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The Chair and Members of Cabinet

Dear Councillor,

AGENDA SUPPLEMENT

Please see attached the documents for the agenda item(s) listed below for the meeting of the CABINET to be held on TUESDAY, 25 JULY 2017, the agenda for which has already been published.

8. The Anti-Social Behaviour Crime and Policing Act 2014 Consultation on the Designation of Public Spaces Protection Orders (Pages 3 - 56)

Report to follow

Yours sincerely,

Local Government and Regulatory Law Manager and Monitoring Officer

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For publication

The Anti-social Behaviour Crime and Policing Act 2014 Consultation on the Designation of Public Spaces Protection Orders (HW1220)

Meeting:	Cabinet
Date:	25 th July 2017
Cabinet portfolio:	Health and Wellbeing
Report by:	Martin Key, Health and Wellbeing Manager

For publication

1.0 Purpose of report

- 1.1 To inform Members of the legislative background to Public Spaces Protection Orders (PSPOs) in relation to control of anti-social behaviour (ASB).
- 1.2 To inform Members of the evidence supporting the implementation of PSPOs to control street drinking and other anti-social behaviour.
- 1.3 To ask Members to consider the proposed PSPOs and the geographical extent and controls over street drinking and other anti-social behaviour.
- 1.4 To ask Members to consider the public consultation proposed between August and September 2017.
- 1.5 To inform Members of the development of a Site Management Agreement (SMA) with the Public Fundraising Association (PFRA)

to control charity collectors seeking collections by means of 'Direct Debit' or 'Standing Order' payments (commonly referred to as 'Chuggers') within the town centre.

2.0 **Recommendations**

- 2.1 To ask Members to approve undertaking formal consultation for a period of 8 weeks on the Public Spaces Protection Order Chesterfield (No1) (relating to restricting alcohol consumption) and the Public Spaces Protection Order Chesterfield (No2) (relating to other anti-social behaviour controls).
- 2.2 To ask Members to note the establishment of a Site Management Agreement (SMA) with the Public Fundraising Association (PFRA) to control charity collectors seeking collections by means of 'Direct Debit' or 'Standing Order' payments (commonly referred to as 'Chuggers') within the town centre.

3.0 **Legislative background**

- 3.1 The Public Spaces Protection Order (PSPO) is a new power under the Anti-Social Behaviour, Crime and Policing Act 2014 and came into force in October 2014.
- 3.2 PSPO's are intended to deal with a particular nuisance or problem in a particular geographical area that is detrimental to the local communities 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.
- 3.3 A PSPO can be made by the local authority if they are satisfied on reasonable grounds that the activities carried out or likely to be carried out, in a public place:
- Have had, or are likely to have a detrimental effect on the quality of life of those in the locality.
 - Is, or likely to be of a persistent or continuing in nature.
 - Is, or is likely to be unreasonable.
 - Justifies the restrictions imposed.
- 3.4 PSPOs create a framework to control the impacts of anti-social behaviour. They can also either replace or update existing public

space restrictions such as Designated Public Place Orders (DPPOs) for alcohol and Dog Control Orders. In addition once a PSPO is in effect any existing bye-laws controlling activities included in the PSPO no longer have effect.

- 3.5 Local Authorities 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. A PSPO can contain both restrictions and requirements which will be determined by the Council after consultation with key stakeholders. These can be targeted against particular behaviours, by particular groups at specific times with more than one restriction being included within the PSPO.
 - 3.6 Breaching a PSPO is a criminal offence. Orders can be enforced by an officer authorised by the local authority (including police community support officers) and a police constable. A breach of the PSPO can be dealt with through the issuing of a Fixed Penalty Notice of up to £100 or by prosecution with maximum fines being a level 2 fine (max £500) for alcohol consumption breaches or a level 3 fine (max £1000) for other breaches.
 - 3.7 Appeals against a PSPO can be lodged by anyone who lives in, or regularly works in or visits the area in the High Court within six weeks of the date of issue. Further appeal can be made when a PSPO is varied by the local authority.
 - 3.8 The PSPO can be in place for a maximum of three years and is designed to be flexible and responsive to need. There is no limit on the number of times that Orders can be renewed, as long as the need is still present. Variation of a PSPO can be done at any time to respond to the changing needs based on evidence of the effects on the quality of life of those in the locality.
- 4.0 **Background – alcohol control**
- 4.1 The Council has previously adopted 2 separate DPPOs in 2004 and 2011 (attached as Appendix 1 and 2). The 2004 DPPO covers an area of Chesterfield town centre and the 2011 DPPO covers a larger area south of the town centre covering Boythorpe, St Augustines and Birdholme.

- 4.2 There is a difference in interpretation of controls between the two DPPOs due to the primary legislation not allowing confiscation of alcohol in closed containers at the time the 2004 DPPO was adopted. The enforcement impact of this is that often those approached will consume the open container and the officer cannot request surrender of any additional closed alcohol containers in their possession. This allows street drinkers to continue to drink unless the officer can witness drinking from another open container. The offence under a DPPO is failing to surrender alcohol when required by an authorised officer and not drinking in public.
- 4.3 The 2011 DPPO was enacted following amendment of the primary legislation and does require the surrender of both open and sealed containers. The police have evidenced from other areas that the ability to require surrender of closed and sealed containers significantly increases the effectiveness of the controls.
- 4.4 The existing DPPOs will automatically become PSPOs on 20 October 2017 if they are not adapted or changed prior to 19 October 2017.

5.0 **ASB in Chesterfield**

- 5.1 A PSPO can only be made if there are reasonable grounds that activities carried out or likely to be carried out, in a public place have had, or are likely to have a detrimental effect on the quality of life of those in the locality and are persistent or continuing in nature.
- 5.2 Whilst there have been reductions in levels of reported crime within Chesterfield during 2016/17, there has been a 13% increase in reported ASB in the town centre with 972 reports in 2016/17. There has been a visible escalation of ASB focussed around street drinking, drug use and disorder around the key gateways to the town and the impact on residents and visitors is unacceptable.
- 5.3 This is a national issue with most cities and larger towns affected. Many of the perpetrators are experiencing a complex range of issues including drug and alcohol dependency and mental illness. For some these issues are underpinned by reductions in support

due to public sector funding austerity and the impact of welfare reform changes. The impact in Chesterfield is exacerbated as the town centre is the location for much of the multi-agency support.

- 5.4 There have been a number of multi-agency meetings called by the Chesterfield Community Safety Partnership that have discussed the issues and possible controls. Following a detailed review of intelligence on ASB a number of new PSPO controls in support of the existing DPPOs have been considered. These have been subject to extensive consultation with the police locally to ensure the proposed controls are proportionate and the areas proposed for the controls are supported by adequate evidence.
- 5.5 There was a summit chaired by the Police and Crime Commissioner on 14 July 2017 to address the ASB issues in the town centre. This summit resulted in key actions to review existing and potential enforcement options, to review support and treatment and to lobby government on the impact of welfare reform on the vulnerable in society.

6.0 **Proposed PSPOs controls**

- 6.1 Following a detailed review of the intelligence and anecdotal evidence by the Community Safety Partnership it has been proposed that two separate PSPOs are required.
- 6.2 Public Spaces Protection Order Chesterfield (No1) is attached as Appendix 3 and the associated map at Appendix 4. It prohibits the drinking of alcohol within the restricted area (other than at an exempted location) and requires that where a person is, has been or intends to consume alcohol they shall (if required) surrender for disposal any alcohol including a container for alcohol.
- 6.3 It is proposed to slightly extend the area covered by the 2004 DPPO based on the evidence reviewed. In relation to the area covered by the 2011 DPPO the map will need to be amended to exclude the areas that are now included in new proposed PSPO. The 2011 DPPO can either be allowed to automatically transfer across to a PSPO on 20 October 2017 or it could be reissued with the same wording as Public Spaces Protection Order Chesterfield (No1) using a slightly revised map. It is proposed to consult on both options.

6.4 As a consequence of bringing in a new PSPO which replaces a DPPO there are steps to be taken to revoke the DPPO which are stipulated in legislation. The process will require consultation with the chief officer of police and any premises licence holder or the club premises certificate holder in the area who may be affected by the revocation. This will be undertaken as part of the wider PSPO consultation. Following review of the consultation comments and before revoking the order the Council must publish a notice in a local newspaper stating that it proposes to revoke the DPPO which will be subject of a separate report to the Appeals and Regulatory Committee.

6.5 Public Spaces Protection Order Chesterfield (No2) is attached as Appendix 5 (the map at Appendix 4 is also linked to this PSPO) and relates to a range of anti-social behaviour as follows:-

Tents and other structures - prohibits positioning or occupying any tent or other temporary structure without the express permission of the landowner and requires permanent removal within 12 hours.

Dispersal - prohibits any activity or behaviour causing nuisance, alarm, harassment or distress to any other person and requires immediate dispersal and prohibits return within 48-hours.

Loitering and begging - prohibits loitering around cash machines, shopping centre entrances, shop entrances or car park ticket and payment machines for the purposes of begging and requires immediate dispersal and prohibits return to any such location for the purposes of begging.

Urination or defecation – prohibits urinating or defecating other than in a facility specifically designed and intended for such use.

Unattended material or paraphernalia - prohibits leaving unattended any personal effects or belongings or any other material or paraphernalia including anything that may be considered as discarded or waste material.

Intoxicating Substances - prohibits the use (by ingestion inhalation injection or smoking) or supply of any intoxicating substance.

6.6 The PSPOs are part of a series of measures aimed at taking an holistic approach to improving Chesterfield for the benefit of all. There were a number of other issues considered for inclusion in the PSPOs based on information available. There were perceived issues with charity collectors seeking collections by means of 'Direct Debit' or 'Standing Order' payments (commonly referred to as 'Chuggers'). Whilst this could be considered for inclusion in the PSPO it was considered that an alternate non-regulatory control was more appropriate in this case.

6.7 The approach taken is the introduction of a Site Management Agreement (SMA) with the Public Fundraising Association (PFRA). The SMA together with its code of practice provides a self-regulating mechanism to address the issues arising from charity collectors seeking collections by means of 'Direct Debit' or 'Standing Order' payments (commonly referred to as 'Chuggers') and has shown to be effective in other areas. The SMA will address the frequency, timing and numbers of collectors permitted in the area and address any behavioural concerns of the individual collectors. A copy of the SMA is attached as Appendix 6.

6.8 As a result of the SMA there is no plan at this time to introduce specific provisions within the proposed PSPO to tackle issues associated with these organisations. However this is always an option available to the Council in the future should the SMA fail to adequately address the issue.

7.0 **Data and evidence supporting the proposed PSPOs controls**

7.1 Analysis has been carried out on information taken from the E-CINS (Empowering Communities Inclusion and Neighbourhood Management System) database recording ASB from both council and police systems. E-CINS is a county-wide database with shared access to key partners that allows secure data sharing and case management. Having reviewed the data recorded between 5 December 2016 and 9 July 2017 there were 444 incidents within

the proposed area of the PSPO as outlined in the map in Appendix 4. Of these 186 were recorded as being alcohol-related.

7.2 Further analysis of the individual reports for this period was carried out to identify the key words used to identify the type of ASB in the reports. Some of the reports have multiple key words and have therefore been considered under each of the activities reported. The table below summarises the basis of these ASB reports.

Rough Sleepers/homeless	63
Begging	27
Alcohol or drugs	218
Fighting, threatening behaviour, assault	256
Damage	42
Congregating and causing distress	45
Urination/defecation	24
Leaving belongings on the street	15

7.3 There were a further 26 cases of ASB reported on the Council's on-line complaints, comments and compliments system between January and June 2017.

7.4 In addition to these individual cases a number of locations have become a significant focus for the ASB and there are separate E-CINS files kept on these locations which include:-

- Grace Chapel, New Square, Chesterfield created 26/04/17
- Revenues Hall, Chesterfield created 20/04/17
- Old Court House (Knightsbridge Court) created 06/03/17
- Chesterfield Co-op created 27/02/17
- Tiffany's Bar created 04/12/16
- West Bars Beggars created 17/03/14
- Central library, Chesterfield created 23/01/14
- Chesterfield town centre dispersal order created 17/04/13
- Queens Park and Annex created 09/04/13
- New Beetwell Street bus station created 03/04/13
- Mecca Bingo active 22/08/16 – 04/10/2016
- Memorial Gardens Campers active 17/08/16 – 27/09/16

7.5 In addition to this the police have used 48 hour dispersal orders to effectively disrupt those causing the ASB. They have also been

granted six Criminal Behaviour Orders on key perpetrators which include bans from the town centre for extended periods of time of up to five years. In addition to the enforcement activities, we have actively engaged and worked with partners and charities to seek options to address the underlying issues.

7.6 It is considered that the evidence clearly provides reasonable grounds to consider that the controls proposed in the PSPOs are necessary to ensure that activities within the proposed areas do not have a detrimental effect on the quality of life of those in the locality and proportionally justify the restrictions imposed.

8.0 **Consultation**

8.1 The Anti-Social Behaviour Crime & Policing Act 2014 requires that local authorities carry out public consultation on any proposed PSPOs.

8.2 There is a legal duty on the Council to consult specifically with the Chief Officer of the Police, the Police and Crime Commissioner (PCC), the Highways Authority and any other relevant bodies including community representatives within the local area.

8.3 The local police are fully supportive of the initiative and have been involved with the development of the PSPO including the sharing of data to help demonstrate that the conditions required for implementing the PSPO are met.

8.4 The consultation will run for 8 weeks and be published on the Council's web site and will be advertised widely including via social media with notice provided to relevant bodies believed to have an interest. Paper copies will also be made available at local libraries and on the reception desks at the customer contact centre, town hall and sports centres. The questions proposed for the consultation are included in Appendix 7.

9.0 **Human resources/people management implications**

9.1 There is already a range of enforcement activities undertaken in the areas proposed to be included within the PSPOs. There is a good working relationship with the police and the enforcement is

currently targeted based on intelligence received and service demands. There is enforcement activity undertaken by staff from the Community Safety Team, Licensing, Environmental health and supported by other town centre staff in CCTV, street cleaning, markets and parking.

- 9.2 The officers within the Environmental Protection team already lead on enforcement for environmental issues and have delegated powers to serve Fixed Penalty Notices for dog fouling, litter, anti-social behaviour etc..
- 9.3 Following discussions with police colleagues it is proposed that the majority of legal proceedings for breach of PSPOS will be undertaken by the Council. The police will deal with complaints they receive, support and provide evidence of potential breaches of the PSPO. It is proposed to further consult with police colleagues around the establishment of a Memorandum of Understanding on enforcement activity.
- 9.4 The principles proposed are that the police will issue Council Fixed Penalty Notices (FPNs) and the administration of these will be undertaken using the existing FPN processes by officers within the Environmental Protection team. Any income from these will be used to support activities around ASB within the borough. Further it is proposed that enforcement for criminal breach of a PSPO will be led by the Council unless the police have a wider criminal action in hand when they will take primacy.
- 9.5 There is currently a significant number of incidents relating to anti-social behaviour within the areas proposed to be incorporated in the PSPOs. Also many of the incidents occur outside normal working hours (i.e. during the evening and at the weekend). Currently, the enforcement officers work Monday to Friday and any response during the evening and at the weekend relies on officers being available and on a voluntary basis.
- 9.6 There is a review of enforcement across the health and well-being service underway (including Licensing and Community Safety teams) with a view to redesign to provide additional resource across all hours for supporting enforcement of the PSPOs in collaboration with the police. This will be reported to

cabinet along with the outcomes of the formal consultation later in the year.

10.0 **Financial implications**

10.1 There are no financial implications at this stage as the recommended action is to begin consultation as required by the statutory provisions.

10.2 Should the Orders be approved, the PSPOs must be published in accordance with the regulations made by the Secretary of State and appropriate signage placed within areas where there are restrictions in place. Costs associated with this will be addressed following the outcome of consultation in the subsequent report.

11.0 **Legal and data protection implications**

11.1 No legal and data protection implications at this stage as the recommended action is to begin consultation as required by the statutory provisions.

12.0 **Risk management**

12.1 The following risks associated with this report have been identified as:

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Challenge of the PSPO at High Court by an interested party.	High	Medium	Statutory consultees and the public will be consulted.	High	Low
Increase in complaints about non-compliance with the PSPO	High	Medium	Draw upon enforcement resource within the Council and partners. Ensure enforcement resource available out of hours.	Medium	Low

Adverse reaction by press and public to proposals	High	Medium	Full media campaign to explain evidence and alternate approaches to support vulnerable persons	Medium	Low
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13.0 **Equalities Impact Assessment (EIA)**

13.1 When making a PSPO a local authority must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights and the Human Rights Act.

13.2 The wording of the PSPO has been specifically drafted in a way to avoid targeting any specific group or type of individuals and only targets the behaviours that cause nuisance, alarm, harassment or distress to others.

13.3 The potential equality impacts of the PSPOs have been assessed. A copy of the EIA is available in Appendix 8. No negative impacts are anticipated on protected groups have been identified at this stage. The EIA will be updated and reassessed following consultation.

14.0 **Alternative options and reasons for rejection**

14.1 The proposals are subject to a consultation phase and any alternate options will be considered once the consultation responses have been evaluated and will be reported to cabinet at a future date.

15.0 **Recommendations**

15.1 To ask Members to approve undertaking formal consultation for a period of 8 weeks on the Public Spaces Protection Order Chesterfield (No1) (relating to restricting alcohol consumption) and the Public Spaces Protection Order Chesterfield (No2) (relating to other anti-social behaviour controls).

15.2 To ask Members to note the establishment of a Site Management Agreement (SMA) with the Public Fundraising Association (PFRA) to control charity collectors seeking collections by means of 'Direct Debit' or 'Standing Order' payments (commonly referred to as 'Chuggers') within the town centre.

16.0 **Reasons for recommendations**

16.1 PSPO's are intended to deal with a particular nuisance or problem in a particular geographical area that is detrimental to the local communities 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.

16.2 The proposals included in the PSPOs are proportionate, based on evidence and analysis and are necessary to address the issues of ASB within the specified designated locations.

Glossary of Terms <i>(delete table if not relevant)</i>	
<i>DPPO</i>	<i>Designated Public Place Order</i>
<i>PSPO</i>	<i>Public Spaces Protection Order</i>
<i>SMA</i>	<i>Site Management Agreement</i>
<i>PFRA</i>	<i>Public Fundraising Association</i>
<i>FPN</i>	<i>Fixed Penalty Notice</i>
<i>E-CINS</i>	<i>Empowering Communities Inclusion and Neighbourhood Management System</i>

Decision information

Key decision number	Non-key 69
Wards affected	Brockwell, Hasland, Holmebrook, Rother, St Leonards, Walton
Links to Council Plan priorities	To develop our great town centre To increase the quality of public space for which the council has responsibility through targeted improvement programmes To improve the health and well-being of people in Chesterfield Borough To reduce inequality and support

	the more vulnerable members of our communities
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Document information

Report author		Contact number/email
Martin Key		01246 345337 Martin.key@chesterfield.gov.uk
Background documents		
These are unpublished works which have been relied on to a material extent when the report was prepared.		
N/A		
Appendices to the report		
Appendix 1	DPPO 2004	
Appendix 2	DPPO 2011	
Appendix 3	Public Spaces Protection Order Chesterfield (No1)	
Appendix 4	PSPO map	
Appendix 5	Public Spaces Protection Order Chesterfield (No2)	
Appendix 6	Site Management Agreement (SMA) with the Public Fundraising Association (PFRA)	
Appendix 7	Consultation questions	
Appendix 8	Equalities Impact Assessment	

**THE CHESTERFIELD
BOROUGH COUNCIL
ALCOHOL
CONSUMPTION IN
DESIGNATED PUBLIC
PLACES ORDER 2004**

File: PY.553

CHESTERFIELD BOROUGH COUNCIL

CRIMINAL JUSTICE AND POLICE ACT 2001
SECTIONS 12 TO 16

THE CHESTERFIELD BOROUGH COUNCIL
ALCOHOL CONSUMPTION IN DESIGNATED
PUBLIC PLACES ORDER 2004

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield, Derbyshire S40 1LP ("the Council") hereby makes the following Order under Section 13(2) of the Criminal Justice and Police Act 2001:-

- (1) The land described in the Schedule below and edged in red on the map attached to this Order, being land in the area of the Council, which is land to which the Criminal Justice and Police Act 2001 applies, is hereby designated for the purposes of that Act.
- (2) This Order may be cited as The Chesterfield Borough Council Alcohol Consumption in Designated Public Places Order 2004 and shall come into force on the 30th day of January, 2004.

SCHEDULE

All public places within the area bounded by the west side of Rose Hill West, the north side of part of Saltergate, the east side of part of Union Walk, the north side of the service road to the public multi-storey car park at Saltergate, the north side of the public highway to the north of the public car park at Holywell Cross, the north side of part of Durrant Road, the north side of part of Brewery Street, the west side of part of the A61, the south side of Hollis Lane, the east side of part of Lordsmill Street, the south side of part of Markham Road, the west side of Castle Yard, the south side of part of New Beetwell Street, the south side of part of West Bars, the western boundary of the site of the former Magistrates' Court and the north side of part of Rose Hill.

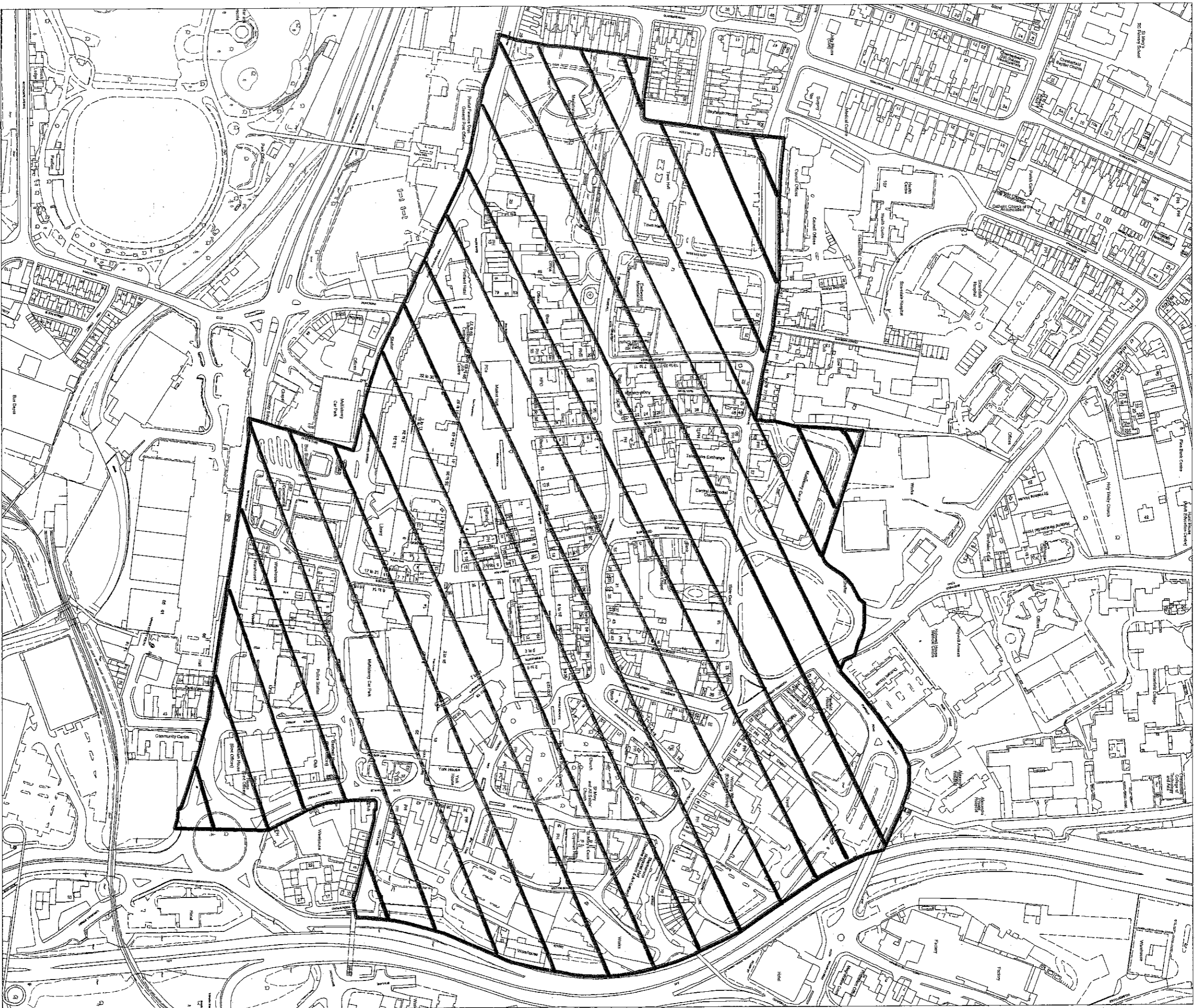
The area referred to in the Schedule is the area shown edged in red on the map attached to this Order.

DATED the day of 2004

THE COMMON SEAL of)
CHESTERFIELD BOROUGH COUNCIL)
was hereunto affixed in the presence of:-)

Mayor

Head of Legal, Scrutiny
and Democratic Services

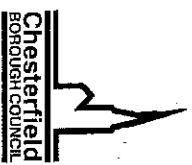


Scale 1:3300

Date Plotted 22/9/2003

Plot centred at 438265 371175

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CHESTERFIELD BOROUGH COUNCIL

CRIMINAL JUSTICE AND POLICE ACT 2001 (AS AMENDED)

LOCAL AUTHORITIES (ALCOHOL CONSUMPTION IN
DESIGNATED PUBLIC PLACES) REGULATIONS 2007

THE CHESTERFIELD BOROUGH COUNCIL
ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES
ORDER (FOR PART OF THE SOUTH AREA OF
CHESTERFIELD) 2011

Chesterfield Borough Council of the Town Hall, Rose Hill, Chesterfield, Derbyshire ("the Council") hereby makes the following Order under Section 13(2) of the Criminal Justice and Police Act 2001 (as amended) ("the 2001 Act"):

- (1) The land described in the Schedule below and edged in blue on the map attached to this Order, being land in the area of the Council, which is land to which the 2001 Act applies, is hereby designated for the purposes of section 13(2) of the 2001 Act.
- (2) This Order allows a constable and other accredited persons under sections 41 and 42 and schedule 5 to the Police Reform Act 2002 to require a person, in a designated public place, not to drink alcohol in that place if the officer reasonably believes that a person has consumed alcohol or intends to do so, and to surrender the alcohol and any opened or sealed containers in the person's possession. Any person who fails without reasonable excuse to comply with a constable's request under this provision may commit an arrestable offence and be liable to prosecution or may be issued with a penalty notice.
- (3) This Order may be cited as the Chesterfield Borough Council Alcohol Consumption in Designated Public Places Order (for part of the South Area of Chesterfield) 2011.
- (4) This Order becomes effective on 11 April 2011.

SCHEDULE

All public places are designated public places within the area bounded by:

The south side of Hollis Lane from the subway under the A61 in a westerly direction to the junction to the east side of Lordsmill Street; and then in a southerly direction along the east side of Lordsmill Street to the south side of the A619 roundabout; and then in a westerly direction along the south side of Markham Road to the Coach Station; and then in a northerly direction to the south side of New Beetwell Street; and then in a westerly direction along the south side of New Beetwell Street and continuing along the south side of West Bars to a point before the junction with Clarence Road; and then in a westerly direction along the north side of West Bars and continuing along the north side of Chatsworth Road (A619) to the junction with Walton Road and Old Hall Road; and then in a southerly direction along the west side of Walton Road to the junction with the A632 (Whitecotes Lane) where it meets the Borough boundary; and then in an easterly direction following the Borough boundary along the south side of Whitecotes Lane (part) and then following the line of Borough boundary to the west and south of Walton Hospital to the point where it meets the west side of Harehill Road; and then following the line of the Borough boundary in a southerly direction to the west side of Langer Lane; and then following the line of the Borough boundary in an easterly direction crossing the A61 and continuing following the line of the Borough boundary crossing the railway line to a point at the most southerly end of The Green, Hasland; and then the boundary follows a north-westerly direction (to the south of Kibworth Close and Bradgate Close) to a point where it meets the railway line to the west of Ingleton Road; and then continuing along the west side of the railway line in a northerly direction to the Horns Bridge roundabout; and it then follows in a northerly direction along the west side of the A61 to the subway at Hollis Lane.

The area referred to in the Schedule is the area within the boundary shown edged in blue on the map attached to this Order.

"Public place" means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

There are a number of public places which will not be subject to this Order at all or will only be subject to this Order at certain times. These are listed below:

(a) This Order will not apply to premises in respect of which a Premises Licence (within the meaning of the Licensing Act 2003) has effect which authorises the premises to be used for the sale or supply of alcohol;

(b) This Order will not apply to premises in respect of which a Club Premises Certificate (within the meaning of the Licensing Act 2003) has effect which authorises the premises to be used by the club for the sale or supply of alcohol;

(c) This Order will not apply to a place within the curtilage of premises with a Premises Licence or a Club Premises Certificate;

(d) This Order will not apply to premises that are the subject of a Temporary Event Notice (within the meaning of the Licensing Act 2003) for the period authorised by the notice and for 30 minutes following the sale or supply of alcohol;

(e) This Order will not apply to premises permitted for the sale or consumption of alcohol by virtue of a permission granted under section 115E of the Highways Act 1980;

(f) Where Chesterfield Borough Council holds the Premises Licence which authorises the sale or supply of alcohol, or occupies or has managed on its behalf a premises subject to a Premises Licence authorising the sale or supply of alcohol, this Order will not apply to those premises at times when they are actually being used for the sale or supply of alcohol or at times falling within 30 minutes after the end of such a period. Chesterfield Borough Council holds premises licences for Queen's Park Sports Centre and Queen's Park Cricket Ground which authorise those premises to be used for the sale or supply of alcohol.

DATED the 4th day of March 2011

THE COMMON SEAL OF)
CHESTERFIELD BOROUGH COUNCIL)
was hereunto affixed in the presence of:)

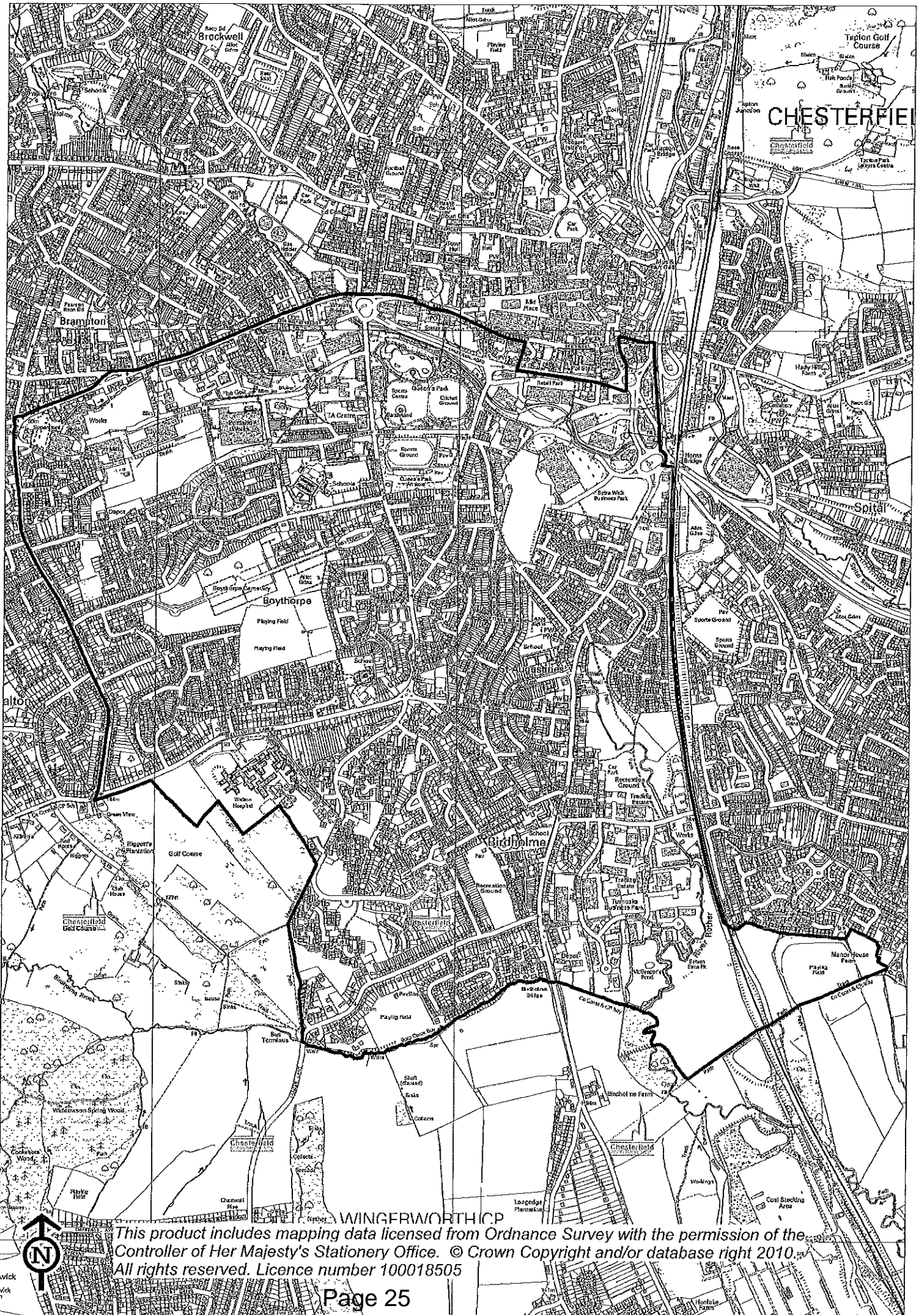
K. P. Maguire

Mayor

Sam T. Go

Authorised Signatory





WINGERWORTH CP
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**Chesterfield Borough Council
Anti-Social Behaviour, Crime and Policing Act 2014
Part 4 Section 59**

PUBLIC SPACES PROTECTION ORDER CHESTERFIELD (No 1) 2017

Chesterfield Borough Council being satisfied on reasonable grounds that:

(a) Activities (namely the consumption of alcohol) carried on in a public place within its area have had a detrimental effect on the quality of life of those in the locality, or

(b) It is likely that such activities will be carried on in a public place within that area and that they will have such an effect:

AND THAT the effect or likely effect of the activities

(a) Is, or is likely to be, of a persistent or continuing nature

(b) Is, or is likely to be, such as to make the activities unreasonable; and

(c) Justifies the restrictions imposed by the notice

AND pursuant to the requirements of s.72 of the Anti-Social Behaviour Crime & Policing Act 2014 (“the Act”) the Council:

(a) having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention on Human Rights; and

(b) having carried out the necessary consultation, notification and publicity

HAS DECIDED TO MAKE the following Public Spaces Protection Order under s.59 of the Act.

This order shall come into effect on _____ 2017 and shall have effect for 3 years.

1.0 Definitions

Alcohol has the meaning given by section 191 of the Licensing Act 2003

Authorised person means any authorised officer of the authority, a police constable or a community support officer designated under paragraph 5 of Part One of Schedule 4 to the Police Reform Act 2002



Restricted area means any place (include the doorway or alcove of any premises or any other outdoor location) to which the public or any section of the public has access (on payment or otherwise) as of right or by virtue of express or implied permission within the area designated in the schedules to this order

Exempted location means premises to which a prohibition on alcohol consumption does not apply as described in section 62 of the Act:-

- a) any premises authorised by a club premises certificate as defined by section 60 of the Licensing Act 2003
- b) any premises authorised by a premises licence as defined by section 11 of the Licensing Act 2003
- c) any place within the curtilage of such premises defined in a) or b) above
- d) any place which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which by virtue of that part could have been so used in the 30 minutes before that time
- e) any place related to facilities or activities relating to the sale or consumption of alcohol at the relevant time permitted by virtue of permission granted by section 115E of the Highways Act 1980.
- f) any council-operated licensed premises when the premises are being used for the supply of alcohol, or within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

Surrender for disposal - a constable or an authorised person may dispose of anything surrendered which he or she reasonably believes to be alcohol in whatever way he or she thinks appropriate

2.0 Alcohol

Prohibition

All persons are prohibited from drinking alcohol within the restricted area other than at an exempted location.

Requirements

Where an authorised person reasonably believes that a person is consuming alcohol or has been consuming alcohol in breach of this order or where an authorised person reasonably believes that the person intends to consume alcohol in circumstances which would be a breach of this order, the authorised person can take the following steps:-

- i. to prohibit the person from consuming alcohol or anything which the authorised persons reasonably believes is an alcoholic beverage in breach of this order
- ii. to require that person to surrender for disposal any alcohol or anything which the authorised person reasonably believes to be alcohol which is in the person's possession including a container for alcohol.

3.0 Penalties for Non-compliance



If, without reasonable excuse, a person is found to be in breach of any of the requirements in section 2 above they will commit a criminal offence for which the maximum penalty upon summary conviction is a fine not exceeding level 2 on the standard scale.

An authorised person may issue a fixed penalty notice (FPN) not exceeding £100 to any person he or she has reason to believe has breached the prohibitions or requirements of section 2 of this order. A FPN is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty within 14 days of the date of the notice.

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. "Interested person" means an individual who lives in the restricted area or who regularly works in or visits that area.

An interested person may apply to the High Court to question the validity of—

- (a) a public spaces protection order, or
- (b) a variation of a public spaces protection order.

An interested person may challenge the validity of the order on two grounds:

- (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- (b) that one of the requirements of the legislation has not been complied with.

When an application is made the High Court may suspend the operation of the order or any of the prohibitions or requirements imposed by the order, until the final determination of the proceedings.

If the High Court is satisfied that—

- (a) the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
- (b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under the legislation,

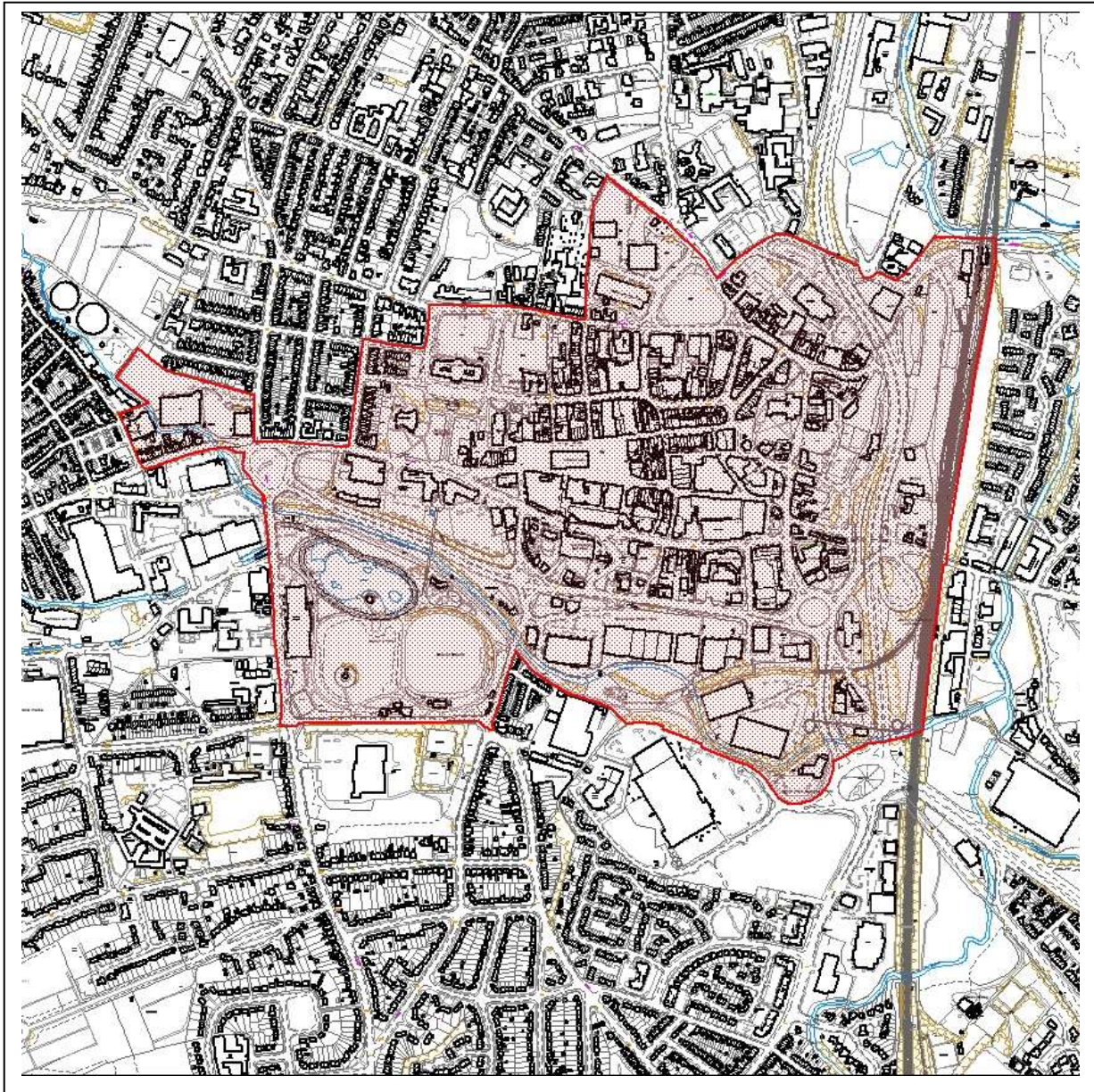
the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).

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PUBLIC SPACES PROTECTION ORDER CHESTERFIELD (No 1) 2017

PUBLIC SPACES PROTECTION ORDER CHESTERFIELD (No 2) 2017

Schedule - Map designating Restricted Area



Key highlighted area – Restricted Area

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**Chesterfield Borough Council
Anti-Social Behaviour, Crime and Policing Act 2014
Part 4 Section 59**

PUBLIC SPACES PROTECTION ORDER CHESTERFIELD (No 2) 2017

Chesterfield Borough Council being satisfied on reasonable grounds that:

(a) Activities (namely positioning or occupying tents or other temporary structures, loitering and begging, urinating or defecating, use or supply of intoxicating substances, leaving unattended material or paraphernalia and undertaking other activities which may cause nuisance, alarm, harassment or distress to another person) carried on in a public place within its area have had a detrimental effect on the quality of life of those in the locality, or

(b) It is likely that such activities will be carried on in a public place within that area and that they will have such an effect:

AND THAT the effect or likely effect of the activities

(a) Is, or is likely to be, of a persistent or continuing nature

(b) Is, or is likely to be, such as to make the activities unreasonable; and

(c) Justifies the restrictions imposed by the notice

AND pursuant to the requirements of s.72 of the Anti-Social Behaviour Crime & Policing Act 2014 (“the Act”) the Council:

(a) having had particular regard to the rights of freedom of expression and freedom of human assembly set out in Articles 10 and 11 of the European Convention on Human Rights; and

(b) having carried out the necessary consultation, notification and publicity

HAS DECIDED TO MAKE the following Public Spaces Protection Order under s.59 of the Act.

This order shall come into effect on _____2017 and shall have effect for 3 years.

1.0 Definitions

Alcohol has the meaning given by section 191 of the Licensing Act 2003

Authorised person means any authorised officer of the authority, a police constable or a community support officer designated under paragraph 5 of Part One of Schedule 4 to the Police Reform Act 2002



Restricted area means any place (include the doorway or alcove of any premises or any other outdoor location) to which the public or any section of the public has access (on payment or otherwise) as of right or by virtue of express or implied permission within the area designated in the schedule to this order

Intoxicating substance shall mean any substance with the capacity to stimulate or depress the central nervous system with the exception of

- a) alcohol
- b) caffeine
- c) any substance used for a valid and demonstrable medicinal use
- d) any substance that is a food product regulated by food standards and safety legislation
- e) any substance given to an animal as a medicinal remedy
- f) any substance which is a cigarette only containing tobacco or a vaporiser.

Loitering means standing or waiting around without apparent purpose

Begging includes but is not limited to approaching people and asking for money or placing a receptacle for donations.

2.0 Tents and other structures

Prohibition

All persons are prohibited from positioning or occupying any tent or other temporary structure within the restricted area without the express permission of the landowner.

Requirements

When required to do so by an authorised person the person shall permanently remove any tent or other temporary structure within 12 hours of the request.

3.0 Dispersal

Prohibition

All persons are prohibited from any activity or behaviour causing nuisance, alarm, harassment or distress to any other person within the restricted area.

Requirements

Where an authorised person has reason to believe that the person is causing or likely to cause nuisance, alarm, harassment or distress to any other person or in order to prevent public disorder, when required to do so by an authorised person the person shall immediately disperse from within the restricted area and shall not return to the restricted area for 48-hours.

4.0 Loitering and begging

Prohibition

All persons are prohibited from loitering around cash machines, shopping centre entrances, shop entrances or car park ticket and payment machines within the restricted area for the purposes of begging.

Requirements



When required to do so by an authorised person the person shall immediately disperse from within the location around a cash machine, shopping centre or shop entrance and shall not return to any such location within the restricted area for the purposes of begging.

5.0 Other Prohibitions – Urination or defecation

All persons are prohibited from urinating or defecating within the restricted area other than in a facility specifically designed and intended for such use.

6.0 Other Prohibitions – Unattended material or paraphernalia

All persons are prohibited from leaving within the restricted area unattended any personal effects or belongings or any other material or paraphernalia including anything that may be considered as discarded or waste material.

7.0 Other Prohibitions – Intoxicating Substances

All persons are prohibited from using (by ingestion inhalation injection or smoking) or supplying to another person any intoxicating substance within the restricted area.

8.0 Penalties for Non-compliance

If, without reasonable excuse, a person is found to be in breach of any of the prohibitions or requirements in sections 2, 3, 4, 5, 6 or 7 above they will commit a criminal offence for which the maximum penalty upon summary conviction is a fine not exceeding level 3 on the standard scale.

An authorised person may issue a fixed penalty notice (FPN) not exceeding £100 to any person he or she has reason to believe has breached the prohibitions or requirements of sections 2, 3, 4, 5, 6 or 7 of this order. A FPN is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty within 14 days of the date of the notice.



Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. "Interested person" means an individual who lives in the restricted area or who regularly works in or visits that area.

An interested person may apply to the High Court to question the validity of—

- (a) a public spaces protection order, or
- (b) a variation of a public spaces protection order.

An interested person may challenge the validity of the order on two grounds:

- (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- (b) that one of the requirements of the legislation has not been complied with.

When an application is made the High Court may suspend the operation of the order or any of the prohibitions or requirements imposed by the order, until the final determination of the proceedings.

If the High Court is satisfied that—

- (a) the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
- (b) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under the legislation,

the Court may quash the order or variation, or any of the prohibitions or requirements imposed by the order (or by the order as varied).

Site Management Agreement

Between the Institute of Fundraising Compliance Directorate and Chesterfield Borough Council

1 Purpose

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Chesterfield town centre and provide a balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.

Once this agreement is in place it should minimise the administration for the council, providing just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation the Institute of Fundraising Compliance Directorate (IoFCD), instead of dealing with each individual charity and fundraising organisation separately.

2 Statement of Conformity

All fundraisers will abide at all times by the relevant elements the Fundraising Regulator's [Code of Fundraising Practice](#) and [Rule Book](#), or face the appropriate penalties.

If local authority officers note fundraisers contravening the Fundraising Regulator's Rule Book or any local clause within the SMA, they will inform the Institute of fundraising Compliance Directorate's Head of Standards by contacting them on 020 7401 8452, providing details of the incident.

3 Access Details

3.1 Sites, team sizes, positioning, and frequency

Sites may be used as follows, as shown in the map at Appendix 1:

Chesterfield:

Pedestrianised area of High Street and Burlington Street between Market Place and Church Way, avoiding the junction with Packers Row, and Packers Row between High Street and Vicars Lane, avoiding the junctions with High Street and Vicar Lane

Capacity: maximum of 4 fundraisers

Positioning: fundraisers to be spread out along the length of the site

Frequency: 3 days a week, with Mondays, Thursdays, Fridays and Saturdays available

Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officials and reposition themselves correctly or as directed on-site.

Only one charity will be present on any one site on any one day.

Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified.

Any exclusion dates (e.g specific event days) are to be announced by the Council to the IOFCD to be booked into the IOFCD's diary management system, giving a minimum of 4 weeks' notice to the IOFCD from date of diary delivery.

3.2 Other Conditions

Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the public highway who do not wish to engage. In furtherance of this, it is desirable that a minimum footway channel of 1 metre be maintained between fundraisers and the kerb / shop frontage where it is reasonable to do so.

Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities (e.g. street traders, Big Issue sellers, buskers, newspaper stands, promotional activities and market researching).

4 Information Required

4.1 Nominated Gatekeeper

The nominated gatekeeper for Chesterfield Borough Council is Trevor Durham and his contact details are 01246 345203. In his absence all enquiries should be made to Andy Bond on 01246 345991.

4.2 Required Information

The IOFCD will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for the agency (if applicable); and charity being fundraised for.

Copies of the diary are to be made available to:

Trevor Durham, Licensing Manager, Chesterfield Borough Council

email: trevor.durham@chesterfield.gov.uk

Andy Bond, Town Centre Operations manager, Chesterfield Borough Council

email: andy.bond@chesterfield.gov.uk

These contact details shall be updated as and when necessary.

4.3 Transition and continuity

Should the nominated gatekeeper move on or responsibilities otherwise change, the gatekeeper will inform his/her successor of the detail of this agreement, the relationship with the IOFCD, arrangements for the regulation of face-to-face fundraising, and provide the IOFCD with contact details for the successor.

5 Complaint Management

IOFCD will respond to and seek to resolve all complaints received, and issue penalties according to its rules. The Council will provide real time notification of any complaints it wishes to be resolved immediately and provide sufficient detail for any retrospective complaints to be investigated. Where the collection agencies or the charities themselves receive complaints it is expected that they will provide information to the IOFCD including information about the identity of any individual collector who is subject of a complaint and of the action taken (if any).

Members of the public are encouraged to direct complaints about charity fundraising to the Fundraising Regulator.

6 Working Together

Chesterfield Borough Council agrees to work with the IOFCD to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the IOFCD, the Code of Fundraising Practice, and facts about Direct Debit.

The IOFCD monitors member organisations, through a programme of random spot-checks, responding to complaints, and other mechanisms, to ensure fundraisers' adherence to the Code of Fundraising Practice, Fundraising Regulator Rules, and Site Management Agreements. The IOFCD can give appropriate penalties or sanctions to those not abiding by the rules.

This SMA may be reviewed from 6 months after its implementation, as and when it is deemed necessary. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months' notice in writing.

Depending on when this agreement is signed, in relation to the IOFCD's bidding/allocation cycle, there will be a lead-time of up to 8 weeks before the agreement can be fully implemented.

Signed For and On Behalf Of IOFCD:

Print name:

Job title:

Date:

Signed For and On Behalf Of
Chesterfield Borough Council:

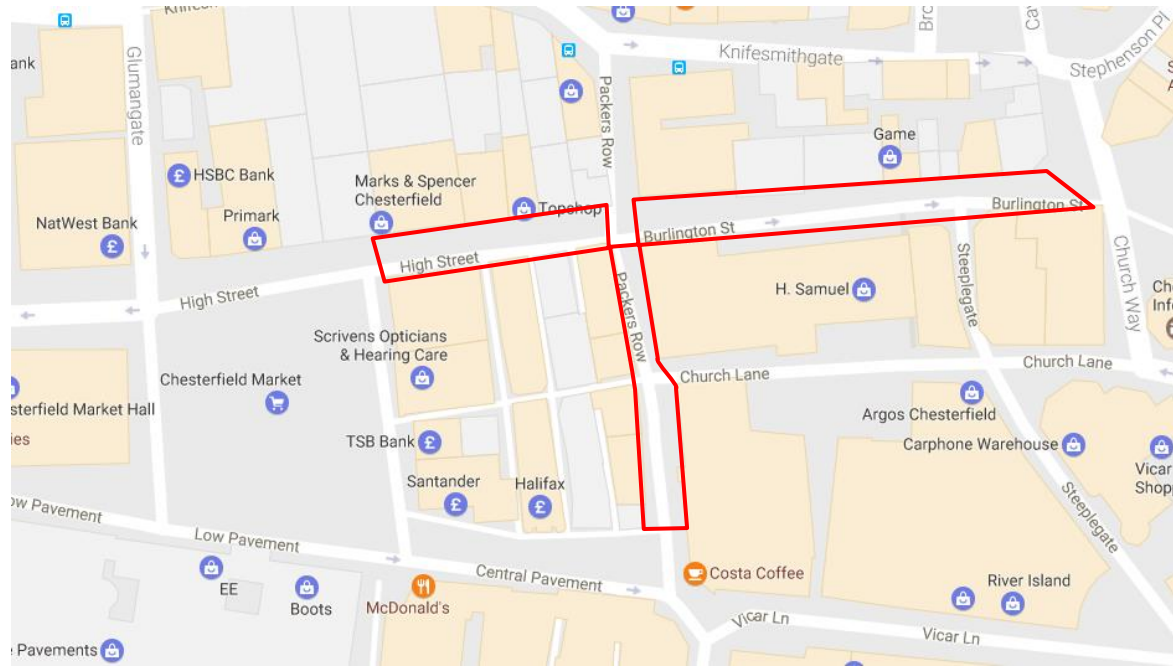
Print name:

Job title:

Date:

Appendix 1 - Map(s)

Plan showing the area(s) where fundraising is to be permitted:



Appendix 2 - Direct Debit Guarantee

Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of making charitable donations. Organisations using the Direct Debit Scheme go through a careful vetting process before they're authorised, and are closely monitored by the banking industry. The efficiency and security of the Scheme is monitored and protected by your own bank or building society.

The Direct Debit Scheme applies to all Direct Debits. It protects you in the rare event that anything goes wrong.

The Direct Debit Guarantee

- The Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits.
- If there are any changes to the amount, date or frequency of your Direct Debit the organisation will notify you (normally 10 working days) in advance of your account being debited or as otherwise agreed. If you request the organisation to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the organisation or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society.
 - If you receive a refund you are not entitled to, you must pay it back when the organisation asks you to.
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify the organisation.

Appendix 7 - Public Space Protection Orders (PSPO) Consultation Questions - ASB and street drinking control powers

Chesterfield Borough Council is consulting on two proposed Public Space Protection Orders (PSPOs) for areas of Chesterfield (see maps below). Accompanying this survey is a copy of the draft PSPOs on which we are consulting and a Frequently Asked Questions leaflet which will help explain what a PSPO is and how it can help address antisocial behaviour in our Public Spaces.

Public Spaces Protection Order Chesterfield (No1)

Prohibition and Requirements - All persons are prohibited from drinking alcohol within the restricted area other than at an exempted location and shall when requested by an authorised person stop drinking and surrender for disposal any alcohol or anything believed to be alcohol including a container for alcohol.

Do you consider this to be a problem within the public areas defined by the map?

- Yes No Don't Know

Has this type of behaviour had an impact on your enjoyment of the public areas defined by the map?

- Yes No Don't Know

Would you please provide details of this impact and the effect it had on you.

Has this type of behaviour improved or worsened over the last 12 months?

- Improved Same Worse

Do you consider this proposal should remain within the PSPO?

Yes No Don't Know

Do you consider the fixed penalty fee for this offence should be £100 (which is the maximum)?

Yes No Don't Know

In relation to the area covered by the 2011 Designated Public Place Order this can be allowed either to automatically transfer across to a PSPO without change on 20 October 2017 or it could be reissued with the same wording as Public Spaces Protection Order Chesterfield (No1). Which option do you support?

Allow to transfer Reissue with new wording Don't Know

Please provide any additional comments you wish to make with the proposal to prohibit this behaviour through the proposed PSPO.

Public Spaces Protection Order Chesterfield (No2)

Tents and other structures - Prohibition and Requirements

All persons are prohibited from positioning or occupying any tent or other temporary structure without the express permission of the landowner and requires permanent removal within 12 hours.

Do you consider this to be a problem within the public areas defined by the map?

- Yes No Don't Know

Has this type of behaviour had an impact on your enjoyment of the public areas defined by the map?

- Yes No Don't Know

Would you please provide details of this impact and the effect it had on you.

Has this type of behaviour improved or worsened over the last 12 months?

- Improved Same Worse

Do you consider this proposal should remain within the PSPO?

- Yes No Don't Know

Do you consider the fixed penalty fee for this offence should be £100 (which is the maximum)?

- Yes No Don't Know

Please provide any additional comments you wish to make with the proposal to prohibit this behaviour through the proposed PSPO.

Disp

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All persons are prohibited prohibits any activity or behaviour causing nuisance, alarm, harassment or distress to any other person and requires immediate dispersal and prohibits return within 48-hours.

Do you consider this to be a problem within the public areas defined by the map?

- Yes No Don't Know

Has this type of behaviour had an impact on your enjoyment of the public areas defined by the map?

- Yes No Don't Know

Would you please provide details of this impact and the effect it had on you.

Has this type of behaviour improved or worsened over the last 12 months?

- Improved Same Worse

Do you consider this proposal should remain within the PSPO?

- Yes No Don't Know

Do you consider the fixed penalty fee for this offence should be £100 (which is the maximum)?

- Yes No Don't Know

Please provide any additional comments you wish to make with the proposal to prohibit this behaviour through the proposed PSPO.

Loite

All persons are prohibited from loitering around cash machines, shopping centre entrances, shop entrances or car park ticket and payment machines for the purposes of begging and requires immediate dispersal and prohibits return to any such location for the purposes of begging.

Do you consider this to be a problem within the public areas defined by the map?

- Yes No Don't Know

Has this type of behaviour had an impact on your enjoyment of the public areas defined by the map?

- Yes No Don't Know

Would you please provide details of this impact and the effect it had on you.

Has this type of behaviour improved or worsened over the last 12 months?

- Improved Same Worse

Do you consider this proposal should remain within the PSPO?

- Yes No Don't Know

Do you consider the fixed penalty fee for this offence should be £100 (which is the maximum)?

- Yes No Don't Know

Please provide any additional comments you wish to make with the proposal to prohibit this behaviour through the proposed PSPO.

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Urination or defecation - All persons are prohibited from urinating or defecating other than in a facility specifically designed and intended for such use.

Do you consider this to be a problem within the public areas defined by the map?

- Yes No Don't Know

Has this type of behaviour had an impact on your enjoyment of the public areas defined by the map?

- Yes No Don't Know

Would you please provide details of this impact and the effect it had on you.

Has this type of behaviour improved or worsened over the last 12 months?

- Improved Same Worse

Do you consider this proposal should remain within the PSPO?

- Yes No Don't Know

Do you consider the fixed penalty fee for this offence should be £100 (which is the maximum)?

- Yes No Don't Know

Please provide any additional comments you wish to make with the proposal to prohibit this behaviour through the proposed PSPO.

Unattended material or paraphernalia - All persons are prohibited from leaving unattended any personal effects or belongings or any other material or paraphernalia including anything that may be considered as discarded or waste material.

Do you consider this to be a problem within the public areas defined by the map?

- Yes No Don't Know

Has this type of behaviour had an impact on your enjoyment of the public areas defined by the map?

- Yes No Don't Know

Would you please provide details of this impact and the effect it had on you.

Has this type of behaviour improved or worsened over the last 12 months?

- Improved Same Worse

Do you consider this proposal should remain within the PSPO?

- Yes No Don't Know

Do you consider the fixed penalty fee for this offence should be £100 (which is the maximum)?

- Yes No Don't Know

Please provide any additional comments you wish to make with the proposal to prohibit this behaviour through the proposed PSPO.

Intoxicating Substances - all persons are prohibited from the use (by ingestion inhalation injection or smoking) or supply of any intoxicating substance.

Do you consider this to be a problem within the public areas defined by the map?

- Yes No Don't Know

Has this type of behaviour had an impact on your enjoyment of the public areas defined by the map?

- Yes No Don't Know

Would you please provide details of this impact and the effect it had on you.

Has this type of behaviour improved or worsened over the last 12 months?

- Improved Same Worse

Do you consider this proposal should remain within the PSPO?

- Yes No Don't Know

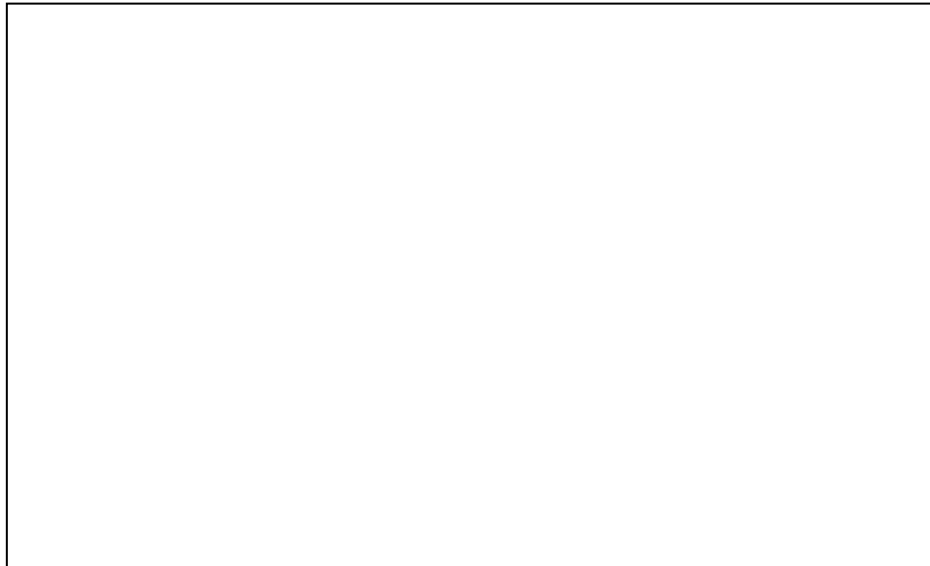
Do you consider the fixed penalty fee for this offence should be £100 (which is the maximum)?

- Yes No Don't Know

Please provide any additional comments you wish to make with the proposal to prohibit this behaviour through the proposed PSPO.

Are we missing anything?

Are there any other behaviours you would like to see included in a PSPO that you feel are detrimental to the quality of life in Shrewsbury Town Centre – please provide suggestions and reasons?

A large, empty rectangular box with a thin black border, intended for users to provide suggestions and reasons regarding behaviours detrimental to the quality of life in Shrewsbury Town Centre.

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Chesterfield Borough Council

Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: Health & Wellbeing

Section: Community Safety

Lead Officer: Martin Key

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: Consultation on Public Spaces Protection Orders.

Is the policy, project, service, function or strategy:

Existing

Changed

New/Proposed

Q1 - What is the aim of your policy or new service?

The Public Spaces Protection Order (PSPO) is a new power under the Anti-Social Behaviour, Crime and Policing Act 2014 and came into force in October 2014. PSPO's are intended to deal with a particular nuisance or problem in a particular geographical area that is detrimental to the local communities 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.

A PSPO can be made by the local authority if they are satisfied on reasonable grounds that the activities carried out or likely to be carried out, in a public place:

- Have had, or is likely to have a detrimental effect on the quality of life of those in the locality.
- Is, or likely to be of a persistent or continuing in nature.
- Is, or is likely to be unreasonable.
- Justifies the restrictions imposed.

The aim of the policy is to introduce additional controls over street drinking and associated anti-social behaviour to the benefit of residents, businesses and visitors to Chesterfield.

Q2 - Who is the policy or service going to benefit?

The PSPOs are part of a series of measures aimed at taking an holistic approach to improving Chesterfield for the benefit of all.

Whilst there have been reductions in levels of reported crime within Chesterfield during 2016/17, there has been a 13% increase in reported ASB in the town centre with 972 reports in 2016/17. There has been a visible escalation of ASB focussed around street drinking, drug use and disorder around the key gateways to the town and the impact on residents and visitors is unacceptable. This is a national issue with most cities and larger towns affected. Many of the perpetrators are experiencing a complex range of issues including drug and alcohol dependency, mental illness underpinned by reductions in support due to public sector funding austerity and the impact of welfare reform changes. The impact in Chesterfield is exacerbated as it is the location for much of the multi-agency support.

There have been a number of multi-agency meetings called by the Chesterfield Community Safety Partnership that have discussed the issues and possible controls. Following a detailed review of intelligence on ASB a number of new PSPO controls in support of the existing DPPOs have been considered. These have been subject to extensive consultation with the police to ensure the proposed controls are proportionate and the areas proposed for the controls are supported by adequate evidence.

Further there was a summit chaired by the Police and Crime Commissioner on 14 July 2017 to address the ASB issues. This summit resulted in key actions to review existing and potential enforcement options, to review support and treatment and to lobby government on the impact of welfare reform on the vulnerable in society.

Analysis has been carried out on information taken from the ECINS database recording ASB from both council and police systems. Having reviewed the data between 5 December 2016 and 9 July 2017 there were 444 incidents recorded. Of these 186 were recorded as being alcohol-related.

These controls will benefit the residents, businesses and visitors to Chesterfield

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact
Age – including older people and younger people.			√
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.	√		
Gender – men, women and			√

transgender.			
Marital status including civil partnership.			√
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.			√
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.			√
Ethnic Groups			√
Religions and Beliefs including those with no religion and/or beliefs.			√
Other groups e.g. those experiencing deprivation and/or health inequalities.	√		

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes
No

Q5 - Reasons for this decision:

The aim of the PSPO is to introduce additional controls over street drinking and associated anti-social behaviour to the benefit of residents, businesses and visitors to Chesterfield. The perpetrators of the ASB will be offered support through mental health and drug and alcohol services and the supporting voluntary and faith groups. One of the key outcomes of the PCC summit was a working group to focus on support and treatment. This stage of the process is consultation on the draft PSPOs and a further EIA will be produced following review of the consultation responses as part of the consideration of the final PSPO controls.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.

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