

ADOPTION OF A PUBLIC SPACES PROTECTION ORDER

Head of Service:	Rod Brown, Head of Housing & Community
Report Author:	Oliver Nelson
Wards affected:	(All Wards);
Appendices (attached):	Appendix 1: Proposed Public Spaces Protection Order

Summary

To agree to adopt a Public Space Protection Order (PSPO), for the Borough and confirm the amount of fixed penalty for breaches.

Recommendation (s)

The Council is asked to:

- (1) Approve the making of the proposed Public Spaces Protection Order (in the form set out in Appendix 1 to this report) in order to address current ongoing issues of anti-social behaviour affecting the local community for a maximum period of three years as defined by the Anti-Social behaviour Crime and Policing Act 2014.**
- (2) Nominate and authorise the Head of Housing and Community to take all necessary steps to adopt and implement the PSPO as it appears in Appendix 1 to this report.**
- (3) Confirm the amount of fixed penalty payable for this and for any future PSPOs at £100, discounted to £80 if paid within 10 days.**

1 Reason for Recommendation

- 1.1 At its meeting of 5 March 2025, the Crime and Disorder Committee agreed to recommend to Full Council the adoption of a new Public Space Protection Order (PSPO).
- 1.2 Separately it agreed to recommend to Full Council that the amount of fixed penalty for breach of this and future PSPOs be reconfirmed as £100, discounted to £80 if paid within 10 days, that being the maximum permitted in law.

Council

6 May 2025

- 1.3 Accordingly, the Council is invited to agree to these three recommendations.

2 Background

- 2.1 Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- 2.2 Local councils are responsible for making Public Spaces Protection Orders. Borough councils take the lead in England with county councils or unitary authorities undertaking the role where there is no district or borough.
- 2.3 The agreement to recommend adoption followed a period of public consultation which ran between 4 November 2024 and 5 January 2025 and which found a high level of community support for the measures proposed.
- 2.4 On the two occasions it considered the matter, discussion at the Crime and Disorder Committee was supported by representation from Surrey Police who had originally requested the PSPO be adopted having had success elsewhere in the county with similar provisions.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 The proposed prohibitions contained within the PSPO have been tested with an equalities impact assessment screening tool and sufficient mitigation has been developed within the construction of the prohibitions ensuring compliance with the Council's Public Sector Equality Duty.

3.1.2 The validity of a PSPO is challengeable by interested person through the High Court within 6 weeks of the Order being made, on specific grounds.

3.2 Crime & Disorder

3.2.1 It is expected that a positive contribution will be made to tackling crime and disorder in the borough.

3.3 Safeguarding

3.3.1 No direct impacts on safeguarding have been identified.

3.4 Dependencies

3.4.1 None

4 Financial Implications

- 4.1 It is a requirement that sufficient signage be placed in the area subject to a PSPO to draw attention to the existence of that local legislation. Owing to the wide geographic boundaries of the proposals it is anticipated that £5k be set aside from the community safety reserve reducing its available balance to £90,848.
- 4.2 An opportunity will be taken to remove the existing now redundant signage at the same time. The demounting of the obsolete signage together with installation of new signage can be met from existing staff resources so long as it can be done in a phased manner over a period of time.
- 4.3 **Section 151 Officer's comments:** The financial implications are in the body of the report.

5 Legal Implications

- 5.1 The power to make a PSPO is contained in section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the 2014 Act) and can only be made if two conditions are met:

First Condition:

5.1.1 Activities in a public place are, or are likely to have, a detrimental effect on the quality of life of those in the locality, or

5.1.2 It is likely that activities will be carried on in a public place within that area and that they will have such an effect

Second Condition:

5.1.3 The effect, or likely effect, of the activities:

- *Is, or is likely to be, of a persistent or continuing nature*
- *Is, or is likely to be, such as to make the activities unreasonable, and*
- *Justifies the restrictions imposed by the notice*

- 5.2 A PSPO can last for 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. There is no limit on the number of times an Order may be reviewed and renewed.

Council

6 May 2025

- 5.3 The legislation noted above, sets out a number of additional requirements for consultation and communication before an Order is introduced, once it is implemented and where it is extended, varied or discharged.
- 5.4 Under the 2014 Act, local authorities must have regard to the freedoms permitted under articles 10 and 11 of the Human Rights Act 1998 when drafting, extending, varying or discharging an Order. These cover freedom of expression, and freedom of assembly and association respectively. Wherever proposals for an Order have the potential to impinge on the rights under articles 10 and 11, consideration must be given as to how to demonstrate that they satisfy the requirements of paragraph 2 in each of the articles.
- 5.5 It is an offence under section 67 of the 2014 Act to breach a PSPO without reasonable excuse, and where Orders prohibit alcohol consumption, it is an offence under section 63 to fail to comply with a request not to consume or to surrender alcohol (or what is reasonably believed to be alcohol/a container for alcohol). Under the 2014 Act, authorised officers have the power to issue fixed penalty notices (FPNs) to anyone they reasonably believe is in breach. Section 68 sets out a framework for issuing FPNs.
- 5.6 **Legal Officer's comments:** Any relevant considerations are noted within this section as set out above.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Safe and well
- 6.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None identified
- 6.4 **Sustainability Policy & Community Safety Implications:** There is a strong link between these proposals and community safety.
- 6.5 **Partnerships:** The adoption of a PSPO is not technically an element of the existing Community Safety Partnership (CSP), however some of the existing partners, particularly the police, are key in delivering a successful outcome.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

Council

6 May 2025

- Crime and Disorder Committee 5 March 2025 Item 8: PSPO – Adoption of a Public Spaces Protection Order
- Crime and Disorder Committee 22 October 2024 Item 4: Public Space Protection Order – Proposals to Expand Existing

Other papers:

- none