

For publication

Anti-social Behaviour, Crime and Policing Act 2014: Renewal of the Public Spaces Protection Order

Meeting:	Cabinet
Date:	December 12th 2023
Cabinet portfolio:	Health and Wellbeing
Directorate:	Leisure, Culture and Community Wellbeing

1.0 Purpose of the report

- 1.1 To ask Members to renew the Public Spaces Protection Orders (PSPO) to continue to provide controls relating to street drinking and other anti-social behaviour.
- 1.2 To inform Members of the outcome of the consultation on proposals for the renewal of the Public Spaces Protection Orders (PSPOs) to control street drinking and other anti-social behaviour.

2.0 Recommendations

- 2.1 That Members acknowledge the outcome of the consultation received 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) and related issues.
- 2.2 That Members agree to the continuation of 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) with effect from 15 December 2023 for a period of three years.

3.0 Reasons for recommendations

- 3.1

The current PSPO`s were initially considered and approved by Cabinet on 10 October 2017, following a Cabinet report regarding the potential for the PSPO being considered on 25 July 2017. This report outlined the legislative background and evidence that supported the restrictions and the scope of two PSPOs to restrict alcohol consumption and other anti-social behaviour (ASB) in Chesterfield town centre.

3.2

The current PSPO`s came into effect from the 15 December 2017. The PSPO`s were subsequently renewed for a period of three years commencing on the 15 December 2020.

The PSPO can only be in place for a maximum of three years before it is required to be renewed, consequently this report seeks approval to again renew the existing orders. There is no limit on the number of times that Orders can be renewed, if the need is still present.

4.0

Report details

4.1

PSPO`s are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour based on reasonable grounds that activities carried out or likely to be carried out;

- 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.

4.2

Since their introduction in December 2017, the PSPO`s have been an effective mechanism to support tackling town centre anti-social behaviour and street drinking.

4.3

The PSPO`s have become a crucial part of the menu of interventions available to the Police and Chesterfield Borough Council enforcement officers when faced with issues pertaining to anti-social behaviour and street drinking.

4.4

In the last two years, a Public Space protection Order (PSPO) has been issued on 143 occasions with 81 of those being issued in the last twelve months. The issue of PSPO notices has also informed and enabled further enforcement action to be taken including 19 Community Protection warnings, 7 Community Protection notices and one civil injunction.

4.5

Consequently given the number of times PSPO interventions have been used during this period, it is recommended that the PSPO`s are renewed to continue to provide the Police and Chesterfield Borough Council officers an appropriate and proportionate suite of actions to continue to support tackling town centre anti-social behaviour and street drinking.

4.6 It is considered that the number of PSPO interventions provides reasonable grounds to consider that the controls in the PSPOs are necessary to ensure that activities within the Town Centre do not have a detrimental effect on the quality of life of those in the locality and proportionally justify the restrictions imposed.

4.7 The current PSPO`s expire on the 15 December 2023. The decision to renew them must be taken prior to their expiry date and following a period of public consultation.

4.8 Consultation on the two PSPO`s was undertaken from 30 October 2023 until 15 November 2023. Copies of notices relevant to each PSPO consultation can be found in **Appendix One** for PSPO NO 1 and for PSPO NO 2.

4.9 Notices were displayed on the Councils website and shared with Chesterfield Shop Watch, East Midlands Chamber of Commerce.

4.10 25 responses were received to the public consultation about the renewal of the PSPO from a variety of individuals who utilise the town centre, including residents, businesses and those who visit Chesterfield Town centre. Twenty-four of the responses supported the renewal of the PSPO and one response did not agree with the PSPO stating the Police are not able to enforce it. The full report on the public consultation is outlined in **Appendix Two**.

4.11 In addition to public consultation, Chesterfield Borough Councils PSPO renewal requires specific engagement with; Derbyshire Constabulary, Derbyshire County Council, and the Police and Crime Commissioner. The three relevant responses were received, Superintendent (Head of Operations) North Divisional Commander Derbyshire Constabulary, **Appendix three**. Derbyshire County Council Community Safety Unit, **Appendix four** and the Police and Crime Commissioner for Derbyshire, **Appendix five**.

4.12 The responses from the public consultation, Derbyshire County Council, the Police and the Police and Crime Commissioner overwhelmingly confirmed continued support for the orders.

4.13 If the recommendations within this report are approved the PSPOs will be published in accordance with the regulations made by the Secretary of State.

Alternative options

5.0

5.1 The behaviours which the PSPOs are addressing cause a significant impact within the town centre. The alternative options available include; not

renewing the PSPOs, reduce the geographical extent or remove some of the prohibitions.

- 5.2 The Police and Chesterfield Borough Council enforcement teams have found the orders to be an essential tool in tackling anti-social behaviour and street drinking.
- 5.3 The orders have been used in excess of 140 times in the last two years, which is clear evidence that they are a key part of the resources available to those responsible for enforcement. Consequently, it is considered that retaining the PSPO`s is vital to retain an effective intervention and that any removal / adaptation or reduction in the scope of the PSPO`s would undermine the potential for addressing unacceptable behaviours.

Implications for consideration – Council Plan

6.0

Thriving Borough - *Vibrant town centre* - the Council will maintain safety within Chesterfield town centre by continuing to enforce the Public Spaces Protection Order

6.1

6.2

Quality of Life for Local People - *Improve our environment and enhance community safety for all our communities and future generations* - Combat anti-social behaviour in the Town Centre through the enforcement of the Public Space Protection Order.

Implications for consideration – Financial and value for money

7.0

The renewal of the current PSPO`s does not create any new or additional

7.1

budget requirements. All costs associated with the management and delivery of the PSPO`s are covered within existing budgets.

Implications for consideration – Legal

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The renewal process has been undertaken with the requirements of the Anti-social Behaviour, Crime and Policing Act 2014 and as such all legal

8.1

requirements have been fulfilled.

8.2

The councils Local Government & Regulatory Law Team have been fully engaged in the renewal process to ensure that the consultation requirements and required legal notices were displayed.

8.3

The ongoing use of the PSPO does not present any new or increased legal implications for Chesterfield Borough Council

Implications for consideration – Human resources

9.0

9.1 There are already a range of enforcement activities undertaken in the areas included within the PSPOs. There is a good working relationship with the police which is proven through the six years that the PSPO has been in existence.

9.2 The existing enforcement activity undertaken by the police and Chesterfield Borough Council staff from the Community Safety, Licensing and Environmental Health, supported by other town centre staff in CCTV, street cleaning, markets and parking, have proved to be suitable and sufficient to support the effective use and enforcement through the PSPO.

9.3 There is suitable capacity across the regulatory team to continue to support the Police in the effective use of the PSPO.

Implications for consideration – Risk management

10 The following risks associated with this report have been considered and are identified as below;

10.1

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Challenge of the PSPO at High Court by an interested party	High	Medium	The original order from 2017 was introduced in accordance with the Anti-social Behaviour, Crime and Policing Act 2014 and the renewal has been consulted on and is evidence based again to ensure compliance.	Medium	Low
Complaints about non-compliance with the PSPO	High	Medium	Draw upon enforcement capacity across Chesterfield Borough Council and Partners to	Medium	Low

			ensure suitable resource is available.		
Adverse reaction to the renewal by public / media.	Medium	Low	Appropriate publicity to be developed to support the renewal of the PSPO reinforcing the evidence based approach to renewal.	Medium	Low

11.0 Implications for consideration – community wellbeing

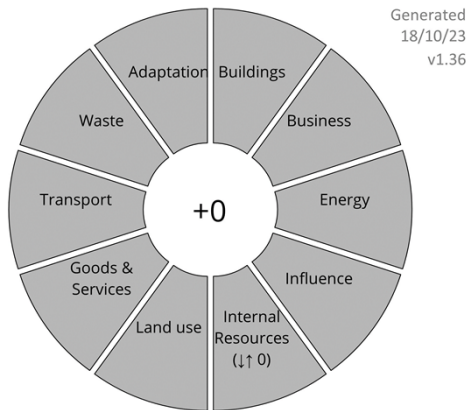
- 11.1 Having the PSPO` s provides the Police and Council enforcement teams with the necessary powers to positively tackle Town Centre anti-social behaviour and drinking. In having these orders in place, it will positively impact on the experience of residents and visitors to the town centre and as a result will help in reducing the fear of crime.
- 11.2 Through collaboration with partners the PSPO` s allows for positive engagement with those most vulnerable and at risk of homelessness and drug abuse for example and as a result, can where the individual is willing to engage, help improve their wellbeing.

12.0 Implications for consideration – Economy and skills

- 12.1 Providing a safe, secure and vibrant town centre will support employment, learning and development opportunities for residents of the borough.
- 12.2 The PSPO provides the Police and enforcement officers within the Council, the flexibility they require to challenge and tackle anti-social behaviour and the consumption of alcohol thus putting town centre communities first to positively contribute to the wider economic wellbeing of the Borough.

13.0 Implications for consideration – Climate Change

- 13.1 There is no direct impact from the renewal of the PSPO` s on Climate Change.



Chesterfield Borough Council has committed to being a carbon neutral organisation by 2030 (6 years and 2

14.0 Implications for consideration – Equality and diversity

- 14.1 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. However it is inevitable that some groups may be more impacted by the controls due to their behaviours.
- 14.2 The potential equality impacts of the PSPOs have been re-assessed following the original EIA produced in 2017 and its renewal on 2020. A copy of the EIA is available in Appendix 6.
- 14.3 Informing the EIA review has been the three years of operation for the current PSPO which has not as a result of its introduction or renewal, disproportionately impacted upon the residents of Chesterfield.
- 14.4 The desired outcome of the PSPO is to make the town centre an attractive place where residents, visitors and those at work can feel safe and protected. In the six years since the current PSPO was introduced this outcome has been supported by the effective and proportionate use of the PSPO.

Decision information

Key decision number	<i>All key decisions must be in the Forward Plan at least 28 days in advance. There are constitutional consequences if an item is not in the Forward Plan when it should have been. Contact Democratic Services if in doubt.</i>
Wards affected	Spire. Rother, Brockwell

Document information

Report author	
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Background documents

These are unpublished works which have been relied on to a material extent when the report was prepared.

This must be made available to the public for up to 4 years.

Appendices to the report

Appendix 1



NOTICE OF
PROPOSAL TO EXTEN



NOTICE OF
PROPOSAL TO EXTEN

Appendix 2



Public Place
Protection order Surv

Appendix 3



RE_ Renewal of the
Chesterfield Public Sp

Appendix 4



FW_ Renewal of the
Chesterfield Public Sp

Appendix 5



RE_ Renewal of the
Chesterfield Public Sp

Appendix 6



PSPO EIA Nov
2023.pdf

