

CABINET

24 MAY 2024

REPORT OF PORTFOLIO HOLDER FOR PARTNERSHIPS

A.10 REPORT OF A PROPOSED VARIATION TO THE EXISTING PUBLIC SPACES PROTECTION ORDER (PSPO) IN CLACTON TOWN CENTRE – INCLUDING AN EXTENSION TO THE AREA COVERED AND NEW CONDITIONS TO THE EXISTING ORDER

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

Following consultation, this report seeks the agreement of Cabinet to endorse the variation of the Public Spaces Protection Order (PSPO) in Clacton town centre and its peripheral areas. The implementation of the PSPO will include an extension of the area covered and the inclusion of three new conditions.

EXECUTIVE SUMMARY

The Anti-Social Behaviour, Crime and Policing Act 2014 enacted powers to create Public Spaces Protection Orders (PSPOs). The purpose of a PSPO is to stop individuals or groups from committing Anti-Social Behaviour (ASB) in a public space.

An order has been in place in the Clacton town centre since 2007 (*between 2007 and 2014 there was a Designated Public Places Order in place, which was superseded by the PSPO when the legislation was amended*).

Both Tendring District Council and Essex Police receive concerns from members of the public about the need to tackle street drinking, begging and other types of ASB in Clacton town centre. Essex Police have Dispersal Powers; however, the PSPO provides additional support for both Essex Police and TDC Officers, enabling them to use these powers to undertake enforcement activity and to prevent crime. It provides a tool to swiftly resolve and combat issues, including the removal of alcohol and the dispersal of individuals and groups. The order ensures that Clacton can be a safe and pleasant environment for residents, workers and visitors.

Council Officers have previously used the PSPO powers along Clacton seafront, including in the shelters and this supports the Council in maintaining the town as a tourist attraction while keeping the seafront gardens clear of larger groups and ASB.

A decision was taken by the Partnerships Portfolio Holder, and published on 31st August 2023, which extended the PSPO in Clacton town centre for a period of three years pursuant to the powers contained in Sections 59 to 65 of the Anti-Social Behaviour, Crime and Policing Act 2014.

To gather public opinion, the Council has undertaken a six-week public consultation exercise. The consultation process included businesses, Essex Police, Ward Councillors, landowners

and members of the public that reside within the suggested extended PSPO area.

During the consultation period, the Council received eighteen responses from members of the public and local businesses; all responses were in support of the amendments to the PSPO.

This report is now putting forward a proposal to extend the area covered across Clacton town centre and to introduce three additional conditions.

We are proposing the following additional conditions:

- a. No person shall urinate, defecate, or spit within the public restricted area.
- b. No tent or other structures like a tree, wall, fence, pole, booth, or gate to be used anywhere within the restricted area shall be erected unless prior authorisation is sought and agreed by the Council.
- c. All persons are prohibited from behaving in a way that causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public.

The new areas to be included in the Clacton town centre PSPO are:

- Lancaster Gardens West
- Lancaster Gardens East
- Albany Gardens West
- Albany Gardens East
- Connaught Gardens West
- Connaught Gardens East
- Beatrice Road

Note: A PSPO cannot be issued to a person who is homeless under the ASB Legislation Police and Crime Act 2014; however, if an individual is causing harassment, alarm and distress, the PSPO can come into effect.

A map of the proposed extension area is attached (Appendix C).

RECOMMENDATION(S)

It is recommended that the Cabinet:

- (a) takes into consideration the outcome of the public consultation to the proposed variation of the Public Spaces Protection Order for Clacton Town Centre, as presented within the report;**
- (b) determines it is satisfied on reasonable grounds that the activity or behaviour covered by the proposed variation is carried out, or likely to be carried out, in a public space:**
 - **has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;**
 - **is, or is likely to be, persistent or continuing in nature;**

- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

(c) approves the variation to the areas covered by the current Town Centre Public Spaces Protection Order (as indicated within this report and the map shown in Appendix C introducing the following additional conditions:

- i. No person shall urinate, defecate, or spit within the public restricted area.
- ii. No tent or other structures like a tree, wall, fence, pole, booth, or gate to be used anywhere within the restricted area shall be erected, unless prior authorisation is sought and agreed by the Council.
- iii. All persons are prohibited from behaving in a way that causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public.

These additional conditions will cover both the existing area of the Clacton town centre and the additional areas. The revised PSPO is attached at Appendix B.

REASON(S) FOR THE RECOMMENDATION(S)

After public consultation, Cabinet will consider whether to approve the implementation of a revised Public Spaces Protection Order (PSPO) in Clacton Town Centre and its peripheral areas, with extended areas and three additional conditions.

The Council is satisfied that the legal test has been met in relation to the extended area and additional conditions.

ALTERNATIVE OPTIONS CONSIDERED

- To take no action in relation to varying the PSPO and to continue with the PSPO in its current format.

This option was discounted as it would not support the Council's Corporate Plan priority relating to working with partners to improve quality of life (*areas in Tendring that have been subjected to ASB, i.e., where street drinkers and youths congregate and where crime takes place*).

To not support this work would therefore be out of line with the Council's and Community Safety Partnership's current priorities.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The work of the Community Safety Team and its partners in the Community Safety Partnership supports a number of strategic priorities at District, County and National level. These include the following:

- Tendring District Council – Corporate Plan 2024 - 2028
- Community Safety Partnership Strategic Assessment 2024
- Community Safety Partnership Delivery Plan 2024 – 2025
- Police and Crime Plan 2021 – 2024 (to be renewed post PFCC Election in May 2024)
- Tendring District Council – Corporate Enforcement Strategy

Community Safety Partnerships are required to be cognisant of various pieces of legislation, including:

- Anti-Social Behaviour Act 2003
- Anti-Social Behaviour Crime and Policing Act 2014

OUTCOME OF CONSULTATION AND ENGAGEMENT

Under Section 72 of the Crime and Policing Act 2014, before varying a PSPO, a Council is obliged to carry out a consultation with the Chief of Police, the local Policing body, and any community representative and owners/occupiers of land covered within the order that is deemed necessary.

The consultation period was over a six-week period from 11th December 2023 until 22nd January 2024 and the Community Safety Team ensured appropriate engagement took place with all stakeholders (*as defined in the Anti-Social Behaviour Crime and Policing Act 2014*).

The consultation was publicised through the Council’s website, in the local media and through the Council’s social media platform; a paper version was also made available at the Town Hall for viewing and collection. There was also an option for people who wanted to respond in writing.

Following the consultation period, the Council received eighteen responses from members of the public and local businesses. All were in support of the amendments to the existing order.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

| | | | |
|---|-----|---|--|
| Is the recommendation a Key Decision (see the criteria stated here) | YES | If Yes, indicate which by which criteria it is a Key Decision | <input checked="" type="checkbox"/> Significant effect on two or more wards <input type="checkbox"/> Involves £100,000 expenditure/income <input type="checkbox"/> Is otherwise significant for the service budget |
| | | And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 | |

| | | | |
|--|--|--|--|
| | | days at the latest prior to the meeting date) | |
|--|--|--|--|

The legal tests: The legal test focuses on the impact that ASB is having on victims and communities. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activity or behaviour concerned is carried out, or likely to be carried out, in a public space:

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

Before making, varying, extending, or discharging a PSPO, the Council must carry out the necessary publicity and associated notification (*if any*) in accordance with Section 72(3) of the Anti-Social Behaviour, Crime and Policing Act 2014; this includes publishing the text of a proposed order or variation and publishing the proposal for an extension or variation.

The Council must also publish information about the order in accordance with regulations made by the Secretary of State; this includes publishing the order as made, extended, or varied on its website, and, where an order is discharged, publishing a notice on its website identifying the order that has been discharged and the date on which it ceases to have effect.

Given that the effect of PSPOs is to restrict the behaviour of everybody using the public place, the close or direct involvement of elected members will help to ensure openness and accountability.

The prohibited activity currently regulated by the Pleasure Grounds By-law 1980, which is included in the proposed variation to the Clacton Town Centre PSPO, is in relation to the erection of tents and other structures. If the variation is implemented following the consultation exercise, then this offence will be regulated and thus enforceable under the PSPO regime, which includes a fixed penalty notice ('FPN'), followed by a fine not exceeding level 2 (£500) on the standard scale on summary conviction if an offender fails to pay the FPN.

It is imperative that the decision made by Cabinet considers if any rights under Articles 9 and 10 (below) are impacted upon by the variation, and if so whether the interference is justified.

Freedom of thought, conscience and religion article 9

1 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2 Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Freedom of expression article 10

1 Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public

authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2 The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Freedom of assembly and association article 11

1 Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2 No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

In relation to the proposed variation to the existing Public Spaces Protection Order in Clacton Town Centre – including an extension to the area covered and new conditions to the existing order, any rights under Articles 9, 10 and 11 have been considered and are not impacted in this case.

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| X | The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below: |
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The purpose of the PSPO is to prevent anti-social behaviour in public places. This is achieved by imposing legally enforceable controls on the behaviour of individuals. Power to make a PSPO is conferred on local authorities by s59 of the Antisocial Behaviour, Crime and Policing Act

Section 59(1) provides that a local authority may make a PSPO if two threshold conditions are met. The first of these is specified by a s59(2):

“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 threshold condition is specified by s59(3), in 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.”

Section 59(4) defines a PSPO as “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.” Section 59(5) limits the prohibitions or requirements that may be imposed to “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.”

Section 72(1) provides that in deciding whether to make a PSPO the authority (must have

particular regard to the rights of freedom of expression and freedom of assembly” set out in Articles 10 and 11 of the ECHR.

The Monitoring Officer has previously drawn officers attention to the judgement in TOSSICI-BOLT v BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL (2023) EWHC 3229 (Admin), where the Claimant challenged the validity of a PSPO made by the Council in October 2022. The main issues were whether the Order was unlawful because it went beyond the scope of the Council’s statutory powers to make PSPOs or because it involves unjustified interference with individual rights and freedoms, including the freedoms of expression and assembly guaranteed by Articles 9, 10 and 11 of the ECHR and is hence a breach of the Council’s duties under s6 of the Human Rights Act 1998 (HRA).

Through the decision to make or vary a PSPO the Council must have regard to these rights and demonstrate they have taken them into account through their decision making.

The Court observed that it is inherently likely that some PSPOs will interfere with the exercise of the rights guaranteed by Articles 10 and 11 of the ECHR. It is therefore understandable that s72(1) of the 2014 Act highlights and requires a local authority to have “particular regard” to the right guaranteed by those Articles. The statutory language is similar to that of s12(4) of the HRA which requires a Court to have “particular regard” to the importance of the right protected by Article 10 when it is considering whether to grant any relief that may affect the exercise of that right. There are four uncontroversial points to be made:

- (1) Firstly, it is not every PSPO that will affect the freedom of expression or assembly;
- (2) Secondly, the rights granted by Articles 10 and 11 are both qualified rights; measures that interfere with freedom of expression or assembly can be justified where that is necessary in a democratic society in pursuit of one of the legitimate aims specified in the Article, and proportionate to that aim;
- (3) Thirdly, a requirement to have “particular regard” to a specified Convention right is not a duty to have regard “only” to those rights: it does not relieve a public authority of the duty imposed by s6 of the HRA to avoid acting incompatibly with other human rights that are relevant in the circumstances of the case;
- (4) Finally, a requirement to have “particular regard” to a qualified ECHR right does not give it any presumptive priority over another qualified right; such rights as such are of equal value; any conflict between them falls to be resolved by focussing intensely on the comparative importance of the specific rights in play and the necessity and proportionality of any interference with them.

The Court concluded that when making the Order the Council lawfully followed the democratic and consultative procedures prescribed by the 2014 Act. The decision-maker was entitled to conclude that the threshold conditions for making an order were satisfied. The detailed provisions of the Order are consistent with s59(5) of the 2014 Act and with the Council’s duty under s6 of the HRA. To that extent that the Order interferes with the human rights and the interference is justified by the legitimate aim of protecting the rights of others. The claim was dismissed.

Therefore, it is imperative that the decision made by Cabinet considers if any rights under Articles 9 and 10 (above) are impacted upon by the variation, and if so whether the interference is justified.

FINANCE AND OTHER RESOURCE IMPLICATIONS

A quotation has been received to enable the signage to be refreshed, taking into account the new conditions and new areas that require new signage (*example below*). The signs are made of sticky-back plastic and will be placed over the existing signage (*the existing signage is already this type of sign*). The money for the signs will be met from existing budgets within the service.

100 signs = £287.58 + V.A.T

PUBLIC SPACES PROTECTION ORDER
Anti Social Behaviour, Crime and Policing Act 2014

-  No person shall consume alcohol within the restricted area, you may be required to surrender containers believed to contain alcohol
-  No illegal substances to be taken anywhere in the restricted area
-  No person shall beg within the restricted area
-  No person shall loiter as an individual or as a group, if causing or likely to cause anti-social behaviour
-  No person shall urinate, defecate or spit in a public space within the restricted area
-  No person shall erect a tent or other structure within the restricted area
-  No person shall behave in an anti-social manner likely to cause harassment, alarm or distress to others with the restricted area




X The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:

There are no further comments over and above those set out elsewhere in the report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

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| <p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p> | <p>The proposed updates to the Clacton Town PSPO include Officer time (<i>any further information about resources, e.g., Essex Police/Community Safety Team</i>) and minimal costs associated with the consultation exercise. The new signage cost is £287.58 + V.A.T</p> |
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| B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and | Evidence base through feedback, including businesses and residents affected by ASB and a reduction in ASB incidents across the District. |
| C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services. | In line with the Community Safety Priorities to reduce ASB, a PSPO could assist with the root causes of ASB, which can start from how an area is perceived or a neighbour dispute. |
| MILESTONES AND DELIVERY | |
| <p>The consultation has now concluded, and eighteen responses have been received and evaluated. Approval is now sought from Cabinet for the expansion of the existing PSPO and a variation of conditions. Details of consultation responses are shown in Appendix A</p> <p>If the proposal is agreed, the Community Safety Team will ensure that it is published on the Tendring District Council website and all other social media platforms and newspapers.</p> | |
| ASSOCIATED RISKS AND MITIGATION | |
| <p>PSPOs must be reviewed every 3 years to ensure the issue(s) are still relevant and require a PSPO in the area. All reports and complaints are duly logged, which is in line with the Council's recording already in place and details are stored on a central database to assist and support the decision as to whether a further extension to a PSPO is required.</p> | |
| EQUALITY IMPLICATIONS | |
| <p>The Council's obligations under the public sector equality duty are set out in Section 149 of the Equality Act 2010. Under that duty, public authorities are required to have due regard to the following when carrying out their functions:</p> <ul style="list-style-type: none"> a) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act 2010. b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. | |
| SOCIAL VALUE CONSIDERATIONS | |
| <p>PSPOs aim to ensure that all users of public spaces can enjoy them, free from ASB. They are not about stopping the responsible use of the night-time economy or preventing anyone from seeing their friends, but they do provide Councils with another instrument to help deal with persistent issues that are damaging communities.</p> | |
| IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030 | |
| N/A | |
| OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS | |
| <p>The cost of erecting new signs in the Gardens area will be considered. Additionally, we will need to reprint the existing signs to incorporate the new conditions. 100 signs cost £287.58 + V.A.T</p> | |

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| Crime and Disorder | All Community Safety / ASB activities are carried out in line with the Community Safety Partnership Strategy. The Council and partners receive a regular update regarding Community Safety at the Community Safety Partnership/Health and Wellbeing Board. |
| Health Inequalities | All Community Safety priorities are in line with the objectives of the Community Safety and Health and Wellbeing Board, as well as positively contributing to the work to improve the wider determinants of health within our community. |
| Subsidy Control (the requirements of the Subsidy Control Act 2022 and the related Statutory Guidance) | N/A |
| Area or Ward affected | Pier Ward, St James Ward and St Paul's Ward, Clacton on Sea. |

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The current and existing PSPO has been in place within the town centre for the past 3 years, following its extension in August 2020. A further extension was granted in August 2023.

The current PSPO prohibits the following: -

- No person within the restricted area will persistently beg. Persistent begging is defined as begging on more than one occasion and includes all passive and active methods used to receive alms.
- No person will loiter as an individual or in a group if they are causing or likely to cause Anti-Social Behaviour. If asked to disperse on the instruction of a Police Officer or authorised officers (*from Tendring District Council*), individuals must not return to the area for a period of 24 hours. If the person is under 16, a Police Officer can take them home or to another place of safety.
- No person within the restricted area will: inject, ingest, inhale, smoke or otherwise use intoxicating substances (*including in a public toilet and using a public toilet to sleep in is specifically included in this prohibition*).
- No person within the restricted area will refuse to stop drinking or hand over any containers (*seal or unsealed*) that are believed to contain alcohol when required to do so by an authorised officer to prevent public nuisance or disorder.

Essex Police state that using the powers of the PSPO, they have been able to disperse gatherings of people, remove alcohol, and both actions have led to a decrease in violent

crime and ASB.

The current PSPO has supported the reduction of ASB within the Tendring District, working in partnership with Essex Police. Recent figures show that there has been a significant reduction in ASB. In Clacton Town Centre ASB, has decreased by 46% over the same period as last year.

PREVIOUS RELEVANT DECISIONS

An order has been in place in Clacton town centre since 2007.

The existing PSPO has been in place within the town centre for the last 3 years following its extension in August 2020, and a further extension was granted in August 2023 for a further 3 years until August 2026.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

N/A

APPENDICES

Appendix A - Consultation Responses
Appendix B – Proposed PSPO (with variations)
Appendix C – Map and areas covered in Proposed PSPO area

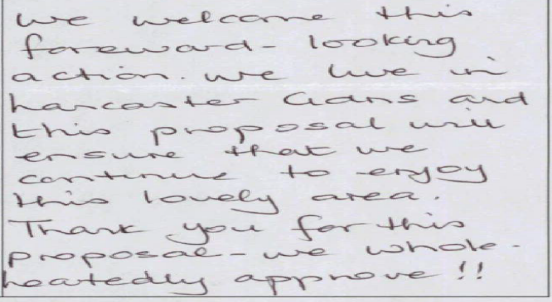
REPORT CONTACT OFFICER(S)

| | |
|------------------------|---|
| Name | Leanne Thornton |
| Job Title | Community Safety and Safeguarding Manager |
| Email/Telephone | lthornton@tendringdc.gov.uk 01255 686353 |

A10 APPENDIX A

Town Centre PSPO consultation responses

| Name | Response |
|--------------------------------|--|
| Ms Jefferys (Resident) | I wholeheartedly support the Renewal of the PSPO. Any initiative towards achieving a unified integrity for Clacton must be beneficial. We have a beautiful town located on the seaside, with many attractions to interest day trippers and hopefully longer duration visitors. To this end, it is essential that all antisocial behaviours are minimised to facilitate this safe and happy environment. Loyalty comes from trust and safety. |
| Mr Allen (Resident) | <p>I am writing to express my support for the proposed amendment to extend the Public Spaces Protection Order in Clacton on Sea.</p> <p>Maintaining and enhancing our open spaces is crucial not only for the local wildlife but also for the environmental quality of our community. These open areas offer significant benefits, especially during the summer months. They attract tourists who come for holidays or long weekends, providing them with pleasant spaces to relax and enjoy picnics. This is particularly important for visitors who reside in urban areas where open, green spaces are scarce.</p> <p>Moreover, preserving these open spaces can play a vital role in discouraging undesirable activities such as the erection of tents in gardens and disruptive late-night gatherings. These spaces contribute to the overall well-being of our community, offering residents and visitors alike a serene environment to enjoy.</p> <p>I trust that the Council will consider the multiple benefits of extending the protection order, ensuring that Clacton on Sea remains a welcoming and vibrant community for both its residents and visitors.</p> |
| Mr & Mrs Welham (Residents) | Fully supportive, I hope the PSPO will restore our quality of life and we feel safe again. |
| Ms Worby (Resident) | I support the above in its contents. We had tents in the gardens in the summer time one in particular was there for several months. If these breaches are not checked and acted upon the PSPO is useless |
| Snappy Snaps (Business) | Completely support the proposal |
| Mr Radford (Resident) | This is to express my strong support for the proposed extended Clacton Town Centre Public Space Protection Order. I speak on behalf of myself and my wife (neither of us represents any organisation). We are particularly pleased to see the order extended to cover Connaught Gardens West (where we live), as a number of tents were erected in the gardens there over the summer, and we and our neighbours felt that they constituted not only an eyesore but also a public nuisance, a health hazard, and a potential security risk. |
| Mr Jackson | <p>We support the renewal of the PSPO with the addition of the Gardens Area.</p> <p>It has during the last year made it unconfutable for my daughters to walk the dogs in the gardens due to the number of long term tents erected in the area It is also off putting for families with younger children who want to use the gardens. Its is worrying where they may be using as a toilet.</p> |

| | |
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| Mr Syrett (Business) | I am writing in support of the renewal of the pspo within Clacton town centre where we own several properties and run two businesses Wimpy and professor bean on station road George Syrett |
| Hanslip Ward & Co (Business) | Completely support the proposal |
| Resident | There have been several tents put up in the gardens over the past year, someone was waiting to be housed by the Council – I support fully |
| Hidden Hearing (Business) | Good thing in principle |
| Ms Wood |  A photograph of a handwritten note on a piece of paper. The text is written in cursive and reads: "We welcome this forward-looking action. We live in Harvester Gardens and this proposal will ensure that we continue to enjoy this lovely area. Thank you for this proposal - we wholeheartedly approve!!" |
| Cllr Baker | I am concerned that the extension does not go far enough and cover Eastcliff recreation field where we have suffered a person living in a tent for some 8 weeks, and of course traveller incursions. I know the latter are covered by other legislation but it would be another piece to help if they ever try again. It will be interesting to see how much impact it does have and if there is any displacement, then I can make representations for it to be extended further I am sure. |
| 5 responses | Agree to support the proposal |

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
PART 4 SECTION 59
VARIATION TO PUBLIC SPACES PROTECTION ORDER**

Tendring District Council (the Council) in exercise of the power under section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) being satisfied that the conditions set out in section 59 of the Act have been met makes the following order:

This Order is being extended because the Council is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space, namely the streets and public areas coloured red on the attached map at Appendix A.

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

The Council is satisfied that the following activities have been or are likely to be carried out in the public space.

1. The Order applies to the public areas shown on the document annexed (Annex A) to this Order and on the lists of Streets and Public Areas affected by the order (Annex B).
 - a. No person shall within the restricted area persistently beg. Persistent begging involves begging on more than one occasion and includes all passive and active methods used to receive alms.
 - b. No person shall loiter as an individual or in a group if they are causing or likely to cause anti-social behaviour. If asked to disperse on instruction of a Police Officer or authorised officer (from Tendring District Council) individuals must not return to the area for a period of 24 hrs. (If the person is under 16 a Police Officer can take them home or to another place of safety).
 - c. No person shall within the restricted area area will: inject, ingest, inhale, smoke or otherwise use intoxicating substances (including in a public toilet and using a public toilet to sleep in is specifically included in this prohibition).
 - d. No person shall within the restricted area refuse to stop drinking or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to so by an authorised officer to prevent public nuisance or disorder.
 - e. No person shall urinate, defecate, or spit within the public restricted area.
 - f. No tent or other structures like a tree, wall, fence, pole, booth, or gate to be used anywhere within the restricted area shall be erected, unless prior authorisation is sought and agreed by the Council.
 - g. All persons are prohibited from behaving in a way that causes or is likely to cause nuisance, harassment, alarm or distress to a member or members of the public
2. Any person who without reasonable excuse fails to comply with the requirements of this Order commits an offence and shall be liable, on summary conviction to a fine not exceeding level 2 on the standard scale.

3. FIXED PENALTY

A Constable or CSAS (Community Safety Accredited Scheme) Accredited Officer may issue a fixed penalty notice to anyone he or she believes is committing an offence. You will have 14 days to pay the fixed penalty notice. If you pay the fixed penalty within 14 days you will not be prosecuted.

4. PERIOD FOR WHICH THE ORDER HAS EFFECT

This order supersedes the Designated Public Spaces Order that has been in place since 2007. The original Order came into force on 1st July 2016, and this 3 year extension (variation included) will allow the order to be in place until the 1st June 2026.

At any point before the expiry of this 36 month period the Council can extend the order by up to 3 years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

5. CHALLENGING THE VALIDITY OF THE ORDER

An interested person may apply to the High Court to question the validity of

- a) This Order, or
- b) A future variation of this Order.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

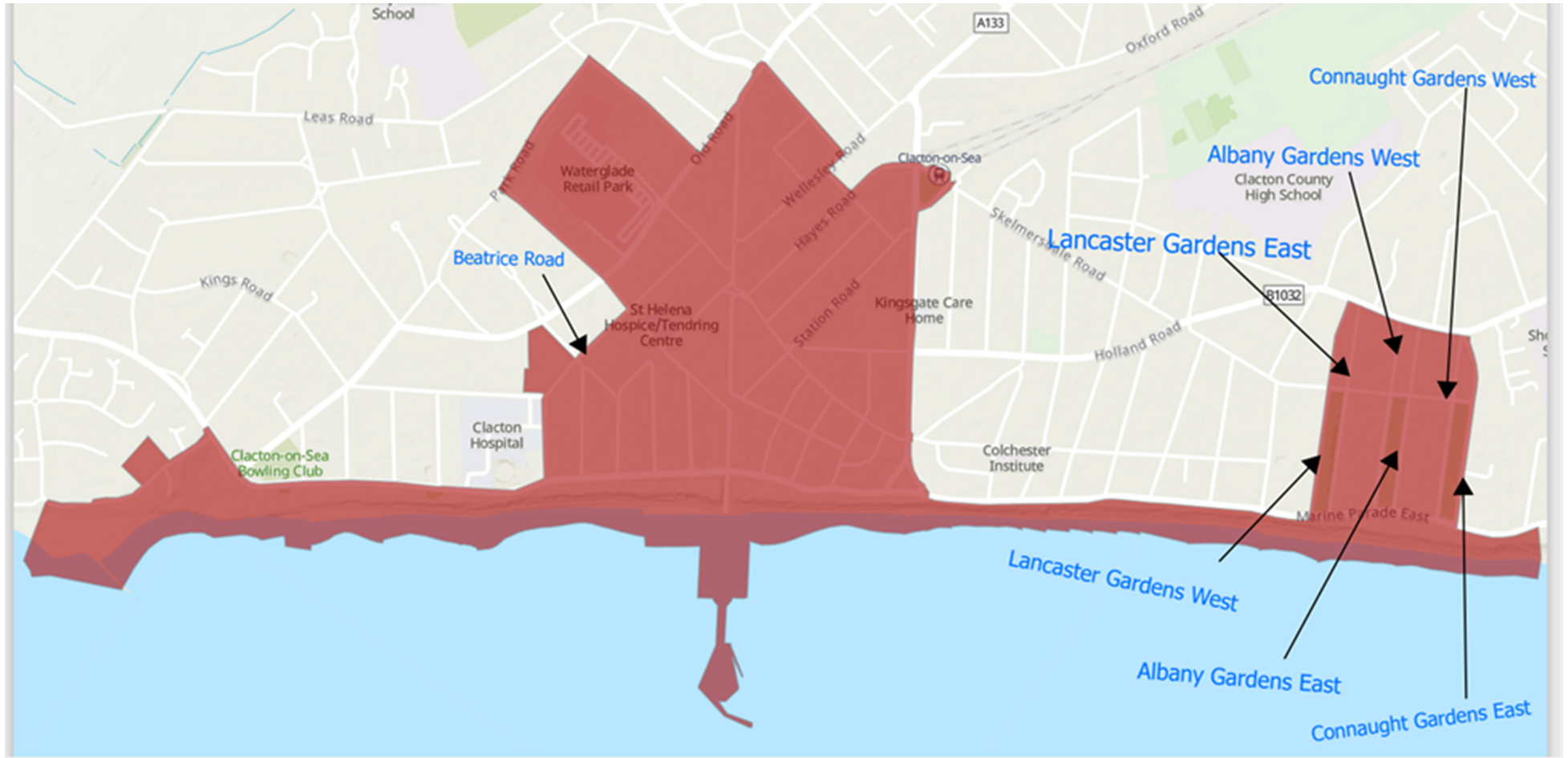
An appeal against this Order or a future variation of this Order may be made to the High Court within six weeks from the date on which the Order or variation is made, on the grounds that:

- a) Tendring District Council did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- b) a requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the order or variation.

Signed: Delegated Officer:

Dated:

A10 APPENDIX C



Public Spaces Protection Order
Clacton Town Centre & Seafront Areas

Streets

Agate Road
Alexandra Road
Alton Road
Anglefield
Back Electric Parade
Back Station Road
Beach Road
Beatrice Road (part) from its junction with Edith Road to western side of its junction with Ellis Road
Carnarvon Road (part) from its junction with Anglefield to southern side of its junction with Hayes Road/Skelmersdale Road
Colne Road
Edith Road
Ellis Road
Hastings Avenue (part) from its eastern junction with West Road to its junction with Carnarvon Road
Hayes Road
High Street (part) from its junction with Station Road to the western side of its junction with Carnarvon Road
Jackson Road
Marine Parade East (part) from its junction with Pier Avenue to the western boundary of Southcliff
Marine Parade West
Meredith Road
Old Road (part) from its junction with Rosemary Road West to the northern side of its junction with Meredith Road
Orwell Road
Pallister Road
Penfold Road
Pier Avenue
Pier Gap
Rosemary Crescent
Rosemary Road
Rosemary Road West
Skelmesdale Road (part) from its junction with Carnarvon Road to the eastern side of its junction with Station Road
Station Road
The Grove
Tower Road
Unnamed road linking Beach Road to Rosemary Road
Unnamed road linking Pier Avenue to Agate Road
Wellesley Road (part) from its junction with Pier Avenue to the north side of its junction with Meredith Road
West Avenue (part) from its junction with Pier Avenue to the western side of its junction with Ellis Road

Other public areas

Agate Road car park
Anglefield Gardens
Hastings Avenue Car Park
Hastings Avenue Car Park adjacent to Martello Tower
High Street car park
Jackson Road car park
Launching Ramp Access Road off Hastings Avenue
Martello Coach and Car Park
Town Hall car park
Town Square
Public Convenience Rosemary Road
Wellesley Road car park
Public Gardens at the junction of Wash Lane and Marine Parade West
Hastings Avenue picnic Area adjacent to Martello Tower
Hastings Avenue public Gardens opposite Martello Tower
Launching Ramp Access Road off Hastings Avenue

Public gardens at the junction of Tower Road and Marine Parade West
Public gardens bounded by Carnarvon Road, Station Road and Skelmersdale Road
Waterglade Retail Park – Old Road – Clacton on Sea.
Lancaster Gardens West
Lancaster Gardens East
Albany Gardens West
Albany Gardens East
Connaught Gardens West
Connaught Gardens East
Beatrice Road

Footpaths

Path linking Station Road to Carnarvon Road and High Street car park
Path High Street to High Street car park either side of Sainsbury's Supermarket

Seafront Areas

Clacton Pier

The area comprising the greenswards, gardens, promenades, Venetian Bridge, Pavilion, cliff paths, shelters, public convenience, play areas, model boating pond and beach extending from the mean low water mark to the boundary of the public highway at Marine Parade East, Marine Parade West, Hastings Avenue and Selsey Avenue. From a point opposite the western flank wall of the block of flats 111-117 Selsey Avenue to a point opposite the western boundary of Heseltine Court, First Avenue.