

Report To:	CABINET/COUNCIL
Date:	16th SEPTEMBER 2024
Heading:	PUBLIC SPACES PROTECTION ORDER 2024 EXTENSION AND VARIATION (POST CONSULTATION)
Executive Lead Member:	CLLR JOHN WILMOTT - EXECUTIVE LEAD MEMBER FOR COMMUNITY SAFETY AND CRIME REDUCTION
Ward/s:	ALL
Key Decision:	YES
Subject to Call-In:	NO

Purpose of Report

Tackling anti-social behaviour and environmental crime are key objectives for the Council and Ashfield Community Safety Partnership. The use of tools and powers available from Public Spaces Protection Orders (PSPO's) supports Ashfield District Council's plans to continue to address nuisance behaviour and enhance community safety across the District.

On 8th April 2024, Cabinet approved a 6-week public consultation exercise on proposals to extend the PSPO for a further 3 years and to vary the PSPO to include a new prohibition for addressing street harassment and to vary the prohibition for vehicle nuisance (previously called "Car Cruising") by increasing the restricted area to the entire District. Cabinet agreed to receive a further report following public consultation to determine if it was satisfied that the provisions of section 59 to 65 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) were met.

This report provides the outcome of the consultation and statistical data which overwhelmingly supports the proposals for the local byelaw and invites Cabinet to recommend to Full Council that the PSPO is approved.

Recommendation(s)

1. Acknowledge and consider the consultation responses outlined within the report in relation to the proposed 'Public Spaces Protection Order 2024'.
2. Recommend that Full Council approves the proposal to extend and vary the existing Public Spaces Protection Order 2021' and for the 'Public Spaces Protection Order 2024' (refer to draft order) to come into force on 1st October 2024 for a period of 3 years.

Reasons for Recommendation(s)

In line with Section 60, Anti-Social Behaviour, Crime and Policing Act 2014, a PSPO may not have effect for a period of more than 3 years unless extended. The existing PSPO enacted on 1st October 2021, relating to a number of dog-related, environmental and anti-social behaviour prohibitions will expire on 30th September 2024 unless the PSPO is formally extended by the Council.

Section 61 of the Act provides legislative provision for varying PSPO's which includes options for adding, removing or amending prohibitions. As referenced in the previous Cabinet report of 8th April 2024, there is statistical data to support the proposed PSPO; and its implementation will provide powers to the Council and Police to take preventive and enforcement action in public places in designated areas across the District pertaining to:

1. Alcohol consumption in a designated area
2. Urinating/defecating within a designated area
3. Direction to move on in specified areas
4. Dog fouling
5. Failing to produce device or other means of removing dog faeces on demand
6. Dog exclusion in specified areas
7. Dogs on lead in specified areas
8. Dogs on lead by direction
9. Dog numbers specified maximum amount being handled by one person
10. Restricting Access (land between Bentinck St/Welbeck St)
11. Vehicle nuisance (previously Car Cruising)
12. Street harassment

When summarising people's 'perceptions of safety' across the District, results were taken from the Ashfield annual survey conducted in 2023 which indicated that residents' feelings of safety in Ashfield is of key prominence and as such should be a focal point for the Community Safety Partnership to address over the course of its 2024-2027 strategic plan.

Due to these findings and emphasis on public perception and safety on a national scale, significant weighting should be placed on quantitative research conducted as part of the public consultation undertaken when determining the viability to progress the Order; in particular 'street harassment' including national and local strategies to address violence against women and girls.

Alternative Options Considered

That the Council does not extend (and vary) the existing PSPO which will cease on 30th September 2024. The PSPO would need to be formally discharged and published in accordance with regulations made by the Secretary of State. This would mean that Council Officers and the Police could not continue to take action and this may lead to an 'operational gap' in the Council's ability to effectively address dog fouling, dog control, alcohol related street drinking, urinating and other anti-social behaviour issues in public places. This is not advised.

If the proposed PSPO is not approved, it will cease localised powers being delegated to the Council and Police and at present these powers can only be collectively granted to Council Officers under this process.

Detailed Information

Following approval at Cabinet to proceed with the consultation process, an engagement programme was implemented between 15th April 2024 – 26th May 2024.

The main method of engagement was through surveys and internet-driven communication using information published on the Council's website where users were invited to complete an online survey.

To ensure the PSPO proposal was publicised widely, the following activities were also undertaken:

- Press releases and posting on social media publicising the PSPO proposal;
- Publishing the proposals to extend and vary the PSPO and the text of the proposed Order on the Council's website
- Publication within the 'Ashfield Matters' resident magazine
- Information displayed on noticeboards in the Council's reception area; and
- Publication in local papers and online media outlets.

In accordance with statutory guidelines detailed under Section 72, Anti-Social Behaviour, Crime and Policing Act 2014, the Council 'must' undertake consultation with the affected parties. As part of this process, the Council consulted directly with local residents and statutory consultees which included the Chief Constable of Nottinghamshire Police and the Nottinghamshire Police and Crime Commissioner who both endorsed the proposals.

The Council also notified:

- MP's and Ward/District Councillor's
- Parish Councils
- Nottinghamshire County Council's Highways Department
- Ashfield Neighbourhood Policing Team.
- National Health Service
- Probation Service
- Nottinghamshire Fire and Rescue Service
- Members of the Community Safety Partnership

Throughout the consultation process the Council received a total of **372** responses from members of the public comprising of feedback about the proposed PSPO. The outcome of the public consultation is as follows:

Question	Yes Responses	No / No Response
Do you want the council to issue fixed penalty notices to people who do not pick up after their dog?	367	5
Do you want the council to issue fixed penalty notices to people who do not carry a suitable receptacle so they can pick up after their dog?	320	52
Do you want the council to have authorisation to ask a dog owner to put their dog on a lead when the officer believes the dog is out of	360	12

control and issue a fixed penalty notice if they don't comply?		
Do you think dogs should be excluded from entering enclosed children's play areas or sporting areas i.e. tennis courts on parks and issue a fixed penalty notice to the owner if they don't comply?	324	48
Do you think there should be restrictions in place that no more than 6 dogs should be walked at any one time by one person and a fixed penalty notice issued if the owner won't comply?	336	36
Do you think dogs should be on a lead in pedestrian areas including, town centres, pavements and in cemeteries and a fixed penalty notice issued if the owner won't comply?	349	23
Do you think the Council should be able to confiscate alcohol from street drinkers and issue a fixed penalty if they won't hand it over?	343	29
Do you think the Council should be able to issue a fixed penalty notice to someone who urinates or defecates in the street?	353	19
Do you think the council should be able to ask someone to leave an area who is causing a nuisance and annoyance and issue a fixed penalty notice if they don't comply?	363	9
Do you think the Council and Police should be provided with additional powers to tackle vehicle nuisance?	358	14
Do you think the Council and Police should be provided with additional powers to tackle street harassment including inappropriate behaviour towards Women and Girls in public?	360	12

An additional survey was completed by **208** women and girls across the District, to understand if they have experienced any of the following whilst in a public place in Ashfield. The findings of the survey can be found below:

Question	Yes Responses	No / No Response
Have you experienced Catcalling (a rude, derogatory or unwelcome comment including	96	112

sexual comments, whistling and/or rude gestures)?		
Have you experienced being followed?	56	152
Have you experienced verbal abuse?	77	131
Have you experienced invasion of personal space?	73	135
Do you take precautions to protect your safety when you are alone in a public place?	172	36
Would you like to see Nottinghamshire Police and Ashfield District Council given additional powers and procedures to tackle these behaviours under a Public Space Protection Order?	204	4

The statistical data provided by Nottinghamshire Police in tandem with the survey findings illustrated above provides a strong evidential base to support application of the PSPO to address street harassment and adverse behaviours towards women and girls.

The data below provides reports of violence against women and girls in public spaces for the District from 1st of October 2021 to 31st of May 2024:

Crime Type	2021 (3 months)	2022	2023	2024 (5 months)	Grand Total
Stalking and harassment	24	165	134	55	378
Other sexual offence	14	73	54	14	155
Rape	3	18	19	6	46
Public Disorder	8	10	8	2	28
Violence without injury	2	5	5	1	13
Possession of weapons offences	0	2	1	0	3
Violence with injury	0	2	0	1	3
Miscellaneous crimes against society	1	0	0	2	3
All other theft offences	0	0	2	0	2
Robbery of personal property	0	1	0	0	1
Grand Total	52	276	223	81	632

As part of the consultation process, Nottinghamshire's Chief Constable, Police Crime Commissioner and Nottinghamshire Fire and Rescue, Chief Officer Team provided feedback in support of these plans. A number of agencies did not respond. There were no major objections identified as part of the consultation, however a number of comments were provided specifically in relation to 'dog exclusion zones' on Portland Park in Kirkby-In-Ashfield and Selston Country Park which was included in the initial draft order.

The Council has subsequently acknowledged these comments and the PSPO draft Order has been amended which means if the Order is approved on 1st October 2024, that dogs will not be excluded from Portland Park and dogs will only be excluded from the children's play park on Selston Country

park (not the wider park). All other dog controls and exclusion areas can be found in the draft PSPO accompanying this report.

In addition to the above responses, key themes that emerged from the consultation were:

- Request for visible signage to be installed in appropriate areas to create awareness (if approved)
- Extending the scope of the PSPO to cover other issues and matters
- Increased patrols by uniformed officers i.e. Police and Council Community Protection Officers
- Speeding relating matters and visible traffic wardens to undertake regular patrols to support increased parking enforcement action
- Concerns relating to feelings of safety and wider crime and anti-social behaviour types in specified areas
- Environmental concerns i.e. fly-tipping, littering, dog fouling, graffiti, and dog control requirements.

As part of the PSPO 2021 previously introduced, the strip of land between Bentinck and Welbeck Street, Sutton-In-Ashfield was restricted due to disproportionate higher levels of reported crime and anti-social behaviour in the area. As part of the renewal process a further consultation was undertaken with residents on both streets. Each response is provided on behalf of each property visited and not individual residents at the address.

The findings from the survey are provided below:

Question	Yes Responses	No / No Response
Do you want the Council to continue to restrict public access to the alleyway between Bentinck and Welbeck Street that has been having a detrimental impact on the quality of life for those in that vicinity e.g Crime and Anti-Social Behaviour, Littering and Fly Tipping?	46	14
Do you want the Council to issue Fixed Penalty Notices to people who breach the Public Spaces Protection Order (relating to those who access the said strip of land)?	45	15

In addition, statistical data of anti-social behaviour reports for Bentinck and Welbeck Street for 1st of October 2021 to 31st of May 2024 appear to be of a low reporting count as illustrated below:

ANTI-SOCIAL BEHAVIOUR (ASB)			
BENTINCK STREET		WELBECK STREET	
ASB type	Count	ASB Type	Count
ASB NUISANCE	13	ASB NUISANCE	20

It is sometimes difficult to attribute crime and anti-social behaviour to the strip of land, as it is often not recorded in the specific location. However, the overriding anecdotal evidence from residents on both streets is that the level of anti-social behaviour within the target area has reduced as a result of

restricting public access to the alleyway in October 2021 that connected the streets. Many residents residing in the area considered the strip of land as a 'rat run' and 'a contributory factor' which previously elevated crime and anti-social behaviour within the area.

There are also other monetary implications to consider, such as officer time of attending to service requests, and costs/time associated with tidying the area which includes environmental clean ups, graffiti removal and fly tipping investigations which has significantly reduced since the measures were implemented in 2021.

Given the outcome of the public consultation and data detailed above and evidence obtained as part of the Cabinet report submission dated 8th April 2024, it is recommended, in accordance with the Anti-Social Behaviour, Crime and Policing 2014 Act, that the Council can be satisfied on reasonable grounds that the proposed extension of the PSPO 2021 is necessary to prevent:

- a) the occurrence or recurrence of the activities identified in the PSPO 2021 after the date of its expiry; or
- b) an increase in the frequency or seriousness of those activities after the expiry of the PSPO 2021 after 30th September 2024.

It is recommended that the Council varies the prohibition for vehicle nuisance (previously called "Car Cruising") by increasing the restricted area to the entire District of Ashfield because the activity has had or is likely to have a detrimental effect on the quality of life of those in the locality and the effect, or likely effect, of the activity is, or is likely to be, of a persistent or continuing nature such as to make the activity unreasonable and justifies the restrictions imposed.

It is also recommended to vary the existing 'PSPO 2021' to add a new prohibition for street harassment in order to prevent, reduce or reduce the risk of the continuance, occurrence or recurrence of the detrimental effect that those activities specified in the new prohibition have had, or are likely to have, on the quality of life of those in the locality.

Should the draft 'PSPO 2024' accompanied with this report be ratified at Full Council, a delivery and communication programme will be progressed to ensure sufficient communication and publicity is provided prior to 1st October 2024 when the new 'Order' will come into force, and a schedule of work will commence to ensure signage is installed in areas across the District over the course of financial year 2024/2025.

Implications

Corporate Plan:

Approval of this PSPO will help support the place enhancement and safer and stronger priorities within the Council's Corporate Plan and commitments under the Community Safety Partnership Strategy in order to improve the quality of life for residents within Ashfield.

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.. Details are set out in the body of the report.

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 and publicity and notification before making, extending or varying or discharging a PSPO. [RLD 16/08/2024]

Finance:

There are no direct financial implications arising from this report. [PH 13/08/2024].

Budget Area	Implication
General Fund – Revenue Budget	An annual recurring budget of £1500 has been established to meet signage and maintenance requirements (refer to Cabinet report 8 th April 2024).
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Without a PSPO in place there is a risk that anti-social behaviour could potentially escalate which would have an adverse impact on the local community.

Given the overwhelming supporting feedback from the public about the proposed Order, there is a risk to the reputation of the Council if the Order is not progressed as we may be seen to be disengaged from the needs of the community and not proactively delivering against our commitment to tackle crime and anti-social behaviour across the District.

Alternative option in the case of the order not progressing is provided below:

Risk	Mitigation
The 'Order' ceasing on 30 th September 2024	For the Council and Police to explore delegations via the Police Reform Act 2002 and Community Safety Accreditation Scheme

Human Resources:

There are no human resource implications contained within this report although wider feedback will be considered in how partnership resources are utilised to address trends and emerging issues across the District.

Matters relating to vehicle nuisance will continue to be reported and responded to by Nottinghamshire Police.

Environmental/Sustainability:

The Order and execution of powers have been reviewed to ensure they are sustainable and viable over a three-year period

Equalities:

In recommending the proposed PSPO, consideration has also been given to Articles 10 and 11 of the European Convention on Human Rights which provides for the rights of freedom of expression and assembly. 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 adversely on the quality of life and public safety. These issues can affect both the physical and mental well-being of residents and therefore the proposals would have a significant impact on community well-being.

Reason(s) for Urgency

It is recommended that the decision is not subject to Call-In to enable consideration of the recommendation to adopt the Order by Council on 16th September 2024.

Reason(s) for Exemption

Not applicable

Background Papers

The Public Spaces Protection Order 2024 (the "2024 Order")
'PSPO 2024 Renewal & Variation' - 8th April 2024 Cabinet Report
PSPO Equalities Impact Assessment

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