

FORM 2

NOTICE OF DECISION OF CABINET MEMBER

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

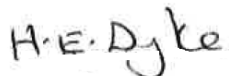
In accordance with the authority delegated to me, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Review of Kidderminster Public Space Protection Order (PSPO)	<p>1.1 A review of the PSPO restricting alcohol consumption in Kidderminster is commenced.</p> <p>1.2 Delegated authority is given to the Chief Executive, in consultation with the Cabinet Member for Culture, Leisure and Community Protection to commence a consultation period on the PSPO, subject to the findings of the evidence-gathering exercise demonstrating to his satisfaction that it is appropriate and proportionate to make a further PSPO.</p>	<p>The Anti Social Behaviour, Crime and Policing Act 2014 requires that PSPOs are reviewed every three years (or earlier) to enable them to be extended or varied, providing the Order remains necessary in order to prevent:</p> <ul style="list-style-type: none">• further activities identified in the order from taking place, or• the frequency of seriousness of those activities increasing after that time.	2 July 2021

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated: 2 July 2021

Signed:



Councillor: Helen Dyke, Leader

To: Leader

From: Chief Executive

24 June 2021

Review of Kidderminster Public Space Protection Order (PSPO)

1. PURPOSE

- 1.1 To seek approval to commence a review of the PSPO restricting alcohol consumption in Kidderminster and subject to the findings of the evidence gathering exercise to begin a consultation period.

2. RECOMMENDATION

That the Leader is asked to DECIDE that:

- 2.1 **A review of the PSPO restricting alcohol consumption in Kidderminster is commenced.**
- 2.2 **Delegated authority is given to the Chief Executive, in consultation with the Cabinet Member for Culture, Leisure and Community Protection to commence a consultation period on the PSPO, subject to the findings of the evidence-gathering exercise demonstrating to his satisfaction that it is appropriate and proportionate to make a further PSPO.**

3. BACKGROUND

- 3.1 On 28 August 2018, a PSPO in relation to restricting alcohol consumption in Kidderminster came into force. This was an extension for a further three year period having first been implemented in August 2015.
- 3.2 The PSPO allows Police Officers, Police Community Support Officers and any other Authorised Person to request individuals to stop drinking and to surrender their alcohol if they are deemed to be acting antisocially. It is an offence to fail to comply with a request to stop drinking or surrender alcohol in the area covered by the PSPO.
- 3.4 The review process is outlined in the Home Office's 'Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers statutory guidance for frontline professionals'. The guidance indicates that a PSPO must be reviewed by the local authority that made the order after three years to determine whether an extension is valid and reasonable, or whether the PSPO should be varied or discharged.

4. EVIDENCE GATHERING PROCESS

- 4.1 The Council will need to be satisfied that the legislative requirements are met before an Order can be made and obtaining clear evidence to support this is important. Collating information about the nature and impact of the anti-social behaviour (ASB) subject to the PSPO are core elements of the evidence gathering and consultation process and will help inform the Council's view as to whether the requirements under section 59 of the Act have been fulfilled. The evidence will need to be weighed up before the authority can determine whether or not it is appropriate and proportionate to make a PSPO at all.
- 4.2 The most robust Orders will be supported by a solid evidence base and rationale that sets out how the statutory criteria for each of the proposed restrictions have been met and demonstrates a direct link between the ASB and the PSPO being proposed in response. The nature of this evidence and how it should be weighted is largely down to the Council to determine, although obtaining a range of data from different sources as part of this process will be particularly useful in informing decision making and may help to avoid challenge further down the line.
- 4.3 Evidence demonstrating the effectiveness of the Order over the last three years will need to be considered and analysed before undertaking the consultation period.

5. CONSULTATION PROCESS

- 5.1 Once the evidence gathering processes have been completed and the draft order has been prepared by the Council, consultation will be carried out following the statutory guidance. A number of stakeholders will be contacted directly for their response to the consultation. The Council must consult with West Mercia Police and this should be done formally through the Chief Constable and the Police and Crime Commissioner. Owners or occupiers of land within the affected area should be consulted including Worcestershire County Council as the Highway Authority. The Council must consult with whatever community representatives it thinks is appropriate and a list has been drawn up which will include Ward Members, town and parish councils, local MP and businesses within the area proposed for designation.
- 5.2 The Council must also ensure that specific groups likely to have a particular interest are also consulted. The guidance leaves it to the Council to decide how best to identify and consult with interested parties. Consideration must also be given to ensure the views of those who will be directly affected by the prohibitions or may be opposed to the proposals are adequately captured.
- 5.3 Currently it is proposed that consultation is undertaken electronically for a period of one month during July 2021 and it will be promoted on social media and in the local press.

- 5.4 The consultation will seek views on the effectiveness of the present Order; whether the present controls should be maintained; and to test whether there is substantial demand for any extension of controls.

6. ENFORCEMENT

- 6.1 Prior to the commencement of a PSPO an enforcement plan will be put in place. It is anticipated that enforcement will continue to be undertaken by West Mercia Police and Authorised Persons from Wyre Forest District Council.

7. DURATION OF ORDER

- 7.1 To ensure a co-ordinated review process of all PSPOs, any new Order will be timed to run out at the same time as the other existing PSPOs, in September 2023. Therefore it is anticipated, that if this Order is made, it would run from 28 August 2021 to 30 September 2023.

8. FINANCIAL IMPLICATIONS

- 8.1 The evidence gathering and consultation stages do not incur any financial costs apart from officer time.
- 8.2 Once the consultation stage has been completed and the wording of the Orders has been agreed, the Orders must be published with a notice placed in the local newspaper, which has a cost. There will also be costs for new or additional signage to be produced and erected; these costs are to be met within existing budgets.

9. LEGAL AND POLICY IMPLICATIONS

- 9.1 The Anti Social Behaviour, Crime and Policing Act 2014 requires that PSPOs are reviewed every three years (or earlier) to enable them to be extended or varied, providing the Order remains necessary in order to prevent:
- further activities identified in the order from taking place, or
 - the frequency of seriousness of those activities increasing after that time.
- 9.2 For a PSPO to be made, varied, or extended the Council has to be satisfied on reasonable grounds that the activities that are being carried out, or likely to be carried out in the identified public space –
- has had or is 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

9.3 The Council must also have regard to Section 17 of the Crime and Disorder Act 1998 and consider the impact of their decisions and actions on crime and disorder in the local area.

10. CONCLUSION

10.1 Reviewing the PSPO is a statutory requirement and must be undertaken in order to meet the 28 August 2021 deadline. PSPOs support the Council's Corporate Plan priority to keep the district a safe, clean and green living environment.

11. RISK MANAGEMENT

11.1 If the PSPO is not reviewed then it would lapse without the opportunity to consider whether important powers to help keep the district a safe, clean and green living environment should be retained.

12. EQUALITY IMPACT NEEDS ASSESSMENT

12.1 At this stage an impact needs assessment is not required. This will be completed at the appropriate step in the review process.

13. CONSULTEES

13.1 Corporate Management Team

13.2 Principal Solicitor

13.3 Head of Community and Environment Services

13.4 Senior Community and Environmental Protection Officer

14. APPENDICES

14.1 None

15. BACKGROUND PAPERS

15.1 Home Office 'Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers statutory guidance for frontline professionals'.

15.2 Local Government Association 'Public Spaces Protection Orders Guidance for councils'