

# North Somerset Council

## Report to the Council

**Date of Meeting: 21 February 2023**

**Subject of Report: Public Space Protection Orders - Delegated Authority**

**Town or Parish: All**

**Officer/Member Presenting: Cllr Mike Solomon**

**Key Decision: Yes**

### **Reason:**

This decision is considered to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Local Authority.

### **Recommendations**

To delegate decisions regarding Area Specific Public Space Protection Orders (PSPOs) to the Executive Member for Neighbourhoods and Community Services

## **1. Summary of Report**

The purpose of this decision notice is to enable decisions regarding Area Specific Public Space Protection Orders to be made by the Executive Member for Neighbourhoods and Community Services. This ensures that decisions are made at the appropriate level so as to reduce unnecessary delays and costs and improves services to the public.

More information on Area Specific Orders can be found here <https://www.n-somerset.gov.uk/my-services/community-safety-crime/public-space-protection-orders/area-specific-orders>

This report only concerns itself with Area Specific Orders, any district wide controls will come under particular scrutiny and will be referred to Executive as a matter of course.

More information on District Wide Controls can be found here <https://www.n-somerset.gov.uk/my-services/community-safety-crime/public-space-protection-orders/area-wide-orders>

## **2. Policy**

Attention is drawn to the following policy documents (full details of which can be found in the reference section of this report)

- The Anti-social Behaviour, Crime and Policing Act 2014: Statutory guidance for frontline professionals - provides guidance to local authorities on the steps it must take before introducing a PSPO.

The statutory guidance states that; 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.

- Public Spaces Protection Orders - Guidance for Councils – Local Government Association

The LGA guidance states that close involvement of councillors and ensuring political buy-in throughout the implementation process is key. This provides political accountability for decisions taken – which is particularly important if the proposals may attract some opposition, and where insufficient member involvement may lead to challenge. Political support is also important to ensure that sufficient resources will be made available to implement and enforce the PSPO throughout its duration.

### **3. Details**

All PSPOs currently go through the following process before implementation

A proposal for a new order or amendment to an existing order is received – the proposal is considered at scrutiny panel – public consultation then commences as necessary – The decision to implement is then taken at **Executive**.

It is proposed that the following process is adopted for new / amended Area Specific PSPOs

A proposal for a new order or amendment to an existing order is received – the proposal is considered at scrutiny panel – public consultation then commences as necessary – The decision to implement is then taken by **Executive Member**.

Delegated authority to Executive Member level will help to streamline the process and enable faster implementation of PSPOs, especially in cases where minor amendments to an existing area specific PSPO is being held up due to delays in the current process.

The Executive Member should consider the views of ward members and the public submitted in response to the public consultation and defer an Area Specific PSPO decision back to the Executive if the PSPO is deemed to be contentious.

This change will not affect the implementation of District Wide controls which will still be considered at Executive.

The three yearly review of PSPOs will remain unaffected by this change and will still require scrutiny engagement and approval at Executive meetings.

### **4. Consultation**

Before introducing, extending, varying or discharging a PSPO, there are requirements under the Act regarding consultation, publicity and notification. Local authorities are obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. parish or community councils that are in the proposed area covered by the PSPO must be notified. Our obligation to consult remains unaffected by this decision.

### **5. Financial Implications**

There are no direct financial implications of this decision.

## **Costs**

n/a

## **Funding**

n/a

## **6. Legal Powers and Implications**

PSPOs were brought in under the Anti-Social Behaviour, Crime and Policing Act in 2014. They were first introduced in North Somerset in 2017 and then renewed for a further three years in 2020. The next full review is due in October 2023. Any new PSPOs can be challenged in the high court within a period of six weeks following introduction.

North Somerset Council has not been challenged on any of the orders that have been introduced to date. We consider that it is appropriate for any Area Specific Orders to be considered at Executive Member level. District wide controls however will come under particular scrutiny and will be referred to Executive as a matter of course.

## **7. Climate Change and Environmental Implications**

Whilst mainly introduced to tackle anti-social behaviour issues in our communities, PSPOs do also offer considerable benefit to the environment by tackling low level environmental crime.

## **8. Risk Management**

Any proposals considered for approval, whether by Executive Member Level or at Executive meeting, will be subject to legal review and approval before coming into force, any changes to wording which substantially alters the meaning of a provision will be subject to further consultation. These measures will help to protect the authority from challenge in the high court or judicial review.

## **9. Equality Implications**

Full equality impact assessments are carried out for each and every PSPO that is introduced in North Somerset as part of the decision-making process.

## **10. Corporate Implications**

Communities can be clear on how requests for PSPOs will be handled within the Local Authority. Communities can be assured that the council will take a robust approach to enforcement of the orders.

The council has recently reviewed its enforcement procedures to ensure that they reflect national guidance and support local community aspirations.

## **11. Options Considered**

To not modify the scheme of delegation and not allow decisions regarding Area Specific Public Space Protection Orders to be made by Executive Members.

This means that all PSPO decisions will have to continue to be made at Executive which introduces delays in the decision making process for PSPOs which only affect a specific area of the district.

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**Appendices:**

n/a

**Background Papers:**

Anti-Social Behaviour Crime and Policing Act 2014

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

Revised Statutory Guidance for frontline professionals

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/823316/2019-08-05\\_ASB\\_Revised\\_Statutory\\_Guidance\\_V2.2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/823316/2019-08-05_ASB_Revised_Statutory_Guidance_V2.2.pdf)

Local Government Public Space Protection Orders Guidance for Councils

[https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance\\_06\\_1.pdf](https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf)