

## **CABINET**

<b>DATE</b>	16 <sup>th</sup> June 2021
<b>REPORT OF</b>	Councillor Stewart Swinburn - Portfolio Holder for Environment and Transport
<b>RESPONSIBLE OFFICER</b>	Sharon Wroot, Executive Director for Environment, Economy and Resources
<b>SUBJECT</b>	Public Space Protection Orders
<b>STATUS</b>	Open
<b>FORWARD PLAN REF NO.</b>	CB 06/21/06

### **CONTRIBUTION TO OUR AIMS**

Public Space Protection Orders contribute to the strategic aims set out in the Council Outcomes Framework as they support the health and well-being of residents and ensure people feel safe and are safe.

### **EXECUTIVE SUMMARY**

Public Space Protection Orders were previously called Gating Orders and all the locations detailed in this report involve a gate across public highway land. This report deals with eight Public Space Protection Orders in six wards in North East Lincolnshire, the current orders have expired, and eight orders need to be made to keep the gates in place.

### **RECOMMENDATIONS**

It is recommended that Cabinet:

1. Authorises the Executive Director for Environment, Economy and Resources, in consultation with the Portfolio Holder for Environment and Transport to implement the following Public Space Protection Orders for a three-year period:
  - a. Heathfield Court, Grimsby between Heathfield Court and Westward Ho
  - b. Brunel Close, Grimsby
  - c. Kingsley Grove, Grimsby between Kingsley Close and First Avenue
  - d. Queen Elizabeth Road, Humberston between Queens Elizabeth Road and Grimsby Road
  - e. East Marsh areas 1, 2 and 3, Grimsby
  - f. Romsey Court, Grimsby between Romsey Court and Maxwell Court
2. Authorises the Executive Director, Economy and Resources in consultation with the Portfolio Holder for Environment and Transport, the authority to extend each of these PSPOs beyond the three-year period.

### **REASONS FOR DECISION**

The eight Public Space Protection Orders are on public highway land and are considered to be a benefit for local residents by reducing anti-social behaviour. Recent consultation has been undertaken and Humberside Police and four Ward Councillors are in support of these Orders.

## 1. BACKGROUND AND ISSUES

- 1.1 Public Spaces Protection Orders (PSPOs) were introduced in 2014 as part of the Anti-social Behaviour, Crime and Policing Act 2014. They sit amongst a broad range of powers and tools to help councils tackle anti-social behaviour locally. PSPOs are aimed at ensuring public spaces can be enjoyed free from anti-social behaviour.
- 1.2 In 2017 the eight Public Space Protection Orders listed below were made when the previous gating order legislation was superseded by The Anti-social Behaviour, Crime and Policing Act 2014.
- 1.3 The Orders have now expired, and this report is to recommend the making of replacement Orders to continue with the prevention of anti-social behaviour. All Orders have previously been approved by Cabinet. As gates have been in place in a number of areas, anti-social behaviour figures have not been collected as the gates have had a positive result. The evidence shown in the Appendices for each PSPO of the initial gating / PSPO Order. It is thought that if the Orders are not remade and the gates are removed the crime and antisocial behaviour that has a detrimental effect on the quality of life of those in the locality would be likely to resume. Further that this behaviour would be persistent and as such justify the restrictions imposed by the Orders.
- 1.5 The areas for the Public Space Protection Orders are identified in the Appendices.
- 1.6 Consultation emails were sent out on the 10 August 2020 regarding the remaking of the Orders. Consultees included the Portfolio Holder for Environment and Transport, Humberside Fire and Rescue Service, Humberside Police, The Ramblers Association, Local Access Forum, and Ward Councillors. During this period, no negative feedback was received, with responses providing support for the Orders.
- 1.7 Humberside Police are in support of the proposals to keep all the gates in place due to the significant reduction in reports of anti-social behaviour since the gates were installed. They went on to say for Kingsley Grove, Romsey Court and Heathfield Court that *“support keeping as they have kept crime and ASB in the area down and we do not get complaints from there”*.
- 1.8 All Councillors in the Ward areas were consulted, four Councillors replied to the consultation and they were in full support of continuing with the Orders.
- 1.9 In all cases there is a reasonably convenient alternative route available for all of the PSPOs. With the exception of the East Marsh these alternative routes are shown in the Appendices to this report. In relation to the East Marsh PSPO there are numerous routes available on the nearby adopted highways. As there are alternative routes available it is anticipated that the impact on occupiers of premises adjoining or

adjacent to the highway and others in the locality would only be positive. As shown on the plans in Appendices there are alternative routes for members of the public to use.

- 1.10 The gates will be always in place and keys will be provided to occupiers of premises that are adjoining or adjacent to the restricted highway, so they are able gain access to their property.
- 1.11 Under the European Convention on Human Rights Article 8 Everyone has the right to respect for his private and family life, his home and his correspondence. Article 10 which provides the right to freedom of expression and information and Article 11 provides the right to freedom of assembly and association have been considered for the creation these PSPOs.

## **2. RISKS AND OPPORTUNITIES**

- 2.1 The Public Space Protection Orders are designed to enhance lives of citizens by preventing anti-social behaviour. In all eight Orders gates have been erected or a gate locked due to reports of anti-social behaviour and all have had Police support. If the orders are not continued there is a risk that anti-social behaviour may return to these areas and result in a negative reputational risk to the council.
- 2.2 Crime and Disorder –The aim of the PSPOs are to reduce anti-social behaviour. From the comments received the gates are performing their intended purpose.
- 2.3 Human Rights –The PSPOs are based on the merits of each case and not the gender, race, ethnicity, religion, political views, or other beliefs of any person involved.
- 2.4 Equality and Diversity – The PSPOs are based on the evidence, which is supported by the Police and Councillors, based on the merits of the case and not the gender, race, ethnicity, religion, political views or other beliefs of any person involved.
- 2.5 Value for Money – The extension to the PSPOs is to be advertised in the local newspaper and public notices on site which is covered within the relevant budget devolved to ENGIE through the Regeneration Partnership agreement. It is not anticipated that there will be any additional cost implications to the Council.
- 2.6 The impact on the social, economic and environmental – Having the gates in place is important as it maintains public confidence in that the gates prevent anti-social behaviour.

## **3. OTHER OPTIONS CONSIDERED**

- 3.1 The removal or the unlocking of gates has been considered, however it is anticipated that this may lead to a rise in anti-social behaviour in these

areas. Removing gates will incur additional costs for both removal and subsequent reinstatement of the highway surface. If anti-social behaviour returns following the removal of gates, further costs may also be incurred for the future reinstatement of gates.

- 3.2 Public Space Protection Orders can be withdrawn at any time if required if evidence is provided that they are no longer required.

#### **4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

- 4.1 The Public Space Protection Orders are continuing to have a positive impact on levels of crime and anti-social behaviour in the locality and creating a feeling of wellbeing amongst local residents. There are potential positive reputational implications for the Council resulting from the decision.
- 4.2 A 28-day period of consultation has taken place with Ward Councillors, Fire Service, Local Access Forum and Humberside Police for all eight Public Space Protection Orders. No objections were received during this period, all comments were in support that the PSPOs should continue.

#### **5. FINANCIAL CONSIDERATIONS**

- 5.1 Any costs incurred for advertising these orders will be financed through the Council's Regeneration partnership arrangement with ENGIE and requires no capital expenditure.

#### **6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

- 6.1 The gating of these areas prevents anti-social behaviour which can include environmental issues such as fly tipping. Ensuring the gates remain in place will prevent this environmental concern continuing.
- 6.2 The Council is aware of how its activities and services impact upon the environment and it is committed to complying with relevant environmental legislation and regulations and requirements to which the organisation subscribes

#### **7. CONSULTATION WITH SCRUTINY**

There has been no consultation with scrutiny.

#### **8. FINANCIAL IMPLICATIONS**

There are no direct financial implications to the Council as a result of this report.

#### **9. LEGAL IMPLICATIONS**

The law in relation to PSPOs is in Chapter 2 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.

Before making a PSPO the Council has to be satisfied that two conditions are met

The first condition is that—

(a) activities carried on in a public place within the authority's area have had a

detrimental effect on the quality of life of those in the locality, or  
(b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities—  
(a) is, or is likely to be, of a persistent or continuing nature,  
(b) is, or is likely to be, such as to make the activities unreasonable, and  
(c) justifies the restrictions imposed by the notice.

If the PSPO is to restrict a public right of way over a highway then the Council also has to consider the likely effect of the order on the occupiers of premises that adjoin or are adjacent to the highway, and also any reasonably convenient alternative routes.

Before making a PSPO that restricts rights over highways the Council must also notify potentially affected persons of the proposed order of the intention to make it, let them know where they can see a copy of the proposed order and consider any representations received from potentially affected persons.

PSPOs can only last for a maximum period of three years.

#### **10. HUMAN RESOURCES IMPLICATIONS**

There are no direct HR implications contained within this report

#### **11. WARD IMPLICATIONS**

Park, Heneage, South, Humberston and New Waltham, East Marsh and Yarborough Wards.

#### **12. BACKGROUND PAPERS**

Cabinet Decision 29<sup>th</sup> September 2017 – Decision to transfer Gating Orders within North East Lincolnshire under sections 64 and 75 of The Anti-Social Behaviour Crime and Policing Act 2014.

#### **13. CONTACT OFFICER(S)**

- Sharon Wroot Executive Director for Resources and Governance. NELC, Tel: 01472 324423
- Mark Nearney, Assistant Director of Housing, Highways and Transport NELC, Tel: 01472 323105
- Matthew Chaplin, Public Rights of Way Mapping Officer, ENGIE, Tel: 01472 324789

**COUNCILLOR STEWART SWINBURN**  
**PORTFOLIO HOLDER FOR ENVIRONMENT AND TRANSPORT**

## Appendix 1.

Heathfield Court, Grimsby between Heathfield Court and Westward Ho.

The Public Space Protection Order is intended to address issues of crime and anti-social behaviour which are attributed to the existence of the public footpath link from Heathfield Court to the public open space adjoining Westward Ho. There are adequate alternative routes already in existence in the vicinity. There is Police support for the proposed closure of the path link.

Not to scale





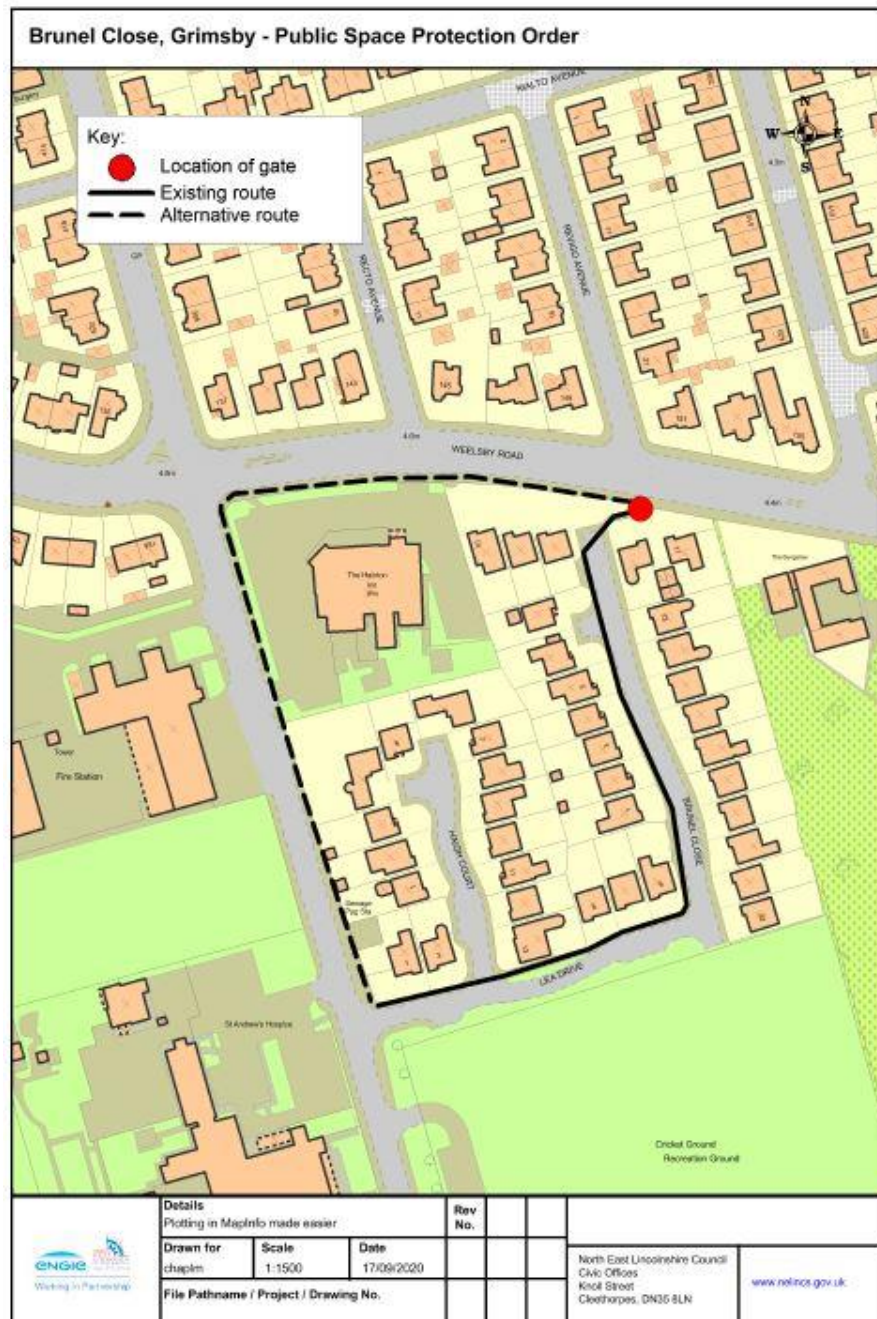
## Appendix 2.

Brunel Close, Grimsby, located between Weelsby Road and Brunel Close.

The Public Space Protection Order is intended to address issues of crime and anti-social behaviour which are attributed to the existence of the public footpath link from Brunel Close to Weelsby Road.

The gate has been beneficial effect on the adjoining area of Brunel Close by stopping antisocial behaviour.

Not to scale



### **Appendix 3.**

Kingsley Grove, Grimsby between Kinsley Close and First Avenue.

The Public Space Protection Order is to address issues of crime and anti-social behaviour which are attributed to the existence of the footpath link between Kingsley Grove and First Avenue. There are adequate alternative routes already in existence in the vicinity.

Police records and resident's diary sheets show that the properties in Kingsley Grove and the adjoining area of First Avenue are directly affected by crime and anti-social behaviour. The footpath link was recognised by Safer Communities and the Humberside Police as a gathering point for local youths and an escape route for offenders. The gates have had a positive benefit to local residents reducing anti-social behaviour in this area. In a letter from Humberside Police to the Chair of the Nunsthorpe Tenants and Residents Association (23 June 2007 – Kingsley Grove Alley Issues) the officer indicates that "removing alleys such as this one, that are being used as a means of escape by offenders, will reduce crime in these areas".

Safer Communities had advised that the path is not very well lit and does not appear to be appropriate for surveillance due to this. They have also advised that there is nowhere appropriate to site equipment where it would gather suitable evidence and would not be at risk of getting damaged.

Not to scale



# Kingsley Grove, Grimsby - Public Space Protection Order



Key:

- Location of closure points
- Existing route
- - - Alternative route



## Details

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## Appendix 4.

Queen Elizabeth Road, Humberston between Queens Elizabeth Road and Grimsby Road.

The determination of a Public Space Protection Order to address issues of crime and anti-social behaviour which are attributed to the existence of the footpath link between Queen Elizabeth Road and Grimsby Road. There are adequate alternative routes already in existence in the vicinity.

The residents perceive the path as being the root of the problems that they were experiencing and that a new Public Space Protection Order should be made. It was apparent when the first order was made that there were definite issues with graffiti, criminal damage and littering.

Safer Communities previously advised that whilst it does appear that the properties adjoining/near the path suffer from higher crime than the remainder of Queen Elizabeth Road and Grimsby Road, the wider neighbourhood does not appear to be a high crime area. They have also acknowledged the lack of reports of logged incidents to the Police by the residents, and in this respect, the Neighbourhood Inspector has issued residents with Incident Reporting Diaries. These provide an insight into the issues of crime and ASB the residents adjacent to the path were experiencing.

Not to scale



## **Appendix 5.**

East Marsh areas 1, 2 and 3, Grimsby

### **East Marsh Public Space Protection Orders**

These Public Space Protection Orders were made as the result of a long campaign by the residents of the East Marsh, working with Shoreline (now Lincolnshire Housing Partnership), Community Wardens and PCSOs, to look at ways of addressing the issues of crime and anti-social behaviour that the community are experiencing. The then Shoreline Regeneration Officer in charge of the working group, first contacted North East Lincolnshire Council in June 2007 for advice on how to proceed with an application for a Gating Order as an interim measure, allowing Shoreline to fund the gating of certain adopted highways. Following lengthy discussions with the community working group, it was decided which paths appeared to facilitate crime and anti-social behaviour within the East Marsh area.

One of the major problems they were experiencing was youths illegally riding motorbikes on the paths in the area. This problem is evident in the diaries completed by those residents.

East Marsh area 1, Grimsby, between 20 Harlech Way and 29 Bodiam Way and the path between 8 and 10 Harlech Way to 17 and 19 Bodiam Way.

East Marsh area 2, Grimsby, shown in Appendix 5, which includes:

The public path to the rear of 17-20 Millom Way, indicated by a solid black line and numbered 6 on the plan in Appendix 5.

The public path between 17-20 Millom Way on one side, and 21-24 Millom Way on the other side, indicated by a solid black line and numbered 7 on the plan in Appendix 5.

The public path that runs alongside 15 Millom Way, indicated by a solid black line and numbered 8 on the plan in Appendix 5.

The public path adjacent to 14 Millom Way, indicated by a solid black line and numbered 9 on the plan in Appendix 5.

The public path adjacent to 1 Buttermere Way, indicated by a solid black line and numbered 10 and 11 on the plan in Appendix 5.

The public path that links Victor Street and Willingham Way, indicated by a solid black line and numbered 12,13, and 14 on the plan in Appendix 5.

The public path at the rear of 6, 8, and 10 Willing Way, indicated by a solid black line and numbered 15 on the plan in Appendix 5.

The public path at the rear of 159, 161, 163, 165, 167 and 169 Wellington Street, indicated by a solid black line and numbered 16 on the plan in Appendix 5.

### **East Marsh area 3, Grimsby**

The public path that links Victor Street and George Janney Court, indicated by a solid

black line, and numbered 1 on the plan in Appendix 5.

The section of Tom Hammond Way that runs adjacent to 17 and 18 Tom Hammond Way, indicated by a solid black line, and numbered 2 on the plan in Appendix 5

The public path in between a grassed area and 30/32 Tom Hammond Way, indicated by a solid black line and numbered 3 on the plan in Appendix 5.

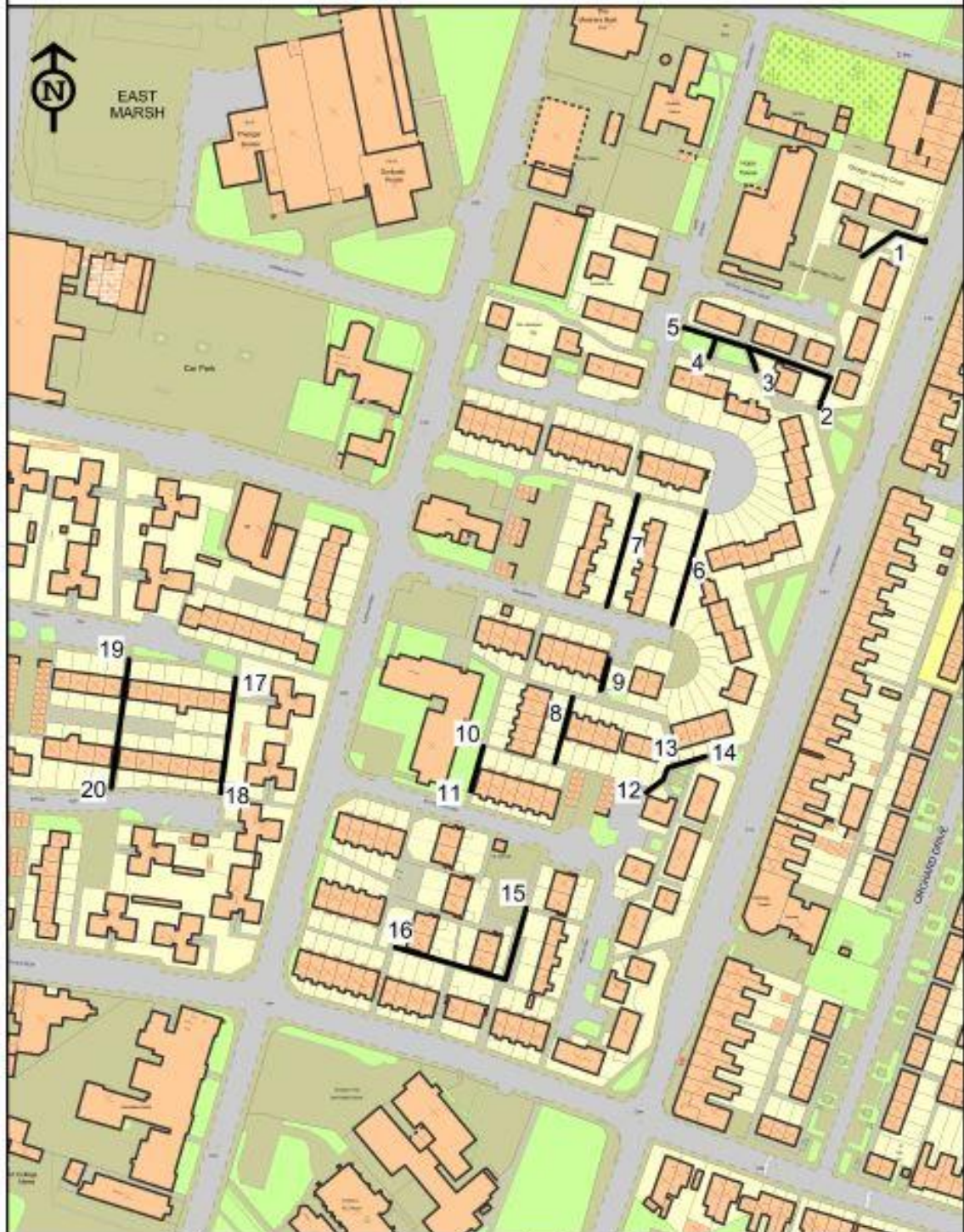
The public path in between the grassed areas in Tom Hammond Way, indicated by a solid black line and numbered 4 on the plan in Appendix 5.

The section of Tom Hammond Way that runs adjacent to 10, 12, 14, 16, 18, 20, 22, 24, 26 and 28 Tom Hammond Way numbered 5 on the plan in Appendix 5.



Not to scale

# East Marsh Public Space Protection Order Areas 1, 2 and 3 Grimsby



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North East Lincolnshire Council Civic Offices Knoll Street Cleethorpes, DN35 8LN					<a href="http://www.nelincs.gov.uk">www.nelincs.gov.uk</a>

## Appendix 6.

Romsey Court, Grimsby between Romsey Court and Maxwell Court.

The primary driver for local community requests for gating of a path is the allegations of criminal or anti-social behaviour (ASB), arising in most cases from the behaviour of a small minority of persons using the path.

It is considered that the potential benefit of reduction in the crime and anti-social behaviour attributed to the use of the existing footpath link would outweigh any minor inconvenience that may arise due to the increased distance of the alternative route.

Not to scale

