

**To:** City Executive Board

**Date:** 15 October 2014

**Report of:** Head of Environmental Development

**Title of Report:** Public Spaces Protection Orders

## Summary and Recommendations

**Purpose of report:** To advise on the introduction of Public Spaces Protection Orders and their future implementation.

**Report Approved by:** Councillor Dee Sinclair, Executive Member for Crime and Community Response

**Key Decision -** Yes

**Policy Framework:** Corporate Plan priorities - Strong, Active Communities; Cleaner, Greener Oxford;

**Recommendations:** That the City Executive Board:

1. Resolve that the making of Public Spaces Protection Orders that affect multiple neighbourhood action area or the city centre and have a significant impact on anti-social behaviour across the city be reserved to the Board and that the Executive scheme of delegation be amended accordingly.
2. Delegate to the Executive Director Community Services authority, following appropriate consultation to include the relevant CEB member and ward councillors, to adopt and publish Public Spaces Protection Orders where the area covered by the proposed Order is wholly within a neighbourhood action group (NAG) area or is confined to the vicinity of the banks of waterways within the city and subject to the statutory requirements for the making of an Order being satisfied.

**Appendix One:** Excerpt from the Home Office “Statutory guidelines for frontline professionals“

### **Introduction**

1. The Anti-Social Behaviour, Crime and Policing Act 2014 gained Royal Assent in April 2014. The commencement date for many of the anti-social behaviour (ASB) provisions within the Act is the 20<sup>th</sup> October.

### **Public Spaces Protection Order**

2. The Public Spaces Protection Order is designed to prevent individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or be likely to have, a detrimental effect on the quality of

life of those in the locality; be persistent or continuing nature; and be unreasonable.

3. The power to make an Order rests with local authorities, in consultation with the police, Police and Crime Commissioner and other relevant bodies who may be impacted.
4. The council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre. There are particular considerations for registered common land, town or village greens and open access land.
5. The maximum length of a PSPO is three years.
6. When making a PSPO the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in the European Convention on Human Rights.
7. Consideration of a Public Spaces Protection Order will take place where there is material evidence of anti-social behaviour. Assessments will commonly include reports to the police, various council teams within Environmental Development, Housing and Property, Leisure, Parks and Communities, and partner agencies.

### **Restrictions**

8. Restrictions and requirements are set by the local authority and can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times.
9. They can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour.
10. Orders can be enforced by a police officer, police community support officer and council officers.
11. A breach of the Order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a level 3 fine, £1000, on prosecution.

### **Appeals**

12. Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. Further appeal is available each time the PSPO is varied by the council.

### **Dog Control Orders, Gating Orders and alcohol Designated Public Places Orders**

13. The Act repeals Dog Control Orders, Gating Orders and alcohol Designated Public Places Orders. However, there is a three year time limit for local authorities to replace these existing Orders with one or more PSPOs.

### **Delegation of authority**

14. The Act is designed to provide timely, ease to obtain and simplified powers to tackle anti-social behaviour. For local neighbourhood level anti-social

behaviour problems that require a quick response it is proposed that the implementation of Public Spaces Protection Orders be delegated to senior officers, subject to appropriate consultation. Consultation will involve local Members, the Board Member for Crime and Community Response and other relevant parties.

15. Delegated PSPOs will include areas that affect a single NAG or waterways and are needed for a speedy resolution to a community problem, such as problems in a local shopping arcade or communal area.
16. Further CEB reports will be presented for proposed PSPOs that have a wider community impact. These will be Orders which affect more than one NAG or the city centre and have a significant impact on anti-social behaviour. For example, the replacement of the city-wide alcohol Designated Public Places Order, Dog Control Orders, a PSPO for the city centre and other high footfall locations.

### **Legal Implications**

17. As detailed above.

### **Financial Implications**

18. The cost of implementing PSPOs will be funded through existing budgets.

### **Environmental Implications**

19. The PSPO can be used to help address environmental crimes through the use of restrictions. The implementation of this policy does not have any negative impact upon the environment

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Background Papers: None

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