

PORTFOLIO HOLDER DECISION RECORD

<p>Portfolio Holder: Councillor Sue Wallwork, Portfolio Holder for Communities</p>	<p>Service: Community Safety</p>
<p>CMT Officer: Carol Pilson, Corporate Director and Monitoring Officer</p>	<p>Delegated Power Being Exercised: Part 3, Table 5, paragraph 9 of Fenland District Council's Constitution provides all portfolio holders, including the Leader, with delegated authority to take executive decisions on behalf of the Council in circumstances where the matter is urgent and provided that the Chairman of Overview and Scrutiny and a relevant representative of CMT agree.</p> <p>Access to Information Procedure Rule 2, paragraphs 15 and 16 provide that in cases of urgency, the usual requirement to publish notice of a forthcoming key decision in the forward plan can be waived with the consent of the Chairman of Overview and Scrutiny.</p> <p>In all instances, urgency is defined as a situation in which a delay would seriously prejudice the Council's or the public interest.</p> <p>In this instance, the Portfolio Holder for Communities is requested to exercise delegated authority to extend four Public Space Protection Orders prior to their expiry on 20th October 2020. The next meeting of Cabinet is scheduled to take place on</p> <p>Delegated Power Being Exercised</p> <p>Part 3, Table 5, paragraph 9 of Fenland District Council's Constitution provides all portfolio holders, including the Leader, with delegated authority to take executive decisions on behalf of the Council in circumstances where the matter is urgent and provided that the Chairman of Overview and Scrutiny and a relevant representative of CMT agree.</p> <p>Access to Information Procedure Rule 2, paragraphs 15 and 16 provide that in cases of urgency, the usual requirement to publish notice of a forthcoming key decision in the forward plan can be waived with the consent of the Chairman of Overview and Scrutiny.</p> <p>In all instances, urgency is defined as a situation in which a delay would seriously prejudice the Council's or the public interest.</p>

In this instance, the Portfolio Holder for Communities is requested to exercise delegated authority to extend four Public Space Protection Orders prior to their expiry on 20th October 2020. The next meeting of Cabinet is scheduled to take place on 21st October 2020 meaning that the existing Orders would expire prior to being extended such that it would be necessary to recommence the consultation process and there would then be a period during which no PSPOs would then be in place. Given that the Council has met its obligations with regard to statutory consultation and there remains a need for these Orders, it is considered that the public interest is best served in exercising the general exception to the ordinary requirements with regard to the forward plan.

Where the general exception is exercised there must then follow a period of 5 clear working days before the decision can be taken and in accordance with ordinary call-in requirements, a further period of 5 clear working days before it is confirmed. This again would result in the existing Orders elapsing and the Chairman of Overview and Scrutiny has therefore also been requested and agreed to waive call-in in accordance with Access to Information Procedure Rule 5, paragraph 20.

Carol Pilson, Corporate Director with responsibility for Housing and Community Support has discussed this with the Chairman of Overview and Scrutiny they have both agreed to the urgency requirements being invoked.

The waiver of call-in will be reported to the next meeting of Overview and Scrutiny in compliance with the constitutional requirements.

Subject of Decision: Extension of the existing 4 x Public Space Protection Orders (PSPO) in Wisbech from 20th October 2020 for a further 3-year period.

Decision Taken:

Decision to create the 4 Public Space Protection Orders was taken at Cabinet on the 14th September 2017 (minute Cab 18/17 refers)

<https://www.fenland.gov.uk/localgov/CeListDocuments.aspx?Committeeld=136&MeetingId=426&DF=14%2f09%2f2017&Ver=2> (Minute)

<https://www.fenland.gov.uk/localgov/Data/Cabinet/201709141400/Agenda/att6820.pdf> (report)

There are currently 4 individual PSPO's in place that restrict or control the possession or consumption of alcohol.

The control of alcohol Order covers a wide geographic area of Wisbech.

Whilst there are 3 Orders which restrict the possession of alcohol in specific locations. These are

- o The Church Gardens of St Peter & Paul
- o Memorial Gardens
- o Tillery Field Park

The Orders were introduced on the 20th October 2017 and are subject of a 3-year review

The Orders and associated maps can be viewed at [PSPO Order - Wisbech - Fenland](#)

The review process is a legislative requirement and the Orders can be extended, amended or discharged.

The legislation can be found at Chapter 2 Anti-social Behaviour, Crime and Policing Act 2014. [Anti-social Behaviour, Crime and Policing Act 2014](#)

Having completed the review process including consultation with key stakeholders and sought legal advice it is recommended the existing 4 PSPOs currently in place are extended for another 3-year period from 20th October 2020.

Portfolio Holder's Decision: Extend the existing 4 PSPOs for a further 3-year period from October 20th 2020.

Reason for the Decisions:

- Section 60(1) of the act states: Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
 - o (a) occurrence or recurrence after that time of the activities identified in the order, or
 - o (b) an increase in the frequency or seriousness of those activities after that time.
- Appendix A, contains feedback from the Fenland Community Safety partnership community survey process which has regularly identified street drinking/alcohol related ASB as a concern and Partnership Performance Data from CCTV Services, Police, Support Services and FDC Streetscene.
- Appendix A, partnership performance data indicates there has been improvement in the situation following the introduction of the PSPO. However, incidents do continue to occur albeit at a reduced level.
- The extension of the Order is believed necessary as prescribed in points (a) & (b) of Section 60(1) above. Namely to prevent occurrence or recurrence or an increase in the frequency or seriousness of those activities.
- An extended Order must be for a period of time not longer than 3 years and published in accordance with the guidance of the Secretary of State.
- The 4 PSPO's do not impact upon Articles 10 or 11 of the HRA.
- Section 72 also covers the need to carry out necessary consultation, publicity & notification before extending (or varying)
- Necessary Consultation means consulting with both
 - o Cambridgeshire Constabulary & Police & Crime Commissioner
 - o Community representatives FDC think appropriate to consult which has included:
 - Cambridgeshire County Council

- Cambridgeshire County Council – Public Health – Drug & Alcohol Services
- The Church of St Peter & Paul
- Owner or occupier of land within restricted area
- The Church of St Peter & Paul
- Clarion Housing
- Horsefair Shopping Centre
- Wisbech Town Council
- CCC Highways
- County Highways

- Finally Section 72 requires Wisbech town Council and Cambridgeshire County Council to be informed of the proposed extension.
- Publicity is not required for an extension of the Order.
- Appendix B is a summary of the consultation responses.
- Appendix C is the wording of the extended Order.

In summary there was full support for maintaining the existing order approved by Cabinet for a further 3-year period.

Alternative Options Considered (if appropriate):

The alternative options were to either amend or discharge the 4 PSPOs. However as a result of the consultation there was agreement to extend for a further 3 years.

Background/Reports/Information considered and attached:

<https://www.fenland.gov.uk/localgov/CeListDocuments.aspx?Committeed=136&MeetingId=426&DF=14%2f09%2f2017&Ver=2> (Minute)

<https://www.fenland.gov.uk/localgov/Data/Cabinet/201709141400/Agenda/att6820.pdf> (Report)



Appendix A - CSP
Survey 2018-2020.doc



Appendix A -
Partnership Data.doc



Appendix B -
Consultation.docx



Appendix C - Draft
Order.docx

Portfolio Holder's Signature:

Councillor Sue Wallwork, Portfolio Holder for
Community Safety

In consultation with Cllr David Mason, Chairman
of Overview and Scrutiny and Carol Pilson,
Corporate Director

Date: 19 October 2020

Please forward to Democratic Services upon completion

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