



Report For:	Cabinet
Date of Meeting:	Cabinet 3 February 2020
Part:	Part 1 - Open

SUMMARY

Title of Report:	PUBLIC SPACES PROTECTION ORDER EXTENSION
Cabinet Member: Officer Contact: Direct Dial: Email:	Councillor Graham Peart Sarah McBrearty 01494 421876 Sarah.mcbrearty@wycombe.gov.uk
Wards affected:	Abbey Ryemead and Micklefield Sands Terriers
Reason for the Decision:	The Public Spaces Protection Order (PSPO) within High Wycombe town centre, which deals with the consumption of alcohol, and the Desborough Road Public Spaces Protection Order, which deals with prostitution, both expire in February 2020. A decision is required as to whether the PSPOs should be extended. The Order is made pursuant to Anti-social Behaviour Crime and Policing Act 2014
Proposed Decision:	That both PSPOs be extended for a further three years. There was support from both the public and High Wycombe BIDCo to extend both PSPOs for a further three years, and whilst the police support the extension of the Town Centre PSPO, there are clear benefits to extending the Desborough Road PSPO as well – in order to continue to provide an additional tool for both the police and delegated WDC Officers. This is the preferred option.
Sustainable Community Strategy/Council Priorities - Implications	<p>The extension of a PSPO will contribute towards the Council's priority 'People' in terms of working and engaging with local communities by reducing and dealing effectively with anti-social behaviour. It will also contribute to the 'Place' priority by making the district a place people want to live, work and visit by controlling and preventing low level crime and anti-social behaviour.</p> <p>Corporate and Legal Implications</p> <ul style="list-style-type: none">• This report recommends legal action be taken by the Authority in accordance with the new legislation, and also involves subsequent legal enforcement relevant to that action. The legal parameters laid out within the Act will be considered carefully against the proposal for an Order.• As with any new legislation of this type, this is untested ground and the legislation is likely to be further defined in years to come by a process of appeals and High Court rulings. The introduction of any Order presents a risk of

	<p>legal challenge to the Council. Section 66 of the Anti-social Behaviour Crime and Policing Act 2014 states that “interested persons” may challenge the validity of any Order in the High Courts. This means that the Council could face a challenge against its ability to implement the Order. An application of this nature must be made within six weeks, beginning on the day the Order is made or varied. There are two grounds upon which a challenge could be made:</p> <ul style="list-style-type: none"> – That the local authority did not have the power to make the Order, or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied) – That a requirement under this element of the legislation was not complied with in relation to the order or variation – The High Court would have the power to quash, amend or uphold the Order. <ul style="list-style-type: none"> • The penalties for breaches of an Order are fines following a prosecution or Fixed Penalty Notices can be issued where appropriate by authorised officers. <p>Finance</p> <ul style="list-style-type: none"> • Enforcement costs under this order will be mostly met by Police resources. Any supplementary enforcement will be undertaken by officers within Environment Service and Anti-Social Behaviour team. • There would be some internal costs for the publication of the Order, along with stationery for FPNs and the official signage. • It is expected that these costs will be met from existing budgets, although as increases in workload as a result of adopting this legislation are largely unknown, this may need to be reviewed. • Income from FPNs is expected to be small and will be used to cover the associated costs of implementing the proposal, and has not been included in this year’s budgeting.
Monitoring Officer/ S.151 Officer Comments	<p>Monitoring Officer: Public Spaces Protection Orders (PSPO) are covered by the Anti-Social Behaviour, Crime and Policing Act 2014. The detailed legal implications are set out above and the proposed extension falls within the legislation. Consultation was also carried out with the Act.</p> <p>S.151 Officer: Any costs incurred will need to be met from within existing budgets. Any changes to the budget will need to be proposed by the service through the MTFP process.</p>
Consultees:	<ul style="list-style-type: none"> • Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 sets out the necessary consultation and publicity which must be carried out before extending

	<p>the period for which a Public Spaces Protection Order has effect.</p> <ul style="list-style-type: none"> • Formal consultation letters were sent to: <ul style="list-style-type: none"> – Police and Crime Commissioner Mr Stansfeld – Police Superintendent Kevin Brown – Head of Communities at Buckinghamshire County Council – Eden Shopping Centre – Oasis (drug/alcohol treatment agency) – SMART (drug/alcohol treatment agency) – MP Steve Baker – High Wycombe BIDCo • WDC Councillors were made aware of the consultation via Members Update. • Official responses were received from Supt Brown, the HWBIDCo Manager and Thames Valley PCC Anthony Stansfield. • Two surveys were posted on the WDC website, asking for people’s views on the Town Centre PSPO (regarding alcohol related anti-social behaviour), along with the Desborough Road PSPO (which concerns people engaging in obtaining sexual services). The surveys were promoted via WDC website, social media posts, HWBIDCo and an article in the Bucks Free Press. Paper copies of the survey were also printed and made available at High Wycombe library, WDC reception and Eden Shopping Centre. 37 responses were received for the Town Centre PSPO survey, and just 27 for the Desborough Road PSPO survey.
Options:	<p>Options Explored</p> <ul style="list-style-type: none"> • Do nothing – Both the current PSPOs would expire in February 2020. The police have been using their own powers for dealing with prostitution within the Desborough Road area, however the PSPO does provide an additional tool for dealing with this issue, and it can also be enforced by delegated officers within WDC. If this PSPO was not extended, the Council would not have this power. The Town Centre PSPO is regularly enforced, and feedback from the police is that it is having an impact – one third of people who responded to the survey felt the problem with alcohol related anti-social behaviour had improved over the last three years – indicating that the PSPO has had an impact for the public. • Extend just one of the PSPOs. Each PSPO is independent from the other, so we can extend just one them. However, the arguments outlined above highlight that there are benefits to continuing with both. • Extend both PSPOs for a further three years. There was support from both the public and HWBIDCo to extend both PSPOs for a further three

	years, and whilst the police support the extension of the Town Centre PSPO, there are clear benefits to extending the Desborough Road PSPO as well – in order to continue to provide an additional tool for both the police and delegated WDC Officers. This is the preferred option.
Next Steps:	Members to agree on which option to take.
Background Papers:	Anti-Social Behaviour, Crime and Policing Act 2014 Statutory Guidance Previous Cabinet papers
Abbreviations:	PSPO - Public Spaces Protection Order ASB – Anti-Social Behaviour FPN – Fixed Penalty Notice HWBIDCo – High Wycombe Business Improvement District Company PCC – Police and Crime Commissioner

Detailed Report

Executive Summary

1. We currently have one Public Spaces Protection Order (PSPO) within the High Wycombe town centre and surrounding area which deals with the consumption of alcohol, and a second PSPO in the Desborough Road area, which deals with prostitution. PSPOs can only be put in place for a maximum of three years, and these PSPOs will expire in February 2020.
2. The Anti-Social Behaviour, Crime and Policing Act 2014 states that before the time when a PSPO is due to expire, the local authority that made the order may extend the period it has an effect if satisfied on reasonable grounds that doing so is necessary to prevent:
 - a) occurrence or recurrence after that time of the activities identified in the order, or
 - b) an increase in the frequency or seriousness of those activities after that time.
3. Before a PSPO can be extended, a public and key stakeholder consultation need to be undertaken to ascertain their views as to whether the Orders will continue to tackle the behaviours outlined within them.
4. Following analysis of the consultation findings, there are three options available, which are outlined later.

Background and Issues

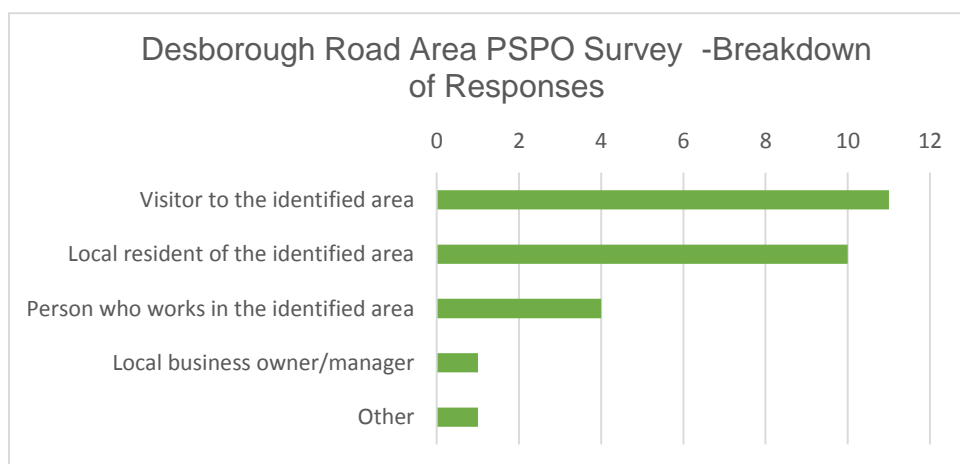
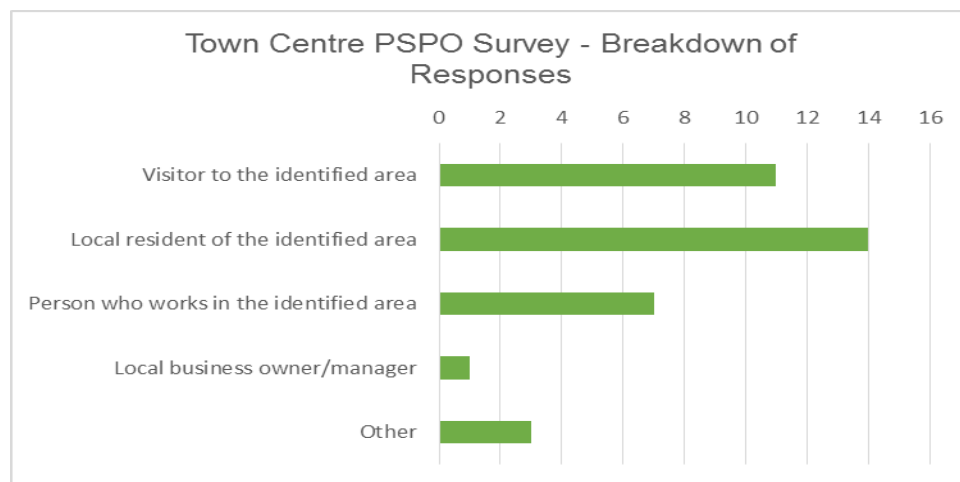
5. In October 2014 the Anti-Social Behaviour, Crime and Policing Act 2014 introduced new powers to deal with anti-social behaviour, including the ability to create Public Spaces Protection Orders which are intended to address activities carried out in public spaces which have a detrimental effect on the quality of life of those in the locality.
6. Local authorities have the power to implement a PSPO if satisfied on reasonable grounds that two conditions have been met. The first condition is that:
 - a) activities carried out 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 out in a public place within that area and that they will have such an effect.
7. 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 restriction imposed by the notice.
8. Following Cabinet approval, in February 2017 two PSPOs were put in place. One covers High Wycombe town centre (and surrounding area) and prohibits at all times 'consuming alcohol, or having an open container for alcohol, in the Restricted Area'. The second PSPO covers a smaller area in Desborough Road and requires that 'person(s) shall not engage, loiter or solicit with a view to engaging in obtaining sexual services'.
 9. If someone breaches either PSPO they can be issued with a Fixed Penalty Notice, and these fines are paid directly to WDC. PSPOs are enforced by delegated officers within Wycombe District Council, and Police Officers, and this year three Street Wardens were employed by WDC and part of their role was specifically to tackle alcohol related disorder within the town centre.

Extending a PSPO

10. Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 sets out the necessary consultation and publicity which must be carried out before extending the period for which a Public Spaces Protection Order has effect.
11. Formal consultation letters were sent to:
 - Police and Crime Commissioner Mr Stansfeld
 - Police Superintendent Kevin Brown
 - Head of Communities at Buckinghamshire County Council
 - Eden Shopping Centre
 - Oasis (drug/alcohol treatment agency)
 - SMART (drug/alcohol treatment agency)
 - MP Steve Baker
 - High Wycombe BIDCo
12. WDC Councillors were made aware of the consultation via Members Update.
13. Official responses were received from Supt Brown, the HWBIDCo Manager and Thames Valley PCC Anthony Stansfield.
14. High Wycombe BIDCo were supportive of both PSPOs being extended, and made particular mention of the anti-social behaviour within the town centre and the impact the PSPO has had there
15. Thames Valley PCC Anthony Stansfield was also supportive of both PSPOs and was happy for them both being extended if the Council and Police felt they were effective.
16. Supt Brown, in consultation with his Chief Inspector and Neighbourhood Inspectors, responded to say that he supported the extension of the Town Centre PSPO, due to its regular and effective use. However, the PSPO in the Desborough Road area has not been enforced during the three years it has been in place. This is because the police are utilising their own powers with regard to the offenders and are working in partnership with WDC and local support agencies to engage with and support the street workers. As this work will continue within the Desborough Road area, the police do not feel the PSPO for this area needs to be extended.
17. Two surveys were posted on the WDC website, asking for people's views on the Town Centre PSPO (regarding alcohol related anti-social behaviour), along with the Desborough Road PSPO (which concerns people engaging in obtaining sexual services). The surveys were promoted via WDC website, social media posts, HWBIDCo and an article in the Bucks Free Press. Paper copies of the survey were also printed and made available at High Wycombe library, WDC reception and Eden Shopping Centre.
18. The results were:

- 37 responses were received for the Town Centre PSPO survey, and just 27 for the Desborough Road PSPO survey.
- 91% of those who responded felt that there is a problem with alcohol related anti-social behaviour in the town centre, whilst only 2% felt there wasn't.
- However, a third of respondents to the survey felt that this problem within the town centre had improved over the last three years.
- 88% of the respondents thought that the PSPO should be extended, and that it should be extended for a further 3 years. Only 11% of respondents (4 people) thought the PSPO should not be extended.
- 77% of those who responded felt that there is a problem with people engaging in obtaining sexual services in the Desborough Road area, whilst 3% felt there wasn't and 18% said they didn't know.
- 25% of the respondents to the survey felt that the problem within the Desborough Road area had improved over the last three years, 33% felt that it hadn't improved and 40% said they didn't know either way.
- 96% of the respondents thought that the PSPO should be extended, and that it should be extended for a further 3 years. Only 3% of respondents (one person) thought the PSPO should not be extended.
- The following tables show the breakdown of respondents for both surveys:



Risk Implications

19. Options Explored

- **Do nothing** – Both the current PSPOs would expire in February 2020. The police have been using their own powers for dealing with prostitution within the Desborough Road area, however the PSPO does provide an additional tool for dealing with this issue, and it can also be enforced by delegated officers within WDC. If this PSPO was not extended, the Council would not have this power. The Town Centre PSPO is regularly

enforced, and feedback from the police is that it is having an impact – one third of people who responded to the survey felt the problem with alcohol related anti-social behaviour had improved over the last three years – indicating that the PSPO has had an impact for the public.

- **Extend just one of the PSPOs.** Each PSPO is independent from the other, so we can extend just one them. However, the arguments outlined above highlight that there are benefits to continuing with both.
- **Extend both PSPOs for a further three years.** There was support from both the public and HWBIDCo to extend both PSPOs for a further three years, and whilst the police support the extension of the Town Centre PSPO, there are clear benefits to extending the Desborough Road PSPO as well – in order to continue to provide an additional tool for both the police and delegated WDC Officers. This is the preferred option.

Next Steps

20. Members to agree on which option to take.