

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2001, which encompassed Designated Public Place Orders (DPPO's) also known as Alcohol Prohibition Zones (APZ's), has been replaced by the Anti-Social Behaviour Crime and Policing Act.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.