

BRECKLAND DISTRICT COUNCIL

Report of: Gordon Bambridge, Executive Member for Environmental and Public Protection and Rob Walker, Executive Director Place

To: Cabinet – 30th November 2020
Full Council – 10th December 2020

Author: Steve James, Community & Environmental Services Manager

Subject: Public Spaces Protection Order (PSPO) Renewal - Thetford

Purpose: The Breckland District Council Public Spaces Protection Order No.1 of 2017 will expire early December 2020. It is possible to extend the PSPO for a further 3-year period before it expires. This report provides the background to the PSPO and an evaluation of its effectiveness from key stakeholders. It recommends renewing the PSPO without variation.

Recommendation(s):

- 1) That members approve Option 2 and agree the renewal of the Public Spaces Protection Order in Thetford Town Centre without variation.

1.0 BACKGROUND

- 1.1 A report of the Executive Member Place and Executive Director Place was made to Cabinet on the 11 July 2017 and Full Council on the 27 July 2017. It was agreed to introduce a Public Spaces Protection Order (PSPO) for Thetford Town Centre. The decision to make this Order was reached after consideration of a public consultation on the proposal during April and May 2017. The Order came into effect on 7th December 2017 and expires on 6th December 2020.
- 1.2 PSPO's 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 is likely to have, a detrimental effect on the quality of life of those in the locality, is persistent or continuing in nature, and is unreasonable. The PSPO imposes conditions on the use of the area which apply to everyone.
- 1.3 A PSPO restricts what people can do in an area and how they behave. As such it is important to ensure that any such restrictions are focussed on problem behaviours, are proportionate to the detrimental impact that the behaviour is having or could cause and are considered necessary to prevent it continuing, occurring or reoccurring. The restrictions and requirements included in a PSPO may be targeted on specific behaviours by groups and/or at specified times.
- 1.4 A PSPO can be in force for any period up to a maximum of three years and can be extended for a further period of up to 3 years at any time before expiry. The PSPO can only be extended if it is considered necessary to prevent the original behaviour from occurring or reoccurring. Before extending a PSPO the original Order should be evaluated. To vary the Order, for example to introduce new restrictions on behaviour or to extend the area covered by the Order, the council is required to conduct further consultation with relevant parties on the proposed variation.

2.0 THE CURRENT PUBLIC SPACES PROTECTION ORDER

2.1 The Thetford Town Centre PSPO introduced in 2017 contains 3 restrictions on behaviour:

- no person shall consume alcohol in any public place, a public place being any place to which the public or any section of the public express or implied permission;
- no person shall urinate or defecate in any public place which is not a public convenience; and
- no person shall ride upon a skateboard, bicycle or other self-propelled wheeled vehicle within the designated pedestrianised zone in such a manner as to cause damage to property, or nuisance or annoyance to any person within the designated pedestrianised zone.

The Full Order is included in appendix A to this report.

2.2 The PSPO was introduced following an increase in reported complaints and problems relating to street drinking and some street drinkers urinating and defecating in the town centre. There also had been an increase in reports of nuisance type behaviour caused by skateboarders and cyclists within the town centre.

2.3 A full public consultation was carried out prior to introducing the Order. The outcome of the consultation was:

- 95% of respondents had seen people persistently consuming alcohol in a public place in the town centre. 73% stated that they had been affected by this issue and 95% agreed that Breckland Council should prohibit this activity.
- 67% of respondents stated they had seen evidence of people persistently urinating and defecating in a public place; 61% stated that they had been affected by this issue and 95% agreed that Breckland Council should prohibit this activity.
- 84% of respondents stated that they had seen people persistently using a bicycle, skateboard or scooter in a pedestrianised zone; 64% stated that they had been affected by this issue and 86% agreed that Breckland Council should prohibit this activity.

3.0 EVALUATION OF THE ORDER

3.1 To evaluate the Order and assist in determining whether the PSPO should be renewed a full public consultation was carried out during the period 14th October through to 10th November 2020. The outcome of the consultation was:

3.2 *Street Drinking*

3.2.1 87% of participants had witnessed people persistently consuming alcohol in a public place in the last 12 months and 61% have been personally affected by this issue. When asked if street drinking should be included in the order 92% agreed that this should be the case. One participant even voiced that they have been so badly affected that they have made the decision to move out of Thetford.

3.3 *Public urination and defecation*

3.3.1 49% of participants say that they have witnessed people persistently urinating or defecating in a public place and 39% say they have been affected by this. 94% state that they would like to see this on the order

3.4 *Anti-social use of skateboard, scooter, bike and other wheeled vehicles*

3.4.1 89% of participants say that they have witnessed people using a bicycle, skateboard or scooter in an anti-social manner and 61% of participants state they have been personally affected by this. 90% would like to see riding a skateboard, scooter, bike or other wheeled vehicle in an anti-social manner remain on the order

3.5 *Proposed area*

3.5.1 A map (See appendix B) and list of streets to be included in the order was included in the consultation. 70% of participants agree that the area is sufficient and 20% did not answer. Of the 10% that disagree with the area there were a mixture of suggestions.

3.5.2 Of the 10% that disagreed with the proposed area for the PSPO 60% stated that they would like to see the PSPO carried out on a larger scale. Some pointed towards the river and Nun's Bridge, White Hart street and Thomas Payne Avenue, Barnham Cross Common, the Abbey Farm Estate, and Tesco car park. Some requested that the order extend to the boundaries.

3.5.3 Those that disagreed entirely with the order did so because they felt that the area was too vast to be policed effectively. Others voiced concerns that the signage, particularly the 'no urination or defecation' sign, lowers the tone of the town.

3.6 The specific views of key stakeholders including the Police and Town Council were also sought. Their responses suggested that consideration needs to be given to extending the Order in relation to the behaviours within the scope of the Order for a further 3 years.

3.7 Between March 2018 and July 2020 (28 months) there were 198 Breach Reports issued relating to street drinking in Thetford Town centre by Norfolk Constabulary. In addition, 31 Community Protection Warnings (CPW) were also issued with 15 of those warnings progressing to Community Protection Notices (CPN). The majority of these CPWs/CPNs concerned street drinking. One Criminal Behaviour Order was also obtained by Norfolk Constabulary for alcohol related anti-social behaviour. In addition to the recorded enforcement data above officers of Norfolk Constabulary will have taken informal action on potential breaches of the Order which will not have been recorded (e.g. asking someone to dismount from their bicycle who was cycling in the pedestrianised zone).

3.8 Norfolk Constabulary held a weeklong poll over various social media channels week commencing 21st September 2020 which asked what residents and other interested parties perceived as the biggest issues in the town centre. The main complaints were around street drinking and vehicle related ASB. 83% of complaints related directly to street drinking and anti-social behaviour in the PSPO area.

4.0 **OPTIONS**

4.1 Option 1: Do nothing, not renew the Order. This option is not preferred for two reasons. Firstly, the consultation on the potential renewal of the Order shows public support for it continuing and the perception that street drinking continues to be a problem in Thetford Town Centre. Secondly the evaluation of the Order shows that the enforcement options provided

by the Order are still being utilised to address anti-social behaviour in the town centre. As such, allowing the Order to cease would be going against public opinion and is likely to result in increased problems of anti-social behaviour in the Town Centre.

4.2 Option 2: Approve the renewal of the Public Spaces Protection Order in Thetford Town Centre without variation. This is the preferred option

4.3 Option 3: Extend the Order geographically to include new issues or behaviours. This option is not legally possible currently. The Council would be required to consult on any increase in the scope of the Order. We have not carried out this consultation as part of the renewal process

5.0 REASONS FOR RECOMMENDATION(S)

5.1 The Council is recommended to extend the PSPO. The recent Poll shows that the public perception of these behaviours being present in Thetford is decreasing.

5.2 *Street drinking*

5.2.1 In 2017 95% of respondents had seen people persistently consuming alcohol in a public space compared to 87% of respondents in the 2020 poll. 18% of respondents in the 2020 poll say that that they believe the problem has improved, while 37% say that the problem has gotten worse.

5.3 *Public urination and defecation*

5.3.1 67% of the 2017 respondents said they had seen people persistently urinating or defecating in a public place. This has reduced to 49% of the 2020 respondents. 6% of the 2020 respondents believed that this problem has improved, and 25% believe the problem has gotten worse

5.4 *Anti-social use of Scooters, skateboards, bikes and other wheeled vehicles*

5.4.1 Respondents saying that they have witnessed people persistently using wheeled vehicles in a pedestrianised area has increased by 5% since 2017, 84% in 2017 and 89% in 2020. Only 1% of the 2020 respondents believe that this issue has improved since 2017 and 51% believe the issue has got worse.

5.5 There is also overwhelming support from stakeholders for continuing with the protection against anti-social behaviour provided by the Order. However, the data also shows a continuing need for enforcement actions both formal and informal under the PSPO and continuing reports of alcohol related anti-social behaviour. Based on the evaluation from stakeholders there is a risk that these behaviours escalate should the PSPO cease.

5.6 In reaching a decision on whether to renew the Order it will be important to consider the necessity of continuing with the Order and the proportionality of the restrictions it contains. Some of the responses from stakeholders have requested that the scope of the Order is widened to include spitting in the Town Centre. This cannot happen as part of the current renewal process since we are required to formally consult on any proposal to change the Order. We can later collate the evidence relating to possible inclusion of spitting in the street and can decide on review of that evidence whether a public consultation should be commenced on extending the Order.

6.0 EXPECTED BENEFITS

- 6.1 Evaluation of the consultation shows that the perception of the public has improved but that the behaviours are still largely present in Thetford Town Centre
- 6.2 Responding appropriately to the results of the consultation and extending the PSPO for a further 3 years demonstrates the Council's commitment to addressing the concerns around reducing and preventing crime and protecting the community and environment of the town centre.

7.0 IMPLICATIONS

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

7.1 Carbon Footprint / Environmental Issues

- 7.1.1 The introduction of PSPO's will help protect the natural environment which currently experiences incidents of anti-social behaviour.

7.2 Constitution & Legal

- 7.2.1 The first section of this report has set out the legal framework for creating PSPOs as set out in Anti-Social Behaviour, Crime and Policing Act 2014 which has been adhered to.

7.3 Corporate Priorities

- 7.3.1 The recommendations in this report contribute to the following Council Priorities and Objectives:

- Supporting Breckland to develop and thrive
- Work together with partners and local communities to make public spaces cleaner, greener and safer
- Work with our partners to reduce and prevent crime and anti-social behaviour and protect the community and environment

7.4 Crime and Disorder

- 7.4.1 Anti-social behaviour covers a variety of unacceptable activities that affect community life and the life of individuals and families. The introduction of PSPO's across our market towns has the potential to deliver positive community impact if enforced to their full potential.

7.5 Equality and Diversity / Human Rights

- 7.5.1 The two issues that must be addressed for every proposed restriction/variation in a PSPO are whether the statutory criteria are met and whether those variations are proportionate. It is a question of balancing rights and freedoms of individuals against the needs of the wider community.

7.5.2 The formal consultation has evidenced the requirement to prohibit activities that have a detrimental impact on the quality of life of the community and will be applied to all. Consideration has been given to what activities are prohibited, where the restrictions will apply and what times they will apply to ensure that the human rights of individuals are not interfered with.

7.6 **Financial**

7.6.1 There are no material financial implications associated with this report.

7.7 **Health & Wellbeing**

7.7.1 There are no direct implications other than potentially reducing the opportunity for alcohol misuse and the possibility of signposting people to the appropriate support agencies and services.

7.8 **Reputation**

7.8.1 To improve perceptions of Community Safety, the Council needs to address community concerns. Not taking any action at all could risk worsening perception of community safety.

7.9 **Risk Management**

7.9.1 Key risks have been identified as follows:

1. Public expectations are raised unrealistically, and a subsequent order cannot be enforced to the anticipated extent. To mitigate this, the Council will continue to work in partnership to ensure available resources are used in the most effective way to tackle the issues identified.
2. The potential of stigmatising locations covered by a PSPO is a concern as this may be counterproductive in trying to stimulate economic growth into the town centre. To mitigate this carefully considered communications are necessary to promote the positive impact of any order.
3. The introduction of a geographically defined PSPO may simply displace problems currently being experienced beyond the area of coverage. To mitigate this, comprehensive discussions have taken place with Norfolk Constabulary to ensure that the geographical area being considered covers an adequate area to address the key manifestations of antisocial behaviour.
4. There is a risk that certain vulnerable individuals may breach an order regularly and be drawn into the criminal justice system. To mitigate this, it is intended to ensure that where specific issues are identified, individuals will be signposted to assistance and support to address the root causes of behaviour and not simply be subject to ongoing enforcement action. It is also worth noting that discharging of a breach via a Fixed Penalty avoids prosecution and is not a recordable offence.

7.10 **Safeguarding**

7.10 Those individuals who may be in breach of a PSPO may be 'vulnerable' with their own needs. Additional support as well as enforcement may be needed on some occasions.

7.11 Staffing

7.11.1 The Communities and Environmental Services Teams has two Enforcement Officer roles. These will assist in the enforcement of certain elements of the PSPO.

7.11.2 PSPOs can be enforced by Police Officers, authorised Police Community Support Officers (PCSOs), Council Officers and other groups designated by the Council (e.g. Town Council Officers and employee's of Registered Social Landlords).

7.11.3 It has been acknowledged that whilst the Council have the legal ability to enforce against street drinkers, it is accepted that enforcement against this group carries a heightened risk to personal safety and would therefore not be the preferred option. A breach of the Order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a level 3 fine of up to £1000 on prosecution.

7.12 Stakeholders / Consultation / Timescales

7.12.1 A comprehensive consultation exercise has been undertaken in line with the statutory requirements.

8.0 WARDS/COMMUNITIES AFFECTED

8.1 All Thetford Wards are affected.

9.0 ACRONYMS

9.1 PSPO – Public Spaces Protection Order

9.2 CPW – Community Protection Warning

9.3 CPN – Community Protection Notice

Background papers:-

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Key Decision: Yes

Exempt Decision: No

This report refers to a Discretionary Service

Appendices attached to this report:

Appendix A PSPO sealed Order 2017
Appendix B Restricted Area
Appendix C Comments from the public consultation