

REPORT TO: Executive Board
DATE: 26 March 2015
REPORTING OFFICER: Strategic Director - Communities
PORTFOLIO: Community Safety
SUBJECT: Public Spaces Protection Orders
WARD(S): Borough-wide

1. PURPOSE OF REPORT

1.1 The purpose of the report is to advise Members of powers available under Part 4, Chapter 2 of the Anti-social Behaviour Crime and Policing Act 2014 and to seek Members' approval to utilise those powers.

2. RECOMMENDED: That

- 1) Executive Board approve the report;**
- 2) Pending the review of the Council's Constitution, the Strategic Director – Communities, in consultation with the Portfolio Holder – Community Safety, be authorised to exercise the functions of the Council under Part 4 Chapter 2 (Public Spaces Protection Orders) of the Anti-Social Behaviour Crime and Policing Act 2014, and**
- 3) Delegated authority be given to the Strategic Director – Communities, in consultation with the Portfolio Holder – Community Safety, to set penalty levels and discounts for early payment relating to Fixed Penalty Notices issued for breaches of Public Spaces Protection Orders.**

3. BACKGROUND

- 3.1 At their meeting of 20th November 2014, Executive Board received a report outlining new tools and powers that had been created to tackle anti-social behaviour (ASB) by the Anti-social Behaviour, Crime and Policing Act 2014. Much of what is often described as ASB, such as vandalism, graffiti or harassment, is actually crime. Even incidents that appear minor in isolation can have a devastating cumulative impact when part of a persistent pattern of behaviour and often affect the most vulnerable members of our community.
- 3.2 Members of the local community have a right to live in a safe, secure and welcoming environment and not be a victim ASB in their own neighbourhood. Environmental ASB and nuisance are perceived to be a problem by members of the public. The most recent Halton Residents' Survey revealed that teenagers hanging around the streets

and rubbish or litter lying around were the biggest problems of ASB. Vandalism, graffiti and people being drunk or rowdy in public spaces were also problems to residents. When asked, 39% of people felt unsafe in their local area after dark with just under half stating that they had confidence in the police in their area. The level of crime and clean streets were ranked as the first and third most important factors in making somewhere a good place to live and in most need of improving.

- 3.3 Reducing incidents of ASB and responding quickly and effectively to any that occur is essential to helping reduce residents' fear of crime and improving satisfaction with their local neighbourhood. Part 4, chapter 2 of the Anti-social Behaviour, Crime and Policing Act 2014 enables Councils to make Public Spaces Protection Orders (PSPOs), which provide a flexible power to put in place local restrictions to address a range of ASB issues in public places, and prevent future problems.
- 3.4 The relevant delegations need to be put in place to enable the functions of the Council under the Anti-Social Behaviour Crime and Policing Act 2014 to be exercised and this will be addressed through the updating of the Council's Constitution. However, officers wish to utilise the new powers relating to PSPOs to tackle ASB in advance of the updating of the Council's Constitution and are requesting that Members approve that delegated authority be given to do so. Further details on PSPOs and how the Council would use them are detailed below.

4. PUBLIC SPACES PROTECTION ORDERS (PSPOs)

- 4.1 PSPOs are intended to deal with a particular nuisance or problem in a specific 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 the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- 4.2 The Public Spaces Protection Order replaces 'Designated Public Places Orders', 'Gating Orders' and 'Dog Control Orders'. The PSPO is different from previous Orders as more than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a wider range of behaviours. These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times, providing flexibility to the enforcing agencies. Orders will last up to three years before requiring a review however there is no limit on the number of times an order can be reviewed and renewed.
- 4.3 Only local authorities can issue PSPOs, but once in place orders can be enforced by police officers, police community support officers and council officers. Breach of an order is a criminal offence and Enforcement Officers can issue fixed penalty notices of up to £100. A

successful prosecution following breach of an order could lead to a fine up to level 3 on the standard scale (currently set at £1,000).

- 4.4 The council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, as of right or by virtue of express or implied permission, for example a shopping centre.
- 4.5 Before issuing a PSPO, the Council must consult with the Police Chief Officer, the Police and Crime Commissioner and any representatives of the local community they consider appropriate. The test for issuing the order will be that the local authority reasonably believes that the behaviour is detrimental to the local community's quality of life, and that the impact merits restrictions being put in place. The behaviour must also be ongoing or persistent (or there must be a reasonable belief that future behaviour will be ongoing or persistent).
- 4.6 A PSPO must clearly state what behaviour it is seeking to prevent, what the prohibitions or requirements are in the specified area (which the local authority reasonably believes will remedy the problem), the specified area itself and the consequences of not complying. The order must be in writing and must be published. Reasonable signage should be put up in the areas affected. The order could last for up to three years and could be renewed before the three year time period expired.

5.0 PSPOs IN HALTON

- 5.1 Council Officers have been working closely with Officers from the Community Safety Team to draw up the procedure for the issuing of PSPOs in Halton. The process to be followed for making each PSPO would be as follows;
 - i) Identify an area where ASB is having a detrimental effect on the quality of life for those living, working or socialising in an area.
 - ii) Determine if;
 - a. the behaviour is persistent and ongoing (or is likely to be)
 - b. the behaviour is unreasonable, and
 - c. the issuing of a PSPO is justified
 - iii) Carry out statutory consultation with;
 - Police and Crime Commissioner
 - Police Chief Officer (Local Inspector)
 - Parish or Town Councils
 - Highways Authority
 - iv) Consult with local ward Councillors and other appropriate organisations such as RSL's and businesses in the area.

- v) Consult with local residents
- vi) Obtain authority to make the order and issue

5.2 A series of document templates have also been drawn up by officers which will be used in the PSPO process and, for Members' information, appended to this reports are;

- Public Spaces Protection Order Decision Notice (Appendix 1). This Notice would be drawn up and signed by the authorising officer prior to each PSPO being made.
- Draft example of a public consultation letter and proposed PSPO Notice (Appendix 2)

5.3 Making use of PSPOs will enhance the Council's and the Police's ability to prevent, reduce and more swiftly to tackle incidents of ASB; thereby improving the safety and attractiveness of local neighbourhoods. This in turn will lead to residents feeling less vulnerable to ASB and improve their satisfaction with where they live. Whilst the updating of the Council's Constitution will present the opportunity for relevant delegations to be put in place to enable the issuing of PSPOs, given the positive impact that they could have, officers are requesting that Members approve that delegated authority be given to the Strategic Director – Communities to exercise the functions of the Council under Part 4 Chapter 2 (Public Spaces Protection Orders) of the Anti-Social Behaviour Crime and Policing Act 2014 pending the review of the Council's Constitution.

5.4 Should Members approve the delegation as set out in paragraph 5.3, Halton will become the first Authority in Cheshire to utilise PSPOs to tackle ASB in the manner as set out in this report.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 There are additional financial or other resource implications as a result of this report.

7.0. POLICY IMPLICATIONS

7.1 The issuing of PSPOs to deal with ASB would represent the introduction of a new policy for the Council.

8.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

8.1 Children and Young People in Halton

None identified.

8.2 **Employment, Learning and Skills in Halton**

None identified

8.3 **A Healthy Halton**

By enhancing its ability to deter and prevent ASB, the Council will be making a positive contribution towards improving the safety and the appearance of the local environment, which shall in turn have an overall beneficial effect on health and wellbeing.

8.4 **A Safer Halton**

Effective use of its regulatory powers will demonstrate that the Council is committed to dealing with ASB. The Council's efforts to improve environmental standards and reduce environmental crime will have a positive impact upon the Safer Halton Priority, and contribute towards the 'Cleaner, Greener, Safer' agenda.

8.5 **Halton's Urban Renewal**

No direct impact, but improving the safety and attractiveness of local neighbourhoods should make the borough a more attractive location for investment.

9.0 **RISK ANALYSIS**

If the Council and its partners fail to put in place measures to effectively tackle ASB, the risks of harm to the public and damage to the local environment would be significantly increased.

Furthermore, failure to make best use of legislative powers available to deal with ASB to improve the local environment may lead to criticism of the Council, thereby damaging its reputation

10.0 **EQUALITY AND DIVERSITY ISSUES**

10.1 The Council aims to be consistent and evenhanded in all regards. Taking enforcement action to deal with environmental crime is not intended to have either a positive or negative impact upon equality and diversity or apply differently to any particular group.

11.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

Document	Place of Inspection	Contact Officer
Executive Board Report: "Anti-Social Behaviour across Housing Tenures" 20 th November 2014.	Municipal Building Widnes	Strategic Director Communities