



DECISION REQUEST FOR PUBLIC CONSULTATION FOR PUBLIC SPACE PROTECTION ORDERS
Councillor Irene Walsh, Cabinet Member for Communities and Environment Capital
November 2016
Deadline date: TBC

Cabinet portfolio holder: Responsible Director:	Cllr Irene Walsh, Cabinet Member for Communities and Environment Capital Wendi Ogle Welbourn, Corporate Director People and Communities
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?	N/A

RECOMMENDATIONS
The Cabinet Member is recommended to:
1. To authorise commencement of necessary public consultation for the Public Space Protection Orders under Section 72 (3) of the Anti-Social Behaviour, Crime & Policing Act 2014.

1. SUMMARY OF MAIN ISSUES

- 1.1 This report seeks the Cabinet Member for Communities and Environmental Capital to authorise Peterborough City Council to begin the required public consultation exercise to implement Public Space Protection Orders under Section 72 (3) of the Anti-Social Behaviour, Crime & Policing Act 2014.

2. PURPOSE OF THIS REPORT

- 2.1 This report is for Cllr Wlsh, Cabinet Member for Communities and Environment Capital to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (e).

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
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4. DETAILS OF DECISION REQUIRED

- 4.1 In February 2011 the Home Office produced a consultation document called 'More Effective Responses to Anti Social Behaviour' that proposed a transformation in the way anti-social behaviour is dealt with. This then resulted in the Anti-social Behaviour, Crime and Policing Act 2014. Effective from 20 October 2014, the Act replaced 19 tools and powers used under previous legislation with 6 new tools and powers, as illustrated in Diagram 1. The main aims of the new Act are to put victims at the heart of the response to anti-social behaviour and give professionals the flexibility they need to deal with any given situation.

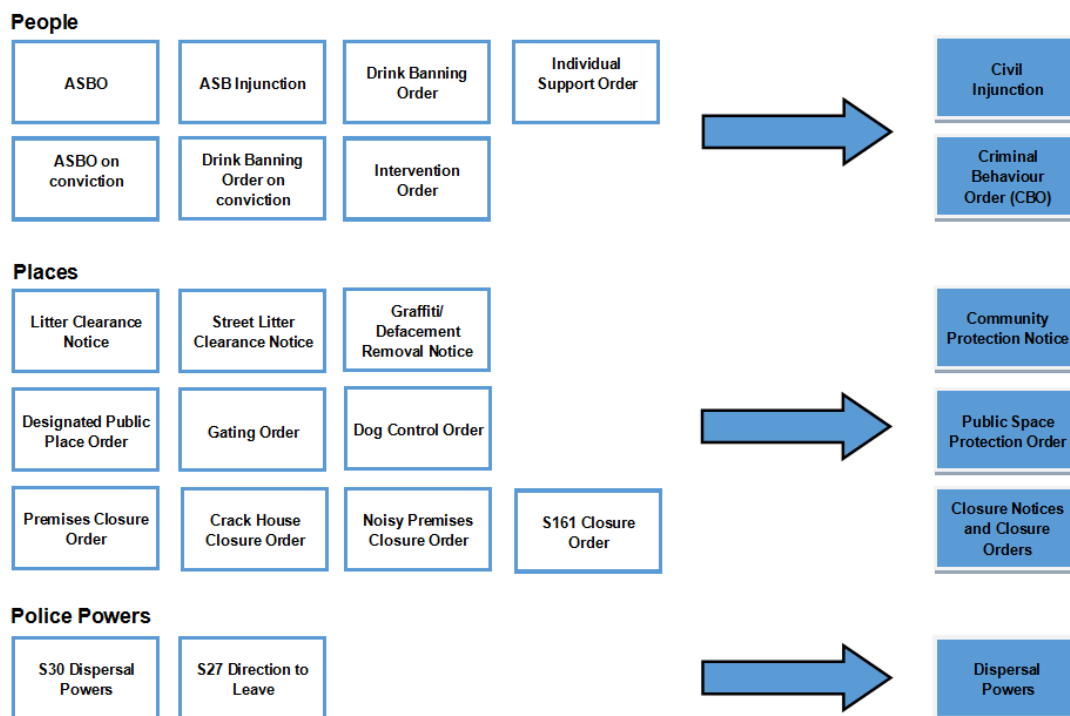


Diagram 1

- 4.2 **Public Space Protection Orders (PSPOs)** have replaced orders such as Gating Orders, Designated Public Place Orders (DPPOs) and Dog Control Orders. With the use of Public Space Protection Orders Local Authorities can now impose restrictions and requirements deemed appropriate to stop individuals or groups committing anti-social behaviour (ASB) in a public open space. Additionally, more than one restriction or requirement can be imposed within a single PSPO, meaning that they are more flexible than the previous orders they have replaced.
- 4.3 All existing Gating Orders and DPPOs remain effective and are to be reviewed under the new legislation by October 2017. There are no existing Dog Control Orders within Peterborough. The making of a PSPO doesn't affect existing Gating or DPPOs where they overlap, unless there is a specific purpose to do so.
- 4.4 Authorised officers who can enforce Public Space Protection Orders include Police Constables, Police Community Support Officers as well as officers authorised by Peterborough City Council.
- 4.5 The penalty for breaches of a PSPO relate to fixed penalty notices and fines of up to £100. Prosecution for non-payment of a fine is subject to a fine up to level 3 on prosecution. However the suite of new powers available would also allow officers to utilise a range of measures for those identified as persistently breaching the order, for example:

- Community Protection Notices could be issued against the individuals;
- A Criminal Behaviour Order could be sought. Breach of the PSPO is an offence and upon conviction, individuals could be made subject to a Criminal Behaviour Order. This carries tougher sanctions such as unlimited fines or up to six months imprisonment and the ability to implement positive conditions, for example requiring support for alcohol and/or substance misuse issues; and
- A Civil Injunction could be sought against individuals, which also carries tough sanctions such as unlimited fines or imprisonment along with the ability to implement positive conditions.

4.6 Proposed Public Space Protection Orders within Peterborough

4.6.1 The council is keen to utilise this new power to improve the quality of life for those that live, work and visit within our city and to tackle anti-social behaviour in the areas most affected. Research was conducted to identify the priority areas within Peterborough affected by ASB and using the latest LSOA data we identified the top 15 areas for reports of ASB, as illustrated in Diagram 2.

LSOA Code	LSOA Name	Area	ASB	ASB	ASB	ASB	ASB	ASB	ASB	ASB	ASB	ASB	ASB	ASB	ASB	ASB	ASB	ASB	ASB
E01015599	Peterborough 014A	Central	457	1073	1	39	310	3	66	253.8	9	30	344	7	15	447	2	485.7	1
E01015602	Peterborough 014C	Central	247	580	2	44	350	1	65	249.9	10	47	539	2	13	387	3	421.3	2
E01015654	Peterborough 012E	Park	95	223	6	34	271	6	35	134.6	30	31	356	6	17	506	1	298.1	3
E01015611	Peterborough 013B	East	100	235	4	44	350	1	78	299.9	5	20	230	16	8	238	10	270.6	4
E01015612	Peterborough 014D	East	83	195	8	23	183	12	103	396.0	2	23	264	13	7	209	19	249.3	5
E01015603	Peterborough 010A	Central	76	178	11	26	207	11	49	188.4	17	47	539	2	4	119	30	246.5	6
E01015639	Peterborough 021B	Orton Longueville	73	171	12	29	231	9	93	357.6	4	20	230	16	8	238	10	245.5	7
E01015692	Peterborough 016E	West	32	75	55	14	111	37	30	115.3	41	63	723	1	1	30	73	210.9	8
E01015609	Peterborough 007B	Dogsthorpe	84	197	7	34	271	6	33	126.9	36	17	195	19	8	238	10	205.6	9
E01015594	Peterborough 011C	Bretton North	125	294	3	12	96	50	65	249.9	10	7	80	43	8	238	10	191.5	10
E01015664	Peterborough 009E	Ravensthorpe	36	85	48	16	127	32	139	534.4	1	13	149	23	2	60	49	191.0	11
E01015658	Peterborough 007E	Paston	81	190	10	36	287	4	49	188.4	17	9	103	32	6	179	21	189.4	12
E01015616	Peterborough 013F	East	99	232	5	35	279	5	31	119.2	39	21	241	15	2	60	49	186.2	13
E01015642	Peterborough 021E	Orton Longueville	36	85	48	23	183	12	69	265.3	8	11	126	28	9	268	8	185.4	14
E01015601	Peterborough 012A	Central	55	129	25	12	96	50	65	249.9	10	33	379	5	2	60	49	182.6	15

Diagram 2

4.6.2 Using this data set shown in Diagram 2, as well as information and the local knowledge of council, Police and Fire Service colleagues, two areas have been identified as benefiting from having Public Space Protection Orders in place:

- City Centre (Map at Annex 1)
- Millfield, New England and parts of Park and Eastfield (Map at Annex 2)

4.6.3 There are a number of issues affecting the quality of life of those in the locality of the proposed PSPO areas. These include anti-social behaviour caused by alcohol, anti-social behaviour caused by groups, begging, urination/defecation in open spaces, unauthorised cycling, high volumes of fly tipped domestic and commercial waste, as well as littering and spitting. Conditions aimed to address the issues affecting the two proposed areas are listed further in this document.

4.6.4 Many of the proposed conditions are currently enforceable under existing legislation by either the Police or authorised officers within Peterborough City Council, but not both. By including these conditions within the proposed PSPOs it gives both Police and authorised council officers the ability to enforce a number of quality of life issues and offences as breaches of the Public Space Protection Orders by means of issuing on the spot Fixed Penalty Notices, opposed to going through what can often be lengthy legal processes.

4.6.5 Anti-social behaviour and alcohol-related anti-social behaviour figures for the two proposed areas are as follows.

- In the proposed City Centre PSPO area there were 946 reported ASB incidents to the Police during 1/1/2014-26/7/16, 268 of which were alcohol related.
- In the proposed Millfield, New England, Park and East PSPO area there were 2546 reported ASB incidents to the Police during 1/1/2014-26/7/16, 537 of which were alcohol related.

4.6.6 Begging has been a long standing issue amongst the street life community in the City Centre. Begging can cause nuisance and annoyance and at its worst can be frightening and intimidating to members of the public. There are a number of statutory and charitable support services available offering assistance with housing, alcohol and substance misuse, foodbanks, clothing, etc, therefore there shouldn't be a requirement for anyone to beg. Yet since 1st January 2014 to 26th July 2016, there has been a total of 186 incidents which have been reported to the Police. The actual figure is likely to be considerably higher as this issue is under-reported.

4.6.7 Peterborough City Centre has a number of buskers who are either homeless or give the pretence that they are homeless in order to gain more funds, occupying prominent positions and sitting on the floor in possession of blankets, bags and often dogs. This has resulted in a number of incidents over the years where people have found the activities of many to be intrusive, annoying and offensive. The Police have reported that on two occasions in the last two years a guide dog has been attacked by a busker's dog resulting in the retirement of two assistance dogs. There have also been numerous reports of dogs being aggressive towards other dogs and barking, other dog owners have had to take evasive action. Many of the buskers dogs are not secured, are not socialised and are not exercised for long periods. Such dogs have the potential to injure the public, particularly small children. Buskers continue to use a dog to gain additional funds despite this breaching the city council's 'Busking Code'. Additionally, the blankets, bags and litter associated with the food items donated by well-meaning passers-by also present a health and safety risk. Peterborough City Council operates a 'Busking code of conduct' (Annex 3), however the code is voluntary and, if not adhered to, the Police and council officers are unable to take any enforcement action unless other offences have been committed. Police have undertaken a number of investigations into offences, but despite several successful prosecutions some buskers continue to breach the code which in turn results in further offences. Compliance of Peterborough City Council's busking code is therefore included as one of the potential conditions for the proposed City Centre PSPO. It is also recommended that the council reviews the current Busking Code.

4.6.8 Flytipping is having a significant detrimental impact on the city in terms of the impact it has on the quality of life for residents as well as the cost to the tax payer in removal, investigation and legal costs. In 2015/16 there was a staggering total of 6,765 reports of fly tipped waste and 3,030 of these were investigated by council officers. The figures for the previous financial year 2014/15 were similar with 6,891 reports of fly tipping and 2,604 investigations. Although these figures can not be broken down into specific areas in the city, one of the areas most affected is the Millfield and New England area. This is considered to be due to the high proportion of rental properties within this area and the high turnover of tenants. To promote residents to take better control of their waste it is proposed that a condition in relation to commercial and domestic bins and waste is included in the proposed PSPO for this area.

4.7 City Centre proposed PSPO

4.7.1 The conditions that are proposed for this area are:

- To surrender alcohol or disperse from an area when requested to do so by an authorised officer.
- No urination and/or defecation in a public place.

- No begging - not to make unsolicited and/or unauthorised requests for money (whether expressly requested or impliedly requested by conduct) in a public place from persons not known to the perpetrator.
- No unauthorised cycling (i.e. in Bridge Street)
- Cyclists to dismount if requested to do so by an authorised officer if they are of the opinion that the cyclist is riding in a wanton and furious manner.
- To comply with Peterborough City Council's code of conduct for busking.
- For groups causing harrassment, alarm or distress to disperse from an area if requested to do so by an authorised officer.
- No littering or spitting.

4.8 Millfield, New England, Park and East proposed PSPO

4.8.1 The conditions that are proposed for this area are:

- To surrender alcohol or disperse from an area when requested to do so by an authorised officer.
- No urination and/or defecation in a public place.
- No domestic or commercial bins or waste to be left on the public highway, excluding on days of refuse collection.
- For groups causing harrassment, alarm or distress to disperse from an area if requested to do so by an authorised officer.
- No littering or spitting.

4.8.2 The primary aim of the PSPOs is to prevent and educate people in what is considered unacceptable anti-social behaviour within the designated areas. If a person chooses to ignore officers' instructions and persist in committing anti-social behaviour then the officer will be able to enforce the breach by issuing a Fixed Penalty Notice. For those people who persistently breach the PSPOs, further enforcement action under the ASB, Crime and Policing Act 2014 may be considered.

5. CONSULTATION

5.1 Meetings have taken place with key officers within the Council, Police and Fire Service in April and May 2016. This has included the Police Inspector and Police Sergeants with responsibility for Policing within the proposed PSPO areas. The close working relationship with our Police and Fire Service colleagues within the Safer Peterborough Partnership Prevention and Enforcement Service has greatly facilitated consultation.

5.2 If the decision is made by the Cabinet Member for Communities and Environment Capital to proceed with applying for the proposed PSPOs, consultation will be conducted with the appropriate ward councillors, resident/business/community associations as well as with residents, businesses and visitors to the city through the use of the local media, via the Council's website and social media. Hard copies of the proposed order and consultation documents will also be made available at council offices, Central Library and by post upon request.

5.3 Guidance relating to publication of PSPO's is set out in the Anti-Social Behaviour Crime and Policing Act 2014 (Publication of PSPO's) Regulations 2014.

6. ANTICIPATED OUTCOMES

6.1 Police and authorised Council officers will be able to tackle a wider range of quality of life issues through enforcement of the PSPOs, instead of using existing legislation which can often entail lengthy legal processes in comparison to issuing Fixed Penalty Notices.

- 6.2 The quality of life in the proposed areas will improve, which will make Peterborough a better place to live, work and visit.
- 6.3 Courses of action in terms of robust enforcement and compulsory engagement with support services can be easily identified for people who repeatedly breach the PSPOs.

7. REASONS FOR RECOMMENDATIONS & ANY RELEVANT BACKGROUND INFORMATION

- 7.1 If implemented, Public Space Protection Orders will directly enable the Local Authority and the Safer Peterborough Partnership achieve the objectives to 'Keep our communities safe, cohesive and healthy' and 'Tackling anti-social behaviour.'
- 7.2 If implemented, Public Space Protection Orders will give more powers to Police and authorised Council officers to tackle anti-social behaviour in the areas most affected, thus improving the quality of life for people who live, work and visit in the proposed areas.
- 7.3 The two proposed PSPO areas are currently DPPO areas which the local authority is required to review within 3 years of the new legislation coming in to force, by October 2017. The consultation for the proposed PSPOs will also act as the review and, if approved, will allow for additional conditions to be added to improve the quality of life for those that live, work and visit in these areas.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Do nothing and continue with existing DPPO restriction in tackling alcohol-related ASB until October 2017, however only the Police would have the ability to enforce this sole condition. The opportunity to easily and quickly address other quality of life issues would be missed. Both Police and authorised Council officers will continue to be limited in terms of which quality of life issues that they are able to enforce under current legislation and policy.

9. IMPLICATIONS

Financial

- 9.1 Cost implications in respect of public consultation of the proposed orders will be kept to a minimum through utilisation of the council's website and social media. If the PSPOs are approved there will be some costs associated with the installation of signage on existing street furniture to inform the public of the PSPO area and conditions. Some costs may also be incurred in relation to educational literature before and during implementation. There will also potentially be legal costs in relation prosecutions for non-payment of FPNs and other legal action such as Injunctions and Orders as appropriate for persistent offenders. The costs referred to in this section will be covered by existing departmental budgets.

Legal

- 9.2 If PSPOs are approved, it is likely that there will be an increase in demand for the services of the council's legal department when pursuing prosecutions for non-payment of FPNs or the application to court for Civil injunctions or Criminal Behaviour Orders, etc. for persistent offenders.

Corporate Priorities: Environment Capital

- 9.3 If the PSPOs are consulted on and approved, there are potential positive environmental implications which will help achieve this corporate priority.

Human Resources

- 9.4 Staff training, however costs associated are likely to be picked up by the implementation of the Prevention and Enforcement Service.

ICT

- 9.5 Some ICT resource will be required to enable the consultation to be made accessible on the Council's website with the ability to complete online.

Property

- 9.6 None.

Procurement

- 9.7 If Public Space Protection Orders are implemented, purchase and installation of signage as well as enforcement ticket books will be required.

Communications

- 9.8 Likely to generate interest from local media, therefore press releases will be required. Consultation documentation will also need to be made available on the council's website.

Cross-Service Implications

- 9.9 If approved, the Public Space Protection Orders will make the Highways department's Traffic Regulation Orders enforceable by an increased number of officers and discussions have taken place regarding the viability of extending orders such as the cycling ban on Bridge Street to other heavily pedestrianised area. The City Centre team's Busking Code could also become enforceable for the first time. This may present an ideal opportunity for the code to be reviewed. Discussions are to take place with senior officers in both departments.

Community Implications

- 9.10 The law abiding citizens within Peterborough will not be adversely affected by the proposed Public Space Protection Orders and will have the opportunity to comment on the orders during the period of consultation.

Equality Implications

- 9.11 This report does not specifically highlight equalities implications. However, in discharging their responsibilities the Council is required to comply with equalities and human rights legislations.

Crime and Disorder / Community Safety

- 9.12 This will enable the Council and the Safer Peterborough Partnership to achieve its objectives to 'Keep our communities safe, cohesive and healthy' and 'Tackling anti-social behaviour.'

Environment

- 9.13 This will enable the Council and the Safer Peterborough Partnership to tackle quality of life issues such as fly tipping, littering and spitting.

10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

10.1 None.

11. 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

None.