



## **Communities Scrutiny Group**

**Thursday, 3 October 2019**

### **Public Space Protection Order Review**

## **Report of the Executive Manager – Neighbourhoods**

### **1. Purpose of report**

- 1.1. The purpose of this report is to consider whether to extend the current Public Space Protection Order for a further three years.

### **2. Recommendation**

It is RECOMMENDED that that the Communities Scrutiny Group endorse the proposal to extend the Public Space Protection Order to control street drinking and outdoor sleeping in the areas set out in Appendix 1 and 2.

### **3. Reasons for Recommendation**

- 3.1 The Council approved a Public Space Protection Order (PSPO) on 2 February 2017 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.

### **4 Supporting Information**

- 4.1 The Anti-Social Behaviour, Crime and Policing Act 2014 provides powers for local authorities to introduce measures to address anti-social behaviour in public places. PSPOs' are flexible enforcement tools which apply to a broad range of issues and are deigned 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 local
- Are persistent or continuing in nature
- Are unreasonable
- And justify the restrictions imposed.

- 4.2 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.

4.3 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”.*

4.4 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.

4.5 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. The signage of the areas has acted as a strong deterrent and alternative powers continue to be used; namely CPWs (Community Protection Warnings), CPNs (Community Protection Notices) and CBOs (Criminal Behaviour Orders) as well as dispersal powers.

4.6 In summary, a total of 16 notices / CPWs / CPNs have been issued since July 2017 in respect to street drinking with an outdoor sleeping connection or for outdoor sleeping. Currently, no fixed penalty notices have been issued. There have been two breach reports issued and several informal warning notices by council staff. Within the period of the PSPO, the police have used the CBO power against four individuals.

4.7 By working with our partners through the Rough Sleepers Group, street outreach teams and the Police, it is apparent that despite the PSPO 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. The Council has always recognised that persons sleeping outdoors need support rather than an enforcement approach and the Council works closely with partners, including Framework, to ensure this takes place. This is in line with requirements contained within the Homelessness Reduction Act 2017.

4.8 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 multiagency 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.

4.9 In addition to working and consulting with community safety partners, ward members and other local stakeholders on the development of the proposal, the Council has also carried out a full public consultation. This was launched on 20th August 2019 and closed on 20th September 2019. Responses to the consultation are contained in Appendix 3.

4.10 The overall feedback emerging from the consultation was broadly positive in support of the renewal of the PSPO. Out of the twenty-five public responses to the consultation, seventeen were in support, two were neutral and six raised concerns with the main theme being the actual use of the PSPO as a tool to tackle these issues. Importantly, the following responses of support from key stakeholders and community safety partners were received:

- Good support from relevant ward members of the Council who recognise some of the problems and the need for this additional control measure
- Support from Nottinghamshire County Council: *“The County Council would support the renewal of the PSPO. When used sensibly and proportionately, the PSPO provisions offer useful additional tools to partners to deal with issues occurring within the restricted zone. The tools are swift and easy to use, and in the right circumstances, can deal with problems impacting on the public in a more effective and efficient manner than other options”*
- Support from Nottinghamshire Police and the Police and Crime Commissioner

*“From a Notts Police perspective we are supportive of the Public Space Protection Order (PSPO) renewal as we see it as a valuable tool to deal with prescribed types of anti-social behaviour that know disproportionately effect this area. I would consider it to be necessary, proportionate and lawful to renew the PSPO for a further three years...We visit the rough sleepers weekly. We have issued approximately 15 warning notices in the last 3 years under the PSPO and have found it a useful and proportionate enforcement tool to tackle rough sleeping from problem locations.”*

4.11 Given this positive feedback, if the Communities Group were to agree the recommendation of this report, the intention would be to present a report to Council in December 2019 to seek to renew the existing PSPO.

## **5 Risks and Uncertainties**

- 5.1 The risk of proceeding with powers which are beyond those which the public and key stakeholders considers are required is that those powers are seen to be unfair or unreasonable which could be to the detriment of the reputation and effectiveness of the Council.

## **6. Implications**

### **6.1 Financial Implications**

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

### **6.2 Legal Implications**

The law gives the Council powers to deal with nuisance behaviour adversely affecting the community. The primary operational risk of not having a PSPO is that operational activities would be hampered if the Council or key partners such the Police were unable to utilise PSPO powers.

### **6.3 Equalities Implications**

An Equalities Impact Assessment has been undertaken which identified no major or adverse impact

### **6.4 Section 17 of the Crime and Disorder Act 1998 Implications**

The implications of the Crime and Disorder Act have been considered.

## **7 Link to Corporate Priorities**

- 7.1 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.

## **8 Recommendations**

It is RECOMMENDED that that the Communities Scrutiny Group endorse the proposal to extend the Public Space Protection Order to control street drinking and outdoor sleeping in the areas set out in Appendix 1 and 2.

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<b>Background papers available for Inspection:</b>	a) Report to Council September 2016 b) PSPO made 2 Feb 2017 c) Review Report to Community Development Group 5 June 2018
<b>List of appendices:</b>	<b>Appendix 1</b> – Draft PSPO Order 2020 <b>Appendix 2</b> – Final Schedules 1 March 2017 <b>Appendix 3</b> – Summary of Consultation Responses