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Reference Number:

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Subject: Proposed extension to the Nottingham City Council Restriction of Public Rights of Way (Dane Court, Dane Close, St Ann's) Public Spaces Protection Order 2018, which was subsequently extended in 2021.

Total Value: Nil (Type: Nil)

Decision Being Taken:

- 1. The Portfolio Holder note the results of the consultation the proposal to extend Nottingham City Council 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. That, 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 Portfolio Holder authorise 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 17th October 2026.
3. In the event that a decision is made to extend the Order under recommendation (2) above, 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):

1. Summary of Issues

In 2018, a need was identified to control and reduce various problems associated with anti-social behaviour being perpetrated in and around a footpath, which is a public right of way, at Dane Court, Dane Close, St Ann's. Concerns were raised regarding persistent and on-going 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.

In order to deal with the behaviour a Public Spaces Protection Order (“PSPO”) pursuant to the Anti-social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”) for Dane Court, Dane Close, St Ann’s was approved by the Dales, Mapperley & St Ann’s Area Committee on 4th July 2018, coming into force on 23rd July 2018 (“the Order”). The Order prohibits access from the footpath at the southern end of Dane Court, off Dane Close, St Anns, Nottingham to and from the footpath running from Abbotsford Drive to Alison Walk, St Anns, Nottingham and authorised the installation of a barrier at this point.

In July 2021, the PSPO was extended for a further three years to ensure the above anti-social behaviour did not reoccur. Evidence to date indicates that the Order has been very effective in deterring the anti-social behaviour mentioned above.

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 described above 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 three years to provide a continuation of the respite.

If the Order is not extended before the Expiry Date 21 July 2024, the barriers referred to above will no longer be authorised and will be obstructions to the highway and must be removed.

Legislation

Under section 60(2) of the Act the Order can be extended for up to three years if, before the Order is due to expire, the local authority that made the Order is satisfied on reasonable grounds that doing so is necessary to prevent –

- a) The occurrence or recurrence after that time of activities identified in the Order; or
- b) An increase in the 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 2014 Act may not be for a period of more than three years.

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

In addition to the proposed extension of this Order, there are currently 12 further PSPO’s across the City. These include: Bentinck School, Beverley Square, Botany Avenue, Camomile Gardens, Candle Meadow, Haswell Road, Holland Street, Hovenden Gardens, Kilnwood Close, Neston Drive, Portland Road and Smedley Close, all of which were extended in 2023 and will all now expire on 17 October 2026.

It is proposed that the Order be extended until 17 October 2026 to bring it in to line with the expiry of the 12 other PSPO's which will streamline the process going forward.

Consultation

On 27th February 2024 the Director of Community Protection authorised the formal consultation on the proposal to extend the effect of the Order for a period of up to three years to the 17th October 2026.

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

The Council has consulted with:

- The Chief of Police, the local policing body, and the Police and Crime Commissioner for the police area that includes the restricted area.
- The owner or occupiers of land within the restricted area.
- The Council published a copy of the Order on its website and explained that it proposed to extend the effect of the Order for a further period up to three years, until the 17th October 2026.
- Neighbourhood Development Officers have been made aware of the proposals.
- A Copy of the PSPO, a consultation letter and Questionnaire was posted through the letter boxes of all residents in the locality of the Restricted Area
- The Nottingham Local Access Forum.

Whilst no official responses to the proposed extension of the Order have been received, local residents have verbally communicated their support for the extension confirming that since the Order has been in force, they have enjoyed the peace and quiet and respite from the anti-social behaviour that was previously prevalent within the locality. The local police have also indicated that the extension of the Order will provide a useful tool in preventing a reoccurrence of the anti-social behaviour and support that there continues to be support for the pathway to be gated off.

It is considered that the restrictions/prohibitions being sought to continue are proportionate, necessary and reasonable.

The Council must be satisfied that the proposed extension to the Order meets the test contained in section 60(2) of the 2014 Act detailed at paragraph 1.4 above, and they must have particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Human Rights Convention.

In addition, if the extension to the current Order is made, the extended Order will be published on the Council's website and signage to confirm the extension will be placed in the Restricted Area in accordance with the statutory provisions, together with the

existing signage that advises of the prohibitions contained in the Order, and that breach of the Order is a criminal offence. These will continue to act as a deterrent.

Penalties for Breach of the Order

The penalty for committing an offence contained in a PSPO is a maximum fine of level 3 on the standard scale (currently £1,000) although the opportunity to pay a fixed penalty may be offered instead. In the event that a decision is made to extend the Order, fixed penalties for offences in breach of the Order will continue to be £70.

Briefing notes documents: Consultation Report 2024, EIA doc

Other Options Considered: 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. There would also be a cost to the Council to remove any structural furniture i.e. fencing, gates, barriers. Therefore, this has been discounted.

Background Papers:

Published Works: Anti-Social Behaviour, Crime and Policing Act 2014
Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014;
Home Office - Guidance on the Anti-Social Behaviour Crime and Policing Act 2014 December 2017
Local Government Association Public Spaces Protection Orders Guidance for Councils
PSPOs 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

Affected Wards:

Dales, 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 1998 places a duty on Councils to do all they reasonably can to prevent crime and disorder. The extended Orders will continue to provide tools to deal with the behaviour identified in the report including Fixed Penalty Notices.

Part 2.5 starting at page 47 of the Government Guidance updated in December 2017 states that the Local Authority will want to satisfy itself that these powers are not being used disproportionately or in an arbitrary fashion.