



REPORT FROM: Neighbourhood Services Manager

TO: Brierfield and Reedley Committee

DATE: 2 August 2016

Report Author: Tim Horsley, Community Protection Coordinator

Tel. No: 661280

E-mail: tim.horsley@pendle.gov.uk

Limefield Avenue Public Spaces Protection Order

PURPOSE OF REPORT

To report back on public and statutory consultation on a proposal to close the footway between Limefield Avenue and Montrose Street.

RECOMMENDATIONS

That the report is noted and options for closing the alley between Limefield Avenue and Montrose Street, which include making a Public Spaces Protection Order and funding to erect and maintain alleygates, are considered.

REASONS FOR RECOMMENDATIONS

To address the concerns of local residents that the alley between Limefield Avenue and Montrose Street attracts anti social behaviour.

ISSUE

Residents of Limefield Avenue have raised their concerns regarding anti social behaviour in the footway between 8 and 10 Limefield Avenue and 47 and 49 Montrose Street (see Appendix 1) with both officers and Members.

The alley is Pendle Council owned having been retained following the transfer of housing stock in 2006. It provides access to and from Limefield Avenue however it is not recorded on the definitive map as a public footpath.

A scheme to close the alley would involve providing a lockable gate at either end of the alley (see Appendix 2) with keys provided to the ten households either adjacent to or requiring access to their back alley. The opening to the back alley between 16 and 18 Limefield Avenue is already closed.

Although initial investigations revealed few reported incidents of crime or ASB to the Police, Together Housing or the Council it was agreed a consultation exercise would be undertaken with residents in all of Limefield Avenue and the section of Montrose Street either side of the alley.

Thirty properties were identified of which 23 residents were interviewed in the spring either on the doorstep or by telephone. Of the 23, 19 were aware of and concerned about ASB, noise and nuisance coming from the alley.

Of the 23, 20 were in favour of the scheme and the other three did not oppose it.

A petition calling for the alley to be closed and signed by twelve residents was received in March.

Formal consultation with partners was carried out in June and responses received from the Police; Lancashire County Council and Together Housing. The Police and Together Housing expressed support for the scheme to prevent ASB in the area. The County Council provided a factual response based on its previous experience as the responsible body for agreeing Gating Orders.

The works to provide the scheme have been costed at £1360 for the gates; approximately £100 for the locks and keys and £200 for signage. Of the ten households who would directly benefit from the scheme only two were prepared to contribute 10% to the cost. None of the other eight were either able to or willing to contribute.

Before the scheme can be implemented the Council would need to agree a Public Spaces Protection Order to restrict access over the alley to the ten households. In this context PSPOs replace Gating Orders previously used for this purpose by the County Council.

The terms of a PSPO for this purpose will include:

- The date it comes into effect and its length; a maximum of three years before it is reviewed
- The area included and a map showing the area
- The effect of the order which is to close the alley at all times other than to the ten households provided with a key for access
- The alternative route for pedestrians which is via Limefield Avenue and Chapel Street
- Responsibility for maintenance of the gates which will be with the Council unless and until the responsibility transfers to another body
- Where to contact if there is an issue with the gates
- The reasons for making the PSPO
- How to challenge the making of the PSPO if a member of the public feels it is unreasonable

Signage which explains the PSPO will need to be put up at each of the gates and the PSPO will need to be explained on the Council's website.

Interest parties will have six weeks from the PSPO being made to appeal to the High Court if they have an objection. Only those who are directly affected by the restrictions have the power to challenge the Order. Residents in the consultation area will be notified if an Order is made to give them the opportunity to challenge prior to any works being carried out.

The Committee will need to consider the making of the PSPO to close the alley and funding for the work to implement the scheme.

IMPLICATIONS

Policy: This is the first resident led request for an alleygate scheme under the new legislation. The Committee will be asked to consider a PSPO for current gating schemes in its area later in the year.

Financial: The total budget for the scheme is £1660 of which £280 has been committed by residents. The remaining £1380 would need to come from the Capital Programme. The Council has a maintenance budget for alleygates however this is currently under review. The cost of an appeal in the High Court could be significant.

Legal: Public Spaces Protection Orders were introduced under the Anti Social Behaviour, Crime and Policing Act 2014. The proposed order would satisfy the conditions set out in Section 64 of the Act which entitle the Council to make an order which places restrictions on a public right of way.

Risk Management: Reducing crime and anti social behaviour is included in the Council's Risk Management Plan

Health and Safety: The alleygates will need to be checked regularly to ensure they do not pose a danger to the public

Sustainability: None

Community Safety: Reducing crime and ASB is fundamental to the Community Safety Partnership's Partnership Plan

Equality and Diversity: Parents with young children and disabled people with limited mobility or vision may be adversely affected by the scheme

Appendix 1



Appendix 2

