

## Report Item 15 – Public Space Protection Order - Appendix One

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**From:** Brendan Field  
**Sent:** 07 September 2023 10:23  
**To:** Parish Clerk (EDFPC)  
**Subject:** Re: PUBLIC SPACE PROTECTION ORDER - EAST DEAN - BIRLING GAP

Good morning,

Thank you for your email.

I am aware of the PSPO in place in Eastbourne, and I have some knowledge of the process of initiating a PSPO, despite never having done one myself.

The PSPO in Eastbourne was created following a large groundswell of popular support amongst councillors and MPs. From my understanding it is in place from April until October each year. The PSPO covers a number of proscribed activities designed to target those people who are using the area as their own personal racetrack.

In Eastbourne's case, a person or persons found to be in breach of these proscribed activities is liable to a fine issued by an enforcement officer (in this case a police officer).

The PSPO is not backed by the CPS and any appeals are made to the Borough Council.

The PSPO would be predominately targeting driving offences, many of which are already deemed illegal. Owing to the nature of the offences and the lack of civil enforcement officers, the success of any PSPO would likely depend on Sussex Police's ability to enforce it. In this case, it may be worth canvassing Sussex Police and asking whether these additional powers in Eastbourne have improved their ability to police the affected road(s).

Initiating a PSPO is certainly an option. However, based on the example in Eastbourne, it would take time to do this, and would necessitate political support from members. Moreover, it is not immediately clear if the PSPO would add any additional value since it would be covering activities which are already deemed illegal and the prohibition of which is already enforced by police.

I am happy to talk with you about this in more detail. In the meantime, however, I have included a useful link below which will highlight some of the steps involved in initiating a PSPO.

[https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance\\_06\\_1.pdf](https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf)

Kind regards,

Brendan .

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## Parish Clerk (EDFPC)

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**From:** Paul Seeley <P.Seeley@btinternet.com>  
**Sent:** 19 September 2023 21:35  
**To:** clerk@edfparishcouncil.org.uk  
**Cc:** 'Cllr Paul Seeley'; 'CAULFIELD, Maria'  
**Subject:** FW: Public Space Protection Order (PSPO)  
**Attachments:** PSPO Guidance.pdf

Hi Sam

I have just found the below e-mail in my WDC e-mail account.

He information is rather more succinct than my attempt at explaining the situation.

The PSPO Guidance document is attached.

Having found out the route to follow I shall back away - do let me know if there is any further involvement required from me.

Regards

David Greaves

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**From:** Brendan Field <Brendan.Field@wealden.gov.uk>  
**Sent:** 19 September 2023 15:58  
**To:** davidgreaves@bt.com; David Greaves <cllr.David.Greaves@wealden.gov.uk>  
**Subject:** Public Space Protection Order (PSPO)

Dear Cllr. Greaves,

It was great speaking with you last week. I hope you have had a nice, relaxing weekend.

As promised, I wanted to get back to you regarding the information you requested on PSPOs.

The legal framework for PSPOs is set out within the Anti-Social Behaviour, Crime and Policing Act 2014. For a PSPO to be issued, at a minimum, the council must be satisfied that the anti-social behaviour(s) being targeted:

1. are having a detrimental effect on the quality of life of those within a locality, or it is likely that the activities will take place and have a detrimental effect.
2. the effect or likely effect of these activities is:
  - a. likely to be persistent or continuing in nature
  - b. likely to be unreasonable
3. justify the restrictions being imposed

The proposed restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause and are necessary to prevent it from continuing or occurring.

The PSPO would be subject to a consultation period of no less than two weeks, where the Council would be 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. The PSPO would also have to be passed by Cabinet, and there is strict Home Office guidance on the publication of the PSPO.

As a minimum, each PSPO must set out:

1. What the detrimental activities are
2. what is being prohibited and/or required, including any exemptions.
3. The area covered
4. The consequences for a breach
5. The period for which it has an effect

I also wish to address the proposal of a new PSPO, covering areas of the A259.

In Eastbourne's case (PSPO Anti-Social Driving), a person or persons found to be in breach of the proscribed activities is liable to a fine issued by an enforcement officer (in this case a police officer).

The PSPO is not backed by the CPS and any appeals are made to the Borough Council.

The PSPO would be predominately targeting driving offences, many of which are already deemed illegal. Owing to the nature of the offences and the lack of civil enforcement officers, the success of any PSPO would likely depend on Sussex Police's ability to enforce it. In this case, it may be worth canvassing Sussex Police and asking whether these additional powers in Eastbourne have improved their ability to police the affected road(s).

Initiating a PSPO is certainly an option. However, based on the example in Eastbourne, it would take time to do this, and would necessitate political support from members. Moreover, it is not immediately clear if the PSPO would add any additional value since it would be covering activities which are already deemed illegal and the prohibition of which is already enforced by police.

I have attached a guidance document on PSPOs from the LGA, which I hope you will find helpful.

If you have any questions, please let me know.

Kind regards,