

Public Space Protection Orders (PSPO): West Suffolk

Report number:	OAS/WS/21/001	
Report to and date(s):	Overview and Scrutiny Committee	14 January 2021
	Cabinet	16 March 2021
Cabinet member:	Councillor Robert Everitt Portfolio Holder for Families and Communities Telephone: 01284 769000 Email: robert.everitt@westsuffolk.gov.uk	
Lead officer:	Davina Howes Assistant Director, Families and Communities Telephone: 01284 757070 Email: davina.howes@westsuffolk.gov.uk	

Decisions Plan: This item is included in the Cabinet Decisions Plan.

Wards impacted: **Haverhill: Central ward**
Proposed new PSPO Bury St Edmunds: Moreton Hall area

Recommendation: It is recommended that Overview and Scrutiny notes that:

1. **No further extension of the PSPO is necessary in Brandon.**
2. **Public consultation is carried out in Haverhill for the removal of a residential area from the existing PSPO.**

- 3. Public consultation is undertaken on the proposal to introduce a new PSPO for antisocial driving in the Moreton Hall area of Bury St Edmunds.**
- 4. Cabinet will consider the results of the consultation and make a decision in March 2021.**

1. Context to this report

- 1.1 West Suffolk Council completed a review of all existing Public Space Protection Orders (PSPOs) in September 2020 in accordance with the Anti-Social Behaviour Crime and Policing Act 2014. By virtue of the Act, the Council must undertake a review, communicate intent to introduce new PSPOs and undertake consultations with certain key stakeholders to ensure that it can make an informed decision when determining the outcome of the review.
- 1.2 It was recommended by Cabinet on 22 September 2020 (report [CAB/WS/20/058](#)) that all existing PSPOs were extended for a further three years.
- 1.3 West Suffolk Council has a duty under the 2014 Act, that whilst conducting the review, it must consider any variations to existing PSPOs or requests for additional PSPOs.
 - 1.3.1 In order to amend any PSPO or implement a new PSPO, the Council must consider the evidence, from partners and communities, as well as undertake a thorough public consultation process including providing the opportunity to consider the new proposed area. Due to Covid-19 restrictions conducting a more robust consultation process during the summer of 2020, in relation to the variations put forward, would prove difficult and as such it was agreed not to consult on any suggested changes during this engagement process. However, Cabinet agreed to consider any requests for variations in the future and at a time when the public is able to engage fully in any consultation process (report CAB/WS/20/058 refers).
- 1.4 As a result of the review of existing PSPOs West Suffolk Council received suggestions for variations in Brandon, Haverhill and Bury St Edmunds Therefore, at its meeting on 22 September 2020, Cabinet agreed further consideration be given to the proposed variations submitted during engagement with stakeholders, as set out in section 3.3 of Report number: CAB/WS/20/058.
 - 1.4.1 Since September 2020, work has been undertaken to review the following:
 - Representation for Brandon to vary the existing PSPO to extend into areas of concern highlighted by some stakeholders.
 - Representation for Haverhill to vary the existing PSPO to extend into areas of concern and remove an area now residential highlighted by some stakeholders.
 - Representation for the Moreton Hall area of to consider a stand-alone PSPO in relation to antisocial driving within the estate.

- 1.5 The review of the PSPOs is undertaken in the context of the Antisocial Behaviour, Crime and Policing Act 2014, which provides a broad legal framework within which the Orders can be implemented.
- 1.5.1 Orders can be introduced in a specific public area where the local authority is satisfied on reasonable grounds that certain conditions have been met. The first test concerns the nature of the anti-social behaviour, requiring that:
- activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will take place and that they will have a detrimental effect.
 - the effect or likely effect of these activities:
 - is, or is likely to be, persistent or continuing in nature
 - is, or is likely to be, unreasonable
 - justifies the restrictions being imposed
- 1.5.2 Home Office guidance states that proposed restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring
- 1.5.3 When assessing what is 'unreasonable' activity, 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.
- 1.5.4 With the above legal framework in mind, and based on conversations with relevant Town Councils, the next steps are for more extensive public consultation on the following:
- Haverhill – to remove a residential area
 - Moreton Hall – to introduce a new PSPO

Following the results of public consultation, recommendations will be considered by Cabinet before final approval.

2. Brandon: variations to existing PSPO

- 2.1 In Spring 2020 representation was made by the Brandon Town Council to vary the existing PSPO (restricting the consumption of alcohol within specific areas) and consider extending the current area. Four additional areas were requested for consideration including George Street Car Park, The Orchard and The Lode areas and Seymour Gardens, Seymour Avenue.
- 2.1.2 Upon investigation and consultation with Suffolk Police and Brandon Town Council it was identified that all areas for consideration were already included in the existing PSPO, apart from Seymour Gardens, Seymour Avenue, which

is a residential area. Upon reflection, the Town Council requested that this small area should not be considered.

2.1.3 Data analysis conducted by Suffolk Police for the period January 2019 to November 2020 identified five events attributed to alcohol related antisocial behaviour or public disorder. These incidences occurred within the existing PSPO area.

2.1.4 Based on the above, it is suggested that there is no extension to the existing PSPO in Brandon and this decision is supported by the Town Council and the Police. This will not therefore be subject to further public consultation.

3. Haverhill: variations to existing PSPO

3.1 In spring 2020 representation was made by Haverhill Town Council to vary the existing PSPO (restricting the consumption of alcohol within specific areas) and consider extending the current area. Both parks (West Town and East Town) were put forward for consideration, along with Railway Walk, Industrial Estate, Recreation Ground and shop areas within Clements and Parkway Estates.

3.1.2 A map of the existing PSPO and proposed variations is attached Appendix A.

3.1.3 Consultation has taken place with Suffolk Police and Haverhill Town Council with the following evidence being provided:

3.1.4 Data analysis conducted by Suffolk Police for the period January 2019 to November 2020 identified two events attributed to alcohol related antisocial behaviour or public disorder within the areas for consideration. This analysis when broken down is as follows:

- West Town Park: 15 events recorded Suffolk Police, none attributed to alcohol related antisocial behaviour.
- East Town Park: no events recorded by Suffolk Police.
- Railway Walk: four events recorded by Suffolk Police, none attributed to alcohol related antisocial behaviour.
- Shop areas within estates: 21 events recorded by Suffolk Police, two attributed to alcohol related antisocial behaviour.
- Industrial Areas: no events recorded by Suffolk Police.

3.1.5 Suffolk Police reported that minimal events were identified within the areas being considered and additional powers are available to deal with issues in the town. Police officers are regularly checking areas identified as concerns, confiscating alcohol (where applicable) and dispersing groups. Additional powers brought in during Covid 19 restrictions has also given police additional mechanisms to disperse groups.

- 3.1.6 Suffolk Police conclude there is little evidence at this time to support variations to the existing PSPO and will continue to use alternative powers available. However, would continue to monitor the situation and would consider possible variations should there be evidence to support the need for a PSPO.
- 3.1.7 During the initial review of existing PSPOs, the Council received information from Haverhill Town Council, two councillors and an officer from a charity within the town, supporting the variations. The Council has not received any complaints from residents in relation to alcohol related antisocial behaviour in the aforementioned areas.
- 3.1.8 The Council has received a request Haverhill Town Council to remove Tudor Court from the existing PSPO due to the area now being residential. At the time the PSPO was implemented this area was recreational land. In order to remove this area and amend the boundaries a period of public consultation would need to take place.
- 3.1.9 Based on the above, it is suggested that there is no extension to the existing PSPO in Haverhill, but the Council is to consider removal of Tudor Court from the existing PSPO, and this decision is supported by the Town Council and the Police. Therefore, it is recommended that public consultation is carried out for the removal of this residential area.

4. Bury St Edmunds: New PSPO for Moreton Hall

- 4.1 In Spring 2020, representation was made by a resident's association requesting the Council considers a PSPO for the Moreton Hall estate to help combat the issues experienced by residents through antisocial driving.
- 4.1.2 A map of the proposed PSPO area is attached Appendix B.
- 4.1.3 Consultation has taken place with Suffolk Police and Moreton Hall Residents Association.
- 4.1.4 Suffolk Police report that the issue of antisocial driving is a longstanding concern of residents within the estate, and although Covid 19 has had an impact and reduced the number of vehicles in the area, concerns are still being expressed by residents.
- 4.1.5 Suffolk Police are supportive of progressing to public consultation, due to the amount of anecdotal evidence they have received from residents.
- 4.1.6 The Council has received various documents from the residents association outlining meetings where the issue has been raised, correspondence with the police and the Police and Crime Commissioner and an initial meeting held

with the residents association who confirmed that issues are still being raised to them through association meetings.

4.1.7 This information dates back to 2016 when first raised and continues through to 2020.

4.1.8 Based on the above, it is recommended that the implementation of a new PSPO related to anti-social driving is the subject of further public consultation over the next six weeks.

5. Next steps

5.1 Based on the evidence and responses from initial discussions with stakeholders it is recommended that:

- **Brandon:** No change to Brandon PSPO therefore no requirement for further consultation
- **Haverhill:** Further consultation required to remove Tudor Court from existing PSPO but no evidence to include any additional areas.
- **Bury St Edmunds:** Further consultation required in relation to adoption of a new PSPO for the Moreton Hall area in relation to antisocial driving on the estate.

5.1.2 The Council must now consult further with the local chief officer of police; the Police and Crime Commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a district), parish or community councils that are in the proposed area covered by the PSPO must be notified.

5.1.3 Public consultation will take place early 2021. This consultation is to gather the opinions of residents, users of the public space, and those likely to be directly affected by the restrictions, this might include residents' associations, local businesses, commissioned service providers, charities and relevant interest groups.

5.1.4 The aim being to conclude the consultation by February 2021 and a recommendation made to Cabinet in March 2021

6. Consultation and engagement undertaken

6.1 Initial consultation with stakeholders and proposed further consultation as outlined at section 5

7. Risks associated with the proposals

- 7.1 Public perception – negative perception of the impact of the PSPO: controlled through information provided and consultation process.
- 7.2 Reputation – no enforcement activity taken: controlled through working with the community and partners.
- 7.3 Incomplete consultation due to COVID 19 – unable to conduct adequate consultation with partners and public which could lead to legal challenge: controlled through lengthy consultation and adaptations to usual consultation process to mitigate against non-engagement.

8. Implications arising from the proposals

- 8.1 Financial: Costs associated with any additional/replacement signage will be met from existing budgets.
- 8.2 Legal Compliance: be drafted by the Council's legal team.
- 8.3 Personal Data Processing: Yes, in accordance with enforcement protocols
- 8.4 Equalities: There are no equality impacts as it applies equally to all.
- 8.5 Crime and Disorder: The PSPOs are a deterrent to anti-social behaviour
- 8.6 Environment or Sustainability: Not applicable
- 8.7 HR or Staffing: Not applicable
- 8.8 Changes to existing policies: Not applicable
- 8.9 External organisations (such as businesses, community groups): Suffolk Police, public consultation will engage with businesses and community groups identified within the area.

9. Appendices referenced in this report

- 9.1 Appendix A – Haverhill PSPO map
- 9.2 Appendix B – Proposed area for Moreton Hall

10. **Background documents associated with this report**

- 10.1 [CAB/WS/20/058](#) - Public Space Protection Orders (PSPO) – review of existing orders