

HOMES & COMMUNITIES COMMITTEE

15 MARCH 2021

PROPOSAL FOR PUBLIC SPACE PROTECTION ORDERS – NEWARK TOWN CENTRE AND SITES IN BALDERTON

1.0 Purpose of Report

To inform the Committee of the incidents of anti-social behaviour in Newark Town Centre and Coronation Park, Balderton Lakes and Lakeside shops in Balderton and to seek approval to begin a consultation process on the use of Public Space Protection Orders within these locations.

2.0 Background Information

2.1 Newark Town Centre

During 2020, there was a marked increase in the level of anti-social behaviour associated with Newark town centre. This was across a number of locations and perpetrator age groups. There were issues of young people congregating in the Market Square, climbing on the stalls and throwing projectiles. Street drinkers and vagrants were also contributing to the level of ASB. The police analyst has produced an ASB profile setting out the locations and issues in more detail.

2.2 Members may be aware that in November 2019 the pre-existing Designated Public Protection Order (DPPO) relating to drinking alcohol in public places in Newark Town Centre was replaced with a Public Spaces Protection Order (PSPO).

2.3 PSPOs can cover the same geographical area and control different behaviours. Therefore, it is permissible for Newark town centre to have a PSPO for alcohol controls and ASB controls that have the same geographical coverage.

2.4 Balderton

The areas around Coronation Park, Balderton Lakes and the Lakeside Shopping centre have all seen significant increases in ASB since March 2020. The main issue has been young people congregating at these locations and moving between them the ASB has been related to attacks on wildlife, stones being thrown at cars, youths shouting and spitting at people passing by and littering.

2.5 Set out in Appendix One is a profile of ASB produced by the police analyst summarising the police incidents that have occurred within defined areas of Balderton and Newark for the period 1st November 2018 to 30th October 2020. It can be seen from the profile that For the 2 year period of 2019 to the end of 2020, Newark Town Centre and Balderton have seen the highest numbers of Police Dispersal Powers utilised district wide.

2.6 The council also records reports of ASB and these records support the police data that both Newark town centre and Balderton have seen on an increase in ASB.

2.7 The Council has received a formal Request from Inspector Heather Sutton to consider the introduction of a Public Space Protections Orders to control in both Newark Town Centre and areas of Balderton.

3.0 Public Space Protection Orders

3.1 Public Space Protection Orders are designed to promote responsible behaviour and restrict behaviour that is Anti-social, in parks and other public open spaces. Any behaviour can be restricted on any land, which is publically accessible with or without payment. There is no prescribed wording for a Public Space Protection Order, allowing a flexible approach to their declaration, which must aim to address specific antisocial behaviours in a geographically defined area.

3.2 Public Spaces Protection Orders (PSPOs) are intended to provide means of preventing individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature; and be unreasonable. The restrictions and requirements included in a PSPO may be comprehensive or targeted on specific behaviours by particular groups and/or at specified times.

3.3 The power to make an Order rests with local authorities, in consultation with the Police and other relevant bodies who may be affected.

3.4 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 sets out the basis on which local authorities may make a PSPO. It provides as follows:

(1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.

(2) 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 on in a public place within that area and that they will have such an effect.

(3) 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 restrictions imposed by the notice.

Details of section 59 are attached as Appendix Two to the report.

3.5 When making a PSPO due regard must be taken so as to ensure that every proposed restriction in the PSPO meets the statutory criteria. The restrictions proposed must be proportionate having regard to the legitimate aim of preserving the quality of life for everyone who lives or works in or who visits the proposed areas.

3.6 It is important to note that any all PSPOs need to be supported by evidence that show that the controls are required and that the level of control and the geographical area in which it is proposed is appropriate and proportionate. Initial information from Council and Police in relation to the number of incidents in each area, would support Orders being made.

3.7 Other options to control this behaviour have been considered. Ad hoc enforcement using Community Protection legislation could be used but this does not provide an ongoing and immediately available remedy.

4.0 Proposals

4.1 Due to the history of anti-social behaviour in Newark town centre and specific areas of Balderton, it is proposed that Public Space Protection Orders be considered for Newark town centre, Coronation Park, Balderton Lakes, and Lakeside Shopping Centre.

4.2.1 The terms of the PSPO would be such as to provide a direction to leave a specified area covered by the PSPO:

If a police officer, police community support officer, or authorised officer of the council has 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 area being alarmed, harassed or distressed, they can direct the person to,

(a) Leave the location, or part of the location, and

(b) Not to return to the location, or part of the location, for the period specified in the direction (“the exclusion period”)

The exclusion period must not exceed 48 hours and must

a) Be given in writing, unless that is not reasonably practicable

b) Must specify the area to which it relates

c) May impose requirements as to the time by which the person must leave the area and the manner in which the person must do so (including the routes)

4.3 Maps showing the proposed areas of the PSPOs is attached as Appendix Three. These indicate the extent of the proposed PSPO areas.

4.4 It is proposed that the areas of the PSPO for Newark Town centre matches exactly that which is already included within the PSPO for alcohol controls.

4.4 Consultation is required to be undertaken and it is proposed that the following are part of a formal consultation process:

Newark Town Centre:

Newark Town Council

Nottinghamshire Police

Nottinghamshire Fire and Rescue

Nottinghamshire County Council Youth Outreach teams

Members of the Public

Licensed premises via Pub Watch

Retail premises via Shop Watch

Public Consultation via NSDC Website & Nottinghamshire Police Website

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Coronation Park, Balderton Lakes, Lakeside Shopping Area:

Balderton Parish Council

Nottinghamshire Police

Nottinghamshire Fire and Rescue

Nottinghamshire County Council Youth Outreach teams

Members of the Public

Banks, Long & Co Management Company for Lakeside Shopping Centre

Lakeside Shopping Centre shops

Public Consultation via NSDC Website & Nottinghamshire Police Website

Change, Grow, Life

5.0 Equalities Implications

- 5.1 The introduction of these PSPOs should not have any impacts on any protected characteristic groups. The consultation will inform of any equality issues.
- 5.2 Any enforcement of the PSPOs will be undertaken in line with the Councils Corporate Enforcement Policy.

6.0 Digital Implications

- 6.1 None from This report

7.0 Financial Implications (FIN20-21/2085)

- 7.1 There is sufficient current budget in the Environmental Health Service to cover the costs of advertising the PSPO.
- 7.2 The costs for signage can be met within current budgets. The signs, setting out the controls in place, will need to be distributed across each area.
- 7.2 PSPOs can be enforced by the use of fixed penalty notices. It is not anticipated that any significant income will be generated by this activity.

8.0 Community Plan – Alignment to Objectives

- 8.1 The objectives that this report is relevant to, they are:
- Reduce crime and anti-social behaviour and increase feelings of safety in our communities
- 8.2 The creation and enforcement of the PSPOs as proposed will assist in the delivery of this element of the Community Plan.

9.0 RECOMMENDATION

Members are asked to:

- (a) support the proposal to consult on the possibility of introducing a Public Space Protection Order in Newark town centre; and to,**
- (b) support the proposal to consult on the possibility of introducing a Public Space Protection Order on Coronation Park, Balderton; and to,**
- (c) support the proposal to consult on the possibility of introducing a Public Space Protection Order on Balderton Lakes, Balderton; and to,**
- (d) support the proposal to consult on the possibility of introducing a Public Space Protection Order at Lakeside Shopping Centre, Balderton; and to,**
- (e) Agree the terms of the PSPO as set out in Paragraph 4.2**
- (f) Agree the list of consultees as set out in paragraph 4.4; and that,**
- (g) A further report setting out the results of the consultation be brought back to the committee.**

Reason for Recommendation

To put appropriate controls in place to control anti-social behaviour nuisance in Newark town centre, Coronation Park – Balderton, Balderton Lakes, and Lakeside Shopping Centre – Balderton.

Background Papers - Nil

For further information, please contact Alan Batty ext. 5467.

Matthew Finch

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