

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 - Watton

Purpose: To review the existing Public Spaces Protection Order (PSPO) in Watton with regard to creating a new PSPO

Recommendation(s):

- 1) That Members approve Option 2 and agree to proceed with the implementation of a new PSPO for the restricted area (Appendix A) prohibiting the following activities:
 - a) Consumption of alcohol in a public place
 - b) Urination and defecation in a public place

1.0 BACKGROUND

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 introduced new powers to tackle anti-social behaviour, one of which being the power to implement Public Spaces Protection Orders. Only a local authority can make a PSPO in respect of a public place within its area.
- 1.2 These orders are designed to stop anti-social behaviour being committed in a public place. It can be used to deal with existing problems and problems that are likely to arise in the future.
- 1.3 The Council may make an Order if they are satisfied, on reasonable grounds, that the following two conditions are met:

First condition

 - Activities carried out in a public place in the local authority's area have a detrimental effect on the quality of life of those in the locality or
 - It is likely that the activities will be carried out in a public place within the area that will have such an effect

Second condition

The effect or likely effect of the activities:

 - Is, or is likely to be, of a persistent or continuing nature
 - Is, or is likely to be, such as to make the activities unreasonable and
 - Justifies the restrictions imposed
- 1.4 The Order identifies the public spaces affected as the 'restricted area' and can:
 - Prohibit specific things from being done in the restricted area
 - Require specific things to be done by persons carrying out specific activities in the restricted area

- Or both

The only prohibitions or requirements that can be imposed are ones that are reasonable to impose in order to:

- Prevent the detrimental effect from continuing, occurring or recurring
- Reduce the detrimental effect or reduce the risk of its continuance, occurrence, and recurrence.

1.5 The Act states that 'necessary consultation' must be undertaken before a Public Spaces Protection Order is introduced. The Act defines this as consulting with:

- The Chief of Police for the restricted area
- The Police and Crime Commissioner
- Whatever community representatives the local authority thinks is appropriate
- As far as is practicable, the owner or occupier of the land

2 CONSULTATION

2.1 To evaluate the current Order and assist in determining whether a new PSPO should be made a full public consultation was carried out during the period 14th October through to 10th November 2020.

2.2 Three activities were proposed to be prohibited based on feedback from Norfolk Constabulary and Watton Town Council. These activities were:

Consumption of alcohol in a public place

In regards to the consultation results, 54% of those that participated in the consultation stated that they have witnessed street drinking in the area identified on the map, 37% say that they have been personally affected by street drinking in Watton. 79% of those that participated in the survey agree that that the PSPO should prohibit Street drinking in the restricted area shown on the map.

Urination and defecation in a public place

Regarding the consultation results, only 29% of the participants say they have witnessed this and 21% have been personally affected. However, 75% of the participants wish to see this added to the order. 10% of participants identified Brandon Road and the alleyways leading off the road as a particular hotspot for this kind of behaviour.

Use of a bicycle, skateboard or scooter in a pedestrianised zone

Prohibiting anti-social use of wheeled vehicles is also a new proposal. In regard to the consultation results, 56% of participants state that they have witnessed this, 43% have been affected and 65% want to see this added to the order.

2.3 Consultation was also undertaken as to whether the restricted area should be increased or reduced in coverage. The restricted area currently proposed is unchanged from the previous order. 46% of participants agree that that the area is sufficient and 40% did not answer. Of the 14% that disagree with the area there were a mixture of suggestions. 6 people requested the area be extended to cover Brandon Road up to the Cranswick Factor, expressing frustrations about defecation in and around Brandon Road. Police figures in the last 15 months show 20 reports into the police regarding this area, 10 of which are alcohol

related. Whilst recognising this may be an issue in the area, it would not be possible to simply include an amendment to the size of the restricted area within the current proposal without carrying out a fresh consultation exercise which would delay the process. However, should this area prove to be a continued evidenced problem in the future, then it can be added to the new PSPO at any time (with the required public consultation). The legislation gives the Council power to do this.

- 2.4 In addition to the consultation, the specific views of key stakeholders including the Police and Town Council were also sought. Their responses clearly supported the making of a new order based on the current restricted area and the behaviours identified.
- 2.5 In the last 12 months Norfolk Constabulary advise that they have given words of advice and confiscated an open vessel of alcohol from an individual in the restricted area on around 50-70 occasions, and 8 people have been issued a Fixed Penalty Notice for alcohol related anti-social behaviour. However, there is limited evidence of the use of a bicycle, skateboard or scooter in a pedestrian zone. Again, this can be added to the PSPO at a future date should appropriate evidence of the issue be collected.
- 2.6 Should the Council approve the implementation of the new PSPO, the draft order will need to be published in accordance with the regulations produced by the Secretary of State.

3 OPTIONS

- 3.1 Option 1: Do nothing.
- 3.2 Option 2. Proceed with the implementation of the new PSPO for the restricted area (Appendix A) prohibiting the following activities:
 - a) Consumption of alcohol in a public place
 - b) Urination and defecation in a public place

4 REASONS FOR RECOMMENDATION(S)

- 4.1 The Council has a statutory duty to work in partnership with other agencies to reduce crime and anti-social behaviour. The Anti-Social Behaviour, Crime and Policing Act 2014 introduced new powers to tackle anti-social behaviour, one of which being the power to implement Public Spaces Protection Orders.
- 4.2 The consultation exercise has evidenced significant support from all stakeholders for the proposed PSPO to be implemented.

5 EXPECTED BENEFITS

- 5.1 By going to consultation the Council has ascertained the type and frequency of anti-social behaviour that members of the public are experiencing in Watton Town Centre.
- 5.2 Responding appropriately to the results of the consultation and implementing an appropriate PSPO demonstrates the Council's commitment to addressing the concerns around reducing and preventing crime and protecting the community and environment of the town centre.
- 5.3 In order to evaluate the impact the PSPO has if implemented, it is proposed that a monitoring group of key stakeholders led by Breckland Council be created. This group would meet at appropriate intervals to scrutinise the data associated with the Order, likely to include the number of reported incidents of breaches, the location of reported incidents and

the action taken by authorised agencies. This would help support any future proposed variations to the order as well as assessing its effectiveness.

6 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; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

6.1 Carbon Footprint / Environmental Issues

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

6.2 Constitution & Legal

6.2.1 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.

6.3 Corporate Priorities

6.3.1 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

6.4 Crime and Disorder

6.4.1 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 significant positive community impact if enforced to their full potential.

6.5 Equality and Diversity / Human Rights

6.5.1 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.

6.5.2 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 in order to ensure that the human rights of individuals are not interfered with.

6.6 Financial

6.6.1 There are no material financial implications associated with this report. It will be necessary to purchase signage and pay for an advertisement in the national paper. It is unlikely that costs would exceed an amount of £1500 to £2000.

6.7 **Health & Wellbeing**

6.7.1 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.

6.8 **Reputation**

6.8.1 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.

6.9 **Risk Management**

6.9.1 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, 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.

6.10 **Safeguarding**

6.10.1 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.

6.11 **Staffing**

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

6.11.2 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).

6.11.3 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.

6.12 **Stakeholders / Consultation / Timescales**

6.12.1 A comprehensive consultation exercise has been undertaken in line with the statutory requirements. For completeness, additional 'free text' comments are also recorded (Appendix B).

7.0 WARDS/COMMUNITIES AFFECTED

7.1 All Watton Wards are affected.

8.0 ACRONYMS

8.1 PSPO – Public Spaces Protection Order

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 Restricted Area
Appendix B Free text comments from the consultation