



CABINET

Tuesday 3 September 2019

PUBLIC SPACE PROTECTION ORDERS

EXECUTIVE SUMMARY

This report is presented to Cabinet to provide information about Public Space Protection Orders (PSPO). The Anti-Social Behaviour, Crime and Policing Act 2014 replaced Alcohol consumption in Designated Public Place Orders (DPPO) on the 20TH October 2017.

DPPOs (now PSPOs) were introduced in Suffolk Coastal between 2007 and 2008 following extensive research and consultation which supported these orders in Woodbridge, Martlesham, Rushmere, Kesgrave, Leiston, Saxmundham, Kelsale, Felixstowe, Wickham Market and Framlingham.

Following consultation with the East Suffolk Council legal department, Police and parish/town councils there is not enough evidence to support the continuation of the PSPOs. Partners support discontinuation of the PSPO's and making use of the new legislative powers such as community protection notice and dispersal powers.

Along side the new ASB legislation there are other pieces of legislation that can be used to deal with issues covered by the PSPO's, including the Confiscation of Alcohol (Young Persons) Act 1997. Communities will not be disadvantaged by the removal of the PSPOs.

Is the report Open or Exempt?	Open
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Wards Affected:	Felixstowe, Woodbridge, Martlesham, Kesgrave, Saxmundham, Leiston, Kelsale, Framlingham, Wickham Markets and Rushmere.
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Cabinet Member:	Councillor Mark Jepson – Assistant Cabinet Member for Community Health
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Supporting Officer:	Julia Catterwell Community Officer 01394 444318 Julia.catterwell@eastsoffolk.gov.uk
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1 INTRODUCTION

- 1.1 These orders have not been reviewed since introduction in 2007 and the current PSPO's are in place until October 2020.
- 1.2 The Home Office guidance states that proposed restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and as necessary to prevent it from continuing, occurring or reoccurring.
- 1.3 A PSPO can last up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years.
- 1.4 The Home Office states that robust Orders will be supported by a solid evidence base and rationale that sets out how the statutory criteria for each of the proposed restrictions have been met, and demonstrates a direct link between the anti-social behaviour and the PSPO being proposed in response.
- 1.5 An authorised person may issue a community protection notice to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that—
- (a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and
 - (b) the conduct is unreasonable.
- A Community Protection Notice (CPN) can be issued against a perpetrator of persistent antisocial behaviour. Failure to comply can lead to a fixed penalty notice, remedial action or a court order.
- 1.6 Authorisations to use dispersal powers under section 35
- (1) A police officer of at least the rank of inspector may authorise the use in a specified locality, during a specified period of not more than 48 hours, of the powers given by section 35. "Specified" means specified in the authorisation.
 - (2) An officer may give such an authorisation only if satisfied on reasonable grounds that the use of those powers in the locality during that period may be necessary for the purpose of removing or reducing the likelihood of—
 - (a) members of the public in the locality being harassed, alarmed or distressed, or
 - (b) the occurrence in the locality of crime or disorder.
 - (3) In deciding whether to give such an authorisation an officer must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention. "Convention" has the meaning given by section 21(1) of the Human Rights Act 1998.
 - 4) An authorisation under this section—

- (a) must be in writing,
- (b) must be signed by the officer giving it, and
- (c) must specify the grounds on which it is given

2 OVERVIEW OF ANALYSIS

- 2.1 In compliance with the Home Office Guidance, a consultation was undertaken. This included a survey sent to all parish/town councils within a PSPO area to disseminate locally and an advert in the East Anglian Times to publicise the PSPO consultation.
- 2.2 We received ninety responses from the consultation survey; 83% were residents with 26% living Felixstowe. 41% of people who responded were aged 46 – 60 years.
- 2.3 31% agreed that they had not witnessed any anti-social behaviour in the last 12 months whilst 57% disagreed with this statement. With the statement 'Alcohol related anti-social behaviour has declined in my identified area', 28% agreed and 28% disagreed with statement.
- 2.4 43% agreed that they did not understand the current PSPO legislation whilst 23% disagreed.
- 2.5 26% agreed that the new ASB legislation is less complicated and more flexible to implement whilst 10% disagreed. 26% supported that the council should not reinstate the present orders, whilst 32% disagreed.

3 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 3.1 By working with our partners to ensure that East Suffolk remains a safe place for our communities.

4 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 4.1 A cost of £300 incurred for an advert in the East Anglian Times to publicise PSPO consultation.
- 4.2 An estimated cost for removal of signs in ten villages/market towns will be between £800 - £1000 which will be paid for from the East Suffolk Community Safety budget.
- 4.3 If the PSPO's are extended and not discharged, the current signs are not legally valid so will need to be replaced. An estimate in cost of new signs is between £5000 – 10000.

5 OTHER KEY ISSUES

5.1 This report has been prepared having taken into account the results of an Equality Impact.

6 CONSULTATION

6.1 Attendance at all parish/town council meetings that have a PSPO to discuss new ASB legislation.

6.2 Publicity of Consultation.

6.3 Survey sent to the parish/town councils to share in their local communities.

6.4 Crime data from Suffolk Constabulary.

7 OTHER OPTIONS CONSIDERED

7.1 Maintain current PSPO arrangements until expiry date of October 2020. If the Council wishes to extend orders for a further three years, then a consultation will need to be commenced.

8 REASON FOR RECOMMENDATION

8.1 That Cabinet agrees the removal of Designated Public Place Orders (now PSPO's) in Felixstowe, Woodbridge, Kesgrave, Rushmere, Leiston, Saxmundham, Kelsale, Wickham Market, Martlesham and Framlingham. The Council does not need to wait for expiry of PSPO's for orders to be discharged.

RECOMMENDATIONS

That all of the 10 Public Space Protection Orders, as detailed in Appendix A, are discharged and that all 155 signs are removed.

APPENDICES (List the title of each separate Appendix below)	
Appendix A	List of Orders and maps
Appendix B	Consultation result
Appendix C	Police Data

BACKGROUND PAPERS (List below those documents for which the report author has materially relied upon to produce the report and which are available for the public to view. This is not necessary for confidential/exempt reports so, for these reports, this box can be deleted altogether).

For CABINET, CABINET MEMBER, CABINET SUB-COMMITTEES OR A JOINT COMMITTEE COMPRISED OF CABINET MEMBERS EXERCISING EXECUTIVE POWERS only – The following wording must be included. For any non-Cabinet reports, delete the wording (except where the report will progress onto the Cabinet).

Please note that copies of background papers have not been published on the Council’s website www.eastsuffolk.gov.uk but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
	Public Spaces Protection Orders Guidance for Councils	Julia Catterwell