

## Report of the Portfolio Holder for Community Safety

### PERMISSION TO CONSULT ON PSPO RENEWALS

#### 1. Purpose of Report

To seek approval to consult on the renewal of the Boroughs Public Space Protection Orders.

#### 2. Recommendation

**The Committee is asked to RESOLVE that permission to consult be approved.**

#### 3. Detail

Public Spaces Protection Orders are designed to deal with a nuisance affecting the whole community in a defined area by imposing conditions on the use of that area. They were introduced through the Anti-social Behaviour (ASB), Crime and Policing Act 2014 and came into effect in October 2014. Councils are responsible for making PSPOs and can do so on any public space for a maximum period of three years. At the end of this period consultation should take place and members approve a continuation of the order or allow it to lapse.

Before making a PSPO, a Council must be satisfied, on “reasonable grounds”, that there is sufficient evidence to justify an order preventing a currently lawful activity on the whole population within the defined area and that the behaviour to be restricted:

- is having, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

Ten PSPOs are currently in place in Broxtowe, six for the control of ASB related to Alcohol Consumption, two for Car Cruising, one for Dog Control and one for the Closure of a Footpath. In December 2020 all PSPOs in the Borough were aligned and the six relating to alcohol consolidated to allow for more efficient management.

The PSPOs currently in place have had the desired deterrent effect with only one Fixed Penalty Fine for breach being issued, by Nuthall Parish Council in 2020 for allowing a dog off a lead on Basil Russell Playing Field. The footpath closure in Eastwood has designed out the ASB, alcohol and drug issues relating to the design of the footpath.

There are still issues with street drinking in Beeston Town Centre however this is confined to private land which is exempt from inclusion in a PSPO.

The consultation will cover stakeholders and members of the public and will help to identify if issues exist which are not being reported and which will need to be taken into consideration by members when reviewing the orders for renewal.

Maps showing the relevant restricted areas are attached at the appendix.

4. Financial Implications

There are no additional financial implications for the Council at the consultation stage, with nominal costs being contained within existing budgets.

5. Legal Implications

The Anti-Social Behaviour, Crime and Policing Act 2014 provides a broad legal framework within which PSPOs can be implemented, before introducing, extending, varying or discharging a PSPO, there are requirements under the Act regarding consultation, publicity and notification (section 74). There are no statutory requirements about the length of the consultation process. However, it should be ensured that its duration allows sufficient time to meaningfully engage with all those who may be impacted by the Order/s. The Act also sets out a number of requirements. Draft proposals for a PSPO must be published as part of the consultation process. For extended Orders the proposal must be publicised (Section 72) (3)). The area covered by the proposals must be well defined; publishing maps of the affected area will help to clarify where behaviours are controlled. There are requirements in the Act for notifying any parish councils in the affected area, and for notifying the county council where the Order is being made by a district council. (Section 72 (4)). The consultation process will ultimately help inform the Council's view as to whether the requirements under section 59 of the Act have been fulfilled. There are some limitations set out in the Act regarding behaviours that can be restricted by PSPOs, the Council must have regard to the freedoms permitted under articles 10 and 11 of the Human Rights Act 1998 when drafting, extending, varying or discharging an Order.

6. Background Papers

Nil.