

# Brighton & Hove City Council

## Equalities, Community Safety and Human Rights Committee

## Agenda Item 20

**Subject:** Nelson Row Public Space Protection Order Consultation

**Date of meeting:** 13<sup>th</sup> October 2023

**Report of:** Executive Director Housing, Neighbourhoods and Communities

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**Ward(s) affected:** Queens Park

**For general release**

### **1. Purpose of the report and policy context**

1.1 The purpose of this report is to describe concerns around disorderly and antisocial behaviour taking place at Nelson Row which runs between the Milner and Kingswood housing developments, and to seek consent for a Public Space Protection Order authorising a gating scheme placing access restrictions on Row as a remedy to these concerns. (For site plan see appendix 1)

### **2. Recommendations**

2.1 That the committee approve the draft Nelson Row Public Space Protection Order (See appendix 1)

### **3. Context and background information.**

3.1 Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by imposing conditions on the use of that area and may include highway restrictions to limit access to some areas which may be affected by crime and antisocial behaviour. As Nelson Row has a public highway designation a PSPO would be required to implement access restrictions at this location.

3.2 Councils can make a PSPO after consultation with the police, the Police and Crime Commissioner, and other relevant bodies and communities. The following criteria must be met in relation to the behaviour being restricted.

- be having a detrimental effect on the quality of life of those in the locality;
- be persistent or continuous.
- be unreasonable.
- justifies the restrictions imposed.

- 3.4** There have been longstanding issues of concern around Nelson Row, and in particular its use as a cut through by speeding and aggressive motorcycle riders, as well as gatherings of disorderly groups connected with drug dealing and misuse. Numerous reports have been made by residents which highlight the ongoing and serious nature of these concerns, which include 'near misses' by motorcycles of children on Nelson Row accessing the playground and serious assault of a resident who challenged a motorcycle rider in 2022. A community safety survey carried out by the Community Engagement Team, alongside resident testimony at meetings also point to the prevalence of drug users in and around the bin store close to the location of the proposed gates.
- 3.6** The proposed solution which has been requested by residents is for two gates across Nelson Row: one at its junction with Kingswood Street and the second adjacent to the northern edge of the Milwood Centre. (See site plan in Appendix 1) Both gates may be fully opened to facilitate, essential vehicles and emergency services, but would generally be closed and locked, with the design including unlocked accessible self-closing pedestrian gates to enable easy pedestrian access at all times. This would make it less attractive as a motorcycle cut through as a rider would need to dismount to open and negotiate the pedestrian gate. It would also offer a defining barrier to the estate helping to establish it as a separate and cared for space and reduce its attractiveness to disorderly groups. Signage at the gate would direct delivery services wishing to access the Milner block to the designated vehicle entry via Morley Street. Currently parents are reluctant to let their children independently access the playground because of the open access onto Kingswood St and traffic danger. Providing a gate at this point would also alleviate these concerns and increase access to the playspace.
- 3.7** Approval to proceed with statutory consultation was given by the TECC committee (09/03/23) and this took place over August 2023. No objections were received during the consultation and substantial support was shown by local residents who submitted a petition of 48 signatures including residents, Puffin Nursery staff and the local PCSO's for the area (for petition see appendix 2)

Consultation actions and responses:

|   |   |
|---|---|
| Consultation dates  | July 31st - Aug 31st                              |
|   |   |
| Notices posted on site                                    | 27/07/2023  |
|   |   |
| Notices posted to all properties within the affected area | 27/07/2023  |
| Comments received from residents                          | Petition of 48 signatures received from residents |
|   |   |
| The following notices sent by email 28/07/23              | Comments received                                 |

|  |  |
|--|--|
|  |  |
| Sussex Police & Crime Commissioner                     | None received  |
| Sussex Police  | None received  |
| BHCC Community Safety Manager                          | None received  |
| BHCC Highway Regulation Manager)                       | None received  |
| Cllr Burden (Queens Park ward councillor)              | “Around something like this, I’d always say if there’s demand for it from residents then may it be so. It’s an important step in tackling some of the issues you’ve listed.” |
| Cllr Mistry (Queens Park Ward Councilor)               | None received  |
| BHCC Assistant Director City Environment Management    | None received  |
| Lloyd Russel Moyle MP - Brighton Kemptown & Peacehaven | “I’ve no objection but can we ensure that the fences and gates are not too high so as to make the area feel like a prison and designed to fit in with the area.”             |
| BHCC Head of Safer Communities                         | None received  |
| BHCC Head of Housing Investment and Asset Management   | No objections raised   |
| BHCC Assistant Director Housing Management             | None received  |

3.8 Although Nelson Row forms public highway, it sits wholly within the housing estate grounds. Funding for the gates (should the proposed order be approved) has been agreed via the BHCC Housing Environment Improvement Budget. Ongoing management and required access provision will be undertaken by BHCC Housing Estates Services as a part of the general upkeep of common areas.

PSPOs are subject to a three yearly review, and this work will also be undertaken by the council.

#### **4. Analysis and consideration of alternative options**

The issues of aggressive and speeding motorcycles cutting through the estate at this point are seen as significant and ongoing and something not prevented by current bollard arrangements. Police have undertaken enforcement action, but the impact of this is limited by capacity and is unlikely to offer a long term or sustainable remedy. An unlocked gate which does not significantly impact on legitimate access is likely to have a deterrent effect on motorcycle use and also offer greater protection to children in and around the play area.

#### **5. Community engagement and consultation**

- 5.1 Requests from residents for a gate at this location have been made at community and residents meeting over the past two years and within a recent community safety survey carried out across the estate. Sussex Police are aware of the concerns raised by residents and have been supportive of the provision of a gate. A proposal for a gate at this location has previously been presented to the BHCC Housing Environment Improvement Programme but was unable to be progressed due to the highway status of Nelson Row which the PSPO process seeks to address.

The residents petition which accompanies this report includes 48 signatures from residents, Puffin Nursery staff and parents with children attending Puffin. Of the residents of Milner, the petition was signed by occupants of 20 separate flats from a total of 48, showing a strong level of support for this proposal

## **6. Conclusion**

- 6.1 This report outlines the background to the Nelson Row PSPO request and provides evidence to support the granting of a PSPO for this location which meet legal criteria and which can provide significant respite and protection from the impacts of crime and antisocial behaviour experienced by residents

## **7. Financial implications**

- 7.1 Should the PSPO recommendation be approved, all costs associated with the construction and installation of gates have been agreed for funding by the Housing Revenue Account (Environmental Improvement budget). As a facility wholly within the estate gardens on housing land, any ongoing maintenance costs will be met by the Housing Revenue Account budget. All other costs associated with delivering the recommendations of this report are limited to staffing costs and standard administration costs, which will be met from within existing budget resources

Name of finance officer consulted: Michael Bentley      Date consulted  
19/09/2023

## **8. Legal implications**

A PSPO may be used to restrict the public right of way over a highway in order to prevent anti-social behaviour and may authorise the installation, operation and maintenance of barriers for enforcing the restriction.

Nelson Row does not fall within the category of highway over which the public right of way may not be restricted under Anti Social Behaviour Crime and Policing Act 2014, the Act under which PSPOs are made. The relevant factors relating to the restriction of a right of way have been considered as detailed in this report.

The consultation referred to in this report fulfils the requirements of the ASBCPA. The impact of the restriction has been considered as detailed in this report.

Name of lawyer consulted: Katie Kam      Date consulted (20/09/23):

## **9. Equalities implications**

- 9.1 Because gates are unlocked and accessible to pedestrians at all times, they will have a very limited impact upon access and will include easy open and self-closers to support ease of use by all users. The gate design has included setting the Kingswood Street gate away from the road junction so that those with wheelchairs/buggies will be able to enter and exit safely away from moving vehicles and the steep camber at the roadside. The width of both pedestrian gates will be a minimum of 1.2m which meets accepted accessibility standards for wheelchairs and buggies.
- 9.2 Part of the benefit of the proposal will be to offer a secure boundary between the Nelson Row and Kingswood Street, with a further benefit of the removal of fast-moving motorcycles through the estate. This will encourage parents to allow their children to access the play space with more independence and is likely to increase the conviviality of the estate grounds for informal and child centered play activities, broadening participation from a wider range of children and families.

## **10. Sustainability implications**

- 10.1 Ongoing management and required access provision will be undertaken by BHCC Housing Estates Services as a part of the general upkeep of common areas, meaning that residents will not have a requirement for ongoing management of the facility, however residents will be consulted as a part of the planned reviews and will be able to share any day to day concerns via ongoing and existing engagement processes.

## **11. Crime & disorder implications:**

- 11.1 The purpose of the proposed scheme is to support crime reduction and protection for residents by aiming to reduce antisocial and threatening behavior in and around the estate.

## **12. Public health implications:**

- 12.1 In seeking to address ongoing neighbourhood disorder, this proposal supports the public health and wellbeing of residents by addressing an ongoing threat to their health, wellbeing and safety. This proposal will also increase safe access to outdoor play for children and their families.

## **Supporting Documentation**

### **Appendices**

1. Nelson Row PSPO and Site Plan
2. Resident petition

