

**DECISION NO:**

*For Member Services use only*

Concurrence No: 066401

**Action under delegated authority of Chief Executive**

**Action under delegated authority of Director of Finance and Cabinet Member for Finance**

**Action taken by Chief Executive in consultation with Cabinet Member(s)**

**X**

Subject: **Renewal of Public Space Protection Orders**

Signature and designation of officer(s) taking action:

\_\_\_\_\_  
Chief Executive  
22/06/2020  
Date

\_\_\_\_\_  
Director of Finance  
18/06/2020  
Date

\_\_\_\_\_  
Head of Finance  
Date

**Name of Cabinet Member(s)  
Consulted:**

I have been consulted and concur with  
the proposals set out below:

Councillor S Monaghan

25/06/2020

\_\_\_\_\_  
Cabinet Member for Housing and Community  
Services

\_\_\_\_\_  
Signature: Date:

Councillor

\_\_\_\_\_  
Cabinet Member for

\_\_\_\_\_  
Signature: Date:

Name of any member who has declared a  
conflict of interest in relation to this decision: \_\_\_\_\_

**THIS DOCUMENT WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE**

**The report overleaf sets out the decision to be taken, the reasons for the decision, and the details of alternative options, if any, considered and rejected.**

**Officer decisions are available for public inspection, both at the Borough Offices and on the Council's website. Officer decisions are kept for a period of six years at the Borough Offices and for six months on the website after the decision is made. Background papers are available for four years.**

**RECOMMENDED that public consultation as set out below proceeds in respect of the following:**

- **Order 1 - the control of dogs (renewal of expired Order)**
- **Order 2 - the public consumption of intoxicating liquor (renewal of expired Order)**
- **Order 3 - vehicle related anti-social behaviour, including the illegal use of mopeds, motorbikes and off-riders (extension of terms of expired Order to cover the whole Borough).**

## **Purpose**

To agree that public consultation be carried out in relation to the following three Public Space Protection Orders (PSPOs):

- Order 1 – the control of dogs (renewal of expired Order)
- Order 2 - the public consumption of intoxicating liquor (renewal of expired Order)
- Order 3 - vehicle related anti-social behaviour, including the illegal use of mopeds, motorbikes and off-riders (extension of terms of expired Order to cover the whole Borough).

## **Background**

In 2016, the Council implemented a PSPO to tackle nuisance vehicles in specific geographical areas across the Borough. In response to an increase in the use of off-road motorcycles in areas not covered by the existing PSPO, Cabinet resolved in 2019 that:

- (a) public consultation be initiated on the implementation of an extended Public Space Protection Order to tackle nuisance vehicles;
- (b) public consultation be initiated on the implementation of a Public Space Protection Order to tackle verge, footway and footpath parking; and
- (a) the Community Safety Manager be authorised to implement the proposals in consultation with the Cabinet Member for Community Safety and Corporate Services, having regard to any representations received as a result of the public consultation.

These resolutions have not yet been implemented and in the meantime three existing PSPOs expired on 14 March 2020 relating to the control of dogs, the public consumption of intoxicating liquor and the original PSPO related to vehicle nuisance in specific locations. Agreement is therefore sought to carry out a public consultation exercise regarding the expired Orders alongside that agreed by Cabinet in 2019.

## **Conditions**

To enable a PSPO to be put in place the Council is required to be satisfied that the following conditions are met:

### **First condition**

- a) activities carried out have had a detrimental effect on the quality of life of those in the locality; and

- b) it is likely that the activities will be carried out and that they will have such an effect

### Second condition

- c) the activities are likely or are, of a persistent or continuing nature
- d) the activities are likely or are, to make the activities unreasonable
- e) the activities justify the restrictions imposed by the notice

### **Next steps**

When deciding whether to implement a PSPO or not, the local authority must:

- have regard of the Human Rights Act, in particular Articles 10 and 11 (links to [Article 10](#) and [Article 11](#) for information)
- carry out the necessary on-line consultation for a 20 day period
- carry out the necessary notification
- carry out the necessary publicity

### Consultation

The necessary consultation means consulting with:

- the Chief Inspector for Broxbourne who will consult with the Chief Constable for Herts Police
- any community representative that the local authority feels appropriate to consult with e.g. local residents and businesses
- the owner/occupier of the land where the order applies, where possible
- the Local Highway Authority – Herts County Council

### Notification

The necessary notification in this case will mean informing the county council.

### Publicity

The necessary publicity in this case means:

- advertising the text of the PSPO on the website
- erecting site notices on or adjacent to the land to which the notices relate
- publishing information on the Council's social media – Twitter and Facebook

### **Timeline**

It is anticipated these orders will go live during July 2020. This will be timely for any problems which may arise during the summer and as a result of further relaxing of the Covid-19 lockdown measures.

### **Financial, Legal and Risk Management Implications**

The cost of implementing these proposals will principally comprise the costs of the consultation exercise and the advertising of the making of the Orders. Previous PSPO consultations have taken place via social media and the use of the Council's publications. The majority of the costs would be related to the production and installation of signage. These costs will be met from existing budgets.

The introduction of these Orders is in accordance with the necessary legislation. At this stage there are no further legal implications.

Once the orders are in place the Council will be able to issue fixed penalty notices (FPN) for non-compliance with the orders. The FPN attracts a fine of £100 and it is considered that this will act as deterrent.

The main risk lies with not implementing the PSPO and the associated issues continuing unchallenged.

### **Alternative Options Considered and Rejected**

The alternative is to not implement the PSPOs. In these circumstances, there is every likelihood that the issues will continue largely unchallenged, which is considered undesirable.

### **Contribution to the Council's Objectives**

The proposals accord with the Council's objectives for promoting community safety and reducing fear of crime and maintaining a clean and tidy Broxbourne.

### **Conclusion**

The renewal of the PSPO including the extension of the area covered for vehicle related nuisance would be in the interests of the residents of the Borough.

Contact Officer: Louise Brown

Ext: 5828

Date 18 June 2020

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Action reported to the Cabinet on:

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BROXBOURNE BOROUGH COUNCIL

PUBLIC SPACE PROTECTION ORDER No. 1 OF 2020

THE CONTROL OF DOGS

**DRAFT FOR CONSULTATION**

1. This Order may be cited as the Borough of Broxbourne Public Spaces Protection Order No. 1 of 2020.
2. The Borough of Broxbourne (the “Council”) makes this Order under its powers contained in s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), being satisfied on reasonable grounds that the activities set out in paragraph 5, in the location described in paragraph 4 of this Order and detailed in the schedule to this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing anti-social behaviour in a public place.
3. This Order comes into force at midnight on 30 July 2020 for a period of up to three years thereafter, unless extended by further order under the Council’s statutory powers.
4. This Order applies to all land in the Borough of Broxbourne to which the public or any section of the public has access, on payment or otherwise, as of right by virtue of expressed or implied permission.
5. The activities described below are hereby covered as from the date of this Order.
  - (a) The failure to remove dog faeces by a person in charge of the dog from the designated land,
  - (b) Allowing a dog (excluding guide dogs) to be present in the following areas:
    - (i) All fenced children’s playground and areas which are designated and marked for children’s play
    - (ii) All fenced games areas e.g. tennis, ball courts, skate parks
    - (iii) Marked playing pitches, when in use for playing sports

Any person in charge of a dog who takes it onto, permits it to enter or remains on the specified land is guilty of an offence.

6. Section 67 of the Act states that it is an offence for a person without reasonable excuse:
  - (a) To do anything that the person is prohibited from doing by a public spaces protection order or,
  - (b) To fail to comply with a requirement to which the person is subject under a public spaces protection order.

A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

A person guilty of an offence under conditions a or b above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or a fixed penalty notice of £100.

### **CHALLENGING THE VALIDITY OF ORDERS**

An interested person may apply to the High Court to question the validity of this Order and an interested person means an individual who lives in the restricted area or who regularly works in or visits that area. Any such interested person may apply to the High Court within six weeks from the date on which this Order was made on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order or that a requirement under Chapter 2 of the Act was not complied with in relation to this Order.

### **SCHEDULE OF RESTRICTED AREAS**

- (a) All public rights of way/footpaths, pavements, flower beds, shrub areas and grass verges adjacent to carriageways.
- (b) All pedestrianised areas
- (c) All parks, open spaces and children's play areas
- (d) All sports fields
- (e) All greens, verges flower beds and other open areas on any housing estates in the borough
- (f) All town greens
- (g) All cemeteries
- (h) All parts of the Lee Valley Regional Park within the Broxbourne Borough Council district
- (i) All allotments
- (j) All public car parks

### **LAND DESIGNATED SPECIFICALLY**

- (a) The grounds of The Spotlight, The Spinning Wheel and Lowewood House, Hoddesdon
- (b) The grounds of Bishops College and Emmanuel Lodge, Cheshunt
- (c) Land open to the public and owned by local trustees for open spaces at:
  - (i) Broxbourne recreation ground, Station Road Broxbourne
  - (ii) Baas Hill, Broxbourne
  - (iii) Cock Lane, Hoddesdon

Dated .....

THE COMMON SEAL of the Borough of Broxbourne  
Council was hereunto affixed in the presence of

.....  
Authorised Officer

BROXBOURNE BOROUGH COUNCIL

PUBLIC SPACE PROTECTION ORDER No. 2 OF 2020

PUBLIC CONSUMPTION OF INTOXICATING LIQUOR

**DRAFT FOR CONSULTATION**

1. This Order may be cited as the Borough of Broxbourne Public Spaces Protection Order No. 2 of 2020.
2. The Borough of Broxbourne (the “Council”) makes this Order under its powers contained in s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), being satisfied on reasonable grounds that the activities set out in paragraph 5, in the location described in paragraph 4 of this Order and marked on the plan contained in the schedule to this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing anti-social behaviour in a public place.
3. This Order comes into force at midnight on 30 July 2020 for a period of up to three years thereafter, unless extended by further order under the Council’s statutory powers.
4. This Order applies to the public places being those parts of the Borough of Broxbourne shown outlined on the plan contained in the schedule of this Order (“the restricted areas”).
5. The activities described below are hereby prohibited as from the date of this Order.
  - (c) Consume intoxicating liquor in a public place and acting in a matter that is causing or is likely to cause alarm, harassment or distress
  - (d) Be in possession of an open vessel(s) of intoxicating liquor in a public place
  - (e) Urinate or defecate in public.

**S 63 Consumption of alcohol in breach of prohibition in this order**

(1) This section applies where a constable or an authorised person reasonably believes that a person — (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition. In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

(2) The constable or authorised person may require a person — (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol; (b) to surrender anything in a person’s possession



which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell person that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an authorised person under subsection (2) is not valid if the person— (a) is asked by person to show evidence of his or her authorisation, and (b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

(6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale

6. Section 67 of the Act states that it is an offence for a person without reasonable excuse:

- (c) To do anything that the person is prohibited from doing by a public spaces protection order or,
- (d) To fail to comply with a requirement to which the person is subject under a public spaces protection order.

A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

A person guilty of an offence under conditions a, b or c above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale, or a fixed penalty notice of £100.

### CHALLENGING THE VALIDITY OF ORDERS

An interested person may apply to the High Court to question the validity of this Order and an interested person means an individual who lives in the restricted area or who regularly works in or visits that area. Any such interested person may apply to the High Court within six weeks from the date on which this Order was made on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order or that a requirement under Chapter 2 of the Act was not complied with in relation to this Order.

### SCHEDULE OF RESTRICTED AREAS

Cheshunt Old Pond, Cheshunt  
Grundy Park, Cheshunt  
Holdbrook Estate, Waltham Cross  
Waltham Cross Town Centre  
The Royal and Four Swannes Estate, Waltham Cross  
Pound Close Hoddesdon  
(See attached maps)

Dated .....

THE COMMON SEAL of the Borough of Broxbourne  
Council was hereunto affixed in the presence of

.....

Authorised Officer

BROXBOURNE BOROUGH COUNCIL  
PUBLIC SPACES PROTECTION ORDER No.3 OF 2020  
VEHICLE RELATED ANTI-SOCIAL BEHAVIOUR  
**DRAFT FOR CONSULTATION**

1. This Order may be cited as the Borough of Broxbourne Public Spaces Protection Order No. 3 of 2020.
2. The Borough of Broxbourne (the “Council”) makes this Order under its powers contained in s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), being satisfied on reasonable grounds that the activities set out in paragraph 5, in the location described in paragraph 4 of this Order and marked on the plan contained in the schedule to this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried out within that area and have such an effect. The Council is also satisfied that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing anti-social behaviour in a public place.
3. This Order comes into force at midnight on 30 July 2020 for a period of up to three years thereafter, unless extended by further order under the Council’s statutory powers.
4. This Order applies to all land in the Borough of Broxbourne to which the public or any section of the public has access, on payment or otherwise, as of right by virtue of expressed or implied permission.
5. The activities described below are hereby prohibited as from the date of this Order, in the locations described in the Schedule of Restricted Areas.

This Order prohibits anyone being the driver of a motorbike, quad bike, scrambler, mini-moto or any other mechanically propelled vehicle to act in a manner deemed by an Authorised Person to be anti-social and is or is likely to be causing nuisance, alarm, harassment or distress to any other person.

Including anyone being the driver of a motor vehicle performs any of the following activities:

- (f) Revving of engine(s) (as to cause a nuisance);
- (g) Repeated sudden and rapid acceleration (as to cause a nuisance);
- (h) Racing;
- (i) Performing stunts (as to cause a nuisance);
- (j) Sounding horns (as to cause a public nuisance);
- (k) Playing music in a motor vehicle (as to cause a public nuisance); and
- (l) Using threatening, intimidating behaviour towards another person.
- (m) Dropping litter from a motor vehicle.

6. Section 67 of the Act states that it is an offence for a person without reasonable excuse:

- (e) To do anything that the person is prohibited from doing by a public spaces protection order or,
- (f) To fail to comply with a requirement to which the person is subject under a public spaces protection order.

A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

A fixed penalty notice could be issued for a breach of this Order which if it remains unpaid could lead to prosecution.

### CHALLENGING THE VALIDITY OF ORDERS

An interested person may apply to the High Court to question the validity of this Order and an interested person means an individual who lives in the restricted area or who regularly works in or visits that area. Any such interested person may apply to the High Court within six weeks from the date on which this Order was made on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order or that a requirement under Chapter 2 of the Act was not complied with in relation to this Order.

### SCHEDULE OF RESTRICTED AREAS

- (k) All public rights of way, footpaths, pavements, roads and grass verges adjacent to carriageways.
- (l) All pedestrianised areas
- (m) All parks, open spaces and children's play areas
- (n) All sports fields
- (o) All town greens
- (p) All cemeteries
- (q) All parts of the Lee Valley Regional Park within the Broxbourne Borough Council district
- (r) All allotments
- (s) All public car parks

### DESCRIPTION OF PROHIBITED ACTIVITIES

Riding a motorbike, quad bike, scrambler, mini-moto or other mechanically propelled vehicle in a manner deemed by an Authorised Person to be anti-social and is or is likely to be causing nuisance, alarm, harassment or distress to any other person.

Doughnutting - driving around in a repetitive manner, for example in a figure of eight

Hand brake turns - using the handbrake to turn the vehicle.

Drifting - use of the accelerator when going into a bend causing the tail end of the vehicle to slide.

Wheel spins - use of the accelerator when the vehicle is stationary and before releasing the handbrake causing the wheels of the car to spin and noise and/or smoke to be produced.

Revvng of engine(s) (as to cause a nuisance);

Repeated sudden and rapid acceleration (as to cause a nuisance);

Racing;

Performing stunts (as to cause a nuisance);

Sounding horns (as to cause a public nuisance);

Playing music in a motor vehicle (as to cause a public nuisance); and

Using threatening, intimidating behaviour towards another person.

Dropping litter from a motor vehicle.

Dated .....

THE COMMON SEAL of the Borough of Broxbourne  
Council was hereunto affixed in the presence of

.....

Authorised Officer