

Record of Officer Decision

Public Spaces Protection Order (PSPO) (No. 3) 2021 - Hopes Nose

Decision Taker and Date Decision Taken:

Assistant Director of Community and Customer Services on 30 July 2021.

Summary of Matter or Issue Requiring Decision:

Torbay Council in exercise of its powers under Section 59(2) of the Anti-Social Behaviour, Crime and Policing Act 2014, has made an order in respect of a PSPO in relation to the area known as Hopes Nose, Torquay (area edged red on the map attached)

The PSPO applies to the public areas as described in the Schedule of Land (the Restricted Area edged red on the map) and will prohibit and require the following:

- a) No individual shall be permitted within the area edged red on the attached map to catch more than 20 mackerel within any 24-hour period. Any surplus mackerel **must** be returned to the sea **immediately**.
- b) At the request of an Authorised Officer, an individual **must** show all caught fish to that Officer for inspection (an Authorised Officer is an Officer of Torbay Council, Devon & Cornwall Police and/or Torbay Coast and Countryside Trust and their representatives).
- c) An individual shall **immediately** leave the area edged red on the attached map when directed to do so by an Authorised Officer and **must** not return to that area within 48 hours of that direction.
- d) No camping shall be permitted at any time within the area edged red on the attached map.
- e) No individual shall be permitted to erect a tent, shelter, bivouac or anything of a similar nature within the area edged red on the attached map.
- f) No individual shall drop, deposit or leave any form of litter or waste within the area edged red on the attached map.
- g) No individual shall be permitted to light a fire, barbeque or anything of a similar nature within the area edged red on the attached map.
- h) No individual shall be permitted to be associated with a fire, barbeque or anything of a similar nature within the area edged red on the attached map.
- i) No individual shall intimidate, obstruct or interfere with another individuals' enjoyment of the area edged red on the map attached.



It is an offence for a person without reasonable excuse to engage in activity that is prohibited or required within the paragraphs of the Order. A person found to be in breach of the Order is liable on summary conviction to a fine not exceeding level 3 on the standard scale or a Fixed Penalty Notice of £80.

Decision Taken:

That the Public Space Protection Order (No.3) 2021 Hopes Nose, as attached to this Record of Decision, be implemented from 30th July 2021 and shall have effect until 1st December 2022, unless extended or amended by further Orders under the Council's statutory powers.

Summary of Reason(s) for Decision Taken:

In making this order the Council is satisfied that the conditions set out in Section 59 of the Anti-Social Behaviour, Crime and Policing Act has been met.

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

An alternative option would have been to do nothing, however having been satisfied that the conditions set out in Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, this option was discounted.

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 be implemented immediately.

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be available for inspection by the public at the Council's offices or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring (01803) 207087 or email governance.support@torbay.gov.uk

Signed: _____ Date: _____
(Assistant Director of Community and Customer Services)