

Record of Officer Decision

To consider whether a Public Spaces Protection Order is appropriate for antisocial behaviour on Churston Common

Decision Taker and Date Decision Taken:

Assistant Director Community and Customer Services on 19 October 2017, in consultation with the Mayor and Executive Leads

Summary of Matter or Issue Requiring Decision:

In response to a request by some residents of Churston for a Public Space Protection Order (PSPO) in respect of Churston Common, the Council undertook a review of evidence which may support this request and as a result of its findings, it has been determined that a PSPO is not a proportionate course of action. It is the opinion of the decision maker that to implement such a course of action would place the Council at a significant risk of a Judicial Review and have a negative impact on its reputation.

In determining this outcome, the decision maker had particular regard to its obligations as a public body in accordance with the Equalities Act 2010, the Human Rights Act 1988, case law and Public Spaces Protection Orders: Guidance for Councils (June 2017).

Following a recent Government announcement, the Council is aware that there is likely to be a national review of powers to deal with unauthorised encampments. Subject to any outcomes of that review, the Council will re-examine its current practices and procedures.

Decision Taken:

A review has been undertaken and as a result of its findings, it has been determined that for Churston Common a PSPO is not a proportionate course of action, as the set criteria to do so has not been met.

Summary of Reason(s) for Decision Taken:

The Council documents its decision making process in respect of this determination, to ensure that there is transparency and to maintain confidence of the community that all relevant legislation and guidance in respect of a PSPO has been taken into consideration.

Summary of Alternatives or Options considered and rejected and Background Papers:

The Council keeps itself abreast of all legislative changes and guidance in respect of unauthorised encampments and further to Counsels opinion on its current practices and procedures, it has determined that the most appropriate and proportionate legal remedy is the continued use of Part 55 of the Civic Procedure Rules.

Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:

None

Implementation:

This decision will come into force immediately.

Signed: _____
Assistant Director Community and Customer Services

Date: 19 October 2017