

<b>Cabinet</b>  28 <sup>th</sup> April 2021	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Denise Radley - Corporate Director, Health Adults and Communities	<b>Classification:</b> Unrestricted
<b>Proposal for the introduction of the borough wide Public Spaces Protection Order (PSPO) to deal with the possession and use of psychoactive substances (e.g. nitrous oxide) and associated Anti-Social Behaviour (ASB).</b>	

<b>Lead Member</b>	Councillor Sirajul Islam, Statutory Deputy Mayor and Cabinet Member for Community Safety
<b>Originating Officer(s)</b>	Ann Corbett, Director Community Safety
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Reason for Key Decision</b>	Significant impact on wards
<b>Forward Plan Notice Published</b>	5 February 2021
<b>Strategic Plan Priority / Outcome</b>	Priority 2 - A borough that our residents are proud of and love to live in where people feel safer in their neighbourhoods and anti-social behaviour is tackled.

## Executive Summary

The Anti-Social Behaviour Crime and Policing Act 2014 introduced a range of tools and powers to tackle anti-social behaviour. One of those powers is the ability to make a Public Spaces Protection Order (PSPO), restricting behaviour that is having, or likely to have, a detrimental effect on the quality of life of those in the locality, be persistent or continuing in nature and unreasonable. The Council's ambitious ASB Blueprint agreed by the Mayor in Cabinet in 2017, set out a series of commitments to action. One of these commitments related to the proactive use of those powers to tackle ASB in the Borough.

There has been increasing resident concern about the use of nitrous oxide and the associated antisocial behaviour in the borough over the last few years. Following an extensive public consultation and data review, the proposal is for the introduction of a boroughwide PSPO in response to the increase of reported misuse of nitrous oxide.

The misuse of nitrous oxide is detrimental to the quality of life in the local area, is directly associated with anti-social behaviour and nuisance, which takes place in several forms, from littering to noise nuisance. The intention is to use the power provided by the PSPO to respond to resident complaints and where the intelligence

picture identifies problematic hotspots.

It is intended that operational deployment of resources to tackle this issue will be managed through the bi-weekly operational Neighbourhood Tasking Meeting and used in conjunction with the deployment of support/diversionary agencies. This will ensure that the power provided is used both proportionately and where necessary.

## **Recommendations:**

The Cabinet is recommended to:

1. Note that the findings of the public consultation within Appendix C, which ended on 15<sup>th</sup> February 2021, indicate overwhelming support for the introduction of a boroughwide Public Spaces Protection Order.
2. Exercise its power under section 59 of the Antisocial Behaviour Crime & Policing Act 2014, to make a boroughwide Public Spaces Protection Order to deal with antisocial behaviour and nuisance linked to the recreational use of psychoactive substances, e.g. nitrous oxide, with the prohibitions set out in Appendix A for a period of 3 years, expiring on 27<sup>th</sup> April 2024.

## **1. REASONS FOR THE DECISIONS**

- 1.1. This proposal to introduce the Order stems directly from feedback on the consultation for the extension of the existing 'responsible drinking' public spaces protection order. Of the 172 responses received from residents, 41 responses requested that PSPO be varied to include Nitrous Oxide. In addition, representations were also made by local ward councillors requesting a PSPO be introduced for Nitrous Oxide given the problems in their local wards.
- 1.2. In response to this request, a specific data capture exercise took place throughout September 2020 to assess the extent of the problem, which indicated without any doubt that the problem with nitrous oxide misuse was widespread across the borough, was detrimental to quality of life and correlated with all known ASB hotspots. (see section 3).
- 1.3. Along with external consultation, a wide range of internal Council services concerned have been involved in collating the data and are supportive of the proposal to introduce a borough wide Public Spaces Protection Order including; Tower Hamlets Enforcement Officers, Substance Misuse Services, Parks and Open Spaces Service, Clean and Green Service, Public Health Division and Trading Standards Service.
- 1.4. Externally, the local police BCU Commander and officers from some of our major housing providers Tower Hamlets Homes and Poplar HARCA have been consulted and are supportive of the proposals.
- 1.5. Apart from supporting the introduction of a PSPO, Public Health professionals have also commented that research developed in recent years, more accurately demonstrates the negative impacts of Novel

Psychoactive Substances (NPS) on physical health as follows:

- Nitrous oxide is more water soluble than oxygen which decreases oxygen delivery to the brain and can lead to asphyxia (Ehirim, Naughton, Petróczi; 2017).
- Abuse of nitrous oxide can lead to a vitamin B12 deficiency. Low or low-normal levels of B12 are associated with psychiatric effects such as psychosis, peripheral neuropathy and other medical effects relating to blood flow (Ehirim, Naughton, Petróczi; 2017).
- Severe negative impact on mental health from NPS misuse includes agitation, insomnia, catatonia, anxiety, aggression, psychosis, hallucinations, and suicidal ideation (Public Health England; 2017).
- NPS affect many physical systems in the body, such as; the cardiovascular system, leading to conditions like tachycardia, hypertension, and cardiac arrest; the central nervous system, resulting in seizures, collapse, dystonia; the pulmonary and the renal system; the musculoskeletal system and many more (Karila L, et al.; 2015).]

## **2. ALTERNATIVE OPTIONS**

- 2.1. The alternative option would be not to introduce a PSPO, however this is not recommended.
- 2.2. The community have been actively engaged working with officers and gathering evidence in support of this proposal, as well as third sector providers who work with young people and those who specialise in dealing with addiction and substance misuse issues.
- 2.3. Additionally, formal public consultation resulted in 948 responses. Of those 948 responses, 97.5% (924) were residents and overall, 93.7% (886) were in favour of introducing a PSPO. 89.4% (889) thought the PSPO should be boroughwide and 88.5% (838) said they had witnessed nitrous oxide misuse and that it made them feel unsafe. Not to introduce a PSPO where there is overwhelming support for one may impact public confidence.

## **3. DETAILS OF THE REPORT**

- 3.1. The Psychoactive Substances Act 2016 introduced legislation to deal with substances often referred to as 'legal highs. This legislation though only made it a criminal offence to supply or be in possession with intent to supply and made no provision to deal with possession and use.
- 3.2. Since 2018, the Council has received four petitions from residents concerned at the level of ASB and drug related activity taking place in their area. During the period 2019/20, 22 Mayoral and Members Enquiries have been received

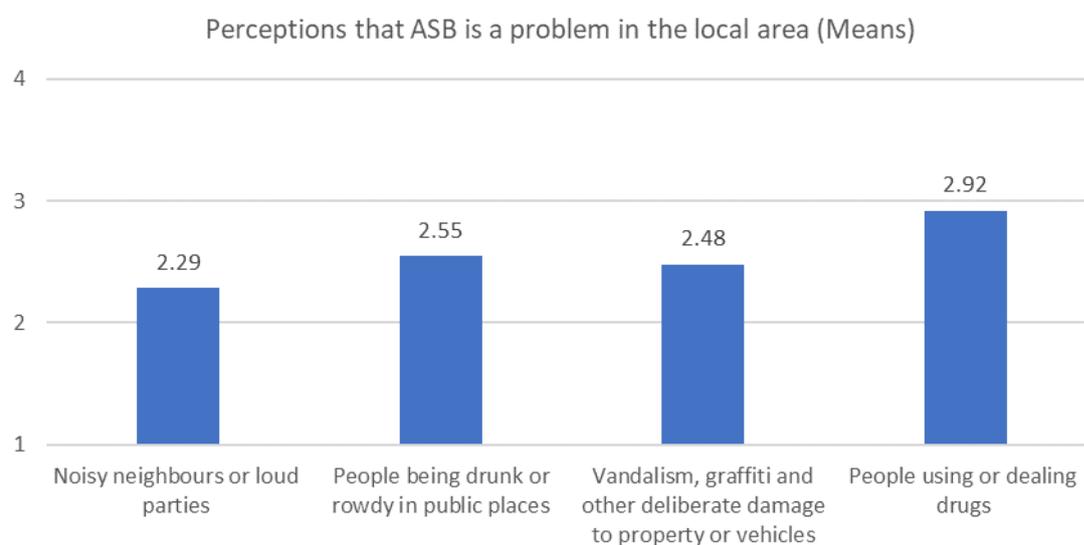
concerning ASB related issues of those 4 specifically mention the use of nitrous oxide and associated ASB.

- 3.3. Analysis of call date highlights that reports made to the Police regarding ASB incidents within Tower Hamlets have increased year on year for the past 2 years.
- 3.4. The Table below shows that there was an increase of 4.4% in FY 2018-2019 and another increase of 14.5% in FY 2019-2020.

	17-18	18-19	19-20
<b>April</b>	1379	1369	1327
<b>May</b>	1227	1310	1487
<b>June</b>	1159	1345	1688
<b>July</b>	1493	1477	2005
<b>August</b>	1492	1354	1891
<b>September</b>	1153	1168	1483
<b>October</b>	1286	1245	1407
<b>November</b>	1179	1280	1253
<b>December</b>	903	1029	1052
<b>January</b>	1195	1160	1106
<b>February</b>	967	1105	1095
<b>March</b>	1029	1254	1492
<b>Total</b>	14462	15096	17286
<b>VS previous FY</b>	Down 21%	Up 4.4%	Up 14.5%

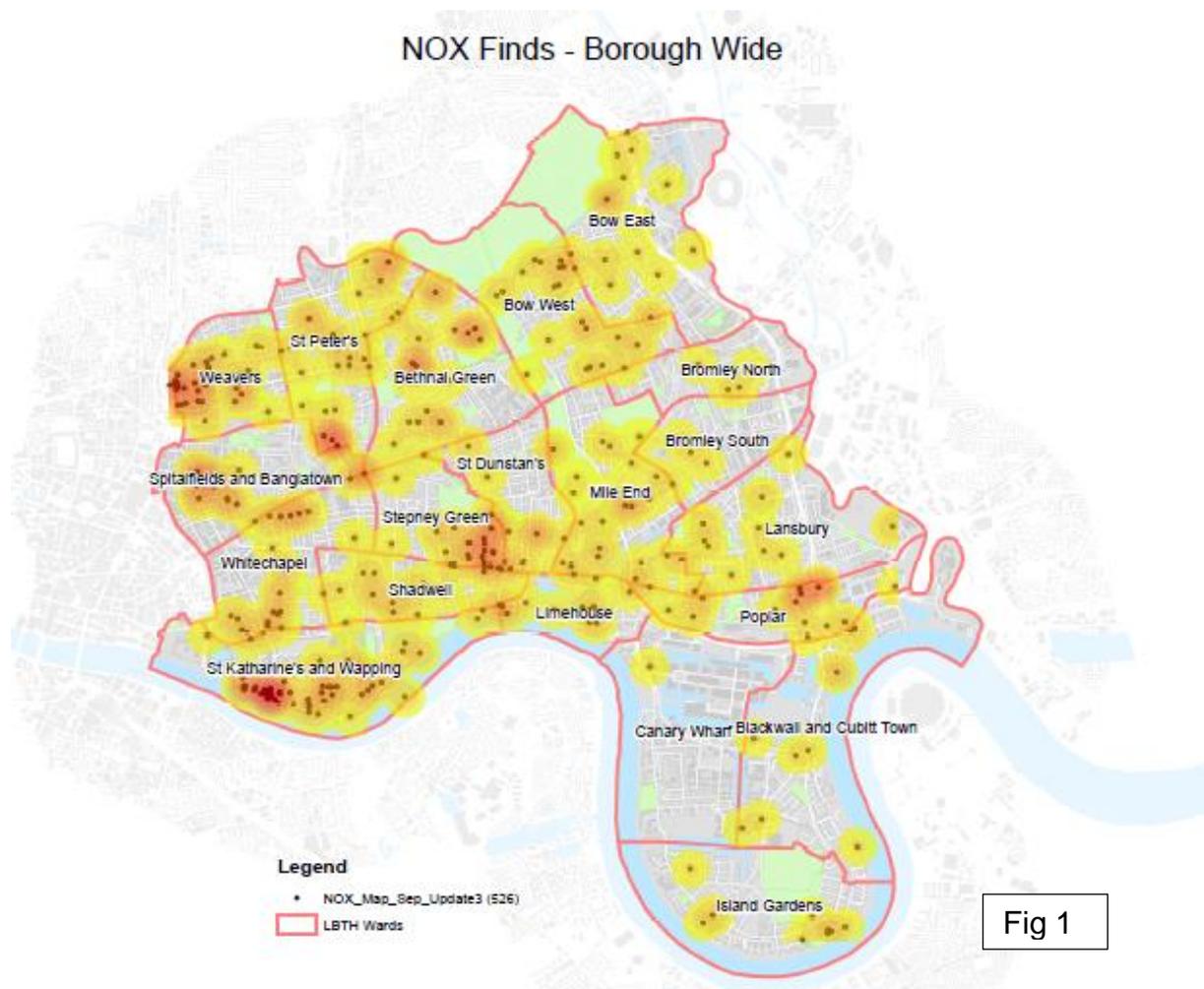
## Feedback from the Annual Residents Survey

The graph below highlights the categories of ASB and is produced from the most recent Annual Residents Survey conducted by the Council.



- 3.5. Throughout September 2020, a bespoke data collection exercise was undertaken to review the evidence base and to understand the extent and scale of the problem.
- 3.6. Data on the links between nitrous oxide misuse, ASB and littering offences held by the Police and Council was not sufficiently robust to understand the scale and extent of the issue, so the aim of the exercise was to capture information in the Autumn of 2020, specifically the sighting of 5 or more nitrous oxide canisters, seen by the council's street cleansing, parks, Tower Hamlets Enforcement Officers, Tower Hamlets Homes, and Registered Provider's front line operatives. Residents in wards that were particularly impacted by ASB and NOX were keen to be involved. Safer Neighbourhood Ward panel members from St Katherine's and Wapping and Weavers' wards were actively involved in this co-production exercise.
- 3.7. A nitrous oxide data capture template was developed in both word and excel and designed for easy data capture and use by residents and front-line officers. To ensure accuracy the Template included date, time, property no, street, postcode, no of nitrous oxide canisters found and notes (e.g. were boxes or balloons present). It was simplified as much as possible to enable the service collecting information to collate the information and enter the data electronically so that this could be lifted and inserted into a master spreadsheet. The ASB webform and Love Your Neighbourhood (LYN) APP were also used to capture data on nitrous oxide canister sightings throughout

September by residents and front- line staff across the Council and partner organisations.



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- 3.8. The above map (Fig 1) shows 526 nitrous oxide canister sightings borough wide throughout September. There are 4 main hotspots displayed on the map which are in the St Katherine's and Wapping (SKW), Weavers, Stepney Green and Poplar wards. SKW shows the highest number of nitrous oxide canister sightings, with 87 and Canary Wharf shows the lowest with just 1 sighting.

LBTH Schools on NOX hotspot map

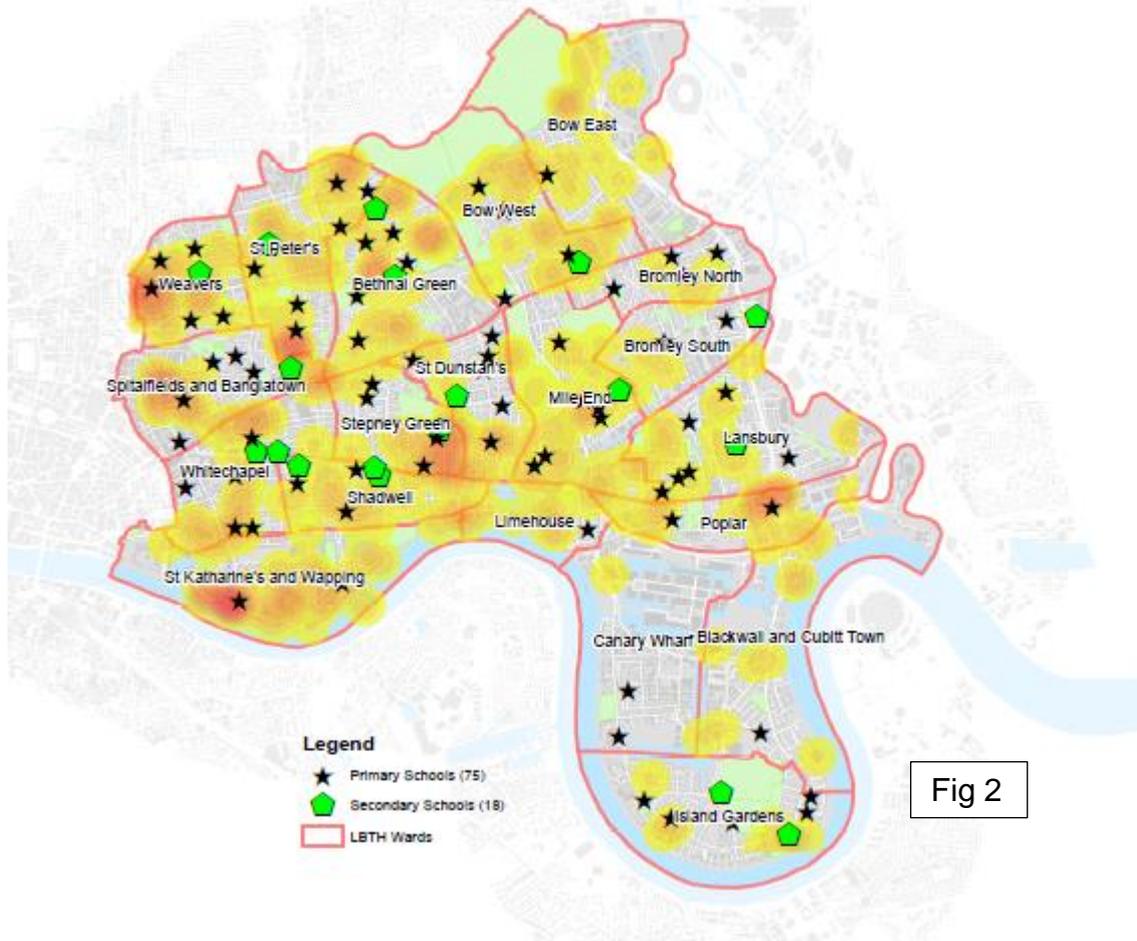
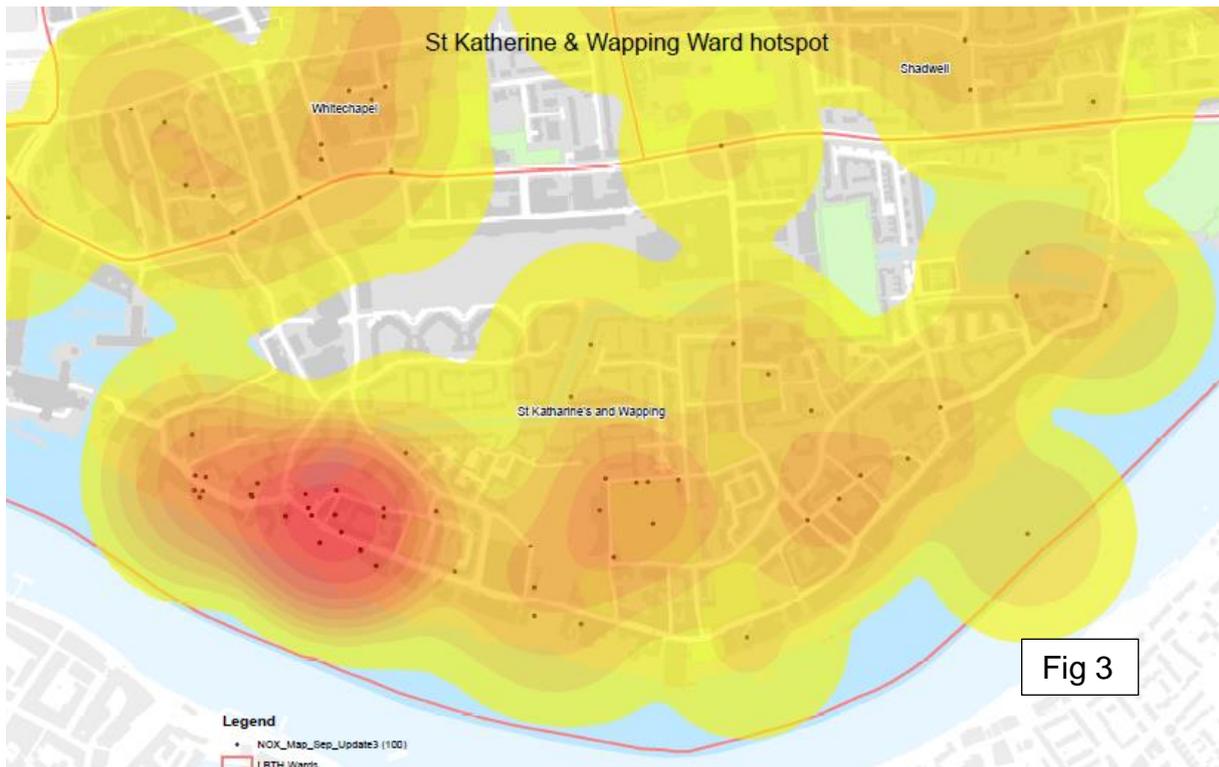


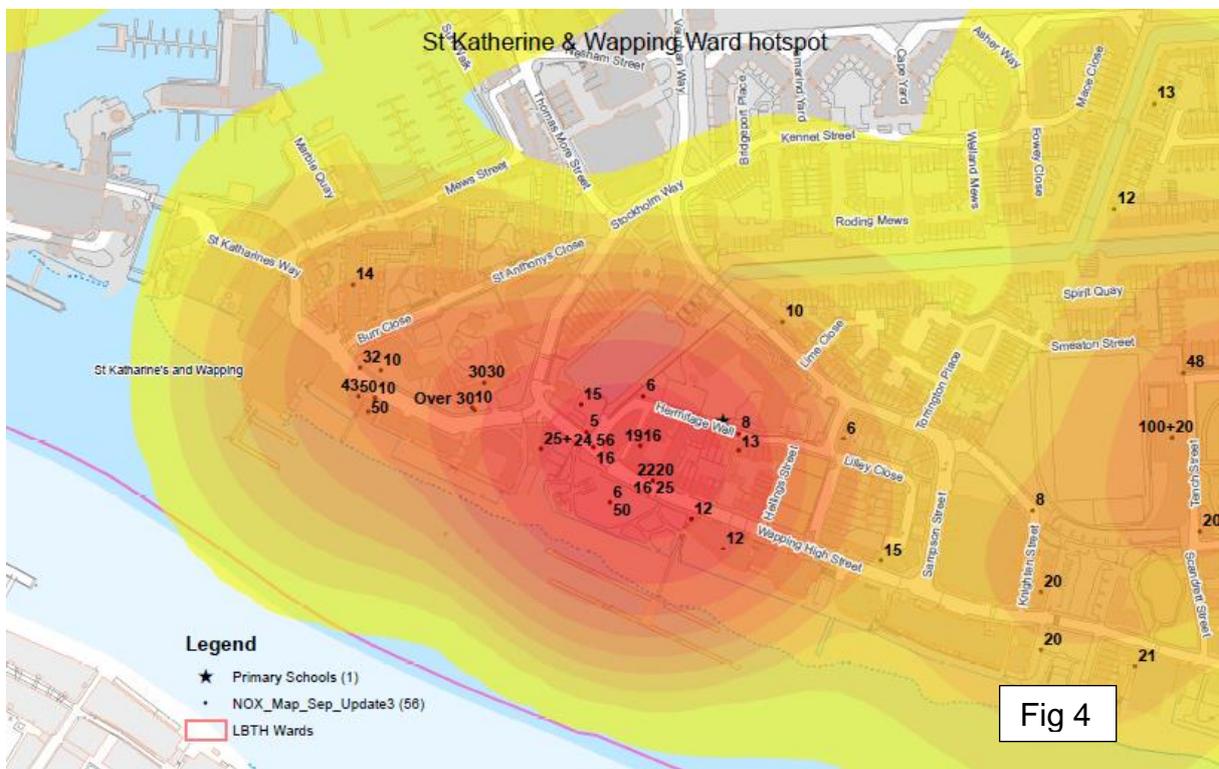
Fig 2

3.9. Fig 2 shows primary and secondary schools overlaid on the nitrous oxide canister find hotspot map. There are some primary schools that fall inside the “Nox hotspots” and are identified. There is no evidence or intelligence to suggest young people attending schools are using or disposing of nitrous oxide canisters at or near their schools. We are concerned that they are more than likely to witness the littering and possible misuse of nitrous oxide. This is a contextual safeguarding concern given the risks to health identified in this report.



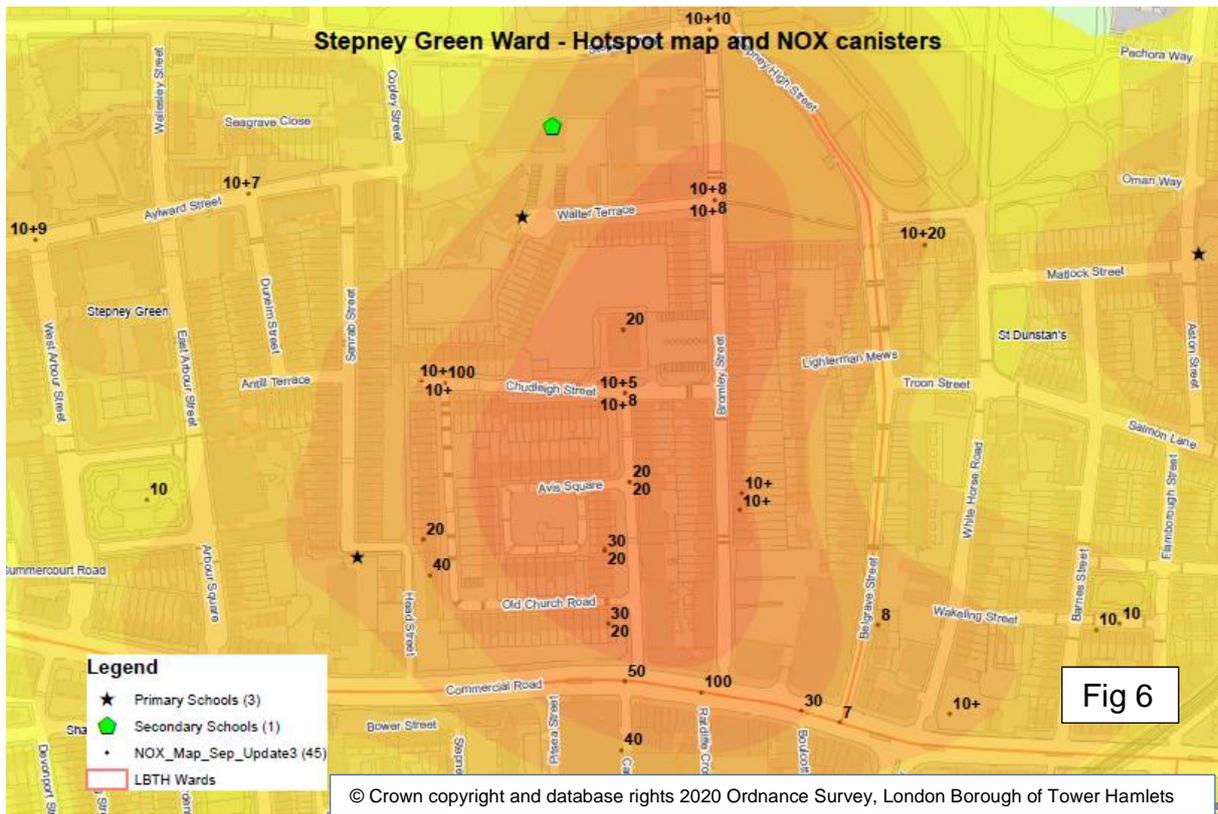
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3.10. Fig 3 zooms in on St Katherine's & Wapping Ward and shows the main hotspot to the left.



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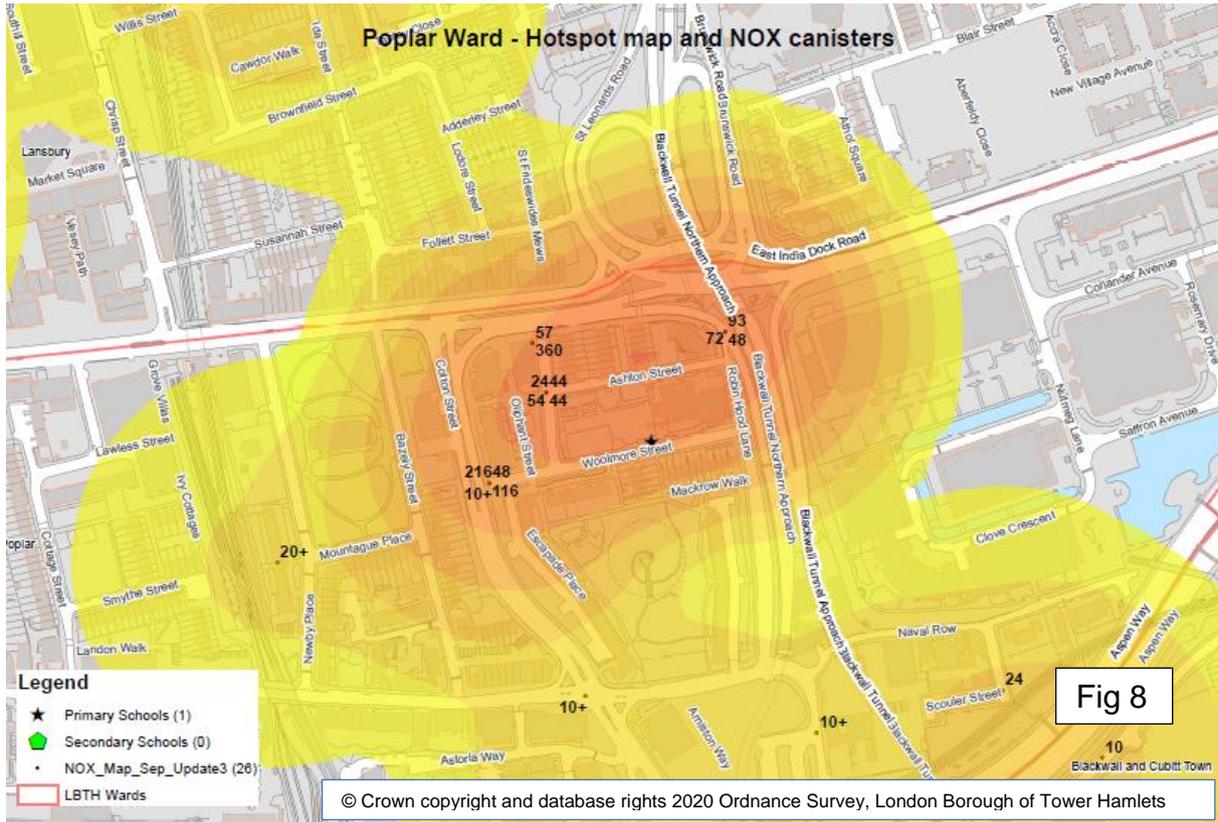




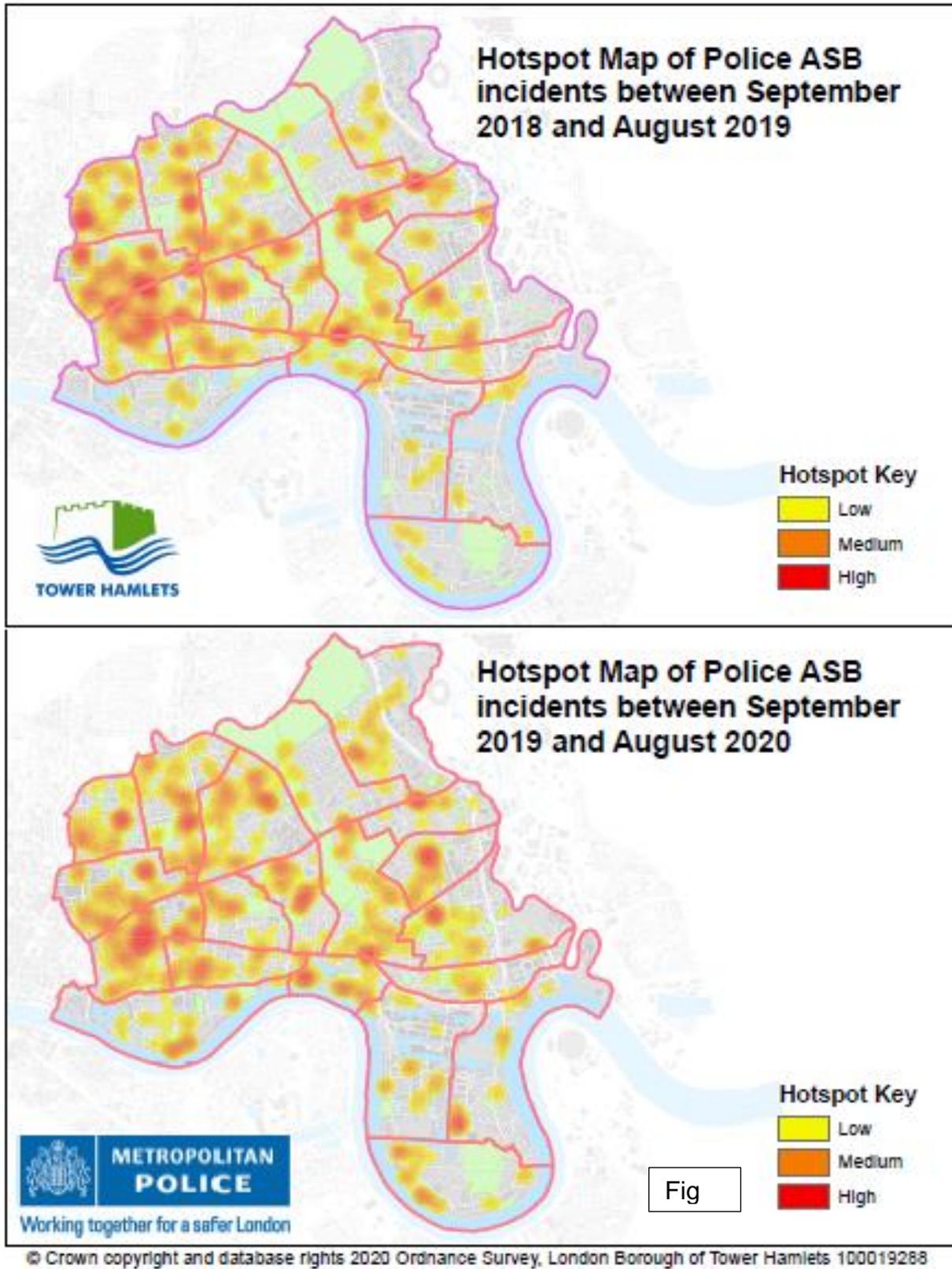
**Fig 6**

3.13. Fig 6 zooms in on the Stepney Green hotspot. At the heart of this is Avis Square, which shows a busy distribution of numerous canisters found and averaging between 20 – 30 per sighting. In one or two sightings there are up to 100 canisters. There is a primary school (Old Church Nursery School) and Stepney All Saints Secondary School which are within the immediate vicinity.

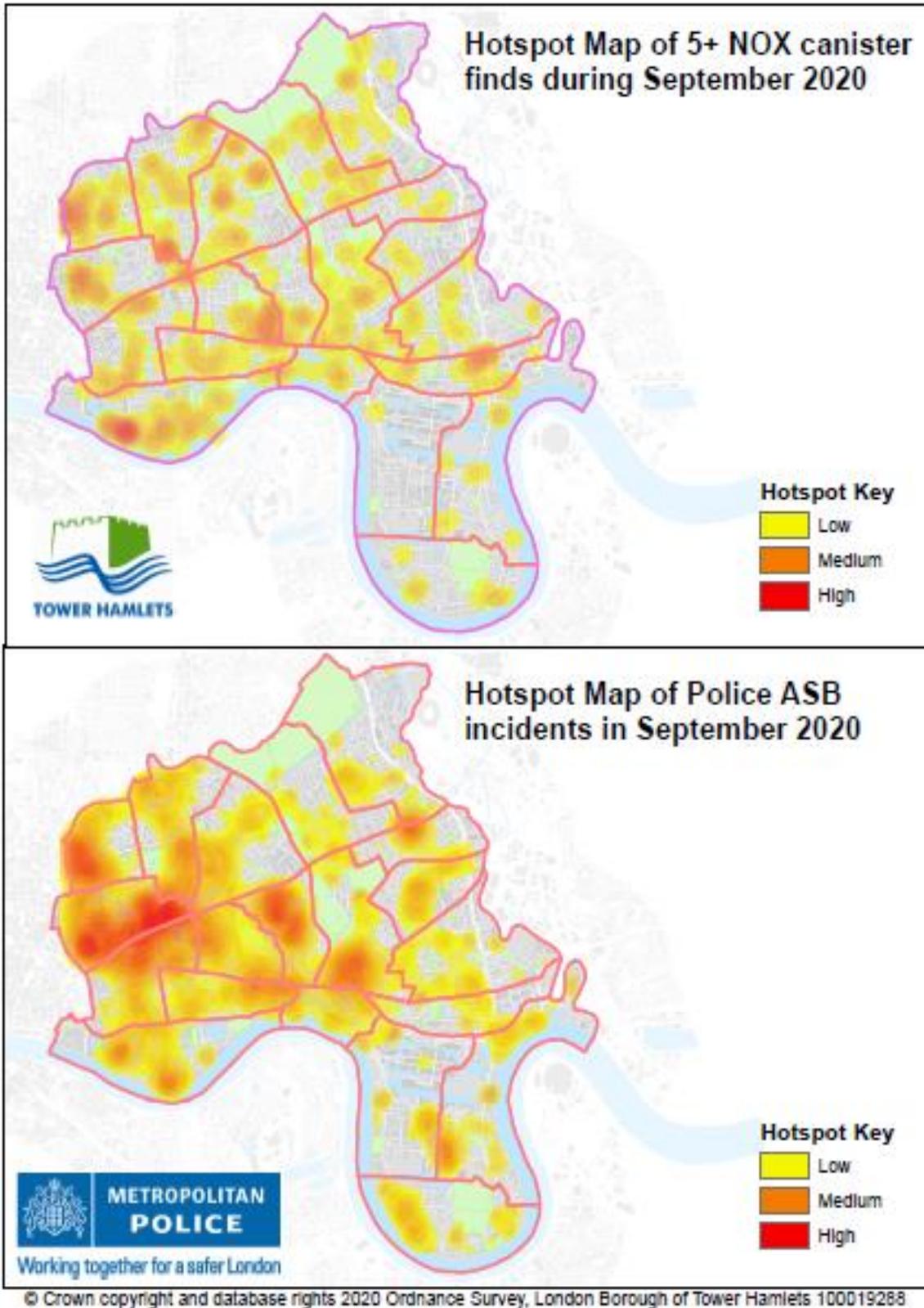




3.15. Fig 8 zooms in on the Poplar Ward hotspot. Ashton Street and Woolmore Street and Woolmore Primary School fall within the immediate vicinity. Some of the canister finds per sighting measure are as high as 216 and 360 canisters.

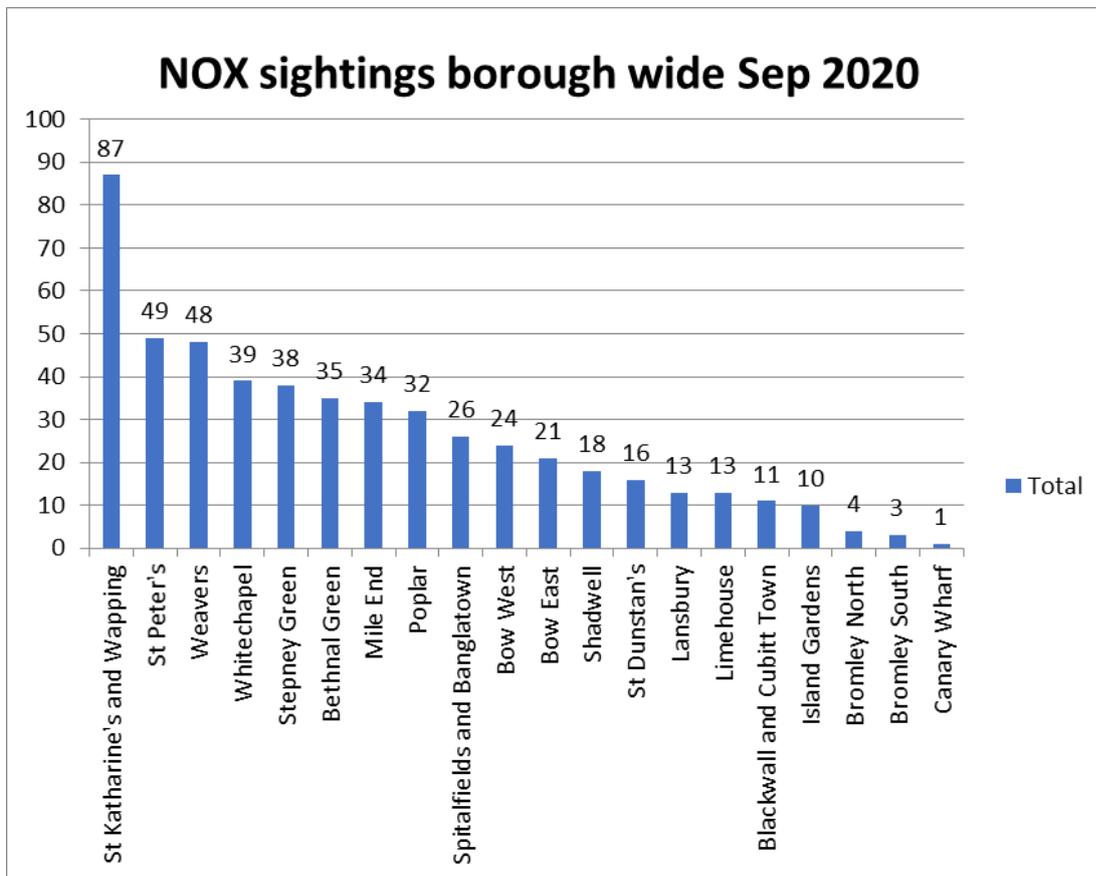


3.16. Fig 9 shows ASB data taken from Police data from Sep 2018 – Aug 2019 & Sep 2019 – Aug 2020



3.17. Fig 10 shows nitrous oxide canister boroughwide hotspot map alongside ASB data taken from anonymised Metropolitan Police call data for Sep 2020 ASB incidents relating to matters such as noise nuisance, fireworks and neighbour

disputes etc, have been removed in an attempt to exclude any residential issues which may not relate to the use of nitrous oxide in a public space. When looked at more carefully hotspots have a similar pattern.



3.18. The above pivot chart shows Wards in order of nitrous oxide canister sightings starting with the highest (SKW) and ending with the lowest (Canary Wharf).

3.19. When examining borough wide based data on September figures only, some wards record much lower canister finds than others - Canary Wharf (1), Bromley North (3) and Bromley South (4). This tends to be lower in the Eastern boroughs and higher in the west. The exception being Poplar Ward. The largest sighting of canisters and litter (500) was found by the waste cleansing team in Brodlove Lane in Shadwell ward. Based on the September data capture, the figures clearly show main NOX finds to be on the Western side of the borough. The below anecdotal statements were provided during the course of scoping the extent of this issue in particular views were sought from front line council operational staff, youth workers and third sector providers working locally in the Borough.

- *“NOX littering would appear to be more of an issue during the summer and spring period where there is more park activities, lighter evenings and there is an increase in ASB and also NOX use”.*
- *“Feedback from youth hubs suggested a lack of awareness by parents. To raise awareness, it is suggested that the Comms team to put an article*

*about NOX and the effects on Our East End paper. This goes to thousands of households and a practical way to reach out to residents / young people*

- *“There is also a growing concern that more and more young people from different backgrounds are trying out this activity which is becoming more casual. There is a misconception that NOX use is specifically linked to groups of young people that are more prone to doing ASB, or within the NEET category (not in education, employment or training) is certainly used by college students, older school children. To many young people it’s becoming the ‘new thing to try out’ and becoming more common with young people whom just want to lightly chill with a box of NOX”.*
- *COVID-19 has had an impact domestically and may have compounded the NOX issue further during these last 6 months”.*
- *“Mosques are an integral community hub to reach out to the mass youth Bengali / Muslim population, where local imams (leader of a mosque) can help raise awareness to not just to the youth, but also towards the parents through Friday sermons. Most parents are not aware of this new, yet dangerous activity and certainly being educated / informed can help if they observe any activities / behaviours with their children linked to NOX;”*
- *“Education and raising awareness – there is a national concern about this, and the lack of government attention towards addressing this growing issue. On a local level what are the school and colleges doing about this (if they are not then perhaps that discussion needs to be had with them where it can be built into one of their curriculum activities). Even if it is giving out pamphlets and raising awareness of the dangers of this etc. This is also the case with youth centres, re what they are doing or what they can do;”*

3.20. Nine Youth hub questionnaires examined from the hubs asking a selection of young people between ages of 11 – 25 their views on NOX usage. The question asked was, ‘**Should the Police/Council try and stop the use of NOX?**’

3.21. In terms of responses, seven said ‘Yes’ they should, and two not giving an answer. One was not sure and did not see it as a major problem and one no response stating it was a “taboo subject”. On that basis, it was established that there is some support from young people for police/council intervention.

3.22. Drilling further into the responses provided by young people attending the hubs, there is a perception that the age range of those involved in the misuse of nitrous oxide ranges from 11-25 years. Clearly, these are the views of local young people. There is also evidence from residents that some of those involved in the night-time economy are also misusing nitrous oxide and other substances.

3.23. Some of the comments made by young people relating to specific health implications include

- *“The downside is passing out and other people can take advantage of them when they are out of it”.*
- *“People end up using more than intended and end up passing out”.*
- *“Short-term effects, drowsiness, nausea, lingering migraine like headache; long-term effects, numbness, lack of motor control leading to brain damage”.*
- *“Freezer burns if used in an unsafe manner. Double balloon lit leading to a lack of oxygen, blue lips and death?”*
  - resulting in seizures, collapse, dystonia; the pulmonary and the renal system; the musculoskeletal system and many more (Karila L, et al.; 2015).

3.24. The community have been actively engaged working with officers and gathering evidence in support of this proposal.

3.25. Third sector providers working with young people and young adults and also those who specialise in dealing with addiction and substance misuse issues are also supportive, including:

- Safe East – access to substance misuse services (up to 19 + and leaving care)
- Spotlight Youth – engagement and support in East of Borough (up to 19 + leaving care)
- Osmani Trust – engagement and support in West of Borough (up to 19 + leaving care)
- RESET – outreach, treatment, and recovery support for those over 19yrs.

3.26. Front line operational Managers support the introduction of PSPO, based on local knowledge and experience that there is often a correlation and link between the use of nitrous oxide and ASB, particularly in the proximity of the night-time economy and all along the river frontage. The PSPO will allow council enforcement staff and the police to confiscate nitrous oxide canisters to prevent ASB escalating or from occurring altogether.

3.27. Parks and Open Spaces officers are supportive of the introduction of a PSPO as they see the ongoing issues with ASB, particularly linked nitrous oxide canisters being littered in our open spaces.

3.28. Feedback to date from those involved in this exercise residents, third sector providers, young people, registered housing providers and front-line officers suggests there is a lack of awareness of the dangers associated with the use of substances such as Nitrous Oxide. As such, should a PSPO be made, before it was introduced there would need to be a comprehensive communications strategy to raise awareness.

- 3.29. Formal public consultation began on 4<sup>th</sup> January 2021 using the corporate “Let’s Talk” online consultation platform. A consultation document (Appendix B) was also produced and sent out to various stakeholders to ensure those who may not have access to the online portal had the opportunity to respond.
- 3.30. As a statutory requirement, consultation was also conducted with the Police and Crime Commissioner (MOPAC for the London region), local police and neighbouring boroughs of Newham, Hackney, and the City of London.
- 3.31. The consultation was widely publicised on the council’s website, social media feeds, community platforms such as Online Watch Link (OWL), Tower Hamlets Housing Forum (THHF), Safer Neighbourhood Board (SNB) and Safer Neighbourhood Ward Panels.
- 3.32. Consultation ended on 15<sup>th</sup> February 2021 and resulted in 2584 visitors and 948 formal responses to the consultation, one of the highest responses for any consultation the council has undertaken.
- 3.33. Of those 948 responses, 97.5% (924) were residents and overall, 93.7% (886) were in favour of introducing a PSPO. 89.4% (889) thought the PSPO should be boroughwide and 88.5% (838) said they had witnessed nitrous oxide misuse and that it made them feel unsafe. The project report for the online consultation exercise is at Appendix C.
- 3.34. As a result of the consultation, and the evidence it is recommended that a boroughwide PSPO be introduced, with the prohibitions set out in the order at Appendix A. For ease those are as follows:
- *Person(s) within the Restricted Area will not: Ingest, inhale, inject, smoke, possess or otherwise use psychoactive substances (e.g. nitrous oxide) and which is causing or likely to cause harassment, alarm, distress, nuisance or annoyance to members of the public.*
  - *Meaning of “psychoactive substance” etc: “Psychoactive substance” means any substance which is capable of producing a psychoactive effect in a person who consumes it and is not an exempted substance. For the purposes of this prohibition a substance produces a psychoactive effect in a person if, by stimulating or depressing the person’s central nervous system, it affects the person’s mental functioning or emotional state.*
  - *For the purposes of this prohibition a person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person’s body in any way. Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation*
  - *Persons within this area who breach this prohibition shall surrender any psychoactive substances (e.g. nitrous oxide) in his/her possession to an authorised person. An authorised person could be a police constable,*

*Police Community Support Officer or authorised person designated by the London Borough of Tower Hamlets and must be able to present their authority upon request.*

#### **4. EQUALITIES IMPLICATIONS**

- 4.1. Obtaining definitive data both locally and nationally about users of nitrous oxide and other similar novel psychoactive substances is challenging. Given these challenges it is not possible to provide explicitly relevant targeted data relating to categories of the protected characteristics as regards use of these substances. The Psychoactive Substances Act 2016 introduced legislation to deal with substances often referred to as 'legal highs. This legislation made it a criminal offence to supply or be in possession with intent to supply and made no provision to deal with possession and use. Because use and possession is not an offence there is also very little relevant data from police sources. There is anecdotal evidence through ASB reports and consultation with groups such as support agencies, third sector providers and other practitioners that it is a range of individuals and not, as is often thought to be the case, an exclusively young (sub 18 years old) cohort or in the main from one BAME group for example. In particular one of the areas affected by this form of substance misuse along with other substances and connected with ASB is the north of the borough and the Night-time Economy area adjacent to that of the London Borough of Hackney. Here the groups involved in the associated ASB are from a broad demographic and age range.
- 4.2. A number of consultations were conducted while preparing the PSPO proposal, with several active Third Sector, In-House and other commissioned services providing a range of support for young people and young adults in the borough. This did reveal growing concern that more and more young people and young adults from different backgrounds and communities overall, are engaging in this activity without fully understanding the consequences or the impacts on those living in the locality.
- 4.3. Work with the LBTH Youth Hubs and taking into account the view of young people indicated that it is also a broadly held misconception that nitrous oxide misuse is exclusively linked to groups of young people that are more prone to be causing ASB. Anecdotal accounts also highlight that NOX is certainly used by local college students and older young people. The views expressed inferred that although it is accepted that misuse does link with ASB to a significant degree, general recreational use, not necessarily leading to ASB, also is now another significant feature.
- 4.4. A number of views from third sector partners and various support organisations did indicate that there is usage amongst Bangladeshi young men - mainly male members of the population of ages into late 20s, often using in and from vehicles with other substances. Our findings indicate it is widespread and is not exclusively this group of users, with those from other communities in the Borough also more actively represented. The implementation of the PSPO will be proportionate and controlled by intelligence-led and tasked enforcement to incidences of ASB only and not simply targeting general possession and general use where there is no ASB. This will therefore be a key control measure to ensure that there will be no disproportionate impact upon any particular group or protected characteristic.
- 4.5. The approach intended for any implementation of a PSPO for these substances has been informed by and is comparable to the borough's

approach to the misuse of alcohol, the possession and use of which like nitrous oxide is not an offence. There is alcohol related antisocial behaviour in the borough and with the current responsible drinking PSPO, it is only enforced where the misuse “**is causing or likely to cause**” ASB and so is designed to reduce the detrimental impact on the community in a targeted and proportionate manner.

- 4.6. There is an important deterrent effect of implementing a PSPO and ensuring it is well publicised. The media strategy and communications will be planned and conducted effectively, taking into account the various groups that are involved in this behaviour and the best means of communication with them generally but also specifically for those with protected characteristics, mitigating the likelihood that any will be disproportionately affected.
- 4.7. Specific questions posed of a range of young people attending the Youth Hubs also revealed that there was worryingly both a lack of knowledge by some young people of the effects and dangers of nitrous oxide but also by others, some quite detailed knowledge. Taking this into account and also comments from some of the third party providers and others, that often parents are also not aware of the effects and dangers of such intoxicants, it does indicate that a wider awareness and education strand to the implementation of this PSPO should be considered. A Media Strategy and a communications plan is being developed in advance of implementation and during its first months if implemented.

## **5. OTHER STATUTORY IMPLICATIONS**

- 5.1. The statutory guidance contained within the Antisocial Behaviour, Crime & Policing Act 2014 states that PSPOs should only be used as a tool of last resort where other methods of dealing with the problem have been exhausted. Taking into account the level of complaints the council has received and the strong evidence base, it is clear that the introduction of a boroughwide PSPO is a proportionate response to the antisocial behaviour and nuisance linked to the recreational use of nitrous oxide in public places.
- 5.2. Before introducing a PSPO, there is a statutory requirement to consult. As mentioned above, this was done and there is overwhelming support for the introduction of a PSPO.
- 5.3. The council, whilst exercising its various functions, has a statutory obligation under section 17 of the Crime and Disorder Act 1998 to have due regard to prevent crime and disorder. The decision to introduce a boroughwide PSPO would have no adverse impact on crime and disorder and is very likely to bring about improvements.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1. Any costs associated with implementing the proposals set out in the report will be contained within existing budget provision and create no new pressures on the revenue budget.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1. The Council has powers to make, extend, vary or discharge a Public spaces protection orders (PSPO) under chapter 2 of Part 4 of ASBCPA 2014 if it is satisfied on reasonable grounds that the activities carried on in the public place have or are likely to have a detrimental effect on the quality of life of those in the locality or it is likely that activities will be carried on in a public place in that area and that they will have such an effect.
- 7.2. That the effects of the activities are, or are likely, to be of a persistent or continuing nature, such as to make them unreasonable and justifying any restrictions or requirements imposed in the PSPO. A PSPO can be made for a maximum duration of up to three years and extended if necessary.
- 7.3. Before making a PSPO, a local authority must observe certain "necessary" **statutory consultation, publicity, and notification requirements**. The Council is 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.
- 7.4. There must be evidence of consultation with the documentary results of analysis of same. The scope and parameters of consultation must be in accordance with the statutory requirements. The draft prohibitions and requirements for a PSPO must be published as part of the consultation process. Although there are no statutory requirements about the length of the consultation process, the Council must ensure that it allows sufficient time to meaningfully engage with all those who may be impacted by the Order.
- 7.5. For those who wish to challenge a local authority's decision to introduce a PSPO, ASBCPA s66 created a specific statutory appeal route, which must be followed by 'interested persons' (those who live in, work in or regularly visit the relevant area). The deadline for issuing a challenge is six weeks from the date the PSPO is made, and the relevant venue is the High Court. There is no permission stage. The grounds for such a challenge can be: (a) that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order; or (b) that a requirement under the statute was not complied with in relation to the order.
- 7.6. The Act explicitly prohibits interested persons from challenging a PSPO by any route other than the s66 procedure. A PSPO can also be challenged by judicial review on public law grounds within three months of the decision or action subject to challenge.
- 7.7. The Council is also obliged by virtue of section 72 of the ASBCPA 2014, to have particular regard to articles 10 and 11 of the Human Rights Act 1998 when deciding whether to make a PSPO. The Council must ensure that it complies with all the statutory requirements on consultation, notification and

publicity and ensures that it considers whether any restrictions or requirements are necessary, reasonable, and proportionate.

- 7.8. When carrying out its functions, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty).
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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

None

### **Appendices**

- Draft Order (Appendix A)
- Consultation Document (Appendix B)
- Online consultation Project Report (Appendix C)
- Equalities Impact Assessment (Appendix D)

### **Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012**

None

### **Officer contact details for documents:**

n/a