Subject: PUBLIC SPACE PROTECTION ORDER CONSULTATION (CITY CENTRE)

1. Recommendation

1.1 That approval be granted to undertake an eight week public consultation on the implementation of a Public Spaces Protection Order (PSPO) for the City Centre (to commence on 15th February 2019) in accordance with section 72 of the Anti-social Behaviour, Crime and Policing Act 2014; and

1.2 That the results of the consultation exercise are reviewed and reported back to Communities Committee with recommendations for consideration.

2. Background

2.1 This report seeks approval from the Council’s Communities Committee to consult on a proposal to implement a PSPO covering the City Centre, the focus of which will be the following issues –

- Urinating & Defecating in a Public Place
- Feeding Birds – specific birds e.g. seagulls; to exclude swans
- Aggressive Begging – please note NOT rough sleeping
- People under the Influence of Drugs & Legal Highs
- Skateboarding/Cycling/Scooters etc

2.2 The Council has recently implemented a PSPO for the control of dogs across the City and a separate PSPO relating to anti-social behaviour relating to alcohol in restricted areas of the City. This report considers the potential for the introduction of a further PSPO to cover the city centre in order to address those issues outlined in para 2.1.

2.3 Public Space Protection Orders are designed to make public spaces more welcoming for use and enjoyment and not simply restrict access. When considering whether to implement a PSPO Councils are required to undertake necessary consultation with members of the public, partner agencies such as Police and Crime Commissioner and any particular community groups as deemed appropriate for the proposals.

2.4 There needs to be an evidential basis for implementing a PSPO and in arriving at this report crime statistics have been analysed in collaboration with Police colleagues spanning the period July 2017 to August 2018 and this identified the most reported and recorded markers of ASB reports as follows:

- 152 refer to anti social behaviour
- 215 refer to alcohol
- 25 refer to cycles and motorcycles
- 146 refer to drugs
- 144 relate to fighting
- 164 relate to shouting
- 5 refer to spitting
- 39 refer to urinating and defecating
- 32 are marked as vehicle related
- 103 reports mention begging
- 200 refer to homelessness

2.5 The Council’s own environmental enforcement data and complaints data was also reviewed and discussed alongside the ASB data with key partners at an initial workshop held on 12th November 2018. The partners in attendance included Police, local charities including St Paul’s and Maggs, Warwickshire and West Mercia Community Rehabilitation Company, Fortis Living and Worcester BID.

2.6 A broad range of areas for inclusion in a draft PSPO were discussed with partners at the workshop and a decision has been taken not to include some of these as part of a draft PSPO. Such examples included spitting, graffiti, chuggers and leaving belongings unattended.

2.7 The issues to be included within a proposed draft PSPO, following the initial workshop with partners are outlined below:

<table>
<thead>
<tr>
<th>Issue</th>
<th>Rationale</th>
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<tbody>
<tr>
<td>Urinating &amp; defecating</td>
<td>The PSPO would allow evidence to be gathered for action against individuals such as Civil Injunctions and Criminal Behaviour Orders with a view to preventing persistent offender entering the town centre</td>
</tr>
<tr>
<td>Feeding birds</td>
<td>The PSPO would have to be worded correctly It is believed a PSPO would act as a deterrent to people</td>
</tr>
<tr>
<td>Aggressive Begging Sitting for the purposes of begging</td>
<td>CPS will not prosecute begging even though it is a criminal offence The PSPO on its own would not solve this problem but it would allow evidence to be gathered for action against individuals such as Civil Injunctions and Criminal Behaviour Orders with a view to preventing them entering the City centre Note this is not referring to Rough Sleeping</td>
</tr>
<tr>
<td>People under the influence of drugs and legal highs</td>
<td>We need to be clear that this is not seeking to tackle those taking drugs or legal highs as it is unlikely that they can be caught ‘in the act’ but if worded to tackle the anti-social behaviour that comes from being intoxicated through drugs then the PSPO on its own would not solve this problem but it would allow evidence to be gathered for action against individuals such as Civil Injunctions and Criminal Behaviour Orders with a view to preventing them entering the City centre</td>
</tr>
<tr>
<td>Skateboarding / cycling / scooters / segways</td>
<td>The PSPO may be in place to cover restricted peak times of pedestrian use and for major event days/times, and would allow evidence to be gathered for action against individuals such as Civil Injunctions and Criminal Behaviour Orders with a view to preventing persistent offender entering the City centre The existing Traffic Regulation Order relating to this issue is acknowledged.</td>
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2.8 The maximum duration of a PSPO is three years, but they can be reviewed and ceased before that time where deemed appropriate. Prior to its expiry the Order may be extended, for a further period of not more than three years, if the order making authority is satisfied, on reasonable grounds, that doing so is necessary to prevent occurrence or reoccurrence of the activities identified in the Order. A PSPO may be extended more than once.

2.9 A PSPO is enforceable and it is an offence not to comply with a PSPO. A person guilty of an offence is liable to a fixed penalty notice (FPN) of £70.00 payable within a prescribed period.

2.10 Overall there has been an increase in the number of fines issued under Public Space Protection Orders (PSPOs) between 2016 and 2017, Councils in England and Wales issued at least 8,638 such fines in 2017, up from 1,004 in 2016. The number of PSPOs implemented was also up, from 519 in 2016 to 960 in 2017.

2.11 A number of other Local Authorities have implemented PSPOs of a similar nature for City Centre areas and these are summarised below:

<table>
<thead>
<tr>
<th>Authority</th>
<th>Approach Includes</th>
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<tbody>
<tr>
<td>Oxford City Council 2015</td>
<td>PSPO includes: Aggressive begging, Urination / defecation, Remaining in a public toilet without reasonable excuse, Cycling in 2 streets outside 6pm – 10am, Pedlar restrictions - numerous, Street entertainment that causes a nuisance to nearby premises or public</td>
</tr>
<tr>
<td>York City Council 2017 (in main)</td>
<td>PSPO: Alcohol restrictions, with some restrictions in a few areas for dogs and motorised bikes</td>
</tr>
<tr>
<td>Chesterfield Council 2017</td>
<td>PSPO: Loitering around cash machines, shopping centre entrances, shop entrances, car park ticket machines and payment machines to beg for money, Urinating or defecating anywhere that is not in a public toilet, Putting up or using a tent or other temporary structure without the landowners permission, Leaving belongings unattended, Drinking alcohol in the streets or public spaces, Activity or behaviour which causes nuisance, alarm, harassment or distress to another person, such as swearing, fighting, shouting, intimidating behaviour</td>
</tr>
</tbody>
</table>

2.12 It is appropriate to bring to Members attention that some Local Authorities following a PSPO consultation, have withdrawn elements of proposals relating to rough sleeping and begging as the inclusion of these behaviours have been strongly considered as negative and damaging to the homeless community, many of whom are the most vulnerable in our society. It is therefore essential that a City-wide proportionate, non-punitive partnership approach is taken and subject to approval this would be communicated as part of the consultation process communications.

2.13 In respect of the proposals relating to aggressive begging, the proposed PSPO would be an additional intervention tool as part of a wider suite of interventions aimed at trying to reduce the negative behaviours connected with such activity, where all attempts at engagement and behaviour change have been exhausted.
Members will be aware that there are several reactive and outreach support services available to bring about such change covering drug and alcohol interventions, housing support tenancy & benefits advice and financial management support.

2.14 If a PSPO were to be implemented then it would sit alongside this wider range of measures and be very much a last resort and fundamentally a deterrent for those who may for example not be genuinely rough sleeping. It will be critical that information is effectively shared between agencies so that vulnerable individuals who are receiving support or engaging with support services are not unreasonably targeted.

2.15 Enforcement of the proposed PSPO would take a staged approach with individuals being provided with an opportunity to modify their behaviour on 2 occasions before a FPN is considered and issued, if deemed appropriate. In those cases where it is not deemed appropriate options such as Community Protection Warnings, Community Protection Notices, Dispersal Orders, Criminal Behaviour Orders, and Community Triggers may be more appropriate and would be discussed with relevant agencies and support services.

2.16 A workshop as previously referred to has been held with key partners to discuss a sensitive and pragmatic approach to utilising a PSPO and this dialogue will continue subject to approval.

2.17 Consultation in respect of a PSPO, which the report seeks approval for, is proposed to consist of an online questionnaire, hard copy availability at key locations and on request, and an opportunity to attend a meeting(s), that will seek feedback on the following –

- Comments on the type of issues included and not included for inclusion
- Comments on the proposed geographic area of boundary of the PSPO
- Comments on a draft copy of the PSPO

2.18 The consultation will be underpinned by a communications campaign that will raise awareness of the consultation and the Council’s proposed approach to the PSPO pushed out across all media channels.

2.19 A broad range of areas for inclusion in any potential PSPO have been considered with partners and are not being progressed to consultation at present, these include but are not limited to: spitting, graffiti and chuggers.

3. **Preferred Option**

3.1 The preferred option is to progress to consultation in relation to the areas outlined in section 2.7 of this report.

4. **Alternative Options Considered**

4.1 Alternative options considered include not to progress to consultation in relation to a City Centre PSPO. This has not been recommended as the potential for support from both statutory and other partners including those in the voluntary sector was clear at the workshop held in late 2018.
5. **Implications**

5.1 **Financial and Budgetary Implications**
There are no financial implications for the consultation exercise which will be met from within existing resources.

5.2 **Legal and Governance Implications**
Subject to approval, the consultation would be undertaken having regard to the Anti-social Behaviour, Crime and Policing Act 2014 and associated PSPO Guidance.

5.3 **Risk Implications**
PSPOs and in particular those that contain measures to tackle issues perceived to be associated with rough sleeping can draw negative media attention. Subject to approval, a communications campaign will be developed around the consultation that makes clear the Council’s rationale for wanting to consult on such a PSPO and what its approach would be to enforcing it.

5.4 **Corporate/Policy Implications**
None arising as a direct result of this report.

5.5 **Equality Implications**
None arising as a direct result of this report.

5.6 **Human Resources Implications**
None arising directly as a result of this report.

5.7 **Health and Safety Implications**
None arising directly as a result of this report.

5.8 **Social, Environmental and Economic Implications**
None arising directly as a result of this report.

**Ward(s):** Cathedral and Arboretum wards  
**Contact Officer:** Contact Alice Davey - Tel: 01905 722311 Email: alice.davey@worcester.gov.uk  
**Background Papers:** None