

Subject:	Oxford Court Public Space Protection Order		
Date of Meeting:	27 November 2017		
Report of:	Executive Director Neighbourhoods, Communities and Housing		
Contact Officer:	Name:	Simon Bannister	Tel: 01273 293925
	Email:	Simon.bannister@brighton-hove.gov.uk	
Ward(s) affected:	St Peters & North Laine		

FOR GENERAL RELEASE/

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The purpose of this report is to describe concerns around criminal and anti-social behaviour taking place in and around the alleyway linking Oxford Street with the Oxford Court Carpark, and to consider the value of a Public Space Protection Order authorising a gating scheme closing the alley to general access as a remedy to these concerns. (Site plan appendix 1)

2. RECOMMENDATIONS:

- 2.1 That the committee approve a statutory public consultation on the draft Oxford Court Public Space Protection Order (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 anti-social 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. 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 Councils can make a PSPO after consultation with the Police & Crime Commissioner, the Police and other relevant bodies and communities. The following criteria must be, that the behaviour is:

- having a detrimental effect on the quality of life of those in the locality;
- persistent or continuous;

- unreasonable.

3.4 Where a PSPO is used to restrict a public right of way, the council must consider the following:

- 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 Oxford Court

At the London Road Local Action Team meeting of July 2017, people living and/or working around Oxford Street raised issues of crime and antisocial behaviour taking place in the area, and particularly around the Oxford Court carpark. The issues people raised included reported drug dealing and public drug use, street fouling, disorderly and intimidating behaviour, flytipping and firelighting and graffiti, as well as a generally unsightly environment.

3.6 Over July and August 2017 further meetings were held with Ward Councillor Pete West and residents and traders on Oxford 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 was reported as a regular venue for drug misuse, with needles and drug paraphernalia regularly present.
- The alleyway was reported as a venue for street fouling
- Both the alleyway itself and the access it afforded to the Oxford Court carpark were reported as being instrumental as a venue for drug dealing
- The access afforded by the alleyway into the carpark facilitated drug misuse and street fouling additionally taking place within the carpark and compromised community safety on Oxford Street.
- Residents and traders met at that time felt strongly that the alleyway should be closed.

3.7 In August, the Communities, Equality & Third Sector Team carried out a community safety survey which was directed toward all residential and business properties bordering the Oxford Court Carpark and on both sides of Oxford Street. The survey was also placed on the London Road Area Local Action Team website. <https://londonroadlat.wordpress.com/oxford-street-area-community-safety-survey/>

Six completed responses were received. All respondents who commented were in favour of restricting access to the alleyway. Comments included:

It would be less accessible for drug dealing and using and antisocial behaviour
It would prevent people dealing drugs and also using in the alleyway. Would prevent flytipping and needle rubbish being thrown over my wall
Make it only available to residents that back onto it.
Can't comment on that, but I can imagine that it would help to stop drug dealing or intimidating behaviour
At the moment, it's really convenient for people to duck into the carpark, use it to take something, then leg it back out again. Cutting off that entrance would stop it being so appealing, in my opinion. Ditto with people driving in to deal – if the person buying from them can't run away down the alleyway but had to get out via the main entrance, maybe it wouldn't be such an appealing spot.

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 Oxford Court draft PSPO proposal

The proposal which has been developed, and for which consent is sought to consult, 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.

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

3.11 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 20 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.
- 4.2 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.
- 4.3 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 The local community, via the Local Action Team and through the community safety survey, has 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 the closest properties, placed on the council website and placed on the London Road LAT 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 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 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 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.

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: Monica Brooks

Date: 01/11/17

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 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: 25/10/17

7.3 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 20 metres – which is along a step free pavement and into a level carpark.

It is not felt that the proposed restriction will have an unreasonable impact upon carpark users, however if consent is granted to move forward with a public consultation, notices will be placed on site and local residents and carpark users encouraged to respond with their views, which will be taken into account when developing final recommendations, and will help inform an equalities impact assessment which will be completed as part of this process and included within the final report

7.4 Sustainability Implications:

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.

7.5 Any Other Significant Implications:

SUPPORTING DOCUMENTATION

Appendices:

1. Oxford Court Public Space Protection Order 2018 DRAFT

Documents in Members' Rooms

None

Background Documents

None