

RECORD OF INDIVIDUAL EXECUTIVE DECISION MADE BY AN OFFICER

Decision Maker	Decision Type	Date
Jill Beaumont	Administrative Decision	19 / 10/ 18

PROPOSED PUBLIC SPACES PROTECTION ORDER –

The alleyway that runs to the rear of the properties 48-70 Langham Road, 53-69 Burlington Ave

Exempt/Confidential Report		No
Key Decision		No

Decision (s) ¹

Fit proposed alleygates.

Reasons for the decision(s)²

To reduce Crime & Anti Social Behaviour. There is anecdotal evidence from residents within the proposed scheme.

Options/Alternatives considered ³

Target Harden all properties.

Conflict of Interest declared⁴

¹ Brief details of the decision should be inserted. This note must set out the substance of the decision, options considered and the reason for deciding on the chosen option, although care must be taken not to disclose any confidential or exempt information. Please include proposed timescales for commencement and / or completion of implementation as appropriate.

² Reasons for the decision must be given.

³ Options must be given.

⁴ If none, please state none. No Member having a disclosable pecuniary interest or officer having an interest in any matter (whether pecuniary or otherwise required to be declared) should take a decision in relation to that matter. Other interests of a

None

J. Beaman

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(Signature of Director)

.....

(In consultation with relevant Cabinet Member if required)

Decision made pursuant to:

- a) General delegation under the Council's officer scheme of delegation. Non-contract decisions up to £250k.**

non-disqualifying nature should be recorded here. Any dispensation in place in relation to the matter should also be recorded here. This may include other elected Members, officers, stakeholders and the local community.

⁵ The signatory must be duly authorised by Executive Director to make a decision in accordance with the relevant sub-delegation scheme. It is not acceptable for the signature to be 'pp' for the authorised signatory.

Delegated Officer Report

Decision Maker: Jill Beaumont, Director Children's Social Care and Early Help

Date of Decision:

Subject: Proposed Public Spaces Protection Order

Report Author: Colin Cockcroft, Community Safety Officer

Ward (s): Medlock Vale

Reason for the decision: The purpose of this report is to seek approval to make a Public Spaces Protection Order pursuant to powers contained in Sections 59 to 65 of the Anti-Social Behaviour, Crime and Policing Act 2014. The proposed terms of the Order are the installation of gates on the highway, as detailed on the map in Schedule 1 and the imposition of restrictions upon other behaviours within the gated area, as detailed in Schedule 2.

Summary: Alleyway that runs to the rear of 48-70 Langham Road and 53-69 Burlington Ave in a SSE direction for a distance of 69m and is 3.7m wide.

Before making a Public Space Protection Order, the Council must be satisfied on reasonable grounds that two conditions are met.

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.

The second condition is that the effect, or the 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 Order.

In addition to the conditions specified above, the Council may not make a public spaces protection order that restricts the public right of way over a highway without considering the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway, the likely effect of making the order on other persons in the locality and in the case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

The alternative to installing gates is to 'target harden' all properties on either side of the alleyway, however the nature of some of the crimes and incidents and the cost of such action makes this alternative unrealistic and cost prohibitive.

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.

Ward members have requested the PSPO and the funding of gates will be directly from Members' budgets.

Consultation has been completed by letter to potentially affected persons, as defined in Section 64(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 specifically;

1. All occupiers of premises adjacent to or adjoining the highway; and
2. Any other persons in the locality who are likely to be affected by the Order.

A total of 21 households and premises have been written to regarding the proposals for public space protection orders. There have been 21 responses to the direct consultation and there are no objections, therefore 100% of all direct local consultees are in support of the proposal, Oldham Council's Policy on gating requires a minimum of 90% of persons affected to be in favour. 100% of residents that responded supported the application. In every individual proposal the minimum percentage of persons supporting the application has been reached and exceeded. The residents supporting the



proposals provide much by the way of anecdotal evidence of burglary, anti-social behaviour,

annoyance, damage etc. as their reasons for supporting the applications. All these replies are in the possession of the CSS and can, if required, be made available.

It is recommended that the proposal to gate the highways, detailed in the schedule at the end of this report, be advertised and where no objections are received the Order to gate shall be made, but where objections are unresolved the Traffic Regulation Order Panel will be used to determine the merits of the proposal.

Further consultation details can be found at Appendix 1

Recommendation(s):

The preferred option is the making of the Public Spaces Protection Order with the terms detailed in Schedules 1 and 2 (Appendix 2).

The cost of erecting and installing the gates will be met by funding identified by the District Partnership.

It is proposed to prevent access to all traffic (including pedestrian) with the exception of residents, persons with the residents' permission, persons having a private right of access and the Statutory Undertakers. Alternative routes are shown at Schedule 1.

Implications:

*What are the **financial** implications?*

Capital

The costs of the preferred option are capital and amount to £2035. The cost of manufacturing, erecting and installing the gates will be met by funding identified by the District Partnership from existing budgets (Members).

Revenue

The ongoing costs of maintaining these schemes will be met from the existing Community Safety Services Budget.



What are the **procurement** implications?

Supplier of gates and signage have been through full procurement process.

What are the **Human Resources** implications?

Not Applicable

Equality and Diversity Impact Assessment attached or not required because (please give reason)

A specific EIA has not been completed. During the consultation period, there has been analysis of all the available information included and exploration of disability and language issues. The approval rate has been achieved and there are no implications with these issues.

What are the **property** implications

Any new gates installed will be a new asset of the Council.

Risks:

The proposal has no direct effect on health and safety issues in the area.

The proposals will improve the security of residential properties in the areas, reducing the opportunity for crime and reducing the fear of crime for residents.

The improved security of the area will enhance the feeling of wellbeing and quality of life, positively affecting the liveability aspect of the community.

Co-operative agenda

The making of the Public Space Protection Order is fully aligned with the Council's Co-operative agenda in creating safe neighbourhoods.

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?

Yes (A Evans)

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?

Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council?

No

List of Background Papers under Section 100D of the Local Government Act 1972:

Title	Available from
Public Spaces Protection Order Policy	Community Safety Services
Anti-Social Behaviour, Crime and Policing Act 2014	Officer Name: Mrs Lorraine Kenny Contact No: 0161 770 1582

Report Author Sign-off:	
Colin Cockcroft	
Date: 11th October 2018	

Please list and attach any appendices:-

Appendix number or letter	Description
1	Consultation Information
2	Schedules 1 and 2 – Proposed map of PSPO area and terms to be applied within restricted area.

In consultation with Director

Signed : *J. Beavman*

Date: 19 / 10 / 18

Consultation Information

Consultation has been undertaken by letter and personal door knocking along with the additional persons to be served with notices of orders, as listed in Statutory Instrument 2003 no.1479 such as Police, Fire, Ambulance, and Statutory Undertakers. The Ramblers Association and Open Spaces Society have also been informed of this application. Details of direct consultee's can be found at Appendix B.

Results of the consultation: 21 letters sent, 21 returned and 21 for the proposal.

Location	Letters sent/visits made	Responses returned	Responses For	Responses Against
The alleyway that runs to the rear of the properties 48-70 Langham Road, 53-69 Burlington Ave	21	21	21	0

Comments from consultation

Flytipping & ASB

List of Direct Consultees

Residents

Langham Road 48 to 70
Burlington Ave 53 to 69

Emergency Services

Oldham Police

PC Mike Evans
GMP Traffic Management Unit

Community Fire Safety Officers
Greater Manchester Fire & Rescue Service

Greater Manchester Ambulance Service

Statutory Undertakers

Openreach (British Telecom)

Energis Communications

Easynet Telecom Ltd.

Norweb Distribution

Your Comms

Virgin Media

The National Grid Co. PLC

National Grid
Plant Protection (Gas mains)

United Utilities Plc

Cable & Wireless

Ramblers / Pedestrian Associations

Mr. John Walton
The Ramblers Association

The Peak and Northern Footpaths Society

Kate Ashbrook
Open Spaces Society

Chief Constable – Greater Manchester Police

GM Mayors Office



Schedule 2

Proposed Terms of Public Spaces Protection Order-

1. This Order applies to the public places described in the Schedule to this Order and shown hatched in red on the plan annexed to this Order (“the Restricted Area”).
2. Except as provided in Articles 5 and 6 to this Order, no person shall use the public right of way over the Restricted Area at any time.
3. Gates may be installed, operated and maintained at each end of the Restricted Area by the Council.
4. Any person using the gates referred to in Article 3 to gain access to or from the Restricted Area shall ensure that the gates are closed and locked immediately after they are used.
5. The restriction in Article 2 to this Order shall not apply to any person who occupies premises adjoining or adjacent to the Restricted Area.
6. The restrictions in Articles 2 and 4 to this Order shall not apply to any police, ambulance or fire service personnel acting in pursuance of statutory powers or duties or to any statutory undertakers, gas, electricity, water or communications provider requiring access to their apparatus situated in the Restricted Area.
7. No waste or household item shall be deposited, stored or discarded in the Restricted Area. This restriction shall not apply to any wheeled bin or other receptacle for the storage of waste where the Council has given written consent for the wheeled bin or receptacle to be stored in the Restricted Area.
8. No wall or other structure, either temporary or permanent, shall be built, erected or installed in the Restricted Area
9. A person in charge of a dog shall be guilty of an offence if, at any time in the Restricted Areas he does not keep the dog on a lead.
10. If a dog defecates at any time in the Restricted Area and a person who is in charge of the dog at the time fails to remove the faeces from the Restricted Area forthwith, that person shall be guilty of an offence.
11. For the purposes of Articles 9 and 10:
 - a) A person who habitually has a dog in his/her possession shall be taken to be in charge of the dog unless at that time some other person is in charge of the dog;
 - b) Placing the faeces in a receptacle in the Restricted Area which is provided for that purpose or for the disposal of waste, shall be sufficient removal from the Restricted Area;

- c) Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise) or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces
12. Any person who, without reasonable excuse, fails to comply with the requirements of Articles 2, 4, 7, 8, 9 or 10 of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

SCHEDULE

The alleyway that runs to the rear of 48-70 Langham Road and 53-69 Burlington Ave in a SSE direction for a distance of 69m and is 3.7m wide.