

This Report will be made public on 11 June 2019

Report Number **C/19/04**

To: Cabinet
Date: 19 June 2019
Status: Non- Key Decision
Assistant Director: Sarah Robson - Assistant Director - Strategy, Performance and Communications
Cabinet Member: Cllr Jennifer Hollingsbee

SUBJECT: New Public Spaces Protection Order - Final order with boundary maps and working protocols

SUMMARY: On 13th March 2019, Cabinet agreed to bring into force all seven measures that were subject to public consultation for the new proposed Public Spaces Protection Order (PSPO) for implementation in June 2019. This report provides information on how the PSPO will be implemented through a series of working protocols, attached, and a copy of the final order with boundary maps that require sealing is also attached.

REASONS FOR RECOMMENDATIONS:

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

- a) The current PSPO expires in June 2019 and will be replaced by the new PSPO as agreed by Cabinet on 13th March 2019.
- b) The Council has agreed to introduce a new PSPO to address Antisocial Behaviour associated with 7 specific behaviours as set out in report number C/18 /78
- b) The working protocols attached demonstrate how the PSPO will be employed alongside other approaches as part of a broad and balanced method of dealing with antisocial behaviour issues. As part of the PSPO process, non-statutory solutions, delivered in partnership with community, charity or membership organisations will be equally valid in the right circumstances.

RECOMMENDATIONS:

- a. To note report C/19/04.
- b. To agree the final worded order for agreement and sealing by the Council.
- c. To agree the working protocols attached to support the implementation of the PSPO and the desired data collection to accompany activity.

1. INTRODUCTION

- 1.1 Following agreement by Cabinet on 13th March 2019 to approve the findings of the public consultation that took place between 26th November 2018 and 21st January 2019, on the introduction of a new Public Spaces Protection Order, work commenced on finalising the remaining work to enable implementation.
- 1.2 The full order describing the prohibitions and legal requirements can be found at **Appendix 1**. The order specifies clearly what types of behaviours may be addressed through the use of the new PSPO and the legal basis for this.
- 1.3 Under the Anti-Social Behaviour, Crime and Policing Act 2014, a PSPO sits amongst a broad range of other powers and tools to help reduce anti-social behaviour within particular areas.
- 1.4 A PSPO can substantially reduce anti-social behaviour by the means of reasonable and proportionate restrictions and prohibitions. Its aim is to ensure public spaces can be enjoyed and are designed to ensure that the law-abiding majority can still use and enjoy public spaces, safe from anti-social behaviour and the Cabinet report (C/18/78 dated 13.03.19) detailed the circumstances for its use.
- 1.5 The Council's Enforcement Policy states that the Council is committed to services which are courteous and helpful and seeks to work with individuals and businesses, wherever possible, to help them comply with the law. In section 1.4 of the policy, it states that where possible, the first step in enforcement should always be prevention, ensuring policy compliance and preventing contravention of the law by raising awareness and promoting good practice.
- 1.6 Engagement, education and prevention will always, where possible, come ahead of warnings and enforcement. This was set out in the Equality Impact Assessment previously agreed by Cabinet. A series of working protocols to support the implementation of the PSPO for each of the seven measures have been developed and these are attached at **Appendix 2a – 2g**.
- 1.7 It must be emphasised that the approach to the PSPO will always be tackling any antisocial behaviour as deemed on a case by case basis by agencies dealing with the incident. Not all cases will require intervention as public perception of issues varies so widely. It is also the case that the PSPO may not always be the right legislative tool to use and if alternative tools and powers are required this is what will be used. PSPOs are also of benefit in supporting engagement into relevant services.

2. SEALED ORDER AND BOUNDARY MAPS

- 2.1 The full order describing the prohibitions and legal requirements can be

found at **Appendix 1**. The order specifies clearly what types of behaviours may be addressed through the use of the new PSPO and the legal basis for this. The order needs to be used in conjunction with schedule 1 of the order that relates to the 11 boundary maps that are produced alongside it and available at <\\sdc-data\shepway\data-transfer\j-harman>

- 2.2 The maps are bespoke to areas that have been most affected by the specific measures that the PSPO covers and not all measures cover all areas. Additional areas were added following public consultation.
- 2.3 The order, once agreed, will be sealed and placed on the website with access to a hard copy at reception in the Civic Centre.
- 2.4 The order will come in force on 19th June 2019. The maximum duration of a PSPO is three years, however, they can last for shorter periods where appropriate. The order will be reviewed within three years, but preferably by year two. The first year will be used as a test and learn phase to enable authorised officers to establish the working protocols.

3. WORKING PROTOCOLS

- 3.1 The PSPO will be applied in accordance with the Equality Impact Assessment that was agreed by Cabinet in March 2019.
- 3.2 A series of working protocols are attached at **Appendix 2a – 2g**. These set out how each of the measures in the PSPO will be approached. Agencies will assess any intervention on a case by case basis, considering a range of enforcement powers and tools available to them. The PSPO may not always be the most appropriate response and therefore, alternative, more effective powers and tools may be used as relevant.

Measure 1: *Control of anti-social alcohol consumption in a public place*

Measure 2: *No use of intoxicating substances in a public place*

Measure 3: *No urinating, spitting or defecating in a public place*

Measure 4: *No Begging*

Measure 5: *Control of anti-social street entertainment*

Measure 6: *Control of unauthorised street fundraising and marketing*

Measure 7: *Control of unauthorised camping*

- 3.3 The working protocol forms for each measure, at **Appendix 2a – Appendix 2g**, state purpose, legal test applied, prevention and education work carried out by agencies as well as enforcement approach, penalties on breach and legal process.
- 3.4 A data collection sheet, **Appendix 3**, has been devised for authorised officers to fill in to help track progress.

4. RISK MANAGEMENT ISSUES

Perceived risk	Seriousness	Likelihood	Preventative action
Cabinet disagree with	High	Low	Ensure agreement to the contents of the

the contents of the report and the PSPO lapses			report or if changes are of a minor nature to agree these with the relevant Responsible Cabinet Member.
Non engagement from other partners involved in PSPO implementation	Medium	Low	Additional resources to be identified and ensure on-going close partner working through Community Safety Unit.

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. Section 59 of 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 two 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 (LW)

There are no financial implications arising from this report.

5.3 Diversities and Equalities Implications (SR)

An Equality Impact Assessment (EIA) has already been conducted on the proposed conditions to ensure there is no negative impact on any particular group and this has been agreed by Cabinet.

5.4 Communications Implications (MC)

The Communications and Engagement team will work with the Community Services Manager to roll out an agreed communications plan, publish relevant content on the website, create relevant promotional material, inform portfolio holders appropriately and consider any relevant communications to staff.

5.5 Transformation Comments (SR)

There are no direct implications on the delivery of the transformation programme arising from this report. However, officers may wish to consider using the new Project Methodology piloted with the Communities team.

5.6 Human Resources Comments (PR)

There are no Human Resources implications arising from this report.

6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

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

Jyotsna Leney
Community Services Manager
Tel: 01303 853460
Email: jyotsna.leney@folkestone-hythe.gov.uk

Jess Harman
Community Project Manager
Tel: 01303 853524
Email: jess.harman@folkestone-hythe.gov.uk

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

None.

Appendices:
Appendix 1: The PSPO with Schedule & Boundary Maps
Appendix 2a – 2g): Working Protocols
Appendix 3 Data Collection