

**GATING ORDERS MADE BY NOTTINGHAM CITY COUNCIL TO BE TREATED AS PUBLIC SPACES PROTECTION ORDERS (‘PSPOs’) FROM 20 OCTOBER 2017**

Gating Orders could be used to close access to certain public rights of way which were affected by crime or anti-social behaviour. It is not an offence to fail to comply with a Gating Order.

This document summarises the changes to Gating Orders made by Nottingham City Council which will be treated as PSPOs from 20 October 2017 with ‘necessary modifications’.

**Summary**:

Gating Orders were made under sections 129A-129G of the Highways Act 1980 (“HA”), which are no longer in force. However, under the Anti-social Behaviour, Crime and Policing Act 2014 (‘the 2014 Act’) Gating Orders made by Nottingham City Council, listed as ‘THE NOTTINGHAM GATING ORDERS’ in the table below, remain in force as Gating Orders until 20 October 2017.

Under section 75 of the 2014 Act any Gating Order that is still in force on 20 October 2017 (including THE NOTTINGHAM GATING ORDERS) will remain in force as if the provisions of the Gating Order were provisions of a PSPO with any necessary modifications.

Copies of THE NOTTINGHAM GATING ORDERS can be found on Nottingham City Council’s website [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk)

From 20 October 2017 provisions of the HA will no longer apply to Gating Orders and ‘necessary modifications’ such as the duration of PSPOs (section 60 of the 2014 Act) will apply, in addition breach of a prohibition contained in a Gating Order will be an offence under section 67 of the 2014 Act. The penalty on conviction is a fine not exceeding level 3 (currently £1,000). A fixed penalty noticein the sum of £70, reduced to £35 if paid within 10 days, is also available as an alternative to prosecution.

PSPOs (including THE NOTTINGHAM GATING ORDERS from 20 October 2017) last for a maximum of three years, but can be extended for up to three years if Nottingham City Council is satisfied that the order is still necessary, and can be extended more than once.

THE NOTTINGHAM GATING ORDERS contain provisions regarding the installation, operation and maintenance of barriers, which will apply after 20 October 2017 without modification.

It should be noted that under section 64(9) of the 2014 Act a Highway over which the public right of way is restricted by a PSPO does not cease to be regarded as a Highway by reason of the restriction (or by reason of any barrier authorised under the Order).

**Provisions of THE NOTTINGHAM GATING ORDERS FROM 20 OCTOBER 2017:**

The provisions of THE NOTTINGHAM GATING ORDERS as modified by the 2014 Act are as follows:

The following terms have the following meanings in THE NOTTINGHAM GATING ORDERS as modified:

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| THE NOTTINGHAM GATING ORDERS | * Nottingham City Council (Haswell Road to Courtleet Way Bulwell Nottingham) Gating Order 2007 (GO 5001) * Nottingham City Council (Camomile Gardens, Radford, Nottingham) Gating Order 2008 (GO 5002) * Nottingham City Council (Candle Meadow, Colwick Park, Nottingham) Gating Order 2008 (GO 5003) * Nottingham City Council (Smedley Close, Aspley Nottingham) Gating Order 2008 (GO 5004) * Nottingham City Council (Kilnwood Close, Carlton, Nottingham) Gating Order 2009 (GO 5005) * Nottingham City Council (Neston Drive, Cinderhill, Nottingham) Gating Order 2009 (GO 5006) * Nottingham City Council (Brewsters Road, Mapperley, Nottingham) Gating Order 2010 (GO 5008) * Nottingham City Council (Botany Avenue to Ransom Road, Mapperley, Nottingham) Gating Order 2012 (GO 5009) * Nottingham City Council (Hovenden Gardens, Hyson Green Nottingham) Gating Order 2012 (GO 5010) * Nottingham City Council (Portland Road, Arboretum, Nottingham) Gating Order 2012 (GO 5011) * Nottingham City Council (Holland Street, Arboretum, Nottingham) Gating Order 2014 (GO 5012)   and “relevant GATING ORDER” shall be construed accordingly. |
| PSPO | Public Spaces Protection Order under the 2014 Act. |
| Restricted Area | the land described in Schedule 1 to the relevant GATING ORDER shown by the solid black line or lines on the Order Map. |
| Restricted Times | the times specified in Schedule 2 to the relevant GATING ORDER. |
| the 2014 Act | Anti-social Behaviour, Crime and Policing Act 2014. |

Under section 75(3) of the 2014 Act THE NOTTINGHAM GATING ORDERS remain in force as PSPOs with any necessary modifications from 20 October 2017 and under section 60 of the 2014 Act thereafter remain in effect for three years from 20 October 2017.

**Prohibition:**

FOR THE AVOIDANCE OF DOUBT pursuant to paragraph 2 of the relevant GATING ORDER, save as provided in paragraph 4 of that Order, no person shall proceed on foot, pedal cycle, horse or in vehicle or cause any animal to proceed in the Restricted Area during the Restricted Times.

**Offence:**

Under section 67(1) of the 2014 Act a person who fails without reasonable excuse to do anything that the person is prohibited from doing by a PSPO or fails to comply with a requirement imposed on him by a PSPO in a Restricted Area commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.