

OPEN

Environment and Communities Committee

05 June 2025

Extension of Macclesfield Town Centre Public Spaces Protection Order (PSPO)

Report of: Phil Cresswell – Executive Director Place

Report Reference No: EC/02/25-26

Ward(s) Affected: Macclesfield Central Ward

Decision

Purpose of Report

- 1 The purpose of this report is to consider the extension of an existing Public Spaces Protection Order (PSPO) under section 60(2) of the Anti Social Behaviour, Crime and Policing Act 2014 (the ASB Act) for Macclesfield Town Centre.
- 2 The existing order is due to expire at midnight on the 17th July 2025. Consideration must be given as to whether the order is extended or allowed to end. It is important to note that should a decision not be made; the order will lapse on this date regardless and will no longer be in force. If a decision around the order is made after the expiry date, a completely new order application and consultation would be required.

Executive Summary

- 3 The Council is responsible for the consideration, implementation, monitoring, extension and variation of all Public Spaces Protection Orders (PSPO's) across the Borough under the ASB Act. It is the responsibility of local authorities to consider requests relating to PSPO's and have policies and procedures in place which allow decisions on these matters to be made. It is also important to note that current legislation stipulates that it is only Councils who can implement these orders.
- 4 For the Council to consider any new or existing PSPO requests, members of the Councils Multi-Agency Action Group (MAAG) must be

informed, either via a MAAG nomination or notification from the Chair to allow for comment and feedback.

- 5 To extend, vary, end or implement new PSPO's the council must, in accordance with its duty under Section 72(3) of the ASB Act consult with members of the public to inform them of our intentions and also allow for comment.
- 6 Following a request from Cheshire Constabulary in December 2024, to extend the existing PSPO a notification via email was sent to all MAAG members via the Chair - ASB and Community Enforcement Manager on 17th March 2025. The notification alerted MAAG members to the council's intentions to launch a public consultation in relation to the proposed extension of the PSPO. All that responded (including representatives from Police, Fire and Registered Providers) agreed with the proposal for the consultation to go ahead.
- 7 A "notice to extend" and draft version of the Extension of the Macclesfield Town Centre PSPO was developed and agreed by the Council's legal team. A decision was taken in accordance with delegated powers under the constitution by the Director of Planning and Environment in March 2025 to take the notice to extend and draft order to public consultation, which ended at midday on Tuesday 13th May 2025 as detailed in section 4 (consultation and engagement) of this report.
- 8 A police analytical report (Appendix A), covering a period running up to the introduction of the original PSPO in 2022 running through until 31/03/2025 assists in evidencing an improvement in anti social behaviour/alcohol related issues the Macclesfield Town Centre area. Although the PSPO alone may well not be the only tool in dealing with a reduction in incidents, it can be interpreted as assisting to deter such behaviours and enabling police, when required, being able to use the powers under the PSPO to address any concerning behaviour at the earliest opportunity.
- 9 Legislation stipulates all PSPO's cannot continue past 3 years unless extended via public consultation and the local authorities relevant approval process. The current order will expire on at midnight on the 17th July 2025 if not extended.
- 10 A summary of the consultation results has been provided at Appendix B. The Committee are now asked to consider the proposed extension of this order.

RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Approve the proposed extension of the PSPO as provided in Appendix C with a commencement date of 18th July 2025 for a duration of 3 years (expiring at midnight on 17th July 2028)

Background

- 11 Cheshire East Council has in place, a Public Spaces Protection Order Procedure Appendix D and also an Anti-Social Behaviour Enforcement policy Appendix E. Both detail processes required in relation to requests for new, variation, or extension of PSPO's. The ASB Enforcement Policy also details specific legislation and enforcement of breaches of PSPO's and the council's approach to enforcement in general.
- 12 May 2021, Macclesfield Local Policing Unit nominated the town centre for a Public Spaces Protection Order (PSPO) due to numerous incidents, including individuals demanding alcohol in shops, causing alcohol related public disorder, consumption of alcohol in public areas and on public benches and targeting the "Age UK" shop. There were also reports of urinating and defecating in public areas.
- 13 Police confirmed that since July 2021, the proposed PSPO area accounted for over 40% of Macclesfield's total anti-social behaviour incidents. One business reported over 30 alcohol-related incidents between January and April 2021.
- 14 A stakeholder group was formed to consider the PSPO, and a detailed police incident document was submitted, listing 561 incidents from July 2020 to July 2021. This evidence supported the need for the PSPO.
- 15 Procedure was followed, thresholds were met, and a decision was made at the Environment and Communities Committee on the 1st July 2022 to implement the PSPO which commenced on 17th July 2022.
- 16 The order was broadly advertised with a focus on those living, working, and visiting Macclesfield Town Centre. A period of Engage, Educate and Encourage was adopted, with banners advertising the order and guidance given to those found with alcohol within the restricted area. Clear signage was placed at all key areas of the town, with a selection of larger and smaller reminder signs throughout the restricted area providing links to the council's webpage and where to obtain further information about the order, as well as penalties on breach of the order.

- 17 During the time between the start of the order and 31st March 2025, there has been no reason to issue a Fixed Penalty Notice to a member of public for refusing to engage with the requirements of the order. However, due to the order being in force, it has allowed police colleagues to confiscate and “pour away” alcohol which has been surrendered to them on request. The police generated report as detailed in appendix A, provides more information on actions taken by police so far and incident timeline.
- 18 As anticipated, there have always been issues with witnessing and reporting of individuals urinating and defecating in the area, however feedback from the public consultation has highlighted that people do feel that the signs have acted as a “deterrent” in relation to this type of behaviour.

Consultation and Engagement

- 19 There is a legal requirement under Part 7 Chapter 2 Section 72 of the ASB Act to consult with members of the public in relation to any proposed extension, variation or new PSPO that the Council wishes to implement.
- 20 The Public Consultation for this proposed extension ran from 9am on Tuesday 1st April 2025 and ended at 12 noon on Tuesday 13th May 2025. The consultation was hosted via the Councils licensed online surveying tool and was advertised in various different formats to members of the public. This included our website (both on “have your say” and PSPO pages) and via laminated PDF “notices to extend” which were displayed in the local police station, council offices and library and at locations throughout the town centre and near to the PSPO signage highlighting the current order. The PDF document Appendix F supplied QR codes and links to the consultation and council’s website and also contact details should any member of public wish to complete the survey in a different format (paper/over the phone etc).
- 21 In addition to methods above the PDF “notice to extend” was also emailed to all key stakeholders via the ASB and Community Enforcement Manager on the 31st March 2025, these were:
- Macclesfield Town Council
 - Macclesfield Member of Parliament (Tim Roca)
 - Local Ward members Cllr Braithwaite, Cllr Farrall
 - LPU Chief Inspector, and Inspector

- Chair of Macclesfield Pub watch
 - Chair of Communities and Environment Committee (Cllr Warren)
 - Cheshire Constabularies Police and Crime Commissioners Office
 - Cheshire Constabularies Chief Constables Office
 - All MAAG members
- 22 A draft copy of the proposed extended PSPO was also made available on the council's website, of which the survey alerts members of public to via relevant links.
- 23 On closure of the consultation 52 responses were received. Just over 84% of which either strongly agreed or tended to agree with the councils intentions to extend the order in its current format for a further 3 years.
- A full copy of the consultation summary, along with a summary of some responses to questions/comments raised by respondents can be viewed at appendix B.
- 24 The results of the consultation along with a link to the minutes of the relevant committee meeting (once published) will be made available on the council's website. If the decision is that the order is extended, a copy of the updated extended order will be made available on the Council's website via it's PSPO page.

Reasons for Recommendations

- 25 The consideration for the extension of this PSPO has followed the Council's ASB Enforcement Policy and its PSPO procedure. Approval and implementation of the proposed PSPO extension must be submitted to Committee for a decision before it can become a legal order.
- 26 The public consultation held in relation to the proposed extension of this order evidenced that 84% of those who took part were in support of the order and the requirements/prohibitions it sets out.
- 27 The extension of this order will enable Police Officers, Police Community Support Officers and CEC Community Enforcement Officers to continue to use the order as a significant tool to address alcohol related ASB at the earliest opportunity by making it a legal requirement to hand over any open or unopen vessels of alcohol to an authorised officer when asked to do so. A power that they would otherwise not have under any other legislation.

- 28 Extending the length of this order for another maximum period of 3 further years will send an important message to those living, working in, and visiting Macclesfield Town Centre that we have listened to their concerns they have raised and acted accordingly.
- 29 The Council's Corporate Plan 2025-29 sets out our vision of Enabling prosperity and wellbeing for all. The Plan also sets out priorities under the three broad aims including “improving health and wellbeing for all”, helping to assist ‘everyone to feel safe and secure’, and contributing towards ‘the building of lasting solutions which can be delivered through strong and committed partnerships’. An extension of this existing PSPO will contribute to allowing people to feel safe and secure, in the knowledge that the order is still in place to target unwanted alcohol related behaviour but also continue to provide a long-term tool to tackling alcohol related ASB. The order will also provide continued committed partnership working between the police and the Council’s Community Enforcement Team who are able to conduct joint patrols of the area with an ability to issue “on-the-Spot” Fixed Penalty Notices for those minority who might refuse to engage with the requirements of the current order.
- 30 The order allows authorities to intervene early with individuals at risk of committing serious crimes due to alcohol consumption. By legally requesting these individuals to stop drinking, it aims to change their behaviour and reduce the risk of further offenses related to alcohol misuse. Additionally, the order enables the issuance of a £100 Fixed Penalty Notice to those who ignore the request or are caught urinating/defecating in restricted areas.

Other Options Considered

- 31 The order is not extended, and Police Colleagues use other powers to deal with offenders as and when the behaviour meets a criminal threshold, rather than trying to stop the behaviour before it reaches that point.
- 32 The order could be extended but for a shorter period (rather than the maximum time of 3 years), for example 1 year or 2 years.

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Option	Impact	Risk
Do nothing/order not extended	Behaviours displayed as outlined in section 3 of this report will continue until criminal	Reputational issues for the council having had the opportunity to put things in place

	offences are committed and police colleagues have the power to deal with them. Negating an opportunity to deal with them at a much earlier opportunity	and assist in tackling the behaviour sooner.
Extend the order but for a shorter period (1 year/2 years)	Order will remain in place for the period set. Officer time will have to be set to re-review, undertake a further public consultation and produce a committee report in time for a decision on the future of the order after the shorter period. The resource impact of undertaking such reviews during shorter periods of time will be high.	There is a risk that the order may lapse due to insufficient resources to conduct timely reviews, complete paperwork, and engage in public consultations. Additional funding would be necessary if reviews are to be conducted more frequently than every three years. Repeatedly asking the public about the order's existence can dilute the messaging.

Implications and Comments

Monitoring Officer/Legal/Governance

- 34 The local authority's duties and powers in relation to Public Spaces Protection Orders are prescribed by Part 4, Chapter 2 of the Anti-Social Behaviour Crime and Policing Act 2014.
- 35 Non-compliance with a prohibition or requirement in a PSPO is a criminal offence. Members should only extend the Order if satisfied on reasonable grounds that:
- The activities complained of in this report are being carried on in a public place or it is likely they will be carried on in a public place, and the activities have or will have a detrimental effect on the quality of life of those in the locality.
 - The effect or likely effect of the activities complained of in this report are, or are likely to be, persistent or continuing such as to make

those activities unreasonable in the locality thereby justifying the imposition of a prohibition or requirement.

- 36 Members should be satisfied that the prohibitions or requirements of the PSPO extension are ones that it is reasonable to impose to prevent or reduce the detrimental effect of the activities complained of in this report.
- 37 Members should be satisfied that the PSPO extension identifies the activities complained of in this report and includes a statement that where the consumption of alcohol is prohibited a constable or authorised person may require it not to be consumed and or require its surrender, and that a failure to do so without reasonable excuse is an offence. The PSPO extension must include the period during which it will have effect.
- 38 Members in deciding whether to authorise the PSPO must have regard to the rights of freedom of expression and freedom of assembly under Articles 10 & 11 of the European Convention on Human Rights as incorporated into UK law by the Human Rights Act 1998. Thus, an individual has a right to express themselves in public and the right to peaceful assembly and association, which can only be restricted in accordance with the law and where necessary to protect public safety and or for the prevention of crime and disorder.
- 39 A PSPO will satisfy Article 10 & 11 if it is made in accordance with the provisions of the Anti-Social Behaviour Crime and Policing Act 2014 and the prohibitions and or requirements within it are necessary to protect public safety and or prevent crime and disorder as is the case here.
- 40 Members may only authorise an extension of the PSPO to have effect for 3 years or less.
- 41 Enforcement and Investigation in relation to the breach of the extended PSPO will be undertaken in line with:
- Anti-Social Behaviour Crime and Policing Act 2014
 - Regulations of Investigatory Powers Act 2000 (RIPA)
 - Police and Criminal Evidence Act 1984 (PACE)
 - Criminal Procedure and Investigations Act 1996
- 42 Whilst enforcement of the requirements or prohibitions of the PSPO extension can be undertaken by the Police or an authorised individual or

individuals within the Council, the burden of prosecuting offences arising from noncompliance will rest solely with the Council.

- 43 The nature of this matter is such that it falls within the remit of the committee to make the decision requested.

Section 151 Officer/Finance

- 44 Signage for this order has already been funded and placed up and around the restricted area. If the PSPO is extended there is ample, relevant signage already available throughout the area. Signage purposefully does not have expiration dates so will still be valid.
- 45 If the decision is made that the order is not to continue and allowed to expire, then there will be a cost involved in the removal of the signage. The cost for installation in 2022 was at a quote of no more than £1307 for guidance. The resource to remove the signage is anticipated to be similar to the resource that was required to install the signage.
- 46 Policing of this order will primarily be via Cheshire Constabulary Officers. However joint patrols and the issuing of any FPN's in relation to breach of the order will be supplied via the Councils Community Enforcement Team, within Neighbourhood Services. The resource, when required will be covered within the existing Community Enforcement Team budget.

Human Resources

- 47 There may be occasions when the council's Community Enforcement Team issue fixed penalty notices (FPN's) either direct themselves or on behalf of the police who will report to the council a breach requiring enforcement action. The issuing of FPN's may have an additional resource demand on enforcement officers and legal services (for prosecutions if fines are not paid or matters that have been referred straight for prosecution). However, the volume is expected to remain low as the aim of the PSPO is to enable the police to deal with incidents in a timely and swift nature without the requirement of an FPN or referral for prosecution.

Risk Management

- 48 There is a reputational risk to the Council if it appears that the policy, procedure, and legal thresholds within the relevant legislation have not been met as highlighted in section 7.1.

Impact on other Committees

- 49 This report does not impact on other committees.

Policy

- 50 Officers of the Council who are authorised to enforce against PSPO's will do so in line with the Council's Corporate Enforcement and Service Specific Enforcement Policies.

Commitment 1: Unlocking prosperity for all	Commitment 2: Improving health and wellbeing 'everyone feels safe and secure' 'lasting solutions are delivered through strong and committed partnerships'	Commitment 3: An effective and enabling council
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Equality, Diversity and Inclusion

- 51 An equality impact assessment has been undertaken; no equality implications have been identified.

Other Implications

Children and young people

- 52 There are no implications for Children and young people/Cared for Children. There are already powers in place that can deal with young people under the age of 18 in possession of alcohol. The PSPO is for the purpose of dealing with those over 18.

Public Health

- 53 The PSPO extension will continue to help in the reduction of incidents of alcohol related ASB, which should in return have a positive impact on residents' health through providing a mechanism to create safer neighbourhoods and deal with issues at the earliest opportunity.

Consultation

Name of Consultee	Post held	Date sent	Date returned
<i>Statutory Officer (or deputy) :</i>			
Sal Khan	S151 Officer	19/05/25	20/05/25
Janet Witkowski	Acting Monitoring Officer	19/05/25	20/05/25
<i>Legal and Finance</i>			
Wendy Broadhurst	Finance Business Partner - Place	07/05/25	07/05/25
Louise Price	Legal – Place		
<i>Other Consultees:</i>			
<i>Executive Directors/Directors</i>			
Phil Cresswell at Place DMT	Executive Director - Place	08/05/25	08/05/25

Access to Information	
Contact Officer:	Laura Woodrow-Hirst – ASB and Community Enforcement Manager Laura.woodrow-hirst@cheshireeast.gov.uk
Appendices:	Appendix A – PDF of police analytical report Appendix B – Consultation Summary Appendix C – Extension of Macclesfield Town Centre PSPO doc

	<p>Appendix D – CEC PSPO Procedures</p> <p>Appendix E – CEC ASB Enforcement Policy</p> <p>Appendix F – PDF Notice to extend PSPO</p>
Background Papers:	<p>CEC PSPO Webpage</p> <p>Cheshire East Enforcement Policy</p> <p>ASB Crime and Policing Act 2014 – Guidance for Professionals</p>