

A8 Which Scrutiny Committee should this decision be submitted to? *(Please tick as appropriate)*

Scrutiny (Value for Money Council) Committee

Scrutiny (Regeneration Development and Market Hall) Committee

Scrutiny (Health and Wellbeing) Committee ✓

Scrutiny (Climate Change and Environment) Committee

B1 What is the Decision?	To adopt the proposed provisions for a Public Space Protection Order for Princess Street Burton upon Trent.
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B2 What are the reasons for the Decision?

The Councils current Public Space Protection Orders were reviewed and commenced in January 2022.

Staffordshire Police approached the authority in 2023 to advise that behaviour and issues within the area of Princess Street, Burton upon Trent warranted consideration of a Public Space Protection Order to address anti-social behaviour.

A comprehensive consultation exercise was undertaken regarding the proposed Orders which are as follows:

East Staffordshire Borough Council is wishing to introduce a new Public Space Protection Order to control Anti-Social Behaviour. The Order is for Princess Street, Burton upon Trent and it is proposed to include the following restriction:

The Council therefore:

Prohibits, pursuant to section 59 of the Act, the Activity within the Restricted Area, unless the Activity is during or part of an associated Council endorsed special event;

- It is an offence under this order for any individual(s) to cause harassment, alarm or distress to any individual(s) by committing anti-social behaviour. Examples may include: use of offensive or abusive language, acting in an aggressive manner.
- Any individual is to disperse from the designated order area and not return within **12 hrs**, unless for a lawful reason, if requested to do so by an authorised officer if the officer is of the opinion that the individual is causing harassment, alarm or distress.
No person shall refuse to leave the location specified when given a direction to do so by an authorised officer, if they have a reasonable grounds to suspect that the behaviour of the person in the location has contributed or is likely to contribute to members of the public in the location being harassed, alarmed or distressed.
- Unity Park - Any individual to leave the park when a by designated person tasked with locking Unity Park allocated time by the Local Authority.
- Persons within the area, on the request of a Police Constable, Police Community Support Officer or an authorised Officer are to comply with the request to dispose of or surrender any containers of alcohol in

possession or disperse from the order area and not return within 12hrs, unless for a lawful reason. Persons within the area, on the request of a Police Constable, Police Community Support Officer or an authorised Officer are to comply with the request to dispose of or surrender any containers of alcohol in their possession and disperse from the order area and not return within the duration prescribed, unless for a lawful reason.

No person shall refuse to stop drinking alcohol or hand over containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer to prevent public nuisance and disorder.

In accordance with s63 of the Act, a person found to be in breach of this order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on a summary conviction to a maximum penalty of a level 2 fine.

In accordance with s67 of the Act a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine.

- An offence for any person, when requested by an authorised person, not to surrender any nitrous oxide canister.

Under Section 59 of the Act, the council can make a Public Space Protection Order if it is satisfied on reasonable grounds that two conditions are met.

The two conditions are as follows:

- (a) activities carried on in a public place within the authorities 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.

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 likely to be, such as to make the activities unreasonable, and

(c) Justifies the restrictions imposed by the notice.

The prohibitions and requirements to be imposed by the Public Space Protection Order are reasonable to include in the Order –

- (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurrence, or
- (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

Following the consultation exercise (consultees included, Staffordshire Police, Police, Fire and Crime Commissioner, Staffordshire Fire and Rescue Service, Trading Standards, Trent and Dove Housing, Staffordshire County Council, The Parish Council, ESBC Council Members, all shops and businesses within the locality, all residents within the locality) which concluded on 26th June 2023 the authority received one response from a local Councillor and responded accordingly:

Response to Consultation:

Any PSPOs for Unity Park are to be welcomed. However, I understood that the proposed order was to prohibit drug taking as there is a recognised problem? The order needs to also specifically prohibit anti-social behaviour as it is a major problem on the park. Drinking is only a relatively minor problem on the bench outside the entrance to the park and is not a major cause of disruption.

Councils Response to Consultation Feedback:

There is a condition that attempts to address the nitrous oxide problem, with all other illegal drugs there are criminal sanctions for possession. There is also a condition to be ordered to leave an area if deemed to be causing ASB/Harassment, Alarm and Distress which drugs can be considered to do therefore should cover using/dealing drugs.

Anyone causing harassment, alarm or distress (ASB) will be in breach of the order which covers the second point.

The drinking condition is included as a positive step to address ASB.

NA

B2 Alternative options considered and rejected?	
B3 What are the contributions to Corporate Priorities?	Standing up for our communities
B4 What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.

Financial Implications

B5 What are the financial implications?	<p>There are no financial issues arising from this decision.</p> <p>Signage costs will be met from current budget. Approximately £300.</p>
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Revenue	2023/24	2024/25	2025/26

Capital	2023/24	2024/25	2025/26

The finance section has been approved by the following member of the Financial Management Unit:	<p>Please print name: Anya Murray</p> <p>Please sign name: Approval by email 060723</p>
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Policy Framework

B6 Is the Decision wholly in accordance with the Council's policy framework?	Yes
B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B6.2 Has it got the appropriate approvals under those provisions?	N/A
B7 Is the Decision wholly in accordance with the Council's budget?	Yes
B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B7.2 Has it got the appropriate approvals under those provisions?	Yes

Equalities Implications

B8 What are the Equalities implications: N/A
B8.1 Positive (Opportunities/Benefits):
B8.2 Negative (Threats):
B8.3 The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.
B8.4 [The equality impact assessment identified the following actions to be carried out:]

Risk Assessment

B9 What are the Risk Assessment implications:
B9.1 Positive (Opportunities/Benefits): PSPO's in designated areas assist in reducing the anti-social behaviour in the areas where it is a known problem.
B9.2 Negative (Threats): Designated areas may have the effect of moving the problem somewhere else in the Borough.
B9.3 The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

Legal Considerations

B10 What are the Legal Considerations:
B10.1 The main legal issues arising from this decision are as follows: These are out-lined in the main body of the Report. If granted, the PSPO will last up to 3 years, unless extended. Notification the PSPO must be given to the Parish Council and the County Council.
This section has been approved by the following member of the Legal Team
Please print name: Glen McCusker – Locum Solicitor Please sign name: Approval by email 030723

Sustainability Implications

B11 What are the Sustainability implications: NA
B11.1 The proposal would not result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures). The positive/negative impacts are set out below (please refer to guidance notes).
B11.2 Positive (Opportunities/Benefits):
B11.3 Negative (Threats):

Health & Safety Implications

B12 What are the Health & Safety implications: NA
B12.1 [A Risk Assessment has been carried out and entered into Safety Media for all significant hazards and risks.] [A Risk Assessment has not been carried out and entered into Safety Media for all significant hazards and risks because there are no significant hazards or risks arising from this decision.]
B12.2 [The significant hazards and risks have been identified in the Safety Media Risk Assessment numbered []. Any financial implications to mitigate against these hazards and risks are considered above.]
B12.3 [Control measures and an action plan have been identified for any significant hazards and risks identified in the risk assessment. The positive/negative impacts are set out below]
B12.3.1 Positive (Benefits)

B12 What are the Health & Safety implications: NA

B12.3.2 Negative (Threats)

Key Decision

B13 Is this a Key Decision? No

Note: A Key Executive Decision is one where:

- 1. REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000**
- 2. CAPITAL – Any capital project with a value in excess of £150,000**
- 3. A decision which significantly affects communities living or working in an area comprising two or more wards.**

B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	No
B13.2 If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	NA

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to andrea.davies@eaststaffsbc.gov.uk