

# Southend-on-Sea Borough Council

Report of Strategic Director (Legal and Democratic Services)

To  
Cabinet

On  
6 November 2018

Report prepared by: Elsie Anakwue, Solicitor

Agenda  
Item No.

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## Southend Town Centre & Seafront Public Spaces Protection Order

Relevant Scrutiny Committee- Policy and Resources  
Cabinet Member: Councillor Flewitt  
Part 1 (Public Agenda Item)

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### 1. Purpose of Report

- 1.1 To invite Members to consider and agree the proposed approach to dealing with certain behaviours identified in this report and to consider whether the Council should commence statutory consultation on the making of a Public Spaces Protection Order (“PSPO”) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”).
- 1.2 The purpose of a PSPO would be to assist the Council and its partners to provide an appropriate and robust response to various behaviours taking place in Southend Town Centre and Seafront areas, that existing enforcement powers have been unable to resolve. It would help ensure that the law-abiding majority can use and enjoy these public spaces, safe from anti-social behaviour (“ASB”).
- 1.3 It should be noted that Members are not being asked to decide whether a PSPO should be made but to approve the commencement of statutory consultation. A further report on the next steps will be made once the consultation process has been completed. At that future stage, Members may be asked to make a PSPO if the statutory criteria are met and it is thought to be a necessary and proportionate response to the issues that have been identified. No decision or recommendation is made on that at this stage.

### 2. Recommendations

- 2.1 That consultation be undertaken into the possibility of the Council making a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 in respect of the area and activities detailed in Appendix 2
- 2.2 That the proposed consultation process be as set out in section 3.5(e) of this report.

**2.3 That the consultation process should also cover the revocation of the existing DPPO/PSPO as outlined in section 3.5(g) of this report.**

### **3. Background**

#### **3.1 Introduction**

Local Authorities have a key role to play in helping to make local areas safe places to live, work and visit. Tackling behaviour which has a detrimental impact on the quality of life of those in the locality is a key element of this role. These behaviours are sometimes called anti-social behaviour ('ASB'); it is noted that behaviour which has a detrimental impact can be broader than that which has traditionally been described as ASB.

Two of Southend-on-Sea Borough Council's current 15 corporate priorities include commitments to '*create a safe environment across the town for residents, workers and visitors*', and '*to work in partnership with Essex Police and other agencies to tackle crime*'.

In addition, the emerging ambition, themes and desired outcomes of the Council's Southend 2050 Programme, includes the aim of developing a re-imagined, thriving town centre with an inviting mix of shops, homes, culture and leisure.

The Council's Southend Central Area Action Plan, adopted by the Council in February 2018, outlines a vision for the Southend Central Area '*as a prosperous and thriving regional centre and resort, it will be an area that is vibrant, safe and hospitable, rich in heritage commerce, learning and culture and an attractive, diverse place where people want to live, work and visit for both day trips, overnight and longer stays*'.

This aspiration for a vibrant and successful Town is currently being undermined by a number of activities taking place particularly in the Town Centre and Seafront areas.

Despite enforcement activity by the Police, the Council and others, the problems have persisted and significant damage is being caused to the appeal and reputation of Southend-on-Sea as a place to live, shop, visit and invest.

This report provides details of the particular types of activities that are believed to be having a detrimental impact on the quality of life of those in the locality, are unreasonable and are causing problems – and identifies additional and alternative measures for consideration.

#### **3.2 Activities which are having a detrimental effect on the impact of the quality of life of those in the locality**

Parts of Southend-on-Sea have been experiencing a growing level of ASB over the past 12 – 18 months. Reports and feedback are received from various sources, including the general public (residents and visitors to the town), businesses often via the Business Improvement District (BID), and proactive

reporting from various services including the Council's CCTV team. A Scrutiny Project on Additional Enforcement Resources for Southend in 2017/18 also identified significant evidence of ASB in the Town Centre and Seafront areas.

Southend Town Centre and Seafront in particular have seen an increase in reports relating to ASB and other types of behavioural activity. Due to growing pressure to tackle the issues, a Summit Meeting was called by Council Members in September 2018 to urgently consider with a wide range of stakeholders and partners, what actions could be taken to improve the situation.

As part of the preparation for the Summit Meeting in September 2018, Southend BID provided feedback and information covering the issues of aggressive begging, rough sleeping, street drinking, drug taking and all associated ASB, and the impact this is having on businesses.

Other Stakeholders at the Summit meeting also provided their perspective of the issues and challenges currently impacting on the Town Centre and Seafront.

Feedback from Southend BID describes the impact these issues are having on the Town Centre and Seafront areas, including safety issues from discarded drug paraphernalia and human faeces in some cases, as well as impacts on businesses from reduced footfall in the Town Centre, and individuals begging outside premises, which impacts on shoppers entering those premises.

Southend BID also reported that high numbers of incidents were occurring and that begging, ASB resulting in disturbance, and drug related activity being by far the highest recorded issues; with multiple reports on many individual days.

**Appendix 3** contains a series of slides with graphical data displayed, from other records relating to ASB including begging, street drinking, substance dealing and substance misuse, and other issues gathered from the Council's UniForm data base used by the Anti-Social Behaviour Team (SMAART) as well as other relevant information sources.

The first slide show incidents recorded between May and October 2018, detailing issues mainly around the Town Centre and central Wards, but also demonstrates that issues are experienced in other parts of the town and along the Seafront area.

The second slide shows the specific hot-spots of data gathered by the Council. Again this is mainly concentrated around the Town Centre, but also highlights issues around Westcliff-on-Sea, Leigh-on-Sea, Shoeburyness, and the Seafront area.

The third slide shows a snapshot of the work very recently undertaken by the Council's newly appointed Community Safety Team, who started work in and round Southend High Street on 15<sup>th</sup> October 2018. This shows that in one week, a high number of issues were witnessed / dealt with / reported in respect of ASB and begging and drugs incidents in particular, amongst other issues.

The final slide is a report from the Council's contractor Veolia, who are responsible for servicing and cleaning the public toilets in the town. The Council

and Police have received a growing number of reports about ASB and drug use in particular in respect of certain public toilet locations.

The Veolia report highlights the huge issues faced at one specific Town Centre location (Pitman's Close), which resulted in the Council making an unprecedented decision to close that public toilet block due to safety issues for both rough sleepers who were frequenting the block and for the general public who may use the toilets.

The Veolia report also shows high numbers of issues relating to rough sleepers and discarded drug litter at three Seafront public toilet locations (Marine Parade / Lagoon / Crowstone), showing the issue to be wider than just the Town Centre. The family friendly nature of the Seafront location in particular presents heightened risks to children who might come into contact with drug paraphernalia when using these facilities, as well as to cleaning staff when going about their roles.

While multi – agency initiatives to engage with rough sleepers over the summer period had some beneficial effects, a significant residual problem remains.

### 3.3 Enforcement Activity

- (a) The ASB activities set out in 3.2 above have been tackled using various legislation and local powers as set out in in (b) below. In some cases it is the Police that have taken action, in other cases it is Council Officers. Clearly the Police also deal with criminal offences, but this report is focussing on activities that are having a detrimental impact on the quality of life of those in the locality.
- (b) Types of Enforcement activity undertaken (or available) in respect of the activities occurring in the Town Centre and Seafront Areas include:
- Dispersal Powers under the 2014 Act give the Police (not the Council) the authority to require individuals or groups to leave a specified area and not to return within a specified period of not more than 48 hours. This time limit means that dispersal notices may need to be issued repeatedly in persistent cases. These powers permit the Police (only) to require an individual to leave a specific area, not a general area.
  - Civil Injunction issued under the 2014 Act to prevent people from repetitively engaging in ASB which is causing harassment, alarm or distress. The Police and the Council can apply for such an injunction to be made against an individual. It does not apply to a public space but to the individual. The court process can be slow, expensive and time-consuming and enforcement can be difficult, particularly where the effect of the ASB are not attributable to one identifiable individual.
  - Criminal Behaviour Orders issued under the 2014 Act are a direct replacement of both the ASBO made on conviction in criminal proceedings and the Drinking Banning Order, made on conviction or on application. They are designed to tackle the most serious and persistent anti-social behaviour by dealing with offenders who engage in criminal

activity. Only the prosecution in a criminal case may apply to the court for a CBO to be granted. Normally this would be the Crown Prosecution Service. Therefore it is not a procedure of general application in terms of low level ASB and is reliant on both the existence of a criminal conviction and the willingness of the CPS to pursue a CBO.

- Community Protection Notice issued under the 2014 Act are designed to provide a means for dealing with ongoing problems in a local area that are having a detrimental effect on the community. Such problems might include regular complaints relating to litter, graffiti or noise. Either the Council or the Police can issue a CPN. A written warning must be given before a CPN can be issued. It is a person-specific tool that is directed at an individual (or business) as opposed to applying to the general space in which an activity takes place. As a result, like the other person-specific tools it is necessary to identify the perpetrator to be able to issue a CPN warning and a subsequent CPN.
- Closure Powers under the 2014 Act enable to Police or the Council to close premises that are causing problems. In theory, open space can be closed, however these powers are not considered to be appropriate for the activities taking place on the street which what this report is focussed on.
- Council Byelaws. The Council has a number of old byelaws that apply to the Town Centre and Seafront (or parts thereof) covering; The Use of Public Conveniences; Prevention of Nuisances; Foreshore and Promenades; Consumption of Alcohol; Pier and Foreshore; Pleasure Grounds.  
In some respects these Byelaws address some of the activities this report is concerned with, but they are generally old, outdated and difficult to enforce.
- The Council can take possession proceedings against trespassers on its land and if necessary obtain an injunction in connection with such proceedings. A possession order and injunction was obtained fairly recently against trespassers camping on the Cliffs at Westcliff. However such procedures are slow, complex and expensive. It is also worth noting that with some of the activities, the perpetrators are part of a transient group which can change from day to day, week to week. Furthermore, in many cases, ASB is caused by persons who are not trespassers in these public spaces, in which case a possession order would not be available.
- In 2002 the Council made a Designated Public Place Order (DPPO) under S.13 of the Criminal Justice & Police Act 2001. This imposed restrictions on public drinking in the Town Centre and several other areas which had experienced alcohol related disorder/nuisance. An offence is committed only if a constable requests a person to refrain from drinking and they refuse.  
When the 2014 Act came into force on 20 October 2014, existing orders, of which the DPPO was one, were to remain in force for a period of three years. After three years they were to be treated as though they were PSPOs (the period October 2017 - October 2020). From October 2020

the DPPO will no longer be in force and the Council would need to consider new controls on the activities previously covered by the DPPO. The possibility of introducing a PSPO is thought to be an appropriate opportunity to consider how to control those activities currently covered by the DPPO.

- (c) While enforcement action (using the powers referred to above) has had some success, the powers are not sufficient to deal with much of the activities which are taking place. For example there are no effective powers to deal with detritus left by rough sleepers.

### 3.4 The need for additional enforcement powers

- (a) An assessment has been undertaken to identify what additional enforcement powers would be useful to tackle the ASB issues referred to above.
- (b) One option is try to expand the current enforcement opportunities referred to in 3.3, for instance by making new byelaws. While this may pay some dividends (and the possibility of introducing new model byelaws is being investigated) it is not considered that this will provide the answer. The current powers have various deficiencies as explained above.
- (c) It is considered that a PSPO under the 2014 Act could provide a useful additional measure to tackle the persistent and unreasonable activities currently taking place in the Town Centre and Seafront areas.

The precise area to be designated as “the Restricted Area” in a PSPO should reflect where the activities have been occurring, with degree of latitude to allow for displacement into other areas.

Any PSPO must of course focus on the specific activities having the requisite detrimental impact and must be a proportionate response.

In particular, care must be taken to ensure that rights are carefully balanced in making a decision to proceed with a PSPO. This is all addressed in 3.5 below where the statutory framework and the proposals are considered.

### 3.5 Public Spaces Protection Order (PSPO)

#### (a) Legislative background

PSPOs were created by the 2014 Act. They are designed to place controls on the use of public space and everyone within it. The orders have effect for up to three years and can be extended. Only local authorities can make PSPOs. ‘Public Place’ means 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.

The Council can make a PSPO if satisfied on reasonable grounds that two conditions are met. These are found in section 59 of the 2014 Act:

The first condition is that:

- (i) activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality; or
- (ii) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities:

- (i) is or is likely to be, of a persistent or continuing nature;
- (ii) is, or is likely to be, such as to make the activities unreasonable; and
- (iii) justifies the restrictions imposed by the notice.

A PSPO must identify the public place in question and can:

- (i) prohibit specified things being done in that public place;
- (ii) require specified things to be done by persons carrying on specified activities in that place; or
- (iii) do both of those things.

The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to prevent or to reduce the risk of the detrimental effect continuing, occurring or recurring.

Prohibitions may apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories.

The PSPO may specify the times at which it applies and the circumstances in which it applies or does not apply.

Unless extended the PSPO may not have effect for more than 3 years.

Breach of a PSPO without reasonable excuse is a criminal offence. The Police or a person authorised by the Council can issue on-the-spot fixed penalty notices, the amount of which may not be more than £100. A person can also be prosecuted for breach of a PSPO and on conviction the Magistrates' Court can impose a fine not exceeding level 3 on the standard scale (currently £1000).

In considering whether to make a PSPO the Council *must* have particular regard to Article 10 (Right of Freedom of Expression) and Article 11 (Right of Freedom of Assembly) of the European Convention on Human Rights ('ECHR').

The Council must also carry out the necessary prior consultation, notification and publicity as prescribed by s.72 of the 2014 Act.

In preparing this report Officers have had regard to the two sets of statutory guidance issued by the Home Office (the most recent Statutory Guidance is attached at **Appendix 1** of this report) and the Guidance on PSPOs issued by the Local Government Association.

(b) Homeless People, Rough Sleepers and people going about their normal business.

PSPOs must be targeted against activities having a detrimental effect on the quality of life of those in the locality. They cannot be used to target people based solely on the fact that someone is homeless or rough sleeping. This is made clear on page 51 of the Statutory Guidance at **Appendix 1.**

Also PSPOs are not about stopping people enjoying the night time economy of Southend responsibly, nor is it about preventing people from spending time with their friends in public places.

Furthermore it is important to note that a PSPO will not prevent the Council continuing to assist those individuals who require help and support. The Council will continue to assist those with genuine needs for housing or for access to services either directly or through inter-agency working. Enforcement activity should take account of any apparent vulnerabilities and the Council will continue to collect information about rough sleeping in its area, sharing that information with partners where appropriate.

(c) Breach of a PSPO

Breach of a PSPO without a reasonable excuse is a criminal offence, resulting in a Fixed Penalty Notice (FPN) of up to £100, or a prosecution resulting in a fine of up to £1,000 (currently) on conviction.

The FPN can be issued by a Police Officer, PCSO, Council Officer or other person designated by the Council.

FPNs are one of a number of enforcement tools used to tackle ASB and as a means to change offending behaviour, and are used as an alternative to prosecution. They will be used by enforcement officers in conjunction with formal warnings, which may in themselves be sufficient to change behaviour.

FPNs will only be issued where the enforcement officer is confident that the correct identity details have been provided. Failure to supply a name and address, or to supply false details, to an authorised officer is a criminal offence and the Council will work with the Police, where relevant, to ensure that correct details are obtained. All Council officers involved in enforcing a PSPO must be duly authorised under the Council's scheme of delegation.

(d) Experience of Local Authorities that have introduced PSPOs

Many Local Authorities across the country have implemented a PSPO for their town / city centre to address similar types of issues / behaviours that Southend is facing.

The learning from other areas is that the PSPO is not a panacea to solving all the issues faced by a Town Centre/Seafront. They can be effective where they are targeted at specific behaviours / issues providing additional powers that can be used in a balanced approach alongside other tools and interventions.



#### (e) Consultation

The Council is required under the Act to carry out consultation and necessary publicity and notification before making a PSPO.

As a minimum the Council must consult with the Chief Officer of Police, the Police Fire and Crime Commissioner, appropriate community representatives, and the owners or occupiers of land in the area to be designated (where reasonably practicable).

The Council must publish the proposed wording of the Order and the proposed Restricted Area as part of the consultation and this information is set out in **Appendix 2**.

During the consultation process the Council will seek comments on:

- Whether a PSPO is appropriate, proportionate or needed at all;
- The proposed restrictions; and
- The proposed area to be designated as the Restricted Area.

Consultation would be over a 6 week period, with the following stakeholders:

- Chief Officer of Police for Southend
- The Police Fire and Crime Commissioner
- Town Centre/Seafront Businesses
- Ward Councillors
- The voluntary sector
- Community representatives
- Local residents/those working nearby/Visitors (via a survey).

Findings from the consultation will be brought back to Cabinet for it to decide whether to proceed with the PSPO – and, if so, the area to be designated and the restrictions which would apply. At that point the Cabinet would have to consider all material considerations including proportionality i.e. are the proposed restrictions proportionate to the harm/nuisance that is being caused?

#### (f) PSPO Proposal

It is considered that there are grounds under the 2014 Act for the Council to consider introducing a PSPO, subject to consideration of consultation responses.

The activities which are occurring as set out in this report are persistent, unreasonable and are having a detrimental effect on the quality of life of those living, visiting and doing business in the Southend Town Centre and Seafront.

A PSPO would offer additional enforcement powers to help tackle the issues in the Town Centre and Seafront areas where existing powers have been found to be deficient. A PSPO would help to make the Town Centre and Seafront a safer, more pleasant place for anyone who lives, visits, shops, works or conducts business there.

It would help to ensure that the law-abiding majority can use and enjoy these public spaces, safe from ASB and other behaviour which has a detrimental effect on the quality of life of those in the locality.

The Council, taking joint responsibility with the Police, is committed to improving the quality of life for residents, businesses and visitors to the Town Centre and Seafront.

Depending on the outcome of the consultation, the Council will consider introducing a PSPO to cover some or all of the types of ASB which are identified as being a current problem in 3.2 above.

The draft PSPO at **Appendix 2** sets out the types of activities which could be prohibited.

In terms of the proposed Restricted Area, considering the combined sources of evidence included in this report, the draft Order at **Appendix 2** proposes the following:

- An area including and immediately surrounding Southend High Street;
- An extended area around the Town Centre where problems have occurred; and
- The Seafront area to include the extent of Cliff Gardens and Western Esplanade; Central Southend Seafront; Eastern Esplanade and the Beach area adjacent to Western Esplanade, Central Southend Seafront and Eastern Esplanade.

#### (g) Revocation of Existing DPPO/PSPO

As explained in 3.3(b) above, in 2002 the Council made a Designated Public Place Order (DPPO) which imposed restrictions on public drinking in the Town Centre and several other areas which had experienced alcohol related disorder/nuisance.

From 20 October 2017 the DPPO was treated as though it was a PSPO by virtue of S.75 of the 2014 Act.

It is considered that the process of considering a PSPO is an appropriate opportunity to include the activities currently covered by the DPPO and for the DPPO to be revoked.

The Council proposes to consult on this proposal as part of the consultation on this PSPO.

## **4. Other Options**

The Council could choose not to look at introducing a PSPO, but this would lose the opportunity to introduce a new measure to tackle ASB which is causing nuisance/harm to many people and having a damaging effect on the Town Centre and Seafront areas.

## **5. Reasons for Recommendations**

- 5.1 A PSPO covering the Town Centre and Seafront areas could be a useful additional tool to tackle persistent and unreasonable ASB which is taking place.

It would help ensure that the law-abiding majority can use and enjoy these public spaces, safe from ASB.

- 5.2 Consulting on a proposal for introducing a PSPO is not only a legal requirement, but will enable the Council to gather important information from a range of stakeholders that will inform the decision-making process.

## **6. Corporate Implications**

### **6.1 Contribution to Council's Vision & Corporate Priorities**

Safe Southend, including support to the Purple Flag Award.

### **6.2 Financial Implications**

The costs of consulting on a possible PSPO will be relatively modest. At this stage the costs of proceeding with the PSPO are not known and will depend on the extent of any PSPO in terms of scope and geographic extent, particularly in terms of signage and enforcement.

### **6.3 Legal Implications**

Many of these are set out in the report, but attention is also drawn to the following:

The introduction of a PSPO must be undertaken in accordance with the 2014 Act and the Statutory Guidance. Failure to do so could result in a legal challenge.

Section 66 of the 2014 Act states that "Interested Persons" may challenge the validity of any Order in the High Court within six weeks, beginning on the day the Order is made.

Section 17 of the Crime and Disorder Act imposes a duty on the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment).

Section 59 of the 2014 Act provides that the Council may make a PSPO if satisfied on reasonable grounds that 2 conditions are met:

- a) That activities carried on in a public space within the authority's area have had a detrimental effect on the quality of life of those in the locality or it is likely that such activities will be carried on and will have such an effect.
- b) The effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable, and justifies the restrictions imposed.

Section 72 of the 2014 Act provides that the Council must carry out necessary consultation before making a PSPO. This means consulting with:

- (a) The chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) Whatever community representatives the local authority thinks it appropriate to consult;
- (c) The owner or occupier of land within the restricted area, so far as it is reasonably practicable.

Before making a PSPO the Council must consider comments and representations received as a result of the consultation and must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Section 149 of the Equality Act (2010) requires the Council in the exercise of its functions to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it'
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are: age, disability, gender reassignment; pregnancy and maternity; race; religion or belief, sex; sexual orientation; marriage and civil partnerships.

The Equality Duty means that, in making decisions, the Council must have regard to the need to remove or minimise disadvantage or to meet particular need, such as through ensuring access to services for particular groups; The good relations duty also now applies across all of the protected characteristics. In particular, the Council must have due regard to the need to tackle prejudice and promote understanding between people who share a protected characteristic and those who do not.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) tackle prejudice, and
- (b) promote understanding.

Members should be aware that compliance with the duties in this section may involve treating some persons more favourably than others.

The law requires that this duty to pay ‘due regard’ is demonstrated in the decision-making process and the Council must be able to demonstrate that decisions are made in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that imposing restrictions and prohibitions through a PSPO could have on different protected groups and, where possible, identifying methods for mitigating or avoiding any adverse impact on those groups.

Members will need to consider the potential or actual effect of the proposal to make a PSPO, in the light of any representations received following the proposed consultation, before making a decision whether to make a PSPO and, if so, what prohibitions to include in it.

#### 6.4 People Implications

There are likely to be some resource implications in terms of enforcement of any PSPO.

#### 6.5 Property Implications

None

#### 6.6 Consultation

As set out in the report

#### 6.7 Equalities and Diversity Implications

(a) Under the Equality Act 2010, the Council must have due regard to:

- Eliminating unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Fostering good relations between people who share a protected characteristic and people who do not share it.

(b) It is therefore important to consider how the proposals contained within this report may positively or negatively affect this work.

To support this consideration, an Equality Analysis has been carried out.

This Equality Analysis has looked at the anticipated (positive and/or negative) impacts of the proposals on people from Southend's diverse communities, and whether any group (or groups) is likely to be directly or indirectly differentially affected. In conclusion it is not anticipated that the proposals will have a significant disproportionate impact on any of Southend's diverse groups.

The Equality Analysis will be reviewed when consultation responses have been received.

- (c) The Council has also had regard to the rights and freedoms under Article 10 (freedom of expression) and Article 11 (freedom of assembly and association) as set out in the European Convention on Human Rights and is satisfied that the restrictions imposed by the proposed PSPO are lawful, necessary and proportionate.

## 6.8 Risk Assessment

Risks associated with the introduction of a PSPO, particularly in terms of protecting vulnerable members of society and displacement have been considered, in particular see 6.7 above.

## 6.9 Value for Money

N/A

## 6.10 Community Safety Implications

Keeping Southend-on-Sea a safe and enjoyable place to live, work and visit is a key priority for the Council. Implementing a PSPO (subject to consultation and approval) would provide an additional tool to the Council and its partners to tackle nuisance and ASB,

## 6.11 Environmental Impact

A PSPO should improve the quality of life of those in the locality.

## 7. Background Papers

Anti-Social Behaviour, Crime and Policing Act 2014  
Scrutiny Project on Additional Enforcement Resources for Southend in 2017/18

## 8. Appendices

**Appendix 1 – Statutory Guidance on PSPOs issued by the Home Office**

**Appendix 2 - Draft Public Space Protection Order for Southend Town Centre & Seafront Areas**

**Appendix 3 - Extracts from the Council's UniForm database re ASB**