



REPORT FROM: NEIGHBOURHOOD SERVICES MANAGER
TO: Nelson Committees
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Report Author: Tim Horsley
Tel. No: 661280
E-mail: tim.horsley@pendle.gov.uk

Public Spaces Protection Orders: Alley Gates

PURPOSE OF REPORT

To report back on statutory consultation on proposals to maintain the closure of footways by alley gate schemes

RECOMMENDATIONS

That the Committee considers the outcome of consultation with residents benefiting from existing alley gate schemes and a proposed scheme for Malvern Road and agrees a PSPO to allow the schemes to continue

REASON FOR RECOMMENDATIONS

To address the concerns of local residents that without the alley gates in place the back streets will attract anti-social behaviour

ISSUE

1. At its 1 August 2016 meeting the Committee agreed a timetable to develop Public Spaces Protection Orders for parks; sports pitches; local nature reserves; town centres and back streets with alleygates over the next two years.
2. Between August and November this year consultation was carried with residents in Nelson where alley gate schemes are already in place and with residents in Malvern Road and Glenfield Road where an alley gate scheme has been proposed.

3. The table below sets out the outcome of the consultation:

Scheme	Response Rate	Positive	Negative
Fleet/Elizabeth/Rook Streets	43%	94%	6%
Leamington/Meredith/Beaufort Streets	60%	100%	0%
Garden Street	54%	100%	0%
Every Street	85%	100%	0%
Hargreaves Street	67%	100%	0%
Brunswick/Railway/Bradshaw Streets	100%	100%	0%
Thomas/Bentley/Beaufort Streets	54%	100%	0%

4. In the case of existing schemes, although there are some variations in response rates, the response to the schemes and the need to maintain them is overwhelmingly favourable. Residents were advised that no response would be taken as them wanting to keep the gates.
5. Members are asked to agree these schemes are included in a PSPO that will allow them to continue for a further three years. A further consultation exercise and extension to the PSPO will be required in 2019.
6. Following a request from a member of the public, consultation has also been carried out with residents in the Malvern Road and Glenfield Road area of Nelson. The concern was regarding speeding vehicles using the back street of Malvern Road as a cut through and anti social behaviour in the back street.
7. The outcome of consultation with residents was a concern regarding having gates on Glenfield Road however there was a universally favourable response to a scheme to alley gate between 9 and 37 Malvern Road. This will address the speeding vehicle issue and the main ASB issues which tend to occur in the section of back street adjacent to the mill.
8. Consultation with partners was also favourable with the only condition being requested by Environmental Services that the gates are open for access to waste collection every day (except Christmas Day) between the hours of 7.30am and 4.00pm. Residents have indicated they are prepared to do this.
9. The PSPO will describe:
 - The reasons for making the PSPO
 - 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
 - How access will be restricted by the use of lockable alley gates
 - The responsibility of residents to keep the alley gates closed and locked and the back street clear of rubbish other than in bins or bags provided by the Council or awaiting collection under the bulky rubbish scheme
 - The alternative route for pedestrians

- Responsibility for maintenance of the gates which will be with the Council unless and until the responsibility transfers to another body
 - The method of contact if there is an issue with the gates
 - The penalty associated with a breach of the PSPO
 - How to challenge the making of the PSPO if a member of the public feels it is unreasonable
10. The existing schemes will require signage to meet the statutory requirements of the PSPO legislation. The cost of the signage can be met from the community safety budget.
11. The Malvern Road scheme attracts a cost of £3000 for manufacture, installation and signage. Members are asked to consider the implementation of the scheme by inclusion in the PSPO for existing schemes and meeting the cost of the scheme from its capital programme.

IMPLICATIONS

Policy: The legislation reinforces the continuing role of the Council in responding to anti-social behaviour

Financial: The alley gate maintenance budget has been reduced to £300 in 2016/17. The cost of signage for the existing scheme can be met from the community safety budget in the current financial year. The cost of the Malvern Road scheme is estimated at £3000 and will need to be met from the Committee's capital programme.

Legal: The Council has the lead role on the use of PSPOs. Members of the public have a right of appeal on the basis the Council did not have the power to make the order or to include particular prohibitions or requirements or that one or more of the preliminaries has not been complied with (eg consultation). Appeals are heard in the High Court.

Risk Management: The legislation supports those elements of the Risk Management Plan relating to community safety; environmental crime and environmental protection.

Health and Safety: Direct intervention in the enforcement of breaches poses a risk for the staff involved which is mitigated through the Council's risk assessments, lone working policy, use of the Volcano database and working in partnership with other agencies.

Sustainability: The legislation supports those elements of the Sustainable Communities Strategy relating to community safety; environmental crime and environmental protection.

Community Safety: The legislation re-enforces the continuing role of the Community Safety Partnership; the Partnership Plan and local delivery on community safety within an area and county based strategic landscape.

Equality and Diversity: The legislation was subject to a detailed government impact assessment.