

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	5038
Author:	Sabina Basic
Department:	Communities, Environment and Resident Services
Contact:	Sabina Basic (Job Title: Principal Enforcement Officer, Email: sabina.basic@nottinghamcity.gov.uk, Phone: 07342071098)
Subject:	Extension of Hovenden Garden PSPO
Total Value:	£200 (Type: Revenue)
Decision Being Taken:	Following a consultation, the Hovenden Garden PSPO was successfully varied. The restrictions to public rights of way in 'the Variation Order' are subject to limited exceptions, and 'the Variation Order' also authorised the installation of barriers at the entrance to each restricted area. It is of vital that we extend the PSPO for a further three years to allow the residents the respite from the serious anti-social behaviour that they have endured over the past few years. Now that fencing has been installed following a variation there has been a significant reduction in anti-social behaviour and criminality on Hovenden Gardens.
Reasons for the Decision(s)	If the 'Variation Order' is not extended before the Expiry Date of 18 October 2023, the barriers referred to above will no longer be authorised and will be obstructions to the highway and must be removed. There would also be a resurgence in anti-social behaviour and people would use that area for drug use and other ASB. The installation of gates has offered the local residents much needed respite and security. The local police team has reported that there has been a significant reduction in ASB calls since this has taken place.
Briefing notes documents:	PfH DDM 2023 Sabina Basic report.docx
Other Options Considered:	We have obtained a Closure order on one of the problem addresses on Hovenden Gardens which is due to expire at the end of October 2023. We are looking to extend this order, however this will be a maximum of 6 months. The Police have also installed CCTV previously on Hovenden gardens but weren't always able to identify perpetrators or the alleged offenders. The only solution to the ongoing issue was introducing a PSPO in the area.

Background Papers:

Published Works:

Affected Wards:

Hyson Green and Arboretum

**Colleague / Councillor
Interests:**

Consultations:

Those not consulted are not directly affected by the decision.

**Crime and Disorder
Implications:**

Hovenden Gardens was attracting a lot of crime in the area which included drug use, drug dealing, prostitution, anti-social behaviour and so on. Following the variation of the PSPO the number of telephone calls to the police has drastically reduced.

Equality:

EIA not required. Reasons: EIA was already completed when varying the PSPO

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

23/10/2023

Advice Sought:

Legal, Finance

It is noted that the Nottingham City Council (Hovenden Gardens, Hyson Green, Nottingham) Gating Order 2012 (GO5010) ('the Order') was authorised under section 129A of the Highways Act 1980 ('HA') and was originally known as a 'Gating Order.' However, section 129A 'HA' was repealed as explained in the body of the 'Decision' and effectively became a Public Spaces Protection Order ('PSPO'), under the Anti Social Behaviour Crime and Policing Act 2014 ('the 2014 Act') the provisions remained in force as if the provisions of the Gating Order were provisions of a PSPO made under 'the 2014 Act.'

Under 'the 2014 Act', 'PSPO's' can be made for a maximum duration of three years. Under section 60(2) of 'the 2014 Act' PSPO's can be extended for up to three years, after which time they may be extended if, before they are due to expire, the Council is satisfied on reasonable grounds that doing so is necessary to prevent the activity recurring, or there has been an increase in frequency or seriousness of the activity. Extensions can be repeated, with each lasting for a maximum of three years.

'The Order' as originally made would have expired on 19 October 2020, however, it was extended prior to the date of expiry in accordance with the provisions of 'the 2014 Act' and Regulations made under it, when the Area Committee authorised the extension of the Order for a further three years, so it will now expire on 18 October 2023 unless first extended.

As identified in the Decision, following an increase in anti-social behaviour, 'the Order' was varied on 6 September 2023 to increase the area restricted by 'the Order,' and was renamed to reflect the variation. 'The Order' is now known as the Nottingham City Council (Hovenden Gardens, Hyson Green, Nottingham) Variation Order 2023, ('the Variation Order').

Before a decision whether or not to extend 'the Variation Order' can be taken the Council is required to carry out the 'necessary consultation' and 'necessary publicity' as defined in 'the 2014 Act.'

In deciding whether or not to extend the period for which a 'PSPO' has effect, and if so for how long, the Council must also have particular regard to the Rights of Freedom of Expression and Freedom of Assembly and Association set out in Articles 10 and 11 of the Human Rights Act 1998. In addition, as identified in the Decision, 'PSPO's' should only be extended where the Council is satisfied, on reasonable grounds, that the legal test in section 60(2) of 'the 2014 Act' is met in relation to the area that the Order applies to.

Consultation on the proposed extension of 'the Variation Order' was authorised by the Director of Community Protection in accordance with the Council's Scheme of Delegations and carried out between September 2023 and 11 October 2023.

Consultation and publication requirements were carried out in accordance with the legislative requirements under 'the 2014 Act.'

Responses received following consultation and statistical evidence support the proposed extension of 'the Variation Order' for a further three years in order to enable law enforcers to continue to control anti-social behaviour in the locality of the 'Restricted Area'.

The recommendation is for the Portfolio Holder to agree to the extension of 'the Variation Order' for a further period of three years up to 17 October 2026 in accordance with the Council's Scheme of Delegations.

As identified in the body of the Decision, if the extension of 'the Variation Order' is approved, the Council must comply with publication and signage requirements, and the recommendation addresses these requirements.

Advice provided by Tahira Lee (Solicitor Planning & Environment) on 13/10/2023.

Finance Advice:

This decision seeks approval to extend the Public Space Protection Order at Hovenden Gardens as outlined in this report. There will be an estimated cost of approx. £200 in respect of signage, and this cost can be contained within the approved Medium Term Financial Plan (MTFP). This cost is necessary to avoid reactive costs and staff time in responding to Anti Social Behaviour in the area.

Advice provided by Maria Balchin (Senior Commercial Business Partner) on 13/10/2023.

Signatures

Sajid Mohammed (PH - Neighbourhoods, Safety & Inclusion)

SIGNED and Dated: 16/10/2023

Colin Parr (Corporate Director, CERS)

SIGNED and Dated: 16/10/2023