

Decision under Delegated Powers

Officer Requesting Decision

Enviro Crime and Dog Control Manager

Officer Making the Decision

Head of Regulatory Services

Recommendation

That the Council does not proceed with the Public Spaces Protection Order ('PSPO') to close the footpath (J84) off Latimer Street, Anstey during school opening hours.

Reason

Following consultation on the intention to make the PSPO the Council has determined that it does not meet the threshold of the legal test for doing so at this time.

Authority for Decision

The following Executive function has been delegated to the Head of Regulatory Services with Section 8.3 of the Council's Constitution:

"To make, vary or discharge a Public Spaces Protection Order (PSPO) affecting only one or two wards" (item 20 on page 8-26).

Decision and Date

Background

The Council was approached by Leicestershire County Council and Latimer Street School, Anstey, to consider the development of a Public Spaces Protection Order to close the footpath (J84) which runs between the two parts of the Latimer Primary School during school hours.

Under the Anti-Social Behaviour Crime and Policing Act 2014 district councils have the power to make PSPOs and county councils only have the ability to make PSPOs if there is no district council.

The Council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise.

Before making a PSPO, the Council must consult with the local Police. This is done formally through the Local Policing Body and the Police and Crime Commissioner. This consultation offers the opportunity to share information about the area and the problems being caused as well as discuss the practicalities of enforcement. In addition the owner or occupier of the land should be consulted.

The Council must consult with community representatives including residents, regular users of the path and the parish council.

The Council must publish the draft order to provide information to people in the area about the terms of the PSPO.

Initial Consultation

The school carried out an initial consultation about the footpath closure during term times and during the opening hours of the school.

The survey was carried out using an electronic survey which was published on the school's website. 84 people responded to the survey and 69 were in favour and 15 were not in favour of the footpath closure.

These results showed an overall positive response to the closing of the footpath but the pool of respondents was limited to people who had seen the website or heard about the survey through the school.

Formal Consultation

After the initial consultation the Council initiated the Notice of Intention – a document which formally outlines the terms of the requested PSPO. This can be seen in Appendix A .

This Notice of Intention, a copy of the draft order and a plan showing the affected area was posted through all households on Latimer Street and the surrounding area and at both ends of the path.

These documents were also published on the:

- Charnwood Borough Council website
- parish council website
- library website
- and noticeboards around Anstey.

The parish council and the local Police were consulted.

Reponses to formal consultation

The Council received 20 responses during the formal consultation period. These responses break down as:

- 14 from residents
- 4 from Councillors
- 2 from organisations with an interest in the path.

All responses to the consultation were reviewed with the Head of Regulatory Services.

The overall response was not in favour of the PSPO due to:

- Lack of evidence of anti-social behaviour
- Inconvenience for residents
- Possibility of separating the two parts of Anstey
- Alternative route is narrow and difficult to navigate for people with mobility issues or small children.
- Other measures to prevent the ASB had not been explored before considering closure of the footpath.

Officer Recommendations

It is not recommend that the Council proceed with the PSPO at this time. It is clear the residents are not in favour of the footpath closure.

There is also a lack of evidence for this PSPO at this stage. The terms of the PSPO must meet the legal test outlined in statutory guidance. It can only be made by the Council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be persistent or continuing in nature;
- is or is likely to be unreasonable; and
- justifies the restrictions imposed.

The intention of the PSPO was to control a number of ASB issues, including dog fouling, littering, needles being deposited and potential child protection issues. At this stage there are only anecdotal accounts of issues and no specific details of incidents or complaints being reported. Alternative control measures have also not yet been explored, which may minimise or prevent some of the issues identified.

The Street Management team will notify the school of the outcome and discuss future actions for the school.

Financial Implications

No financial implications

Risk Management

No specific risks have been identified with this report

Key Decision: No

Background Papers: Summary of consultation responses

APPENDIX A Notice of Intention
Draft PSPO

APPENDIX A

REVISED VERSION – THURSDAY 21ST JULY 2016

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 CHARNWOOD BOROUGH COUNCIL

NOTICE OF CONSULTATION FOR OPTIONS INCLUDING PUBLIC SPACES PROTECTION ORDER LATIMER STREET, ANSTEY

Notice is hereby given that Charnwood Borough Council ('the Council') proposes for the purposes of reducing antisocial behaviour to make a Public Spaces Protection Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 and of all other enabling powers.

The Council would like to seek your views on the proposed Notice of Intention to make an order. This Notice outlines the details of the proposed Public Spaces Protection Order. Any comments and/or objections should be sent in writing to the correspondence address below.

At the closure of the consultation period, Charnwood Borough Council will review all comments/objections and will make a decision on whether to accept or reject the application based on all comments received.

The Public Spaces Protection Order will seek to address issues of anti-social behaviour and nuisance caused by the public footpath (J84) which separates the two parts of the Latimer Primary School site.

The school takes the responsibility for the welfare of pupils very seriously, and seek to safeguard children from issues which are presented by Anti-Social Behaviour which takes place on the footpath. These issues include:

- Nuisance and annoyance from members of the public, who are not connected to the school, loitering on the footpath.
- Use of foul language from some of the members of the public when passing through the footpath.
- Dog fouling and litter being dropped onto the footpath and school site.
- Members of the public attempting to speak to/contact children through the fences when children are on the playground or field. Consequently causing distress and alarm to children, staff and parents

The effect of the Order will be to restrict the public right of way over the highways listed in the Schedule ("the Restricted Areas") during:

- school term dates
- and within the school hours of 9.00am and 15.00pm Monday to Friday

This Order applies to the public place described in the Schedule to this Order and shown shaded yellow on the plan annexed to this Order (“the restricted area”)

SCHEDULE

Location	Description
The footpath that runs between the two parts of The Latimer Primary School	The restricted section of the footpath runs in a west to east direction from Latimer Street for a distance of approximately 56 metres and is 3.7 metres wide at its widest point

A draft of the proposed Order together with the Plan is available for inspection on the Council’s website and also on the noticeboard at Anstey Parish Council (Reference LS/GO/37).

More details about the Proposed Public Spaces protection Order can be found on the Charnwood Borough Council website at

<http://www.charnwood.gov.uk/pages/currentconsultations>

Any representation or objection to the proposed Public Spaces Protection Order must be in writing addressed to:

Head of Regulatory Services,
Charnwood Borough Council,
Southfield Road,
Loughborough,
Leicestershire
LE11 2TR

Stating the reference number to which they relate and the grounds for making them before Friday 12th August 2016.

Alternatively you can email cleaner.greener@charnwood.gov.uk quoting reference LS/GO/37

REVISED

The Anti-Social Behaviour, Crime and Policing Act 2014

The Public Spaces Protection Order – Latimer Street, Anstey 2016

Copy of the Proposed Public Spaces Protection Order which would come into operation if a decision is made to accept the proposal.

This Public Spaces Protection Order has not had a final decision at this stage. There is a formal consultation period until Friday 12th August 2016.

Following the closure of the consultation period all comments/objections will be reviewed and a decision will be made based on your feedback.

Charnwood Borough Council (“the Council”) in exercise of its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and of all other enabling powers being satisfied that that the conditions set out in section 59 of the Act have been met hereby makes the following Order:

The Public Spaces Protection Order will address issues of anti-social behaviour and nuisance caused by the public footpath (J84) which separates the two parts of the Latimer Primary School site.

The school takes the responsibility for the welfare of pupils very seriously, and seek to safeguard children from issues which are presented by Anti-Social Behaviour which takes place on the footpath. These issues include:

- Nuisance and annoyance from members of the public, who are not connected to the school, loitering on the footpath.
 - Use of foul language from members of the public when passing through the footpath.
 - Dog fouling and litter being dropped onto the footpath and school site.
 - Members of the public attempting to speak to/contact children through the fences when children are on the playground or field. Consequently causing distress and alarm to children, staff and parents
1. This Order applies to the public place described in the Schedule to this Order and shown shaded yellow on the plan annexed to this Order (“the restricted area”)
 2. Except as provided in Article 6 to this Order, no person shall use the public right of way during school term time and between the hours of 9.00am and 3.00pm Monday to Friday.

3. Gates may be installed, operated and maintained at each end of the restricted area by Leicestershire County Council.
4. Any person employed by The Latimer Primary School or authorised by the school to use the gates referred to in Article 3 to gain access to or from the Restricted Area shall ensure that the gates are closed and locked immediately after they are used.
5. The restrictions in Article 2 and 4 to the Order shall not apply to any police, ambulance or fire service personnel acting in pursuance of statutory powers or duties or to any statutory undertakers, gas electricity, water or communications provider requiring access to their apparatus situated in the restricted Area.
6. Any person who, without reasonable excuse fails to comply with the requirements of Articles 2 or 4 of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
7. This Order would come into force on September 26th 2016 for a period of 3 years

SCHEDULE

Location	Description
The footpath that runs between the two parts of The Latimer Primary School	The restricted section of the footpath runs in a west to east direction from Latimer Street for a distance of approximately 56 metres and is 3.7 metres wide at its widest point

