

DECISION REQUEST FOR IMPLEMENTATION OF MILLFIELD, NEW ENGLAND, EASTFIELD AND EMBANKMENT PUBLIC SPACE PROTECTION ORDER

Councillor Irene Walsh, Cabinet Member for Communities

June 2017

Deadline date: June 2017

Cabinet portfolio holder: Responsible Director:	Cllr Irene Walsh, Cabinet Member for Communities Wendi Ogle-Welbourn, Corporate Director People and Communities
Is this a Key Decision?	YES If yes has it been included on the Forward Plan : YES Unique Key decision Reference from Forward Plan : KEY/06MAR17/04
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

R E C O M M E N D A T I O N S

The Cabinet Member is recommended to authorise implementation of a Millfield, New England, Eastfield and Embankment Public Space Protection Order under Section 59 of the Anti-Social Behaviour, Crime & Policing Act 2014.

1. SUMMARY OF MAIN ISSUES

- 1.1 This report seeks the Cabinet Member for Communities to authorise Peterborough City Council to begin the required process to implement a Millfield, New England, Eastfield and Embankment Public Space Protection Order under Section 59 of the Anti-Social Behaviour, Crime & Policing Act 2014.

2. PURPOSE OF THIS REPORT

- 2.1 This report is for Cllr Walsh, Cabinet Member for Communities 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 (b).

3. **TIMESCALE**

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

4.1 Public Space Protection Orders (PSPOs) have replaced 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.

4.2 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.

4.3 The penalty for breaches of a PSPO relate to Fixed Penalty Notices (FPNs) and the maximum fine Local Authorities can set is £100. However the penalty for Peterborough PSPOs has been set at £80, with an early repayment option of £60 – this is in line with best practice to offer an early repayment reduced rate and is also in line with the revised fees and charges for similar types of enforcement by Fixed Penalty Notice. 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.

4.4 **Proposed Millfield, New England, Eastfield and Embankment Public Space Protection Order**

4.4.1 The Prevention and Enforcement Service intends 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 1. Also available in a larger format at Appendix 1.

Ward	Area	Sub-Area	ASB	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	
E01015629	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 1

4.4.2 Using this data set shown in Diagram 1, as well as information and the local knowledge of council, Police and Fire Service colleagues, an area encompassing Millfield, New England and parts of Park and East Wards has been identified. This PSPO is to be known as the Millfield, New England, Eastfield and Embankment PSPO (Map at Appendix 2). The other area identified was the City Centre and this PSPO was implemented in April 2017.

4.4.3 There are a number of issues affecting the quality of life of those in the Millfield, New England, Eastfield and Embankment PSPO area. These include anti-social behaviour caused by alcohol, anti-social behaviour caused by individuals and groups, urination/defecation in open spaces as well as flytipping, littering and spitting. The conditions aimed to address these issues within the proposed PSPO area are listed further in this document.

4.4.4 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 Order by means of issuing on the spot Fixed Penalty Notices, opposed to going through what can often be lengthy legal processes.

4.4.5 During 1/1/2014-26/7/16, there were 2546 reported ASB incidents to the Police in relation to this proposed PSPO area, 537 of which were alcohol related. The majority of this area is currently covered by a Designated Public Place Order (DPPO) which controls alcohol-related anti-social behaviour, however only Police have the ability to enforce breaches of DPPOs. The proposed PSPO for the Millfield, New England, Eastfield and Embankment area will enable authorised council officers in addition to the Police to tackle alcohol-related anti-social behaviour. Whilst enforcing breaches of the PSPO for alcohol-related ASB, officers will also work closely with the Council and Police Licensing Officers to identify any potential licensing breaches which contribute to street drinking and alcohol-related ASB.

4.5 Millfield, New England, Eastfield and Embankment PSPO

4.5.1 The conditions that were proposed and consulted on for the Millfield, New England, Eastfield and Embankment PSPO are:

- Persons within the area, on the request of a Police Constable, Police Community Support Officer or an authorised Council Officer are to comply with the request to dispose of or surrender any containers of alcohol in their possession or disperse from an area.
- No urination and/or defecation in a public place other than within designated public toilets.
- No domestic or commercial bins or excess waste to be left on the public highway,

excluding on days of refuse collection (in line with Section 46 and Section 47 of the Environmental Protection Act 1990 or any other enactment or statutory instrument).

- Groups are to disperse from an area if requested to do so by an authorised officer if the officer is of the opinion that the group is causing harassment, alarm or distress.
- No littering or spitting. It is an offence to throw down, drop or otherwise deposit and then leave, litter in any place in the open air in the defined area.

4.5.2 A copy of the revised Draft Public Spaces Protection Order for Millfield, New England, Eastfield and Embankment is at Appendix 3.

4.5.3 If implemented, officers will be tasked in educating the public with regards to the new order and the conditions for the first six weeks which coincides with the six week statutory appeal period. This is in keeping with the approach taken by other local authorities such as Swindon and Cambridge City. All existing and new officers will be provided with guidance with reference to what behaviours constitute breaches of the various conditions, to ensure consistency when providing education and conducting enforcement of the PSPO.

5. CONSULTATION

5.1 Following the Cabinet Member Decision to consult in respect of the proposed PSPO, a public consultation exercise was launched on Friday 16th December 2016 until Sunday 15th January 2017. The public consultation was published on the Peterborough City Council website (hard copies were available on request) and views were also sought directly from the Police and Crime Commissioner and the Chief Constable of the Police in accordance with the guidance relating to publication of PSPO's as set out in the Anti-Social Behaviour Crime and Policing Act 2014 (Publication of PSPO's) Regulations 2014. All Ward Councillors, interested parties and relevant council departments were invited to provide their comments in relation to the proposed Millfield, New England, Eastfield and Embankment PSPO.

5.2 Responses in favour of the proposed Millfield, New England, Eastfield and Embankment PSPO have been received from Alec Wood, Chief Constable of Cambridgeshire Constabulary as well as from Jason Ablewhite, Cambridgeshire Police and Crime Commissioner.

5.3 There were a total of 51 respondents to the Millfield, New England, Eastfield and Embankment PSPO consultation survey who were asked questions in relation to each specific proposed condition. Responses in favour of each of the proposed conditions was received, with the highest response being 96% of respondents in favour of a PSPO to be used to deter people urinating and defecating in a public place and 92% were in favour of the proposal to allow officers to disperse groups causing harassment, alarm or distress. 90% of respondents were supportive of the proposed condition to tackle littering and spitting. 88% were also in favour of the use of a PSPO to control anti-social behaviour from people who have been consuming alcohol. A summary of responses to all proposed conditions can be found at Appendix 4.

5.4 In response to comments made in relation to the condition requiring groups to disperse from an area, this has now been amended to '*Any individual is to disperse from an area if requested to do so by an authorised officer if the officer is of the opinion that the individual is causing harassment, alarm or distress*'. There was concern that the local authority would be duplicating the Dispersal power under Section 35 of the Anti-social Behaviour, Crime & Policing Act 2014 which is a power reserved for the Police only. The question was also raised about how a 'group' would be defined. The reasoning for including this condition in the PSPO is so that authorised council officers and the Police will have the ability to deal quickly with individuals and groups causing low level anti-social behaviour which wouldn't meet the test for a pre-planned police S35 dispersal power. In relation to this condition being limited to 'groups', this has been reconsidered and has now been amended to 'individual' so that all

instances of people causing ASB can be dealt with to prevent any escalation and minimise the impact on the law abiding public and businesses.

- 5.5 In respect of the proposed condition 'No domestic or commercial bins or excess waste to be left on the public highway, excluding on days of refuse collection', this has been reconsidered and has not been included in the revised draft order. This is in part due to the imminent enviro crime preventative initiative which is being piloted within the proposed PSPO area. Due to commence at the end of May 2017, this is initially a one year pilot being delivered in partnership with Fenland District Council which aims to address the significant enviro crime problems in the City's most affected area. The council is also in the process of revising its waste and recycling policies as it enters into partnership with a new waste management provider. Once policies have been revised and the outcomes of the enviro crime preventative pilot are known, this condition could be incorporated within the PSPO at a later date (following further consultation) if required.
- 5.6 No further changes have been made to the remaining conditions in the Draft Millfield, New England, Eastfield and Embankment Public Space Protection Order which can be found at Appendix 3.
- 5.7 Relevant council departments have been consulted. Highways, CCTV and City Centre Services have also been involved in discussions in relation to signage which will notify the public of the order and the conditions if implemented.
- 5.8 In addition to the initial consultation, Ward Councillors will be informed of the request to implement the Millfield, New England, Eastfield and Embankment PSPO prior to the publication of this decision request.

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, the Millfield, New England, Eastfield and Embankment Public Space Protection Order 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, the Public Space Protection Order will give more powers to Police and authorised Council officers to tackle anti-social behaviour in the proposed area, thus improving the quality of life for people who live, work and visit the Millfield, New England, Eastfield and Embankment area.
- 7.3 The majority of the proposed PSPO area is currently a DPPO area which the local authority is required to review within 3 years of the new legislation coming into force, by October 2017. The proposed PSPOs will allow for additional conditions to be added to improve the quality of life for those that live, work and visit in these areas and will be effective for 3 years.

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, policy and competing priorities.

9. IMPLICATIONS

Financial

- 9.1 If the Millfield, New England, Eastfield and Embankment PSPO is 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. This is anticipated to be in the region of £3,000. 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 the Millfield, New England, Eastfield and Embankment PSPO is 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. Legal Services have been consulted and are currently scoping the scale of the potential increase in workloads and resourcing implications.

Corporate Priorities: Environment Capital

- 9.3 If the Millfield, New England, Eastfield and Embankment PSPO is approved and implemented, 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 may be required if Fixed Penalty Notices are issued on handheld devices in the future. This will be picked up within the scope of the ongoing developments of the Prevention and Enforcement Service.

Property

- 9.6 None.

Procurement

- 9.7 If the PSPO is implemented, purchasing and installation of signage will be required. This will be purchased from departmental budgets.

Communications

- 9.8 Likely to generate interest from local media. Communications in respect of this order will be managed by Service Heads and the Prevention and Enforcement Service Communication Manager.

Cross-Service Implications

- 9.9 None.

Community Implications

- 9.10 The law abiding citizens within Peterborough will not be adversely affected by the proposed Public Space Protection Orders and were provided with 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 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.

12. APPENDICES

- 12.1 Appendix 1 – Top 15 LSOA areas for reports of ASB
- 12.2 Appendix 2 – Millfield, New England, Eastfield and Embankment Public Space Protection Order Map
- 12.3 Appendix 3 – Revised Draft Public Spaces Protection Order for Millfield, New England, Eastfield and Embankment
- 12.4 Appendix 4 - Responses to Proposed Millfield, New England, Eastfield and Embankment PSPO Conditions