

Subject:	Oxford Court Public Space Protection Order 2021 (Gating Scheme)		
Date of Meeting:	11th March 2021		
Report of:	Interim Executive Director Housing Neighbourhoods and Communities		
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Ward(s) affected:	St Peters and North Laine		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by imposing conditions on the use of that area, and may include highway restrictions to limit access to some areas which may be affected by crime and antisocial behaviour.
- 1.2 At the Tourism, Equalities and Culture Committee of 24th September 2020, a PSPO restricting access to the Oxford Court Alleyway was approved, however, it was recognised that this would need to be amended to take account of the planned redevelopment of the Oxford Court carpark and extension of the St Peters Medical Practice.
- 1.3 The TECC meeting of 24th September 2020 approved the recommendation: "That the committee agrees for officers to work with residents to consider amendments to the Oxford Court gating PSPO and to bring a proposed amended Order back to Committee for approval." This report details the proposed amendments

2. RECOMMENDATIONS:

- 2.1 That the committee approve the amended Oxford Court Public Space Protection Order 2021 (See appendix 1)

3. CONTEXT/ BACKGROUND INFORMATION

3.1 Public Space Protection Orders (PSPOs) and access restriction.

The Oxford Court Public Space Protection Order (PSPO) was first approved by the Neighbourhoods, Inclusion, Communities and Equalities Committee in March 2018. The Order was subject to a further review in September 2020 at the Tourism, Equalities and Culture Committee.

- 3.2** The purpose of the Oxford Court PSPO as approved is to restrict access along an alleyway which linked Oxford Street with the Oxford Court Carpark, and the restriction relates to all people except for those with property adjoining the affected area, and is operational 24/7
- 3.3** Since the existing Order was developed, the Oxford Court Carpark has been permanently closed and has been acquired on behalf of St Peters Medical Practice to be redeveloped as an extended medical provision. Because of this change, the existing Order needs to be amended to reflect the changed physical layout, and also the change in access requirements for those with properties which adjoin the former carpark site.
- 3.4** The amended Order (see appendix 1) has been developed with local stakeholders, including Medical Centre Holdings Ltd who manage the site on behalf of the St Peters Medical Practice. The key changes to the Order are that:
- Reference to the Oxford Court Carpark is removed and replaced by the St Peters Medical Practice.
 - Those permitted to access the gated area covered by the PSPO now includes residents of properties which back on to the St Peters Medical Practice site as marked on the site plan in appendix 2.
 - The Community agreement which accompanies the proposed Order has been amended to reflect this, and now places lead responsibility for the management and upkeep of the gate on Medical Holdings Ltd
- 3.5** In all other ways the purpose and impact of the proposed Order remains unchanged – a measure to reduce the incidence of criminal and antisocial behaviour in the alleyway and immediately surrounding area, including drug use and dealing, street fouling, alcohol misuse and flytipping.
- 3.6** As the evidence and basis for this intervention has been reviewed by members as recently as September 2020, and this proposal follows a process of amendment agreed at that time, it has not been felt necessary to revisit the need for the PSPO as a crime reduction measure in detail at this time. This will be reviewed in full according to statutory requirements during the life of the Order
- 3.7** A statutory consultation has been carried out relating to these proposed changes however, which has included key stakeholder engagement, presentation at the London Road Local Action Team and publication on their website, a postal drop to all affected properties and publication on the BHCC website.

The following Offices have also been informed

- Sussex Police
 - BHCC Highways
 - BHCC Parking Services
 - Sussex Police & Crime Commissioner
 - BHCC Community Safety Team
 - St Peters & North Laine Ward Members
- 3.8** Consultation responses have not suggested local opposition to or concern around this proposal, and key local stakeholders have shown support.

Responses have been received from those affected by access changes for clarification, which has been provided. The changes 'on the ground' effect very few people and this is reflected in the number of responses. There have been no responses in opposition to this proposal

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The recommendation of this report is to update the existing Oxford Court PSPO to meet changed circumstance in land use and access brought about by the redevelopment of the Oxford Court Carpark. If the existing PSPO were not updated, it could leave the order open to challenge as it would no longer be accurate, and it would cause access problems for residents with properties backing on to the former Oxford Court carpark, and for the extended St Peters Medical Practice. The only rational alternative to an amendment of the existing PSPO would be its revocation – this is something which has not been requested by any stakeholders and would be likely to compromise public safety in the area.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The local community, via the Local Action Team and a letter drop to all affected properties have been informed and engaged in developing this amendment, and other agencies including the police ward councillors and council officers have been consulted. The draft Order has been posted on the London Road Local Action team website and on the BHCC website.

6. CONCLUSION

- 6.1 Before the existing PSPO was granted, significant reported incidences of crime and antisocial behaviour taking place in the Oxford Street/Oxford Court area had been linked to the alleyway – either as an access route or a venue. The nature of activities reported were detrimental to public safety and impacted upon those using the carpark or local shops on Oxford Street, and this impact was such that it is felt to justify the restrictions imposed by the Order. The proposed amendments to the existing Order maintain these restrictions as a helpful response to crime, antisocial behaviour and public safety.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The council has no identified resources to manage interventions of this nature, and if this amendment to the existing PSPO is granted, the community will be responsible for funding the cost of upgrading the gate and its future maintenance and upkeep. This is detailed in the Community Agreement which form appendix 2

Finance Officer Consulted: Michael Bentley

Date: 12/02/21

Legal Implications:

- 7.2 A PSPO may be used to restrict the public right of way over a highway in order to prevent anti-social behaviour and may authorise the installation, operation and maintenance of barriers for enforcing the restriction.

The alleyway linking Oxford Street and Oxford Court car park does not fall within the category of highway over which the public right of way may not be restricted under the Anti-Social Behaviour Crime & Policing Act 2014 (ASBCPA)

A PSPO may be varied or discharged so that it applies to a different area to that which was originally set out in the PSPO provided that the necessary conditions are met as set out in paragraph 1.1 of this report. The impact of the amended restriction has been considered as detailed in this report.

The consultation detailed in this report fulfils the statutory requirements of the ASBCPA and conscientious consideration must be given to the responses to the consultation.

Lawyer Consulted: Stephanie Stammers *Date:* 15 February 2021

Equalities Implications:

- 7.3 The impact of this proposal will be to amend the existing access restriction along the Oxford Court alleyway, and as a part of this process we are obliged to consider the impact of this restriction on the population generally and upon those with a disability which is identified as a protected characteristic under the terms of the Equality Act 2010.

Since the permanent closure of the Oxford Court carpark, the alleyway no longer leads to a public destination and the amended restrictions will not have any impact upon the public at large. The amendments increase access within the affected area by permitting additional residents – those with properties adjoining the former car park site – to make use of the alleyway, which was not permitted under the existing restrictions

Sustainability Implications:

- 7.4 This proposal was initially developed following issues raised by small businesses based on Oxford Street, concerned that the level of criminal and antisocial behaviour taking place within and around the alleyway was having a significant impact upon the trading environment. This proposal will contribute to community safety and support the development of a sustainable trading environment for independent traders on Oxford Street and supporting safe pedestrian use of the area.

The operation of the scheme will be carried out by local traders/residents bordering the alleyway and the outcome of this, including the funding arrangements, aims at maximising community ownership and ongoing community management increasing longer term operational sustainability

SUPPORTING DOCUMENTATION

Appendices:

1. Oxford Court Public Space Protection Order 2021 DRAFT
2. Oxford Court Community Agreement 2021 DRAFT

