

Bolsover District Council

Executive

7 September 2015

Proposed PSPO for Shirebrook

Report of the Portfolio Holder for Community Cohesion

This report is public

Purpose of the Report

- To ask members of Executive authorise the making of a Public Spaces Protection Order in an area of Shirebrook.

1 Report Details

Public Spaces Protection Orders (PSPOs) were brought in under the Anti-social Behaviour, Crime and Policing Act 2014.

PSPOs specify an area where activities are taking place that are or may likely be detrimental to the local community's quality of life.

PSPOs impose conditions or restrictions on people using that area. This report recommends that a PSPO is introduced to an area of Shirebrook shown on the plan appended to this report.

In accordance with Section 59 of the Anti Social Behaviour Crime and Policing Act 2014 before a local authority makes a PSPO it must be satisfied on reasonable grounds that two conditions are met.

The first condition is that either

(a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or

(b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities—

(a) is, or is likely to be, of a persistent or continuing nature,

(b) is, or is likely to be, such as to make the activities unreasonable, and

(c)justifies the restrictions imposed by the notice

For many years in Shirebrook there has been an issue with anti social behaviour often associated with drinking throughout Shirebrook, especially in the market place and other public open areas. This behaviour includes unruly behaviour, urinating in public and fighting and generally causing nuisance and noise which impacts on residents going about their daily business. There have been numerous minor incidents, a number of fights and two very serious incidents where people were stabbed.

The following evidence in support of a PSPO is attached as appendices:

- a. Notes from the Order Group meetings of 1 June 2015
- b. List if incidents in Shirebrook provided by the Police

In addition, issues in Shirebrook have been discussed at the weekly police tasking meeting for a number of years.

The proposed PSPO for the area is intended to prohibit the behaviour that is causing nuisance in the area, but have been phrased to ensure they do not impact on people who are making legitimate use of the area.

The original proposal for the PSPO was to introduce the following restrictions into an area of Shirebrook

1. No consumption of alcohol
2. No unsealed vessels containing alcohol within the Market Place of Shirebrook
3. No urinating
4. No littering
5. Not to congregate in groups of two of more persons within the alleyways which lead to Shirebrook Market Place,

However feed back from the Police suggests that these restrictions are slightly amended to

1. No consumption of alcohol
2. No unsealed vessels containing alcohol
3. No urinating
4. No littering
5. Not to congregate in groups of two of more persons within the alleyways which lead to Shirebrook Market Place,

This amendment is supported by officers. Similarly the original proposal was to limit the PSPO to a specific area, shown in the appendix "Public Spaces Protection Order Consultation". However the feedback from members of the public has strongly suggested that the area of the order is extended to include the whole of Shirebrook and Langwith Junction.

It is therefore proposed to include all of Shirebrook and Langwith Junction within the area of the PSPO. This means that the proposed PSPO will replace the Designated Public Places Order (DPPO) which covers the same area.

An order can be in place for up to 3 years although this period can be extended before the end of the 3 years if it is appropriate to do so. It is proposed that the Shirebrook order will be for 3 years unless extended.

Anyone who breaches this order is guilty of an offence and is liable on conviction to a fine of up to £1,000. A person could avoid conviction if served with and pays a fixed penalty notice. The penalty imposed by such notices can be up to £100.

Although the order is being sought by the Council, the Police will have the power to issue fixed penalty notices as well as authorised Council officers. As with many situations, an officer will have the discretion as to when to issue fixed penalty notices. It is worth noting that currently Police Community Safety Officers within Derbyshire do not currently have the power to issue fixed penalty notices.

The impact of the order will be monitored via the weekly tasking meeting that involves a number of agencies including the Council and the Police. Reports will be made to the Shirebrook Community Cohesion Group which meets quarterly, Feedback will be provided to local members.

2 Conclusions and Reasons for Recommendation

- 2.1 That a PSPO is introduced for the identified area in Shirebrook, and this will give the Police additional powers to address anti-social behaviour.

3 Consultation and Equality Impact

- 3.1 There is a statutory requirement to consult with the Police before introducing a PSPO, this has taken place through the orders group (notes from this are included in the appendix)
Local business around the Market Place has been visited and consulted.

Leaflets (see Appendix) have been handed out at public meetings, and the information has been available on the council website. 13 responses were received.

4 Alternative Options and Reasons for Rejection

- 4.1 Do nothing. Rejected as the area is deteriorating and action is needed to address this.

5 Implications

5.1 Finance and Risk Implications

Minimal, there will need to be appropriate signage to notify people of the order. The JAD Community Safety in conjunction with the JED Operations will identify an appropriate budget.

5.2 Legal Implications including Data Protection

As in the report.

In addition the Council's Delegation Scheme may need amending to include a delegation to allow the CEO to make such an Order in urgent circumstances. There is therefore a further recommendation to recommend that Standards Committee includes such a delegation in the Delegation Scheme when next it is reviewed.

5.3 Human Resources Implications

None

6 Recommendations

6.1 That members authorise the making a of a Public Space Protection Order pursuant to Section 59 of the Anti Social Behaviour Crime and Policing Act 2014 for the area of Shirebrook referred to in the report. The effect of the order will place the following restrictions on people in public open spaces

1. No consumption of alcohol
2. No unsealed vessels containing alcohol
3. No urinating
4. No littering
5. Not to congregate in groups of two or more persons within the alleyways which lead to Shirebrook Market Place

6.2 That the order be in place for 3 years unless extended before the end of the 3 year year period;

6.3 That the fixed penalty for breaching the order be £100;

6.4 That the impact of the PSPO is monitored by the weekly tasking meeting and reported to the Shirebrook Community Cohesion Group each quarter. Reports will also be made to local members.

6.5 That Standards Committee includes a delegation to the Chief Executive Officer relating to the determination of Public Spaces Protection Orders in the Delegation Scheme when next it is reviewed.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	All Shirebrook wards
Links to Corporate Plan priorities	

or Policy Framework	
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8 Document Information

Appendix No	Title
1	List of incidents in Shirebrook
2	PSPO consultation document
3	Summary of consultation responses
4	Proposed area of PSPO following consultation
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
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Report Reference –