

TOURISM, EQUALITIES, COMMUNITIES & CULTURE COMMITTEE ADDENDUM 2

4.00PM, THURSDAY, 16 JUNE 2022

HOVE TOWN HALL - COUNCIL CHAMBER

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ADDENDUM 2

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Brighton & Hove City Council

Tourism, Equalities, Communities and Culture Committee

Agenda Item 9A

Subject: Pool Passage Public Space Protection Order Consultation

Date of meeting: 16th June 2022

Report of: Executive Director Housing, Neighbourhoods and Communities

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Ward(s) affected: Regency

For general release

1. Purpose of the report and policy context

1.1 The purpose of this report is to describe concerns around criminal and antisocial behaviour taking place in and around the Pool Passage twitten which runs between Old Steine with Pool Valley, and to consider the value of a Public Space Protection Order authorising a gating scheme placing access restrictions on the twitten as a remedy to these concerns. (For site plan see appendix 1)

2. Recommendations

2.1 That the committee approve a statutory public consultation on the draft Pool Passage Public Space Protection Order (See appendix 1)

3. Context and background information.

3.1 Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by imposing conditions on the use of that area and may include highway restrictions to limit access to some areas which may be affected by crime and antisocial behaviour. As Pool Passage has a public highway designation a PSPO would be required to implement access restrictions at this location.

3.2 Councils can make a PSPO after consultation with the police, the Police and Crime Commissioner, and other relevant bodies and communities. The following criteria must be met in relation to the behaviour being restricted

- be having a detrimental effect on the quality of life of those in the locality;
- be persistent or continuous;
- be unreasonable.
- justifies the restrictions imposed.

3.3 Where a PSPO is used to restrict a public right of way, the council must consider several things.

- Can they restrict access? At some locations rights of way may not be restricted due to their strategic value.
- What impact will the restriction have? For instance, is it a primary means of access between two places and is there a reasonably convenient alternative route?
- How would a proposed restriction impact upon access to residential property? A PSPO may not be used where access to residential property becomes wholly restricted by the scheme, regardless of the wishes of residents.
- Would a restriction have an impact from an equalities perspective on those with protected characteristics – in particular people with disabilities.

There are also further consultation requirements where access is to be restricted to a public right of way. This includes notifying potentially affected persons of the possible restrictions. This could include people who regularly use the right of way in their day-to-day travel as well as those who live nearby. Interested persons should be informed about how they can view a copy of the proposed order and be given details of how they can make representations and by when. The council should then consider these representations.

3.4 There have been longstanding issues of concern around Pool Passage, and in particular drug dealing and use, street fouling and disorderly and aggressive behaviour, and over the past two years numerous reports have been made by residents and businesses on the passage which highlight the ongoing and serious nature of these reports, which also include assault and attempted robbery. Sussex Police, Community Safety and Cityclean have given support to residents over this period, and the passageway is currently graffiti free and is covered by CCTV installed by residents, however, this does not appear to deter the ongoing criminal and antisocial acts taking place.

3.5 The process which the council has developed for delivery and management of PSPO gating restrictions is that the council undertakes the consultation and scheme development, with the TECC committee making the final decision around the granting of an Order. All other aspects, including the gate design, seeking planning consent if required, and funding the construction installation and maintenance of a gate will become the responsibility of the affected community, and will be subject to a community partnership agreement between the community and the council. Where a PSPO includes a timed restriction, the affected community will also be responsible for locking/unlocking as appropriate.

PSPOs are subject to a three yearly review, and this work will also be undertaken by the council.

3.6 There is limited resource staffing resource to undertake further requests for gating PSPOs in the city.

4. Analysis and consideration of alternative options

Over the past two years, residents have taken all measures at their disposal to try to bring about improvement. This has included regular repainting of graffiti, installing their own CCTV, intervening and engaging with perpetrators where they feel it is safe to do so, and reporting issues consistently to the police and council. Although this has helped, the ongoing and dynamic nature of the problems experienced mean that these approaches have been limited. Residents who have expressed a view strongly feel that a gated access restriction is the only way to secure lasting improvement. This view is echoed and supported by Sussex Police, the Regency ward councillors and Caroline Lucas MP.

The powers to grant PSPO Access restrictions are held within the [Anti-social Behaviour, Crime and Policing Act 2014](#). An important condition within the Act is that;

65 (5) A public spaces protection order may not restrict the public right of way over a highway that is the only or principal means of access to a dwelling.

This means that for Pool Passage the council is unable to grant an order placing an access restriction at both ends of the twitten, however, as the focus of the criminal and antisocial behaviour is held to be strongly linked with the Pool Valley area, it is felt that providing an access restriction at just this end would still offer a valuable intervention and would retain general access to properties at all times via the Old Steine entry. This approach is modelled on a similar situation at Farman Street in Hove where a single gate PSPO restriction has been in place for some years.

5. Community engagement and consultation

- 5.1 Over the past two years the council, ward councillors and Sussex Police have received numerous reports and submissions from residents concerned about criminal and antisocial behaviour on Pool Passage and its impact upon their safety and quality of life. To better understand the issues experienced and be able to inform the investigation around the requested access restriction, all residents and businesses along Pool Passage have been given a Community Safety Survey to complete and a summary of responses to this survey can be found in appendix 2

Comment has also been sought from Sussex Police, and the following submission has been received from the Neighbourhood Policing Team

“As you are aware, the residents of Pool Passage have long suffered repeated anti-social behaviour from members of the public using the Passage to urinate, defecate, use drugs and most recently graffiti. All of these incidents have caused immense distress to the residents and surrounding businesses.

Following the recent graffiti incident, I spoke with Indian Summer and Terre a Terre, the rear of these premises in in Pool Passage, the Turkish Villa Restaurant based in Pool Valley and Griffith Smith Solicitors who were all affected.

Whilst out on patrol I have been in Pool Valley when Chalk nightclub empties and have had to stand at the Pool Valley end of Pool Passage to deter patrons from exiting Chalk and going into Pool Passage to urinate.

I am very strongly of the opinion that a gate the Pool Valley end of the passage would deter a large amount of activity currently disrupting the lives of the residents and creating expense for the local businesses with cleaning up.”

The recommendation of this report is for consent to engage in a further period of statutory consultation, providing additional opportunities for engagement and public scrutiny before a recommendation on a final decision on this request is made.

6. Conclusion

- 6.1 This report sets out the required statutory process to undertake work to consider whether it is appropriate to implement a PSPO in this area. A further report will be brought to committee following that statutory process.

7. Financial implications

- 7.1 Costs for the council in delivering the recommendations of this report are limited to staffing costs and standard administration costs, which will be met from within existing budget resources.

Name of finance officer consulted: Michael Bentley Date consulted
24/05/22

8. Legal implications

- 8.1 A PSPO may be used to restrict the public right of way over a highway in order to prevent anti-social behaviour and may authorise the installation, operation and maintenance of barriers for enforcing the restriction.
- 8.2 Although the Pool Passage Twitten does not fall within the category of highway over which the public right of way may be wholly restricted under ASBCPA, the proposed restriction for just one end of the Passage does fall within the powers of the Act.
- 8.3 The consultation recommended in this report will include relevant statutory and public bodies, residents, and businesses. It will also consider access needs for those with disabilities, particularly around the suitability of alternative access routes, and this will be supported by an Equalities Impact Assessment. As such fulfils the requirements of the ASBCPA.

Name of lawyer consulted: Alice Rowland Date consulted (dd/mm/yy):
06/06/22

9. Equalities implications

- 9.1 The proposal to be consulted upon restricts access and has the potential to impact upon disabled residents, although because of the extreme narrowness of the tway at the point of the proposed restriction, it is likely that residents with mobility impairments would find the Old Steine entry far more accessible regardless of this proposal. This assumption shall be tested in the proposed consultation, and we shall ensure that disability groups are contacted and engaged, alongside all other effected residents

10. Sustainability implications

- 10.1 The proposal subject to the recommended consultation will restrict pedestrian access along Pool Passage at its southern entry, however, because access along this route doesn't offer a strategic or well used local route it is felt that this proposal will have a limited impact on sustainable transport choices and would not result in additional journeys by motorised transport.
- 10.2 Because the activities which we seek to address in the tway are strongly linked to criminal and antisocial behaviour taking place in the locality of Pool Valley, this process may result in reduced criminal and antisocial behaviour in the area, benefiting pedestrian safety more widely.

Crime & disorder implications:

- 11.1 The purpose of the proposed scheme is to support crime reduction, better enable positive policing and offer protection to residents and businesses by addressing crime and antisocial behaviour which is having an impact on their quality of life.

Public health implications:

- 11.2 In seeking to address significant and ongoing neighbourhood disorder, this proposal supports the public health and wellbeing of residents by addressing an ongoing threat their health, wellbeing and safety. For perpetrators – particularly those impacted by drug or alcohol intoxication – Pool Passage offers a very unsafe environment. The level of street fouling and the challenges of cleaning the tway also offers public health concerns.

Supporting Documentation

Appendices

1. Draft Order BRIGHTON AND HOVE CITY COUNCIL (Pool Passage) PUBLIC SPACE PROTECTION ORDER 2022 (including site plan)
2. Community safety survey – summary of responses

DRAFT ORDER

BRIGHTON AND HOVE CITY COUNCIL (Pool Passage) PUBLIC SPACES PROTECTION ORDER 2022

Brighton & Hove City Council in exercise of its powers under Section 59, 64 and 72 of the Antisocial Behaviour, Crime and Policing Act 2014 ("the Act") hereby makes the following Order:-

1. This Order shall come into operation on on xxxxxxxxxxxx and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
2. This Order relates to the footpath known as Pool Passage which runs from Pool Valley to Old Steine as shown on the attached Plan
3. The effect of this Order is to restrict the public right of way over the highway at the junction of Pool Passage and Pool valley shown on the attached plan (a) at all times except for owners or occupiers of property adjoining the highway affected by this order needing to access the property. This order does not affect the entry to Pool Passage at Old Steine.

This Order authorises the installation of a lockable gate at the junction of the affected highway with Pool Valley, as shown on the attached plan

4. The alternative route for those needing to access Pool Passage is via its norther entry at Old Steine.
5. Responsibility for the maintenance of the gate will lie with the residents and businesses within the affected area and will be governed by a management agreement which will be put in place before this order is enacted.
6. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of reducing crime and antisocial behaviour in and around the affected area. The Council makes the Order because criminal and antisocial behaviour in and around the affected area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
8. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

Plan A – Site plan and gate location

Title Here



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Scale 1:347

Pool Passage Area Community Safety Survey

Summary of responses

This survey was open from May 24th – June 1st 2022 and was released following the council decision to investigate reports of criminal and antisocial behaviour taking place in and around Pool Passage and to consider the value of a Public Space Protection Order (PSPO) highway restriction/gating scheme as a helpful response.

Fourteen residential/business addresses were identified as being within or accessing onto Pool Passage, and a paper copy of the survey was delivered to each of them, with email copies provided on request. Of the fourteen potential addresses, eleven completed forms were received, and these are summarised below.

1. Do you feel safe in and around Pool Passage?

YES 1 NO 10

If 'NO' what are your main concerns?

Respondents provided lengthy and detailed responses and the issues below were frequently identified. The most common concerns are around threatening behaviour, physical attack, intimidation, and general disorderly conduct connected to widespread drug and alcohol misuse taking place in the Passage.

Issue	Number of mentions	Issue	Number of mentions
Drug use	8	Physical attack	3
Drug dealing	8	graffiti	3
urinating	8	Prostitution	3
Intimidation	8	People entering properties	3
defecating	7	breaking bottles	2
Threats of violence to residents	7	unconscious inebriated people	2
needles & drug litter	5	Sex acts	2
Robbery	5	Shouting	2
Disorderly groups	5	Dumping of stolen property	1
vandalism	5	Indecent exposure	1
Dangerous for girls and women	4	violence	1
Damage to property	4	Poor lighting	1
vomiting	4	Rough sleeping	1
alcohol use	4		

2. It has been suggested that access into Pool Passage should be restricted by placing a lockable gate at the Pool Valley entrance to Pool Passage. (See the red circle on the map above). Do you think that this might be helpful?

YES 10 NO 1

The majority of respondents felt that a gate would be helpful for the reasons given below. The one objection related to the first comment and only concerned a gate at the Old Steine end and was not an objection to a gate at the Pool Valley end. One resident commented that a gate at both ends would be helpful, however, because of a specific exclusion in the legislation, this would not be possible at this location.

Comment	Number of mentions
We would object to a gate at the Old Steine end as this is our fire exit route. A gate at Pool Valley would be acceptable	1
Yes - it would be helpful and safer for the community	4
It might help by deterring people from that side of the passage but there should be a gate on both ends to effectively deter offenders	1
Helpful for security and to deter ASB	6
Would reduce illegal and antisocial behaviour from people leaving bars, clubs and beach at Pool Valley end	3
No entry signs at the Old Steine end would be needed	1
A gate would solve most of our problems and I would feel more safe	3

3. Are there any other spaces in and around the Pool Passage/Pool Valley which you feel are problematic?

YES 9 NO 1

The other clear area of concern is around the north end of the Passage as it joins Old Steine, followed by Pool Valley itself.

Comment	Number of mentions
The area around the Film School at the Old Steine end also attracts drug use, ASB, street fouling and disorderly groups	6
The passage is badly lit at the film school end	3
In Pool Valley when the clubs close there is a lot of fighting and shouting	2
The middle of Pool Passage outside the Terre a Terre doorway sees drug use, street fouling and disorder.	
crowds of drinkers outside the East Street Tap and the East Street Bar	
The whole of Pool Valley area is full of people being loud and drinking	

4. Do you have any ideas or suggestions for any environmental improvements to improve the look of the area or make it more pleasant or safer to use?

Comment	Number of mentions
Regular cleaning	5
More lighting and cameras around the film school	5
CCTV	3
Better lighting in the passage	2
No through route signage	2
Restrictions on drinking outside of venues	
An area for bins away from the Film School	

5. Thank you for your contribution. Please use the box below for any other comments.

Comment	Number of mentions
Strong support for a gate and other improvements	7
From a safety perspective any gate should be openable from the Inner side, and make sure the gate is open every day	

