



Regulatory Committee

4th June 2020

Subject: Review of Public Spaces Protection Order (PSPO) Trinity Arts Centre

Report by:

Chief Executive

Contact Officer:

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Purpose / Summary:

To seek consent to discharge the Public Space Protection Order currently in place at Trinity Arts Centre, Gainsborough.

RECOMMENDATION(S):

Elected Members are asked to:

- a) Approve that the Council consults upon the discharge of the PSPO at Trinity Arts Centre;
- b) Subject to the results of the consultation, approve that the decision on discharging the PSPO be delegated to the Chief Executive in conjunction with the Chairman of the Regulatory Committee.

IMPLICATIONS

Legal:

PSPOs are made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. A minimum 30 day consultation period is required by Legislation. The Council intends to consult for its minimum 6 week period.

The Council can vary, extend or discharge a PSPO in line with section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Breach of a PSPO may be dealt with by a fixed penalty notice or prosecution. Delegated powers are in place for service of fixed penalty notices.

Appeals against the making of a PSPO can be made in the High Court within 5 weeks of the PSPO being made, on the grounds that the process has not been followed, or that the council did not have the authority to make the Order or put certain restrictions in the Order.

Financial :FIN/16/21/A/SSc

No financial matter arising from this report.

Staffing :

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

Equality and Diversity including Human Rights :

The proposed extension of this PSPO will not disadvantage any social groups over another, and the process will be applied fairly. The Councils approach to fixed penalties is outlined in its Corporate Enforcement Policy.

Data Protection Implications :

Climate Related Risks and Opportunities:

Section 17 Crime and Disorder Considerations:

Health Implications:

Title and Location of any Background Papers used in the preparation of this report :

Risk Assessment :

1 Introduction

- 1.1 The Council has had in place a Public Space Protection Order (PSPO) at the Trinity Arts Centre since 2017. This PSPO is due to end on the 24th July 2020.
- 1.2 The PSPO restricts the consumption of alcohol and prohibits dogs from being on the land covered within it. A copy of the order is shown in Appendix 1.
- 1.3 PSPOs are made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. Orders can be discharge, extended and varied under sections 60 and 61 of the Act.
- 1.4 To make an Order, the local authority needs to be satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
 - Have had, or are 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
 - Justifies the restrictions imposed

2 Current Position

- 2.1 In order to prepare this document the Council has considered the PSPO that is in place at the Trinity Arts Centre. The information below sets out the number of reports that have been received in relation to the PSPO during its current period of operation.
 - The Council has received no reports from the public in regards to braches of the PSPO.
 - Council Officers have provided advice to persons on the land on one occasion
 - The Police received three alcohol reports in 2017 and two in 2018
- 2.2 Officers have met with the Trinity Arts Centre Manager and discussed the effective of the PSPO. It is believed to be an effective deterrent and it is felt that its presence would continue to deter the type of activity it restricts.

3 Proposals for the Order

- 3.1 The Council is able to vary, discharge or extend a PSPO that is in place. In order to do any of these the criteria set out in 1.4 and further detailed in the legislation need to be satisfied.
- 3.2 It is not felt at this stage that the criteria is satisfied in regards to extending the PSPO. The issue does not appear to be persistent and

continuing nor does it appear reasonable given the volume of complaints that have been received.

- 3.3 Therefore it is proposed that the most appropriate course of action is to discharge the order, meaning that it will no longer be in effect.

4 Alternative Approach

- 4.1 It appears from visiting the site that some small improvements may assist with the management of a potential discharge. These would include enhanced signage and lighting, along with a review of the CCTV provision.

- 4.2 All of the above can be achieved internally for a very small cost and officers can work with the Centre Manager to implement these changes.

5 Consultation

- 5.1 The Council will consult with the following in regards to the discharge of the order;

- Statutory Consultees
- District Councillors for the South West Ward
- Trinity Arts Centre Manager
- Neighbourhood Policing Team
- The general public for a 30 day period

- 5.2 A public notice will also be placed in the local press relating to the consultation and proposed discharge.