

OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

Decision Reference No AHWB.011.2021 Alley Gates for The Grove

BOX 1

DIRECTORATE: Adults, Health and Wellbeing

DATE: 01/02/2021

Contact Name: Deborah McGinty

Tel. No.: 01302 364074 or 07814779517

Subject Matter: Installation of Alley Gates for The Grove, Wheatley Hills

BOX 2**DECISION TAKEN**

To install 2 x alley gates at the rear of The Grove, Wheatley Hills to prevent Anti-Social Behaviour (ASB) and criminality in the area and to create a safe environment for the residents.

The conditions for the Public Space Protection Order for the gates are below -

Proposed conditions to be included on the PSPO

PROHIBITIONS	REQUIREMENTS	WHEN
2 x metal gates including fencing restricting access into the alleyway.	The gates to be locked at all times and only allow access to residents and nominated key holders (South Yorkshire Police, Waste Collection etc.)	Gates to be closed and locked at all times

BOX 3**REASON FOR THE DECISION**

Section 59 of the Anti-social Behaviour Crime & Policing Act 2014, provides that a local authority may make a public spaces protection order if satisfied on reasonable grounds 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.

The alleyway to the rear of The Grove, Thorne Road and Armthorpe Lane within the Wheatley Hills and Intake Ward, has for a number of years been facilitating continual anti-social behaviour including alcohol and drug misuse where drug paraphernalia is being discarded. The area is also a magnet for use by sex workers, nuisance youths, and has regular instances of criminal damage, fly tipping and reports of burglaries and attempted burglaries.

This has had a fundamental effect on the wellbeing of the local residents, the majority of them being elderly or vulnerable which has resulted in a decline in the community spirit that was once abundant in the area, ultimately effecting their quality of life.

Residents report that they felt intimidated, fearful and appalled when using the alleyways prior to the Covid19 pandemic and voiced this concern via the local PACT (Police and Community Together) meetings, direct to the communities area team and to South Yorkshire Police.

Due to this, the alley is an area where residents avoid, no longer being a social environment where neighbours would converse whilst placing their bins out or indeed where they feel they can take pride in anymore.

With the onset of the the COVID-19 pandemic, and with residents spending more time at home, these feelings of concerns have continued and indeed escalated, with those perpetrators responsible for this type of behaviours noticeably attributing to the further decline of the alley through continuing to visit the area even during National lockdown periods.

The area itself is affected due to its geographical location which is centred between Wheatley and Intake, close by to the Doncaster Royal Infirmary and Grove Park and is used as a cut through escape route for individuals travelling between the two ward areas. As a result of the set back design of the alleyway, it is an ideal location, with the addition of the electricity sub station, for drink and drug abuse and fly tipping.

The residents of the area have been reluctant to report incidences due to, in their view, the slim likelihood of perpetrators being caught and in particular during the Covid 19 pandemic when they have known services have been stretched. The restriction of access to this alleyway would remedy these problems almost immediately. The alleygates would not only help in reducing crime and anti-social behaviour, but also reduce further costs to the Local Authority and South Yorkshire Police. Although Doncaster Council Officers and their partners South Yorkshire Police have continued to conduct regular covert and high visibility patrols to help alleviate the problems, which arise in the area, issuing fixed penalty notices and clearance orders, the longer-term restriction of access to the alleyways would remedy these problems almost immediately.

The installation of alley gates at this location will also help to greatly reduce the fear of crime and anti-social behaviour for local residents; in turn, this will raise the community confidence of those residents who live within the area the alley gates will cover. This will in particular support improved wellbeing outcomes for the several elderly and vulnerable residents who have suffered in recent years due to the steady decline in the local area, with it no longer looking or feeling like the community they have lived in for many years. It will instil a refreshed level of confidence in services and help reduce the overall fear of safety currently witnessed.

As part of the Public Space Protection Order Consultation required, residents were asked for their views and concerns in relation to the implementation of this scheme, and through this process significant support for this proposal has been found.

Indeed in terms of the delivery of this scheme, the residents with the support of the Communities Team formed a local residents group and discussions were held with them around their aspirations, with alley gates forming part of their plans. Officers explained the process and the group took it upon themselves to apply to the Police and Crime Commissioner and were ultimately successful in their application.

In addition, due to the existence of the electricity substation, residents contacted Northern Power Grid and they have also worked alongside the group supporting them and offering to supply and install one set of the gates nearest their station.

Therefore, ultimately the alleygate system installation will be at no initial cost to the Authority.

It is fair to say there would potentially be minor costs down the line linked to broken locks, however; this would be managed alongside the community group and from existing budgets. Community Safety colleagues have confirmed that if there is a fault with the gates within 3 years of installation, this is covered through their guarantee. If the damage to the gates is excessive due to vehicle damage as an example, then the insurance claim process would be followed. Ultimately, if all those elements will not cover the cost to repair or replace damaged gates, then arrangements would be made to have them removed.

Below is a list of the incidents that have occurred in the alleyways to the rear of The Grove, Hill Crest Road, Thorne Road and Armthorpe Lane within the past 12 months (since Nov 2019). These reports may appear small in number but the location and size of the alley enables the activity to be hidden away from most apart from the residents who live there, who have already stated they 'gave up' on reporting.

• 4 x reports of litter in the alley
• 17 x reports of dumped rubbish/fly tipping
• 15 x discarded drug paraphernalia
• 3 x report of dog fouling and/or human excrement
• 3 x attempted burglaries / burglaries or prowlers
• 2 x reports of criminal damage
• 23 x reports of anti-social behaviour/drug related concerns
• 2 x Persons with a knife/weapon
• 4 x vehicle nuisance

The Council's enforcement team has also carried out work within the area as follows over the last 12 months –

• 4 x investigations linked to waste	• fly tipping	• noise and litter incidents
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In addition, as part of the consultation, residents provided comments and feedback on the proposal which included feelings of being unsafe and targeted by individuals using the alley as a cut through escape route between Wheatley and Intake and that ultimately they have avoided using it as they previously have as a community. This consultation feedback can be found in Box 10 below.

In terms of satisfying the requirements for authorisation of a Public Space Protection Order it is clear that this issue is considered to be -

- Having a detrimental effect on the quality of life in the area
- Persistent and ongoing
- Unreasonable

BOX 4

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Option 1

To approve the Public Space Protection Order to enable the funding secured by residents from the Office of the Police and Crime Commissioner and The National Power Grid to install the 2 x sets of gates and fencing to reduce ASB and criminality in the area, increasing resident's safety and improve their wellbeing.

Option 2

Not to install alley gates which would result in a continuation of ASB and other criminal behaviour within the alley resulting in the continued decline of the area and the discontentment of the local residents. In addition, residents would have to decline the funding secured via the Office of the Police and Crime Commissioner.

BOX 5

LEGAL IMPLICATIONS

Section 59 Anti-Social Behaviour Crime, and Policing Act 2014 ("the Act") introduced the Public Spaces Protection Orders (Order). The Order deals with individuals or groups committing anti-social behaviour in a public place. The Council may make or renew or vary a public spaces protection order if it is satisfied on reasonable grounds that the 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 it is likely that activities will be carried on in a public place within the Council's area and that they will have such an effect. The effect of that behaviour must also be, or likely to be of a persistent or continuing nature and unreasonable such that it justifies the restrictions imposed by the order. Orders can be made for a maximum of 3 years.

When making a PSPO the Council may restrict a public right of way over a highway. However, before doing so it must first consider the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway; the likely effect of making the order on other persons in the locality; and if it is a through route, the availability of a reasonably convenient alternative route. In addition, before making the order, the Council must notify potentially affected persons (i.e. occupiers of premises adjacent to or adjoining the highway, and any other persons in the locality who are likely to be affected by the proposed order) of the order, inform them how they can see a copy of the proposed order, notify those persons of the period within which they may make representations about the proposed order, and consider any representations made.

A PSPO cannot restrict the public right of way over a highway for the occupiers that is their only or principal means of access to their home, or to access premises used for business or recreational purposes during periods when those premises are normally used for those purposes.

In making a PSPO that restricts a public right of way over a highway, the Council may install, operate and maintain barriers/gates to enforce a restriction in the PSPO.

Section 72 of the Act places a duty on Council's when considering renewing or varying an order,

and if so, how and how long for, that they must have particular regard to the rights of freedom of expression and freedom of assembly set out in the of the Convention for the Protection of Human Rights and Fundamental Freedoms. However, these are qualified rights and it is considered that in these circumstances it is legitimate to interfere with them in accordance with law and in the interests of public safety and the prevention of crime and disorder.

The Act also requires the Council to carry out consultation on any proposed renewal or variation of an order with South Yorkshire Police, the Police and Crime Commissioner, whatever community representatives the Council thinks it appropriate to consult and the owner and occupier of any land in the area of the proposed order. Cabinet member is advised that when considering the recommendations in this report, they must conscientiously take into account the results of the consultation and, where appropriate, having due regard to any impact on equality issues (please see the Equality Implications section of this report).

An interested person may apply to the High Court to question the validity of the Order, i.e. an individual who lives in the restricted area or who regularly works in or visits the area. The grounds on which an application can be made to challenge the order are set out in Section 66(2) of the Act as follows;

(i) The local authority did not have the power to make the order, or to include particular prohibitions or requirements imposed by the order. The Act specifically gives the Council the power to make an order and the prohibitions are lawful – they are clear unambiguous.

(ii) That a requirement of the legislation was not complied with in respect of the order. The requirements of the Act have been followed in terms of the process that must be followed in making an order.

Should the proposed Order recommended by this report be made, the Council will then be required to publish it in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.

Name: __Neil Concannon__ Signature: __by email__ Date: __15/03/2021__

Signature of Assistant Director of Legal and Democratic Services (or representative)

BOX 6

FINANCIAL IMPLICATIONS:

The residents and the National Power Grid will be purchasing the gates and installing them with the secured funding from the Police and Crime Commissioner to reduce ASB and criminality in the area, as detailed in the report above. There will be no initial cost to Doncaster Council for the installation and purchase of the gates and once the gates have been installed there will be a 3 year guarantee covered if there are any defects.

There will be minimal on-going maintenance costs, if any repairs and maintenance costs do arise in the future this will be met by current budgets within community safety.

Name: __Cheryl Slade____ Signature: __C Slade/FM-AHWB Date: __10.03.21____

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

BOX 7

OTHER RELEVANT IMPLICATIONS

N/A

Name: _____ Signature: _____ Date: _____

Signature of Assistant Director (or representative)

ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.

BOX 8

EQUALITY IMPLICATIONS: (To be completed by the author).

After considerations, there are no known or identified equality implications - completion of this project will benefit all local residents in the areas identified. A Due Regard statement has been completed and accompanies the ODR1 for consideration.

BOX 9

RISK IMPLICATIONS: (To be completed by the author)

By not taking the decision to progress the installation of the alley gates, this would result in the continued decline of the local area and reduce the aspirations of the local residents for a safer and stronger locality, ultimately affecting their emotional and potentially physical wellbeing. The perception of local services would also decline from a resident perspective due to being unable to consistently resource the area concerned on a regular basis and therefore discontentment would rise.

BOX 10

CONSULTATION

Officers

(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)

As part of the Public Space Protection Order process consultation was carried out with local residents and key statutory consultees. The results and comments from these consultees are listed in the table below

Consultation comments include: –

Name and address of Consultee	Date consultation sent	Method of consultation i.e. Email, Letter, face to face	Date Returned	In Favour Yes or No	Comments made
Local Elected members Paul Wray Eva Hughes Jane Kidd	Local elected members have been both involved and consulted on the development and progress of this request for a PSPO in the area	Face to face via Microsoft Teams	9.10.2020	Yes all in favour	See below
<p>“All Elected Members have been present at the Ward Members meeting where the issue has been regularly raised and have been in receipt of many complaints direct from residents around all of the issues contained in section 1 of this report. Therefore, we are all in support of the PSPO as a means to implement a level of management and security within the area for the residents most affected.”</p>					
South Yorkshire Police Inspector Mark Payling, Central LPT	7.9.2020	Email	3.10.2020	Yes	See below
<p>Comments – Yes – I whole heartedly support the use of alley gates. I know a significant number of incidents go unreported to the Police for a variety of reasons including difficulty making contact, lack of visible action and lack of confidence in our response. However, alley gates offer a clear and difficult barrier to overcome which in effect discourages people in gathering in those alleyways which have been protected to commit ASB. They are also an effective deterrent for those wanting to access properties via such alleyways. This physical barrier helps to increase the feeling of community safety and thereby reduce the fear of crime.</p>					
Police and Crime Commissioner Via Inspector Mark Payling Urban SNT	7.9.2020	Letter via email Via Inspector Mark Payling, Central LPT	22.10.2020	Yes	See below
<p>Comments – Thank you for your email detailing the PSPO for Grove Road / Gating Order. You're advice and recommendations are appreciated. I am in support of the application as per your recommendations. I note your concerns around enforcement. Dr Alan Billings South Yorkshire Police & Crime Commissioner</p>					
Darren Sides Highways enforcement	7.9.2020	Letter via email	6.10.2020	Yes	See below
<p>Question - From a Highway Network Management view we have no objections to the proposals..</p>					
DMBC Enforcement Team	7.9.2020	Letter via email	14.10.2020	Yes	Objected

██████████, Team Manager					
<p>Comments - A small number of complaints have been made to the Enforcement Team over the last two years from residents of the immediate area, and adjoining streets. They have been predominantly noise from barking dogs and bonfire complaints, with only two incidences of fly tipping reported.</p> <p>A review of the nature of complaints received from the general public does not provide sufficient evidence of a substantial environmental crime issue in this area and therefore does not support the application for introducing the Public Spaces Protection Order, and the subsequent installation of gating.</p>					
South Yorkshire Fire & Rescue	7.9.2020	Letter via email	9.10.2020	Yes	See below
<p>Comments: There are no objections in relation to the Alley gates been implemented, all they have asked is that there will be measures put in place so we can access the areas in the event of a fire and would it be possible to have a consultation period with the SM for the area regarding this? as the others around Doncaster don't cause us any issues.</p>					
Northern Power Grid ██████████	17.2.2021	Letter via email	26.2.2021	Yes	See below
<p>Comments: I have no issues with the proposal and am happy to offer my support. This project will assist in reducing the anti-social behaviour around the NPG property and show a reduction in vandalism to the site.</p> <p>██████████ Northern Powergrid</p>					
<p>Residents</p> <p>Residents of The Grove, Thorne Road and Armthorpe Lane affected by the installation of the alley gates were consulted at an online residents meeting and by the delivery of a letter and map on the 1 August 2020. In total there are 30 properties included within the scheme and to date, there have been 25 returns (75%) in favour of the installation. Returns were received via a further door knock to ascertain returns to the proposal.</p> <p>The information below details residents' views and comments on the proposals which have been highlighted due to limited statistical information available regarding reports made to agencies. It is known within the area, that there has been a strong reluctance to report issues directly.</p>					
Resident The Grove	1.8.2020	Letter hand delivered	20.8.2020	Yes	See below
<p>Comments - 'Over the years there have been instances too numerous to list where anti-social behaviour in the alley has adversely affected my quality of life, because of this there are times when I do not feel safe on my home and whole heartedly welcome the alley gates as a protective measure.'</p>					
Resident The Grove	1.8.2020	Letter hand delivered	7.9.2020	Yes	See below
<p>Comments – 'The high levels of fear and anxiety amongst the community who feel under siege; eg ASB from youths drinking and shouting in the alley way and abusing and threatening residents, cars parked in the alleyway and garage fronts taking and dealing drugs. Prostitution, fly tipping, bow and</p>					

arrows fired over the rear fence, fire, broken glass, graffiti, rough sleeping, human excrement, dog waste and drug paraphernalia and burglaries'						
Resident – The Grove	1.8.2020	Letter hand delivered	7.9.2020	Yes	See below	
Comments – ‘We have lived in our house on The Grove since 2001 and only in more recent years that there has been a problem with anti-social behaviour. We often feel threatened by the behaviour in the alley particularly myself and my daughter, I would never choose to walk down the alley as I would feel far too vulnerable which is very sad. We are whole heartedly in agreement and support the installation of gates at either end of the alley in the hope that this will deter the ASB we are experiencing on a daily basis and help us to feel safe and more secure.’						
Resident	1.8.2020	Letter hand delivered	3.9.2020	Yes	See below	
Comments – ‘I am 80yrs old in November, my wife is 78yrs and we no longer feel safe in our house or garden and worry about our property whenever we are away. The provision of gates in the alley way will do much to restore our confidence and feeling of wellbeing.’						
Resident, The Grove	1.8.2020	Letter hand delivered	2.9.2020	Yes	See below	
Comments - “We moved into The Grove in March 2018 and were immediately shocked by the frequency of anti-social behaviour in the alleyway. We are only 1 of 4 houses with garages which open into the alley way and have found that the recess to our garage appears to be the place of choice for drug users, as they cant be seen when looking down the alley. They then lie down to sleep it off. I look forward to alley gates being fitted and hopefully we get some much deserved peace.”						
Resident The Grove	1.8.2020	Letter hand delivered	3.9.2020	Yes	See below	
Comments - “My wife and I whole heartedly support the installation of the gates. We have lived at [REDACTED] since Oct 1976. Since that time, the number of incidents occurring in the alley has increased considerably and is now a significant worry to us.						
Resident The Grove	1.8.2020	Letter hand delivered	2.9.2020	Yes	See below	
Comments - “We welcome this PSPO with open arms this rear access has caused so many issues. We are ourselves have suffered damage to our fence, gate and broken into, needles from the use of drugs, damage to telegraph poles and wires and fly tipping which had been set on fire. The quicker this happens the better.”						
Resident The Grove	1.8.2020	Letter hand delivered	2.9.2020	Yes	See below	
Comments - “We welcome the prospect of gates on the alley for our much needed security. As it stands the alley provides an ideal environment for crime and anti-social activity. Given the many incidents originating from the alley open the 12 years or so we have lived here, anything that would curtail or better still stop this type of thing can only be seen as a positive. We have felt particularly unsafe in more recent times. I think the installation of the gates would add greatly to our sense of security.”						
Resident The Grove	1.8.2020	Letter hand delivered	2.9.2020	Yes	See below	
Comments - “We access the alley each day for our garage. The stress and anxiety the increase level of anti-social behaviour is impacting on my mental and physical health. We have encountered criminal damage to our car and theft. Unbelievably fly tipping including myself having to shovel away wet concrete obstructing the alley to allow access to my property. As a women in my late 60’s I should not have to deal with this. Cars and quad bikes speeding down the narrow alley is a major cause of concern along with the drug abuse, drug dealing, alcohol abuse, fly tipping and prostitution. I have had to remove human excrement from my gate on several occasions, have felt intimidated by groups of youths and sworn at. The erection of these gates are imperative for the safety, health and well-being of the residents. I fear another long dark winter without security.”						
Resident Thorne Road	1.8.2020	Letter hand delivered	1.9.2020	Yes	See below	

Comments: "As a recent victim of burglary we fully back the proposal PSPO and installation of gates to the alley way at the rear of our property. The sooner the gates are installed the better as we know this is the agreed sentiment of most if not all of our neighbours"

Resident Armthorpe Lane	1.8.2020	Letter hand delivered	27.8.2020	Yes	See below
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Comments: "We are well aware of the problems associated with the alley way, in particular fly tipping and access to commit burglary. We are therefore in favour of the proposal to erect gates"

**BOX 11
INFORMATION NOT FOR PUBLICATION**

In accordance with the Freedom of Information request 2000, it is in the Public's interests for this decision to be published in full, redacting only the signatures and any personal information contained.

Name: ___Gillian Parker___ Signature ___by email___ Date: _16/03/2021_

Signature of FOI Lead Officer for service area where ODR originates

**BOX 12
BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR YES

(If YES please list and submit these with this form)

Due Regard Statement
Map to show alleygate installation

**BOX 13
AUTHORISATION**

Name: Phil Holmes_ Signature:  Date: 16/03/2021_
Director of Adults Health and Wellbeing


Does this decision require authorisation by the Chief Financial Officer or other Officer

NO

If yes please authorise below:

Name: _____ Signature: _____ Date: _____
Chief Executive/Director/Assistant Director of _____

Consultation with Relevant Member(s)

Name: Cllr Chris McGuiness Signature:  Date: 16/03/2021
Designation Portfolio Lead Cabinet Member

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest ~~YES~~/NO

If YES please give details below:

PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at Democratic.Services@doncaster.gov.uk who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.