

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

**Reference Number:**

4926

**Author:**

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**Department:**

Communities, Environment and Resident Services

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**Subject:**

Approval to consult on an extension of the City Wide Public Spaces Protection Orders in regards to Alleyways

**Total Value:**

0 (Type: Nil)

**Decision Being Taken:**

To authorise formal consultation on the extension of the Public Space Protection Orders (PSPOs) 1 - 11 inclusive, restricting public rights of way over specified highways in Nottingham City Council's administrative area, in accordance with Nottingham City Council's ('the Council's) Scheme of Delegations, which is required before such a decision can be taken.

## Background

he Public Spaces Protection Orders (PSPOs) referred to as Orders 1 - 11 in the table below, copies of which are attached at Appendices 1 - 11 as detailed in the table, restrict public rights of way over the highway(s) set out in the column headed 'Effect of Order' in the table, and, if not first extended, will expire on the date set out in the column headed 'Expiry Date' in the table.

PSPOs RESTRICTING PUBLIC RIGHTS OF WAY (Order numbers 3 - 11 below previously known as 'Gating Orders')				
ORDER Number	NAME OF ORDER	EFFECT OF ORDER	EXPIRY DATE	APPENDIX Number
Order 1	Nottingham City Council in the Vicinity of <b>Bentinck Primary School</b> Restriction of Public Right of Way Public Spaces Protection Order 2017	Prohibits access to a footpath running from the northern end of Caulton Street (off Alfreton Road), in a north-easterly direction to a point on Birkin Avenue as shown on the plan attached to Order 1	11/11/2023	Appendix 1
Order 2	Nottingham City Council Restriction of Public Rights of Way ( <b>Beverley Square</b> , St Anns) Public Spaces Protection Order 2017	Prohibits access to land between No11 and No12 Beverley Square and it prohibits access to the land between No14 and No15 Beverley Square as shown on	04/11/2023	Appendix 2

		the plan attached to the Order		
Order 3	Nottingham City Council ( <b>Botany Avenue</b> to Ransom Road, Mapperley, Nottingham) Gating Order 2012 (GO 5009)	Prohibits access to land between Botany Avenue and Ransom Road as shown on the plan attached to the Order	18/10/2023	Appendix 3
Order 4	Nottingham City Council ( <b>Camomile Gardens</b> , Radford, Nottingham) Gating Order 2008 (Go 5002)	Prohibits access to land to the side between Number 19 and Number 20 Camomile Gardens as shown on the plan attached to the Order	18/10/2023	Appendix 4
Order 5	Nottingham City Council ( <b>Candle Meadow</b> , Colwick Park, Nottingham) Gating Order 2008 (Go 5003)	Prohibits access to land to the rear between Number 15 and Number 25 Candle Meadow as shown on the plan attached to the Order	18/10/2023	Appendix 5
Order 6	Nottingham City Council ( <b>Haswell Road</b> To Courtleet Way, Bulwell, Nottingham)	Prohibits access to land between Haswell Road and	18/10/2023	Appendix 6

	Gating Order 2007 (Go 5001)	Courtleet Way, Bulwell as shown on the plan attached to the Order		
Order 7	Nottingham City Council ( <b>Holland Street</b> , Arboretum, Nottingham) Gating Order 2014 (Go 5012)	Prohibits access to land between Holland Street and Hyson Street as shown on the plan attached to the Order	18/10/2023	Appendix 7
Order 8	Nottingham City Council ( <b>Kilwood Close</b> , Carlton, Nottingham) Gating Order 2009 (Go 5005)	Prohibits access to land between Kilwood Close and Bowland Close as shown on the plan attached to the Order	18/10/2023	Appendix 8
Order 9	Nottingham City Council ( <b>Neston Drive</b> , Cinderhill, Nottingham) Gating Order 2009 (Go 5006)	Prohibits access to land between Neston Drive and the footpath alongside and across the river Leen, as shown on the plan attached to the Order	18/10/2023	Appendix 9
Order 10	Nottingham City Council ( <b>Portland Road</b> , Arboretum,	Prohibits access to land at the	18/10/2023	Appendix 10

	Nottingham) Gating Order 2012 (Go 5011)	rear of the properties between Number 8 and 50 Portland Road as shown on the plan attached to the Order		
Order 11	Nottingham City Council ( <b>Smedley Close</b> , Aspley, Nottingham) Gating Order 2008 (Go 5004)	Prohibits access to land between Wendover Drive and Smedley Close, Aspley as shown on the plan attached to the Order	18/10/2023	Appendix 11

Orders 1 and 2 were made under sections 59-75 of the Anti-Social Behaviour Crime and Policing Act 2014 ('the 2014 Act') and Orders 3 - 11 inclusive were made under section 129A of the Highways Act 1980 ('HA') and were originally known as 'Gating Orders'. However, section 129A HA has now been repealed and, pursuant to section 75(1)(A) of the 2014 Act, 'Gating Orders' made before 20 October 2014 remained in force as if the provisions of the Gating Order were provisions of a PSPO made under the 2014 Act subject to 'any necessary modifications'.

PSPOs (including those which were originally Gating Orders) may not have effect for a period of more than 3 years, unless extended under section 60 of 'the 2014 Act'. Orders 3-11, when they effectively became PSPOs, were initially extended in September and October 2020 depending on which Area Committee approved the extension. Orders 3-11 inclusive will expire on 18 October 2023. Order 1 relating to Bentinck Primary School will expire on 4 November 2023. Order 2 relating to Beverley Square will expire on 4 November 2023.

The restrictions to public rights of way in Orders 1 - 11 inclusive set out in the table above are subject to limited exceptions, and Orders 1 - 11 inclusive also authorise the installation of barriers at the entrance to each restricted area as shown on the plans attached to Order 1 - Order 11 respectively. For the purposes of enforcing the restrictions, those barriers remain in situ at the present time.

If Orders 1 - 11 inclusive are **not** extended before the respective Expiry Date detailed in the table above, the barriers referred to above will no longer be authorised and will be obstructions to the highway and must be removed.

In addition to Orders 1 - 11 inclusive a further PSPO entitled 'Nottingham City Council (Hovenden Gardens, Hyson Green, Nottingham) Gating Order 2012 (GO 5010) remains in force which restricts access to land between Number 12 and Number 16 Hovenden Gardens, Nottingham which will expire on 18 October 2023 ('the Hovenden Gardens Order'). The Hovenden Gardens Order is not included in this report because it is currently out for consultation in relation to a proposal to vary the extent of land that the restrictions apply to. Once the outcome of that consultation is known and a decision made whether or not to vary the Hovenden Gardens Order has been taken, a separate authority to consult will be sought for the Hovenden Gardens Order (as varied as the case may be) prior to the 18 October 2023.

Since the Orders 1 - 11 inclusive were made there has been a significant reduction in the anti-social behaviour reported in the locality of the respective areas. However, if the Orders 1 - 11 inclusive are allowed to expire, which would result in the above-mentioned barriers being removed, this may result in the recurrence of the identified anti-social behaviour in these locations.

This decision seeks authorisation for formal consultation on the extension of the Orders 1 - 11 inclusive in accordance with Nottingham City Council's ('the Council's) Scheme of Delegations, which is required before such a decision can be taken.

### **Legislation relating to extension of PSPOs**

Under section 60 (2) of 'the 2014 Act' Orders 1 - 11 inclusive can be extended for up to three years if, before the respective PSPO 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 PSPO,  
or
- (b) An increase in the frequency or seriousness of those activities after that time.

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 proposals on the Council's website.

## **Proposed Consultation on an extension to Orders 1-11 inclusive**

If consultation is approved it is proposed that a 28 day consultation is commenced on the proposed extension of Orders 1 - 11 inclusive for a further three years.

It is proposed that Orders 1-11 inclusive, if extended expire on the same date ie 17 October 2026 regardless of their current expiry date to streamline the administration process if future extensions are considered. Currently Order 1 expires on 11 November 2023, Order 2 expires on 4 November 2023 and Orders 3-11 expire on 18 October 2023.

Any representations received at the expiry of the consultation period will be reported back to the relevant Portfolio Holder in consultation with the representative Councillors for the following wards for a decision to be made on the proposed extension of the Orders 1 - 11 inclusive in accordance with the Council's Scheme of Delegations.

Hyson Green & Arboretum (With regard to Orders 1,4,7,10)

St Ann's (With regard to Order 2)

Dales (With regard to Orders 5,8)

Mapperley (With regard to Order 3)

Basford (With regard to Order 9)

Bulwell (With regard to Order 6)

Aspley (With regard to Order 11)

**Briefing notes documents:** Appendix 1 Bentinck.pdf, Appendix 3 Botany.pdf, Appendix 2 Beverley.pdf, Appendix 4 Camomile.pdf, Appendix 5 Candle.pdf, Appendix 6 Haswell.pdf, Appendix 7 Holland.pdf, Appendix 8 Kilnwood.pdf, Appendix 9 Neston.pdf, Appendix 10 Portland.pdf, Appendix 11 Smedley.pdf, EIA.docx, Final Draft Consultation Report 2023.docx

**Other Options Considered:** Not consulting and therefore not renewing PSPOs, this would result in an increase in the ASB in the affected areas and a revenue cost to the Council to remove any structural furniture ie fencing/gating.

**Background Papers:**

**Published Works:** PSPOs (ex-gating orders) located on the NCC website [https://www.nottinghamcity.gov.uk/information-for-residents/community/community-protection/public-spaces-protection-orders/alleyways-and-rights-of-way/https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance\\_06\\_1.pdf](https://www.nottinghamcity.gov.uk/information-for-residents/community/community-protection/public-spaces-protection-orders/alleyways-and-rights-of-way/https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf)

**Affected Wards:** Aspley, Bulwell, Dales, Hyson Green and Arboretum, Mapperley, St Ann's

**Colleague / Councillor Interests:**

**Consultations:** Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:** Section 17 of the Crime and Disorder Act places a duty on councils to do all they reasonably can to prevent crime and disorder ie designing out crime, protecting vulnerable adults. Using this legislation covers this function.

**Equality:** Please login to the system to view the EIA document: EIA.docx

**Decision Type:** Officer

**Executive Decision?** Yes

**Scheme of Delegation Reference Number or Other Source of Delegation:** 127 (a) - Public Spaces Protection Orders (PSPOs)



**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:**

**Equality and Diversity**

**Equality and Diversity  
Advice:**

**Comment were provided on EIA submitted. Comments have been considered. EIA will need to be updated following consultation to reflect feedback. Advice provided by Nasreen Miah (Equality & employability consultant) on 28/02/2023. Advice provided by Phil Wye (Governance Officer) on 02/05/2023.**

**Signatures:**

**Andrew Errington (Director of Communities)**  
**SIGNED and Dated: 03/05/2023**