

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4284

Author:

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Department:

Resident Services

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Subject:

Proposed extension to the Nottingham City Council Restriction of Public Rights of Way (Dane Court, Dane Close, St Anns) Public Spaces Protection Order

Total Value:

£2000 - £3000 (Type: Revenue)

Decision Being Taken:

To authorise an extension to the Nottingham City Restriction of Public Rights of Way (Dane Court, Dane Close, St Ann's) Public Spaces Protection Order 2018 for a further 3 years from 22nd July 2021, being satisfied that the test in Section 59 of the 2014 Act is met, and having regard to the rights of freedom of expression and freedom of assembly, In the event that a decision is made to extend the Order, to authorise the Strategic Director of Community Protection to carry out the necessary advertisements and arrange for appropriate signage to be erected where necessary in accordance with the legislative requirements.

Reasons for the Decision(s)

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12.0pt;mso-bidi-font-family:Arial">In 2018, a need was identified to control and reduce various problems associated with anti-social behaviour being perpetrated in and around a footpath, which is a public right of way, at Dane Court, Dane Close, St Ann's. Concerns were raised regarding persistent and on-going anti-social behaviour of individuals such as riding mini motors / scooters at high speeds, youths congregating causing disturbances by shouting and swearing at each other, playing football, fighting amongst themselves and other anti-social behaviour which has had a detrimental effect on the quality of life of local residents. The anti-social behaviour was concentrated in and around the footpath that runs next to 16 and 17 Dane Court on to the footway that runs between Alison Walk and Abbotsford Drive and was having a negative impact on the local community and surrounding area.

In order to deal with the behaviour a Public Spaces Protection Order ("PSPO") pursuant to the Anti-social Behaviour, Crime and Policing Act 2014 ("the 2014 Act") for Dane Court, Dane Close, St Ann's was approved by the Dales, Mapperley & St Ann's Area Committee on 4th July 2018, coming into force on 23rd July 2018 ("the Order"), which is attached to this decision. The Order prohibits access from the footpath at the southern end of Dane Court, off Dane Close, St Anns, Nottingham to and from the footpath running from Abbotsford Drive to Alison Walk, St Anns, Nottingham and authorised the installation of a barrier at this point.

Evidence to date indicates that the Order has been very effective in deterring the above behaviour.

PSPOs can only remain in effect for a maximum of three years, and the Order will expire on 22nd July 2021 if not first extended. Concerns have been raised with both Nottinghamshire Police and Nottingham City Council's Community Protection Service that if the Order were to lapse, the behaviours described above may restart and the problems may reoccur resulting in further anti-social behaviour once more in an area that has been provided respite as a result of the actions taken by the City Council. It is therefore proposed that the Order be extended for a further period of three years to provide a continuation of the respite. Andrew Errington authorised consultation on the proposed extension, and the results of the consultation are noted in the 'Consultations' section of the decision.

Briefing notes documents:

Danes Close Scanned Order.pdf

Other Options Considered:

If the Order is allowed to expire, the fence and now established bushes that have been placed to prohibit access to the footpaths would have to be removed. The Council and the Police would no longer have the powers to take enforcement action to tackle the behaviours described above under the Order and the Council is of the opinion that it is likely that the behaviours will begin to reoccur and Dane Court, Dane Close will start to suffer anti-social behaviour again.

Background Papers:

Decision of Andrew Errington to approve the formal consultation on the extension of the Dane Court PSPO

Unpublished background papers:

Authority to Consult from Director of Community Protection (Dane Court).docx

Published Works:

Anti-Social Behaviour, Crime and Policing Act 2014, Home Office Guidance 'Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory guidance for frontline professional dated August 2019, Anti-social Behaviour, Crime and Policing Act 2014 (Publication of PSPO's) Regulations 2014

Local Government Association PSPOs Guidance for Councils Minutes of the Dales, Mapperley & St Ann's Area Committee from 4th July 2018

Affected Wards:

St Ann's

Colleague / Councillor Interests:

None

Consultations:

Date: 08/04/2021
Ward Councillors: David Liversidge, Sue Johnson, Chantal Lee
No Comments received

Date: 08/04/2021
Other City Council Bodies: Neighbourhood Development Officer
No comments received

Date: 08/04/2021
Other: The Chief of Police, the local policing body, the Police and Crime Commissioner for the police area that includes the restricted area The owner / occupiers of land within the restricted area. The Nottingham Local Access Forum

Informal comments received from local police and Nottingham City Homes that they would not wish the fence removed as they believe that anti social behaviour as previously reported would reoccur. No comments received from residents or the Local Access Forum.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

Evidence to date suggests that the current PSPO has been effective in tackling the anti social behaviour issues affecting the locality. The request to extend the PSPO is in accordance with Nottingham City Councils aim to tackle crime and anti social behaviour.

Equality:

Please login to the system to view the EIA document: EIA Dane Court July 2021 v2 (002).docx

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

27/07/2021

Advice Sought:

Legal, Finance, Equality and Diversity

Legal Advice:

According to the Council's current Constitution, the power to extend the Nottingham City Council Restriction of Public Right of Way (Dane Court, Dane Close, St Anns) Public Spaces Protection Order 2018 ("the PSPO") falls within 'the relevant Area Committee's remit'. However, Area Committees were disbanded at the start of this Municipal Year, and the Council's Constitution is currently in the process of being revised. The Decision is an executive function and therefore, in these circumstances, can be taken by the Leader of the Council.

It should be noted that this Decision offers no opportunity for public debate before it is made, as recommended by Statutory Guidance relating to Public Spaces Protection Orders ("PSPOs") which states:

"Given that the effect of [PSPOs] is to restrict the behaviour of everybody using the public place, the close or direct involvement of elected members will help to ensure openness and accountability. This will be achieved, for example, where the decision is put to Cabinet or Full Council."

However, the Decision relates to the extension of an existing PSPO which has been in place for the last three years and the impact of which individuals using Dane Close will already be aware of. The proposed extension was advertised in accordance with the Anti-social Behaviour, Crime and Policing Act 2014 ("the 2014 Act") and Regulations made under the 2014 Act. No changes to the PSPO are proposed and it is also noted that no objections were received either on the making of the PSPO by Area Committee East Dales, St Ann's & Mapperley three years ago, or on the current proposed extension. It is therefore considered that any risk with the Decision format is likely to be very small.

As identified in the main body of the Decision, PSPOs should only be extended where the Council is satisfied on reasonable grounds that the legal test in section 60(2) of the 2014 Act is met.

When deciding whether to extend the PSPO 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 provided by section 72(1) of the 2014 Act).

The Council should also consider how easy the PSPO, if extended, will be to enforce. If the PSPO is extended, the gates, currently in place to prohibit access through the restricted area authorised by the PSPO will remain in place to support its enforcement. However, if the PSPO is not extended these gates will no longer be authorised and will need to be removed.

It is proposed that, if extended, the PSPO will last for a further period of three years. Under section 60(2) of the 2014 Act there is provision for the PSPO to be extended for a further period of up to three years at the end of that extended period. There is no restriction on the number of times that a PSPO can be extended. As identified in the Decision the Council must comply with publication and signage requirements.

Advice provided by Tamazin Wilson (Solicitor) on 09/07/2021.

Finance Advice:

This decision seeks approval to continue the current arrangement for a further 3 years in respect of PSPO's. The financial implications of this decision are expected to be minimal (approx £2k / £3k), and is expected to be contained within existing resources. The expenditure to be incurred will be in respect of communicating the PSPO such as placing notifications in the affected areas.
Advice provided by Maria Balchin (Finance Analyst) on 20/07/2021.

Equality and Diversity Advice:

Advice and further clarity was requested from the author. Further information has been provided and I am therefore happy to sign off.
Advice provided by Rosey Donovan (Equality and Employability Consultant) on 14/07/2021. Advice provided by Rosey Donovan (Equality and Employability Consultant) on 14/07/2021. Advice provided by Rosey Donovan (Equality and Employability Consultant) on 14/07/2021.

Signatures

David Mellen (Leader/ PH Strategic Regeneration Communications)
SIGNED and Dated: 20/07/2021
Andrew Errington (Director of Community Protection)
SIGNED and Dated: 20/07/2021