

Review of the Cheshire West and Chester Council Public Space Protection Order (PSPO) for Chester City, and

Additional PSPO measures being considered and PSPO measures for other areas of the borough.

Consultation Summary

What is this consultation about?

In October 2014 the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) introduced new powers to tackle anti-social behaviour (ASB), including the power to make Public Space Protection Orders (PSPOs).

PSPOs can be used to regulate activities in public spaces that can have a detrimental effect on the local community. They can help by giving local councils and local police additional powers to tackle ASB in specified locations to reduce the risk of members of the public being exposed to ASB.

ASB is defined within the Act as any behaviour which causes alarm, harassment or distress to any person.

“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.

A PSPO for Chester City was created in May 2016 containing measures relating to public urination/defecation, ‘intoxicating substances’* and consumption of alcohol in a public place. This PSPO is due to expire in May 2025, as all PSPOs must be reviewed every three years.

Section one of this consultation concerns the measures in the current Chester City PSPO.

Section two of this consultation concerns the additional measures that are being considered for inclusion under a varied Chester City PSPO.

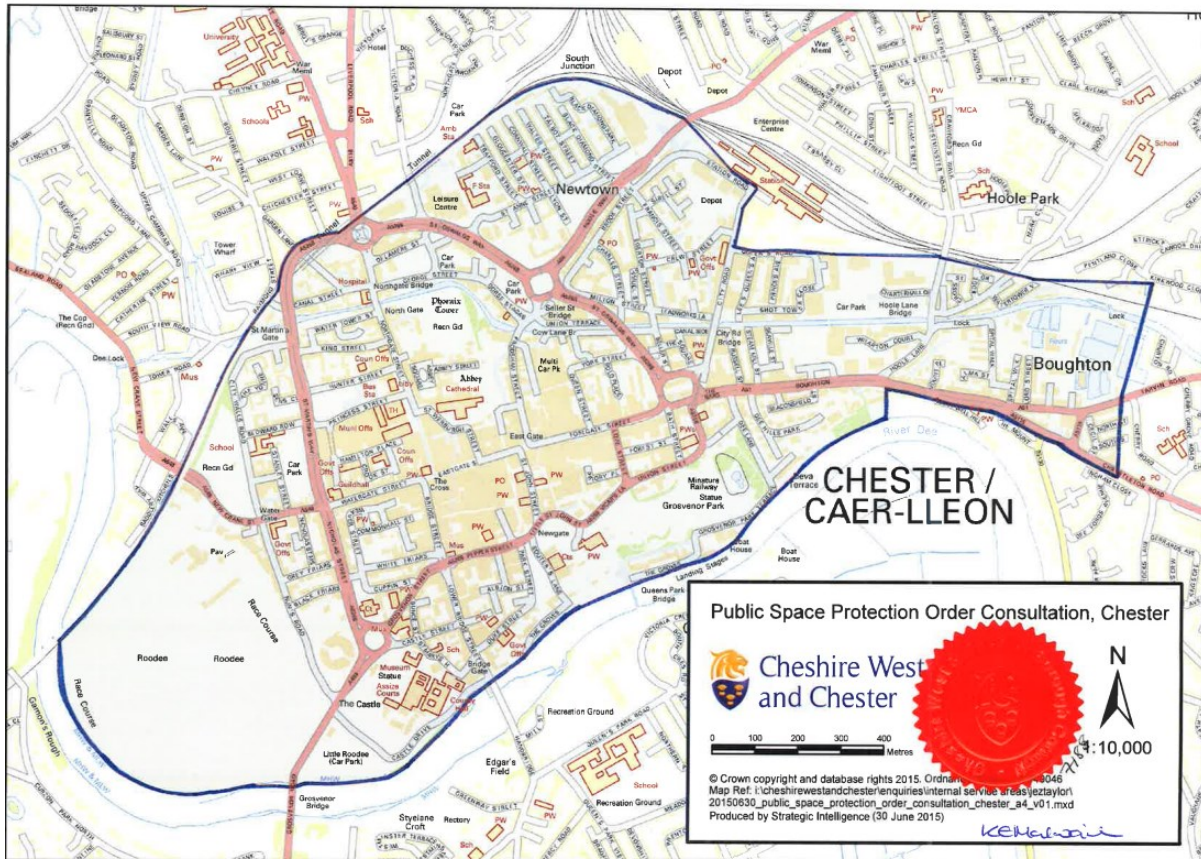
Section three of the consultation asks whether each measure should apply to Chester City only, or whether it should apply boroughwide.

If you do not comply with the PSPO, you may receive a £100 fixed penalty notice (FPN) or face prosecution (maximum fine £1,000).

We would like to hear your views on the measures in the current PSPO, the additional measures being considered and the area where each measure should apply.

Section 1: The existing Chester City PSPO measures

There are currently five measures in the Chester City PSPO which apply to public spaces in the area defined on the associated map:



The current Chester City PSPO covers the following prohibitions:

- Using psychoactive substances* in a public place.
- Possessing any open containers of psychoactive substances.
- Possessing any item that can be used to take them psychoactive substances.
- Urinating and defecating in public places.
- Consuming alcohol in a public place, causing or likely to cause anti-social behaviour.

Psychoactive Substances

*Psychoactive substances, previously referred to as 'legal highs' have the capacity to stimulate or depress the central nervous system. Since the Chester City PSPO was implemented general legislation (the Psychoactive Substances Act) has been introduced, reclassifying all psychoactive substances' as 'Class B' controlled drugs, restricting their production, sale, and use.

In the last three financial years (April 2021 – March 2024), the measures relating to psychoactive substances have not been used by Cheshire Police or authorised officers of the Council as they have been largely superseded by national legislation.

It is therefore proposed to remove this measure from the Chester City PSPO.

Urinating and defecating in public places (excluding in public toilets)

This measure was introduced to protect residents, businesses, visitors and the city's historic assets from the resulting damage and associated costs.

In the last three financial years (April 2021 – March 2024), this measure has been enforced on 52 occasions in Chester City Centre.

Consumption of Alcohol

This measure gives the police, Police Community Support Officers (PCSOs) and authorised Council officers the authority to confiscate alcohol from any person who is consuming alcohol in a public place (excluding on licensed premises) and is causing, or likely to cause, ASB, disorder, nuisance, or annoyance to members of the public.

An offence is committed if the person in possession of the alcohol refuses to comply with a police officer's, PCSO's or authorised officer's request to surrender their alcohol.

In the last three financial years (April 2021 – March 2024) this measure has been enforced on over 2,000 occasions.

Section 2: Additional measures being considered for the Chester City PSPO.

The Council is also considering varying the PSPO to include the following new measures to further protect members of the public from ASB in public spaces:

Jumping from Queens Park Suspension Bridge

Jumping/diving from the suspension bridge into the river, or onto a vessel on the river, is currently prohibited by a [byelaw](#) created under Section 72 of the [Cheshire County Council Act 1980](#), which can only be prosecuted with a maximum penalty on conviction of £200.

It is proposed to create a new provision in the PSPO that can result in a penalty of £100, if issued with an FPN, or a maximum fine of £1,000 following prosecution in the Magistrates Court.

The main benefits of being able to issue FPNs include more rapid enforcement action, acting as a more immediate deterrent, and reducing the need for costly legal action.

In the last three years (September 2021 – September 2024) there were eight incidents, confirmed by CCTV, of people jumping from the bridge into the river. In the same period there were also five fatalities within 500 metres of the bridge.

People jumping from the bridge risk not only injury to themselves, but also to others in this busy section of the river.

The creation of a dispersal zone for people engaging or likely to engage in ASB

ASB dispersal powers allow police officers (or PCSOs) to direct a person who has committed, or is likely to commit, anti-social behaviour to leave a specified area and not return for up to 48 hours. The authorisation for dispersal powers requires at least an inspector's approval and is limited to 48 hours.

From January 2022 until early October 2024 the dispersal powers were used on 183 occasions, 131 of which related to Chester. Where dispersal powers were used, 45 people were arrested for failing to comply with a direction to leave, all of which occurred in Chester local policing unit area.

The Council is proposing to include a dispersal order provision in the Chester City PSPO with powers for the police and authorised officers to direct any individuals causing nuisance or disorder to leave the dispersal zone, or specified area within it, and not to return for up to 24 hours or face enforcement.

Under the conditions of the PSPO, an individual could receive an FPN of up to £100 if they fail to follow the instructions of enforcement officers. Alternatively, they could face prosecution and be liable to a maximum penalty of £1,000.

Lighting fires and using disposable barbeques

A prohibition on lighting fires and using disposable barbeques in public spaces (except where consent has been provided by the Council) is being considered for the Chester City PSPO.

Lighting fires or using disposable barbeques in public spaces poses a risk of damage to public and private property (including benches and grassed areas in parks), and injury or other harm to health through inhalation of toxic chemicals.



Images from the Council's Streetcare team.

Between April 2019 and mid-September 2024 Cheshire Fire and Rescue Service attended 11 deliberate fires in the Chester City area and 1,188 deliberate fires across the borough (including Chester City).

Approximately 63% of these fires related to the burning of refuse, wheelie bins or other waste containers and about 6% occurred in public parks or playgrounds.

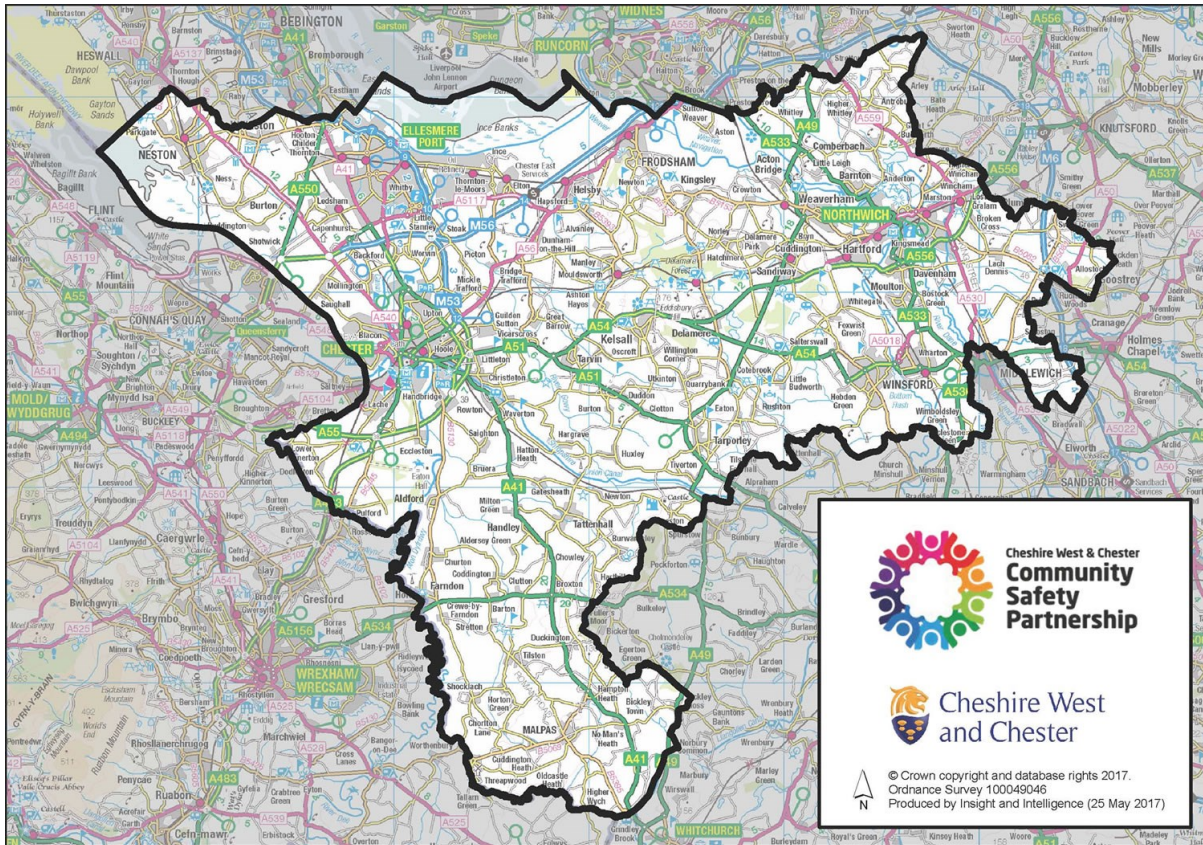
Unauthorised events on adopted highways

The Council is considering introducing a measure under the Chester City PSPO (and boroughwide) to prohibit unauthorised events being held on adopted highways by non-charitable, non-educational or profit-making organisations.

Where unauthorised events are being held without the necessary licence, consent, or certificate, this can lead to public safety risks and concerns, and/or issues associated with obstructions of the highway, which can prevent vehicular or pedestrian access.

Section 3: Geography of the PSPO measures and where they should apply.

Section three of this consultation will consider whether each PSPO measure should apply to Chester City only, or whether it should apply boroughwide to protect visitors, communities, and businesses from harm.



How to share your views

- Complete the online survey <https://www.smartsurvey.co.uk/s/26YO6R/>
- Email: Community.Safety@cheshirewestandchester.gov.uk
- Telephone: 01244 973708, quoting submission for Chester City PSPO consultation
- Write to: Cheshire West and Chester Council, Chester City PSPO consultation, Public Protection Service – Community Safety, The Portal, Wellington Road, Ellesmere Port, CH65 0BA.
- If you would like a copy of the consultation in a different format, in alternative formats, including paper and easy read, please use the contact details above.

Closing date for responses is 30 January 2025

How your views will be used

The outcome of the public consultation will be considered by Cabinet in April 2025 and a summary of the consultation findings will be uploaded to the consultation web page and published as an appendix to the Cabinet report on the Council website.

Accessing Cheshire West and Chester Council information and services.

Council information is also available in audio, braille, large print or other formats. If you would like a copy in a different format, in another language or require a British Sign Language interpreter, please email us at: equalities@cheshirewestandchester.gov.uk

Telephone: **0300 123 8 123**

Textphone: **18001 01606 275 757**

Email: [**equalities@cheshirewestandchester.gov.uk**](mailto:equalities@cheshirewestandchester.gov.uk)

Web: [**www.cheshirewestandchester.gov.uk**](http://www.cheshirewestandchester.gov.uk)