

Subject:	St James Court Public Space Protection Order		
Date of Meeting:	19th March 2018		
Report of:	Executive Director Neighbourhoods Communities and Housing		
Contact Officer:	Name:	Matthew Easteal	Tel: 01273 292152
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Ward(s) affected:	Queens Park		

FOR GENERAL RELEASE/

1. PURPOSE OF 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 alleyway at the southern end of George Street Brighton, and to consider the value of a Public Space Protection Order authorising a gating scheme partially closing the alley to general access as a remedy to these concerns. (For site plan see appendix 1) and seek approval for the statutory public consultation required to deliver a Public Space Protection Order.

2. RECOMMENDATIONS:

- 2.1 That the committee approve a statutory public consultation on the draft St James Court Public Space Protection Order (See appendix 1)

3. CONTEXT/ BACKGROUND INFORMATION

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

Restricting access to public alleyways as a response to crime and antisocial behaviour has previously been delivered using powers under the Clean Neighbourhoods & Environment Act 2004, however following the introduction of the Anti-social Behaviour Crime and Policing Act 2014 (ASBCPA), these powers have fallen under the scope of Public Space Protection Orders, and all existing gating schemes transitioned to PSPO's in October 2017.

- 3.2 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. PSPOs can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour, but not where it forms the principal means of access to residential premises.

- 3.3 Councils can make a PSPO after consultation with the Police and Crime Commissioner, the police and other relevant bodies and communities. The

following criteria must be met in relation to the behaviour being addressed by the order:

The behaviour must

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

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

- Can they restrict access? A number of 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?
- Are there any alternatives? Previously gating was the only option, but it may be possible under a PSPO to restrict the activities causing the anti-social behaviour rather than access in its totality.

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.

3.5 Issues and concerns around St James Court

At the St James Community Action Group AGM meeting of March 2017, people living and/or working around St James Court attended and raised issues of crime and antisocial behaviour taking place in the area, and particularly around the Southern most entrance outside residential properties. The issues people raised included reported drug dealing and public drug use, persons publicly injecting and overdosing, street fouling, disorderly and intimidating behaviour.

3.6 Over July and August 2017 further meetings were held with Ward Councillor Adrian Morris, residents and traders in St James Street and George Street to consider the issues. The clear view of those living or working in the area was that significant problems were caused by the presence of the alleyway.

In particular:

- The alleyway, being an established and regular venue for drug misuse with needles and drug paraphernalia regularly present.
- As a location with no natural public surveillance it provides a sheltered and hidden place which attracts antisocial behaviour and crime.

- Used by injecting drug users it has been necessary for residents to call emergency services to deal with overdoses which would be unnoticed from the street.
- The alleyway was reported as a venue for regular and persistent street fouling.
- Residents and traders met at that time felt strongly that the alleyway should be closed.

3.7 In July, the Communities Team carried out a community safety survey which was directed toward all residential and business properties bordering the alleyway. The survey was also placed on the St James Community Action Group website. Responses received via the website, post and collected by a local business. All respondents who commented were in favour of restricting access to the alleyway.

Comments included:

People gather who don't live here and I can never open my back gate – the alley is sometimes full of excrement and I often see people urinating – its really horrible and a gate will help.
People take drugs here and deal – a gate would make it less attractive as there wouldn't be an escape route at both ends. People urinate through my letter box.
It's not a through route and only used by people who don't live here for bad reasons.
I often find syringes, broken bottles, puddles of urine and worse outside my home.
Restricting the alley would be a deterrent for people using it as a public urinal, and should limit the access to drug dealers and users. I would definitely feel safer coming home at night and it would encourage owners to make the place nicer.

3.8 In developing this proposal, the following offices have been contacted for comment:

- Sussex Police
- BHCC Highways
- BHCC Parking Services
- Sussex Police & Crime Commissioner
- BHCC Community Safety Team

3.9 St James Court draft PSPO proposal

The proposal which has been developed, and for which consent is sought to consult, is for partial closure of the alleyway by placing a lockable gate at its southern most entrance, with access restricted to all, with the exception of those whose properties adjoin the alleyway for the purpose of accessing their properties. It would not be lawful to gate at both ends, as the alley is designated public highway and forms the principal means of access to residential homes. The rationale behind placing the gate at the southern end is that by restricting access at this southern entrance it will block an “escape route” and therefore make the area less attractive for anti social activity.

3.10 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 disproportionate and detrimental effect on the quality of life of those in the locality, and are persistent, continuous, and unreasonable.

3.11 In terms of the impact of the proposed restriction on the broader community, this measure would close access to the alley from the southern access point location. The proposed restriction would add approximately 20 metres to a pedestrian journey to premises in the alley. The proposed restriction would not have undue impact on people with disabilities and a full Equalities Impact Assessment will be carried out as part of the development of this order should permission to consult be approved..

3.8 The local ward councillors have contributed £800 toward the cost of the gate from their Ward Member Budget. Residents have successfully raised additional funds including a donation from a local business (Purezza St James Street) to finance the purchase and installation of the gate. Residents have further agreed to sign a community agreement for maintenance and repair which commits the residents and nearby businesses to cover expenditure to maintain the gate for the lifetime of this order should this application be approved.

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 has successfully resolved matters effectively on a sustained basis. In recent years more regular and directed police patrols of the alleyway have taken place 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 may assist local policing, and impact on the levels of crime and antisocial behaviour taking place in and around the alleyway.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 The local community, via the Local Action Team and through the community safety survey have been informed and engaged in developing this proposal, and other agencies including the police, ward councillors and council officers have been consulted.

5.2 If consent is given to proceed with a statutory consultation on this proposal, the draft order shall be displayed on site, delivered to those closest properties, placed on the council website and placed on the St James Community Action

Group website. Additionally a formal response shall be sought from Sussex Police and the Police & Crime Commissioner, and the results of the full consultation process shall be returned to this committee for consideration before making a final decision on a PSPO for this location.

6. CONCLUSION

- 6.1 The nature of activities reported are detrimental to public safety and impact upon those living and operating businesses in the area, and this impact is such that it is felt to justify the access restrictions 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 work with the community to help develop and implement this project with the St James Community Action group has led to the resources being donated from a local business. 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 raising the funding including the cost of purchasing and installing gates and the maintenance and upkeep of gates and locks.

Working in partnership with the community to fund this initiative follows the approach used successfully for the Farman Street Gating Order (pspo) in 2013.

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.

However under the ASBCPA a PSPO may not restrict a public right of way over a highway for occupiers of premises adjoining or adjacent to the highway or where it is the only or principal means of access to a dwelling. The installation of a gate at the southern end of the alleyway at this location will not restrict the public right of way for occupiers of premises but will be a means of trying to reduce anti-social behaviour.

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 in this report fulfils the requirements of the ASBCPA.

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

Lawyer Consulted: Stephanie Stammers

Date: 2nd March 2018

Equalities Implications:

A full Equalities Impact Assessment will be carried out as part of the delivery process prior to installation of the gates should this application to consult be approved.

SUPPORTING DOCUMENTATION

Appendices:

1. St James Court Pubic Space Protection Order 2018 DRAFT

Documents in Members' Rooms

None

Background Documents

None