

Officer Decision Notice

The following decision has been taken under Part F2 Paragraph 5.1(d) as set out in the Council's Constitution.

Decision maker/s: Helen Brackenbury, Head of Integrated Early Support
Decision taken On: 11th September 2015
Decision in the matter of: Proposed PSPO for Gating at Holly Road, Kingsley Road and Cambridge Road Ellesmere Port
Decision details including budget: Proceed with the installation of alley-gates at the above location in accordance with the proposal. The gates will secure the alley way to the rear of properties fronting Holly Road and Kingsley Road and adjacent to Cambridge Road Ellesmere Port which has been subject to levels of Crime and Disorder that meet the threshold for a PSPO for gating. This was requested by the Ellesmere Port Locality Team following consultation with local residents.

The Gates will be funded by the New Homes Bonus and a Purchase Order will be raised by the Ellesmere Port Locality Team. Funding of £4,087.20 from the New Homes Bonus for the Ellesmere Port Town ward has been confirmed to include installation and three year repair and maintenance costs.

Background:

Chapter 2 of the Anti Social Behaviour, Crime and Policing Act 2014 ss 59-75

1. What is the ODN about?

1.1. A proposal to make a Public Space Protection Order (PSPO) under Chapter 2 of the Anti Social Behaviour, Crime and Policing Act 2014 (The Act) to gate a public highway being the alley way to the rear of properties on Holly Road and Kingsley Road, and adjacent to Cambridge Road, Ellesmere Port.

2. What Decision is required by the Delegate Head of Service?

2.1. Whether or not the proposed Order should be made.

3. How does the Decision contribute to the Council's Corporate Priorities?

3.1. The proposed Order is designed to achieve a reduction in crime, disorder and antisocial behaviour (ASB) through the use of situational crime prevention tool. As such it contributes to the Safer and Stronger Communities imperative to ensure that communities are safe and secure with a reduced fear of crime. It also contributes to the Environmental Sustainability imperative by helping to build clean, attractive, and healthy environments for our people to live and work in.

4. Legislative Background and Decision Criteria

Chapter 2 of the Anti Social Behaviour, Crime and Policing Act 2014 and associated regulations have created the Public Space Protection Order which empowers local authorities to make Orders prohibiting or requiring the public to refrain from/do certain activities. It also allows a local authority to restrict access to a public right of way – replacing the scheme under Part 8A of the Highways Act 1980 for 'gating orders'.

Before a council can make a Public Space Protection Order two conditions must be met:-

- a. The first condition is that 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;

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

The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order

- a. To prevent the detrimental effect of the activities referred to in 4.2.1 from continuing, occurring or recurring, or
- b. To reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence

It should be noted that it is a criminal offence if a person fails to comply with the Public Space Protection Order, the Act also allows for a Fixed Penalty Notice to be issued for breach of the Order. Reference must be made in the PSPO to the fact that it is a criminal offence for failure to comply with the Order.

1. The Proposal & Evidence

- 1.1. The proposal is to gate the alley-ways to the rear of properties on Kingsley Road and Holly Road Ellesmere Port and adjacent to Cromwell Road Ellesmere Port.
- 1.2. Following locality based Ward Walks and Neighbourhood Walks, during consultation with residents issues with the alley ways were identified in relation to their disrepair, and crime and disorder. From April 2014 to 31st March 2015 there were 28 incidents of Crime and Disorder reported to the police. Regular Ward walks identify when the alley-way requires cleansing but this does not reduce the incidents of Crime and disorder. Although there have been regular patrolling of the alley-ways by the Local Policing Unit and the ASB Unit in order to reduce the incidents, this cannot continue indefinitely due to demands on those resources. It is therefore considered that gating is the most viable option, which residents also support. The reported incidents include:
 - Drug Dealing
 - Suspicious Persons
 - Drinking
 - Fighting
 - Anti-Social Behaviour
- 1.3. It is considered that the Order should take effect on a 24/7 basis because the likely effect of the Public Spaces Protection Order on occupiers of premises adjoining or adjacent to the highway and on other persons in the locality particularly having regard to the availability of a reasonably convenient alternative route render the resources required for a managed opening and closing arrangement disproportionate.
- 1.4. A detailed evidence file has been produced in support of the proposal. Whilst the evidence file is confidential in accordance with the provisions of the Data Protection Act 1998 its contents can be summarised as follows:-
- 1.5. It is clear from the evidence and the proposal that there are high numbers of incidents of crime and disorder reported to Cheshire Police over the twelve month period. These are proportionately high when comparing to other alley-ways in the local area.

2. Consultations

- 2.1. Consultations in relation to this proposal have been undertaken with:-
 - CWaC Senior Manager for Community Safety, Michelle Nicholson, CWaC Ellesmere Port Locality Team, Cheshire Police,
 - Local Residents

- The ASB Unit who consulted:
- Emergency Services: Cheshire Police, and Cheshire Fire and Rescue Service HQ
- The Highway Authority

2.1.1. Of the 34 door to door consultations completed by Community Safety Wardens, in total 25 residents engaged in the consultation, 9 residents did not engage. Of those that engaged 72% want the gates, 24% have no preference, and 1% objects to the installation of gates. There

2.1.2. The report from Cheshire Police Crime Prevention Officer advised that the gates would be desirable and at the same time the owner of the proposed Islamic Centre has been advised of a number of other measures that would also help keep the building and site safe and secure, including CCTV, anti-graffiti coating to walls and doors a, alarm, fire protection, laminated glass to windows, and railings to the front of the property to keep people away from the building.

2.2. Following publication of the (minimum 28 day) 'draft notice' dated 13/8/2015 and detailing the intention to install alley-gates and inviting further comment no comments have been received. The draft notice is erected at the location of the gates, on the website, and letters are hand delivered to the residents that were consulted informing them of the council's intention to install gates.

3. Conclusion

3.1. It is considered that the legal requirements for making a Gating Order as summarised above have been satisfied. Careful consideration has been given to the effect of the Order on occupiers of premises adjoining or adjacent to the highway and to other persons in the locality including the public making legitimate use of the route. Having regard to the availability of a reasonably convenient alternative route it is considered in all the circumstances expedient that the proposed order be made. It is important to balance the needs of the community and the effects the proposed order may have on them against the effect on quality of life for residents affected by the continued crime and disorder. If the proposed order goes ahead it would not inconvenience members of the public who legitimately use the alley-way as alternative routes are available via Holly Road to and from Cambridge Road and Cromwell Road, Ellesmere Port.

4. Recommendation

Officers be authorised to give formal notice of the Council's intention to make an Order pursuant of Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 ss 59-75 in the form of the attached draft Order; and,

4.1.1. Upon expiry of the statutory notice period (10th September 2015) and in the absence of any objections received during the statutory notice Officers be authorised to make the said order and erect barriers pursuant to the same; and,

4.1.2. The effect of the Order and ambient crime and disorder and ASB issues be kept under review.

5. What will it cost?

5.1. The cost of installation of the proposed gates is £3144+VAT. Alison Armstrong, Senior Manager, Ellesmere Port has confirmed that the cost of installation will be met from the New Homes Bonus.

6. Legal Considerations

6.1. The legal considerations are dealt with in the body of this report. In addition, the decision to make an order can be challenged in the High Court on the basis that a procedural requirement has not been complied with or that the Council had no authority to make the Order.

7. What risks are there and how can they be reduced?

7.1. The risks have been addressed in the body of this report.

8. What is the impact of the decision on equality and diversity issues?

8.1. The proposed Gating Order has no adverse impact on matters of equality of diversity.

9. Are there any other options?


9.1. The availability of alternative options has been addressed in the body of this report.

10. For further information:

Officer: Michelle Nicholson
Tel No: 01244 972360
Email: michelle.nicholson@cheshirewestandchester.gov.uk

11. Background Documents:

Interim Making Places Safer Policy document
Confidential Evidence File

Approved  (Service Owner)*

Date: ... 5th November 2015

Approved  (Head of Governance)*

Date: 11.11.15.

Contact Officer: Michelle Nicholson

Tel: 972360

Contact Legal Officer: Yvonne Gregory

Tel: 973292