



North Devon Council

Report Date: Monday, 4 September 2023

Topic: Public Spaces Protection Order - Anti Social Behaviour

Report by: Tim Birtwisle, Community Protection Officer

1. INTRODUCTION

1.1. On 25 November 2020 Full Council RESOLVED that the recommendations of The Strategy and Resources Committee held on 25 November 2020 be approved.

1.2. Attached Appendix A (Public Spaces Protection Order 1 January 2021)

1.3. This Public Spaces Protection Order (PSPO) will expire on 1 January 2024. By enacting the new order we will be able to avoid a period where there are no powers to address Ant-Social Behaviour (ASB) in Barnstaple & Ilfracombe.

1.4. It is proposed that a Public Consultation for a period of six weeks be undertaken.

1.5. Prior to public consultation, a process will be undertaken with local stakeholders, including Devon & Cornwall Police, Substance Misuse Treatment Providers, Homeless Services and Barnstaple and Ilfracombe Town Councils, to understand their views of the effectiveness of the provisions of the order.

2. RECOMMENDATIONS

2.1. The Committee approve the PSPO and Consultation process.

2.2. That delegated authority is given to The Head of Planning, Housing and Heath, in consultation with the Leader and the Senior Solicitor and Monitoring Officer, to make the Public Spaces Protection Order in relation to areas in Barnstaple and Ilfracombe, as per the Order attached at Appendix A, following the conclusion and the consultation period referred in paragraph 1.4

3. REASONS FOR RECOMMENDATIONS

3.1. It is required that a PSPO is reviewed every three years

3.2. To ensure the continuity of controls on elements of anti-social behaviour in Barnstaple and Ilfracombe

4. REPORT

4.1. The Anti-Social Behaviour, Crime and Policing Act 2014 contains provisions for Local Authorities to introduce Public Space Protection Orders to combat ASB and North Devon Council have enacted areas in Barnstaple and Ilfracombe. Conditions are outlined in Annex A.

4.2. A public consultation exercise was carried out prior the introduction of the current PSPO. It was undertaken out over a period of 6 weeks beginning on 5 March 2021. The period was then extended by a further 6 weeks as the period coincided with the first national Covid-19 lockdown measures. In total, there were 38 responses of which over 90% were supportive of all the proposed measures.

4.3. The operation of the current order has allowed identification of areas where it would be useful to strengthen the conditions. The existing power that allows dispersal of groups of 2 or more to outside of the PSPO area for a period of six hours has been amended in proposals for the new order. The new proposal allows for the dispersal of individuals, in addition to groups of two or more. The dispersal time period has been extended to twenty four hours, up from six hours.

4.4. The other conditions remain unaltered

4.5. The area covered by the PSPO has also been extended, see annex B. Two areas have been added to the Barnstaple map, Rotary Gardens and Portmarsh, as both sites have been subject to anti-social behaviour related to the consumption of alcohol and other intoxicating substances.

4.6. The proposed PSPO area in Ilfracombe remains unaltered.

4.7. Key stakeholders will be fully consulted on these changes as part of the aforementioned process.

5. RESOURCE IMPLICATIONS

5.1. The continuation of the PSPO will be undertaken using existing resources.

5.2. Enforcement of the PSPO will be undertaken by Council Officers and by other groups where the Council is satisfied that they hold the correct competencies.

6. EQUALITIES ASSESSMENT

6.1. Please detail if there are/are not any equalities implications anticipated as a result of this report. If so, please complete the Equality Impact Assessment



(EIA) Summary form available on Insite and email to the Corporate and Community Services Team at equality@northdevon.gov.uk.

7. ENVIRONMENTAL ASSESSMENT

7.1. There are no Environmental Impacts arising from these measures

8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda: n/a

8.1.2. Improving customer focus and/or: n/a

8.1.3. Regeneration or economic development:

New PSPOs in Barnstaple and Ilfracombe will effectively mean that current prohibitions continue without an interruption where no measures to address ASB are in place. The conditions of the order allow for robust action to be taken should individuals or groups act in an anti-social manner, therefore improving the public space in Ilfracombe and Barnstaple.

9. CONSTITUTIONAL CONTEXT

| Article or Appendix and paragraph | Referred or delegated power? | Key Decision |
|--|------------------------------|--------------|
| Part 2, Article 4, 4.5.3 and Part 3, Annexe 1, paragraph 1(h). | Delegated | No |

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

This report has been prepared with reference to The Local Government Association Document “Public Space Protection Orders – Guidance for Councils” Published 1 February 2018. Available at local.gov.uk

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Hannah Pettifer, Legal Executive.

