

## HAMBLETON DISTRICT COUNCIL

### ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

### PUBLIC SPACES PROTECTION ORDER NUMBER 1 of 2019 – as amended

### LEEMING BAR INDUSTRIAL ESTATE AND SURROUNDING AREAS

#### PUBLIC SPACES PROTECTION ORDER

This order is made by the Hambleton District Council (the 'Council') and shall be known as the "Public Spaces Protection Order (Hambleton District Council) No 1 of 2019 (as amended)".

#### PRELIMINARY

1. The Council, in making this order is satisfied on reasonable grounds that:  
  
The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,  
  
and that:  
  
the effect, or likely effect, of the activities:  
  
is, or is likely to be, of a persistent or continuing nature,  
  
is, or is likely to be, such as to make the activities unreasonable, and  
  
justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions imposed by this order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this order are lawful, necessary and proportionate.

#### THE ACTIVITIES

4. The Activities prohibited by this order are:

- i Sleeping or otherwise remaining in any vehicle within the Restricted Area for any period of time between the hours of 19:00hrs and 07:00hrs
- ii Depositing any human waste anywhere in the Restricted Area other than a facility designed for this purpose.
- iii Depositing litter anywhere in the Restricted Area other than into a receptacle intended for this purpose.

#### **THE PROHIBITION**

- 5. A person shall not engage in any of the Activities anywhere within the Restricted Area as shown on the attached map and marked 'Restricted Area'.
- 6. This Prohibition is subject to the Exceptions stated below.

#### **THE REQUIREMENTS**

- 7. A person who is believed to have engaged in a breach of this order or anti-social behaviour within the Restricted Area, is required to give their name and address to an Authorised Officer.
- 8. A person who is believed to have engaged in a breach of this order, or in anti-social behaviour within the Restricted Area, is required to leave the area, and remove his/her vehicle(s) if asked to do so by an Authorised Officer and not to return for a specified period not exceeding 48 hours.

#### **THE EXCEPTIONS**

- 9. Nothing in the paragraph 4(i) of this order applies to vehicles which are driving through the Restricted Area without being parked up.

#### **OTHER**

- 10. This order applies to a public place within the authority's area. The public place is delineated by the red lines in the plan annexed at Schedule 1 to this order and identified as the 'Restricted Area'.
- 11. The effect of the order is to impose the prohibitions and requirements detailed herein, at all times, save where specified exemptions apply or where the express permission of the Council has been given on the use of the Restricted Area.

## DEFINITIONS

12. For the purpose of this order the following definitions will apply:

**'Vehicle'** includes all vehicles (including a HGV, campervan or temporary structure that is designed to provide shelter or accommodation), whether or not they have the engine running.

**'Authorised Officer'** means a constable, a police community support officer or a person authorised in writing by Hambleton District Council.

**'Interested person'** means an individual who lives in the restricted area or who regularly works in or visits that area.

**'Public place'** means 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.

**'Restricted Area'** has the meaning given by section 59(4) of the Anti-Social Behaviour, Crime and Policing Act 2014 and for the purposes of this order is shown delineated by the red lines in the plan annexed at Schedule 1 to this order and identified as the 'Restricted Area'.

## PERIOD FOR WHICH THIS ORDER HAS EFFECT

13. This amended Order will come into force at midnight on 6 March 2020 and will expire at midnight on 7 March 2022.

14. At any point before the expiry of this period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time. The Council may extend this order more than once.

## WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order

A person guilty of an offence under section 67 is liable on conviction in a Magistrates Court to a fine not exceeding level 3 on the standard scale.

## **FIXED PENALTY**

An Authorised Officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti- Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

## **APPEALS**

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court could uphold the order, quash it, or vary it.

Executed as a Deed by

Affixing the COMMON SEAL

Of HAMBLETON DISTRICT COUNCIL

*A. Nelson*

in the presence of:-

Authorised Signatory



Section 67 Anti-Social Behaviour Crime and Policing Act 2014

(1) It is an offence for a person without reasonable excuse-

(a) To do anything that the person is prohibited from doing by a public spaces protection order, or

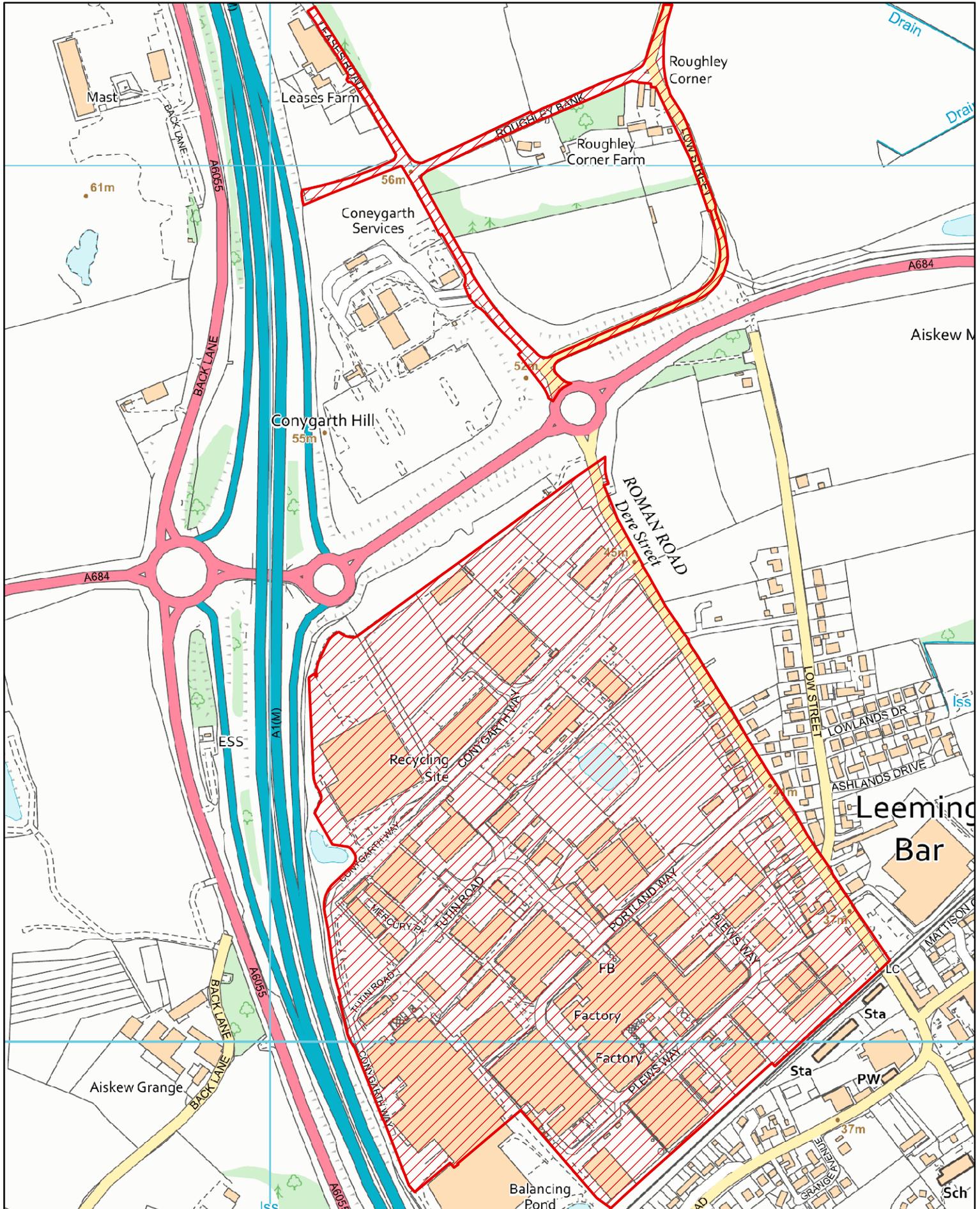
(b) To fail to comply with a requirement to which a person is subject under a public spaces protection order

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order

**Schedule 1 to this Order**

Plan of the Restricted Area



**Number of educational leaflets issued**

Month	2019/20	Daily average	2020/21	Daily average	2021/22	Daily average
April			LOCKDOWN	LOCKDOWN	13	0.65
May	98	10.8	LOCKDOWN	LOCKDOWN	14	0.74
June	274	9.9	LOCKDOWN	LOCKDOWN	55	2.5
July	207	6.5	17	1.7	44	2
August	147	3.9	64	1.5	45	2
September	153	3.6	38	0.86	58	2.6
October	170	3.6	25	0.56	33	1.6
November	125	3	81	1.9		
December	191	5	64	1.8		
January	46	4.2	17	0.85		
February	47	3.3	27	0.95		
March	177	5.4	22	0.95		

**Number of Fixed Penalty Notices issued and paid**

Month	2019/20	2020/21	2021/22
April		LOCKDOWN	0
May	0	LOCKDOWN	0
June	0	LOCKDOWN	0
July	0	0	1
August	0	0	3
September	0	0	0
October	0	0	0
November	0	0	1
December	0	0	
January	0	0	
February	0	0	
March	0	0	

## North Yorkshire Police Patrol Report

Total No. of Patrols	Leaflets issued	Average leaflets issued per patrol	Number of patrols when...					Number of Foreign license plates seen
			<i>no vehicles seen</i>	<i>1-5 vehicles seen</i>	<i>6-10 vehicles seen</i>	<i>11-15 vehicles seen</i>	<i>16+ vehicles seen</i>	
38	213	5.60	8	16	4	8	2	11

- Drivers happy and grateful they were being informed
- Stated that there were no signs up that they cannot park there and if he went into the services he would have to pay. Another said that the company he was delivering for had told him to park on the Estate – Coneygarth checked and spaces available.
- One driver says he refuses to pay to into the services – police confirmed there were spaces
- One driver unhappy about PSPO as the Truck Stop is always full, he doesn't like Barton or Leeming as had curtains slashed there before.
- Two drivers appreciated awareness but states takes ages for them to claim money back as services too expensive

## Hambleton District Council – Environmental Health Reports

Date	Reason	Details
14/03/17	Environmental health concerns	The Parish Council has had a complaint from residents and businesses in Leeming Bar regarding disgusting rubbish being left by lorry drivers in Coneygarth Way in Leeming Bar.
21/09/21	Noise pollution	Loud noises coming from the Leeming Bar Industrial Estate that are continuous (rumbling and a constant tumbling noise similar to a tumble dryer with heavy items inside). The noises are occurring every day, including weekends. These noises are affecting our sleeping patterns and we feel that we should not have to put up with them at these unsociable hours.

## Hambleton District Council – Waste and Street Scene Reports

Date	Reason	Details
18/07/2018	Street Clean	Litter bin has not been emptied.
22/02/2019	Fly tipping	Report of fly tipping outside a gate between Low Street Coneygarth, Leeming Bar and all along that road - Double Mattress in gateway and 6/7 bin liners of rubbish along the road. 140 Kgs collected.
26/03/2019	Community Litter Pick	Sacks collected following a community litter pick.
28/03/2019	Street Clean	Coneygarth truck stop bin not emptied.
02/04/2019	Community Litter Pick	Sacks collected following a community litter pick.
30/08/2019	Street Clean	Bags of human waste and bottles of urine located behind brick-built structure next to business premises removed.
14/11/2019	Dog/Litter Bin	Replace Double Dog/Litter Bins and installation of new signage between Portland Way and Coneygarth Way
15/01/2020	Community Litter Pick	Request to litter pick road verges around Coneygarth Services
16/03/2020	Community Litter Pick	8 bags of litter from A6055 between McDonalds roundabout and A1 Slip Road and approximately 12 bags from the grass verge around the Coneygarth roundabout A684 collected.
22/06/2020	Community Litter Pick	Requested assistance regarding the litter left around Coneygarth Services.
01/07/2020	Street Clean	Numerous bags/bottles of human waste around Coneygarth Services reported.
01/10/2020	Litter Pick	Empty lager cans & food containers on side of Roughley Bank and also clothes in the hedge opposite, just past Coneygarth Services - 15 sacks collected.
05/10/2020	Community Litter Pick	4 x bags of rubbish near to Coneygarth Services reported
19/10/2020	Community Litter Pick	25 x bags collected from Coneygarth.

## Hambleton District Council – Safer Hambleton Hub reports

Date	Reason	Details
30/07/2020	Signage	Complaint that speed limit and weight restriction signage are inadequate and lorries are always parked outside the Vale of Mowbray business premises.
26/11/2020	Report from a resident	I litter pick regularly and I regularly fill a bag with Subway wrappers bought from the Truckstop or MacD wrappers. There are often empty alcohol containers - especially vodka and lager. There are invariably bags of human waste and many bottles of urine left behind. Antisocial behaviour persists - a local neighbour has had their dog attacked by dogs belonging to a lorry driver a few weeks ago needing vet care and stitches. Traffic issues are also an issue, I use the 'new' part of Low Street from Leases Road parallel to Roughly Bank most mornings and evenings. The lorries are problematic still with their parking, making it difficult to pass and, at the moment, difficult to see without their lights on. I am sure this is an accident hotspot waiting to happen.
04/12/2020	Report from a resident	Report and photo in relation to a lorry parked up with curtain around the cab and a fair assumption that they had been there all night. With regards to the PSPO in general, it is encouraging that there has been a reduction in the number of wagons parking up but there is often evidence of human waste being deposited whether it be in bags, bottles or in some cases, directly defecating onto the path or carriageway. Other littering is still commonplace.
17/02/2021	Complaint from a business owner	Many wagons are parking on the business park overnight. Appreciate that the PSPO is only in operation from 7pm but we are regularly getting wagons parking on either side of our entrance which is a safety issue as we have to pull onto the wrong side of the road blindly in order to exit our premises. I have just had an altercation with two gentlemen this evening for blocking visibility from both our carparks for this very reason.

## Leeming Bar Industrial Estate and Surrounding Areas Public Space Protection Order (PSPO)

### Statutory Review Consultation (October/November 2021)

**Summary of responses  
12 online responses received**

Q1 Are you responding as a ...	
12 (92.3%)	1. local resident in the vicinity of the PSPO area
0 (0.0%)	2. business of Leeming Bar Industrial Estate
1 (7.7%)	3. local community group or residents' association
0 (0.0%)	4. Parish or District Councillor in an official capacity
0 (0.0%)	5. lorry driver who parks in the PSPO area

Q2 Have you come across any of the following activities in or around the Restricted Area?							
		No reply	Yes – significant issue	Yes - sometimes	Yes - rarely	No	Unsure
Anti-Social Behaviour from drivers		2	5	2	2	1	0
%		17%	42%	17%	17%	8%	0%
Noise or Light Pollution		1	4	5	0	2	0
%		8%	33%	42%	0%	17%	0%
Human faeces or urine being found in public places or gardens		0	7	2	1	2	0
%		0%	58%	17%	8%	17%	0%
Littering		0	7	3	1	0	1
%		0%	58%	25%	8%	0%	8%
Other (list below)		6	3	1	0	1	1
%		50%	25%	8%	0%	8%	8%

Other:
<ol style="list-style-type: none"> <li>1) I find it very difficult to understand why the PSPO bans the parking up of trucks in the designated area, but still allows refrigerated trailer units that operate by use of a rear mounted diesel engine to park all around the public roads ( Portland Way &amp; Plews Way) of the Industrial Estate. These Diesel engines generate noise throughout the night as the trailers are set to maintain a specific temperature. On average, there are 10 to 12 of these trailers parked around these roads each night. These trailer units give out constant noise pollution and this affects the surrounding local residents. These trailer units should not be allowed to park on these public roads and I find it extremely difficult to understand how the 2 large companies (Froneri &amp; Wessex Foods) are allowed to operate their businesses using public roads as their own vehicle parking areas.</li> <li>2) Inappropriate parking, particularly blocking bridleways, foot and cycle paths.</li> <li>3) Parking of HGVs</li> <li>4) Parking of HGVs, sometimes in a continual line, particularly on Low Street from its junction with Leases Road down to the 90 degree bend before it turns towards its junction with Roughley Bank made for dangerous parking conditions making driving hazardous. A similar situation exist when several vehicles park on Leases Road opposite the entrance to the Coneygarth Truck Stop.</li> <li>5) Pavement and cycle way blocking.</li> </ol>

<b>Q3</b>	<b>If you answered option 5 to Q1; have you been issued with either a leaflet or FPN since the PSPO was introduced?</b>	
	0 (0.0%)	Leaflet
	0 (0.0%)	FPN
	0 (0.0%)	Neither

<b>Q4</b>	<b>Since the PSPO was introduced; have any of the following been a cause for concern for you in this area?</b>						
		No reply	Yes – significant issue	Yes - sometimes	Yes - rarely	No	Unsure
	Anti-Social Behaviour from drivers	2	1	3	3	3	0
	%	17%	8%	25%	25%	25%	0%
	Noise or Light Pollution	1	3	3	1	4	0
	%	8%	25%	25%	8%	33%	0%
	Human faeces or urine being found in public places or gardens	0	5	2	2	3	0
	%	0%	42%	17%	17%	25%	0%
	Littering	0	5	3	3	1	0
	%	0%	42%	25%	25%	8%	0%
	Other (list below)	6	3	2	0	1	0
	%	50%	25%	17%	0%	8%	0%

Other:
<ol style="list-style-type: none"> <li>1) As above in respect of parking on Low Street and Leases Road opposite the Coneygarth Truck Stop.</li> <li>2) Constant noise pollution from the refrigerated trailer units parked on the public road around the Leeming Bar Industrial Estate. The parking of these trailer units also causes real danger for other road users; there are many public services on the Industrial Estate that people use and need safe access to.</li> <li>3) HGV parking</li> <li>4) Inappropriate parking continues to be an issue, particularly HGVs parking opposite to the entrance/exit to the Coneygarth Services (causing a deep trench at the edge of the road) and on the grass at the sides of Low Street where it emerges opposite to the Services (a HGV recently jackknifed on the short section of bridleway at the top of the Low Street road).</li> <li>5) Pavement and cycle way blocking. Blocking entrance to business on Coneygarth Way business park.</li> <li>6) The parking of the refrigerated trucks on the Industrial Park ring road. These are very noisy and cause disturbance in my property in the evenings and throughout the night. I do not think that these should be permitted to park on the public road - they are also a very dangerous hazard to other road users.</li> </ol>

Q5 Has the level of concern changed since the PSPO was introduced?								
		No reply	Reduced a little	Reduced a lot	Stayed the same	Increased a little	Increased a lot	Unsure
	Anti-Social Behaviour from drivers	2	3	4	2	0	0	1
	%	17%	25%	33%	17%	0%	0%	8%
	Noise or Light Pollution	1	4	1	3	1	2	0
	%	8%	33%	8%	25%	8%	17%	0%
	Human faeces or urine being found in public places or gardens	0	3	2	4	0	2	1
	%	0%	25%	17%	33%	0%	17%	8%
	Littering	0	3	2	6	0	0	1
	%	0%	25%	17%	50%	0%	0%	8%
	Other (list below)	5	1	0	3	0	2	1
	%	42%	8%	0%	25%	0%	17%	8%

Other:
<ol style="list-style-type: none"> <li>1) As above in respect of parking in Low Street and Leases Road opposite the Coneygarth Truck Stop.</li> <li>2) Constant noise pollution from the refrigerated trailer units parked on the public road around the Leeming Bar Industrial Estate.</li> <li>3) Noise coming from the refrigerated trailers parked around the ring road on the Industrial Estate. These present a real hazard to other road users.</li> <li>4) Parking of HGVs is still bad and a danger for people on the pavement</li> <li>5) Though there has been a reduction, most of these nuisances have been exported elsewhere; particularly on the bridleway, foot and cycle path from the A1(M) roundabouts and along the A6055 to Back Lane (especially parking on and littering along this track). This is exacerbated by the increased use of the farm track at the end of Back Lane being used as a junction to the A6055 by all classes of vehicles.</li> </ol>

<b>Q6</b>	<b>Have you noticed a reduction in the number of drivers using the area to sleep in their vehicles since the PSPO was introduced?</b>	
	2 (16.7%)	Yes - significant
	6 (50.0%)	Yes - slight
	3 (25.0%)	No
	1 (8.3%)	Unsure

<b>Q7</b>	<b>Have you noticed any issues of concern about drivers parking elsewhere since the PSPO was introduced?</b>	
	5 (41.7%)	Yes – please state where below
	5 (41.7%)	No
	2 (16.7%)	Unsure
	<ol style="list-style-type: none"> <li>1) A6055</li> <li>2) I have noticed on a number of occasions vehicles parking along Low Street on the other side of the Corneygarth roundabout.</li> <li>3) Low Street. Leeming lane which quite worryingly is weight restricted 7.5t.! Link road between Leeming Services and A1 roundabout. At Leeming Services but not in designated overnight Parking zone.</li> <li>4) Other Side roads and service road - note human excrement being found in other areas now</li> <li>5) The bridleway, foot and cycle path safety zone on both sides of the A6055 near Back Lane and occasionally at the cup de sac end of Low Street in Leeming Bar; the small section of bridleway, foot and cycle path where Low Street meets Leases Road opposite the services (HGVs and other vehicles have taken to parking on this and on the 27th of October I noted and HGV parked there at 1600 hours and still being there the following day at 1100 hours, surely this must be illegal).</li> </ol>	

<b>Q8</b>	<b>If you are a lorry driver, please detail if the PSPO has impacted you:</b>
	0 responses received

<b>Q9</b>	<b>Do you support keeping the PSPO in this area to continue to address the issues which have been reported previously?</b>	
	10 (83.3%)	Yes
	2 (16.7%)	No
	0 (0.0%)	Unsure

<b>Q10</b>	<b>If you answered 'Yes' to Q9; do you support the current conditions within the PSPO?</b>	
	6 (60.0%)	Yes
	4 (40.0%)	No
	0 (0.0%)	Unsure

	<b>Would you vary the conditions in any way?</b>	
	8 (80.0%)	Yes
	1 (10.0%)	No
	1 (10.0%)	Unsure

**Please explain the variation you would make:**

- 1) As a resident I understood that after the education and warnings phase penalty notices would be applied, it is blatantly clear that some drivers are ignoring the PSPO signs and do so knowing that only a warning will be issued. The council seem to be content in not fully dealing with the situation. The only way is to apply FPNs to business who's drivers are flaunting order. As a resident who first reported this anti social behaviour problems around 6/7 years ago I gave asked to be kept informed, I have had to complain to get the information, poor communication! I had to point out that a clearway area was being introduced on Leases Road, round Roughly Bank and Low Street, HDC/NYCC not talking to each other! What impact does that have on the PSPO, no explanation given. Better communication with Community groups so that we can have input when needed. With the planned over industrial expansion anti social behaviour will be hugely more problematic. if not eradicated now. Use the tools to change behaviour fixed fines. Put the interests of residents first not those who blight our village and disrupt our quality of life.
- 2) Increase the area covered and maybe add double yellow lines as the previous truck stop in Londonderry.
- 3) Penalties associated with parking
- 4) Prohibition of parking opposite to the entrance/exit at the services and all along Leases Road from the cal de sac end to the roundabout. Deter vehicle from using the farm track at the end of Back Lane as access to and from the A6055. Forbid all vehicles from parking and littering on all bridleways, foot and cycle paths (all these aims could be achieved by better signage and appropriate markings on the road surfaces).
- 5) Shorten the 6m period before issuing a fine to 1 month
- 6) The ban of Businesses using the public roads highlighted in the PSPO as part of their operating business, such as the parking of refrigerated trailer units along Portland Way and Plews Way. These cause noise pollution and present a real danger to other road users who drive along these public roads.

	<b>... continued</b>
7)	The restricted area of the PSPO should be extended to include the very short stretch of 'road' that connects (gives access) Low Street at its 90 degree bend to the farm track which runs parallel to the A684 LEAB Bypass. This short stretch is currently outside of the PSPO restrictions and drivers have started to park here on a fairly regular basis. They have also started to park up on the cycle pathway between Low Street and Leases Road.
8)	This PSPO should include the prohibition of the parking of refrigerated trailers within the designated area. The roads on the industrial park are public roads which are used extensively by the general public to access public areas / services / outlets. These trailer units present a real danger to all road users and should not be allowed to block public roads

<b>Q11</b>	<b>Do you support the current Enforcement Policy which ensures drivers are educated on the issues and PSPO conditions unless they are found to be in the area again within a 6 month period, in which case they receive a Fixed Penalty Notice?</b>	
	4 (33.3%)	Yes
	8 (66.7%)	No
	0 (0.0%)	Unsure

<b>Q12</b>	<b>If you answered 'No' to Q11; please detail why</b>
1)	Feel like this issue is only a problem to the people who seem to have a problem with everything
2)	Fixed penalty notice from the off - zero tolerance
3)	I would like to see the current policy bolstered by clearly defined no parking and stopping road markings and other appropriate signage.
4)	Shorten the 6m period to 1 month before issuing a fine
5)	Should be penalised right away, signs are clear and easy to understand.
6)	The enforcement policy is too lenient. The Council is being naive if it thinks that word hasn't got round the industry after 2 years of the PSPO that drivers don't know that they can't park up. In addition the Council helps the drivers by identifying the restricted area with the erection of several road signs. I'm confident all drivers can read other wise they would have failed their driving test. The current '6 month period' should be removed from the enforcement policy completely. The leaflet can be handed to the drivers when they are asked to move on. The current policy also refers to drivers 'repeatedly' breaching the restrictions before they are issued with a FPN. Whilst 'repeatedly' is not defined (it needs to be defined) the current enforcement policy appears to allow drivers one 'educational caution' every 6 months followed by further repeat 'offence cautions' before the receipt of a FPN. There is no wonder that only 4 FPNs have been issued. The current policy is now untenable and needs updating, it is written in favour of the drivers, it's time the local community was put first. We're sick of the sight of human excrement and plastic bottles of urine.
7)	The problem can be eradicated by applying fines, the signs are clear but are being ignored. What impact does the Clearway signs have?? Will the Clearway drive HGV vehicles closer to the village? How long does the education phase last, already far too long. Fine business if their drivers flaunt the order. I would honestly say if the enforcement was lifted then levels of anti social would increase.
8)	There are signs up explaining about the psपो. So if they are parked, littering etc they should receive the penalty straight away.

<b>Q13</b>	<b>Generally speaking, do you think the PSPO has had a positive effect on the quality of life in the area and helped to reduce issues previously reported?</b>	
	7 (58.3%)	Yes
	1 (8.3%)	No
	4 (33.3%)	Unsure

## **Leeming Bar Industrial Estate and surrounding area PSPO Review**

### **Statutory consultation responses**

#### **North Yorkshire Police, Fire and Crime Commissioner**

I would support that this Order stay in place. The conditions of the Order seem proportionate to the problem, appropriate and limited to necessity in terms of response, time-limited and the area delimited. I can't see that they would unfairly impact on any resident or person or any characteristic. So, I can see no reason to refuse support or to query or seek a qualification of any of its parts.

#### **North Yorkshire Police**

The average number of leaflets issued per patrol by Hambleton District Council is supported by North Yorkshire Police data which I can confirm indicates that the Public Spaces Protection Order has worked and has reduced calls for service for the Police and reduced anti-social behaviour. We hope that the order does not end as it will no doubt then go back to wagons parked up leaving engines running, leaving litter, faeces etc and put us back to where we were.

#### **Leeming Bar and Aiskew Parish Council**

From the outset, the Council was and still is in full support of this PSPO being in place and the continued enforcement by G&A Security will ensure the issues are kept to a minimum and drivers will look to use official and more appropriate parking areas for overnight rest. We fully support the continuation of the PSPO in its current form, however we do have issues that we wish to raise, and feel should also be included within the PSPO.

The Council is fully aware of noise issues from the Leeming Bar Industrial estate being emitted from refrigerated trailer units that are constantly being parked along Leases Way and Plews Way, which we believe are public roads. These trailer units have diesel engines mounted at the front of them, which operate to maintain a temperature within the trailers to preserve the contents at the correct temperature. These diesel engines turn on and off at various times whilst the trailer units are parked along the roads, emitting a very loud noise which residents have constantly raised concerns about. On average, there are up to 10 of these trailer units parked around the roads at any one time, both day and night. The Council strongly feel that as well as being a noise issue, these trailers present a real time hazard to all other road users who wish to access public areas such as the Leeming Bar Household Waste Recycling Centre or the Temple Fun Soft Play facility to name but a few. The trailers take up a lot of space along these public roads and it will be just a matter of time before a serious accident involving other road users happens. The Council would like to see the addition of these trailer units included in the PSPO and the companies who use these trailers would be required to look for alternative parking areas.

As stated above, we thank you for the opportunity to have input into this PSPO Statutory Review and we hope that you give our concerns due consideration and appropriate action as you look to renew this PSPO.

**Public consultation findings**

- a) The majority of respondents had come across anti-social behaviour (61%), noise or light pollution (75%), human waste (75%) and littering in or around the restricted area of the PSPO (83%) prior to the Order being made in May 2019.
- b) Since the introduction of the PSPO 42% of the respondents' report that human waste and littering is still a significant issue. Reports of noise pollution and dangerous parking of refrigerated trailers have also been reported.
- c) Since the PSPO was introduced 43% of respondents' report their concerns about human waste have reduced, 33% report their concerns have stayed the same and 17% report their concerns have increased. 50% report that their concerns about littering have stayed the same and 42% report a decrease. 25% report that their concerns about noise and light pollution are the same, 43% report a reduction and 25% report an increase. 58% report that their concerns about anti-social behaviour have reduced, whilst 17% report it being the same, but 0% report an increase.
- d) 50% of the respondents' report that the introduction of the PSPO has slightly reduced the number of drivers using the area to sleep in their vehicles, 16.7% report it has significantly reduced and 25% report it has not reduced at all.
- e) 41.7% reported that drivers are parking elsewhere since the PSPO was introduced, including along Low Street, Leeming Lane, the link road between Leeming Services and the A1 roundabout, both sides of the A6055 near Back Lane and Leases Road.
- f) 84.6% support keeping the PSPO in this area to address the issues which have previously been reported.
- g) 81.8% of respondents who support keeping the PSPO would vary the conditions. Some of the suggested variations include increasing the area covered along Low Street, Leases Road and Back Lane, and prohibiting parking of refrigerated trailers on Portland Way and Plews Way.
- h) 66.7% of respondents do not support the staged enforcement approach.
- i) 58.3% state that the PSPO has had a positive effect on the quality of life in the area and helped to reduce issues that have previously been reported. 33.3% are unsure 8.3% do not believe it has.
- j) The views of many of the community, in relation to the current approach to enforcement of the PSPO, is that the Order has been in place sufficient time for lorry drivers to be aware of it and that Fixed Penalty Notices should be issued immediately for all breaches or the 6-month re-offending timescale be reduced to 1 month.

## HAMBLETON DISTRICT COUNCIL

<b>Equality Impact Assessment (EIA) Record of Equality Considerations</b>	
<b>Manager's name</b>	Lisa Wilson
<b>Scope</b>	Leisure and Communities
<b>Date</b>	Report to Cabinet – 11 January 2022
<b>Version</b>	3

<b>Name of service/ policy/ strategy/ guidance/ project/ proposal under consideration</b>
---

Extension of a Public Spaces Protection Order at Leeming Bar Industrial Estate
--

<b>Is this a proposed or existing service/ policy/ strategy/ guidance/ project/ proposal</b>
--

The Public Spaces Protection Order is an existing policy for the Leeming Bar Industrial Estate and surrounding areas to address anti-social behaviour caused by drivers when parked in the industrial estates and surrounding areas to sleep/rest in their vehicles.
--

<b>What are the aims, objectives &amp; projected outcomes?</b>
--

<p>The aim and objectives of the Order are to reduce incidents of anti-social behaviour and improve the quality of life of those who live and/or work in these areas. Since 2014 a number of alternative measures have been undertaken to tackle the problems such as installation of more litter bins, extra bin collections, and other Highway measures such as gating and double yellow lining both of which are not appropriate for this location. The Order is the least restrictive intervention necessary to reduce the crime and disorder that is being caused in this area</p>
---

<p>The Public Spaces Protection Order will impact on the lives of people who live, work and visit the areas. The proposed restrictions will impact positively on people whose protective characteristics are impacted upon by the anti-social behaviour the Order is designed to address; for example pregnant women and disabled people can be denied pedestrian access to facilities such as the nursery on site due to the early morning and later evening parking by the drivers.</p>
---

<p>The restrictions on the proposed behaviours may have an impact on protective characteristics. The impact on all factors has been considered as part of this EIA.</p>
---

<p>PSPOs give the Council greater powers in relation to dealing with anti-social behaviour in public spaces as identified through consultation. The proposed extension of the PSPO contains measures which are based on current information and feedback relating to anti-social behaviour in the areas.</p>
--

<p>Under s149 of the Equality Act 2010, the Council must have due regard to:</p>
--

- |   |
|---|
| <ul style="list-style-type: none"> <li>• Eliminating unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;</li> <li>• Advancing equality of opportunity between people who share a protected characteristic and people who do not share it; and</li> <li>• Fostering good relations between people who share a protected characteristic and</li> </ul> |
|---|

people who do not share it.

The review of the Public Spaces Protection Order has been conducted openly and fairly which has included a public consultation to enable all people regardless of protected characteristics to participate and submit their views. The consultation documentation was written in plain English and was available on-line, in paper version and could also be available in other formats if requested. Details of the consultation were sent by letter to all residents and businesses in the vicinity of the Restricted Area, and was also publicised in the press and on the Council's website.

A recommendation will be made to the Council to either extend, vary or discharge the Order. Each of the protected characteristics have been individually considered to determine the impact this decision will have on any person to ensure they are not discriminated against, harassed or victimised. Details of these considerations are set out in this Equality Impact Assessment (see below)

#### **Involving and Consulting Stakeholders, Collection of data**

A 4-week public consultation to review the existing Order will be notified to all residents and businesses by letter and promoted and published on the Council's website.

In addition, the following statutory consultees were sent details of the consultation:

- North Yorkshire County Council Highways Authority
- North Yorkshire Police, Fire and Crime Commissioner
- North Yorkshire Police County Chief Inspector and Hambleton Neighbourhood Policing Inspector
- Local Parish Councils affected

#### **Relevant quantitative and qualitative data relating to data collection and consultation**

Data reviewed has come from the local Parish Council, a community representative group, residents, Hambleton District Council (in relation to noise, nuisance and waste), North Yorkshire Police and the Office of the North Yorkshire Police, Fire and Crime Commissioner. The majority consider the Order to be having a positive impact on the quality of life of the community but that there are still ongoing issues with litter, human waste, noise nuisance, and road safety concerns.

#### **Who are the main stakeholders in relation to this service/ policy/ strategy/ guidance/ project proposal**

- The community (residents and businesses);
- North Yorkshire County Council;
- North Yorkshire Police;
- North Yorkshire Police, Fire and Crime Commissioner,
- Parish/Town Councils;
- Hambleton District Council service areas
- Drivers using the area to park up overnight and sleep in their vehicles on the roadside.

#### **Internal consultation and Involvement - what has taken place**

Discussions and meetings have been ongoing with North Yorkshire County Council Highways Authority, North Yorkshire Police Hambleton Neighbourhood Police Team, and internal discussions with HDC services including Business and Economy,

Environmental Health and Waste and Street Scene since early 2014.

### External consultation and Involvement - what has taken place

**2018:** Public consultation was undertaken in the surrounding areas of the industrial estates. An online survey was publicised to a wider audience, with social media posts being undertaken and four face to face events held in the locale of the estate areas. The consultation was held between 27 June and 25 July 2018. Local residents and businesses received leaflets and posters directly – including the Coneygarth Lorry Park area. Copies of the survey, maps, posters and leaflets were also displayed in the community and local police stations. Information was presented to Leeming and Aiskew Parish Councils.

**2019:** Public consultation has been undertaken for an evaluation / variation in the surrounding areas of the Leeming Bar Industrial Estate. An online survey was publicised and could be accessed by a wider audience, with social media posts being undertaken and a resident's focus group held in Leeming Bar. The consultation was held between 8 October and 5 November 2019. Local residents and businesses received a letter drop directly – including the Coneygarth Lorry Park area. Copies of the survey were available in the local police station. Information has been supplied to the Leeming and Aiskew Parish Councils. Leaflets handed to drivers in the area by the enforcement company have also highlighted the opportunity to respond to the online survey.

**2021:** 4-week public consultation (between 18 October 2021 and 18 November 2021) notified to all residents and businesses by letter and promoted and published on the Council's website.

### What are the impacts for the employees/community?

Protected Characteristic	Potential Impact identified
<b>Race (including Gypsy and Traveller)</b>	<p>Neutral</p> <p>The PSPO is solely focused on the behaviour of drivers when parked in the industrial estates and surrounding areas to sleep / rest in their vehicles, therefore it is not expected that race will influence the actions of enforcement or the execution of the Order. There is clear, easy to read signage in the existing restricted area for Leeming Bar with a QR code clearly sign posted on each for easy translation. All members of the community are treated fairly and equally regardless of race as the treatment and process of applying the Order remains the same for all drivers irrespective of race. It is understood that there have been no reports of Gypsies or Travellers using the areas to sleep/rest in their vehicles, however, if this were to be the case, minimum disruption would be caused to Gypsies and Travellers whilst ensuring that everyone's rights are respected, and that legal processes are adhered to.</p>
<b>Religion or belief</b>	<p>Neutral</p> <p>The PSPO is solely focused on the behaviour of drivers when parked in the industrial estates and surrounding areas to sleep / rest in their vehicles, therefore it is not expected that religion/belief will influence the actions of enforcement or the execution of the Order. The</p>

	<p>treatment and process of applying the Order remains the same for all drivers irrespective of religion / belief. There is no evidence to suggest the religion or belief of the driver would be affected by the Order.</p>
<b>Disability</b>	<p>Positive</p> <p>The PSPO is solely focused on the behaviour of lorry drivers when parked in the industrial estates and surrounding areas to sleep / rest in their vehicles, therefore it is not expected that disability will influence the actions of enforcement or the execution of the Order. The treatment and process of applying the Order remains the same for all drivers irrespective of their disability. There is no evidence to suggest disability of the driver would be affected by the Order. Areas will improve in terms of access for those with disabilities.</p>
<b>Gender</b>	<p>Negative</p> <p>The PSPO is solely focused on the behaviour of drivers when parked in the industrial estates and surrounding areas to sleep / rest in their vehicles and the anti-social behaviour (littering, disposal of human waste, noise pollution and dangerous parking) caused by some.. It is not expected that gender will influence the actions of enforcement or the execution of the Order as the treatment and process of applying the Order remains the same for all drivers irrespective of gender. However, it is acknowledged that a disproportionate number of lorry drivers are male and therefore it can be anticipated that males will be impacted by the Order.</p>
<b>Gender Reassignment</b>	<p>Neutral</p> <p>The PSPO is solely focused on the behaviour of drivers when parked in the industrial estates and surrounding areas to sleep / rest in their vehicles, therefore it is not expected that gender reassignment will influence the actions of enforcement or the execution of the Order. The treatment and process of applying the Order remains the same for all drivers irrespective of their gender reassignment. There is no evidence to suggest gender reassignment of the driver would be affected by the Order.</p>
<b>Sexual Orientation</b>	<p>Neutral</p> <p>The PSPO is solely focused on the behaviour of drivers when parked in the industrial estates and surrounding areas to sleep / rest in their vehicles, therefore it is not expected that sexual orientation will influence the actions of enforcement or the execution of the Order. The treatment and process of applying the Order remains the same for all drivers irrespective of sexual orientation. There is no evidence to suggest the sexual orientation of the driver would be affected by the Order.</p>
<b>Marriage and Civil Partnership</b>	<p>Neutral</p> <p>The PSPO is solely focused on the behaviour of drivers when parked in the industrial estates and surrounding areas to sleep / rest in their vehicles, therefore it is not expected that marriage or civil partnership will influence the actions of enforcement or the execution of the Order. The treatment and process of applying the Order remains the same for all drivers irrespective of their relationship</p>

	status. There is no evidence to suggest marriage or civil partnership of the driver would be affected by the Order.
<b>Pregnancy and Maternity</b>	<p>Positive</p> <p>The PSPO is solely focussed on the behaviour of drivers when parked in the industrial estates and surrounding areas to sleep / rest in their vehicles therefore it is not expected that pregnancy or maternity will influence the actions of enforcement or the execution of the Order. The treatment and process of applying the order remains the same for all drivers irrespective of pregnancy or maternity. There is no evidence to suggest pregnancy or maternity status of the driver would be affected by the Order. Areas will improve in terms of access for those pregnant or with infants – access to cleaner areas and easier access to facilities.</p>
<b>Age</b>	<p>Neutral</p> <p>The PSPO is solely focussed on the behaviour of drivers when parked in the industrial estates and surrounding areas to sleep / rest in their vehicles therefore it is not expected that age will influence the actions of enforcement or the execution of the Order. The treatment and process of applying the Order remains the same for all drivers irrespective of their age. There is no evidence to suggest age of the driver would be affected by the Order.</p>
<b>Other socially excluded communities or groups</b>	<p>Neutral</p> <p>There is no evidence to suggest that other socially excluded communities or groups would be affected by the Order.</p>

## Assessing the Impact

<b>Assessment</b>
<p><b>Human Rights Implications:</b></p> <p>Regard has been given to the Human Rights Act, specifically the right to freedom of expression and right to assembly, as specifically directed in the Anti-Social Behaviour, Crime and Policing Act 2014 as part of decision making for Public Space Protection Orders. There is no interference with Article 11 (freedom of assembly) as this location is not being used for the purposes of assembling with others but as a rest/sleeping point. The rights of individuals will be respected and all practices carried out lawfully with provision of appropriate support as necessary.</p> <p><b>Opportunity to promote equality and/or good community relations?</b></p> <p>The data reviewed and outcome of the surveys undertaken evidences that the effects of the anti- social behaviour committed by some drivers in the locale of the industrial estate is having a detrimental effect on the quality of life of those in the locality. The PSPO concentrates only on these areas; the conditions on the PSPO can show improvement to the quality of life for those directly affected by the ASB which includes addressing the needs of those most vulnerable affected by the anti-social behaviour. The PSPO shows that the council and partner agencies are addressing issues repeatedly reported by the community, who will see positive action being taken.</p> <p><b>Negative Impact assessment:</b></p> <p>Whilst it has been acknowledged that male drivers may be potentially impacted by the conditions within the PSPO, the PSPO is considered to be a proportionate means of achieving the legitimate aim of reducing the incidence of anti-social behaviour in the</p>

areas for the benefit of local residents and businesses. The conditions within the PSPO do not exceed what is necessary to achieve that aim since there is no viable long term alternative of achieving that aim.

**Overall Assessment:**

Any formal action will be taken in accordance with the Council's Enforcement and Safeguarding Adults and Children's Policy which takes into account the primary human rights legislation.

Taking all impacts into account, it is considered that the PSPO provides a fair balance between the need to reduce anti-social behaviour and the disadvantages that male drivers may suffer by reason of the conditions within the PSPO.

## **DRAFT ORDER**

### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

#### **SECTION 59**

#### **PUBLIC SPACES PROTECTION ORDER**

This order is made by the Hambleton District Council (the 'Council') and shall be known as the "Public Spaces Protection Order (Hambleton District Council) No 1 of 2019 (as extended to 2025)".

#### **PRELIMINARY**

1. The Council, in making this order is satisfied on reasonable grounds that:  
  
The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,  
  
and that:  
  
the effect, or likely effect, of the activities:  
  
is, or is likely to be, of a persistent or continuing nature,  
  
is, or is likely to be, such as to make the activities unreasonable, and  
  
justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions imposed by this order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this order are lawful, necessary and proportionate.

#### **THE ACTIVITIES**

4. The Activities prohibited by this order are:
  - i Sleeping or otherwise remaining in any vehicle within the Restricted Area for any period of time between the hours of 19:00hrs and 07:00hrs

- ii Depositing any human waste anywhere in the Restricted Area other than a facility designed for this purpose.
- iii Depositing litter anywhere in the Restricted Area other than into a receptacle intended for this purpose.

#### **THE PROHIBITION**

- 5. A person shall not engage in any of the Activities anywhere within the Restricted Area as shown on the attached map and marked 'Restricted Area'.
- 6. This Prohibition is subject to the Exceptions stated below.

#### **THE REQUIREMENTS**

- 7. A person who is believed to have engaged in a breach of this order or anti-social behaviour within the Restricted Area, is required to give their name and address to an Authorised Officer.
- 8. A person who is believed to have engaged in a breach of this order, or in anti-social behaviour within the Restricted Area, is required to leave the area, and remove his/her vehicle(s) if asked to do so by an Authorised Officer and not to return for a specified period not exceeding 48 hours.

#### **THE EXCEPTIONS**

- 9. Nothing in the paragraph 4(i) of this order applies to vehicles which are driving through the Restricted Area without being parked up.

#### **OTHER**

- 10. This order applies to a public place within the authority's area. The public place is delineated by the red line in the plan annexed at Schedule 1 to this order and identified as the 'Restricted Area'.
- 11. The effect of the order is to impose the prohibitions and requirements detailed herein, at all times, save where specified exemptions apply or where the express permission of the Council has been given on the use of the Restricted Area.

#### **DEFINITIONS**

- 12. For the purpose of this order the following definitions will apply:

**'Vehicle'** includes all vehicles (including a HGV, campervan or temporary structure that is designed to provide shelter or accommodation), whether or not they have the engine running.

**'Authorised Officer'** means a constable, a police community support officer or a person authorised in writing by Hambleton District Council.

**'Interested person'** means an individual who lives in the restricted area or who regularly works in or visits that area.

**'Public place'** means 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.

**'Restricted Area'** has the meaning given by section 59(4) of the Anti-Social Behaviour, Crime and Policing Act 2014 and for the purposes of this order is shown delineated by the red line in the plan annexed at Schedule 1 to this order and identified as the 'Restricted Area'.

#### **PERIOD FOR WHICH THIS ORDER HAS EFFECT**

13. The period for which this Order has effect was extended on [ insert date of Council decision] and this Order will now expire at midnight on [ ].
14. At any point before the expiry of this period the Council can extend the Order by up to a further three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time. The Council may extend this order more than once.

#### **WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse –

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order

A person guilty of an offence under section 67 is liable on conviction in a Magistrates Court to a fine not exceeding level 3 on the standard scale.

## **FIXED PENALTY**

An Authorised Officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti- Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £100. If you pay the fixed penalty within the 14 days you will not be prosecuted.

Dated.....

Sealed etc

### Section 67 Anti-Social Behaviour Crime and Policing Act 2014

(1) It is an offence for a person without reasonable excuse-

- (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order

### **Schedule 1 to this Order**

Plan of the Restricted Area

# Safer Hambleton Hub Enforcement Options

Document	Safer Hambleton Hub
Author	Lisa Wilson
Approval Date	January 2022
Review Date	January 2025

The Safer Hambleton Hub is managed by Hambleton District Council; it is a co-located operation between the Council and Police and has responsibility for co-ordinating multi-agency responses to reducing, preventing and detecting crime, disorder and anti-social behaviour across the Hambleton area. The following options will be considered when dealing with crime, disorder and anti-social behaviour:

Reducing and Preventing Crime, Disorder and Anti-Social Behaviour	
No Action	Enforcement options shall not be considered where there is no evidence available to identify the likely perpetrator.
Informal action	Where it can be reasonably expected that informal action will achieve compliance, this action may take the form of: <ul style="list-style-type: none"> <li>• Advice;</li> <li>• Verbal warning;</li> <li>• Written information;</li> <li>• Joint agency visits;</li> <li>• Acceptable Behaviour Contracts;</li> <li>• Safety Agreements</li> </ul>
Formal action	In conjunction with partners working to reduce crime, disorder and anti-social behaviour, the Safer Hambleton Hub will support formal action by any agency which may include tenancy enforcement action, multi-agency response protocols, and court action. <p>The Safer Hambleton Hub will directly take formal action against individuals who continue to cause issues in the community and who have evidenced that informal action has not achieved compliance. The following action may be undertaken:</p> <ul style="list-style-type: none"> <li>• Criminal Behaviour Order</li> <li>• Civil Injunction</li> <li>• Closure Power</li> <li>• Community Protection Notice</li> </ul>

The Safer Hambleton Hub will consider a Public Spaces Protection Order in order to reduce and prevent anti-social behaviour in a given location. The Public Spaces Protection Order can be used to protect the public from anti-social behaviour that is having, or likely to have, a detrimental effect on the quality of life of those in the locality, where the effect (or likely effect) of the activities is or likely to be persistent or continuing, is or is likely to be unreasonable and the restrictions within the notice are justified.

<b>Public Spaces Protection Order Enforcement Actions</b>	
No Action	Enforcement options shall not be considered where there is no evidence available to identify the likely perpetrator.
Informal action	Discretion may be used in extenuating circumstances and may take the form of Educational Advice, Verbal warning or other appropriate action.
Fixed Penalty Notices	<p>It is an offence for a person without reasonable excuse—</p> <p>(a) to do anything that the person is prohibited from doing by a public spaces protection order, or</p> <p>(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.</p> <p>A person guilty of breaching a Public Spaces Protection Order is liable on summary conviction to a fine not exceeding level 3 on the standard scale, however, in enforcing a Public Spaces Protection Order, the council will endeavour to give the offender an opportunity to avoid prosecution by the payment of a Fixed Penalty Notice if appropriate.</p> <p>The issuing of Fixed Penalty Notices may be undertaken by a third party with authorisation and will be considered in the following circumstances.</p> <ul style="list-style-type: none"> <li>• where there is sufficient evidence to prove the case.</li> </ul> <p>Fixed Penalty Notices are not appropriate with repeat offenders and the Council will seek to prosecute them through the court system.</p>
Prosecution	<p>Prosecutions will be considered under any of the following circumstances:</p> <ul style="list-style-type: none"> <li>• False information has been supplied wilfully, or there has been an intent to deceive</li> <li>• Officers have been intentionally obstructed in the lawful course of their duties</li> <li>• A Fixed Penalty Notice has not been accepted</li> <li>• A Fixed Penalty Notice has not been paid within the appropriate timescales.</li> </ul>

## Communities

# Public Spaces Protection Order Protocol (Leeming Bar Industrial Estate and surrounding area)

Document	Communities
Author	Safer Hambleton Co-ordinator
Approval Date	January 2022
Review Date	December 2025

Hambleton District Council's Communities Team includes a community safety function which is responsible for co-ordinating multi-agency responses to reducing, preventing and detecting crime, disorder and anti-social behaviour across the Hambleton area. The Communities Team will directly take formal action against individuals who continue to cause issues in the community and who have evidenced that informal action has not achieved compliance.

Public Spaces Protection Orders (PSPO), as introduced by the Anti-social Behaviour, Crime and Policing Act 2014, can deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life.

On 7 March 2019 the Council approved a Public Spaces Protection Order (PSPO) for Leeming Bar Industrial Estate and surrounding area.

A person guilty of an offence under the PSPO is liable on summary conviction to a fine not exceeding £1,000. A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty of £100 to the Council within 14 days of issue.

The enforcement of the PSPO will be managed as follows:

Public Spaces Protection Order Enforcement Actions	
1	A constable or an authorised person may issue a fixed penalty notice to anyone he or she has reason to believe, without reasonable excuse, has not complied with the conditions of the PSPO for Leeming Bar Industrial Estate and surrounding area.
2	G&A Security has been appointed and authorised by Hambleton District Council to enforce adherence of the Leeming Bar Industrial Estate and Surrounding Area Public Spaces Protection Order (PSPO) on its behalf. Failure to adhere with the prohibition within the Order may result in a Fixed Penalty Notice or prosecution.
3	Fixed Penalty Notices are designed to tackle low-level anti-social behaviour. They will only be issued where an authorised person has reason to believe a person has committed a penalty offence and there is sufficient evidence to support a successful prosecution.
4	Depending on the circumstances, an authorised officer may issue a Fixed Penalty Notice if they believe that the person, without reasonable excuse, has not complied with the prohibition within the Order i.e. a driver has parked their vehicle and is: <ol style="list-style-type: none"> <li>I. Sleeping or otherwise remaining in any vehicle within the Restricted Area for any period of time between the hours of 19:00hrs and 07:00hrs and/or</li> </ol>

	<ul style="list-style-type: none"> <li>II. Depositing any human waste anywhere in the Restricted Area other than a facility designed for this purpose and/or</li> <li>III. Depositing litter anywhere in the Restricted Area other than into a receptacle intended for this purpose.</li> </ul>
5	<p>Depending on the circumstances, an authorised officer may also issue a Fixed Penalty Notice if a person is believed to have not complied with the requirements within the Order as follows:</p> <ul style="list-style-type: none"> <li>I. A person who is believed to have engaged in a breach of the Order or anti-social behaviour within the Restricted Area, is required to give their name and address to an authorised officer.</li> <li>II. A person who is believed to have engaged in a breach of the Order, or in anti-social behaviour within the Restricted Area, is required to leave the area, and remove his/her vehicle(s) if asked to do so by an authorised officer and not to return for a specified period not exceeding 48 hours.</li> </ul>
6	<p>There may be certain cases when vehicles are parked with reasonable excuse. The Authorised Officers have discretion to consider any mitigating circumstances pertinent at the time. G&amp;A Security Authorised Officers will record registration details and company/haulier details for any vehicle parked in the restricted area along with details of mitigating factors.</p>
7	<p>Remaining in a vehicle is defined as: Being in a stationary vehicle for any amount of time in the restricted area. The exceptions to this will be when a vehicle is being loaded or unloaded or the vehicle has a mechanical issue.</p>
8	<p>Nothing in the Order applies to vehicles which are driving through the Restricted Area without being parked up.</p>
9	<p>Parking a vehicle in the PSPO Restricted Area for a driver to adhere to tachograph rules does <b>not</b> constitute a mitigating factor.</p>
10	<p>Where there is no reasonable excuse for the driver in contravening the conditions of the PSPO, the enforcement of the PSPO will be undertaken by the Council, in line with the Environment, Leisure &amp; Communities Directorate Enforcement Policy and the Safer Hambleton Hub Enforcement Options provided that:</p> <ul style="list-style-type: none"> <li>I. On witnessing a vehicle parked within the PSPO Restricted Area, the G&amp;A Security Authorised Officer will check the registration plate and the company or haulier details (if applicable).</li> <li>II. If the vehicle registration has not previously been recorded as being in the Restricted Area, G&amp;A Security Authorised Officers will issue a Fixed Penalty Notice (sited on the window screen).</li> <li>III. Hambleton District Council will consider court prosecution against those who receive a Fixed Penalty Notice and do not comply with payment instructions.</li> <li>IV. If the matter is transferred to Court a summons or written charge will be sent in the post along with evidence to prove the offence.</li> </ul>
11	<p>If it is possible to issue a Fixed Penalty Notice on the spot it will be, however if the authorised officer is unable to do so (e.g. the person drives away) they will collect evidence and information they would need to issue the Fixed Penalty Notice and issue the Fixed Penalty Notice by post.</p>
12	<p>A penalty can be paid in person by cash or debit card at one of the council offices, with a credit or debit card on-line (<a href="http://www.hambleton.gov.uk">www.hambleton.gov.uk</a>) or by telephone (01609 767230) or by posting a cheque or postal order to Hambleton District Council, Business Support, Rotary Way, Civic Centre, Stone Cross, Northallerton, DL6 2UU.</p>
13	<p>Failure to pay a Fixed Penalty Notice within 14 days may result in the matter being prosecuted in the Courts. The Court will determine whether the Order is breached and a criminal offence committed and determine the appropriate penalty. An offender could be also ordered to pay the Council's costs.</p>
14	<p>Hambleton District Council could consider prosecutions under any of the following circumstances:</p> <ul style="list-style-type: none"> <li>I. There has been a repetition of breaching the Public Spaces Protection Order within the previous 6 months period.</li> <li>II. False information has been supplied willfully, or there has been intent to</li> </ul>

	deceive. III. Officers have been intentionally obstructed in the lawful course of their duties. IV. A Fixed Penalty Notice has not been accepted. V. A Fixed Penalty Notice has not been paid within the appropriate timescales.
15	Data in relation to contact details and vehicle registration details will be shared between the Council and the authorised organisation. Contact details and vehicle registration details will be retained for a period of six months. Information in relation to the payment and receipt of Fixed Penalty Notices will be retained for 6 years from the end of the last company financial year in line with HMRC compliance.