

REPORT TO COUNCIL

Date of Meeting: 10 June 2025

Report of: Strategic Director Place

Title: Extension of the Public Spaces Protection Order

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 The current Public Spaces Protection Order ("PSPO") is due to expire on the 19 June 2025. This report seeks support from Council to seal a new order for the maximum of 3 Years, with no changes to the existing PSPO boundary or prohibitions.

2. Recommendations:

Council resolves:

2.1 That the current PSPO order is extended for a further period of 3 years from the commencement date of 20 June 2025, with no changes to the PSPO boundary or prohibitions. The draft PSPO 2025 is attached.

2.2 To continue the current policy of funding received by the Council from fixed penalty notices issued for a breach of any PSPO to be ring-fenced for initiatives to address anti-social behaviour and that this funding continues to be administered through the Exeter Community Safety Partnership.

3. Reasons for the recommendation:

3.1 There is continued justification for renewal of the PSPO based on data and intelligence from Devon & Cornwall Police, the City Council, Exeter Community Safety Team and the Exeter Community Safety Partnership. Whilst the PSPO has had some impact since its introduction in 2017, the prevalence of persistent and problematic anti-social behaviour (ASB) continues to be high in the PSPO.

3.2 Data from Police logs provides evidence that anti-social behaviour is of such a volume that it continues to have or is likely to have a detrimental effect on the quality of life of those within the PSPO area, such as residents, workers and visitors.

3.3 Organisations that represent the community commented that the PSPO is integral to the vibrancy of the City Centre. ASB is a major concern for businesses located within the PSPO and impacts their ability to trade.

3.4 Responses received from the consultation warrants the renewal of the PSPO for a further 3 years.

3.5 Under the PSPO, control measures are used which address the anti-social behaviour without necessarily criminalising a perpetrator in breach of the PSPO. This could not be easily achieved without the PSPO. Since the introduction of the PSPO in 2017 the order has been applied in conjunction with other interventions, so it can be used to engender positive behaviour change by offering the option of a restorative or positive alternative to a penalty fine such as an Acceptable Behaviour Contract (ABC).

3.6 Where the PSPO control measures fail to improve behaviour, it is used to demonstrate to the courts that every opportunity has been given to modify behaviour before resorting to other tools under the Anti-Social Behaviour, Crime and Policing Act 2014 such as Injunctions and Criminal Behaviour Orders.

3.7 Officers are satisfied that there are sufficient grounds to extend the PSPO for a further 3 years; to prevent occurrence and reoccurrence of the prohibitions outlined in the current order and this is supported by the data received from partners and stakeholders.

4. What are the resource implications including non financial resources

4.1 Operationally, the Police will continue to be the principal agency enforcing the PSPO powers on the ground, with support of the City Council's Community Safety Team. The number of Fixed Penalty Notices (FPNs) issued, and the resultant income is expected to continue be small, and it is proposed that income from FPNs will continue to be ring-fenced for use by the Exeter Community Safety Partnership to support Community Safety initiatives within the City. Therefore, any intervention and enforcement costs in pursuit of breaches of the Order will continue to be met by existing Police and/or Council resources.

5. Section 151 Officer comments:

5.1 There are no additional financial implications for Council to consider.

6. What are the legal aspects?

6.1 The provisions relating to PSPO powers fall under the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act'), for use by councils and their partners to address ASB in their local areas. The Act gives councils the authority to draft and implement PSPO's in response to issues affecting communities.

6.2 Section 59 of the Act provides that a local authority may make a PSPO if satisfied on reasonable grounds that two conditions are met.

6.3 The first condition is that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life in the locality; or it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

6.4 The second condition is that the effect or the likely effect of the activities;

- a) is, or is likely to be of a persistent nature;
- b) is, or is likely to be, such as to make the activities unreasonable; and
- c) justifies the restrictions imposed by the notice.

6.5 Section 60 of the Act provides that a PSPO may be extended (section 60 (2)) 'if satisfied on reasonable grounds that doing so is necessary to:

- a) prevent 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.

6.6 An extension to the PSPO may only be for a maximum period of 3 years, and Section 60 (4) provides that it may be extended under Section 60 more than once.

6.7 Section 72 (1) of the Act provides that when deciding to extend the period a PSPO has affect the local authority must have regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Convention under section 21(1) of the Human Rights Act 1998.

6.8 Section 72 (3) requires the authority prior to extending the PSPO to carry out the necessary consultation, publication and notification procedures. Once the order is made then it must be published.

7. Monitoring Officer's comments:

7.1 The Monitoring Officer has no additional comments.

8. Report details:

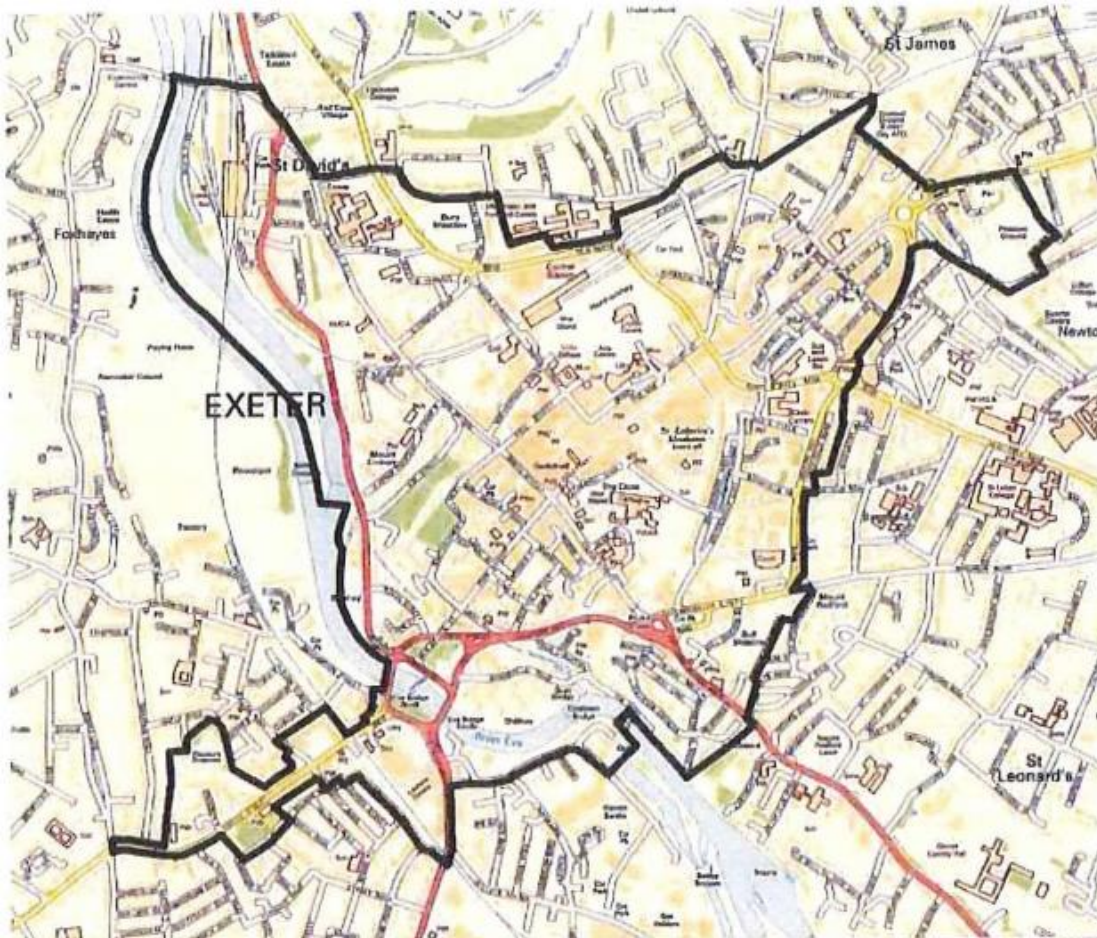
8.1 The Anti-Social Behaviour, Crime and Policing Act 2014 introduced powers to tackle anti-social behaviour, including Public Spaces Protection Orders (PSPO's). PSPO's are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

8.2 PSPO's are flexible and can be applied to a much broader range of issues, with local authorities having the ability to design and implement their own prohibitions or requirements where certain conditions are met. These conditions centre on the impact to the quality of life in the locality, persistence, and whether the impact makes the problem behaviour unreasonable.

8.3 The Council has had regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Convention under section 21(1) of the Human Rights Act 1998. In terms of the joint protocol on enforcement and positive/restorative pathways for the PSPO, and the training that takes place, the importance of these two freedoms is made explicit. In addition, both the protocol and training have regard to Article 1 of the First Protocol of the Human Rights Act 1998 (protection of property) in relation to the surrendering of intoxicants to authorised persons, contained within the PSPO.

8.4 In practical terms, this means that the application of the PSPO is not used to restrict a lawful Trade Union picket, an organised peaceful protest, a religious assembly, or someone preaching in a public space. Nor is it used to confiscate alcohol from someone who had just made a purchase from an off-licence with the intention of taking that purchase home for consumption.

8.5 The first Exeter PSPO was introduced 20 June 2017, with a one-year extension granted in 2020 and 2021. In 2022, Prohibition E of the PSPO was amended so that any individual whether or not in a group who is causing harassment, alarm and distress may be required to leave the area of the PSPO for a maximum of 24 hours. A copy of the area covered by the PSPO is below:



8.6 PSPO's can be introduced for a maximum of three years and may be extended beyond this for further three-year period(s). The proposed length should reflect the need for an appropriate and proportionate response to the problem issue.

8.7 From the adoption of the PSPO in 2017 the following uses of the powers have taken place:

	2017-2021	2021-2025
People dispersed using the powers	592	688

8.8 The Police report ASB logs within the PSPO area. Whilst figures show some reduction in logs, it does fluctuate. Also, not all anti-social behaviour concerns are logged with the Police. Exeter Business Against Crime (EBAC) also logs concerns from its members within the PSO boundary. It should be noted that despite less footfall in the PSPO area due to Covid-19 restrictions, anti-social behaviour reports did not significantly decrease.

Anti-Social Behaviour logs	Devon & Cornwall Police	Exeter Business Against Crime (concerns)	Community Safety Team
Original PSPO Introduced			
2017	2,066	1,193	N/A
2018	2,036	1,320	N/A
2019	1,761	1,678	N/A
Original PSPO renewed for 1 year			
2020	1,867	1,410	N/A
Original PSPO renewed for 1 year			
2021	1,024	1,817	N/A
Amended PSPO introduced			
2022	1,903	900	N/A
2023	1,795	900	N/A
2024	2,269	1,233	N/A
2025	641	598	65

8.9 To renew the PSPO for a further 3 years the City Council is obliged to consult with the local chief officer of police, the police & crime commissioner, owner or occupiers of land (public open spaces) and appropriate community representatives (defined broadly in the Act as ‘any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area’). The following were contacted by both letter and email, with a copy of the PSPO and map, for a consultation response on the renewal, they were given 4 weeks to respond:

- Safer Exeter (Community Safety Partnership);
- Individual members of Safer Exeter;
- Devon County Council;
- Devon & Cornwall Police & Crime Commissioner;
- Chief Officer of Devon & Cornwall Police;
- Devon Public Health;
- InExeter;
- Exeter Chamber

8.10 Responses to the consultation were received from Devon & Cornwall Police & Crime Commissioner, CoLab, Devon & Cornwall Police, InExeter, Exeter Chamber, Devon Public Health, Exeter Community Safety Partnership (Safer Exeter) and are included within Appendix A. There is support to the extension of the PSPO.

8.11 Devon & Cornwall Police have provided a comprehensive response to the consultation, they have seen firsthand the positive impact the PSPO has had since its implementation. The PSPO has given officers the necessary tools to deal with persistent ASB more effectively, from aggressive begging to alcohol-related disorder. These are problems that, if left unchecked, can have a serious effect on how safe people feel in our city.

8.12 The consultation to renew the PSPO has followed the statutory consultation process governed by legislation. Whilst the PSPO consultation was not advertised on the City Council’s website, the consultation followed the ‘Gunning Principles’ of the City Council’s Consultation Charter, which dictate that a consultation:

- i. must happen before the decision is made;
- ii. must give sufficient context and information;
- iii. should provide enough time for people to think things over – 4 weeks was provided; and
- iv. should demonstrate real deliberation and thought over the results

8.13 The PSPO allows Devon & Cornwall Police to address behaviours proportionately and fairly, often giving individuals the chance to change their conduct before formal action is taken. The goal has always been to protect the wider community while offering support to those who need it, and the PSPO is an important part of that balanced approach.

8.14 The results of the 2024 (September) residents survey highlights safety as an area of concern:

- Safety was the number one suggested improvement for the youngest category (16–24-year-olds).
- Respondents were asked to suggest one thing that would improve life for themselves and their family - safety was the most popular.
- Analysis of the survey showed that those living in Central wards were more likely to feel unsafe outside after dark, particularly when compared with those in the South area.
- Deprivation levels seem to be a factor in feelings of safety too, with those in areas of higher deprivation more likely to feel unsafe than those in areas of lower deprivation.
- Females were also more likely to feel unsafe outside after dark than males.
- Nine in ten respondents felt safe outside in their local area during the day and this was on a par with the national picture, with 91% reporting they felt safe during the day in the LGA residents benchmarking survey.
- Although six in ten (59%) said they felt safe outside in the local area after dark, a quarter did not, with 17% saying they felt 'fairly unsafe' and 9% 'very unsafe'. This is higher than in the LGA residents benchmarking survey, which found 16% felt unsafe in their local area after dark.

8.15 As part of the Government's Safer Streets Mission, the Prime Minister has recently announced details of the Neighbourhood Policing Guarantee, aimed at restoring and strengthening local policing in every community by the end of this Parliament. A key component of the Neighbourhood Policing Guarantee is restoring confidence in local communities and taking visible action tackling ASB and increasing the safety of town centres and high streets. The government has written to all Police and Crime Commissioners and Chief Constables about ensuring every area is maximising all opportunities, including taking forward immediate steps this summer, in partnership with councils, schools, health services, business, transport and community organisations. Extending the existing PSPO can be seen as one of those responses.

8.16 Over the next 2 years, the PSPO will be thoroughly reviewed to determine the appropriateness of the prohibitions and the area covered by the PSPO. This will involve a wider consultation with partners, stakeholders and statutory consultees.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The main contribution of the designation of a PSPO is to reduce problematic anti-social behaviour in the City Centre. In doing so, it supports the new corporate priorities of 'Local Economy' and 'People – 2025-28'.

9.2 In supporting the City Council's Corporate Plan 2025-28, it is necessary to work with partners who make up the Community Safety Partnership to ensure that any Order is effectively implemented alongside other interventions.

10. What risks are there and how can they be reduced?

10.1 Any legal challenge presents a risk to the Authority. The legislation supporting implementation of the new Orders states that "interested persons" may challenge the validity of any Order in the High Court. This means that the Council could face a challenge against its decision to make the Order. An application of this nature must be made within six weeks beginning on the day the Order is made or varied. The grounds upon which a challenge could be made are:

- that the local authority did not have the power to make the order or variation, or to include prohibitions or requirements imposed by the order (or by the order as varied).
- that a requirement under this part of the legislation was not complied with in relation to the order or variation.

The High Court has the power to suspend, quash, amend or uphold the order.

10.2 This risk has been mitigated by the Council adhering to the provisions of the Act about to the formulation, consultation and implementation process of an order, in response to evidence of continuing and unreasonable anti-social behaviours occurring in the City Centre area encapsulated within the proposed PSPO boundary.

10.3 There is also a risk that public expectations will be raised by this Order that agency resources cannot fully meet; the Order is unlikely to remove the issues in total but can act to support and augment other initiatives. The inclusion of a positive/restorative option in the crafting of a fixed penalty notice will be an innovative use of the legislation by the Council in helping to change negative behaviours, reduce re-offending and help readily engage the support of partner agencies.

10.4 Continuation of this Order could lead to problem-displacement. Officers from the Council, Police, and other agencies have continually reviewed this and believe that the area of the proposed Order is sufficiently large to minimise any acute problems arising from any displacement.

11. Equality Act 2010 (The Act)

11.1 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment is attached to the report for Member's attention.

12. Carbon Footprint (Environmental) Implications:

12.1 There are no direct carbon or environmental impacts arising from the recommendations.

13. Are there any other options?

13.1 not renewing the current PSPO and leave it to expire – this is not being recommended.

13.2 renew the current PSPO, with variations to prohibitions – this is not being recommended.

13.3 consult on a new PSPO with changed prohibitions and, or boundaries – this is not being recommended at this time as it would require extensive research and consultation that could not be completed prior to the 20 June 2025.

Strategic Director Place , Ian Collinson

Author: Head of Service City Centre & Net Zero

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquiries:
Democratic Services (Committees)
Room 4.36
01392 265275