

AGENDA ITEM NO 7

TITLE: EAST CAMBRIDGESHIRE DISTRICT COUNCIL ANTI SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014, PUBLIC SPACES PROTECTION ORDER 2016 (FOOTPATH 102 AND ADJACENT AREAS AT ROSS PEERS SPORTS CENTRE, SOHAM)

Committee: Commercial Services Committee

Date: 13 January 2016

Author: Neighbourhood Support Officer

[Q164]

1.0 ISSUE

- 1.1 To consider a Public Spaces Protection Order for land designated at footpath 102 and adjacent areas at Ross Peers Sports Centre in Soham

2.0 RECOMMENDATION(S)

- 2.1 That Members adopt the 'East Cambridgeshire District Council Crime and Policing Act 2014, Public Spaces Protection Order 2016 (Footpath 102 and adjacent areas at Ross Peers Sports Centre)'.

3.0 BACKGROUND/OPTIONS

- 3.1 The Anti Social Behaviour Crime and Policing Act 2014 gave local authorities the power to designate public areas through the introduction of Public Spaces Protection Orders (PSPOs).
- 3.2 Public spaces protection orders (PSPOs) 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.
- 3.3 Robust evidence must be forthcoming before a PSPO can be considered as an intervention. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activities carried out or likely to be carried out, in a public space:
- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and

- justifies the restrictions imposed.

3.4 The vicinity of footpath 102 running through Soham Village College and adjacent areas at Ross Peers Sports Centre has been identified as an area suitable for a PSPO.

3.5 Cambridgeshire Constabulary have recorded up to 20 incidents over the last two years, ranging in severity from abusive language to drugs related offences and assault. Many of these offences are originating from former pupils of Soham Village College. Customers and staff at Ross Peers Sports Centre have also experienced abusive language and intimidating behaviour and trespass.

3.6 The proposed Order will include the following provisions when using the footpath and adjacent areas at Ross Peers Sports Centre;

(a) At Footpath 102

- Use the footpath as a thoroughfare only. Do not loiter.
- Do not display threatening or intimidating behaviour , or use foul or abusive language, so as to cause nuisance, harassment, alarm or distress, towards;
 - Other persons using the footpath,
 - Pupils, staff or visitors of Soham Village College,
 - Staff and visitors at Ross Peers Sports Centre.

(b) At Ross Peers Sports Centre

- Do not loiter or gather in areas outside or in the entrance to Ross Peers Sports Centre unless there to use the centre at that time;
- Do not loiter outside “The Isle” unless a pupil at Soham Village College instructed to attend or by appointment;
- Do not use foul or abusive language or threatening or intimidating behaviour; so as to cause nuisance, harassment, alarm or distress towards;
 - Staff and visitors to Ross Peers Sports Centre
 - Pupils, staff and visitors at Soham Village College.

A person guilty of an offence under conditions (a) or (b) above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £100.

3.7 Public consultation is a requirement under Section 59 Anti-Social Behaviour, Crime and Policing Act 2014.

Consultation and engagement with appropriate local interest groups has taken place summer and autumn of 2015, to determine support or otherwise for the Order.

In the lead up to formal consultation with the public, presentations were given to Soham Town Council on 20 July 2015 and to Soham Village College on 10 July 2015. Other meetings were also held with Ross Peers Sports Centre and St Andrews Primary School.

The consultation exercise for this PSPO, which ran from 23 October to 4 December 2015, has concluded;

- ❑ 5 replies affirming support for the PSPO
- ❑ 1 reply in opposition to the PSPO due to misunderstanding of the conditions.
- ❑ 1 reply requesting further information
- ❑ 1 reply from another Council affirming support

The consultation exercise resulted in 7 e-mailed responses from local residents.

No overtly adverse comments were received regarding the implementation of the proposed PSPO during the consultation exercise.

A summary of the comments received, is included at **Appendix A** to this report.

Attached at **Appendix B** is a map and description of the area to be designated. A large-scale version of the plan of the areas will be displayed at the meeting. **Appendix C** presents a draft version of the order to be signed if approved.

4.0 ARGUMENTS/CONCLUSIONS

- 4.1 The result of the consultation exercise demonstrates that the public generally support the designation area now proposed. It is considered that designation of the proposed area covering footpath 102 and adjacent areas at Ross Peers Sports Centre in Soham for additional restrictions on anti social behaviour will assist the Police in addressing crime and disorder issues that arise from misuse of these areas.
- 4.2 Ongoing monitoring of the effectiveness of the Order will take place over the first six months initially and thereafter at further six month periods.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There are no financial implications associated with making the order.

5.2 Equality Impact Assessment (INRA) completed and attached at Appendix D

6.0 APPENDICES

6.1 **Appendix A** – Summary of comments received via public consultation

Appendix B - map and description of the areas to be designated.

Appendix C – Draft order

Appendix D – Equality Impact Assessment (INRA)

Background Documents

Anti-social Behaviour,
Crime and Policing
Act 2014
CHAPTER 12

Location

Room 008
(The Grange,
Ely)

Contact Officer

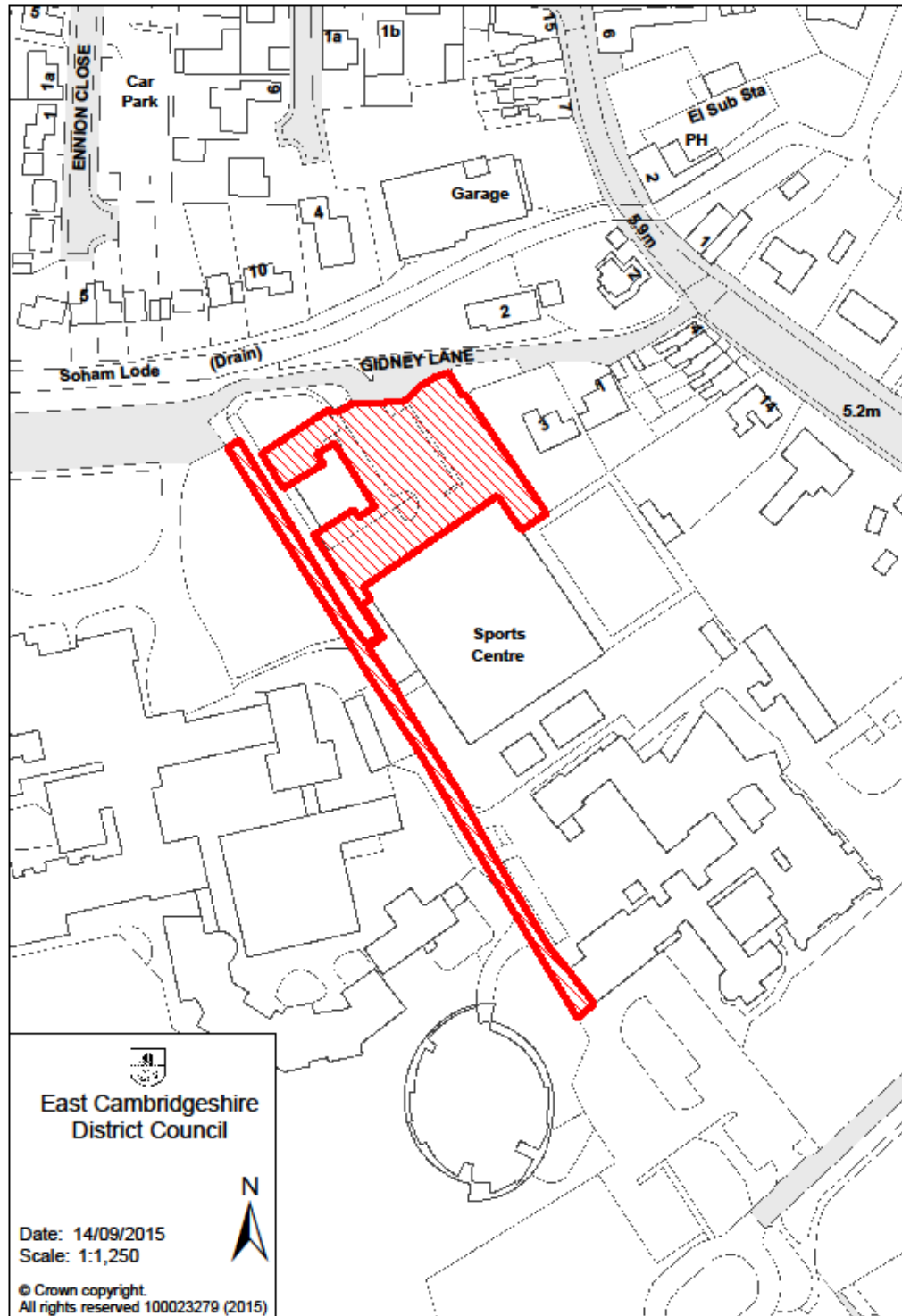
Nick Ball
(Neighbourhood Support Officer
(01353) 616455
E-mail:
nick.ball@eastcambs.gov.uk

Appendix A – Summary of comments received via public consultation

Date received	Comments received
Mon 09/11/2015	As a parent of a child at Soham Village College please could you add my support for the proposed changes for the pathway between the school and sports centre. LH
05/11/2015 20:37	Good Morning, Myself and my husband, would like to express our support for these measures outlined in the document attached. Kind regards, Mrs EA
05/11/2015	Dear Mr Ball As a parent of a pupil at Soham Village College I would like to support the proposal to make this footpath subject to a public spaces protection order, Many thanks. RW
Thu 05/11/2015	Hello, The proposal makes total sense to me. I can't see why anyone would have any objections. Kind regards, Ms CSC
Thu 05/11/2015 10:12	Dear Council Representative, I am writing as a parent of a child attending Soham Village College. I support the increased vigilance regarding behaviour on foot path 102. Given the nature of the site with children as young as just turned eleven we should certainly be doing as much as possible and perhaps even more than is proposed to ensure their safety. I would be interested to see how it proposed to police the area. Thank you, Kind regards Ms CC.
Thu 05/11/2015	Dear Mr Ball, Please could you give me details of the criminal behaviour to date on the path that justifies the designation of the path? Am I correct in believing that, once designated, you could choose to close the path without a further consultation? Best regards Ms VR
Tue 03/11/2015 17:16	Hi Nick, Regarding proposed restrictions to use of footpath 102 during school hours. Having lived in Soham for over 35 years, I am well familiar with this particular footpath. The problems you are experiencing now are no different than they have ever been; What is significantly different today though is the availability of relatively low cost, yet effective, CCTV equipment. I am therefore opposed to restricting public access to footpath 102, but very much in favour of additional cctv where the footpath cuts through the college campus. Regards, TN
Fri 23/10/2015	Hi Nick, I am happy for the order to go ahead as you have specified it, that seems to satisfy all o the criticisms that I have heard of the original ideas that the law abiding public found too restrictive of their use of the path, any further difficulties will be identified at the formal stage, Karen Champion Public Rights of Way CCC.

Appendix B – Map of proposed area to be designated

The area known as footpath 102, Soham from Gidney Lane, Soham heading south east past Ross Peers Sports Centre including designated areas of the Sports centre (the Sports centre entrance and car park) and up to St Andrews Primary School as shown on the maps below.



Appendix C – Draft Order

East Cambridgeshire District Council in exercise of its powers under Section 59, 64 and 72 of the Antisocial Behaviour, Crime and Policing Act 2014 ("the Act") proposes to make the following Order:-

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59
PUBLIC SPACES PROTECTION ORDER**

**East Cambridgeshire District Council
Public Spaces Protection Order
Soham Footpath 102 and Ross Peers Sports Centre
Number 1 of 2016**

THIS ORDER is made by East Cambridgeshire District Council ("the Council") because the Council is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space, namely Soham footpath 102 and adjacent areas at Ross Peers Sports Centre:

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality
- Are or are likely to be unreasonable and
- Justify the restrictions imposed

The Council is satisfied that the following activities have been or are likely to be carried out in the public space:

ANTI SOCIAL BEHAVIOUR (Foul abusive language, physical altercation, harassment)

1. PERIOD FOR WHICH THE ORDER HAS EFFECT

The Order shall come into operation on Monday 7th March 2016 and shall have effect for a period of 3 years thereafter, unless extended by further orders under East Cambridgeshire District Council's (hereafter 'the Council') statutory powers.

2. RESTRICTIONS

The Order relates to areas on footpath 102 Soham and adjacent areas at Ross Peers Sports Centre in Soham as shown on the attached plan.

The effect of this Order is to make the following provisions for these areas as follows;

(a) At Footpath 102

- Use the footpath as a thoroughfare only. Do not loiter.
- Do not display threatening or intimidating behaviour , or use foul or abusive

language, so as to cause nuisance, harassment, alarm or distress, towards;

- Other persons using the footpath,
- Pupils, staff or visitors of Soham Village College,
- Staff and visitors at Ross Peers Sports Centre.

(b) At Ross Peers Sports Centre

- Do not loiter or gather in areas outside or in the entrance to Ross Peers Sports Centre unless there to use the centre at that time;
- Do not loiter outside “The Isle” unless a pupil at Soham Village College instructed to attend or by appointment;
- Do not use foul or abusive language or threatening or intimidating behaviour; so as to cause nuisance, harassment, alarm or distress towards;
 - Staff and visitors to Ross Peers Sports Centre
 - Pupils, staff and visitors at Soham Village College.

3. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

A person guilty of an offence under conditions (a) or (b) above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £100.

APPEALS

4. Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

A copy of the Order plan may be obtained by contacting the address below.

nick.ball@eastcambs.gov.uk , Tel. 01353 665555 or in writing to Nick Ball, Neighbourhood Support Officer, East Cambridgeshire District Council, The Grange, Nutholt Lane, ELY CB7 4EE. The Order can also be seen at www.eastcambs.gov.uk

The Common Seal of
East Cambridgeshire
District Council
was hereunto affixed
in the presence of:

Legal Services Manager / Chief Executive

