

REPORT TITLE	WOODCHURCH PUBLIC SPACES PROTECTION ORDER 2022
REPORT OF	ENFORCEMENT OFFICER – WIRRAL ANTI-SOCIAL BEHAVIOUR TEAM - NEIGHBOURHOOD SERVICES

REPORT SUMMARY

The purpose of this report is to seek authorisation for a Public Spaces Protection Order in Woodchurch, Wirral, for a period of 3 years.

The decision is not a key decision. It affects the Upton Ward, and it is proposed to promote the vision for safe and vibrant communities within the Wirral Plan.

RECOMMENDATION

The Assistant Director of Neighbourhood Safety and Transport is recommended to exercise the delegation afforded under the Council's Constitution and Scheme of Delegation for Neighbourhood Services to duly authorise a 3-year Public Spaces Protection Order for a designated area in Woodchurch, Wirral.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION

The area in question around Hoole Road and the Meadow areas of Woodchurch has historically had issues with youths causing annoyance for many years. In the last 12 months Merseyside Police have received a significant number of complaints regarding youths causing annoyance/nuisance taking place in and around Hoole Road shops and the adjacent semi pedestrianised area 'The Meadow', which is a cut through made up of alleyways, green space and housing. This area is in centre of the Woodchurch estate and is a busy throughfare. In addition to the complaints the Police have received Magenta Living who are the major Social Housing provider in the area have received a high volume of complaints as have the local councillors and MP for the area.

2.0 OTHER OPTIONS CONSIDERED

This location has previously been subjected to various targeted Police work but the situation has not improved in the long term despite their best efforts. The alternative enforcement tools that are contained within the Act and that are available to the Council such as Community Protection Notices or Injunctions and Criminal Behaviour Orders are considered to be either less effective and efficient to deal with the types and nature of anti-social behaviour experienced in the areas or are not able to be used in view of the fact that the identity of the individuals that are engaging in anti-social behaviour and this is a pre-requisite for the use of the relevant enforcement tool.

3.0 BACKGROUND INFORMATION

The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) came into force on 20 March 2014. It is designed to put victims first and streamlined the enforcement powers available to Councils and Police. Sections 59 to 75 of the Act set out provision for Councils to make and/or extend PSPOs. The Council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

PSPOs are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone or by specified classes of person. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. It is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring, or recurring.

10 resident statements, 3 business statements, 2 Police statements, 1 Magenta Living Officer statement and 1 Wirral Council Officer statement have been obtained setting out issues relating to anti-social behaviour within Woodchurch, Wirral. As a result of this, a draft Public Spaces Protection Order was drafted for consultation. A copy of the draft PSPO is attached in **Appendix 1** of this report.

4.0 FINANCIAL IMPLICATIONS

There will be minimal costs in setting up a Public Spaces Protection Order in Woodchurch. The costs identified relate to the erection of signage to highlight the target area of the PSPO and show the expiry date of the order. The Council will receive the payment of any Fixed Penalty Notices that are issued should the Order be breached. Income received from fixed penalties can offset any such minimal costs incurred.

5.0 LEGAL IMPLICATIONS

Section 59 of the Act sets out the grounds upon which an Order may be made.

It states:-

“59 Power to make orders

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is that—
 - (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.
- (3) The second condition is 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.”

The decision maker must be satisfied that these grounds have been met. The evidence obtained in respect of the anti-social behaviour in Woodchurch can be referred to in order to be so satisfied.

A statutory consultation has been conducted. The requirements for consultation and publicity are set out in section 72 of the Act. These have been complied with. A summary of the responses to the consultation is attached at **Appendix 2** of this report.

The Act sets out a process at section 66 whereby any person affected by a PSPO may make application to challenge the validity of a PSPO in the High Court. Any such challenge is likely to lead to the Council incurring significant legal costs.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

A PSPO can be enforced by an authorised officer of the Council, a Police Constable or an authorised Police Community Support and Traffic Officer or an authorised person from another agency at their written request. Legal Services will provide support where formal Court enforcement is considered necessary and in providing training to authorised officers. If prosecution is pursued in the event of a failure to pay a Fixed Penalty Notice the Wirral ASB team will lead on preparing the matter for Court and Legal Services will conduct the proceedings on behalf of the Council. All of this, it is anticipated, will not require any additional staffing, ICT or Asset needs.

7.0 RELEVANT RISKS

There is a risk of not only ongoing issues but also a risk of escalation of the anti-social behaviour if the order is not granted. This is likely to have a detrimental effect on the quality of life for those living in the community and those visiting and working in the areas concerned.

8.0 ENGAGEMENT/CONSULTATION

Merseyside Police, Magenta Living, Wirral Community Patrol, Youth Outreach and Merseyside Fire Service were consulted in this process, and all supported the proposed order as part of the consultation.

There was a 28 day public consultation period, which included press releases, door knocking, letter drops to gather views from the public as to whether or not they would support a PSPO. The feedback received overwhelmingly supported the order with only 1 objection. Many people consulted expressed a desire to have the PSPO cover a larger area than the one proposed. (See **Appendix 2**).

A consultation meeting was held with the local MP and Local Councillors from the affected wards, and all were in support of the proposed order.

Below are some of the responses from the public consultation:

“I write in full support of this proposal. I live just out of the proposed area and have teenage children. On the whole it is ok however noone will go to the local shops on Hoole Road for the reasons this is being proposed. I do go and often feel intimidated. I work fulltime and want to feel protected in my neighbourhood as well as feeling my teenagers feel safe enough to nip to the local shops in my absence.”

“In regards to the public spaces protection order on the Woodchurch. There are so many wonderful people on the Woodchurch and their lives are being made harder

due to a few idiots that think they can do what they like. Life is hard at the moment for many anyway. Fearing just popping the shops shouldn't be one of them.”

The only negative comment received is below:

“Hi I’ve received a letter about an order to be imposed. My son is 11 years old so this means he can’t ride his bike from school to the shop I don’t think this is right also we live in the selected area and he plays out with his friends when he hasn’t got activities on and at times there is not much for the kids to do, at times he will be stood round just chatting to his friends so does this mean he will be moved on from by his own home he’s a good boy and will never be part of any trouble I can guarantee that. I get that some kids are up to no good but surely you can approach this differently we don’t have any bother in our road.”

The above concern would be addressed by authorised officers who are trained to use Enforcement as a last resort with Engagement, Education and Encouragement being their primary focus.

A full summary of the consultation feedback is attached at **Appendix 2** of this report.

9.0 EQUALITY IMPLICATIONS

The Council must have regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equality Act 2010. There are no equality and diversity implications arising from this report.

An Equality Impact Assessment has been carried out and can be found at <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

There are no environment and climate change issues arising from the recommendation within this report.

The recommendation contained within this report is expected to have no impact on emissions of greenhouse gases.

11.0 COMMUNITY WEALTH IMPLICATIONS

A PSPO will encourage and give confidence to local residents to use the local businesses that are situated within the designated area more. This will in turn give rise to a growth in the local economy.

REPORT AUTHOR: Louise Alexander

Enforcement Officer
email: louisealexander@wirral.gov.uk

APPENDICES

Appendix 1 –.Draft PSPO

Appendix 2 - Woodchurch Public Consultation Feedback

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