks it appropriate to consult;
  - (c) The owner or occupier of land within the restricted area;

“the necessary publicity” means—

  - (a) In the case of a proposed order or variation, publishing the text of it;
  - (b) In the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension, variation or discharge—

  - (a) The parish council or community council (if any) for the area that includes the restricted area;
  - (b) In the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area.
- (5) The requirement to consult with the owner or occupier of land within the restricted area—
  - (a) Does not apply to land that is owned and occupied by the local authority;



**ANNEX 3: LEGISLATION**

- (b) Applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.
- (6) In the case of a person or body designated under section 71, the necessary consultation also includes consultation with the local authority which (ignoring subsection (2) of that section) is the authority for the area that includes the restricted area.
- (7) In relation to a variation of a public spaces protection order that would increase the restricted area, the restricted area for the purposes of this section is the increased area.

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## Annex 4

## SECTION 1: CIA SUMMARY



## Community Impact Assessment: Summary

**1. Name of service, policy, function or criteria being assessed:**

Curzon Terrace Alleyways Alleygating Proposal 2015/2016

**2. What are the main objectives or aims of the service/policy/function/criteria?**

A Public Spaces Protection Order (PSPO) allows the council to restrict access to a public place (such as a rear alleyway) where the activities which are associated with that place are, or are likely to be, having a detrimental effect on the quality of life of those in the locality.

This recommendation proposes the restriction/closure of the alleyways between Albermarle Road/Curzon Terrace and Curzon Terrace/Knavesmire Crescent.

**3. Name and Job Title of person completing assessment:**

Claire Robinson, Assistant Rights of Way Officer

**4. Have any impacts been Identified? (Yes/No)**

Yes

**Community of Identity affected:**

Age; Disability, Carers

**Summary of impact:**

One positive and six negative impacts have been identified involving mobility and access issues. One of the negative issues is seen as critical (design of locks / handles etc). This is mitigated by design / installation and alternative access options. Alleygates are reviewed regularly and/or on demand which accommodates any change in circumstances.

The positive impact of additional security to residents, increasing peace of mind and providing a safe area to the rear of their properties justifies the negative impacts.

**5. Date CIA completed: 10 February 2015****6. Signed off by:**

7. I am satisfied that this service/policy/function has been successfully impact assessed.

**Name:**

**Position:**

**Date:**

<b>8. Decision-making body:</b> OIC	<b>Date:</b> 3 February 2015	<b>Decision Details:</b>
--	------------------------------------	--------------------------

Send the completed signed off document to [ciasubmission@york.gov.uk](mailto:ciasubmission@york.gov.uk). It will be published on the intranet, as well as on the council website.

Actions arising from the Assessments will be logged on Verto and progress updates will be required

## Community Impact Assessment (CIA)

**Community Impact Assessment Title:**

Curzon Terrace Alleyways Alleygating Proposal 2015/2016

What evidence is available to **suggest that the proposed service, policy, function or criteria could have a negative (N), positive (P) or no (None) effect** on quality of life outcomes? (Refer to guidance for further details)

Can negative impacts be justified? **For example: improving community cohesion; complying with other legislation or enforcement duties; taking positive action to address imbalances or under-representation; needing to target a particular community or group e.g. older people.** NB. Lack of financial resources alone is NOT justification!

**Community of Identity: Age**

<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Informal consultation has been undertaken with all affected residents and statutory bodies (Police, emergency services, utility companies, The Ramblers)		Physical security; Standard of living Access to services; Individual, family and social life	<b>Positive &amp; Negative</b>	<b>None</b>
<b>Details of Impact</b>	<b>Can negative impacts be justified?</b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
1. Positive: A Public Spaces Protection Order may 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;		<ul style="list-style-type: none"> <li>• As a proportionate means to achieve a legitimate aim</li> <li>• In support of improving community cohesion</li> <li>• There are alternative pavement routes that can be safely used with only reasonable increases in walking distances.</li> </ul>		

<ul style="list-style-type: none"> <li>• have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;</li> <li>• is, or is likely to be, persistent or continuing in nature;</li> <li>• is, or is likely to be, unreasonable; and</li> <li>• justifies the restrictions imposed.</li> </ul> <p>There is a generally agreed perception that older people are more fearful of crime and anti-social behaviour (ASB) so the installation of gates to reduce crime and to deter groups of ‘undesirables’ gathering in alleyways would have a beneficial effect. People who live adjacent to the alleyways subject to a PSPO will particularly benefit from reduced anti-social behaviour for example, drinking in the passages, graffiti, urination etc. A PSPO gives additional security to residents, increasing peace of mind and provides a safe area to the rear of their properties.</p>		<ul style="list-style-type: none"> <li>• Waste Services offer additional assistance to customers meeting set criteria.</li> <li>• A number of consultation responses indicated that customers were of age and would have difficulty. We will proactively signpost these residents to this service.</li> <li>• The letter which confirms the Public Spaces Protection Order, will also signpost residents to this service.</li> </ul>	<p>C Robinson</p> <p>C Robinson</p>	<p>When the PSPO is made operative</p> <p>When the PSPO is made operative</p>
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**Negative:** Restricting the use of the alleyway can have a negative impact on specific age groups.

Older people/under 17s:

Non-drivers are less likely use a car, therefore more likely to regularly use alleyways to access local shops, bus stops, schools etc. Older people and under 17s are likely to be non-drivers. People who have mobility problems welcome short-cuts and walks that are away from busy traffic and may be hesitant or unable to use alternative routes to essential services.

Children:

Parents with young children may use alleyway routes to take them to school. Older children going to school on their own may use alleyway routes to arrive at school safely



<p>When a PSPO is made and gates installed, it is necessary for refuse to be collected from the front of properties or a central collection point instead of from rear alleyways. This means that in most cases, refuse bags will have to be carried through the home to present it on the public highway at the front. This could have a negative impact on older people who may be unable to lift and carry due to mobility issues/frailty.</p>				
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**Community of Identity: Carers of Older or Disabled People**

<b>Evidence</b>	<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
<p>Informal consultation has been undertaken with all affected residents and statutory bodies (Police, emergency services, utility companies, Ramblers)</p>	<p>Access to services; Standard of living; Individual, family and social life</p>	<p>Negative</p>	<p>None</p>

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
Residents are able to provide independent access to carers should the alleygates be installed. Carers may wish to change working hours to facilitate refuse disposal (as detailed above) but this is optional and dependant on personal preference.	Yes	<ul style="list-style-type: none"> <li>As a proportionate means to achieve a legitimate aim</li> <li>Waste Services offer additional assistance to customers meeting set criteria.</li> <li>Residents have the choice of using this service instead of changing carers' working patterns.</li> </ul>	C Robinson	When the PSPO is made operative
<b>Community of Identity: Disability</b>				
Evidence	Quality of Life Indicators		Customer Impact (N/P/None)	Staff Impact (N/P/None)
Informal consultation has been undertaken with all affected residents and statutory bodies (Police, emergency services, utility companies, Ramblers)	Access to services; Standard of living; Individual, family and social life		Negative	None

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
<p>Some alleyways are used by drivers to access garages at the rear of properties. People with impaired mobility may rely on this access as their most convenient way to access their property. A gate may impede this access or impact on the ease with which access is currently enjoyed. Restrictions to the highway can have a negative impact on disabled people. Wheelchair users and people with impaired mobility may rely on the back entrances to their properties and alleyways as the most convenient, or possibly their only, means of accessing their property.</p> <p>The design of the gates is critical. Width and height of locks and handles must provide ease of use for wheelchair users and people with dexterity issues e.g. people with arthritis.</p>	Yes	<ul style="list-style-type: none"> <li>As a proportionate means to achieve a legitimate aim</li> <li>Only reasonable additional effort is involved in using the gates.</li> <li>Results from the consultations to date show that no respondents have indicated they have mobility issues. New Legislation requires alleygates to be reviewed at least every three years or earlier, on request, if necessary. Any changes in customer mobility would be considered in this review with gates removed if necessary.</li> <li>Installation of gates does not impede access to the rear of the property as access codes are given to all residents.</li> <li>Care is taken on the installation of individual gates to ensure ease of access to the locking</li> </ul>	C Robinson	When the PSPO is made operative and at subsequent 3 year reviews

		<p>mechanism.</p> <ul style="list-style-type: none"> <li>All locks on this scheme will be fitted with a key override facility. This allows gates to be opened without the need to turn a handle. Keys are provided free of charge on request.</li> <li>The letter which confirms the PSPO, will also signpost residents to this service.</li> </ul>		
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**Community of Identity: Gender**

<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Not applicable		Not applicable	<b>None</b>	<b>None</b>
<b>Details of Impact</b>	<b><i>Can negative impacts be justified?</i></b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Gender Reassignment**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Not applicable		Not applicable	<b>None</b>	<b>None</b>
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Marriage & Civil Partnership**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Not applicable		Not applicable	<b>None</b>	<b>None</b>

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
There is not expected to be either a positive or negative impact on this community of identity group.				

<b>Community of Identity: Pregnancy / Maternity</b>				
Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Not applicable		Not applicable	<b>None</b>	<b>None</b>
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Race**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Not applicable		Not applicable	<b>None</b>	<b>None</b>
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Religion / Spirituality / Belief**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Not applicable		Not applicable	<b>None</b>	<b>None</b>

<b>Details of Impact</b>	<b><i>Can negative impacts be justified?</i></b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
There is not expected to be either a positive or negative impact on this community of identity group.				
<b>Community of Identity: Sexual Orientation</b>				
<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Not applicable		Not applicable	<b>None</b>	<b>None</b>
<b>Details of Impact</b>	<b><i>Can negative impacts be justified?</i></b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
There is not expected to be either a positive or negative impact on this community of identity group.				



**Annex 5 Curzon Terrace Alleyways Formal Consultation Responses**

Albemarle Road		<p>Following the letter from the Council, dated 18/11/15, I am raising an objection to the proposed order. My objection relates to the suggested site of gate A, as this excludes my property from the benefits of the above. The local authority has identified that certain antisocial activities have a detrimental effect on people's lives and are likely to be of a persistent and continuing nature. The local authority appears keen to protect the people living in my neighbourhood, I wish to be one of those people. I don't understand why my property is to be excluded from this proposed scheme. I am a single woman living alone and this proposal makes me feel frightened, anxious and excluded from the benefits my neighbours will reap. In fact the suggested site of gate A is just before my back gate, leading me to believe that all of the activities will continue to happen repeatedly, except instead of using the length of the alleyway, these 'offenders' will focus on the only area available - this happens to be right outside my back gate. I simply do not find this acceptable. I am a hard working citizen working for the local authority as a social worker and as an employee of CYC it is very clear to me that this is an example of inequality. I am paying exactly the same council tax as the other people in the street but I am not being afforded the same benefits and security. On race days, the Police normally put some tape at the beginning of the alleyway, to prevent such anti-social behaviour as mentioned. They do not set it as far back as you have deemed appropriate to place gate A. What will happen on race days now? Will I need to sell my property and buy an alternative; one that does have security gates on the back alley? If that is the only solution, will potential house buyers be put off by the fact that the alleyway right outside my property continues to be subject to dog fouling, fly tipping, drug use and urination? I wouldn't want to buy a property that was subject to such behaviour right outside. Therefore, is this likely to affect the value of my property? Again, I do not think this is particularly fair. I met with a ROW officer earlier this year to discuss my concerns. In a letter of 18/11/15, a ROW officer mentioned that the gate cannot be built nearer the beginning of the alleyway because of low walls. However, when I met the ROW officer it was agreed that the council may be able to build walls to facilitate this, albeit at a greater cost to the council. To put it simply, I want the same protection as everyone else. If my objection is not taken seriously then I will escalate this further as my safety is something I feel extremely strongly about. I have also copied my MP into this letter.</p>
Curzon Terrace		<p>Dear sir or madam i would like to know who says there is a crime and anti social behaviour problem in this area i do not believe these gates are needed they will make the area look like there is a crime problem which i have yet to see the alleyway will become a dumping ground and become over grown with weeds. where i used to live they did the same thing the alleyways stopped being used and became infested with vermin and made easy access for burglars and drug takers who once in the gated area have run of all the houses without being seen. also you find that the numbers to the gate get given to everyone so why bother putting them up in the first place. I know this because when i was a teenager we used to get into these areas and i have had jobs to clear out all the rubbish cut the growth back to return them to their original use . If the council has spare money they should get the street lights working near the pub that have been out of light for over two years and unblock the road gullys to help stop the road flooding Being open planned like it is , is what makes york so appealing to visitors and locals putting gates will only lower the tone of the area making York look like it crime ridden like other cities</p>
Curzon Terrace		<p>I am resident of Curzon Terrace and am very much pro the gating taking place. I am, like other residents in the area, anxious that we have the best possible outcome for the waste collections. I would come to a meeting should one take place.</p>

Curzon Terrace		<p>I am just writing to say I am against having our back alley gated. I have not seen any trouble and I think it would be really inconvenient. I use the back alley a lot for people leaving deliveries and as a way of letting trades people in when we are out at work. I also cycle every day and it would be annoying when I have just got going to have to get off and put in a code, especially in the winter.</p>
Curzon Terrace		<p>Further to our conversation today, as a property owner on Curzon Terrace, I hereby formally object to the proposed gating of the alleyway in between Curzon Terrace and Albemarle Road. My main objection to the alley being gated is because of the change to waste collection from the rear alleyway behind each house, to the street outside each house. There are many reasons why this is completely unacceptable as listed below: - In the summer, due to fortnightly collections, rubbish is often riddled with maggots (it should be weekly in the summer to avoid this), so could not be carried through the house due to it being a major health hazard - On wet days, rubbish is soaking wet and dripping, so could not be carried through the house, as it would be a health hazard to do so. This would be even worse in winter, when rubbish has to be taken out in the dark - Most houses will have 2 - 5 large black bin bags of rubbish each fortnight and if you happen to be away on rubbish collection day, or occasionally forget, then there would be double the amount next time to somehow transport to the front of your house- As rubbish can't safely be carried through the house without creating a health hazard, that means all residents would need to walk round the block, potentially numerous times, with heavy bags of rubbish, come rain or shine, in daylight and darkness, with it possibly riddled with maggots and dripping with rubbish infested water - another health hazard? - When it's dark in winter, as the alleyway is cobbled, uneven and potentially slippery, it is unsafe to walk along it carrying heavy bags of rubbish, so another major health hazard - The pavements on Curzon Terrace and Albemarle Road would be totally covered in rubbish bags on collection day, in some cases blocking the pavements - Some rubbish bags may split or be attacked by cats and spill rubbish onto the streets, as is commonly the case on the back alley, so this is another health hazard - The people who collect the rubbish will struggle more with access, due to cars in the way on the narrow streets and they may have to carry bags of rubbish over cars where parking is busy, which would be another issue if bags ever burst - The streets would be completely blocked by the bin van during collection times - Do the council think it is fair and is the council advocating that elderly residents should transport their rubbish as listed above? I put it to the council that this is completely unacceptable and that it would be a step back by two generations to how rubbish is collected in modern day society. Further reasons for my objection: -The back alleyway would only be cleaned on a "reactive maintenance" basis were it to be gated, as you explained to me. This would no doubt result in the alleyway becoming unclean and overgrown in parts. - The passcode would be known by so many people locally, especially with the regular changes in tenants to rented properties, and throughout the council, that it is unlikely that it would remain 'secure' anyway. And while we are on the subject of waste, I believe that recycling collections should be moved to the back alleyway too as there are always recycling boxes blocking the pavements and spilled recycling blowing around street on Curzon Terrace.</p>

Curzon Terrace

I am writing to you regarding the proposed alleyway gating of Curzon Terrace/Albemarle Road. I already wrote in response to the original proposed gating raising concerns and objections to the idea. I would like to know what anti-social behaviour has been taking place in the alleyway? My husband and I have lived on the street for over 8 years now and have never noticed any ASB or criminal activity. Why has this suggestion been put forward? Should the gateway be put in place I would be very concerned with regards to the collection of refuse. Curzon Terrace is a very narrow street and at times it is difficult to get emergency vehicles down it let alone a large lorry required to collect refuse. Even during the day there is often significant traffic still parked and there is often delivery and work vehicles as well. On top of this the pavements themselves are narrow and if everyone were required to place refuse at the front of their properties, this would present a challenge for anyone using a pushchair or wheelchair to negotiate their way along. I know that recycling is collected from the front but the boxes stack well and therefore require much less space. My other concern regarding refuse is that for the people in the middle of the street who would either have to walk all the way round or take refuse through their houses. A number of residents are elderly or infirmed and this would present great difficulty for them. The thought of having rows of rubbish on view during race days certainly will change peoples views of the area as they approach the races. It won't paint a particularly lovely picture. During the summer when refuse becomes rather smelly the thought of having directly under open windows is not pleasant. At least the distance from the alleyway to our houses allows for some relief from this. There will be times as well then people working shifts will have to put their rubbish out earlier than stated to allow for it to be collected, or if going on holiday. They will have to be able to put it out earlier. Again, at least in the alleyway its contained and would not get in the way. Another issue is the number of people requiring access to the back of the street. I do not see how with this may residents all knowing a code to gain access that this can allow for a safer alleyway. The high turn over of residents as will due to the number of sales and let properties mean the code would constantly be passed on. There are always workmen requiring access and again this just means more people having to pass the code on to allow access while people are at work. This to me seems a complete waste of time if we need so many people to have access. I appreciate that there have been a few incidents over the last race season, however the majority of incidents that I witnessed took place in the front of Curzon Terrace which cannot be gated. The policing this year was not at its best and in previous years there have been few to no incidents. I do feel that gating the alleyway is a waste of time and I hope that my thought will be considered.

Curzon Terrace		I object to the proposed order for alleygating in Curzon Terrace and Albemarle Road. I live in Curzon Terrace and cannot see the need for alleygating. I think that the inconvenience caused by the alleygating would far outweigh any perceived benefits. Having to take all rubbish to be collected to the front of the house would be a huge effort for most people especially the elderly. I have lived here for 25 years and apart from a few minor incidents on race days have had no experience of the antio-social behaviour you
Curzon Terrace		I would like to object to the proposed alleygating of the lane between Albemarle Road and Curzon Terrace. I have lived at 14 Curzon Terrace for over 25 years and have seen little evidence of ASB. I always feel the streets of South Bank are safe. Children often play in the alleyway between the two streets. The only trouble we have here is on race days and that is dealt with by the police. I don't think the residents of Albemarle Road and Curzon Terrace are not fully aware of the plans for households to bring their smelly domestic rubbish through there homes and place for collection on the pavement on the front of the street. I can see that's going to cause lots of problems. 1. Elderley and disabled residents will find this very difficult. Will the council offer help to residents experiencing difficulties. 2. Rubbish can become very smelly, its not very hygienic to bring through the house. 3. Will it encourage rubbish being dumped in the alleyway or in front of the gates! Will the council still maintain the alleyway or will it be ledft to the residents to keep it clean. 4. The pavements are very narrow and having rubbish piled up in front street will make access difficult especially for pushchairs. 5. I cycle and use the back land for access to our backyard. A gate with keypad will be difficult to negotiate in the dark, trying to keep my bike upright. I hope the council will take note of my views. I feel in these cash strapped there is better things to spend the council money on.
Curzon Terrace		To whom it may concern. My formally objections ALLEY GATING. 1 The footpath in Curzon Terrace is narrow and may get block on days when rubbish is collected. 2 For me to take my 2 sacks of rubbish to the front of the property and put them on the footpath at 7am on the day of collection where all my neighbours sacks as well this will just block the path. 3 mums with pushchairs and little ones in hand on the way to school. 4 also people in wheelchairs are not be able to use the path. I know this for personal reasons. 5 in all of the 20 years plus I have lived here, the only anti-social behaviour I recall that take place in Curzon Terrace is on race days and cannot recall any problems of anti-social behaviour in our alleyways. I feel it would be better to leave refuse collection as it is this moment in time.
Knavesmire Crescent		In respect of the proposed Alleygating of the alleyway between Knavesmire Crescent and Curzon Terrace We would like to object to the proposal for the following reasons; the existing system of rubbish collection works well. Transportation of rubbish bags to proposed collection points would be onerous and extremely difficult for aged or infirm residents. Any system of rubbish collection whereby residents might be expected to transport rubbish bags through their houses would be nonsense. We have been residents for 11 years, and throughout this time we have not experienced any problems or crime in the alleyway. Difficulties have arison on race days at point C. These could be prevented by more careful policing on the day. Excessive alcohol consumption by race goers in the main cause.

Knavesmire Crescent

Further to your recent letter about installing gates in the alley behind Knavesmire Crescent and Curzon Street and my conversations with staff in your office, I attach a photo of the rear of our property showing our automatic garage doors. We are next to the end of Knavesmire Terrace and there is JUST enough space to turn my Smart car into our back yard. As we are often away for up to three months and my car is very distinctive, I always park it in our back yard when we are away so that it isn't obvious to neighbours and regular passers by that we are not at home. We had the electric garage doors installed when we moved in two years ago for this express purpose. My concern about the new gates being proposed is that if they are on the Curzon Street side of our back entrance, the useable width of the alley will be reduced and the already tight manoeuvrable space will mean that I cannot drive the car into the back yard. I am therefore requesting that the new gates are installed at the other side of our back yard entrance away from Curzon Street. Having said the above, I would also like to express the following thoughts and doubts about the whole issue of installing these gates: In over 2 years that we have been living in this house, we have never seen any evidence of anti social behaviour in the alley. We walk our dog down there regularly en route to the rover and cycle path at all time of the day and night and have never seen anybody suspicious there. I have never seen any evidence of fly tipping that hasn't obviously come from one of the houses backing onto the alley and never noticed a small of urine down there. I am concerned about arrangements for rubbish collection. At the moment the little bin lorry can easily fit down the alleyway to collect rubbish from the back of each property. Will this still be the case? If not, I assume that rubbish bags from the houses along the alley will have to be taken and left outside the gates at each end of the terrace, which means that they will be pile up outside our back gates and those at the other end of the terrace. Often rubbish bags are put out days early, this is fine when it is outside their own back gate, but not when they have to put it outside the alleygate for everybody to pass/step over. I have never been aware of any of my neighbours expressing a need for alleygates, or indeed, complaining about problems there, I would like to know where this notion has come from. Is it a York City policy, or has there been a specific incident/complaint? Please consider my comments when deciding on location of the gates should the project go ahead.

I am writing to object to the proposed order as outlined in your letter dated 3rd August 2015 proposing the erection of alley gates at each end of the back lanes of Knavesmire Crescent and Curzon Terrace. I also wrote to you in December 2014 objecting to proposed alley gates in the previous consultation. I assume this paperwork will also be taken into account. We are informed this measure is to reduce crime and/or antisocial behaviour. I would be interested in your evidence that this measure is necessary and will work. Please can you tell me as a matter of urgency precise information about how many incidents of anti social behaviour have been reported over say, the last five years? How many prosecutions have there been in the last five years? Have the ambulance and fire service or indeed the RAC and AA been consulted about the proposed blocking of the lane by gates? (I have in the past when I owned an old sports car had to have a big RAC vehicle at both the garage at the rear of my property and when I owned a garage at the top of the lane). Would gates impede that sort of visitor? Would lorries collecting or delivering large household items like furniture be able to access through gates? I assume this is the precise information you will be providing for councillors in order that they can make informed decisions. However, I feel at a time of increasing budget cuts alley gating this lane seems an unnecessary expense which will lead to great inconvenience to the residents and the back lanes becoming increasingly dirtier. There is an assumption the gates will save money. Have the assumptions been costed? If so, please can you supply that information to the residents? It is assumed that cleaning the back lanes will decrease but will that not add to dirtier and indeed possibly unhygienic lanes? My desk is near a window overlooking the back lane and I do not recall in sixteen years actually seeing any antisocial behaviour. This is not something I can say about the front street where incidents of dog fouling, litter and waste, including vomit has been observed particularly after a race meeting. The back lane is cordoned off by police so gates are unnecessary even on race days. Although perhaps this scheme is something that is misguidedly thought will lead to the policing of the lane being unnecessary with gates on race days. Gates will actually cause severe problems and inconvenience to residents, particularly given the proposals for rubbish collection. Household waste is stored in yards or gardens in black sacks and put out the evening before collection (once a fortnight) by the majority of residents. There are residents who get confused and put it out on the wrong weeks or indeed seem to occasionally use the back lane to store their black sacks. At the time of writing there are approximately ten black sacks in the lane. (Refuse collection is not for another week.) We cannot assume that these residents will not continue to use the lane to store their bags or not use the anonymity of the collection point outside the gates to dump their rubbish bags on any day. This would cause additional problems of blocking the gates and perhaps health issues. There seems to be two proposals for decision makers to choose from. One that residents be forced to place their black sacks at the front of their property - this will lead to increased inconvenience of moving the sacks from the back yard to the front. Or those who do not or cannot do this may indeed store their black sacks at the front of the property. This unsightly solution applies only to Knavesmire Crescent residents who have small frontage between their front doors and the pavement; Curzon Terrace residents will not have this choice. The problems of boxes on recycling days will be exacerbated to a weekly problem of the streets being used for rubbish collection. Putting the recycling bins out at the front causes inconvenience and even more street litter. Boxes are strewn along the pavements for at least one day when people are at work during recycling week. There is nothing that leads me to think the litter problem will not get worse if the proposal to put black sacks out at the front proceeds. As people have to buy their own black sacks and not everyone can afford good quality sacks the risk of the sacks breaking will cause great inconvenience to the workers and street cleaners. Given the parking problems residents have with more and more households having two cars, I cannot see the refuse collectors, having to negotiate between cars and necessitating their lifting bags will find that a happy solution. Will the front streets be cleaned after the refuse collection? If so does this cancel out the savings on cleaning the lanes after refuse collection? Cleaning the front streets after refuse collection will take longer as parked cars will hamper straightforward cleaning. Will the pavements be cleaned as well as the roads? If not the streets will be unsightly, particularly unpleasant, as this is an important street seen and used by many visitors. If gates are erected and the option to collect black sacks from the outside of the gates is chosen and IF things run smoothly, once a fortnight anything from 50 to 80 black bins will be put outside the gates at both ends of the street. This will block the lane and stop those with a garage or cycles or disabled vehicles accessing the rear lane and their properties. Thus causing considerable inconvenience to residents who actually use the lane. I access my property with my bicycle through the lane. Ploughing through 80 black bins is not a very nice prospect even if the black bin bags are intact and not vandalised by the occasional fox or as my neighbour informs me, used by dogs to urinate on.

The beautiful rosemary setts were taken up in this lane in 1999 after a complaint that the state of the back lane was causing access problems for a Knavesmire Crescent resident who used his disability vehicle. Negotiating gates in such a disability vehicle will indeed be extremely difficult if not impossible and as the front access in the houses is narrow anyone with even small mobility vehicles will be totally restricted. Where the gates are placed will be of concern as I am informed my neighbour (no 36 Knavesmire Crescent) has problems parking her small car in her car port. I assume if I return to having double doors I too would find the same. Narrowing the lane will give many people a problem accessing garages or their properties. However that is a small consideration given the likelihood that the lane will be blocked by rubbish at least twice a month. There are residents who have small garages in Knavesmire Crescent and there is a block of garages at the top of the lane at both Knavesmire Crescent and on the Curzon Terrace side. How will these garage owners negotiate a narrowing of the lane? I have been given a copy of an e mail dated 4th August to some residents outlining some of the proposals. We are informed that black sacks being placed at the edge of the front of properties will lead to: Easier identification of those who offend, reduced littering as less bags left out before collection, increased recycling as less opportunity to dispose of large amounts of rubbish, reduced cost to taxpayers through reduced need for sweeping the back lane and quicker rubbish collection. On what evidence is this based? On the contrary, it could be argued that people not sticking to the rules will not place their black sacks outside their own property and use the anonymity of the street and/or the gates to dump. This will happen particularly at a time of holidays or Christmas when households have more refuse. If dogs fouling or urinating belong to the residents of the lane will become even dirtier as it is cleaned less. The erection of gates in this long stretch of lane with a narrow snicket would be dependant on residents goodwill and acting in a social neighbourhood way. People, particularly those who do not own their property and are on short term rented lets may be tempted to go for the easiest option. Older people will be greatly troubled at having to carry black sacks either to the edge of their property or through gates. If the council offer to help older residents this will increase a workload and therefore costs somewhere. This proposal was dated 3rd August and the previous proposal was during the Christmas period. I object to this proposal consultation being made during August as I did during the Christmas period. Many people who may object may indeed be on holiday during the school holiday period and therefore this seems a period which will disenfranchise these people from the democratic process. I have telephoned Alley gating line and telephoned Sara Goodhead at CYC on several occasions and left one message each but as yet no one has returned my telephone call it has been difficult to get more information. I appreciate how busy the staff are or perhaps they are on their well earned annual leave? Sadly this consultative process has been almost silent and many feel the democratic system has been eroded in recent years. In a short survey of my neighbours there are very few people in favour of alley gating however these busy people will not find time to object about the proposal and a few feel their voices will not be heard or not taken notice of anyway.

The paperwork I have read assumes a great deal without providing any evidence. The alley gates are unnecessary and will cause great inconvenience to residents. The refuse collection from other than back doors will lead to greater rather than less problems for the refuse collectors and will lead to the necessity for the streets to be cleaned, negotiating in between parked cars. I appreciate that this alleygating scheme is proposed for what appears to officers good reasons but gates are unnecessary, will not save the ratepayers but will inconvenience them and will prove to test the goodwill of residents. If there are any further meetings or site meetings I would be delighted to attend. I am also happy to talk to councillors or officers at any time.

Knavesmire Crescent		<p>I am writing to object to the proposed order to restrict access to the rear of Knavesmire Crescent/Curzon Terrace by means of a lockable metal gate at each end of the alleyway. I have lived at the above address for six years and have never been disturbed by, or aware of, the various activities listed. It was, in fact, one of the reasons I bought the property: I liked the refuse collection arrangements, and the fact that tradesmen doing essential work to walls, fences etc were able to access the property from the rear. I recently had to have my rear wall demolished and rebuilt, and cannot imagine how this would have been possible with gates at either end of the alley. This also applies to the window cleaner, who needs his water supply within easy reach. I have been impressed that the alley is thoroughly cleaned after the refuse sacks have been collected. Being a pensioner, I have appreciated the ease with which I can put the sack immediately outside my backgate, and would not wish to have to take it further. Many of my neighbours cycle regularly in and out of York, or walk to the local shops, using the rear access: gate are, in my opinion, an unnecessary, expensive measure, and I am sure the money could be better spent to support the many people in York who are in need. For all the above reasons, I strongly object to the proposal, and I consider the reasons given by the council to be without justification. I sincerely hope it will not go ahead.</p>
Knavesmire Crescent		<p>I wish to object to the above proposal on a number of grounds. We were unable to take part in the consultation having moved into Knavesmire Crescent more recently. This action is not merited by evidence of anti-social behaviour. It will cause inconvenience to residents and unnecessary cost to the community.</p>
Knavesmire Crescent		<p>1 I currently enjoy my freedom, I can come in and go out of the alley with ease. I currently feel safe in the late evening putting out my bin bags and searching for the cat. If there were gates, I would feel trapped, because if someone had got in, and wanted to attack, how would I escape?. The noise of clanking metal gates will be disturbing. Opening and closing the gates can be very tricky with animals, children or bikes or if I want to wash my car down the lane. If the bin lorries need to use the main road at the front where we all park our cars, I worry about my wing mirrors etc. I have had to carry bin bags through the house to the front gate before, it can be quite difficult and messy in bad weather especially or if there has been a long wait for a collection and the dustbin was full, keeping the bin bag dry is almost impossible. Bin bags at the front or even in a collection place at the end of the road are unsightly, smelly and difficult to negotiate. I am also concerned about anyone with difficulties - arthritic hands, those with walking problems, slightly more frail members of the society having to manage a heavy gate. Before you spend money on a gate, please consider it could be better used on our drainage system!</p>
Knavesmire Crescent		<p>I wish to register my objection to the proposed gating of the alleyway behind Knavesmire Crescent and Curzon Terrace. My main reason within the terms of the Act is evidence for the proposed order. As an almost daily user of the alleyway for three years I have not seen evidence of urination, dog fouling, fly tipping and drug use. Moreover, I have been unable to access the information obtained after the informal consultation which might indicate this is a perceived problem by the majority of the residents of the two roads. In addition I would like to know what criteria are used to indicate that "it is likely that these activities will be carried on in the public place". I also believe that should the possibility that the landfill refuse is placed in front of the said houses, particularly on Curzon Terrace may well breach disability and access legislation, given the nature of the short frontages of these dwellings. In a time of austerity I cannot see any sound reason or evidence as to why this proposed alley gating should go ahead. My understanding is that now at least one formal objection to the proposal has been placed, that a further report will be written which will be considered in public.</p>



Knavesmire Crescent		<p>We, the undersigned, wish to make a Formal Objection to the proposal to alleygate the rear alley to Knavesmire Crescent/Curzon Terrace on the basis that we consider; 1 That there is insufficient evidence that alleygating will reduce or prevent nuisance or crime in the area. 2 That the proposal is linked to a change in the method of refuse collection which is totally unacceptable. 3 That the information provided for consultation and the method of consultation has, so far, been inadequate. (Please see attached letter)</p>
		<p>RE:- THE ABOVE:- I have today received a hand delivered letter stipulating the gating will be carried out in December this year. Hopefully you have received the same information. As advised in the letter regarding black sack waste I eventually spoke to Waste Strategy, each lady extremely helpful. I expressed my concerns as follows: Was a black sack collection point of some 78 bags approx have to be carried up the lane, in all weathers by residents of numerous ages through a locked gate &amp; be deposited outside the gates at the South End/Campleshon road junction/North end Curzon Terrace. ANSWER - NO. The refuse men will not have a key to the gates, therefore all dwellings to Knavesmire Crescent and Curzon Terrace North &amp; South will have to store their household refuse for 2 weeks in the black sacks we purchase and hopefully store undercover for these sacks, possibly dripping wet, will then have to be transported through their pristine homes and placed on the front pavement for collection and not before 7 o'clock the night before collection. Our super refuse sack collection from the rear land has been carried out by our "BIN" men for years that day and following day lane was swept mechanically, the only problem I have seen is residents discarding other household items, ie kitchen units etc. Can you imagine black sacks on pavements outside front doors/forecourt walls etc length of Curzon Terrace and Knavesmire Crescent!!? We chose to live in this pristine area with green areas for whoever of any age to enjoy. Why will the Council not back us as they have others in this area. I am totally against the alley gating of Knavesmire Crescent/Curzon Terrace Lane. I do not require 70 possibly 80 sacks to be left outside these locked gates at whatever time outside my home. I object strongly to the suggested alternative, privately purchased black sacks/free black plastic bins from CYC containing the sacks be carried through each residents property to the limited front forecourt, or as a proud property owner or resident would desire a free black dustbin out side their front door? I think not. What is the procedure for Curzon Terrace, No front forecourt, front entrance doors direct onto the public footpath, is this not a further obstruction to the pathway every 2 weeks, be it dustbins or bin sacks? I find this action by the Council to completely lack substantial information to All residents, house by house for the owner/occupiers throughout to appreciate the implications of your suggested 2 types of rubbish collection available should the alley gates be installed. I did request, moon's past, that a "Flyer" of information from the Council should be delivered &amp; offered my assistance. Unfortunately no reply. There is no point by any party to organise a Residents Meeting when Residents are not fully informed. Regardless of CYC Budget cuts, may I remind you the rear lane is classed as a highway and should remain so, present black sack household rubbish be collected from this highway lane, outside rear yard gates as always, in terraced street areas the rear lane highway was designed for this purpose etc. I again request an extension of time from 31st August to whatever date to obtain a full &amp; democratic vote on all suggestions / actions by the Council/ delivered to all residents concerned.</p>

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Annex 6: Informal Consultation Responses Curzon Albemarle

Street Yes No Comments

?	Yes		What will the cost of this be and how will it be charged?
?	Yes		
Albemarle Road	Yes		
Albemarle Road			I would like the alleygating to go ahead BUT only if I am included within the gated area. At present the proposed gate is set far back from the end of the alley and does not include my property. Therefore, I feel excluded and feel strongly that it's not fair for the council to commit to reducing crime and anti-social behaviour for some residents but not all. I have met with Claire Robinson on site today to discuss my concerns and to identify other places where the gate could be sited.
Albemarle Road		No	We feel the back alleyways provide safe, traffic free thoroughfares for children, dog walkers and cyclists. The alleyways are well used and we believe this public access probably deters crime more than does gating. To us gating is an expensive and unnecessary move of public space into private. The money could be put to much better use - more street bins in Southbank for example.
Albemarle Road		No	We think the alley should not have a gate. We enjoy the open, non-snobby local community we live in. We leave our bikes in the back yard (locked up) and have experienced no thefts of anti-social behaviour. Cycling home from work/school means it would be a pain to unlock the gate and a pain for any friends calling round the back. The rubbish collection would also be a pain. No thank you! We come home from school/work everyday and it would be hard because we are used to cycling NOT having a gate! No gate please. We also go out the back alley to school/work.
Albemarle Road	Yes		
Albemarle Road	Yes		
Albemarle Road	Yes		
Albemarle Road	Yes		
Albemarle Road	Yes		
Albemarle Road	Yes		
Albemarle Road		No	
Albemarle Road	Yes		About time!!
Albemarle Road	Yes		If alleygating is voted in, then refuse dumping at the front has to be controlled ie not cluttering the pavement so that it is impossible (there are several people with mobility scooters and they will have difficulty getting by). The rubbish should be on the property not the pavement. It is not difficult to collect from there. Also refuse bins to be the same (not on the pavement) and refuse men to put back on the property concerned NOT dumped on the pavement.

Albemarle Road			I think more details are required. Cost to us? Why? Do not agree on this principal. How do you propose the refuse collection to be arranged?
Albemarle Road		No	We have not been aware/affected by any crime or anti social behaviour as yet as a result of the alleyways being open to the public. We like the convenience of being able to put our rubbish out for collection in the alley and for deliveries/work vans to be able to access the alley with no need for a code.
Albemarle Road	Yes		I have previously not been in favour of the gating of the alley at the back of my house, but I have now become aware of an increasing number of criminal and behavioural issues and feel that the added security of alleygates as proposed would outweigh any disadvantages. I understand that it is proposed to move all refuse collection to the front of properties (I have spoken to Sara Goodhead at Waste Strategy on this matter); if this should take place, there would be no repercussions from alleygating. I have spoken with Claire Robinson about the need for individuals such as the local window cleaner to have legitimate access to the PIN number. A formal system of registration would be preferable in order to minimise breaches of security.
Albemarle Road		No	Refuse collection changes unclear
Albemarle Road	Yes		There are many elderly residents most of the alley is cobbled. The alley is long. Expecting residents to wheel bins or carry black bags to end of alley is unreasonable and unrealistic for many. At present our recycling is collected from front of property but rubbish in black bags is collected from alley at rear. If the rubbish was collected in black bags from the front, it would then be reasonable and practicable to gate the alley
Albemarle Road	Yes		Although we are in favour of having alley gates, there are some issues that concern us. You state that you will assist elderly people who are unable to carry refuse out - we wonder what form this assistance will take? Albemarle Road is a long road and it is a worry that some people may not be able to carry their refuse to the gates. If the refuse goes to the front of the houses, will the council provide wheelie bins? Hundreds of refuse sacks would look terrible and if torn would leave refuse all over the pavement. It would be great if you could let us know the arrangements in more detail.
Curzon Terrace	Yes		
Curzon Terrace			Whereas we agree in principal, we would object if the gating started from no 16! Firstly we do not want half the streets rubbish outside our gate as one of the problems it would cause is getting bikes out of our gate, then there is the left over mess which isn't always efficiently cleared away! The main problem is anti-social behaviour mainly during race meetings. On many occasions we have had to complain to the police because when we are sitting out in our garden we have individuals urinating against our fence, mainly between nos 10 and 18 as its not too far up the lane but far enough, and as the police aren't always around we have to stop them ourselves. When we found out that gating was possible, we thought "great" it will bring an end to the problem, then we found out that it may start 2 doors up when having looked at the lane we cannot understand why. The other problem would be burglaries, ourselves and nos 8 & 10 have over the years been burgled (no 8 four times) with them gaining access from the back! if were the only ones not gated it means were the only oness with easier access. It would be great if you could reassess where the gate would be places, as we don't have any obstructions ie garage doors, telegraph poles or lamp post as mentioned during a phone call with yourself.
Curzon Terrace	No		If the alley was gated then all the bin bags from half of the houses within the gated area would be dumped in the area just outside our back gate. This gets very messy now and would be intolerable if an extra 100+ bags were to be left in the small area outside the proposed gates. There would be problems of access for people trying to get by with their bikes or pushchairs. Even just trying to walk past all the bags would be difficult. The recent proposal to make the collection every 4 weeks instead of 2 weeks would make this an even bigger problem. The idea that people would be willing to put bin bags outside the front of their house is ludicrous. No one would want to take bin bags through their house. Nor would they be willing to walk the length of the alleyway and then back up the street to their house carrying 2 weeks or 4 weeks worth of rubbish. We live just outside the proposed gated area and the letter did not make it clear if people in our position would be given the access code to the gate. If the gates are intended to stop criminal behaviour within that area then anyone living outside the gates such as us would be more liable to be the target of that behaviour. The proposed site of one of the gates is just outside our back gate. The noise of people closing the gate at all hours of the day and more especially the night would be intrusive.

Curzon Terrace		No	At present the refuse lorry can reverse the length of the alley to collect refuse, however they cannot access the front of properties to Curzon Terrace as the street is too narrow. This will mean that refuse would have to be placed at either end of the gated section and would block access to non gated properties at the rear which are frequently used for bike access. There are a number of elderly residents who would struggle to carry their rubbish to access points, and at a time when there are council cuts, I do not believe that the council has the money to offer a door to door collection service. The high rate of property turnover and number of rented properties would mean/does mean that work men regularly need access to the back of properties during the day when residents are working. This would result in the PIN code having to be given to them and therefore render it useless/pointless as this can easily be passed on either intentionally or by accident. This seems to me to be a complete waste of money which could be better spent elsewhere in the area. The police do an excellent job of restricting access on race days and I feel that having gates would not alter anything in race days because of this. It would be another set of gates to push bikes through and would be an inconvenience. The length of the street is too long to be gated.
Curzon Terrace		No	One of the main reasons I purchased this house just over 6 months ago was for the potential vehicular access to the rear and the considerably large rear garden to park in. I therefore fear this plan would at least considerably hinder, if not prevent, my future plans for a kit car to park in my garden.
Curzon Terrace	Yes		
Curzon Terrace		No	I am a single lady, a pensioner with partial sight. I do not know how I will get my rubbish to the designated areas without help. I already struggle to put my recycling rubbish on the front pavement. Struggling with boxes through my house is one thing but to have to somehow get my household rubbish to its proper place will be almost impossible for me. I am not the only old person in this street who will have the same problem. Some will have a really long walk, dragging their refuse - much longer than I would. I wonder if the younger owners/tenants with children want to make this back lane into a more safe area for their children to play?? I am still against gating this back lane.
Curzon Terrace		No	I wish the alley to remain open. It is heavily used by bicycle users who would be much inconvenienced by gates. It is used by tradesmen to access rear of houses. It is used occasionally by householders with cars to access/make deliveries to the rear of the properties. Gates would present or make this more difficult. I see little benefit to gating and much loss of amenity. It is also depressing to see gates - it diminishes the community spirit.
Curzon Terrace		No	I currently find it easy to access my back gate on my bike and would find it awkward if gated. I think the alley needs to be kept as is for refuse collection. I am able bodied but my elderly neighbour is not and would struggle.
Curzon Terrace	Yes		I am in favour of gating the alleyway but don't want peoples rubbish piled up outside my house down the alleyway. (My mother is the owner of the property and she is in agreement with this). Piled up rubbish is unsightly and will affect the look of the area where I live, plus it will attract vermin.
Curzon Terrace	Yes		Would rather rubbish be taken from front of house.
Curzon Terrace	Yes		How will this affect OAPs moving own refuse further?
Curzon Terrace	Yes		
Curzon Terrace		No	For residents living furthest from the ends of the street it is a significant distance to have to carry black bin bags of refuse. The back alley consists of an uneven 'cobbled' type surface is poorly lit and likely to be slippery during wet and wintry weather. If you wish to alleygate why can't the refuse lorry still come down the back alley - yes the driver would need to know the code but surely easier than having the palaver of residents having to cart bags of rubbish down to the end. I would also like to comment on the timing of the issue of this survey noting its receipt and response being over the Christmas and New Year period when it is likely not high on most peoples 'to do' list. As this has been sent after the closing date you may well disregard it but please note that I do not agree - with your proposals due to the impact on refuse collection.
Curzon Terrace	Yes		

Curzon Terrace		No	I don't feel there is any need for this to be done and I would not be happy about having to go out in the dark and carry heavy rubbish bags up the alley every other week. At night, in the winter the cobbles get very icy and slippery and the surface is quite uneven. I would perhaps agree if there were significant evidence of the open alley being a security risk or evidence of an increase in burglaries in the area etc ...
Curzon Terrace	Yes		
Curzon Terrace	Yes		We support this proposal and would be pleased to see the alley gated.

**Informal Consultation Responses Curzon Albemarle**

?	Yes		Although perhaps not relevant the 'Knavesmire Crescent' sign has been on a corner of Knavesmire Road and Knavesmire Avenue for about three years now, has this not been reported to your relevant department before. I hope you can make them aware.
<b>Curzon Terrace</b>	YES		Would stop people walking behind houses on race days which would lead to less anti-social behaviour ie peeing in alleyways. There are lots of children that play in the alleyways, so it would make it much safer and more reassuring for parents/carers.
<b>Curzon Terrace</b>	Yes		
<b>Curzon Terrace</b>	Yes		
Curzon Terrace		No	I think it would make the street look really untidy having everyone's bin bags at the front. I can't see why a gate would mean we had to put rubbish at the front. Could the bin collectors not have the code for the gate? If it weren't for the rubbish I wouldn't really mind.
Curzon Terrace		No	Where I have lived before and this has been done the alley becomes unmaintained and a dumping ground. Also homes that back onto the closed alleys get broke into more often. The gates get left open and become havens for drug use and sex trades so please leave things alone. Its part of the history of York.
Curzon Terrace		No	
Curzon Terrace	Yes		
Curzon Terrace		No	Don't fence me in! A pain getting in and out on bikes, the kids won't be able to roam free between alleys and get fat because they won't be able to go very far. Think of our NHS! It will break and take the council ages to fix - like everything. The council has better things to be spending OUR money on this is not a priority. We haven't been victim to any anti social behaviour (apart from the woman opposite our yard who shouts and swears - but this won't stop her). This letter only arrived on 5 January so hope you get it in time! Fail! This is a rubbish idea and not appropriate for our street.
Curzon Terrace		No	
Curzon Terrace		No	I am not aware of any problems caused by the current state of open access. I like to use the back gate for loading garden rubbish etc and don't want barriers and PIN numbers (not another PIN number ..). Inconvenient for workmen, window cleaners etc who use the rear access. The psychological background to gates and barriers is one of fear and suspicion. This is an unattractive local trend. I do not wish to have it imposed on me.

Curzon Terrace		No	I am not completely happy with this consultation as it mixes up the issues of access and waste. I would be happy for the alley to be gated, but I would like the waste collection to proceed as currently. This doesn't appear to be an option. I would like a gate that can be opened up to allow entry to the alley by waste collection vehicles. I believe this should be possible. Occasionally vehicular access is required for the alley - eg trade vehicles for building/delivery/other works. I believe this access should continue also. Gating the alley would otherwise be helpful for race day etc.
Curzon Terrace	Yes		
Curzon Terrace		No	Most of the houses are now rented properties on short term leases. Past experiences indicate that this category of tenant does not have the same respect for their surroundings as an owner occupier has, and a gated area would become a dumping ground for rubbish and litter. The narrow street full of parked cars would not allow a full sized refuse lorry access to collect bin bags from the front of the premises and these would need to be collected from outside the gated area at the end of the terrace.
Curzon Terrace		No	As owners and residents on Curzon Terrace, we believe the measures are an unnecessary expenditure at this moment in time. We have never witnessed or experienced any anti social behaviour, vandalism or theft in the rear (or front) of the property, nor have we had any issues with race goers due to the policing arrangements in place for the events. We would be wary of agreeing to any change to the rear access prior to understanding fully the implications on waste collection (which is already not ideal). Even in such an event that refuse collection could be resolved we would be likely to object anyway as the grounds that we do not believe a change is required.
Curzon Terrace	Yes		Gating should minimise fly tipping and prevent racegoers using the alleyway as a toilet. Excellent idea.
Curzon Terrace	YES		
Curzon Terrace	Yes		I am writing on the above matter having already returned my form supporting the proposal to alley gate. My property is close to the side alley in Curzon Terrace (83), and whilst I only bought it and moved in in mid October 2014 there have already been a number of larger items dumped there including a bike without wheels. I have yet to experience a race day but it sounds as though a physical barrier that would prevent racegoers entering the alleyway is a good idea. The police could then concentrate on other areas where residents property needs protecting. I do have some concerns about the collection of the black bags. The Terrace gets dirty enough with overspilled recycling boxed in bad weather, today being a good example. It would seem to be much better to continue collecting the black bags from the rear of the houses where there is more protection from the wind. The gate posts should not be an issue as the refuse lorry manages to negotiate the telegraph poles at various intervals down the alleyway without problem. I would also be very concerned about a very large pile of black bags at the end of the alleyway on the at present attractive verges.
Curzon Terrace	Yes		
Curzon Terrace	Yes		
Knavesmire Crescent		No	Refuse collection would be highly inconvenient. Believe strongly alleyways should be publicly accessible. This form was received on 01/05/2015 that does not give much time for the average busy schedule to give it time and attention and return by 7/1/15 - I suggest another enquiry!
Knavesmire Crescent	Yes		Your letter refers to "alleyway behind Nos 38-132 Knavesmire Crescent". We live at No 36, which is the last but one house on the short section of Knavesmire Crescent at the top of your plan. Your plan seems to show a gate between 34 Knavesmire Crescent and the first house on Curzon Terrace. We support the siting of a gate at that location provided we can still use the up and over door at the rear of our house to park our car. The car is a very small Smart car, but still requires the full width of the alleyway to complete this manoeuvre. (Please note that we are now in Italy until early May but can be contacted by email or on our Italian phone.
Knavesmire Crescent	Yes		My house is near the end of the row and is the first point of call for trespassers. We have been burgled four times, each time through burglars accessing the rear of the property.
Knavesmire Crescent		No	We do not require this

Knavesmire Crescent	Yes		
Knavesmire Crescent	Yes		
Knavesmire Crescent	Yes		There is no lighting in the alleyway which is currently a safety and security risk (low level lighting would be preferable as high street lamps would affect some neighbours)
Knavesmire Crescent	Yes		
Knavesmire Crescent		No	I have been quite happy with the present arrangements regarding the alleyways. Since I have lived in the property for the past five years carrying my waste up the the end of the back lane would be more difficult for me. I realise people who live at the end of the back lane where waste would be left would not like the arrangement. I have not suffered any disorderly conduct in the lane but I live in the middle and perhaps others have suffered. I prefer it the way it is, and am not sure whether the cost of installing gates etc would be justified. I also do not like the feeling of being "locked in" even though we would have keys on whatever to access the lane. I am 82 but manage to place my waste at both front and back lane at the appropriate time.
Knavesmire Crescent		No	We have had not problems in the alleyway, and we would prefer open access. It is very convenient for elderly access.
Knavesmire Crescent		No	
Knavesmire Crescent	Yes		None
Knavesmire Crescent	Yes		I have spoken with my landlord, and he is happy to have the alleyway gated.
Knavesmire Crescent	YES		
Knavesmire Crescent	?	?	I would not be able to carry bin bags to end of lane.
Knavesmire Crescent	Yes		
Knavesmire Crescent	Yes		
Knavesmire Crescent		NO	It is not practical and unsafe given the environmental health issues in the area eg rats, foxes and cats. Cross contamination. Therefore I agree there is no reason to change refuse collection for health and safety reasons.
Knavesmire Crescent		No	I consider this project a waste of money as I can not see any reason why gates to the back lane would be needed here. If anything not particularly nice was going on, I would certainly prefer it be to in the back lane and not my front of house where it would be moved on to! I would also find having to manage a huge metal gate very difficult and hauling bin bags etc most irritating and increasingly difficult with age, not to mention memorising yet another PIN code.



Knavesmire Crescent	Yes		<p>We are new to the area and are not aware of any specific issues relating to the lane at the back of our house. We assume there have been problems with anti social behaviour and are therefore happy for the gating scheme to go ahead.</p> <ol style="list-style-type: none"> <li>1. I would not be able to carry the bags to the end of the alley, not because I am too old or registered disabled but because I have problems with my back that make it difficult for me to lift heavy or awkward objects.</li> <li>2. In the winter when it is dark, icy or wet there is a greater physical risk to me and other residents who may slip and fall whilst trying to get to the collection point. In this event would we be compensated by York council for any injuries incurred?</li> <li>3. leaving black bags at the front of the house (as an alternative) is both unsightly and unhygienic especially when collections are only done fortnightly.</li> </ol>
Knavesmire Crescent	Yes		
Knavesmire Crescent		No	<p>In principle we would have no object to the top end of the lane opening onto Curzon Terrace being gated. We believe that the wishes of the people at that end should be taken into consideration as we never use that part of the lane. We would support the gating of the footpath from between 79 and 83 Curzon Terrace to our back lane as this is a nuisance to us especially on race days. However, we do not believe that the area is of high risk for criminal behaviour, so the development must be assessed in relation to the effect of the changes to the refuse service. We would not support the gating of the Campleshon Road end of the lane for this reason. WE are not happy with the alternative arrangements for black bin bag collection set out in your FAQs information sheet. If the rubbish can no longer be collected from the back this will be a real problem. It will not be practical for people to take their rubbish to a central collection point - it is too long a back lane and rubbish is heavy especially for older people to take any distance. From the centre of Knavesmire Crescent Curzon Street to the ends it is at least 200 yards to where the collection points would be located. It would be a huge amount of rubbish to be left overnight in one place and would be a health hazard if collection was delayed for any reason. It would probably also affect access to the back of all of our properties and the garages. Taking rubbish through the house for collection at the front would be awkward and heavy for the elderly. What would the street look like to visitors to the racecourse? You give no reasons why the current arrangements for rubbish collection cannot remain in place. The drivers would obviously need the code for the gate. As a sub-contracted company of YCC, they will have the same obligation about security as other council workers who will have access to the code. It is unlikely that the gates will restrict the width of the lane anymore than the existing telegraph poles do, so the same vehicles and cleaning vehicles should be able to be used. WE would be interested in the rationale for the change in arrangements. Consequently, we would only be supportive of the alleygating proposals for the Campleshon Road end of the lane if the current existing arrangements for black bin bag collection can be maintained.</p>
Knavesmire Crescent	Yes		<p>Placing an alley gate on this alley is a good thing especially on race days. However the alley is long and there are a lot of properties on it. I am not convinced the alley will be tidy after a large pick up of rubbish. I am also not understanding why they are not simply alley gating but still allowing the refuse trucks down the alley. There are already a large number of telegraph poles and other obstacles on the alley so the truck will still fit down?</p>

Knavesmire Crescent			<p>We have no objection to the alleygating of this joint rear lane, North, East, South. On race days 16 no plus, this action will relieve our stretched police force/community police officers of extra duties to prevent our lane being used as a public toilet throughout each meeting, the racing public are the worst offenders at any time of day. Regarding security, gating will prevent flat bed trucks, men standing on board with ladders entering and surveying the rear yards/properties. This we have witnessed and reported vehicle registration numbers as requested by the police. We strongly object to household black bin bags being carried up the rear lane by residents to end collection point, ie south end, Campleshon Road, through the locked gates. I understand after 7pm the night before or by the latest 7am the morning of the refuse collection. In winter, a very dark situation pm/am in all weathers. Were the bags to be positioned outside the gates at the lane mouth this would block access to the garages/rear car parking areas of the new houses on Curzon Terrace etc. Or is the collection to be on the grass verge outside our home? we hope for a hot spring/summer as all do, what then? Particularly if the collection is delayed by whatever means. I appreciate you are to consider the elderley and disabled in your decision and note this will be assessed on an individual basis for those concerned? For they will not be able to carry their refuse to the collection points. We believe our lane end collection point would involve a minimum of 1 no bag per household = half of Knavesmire Crescent plus half of Curzon Terrace = 39 single bags to be deposited. The terraced houses in this area are not occupied by 1 person only but 1, 2 persons possibly a family of 3,4,5. At the present situation of a 2 wekk household refuse bag collection from the lane I would estimate a 2 bag per household at 78 bgs minimum but this excludes houses being occupied by more than 2 people, these dwellings may have more than 2 bags? RE front of house pavement collection, this suggestion, we strongly object to, the residents usually store their rubbish in their rear yards, placing same in rear lane for collection on the day. It is unbelievable that you should consider residents of any age to carry their refuse bags through their pristine homes, possibly dripping wet etc and deposit same on the pavement, outside their front wall boundary. What a site to this pristine area, health and safety? who will collect this bag rubbish and when? We believe further consultation/clarifications of your plans are necessary! We see no reason why the existing rear lane black bag collection cannot continue. Refuse lorry drivers have carefully negotiated the numerous large telegraph poles down the lane for many years and we do not envisage a further obstruction by the gates. Obviously they would require the security code as other council/sub contracted operatives, we do not envisage a problem. We support the rear lane collections to continue as usual and await your reply.</p>
Knavesmire Crescent		No	<p>We believe that before any restriction should be made to the rear of our property, we should be made aware of any evidence of crime in the area. Particularly that pertaining to the alleyways. In a climate of severe public spending cuts this seems essential. Additionally we have lived on Balmoral Terrace for three years, where there were gates. The problems we encountered were as follows: The gates were left open, the code was shared, the code was written up, they are particularly awkward for cyclists, at night you have to juggle a bike and a torch to see they keys, I felt more vulnerable at night having to take time getting through the gate. The races have not been an additional difficulty to us in Knavesmire Crescent, as the Community Police are excellent.</p>



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**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  
alleyway between Brunswick Street/South Bank Avenue,  
Micklegate Ward, using Public Spaces Protection Order legislation**

**Summary**

1. The above Public Spaces Protection Order (PSPO) has 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 this draft PSPO (Annex 1). It is recommended that this scheme is not progressed.

**Recommendation**

2. The Executive Member is asked to:

Not make the PSPO and abandon the scheme.

Reason: The nature of the objections received would suggest that this scheme would not be appropriate for this area. Previous consultations for this alleyway have found that residents are not in favour of Alleygating, and the results of this consultation reflect this. The complicated layout of this alleyway and the waste collection changes that would be required, lead officers to recommend that this scheme would not be appropriate.

## **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 dog fouling and fly tipping.
4. Statistics provided by the Council's Business Intelligence Unit (Annex 2), show that in the 12 months between November 2013 and November 2014, for the 59 properties affected/adjacent to both alleyways, there were 14 recorded incidents of crime and 15 reported incidents of anti-social behaviour. Annex 2 shows a breakdown of these incidents.
5. Pre-order (informal) consultation was carried out for this scheme in February 2015. The results were presented at the Officer in Consultation meeting on 17 March 2015 where authorisation was given to proceed to statutory consultation.
6. As a result of the statutory consultation, a total of 3 formal objections 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 is required to be reviewed and can be 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, 59 properties are affected by this proposal. After a delay of some months, the statutory consultation took place in November 2015 and 3 objections were received. The delay was due to comments received during the informal consultation stage, which requested that the location of Gate B be changed. In order to accommodate this, two low walls would need to be raised requiring the owners consent. It took some months to make contact with the householders concerned, and as only one gave consent for the changes, it was necessary to revert back to the original plan.
11. The informal consultation responses are attached (Annex 6).
12. Micklegate Councillors and Group Spokespersons have been consulted, no responses have been received.

### **Options**

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

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

### **Analysis**

14. Option 1:  
If the draft Public Spaces Protection Order is sealed, the alleyway 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 relevant Council employees, the emergency services and utilities companies who 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 of the review, 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):*

Of the three objections received, all three objected to the changes to waste collections which would be implemented should gates be installed. One resident objected specifically to the gates, citing an earlier consultation which took place in 2007 and which found that residents were NOT in favour of gates being installed.

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 3 objections received for this scheme, 3 specifically objected to changes in waste collection. There is a further complication with this particular scheme in that the full extent of the alleyway cannot be gated due to a principle access to a property being situated within the alleyway. Should gates be installed however, ALL properties adjacent to the alleyway will be subject to waste collection changes. This means that some properties, even though they would not have the advantage of being covered by the gates, will still be required to present their waste to front of property.
19. Waste Services have confirmed that they would not be considering changing waste collections at these locations, were it not for the alleygating 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**

21.

• **Financial**

Capital funding has been secured for the scheme through the Council and SYP. To supply and fit one double (vehicular) gate with locks is approximately £2,000. The total cost of gates for these two alleyways would therefore cost approximately £4,000 (2 double gates). Repairs to alley gate locks are undertaken by an outside company at a cost of £50 per hour. There is no specific budget with which to maintain alley gates.

The gates would therefore continue to be maintained through the existing Rights of Way (ROW) 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 alley gates 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

22. 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 Anti Social Behaviour (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

### Author:

**Claire Robinson**  
**Rights of Way Officer**  
**Transport Services**  
01904 554158

**Chief Officer Responsible for the report:**  
**Neil Ferris**  
**Acting Director, City & Environmental Services**

**Report Approved**  **Date** 09.02.16

**Wards Affected: Micklegate Ward**

**All**

**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 Brunswick Street/South Bank Avenue, (Micklegate Ward), using Public Spaces Protection Orders legislation.  
<http://modgov.york.gov.uk/ieDecisionDetails.aspx?ID=4339>

**Annexes**

**Annex 1:** Draft Public Spaces Protection Order and Plan

**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

**Public Spaces Protection Order****Anti-social Behaviour, Crime and Policing Act 2014 Sections 59 to 68****City of York Council Public Spaces Protection Order 2015****Brunswick Street/South Bank Avenue**

This Order is made by the City of York Council (“the local authority”) under Sections 59 to 68 of the Anti-social Behaviour, Crime and Policing Act 2014 because it appears to the local authority that certain anti-social activities carried on at the public rear alleyway between Brunswick Street and South Bank Avenue, York (OS Grid Reference SE5950), being a public place within the authority’s area, have had a detrimental effect on the quality of life of those in the locality. And further, that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature such as to make the activities unreasonable and which justifies the restrictions imposed by this Order. These said activities being dog fouling and fly tipping.

**BY THIS ORDER**

The effect of the Order is as follows:

- 1 To restrict the use of the public right of way over the above mentioned public place (‘the restricted area’) the restriction being in place at all times.
- 2 This restriction shall not apply to the occupiers of premises adjoining or adjacent to the restricted area so indicated.
- 3 Access to the restricted area is to be controlled by the installation of lockable metal gates at either end of the footpath between Brunswick Street and South Bank Avenue, York, as shown on the attached Order plan. The maintenance of the gates, locks and keys will be the responsibility of the Assistant Director (City and Environmental Services), West Office, Station Rise, York, YO1 6GA.
- 4 The alternative route to the restricted highway is along Brunswick Street, South Bank Avenue and behind Nos 1-21 Ruby Street.
- 5 It is an offence under section 67 of this Act for a person without reasonable excuse to do anything that the person is prohibited from doing by a Public Spaces Protection Order, or to fail to comply with a requirement to which the person is subject under a Public Spaces Protection Order, and a person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.



459700

459800

459900

### Key

Restricted Area



Gate Locations

A, B

Alternative Route



SOUTH BANK

South Bank Avenue

Brunswick Street

RUBY STREET

BURGH TERRACE

BALMORAL TERRACE

Club

37

27

64

18.3m

15.2m

B

A

450400

Page 81

450300



### Anti-social Behaviour, Crime & Policing Act 2014 Brunswick Street/South Bank Avenue Public Spaces Protection Order 2015

Scale 1:1,000

Drawn by: CR

Date: 21/09/2015

Public Rights of Way

Grid Ref SE 5950

Drawing No.

West Offices, Station Rise, York, YO1 6GA  
Telephone: 01904 551550

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**Annex 2 Crime and Anti-social Behaviour Statistics  
Brunswick Street - Southbank Avenue**

Street
Brunswick Street - Southbank Avenue

ics 2013/2014

<b>Crime or ASB Type</b>	<b>Total</b>
ASB	15
ASSAULT WITHOUT INJURY	1
BURGLARY IN A DWELLING	1
CRIMINAL DAMAGE OTHER	1
CRIMINAL DAMAGE TO DWELLINGS	3
CRIMINAL DAMAGE TO VEHICLES	7
HARRASSMENT	1



## Anti-social Behaviour, Crime and Policing Act 2014

### Chapter 2

### Public Spaces Protection Orders

#### 59 Power to make orders

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is 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.
- (3) The second condition is that 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.
- (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and-
  - (a) Prohibits specified things being done in the restricted area,
  - (b) Requires specified things to be done by persons carrying on specified activities in that area, or
  - (c) Does both of those things.
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
  - (a) To prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
  - (b) To reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- (6) A prohibition or requirement may be framed—
  - (a) So as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;

(b) So as to apply at all times, or only at specified times, or at all times except those specified;

(c) So as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.

- (7) A public spaces protection order must—
- (a) Identify the activities referred to in subsection (2);
  - (b) Explain the effect of section 63 (where it applies) and section 67;
- (8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.

## **60 Duration of orders**

- (1) A public spaces protection order may not have effect for a period of more than 3 years, unless extended under this section.
- (2) Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
- (a) Occurrence or recurrence after that time of the activities identified in the order, or
  - (b) An increase in the frequency or seriousness of those activities after that time.
- (3) An extension under this section—
- (a) May not be for a period of more than 3 years;
  - (b) Must be published in accordance with regulations made by the Secretary of State.
- (4) A public spaces protection order may be extended under this section more than once.

## **61 Variation and discharge of orders**

- (1) Where a public spaces protection order is in force, the local authority that made the order may vary it—
- (a) By increasing or reducing the restricted area;
  - (b) By altering or removing a prohibition or requirement included in the order, or adding a new one.

- (2) A local authority may make a variation under subsection (1)(a) that results in the order applying to an area to which it did not previously apply only if the conditions in section 59(2) and (3) are met as regards activities in that area.
- (3) A local authority may make a variation under subsection (1)(b) that makes a prohibition or requirement more extensive, or adds a new one, only if the prohibitions and requirements imposed by the order as varied are ones that section 59(5) allows to be imposed.
- (4) A public spaces protection order may be discharged by the local authority that made it.
- (5) Where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State.
- (6) Where an order is discharged, a notice identifying the order and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.

#### *Restrictions on public rights of way*

### **64 Orders restricting public right of way over highway**

- (1) A local authority may not make a public spaces protection order that restricts the public right of way over a highway without considering—
  - (a) The likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway;
  - (b) The likely effect of making the order on other persons in the locality;
  - (c) In a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.
- (2) Before making such an order a local authority must—
  - (a) Notify potentially affected persons of the proposed order,
  - (b) Inform those persons how they can see a copy of the proposed order,
  - (c) Notify those persons of the period within which they may make representations about the proposed order, and
  - (d) Consider any representations made.

In this subsection “potentially affected persons” means occupiers of premises adjacent to or adjoining the highway, and any other persons in the locality who are likely to be affected by the proposed order.

- (3) Before a local authority makes a public spaces protection order restricting the public right of way over a highway that is also within the area of another local authority, it must consult that other authority if it thinks it appropriate to do so.
- (4) A public spaces protection order may not restrict the public right of way over a highway for the occupiers of premises adjoining or adjacent to the highway.
- (5) A public spaces protection order may not restrict the public right of way over a highway that is the only or principal means of access to a dwelling.
- (6) In relation to a highway that is the only or principal means of access to premises used for business or recreational purposes, a public spaces protection order may not restrict the public right of way over the highway during periods when the premises are normally used for those purposes.
- (7) A public spaces protection order that restricts the public right of way over a highway may authorise the installation, operation and maintenance of a barrier or barriers for enforcing the restriction.
- (8) A local authority may install, operate and maintain barriers authorised under subsection (7).
- (9) A highway over which the public right of way is restricted by a public spaces protection order does not cease to be regarded as a highway by reason of the restriction (or by reason of any barrier authorised under subsection (7)).
- (10) In this section—
  - “dwelling” means a building or part of a building occupied, or intended to be occupied, as a separate dwelling;
  - “highway” has the meaning given by section 328 of the Highways Act 1980.

## **65 Categories of highway over which public right of way may not be restricted**

- (1) A public spaces protection order may not restrict the public right of way over a highway that is—
  - (a) A special road;
  - (b) A trunk road;
  - (c) A classified or principal road;
  - (d) A strategic road;
  - (e) A highway in England of a description prescribed by regulations made by the Secretary of State;
  - (f) A highway in Wales of a description prescribed by regulations made by the Welsh Ministers.
  
- (2) In this section—

“Classified road”, “special road” and “trunk road” have the meaning given by section 329(1) of the Highways Act 1980; “Highway” has the meaning given by section 328 of that Act; “Principal road” has the meaning given by section 12 of that Act (and see section 13 of that Act); “strategic road” has the meaning given by section 60(4) of the Traffic Management Act 2004.

### *Validity of orders*

## **66 Challenging the validity of orders**

- (1) An interested person may apply to the High Court to question the validity of—
  - (a) A public spaces protection order, or
  - (b) A variation of a public spaces protection order.“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.
  
- (2) The grounds on which an application under this section may be made are—
  - (a) That the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
  - (b) That a requirement under this Chapter was not complied with in relation to the order or variation.

- (3) An application under this section must be made within the period of 6 weeks beginning with the date on which the order or variation is made.
- (4) On an application under this section the High Court may by order suspend the operation of the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied), until the final determination of the proceedings.
- (5) If on an application under this section the High Court is satisfied that—
  - (a) The local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
  - (b) The interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under this Chapter, the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).
- (6) A public spaces protection order, or any of the prohibitions or requirements imposed by the order (or by the order as varied), may be suspended under subsection (4) or quashed under subsection (5)—
  - (a) Generally, or
  - (b) So far as necessary for the protection of the interests of the applicant.
- (7) An interested person may not challenge the validity of a public spaces protection order, or of a variation of a public spaces protection order, in any legal proceedings (either before or after it is made) except—
  - (a) Under this section, or
  - (b) Under subsection (3) of section 67 (where the interested person is charged with an offence under that section).

*Failure to comply with orders*

**67 Offence of failing to comply with order**

- (1) It is an offence for a person without reasonable excuse—

- (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - (b) To fail to comply with a requirement to which the person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

## **68 Fixed penalty notices**

- (1) A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 or 67 in relation to a public spaces protection order.
- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.
- (3) The local authority specified under subsection (2) must be the one that made the public spaces protection order.
- (4) Where a person is issued with a notice under this section in respect of an offence—
- (a) No proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice;
  - (b) The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (5) A fixed penalty notice must—
- (a) Give reasonably detailed particulars of the circumstances alleged to constitute the offence;
  - (b) State the period during which (because of subsection (4)(a)) proceedings will not be taken for the offence;

- (c) Specify the amount of the fixed penalty;
  - (d) State the name and address of the person to whom the fixed penalty may be paid;
  - (e) Specify permissible methods of payment.
- (6) An amount specified under subsection (5)(c) must not be more than £100.
- (7) A fixed penalty notice may specify two amounts under subsection (5)(c) and specify that, if the lower of those amounts is paid within a specified period (of less than 14 days), that is the amount of the fixed penalty.
- (8) Whatever other method may be specified under subsection (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under subsection (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (9) Where a letter is sent as mentioned in subsection (8), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (10) In any proceedings, a certificate that—
- (a) Purports to be signed by or on behalf of the chief finance officer of the local authority concerned, and
  - (b) States that payment of a fixed penalty was, or was not, received by the date specified in the certificate, is evidence of the facts stated.
- (11) In this section—
- “authorised person” means a person authorised for the purposes of this section by the local authority that made the order (or authorised by virtue of section 69(2));
  - “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority’s financial affairs.

## **70 Byelaws**

A byelaw that prohibits, by the creation of an offence, an activity regulated by a public spaces protection order is of no effect in relation to the restricted area during the currency of the order.



**71 Bodies other than local authorities with statutory functions in relation to land**

- (1) The Secretary of State may by order—
  - (a) Designate a person or body (other than a local authority) that has power to make byelaws in relation to particular land, and
  - (b) Specify land in England to which the power relates.
- (2) This Chapter has effect as if—
  - (a) A person or body designated under subsection (1) (a “designated person”) were a local authority, and
  - (b) Land specified under that subsection were within its area.But references in the rest of this section to a local authority are to a local authority that is not a designated person.
- (3) The only prohibitions or requirements that may be imposed in a public spaces protection order made by a designated person are ones that it has power to impose (or would, but for section 70, have power to impose) by making a byelaw in respect of the restricted area.
- (4) A public spaces protection order made by a designated person may not include provision regulating, in relation to a particular public space, an activity that is already regulated in relation to that space by a public spaces protection order made by a local authority.
- (5) Where a public spaces protection order made by a local authority regulates, in relation to a particular public space, an activity that a public spaces protection order made by a designated person already regulates, the order made by the designated person ceases to have that effect.
- (6) If a person or body that may be designated under subsection (1)(a) gives a notice in writing under this subsection, in respect of land in relation to which it has power to make byelaws, to a local authority in whose area the land is situated—
  - (a) No part of the land may form, or fall within, the restricted area of any public spaces protection order made by the local authority;
  - (b) If any part of the land—
    - (i) Forms the restricted area of a public spaces protection order already made by the local authority, or

(ii) Falls within such an area, the order has ceased to have effect (where sub-paragraph (i) applies), or has effect as if the restricted area did not include the land in question (where sub-paragraph (ii) applies).

## **72 Convention rights, consultation, publicity and notification**

- (1) A local authority, in deciding—
  - (a) Whether to make a public spaces protection order (under section 59) and if so what it should include,
  - (b) Whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,
  - (c) Whether to vary a public spaces protection order (under section 61) and if so how, or
  - (d) Whether to discharge a public spaces protection order (under section 61), must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.
- (2) In subsection (1) “Convention” has the meaning given by section 21(1) of the Human Rights Act 1998.
- (3) A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—
  - (a) Making a public spaces protection order,
  - (b) Extending the period for which a public spaces protection order has effect, or
  - (c) Varying or discharging a public spaces protection order.
- (4) In subsection (3)—

“the necessary consultation” means consulting with—

  - (a) The chief officer of police, and the local policing body, for the police area that includes the restricted area;
  - (b) Whatever community representatives the local authority thinks it appropriate to consult;
  - (c) The owner or occupier of land within the restricted area;

“the necessary publicity” means—

  - (a) In the case of a proposed order or variation, publishing the text of it;
  - (b) In the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension, variation or discharge—

- (a) The parish council or community council (if any) for the area that includes the restricted area;
  - (b) In the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area.
- (5) The requirement to consult with the owner or occupier of land within the restricted area—
- (a) Does not apply to land that is owned and occupied by the local authority;
  - (b) Applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.
- (6) In the case of a person or body designated under section 71, the necessary consultation also includes consultation with the local authority which (ignoring subsection (2) of that section) is the authority for the area that includes the restricted area.
- (7) In relation to a variation of a public spaces protection order that would increase the restricted area, the restricted area for the purposes of this section is the increased area.

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## Annex 4

## SECTION 1: CIA SUMMARY



## Community Impact Assessment: Summary

**1. Name of service, policy, function or criteria being assessed:**

Brunswick Street/South Bank Avenue Alleygating Proposal 2015/2016

**2. What are the main objectives or aims of the service/policy/function/criteria?**

A Public Spaces Protection Order (PSPO) allows the council to restrict access to a public place (such as a rear alleyway) where the activities which are associated with that place are, or are likely to be, having a detrimental effect on the quality of life of those in the locality.

This recommendation proposes the restriction/closure of the alleyway between Brunswick Street and South Bank Avenue.

**3. Name and Job Title of person completing assessment:**

Claire Robinson, Assistant Rights of Way Officer

**4. Have any impacts been Identified? (Yes/No)**

Yes

**Community of Identity affected:**

Age; Disability, Carers

**Summary of impact:**

Each proposed alleygate scheme is investigated and considered on an individual basis.

One positive and six negative impacts have been identified involving mobility and access issues. One of the negative issues is seen as critical (design of locks / handles etc). This is mitigated by design / installation and alternative access options. Alleygates are reviewed regularly and/or on demand which accommodates any change in circumstances.

The positive impact of additional security to residents, increasing peace of mind and providing a safe area to the rear of their properties justifies the negative impacts.

**5. Date CIA completed: 2 March 2015**

**6. Signed off by:**

**7.** I am satisfied that this service/policy/function has been successfully impact assessed.

**Name:**

**Position:**

**Date:**

**8. Decision-making body:**

**OIC**

**Date:**

**17 March 2015**

**Decision Details:**

Send the completed signed off document to [ciasubmission@york.gov.uk](mailto:ciasubmission@york.gov.uk). It will be published on the intranet, as well as on the council website.

Actions arising from the Assessments will be logged on Verto and progress updates will be required

## Community Impact Assessment (CIA)

**Community Impact Assessment Title:**

Brunswick Street/South Bank Avenue Alleygating Proposal 2015/2016

What evidence is available to suggest that the proposed service, policy, function or criteria could have a negative (N), positive (P) or no (None) effect on quality of life outcomes? (Refer to guidance for further details)

Can negative impacts be justified? For example: improving community cohesion; complying with other legislation or enforcement duties; taking positive action to address imbalances or under-representation; needing to target a particular community or group e.g. older people. NB. Lack of financial resources alone is NOT justification!

### Community of Identity: Age

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Informal consultation has been undertaken with all affected residents and statutory bodies (Chief of Police, emergency services, utility companies, The Ramblers)	Physical security; Standard of living Access to services; Individual, family and social life	Positive & Negative	None

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
<p>1. Positive: A Public Spaces Protection Order may 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;</p> <ul style="list-style-type: none"> <li>• have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;</li> <li>• is, or is likely to be, persistent or continuing in nature;</li> <li>• is, or is likely to be, unreasonable; and</li> <li>• justifies the restrictions imposed.</li> </ul>		<ul style="list-style-type: none"> <li>• As a proportionate means to achieve a legitimate aim</li> <li>• In support of improving community cohesion</li> <li>• There are alternative pavement routes that can be safely used with only reasonable increases in walking distances.</li> <li>• Waste Services offer additional assistance to customers meeting set criteria.</li> <li>• The letter which confirms the Public Spaces Protection Order, will also signpost residents to this service.</li> </ul>	C Robinson	When the PSPO is made operative



<p>There is a generally agreed perception that older people are more fearful of crime and anti-social behaviour (ASB) so the installation of gates to reduce crime and to deter groups of ‘undesirables’ gathering in alleyways would have a beneficial effect. People who live adjacent to the alleyways subject to a PSPO will particularly benefit from reduced anti-social behaviour for example, drinking in the passages, graffiti, urination etc. A PSPO gives additional security to residents, increasing peace of mind and provides a safe area to the rear of their properties.</p> <p><b>Negative:</b> Restricting the use of the alleyway can have a negative impact on specific age groups.</p> <p>Older people/under 17s:  Non-drivers are less likely use a car, therefore more likely to regularly use alleyways to access local shops, bus stops, schools etc. Older people and under 17s are likely to be non-drivers.</p>				
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People who have mobility problems welcome short-cuts and walks that are away from busy traffic and may be hesitant or unable to use alternative routes to essential services.

Children:

Parents with young children may use alleyway routes to take them to school. Older children going to school on their own may use alleyway routes to arrive at school safely

When a PSPO is made and gates installed, it is necessary for refuse to be collected from the front of properties or a central collection point instead of from rear alleyways. This means that in most cases, refuse bags will have to be carried through the home to present it on the public highway at the front. This could have a negative impact on older people who may be unable to lift and carry due to mobility issues/frailty.

**Community of Identity: Carers of Older or Disabled People**

<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Informal consultation has been undertaken with all affected residents and statutory bodies (Chief Police, emergency services, utility companies, Ramblers)		Access to services; Standard of living; Individual, family and social life	Negative	None
<b>Details of Impact</b>	<b>Can negative impacts be justified?</b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
Residents are able to provide independent access to carers should the alleygates be installed. Carers may wish to change working hours to facilitate refuse disposal (as detailed above) but this is optional and dependant on personal preference.	Yes	<ul style="list-style-type: none"> <li>• As a proportionate means to achieve a legitimate aim</li> <li>• Waste Services offer additional assistance to customers meeting set criteria.</li> <li>• Residents have the choice of using this service instead of changing carers' working patterns.</li> </ul>	C Robinson	When the PSPO is made operative

**Community of Identity: Disability**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Informal consultation has been undertaken with all affected residents and statutory bodies (Police, emergency services, utility companies, Ramblers)		Access to services; Standard of living; Individual, family and social life	Negative	None
Details of Impact	Can negative impacts be justified?	Reason/Action	Lead Officer	Completion Date
Some alleyways are used by drivers to access garages at the rear of properties. People with impaired mobility may rely on this access as their most convenient way to access their property. A gate may impede this access or impact on the ease with which access is currently enjoyed. Restrictions to the highway can have a negative impact on disabled people.	Yes	<ul style="list-style-type: none"> <li>As a proportionate means to achieve a legitimate aim</li> <li>Only reasonable additional effort is involved in using the gates.</li> <li>Installation of gates does not impede access to the rear of the property as access codes are given to all residents.</li> <li>Care is taken on the installation of individual gates to ensure ease of access to the locking mechanism.</li> <li>All locks on this scheme will be</li> </ul>	C Robinson	When the PSPO is made operative and at subsequent 3 year reviews

<p>Wheelchair users and people with impaired mobility may rely on the back entrances to their properties and alleyways as the most convenient, or possibly their only, means of accessing their property.</p> <p>The design of the gates is critical. Width and height of locks and handles must provide ease of use for wheelchair users and people with dexterity issues e.g. people with arthritis.</p>		<p>fitted with a key override facility. This allows gates to be opened without the need to turn a handle. Keys are provided free of charge on request.</p> <ul style="list-style-type: none"> <li>The letter which confirms the PSPO, will also signpost residents to this service.</li> </ul>		
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**Community of Identity: Gender**

<b>Evidence</b>	<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Not applicable	Not applicable	None	None

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Gender Reassignment**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Not applicable		Not applicable	<b>None</b>	<b>None</b>
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Marriage & Civil Partnership**

<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Not applicable		Not applicable	<b>None</b>	<b>None</b>
<b>Details of Impact</b>	<i><b>Can negative impacts be justified?</b></i>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Pregnancy / Maternity**

<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Not applicable		Not applicable	<b>None</b>	<b>None</b>
<b>Details of Impact</b>	<b><i>Can negative impacts be justified?</i></b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
There is not expected to be either a positive or negative impact on this community of identity group.				



**Community of Identity: Race**

<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Not applicable		Not applicable	<b>None</b>	<b>None</b>
<b>Details of Impact</b>	<b><i>Can negative impacts be justified?</i></b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Religion / Spirituality / Belief**

<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Not applicable		Not applicable	<b>None</b>	<b>None</b>
<b>Details of Impact</b>	<b><i>Can negative impacts be justified?</i></b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Sexual Orientation**

<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Not applicable		Not applicable	<b>None</b>	<b>None</b>
<b>Details of Impact</b>	<i>Can negative impacts be justified?</i>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
There is not expected to be either a positive or negative impact on this community of identity group.				

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**Formal Consultation Responses**  
**Annex 5 Formal Consultation Responses**

Street	Yes	No	Comments
Brunswick Street			I am writing with regard to the above problem and although I think its a good idea for gates to be used on this area I AM NOT happy to put refuse to the front of the house. I feel it is bad enough in the alleyway and that vermin would rip open the bags at the front and litter would be all over the street. Why is it not possible for the dustbin collectors to have access to our alleyways? I do not want to put my waste in the street.
South Bank Avenue			I wish to object to this proposal on the following grounds: The residents have been polled twice on it already and rejected it so now you are bulldozing it through against the residents wishes. The council is supposed to represent our wishes and not go against them. You say it is to stop crime and anti-social behaviour but this is minimal to non-existent. You are spending money in times of cut back which is not wanted. You are absolving yourself of the cleaning of the alley. At present when a bag splits the rubbish lays there until the alley is cleaned. Cats tear open the bags and spread rubbish also. when the recycling is collected anything dropped or blown away is just left and as the streets are no longer swept on a regular basis it just lays there until blown away. Carrying rubbish through our houses is a retrograde step. If there are keys available for emergency services and utility companies then why cannot your refuse collectors have one? I would
South Bank Avenue			In reply to the letter we received about the locking of the South Bank due alleyway. I am 84 years old, so there is no way I would be able to carry the rubbish through my house. Why can't the bin men have a key for the gate.



<b>Consultee</b>	<b>Comments</b>
Harrogate Bridleways Association	This is acceptable to us. We have no concerns or issues at all.
Chief Officer of Police	
Atkins/Vodafone	
Yorkshire Water	
KCOM	We have received the notice for Brunswick Street, South Bank Avenue. We have no comments or objections at this time.
Virgin Media	
BT Openreach	In principle Openreach will have no objection to your proposal. Under the above legislation the alleyway will remain Highway and Openreach should have the same powers in respect of its Telecommunications apparatus as though the stopping up order had never been made and I note Article 6 of the proposed order.
City Fibre	We have received the notice for Brunswick Street, South Bank Avenue. We have no comments or objections at this time.
Northern Gas Networks	Apparatus unaffected - Plans sent
Northern Powergrid	Apparatus in area - Plans sent
David Nunns Ramblers	We have no comments, other than any earlier comments. We have seen little evidence of unreasonable activities in the way of dog fouling by non-residents, nor fly tipping by non residents.

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Annex 6

Informal Consultation Brunswick Street South Bank Avenue

Street	Yes	No	Comments
South Bank Avenue	Yes		We strongly support this request and hope it will be successful.
South Bank Avenue		No	I agree that the proposed suggestion of a gated access area to the rear of my property is a good suggestion but I would prefer to have a more detailed suggestion or plans drawn up for waste collection because I am not happy with the current suggestions made by the council, because I feel that the current suggestions are impractical, that is why I have chosen the way I have. If more practical suggestions are made I may change my mind.
South Bank Avenue		No	Why do you not accept the last vote which was "no".
South Bank Avenue	Yes		
South Bank Avenue		No	I absolutely opose alleygating in my back street. I do not want to live in a gated community. I also dislike the idea of having to carry heavy bin bags to the bottom of the street and bin bags at the front of the house will be both unsightly and block access. What do I pay Council Tax for?
South Bank Avenue	Yes		
South Bank Avenue		NO	My kitchen is semi basement and rubbish bags need to be collected from the alleyway at the rear of the property. I have terminal cancer with consequent mobility problems which would make carrying bags upstairs for collection from the front very difficult. In addition I have a colostomy which makes it necessary to have weekly (not fortnightly) refuse collections as the council does not operate a clinical waste collection system. It is also necessary to have easy access from the rear for delivery of large items for the kitchen and, via the outside steps, to the living room as the entrance hall does not allow for large bulky items to be turned through 90 degrees for entry to the living room. As it happens the current proposals do not includethe lane at the rear but there is no guarantee that this would not be required in future. I have experience of other gated areas of York where bicycles hae been removed from yards despite the gates and I do not feel that this proposal to gate would reduce the risk of theft and panders to a drawbridge mentality discouraging property owners from taking proper security precautions. This is not a good use of resources.
South Bank Avenue	Yes		I would propose an alternative gate location (C) marked on (gating scheme drawing), as an alternative to (A) proposed location; for 2 reasons; Security to all of the rear alleyway would far more substantial. Intruders easily viewed from Brunswick Street. Temptation to leave bin collection sacks in number at the outside gate (A) with higher potential for vermin to be attracted to area.
South Bank Avenue	Yes		
Brunswick Street	Yes		Alley lighting would be good.
Brunswick Street	Yes		We have noticed people (whose houses do not back onto the alleyway) taking their dogs to foul in the alley. Also, vans belonging to builders or maintenance teams have parked in the alley entrance, damaging the alley and blocking access. Hopefully this scheme would prevent both - but the gate would need to prevent parking (see map). A gate set back (as seems to be proposed) would be a terrible idea - creating a 'parking spot' in the alley entrance.
Brunswick Street	Yes		
Brunswick Street		No	
Brunswick Street	Yes		
Brunswick Street	Yes		
Brunswick Street	Yes		
Brunswick Street	Yes		This is a great way to prevent theft to the rear of the property!
Brunswick Street	Yes		This is a great idea!
Brunswick Street	Yes		
Brunswick Street	Yes		I do have reservations: eg who is responsible for clearing rubbish dumped in the alley after gating? There are several properties let to students in Brunswick Street (nos 15-19) for instance, which regularly have large household items, white goods etc abandoned in the back lane and it could easily become an eyesore/health hazard if no one is clearing it.

Brunswick Street		No	The proposal is to gate behind our house and the inclusion of 45 suggests we would be within the gated area. However, as there is a garage directly opposite our back gate I can only assume that actually we will be outside the gated area and will not benefit. As a result I feel you have provided insufficient information, for example where the "central collection point" would be proposed. My concern is that those within the gated area simply dump their rubbish outside the gate and outside our back gate. The council recently distributed a "Rewiring York" leaflet for consultation which included decreasing the frequency of household rubbish collections. Given this street is a black bag collection area I'm concerned that the alleygating and potentially reduced rubbish collections are not mutually exclusive concerns. I feel there is currently insufficient information for us to support the scheme as we would be unlikely to be in receipt of the benefits and would in fact be in a worse position. If you could provide further information to alleviate these concerns a) whether our house will be included and b) how rubbish will be dealt with, then we might be able to support the proposal
Brunswick Street	Yes		
Brunswick Street	Yes		Before the alleygating is to go ahead firstly the alleyway should get lighting!
Brunswick Street	Yes		I am the owner of 49a Brunswick Street - the property which is situated off Brunswick Street and in the alley, adjacent to Point A on the map. I would like to stipulate that no gates be fixed to this property and to raise my concerns regarding refuse collection points should the alleygating scheme be approved. My concern would be that the front of my property becomes a collection point - this I would find totally unacceptable and would reject the scheme if indeed this is planned.
Brunswick Street		No	I agree that there should be gates, but I do not agree on the proposed position. The current proposal does not provide any security to my property (Gate A). I object to my tax payer money being used when it does not protect my property. I have in the past witnessed youths attempting to break into garages/sheds near my house. I reported this to police. I request that Gate A is positioned at the side of my house. I understand that there are garages near my house but the only one that uses their garage to park is for one householder. The alley is for refuse collection - it is not a road. I suffer damage to my fence/wall when other cars/vans attempt to manoeuvre in the cramped alley therefore a gate would also prevent this!!
Brunswick Street	Yes		I have a garage behind my property which is marked with an asterix on the map. I park my car in the garage at all times (I am away a lot) so I would want to ensure vehicular access is maintained.

Consultee	Comments
Harrogate Bridleways Association	I can advise that we have no comments, observations or objections to make.
Chief Officer of Police	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.
Atkins/Vodafone	Please accept this email as confirmation that Vodafone: Fixed <b>does not</b> have apparatus within the vicinity of your proposed works detailed below.
Yorkshire Water	I have received your notification regarding proposals for gating the alleyway in Micklegate Ward, York. Apologies for the delay in the response; the information was only passed to me today. Yorkshire Water have no clean apparatus which is likely to be affected by the proposed gating in Brunswick Street/South Bank Avenue.
KCOM	KCOM Group's network (incorporating Affiniti, Torch Telecom, Kingston Infrastructure & Kingston Communications) is not affected by the above scheme and therefore we do not object to the proposals at this time.
Virgin Media	Virgin Media and Viatel plant should not be affected by your proposed work and no strategic additions to our existing network are envisaged in the immediate future.

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**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  
alleyway between Brownlow Street/Eldon Street, Guildhall Ward,  
using Public Spaces Protection Order legislation**

**Summary**

1. The above Public Spaces Protection Order (PSPO) has been requested by residents, Ward Councillors and Safer York Partnership (SYP). This report provides details of the public consultations which have been carried out and the subsequent results. As no representations have been received following the formal consultation, and the scheme appears to be fully supported, the Executive Member is asked to seal and make operative this PSPO (Annex 1).
2. The Brownlow/Eldon Street alley gating scheme is the final location to be considered in the current programme for delivering new alley gating schemes as the capital funding allocation has now been fully utilised. Funding has enabled alley gating at 11 locations to be considered with gates being erected on 12 streets. Further details are provided in Annex 7. Any future requests will be placed onto a list for further consideration should budget be made available in the future. It should be noted that, due to the Transport Services restructure and ending of capital funding, the post of Assistant Rights of Way Officer responsible for the provision of new alley gating locations will no longer be included in the structure from the end of March.

**Recommendations**

3. The Executive Member is asked to:
  - (i) Seal and make operative the PSPO for Brownlow/Eldon Street.

- (ii) Note the completion of the current capital funded alley gating programme.

Reason: No formal objections or representations have arisen as a result of the formal consultation and the scheme appears to have the full support of the community and Ward Councillors.

### **Background**

4. 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 this particular proposal the activities include theft, drug use, fly tipping, urination and defecation.
5. Statistics provided by the council's Business Intelligence Unit show that, in the period from January 2014 to December 2014, there were 6 reported incidents of criminal damage (Annex 2). For the period of 1 January 2015 to 31 August 2015, there was one reported incidence of ASB. It should be noted that most incidents of graffiti and drug paraphernalia are reported via the Customer Contact Centre, and therefore are not recorded on the above crime and ASB statistics. Due to long standing technical issues CYC is unable to accurately record the locations of Enviro-crime, which therefore means no analysis can be done in this respect.
6. 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.
7. 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.
8. 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**

9. In total, 60 properties are affected by this proposal. Statutory consultation took place in January 2016, and no representations were received.
10. Informal consultation for these schemes was carried out in August 2015, and the responses are attached (Annex 5). Residents had previously submitted a petition and supporting emails, outlining details of anti-social behaviour associated with the alleyway (Annex 6).
11. Guildhall Councillors and Group Spokespersons have been consulted and the following response received;

Cllr A Reid: *"If there is a proven ASB problem and residents are generally supportive then I have no objection in principle"*.

### **Options**

12. Option 1: Seal and make operative the draft Public Spaces Protection Order.  
Option 2: Do not seal the draft Public Spaces Protection Order.

### **Analysis**

13. Option 1  
If the draft Public Spaces Protection Order is sealed, the alleyway will be gated at all times. Only those residents living in properties which are adjacent to or adjoining the restricted route will be given a Personal Identification Number (PIN) with which to access the gates. The emergency services, relevant council employees and utilities that may need to access their apparatus will also be given the PIN code.
14. 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.
15. If gates are installed, vehicular access for both cars and cycles will be maintained.

16. A Community Impact Assessment (CIA) 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.
17. 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)**

18. 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**

19. The report has the following implications:



- **Financial**  
Capital funding has been secured for the scheme. To supply and fit one double (vehicular) gate with locks is approximately £2,000. The total cost of gates for this alleyway would cost approximately £6,000 (3 double gates). Repairs to alley gate locks are undertaken by an outside company at a cost of £50 per hour. There is no specific budget with which to maintain alley gates. The gates would therefore continue to be maintained through the existing Rights of Way maintenance budget.
- **Human Resources (HR)**  
To be delivered using existing staffing resources.
- **Equalities**  
Implications are included in Annex 3 and summarised at paragraph 6 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**  
There are no other implications.

### **Risk Management**

20. 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 Anti Social Behaviour (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**

**Author:**

**Claire Robinson**  
**Rights of Way Officer**  
**Transport Services**  
01904 554158

**Chief Officer Responsible for the report:**

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

**Report Approved**



**Date** 22.02.16

**Wards Affected: Guildhall Ward**

**All**

**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 alleyway between Brownlow Street/Eldon Street, (Guildhall Ward), using Public Spaces Protection Order legislation.

<http://modgov.york.gov.uk/ieDecisionDetails.aspx?ID=4521>

## **Annexes**

**Annex 1:** Draft Public Spaces Protection Order and Plan

**Annex 2:** Crime and Anti-Social Behaviour Statistics

**Annex 3:** Legislation

**Annex 4:** Community Impact Assessment

**Annex 5:** Informal consultation responses

**Annex 6:** Petition from residents

**Annex 7:** Alleygating Closedown Report

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**Public Spaces Protection Order****Anti-social Behaviour, Crime and Policing Act 2014 Sections 59 to 68****City of York Council Draft Public Spaces Protection Order 2016****Brownlow Street/Eldon Street**

This Order is made by the City of York Council (“the local authority”) under Sections 59 to 68 of the Anti-social Behaviour, Crime and Policing Act 2014 because it appears to the local authority that certain anti-social activities carried on at the public rear alleyway between Brownlow Street, Neville Terrace and Eldon Street, York (OS Grid Reference SE6052), being a public place within the authority’s area, have had a detrimental effect on the quality of life of those in the locality. And further, that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature such as to make the activities unreasonable and which justifies the restrictions imposed by this Order. These said activities being theft, drug use, fly tipping, urination and defecation.

**BY THIS ORDER**

The effect of the Order is as follows:

- 1 To restrict the use of the public right of way over the above mentioned public place (‘the restricted area’) the restriction being in place at all times.
- 2 This restriction shall not apply to the occupiers of premises adjoining or adjacent to the restricted area so indicated.
- 3 Access to the restricted area is to be controlled by the installation of lockable metal gates at each end of the alleyway between Brownlow Street, Neville Terrace and Eldon Street, York, as shown by A, B and C on the attached Order plan. The maintenance of the gates, locks and keys will be the responsibility of the Assistant Director (City and Environmental Services), West Office, Station Rise, York, YO1 6GA.
- 4 The alternative route to the restricted highway is along Brownlow Street, Neville Terrace and Eldon Street.
- 5 It is an offence under section 67 of this Act for a person without reasonable excuse to do anything that the person is prohibited from doing by a Public Spaces Protection Order, or to fail to comply with a requirement to which the person is subject under a Public Spaces Protection Order, and a person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- 6 Access to the footpath shall be unrestricted at all times for all authorised local authority employees, the emergency services and statutory undertakers for all purposes in connection with inspection, repair and maintenance of the surface and the street lights and for any other purpose in connection with the undertaking of its statutory functions.
- 7 The Order shall have effect for a period of 3 years from the date of this Order, unless extended by further Orders.
- 8 An interested person wishing to question the validity of a Public Spaces Protection Order may apply to the High Court within the period of six weeks beginning with the date on which the Order is made.

The COMMON SEAL of the )  
Council of the City of York )  
was this day of 2016 )  
hereto affixed in the presence of: )

Assistant Director of Governance and ICT  
Council of the City of York

460600 000000

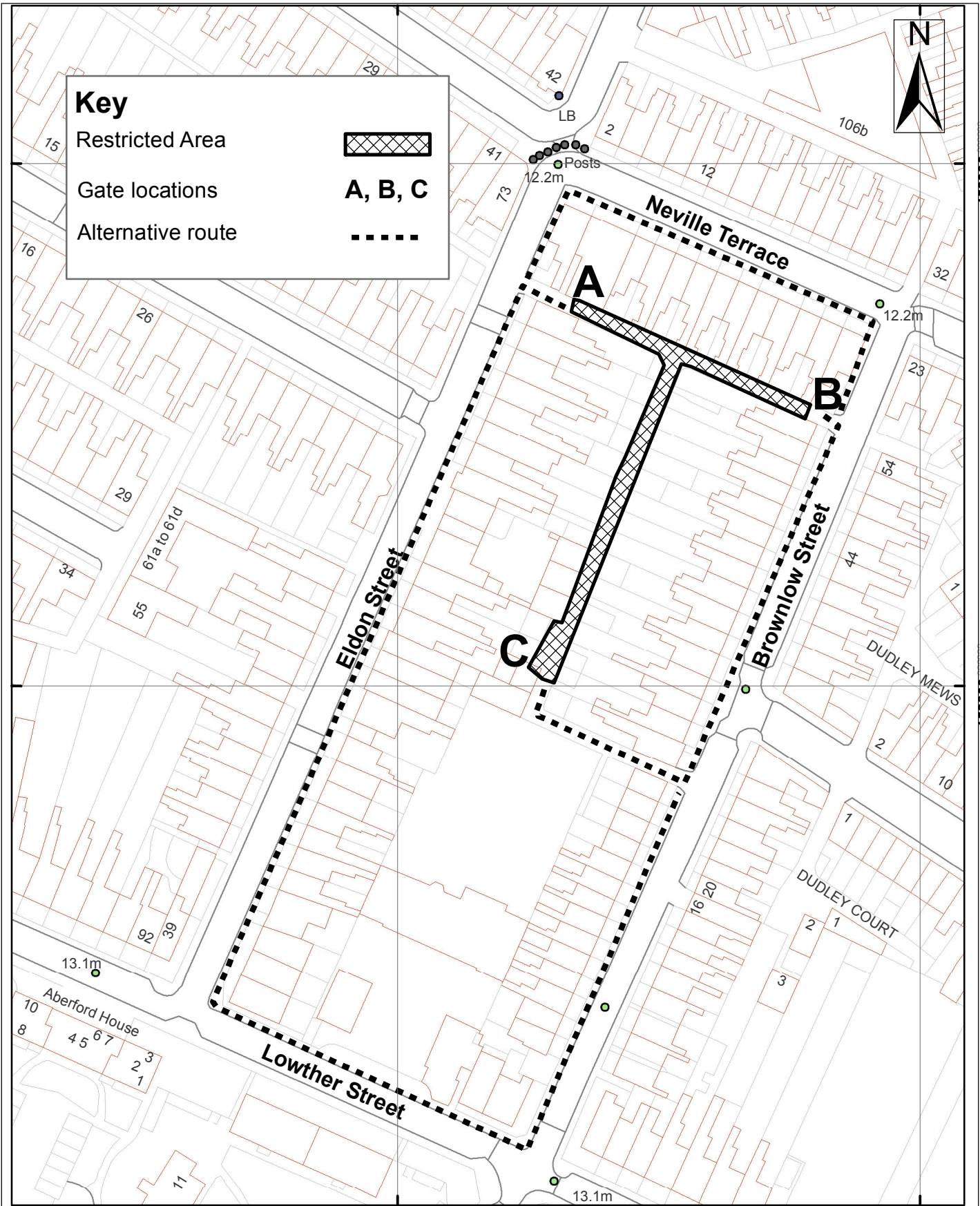
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West Offices, Station Rise  
York, YO1 6GA  
Telephone: 01904 551550

**Anti-social Behaviour, Crime & Policing Act 2014  
Brownlow Street/Eldon Street Public Spaces Protection Order 2016**

Scale 1:1,000	Drawn By: CR	Date: 05/01/16
Public Rights of Way	Reference: Grid Ref 6052	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2012

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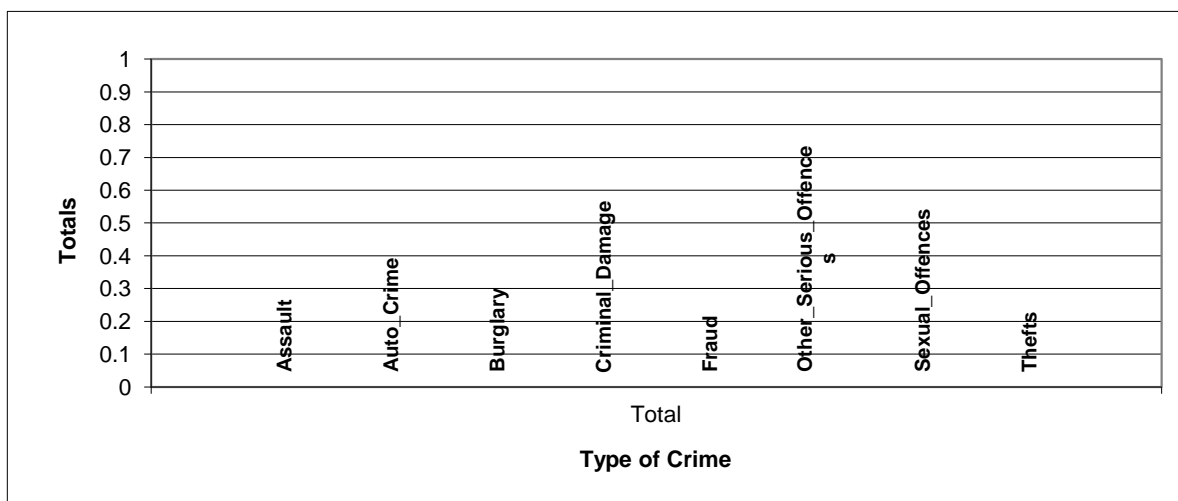


## Crime Statistics

Crime Analysis Study Area:	=	<b>York Brownlow Street - Eldon Street Study Area</b>
Size of Study Area from Application	=	<b>Please see map</b>
Study Period Start:	=	<b>01/01/2015</b>
Study Period End:	=	<b>31/08/2015</b>
Date Study Completed	=	<b>01/10/2015</b>
Number of Months in Study Period	=	<b>8</b>
Geocoding Accuracy Rate	=	<b>95%</b>

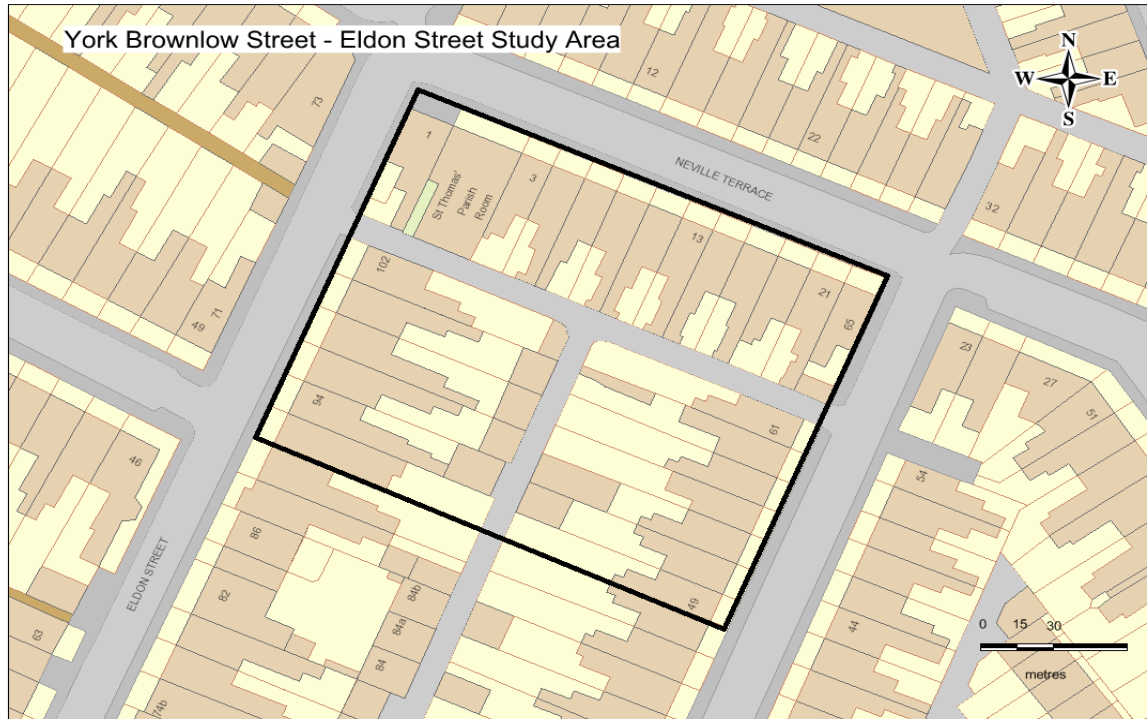
Crime Group	Total
Assault	0
Auto_Crime	0
Burglary	0
Criminal_Damage	0
Fraud	0
Other_Serious_Offences	0
Sexual_Offences	0
Thefts	0
<b>Grand Total</b>	<b>0</b>

**A Table of Crime in the Study Area (Above) and corresponding Graph (Below)**



**A Table of Crime by Crime Group and then Crime Type**

**No Records**



**A Table of Crime by Month of the Year and Hour of the Day in the Study Area**

Month	Total
Jan	0
Feb	0
Mar	0
Apr	0
May	0
Jun	0

Month	Total
Jul	0
Aug	0
Sep	0
Oct	0
Nov	0
Dec	0

Crime Day	Total
Mon	0
Tue	0
Wed	0
Thu	1
Fri	0
Sat	0
Sun	0
<b>Grand Total</b>	<b>0</b>

**Grand Total**

**0**

Expected Average Crime per Month =

**0.0**

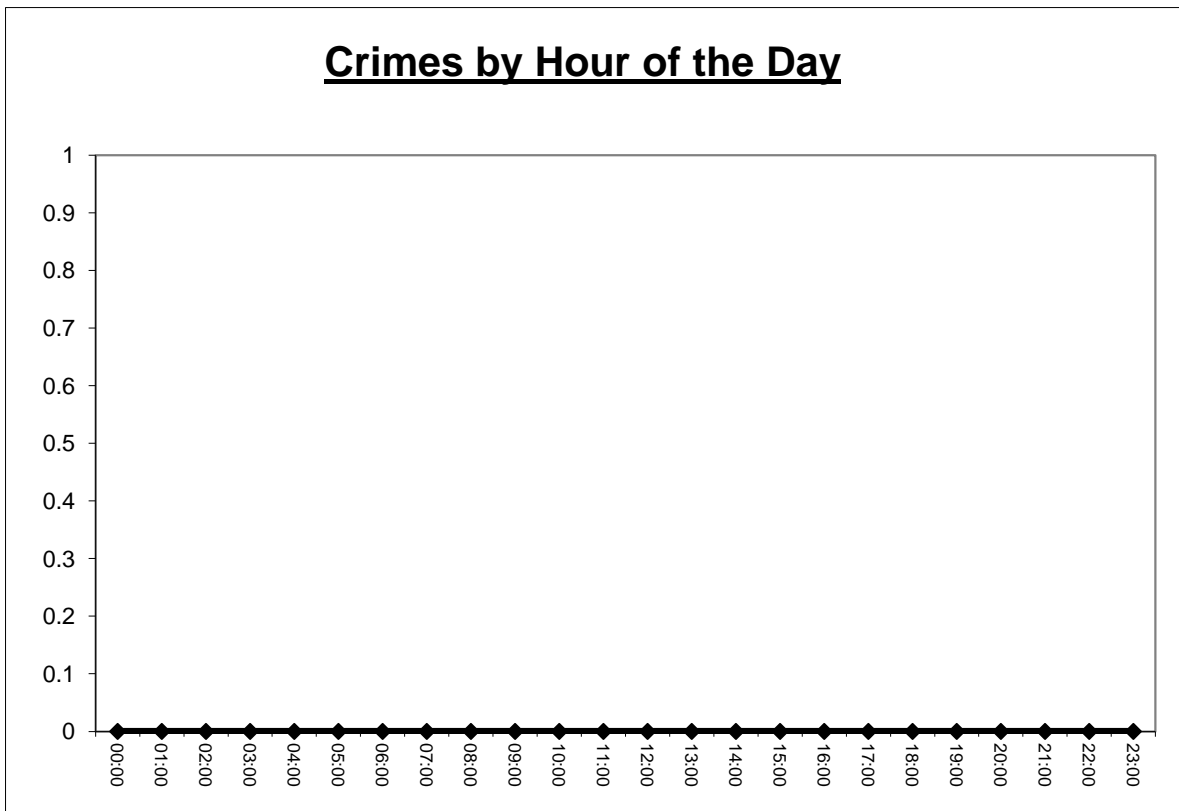
Expected Average Crime per Day =

**0.0**

**A Table and Graph of Crime by Hour of the Day in the Study Area**

	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	Total
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**Crimes by Hour of the Day**

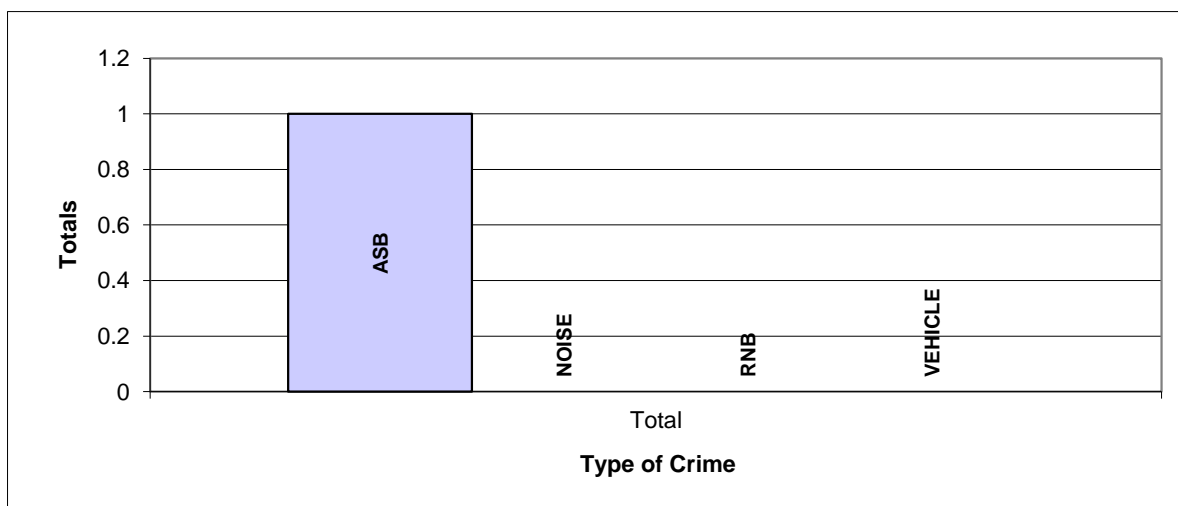


# NYP ASB General Incidents Report

ASB Analysis Study Area:	=	<b>York Brownlow Street - Eldon Street Study Area</b>
Size of Study Area from Application	=	<b>Please See Map</b>
Study Period Start:	=	<b>01/01/2015</b>
Study Period End:	=	<b>31/08/2015</b>
Date Study Completed	=	<b>01/10/2015</b>
Number of Months in Study Period	=	<b>8</b>
Geocoding Accuracy Rate	=	<b>95%</b>

ASB Incident Group	Total
ASB	1
NOISE	0
RNB	0
VEHICLE	0
<b>Grand Total</b>	<b>1</b>

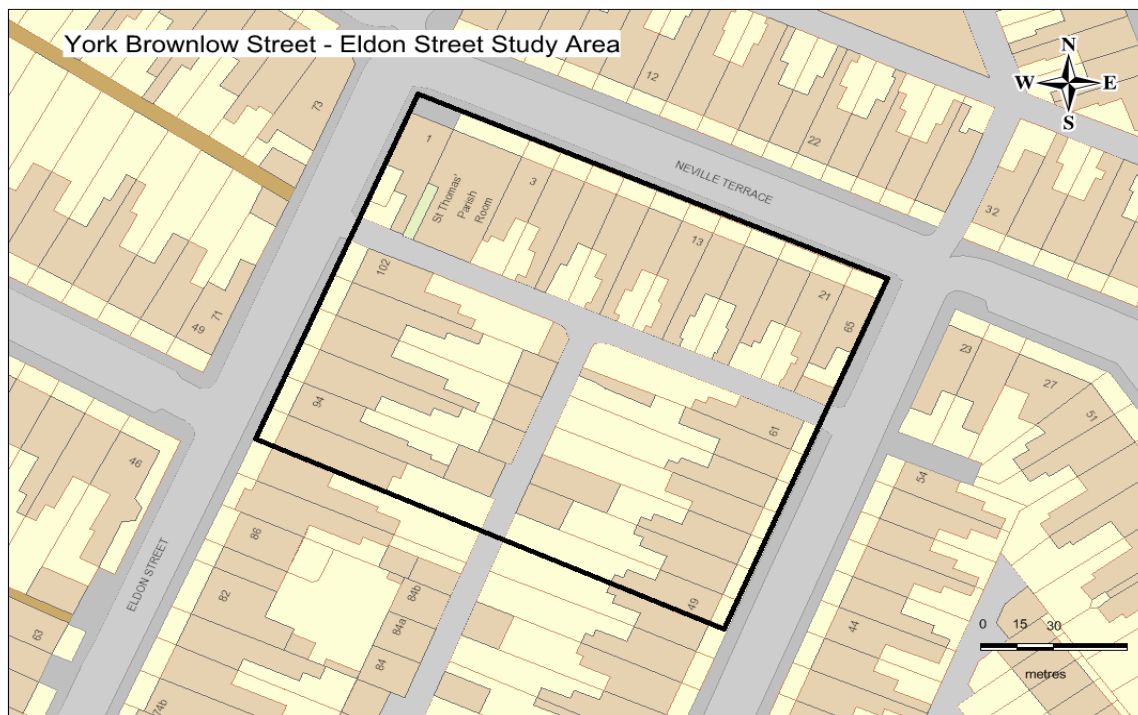
**A Table of NYP ASB Incidents in the Study Area (Above) and corresponding Graph (Below)**



**THIS REPORT DOES NOT CONTAIN ANY NORTH YORKSHIRE POLICE ASB INCIDENTS THAT HAVE BEEN CONVERTED IN TO CRIMES**

**A Table of ASB by ASB Group and then Incident Heading**

EVENT_GROUP	INCIDENT_HEADING	Total
ASB	ASB Nuisance	1
Grand Total		1



From 1st April 2011, all new ASB incidents are recorded by the type of harm they involve. Incidents are recorded as either: **ASB Personal** (where ASB impacts an individual rather than a group *e.g. comms*); **ASB Nuisance** (where ASB causes suffering to the community in general); and **ASB Environmental** (where ASB has an impact on their surroundings *e.g. litter*)

FURTHER DETAIL OF THE ABOVE DESCRIPTIONS ARE AS FOLLOWS: ABANDONED = ABANDONED CARS, COMMS = COMMUNICATIONS, VEHNUISANCE = VEHICLE NUISANCE, RNB = ROWDY AND NUISNCE BEHAVIOUR, SUBMIS = SUBSTANCE MISUSE

**A Table of ASB Incidents by Month of the Year and Hour of the Day in the Study Area**

Month	Total
Jan	0
Feb	0
Mar	0
Apr	0
May	0
Jun	0

Month	Total
Jul	0
Aug	1
Sep	0
Oct	0
Nov	0
Dec	0

Day	Total
Mon	0
Tue	0
Wed	0
Thu	0
Fri	0
Sat	1
Sun	0
<b>Grand Total</b>	<b>1</b>

<b>Grand Total</b>	<b>1</b>
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<b>1</b>
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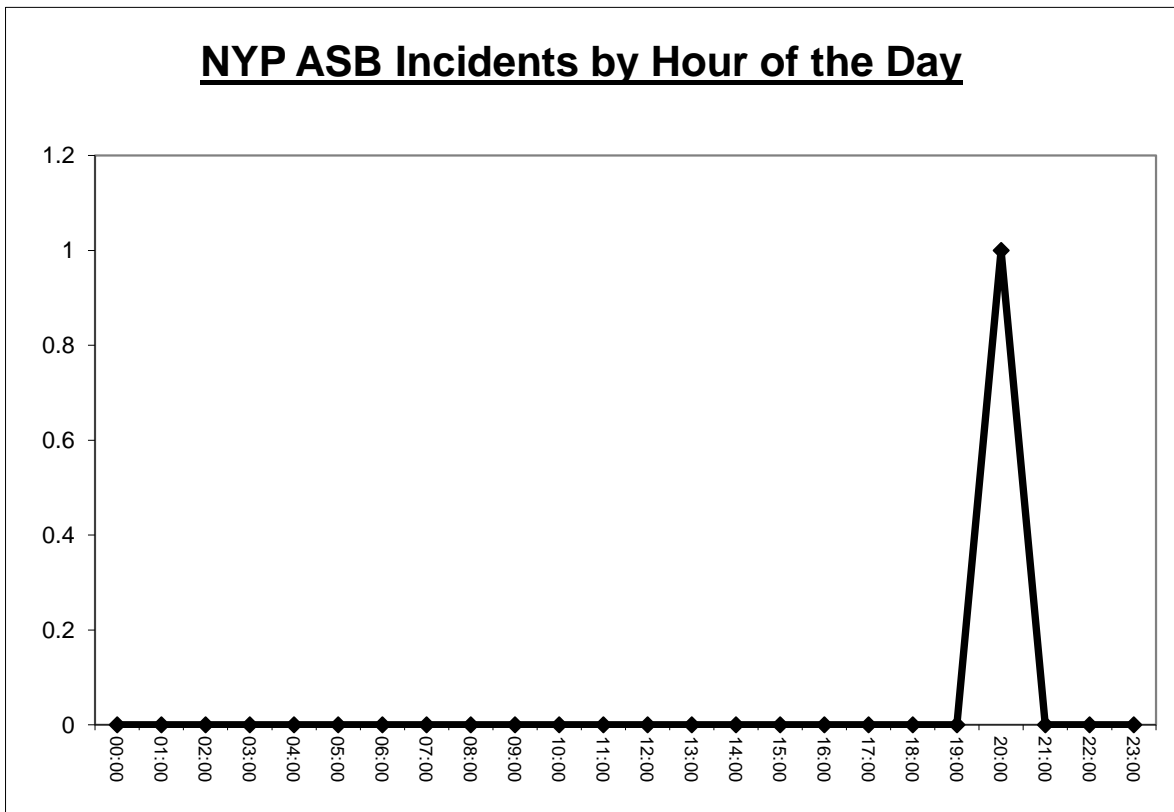
Expected Average Incidents per Month = **0.1**

Expected Average Incidents per Day = **0.1**

**A Table of NYP ASB Incidents by Hour of the Day in the Study Area**

	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	Total
<b>Total</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	<b>1</b>

**NYP ASB Incidents by Hour of the Day**

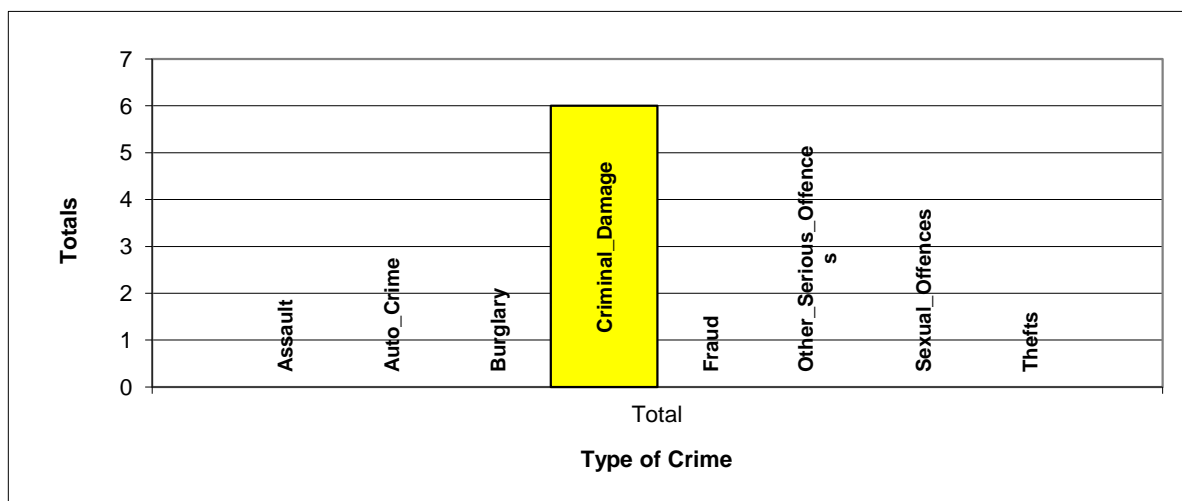


# Crime Statistics

Crime Analysis Study Area:	=	<b>York Brownlow Street - Eldon Street Study Area</b>
Size of Study Area from Application	=	<b>Please see map</b>
Study Period Start:	=	<b>01/01/2014</b>
Study Period End:	=	<b>31/12/2014</b>
Date Study Completed	=	<b>01/10/2015</b>
Number of Months in Study Period	=	<b>12</b>
Geocoding Accuracy Rate	=	<b>95%</b>

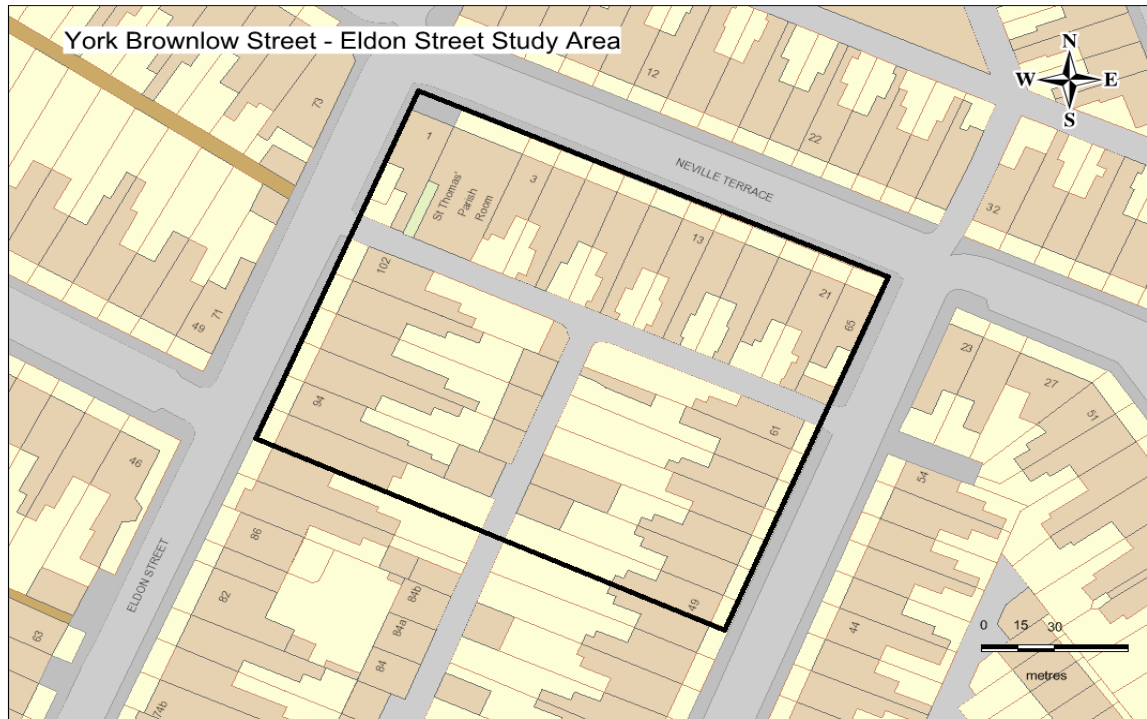
Crime Group	Total
Assault	0
Auto_Crime	0
Burglary	0
Criminal_Damage	6
Fraud	0
Other_Serious_Offences	0
Sexual_Offences	0
Thefts	0
<b>Grand Total</b>	<b>6</b>

**A Table of Crime in the Study Area (Above) and corresponding Graph (Below)**



**A Table of Crime by Crime Group and then Crime Type**

EVENT_GROUP	HO_DESCRIPTION	Total
CRIMINAL DAMAGE	CRIMINAL DAMAGE TO VEHICLES	6
Grand Total		6





**A Table of Crime by Month of the Year and Hour of the Day in the Study Area**

Month	Total
Jan	0
Feb	0
Mar	0
Apr	3
May	1
Jun	1

Month	Total
Jul	0
Aug	0
Sep	0
Oct	0
Nov	1
Dec	0

Crime Day	Total
Mon	1
Tue	1
Wed	0
Thu	1
Fri	2
Sat	0
Sun	1
<b>Grand Total</b>	<b>6</b>

**Grand Total**

**6**

Expected Average Crime per Month =

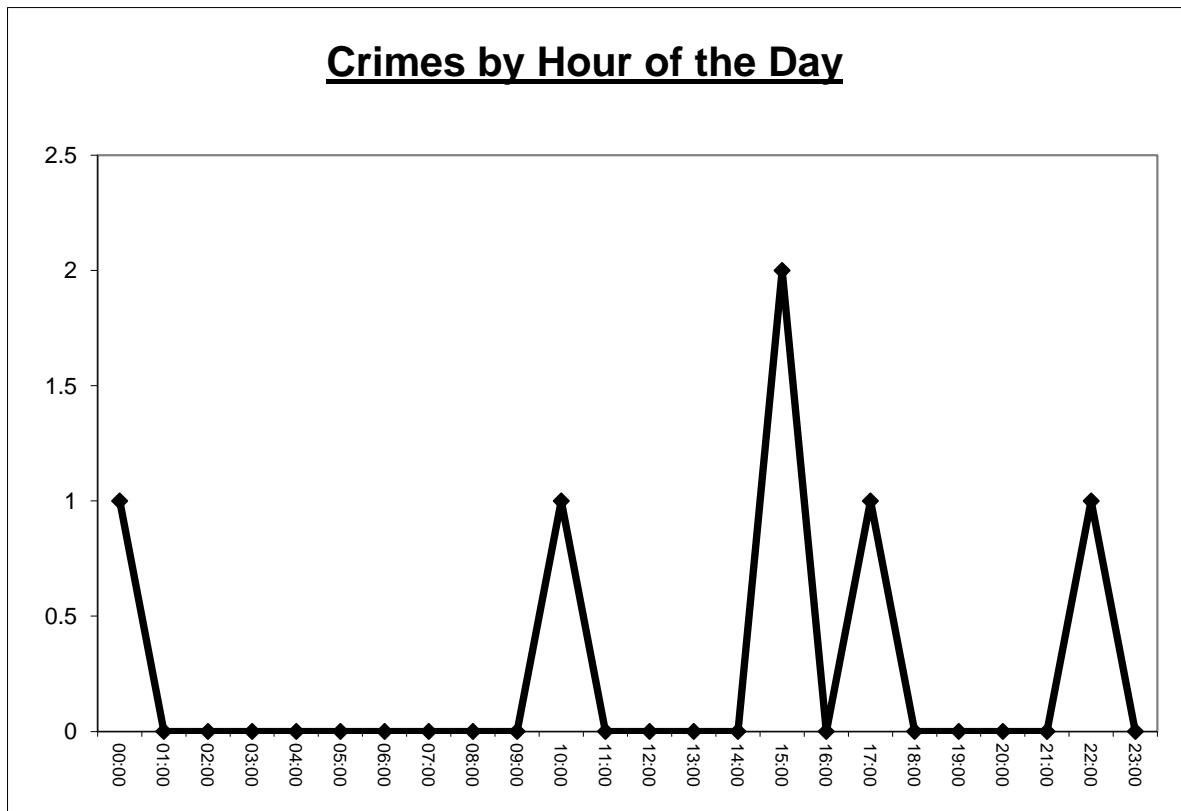
**0.5**

Expected Average Crime per Day =

**0.9**

**A Table and Graph of Crime by Hour of the Day in the Study Area**

	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	Total
Total	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	2	0	1	0	0	0	0	1	0	6

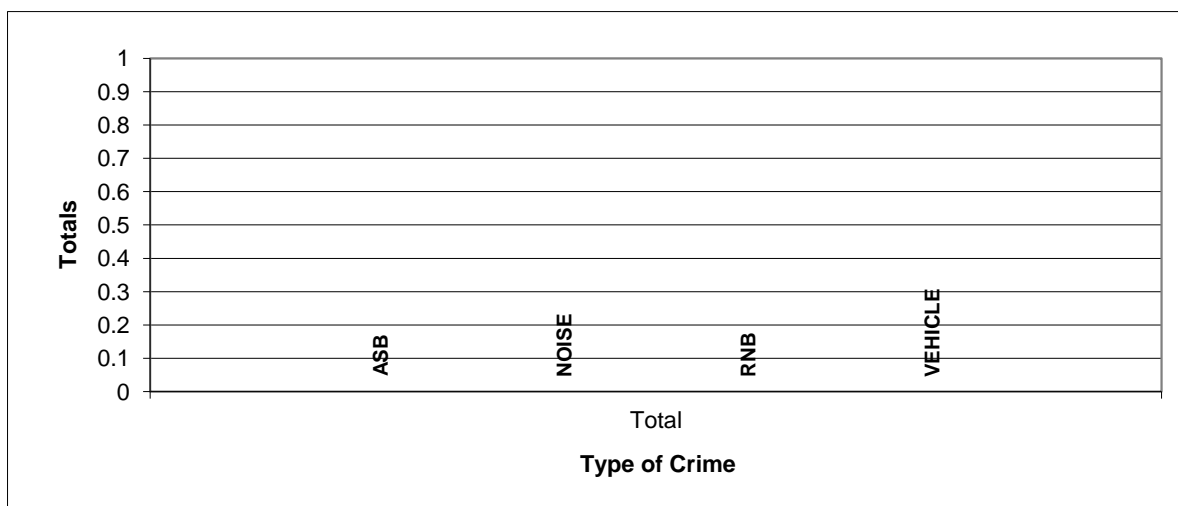


# NYP ASB General Incidents Report

ASB Analysis Study Area:	=	<b>York Brownlow Street - Eldon Street Study Area</b>
Size of Study Area from Application	=	<b>Please See Map</b>
Study Period Start:	=	<b>01/01/2014</b>
Study Period End:	=	<b>31/12/2014</b>
Date Study Completed	=	<b>01/10/2015</b>
Number of Months in Study Period	=	<b>8</b>
Geocoding Accuracy Rate	=	<b>95%</b>

ASB Incident Group	Total
ASB	0
NOISE	0
RNB	0
VEHICLE	0
<b>Grand Total</b>	<b>0</b>

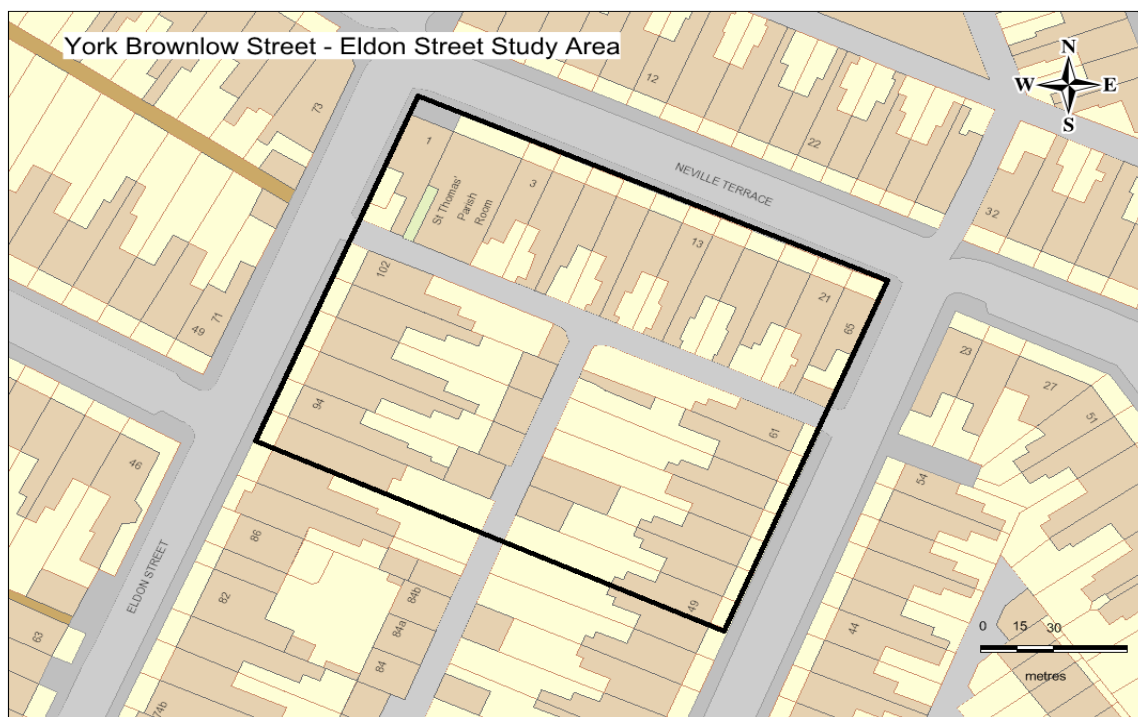
**A Table of NYP ASB Incidents in the Study Area (Above) and corresponding Graph (Below)**



**THIS REPORT DOES NOT CONTAIN ANY NORTH YORKSHIRE POLICE ASB INCIDENTS THAT HAVE BEEN CONVERTED IN TO CRIMES**

**A Table of ASB by ASB Group and then Incident Heading**

No Records



From 1st April 2011, all new ASB incidents are recorded by the type of harm they involve. Incidents are recorded as either: **ASB Personal** (where ASB impacts an individual rather than a group *e.g. comms*); **ASB Nuisance** (where ASB causes suffering to the community in general); and **ASB Environmental** (where ASB has an impact on their surroundings *e.g. litter*)

FURTHER DETAIL OF THE ABOVE DESCRIPTIONS ARE AS FOLLOWS: ABANDONED = ABANDONED CARS, COMMS = COMMUNICATIONS, VEHNUISANCE = VEHICLE NUISANCE, RNB = ROWDY AND NUISNCE BEHAVIOUR, SUBMIS = SUBSTANCE MISUSE

**A Table of ASB Incidents by Month of the Year and Hour of the Day in the Study Area**

Month	Total
Jan	0
Feb	0
Mar	0
Apr	0
May	0
Jun	0

Month	Total
Jul	0
Aug	0
Sep	0
Oct	0
Nov	0
Dec	0

Day	Total
Mon	0
Tue	0
Wed	0
Thu	0
Fri	0
Sat	0
Sun	0
<b>Grand Total</b>	<b>0</b>

**Grand Total**

**0**

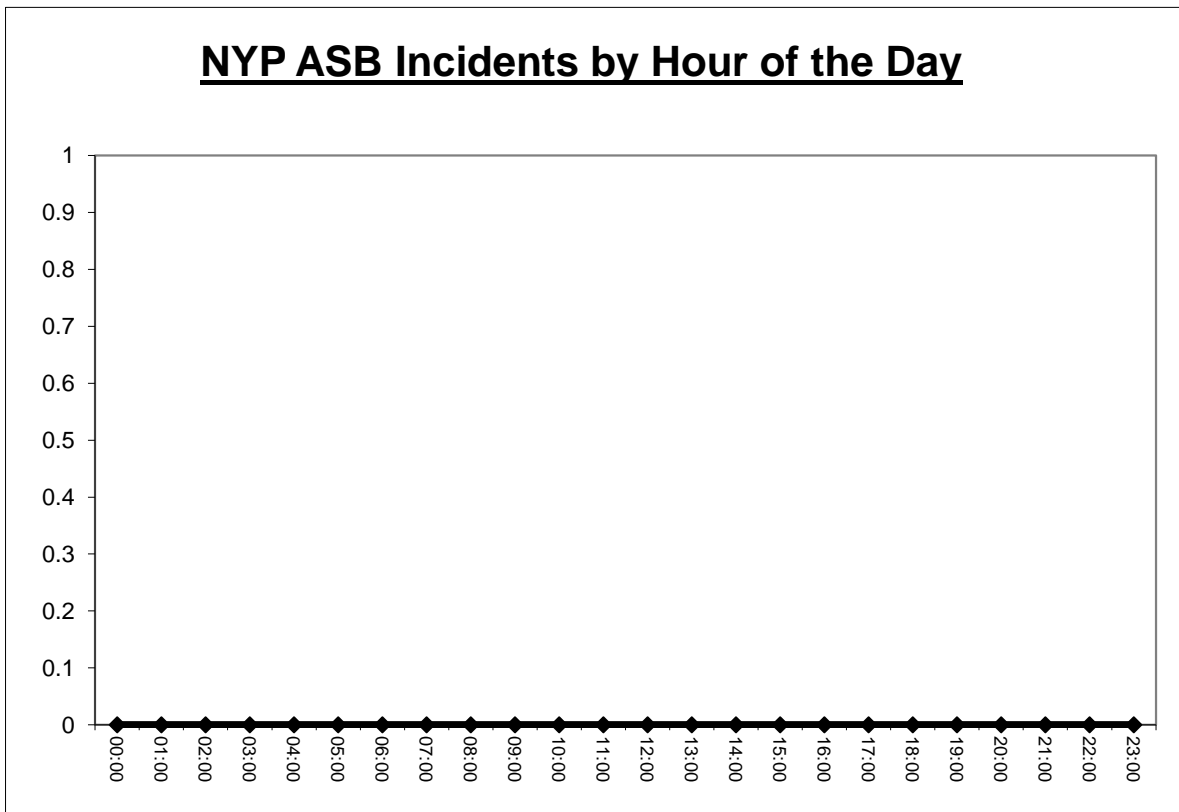
Expected Average Incidents per Month = **0.0**

Expected Average Incidents per Day = **0.0**

**A Table of NYP ASB Incidents by Hour of the Day in the Study Area**

	00:00	01:00	02:00	03:00	04:00	05:00	06:00	07:00	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	Total
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

**NYP ASB Incidents by Hour of the Day**



## Anti-social Behaviour, Crime and Policing Act 2014

### Chapter 2

### Public Spaces Protection Orders

#### 59 Power to make orders

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is 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.
- (3) The second condition is that 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.
- (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and-
  - (a) Prohibits specified things being done in the restricted area,
  - (b) Requires specified things to be done by persons carrying on specified activities in that area, or
  - (c) Does both of those things.
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
  - (a) To prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
  - (b) To reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- (6) A prohibition or requirement may be framed—
  - (a) So as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;

(b) So as to apply at all times, or only at specified times, or at all times except those specified;

(c) So as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.

- (7) A public spaces protection order must—
- (a) Identify the activities referred to in subsection (2);
  - (b) Explain the effect of section 63 (where it applies) and section 67;
- (8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.

## **60 Duration of orders**

- (1) A public spaces protection order may not have effect for a period of more than 3 years, unless extended under this section.
- (2) Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
- (a) Occurrence or recurrence after that time of the activities identified in the order, or
  - (b) An increase in the frequency or seriousness of those activities after that time.
- (3) An extension under this section—
- (a) May not be for a period of more than 3 years;
  - (b) Must be published in accordance with regulations made by the Secretary of State.
- (4) A public spaces protection order may be extended under this section more than once.

## **61 Variation and discharge of orders**

- (1) Where a public spaces protection order is in force, the local authority that made the order may vary it—
- (a) By increasing or reducing the restricted area;
  - (b) By altering or removing a prohibition or requirement included in the order, or adding a new one.

- (2) A local authority may make a variation under subsection (1)(a) that results in the order applying to an area to which it did not previously apply only if the conditions in section 59(2) and (3) are met as regards activities in that area.
- (3) A local authority may make a variation under subsection (1)(b) that makes a prohibition or requirement more extensive, or adds a new one, only if the prohibitions and requirements imposed by the order as varied are ones that section 59(5) allows to be imposed.
- (4) A public spaces protection order may be discharged by the local authority that made it.
- (5) Where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State.
- (6) Where an order is discharged, a notice identifying the order and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.

*Restrictions on public rights of way*

**64 Orders restricting public right of way over highway**

- (1) A local authority may not make a public spaces protection order that restricts the public right of way over a highway without considering—
  - (a) The likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway;
  - (b) The likely effect of making the order on other persons in the locality;
  - (c) In a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.
- (2) Before making such an order a local authority must—
  - (a) Notify potentially affected persons of the proposed order,
  - (b) Inform those persons how they can see a copy of the proposed order,
  - (c) Notify those persons of the period within which they may make representations about the proposed order, and
  - (d) Consider any representations made.

In this subsection “potentially affected persons” means occupiers of premises adjacent to or adjoining the highway, and any other persons in the locality who are likely to be affected by the proposed order.

- (3) Before a local authority makes a public spaces protection order restricting the public right of way over a highway that is also within the area of another local authority, it must consult that other authority if it thinks it appropriate to do so.
- (4) A public spaces protection order may not restrict the public right of way over a highway for the occupiers of premises adjoining or adjacent to the highway.
- (5) A public spaces protection order may not restrict the public right of way over a highway that is the only or principal means of access to a dwelling.
- (6) In relation to a highway that is the only or principal means of access to premises used for business or recreational purposes, a public spaces protection order may not restrict the public right of way over the highway during periods when the premises are normally used for those purposes.
- (7) A public spaces protection order that restricts the public right of way over a highway may authorise the installation, operation and maintenance of a barrier or barriers for enforcing the restriction.
- (8) A local authority may install, operate and maintain barriers authorised under subsection (7).
- (9) A highway over which the public right of way is restricted by a public spaces protection order does not cease to be regarded as a highway by reason of the restriction (or by reason of any barrier authorised under subsection (7)).
- (10) In this section—
  - “dwelling” means a building or part of a building occupied, or intended to be occupied, as a separate dwelling;
  - “highway” has the meaning given by section 328 of the Highways Act 1980.



## **65 Categories of highway over which public right of way may not be restricted**

- (1) A public spaces protection order may not restrict the public right of way over a highway that is—
  - (a) A special road;
  - (b) A trunk road;
  - (c) A classified or principal road;
  - (d) A strategic road;
  - (e) A highway in England of a description prescribed by regulations made by the Secretary of State;
  - (f) A highway in Wales of a description prescribed by regulations made by the Welsh Ministers.
  
- (2) In this section—

“Classified road”, “special road” and “trunk road” have the meaning given by section 329(1) of the Highways Act 1980; “Highway” has the meaning given by section 328 of that Act; “Principal road” has the meaning given by section 12 of that Act (and see section 13 of that Act); “strategic road” has the meaning given by section 60(4) of the Traffic Management Act 2004.

### *Validity of orders*

## **66 Challenging the validity of orders**

- (1) An interested person may apply to the High Court to question the validity of—
  - (a) A public spaces protection order, or
  - (b) A variation of a public spaces protection order.“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.
  
- (2) The grounds on which an application under this section may be made are—
  - (a) That the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
  - (b) That a requirement under this Chapter was not complied with in relation to the order or variation.

- (3) An application under this section must be made within the period of 6 weeks beginning with the date on which the order or variation is made.
- (4) On an application under this section the High Court may by order suspend the operation of the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied), until the final determination of the proceedings.
- (5) If on an application under this section the High Court is satisfied that—
  - (a) The local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
  - (b) The interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under this Chapter, the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).
- (6) A public spaces protection order, or any of the prohibitions or requirements imposed by the order (or by the order as varied), may be suspended under subsection (4) or quashed under subsection (5)—
  - (a) Generally, or
  - (b) So far as necessary for the protection of the interests of the applicant.
- (7) An interested person may not challenge the validity of a public spaces protection order, or of a variation of a public spaces protection order, in any legal proceedings (either before or after it is made) except—
  - (a) Under this section, or
  - (b) Under subsection (3) of section 67 (where the interested person is charged with an offence under that section).

*Failure to comply with orders*

**67 Offence of failing to comply with order**

- (1) It is an offence for a person without reasonable excuse—

- (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - (b) To fail to comply with a requirement to which the person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

## **68 Fixed penalty notices**

- (1) A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 63 or 67 in relation to a public spaces protection order.
- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.
- (3) The local authority specified under subsection (2) must be the one that made the public spaces protection order.
- (4) Where a person is issued with a notice under this section in respect of an offence—
- (a) No proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice;
  - (b) The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (5) A fixed penalty notice must—
- (a) Give reasonably detailed particulars of the circumstances alleged to constitute the offence;
  - (b) State the period during which (because of subsection (4)(a)) proceedings will not be taken for the offence;

- (c) Specify the amount of the fixed penalty;
  - (d) State the name and address of the person to whom the fixed penalty may be paid;
  - (e) Specify permissible methods of payment.
- (6) An amount specified under subsection (5)(c) must not be more than £100.
- (7) A fixed penalty notice may specify two amounts under subsection (5)(c) and specify that, if the lower of those amounts is paid within a specified period (of less than 14 days), that is the amount of the fixed penalty.
- (8) Whatever other method may be specified under subsection (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under subsection (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (9) Where a letter is sent as mentioned in subsection (8), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (10) In any proceedings, a certificate that—
- (a) Purports to be signed by or on behalf of the chief finance officer of the local authority concerned, and
  - (b) States that payment of a fixed penalty was, or was not, received by the date specified in the certificate, is evidence of the facts stated.
- (11) In this section—
- “authorised person” means a person authorised for the purposes of this section by the local authority that made the order (or authorised by virtue of section 69(2));
  - “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority’s financial affairs.

## **70 Byelaws**

A byelaw that prohibits, by the creation of an offence, an activity regulated by a public spaces protection order is of no effect in relation to the restricted area during the currency of the order.

**71 Bodies other than local authorities with statutory functions in relation to land**

- (1) The Secretary of State may by order—
  - (a) Designate a person or body (other than a local authority) that has power to make byelaws in relation to particular land, and
  - (b) Specify land in England to which the power relates.
- (2) This Chapter has effect as if—
  - (a) A person or body designated under subsection (1) (a “designated person”) were a local authority, and
  - (b) Land specified under that subsection were within its area.But references in the rest of this section to a local authority are to a local authority that is not a designated person.
- (3) The only prohibitions or requirements that may be imposed in a public spaces protection order made by a designated person are ones that it has power to impose (or would, but for section 70, have power to impose) by making a byelaw in respect of the restricted area.
- (4) A public spaces protection order made by a designated person may not include provision regulating, in relation to a particular public space, an activity that is already regulated in relation to that space by a public spaces protection order made by a local authority.
- (5) Where a public spaces protection order made by a local authority regulates, in relation to a particular public space, an activity that a public spaces protection order made by a designated person already regulates, the order made by the designated person ceases to have that effect.
- (6) If a person or body that may be designated under subsection (1)(a) gives a notice in writing under this subsection, in respect of land in relation to which it has power to make byelaws, to a local authority in whose area the land is situated—
  - (a) No part of the land may form, or fall within, the restricted area of any public spaces protection order made by the local authority;
  - (b) If any part of the land—
    - (i) Forms the restricted area of a public spaces protection order already made by the local authority, or

(ii) Falls within such an area, the order has ceased to have effect (where sub-paragraph (i) applies), or has effect as if the restricted area did not include the land in question (where sub-paragraph (ii) applies).

## **72 Convention rights, consultation, publicity and notification**

- (1) A local authority, in deciding—
  - (a) Whether to make a public spaces protection order (under section 59) and if so what it should include,
  - (b) Whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,
  - (c) Whether to vary a public spaces protection order (under section 61) and if so how, or
  - (d) Whether to discharge a public spaces protection order (under section 61), must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.
  
- (2) In subsection (1) “Convention” has the meaning given by section 21(1) of the Human Rights Act 1998.
  
- (3) A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—
  - (a) Making a public spaces protection order,
  - (b) Extending the period for which a public spaces protection order has effect, or
  - (c) Varying or discharging a public spaces protection order.
  
- (4) In subsection (3)—
 

“the necessary consultation” means consulting with—

  - (a) The chief officer of police, and the local policing body, for the police area that includes the restricted area;
  - (b) Whatever community representatives the local authority thinks it appropriate to consult;
  - (c) The owner or occupier of land within the restricted area;

“the necessary publicity” means—

  - (a) In the case of a proposed order or variation, publishing the text of it;
  - (b) In the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension, variation or discharge—

- (a) The parish council or community council (if any) for the area that includes the restricted area;
  - (b) In the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area.
- (5) The requirement to consult with the owner or occupier of land within the restricted area—
- (a) Does not apply to land that is owned and occupied by the local authority;
  - (b) Applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.
- (6) In the case of a person or body designated under section 71, the necessary consultation also includes consultation with the local authority which (ignoring subsection (2) of that section) is the authority for the area that includes the restricted area.
- (7) In relation to a variation of a public spaces protection order that would increase the restricted area, the restricted area for the purposes of this section is the increased area.

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## Annex 4

## SECTION 1: CIA SUMMARY



## Community Impact Assessment: Summary

**1. Name of service, policy, function or criteria being assessed:**

Brownlow Street/Eldon Street/Neville Terrace Alleygating Proposal 2015/2016

**2. What are the main objectives or aims of the service/policy/function/criteria?**

A Public Spaces Protection Order (PSPO) allows the council to restrict access using lockable metal gates, to a public place (such as a rear alleyway) where the activities which are associated with that place are, or are likely to be, having a detrimental effect on the quality of life of those in the locality.

This recommendation proposes the restriction/closure of the alleyway between Brownlow Street/Eldon Street/Neville Terrace, Guildhall Ward.

**3. Name and Job Title of person completing assessment:**

Claire Robinson, Assistant Rights of Way Officer

**4. Have any impacts been Identified? (Yes/No)**

Yes

**Community of Identity affected:**

Age; Disability, Carers

**Summary of impact:**

One positive and six negative impacts have been identified involving mobility and access issues. One of the negative issues is seen as critical (design of locks / handles etc). This is mitigated by design / installation and alternative access options. Alleygates are reviewed regularly and/or on demand which accommodates any change in circumstances.

The positive impact of additional security to residents, increasing peace of mind and providing a safe area to the rear of their properties justifies the negative impacts.

**5. Date CIA completed: 25 September 2015****6. Signed off by:**

<p>7. I am satisfied that this service/policy/function has been successfully impact assessed.</p> <p><b>Name:</b></p> <p><b>Position:</b></p> <p><b>Date:</b></p>		
<p><b>8. Decision-making body:</b></p> <p><b>Director Decision</b></p>	<p><b>Date:</b></p> <p><b>September</b></p> <p><b>2015</b></p>	<p><b>Decision Details:</b></p>
<p>Send the completed signed off document to <a href="mailto:ciasubmission@york.gov.uk">ciasubmission@york.gov.uk</a>. It will be published on the intranet, as well as on the council website.</p> <p><b>Actions arising from the Assessments will be logged on Verto and progress updates will be required</b></p>		

## Community Impact Assessment (CIA)

**Community Impact Assessment Title:**

Brownlow Street/Eldon Street/Neville Terrace Alleygating Proposal 2015/2016

What evidence is available to suggest that the proposed service, policy, function or criteria could have a negative (N), positive (P) or no (None) effect on quality of life outcomes? (Refer to guidance for further details)

Can negative impacts be justified? For example: improving community cohesion; complying with other legislation or enforcement duties; taking positive action to address imbalances or under-representation; needing to target a particular community or group e.g. older people. NB. Lack of financial resources alone is NOT justification!

### Community of Identity: Age

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Informal consultation has been undertaken with all affected residents and statutory bodies (Police, emergency services, utility companies, The Ramblers)	Physical security; Standard of living Access to services; Individual, family and social life	Positive & Negative	None

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
<p>1. Positive: A Public Spaces Protection Order may 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;</p> <ul style="list-style-type: none"> <li>• have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;</li> <li>• is, or is likely to be, persistent or continuing in nature;</li> <li>• is, or is likely to be, unreasonable; and</li> <li>• justifies the restrictions imposed.</li> </ul> <p>There is a generally agreed perception that older people are more fearful of crime and anti-social behaviour (ASB) so the installation of gates to reduce crime and to deter groups of ‘undesirables’ gathering in alleyways would have a</p>		<ul style="list-style-type: none"> <li>• As a proportionate means to achieve a legitimate aim</li> <li>• In support of improving community cohesion</li> <li>• There are alternative pavement routes that can be safely used with only reasonable increases in walking distances.</li> </ul>	C Robinson	<p>When the PSPO is made operative</p> <p>When the PSPO is made operative</p>

beneficial effect. People who live adjacent to the alleyways subject to a PSPO will particularly benefit from reduced anti-social behaviour for example, drinking in the passages, graffiti, urination, drug taking etc. A PSPO gives additional security to residents, increasing peace of mind and provides a safe area to the rear of their properties.

**Negative:** Restricting the use of the alleyway can have a negative impact on specific age groups.

Older people/under 17s:

Non-drivers are less likely use a car, therefore more likely to regularly use alleyways to access local shops, bus stops, schools etc. Older people and under 17s are likely to be non-drivers. People who have mobility issues welcome short-cuts and walks that are away from busy traffic, and may be hesitant or unable to use alternative routes to essential services.

Children:

Parents with young children may use alleyway routes to take them to school.

<p>Older children going to school on their own may use alleyway routes to arrive at school safely</p> <p>When a PSPO is made and gates installed, it is necessary for refuse to be collected from the front of properties or a central collection point instead of from rear alleyways. This means that in most cases, refuse bags will have to be carried through the home to present it on the public highway at the front. This could have a negative impact on older people who may be unable to lift and carry due to mobility issues/frailty.</p>		<p>Not applicable in this case as properties affected are already on front collections</p>		
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**Community of Identity: Carers of Older or Disabled People**

<b>Evidence</b>	<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>	
<p>Informal consultation has been undertaken with all affected residents and statutory bodies (Police, emergency services, utility companies, Ramblers)</p>	<p>Access to services; Standard of living; Individual, family and social life</p>	<p>Negative</p>	<p>None</p>	
<b>Details of Impact</b>	<b>Can negative impacts be</b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>

	<i>justified?</i>			
Residents are able to provide independent access to carers should the alleygates be installed. Carers may wish to change working hours to facilitate refuse disposal (as detailed above) but this is optional and dependant on personal preference.	Yes	<ul style="list-style-type: none"> <li>As a proportionate means to achieve a legitimate aim</li> <li>Waste Services offer additional assistance to customers meeting set criteria.</li> <li>Residents have the choice of using this service instead of changing carers' working patterns.</li> </ul>	C Robinson	When the PSPO is made operative
<b>Community of Identity: Disability</b>				
<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Informal consultation has been undertaken with all affected residents and statutory bodies (Police, emergency services, utility companies, Ramblers)		Access to services; Standard of living; Individual, family and social life	Negative	None
<b>Details of Impact</b>	<b>Can negative impacts be justified?</b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
Some alleyways are used by drivers to access garages at the rear of properties. People with impaired mobility may rely on	Yes	<ul style="list-style-type: none"> <li>As a proportionate means to achieve a legitimate aim</li> </ul>	C Robinson	

<p>this access as their most convenient way to access their property. A gate may impede this access or impact on the ease with which access is currently enjoyed. Restrictions to the highway can have a negative impact on disabled people. Wheelchair users and people with impaired mobility may rely on the back entrances to their properties and alleyways as the most convenient, or possibly their only, means of accessing their property.</p> <p>The design of the gates is critical. Width and height of locks and handles must provide ease of use for wheelchair users and people with dexterity issues e.g. people with arthritis.</p>		<ul style="list-style-type: none"> <li>• Only reasonable additional effort is involved in using the gates.</li> <li>• Vehicular access to garages is preserved.</li> <li>• Results from the consultations to date show that no residents have declared disabilities/issues with gates. New Legislation requires alleygates to be reviewed at least every three years or earlier, on request, if necessary. Any changes in customer mobility would be considered in this review with gates removed if necessary.</li> <li>• Installation of gates does not impede access to the rear of the property as access codes are given to all residents.</li> <li>• Care is taken on the installation of individual gates to ensure ease of access to the locking mechanism.</li> <li>• All locks on this scheme will be fitted with a key override facility. This allows gates to be opened without the need to turn a handle.</li> </ul>		<p>When the PSPO is made operative and at subsequent 3 year reviews</p>
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		<p>Keys are provided free of charge on request.</p> <ul style="list-style-type: none"> <li>The letter which confirms the PSPO, will also signpost residents to this service.</li> </ul>			
<b>Community of Identity: Gender</b>					
<b>Evidence</b>		<b>Quality of Life Indicators</b>		<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Not applicable		Not applicable		<b>None</b>	<b>None</b>
<b>Details of Impact</b>	<b><i>Can negative impacts be justified?</i></b>	<b>Reason/Action</b>		<b>Lead Officer</b>	<b>Completion Date</b>
There is not expected to be either a positive or negative impact on this community of identity group.					

**Community of Identity: Gender Reassignment**

<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Not applicable		Not applicable	<b>None</b>	<b>None</b>
<b>Details of Impact</b>	<b><i>Can negative impacts be justified?</i></b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Marriage & Civil Partnership**

<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Not applicable		Not applicable	<b>None</b>	<b>None</b>
<b>Details of Impact</b>	<b><i>Can negative impacts be justified?</i></b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Pregnancy / Maternity**

<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Not applicable		Not applicable	<b>None</b>	<b>None</b>
<b>Details of Impact</b>	<b><i>Can negative impacts be justified?</i></b>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Race**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Not applicable		Not applicable	<b>None</b>	<b>None</b>
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Religion / Spirituality / Belief**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Not applicable		Not applicable	<b>None</b>	<b>None</b>
Details of Impact	<i>Can negative impacts be</i>	Reason/Action	Lead Officer	Completion Date

	<i>justified?</i>			
There is not expected to be either a positive or negative impact on this community of identity group.				

**Community of Identity: Sexual Orientation**

<b>Evidence</b>		<b>Quality of Life Indicators</b>	<b>Customer Impact (N/P/None)</b>	<b>Staff Impact (N/P/None)</b>
Not applicable		Not applicable	<b>None</b>	<b>None</b>
<b>Details of Impact</b>	<i>Can negative impacts be justified?</i>	<b>Reason/Action</b>	<b>Lead Officer</b>	<b>Completion Date</b>
There is not expected to be either a positive or negative impact on this community of identity group.				

**Annex 5 Informal Consultation responses**

**Informal Consultation Brownlow Eldon**

Street	Yes	No	Comments
Brownlow Street			
Brownlow Street			We would very much like the gating to take place and in the past we have had to phone the council asking them to come and clear up the mess. Instances such as; we have found used needles in the alley, and over the wall and under the window of 31 Brownlow Street. There is, quite often, excess rubbish lying around. We had lead stolen from the roof of 31A Brownlow St. The porthole window at the rear of 31A Brownlow St has had to be replaced as it had been cracked by some heavy object being thrown at it (a while back). Paint has been thrown at and into the gate and yard of 31A Brownlow St. Tenants of 31A Brownlow St have often, over the years, been inconvenienced by people ringing their doorbell and then running away. There has not infrequently been evidence in the alley (which is the entrance to 31A & rear exit of 31 Brownlow Street) of urinating and on at least one occasion we've phoned the council due to the unpleasant smell.
Brownlow Street			Would it be possible to paint "Keep Clear" on the entrance to the lane leading to 29A&B Brownlow Street as this is often blocked by parked cars.
Brownlow Street			
Brownlow Street			
Brownlow Street			Hopefully this will deter the following; fly tipping - rubbish and other items, drug use and needles, theft and crime by people accessing back of properties via the alleyway, grafitti on back gates, garage doors etc. I personally had my house broken into by opportunists using the alleyway to access back of property. Also intruders on my wall and in garden - witnessed by neighbours.
Brownlow Street			Burned out cars, needles, grafitti, drunks, flytipping ... This needs to stop! Please gate the alley. Ps its a shame the full alley can't be gated as people often park in it and obstruct my bike.
Brownlow Street			I have grafitti on my back gate and a few years ago I had a bike stolen so I would welcome restricted access. I can sometimes hear the drinkers and they leave a mess. Also people dump rubbish although some of this may be left by tenants in Eldon Street! Please alley gate it!
Brownlow Street			About time! Levels of flytipping, parking and drug taking on the alley is out of control.
Brownlow Street			
Neville Terrace			
Neville Terrace			On multiple occasions we have found used syringe needles in this passage. We have had our back gate vandalised with spray paint around 4 months ago. Cars obstruct the entrances to this passage regularly making it difficult to get bikes out/in.
Neville Terrace			
Neville Terrace			Yes I fully agree to the proposed alleygating to the rear of the properties on the attached to include resident access only to Neville Terrace, Eldon Street and Brownlow Street. It will hopefully secure our properties as well as stop the alleyways being used as a dumping ground, as well as being utilised by tramps who have slept there overnight in the past. I understand that some residents may oppose the idea as they may use the alleyways on a regular basis to use the garages, but presumably they will also see it as a plus to not only secure their cars, but also their garages. I would very much like to see the scheme implemented give us piece of mind, along with other adjoining streets who already have the alleygates in situ.
Neville Terrace			
Neville Terrace			
Eldon Street			
Eldon Street			As a resident of Eldon Street, I do require acces to the alleyway from time to time as I have windows which require cleaning. Will I have access and how, to the alleyway.
Eldon Street			
Eldon Street			I require 24 hour access to my garage, and think any notices attached to the gates should have wording to emphasise this requirement.
			Access will be preserved
			No parking' sign affixed to gates as standard
21 replies from 60 letters - all in favour			

**Consultee**

BT Openreach
Harrogate Bridleways Assoc
Atkins/Vodafone
Cityfibre
Northern Powergrid
KCOM
KCOM
Chief Officer of Police



**Comments**

Please see attached standard proximity letter and plant diagram showing Openreach ducts and pole in the vicinity of the proposed gates .
Thanks for this proposal, which I can confirm is acceptable to us.
No Objection
We have received the notice for Brownlow Street, Eldon Street, Neville Terrace. We have
Plans sent.
Kingston Communications) is not affected by the above scheme and therefore we do not object to the proposals at this time.
With regards to your request for details of existing services in the search area supplied, we can confirm that based on the details provided to us, we have no buried plant or equipment
No issues.



## Alley Gating between Brownlow St & Eldon St

<b>Petition summary and background</b>	After many incidents in the alley as reported to police including graffiti, needles, street drinking and sleeping we ask for the alley to be gated to enable the children of Brownlow Street to be able to go into the rear alley without being visually offended and safe from harm.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens who urge our council to gate the back alley between Brownlow street and Eldon St.

Signed by 26 residents

Supporting emails received and listed below;

Annex 6 Petition from residents

To whom it may concern,

I am the landlord of various properties in Eldon Street and the following all back on to the back alley behind Eldon Street, and I have had numerous problems with the back alley including, fly tipping on my property, people breaking into the garages to sleep and take drugs in them, vandalism and break ins to the property from the rear.

I have heard from at no. Brownlow Street that there is a proposal to gate the back alley and I would like to give my backing to this long overdue proposal, it would give peace of mind to many vulnerable home owners and tenants alike.

To Whom it May concern

My husband and I are the owners of Brownlow Street. It was our first home bought in about 1984 and there have been a number of problems with the back alley over the years.

We now let the property out to professional people.

at Number has told us about the proposal to gate the back alley. I confirm that and I are in wholehearted support of the proposal

## Annex 6 Petition from residents

Eldon Street

I am writing to show our support of the gating of the lane behind Eldon Street. We are the owners of a property in Eldon Street and we have had regular problems. Our garage is slightly set back, which means people regularly gather there to drink or take drugs, as they can be slightly out of view from anyone looking down the alleyway. This is very intimidating and means we are reluctant to use the garage in particular at night. We often have to clear away beer cans and used needles, as well as human faeces - someone regularly uses the space outside the garage as a toilet (probably because it is slightly out of view). I even on one occasion went into the garage early morning to find a homeless man (who had been kicked out of Arc Light the previous night for creating trouble) sleeping there. This was a very scary experience as a female on my own. We would very much like to see gates, so we can feel safe in our own garage. We have female students living in the property and we are not happy that the area is unsafe for them to use, especially as it could be so simply made safer with gates.

-

Brownlow Street

We are happy to add our support to this request as it will hopefully make things much more pleasant for our tenants, in Brownlow Street. In the past we have found needles over the wall and under the window of Brownlow Street. There has been evidence in the alley (which is the approach to the entrance of Brownlow Street and the rear exit) of urinating etc., and on at least one occasion I have phoned the council about this. Tenants have been bothered by people pressing their doorbell 'for fun' and then running away, such that they often have to leave it unplugged. We have also in the past had paint thrown at and into the yard. In the past, the porthole window to the rear has been cracked by something being thrown at it, and it has had to be replaced. We once had lead stolen from the roof also. These are the things that spring to mind, and there are probably many more similar things that I have forgotten, not least because we don't actually live there, but try to provide really good accommodation for our tenants. If gating the alley where suggested will reduce the amount of 'nuisance', we will be delighted. There is, quite often, excess rubbish.

Along with neighbours and our children we have been around all of the houses that are occupied down the 3 affected streets with a clipboard and pen. We have had overwhelming support and have received 100% of the signatures from the occupied properties. I've shared my reasons in the application attached why we should have the gates but all of the emails are now copied in to this mail. Can I ask anyone else who has any bad experiences to share these as well simply by way of return to this email? I know a number of people have found needles thrown over their walls into their gardens who have very small children and have reported this to the police. We would all love to have a safe rear alley where the children could ride their bikes, we could paint over the terrible graffiti, and even gather as a community. We could really make something of the space for all ages and nice place to live.

## Annex 6 Petition from residents

Brownlow Street

I just wanted to share my previous bad experiences so as to support this cause. There are two specific incidents, the first being the presence of a stolen car abandoned in the alley outside my rear gate which I reported to the police. It looked, on first inspection, to have blacked out windows but when the police came and gained entry to the vehicle they discovered someone had actually tried to start it on fire and the windows were blackened from smoke! There's no need to point out just how badly that could have turned out if it had caught properly! The second incident was involving some older people drinking and generally loitering, again just outside my back gate in the alley, for what looked to have been several hours judging from the amount of empties surrounding them. I also called the police in this instance but by the time they came the 'revellers' had moved on.

Sorry for not putting this in the first email. It was a long time ago but it highlights how long these problems have been occurring. I think it was new years eve 2008, our back yard was broken into, several items from our shed were stolen and all our patio furniture was set alight, destroying our pergola and climbing plants up the side of the building. This could have been much worse, as I'm sure you could imagine.

Neville Terrace

There are regularly homeless people sleeping in the garage doorway of the Parish Rooms on Neville Terrace ). Although I hate to see people having to sleep rough and have the greatest sympathy, I'm sure you can imagine how intimidating this is for us coming and going through the back with our bikes.

**Public Rights of Way  
Alleygating Closedown Report****March 2016****Summary**

1. This report presents a summary of the work undertaken by Public Rights of Way (PROW) team from April 2014 to March 2016 using the capital funded allocation for the provision of new alley gated areas in the city.
2. Over the last 2 years £120k of capital funding has been used to deliver alley-gates at 11 locations across the city.

**Background**

3. In 2014/15, a capital budget of £50,000 was allocated for Alleygating projects within the city, plus £20,000 from Safer York Partnership. In 2015/16 a further £50,000 was made available. In October 2014, the legislation governing Gating Orders was replaced by the Anti-social Behaviour, Crime and Policing Act 2014, and Gating Orders themselves were replaced by Public Spaces Protection Orders (PSPOs). This necessitated a change in the procedures undertaken when considering the installation of alley gates, and all associated documentation had to be reviewed. Discussion has been undertaken with Legal Services at each step, to ensure that procedures and documents reflect the new legislation.

**Schemes commenced**

4. As of end of February 2016, 7 Gating Orders have been made and 3 PSPOs, with another PSPO recommended to be made at the beginning of March 2016. The gates associated with each PSPO are expected to be installed mid March 2016.
5. In addition, 7 other schemes were consulted on and the decision was taken NOT to progress these.
6. With the exception of Brownlow/Eldon Street, all those schemes that were consulted on were taken forward as a result of them being considered a high priority according to crime and anti-social behaviour statistics provided by Safer York Partnership. The Brownlow Street/Eldon Street scheme was a request from a

## Annex 7: Alleygating Closedown Report

member of the public who subsequently raised a petition, and which was supported by the crime and ASB statistics.

<b>Scheme</b>	<b>Legislation</b>	<b>Installation Date</b>	<b>Approximate Cost</b>
Micklegate Scheme; BishopthorpeRd/Nunmill St Nunmill St/Scott St Scott St/Russell St Russel St/Thorpe St Thorpe St/ Millfield Rd	Gating Order	February 2015	£20,000 (13 double gates and subsequent snagging works)
Fountayne/Scaife Street	Gating Order	February 2015	£2,000 (1 double and one single gate)
101452Walworth Street North	Gating Order	February 2015	£2,400 (2 double gates)
Stanley Mews	PSPO	April 2015	£3,500 (2 double and one single gate with railings)
Baile Hill Terrace/Kyme Street	PSPO	March 2016	£6,600 (3 double and 1 single gate)
Cornlands Road Park	PSPO	March 2016	£5,000 (2 double gates and railings)
Brownlow/Eldon Street	PSPO	March 2016	£6,000 (3 double gates)
St Pauls Square/Wilton Rise	PSPO	Not progressed (lack of resident support)	-
Fishergate Scheme; Barbican Rd/Willis St Willis St/ Gordon St Gordon St/Wolsey St	PSPO	Not progressed (lack of resident support)	-
Curzon Terrace Alleyways; Curzon Tce/Knavesmire Rd Curzon Tce/Albemarle Rd	PSPO	Decision Session 3 March 2016 (recommend to abandon due to lack of resident support)	-
Brunswick Street/South Bank Avenue	PSPO	Decision Session 3 March 2016 (recommend to abandon, due to lack of resident support)	-



## **Issues**

7. Of the 10 schemes which have been taken forward, 6 required changes to waste collections. Site visits were undertaken with Waste Services, Ward Councillors and residents to ensure that changes were implemented to the satisfaction of all parties. Of the 7 schemes that were not taken forward, all properties would have been subject to waste collection changes, and the basis of many of the objections was the potential change to waste collection.
8. Historically, the issue of the requirement to change waste collection at properties affected by proposed Alley-gating schemes has proven to be contentious. It has often been the case that residents have viewed the installation of alley gates and their potential benefits negatively, when changes to waste collection have been required. Waste Services are in receipt of PIN codes for gates, and operatives do enter gated alleyways in certain areas of the city. However, either front of property collection or central collection points are the preferred option.
9. Another barrier to taking schemes forward was the high proportion of rental and student properties in some areas, which resulted in a lack of response from occupiers. This was certainly the case in Fishergate, which was not progressed due to the poor response to consultation.

## **Budget spend**

10. Staff Costs  
Staff costs for 2014/15: £27,000.  
Staff costs for 2015/16: £31,000.
11. Procurement and Installation of Gates  
Engineering consultancy fees: £10,000.  
Cost of gates 2014 – 2016: approximately £45,500
12. It is anticipated that the £120k capital allocation will be fully utilised by the end of the financial year when miscellaneous items including the completion of minor works are added to the main costs.

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