

Chichester District Council

CABINET

12 July 2016

Public Spaces Protection Order Chichester City Centre

1. Contacts

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2. Executive Summary

<p>To provide the Cabinet with an overview of the consultation responses in respect of a potential Public Spaces Protection Order (PSPO) and subject to the consideration of the responses to approve the making of a PSPO.</p>

3. Recommendation

- 3.1 That a Public Spaces Protection Order be made relating to the behaviours and geographical area set out in appendices 2 and 3.**
- 3.2 That the current delegation to the Head of Housing and Environment Services and the Head of Community Services be amended to authorise the use of all enforcement powers included in the Anti-Social Behaviour, Crime and Policing Act 2014, including the use of Community Protection Notices and Fixed Penalty Notices for breaches of a Public Spaces Protection Order.**

4. Background

- 4.1. The legal and procedural background was set out in the previous report dated 12 April 2016.
- 4.2. Members will recall that PSPOs may be used to replace or update existing public space restrictions such as alcohol Designated Public Place Orders and Dog Control Orders and that 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.

- 4.3. 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.
- 4.4. 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 and an analysis of the consultation which is attached at Appendix 1.

5 Outcomes to be achieved

- 5.1 That members consider the consultation evidence and decide which behaviours they consider to require control by way of a PSPO, including its geographical area, so that the public benefit from a safe, protected environment, free of nuisance behaviour.

6 Proposal

- 6.1 That a PSPO be approved to control street drinking and illegal street trading as set out in the draft PSPO attached at Appendix 2. That members confirm the area within the city centre shown at Appendix 3 should be covered by that PSPO.

7 Alternatives that have been considered

- 7.1 The Council is not required to consider a PSPO and may determine in light of the consultation responses that there is no need for a PSPO to control street drinking or illegal street trading.
- 7.2 The Council could rely upon the existing Designated Public Place Order ('DPPO'). However that order ceases in October 2016 and further control is considered necessary by officers and Police following verbal consultation.
- 7.3 Members will note representations as to potentially widening the area of any PSPO with the greatest support for addition relating to Chichester College. However, the playing fields are subject to alternative statutory powers of control due to their ownership by a College.

8 Resource and legal implications

- 8.1 The legal framework was included at Appendix 2 of the Cabinet report dated 12 April 2016 and the position has not changed since that report.
- 8.2 Enforcement of a PSPO would primarily be a matter for the Council in accordance with the current Anti-Social Behaviour Policy and related policies.

9 Consultation

- 9.1 In conjunction with the Council's Corporate Information Team a full public consultation was carried out between 13 April and 24 May 2016. In addition Licensing and Legal Officers met with representatives of Police, Chichester City Council, WSCC and CDC's Community Safety colleagues to discuss agency views.
- 9.2 Attached at Appendix 1 is a detailed analysis of the consultation responses provided by the Council's Corporate Information Team.

10 Community impact and corporate risks

- 10.1 The Council's Anti-Social Behaviour 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 The law gives the Council powers to deal with nuisance behaviour adversely affecting the community. The primary operational risk of not having a PSPO is that operational activities might be hampered if the Council is unable to utilise PSPO related powers. The consultation gives a breakdown of public views on whether the behaviours which the draft PSPO covered should be seen by the Council as being so serious as to require those additional powers. The risk of proceeding with powers which are beyond those which the public considers are required are that those powers are seen to be unfair or unreasonable to the detriment of the reputation and effectiveness of the Council.

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 4	x	
Safeguarding:		X
Other (Please specify): e.g. Biodiversity		X

12 Appendices

- Appendix 1 – Public Consultation Analysis Report
Appendix 2 – Proposed Public Spaces Protection Order
Appendix 3 – Proposed geographical area of Public Spaces Protection Order
Appendix 4 – Human Rights & Equalities Assessment

13 Background Papers

- 13.1 None