

REPORT FROM: NEIGHBOURHOOD SERVICES MANAGER

TO: COLNE AND DISTRICT COMMITTEE

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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.

RECOMMENDATION

That the Committee considers the outcome of consultation with residents benefiting from alley gate schemes and agrees a PSPO to allow the schemes to continue

REASON FOR RECOMMENDATION

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

ISSUE

1. At its 4 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 Colne where alley gate schemes are already in place.
3. The table below sets out the outcome of the consultation:

| Scheme | Response Rate | Positive | Negative |
|----------------------------------|----------------------|-----------------|-----------------|
| Sutherland/Crabtree Streets | 41% | 100% | 0% |
| Calder/Sutherland Streets | 38% | 100% | 0% |
| Crabtree/Smith Streets | 50% | 95% | 5% |
| Cumberland/Cross Skelton Streets | 56% | 80% | 20% |
| Mason Street | 50% | 100% | 0% |

4. 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. 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
7. 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.

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.

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.