

CABINET**Tuesday, 10th October, 2017**

Present:-

Councillor P Gilby (Chair)

Councillors	Bagley Blank Brunt A Diouf	Councillors	T Gilby Huckle Ludlow
Non Voting Members	Catt Dickinson		J Innes

*Matters dealt with under the Delegation Scheme

**68 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

69 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Serjeant.

**70 PUBLIC SPACE PROTECTION ORDER FOR ALCOHOL AND ANTI-
SOCIAL BEHAVIOUR**

The Health and Wellbeing Manager submitted a report recommending for approval the making of the Public Spaces Protection Order (PSPO) Chesterfield (No1) (relating to restricting alcohol consumption) and the Public Spaces Protection Order Chesterfield (No2) (relating to other anti-social behaviour controls), and the delegation to officers of arrangements to implement the Orders, including the changes to the converted 2011 Designated Public Places Order, and the discharge of the 2004 Designated Public Places Order. The draft orders were attached to the officer's report as Appendices 4 and 5 respectively.

The report summarised the range of data, evidence and information that supported the proposed PSPO controls.

Pursuant to Minute No 46 (Cabinet 2017/18), and in accordance with the Anti-Social Behaviour Crime and Policing Act (2014), the council had carried out a formal public consultation on the proposed PSPO controls. A summary of the consultation responses, together with the full written comments of the public, was set out in Appendix 1 to the officer's report.

In addition, the Council received a letter that had been submitted on behalf of 27 businesses based in the town centre and 68 members of the public, which outlined increased public concern arising from the impact of anti-social behaviour in Chesterfield town centre.

Members were made aware that responses had also been received from the Chief of Police, the Police and Crime Commissioner and the Highways Authority. The full response from the Police and Crime Commissioner was set out in Appendix 3 to the officer's report.

It was advised that one of the key points raised by the Police and Crime Commissioner was the need to introduce a Memorandum of Understanding, which clearly sets out the roles and responsibilities respectively of the Council and the Police with regard to the enforcement of the proposed PSPOs.

The Health and Wellbeing Manager advised that a review of the council's officer resources and enforcement practices had commenced. The impetus for this was to find ways of providing additional officer resources to support the enforcement of the new PSPO controls and improve collaborative work with the Police.

The Deputy Monitoring Officer proposed additional recommendations for the Cabinet to consider for approval. These included the establishment of the power to issue Fixed Penalty Notices, and the granting of authority to the Chief Executive to authorise officers to administer and enforce Fixed Penalty Notices.

***RESOLVED –**

1. That the responses received from the formal consultation on the Public Spaces Protection Order Chesterfield (No1) (relating to restricting alcohol consumption) and the Public Spaces Protection Order (No2) (relating to other anti-social behaviour controls), be acknowledged and noted.

2. That the proposed Public Spaces Protection Orders, attached as Appendices 4 and 5 to the officer's report, including the power to issue Fixed Penalty Notices, be approved.
3. That the proposed conversion of the 2004 Designated Public Places Order into a Public Spaces Protection Order, and its subsequent discontinuation, be approved.
4. That the proposed conversion of the 2011 Designated Public Places Order into a Public Spaces Protection Order, and amendments to exempt areas covered by the Public Spaces Protection Order (No1), be approved.
5. That delegated authority be granted to the Local Government and Regulatory Law Manager in consultation with the Cabinet Member for Health and Wellbeing, to determine the implementation of the Public Spaces Protection Orders, as well as the amendments to the 2011 Designated Public Places Order, and discharge of the 2004 Designated Public Places Order.
6. That delegated authority be granted to the Chief Executive to authorise officers to administer and enforce Fixed Penalty Notices in respect of the Public Spaces Protection Orders.
7. That the level for Fixed Penalty Notices for breaches of the Public Spaces Protection Orders, be approved at £100.
8. That a review be carried out by November 2018, to assess the levels and impacts of alcohol consumption in public spaces within the area of the converted 2011 Designated Public Places Order, to provide evidence that the new Public Spaces Protection Order should be continued or discontinued.
9. That a progress report considering the impact and effectiveness of the Public Spaces Protection Orders, be produced and report to the Cabinet on an annual basis.

REASONS FOR DECISION

1. Public Spaces Protection Orders are intended to deal with a particular nuisance or problem within a specific geographical area that is detrimental to the quality of life of local communities, by imposing conditions which are applicable to all persons on the use

of that area. They are designed to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

2. The proposals included in the Public Spaces Protection Orders are based on evidence, consultation responses and analysis, and are proportionate and necessary to address the issues of anti-social behaviour within the specified, designated locations.