



<b>REPORT TO:</b>	Cabinet
<b>DATE:</b>	27 <sup>th</sup> March 2024
<b>SUBJECT:</b>	Review of the Public Spaces Protection Order (restricting public right of way over highway) on Hatter Lane, Boston.
<b>PURPOSE:</b>	To support the recommendation to extend the PSPO for a further three-year period.
<b>KEY DECISION:</b>	N/A
<b>PORTFOLIO HOLDER:</b>	Portfolio Holder for Community Safety, Councillor Anne Dorrian
<b>REPORT OF:</b>	Emily Spicer, Assistant Director Wellbeing & Community Leadership
<b>REPORT AUTHOR:</b>	Peter Hunn, Community Safety Manager
<b>WARD(S) AFFECTED:</b>	Station Ward
<b>EXEMPT REPORT?</b>	No

## SUMMARY

Public Spaces Protection Orders (PSPOs) were introduced by the Anti-Social Behaviour Crime and Policing Act, 2014 (the Act). They are wide-ranging and flexible powers that councils can use in response to anti-social behaviour (ASB) issues affecting local communities.

On 27<sup>th</sup> April 2015, Full Council agreed to the introduction of a PSPO covering Hatter Lane, Boston for three years in response to ASB and environmental issues within the area. It is a statutory requirement that a PSPO may not have effect for a period of more than three years, unless extended by the local authority responsible for granting the original order. Cabinet has previously approved three-year extensions of the PSPO (on 4<sup>th</sup> April 2018 and 31<sup>st</sup> March 2021), being satisfied that the criteria of Section 60 of the Act were met. The current PSPO period expires on 27<sup>th</sup> April 2024; this report provides information on activity within the PSPO area from Lincolnshire Police, Environmental Services and Community Safety at Boston Borough Council (BBC) since the PSPO extension was agreed. Cabinet is asked to support the recommendations of this report to grant a further three-year extension of the PSPO to 26<sup>th</sup> April 2027.

## **RECOMMENDATIONS**

1. Cabinet approves an extension of the PSPO covering Hatter Lane (restricting public right of way over highway) for a further three-year period commencing on 27<sup>th</sup> April 2024 and ending on 26<sup>th</sup> April 2027.
2. The gated area remains the same as the original order as introduced on 27<sup>th</sup> April 2015.

## **REASONS FOR RECOMMENDATIONS**

1. To prevent recurrence of ASB and environmental issues in Hatter Lane.

## **OTHER OPTIONS CONSIDERED**

1. To discharge the PSPO covering Hatter Lane.
2. This is not recommended; the PSPO has been successful in addressing the issues detailed above. It is highly likely that the issues would recur if the order were discharged.

## **1. BACKGROUND**

- 1.1. The Anti-Social Behaviour Crime and Policing Act (2014) introduced several new tools and powers for councils and partner agencies to address ASB, replacing and streamlining previous measures.
- 1.2. Public Spaces Protection Orders (PSPOs) are one of the powers introduced to allow councils to address specific issues affecting local communities, provided certain criteria and legal tests are met. PSPOs are wide-ranging and flexible powers that recognise the ability of councils to identify the broad and cumulative impact that ASB can have. PSPOs replaced a range of existing orders namely Designated Public Place Orders (DPPOs), Gating Orders and Dog Control Orders.
- 1.3. PSPOs can be introduced for a maximum period of three years. A local authority making a PSPO may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent (a) occurrence or recurrence after that time of the activities identified in the order, or (b) an increase in the frequency or seriousness of those activities after that time. An extension may not be for a period of more than 3 years and must be published in accordance with regulations made by the Secretary of State.
- 1.4. Local Authorities may vary an existing PSPO by (a) increasing or reducing the restricted area, or (b) by altering or removing a prohibition or requirement included in the order or adding a new one. The local authority that made it may discharge a PSPO. Where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State. Where an order is discharged, a notice identifying the order and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.

## **2. REPORT**

- 2.1. The PSPO restricting public right of way over highway (Hatter Lane, Boston) was introduced by full Council on 27<sup>th</sup> April 2015, the order commenced on Monday 3rd August 2015. This was in response to a range of anti-social behaviour issues occurring in the area including littering, fly tipping, urination, and defecation. In the years since its introduction there has been a significant reduction in the issues of littering and fly tipping, and eradication of reports of urination and defecation. As such, Cabinet has twice agreed to the extension of the PSPO for a further three-year period. The current order expires on 27<sup>th</sup> April 2024.
- 2.2. A review of crime, environmental crime and ASB incidents has been conducted in Hatter Lane between 1<sup>st</sup> April 2021 and 31<sup>st</sup> January 2024.
- 2.3. Zero incidents have been reported to Lincolnshire Police during the review period. Lincolnshire Police fully supports a further three-year extension of the order to prevent recurrence of the issues which would likely occur if the gates were removed.
- 2.4. A review by Environmental Services at BBC has identified that one Fixed Penalty Notice has been issued on Hatter Lane for household waste duty of care (in August 2023). There have also been a few incidents of waste being dumped but no evidence found for the person/s responsible. Officers have arranged for the area to be cleared. There has also been a marked improvement in the lane since resurfacing work has been carried out and this has eradicated a rodent issue which was prevalent. There have been no incidents of defecation or urination in the last 12 months, which was a significant issue before the order was introduced.
- 2.5. Zero reports of anti-social behaviour have been reported to the BBC Community Safety team within the review period.
- 2.6. A link to the original committee report (produced for Full Council on 27<sup>th</sup> April 2015) can be found in the 'background documents' section along with links to previous review reports.

## **3. CONCLUSION**

- 3.1. The information provided within this report shows that the PSPO on Hatter Lane is continuing to deter anti-social behaviour and environmental crime issues. Officers are satisfied on reasonable grounds that the continuation of the order in the original area for a further three years is necessary to prevent recurrence of the unwanted behaviour.
- 3.2. Based on the evidence presented in this report, it is recommended that Cabinet extend the PSPO (restricting public right of way over highway, namely Hatter Lane, Boston) for another three-year period, commencing on 27<sup>th</sup> April 2024, and the area remains the same as the original order.

## **EXPECTED BENEFITS TO THE PARTNERSHIP**

The PSPO is an effective and essential tool to assist in addressing anti-social behaviour within Boston Borough and supports the strategic aims set out within the partnership's Community Safety Strategy 2022 to 2025.

## **IMPLICATIONS**

### **SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP**

None

### **CORPORATE PRIORITIES**

Boston Borough Council's Corporate Strategy, 'Priority 1 - People Focused' (main priority) - the extension of the PSPO will help to ensure that the community continues to feel safe.

### **STAFFING**

None

### **WORKFORCE CAPACITY IMPLICATIONS**

None

### **CONSTITUTIONAL AND LEGAL IMPLICATIONS**

PSPOs can be introduced for a maximum of three years, after which time a local authority making a PSPO may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent (a) occurrence or recurrence after that time of the activities identified in the order, or (b) an increase in the frequency or seriousness of those activities after that time.

### **DATA PROTECTION**

None

### **FINANCIAL**

The resources necessary to procure / replace any existing relevant signage/ gates, literature and media notices will be funded from the service revenue budget allocation.

### **RISK MANAGEMENT**

None

### **STAKEHOLDER / CONSULTATION / TIMESCALES**

Consultation has been undertaken with Lincolnshire Police and Environment Officers at BBC, the details of which are included in the report.

### **REPUTATION**

None

### **CONTRACTS**

None

## CRIME AND DISORDER

The PSPO is a tool which was introduced by the 2014 Anti-Social Behaviour, Crime and Policing Act to assist agencies in addressing anti-social behaviour and associated crime.

## EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

The Human Rights Act 1998 (as amended) requires that Human Rights considerations must be considered in balancing anti-social behaviour issues. There are eight “protected characteristics” which need to be considered when seeking to make any PSPO which were implemented by the Equalities Act 2010. The eight areas are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation. As this PSPO restricts access to authorised people only, there are no relevant negative or positive implications for anyone with any protected characteristic.

## HEALTH AND WELL BEING

None

## CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

This PSPO and its continuation for another three years supports work under Theme 3 of the Environment Policy, by enhancing our built environment by reducing littering, fly-tipping and other environmental concerns.

## LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

<b>MISSIONS</b>	
<b>This paper contributes to the following Missions outlined in the Government’s Levelling Up White paper.</b>	
<b>Pride in Place</b>	By 2030, pride in place, such as people’s satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing.
<b>Crime</b>	By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.

## ACRONYMS

**PSPO** – Public Spaces Protection Order

**ASB** – Anti-Social Behaviour

**DPPO** - Designated Public Place Order

## APPENDICES

None

## BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

<b>Document title</b>	<b>Where the document can be viewed</b>
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Full Council Meeting – Monday 27 <sup>th</sup> April 2015	<a href="#">Full Council Meeting Introduction of PSPO on Hatter Laner 27.04.2015</a>
Cabinet – Wednesday 4 <sup>th</sup> April 2018	<a href="#">Cabinet Papers Extending PSPO on Hatter Lane 04.04.2018</a>
Cabinet – Wednesday 31 <sup>st</sup> March 2021	<a href="#">Cabinet Papers Extending PSPO on Hatter Lane 31.03.2021</a>
Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers Statutory guidance for frontline professionals (Revised in March 2023)	<a href="#">ASB Powers, Statutory Guidance</a>

#### CHRONOLOGICAL HISTORY OF THIS REPORT

Name of body	Date
Full Council Meeting	Monday 27 <sup>th</sup> April 2015
Cabinet	Wednesday 4 <sup>th</sup> April 2018
Cabinet	Wednesday 31 <sup>st</sup> March 2021

#### REPORT APPROVAL

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