

Public Document Pack

Date of meeting Wednesday, 18th July, 2018
Time 2.00 pm
Venue Astley Room - Castle House
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle
Staffs
ST5 1BL

Cabinet

SUPPLEMENTARY AGENDA

PART 1 – OPEN AGENDA

- 7a KIDSGROVE LEISURE CENTRE PROGRESS REPORT (Pages 3 - 6)
8a PUBLIC SPACE PROTECTION ORDERS VARIATION (Pages 7 - 20)

Members: Councillors S Tagg (Chair), Holland, Johnson, Northcott, Sweeney and J Waring

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Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

FIELD_TITLE

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE CABINET

Date 18 July 2018

1. **REPORT TITLE** Re-opening of Kidsgrove Sports Centre
- Submitted by:** Acting Chief Executive – John Tradewell
- Portfolio:** Corporate and Service Improvement, People and Partnerships
- Ward(s) affected:** All

Purpose of the Report

To update members on the progress made in re-providing sports facilities in Kidsgrove.

Recommendations

It is recommended:

- (a) That Cabinet & officers continue to work with partners towards re-providing community run sports and leisure facilities at Kidsgrove Sports Centre.**
- (b) That a further report detailing the financial implications to the Council associated with this is brought to the September Cabinet meeting for decision.**

Reasons

To ensure that an appropriate sports offer is re-provided in Kidsgrove at the earliest opportunity.

1. **Background**
- 1.1 This report provides an update on progress following the earlier report to cabinet in March 2018 and focusses on work undertaken with the Kidsgrove community group to re-open the former sports centre.
- 1.2 The Borough Council, Community Interest Organisation (CIO), County Council (SCC), with support from others, are working together to look at the feasibility of re-opening the sports centre (potentially on a phased basis) to be managed by the CIO. Heads of Terms for the CIO to lease the Sports Centre are currently being agreed; while discussions take place to secure the desired outcome for the CIO in relation to their community asset registration of the sports centre through the development of a viable business plan.

The CIO requires the support of the two Councils to enable them to reopen the Sports Centre and it is clear that this will represent significant financial and time resources. Indeed considerable time has already been committed by your Officers in

providing information to various members of the group on their journey thus far. The exact level of financial support required can only be fully determined once all parties are agreed on what work needs to be done to bring the centre back into use, and how much this will cost. The CIO believes the figure to be in the region of £500,000, and work is ongoing to verify whether this will be sufficient.

- 1.3 In terms of the operating costs of the centre. It is agreed between the partners that the CIO that I will run the centre without subsidy from the Council and conversations are taking place about how they will achieve this. The one possible caveat to this is that it may take time for use of the centre to build back up as it has been closed for over a year, so the CIO may need to access some bridging finance to allow them to re-establish the customer base.
- 1.4 In the latter scenario it is likely therefore that the Council could make a contribution to the capital costs of bringing the building back into use (along with other partners). If the cost is circa £500,000 then this should be achievable between the Council and its partners. If it increases significantly above this figure, thought will need to be given as to what can be done for around that sum to provide at least a basic level of indoor sports activity open for use at the centre. The Council may also wish to consider some form of bridging finance for the CIO. At this stage the level of the Council's likely financial contribution cannot be further quantified, but it is intended that this will be clear in time for a decision at September Cabinet.

2. **Issues**

- 2.1 If Cabinet do decide to provide financial support to the CIO in reopening of the facility, it will have to be subject to a number of conditions that are under discussion with the CIO, including the following:
 - 2.1.1 That a full repairing and insuring lease is granted by SCC.
 - 2.1.2 That the full scope and costs of the repairs proposed to the sports centre are confirmed as sufficient and reasonable by SCC.
 - 2.1.3 Confirmation that the total funding package has been secured by the CIO from various funding sources.
 - 2.1.4 Confirmation that all utility services have been reconnected to the building.
 - 2.1.5 The CIO submits the final Business Plan and a draft Operating Plan.
 - 2.1.6 That an appropriate agreement is signed with full and legally binding grant conditions that cover the limitation of liability of this Council and warrantees of the work to be undertaken, along with any other restrictions.
- 2.2 It is proposed that the Acting Chief Executive, in the capacity as Chair of the Working Group, be authorised to develop and oversee an action plan covering the required work. In this regards, progress to date includes the following:
 - 2.2.1 Revised Heads of Terms have been issued and are awaiting ratification at a future CIO board meeting. A decision is expected in advance of the July Cabinet meeting.
 - 2.2.2 The Community Organisation is registered as an official charity with CIO status. Charity number is; 1175301 and registered address is currently; 56

Fifth Avenue, Kidsgrove, Stoke-on-Trent, Staffordshire, ST7 1DA (it is proposed that this will change to the address of the Sports Centre, upon taking out the lease on the site). The organisation is registered with HMRC for Gift Aid allowance.

- 2.2.3 A meeting took place on the 10th July to agree the operating budget.
- 2.2.4 A meeting is planned for 16th July to agree the extent of capital works and budget to re-open. Entrust have made a recent site visit and are in direct discussions with the CIO and their professional advisors.
- 2.2.5 The CIO submitted an application to Sport England on Monday 18th July and has been assigned a case manager. A decision is anticipated within 6-12 weeks.
- 2.2.6 The CIO has consulted experts where specific specialist knowledge has been required and this will continue to be the case. The CIO has also requested additional help and support from the Council, which they have not specified at this time.
- 2.2.7 In considering the cost of reconnection of services the issue of an independent gas supply is being looked into as the current supply comes from the neighbouring school. The CIO wish to have services reconnected before taking over the lease.
- 2.2.8 A final Business Plan will be produced after agreement has been reached on any outstanding matters.
- 2.3 The following action points have been identified as needing to be in place before opening to the Public:
- Undertake further stakeholder consultation
 - Secure Lease and raise finance
 - Set up bank account and working capital facility
 - Take out suitable insurances
 - Appoint principal Designer and main contractor
 - Hand over building to main contractor
 - Put in place service contracts
 - Commence Pre sales
 - Hand back of building following completion of works
 - Put in place arrangements for IT, Finance, payroll and pensions
 - Agree new job descriptions, objectives and performance management arrangements
 - Advertising and recruitment of new posts
 - Final Operating Procedures in place
- 2.4 The Council is continuing to work with the County Council to develop its long term plans for the Borough in general and Kidsgrove in particular. A key part of this will be the need for a replacement, modern leisure centre with swimming pool for when the current Sports Centre reaches the end of its useful life. Further discussions on these long term plans will be taking place with the leadership of the County Council in the near future. The key challenge will inevitably be funding, but there are also funding opportunities if a medium to long term approach is taken by looking at how the leisure provision is integrated into wider development proposals for the town (such as the

potential need for further extra care provision), opportunities around the station, and the potential for land sales to support investment.

3.0. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

3.1 The recommendations contained in this report seek to achieve positive health and wellbeing outcomes for the local community.

4. **Legal and Statutory Implications**

4.1 There is no statutory duty on the Council to provide sport and leisure facilities; however it has the power to and also the power of community leadership, introduced by the Local Government Act 2000, to lead, influence and support partner organisations to work to common goals to meet the needs and aspirations of their communities. The Council has the power to provide sport and recreation facilities.

5. **Equality Impact Assessment**

5.1 The Council remains fully committed to working with the local community in Kidsgrove to ensure the provision of a modern, fit for purpose, sport and leisure offer in Kidsgrove to meet the needs of all sections of the local community.

6. **Financial and Resource Implications**

6.1 Budgetary provision has been made within the Council's revenue budget for 2018/19, approved by Full Council on 21 February, in respect of Kidsgrove Sports Centre. This could be utilised for sports provision in Kidsgrove including any proposed funding support to the Community Interest Organisation. As indicated above it is envisaged that the precise financial implications for the Council will be known by the time that a further report comes to your meeting in September.

6.2 There may be an ongoing resource requirement in terms of officer time in supporting the CIO.

7. **Major Risks**

7.1 The key financial and non-financial risks in re-opening the sports centre that sit with the CIO which are largely around the level of repair and financial investment needed, the degree to which usage will be sufficient to meet the operating costs, and the sustainability of wider community support for the project. All these are being looked at and addressed as key issues in the ongoing business planning process.

8. **Key Decision Information**

8.1 The final decision will be a key decision and appears on the Council's Forward Plan.

9. **Earlier Cabinet/Committee Resolutions**

9.1 Cabinet March 2018
Cabinet July 2017
Active and Cohesive Scrutiny Committee October 2017

| Task | Timescales (TBC) | Partners/Dep involved | Owner | RAG Rating |
|-------------------------------------------------------------------------------------------------------------|------------------|-----------------------|---------------------------|------------|
| Submit PSPO report to EMT detailing proposals for variation and enforcement process | May-18 | NBC Partnerships Team | Trevor Smith | Green |
| Submit PSPO report to Public Protection Committee detailing proposals for variation and enforcement process | Jun-18 | NBC Partnerships Team | Trevor Smith | Amber |
| Attend Public Protection Committee to discuss proposals and to present information & evidence | Jun-18 | NBC Partnerships Team | Trevor Smith, Sarah Moore | Amber |
| Brief front line Police staff on PSPO enforcement changes and legal implications | Jun-18 | NBC Partnerships Team | Trevor Smith | Amber |
| Formally consult partners, the public and businesses regarding the proposed changes | Jul-18 | NBC Partnerships Team | Trevor Smith/Comms Team | Amber |
| Meet with relevant partners for a pre-launch briefing including Comms Team | Aug/Sep-18 | NBC Partnerships Team | Trevor Smith | Amber |
| Create new PSPO signs | Aug/Sep-18 | NBC Partnerships Team | Trevor Smith | Amber |
| Arrange publicity for the PSPO | Aug/Sep-18 | NBC Partnerships Team | Trevor Smith/Comms Team | Amber |
| Launch revised PSPO | Sep-18 | NBC Partnerships Team | Trevor Smith/Comms Team | Amber |

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Scheme of delegation

| | FUNCTION | EXERCISED BY |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Anti-Social Behaviour, Crime and Policing Act 2014 Functions | |
| | Part 1 Injunctions | |
| | <p>Injunctions Application for Injunction / Interim injunction / Variation of Injunction / Discharge if injunction (Part 1 sections 5, 6, 7, 8)</p> <p>Arrest warrant and prosecution of injunction Application for arrest warrant and authority to prosecute (Part 1, section 10)</p> <p>Consultation on injunction Requirements to consult etc. (Part 1, section 14)</p> | <p>Head of Business Improvement, Central Services and Partnerships</p> |
| | Part 2 Criminal Behaviour Orders | |
| | <p>Application for CBO, Interim order, variation, discharge Application for criminal behaviour order / interim order / Variation of order / Discharge of criminal behaviour order (Part 2 sections 23, 26, 27)</p> <p>Consultation with YOT prior to application for CBO on under 18's Requirement to consult with YOT if offender is under 18 (Part 2 section 29)</p> <p>Review of CBOs imposed on under 18's Duty to cooperate with chief officer of police in review of orders imposed on under 18's (Part 2 sections 28/29)</p> | <p>Head of Business Improvement, Central Services and Partnerships</p> |
| | PART 4 CHAPTER 1 - COMMUNITY PROTECTION NOTICES | |
| | <p>Issuing and consulting on CPN's prior to service Power to issue community protection notices to persons over 16 or a body (Part 4 Chapter 1 section 53)</p> <p>Obligation to inform anybody or individual that the serving officer sees fit prior to issuing a community protection notice (Part 4 Chapter 1 section)</p> | <p>Head of Business Improvement, Central Services and Partnerships</p> <p>Head of Environmental Health</p> <p>Head of Operations</p> <p>All Environmental Health Officers and appropriately qualified Technical Staff</p> <p>(officer initiating CPN)</p> |
| | <p>Authority to take remedial action to comply with CPN</p> <p>Authority to undertake remedial action for failure to comply with a community protection notice section (Part 4 Chapter 1 section 47)</p> | <p>Head of Environmental Health</p> <p>Head of Business Improvement, Central Services and Partnerships</p> <p>Head of Operations</p> |

Appendix 2.

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| Power of entry in respect of CPN Power of entry to undertake remedial action work under (Part 4 Chapter 1 section 47) | All Environmental Health Officers and appropriately qualified Technical Staff. And agents acting on behalf of the authority expressly authorised by the relevant Head of Service |
| Cost recovery for remedial action in default of CPN Issue of notice of costs to defaulter for remedial action (Part 4 Chapter 1 section 47) | Head of Service whose officers initiated remedial action |
| Prosecution proceedings in respect of CPN Authorisation of proceedings for failing to comply with a community protection notice (Part 4 Chapter 1 section 48) | Public Protection Committee |
| Remedial order Application to court for a remedial order (Part 4 Chapter 1 section 49) | Head of Business Improvement, Central Services and Partnerships |
| Seizing items involved in breach of CPN Seizure of items used in the commission of suspected offence under section 48 (Part 4 Chapter 1 section 51) | Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing |
| Fixed penalty notice for non-compliance with CPN Service of fixed penalty notice for offence of failing to comply with a Community Protection Notice which is an offence under section 48 (Part 4 Chapter 1 section 52) | Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing |
| PART 4 CHAPTER 2 PUBLIC SPACES PROTECTION ORDERS | |
| Making a PSPO Power to make Public Spaces Protection Orders (Part 4 Chapter 2 section 59) | Public Protection Committee |
| Publishing PSPO Publishing of Public Spaces Protection Order in accordance with regulations made by Secretary of State (Part 4 Chapter 2 section 59(8)) | Head of Business Improvement, Central Services and Partnerships |
| Extension to PSPO Extension of Public Spaces Protection Orders beyond 3 years (Part 4 Chapter 2 section 60) | Public Protection Committee |
| Publishing extension to PSPO Publishing of extension to Public Spaces Protection Order in accordance with regulations made by Secretary of State (section 60(3)) | Head of Business Improvement, Central Services and Partnerships |
| Variation and discharge of PSPO Variation and discharge of current Public Spaces Protection Orders (Part 4 Chapter 2 section 61) | Public Protection Committee |
| Publishing of variation or discharge of PSPO Publishing of variation to or discharge of Public Spaces Protection Order in accordance with regulations made by Secretary of State (Part 4 Chapter 2 section 61(5) /section 61(6)) | Head of Business Improvement, Central Services and Partnerships |
| Power in relation to consumption of alcohol Power to require a person not to consume alcohol or to require surrender of alcohol or containers for alcohol contrary to requirements of public spaces protection order(Part 4 Chapter 2 section 63(2)) | Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing |
| Authorisation of prosecution proceedings relating to PSPO for alcohol Authorisation of prosecution proceedings for failure to comply with a requirement to not to consume alcohol or to require | Public Protection Committee |

Appendix 2.

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| | surrender of alcohol or containers for alcohol Part 4 Chapter 2 section 63(6)) | |
| | Authorisation of prosecution proceedings for failure to comply with PSPO Authorisation of prosecution proceedings for failure to comply with anything either prohibited or required by a public spaces protection order (Part 4 Chapter 2 section 67) | Public Protection Committee |
| | Fixed penalty notices for failing to comply with PSPO Power to issue a fixed penalty notice for offences of not complying with a public spaces protection order under section 63 (Consumption of alcohol in breach of an order) or section 67 (failing to comply with an order) (Part 4 Chapter 2 section 68) | Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing |
| | Convention rights, consultation, publicity and notification Duty to have regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights before making, extending, varying or discharging a public spaces protection order Duty to carry out consultation, publicity and notification before making, extending, varying or discharging a public spaces protection order | Head of Business Improvement, Central Services and Partnerships |
| | Part 4 Chapter 3 – CLOSURE OF PREMISES ASSOCIATED WITH NUISANCE OR DISORDER | |
| | Power to issue closure notices for up to 24 hours Power to issue closure notices for up to 24 hours where use of particular premises has resulted , or is likely to soon result in nuisance to members of the public or there has been or is likely soon to be disorder associated with the use of premises (Part 4 Chapter 3 section 76) | Chief Executive or person designated by him or her Head of Business Improvement, Central Services and Partnerships Head of Environmental Health |
| | Duty to consult prior to service of closure notice Duty to consult anybody or individual prior to service of closure notice (Part 4 Chapter 2 section 76(7)) | Chief Executive or person designated by him or her Head of Business Improvement, Central Services and Partnerships Head of Environmental Health |
| | Power to extend closure notice beyond 24 hours to 48 hours (Part 4 Chapter 2 section 76/77) | Chief Executive or person designated by him or her |
| | Cancellation or variation of closure notice Power to vary or cancel a closure notice (Part 4 Chapter 3 section 78) | Officer who originally signed notice or in their absence the Chief Executive or person designated by him or her |
| | Power of court to make closure orders Application to a magistrates' court for a closure order within 48 hours of service of closure notice (unless closure notice has been cancelled (Part 4 Chapter 3 section 80) | Head of Business Improvement, Central Services and Partnerships |

Appendix 2.

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| | Entry to premises to fix closure orders Fixing closure orders in at least one prominent place on premises, to each normal means of access and outbuildings which appear to be associated with premises. (Part 4 Chapter 3 section 79(2)) | All Environmental Health Officers and appropriately qualified Technical Staff. And agents acting on behalf of the authority expressly authorised by the relevant Head of Service |
| | Extension of closure orders Application to the court for an extension of period of a closure order or further extension (Part 4 Chapter 3 section 82) | Head of Business Improvement, Central Services and Partnerships |
| | Discharge of closure orders Application to the court to discharge a closure order. (Part 4 Chapter 3 section 83) | Head of Business Improvement, Central Services and Partnerships |
| | Enforcement of closure orders Access to a premises etc. to enforce closure order, to secure premises against entry and carrying out essential maintenance or repairs. (Part 4 Chapter 3 section 85) | Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing |
| | Proceedings for breach of closure notice / order Application to court for prosecution for breach of closure order (Part 4 Chapter 3 section 86) | Public protection committee |

| | FUNCTION | EXERCISED BY |
|-----------------------------|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| The Dangerous Dogs Act 1991 | | |
| | Section 5 Seizure / entry to premises and evidence | |
| | Seizure of dangerous dogs in any place power of entry onto premises to seize a dangerous dog | Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing |

Newcastle Town Centre Public Space Protection Order (PSPO) June 2018

Introduction

The Criminal Justice and Police Act 2001, which encompassed Designated Public Place Orders (DPPO's) also known as Alcohol Prohibition Zones (APZ's), has been replaced by the Anti-Social Behaviour Crime and Policing Act. The Anti-Social Behaviour, Crime and Policing Act (2014) contains the provisions for the Public Space Protection Orders (PSPO's), which were enacted by the Secretary of State and other ASB powers.

Under the Act there is provision for all Local Authorities to introduce measures to address anti-social behaviour in public spaces. The Act supersedes all previous powers, e.g. gating orders, dog control orders, with one overarching power, the PSPO.

A PSPO is an order that identifies a particular space or area to which it will be applied; and can make requirements, or prohibitions, or both within that space or area. This means that the Local Authority can, by virtue of the order, require people to do, or not to do specific things in that space or area. The Local Authority has the powers to grant the prohibitions/requirements where it believes that they are reasonable in order to reduce or prevent the unwanted issues. The order can be applied to specific people or everyone within an area and can apply at all times or within specific times. The order can apply for a maximum of 3 years upon which the process of reviews and consultation must be repeated to check whether the issues are still occurring and the order is having the required effect. After the initial 3 years, the order can be extended for a further 3 years, and upon further reviews and consultation, can be extended more than once for further periods of 3 years.

In April 2016, Newcastle Borough Council undertook a public consultation on the installation of a PSPO in Newcastle Town Centre. The responses received unanimously supported the introduction of the PSPO.

PSPO content

The current PSPO conditions installed in Newcastle Town Centre are as follows:-

- Not to be in possession or utilise an aerosol and/or any item intended to cause defacement within the location.
- Not to undertake repairs of vehicles within all local authority car parks other than for urgent breakdown repairs.
- Not to use any local authority owned car parks as a place to congregate, cook or sleep and to only use the car park for parking.
- Not to engage in behaviour likely to cause harassment, alarm or distress within designated areas.
- Not to consume or be in possession of an open container of alcohol in the designated area excluding licensed premises or licensed events.

- Not to ingest, inhale, inject, smoke or otherwise use intoxicating substances including Novel Psychoactive Substances (NPS) within the designated area.

There was a conscious decision, prior to April 2016, by the Borough Council not to include a condition to address rough sleeping and begging given that rough sleepers and beggars were considered by many to be vulnerable and in need of considerable support.

PSPO area and boundary

The PSPO was put into force in Newcastle Town Centre as detailed on the map below.



PSPO enforcement

It was agreed with colleagues from the Newcastle Policing Team at Staffordshire Police that front line Police Officers and Police Community Support Officers (PCSO's) should issue warning letters and Fixed Penalty Notices due to the fact that the Police have a greater presence on the Town Centre.

In April 2016, the Borough Council and the Police established the following enforcement process.

Stage 1: Police identify & evidences a breach via body-cam and CCTV. 1st warning notice issued. Details recorded on Police and NBC databases



Stage 2: Warning notice issued to the Police Partnerships Manager to be included on Partnership HUB.



Stage 3: If individual is issued with 2nd warning notice then multi-agency partnership approach instigated and meeting with individuals arranged to advise of consequences of further breaches.



Stage 4: individual breaches a 3rd time an FPN will be issued, co-ordinated through the Partnership Team via the Councils Enforcement Policy.



Stage 5: If in event of non-payment of fines possible legal intervention will be taken which could instigate other statutory legal powers. Case may be referred to Legal Team for further consideration/action.

After this process was established it quickly became apparent that it was practically far too lengthy and onerous on the Borough Council and Newcastle Policing Team. There were several individuals given a PSPO warning notice which was extremely resource intensive. It was decided that streamlining the process was the best solution to this issue. Research also supported a single warning to be issued if any of the PSPO conditions are breached because after which it is deemed to be relatively ineffective, particularly with persistent offenders. As a result the current PSPO enforcement process is therefore illustrated below;

Stage 1: Police identify & evidences a breach via body-cam and CCTV. 1st warning notice issued. Details recorded on Police and NBC databases



Stage 2: Warning notice issued to the Police Partnerships Manager to be included on Partnership HUB.



Stage 3: Should a further breach occur an FPN is issued, co-ordinated through the Partnership Team via the Councils Enforcement Policy.

PSPO statistics

Since 24th February 2017 64 warning notices have been issued with 8 withdrawn. The 8 withdrawn notices are due to the Police issuing notices which do not fall within the boundaries of the PSPO conditions for example individuals being ejected from licensed

premises for begging, possession of drugs in a licensed premise and pushing & arguing within a licensed premise.

4 Fixed Penalty Notices have been issued but the fines were unpaid.

The 4 breaches were for the persistent consumption of alcohol on Newcastle Town Centre.

Due to a number of factors including resistance from the Legal Team, internal monitoring processes within the Council and collation of legal evidence (within a defined timescale) to support escalation to court, these cases were not pursued.

Review of current arrangements

- **Enforcement process issues**

Currently, if one or more of the PSPO conditions are breached a warning letter is issued and if any further breaches occur the individual receives an FPN. This process has not been as successful in addressing ASB as first anticipated as the current arrangements give individuals the opportunity to commit further breaches which may not always be detected by Enforcement Officers.

- **Legal feedback**

Stoke-on-Trent City Council's Legal Team has advised that warning letters need not be issued and NBC could simply implement the sanction procedure when a breach takes place.

This action would avoid previous complications around consistency, ensuring that all perpetrators have been given the same amount of warnings and warning period. Failure to do so could be viewed as some being treated more favourably than others.

We are awaiting feedback from our Legal Team in relation to how a PSPO could be applied to a persistent or aggressive beggar.

- **Feedback from partners**

Newcastle Police would like to dispense with the initial warning notice and proceed directly to issuing Fixed Penalty Warnings (FPNs). They would like to take a 'hard-line, direct approach' with known, problematic individuals who persistently cause nuisance on Newcastle Town Centre.

Newcastle Police also have expressed a desire to take a more direct enforcement approach against those individuals who are persistent and aggressive known beggars. Whilst the Police are more than happy with FPN's issued to beggars they would also like to employ other enforcement powers also such as Community Protection Notice Warnings (CPNWs) and Community Behaviour Orders (CBOs).

The Police whilst pro-enforcement do understand and appreciate the need for balance regarding vulnerable beggars and will endeavour to signpost them into appropriate services such as One Recovery and Newcastle Housing Advice. They would prefer utilising CPNWs rather than a PSPO for known, problematic beggars as specific conditions can be attached to a CPNW. If the CPNW is subsequently breached a CBO can be applied for through the Courts.

- **Research/Best Practice undertaken**

Derby City Councils approach is promoting a balance between support and effective enforcement.

Derby has included the following condition in all of their PSPO's.

'No person shall beg (using either active or passive methods of obtaining alms) or ask members of the public for money in a public place'.

Derby City Council have also used other tactics to disrupt the routine of beggars such as removing unattended belongings from the street/shop doorways and storing them away from the City in storage units, tackle the issues of NPS use and target beggars through Police night time operations. They use their PSPO's as vehicles to deliver messages and to set the tone in order to manage expectations from the public and businesses. The use of PSPO's, although effective, is not the be all and end all. They are used in tandem with other enforcement tools such as CPNWs and CBO's where specific conditions can be applied.

Sheffield City Council also employs enforcement tactics regarding individuals who are persistently refusing to engage and continuing to commit ASB including begging. Combined with enforcement methods, support is also offered and by doing this they are able to demonstrate (when going to court) what interventions have been offered.

Their enforcement pathway consists of:

Stage 1: Verbal warning – encouraged to engage

Stage 2: CPN 1 – with information / encourage to engage

Stage 3: CPN 2 - with information / encourage to engage

Stage 4: Breach – result in arrest for vagrancy

Stage 5: Application for a CBO with conditions to stay away from a particular area and engage with services.

- **Feedback from the public**

The Partnerships Team and other partners are increasingly receiving complaints regarding individuals drinking alcohol, begging, rough sleeping and taking illegal substances on Newcastle Town Centre. There has been sporadic feedback from the

public expressing dissatisfaction that people are begging and rough sleeping in the Town centre. One particular member of the public has been vociferous with complaints about beggars and rough sleepers, demanding the Borough Council and the Police take immediate enforcement action. Other feedback received suggests that the Town Centre users are intimidated by street drinkers and beggars in the Town Centre because of their often chaotic behaviour.

- **Other factors**

Magistrates Courts

In early 2013 the Magistrates Court in Fenton, Stoke-on-Trent closed and all cases were re-directed to the Newcastle Magistrates Court, renamed the North Staffordshire Justice Centre. This has seen a significant influx of offenders come into Newcastle Town Centre which in turn has caused an increase in shoplifting, street drinking, littering, substance misuse and general anti-social behaviour such as shouting, swearing and littering.

Section 34/35 notices

The use of s34 and s35 notices are purely a short term enforcement tactic designed to disrupt the activities of individuals who persistently cause Anti-Social Behaviour. They have been used sparingly by the Police in Newcastle Town centre over the past 12 months however several notices have been issued in the last 2 weeks which has seen several known beggars dispersed from the Town centre for up to 48 hours. Since 1st January 2018 10 retail exclusions and 10 35 letters have been served.

Migration from Stoke-on-Trent

Police colleagues in Stoke-on-Trent are currently using enforcement tactics in order to manage their anti-social behaviour issues. These enforcement tactics involve the use of Community Protection Notice Warning (CPNWs) and continued usage of section 35 dispersals. The use of such enforcement powers is causing a degree of displacement of individuals from Stoke-on-Trent into Newcastle-under-Lyme. Some of these individuals are coming into Newcastle on a regular basis to beg for money.

Police Resources/Findings

The Neighbourhood Policing Team's structure has changed in terms of the wards policed and the number of front line Officers. There are now 4 Police Officers, 4 PCSO's and 3 Sergeants covering the Town Centre, Clayton, Thistleberry, Poolfields and Cross Heath areas.

The Police have placed a number of section 34 dispersal orders into force on Newcastle Town Centre over the last month. This is to combat ASB which spikes over the warmer summer months. Following the introduction of the s34's, the Police have arrested 15 individuals who have caused trouble in Newcastle Town Centre in the daytime.

3 Community Protection Notices have also been issued by the Police, prohibiting individuals from certain activities such as street drinking.

Recommendations

It is recommended that the Partnerships Team work with partners to streamline the enforcement process and vary the wording of the existing PSPO conditions to include those who are persistently begging.

The wording we would like to introduce is:-

No person shall beg (using either active or passive methods of obtaining alms) or ask members of the public for money in a public place.

(Alms are money or goods given to those as an act of charity).

The reasons for our recommendation are as follows:-

1. Over the last 12 months Newcastle Town Centre has seen an increase in begging which has caused complaints from both residents and businesses and we have been unable to use the existing PSPO to take enforcement action with this cohort
2. Over the past 12 months warning notices have not been as effective as first anticipated with a number of individuals repeat offending. NBCs Legal Team has recommended a zero tolerance approach, dispensing with warning notices and issuing FPNs as soon as a breach occurs.

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