

Bolsover District Council

Executive

2nd November 2015

Proposed Public Space Protection Order for Footpath 18, Shirebrook

Report of the Portfolio Holder for Community Cohesion, Audit, Legal and Governance

This report is public

Purpose of the Report

To seek a further resolution in relation to the Public Spaces Protection Order for the rear of part of Sookholme Road, Shirebrook.

1 Report Details

Members will recall that on 7th September 2015 they authorised the making of a public space protection order which would restrict access to a stretch of Footpath 18, approximately 280 metres long. A copy of the plan that was attached to the previous report is attached to this report. The previous report stated

“To ensure that the order can be successful the Council will need to erect gates and fencing . The following quotations have been received:

At Point A – install galvanized 3D section security fencing and 1 No 1.20m wide single pedestrian gate- £1,480.00;

At Point B- install galvanized 3D section security fencing- £637.50 plus VAT

At Point C- install galvanized 3D section security fencing- £722.50 plus VAT”

In accordance with the requirements of the Anti-social Behaviour Crime and Policing Act 2015 the eight occupiers adjoining the affected footpath have been contacted. Of those eight half of the residents have responded complaining about the proposal to erect a single pedestrian gate. Historically residents have enjoyed vehicular access along the footpath to the rear of their properties. Due to the current condition of the land vehicular access is not possible to most of the properties nevertheless the residents who have contacted the Council would like the ability to drive along this section in the future. A 1.2m wide gate would prevent this so they are asking that the Council erects double vehicular gates. One resident stated that they would rather not have the PSPO if that meant having a pedestrian gate.

2 Conclusions and Reasons for Recommendation

Members need to decide how to progress this. The options are as follows;

1. Erect double vehicular gates. The cost of this will be reported to members at the meeting;
2. Continue with the order but don't erect any gates at all. The order would still restrict access however without gates the order will not be as effective;
3. Reach an agreement with the residents whereby double gates are part funded by the Council and part funded by the residents. The Council's contribution could be limited to the cost of a single pedestrian gate
4. Not continue with the order. Members may consider that an order preventing access along a footpath without there being gates will not be an adequate deterrent to prevent anti-social behaviour

3 Consultation and Equality Impact

The Police, Town Council and County Council have been consulted on the options Any comments received will be reported to the meeting

4 Alternative Options and Reasons for Rejection

Erect a pedestrian gate as originally proposed. This is not something at least half the adjoining residents now want. It would be unreasonable at this stage to disregard the residents views and continue to erect a pedestrian gate.

5 Implications

5.1 Finance and Risk Implications

The additional cost of erecting a double gate will be reported to the meeting

5.2 Legal Implications including Data Protection

As contained in the report.

5.3 Human Resources Implications

None

6 Recommendations

That Members consider the options and resolve either to :

1. Proceed with the Public Space Protection Order with a double gate funded by the Council; or
2. Proceed with the Public Space Protection Order with a double gate part funded by the Council up to the cost of a pedestrian gate;
3. Proceed with the Public Space Protection Order with no gate at all; or
4. Not to proceed with the Public Space Protection Order

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
1	Plan
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Jim Fieldsend	01246 242472

Report Reference –