

Committee(s):	Date(s):
Safer City Partnership Strategy Group (For Information) Streets & Walkways Sub Committee (For Information) Community & Children's Services Committee (For Information) Police Committee (For Information) Policy & Resources Committee (For Information) Open Spaces & City Gardens Committee (For Information) Court of Common Council (For Decision)	02 March 2016 04 April 2016 08 April 2016 14 April 2016 14 April 2016 18 April 2016 21 April 2016
Subject: Issue Report – Aldgate Highway Changes and Public Realm Improvements Project (Public Space Protection Order – Permission to Consult)	Public
Report of: Director of the Department of the Built Environment Report author: Jon Wallace – Development Control Engineer	For Decision
<p><u>Summary</u> <u>Dashboard</u></p> <ul style="list-style-type: none"> - Project status: Amber (potential overspend and programme extension forecast). - Timeline: Construction Phase - Total Estimated Cost: £21.37M - Approved funding: £21.37M (£9,458,000 is funded by Transport for London (TfL) and £11,913,350 funded by various Section 106 (S106) and Section 278 (S278) agreements). - Spend to Date: £16.02M (Including commitments), leaving £5.35M available budget. - Overall Project Risk: Amber. <p><u>Brief description of project</u></p> <p>The main elements of the scheme include the introduction of two-way working on Aldgate High Street, Minorities and St Botolph Street and the creation of a new public space between the Sir John Cass's Foundation Primary School and St Botolph without Aldgate Church.</p> <p><u>Reason for this report</u></p> <p>This report seeks Member approval to consult the public on the proposal to make a Public Space Protection Order (PSPO) on a section of the new public space bordering St Botolph without Aldgate Church.</p> <p>The Aldgate Highway Changes and Public Realm Improvements Project will create an area of gardens immediately west of the St Botolph without Aldgate Church that 'visually extends the Churchyard'. This would be achieved by enclosing an area of public highway within railings similar to those on the existing Churchyard wall. The railings would be softened by climbing plants; the Church Rector sought a solution that welcomed the community and softened the edges of the Churchyard. The new garden area will include a meandering path, seating, high quality planting, and a low level water feature that smaller children will be able to move around and reach onto to play with the water. It is an opportunity to create a passive and more contemplative space for public enjoyment which will complement the adjacent large open space aimed at more active recreation, thereby ensuring that the area can meet the needs of as wider range of people as possible.</p> <p>Given the nature of the design, there will be little natural surveillance during the hours of darkness. This creates a problem as stakeholders in the area have already highlighted the occurrences of anti-social behaviour in the area. However, given the importance of</p>	

delivering a welcoming, attractive extension to the Churchyard, it is considered important to progress the garden design.

Local Stakeholders' perceptions with regards to anti-social behaviour in the area were clearly demonstrated in a public consultation exercise in early 2012. Negative responses were received in relation to Braham Street 'park' (which is in close proximity to the new public gardens). Consultation responses made it clear to officers that the Braham Street Park space did not meet the needs of stakeholders, whose comments included: "Braham Street Park – it's a no go at night due to street drinking"; "youth gangs with scooters and hoodies hang out in the space [*at night*]"; "...creation of the Park has been well received. However we remain concerned about the long term ownership and management... and would be prepared to discuss managing and improving this important public asset as a facility for the whole area."

Given the proximity of the Braham Street 'park', it seems highly likely that the anti-social behaviour witnessed there is likely to be replicated in the new garden area, adjacent to the Churchyard.

In addition to concerns expressed by local stakeholders, throughout the delivery of the Aldgate project, members of the project team have witnessed numerous incidents of anti-social behaviour. These have included:

- The CoL cleansing contractor (Amey) has advised that evidence of alcohol consumption and drug use (ie. bottles & syringes) is regularly found & cleared within the Aldgate area.
- There have been issues with urination and defecation in the nearby area, specifically within the Churchyard, witnessed by officers carrying out consultation with the Parishioners, as well as around Little Somerset Street, noted by cleansing officers.
- The Church Rector has identified areas where syringes have been regularly found dropped beside the windows to the Church.

If replicated within the new space, these undesirable activities would be detrimental to the area which is in close proximity to Sir John Cass School.

It is therefore considered proportionate to restrict access to the new gardens during the hours of darkness. However, the area is public highway to which access must be maintained at all times, unless a PSPO is in place.

A PSPO is a measure introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. If made, it would enable access to be restricted at night and would authorise the installation of the fence and gate to give effect to the restriction. A PSPO may be made where antisocial behaviour has had or is likely to have a detrimental effect on the quality of life of the local community. In this instance, a PSPO would allow for the new garden area to be closed during the hours of darkness. Officers engaged early with the Home Office, who confirmed that, in principle, the suggested intent of the application of a PSPO fits with the correct use of the legislation. The area subject to the proposed PSPO is illustrated in Appendix One.

The tests for making an order, the impacts of an Order in the event of breach, and government guidance about relevant considerations are set out at Appendix Two.

The draft PSPO (provided in Appendix Three) is designed to facilitate the management of the new garden area to mitigate anticipated anti-social behaviour, which is likely to be persistent and unreasonable (such as alcohol consumption, drug use, urination and defecation) at night. Such behaviour, based on experience at Braham Park and adjoining areas, is considered more likely to occur at night, when the gardens are less used. It is considered that the proposed restriction will help to protect the significant enhancements made to the area for the long term from the damage and detritus likely to arise from the

anticipated anti-social behaviour, such as needles, empty cans and bottles, urine and faeces. Appendix Four illustrates the northern end of the new gardens.

Special regard is given to the rights of freedom of expression and assembly, as enshrined in the European Convention on Human Rights. Article 3 of the draft PSPO sets out the prohibition and the provision made to ensure that prohibition does not apply to persons with a reasonable excuse or who have Police consent for being within the restricted area and Article 5 includes factors that may be relevant to the question of whether a person has a 'reasonable excuse' including Articles 10 (freedom of expression and information) and 11 (freedom of peaceful assembly and freedom of association with others) of the European Convention on Human Rights.

Although not aimed at rough sleepers, it is acknowledged that the access restriction proposed by the PSPO would make the area unavailable for rough sleeping. However, the City has a programme of measures aimed at reducing the number of rough sleepers, including assistance with finding them accommodation. Over the last 5 years 953 rough sleepers have been assisted into accommodation.

As part of the PSPO process, a consultation must be undertaken with local residents, stakeholders, local community organisations & representatives, as well as governing bodies (such as the City Police, the Police Committee and Transport for London) as set out in section 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014. At a cost of approximately £7k, funded from the project's existing communications budget, it is proposed to undertake the consultation for a period of six weeks (May - July 2016). The consultation will be undertaken via several mediums such as post & leafleting; CoL website; local on-street publicity & surveys; and two public open sessions on-site will be held to target morning & evening commuters. If Members are minded to approve this report, it is proposed to delegate authority to the Director of the Built Environment to finalise the details of the relevant consultation material.

The findings of the consultation will be presented to Members. If, following consideration of consultation responses, it is considered that the PSPO would be an appropriate and proportionate measure, then approval for the PSPO will be sought. Following consultation, subject to no objections being received, it is proposed that the Court of Common Council delegate approval of making the PSPO to the Policy and Resources Committee. In the event of objections, a decision whether or not to make the PSPO would be reported to Court of Common Council.

Both the City Police and representatives of the St Botolph without Aldgate Church have expressed in-principle support for the proposed PSPO and will provide formal responses as part of the public consultation.

Following approval and making of the PSPO, there is a statutory six week period for legal challenge and the Order can be amended or withdrawn. Signs are required at the gardens to inform the public that the area is subject to a PSPO, and what the effect is of the Order. PSPOs may last for a maximum of up to three years before requiring a review. There is no limit on the number of times an order can be reviewed and renewed.

A Stage One (Initial Screening) Equality Impact Assessment has been carried out. By mitigating anticipated anti-social behaviour and protecting the enhancements from damage and litter, the proposed PSPO is deemed to have an overall positive impact on all equality target groups. Therefore, proceeding to Stage 2 (Full Assessment) is not necessary.

Summary of Recommendations

It is recommended that:

- 1) Members endorse the public consultation, at an estimated cost of £7k, funded from the project's existing communications budget, in respect of the proposed Public Space Protection Order for the new public space on the highway bordering St Botolph without Aldgate Church, as indicated on the map in Appendix One.
- 2) Authority be delegated to the Director of the Built Environment to finalise the details of the relevant consultation material.
- 3) Subject to no objections being received from the public consultation, the Court of Common Council delegate determination of whether or not to make the Public Space Protection Order to the Policy & Resources Committee.

Appendices

Appendix One – Area to be covered by the proposed PSPO

Appendix Two – Tests for making a PSPO, Impacts of a PSPO & Government Guidance

Appendix Three – Draft proposed PSPO

Appendix Four – Montage of new garden area (northern end)

Contact

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