

Report to: Economy and Neighbourhoods Scrutiny Panel

Date: 02.02.2023

Title of report: Public Space Protection Orders (PSPO) Review Update

Purpose of report: To update on the PSPO review project progress

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| Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | Yes Has an effect on two or more electoral wards |
| Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>? | Key Decision – No Private Report – No Private Appendix – No |
| The Decision - Is it eligible for call in by Scrutiny? | Not Applicable |
| Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning? | Colin Parr - 02.02.2023 |
| Cabinet member portfolio | Councillor Naheed Mather |

Electoral wards affected: All

Ward councillors consulted: Yes

Public or private: Public

Has GDPR been considered? Yes

1. Purpose

- 1.1 The purpose of this report is to outline the PSPO review process undertaken in 2022/23 and outline the evidence-based intention to renew all 9 current Kirklees PSPOs.

2. Background

- 2.1 PSPOs sit amongst a range of powers to help tackle anti-social behaviour (ASB) locally and provide councils with the ability to help deal with persistent issues that are detrimental to communities. They are aimed at ensuring public spaces can be enjoyed free from ASB.
- 2.2 The current Kirklees PSPOs were introduced in 2017 and extended in 2020 for a further 3 years. The current orders expire on 2nd April 2023.
- 2.3 A review process has been outlined, informed by guidance provided in the Home Office's statutory guidance on the Anti-social Behaviour, Crime, and Policing Act 2014 and the Local Government Association's PSPO Guidance for Councils. This process has been followed and the review project is now nearing project close, with the redrafted PSPOs awaiting approval and sign off via Officer Delegated Decision.
- 2.4 Data and evidence gathered through the review process demonstrates PSPOs as integral to tackling anti-social behaviour in Kirklees and that there is significant public support for their retention.
- 2.5 It is intended that all 9 current PSPOs are renewed and extended for a further 3 years to 2026. The intention is that some prohibitions remain unchanged and that some are amended to further realise the benefits of their use. This is detailed in section 2.7 of this report.

2.6 Review Process

2.6.1 The process of PSPO review was broken down into 3 Stages:

- **Stage 1:** Key Activities taking part in Stage 1 –
 - Identification of 9 PSPOs due to expire
 - Review of the Legal Tests made for the original orders
 - Collation and analysis of evidence from Key Stakeholders
 - Decision on whether it is necessary to continue orders
 - Decision on whether it is necessary to amend or vary orders if continued
 - Agree proposals for public consultation
 - Plan public consultation
- **Stage 2:** Key Activities taking part in Stage 2 –
 - Carried out public consultation
 - Assess consultation outcomes
 - Decision on whether consultation outcome supports any variation to initial proposals
 - Agree final extension, variation, or discontinuation of PSPOs
- **Stage 3:** Key Activities taking part in Stage 3

- Re-draft PSPOs that are extended or varied
- Approve and sign off decision via Officer Delegated Decision report
- Publish PSPOs online and implement/continue implementation
- Communicate decision with the public
- Project close – define next statutory review date

2.7 Review Outcome

2.7.1 The consultation process completed as part of the review provided evidence relating to:

- Evidence pertaining to the PSPO legal test;
- Public perception of ASB activities relating to the prohibitions;
- Public support for the proposals to retain, vary or discontinue each PSPO.

2.8 Way forward & beyond the review

2.8.1 The table below highlights the agreed Kirklees approach to retaining, varying, or discontinuing the PSPOs from April 2023 as a result of the evidence collated from the review process.

| a. Current PSPO | b. Approach to retaining, varying, or discontinuing the PSPO |
|---|---|
| Control of Fire & BBQs | Amend this PSPO to include a clause to which details: The council may give formal consent for a fire or BBQ activity to take place should they be satisfied that the risk posed to the area by the activity is managed. |
| Control of Sky Lanterns, Fireworks and Balloons | Renew the PSPO in its current form |
| Dog exclusion | Renew the PSPO in its current form |
| Dog Fouling | Renew the PSPO in its current form |
| Dogs on Lead | Renew the PSPO in its current form |
| Dogs on Lead by Direction | Renew the PSPO in its current form |
| Means of Picking up Dog Faeces | Renew the PSPO in its current form |
| Public Urination and Defecation | Renew the PSPO in its current form |
| Street Drinking | Renew the PSPO in its current form |

3. Next steps and timelines

3.1 The next statutory review date will be 3 years from the date of sign off of the 2023 orders. There is however no limit to the number of times an order can be reviewed and renewed, and a decision can be taken at any point in the 3 year timeframe to review or create PSPOs, starting the process ahead of the statutory review date.

3.2 Pending the specific date of sign off, it is anticipated that the current PSPOs will be due for renewal in the first quarter of 2026.

4. Implications for the Council

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| Working with People | <p>We have worked with our communities to develop the most appropriate actions and implementation to address anti-social behaviour where it is required.</p> <p>The proposals for renewal have been shaped by public opinion via a meaningful and engaging public consultation to gather information on:</p> <ul style="list-style-type: none"> - The public perception of ASB and how this should be addressed - The public support for the recommended Kirklees proposals |
| Working with Partners | <p>Proposals for renewal were created via ongoing discussion and consultation with key stakeholders such as West Yorkshire Fire Service, West Yorkshire Police, Landowners, Safer Kirklees, Enforcement Teams, etc. This has ensured that the proposals to address anti-social behaviour share purpose with our partners.</p> <p>PSPOs are managed by a variety of differing partners, including internal colleagues and the police. The project seeks to maintain the cross-partner arrangements we currently in place to achieve successful conclusions.</p> |
| Place Based Working | <p>We want the PSPOs to be shaped by local people and therefore the ability to understand issues in different postcode areas and wards has supported review. This echoes the place standard research ongoing throughout the district. Ward Cllrs, local community groups, and local businesses were all invited to take part in the evidence gathering and public consultation to ensure that PSPO coverage is appropriate to the needs of the district.</p> |
| Climate Change and Air Quality | <p>Review of specific PSPOs such as those relating to the risk of fire is important to support control of the Natural Environment within Kirklees.</p> <p>The impacts of wildfires are numerous and wide-ranging. They can have significant effects on the environment, particularly in rural moorland areas. A review and continuation of PSPOs aiming to tackle wildfire incidents will reduce the likelihood of persons using BBQs, lighting fires or using fireworks on moorland which in turn reduces the chance of a serious wildfire occurring and the associated impact resources and environment.</p> |
| Improving Outcomes for Children | <p>N/A – this does not affect a singular demographic of Kirklees; it has wide ranging benefits for all through the aim of reducing anti-social behaviour in Kirklees Communities.</p> |
| Financial Implications for the people living or working in Kirklees | <p>The Fixed Penalty Notice fine associated with a breach of a PSPO is set out in statute and will be adhered to in all renewed PSPOs.</p> |
| Other (eg: Legal/Financial/Human Resources) Consultees and their Opinions | <p>The consultation was primarily delivered online, however opportunity was given to receive the consultation in an alternative format (offline) as required. Officers working in communities such as Safer Kirklees and the Greenspace Action Enforcement team also supported in-person and on the ground consultation when working out in the communities to support public engagement with the review.</p> |

5. Officer recommendations and reasons

5.1 Members of the panel are asked to discuss this report and presentation, feeding back their views and comments.

6. Cabinet Portfolio Holder's recommendations

6.1 N/a

7. Contact Officer

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8. Service Director responsible

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