

REQUEST TO EXTEND THE CITY CENTRE PUBLIC SPACES PROTECTION ORDER FOR A FURTHER 3 YEARS

Councillor Steve Allen, Deputy Leader and Cabinet Member for Communications, Culture & Communities

April 2023

Deadline date: XX April 2023

Cabinet portfolio holder: Responsible Director:	Councillor Steve Allen, Deputy Leader and Cabinet Member for Communications, Culture & Communities Adrian Chapman, Executive Director, Place & Economy
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/13FEB23/05
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

RECOMMENDATIONS

The Cabinet Member is recommended to:

1. Authorise the extension of the City Centre Public Spaces Protection Order covering the area as shown in the plan included at Appendix 2 for a further 3 years until May 2026.
2. Delegate authority to the Executive Director Place and Economy and Director of Legal & Governance and Monitoring Officer to take all necessary steps to implement the decision in recommendation 1.

1. PURPOSE OF THIS REPORT

- 1.1 This report is for Councillor Steve Allen, Deputy Leader and Cabinet Member for Communications, Culture & 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 (e).

2. TIMESCALES

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

3.1 On 13th May 2023 the current City Centre Public Spaces Protection Order (PSPO) will come to an end. To retain a PSPO for the City Centre, the council is required to review the existing order and carry out the necessary consultation to extend the order for a further 3 years. This Decision Notice recommends and seeks authorisation to extend the City Centre Public Spaces Protection Order for a further 3 years until 11th May 2026 (from the date the extended order is sealed).

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:

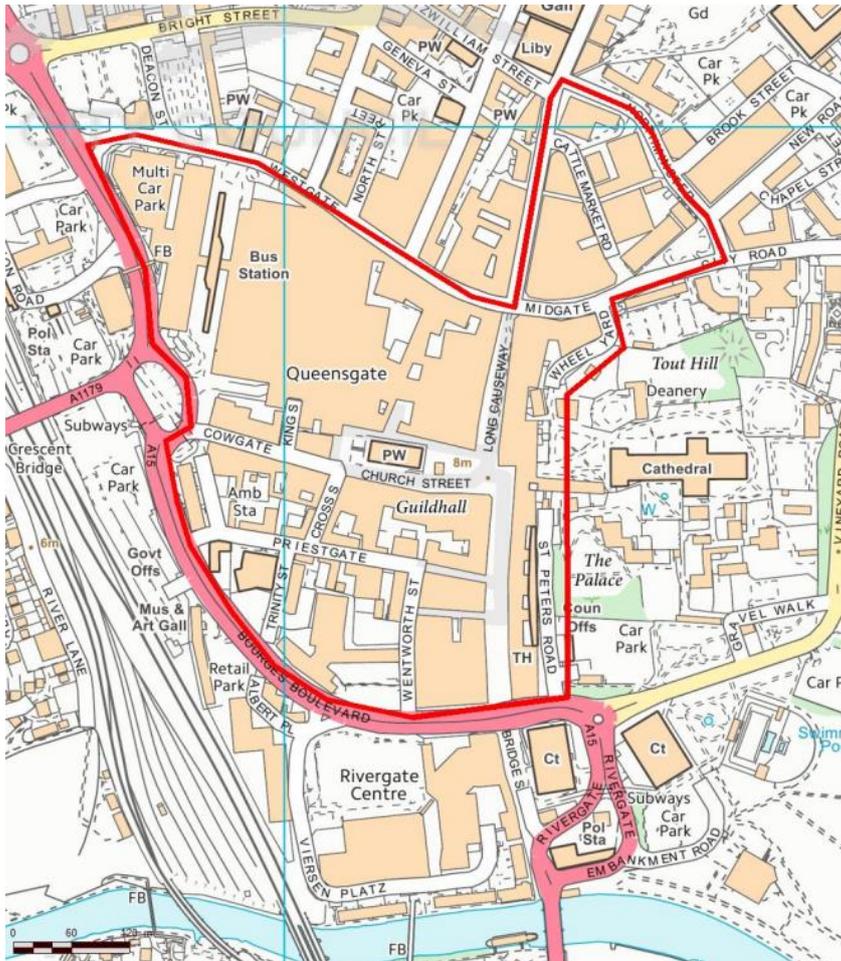
“A Public Spaces Protection Order may not have effect for a duration of more than three years unless it is reviewed and extended prior to the order expiring.”

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, Councillors, key interested parties and the public from 20th January 2023 to 17th February 2023.

3.2.3 An initial stage of the review has been to analyse the FPN data to determine which conditions have consistently required enforcement. Research has also been conducted to identify the levels of crimes and incidents reported to the Police which have occurred within the Peterborough City policing area and the City Centre PSPO area.

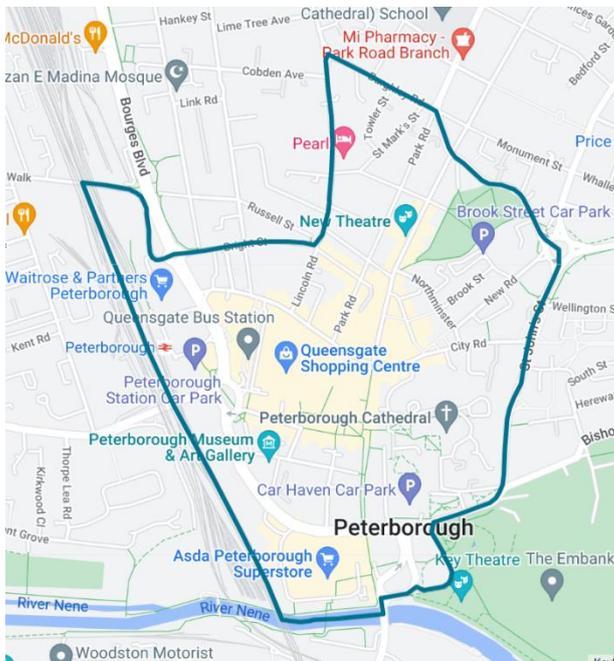
3.2.4 According to Police.uk, during the period starting in November 2021 to October 2022 there were 575 crimes relating to ASB reported to the Police within the Peterborough City Neighbourhood Policing area in which the City Centre PSPO area is located. ASB is the second highest crime type for the City Centre area (14%), with Violence and Sexual Offences being the highest crime type (1072 incidents, 26%) and Public Order offences coming in as the third highest crime type (460 incidents, 11%). Further details regarding different crime types and ASB reported in the Peterborough City policing area are included below.

3.2.5



Map 1 - This is a map showing the defined City Centre PSPO order area

3.2.6



Map 2 - This is a map showing the Peterborough City Policing area as published on Police.uk

3.2.7

Crime types description

for the last 12 months (from Nov 2021 to Oct 2022)

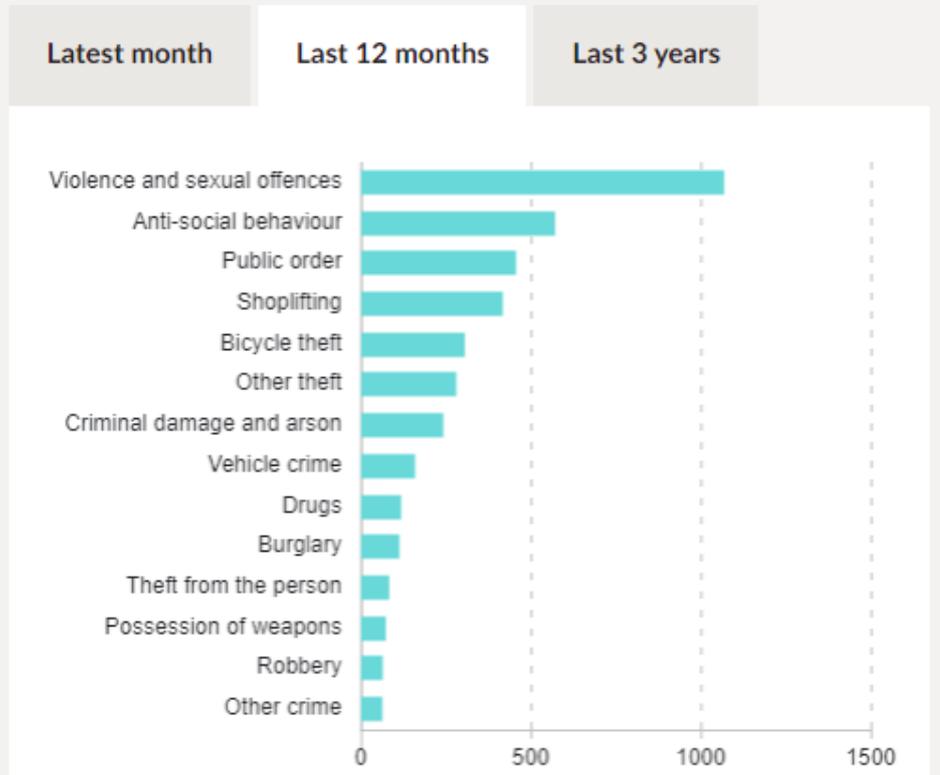


Table 2 – 12 months crime data for Nov 2021 to October 2022 for Peterborough City policing area from Police.uk

3.2.8

Type	Total	Percentage
Violence and sexual offences	1072	26.4%
Anti-social behaviour	575	14.1%
Public order	460	11.3%
Shoplifting	421	10.3%
Bicycle theft	309	7.6%
Other theft	284	7%
Criminal damage and arson	246	6%
Vehicle crime	163	4%
Drugs	122	3%
Burglary	117	2.9%
Theft from the person	87	2.1%
Possession of weapons	77	1.9%
Robbery	68	1.7%
Other crime	67	1.6%

Table 3 – 12 months crimes data for Nov 2021 to October 2022 in list format with totals and percentages for Peterborough City policing area from Police.uk

3.2.9 A closer look at the reported crimes and incidents reported to Police for streets within the City Centre PSPO area shows crime and ASB occurs on the majority of the streets within the order area as Table 4 refers below. However, it should be noted that many instances of anti-social behaviour, street drinking and begging are not formally reported to the Police. For example, the council received 27 reports of begging from 1/1/2020 to 31/8/2022 but it is also considered that this is not a true representation of the number of individuals impacted by begging and anti-social behaviour in the city centre.

3.2.1
0

STREET	ASB	CRIME
Northminster Rd	1	3
Part of Broadway	86	733 **
Cattle Market Rd	0	18
Part of City Road	3	24
Midgate	8	35
Westgate	80	372
Wheel Yard	0	1
Long Causeway	17	280

Cowgate	0	50
Church Street	9	4
Cathedral Square	4	112
Cumbergate	1	9
Exchange Street	1	1
Queen Street	0	4
King Street	0	0
Priestgate	3	48
Trinity Street	0	1
Wentworth Street	2	5
Bridge Street	7	52*
Guildhall Walk	0	1
St Peters Road	0	0
Part of Bourges Boulevard	4	385 **

Table 4 - City Centre PSPO Police crime and anti-social behaviour (ASB) data for 1/12/21 to 30/11/2022

**some incidents are thought to be football related*

***some of these incidents may have occurred outside of the City Centre PSPO area and within the Millfield, New England, Eastfield and Embankment PSPO area*

Enforcement outcomes of the City Centre PSPO

3.2.1
1

The current City Centre PSPO was reimplemented in May 2020, during a period of national lockdowns which came to an end in March 2021 in response to the covid pandemic*. It was considered necessary to proceed with varying and extending the order for a further 3 years as it was inevitable that once covid restrictions eased, footfall within the city centre would resume and with that would inevitably come the minority of people who commit unwanted behaviours that cause a detrimental impact on the quality of life of those who visit, live and work in our city centre.

[*https://www.instituteforgovernment.org.uk/sites/default/files/timeline-lockdown-web.pdf](https://www.instituteforgovernment.org.uk/sites/default/files/timeline-lockdown-web.pdf)

3.2.1
2

During this time the Local Authority moved away from using the services of Kingdom and brought the enforcement of the city's Public Spaces Protection Orders in house with the recruitment of a dedicated team of six Environmental Enforcement Officers. From May 2020 to March 2021 the officers were diverted to assist the Local Authority in its response to the pandemic. The officers' primary responsibilities were to assist the public and businesses to comply with the social distancing regulations and to assist in the roll out of the vaccination programme within the city. As a consequence, the level of enforcement is significantly lower compared with that seen for the period 2017-2020.

3.2.1
3

Condition	Number of Fixed Penalty Notices (FPNs) issued for breaches May 2020 to Dec 2022
Unauthorised Cycling on Bridge Street	154
Spitting	26
Littering	4
Urination	9
Anti Social Behaviour	6
Failure to dismount when cycling in an unsafe manner	1

Aggressive Begging	11
Returning to area following dispersal	2
Failure to surrender alcohol	6

Table 1 – City Centre FPN breach data May 2020 to December 2022

- 3.2.1
4 From the 3rd May 2020 to 18th December 2022 a total of 219 FPNs have been issued. These predominantly relate to breaches of cycling on Bridge Street, spitting and aggressive begging/begging within 10m of a cash machine. In addition to the FPNs issued by council and authorised officers to enforce the City Centre PSPO, officers are also ensuring compliance of the orders restrictions in relation to alcohol consumption and anti-social behaviour by directing individuals to disperse from the order area and not return within 6 hours (unless for a lawful reason), or to surrender or dispose of their alcohol. Anecdotal information shows that instances and complaints of street drinking and related anti-social behaviour is reducing.
- 3.2.1
5 The council maintains its position on enforcement and homelessness and does not issue Fixed Penalty Notices to anyone found in breach of the order with no source of income. 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 referrals to multi-agency support and intervention via Operation Luscombe, 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.
- 3.2.1
6 There are a number of factors which lead Peterborough City Council to consider it justified and proportionate to carry out the necessary consultation to re-implement the City Centre PSPO for a further three years:
- The number of Fixed Penalty Notices issued to enforce the order,
 - Anecdotal data regarding dispersals to prevent anti-social behaviour,
 - The current level of crime and ASB incidents reported to the Police for the Peterborough City policing area as well as the City Centre PSPO specific area;
 - The number of breaches committed by those who do not have the means to pay a Fixed Penalty Notice, but the persistent breaches provide the necessary evidence to refer individuals to the Operation Luscombe pathway for multi-agency intervention to support any unmet needs or take appropriate formal action.
- 3.2.1
7 A copy of the draft City Centre PSPO order for can be found at **Appendix 1**. It is not proposed to change the conditions of the order or the defined area for the City Centre PSPO, therefore the map and existing signage can remain unchanged. A copy of the City Centre PSPO area map can be found at **Appendix 2**.
- 3.2.1
8 Enforcement of Public Spaces Protection Orders will be carried out by officers authorised by the council. The Police also enforce the City Centre PSPO by giving individuals directions to disperse from an area or surrender and dispose of their alcohol. They can also take 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. CORPORATE PRIORITIES

4.1 Consider how the recommendation links to the Council's Corporate Priorities:

1. *The Economy & Inclusive Growth*

- *Environment* - The proposal relates to an extension of an existing activity and so there will be no carbon impact, please see Carbon Impact Assessment at **Appendix 4**.

2. *Our Places & Communities*

- *Places and Safety (including any rural implications)*
- *Lives and Work*
- *Health and Wellbeing*

The extension of the City Centre PSPO will assist the council in its aims to make Peterborough City Centre a better and safer place to live, work and visit by tackling anti-social behaviour, which links to the Our Places & Communities corporate priority.

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 Spaces Protection Orders.

5.2 Daryl Preston, Police & Crime Commissioner for Cambridgeshire, has given his support for the extension of the City Centre PSPO.

5.3 Nick Dean, Chief Constable for Cambridgeshire Constabulary has also confirmed his support for extending the Order for a further 3 years.

5.4 Additional responses in favour of the proposal to extend the City Centre PSPO for 3 years have also been received from Central Ward Councillors and the Cambridgeshire and Peterborough Commissioner for Substance Misuse.

5.5 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 20th January 2023 to 17th February 2023. Hard copies were also available on request. The consultation was publicised via a press release, local press, social media, the council's external website, as well as being sent by direct email to key interested parties.

5.6 A total of 41 responses were received via the online survey from those who visit, work and live within the City Centre PSPO area. An additional 6 responses were received from Peterborough Civic Society, Peterborough Cycle Forum and Cycle UK, Peterborough Cathedral, a resident of the Cathedral grounds and Cambridgeshire Constabulary's Designing Out Crime officer.

5.7 There was support from all respondents for retaining the existing order area. The majority of respondents were in favour of maintaining the existing order conditions with the exception of five respondents who were not in favour of the condition which prohibits unauthorised cycling and four respondents who responded against the proposal to continue with the condition which enables authorised officers to instruct a cyclist to dismount if they are riding in a manner likely to cause harassment, alarm or distress .

5.8 The comments and suggestions provided by the Peterborough Cycle Forum and Cycle UK relating to utilising the City Centre PSPO to enforce other vehicles (such as riders of e-

scooters) and traffic offences (such as drivers ignoring restricted access signs) within the City Centre were considered. The council is currently pursuing an application to the Department for Transport to enable Peterborough City Council to enforce certain moving traffic offences, which includes vehicles entering Long Causeway. This demonstrates the Council's commitment to ensuring the safety of pedestrians and cyclists and that access to the core of the city centre is restricted to only essential motor vehicles.

- 5.9 The council received consultation responses from Peterborough Cathedral, Peterborough Civic Society, a resident from the cathedral grounds and two respondents to the online survey requesting that the City Centre PSPO area was extended to include the Cathedral Precincts and grounds up to Vineyard Road. The Cathedral reported that their security staff had witnessed 288 anti-social behaviour incidents within the Cathedral grounds from January 2022 to December 2022. The Cathedral and its grounds are included within the Millfield, New England, Eastfield and Embankment Public Spaces Protection Order area. The conditions of this PSPO enable authorised officers to address some of the quality of life issues being experienced within this area. Therefore, it is not proposed to extend the City Centre Public Spaces Protection Order area, however council authorised enforcement officers will have their patrol area extended to incorporate the Cathedral Precincts and surrounding grounds. The officers will be able to disperse individuals committing anti-social behaviour and enforce breaches such as urination, defecation, littering and spitting. It should also be noted that the Police are also authorised to enforce any Public Spaces Protection Order breaches committed within the Cathedral Grounds and the wider order area of the Millfield, New England, Eastfield and Embankment PSPO in addition to the City Centre PSPO.
- 5.10 Other behaviours of concern were referenced to in the survey, but it is felt that these can be responded to by other agencies using primary legislation (i.e. drug dealing, drug use and theft - Police) and existing council policies and processes (homelessness, begging and chuggers). It is therefore not being recommended to implement any additional conditions to those in the current order. A summary of the consultation responses is included in **Appendix 3**.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 Authorised Council officers and Police will continue to tackle a wide range of quality of life issues through enforcement of the City Centre 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 enforcement interventions (if appropriate) can be easily identified for people who repeatedly breach the PSPO.

7. REASON FOR THE RECOMMENDATION

- 7.1 Given the continued 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 extension of the City Centre Public Spaces Protection Order for a further three years.
- 7.2 Continuation of the City Centre 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.'

- 7.3 If re-implemented, the Public Spaces 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.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Do nothing and let the existing City Centre Public Spaces 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.

- 8.2 Without a Public Spaces Protection Order in the City the council would not have the justification to instruct individuals to cease their behaviour which is either causing or likely to cause harassment, alarm and distress to those who live, work or visit the city centre. Nor would officers have the authority to ask cyclists to dismount if they are riding in an unauthorised area or in a manner which is causing harassment, alarm or distress which can put pedestrians' safety at risk.

9. IMPLICATIONS

Financial Implications

- 9.1 It is not anticipated that there will be any financial costs associated with extending the City Centre PSPO. With not making any changes to the current conditions, there is no requirement 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

- 9.2 The council has power under section 59 of the Anti-Social Behaviour, Crime & Policing Act 2014 to make Public Spaces Protection Orders.

The necessary review, consultation, publicity and notification to extend the existing City Centre Public Spaces Protection Order has been carried out in accordance with Chapter 2, Sections 60 and 72 of the Anti-social Behaviour, Crime & Policing Act 2014.

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 The implementation of the order may affect those with protected characteristics; however the legislation does allow reasonable excuse which enables officers to exercise discretion before issuing a Fixed Penalty Notice. Further details are included in Equality Impact Assessment which and can be found at **Appendix 4**.

Carbon Impact Assessment

- 9.4 The proposal relates to an extension of an existing activity and so there will be no carbon impact. Please see a copy of the Carbon Impact Assessment at **Appendix 5**.

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 - Draft City Centre PSPO 2023
Appendix 2 - Peterborough City Centre PSPO area map
Appendix 3 - Survey responses summary
Appendix 4 – Equality Impact Assessment
Appendix 5 – Carbon Impact Assessment