

<b>DECISION TITLE: Review of former Gating Orders and Designated Public Place Orders and Request to re-implement Public Spaces Protection Orders</b>
<b>Councillor Irene Walsh, Cabinet Member for Communities</b>
<b>September 2020</b>
<b>Deadline date: 19th October 2020</b>

Cabinet portfolio holder: Responsible Director:	Councillor Irene Walsh, Cabinet Member for Communities Wendi Ogle-Welbourn, Executive Director for People and Communities
Is this a Key Decision?	YES If yes has it been included on the Forward Plan: YES Unique Key decision Reference from Forward Plan: KEY/17AUG20/01
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	NO

<b>R E C O M M E N D A T I O N S</b>
The Cabinet Member is recommended to:
<ol style="list-style-type: none"> <li>1. The Cabinet Member is recommended to authorise the re-implementation of Public Space Protection Orders under Sections 60 and 61 of the Anti-Social Behaviour, Crime &amp; Policing Act 2014.</li> </ol>

**1. PURPOSE OF THIS REPORT**

1.1 This report is for Councillor Walsh, Cabinet Member for Communities to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (d).

**2. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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### 3. BACKGROUND AND KEY ISSUES

3.1 Under the Anti-social Behaviour Crime and Policing Act 2014, Gating Orders and Designated Public Place Orders (DPPOs) were replaced by Public Space Protections Orders (PSPOs). Gating Orders previously implemented under Section 129 of the Highways Act 1980 and DPPOs previously implemented under Section 13 of the Criminal Justice and Police Act 2001 converted to PSPOs in October 2017 for a duration of 3 years. For orders to continue beyond this date for a further 3 years, they must be reviewed and re-implemented prior to 20<sup>th</sup> October 2020.

3.2 The former Designated Public Place Orders which converted to PSPOs in October 2017 are:

- Herlington Centre, Eldern and Paynels in Orton Longuville (DPPO Order 1)
- Orton Centre and Oakleigh Drive in Orton Waterville (DPPO Order 3)
- Church Lane in Orton Waterville (DPPO Order 6)
- Dogsthorpe (DPPO Order 8)
- Regional College area, Park Ward (DPPO Order 4c)
- Eastfield Road, Eastfield (DPPO Order 9)

Additional DPPOs have been superseded by the City Centre PSPO, Woodston PSPO and Millfield, New England, Eastfield and Embankment PSPO.

3.3 Conditions of the DPPOs related to the consumption of alcohol and gave Police officers powers to require a person in the DPPO area not to consume alcohol in that area if the officer reasonably believes that they have, or intend to do so. Officers also had the power to ask individuals to surrender or dispose of any open or sealed containers of alcohol in their possession. Failure to comply could result in a fine, arrest or prosecution. However the orders did not prevent people from consuming alcohol on licensed premises or within their own gardens within the order area.

3.4 The former Gating Orders which converted to PSPOs in October 2017 are:

- Crabtree, Paston - Patson & Walton Ward
- Larch Grove - Dogsthorpe Ward
- Welland Road, Furze Ride Laburnum Grove – Dogsthorpe Ward
- Coneygree Road/Scott Close - Stanground South
- Goodacre - Orton Longueville Ward

Gating Orders enabled access to alleyways to be restricted where crime and anti-social behaviour were being committed and alternative routes could be provided. Access was not restricted to those who occupied premises adjoining or adjacent to the alleyway, or those authorised by the local authority to carry out necessary works within the alleyways i.e. emergency services and utility providers.

3.5 The ASB, Crime & Policing Act states:

#### **S.59 Power to make orders**

(1)A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.

(2)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.

(3)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.

### **S.60 Duration of orders**

(1)A public spaces protection order may not have effect for a period of more than 3 years, unless extended under this section.

(2)Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—

(a)occurrence or recurrence after that time of the activities identified in the order, or

(b)an increase in the frequency or seriousness of those activities after that time.

3.6

(3)An extension under this section—

(a)may not be for a period of more than 3 years;

(b)must be published in accordance with regulations made by the Secretary of State.

(4)A public spaces protection order may be extended under this section more than once.

3.7

In July of this year a review of contacts to the council as well as incidents and reports to the Police was conducted for all the former Gating Orders to identify current crime and anti-social behaviour levels for each of the respective areas. The temporary gating at Welland Close and Crocus Grove was also included within this review. Views were sought from the Police, Highways and Cross Keys Homes and the council’s Legal services in determining whether the two conditions would be met to re-implement the orders. A report of the review of gating PSPOs and recommendations is included at **Appendix 1**. Research was also conducted on the reports made to the council and the Police in relation to general and alcohol-related anti-social behaviour. A report of the DPPO reviews is included at **Appendix 2**.

3.8

As a result of the reviews of the former Gating Orders and DPPOs, it was considered by the Prevention & Enforcement Service and the council’s Legal Services that there is the evidence for the Local Authority to be satisfied on reasonable grounds that the conditions are met under Section 60 of the ASB, Crime & Policing Act 2014 to re-implement the following PSPOs:

- Goodacre, Orton Goldhay
- Coneygree Rd/Scott Close, Stanground
- Larch Grove, Dogsthorpe

- Furze Ride/Welland Rd, Dogsthorpe

There are also reasonable grounds under Section 59 to implement a PSPO for Welland Close/Crocus Grove, Dogsthorpe.

Research identified that the remaining former Gating and DPPO orders are in areas that are not experiencing high levels of crime or ASB, or the orders are no longer considered fit for purpose. As such, the conditions have not been met to re-implement these orders and they will expire on 20<sup>th</sup> October 2020. These areas will be kept under review and consideration will be given to implementing PSPOs in the future if the need arises.

#### 4. CONSULTATION

4.1 In accordance with Section 72 of the ASB, Crime & Policing Act 2014, the Acting Police & Crime Commissioner and Chief Constable were consulted on the proposed Public Space Protection Orders for the following areas:

- Goodacre, Orton Goldhay
- Coneygree Rd/Scott Close, Stanground
- Larch Grove, Dogsthorpe
- Furze Ride/Welland Rd, Dogsthorpe
- Welland Close/Crocus Grove, Dogsthorpe

4.2 The Acting Police & Crime Commissioner for Cambridgeshire, Ray Bisby, has given his support for the re-implementation of the existing gating PSPOs as well as support for the implementation of a PSPO for Welland Close and Crocus Grove.

4.3 A response on behalf of Nick Dean, Chief Constable for Cambridgeshire Constabulary by Neighbourhoods Inspector Karl Secker has also been received in support of re-implementing the four PSPOs and implementation of a PSPO for Welland Close and Crocus Grove.

4.4 Key interested parties and those who visit, live and work in the vicinity of the five order areas were consulted from 1<sup>st</sup> August 2020 to 28<sup>th</sup> August 2020. Letters were sent by post to residents in the localities, notifying them of the proposed orders and how to make comments on the proposals either in writing or via the public online survey. Key interested parties were notified of the consultations by direct mail. Notices of the proposed orders and consultations were also installed on the gates and paper copies of the consultation documents were also available on request.

4.5 A combined total of 25 consultation responses were received, including comments from three Ward Councillors, Orton Longueville Parish Council and Cross Keys Homes.

4.6 **Goodacre, Orton Goldhay** – a copy of the draft order, notice, map and consultation document can be found at **Appendix 3**. Four responses were received to the consultation for re-implementing this order and retaining gates and all were in favour. Comments included: *“Before the Gating Order was in place there was damage to my property, drug taking and anti-social behaviour which was reported numerous times a week to the Police. Since the gates have been installed this has all stopped.”* Also, a representative from a Orton Longueville Parish Council commented: *“The predecessor to this order for gating has definitely reduced ASB and other criminal activity in the affected area/s. As we know from residents, visitors and workers alike, the rat-run was a great cause of concern some years back, due to fly tipping, graffiti, criminal damage, as well as being a hotspot/gathering for cannabis users, and there was evidence of other harmful drug paraphernalia which was left*

*in full sight of residents/ general public (including children & young people). Given these facts, there is clear proof that crime reduction ensues from such an order, so we remain satisfied that a further PSPO for 3 years should be implemented.”*

4.7 **Coneygree Road & Scott Close, Stanground** – a copy of the draft order, notice, map and consultation document can be found at **Appendix 4**. Eight responses were received in relation to the proposals to re-implement this order. Two Ward Councillors responded in favour of retaining the gates at the location due to their effectiveness at reducing anti-social behaviour and damage to fences and property. Comments from one resident was: *“After speaking with neighbours and hearing of the criminal activity which resulted in the gating order, I am in favour of the gating order as it demonstrates a considerable reduction in anti-social behavior and burglaries in the area and the gates are effectively serving their purpose to sustain the current low levels of crime in the immediate area.”* A resident commenting in support of re-implementing the order stated: *“Since these gates have been installed, we in Scott Close have had no problems and it has been a lot nicer place to live.”* One resident responded with comments against the re-implementation of the order stating that they had moved to the area after the gates had been installed and that they didn’t consider that the gates were attributing to the reduction in crime and anti-social behaviour in the area. However, given the support from Statutory Consultees, Ward Councillors and other residents it is considered appropriate to proceed with the proposal to re-implement the Coneygree Road and Scott Close Public Space Protection Order.

4.8 **Larch Grove, Dogsthorpe** - a copy of the draft order, notice, map and consultation document can be found at **Appendix 5**. Six consultation responses were received all of which were in favour of the proposals to re-implement this PSPO. Comments in favour to continue with gating came from a Ward Councillor and Cross Key’s Homes’ scheme manager for Larch Grove. Comments make reference to how the elderly residents feel secure and safe with the gated alleyways and how they have reduced the anti-social behaviour within the area. There is still some ASB being experienced in nearby areas and to remove the gates would make the residents feel even more vulnerable than they already do.

4.9 **Furze Ride/Welland Road, Dogsthorpe** - a copy of the draft order, notice, map and consultation document can be found at **Appendix 6**. Three responses were received by residents in the Furze Ride and Welland Road area and all were in support of the re-implementation of the order. Comments referred to the fact that since the alleyway had been gated, residents have no longer experienced damage to their fences, needles and rubbish thrown into their garden or groups congregating and causing ASB.

4.10 **Welland Close/Crocus Grove, North Ward** - a copy of the draft order, notice, map and consultation document can be found at **Appendix 7**. Four responses were received by from local residents in favour of the gates remaining and an order being implemented. One resident commented: *“Previous to the gates at Welland Close there were numerous incidents of criminal damage to fencing and cars on Welland Close, drug dealing, arson and illegal motorcycles in the alleyway itself. Gating the area has transformed Welland Close into a nice quiet area. I fully support the proposal to re-implement the Welland Close gating order.”*

## 5. ANTICIPATED OUTCOMES OR IMPACT

5.1 Residents will continue to benefit from low levels of crime and anti-social behaviour and increased feelings of safety and security.

5.2 The quality of life in the proposed areas will be maintained, which will make Peterborough a better place to live, work and visit.

5.3 The ongoing protection of vulnerable residents who live in close proximity to the gated areas.

## **6. REASON FOR THE RECOMMENDATION**

6.1 Given the reduction in crime and ASB in the gated areas and the support received from Statutory Consultees, Councillors, residents and a parish council; it is considered justified and proportionate to recommend the re-implementation of the following Orders for a further three years to October 2023:

- Public Spaces Protection Order – Gating of Goodacre
- Public Spaces Protection Order – Gating between 217 and 219 Coneygree Road and between 12 and 14 Scott Close
- Public Spaces Protection Order – Gating of Larch Grove
- Public Spaces Protection Order – Gating of Furze Ride and Welland Road

6.2 It is also recommended that a Public Spaces Protection Order – Gating of Welland Close and Crocus Grove is implemented.

6.3 Continuation of the gating Public Space Protection Orders will directly enable the Local Authority and the Safer Peterborough Partnership achieve the objectives to 'Keep our communities safe, cohesive and healthy' and 'Tackling anti-social behaviour.'

6.4 The Public Space Protection Orders will continue to prevent crime and anti-social behaviour in the gated areas, thus improving the quality of life for people who live, work and visit these areas of Peterborough and protecting vulnerable persons.

## **7. ALTERNATIVE OPTIONS CONSIDERED**

7.1 Do nothing and let the existing gating Public Space Protection Orders expire – this would have a detrimental impact on the quality of life for those who live in the vicinity of the gated areas, several of whom are vulnerable and have previously been victims of crime and ASB which lead to the implementation of the original gating orders. This would negatively impact the public's confidence in the council and would likely result in a rise in crime and ASB levels within the order areas and increase demand on public services.

## **8. IMPLICATIONS**

### **Financial Implications**

8.1 It is not anticipated that there will be any financial costs associated with re-implementation/implementation of the PSPOs for gating at:

- Goodacre, Orton Goldhay
- Coneygree Rd/Scott Close, Stanground
- Larch Grove, Dogsthorpe
- Furze Ride/Welland Rd, Dogsthorpe
- Welland Close/Crocus Grove, Dogsthorpe

8.2 Gates are already in situ since the original orders were implemented. Temporary signage will be affixed to the gates notifying the public of the orders (costs negligible) and details of the orders will be available on the council's website.

8.3 Breach of PSPOs is a criminal offence, resulting in a fine of up to £1,000 or a Fixed Penalty Notice of £100. Any revenue from fines will be re-invested into delivering services.

## **Legal Implications**

- 8.4 The Orders, if implemented, will be in line with legal guidance and advice. Any prosecutions as a result of non-payment of Fixed Penalty Notices and persistent breaches will continue to be carried out in line with current process between the council's Legal Services and the Prevention & Enforcement Service.

## **Equalities Implications**

- 8.5 This report does not specifically highlight equalities implications. However, in discharging its responsibilities the Council is required to comply with equalities and human rights legislations.
- 8.6 The council maintains its approach regarding breaches of Public Space Protection Orders committed by individuals who are homeless and have no income and does not issue FPNs in these circumstances. Alternatively, officers will engage with individuals and refer and signpost them to support services. If the individual does not engage with support services and persists in breaching the PSPO conditions, evidence is gathered of further breaches and alternative interventions are considered. These may include Community Protection Warnings and Notices, Civil Injunctions or Criminal Behaviour Orders – all of which can be used to positively require people to engage with support services as well as prevent them from committing further breaches.

## **Carbon Impact Assessment**

- 8.7 See Appendix 8 – anticipated impact is neutral.

## **9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED**

- 9.1 None.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

- 10.1 None.

## **11. APPENDICES**

- 11.1 Appendix 1 - Review of Gating Orders July 2020  
Appendix 2 - Review of DPPOs July 2020  
Appendix 3 - Goodacre PSPO documents  
Appendix 4 - Coneygree Rd Scott Close PSPO documents  
Appendix 5 - Larch Grove PSPO documents  
Appendix 6 - Furze Ride Welland Rd PSPO documents  
Appendix 7 - Welland Close Crocus Grove PSPO documents  
Appendix 8 - Carbon Impact Assessment