

AREA COMMITTEE EAST – DALES, MAPPERLEY AND ST ANNS – 13TH JUNE 2017

Title of paper:	Beverley Square Proposed Public Spaces Protection Orders (PSPO's)		
Director(s)/ Corporate Director(s):	Andrew Errington Director of Community Protection	Wards affected: St Anns	
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Date of consultation with Portfolio Holder(s) (if relevant)	Not applicable		
Relevant Council Plan Key Theme:			
Strategic Regeneration and Development			<input type="checkbox"/>
Schools			<input type="checkbox"/>
Planning and Housing			<input type="checkbox"/>
Community Services			<input checked="" type="checkbox"/>
Energy, Sustainability and Customer			<input type="checkbox"/>
Jobs, Growth and Transport			<input type="checkbox"/>
Adults, Health and Community Sector			<input type="checkbox"/>
Children, Early Intervention and Early Years			<input type="checkbox"/>
Leisure and Culture			<input type="checkbox"/>
Resources and Neighbourhood Regeneration			<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):			
<p>On-going anti-social behaviour has been identified as an area of concern in and around Beverley Square, St Ann's.</p> <p>This report summarises the nature of that behaviour and outlines the intention to consider the use of Public Spaces Protection Orders (PSPOs), pursuant to the Anti-social Behaviour, Crime and Policing Act 2014 ("the 2014 Act") to gate off two alleyways upon which the anti-social behaviour is concentrated.</p> <p>This report also outlines, briefly, the process that is intended to be followed in order to expedite the introduction of the PSPOs should formal consultation confirm that they are a necessary and proportionate means of tackling the anti-social behaviour that is occurring.</p>			
Recommendation(s):			
1	To note the contents of this report.		
2	That Area Committee delegate the decision whether to introduce PSPOs on Beverley Square or not to the Director of Community Protection, in consultation with the Chair of Area Committee and the Ward Councillors for St Ann's, after completion and assessment of the formal consultation required by the 2014 Act.		

1. REASONS FOR RECOMMENDATIONS

- 1.1 The 2014 Act gives local authorities the power to introduce PSPO's in respect of any land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 1.2 Local authorities may make a PSPO, pursuant to Section 59 of the 2014 Act, if satisfied on reasonable grounds that activities in a public place have had a detrimental effect on the quality of life of those in the locality, and that the effect is persistent in nature and unreasonable and justifies any restrictions imposed by the PSPO.
- 1.3 The 2014 Act replaced Gating Orders pursuant to the Highways Act 1980 with PSPOs as the appropriate means of the gating of alleyways over which there are public rights of way.
- 1.4 Under Section 72 of the 2014 Act, before a local authority may make a PSPO it is required to carry out necessary consultation with the Police, such community representatives as it thinks appropriate and, so far as is reasonably practicable, the owner and occupier of land within the restricted area. A local authority 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 Humans Rights Convention.
- 1.5 Section 64 of the 2014 Act places additional requirements upon a local authority that is considering making a PSPO that restricts the right of way over a highway. In particular, the local authority may not make an order that restricts the public right of way over a highway without considering—
 - (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

It also requires occupiers of premises adjacent to or adjoining the highway, and any other persons in the locality who are likely to be affected by the proposed order to be consulted about it.
- 1.6 Under Nottingham City Council's Constitution the authority to authorise the commencement of formal consultation in respect of a proposed PSPO which impacts only on part of the city covered by one Area Committee (and is not deemed by the relevant Director to be politically contentious or sensitive) is given to the Director of Community Protection. However, the relevant Area Committee is responsible for deciding whether to approve the making of the order following consultation.
- 1.7 With regards the on-going anti-social behaviour on Beverley Square referred to below, the intention is to seek the authorisation of the Director of Community Protection to commence formal consultation in respect of the introduction of PSPOs.
- 1.8 Following consultation, if it is felt that the introduction of PSPOs is an appropriate means of tackling the on-going anti-social behaviour, the intention would be to

proceed to implementation of the PSPOs as soon as is practicable as a means of providing respite to those in the locality whose lives are being adversely affected by the behaviours.

- 1.9 Area Committee is not due to meet again until a provisional date of 12 September 2017 and it is highly likely that the formal consultation process for the proposed PSPOs will be concluded well in advance of that meeting. Accordingly, to allow any PSPO that may be considered appropriate to be introduced as soon as is practicable Area Committee is asked to approve Recommendation 2 above.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Concerns have been raised regarding persistent and on-going anti-social behaviour caused by youths congregating on Beverley Square which has had, and continues to have, a detrimental effect on the quality of life of local residents.
- 2.2 The anti-social behaviour appears to have been concentrated in and around two alleyways which run between numbers 11 and 12 Beverley Square and numbers 14 and 15 Beverley Square.
- 2.3 Residents have reported that youths often shout verbal abuse at each other and have seen them fighting amongst themselves. On occasions there have been as many six youths congregating in the alleyways causing a disturbance, nuisance and an annoyance to residents until 11pm. In addition residents have alleged that people have been engaged in drug dealing in the vicinity of the alleyway. This consists of people meeting up exchanging packages with money changing hands.
- 2.4 The behaviour of the youths congregating has also had a negative impact on the environment. Residents have reported that on many occasions human urine and excrement, as well as dog excrement, have been discovered in the two alleyways and that damage has been caused to the fabric of their properties.
- 2.5 Residents have expressed their concerns and feel that it is pointless to keep reporting the behaviour as they can see no end to the issues highlighted above as this matter has been on-going for a number of years.
- 2.6 Initial evidence gathered by officers within Community Protection and Neighbourhood Development suggests that the threshold for the introduction of PSPOs to gate off the alleyways between numbers 11 and 12 and numbers 14 and 15 Beverley Square may be met. The two alleyways are shown on the plan at Appendix 1 along with the alternative routes available to the public in the event that the alleyways are gated. However, as stated above, a formal consultation process, authorised by the Director of Community Protection, will be initiated to ascertain whether PSPOs are justified and are the most appropriate means of dealing with any on-going anti-social behaviour.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 A report to the next meeting of the full Area Committee is an option to Recommendation 2 above. However, as stated above, this may result in a delay in providing respite to residents suffering the impact of on-going anti-social behaviour.

- 3.2 If Recommendation 2 is accepted, a report will be prepared for the consideration of the Director of Community Protection and the Chair of Area Committee and the St Ann's Ward Councillors when formal consultation has been concluded and this report will set out options other than a PSPO that may have been considered or which may be more appropriate.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 The cost of undertaking the consultation process will be met by Community Protection's existing budgets.
- 4.2 If Recommendation 2 above is accepted, the report prepared for the consideration of the Director of Community Protection and others referred to at 3.2 above will include full financial implications of the introduction of any PSPOs including the erection and maintenance of any gates that may be deemed appropriate.

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 The statutory powers in respect of the making of PSPOs are set out above. Gating Orders were previously used to close access to certain public rights of way where there was anti-social behaviour however PSPOs are more flexible and, if felt appropriate, can also be used to restrict access to a public right of way and/or restrict the activities causing the anti-social behaviour rather than restricting access in its totality. Those ultimately authorising the making of the Order should consider the various options balanced against the rights of the public to use the way to ensure a proportionate response to the problems.

Under the Council's Constitution the final decision as to whether an Order should be made would ordinarily come to this Committee. Should the Committee determine that there is a genuine urgency in dealing with this matter before its next meeting then it has the power to delegate the function of authorising the making of the Orders to an officer, and in this case it is recommended that takes place in consultation with the Chair and Ward Councillors.

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

- 6.1 None needed at present.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 Has the equality impact of the proposals in this report been assessed?

No.



An EIA is not required because as this report is seeking a delegation and an EIA will be considered as part of the report regarding the outcomes of the consultation and making of the PSPO's.

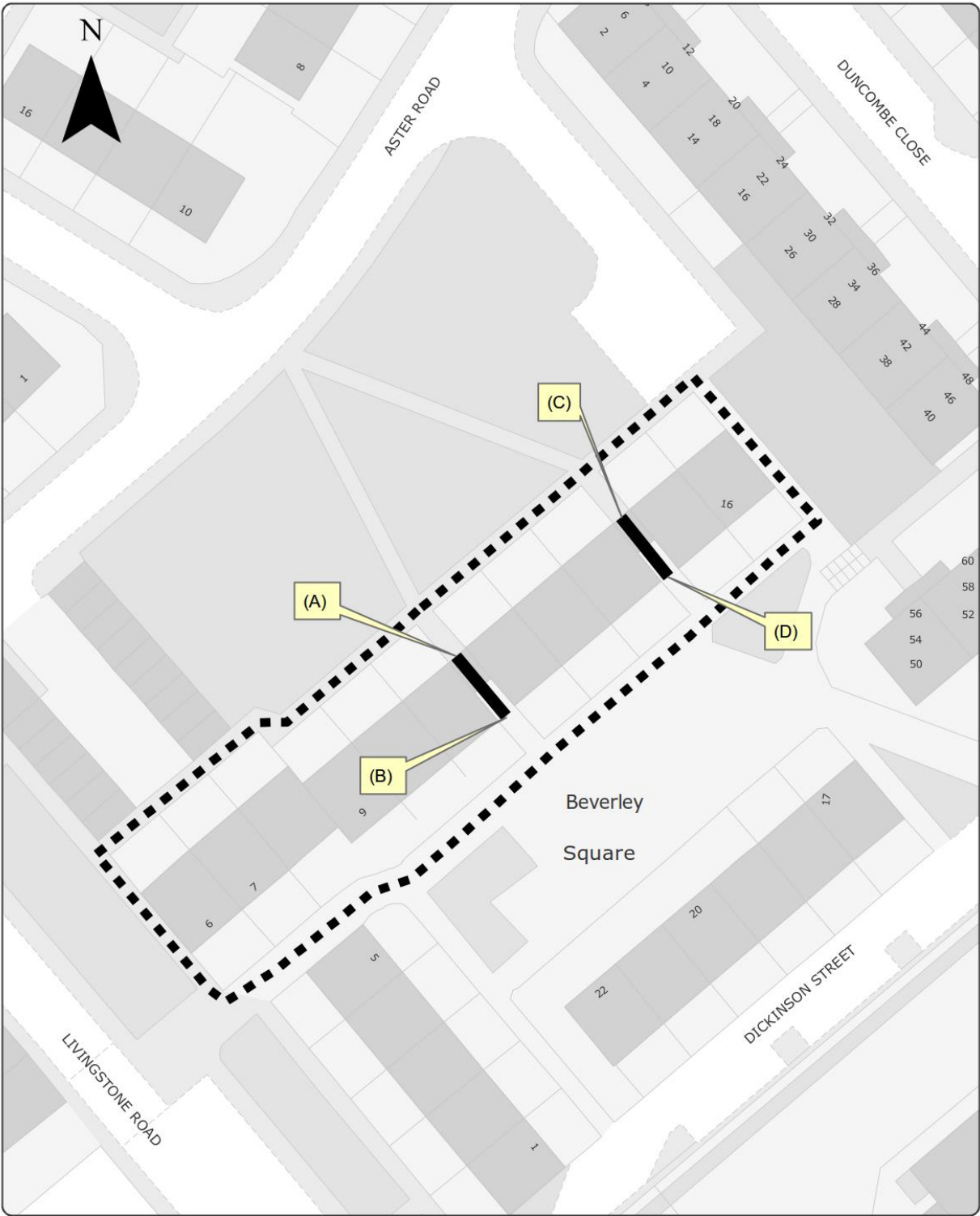
**8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR
THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

8.1 None.

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

9.1 The Anti-Social Behaviour, Crime and Policing Act 2014.

Proposed Public Spaces Protection Orders: Alleyways at Beverley Square, St Ann's



Legend

- AB CD Restricted Areas: alleyways subject of proposed Public Spaces Protection Orders
- Alternative Routes



1:500