

Cabinet
Scrutiny Co-ordinating Committee

7th March 2017
3rd March 2017

Name of Cabinet Member:

Cabinet Member for Policing & Equalities – Councillor A Khan

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

St Michaels

Title: Creation of a City Centre Public Spaces Protection Order

Is this a key decision?

No

Executive Summary:

In order to ensure that the City Centre is an attractive destination for residents, shoppers and businesses, we need to minimise any behaviours that may be detrimental to the quality of life in this locality and potentially deter people from visiting the City Centre.

A City Centre Public Spaces Protection Order (PSPO) would assist in this matter and simplify the response of officers from the Police and the Council in dealing with various anti-social activities. This order will recognise that some of those considered to be causing issues have their own vulnerabilities and will seek to offer support and assistance, rather than simply rely on enforcement.

Permission was granted to consult with the public and key partners and organisations. This report seeks to summarise the results of that consultation, set out the conditions of the PSPO that best suit what is needed for the City Centre and is reflective of the responses received from partners and the public.

The initial order as proposed has been left largely unchanged apart from two amendments. These relate to begging, cycling and skateboarding. The amendments were made in response to the consultation

Recommendations:

Scrutiny Co-ordinating Committee is recommended to:

1. Endorse the recommendations to Cabinet
2. Identify any further comments or recommendations for Cabinet to consider.

The Cabinet is recommended to:-

1. Consider any comments or recommendations from the Scrutiny Co-ordination Committee.
2. Consider and approve the wording of the proposed PSPO and the suggested area to be covered by the Order, as set out in Appendices 1 and 2.
3. Authorise officers to bring the order into effect at the earliest practicable date.

List of Appendices included:

Appendix 1 – Public Space Protection Order for Coventry City Centre

Appendix 2 – Map outlining area covered

Appendix 3 – Buskers code of conduct

Appendix 4 – Summary of Consultation Responses

Appendix 5 – Formal responses received from recognised consultees

Appendix 6 – Equality and Consultation Analysis

Background papers:

None

Has it been or will it be considered by Scrutiny?

Yes – at the Scrutiny Co-ordination Committee meeting on 3rd March 2017.

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Creation of a City Centre Public Spaces Protection Order

1. Context (or background)

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 gained Royal Assent in April 2014. The Public Spaces Protection Order (PSPO) provision has been in operation since 20th October 2014. PSPOs are intended to provide a means of preventing individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature; and be unreasonable.
- 1.2 The Council's aim is to improve the city centre as a place to live, shop and do business. It is recognised that in order to do this we need to make the city centre as attractive a destination as possible. This can be helped by minimising any factors that may deter people from visiting the city centre. A city centre PSPO is a useful tool in achieving this aim.
- 1.3 In introducing this proposed Order, it is recognised that some of those considered to be causing detrimental issues in the city centre have their own vulnerabilities and will seek to offer appropriate support and assistance, rather than simply rely on enforcement.
- 1.4 The power to make a PSPO rests with the Council, in consultation with the Police, other relevant bodies and the general public.
- 1.5 The Council can only make a PSPO when it is satisfied on reasonable grounds that the activities carried out or likely to be carried out in a public place have a detrimental effect on the quality of life of those in the area and are persistent, continuing and unreasonable. The Council would also need to be satisfied that the restrictions imposed were justified

2 Options considered and recommended proposal

- 2.1 **Do nothing (not recommended).** The local authority and the Police, in some cases, already have powers to deal with certain adverse behaviour covered in the proposed PSPO. However, these current powers are viewed as being overly bureaucratic and can quickly result in offenders obtaining criminal records' which may adversely affect their future employment prospects.
- 2.2 **Approve a city centre PSPO (recommended).** The introduction of a specific PSPO for the city centre would provide useful powers for Council officers and the Police in addressing adverse behaviours in the city centre. It is quick and easy to use, which is an important consideration when both organisations are facing reductions in resources. It also has the added benefit of enabling the offender to accept a fixed penalty notice rather than appear in court and receive a criminal record. The wording of the proposed PSPO can be seen in Appendix 1.
- 2.3 One element of the proposed PSPO is to deal with busking in the City Centre. To assist in the proposed consultation, a copy of the City's Code of Practice for Buskers has been included (see Appendix 3).
- 2.4 The proposed City Centre PSPO will cover the area inside the ring road and extend to the Friargate development and the railway station (see Appendix 2).

2.5 In summary, Cabinet is recommended to:

1. Consider and approve the wording of the proposed PSPO and the suggested area to be covered by the Order.
2. Authorise officers to bring the order into effect at the earliest practicable date

3. Results of consultation undertaken

- 3.1 Consultation took place with partners, businesses, residents and the general public. The consultation was for a period of 47 days from 30th November 2016 until 15th January 2017. The consultation was online, officers interviewed people in the City Centre and paper copies were provided where and when required. The results of the consultation can be seen in Appendix 4.
- 3.2 It is a requirement of granting a PSPO that it can be shown that it is needed and proportionate to a given issue. Impact statements, responses from specific organisations and supporting evidence can be found in Appendix 5.
- 3.3 Six questions were posed in the consultation and people were invited to give an answer of yes, no or don't know. In addition there was also an opportunity to allow people to make comments to expand upon their answer.
- 3.4 Questions regarding street trading, distribution of publicity materials, charity collectors and buskers were generally approved with approval of well over 50% and a significant majority over those voting against the introduction of restrictions.

Question	Yes	No	Don't Know
Should we take action to address begging?	48.31%	40.97%	10.72%
Should we take action to address Street Traders/Pedlars	69.83%	17.04%	13.12%
Should we take action to address distribution of leaflets and publicity materials?	58.22%	27.04%	14.75%
Should we take action to address charity collectors?	66.36%	22.12%	11.53%
Should we take action to address buskers?	50.71%	35.59%	13.70%
Should we take action to control cyclists/skateboarders?	48.56%	46.01%	5.43%

3.5 **Begging.** The majority of consultees supported the introduction of measures to deal with begging, but it was not a significant majority. Those in favour of taking action stated the increase in beggars in the City Centre, gave a poor impression of the City, others felt intimidated by being asked for money and it put them off visiting the City Centre.

3.5.1 In summary, those people who were against taking action stated that: beggars are already vulnerable, we should be offering more support, and that fining people that have no money doesn't make sense. People also felt that we were unfairly branding beggars as people with addiction issues.

3.5.2 Individual beggars in the city centre are well known to the Police and supporting agencies and in excess of 90% are known to have addiction issues. Agencies are constantly looking

to encourage people to voluntarily access this help and we are confident, that within our city there is capacity in current services to help these individuals with their addiction issues.

- 3.5.3 In this particular case, the use of the PSPO and the corresponding fixed penalty notices is procedural. Non-payment of a fine will be treated as a breach of the order and allow the Council and the Police to seek additional powers from the courts, who are able to impose positive conditions such as mandated attendance at treatment services as well as prohibiting them from frequenting specific locations such as car park payment machines and cashpoints.
- 3.5.4. It has also been suggested that the condition should be amended to include anyone that approaches people directly for money which wasn't specified in the draft order. Whilst this is the legal definition and used by the police, inclusion of this in the order will allow Council officers to enforce
- 3.6 **Cycling and Skateboarding.** An equal number of consultees voted for and against conditions in the PSPO to restrict cycling and skateboarding between 9.30 and 3.30 as well as a total ban in Cathedral Square. It also resulted in responses from a number of national organisations.
- 3.6.1 Those in favour of the condition made reference to the risk posed to the elderly, people who have mobility issues, or have sensory impairments. Those against the restrictions felt the problem was being exaggerated; they believed that there was an insufficient evidential base to justify the introduction of these measures. Whilst others, believed that both of these activities were healthy pursuits and should be encouraged, not restricted.
- 3.6.2 A common theme amongst those opposed to the proposed cycling and skateboarding conditions in the PSPO, is that it punished and restricted responsible cyclists and skateboarders. However it is also important that the proposed PSPO enables officers to manage any issues caused by people cycling or skateboarding in a manner that poses a danger to others or in an inconsiderate manner.
- 3.6.3 The proposed wording in the order has been amended to state that 'anyone cycling, or skateboarding in the specified area must do so in a careful and considerate manner and that if requested by an authorised officer, they must dismount. Failure to comply will leave them liable to enforcement. This condition would not prevent Police officers from using current legislation for anyone cycling in a reckless manner and evidenced appropriately. It will also allow officers to restrict activities if events are taking place such as graduations, funerals, Remembrance Sunday or similar, where skateboarding could be deemed inappropriate or an increased risk because of the amount of people around.
- 3.6.4 It is not proposed to change any other wording on the proposed PSPO that was subjected to consultation.

4 Timetable for implementing this decision

- 4.1 Should the order be approved by Cabinet it will be implemented at the earliest practical date.

A PSPO is valid for a period of 3 years, they can be rescinded, amended or extended at any point during that period. Any amendment or extension will need to follow the process again.

5 Comments from Director of Finance and Corporate Services

5.1 Financial implications

No additional resource will be required to implement the proposed PSPO. Any additional income generated by the introduction of a PSPO will contribute towards Council resources.

5.2 Legal implications

Under sections 59-75 of the Anti-social Behaviour, Crime and Policing Act 2014, local authorities have powers to make PSPOs.

The Council can only make a PSPO when it is satisfied on reasonable grounds that the activities carried out or likely to be carried out in a public place have a detrimental effect on the quality of life of those in the area and are persistent, continuing and unreasonable. The Council would also need to be satisfied that the restrictions imposed were justified.

Should anyone object to the granting of a PSPO they would have to make a High Court application within 6 weeks of the order being granted.

For that appeal to be successful they would have to show that the Council did not have the power to make the order, as the issue covered has not been demonstrated, usually by empirical evidence, to be a significant enough issue to justify the restriction. The other grounds for the appeal would be to demonstrate that the consultation process was inadequate.

PSPOs can only apply to public places. This means any place to which the public, or and sections of the public, on payment or otherwise, have access to as of right or by virtue of express or implied permission.

The Council will decide whether it is appropriate to issue a fixed penalty notice for any breach of the PSPO witnessed by an enforcing officer. In line with other PSPOs in Coventry, any Fixed Penalty Notice for non-compliance with a PSPO will be set at £100 reduced to £60 if paid within 14 days. If the Fixed Penalty Notice is not paid, court proceedings can be initiated to prosecute for the offence of failing to comply with the PSPO where the maximum fine is currently £1000 (level 3 on the standard scale). Following conviction the Council could apply for a Criminal Behaviour Order which can contain both prohibitions and positive requirements.

6 Other implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Crime and Disorder

Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Community Safety Plan and Strategic Assessment 2015/16.

6.2 How is risk being managed?

Police and Council Officers continue to incorporate the area in their patrol strategies and work schedule and will monitor behaviour of individuals and the condition and cleanliness of the area.

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

The impact on protected groups as defined by the Equality Act 2010 is considered in the Equality and Consultation Analysis at Appendix 6. At present it is not considered necessary to take any particular steps to prevent the negative impact on any particular protected groups as a result of the introduction of the proposed PSPO

6.5 Implications for (or impact on) the environment

The purpose of taking action is to address adverse behaviours in the City Centre, in an attempt to improve the environment and wellbeing of the community.

6.6 Implications for partner organisations?

Powers granted will also be available to West Midlands Police.

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