



CABINET

Tuesday, 07 June 2022

Subject	Public Space Protection Order for Latitude
Report by	Councillor Mark Jepson Assistant Cabinet Member for Community Safety
Supporting Officers	Louise Thomas Communities Officer Louise.thomas@eastsoffolk.gov.uk 07557486182 Rachel Tucker ASB Transformation Officer rachel.tucker@eastsoffolk.gov.uk Nicole Rickard Head of Communities nicole.rickard@eastsoffolk.gov.uk

Is the report Open or Exempt?	OPEN
-------------------------------	------

Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	Wrentham, Wangford & Westleton

Purpose and high-level overview

Purpose of Report:

The current PSPO for Henham Park Latitude Festival expires on 17th July 2022 and this year's Latitude Festival starts 19th July 2022.

It is proposed that the Public Space Protection Order (PSPO) for the Henham Estate Latitude Festival should not be extended on the basis that there is extremely limited evidence that the PSPO has supported the Police in tackling Nitrous Oxide related use in this location.

Options:

PSPO to be reviewed/continued/varied or

During the 3-year term of a PSPO it can be discharged or varied if circumstances changed.

PSPO to be discharged

A public spaces protection order may be discharged by the local authority that made it.

Other ASB Legislation to be utilised:

There are several alternative forms of legislation that could be used as a more appropriate alternative to a PSPO, some of these are outlined below:

Community Protection Notice

An authorised person may issue a community protection notice to an individual aged sixteen 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) could therefore instead 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.

Dispersal Powers

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 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

Recommendation/s:

That it be agreed that the Public Space Protection Order (PSPO) for the Henham Estate Latitude Festival 2022 should not be extended on the basis that there is limited evidence that the PSPO for this area has been needed used or that it has supported the Police in tackling Nitrous Oxide related use in this location.

Corporate Impact Assessment

Governance:

Where an order is discharged, a notice identifying the order and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.

If Cabinet agree to discharge the current PSPO then the public would be notified by a post in the local media, paper/ESC communication team and social platforms belonging to ESC.

As there are very few residents living in the locality of the festival, this would not need a wider consultation within the immediate area. However, the parishes/wards nearby would be informed if discharge agreed.

In all communications it will be made clear that there are other tools and powers the police can use to combat any use of psychoactive substances known as legal highs.

There are several alternative forms of legislation that could be used as a more appropriate alternative to a PSPO, some of these are outlined below:

Community Protection Notice

An authorised person may issue a community protection notice to an individual aged sixteen 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) could therefore instead 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.

Dispersal Powers

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 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

ESC policies and strategies that directly apply to the proposal:

A revised version of the ESC Anti-Social Behaviour (ASB) Policy is also being considered at the May 2022 Cabinet Meeting

Environmental:

No specific environmental implications

Equalities and Diversity:

No specific Equality and Diversity impacts

Financial:

The discharge of the PSPO would incur minimal costs and limited Officer time. It would reduce officer time in terms of Communities Team staff working with the Police to ensure that the notices regarding the PSPO are in place on site during the Latitude Festival

Human Resources:

None

ICT:

None.

Legal:

Representatives of the Legal Team were present at consultation May 10th, 2022, when the evidence was considered and the recommendation to Cabinet formed.

Risk:

Although past evidence suggests that Nitrous Oxide use has decreased at the Latitude Festival, there is always a risk that usage could change/increase. However, as evidenced, there are other tools and powers that the police can utilise to deal with any increases and

a response to problems that may arise is not solely dependent on having a current PSPO in place.

External Consultees:	Police, Licencing, Environment Protection, Fire Service, Ambulance Service, ESC Health & Safety, ESC Legal, Police Emergency Planning, Head of Communities Team, Leader of East Suffolk Council, Ward councillors, Festival Republic SAG minutes 10-03-2022 Latitude.docx
-----------------------------	--

Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our communities		
P06	Community Partnerships	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P08	Maximising health, well-being, and safety in our District	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education, and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>

How does this proposal support the priorities selected?

Our primary priority of supporting health, wellbeing and safety has been extensively considered regarding the use of psychoactive substances known as legal highs, be it possession or consumption at this festival. The festival involves various statutory and voluntary agencies working together to provide a safe environment that also provides a family friendly atmosphere.

Background and Justification for Recommendation

1 Background facts	
1.1	The current Public Space Protection Order (PSPO) for the Latitude Festival on the Henham Estate expires on 17th July 2022, unless extended by further Orders under the Council's statutory powers. A PSPO was first introduced in 2016 and was reviewed and agreed for a further three years in 2019. This report therefore outlines the proposed approach for the period from 2022 to 2025 i.e., that there is not sufficient evidence to extend the PSPO for this location.
1.2	Provisions in the Anti Social Behaviour Crime and Policing Act 2014 enable District Councils to either make, continue, or discharge Public Space Protection Orders (PSPOs). The Home Office has issued clear guidance in which it is stated that PSPOs are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of the area which apply to everyone (See PSPO Guidance in Background Papers at the end of this report). The anti-social behaviour under consideration consists of the taking of legal highs in a public place, including the detrimental impact of this on other festival goers. This report recommends to Cabinet that the Public Space Protection Order should be discharged.
1.3	WHAT THE LEGISLATION REQUIRES Section 59 of the 2014 Act states that a PSPO may be made if two conditions are satisfied. <ul style="list-style-type: none">• The first condition is that activities carried on in a public place within the authority's area have had or are likely to have a detrimental effect on the quality of life of those in the locality• The second condition is that the effect or likely effect of those activities is or is likely to be of a persistent or continuing nature, is or is likely to be unreasonable, and justifies the restrictions to be imposed. The PSPO that is currently in place will expire before the commencement of the next Latitude event in July 2022.
2 Current position	
2.1	The current PSPO for Henham Park Latitude Festival expires on 17 th July 2022 and this year's Latitude Festival starts 19 th July 2022.
2.2	The current PSPO has been in place for 6 years. Enforcement of the requirements of a PSPO is a matter for the council in partnership with the local police. The PSPO

	restrictions are as follows: Distribution, possession, consumption, sale, offering or exposing for sale and supply of psychoactive substances (also known as “legal highs”).
2.3	Suffolk Police previously requested (in 2019 when the first PSPO expired) that the local authority consider a further PSPO for the Latitude Festival event on the Henham Estate site relating to ‘Legal Highs’. However, with little evidence of Nitrous Oxide use at the Festival, the Police have agreed that a PSPO is no longer needed for this event and that they are not seeking a further PSPO to cover the period 2022 - 2025.
2.4	Since 2016, four Fixed Penalty Notices have been served. The number of day ticket visitors over the weekend of the 2021 Latitude Festival was nearly 35,000 people. There were no Fixed Penalty Notices served at the last Latitude Festival of 2021. There were no Fixed penalty Notices given for the use of Nitrous Oxide and fewer than 10 Nitrous Oxide cannisters were found and evidence by the Police. Appendix C Copy of Latitude - Final Figures 2021

3 How to address current situation

3.1	It is proposed that the Public Space Protection Order (PSPO) for the Henham Estate Latitude Festival should not be extended on the basis that there is extremely limited evidence that the PSPO has supported the Police in tackling Nitrous Oxide related use in this location.
-----	--

4 Reason/s for recommendation

4.1	Through consultation with the Police and the ESC ASB Transformation Officer, it was agreed to take a report to the Safety Advisory Group (SAG) to discuss the evidence current need for PSPO. Consultation took place on 10 th March 2022 and partners present included: Police, Environment Protection, ESC Health & Safety, ESC Licencing, Fire Service, Ambulance Service Festival Republic, ESC Emergency Response and Legal representative. All those present agreed to discharge PSPO due to lack of evidence provided by the police regarding seizures of Nitrous Oxide cannisters and Fixed Penalty Notices served.
-----	---

Appendices

Appendices:	
Appendix A	Public Space Protection Order 2019/07 – Henham Estate
Appendix B	Safety Advisory Group Minutes – 10 March 2022
Appendix C	Latitude 2021 – Final Figures

Background reference papers:

Date	Type	Available From
	Public Spaces Protection Orders – Guidance for councils	Public spaces protection orders: guidance for councils (local.gov.uk)