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| <b>Report To:</b>             | <b>CABINET</b>  | <b>DATE:</b> | <b>8<sup>th</sup> November 2022</b> |
| <b>Heading:</b>               | <b>PUBLIC SPACES PROTECTION ORDER 2023 (PSPO)</b>   |              |                                     |
| <b>Executive Lead Member:</b> | <b>CLLR HELEN-ANN SMITH, DEPUTY LEADER AND EXECUTIVE LEAD MEMBER FOR COMMUNITY SAFETY AND CRIME REDUCTION</b> |              |                                     |
| <b>Ward/s:</b>                | <b>ALL</b>  |              |                                     |
| <b>Key Decision:</b>          | <b>YES</b>  |              |                                     |
| <b>Subject to Call-In:</b>    | <b>YES</b>  |              |                                     |

### **Purpose of Report**

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced Public Spaces Protection Orders (PSPOs) to allow Council's to regulate activities in particular public spaces that have a detrimental effect on the local community.

PSPOs are intended to deal with a particular nuisance or problem in a specific locality that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. This report seeks Cabinet authorisation to consult on making a new Public Spaces Protection Order relating to Restricting Access to specified areas of land in accordance with the Anti-social Behaviour, Crime and Policing Act 2014. This new PSPO will be in addition to the PSPO which the Council already has in place until September 2024 which deals with the following issues: Alcohol consumption in a designated area; Urinating/defecating; Dog fouling; Failing to produce device or other means or removing dog faeces on demand; Dog exclusion in specified areas; Dogs on lead in specified areas; Dogs on lead by direction; Dogs specified maximum amount; Direction to move on for a person behaving in an anti-social manner; Junction 27 M1 Car Cruising; and Restricted access highway - Strip of land between Bentinck and Welbeck Street, Sutton-In-Ashfield.

### **Recommendation(s)**

- To carry out the necessary consultation, publicity and notification for a new proposed Public Spaces Protection Order 2023 to include prohibitions which restrict the public right of way over specified areas of the highway in respect to the following locations:
  1. Between Spruce Grove and Beacon Drive, Kirkby-in-Ashfield,
  2. Between Bentinck Street and Bramley Court, Sutton-in-Ashfield
  3. Between Downing Street and North Street (Service Road – Rear of Outram St, Sutton-In-Ashfield)
  4. Rear of 34-37 Rockwood Walk, Hucknall

5. Adjacent 40 Rosewood Drive, Kirkby-in-Ashfield
6. Between Spruce Grove and Poplar Avenue, Kirkby-in-Ashfield
7. Between Welbeck Street and Portland Close, Sutton-in-Ashfield
8. Between Bramley Court and Sutton Lawn, Sutton-In-Ashfield

### **Reasons for Recommendation(s)**

To proactively address concentrated anti-social behaviour and criminal behaviour across the affected areas by restricting access to members of the public through the implementation of a Public Spaces Protection Order.

### **Alternative Options Considered**

That Cabinet does not approve the necessary consultation and notification of the proposed PSPO. This would mean that officers would be disproportionately focusing resources in these areas and responding to incidents that could have been prevented by initiating the proposals outlined in this document.

### **Context/Background**

General views have been sought from interested parties, including residents and agencies/organisations likely to have been impacted by the antisocial behaviour in the areas in question which are overwhelmingly in support of the proposals. It was reported that there are various issues of anti-social behaviour within the proposed restricted access areas which is having a direct detrimental impact on the local community and those who reside in, work and visit these areas. An initial review of crime statistics correlates with resident feedback of key reported themes of:

- General Anti-Social Behaviour
- Littering and Fly Tipping
- Off Road Motorbikes / Nuisance Vehicles
- Large groups congregating
- Feelings of being unsafe

It is proposed to restrict access to the areas of land within these localities, (the Restricted Areas) in order to minimise incidents within these localities (refer to Maps found within the draft PSPO accompanying this report). As part of this process, it is intended that gates will be erected/installed, and they will be locked permanently, and keys retained by Ashfield District Council, Nottinghamshire Police and Fire and Rescue Service. Keys will be issued to members of the public who require access and they would be required to lock the gates after use.

The proposed timeline for the order is as follows:

1. 1<sup>st</sup> Report PSPO Consultation – Cabinet - **8<sup>th</sup> November 2022**
2. Public Consultation/Statutory Consultees – **9<sup>th</sup> November 2022 – 14<sup>th</sup> December 2022**
3. 2<sup>nd</sup> report PSPO Consultation Responses - Cabinet - **24<sup>th</sup> January 2023**
4. If recommended by Cabinet, ratification of PSPO (Full Council) - **27<sup>th</sup> January 2023**

The proposed PSPO will remain in place for a period of three years at which time it may be subject to renewal if deemed necessary to prevent recurrence of the activities, or to prevent an increase in the frequency or seriousness of those activities.

## **Public Consultation, Publicity and Notification**

In accordance with statutory guidelines and detailed in Section 72, Anti-Social Behaviour, Crime and Policing Act 2014 the Council must undertake public consultation. This will include: Chief of Police, appropriate community representatives, local residents, owners or occupiers of the land, the Parish Council and the County Council. It is therefore intended that:

- Formal Public Notices will be placed in Chad/Dispatch
- Letters will be sent to Partners/statutory consultees
- Letters to be sent to interested parties identified
- Letters to be sent to all elected Members at district and county level for Ashfield.
- Copies will be placed on the Council's internet site
- Awareness raised through the Council's social media
- Copies of the Orders will be made available in reception
- Awareness raised through screens in reception
- Surveys undertaken in the affected areas

As part of the process, the Council will also consider the likely effect of making the Order on the occupiers of adjoining or adjacent premises and on other persons in the locality, therefore formal surveys in the affected areas will be undertaken as part of the consultation process. If the highway constitutes a through route, the Council will consider the availability of a reasonably convenient alternative route. The Council will inform affected parties how they can obtain a copy of the proposed Order, notify them of the consultation period within which they can make representations and consider any representations they make. If appropriate the Council will consult any other local authority if the highway is also within their area.

The Council will publish the text of the proposed Order and will notify other authorities including notification to Parish Councils and the County Council.

It must be clearly highlighted that the consultation is not seeking views on whether to incorporate any additional ASB or nuisance issues into this PSPO. The consultation is seeking to ensure there are no material objections or representations with the proposals before a final decision on the enactment of the PSPO as it stands is made by Full Council.

## **Cost of proposals**

The Capital cost implications of the work are set out below and are to be funded through external funding contributions. There are potential future maintenance considerations which will need to be provided for from existing maintenance budgets. Associated costs are intended for the consultation process and purchase of gates, signage, and general maintenance for year one.

Costs have been established for these works as detailed below:

- Between Spruce Grove and Beacon Drive, Kirkby-in-Ashfield, - £7,000 (Safer Streets Funding)
- Between Bentinck Street and Bramley Court, Sutton-in-Ashfield - £15,000 (UK Shared Prosperity Fund (UKSPF) – Subject to Discover Ashfield Board approval)
- Between Downing Street and North Street (Service Road – Rear of Outram St, Sutton-in-Ashfield) - £8,000 (UKSPF – subject to Discover Ashfield Board approval)
- Rear of 34-37 Rockwood Walk, Hucknall - £5,000 (Police and Crime Commissioner funding)

- Adjacent 40 Rosewood Drive, Kirkby-in-Ashfield - £10,000 (Safer Streets Funding)
- Between Spruce Grove and Poplar Avenue, Kirkby-in-Ashfield- £8,000 (Safer Streets Funding)
- Between Welbeck Street and Portland Close, Sutton-in-Ashfield- £5,000 (UKSPF – subject to Discover Ashfield Board approval).
- Between Bramley Court and Sutton Lawn, Sutton-In-Ashfield - £10,000 (General Fund Capital Receipts)

**TOTAL - £68,000**

**Implications**

**Corporate Plan:**

The PSPO will help support the place enhancement and safer and stronger priorities within the Council’s Corporate Plan and commitments under the Environmental Charter in order to improve the quality of life for residents within Ashfield. These restricting access measures under the proposed PSPO will assist in enabling an effective response to tackling anti-social behaviour and enviro-crime across these localities.

**Legal:**

Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) provides the authority with the power to make a PSPO if satisfied on reasonable grounds that two conditions are met. Section 60 of the Act provides that a PSPO shall not have effect for longer than 3 years unless extended under this section. Section 61 provides a power to vary a PSPO by increasing or reducing the restricted area; or by altering or removing a prohibition or requirement included in the Order, or adding a new one.

Section 72 details the requirements for convention rights, consultation, publicity, and notification. The authority must have taken into account articles 10 and 11 of the Convention, carried out the necessary consultation, publicity and notification before making, extending, varying or discharging a PSPO. [RLD 13/10/2022].

**Finance:**

The funding of the costs to be incurred in relation to the PSPO, if approved, are set out above. [PH 25/10/2022].

| <b>Budget Area</b>                          | <b>Implication</b>   |
|---|--|
| General Fund – Revenue Budget               | Not applicable   |
| General Fund – Capital Programme            | £68,000 works to be funded from the funding sources as set out above, where applicable, subject to Discover Ashfield Board approval. |
| Housing Revenue Account – Revenue Budget    | Not applicable   |
| Housing Revenue Account – Capital Programme | Not applicable   |

**Risk:**

| <b>Risk</b>  | <b>Mitigation</b>   |
|--|---|
| If we do not restrict access to members of the public in these localities, there is a strong possibility that crime and anti-social behaviour will continue and potentially escalate which would continue to impact on the local community.    | Targeted patrols and enforcement can take place in the locality areas to help minimise issues but this is unlikely to be a sustainable option in the longer term.   |
| Given the positive feedback received from the initial scoping exercise from members of the public about the proposed suggestions, there is a risk that we may be seen to be disengaged from the needs of the community if action is not taken. | Continued community surgeries and cohesion days will help understand local and changing need in the target areas to help address localised problems. This will support agencies devise resident participation schemes and similar mechanisms in order to involve the community in enhancing the local area. |

**Human Resources:**

No direct implications [KB 18/10/2022]

**Equalities:**

In recommending consultation of the proposed PSPO, consideration has also been had to Articles 10 and 11 of the Human Rights Act 1998 which allows the rights to expression and assembly. However, the Human Rights Act does allow restriction of these human rights for the purposes of the prevention of crime and disorder, or to protect the health or the rights and freedoms of others. The proposals set out for the PSPO are intended to ensure that the anti-social behaviours caused by the activities are addressed so that public spaces can be enjoyed without fear or intimidation by the law-abiding majority of the community.

**Other Implications:**

The PSPO is seeking to address issues which impact on the quality of life and public safety. These issues can affect both the physical and mental wellbeing of residents and therefore these proposals would have a significant impact on improving community wellbeing.

Communications: a press statement will be published, and social media will be regularly updated on progress.

**Reason(s) for Urgency**

Not applicable

**Reason(s) for Exemption**

Not applicable

**Background Papers**

1. *PSPO Restricted Access Order and Map*

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