

Surrey Heath Borough Council

Executive

19 September 2023

Public Space Protection Orders

Portfolio	Cllr Helen Whitcroft Residents and Community
Strategic Director/ Head of Service	Nick Steevens - Environment & Community
Report Author	Jayne Boitault – Community Safety Officer
Key Decision	Yes
Wards Affected	All
PH Sign off:	16 August 2023

Summary and purpose

The Executive is asked to consider the approval of an extension to the Public Space Protection Orders (PSPO's) within Surrey Heath for a further 3-year period until 14th October 2026.

Recommendation

The Executive is advised to RESOLVE that the Public Space Protection Order, as set out in Annex A to this report, be retained without change for a further 3-year period until 14th October 2026.

1. Background and Supporting Information

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 was designed to simplify the overarching antisocial behaviour legislation with the PSPO (Public Spaces Protection Orders) replacing the former Designated Public Place Orders, which ceased to have effect from the 14th October 2017. At that time Surrey Heath introduced a new range of low-level orders based upon the outcome of an extensive consultation exercise.
- 1.2 The above act within S.60 permits a PSPO's to be introduced for a maximum period of three years without consultation and review to enable an opportunity to ensure the measures are proportionate and that it remains fit for purpose, the PSPO can be extended more than once.
- 1.3 The Public Spaces Protection Orders enable both Surrey Police and the Council to deal with low level anti-social behaviour in a public place.

- 1.4 Councils are the Responsible Authority for implementing the new PSPO's which must be reviewed at least every three years and were reviewed in 2017 and 2020.
- 1.5 The existing Surrey Heath PSPO is attached as annex A and takes a broad approach in using the framework of this legislation to beneficial effect when needed, but otherwise remains in the background to allow unencumbered freedoms.
- 1.6 The Council has sought responses from the public, internal and external partners including Surrey Police, and the Surrey Heath Partnership, and community representatives and organisations which may be affected by the proposals. Although no formal prosecutions have been made our key partner Surrey Police, advise that the orders enable continuous prevention through engagement and the physical presence of the signage across Surrey Heath and is a clear indicator of the enforcement for those who behave irresponsibly or cause anti-social behaviour.
- 1.7 An open consultation was promoted from the 1 July - 1 August 2023, on all social media channels and shared within the all-member briefing to encourage further distribution. This was combined with letters sent to all known community groups, and local partners inviting participation, and information shared with all partners at the Surrey Heath Partnership meeting on the 24th May 2023.
- 1.8 A total of 12 responses were received, all but one supported the proposal, within given locations from: Windlesham, Lightwater, Bagshot, Camberley, and Frimley. Other Borough wide organisations which include the Hope Hub, Vivid and Accent Housing positively responded to the extension, together will full support of Surrey Police. Detailed feedback and response to questions are attached in annex B.

2. Reasons for Recommendation

- 2.1 The existing Surrey Heath PSPO provides broad levels of support by utilising the framework of the legislation to good effect when needed to deal with low level anti-social behaviour, but otherwise it remains in the background to allow unencumbered freedoms. Surrey Police our main partner has sought the continuance of the PSPO.

3. Contribution to the Council's Five-Year Strategy

- 3.1 The Executive at its meeting on the 18 July implemented a Short-term Plan recognising residents' priorities set out in the Five-Year strategy 2022-2027 and the Annual Plan 2023/24. The intention of the original Annual Plan and the short-term plan purpose is to ensure that the Council has a single robust and transparent approach and is able to maximise what can be delivered over the course of this financial year. The consideration of the Council wide PSPO features in the Protections of our Environment which is one of the six areas of focus for delivery.

4. Section 151 Officer Comments

- 4.1 The original funding for this project was met by the Surrey Heath Partnership previously in the form of signage across Surrey Heath, the existing signage will require no further change if the proposal to extend the orders is agreed. If an amendment or change is required then costs will be incurred to meet this, an application for funding can be made to the Surrey Heath Partnership, but there is no guarantee this will be successful.

5. Legal and Governance Issues

- 5.1 The Anti-Social Behaviour, Crime and Policing Act 2014 was designed to simplify the overarching antisocial behaviour legislation with the PSPO (Public Spaces Protection Orders) which became effective from the 14th October 2017. Surrey Heath retain compliance by considering options in-conjunction with Surrey Police and consulting as outlined previously which follows the guidance of S.60 within the Act to insure of compliance.

6. Monitoring Officer Comments:

- 6.1 No matters arising.

7. Equalities and Human Rights

- 7.1 The Anti-Social Behaviour, Crime and Policing Act 2014, Public Spaces Protection Order (PSPO) empowers Councils to set local conditions to tackle nuisance behaviour within a defined area. The Council is proposing conditions which seek to provide the Police an additional tool to dispose of low-level alcohol-related nuisance affecting the Town Centre. The PSPO seeks to tackle defined nuisance behaviour from any source and carefully considers any sanctions to those who are vulnerable. An updated EIA will be completed prior to implementation.

8. Other Considerations and Impacts

- 8.1 The Order will be jointly managed by the Council's Corporate Enforcement Team, Environmental Services, Community Safety, Greenspace team, and Surrey Police. In addition, the Council can nominate authorised persons if necessary to undertake some of the enforcement work. In practice, given the nature of enforcement activity, the specialist training involved, the evidential requirements, and the health and safety aspects, local authorities usually only consider nominating specialists from a professional enforcement organisation with a track record in this area of work.

9. Proposal and Alternative Options

- 9.1 The Executive has the option to:
- i) Agree the existing Public Spaces Protection Order until 14 October 2026.

- ii) Amend the Public Space Protection Order either in its scope or period of time.
- iii) Not agree the Public Spaces Protection Order extension and for the orders to be discharged from the 14th October 2023.

10. Risk Management

- 10.1 Should the Executive not reach an agreement and the PSPO be discharged from the 14th October, there may be a reputational risk of the Council relating to our policy in dealing with low level anti-social behaviour.

11. Community Engagement

- 11.1 The questionnaire adopted a simple approach where it asked if respondents were broadly supportive of the PSPO seeking a yes or no response and invited them to share ideas around any changes to the existing orders, from which easy access was provided with links to the orders, maps and locations that are affected. Information was circulated widely as part of a social media campaign, shared within Members Briefings, and at the Surrey heath Partnership to encourage response. All feedback suggestions and questions have been carefully considered and details can be found in annex B.

Annexes

Annex A - PSPO presently operational
Annex B - Consultation feedback

Background Papers

None