
**ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014
PUBLIC SPACES PROTECTION ORDERS –
REQUEST FOR DELEGATED AUTHORITY**

Responsible Cabinet Member – Councillor Bill Dixon, Leader

Responsible Director – Murray Rose, Director of Commissioning

SUMMARY REPORT

Purpose of the Report

1. To seek Cabinet approval to delegate authority to approve Public Spaces Protection Orders (PSPOs) to the Director of Public Health.

Summary

2. The Anti-Social Behaviour Crime and Policing Act 2014 makes provision for Councils to issue a PSPO after consultation with the Police, Police and Crime Commissioner and other relevant parties. A PSPO is designed to stop individuals or groups persistently committing anti-social behaviour in a public place.
3. Section 13(2) of the Local Government Act 2000 provides that subject to specific exemptions, any function not specified in the Local Authorities (Functions and Responsibilities) (England) Regulations is to be the responsibility of Cabinet as the Council's Executive. Section 14 of the Act then makes provision for the discharge of these functions by the executive itself, members of the executive or an officer of the Council. In order to reduce the timescale for the introduction of the PSPO, approval is sought to delegate the authority to the Director of Public Health as the person responsible for community safety in cases where there are no significant issues or sensitivities. Where there are any significant issues, the decision to approve a PSPO will be made by Cabinet.

Recommendation

4. It is recommended that Cabinet:
 - (a) Notes the contents of the report and legislation relating to PSPOs.
 - (b) Agrees to the request for delegated authority to be given to the Director of Public Health to approve PSPOs, unless they are likely to be considered to be

sensitive or significant.

Reasons

5. The recommendations are supported by the following reasons:
 - (a) One of the objectives of the new legislation is to enable swift solutions to anti-social behaviour in communities. Delegating authority from Cabinet to a Council officer will reduce the timescale for the decision making process.
 - (b) Section 14 of the Local Government Act 2000 allows for delegation to take place in this way.

Murray Rose
Director of Commissioning

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S17 Crime and Disorder	The introduction of the Anti-Social Behaviour Crime and Policing Act 2014 and in particular the Public Spaces Protection Orders will make a significant contribution to tackling crime and disorder.
Health and Well Being	Suffering the effects of anti-social behaviour can have a negative impact upon the health and well-being of individuals and communities.
Carbon Impact	There are no carbon impact implications in this report.
Diversity	Public Spaces Protection Orders will be progressed in partnership with various partner agencies involved in the Community Safety Partnership. It is essential that all applications for Public Spaces Protection Orders are dealt with in a way that is fair and does not adversely affect any one group more than another. The Council carries out equalities impact assessments to identify the potential impact of strategies and proposals on these groups and to fulfil its equality duty. Where appropriate, it will carry out impact assessments that focus on the groups residing in the affected area.
Wards Affected	A PSPO could be introduced in any way.
Groups Affected	Potentially any group of residents could be impacted upon by anti-social behaviour and the introduction of a PSPO.
Budget and Policy Framework	This report updates the Council's policy framework.
Key Decision	No.
Urgent Decision	No.
One Darlington: Perfectly Placed	The new legislation contributes to the "safer" element of the Sustainable Community Strategy.
Efficiency	Use of delegated authority will make the process for implementing a PSPO quicker and so reduce the length of time that agencies have to deploy resources there.

MAIN REPORT

Information and Analysis

6. In April 2014 the Government introduced new anti-social behaviour (ASB) legislation, which applies in England and Wales and takes forward measures to:
- Focus the response to anti-social behaviour on the needs of victims by
- (a) Empowering communities to get involved in tackling anti-social behaviour.

- (b) Ensuring professionals can protect the public quickly through faster, more effective powers and proposals to speed up the eviction of the most anti-social tenants.
 - (c) Focusing on long-term solutions.
7. The remedies contained within the Act are:
- (a) Community Remedy
 - (b) Community Panel
 - (c) Criminal Behaviour Order
 - (d) Police Dispersal Power
 - (e) Community Protection Notice
 - (f) Public Spaces Protection Order
 - (g) Closure Power
 - (h) New Absolute Ground for Possession

Delivery arrangements

8. In order to ensure that the Community Safety Partnership (CSP) is ready to implement the new legislation, a time limited operation group was set up chaired by the ASB Team Manager, Anna Willey, with membership from a wide range of relevant organisations. A small strategic group was also established chaired by Chief Superintendent Graham Hall. The operational group have considered all of the proposed legislation and have created new processes where required. In many cases the changes required were not highly significant as the remedies are similar to those put in place under the old legislation. Those areas requiring most work are the Community Trigger, Community Remedy and the Public Spaces Protection Order which is the subject of this report.

Public Spaces Protection Orders (PSPOs)

9. Public Spaces Protection Orders are designed to stop individuals or groups from causing anti-social behaviour in a public space. The legislation enables Councils to issue a PSPO after consultation with the Police, Police and Crime Commissioner and other relevant bodies.
10. The restrictions are set by the Council and can be blanket restrictions or can be targeted around specific behaviour by certain groups at certain times. The order can restrict access to public rights of way, where that route is being used to commit anti-social behaviour.
11. A PSPO can be enforced by a Police Officer, Police Community Support Officer and Council officers. A breach is a criminal offence and officers can issue a fixed penalty notice of up to £100. Prosecution can lead to a fine of up to £1000.
12. Where it is felt that a PSPO may be required, the initial discussion will take place at the Community Safety Partnership Problem Solving Group (PSG) to ensure that all other possible courses of action have been considered. If that is the case then an application form will be completed for approval to implement a PSPO.

13. Section 13(2) of the Local Government Act 2000 provides that subject to specific exemptions, any function not specified in the Local Authorities (Functions and Responsibilities) (England) Regulations is to be the responsibility of Cabinet as the Council's executive. Section 14 of the Act then makes provision for the discharge of these functions by the executive itself, members of the executive or an officer of the Council. In order to reduce the timescale for the introduction of the PSPO approval is sought to delegate the authority from Cabinet to the Director of Public Health as the person responsible for community safety in cases where there are no significant issues or sensitivities.
14. It is proposed that if Cabinet agrees to the authority for approving some applications for PSPOs being delegated to the Director of Public Health, all applications will be considered by the Chief Officer's Board (COB) in the first instance to ensure that it is appropriate for the Director of Public Health to approve the application. Where it is felt that implementing a PSPO may be sensitive, for example, if it would include restricting public rights of way, then the application will be referred to Cabinet for a decision.

Equalities

15. It is essential that each application for a PSPO is implemented in such a way that any outcomes are fair and help advance equality. The Equality Act 2010 requires the Council and other public agencies to "have due regard" in their decisions, services and programmes to eliminating discrimination, harassment and victimisation; to advancing equality of opportunity and to fostering good relations between people of different backgrounds. The duty applies specifically to age, disability, religion/faith, race, sex, sexual orientation, gender reassignment, pregnancy and maternity and marriage and civil partnership. It is essential that each application for a PSPO is implemented in a way that ensures that any outcomes are fair and helps advance equality and the principles of the Act will be applied in each case.
16. Summarise legal implications, in particular making reference to relevant legislation. A legal checklist has been provided to assist in the preparation of reports.

Conclusion

17. PSPOs are being introduced as part of the Anti-Social Behaviour, Crime and Police Act 2014. The Act aims to bring about quick and effective solutions to anti-social behaviour. A process for implementing PSPOs has been developed and in order to reduce the timescales involved, it is proposed that authority to approve the PSPO is given to the Director of Public Health, unless COB decides that the issues involved are of such a nature that a Cabinet decision is required.