

Report to the Chief Officer (Highways and Transportation)

Date: 23 December 2014

Subject: Public Space Protection Order application – Both ends of the Footpath at the rear of Nos. 12 - 32 Nursery Mount Road, and one end of the adjoining Footpath between Nos. 23-28 and 29 Woodville Square, Hunslet, Leeds, LS10 3

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Middleton Park	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The stretch of footpath at the rear of 12 - 32 Nursery Mount Road is an adopted highway which is believed to be facilitating the persistent commission of criminal offences and anti-social behaviour (ASB), and that this has had a detrimental effect on the quality of life of those in the specified locality. There is a strong desire within the community for this footpath and its connection to the adjoining footpath leading to Woodville Square to be closed.
2. Section 59-68 of the ASB Crime and Policing Act 2014 allows for making a Public Space Protection order (PSPO). As a condition of the order, the local authority is able to temporarily restrict the public right of way over a highway on the basis of crime prevention provided that other measures have failed to properly tackle the issue. This footpath meets the defined criteria.
3. It is proposed to make and advertise a PSPO using this legislation and, if no objections are received, to gate the footpath.
4. Leeds Federated Housing Association has committed an amount of funding to fully cover the cost of the scheme and is the promoting body for the proposal.

Recommendations

5 The Chief Officer (Highways and Transportation) is requested to:

- i) approve the gating of a stretch of footpath at the rear of properties 12 to 32 Nursery Mount Road, and the gating of one end of the adjoining footpath connecting to Woodville Square between properties 23-28 and 29 Woodville Square as shown on drawing Nos. 01 (2-9-14) and 03 (1-10-14), in accordance with section 59-64 of the ASB Crime and Policing Act 2014; and:
- ii) instruct the City Solicitor to draft and publish the Notice of intention to make a PSPO in respect of the footpaths detailed at 5 i) above and, in the event that no valid objections are received, to make, seal and implement the order as published.

1 Purpose of this report

- 1.1 To seek authority to temporarily restrict the public right of way over a stretch of footpath for the purposes of crime prevention, running at the rear of properties 12-32 Nursery Mount Road, and to temporarily close one end of the unadopted connecting footpath between properties 23-28 Woodville Square, under powers provided by section 59-64 of the ASB Crime and Policing Act 2014.

2 Background information

- 2.1 Local residents have been campaigning for the closure of the footpath at the rear of Nursery Mount Road for a number of years. Various initiatives and activities have been implemented by Leeds Federated Housing Association, Ward Councillors and West Yorkshire Police to deal with issues occurring there, but have failed to alleviate the problems sufficiently. As a result, agreement has been reached to proceed with a PSPO as an alternative solution.
- 2.2 Section 59-68 of the ASB Crime and Policing Act 2014 allows for the making of a PSPO, whereby a condition of the order allows the local authority to temporarily restrict the public right of way over a highway in response to persistent levels of crime and anti-social behaviour. The legal provision came into effect on 20th October 2014. The adopted status of the highway is unchanged by the order.
- 2.3 Where necessary, and after further consultation with the local Policing body for the specified area, interested parties and any other community representatives deemed appropriate by the local authority, the PSPO can be varied to include additional conditions and / or a change to the designated area specified under the order.
- 2.4 Breach of any of the conditions specified under the order without reasonable excuse maybe guilty of an offence and will be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 2.5 A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 59 (consumption of alcohol in breach of prohibition in order) or 63 (offence of failing to comply with the order), in relation to a PSPO.

3 Main issues

3.1 Design proposals / scheme description

- 3.1.1 The route of the Nursery Mount Road footpath and the connecting footpath to/from Woodville Square referred for a PSPO are shown on the attached Location Plan. The adopted footpath runs along the rear of Nos. 12-32 Nursery Mount Road and along the rear of Nos. 29-34 Woodville Square in Hunslet (Middleton Park Ward). This stretch of adopted highway footpath is sided by a mixture of boundary treatments, comprising: timber close boarded fencing, brick walls and combined brick wall with close boarded fencing of between 1.8m and 2.1m in height. Over the last few years, there have been several examples of criminal damage and environmental issues occurring within this footpath.
- 3.1.2 A pedestrian-style 2.4m high metal alleygate has been installed to both ends of the stretch of footpath, as shown on the attached Layout Plan drawing and Construction Detail drawing. A matching fence panel has also been installed across the head of the grassed area at the northern end of the footpath, although the grassed area does not form part of the Adopted Highway. The brick boundary wall at the south western corner of the footpath has been raised in height to 1.8m to provide added security for that particular property.
- 3.1.3 A pedestrian style 1.8m high timber close boarded alleygate will also be installed at the head of the connecting footpath between 23-28 and 29 Woodville Square. At the present time, the two existing alleygates have their locking mechanisms continuously set to unlocked and no keys have been distributed. The proposed PSPO is therefore to enable a key management system, specific to this footpath, to be instituted so that all three gates can be locked.
- 3.1.4 Residents have voiced their concerns over the persistent crime and anti-social behaviour to West Yorkshire Police, Leeds Federated Housing Association officers, Ward members and council officers. Some effort has been made to improve the environmental issues prevalent along this route over several years. Litter has been collected on a regular basis, and graffiti has been removed. Owners of property siding onto the footpaths have made efforts to repair damaged boundary fencing / walls. However, there is still evidence of littering, graffiti and damage to fencing, even though two of the alleygates have been installed, given that they remain continuously unlocked.
- 3.1.5 Two consultation exercises with residents of Nursery Mount Road and Woodville Square have taken place: the first exercise on 9th August 2013; the other on 25th September 2013. The vast majority of respondents to these consultations have voted in favour of gating the referred stretches of footpath, with few objections received on either occasion. In terms of the 23 properties at 12-32 Nursery Mount Road and 23-34 Woodville Square, all having direct access on to the footpath, 16 ultimately supported the proposed gating of the footpath, with no response or comments received from the other 7 properties on either occasion.
- 3.1.6 Alternative routes through and beyond this residential area are already available along the Adopted Highway for residents of Woodville Mount, Woodville Grove, Nursery Mount, Southfield Mount and Kearsley Mount with no extra walking distance. The alternative point-to-point route from the two ends of the stretch of

footpath to be gated is slightly longer, wrapping around the front and sides of the properties at 12-32 Nursery Mount Road. However, this is a marginal extra distance and would only possibly affect a small number of residents in Nursery Mount and Woodville Grove who might choose to use Back Nursery Mount as a route to and from the centre of Hunslet.

- 3.1.7 Crime and ASB figures for the area in 2011, 2012 and 2013 are attached. This area has been the subject of Police activity for a number of years, with crime (including burglary), ASB issues and criminal damage being the main issues. It is strongly felt by the Neighbourhood Police Team (NPT) that the proposed stretch of path facilitates the occurrence of crime and ASB in the area. It also makes policing this residential area extremely problematic as the footpath provides easy access and escape to offenders.
- 3.1.8 The footpath referred for gating has experienced 2 crimes (robberies) on the footpath itself in 2012, 1 further crime (theft of motor vehicle) in 2013 and 2 incidents of ASB (one in each of those years). This footpath has also facilitated the occurrence of 11 rear entry crimes (burglaries, incidents of criminal damage and theft) in 2011, 2012 and 2013 and a further 4 incidents of ASB over the same period, all relating to rear entry from the footpath to the adjacent properties.
- 3.1.9 The alternative solutions considered for addressing the crime and anti-social behaviour occurring in close proximity to the footpath have had limited success, are not sustainable and, due to their short nature, have had limited results. Actions taken include additional, more targeted Police presence in the area, community consultation and community clean ups. As issues have continued to occur, it is now proposed to temporarily restrict the public right of way over the footpath by means of a PSPO with a view to stopping the anti-social behaviour and crime which is believed to be associated with this stretch of footpath.
- 3.1.10 The closure of the path is being promoted by Leeds Federated Housing Association. They are providing a calculated sum of capital funding to cover the cost of the closure.
- 3.1.11 A planning application was submitted and validated on 17th October 2013, given that the gates are of a sufficient height to prevent unauthorised access, which is higher than the limit stipulated by Permitted Development rights. Before the planning application was submitted, the height of the gates had been raised from 2.0m to 2.4m as a result of pre-application discussions with the Police Architectural Liaison Officer. Full Planning permission for the 'fencing and gates to the alleyway with associated landscaping works and raising of boundary walls to south to 1.8m' was granted on 11th December 2013.
- 3.1.12 Safer Leeds will provide assistance and advice for the implementation of the gating and management of the key system, utilising a numbering and master key system devised by them. Emergency and other services have already got access to master keys and any other council departments requiring access will also be able to request keys. Keys will also be available on request where access is required by local residents whose property adjoins the stretch of footpath referred for closure.

- 3.1.13 Leeds City Council is required to keep a register of all PSPO's to be available to the public and reviewed within 3 years to determine whether the gating measures are still required.
- 3.1.14 Leeds Federated Housing Association (LFHA) will ensure that resources are made available to project manage the gating which includes the design, planning consent, procurement and installation of the gates and their ongoing maintenance.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Ward members: This report has been prepared in consultation with ward members and all three ward members support the closure. They recognise the problems being experienced by residents and wish to see a positive conclusion and resolution to the difficulties being experienced in Nursery Mount Road and Woodville Square (see background document).
- 4.1.2 Residents: Residents in Nursery Mount Road and Woodville Square have been consulted recently to gauge their opinions. This took place on 9 August and 25 September 2013 (see background documents).
- 4.1.3 Police: The Police have been engaged in the proposal to close the footpath. They have implemented various strategies to address the problems in the area and support the proposals to gate the referred section of highway up (See background document).
- 4.1.4 Internal departments: Safer Leeds and Public Rights of Way (PROW) have been consulted and have no objections to the proposed extension of the orders.
- 4.1.5 Utilities: Utility and other service providers have been consulted in relation to the PSPO proposal. No objections have been received, nor any requests to divert apparatus in this instance.
- 4.1.6 Emergency services: The Police have formed part of the ongoing proposals. Health and Fire services will be consulted prior to the sealing and implementing of the order.
- 4.1.7 Prescribed organisations: Local footpath user groups and the Leeds Local Access Forum have been consulted. A full draft of this Public Space Protection Order application was tabled at the meeting of the Leeds Local Access Forum on 18th November 2014. The Forum members had no objections to the proposal and, as a result, the Forum supports this Public Space Protection Order application.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 An Equality, Diversity, Cohesion and Integration Assessment was carried out and is attached as a background document under point 6 of this report.
- 4.2.2 Alleygating has a positive impact on local communities as it has the potential to reduce crime and anti-social behaviour. This has a greater impact on the more vulnerable members of the community, disabled people, the elderly, and carers with young children or the infirm living on their own.

4.2.3 Positive impact:

- Only key holders will be able to use the gated highway as this ensures that security of the gated area is maintained. A record of all key holders is kept at Safer Leeds by the Crime Reduction Officer which ensures that the key side of the gating scheme is managed properly and responsibly, in total confidence. A duplicate record will also be kept by LFHA, given that LFHA will be responsible for the ongoing management of this gating scheme. Where local, affected residents know that only those directly affected by the gates have access to a key, this breeds confidence that the gated area is a safe and secure environment, which also reduces residents' fear of crime.
- The potential outcome of alleygating and PSPO's is for the reduction of crime and the fear of crime. This has a positive impact on many different vulnerable groups including single parents, the elderly, people with disabilities and children.
- In turn this strengthens community cohesion and communication
- Alleygating in some areas has helped create a safer environment for children to play, away from busy traffic
- The gate design has been done in consultation with LCC Planning department to ensure that the needs of vulnerable groups are considered, through consideration to gate weight, opening and closing mechanisms, height of locks and ease of use

Negative impact:

- There is a need to provide alternative routes when highways are gated and these can sometimes be longer in distance, and extend journey times for users in some cases. However, certain residents who are adversely affected by not being able to access the highway, for example, people with mobility issues are entitled to apply for a key.
- In some areas, the gates may appear to give a negative perception of the local area

4.3 Council policies and City Priorities

- 4.3.1 The proposals contained in this report complies with Section 17 of the Crime and Disorder Act 1998 and help to contribute to the safety and well being of the people of the community.

4.4 Resources and value for money

- 4.4.1 Leeds Federated Housing Association (LFHA) is providing a calculated sum of capital funding to cover the cost of physically closing the footpath. The statutory consultations will be carried out by the Crime Reduction Officer within Safer Leeds. There is no funding available from Highways and Transportation. If the legal, planning, gate installation and subsequent maintenance costs exceed the allocated budget, alternative funding will need to be found by LFHA.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no specific legal, Access to Information or Call In implications.

4.6 Risk Management

- 4.6.1 There is a risk that there will be objections to the PSPO, particularly from users of the path who are not affected by crime. Should this situation arise, the objections will be presented to the Chief Officer (Highways and Transportation) for consideration.

5 Recommendations

5.1 The Chief Officer (Highways and Transportation):

- i) Approve the gating of the stretch of footpath at the rear of properties 12 to 32 Nursery Mount Road and the gating of one end of the adjoining footpath connecting to Woodville Square between properties 23-28 and 29 Woodville Square as shown on drawing Nos. 01 (2-9-14) and 03 (1-10-14) in accordance with section 59-64 of the ASB Crime and Policing Act 2014; and
- ii) Instruct the City Solicitor to draft and publish the notice of intention to make a PSPO in respect of the footpaths detailed at 5 i) above and, in the event that no valid objections are received, to make seal and implement the order as published.

6 Background documents ¹

- 6.1 Location Plan showing the footpath proposed for gating and alternative routes
- 6.2 Layout Plan of the gating proposal for the footpath to the rear of Nursery Mount Road and the adjoining footpath connection to Woodville Square
- 6.3 Construction Details for the two metal alleygates and associated fencing panel
- 6.4 Photos of the site – issues
- 6.5 Crime and ASB data
- 6.6 Consultation evidence and residents' feedback (09/08/2013)
- 6.7 Consultation evidence and residents' feedback (25/09/2013)
- 6.8 Emails of support from all three Ward Councillors
- 6.9 Email of support from the Neighbourhood Policing Team
- 6.10 Equality, Diversity, Cohesion and Integration Impact Assessment

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.