

Nottingham City Council Delegated Decision



Reference Number:

5146

Author:

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Department:

Communities, Environment and Resident Services

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Subject:

Proposed extension to the Nottingham City Council PSPO Dane Court.

Total Value:

0 (Type: Nil)

Decision Being Taken:

1. to note the results of the consultation regarding the proposal to extend Nottingham City Council's Restriction of Public Rights of Way (Dane Court, Dane Close, St Ann's) Public Spaces Protection Order 2018 for a further period until 17 October 2026;
2. being satisfied that the test in Section 59 of the 2014 Act is met, and having regard to the rights of freedom of expression and freedom of assembly, the Executive Member authorises the extension to the Nottingham City Restriction of Public Rights of Way (Dane Court, Dane Close, St Ann's) Public Spaces Protection Order 2018 for a further period of up to three years, to the 17 October 2026;
3. to authorise the Director of Communities to carry out the necessary advertisements and arrange for appropriate signage to be erected where necessary in accordance with the legislative requirements.

Reasons for the Decision(s)

If the Order is allowed to expire, the fence and now established bushes that have been placed to prohibit access to the footpaths would have to be removed. The Council and the Police would no longer have the powers to take enforcement action to tackle the behaviours described above under the Order and the Council is of the opinion that it is likely that the behaviours will begin to reoccur and Dane Court, Dane Close will start to suffer anti-social behaviour again.

Briefing notes documents:

DDM Laura Bland Report.docx

Other Options Considered:

Evidence to date indicates that the Order has been very effective in deterring the anti-social behaviour. Concerns have been raised by both Nottinghamshire Police and Nottingham City Council's Community Protection and Housing services that if this Order were to lapse, the behaviours including individuals riding mini motors/ scooters at high speeds, youths congregating causing disturbances by shouting and swearing at each other, playing football, fighting amongst themselves may restart and the problems may reoccur resulting in further anti-social behaviour once more in an area that has been provided respite as a result of the actions taken by the City Council. It is therefore proposed that the Order be extended for a further period of up to the 17th October 2026, to provide a continuation of the respite.

Background Papers:

Unpublished background papers:

Website Consultation Notice- 27.03.24.docx

Published Works:

Extension Consultation took place for a period of 28 days which concluded at 5pm on the 3rd May 2024.

Affected Wards: St Ann's

Colleague / Councillor Interests:

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

Crime and Disorder Implications: Anti-social behaviour of individuals such as riding mini motors/ scooters at high speeds, youths congregating causing disturbances by shouting and swearing at each other, playing football, fighting amongst themselves and other anti-social behaviour which has had a detrimental effect on the quality of life of local residents. The anti-social behaviour was concentrated in and around the footpath that runs next to 16 and 17 Dane Court on to the footway that runs between Alison Walk and Abbotsford Drive and was having a negative impact on the local community and surrounding area.

Equality: EIA not required. Reasons: There is no requirement for the Equality Act Assessment because this is an extension of the original order.

Decision Type: Executive Member

Subject to Call In: No

The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

Person Consulted: Cllr Samuel Gardiner
Consultation Date: 16/07/2024
Due to the necessity to extend the PSPO before the current PSPO expires, which would mean a lengthy and costly process to make a new order.

Advice Sought: Legal, Finance

Commissioner Comments: Decision approved by the Commissioners.

Legal Advice:

It is noted the Nottingham City Council Restriction of Public Rights of Way (Dane Court, Dane Close, St Ann's) Public Spaces Protection Order 2018 ('the Order') was authorised under 57-59 of the Anti-Social Behaviour Crime and Policing Act 2014 ('the 2014 Act').

Under 'the 2014 Act', Public Spaces Protection Orders ('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, if 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 in July 2021, 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 21 July 2024 unless first extended.

Before a decision to extend 'the Order' can be taken the Council is required to carry out the 'necessary consultation' and the '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 Order' was authorised by the Director of Community Protection in accordance with the Council's Scheme of Delegations and carried out between 5 April and 3 May 2024.

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 Order' for a further period of up to 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 Order' for a further period of up to three years up to 17 October 2026 in accordance with the Council's Scheme of Delegations.

It is proposed that the Order is extended up to 17 October 2026, rather than the full 3 years in order to bring the expiry date in line with the expiry of the 12 other 'PSPO's' which will streamline the process going forward.

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

Tahira Lee - Solicitor - 13/06/2024
 Advice provided by Tahira Lee (Solicitor Planning & Environment) on 13/06/2024.

Finance Advice:

This decision seeks approval to continue the current PSPO arrangement for a further 3 years. There are no expected financial implications to this decision and if any costs do materialise then these are expected to be contained within existing resources. This extension is deemed necessary to avoid reactive costs and staff time in responding to possible Anti Social Behaviour in the area. Advice provided by Susan Turner (Senior Commercial Business Partner) on 18/06/2024.

Signatures

Corall Jenkins (Executive Member - Communities, Waste, Equalities)
SIGNED and Dated: 15/07/2024
Colin Wilderspin (Strategic Director of Communities)
SIGNED and Dated: 15/07/2024