



**Report to: Communities Committee, 3<sup>rd</sup> November 2021**

**Report of: Corporate Director - Operations, Homes and Communities**

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**Subject: CONSULTATION ON A PROPOSED PUBLIC SPACES PROTECTION ORDER TO CLOSE FOOTPATH WR858 (BRICKFIELDS CROSSING) AND WR678 (KAYS CROSSING)**

**1. Recommendation**

**That the Committee:**

- 1.1 Note the contents of this report in particular the consultation responses at Appendix 1;**
- 1.2 Approve the undertaking of a four-week public consultation on the proposed Public Spaces Protection Order to prohibit the use of footpath WR858 (Brickfields Crossing) and WR678 (Kays Crossing) at Appendix 2; and**
- 1.3 Note that the results of the public consultation will be reported back to this Committee on 16<sup>th</sup> March 2022 to decide whether to create the orders.**

**2. Background**

- 2.1 On 26<sup>th</sup> May Communities Committee considered a report requesting the City Council to use its powers to create Public Space Protection Orders (PSPO) to prohibit the use of two footpaths in Worcester that include railway level crossings, due to anti-social behaviour.
- 2.2 The two crossings are footpath WR858 linking Brickfields Park to Astwood Road, see Appendix 3 and WR-678 linking Bromyard Road to Laugherne Brook Nature Reserve, also known as the Kays crossing at **Appendix 4**.
- 2.3 A public spaces protection order is an order that can identify a public place where the conditions occur in a defined "the restricted area" and
  - a) prohibits specified things being done in the restricted area,
  - b) requires specified things to be done by persons carrying on specified activities in that area, or
  - c) does both of those things.
- 2.4 The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order
  - a) to prevent the detrimental effect from continuing, occurring or recurring, or
  - b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

- 2.5 The Anti-Social Behaviour Crime and Policing Act 2014 states a local authority must carry out the necessary consultation and the necessary publicity and notification before making a public spaces protection order. The Council must consult with residents and/ or the communities affected by the prohibitions detailed in the order.
- 2.6 Based on the information provided, the committee instructed officers to carry out an initial consultation with residents on their perceptions of the two railway level crossings and the potential impact of closing the footpaths.

### **3. Consultation**

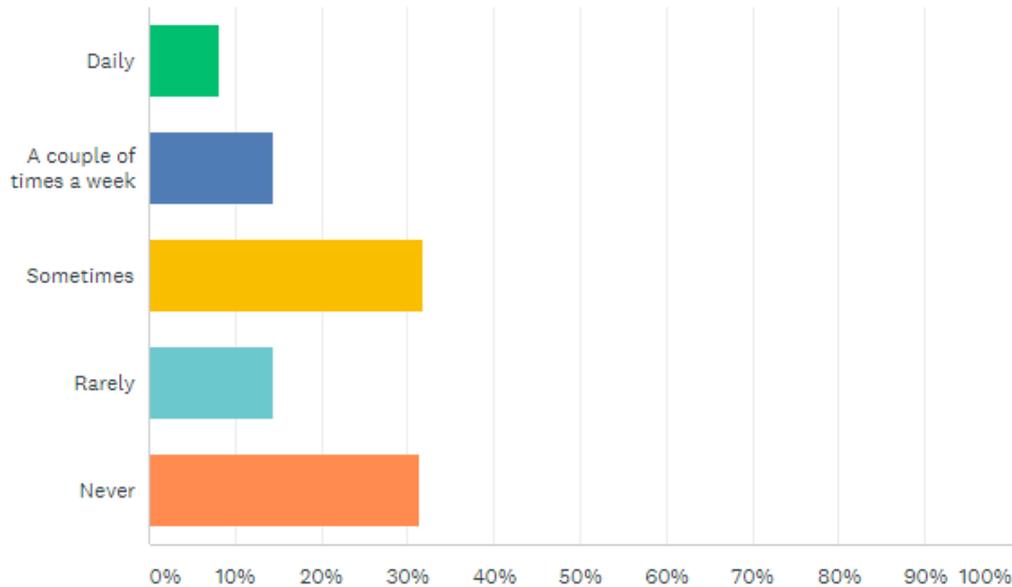
- 3.1 The consultation was hosted on the City Council Voiceit webpage from 19<sup>th</sup> July to 30<sup>th</sup> August 2021.
- 3.2 A press release was issued on 19<sup>th</sup> July and featured in the Worcester News on 20<sup>th</sup> July 2021.
- 3.3 Posters advertising the consultation were put up in local shops, notice boards and at the locations of the crossings. Information was also sent out to known local community groups.
- 3.4 Posters and leaflets provided a QR code for people to complete the survey from a mobile device. Email and telephone numbers were also provided for people to request paper copies of the questionnaire.
- 3.5 Paid social media was used on Facebook, Instagram and Twitter reaching 29,848 with 1,525 clicking the link, 49 reactions and 7 shares; provided at a cost of £199.46.
- 3.6 Officers had planned to deliver leaflets to local residents of the two crossings, but due to a combination of staff capacity and the response from local leaflet distributors meant that this wasn't achieved.

### **4. Consultation responses**

- 4.1 There were 271 responses to the survey. Some questions receive more responses than others. The consultation summary can be seen at **Appendix 1**.
- 4.2 Of the 271 responses, 200 (74%) said they lived near either of the level crossings and 71 said they didn't.
- 4.3 When asked how often they used the railway crossing 61 responses were regular users, 86 infrequent and 124 rarely or never used the crossings (see figure 1). 169 (62%) of those users said they use an alternative route since the crossing was closed.

## How often did you use the footpath/ railway crossing before it was closed?

Answered: 271 Skipped: 0



ANSWER CHOICES	RESPONSES	
Daily	8.12%	22
A couple of times a week	14.39%	39
Sometimes	31.73%	86
Rarely	14.39%	39
Never	31.37%	85
<b>TOTAL</b>		<b>271</b>

Figure 1. The number of responses stating how often they use the footpath/crossing before it was closed.

- 4.4 Of the 164 users who used alternative routes 145 (88%) said they were safe and 138 (84%) said they were accessible.
- 4.5 When asked if they thought anti-social behaviour on railway crossings is a cause for concern, only 209 responses were provided. Of these 148 (71%) agreed and 61 disagreed.
- 4.6 Of the 209 responses 145 (69%) agreed that the two locations and footpaths included in the PSPO are appropriate and 64 said they weren't. 47 respondents gave reasons for answering no and are summarised as:
- 10 people stated it would add additional distance to their journey.
  - 10 people said the anti-social behaviour should be managed directly.
  - 8 people said public rights of way should not be closed.
  - 7 people said a PSPO is not needed or not appropriate.

- 9 people said make alterations to the crossing instead like installing a footbridge, lighting and CCTV.
- 3 people said there are greater issues with from train horns and whistle boards.

## **5. Analysis and insight**

- 5.1 74% of respondents lived near to one of the railway level crossings.
- 5.2 71% of responses agreed that anti-social behaviour on railway level crossings is a cause for concern.
- 5.3 70% of responses said the two footpaths and the crossings were appropriate identified locations.
- 5.4 47 respondents gave reasons for stating that a PSPO should not be used to close the two footpaths. As previously reported in the May 2021 committee report Network Rail state that physical bridging and automated changes to both level crossings are not possible due to the proximity of private housing and the potential to trap people on the rail tracks. Network Rail state there has been CCTV surveillance at locations in support of enforcing the British Transport Commission Act 1949, however the cameras attract vandalism at these remote locations and cannot be relied upon to proactively detect and prevent incidents.
- 5.5 The British Transport Police have visited local schools and delivered education to raise awareness of the dangers and law in regard to use and crossing railway tracks. The experience during the six months in 2019 was that this had little to no effect on the anti-social behaviour.

## **6. Justification for PSPO**

- 6.1 A local authority may make a PSPO if satisfied on reasonable grounds that two conditions are met.
- 6.2 The first condition is that
- a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of 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.
- 6.3 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.
- 6.4 The maximum duration of a PSPO is three years, but they can last for shorter periods of time where appropriate (Home Office guidance 2014). Prior to its expiry it may (subject to review and approval) be extended, for a further period of not more than 3 years, if the order making authority is satisfied, on reasonable grounds, that doing so is necessary to prevent occurrence or reoccurrence of the activities identified in the Order. A PSPO may be extended more than once.
- 6.5 The anti-social behaviour identified and experienced by Network Rail meets the criteria for a PSPO as:

- a) It has a detrimental effect on the quality of people's lives.
- b) The activity is carried out on public spaces.
- c) The activity is likely to continue if the railway level crossings are re-opened.
- d) The area of prohibition is defined.
- e) The identified restrictions are measured, will stop the anti-social behaviour and will not be a significant detriment to other users.

## **7. Preferred Option**

- 7.1 To undertake two separate public consultation exercises gathering residents' views on the wording of the draft railway PSPOs at **Appendix 2** to prohibit the use of Footpath WR858 (Brickfields Crossing) and WR678 (Kays Crossing) for 3 years.
- 7.2 To report the results of the consultation exercises to Communities Committee on 16<sup>th</sup> March 2022 as part of a full review for a decision on whether to continue with the railway level crossing PSPO.

## **8. Implications**

### **8.1 Financial and Budgetary Implications**

There are no financial and budgetary implications associated with this report.

### **8.2 Legal and Governance Implications**

The consultation process will be conducted in line with the Home Office Guidance of July 2014 and the Anti-Social Behaviour Crime and Policing Act 2014 and regulations made thereunder. These allow the Council to make a PSPO in these circumstances.

### **8.3 Risk Implications**

A PSPO is adopted in response to anti-social behaviour and/ or environmental health on a community. Consulting the public on whether there is any positive or negative impact from individuals not being able to use the footpaths, will inform members to decide on a suitable course of mitigation or action.

### **8.4 Corporate/Policy Implications**

The PSPO is intended to provide a regulatory framework which will help the Council address, in a proportionate way, a number of specific problematic behaviours in the City. It is therefore compatible with the City Plan objectives:

- Stronger & Connected Communities – people feeling safe and able to enjoy the city fully, and working with partners to reduce crime and anti-social behaviour in all communities and the city centre.

### **8.5 Equality Implications**

Adverse and positive equality implications were identified as part of an Equality Impact Assessment which is included at Appendix 5. It is expected that the order will have both positive and negative impact for the protected groups age and disability.

### **8.6 Human Resources Implications**

There are no HR implication associated with this report.

### **8.7 Health and Safety Implications**

There are no H&S implications associated with this report.

## 8.8 Social, Environmental and Economic Implications

The undertaking of a public consultation on the PSPO will enable us to consider further the social, environmental and economic implications of closing the two footpaths and will be reported back to Committee in March 2022.

At full Council on 23<sup>rd</sup> February 2021 a motion was passed that Council policy decisions and actions should take into consideration the impact on children and young adults. Younger people have been identified as most likely to be attracted to and cause ASB on the rail track and so closing the footpaths will remove temptation and keep them from potential harm. However alternative routes to both footpaths are longer and the Brickfields path requires people to use a narrow footpath on Brickfields Road.

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**Background Papers:** None

**Appendices:**

1. **Railway Crossing Consultation responses**
2. **Draft Railway PSPO**
3. **Map of footpath WR-858 Brickfields**
4. **Map of footpath WR-678 Kays crossing.**
5. **Consultation Equality Impact Assessment**