

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Cabinet Delegated Decision

10 August 2021

TITLE:	Public Spaces Protection Order
EXECUTIVE COUNCILLOR:	Councillor Mike Bowen - Portfolio Holder for Communities
CONTACT OFFICER:	Mark Hitchen – Community Protection Officer
WARDS INVOLVED:	Cheadle, Biddulph and Leek Town Centres

Appendices Attached –
A - Draft Public Spaces Protection Order
B - Biddulph Town Centre PSPO Map
C - Cheadle Town Centre PSPO Map
D - Leek Town Centre PSPO Map

1. Reason for the Report

- 1.1 To provide a summary of the responses received in relation to the proposals to introduce a Public Spaces Protection Order to help prevent alcohol related nuisance, and to obtain approval to introduce the Order.

2. Recommendation

- 2.1 That the Portfolio Holder notes the responses to the consultation.
- 2.2 That the Portfolio Holder approves the making of the Order.

3. Executive Summary

- 3.1 On 1st February 2021, the Cabinet considered the introduction of a Public Spaces Protection Order (PSPO) to help prevent alcohol related anti-social behaviour in Cheadle, Leek and Biddulph Town Centres.
- 3.2 After considering the draft Order, accompanying report and comments from the Community Overview & Scrutiny Panel, the Cabinet agreed:
- That the conduct of the necessary consultation, publication and notification in relation to the draft Order appended to the report be agreed; and

- That the draft Order be subsequently approved by way of a Delegated Cabinet Decision unless the responses from the consultation necessitate material changes to the draft Order.

3.3 The Council has now carried out a consultation on the proposed PSPO and the responses are outlined in this report.

3.4 It is suggested that none of the responses necessitate material changes to the draft Order and that the new Order can now be introduced by way of a Delegated Cabinet Decision.

4. **How this report links to Corporate Priorities**

4.1 The proposed Order would support Aim 1: To help create a safer and healthier environment for our communities to live and work.

5. **Alternative Options**

5.1 None.

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

The introduction of the Order would assist in preventing nuisance and alcohol related anti-social behaviour.

6.2 Workforce

None.

6.3 Equality and Diversity/Equality Impact Assessment

The proposed Order will apply equally to all groups.

6.4 Financial Considerations

The Council will be required to erect adequate signage at each location. The cost of producing the signs, and fitting them to street furniture, will incur a cost. This is not expected to exceed £500 per town centre and the cost will be met by the Community Safety Partnership.

6.5 Legal

Public Spaces Protection Orders were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 to deal with nuisance or problems in specific areas that are detrimental to the quality of life of the local community, by imposing conditions on the use of the designated 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. They can apply to any public space. The definition of public space is wide and includes any

place to which the public or any section of the public has access. A PSPO can be made by the council if they are satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

When assessing what is 'unreasonable activity', guidance advises that councils will need to balance the rights of the community to enjoy public spaces without antisocial behaviour, with the civil liberties of individuals and groups who may be affected by any restrictions imposed.

6.6 Climate Change

The PSPO should make it less likely that glasses and other alcohol containers are left on the street, and encourage recycling.

6.7 Consultation

Community Overview & Scrutiny Panel on 1 February 2021, with Cabinet agreeing that the Council should consult on the proposals on 9 February 2021.

The responses to the subsequent statutory consultation are provided within this report.

6.8 Risk Assessment

None.

Mark Trillo

Executive Director (Governance & Commissioning)

Web Links and Background Papers

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7. Detail

- 7.1 The Anti-Social Behaviour Crime and Policing Act 2014 gives local authorities the power to introduce a Public Spaces Protection Order (PSPO) to control behaviour in a public place, which have caused or may cause a detrimental effect on the quality of life of those in the locality and are likely to be of a continuing or persistent nature and are therefore unreasonable.
- 7.2 The consumption of alcohol in Leek, Biddulph and Cheadle town centres can contribute to increased levels of anti-social behaviour and can lead to other more serious criminal offences. This, in turn, places an increased demand on Police resources, promotes a fear of crime in the town centres and has negative economic and reputational consequences for the locations. Cans and bottles are often discarded in streets, footpaths and other public areas following on-street drinking resulting in an increase in litter. This has a negative impact on the appearance of the town centres, attracts a clean-up cost and can encourage further littering.
- 7.3 Prior to 2017, Leek and Cheadle town centres were covered by Designated Public Places Orders (DPPOs) which were introduced by the District Council to tackle anti-social behaviour associated with alcohol consumption in the town centres. Under the Order, a Police Officer had the power to require a person to stop drinking alcohol or confiscate their alcohol if they were behaving (or were likely to behave) anti socially. If the person refused to hand over the alcohol the Police Officer could issue them with a fixed penalty notice (FPN).
- 7.4 The Community Overview & Scrutiny Panel considered a draft PSPO to help alcohol-related anti social behaviour on 1 February 2021. On 9 February 2021, the Cabinet agreed that the Council should carry out the necessary consultation, publicity and notification that is required by statute before introducing a PSPO (as set out in the Table below).

Requirements under Section 72 Anti-Social Behaviour, Crime and Policing Act 2014	What we must do	What we did
"Necessary Consultation"	Consult with: a) the chief officer of Police, and the Local Policing Body, for the Police area that includes the restricted area b) whatever community representatives the local authority thinks it appropriate to consult; and c) the owner or occupier of land within the restricted area (where reasonably practicable).	Letters were sent to the Chief Constable of Staffordshire Police; the Police Fire and Crime Commissioner For Staffordshire and the Chief Fire Officer of Staffordshire Fire and Rescue Service. The Consultees were asked to provide any comments that they have by 12 th March 2021.

“Necessary Publicity”	Publish the text of the proposed order.	The text of the proposed order was published on the Council’s website and a press release was issued on 9 th February 2021
“Necessary Notification”	Notifying any Town Councils and the County Council of the proposed order.	A copy of the proposed Order was sent to all town and parish councils on 9 th February 2021. A copy was also sent to Derbyshire County Council (DCC) on 9 th February 2021.

Responses Received following the “Necessary Consultation”

Staffordshire Fire and Rescue Service

7.1 SFRS confirmed their support for the Order.

Staffordshire Constabulary

7.2 The organisation did not submit any comments.

The Police Fire and Crime Commissioner For Staffordshire

7.3 The PFCC confirmed support for the proposal.

Responses Received following the “Necessary Publicity” and “Necessary Notification”

Staffordshire County Council

7.4 The organisation did not submit any comments.

Town Councils

7.5 Biddulph Town Council broadly welcomed the proposal but suggested the exclusion area should be increased in size. However, the Town Councillors did emphasise that this should not to delay the adoption of the measure.

7.6 Leek Town Council and Cheadle Town Council did not submit any comments.

Residents

7.7 Responses were received from two Leek residents who expressed concern around the curtailment of permitted and organised alcohol consumption in public places in Leek Town Centre.

“Both the Cock Inn in Derby Street and the (now re-named) Hide Out in Market Place have been in the habit of setting a couple of tables with benches/chairs on the pavement immediately outside their entrance. I feel that the quiet enjoyment of drinks there does nothing but enhance the street scene.”

- 7.8 Another Leek resident raised a concern that the prohibitions in the PSPO may not be effective and suggested alternative measures

“I recommend a couple of courses of action that could be considered instead of a reactive treatment of a narrow set of symptoms:

- widen the scope of the measures to include stronger enforcement and policing of other anti-social behaviour (eg dog fouling and other littering)*
- widen the scope of the measures beyond just the town centre where few people actually live.*
- pursue a policy which identifies and tackles the root issues that cause the symptoms of drinking, littering, dog fouling and other anti-social behaviour.”*