

<b>Subject:</b>	<b>Oxford Court Public Space Protection Order Consultation Summary</b>		
<b>Date of Meeting:</b>	<b>19<sup>th</sup> March 2018</b>		
<b>Report of:</b>	<b>Executive Director Neighbourhoods Communities and Housing</b>		
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<b>Ward(s) affected:</b>	<b>St Peters &amp; North Laine</b>		

**FOR GENERAL RELEASE/**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to feedback to committee on the statutory consultation which was carried out regarding the proposed Oxford Court Public Space Protection Order, and to recommend action based upon this.

**2. RECOMMENDATIONS:**

- 2.1 That the committee grant the proposed Oxford Court Public Space Protection Order (See appendix 1)

**3. CONTEXT/ BACKGROUND INFORMATION**

**3.1 Public Space Protection Orders (PSPO's) and access restriction.**

Using powers within the Anti-social Behaviour Crime and Policing Act 2014 (ASBCPA), a council can grant a Public Space Protection Order as a response to crime and antisocial behaviour. PSPOs are intended to be used 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. PSPO's can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour.

- 3.3** A council 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.

The maximum duration of a PSPO is three years. At any point before expiry, the council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or recurring

**3.4** Following the decision at the Neighbourhoods Inclusion and Equalities Committee meeting of November 2017, a statutory consultation for a Public Space Protection Order which would have the effect of restricting access to the Oxford Court alleyway took place:

- The draft order (see appendix 1) was placed on the council website and promoted using BHCC social media channels
- Copies of the draft order were displayed in the alleyway and in Oxford Court carpark
- A paper copy of the draft order was posted to addresses adjoining and close to the Oxford Court carpark
- A draft order with background information was placed on the London Road Local Action Team website and was discussed at two meetings of the LAT
- The proposed order received media attention with an item on Brighton & Hove News
- Sussex Police, the Police & Crime Commissioner (PCC), and BHCC offices – Parking Strategy, Community Safety, and Highways were invited to comment on this proposal

The consultation ran for a thirty day period from 11<sup>th</sup> December 2017 to 10<sup>th</sup> January 2018.

**3.5 Consultation Responses - community:**

During the consultation period, no responses were received from the public. Because those directly affected – occupants of nearby properties – had already provided supportive testimony as part of the pre consultation, it is likely that they felt no need to respond further. No views in opposition to the proposal were received. The consultation process was felt to be suitably rigorous as described above, and this outcome supports the conclusion that this proposal to restrict access as described in the draft order is not seen as locally problematic.

**3.6 Consultation responses – statutory agencies**

**Sussex Police:** “From a police perspective we will support this”

**Police & Crime Commissioner:** A request has been sent to the Sussex PCC for comment, however no response has been received as yet.

**Ward Councillors:** Ward councillors were informed of the consultation and invited to comment. Although no formal response was received, Cllr West has been involved in the development of this scheme and proposes to support the scheme if agreed, using his ward member budget allocation.

**BHCC Community Safety:** The implementation of the PSPO as outlined in this report is likely to lead to a reduction in ASB and an increase in safety and perceptions of safety for people in the vicinity.

**BHCC Parking strategy:** Concerned that if alleyway is gated this may push the ASB and drug dealing into other parts of the car park. “We may have to look at the lighting in there to see if it’s sufficient and include the car park with our mobile security team checks”.

**3.7 Oxford Court draft PSPO proposal**

The proposal which has been developed, is for closure of the alleyway 24/7 by placing a gate at its junction with Oxford Street and a second gate at the point of entry into the carpark, to the rear of 25 Oxford Street, with access restricted to

all, with the exception of those whose properties adjoin the alleyway for the purpose of accessing their properties.

- 3.8** In meeting the statutory tests, evidence from residents' testimony and the community safety survey, as well as comment from Sussex Police indicates that the problems experienced by the community are having a detrimental effect on the quality of life of those in the locality, are persistent or continuous, and unreasonable.
- 3.9** In terms of the impact of the proposed restriction on the broader community, this measure would restrict access to and from the carpark at this location, meaning that all carpark users would be required to use the main entrance. The proposed restriction would add approximately 30 metres to a pedestrian journey from Ditchling Road. Because the alleyway does not offer step free access into the carpark, it is not felt that the proposed restriction would have undue impact on people with disabilities.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1** Alternative interventions – aside from access restriction – have been considered, but, because of the nature of the activities taking place, and the role that the alleyway has in this, no other approach has been identified which would resolve matters effectively. In recent years attempts have been made to improve the alleyway as a useful route, by clearing planting and other obstructions and painting out graffiti, but this has not impacted upon the issues of current concern. Of the reported activities, street fouling, drug use and drug dealing are all offences at present, with existing enforcement tools to address them, which suggests that additional enforcement powers would not be helpful in this situation, however restricting access to the alleyway would offer protection for residents and traders, and may make existing enforcement tools more effective as removing the alleyway as an escape route from the carpark may assist local policing, and impact on the levels of crime and antisocial behaviour taking place in and around the carpark.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1** This proposal has been in development since early 2017, and residents in the immediate vicinity, as well as those in the wider community have been involved in this via the Local Action Team and through the community safety survey. The statutory consultation, described above, has provided further opportunity to comment on and shape the final scheme.
- 5.2** For this proposal to go ahead – if granted by committee – the local community will be responsible for funding the gates permitted by this order and taking responsibility for management and upkeep, and this arrangement is outlined in the Oxford Court PSPO Community Agreement (see appendix 2).

#### **6. CONCLUSION**

- 6.1** Significant reported incidences of crime and antisocial behaviour taking place in the Oxford Street/Oxford Court area have been linked to the alleyway – either as

an access route or a venue. The nature of activities reported are detrimental to public safety and impact upon those using the carpark or local shops on Oxford Street, and this impact is such that it is felt to justify the restricts imposed by this proposed order.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### **7.1 Financial Implications:**

The council has no identified resources to deliver an intervention of this nature, but will work with the community to help develop and implement a project. For this project, the council – led by the Communities, Equalities and Third Sector Team – will carry out the work to secure a PSPO, and – if a PSPO is granted – the community will be responsible for funding the cost of purchasing and installing gates and the maintenance and upkeep of gates and locks.

To date £1,000 has been pledged to the scheme from Cllr West, making use of the ward member budget. A further £1,000 will be required to implement the scheme, and local residents and traders have indicated that they will jointly fund this.

To support this proposal, the Oxford Court PSPO Community Agreement has been developed – see appendix 2

*Finance Officer Consulted: Name Michael Bentley Date: 07/02/18*

### **7.2 Legal Implications**

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.

The alleyway linking Oxford Street and Oxford Court car park does not fall within the category of highway over which the public right of way may not be restricted under ASBCPA.

PSPOs are intended to cut down on consultation requirements by only requiring local authorities to comply with “light touch” consultation requirements in order to save costs. The consultation recommended referred to in this report fulfils the requirements of the ASBCPA.

The impact of the restriction has been considered as detailed in this report.

*Lawyer Consulted: Stephanie Stammers Date: 07/02/18*

## 7.1 Equalities Implications:

The impact of this proposal will be to restrict access along the alleyway which leads to the Oxford Court carpark, and as a part of this process we are obliged to consider the impact of this restriction on the population generally and upon those with a disability which is identified as a protected characteristic under the terms of the Equality Act 2010. At present the alleyway which is to be restricted is not a fully accessible route as it is at a lower level than the carpark surface and requires negotiation of a step to enter the carpark. The alternative route is along Oxford Street and into the main carpark entrance – a distance of approximately 30 metres – which is along a step free pavement and into a level carpark. Because the route which will be restricted is currently fully accessible, it is not felt that the proposed restriction will have a significant impact upon carpark users, and feedback during the statutory consultation has not raised this as an issue.

## Sustainability Implications:

- 7.2 This proposal has been developed following concerns raised by small businesses based on Oxford Street, concerned that the level of criminal and antisocial behaviour taking place within and around the alleyway was having a significant impact upon the trading environment. This proposal will contribute to community safety and support the development of a sustainable trading environment for independent traders on Oxford Street. The operation of the scheme will be carried out by local traders/residents bordering the alleyway and the outcome of this, including the funding arrangements, aims at maximising community ownership and ongoing community management increasing longer term operational sustainability.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Oxford Court Public Space Protection Order 2018 DRAFT
2. Oxford Court PSPO Community Agreement

### **Documents in Members' Rooms**

None

### **Background Documents**

None

