

Report to	-	Cabinet
Date	-	2 October 2017
Report of the	-	Executive Director of Business Operations
Subject	-	Public Spaces Protection Order- Anti-social Behaviour

Recommendation: It be **RESOLVED:** That officers be authorised to consult the public, and parish and town councils about provisions to control anti-social behaviour and report the results back to Cabinet.

Service Manager: Richard Parker-Harding
Lead Cabinet Member: Councillor Mrs Kirby-Green

Introduction

1. The Council has made a Public Spaces Protection Order (PSPO) for the control of dogs throughout the district. It may now vary the Order to include controls on other types of anti-social behaviour (Minute CB14/32 refers). To justify including controls within the Order, evidence that a problem exists or is likely to occur is required. In addition consultation with interested parties, including the police and parish/town councils is required. The results of the consultation with the public may in itself provide evidence that the control is necessary.

Public Spaces Protection Order

2. PSPOs can be used to control anti-social behaviour in a particular area. Such as alcohol bans, bans on the playing of amplified music, busking, swearing etc.
3. PSPOs are intended to deal with a nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can enjoy public spaces, safe from anti-social behaviour.
4. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activity/activities carried out, or are likely to be carried out, in a public space:
 - have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justifies the restrictions imposed.
5. The restrictions specified in a PSPO can be set by the Council; these can be blanket restrictions or requirements, or can be targeted against certain

behaviours by certain groups at certain times. They can restrict access to public rights of way where that route is being used to carry out anti-social behaviour.

6. Short-term PSPOs could be used where it is not certain that restrictions will have the desired effect, for instance, when closing a public right of way. At any point before expiry, the Council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or recurring.
7. The breach of a PSPO is a criminal offence; enforcement officers can issue a fixed penalty notice of up to £100 if appropriate, but a fine of up to £1,000 can be made on prosecution.
8. More than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a larger range of behaviours.

Enforcement

9. PSPOs can be enforced by council officers and police officers.

Proposed Controls

10. Appendix A sets out the controls being proposed that will be subject to public consultation. The results of the consultation will then be reported back before formally consulting the police etc.

Dr Anthony Leonard
Executive Director of Business Operations

Risk Assessment Statement

Failure by the Council to have an adequate PSPO may result in an inability of the Council or the police to respond to anti-social behaviour.

Proposed Controls to be included in a PSPO to all or certain areas of Rother

1. The feeding of seagulls and pigeons and vermin in a public area.
2. Begging or placing themselves in a position to beg or solicit money for example by loitering around cash machines or shop entrances. For these purposes loitering means “standing or waiting around without apparent purpose”.
3. To occupy for the purposes of sleeping or residing in stationary vehicles on the highway during the hours of darkness.
4. To occupy for the purposes of sleeping or residing in Council owned public shelters during the hours of darkness.
5. Loitering in public toilets. For these purposes loitering means “standing or waiting around without apparent purpose”.
6. Camping or sleeping at night [during the hours of darkness] on the beach (excluding persons fishing), public open space, the highway or shop doorways and curtilages.
7. Consuming alcohol or having an open alcohol container in any public place after having being requested by an Authorised Officer to cease consumption or hand over the container. This provision does not apply to alcohol being consumed on licensed premises or on pavements owned by the business or occupied under licence from East Sussex Highway Authority or on land which has the benefit of a Temporary Event Notice (Licensing Act 2003).
8. Taking off into flight (with wings, canopies with or without a motor) and landing from flight from land owned by the Council without written permission.
9. The flying or preparation for flying of drones in a manner that causes or likely to cause harassment, alarm or distress to any person.
10. Swearing or shouting in a manner that causes or likely to cause harassment, alarm or distress to any person.
11. Cycling, skateboarding or using any vehicle (whether mechanically propelled or not) on the promenade in a reckless manner including excessive speed.
12. Producing or allowing the production of amplified sound on the beach, promenade or Town centre in a manner that causes or likely to cause harassment, alarm or distress to any person.
13. Cooking or having fires on the beach or other public place in a manner that causes or likely to cause harassment, alarm or distress to any person.
14. Depositing domestic waste in bags or commercial waste in a litter bin or beside a litter bin.

15. Parking a motorised vehicle wholly or partly on a pavement, so as to obstruct pedestrians.
16. Organised groups carrying out exercise routines on land owned by the Council in a manner that causes or likely to cause harassment, alarm or distress to any person.
17. Unauthorised removal of fossils from the beach or land owned by the Council.
18. Placing or allowing a skip to be on the highway in a manner that causes or likely to cause harassment, alarm or distress to any person, unless a licence from East Sussex Highway Authority is held.