

WEST NORTHAMPTONSHIRE COUNCIL CABINET

12 December 2023

**Cabinet Member for Community Safety & Engagement, and Regulatory
Services: Councillor David Smith**

Report Title **WNC (Northampton) PSPO 2023**

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List of Appendices

Appendix A – the current PSPO

Appendix B – the proposed new PSPO

1. Purpose of Report

- 1.1. To approve the amended Public Spaces Protection Order covering the whole of Northampton for three years.

2. Executive Summary

- 1.2. West Northants Council currently has a Public Spaces Protection Order (PSPO) which covers the whole of Northampton. The current order was introduced in 2020 in response to issues of anti-

social behaviour which included drug use, street drinking and urinating in public places. PSPOs last for three years, after which they can be rescinded, extended or amended. Following consultation with partner agencies and the public an amended Order is presented for approval.

3. Recommendations

3.1 It is recommended that Cabinet:

- a) Approves the new Public Spaces Protection Order as set out in Appendix B for a period of three years.

4. Reason for Recommendations

- To achieve significant benefits for customers of the Council as outlined in the body of the report.
- To accord with anti-social behaviour legislation and the policy of the Council and its partners
- To deliver the preferred option for partner agencies and the majority of respondents to the public consultation.

5. Report Background

- 5.1 The Anti-Social Behaviour, Crime and Policing Act 2014 provides local authorities and the Police with the powers to tackle Anti-Social behaviour and provide better protection for victims.
- 5.2 Public Spaces Protection Orders (PSPOs) are designed to stop all individuals, or a specific group of persons, committing Anti-Social behaviour in a public space. The criteria that must be satisfied when considering whether to make a PSPO is whether a particular activity or activities has or is likely to have a detrimental effect on the quality of life of those in the locality, that the activity is, or is likely to be, persistent or continuing in nature and unreasonable, and any restriction is justified.
- 5.3 Northampton continues to be impacted by a range of anti-social behaviour on its streets and the current Order allows the Council and its partners to tackle some of these issues.
- 5.4 In consulting with partner agencies we started from the position of asking whether the Order was still needed and whether it was effective in tackling the targeted issues. Partners were overwhelming in their support for the amendment and extension of the Order.
- 5.5 Granting of this Order is consistent with the use of these tools and powers to date.

6. Issues and Choices

West Northants Council currently has a Public Spaces Protection Order which covers the whole of Northampton. The current order was introduced in 2020 in response to issues of anti-social behaviour which included drug use, street drinking and urinating in public places.

The current Order prohibits:

- The use of intoxicating substances, including illegal or psychoactive substances
- Possessing an item to use/take an intoxicating substance, this includes needles and smoking devices that are not e-cigarettes
- Consumption of alcohol in unauthorised or unlicensed open areas, for example on streets
- Urinating or defecating in public places, unless a toilet has been provided for that purpose
- Spitting

Initial consultation was with partner agencies in the Northampton Town Centre Task Group, which comprises Northants Police - Neighbourhood, Crime Prevention, Licensing; East Midlands Ambulance Service, Northampton Town Council, Northampton BID, Grosvenor Centre Management, OPFCC, Northants Fire & Rescue, University of Northampton, Arson Task Force, Northampton Guardians; WNC Licensing, CCTV, Enforcement, Highways, Regeneration, Single Homeless, Planning, Waste Management, Town Centre Management. This shaped the amendments and additions to the Order which was put out for broader consultation.

The new Order includes two new provisions:

- Riding a bike or scooter when requested not to do so by the Police or a Council authorised person
- Busking when requested not to do so by the Police or a Council authorised person

The current Order also has provision for the control of dogs, however this has been removed from the renewal as it is now covered under a separate Order.

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 The public consultation gave very clear indication of support for the Order, but disappointment at the level of enforcement. We are seeking additional resource from external sources which will be dedicated to enforcement of the Order.

7.1.2 There are no other resources or financial implications arising from the proposals.

7.2 Legal

7.2.1 These amendments have had the benefit of legal advice and fall within the powers granted to the Authority under The Anti-social Behaviour, Crime and Policing Act 2014 (as amended).

7.3 Risk

7.3.1 There are no significant risks arising from the proposed recommendations in this report.

7.4 Consultation and Communication

7.4.1 There is a requirement for the Council to carry out a statutory consultation with the local Police force and any appropriate community representatives, as well as any owner or occupier of land within the proposed restricted area. In relation to proposals to restrict access to land, persons potentially affected must also be notified of the proposed PSPO and the period within which

they may make representations about it. The Council has a legal duty to consider any representations received with regard to a proposed PSPO.

- 7.4.2 Initial consultation was with partner agencies in the Northampton Town Centre Task Group, which comprises Northants Police - Neighbourhood, Crime Prevention, Licensing; East Midlands Ambulance Service, Northampton Town Council, Northampton BID, Grosvenor Centre Management, OPFCC, Northants Fire & Rescue, University of Northampton, Arson Task Force, Northampton Guardians; WNC - Licensing, CCTV, Enforcement, Highways, Regeneration, Single Homeless, Planning, Waste Management, Town Centre Management. This shaped the amendments and additions to the Order which was put out for broader consultation.
- 7.4.3 Consultation took place over six weeks, closing on 12 September 2023, hosted on the WNC Consultation Hub. The consultation was promoted via the standard media channels and in addition, letters were sent directly to the Town and Parish Councils, and Ward Councillors to notify them of the consultation and how to submit views.
- 7.4.4 There were responses from 178 individuals, 5 Organisations and responses from 13 Northampton business representatives (3 not answered).
- 7.4.4.1 Respondents were very or fairly concerned about the following:
- Use of intoxicating substances – 159
 - Alcohol consumption – 144
 - Urinating / defecating – 155
 - Spitting – 144
 - Cycles / scooters – 139
 - Busking – 36
- 7.4.4.2 131 respondents stated that they had experienced nuisance behaviours in the last six months, specifically:
- Use of intoxicating substances – 81
 - Alcohol consumption – 86
 - Urinating / defecating – 63
 - Spitting – 64
 - Cycles / scooters – 98
 - Busking – 22
 - Other – 44
- 7.4.4.3 To the question of whether the current PSPO helps to address issues:
- 62 felt the current PSPO helps address issues
 - 54 disagreed
 - the remainder neither agreed or disagreed, or offered no opinion
- 7.4.4.4 Of those who disagreed, the majority stated that this was because enforcement had been lacking to date: 31 of these 54 respondents agreed with the renewal for a further three years, implying it was the enforcement of the Order which was at issue, not the Order itself.

7.4.4.5 To the question of whether the PSPO (as amended) should be renewed:

- 126 agreed that the PSPO as amended should be renewed
- 10 disagreed
- the remainder neither agreed or disagreed, or offered no opinion

7.4.4.6 Of those who disagreed, their comments either showed that they agreed with some of the proposed actions (so disagree seems an odd response) or their concern was about the lack of enforcement (perhaps best summarised as “what is the point of granting powers that aren’t currently used”).

7.4.5 The amended Order will be Communicated to the residents of the impacted area and relevant signage will be put in place

7.5 **Consideration by Overview and Scrutiny**

7.5.1 No comments have been received by the Overview and Scrutiny Committee in relation to this report and its recommendations.

7.6 **Climate Impact**

7.6.1 There are no climate impacts arising from the amendment of this Order.

7.7 **Community Impact**

7.7.1 The Equality Impact Assessment identified no negative impact for any protected group.

8. **Background Papers**

8.1 There are no background papers for this report.