



Addendum

Cabinet

Date: **Tuesday, 24th January, 2023**

Time: **10.00 am**

Venue: **Council Chamber, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

Lynn Cain

lynn.cain@ashfield.gov.uk

01623 457317

If you require an adjustment to enable you to participate or access the meeting, please contact the Democratic Services team at least 48 hours before the meeting.

ADDITIONAL PAPERS

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10. **Public Spaces Protection Order 2023 - Proposal.**

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Key Decision

Councillor Helen-Ann Smith – Deputy Leader and Executive Lead
Member for Community Safety and Crime Reduction

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Report To:	CABINET	Date:	24th JANUARY 2023
Heading:	PUBLIC SPACES PROTECTION ORDER 2023 - PROPOSAL		
Portfolio Holder:	CLLR HELEN-ANN SMITH, DEPUTY LEADER AND EXECUTIVE LEAD MEMBER FOR COMMUNITY SAFETY AND CRIME REDUCTION		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	NO		

Purpose of Report

Tackling anti-social behaviour and environmental crime is a corporate priority for the Council and Ashfield Community Safety Partnership. Public Spaces Protection Orders contribute to these objectives as they aim to support the health and well-being of residents and improve feelings of safety across the District.

On 8th November 2022, Cabinet approved a 6-week public consultation exercise on the proposals for a new PSPO (refer to Draft Order) that includes restricting the public right of way over specified areas of the highway in the following locations:

1. Between Spruce Grove and Beacon Drive, Kirkby-in-Ashfield,
2. Between Bentinck Street and Bramley Court, Sutton-in-Ashfield
3. Between Downing Street and North Street (Service Road – Rear of Outram St, Sutton-In-Ashfield)
4. Rear of 34-37 Rockwood Walk, Hucknall
5. Adjacent 40 Rosewood Drive, Kirkby-in-Ashfield
6. Between Spruce Grove and Poplar Avenue, Kirkby-in-Ashfield
7. Between Welbeck Street and Portland Close, Sutton-in-Ashfield
8. Between Bramley Court and Sutton Lawn, Sutton-In-Ashfield

Cabinet agreed to receive a further report on 24th January 2023 following the conclusion of the consultation exercise to determine if it was satisfied that the provisions of section 59 to 65 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) were met.

This report presents to Cabinet the outcome of the consultation and invites Cabinet to recommend to Full Council that the PSPO is approved.

Recommendation(s)

1. Note that the consultation exercise has been undertaken on the new proposed Public Spaces Protection Order and acknowledge the consultation responses as outlined in this report which largely support the proposed Order.
2. Recommend that Full Council approves the proposed Order as set out in the draft Order and for the PSPO to come into force on 1st March 2023.

The Consultation

Following approval at Cabinet to proceed with the consultation process, an engagement programme was implemented between 24th November 2022 – 5th January 2023.

The main method of engagement was through neighbourhood surveys in the affected areas and internet-driven communication using information published on the Council's website where users were invited to complete an online survey.

To ensure the PSPO proposal was publicised widely the following activities were also undertaken:

- Press releases and posting on social media publicising the PSPO proposal.
- Information displayed on noticeboards in the Council's reception; and
- publication in local papers and online media outlets

In accordance with statutory guidelines detailed under Section 72, Anti-Social Behaviour, Crime and Policing Act 2014 the Council must undertake consultation with the affected parties.

As part of this process, the Council consulted directly with local residents and statutory consultees which included the Chief Constable of Nottinghamshire Police and the Nottinghamshire Police and Crime Commissioner who both endorsed the proposals.

The Council also notified:

- MP's and Ward/District Councillor's
- Nottinghamshire County Council
- Highways Authority
- Ashfield Neighbourhood Policing Team.
- Nottinghamshire Fire and Rescue Service
- Ashfield District Council employees

Throughout the consultation process the Council received a total of **552** responses from members of the public comprising of feedback from surveys in the target areas, forms collated from the Council reception/ballet box and online consultation forms. The outcome of the public consultation is as follows:

Question	Yes Responses	No Responses
Do you want the Council to restrict public access between Spruce Grove and Beacon Drive, Kirkby-in-Ashfield, Nottinghamshire?	33	11
Do you want the Council to restrict public access between Bentinck Street and Bramley Court, Sutton-in-Ashfield, Nottinghamshire?	81	12
Do you want the Council to restrict public access between Downing Street and North Street, Sutton-in-Ashfield, Nottinghamshire?	35	9
Do you want the Council to restrict public access at the rear of 34-37 Rockwood Walk, Hucknall, Nottinghamshire?	19	7
Do you want the Council to restrict public access adjacent to 40 Rosewood Drive, Kirkby-in-Ashfield, Nottinghamshire?	36	11
Do you want the Council to restrict public access between Spruce Grove and Poplar Avenue, Kirkby-in-Ashfield, Nottinghamshire?	35	9
Do you want the Council to restrict public access between Welbeck Street and Portland Close, Sutton-in-Ashfield, Nottinghamshire?	25	7
Do you want the Council to restrict public access between Bramley Court and Sutton Lawn, Sutton-in-Ashfield, Nottinghamshire?	80	14
Do you want the Council to issue Fixed Penalty Notices to people who breach the Public Spaces Protection Order?	124	4

There were a number of residents who responded as “NA” or not my area as part of the feedback which have not been included in these results. Some residents were uncontactable when completing surveys (door knocking) but they had the opportunity to complete the online survey throughout the six week consultation period.

Themes that emerged from the consultation were:

- Residents often avoid reporting issues due to frequency and fear of reprisal/s
- Visible signage to be installed in the gated areas to create awareness (if approved)
- Extending the scope to cover wider areas i.e. closing off land in other locations
- Increased patrols by uniformed officers i.e. Police and Council Community Protection Officers
- Concerns relating to displacement
- Concerns relating to feelings of safety and wider crime and anti-social behaviour in the area.
- Environmental concerns i.e. fly-tipping, littering, dog fouling and graffiti.

Nottinghamshire Fire and Rescue Service, Ashfield Policing Inspector, Ashfield District Council's Housing Development and Planning Team, and 3 ward Councillors also provided feedback to support these plans. A number of agencies did not respond. There were no major objections to report, however the initial locations of the barriers on Spruce Grove, Kirkby-In-Ashfield have changed to accommodate planning approval and estate design for 5 new properties within this location. This does not affect the intentions of the proposal.

A demand analysis review was also conducted to determine the levels of reported crimes and anti-social behaviour in the affected areas. A breakdown of these reports over a 12-month period (January – December 2022) are illustrated below:

Between Bramley Court and Sutton Lawns, Sutton-in-Ashfield - 14 incidents recorded. Primarily incidents of robbery and the reported use of motorbikes.

Between Spruce Grove and Beacon Drive, Kirkby-in-Ashfield - 143 incidents recorded. The incidents are primarily reports of motorbikes going through the alleyway, young people congregating and reports of drug use and drug dealing in the area.

Between Bentinck Street and Bramley Court, Sutton-in-Ashfield - 165 incidents recorded. The incidents are primarily reports of anti-social behaviour, the use of motorbikes and incidents of criminal damage to fences backing on to the alleyways.

Between Downing Street and North Street (Service Road – Rear of Outram St, Sutton-In-Ashfield) - 327 incidents recorded. Primarily nuisance motorbikes, drug use and groups congregating.

Rear of 34-37 Rockwood Walk, Hucknall - 53 incidents recorded. Primarily incidents of youths causing anti-social behaviour and smells of cannabis.

Adjacent 40 Rosewood Drive, Kirkby-in-Ashfield - 34 incidents recorded. Primarily anti-social behaviour.

Between Spruce Grove and Poplar Avenue, Kirkby-in-Ashfield - 73 incidents recorded. Primarily criminal damage and setting of fires.

Between Welbeck Street and Portland Close, Sutton-in-Ashfield - 27 incidents recorded. Primarily the use of motorbikes and incidents of criminal damage.

It is sometimes difficult to attribute crime and anti-social behaviour to each strip of land, as it is often not recorded in the specific location. However, the overriding anecdotal evidence is that the level of anti-social behaviour within the target areas are considered disproportionately high in comparison to

other parts of the District; with police incident reports, officer and community insight, validating the standpoint that the locations in question are a contributory factor for crime and anti-social behaviour within the area.

All parties consulted by Ashfield District Council are predominantly in favour of putting in place a long-term solution to the difficulties encountered by anti-social behaviour in these areas. Currently, due to the number of incidents that are taking place, residents are concerned about their safety, particularly when it is dark. There are also other monetary implications to consider, such as officer time of attending to service requests, and costs/time associated with tidying the area which includes environmental clean ups, graffiti removal and fly tipping investigations.

Given the outcome of the public consultation detailed above and evidence obtained as part of Cabinet report submission dated 8th November 2022, it is recommended, in accordance with the Anti-Social Behaviour, Crime and Policing 2014 Act, that the Council can be satisfied on reasonable grounds that the proposed PSPO is necessary:

- a) to prevent the occurrence or recurrence of the detrimental effect of the activities identified in the PSPO; and/or
- b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

Communications

The draft Order is attached to the report and upon Full Council approval will be enacted with a proposed commencement date of 1st March 2023. If approved the Council will undertake a period of publicity and ensure awareness is raised.

Signage and other materials will be purchased and erected across the affected areas to publicise the Order.

Reasons for Recommendation(s)

Cabinet has powers under The Anti-Social Behaviour Crime & Policing Act 2014 to enact a PSPO. Consultation with local residents and statutory consultees has shown significant support for the introduction of barriers to restrict public access in order to reduce crime and anti-social behaviour in the target areas.

Alternative Options Considered

That the Council does not approve the PSPO. This would mean that the general public would continue to have access to the said areas resulting in the issues continuing. Alternative options would therefore need to be considered i.e. action days which alone would not be considered a long term solution.

Cost:

As highlighted in the previous Cabinet report, a budget will need establishing for the purchase of gates, signage, and general maintenance in relation to the strip of land in the identified areas.

Costs have been established for these works as detailed below:

- Between Spruce Grove and Beacon Drive, Kirkby-in-Ashfield, - £7,000 (Safer Streets Funding)
- Between Bentinck Street and Bramley Court, Sutton-in-Ashfield - £15,000 (UK Shared Prosperity Fund)
- Between Downing Street and North Street (Service Road – Rear of Outram St, Sutton-in-Ashfield) - £8,000 (UK Shared Prosperity Fund)
- Rear of 34-37 Rockwood Walk, Hucknall - £5,000 (Police and Crime Commissioner funding)
- Adjacent 40 Rosewood Drive, Kirkby-in-Ashfield - £10,000 (Safer Streets Funding)
- Between Spruce Grove and Poplar Avenue, Kirkby-in-Ashfield- £8,000 (Home Office Safer Streets Funding)
- Between Welbeck Street and Portland Close, Sutton-in-Ashfield- £5,000 (UK Shared Prosperity Fund)
- Between Bramley Court and Sutton Lawn, Sutton-In-Ashfield - £10,000 (General Fund Capital Receipts)

TOTAL - £68,000

Corporate Plan:

Approval of this PSPO will help support the place enhancement and safer and stronger priorities within the Council’s Corporate Plan and commitments under the Environmental Charter in order to improve the quality of life for residents within Ashfield. Restricting access to members of the public within these locations will improve the feeling of safety across the target areas and provide an effective response to tackling anti-social behaviour and environmental crime.

Legal:

A PSPO can be made by a local authority (section 59) if satisfied on reasonable grounds that two conditions are met. Firstly, that

(a) Activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality; and

(b) It is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect of the activities is, or is likely to be, of a persistent or continuing nature such as to make the activities unreasonable and therefore justifies the proposed restrictions imposed by the Order.

There is a statutory requirement for a local authority to take reasonable steps to consult with the persons affected and statutory consultees, before considering whether it would be necessary to make a PSPO. [RLD 16/01/2023]

Finance: [PH 16/01/2023].

Budget Area	Implication
General Fund – Revenue Budget	A one-off budget approval of approximately £10,000 will be required to meet the costs identified, if it cannot

	be contained within the Directorate Budget and maintenance costs of £1,000 per annum thereafter.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Without a PSPO in place to restrict public access in these locations, there is a risk that anti-social behaviour could potentially escalate which would have a worsened impact on the local community.

Given the overwhelming supporting feedback from the public about the proposed Order, there is a risk to the reputation of the Council if the Order is not progressed as we may be seen to be disengaged from the needs of the community and not proactively delivering against our commitment to reducing crime and anti-social behaviour across the District.

Human Resources:

It is intended the proposal will reduce time spent in these locality areas therefore enabling capability and capacity for officers from the Council and partners to spend time on other priority matters.

Equalities:

In recommending the proposed PSPO, consideration has also been given to Articles 10 and 11 of the European Convention on Human Rights which provides for the rights of freedom of expression and assembly. The proposals set out for the PSPO are intended to ensure that the anti-social behaviours caused by the activities are addressed so that public spaces can be enjoyed without fear or intimidation by the law-abiding majority of the community.

Other Implications:

The PSPO is seeking to address issues which impact adversely on the quality of life and public safety. These issues can affect both the physical and mental well-being of residents and therefore the proposals would have a significant impact on community well-being.

Communications: a press statement will be published, and social media will be regularly updated on progress.

Reason(s) for Urgency

It is recommended that the decision is not subject to Call In to enable the recommendation to adopt the Order can be considered by Council on 2 February 2023.

Reason(s) for Exemption

Not applicable

Background Papers

Draft 'PSPO' - The Order

Report Author and Contact Officer

Antonio Taylor
Community Safety Manager
Place and Communities
Antonio.Taylor@ashfield.gov.uk

Sponsoring Director

Robert Docherty
Director - Place and Communities
Robert.Docherty@ashfield.gov.uk

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 (the “Act”)

The Public Spaces Protection Order

– Ashfield District Council 2023 (the “Order”)

Ashfield District Council (“the Authority”), being satisfied that:

- (a) activities as described in article 1 below which are carried on in a public place within the Authority’s area have had a detrimental effect on the quality of life of those in the locality; or
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

And that the effect, or likely effect, of the activities:

- (a) is, or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by this Order.

And that the prohibitions described in article 1 below are reasonable to impose in order—

- (a) to prevent the detrimental effect referred to above from continuing, occurring or recurring, or
- (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

And pursuant to section 72 of the Act the Authority:

- (a) having had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights and
- (b) having carried out the necessary consultation, notification and publicity

HEREBY MAKES THE FOLLOWING ORDER under section 59 of the Act as follows:

1. The land described in the Schedule to this order (“the Restricted Areas”) being land in the area of the Authority to which the Act applies is land protected by this Order.
2. This Order may be cited as The Public Spaces Protection Order – Ashfield District Council 2023 (the “Order”) and shall come into force on **2023 and remains in place for a period of 3 years.**

Definitions

In this Order:

“**Authorised Officer**” means an employee of the Authority who is authorised in writing by the Authority for the purpose of this Order

“**Authorised Person**” includes an Authorised Officer and a Police Community Support Officer (PCSO)

‘**Public Place**’ means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission

Offences

1. Restricting Access

1.1 This Article applies to land specified in Schedule 1 of this Order (“the Restricted Access Highways”).

1.2 A person commits an offence if at any time he uses the public right of way on land to which this article applies unless he has a reasonable excuse for doing so.

1.3 A barrier or barriers may be installed, operated and maintained at each of the respective ends of the Restricted Access Highway. Ashfield District Council is responsible for maintaining and operating the barrier or barriers.

1.4 In accordance with section 67 of the Act a person who is guilty of an offence under article 1 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Fixed Penalties

A constable or an Authorised Person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 of the Act in relation to a public spaces protection order.

EXECUTED AS A DEED by affixing)
THE COMMON SEAL of)
ASHFIELD DISTRICT COUNCIL)
This day of 2023)
In the presence of :-)

Chairman:

Authorised Officer:

The Public Spaces Protection Order

– Ashfield District Council 2023

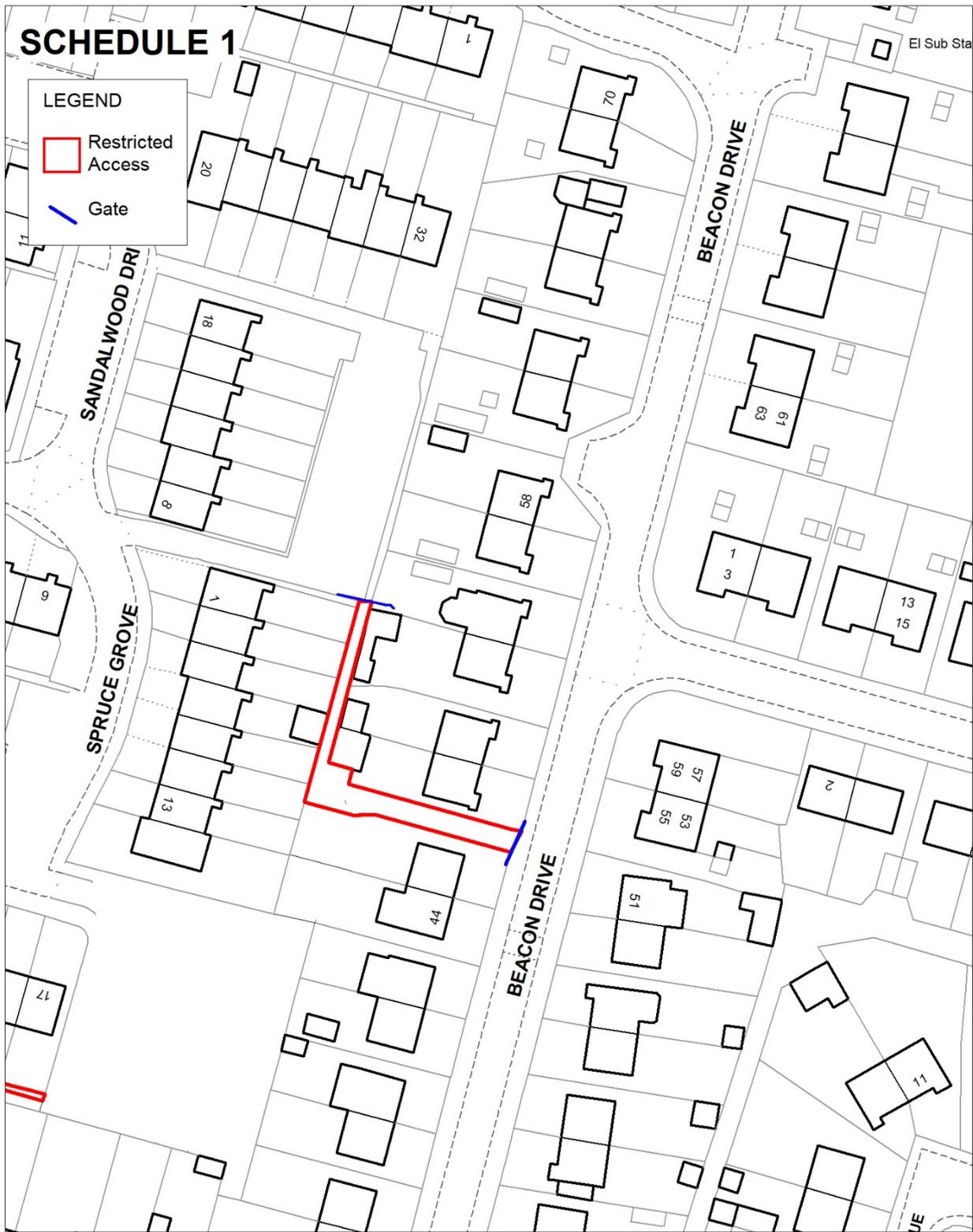
Schedule 1 (Restricting Access – Prohibition 1)

The highways described in the following Schedule and shown edged by bold red lines on the plans attached, being Public Places in the Authority's area to which the Act applies

Land Designated Specifically (“the Restricted Access Highways”):

The strips of land:

1. Between Spruce Grove and Beacon Drive, Kirkby-in-Ashfield, Nottinghamshire
2. Between Bentinck Street and Bramley Court, Sutton-in-Ashfield, Nottinghamshire
3. Between Downing Street and North Street, Sutton-in-Ashfield, Nottinghamshire
4. Rear of 34-37 Rockwood Walk, Hucknall, Nottinghamshire
5. Adjacent 40 Rosewood Drive, Kirkby-in-Ashfield, Nottinghamshire
6. Between Spruce Grove and Poplar Avenue, Kirkby-in-Ashfield, Nottinghamshire
7. Between Welbeck Street and Portland Close, Sutton-in-Ashfield, Nottinghamshire
8. Between Bramley Court and Sutton Lawn, Sutton-in-Ashfield, Nottinghamshire



**SCHEDULE 1 - RESTRICTED ACCESS
BETWEEN SPRUCE GROVE AND BEACON DRIVE
KIRKBY IN ASHFIELD**



A4 | Scale: 1 to 750

Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA

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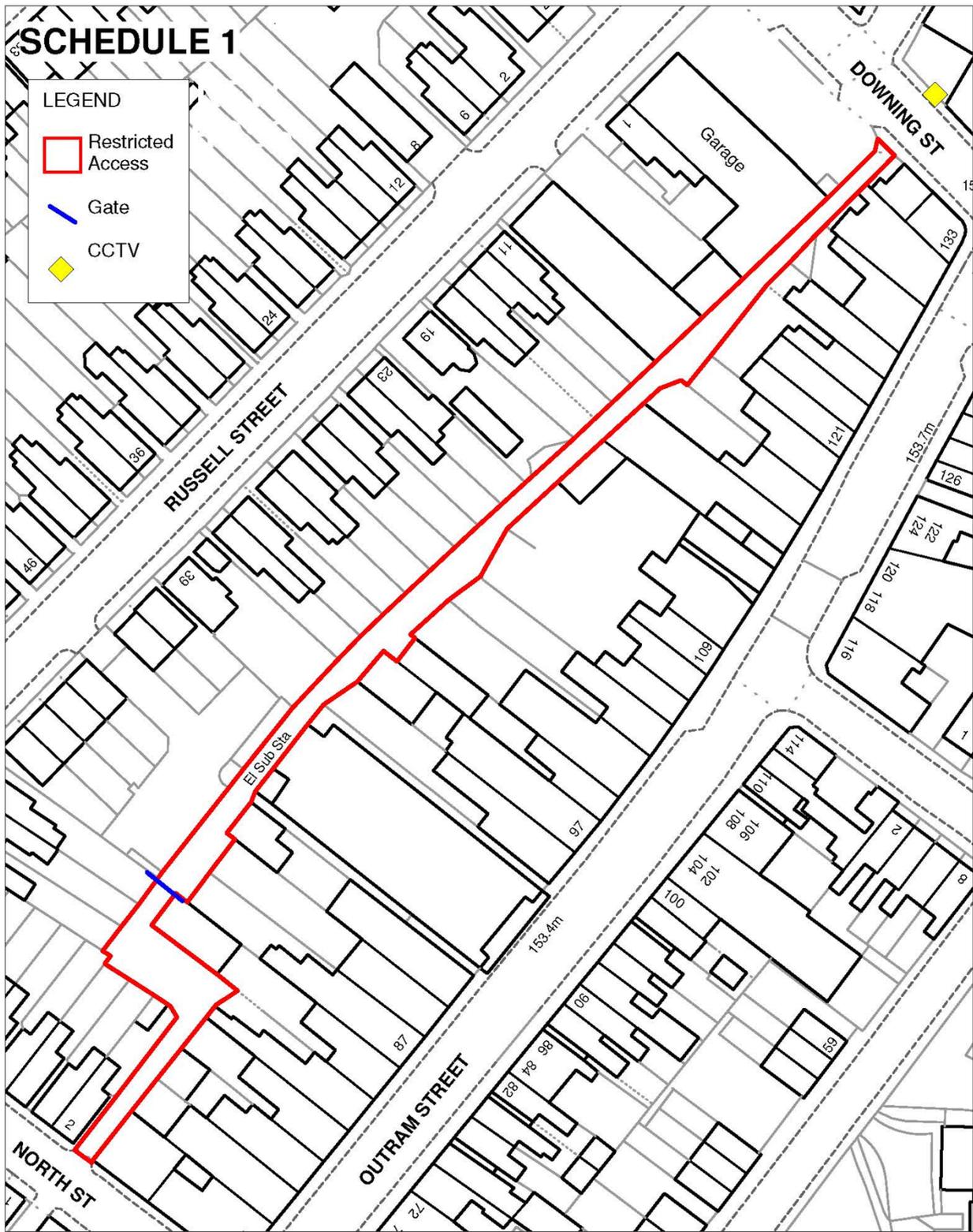
**SCHEDULE 1 - RESTRICTED ACCESS
BETWEEN BENTINCK STREET AND BRAMLEY COURT
SUTTON IN ASHFIELD**



A4 | Scale: 1 to 500

Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA

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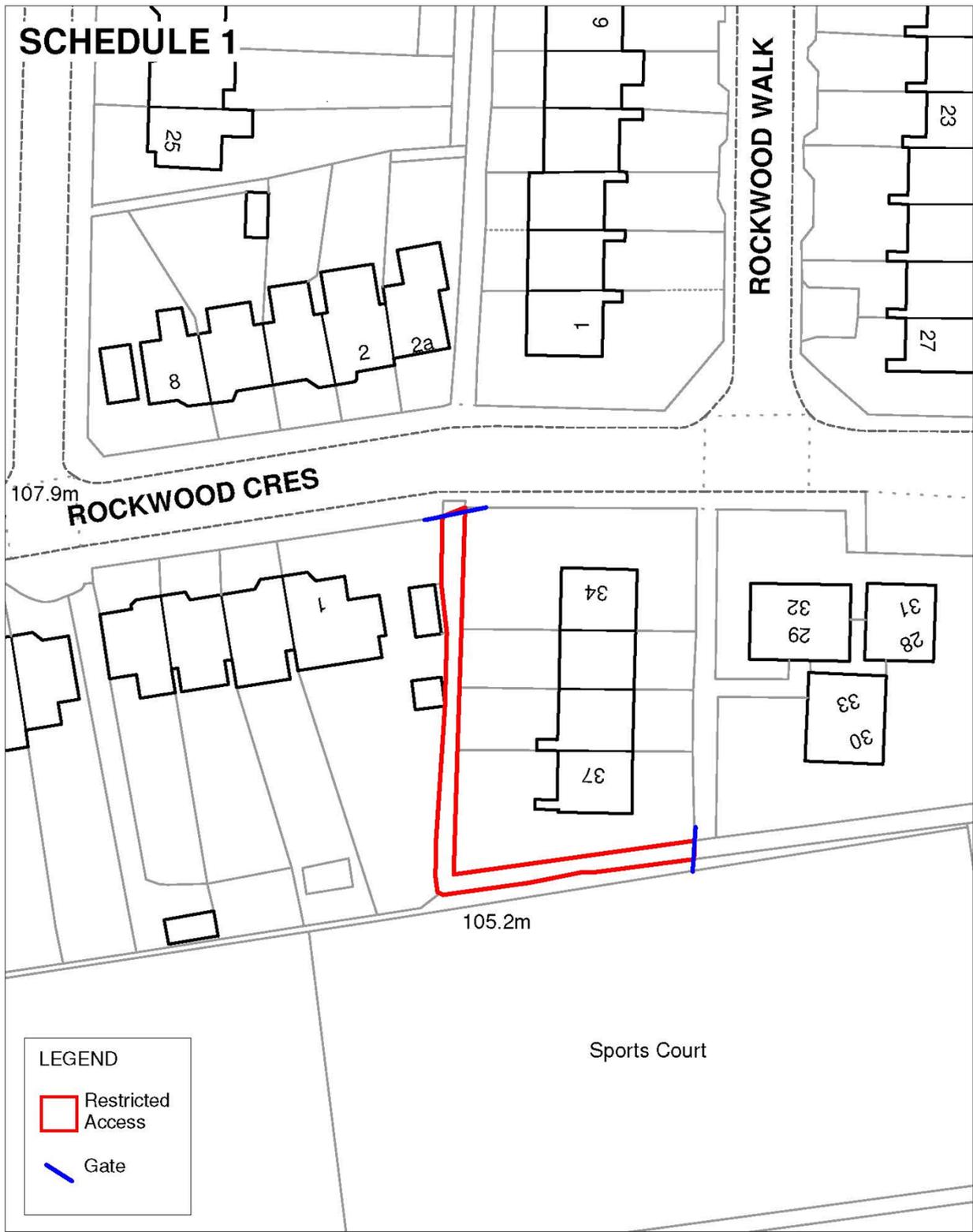


**SCHEDULE 1 - RESTRICTED ACCESS
BETWEEN DOWNING STREET AND NORTH STREET
SUTTON IN ASHFIELD**

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A4 | Scale: 1 to 750
Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA

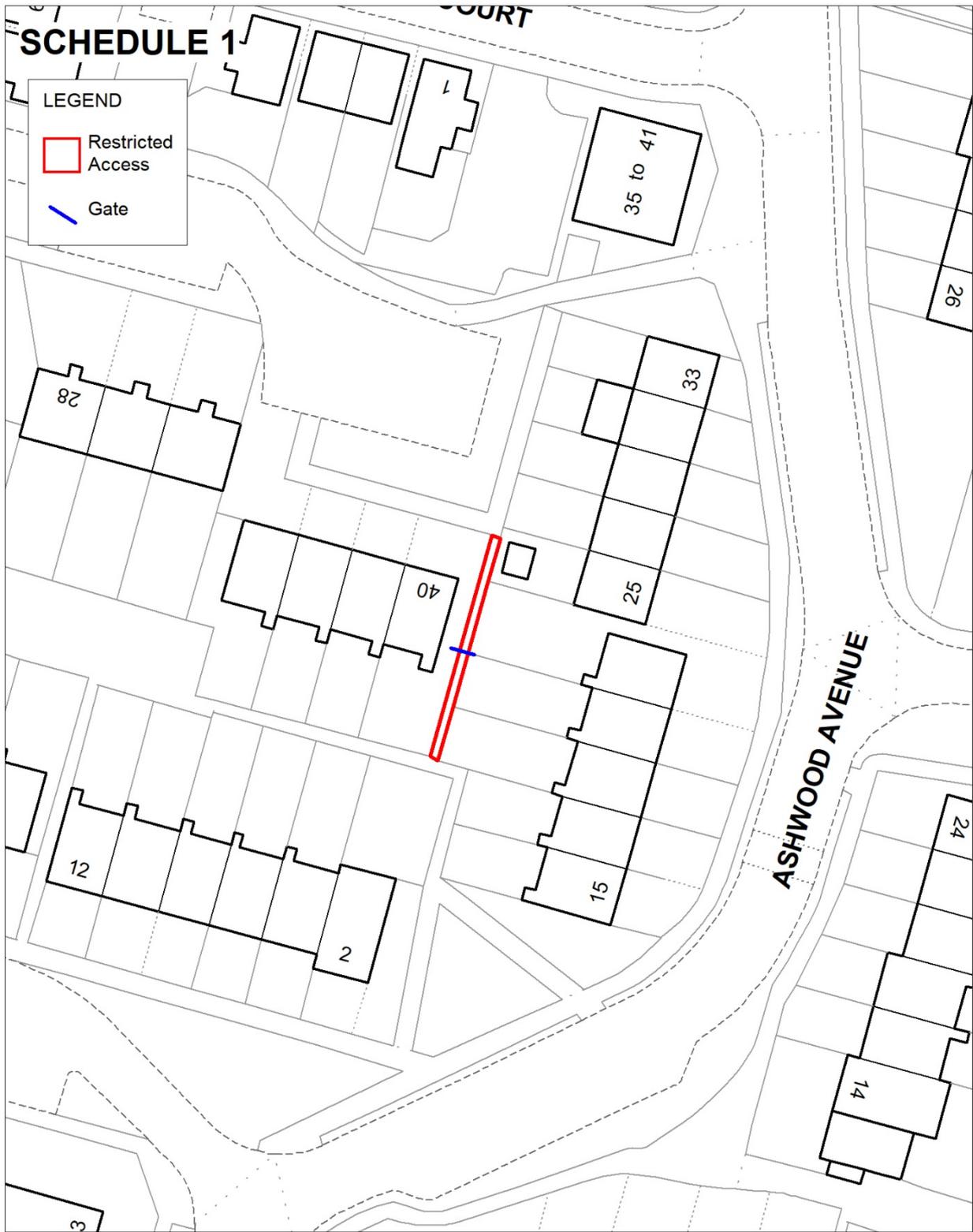


**SCHEDULE 1 - RESTRICTED ACCESS
REAR OF 34-37 ROCKWOOD WALK
HUCKNALL**

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A4 | Scale: 1 to 500
Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA



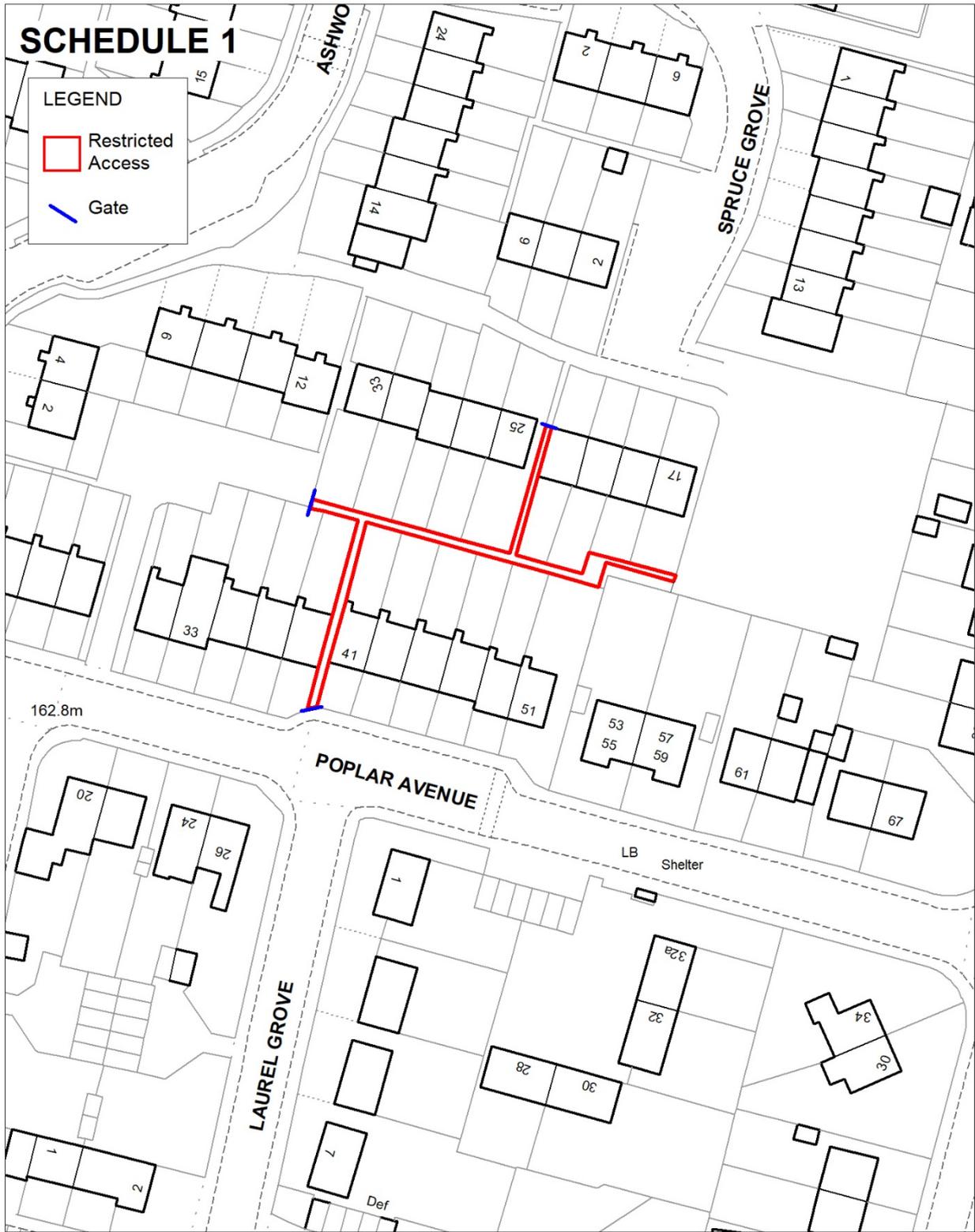
**SCHEDULE 1 - RESTRICTED ACCESS
ADJACENT TO 40 ROSEWOOD DRIVE
KIRKBY IN ASHFIELD**

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A4 | Scale: 1 to 750

Ashfield District Council
Urban Road
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SCHEDULE 1

LEGEND

- Restricted Access
- / Gate

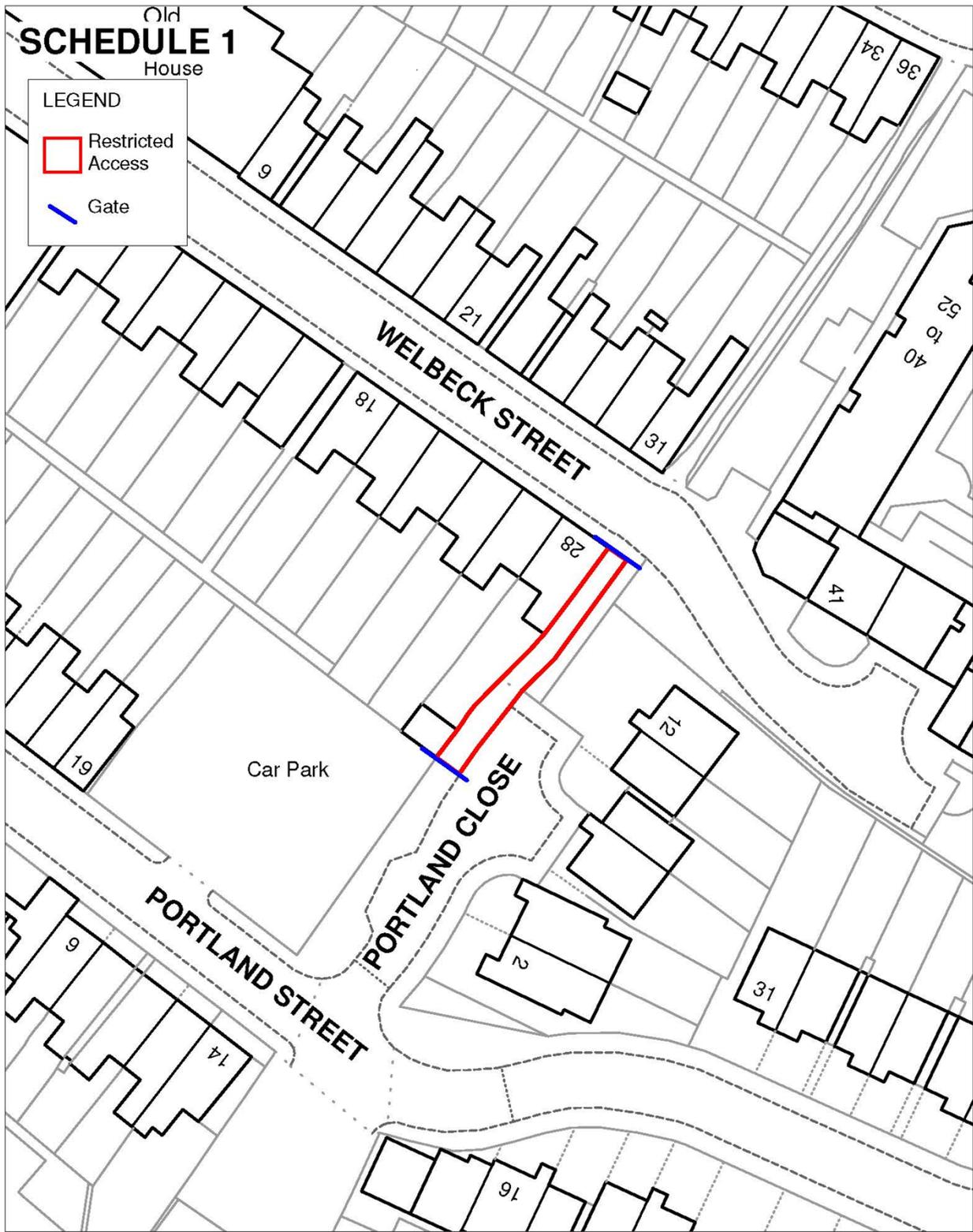
**SCHEDULE 1 - RESTRICTED ACCESS
BETWEEN SPRUCE GROVE AND POPLAR AVENUE
KIRKBY IN ASHFIELD**

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A4 | Scale: 1 to 750

Ashfield District Council
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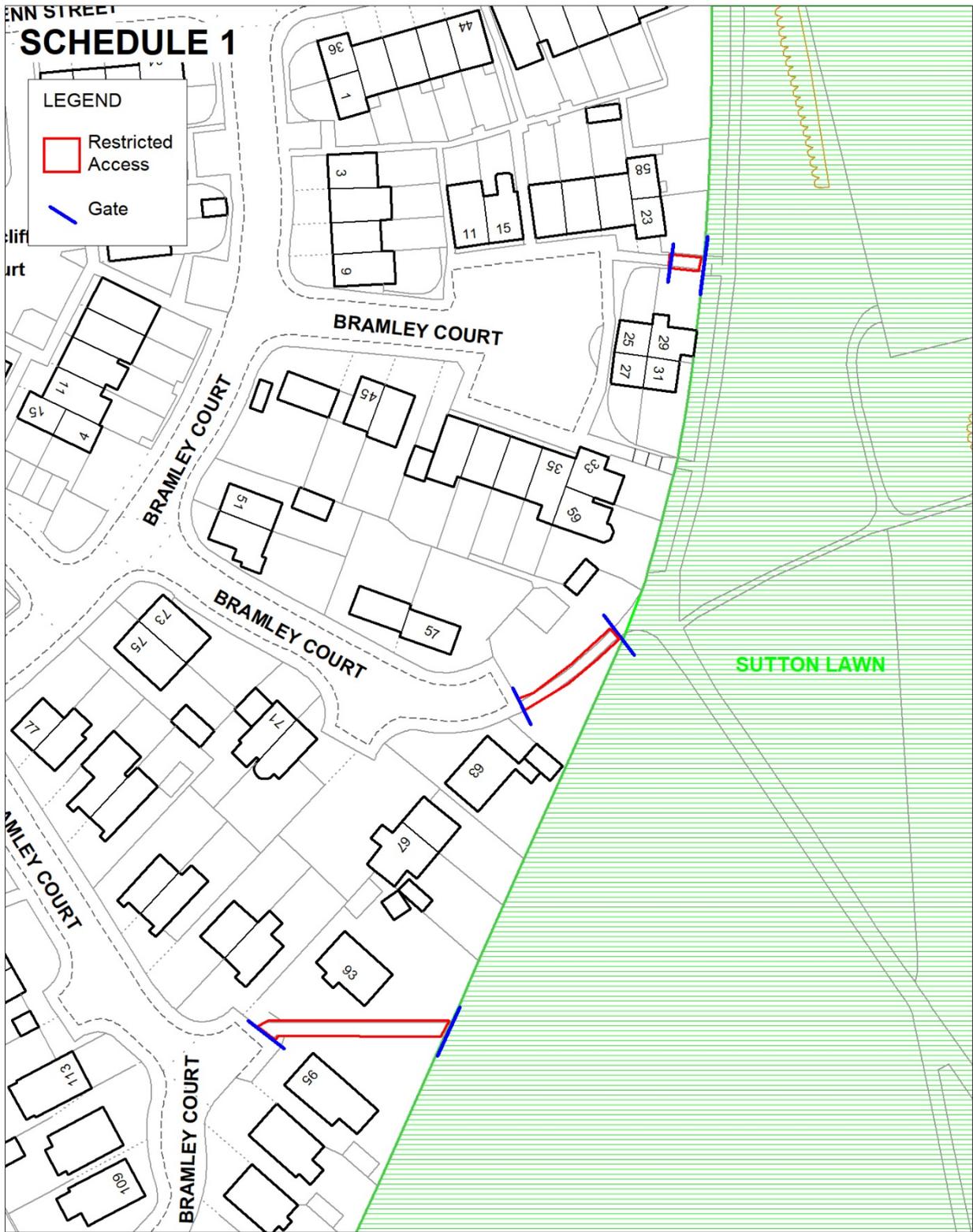
**SCHEDULE 1 - RESTRICTED ACCESS
BETWEEN WELBECK STREET AND PORTLAND CLOSE
SUTTON IN ASHFIELD**



A4 | Scale: 1 to 500

Ashfield District Council
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**SCHEDULE 1 - RESTRICTED ACCESS
SUTTON LAWN**



A4 | Scale: 1 to 750

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