

REPORT FROM: Chief Executive
TO: Nelson Committee
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Public Spaces Protection Orders: Alley Gates

PURPOSE OF REPORT

To seek authority to include an alley gate scheme at Malvern Road, Nelson as a variation to a current Public Spaces Protection Order

RECOMMENDATIONS

- (1) **That the Committee considers a request from residents at Malvern Road, Nelson to include an alley gate scheme in the back street in a current Public Spaces Protection Order**

REASON FOR RECOMMENDATIONS

- (1) **To address the concerns of local residents that without an alley gate in place the back street will continue to attract anti-social behaviour**

ISSUE

1. At its 9 January 2017 meeting the Committee agreed a Public Spaces Protection Order for the then existing alley gate schemes in Nelson.
2. Between August and November 2016 consultation was carried with residents in Malvern Road where an alley gate scheme has been proposed. 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.

3. There was a universally favourable response to a scheme to address a speeding vehicle issue and associated ASB issues in back street to 9 – 37 Malvern Road, Nelson.
4. The PSPO describes:
 - 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
5. If agreed formal consultation will take place, with the Police and Lancashire County Council in particular, before a variation is made. Residents and local business which may be affected will also be made aware.
6. The original Malvern Road scheme, creating a restricted area within two gates, would have cost £3000 for manufacture, installation and signage. Residents and officers believe the desired affect can be achieved by a single gate at the junction of back Malvern Road and New Street at a cost of £1500-£1800.
7. The cost can be met entirely from resident contributions (already committed) and Ward Initiative funding from Members of both the Town Council (already received) and Borough Council. No work will be committed until all funds are in hand.

IMPLICATIONS

Policy: The legislation and its use reinforces the continuing role of the Council in responding to anti-social behaviour and helping to create and sustain resilient communities

Financial: The cost of the scheme can be met from resident contributions and ward initiative funding from Members of Nelson Town Council and the Borough Council.

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.