

Accompanying note for Motion 1 – Council – 24 February 2022

Proposed by Councillor Richard Smith-Ainsley

Seconded by Councillor Christopher Bateson

To invite Members to consider and agree the proposed approach to dealing with certain behaviours identified by the borough Commander and to consider whether the Council should commence statutory consultation on the making of a Public Spaces Protection Order (“PSPO”) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”).

The purpose of a PSPO would be to assist the Council and its partners to provide an appropriate and robust response to various behaviours taking place in Staines-upon-Thames town Centre and surrounding area, that existing enforcement powers have been unable to resolve. It would help ensure that the law-abiding majority can use and enjoy these public spaces, safe from anti-social behaviour (“ASB”).

It should be noted that Members are not being asked to decide whether a PSPO should be made but to approve the commencement of statutory consultation. A further report on the next steps will be made once the consultation process has been completed. At that future stage, Members may be asked to make a PSPO if the statutory criteria are met and it is thought to be a necessary and proportionate response to the issues that have been identified. No decision or recommendation is made on that at this stage.

Motion

That consultation be undertaken into the possibility of the Council making a Public Spaces Protection Order (PSPO) under Section 59 of the Anti- Social Behaviour, Crime and Policing Act 2014 in respect of the areas and activities in Spelthorne determined by the borough Commander

That the proposed consultation process be as set out below.

During the consultation process the Council will seek comments on:

- Whether a PSPO is appropriate, proportionate or needed at all;
- The proposed restrictions; and
- The proposed area to be designated as the Restricted Area.

Consultation would be over a 6 week period, with the following stakeholders:

- Borough Commander for Spelthorne
- The Police and Crime Commissioner
- Town Centre Businesses
- Ward Councillors
- The voluntary sector
- Community representatives
- Local residents/those working nearby (via a survey).

Findings from the consultation will be brought back to Council for it to decide whether to proceed with the PSPO – and, if so, the area to be designated and the restrictions which would apply. At that point the Council would have to consider all material considerations including proportionality i.e. are the proposed restrictions proportionate to the harm/nuisance that is being caused?