

Waverley Borough Council

Report to: Executive

Date: 9 April 2024

Ward(s) affected: All.

Report of Director: Strategic Director - Place

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Report Status: Open

Key Decision: No

Extension of Anti-social Behaviour Public Spaces Protection Order (PSPO)

1. Executive Summary

On 21 April 2021 Waverley Borough Council made a Public Spaces Protection Order (PSPO) intended to deal with anti-social behaviour in Godalming and Farncombe and prohibiting the lighting of barbecues and bonfires on Council managed parks and green spaces throughout the borough. The Order is named PSPO (No 3) Waverley Borough Council 2021

The Order was put in place for a maximum of three years and is due to expire on 20 April 2024. At any point before the expiry date, the Council can extend the PSPO by up three years if considered necessary to prevent the original behaviour(s) from occurring or recurring.

Approval to extend the Order can be given following an evaluation as to whether the Order is still required based on evidence of activity and effectiveness, and through engagement and consultation with partners, stakeholders, and the wider community.

This evaluation and consultation process was carried out between 19 February and 13 March 2024.

On 20 February 2024 Full Council delegated the authority to extend PSPO (No 3) Waverley Borough Council 2021 to the Executive Head of Community Services. The Executive is required to consider and comment upon these proposals.

2. Recommendation to Executive

2.1 That the Executive notes this report and provides comments on the extension of the PSPO in light of the evaluation and consultation conclusions.

3. Reason(s) for Recommendation:

3.1 Full Council delegated authority to extend the PSPO to the Executive Head of Community Services. In order to assist with approval, views of the Executive are sought.

3.2 Failure to extend the PSPO will have an adverse impact on the work of the Parks and Countryside Team throughout the spring and summer months as they will no longer be able to enforce conditions around the use of barbeques and lighting of bonfires until a new PSPO is put in place. There will also be an impact on our police partners in the Godalming and Farncombe areas, in that they will no

longer be able to use specific PSPO powers to deal with anti-social behaviour until a new PSPO is put in place.

4. Exemption from publication

No

5. Purpose of Report

- 5.1 To inform the Executive of the conclusion in relation to the evaluation and consultation of the extension of the PSPO, so that the Executive views may be given.

6. Strategic Priorities

- 6.1 PSPO's are a key element of work within Community Safety. Through the work to tackle Anti-Social Behaviour and work within the Safer Waverley Partnership we are engaging with partners and taking action to ensure delivery on our strategic commitment to the health and wellbeing of our residents

7. Background

- 7.1 Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 provides the power for Local Authorities to make Public Spaces Protection Orders (PSPO).
- 7.2 Following consultation in 2021 with Members, stakeholders, and communities, Waverley Borough Council made PSPO (No 3) Waverley Borough Council 2021 to deal with issues and incidents of anti-social behaviour in areas of Godalming and Farncombe and incidents of unauthorised barbecues being used, and bonfires being lit on Council managed parks and green spaces throughout the borough. This Order expires on 20 April 2024.
- 7.3 The process to extend the PSPO is provided within the Home Office Statutory Guidance for the Anti-social Behaviour, Crime and Policing

Act 2014. It requires an evaluation as to whether the PSPO is still required based on evidence of activity and measures of success or achievement. This has been carried out using information and statistics provided by Waverley Borough Council Environmental Services and Surrey Police Waverley Safer Neighbourhood Team.

Evaluation

- 7.4 The original PSPO is divided into sections. Sections A to C of the Order deals with the management of ASB in Godalming and Farncombe. Implementation of this part of the Order by Waverley Borough Council was nominal, with the main responsibility for applying Order powers and tools falling to Surrey Police Waverley Safer Neighbourhood Team.
- 7.5 Since April 2021 Surrey Police have used the powers and tools conferred in the PSPO as a means of reinforcing more traditional operational police powers to deal with ASB, and to provide advice, guidance, and encouragement to residents of and visitors to Godalming and Farncombe when appropriate. Reports of ASB in Godalming have decreased over the period that the PSPO has been in place.
- 7.6 Surrey Police have focused more resource in the Farncombe area to deal with anti-social behaviour that centred around the railway station and surrounding public areas. Using a mixture of enforcement powers and working with partners through the Safer Waverley Partnership Joint Action Group, there has been a decrease in the level of anti-social behaviour in the area covered by the PSPO. Whilst the Order powers and tools have been used sparingly, they have again provided reinforcement where required.
- 7.7 Section D of the Order deals with the management of barbecues and bonfires in Council managed parks and green spaces. Implementation

of this part of the Order has been carried out and managed by Waverley Borough Council Environmental Services.

- 7.8 In the three-year period of the PSPO, there have been 44 incidences of unauthorised barbecues and fires recorded within Council managed parks and greenspaces. This is a reduction of 35% over the previous three years (prior to the PSPO being implemented), which included periods where Covid lockdown restrictions were in place in public spaces. In this period powers conferred by the PSPO have been used on a regular basis ensuring barbecues and fires have been extinguished in a timely and safe manner, with advice or enforcement measures used where appropriate.
- 7.9 If the PSPO is not extended the restrictions, conditions, and powers it contains will be removed, which will impact on the ability of police and Council officers to manage anti-social behaviour in this area. This in turn will have a detrimental effect on the quality of life of residents and visitors in the areas currently covered by the PSPO.

8. Consultations

- 8.1 Engagement and consultation with partners and stakeholders has taken place throughout 2024, however, the formal consultation period commenced on 19 February and concluded on 13 March 2024.
- 8.2 Consultation with stakeholders and partners has included Members, Town and Parish Councils, local businesses, police, Police and Crime Commissioner, and Safer Waverley partners. Feedback was in support for the PSPO to be extended in terms of duration and to cover other areas within Waverley.

- 8.3 Surrey Police support the extension of the PSPO as the powers and tools it provides will continue to support their activities to deal with anti-social behaviour in Godalming and Farncombe.
- 8.4 From 23 February 2024 engagement and consultation was extended to the wider Waverley Community via the website, social media, and an online survey, which was concluded on 13 March 2024. A total of 40 responses were received via the survey and the following responses are highlighted.
- 53% of respondents had experienced ASB within Godalming or Farncombe, with many comments relating to young people causing ASB in the Farncombe area.
 - 93% of respondents supported the extension of the PSPO with over 80% supporting the continued inclusion and use of existing powers, tools, and restrictions.

9. Key Risks

- 9.1 Failure to extend the Order will remove several restrictions, conditions, and powers to deal with anti-social behaviour in Godalming and Farncombe and the use of barbecues and bonfires in various public areas of the borough.
- 9.2 This may have a detrimental effect on the quality of life of residents and visitors to those areas.

10. Financial Implications

- 10.1 There are no additional financial costs associated with the implementation or operation of the Order. Any operational requirements will be met from existing budgets.

11. Legal Implications

- 11.1 The power and requirements for extending a PSPO are set out in Part 4 of Chapter 2 of the Anti-social Behaviour, Crime and Policing Act 2014 Act. These are supplemented by the Anti-Social Behaviour Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 (the Regulations) and statutory guidance issued by the Secretary of State – “Anti-Social Behaviour Powers revised Statutory Guidance for Frontline Professionals”.
- 11.2 At any point before expiry of a PSPO, the Council can extend a Public Spaces Protection Order by up to three years if they consider it is necessary to prevent the original behaviour from occurring or recurring. The Council should also consult with the local police and any other community representatives they think appropriate before doing so.
- 11.3 Before extending the PSPO, the Council must carry out the necessary publicity and necessary notification (if any) in accordance with section 72(3) of the Anti-social Behaviour, Crime and Policing Act 2014 – this includes publishing the proposal for an extension.
- 11.4 The Council must also publish information about the order as extended on its website.
- 11.5 If and upon the decision to extend the PSPO being made by Executive Head of Community Services under the delegation granted on 20 February 2024, Full Council will be advised of the same at its meeting on the 23 April 2024.

12. Human Resource Implications

- 12.1 Implementation of the PSPO extension will be led and managed by the Anti-social Behaviour Officer.

12.2 Operation of the PSPO by Waverley Borough Council will be carried out by existing officers and there are no additional staffing implications.

13. Equality and Diversity Implications

13.1 Equality impact assessments will be carried out prior to the decision to extend the PSPO is made, to ensure any activity, restrictions, or conditions meet the requirements of the Public Sector Equality Duty under the Equality Act 2010.

14. Climate Change/Sustainability Implications

14.1 There are no climate change or sustainability implications for this report.

15. Summary of Options

15.1 The existing PSPO (No 3) Waverley Borough Council 2021 expires on 20 April 2024. There is an appetite to extend the Order and the evaluation and consultation supports this.

15.2 A decision can be made not to extend the PSPO and allow it to expire on 20 April 2024. If this route was taken, a new PSPO could be implemented at a later date, however the process would need to start from the beginning.

16. Conclusion

16.1 The findings of the evaluation show that the PSPO is providing a positive response to the activities and behaviours covered by the Order, however, removing the PSPO could see incidences of anti-social behaviour returning or increasing.

16.2 The level of implementation and activity is greater in Council managed parks and green spaces with powers and tools being used

to effectively resolve issues and reduce incidences of unauthorised barbecues and fires, rather than punish offenders.

- 16.3 Implementation of sections A to C of the PSPO, which relates to ASB in Farncombe and Godalming has been mainly carried out by the Surrey Police Waverley Safer Neighbourhood Team. To ensure the full impact of any potential extended PSPO is realised and longer-term partnership solutions to ASB in Godalming and Farncombe can be progressed, a new PSPO implementation plan will be devised and introduced, as applicable.
- 16.4 The findings of the consultation show that ASB as detailed in the PSPO continues to occur in all areas covered by the Order. There is support from partners, stakeholders, and the wider community for the Order to be extended for a further period of time.
- 16.5 In view of this an extension of three years will be recommended for decision by the Executive Head of Community services.

17. Background Papers

- 17.1 Renewal of Anti-social Behaviour Public Spaces Protection Order PSPO – Full Council 20 February 2024

18. Appendices

- 18.1 PSPO (No 3) Waverley Borough Council 2021

Please ensure the following service areas have signed off your report.
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Service	Sign off date
Finance / S.151 Officer	14/03/2024

Legal / Governance	15.03.24
HR	-
Equalities	-
Lead Councillor	14/3/2024
CMB	DH 14/3
Executive Briefing/Liaison	26/3
Committee Services	22/3