

REPORT AUDIT TRAIL				
CONSULTATION <i>This is important as it shows that consultation has been undertaken in the preparation of the report and provides a quick reference point for specific comments, whilst the report will not be publishable if these areas have not been completed by the named persons below. You must liaise with and receive sign off from the relevant Cabinet Member(s).</i>				
Name/Position	Portfolio/Ward/ Directorate	Date Sent	Date Received	Comments in para:
Councillor Saghir Alam	Cabinet Member for Finance and Safe and Clean Communities	Click here to enter a date.	Click here to enter a date.	
<i>Andrew Bramidge</i>	Assistant Chief Executive/ Strategic Director for Regeneration and Environment	Click here to enter a date.	Click here to enter a date.	
<i>Jonathan Baggaley, Finance</i>	Finance and Customer Services	19/03/25	20/03/25	See section 6
<i>Michelle Scales, Legal Services</i>	Legal Services	19/03/25	19/03/25	See Section 7
<i>Helen Rowe, Human Resources</i>	Assistant Chief Executive's Office	19/03/25	Click here to enter a date.	See Section 8
<i>Karen Middlebrook, Procurement</i>	Finance and Customer Services	19/03/25	01/04/25	See Section 6
<i>Equality@rotherham.gov.uk Equalities</i>	Assistant Chief Executive's Office	19/03/25	20/03/25	See Appendix 2
<i>climate@rotherham.gov.uk Climate</i>	Finance and Customer Services	19/03/25	21/03/25	See Appendix 3

REPORT APPROVAL TRACKING			
Equalities Your report will not be authorised for submission to Cabinet by your Strategic Director if you have not undertaken and included an initial equalities screening. All equalities analysis documents should be included as appendices	Initial Screening completed and included with report	YES	
	Full Assessment completed and included with report	NO	Insert date agreed
Carbon Impact Assessments Carbon Impact Assessments are to be appended to the associated cabinet reports. Carbon Impact Assessments should be sent to climate@rotherham.gov.uk for feedback prior to your report being sent to your Strategic Director for approval.	Carbon Impact Assessment completed and included with report.	YES	
Background information MANDATORY: Insert headings for a few main public documents you have used or referenced to write this report. This is a legal requirement. For Cabinet reports, <u>insert hyperlinks</u> . Do not list private documents.	Agenda item - Fitzwilliam Road Public Spaces Protection Order, June 2022 - Rotherham Council Anti-social Behaviour, Crime and Policing Act 2014 Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals, Home Office, March 2023		
Appendices If appendices are essential to the understanding of the report, list titles here. Ensure that appendices have proper titles. List any appendices relevant to the decision being taken first with the Equality Analysis documents coming next and the Carbon Impact Assessment being listed as the last Appendix for all reports.	Appendix 1 Public Spaces Protection Orders Consultation Plan Appendix 2 Initial Equality Screening Assessment Appendix 3 Carbon Impact Assessment Appendix 4 Fitzwilliam Road PSPO in draft state Appendix 5 South Yorkshire Police ASB Rotherham East data 2022-2024 Appendix 6 Sealed Current PSPO – Fitzwilliam Road		
Cabinet Member Approval You should retain an email confirming the Cabinet Member approval for your records. Strategic Directors should not authorise reports unless Cabinet Members have given sign off	YES/NO (delete as appropriate)	Click here to enter a date.	

Report Authorised by Strategic Director	YES/NO (delete as appropriate)	Click here to enter a date.
Report Authorised for publication by Chief Executive	YES/NO (delete as appropriate)	Click here to enter a date.

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 16 April 2025

Report Title

Consultation on Public Spaces Protection Orders – Fitzwilliam Road

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Assistant Director Approving Submission of the Report

Sam Barstow, Assistant Director, Community Safety & Street Scene

Report Author(s)

Catherine Lunn, Community Protection & Environmental Health Manager
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Ward(s) Affected

Fitzwilliam Road/Eastwood - Rotherham East

Report Summary

The current Fitzwilliam Road Public Spaces Protection Order (PSPO) was renewed in June 2022 for a period of three years. This report proposes to undertake consultation to establish stakeholder views in relation to the Public Spaces Protection Orders and to gauge support for future designations. Views will be sought concurrently about the conditions that might be included within such Orders.

The options available to the Council at the end of the consultation will be to extend the Orders, vary their requirements or to discharge them. Whilst each of these outcomes are possible, the consultation responses will ultimately steer future direction.

Recommendations

1. To carry out a consultation in relation to the future Fitzwilliam Road Public Spaces Protection Order

List of Appendices Included

Appendix 1 Public Spaces Protection Orders Consultation Plan

- Appendix 2 Initial Equality Screening Assessment
- Appendix 3 Carbon Impact Assessment
- Appendix 4 Fitzwilliam Road PSPO in draft state
- Appendix 5 South Yorkshire Police ASB Rotherham East data 2021-2024
- Appendix 6 Sealed Current PSPO – Fitzwilliam Road

Background Papers

[Agenda item - Fitzwilliam Road Public Spaces Protection Order, June 2022 - Rotherham Council](#)

Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers
Statutory Guidance for frontline professionals, Home Office, Revised 27th March
2023

Consideration by any other Council Committee, Scrutiny or Advisory Panel
None

Council Approval Required
No

Exempt from the Press and Public
No

Consultation on Public Spaces Protection Orders – Fitzwilliam Road, Eastwood

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1. Background

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 created powers to introduce Public Spaces Protection Orders (PSPOs) in order to prevent individuals or groups committing anti-social behaviour in public spaces.
- 1.2 On 20 June 2022, Cabinet agreed the implementation of a new Fitzwilliam Road Public Spaces Protection Order, which prohibited a number of behaviours and was effective from June 2022 (the time they were signed, sealed and published) for a period of three years.

2. Key Issues

- 2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 provides for PSPOs, to be made for a maximum period of three years.
- 2.2 The Act requires that, where Orders are to be introduced or extended, consultation must be undertaken with:
 - The Chief Officer of Police, and the local policing body, for the police area that includes the restricted area;
 - Whatever community representatives the local authority thinks it appropriate to consult;
 - The owner or occupier of land within the restricted area.
- 2.3 In addition, the Act also stipulates that necessary publicity must be undertaken which means:
 - In the case of a proposed new order or variation, publishing the text of it
 - In the case of a proposed extension or discharge, publicising the proposal.
- 2.4 Moreover, the Council is obliged to notify the parish council or community council, of the proposed order, extension, variation or discharge.
- 2.5 Since the designation of the Public Spaces Protection Order in the Fitzwilliam Road, complaints of Anti-Social Behaviour have slowly been on the rise and peaked in 2024 according to the last set of data analysed in relation to the most recent designation in June 2022.
- 2.6 Undertaking a public consultation in respect of the current Order will inform the Council of public views on the effectiveness of such Orders and any varied Clauses are required to match current public priorities .

3. Options considered and recommended proposal

- 3.1 The Council could take the view that the Fitzwilliam Road Public Spaces Protection Order has not served it's purpose and is therefore ineffective and not required. The council could also take the view that given that the issues remain and the lack of a PSPO could have a negative impact on public health

and community safety. In addition, the PSPO offers the Council and partners tools to tackle very specific problems, without which effective responses to these types of behaviours are limited

- 3.2 The recommended proposal would be to undertake public consultation. The consultation process is a statutory requirement prior to implementation of a PSPO. The consultation will form part of the evidence gathering process in order to assess whether the two conditions set out within the legislation, before a PSPO can be made are met. It will guide the Council as to the types of measures that should remain in place as part of a new PSPO and what, if any, new measures should be introduced.

4. Consultation on proposal

- 4.1 South Yorkshire Police will be further consulted on the Order going as part of the formal phase consultation, it is informative that Neighbourhood Policing Team Central Inspector John Crapper has provided the following comments: "As the Neighbourhood Policing Team Inspector, I support this PSPO. Eastwood has some definite challenges, particularly around the quantity of abandoned debris and antisocial behaviour. The PSPO provisions which aim to tackle this would be very beneficial for both the police and also RMBC officers to use as part of their efforts."
- 4.2 It is proposed that the formal consultation will commence from 22 April 2025 to 20 May 2025
- 4.3 Consultees will include amongst others, South Yorkshire Police, South Yorkshire Mayoral Authority, Ward Members, relevant RMBC teams, voluntary, community organisations, businesses and the public.
- 4.4 The consultation will seek views on the effectiveness of the Order and gather evidence with a view to assessing whether varied requirements or prohibitions are necessary. Views on current priorities and complaint types will be matched to the requirements or prohibitions included in any Order.
- 4.5 A consultation plan is attached at Appendix 1.
- 4.6 Should the conclusion of the consultation recommend the Order is extended in its current state, the Order will be proposed as part of a further Cabinet report in June 2025. Should the Orders be varied based on consultation, new draft Orders will need to be published before they will be formally adopted.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Following consultation, a report will be presented to Cabinet in July 2025 detailing the findings of the consultation and any recommendations that may be required.
- 5.2 Sam Barstow, Assistant Director, Community Safety and Street Scene, will be accountable for this decision.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

- 6.1 The majority of this proposed consultation exercise will be undertaken on-line, so costs associated with this process will be limited to IT costs and minimal printing and postage costs. The overall cost of this consultation exercise is estimated to be no higher than £2k and will be contained within the Service's approved revenue budget.
- 6.2 There are no significant procurement implications associated with the recommendations detailed in this report. The costs referred to above, should be directed through current internal or contracted arrangements.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

- 7.1 The power to introduce a Public Spaces Protection Order is set out in the Anti-Social Behaviour, Crime and Policing Act 2014. The Act gives the Council the authority to draft and implement a Public Spaces Protection Order in response to particular issues affecting the community, provided it is satisfied on reasonable grounds that two conditions are met.

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, or
- (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.

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.

- 7.2 The Council will need to fully consider all evidence gathered as a result of the consultation process in order to be satisfied that the above conditions are met and to be satisfied that the Public Spaces Protection Order is necessary and proportionate in the circumstances. Any requirements or prohibitions imposed must be reasonable.
- 7.3 The Act itself sets out the ability to challenge the validity of any Order and so it is vital the Council follows the correct process in terms of the implementation of the Order and this includes the requirement to consult. The Council must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before:
- (a) making a public spaces protection order,
 - (b) extending the period for which a public spaces protection order has effect, or

(c) varying or discharging a public spaces protection order.

The Council must consult with:

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult;
- (c) the owner or occupier of land within the restricted area (this does not apply to land that is owned and occupied by the local authority and applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land).

- 7.4 The Council must also comply with the necessary publicity and notification requirements set out in the Act. The necessary publicity means
- (a) in the case of a proposed order or variation, publishing the text of it;
 - (b) in the case of a proposed extension or discharge, publicising the proposal;

The necessary notification requirements means notifying the following authorities of the proposed order, extension, variation or discharge:

- (a) the parish council or community council (if any) for the area that includes the restricted area;
- (b) in the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area.

- 7.5 Any Order can last for a maximum of 3 years, unless extended under the provisions of the Act, and any such Order can be varied and/or discharged at any time.
- 7.6 The requirement to consult is a statutory requirement however there is no set statutory time scale for the consultation. The Statutory Guidance states that the appropriate length of the consultation will depend on the circumstances of the PSPO being sought, it is important that the Council ensures that the consultation is reasonable and proportionate to the issues under consideration. The proposed consultation of 6 weeks will be sufficient and is in accordance with the recommended best practice guidance for public consultations issued by the Government.

8. Human Resources Advice and Implications

- 8.1 There are no direct Human Resources implications arising from this report

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no Children and Young People or Vulnerable Adults implications contained within or arising from the report.

10. Equalities and Human Rights Advice and Implications

10.1 There are no Equalities and Human Rights Advice implications contained within or arising from the report.

10.2 An Initial Screening Assessment has been included at Appendix 2.

11. Implications for CO2 Emissions and Climate Change

11.1 There are no carbon or climate implications arising from this report. An assessment is contained at Appendix 3.

12. Implications for Partners

12.1. South Yorkshire Police are a key partner in delivery of the requirements of Public Spaces Protection Orders.

12.2 Businesses are likely to have some interest in ensuring that any impacts on the Eastwood area from unacceptable behaviours, are made known to the Council, and in particular where these behaviours might affect the attractiveness of Rotherham as a place to do business or visit.

12.3 South Yorkshire Police, South Yorkshire Mayoral Commission, and Barnsley and Rotherham Chamber of Commerce will be consulted under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014, following the attached Consultation Plan at Appendix 1.

13. Risks and Mitigation

13.1 The consultation may highlight further problems that may need to be addressed beyond what the consultation includes. Consequently, there will be a need to review such issues and consider them as part of the later proposed consultation report to Cabinet

13.2 The findings from consultation must be considered in the context of the staff and resources available to enforce any provisions that are suggested in order to ensure that any measures that may be desired can be included in a meaningful way

13.3 A standstill period for publishing of a varied Order texts, depending on the outcome of the consultation, could leave agencies without the power to enforce the legislation.

14. Accountable Officers

Sam Barstow Assistant Director, Community Safety and Street Scene
Emma Ellis Head of Service, Community Safety and Regulatory Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
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Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Phil Horsfield	Click here to enter a date.

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