

<b>Subject:</b>	<b>St James Court Public Space Protection Order Consultation Summary</b>		
<b>Date of Meeting:</b>	<b>8<sup>th</sup> October 2018</b>		
<b>Report of:</b>	<b>Executive Director Neighbourhoods Communities and Housing</b>		
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<b>Ward(s) affected:</b>	<b>Queens Park</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 St James Court Public Space Protection Order, and to recommend action based upon this.

**2. RECOMMENDATIONS:**

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

**3. CONTEXT/ BACKGROUND INFORMATION**

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

- 3.1 Using powers under the Anti-Social Behaviour Crime and Policing Act 2014 (ASBCPA) a local authority can make a public spaces protection order (PSPO) as a measure to tackle crime and anti-social behaviour. PSPOs require or prohibit certain activities from taking place in certain places in order to prevent or reduce any detrimental effect caused by those activities to local people. PSPOs can restrict access to public spaces (including certain types of highway) where the public space 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.

- 3.2 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.

3.3 Following the decision at the Neighbourhoods Inclusion and Equalities Committee meeting of March 2018, a statutory consultation for a Public Space Protection Order which would have the effect of restricting access to the St James Court footpath 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 on George Street
- A paper copy of the draft order was posted to addresses within, adjoining and close to the St James Court
- A draft order with background information was placed on the St James Area Community Action Group website and was discussed at two meetings of the CAG – one of these was an open meeting in the presence of Katy Bourne – Sussex Police & Crime Commissioner
- Sussex Police, the Police & Crime Commissioner (PCC), and BHCC offices – Parking Strategy, Community Safety, and Highways Have been invited to comment on this proposal

The consultation ran for a thirty day period from 1<sup>st</sup> to 30<sup>th</sup> of May 2018.

#### 3.4 **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.

#### 3.5 **Consultation responses – statutory agencies**

**Sussex Police:** St James Street and its surrounds (including St James Court) have seen an increase in open drug dealing and use in recent times. This anti-social behaviour has been witnessed by the public and the access to this footpath provides an opportunity to continue the activities, discard used drug paraphernalia and in general terms reduce the appeal of the general environment for those using it. Sussex Police therefore fully support the recommendation of this report to restrict access as described.

**Police & Crime Commissioner:** A copy of the draft order has been sent to the Sussex PCC for comment.

**BHCC Community Safety:** Fully support this report to restrict Highway Access

**BHCC Highways:** support the recommendation of this report to restrict Highway access , subject to retention of access from the Northern end of the footpath shown in appendix 2 site plan for statutory services).

#### 3.6 **St James Court PSPO proposal**

The proposal which has been developed is for closure of the southern entrance of the footpath only by placing a gate at its junction with George Street between No's 1 and 2 George Street. (See site plan Appendix 2)

The Anti-social Behaviour Crime and Policing Act 2014 includes the following condition (64;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 – because St James Court provides the sole access to a number of residential properties – we are not permitted to place gates at both ends of the alleyway, however, placing a gate at the southern end only is still seen as a useful measure, as this section of the alleyway has the higher number of residential properties, experiences the highest level of community concern and is closest to St James Street, making it more of a target for opportunistic activity.

The gate will be operated by a key or code which will be restricted to residents and businesses within St James Court.

- 3.7 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.
- 3.8 In terms of the impact of the proposed restriction on the broader community, this measure would restrict access to St James Court at this location, meaning that those without a key/code would need to use the northern entrance only to access the alleyway. The proposed restriction would add approximately 20 metres to a pedestrian journey from St James Street.

#### **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. Recent attempts have been made to improve the alleyway by clearing debris 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 businesses, and may make existing enforcement tools more effective and assist local policing as restricting access to the southern end would be likely to reduce the amenity of the alleyway for drug dealing, street fouling and other criminal and antisocial behaviour, and impact on the levels of crime and antisocial behaviour taking place around George Street generally.

#### **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 Community Action Group 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 gate permitted by this order and taking responsibility for management and upkeep, and this arrangement is outlined in the St James Court PSPO Community Agreement (see appendix 3).

## 6. CONCLUSION

- 6.1 There have been significant reported incidences of crime and antisocial behaviour taking place in St James Court . The nature of activities reported are detrimental to public safety and impact upon residents and others making use of the alleyway and this impact is such that it is felt to justify the restricts imposed by this proposed order.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 The council has no identified resources to deliver an intervention of this nature, but has worked with the community to help develop and implement a project. The local community will be responsible for funding the gate permitted by this order and taking responsibility for management and upkeep, and this arrangement is outlined in the St James Court PSPO Community Agreement (see appendix 3).

*Finance Officer Consulted: Name Michael Bentley Date: 22/08/18*

### Legal Implications:

- 7.2 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.
- 7.3 The St James Court alleyway does not fall within the category of highway over which the public right of way may not be restricted under ASBCPA. The relevant factors relating to the restriction of a right of way have been considered as detailed in this report.
- 7.4 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 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: 4/09/18*

### Equalities Implications:

- 7.5 The impact of this proposal will be to restrict access along the St James Court alleyway, 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. The proposed restriction of the alleyway will place a gate at the southern end. As access is to be restricted to residents only, ensuring that the locking mechanism can be operated by all those intending to use it is not seen as problematic, and will be addressed by the residents group at implementation stage. PSPO will be subject to regular review and maximum life of 3 years giving opportunities for changes in response to changed circumstances of residents. The alternative route is along George Street and into the northern entrance entrance – a distance of approximately 20 metres – which is along a level pavement.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. St James Court Public Space Protection Order 2018 DRAFT
2. St James Court – Consultation site plan
3. St James Court PSPO Community Agreement

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

None

### **Background Documents**

None

