

SLOUGH BOROUGH COUNCIL

REPORT TO: Cabinet **DATE:** 17th December 2018

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WARD(S): Langley St Mary's, Foxborough and Colnbrook with Poyle.

PORTFOLIO: Pavitar Mann Councillor - Britwell and Northborough & Cabinet Member for Regulation & Consumer Protection

PART I **KEY DECISION**

PUBLIC SPACES PROTECTION ORDERS

1 Purpose of Report

To ask the Cabinet to consider and agree a recommendation for the implementation of a Public Space Protection Order (PSPO) for Langley St Mary's, Foxborough and Colnbrook with Poyle wards to address current ongoing issues of anti social behaviour (ASB) affecting the local community.

2 Recommendation(s)/Proposed Action

The Cabinet is requested to resolve that a Public Spaces Protection Order Langley St Mary's, Foxborough and Colnbrook with Poyle wards as at Appendix 1 be approved to address current ongoing issues of anti social behaviour affecting the local community for a maximum period of three years as defined by the Anti Social behaviour Crime and Policing Act 2014.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

The connection between health and wellbeing and good quality, safe environment is well established. The Councils 5 Year Plan sets out the Council's ambition to regenerate neighbourhoods, improve the quality of the environment and to contribute to reducing crime and anti social behaviour ensure residents feel safe where they live and in their homes.

3a. Slough Joint Wellbeing Strategy Priorities

The recommendation meets the following needs of the SJWS priorities.

Priorities:

1. Protecting vulnerable children – some of the victim of the ASB this PSPO is trying to address are children.
2. Improving mental health and wellbeing – there is evidence to show that the ASB that this PSPO is trying to address is having a negative effect on the mental health and wellbeing of the victims of crime within the community.

3. Housing – the behaviour that the PSPO is trying to address is making the wards effective unpleasant places to live and is having the effect of reducing the residents desire to remain in the area or for potential new residents not wanting to move to the area.

3b Five Year Plan Outcomes

The Five Year Plan's outcome that the proposal or action will help to deliver is -

Slough will be an attractive place where people choose to live, work and stay

4 Other Implications

(a) Financial

There are no financial implications with the proposed action. This application and process is being funded through existing budgets.

(b) Risk Management

The communities affected by the issues that the PSPOs are trying to address want these PSPOs to be approved and implemented to address the ASB issues that the communities affected are currently experiencing. These communities want to see this application process followed through to its ultimate outcome and failure to do this could potentially make these communities feel that the council has failed them in helping to address their issues of ASB where they live.

The Table below must be completed fully for each recommendation from Section 2

| Recommendation from section 2 above | Risks/Threats/ Opportunities | Current Controls | Using the Risk Management Matrix Score the risk | Future Controls |
|-------------------------------------|--|---|---|---|
| Approval of proposed PSPO | Refusal to approve the PSPO increased risk to public from missile launched | Existing legal framework which does not create a risk if going equipped | Health and Safety - Critical | If PSPO implements items will be confiscated. |

(c) Human Rights Act and Other Legal Implications

Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

These orders can restrict what people can do and how they behave in public spaces, it is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

Local councils are responsible for making Public Spaces Protection Orders: district councils should take the lead in England with county councils or unitary authorities undertaking the role where there is no district council.

The legal test focuses on the impact that anti-social behaviour is having on victims and communities. A Public Spaces Protection Order can be made by the council if they are satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:

- has had, or is 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; and
- justifies the restrictions imposed.

Councils should consider the knock on effects of that decision and ensure that this is a reasonable and proportionate response to incidents of anti-social behaviour in the area. Introducing a blanket ban on a particular activity may simply displace the behaviour and create victims elsewhere.

The council can make a Public Spaces Protection Order on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre.

Before making a Public Spaces Protection Order, the council must consult with the police. This should be done formally through the chief officer of police and the Police and Crime Commissioner, but details could be agreed by working level leads. This is an opportunity for the police and council to share information about the area and the problems being caused as well as discussing the practicalities of enforcement. In addition, the owner or occupier of the land should be consulted.

The council must also consult whatever community representatives they think appropriate. It is strongly recommended that the council engages in an open and public consultation to give the users of the public space the opportunity to comment on whether the proposed restriction or restrictions are appropriate, proportionate or needed at all.

The council should also ensure that specific groups likely to have a particular interest are consulted, such as a local residents association, or regular users of a park or those involved in specific activities in the area.

Before the Public Spaces Protection Order is made, the council must publish the draft order in accordance with regulations published by the Secretary of State and ensure that the draft order is available on its website.

Given that the effect of Public Spaces Protection Orders is to restrict the behaviour of everybody using the public place, the close or direct involvement of elected members will help to ensure openness and accountability. This will be achieved, for example, where the decision is put to the Cabinet or full Council.

(d) Equalities Impact Assessment

The proposed PSPO does not discriminate against the 9 protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

Completed EIA is included in Appendix 2.

5 Supporting Information

- 5.1 In December 2017 Slough Borough Council and the police began to receive complaints about the use of devices to launch missiles at members of the public, animals and property. A list of such incidents and reports is in Appendix 3.
- 5.2 Given the nature of the incidents and the consistency of occurrence a case conference was held between the local Neighbourhood Police Team and the Councils ASB Team. The outcome of which was look at the use of a PSPO to proactively tackle the issue and address the matter before incidents took place.
- 5.3 A letter of support from the local Neighbourhood Action Group, Appendix 4 and an Impact Statement from the local Neighbourhood Police Team, Appendix 5 was written and provided.
- 5.4 Displacement was considered a seriously issue and likelihood and therefore neighbouring wards were also included in the PSPO application.
- 5.5 Public consultation as per the statutory requirement was undertaken for the prescribed period with a notice placed into the local newspaper, a notice on the councils website and hard copies place for public review in key council buildings.
- 5.6 Once the consultation period had closed no responses were received for or against the PSPO other than the information already received. However incidents regarding devices to launch missiles still continue with the ward areas proposed.

6 Comments of Other Committees

This matter has not been considered by any other committee.

7 Conclusion

The proposal is to implement a PSPO within the wards named to address current issues of ASB affecting the local community for a maximum period of three years as defined by the Anti Social Behaviour Crime and Policing Act 2014.

The PSPO will create an offence for the perpetrators of the types of prohibitions contained within the PSPO. This means that if a PSPO is breached the offender is liable to a £100 fixed penalty notice or prosecution. Breach of a PSPO is a criminal offence prosecuted in the Magistrates Court.

The PSPO in Appendix 1 is bespoke to the particular frequent occurrences of incidents of ASB in the specific wards named and therefore the PSPO only relates to the specific wards where these incidents occur and have been frequently reported to ensure proportionality.

8 **Appendices Attached**

Appendix 1 -Langley St Mary's, Foxborough and Colnbrook with Poyle. .

Appendix 2 - Equality Impact Assessment Langley, Foxborough & St Mary's and Colnbrook.

Appendix 3 – Police URNs December 2017 to June 2018

Appendix 4 – Letter of Support Colnbrook Neighbourhood Action Group

Appendix 5 – Police Impact Statement

9 **Background Papers**

1 - Anti-Social Behaviour Crime and Policing Act 2014 Guidance for Professionals section ref PSPOs.

2 - Local Government Association PSPO Guidance for Councils