

DECISION TITLE: Delegated Authority to Carter Solutions and Services Limited for issuing Fixed Penalty Notices under Section 68 Anti-Social Behaviour, Crime and Policing Act 2014 and under Section 88 of the Environmental Protection Act 1990
ENTER NAME OF CABINET MEMBER EXERCISING DELEGATED POWERS Councillor Allen, Deputy Leader, and Cabinet Member for Communications, Culture and Communities
ENTER MONTH IN WHICH DECISION IS BEING TAKEN September 2022
Deadline date: 28th September 2022

Cabinet portfolio holder: Responsible Director:	Councillor Allen, Deputy Leader & Cabinet Member for Communications, Culture and Communities Adrian Chapman, Executive Director, Place & Economy
Is this a Key Decision?	NO
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	NO

RECOMMENDATIONS
<p>The Deputy Leader & Cabinet Member for Communications, Culture and Communities is recommended:</p> <ol style="list-style-type: none"> To delegate enforcement powers under section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014 and section 88 of the Environmental Protection Act 1990 to Carter Solutions and Services Limited (10064326), registered office; c/o Nick Carter, Unit 2 Europa Square, Europa Way, Weasenham Lane Estate, Wisbech, PE13 2UR. The delegation of powers is required to allow for enforcement in the city centre of the Public Space Protection Order and the issue of Fixed Penalty Notices (FPN), where an offence has occurred, for an initial period of 6 months, from 3rd October 2022 to 24th March 2023.

1. PURPOSE OF THIS REPORT

- 1.1 This report is for the Deputy Leader & Cabinet Member for Communications, Culture and Communities to consider exercising delegated authority under paragraph 3.4.3 of the constitution in accordance with the terms of their portfolio at paragraph (e).

2. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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3. **BACKGROUND AND KEY ISSUES**

3.1 Peterborough city centre is a place attended by residents and visitors for work, shopping, and other leisure activities, and should be seen as a safe, clean, and vibrant place to work and visit.

Over the past few months, several issues have been raised regarding the behaviour of individuals which is impacting on the way the city centre is perceived. The continued lack of enforcement and engagement with these individuals will result in loss of economic growth in our city centre as residents may choose to go elsewhere where they feel safe.

To address these issues, it is proposed a trial is put in place with Carter Solutions And Services Limited to provide engagement, reassurance and enforcement in the city centre which will have a positive impact on the way the city centre feels.

Carter Solutions And Services Limited is an established company with specialist experience of supporting councils, including neighbouring authorities, with accredited marshalling schemes. The Council has used this company previously for covid marshalling exemption report reference 00738 and 00769. If the trial is successful a PRF (Procurement Requirement Form) form will be submitted to allow a full procurement exercise to be undertaken.

The city centre is a restricted area under a Public Space Protection Order, which is effective from the 13th May 2020 for a period of three years. A copy of the Order can be found on the Council's website using the following link :

<https://www.peterborough.gov.uk/asset-library/Sealed-City-Centre-PSPO.pdf>

The delegation of powers is required to allow for an enforcement in the city centre, under the Public Space Protection Order and the issue Fixed Penalty Notices (FPN), where an offence has occurred, in Peterborough for an initial period of 6 months, from 24th September 2022 to 24th March 2023.

Fixed Penalty Notices, during the trial, will be issued, on behalf of the Council, by Carter Solutions and Services Limited for breach of the Public Space Protection Order, under Section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014 and Fixed Penalty Notices for littering under 88 of the Environmental Protection Act 1990,

Working in partnership with officers from the Prevention and Enforcement Services, this trial allows the Council to enhance enforcement in the city centre.

4. **CONSULTATION**

4.1 Consultation has been undertaken with all relevant internal officers.

4.2 As the trial commences further consultation will be undertaken with business, visitors, and the Cambridgeshire Constabulary to review the impact the trial is having on reducing.

5. **ANTICIPATED OUTCOMES OR IMPACT**

5.1 By working with Carter Solutions And Services Limited and enhancing visibility and enforcement should result in creating a cleaner, safer city centre.

6. REASON FOR THE RECOMMENDATION

6.1 The Council is the Local Authority for the purpose of enforcement action under Section 88 of the Environmental Protection Act 1990 and Section 68 of the Anti-Social Behaviour, Crime and Policing Act it is required to delegate its powers to Carter Solutions And Services Limited to allow them to detect and enforce crime on behalf of the Council.

7. ALTERNATIVE OPTIONS CONSIDERED

7.1 Do not delegate powers and remain as is. This would result in no enhanced enforcement in the city centre.

8. IMPLICATIONS

Financial Implications

8.1 This 6-month trial will be met from existing budget. During the trial, payments received from Fixed Penalty Notices will be put towards the cost of the contract.

Legal Implications

8.2 The power given to the Council under Section 68 Anti-Social Behaviour, Crime and Policing Act 2014 and Section 88 of the Environmental Protection Act 1990 must be delegated to Carter Solutions and Services Limited to enable them to issue Fixed Penalty Notices on the Council's behalf.

Fixed Penalty Notices must be issued in accordance with the Council's enforcement policy.

Equalities Implications

8.3 There are no specific EIA implications, however we will oversee scrutiny of this trial throughout to review the enforcement activity and ensure all actions are in line with Council policy and are justified / proportionate and fair. Council officers will meet Carter Solutions and Services Limited every 2 weeks to allow for this oversight and review.

Carbon Impact Assessment

8.5 The carbon impact is likely to be minimal. There may be a reduction in street cleaning emissions owing to a reduction of litter. However, city centre marshals will have to travel to the city centre, which may raise city wide emissions.

9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

9.1 None.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985 and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

10.1 None.

