

**REPORT TITLE: Public Space Protection Orders**

<b>Meeting:</b>	<b>Environment and Climate Change Scrutiny</b>
<b>Date:</b>	<b>20<sup>th</sup> November 2024</b>
<b>Cabinet Member</b> (if applicable)	<b>Councillor Munir Ahmed</b>
<b>Key Decision Eligible for Call In</b>	<b>No</b> <b>No</b>
<b>Purpose of Report</b>  The purpose of this report is to update Members of the Environment and Scrutiny Panel of a revision to the Council's Public Space Protection Orders ('PSPO') and the introduction of a new PSPO.	
<b>Recommendations</b>  It is recommended that the Environment and Climate Change Scrutiny Panel note the report.  <b>Reasons for Recommendations</b>  To provide Members of the Environment and Climate Change an opportunity to comment on the changes to the PSPO's prior to formal adoption.	
<b>Resource Implications:</b>  Resources from Greenspace Action Team to install signage.  Currently the Council has 2 PSPO Officers to cover the whole of Kirklees, with this review it is proposed that we utilise partners such as Huddersfield Bid and ask all council officers to gather evidence and information in order for the Council to issue fixed penalty notices.	
<b>Date signed off by <u>Executive Director</u> &amp; name</b>   <b>Is it also signed off by the Service Director for Finance?</b>	<b>Give name and date for Cabinet / Scrutiny reports</b>  Not applicable in the context of this report  <b>Give name and date for Cabinet reports</b>  Not applicable in the context of this report  <b>Give name and date for Cabinet reports</b>

<b>Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?</b>	Not applicable in the context of this report
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**Electoral wards affected:** All

**Ward councillors consulted:** Yes via Neighbourhood Platform and Email

**Public or private:** Public

**Has GDPR been considered?**

**1. Executive Summary**

The proposals set out in this report outline changes to the Councils existing PSPO's and introduction of new PSPO's to strengthen the Council position in relation to enforcement of Anti-Social Behaviour.

**2. Information required to take a decision**

2.1 Introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, PSPO's sit amongst a range of powers designed to address anti-social behaviour (ASB) locally and provide the Council with ability to address persistent issues that are detrimental to the wider community. They are aimed at ensuring public spaces can be enjoyed by everybody and be free from ASB.

Current PSPO's

2.2 The Council's current PSPO's were initially adopted in April 2017 They were subject to a review that commenced in 2022 and following that review they were renewed without change in 2023.

2.3 The current PSPO's cover the following activities and areas of the district

<b>PSPO Description</b>	<b>Areas Covered</b>
Fouling of land by dogs	Boroughwide
Control of fires and barbeques	Council Land, National Trust Land, Yorkshire Water Land
Control of sky lanterns, fireworks and balloons including helium balloons	Footpaths and Castle Hill Nature Reserve
Dogs – Means of picking up dog faeces	Footpaths and Castle hill Nature Reserve
Dogs on leads by direction	Wilton, Beaumont, Greenhead, Crow Nest and Ravenknowle Parks
Dogs exclusion	Boroughwide in Play Areas, Games areas, skate parks
Public urination and defecation	Batley, Dewsbury, Huddersfield, Marsden and Slaithwaite Real Ale Trail
Street drinking	Batley, Dewsbury, Huddersfield, Marsden and Slaithwaite Real Ale Trail

- 2.4 Revising the current PSPO's was also an opportunity to look at the Council's scheme of delegation and look to delegate enforcement powers linked to PSPO's to other Council teams and officers from external partners. Currently powers to enforce the PSPO's sit solely with officers from the Greenspace Action Team, who have limited resources.

### Proposed Changes

- 2.5 Following meetings with internal teams and external partners it is proposed to create a single new PSPO for Huddersfield, Dewsbury, Ravensthorpe and Batley Town Centres addressing, amongst other, the following issues –

#### Street Drinking

While the current Street Drinking PSPO goes some way to address the ASB issues linked with on street drinking. The current phrasing of this PSPO means an officer has to prove the drinking 'has had' or 'is likely to have' a detrimental effect on the quality of life.

The shifting nature of issues within town centres means it is not always possible for officers prove the effect of on street drinking, it is therefore proposed to reword the existing PSPO to remove the need to prove a 'detrimental effect' and move to a PSPO that covers being in possession of' an open vessel containing, or pertaining to contain, alcohol'. Moving to this style of PSOS would provide officers with greater flexibility to address more ASB issues linked with on street drinking.

- Bird Feeding

Feeding of birds, in particular pigeons, is an emerging issue with the town centres, which is leading to more calls for service to the Council's Pest Control team.

Introducing a PSPO that prevents bird feeding will, via education of the public in the first instance, enable officers to take relevant enforcement action where education proves unsuccessful.

- Loitering, Nuisance Behaviour and Temporary Structures

Currently the Council does not have a PSPO to cover loitering, nuisance behaviour, or ASB associated with having structures such as tents within the town centres.

Given the housing crisis, this is an emerging issue within Kirklees and is becoming more prevalent as other local authorities across West and South Yorkshire and Greater Manchester put in place PSPO's to cover this activity.

Introducing a PSPO to address this issue, will give officers the flexibility to address this issue and bring Kirklees in line with other local authorities within the region.

- 2.6 A copy of the proposed town centre PSPO can be found at **appendix 1**

- 2.7 In addition to the proposed standard town centre PSPO, a borough wide PSPO is proposed to address the issue of nuisance vehicles.

- 2.8 ASB linked to nuisance vehicles, particularly anti-social use of motorbikes, is an emerging issue. Introducing a PSPO to tackle this issue will provide West Yorkshire Police greater powers to gather evidence and issue fixed penalty notices on persistent offenders.
- 2.9 A copy of the proposed nuisance vehicle PSPO can be found at **appendix 2**

#### Partners – Evidence Gathering

- 2.10 As part of the revised PSPO's it is proposed that Council officers to gather evidence and information of breaches of the PSPO's and provide a more proactive approach to enforcement.

The aim of this is to increase capacity to gather evidence, which will be passed to authorised officer to issues fixed penalty notices where appropriate to do so.

#### Partnering Agencies / Internal Teams

- 2.11 The Council has held meetings with partner agencies and Safer Kirklees, Greenspace Action Team and West Yorkshire Police. Following those meetings, West Yorkshire Police, along with the afore-mentioned internal teams, support the revised PSPO's and the introduction of the additional PSPO's and have agreed in principle to their officers information gather in order to enforce the PSPO's should they be adopted.

#### Signage

- 2.12 Where a local authority introduces a PSPO there is a legal requirement to place sufficient signage at, or adjacent to, the area affected by the PSPO.

#### Existing PSPO's

- 2.13 The following existing PSPO's, not amended by the proposed changes, will remain in place.
- Control of fires and barbeques
  - Control of sky lanterns, fireworks and balloons, including helium balloons
  - Dog Fouling, Dog- means of picking up faeces and Dog Exclusions – no change to the wording, but amalgamated into one PSPO

### **3. Implications for the Council**

#### **3.1 Council Plan**

The proposed PSPO's support the Council's 24 / 25 Corporate Plan and shared outcomes by ensuring the Council's PSPO's are effective in their application and promote positive outcomes for our residents and support the regeneration of our town centres.

#### **3.2 Financial Implications**

The financial implications remain unchanged, The Council currently employs two PSPO Officers and this remains the same.

### 3.3 Legal Implications

The power to introduce PSPO's are contained with the Anti-Social Behaviour, Crime and Policing Act 2014, and the requirement to advertise their creation is contained with the regulation made under the Act (The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014).

Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location. The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without a reasonable excuse is an offence.

Powers to create PSPOs came into force in October 2014. As well as enabling local authorities to address a range of different issues, the Orders replaced Designated Public Place Orders (DPPOs), Gating Orders and Dog Control Orders. Existing DPPOs, Gating Orders and Dog Control Orders which automatically become PSPOs (as of 20 October 2017).

### 3.8 Other (eg Risk, Integrated Impact Assessment or Human Resources)

#### IIA

An IIA has been completed as part of the development of the proposed PSPO's, this has not highlighted any equality issues. [PSPO - Integrated Impact Assessment](#)

#### HR

There are no apparent HR issues with the proposed PSPO's,

#### **Consultation**

3.4 In line with the requirements of the legislation, public consultation took place between 9 July 2024 to the 6 August 2024 via an online survey accessed through the Council's Website.

3.5 The consultation received 371 Responses, with the majority of the responses being in favour of more enforcement and tougher sanctions, across all areas of the PSPO's

3.5.1 In relation to new PSPO's around Nuisance Vehicles 88 percent of respondents wanted the PSPO.

- Begging: The majority of respondents (84%) felt that the issue of begging had either stayed the same or got worse over the past 3 years.
- Loitering: The majority of respondents (81%) felt that the issue of loitering had either stayed the same or got worse over the past 3 years.
- Street drinking: The majority of respondents (75%) felt that the issue of street drinking had either stayed the same or got worse over the past 3 years.

- Public urination / defecation: The majority of respondents (53%) felt that the issue of street drinking had either stayed the same or got worse over the past 3 years.
- Feeding birds or vermin: The majority of respondents (59%) felt that the issue of Bird Feeding had either stayed the same or got worse over the past 3 years.
- Erecting temporary structures without land owners permission: The majority of respondents (65%) answered 'I don't know / this doesn't affect me' regarding this issue

#### **4. Engagement**

- 4.1 In developing the proposed PSPO's pre-consultation engagement took place with, Greenspace Action Team, Huddersfield Bid, Safer Kirklees and West Yorkshire Police.
- 4.2 Engagement with persons affected by the PSPO's have been visited and support offered through local charities such as Hope for Justice and Change Life Grow, working alongside Kirklees Rough Sleepers Team and the current PSPO Officers.
- 4.3 A grace period will be given and a educational process will start advising members of the public of the PSPO's along with new signage and a press release.

#### **5. Options**

##### **5.1 Options considered**

Options considered were to not review the existing PSPO and continue to work with internal teams and external partners to address ASB issues using existing powers and existing PSPO's. The main reason this option was rejected was due to feedback from engagement with partners that some of the current PSPO's are not sufficient to address the changing nature of ASB within the district, and did not provide sufficient flexibility to address issues.

##### **5.2 Reasons for recommended option**

Revising and strengthening the Council's PSPO's will introduce greater flexibility in how the Council and its partners address the changing nature of ASB within the district. In addition, the revised scheme of delegation will increase the Council's capacity to enforce the PSPO's

#### **6. Next steps and timelines**

- 6.1 The following flightpath was agreed by the Service Director for Highways and Street Scene, with a recommendation that, if agreed, the proposed PSPO's be adopted by way of the Service Director for Highways and Streetscene.
- 6.2 The Portfolio Holder was briefed on the 20<sup>th</sup> August 2024 and was supportive of the proposals

**7. Contact officer**

Neil Sidhu  
Complex Enforcement Manager  
Public Protection

**8. Background Papers and History of Decisions**

Officer Delegated Decision – Adoption of 2023 reviewed PSPO's - [Decision - Public Space Protection Order Review Decision | Kirklees Council](#)

20<sup>th</sup> August 2024 – briefing to portfolio holder – Cllr Ahmed, No comments made, agreed with the proposed changes.

30<sup>th</sup> October 2024 – SLT – Place – Agreed proposed changes.

12<sup>th</sup> November 2024 – ELT – Outcome TBA due to the requirements of the report deadline for scrutiny.

**9. Appendices**

Appendix 1 Proposed Town Centre PSPO

Appendix 2 Proposed Borough Wide Nuisance Vehicle PSPO

**10. Service Director responsible**

Graham West  
Service Director  
Highways & Street Scene

Katherine Armitage  
Service Director  
Environmental Strategy & Climate Change

Kirklees Council  
Anti-Social Behaviour Crime and Policing Act 2014  
Public Space Protection Order (Huddersfield Town Centre)

This order is made by Kirklees Council (“the Council”) and shall be known as the {insert town centre} Town Centre Public Space Protection Order (“this Order”)

1. This Order shall come into operation on XXXXXDATE and shall have effect for 3 years thereafter, unless extended by further order as set out in the Act.
2. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely that activities carried out in a public place within the authority’s area have had or it is likely that they will have a detrimental effect on the quality of life of those in the locality.
3. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by the Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.
4. The Outlined Plan marked in red applies to all the orders below,

The Order

Prohibitions	Requirements	Area Affected
Begging	No person shall make any verbal, non-verbal or written request for money, donations or goods, including the placing of hats, clothing or containers so as to cause or is likely to cause harassment, alarm, distress, nuisance, or annoyance	Within Huddersfield Town Centre
Loitering	No person shall loiter, sit or lay on the floor or on temporary structures in or adjacent to doorways or around pay machines (including banks, supermarkets) in a manner causing or likely to cause harassment, alarm, distress, nuisance	Within Huddersfield Town Centre



	or annoyance to any person within the Town Centre.	
No return within a 24 hour period	No person shall, after being requested to leave by an authorised officer due to them behaving in a manner causing or likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Town Centre without reasonable excuse, remain or return to the Town Centre within a period of 24 hours.	Within Huddersfield Town Centre
Street Drinking	No person shall consume alcohol in any public place in the Town Centre other than at licensed premises or shall be in possession of any opened vessel containing or appearing to contain alcohol in any public place save for those places identified by Section 62 of the Act	Within Huddersfield Town Centre
No urinating or defecating in public places	No person shall urinate or defecate in any public place; this does not include public toilets.	Within Huddersfield Town Centre
No Feeding of Birds and / or Vermin	No Person shall feed the birds or vermin	Within Huddersfield Town Centre
No Temporary Structures without the Land Owners Permission	No Person shall erect temporary structures in any public place within the Town Centre	Within Huddersfield Town Centre

Kirklees Council  
Anti-Social Behaviour Crime and Policing Act 2014  
Public Space Protection Order (Nuisance Vehicles)

This order is made by Kirklees Council (“the Council”) and shall be known as  
Nuisance Vehicles Public Space Protection Order (“this Order”)

1. This Order shall come into operation on **XXXXXDATE** and shall have an effect for 3 years thereafter, unless extended by further order as set out in the Act.
2. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely that activities carried out in a public place within the authority’s area have had or it is likely that they will have a detrimental effect on the quality of life of those in the locality.
3. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by the Order and that it is all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.
4. The Outlined Plan marked in red applies to all the orders below,

The Order

Prohibitions	Requirements	Area Affected
Performing Stunts	Performing stunts using a motorised vehicle, (including but not limited to performing doughnuts, drifting, skidding, handbrake turns and wheeling. Including Public Right of Ways is prohibited	Kirklees Wide
	Causing danger or risk of injury to road users including pedestrians is prohibited	Kirklees Wide
Cat Calling from motorised vehicles	Shouting, or unsolicited sexualised or offensive comments or gestures cat calling from vehicles is prohibited	Kirklees Wide