

BOROUGH OF KETTERING

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Report Originator	John Kinloch (Community Safety Officer)	<i>Fwd Plan Ref No:</i>	
Wards Affected	Rothwell, Burton Latimer, Avondale Grange, Desborough	27 th October 2016	
Title	DESIGNATED PUBLIC PLACE ORDER TO PUBLIC SPACES PROTECTION ORDER		

Portfolio Holder: Cllr Jan Smith

1. PURPOSE OF REPORT

To consult Members on proposals to replace the existing Designated Public Places Order (DPPOs) with a Public Spaces Protection Order (PSPO) as required by the Anti-social Behaviour, Crime and Policing Act 2014.

2. INFORMATION

- 2.1 Kettering Borough Council currently has three separate surviving DPPOs - they are in the town Centre's of Desborough and Burton Latimer, and in the area of the Grange shops in Kettering. They ban alcohol consumption in the public spaces covered. They allow the police to confiscate or dispose of alcohol which is being consumed in the street. The orders have been in place for a number of years, but they will expire in October 2017 if not replaced by a PSPO. The attached maps show the extent of the current coverage. (**Appendices A, B and C**)
- 2.2 The Anti-social Behaviour, Crime and Policing Act 2014 provides local authorities with powers to create a PSPO where they are satisfied that activities carried on in a public place;
- have had, or are 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 imposed.
- 2.3 The PSPO will cease to have an effect after 3 years; however, that period can be extended for a further 3 years if it is deemed to be necessary.
- 2.4 Offences are dealt with by the issue of a fixed penalty notice (FPN). Alternatively, and in cases of non-payment, the matter is taken to court where a fine of up to £500 may be imposed on summary conviction.

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3. OPTIONS

- 3.1. The Council can let the current DPPOs lapse and not replace them. The view of the Community Safety Partnership is that this would not be desirable, as the orders have enabled the police to deal with issues that previously caused a nuisance in those areas.
- 3.2. The orders can be replaced with a PSPO which essentially does the same thing, although some of the detailed provisions will be slightly different. The PSPO in Kettering town contains provisions preventing on street consumption of alcohol and this has been the biggest area of enforcement to date.
- 3.3. The replacement PSPOs could also contain additional provisions depending on the issues in each location, and they can differ from area to area. The Kettering town centre PSPO contained a number of provisions. A summary of the provisions in that order are attached as **Appendix D**. IT IS NOT suggested that PSPOs in other locations should contain the same provisions; they are shown as an illustration of the sort of provisions already in place. They do not, equally, represent an exhaustive list of what could be included. Members will be aware that a Dog Control PSPO for the whole Borough is being introduced separately.
- 3.4. Members are reminded that any provisions within the PSPO must meet the requirements of the legalisation set out in section 2.2 of the report.
- 3.5. The opportunity exists, at the same time, to create new PSPOs for areas currently without one, but with a potential need. At the time of writing, officers are aware that Rothwell and the Mill Road park area may have an interest

4. CONSULTATION AND CUSTOMER IMPACT

- 4.1 A consultation exercise would have to be conducted if a new PSPO is required and or any further restrictions to the existing order.
- 4.2 Following on from internal consultations (legal, senior management team and councillors) the local authority must carry out external consultations and appropriate publicity. External consultations would include the police, general public, local parish and town councils and any residents groups or known interested parties. The purpose of these consultations is to establish whether the consultees are generally in favour of the proposals put forward, in addition to inviting potential suggestions that may be included in the order if considered appropriate.

5. POLICY IMPLICATIONS

- 5.1 The purpose of a PSPO is to deal with anti-social behaviour and make residents feel safer and more confident in the enjoyment of their area, which is one of the Council's principal objectives.

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6. USE OF RESOURCES

- 6.1 Appropriate signage will be erected advising of the new measures. This is likely to cost in the region of £2,000 – £3,000.

7. RECOMMENDATION

The Committee is asked if it wishes to consult on the creation of PSPOs to replace existing DPPOs and which of the options in section 3 above it would like to pursue.

Background Papers:

CSP minutes September 2016
Legislation

Previous Reports/Minutes:

None since 2009

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