

<b>DECISION TITLE: Request to re-implement the City Centre Public Spaces Protection Order</b>
<b>Councillor Irene Walsh, Cabinet Member for Communities</b>
<b>May 2020</b>
<b>Deadline date: 18 May 2020</b>

Cabinet portfolio holder: Responsible Director:	Councillor Irene Walsh, Cabinet Member for Communities Wendi Ogle-Welbourn, Executive Director for 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/2MAR20/03
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?	NO

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

The Cabinet Member is recommended to:

1. The Cabinet Member is recommended to authorise the re-implementation of a City Centre Public Space Protection Order under Sections 60 and 61 of the Anti-Social Behaviour, Crime & Policing Act 2014.

### 1. PURPOSE OF THIS REPORT

- 1.1 This report is for Councillor 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).
- 1.2 With the approval of the Chairman of Adults and Communities Scrutiny Committee, special urgency procedures have been invoked to suspend the requirement to publish the decision for five days. These procedures have been invoked for the reasons set out below.

The decision is urgent due to time constraints. The current PSPO expires on 18 May 2020. The Council commenced preparations to extend the PSPO from early this year, with a view to have the extension implemented by 5 April 2020.

Unfortunately, due to the Covid 19 public health crisis, the process was significantly delayed. The CMDN is now ready for approval, however the waiver is required in order to meet the 18 May deadline.

This means the extension cannot take place as a PSPO cannot be extended after it has expired. This would mean the Council would have to re-commence the entire process in order to put in place a new PSPO, rather than an extension. This would mean there would be limited protection from Anti-Social behaviour in the city centre for months, leaving members of the public more vulnerable to anti-social behaviour and destroying all the work that has been put in place over the last 3 years to make the city centre a safer and cleaner place for the public.

It would be disproportionate to commence the PSPO consultation process all over again when this issue is due to a time lapse of only three days caused by factors out of the Local Authorities control. The public, key interested parties and statutory consultees were consulted throughout February 2020 and indicated their support for an order to improve the safety and cleanliness of the city centre. Any further consultation in such a short period of time is most likely to result in the same response and thus making any further delay in implementing an order in the city centre seem unnecessary and disproportionate.

## 2. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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## 3. **BACKGROUND AND KEY ISSUES**

3.1 On 6th April 2020 it will be 3 years since the Public Spaces Protection Order for Peterborough was implemented in the City Centre. As is the case for all Public Space Protection Orders, the duration for the City Centre PSPO is 3 years. Local Authorities can extend and vary existing orders for a further three years provided they carry out a review and re-implement prior to the expiration date of the original order. This Decision Notice seeks authorisation to vary the City Centre PSPO and re-implement the Order for a further 3 years until April 2023.

### 3.2 **Review of the existing City Centre Public Spaces Protection Order**

3.2.1 The Anti-social Behaviour, Crime & Policing Act 2014, Section 60 states:

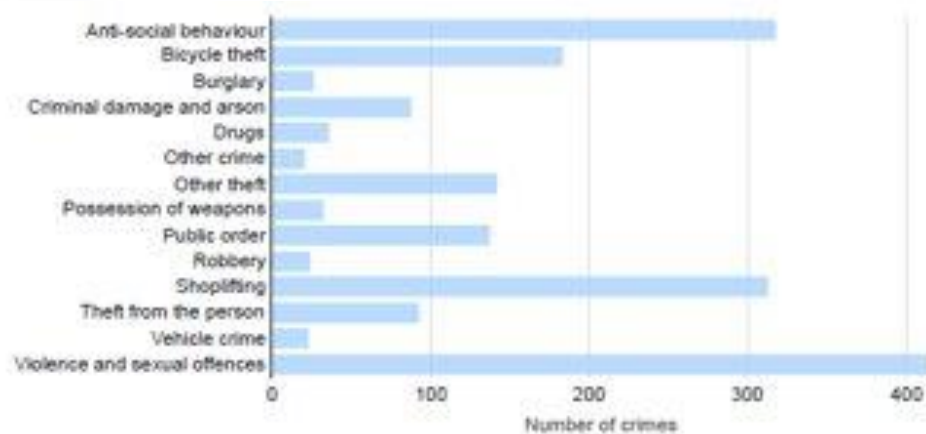
*“A Public Spaces Protection Order may not have effect for a duration of more than three years unless it is reviewed and extended prior to the order expiring.”*

3.2.2 Peterborough City Council has conducted a review of the City Centre PSPO and has consulted with the Police & Crime Commissioner, Chief Constable, key interested parties and the public throughout February 2020. Enforcement data from April 2017 to December 2019 has been collated and analysed.

3.2.3 An initial stage of the review was to analyse the FPN data and research has also been conducted to identify the levels of crimes and incidents reported to the Police which have occurred within the City Centre PSPO area.

3.2.4

According to data from [www.police.uk](http://www.police.uk), during the period starting in October 2018 and ending in November 2019 there were 318 calls relating to ASB made to the Police within the PSPO area, with ASB the second highest crime type for the order area. Further details regarding different crime types and ASB reported in the City Centre PSPO area are included below.



Crime type ☺	Total ☺	Percentage ☺
Anti-social behaviour	318	17.18%
Bicycle theft	183	9.89%
Burglary	26	1.40%
Criminal damage and arson	88	4.75%
Drugs	36	1.94%
Other crime	21	1.13%
Other theft	142	7.67%
Possession of weapons	32	1.73%
Public order	137	7.40%
Robbery	24	1.30%
Shoplifting	313	16.91%
Theft from the person	93	5.02%
Vehicle crime	23	1.24%
Violence and sexual offences	415	22.42%

3.2.5

From June 2017 to 16<sup>th</sup> December 2019 there have been 13,750 Fixed Penalty Notices (FPNs) issued for breaches of the order by Peterborough City Council authorised officers and Kingdom. The majority of the FPNs were issued for littering, unauthorised cycling and spitting. During this time 557 cases have been taken to court for non-payment of FPNs and of these 552 were given convictions, which is a 99% success rate in cases presented to court.

A breakdown of the FPNs issued by Kingdom is below:

3.2.6

<b>Kingdom Enforcement Total FPNs June 2017-16 December 2019</b>		
<b>Offence</b>	<b>Issued</b>	<b>%</b>
Littering	8,281	62%
Unauthorised Cycling	3476	26%
Spitting	1431	11%
Dismount Cyc	77	1%
Failure to Disperse (Alcohol)	52	0.50%
Urination & Defecation	48	0.50%
<b>Total:</b>	<b>13,365</b>	

3.2.7

3.2.8

In addition to enforcement by way of issuing Fixed Penalty Notices, the Prevention & Enforcement Service worked closely with Kingdom to gather evidence in relation to individuals who persistently breach the City Centre PSPO in order to identify these perpetrators and take appropriate action. In December 2019 the Local Authority took one persistent offender to Peterborough Magistrates Court. The Court decided in favour of the Local Authority and found the offender guilty in his absence, he was fined £80 plus £100 costs and a Victim Surcharge of £32. Another individual was also prosecuted in January 2020 for persistently breaching the City Centre Public Spaces Protection Order for breaches including littering and unauthorised cycling and received a fine.

3.2.9

The council maintains its approach regarding breaches of Public Space Protection Orders committed by individuals who are homeless and have no income and we do not issue FPNs in these circumstances. Alternatively, officers will engage with individuals and refer and signpost them to support services. If the individual does not engage with support services and persists in breaching the PSPO conditions, evidence is gathered and alternative interventions are considered. These may include Community Protection Warnings and Notices, Civil Injunctions or Criminal Behaviour Orders – all of which can be used to positively require people to engage with support services as well as prevent them from committing further breaches.

The Prevention & Enforcement Services (PES) has obtained Civil Injunctions from the High Court against two prolific ASB offenders. The PES also obtained a CBO against a persistent individual who was causing harassment, alarm and distress to members of the public, was abusive to council officers and was refusing to engage with support services.

Given the continued high number of Fixed Penalty Notices issued to enforce the current restrictions of the order and the current level of crime and ASB reported to the Police in this area; it was considered justified and proportionate to carry out the necessary consultation to vary and re-implement the existing City Centre order for a further three years. A copy of the draft Varied City Centre PSPO order for can be found at **Appendix 1**. A copy of the existing City Centre PSPO can be found at **Appendix 2**.

3.2.10 Proposed changes to the City Centre PSPO conditions are summarised as:

- Condition 1 to be varied - 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 the order area **and not return within 6 hours, unless for a lawful reason.**
- To remove Condition 6 'To comply with Peterborough City Council's code of conduct for busking.'
- To introduce a new Condition 6 – ***It is an offence under this order for any individual(s) to cause harassment, alarm or distress to any individual(s) by committing anti-social behaviour. Examples may include: use of offensive or abusive language, acting in an aggressive manner.***
- To vary Condition 7 - Any individual is to disperse from the designated order area **and not return within 6 hours, unless for a lawful reason,** 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.

It is not proposed to change the defined area for the City Centre PSPO, therefore the map and existing signage remain unchanged. A copy of the City Centre PSPO area map can be found at **Appendix 3**.

Since the contract between Peterborough City Council and Kingdom Local Authority Support ended in January 2020, enforcement of Public Space Protection Orders will be carried out by council Environmental Enforcement officers directly employed by the Local Authority. The Police will also have the ability to enforce the City Centre PSPO by taking offender details at the time of the breach and provide an officer statement to the Prevention & Enforcement Service for FPNs to be issued retrospectively (as agreed in a Memorandum of Understanding between Cambridgeshire Constabulary and Peterborough City Council and other Local Authorities).

#### 4. CONSULTATION

4.1 Section 72 of the ASB, Crime & Policing Act 2014 states that the Police & Crime Commissioner and Chief Constable are to be consulted on Public Space Protection Orders.

- 4.2 The Acting Police & Crime Commissioner for Cambridgeshire, Ray Bisby, has given his support for the re-implementation of the City Centre PSPO.
- 4.3 A response on behalf of Nick Dean, Chief Constable for Cambridgeshire Constabulary and Neighbourhoods Inspector Karl Secker have also been received in support of varying and re-implementing the City centre PSPO for a further 3 years. The MP for Peterborough, Paul Bristow, has also commented on the consultation and gives his full support for the continuation of the City Centre PSPO.
- 4.4 Additional responses in favour of the proposal to vary and re-implement the City Centre PSPO have also been received from Central Ward Councillor, Cllr Jamil, City Centre manager Justin Beaumont and the Cambridgeshire and Peterborough Commissioner for Substance Misuse, Joe Keegan.
- 4.5 A Public consultation for key interested parties and those who visit, live and work in the City Centre was conducted via an online survey from 31st January 2020 to 28<sup>th</sup> February 2020. Hard copies were also available at council offices and on request. The consultation was publicised via a press release, local press, social media, the council's external and internal websites, as well as via the Council's weekly e-newsletter and sent by direct email to key interested parties.
- 4.6 A total of 194 responses were received via the online survey from those who visit, work and live within the City Centre PSPO area. No paper responses were received. The results are summarised as follows:
1. 92% of respondents are in favour of re-implementing and varying the City Centre PSPO Condition 1 - 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 the order area and not return within 6 hrs, unless for a lawful reason.
  2. Similarly, 90% of respondents are in favour of varying Condition 7 relating to authorised officers to disperse individuals from the City Centre PSPO area for 6 hours.
  3. 93% of respondents are supportive of new Condition 6 which makes it an offence for any individual(s) to cause harassment, alarm or distress to any individual(s) by committing anti-social behaviour. Several comments were received in relation to alcohol-related and general anti-social behaviour occurring in Cathedral Square, St Peter's Arcade and on the Guildhall in particular, with requests for officers to continue to tackle issues in these areas.
  4. There is also overwhelming support from the survey respondents for the City Centre PSPO to be re-implemented to continue tackling urination and defecation (95%), begging (85%), cyclists to dismount if riding in a wanton and furious manner (85%) and littering and spitting (95%).
  5. 55% of respondents were also in favour of removing the condition to enforce for non-compliance of the busking code.
- 4.7 In relation to the proposal to continue with Condition 4 to enforcing against unauthorised cycling, the responses were not unanimous with 48% in favour, 49% against and 3% didn't know and objections were not received from key interested parties.
- 4.8 Comments from the public in support of enforcement of unauthorised cycling included:
- "I am very pleased that we have been able to walk through Bridge Street in relative safety, having twice been run into by a cyclist prior to the restrictions coming into place, but only today I was narrowly missed by someone cycling past the town hall with no hands on the*

*handlebars, looking at a phone and texting ... so there is much to do ! Please do continue with all the restrictions as it does make a difference!"*

*"The cycling restriction is very important - as I have nearly been crashed into several times in the past."*

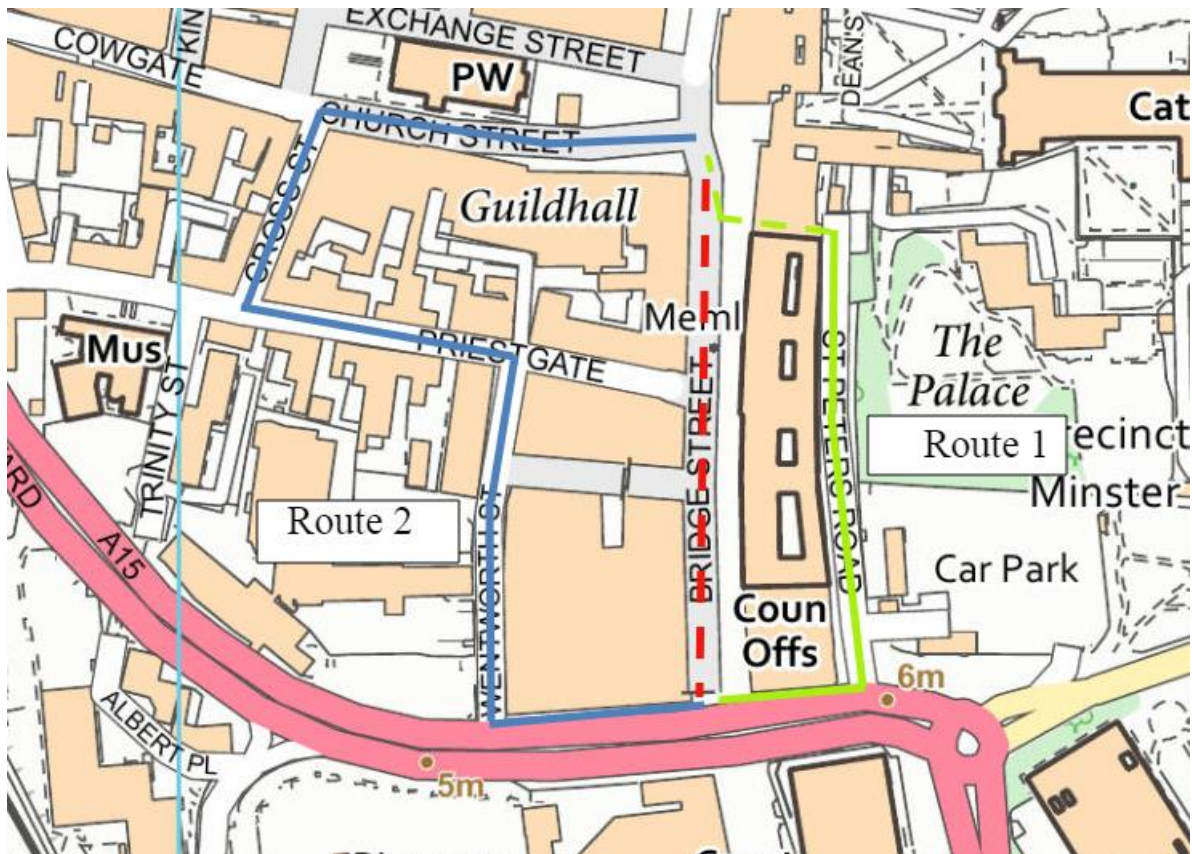
- 4.9 Several comments were also received from people against the proposal to continue enforcement of unauthorised cycling which were along the theme of:

*"It is disappointing to see cyclists being fined by enforcement offices when a safe, signed route is not available as an alternative.....If the council is to persist with this policy then investment should be made into an alternative signed, lined, route for cyclists to prevent/reduce these enforcement incidents which do not shine a positive light on any of the parties involved."*

*"Please introduce designated cycling lanes throughout the city centre and especially Bridge Street. Council should be encouraging people to cycle more if they would like Peterborough to be an environmentally friendly city."*

*"Having a complete ban of cycling down Bridge Street is counter-productive to encouraging people to cycle into town instead of using their car during the climate emergency which has been announced by PCC."*

- 4.10 During the past 3 years council authorised officers have dealt with 3,476 breaches of unauthorised cycling in the Traffic Regulation Order area of Bridge Street. The condition to enforce unauthorised cycling was originally implemented in the 2017 City Centre PSPO to enable Local Authority authorised officers to enforce the daily breaches of the pre-existing Bridge Street Traffic Regulation Order (TRO) to improve public safety. The City Centre PSPO did not ban cycling on Bridge Street in itself, but merely gave the council the ability to enable its authorised officers to enforce breaches when our Police partners do not have the resources available. TROs traditionally can only be enforced by a Police Constable, yet given the increase in crime and high demand on Police services over the years, the Police service has not had the capacity to enforce this restriction.
- 4.11 In response to the comments regarding this condition being counter-productive to the council's ambitions of becoming an Environment Capital and reducing the city's carbon emissions, Cyclists can continue to cycle along Bridge Street before 9am and after 6pm, 7 days a week and for those cyclists requiring access to the City Centre via Bridge Street there are reasonable alternatives which pose no environmental impact as illustrated in the following map and described below:



- 4.12
- Cyclists needing to travel through Bridge Street during the restricted times can dismount and walk along the TRO area which is 200m (Red route on map).
  - Alternatively, cyclists can avoid the majority of the TRO area of Bridge Street by travelling via St Peter's Road and St Peter's Arcade and only dismount for the very short distance between St Peter's Arcade and Bridge Street – this route is approximately 250 metres in total, with the estimated distance in which an individual would be required to dismount being approximately 80 metres (Green Route 1).
  - Or, a slightly longer route can be taken without the requirement to dismount by cyclists travelling via Bourges Boulevard, Wentworth Street, Priestgate, Cross Street and Church Street to the top of Bridge St - which is approximately 600 metres (Blue Route 2).

4.13 It is therefore recommended that the City Centre PSPO is re-implemented to include Condition 4 – No unauthorised cycling, for the following reasons:

- 4.14
- Statutory consultees and the MP for Peterborough have given their support for the implementation of the proposed varied City Centre PSPO in its entirety
  - Objections to the proposal to re-implement this condition were not received from any key interested parties,
  - There are continuous breaches of the Traffic Regulation Order on Bridge Street,
  - The minimal impact on cyclists to dismount or use alternative routes; and
  - Additionally, it is being proposed that the National Cycle Network route which runs through the Traffic Regulation Order in Bridge Street is to be redirected, which has been the cause of confusion and frustration for a number of cyclists.

Other behaviours of concern were referenced to in the survey, but it is felt that these can be dealt with by other agencies using primary legislation (i.e. drug dealing and drug use, Police) and existing council policies and processes (salespeople and chuggers). It is therefore not being recommended to implement any additional conditions to those originally



proposed during the consultation. A summary of the consultation responses is included in **Appendix 4.**

4.15 In light of responses received from national key interested parties regarding the conditions in relation to begging (Condition 3) and cycling in a 'wanton and furious' manner (Condition 5) the wording of these conditions have been revisited and it is proposed that these are amended to be more specific about the types of behaviour the order aims to address as follows:

- Condition 3 - No begging within 10 metres of a cash or payment machine or begging in a manner which is aggressive or intimidating or is likely to cause someone to feel harassed, alarmed or distressed.
- Condition 5 - Cyclists to dismount if requested to do so by an authorised officer if they are of the opinion that the cyclist is riding in an unsafe manner which is causing or is likely to cause harassment, alarm or distress.

It is therefore recommended that the Cabinet Member for Communities authorises the re-implementation of the City Centre Public Spaces Protection Order 2020. A copy of which is attached at **Appendix 5.**

## **5. ANTICIPATED OUTCOMES OR IMPACT**

- 5.1 Police and authorised Council officers will continue to tackle a wide range of quality of life issues through enforcement of the City Centre PSPO.
- 5.2 The quality of life in the proposed area will improve, which will make Peterborough a better place to live, work and visit.
- 5.3 Courses of action in terms of engagement with support services and robust enforcement (if appropriate) can be easily identified for people who repeatedly breach the PSPO.

## **6. REASON FOR THE RECOMMENDATION**

- 6.1 Given the continued high number of Fixed Penalty Notices issued to enforce the current restrictions of the order, the current level of crime and ASB reported to the Police in this area and the support from statutory consultees, the public and interested parties; it is considered justified and proportionate to recommend the variation and re-implementation of the City Centre Public Space Protection Order for a further three years.
- 6.2 Continuation of the City Centre 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.'
- 6.3 If re-implemented, the Public Space Protection Order will continue to provide more powers to authorised Council officers and the Police to tackle anti-social behaviour in the City Centre area, thus improving the quality of life for people who live, work and visit the City Centre.

## **7. ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 Do nothing and let the existing City Centre Public Space Protection Order expire – this would have a detrimental impact on the quality of life for those who visit, live or work in the City Centre; would negatively impact on the city centre economy and reduce the public's confidence in the council.

## **8. IMPLICATIONS**

## **Financial Implications**

- 8.1 It is not anticipated that there will be any financial costs associated with re-implementing the City Centre PSPO as there is no proposal to change the existing signage for the City Centre PSPO. Any educational literature will be minimal in costs and will be financed from the existing departmental budget.

## **Legal Implications**

- 8.2 The Order, if implemented, will be in line with legal guidance and advice. Any prosecutions as a result of non-payment of Fixed Penalty Notices and persistent breaches will continue to be carried out in line with current process between the council's Legal Services and the Prevention & Enforcement Service.

## **Equalities Implications**

- 8.3 This report does not specifically highlight equalities implications. However, in discharging its responsibilities the Council is required to comply with equalities and human rights legislations.
- 8.4 The council maintains its approach regarding breaches of Public Space Protection Orders committed by individuals who are homeless and have no income and does not issue FPNs in these circumstances. Alternatively, officers will engage with individuals and refer and signpost them to support services. If the individual does not engage with support services and persists in breaching the PSPO conditions, evidence is gathered of further breaches and alternative interventions are considered. These may include Community Protection Warnings and Notices, Civil Injunctions or Criminal Behaviour Orders – all of which can be used to positively require people to engage with support services as well as prevent them from committing further breaches.

## **Carbon Impact Assessment**

- 8.5 See Appendix 6 – anticipated impact is neutral.

## **9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED**

- 9.1 None.

## **10. 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.

- 10.1 None.

## **11. APPENDICES**

- 11.1 Appendix 1 - Draft Varied City Centre PSPO order for consultation  
Appendix 2 - Existing City Centre PSPO sealed order dated 6<sup>th</sup> April 2017  
Appendix 3 - City Centre PSPO area map  
Appendix 4 - Summary of the online consultation responses  
Appendix 5 – Final Draft Varied Public Spaces Protection Order - Peterborough City Centre  
Appendix 6 – Carbon Impact Assessment