

Report of the Managing Director

PUBLIC SPACE PROTECTION ORDER – PUBLIC ALLEYGATING ISEBROOK AND VICTORIA WARD

1 Purpose of report

To agree to implement a Public Spaces Protection Order (PSPO) as set out in the Anti-Social Behaviour, Crime & Policing Act 2014, to gate specified public alleyways in the Isebrook and Victoria Ward. The alley gating is part of an Office of Police, Fire and Crime Commissioner (OPFCC) Funded Project to reduce burglary, anti-social behaviour and environmental crime within this ward area.

2 Executive summary

On 30 June 2020 the Services Committee approved the commencement of the consultation process on the introduction of a PSPO for the gating of specified public alleyways in the Isebrook and Victoria Wards. The paper sets out the method of consultation and a summary of the responses.

3 Appendices

Appendix 1 – Proposed Public Spaces Protection Order

Appendix 2 – Consultation responses

Appendix 3 - Alleyways proposed to be gated

4 Proposed action:

- 4.1 Authorise the making of a PSPO to gate specified public alleyways in Isebrook and Victoria wards in accordance with the results of the public consultation as detailed in Appendix 1.
- 4.2 Approve that the PSPO goes live as soon as the gates can be installed (date dependent on contractor availability).

5 Background

- 5.1 The Anti-social Behaviour, Crime and Policing Act 2014 provides local authorities with powers to create a PSPO where they are satisfied that activities carried on in a public place:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

5.2 On 30 June 2020 Services Committee approved the commencement of a consultation on the introduction of a PSPO for the gating of public alleyways in the Isebrook and Victoria Wards.

5.3 In July 2020 the Office of the Police, Fire and Crime Commissioner (OPFCC) was successful in its bid to the Home Office Safer Streets Fund to prevent serious acquisitive crime in our County. A successful bid was obtained in relation to the Isebrook and Victoria Ward areas in Wellingborough which suffers from disproportionate household burglary. These areas also suffer from ASB, Environmental Crime, drug taking/dealing, street drinking, vehicle crime, fly tipping and littering and criminal damage all in the alleyways adjacent to the residential areas. Environment visual audits were undertaken by Northants Police, Norse, the council, partners, voluntary and community groups to support the bid. Delivery of the grant is required by March 2021.

5.4 The bid aims to implement a suite of physical interventions that are proven to have strong evidence of a positive crime reduction impact. One of these is the gating of alleyways; other interventions include expansion of town centre CCTV and target hardening. If the alley is a designated highway then a PSPO will be required. The public alleyways proposed to be gated under the PSPO can be found in the Appendix 3. None of the proposed alleyways provide a through route from one street to another nor are they public rights of way. The proposed public alleyways to be gated are residential alleyways running along the back of houses.

5.5 An extensive consultation process ran from 23 September 2020 to 21 October 2020. An online public consultation ran via an open access online survey using 'Survey Monkey'. This was promoted through

- Council's social media sites
- Councillors for the Ward
- Adjacent businesses & residents
- Community Safety Partnership
- Council Officers
- Northamptonshire Office of Police & Crime Commissioner
- Northamptonshire Police
- Northamptonshire County Council
- Community Forums
- Members of the public
- Local press and media channels

Letters were in addition sent to all occupiers and landlord of properties in the immediate vicinity with direct access to the public alleyways proposed to be gated. A leaflet drop was also undertaken by the Office, Fire, Police and Crime Commissioners advising of the consultation exercise with Facebook and virtual events held for additional information.

- 5.3** Full results of the consultation are available to view in Appendix 2.
- 5.4** The consultation resulted in 109 responses. 92 % of these responses were from local residents; 71 % of the respondents lived in the Isebrook and Victoria Wards. 83 % of those responding were home owners, 6.32 % landlords and 10.53 % tenants. 62 % of respondents lived in or owned a property in which a public alleyway was proposed to be gated.
- 5.5** 88 % of respondents supported the introduction of the gating of public owned alleyways with some respondents feeling that this was long overdue raising previous requests.
- 5.6** Over 96 % of respondents viewed that alleyways to the rear of residential properties can attract crime, fly tipping, littering and anti-social behaviour. Over 80 % of respondents viewed that they can attract graffiti, overgrown vegetation and rodents. 86 % of respondents felt that the gating of alleyways would assist in resolving these issues.
- 5.7** 74 % of respondents did not have any concerns with regard to the proposed PSPO.
- 5.8** Responses were received from residents who were disheartened that the proposed plans did not cover their area of the Borough and wished for it to be extended to other areas.
- 5.9** Additional comments raised with regard to the proposed PSPO included:
- Collection of bins
 - Provision of keys
 - Accessibility for users
 - Maintenance and clearance
 - Fly tipping and displacement of ASB to other locations
 - Emergency exits
 - Provision of lighting and CCTV
- 5.10** Responses and support for the proposed PSPO were received from community groups IAG and Castle Fields Streetwatch.
- 5.11** Northamptonshire County Council Highway authority raised no objections to the proposed Public Space Protection Order, but advised that the following criteria should be taken into account:
- The gates must not open outwards, unless set back into the alleyway, as it is an offence for gates to open across an existing highway.

- As the alleyway behind the gates still remains as highway, for which the highway authority has a duty to maintain, they will require keys for all installed gates.
- As the alleyway behind the gates still remains as highway, the Borough Council still has a duty to cleanse.
- The maximum length of the order is three years at which point the gates will need to be removed, unless another PSPO is enforced.

5.12 Northants Fire Service and Northants Police have been actively involved in the promotion, consultation and delivery of the bid in conjunction with the OPFCC.

6 Discussion

6.1 The implementation of a PSPO for the gating of the specified alleyway is supported by the public consultation. Gating the public alleyways specified would take away a gathering and drinking place, an escape route for offenders and a hot spot for litter & fly tipping. The gating will also enable more effective policing of the area and support the needs of the wider community. The results of the consultation support this option.

6.2 The approach supports the multi-agency Countywide Anti-Social Behaviour Policy that the council is signed up to.

6.3 The Crime and Disorder Act 1998 places a statutory duty on all local authorities to work in partnership with statutory, non-statutory, community and voluntary agencies to develop and implement strategies and policies for tackling crime and disorder.

6.4 Under Section 17 of the Crime and Disorder Act 1998, the council has a statutory duty to 'exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent crime and disorder'.

6.5 Section 2 of the Local Government Act 2000 empowers a Local Authority to do anything which it considers likely to achieve any one or more of the following:

- The promotion or improvement of the economic well-being of their area,
- The promotion or improvement of the social well-being of their area, and
- The promotion or improvement of the environmental well-being of their area.

6.7 Should the PSPO be agreed, Planning Permission will not be required under the Town and Country Planning (General Permitted Development) (England) Order 2015 as advised by WBC Planning.

7. Legal powers

7.1 A PSPO is in effect an enforceable form of byelaw with fixed penalty notice powers attached. A PSPO has the potential to enhance local control over a range of matters thus returning greater control to District Councils. PSPO'S replace previous gating orders. Such orders remain in place for 3 years following commencement and are then subject to renewal as if made as a PSPO.

7.2 A Public Spaces Protection Order can be made by a Local Authority (section 59) if satisfied on reasonable grounds that two conditions are met. Firstly, that

- (i) 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; and
- (ii) It is likely that activities will be carried on in a public place within that area and that they will have such an effect

The second condition is that the effect, of the activities is, or is likely to be of a persistent or continuing nature such as to make the activities unreasonable and therefore justifies the restrictions imposed by the notice.

7.3 Under the Act there is a requirement for a local authority to carry out necessary consultation and the necessary publicity and the necessary notification before the making of a PSPO.

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

Necessary publicity means –

- (a) In the case of proposed or variation, publishing the text of it

Necessary notification means notifying the following authorities of the proposed order

- (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

7.4 The implementation of the PSPO can be challenged by any interested person within 6 weeks of the making of the Order; the challenge is made at the High Court. Anyone who is directly affected by the making of the PSPO can challenge the order.

7.5 A challenge can be made on the basis that the Council does not have the power to make the order, or that the particular prohibitions or requirements are unnecessary or that procedurally the order is defective.

7.6 The text of the Order when made must be published.

The Order must be notified to

(a) 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.

8 Financial and value for money implications

8.1 There is a financial implication for the gates and ongoing maintenance. The initial cost and 5 years maintenance will be covered by the funds received from the Home Office Safer Streets fund if the bid is successful. Should the fund be unsuccessful it is our understanding that the OPFCC will support funds to implement the bid proposal. It is proposed that the council would pick up the maintenance thereafter and the costs of this will be investigated. The gating of public alleyway's may however off-set other costs of clearing litter and fly-tipping and other associated environmental crime.

9 Risk analysis

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
Approval is not granted for the introduction of public alleyway gating in the Isebrook and Victoria Wards	Unable to assist in measures to tackle disproportionate burglary figures and anti-social behaviour in the Isebrook and Victoria Wards	Medium	Implementation of a PSPO for public alleyway gating to specified alleyways in the Isebrook and Victoria wards.
The council is successfully challenged on implementing a	The order would not be valid. The council could incur court costs	Low	Consultation with public and stakeholders.

PSPO	and reputational damage.		Collation of evidence.
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10 Implications for resources

Project delivery for alley gating is expected by March 2021. OPFCC are recruiting a project co-ordinator and will undertake procurement for a supplier to fit and maintain the gates. The alley gating project will be governed by a working group chaired by a senior member of the OPFCC. It is expected that the role of BCW will be to: work with Planning Authorities to ensure rights of way can be alley gated, liaise with housing providers, assist with engagement and consultation of residents, co-ordinate resources and provide reasonable data requests that enable OPFCC to implement the required works.

11 Implications for stronger and safer communities

Alley gating embedded into existing community safety arrangements will assist to harness existing community groups as well as forging new relationships, to ensure that there is ownership and vested interest beyond the life of the Safer Streets funds.

12 Implications for equalities

- 12.1 Incidents of ASB will continue to be dealt with in line with our equalities framework.
- 12.2 These legislative changes are designed to have a significant community impact in preventing and limiting anti-social behaviour, improving the quality of life for those people living and working in the area.
- 12.3 The PSPO's have no significant implications for Convention rights. All of the proposed new measures are accompanied with the appropriate rights of appeal.
- 12.4 Equality Impact Assessment screening has been carried out, see Appendix 3.

13 Author and contact officer

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Team Leader Environmental Protection

14 Consultees

Amanda Wilcox: Principal Environmental Health Manager
Gill Chapman: Principle Community Safety Manager
Senior Management Team
Inspector: Northamptonshire Police
District Law

15 Background papers

- Consultation responses
- Services Committee Report: Proposed consultation on the potential renewal and amendment of Public Spaces Protection Orders (PSPO)
30.06.20