



Report to Leader (Communities & Public Health portfolio)

Decision Date: 31 March 2021

Reference number: CP01.21

Title: **Extension of Car Park Public Spaces Protection Order**

Relevant councillor(s): Cllr Gareth Williams

Author and/or contact officer: Sarah McBrearty

Ward(s) affected:

Recommendations:

To extend the Car Park Public Spaces Protection Order for two years, until May 2023.

Reason for decision:

- The Anti-Social Behaviour, Crime and Policing Act 2014 gives Buckinghamshire Council the power to create, extend, vary and discharge Public Spaces Protection Orders (PSPO). These Orders give the Council greater powers in relation to dealing with anti-social behaviour in public spaces.
- PSPOs can only be in place for a maximum of three years, and a consultation needs to be carried out in order to create and subsequently extend the PSPO as it will expire in May 2021.
- In line with the legislation, a consultation exercise was carried out to establish whether there was support from both key stakeholders and residents/car park users to extend this Order for a further two years. Feedback was supportive and a decision is now required to enable the PSPO to be extended.

1. Executive summary

1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 introduced the Public Spaces Protection Order (PSPO) which is 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 using it. It is intended to help ensure that the law-abiding majority can use and enjoy a public space, safe from anti-social behaviour. The Council is responsible for making PSPOs.

- 1.2 The Anti-Social Behaviour, Crime and Policing Act 2014 states that before the time when a PSPO is due to expire, the relevant local authority may extend the period it is in 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.
- 1.3 Before a PSPO can be extended, a public and key stakeholder consultation needs to be undertaken to ascertain views on whether the Order will continue to tackle the behaviours outlined within it.
- 1.4 This report provides a summary of the consultation findings for the extension of the PSPO and outlines the options available.

2. Public Spaces Protection Orders

- 2.1 The Anti-Social Behaviour, Crime and Policing Act came into force in October 2014. The Act contains provisions for PSPOs. 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:

- 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
- it is likely that activities will be carried out 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:

- is, or is likely to be, of a persistent or continuing nature
- is, or is likely to be, such as to make the activities unreasonable, and justifies the restriction imposed by the notice.

- 2.2 A PSPO is an Order that identifies the geographic space to which it applies ("the restricted area" within which the impact has or is likely to occur) and can make requirements, or prohibitions, or both within the area. This means that the local authority can, by virtue of the Order, require people to do specific things in a particular area, or prohibit doing specific things in a particular area. The local

authority can enforce the prohibitions/requirements where it believes that they are reasonable in order to prevent or reduce the detrimental impact. The Order can be made to apply at all times, or within specified times, and equally to all circumstances, or special circumstances. The Order applies for a maximum of three years, after which the process of review and consultation must be repeated to ensure the issues are still occurring and the Order is having the required effect. Thereafter, following appropriate review and consultation, the Order can be extended for further periods.

- 2.3 Failure to comply with either a prohibition, or requirement, within an Order is an offence. Upon summary conviction (offences heard within a Magistrates Court) defendants can face a fine not exceeding level three on the standard scale (currently £1000). Breaches of the Order can also be discharged by a Fixed Penalty Notice (FPN) which can be issued by either delegated officers within the local authority, or Police Officers.
- 2.4 Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 sets out the necessary consultation, notifications and publicity which must be carried out before creating or extending the period for which a Public Spaces Protection Order has effect.

3. PSPO extension of 21 council controlled car parks

- 3.1 Following vesting day 2020, the council inherited a number of PSPOs from the legacy Councils. There is currently a PSPO covering 21 council controlled car parks which is due to expire 2.5.2021. The Act states that before a PSPO is due to expire, the local authority may extend the period, if satisfied, on reasonable grounds, that it is effective or will increase risk of anti-social or criminal behaviour in this case:

use of a motor vehicle, or creation of noise from a motor vehicle, or behaviour by a person in a way likely to cause nuisance or annoyance to a member of the public, or a risk of harm, damage or injury to a person or property – detailed briefing on the restrictions can be provided,

- 3.2 The public places (“the Restricted Areas”) in question are:
- Multi-Storey Car Park, King George V Road, Amersham, HP6 5AP
 - Chiltern Pools Car Park, Chiltern Avenue, Amersham on the Hill, HP6 5AH
 - Chiltern Avenue Car Park, Chiltern Avenue, Amersham-on-the-Hill, HP6 5AH
 - Civic Centre Car Park, King George V Road, Amersham-on-the-Hill, HP6 5AW
 - Council Offices Car Park, King George V Road, Amersham HP6 5AW
 - Sycamore Road Car Park, Rickmansworth Road, Amersham, HP6 5EQ
 - Amersham Old Town Car Park, The Broadway, Amersham Old Town, HP7 OHL

- Watermeadow Car Park, Weylands Court, Germain Street Chesham, HP5 1LF
- Star Yard Car Park, Blucher Street Chesham, HP5 1DS
- Catlins Car Park, Blucher Street Chesham, HP5 1DS
- Albany Car Park, St Marys Way, Chesham, HP5 1LL
- East Street Car Park, East Street, Chesham, HP5 1DA
- Chesham Station Car Park, The Backs, Chesham, HP5 1DB
- Moor Road Car Park, Moor Road, Chesham, HP5 1SE
- Buryfield Car Park, Link Road, Great Missenden HP16 9AE
- Link Road Car Park, Link Road, Great Missenden, HP16 9AE
- Prestwood High Street Car Park, High Street, Prestwood, HP16 9ER
- Blizzards Yard Car Park, High Street, Chalfont St Giles, HP8 4QA
- Snells Wood Car Park, Cokes Lane, Little Chalfont, HP7 9QA
- Church Lane Car Park, Church Lane, Chalfont St Peter, SL9 90S
- Cheena Meadow Car Park, Denham Lane, Chalfont St Peter, SL9 0QJ

4. Consultation

4.1 The Anti-Social Behaviour, Crime and Policing Act 2014 is not specific on what constitutes an appropriate consultation; however, it requires the local authority consult with the following:

- Chief Officer of Police for the local area
- Police and Crime Commissioner
- Landowners in the area
- Any community representative the local authority considers appropriate

4.2 Consultation was carried out in the form of an online survey for the period 15th January to 21st February (5 weeks). The survey asks whether people support the extension of the PSPO for either 1 or 2 years. Posters were also displayed in the relevant car parks, promoting the online survey. Parish and Town Councils for the relevant areas covered by the PSPO were provided with information and a link to the survey. Members were also consulted via their Community Board.

4.3 Responses to the online survey were received from 431 people. The following table provides a breakdown of who responded:

Resident within Buckinghamshire	420
Work within Buckinghamshire	94
Own or represent a business in Buckinghamshire	25
Local councillor in Buckinghamshire	19
Represent a community or voluntary group in Buckinghamshire	35

Other – <i>this includes responses from a Community Board and 5 Town/Parish Councils</i>	10
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- 4.4 32% of respondents (140 people) say they have experienced or witnessed problems with anti-social behaviour, harm, damage or injury in one of the car parks listed above, whilst 63% (273 people) say they have not.
- 4.5 Only 22% of respondents (94 people) feel that incidents of anti-social behaviour, harm, damage and injury have decreased in these car parks since 2018, whilst 19% (80 people) feel that there has not been a reduction.
- 4.6 94% of respondents (403 people) think that the PSPO should be extended, and 83% (357 people) feel the extension should be for 2 years (only 1% of respondents feel the PSPO should only be extended for 1 year).
- 4.7 In addition to the above survey responses, emails were also received from 8 members of the public who support the extension on this PSPO.
- 4.8 The Chiltern and South Bucks LPA Deputy Commander C/Insp Scott Messenger responded highlighting the PSPO was a useful tool to effectively deal with ASB and crime and therefore fully supports its renewal. Thames Valley Police and Crime Commissioner, Anthony Stansfield, also responded to say he fully supports the PSPO.
- 4.9 The Buckinghamshire Council Head of Off Street Parking is fully supportive of extending the PSPO and feels that having the PSPO in place provides assurance to members of the public that we are actively supporting and maintaining safety of the car parks in respect of anti-social behaviour and that we have sufficient measures in place to both deter and address issues that may arise.
- 4.10 From these consultation findings, and the feedback from partners, it is recommended to extend this PSPO for a further two years.

5. Legal and financial implications

- 5.1 This report recommends action be taken by the Authority in accordance with legislation, and 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.
- 5.2 The penalties for breaches of an Order are fines following a prosecution or Fixed Penalty Notices can be issued where appropriate by authorised officers.



6. Corporate Implications

- 6.1 Extending this PSPO will meet Buckinghamshire Council's priority of Protecting the Vulnerable by making communities as safe as possible from crime, drugs and anti-social behaviour.

7. Next steps and review

- 7.1 The Cabinet Member to take to the Leader for delegated decision on extending the PSPO for a further two years. Community Safety will update the Co-ordinator and Chair of the relevant Community Boards on progress.

8. Background papers

[Anti-Social Behaviour, Crime and Policing Act 2014](#)

9. Your questions and views (for key decisions)

If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the Cabinet Member to consider please inform the democratic services team. This can be done by email democracy@buckinghamshire.gov.uk

