Public Spaces Protection Order
Valetta Road, Davis Road, Jeddo Road. Acton W3

September 2017

Safer Communities Team

www.ealing.gov.uk
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1. Introduction

Ealing Council is proposing to use a Public Space Protection Order (PSPO) to install gates in the area of Valetta Road, Davis Road and Jeddo Road in Acton to reduce levels of crime and anti-social behaviour. This order is different to the existing PSPO in the borough, as this one is only seeking to restrict public rights of way by installing alley gates, rather than prohibiting certain behaviours.

What is a PSPO?

Public Spaces Protection Orders (PSPOs) were introduced in the Anti-Social Behaviour, Crime and Policing Act 2014 (the 2014 Act) and are designed to stop individuals or groups committing anti-social behaviour (ASB) in a public space where behaviour

- is having, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is of persistent or continuing nature; and
- is unreasonable

The council may make a PSPO if it satisfied on reasonable grounds that the following two conditions are met:

1. That activities carried on in a public place have had or will have a detrimental effect on the quality of life of those in the locality, and
2. The effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.

The Council is able to set its own restrictions and requirements which can either be blanket, specific or multiple restrictions depending on what is reasonably justified in the particular circumstances. Examples of ASB outlined in the associated guidance include restrictions on the consumption of alcohol, restrictions on access and restrictions on the presence of dogs. When considering restricting access to a public right of way specific considerations and consultation procedures will apply.

PSPOs apply to public spaces, as well as certain types of highway and can be enforced by the Council as well as the Police. Special considerations apply to special types of land such as common land or land registered as a town or village green.

Breach of an Order is a criminal offence for which a Fixed Penalty Notice of up to £100 can be issued or a fine of up to level 3 on prosecution.

PSPOs cannot have effect for more than 3 years although they may be extended for a further 3 years in certain circumstances.
1.1. **Why is the Council introducing a PSPO?**

The Council is considering making a PSPO in relation to:

- ST ELMO ROAD W12 9DY
- DAVIS ROAD, W3 7SE
- JEDDO ROAD W3 7TN
- VALETTA ROAD W3 7TA
- VALETTA ROAD WEST W3 7TQ

with the aim to prevent certain behaviours.

The behaviours which it is seeking to prevent are:

- Burglary
- Criminal Damage
- Theft and Handling
- Robbery
- Fly-tipping
- Drug Dealing
- Drug Use

1.2. **Gating**

Alley gating is to be installed on the entrances to the highlighted alleyways in the below plans, with keys provided to the residents and businesses residing/operating within the properties backing on to these alley ways.

1. The footpath that runs between Davis Road and Valetta Road as shown on Plan A (Page 5)

2. The footpath that runs between Valetta Road and Jeddo Road as shown on Plan A (Page 5)

3. The footpath that runs between Davis Road and Oldfield Road as shown on Plan B (Page 6)

4. The footpath that runs from Dororecht Road as shown on Plan B (Page 6)

5. The footpath that runs between Larden Road and Warple Way as shown on Plan B (Page 6)
1.3. Map

The area affected by the behaviour and proposed to be covered by the PSPO is shown on the map below and is part of the highway/common. The red dotted line highlights the location of all the alleyways in question.
2. Evidence / Impact

2.1. Restrictions

The following restrictions are considered to be appropriate having regard to the nature of the behaviour:

The evidence available to support the making of an Order is as follows

- PSPO supporting evidence provided by the London Borough of Ealing Safer Communities Crime Analysis and Research Team (SCART). Please refer to Appendix 1
- Letter of support from Acton Cluster Police Inspector. Please refer to Appendix 2
- Letters of support from local residents. Please refer to Appendix 3

2.2. Impact Consideration

Consideration has also been given to the effect of any order as follows

a) On the occupiers of premises adjoining or adjacent to the highway

The premises that will be adjoining the alleyway will be provided with keys to access the alleyway.

b) The likely effect of making the order on other persons in the locality;

People in the locality will no longer be able to walk freely through the highlighted areas.

c) To the extent that the Order relates to a through route, the availability of a reasonably convenient alternative route.

The alleyways all run parallel to the roads where footpaths are available.

2.3. Risk Mitigation

<table>
<thead>
<tr>
<th>Risk from installing the gate</th>
<th>Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The gates fall into disrepair.</td>
<td>• As this is a gating order the council will be responsible for and repairs and maintenance</td>
</tr>
<tr>
<td>• The residents lose their keys.</td>
<td>• Each resident will receive a key and it will be made clear to them that it is their responsibility to get another key cut should they lose theirs. Copying the resident led gating policy. The reason that the keys for this gating order are not registered or restricted is because there are a number of existing gates in the area and on the same road that do not have restricted keys. The council will aim to identify a lead resident to assist with any gating related issues</td>
</tr>
<tr>
<td>Risk from installing the gate</td>
<td>Mitigation</td>
</tr>
<tr>
<td>------------------------------</td>
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</tr>
<tr>
<td>• Crime and ASB continues to happen in the alleyway.</td>
<td>• If there are issues of crime and ASB because of this issue, then the council and the police will try to identify the perpetrators and take action on them. The council may also install different locks if required. The local SNT will also have the option of holding a key to the gate</td>
</tr>
<tr>
<td>• The emergency services require access to the alleyway</td>
<td>• In a case of emergency then the fire brigade will force entry to the alley way.</td>
</tr>
</tbody>
</table>

2.4. **Impact Assessment**

This order does not impact on people accessing the local amenities in the nearest town centre (Acton) or locality, as there are still walking routes available for people to travel by foot. The footpaths in the area are unaffected by this order.

The order does not remove any disabled parking spaces or restrict access to any businesses.

2.5. **What are the alternatives**

The alternative would be to not proceed and advise each and every landlord and tenant about home security and how to report crime and ASB to the appropriate departments. Additionally, a request could be made to the police to patrol the area more frequently, which will deprive other areas of the team presence. The MetTrace Smart Water project has already taken place on Valetta Road, Jeddo Road, St Elmo Road and Davis Road.

2.6. **Pre consultation**

The following parties have already been consulted and their responses are in appendices 2 and 3.

a) The Police  
b) The owner or occupier of the land  
c) Highways  
d) Ward Councillors – Cllr Steed, Cllr Malcolm and Cllr Busuttil

In deciding whether to make, extend, discharge or vary a public spaces protection order the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention as defined in the Human Rights Act 1998.

2.6 **Your Views**

We are looking for your views on the proposed PSPO area. If you have any further queries or feedback about the proposed PSPO please email gating@ealing.gov.uk or call 020 8825 7757.

This consultation will be live until 31st October 2017.
Pre consultation letter

LONDON BOROUGH OF EALING
ANTISOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
NOTICE OF PUBLIC SPACES PROTECTION ORDER

Safer Communities
Parcell House
14-16 Uxbridge Road
London W5 2HL
T 020 8925 5994

2 November 2016

Dear resident,

I am writing to inform you of the London Borough of Ealing Council’s intention to implement a Public Space Protection Order on the areas of STELMOROAD W12 9DY, DAVIS ROAD, W3 7SE, JEDDO ROAD W3 7TN, & VALETTA ROAD W3 7TN, under Section 59 Anti-Social Behaviour, Crime and Policing Act 2014 for the purpose of reducing crime and antisocial behaviour in the area. The Order is at the Pre Public Consultation Phase and I would like to invite you to share any thoughts, feelings or concerns.

The effect of the Order will be to restrict the public right of way over the highways shown in the Schedule (the Restricted Areas).

No waste or household item shall be deposited, stored or discarded in the Restricted Areas. This restriction shall not apply to any wheeled bin or other receptacle for the storage of waste where the Council has given written consent for the wheeled bin or receptacle to be stored in the Restricted Areas.

If you have any further queries please do not hesitate to contact me on 0208825 7757 or alternatively on ealing@ealing.gov.uk. This Pre Consultation Period will be open until the 4th January 2016.

The next step after the Pre Consultation Period will be to obtain a full officer’s decision from the Director of Safer Communities and commence a full public consultation, which will last for two weeks.

Yours sincerely

Jacquie Chambers
Gating Team
Safer Communities
Appendix 1

Crime Statistics for the area.

The Antisocial Behaviour Crime and Policing Act 2014 suggests that PSPOs can be utilised to reduce detrimental effects on the quality of life in public spaces. The identification of specific crime in particular areas will support the introduction of PSPOs in order to reduce anti-social behaviour and crime in public spaces. The report will also consider the times when the offences have occurred in order to provide an accurate profile which highlights where the PSPOs should be imposed and for what offences.

The below graphs show all reported offences on Valetta Road, Davis Road and Jeddo Road over the last 3 years. The offences analysed are Burglary, Street Drinking, Fly-tipping, Drug Dealing and Drug Use. Jeddo Road has been included in the research as a potential displacement of crime.

Total figures

Totals crimes recorded during 2014, 2015 and 2016 per street are as follows:

![Graph showing crime statistics]

Davis Road = 37, Jeddo Road = 1, Valetta Road = 99, Total = 137

The figures show that Valetta Road and Davis Roads crime rate has stayed consistent over the 3 year period. As a total, these residential roads have over 40 crime reported each year. The following graphs have a breakdown of how each crime has had an impact on local community.
Theft and Handling

![Graph showing the number of thefts and handling incidents at Davis Rd, Jeddo Rd, and Valetta Rd from 2014 to 2016. The graph indicates a significant increase in incidents at Davis Rd and Valetta Rd, with Davis Rd having the highest number of incidents in 2016.]
The above chart highlights the percentage of properties on each street in the area that have been burgled in 2014, 2015 and 2016. The chart also highlights whether the street where listed in the top 75 and top 55 most burgled streets in the borough for the year 2013/14.
Robbery

![Robbery Chart]

- Davis Rd
- Jeddo Rd
- Valetta Rd

### 2014 - 2016

- Davis Rd: 1
- Jeddo Rd: 0
- Valetta Rd: 0
Appendix 2

XB - Ealing Borough

Provident House
23-31 King Street
Acton
W3 9LA
Telephone:
Facsimile:
Email:
Aaron.Clarke@met.pnn.police.uk
www.met.police.uk
Your ref:
Our ref:
4 May 2017

To Whom It May Concern:

I am the Police Inspector for the Acton Neighbourhood within the London Borough of Ealing. This includes Southfield Ward.

My core responsibility relates to the problem-solving and reduction of crime and antisocial behaviour within my geographic area, and I am assisted by 5 local policing teams.

I have reviewed the proposals laid out by our partners in Ealing Council, and I can confirm that my local policing team were provided the opportunity to express views as part of the formal consultation.

For my part, I am fully supportive of the proposed PSPO and gated alley’s outlined. The locality remains a concern for residents, in relation to environmental issues, drug use and burglary. The actions proposed by Ealing Council provide a sustainable solution to these problems without adverse impact to local residents. I raise no objections on behalf of the police.

I am therefore writing to confirm that the formal stance of the Metropolitan Police Service is to support this initiative.

Yours sincerely,

[Signature]

W. Aaron Clarke
Inspector 224605
Appendix 3

Appendix 3 relates to land owner/residents responses to the pre-consultation letter date 2\textsuperscript{nd} November 2016.

A total of 25 responses have been received. In summary, the PSPO Gating Order is widely supported by residents and landlords citing reasons of anti-social behaviour including drug dealing, fly-tipping, nuisance vehicles, loafering, street drinking and littering which have had an impact on residents’ quality of life. Feedback showed that residents are “in favour” of the Order and would “warmly welcome” its implementation.
OFFICER’S DECISION

Subject: Proposed Public Spaces Protection Order (PSPO) relating to the area of Valetta Road, Davis Road, Jeddo Road. Acton W3

Decision by: Mark Wiltshire, Director of Safer Communities & Housing

Non-key decision

Portfolio: Councillor Ranjit Dheer

Authority: Under Part 8 of the Constitution, section 7.3 paragraph 28(b) and section 7.3A paragraph 1, authority is delegated to the Director of Safer Communities and the Head of Regulatory Services respectively to

‘exercise the Council’s functions … which promote the reduction and or prevention of crime, disorder and ASB and the fear associated with it including (but not restricted to)

a. the implementation of alley gating schemes (including Public Space Protection Orders) in accordance with the alley gating programme approved by Cabinet and

b. the implementation of prohibitions on drinking alcohol through Public Space Protection Orders’.

Background

Public Spaces Protection Orders (PSPOs) were introduced in the Anti-Social Behaviour, Crime and Policing Act 2014 (the 2014 Act) and are designed to stop individuals or groups committing anti-social behaviour (ASB) in a public space where behaviour

- is having, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is persistent or continuing in nature; and
- is unreasonable.

The Council may make a PSPO if it is satisfied on reasonable grounds that the following two conditions are met:

1. That activities carried on in a public place have had or will have a detrimental effect on the quality of life of those in the locality, and

2. The effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.

The Council is able to set its own restrictions and requirements which can either be blanket, specific or multiple restrictions depending on what is reasonably justified in the particular circumstances. Examples of ASB outlined in the associated Guidance include restrictions on the consumption of alcohol, restrictions on access and restrictions on the presence of dogs. When considering restricting access to a public right of way specific considerations and consultation procedures will apply.

PSPOs apply to public spaces as well as certain types of highway and can be enforced by the Council as well as the Police. Special considerations apply to special types of land such as common land or land registered as a town or village green.
Breach of an Order is a criminal offence for which a Fixed Penalty Notice of up to £100 can be issued or a fine of up to level 3 on prosecution.

PSPOs cannot have effect for more than 3 years although they may be extended for a further 3 years in certain circumstances

The Council is considering making a PSPO in relation to the area of Valetta Road, Davis Road, Jeddo Road, Acton W3

The behaviour which the PSPO is seeking to restrict:

- Burglary
- Theft and Handling
- Criminal Damage
- Robbery
- Drug use and dealing

The area affected by the behaviour and proposed to be covered by the PSPO is shown on the attached plan.

The following restrictions are considered to be appropriate, having regard to the nature of the behaviour:

- **Restricting the public right of way by installing alley gates.**

The evidence available to support the making of an Order is as follows:

- Supporting letter from the Local Policing Team
- Crime Statistics
- Supporting letters from the local residents

Consideration has also been given to the effect of any order as follows:

(a) On the occupiers of premises adjoining or adjacent to the affected area.

Pre-consultation was completed and there were no objections.

(b) The likely effect of making the order on other persons in the locality;

The likely effect will be that individuals will not be able to access the restricted areas, unless their property backs onto them.

(c) To the extent that the Order relates to a through route, the availability of a reasonably convenient alternative route.

There are a number of reasonably convenient alternative routes available.
Pre-Consultation

The following have been consulted and their responses are summarised below.

1. The Police: have given their support.
2. The owner or occupier of the land: the occupants are in support of the Order.
3. Local Ward Councillors – no concerns about the Order.

In deciding whether to make, extend, discharge or vary a Public Spaces Protection Order the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights, as defined in the Human Rights Act 1998.

Before making the Order the Council will also:

(a) Notify potentially affected persons of the proposed Order.
(b) Inform those persons how they can see a copy of the proposed Order.
(c) Notify those persons of the period within which they may make representations about the proposed Order, and
(d) Consider any representations made.

**Equalities Impact Assessment:** Consider whether the proposed Order gives rise to any specific Equality issues and complete EAA as necessary or confirm why not considered necessary – “to be completed”

**Decision:** Mark Wiltshire

Having regard to the above and in particular to
(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 the highway constitutes a through route, the availability of a reasonably convenient alternative route.
(d) The rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention of Human Rights and as defined in the Human Rights Act 1998;

I authorise the making of a draft Order as proposed and will consider the outcome of the consultation before making any Order.

**Signature**

**Date of decision**
Appendix 5: The Draft Public Spaces Protection Order

PUBLIC SPACES PROTECTION ORDER
Made under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014
The London Borough of Ealing, being satisfied that the conditions in Section 59 of the Act have been met, hereby makes the following order:

1. This Order applies to the public places described in the Schedule to this Order and shown hatched in red on the plans annexed to this Order (“the Restricted Areas”).

2. Except as provided in Articles 5 and 6 to this Order, no person shall use the public right of way over the Restricted Areas at any time.

3. Gates may be installed, operated and maintained at each end of the Restricted Areas by the Council.

4. Any person using the gates referred to in Article 3 to gain access to or from the Restricted Areas shall ensure that the gates are closed and locked immediately after they are used.

5. The restriction in Article 2 to this Order shall not apply to any person who occupies premises adjoining or adjacent to the Restricted Areas.

6. The restrictions in Articles 2 and 4 to this Order shall not apply to any police, ambulance or fire service personnel acting in pursuance of statutory powers or duties or to any statutory undertakers, gas, electricity, water or communications provider requiring access to their apparatus situated in the Restricted Areas.

7. No waste or household item shall be deposited, stored or discarded in the Restricted Areas. This restriction shall not apply to any wheeled bin or other receptacle for the storage of waste where the Council has given written consent for the wheeled bin or receptacle to be stored in the Restricted Areas.

8. Any person who, without reasonable excuse, fails to comply with the requirements of Articles 2, 4 or 7 of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

9. This Order shall come into force on …………………. for a period of three years.
SCHEDULE

Restricted Areas

Location Description

1. The footpaths that runs between St Elmo Road W12 9DY, Davis Road, W3 7SE, Jeddo Road W3 7TN, & Valetta Road W3 7TA,
An interested person may apply to the High Court to question the validity of –

a) This Order, or

b) A future variation of this Order.

“Interested Person” means an individual who lives in the restricted area or who regularly works in or visits that area.

An Interested Person may apply to the High Court within six weeks from the date in which the Order is made, on the grounds that:

a) The Council did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);

b) a requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the order or variation.