



EXECUTIVE MEMBER DECISION

REPORT OF:	Executive Member for Neighbourhood and Prevention Services (Please Select) (Please Select...)
LEAD OFFICERS:	Director of Localities and Prevention
DATE:	25th June 2018

PORTFOLIO/S AFFECTED:	Neighbourhood and Prevention Services
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WARD/S AFFECTED:	Shear Brow and Corporation Park
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SUBJECT: Public Space Protect Orders in relation to the installation of Alleygates

1. EXECUTIVE SUMMARY

A local authority may make a Public Space Protection Order (PSPO) that restricts the public right of way in order to try and reduce anti-social behaviour and crime where it is associated with the use of an alleyway.

The council has received an application for alley gates to be installed affecting properties 21-69 Blackburn Street, 32-68 Inkerman Street, 17-25 Kendal Street, including Noorani Education Centre, 51-71 Altom Street, 84-92 London Road, Blackburn. While the Council funded programme has been closed, private or external grant funded schemes are still accepted by the Council. This scheme is to be privately funded by the residents of all properties listed above.

In order to pursue the scheme, a Public Space Protection Order (PSPO) is required in order to legally close the highway. The reason for its use is detailed below alongside feedback from residents via the initial consultation process and evidence of Crime & ASB in the area.

The scheme name if approved will be Blackburn Street, Inkerman Street & Kendal Street (Scheme 142)

Planning approval for this scheme has been sought and approved and the scheme has also gone through the non-statutory initial consultation stage. This includes consulting with the affected residents and community representatives in order to gain feedback to support the conditions which must be met in order for the PSPO to be legally approved.

For completion of the PSPO the council are still required to undertake the statutory consultation. This includes:

- Erecting notices on the public place to which the order refers to
- Consulting with those potentially affected by the proposed order/closure of alley way.
- Publishing the proposed order on the councils website

2. RECOMMENDATIONS

That the Executive Member:

Approves the use of Public Space Protection Order for the listed areas to allow the closure of the highway through the use of alley gates.

The draft Order/Copy of Notice is attached to the report as a Appendix A.

Following the statutory consultation, authorises the Council Solicitor to execute the PSPO and apply the Council seal with or without amendments following consultation.

3. BACKGROUND

The Public Space Protection Order can be made by the Council if they are satisfied, on reasonable grounds that the two conditions are met.

The first condition is 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.

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.

Complaints have been received from the residents focussed on the addresses mentioned. Many complaints have come through the ward councillors as residents feel reporting these complaints to the Police may cause repercussions.

The ward members have confirmed these complaints explaining that these issues have been ongoing for a considerable amount of time.

Following the requests and increased complaints, an initial consultation was then carried out with all residents from the affected properties for this scheme. Responses from this consultation showed the need for the alley gates as residents had detailed the problems which they are faced with in this area. The summary report from the initial consultation is attached to this report as Appendix B.

The majority of the complaints and concerns relate to suspected drug dealing, vandalism as well as youths and unfamiliar people seen and causing annoyance in the alleyway which is affecting the residents causing alarm, harassment and distress. These activities are impacting on the quality of life of the residents and due to the persistent nature, are causing a detrimental effect.

The layout of this block of houses is such that it has three alley ways resulting in at least six access points in and out this area. Due to this it provides congregation points and quick escape routes which attract crime and anti-social behaviour.

The installation of the 6 gates would prevent access to the alleyway, stopping access for anyone other than those with a legitimate purpose and as evidenced by other schemes reducing complaints of anti-social behaviour issues.

PSPOs are designed to stop individuals or groups committing ASB in a public space. In order to close an alleyway the council is required to sign and seal an order which previous to October 2014 was carried out under the powers available under the Neighbourhood Clean Act 2005.

Powers available to the council under the ASB Police and Crime Act have been approved by the Council and the alley gates will be installed in line with the approved policy.

4. KEY ISSUES & RISKS

The primary purpose of alley gates is to reduce crime and anti-social behaviour where it is associated with the use of an alleyway. Approval of the PSPO will allow the installation of the alley gates for a maximum period of 3 years, the intention of which is to mitigate the issues that residents have been experiencing.

The maintenance of the scheme will be through the council's primary maintenance contract. This covers any costs in maintenance other than deliberate damage and environmental. As context of the existing schemes the cost of damage has ranged between £0 and £1800 per annum.

5. POLICY IMPLICATIONS

The Anti-Social behaviour enforcement policy was approved in November 2015 which authorises the use of PSPO's to assist in reducing ASB and Crime in public places.

While the funded scheme is closed, the council remains supportive of privately and or grant funded schemes. This scheme is privately funded between affected residents.

6. FINANCIAL IMPLICATIONS

The listed scheme is a privately funded scheme by the residents. The council is not contributing financially to the installation of the scheme but is supporting the process and funding any maintenance outside of the contact which is deemed to be minimal.

7. LEGAL IMPLICATIONS

Legal services will be required to approve and seal the PSPO

8. RESOURCE IMPLICATIONS

The co-ordination of the work required will be undertaken by the Community Safety Team

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

Initial non-statutory Consultation has been completed with residents and businesses. On approval of this report, the statutory consultation will be carried out and the PSPO will be advertised on the council website, the proposed order will be posted locally for 14 days, and those affected including statutory undertakers will be consulted with as part of this process. The initial consultation provided an overwhelmingly positive response. To date there have been no concerns or objections raised.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1
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CONTACT OFFICER:	Mariyam Emam
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DATE:	25 th June 2018
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BACKGROUND PAPER:	Appendix A - Copy of Notice/Draft Order Appendix B – Summary of consultation Appendix C – Planning Approval for the gates
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