

Report of the Portfolio Holder for Community Safety

Approval to Consult on PSPO Renewals1. Purpose of Report

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

2. Recommendation

Cabinet is asked to RESOLVE that permission to consult be approved.

3. Detail

Public Spaces Protection Orders (PSPO) 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, Crime and Policing Act 2014 and came into effect in October 2014. Councils are responsible for making PSPO and can do so on any public space for a maximum period of 3 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 PSPO 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 PSPO in the Borough were aligned and the six relating to alcohol consolidated to allow for more efficient management.

The consultation will cover members, stakeholders and members of the public.

4. Key Decision

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it will be significant in terms of its effects on

communities living or working in an area comprising two or more Wards or electoral divisions in the Council's area.

5. Updates from Scrutiny

There are no updates from Scrutiny.

6. Financial Implications

The comments from the Assistant Director Finance Services were as follows:

There are no additional financial implications to consider at this stage with costs being contained within existing budgets. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

7. Legal Implications

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

The Council is required to carry out the necessary consultation before making a PSPO and this must include consulting with "the chief officer of police, and the local policing body, for the police area that includes the restricted area" and with appropriate community representatives and those who own or occupy land within the restricted area.

The Council must also notify the local parish councils within the affected area. Before reaching a decision in relation to the extension of the PSPO and its implementation in the revised terms proposed, The Council must conscientiously consider the results of consultation.

8. Human Resources Implications

Not applicable.

9. Union Comments

Not applicable.

10. Climate Change Implications

The climate change implications are contained within the report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

Not applicable.

13. Background Papers

Nil.