

TEIGNBRIDGE DISTRICT COUNCIL

EXECUTIVE

11th FEBRUARY 2021

Report Title	Teignmouth Public Spaces Protection Order (PSPO)
Purpose of Report	To determine whether to make a PSPO for prescribed parts of Teignmouth
Recommendation(s)	That the Executive RECOMMENDS to Full Council: (1) On being satisfied that the statutory grounds for making the Order have been established as detailed in the Report, the Public Protection Spaces Order be made; and (2) Delegated authority is given to the Head of Community Services and Improvement to: (a) appoint authorised persons for the purpose of giving direction under the Order; and (b) (in consultation with the Solicitor to the Council) make such minor amendments to the draft Order as she considers appropriate, before the Order is sealed.”
Financial Implications	The financial implications are contained within Section 1.5. There is no additional pressure on the revenue budget. Claire Moors – Principal Technical Accountant & Deputy Chief Finance Officer Tel: 01626 215242 Email: claire.moors@teignbridge.gov.uk
Legal Implications	Advice has been provided by the Solicitor to the Council to the case officers as to changes to the Order and additional work which should be made / undertaken to avoid the prospects of the Order being unenforceable and / or open to successful challenge. These matters should all be addressed before the Order is resolved at full Council and checked; but some remain outstanding as at the date of these legal implications (29 January 2021). It is not anticipated that any changes to the draft Order will adversely affect the purpose of the Order and in that regard will be minor. Consequently, to avoid any delay in the completion of the Order, Recommendation (2)(b) has been added to the report. Solicitor to the Council karen.trickey@teignbridge.gov.uk

Risk Assessment	Business Impact Assessment has been completed Rebecca Hewitt, Community Safety and Safeguarding Manager Email : Rebecca.hewitt@teignbridge.gov.uk
Environmental/ Climate Change Implications	There are no environmental or climate change implications associated with the recommendations of this report. William Elliott Climate Change officer william.elliott@teignbridge.gov.uk
Report Author	Rebecca Hewitt, Community Safety and Safeguarding Manager Rebecca.hewitt@teignbridge.gov.uk
Executive Member	Councillor Martin Wrigley
Appendices	Appendix One – Draft Order
Background Papers	Copy of Consultation letter Summary of consultation responses Business Impact Assessment

1. BACKGROUND

- 1.1 Section 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014 details the powers a local authority has to regulate behaviour within a specified area with public access, to prevent anti-social behaviour from causing a detrimental impact to the quality of life to those in the locality. This includes the power for principal councils to make Public Space Protection Orders (PSPO's) in respect of public places. The purpose of a PSPO is to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life. It can be used to deal with existing problems that are likely to continue in the future.
- 1.2 Only a local authority can make a PSPO in respect of a public place within its area. The definition of 'local authority' in England under Section 74(1) is a district council. Parish and Town councils do not have the power to issue PSPO's.
- 1.3 PSPO's allow a local authority to respond to concerns of anti-social behaviour in a specific area by prohibiting certain activity and/or requiring specified things to be done within it. The local authority must be satisfied on reasonable grounds that TWO conditions are met.

The First condition is that:

- Activities carried out in a public place within the authorities area have had a detrimental effect on the quality of life of those in the locality, or
- It is likely that activities will be carried out in a public place within that area and that those activities will have such an effect.

The Second Condition is that:

- It is or is likely to be of a persistent or continuing nature.
 - Is or is likely to be, such to make the activities unreasonable;
- and
- Justifies the restrictions imposed by the notice.

- 1.4 Any prohibitions or requirements imposed by a PSPO must be made in strict regards to ceasing the anti-social behaviour or reducing it. As such, they must be proportionate and tailored to behaviours of concern and to the persons causing it.
- 1.5 In October 2019, Teignmouth Town Council held a meeting to discuss the proposal to introduce a PSPO to cover alcohol consumption the area of Teignmouth previously covered by a designated public place order known as 'The Triangle', 'The Den', Promenade and town centre. The meeting heard from attendees that the problem of adults and young people consuming alcohol in and around the area centring on the bus shelter was increasing. This area had become problematic with a number of police reports generated. The meeting felt that visitors and residents have been, and continue to be, intimidated by this behaviour including foul language, fighting, urinating in public and verbal abuse to the business community and pedestrians. The meeting also discussed potential challenges such an order would present to the community and considered possible displacement to another part of the town. There was however overwhelming support for the introduction of prohibitions. The scope of the order was however to be determined by the Council so progress was not made on the order at this time.
- 1.6 Following a further meeting at the beginning of March the Town Council contacted the Anti-Social Behaviour and Safeguarding Officer to confirm their wish for the consideration of a PSPO. Discussion began with Devon and Cornwall Police but progress was delayed due to the Covid Outbreak and national lockdown. Communication was received by Teignbridge from business within the town and also the police who requested a consultation to be undertaken.
- 1.7 An authorised person may issue a fixed penalty notice to anyone they believe has committed an offence under the order. A person committing an offence will have 14 days to pay the fixed penalty of £100.

2. CONSULTATION

- 2.1 In accordance with Section 72(4) of the Act required public consultation was carried out involving:

- The Chief Officer of Police and the local policing body for the policing area that includes the restricted area and the
 - Community representatives including Teignmouth Town Council, Teignbridge District Ward Councillors and the Alice Cross
 - The Office of the Police and Crime Commissioner
 - The owner or occupier of land within the restricted area to include Devon County Highways and the District Council
 - Other consulted parties - Teignmouth Traders Association , Teignbridge Resorts team, RNLI, Businesses in Town centre and Stagecoach
- 2.2 Consultation began on 22nd October 2020 and closed on 2ND December 2020. A copy of the letter inviting responses to the consultation is included in background papers. Summaries of correspondence with TDC in response to the consultation are included in background papers. 11 responses were received. All responses were in favour of creating the PSPO for Teignmouth.

3. ANALYSIS OF THE NEED FOR THE ORDER

- 3.1 The prohibitions proposed in the draft order reflect the concerns relating to general ASB and specifically to address the issues relating rowdy and nuisance behaviour, substance misuse and alcohol consumption in public places.
- 3.2 In addition to complaints received by the Council, Police and Police and Crime Commissioner, police data shows that the number of recorded anti-social behaviour incidents in Teignmouth has risen between May – September 2020. In the 5-month period, recorded anti-social behaviour incidents increased by 36% (53 incidents) in comparison to the same period in the previous year (May – September 2019). However, there has been a general trend of increase in anti-social behaviour this year linked to Covid-19. We are aware that whilst there are some seasonal variance the discussions with Police confirm there is ongoing ASB throughout the year in the proposed areas to be covered by the order.
- 3.3 The areas recommended for inclusion in the order have been identified through discussions with the Police Inspector and the Town Council following assessment of historic incidents. The locations where ASB has been occurring was a key question in the consultation. The findings of the consultation were also taken into account in determining the area to be covered. Consideration was also given to the potential for displacement from key areas to other locations.
- 3.4 The area covered by the order is marked on the map attached to the draft order. Any private properties within the area marked are not subject to the order and not included in the schedule.

4. IMPLICATIONS AND RISK MANAGEMENT

- 4.1 The risk of displacement of anti-social behaviour has been considered as is factored into the recommendation about coverage of the order. If approved, there will be signage surrounding the restricted area. Signage is discretionary but a balance will need to be sought between having enough information publicly available to support enforcement and yet not so visible that it detracts from the town being a desirable area to spend time and attract visitors and tourists. It is the main open public space area for Teignmouth and residents of other areas of Teignbridge. Failure to have this order in place could potentially impact on visitor experience and the quality of life of Teignbridge residents.
- 4.2 There is no definition in respect of age for PSPOs. In line with the existing approach to addressing ASB from young people in the town, under 18s will be dealt with through a graduated education approach and engagement with partner agencies, enforcement would only be used in exceptional circumstances.
- 4.3 Engagement and education will remain the priority for addressing the behaviour but where enforcement is required this will be complimentary to existing powers held by the Police and the Council under anti-social behaviour legislation. A previous PSPO was effective in addressing similar behaviour with limited need for enforcement as the order itself had a deterrent effect.
- 4.4 As there are limited Council Staff in the area, education and enforcement will be supported by other agencies such as the Police, who would provide evidence of the breach, enabling the Council if they are satisfied with the evidence to issue a Fixed Penalty Notice.

5. ALTERNATIVE OPTIONS

There are no alternative approach to address the issues.