

## RECORD OF INDIVIDUAL EXECUTIVE DECISION MADE BY AN OFFICER

<b>Decision Maker</b>	<b>Decision Type</b>	<b>Date</b>
Helen Lockwood	Administrative Decision	19 March 2019

### PROPOSED PUBLIC SPACES PROTECTION ORDER –

2-20 Burnaby Street and 69-85 Napier Street West and the alleyway that runs to the rear of 33-43 Frederick street.

<b>Exempt/Confidential Report</b>		<b>No</b>
<b>Key Decision</b>		<b>No</b>

#### Decision (s) <sup>1</sup>

Fit proposed alleygates.

#### Reasons for the decision(s)<sup>2</sup>

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

#### Options/Alternatives considered <sup>3</sup>

Target Harden all properties.

#### Conflict of Interest declared<sup>4</sup>

<sup>1</sup> 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.

<sup>2</sup> Reasons for the decision must be given.

<sup>3</sup> Options must be given.

None

**(Signature of Executive Director/Director)**

Hockwood.

**(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.**

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<sup>4</sup> 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 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.

## **Delegated Officer Report**

**Decision Maker:** Helen Lockwood.

**Date of Decision:**

**Subject:** Proposed Public Spaces Protection Order

**Report Author:** Colin Cockcroft, Community Safety Officer

**Ward (s):** Werneth

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**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:** The alleyway that runs to the rear of 2-20 Burnaby Street and 69-85 Napier Street West which runs in a SW direction for 44m and the alleyway that runs to the rear of 33-43 Frederick street in a SE direction for 32m and both are 3m 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 (A Evans).

***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 25 households and premises have been written to regarding the proposals for public space protection orders. There have been 22 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) except for 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 £2604. 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 <b>procurement</b> implications?	Supplier of gates and signage have been through full procurement process.
<i>What are the <b>Human Resources</b> implications?</i>	Not Applicable
<b>Equality and Diversity Impact Assessment</b> 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.
<i>What are the <b>property</b> implications</i>	Any new gates installed will be a new asset of the Council.
<b>Risks:</b>	<p>The proposal has no direct effect on health and safety issues in the area.</p> <p>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.</p> <p>The improved security of the area will enhance the feeling of wellbeing and quality of life, positively affecting the liveability aspect of the community.</p>
<b>Co-operative agenda</b>	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 Anti-Social Behaviour, Crime and Policing Act 2014	Community Safety Services Officer Name: Colin Cockcroft Contact No: 0161 770 1593

<b>Report Author Sign-off:</b>	
Colin Cockcroft	
<b>Date:</b>	

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/Executive Director

Signed :

*Hockwood.*

Date: 19 March 2019

## 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: 25 letters sent, 22 returned and 22 for the proposal.

Location	Letters sent/visits made	Responses returned	Responses For	Responses Against
2-20 Burnaby Street and 69-85 Napier Street West and the alleyway that runs to the rear of 33-43 Frederick Street.	25	22	22	0

### Comments from consultation

Cleaner environment  
 Reduce burglaries  
 I've been a victim of burglary in the past  
 So intruders don't hang about in the alley way  
 Stop fly tipping

OMBC Highways-no objections

### List of Direct Consultees

#### Residents

2-20 Burnaby Street  
 69-85 Napier Street West  
 33-43 Frederick Street

#### Emergency Services

Oldham Police

GMP Traffic Management Unit

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

Open Spaces Society

**Chief Constable – Greater Manchester Police**

**GM Mayors Office**

Alternate Route Map



Drawn by:	
Division:	
Drawing no:	
Date: 04:02:19	Scale: 1:1250

Oldham Council  
 Civic Centre  
 West Street  
 Oldham  
 OL1 1UT



## 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 Areas”).
2. Except as provided in Articles 5 and 6 to this Order, no person shall use the public right of way over the Restricted Areas at any time.
3. Gates may be installed, operated and maintained at each end of the Restricted Areas by the Council.
4. Any person using the gates referred to in Article 3 to gain access to or from the Restricted Areas 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 Areas.
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 Areas.
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 Areas.
8. No wall or other structure, either temporary or permanent, shall be built, erected or installed in the Restricted Areas
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 Areas and a person who is in charge of the dog at the time fails to remove the faeces from the Restricted Areas 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 Areas which is provided for that purpose or for the disposal of waste, shall be sufficient removal from the Restricted Areas;
  - 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

2-20 Burnaby Street and 69-85 Napier Street West and the alleyway that runs to the rear of 33-43 Frederick street.