

<b>DECISION TITLE: RE-IMPLEMENTATION OF MILLFIELD, NEW ENGLAND, EASTFIELD AND EMBANKMENT PUBLIC SPACE PROTECTION ORDER (2021)</b>
<b>Councillor Steve Allen, Deputy Leader and Cabinet Member for Housing, Culture and Communities</b>
<b>August 2021</b>
<b>Deadline date:</b> September 2021

Cabinet portfolio holder:	Councillor Steve Allen, Deputy Leader and Cabinet Member for Housing, Culture and Communities Wendi Ogle-Welbourn, Executive Director People and Communities
Responsible Director:	Wendi Ogle-Welbourn, Executive 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/11MAY20/01
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

<b>RECOMMENDATIONS</b>
The Cabinet Member is recommended to:
<ol style="list-style-type: none"> <li>The Cabinet Member is recommended to authorise the implementation of a new Millfield, New England, Eastfield and Embankment Public Space Protection Order under Section 59 of the Anti-Social Behaviour, Crime &amp; Policing Act 2014.</li> </ol>

**1. PURPOSE OF THIS REPORT**

- 1.1 This report is for Councillor Steve Allen, Deputy Leader and Cabinet Member for Housing, Culture and 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).

## 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 With the use of Public Space Protection Orders Local Authorities can impose restrictions and requirements deemed appropriate to stop individuals or groups committing anti-social behaviour (ASB) in a public open space. There was a PSPO for the Millfield, New England Eastfield and Embankment area from July 2017 to August 2020. However due to the Covid-19 pandemic it wasn't possible to review, carry out a fair consultation and re-implement the existing order prior to the expiration date. Consequently, there has been a period in which the order has expired before a new order can be implemented and enforced.

3.2 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.

3.3 The penalty for breaches of a PSPO relate to Fixed Penalty Notices (FPNs) and the maximum fine Local Authorities can set is £100. The penalty for Peterborough PSPOs has been set at £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 also enables 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.

### 3.4 **Enforcement outcomes of the Millfield, New England, Eastfield and Embankment PSPO 2017-2019**

3.4.1 Conditions of the Millfield, New England, Eastfield and Embankment PSPO from 2017-2019 were as follows:

- 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.
- 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.
- 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.

3.4.2 From August 2017 to 16<sup>th</sup> December 2019 there were 2,344 Fixed Penalty Notices (FPNs) issued for breaches of the Millfield, New England, Eastfield and Embankment order by Kingdom authorised officers. Since the introduction of PSPOs in Peterborough in April 2017 and up to December 2019, a combined total of 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.

3.4.3

A breakdown of the FPNs issued by Kingdom in the Millfield, New England, Eastfield and Embankment PSPO area is below:

<b>Kingdom Enforcement Total FPNs August 2017-16 December 2019</b>		
<b>Offence</b>	<b>Issued</b>	<b>%</b>
Littering	1,699	72%
Failure to Disperse* (Alcohol or ASB)	10	>1%
Spitting	606	26%
Urination & Defecation	29	1%
<b>Total:</b>	<b>2,344</b>	

*\*It should be noted that compliance with officers' requests to surrender or dispose of alcohol or disperse from an area were not recorded.*

3.5

### **Proposed Millfield, New England, Eastfield & Embankment PSPO (2021)**

3.5.1

The Prevention and Enforcement Service seeks authorisation to implement another PSPO for this area to enable authorised council officers and the Police 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.

3.5.2

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

3.5.3

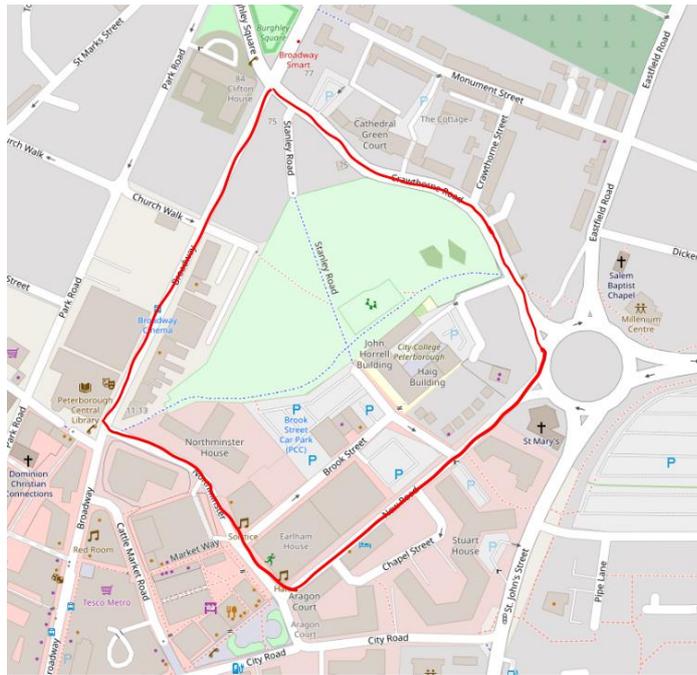
Research has been conducted to identify the levels of crimes and incidents reported to the Police which have occurred within the combined Millfield, New England, Eastfield and Embankment PSPO area. CCTV reports, officer observations and statements from residents and businesses experiencing ongoing anti-social behaviour within the order area have been gathered as supporting evidence.



**Millfield, New England, Eastfield and Embankment PSPO area map.**

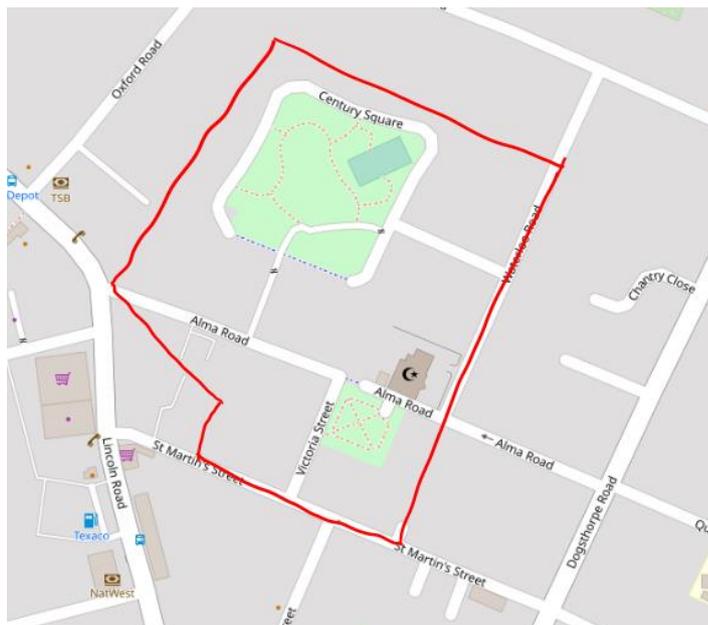
3.5.4 According to Police data, during the period June 2019 to May 2020 there were 1,054 incidents relating to ASB made to the Police within the overall Millfield, New England, Eastfield and Embankment PSPO area and ASB was the second highest crime type totalling 22% of all crimes/incidents. Areas within the Millfield, New England, Eastfield and Embankment area which are considered hot spot locations include (all figures quoted are from the period June 2019 to May 2020):

- 3.5.5
- **Stanley Recreation Ground and Brook Street car park** which had 55 ASB incidents. ASB was the second highest crime type for this defined area and represented 22% of all incidents reported for the area in the map below for the 12 month period. It is believed that the true number of incidents is much higher, with many instances going unreported to the Police or Peterborough City Council.



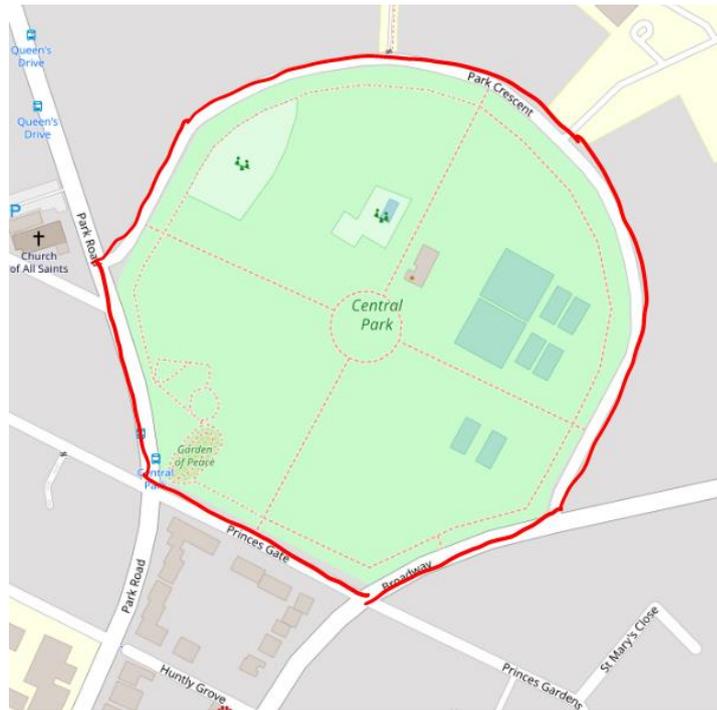
3.5.6

- **Century Square and Alma Road area** had 52 incidents of ASB reported to the Police out of a total of 139 crimes and incidents for the 12 month period. ASB was the highest crime type and represented 37% of total crimes.



3.5.7

- **Central Park** had 19 incidents of ASB reported to the Police between June 2019 and May 2020, which was the second highest crime type to violence and sexual offences (26) and followed by criminal damage and arson (12). Again, it is considered that ASB levels are likely to be higher than those reported, with some reports being made to housing providers or not reported at all.



- 3.5.8 • **Broadway Cemetery** which had 15 incidents of ASB reported to the Police and a total of 128 crime and ASB incidents for June 2019 to May 2020.
- 3.5.9 • **Triangle, Lincoln Road** there were a total of 64 crimes and incidents reported for this small section of Lincoln Road during June 2019 to May 2020, 18 of which related to ASB.
- 3.5.10 • **Fulbridge Road Recreation Area** had 105 crimes and incidents reported from June 2019 to May 2020, 20 of which related to ASB.
- 3.5.11 • **Gladstone Park** area had 49 reported crimes and incidents, 10 of which related to ASB. It is believed that the true figure may be higher and issues are under-reported for this area due to anecdotal reports from councillors and residents.
- 3.5.12 • **Embankment** area had 130 total reported crimes and incidents, 23 of which were for ASB.

3.5.13 Further details regarding the crime and ASB reported between June 2019 to May 2020 in the Millfield, New England, Eastfield and Embankment PSPO area and specific locations are included at **Appendix 1**.

3.6 Since the PSPO in the Millfield, New England, Eastfield and Embankment area was in force from 2017, the Prevention & Enforcement Service has received reports from residents and members of the public concerning anti-social behaviour and quality of life issues within the order area. These have ranged from:

- Street drinkers preventing genuine users from accessing the bus shelter and causing intimidation and harassment near the Triangle on Lincoln Rd, Millfield
- Spitting in the Millfield area which has caused even more concern for the public in light of the coronavirus pandemic;
- Drinking, urination, anti-social behaviour and littering in Brook Street car park. In response to numerous complaints from car park users, changes were made to the covered motorbike shelter to prevent loitering and street drinking. This has resulted in no dry shelter available to motorcyclists in any council car parks.

- Drinkers and adults in the child's play area at Stanley Recreation Ground – one complainant said they visited the area when visiting family in Peterborough and were intimidated and felt that this gave a bad impression of Peterborough.
- One of the benches was removed from Stanley Recreation Ground due to groups congregating there to drink, take drugs and commit anti-social behaviour. Issues included loud disturbances late at night/early AM, discarded needles, vomit and litter. The persistent and ongoing negative behaviours were having a significant detrimental impact on residents' quality of life.
- Littering, urination, drug use and anti-social behaviour in Century Square – in private car parks as well as in the communal areas including the children's play area and MUGA.
- Street drinking, littering (including broken glass from bottles) reported in Russell Street.
- Street drinking, littering and spitting in the Lincoln Road area of Millfield and New England.
- Businesses within Blenheim Court have reported groups of people drinking, leaving bottles and broken glass in the car park as well as urinate. It is making staff members and customers feel concerned for their safety.
- A community organisation in the Lincoln Road area has been negatively affected by individuals street drinking, urinating, defecating and associated anti-social behaviour on and around their premises. This is having a detrimental impact on the safety of staff and volunteers as well as their ability to support their elderly and vulnerable visitors.

3.7 There is further evidence to support that Stanley Recreation Ground is a hot spot area for drinking, drugs and ASB. There were 56 recorded incidents of street drinking within the recreation ground captured by CCTV officers during March 2020 to August 2020, 46 of these incidents amounted to 175 people. Additionally, Environmental Enforcement Officers have identified 24 incidents of street drinkers in Stanley Recreation Ground during July 2020 and up to 14<sup>th</sup> August 2020 with groups of up to 20 individuals, some of whom were drinking in the children's play area. However, this is not a full representation of the level of anti-social drinking which occurs in Stanley Recreation Ground and only includes those incidents observed by CCTV operatives and Environmental Enforcement Officers whilst out on patrol/monitoring. The actual figure is likely to be significantly higher. Anecdotal evidence received from cleansing operatives and council staff is that groups drinking and alcohol-related littering occurs within Stanley Recreation Ground on a daily basis. There are also issues with drinkers in Brook Street car park loitering and as well as urinating in the narrow walkway which leads from the car park to Northminster Road. City College Peterborough has reported that their staff and learners have witnessed frequent anti-social behaviour in Stanley Recreation Ground.

3.8 Several businesses within Broadway have formed a Broadway Business Action Group as a result of the cumulative impact that they are experiencing as a result of the street drinking, littering, urination and defecation being committed on public and private areas within Broadway and Stanley Recreation Ground. Businesses and residents in the Broadway and Crawthorne Street area have reported their concerns, provided statements as well as gathered signatures from staff, residents and customers (five petitions have been received with a combined total of 246 signatures). Businesses, residents and the public are urging the council and Police to tackle the problem individuals and implement conditions relating to anti-social behaviour and the consumption of alcohol within these areas. Businesses have reported that their customers are choosing to shop elsewhere due to the street drinking ASB and that they and their staff do not feel safe. This, combined with the impact and restrictions of Covid-19, are making the current financial climate even more challenging, particularly for the small independent businesses. It was therefore considered justified and proportionate to propose enhanced restrictions on the consumption and possession of open containers of alcohol within Stanley Recreation Ground, Brook Street car park and surrounding streets.

3.9 In August 2020 businesses and residents along Lincoln Road in Millfield signed a petition calling upon the council and Police to take action against littering, loitering and anti-social behaviour and request an increase in officer presence in the area, as the behaviours being experienced are affecting residents, businesses and their customers. A check of Police calls for the Millfield and New England area from May 2019 to May 2020 showed that there were 115 calls/incidents relating to people being intoxicated by alcohol.

3.10 In September 2020 a business owner on Lincoln Road contacted the Prevention & Enforcement Service to report issues that his business and staff have been experiencing with people entering their premises in the daytime intoxicated with alcohol. They also report that groups of drinkers on Lincoln Road and some of the surrounding streets will regularly gather which leads to staff and customers feeling concerned for their safety. In addition to this they are concerned about the alcohol-related litter being left outside their business and elsewhere in the streets which creates a poor image for the businesses and the area in general.

3.11 Given the continued high number of ASB incidents across this area and the number of Fixed Penalty Notices previously issued to enforce the order; it is considered justified and proportionate to request the implementation of a new PSPO for the Millfield, New England, Eastfield and Embankment for a period of three years.

#### **Millfield, New England, Eastfield and Embankment PSPO (2021)**

4.1 The conditions being proposed for this latest Public Spaces Protection Order are as follows:

1. Persons within the designated 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 open containers of alcohol in their possession or disperse from the immediate location and not return within 6 hrs, unless for a lawful reason. Persons dispersed from the immediate location may remain within the designated area for lawful purposes.
2. No urination and/or defecation in a public place other than within designated public toilets.
3. Any individual is to disperse from the immediate location and not return within 6 hrs, unless for a lawful reason, if requested to do so by a Police Constable, Police Community Support Officer or an authorised Council Officer if the officer is of the opinion that the individual is causing harassment, alarm or distress. Persons dispersed from the immediate location may remain within the designated area for lawful purposes.
4. 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.
5. It is an offence under this order for any individual(s) to commit anti social behaviour, as defined by Section 2 of the 2014 Act by conduct that has caused, or is likely to cause, harassment, alarm or distress to any person(s) . Examples may include: use of offensive or abusive language, acting in an aggressive manner.
6. Persons within Stanley Recreation Ground, Stanley Road, Crawthorne Road, Brook Street car park, Broadway (from its junction with Northminster and up to Crawthorne Rd and Burghley Square junction), Fitzwilliam Street, Church Walk (from Stanley Recreation Ground up to junction with Park Road) and Park Road (from Junction with Fitzwilliam Street and up to an including junction with Burghley

Square) as defined in the map outlined in red are prohibited to consume alcohol 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, or any other authorisation i.e. Pavement Licence.

7. Adults are prohibited from being present in a designated 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 or with lawful excuse.

4.2 A map of the proposed Millfield, New England, Eastfield and Embankment PSPO 2021 defined area is attached at **Appendix 2** and a map of the proposed alcohol restriction zone at **Appendix 3**. The overall order area is predominantly the same defined order area as the previous Millfield, New England, Eastfield and Embankment PSPO. However, during the public consultation, consultees were given the opportunity to share their views on the proposed order area and comment if they consider that an area where they live, work or visit should be included if it is experiencing significant levels of anti-social behaviour. During the consultation process there were a number of responses from residents in Kings Gardens and Garton End Rd requesting if the order area could be expanded to include Kings Gardens, the Kings Walk alleyway, Garton Street and Elizabeth Court due to being negatively impacted by street drinking and anti-social behaviour in this small area just outside of the original proposed order area. Several residents have also made direct reports to the Prevention & Enforcement Service relating to anti-social behaviour, alcohol litter, needles, urination and defecation and anti-social behaviour. Log sheets, statements and a summary of the reports have been shared with the council's Legal Services and it is considered justified and proportionate to amend the proposed order area to include Kings Gardens, the Kings Walk alleyway, Garton Street and Elizabeth Court. The Draft Public Spaces Protection Order for the Millfield, New England, Eastfield and Embankment area is included at **Appendix 4**.

4.3 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. 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 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.

5.2 Previous Acting Police & Crime Commissioner for Cambridgeshire, Ray Bisby, has given his support for the proposed implementation of the Millfield, New England, Eastfield & Embankment PSPO.

5.3 A response on behalf of Nick Dean, Chief Constable for Cambridgeshire Constabulary and Neighbourhoods Inspector Karl Secker have also been received in support of implementing this PSPO for 3 years.

5.4 Additional responses in favour of the proposal to implement the PSPO have also been received from Central Ward Councillors, Broadway Residents Association Peterborough City Council's Licensing service and the Cambridgeshire and Peterborough Commissioner for Substance Misuse.

5.5 A consultation for the public was launched on 11 December 2020 until 22 January 2021. The consultation was published on the Peterborough City Council website (hard copies

were available on request). 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.

- 5.6 A total of 46 responses were received from those who visit, work and live within the proposed PSPO area. The responses to each of the proposed conditions were all in favour by a significant majority. 47% of respondents were residents living within the proposed order area, whilst 36% of respondents were visitors to the area and 21% worked in the area. A summary of the online consultation responses can be found at **Appendix 5**.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 Police and authorised Council officers will continue to tackle a wide range of quality of life issues through enforcement of the Millfield, New England, Eastfield and Embankment PSPO.
- 6.2 The quality of life in the proposed area will improve, which will make Peterborough a better place to live, work and visit.
- 6.3 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.
- 6.4 The PSPO would complement the work in designing out crime in vulnerable locations within the order area as identified in the Safer Streets funding bid to the Home Office, including the extensive works which are being carried out at Stanley Recreation Ground. Enhanced alcohol restrictions and enforcement of other negative behaviours will make this a safer and more welcoming public open space for citizens and visitors of Peterborough.

## **7. REASON FOR THE RECOMMENDATION**

- 7.1 Implementation of the 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 provide more powers to authorised Council officers and the Police to tackle anti-social behaviour in the proposed order area, thus improving the quality of life for people who live, work and visit this area of the city.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 Do nothing. 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. Both agencies would face increasing pressure and criticism from residents and businesses regarding the ongoing detrimental impact on the quality of life in the area due to the continued ASB which is being exacerbated by the ongoing impact of the COVID-19 pandemic.

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 If the Millfield, New England, Eastfield and Embankment PSPO is approved there will be some costs associated with the installation of additional signage on existing street furniture. This is anticipated to be in the region of £1,000 and will be financed from the existing departmental budget.

## **Legal Implications**

- 9.2 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**

- 9.3 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.
- 9.4 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**

- 9.5 See Appendix 6 – anticipated impact is neutral.

## **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.

- 11.1 None.

## **12. APPENDICES**

- 12.1 Appendix 1 - Crime and ASB reported between June 2019 to May 2020 in the Millfield, New England, Eastfield and Embankment PSPO area  
Appendix 2 - Map of the proposed Millfield, New England, Eastfield and Embankment PSPO  
Appendix 3 - Map of the proposed alcohol restriction zone  
Appendix 4 - Draft Public Spaces Protection Order for the Millfield, New England, Eastfield and Embankment area  
Appendix 5 – Summary of online consultation responses  
Appendix 6 – Carbon Impact Assessment