

DECISION TITLE: Request to re-implement Public Spaces Protection Orders for Gating
Councillor Steve Allen, Deputy Leader and Cabinet Member for Housing & Communities
September 2023
Deadline date: 11 October 2023

Cabinet portfolio holder: Responsible Director:	Councillor Steve Allen, Deputy Leader and Cabinet Member for Housing & Communities Adrian Chapman, Executive Director, Place & Economy
Is this a Key Decision?	YES If yes has it been included on the Forward Plan: YES Unique Key decision Reference from Forward Plan: <u>KEY/31JUL23/03</u>
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

R E C O M M E N D A T I O N S
The Cabinet Member is recommended to:
<ol style="list-style-type: none"> 1. Authorise the extension of the Public Spaces Protection Orders for Gating as listed in this document and in the areas as shown in the plans included at Appendix 2 for a further 3 years until October 2026. 2. Delegate authority to the Executive Director Place and Economy and Director of Legal and Governance and Monitoring Officer to take all necessary steps to implement the decision in recommendation 1.

1. PURPOSE OF THIS REPORT

- 1.1 This report is for Councillor Steve Allen, Deputy Leader and Cabinet Member for Housing & 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.

2. **TIMESCALES**

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

- 3.1 The council has a total of six Public Spaces Protection Orders (PSPOs) for the gating of alleyways at various locations across the city, five of which were implemented on 12 October 2020 and require review, consultation and re-implementation if they are to remain for a further three years after the current orders expire on 11 October 2023.

- 3.2 The Gating PSPOs which were implemented on 12 October 2020 and have been reviewed and re-consulted on with the proposal to extend until October 2026 are:

- Larch Grove – Dogsthorpe Ward
- Welland Road, Furze Ride, Laburnum Grove – Dogsthorpe Ward
- Coneygree Road/Scott Close – Stanground South
- Goodacre – Orton Longueville Ward
- Welland Close and Crocus Gove – North Ward

- 3.3 The other PSPO for gating relates to the Public Spaces Protection Order for Kings Walk, which was implemented on 2 November 2022 and does not expire and require a review until November 2025, and is therefore not included in this process.

- 3.4 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) 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.]

3.5 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 five PSPOs for Gating to identify current crime and anti-social behaviour levels for each of the respective areas. 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**.

3.6 As a result of the reviews of the PSPOs for Gating, it was considered by the Safer Communities 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
- Welland Close and Crocus Grove, North Ward

4. **CONSULTATION**

4.1 In accordance with Section 72 of the ASB, Crime & Policing Act 2014, the Police & Crime Commissioner and Chief Constable were consulted on the proposal to extend the 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, North Ward

The Police & Crime Commissioner for Cambridgeshire, Daryl Preston, has given his support for the re-implementation of all five of the PSPOs for gating.

A response on behalf of Nick Dean, Chief Constable for Cambridgeshire Constabulary has also been received in support of extending the five PSPOs for gating for a further 3 years.

4.2 Key interested parties and those who visit, live and work in the vicinity of the five order areas were consulted from 14 July 2023 to 11 August 2023. Letters were sent by post to residents in the localities, notifying them of the proposed orders and how to make comments on the proposals. Key interested parties were notified of the consultations by direct email. Notices

of the proposed orders were also installed on the gates and paper copies of the consultation documents were also available on request. Information on the consultation was also accessible on the council's website.

A combined total of 16 consultation responses were received, including comments from residents, Ward Councillors and Cross Keys Homes and statutory consultees.

4.3 **Goodacre, Orton Goldhay** – a copy of the draft order and map can be found at **Appendix 2**. A response in favour was received from Cross Keys Homes. No objections were received.

Coneygree Road & Scott Close, Stanground – a copy of the draft order and map can be found at **Appendix 3**. Three residents responded in support of the proposals to re-implement this order. Ward Councillor, Councillor Harper, responded in favour of retaining the gates at the location due to their effectiveness at preventing crime and anti-social behaviour. No objections were received.

Larch Grove, Dogsthorpe - a copy of the draft order and map can be found at **Appendix 4**. Responses in favour to continue with gating came from Cross Key's Homes', Councillor Dennis Jones, Councillor Ishfaq Hussain as well as from a local resident who stated: "*It makes me feel secure knowing that gate is there and access into the back of my bungalow is protected.*" No objections were received.

Furze Ride/Welland Road, Dogsthorpe - a copy of the draft order and map can be found at **Appendix 5**. Responses in favour to continue with gating for three more years came from Cross Key's Homes', Councillor Dennis Jones and Councillor Ishfaq Hussain. No objections were received.

Welland Close/Crocus Grove, North Ward - a copy of the draft order, notice, map and consultation document can be found at **Appendix 6**. Two responses were received by from local residents in favour of the gates remaining and an order being implemented. One resident commented: "*Previous to the gating some years ago life could only be described as 'hell' for the residents of Welland Close due to arson attacks on fences, drunks vandalising cars, drug dealing and illegal motorcycles to name a few things all due to the access through this area.*" No objections were received.

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 and residents, it is considered justified and proportionate to recommend the re-implementation of the following Orders for a further three years to October 2026:

- 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
- Public Spaces Protection Order – Gating of Welland Close and Crocus Grove

6.2 Continuation of the 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.’

6.3 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 of the five PSPOs for gating.

Gates are already in situ since the original orders were implemented. Details of the orders will be available on the council's website.

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

8.2 The council has power under section 59 of the Anti-Social Behaviour, Crime & Policing Act 2014 to make Public Spaces Protection Orders.

The necessary review, consultation, publicity and notification to extend the existing Public Spaces Protection Orders has been carried out in accordance with Chapter 2, Sections 60 and 72 of the Anti-social Behaviour, Crime & Policing Act 2014.

The Order, 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

8.3 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.

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

8.4 See **Appendix 7** – 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 2023
- Appendix 2 - Goodacre PSPO documents
- Appendix 3 - Coneygree Rd Scott Close PSPO documents
- Appendix 4 - Larch Grove PSPO documents
- Appendix 5 - Furze Ride Welland Rd PSPO documents
- Appendix 6 - Welland Close Crocus Grove PSPO documents
- Appendix 7 - Carbon Impact Assessment