



BRIEFING NOTE

To: SLT
From: Alex Cox
Date: 20th February 2023

Extension of the City Wide Public Spaces Protection Orders as respects Alcohol

Purpose:

The purpose of this document is to brief SLT on the current City Wide Public Spaces Protection Orders as respects Alcohol and to seek approval to extend these Orders for a further three years which is the maximum allowed under the Anti-Social Behaviour, Crime and Policing Act 2014

Background:

In 2020, Nottingham City Council's Executive Board approved the renewal of the 8 City Wide Public Spaces Protection Orders (formerly Designated Public Places Orders) These are:-

- Nottingham City Council (Alcohol Consumption in Public Places) Designation Order 2005
- Nottingham City Council (Hyson Green) Alcohol Consumption in Public Places Designation Order 2006
- Nottingham City Council (Sneinton, Forest and Mapperley) Alcohol Consumption in Designated Public Places Order 2008
- Nottingham City Council Basford Designated Public Place Order 2011
- Nottingham City Council St Ann's Designated Public Place Order 2011
- Nottingham City Council St Ann's and Sneinton Designated Public Place Order 2011
- Nottingham City Council (Arboretum and Radford & Park) Alcohol Consumption in Designated Public Places Order 2013
- Nottingham City Council (City Wide Extension) Alcohol Consumption in Designated Public Places Order 2014

Copies of these Orders detailing the restrictions contained within the Orders are attached as Appendix 1 to 8.

These Orders were extended on 19th October 2020 and are due to expire on 18th October 2023.

Current Position:

Public Spaces Protection Orders (PSPOs) can only be granted for a maximum of three years and the Orders detailed above will expire on 18th October 2023 unless extended before that time.



Legislation:

Under Section 60(2) of the Anti-Social Behaviour, Crime and Policing Act 2014, PSPOs can be extended for up to three years if, before they are due to expire, the local authority that made the PSPO is satisfied on reasonable grounds that doing so is necessary to prevent –

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

Section 60(2) of the 2014 Act confirms that an extension under Section 60 of the 2015 Act may not be for a period of more than 3 years.

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

Under Section 72(4) of the 2014 Act, the Council must consult with –

- a) The Chief Officer of Police and the local policing body for the public area that includes the restricted area
- b) Whatever community representatives the local authority thinks it appropriate to consult with and
- c) The Owner or occupier of land within the restricted area

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

This will be completed via Consultation Questionnaire (Appendix 9) and a letters to concerned parties (Appendix 10)

Suggestion:

It is recommended that approval is sought in accordance with the Council's Scheme of Delegation to Officers to allow the Council to go out to consult on the proposal to extend the eight PSPO's. This is via a Portfolio Holders decisions.

If approval to consult is given, it is proposed that Community Protection will publicise the proposals on the Council's website as is required under the 2014 Act.

Relevant representations in relation to whether or not to extend the PSPOs will be invited. Any representations received at the expiry of the consultation period will be reported back to the City Council's Executive Board in July 2023 for a decision to be made on extending the Orders. A consultation period of 28 days is proposed.

It is proposed that the consultation on the proposals to extend the Orders for a further three years commences on 27th March 2023 and concluding on 4th June 2023.

It is considered that the restrictions contained in the Orders which are proposed to be extended are proportionate, necessary and reasonable.

Risk Management:



An Equalities Impact Assessment was carried out when each Order was originally introduced between 2005 and 2014. These EIAs were reviewed and renewed when the Orders were extended in 2020 and have again been reviewed and renewed for the current proposals to extend the Orders for a further three year period. A copy of the current EIA is attached at appendix 11.

If these Orders are not renewed before 18th October 2023, they will cease to have effect. This will remove all powers conferred under these Orders leaving the Community Protection Officers with no powers to deal with issues in respect of alcohol and nuisance behaviours.

Conclusion:

Seeking approval in accordance with the Council's Scheme of Delegation to Officers to allow the Council to consult on the proposed extensions is proportionate, necessary and required in order to begin the process for extending the eight City Wide PSPOs as respects alcohol.

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