



Cabinet Meeting

19 July 2017

Report title	Review of current Gating Orders prior to transition to Public Spaces Protection Orders	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Steve Evans City Environment	
Key decision	Yes	
In forward plan	Yes	
Wards affected	Bilston East, Bilston North, Blakenhall, Bushbury North, Bushbury South / Low Hill, East Park, Ettingshall, Heath Town, Oxley, Spring Vale, St Peters, Wednesfield North and Wednesfield South	
Accountable director	Ross Cook, City Environment	
Originating service	Highways Network	
Accountable employee(s)	Keith Rogers Tel Email	Service Lead - Highways Assets 01902 552855 keith.rogers@wolverhampton.gov.uk
Report to be/has been considered by	Place Leadership Team – 12 June Keeping the City Moving Board – 15 June Strategic Executive Board – 4 July	

Recommendation(s) for action or decision:

The Cabinet is recommended to:

1. Consider the review findings in relation to the existing Gating Orders.
2. Approve recommendations to convert existing Gating Orders to Public Spaces Protection Orders, subject to the mandatory six week legal challenge period allowed.

1.0 Purpose

- 1.1 To present the findings of a review of the existing 15 Gating Orders on the public highway.
- 1.2 To seek approval for Public Spaces Protection Orders (PSPOs) to replace the current Gating Orders following a change in tools and powers introduced in the Anti-social Behaviour, Police and Crime Act 2014.

2.0 Background

- 2.1 The Highways Act (Gating Orders) (England) Regulations 2006 came into operation on 1 April 2006 and allowed for the installation of gates on the highway to address anti-social behaviour (ASB). Since that time 16 Gating Orders have been made and periodic reviews undertaken to ensure the gates are considered effective in addressing the problems. Fifteen of the Gating Orders have been successful whilst one order was revoked in 2011.
- 2.2 The Anti-Social Behaviour, Police and Crime Act 2014 came into force in October 2014 and introduced streamlined tools and powers to address ASB. By virtue of section 75(2) within three years of the commencement of the Act (that is by 1 October 2017) all Gating Orders will automatically lapse and will instead convert to PSPOs (sections 59 to 75 of the Act).
- 2.3 Cabinet was briefed on local implementation of the legislation on 12 November 2014 and a multi-agency ASB Steering Group was established to oversee the changes. Wolverhampton has been instrumental in trialling these revised approaches and has shared practice across the West Midlands.
- 2.4 On 22 July 2015 Cabinet approved a trial of the first two PSPOs for the City; one in Low Hill to address long standing traveller encampment incursions and a second in Park Village to address entrenched ASB. The PSPOs came into force in September 2015. A review of their use has shown that whilst both locations have required focussed deployment of staff resource, and significant coordination of enforcement activity between partner agencies, there has been a marked reduction in the associated ASB in these locations. It was agreed that no further PSPOs would be issued across the City until the review of these two PSPOs was concluded and any associated difficulties regarding implementation addressed. Given the success of the PSPOs in Low Hill and Park Village, further PSPOs are being considered (on a City-wide basis where appropriate) to tackle other longstanding sources of nuisance and anti-social behaviour.
- 2.5 The legislation made provision for existing Gating Orders to automatically become PSPOs within three years of the legislation coming into force. However, given the length of time that the Gating Orders have been in place, it was considered appropriate to undertake a review of each Order to inform decisions about the need for continuation of

these powers. The existing Gating Orders therefore remain in place until October 2017 or until such time as it is revoked by a replacement PSPO.

3.0 Review of existing Gating Orders

- 3.1 The 15 current Gating Orders are spread throughout the City and plans attached identify the locations and the restrictions of access. Most are alleyways which have residential properties either side but some are located within business areas. (Please see attached list and plans - Appendix A).
- 3.2 A consultation was undertaken in February 2017 and in total 148 letters were sent to all those properties / businesses which had been directly affected by the anti-social behaviour and crime. Notices were erected on site to capture views of users of the highway from further afield.
- 3.3 A six week consultation period was allowed for responses. 64 responses were received equating to a 43.2% response rate. All respondents confirmed that the gates were being effective in addressing anti-social behaviour and crime. The overwhelming wish was that the gates remain in place. One comment was received that gating of FP090 between The Grove and Prestwood Road made it a long way to walk to local shops.
- 3.4 A request was made to West Midlands Police for its support for the continuation of gating of the highway in all affected locations. Full support has been received.

4.0 The Proposed PSPO

- 4.1 The prohibition is to restrict access to all with the exception of those individuals who have legitimate access, including for maintenance purposes. The times of the restriction will reflect the original restrictions set out in the Gating Order for each of the locations. Access will be permitted to highway maintenance contractors employed by the City of Wolverhampton Council, the emergency services and public utility companies.
- 4.2 Access will be allowed by:
 - a) Fire brigade, police or NHS staff when in the exercise of their duties
 - b) Employees, contractors or agents of statutory undertakers in relation to gas, electricity or water or telecommunications apparatus as defined in the Telecommunications Act 1994 situated in the relevant highway in connection with the laying, erecting, inspection, maintenance, alteration, repair, renewal or removal of any relevant apparatus.
 - c) Council staff and its authorised contractors when in the exercise of their duties.
 - d) Persons using the highway with the express permission or on the direction of a duly authorised council officer in this regard.
- 4.3 PSPOs are required to be reviewed every three years. It is therefore expected that another consultation process will take place in early 2020 with a view to confirming the Council's position on the existing PSPOs.

- 4.4 Any new PSPOs implemented after October 2017 will also be reviewed after a maximum of three years and follow the same consultation process recently undertaken. There is flexibility to review the PSPO within three years of implementation if it is thought an amendment to the legal order would improve its performance or effectiveness.

5.0 Financial implications

- 5.1 The statutory notices and consultation in relation to the review of gating orders are anticipated to cost approximately £1,000 and will be met from existing revenue budgets for Public Rights of Way.
- 5.2 Breach of PSPO prohibitions can result in fixed penalty notices being issued by authorised Council Officers or other persons designated by the Council. A fixed penalty charge of £80 will be applicable in these circumstances. This income is not budgeted for and therefore will reduce the council's net expenditure, contributing to either a budget under spend or reducing a budget over spend as appropriate. [TT/23052017/X]

6.0 Legal implications

- 6.1 The Anti-Social Behaviour, Crime and policing Act 2014 ("the Act") came into effect on 20 October 2014.
- 6.2 Section 59 of The Act gives local authorities the power to make PSPOs which are intended to deal with ASB and nuisance in a particular area that is detrimental to the local community's quality of life by imposing conditions on the use of that area.
- 6.3 PSPOs impose conditions or restrictions on people using that area such as alcohol bans or putting up gates.
- 6.4 Before making a PSPO councils must consult with the local police (section 72(3) and 72(4) of the Act) formally through the Chief Officer of Police and the Police and Crime Commissioner. The Act also stipulates that councils must consult with the local community on any proposed PSPO.
- 6.5 Anyone who lives in or regularly works or visits the area can appeal a PSPO in the High Court within six weeks of issue. The PSPO will be publicised locally.
- 6.6 Section 61 of the Act makes provision to review a PSPO which is in force and to vary the terms of the order which can be based upon the review findings. Furthermore the maximum duration of a PSPO is three years so proposals to undertake a full review prior to its expiry in October 2020 would be appropriate. [RB/24052017/G]

7.0 Equalities implications

- 7.1 At the time of making each Gating Order equality implications were considered and none were deemed detrimental.

8.0 Environmental implications

- 8.1 Gating of these highways helps to reduce the opportunity for anti-social behaviour and crime and thus have a positive impact on the local environment.

9.0 Human resources implications

- 9.1 There are no human resource implications associated with this proposal.

10.0 Corporate landlord implications

- 10.1 There are no corporate landlord implications associated with this proposal.

11.0 Schedule of background papers

- 11.1 None

Appendix A

<u>Public Footpath Ref.</u>	<u>Location From / To</u>	<u>Current Restrictions</u>
FP090	The Grove - Prestwood Road	At all times
FP275	Woodcross Lane – Beach Avenue	At all times
FP284	Rooker Crescent – Cheviot Road	At all times
FP179	Prouds Lane – Angela Place	At all times
FP382 / FP383	Wymering Avenue – Chilworth Avenue	At all times
FP398 / FP399	Stirling Road – Bellevue Road	At all times
FP173 / FP174 / FP336	Rockland Gardens / Breydon Grove / Wayford Glade – Moseley Road	At all times
FP013	Ripon Road – Stafford Road – Bushbury Road	Restricted 6pm to 7am and permanently during school holidays
<u>Highway</u>		
Cockshutts Lane	Off Thompson Avenue	6pm to 6am
Murdoch Road	Murdoch Road – Vulcan Road	At all times
Planetary Road	Planetary Industrial Estate	At all times
Pendeford Lane	Off Wobaston Road	Between 4pm to 9pm on weekday evenings and 8am to 6pm at weekends.
Brickheath Road	Off Old Heath Road	6pm to 6.30am
Princess Alley	Princess Street – Berry Street	7pm to 8am
Moseley Old Hall Lane	Moseley Old Hall Lane	6pm to 8.30am



HEATH TOWN
THE GROVE GATING ORDER



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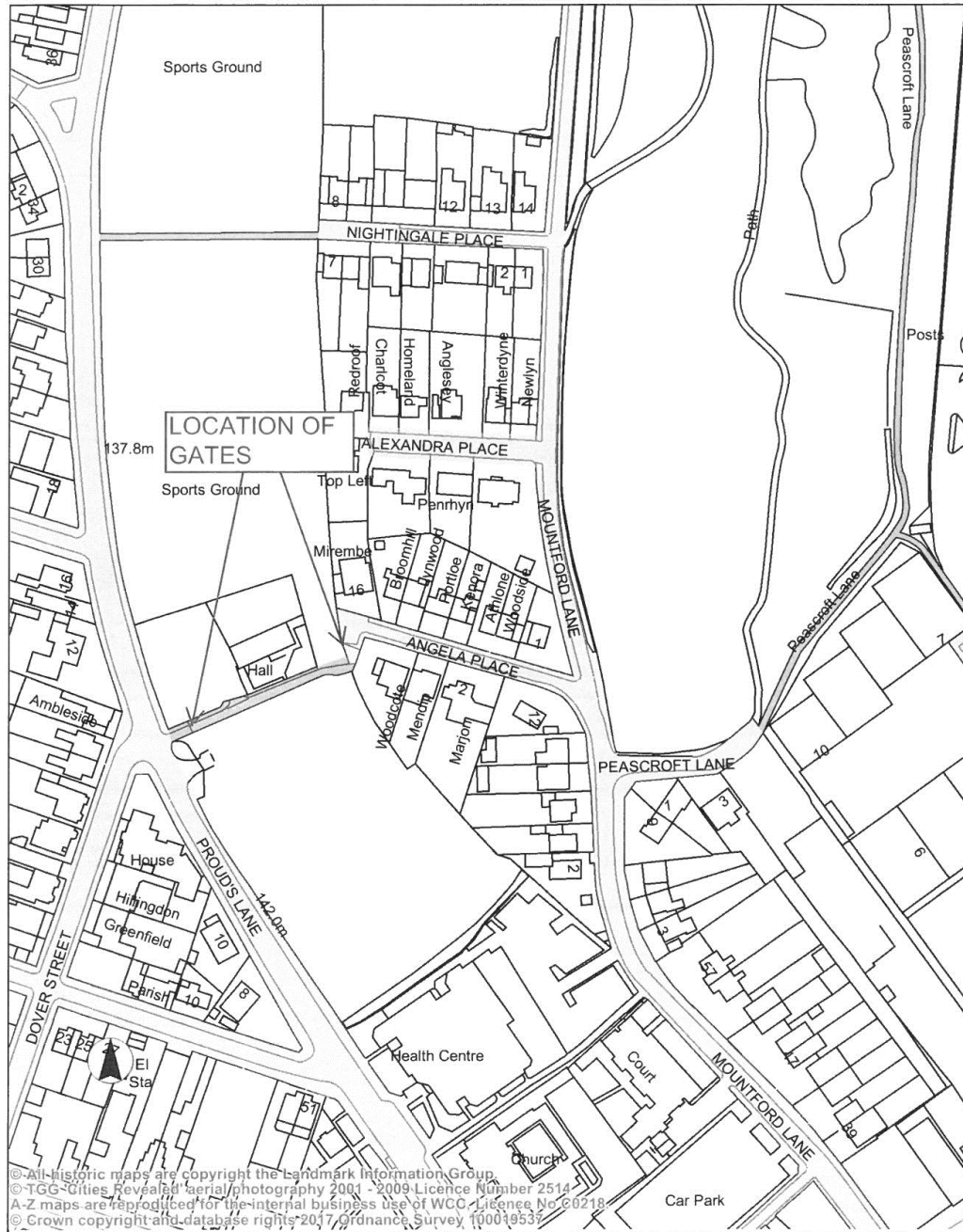


SPRING VALE
BEACH AVENUE GATING ORDER





BILSTON NORTH
ANGELA PLACE GATING ORDER





*BILSTON EAST
MASEFIELD CLOSE GATING ORDER*



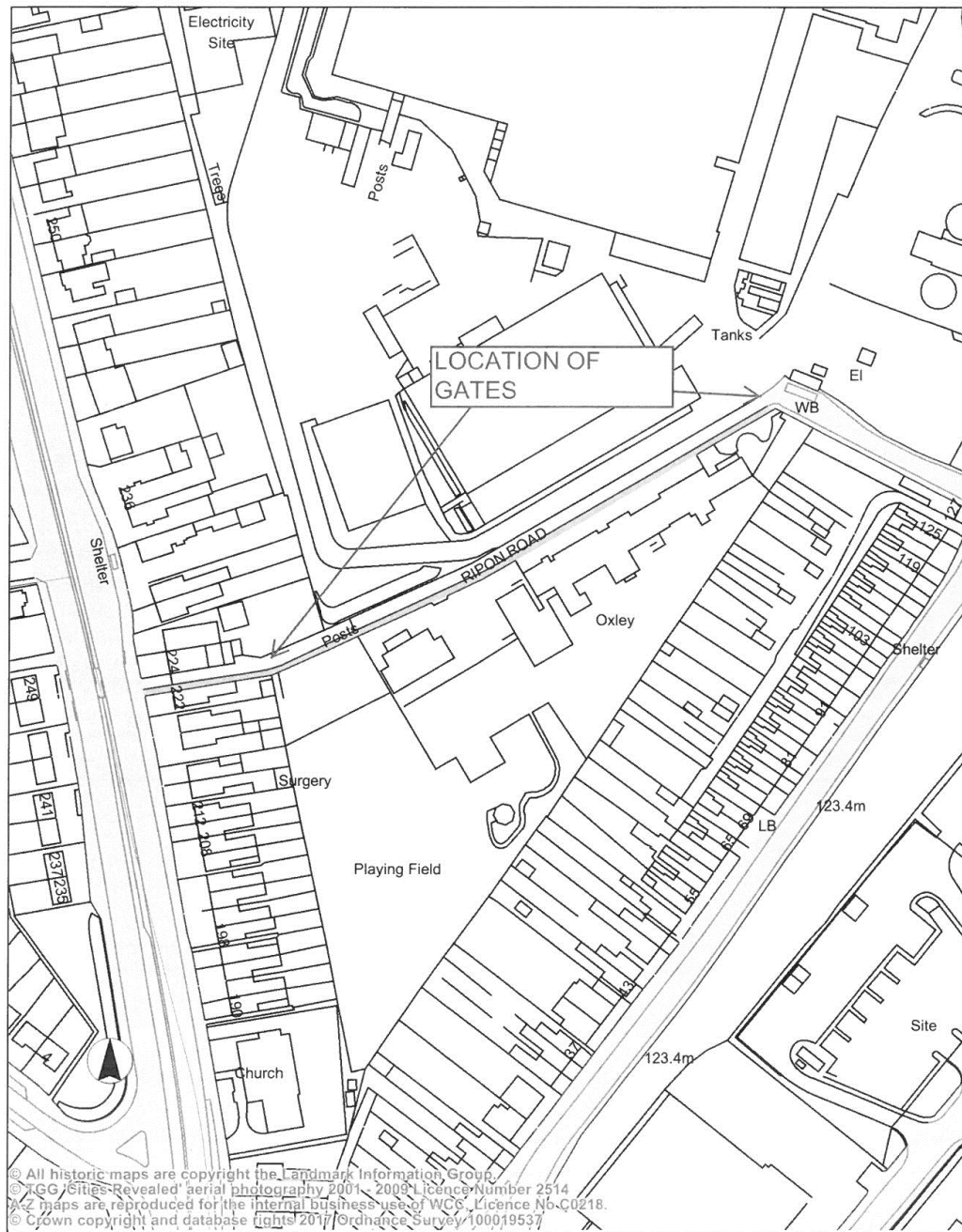
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BILSTON NORTH
ROCKLAND GARDENS GATING ORDER







BLAKENHALL
COCKSHUTTS LANE GATING ORDER



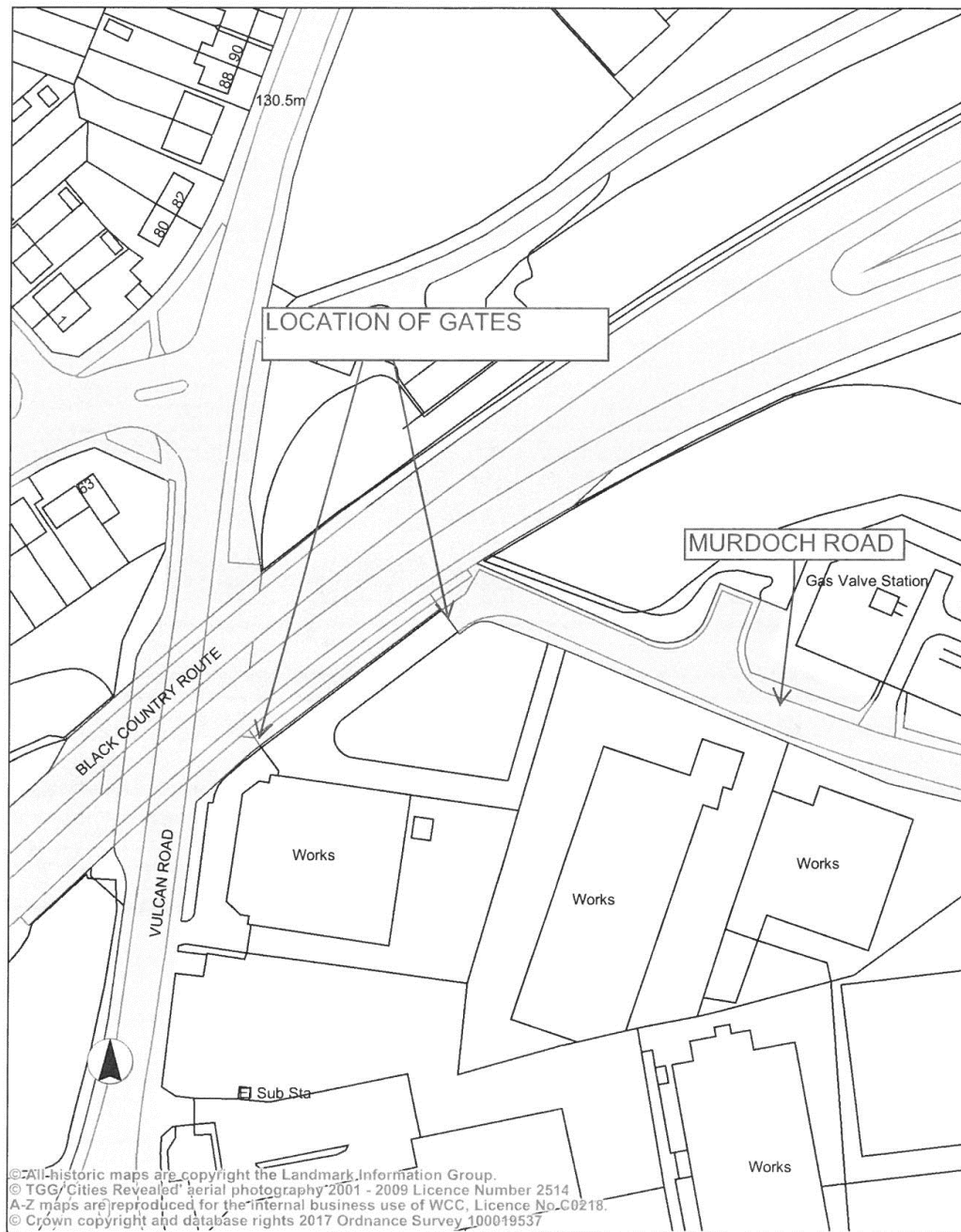
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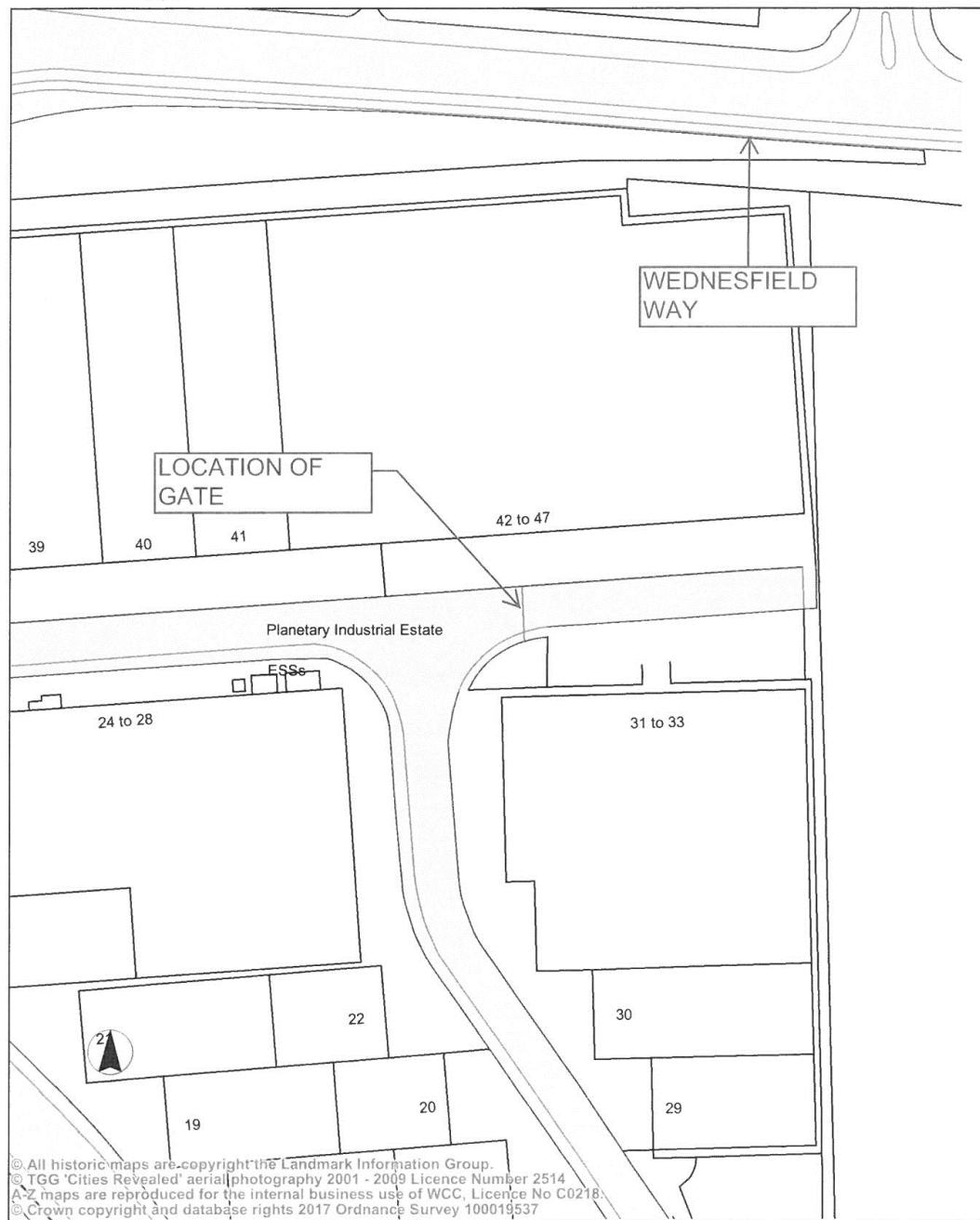
BILSTON EAST
MURDOCH ROAD GATING ORDER



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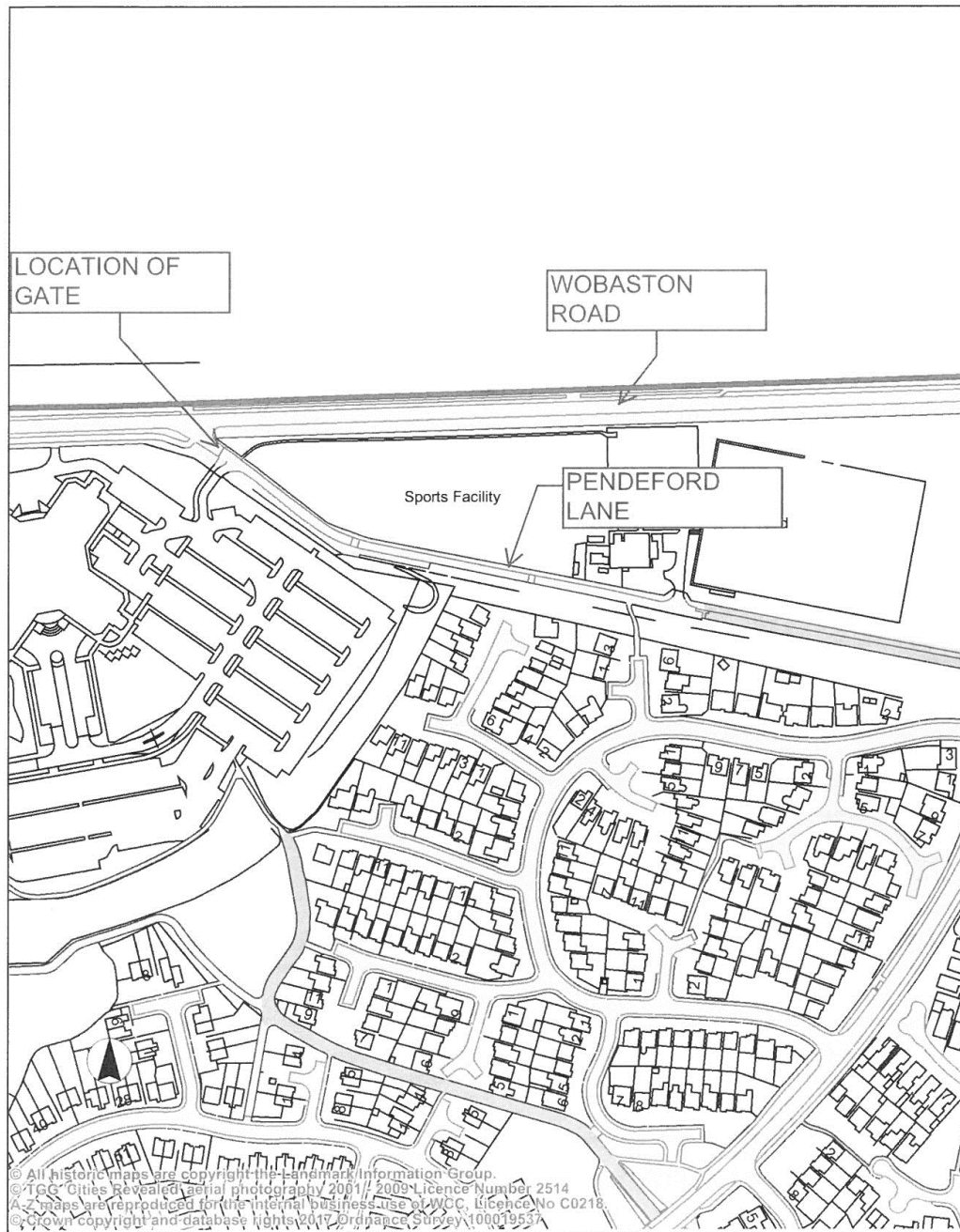


WEDNESFIELD SOUTH
PLANETARY IND. ESTATE GATING ORDER



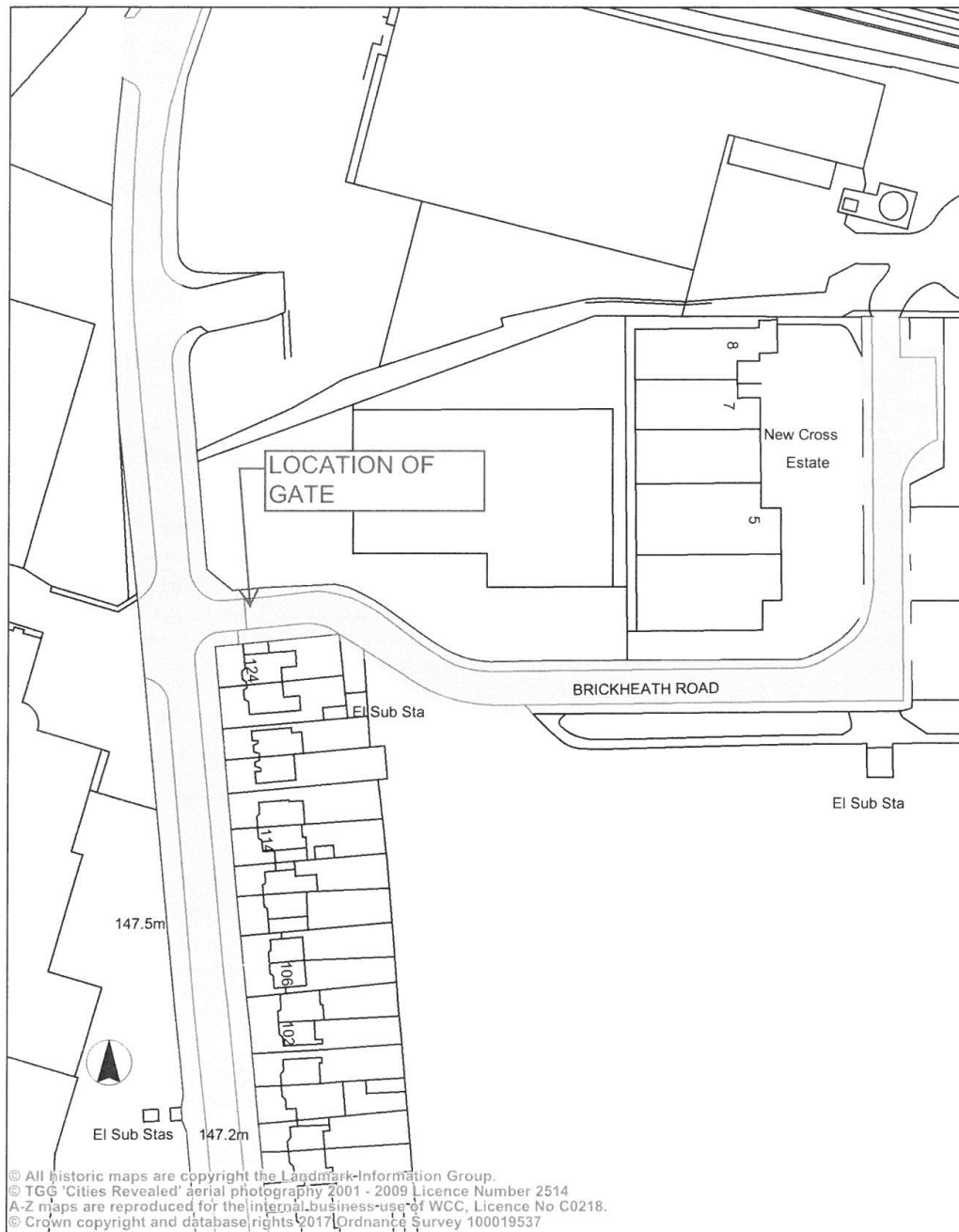


OXLEY
PENDEFORD LANE GATING ORDER



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ST. PETERS
PRINCESS ALLEY GATING ORDER



BUSHBURY NORTH
MOSELEY OLD HALL LANE GATING
ORDER

