

## **NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

### **Report for Public Protection and Licensing Committee – January 2023**

**Title:** Public Space Protection Order Public Consultation Update

**Submitted by:** Steven Edge Partnerships Interventions Officer

**Portfolios:** **Community Safety and Wellbeing**

**Ward(s) affected:** Newchapel and Mow Cop, Cross Heath, Town, May Bank and Wolstanton

#### **Purpose of the Report**

This report is to;

- Provide a draft copy a Public Space Protection Order (PSPO) the Borough of Newcastle under Lyme and to gain support from the committee to initiate a 6 week public consultation.

#### **Recommendations**

That the Public Protection and Licensing Committee considers the content of this report and gives approval for Officers at the Council to initiate public consultation for a proposed PSPO for the Borough of Newcastle under Lyme

#### **Reasons**

- Following ongoing reports of anti-social behaviour in these locations, the Borough Council is seeking to use its powers to impose prohibitions to restrict antisocial behaviour and arson in the locality through restricted and partially restricted public rights of way.
- The Committee is required to consider agreeing to the conditions of the order so that a formal consultation can be initiated.

## **1 Background**

- 1.1 A Public Space Protection Order is an order made under the Anti-Social Behaviour, Crime and Policing Act 2014 whereby this legislation allows for an order to identify a particular space or area to which it will be applied; and can make requirements, or prohibitions, or both within that space or area. This means that the Local Authority can, by virtue of the order, require people to do, or not to do specific things in that space or area. The Local Authority has the powers to grant the prohibitions/requirements where it believes that they are reasonable in order to reduce or prevent the unwanted issues. The order can be applied to specific people or everyone within an area and can apply at all times or within specific times. The order can apply for a maximum of 3 years upon which the process of reviews and consultation must be repeated to check whether the issues are still occurring and the order is having the required effect. After the initial 3 years, the order can be extended for a further 3 years, and upon further reviews and consultation, can be extended more than once for further periods of 3 years.

- This the first application for a Public Space Protection Order in relation to existing gating on public rights of way and any future gating projects in the Borough.
- Newcastle 143 has been gated for a number of years due to crime and anti-social behaviour. Kidsgrove 19 has been subject to a partial closure with the neighbouring properties opening and closing the gate on a daily basis. The third proposed public right of way is to the rear of Beattie Avenue in Cross Heath known as Newcastle 132.

#### ASB statistics from the Borough Council –

- Public right of way ‘Newcastle 132’ (Beattie Avenue)
 

2020	2 incidents reported to the Council reference fires
2022	5 incidents reported to the Council reference fires and two incident reported reference antisocial behaviour.
- Public right of way ‘Kidsgrove 19’ (High Street, Newchapel)
 

2020	1 incident of antisocial behaviour reported for the park
2022	1 incident of antisocial behaviour reported for the park.
- Public right of way ‘ Newcastle 143’ (Gated alley off Church Lane , Wolstanton)
 

No specific reports to the Council for the location.

#### ASB statistics from the Police.

- Public right of way ‘Newcastle 132’ (Beattie Avenue)
 

2022	4 incidents involving fires.
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- Public right of way ‘Kidsgrove 19’ (High Street, Newchapel)
 

No incidents reported to the Police.
- Public right of way ‘ Newcastle 143’ (Gated alley off Church Lane , Wolstanton)
 

2022	6 incidents specifically around High St, Church St and Knutton Road and Alexandra Road and 27 other antisocial related incidents in the surrounding area.
2021	4 incidents of asb out of a total of 29
2020	1 incident of asb out of a total of 5

The draft order as shown as Appendix 1 to this report, highlights the locations that we propose are to be subject to a Public Space Protection Order. These will include the full closure or partial closure of designated public rights of way. These are highlighted on the Appendix 1, 2 and 3 which are attached to this report.

We are looking for support to conduct a 6 week consultation period on the proposed conditions. A report will then be drafted to be returned to committee with any necessary changes to be made with the draft order. We will then look to undertake a further 6 week consultation for the final proposal for the PSPO’s. This will be followed with a return to the committee to express the results of the second consultation whereby a decision will be made whether to adopt the proposed Order’s at this point.

- 1.2 Failure to comply with either a prohibition, or requirement stated within the order is a Level 3 offence. Upon summary conviction (offences heard within the Magistrates Court) defendants can face a fine. The defendant cannot be found guilty of an offence under a prohibition/requirement where the Local Authority did not have the power to include it in the order. The authority has the option to either prosecute or issue an FPN to discharge liability to convict (s67 & 68 of the ASB, Crime and Policing act).

## **2. Proposed Prohibitions**

The proposed prohibitions.

1. The public right of way known as 'Newcastle 132' (purple) and the location of the gates shown in red in this Order and described in the Schedule to this Order, shall be restricted permanently by the erection of gates as per the appendix 1 after 7 days from the date of this Order.
2. An alternative route for pedestrians for 'Newcastle 132' is via Honeywood as per Appendix 1.
3. The public right of way known as 'Newcastle 143' (purple) and the location of the gates shown in red in this Order and described in the Schedule to this Order, shall be restricted permanently by the locking of the gates at this location as per appendix 2 with immediate effect.
4. The public right of way known as 'Kidsgrove 19' (purple) and the location of the gates shown in red in this Order and described in the Schedule to this Order (Appendix 3) , shall be restricted between the hours of 1800 hrs and 0800hrs, by the locking of the gates at the junction of High Street, Newchapel with immediate effect.
5. The occupiers of the neighbouring properties to 'Kidsgrove 19' will not be affected by this restriction.
6. The locking and unlocking of the gates to facilitate access to 'Kidsgrove 19' will be carried out by the key holding residents of High Street, Newchapel.

## **4. Recommendations**

- 4.1 That the Public Protection and Licensing Committee considers the content of this report and gives approval for Officers at the Council to initiate public consultation for a proposed PSPO for the Borough of Newcastle under Lyme.

## **5. Outcomes Linked to Corporate Priorities**

- 5.1 The Council Plan outlines a priority to create a safe environment for residents, businesses and the general public to work and socialise in.

To achieve the Council's priorities PSPO's can be utilised in building on our work with Police and partners to reduce anti-social behaviour and fear of crime in our communities.

## **6. Legal and Statutory Implications**

- 6.1 PSPO's can be challenged on the grounds that the Local Authority, under the legislation, did not have the power either to make or vary the Order or include particular prohibitions or requirements, or that proper processes had not been followed (as prescribed by the legislation). Challenges must be made to the High Courts within 6 weeks of the Order being made/varied and by an individual who lives in, regularly works in, or visits the restricted area. The High Court can quash, uphold or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict.
- 6.2 PSPO's can be challenged on the grounds that the Local Authority, under the legislation, did not have the power either to make or vary the Order or include particular prohibitions or requirements, or that proper processes had not been followed (as

prescribed by the legislation). Challenges must be made to the High Courts within 6 weeks of the Order being made/varied and by an individual who lives in, regularly works in, or visits the restricted area. The High Court can quash, uphold or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict.

## **7. Equality Impact Assessment**

- 7.1 An Equality Risk Assessment has been refreshed detailing how the PSPO will impact those who utilise these public rights of way.

## **8. Financial and Resource Implications**

- 8.1 Restrictions are already in place for 'Newcastle 143' and 'Kidsgrove 19'. Funding has been sourced from the Police, Fire and Crime Commissioner for the 'Newcastle 132' (Beattie Avenue) project.

## **9. Key Decision Information**

- 9.1 The maintenance and operation of the gating will fall to Newcastle-under-Lyme Borough council. Funding for such projects should be facilitated via partnership funding avenues.

## **10. Earlier Cabinet/Committee Resolutions**

- 10.1 This is the first application for a P.S.P.O. in relation to public highways with gated access.

## **11. List of Appendices**

- 11.1 Appendix 1: Map of proposed restrictions for Newcastle 132 and alternative route.
- 11.2 Appendix 2: Map of proposed restrictions for Newcastle 143.
- 11.3 Appendix 3: Map of proposed restriction for Kidsgrove 19.
- 11.4 Appendix 4 : Public Space Protection Order for the restriction of public rights of way (draft order)

## **12. Background Papers**

- 12.1 None