

WELWYN HATFIELD BOROUGH COUNCIL
CABINET – 6 FEBRUARY 2024
REPORT OF THE SERVICE DIRECTOR (RESIDENT AND NEIGHBOURHOOD)

HATFIELD PUBLIC SPACE PROTECTION ORDER (REVIEW) – APPROVAL TO UNDERTAKE PUBLIC CONSULTATION

1 Executive Summary

- 1.1 The purpose of this report is to seek members approval to undertake a public consultation on the current Hatfield Public Spaces Protection Order (PSPO) with the view to ascertain whether or not the PSPO should continue for a further 3 years on expiry of the current PSPO, and whether to vary it to include an additional area.
- 1.2 The current Hatfield PSPO expires on the 30 July 2024.
- 1.3 In addition, it is proposed that we consult on varying the PSPO to extend the Hatfield PSPO to cover Hilltop Way/High View area in Hatfield due to reports of serious anti-social behaviour.
- 1.4 We are required to complete a statutory public consultation when seeking to vary an existing PSPO.

2 Recommendation(s)

- 2.1 That Cabinet approve a public consultation for the review of the current PSPO that is in place in Hatfield Town Centre and vary the PSPO to extend the designated area of the PSPO to cover Hilltop Way/High View area in Hatfield.

3 Explanation

- 3.1 The current PSPO underwent an initial public consultation in 2017 and was implemented in 2018. A further public consultation and review took place in 2021 and it was agreed that the order would continue for a further 3 years until 30 July 2024.
- 3.2 The current designated area is the Town Centre in Hatfield (Please see map in Appendix A). However, as part of the review, the area or restrictions could be extended, reduced or kept the same.
- 3.3 Hilltop Way/High View area in Hatfield has experienced an increase in reports of street drinking and ASB. We are proposing to vary the PSPO to include this location in addition to the current PSPO location (Town Centre) as part of this consultation. (Please see map of proposed additional area in Appendix B).
- 3.4 Local authorities have the power to make PSPOs if satisfied, on reasonable grounds, that two conditions are met:

1. 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, or
b) it is likely that activities will be carried out in a public place within that area and that they will have such an effect.
2. That the effect or likely effect of the activities—
 - a) is, or is likely to be, of a persistent or continuing nature;
 - b) is, or is likely to be, such as to make the activities unreasonable; and
 - c) justifies the restrictions imposed by the notice.
- 3.5 With regards to existing PSPOs, before the time when a PSPO is due to expire, the Council that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
 - a) occurrence or recurrence after that time of the activities identified in the order, or
 - b) an increase in the frequency or seriousness of those activities after that time.
- 3.6 Existing PSPOs can also be varied before they expire by:
 - a) Increasing or reducing the restricted area;
 - b) altering or removing a prohibition or requirement in the order, or adding a new one.
- 3.7 The current Hatfield PSPO includes the following prohibitions: Person(s) within this area will not:
 - Consume alcohol in a public place;
 - Be in possession of an open vessel(s) of alcohol in a public place;
 - Approach another person either verbally or through action in order to beg from the other person;
 - Loiter at or within ten metres of any pay machine (including banks, supermarkets and car parks) unless waiting legitimately to use the machine for the purpose it is designed for;
 - Sit on the ground in a public place, street, highway or passage in a manner that may be perceived that you are inviting people to give you money;
 - Urinate or defecate in a public place;
 - Sleep in any public place which is or includes:
 - a) Open to the air
 - b) Within a vehicle for a sustained period
 - c) Within a car park
 - d) A non-fixed structure including a caravan or tent without the prior permission of the owner or occupier of the land.

- 3.8 Within the existing PSPO in Hatfield, interventions have at times improved the antisocial behaviour experienced from the activities listed in paragraph 3.7 above. However, the ASB has not been eliminated, is recurring, having a detrimental impact and is unreasonable. The ASB team continue to receive reports of street drinking, specifically in Market Place, rough sleeping in Queensway House and the Multi-Story car park, and begging, in particular outside Boots and ASDA. Business and residents report that this behaviour has a detrimental impact on businesses, residents and visitors to the area.
- 3.9 We have received a lot of feedback from residents, businesses and the Police about antisocial behaviour occurring at Hilltop at High View. Large groups of people are congregating in this location, street drinking and it is reported that this is giving rise to intimidation and aggression. Residents and businesses report that this is having a detrimental impact, that it is persistent and unreasonable.
- 3.10 The consultation will seek to obtain the public's view on the restricted activities in the current PSPO and on the location of the current PSPO and whether changes are required. The area consulted will include Hatfield Town Centre and surrounding streets that are currently subject to the PSPO, and also Hilltop Way/High View, Hatfield which is an additional location.
- 3.11 The public consultation methods that will be used include:
- Consultation letter sent to residents and businesses/organisations the PSPO area
 - Local partners will be emailed inviting them to respond to the PSPO Consultation
 - Consultation online survey and information on WHBC website
 - Consultation sent to surrounding schools

As well as writing directly and promoting face to face and via flyers, the consultation will also be available on the council's website for local residents, visitors and businesses to complete.

- 3.11 In particular, the public consultation will seek views from:
- The Police
 - Other members of the Community Safety Partnership
 - Herts County Council
 - The Police and Crime Commissioner's Officer
 - Hatfield Town Centre Traders Association
 - WHBC Ward Councillors
 - Hatfield Town Council
 - Businesses
 - Residents

3.12 The consultation will run for over 5 weeks between 7th February 2024 – 13th March 2024.

3.13 Once the consultation has closed, we will review the feedback and inform Cabinet of next steps.

Implications

4 Legal Implication(s)

- 4.1 Section 60 of the Anti-social Behaviour, Crime and Policing Act 2014, states that before the expiry of an existing PSPO, the local authority can extend the duration of the PSPO for a period of up to 3 years if satisfied that on reasonable grounds it is necessary to prevent—
- a) occurrence or recurrence after that time of the activities identified in the order, or
 - b) an increase in the frequency or seriousness of those activities after that time.
- 4.2 Section 61 of the Act allows for existing PSPOs to be varied before they expire by:
- a) Increasing or reducing the restricted area;
 - b) altering or removing a prohibition or requirement in the order or adding a new one.
- 4.3 Before deciding whether to make a PSPO the local authority must carry out the necessary consultation, notification (if any) and publicity.
- 4.4 Under section 72 of the Anti-social Behaviour, Crime and Policing Act 2014, before making a PSPO, the Council must consult with the following:
- a) chief police officer of police, and the local policing body for the local area that includes the restricted area
 - b) land owners or occupiers within the affected area
 - c) any community representatives that the local authority feels appropriate
- 4.5 Home Office Guidance states that it is good practice to consult with the county council as Highways Authority.
- 4.6 It is not intended that this Order will replace existing legislation that addresses issues such as unauthorised encampments (i.e. gypsy and traveller encampments as opposed to a rough sleeper occupying a car or tent) or control of alcohol in licensed premises or licensed events as there is existing legislation in place to respond to this such as Licensing Act 2003.
- 4.7 In the event that approval is given for a consultation, the consultation must be clear and concise, have purpose, be informative, last for a proportionate amount of time and be targeted. The result of the consultation will need to be taken into consideration by the council in deciding whether or not to approve the making of a PSPO.

5 Financial Implication(s)

- 5.1 Enforcement costs under this order will be met by existing police and council staff. The Anti-Social Behaviour Team will undertake all administration functions

with regards to the PSPO and will use its existing budget in relation to any enforcement action required.

- 5.2 Any supplementary enforcement or back office work will form a part of the role of the police and Council's ASB officers.
- 5.3 Should the PSPO be renewed, this must be published in accordance with the regulations made by the Secretary of State and there will be some costs associated with publicising of the renewal of the order, stationery, Fixed Penalty Notice (FPN) booklets and signage. These costs can be met within existing budgets held by the Community Safety Partnership.
- 5.4 Income from FPNs is expected to be small and could be used to cover some associated costs of implementing the proposal.
- 5.5 Home Office Guidance states that the council is liable for all court action undertaken by way of prosecution against the PSPO. The council has an existing procedure for dealing with the use of FPNs. Any FPN issued as a result of the proposed PSPO will be dealt with in line with this procedure, however it is not anticipated that there will be a large volume of Notices issued.

6 Risk Management Implications

- 6.1 Legal challenge could present a financial and reputational risk to the council and wider Community Safety Partnership. The legislation states that "interested persons" may challenge the validity of the order within a period of six weeks. The High Court has the power to quash, amend or uphold the order. This risk would be mitigated by undertaking a comprehensive consultation process.
- 6.2 Views expressed during the consultation period will be considered and reported to Cabinet, prior to a decision about whether or not the proposed PSPO is made.

7 Security and Terrorism Implication(s)

- 7.1 There are no known security and terrorism implications associated with this report.

8 Procurement Implication(s)

- 8.1 There are no procurement implications associated with this report.

9 Climate Change Implication(s)

- 9.1 There are no climate change implications associated with this report.

10 Human Resources Implication(s)

- 10.1 The public consultation for the PSPO will be undertaken using existing officer resources.

11 Health and Wellbeing Implication(s)

- 11.1 Addressing the ASB associated with these activities in the town centre will contribute towards the feeling of safety and assurance to residents, visitors and businesses in the location.

12 Communication and Engagement Implication(s)

- 12.1 The legal requirement for public consultation for a proposed PSPO are outlined above and will be met.
- 12.2 The survey will be available online on the Council’s website, but paper copies will be made available if needed. A press release, emails, social media and fliers will be used to publicise the consultation.

13 Link to Corporate Priorities

- 13.1 The subject of this report is linked to the Council’s corporate priority – ‘Together, create opportunities for our communities’ and in particular ‘help us feel safer where we live.’

14 Equality and Diversity

- 14.1 An EqIA was completed in January 2024 and this found that there is the potential for negative impacts because the implementation of the PSPOs could negatively impact on race. This is because intelligence suggests that a large number of the Eastern European community are those that gather, socialise and often consume alcohol within the proposed and current PSPOs areas.
- 14.2 If the PSPO is implemented in due course, should individuals with vulnerabilities be found, support and signposting to services will be undertaken.
- 14.3 However, the proposed PSPO is considered necessary and justified due to the impact of the anti-social behaviours causing detriment to the quality of life of the community.
- 14.4 A further EqIA will be done once the outcome of the consultation is known. A copy of the pre-consultation EqIA is attached as Appendix C.

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Service Area	Resident and Neighbourhood
Date	6 February 2024

Appendices

Appendix A – Map showing the area covered by existing Hatfield PSPO

Appendix B - Map showing the area covered by the proposed extension to the Hatfield PSPO

Appendix C – Pre consultation EqIA