

## **Proposal to extend the Public Spaces Protection Order (PSPO) in Speen Lodge Court**

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### **Background**

Public Spaces Protection Orders (PSPOs) were introduced in October 2014 as part of the Anti-Social Behaviour, Crime and Policing Act 2014. PSPOs allow councils to place restrictions and requirements on certain behaviours in an area, to make sure we can all use and enjoy public spaces, safe from anti-social behaviour. They can be used to protect the public from behaviour that is having, or is likely to have, a detrimental effect on the quality of life of those in the area. The behaviour also has to be ongoing or happening regularly and be unreasonable.

Failing to comply with a PSPO is a criminal offence and could result in a Fixed Penalty Notice of up to £100, or a fine of up to £1,000 if prosecuted.

PSPOs replaced powers to make Gating Orders, Designated Public Place Orders (street drinking restriction powers) and Dog Control Orders. In West Berkshire, there was a Gating Order at Speen Lodge Court which restricted the public right of way (through the installation of a locked gate) over a footway from Speen Lodge Court to the A4 Bath Road. Residents of Speen Lodge Court were automatically entitled to have a key which provides access through the gate. Non-residents to Speen Lodge Court could also apply for a key.

The Gating Order was in place until October 2017 when it automatically converted into a PSPO. PSPOs can last for up to three years, but can be extended, varied or discharged during this period.

Under the transitional arrangements for Public Spaces Protection Orders existing Gating Order automatically converted and could remain in place for a further three years. However at the end of the three years (October 2020 in this case) a review has to be undertaken. The review requires us to consult with residents and seek their views on the current issue being dealt with by the PSPO.

If the consultation did not take place the PSPO restricting access in Speen Lodge Court would have expired would no longer be legally enforceable after October 2020.

### **What was the Proposal?**

We proposed to extend the current Public Spaces Protection Order (PSPO) restricting access for a further three years

'No person shall use the public right of way over the highway within the restricted area at any time unless you are included within a category of person below:'

The restriction would not apply to any person who lived in Speen Lodge Court or any police, ambulance or fire service personnel acting in pursuance of statutory powers or duties or any statutory undertakers, gas, electricity, water or communications provider or the highway authority requiring access to their apparatus situated in the highway.

In addition the restriction would not apply to any person who has applied to the Council's Building Communities Together Team and has been assessed as being a person who is eligible to use the public right of way within the restricted area and has received a key for this purpose.

Under section 72 (3) a local authority may make a variation by altering or removing a prohibition or requirement included in the Order. There is a minor variation to the previous Order. Non-residents of Speen Lodge Court who wish to apply for a key giving them access to the restricted area via the gate will do so via the Building Communities Team, and not the Gating Order Panel, who will then consider the application in consultation with colleagues from Legal, Countryside and Environment.

Responsibility for the maintenance and operation of the gate will lie with West Berkshire Council at Market Street, Newbury, RG14 5LD.

### **Why did we want your views?**

As a requirement of the Anti-Social Behaviour, Crime and Policing Act 2014 we needed to review the current PSPO through consultation. Therefore we needed the views of local residents, businesses, agencies and visitors to Speen Lodge Court to assess if there was support for the proposal to extend the PSPO. .

### **What you told us**

We received 32 responses to the consultation and found that the majority of respondents supported the extension to the PSPO.

78.57% of respondents who answered the question, supported the proposed extension to the PSPO. 10.7% of respondents who answered the question did not support the extension.

### **What we did**

We would like to thank everyone that participated in the consultation.

The Building Communities Together Partnership were advised of the results of the consultation.

The Building Communities Together Partnership agreed that it is appropriate to progress the application to extend the Public Spaces Protection Order (PSPO) for Speen Lodge Court, Speen and recommend the order is made with amendment (s) to the proposed order.

The recommendation of the Building Communities Together Partnership was taken into account when the final decision was made by West Berkshire Council's Head of Public Protection and Culture on 14 October, 2020. The Delegated Officer Decision was that the Public Spaces Protection Order for Speen Lodge Court be extended and varied for a further 3 years. The Order will come into effect on 20 October, 2020.