

Board/Committee:	Full Council
Date of meeting:	7 February 2024
Title:	Hardway Green Public Spaces Protection Order (PSPO) 2024
Author:	Head of Corporate Policy and Community Safety
Status:	For Decision

Purpose

This report seeks approval from Full Council for the extension of the Hardway Green Public Spaces Protection Order from the period 7th March 2024 to 6th March 2027.

Recommendation

That the Council:

- Considers the results of the consultation exercise carried out between 05/12/23-02/01/24 and the content of this report;
- Approves the extension of the Hardway Green PSPO from 7th March 2024 for the period of 3 years to control Anti-Social Behaviour (ASB) in the area shown edged black in the accompanying plans as set out in Appendix 1 enforceable from 1st April – 31st October each year; and
- Delegates Authority to the Head of Corporate Policy and Community Safety to take the required steps to extend the Hardway Green PSPO from 7th March 2024 for the period of 3 years.

1.0 Background

- 1.1** The Hardway Green PSPO 2017 was extended by Policy and Organisation Board in March 2021 for a period of three years.
- 1.2** The Hardway Green PSPO, covering the area shown in Appendix 1, restricts two or more persons congregating and engaging in any conduct capable of causing or likely to cause harassment, alarm or distress to any reasonable member of the public.
- 1.3** This Order allows Police and Authorised Officers to request individuals to disperse from the area identified.
- 1.4** The Council, in accordance with Section 72(3) of the Anti-Social Behaviour, Crime and Policing Act 2014, has carried out the necessary consultation, which included the Chief Constable of Hampshire and Isle of Wight Constabulary, Police and Crime Commissioner and members of the public between 05/12/23-02/01/24.

2.0 Report

- 2.1** A local authority can make a PSPO if satisfied on reasonable grounds that two conditions are met:

The first condition is that :

- Activities carried out 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
- It is likely that activities will be carried on in a public place within that area

and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities –

- Is, or is likely to be, of a persistent or continuing nature
- Is, or is likely to be, such as to make the activities unreasonable

And

- Justifies the restrictions imposed by the notice.

This PSPO is only enforceable from 1st April – 31st October each year, as this reflects the occurrence of the ASB.

The Council should also consider if there are other sufficient measures or tools to satisfactorily deal with the ASB. It should be noted that there are two additional PSPO's which also cover the Green but these are concerned with differing types of ASB:

- Gosport and Town Centre PSPO 2023, which deals with the issues of ASB as a consequence of alcohol/drugs, urinating or defecating, begging and blocking entrances/exits
- Dog Control PSPO 2023, which deals with dog fouling, dogs on lead by direction and maximum numbers to be taken into a public place by an individual.

2.2 If the proposed Hardway Green PSPO is extended this will continue to give the Council and Police powers concerning ASB linked to:

- Foul and obscene language
- Motorbikes/mopeds riding on footpaths and the green
- Littering
- Trespass
- Damage to property
- Intimidation
- Verbal abuse
- Assault
- Drug related issues.

2.3 The Council, in accordance with Section 72(3) of the Anti-Social Behaviour, Crime and Policing Act 2014 has carried out the necessary consultation for this PSPO.

The Act requires the necessary consultation to be carried out but does not specify a methodology or consultation duration but it must include consultation with the Chief Constable of Hampshire and Isle of Wight Constabulary, Police and Crime Commissioner and members of the public.

The consultation methodology comprised:

- A survey on the Council's website with hard copies available at local libraries/community hubs and at the Town Hall and upon request (which included provision of alternative formats if required).
- Letters issued to various organisations and key stakeholders including the Chief Constable of Hampshire and Isle of Wight Constabulary, Police and Crime Commissioner Office, Hampshire County Council, Senior Schools, Hardway Residents Action Group and local businesses.

A press release and various social media communications were used to promote

the consultation.

As the PSPO has been in force for many years and the proposed PSPO reflects the current one, a four-week consultation period (05/12/23-02/01/24) was deemed reasonable.

2.4 The survey contained questions specific to the PSPO asking respondents if:

- They use the Hardway Memorial Green?
- They have experienced anti-social behaviour in the Hardway Green and immediate locality?
- Anti-social behaviour or the fear of anti-social behaviour stopped them visiting Hardway Green?
- The PSPO has reduced anti-social behaviour at the Hardway Green location? and
- They think the PSPO should remain in place for a further 3 years?

Additional questions were included to help understand the 'reach of the survey' and to assist with the Equality Impact Assessment.

2.5 The key survey findings were:

Do you use the Hardway Green?

1. Yes – 89.74%
2. No - 10.26%

Have you or anyone you know experienced anti-social behaviour in the Hardway Green and immediate locality?

1. Yes – 65.38%
2. No – 34.62%

Has anti-social behaviour or the fear of anti-social behaviour stopped you or your family members visiting the Hardway Green?

1. Yes – 55.13%
2. No – 44.87%

Do you think the PSPO has reduced the anti-social behaviour at the Hardway and locality?

1. Yes – 55.13%
2. No – 8.97%
3. Don't know / No opinion – 35.90%

Do you think the PSPO should remain in place for a further 3 years?

1. Yes – 85.90%
2. No – 7.69%
3. Don't know / No opinion – 6.41%

The full results are shown in Appendix 2.

2.6 Letters were sent to a number of key organisations seeking views and signposting them to the survey and the only direct response was from the Police, which positively supported the PSPO.

2.7 In summary, the consultation has demonstrated a continued perceived problem

with ASB and support for the proposed extension of the PSPO.

Anti-social behaviour data has been analysed indicating the need for the extension of the PSPO along with general community feedback.

The three necessary conditions for a PSPO, set out in paragraph 2.1, are deemed to be met.

The Hardway Green PSPO 2017 has had a positive impact on the locality.

The PSPO's provides a strong message regarding Anti-Social Behaviours, with signage often encouraging compliance whilst also providing a basis for advice, education and enforcement if necessary.

It should be noted that the focus of the Council and Police remains on supporting vulnerable individuals, highlighting support services, educating and enforcing only when help is unreasonably refused and there is continued ASB. This approach has been agreed by the Police and Council.

2.8 Full Council is required to have regard to the consultation and the information contained within this report and decide on whether it is appropriate to extend the Hardway Green PSPO.

3.0 Risk Assessment

3.1 Failure to approve the Hardway Green PSPO may result in continued/increased ASB, which would have a detrimental impact on quality of life.

4.0 Conclusion

4.1 For the reasons set out in this report, the extension of the Hardway Green PSPO is recommended.

Financial Services comments:	
Legal Services comments:	
Equality and Diversity:	Please see the Equality Impact Assessment Appendix 3.
Crime and Disorder:	The Hardway Green PSPO directly addresses Anti-Social Behaviour therefore positively contributes towards Community Safety.
Service Improvement Plan implications:	This has now been integrated into the work plan of the Community Safety and Corporate Policy Section.
Corporate Plan:	The Hardway Green PSPO will assist working to keep the Borough safe through the Community Safety Partnership operations.
Risk Assessment:	Contained within the report.
Background Papers:	N/A
Appendices:	Appendix 1: Hardway Green PSPO Appendix 2: Survey results Appendix 3: Equality Impact Assessment
Report Author/Lead Officer:	Julie Petty

