

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4589

Author:

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Department:

Resident Services

Contact:

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Subject:

Further protection of Clifton Village Green

Total Value:

nil (Type: Nil)

Decision Being Taken:

To authorize the protection of Clifton Village Green by way of installation of wooden bollards at intervals of approximately 1 to 1.5 meters around the perimeter of the two remaining sections of the green (indicated with a yellow and blue line on the attached plan) and to enter into a Licence and Indemnity Agreement comprising Nottingham City Council as the tenant and manager of Clifton Village Green and Payne Hicks Beach Trust Corporation Limited as licensor and owner.

Reasons for the Decision(s)

Clifton Village Green has a history of illegal encampments; local residents have repeatedly complained about damage to the green from these camps and being prevented from using the Green for leisure and sports purposes. In addition, litter and other debris have been left by encampments on the green.

In 2017, bollards were installed on part of the green (marked in red on the attached plan) which successfully stopped encampments on this section; however, since then, camps have continued to be set up on the remaining unprotected sections of the green. This has caused stress and inconvenience for residents, due to the proximity to houses and the footpath to the Nethergate stream, and incurred costs by the City Council for clean-up and eviction of illegal encampments.

Nottingham City Council is lease holder and manager of the Clifton Village Green, and therefore has been put to repeated expense initiating the enforcement and evictions process as well as the subsequent cleaning of the area following encampments. The decision to enclose the remainder of the Green is being proposed in the Council's capacity as leaseholder, rather than as Village Green Registration Authority. The council as leaseholder is responsible for the maintenance of the Clifton Village Green and to ensure it is used exclusively as a village green.

There are various acts which are prohibited on village greens by the Inclosure Act 1857 and the Commons Act 1876. This includes anything which is an 'interruption of the use or enjoyment thereof as a place for exercise and recreation', such as camping (Inclosure Act 1857).

As the bollards installed during Phase 1 of the project to protect the green have stopped the unauthorized use of the green, it is therefore proposed that this same manner of protection is repeated on the remaining two sections. It is proposed that the new bollards will be the same style and size as the existing, with the same aim of preventing vehicles from accessing the green, while allowing access to legitimate users of the green. Originally, a drop down bollard was to be installed at the entrance to the footpath leading to the former Alms Houses and the Nethergate Stream however following consultation with the Clifton Village residents and the Clifton Village Residents Association, it has been agreed that bollards should be installed on either side of this footpath the bollard would impede access to these areas.

Initial approval for funding was undertaken at the Clifton North and Clifton South Area Committee in September 2020 as part of the Area Capital Fund, General Fund with Councillors and community representatives in favour of the scheme. An additional funding was received towards the work from the Councillor Ward Budget Community Fund in March 2021 and a further allocation has been put forward for approval as part of the Area Capital Fund, General Fund budget in the October 2021 approval round.

As stated above, Nottingham City Council is the leaseholder of land which includes the Clifton Village Green and this lease contains restrictions which include a prohibition of 'building or erection of any kind' on any part without the consent of the lessor (Freehold owner). The City Council has contacted the Freehold owners through their solicitors and has received initial permission to install the bollards. The final details are being negotiated between the Council's legal team and this decision will authorize the Legal and Governance Strategy and Resources to formally enter into a Licence and Indemnity Agreement with the landowners.

Briefing notes documents:

CVG bollard plan Oct 2021.jpg

Other Options Considered:	Signage and a Public Spaces Protection Order have been considered, but these have been deemed to be ineffective. The success of other barrier methods, specifically on the other section of the Clifton Village Green, and Clifton Playing Fields have been successful in preventing access.
Background Papers:	
Published Works:	Delegated Decision 2529 Protection of Clifton Village Green (2016)Clifton East and Clifton West Area Committee 24th September 2020
Affected Wards:	Clifton West
Colleague / Councillor Interests:	
Consultations:	Date: 16/07/2021
	Ward Councillors: Roger Steel, Andrew Rule
	Ongoing consultation has taken place since 2020. Councillors sent copy of the residents letter and requested inclusion of additional bollards to be installed along the tree line with the A453.
	Date: 19/07/2021
	Other:Clifton Village Residents Association and Clifton Village Residents
	Letter delivered to all residents in Clifton Village w/c 19 July 2021 by Community Protection Officers. Response has been in favour of bollards, with comments regarding possible tree line access as well as access along footpath. A modification to the plan was agreed with Councillors which is detailed in this decision which includes the installation of bollards along the footpath and along the tree line where needed.
	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	Failure to enclose this area would lead to the land being illegally occupied and thus generating issues of ASB and crime. This proposal will ensure there is a reduction in ASB and any criminal activity through the installation of wooden bollards.
Equality:	EIA not required. Reasons: It would be disproportionate to carryout an EIA for this decision.
Relates to Council Property Assets:	Yes

Decision Type:	Officer
Executive Decision?	Yes
Scheme of Delegation Reference Number or Other Source of Delegation:	Scheme of Delegation: Delegation 1.
Subject to Call In:	No The call-in procedure does not apply to the decision because the value of the decision is below the call in threshold.
Advice Sought:	Property
Property Advice:	This decision is supported as the installation of similar bollards on an area of the Clifton Village Green has already proven to have been successful in deterring unauthorised access and use of the land. The installation of additional bollards on the area of land in question will hopefully have the same success in preventing unauthorised access. Advice provided by Pippa Hall (Portfolio and Investment Manager) on 21/03/2022.
Signatures:	Frank Jordan (Corporate Director for Resident Services) SIGNED and Dated: 01/04/2022