

Cheltenham Borough Council

Director of Governance, Housing and Communities

Variation of 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:

Following consultation, this report seeks approval from the Director of Governance, Housing and Communities to vary the adopted Public Spaces (Cheltenham) Order 2023 to include parts of St. Marks as outlined in this report.

Recommendations: That the Director of Governance, Housing and Communities, in consultation with the Cabinet Member for Cabinet Member for Safety and Communities:

1. Approve the variation of the Public Spaces (Cheltenham) Order 2023 as outlined in this report; and
 2. To delegate authority to the Head of Public Protection to take all the necessary steps to implement the decision as per the statutory requirements.
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1. Implications

1.1 Financial, Property and Asset implications

There will be a requirement to put signage up around the area to be included in

varied PSPO, but this would be picked up as part of service budgets. No other financial implications arising from this report.

Signed off by: [finance officer, post, email]

1.2 Legal implications

[for legal implications, please submit your request to Alison McKane, Deputy Monitoring Officer alison.mckane@cheltenham.gov.uk for an initial assessment. If further support from OneLegal is required, please access this via the [One Legal Portal](#) - you will need to register with legalservices@onelegal.org.uk if not already done so]

Signed off by: [legal officer, officer post, officer email]

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

As per the equality impact screening assessment in appendix 2.

1.6 Performance management – monitoring and review

N/A

2 Background

2.1 A Public Space Protection Order (“PSPO”) is designed to prevent individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality and the behaviour is, or is likely to be, persistent or continuing in nature and is unreasonable.

2.2 The Public Spaces (Cheltenham) Order 2023 (“2023 Order”), currently in force, already place restrictions on the public consumption of alcohol and dog control measures. The 2023 Order applies to specific areas and locations as outlined.

2.3 A PSPO can be varied under the Anti-social Behaviour, Crime and Policing Act 2014 (“2014 Act”) to extend its duration, alter its restricted area, or change its prohibitions.

2.4 Following relevant issues (i.e. having a detrimental effect on the quality of life of those in the locality and the behaviour is, or is likely to be, persistent or continuing in nature) in the St Mark’s ward, local consultation was launched to seek views on the proposed changes to the PSPO. [The evidence supporting the proposed variation is published on the authority’s website.](#) The *initial* (see para 2.7) [area to be included is available on the website.](#)

2.5 Consultation was undertaken from Wednesday 11 February 2026 for three weeks. The consultation outcome report is attached at appendix 3.

2.6 From the consultation report, there is overwhelming support for the proposed PSPO variation. In addition to the outcome report, Gloucestershire Constabulary submitted the following comment:

“In response to the consultation, I would ask for the area of the PSPO to be extended to include Kipling Road, Tennyson Road and Byron Road. This would ensure the anti-social behaviour is fully dispersed from the area, and the likelihood of reoccurrence is significantly reduced. The local community has suffered from repeat ASB, in particular during the summer months. The extension of the PSPO is a proportionate method of reducing the ASB and keeping our community safe.”

2.7 In response to the comments from the constabulary, the proposed area to be included in the varied PSPO is included at appendix 4.

2.8 On this basis, the Director of Governance, Housing and Communities is recommended to approve the recommendations set out above including the area outlined in appendix 5.

3 Statutory considerations

3.1 The Anti-Social Behaviour, Crime and Policing Act 2014 (“2014 Act”) commenced on 20 October 2014.

3.2 Section 59 of the 2014 Act gives local authorities the power to adopt a PSPO if satisfied, on reasonable grounds, that two conditions are met:

3.3 The first condition is that:

(a) activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality; and

(b) it is likely that activities will be carried on in a public place within that area and

that they will have such an effect.

3.4 The second condition is that the effect, or likely effect, of the activities:

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

3.5 A PSPO identifies a public place also known as “the restricted area” and:

- (a) prohibits specified things being done in the restricted area;
- (b) requires specified things to be done by persons carrying on specified activities in that area; or
- (c) does both of those things.

3.6 Prohibitions or requirements imposed by a PSPO can only be ones that are reasonable to:

- 3.6.1 prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring; and
- 3.6.2 reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

3.7 A PSPO may not have effect for a period of more than 3 years, unless extended or renewed.

3.8 A person guilty of an offence under conditions set out in the Order, under section 67 of the 2014 Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000) or may be issued with a fixed penalty notice (FPN) of a maximum £100. A level set at £75, reduced to £50 if paid within 10 days, is considered to be appropriate having regard to the level of fines set for other environmental offences enforced by the Council e.g. littering.

4 Delegation

4.1 Cabinet resolved on 17th March, 2015 “That Cabinet gives a standing delegation to the Director of Environmental and Regulatory Services to, following appropriate consultation (to include the relevant Cabinet Member and ward councillors), adopt and publish Public Spaces Protection Orders where the area covered by the proposed Order is within the borough and subject to the statutory requirements for the making of an Order being satisfied.”

5 Reasons for recommendations

5.1 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.

6 Alternative options considered

6.1 The Director of Governance, Housing and Communities can decide not to vary the PSPO as outlined in this report.

7 Key risks

7.1 As outlined in Appendix 1.

Report author:

[Officer name, post, email]

Appendices: *[please add/delete as appropriate]*

- i. Risk Assessment
- ii. Equality Impact Assessment – Screening
- iii. Consultation outcome report
- iv. Proposed area to be included in the varied PSPO

Background information:

- [Approval to consult on variation to Public Spaces \(Cheltenham\) Order 2023](#)

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	If the authority does not consider the variation of the existing PSPO as outlined in this report, it's ability to deal with the issues causing alarm, distress and harassment to the local community will be limited.	Head of Public Protection	4	3	12	Accept	Approve recommendations	Director of Governance, Housing and Communities	

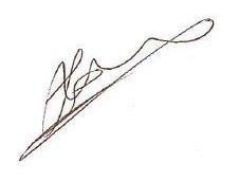
Appendix 2: Equality Impact Assessment (Screening)

to be included in all Cabinet and Council reports

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:
Title: Variation of Public Spaces (Cheltenham) Order 2023	Date of assessment: 11 March 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	