

Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Cllr David Rouane
Key decision?	No
Date of decision (same as date form signed)	16 March 2021
Name and job title of officer requesting the decision	Katharine Doherty (Community Safety Team Leader)
Officer contact details	Tel: 01235 422591 Email: Katharine.doherty@southandvale.gov.uk
Decision	<p>To extend the existing Public Spaces Protection Order (PSPO) in Henley-on-Thames for a further three years (1 May 2021 - 30 April 2024) so that police officers will continue to have the power to:</p> <ul style="list-style-type: none"> Ask somebody to stop drinking alcohol or confiscate their alcohol if they are behaving (or are likely to behave) anti-socially. An offence is committed if the person fails to comply with the police officer's request. <p>Also to vary the existing order to give police officers the power to:</p> <ul style="list-style-type: none"> Ask a group of three or more people* to disperse if their behaviour is causing alarm, distress, harassment or a nuisance. An offence would only be committed under the PSPO if the group refused to disperse when asked to do so by a police officer. <p>A copy of the extended and varied order is attached to this paper.</p> <p><i>* - aged 16 or above</i></p>
Reasons for decision	<p>In May 2018, South Oxfordshire District Council introduced a Public Spaces Protection Order (PSPO) in Henley-on-Thames. In accordance with the Anti-social Behaviour, Crime and Policing Act 2014, the PSPO replaced the existing Designated Public Places Order (DPPO) which had been in place to help the police tackle alcohol relating ASB in the town, particularly during Henley Regatta.</p> <p>Ahead of the expiry of the existing order (30 April 2021), the council's community safety team pro-actively reviewed the</p>

relevance of the order and whether or not there was a need for it to be extended or varied (or allowed to expire). The key findings of the review are as follows:

Anecdotal evidence from the police (a critical stakeholder in relation to the PSPO as they enforce it) indicates that there is a need to retain the condition in the order which relates to alcohol related anti-social behaviour (ASB):

- the order is referred to by police officers when responding to actual and potential alcohol related ASB at the Henley Regatta and at other significant, large scale public events throughout the year;
- the order helps the police to support a safer night-time economy by nipping ASB in the bud when it relates to the consumption of alcohol in public areas of the town.

The police also outlined that an ability to disperse groups of people aged 16+ who are causing ASB would support their officers in reducing levels of nuisance, alarm and distress to local residents. In the last 12 months, the police have seen an increase in reports of groups gathering suspected of drug dealing in Henley. This is coupled with an increase in violent offences committed between groups of older teenagers. If the PSPO power to disperse groups causing ASB was in place, the police could intervene earlier to disperse groups in order to disrupt this type of gang culture and help prevent criminal offences taking place, therefore protecting both vulnerable young people and members of the public.

Having consulted with the police, the community safety team asked key stakeholders for their feedback on the usage of the existing order and the need to extend or vary it.

Consultees included relevant district council service teams, district ward councillors, the Local Police Area Commander, the Thames Valley Police and Crime Commissioner, Oxfordshire County Council and the town council. Seven organisations/teams responded:

- six of the seven respondents thought that the condition in the order covering alcohol related ASB was still required (the remaining respondent didn't know);
- all seven respondents supported the proposal to include a restriction in the order to help the police tackle group related ASB in the town;
- no other types of ASB were flagged by respondents as needing to be included within the PSPO.

If the order is extended and varied, police officers will enforce it and will make use of it in a proportionate way, offering verbal warnings prior to any formal action (as they have done with the existing order). As well as using the PSPO as an educational and enforcement tool to tackle

	ASB, officers will also provide suitable support/engagement to help safeguard any vulnerable people involved in the incidents being addressed.			
Alternative options rejected	Allowing the existing order to expire after 30 April 2020 - feedback from the police and stakeholders clearly shows that there is a need to extend and vary the order to help the police tackle alcohol and group related ASB in Henley.			
Legal implications	The district council has a statutory duty to review its PSPOs before they expire and must be able to demonstrate a clear need for any extensions or variations. There is a list of statutory consultees whom the district council needs to engage with to seek feedback on any proposed changes to an order and we have completed this (please see above).			
Financial implications	Minor – costs of new signage (approximately £1,500). Can be covered within existing budgets.			
Other implications	None.			
Background papers considered	Existing Henley PSPO Anti-social Behaviour, Crime and Policing Act 2014 PSPOs – LGA guidance			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	Ward councillors	All Henley ward councillors	No issues raised	11/03/21
	Legal	Vivien Williams	No issues raised - Vivien helped draft the proposed updated Order	04/03/21
	Finance	n/a	n/a	n/a
	Human resources	n/a	n/a	n/a
	Sustainability	n/a	n/a	n/a
	Diversity and equality	Lynne Mitchell	No issues raised	01/03/21
	Climate and biodiversity	n/a	n/a	n/a
	Communications	Gavin Walton	No issues raised	01/03/21
	Senior Management Team	SMT	No issues raised	10/03/21
Confidential decision? If so, under which exempt category?	No.			

Call-in waived by Scrutiny Committee chairman?	No
Has this been discussed by Cabinet members?	
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature: Cllr David Rouane (by email) Date: 16/03/21

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 16 March 2021	Time: 14:00
Date published to all councillors	Date: 16 March 2021	
Call-in deadline	Not applicable as this is not a key decision	

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must hand-sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.
Tel. 01235 422520 or extension 2520.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet portfolio holder for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:

- (a) to incur expenditure, make savings or to receive income of more than £75,000;**

- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
 - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
 - Changes to the household waste collection policy (affects all households in the district)
 - Reviewing a housing strategy (could have a significant impact on residents in many wards)
 - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
 - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.