

This Report will be made public on 6 November 2018

Report Number **C/18/45**

To: Cabinet / CMT
Date: 14th November 2018
Status: Key Decision
Assistant Director: Sarah Robson - Assistant Director - Strategy, Performance and Communications
Cabinet Member: Cllr Jennifer Hollingsbee

SUBJECT: New Public Space Protection Orders - Approval to Consult

SUMMARY: The current public space protection order (PSPO) declared by the Council is due for replacement on 19th June 2019. Members have previously been informed of the process and work underway to create bespoke PSPOs that will help to tackle more specific issues of antisocial behaviour affecting parts of the District. The process as required by the Antisocial Behaviour Act 2014 requires us to carry out consultation and this report introduces the consultation document and feedback survey that will be sent to stakeholders and residents and the format that will take.

Members are asked for approval to consult.

REASONS FOR RECOMMENDATIONS:

Cabinet / CMT is asked to agree the recommendations set out below because:

- a) New bespoke PSPOs will support the corporate priorities of Appearance Matters and Health Matters and provide the Council with additional enforcement powers to address a range of antisocial behaviour problems being experienced in parts of the District
- b) The consultation period and feedback dates are set around timescales to enable reporting back of survey results to Cabinet on 27th February 2019.

RECOMMENDATIONS:

- a. To note report C/18/45.
- b. To agree the consultation document attached at Appendix 1
- c. To agree the survey form at Appendix 2
- d. To carry out consultation as described in section 3.0

1. BACKGROUND

- 1.1 Informal Cabinet met on 4th September 2018 and all members were invited to a briefing session on 19th September 2018 where the proposals for creating new bespoke PSPOs for the District were described. Members were given an overview of the reasons for implementing bespoke PSPOs which will put measures in place to deter antisocial behaviour while at the same time, ensuring that support is available to protect some of the most vulnerable people in our society.
- 1.2 The process and timeline is set out below in s1.4 and includes consulting on those activities in public places that can have a detrimental effect on the local community. The current PSPO covers parts of Folkestone and is limited to a few activities and the new proposed PSPOs will give the council additional enforcement powers to tackle specific types of antisocial behaviour in specific locations.
- 1.3 Enforcement of the PSPO can be carried out by any authorised officer of the Council and by Police colleagues. Multi agency operations are already in place through which enforcement is being undertaken and there will be opportunity to widen the level of enforcement carried out. In addition the PSPOs act as a deterrent and educational tool which will support both the aims of the Councils corporate priorities of Appearance Matters and Health Matters as well as those of the Folkestone and Hythe Community Safety Partnership.
- 1.4 The time line for the process is set out below:
 - 4th September 2018 - Proposal to Informal Cabinet.
 - 19th September 2018 - Briefing to all members – 6pm.
 - October/November 2018 - Produce documentation which contains the proposal information to circulate including a survey for feedback on the proposals.
 - Approval to Consult: 13th November 2018 to OSC and 14th November 2018 to Cabinet.
 - 26th November 2018 - begin the 8 week consultation on the proposal with key stake holders - circulate the documentation on website, in Your District Today, social media etc.
 - 21st January 2019 - consultation ends and information to be collated.
 - 27th February 2019 - full cabinet decision to disband old PSPO and agree new PSPO's.
 - March/April 2019 - new signage designed based on the feedback
 - May 2019 - New PSPO's implemented and enforcement to begin with new signage in place.
 - PSPO will be reviewed after 2 years.

2. PROPOSALS

- 2.1 Appendix 1 – The consultation document sets out the proposals for the new bespoke PSPOs listing the areas that are to be covered and the activities to be addressed using the new PSPOs. Cabinet are asked for approval to

consult and that the document together with the survey form at Appendix 2 is now circulated to key stakeholders including town and parish councils and placed on the Councils website and other platforms eg social media.

3. RECOMMENDATIONS

- 3.1 Approval is given to consult on the new bespoke PSPOs for the District for implementation in early summer 2019 and that the consultation document and survey is now circulated.

4. RISK MANAGEMENT ISSUES

Perceived risk	Seriousness	Likelihood	Preventative action
Approval to consult is not given, unable to implement new PSPOs.	High	Low	Approval given
Amendments are required to the documentation which may delay the timetable.	High	Low	To keep amendments to a minimum and seek approval through the Portfolio Holder

5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

5.1 Legal Officer's Comments (DK)

There are no legal implications arising directly out of this report. The Anti-Social Behaviour, Crime and Policing Act 2014 allows PSPOs to be introduced in a specific public area where the Council is satisfied on reasonable grounds that 2 conditions have been met. The first condition is that (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect. The second condition is that the effect, or likely effect, of the activities (a) is, or is likely to be, of a persistent or continuing nature, (b) is, or is likely to be, such as to make the activities unreasonable, and (c) justifies the restrictions imposed by the notice.

5.2 Finance Officer's Comments (LH)

There are no financial implications arising directly from this report.

5.3 Diversities and Equalities Implications (GE)

The PSPOs have the potential to impact all those who live, work and visit the District. The proposed survey will be open to all members of the public and should be accessible through a variety of different formats to ensure a wide range of information is captured from various stakeholders across the District. In addition to the survey and to support the consultation evidence

base, an Equality Impact Assessment (EIA) should be carried out to ensure full consideration is given to identifying those with protected characteristics who may be affected by the introduction of PSPOs.

5.4 Communications Implications (MR)

The proposed PSPO impacts all corners of the district and has the potential to affect all residents, businesses and visitors. It is therefore important that all interested groups are consulted with regard to the adoption of this order. The proposed eight-week consultation is appropriate and, properly publicised, will give all stakeholders an opportunity to feed back on the proposals.

5.5 Transformation comments (SR)

There are no direct implications arising from this report, which will impact the delivery of the transformation project.

6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officers prior to the meeting:

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The following background documents have been relied upon in the preparation of this report:

(none)

Appendices:

Appendix 1: PSPO consultation document (2018)

Appendix 2: PSPO survey form (2018)