

Chichester District Council

CABINET

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Public Spaces Protection Order Consultation Exercise Chichester City

1. Contacts

Report Author:

Nicholas Bennett, Litigation Solicitor

Tel: 07860 786052 E-mail: nbennett@chichester.gov.uk

Laurence Foord, Licensing Manager

Tel: 01243 534742 E-mail: lfoord@chichester.gov.uk

2. Executive Summary

Public Spaces Protection Orders (PSPO's) are intended to provide means of preventing individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature and be unreasonable. An order, if granted, gives additional powers to the Council and Police to issue notices to individuals breaching the PSPO by carrying out specific identified types of nuisance. The initial view, based on primary discussion with partner agencies, is that any PSPO consultation should be focussed on the city centre and relate to drinking in public areas and concerns about illegal street trading.

3. Recommendations

- 3.1 That Cabinet authorise the Head of Housing and Environment to carry out a consultation exercise relating to the potential behaviours to be included in, and geographical area of, a potential Public Spaces Protection Order.**
- 3.2 That Cabinet approve the attached draft Public Spaces Protection Order and map (Appendices A & D) for the purposes of that consultation.**

4. Background

- 4.1. The Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act') gained Royal Assent in April 2014. The Public Spaces Protection Order provision has been in operation since 20th October 2014. The Act is designed to put victims at the heart of the response to anti-social behaviour, and give professionals the flexibility they need to deal with any given situation.
- 4.2. PSPOs may be used to replace or update existing public space restrictions such as alcohol Designated Public Place Orders and Dog Control Orders. The proposed

PSPO could cover the area of the existing alcohol Designated Public Place Order and a plan of that area is included in Appendix A.

- 4.3. The power to make an Order rests with local authorities, in consultation with the police and other relevant bodies that may be affected and once made can be in force for any period up to a maximum of three years.
- 4.4. A local authority can make a PSPO in respect of any public space within its administrative boundary. The definition of public space is wide and includes 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.
- 4.5. Appeals against a PSPO can be made in the High Court within six weeks of issue by anyone who lives in, or regularly works in or visits the area. Further appeal can be made if a PSPO is varied by a local authority.
- 4.6. The restrictions and requirements included in a PSPO may be wide ranging or targeted on specific behaviours by particular groups and/or at specified times. It must be based on the evidence of that behaviour.
- 4.7. Orders can be enforced by a Police officer, a Police community support officer where authorised by the Police Authority, designated Council officers and authorised employees of other delegated organisations. The Council's Anti-Social Behaviour (ASB) Policy describes the Council's approach to enforcement and states that all cases will be addressed firmly, fairly and proportionately. The policy goes on to say that we will always seek to resolve cases at the lowest level of intervention, taking formal action when the ASB is serious or persistent or when it threatens people's safety or health.
- 4.8. The Council's ASB Policy and delegated powers for enforcement were approved by Cabinet at their meeting of 4 December 2014.
- 4.9. A breach of the PSPO can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a Level 3 fine of up to £1,000 on prosecution. In establishing a PSPO, appropriate signage must be displayed in accordance with the requirements of the Act.

5 Outcomes to be achieved

- 5.1 That an exercise to gather the evidence and seek views on a PSPO is undertaken in order that a further report on a PSPO – including its area, and what behaviours should be included – is brought back to Cabinet.

6 Proposal

- 6.1 That the Council carries out a consultation exercise to establish whether behaviour meeting the statutory tests is evidenced within the proposed area, the views of statutory consultees, the public and partner agencies and whether the use of an order appears to be justified on that evidence. The proposed nuisances to be included in the order are that of drinking in public places and illegal street trading. To further consider what area within the city centre should be covered by any

PSPO.

7 Alternatives that have been considered

- 7.1 The Council is not required to consider a PSPO and may determine there is no need for a PSPO, but PSPOs are a relatively new tool which might assist the Council and other agencies to target nuisance behaviours. National guidance indicates that a PSPO is intended as a timely and effective tool which may be useful where other tools or remedies are slow or otherwise inadequate.

8 Resource and legal implications

- 8.1 Staff time will be required to undertake the consultation.
- 8.2 There are legal requirements in consulting on an order, the statute and guidance also set out in detail the further requirements if an order is to be made. This will be covered in the future report as to the making of an order which will also set out the consultation and evidence base. Further information about the legal framework is included at Appendix B.

9 Consultation

- 9.1 The Council's Legal Team has discussed the policy with Licensing Officers and reviewed the experiences of other councils which already have consulted on PSPOs.
- 9.2 Representations received from partner agencies to an initial consultation are attached to this report at Appendix C. Representations from some partner agency representatives have commented as to the potential to consider applying a PSPO across a larger area than that shown on Appendix A.
- 9.3 This report requests that a public consultation exercise is undertaken based on the draft PSPO at Appendix D.

10 Community impact and corporate risks

- 10.1 The Council's ASB Policy enables the Council to deal with nuisance in the District. It enables the Council to achieve its corporate objectives in situations where partnership working or discussion are not available or have been unsuccessful.
- 10.2 If a PSPO is considered by members to be appropriate then it would need to be based on evidence. Failure to gather and consider that evidence would place the Council at legal, financial and reputational risk.
- 10.3 A further risk of proceeding to a PSPO without an evidence gathering exercise is that the Council would not meet the required statutory consultation process.
- 10.4 The primary operational risk is the likely risk of nuisance behaviours being dealt with less effectively by the Council, and that operational activities are therefore hampered by out of date practices. These issues may lead to reducing this Council's effectiveness as an enforcing authority.

11 Other Implications

	Yes	No
Crime & Disorder: If supported a PSPO will directly address aspects of antisocial behaviour.	x	
Climate Change:		X
Human Rights and Equality Impact: See Appendix C	x	
Safeguarding:		X
Other (Please specify): e.g. Biodiversity		X

12 Appendices

Appendix A - Map of existing drinking control area (DPPO)

Appendix B - Legal framework including human rights & equalities

Appendix C - Summary of the initial submissions received from partner agencies

Appendix D - Draft Public Spaces Protection Order for consultation purposes

13 Background Papers

13.1 None