



**Regulatory Committee**

**10<sup>th</sup> June 2021**

**Subject: Hemswell Cliff Public Space Protection Order**

Report by:

Chief Executive

Contact Officer:

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Purpose / Summary:

To request a determination from Committee in relation to the extension of the Public Space Protection Order at Hemswell Cliff.

**RECOMMENDATION(S):**

Committee are asked to:

- a) Agree that the Hemswell Cliff Public Space Protection Order proposals be approved and as such the Order be extended for a three year period from 14<sup>th</sup> June 2021 to 13<sup>th</sup> June 2024

## 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/22/22/A/SSc**

Fixed penalty notices (FPN's) for breach of a PSPO are set at £100 with a £75 early payment incentive within fees and charges. Income from fixed penalty notices may be used to support the service issuing the FPN.

There will be a small ongoing cost in relation to any signage needed for the PSPO within the immediate area and this will be met via the existing Community Safety revenue budget (CS02)

### **Staffing :**

The Council already has provision in place to monitor and enforce the PSPOs in place and it is not proposed that any subsequent approval will affect this as it is an extension of an existing order.

### **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 :**

None noted

### **Climate Related Risks and Opportunities:**

None noted

### **Section 17 Crime and Disorder Considerations:**

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

The report sets out the rationale for the above in relation to Hemswell Cliff.

### **Health Implications:**

Whilst there are no direct health implications referred to within this report, the PSPO is aimed at improving the quality of life within the designated area for its residents.

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

Regulatory Committee, 11<sup>th</sup> March 2021, item 20. Report on Hemswell Cliff PSPO seeking approval to consult on its extension.

<https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CIId=262&MIId=2434&Ver=4>

Regulatory Committee, 15<sup>th</sup> March 2018 item 6b. Report on Hemswell Cliff PSPO – recommendation on making an order

<https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CIId=262&MIId=1970&Ver=4>

### **Risk Assessment :**

Challenge in the High Court – the risk of this is reduced by following process and considering reasonableness throughout process

Consultation – in carrying out the consultation it may be that the Council has to amend its recommendation due to the responses received. The proposals for the PSPO would then be reviewed on that basis.

### **Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## **1. Introduction**

- 1.1. On the 11<sup>th</sup> March 2021, the Council's Regulatory Committee approved that it would consult upon the extension of the Public Space Protection Order (PSPO) at Hemswell Cliff.
- 1.2. This paper included information that provided an overview of the situation within the PSPO area over the course of its first three year period and demonstrated that the number of incidents related to the PSPO restrictions had reduced. The report also highlighted the positive impact that the installation of CCTV and the Council's involvement in the residents company had had on the area.
- 1.3. The consultation for this took place between the 18<sup>th</sup> of March and 29<sup>th</sup> April 2021. This report sets out the results of that consultation and makes a recommendation in regards to whether the PSPO should be extended.

## **2. Context**

- 2.1. The background and evidence relating to this PSPO is contained within the committee report presented on the 11<sup>th</sup> of March to Regulatory Committee.
- 2.2. The report provided an overview of the current situation in regards to the PSPO and highlighted the positive impact that it had had in relation to reducing down the overall number of Anti-Social Behaviour incidents. The report also recognised that combined with interventions such as CCTV, the PSPO has broadly been successful.
- 2.3. The current PSPO has been in place since 2018 and expires on the 3<sup>rd</sup> of June 2021.

## **3. Legal Position**

- 3.1. PSPOs are made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. Orders can be extended and varied under sections 60 and 61 of the Act.
- 3.2. These Orders can be made on any land open to the air that the public has a right or entitlement of access to and can be made by the Council's Regulatory Committee.
- 3.3. 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

#### **4. Consultation Results**

- 4.1. The consultation on the extension of the PSPO took place between the 18<sup>th</sup> of March and the 29<sup>th</sup> April 2021. The consultation took place in the form of a survey, which was placed on the Council's website.
- 4.2. Public notices have been produced for the PSPO extension. These have been available to view on the Council website. These notices were also placed in the local press.
- 4.3. It was advertised via its social media channels and website, the local Parish Council, through direct contact with statutory consultees as well as being sent to all homeowners within the area via the Hemswell Residents Company (68 landlords in total).
- 4.4. A meeting was held with the Hemswell Cliff Parish Council and members of the Hemswell Residents Company via Zoom on the 25<sup>th</sup> March at 7pm. The notes from this meeting are included in the appendices.

#### **5. Consultation Results**

- 5.1. The full results from the online form are shown in appendix 1, these can be summarised as follows:
  - 25 responses were received via the online form
  - 92% of respondents felt that anti-social behaviour or environmental issues were still a problem
  - Waste and litter (90%) and parking (82%) were cited as the main issues by respondents
  - 96% of respondents agreed that the PSPO should be extended.
- 5.2. The comments received within the online survey responses referred to other issues such as;
  - More effective working needed between agencies
  - The concerns about poor parking generally
  - Consideration for additional measures for landlords
  - Concerns about the lack of Police presence
  - Would like to see more fines being issued
  - Concerns about property values and general condition of the estate and investment in it
  - Recognition that ASB rates have fallen
  - Suggestions that some residents are still living in fear
- 5.3. The meeting with Hemswell Parish Council and Hemswell Residents Company resulted in the following key points;
  - There was general support for the continuation of the PSPO

- The limitations of the PSPO were a concern, but it was agreed that it does act as a good deterrent
- Noted success of CCTV installation
- Concerns about need to use Fixed Penalties more frequently

## **6. Proposed Order**

6.1. As a result of the consultation, it is proposed that Members approve the extension of the order for a further three year period.

6.2. To enable this, Members must be satisfied that the conditions within the Act are met as referred to in 3.3 above.

6.3. It is believed that the consultation, along with the information provided within the report to Regulatory Committee on 11<sup>th</sup> March 2021 demonstrate that the above conditions are met.

6.4. A copy of the proposed order is shown in appendix 3 .This order will be made available on the Council's website.

## **7. Recommendations**

Committee are asked to;

- a) Agree that the Hemswell Cliff Public Space Protection Order proposals be approved and as such the Order be extended for a three year period from 14<sup>th</sup> June 2021 to 13<sup>th</sup> June 2024

