

This report is public	
Banbury Public Spaces Protection Order Implementation Report	
Committee	Executive
Date of Committee	3 March 2025
Portfolio Holder presenting the report	Portfolio Holder for Safer Communities, Councillor Rob Parkinson
Date Portfolio Holder agreed report	13 January 2025
Report of	Head of Regulatory Services and Community Safety, Tim Hughes

Purpose of report

A consultation was recently undertaken on a proposal to introduce a new Public Spaces Protection Order (PSPO) for Banbury town centre. This report provides the Executive with the background to the proposal, a summary of the consultation undertaken and the feedback from stakeholders and the details of the potential scope of the Order. The report asks the Executive to decide whether to introduce a PSPO in Banbury town centre.

1. Recommendations

The Executive resolves:

- 1.1 To introduce a Public Spaces Protection Order for Banbury town centre taking into consideration the outcomes of the public consultation and the feedback received from stakeholders.
- 1.2 To agree the basis of the order will be items (a)-(e) as set out in the consultation in section 4.14 and the order will apply to the area set within the red border in appendix 1.
- 1.3 To agree the order can remain in place for up to 3 years.

2. Executive Summary

- 2.1 The Council's Community Safety Team have been working extensively with Thames Valley Police on problems of anti-social behaviour in and around Banbury town centre for several years. However, all approaches that have been taken have so far failed to fully resolve this problem.
- 2.2 Anti-social behaviour (ASB) continues to be an issue that affects Banbury town centre to the detriment of visitors to the town centre and businesses that are located there.

- 2.3 A consultation has been completed on a proposal to introduce a Public Spaces Protection Order (PSPO) for Banbury town centre. This report provides the Executive with the background to the proposal, a summary of the consultation undertaken and the feedback from stakeholders and the details of the potential scope of the Order. The report asks the Executive to decide whether to introduce a PSPO in Banbury town centre.

Implications & Impact Assessments

Implications	Commentary			
Finance	The introduction of a Public Spaces Protection Order (PSPO) to Banbury town Centre will be met by existing budget. Kelly Wheeler, Finance Business Partner, 4 February 2025			
Legal	The report sets out in detail the statutory framework for a PSPO in section 4, including the statutory tests/conditions for whether a PSPO can be put into effect (see 4.10 of the report). A PSPO will be in place for a period of no more than 3 years in accordance with the legislation. Careful consideration should be given to whether these tests have been met before approving the PSPO. S72 of the 2014 Act referred to in the report sets out the required consultation process to follow before making the order, and the report indicates that the required consultation requirements have been followed. S59.5 of the 2014 Act, set out in full in paragraph 4.10 of this report notes that the restrictions within the PSPO should be reasonable in order to prevent the detrimental effect identified from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence. The committee should be satisfied that the restrictions are reasonable in order to achieve the desired objectives before continuing. Denzil – John Turbervill, Head of Legal, 5 February 2025			
Risk Management	There are no risk implications arising directly from this report. Any related risks arising in the future will be managed through the service operational risk and escalated to the Leadership Risk Register as and when deemed necessary. Celia Prado-Teeling, Performance Team Leader, 05 February 2025			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact		x		There are no equalities nor inclusion implications arising from this report. All proposals and projects developed by the council are done in line with our Equalities, Diversity and Inclusion Framework, an Equalities Impact Assessment related to this

			proposal has been completed to ensure compliance with the Equality Act 2010. Celia Prado-Teeling, Performance Team Leader, 5 February 2025
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x	
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x	
Climate & Environmental Impact		x	N/A
ICT & Digital Impact		x	N/A
Data Impact		x	N/A
Procurement & subsidy		x	N/A
Council Priorities	The recommendations within the report will support the council priority - Healthy Resilient and Engaged Communities, work with partners to reduce crime and anti-social behaviour.		
Human Resources	N/A Anna Thornicroft, Trainee HR Business Partner, 05 February 2025		
Property	N/A Mona Walsh, Assistant Director Property, 05 February 2025		
Consultation & Engagement	A public consultation has been carried out. No further consultation required.		

Supporting Information

3. Background

- 3.1 Anti-social behaviour can directly affect the day to day lives of communities and create an environment in which more serious crime can take hold. These outcomes are at odds with priorities within the Council Plan and the drive to support the health and well-being of our communities. In looking to address issues including, anti-social behaviour, the Council has an emphasis on early intervention, collaboration,

and leadership. Public Space Protection Orders (PSPOs) can support this way of working. In line with the Anti-Social Behaviour, Crime and Policing Act 2014 PSPOs can be implemented by Local Authorities and used to prohibit specified activities within a defined public area. Breach of a PSPO without a reasonable excuse, is an offence.

- 3.2 A PSPO restricts what people can do in an area and how they behave. As such it is important to ensure that any such restrictions are focussed on problem behaviours, are proportionate to the detrimental impact that the behaviour is having or could cause and are considered necessary to prevent it continuing, occurring or reoccurring. The restrictions and requirements included in a PSPO may be comprehensive or targeted on specific behaviours by particular groups and/or at specified times.
- 3.3 A PSPO can be in force for any period up to a maximum of three years and can be extended for a further period of up to 3 years at any time before expiry. Before introducing a PSPO the council is required to conduct consultation with relevant parties on the scope of the PSPO.

4. Details

Anti-Social Behaviour in Banbury Town Centre

- 4.1. The table below shows the figures for the total number of reported offences which is then broken down into ASB and public order around the town centre in Banbury recorded in 2024.

Month	Total Crime recorded	ASB	Public Order
January	305	36	26
February	316	20	29
March	360	33	34
April	394	29	43
May	352	32	24
June	414	52	27
July	399	52	39
August	311	32	39
September	305	31	37
October	390	41	41
November	347	32	35
Total	3893	390	374

Banbury High Street featured in the top three areas in which crime was reported within all 11 months.

- 4.2 Thames Valley Police were asked whether it is possible to compare this data against other similar towns to understand whether the data supports the belief that ASB in Banbury town centre is more of a problem than in other areas. However, Thames Valley Police commented that comparisons are affected by too many variables to draw any robust conclusions. The view of the Neighbourhood Team and the Council's Community Safety Team is that anti-social behaviour in Banbury Town Centre is a prevalent and persistent problem that places continued demands on the resources of both organisations to minimise the impact.
- 4.3 In an attempt to tackle ASB in the town centre and surrounding areas, Thames Valley Police and the Council's community safety team have in recent years undertaken a number of specific operations. This has included increasing our presence in the town centre, listening to and acting upon social media reports of ASB by groups and liaised with businesses to address their concerns. These have had some effect on the behaviour of certain individuals but limited impact on the overall problem of ASB in the town centre.

Benefits of Public Spaces Protection Order

- 4.4 A significant proportion of the ASB reported or witnessed in the town centre relates to groups. Activity to address this has mainly relied on the Police working with the individual and (where necessary) their parents/ guardian to reduce the harmful behaviour. Acceptable Behaviour Contracts can only be issued on a voluntary basis and community protection notices cannot be issued to anyone under 16 years of age. Therefore, non-criminal options for tackling the problematic behaviour of young people are limited.
- 4.5 A PSPO would provide the council and the Police with further legal options to tackle the behaviour of individuals which is causing concern in Banbury town centre. In particular it would permit the service of fixed penalty notices for behaviours which would not meet the thresholds or legal requirements for other formal action. In addition, it would provide opportunity for us to promote the restrictions through warning signs providing a deterrence and raising public awareness of the actions that we are taking to improve the town centre.
- 4.6 If a PSPO is introduced the Community Safety Team would continue with the existing approach to engage and advise first but the PSPO would provide an option for an immediate and non-criminal escalation should this be necessary.

The Legal Framework for a PSPO

- 4.7 Local authorities have the power to create PSPOs under the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act'). In deciding to make a PSPO, the Act requires that the local authority must have regard to the rights of freedom of expression and freedom of assembly set out in the Human Rights Act 1998.
- 4.8 The two issues which must be addressed for every proposed restriction in the PSPO are whether the statutory criteria are met and whether the restrictions

proposed are proportionate having regard to the legitimate aim of preserving the quality of life for everyone who lives or works in, or who visits, the town centre.

- 4.9 A local authority can make a PSPO in respect of any public space within its administrative boundary. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 4.10 Section 59 of the Act sets out the basis on which local authorities may make a PSPO. It provides as follows:
- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
 - (2) 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.
 - (3) 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.
 - (4) A PSPO is an order that identifies the public place referred to in subsection (2) ("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.
 - (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order:
 - (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
 - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- 4.11 In establishing a PSPO, appropriate signage must be displayed in accordance with the requirements of the Act and details of the PSPO must be published.
- 4.12 A breach of the PSPO can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, a level 3 fine of up to £1000 on conviction, or £500 upon conviction for consuming alcohol in breach of the Order.

Consultation

- 4.13 Before introducing, extending, varying or discharging a PSPO 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.

4.14 A 4-week public consultation on the proposed PSPO for Banbury town centre was undertaken in July and August 2024.

The scope of the PSPO consulted on include:

- a) No begging within 10 metres of a cash or payment machine or begging in a manner which is aggressive or intimidating or is likely to cause someone to feel harassed, alarmed or distressed
- b) No person shall consume alcohol in the restricted area (other than in residential premises or premises specified in Section 62(1) of the Act) in a manner which causes nuisance or annoyance to other persons in the locality.
- c) No person shall continue to consume alcohol when directed by an officer to stop in the restricted area.
- d) No person shall fail to surrender alcohol or a container for alcohol when requested to do so by an officer in the restricted area.
- e) No person shall cause harassment, alarm or distress to any individual(s) by committing antisocial behaviour. Examples may include the use of offensive or abusive language or acting in an aggressive manner.

The proposed area that the PSPO will cover is included as Appendix 1. The map formed part of the consultation to identify where the proposed prohibitions would be introduced by the order.

This consultation included an online survey promoted by a press release and on the council’s social media platforms, face-to-face engagement with visitors to the town centre, visits to the main town centre businesses and direct communication with key stakeholders.

4.15 A summary report of the consultation is attached (Appendix 2) to this report and a comments analysis is also attached (Appendix 3). The summary analysis identifies that there were 423 responses to this consultation. In response to the key questions the answers were as follows:

Question	Response – ‘Yes’	Response – ‘No’	Response – ‘Don’t know’
“Should Cherwell District Council seek to prohibit anti-social behaviour (that causes alarm, distress or concern) in Banbury town centre through a Public Spaces Protection Orders?”	395 (93%)	17 (4%)	11 (3%)
“Should Cherwell District Council seek to prohibit street drinking in Banbury town centre through a Public Spaces Protection Orders?”	393 (93%)	19 (4%)	11 (3%)
“Should Cherwell District Council seek to prohibit aggressive begging in Banbury town centre	370 (87%)	27 (6%)	26 (6%)

through a Public Spaces Protection Orders?"			
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Thames Valley Police formally responded to the consultation in support of the proposed PSPO.

- 4.16 If the PSPO is introduced it will remain in force for 3 years. During the third year it will be evaluated through reviewing the use of the powers introduced through the Order and by reference to the data relating to ASB in the area over the years preceding the introduction of the PSPO and during the time it is in force. The impacts of the PSPO on other areas outside the geographic scope of the Order will be monitored during this period to ensure that we identify if the Order has simply moved the problem to other areas. A further consultation will be required if it is intended to renew the Order.

5. Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not introduce a PSPO.

This option is not recommended. The information gathered to support the introduction of a PSPO for Banbury town centre demonstrates that there is a persistent problem with ASB occurring in and around Banbury town centre. The consultation outcomes show very strong support for the introduction of a PSPO to tackle this problem and stakeholders, including Thames Valley Police, support the proposal.

Option 2: Introduce a PSPO with a more limited scope.

This option is not recommended. The consultation outcomes show support for all aspects of the proposed PSPO, and the information collected provides evidence that the prohibitions to be included are proportionate to the issues that the PSPO will look to address.

6 Conclusion and Reasons for Recommendations

- 6.1 The results of the consultation show overwhelming support for the introduction of a PSPO in Banbury Town Centre from the public and stakeholder organisations. The responses support including all three prohibitions that were included in the consultation.
- 6.2 Crime and incident data from the Police evidence supports the conclusion that prevalent and persistent problem of anti-social behaviour in and around Banbury town centre and that the legal requirements for the introduction of a PSPO are met. Therefore, the Executive is recommended to approve the introduction of the PSPO for Banbury town centre.

Decision Information

Key Decision	Yes
Subject to Call in	Yes
If not, why not subject to call in	N/A
Ward(s) Affected	Banbury Cross and Neithrop and Banbury Grimsbury and Hightown

Document Information

Appendices	
Appendix 1	Map of area covered by proposed Banbury PSPO
Appendix 2	PSPO Consultation Summary Report for Banbury 2024
Appendix 3	PSPO Consultation Comments analysis
Background Papers	None
Reference Papers	None
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Corporate Director Approval (unless Corporate Director or Statutory Officer report)	Corporate Director for Communities, 04/02/2025