

Public Space Protection Orders (PSPOs): West Suffolk

Report number:	CAB/WS/21/013	
Report to and date:	Portfolio Holder** (See Note below)	18 March 2021
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Decisions Plan:

The decision made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is a Key Decision and is included on the Decisions Plan.

****NOTE****

This decision was originally due to be made by Cabinet on 16 March 2021. Unfortunately, due to technical issues which prevented the Cabinet agenda and the livestream to the meeting to be accessed by the public, the meeting was cancelled. Therefore, this decision will now be made by the Portfolio Holder for Families and Communities.

As this is a Key Decision, the Chair of the Overview and Scrutiny Committee has given permission for this decision to be taken by the Portfolio Holder for Families and Communities, as in this instance, the

required 28 days' notice of the decision to be taken by the Portfolio Holder is unable to be provided. The intended decision is urgent and cannot be reasonably deferred.

A Special Urgency Notice for the taking of this decision by the Portfolio Holder for Families and Communities was also published on 18 March 2021.

**Wards impacted: Haverhill: Central Ward
Bury St Edmunds: Moreton Hall Ward**

Recommendation: It is recommended that the Portfolio Holder for Families and Communities:

- 1. Notes the result of the public consultations associated with the two PSPOs.**
- 2. Approves the proposal in Haverhill for the removal of a residential area from the existing PSPO.**
- 3. Approves the proposal to introduce a new PSPO in the Moreton Hall area of Bury St Edmunds.**

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 Antisocial 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 number 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.
- 1.4 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.
- 1.5 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.
- 1.6 Since September 2020, the following has been undertaken:
- Engagement with key stakeholders within Brandon which indicated no evidence to support a change in the existing PSPO.
 - Engagement with key stakeholders within Haverhill which indicated no evidence to support extending the existing PSPO, however a variation to remove Tudor Court, due to the area now being residential, was supported.
 - Engagement with key stakeholders within Moreton Hall which indicated evidence to support further consultation required before introducing a new standalone PSPO in relation to antisocial behaviour concerning motor vehicles.
 - Report to Overview and Scrutiny Committee (OAS/WS/21/001) in January 2021 setting out proposals for further public consultation.
- 1.7 From 18 January 2021 to 22 February 2021 public consultation was carried on out the following two issues:

- Haverhill – to remove a residential area from the existing PSPO
- Moreton Hall area of Bury St Edmunds – to introduce a new PSPO to address issues of antisocial driving.

2. Haverhill consultation

- 2.1 In line with Home Office guidance a period of consultation took place between 18 January 2021 and 22 February 2021. The purpose of the consultation was to seek views on the removal of Tudor Court from the existing PSPO due this area now being residential.
- 2.2 Key stakeholders including Haverhill Safer Neighbourhood Team, Haverhill Town Council, West Suffolk and Suffolk County Council elected members, Suffolk Police and Crime Commissioner, and One Haverhill, were consulted.
- 2.3 Public consultation was made available via an online survey on the West Suffolk Council's website. The use of social media was also utilised including relevant Facebook pages, twitter feeds and emailing to networks, including all schools in the area.
- 2.4 77 responses were received to the online survey. In summary, of the 77 responses received, 14 (18%) were supportive of this area being removed from the existing PSPO. The main reason for support was this area was now residential, whereas when the PSPO was introduced this was recreational space.
- 2.5 55 (71%) of respondents raised concerns about the removal of the area from the existing PSPO, however on further analysis of the responses it is apparent there was some confusion with the consultation. A number of respondents assumed this was to remove the whole PSPO, whilst a large number thought removing the PSPO would lead to loss of public open space. Additional concerns raised included removal of the PSPO would attract antisocial behaviour and remaining areas covered by the PSPO would be removed in the future.
- 2.6 The area is now residential, making the need for a PSPO within the area minimal. Orders are used to stop antisocial behaviour in public open areas, although residential areas can fall within a PSPO area the powers are not enforceable on a private dwelling, making the area of Tudor Court predominately unenforceable.
- 2.7 Based on the evidence available and feedback from the public and key stakeholders including the Police, it is therefore recommended that Cabinet approve the removal of Tudor Court from the existing PSPO. Appendix A shows the area to be removed from the existing PSPO.

3. Moreton Hall consultation

- 3.1 In line with Home Office guidance a period of consultation took place between 18 January 2021 and 22 February 2021. The purpose of the consultation was to seek views on introducing a new PSPO within Moreton Hall in relation to antisocial use of motor vehicles.
- 3.2 Key stakeholders including Bury Safer Neighbourhood Team, Bury Town Council, neighbouring parish councils, Moreton Hall Resident's Association, West Suffolk and Suffolk County Council elected members, Suffolk Police and Crime Commissioner, local businesses and community groups, were consulted.
- 3.3 Public consultation was made available via an online survey on the West Suffolk Council's website. The use of social media was also utilised including relevant Facebook pages, twitter feeds and emailing to networks, including all schools in the area.
- 3.4 106 responses were received in response to the online survey. In summary, of the 106 responses received, 89 (85%) lived within the area of the proposed PSPO. 59 (56%) have been directly affected by antisocial behaviour caused from vehicles and 95 (90%) supported the introduction of a PSPO to the area.
- 3.5 The types of concerns and issues raised by respondents included:
- Cars racing
 - Disturbed sleep from the noise of engines and exhausts
 - Dangerous driving
 - Litter left from congregation of vehicles
 - Fear of an accident
 - Speeding cars
 - Abusive language towards business owners
- 3.6 90% of respondents support the introduction of a PSPO for this area. Based on the evidence available and feedback from key stakeholders including the Police and residents, it is therefore recommended that Cabinet approve the introduction of a PSPO restricting antisocial behaviour associated with use of motor vehicles in Moreton Hall. Appendix B shows the area of the proposed PSPO.

4. Next steps

- 4.1 Subject to Cabinet accepting the recommendations, the following statutory requirements will need to take place:
- i) formally notify the parish, town and county councils in respect of a new PSPO for Moreton Hall and variation for Haverhill;
 - ii) draft legal documentation for Moreton Hall;

- iii) publish the new order and maps on the West Suffolk Council website;
- iv) place signs in and adjacent to the restricted areas (Moreton Hall); and
- v) remove signs within the Tudor Court area of Haverhill.

4.2 The draft order, detailing conditions for the proposed order within Moreton Hall can be found at Appendix C

4.3 The new PSPO will be reviewed in September 2023 in line with the current PSPOs within West Suffolk. A decision will then be required with a view to continuation unchanged, variation if required or discharge if no longer required.

5. Consultation and engagement undertaken

5.1 Consultation with stakeholder and public as outlined in section 2 and 3.

6. Risks associated with the proposals

6.1 Public perception: negative perception of the impact of the PSPO: controlled through information provide and the consultation process.

6.2 Reputation: no enforcement activity taken: controlled through working with the community and partners.

7. Implications arising from the proposals

7.1 Financial - Costs associated with any additional/replacement signage will be met from existing budgets

7.2 Legal Compliance - Being drafted by the Council's legal team

7.3 Personal Data Processing - In place in accordance with enforcement protocols

7.4 Equalities - There are no equality impacts as it applies equally to all.

7.5 Crime and Disorder - The PSPOs are a deterrent to antisocial behaviour.

7.6 Environment or Sustainability - Not applicable

7.7 HR or Staffing - Not applicable

7.8 Changes to existing policies - Not applicable

7.9 External organisations (such as businesses, community groups) - Suffolk Police, Parish and Town Councils (affected by the consultation), public consultation will engage with businesses and community groups identified within the area.

8. Appendices referenced in this report

- 8.1 Appendix A: Haverhill PSPO Map
- 8.2 Appendix B: Moreton Hall PSPO area
- 8.5 Appendix C: Draft order for Moreton Hall PSPO

9. Background documents associated with this report

- 9.1 [Report Number CAB/WS/20/058](#) (Cabinet: 22 September 2020)
- 9.2 [Report Number OAS/WS/21/001](#) (Overview and Scrutiny Committee: 14 January 2021)