

Record of Officer Decision

Public Spaces Protection Order (PSPO) Hopes Nose and Berry Head Amendment 2024

Decision Taker and Date Decision Taken:

Chief Executive on 24 June 2024, following consultation with the Cabinet Member for Adult and Community Services and the Leader of the Council.

Summary of Matter or Issue Requiring Decision:

Torbay Council in exercise of its powers under part 4, section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, made an order in respect of a PSPO covering the sites of Hopes Nose, Torquay and Berry Head, Brixham in 2023.

Due to the continuance of ant-social behaviours at these locations a proposal to amend the 2023 PSPO was consulted upon under section 61 of the ASB, Crime and Policing Act 2014.

The consultation was broadly supportive of the proposed amendment, with some specific feedback considered in depth. In recognition of the need to use clear and unambiguous terminology, a slightly amended version of the proposed addition is approved and the following inclusion to the 2023 PSPO to be made:

- No individual shall fish with more than one rod and the rod will be limited to only one hook (which must not contain any form of 'string' or 'team' of hooks) within the areas edged red on the attached maps.

Clause 3 of the 2023 Order will also be amended to read as follows:

- An individual shall **immediately** leave an area edged red on the attached maps when directed to do so by an Authorised Officer and **must** not return to **either** area **marked red** within 48 hours of that direction.

Decision Taken:

That the Public Space Protection Order 2023 Hopes Nose and Berry Head be amended from 24 June 2024, in the terms as attached to this Record of Decision.

Summary of Reason(s) for Decision Taken:

In making this order the Council is satisfied that the conditions set out in Section 59 and 61 of the Anti-Social Behaviour, Crime and Policing Act have been met.

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

Within the consultation responses it was highlighted that the Angling Trust have a rule of three hooks between two rods, with an inherent suggestion that this should be considered as the basis for the limitation on fishing in the areas marked red. This was given serious consideration, however on balance it was considered necessary to have a very tightly controlled approach to aim to remove the antisocial behaviours as quickly as possible. Whilst it was recognised that this very tightly controlled approach would impact upon fishing other than for mackerel, the areas to which the PSPO apply are comparatively limited, thus permitting fishing in other locations. Within the balancing exercise, it was also recognised that this PSPO will be in

existence until December 2024, and amendments to the same can be made at that point if the ASB has subsided.

An alternative option would have been to wait until the end of the PSPO in December 2024 and review at that stage. This option was discounted due to the increased ASB and conflict currently experienced within the PSPO areas.

Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation:

None

Implementation:

This decision will come into force immediately.

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

Signed: _____ Date: 24 June 2024
Chief Executive