

Report of:	Head of Environmental Health
Contact Officer:	Mike Walker
Telephone No:	01543 464480
Portfolio Leader:	Environment
Key Decision:	Yes
Report Track:	Cabinet: 20/10/16

CABINET
20 OCTOBER 2016
PUBLIC SPACES PROTECTION ORDER (GATING) CONSULTATION

1 Purpose of Report

- 1.1 To seek Cabinet authorisation to commence formal consultation on the making of a Public Spaces Protection Order relating to the Gating of specified roads in accordance with the Anti-social Behaviour, Crime and Policing Act 2014.

2 Recommendations

- 2.1 That Cabinet authorise the commencement of necessary consultation in accordance with section 72 of the Anti-social Behaviour, Crime and Policing Act 2014 on the draft Public Spaces Protection Order, with consultation to run between 17 November 2014 and 29 December 2016.

3 Key Issues and Reasons for Recommendation

- 3.1 The Anti-social Behaviour, Crime and Policing Act 2014 (the Act) provided that existing Gating Orders made under Section 129A of the Highways would expire in three years from the date the Act came into force, namely 21 October, 2017. The power to make new Gating Orders was also repealed by the Act by effect from 20 October, 2014
- 3.2 Section 59 of the Act provides local authorities with powers to make Public Spaces Protection Orders (PSPOs). These orders are intended to address activities carried out in public spaces which are considered to be of an antisocial nature. They may be used by councils to maintain and/or extend the requirements of Orders scheduled to expire.
- 3.3 The PSPO will identify a particular public place and either prohibit specified activities/behaviour or require specified actions/steps to be taken. The measures will impose similar restrictions and requirements to those which could be created under Gating Orders and are designed to make public spaces more welcoming to the majority.

- 3.4 A local authority can make a PSPO if it is reasonably satisfied that a number of conditions are met, namely that:
- the activities carried out 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 that it is likely that activities carried out will have such an effect;
 - the effect or likely effect of the activities is, or is likely to be of a persistent or continuing nature;
 - the activities are or are likely to be unreasonable;
 - and the impact of the activity justifies the restrictions imposed by the order.
- 3.5 By virtue of section 72 of the Act, before introducing a PSPO the Council is obliged to carry out consultation with the chief officer of police, the local policing body, community representatives and owners/occupiers of land covered within the order. The consultation will be publicised widely through the Council's website, Twitter, Facebook, via press releases to local media, e-mailing Parish/Town Councils and community groups and leaving copies for public perusal in libraries and Council offices. In addition, the Council will publish a notice of its intention to make a PSPO in a local newspaper which covers the whole district.
- 3.6 It is intended the consultation will be open for approximately 4 weeks (1st – 31st November 2016) and once responses to the consultation have been collated, the Order may be amended and the final proposals put before Cabinet for approval.

4 Relationship to Corporate Priorities

4.1 This report supports the Council's Corporate Priorities as follows:

(i) **Working with partners to foster safer and stronger communities**

The application of effective multi-agency targeted approaches to individuals and organisations responsible for antisocial behaviour.

(ii) **Striving for cleaner, greener and attractive public environments across the District**

Environmental crime such as littering, dog fouling and fly tipping are classed as activities that constitute antisocial behaviour

5 Report Detail

5.1 There are currently three Gating Orders, made in 2008 by Staffordshire County Council, under Section 129A of the Highways Act 1980 that are in force in the district to prevent a variety of antisocial behaviours including, but not limited to, fly tipping and arson, namely:-

- Newlands Lane Norton Canes
- Reservoir Road Hednesford

- School Lane, Little Wryley
- 5.2 Views have been sought from interested parties, including keyholders and agencies/organisations likely to have been impacted by the antisocial behaviour in the areas in question to determine whether the conditions for the declaration of a Public Space Protection Order have been met.
- 5.3 14 responses have been received in total, all of which have acknowledged the positive impact of the existing Gating Orders and the likely benefits of maintain the restricted access so as to prevent a recurrence of the situation prior to the declaration of the existing Orders.
- 5.4 Anecdotal information received from the interested parties indicates that there has been a reduction in the incidence of the antisocial behaviours that precipitated the declaration of the original Gating Orders.
- 5.5 The intention is to impose the same requirements in the PSPO as were applied in the original Gating Orders. Copies of the existing Orders and the proposed PSPO are included at Appendix 1 and Appendix 2 respectively.

6 Implications

6.1 Financial

The costs incurred in relation to the publication of the consultation will be met from funds allocated the Community Safety Delivery Plan.

6.2 Legal

To make the Order, if members are minded to do so, it is necessary to undertake a public consultation on the proposal. In the absence of such a consultation the Order would be invalid.

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

The existing Gating Orders have reduced antisocial behaviour in the areas in question. The retention of the requirements of these orders in a Public Space Protection Order would have equally positive impact.

6.5 Human Rights Act

None.

6.6 Data Protection

None.

6.7 Risk Management

None.

6.8 Equality & Diversity

None.

6.9 Best Value

None.

7 Appendices to the Report

Appendix 1 Existing Gating Orders:

- A) Newlands Lane Norton Canes
- B) Reservoir Road to B.O.A.T. 18 Cannock Town
- C) School Lane, Little Wryley

Appendix 2 Proposed Public Space Protection Order (Gating) 2016

Previous Consideration

Background Papers

STAFFORDSHIRE COUNTY COUNCIL

NOTICE OF PROPOSAL TO MAKE A GATING ORDER

STAFFORDSHIRE COUNTY COUNCIL (NEWLANDS LANE, NORTON CANES) GATING ORDER 2008.

NOTICE Is hereby given that Staffordshire County Council, being the Highway Authority for the Public Highway, known as Newlands Lane, Norton Canes, leading from its junction with Cannock Road (A5190) to its junction with Norton Lane, and comprising the entire section of that part of the aforementioned highway, propose to make a Gating Order under S129A of the Highways Act 1980 (“the Act”) for the Public Highway aforementioned.

When the Order comes into effect the Public Right of Way over the section of the specified highway described above, and shown on the plan annexed to the Order, shall be restricted for all classes of public user except pedestrians at all times by means of a gate or barrier.

The alternative route for members of the public will be east or west along Cannock Road, the A5190, and Lichfield Road.

A copy of a draft of the proposed Order and accompanying documents may be viewed free of charge at Staffordshire County Council Reception, Peel Building, St. Chad’s Place, Stafford ST16 2LR during normal working hours Monday to Friday. Details may also be viewed on the County Council website at www.staffordshire.gov.uk.

The proposed Order is shown in the schedule below.

Anybody wishing to make representations as whether or not the Order should be made must do so in writing within 28 days of the first publication of this Notice. Written representations should be sent to John Tradewell, Director of Law and Governance, 16 Martin Street, Stafford, ST16 2LG quoting File Ref HT429F.

Schedule

Draft Gating Order

Staffordshire County Council (Newlands Lane, Norton Canes) Gating Order 2008.

This Order is made by Staffordshire County Council (“the Authority”) under Section 129A of the Highways Act 1980 because it appears to the Authority that a Gating Order would reduce crime and anti-social behaviour taking place either on, or facilitated by the existence of, the public highway. This Order may be cited as the Staffordshire County Council (Newlands Lane, Norton Canes) Gating Order 2008.

By this Order:

1. The public right of way, being a relevant highway, and being a public highway known as Newlands Lane, Norton Canes, leading from its junction with Cannock Road (A5190) to its junction with Norton Lane, and comprising the entire section of that part of the aforementioned highway, will be restricted at all times for all classes of public user except

pedestrians and enforced by the erection of barriers or gates shown on the annexed plan and depicted by a thick black line.

2. The Authority are satisfied that:

(a) Premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour;

(b) The existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour.

(c) It is in all the circumstances expedient to make the Order for the purposes of reducing crime or anti-social behaviour.

3. The alternative route for users will be east or west along Cannock Road, the A5190, and Lichfield Road.

4. Police, Fire and Ambulance emergency services, statutory undertakers with equipment situated under, over, along or in the highway, council officers and other persons authorised in writing by the County Council for the purposes of carrying out works of repair or maintenance to the highway or adjoining premises shall be exempt from the provisions of this Order.

5. The person responsible for erecting and maintaining gates or barriers is Cannock Chase District Council, PO Box 28, Beecroft Road, Cannock, Staffs, WS11 1BG. If any person wishes to question the validity of this Order on the ground that the County Council has no power to make it, or any requirement of Part 8A of the Act has not been complied with in relation to the Order, he or she may apply to the High Court within six weeks from the date which the Order is made.

Given under the Common Seal of Staffordshire County Council on the.....day of.....200.....

**The COMMON SEAL of
STAFFORDSHIRE COUNTY COUNCIL**

was hereunto affixed in the presence of:-

.....
Authorised Signatory

STAFFORDSHIRE COUNTY COUNCIL

NOTICE OF PROPOSAL TO MAKE A GATING ORDER

**STAFFORDSHIRE COUNTY COUNCIL
(RESERVOIR ROAD TO B.O.A.T. 18 CANNOCK TOWN) GATING ORDER 2008.**

NOTICE Is hereby given that Staffordshire County Council, being the Highway Authority for the Public Highway, known as as Byway Open to All Traffic (B.O.A.T.) No 18 Cannock Town, leading from its junction with Reservoir Road, and comprising the length of the aforementioned highway, propose to make a Gating Order under S129A of the Highways Act 1980 ("the Act") for the Public Highway aforementioned.

When the Order comes into effect the Public Right of Way over the section of the specified highway described above, and shown on the plan annexed to the Order, shall be restricted for all classes of public user except pedestrians at all times by means of a gate or barrier.

The alternative route for equestrians and cyclists is via Public Bridleways 15 and 17 Cannock Town. There are no alternative routes available for vehicular traffic.

A copy of a draft of the proposed Order and accompanying documents may be viewed free of charge at Staffordshire County Council Reception, Peel Building, St. Chad's Place, Stafford ST16 2LR during normal working hours Monday to Friday. Details may also be viewed on the County Council website at www.staffordshire.gov.uk.

The proposed Order is shown in the schedule below.

Anybody wishing to make representations as whether or not the Order should be made must do so in writing within 28 days of the first publication of this Notice. Written representations should be sent to John Tradewell, Director of Law and Governance, 16 Martin Street, Stafford, ST16 2LG quoting File Ref HT438F.

Schedule

Draft Gating Order

**Staffordshire County Council
(Reservoir Road To B.O.A.T. 18 Cannock Town) Gating Order 2008.**

This Order is made by Staffordshire County Council ("the Authority") under Section 129A of the Highways Act 1980 because it appears to the Authority that a Gating Order would reduce crime and anti-social behaviour taking place either on, or facilitated by the existence of, the public highway. This Order may be cited as the Staffordshire County Council (Reservoir Road to B.O.A.T. 18 Cannock Town) Gating Order 2008.

By this Order:

1. The public right of way, being a relevant highway, and being a public highway known and recorded on the Definitive Map and Statement of Public Rights of Way as Byway Open to All Traffic (B.O.A.T.) No 18 Cannock Town, leading from its junction with Reservoir Road,

and comprising the entire length of the aforementioned highway, will be restricted at all times for all classes of public user except pedestrians and enforced by the erection of barriers or gates shown on the annexed plan and depicted by a thick black line.

2. The Authority are satisfied that:

- (a) Premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour;
- (b) The existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour.
- (c) It is in all the circumstances expedient to make the Order for the purposes of reducing crime or anti-social behaviour.

3. There are no alternative routes available for vehicular traffic. The alternative route for equestrians and cyclists is via Public Bridleways 15 and 17 Cannock Town

4. Police, Fire and Ambulance emergency services, statutory undertakers with equipment situated under, over, along or in the highway, council officers and other persons authorised in writing by the County Council for the purposes of carrying out works of repair or maintenance to the highway or adjoining premises shall be exempt from the provisions of this Order.

5. The person responsible for erecting and maintaining gates or barriers is Cannock Chase District Council, PO Box 28, Beecroft Road, Cannock, Staffs, WS11 1BG. If any person wishes to question the validity of this Order on the ground that the County Council has no power to make it, or any requirement of Part 8A of the Act has not been complied with in relation to the Order, he or she may apply to the High Court within six weeks from the date which the Order is made.

Given under the Common Seal of Staffordshire County Council on the.....day of.....200.....

**The COMMON SEAL of
STAFFORDSHIRE COUNTY COUNCIL**

was hereunto affixed in the presence of:-

.....
Authorised Signatory

STAFFORDSHIRE COUNTY COUNCIL

NOTICE OF PROPOSAL TO MAKE A GATING ORDER

STAFFORDSHIRE COUNTY COUNCIL (SCHOOL LANE, LITTLE WYRLEY) GATING ORDER 2008.

NOTICE Is hereby given that Staffordshire County Council, being the Highway Authority for the Public Highway, known as School Lane leading from Watling Street to Gorsey Lane, propose to make a Gating Order under S129A of the Highways Act 1980 (“the Act”) for the Public Highway aforementioned.

When the Order comes into effect the Public Right of Way over the specified highway described above, and shown on the plan annexed to the Order, shall be restricted for all classes of public user except pedestrians at all times by means of a gate or barrier.

The alternative route for members of the public will be east along Watling Street (A5) to Lime Lane (B4154), south along Lime Lane to Gorsey Lane and west along Gorsey Lane to School Lane.

A copy of a draft of the proposed Order and accompanying documents may be viewed free of charge at Staffordshire County Council Reception, Peel Building, St. Chad’s Place, Stafford ST16 2LR during normal working hours Monday to Friday. Details may also be viewed on the County Council website at www.staffordshire.gov.uk.

The proposed Order is shown in the schedule below.

Anybody wishing to make representations as whether or not the Order should be made must do so in writing within 28 days of the first publication of this Notice. Written representations should be sent to John Tradewell, Director of Law and Governance, 16 Martin Street, Stafford, ST16 2LG quoting File Ref HT430F.

Schedule

Draft Gating Order

Staffordshire County Council (School Lane, Little Wyrley) Gating Order 2008.

This Order is made by Staffordshire County Council (“the Authority”) under Section 129A of the Highways Act 1980 because it appears to the Authority that a Gating Order would reduce crime and anti-social behaviour taking place either on, or facilitated by the existence of, the public highway. This Order may be cited as the Staffordshire County Council (School Lane, Little Wyrley) Gating Order 2008.

By this Order:

1. The public right of way, being a relevant highway, and being a public highway known as School Lane leading from Watling Street to Gorsey Lane, and comprising the entire length of the aforementioned highway, will be restricted at all times for all classes of public user except pedestrians and enforced by the erection of barriers or gates shown on the annexed plan and depicted by a thick black line.

- 2. The Authority are satisfied that:
 - (a) Premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour;
 - (b) The existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour.
 - (c) It is in all the circumstances expedient to make the Order for the purposes of reducing crime or anti-social behaviour.
- 3. The alternative route for users will be east along Watling Street (A5) to Lime Lane (B4154), south along Lime Lane to Gorsey Lane and west along Gorsey Lane to School Lane.
- 4. Police, Fire and Ambulance emergency services, statutory undertakers with equipment situated under, over, along or in the highway, council officers and other persons authorised in writing by the County Council for the purposes of carrying out works of repair or maintenance to the highway or adjoining premises shall be exempt from the provisions of this Order.
- 5. The person responsible for erecting and maintaining gates or barriers is Cannock Chase District Council, PO Box 28, Beecroft Road, Cannock, Staffs, WS11 1BG. If any person wishes to question the validity of this Order on the ground that the County Council has no power to make it, or any requirement of Part 8A of the Act has not been complied with in relation to the Order, he or she may apply to the High Court within six weeks from the date which the Order is made.

Given under the Common Seal of Staffordshire County Council on the.....day of.....200.....

**The COMMON SEAL of
STAFFORDSHIRE COUNTY COUNCIL**

was hereunto affixed in the presence of:-

.....
Authorised Signatory

NOTICE OF PROPOSAL TO MAKE A PUBLIC SPACE PROTECTION ORDER

CANNOCK CHASE DISTRICT COUNCIL

PUBLIC SPACE PROTECTION ORDER (GATING) 2016

NOTICE is hereby given that Cannock Chase District Council, being the district council for the area proposes to make a Public Space Protection Order under Section 59 of the Antisocial Behaviour, Crime and Policing Act 2014 restricting access to the aforementioned public highways

When the Order comes into effect the Public Right of Way over the specified highways described above, and shown on the plans in the Annexes accompanying the Order, shall be restricted for all classes of public user except pedestrians at all times by means of a gate or barrier.

A copy of a draft of the proposed Order and accompanying documents may be viewed free of charge at Cannock Chase District Council Reception, Civic Centre, Beecroft Road, Cannock, WS11 1BG during normal working hours Monday to Friday. Details may also be viewed on the Cannock District Council website at www.cannockchasedc.gov.uk.

The proposed Order is shown in the schedule below.

Anybody wishing to make representations as whether or not the Order should be made must do so in writing within 28 days of the first publication of this Notice. Written representations should be sent to Mike Walker, Environmental Protection Manager, Cannock Chase District Council, Civic Centre, Beecroft Road, Cannock, WS11 1BG.

SCHEDULE 1

Draft Public Space Protection Order

Cannock Chase District Council Public Space Protection Order (Gating) 2016

This Order is made by Cannock District Council (“the Authority”) under Section 59 of the Antisocial Behaviour Crime and Policing Act 2014, because it appears to the Authority that a Public Space Protection Order would reduce crime and anti-social behaviour taking place either on, or facilitated by the existence of, the public highway. This Order may be cited as the Cannock District Council Public Space Protection Order (Gating) 2016.

BY THIS ORDER

- 1 The public rights of way, specified in the Schedules 1-3 being public space within the Council’s area to which the Act applies and relevant highways, will be restricted at all times for all classes of public user except pedestrians and other specifically exempted purposes approved in writing by the Council, and will be enforced by the erection of barriers or gates shown on the annexed plans and depicted by a thick black line.

2. The Council is satisfied that:
 - a) Premises adjoining or adjacent to the highway are likely to be affected by crime or anti-social behaviour which is detrimental to the quality of life of the local community
 - b) The existence of the highway is likely to facilitate the persistent commission of criminal offences or anti-social behaviour.
 - c) The antisocial behaviour is unreasonable.
 - d) It is in all circumstances expedient to make the Order for the purposes of reducing crime or anti-social behaviour.
3. Police, Fire and Ambulance emergency services, statutory undertakers with equipment situated under, over, along or in the highway, council officers and other persons authorised in writing by the District Council for the purposes of carrying out works of repair or maintenance to the highway or adjoining premises shall be exempt from the provisions of this Order
4. The person responsible for erecting and maintaining gates or barriers is Cannock Chase District Council, PO Box 28, Beecroft Road, Cannock, Staffs, WS11 1BG.
5. This Order will remain in force for a period of 3 years from the date it is made, unless extended by further Orders or revoked by the Council in accordance with its statutory powers.

PENALTIES

6. A person who is guilty of an offence of failing to comply with a requirement of this Order will be liable, on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000) or if in receipt of a Fixed Penalty Notice to a penalty of £100.

Given under the Common Seal of Cannock Chase District Council on the.....day of.....20

**The COMMON SEAL of
CANNOCK DISTRICT COUNCIL**
was hereunto affixed in the presence of:-

.....
Authorised Signatory

ANNEX 1

Public Spaces Protection Order (Gating) 2016

School Lane, Little Wyrley

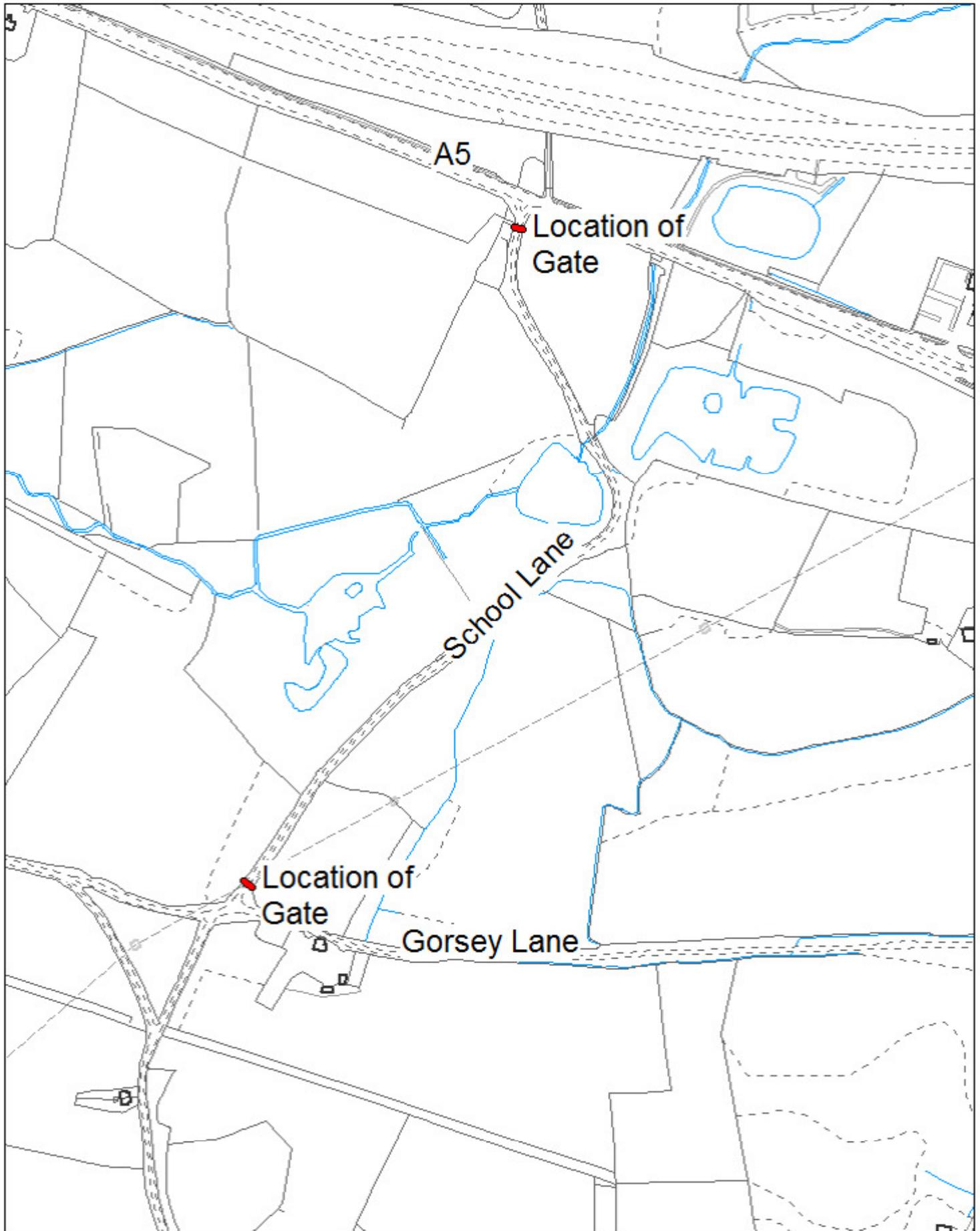
The Order applies to the public highway known as School Lane leading from Watling Street to Gorse Lane, and comprising the entire length of the aforementioned highway. The locations of the gates restricting access are marked on the accompanying plan.

The alternative route for users will be east along Watling Street (A5) to Lime Lane (B4154), south along Lime Lane to Gorse Lane and west along Gorse Lane to School Lane.



NOT TO SCALE

DATE



ANNEX 2

Public Spaces Protection Order (Gating) 2016

Newlands Lane, Norton Canes

The Order applies to the public highway known as Newlands Lane leading from its junction with Cannock Road (A5190) to its junction with Norton Lane and comprising the entire section of that part of the highway. The locations of the gates restricting access are marked on the accompanying plan.

The alternative route for members of the public will be east or west along Cannock Road, the A5190, and Lichfield Road.



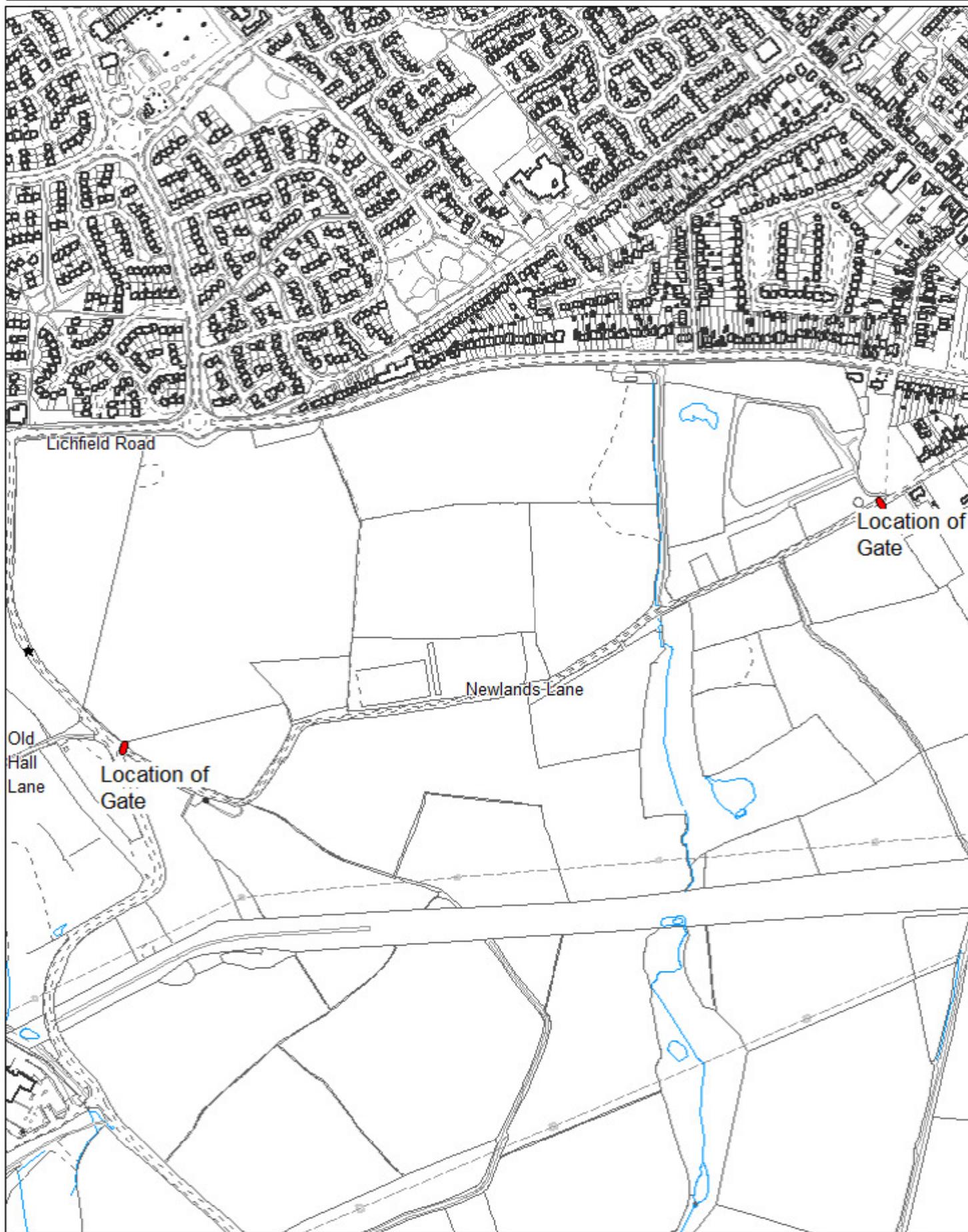
Public Space Protection Order
(Gating) 2016
Newlands lane

ITEM NO. 8.16



NOT TO SCALE

DATE



ANNEX 3

Public Spaces Protection Order (Gating) 2016

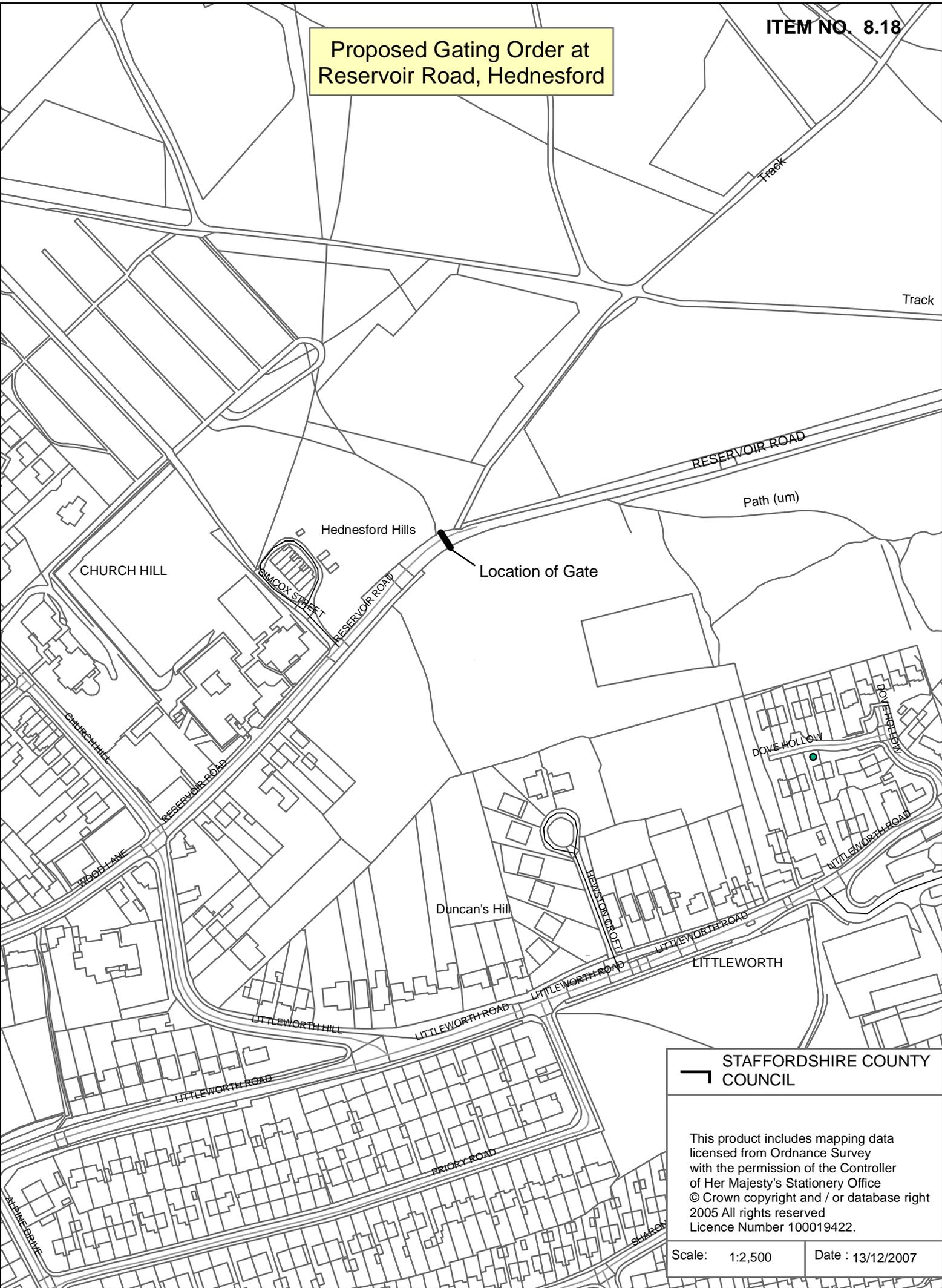
Reservoir Road to B.O.A.T. 18 Cannock Town, Hednesford

The Order applies to the public highway known as Byway Open to All Traffic (B.O.A.T.) No. 18 leading from its junction with Reservoir Road leading from its junction with Cannock Road (A5190) to its junction with Norton Lane and comprising the length of the aforementioned highway. The locations of the gates restricting access are marked on the accompanying plan.

The alternative route for equestrians and cyclists is via Public Bridleways 15 and 17 Cannock Town. There are no alternative routes for vehicular traffic.

Access to the Hednesford Raceway in relation to sporting events organised in accordance with the terms and conditions of the of any lease agreement between the Council and Incarace Ltd, or its successors, via the aforementioned highway will be exempt from the restriction.

Proposed Gating Order at Reservoir Road, Hednesford



STAFFORDSHIRE COUNTY COUNCIL

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Scale: 1:2,500 Date : 13/12/2007