

Public
Key Decision – No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Delegation of Public Space Protection Orders (PSPOs) to Officers

Meeting/Date: Licensing and Protection Committee –
Wednesday 16th October 2024

Executive Portfolio: Executive Councillor for Resident Services and Corporate Performance, Councillor S W Ferguson

Report by: Claudia Deeth, Community Services Manager

Ward(s) affected: All

Executive Summary:

A report was presented to the Licensing and Protection Committee at their meeting held on 25th January 2024 requesting approval of the updated delegations. The report detailed the enforcement legislation that is available for Local Authorities to utilise and the proposed process for implementing it including delegating permissions to identified District Council officers.

The recommendations within the report were approved and enables the Licensing, Community Action and Environmental Health Teams to utilise legislation to deliver their services. Within the report, the use of the tools and powers available under the Anti-Social Behaviour, Crime and Policing Act 2014 were delegated to the Community Services Manager except where they related to Public Space Protection Orders (PSPOs). To enable PSPOs to be used efficiently and effectively, it is recommended that consideration be given to delegating the decision to approve a PSPO to the Community Services Manager.

Recommendation(s):

The Committee is requested to:

1. Approve the request to delegate authority to the Community Services Manager to, following consultation, support or reject applications for Public Space Protection Orders.
2. Delegate authority to the Community Services Manager to, following consultation, vary the prohibitions contained within a PSPO.

3. Delegate authority to the Community Services Manager to, following consultation, have the option to approve the extension of a PSPO after the initial 3-year period and where evidence suggests that it is necessary.

1. PURPOSE OF THE REPORT

- 1.1 To request that the Licensing and Protection Committee delegates authority to the Community Services Manager to approve or reject the implementation of a Public Space Protection Order (PSPO) following public consultation.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 Provisions within the Anti-Social Behaviour, Crime and Policing Act 2014 allow for Local Authorities to make Public Space Protection Orders (PSPOs) where incidents of anti-social behaviour are persistent in nature and having a detrimental effect on those in the local area.
- 2.2 The District Council has utilised the legislation on several occasions and implemented Orders that have successfully addressed behaviours such as anti-social use of vehicles, street drinking and dog fouling. A PSPO remains in place for 3 years and naturally expires unless it is renewed following a request along with supporting evidence. Orders apply to the district as a whole or specific areas.
- 2.3 Consideration to implement a PSPO can be given following a request from the Police or recommendation from the Local Authority. After which, the legislation requires that a full and inclusive consultation is carried out that seeks the views of any person/s and or businesses that may be affected by the order, as well as partner agencies, Town, Parish and Ward Councillors. After which, the evidence, the results of the consultation as well as the proposed prohibitions are presented to the Licensing and Protection Committee to determine whether they support or reject the PSPO.
- 2.4 This report seeks approval to amend the current process and delegate authority to the Community Services Manager to determine whether following consultation, the threshold for a PSPO has been met.

3. KEY IMPACTS / RISKS

- 3.1 By amending the current process, PSPOs will be implemented in a timelier manner relieving more quickly, the impact that incidents of anti-social behaviour are having on our communities.

4. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 4.1 If approved, the process will be amended with immediate effect and will be as follows:
 1. Request along with justification, received by the District Council to implement a PSPO.
 2. Consultation with residents and or businesses who may be affected by the order as well as relevant Town or Parish Council, Ward Members,

Portfolio Holder, County Councillors, partner agencies and members of the Licensing and Protection Committee.

3. The results of the consultation along with supporting evidence presented to the Community Services Manager for determination.
4. Decision published and consultees notified.
5. A standing agenda item on the meeting of the Licensing and Protection Committee to report on requests for PSPOs, approvals and rejections, monitoring and review of active orders,

5. LEGAL IMPLICATIONS

- 5.1 The current delegations as approved by the Committee at their meeting on 25th January 2024, states that:

‘After consultation with the Executive Councillor for Strategic Economic Development and Legal, the Community Services Manager has delegated authority to create and maintain policies and procedures arising from the Public Space Protection Orders under the 2014 Act’.

- 5.2 To align authority within the delegations, it is recommended that the wording be amended to:

‘After consultation with the Executive Councillor, the Licensing and Protection Committee and interested parties, the Community Services Manager has delegated authority to create, implement and maintain policies, procedures and orders arising from the Public Space Protection Orders under the 2014 Act’.

- 5.3 There are no legal implications associated with the recommendations.

6. REASONS FOR THE RECOMMENDED DECISIONS

- 6.1 Should the authority to implement PSPOs be delegated to the Community Services Manager it will result in:

- All delegations being aligned.
- PSPOs will be implemented more quickly, bringing swifter relief to those impacted by the anti-social behaviour.
- A thorough review on a regular basis, of the benefits of the orders resulting in the ability to utilise best practise.

7. BACKGROUND PAPERS

Appendix 1 of the delegations report that went to Licensing and Protection Committee on 25th January 2024.

The Anti-Social, Crime and Policing Act 2014 - [Anti-social Behaviour, Crime and Policing Act - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/legislation/2014/anti-social-behaviour-crime-and-policing-act)

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