

DECISION TITLE: Decision Request For Public Consultation For Variation of the Woodston Public Space Protection Order

Councillor Irene Walsh, Cabinet Member for Communities

September 2018

Deadline date: N/A

Cabinet portfolio holder: Responsible Director:	Clr Irene Walsh, Cabinet Member for Communities Wendi Ogle-Welbourn, Corporate Director People and Communities
Is this a Key Decision?	NO
Is this decision eligible for call-in?	NO
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 authorise Peterborough City Council to commence public consultation for the variation of the Woodston 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 to authorise Peterborough City Council to begin the required public consultation exercise to vary the Public Space Protection Order for Woodston under Section 72 (3) of the Anti-Social Behaviour, Crime & Policing Act 2014.

2. PURPOSE OF THIS REPORT

- 2.1 This report is for the 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 This decision request seeks the authorisation from the Cabinet Member for public consultation to vary the conditions and extend the order area of the existing Public Spaces Protection Order (PSPO) for Woodston and Fletton, to enable the Local Authority to respond to the continuing quality of life issues affecting the community within this area. The area was previously subject to a Designated Public Places Order (DPPO) since 2010 and converted to a PSPO on 20th October 2017.
- 4.2 **Public Space Protection Orders (PSPOs)** have replaced Gating Orders, Designated Public Place Orders (DPPOs) and Dog Control Orders. With the use of PSPOs 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 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, including private enforcement services commissioned by the council.
- 4.4 The penalty for breaches of a PSPO relate to Fixed Penalty Notices (FPNs). The penalty for Peterborough PSPOs is currently set at £80. 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:
- 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.
 - 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.
- 4.5 **Woodston** - The DPPO order for the Woodston area was implemented in 2010, with the ward area being ranked as the 5th highest for ASB within the Peterborough at that time and alcohol considered as a contributing factor. Complaints of anti-social behaviour and crimes and quality of life issues in relation to the consumption of drugs and alcohol and associated behaviours are still reported by the community to the Police and the Council. This includes a letter and petition which were submitted to the Council in September 2015 by the Chairman of Peterborough Neighbourhood Watch requesting the extension of the DPPO/PSPO and closure of an alleyway. These demonstrate the wider impact that the alcohol related ASB is having on the community within the vicinity of the order area, as well as those that visit the area's South Grove Community Centre or live in nearby streets. It is proposed that the existing order area is extended up to and including London Road to the Junction of New Road, Oundle Road and up to Wharf Road including the play area at the back off Wharf Road, Palmerston Road, London Road and the river bank.
- 4.6 The existing DPPO/PSPO area and the proposed extended area are shown below:

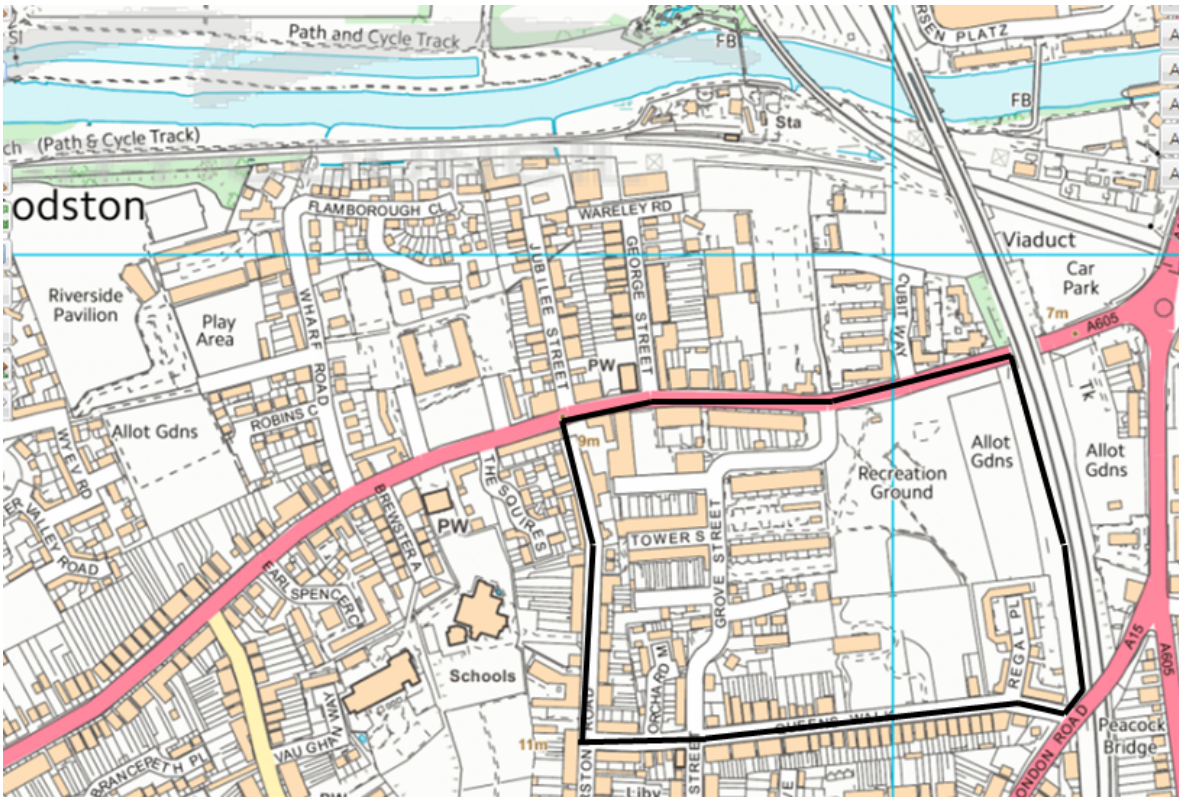


Diagram 1 Original DPPO and current PSPO boundary area in Woodston

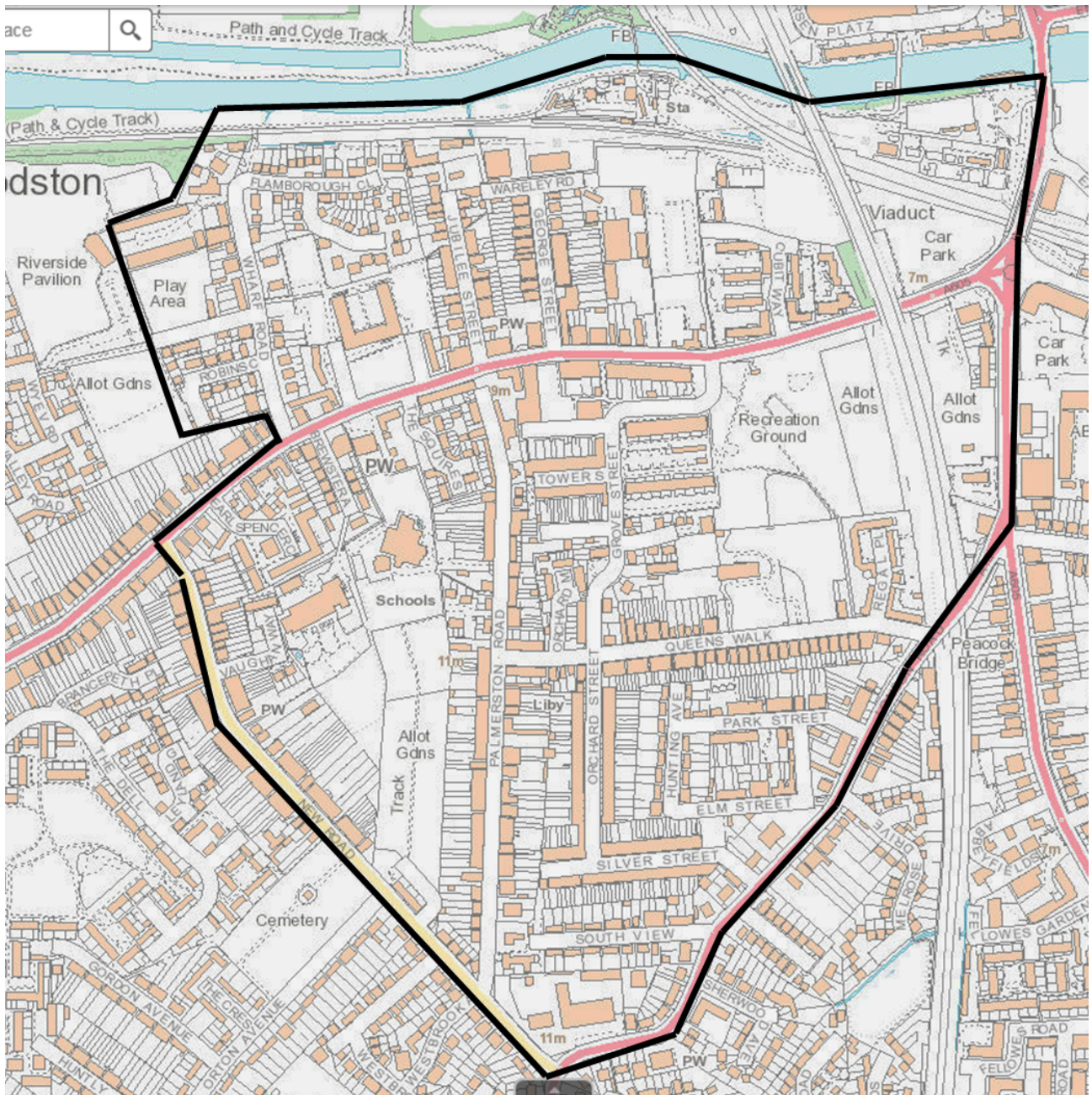


Diagram 2 - Proposed extended boundary area for the revised Woodston PSPO

4.7 The proposed extended area for the Woodston PSPO uses the roads and river bank as easily identifiable boundaries and cover areas where there have been reports of anti social behaviour and crime. The proposed order area also takes into account potential locations where enforcement may displace the issues such as play areas, allotments, etc so that these areas are also enforceable.

4.8 Evidence to support extension and variation of the Woodston PSPO

4.8.1 Data used as supporting evidence to review and extend the Woodston PSPO has been gathered using UK Crime Mapping, My Peterborough/Public Stuff and from partner agencies such as Police, Amey, from officers' knowledge of the area as well as reports to officers from ward councillors and residents.

4.8.2 UK Crime Mapping shows that in the time from March 2017 to March 2018, a total of 488 incidents and crimes have been reported comprising 242 incidents for the current DPPO/PSPO area and 246 incidents and crimes for the additional streets within the

proposed order extension area. These reports relate to ASB, violence, criminal damage and public order as well as other offences, with ASB representing 29% of the incidents, violence 28%, criminal damage 9% and public order 7% - all of which equates to 73% of incidents and concerns reported to Police within the proposed PSPO area. Full details can be found at **Annex 1**.

- 4.8.3 The Prevention & Enforcement Service (PES) has also received a number of reports relating to drug use, anti-social behaviour, environmental crime such as graffiti, as well as damage to play equipment. These are received via the My Peterborough app as well as directly from members of the public and councillors, or via discussion at the multi-agency anti-social behaviour case review meetings. A case reported to us by a Ward Councillor in January 2018 related to an issue with several problem areas in Queens Walk which included drug dealing and anti-social behaviour. More recently in May 2018 there have been reports of open intravenous drug use and discarded needles in the Oundle Road recreation ground and there are other areas by the river that are frequently blighted by drug taking, street drinking, unauthorised encampments and associated litter. Additionally there was a case in September 2017 which related to a series of stone throwing at taxis by youths in the Oundle Road recreation area, reported to the PES by the chair of the Peterborough Hackney Drivers Federation. Whilst it is not proposed that the council seeks authority to issue fines to minors, by giving officers powers to respond to anti-social behaviour and provide an increased uniformed presence in the area, it is hoped that the various issues will be discouraged thus reducing the impact on the quality of life of those in the locality.
- 4.8.4 As mentioned earlier in this report, the Chair of Peterborough Neighbourhood Watch (NHW) contacted the Safer Peterborough Partnership in July 2015 to highlight the issues in the area and the impact this has been having on the residents, some of whom are elderly or families with young children. Issues reported included people congregating on a low walled area near the shops and community centre for long periods of time, during which they would be drinking, littering and often exposing themselves whilst urinating or defecating in public. Glass bottles were often being thrown as well as passers-by being shouted and sworn at. A number of recommendations were made by the Chair of NHW and multi-agency discussions took place with the Police and council enforcement officers. A number of actions were identified and carried out, with some positive results such as landowners restricting access, CCTV has been installed at the Community Centre and areas were cleansed and foliage cut back. However our Amey colleagues can confirm anecdotally that there is still an issue with alcohol-related anti-social behaviour within the area based on the volume of broken glass and cans that they are clearing in the recreation area. The play area is having to be cleared daily and Amey operatives are now attending once a week for the rest of the field, there is always a large amount of cans around the seating areas.

4.9 Proposed conditions for the varied Woodston PSPO

- 4.9.1 The restriction relating to consumption of alcohol in a designated public place which was implemented in 2010 made it an offence if a person fails to comply with an officer's instruction to cease consuming alcohol in the designated area, to surrender or dispose of their alcohol or to disperse from an area. However the restriction does not completely ban the consumption of alcohol in the designated public place (a common misconception of the public) and was intended to be used when the officer believed that the person drinking was causing a nuisance or annoyance. Due to increase in demand and pressures on Police

resources, officers are not able to patrol and enforce the DPPO areas as proactively as they would have previously. However when the Home Office introduced Public Spaces Protection Orders, it introduced the ability for local authorities to authorise council officers to enforce these orders in addition to the Police.

4.9.2 The Prevention and Enforcement Service proposes to impose the following conditions:

- a) Persons within the restricted area are prohibited to consume alcohol in a public place or be in possession of an open vessel containing alcohol, other than on licensed premises or where a Temporary Event Notice is in operation in accordance with the Licensing Act 2003.
- b) 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 under the influence of an intoxicating substance.
- c) 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.
- d) No urination and/or defecation in a public place other than within designated public toilets
- e) 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.
- f) Adults are prohibited from being present in a children's playground area unless they are accompanying a child of 14 or under, unless the person using the play equipment/park requires the attention of a recognised carer, or they are present in an official capacity (e.g. Maintenance officer)
- g) No camping or fires in any public place in the defined area without express written permission of the City Council.

4.9.3 Whilst there is existing provisions to enable officers to enforce against littering and spitting and illegal encampments, these issues have been included within the PSPO to highlight the significant impact they are having on the community and the targeted focus to be deployed via the PSPO by the Prevention & Enforcement Service. Drug use, discarded needles and drug related litter are increasing within the proposed area and is causing great concern for the community. It is therefore proposed that officers are authorised to issue an FPN to anyone that they consider to be under the influence of any intoxicating substance and fails to disperse from the area. It is hoped that with an increased uniformed presence within the area that drug use and related activity will be discouraged and officers will share any information and intelligence with the Police.

4.9.4 With regards to the issues of drug use and misuse and damage to children's play areas it is proposed that to overcome this the council restricts persons aged 18 and over from accessing these areas unless they are accompanying a child aged 14 or under (or if they are accompanying someone in their care who is older than 14 and who has special educational needs and/or a disability and they require the support of an adult carer). The intention of this condition is to prevent groups of adults from damaging or misusing the play areas and minimise any risk of harm. A copy of the proposed Draft Order is attached at **Annex 2**.

5. CONSULTATION

5.1 Informal discussions have taken place with ward councillors, community groups, Neighbourhood Watch and the Police. Ward Councillors are being consulted regarding this decision request.

5.2 If the decision is made by the Cabinet Member for Communities and Environment Capital to

proceed with consulting for a variation to the Woodston PSPO, consultation will be conducted with the appropriate ward councillors, Police & Crime Commissioner and Chief Constable, interested parties (i.e. NHW, community groups, Licensing, Police, Cross Keys Homes, and business/community associations) as well as with residents, businesses and visitors to the city. A variety of methods will be used such as direct mailings, 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 Authorised Council officers will be able to tackle a wider range of quality of life issues through enforcement of the PSPO in the varied Woodston PSPO area. It is also anticipated that an increased uniformed presence within the area will have a positive impact on community safety within the area.
- 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 identified for people who repeatedly breach the PSPO.

7. REASONS FOR RECOMMENDATIONS & ANY RELEVANT BACKGROUND INFORMATION

- 7.1 When implemented, Public Space Protection Orders contribute to the Local Authority and the Safer Peterborough Partnership achieving the following objectives:
- Tackling Anti-Social Behaviour and Environmental Crime
 - Reduce harm experienced by individuals, families and the community arising from problematic substance abuse.
 - Reduce crime experienced by individuals, families and the community associated with problematic substance abuse.
- 7.2 Public Space Protection Orders give more powers to 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.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Do nothing and continue with existing order area under the previous DPPO with the single condition of enforcing consumption of alcohol if the officer believes that the individual has or is likely to cause anti-social behaviour. However the opportunity to positively impact on other quality of life issues affecting the wider area of Woodston would be missed and limited under current legislation and policy.

9. IMPLICATIONS

- 9.1 Financial - 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 varied Woodston PSPO is approved there will be 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.

- 9.2 Legal - If the varied PSPO for Woodston 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.
- 9.3 Corporate Priorities: Environment Capital - if consulted on and approved, there are potential positive environmental implications which will help achieve this corporate priority.
- 9.4 Human Resources - Training of staff, however the majority of staff have previously received training and the majority of PSPO enforcement is delivered by Kingdom.
- 9.5 ICT - 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.
- 9.6 Property - None
- 9.7 Procurement - Purchase and installation of signage via Highways/Skanska.
- 9.8 Communications - 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.
- 9.9 Cross-Service Implications - No significant implications are anticipated.
- 9.10 Community Implications - The law abiding citizens within Peterborough will not be adversely affected by the proposed varied order and will have the opportunity to comment on the orders during the period of consultation.
- 9.11 Race Equality Impact - No anticipated adverse effect
- 9.12 Discrimination and Equality - No anticipated adverse effect
- 9.13 Impact on other potentially disadvantaged groups - No anticipated adverse effect
- 9.14 Crime and Disorder / Community Safety - 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.'
- 9.15 Environment - With a focus of enforcement resources within the proposed area it is likely that more environmental crime offences will be detected, thus enabling the Council and the Safer Peterborough Partnership to tackle quality of life issues such as fly tipping, littering and dog fouling.

10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

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 ANNEX 1 – Data from UK Crime March 17 – Mar 18
- ANNEX 2 - DRAFT Public Spaces Protection Order - Woodston