

# 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:**

**Decision in the matter of:** PSPO (gating) at King Street 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 site of the proposed Islamic Centre in Ellesmere Port which has been subject to serious incidents of hate motivate crime.

Cheshire Police, Cheshire Police and Crime Commissioner, Cheshire Fire and Rescue Service, Ellesmere Port Locality Team, and local members support this proposal.

The Budget for the cost of installation has been confirmed by David Tai, Senior Manager, Ellesmere Port Locality team. £2665+vat will be met from second homes taxation money.

**Background:**

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

### 1. What is the ODN about?

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 adjacent to The proposed Islamic Centre, King Street, Ellesmere Port.

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

Whether or not the proposed Order should be made.

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

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:-

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;

- 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;

- 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 notice
- The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order
- To prevent the detrimental effect of the activities referred to above from continuing, occurring or recurring, or
- To reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence

## 5. The Proposal & Evidence

The proposal is to gate the footpaths adjacent to the property set out in paragraph 1.1 above and shown on the attached plan. This proposal has been brought forward following a planning application being granted In June 2014 to develop a former Community Centre situated in King Street, Ellesmere Port into an Islamic Centre. Since this time there has been an escalation of incidents requiring a police response ranging from racist graffiti, anti-social behaviour and crime and other incidents all of which are linked to rising community tensions. Two incidents in particular have been declared 'critical incidents' i.e. *any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community.* Of particular note threats have been made to burn down the premises which have activated fire prevention surveys/advice being given to the owner of the property and owners of adjoining residential properties. In one incident a crude attempt to burn a window frame on the side of the building was made and other incidents have included bin fires in the vicinity with one being in a nearby alleyway.

From 1/10/13 to 30/11/14 a total of 151 incidents were reported within a 50 meter buffer of the proposed Islamic Centre. 55 of those incidents were specific to King Street which equates to 36% of all incidents. However it must be noted that not all of these incidents could be directly linked to the proposed Islamic Centre. Further analysis of the monthly data identifies an increase in incident demand reported specifically from King Street during July to November 2014 equating to a 14% increase when compared to the previous 5 months of February to June 2014. There has been an increase in incident demand during the same comparative period within the geographical buffer around and including King Street. The most common type of incident reported on King Street is ASB, Suspicious Activity, Domestic, and Police Generated. These equate to 47% of total incidents reported. The most common type of incident reported within the geographical buffer are ASB, Concern for Safety, and Suspicious Activity equating to 36% of total incidents reported. 36% of all ASB incidents within the geographical buffer were reported from King Street. 46% of all Suspicious Activity incidents within the geographical buffer were reported from King Street. 14 incidents are specific to the proposed Islamic Centre during 1/10/13 to 30/11/14 and include Racial Incidents, Suspicious Activity, youths throwing stones, ASB, protest, EDL march, Hate and Prejudice Incidents.

It is considered that the Order should take effect on a 24/7 basis because the likely effect of the PSPO 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.

A detailed evidence file will be produced to 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:-

It is clear from the evidence and the proposal that there is has been an increase in reported incidents and community tensions from June 2014 to November 2014 following the granting of a planning application to turn the former Church into an Islamic Centre.

## 6. Consultations

Consultations in relation to this proposal have been undertaken with:-

Senior Manager for Community Safety, Jane Makin, Community Safety Manger, Michelle Nicholson, Ellesmere Port Locality Team, Cheshire Police, Cheshire PCC

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

Of the 12 door to door consultations completed by Community Safety Wardens, 10 responses were received, 2 properties were unavailable and consultation forms were left for the residents. These have not been returned. Of the 10 responses received 4 (40%) are in favour of the gating order, 3 (30%) have no preference, and 3 (30%) residents have objected.

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.

Police and partner agency meetings have been in place for a number of months now, sharing information and managing the threat and risk to the property. A Community Cohesion Group was formed in July and has been regularly meeting to discuss the threat and risk issues, and have been particularly useful to extend our reach into the wider communities in Ellesmere Port and beyond. A Police threat assessment is regularly reviewed and currently a patrol plan has been in place since September.

A number of arrests have been made for displaying racist hate material and malicious telephone communications, including phone calls threatening to burn down the building. A profile of the offenders of these offences tend to suggest that the threat is most likely to come from white males who don't live in the immediate vicinity and usually under the influence of drink or drugs. As such the motivation for committing an offence would most likely come about spontaneously making it difficult to predict and prevent.

Following publication of the 'draft notice' two residents made contact. One resident felt that we were prioritising the issues with the Islamic centre over that of the residents who have been suffering for many years. This particular resident is opposed to these gates because the gated area will not include the alley-way at the rear of her property. Following the conversation the Eport Locality team have delivered letters to residents in the wider area to inform them that whilst this proposed order is being prioritised due to the level of threat and hate related incidents. Gating for the wider area will be explored. Another resident was visited at home following making telephone contact. Another resident had a number of concerns including the gates restricting access to a public right of way, the occupants of the Wesley Centre effectively being imprisoned by the gates, the gates will be an inconvenience to the whole street and that residents should not have to walk round to the alternative route. Other none gate related issues were raised during the conversation and these have been passed to the locality team to pick up. To alleviate the concerns raised in relation to the gates the resident has been assured both verbally and in writing that we are complying with a legal process due to the area being a public right of way, and that we will consider giving keys to those properties adjacent to the gated alley-ways as well as requests from other residents.

## **7. Conclusion**

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 King Street onto Station Road and then onto Westminster Road, via the Garage Site accessed from the side of number 17 King Street, or via the alley-way at the rear of the shops on Station Road Ellesmere Port.

## **8. Recommendation**

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

Upon expiry of the statutory notice period (19 February 2015) and in the absence of any objections received during the statutory notice period (other than objections the nature and substance of which have already been considered during the consultation exercise undertaken) Officers be authorised to make the said Public Spaces

Protection Order and erect barriers pursuant to the same; and,

The effect of the Public Spaces Protection Order and ambient crime and disorder and ASB issues be kept under review

**9. What will it cost?**

The cost of installation of the proposed gates is £2665+VAT. David Tai, Senior Locality Manager for Ellesmere Port has confirmed that this will be met from second homes taxation.

**10. Legal Considerations**

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.

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

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

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

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

**13. Are there any other options?**

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

**14. For further information:**

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Email: michelle.nicholson@cheshirewestandchester.gov.uk

**15. Background Documents:**

ASB Crime & Policing Act 2014  
Confidential Evidence File

Approved ..... (Service Owner)\*

Approved .....(Authorised Signatory Legal Services)\*

Date: .....

Contact Officer:.....

Tel: .....

Contact Legal Officer:.....

Tel: .....