

Cheshire East Council

Cabinet

Date of Meeting:	11 th April 2017
Report of:	Mark Palethorpe, Strategic Director of Adult Social Care & Health
Subject/Title:	Public Space Protection Order - Poynton Sports Club
Portfolio Holder:	Cllr Paul Bates, Communities and Health

1. Report Summary

- 1.1. This report is produced in order to set out the circumstances in which a request has been made from the chair of Poynton Sports Club in relation to the Council considering its ground to become subject to a Public Spaces Protection Order (area detailed in appendix 1) which throughout this report will be referred to as PSPO.
- 1.2. The Anti-Social Behaviour, Crime and Policing Act 2014 commenced on the 20th October 2014. One of the key powers of interest to the Council and our Community is the PSPO. The PSPO's are designed to stop individuals or groups committing anti-social behaviour in a place to which the public have access. This can not only be imposed on Council land but any private land that is open to members of the public, such as Poynton Sports Club.
- 1.3. In the respect of PSPO's guidance from the Home Office sets out that suitable and sufficient evidence must be established in respect of the behaviour to be addressed by the PSPO. Once the evidence base is established, the council must consult with the Police and Police and Crime Commissioner and other relevant bodies.
- 1.4. As outlined in CE procedures for PSPO's (*appendix3*) full consultation was agreed by PH on 29th September 2016. Notification was also sent to the Police and Crime Commissioner and relevant senior Officers.
- 1.5. This report provides details of the recent consultation process which was undertaken between the 27th December 2016 – and the 25th January 2017, confirming those completing the questionnaires agree that the implementation of a PSPO would be favourable.

2. Recommendations

- 2.1.** a) To note the report content.
b) To note draft order and all supporting evidence in relation to this application.
c) To review public consultation
d) To consider the prohibitions on the draft order (*appendix 2*) and agree the implementation of a PSPO from **1st May 2017**
e) To approve amendments to the CEC procedure in determining the level of authority required to approve any future PSPO applications.

2.2. Key issues for consideration:

- That the draft PSPO justifies and meets the thresholds set by CE procedures.
- Public consultation has been held in line with CE Procedures.
- Contents of supplied public consultation report note majority in favour of order (*appendix*)
- The PSPO will only be enforceable on those young people 16 and over and within the area highlighted on the attached map (*Appendix 1*)
- Lead in time to undertake, promotion, signage, and officer training for the enforcement of the order (suggested implementation date reflects this)

3. Other Options Considered

- 3.1.** Refer to appendix 4, Intervention Summary already considered.

4. Reasons for Recommendation

- 4.1.** Poynton Sports Club is situated on Private land, but prides itself on being a hub for community sporting events and welcomes members and non-members to its sporting events and activities. They have tried to work with the young adults and explain to them the effect that their behaviour is having on other members/visitors to the club, but this does not appear to have an effect on their behaviour. Membership has been threatened and in some cases removed from members of the club that have displayed this behaviour but the club is also mindful of wanting to engage with the young adults/young people as well. Some members/volunteers now feel too intimidated by the young adults to be confident enough to approach them.
- 4.2.** It was reported that there is not one specific group that cause this behaviour and that new vehicles and new young adults appear from week to week/month to month.
- 4.3.** That the core issues/incidents fit into the thresholds for initial consideration for a PSPO as outlined in Appendix 3.
- 4.4.** That a full list of interventions with outcomes and incidents has been supplied by those requesting the PSPO as outlined in Appendices 4 and 5.

- 4.5. That a PSPO would fill the gaps with reference to enforcement that Cheshire Constabulary currently have with reference to assisting the club in tackling the behaviour that they are reporting. Cheshire Constabulary have stated that they are happy to assist with supporting the enforcement and education with an order should it be successful.
- 4.6. That the authorisation of a PSPO in the area would allow Police to perform checks on vehicle registrations of which have been identified as taking part in behaviour that would be breaching a PSPO in order to identify individuals and warn owners of the vehicles.
- 4.7. That the PSPO would assist the club with tackling this behaviour, but would also leave the access to the club “welcoming” to all those who choose to visit.
- 4.8. As landowners they are happy for a PSPO application to go ahead and are also happy to cover the costs of signage etc. that would be part of the maintenance of such and order
- 4.9. In consultation with the committee of Poynton Sports Club, agreement has been reached for an on-site member of their staff to assist in collecting and passing on information to the police in relation to any potential breaches of the PSPO.
- 4.10. The issuing of a Fixed Penalty Notice in order to deal with this behaviour would both show that it is taken seriously, but also be proportionate to the behaviour that has been highlighted. It would set out a clear set of expectations around behaviour that is expected of those who visit the club and are also members of the club.
- 4.11. Reassurance would be offered to those visiting the club that the behaviour will be tackled appropriately and effectively.

5. Background/Chronology

Summary of case for PSPO – original report

- 5.1. The Councils Anti-Social Behaviour Team were called to a professionals meeting that was held on the 17th November 2014 at Poynton Sports club in relation to concerns that they had around the anti-social use of their club. The meeting was attended by the following representatives and agencies:

Cllr Jos Saunders
Clerk of Poynton Town Council
Sgt Pete Brazendale – Poynton NPU
Chair of Poynton Sports Club
Laura Woodrow-Hirst – ASB Team Leader

- 5.2. There was an initial enquiry in relation to the application of a PSPO at this meeting in relation to tackle the issues that had been highlighted. As the powers had only recently come into effect at this stage, other interventions were suggested and a period of monitoring was also to take place. These interventions are highlighted in Appendix 4 along with outcomes and time periods.
- 5.3. A further meeting was held on 20th May 2015 following concerns around incidents starting to occur again. A further request for the Council to consider an application for a PSPO was made in relation to the issues being experienced by the sports club.
- 5.4. The issues consisted of; misuse of the clubs car park area, but young adults acting anti-socially in and around vehicles, individuals/groups refusing to leave when requested, verbal abuse, intimidation, use of legal highs,
- 5.5. Recorded incidents are itemised in Appendix 5 and clearly supports suitable and sufficient evidence for the application of the PSPO. A total of 30 incidents were documented up to and including September 2016.
- 5.6. Due to this, permission was sought as per CE procedure from PH to commence public consultation which was agreed on 26th September 2016 and commenced in December 2016.

Consultation outcomes:

- 5.7. The feedback came from a number of sources including, members of Poynton Sports Club, Residents of Poynton and people working in Poynton. Full details of which have been supplied in Appendix 6 – consultation report.
- 5.8. Comments were received in relation to the boundary area being extended to other areas of Poynton. However no supporting evidence has been received at this time to justify extending the draft order boundaries at this stage.
- 5.9. Young people under the age of 16 were also referred to on a number of the responses. It has been highlighted to representatives of the club throughout this process that the enforcement of the order will be for individuals 16 years of age or older.
- 5.10. The feedback in general was heavily in favour of a PSPO being made to combat the negative issues experienced.

6. Wards Affected and Local Ward Members

6.1. Poynton East - Cllr Jos Saunders & Cllr Howard Murray

7. Implications of Recommendation

7.1. Policy Implications

7.1.1. Supports the Council's Enforcement Policy.

7.2. Legal Implications

7.2.1. 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.

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

7.3. Financial Implications

7.3.1. Within existing budgets.

7.4. Equality Implications

7.4.1. N/A

7.5. Rural Community Implications

7.5.1. N/A

7.6. Human Resources Implications

7.6.1. There would be 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.

7.7. Public Health Implications

7.7.1. Supports Public Health Outcomes.

7.8. Other Implications (Please Specify)

7.8.1. N/A

8. Risk Management

8.1. There are no known risks at this juncture.

9. Access to Information/Bibliography

9.1. A chronology of events, interventions table, draft PSPO and a plan of the area concerned are all detailed within the attached appendices.

- Appendix 1 Site Boundary and Map
- Appendix 2 Draft Order
- Appendix 3 PSPO CE Procedures
- Appendix 4 Intervention Summary table
- Appendix 5 Timeline of incidents
- Appendix 6 Consultation report.

10. Contact Information

Contact details for this report are as follows:

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