

Petitions Committee

11 September 2015

Report title	Composite update report of various petitions	
Cabinet member with lead responsibility	Councillor Peter Bilson City Assets Councillor Claire Darke Education Councillor Sandra Samuels Public Health and Wellbeing	
Wards affected	All	
Accountable director	Nick Edwards, City Assets Julien Kramer, Education Ros Jervis, Public Health and Wellbeing	
Originating service	City Assets Education Public Health	
Accountable employee(s)	Laura Gilyead Tel Email	Graduate Management Trainee 01902 553219 Laura.gilyead@wolverhampton.gov.uk
Report to be/has been considered by	n/a	

Recommendation(s) for action or decision:

The Committee is recommended to note the actions taken regarding the following petitions and endorse any proposals.

- Prohibit Parking of Caravans and Large Vans on Broome Road and Hawksford Crescent petition
- Opposing Increase in Standard Number at Manor Primary School petition
- Lollipop Person on Ettingshall Road petition
- Pedestrian Crossing on Rushall Road petition

1.0 Purpose

- 1.1 This report gives an update on various petitions which have been submitted to the Council. These petitions have been presented to the Petitions Committee previously where an update report was requested.
- 1.2 This report updates the Committee on the following petitions:

Petition title	Dates previously presented	Lead Employee
Prohibit Parking of Caravans and Large Vans on Broome Road and Hawksford Crescent	18 October 2013 22 November 2013 21 March 2014 12 December 2014	Joanne Mason, Manager – Wolverhampton Anti-Social Behaviour Team
Opposing Increase in Standard Number at Manor Primary School	12 December 2014	Tom Knott, School Organisation Manager
Lollipop Person on Ettingshall Road	12 December 2014	Denise Eccleston, Parking Services Manager
Pedestrian Crossing on Rushall Road	12 December 2014	Gwyn James, Transportation Manager

2.0 Progress

2.1 Prohibit Parking of Caravans and Large Vans on Broome Road and Hawksford Crescent

Background

- 2.1.1 In July 2013, a 55 signature petition was submitted to Wolverhampton City Council by Hawksford Crescent Tenants and Residents Association. This petition was subject to hearings and discussions at Petitions Committee on 18 October 2013, 22 November 2013, 21 March 2014 and 12 December 2014. The recommendation from these meetings was that Wolverhampton Homes, the Police and the City Council work together to try and provide a solution to the problems.
- 2.1.2 At the Committee hearing on 12 December 2014, the Anti-Social Behaviour Team Leader briefed Councillors on new legislation that had come into force on 20 October 2014 – the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act'). Section 59 of the Act gives councils the power to make Public Space Protection Orders (PSPO) which are intended to deal with anti-social behaviour 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. At the meeting, Councillors resolved that employees should explore the feasibility of introducing a PSPO in Broome Road and Hawksford Crescent.
- 2.1.3 It is felt that the PSPO will help to address the residents' concerns about road safety in Broome Road and Hawksford Crescent as outlined in their petition. The PSPO will also address the associated anti-social behaviour and nuisance that has been evidenced by

officers from Wolverhampton Anti-social Behaviour Team over a 12 month period that includes fly tipping, littering and uncontrolled dogs.

- 2.1.4 Furthermore, it is felt that a PSPO will be effective as immediate fixed penalty notices can be issued to those breaching the terms of the order. The level of penalty was agreed at £80 by Cabinet (Resources) Panel on 30 June 2015. This penalty is in line with what it is expected other neighbouring authorities will set in due course. Until now, such expedient action has not been possible in such situations using any previous legislation.

Consultation

- 2.1.5 Before making a PSPO, councils must consult with the local police. Formal consultation with West Midlands Police on this matter was held on 10 March 2015.
- 2.1.6 The Act also stipulates that councils must consult with the local community on any proposed PSPO. Officers from the Anti-social Behaviour Team have spent much time consulting with residents explaining the reason why a PSPO was being considered and explaining how it would affect them.
- 2.1.7 During the consultation, 500 letters were hand-delivered to the houses within the proposed zone. Of the people spoken to who live in Broome Road/the lower end of Hawksford Crescent, only two of those residents from a traveller background said they were against the proposed PSPO. Whilst some residents were ambivalent, many others from a traveller background said they were in favour of a PSPO to address the nuisance associated with repeat unauthorised encampments.
- 2.1.8 Furthermore, following advice from Legal Services, the Gypsy Council was written to explaining why the PSPO was being proposed. All residents were supplied with written contact details for the Gypsy Council but, to date, there has been no response or challenge.

Progress

- 2.1.9 Consequently, on 20 July 2015 an Individual Executive Decision Notice was signed by Councillor Sandra Samuels, Cabinet Member for Well Being, and Linda Sanders, Strategic Director – People, authorising the PSPO.

- 2.1.10 The prohibitions of the PSPO are as follows:

“Everyone is prohibited from the following activities in any public area within the zone:

- A. Parking a caravan, or being in any caravan
- B. Fly-tipping or littering
- C. Allowing a dog belonging to you or your family to be outside of your control, or outside of your home without a lead.”

- 2.1.11 In order to avoid displacement, nearby streets will be included in the PSPO zone. A map outlining the PSPO zone can be found in Appendix 1.

2.1.12 Anyone who lives in or regularly works or visits the area can appeal a PSPO in the High Court within six weeks of issue (date of issue is 20 July 2015). The PSPO has been publicised locally through leafleting of every household. The six week period ended on 28 August 2015 and no legal challenges were made against the PSPO. Therefore, the PSPO came into force on 1 September 2015. The PSPO will remain in place for three years and can be renewed as necessary. Signage was erected in the affected area during week beginning 30 August 2015.

2.1.13 The management of the PSPO will rest with the Anti-social Behaviour Team in partnership with Environmental Health and West Midlands Police.

2.2 Opposing Increase in Standard Number at Manor Primary School

2.2.1 On 12 December 2014, the Petitions Committee considered the petition received by the Council on 17 October 2014 entitled 'Opposing Increase in Standard Number at Manor Primary School'. The Petitions Committee resolved that the undertaking of the identified actions to mitigate the impact of the expansion on Manor Primary School and the local community be supported.

2.2.2 The table below provides a status update with regard to the aforementioned mitigation strategies.

Issue	Mitigation Strategy Status
<p>Parking issues and traffic congestion in the vicinity of the school</p>	<p>During the development of the expansion scheme, representatives from Education worked closely with representatives from Transportation to consider potential mitigation strategies.</p> <p>The capital investment scheme to support the School's expansion provides additional staff car parking, located to the rear of the school with access from the A4123 Birmingham New Road.</p> <p>In addition, step and sloped access is being provided to both sides of the school which should help to reduce congestion on the site and a further meeting is scheduled to assess the location of the controlled crossing point in light of the altered access points and to consider the feasibility of building the kerbs out to make the crossing point more visible to both pedestrians and vehicles.</p> <p>A £1.5 Million road improvement scheme has recently been announced which will improve pedestrian and cycle facilities in the vicinity of the school. Work will be undertaken to reduce traffic congestion and address road safety concerns at the A4123 Birmingham New Road/Shaw Road junction. Work will commence during the current financial year with completion anticipated by Summer 2016.</p> <p>Expanding schools are prioritised for visits from the Council's Parking</p>

	<p>Services Enforcement Vehicle; this year to date, seven Parking Controlled Notices have been served in Ettingshall Road on the school's 'Keep Clear' markings.</p>
<p>Road safety and the absence of a school crossing patrol</p>	<p>The School Crossing Patrol Service is a non-statutory function and responsibility for ensuring the safety of children travelling to and from school is a parental one. However, in the first instance and in response to concerns raised by parents and residents, the Council deployed a Civil Enforcement Officer to Ettingshall Road to provide School Crossing Patrol provision.</p> <p>An annual priority assessment regarding the provision of a School Crossing Patrol was carried out on Wednesday 13 May 2015. This assessment identified the site as a lower level priority according to road safety counts. However, as Manor Primary School is part of the Council's 2015 Primary School Expansion Programme it has been determined that it will be provided with its own Static Patrol with increased priority arrangements. As such, cover will be provided by a Mobile Patrol if the Static Officer is unable to work for any reason.</p> <p>The Council's Road Safety Team has undertaken a review to assess the potential need for traffic calming measures and speed restrictions. Ettingshall Road is a Local Distributor Road; as such, options for the introduction of traffic calming measures are restricted due to its importance within the road network. The Road Safety Team will continue to monitor this site as the School expands and if appropriate will seek to introduce further parking restrictions in areas where they are required.</p> <p>In addition, an aspiration to prioritise expanding schools for road safety education is being investigated by Council representatives.</p>
<p>A risk of compromising the quality of teaching and learning at the school and the resultant impact on standards</p>	<p>Manor Primary is an outstanding school, with excellent levels of attainment, which has Teaching School Status and as such it is well placed to respond effectively to the expansion scheme.</p> <p>On 9 October 2014, Wolverhampton's Schools' Forum agreed to the establishment of a Growth Fund to support the needs of pupils in expanding schools. The Growth Fund ensures that expanding schools receive an additional revenue funding allocation. To date all 2015 Reception places at Manor Primary School have been allocated and it is estimated that the School will benefit from an additional allocation of approximately £90,000 to support the needs of the additional pupils.</p>
<p>Pressure on existing school facilities and</p>	<p>The Service Manager for Capital and Assets has worked closely with architects and the School to develop a £3.7 Million capital investment scheme to ensure that the additional accommodation meets the needs of</p>

concerns relating to the practicality of delivering a scheme on the site	pupils and staff and to minimise disruption. The contractor (J Harper and Sons Limited) has commenced delivery of the scheme.
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2.3 Lollipop Person on Ettingshall Road

2.3.1 The Council has consistently provided a School Crossing Patrol Warden to this site despite safety ratio counts still setting it as a low priority site – 66 of 100. As Manor Primary School is part of the primary school expansion programme, it will now be provided with its own static patrol with increased priority arrangements. This means that cover will be provided by a mobile patrol if the new static officer is off sick or unable to work for any reason.

2.4 Pedestrian Crossing on Rushall Road

2.4.1 Pedestrian and vehicle surveys have been undertaken on two occasions in order to assess the viability of a pedestrian crossing at this location. The second survey was commissioned because of concern that bad weather on the date of the original survey might have made the results unrepresentative, particularly in terms of pedestrian numbers.

2.4.2 Analysis of the results has shown that the location does not meet the Council's criteria for a formal pedestrian crossing (e.g. a zebra or puffin crossing).

2.4.3 After further discussion with ward councillors, officers have undertaken to investigate whether there might be other measures that could be introduced to make it easier and safer for residents to cross the road. Such measures might include additional signing, road markings, central refuge(s) or dropped kerbs. Any such measures will, if feasible, be introduced at the earliest possible opportunity.

3.0 Financial implications

3.1 Prohibit Parking of Caravans and Large Vans on Broome Road and Hawksford Crescent

3.1.1 Any costs associated with signage and replacement signage will be funded by Wolverhampton Homes.

3.1.2 It is expected that the cost of environmental clear-ups of domestic refuse will be reduced considerably as the unauthorised encampments are controlled and prevented. However, it is not possible to quantify this at this stage.

3.2 Opposing Increase in Standard Number at Manor Primary School

3.2.1 The resources required for the expansion of the school buildings £3.7 million has been identified as part of the Primary School Expansion Programme. The on-going revenue cost implications of the expansion will be met from the City's Dedicated Schools Grant allocation.

3.3 Lollipop Person on Etingshall Road

3.3.1 The cost of any measure put in place will be met from the approved School Crossing patrol budgets.

3.4 Pedestrian Crossing on Rushall Road

3.4.1 The cost of any measures put in place will be met by the Transportation Capital Programme.

[MH/02092015/K]

4.0 Legal implications

4.1 Prohibit Parking of Caravans and Large Vans on Broome Road and Hawksford Crescent

4.1.1 The Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") came into effect on 20 October 2014.

4.1.2 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.

4.1.3 As outlined in 2.7, before making a PSPO, councils must consult with the local police (section 72(3) and 72(4) of the Act). Formal consultation with West Midlands Police on this matter was held on 10 March 2015.

4.1.4 As outlined in 2.8 above, the Act also stipulates that councils must consult with the local community on any proposed PSPO. Extensive consultation has been carried out with residents in Broome Road, Hawksford Crescent and surrounding areas as well as Ward Councillors. The overwhelming majority of those spoken to are in favour of a PSPO in the affected area. The Gypsy Council has also been written to regarding the proposal but, to date, no response has been received. All Ward Councillors are in support of the proposal.

4.1.5 Anyone who lives in or regularly works or visits the area can appeal a PSPO in the High Court within six weeks of issue. As outlined in 2.14 above, the PSPO has been publicised locally. Signage will not be erected until after the six week 'challenge' period.

4.2 Opposing Increase in Standard Number at Manor Primary School

4.2.1 Under sections 13 and 14 of the Education Act 1996 (as amended by the Education Acts 2006 and 2011), a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area.

4.3 Lollipop Person on Etingshall Road

4.3.1 There are no legal implications.

4.4 Pedestrian Crossing on Rushall Road

4.4.1 There are no legal implications.

[AS/28022015/W]

5.0 Equalities implications

5.1 Prohibit Parking of Caravans and Large Vans on Broome Road and Hawksford Crescent

5.1.1 A full equalities' impact assessment has been carried out. There is no evidence to suggest that the proposal may be directly or indirectly discriminatory, although the PSPO may affect travelling families more than other people. Any impact upon a person with protected characteristics defined under the Equalities Act, in this case those with gypsy or traveller heritage, has been balanced with the impact upon the majority of residents, including settled traveller families, of the nuisance illegally parked caravans cause.

5.1.2 A great deal of effort has been afforded to work with the Council tenants of travelling family origin. Extra rear yard space was created behind six foot fences for several residents around fifteen years ago to accommodate visiting relatives of Council tenants; this is a unique provision. This provision will continue to exist outside of the remit of the PSPO.

5.1.3 The PSPO will affect travelling families who have no link to this area but who choose to use the residential street as a transit point. The PSPO will also affect any individual in respect of fly tipping and controlling dogs.

5.1.4 Consultation has been carried out in the affected area and the overwhelming majority of those spoken to, many of whom are from a traveller background, are in favour of a PSPO in the affected area.

5.1.5 The Gypsy Council has also been formally contacted but has not responded.

5.1.6 Monitoring will be carried out by visits to the area by ASB Team and Environmental Health staff and police officers.

- 5.1.7 Regular monitoring will be carried out in respect of fixed penalty notices issued for breach of order with further work on awareness raising carried out where possible.
- 5.1.8 The Council is required to assess the need for gypsy and traveller pitch provision within the city and a joint Black Country Gypsy and Traveller Accommodation Assessment was conducted in 2011. The results of the assessment were included within the Black Country Core Strategy. The Black Country Core Strategy identified a shortfall of 36 permanent gypsy and traveller pitches and recommended a transit site for the Black Country of 12-15 pitches.
- 5.1.9 Since 2011, a further three gypsy and traveller pitches have been provided and a further 14 have planning permission but have not yet been constructed. A location for a transit site has not been found but is subject to a review of the Black Country Gypsy and Traveller Accommodation Assessment during 2015.
- 5.1.10 Any additional impact upon gypsy and traveller families as a result of the PSPO will be included within the review of the Black Country Gypsy and Traveller Accommodation Assessment

5.2 Opposing Increase in Standard Number at Manor Primary School

- 5.2.1 An initial screening has been completed with regard to the 2015 Primary School Expansion Programme.

5.3 Lollipop Person on Ettingshall Road

- 5.3.1 There are no equality implications.

5.4 Pedestrian Crossing on Rushall Road

- 5.4.1 Any measures put in place would particularly benefit people with mobility issues.

6.0 Environmental implications

6.1 Prohibit Parking of Caravans and Large Vans on Broome Road and Hawksford Crescent

- 6.1.1 Unauthorised encampments always result in considerable environmental damage, with domestic refuse, including discarded gas bottles, left on adjacent land. The PSPO will control unauthorised encampments and improve the local environment considerably, reducing the need of repeat clear-ups.

6.2 Opposing Increase in Standard Number at Manor Primary School

- 6.2.1 There are no environmental implications.

6.3 Lollipop Person on Ettingshall Road

6.3.1 There are no environmental implications.

6.4 Pedestrian Crossing on Rushall Road

6.4.1 There are no environmental implications.

7.0 Human resources implications

7.1 Prohibit Parking of Caravans and Large Vans on Broome Road and Hawksford Crescent

7.1.1 There are no human resource implications.

7.2 Opposing Increase in Standard Number at Manor Primary School

7.2.1 There are no human resource implications.

7.3 Lollipop Person on Etingshall Road

7.3.1 There are no human resource implications.

7.4 Pedestrian Crossing on Rushall Road

7.4.1 There are no human resource implications.

8.0 Corporate landlord implications

8.1 Prohibit Parking of Caravans and Large Vans on Broome Road and Hawksford Crescent

8.1.1 There are no corporate landlord implications.

8.2 Opposing Increase in Standard Number at Manor Primary School

8.2.1 There are no corporate landlord implications.

8.3 Lollipop Person on Etingshall Road

8.3.1 There are no corporate landlord implications.

8.4 Pedestrian Crossing on Rushall Road

8.4.1 There are no corporate landlord implications.

9.0 Schedule of background papers

- 9.1 Petitions Committee, 22 November 2013, Broome Road and Hawksford Crescent – Road Safety Concerns
- 9.2 Petitions Committee, 21 March 2014, Broome Road and Hawksford Crescent – Road Safety Concerns
- 9.3 Petitions Committee, 12 December 2014, Update on work in response to petition against the parking of caravans and large vans on Broome Road and Hawksford Crescent
- 9.4 Petitions Committee, 12 December 2015, Petition 135-14 – Opposing Increase in Standard Number at Manor Primary School
- 9.5 Petitions Committee, 12 December 2015, School Crossing Patrol – Ettingshall Road
- 9.6 Petitions Committee, 12 December 2015, Rushall Road, request for pedestrian crossing

Public Space Protection Order Low Hill

