APPENDIX ITEM ** MACCLESFIELD TOWN CENTRE PUBLIC SPACES PROTECTION ORDER PROPOSAL CONSULTATION SUMMARY

1 Consultation Headlines:

1.1 The consultation ran from 12 noon, 31st January 2022 until 12 noon 14th March 2022. The consultation was based on-line; however, methods were advertised allowing members of public to complete the survey over the phone or request a paper copy. This was advertised via a Press release and social media campaigns via CEC and Police networks. Information (including electronic documents advertising the consultation with QR codes and methods of contact) were sent to the following groups/stakeholders:

- CE Contact Centre and Parking Teams
- Environment and Communities Committee Members
- Macclesfield Library, Town Hall and Police Station (for display in reception areas
- MP David Rutley
- Cheshire PCC Office
- Members of the PSPO stakeholder group (including local businesses, police, Ward and Town Cllrs
- Macclesfield Pub Watch Chair (for circulation to its members)

1.2 97 responses were received in relation to the consultation, all of which answered every question in relation to the order.

1.3 Overall a high percentage of the respondents either agree or strongly agree with the proposal (over 93%).

1.4 Of the questions asked about specifics of order, the lowest percentage who agree or strongly agree was recorded in line with viewpoints on the penalties on breach of the order and the proposed area the order will cover. However, both of these still had 86% of the respondents who agreed or strongly agreed with the proposals on both questions. Some of the respondents that were unsure or did not agree made comments about the size of the proposed order or did not agree with the penalties (too low or too high). Responses we will publish in relation to this are in the table under 2.2 of this report.

1.5 Of the 96 that chose to respond to the question, just under 95% of the respondents were residents of CE.

1.6 The majority of responses were within the “SK” postcode area so reflective of the area the order has been proposed within.

1.7 There is a good balance of Male/Female and age band respondents.

2 Summary of "open ended" responses/comments on consultation

2.1 A further appendix attachment (redacted) with all responses and open-ended comments/questions can be made available on request.

2.2 There were several comments/suggestions made in the open-ended fields of the survey. There are summarised below alongside a response to the questions/points raised. These will be published on our website as part of the survey results section once a decision has been made in relation to the proposed order:

Comment/suggestion/question	Response
Would the order be criminalising those that are street homeless?	The council have paid consideration to ensuring that the individuals the PSPO is proposed to tackle does not specifically target those that are street homeless. We give careful consideration to all elements of a proposed PSPO and take time to make sure that thresholds are met, and alternatives have been considered and attempted before a proposal is made. Macclesfield is a good example of this, with the PSPO consideration being requested back in May 2021, the order has been a long time in the planning, with multiple partner agencies involved in the review of evidence to support the order. As part of this Police Colleagues and the Councils Homelessness relief team have been working together in the area on a regular basis, liaising with those adults that are within the town centre and subways sitting and drinking and have confirmed that the majority of individuals spoken to all have housing provision. The individuals choose to gather during the day and sit in areas to partake in drinking, leading to associated ASB. On the rare occasion that any are identified as street homeless our homelessness team have quickly picked the cases up to ensure provision is offered where applicable. The rest of the target group the order is set to tackle includes individuals or groups of individuals involved in similar behaviour whilst visiting the town to access its night-time/weekend economy.
How will giving out fines to people that cannot afford to pay stop the behaviour?	In relation to the alcohol requirement on the proposed order, it is important to note that in most circumstances, there will not be any requirement to issue a FPN or proceed the matter to court as the order will not be breached unless the individual refuses to hand over the alcohol. The main aim is to prevent the behaviour before it requires further enforcement action. The council do not wish to deter people from using the towns seating areas and visiting the area to relax and enjoy the surroundings responsibly. However, in some circumstances whereby individuals refuse to hand over alcohol or are caught using the public area as a toilet provision it may be necessary to issue a Fixed Penalty Notice (FPN) or opt to take the matter straight to court for prosecution. For those issued with FPN's who fail to pay, then the matter will be progressed to our legal team for consideration for court action.

£100 FPN too much/£100 is not enough	The £100 FPN is the maximum amount that can be used for breach of Public Spaces Protection Order. This has been set in legislation and cannot be changed. The Council set the fine at its highest possible rate with no early payment discounts as they consider breach of PSPO a serious matter. Individuals struggling to pay their fine will be urged to contact the council as soon as possible so as to avoid, where possible court action.
What does "sealed container" of alcohol mean? Does that mean that I cannot carry alcohol in the zone I have purchased to take home?	No, it does not mean that anyone with a sealed container of alcohol with be asked to hand their alcohol over to an authorised officer. If the order is implemented officers will not be in and around the town centre, checking bags and stopping people going about their normal everyday behaviour. Officers will only be approaching those that appear to be already drinking alcohol in the town centre, or where an incident has highlighted a group/person who might have bags/containers of unopened alcohol with them as well, especially groups of people sitting in the town centre on benches/walls, gathered in a group that appear to have been consuming alcohol already and further consumption of the alcohol they have with them might lead to public nuisance/incidents of disorder.
How will I know who an "authorised officer" is?	Currently, the only officers authorised to deal with breaches or requirements of PSPO's are Police Officers, Police Community Support Officers, and the Councils Community Enforcement Officers. All of which will have full uniform on and have photo ID cards. The Councils Community Enforcement Officers will have Cheshire East Council ID cards displayed, with their authorisation on the back of their card. In relation to this order, in the main the council officers and police will be undertaking joint patrols. It is important to note that it is a criminal offence to refuse to give details to an authorised officer, or give false details, whether that be a police officer or an authorised council officer.
What about events in the town centre and licensed bars that have outdoor areas etc?	Part 4 or this order highlights the exemptions in relation to alcohol. The order does not apply to council-operated licensed premises when the premises are being used for the supply of alcohol. Part 4 or this order also confirms exemption for events that have a temporary events license for this activity, or where permission has been granted under the highways act for the sale and consumption of alcohol in an outdoor area. There are other areas of legislation (such as licensing) that cover misuse of these provisions should there be concerns with poor behaviour related to alcohol, licensed events or premises. The PSPO would not cover these.
How is this going to be resourced/Policed?	Having a PSPO in place will not automatically increase the amount of police or council patrols that will be undertaken in the area. However, the order will give authorised officers additional powers to tackle the behaviour that they come across/or is reported at the earliest opportunity. Officers currently do not have the power to request from an adult over 18 years that alcohol is handed over to them, so cannot act unless other criminal offences are apparent. This PSPO will enable them to do this. It is not a breach of the order to be in possession of alcohol, but a breach not to hand it over when instructed to do so. If the order is agreed then a period of patrols to Engage, Educate and Encourage members of public to be aware of the PSPO will be undertaken before full action is taken. These will be at set times agreed by the Council, Police and stakeholders on implementation of the order.

The area in which the order will apply to is not big enough. What about displacement?	When considering PSPO's the Council work closely with partner agencies and key stakeholders to make sure decisions on requirements of the order and the area the order covers are proportionate and meet the thresholds set within the legislation. In this particular case, the proposed area the order will apply to has been set based on police incident information, of which evidenced incidents involving alcohol fuelled Anti-Social Behaviour. We appreciate that this may displace some of the activity, but other powers can be used to tackle individuals who persist in engaging in this behaviour whether it be within the PSPO area or not. Due to the level of incidents within the area outlined, and the impact the behaviour has been having on visitors, businesses, and residents within the town centre it was considered a proportionate approach to consult on using additional powers to elevate some of the concerns that have been expressed at the earliest opportunity. We are unable to widen areas on a "just in case" basis as this does not fall in line with the purpose or scope of the legislation.

3 Survey results

Macclesfield Town Centre Public Spaces Protection Order (PSPO) Consultation January 2022

1. Consumption of alcohol in the Restricted Area
2. Urinating/defecating on Land in the Restricted Area

1. How strongly do you agree or disagree with Part 1 of the order as outlined above which details the general activities to which the order applies (you will be asked in more detail about these activities after this question) Please select one option only

Answer Choices			Response Percent	Response Total
1	Strongly agree		84.54%	82
2	Tend to agree		9.28%	9
3	Neither agree or disagree		3.09%	3
4	Tend to disagree		1.03%	1
5	Strongly disagree		2.06%	2
6	Unsure/Don't know		0.00%	0
			answered	97

1. A person in the Restricted Area is to hand over any containers (sealed or unsealed) which are believed to contain alcohol when required to do so by a police officer or Authorised Officer to prevent public nuisance or disorder

2. How strongly do you agree or disagree with Part 2, Point 1 of the order as outlined above which focuses handing to an authorised officer on request containers of alcohol when required to do so? Please select one option only

Answer Choices		Response Percent	Response Total
1	Strongly agree	80.41%	78
2	Tend to agree	11.34%	11
3	Neither agree or disagree	2.06%	2
4	Tend to disagree	2.06%	2
5	Strongly disagree	4.12%	4
6	Unsure/Don't know	0.00%	0
		answered	97

A person in the Restricted Area shall not urinate and/or defecate on or within Land to which this Order applies.

3. How strongly do you agree or disagree with Part 2 point 2 of the order as outlined above which focuses on a prohibition in relation to urination and defecation on Land within the Restricted Area Please select one option only

Answer Choices		Response Percent	Response Total
1	Strongly agree	89.69%	87
2	Tend to agree	4.12%	4
3	Neither agree or disagree	1.03%	1
4	Tend to disagree	1.03%	1
5	Strongly disagree	4.12%	4
6	Unsure/Don't know	0.00%	0
		answered	97

Breach of a Public Spaces Protection Order is a Criminal Offence. On breach of a Public Spaces Protection Order, an Authorised Officer could issue a fixed penalty notice (FPN) of £100. Failure to pay the FPN may lead to prosecution and a potential maximum fine of either £500 for breach of Part 2 (1) or £1,000 for breach of part 2 (2) as would more serious breaches of the PSPO.

4. With the above statement in mind, how strongly do you agree or disagree with the implementation of the proposed Macclesfield Town Centre Public Spaces Protection order? Please select one option only

Answer Choices		Response Percent	Response Total
1	Strongly agree	73.20%	71
2	Tend to agree	12.37%	12
3	Neither agree or disagree	2.06%	2
4	Tend to disagree	5.15%	5
5	Strongly disagree	6.19%	6
6	Unsure/Don't know	1.03%	1
		answered	97

5. With the plan/map in mind, how strongly do you agree or disagree with the area highlighted in which the proposed Macclesfield Town Centre Public Spaces Protection order will apply? Please select one option only

Answer Choices		Response Percent	Response Total
1	Strongly agree	68.04%	66
2	Tend to agree	17.53%	17
3	Neither agree or disagree	4.12%	4
4	Tend to disagree	4.12%	4
5	Strongly disagree	6.19%	6
6	Unsure/Don't know	0.00%	0
		answered	97