

Cheltenham Borough Council

Councillor Victoria Atherstone – Cabinet Member for Safety and Communities

Approval to consult on variation to Public Spaces (Cheltenham) Order 2023

Accountable member:

Councillor Victoria Atherstone – Cabinet Member for Safety and Communities

Accountable officer:

Louis Krog – Head of Public Protection

Ward(s) affected:

St. Marks

Key Decision: No

Executive summary:

The reports seek approval from the Cabinet Member for Safety and Communities to commence consultation on proposals to vary the Public Spaces (Cheltenham) Order 2023 to include the area outlined in this report.

Recommendations:

The Cabinet Member for Safety and Communities is recommended to approve consultation on the variation to the Public Spaces (Cheltenham) Order 2023 as outlined in this report.

1. Implications

1.1 Financial, Property and Asset implications

None arising from this report.

1.2 Legal implications

These are set out in the body of the Report.

Signed off by: Alison McKane, Interim Deputy Monitoring Officer
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1.3 Environmental and climate change implications

None arising from this report.

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Quality homes, safe and strong communities

1.5 Equality, Diversity and Inclusion Implications

Equality impact screening assessment in Appendix 2.

1.6 Performance management – monitoring and review

As outlined in this report.

2 Background

2.1 The Anti-social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas.

2.2 The Act gives councils the authority to draft and implement PSPOs in response to the particular issues affecting their communities, provided certain criteria and legal tests are met:

2.2.1 activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will take place and that they will have a detrimental effect

2.2.2 the effect or likely effect of these activities:

2.2.3 is, or is likely to be, persistent or continuing in nature

2.2.4 is, or is likely to be, unreasonable

2.2.5 justifies the restrictions being imposed.

2.3 Outlined in Appendix 3 is evidence provided by Gloucestershire Constabulary identifying the issues and adverse impact this is having on the local community.

2.4 Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without a reasonable excuse is an offence.

2.5 In this case, it is proposed that the Public Spaces (Cheltenham) Order 2023 be amended to include the specified area on Tennyson Road (2.5) in the specified areas where a “Prohibition of alcohol consumption designated areas” (Schedule 1 (Designated areas)) applies.

2.6 The proposed area to be included on Tennyson Road is shown in appendix 4.

3 Reasons for recommendations

3.1 To respond to increasing issues associated with street and public consumption of alcohol that gives rise to alarm, distress and harassment in the local community.

4 Alternative options considered

4.1 The Cabinet Member for Safety and Communities can decide not to approve consultation as outlined in this report.

5 Consultation and feedback

5.1 Before introducing, extending, varying or discharging a PSPO, there are requirements under the Act regarding consultation, publicity and notification.

5.2 Local authorities are obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a district), parish or community councils that are in the proposed area covered by the PSPO must be notified.

5.3 There are no statutory requirements about the length of the consultation process. However, it should be ensured that its duration allows sufficient time to meaningfully engage with all those who may be impacted by the Order.

5.4 In this case, it is proposed that a 4-week consultation be undertaken principally

based on the fact that the geographical area proposed to be included in the varied PSPO is small.

5.5 Delegation to consider consultation feedback and the decision whether to vary the Public Spaces (Cheltenham) Order 2023 sits with the Director of Governance, Housing and Communities, in consultation with the Cabinet Member for Safety and Communities.

6 Key risks

6.1 As outlined in Appendix 1.

Report author:

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Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment – Screening
- iii. Evidence
- iv. Map of Proposed Location

Background information:

- Delegation - 17/03/2015 - Cabinet (Item 10)
- Public Spaces (Cheltenham) Order 2023

Appendix 1: Risk Assessment

[illegible]

Appendix 2: Equality Impact Assessment (Screening)

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

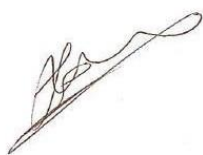
Officer responsible: Head of Public Protection

Service Area: Public Protection

Title: Approval to consult on variation to Public Spaces (Cheltenham) Order 2023

Date of assessment: 06/02/2026

Signature:



b. Is this a policy, function, strategy, service change or project?

Function

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Public Spaces (Cheltenham) Order 2023

Is this new or existing?

**Already exists
and is being
reviewed**

Please specify reason for change or development of policy, function, strategy, service change or project

To respond to increasing issues associated with street and public consumption of alcohol that gives rise to alarm, distress and harassment in the local community.

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

Implement tools to respond to increasing issues causing alarm, distress and harassment in the local community.

Objectives:	
Outcomes:	
Benefits:	

e. What are the expected impacts?	
Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.	Yes
Do you expect the impacts to be positive or negative?	Positive
Please provide an explanation for your answer:	
Implement tools to respond to increasing issues causing alarm, distress and harassment in the local community. The consultation will seek to implement these tools to address issues and thereby positively impact on the local community, businesses and residents.	

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate	
Stage Two required	No
Owner of Stage Two assessment	

Completion date for Stage Two assessment

Please move on to Stage 2 if required ([intranet link](#)).