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|----------------------|--|
| <b>Report title</b>  | <b>Public Space Protection Orders (PSPOs) Review</b> |
| <b>Report author</b> | Paul Smith   |
| <b>Department</b>    | Community Safety                                     |
| <b>Exempt</b>        | No   |

**Purpose of report:**  
**To Resolve**

**Synopsis of report:**  
**This report is to provide information on the two Public Space Protection Orders (PSPOs) to determine their future existence.**

**Recommendation that:**  
**both the Addlestone and Englefield Green Public Space Protection Orders be allowed to expire in June 2024.**

**1. Context and background of report**

- 1.1 Public Space Protection Orders (PSPOs) are a power made available to the Council under the Antisocial Behaviour, Crime and Policing Act 2014 and can be implemented for a maximum period of 3 years. They replaced Alcohol Free Zones and Dog Control Orders and can cover a wider area of anti-social behaviour.
- 1.2 When introducing a PSPO, the local Council must be satisfied that the behaviour being restricted is;
  - Having, or be likely to have, a detrimental effect on the quality of life of those in the locality;
  - Persistent or continuing nature; and
  - Unreasonable.
- 1.3 In June 2018, following sign off by the Chairman of the Community Services Committee under an urgent action (Standing Order 42), and subsequently heard by the Committee for ratification, Runnymede Borough Council implemented two Public Space Protection Orders. These covered areas within Addlestone and Englefield Green.
- 1.4 The prohibitions on each PSPO were tailored to the behaviours displayed in their respective areas. These were focussed and targeted towards specific behaviours as detailed below. It should be noted that these behaviours are no longer being displayed in those areas, in effect making these conditions invalid.

1.5 It should also be noted that as of 8 November 2023, nitrous oxide is classified as a class C drug under the Misuse of Drugs Act 1971. This will give the Police direct regulatory powers to deal with this issue, thus making the PSPO condition superfluous.

1.6 These prohibitions being for both areas are:

#### Addlestone

- a. An authorised person where they reasonably suspect, may request that a group of three or more within the restricted area acting in such a manner as to cause harassment, alarm or distress to any person immediately disperse and not return to the restricted area within 48 hours.
- b. An authorised person may request a person to dismount if they are cycling, skateboarding, hover-boarding or using similar devices within the restricted area where they reasonably suspect that the person is riding in a malicious and/or dangerous manner as to cause harassment, alarm or distress to any person within that area.
- c. A person is prohibited from wearing face coverings in an attempt to conceal their identity to cause harassment, alarm or distress to any person; this includes scarves, balaclavas and masks. This would not include face covering worn in respect of religious or cultural beliefs.

#### Englefield Green

- a. An authorised person where they reasonably suspect, may request that a group of three or more within the restricted area acting in such a manner as to cause harassment, alarm or distress to any person immediately disperse and not return to the restricted area within 48 hours.
- b. A person is prohibited from playing ball games in a public space within the restricted area that is causing or likely to cause harassment, alarm or distress to any other person.
- c. A person is prohibited from playing unreasonably loud music from any vehicle within the restricted area that is causing or likely to cause harassment, alarm or distress to any other person.
- d. A person is prohibited to ingest, inhale, inject, smoke, possess or otherwise use psychoactive substances (formerly known as 'legal highs') in a public space within the restricted area.

1.7 In March 2021, following public and stakeholder consultation into the future of both PSPOs, a report was brought to this Committee with recommendations to renew the orders and expand the enforcement areas. These recommendations were granted, and the orders were extended for a further 3-year period.

1.8 Both PSPOs are due to expire in June 2024 and as the Council is required to adhere to the consultation requirements set out in subsections (3) to (7), public and stakeholder consultation was again completed to gauge views on the future of the orders. The consultation requirement means the Council must carry out the

'necessary consultation' and 'necessary publicity' before the authority varies, extends, or discharges a PSPO prior to its expiry date.

## 2. Report and, where applicable, options considered and recommended

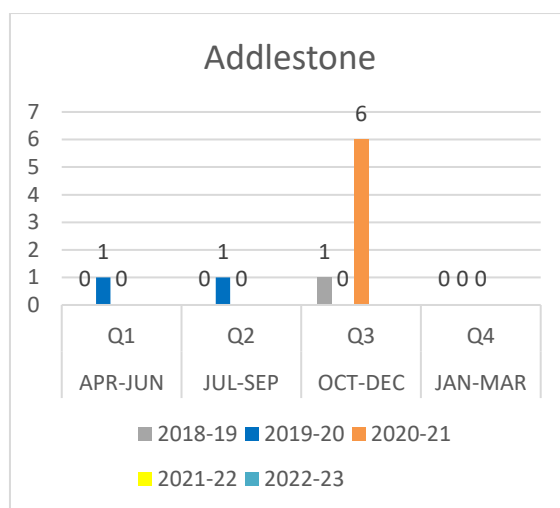
- 2.1 It is important to ensure that the use of PSPOs remains under review to ensure they are still necessary and justified, given that they are a legal tool which places restrictions on everyone within the enforcement area.
- 2.2 The most recent public and stakeholder consultation review commenced in March 2023 and was available for submission over an 8-week period. To aid raising awareness of the survey, a promotional leaflet was included within the Council Tax letters, delivered to 37,000 council tax account holders. This was supported by a Facebook article which was read by 1322 people. Letters were sent to a number of statutory and non-statutory partnership members and all councillors.
- 2.3 The return rate for public responses was low with just 12 submitted relating to Englefield Green and 34 for Addlestone. This is a return rate of approximately 0.001% of the Borough.
- 2.4 In terms of Stakeholder responses, 6 were received for Englefield Green and 10 for Addlestone. Of note, was the comment provided on behalf of Surrey Police, by James Wyatt, Borough Commander, which read:

*“There has been a reduction in ASB in the PSPO area, however it is difficult to attribute this to the PSPO as ASB has reduced across all wards in the borough. I do not believe there is sufficient evidence to warrant a continuation of the PSPO upon its expiry. This includes the limited use of the PSPO in the time it’s been in force and the lack of enforcement other than from Police.”*

### Enforcement

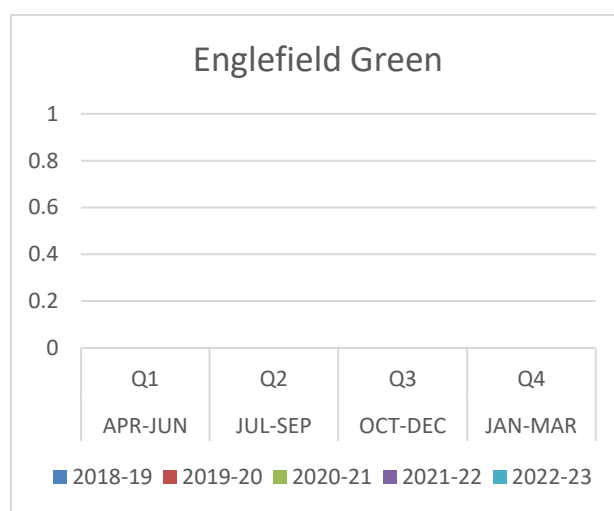
- 2.5 Within Runnymede, the enforcement of the PSPO area falls initially to Surrey Police who would then provide a notification of breach with supporting evidence to the Council for progression. As part of the enforcement protocol, first offences would be dealt with via a warning letter. A subsequent breach of the order would result in the consideration of issuing a Fixed Penalty Notice (FPN) except in the case of a person under the age of 18 whereby a second warning letter would be provided before considering escalation to an FPN.
- 2.6 Since the introduction of the PSPO for Addlestone in 2018, a total of 9 breaches have been identified, all relating to first time offences. Of these, 6 breaches related to antisocial behaviour by groups which was also in direct contravention of the Government COVID-19 restrictions.

| Addlestone PSPO               | 2018 | 2019 | 2020 | 2021 | 2022 | 2023<br>(to date) | Total |
|-------------------------------|------|------|------|------|------|-------------------|-------|
| Breach notifications received | 1    | 2    | 6    | 0    | 0    | 0                 | 9     |
| First offence warning letter  | 1    | 2    | 6    | 0    | 0    | 0                 | 9     |
| Second offence warning letter | 0    | 0    | 0    | 0    | 0    | 0                 | 0     |
| Fixed Penalty Notice issued   | 0    | 0    | 0    | 0    | 0    | 0                 | 0     |



2.7 Since the introduction of the PSPO for Englefield Green in 2018, zero breaches have been identified.

| Englefield Green PSPO         | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 (to date) | Total |
|-------------------------------|------|------|------|------|------|----------------|-------|
| Breach notifications received | 0    | 0    | 0    | 0    | 0    | 0              | 0     |
| First offence warning letter  | 0    | 0    | 0    | 0    | 0    | 0              | 0     |
| Second offence warning letter | 0    | 0    | 0    | 0    | 0    | 0              | 0     |
| Fixed Penalty Notice issued   | 0    | 0    | 0    | 0    | 0    | 0              | 0     |



### Effectiveness & future

2.8 Gauging the effectiveness of the PSPOs directly is challenging in that antisocial behaviour is multi-faceted and other approaches such as targeted patrols in the area and/or identifying individuals for other offences may have had an impact on the wider behaviours. However, data from Surrey Police under the category of 'Rowdy or Inconsiderate Behaviour' for 2022/23 shows a decrease compared to 2018/19.

| ASB reports      | 2018-2019 | 2019-2020 | 2020-2021 | 2021-2022 | 2022-2023 |
|------------------|-----------|-----------|-----------|-----------|-----------|
| Englefield Green | 82        | 78        | 215       | 100       | 59        |
| Addlestone town  | 159       | 191       | 275       | 128       | 87        |

Note: spike in reports for 2020/21 and 2021/22 were influenced by COVID-19 breaches being recorded under ASB.

- 2.9 Within the PSPO review survey, respondents were asked to provide their views on how successful the PSPOs have been and their preferred outcome for the orders in future.

| <b>Englefield Green</b> |    |      |
|-------------------------|----|------|
| Very successful         | 2  | 17%  |
| Successful              | 7  | 58%  |
| Unsuccessful            | 3  | 25%  |
| <b>Total</b>            | 12 | 100% |

| <b>Englefield Green</b>  |    |      |
|--------------------------|----|------|
| Discharge at expiry date | 0  | 0%   |
| Discharge early          | 0  | 0%   |
| Consider further renewal | 12 | 100% |
| <b>Total</b>             | 12 | 100% |

| <b>Addlestone</b> |    |      |
|-------------------|----|------|
| Very successful   | 2  | 6%   |
| Successful        | 19 | 56%  |
| Unsuccessful      | 13 | 38%  |
| <b>Total</b>      | 34 | 100% |

| <b>Addlestone</b>        |    |      |
|--------------------------|----|------|
| Discharge at expiry date | 4  | 12%  |
| Discharge early          | 4  | 12%  |
| Consider further renewal | 26 | 76%  |
| <b>Total</b>             | 34 | 100% |

- 2.10 A total of 75% of respondents for the Englefield Green PSPO and 64% of respondents for the Addlestone PSPO felt the orders had been successful and, in both cases, the overwhelming public preference was for both orders to be further renewed.

#### Conclusion

- 2.11 Within the previous 5 years which the PSPOs have been in place, recorded incidents of ASB have decreased within the two ward areas. However, it is not possible to attribute this to the PSPOs, particularly given the sparsity in which the orders have been enforced.
- 2.12 Whilst the few members of the public who completed the survey are supportive of retaining the PSPOs in both areas, given the reduction in reported ASB, and lack of enforcement undertaken, it would not be proportionate or justifiable for the orders to remain.
- 2.13 Additionally, Surrey Police who are responsible for enforcing the PSPO are not supportive of the orders being extended further, with a suggestion of allowing the orders to expire.

#### Recommendation

- 2.14 It is recommended that this Committee agrees to allow both the Addlestone and Englefield Green Public Space Protection Orders to expire in June 2024. Whilst antisocial behaviour in both these areas would be kept under consideration, there is no evidence that these behaviours are being committed with a lack of reporting, no enforcement being undertaken, and a lack of support from partner agencies including Surrey Police.
- 2.15 Should that recommendation not be agreed, then it would be necessary to start the process again from the beginning. This is a multi-phased process and would require the precise antisocial behaviours to be identified in a specific location with them being recognised as being persistent, unreasonable and having a detrimental impact on that area.

- 2.16 Partner agencies would be involved in a problem-solving approach to be applied and a range of options considered (may include analytical product and person focused intervention).
- 2.17 Should the problem continue, then the Joint Action Group (JAG) will review interventions already taken and determine whether any further intervention tools are available. Should that not be the case then a recommendation to proceed with a PSPO may be undertaken. Draft restrictions and enforcement areas will be agreed, liaison with the RBC legal team and further consultation with relevant stakeholders and the public.
- 2.18 Should that process be agreed, a report would be submitted to this Committee, with a view to agreeing a new PSPO prior to it being implemented.
- 2.19 It is challenging to give a precise timescale but officers would suggest 6-12 months as a ballpark figure with a fair amount of officer time to administrate.

### **3. Policy framework implications**

- 3.1 Safe communities contribute to the wider determinants of health and to the health and wellbeing of residents and therefore, Community Safety forms part of the Council's Health and Wellbeing Strategy. The promotion of safe communities enables residents to live with confidence at home and lead active lives within their local communities. The use of PSPOs seeks to reduce or eradicate anti social behaviour in communities, in turn having a positive impact on the mental health and wellbeing of residents.

### **4 Resource implications/Value for Money (where applicable)**

- 4.1 There are no resource or financial implications associated to the Council in relation to these PSPOs beyond officer time to review and progress breaches etc. With Surrey Police responsible for the initial enforcement, this places a resource burden on them. As the Police must ensure their deployments to live time reports are graded in terms of threat, risk, and harm, it is likely that other incidents may take priority over attending the PSPO areas.

### **5. Legal implications**

- 5.1 Section 59 of the Antisocial Behaviour, Crime and Policing Act 2014 (the "Act") provides Local Authorities with the power to make Public Space Protection Orders (PSPOs) under certain conditions.
- 5.2 Under Section 60 of the Act, the maximum duration that a PSPO can be implemented for is 3 years. The Council may, before the time when the order is due to expire, extend the order (by a maximum of three years), only when it is satisfied that doing so is necessary to prevent;
  - occurrence or reoccurrence after that time of the activities identified in the order, or
  - an increase in the frequency or seriousness of those activities after that time.
- 5.3 When undertaking any enforcement action, the Council needs to be mindful of the Human Rights Act 1998 and its due regard to The Public Sector Equality Duty.
- 5.4 The Equality Act 2010 sets out the need to:

- a) eliminate unlawful discrimination, harassment, or victimisation
- b) advance equality of opportunity between persons who share a Protected Characteristic and persons who do not share it
- c) foster good relations between those who share a relevant characteristic and those who do not.

5.5 If the PSPO is not renewed by the end of its first or subsequent 3 years, it naturally lapses without need for further action, apart from removing signs advertising the Order.

## **6. Equality implications**

6.1 PSPOs are orders which relate to a geographical area and as such, impact on every person within that area. As there are no restrictions included within the Addlestone and Englefield Green orders which limit the times between which the prohibitions are enforceable, this also means that the orders are 'live' 24/7.

6.2 PSPOs are intended to benefit all residents and visitors by providing a behavioural control for those acting antisocially. However, it could be seen to disproportionately impact on younger residents who are most often linked to antisocial behaviour reports. Within the enforcement protocol for these orders, provisions were made in respect of those aged under 18 to be treated differently with regard to enforcement action to counter this.

6.3 The protected characteristics of race and religious belief are engaged by the reference to face coverings within the Addlestone PSPO, where a person is prohibited from wearing a face covering in an attempt to conceal their identity to cause harassment, alarm or distress. In mitigation, it was agreed that this would not include face coverings worn in respect of religious or culturally beliefs, nor those worn in the circumstances of Government guidelines.

6.4 Whilst removal of the orders is unlikely to have equality implications, should the Committee consider extending the orders further, the above equality implications should be considered and an Equalities Screening Assessment would need to be completed.

## **7. Environmental/Sustainability/Biodiversity implications**

7.1 None.

## **8. Other implications (where applicable)**

- Human Rights
- Crime and Disorder (Section 17 implications)

## **9. Timetable for Implementation**

9.1 When the Addlestone and Englefield Green PSPOs expire, all signs currently installed around the enforcement areas will need to be removed after the expiration date of 3 June 2024.

**10. Background papers**

Community Services Committee 14 June 2018 page 11  
Community Services Committee 11 March 2021 page 37

**11. Appendices**

None