

# **Proposed Nottingham City Centre Control of Access to Specified Car Parks Public Spaces Protection Order**

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## **1.0 Decision Being Taken**

- 1.1 To authorise formal consultation, as required by the Anti-social Behaviour, Crime and Policing Act 2014 ("the 2014 Act"), regulations made thereunder and statutory guidance, on a proposed Public Spaces Protection Order (PSPO) in respect of car parks within Nottingham city centre, a draft of which is attached at Appendix 1.

## **2.0 Legislation**

- 2.1 Section 59 of the 2014 Act gives Nottingham City Council ("the Council") the power to make a PSPO if satisfied on reasonable grounds 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 it is likely that activities will be carried on in the locality and they will have that effect and
  - b) the effect/likely effect of the activities is/or is likely to be persistent/continuing in nature, is likely to be such as to make the activities unreasonable, and justifies the restrictions imposed.
- 2.2 Where the test in Section 59 of the 2014 Act is met, a PSPO may prohibit specified things being done in the public place that is identified in the order, and/or require specified things to be done by persons carrying on specified activities in that area.
- 2.3 The only prohibitions or requirements that can be imposed are ones that are reasonable to impose in order to prevent or reduce the detrimental effect from the activities from continuing, occurring or recurring.
- 2.4 Before a PSPO can be made, consultation must be undertaken in accordance with the 2014 Act, regulations made thereunder and statutory guidance. This includes consulting with
- a) the Chief of Police and the local policing body for the police area that includes the restricted area;

- b) the Police and Crime Commissioner;
  - c) whatever community representatives the local authority thinks it appropriate to consult;
  - d) the owner and occupiers of land within the restricted area so far as is reasonably practicable;
- 2.5 When making a PSPO the Council must also have particular regards to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Human Rights Convention.
- 2.6 If made, breach of a PSPO is an offence, and a fixed penalty notice is available as an alternative to prosecution.

### **3.0 Issues**

- 3.1 Evidence from a number of sources indicates that there are a variety of behaviours occurring within a number of Nottingham city centre car parks that are potentially having a detrimental effect on bona fide users of those car parks and thus those living in, working in or visiting the city centre.
- 3.2 These behaviours include drug taking and dealing, the leaving behind of drug paraphernalia, urination and defecation, begging, theft of and theft from vehicles and vehicle damage. The behaviours pose risks to health and property, intimidate lawful users of the car parks, and reduce feelings of safety and well-being amongst those lawful users.
- 3.3 The proposed PSPO at Appendix 1, in respect of which this decision authorises the commencement of formal consultation, contains prohibitions and restrictions to tackle these issues by preventing anybody that is entering a car-park from doing so unless it is for a genuine reason.
- 3.4 Any breaches of the prohibitions and restrictions will be determined by an authorised officer of Nottingham City Council or Nottinghamshire Police, which will require the perpetrator to stop the breach forthwith, failure to comply with that requirement will be the offence under article 6 of the draft PSPO.

### **4.0 Crime and Anti-social Behaviour Analysis**

- 4.1 Analysis of crime and anti-social behaviour incidents within Nottingham city centre car parks has been conducted by Community Protection's Crime and Intelligence Team for the period 01/10/2017 to 30/09/2019, with comparisons made between the 2017/18 period and the 2018/19 period.
- 4.2 The report breaks down the number and nature of incidents in Nottingham city centre car parks called into the Police control room via the 999 or 101 numbers, and covers four main incident categories namely Theft from Motor Vehicle, Theft of Motor Vehicle, Drugs and ASB/Begging, as these contribute to the greatest level of harassment, alarm and distress to the public. A copy of the full report, dated 01/11/2019, is attached at Appendix 2.

- 4.3 During the 24 month period covered by the report there were a total of 895 incidents recorded in a number of the Nottingham city centre car parks within the identified categories. 515 of those incidents were recorded in 2018/19, compared with 380 in 2017/18, representing a 36% increase and a worsening position.

The breakdown of incidents reported is as follows,

<b>Incident Type</b>	<b>Count</b>
<b>2017/18</b>	<b>380</b>
ASB Nuisance	253
Theft From Motor Vehicle	53
Theft of Motor Vehicle	29
Drugs	28
ASB Environmental	12
Begging/Vagrancy	3
ASB Personal	1
<b>2018/19</b>	<b>515</b>
ASB Nuisance	385
Theft From Motor Vehicle	57
Drugs	28
ASB Environmental	18
Theft of Motor Vehicle	13
Begging/Vagrancy	12
ASB Personal	2
<b>Grand Total</b>	<b>895</b>

- 4.4 The crime outcomes on the back of those recorded incidents in Nottingham city centre car parks are as follows:

<b>Offences - Niche</b>	<b>Count</b>
<b>2017/18</b>	<b>77</b>
Theft From Motor Vehicle	38
Theft of Motor Vehicle	25
Vehicle Interference	9
Drug Possession	3
Criminal Damage	2
<b>2018/19</b>	<b>71</b>
Theft From Motor Vehicle	41
Theft of Motor Vehicle	10
Vehicle Interference	8
Drug Possession	3
Public Disorder	3
Violence Without Injury	2

Stalking And Harassment	2
Criminal Damage	1
Drug Trafficking	1
<b>Grand Total</b>	<b>148</b>

- 4.5 The breakdown of reported incidents by individual Nottingham city centre car parks is as follows

Car Park	2017/18	2018/19	Change
Avalon Court	6	10	4
Broadmarsh Centre (currently closed)	2	12	10
Brook Street	1	6	5
Crown Plaza	15	32	17
Euro Park	14	20	6
Ice Arena	3	5	2
Lace Market	89	69	-20
Motorpoint Arena	0	2	2
NCP Collin Street	1	0	-1
NCP Huntingdon Street	8	50	42
NCP Maid Marian Way	24	35	11
NCP Mount Street	11	23	12
NCP Nottingham	1	0	-1
NCP St James Street	45	63	18
NCP Stoney Street	43	62	19
Nottingham Castle	2	0	-2
Nottingham Station	1	2	1
Spaniel Row	8	5	-3
Talbot Street	4	3	-1
Trinity Square	99	105	6
Victoria Centre	3	11	8
<b>Total</b>	<b>380</b>	<b>515</b>	<b>135</b>

- 4.6 The car parks that will be included in this proposed Public Spaces Protection Order from the analysis above and ones that are defined as a public place or a multi-storey car park and have recorded the highest number of incidents are listed below:

NCP Mount Street car park, Mount Street, Nottingham, NG1 6HG

NCP St James Street car park and NCP St James Street car park 2, 5 St James' Street, Nottingham, NG1 6EY

NCP Maid Marian Way car park (previously known as Arndale Centre car park), Maid Marian Way, Nottingham, NG1 6AE

Lace Market car park (previously known as Fletcher Gate car park), Pilcher Gate, Nottingham, NG1 1QE

NCP Stoney Street car park, Stoney Street, Nottingham, NG1 1LS  
Trinity Square car park, North Church Street, Nottingham, NG1 4AF

Trinity Square car park, North Church Street, Nottingham, NG1 4AF

NCP Huntingdon Street car park, Union Road, Nottingham, NG3 1FG

Crowne Plaza car park, Wollaton Street, Nottingham, NG1 5RH

Euro car park, Upper Parliament Street, Nottingham, NG1 6LD

SIP car park (Avalon Court), 5 Kent Street, Nottingham, NG1 3LS

- 4.7 Any other car park that is listed in the analysis tables above will not be included in this proposed order. The Broadmarsh is currently being rebuilt and Nottingham Station is already subjected to Train Byelaws.

## **5.0 Pro-active Patrols**

- 5.1 In addition to responding to reports from members of the public, Community Protection Officers and Police undertake regular, pro-active, patrols of City Centre car parks, both Council and privately managed, that are identified as suffering high levels of anti-social behaviour and crime.
- 5.2 In the course of those patrols, between January 2019 and November 2019, Community Protection Officers and Police Officers removed 626 individuals who have been within City Centre car parks without valid reason, and potentially causing bona fide users of those car parks harassment, alarm and distress.

The breakdown in respect of individual car parks from which individuals have been removed is as follows

<b>Car Park</b>	<b>Incidents</b>
Trinity Square	213
Lace Market	354
Mount Street	9
St James Street	13
Belgrave Car Park	8
Pilcher Gate	3
Maid Marian Way	1
Travel Lodge	1
Spaniel Row	9
Glasshouse Street	3
Stoney Street	7
Crowne Plaza	5

- 5.3 CCTV of the Lace Market car park stairwells is monitored via the Woodlands Control Centre, as is CCTV of the entrance and payment hall to Trinity Square Car Park. However, this is the extent of CCTV monitoring by Council staff that is currently available.
- 5.4 Car Parks that are managed by the City Council (Lace Market and Trinity Square) are also visited throughout the day and night by mobile patrol officers from the Security and Logistics team, with 271 individuals being identified via these patrols as being present in the Lace Market car park without legitimate

reason, and 193 individuals in Trinity Square car park without legitimate reason, between January 2019 and November 2019.

## **6.0 Other Evidence**

- 6.1 An article was published on the 24 October 2019 by the Nottingham Post newspaper detailing problems experienced by users of the NCP managed city centre car park at Stoney Street. The article can be found via the following link <https://www.nottinghampost.com/news/nottingham-news/stoney-street-car-park-customers-3461119>
- 6.2 The article highlights issues with regards discarded needles, passed out drug addicts and gangs of intimidating youths and states that motorists are feeling uncomfortable returning to their cars at night. Individual customers are quoted within the article, giving details of their personal experiences.
- 6.3 In the article NCP confirm their awareness of an increase in anti-social behaviour at both their Stoney Street and St James' Street car parks
- 6.4 Anti-social behaviour in privately operated car parks is highlighted to the operators of those car parks with a view to those operators taking responsibility for tackling issues on their own premises and enforcement action will be considered against operators who do not act to tackle high levels of anti-social behaviour and criminality on their premises.
- 6.5 A three month Closure Order, pursuant to Section 80 of the 2014 Act was granted by the Court on the application of Community Protection's Anti-social Behaviour Team, in respect of the Avalon Court city centre car park in March 2019.

## **7.0 Other Powers**

- 7.1 The provisions of the Management of Nottingham City Centre PSPO, introduced in March 2019, apply to all car parks within the city centre that fall within the definition of a public place contained in Section 74 (1) of the 2014 Act.
- 7.2 Provisions contained within that PSPO give Community Protection Officers and Police Officers the power to tackle issues of obstruction to the ingress to, or the egress from car parks, urination/defecation therein, and the possession or ingestion of psychoactive substances.
- 7.3 Criminal sanctions are also available for offences that may occur within car parks including criminal damage, theft of/from vehicles, and drug related offences. However, neither the Management of Nottingham City Centre PSPO, nor the other criminal sanctions available, prohibit access to car parks by anyone other than bona fide customers or those with other legitimate reason to do so.

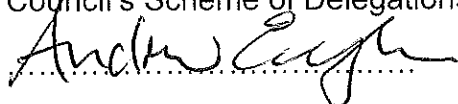
## **8.0 Consultation**

- 8.1 The evidence highlighted above would suggest that the test set out in Section 59 of the 2014 Act may be met in respect of anti-social behaviour and criminal

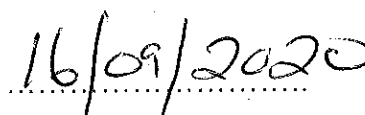
activity that is being perpetrated within Nottingham City Centre car parks and would justify the introduction of a PSPO in the form attached at Appendix 1.

- 8.2 However, the statutory requirement to consult on any proposed PSPO, contained within the 2014 Act, will allow the Council to collate further information about the impact of the behaviours that are being perpetrated within Nottingham city centre car parks, and to obtain the opinion of car park owners/operators and users, those living in the vicinity of city centre car parks and others working in or visiting the city centre on the proposed order.
- 8.3 Whilst it is evident that some car parks suffer greater problems than others, it is intended that the proposed PSPO should apply to all city centre public, covered car parks identified in section 4.6 of this report.
- 8.4 If approval to consult is given, it is proposed that Community Protection will consult widely and this will include direct consultation with
- the Police (via the Chief Constable);
  - the Police and Crime Commissioner;
  - Car Park owners/operators;
- 8.5 In addition, a consultation questionnaire, in the form attached at Appendix 3 will be published on the City Council's website via the Engage Nottingham hub to enable wider consultation with car park users, local residents, those living in, working in, and visiting the city centre and other interested parties.
- 8.6 It is proposed that formal consultation will last for six weeks to ensure that a full and meaningful consultation is achieved.

I, Andrew Errington, Strategic Director of Community Protection, hereby authorise the commencement of consultation in respect of the proposed PSPO, a copy of which is attached at Appendix 1 to this report, pursuant to delegation 127a of the Council's Scheme of Delegations Version 7.27



Andrew Errington



Date