

EXECUTIVE 18th November 2021

Report Title	Extension of Public Spaces Protection Order, Corby Town Centre
Report Author	David Watts, Executive Director of Adults, Communities and Wellbeing
Executive Member	Cllr Andy Mercer, Executive Member for Housing and Communities

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 type="checkbox"/> Yes <input checked="" 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 for exemption from publication under Schedule 12A Local Government Act 1974	

List of Appendices

Appendix A – Copy of PSPO 2015 and Map of Designated Area

Appendix B - Equality Screening Questionnaire

Appendix C – Police Data

1. Purpose of Report

- 1.1. To seek approval for the extension of the Public Spaces Protection Order (PSPO) until November 2024 to cover Corby town centre.

2. Executive Summary

- 2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 gives the provision for local authorities to make a PSPO. PSPO's are intended to deal with a range of nuisance behaviours that affect the community's quality of life in an area.

- 2.2 The PSPO in Corby town centre has been in place since December 2015 and was introduced to tackle incidents of alcohol related anti-social behaviour and begging. A designated geographical area was defined with the introduction of the Order and the prohibitions included to cover that area. **Appendix A** is a copy of the Order from 2015 and the map of the designated area.
- 2.3 Council officers and other designated officers, including Police Officers and PCSO's, can enforce the Order. Offences are committed when a person refuses to comply with a request from an authorised officer to do anything that is prohibited or fail to comply with a requirement of the PSPO.
- 2.4 Where a PSPO includes prohibitions in relation to the consumption of alcohol, there is no offence committed if a person is drinking alcohol. However, it is an offence if that person then fails to comply with a request from an authorised officer to cease drinking or to surrender the alcohol.
- 2.5 If an offence(s) is committed, an authorised officer will consider the most appropriate penalty. An option is to issue a Fixed Penalty Notice, which if paid discharges the liability to conviction for that offence.
- 2.6 An Equality Screening Questionnaire has been completed and approved by a Council Equalities Officer. This document is included as **Appendix B**.

3. Recommendations

- 3.1 It is recommended that the Executive:
- a) Approve the commencement of consultation on the extension of the Public Spaces Protection Order currently in place for Corby for a further three years on the current terms; and
 - b) Delegate authority to the Executive Member for Housing and Communities, in liaison with the Executive Director, Adults, Community & Wellbeing to:
 - c)
 - i. determine whether to extend the order, vary the order or allow the order to lapse, taking account of all consultation responses;
 - ii. take any further decisions and/or actions required to deliver this extension.
- 3.2 Reason for Recommendations –

- To give authorised officers the ability to continue to use enforcement powers under the PSPO to respond to alcohol related anti-social behaviour and begging within Corby town centre
- In addition, it will support with the wider aims of the Safer Corby team to work in partnership with other agencies to tackle issues which affect the quality of life of residents and visitors to the area

4. Report Background

- 4.1 The PSPO has been in force in Corby town centre since 14th December 2015. An extension was granted on 29th November 2018. Prior to both the initial application and the extension, consultation and notification was carried out. The results of both consultations were that the majority of the respondents were in favour of the Order being made and continuing.
- 4.2 Since 14th December 2015, 18 Fixed Penalty Notices have been served, and there were 27 occasions where individuals have complied with the request from the authorised officer.
- 4.3 In addition, there is public awareness of the PSPO being in place and evidence of its effectiveness due to the proactive use of officer patrols, requests for compliance, progression of enforcement through formal actions and publication of such enforcement actions. The PSPO being in place acts as a deterrent to reduce the likelihood of incidents occurring and supports action against those individuals who behave in an unacceptable manner.

5. Issues and Choices

- 5.1 The conditions proposed for the extension of the PSPO are to remain the same, namely:
- 5.1.1 For persons not to be in possession of containers of alcohol within the Restricted Area;
 - 5.1.2 Persons not to consume alcohol within the Restricted Area;
 - 5.1.3 Persons not to act in a manner which causes harassment, alarm or distress as a result of consuming alcohol within the Restricted Area;
 - 5.1.4 Persons not to beg within the Restricted Area.
- 5.2 Northamptonshire Police have been consulted on the continuation of the order and supports the PSPO remaining within the same geographical boundary and on the same terms. The data provided at **Appendix C** by Northamptonshire Police

reflects all reported incidents of alcohol related antisocial behaviour and begging within the Corby Central ward from 29th November 2018 to 29th September 2021. There was a total of 117 incidents of alcohol related ASB and 32 incidents of begging within that time frame.

- 5.3 In respect of the first two conditions of the PSPO, authorised officers can use their discretion to request that a person does not consume alcohol and/or to surrender any alcohol in their possession. Failing to comply with these requests is an offence.
- 5.4 A person who has failed to comply with a request of an authorised officer, or who has otherwise breached the order, has committed an offence. The offence may be dealt with by authorised officers issuing a Fixed Penalty Notice. Alternatively, the matter can be reported to court. Upon summary conviction, a fine can be imposed of £500 for an alcohol prohibition breach, or £1000 for any other breach of the order.

6 Implications (including financial implications)

6.3 Resources and Financial

- 6.3.1 Resourcing of the PSPO comes through authorised officers from the Safer Corby team to monitor and respond to any incidents. Additional resourcing support comes from PC's and PCSO's from Northamptonshire Police.
- 6.3.2 There will be a cost implication in regard to ensuring that all signage within the Restricted Area is updated to reflect the revised expiration date and to include details of who to contact within North Northamptonshire Council. In the event that the order is not extended, the existing signage should be removed. Either expense can be accommodated within existing service budgets.

6.4 Legal

- 6.4.1 The existence of a public spaces protection order creates criminal offences which impact upon public use of a public space. They are essentially a modern form of byelaw. As such, there is a statutory process for the creation, extension and discharge of the order, set out within the Anti-Social Behaviour, Crime and Policing Act 2014. The Council must comply with the statutory provisions to ensure that any order is lawfully made and will withstand scrutiny. In the event that the statutory process is not followed, the Council will not be able to issue FPNs or prosecutions for breaches of the terms of the order.

6.5 Risk

- 6.5.1 There are no significant risks arising from the proposed recommendations in this report, save for the risks inherent in the truncated consultation that will be undertaken.

6.6 Consultation

- 6.6.1 The Council must undertake statutory consultation and publicity in accordance with s72(3) of the Anti-Social Behaviour, Crime and Policing Act 2014. This will take place through NNC's Consultation Hub who will publish the draft Order (i.e. the same order but for a further 3 years) and allow for any representations to be heard. In addition, written notification will be sent to the Chief Constable of Northants Police, the Corby Neighbourhood Policing Team, the Centre Director of Willow Place and Corby Town Shopping as the landowner, the Chair of the area tenants and residents association and all ward Councillors and the OPFCC.
- 6.6.2 The consultation will take place for a period of one week. Upon closure of the consultation, the responses will be analysed and reported to the Portfolio holder to allow an informed decision to be taken as to whether to extend, vary or allow the order to lapse in accordance with the authority delegated by Executive.

6.7 Consideration by Executive Advisory Panel

- 6.7.1 Not applicable

6.8 Consideration by Scrutiny

- 6.6.1 This has not been reviewed by the Scrutiny Commission; therefore, no comments or recommendations have been received. The decision is not a key decision as it is restricted to one ward and is not considered to have a significant impact upon the community.

6.9 Climate Impact

- 6.9.1 There is no climate/environmental impact that may arise regarding the Council area, or particular localities within that.

6.10 Community Impact

6.10.1 It is the aim to have a positive impact on the community through working in partnership to tackle crime and antisocial behaviour and to develop community cohesion.

7 Background Papers

7.1 none