

**Proposed Public Spaces Protection Order  
City of Manchester (Mythorn Walk, Newton Heath) Public Spaces  
Protection Order 2016**

**Statement of Reasons for proposing the Order**

**1. Introduction**

The Public Spaces Protection Order is proposed to prevent recurring anti-social behaviour between 7 Mythorn Walk and 8 Portfield Walk and underneath a floating bedroom belonging to 7 Mythorn Walk.

The anti-social behaviour has been perpetrated by different groups of ten plus youths of varying age congregating in the area. They play music on iPods, drink, smoke cannabis and cause general nuisance to residents in the area.

**2. The Proposal**

The Public Spaces Protection Order proposes to close and gate the section of walkway between 7 Mythorn Walk and 8 Portfield Walk at all times for a maximum period of 3 years.

The Order would apply to everyone, apart from MCC and Northwards staff who may require access for maintenance.

Highways have been consulted and have determined that the Restricted Area is a highway. This is based on the information shown in the Highway Adoption Record.

The highway between 7 Mythorn Walk and 8 Portfield Walk is used as an alternative pedestrian through-route, along the gable ends of the two properties. It is not a service route nor is it a primary route of access therefore the proposed PSPO will have minimal effect on the use of the highway. By closing the highway the alternative route is via Mythorn Walk and Harmer Close which is already the primary means of access.

On behalf of Manchester City Council as local highway authority, Highways support this proposal.

**3. Legal Background**

Section 59 (1) of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) empowers local authorities to make a public spaces protection order if they are satisfied on reasonable grounds that the following two conditions are met:

- a. The first condition is that:
  - a. The activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life 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.
- b. 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 of proposals.

Section 59 (5) of the Act provides that a PSPO can only impose reasonable prohibitions or requirements in order to prevent the detrimental effect caused by the anti-social activities from continuing, occurring or recurring.

Section 60 of the Act provides that a PSPO may not have effect for a period of more than 3 years, unless extended.

As provided by section 64 of the Act, a local authority may not make a public spaces protection order that restricts the public right of way over a highway without considering:

- a) the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway;
- b) the likely effect of making the order on other persons in the locality;
- c) in a case where a highway constitutes a through route, the availability of a reasonably convenient alternative route.

The Council is satisfied that both of the conditions of section 59 are satisfied, because the activities, which are carried on in a public place, have a detrimental effect on the quality of life of those in the locality and because this effect is of a persistent nature. It is also submitted, for the reasons given below, that the restrictions/prohibitions are reasonable and necessary in order to prevent the detrimental effect caused to the locality from occurring.

#### **4. Consultations**

Northwards Housing who own one of the properties have consulted with local residents and no objections were received.

MCC have consulted with GMP and GMFRS, who are both supportive of the Order.

MCC have also consulted with Manchester Disabled People's Access Group and both the Council's Access Officer and the chair of the Disability Staff Group.

The Council's Access Officer has responded with some comments in relation to the design of the gates, but did not raise objections to the closure itself. Manchester Disabled People's Access Group did not respond.

The ASB being complained of in this area is recurring and persistent in nature, and despite the efforts of Northwards and GMP in taking action against perpetrators, the ASB returns when another group starts to use the

area to congregate. The ASB is having a detrimental impact and residents are too fearful to make formal complaints. This Order will not have any negative effect on properties or pedestrians in the area as there are other reasonable and convenient routes to utilise.

In order to address the persistent ASB in the particular location the installation of CCTV was considered, however this would still require significant officer time in carrying out investigations, issuing warnings etc and CCTV in the area is also regularly stolen or damaged. Gating the area will provide a sustainable, effective solution to the problem.

The Order will be in operation at all times of the day for a maximum of 3 years. It will apply to all persons, save for MCC and Northwards Maintenance staff.

Manchester City Council will be responsible for the management (including issue of keys if necessary) and ongoing maintenance of the gates.

The Council, in proposing this Order has had particular regard to the rights of freedom of expression and freedom of assembly as set out in articles 10 and 11 of the Convention. The Council is of the opinion that the need to protect the locality from the detrimental impact caused by the anti-social activities, which take place in the public space between 7 Mythorn Walk and 8 Portfield Walk outweigh the need to protect the rights of freedom of assembly and expression for this case and therefore, on balance, the proposal to make the PSPO is reasonable and lawful.

## **5. Risk Management Implications**

### **Equality impact**

The Equality Act 2010 has imposed a public sector duty under which all public bodies have to provide equality of opportunity and give due regard to the need of people with “protected characteristics” as they are defined in the Equality Act.

The Council has considered the impact of these proposals and does not believe that there is a detrimental impact on the needs of any group with protected characteristics.

## **6. Human Rights Issues**

When introducing a new PSPO scheme the Council must be satisfied that it has complied with the requirements of the European Convention on Human Rights (ECHR). In particular, section 72(1) requires the Council to have regard to such rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Convention as would be affected by the PSPO. These Convention rights need to be

considered along with the effect on other Convention rights, including the rights of persons in favour of the PSPO.

The Council, having had particular regard to articles 10 and 11 of the Convention, is of the opinion that the need to protect the locality from the detrimental impact caused by the activities, as described above in section 2 which take place in restricted area, outweighs the need to protect the rights of freedom of assembly and expression in this case and therefore, on balance, the proposal to make the PSPO is considered proportionate and lawful.

The Council also considers that the proposal is necessary to prevent disorder occurring as a result of the current use of the area for anti-social behaviour and to protect the rights of others as described in Articles 10 and 11.

### **7. Timescales**

It is anticipated that the gates will be placed as soon as the order is finalised. Planning Permission has already been granted.

### **8. Financial Implications**

All works are funded by Northwards and MCC in partnership.

### **9. Implications for Key Council Policies**

Equal Opportunities Implications

- To provide a suitable and safer environment for pedestrians and other road users. The scheme contributes to the corporate objectives of making the environment accessible to all and creating neighbourhoods of choice

Environment Implications

- To develop and sustain a healthy, safe and attractive local environment which contributes to the City and its people's economic and social well-being

### **10. Conclusion**

It is recommended that the proposal to introduce a Public Spaces Protection Order as set out above be approved and the Order be made if no objections are received or maintained.