



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	Public Spaces Protection Order – Jeyes Jetty
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	22 May 2019
Key Decision:	Yes
Within Policy:	Yes
Policy Document:	No
Directorate:	Housing and Wellbeing
Accountable Cabinet Member:	Councillor Anna King
Ward(s)	Castle

1. Purpose

1.1 To ask Cabinet to authorise a statutory consultation on a proposal to make a Public Spaces Protection Order (PSPO) under the Anti-Social Behaviour, Crime & Policing Act 2014 to gate the public highway, known as Jeyes Jetty, between The Drapery and College Street, Northampton.

2. Recommendations

2.1 It is **recommended** that Cabinet:

- (a) Approves a 12 week statutory public consultation on the proposal to make a Public Spaces Protection Order (see Appendix 1 of this report) that will gate the public highway known as Jeyes Jetty, between The Drapery and College Street, Northampton; and
- (b) Receives a further report, following completion of the statutory public consultation, which considers any representations received and, if appropriate, seeks approval of the Public Spaces Protection Order.

3. Issues and Choices

3.1 Report Background

- 3.1.1 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.
- 3.1.2 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 and that the activity is, or is likely to be, persistent or continuing in nature or that the activity is unreasonable and any restriction is justified.
- 3.1.3 For the proposed area to be restricted, there is a requirement for the Council to undertake a statutory public consultation exercise with the following:
- (a) The chief officer of police, and the local policing body for the area;
 - (b) Whatever community representatives the local authority thinks it appropriate to consult;
 - (c) The owner or occupier of land within the area;
 - (d) The parish council or community council (if any) for the area; and
 - (e) The county council (if any) for the area.
- 3.1.4 PSPOs provide Councils with a flexible power to implement local restrictions to address a range of anti-social behaviour issues in public places in order to prevent future problems.
- 3.1.5 It is important that PSPOs are used proportionately and that they are not seen to be targeting behaviour of children / young people where there is a lack of tolerance and understanding by local people.
- 3.1.6 A PSPO can be made for a maximum of three years. The legislation provides for the Order to be extended at the end of the period, but only for a further period of up to three years. However, Orders can be extended more than once. Local authorities can increase or reduce the restricted area of an existing Order, amend or remove a prohibition or requirement, or add a new prohibition or requirement. They can also discharge an Order. The variation or discharge of an Order are subject to statutory consultation requirements.
- 3.1.7 Enforcement may be shared between the Council and the Police. Breach of a PSPO is a criminal offence which can result in the issuing of a Fixed Penalty Notice (FPN) or a prosecution resulting in a fine of up to £1,000 on conviction. Enforcement can be undertaken by Council Officers, any person designated by a local authority for the purpose of issuing fines for breaches of a PSPO, and Police Officers.

- 3.1.8 Before making the Order, the local authority must notify people who are potentially affected by the proposed Order and notify them of how long they have to make representations. Officers will then consider any representations made with the intention of bringing a report back to Cabinet.
- 3.1.9 The consultation will last 12 weeks and will be carried out on Survey Monkey via the Council's website. Adjacent properties, businesses and local residents groups will be directly contacted to make them aware of the proposed Order. Others will be notified via the Council's website, Facebook and Twitter. Posters will also be put up on site, inviting representations.

3.2 Issues

- 3.2.1 For many years, Jeyes Jetty has been used as a place to conduct illicit activities, away from the scrutiny of passing pedestrians and other capable guardians such as the Police and wardens. Due to the narrowness and layout of the alleyway, CCTV coverage is very limited
- 3.2.2 In 2009, a Police Environmental Audit recommended the gating of Jeyes Jetty but, at the time, it was not viable as the legislation made it cost prohibitive.
- 3.2.3 However, the anti-social behaviour continued and, at the end of its review of 'Keep Northampton Tidy' in March 2015, the Overview & Scrutiny Panel recommended that consideration be given to "the gating of jetties at night in the town centre that are currently subject to anti-social behaviour".
- 3.2.4 Since the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014, gating of a highway can now be achieved by the making of a PSPO, simplifying the process and significantly reducing the financial outlay.

3.3 Choices (Options)

- 3.3.1 Cabinet can decide to do nothing. However, this is not recommended because it would not meet the needs of the wider community or address the anti-social behaviour issues and criminal activities being experienced on a regular basis.
- 3.3.2 Cabinet can decide to authorise a statutory public consultation in relation to a proposal that the Council makes a PSPO to gate the public highway, known, as Jeyes Jetty, before a report is brought back to Cabinet detailing the result of that consultation and any evidence in support of creating a PSPO.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 The proposed PSPO supports the multi-agency Countywide Anti-Social Behaviour Policy and Northampton's Community Safety Partnership Strategy.

4.2 Resources and Risk

- 4.2.1 A PSPO can be enforced by both the Police and Council. The Council will process the Fixed Penalty Notices (FPN's), regardless of which agency issues them. The approach will be agreed with the Police.
- 4.2.2 If the Council makes a PSPO, it will incur the cost of planning permission, the purchase and installation of the gates, and ongoing maintenance. The initial cost is expected to be in the region of £15,000 - £20,000 and will be met from existing budgets. Ongoing maintenance will be funded from FPNs.
- 4.2.3 Any income generated by the payment of FPNs must be directed back into the management of the PSPO process.

4.3 Legal

- 4.3.1 A PSPO can be made by a local authority (section 59) if satisfied on reasonable grounds that two conditions are met. Firstly, that
- (a) Activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; and
 - (b) It is likely that activities will be carried on in a public place within that area and that they will have such an effect
- 4.3.2 The second condition is that the effect of the activities is, or is likely to be, of a persistent or continuing nature such as to make the activities unreasonable and therefore justifies the restrictions imposed by the Order.
- 4.3.3 There is a statutory requirement for a local authority to consult with the persons or public bodies identified in Paragraph 3.1.3 above, before considering whether it would be necessary to make a PSPO.
- 4.3.4 This statutory consultation and consideration of any representations received is important because, if a PSPO is eventually made, it can be challenged in the High Court by any person directly affected by the making of the Order within 6 weeks of the Order being made.
- 4.3.5 The most likely basis of challenge is that the particular prohibitions or requirements are unnecessary or that procedurally the Order is defective.

4.4 Equality and Health

- 4.4.1 Incidents of anti-social behaviour will continue to be dealt with in line with the Council's equalities framework.

4.4.2 These legislative changes are designed to have a significant community impact in preventing and limiting anti-social behaviour.

4.4.3 An Equality Impact Assessment has been carried out.

4.5 Consultees (Internal and External)

4.5.1 The following have been consulted in relation to the proposed PSPO:

- Cabinet Member for Community Safety, NBC
- Head of Housing & Wellbeing, NBC
- Environmental Health & Licensing Manager, NBC
- Community Safety Partnership Manager, NBC
- CCTV Manager,
- Legal Services, NBC
- Northamptonshire Police
- Northamptonshire Fire Service
- Highways Authority/ KIER WSP
- Local Businesses & Business Improvement District (BID)

4.6 How the Proposals deliver Priority Outcomes

4.6.1 One of the Council's priorities is to "invest in safer, cleaner neighbourhoods" and consulting the local community and stakeholders regarding whether the Council ought to make a PSPO will contribute to the delivery of this priority.

4.7 Other Implications

4.7.1 Information technology – the Council's website and social media channels will be used to undertake part of the consultation.

5. Appendices

Appendix 1 – Draft PSPO

Appendix 2 – Map showing area covered by PSPO

6. Background Papers

None

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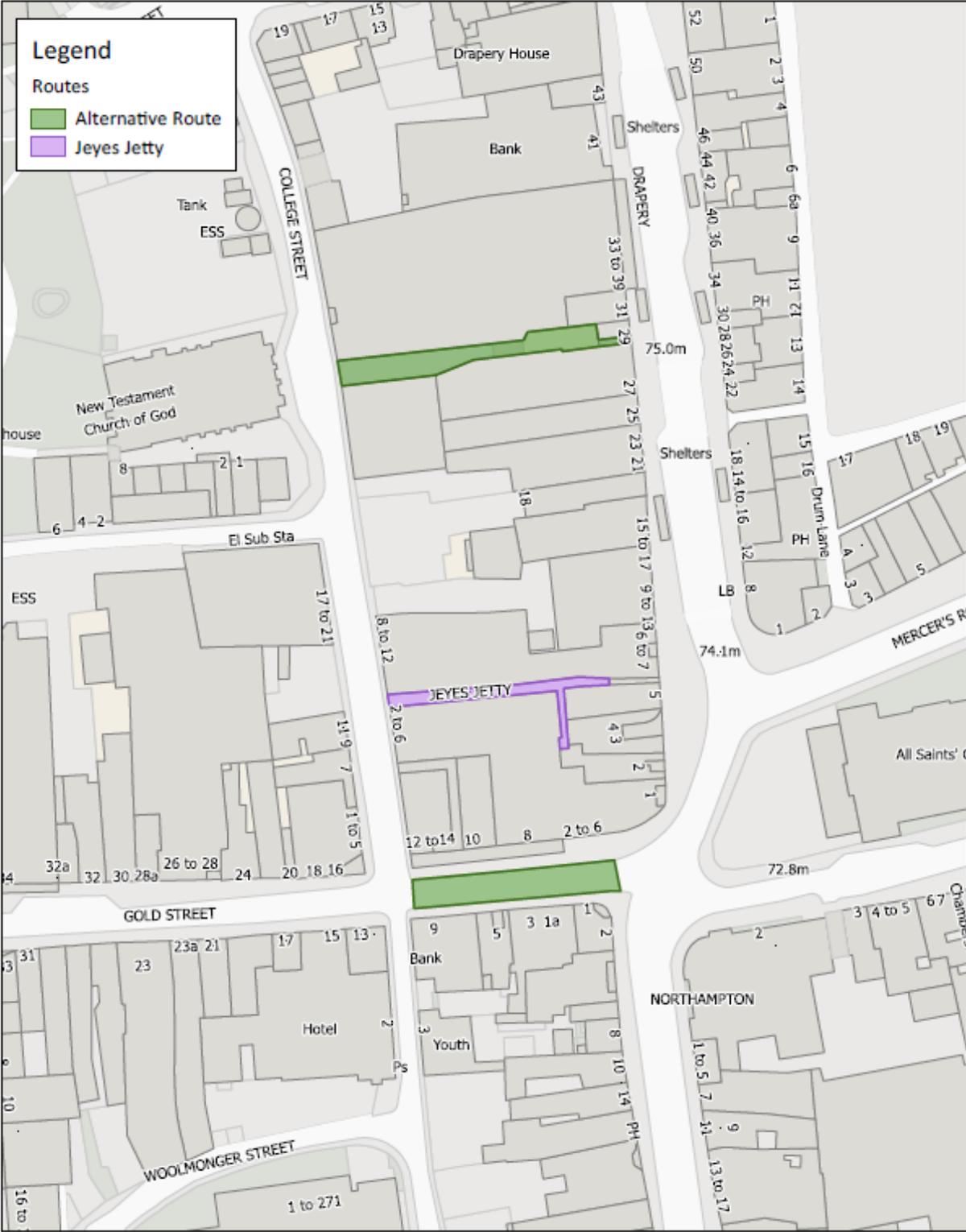
APPENDIX 1 – Draft Public Spaces Protection Order

NORTHAMPTON BOROUGH COUNCIL (Jeyes Jetty) PUBLIC SPACES PROTECTION ORDER

Northampton Borough Council in exercise of its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime & Policing Act 2014 ('the Act') hereby makes the following Order:-

1. This Order shall come into operation on (...) and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
2. This Order relates to Jeyes Jetty, which runs from The Drapery to College Street as shown in the attached plan ('the Restricted Area').
3. The effect of this Order is to restrict the public right of way over the Restricted Area 24 hours, 7 days a week.
4. The alternative route for pedestrians will be along Gold Street or through Swan Yard.
5. Responsibility for the maintenance of the gates will lie with Northampton Borough Council, The Guildhall, St Giles Square, Northampton, NN1 1DE.
6. Police, Fire and Ambulance emergency services, statutory undertakers with equipment situated under, over, along or in the highway, council officers and other persons authorised by the Council, including the business premises adjacent to the highway, shall be exempt from the provisions of this Order.
7. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour, specifically street drinking, drug taking and fly tipping in the restricted area. The Council makes the Order because the anti-social behaviour has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is of a persistent or continuing nature such as to make this unreasonable and justifies the restrictions imposed by the Order.
8. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on this this Order is made.

APPENDIX 2 – Map of location covered by proposed PSPO



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Title: Drapery, Northampton</p>	<p>Date: 17-04-2019</p>
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