

Guildford Borough Council

Report to:	Executive Committee
Date:	27 March 2025
Ward(s) affected:	Castle, St Nicolas and Stoke wards
Report of Strategic Director:	Economy, Planning and Place
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Status:	Open
Key decision:	Yes

Review of Guildford Town Centre Public Space Protection Order

1.0 Executive Summary

- 1.1 Public Spaces Protection Orders (PSPOs) provide local authorities with a flexible tool to redress persistent anti-social behaviour that negatively impacts community spaces. Orders establish restrictions on specific behaviours that are not only inconsiderate, but can cause alarm, harassment or distress to others.
- 1.2 An Order communicates the behaviours that are not acceptable in a specified area with the aim of creating public spaces that feel safe, pleasant and welcoming. Guildford's town centre PSPO aims to strike a careful balance between protecting individual freedoms and the public's right to enjoy communal spaces. When proportionately enforced, an Order can reduce anti-social behaviour, improving the public's perception of safety, and ultimately enhance the quality of life for those who live, work, and visit Guildford's town centre.

- 1.3 This report sets out the statutory process that has been followed to review whether the Public Space Protection Order (PSPO) is still required in Guildford and makes recommendations for a variation to the existing PSPO in line with the findings from the review.
- 1.4 The report provides the background and context of PSPOs including the conditions of the existing PSPOs in Guildford. It briefly sets out how the Anti-social Behaviour, Crime and Policing Act 2014 introduced PSPOs as a tool for councils to address anti-social behaviour (ASB) in their areas.
- 1.5 The legislation includes statutory requirements for councils to adhere to when reviewing, developing, and implementing PSPOs. The Local Government Association (LGA) has produced guidance for councils based on the legislation and statutory requirements. The Council has used the guidance to inform its approach to reviewing the existing town centre PSPO and making the recommended amendments.
- 1.6 Appendix 1 of the report presents the consultation feedback in relation to the recommended variations to the existing town centre PSPO. Appendix 1 also seeks to resolve the wording of the suggested restrictions to redress concerns raised.
- 1.7 The proposed variation of the Order is presented in Appendix 2. The final draft has responded to feedback from the consultation.
- 1.8 The report also presents the next steps required should the Executive decide to extend and/or amend the Order.
- 1.9 The key risks and the mitigations are presented at the end of the report along with the legal considerations associated with implementing the recommended variation to the Order.

2.0 Recommendation to Executive

That the Executive resolves to:

- 2.1 Approve the draft Public Space Protection Order as set out in Appendix 2, to cover such areas and related restrictions as the Executive considers proportionate in line with Sections 59 to 75 of Anti-social Behaviour Crime and Policing Act 2014.
- 2.2. Approve the proposed action plan set out in Appendix 3, which sets out the necessary actions to ensure the successful implementation, communication and enforcement of the PSPO.

3.0 Reasons for Recommendations

- 3.1 The Council has demonstrated that it has undertaken the statutory process to be satisfied on reasonable grounds that:
 - 3.1.1 activities that have taken place have had a detrimental effect on the quality of life of those in the localities identified, or it is likely that activities will take place and that they will have a detrimental effect; and
 - 3.1.2 the effect or likely effect of these activities:
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justifies the restrictions being imposed.
- 3.2. The proposed extension of the PSPO offers an additional enforcement tool that is available to both the Council and the police to tackle low level anti-social behaviour.

4.0 Status of Report

- 4.1 The content of the report and its appendices are open.

5.0 Strategic Priorities

The recommendations of this report align with the Corporate Strategy in relation to the following key priorities:

- 5.1 **A more sustainable borough** – we want to support the health and wellbeing of residents and visitors to Guildford by providing a pleasant environment where people feel safe.
- 5.2 **A more prosperous borough** – we want to support businesses and to attract investment into Guildford by providing a pleasant environment for businesses to thrive and to attract visitors to the town.
- 5.3 **A more inclusive borough** – we want to balance the needs of all residents and visitors to Guildford by supporting strong and safe communities, whilst also communicating and taking action to deter the behaviours that are not acceptable in our town.

6.0 Background

6.1 Public Space Protection Orders

- 6.1.1 PSPOs, introduced through the Anti-social Behaviour, Crime and Policing Act 2014, are one of a range of tools available to councils and their partners to address anti-social behaviour in public spaces. Rather than targeting specific individuals or properties, PSPOs focus on the identified problem behaviour in a specific location and the impact of that behaviour on communities and individuals.
- 6.1.2 PSPOs can last up to three years before councils are required to review them, at which point they may be removed, amended, or extended by up to a further three years. The length of a PSPO should reflect the need for a proportionate response to the problem. There is no limit on the number of times a PSPO may be reviewed and renewed.

6.1.3 Orders can be introduced in a specific public area where the local authority is satisfied, on reasonable grounds, that certain conditions have been met. The local authority should consider whether the behaviours:

- Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- Be, or likely to be, persistent or continuing in nature;
- Be, or likely to be, unreasonable; and
- justify the restrictions being imposed.

6.1.4 As a minimum, the PSPO must set out:

- the detrimental activities;
- what is being prohibited and/or required, including any exemptions;
- the area covered;
- the consequences for breach; and
- the period for which it has effect.

6.2 Existing PSPOs

6.2.1 The Council currently has two PSPOs in place, including a borough wide PSPO relating to dog fouling and a town centre PSPO relating to alcohol consumption, legal highs and rowdy and inconsiderate behaviour. This report relates to the town centre PSPO. Current PSPOs are available at: [Public Spaces Protection Orders - Guildford Borough Council](#).

6.3 Statutory guidance

6.3.1 In addition to statutory guidance developed by the Home Office to accompany the Anti-social Behaviour, Crime and Policing Act 2014, the LGA has produced guidance for councils when considering a new PSPO. The LGA guidance sets out the practical implementation of the statutory guidance. This guidance also sets out the circumstances in which PSPOs are, and are not, appropriate and the legal tests PSPOs must meet.

6.3.2 PSPOs will not be suitable in all circumstances and should not be used in the place of other, more proportionate methods of tackling ASB. These other methods should be considered before a PSPO is pursued. Where a PSPO is used, it should accompany other tools and methods in a balanced approach.

6.3.3 The legislation sets out the framework councils must adhere to before an order is introduced, once it is implemented and where it is extended, varied, or discharged. This includes determining the scope, geographical area covered, and the potential impact of the PSPO, as well as how each of the restrictions meets the legal test.

6.4 Enforcement approach to current town centre PSPO

6.4.1 GBC have taken a graduated approach to enforcing the town centre PSPO in line with our [Corporate Enforcement Policy](#). Compliance Officers have conducted hundreds of hours of high visibility town centre patrols with the aim of reassuring the public but also of disrupting behaviours that are likely to cause anti-social behaviour.

6.4.2 Compliance Officers have regularly conducted joint patrols with police staff, which has enabled sharing of intelligence regarding hotspots and persistent perpetrators as well as demonstrating a partnership approach to PSPO enforcement to the public.

6.4.3 An Engage, Encourage, Explain approach has worked for most incidents that officers have witnessed, and they have moved people on who were, or had the potential to cause, ASB.

6.4.4 Several people who have persistently breached the PSPO restrictions in relation to alcohol-related ASB, in particular, have been identified and issued with Community Protection Warnings (CPWs). Some perpetrators have also been responsible for crimes, such as intimidation, theft and, in two extreme cases, assault. The police have dealt with these issues using their powers.

6.4.5 It is recognised that resources have not permitted the timely sharing of quality intelligence and statements to facilitate the escalation of enforcement. For this reason, it is proposed in the Action Plan in Appendix 3 to establish a PSPO Working group, a sub-group of the Guildford Joint Action Group (JAG). It is proposed that PSPO authorised officers from GBC and Surrey Police will meet monthly to facilitate the sharing of information and to determine the best course of action in relation to those individuals who persistently breach the PSPO. Outcomes could include, for example: referral to Community Harm and Risk Management Meeting (CHaRMM) where there are safeguarding concerns; escalation of PSPO enforcement; or police taking the lead due to the person being involved in criminal behaviour. It is proposed that this group will be chaired by Guildford's Community Safety Officer and the outcomes of this group will be reported to Guildford JAG.

7.0 Options

As outlined in paragraph 6.1.2, there are three potential options to consider in relation to this report:

- 7.1 Renew the PSPO in its current format, without making any changes to the geographical boundary or further restrictions to behaviours.
- 7.2 Renew the PSPO in its current format with the addition of Footpath 17, otherwise known as Black Cat Alley to the geographical boundary.
- 7.3 Amend the PSPO to reflect the addition of Footpath 17, otherwise known as Black Cat Alley, to the geographical boundary and the addition of behavioural restrictions in relation to rowdy and inconsiderate behaviour and to remove reference to legal highs as outlined in Appendix 2. The additional restrictions include:
 - ii) use of vehicle or wheeled recreational device or wheeled toy which an authorised person believes to be dangerous or anti-social;

iv) acting in an anti-social manner that an authorised person believes is likely to cause harassment, alarm or distress. (Amended from: *behaving or encouraging others to behave in an anti-social way, which is likely to cause harassment, alarm or distress to others.*)

7.4 End the PSPO, without renewal. There would no longer be the behavioural restrictions relating to alcohol, rowdy and inconsiderate behaviour in Guildford town centre.

8.0 Consultation

8.1 An online public consultation was conducted between 14 and 25 February 2025 that received sixty-two responses. The consultation questions are presented in Appendix 4 and the full responses are presented in Appendix 5.

8.2 The consultation was also shared with key partners. Please see list of consultees in Appendix 6. One partner responded directly by email, see Appendix 7.

8.3 Whilst the consultation period was relatively short, there was extensive consultation and stakeholder engagement when the town centre PSPO was initially implemented three years ago. Thank you to everyone who took the time to respond to our PSPO consultation.

8.4 Appendix 1 of the report presents summarises the consultation feedback in relation to the recommended variations to the existing town centre PSPO. It also outlines our response to the feedback and how this has influenced the final draft of the PSPO.

8.5 The consultation sought feedback on expanding the geographical boundary to include Footpath 17, otherwise known as Black Cat Alley. Most respondents were in favour of including it in the new PSPO boundary.

8.6 The consultation also sought feedback on adding the following restrictions to the PSPO, including:

- i. wearing a piece of clothing with the intent to obscure or hide his/her identity for the purposes of committing crime and/or anti-social behaviour;

- ii. dangerous or anti-social use of vehicles, including bicycles, skateboards or scooters in pedestrianised areas;
- iii. joining or remaining in a group of two or more people which is acting in a manner that is likely to cause harassment, alarm or distress to any person;
- iv. marking or likely to mark, any surface with any form of unauthorised graffiti.

8.7 As a result of the consultation with partners, the public and our legal services, the final draft of the PSPO has removed i, iii and iv above and iii has been reworded as follows:

“use of vehicle or wheeled recreational device or wheeled toy which an authorised person believes to be dangerous or anti-social.”

The intention of this restriction is not to deter active travel in Guildford, quite the opposite. The wording makes it clear that only authorised personnel would determine what use of vehicles etc. is dangerous and/or anti-social.

8.8 Please see the final draft of the PSPO in Appendix 2.

9.0 Key Risks

9.1 It is important to recognise that a PSPO is a useful tool to manage behaviours in the town centre, however, it should not be considered a panacea to resolve complex issues related to, for example, long-term addiction.

9.2 It is important to manage expectations in relation to GBC’s ability to dedicate resource to enforce the restrictions of the town centre PSPO. There are currently three Compliance Officers who cover the whole of the Borough. The same Officers also deal with other significant issues, including Unauthorised Encampments and fly tipping. It is, therefore, not always possible to have a presence in the Town Centre to deter anti-social behaviour.

- 9.3 Some individuals displaying the undesired behaviours are themselves vulnerable and being supported to take positive steps to improve their lives. Disproportionate enforcement could jeopardise their recovery. There is a delicate balance to be struck between meeting the needs of the wider community to feel safe and to deal with vulnerable people who persistently breach the PSPO.
- 9.4 The Action Plan presented in Appendix 3 seeks to redress these risks.

10.0 Legal and Governance Implications

- 10.1 The Council has published the draft version of the PSPO in accordance with regulations on its website at: [Public Spaces Protection Orders - Guildford Borough Council](#).
- 10.2 The Council can implement a PSPO on any public space within its local authority area. The definition of public space is wide and includes 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.
- 10.3 The Council's enforcement policies and strategies will need to consider what this presents for the most vulnerable members of society and any risks associated with displacement or dispersal of people to other areas not subject to a PSPO.
- 10.4 Anyone who lives in, or regularly works in, or visits the area can appeal a PSPO in the High Court within six weeks of issue. Time starts to run again each time a PSPO is renewed (as is the recommendation before the Committee) or varied.
- 10.5 There are strict legal tests PSPOs must meet including the criteria set out in this report in paragraph 6.1.
- 10.6 Legal Services provide further advice and scrutiny against the statutory guidance.

- 10.7 Proposed restrictions must focus on specific behaviours and be proportionate to the detrimental effect the behaviour is causing or likely to cause, and be necessary to prevent it from continuing, occurring, or recurring. Guidance has also specified that PSPOs should not be used to target homelessness or rough sleepers.
- 10.8 The process of developing a PSPO must be evidence-based with public consultation and include consideration of alternative tools for tackling anti-social behaviour. Appendix 1 summarises the findings of the public consultation that ran between 14 to 25 February 2025. Consultation must also take place with the local policing body and prior notification must be given to the parish councils for the relevant area.
- 10.9 In deciding whether to make or extend a PSPO, the Council, must give particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Human Rights Act 1998.

10.10 In summary, the process followed has included:

- Public spaces protection orders: guidance for councils (local.gov.uk);
- enforcement activity review in partnership with Surrey Police; and
- stakeholder and public consultation to seek their views of ASB in Guildford (Appendices 1, 3-7).

11.0 Financial Implications

- 11.1 Should the proposed order be adopted, costs of updating and erecting new signs to publicise the new amendments to the PSPO. The costs for signage will be met from current budgets.
- 11.2 There is provision to serve Fixed Penalty Notices, where deemed proportionate, for non-compliance with the PSPO. There are proposals to increase the current fine of £100 to £500.

12.0 Human Resources Implications

- 12.1 Risk assessments have been conducted for lone working of Compliance Officers; however, officers will routinely pair up with internal or police colleagues to conduct PSPO patrols.
- 12.2 There are no other personnel related issues associated with the PSPO.

13.0 Equality and Diversity Implications

- 13.1 Please see Equalities Impact Assessment in Appendix 8. It is not envisaged that the final version of the proposed PSPO review will have a disproportionate impact on those with protected characteristics.

14.0 Climate Change and Sustainability Implications

- 14.1 There will be minimal impact on climate change due to this PSPO review. Most patrols undertaken in the Town Centre are conducted on foot.

15.0 Next Steps

- 15.1 Once a decision has been made by the Executive, the outcome will be communicated to the public through our website and directly to our partners.
- 15.2 We will continue to work closely in partnership with Surrey Police and start to plan and implement the actions outlined in the Action Plan in Appendix 3. One critical element of the Action plan is the proposal to form a PSPO sub-group that will facilitate conversations with partner agencies to communicate the impact that individuals in their care are having on the community, with a view to determining how best to manage their behaviour as a partnership.

15.3 Frequently Asked Questions have been prepared to facilitate better understanding of the implications of the PSPO. These are presented in Appendix 9. These will be published on our website should the PSPO be approved.

16.0 Background Papers

16.1 [LGA, Public Space Protection Orders: Guidance for councils](#)

16.2 [Guildford Borough Council Enforcement Policy](#)

16.3 [Guildford town centre current PSPO](#)

16.4 [Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory Guidance for frontline professionals](#)

17.0 Appendices

The following Appendices are open:

17.1 Appendix 1 – PSPO consultation findings summary

17.2 Appendix 2 – Proposed Guildford town centre PSPO

17.3 Appendix 3 – PSPO review action plan

17.4 Appendix 4 – PSPO consultation questions

17.5 Appendix 5 – Consultation responses in full

17.6 Appendix 6 – PSPO consultees

17.7 Appendix 7 – Consultation response Surrey Police

17.8 Appendix 8 – Equalities impact assessment

17.9 Appendix 9 – PSPO FAQs

Report clearance progress:

Finance	Mark Riley	27 February 2025
Legal & Governance	Michael Elford	27 February 2025
Human Resources	Ali Holman	27 February 2025
Equalities	Ali Holman	27 February 2025
Strategic Director	Ezra Wallace	27 February 2025