

**Decision Session**  
**Executive Member for Transport & Planning**

**3 December 2015**

Report of the Director of City and Environmental Services

**Public Rights of Way – Proposal to restrict public rights, using Public Spaces Protection Order legislation over alleyways at Baile Hill Terrace/Kyme Street, Micklegate Ward, and; Cornlands Road Park, Westfield Ward**

**Summary**

1. The above Public Spaces Protection Orders (PSPOs) (Annex 1) have been requested by Safer York Partnership (SYP). This report provides details of the informal and formal public consultations which have been carried out and the subsequent results. As no representations have been received following the formal consultation, the Executive Member is asked to seal and make operative both these PSPOs.

**Background**

2. The Anti-social Behaviour, Crime and Policing Act 2014 (Annex 2), 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.
3. Baile Hill Terrace/Kyme Street  
Statistics provided by the Business Intelligence Unit (Annex 3) show that in the 9 months from January 2015 to October 2015, for the 64 properties affected/adjacent to this alleyway, there were 4 recorded incidents of crime and 3 of anti-social behaviour. In the 12 months between November 2013 and November 2014, there were 11 recorded incidents of crime and 5 of ASB.

Cornlands Road Park

Statistics provided by Business Intelligence Unit (Annex 4) show that in the 9 months from January 2015 to October 2015, for the 68

properties affected/adjacent to this alleyway, there was 1 recorded incident of crime and 0 of ASB. In the 12 months between November 2013 and November 2014 there were 5 recorded incidents of crime and 4 of anti-social behaviour.

4. 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 will support that obligation.
5. Once an Order is made it can be reviewed and either varied or revoked (s61). Annex 2 summarises the requirements of the legislation on the use and life of a Public Spaces Protection Order.
6. 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 for both these gating schemes which involve mobility and access issues (Annex 3 - Community Impact Assessments). 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**

7. Informal consultation with residents, emergency services and statutory consultees was carried out in December 2014 and the responses for Baile Hill Terrace/Kyme Street were as follows; (Annex 5)  
  
Kyme Street – 8 responses, 5 in favour, 3 objections  
Baile Hill Terrace – 2 responses, 1 in favour, 1 objection  
Newton Terrace – 16 responses, 7 in favour, 9 objections  
Victor Street – 2 responses, 2 in favour, no objections
8. Formal consultations with the consultees as listed above were carried out in June and no responses were received. Following the informal consultation, where objections were received, a site visit between residents, Councillors, Waste Strategy and PROW, resulted in an updated scheme being presented at the formal consultation. The updated scheme consists of the two arms of the

alleyway being separately gated. As no formal responses were received, it was assumed that the updated scheme was acceptable to residents. No changes are required to Waste Collections.

9. Informal consultation with residents, emergency services and statutory consultees with regard to the Cornlands Road Park scheme was carried out in December 2014 and the results were as follows; (Annex 5)

9 residents were in favour of gating the alley  
2 objections were received

10. Formal consultations with the consultees as listed above were carried out in July and as no responses were received, it was assumed that the scheme is acceptable to residents. No changes are required to Waste Collections.

### **Options**

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

### **Analysis**

13. 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) to open the gates, along with emergency services and utilities that may need to access their apparatus. No changes to waste collection are necessary.
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. 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**

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

These schemes support the following aims of the plan:

- Residents are protected from harm, with 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
- 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**

17.

- **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 and one single gate with lock, is approximately £800. The total cost of gates for Baile Hill Terrace/Kyme Street would therefore cost approximately £5,600 (2 double and 2 single gates). The approximate cost for Cornlands Road Park would be £5,000, based on two double gates and associated railings (the exact configuration of gates and railings will be decided at the preliminary site visit). 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 staff resources. The current Alleygating post will be lost in March 2016, due to budget cuts.
- **Equalities** There are no equalities implications other than those discussed in paragraph 6 above.

- **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 these schemes, the alternative routes are clearly defined on the Order Plans.
- **Crime and Disorder** There are no Crime and Disorder Implications other than those discussed in paragraphs 4 and 13 above.
- **Information Technology (IT)** There are no IT implications.
- **Property** Property Services have been consulted about the Cornlands Road Park scheme and have offered no objections.
- **Other** There are no other implications

## **Risk Management**

18. 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.

## Recommendations

19. The Executive member is asked to:

- 1) Seal and make operative the PSPOs for Baile Hill Terrace/Kyme Street and Cornlands Road Park.

Reason: No formal objections or representations have arisen as a result of the formal consultations for both schemes.

## Contact Details

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**Chief Officer Responsible for the report:**

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

**Report**  
**Approved**

**Date**

17  
November  
2015

**Specialist Implications Officer(s)** None

**Wards Affected:** Micklegate and Westfield

**All**

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

### **Background Papers:**

- Anti-social Behaviour, Crime and Policing Act 2014
- Crime and Disorder Act 1998
- Equalities Act 2010
- Officer Decision - : Public Rights of Way – Proposal to restrict public rights over alleyway between Baile Hill Terrace and Kyme Street, (Micklegate Ward), using Public Spaces Protection Orders legislation.
- Officer Decision -: Public Rights of Way – Proposal to restrict public rights over alleyway in Cornlands Road Park (Westfield Ward), using Public Spaces Protection Orders [Put link to website here](#)

### **Annexes:**

- Annex 1:** Baile Hill Terrace/Kyme Street and Cornlands Road Park, Draft Public Spaces Protection Orders and Plans
- Annex 2:** Legislation Anti-social Behaviour, Crime & Policing Act 2014
- Annex 3:** Crime and Anti-Social Behaviour Statistics Baile Hill Terrace
- Annex 4:** Crime and Anti-social Behaviour Statistics Cornlands Road Park
- Annex 5:** Informal consultation responses
- Annex 6:** Community Impact Assessment

### **Glossary**

ASB – Anti-Social Behaviour

PROW – Public Right of Way

PSED - Public Sector Equality Duty

PSPO's - Public Spaces Protection Orders

SYP – Safer York Partnership