

## Report of the Executive Manager – Neighbourhoods

### 1. Summary

- 1.1. On 2 February 2017 the Council introduced a new Public Space Protection Order (PSPO) which controls the activities of street drinking and outdoor sleeping in key areas of West Bridgford and Edwalton. It is a requirement of the enabling legislation namely the Anti-Social Behaviour Crime and Policing Act 2014 to review the Order after the expiry of 3 years.
- 1.2. The purpose of this report is to respond to the scrutiny request for an interim update on the current situation regarding the use and impact of the PSPO.

### 2. Recommendation

It is RECOMMENDED that the Community Development Group consider and make comment on the interim update of the PSPO.

### 3. Reasons for Recommendation

- 3.1. Under the Anti-Social Behaviour, Crime and Policing Act 2014 there is the provision for local authorities to introduce measures to address anti-social behaviour in public places. Essentially, the Act replaces three existing powers with one new power – the Public Space Protection Order (PSPO).
- 3.2. The new orders are more flexible and can be applied to a much broader range of issues than previously and are designed to stop individuals or groups committing anti-social behaviour in a public space. The Council must be satisfied on reasonable grounds that activities carried out in a public space will have or are likely to have:
  - A detrimental effect on the quality of life of those in the locality
  - Are persistent or continuing in nature
  - Are unreasonable
  - And justify the restrictions imposed.
- 3.3. The need for a PSPO was established with the support of key partners such as the Police and Nottinghamshire County Council to help tackle anti-social behaviours associated with street drinking and outdoor sleeping, namely:
  - Vomiting, urinating and defecating in public areas;
  - Littering;
  - Violence, aggressive or intimidating behaviour;
  - Criminal damage.

- 3.4. Failure to abide by these orders may result in the issue of a fixed penalty of £100 with an early repayment reduction to £60, which if not paid may then result in prosecution (maximum fine £1000 for most offences). It should be noted that revised statutory guidance was issued in December 2017 which specifically states that:

*“Public Spaces Protection Orders should not be used to target people based solely on the fact that someone is homeless or rough sleeping... These orders should be used only to address any specific behaviour that is causing a detrimental effect on the community’s quality of life within the control of the person concerned”*

- 3.5. Reassuringly this revised guidance supported the Council’s original position and decision to create the PSPO based on evidence and feedback of problems linked to specific geographical locations.

#### **4. Current position**

- 4.1. Since the Order became effective on 1 March 2017 neither the Police nor the Council has found it necessary to use the enforcement powers available within the PSPO. However alternative powers have been used namely CPWs (Community Protection Warnings), CPNs (Community Protection Notices) and CBOs (Criminal Behaviour Orders) as well as dispersal powers. A total of 16 CPWs/ CPNs have been issued since July 2017 in respect to street drinking with an outdoor sleeping connection or for outdoor sleeping.
- 4.2. By working with our partners through the Rough Sleepers group, street outreach teams and the Police it is apparent that the numbers of people sleeping outdoors has continued to increase. This may be attributable to national trends and also the fact that there may be a displacement of individuals from the City as a result of their interventions.
- 4.3. Notwithstanding the fact that thus far the PSPO powers have not been actively used the Police are supportive of maintaining the PSPO as a useful tool in particular circumstances. It has also helped to focus attention and resources to particular areas with known problems in West Bridgford, Edwalton and Gamston and act as an effective deterrent such as reducing the impact of criminal damage in woodland areas from people sleeping outdoors. The creation of the PSPO was also a guiding factor for the formation of the multi-agency rough sleepers group to identify and discuss known individuals to attempt to address the root cause of their offending which may be mental health, alcohol or drug related and to channel them into the most appropriate support networks.

#### **5. Implications**

##### **5.1. Finance**

Costs are contained within existing community safety budgets. So far there has been no income generated from the payment of fixed penalty notices.

##### **5.2. Legal**

None.

### 5.3. Corporate Priorities

**Maintaining and enhancing our resident's quality of life** – Ensuring that appropriate controls are in place to manage street drinking and outdoor sleeping are an important tool to help maintain a safe, attractive and clean environment all of which has a significant positive impact on our residents quality of life.

### 5.4. Other Implications

None.

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| <b>Background papers Available for Inspection:</b> | a) Report to Council September 2016<br>b) PSPO made 2 Feb 2017   |
| <b>List of appendices (if any):</b>                | <b>Appendix 1</b> – Map of Proposed PSPO Areas<br><b>Appendix 2</b> – List of Streets to be included in the PSPO                             |