



Regulatory Committee

14th March 2024

Subject: Hemswell Cliff Public Space Protection Order - Extension

Report by:

Director - ICT, Change Management and
Regulatory Services

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 14th June 2024 to 13th June 2027

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/151/24/RC/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

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 :

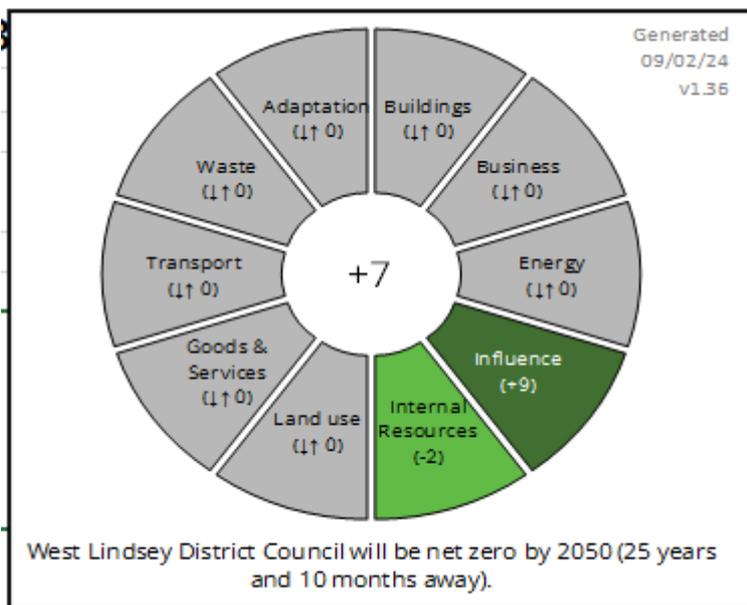
None noted

Climate Related Risks and Opportunities:

The below CESIA wheel identifies that the PSPO at Hemswell Cliff is likely to have a positive influence on the communities and individuals within it. It will also demonstrate to the residents of the wider district that the Council has these sorts of tools available and can utilise them where appropriate.

The CESIA also shows that the PSPO does have a demand on internal resources as it will require monitoring within its specific geographic area.

More specifically, the scheme will also help to ensure that matters such as burning of waste and depositing of waste are done in a more responsible manner due to the presence of the PSPO and enhanced officer presence at the area.



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, 10th June 2021, item 7. Report on Hemswell Cliff PSPO extension <https://democracy.west-lindsey.gov.uk/documents/s24417/Hemswell%20Cliff%20Public%20Space%20Protection%20Order.pdf>

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

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

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

<https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=262&MId=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

x

Key Decision:

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

Yes

No

x

1. Introduction

- 1.1. On the 7th December 2023, 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. The paper included information that provided an overview of the situation within the PSPO area over the course of the previous 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 on the area.
- 1.3. The consultation for this took place between the 3rd of January and the 4th of February 2024. This report sets out the results of that consultation and makes a recommendation in regard 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 7th of December 2023 to Regulatory Committee.
- 2.2. The report provided an overview of the current situation in regard 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. Hemswell Cliff is made up of mainly ex Ministry of Defence properties and most of the land within the residential area is privately owned by a management company who are also responsible for various parts of the highway and infrastructure.
- 2.4. The initial designation of the PSPO took place when the area was experiencing a particular issue with Anti-Social Behaviour that commenced in 2016. There are a number of factors that have contributed to this, namely; a relatively transient group of people who occupy private rented sector properties; poorly managed private rented sector properties; poor management of shared land and highways; a high proportion of vulnerable persons or persons who require agency intervention.
- 2.5. Since its initial approval, the Council has installed (with partners) additional CCTV within the area and there is now a designated policing resource for the area. The Council have also taken steps to assist with the management of the land and have supported community to ensure that the Hemswell Residents Company (HRC) operates effectively and deals with some of the more local land-based issues.

2.6. The current PSPO has been in place since 2018, was extended in 2021 and expires on the 13th of June 2024.

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

4.1. The consultation on the extension of the PSPO took place between the 3rd of January and the 4th of February 2024. The consultation took place in the form of a survey, which was placed on the Council's website.

4.2. Public notices were produced for the PSPO extension. These have been available to view on the Council website.

4.3. The consultation was also advertised via its social media channels and website, the local Parish Council, through direct contact with statutory consultees.

5. Consultation Results

5.1. The full results from the online form are shown in appendix 1, these can be summarised as follows:

- 50 responses were received via the online form. This was double the number of responses received in 2021.
- Most respondents were either residents of Hemswell Cliff or visitors to the business park.
- 81% of respondents felt that anti-social behaviour or environmental issues were still a problem.
- Waste and litter (45%) and parking (28%) were cited as the main issues by respondents.
- 92% 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;

- Feeling that the environment needs to develop further and that it has been left for too long without investment.
- Issues seem to have reduced over the years, particularly in relation to grazing horses.
- Strongly feel the PSPO needs to stay in place to ensure issues do not return.
- More efforts needed from the enforcement officers to follow up on parking issues.

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 7th December 2023 demonstrate that the above conditions are met.

6.4. A copy of the proposed order is shown in appendix 2. This order will be made available on the Council's website.

END

