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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**

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report:**

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**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