

**DECISION REQUEST FOR VARIATION OF WOODSTON PUBLIC SPACES PROTECTION ORDER**

**Councillor Irene Walsh, Cabinet Member for Communities**

**March 2019**

**Deadline date: April**

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| Cabinet portfolio holder:<br>Responsible Director:                       | Cllr Irene Walsh, Cabinet Member for Communities<br>Wendi Ogle-Welbourn, Executive 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  |

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

The Cabinet Member is recommended to authorise variations of the Woodston Public Spaces Protection Order under Section 61 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 vary and extend the Woodston Public Spaces Protection Order under Section 61 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 (d).

**3. TIMESCALE**

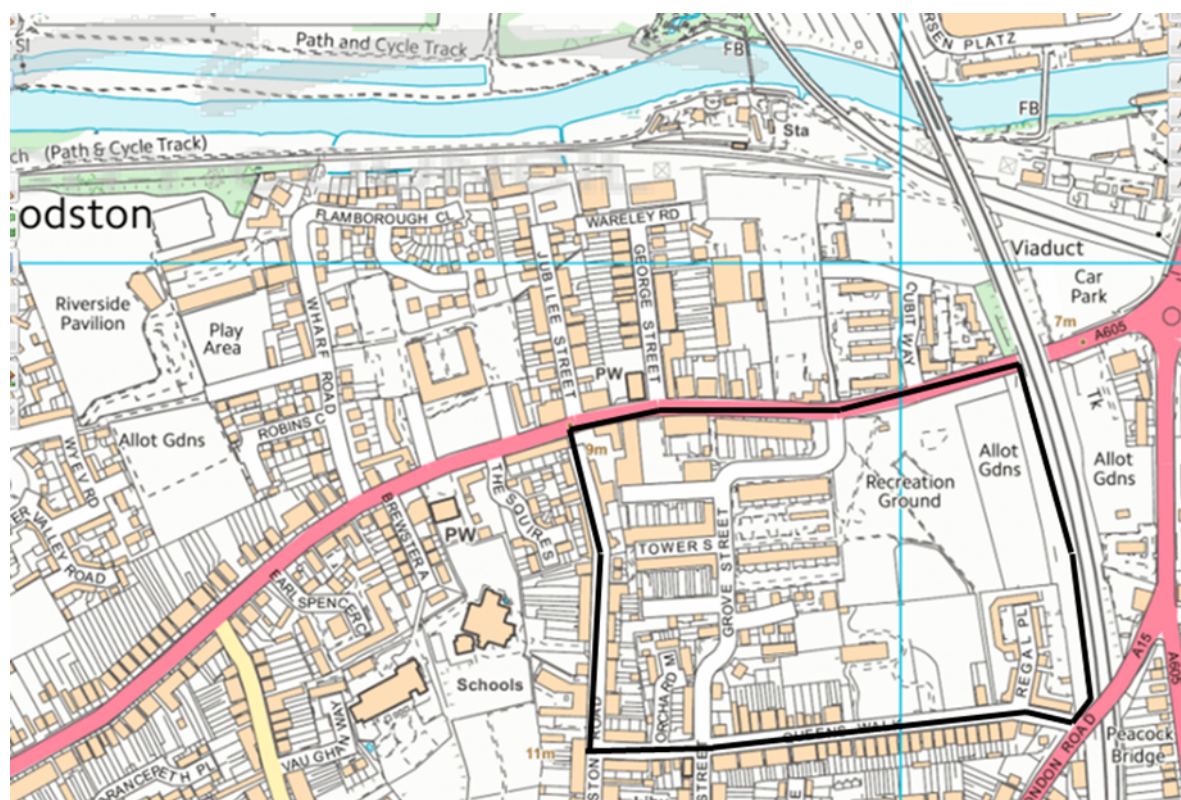
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|---|-----------|
| Is this a Major Policy Item/Statutory Plan? | <b>NO</b> |
|---|-----------|

**4. DETAILS OF DECISION REQUIRED**

- 4.1 This decision requested seeks the authorisation from the Cabinet Member to vary the conditions and extend the order area of the existing Public Spaces Protection Order (PSPO) for Woodston 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 The original restriction relating to consumption of alcohol in the Woodston Designated Public Places Order (DPPO) area 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 if the officer was of the opinion that the individual was acting in a manner that would cause harassment, alarm or distress. However the restriction did not completely ban the consumption of alcohol in the DPPO area (a common misconception of the public) and was intended to be used when the officer believed that the person drinking was behaving in a manner that was causing or likely to cause harassment, alarm or distress. Due to increase in demand and pressures on Police resources, Police Constables have not been able to patrol and enforce the DPPO areas as proactively as they would have at the time of original implementation. However when the Home Office introduced Public Spaces Protection Orders (PSPO), it introduced the ability for local authorities to authorise council officers to enforce these orders in addition to the Police. The new legislation also makes it possible for local authorities to prohibit consumption of alcohol or have open vessels containing alcohol within a designated area. If implemented, under Sec 63 (1) (a) & (b) anyone found to be consuming alcohol, intends to consume in the order area or is believed by authorised officers as having consumed alcohol in the order area will have committed a breach.
- 4.3 Authorised officers who can enforce Public Spaces Protection Orders include Police Constables (PCs), Police Community Support Officers (PCSOs) as well as officers authorised by Peterborough City Council. Whilst PCs and PCSOs do not have the facility to issue 'on the spot' council Fixed Penalty Notices, a Memorandum of Understanding has been signed between Cambridgeshire Constabulary and Peterborough City Council enabling PCs and PCSOs to deal with any breaches of the PSPO as they are witnessed and share offender details with the Prevention & Enforcement Service. In these circumstances Fixed Penalty Notices will be issued by Peterborough City Council retrospectively.
- 4.4 The penalty for breach 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. 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 individuals or businesses;
  - 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.
- 4.5 **Woodston**
- 4.5.1 The DPPO for the Woodston area was implemented in 2010, with the ward area being ranked as the 5th highest for anti-social behaviour (ASB) within the Peterborough at that time and alcohol was 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 being reported by the community to the Police and the Council. This includes a letter and petition 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. A number of actions were carried out with some positive results (detailed further) however a review of the existing order has not been carried out until now. This petition demonstrated the wider impact that alcohol related and other forms of ASB has been having on the community within the vicinity of the order area, as well as for those that visit the area's South Grove Community Centre or live in nearby streets. This issue seems to be considerably under reported in this location as well as others across the city. However our Amey colleagues can confirm anecdotally that there is still an issue with alcohol-related anti-social behaviour within the proposed area based on the volume of broken glass and cans that they are clearing in the recreation area.

#### 4.5.2



**Diagram 1 Original DPPO and current PSPO boundary area in Woodston**

4.5.3 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 misuse and damage to play equipment. These are received via the My Peterborough app as well as directly from members of the public and councillors. Issues have also been raised via discussion at multi-agency problem solving meetings, including strategic meetings relating to discarded needles in the city – Fletton and Woodston being one of the affected areas. 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. In May 2018 there had 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. A meeting with Railworld was conducted in November 2018 who advised the Prevention & Enforcement Service that the issue of drug use and discarded needles is a regular problem, requiring them to conduct checks to collect and dispose of needles on their land within the proposed area twice a week for staff/volunteer and public safety. Community groups such as Woodston In Action and Community Payback also conduct regular litter and needle picks within public open spaces in the Woodston area.

- 4.5.4 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 ASB and provide an increased uniformed presence in the area, it is hoped that the various negative behaviours will be discouraged thus reducing the impact on the quality of life of those in the locality.
- 4.5.5 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 South Grove 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. A recent visit to this area by the Prevention & Enforcement Service identified that these issues are still being experienced almost 4 years later, with evidence found of urination, defecation, and alcohol related litter and ASB as illustrated in **Appendix 1**. Unfortunately these issues seem to be significantly under reported, however our contractors Amey 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, with there frequently being a large amount of alcohol cans around seating areas.
- 4.5.6 Crime mapping data from Police.uk for the proposed Woodston PSPO area (**Appendix 2**) shows that for the period of February 2018 to January 2019, ASB represented 29% of the incidents reported to the Police during this period. ASB combined with criminal damage, drugs and public order incidents equate to 45% of incidents reported in the proposed area for this period. However 76% of all crimes and incidents reported in this area resulted in no action being taken by the Police. This data evidences that the area is subjected to behaviours that cause or are likely to cause harassment, alarm or distress and have a detrimental impact on the quality of life of those in the locality. It is hoped that by having a regular uniformed presence in the area that this will act as a deterrent for criminal and anti-social behaviour activity. Also building on the close working relationships that we have with the Police, evidence and intelligence can be shared where criminality is witnessed by authorised council officers.

## **4.6 Proposed variations to the Woodston PSPO**

- 4.6.1 The conditions that were proposed and consulted on for the varied Woodston order are:
- 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.

4.6.2 The proposed extended area for the varied Woodston PSPO is at **Appendix 3**.

4.6.3 A copy of the Draft Public Spaces Protection Order for Woodston is at **Appendix 4**.

4.6.4 If implemented, officers will be tasked in educating the public with regard 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 Peterborough City Council in implementing the two previous PSPOs. 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.

4.6.5 For conditions such as unauthorised encampment, drug use and drug related litter officers will make all reasonable efforts to identify individuals - working closely with the Housing Needs department and Aspire - to offer support and make appropriate referrals to services before considering any formal interventions as a last resort. If individuals continue to breach the PSPO for unauthorised camping, drug use and drug related litter after receiving education and support, options that may be considered to address the breaches could include notices or injunctions which can legally require individuals to access support services and prohibit them from particular areas, as opposed to fines and prosecution for non-payment. Evidence of recent unauthorised camping can be found at **Appendix 5**.

## **5. CONSULTATION**

- 5.1 Following the Cabinet Member Decision to consult in respect of the proposed variations to the Woodston PSPO, a public consultation exercise was launched on 14 November 2018 to 14 December 2018. The public consultation was published on the Peterborough City Council website (hard copies were available on request) and publicised via social media and the local press. 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 City Centre PSPO.
- 5.2 Due to the proposal to implement a prohibition of consumption of alcohol within a public place being the first of its kind within Peterborough, the licensed premises that have licenses to sell alcohol to be consumed on their premises (i.e public houses) were notified of the consultation on the varied order area and conditions and that any consumption of alcohol within the licensed area of their premises will not be adversely affected by the proposed order. The Council's Licensing department were also part of discussions regarding this proposed condition and did not consider this to pose a negative effect on the licensed premises within the proposed area.
- 5.3 Landowners within the proposed area - UK Power Networks and Railworld - were also directly consulted regarding the proposed varied PSPO for Woodston & Fletton and have given their support for the implementation of the order which encompasses their land. UK Power Networks have also provided their consent for officers authorised by Peterborough City Council to enter and carry out enforcement of any PSPO breaches on their land. Network Rail were sent details of the consultation and attempts were made to enter into discussions, however no response was received.
- 5.4 Responses in favour of the proposed City Centre PSPO have been received from the office of Chief Constable of Cambridgeshire Constabulary, as well as from Jason Ablewhite, Cambridgeshire Police and Crime Commissioner. Support was also received from Cambridgeshire Constabulary's Licensing department.
- 5.5 There were 19 respondents to the Woodston PSPO consultation online survey. The majority of respondents were in favour of each of the proposed conditions and extending the area. Those that were opposed to the extension of the order area were concerned of displacement. If implemented, any potential for displacement of issues will be closely monitored. A summary of responses to all proposed conditions can be found at **Appendix 6**.

## **6. ANTICIPATED OUTCOMES**

- 6.1 Police, Council officers and officers authorised by Peterborough City Council will be empowered to tackle a wider range of quality of life issues through enforcement of the PSPOs.
- 6.2 The quality of life in the proposed areas will improve, which will make Peterborough a better place to live, work and visit. Confidence in services will increase.
- 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 PSPO conditions.

## **7. REASONS FOR RECOMMENDATIONS & ANY RELEVANT BACKGROUND INFORMATION**

- 7.1 If implemented, the varied Woodston Public Spaces 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 Spaces 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 this area of the City.
- 7.3 The proposed PSPO area for Woodston currently includes a DPPO area which the local authority is required to review by October 2020. This proposed varied PSPO will allow for additional conditions to be added and the area extended to improve the quality of life for those that live, work and visit in this wider area 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 2020. 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 varied Woodston 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 to 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 are accounted for as officers' regular duties. The costs of design, print and installation of signage will come from the Safer Peterborough Partnership budget and any income generated from Fixed Penalty Notices will be reinvested into Prevention & Enforcement Service for further education and prevention.

### **Legal**

- 9.2 If the varied 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.

### **Corporate Priorities: Environment Capital**

- 9.3 If the varied Woodston PSPO is approved and implemented, there are potential positive environmental implications which will help achieve this corporate priority.

### **Human Resources**

- 9.4 Staff training has already been covered when the City Centre and Millfield, New England, Eastfield & Embankment PSPOs were implemented. Any new staff will receive training as and when required as part of their ongoing training within the Prevention & Enforcement Service.

### **ICT**

- 9.5 No implications are anticipated at present. Any future ICT requirements will be picked up within the scope of the ongoing development 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 the shared Safer Peterborough Partnership budget.

### **Communications**

- 9.8 Likely to generate interest from local media, therefore press releases will be required. Communications will also be required to raise awareness of the implementation of the extended order area and the additional conditions.

### **Cross-Service Implications**

- 9.9 If implemented the varied PSPO could have cross-service implications for the council's strategies to reduce discarded needles across the city as well as reducing homelessness and rough sleeping. Identification of rough sleepers and drug users will increase which will assist the council's Housing Needs service in supporting the city's street homeless population in to accommodation and services.

### **Community Implications**

- 9.10 Those who live, work and visit this area of the city will be positively impacted by the implementation of the proposed additional conditions. People's quality of life and feeling of safety will be improved and fear of crime will reduce.

### **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 - Photo evidence of issues within the proposed PSPO area
- 12.2 Appendix 2 – Police.uk Crime and ASB data for proposed PSPO area
- 12.3 Appendix 3 - Proposed Woodston PSPO area Map
- 12.4 Appendix 4 – Draft Woodston Public Spaces Protection Order
- 12.5 Appendix 5 – Unauthorised camping reports in the proposed PSPO area
- 12.6 Appendix 6 - Online survey results for consultation for the proposed varied Woodston PSPO