

# Community Wellbeing & Housing Committee



**11<sup>th</sup> March 2025**

<b>Title</b>	<i>Anti-Social Behaviour Public Space Protection Order (PSPO)</i>
<b>Purpose of the report</b>	To make a decision
<b>Report Author</b>	<i>Will Jack – Community Safety Manager</i>
<b>Ward(s) Affected</b>	All Wards
<b>Exempt</b>	No
<b>Exemption Reason</b>	<i>N/A</i>
<b>Corporate Priority</b>	Community
<b>Recommendations</b>	<p><b>Committee is asked to:</b></p> <p><b>Adopt the proposed Anti-Social Behaviour Public Space Protection Order.</b></p>
<b>Reason for Recommendation</b>	<i>This will allow the proposed new Anti-Social Behaviour Public Space Protection Order to run for an initial 3 year period</i>

## 1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> <li>• Anti-social behaviour being caused by people using cycles, e-bikes, e-scooters, hoverboards in public areas. The ASB includes (but is not limited to) riding on footways, riding dangerously, riding in pedestrianised areas and riding in an anti-social manner.</li> <li>• The wearing of face coverings by individuals suspected of taking part in acts of anti-social behaviour and intimidation. This is common in the borough and the tactic is being used as a method of hiding the</li> </ul>	<ul style="list-style-type: none"> <li>• To ensure public safety.</li> <li>• To ensure that the Council is able to respond effectively to reports of anti-social behaviour.</li> <li>• To maintain public confidence in the Council that their complaints will be dealt with</li> <li>• To reduce fear and intimidation</li> <li>• To protect the public</li> <li>• To effectively identify offenders</li> <li>• To reduce violence towards women &amp; girls.</li> </ul>

<p>offender's identity. Naturally, this does not include people wearing face coverings for medical, cultural or religious reasons.</p> <ul style="list-style-type: none"> <li>• A large number of offences are being carried out by subjects using catapults and slingshots to cause injury to people, injury and cruelty to animals and criminal damage to property.</li> </ul>	<ul style="list-style-type: none"> <li>• To ensure public safety</li> <li>• To prevent cruelty to animals</li> <li>• To prevent damage to property</li> </ul>
<p><b>This is what we want to do about it</b></p>	<p><b>These are the next steps</b></p>
<ul style="list-style-type: none"> <li>• Create a new Public Space Protection Order to do the following:</li> <li>• To provide legal powers for an authorised person/s to request a person to dismount and if appropriate prosecute that person for dangerous cycling/riding in the Borough of Spelthorne</li> <li>• Ban the use of face coverings in circumstances where the subject is believed to be engaging in acts of anti-social behaviour within the Borough of Spelthorne</li> <li>• Ban the possession and use of a catapult/slingshot in a public place within the borough of Spelthorne.</li> <li>• Ban the possession of stones, ball bearings, pellets or similar item(s) capable of being launched as a projectile, by a catapult, slingshot or similar item or by manual force, that could cause harm or damage to a person, animal or property. Furthermore, ensure compliance with the PSPO by making it an offence to fail to surrender a catapults or associated ammunition. Naturally, this would not include legitimate use of</li> </ul>	<ul style="list-style-type: none"> <li>• Once PSPO is approved, to launch communications strategy to make the general public aware and boost compliance</li> <li>• Ensure requisite signage is procured and installed</li> <li>• Commence education and enforcement once order is in place, making use of initiatives such as Partnership Action Days (PADs)</li> </ul>

catapults such as bait catapults used when fishing.	
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1.1 The proposed new Public Space Protection Order aims to deal with three main issues – the anti-social and irresponsible use of bicycles, e-bikes, skateboards, hoverboards, e-scooters and similar devices. The use of face coverings when engaged in acts of antisocial behaviour and the irresponsible and dangerous use of catapults in public places.

## 2. Key issues

2.1 A Public Space Protection Order (PSPO) is made under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2015. As part of the process when considering whether to make a new PSPO, two of the following conditions need to be met:

- 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 on in a public place within that area and that they will have such an effect and
- c. Is or is likely to be, of a persistent or continuing nature,
- d. Is or is likely to be, such as to make the activities unreasonable, and
- e. Justifies the restrictions imposed by the notice.

2.2 The proposed restrictions are intended to combat the specific harm caused by the anti-social behaviour. The prohibition of anti-social riding is intended to increase public safety across the borough, particularly in built up and pedestrianised areas. Furthermore, a great deal of concern has been raised by residents about the use of facemasks by offenders and those engaged in acts of antisocial behaviour. This takes the intimidation and fear of crime to a higher level. Lastly, the ongoing impact on the community and wildlife by the anti-social use of catapults is well-documented in the borough. Cases of criminal damage and cruelty to animals are commonplace.

2.3 If adopted, the proposed PSPO would run for an initial three-year period, after which time it would be formally reviewed.

2.4 The proposed Anti-Social Behaviour PSPO, attached as **Appendix A**, includes restrictions on the following:

- a. Antisocial Use of bicycles, e-bikes, skateboards, hoverboards, e-scooters and similar devices Fires, barbecues and cooking equipment using naked flames
- b. Use of face coverings
- c. Possession and use of catapults/slingshots

2.5 Prior to the introduction of a PSPO the Council is required to conduct a public consultation.

2.6 A consultation on the above PSPO proposals was conducted between 18<sup>th</sup> November 2024 and 18<sup>th</sup> December 2024 inclusive. The consultation was

widely published through the Council's website, Twitter, Facebook, press releases to local media, posters, and emails to relevant stakeholders – Surrey Police, the Office of the Police and Crime Commissioner, Surrey Fire and Rescue Service. (the survey in full is shown at **Appendix B**).

- 2.7 In total, 677 people took part in the consultation. The level of response means that we can be confident that we have a good understanding of the possible impact of the PSPO proposals on the local community. The responses from Surrey Police were supportive of the proposals. As the results below show, there was strong support for the PSPO proposals. The full summary of responses from the public can be found at **Appendix B**.
- 2.8 Participants were asked whether they agreed or disagreed with the proposal to introduce a PSPO in relation to bicycles, e-bikes, skateboards, hoverboards, e-scooters and similar devices. **663 respondents agreed with the proposals. 14 did not.**
- 2.9 Participants were asked whether they agreed or disagreed with the proposal to introduce a PSPO in relation to face coverings being used to conceal identity by those suspected of engaging in acts of anti-social behaviour. **668 respondents agreed with the proposals. 9 did not.**
- 2.10 Participants were asked whether they agreed or disagreed with the proposal to introduce a PSPO in relation to possession and use of catapults in a public place. **663 respondents agreed with the proposals. 14 did not.**
- 2.11 Exemptions will exist under this section to the PSPO proposal. In cases where a person is wearing a face covering for medical, cultural or religious reasons this will not be a breach of the PSPO. Furthermore, if a person is using a catapult for a legitimate purpose i.e. bait catapult when fishing, this will also not be a breach of the PSPO.

### **3. Options analysis and proposal**

- 3.1 The following decision options are available for consideration by the Committee:

#### **Option 1 Preferred option**

The Community Wellbeing & Housing Committee adopt the proposed PSPO, which will allow the authorised persons i.e. Council Officers and Surrey Police to deal with complaints regarding the anti-social use of bicycles etc, the use of face coverings and the possession and use of catapults/slingshots.

#### **Option 2**

The Committee do not adopt the proposed PSPO which would mean that no additional powers would be available to Spelthorne Borough Council officers to deal with the described issues.

#### **Option 1 is recommended for the following reasons:**

The proposed PSPO seeks to protect the community from the detrimental effect on the quality of life of those in the locality of the continuing unreasonable behaviours referred to within the order and will give Spelthorne Council and Surrey Police further powers to deal with the highlighted issues.

- 3.2 All of proposals that have been put forward seek to ensure that the Council's parks, open spaces and communities are welcoming and safe for all residents, visitors, and other users.
- 3.3 Data concerning the number of incidents reported to the police where there was a balaclava used in the commission of an offence is shown under **Appendix C**. Offences were searched from 1<sup>st</sup> January 2024 until the end of September 2024. In total there were 106 offences recorded where a balaclava was used.
- 3.4 Police data was also searched regarding the use of catapults. Between 1<sup>st</sup> January 2024 and the end of September 2024 there were 25 reports. A full list is available in **Appendix C**.
- 3.5 One of the issues with enforcement is that there is a tendency to be reactive to events and situations which does not capture the full extent of what is happening in the Borough in relation to these issues. The Council needs to be proactive in its approach.
- 3.6 The proposed measures will hopefully go some way to address all the issues identified and make people seriously think twice about their actions or risk the real possibility of prosecution or being issued with a fixed penalty notice as outlined below.
- 3.7 Section 67 of the Act makes it an offence for a person without reasonable excuse-
- a. To do anything that the person is prohibited from doing by a public space protection order, or
  - b. To fail to comply with a requirement to which the person is subject to under a public space protection order.
  - c. A person guilty of an offence under this section is liable to a fine not exceeding level 3 on the standard scale currently £1000.
- 3.8 Section 68 provides the power for a constable or authorised person to issue a fixed penalty notice to anyone whom he or she has reason to believe has committed an offence under s.63 or s.67 in relation to a public space protection order. The current fixed penalty amount is £100.
- 3.9 Section 67 is reproduced above, and s.63 deals specifically with the consumption of alcohol in breach of prohibition of an order, so not relevant in these circumstances.

There is nothing within these proposals that indicates any risk. All requisite signs will be prominently displayed and securely attached to street furniture or poles within parks and open spaces

#### **4. Financial management comments**

- 4.1 The main financial implication in relation to the making of a public space protection order is that every identified area within the order must have the correct signage placed at the location which would also include strategically placed larger signs covering the highway, the estimated total costs for the signs is £3800. This cost will be met out of existing budgets
- 4.2 There would be no resource increase for the JET/Community Safety Teams who would continue enforcing within their existing areas and patrols.

4.3 There is the possibility of a small increase in revenue depending on the number of fixed penalty notices issued for non-compliance. The potential increase is difficult to quantify at this stage, as it is unknown what level of compliance will be achieved once the PSPO is in force.

## **5. Risk management comments**

5.1 There are no specific risks associated with this PSPO

5.2 During any enforcement activity, there is a risk to the officers involved. This risk is mitigated by full risk assessments detailing necessary training and Personal Protective Equipment (PPE) to be carried by officers. These risk assessments have been approved by Health and Safety.

## **6. Procurement comments**

6.1 There are no procurement implications as the sign purchase is under £10,000.

## **7. Legal comments**

7.1 The test for making a PSPO is set out in section 59 of the Anti-social Behaviour, Crime and Policing Act 2014, the "ASBCPA 2014". The Council may make a PSPO if satisfied on reasonable grounds that 2 conditions are met: (i) activities carried out in a public place are having, have had or it is likely to have a detrimental effect on the quality of life of those in the locality, and (ii) those activities are or are likely to be (a) persistent or of a continuing nature (b) is or is likely to be such as to make the activities unreasonable, and (c) justify the restrictions imposed by the notice. The only prohibitions or requirements that may be imposed are ones that are reasonable to prevent or reduce the detrimental effect of the activity.

7.2 A prohibition of a PSPO may apply: (a) to all persons, or only to persons in specified categories or to all persons except those in specified categories; (b) at all times, or only at specified times, or at all times except those specified; and/or (c) in all circumstances, or only in specified circumstances, or in all circumstances except those specified (s59 (6) ASBCPA 2014)

7.3 In deciding whether to make a PSPO and formulating its contents, local authorities must (a) consult (b) publicise; and (c) notify.

7.4 Local authorities making a PSPO must have particular regard to the rights of freedom of expression and freedom of assembly safeguarded by articles 10 and 11 of the European Convention on Human Rights (s.72(1) ASBCPA 2014). Article 8 rights to privacy or family life may also be relevant in terms of protecting the rights of those affected by anti-social behaviour.

7.5 In seeking to strike a fair balance between the interests of the community on the one hand, and the rights of the persons affected on the other, The Council must ensure that PSPOs are used proportionately and are not targeted at minority or vulnerable groups. This is supported by Home Office guidance which explicitly states that PSPOs should not be used to target people based solely on the fact that they are homeless or rough sleeping.

## **8. Other considerations**

8.1 There are no other matters to be considered arising from this report.

## **9. Equality and Diversity**

- 9.1 The Council aims to be consistent and even-handed in all regards. The undertaking of any enforcement action to deal with members of the public for offences under the Anti-Social Behaviour PSPO is not intended to have either a positive or negative impact upon equality or diversity or apply differently to any group.
- 9.2 The Council has a public sector equality duty under the Equalities Act 2010 to have due regard to tackle discrimination and victimisation of persons that share the characteristics protected under s.4 of the Act. An Equality Impact Assessment has been completed and is shown in **Appendix G**.

## **10. Sustainability/Climate Change Implications**

- 10.1 There are no sustainability or climate change implications directly arising from this report.

## **11. Timetable for implementation**

- 11.1 If the committee agree to adopt the Anti-Social Behaviour PSPO, it will be uploaded to the Council website as soon as possible and published on all social media channels. Once the required signage has been procured and is installed, the PSPO will commence for an initial 3 year period.

## **12. Contact**

Will Jack – Community Safety Manager – Tel 07899 068269  
**Neighbourhood Services**

### **Background papers:**

Anti-social behaviour, Crime and Policing Act 2014, Chapter 2 Public Space Protection Orders -  
<https://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2/enacted>

Equalities Act 2010

Human Rights Act 1998

### **Appendices:**

Appendix A – Proposed Anti-Social Behaviour PSPO

Appendix B – Consultation Survey Questions/Responses

Appendix C – Police Data