

# **CHESHIRE EAST COUNCIL**

## **Cabinet Member for Communities**

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**Date of Meeting: 20 July 2015**

**Report of: Steph Cordon – Head of Communities**

**Subject/Title: PUBLIC SPACES PROTECTION ORDERS**

**Portfolio Holder: COUNCILLOR LES GILBERT**

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### **1. Report Summary**

- 1.1 Cheshire East Council is an Enforcing Council and proud to be one that is tough on residents that are selfish and cause harm to others. We take a proactive approach to tackling ASB, which has led to a reduction of 14% over the last 3 years in reported incidents.
- 1.2 The new ASB Tools and Powers enable us to further develop our service to residents and communities, by providing us with new ways to put our Residents First and to reduce anti-social behaviour in our communities.
- 1.3 The Anti-Social Behaviour Crime and Policing Act 2014 enables the Council to follow prescribed procedures to declare a Public Spaces Protection Order (PSPO). The purpose of this report is to update on current work with local communities who want to develop PSPOs and to request approval to progress with formal local consultations.
- 1.4 The report sets out the processes necessary and recommends that the Portfolio Holder approves that formal public consultation exercises are undertaken, on receipt of the necessary evidence.

### **2. Recommendation**

That the Cabinet Member agrees to:

- a) approve in principle to formal public consultation in relation to current initial request for PSPOs, as outlined in the report. To delegate the power to Head of Communities for the decision on public consultation following a full report for each area. Following consultation, if the criteria has been met and evidenced, a full review and paper will be submitted for Portfolio Holder decision, to authorise a PSPO.
- b) approve that a formal public consultation exercise be undertaken regarding the PSPO at Poynton Sports Club (at a set date following approval), over a minimum of 4 weeks which is necessary to inform any future decision by the Portfolio Holder.

### **3. Other Options Considered**

- 3.1. Each case needs to consider a range of other options. A table of interventions is produced before approving any formal consultation.

#### 4. Reasons for Recommendation

- 4.1. In order for the Portfolio Holder to consider declaring a PSPO, a Statutory Consultation must be undertaken.
- 4.2. The Portfolio Holder has authority to sanction such consultation or delegate to the Head of Communities.

#### 5. Background

- 5.1. In those last three years, our preventative approach to ASB has led to a reduction in the number of incidents of ASB in Cheshire East recorded by Police, which was 14239 (2012/13), 13490 (2013/14) and 12288 (2014/15). This equates to a 14% reduction over three years.
- 5.2. As an Enforcing Council, we are determined to reduce this figure further, and use the new tools and powers within the Anti-Social Behaviour, Crime and Policing Act 2014 to develop our joint work,
- 5.3. One of the key powers of interest to the Council and our community is the Public Spaces Protection Order (PSPO). The PSPO's are designed to stop individuals or groups committing anti-social behaviour in a public place.
- 5.4. Statutory Guidance for professionals responsible for implementing PSPO's and the other powers set out within the Anti-Social Behaviour Crime Policing Act 2014 was issued in July 2014. The guidance provides a working interpretation of the Act and the tools and powers.
- 5.5. In respect of PSPO's, the guidance sets out that suitable and sufficient evidence must be established in respect of the *behaviour* to be addressed by a PSPO. Once the evidence base is established, the Council must, consult with the Police, Police and Crime Commissioner and other relevant bodies. Applications will be discussed at Safer Cheshire East Partnership, who have the relevant representatives in attendance to evidence this consultation.
- 5.6. There are currently 5 requests for PSPOs being investigated. These are:
  - a) **Macclesfield Underpass** – request from Macclesfield Neighbourhood Policing Unit, as young are congregating in the area. They are being loud and rowdy, believed to be drinking, using cannabis and possibly other drugs including legal highs.

PSPO could help the community by prohibiting some of the activities. In addition to the illegal activities that are covered, such as drug taking, graffiti etc., the request has been made for prohibitions to be considered around:

- alcohol consumption
- playing of loud music

- littering in the area, including the river
- the use and possession of legal highs.

Work is underway on a draft PSPO and a request to go to formal consultation will soon be made.

- b) **Fairview Car Park, Alsager** - issues with boy racers gathering in vehicles late at night, noise issues, littering etc. which is causing issues for local residents who live near to the car park and those using the car park for visiting the local shops and community venues.

A PSPO would need to be carefully drafted in order to allow all to access the car park for legitimate reasons. Further work is underway regarding the draft PSPO and then a request to go to formal consultation will be made.

- c) **Queens Park, Crewe** - following the recent regeneration of the park, numerous issues are still being reported consisting of dogs off leads, dangerous dogs, dog fouling, attacks to wildfowl/life and stealing of fish.

Evidence has been collected and a request to go to formal consultation will be made shortly.

- d) **Tesco's Car Park, Crewe** – request from Crewe Neighbourhood Policing Unit due to an increase in incidents at the car park around anti-social use of vehicles, littering and consumption of alcohol within this area.

This is at initial review period, establishing Tesco's position to progress.

- e) **Poynton Sports Club** – request made by the land owner, Chair of the Sports Club and members of the community that use, visit or are members of the club. The local Police have been working with the Club to address issues for some time and strongly support the request.

They have evidence regarding a number of incidents of young adults frequently attending the club in vehicles or on foot and using the car park anti-socially, intimidating other visitors to the area. There is evidence of littering, use of legal highs, inconsiderate parking (parking in a circle) and disrespect to club members.

Thresholds have been met and a briefing paper with full supporting information has been shared with the Portfolio Holder and Head of Communities in advance of this report. These documents are available for information on request. The supporting documents are detailed and give specific information and evidence, including a chronology, site plan, interventions table and the draft PSPO.

This report requests approval to start formal consultation.

## **6. Conclusion**

6.1 As an Enforcing Council, we want to support our communities to address anti-social behaviour and PSPOs are a new tool available to us to address local concerns. In order to approve a PSPO, we need to follow a robust process, gathering the evidence base, carrying out wide consultation and ensuring the order refers to specific local issues. The above requests are from our local communities and are being developed by local people to address their concerns.

## **7. Wards Affected and Local Ward Members**

7.1. Crewe Central, Macclesfield Central, Alsager, Poynton East.

## **8. Implications of Recommendation**

### **8.1. Policy Implications**

8.1.1. Supports the Council's Enforcement Policy.

### **8.2. Legal Implications**

8.2.1. It is essential that due legal process is followed and that any Notice issued accords with the requirements of the Act. Appropriate legal advice would be sought prior to the publication of any Statutory Notice.

8.2.2. Compliance must also be met via: Articles 10 and 11 ECHR and S149 Equality Act re public sector equality duty.

### **8.3. Financial Implications**

8.3.1. The resources for developing PSPOs are included in existing budgets. The Council needs to work with partners to understand and agree the shared resource required to enforce orders.

### **8.4. Equality Implications**

8.4.1 None – orders apply to open public areas.

### **8.5. Rural Community Implications**

8.5.1. None – orders apply to open spaces in all communities.

### **8.6. Human Resources Implications**

8.6.1. Requirement for officers to receive the relevant training in relation to issuing the Fixed Penalty Notices and also refresh training on PSPO's as this is a new area of work for both the council and the Police. This work is already underway.

## **8.7. Public Health Implications**

8.7.1. Supports Public Health Outcomes.

## **8.8. Other Implications (Please Specify)**

None

## **9. Risk Management**

9.1. Any potential risks have been considered and mitigated against in this context.

## **10 Access to Information/Bibliography**

10.1 Detailed information to support the decision to go to formal consultation on the PSPO for Poynton Sports Club is available on request. This includes a chronology of events, interventions table, draft PSPO and a plan of the area concerned.

### **10.2 BACKGROUND PAPERS:**

Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory guidance for frontline professionals.

## **10. Contact Information**

Contact details for this report are as follows:-

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