BASSETLAW DISTRICT COUNCIL

DELEGATED OFFICER DECISION

NB Officers taking delegated decisions must ensure that they are fully conversant with the conditions applicable to the exercise of delegated powers by officers and in particular that the decisions are in accordance with the Council’s policies, powers and financial regulations.

Details of such conditions are to be found in the Council’s Constitution and in cases of any doubt advice must be sought from the Council’s Financial and/or Legal officers.

DELEGATED POWERS REFERENCE

The power was delegated by full Council on 18 December 2014 item 56(e) referral from Cabinet on 2nd December 2014 Minute No. 88(c) – Anti-Social Behaviour Policy and Procedures 2014 (Key Decision No. 474).

The power is now contained in paragraph 5.5 of the Council’s constitution.

IS THE DECISION CONFIDENTIAL? NO

OFFICERS ADVICE:

Background

Retford Town Centre has been the location for ongoing and persistent Anti-Social Behaviour for an extended period of time. The area was previously subject to a DPPO and this was converted to a Public Space Protection Order (PSPO) in 2015 after a number of measures available under the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") were used by Bassetlaw District Council and Nottinghamshire Police with varying degrees of success.

Individuals and small groups of people regularly congregate in the Town Centre area. These individuals are frequently under the influence of alcohol or new psychoactive substances (NPS) and this behaviour impacts on local residents and visitors within the town centre.

Officers of the Council felt the most appropriate and proportionate response to the issues, in the town centre (see below) would be to exclude the individuals casing the issues from congregating in the specific area and engaging in anti-social activities, this was done via the 2016 Retford PSPO.

The original Retford PSPO expires in 2019 and the view was to seek to extend this until 16 June 2022 to allow the prohibitions to be continue to be used. There have been a number of Fixed Penalty Notices issues for breach of the current PSPO and successful prosecutions at the Mansfield Magistrates Court. There has been a considerable amount of multi-agency work carried out in the Town Centre, through Project Steppingstones. The PSPO has been one of the main early intervention enforcement tools that has provided the foundations to all of this work.

The aim of the most recent consultation was to consult with the local community and statutory consultees on extending the PSPO in Retford until June 2022. The order would be in the same terms as the current PSOP and the designated area would also be unchanged. There was comprehensive local media coverage. Social media and the Council website were also used to
highlight the consultation. The following individuals and organisations were expressly consulted with:

- East Midlands Ambulance Services,
- Nottinghamshire Fire and Rescue,
- Via East Midlands Ltd,
- Senior Management of Bassetlaw District Council.
- Bassetlaw District Councillor(s) representing Retford Wards
- Nottinghamshire County Councillor representing Retford Wards
- Nottinghamshire Police
- The Office of the Police & Crime Commissioner, Nottinghamshire
- Local Residents
- Nottinghamshire Police

An article was also published in the Retford Times explaining our approach and why this was needed.

The consultation was closed on 19 April 2019

No objections were received

a) **For Service Users**

Residents and visitors to Retford Town Centre will benefit from the introduction of this Public Space Protection Order

b) **Strategic & Policy**

This response is aligned to the objectives set out in the government’s Anti-Social Behaviour, Crime & Policing Act, 2014 and Bassetlaw District Council’s Anti-Social Behaviour policy.

c) **Financial** plus Financial Reference – Fin. Ref. 20/777

The implementation of the Public Space Protection Order can be funded from existing internal resources.

d) **Legal** plus Legal Reference – Legal Ref. 09/04/2019

Paragraph C-HCS-2 of the Council’s constitution delegates authority to the Community Safety Co-ordinator in respect of the Council’s powers to issue a Public Spaces protection Order.

e) **Human Resources**

None

f) **Community Safety, Equal Opportunity & Environmental**

The extension of the Public Space Protection Order will tackle the identified issues and reduce the impact of offending behaviour in the area. The residents and visitors in the area will benefit considerably by not being subjected to behaviour that leaves them feeling harassed, alarmed or distressed.

**g) General Data Protection Regulations**
OPTIONS CONSIDERED:

To not extend the Public Space Protection Order would be to the detriment of the local community. The Council would be failing in its statutory duty in relation to tackling and addressing Crime & Disorder issues.

DECISION (With Reasons):

To approve the extension of the Public Space Protection Order in Retford for a period of 3 years as a measured and appropriate response to tackling issues of Anti-Social Behaviour in the locality.

BACKGROUND PAPERS:

Consultation Letter
Draft PSPO
Map of PSPO – Proposed

SIGNATURE OF DECISION MAKER

........................................... STEPHEN BROWN

DATE ...........................................

2nd May 2019

COPIES TO BE SENT TO:

Democratic Services Unit
Monitoring Officer
Section 151 Officer

Date received by Democratic Services Unit 16th May 2019

Decision Number 9
Proposed Renewal to Public Space Protection Order — Retford Town Centre

On 17 June 2016, Bassetlaw District Council made a Public Space Protection Order ("PSPO") for the above area.

A PSPO is made under powers vested in the local authority by Section 59, of the Anti-Social Behaviour Crime and Policing Act 2014.

Bassetlaw District Council are proposing to extend the period for which the Retford Town Centre Public Spaces Protection Order 2016 is operative for a further 3 years until 16 June 2022. To do this Bassetlaw District Council must be satisfied that the activity or activities it proposes to restrict, in this area:

- 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.

Bassetlaw District Council are satisfied that based on the evidence of breaches of the current Order, the complaints that have been received and the action taken under the current PSPO for this area the above criteria are satisfied, and that there are clear reasons to extend the period for which the current Order is valid.

This notice is an open invitation for the consultation into the proposal by Bassetlaw District Council to extend the period which the current Retford Town Centre Public Spaces Protection Order 2016 remains in operation for.

The consultation will close at 5pm on 19 April 2019. Responses should be sent to the Community Safety Department, Bassetlaw District Council, Queens Buildings, Potter Street, Worksop S80 2AH.

Yours sincerely,

[Signature]
Gerald Connor
Community Safety & Safeguarding Manager.
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

RETFORD TOWN CENTRE PUBLIC SPACES PROTECTION ORDER 2019

Bassetlaw District Council ("the Council") has made the following Public Spaces Protection Order pursuant to Section 59 of Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") after undertaking a consultation as required by Section 72 of the Act.

The land described by the map in Schedule 1, edged in the thick black line, being land in the area of the Council is land to which the Act applies and is protected by this Order (hereinafter called the "Designated Area")

The Council is satisfied that activities have been carried out in the Designated Area that have had a detrimental effect on the quality of life of those in the locality. The Council is further satisfied that the effect of these activities is likely to be of a persistent and continuing nature, and is of such as to make the activities unreasonable and the effect of the activities justifies the restrictions imposed.

The Council makes this Order as people have been gathering in the Designated Area and acting in a manner causing annoyance, harassment, alarm and distress to those in the locality. The consumption by those acting in a manner which is causing the annoyance, harassment, alarm and distress of alcohol and psychoactive substances is a prevailing factor. The activities have caused those living and visiting the Designated Area to make complaints both to the Council and the Police.

The Council and the Police have also collated evidence from local residents and those who work in businesses situated in the Designated Area who state;

- public space is being misused
- there is a disregard for community/personal well being
- acts directed at people

The Order may be cited as the Retford Town Centre Public Spaces Protection Order 2016 and takes effect from 16 June 2019 for until 16 June 2022

The following prohibitions are imposed on use of the Designated Area:-

1(a) - SHOUTING, SWEARING AND BEHAVIOUR CAUSING ANNOYANCE, HARASSMENT ALARM OF DISTRESS

1(a) No person or group of persons shall shout, swear or act in a manner as to cause annoyance, harassment, alarm or distress to any person within the Designated Area or on land adjacent to the Designated Area or to any person living nearby.

1(b) – URINATION AND DEFECATION

1(b) No person shall urinate or defecate in the designated other than in a public toilet;
1(c) - PSYCHOACTIVE SUBSTANCES

1(c)(i) Person(s) shall not, within the Designated Area: ingest, inhale, inject, smoke or otherwise use psychoactive substances.

1(c)(ii) Psychoactive Substances (what are commonly referred to as ‘legal highs’) is once which is capable of producing a psychoactive effect in a person who consumes

1(c)(iii) a substance produces a psychoactive effect in a person if, by stimulating or depressing the person’s central nervous system, it affects the person’s mental functioning or emotional state; and references to a substance’s psychoactive effects are to be read accordingly

1(c)(iv) a person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person’s body in any way

1(c)(v) Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, caffeine, are cigarettes (tobacco) or vapourisers or are food stuffs regulated by Food, Health and Safety legislation.

1(c)(vi) Persons within the Designated Area who breach this prohibition shall: surrender intoxicating substances in his/her possession to an authorised person.

1(c)(vii) An authorised person could be; a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.

OFFENCE

Any person who, without reasonable excuse, fails to comply with the prohibitions listed at paragraph 1(a), 1(b) and/or 1(c) of this Order commits an offence

PENALTY

A person who is guilty of an offence for contravention of the prohibitions listed at paragraph 1(a), 1(b) and/or 1(c) of this Order shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale or to a fixed penalty notice not exceeding £100

2 - PROHIBITION OF ALCOHOL CONSUMPTION

2(i) Any person who, without reasonable excuse, continues consuming alcohol in the Designated Area when asked to cease doing so by a constable or an authorised person within the Designated Area commits an offence.

2(ii) Any person who, without reasonable excuse, fails to surrender any alcohol in his possession when asked to do so be a constable or an authorised person within the Designated Area commits an offence.
OFFENCE

Any person who, without reasonable excuse, fails to comply with the prohibitions listed at paragraphs 2(i) and/or paragraph 2(ii) of this Order commits an offence.

PENALTY

A person who is guilty of an offence for contravention of the prohibitions listed at paragraphs 2(i) and/or paragraph 2(ii) of this Order shall be liable, on summary conviction, to a fine not exceeding level 2 on the standard scale or to a fixed penalty notice not exceeding £100.

MISCELLANEOUS PROVISIONS

A Police Officer, Community Support Officer and any other authorised person may dispose of any alcohol surrendered in compliance with paragraph 2(ii) of this Order.

Pursuant to Section 62 of the Act paragraphs 2(i) and/or paragraph 2(ii) of this Order does not apply to:

a. Premises authorised by a premises licence (and its curtilage) to be used for the supply of alcohol
b. Premises authorised by a club premises certificate (and their curtilage) to be used by the club for the supply of alcohol
c. Premises subject to a Temporary Event Notice which in compliance with the Temporary Event Notice may be used for the supply of alcohol and could have been used 30 minutes before that time
d. A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of Section 115E Highways Act 1980 (highway related use)
e. The Council operated licenced premises when the premises are being used for the supply of alcohol and 30 minutes after the end of the period during which the Council operated licenced premises have been used for the supply of alcohol

THE COMMON SEAL OF
BASSETLAW DISTRICT COUNCIL
Was hereunto affixed this 16 day of June 2019
Two thousand and Nineteen
In the presence of

Stephen Wormald
Council Solicitor
Bassetlaw District Council

SCHEDULE 1
MAP OF THE DESIGNATED AREA

RETORD

West Retford

South Retford

West Field

The Square

Car Park

Library

Hospir

PW

(Priwata)

Nursery

Offices

Police Sta

Car Park

South Common

Carr Dyre

Kings' Park

Aqueducts

Carr Br

Lock

Playground