

PROPOSED CONSULTATION ON EXTENSION TO THE NOTTINGHAM CITY COUNCIL RESTRICTION OF PUBLIC RIGHT OF WAY (DANE COURT, DANE CLOSE, ST ANNS) PUBLIC SPACES PROTECTION ORDER 2018

Background

The above Order was made under section Chapter 2 Section 59 – 75 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”).

The Nottingham City Council Restriction of Public Rights of Way (Dane Court, Dane Close, St Anns) Public Spaces Protection Order 2018 (‘the Order’), a copy of which is attached as **Appendix 1**, prohibits access to land at the southern end of the footpath to the south of Dane Court, off Dane Close, St Anns Nottingham where it joins the footpath from Abbotsford Drive to Alison Walk at all times on all days, and for the avoidance of doubt, 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 as shown on the plan attached to the Order (‘the Restricted Area’).

The Order is subject to limited exceptions, and also authorised the installation of a barrier in the location of the Restricted Area as detailed in the Order. For the purposes of enforcing the restrictions, that barrier remains in situ at the time of writing this report.

The Order expires on 22nd July 2021.

Since the Order was made there has been a significant reduction in the anti-social behaviour reported in the locality of the Restricted Area. However, if the Order was allowed to expire, which would result in the above mentioned barrier being removed, this may result in the recurrence of the identified anti-social behaviour in this location.

This report seeks authorisation for a formal consultation on the extension of the Order in accordance with the Council’s Scheme of Delegations, which is required before a decision whether or not to extend the Order can be taken.

Legislation relating to extension of PSPOs

Under section 60 (2) of the 2014 Act the Order can be extended for up to three years if, before the Order is due to expire, the Council is satisfied on reasonable grounds that doing so is necessary to prevent the –

- (a) Occurrence or recurrence after that time of the activities identified in the Order, or
- (b) An increase in the frequency or seriousness of those activities after that time.

Section 60(3) of the 2014 Act confirms that an extension under Section 60 of the 2014 Act may not be for a period of more than 3 years.

Section 72 of the 2014 Act also applies, which contains provisions relating to convention rights, consultation, publicity and notification requirements.

When considering whether to extend a 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.

Under section 72(4) of the 2014 Act the Council must also consult with –

- (a) The chief officer of police and the local policing body for the police area that includes the restricted area
- (b) Whatever community representatives the local authority thinks it appropriate to consult and
- (c) The owner or occupier of land within the restricted area.

The Council must also publicise the proposed extension proposal on the Council's website.

Proposed Consultation on an extension to Order

If consultation is approved it is proposed that a 28 day consultation is commenced on the proposed extension of the Order as modified by the 2014 Act for a further three years.

Any representations received at the expiry of the consultation period will be reported back to the Dales, Mapperley and St Anns Area Committee for a decision to be made on the proposed extension of the Order in accordance with the Council's Scheme of Delegations.

DECISION

I, Andrew Errington, Director of Community Protection, being **satisfied/not being satisfied** * that the proposed extension to the Order for a further three years from 22nd July 2021 would impact only on one Area Committee namely the Dales, Mapperley and St Anns. In my opinion this is not deemed to be politically contentious or sensitive. I **authorise/do not authorise** * the consultation processes required with regard to:

- 1) The proposed extension of the Order for a further three years from 22nd July 2021

Signed:

Andrew Errington
Director of Community Protection

Dated:

***delete as appropriate**