

5th March 2018

Community, Health and Housing Committee

Town Centre Public Spaces Protection Order

Report of: *David Carter - Environmental Health Manager & Deputy GM Corporate*

Wards Affected: *Brentwood North/Brentwood South*

This report is: *Public*

1. Executive Summary

- 1.1 Following a series of complaints and incidents in and around Brentwood town centre involving anti-social behaviour of several types, the Corporate Enforcement Team has investigated the use of a Public Spaces Protection Order (PSPO) to assist in controlling activities that are causing concern.
- 1.2 A draft Order has been produced to address evidenced issues in the town centre following liaison with Essex Police, legal advisers and stakeholders in the area proposed to be covered by the Order.
- 1.3 The draft Order covers the main Brentwood town centre area including the High Street and surrounding areas and incorporating roads down to Brentwood rail station.

2. Recommendation(s)

- 2.1 Members authorise officers to undertake a public consultation on the proposed draft Public Spaces Protection Order and to report back to a future meeting to consider the results of the formal consultation and to determine whether to implement the Order in the Borough.

3. Introduction and Background

- 3.1 Public Spaces Protection Orders
The power to introduce a Public Spaces Protection Order (PSPO) is found at Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014. Before introducing an Order, the Council must be satisfied that the following conditions have been met:

- (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.

3.2 An evidence pack of incidents in the area of the proposed PSPO has been collated, dating back to 2015. This has been incorporated into an evidence matrix to consider the likelihood and effect of these incidents.

3.3 We have consulted with Essex Police and our legal team in preparing these documents and the proposed PSPO.

3.4 In addition, an equality impact assessment has also been undertaken to identify any impacts, either positive, negative or neutral on particular groups of individuals

4. Issue, Options and Analysis of Options

4.1 The Council has the option of taking measures to try to reduce anti-social behaviour in public areas. Having considered the issues and compiling the evidence matrix it is hoped that the PSPO will assist in reducing the identified behaviours.

5. Reasons for Recommendation

5.1 To effectively address issues of anti-social behaviour in and around Brentwood Town Centre and reduce the fear of crime. To enable the use of fixed penalties to deal with problems covered by the Order in the area onto Council and Parish Council land in the Borough and to reduce the impact of additional expenditure, particularly on-site clearance.

6. References to Corporate Plan

- Community and Health
- Make Brentwood a Borough where people feel safe, healthy and supported
- Work with partners to reduce anti-social behaviour and ensure that Brentwood is a safe place to live

7. Consultation

7.1 The Council will carry out necessary consultation, publicity and notification

required under s 72 of the Anti-Social Behaviour, Crime and Policing Act 2014.

The relevant section of the Act defines “*the necessary consultation*” as consulting with—

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult;
- (c) the owner or occupier of land within the restricted area.

The Council will therefore consult with Essex Police, the Police, Fire and Crime Commissioner for Essex, the Community Safety Partnership, Brentwood Chamber of Commerce, local businesses and organisations.

“*The necessary publicity*”, in the case of a proposed order, means publishing the text of it.

We will publish a copy of the proposed order on the Council website and will make copies available at the reception at Seven Arches Road and in prominent locations around the proposed restricted area.

“*The necessary notification*” means notifying the following authorities of the proposed order, extension, variation or discharge—

- (a) the parish council or community council (if any) for the area that includes the restricted area;
- (b) in the case of a public spaces protection order made or to be made by a Borough council in England, the county council (if any) for the area that includes the restricted area.

In the absence of a relevant parish or community council, the Council will send details of the proposed order to Essex County Council.

8. Implications

Financial Implications

Name & Title: Jacqueline Vanmellaerts Financial Services Manager
(Deputy Section 151 Officer)

Tel & Email: 01277 312829 / jacqueline.vanmellaerts@brentwood.gov.uk

- 8.1 There will be a requirement to erect signage in and around the proposed area. The cost of the signage would be met from within existing budgets. It is hoped that the introduction of the Order will have a deterrent effect and, if there are any breaches, then these can be dealt with by means of a fixed penalty notice. However, the Council may incur costs if there is a need to prosecute an individual for breach of the Order.

Legal Implications

Name & Title: Daniel Toohey, Head of Legal Services and Monitoring Officer

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- 8.2 PSPOs can be used by Councils to prohibit activities and/or require certain things to be done by people engaged in certain activities within defined public areas. They differ from other tools introduced by the Social Behaviour Crime and Policing Act 2014 as they are Council-led and rather than targeting specific individuals and property they focus on an identified problem behaviour in a specific location. Public consultation would therefore be an essential prerequisite before a PSPO can be considered.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None identified

9. **Background Papers** (include their location and identify whether any are exempt or protected by copyright)

None

10. Appendices to this report

Appendix A - Draft Public Spaces Protection Order

Appendix B – Map

Appendix C – Town Centre PSPO – Evidence Pack

Appendix D – Town Centre PSPO – Evidence Matr

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