

**REPORT TITLE: Public Space Protection Orders**

<b>Meeting:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>9<sup>th</sup> April 2025</b>
<b>Cabinet Member</b> (if applicable)	<b>Councillor Munir Ahmed</b>
<b>Key Decision Eligible for Call In</b>	<b>Yes Yes</b>
<b>Purpose of Report</b>  The purpose of this report is to update Cabinet members of a revision to the Council's Public Space Protection Orders ('PSPO') and the introduction of new PSPO's,	
<b>Recommendations</b>  It is recommended that the Cabinet agree to adopt the new and revised PSPO's as presented at appendix 1 and appendix 2.	
<b>Reasons for Recommendations</b>  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, opening the evidence gathering to external partners and all council staff will increase the Council's capacity to educate and take the appropriate action where necessary.	
<b>Resource Implications:</b>  Resources from Greenspace Action Team to install signage, this will be undertaken as part of their normal duties.  Currently the Council employs 2 PSPO Officers, who cover the whole of Kirklees. We proposed that we work alongside our Huddersfield Bid and West Yorkshire Police colleagues to gather evidence in order for the Council to take the appropriate action which will consist of a graduated response with education being the first step leading on to potential enforcement action such as 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>Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer)?</b>	27 <sup>th</sup> March 2025 David Sheppard  27 <sup>th</sup> March 2025 Kevin Mulvany  28 <sup>th</sup> March 2025 Samantha Lawton

**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 education and enforcement of PSPO's.

## 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

## Proposed Changes

2.4 After reviewing the evidence from internal statistics with the council, West Yorkshire Police and Huddersfield Bid, meetings with partners both internally and externally, it is proposed to create a single new PSPO for Batley, Dewsbury, Holmfirth, Huddersfield, Ravensthorpe 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 PSPO's 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 this PSPO will provide officers the flexibility to address this issue, with education and support being a key part of this. In addition, it will bring Kirklees in line with other local authorities within the region.

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

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

2.7 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.

2.8 A copy of the proposed nuisance vehicle PSPO can be found at **appendix 2**

### Approach

2.9 In line with the Council's corporate enforcement policy there will be a graduated response to reports / evidence of breaches of the PSPO's; with education as the initial course of action playing a key role in this. In line with the corporate enforcement policy any formal action will be reserved for more serious and / or persistent breaches and where education has proved unsuccessful.

### Partners – Evidence Gathering

2.10 As part of the revised PSPO's it is proposed that Huddersfield Bid, along with West Yorkshire Police, with Council staff to gather evidence and information of potential breaches of the PSPO's and provide a more proactive approach to education and enforcement.

### 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 gathering, which will then be passed to be reviewed by the appropriate officers.

### 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.  
The cost of signage is anticipated to be circa £5000, there are no more anticipated costs.

### 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,

## 4 Consultation

4.1 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. 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

4.2 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 Public urination / defecation 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

## **5. Engagement**

- 5.1 In developing the proposed PSPO's pre-consultation engagement took place with, Greenspace Action Team, Kirklees Rough Sleeper Team, Huddersfield Bid, Safer Kirklees and West Yorkshire Police.
- 5.2 Engagement with vulnerable persons likely to be affected by the implemented PSPO's has been conducted with officers visiting food banks, missions and various hot spots across the authority. Officers working with the centres and problem areas have been signposting persons to various charities and council departments to try and resolve any issues they may have.

Officers have also been on a monthly schedule visiting problem areas with partners such as Rough Sleepers Team, Hope for Justice, Safer Kirklees and also Change Grow Live to support persons of interest.

Officers will still conduct the support visits in order to ensure that the PSPO's are not affecting the most vulnerable persons in society.

- 5.3 Following feedback from Scrutiny Panel, A grace period will be given and an educational process will start advising members of the public of the PSPO's along with new signage and a press release along with visits to Missions and foodbanks.

## **6 Options**

### **6.1 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.

### **6.2 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, opening the evidence gathering to external partners and all council staff will

increase the Council's capacity to educate and take the appropriate action where necessary.

## **7 Next steps and timelines**

7.1 For Cabinet to consider the proposal at its meeting on the 9<sup>th</sup> April 2025.

## **8 Contact officer**

Neil Sidhu  
Complex Enforcement Manager  
Public Protection

## **9 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> November 2024 – Environment and Climate Change Scrutiny Committee - [Agenda for Environment and Climate Change Scrutiny Panel on Wednesday 20th November 2024, 2.00 pm | Kirklees Council](#)

## **10 Appendices**

Appendix 1 Proposed Town Centre PSPO

Appendix 2 Proposed Borough Wide Nuisance Vehicle PSPO

## **11 Service Director responsible**

Katherine Armitage  
Service Director  
Environmental Strategy & Climate Change

The Council of the Borough of Kirklees  
Anti-Social Behaviour Crime and Policing Act 2014, Section 59  
Public Space Protection Order (Huddersfield Town Centre)

This order is made by the Council of the Borough of Kirklees (“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 be 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,	Within Huddersfield Town Centre

	alarm, distress, nuisance or annoyance to any person within the Town Centre.	
No return within a 24 hour period	No person shall, after being requested to leave the area 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 in 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 Landowners Permission	No Person shall erect temporary structures in any public place within the Town Centre	Within Huddersfield Town Centre

The Council of the Borough of Kirklees  
Anti-Social Behaviour Crime and Policing Act 2014, Section 59  
Public Space Protection Order (Nuisance Vehicles)

This order is made by the Council of the Borough of Kirklees (“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) on the highway, i Including Public Rights of Way is prohibited 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, such as cat calling from vehicles is prohibited	Kirklees Wide