

HAVANT BOROUGH COUNCIL

Delegated Decision by Cabinet Lead

Decision By: Acting Leader of the Council

The implementation of Public Space Protection Orders specific to a Ward or other local area

Report by: Neighbourhoods Development Team Leader

Key Decision: Yes/No

1.0 Purpose of Report

To request that the Leader of the Council grants delegated authority to the Cabinet Lead for Environment and Neighbourhood Services to authorise the implementation of Public Space Protection Orders (PSPOs) within the Havant Borough.

- 1.1 The Anti-social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas. These tools, which replaced and streamlined a number of previous measures, were brought in as part of a Government commitment to put victims at the centre of approaches to tackling ASB, focussing on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable.
- 1.2 Public Spaces Protection Orders (PSPOs) are one of the tools available under the 2014 Act. These are wide-ranging and flexible powers for local authorities, which recognise that councils are often best placed to identify the broad and cumulative impact that ASB can have. The Act gives councils the authority to draft and implement PSPOs in response to the particular issues affecting their communities, provided certain criteria and legal tests are met.
- 1.3 Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.
- 1.4 The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without a reasonable excuse is an offence which can be dealt with by way of a fixed penalty notice or prosecution in a Magistrates Court.
- 1.5 Whilst borough wide PSPOs such as that recently implemented to place restrictions on dog owners will be required to come before full Council, it is proposed that PSPOs relating to a smaller area such as a parade of shops or indeed a town centre can be effectively dealt with by delegating authority to the Cabinet lead who can ensure that the necessary checks and balances are in place before agreeing to their implementation.
- 1.6 All PSPO's both Local and Borough wide will also be the subject to an annual review by the Communities and Housing Scrutiny and Policy Development Panel.

2.0 Decision Required

To grant delegated authority to authorise Public Space Protection Orders to the Cabinet Lead for Environment and Neighbourhood Services.

3.0 Political accountability, scrutiny and sign-off guidance Local Government Association LGA

The Local Government Association (LGA) in its guidance to Councils advises the following:–

“Within the confines of the framework outlined above (and subject to legal challenge), councils have the freedom to determine their own procedures for introducing a PSPO, including satisfying themselves that the statutory requirements have been met and giving final approval for an Order to go ahead.

The close involvement of councillors and ensuring political buy-in throughout the implementation process are key. This provides political accountability for decisions taken – which is particularly important if the proposals may attract some opposition, and where insufficient member involvement may lead to challenge. Political support is also important to ensure that sufficient resources will be made available to implement and enforce the PSPO throughout its duration. Many areas have agreed that final approval and sign-off of PSPOs should be undertaken at cabinet/ executive or full Council level.

In ensuring that the requirements under section 59 of the 2014 Act have been satisfied, councillors will have a significant role to play in unpicking what might be regarded as unreasonable and detrimental behaviour in the locality and what would constitute reasonable restrictions or requirements.

Discussions at senior political level by those who understand their local areas best, will help to ensure that the views of all parts of the community are reflected, and find an appropriate balance between the interests of those affected by the ASB and those likely to be affected by the proposed restrictions.

Councillors will also have an important role in examining the processes used in drafting the proposals. This will include analysing the outcomes of the consultation process and other supporting evidence offered to satisfy the statutory criteria, and determining whether, on balance this provides sufficient grounds to proceed (it should be noted here the need to ensure compliance with data protection legislation when sharing this information).”

Source:- Local Government Association, Public Space Protection Orders Guidance for Councils 2014

4.0 Subject of Report

- 4.1 In 2017 Havant Borough Council has utilised the powers granted by the Anti Social Behaviour Crime and Policing Act 2014 to introduce borough wide measures to introduce a proportionate response to irresponsible dog ownership.
- 4.2 The LGA guidance is clear in that political consultation and indeed support for the measures is critical in ensuring that the process is an accountable to the public via their elected representatives. However the process of implementation is by its very nature long and costly both in officer and Councillor time. It is therefore proposed that PSPO’s that are targeted at specific behaviour in smaller locations can be more effectively introduced by the delegation of authority to the Cabinet Lead for the

5.0 Implications

This proposal whilst maintaining the basic principle of accountability through Councillor involvement with the necessary checks and balances in place will effectively streamline the process for implementing PSPOs and save officer and Councillor time in the process.

5.1 **Resources:** (*finance, staffing, property etc*) This proposal will reduce the amount of officer time utilised

5.2 **Legal:** The necessary checks and balances will remain in place as required by the legislation.

5.3 **Strategy:** *n/a*

5.4 **Risks:** *n/a*

5.5 **Communications:** *n/a*

5.6 **For the Community:** PSPOs are introduced to benefit the community by tackling anti-social behaviour in specific areas.

Agreed..... [Councillor xxxxxxx]

Date.....

Appendices: *n/a*

Background Papers: *n/a*

Signed off by:

Legal Services: (date)

Head of Service: (date)

Finance: (date)

Contact Officer:

Job Title:

Telephone:

E-Mail: