

This report is public	
Banbury Public Spaces Protection Order (PSPO) Variation	
Committee	Executive
Date of Committee	16 June 2024
Portfolio Holder presenting the report	Portfolio Holder for Safer Communities, Councillor Nicola Borkmann
Date Portfolio Holder agreed report	Awaiting agreement (agreed by previous Portfolio Holder on 26 March 2026, prior to portfolio changes at Annual Council)
Report of	Head of Regulatory Services and Community Safety, Tim Hughes

Purpose of report

A consultation was undertaken on a proposal to apply a variation to the current Public Spaces Protection Order (PSPO) for Banbury town centre. This paper provides the Executive with the background to the variation, a summary of the consultation undertaken and the feedback from key stakeholders and details of the change to the scope of the order. The paper provides the executive with the opportunity to decide whether to proceed with the proposed variation to the PSPO.

1. Recommendations

The Executive resolves:

- 1.1 To consider and agree to the introduction of the proposed variation to the PSPO for Banbury town centre.

2. Executive Summary

- 2.1 Since the implementation of the Banbury PSPO in April 2025 the Council's Community Safety Team have been working closely with Thames Valley Police on enforcing the current prohibitions. Feedback, alongside reports since the implementation, have suggested there is still an issue with groups street drinking and causing anti-social behaviour (ASB) which is having an impact on businesses.
- 2.2 The view of our community safety team is that certain ASB being reported in the town centre could be dealt with more robustly by adding in the variation which would allow them to ask those committing, or have the potential to commit, ASB to leave the area for 24 hours. This is reflective of a prohibition in the Bicester PSPO that has been working effectively.

Implications & Impact Assessments

Implications	Commentary			
Finance	<p>The variation of the Public Spaces Protection Order (PSPO) in Banbury will be met by existing budget.</p> <p>Kelly Wheeler, Finance Business Partner, 19 March 2026</p>			
Legal	<p>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.</p> <p>Careful consideration should be given to whether these tests have been met before approving the PSPO.</p> <p>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.</p> <p>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.</p> <p>The committee should be satisfied that the restrictions are reasonable in order to achieve the desired objectives before continuing.</p> <p>Denzil – John Turbervill, Head of Legal, 25/03/2026</p>			
Risk Management	<p>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.</p> <p>Celia Prado-Teeling, Performance Team Leader, 19 March 2026</p>			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact		x		<p>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</p>

			<p>Equalities, Diversity and Inclusion Framework, an Equalities Impact Assessment related to this proposal has been completed to ensure compliance with the Equality Act 2010.</p> <p>Celia Prado-Teeling, Performance Team Leader, 19 March 2026</p>
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 2 - Community leadership – to strengthen community collaboration and resilience and to promote health and wellbeing with a focus on inequality.		
Human Resources	N/A Anna Thornicroft, Trainee HR Business Partner, 19 March 2026		
Property	N/A Mona Walsh, Assistant Director Property, 21 March 2026		
Consultation & Engagement	A public consultation has been carried out. No further consultation required.		

Supporting Information

3. Background

- 3.1 PSPOs are intended to provide a means of preventing 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, is persistent or continuing in nature, and is unreasonable. The PSPO imposes conditions on the use of the area which apply to everyone.
- 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 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. While a PSPO is in place there is the option to vary the order if considered appropriate and is supported by the public and other stakeholders.

4. Details

Anti-Social Behaviour in Banbury Town Centre & surrounding areas

- 4.1. The table below shows Police recorded offences within Banbury Town centre between 1 April 2025 and 29 December 2025.

Type of offence	No. of Offences Recorded
Affray	4
Common Assault or battery	285
ABH	133
5 Wounding (GBH)	5
ASB	140
Total	567

- 4.2 Between 1 April and 29 December, a total of 2,216 crimes were reported to TVP. This represents a 5% reduction since the introduction of the PSPO in April 2025, indicating that the implementation of the PSPO has had a positive overall impact on crime levels within the town centre. However, the figures presented in the table suggest that further action is needed to achieve greater reductions in this area. It is

anticipated that introducing the proposed variation will help to support and contribute to a continued decrease in crime.

Benefits of introducing a variation to the Banbury Public Spaces Protection Order

- 4.4 Introducing a variation to the PSPO that authorises Community Wardens and PCSO/PC officers to require individuals who are causing, or are likely to cause, anti-social behaviour (ASB) to leave a designated area for up to 24 hours will strengthen our preventative approach.

This power is already included within the current Bicester PSPO, where it has proven to be an effective tool in preventing ASB and reducing escalation. The Community Safety Team considers that extending this provision will be particularly beneficial during events in the town centre where data indicates an increase in ASB, such as Banbury Fair.

If the variation is agreed and introduced the Community Safety Team would continue with the existing approach to engage and advise first but would provide an option for an immediate resolution.

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 variation to the current Banbury PSPO was undertaken between 30 January and 20 February 2026. This consultation included the full variation which is as follows:

No person shall loiter in the restricted area either as an individual or in a group if they are causing or likely to cause anti-social behaviour.

If asked to disperse by a Police Constable, PCSO, or an authorised officer of the Council that person must not return to the restricted area for a period of 24 hours.

This consultation included an online survey promoted by a press release and on the council’s social media platform and face-to-face engagement with visitors to the town centre.

- 4.15 A full analysis of the responses to this consultation is attached. Initial analysis identifies that there were 16 responses to this consultation. In response to the question the answers were as follows:

In this area have you seen people behaving in a way that caused alarm or distress or concern for safety in the last 12 months? 15 said yes, 1 said no.

Should CDC seek to add a variation to the current PSPO to deter ASB caused by groups including removing them from the area for 24 hours? 11 said yes, 4 said no.

Thames Valley Police formally responded to the consultation in support of the variation of the PSPO.

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 to vary the PSPO.

This option is not recommended. The information gathered to support the variation of the PSPO for Banbury town centre demonstrates that there is a continuing problem with ASB occurring in and around Banbury town centre. The consultation outcomes show strong support for the variation of the PSPO to continue to tackle this problem.

6 Conclusion and Reasons for Recommendations

- 6.1 The results of the consultation show support for the variation to the current PSPO in Banbury Town Centre from the public and stakeholder organisations. Therefore, the Executive is recommended to approve the variation to the current PSPO in 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

Document Information

Appendices	
Appendix 1	Map of area covered by Banbury PSPO
Appendix 2	PSPO Consultation Summary Report for Banbury 2026
Appendix 3	Current PSPO Order
Background Papers	None
Reference Papers	None

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Executive Director Approval (unless Executive Director or Statutory Officer report)	Kristian Aspinall, Executive Director of Neighbourhood Services