

Report to Council
25 November 2014

Report of Executive head of strategy, people and neighbourhoods

Subject Byelaw to manage skateboarding in the city centre

Item

9

Purpose

To consider:

- commencing a 12 week consultation process on a Public Space Protection Order to protect the city's War Memorial (and Memorial gardens) from damage caused by skateboarding (including roller-blading and non-motorised scooters).
- and;
- ask the local skateboarding community to work with us to come up with joint solutions to issues caused by skateboarding (and other related activities), in the city centre area originally proposed, to ensure that it is a space that can be enjoyed by all.

Recommendation

Council is recommended to commence a 12 week consultation on a Public Space Protection Order to protect the city's War Memorial (and Memorial gardens) from damage caused by skateboarding (including roller-blading and non-motorised scooters) and to agree to ask the skateboarding community to work with us in the way outlined in paragraphs 15 and 16.

Corporate and service priorities

The report helps to meet the corporate priority and the service plan priority of "tackling and preventing anti-social behaviour".

Financial implications

Funded from existing budget.

Ward: Mancroft

Cabinet member: Councillor Keith Driver – neighbourhoods and community safety.

Contact officers

Russell O'Keefe, Executive head of strategy, people and neighbourhoods 01603 212908

Background documents

None

Report

Background

1. In June 2014 cabinet considered a report recommending the making of a byelaw to prohibit skateboarding in a designated area of the city to assist in preventing damage to historic buildings and nuisance to members of the public using the highway.
2. Cabinet resolved to recommend that council make a byelaw to manage skateboarding in the city centre whilst taking into consideration the following:
 - a) that the areas (1 – 5 on page 112 of the report) affecting the War Memorial, Memorial Gardens, St Peter Mancroft, Gaol Hill leading to London Street, Forum, City Hall and Hay Hill are adopted under a bylaw (Fig 1);
 - b) that further and wider consultation on any areas outside of these listed above will be carried out before placing a finished byelaw proposal to the Secretary of State;
 - c) that special consideration will be made to ask for feedback from residents, special interest groups such as skateboarders and other relevant stakeholders; and
 - d) that further work will be carried to publicise the excellent skateboard parks in Norwich including asking the bus companies to look at whether providing signage and information at the bus station and train station.

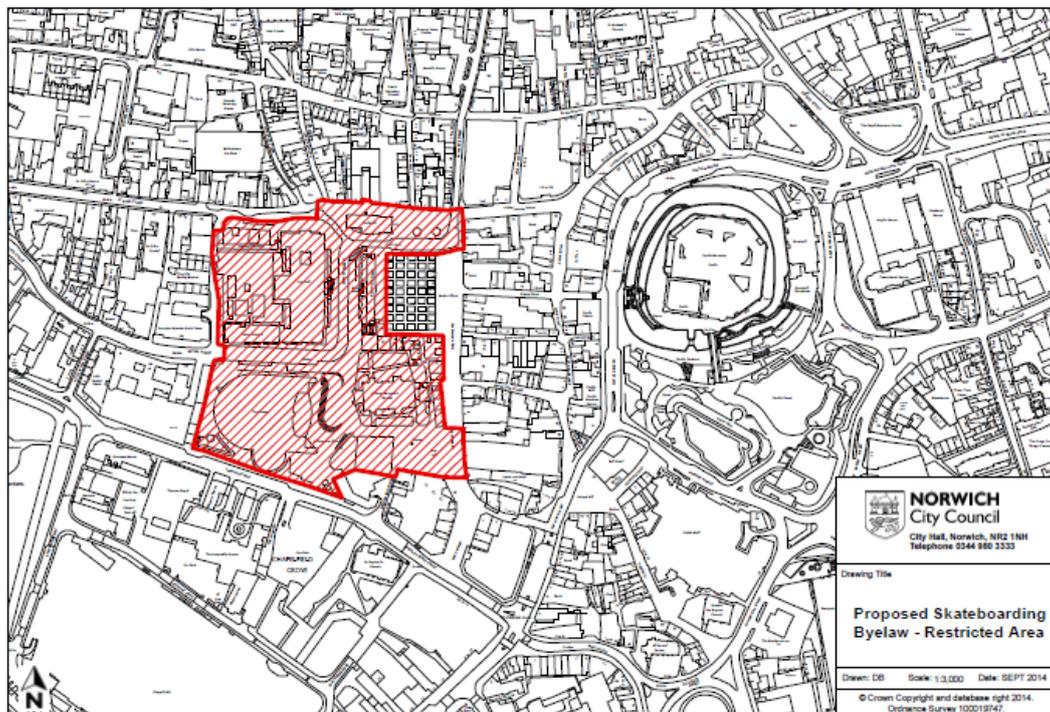


Fig 1

Background to the consultation

3. The group we were most concerned with engaging throughout the consultation was the skateboarders. In fact, their input via cabinet members and officers prior to the consultation helped shape how we framed the consultation.
4. The consultation information was on the council's website in two places, including in premium position on our front page.
5. There have been lots of articles and letters in the press and a general debate on this issue in the media. It has been front page on the Evening News on at least two occasions.

Byelaw consultation responses

6. The consultation ran for six weeks, closing on Friday 17 October. The question posed was as follows:

“Do you think the area in question should be made bigger than outlined in the current proposal?”

Outcome headlines

- 312 responses in total
 - Yes: 6%
 - No: 92%
 - Don't know: 2%
7. In addition to the survey responses listed above, written representations were received from:
 - a) Norfolk Branch Royal Army Medical Corps Association – Support byelaw
 - b) National Service (R.A.F.) Association – Support byelaw
 - c) Royal Signals Association Norfolk Branch – Support byelaw
 - d) Chapelfield Gardens Residents Association – Support byelaw
 - e) Royal Naval Association – Support byelaw
 - f) A member of the public – Support byelaw
 - g) Councillor Carlo – Not support byelaw

Outline conclusions from the consultation

8. The consultation illustrates the strongly opposed views of city centre users, skateboarders, people who live and work in the city and those who visit.

- a. Only 6% of people think it should be made bigger than outlined by cabinet. However, the strong 'voice' against the proposed byelaw comes mainly from skateboarding enthusiasts.
9. Other people are in support of the byelaw and think it should be made wider. It is a difficult balancing act but the council has to consider the needs of all city centre users.

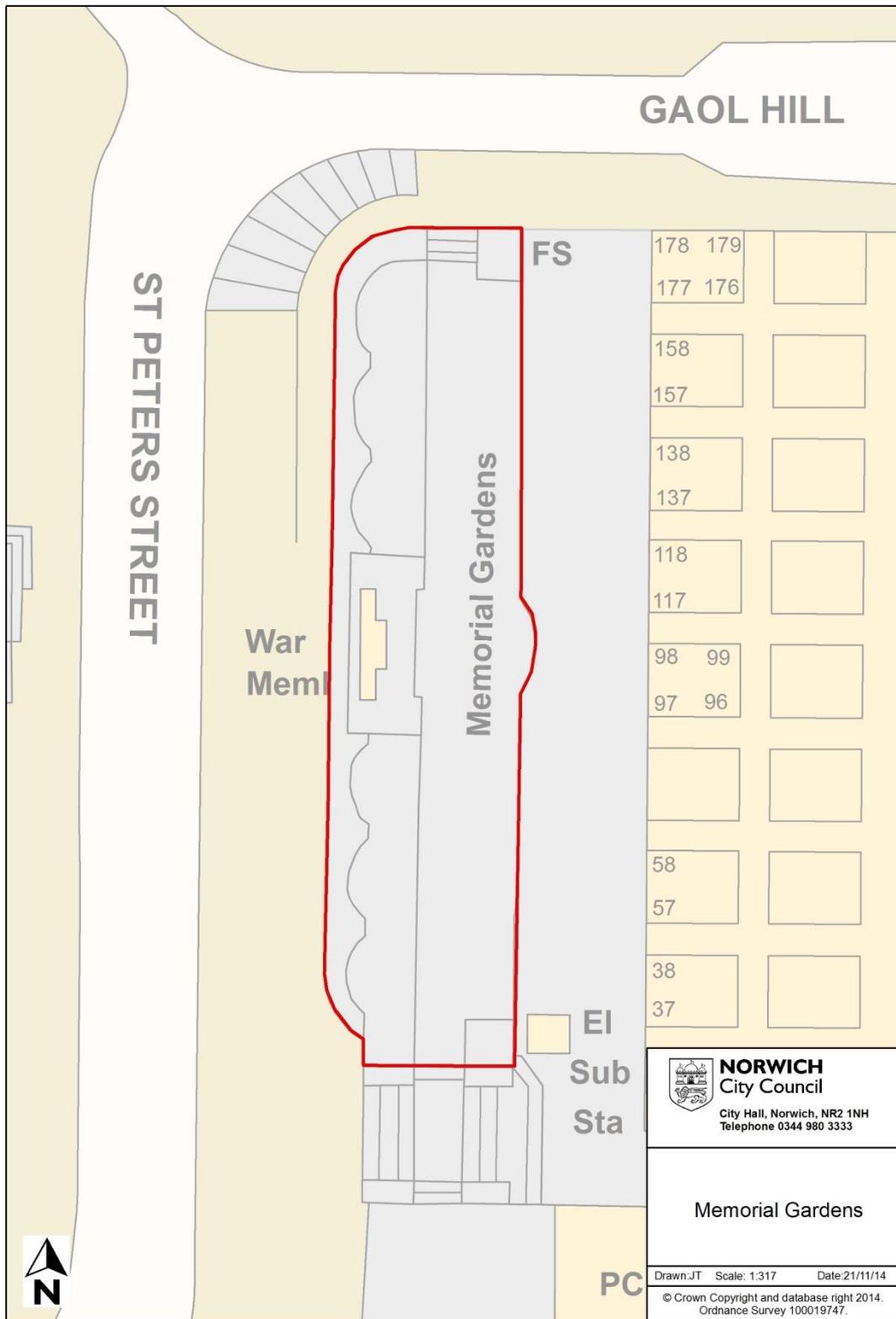
Overall assessment and conclusions

10. Having looked very closely at all the different views expressed, with the aim of trying to find a workable compromise that reflects the full spectrum of opinion, there is clear consensus that the War Memorial (and Memorial Gardens) should be effectively protected to ensure that they are not damaged and remain well maintained into the future for the good of the City and its residents.
11. It is paramount that we protect and engender respect for this important city monument and make sure it is not subject to any further damage. This has been the primary outcome the council has been trying to achieve throughout this process and has been fully supported by the relevant veterans groups and a range of others.
12. Unfortunately, more informal approaches to adequately protect the War Memorial (and Memorial Gardens) from damage have been unsuccessful. It is, therefore, recommended that the council, at this stage, focuses a formal approach on protecting them. The area to be covered is shown in Annex A.
13. Up until now a byelaw has been the most appropriate process to achieve this. However, very recently new legislation has come into force that allows councils to issue a Public Space Protection Order (PSPO), after consultation, to stop individuals committing anti-social behaviour in a public place. This legislation has, unfortunately, taken a few weeks for officers to fully assess and understand its potential application (further information on a PSPO can be found at Annex B)
14. However, we now believe, based on the recent work carried out by officers, that despite the fact it is an untried tool, that this would be a better formal approach for addressing this issue for the following reasons:
 - The process is less bureaucratic as it utilises powers which have recently become available to the council rather than requiring the making of a new byelaw.
 - The ultimate sanction would be a fixed penalty notice (FPN) and not require a court process (although all efforts would be made to ensure that it could be enforced without issuing FPNs).
 - It allows other restrictions to be added to a PSPO which potentially provides wider protection to the monument e.g for example if graffiti was to become a significant problem in the future.
15. At the same time as formally protecting the War Memorial (and Memorial Gardens), it is proposed to ask the skateboarding community and other

interested parties to work with us to make sure that are other areas of the City Centre are not subject to further damage and to promote considerate skateboarding across the city, since it is a shared space, used by so many of us.

16. In doing this, we would ask skateboarding groups and others to work collaboratively with us to design how the engagement process would work and then to work through the different issues to try and find genuinely workable solutions that ensure we all take responsibility for our city, whilst also allowing people to enjoy it in the way in which they want.
17. Ultimately, if these approaches do not prove to be effective as a way forward, the situation will need to be revisited and, potentially, a formal approach in the originally proposed City area reconsidered.

Annex A – Proposed area for PSPO (highlighted in red)



Annex B - Public Spaces Protection Order (PSPO)

Aim:

It is designed to stop individuals or groups committing anti-social behaviour in a public space.

Approach

The behaviour being restricted has to:

- be having or be likely to have a detrimental effect on the quality of life of those in the locality;
- be persistent or continuous in nature; and
- be unreasonable

Restrictions and requirements are set by the council and can be blanket restrictions or requirements, or can be targeted against certain behaviours by certain groups at certain times.

It can be used to restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour.

They can be enforced by a police officer, police community support officers and council officers who could issue a fixed penalty notice for non-compliance with the PSPO of up to £100.

Anyone who lives in or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of its commencement.

More than one restriction can be added to the same PSPO which gives a single PSPO the flexibility to deal with a wider range of behaviours.

Outline of consultation process

- The council has to consult formally with the local police.
- This is through the chief officer of police and the Police and Crime Commissioner, although the details are likely to be agreed through a working arrangement of delegated officers.
- In practice this will allow the police and council to share information about the locality and the problems being caused so a proportionate enforcement response is agreed.
- In addition the owners and occupiers of land in the locality will be consulted as appropriate depending upon the issues and will include the county council.
- The council will consult with the relative community representatives including local groups, individuals and organisations which regularly use the locality.
- Before the PSPO is made the council is required to publish the draft order in accordance with the procedure that is determined by the Secretary of State.

Integrated impact assessment



NORWICH
City Council

Report author to complete

Committee:

Council

Committee date:

25 November 2014

Head of service:

Russell O'keefe

Report subject:

Making of a skateboarding byelaw

Date assessed:

November 2014

2014 Description:

To consider:

- commencing a 12 week consultation process on a Public Space Protection Order to protect the city's War Memorial (and Memorial gardens) from damage caused by skateboarding (and inline skating and scooters)
- and;
- ask the local skateboarding community to work with us to come up with joint solutions to issues caused by skateboarding (and inline skating and scooters), in the city centre area originally proposed, to ensure that it is a space that can be enjoyed by all.

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other departments and services e.g. office facilities, customer contact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ICT services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Economic development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Financial inclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>S17 crime and disorder act 1998</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Will support the management of anti-social behaviour in the City.
Human Rights Act 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Health and well being	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Equality and diversity (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Relations between groups (cohesion)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Eliminating discrimination & harassment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Natural and built environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Waste minimisation & resource use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pollution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Energy and climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Risk management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Recommendations from impact assessment
Positive
Negative
Neutral
Issues