

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 7 DECEMBER 2021



Title of Report	PUBLIC SPACES PROTECTION ORDER (PSPO) IN RELATION TO THE RESTRICTION OF MOTOR VEHICLES IN THE AREAS OF SAWLEY, LOCKINGTON AND CAVENDISH BRIDGE	
Presented by	Cllr Andrew Woodman Portfolio Holder for Community Services	
Background Papers	NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL (nwleics.gov.uk) 2019 Cabinet report	Public Report: Yes
		Key Decision: Yes
Financial Implications	None	
Legal Implications	Detailed in report	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To seek the following: <ol style="list-style-type: none"> 1. Approval for the extension of the Public Spaces Protection Order relating to the restriction of motor vehicles on; <ol style="list-style-type: none"> a. The highway known as Netherfield Lane, Derbyshire, DE72 2HP; b. The bridleway 'L109', starting from Netherfield Lane and ending at Main Street, Lockington; c. The site of the former Sawley crossroads service station, London Road, Cavendish Bridge, Leicestershire (locally known as the 'little chef island'); and d. The service road known as #608462659 leading onto cycle path #639226649, #28854699 and #297994418 2. Delegation for future renewals of the PSPO to the Director 	
Reason for Decision	To extend the current PSPO for a further 3 years to prohibit unauthorised motor vehicles and reduce incidents of fly tipping and illegal encampments.	

<p>Recommendations</p>	<p>THAT CABINET:</p> <ol style="list-style-type: none"> 1. APPROVES THE EXTENSION OF THE PUBLIC SPACES PROTECTION ORDER IN RELATION TO THE RESTRICTION OF MOTOR VEHICLES IN THE AREAS OF SAWLEY, LOCKINGTON AND CAVENDISH BRIDGE AS DETAILED IN APPENDIX B WITH THE REVISED WORDING IN SCHEDULE 2 (D) AND (L) AND 2. DELEGATES FUTURE DECISIONS ON RENEWAL OR AMENDMENT OF THE PSPO TO THE DIRECTOR
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1.0 BACKGROUND

- 1.1 In 2014 the Government introduced legislation called the Anti-Social Behaviour, Crime and Policing Act (the Act). This Act removed some existing legislation, (for example, Gating Orders) which was used to restrict or prohibit vehicular access to public spaces. The replacement orders created by the Act are called Public Spaces Protection Orders.
- 1.2 These orders allow local authorities to put controls in public places within the Authority's area if satisfied, on reasonable grounds, that two conditions are met.
- a. The activities carried on in a public place within the authority's area have had, or are likely to have, a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such effect.
 - b. The effect of the activities are, or are likely, to be of a persistent or continuing nature, such as to make the activities unreasonable and justify the restriction/prohibition imposed by the order.
- 1.3 The areas in question were created by the construction of the A50 trunk road and the ongoing works for the East Midland Gateway. This has left roads that are mainly used as cycle routes and service roads and have become a target for the illegal disposal of controlled waste (fly tipping) and illegal encampments. In November 2018 the district and county council removed 357 tonnes of waste that was illegally deposited in Netherfield Lane, at a combined cost of nearly £50,000 and moved on many illegal encampments with the help of the Multi Agency Travellers Unit at the county council.
- 1.4 This led to the adoption of the Public Space Protection Order in 2019 which enabled prohibited the use of motor vehicles in the Restricted Area and authorised staff to use enforcement powers to deal with drivers of motor vehicles using the Restricted Area without permission. The original order can be found in **Appendix A**.
- 1.5 It also authorised the installation of a retractable road barrier on Netherfield Lane funded and installed by Aldi PLC with a service agreement in place between Aldi, North West Leicestershire District Council and Leicestershire County Council. It also authorised the installation of any necessary/further associated fencing/barriers/locks etc. which enforced the prohibition.

- 1.6 There has been a dramatic decline in fly tipping and illegal encampments since the introduction of the PSPO however, it hasn't completely eradicated the problem. Since the introduction of the PSPO three years ago, throughout the areas highlighted there have been 37 instances of fly tipping and 2 illegal encampments however, these mainly occurred when either the retractable barrier or the gate had been left open or when associated fencing had been damaged or moved therefore, there continues to be activities (fly tipping with the use of vehicles and illegal encampments) which are having a detrimental impact on the quality of life of those in the locality, the activities are of a continuing nature, are unreasonable and justify the restriction imposed (prohibition of all unauthorised vehicles). It is therefore recommended that the order is extended for a further 3 years to enable the retractable road barriers and any necessary/further associated fencing/barriers/locks to remain in place.

2.0 CONSULTATION

- 2.1 In order to extend the PSPO a consultation process must be followed which requires that the following key stakeholders are consulted.

- Chief Officer of Police
- Police and Crime Commissioner
- Leicestershire County Council
- Leicestershire County Highways
- Owners and occupiers of properties within the proposed restricted areas

The proposed order was publicised on the council website and on social media platforms such as Facebook and Twitter for 4 weeks.

The consultation commenced on Friday 24 September, 2021, and ended on Friday 22 October, 2021.

- 2.2 The council has directly consulted owners, occupiers, landowners and tenants of land (in that letters enclosing a copy of the PSPO were sent directly to owners, occupiers, landowners and tenants of land) who will be affected by the PSPO.

Two comments were received from local residents in favour of the extension of the PSPO.

- *As a local resident I am in favour of the above proposal, which is necessary to prevent anti-social behaviour and fly tipping.*
- *This is a good move and I support it fully.*

During the consultation, no official representations were received from the Chief of Police, the Police and Crime Commissioner or Leicestershire County Council who were all consulted formally via email and post.

Two comments were received from landowners affected by the PSPO who requested to make amendments in relation to their access in Schedule 2 of the order.

- Newlands Developments Limited – wanted their right of access to include; *The owners and occupiers (including their respective employees, authorised visitors and other persons authorised by them in writing when in exercise of their duties) of the intended development known as Units 1-4 Equites Park, J24a M1, Castle Donington DE72 2HP authorised under permission 20/00316/OUTM.*

- SS Haulage – wanted their details adding as follows;
Employees of SS Haulage, its authorised contractors and anyone authorised in writing by SS Haulage when in exercise of their duties;

2.3 Newlands Developments Limited and SS Haulage are two landowners that will require access to the restricted road, therefore, these requests were considered to be entirely appropriate and consequently the PSPO was amended to facilitate these requests. A revised copy of the PSPO can be found at **Appendix B** to this report. The PSPO was also amended to improve the formatting of the document to make it easier for members of the public to understand.

2.4 Therefore, as a result of the consultation carried out as part of the PSPO renewal process we are content to recommend a further 3 year renewal.

3.0 NEXT STEPS

3.1 If the order is approved existing signage will remain in place and maintained for a further 3 years to bring to the attention of persons using the affected areas.

3.2 Officers will publish the renewed order on the council's website and all relevant landowners listed in schedule 2 of the PSPO in Appendix B will be notified and given a copy of the amended order.

Policies and other considerations, as appropriate	
Council Priorities:	<ul style="list-style-type: none"> - Developing a clean and green district - Our communities are safe, healthy and connected
Policy Considerations:	N/A
Safeguarding:	N/A
Equalities/Diversity:	N/A
Customer Impact:	N/A
Economic and Social Impact:	N/A
Environment and Climate Change:	PSPO required to help towards a cleaner and safer environment.
Consultation/Community Engagement:	Please see consultation Section 2.7 above.
Risks:	The PSPO will allow the retractable road barrier and gates to remain in place and the installation of any necessary/further associated fencing/barriers/locks which will assist in enforcing the restrictions.
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