

Report of the Portfolio Holder for Community Safety

PUBLIC SPACES PROTECTION ORDERS (PSPO's)1. Purpose of Report

To seek approval for the renewal of the pre-existing Public Spaces Protection Orders (PSPO's) for alcohol control, vehicle control, dog control and footpath gating in order to continue helping to control issues of ASB in public spaces.

2. Recommendation

Cabinet is asked to RESOLVE that;

1. **Beeston Town Centre Alcohol Control PSPO including extension be approved.**
2. **Beeston North Alcohol Control PSPO be approved.**
3. **Stapleford Town Centre Alcohol Control PSPO be approved.**
4. **Eastwood Town Centre Alcohol Control PSPO be approved.**
5. **Kimberley Town Centre Alcohol Control PSPO be approved**
6. **Manor Park Alcohol Control PSPO be approved**
7. **Eastwood Vehicle Control PSPO be approved**
8. **Chilwell Vehicle Control PSPO be approved**
9. **Basil Russell Playing Fields Dog Control PSPO be approved**
10. **Malthouse Close to Knapp Avenue Footpath Gating PSPO be approved**

3. Detail

PSPO's were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, and are designed to stop individuals or groups from committing anti-social behaviour in or on land to which the public has access within the restricted area.

PSPO's are designed to deal with a particular nuisance in a particular area by imposing reasonable restrictions/requirements on the use of public space. They have a two-fold approach prevention and enforcement. The prevention element is in most cases sufficient to prevent behavior occurring.

A PSPO does not restrict behavior from taking place within the designated area but allows action to be taken where that breach causes ASB. A breach of the PSPO without reasonable excuse would be a criminal offence, subject to a Fixed Penalty Notice of £75 or prosecution. Fixed Penalty Notices can be issued by a constable or other authorised officers. On summary conviction, an individual would be liable to a fine not exceeding level 2 on the standard scale (currently £500).

Members approved a request to consult stakeholders to extend the PSPO's for a further three years and requested an extension to the restricted area of the Beeston Town Centre Alcohol Control PSPO due to an increase of incidents

related to alcohol on Chilwell High Road. Consultation as required by the legislation has been undertaken the results of which are shown at appendix 1.

Maps and Orders are shown at appendix 2.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications with costs associated with new signage being contained within existing budgets.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The Anti-Social Behaviour Crime and Policing Act 2014 and associated guidance sets out a series of requirements for introducing PSPOs and the policy for their extension. As noted in the report, the process for the extension of the PSPOs required a programme of consultation as detailed above. The Council is now required to consider the proposals individually

In considering these criteria, the Council will need to assess whether the evidence provided objectively meets the tests set out in the legislation.

Any Interested person can challenge the extension of a PSPO by bringing a claim in the High Court within 6 weeks of the order being varied, such a challenge can argue either that the Council did not have the power to make the variation or that a requirement of the process was not complied with. This ability to challenge under Section 66 of the Anti-Social Behaviour Crime and Policing Act 2014 is in addition to the usual ability to challenge by way of judicial review within 3 months of making the decision on any of the usual public law grounds.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:
N/A

7. Union Comments

The Union comments were as follows:
N/A

8. Data Protection Compliance Implications

N/A

9. Equality Impact Assessment

N/A

10. Background Papers

Nil.