

Delegated Decision Report
Decision below £250k



Subject:	Alteration to West Public Spaces Protection Order – Engine Street – Creation of 2 New PSPOs.
Decision maker: Senior Officer	Neil Consterdine – Director of Communities.
Decision date:	23 rd September 2025
Report author:	Stella Hodgkiss, Community Safety Officer
Ward (s):	Chadderton South

Reason for decision

The Purpose of this report is to consider a necessary alteration to the existing West Public Spaces Protection Order (PSPO) (scheme reference 164/20), which includes the following addresses:

- 131 - 145 Old Lane, Chadderton
- 149 – 159 Old Lane, Chadderton
- 2 – 18 Engine Street, Chadderton.
- 16 – 38 Whiteley Street

and to approve the making of 2 new PSPOs to enable ongoing security of the location in the absence of any material objections during the statutory consultation exercise.

Recommendation(s)

This scheme must be altered due to a residential dwelling being built within the curtilage of the scheme. Community Safety Service have investigated several possible options in relation to the scheme. The preferred option is the alteration of the existing scheme and creation of 2 separate schemes, to minimize the impact of the alterations on the residents who currently benefit from the scheme.

Background

Public Spaces Protection Orders (PSPO's) were introduced in the Anti-Social Behaviour, Crime and Policing Act 2014. In 2017 all existing gating order across the borough automatically transitioned to become PSPO's. Since 2017, the existing Orders, along with newly introduced ones, have offered protection to over 8000 properties and businesses, within the borough, by using alley gate schemes.

The Anti-Social Behaviour, Crime and Policing Act 2014, introduced a provision that PSPO's could only be made for a maximum 3-year period, with a requirement to carry out

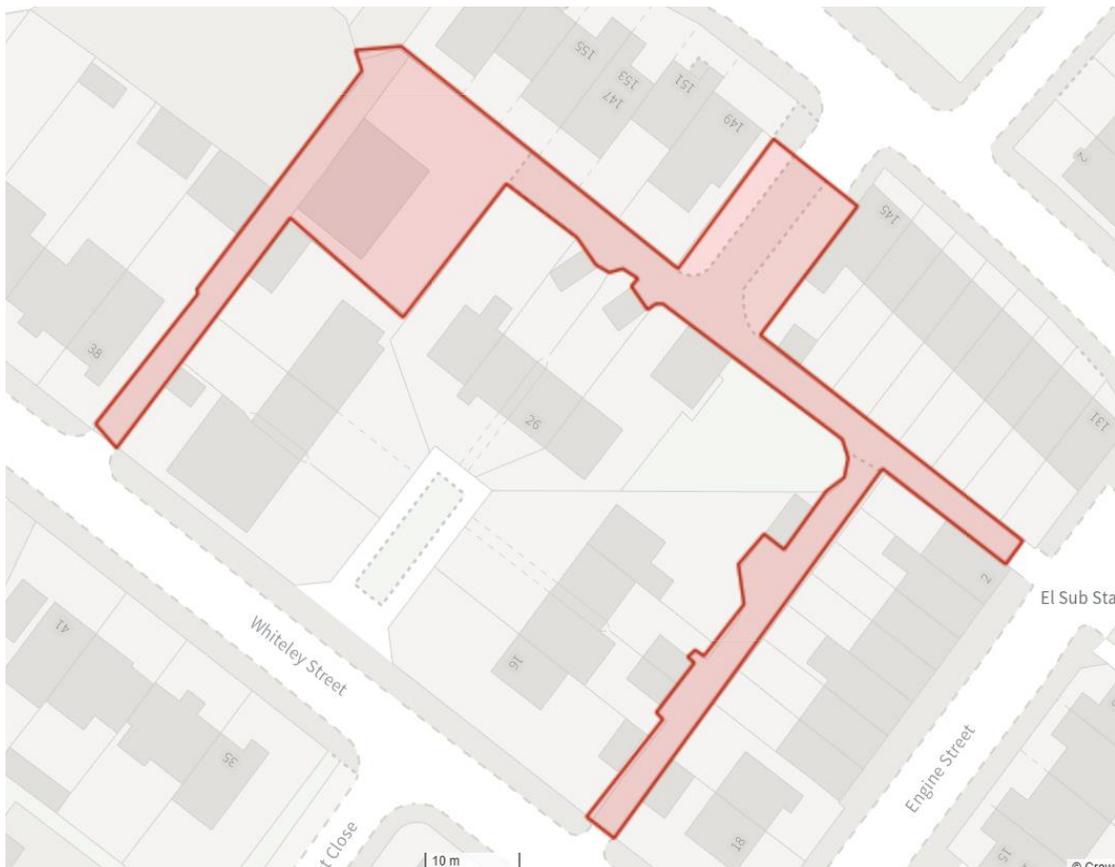
a statutory consultation exercise before either extending or amending the terms of an order. The statutory consultation exercise involves contacting any occupiers of premises adjacent to, or adjoining a highway, and any other persons in the locality, who are likely to be affected by the proposed area.

In May 2025, Community Safety Officers were made aware of a residential dwelling being built within an existing PSPO scheme, 164/20. The Public Spaces Protection Order legislation prohibits the installation of a gating scheme, where the principal means of accessing a dwelling is within the scheme.

Whilst investigations were ongoing, the contracted engineers were instructed to remove the locks from the alley gate scheme to comply with the legal requirements of the legislation.

The current scheme is shown in the map below.

PSPO 164/20 – Old Lane / Engine Street / Whiteley Street.



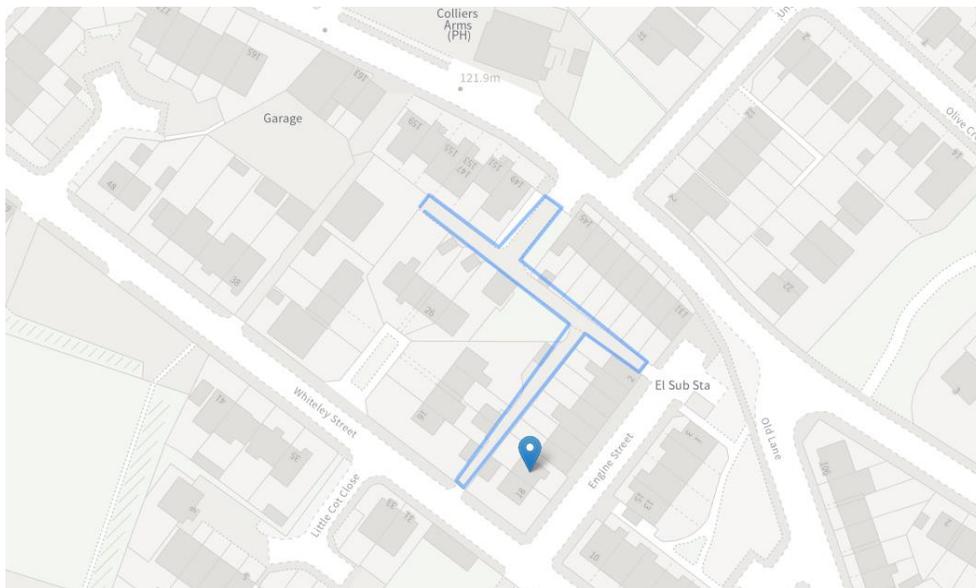
This scheme in the West District offers protection to 35 residential properties (131 - 145 Old Lane, 149 – 159 Old Lane, 2 – 18 Engine Street, 16 – 38 Whiteley Street.)

Alternative option(s) to be considered (please give the reason(s) for recommendation(s))

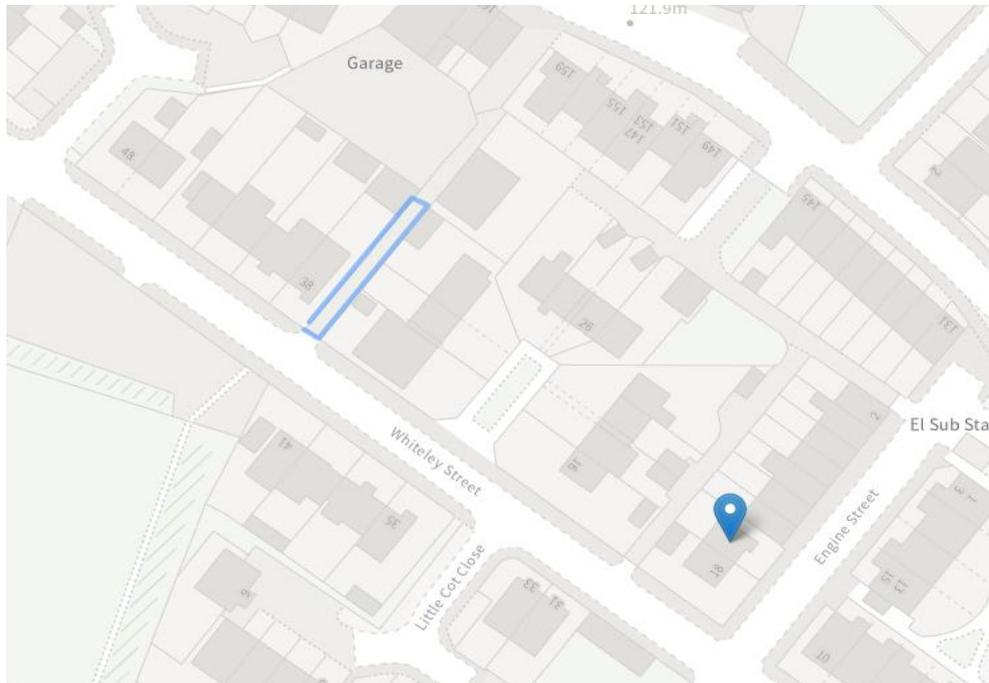
Option 1:

Create two new PSPOs, which will still afford protection to most of the residential properties that are protected by the current scheme from the anti-social and criminal behaviour that has occurred at this location prior to the scheme being installed. However, due to positioning of the front door of the new dwelling, three properties which were previously included within the PSPO will now no longer be included, to comply with the requirement that the principal means of access to a dwelling cannot be within a PSPO.

Maps outlining option 1 amendments:



Larger alleyway area henceforth referred to as 164A. Covering 2 – 18 Engine Street, 16 – 30 Whiteley Street and 131- 153 Old Lane.



Smaller alleyway area henceforth referred to as 164B. Covering 32 – 28 Whiteley Street.

The benefit of Option 1 is that the removal of the gates will not exceed £1,000 and an external contractor who was appointed after an earlier procurement process will be utilised.

Option 2:

Discharge the existing PSPO and do not create the 2 proposed new PSPO's. This would require the removal of all existing gates. However, this option would pose a potential risk that anti-social behaviour and criminality, which has previously occurred at this location, may reoccur.

Option 3:

Keep the current PSPO in place as it is. However, this would not be recommended as the local authority would not be compliant with the PSPO legislation and would be acting illegally by allowing the scheme to remain in situ.

Preferred Option

Option 1:

Create two new PSPOs, which will still afford protection to most of the residential properties that are protected by the current scheme from the anti-social and criminal behaviour that has occurred at this location prior to the scheme being installed. However, due to positioning of the front door of the new dwelling, three properties which were previously included within the PSPO will now no longer be included.

Consultation

See Appendix A - referenced CSS/PSPO/205/L1

The Cabinet Member for Neighbourhoods has been consulted on the proposals. Cllr Graham Shuttleworth has been involved in the work to review the current Order and the necessary changes.

Implications

Financial	<p>This report seeks approval to change the position of one gate, from the rear of 159 Old Lane, to be repositioned to the rear of 147/153 Old Lane. The cost of this will be £300 + VAT.</p> <p>One new gate will need to be installed, to create the second PSPO alley space. The external contractor awarded the initial contract to install the gate has confirmed that the cost to supply and fit a new gate, including post, to the rear of 32 Whiteley Street will be £340 + VAT.</p> <p>The cost of which will be met from the existing community safety revenue repair budget.</p> <p>There are no further financial implications as a result of this request.</p> <p>This report seeks approval to proceed with the following changes to existing alley gate installations as part of the Public Spaces Protection Order (PSPO) scheme.</p> <p>Approval is requested to reposition the existing gate currently located to the rear of 159 Old Lane. The proposed new location is to the rear of 147/153 Old Lane. The cost of this work will be £300 and will be undertaken by the original external contractor.</p> <p>A new gate is also required to establish a second PSPO alley space. It will be installed to the rear of 32 Whiteley Street. The cost to supply and fit the new gate, including the post, will be £340. This installation will also be carried out by the original contractor.</p> <p>The total cost for this work is £640 + VAT.</p>
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	<p>Both costs will be met from the existing Community Safety revenue repair budget.</p> <p>There are no further financial implications arising from this request.</p> <p>(Waheed Rehman – Accountant)</p>
<p>Legal</p>	<p>Before making a PSPO, the Council must be satisfied on reasonable grounds that two conditions are met. The first condition is that:</p> <ul style="list-style-type: none"> 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. <p>The second condition is that the effect, or the likely effect, of the activities</p> <ul style="list-style-type: none"> 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 Order <p>Under section 61 of the Anti-Social Behaviour, Crime and Policing Act 2014, where a PSPO is in force the Council may vary it by increasing or reducing the restricted area. Under section 64(5) of the Act, a PSPO may not restrict the public right of way over a highway that is the only or principal means of access to a dwelling.</p> <p>The Council must also 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 when deciding to make, vary or extend a PSPO.</p> <p>In addition, before making an order that restricts the public right of way over a highway the Council must consider the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway, the likely effect of making the order on other persons in the locality and in the case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.</p>

	<p>The council must consult the chief officer of Police, whatever community representatives the Council thinks it appropriate to consult and the owner or occupier of land within the PSPO before varying a PSPO.</p> <p>It is an offence under section 67 of the Anti-Social Behavior, Crime and Policing Act 2014 for any person without reasonable excuse to do anything that the person is prohibited from doing by a public spaces protection order to fail or comply with a requirement to which the person is subject under a public space protection order. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding £1000. (A Evans)</p> <p>The Council has a duty under section 149 of the Equality Act 2010 in the exercise of its functions to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and to take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. One of the relevant protected characteristics is disability and the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include in particular steps to take account of disabled persons' disabilities. (Alan Evans – Legal Services)</p>
Environmental	<p>The proposal to retain the protection offered to the majority of residents by the gates via the revised PSPO can only have a positive impact for the Neighbourhood. (Neil Crabtree Assistant Director – Public Protection)</p>
Equality impact including implications for Children and Young People	<p>Through the consultation exercise, the impact on equality and diversity for each PSPO varied, extended or introduced is considered in detail. There are no implications in this instance in relation to equality and / or for children and young people.</p>

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?	Yes
Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?	Yes
Are any of the recommendations within this report contrary to the Policy Framework of the Council?	No

Background Papers under Section 100D of the Local Government Act 1972

There are no background papers to this report.

Appendix 1:

Public Consultation Letter



29062025 - PSPO
Consultation - Lette

Report author sign-off	Stella Hodgkiss
Role	Community Safety Officer
Date of sign-off	21 st July 2025

Approval	
Officer approval sign-off	
Role	Director of Communities
Date of sign-off	23 rd September 2025