

Manchester City Council (Eccleshall Street, Oldfield Street and Babbington Street, Clayton) Public Space Protection Order 2016

INTRODUCTION

The Public Spaces Protection Order is proposed to prevent recurring environmental crimes and anti-social behaviour in the vicinity of Eccleshall Street, Oldfield Street and Bebbington Street. This area has become subject to persistent and recurring fly-tipping and anti-social behaviour.

BACKGROUND

The location for the proposed Public Spaces Protection Order is the Eccleshall Street, Oldfield Street and Bebbington Street area, which has been the subject of regular and recurring large scale fly-tipping. There have also been persistent issues related to anti-social behaviour in this area.

The area faces a main arterial route into the City (Ashton New Road) and is immediately adjacent to the Sport City/ Etihad complex and a Metrolink stop. There are also two businesses adjacent to the area, and several local businesses and residential homes in the vicinity.

Over the last 12-18 months, several measures have been implemented with the aim of alleviating the issues highlighted. These have included:

- Working closely with Neighbourhood Delivery Team/ Neighbourhood Compliance Team and partners including GMP to deal with issues related to anti-social behaviour
- The installation of CCTV cameras in the area
- Temporary Traffic Regulation Order for this area
- Securing a civil order to prevent illegal encampments on the land for the next 12 months

THE PROPOSAL.

The Public Spaces Protection Order proposes to close and gate the section of Eccleshall Street from Bebbington Street to Turner Street, Eccleshall Street from Turner Street to Langness Street, Bebbington Street from Bromlow Street to Eccleshall Street, Oldfield Street from John William Street to Braddon Street and the full lengths of Parott Street, Eswick Street, Iredine Street, Langness Street, Foxdale Street and Rushen Street.

The Order would apply to everyone, apart from MCC and associated contractors who may require access for maintenance, the emergency services and employees of Sonoco Ltd for the purposes of access to their premises on Stokes Street.

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

The highways listed for closure are currently used as an alternative through-route, for traffic cutting through from Ashton New Road to Clayton Lane. Access routes to the neighbouring business premises, electricity sub-station and Metrolink stop have been retained and the roads listed for closure are neither service routes nor primary routes of access. Accordingly the proposed PSPO will have minimal effect on the use of the highway or access to local businesses / properties servicing requirements. By closing the highway the alternative route is via Ashton New Road and Clayton Lane which is already the preferred and primary means of access.

On behalf of Manchester City Council as Local Highway Authority, Highways support this proposal.

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:

1. 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.
2. 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 at the Statement of

Reasons below, that the restrictions/prohibitions are reasonable and necessary in order to prevent the detrimental effect caused to the locality from occurring.

CONSULTATIONS

A consultation exercise has been undertaken with local residents and businesses to highlight the detail of this proposed submission.

STATEMENT OF REASONS

This is a highly visible and accessible area with local businesses and residents in close proximity. The persistent fly-tipping and anti-social behaviour has had an adverse effect on the local residents and businesses. As a visible site on a main arterial route, this also has a detrimental impact on visitors to the area and those coming to the City Centre.

The issues being experienced here have been persistent and reoccurring during all times of the day and evening. Over the 12 month period from July 2014 to July 2015, 27 incidents of antisocial behaviour were reported to GMP to investigate in this area. This included damage to business premises, public transport (Metro) and the land itself through vehicle fire. Along with this, there have been over 30 instances where persistent fly tipping has taken place. This has been investigated and cleared at a significant cost to the Council.

The Council does not believe this Order will have any negative effect on properties in the area as there are other reasonable and convenient routes to utilise. The routes will also remain open to pedestrians. Discussions have taken place with MCC Highways and consultations with business and residents, as above, to come to this conclusion.

In order to address the persistent fly tipping and anti-social behaviour that has taken place at all times during day and night, we have installed CCTV, however this was deliberately vandalised. We have and continue to investigate fly tipping cases, but without evidence and/or a witness this has proved difficult to pursue. Partners such as GMP have also regularly monitored the area yet issues persist. Gating the area will provide a sustainable, effective solution to this 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 Officers and Maintenance staff, Emergency Services and employees of Sonoco Ltd for the purposes of access to their premises on Stokes Street. Issues of persistent fly tipping and anti-social behaviour have and continue to take place at all times during day and night. The expectation is that this site will be redeveloped in 3 years time.

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 area 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.

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 consulted representative groups of people with disabilities and is proposing the order as outlined in section 3 having considered their special needs (and any relevant representations made).

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 a restricted area, outweighs the need to protect the rights of freedom of assembly and expression in this case. Therefore, on balance, the proposal to make the PSPO is considered proportionate and lawful.

It is also considered that other relevant Convention rights are Article 1 (Property) and Article 8 (Private life). The Council is seeking to improve the reasonable and quiet enjoyment of land and property within the Restricted Area and therefore considers that a fair and reasonable balance has been struck between the needs of all road users, including pedestrians, cyclists, and the individuals with property adjoining or adjacent to the restricted area, as well as local residents in the vicinity, who are currently detrimentally affected by crime and anti-social behaviour. The Council therefore concludes the adverse effects on some Conventions rights are outweighed by the beneficial effects of upholding other Convention rights, as stated above and at paragraph 6 in particular.

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

CONCLUSION

It is recommended that the proposal to introduce a Public Spaces Protection Order as set out in this report and the Appendices hereto be approved for the reasons set out above and that authorisation be given (i) for the advertising of the Public Spaces Protection Order and (ii) for the making of the Public Spaces Protection Order, if no objections are received or maintained.