



EXECUTIVE

18th January 2024

Report Title	Making of a Public Spaces Protection Order (PSPO) for Rushden Town Centre
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Lead Member	Councillor Mark Rowley – Executive Member for Housing, Communities and Levelling Up

Key Decision	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there public sector equality duty implications?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	

List of Appendices

- Appendix A** – Draft Public Spaces Protection Order for Rushden Town Centre
- Appendix B** – PSPO Rushden Town Centre Order Plan (Annex to the PSPO)
- Appendix C** – Crime profile
- Appendix D** – Summary of consultation responses (final report available 3.01.2024)
- Appendix E** – Equality Screening Assessment

1. Purpose of Report

- 1.1. To seek approval for making a Public Spaces Protection Order (PSPO) covering an area of Rushden town centre.

2. Executive Summary

- 2.1 Public Spaces Protection Orders (PSPO) are made in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 (the act). North Northamptonshire Council can make PSPO and amend, extend and discharge

existing PSPOs being the local authority for this area as defined by the act. The proposals set out in this report cover the making of a new PSPO.

- 2.2 The type and number of prohibitions that can be included in a PSPO are not limited or prescribed; however, they must be proportionate to the anti-social behaviour that is being experienced within the area they are to cover.
- 2.3 Rushden town centre has been experiencing anti-social behaviour (ASB), predominantly in the area covering the High Street and War Memorial Gardens, but also extending to Rectory Road, Eaton Walk and up to the Asda Superstore. Following a town centre site visit and meeting involving representatives from the Council, the police, fire and crime commissioner's office, police and town council, it was agreed to look at whether a PSPO would support the police and Council in taking action against those whose behaviours are causing harassment and distress to others using those town centre areas.
- 2.4 In line with the act, comprehensive consultation has taken place with relevant stakeholders and interested persons regarding the extension of the PSPO. The findings have been reviewed and considered in the drafting of the order.
- 2.5 There are provisions in the Council's Scheme of Delegation that cover the making, extending, varying and discharging of PSPOs. However, where issues of a controversial or sensitive nature have arisen from consultation exercises, these would be considered by the Executive.
- 2.6 PSPOs are an effective tool to support authorised officers in engaging with people to change their behaviours. However, enforcement action is a critical function of PSPOs, and this is undertaken in line with our Corporate Enforcement Policy. The police, as a key community safety partner, will enforce PSPOs in line with a new enforcement protocol currently being developed.

3. Recommendations

- 3.1. It is recommended that the Executive:-
 - a) Approves the Public Spaces Protection Order (PSPO) for Rushden town centre, with the draft order as set out at **Appendix A** of this report.
 - b) Delegates authority to the Executive Member for Housing, Communities and Levelling Up in consultation with the Director of Public Health and Wellbeing, to make any further minor amendments required to implement the Public Spaces Protection Order for Rushden town centre.

3.2. Reasons for Recommendations –

- To give authorised officers the ability to use enforcement powers under the PSPO to respond to anti-social behaviour within Rushden town centre.
- Recommendation (b) will allow the Executive Member and Director to make minor amendments to wording of the order to ensure it accurately reflects approved prohibitions.

3.3. Alternative Options Considered – **Not to make the PSPO** – This could have a negative impact on our reputation and our ability to deliver on our Corporate Plan commitments to tackle ASB and the root causes of ASB.

4. Report Background

4.1. PSPOs are widely regarded as useful tools in the prevention of anti-social behaviour in public spaces, town centres, parks and recreation grounds. Our Corporate Plan 2021-25 states our commitment to tackling the causes of difficult issues leading to nuisance, crime and anti-social behaviour.

4.2. In considering making a PSPO, the local authority must satisfy itself on reasonable grounds that two conditions are being met. Firstly,

- 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
- it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

And secondly, 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 restrictions imposed by the order.

4.3. Following a meeting in August 2023 involving representatives from the Council, the Office of Police, Fire and Crime Commissioner (OPFCC), Rushden Town Council and the police, it was agreed to look at whether a PSPO would help tackle the ASB currently being experienced in the town centre.

4.4. An Environmental Visual Audit (EVA) was undertaken by police crime prevention officers working with neighbourhood policing team officers. An EVA helps identify the key problem areas (hotspots) and using recorded crime data and an appraisal of the local environment, puts forward recommendations to inform the drafting of the PSPO.

4.5. The EVA identified the main hotspots as: War Memorial Gardens, whole length of the High Street, Eaton Walk and the car parks adjacent to those locations.

Within this local vicinity, there were 852 incidents reported to Northants Police between 1st January 2022 and 31st August 2023 (date of the EVA). The crime profile for the area is set out in **Appendix C**.

- 4.6. The EVA has informed the proposed PSPO area, largely concentrating on the High Street, War Memorial Gardens (which borders with High Street and Wellingborough Road), Eaton Walk, Duck Street, Rectory Road and up to the Asda Superstore. This encompasses the main public car parks managed by the Council. The EVA has also identified several landscape and environment improvements for the Council and Rushden Town Council to consider. At this stage these are not factors that prevent the PSPO from being made but will support improvements in the PSPO area going forward.
- 4.7. In considering the EVA's recommendations and findings, the following prohibitions have been identified. These are set out in the draft PSPO (**Appendix A** refers):-
 1. **Alcohol consumption:** Being in the possession of any open vessel suspected of containing alcohol, having been requested by an Authorised Officer to surrender the same, unless it is being consumed on a licensed premise i.e. a pub or a restaurant.
 2. **Rowdy or inconsiderate behaviour:** Acting in a manner that causes harassment, alarm or distress or acting in a way that an Authorised Officer reasonably perceives to be intimidating and/or aggressive as a result of consuming alcohol.
 3. **Using the public space as a toilet:** Urinating or defecating other than in a facility specifically designed and intended for such use.
 4. **Begging:** by making any verbal, non-verbal (excluding busking) or written request from a standing, sitting down position for money, donations or goods-including the placing of hats or containers for money.
 5. **Misuse of motorised and powered vehicles:** Using a motorised or powered vehicle within the prohibition area causing unreasonable anti-social noise, public nuisance, or danger to others, and or refusal by a person in possession or control of a motorised or powered vehicle, to remove the vehicle from the prohibition area when requested to do so by an Authorised Officer.
- 4.8. Comprehensive public consultation has been taking place with Rushden residents and businesses, and the OPFCC, police and town council. The results of this exercise are set out in section 7.5 below.
- 4.9. PSPOs are first and foremost an effective tool in engaging with offenders to encourage them to change their behaviours. However, it is fully recognised that not everyone will respond to an authorised officer's requests and therefore enforcement of the PSPO is required. Several Council officers have delegated powers through the scheme of delegation to enforce the prohibitions in all our PSPOs across North Northamptonshire, including dealing with breaches by

formal notice provisions under the act such as FPNs, community protection notice warnings and full notices. Northants Police, as a significant community safety partner, delegates such powers to their officers and police community support officers (PCSOs) to enforce PSPOs. A new enforcement protocol is being developed to support this, which will include how the Council processes Fixed Penalty Notices (FPNs) issued by Northants Police officers and PCSOs, alongside those issued by authorised Council officers.

- 4.10. Breach of a PSPO without a reasonable excuse is a criminal offence. Breaches are dealt with initially by way of an FPN, which if paid discharges the liability to conviction for that offence. As stated above, formal notices can be issued prior to prosecution in the Magistrates' Court. All enforcement activity, including formal prosecution is undertaken in full accordance with our corporate Enforcement Policy and the new enforcement protocol referred to at 4.6 above will align with this.

5. Issues and Choices

- 5.1. Whether the local authority is making a brand new PSPO or modifying or extending an existing PSPO, it must ensure it meets the criteria set out in the act and outlined in paragraph 4.2 above. PSPOs cover a three-year period and unless the environment changes significantly, or an individual prohibition in the PSPO becomes much less relevant, a PSPO is unlikely to be amended during that three-year period.
- 5.2. As indicated at 4.6 above, a PSPO is an important tool to support authorised officers to engage with people whose behaviour is having or is likely to have a detrimental effect on other people's quality of life. Encouraging people to change their behaviours has been found to stop issues from escalating to bigger problems. Joint patrolling between police and Council authorised officers does offer a presence within the PSPO area, which in turn can discourage people from committing ASB or breaching the PSPO's prohibitions. Enforcement of the PSPO is a secondary part, which is necessary to tackle those individuals who persistently breach the prohibitions or refuse to respond to an officer's requests.
- 5.3. To support a structured approach to joint enforcement, the Council is working with the Neighbourhood Policing Team to develop an enforcement protocol. This will set out what that joint approach will look like and how it will work. That protocol will align with our corporate Enforcement Policy.
- 5.4. PSPOs can also cover gating off alleyways and other rights of way if persistent ASB is an issue. In the case of Rushden town centre, there are several alleyways that provide public rights of way between certain locations and the High Street. These alleyways were identified in the EVA as being narrow and a hotspot for drug dealing. The EVA recommends that consideration be given to gating them to restrict access to those who legitimately need it i.e. properties whose access is via these alleyways. From investigations with highways team officers, these alleyways have rights of way designated by the definitive map. This gives them a higher level of legal protection to remain unrestricted rights

of way, which could be rigorously challenged if a proposal to gate them was put forward. This could either be through this proposed PSPO or a separate PSPO specifically for gating them. However, it is critical to reflect on the problems associated with these alleyways and it is felt appropriate to undertake further assessment of the options to tackle the ASB. This might include, but not limited to CCTV deployment, targeted patrolling and improved lighting.

- 5.5. The EVA has also identified some private alleyways and access points which are increasing crime and ASB. Officers are working with the adjacent landowners and the police crime prevention team to encourage these to be barriered or gated, as part of the short and medium-term improvements recommended in the EVA.
- 5.6. Rushden Town Council has considered the PSPO proposals at its meetings and has confirmed its full support for the PSPO. The town council is often a first port of call for people worried about ASB and crime within the town. The biggest problem location has been the War Memorial and gardens, which has suffered with street drinking and people using the landscaped areas as a toilet. This has put pressure on the town council's grounds maintenance operations. Rushden Town Council also operates and manages the CCTV in the town centre, and this will be a critical support tool in the PSPO.
- 5.7. Crime and incidents reported to Northants Police are key datasets when considering making a PSPO. The focus of the PSPO is the High Street and War Memorial and Gardens areas, which borders High Street and Wellingborough Road. However, it is also important to reflect that tackling ASB in one area can disperse offenders to another area close by. As referred to earlier in this report, the PSPO area will cover the surrounding areas to the High Street and War Memorial Gardens so that the public car parks and the area up to entrance to the North Northants Greenway is situated next to Asda Superstore.
- 5.8. As the local authority, the Council has the power to make the PSPO proposed subject to the criteria of the act being met. This is set out in the legal sections below at 7.2.

6. Next Steps

- 6.1 On approval by the Executive, the PSPO for Rushden town centre will be created and implemented as recommended. It will commence from the day it receives the common seal of the Council and run for a period of three years from the date of commencement - expected to be February 2024 to February 2027.

7. Implications (including financial implications)

7.1. Resources and Financial

7.1.1. Costs involved in the consultation, drafting and if approved creating the PSPO have been met from existing revenue budget provisions.

7.1.2. On implementation, there will be a requirement to install appropriate signage within the PSPO area that clearly states that the area is subject to a PSPO and what the prohibitions are. Also included on these signs will be where further information is available from i.e. the Council website and our main contact telephone number. The Council has in place a standard design for a PSPO sign. Costs for the producing and installing of the signage will be met from existing revenue provisions.

7.1.3. Any fines from Fixed Penalty Notices are recovered by the Council and contribute to our income.

7.2. Legal and Governance

7.2.1 PSPOs are created under the Anti-Social Behaviour, Crime and Policing Act 2014, sections 59 to 75 (the act). North Northamptonshire Council is the local authority for the area as defined by the act.

7.2.2 In making the PSPO, the Council as the local authority under the act must be satisfied that the criteria are met, and this is set out below.

Section of the act	Act requirement	Conclusion and details
59 (2)	(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 1) (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	There were 852 incidents reported to Northants Police during the period 01.01.2022 to 31.08.2023; 305 of which were in the High Street in the town. Several shop units have recessed doorways allowing people to gather, sleep and use them as a toilet. There are public houses with on-street drinking. Rushden town centre does have problems with street drinking and drug misuse. The PSPO would support officers, police and other officers to act against persistent offenders.
59 (3)	(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 order.	

7.2.3 As the local authority making the PSPO, the Council can also vary, extend and discharge PSPOs as set out in the act. PSPOs generally last for three years from their commencement date.

7.2.4 On making a PSPO, there must be in place a six-week period in which any interested person may apply to the High Court to challenge the validity of a PSPO or a variation of a PSPO. An “interested person” is someone who lives in, regularly works in, or visits the restricted area. Grounds for such an application are 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); or that a requirement under the relevant chapter of the act was not complied with in relation to the order or variation. If on consideration by the High Court that the local authority did not meet the requirements of the act, it has the power to quash or suspend the order or variation, or any prohibitions.

7.2.5 As referred to elsewhere in this report, the Council has authorised officers under its Scheme of Delegation to enforce PSPOs. Northants Police has a similar arrangement with its police officers and PCSOs.

7.3. Relevant Policies and Plans

7.3.1 A PSPO covering Rushden town centre supports the following policies and plans:-

- **Corporate Plan 2022-25:** tackling the causes of difficult issues leading to nuisance, crime and anti-social behaviour. The PSPO and the enforcement of it will demonstrate our commitment to act against those who cause nuisance and harassment to others in public spaces.
- **North Northants Community Safety Plan 2022-25:** this is the plan of the North Northants Community Safety Partnership. Partners will jointly tackle the root causes of anti-social behaviour.

7.4. Risk

7.4.1. There is an apparent perception that the success and effectiveness of a PSPO is judged on the volume of FPNs issued and successful prosecutions. This is not the case as identified earlier in this report. PSPOs offer a good method of engaging offenders in changing behaviours and stopping the problems escalating further. However, it is not easy to measure that process, which can lead to people feeling the PSPO is a waste of time and ineffective if they can't see large numbers of FPNs issued or notices served under the order.

7.4.2. Notwithstanding the above, a key risk is an inability to enforce effectively. Effective enforcement is reliant on the joint arrangements in place with Northants Police and they remain committed to undertaking this on the basis

our joint enforcement protocol and processing arrangements are developed and implemented.

7.5. Consultation

- 7.5.1. A key part of creating, extending or varying a PSPO is to consult with people who could be affected by it, both positively and negatively. Careful consideration always must be given to whether it could adversely affect certain groups or businesses.
- 7.5.2. Our corporate Consultation and Engagement Team and Communications Team were engaged to support a meaningful and effective consultation on the PSPO proposals. This was launched on 13th November 2023 and ended 31st December 2023. One hundred and forty-eight (148) responses were recorded, of which 127 were fully complete and 21 were incomplete. As some of the 21 incomplete responses had partially answered the questions, and provided some comments, they have been included in the analysis.
- 7.5.3. The consultation exercise was undertaken through our online Myspace consultation hub, which contains details about the proposed prohibitions to be included in the PSPO, and the map of the area the PSPO will cover. Paper copies of the questionnaire and proposals were distributed with return envelopes to extend the opportunity to residents who have limited or no access to the internet. The consultation was promoted through our website and social media channels, Rushden Town Council's media channels and the Leader's update.
- 7.5.4. The final report on the consultation results is at **Appendix D**. Out of the 148, 96 strongly agreed and 28 agreed with making the PSPO. That represents 83% in favour of the PSPO being made and implemented.
- 7.5.5. The consultation asked people to indicate whether they felt the designated area of the PSPO was the correct one and whether other areas should be included or excluded from the designated area. The report at Appendix D lists the suggestions; however, it is important to highlight some points. Some people suggested that Rushden's parks should be included in the designated area. Rushden's parks are managed by the town council and from the discussions with the council, it was decided not to include them. There were also some suggestions of including roads and residential areas further away from the town centre such as: Hayden Road and Highfield Road. To address this practically, it would require the designated area being extended much further across the town, which in turn would present challenges for patrol and enforcement.
- 7.5.6. People overall strongly agreed or agreed with the five prohibitions of the PSPO. The consultation questionnaire gave people the opportunity to suggest any others they felt should be included or any that are proposed, removed. These are set out at **Appendix D**.

7.5.7. Consultation has also taken place with the Wellingborough and East Northants Neighbourhood Policing Team inspectors and the Office of Police, Fire and Crime Commissioner. Responses from these organisations indicate support for the PSPO proposals. The police have provided critical support in drafting the PSPO order (Appendix A) with crime data and local policing knowledge helping to identify the key ASB issues.

7.6. **Consideration by Executive Advisory Panel**

7.6.1. The proposed PSPO for Rushden town centre has not been presented to an EAP.

7.7. **Consideration by Scrutiny**

7.7.1 This report has not been considered by the Council's scrutiny function.

7.8. **Equality Implications**

7.8.1. The Council is committed to treating people fairly and there are specific obligations that we must meet within The Equality Act (2010). It is our duty to publish information relating to individuals who may be affected by the decisions we make. This includes both our workforce and the community that we serve.

7.8.2. An Equalities Screening Assessment (ESA) has been completed to assess potential impact on equality groups. This is set out at **Appendix E**. The ESA has identified only positive and neutral impacts from the proposals.

7.9. **Climate Impact**

7.9.1. There are no climate impact implications arising from these proposals.

7.10. **Community Impact**

7.10.1. PSPOs aim to make a positive difference to people's lives and help them feel much safer when in public spaces such as town centres, car parks and landscaped gardens.

7.10.2. The views of residents, businesses and others have been important in the drafting of this PSPO. Rushden Town Council as the local council has played a key role in the work required to prepare the proposals, including the area to which the PSPO and the prohibitions should apply to.

7.11. **Crime and Disorder Impact**

7.11.1. Anti-Social Behaviour and crime have a huge detrimental effect on people feeling safe when using public spaces. This can lead to them finding alternative places to shop, enjoy a drink or take their family and visitors to. This can also affect the reputation of a local area or town, which can in turn discourage investment etc.

7.11.2. The PSPO will help tackle those individuals and groups whose behaviours make others feels unsafe.

8. **Background Papers**

8.1. North Northamptonshire Community Safety Plan 2022-25 - <https://www.northnorthants.gov.uk/community-safety/community-safety-partnership>