

<b>Report To:</b>	<b>CABINET</b>
<b>Date:</b>	<b>8<sup>TH</sup> APRIL 2024</b>
<b>Heading:</b>	<b>PUBLIC SPACES PROTECTION ORDER 2024 (PSPO) RENEWAL &amp; VARIATION (CONSULTATION)</b>
<b>Executive Lead Member:</b>	<b>CLLR JOHN WILMOTT – 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 (“the Act”) introduces powers to local authorities to enact Public Spaces Protection Orders (PSPO’s) to enable Council’s to regulate activities in particular public spaces that have a detrimental effect on the local community.

PSPO’s are intended to deal with a particular nuisance or problem in a specific locality by imposing conditions on the use of that area (“the Restricted Area”) which apply to everyone (with limited exceptions). The Order enables Authorised Officers from the Council and Police to take specific action within a defined area as set out within requirements of the PSPO.

## **Recommendation(s)**

The purpose of the report is to seek approval from Cabinet to:

1. Undertake the necessary consultation, publicity and notification for the extension of the existing 2021 Public Spaces Protection Order for a further period of 3 years, and;
2. Undertake the necessary consultation, publicity and notification to vary the existing 2021 Public Spaces Protection Order 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 of Ashfield.

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

In accordance 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 2021 PSPO, relating to a number of dog, alcohol, direction to move on and urinating issues will expire on 30 September 2024.

Unless the PSPO is extended, it will restrict the Council and Police being able to tackle these types of issues throughout the District.

To enter a public consultation to extend and vary the 2021 PSPO ensures that the Council can objectively determine the suitability of supporting the extension and variation of the 2021 PSPO, as detailed within the main body of the report.

In line with Section 59 of the Act there must be evidence to support the need for a PSPO including any variations. As part of the proposed 2024 PSPO, it is recommended that the prohibition for vehicle nuisance (previously called "Car Cruising") is varied by increasing the 'Restricted Area' to the entire District of Ashfield in order to tackle vehicle nuisance and that a new prohibition is introduced to address street harassment including inappropriate behaviour towards women and girls.

## **Alternative Options Considered**

That the Council does not approve the necessary consultation and notification to extend and vary the existing 2021 PSPO before it expires on 30 September 2024. This would mean that officers could not continue to take action under these provisions, for instance requesting a person to hand over alcohol, issue a fixed penalty notice or provide evidence for legal action for breaching the PSPO.

This would result in an operational gap, and is likely to impact upon the Council's reputation through public awareness and is likely to lead to:

- an increase in dog fouling reports,
- dogs being allowed in children's play areas or in enclosed sports facilities on parks,
- dogs being walked off leads on highways and in cemeteries,
- no limit to the number of dogs being walked at any time by one person,
- people consuming alcohol and behaving in a manner to cause a nuisance in any of the areas currently specified,
- no or limited methods to control a dog (i.e. requirement to put a dog on a lead),
- urinating in a public space in any of the areas currently specified,
- not having powers for Community Protection Officers to move a person on when they are behaving in an anti-social manner in specified areas,
- removing the 'public restricted access' requirements between Bentinck Street and Welbeck Street, Sutton-In-Ashfield, and
- increased incidents of vehicle nuisance

In addition, if the necessary consultation, publicity and notification (and proposed 2024 PSPO) is not approved, it will limit the opportunity for localised powers being delegated to the Council and

Police to assist in addressing trends and issues in relation to vehicle nuisance (car cruising) and street harassment including inappropriate behaviour towards women and girls. This is not advised.

## **Detailed Information**

### **(Existing 2021 PSPO)**

The existing Public Spaces Protection Order 2021 came into effect on 1 October 2021, it provided powers to the Council and Police to take preventive and enforcement action in public places across designated areas in Ashfield in relation 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. Car Cruising (land at Junction 27 of the M1)

#### 1. Alcohol consumption in a designated area.

If a person who is drinking alcohol is behaving or likely to behave in a manner to cause nuisance and annoyance, an officer can request the person not to consume and/or surrender their alcohol, the officer can pour it away. Failing to comply allows an officer to take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the Court. There are 8 designated areas in Ashfield where this applies within the 2021 PSPO (Schedule 1).

#### 2. Urinating/defecating within a designated area.

If a person urinates or defecates within the specified area an officer can take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the Court. There are 8 designated areas in Ashfield where this applies within the 2021 PSPO (Schedule 1).

#### 3. Direction to move on

If a person is engaging in behaviour that is anti-social or creating a nuisance or annoyance and fails to move on when asked to do so, an officer can take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the Court which may result in prosecution. There are 8 designated areas in Ashfield where this applies within the 2021 PSPO (Schedule 1).

#### 4. Dog fouling

If a person allows a dog they are responsible for at that time to foul and walks away without picking it up, an officer can take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the Court. This relates to the entire District with the exception of forestry commission land as highlighted within Schedule 2 of the 2021 PSPO and accompanying map.

5. Failing to produce suitable means or removing dog faeces on demand.

If a person does not produce a device or other means for removing dog faeces upon request an officer can take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the Court. This relates to the entire District with the exception of forestry commission land as highlighted within **Schedule 2** of the 2021 PSPO and accompanying map.

6. Dog exclusion in specified areas

Dogs are excluded from specific locations within Ashfield including: enclosed children's play areas and enclosed sports facilities on parks i.e. tennis courts, bowling greens. An officer can take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the Court if the person responsible for the dog allows it to enter the exclusion areas as highlighted within Schedule 3 of the 2021 Order and accompanying maps.

7. Dogs on leads in specified areas.

If a person does not comply with placing their dog on a lead on: each and every length of road (including pavements, footways and verges, and the pedestrianised areas and cemeteries and churchyards detailed as per Schedule 4 of the 2021 PSPO and accompanying maps) an officer can take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the Court.

8. Dogs on lead by direction.

If a person does not comply with placing their dog on a lead at the request of an authorised officer, the officer can take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the Court. This relates to the entire District with the exception of forestry commission land as highlighted within **Schedule 2** of the 2021 PSPO and accompanying map.

9. Dogs specified maximum amount.

No more than 6 dogs can be taken out at any one time by one person or an officer can take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the Court. This relates to the entire District with the exception of Forestry Commission land as highlighted within Schedule 2 of the 2021 PSPO and accompanying map.

10. Restricting Access (land between Bentinck St/Welbeck St)

An area of land between Bentinck Street and Welbeck Street, Sutton-In-Ashfield is restricted thus preventing access to members of the public due to concentrated reports of crime and anti-social behaviour. This had been adversely impacting on local residents who lived within the vicinity. An officer can take action by means of issuing a Fixed Penalty Notice or provide evidence for legal action through the Court. This relates to the land highlighted at Schedule 5 of the 2021 PSPO and accompanying map.

11. Car Cruising (land at Junction 27 of the M1)

In addition, the 2021 PSPO prohibited car cruising events within the designated area at Junction 27 of the M1 Motorway and A611 (highlighted within Schedule 6 of the 2021 PSPO and accompanying map) where motor vehicles congregate and any of the following activities occurred:

- (a) causing danger or risk of injury to road users (including pedestrians) by speeding or racing;
- (b) causing damage or risk of damage to property;
- (c) speeding or racing;
- (d) performing stunts (including but not limited to performing a doughnuts manoeuvre drifting, skidding, handbrake turns, wheel spinning);
- (e) sounding horns or playing loud music so as to cause a nuisance;
- (f) revving of engines so as to cause a nuisance;
- (g) using foul or abusive language;
- (h) using threatening, intimidating or anti-social behaviour; or
- (i) causing obstruction on a public highway or publicly accessible place (whether moving or stationary)

It should be noted that the Council has another PSPO in place which does not run concurrently with the 2021 PSPO. The “Public Spaces Protection Order 2023” (“the 2023 PSPO”) came into force in Ashfield from 1 March 2023 and remains in place for a period of three years, and it restricts public access in eight “restricted access highways” identified in the Order. The 2023 PSPO will be unaffected by the changes proposed in this report. <https://www.ashfield.gov.uk/community-leisure/anti-social-behaviour-community-safety/public-space-protection-order-pspo/public-spaces-protection-order-2023/>

### **Variations included in the proposed ‘Order’**

It is proposed that the prohibition previously contained in 2021 PSPO in relation to Junction 27 M1 Car Cruising is varied by re-naming the prohibition as “Vehicle Nuisance” and extended to a District wide vehicle nuisance prohibition on motor vehicles engaging in any of the following activities:

- (a) causing danger or risk of injury to road users (including pedestrians) by speeding or racing;
- (b) causing damage or risk of damage to property;
- (c) speeding or racing;
- (d) performing stunts (including but not limited to performing a doughnuts manoeuvre drifting, skidding, handbrake turns, wheel spinning);
- (e) sounding horns or playing loud music so as to cause a nuisance;
- (f) revving of engines so as to cause a nuisance;
- (g) using foul or abusive language;
- (h) using threatening, intimidating or anti-social behaviour; or
- (i) causing obstruction on a public highway or publicly accessible place (whether moving or stationary)

The proposed Restricted Area for the Vehicle Nuisance prohibition is found in **Schedule 2** of the draft 2024 PSPO and covers the entire District of Ashfield with the exception of Forestry Commission land.

It is proposed that the new order will also include a prohibition on “Street Harassment” and will be used to also address inappropriate behaviours towards women and girls which is an area of focus at national, regional and local level.

The proposed prohibition is that a person commits an offence, if at any time without reasonable excuse, if a person is verbally abusive to another person or behaves in a way that causes or is likely to cause harassment, alarm or distress to another person. This will include but is not be limited to

making sexually inappropriate comments or displaying inappropriate behaviours towards women and girls.

The proposed 'Restricted Area' for the Street Harassment prohibition is found in **Schedule 2** of the draft 2024 PSPO and covers the entire District of Ashfield with the exception of Forestry Commission land.

## **Evidence**

The Council has the power to make a PSPO in accordance with section 59 of the Anti-social Behaviour Crime and Policing Act 2014. The PSPO can be made if the local authority is satisfied on reasonable grounds that two conditions are met:

1. Activities being carried on, or that are likely to be carried on, in a public place within the authority's area have a detrimental effect on the quality of life of those in the locality and;
2. The effect, or likely effect of such activities are of a persistent or continuing nature, such as to make the activities unreasonable and justifies the restrictions with the Order.

From the initial evidence gathered from Nottinghamshire Police and Ashfield District Council, police reported anti-social behaviour across the District has decreased over the past two years (January 2021 – December 2023) by 35.16%. During the period the PSPO has been active, indicating that the PSPO amongst other positive intervention is having a positive impact in addressing anti-social behaviour and acting as a deterrent for adverse behaviours in public spaces.

This has enabled Community Protection Officers to use powers contained within the existing PSPO to confiscate alcohol from adults. During the set period, 39 'Direction to Move on Notices' have been issued and 98 breaches of PSPO have been recorded including alcohol confiscations and urinating in public.

Unlike the Police, Community Protection Officers are unable to disperse groups drinking or causing Anti-Social Behaviour which has a detrimental effect on the quality of life of those in the locality. The use of the 'Direction to Move On' powers is seen as a crucial tool to help continue to manage anti-social behaviour across the District with 39 notices issued by Community Protection Officers over the set period.

Dog fouling and dog control issues continue to be a public concern and are reported to the Council. During the period of October 2021 to 31<sup>st</sup> January 2024, 554 recorded reports were received demonstrating a need for the PSPO to be extended as this allows officers to utilise powers to take enforcement action.

Due to reports of car cruising and vehicle related nuisance associated within the vicinity of Junction 27 highways, a PSPO to tackle car cruising activities has enabled Nottinghamshire Police to take positive action to complement their existing powers under the Police Reform Act 2002 and Road Traffic Act 1988. During the period of 22<sup>nd</sup> November 2023 to 26<sup>th</sup> December 2023, 28 warnings were issued for breaching the Order. The area also benefited from new CCTV and signage.

Data confirms that vehicle related nuisance is reported across the whole District and not just within the jurisdiction of Junction 27 and its vicinity. From 1st October 2021 to 12th February 2024, there were a total of 3,500 road traffic incidents reported, providing an evidential base to include prohibitions to address vehicle nuisance across the whole District. A table illustrating reports of vehicle nuisance over this period is provided below:

SUTTON EAST	575
SUTTON NORTH	349
SUTTON CENTRAL	313
KIRKBY EAST	310
SUTTON WEST	293
HUCKNALL WEST	277
UNDERWOOD	207
ANNESLEY WOODHOUSE	203
HUCKNALL EAST	194
HUCKNALL NORTH	168
HUCKNALL CENTRAL	164
KIRKBY CENTRAL	163
KIRKBY WEST	119
SELSTON	114
JACKSDALE	51

Addressing street harassment and making public spaces safer are of prominence when addressing Violence against Women and Girls and Serious Violence which are new priorities for the Ashfield Community Safety Partnership.

An informal consultation conducted between Monday 12<sup>th</sup> February 2024 and Friday 16<sup>th</sup> February 2024 was undertaken which surveys 141 women and girls to understand their experiences of when they are in public places. Of 141 surveys completed; the following participants confirmed they:

	<u>Yes</u>	<u>No</u>
Experienced Catcalling (a rude, derogatory or unwelcome comment including sexual comments, whistling and/or rude gestures) in public spaces.	<b>61</b> <b>43.26%</b>	<b>80</b> <b>56.74%</b>
Experienced being followed in public spaces.	<b>41</b> <b>29.08%</b>	<b>100</b> <b>70.92%</b>
Experienced verbal abuse in public spaces.	<b>56</b> <b>39.72%</b>	<b>85</b> <b>60.28%</b>
Experienced invasion of personal space in public spaces.	<b>57</b> <b>40.43%</b>	<b>84</b> <b>59.57%</b>

Additional questions were asked confirming if they would like Nottinghamshire Police and Ashfield District Council to have additional powers to tackle these behaviours under a new Public Spaces

Protection Order of which 138 responded 'Yes' and 3 participants responded 'No'. 112 women and girls of 141 also confirmed they take precautions to protect their safety when alone in public spaces.

As part of the consultation process and if approved by Cabinet, further analysis will be conducted to determine the viability of extending and varying the Order.

In addition, and in accordance with section 64 of the Act in relation to the proposed prohibition of continuing to restrict the public right of way over the highway between Bentinck Street and Welbeck Street, the Council will consider the likely effect of renewing the Order on the occupiers of adjoining or adjacent premises and on other persons in the locality. As part of an informal consultation prior to this report, 23 of the 25 residents surveyed on Bentinck and Welbeck Street responded in support of continuing to restrict public access via gates in this area.

## **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: the Chief Constable of Nottinghamshire Police, appropriate community representatives, 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 the Chad/Dispatch
- Letters will be sent to Partners/statutory consultees
- Letters to be sent to interested parties identified i.e. dog walker clubs/groups
- 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 are undertaken in town centres and localities across Ashfield

The Council will notify potentially affected persons of the proposed 2024 Order, inform them of how they can see a copy of the proposed Order, notify them of the consultation period within which they can make representations and consider any representations they make. The Council will consult with Nottinghamshire County Council on this matter.

It must be clearly highlighted that the consultation is not seeking views on whether to incorporate any additional Anti-Social Behaviour or nuisance issues in the proposed order other than those detailed in this report. The consultation is seeking to determine if there are any material objections or representations with the proposal of the new Order. The consultation responses will be brought back to Cabinet for consideration and Cabinet will be asked to make a recommendation that a final decision on the enactment of the proposed Order and is made by Full Council before the expiry of the current 2021 PSPO.

## **Proposed Timeline**

- **8<sup>th</sup> April 2024** Cabinet Decision to Approve the PSPO 2024 Consultation.
- **15 April 2024** The period of consultation will be 42 days (6 weeks).
- **TBC September 2024** Consultation responses to be brought back to.
- **TBC September 2024** Decision for enacting the Order at Full Council.



- **1st October 2024**

Order becomes live and enforceable.

The Council will publish the text of the proposed extended and varied Order and will notify authorities including Parish Councils and the County Council as appropriate.

## **Implications**

### **Corporate Plan:**

The proposed Order will help support place enhancement and directly contribute to the delivery of the Safer & Stronger priority, Cleaner & Greener and Homes & Housing priorities within the Council's Corporate Plan in tandem to the renewed Community Safety Strategic Partnership plan of 2024-2027.

Tools and powers provided as part of the PSPO provisions will assist in enabling an effective response to tackling anti-social behaviour, environmental-crime and assist the Community Safety Partnership address serious violence and violence against women and girls across the District.

### **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 and publicity and notification before making, extending or varying or discharging a PSPO. [RLD 29/02/2024]

### **Finance:**

Costs of the PSPO renewal, will be met from the £1,500 annual maintenance and signage cost budget included in the annual budget which includes signage requirements. [PH 28/02/2024].

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	See above
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A

Housing Revenue Account – Capital Programme	N/A
---	-----

**Risk:**

Risk	Mitigation
Risk of not obtaining requirements within the PSPO	To explore options of obtaining additional dissolved powers as part of the Community Safety Accreditation Scheme (CSAS) and in line with Police Reform Act 2002.

**Human Resources:**

There are no direct implications to human resources. Powers relating to vehicle nuisance will be utilised by Nottinghamshire Police.

**Environmental/Sustainability:**

The actions proposed will provide place enhancement and contribute to having a positive long-term impact on the local community.

**Equalities:**

This plan supports duties under the Public Sector Equality Duty, Section 149 of the Equality Act 2010 requires authorities to have due regard to eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, advance equality of opportunity between people from different groups, and foster good relations between people from different groups.

Consideration has also been given to Articles 10 and 11 of the European Convention on Human Rights which provide for the rights of freedom of expression and assembly. An Equalities Impact Assessment Form has been produced as part of this report. The report has taken into consideration the impacts this will have to the local community and recognition of benefit for social regeneration.

**Other Implications:**

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

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**

*Draft Public Spaces Protection Order 2024  
Equality Impact Assessment*

**Report Author and Contact Officer**

Antonio Taylor  
Community Safety Manager  
[Antonio.Taylor@ashfield.gov.uk](mailto:Antonio.Taylor@ashfield.gov.uk)

**Sponsoring Executive Director**

John Bennett  
Executive Director - Place  
[John.Benett@ashfield.gov.uk](mailto:John.Benett@ashfield.gov.uk)