



Council

Thursday, 1 December 2022

Renewal of Public Space Protection Order (General ASB)

Report of the Director – Neighbourhoods

Cabinet Portfolio Holder for Environment and Safety, Councillor R Inglis

1. Purpose of report

This report seeks approval to amend and renew the Council's Public Space Protection Order (General ASB).

2. Recommendation

It is RECOMMENDED that the amended Public Space Protection Order (General ASB) as set out in Appendix 1 be approved and to take effect from 2 December 2022.

3. Reasons for Recommendation

- 3.1. The Council initially approved a Public Space Protection Order (PSPO) on 2 February 2017, which controlled the activities of street drinking and outdoor sleeping in key areas of West Bridgford, Edwalton and Gamston. It is a requirement of the enabling legislation, namely the Anti-Social Behaviour Crime and Policing Act 2014, that the Order be reviewed before the expiry of three years. Accordingly, the PSPO was renewed on 5 December 2019, without change. It is proposed that this revised PSPO will take effect immediately on 2 December 2022.
- 3.2. Owing to changes in the law and the latest crime trends it is considered necessary to slightly amend the existing PSPO by renewing the Order for restrictions on street drinking and removing the existing prohibition on outdoor sleeping but to include certain additional restrictions and prohibitions as specified in Paragraph 4.3 of this report. In addition, the renewal seeks to include two additional geographical areas to be covered by the Order, namely Lyme Park Pond and Broadstone Close Pond.

4. Supporting Information

- 4.1. The Anti-Social Behaviour, Crime and Policing Act 2014 provides powers for local authorities to introduce measures to address anti-social behaviour in public places. PSPOs are flexible enforcement tools which apply to a broad range of issues and are designed to control individuals or groups from

committing anti-social behaviour in a public space. To utilise the powers the Council must be satisfied on reasonable grounds that activities carried out in a public space will have or are likely to have:

- A detrimental effect on the quality of life of those in the locality.
- Are persistent or continuing in nature.
- Are unreasonable.
- And justify the restrictions imposed.

4.2. Since 1 April 2020, there have been 35 incidents reported to the police in respect of anti-social behaviour in the areas covered by the proposed PSPO. These are detailed in Appendix 3. The Police also authorised nine dispersal orders in this period, mostly in relation to begging and street drinking in West Bridgford town centre.

4.3. It is proposed to remove the prohibition of outdoor sleeping, owing to the changes in the legal landscape specifically the repealing of the Vagrancy Act. That said there are still certain anti-social behaviours which the proposed PSPO will seek to control. Specifically, these are as follows:

- Refusal to cease drinking alcohol in a designated area.
- Refusal to remove any items left or believed to be left on land when required to do so by an authorised officer.
- Refusal to leave the location specified when given a direction to do so by an authorised officer.
- Begging.
- Spitting, urinating, or defecating on land or street furniture.

4.4. Appendix 4 provides the full list of designated areas to which the PSPO will apply, including the two new sites at namely Lyme Park Pond and Broadstone Close Pond in Compton Acres.

4.5. Failure to abide by the Order may result in the issue of a fixed penalty of £100 with an early repayment reduction to £75, which if not paid in 14 days may result in prosecution (maximum fine £1000 for most offences). It should be noted that revised statutory guidance was issued in 2018 which specifically states that:

“PSPOs are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community’s quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure that the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour”.

4.6. The Council undertook a consultation exercise from 20 September to 27 October 2022, which resulted in 60 responses. A summary of the responses can be found in Appendix 2 but in essence the findings were overwhelmingly supportive of the renewal of the PSPO as proposed.

4.7. In terms of key stakeholders, it is important to note that the local Rushcliffe Police Inspector, is strongly supportive of the proposal and this position has been endorsed by the Office of the Police and Crime Commissioner.

Enforcement

- 4.8. There have been no fixed penalty notices issued since the original PSPO was brought into force in 2017. However, the presence of a PSPO has been considered as a useful deterrent to anti-social behaviours during this time, most notably during the pandemic within and around Bridgford Park.
- 4.9. In line with the Council's corporate policies enforcement of the proposed and amended PSPO will be intelligence-led and proportionate and only undertaken as a last resort.
- 4.10. The Police and duly delegated officers of the Council will be authorised to issue fixed penalty notices should the need arise.

5. Alternative options considered and reasons for rejection

The Council could decide not to renew the PSPO thereby reducing the tools available to both the Council and the Police in tackling anti-social behaviour.

6. Risks and Uncertainties

The risk of proceeding with powers, which are beyond those which the public and key stakeholders consider are required, is that those powers are seen to be unfair or unreasonable, which could be to the detriment of the reputation and effectiveness of the Council.

7. Implications

7.1. Financial Implications

Implementation costs will be negligible and will be contained within existing budgets.

7.2. Legal Implications

This report supports the use of statutory powers to deal with anti-social behaviour. If approved, the order will need to be reviewed every three years and a duty to consult thereafter where an extension is proposed.

7.3. Equalities Implications

An Equalities Impact Assessment has been undertaken, which identified no major or adverse impact.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

The implications of the Crime and Disorder Act have been considered.

8. Link to Corporate Priorities

Quality of Life	Ensuring that appropriate controls are in place to control anti-social behaviour in the prescribed areas will have a beneficial impact on local residents and visitors quality of life.
Efficient Services	The recommendation in this report does not impact on or contribute to the Council's Efficient Services priority.
Sustainable Growth	The recommendation in this report does not impact on or contribute to the Council's Sustainable Growth priority.
The Environment	Tackling the behaviours that the PSPO will seek to control will have a positive impact on levels of public realm cleanliness

9. Recommendation

It is RECOMMENDED that the amended Public Space Protection Order (General ASB) as set out in Appendix 1 be approved and to take effect on 2 December 2022.

For more information contact:	Geoff Carpenter Service Manager - Neighbourhoods 0115 9148229 gcarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	
List of appendices:	Appendix 1 – Draft PSPO Order 2022 Appendix 2 – Summary of consultation responses Appendix 3 – Summary of ASB incidents Appendix 4 – Draft schedules to the Order