

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

Report for Public Protection and Licensing Committee – January 2019

<u>Title:</u>	Public Space Protection Order Public Consultation Update
<u>Submitted by:</u>	Trevor Smith, Partnerships Interventions Officer
<u>Portfolios:</u>	Community Safety and Wellbeing
<u>Ward(s) affected:</u>	All

Purpose of the Report

This report is to;

Ask the Public Protection and Licensing Committee to:

- Support a full public consultation in order to address incidents of Anti-Social Behaviour and other issues which affect the Queen Elizabeth Park and Newcastle Town Centre areas.
- Support the publication of two draft Public Space Protection Orders (PSPOs) in Newcastle Town Centre and Queen Elizabeth Park for comments and feedback from the public.

Recommendations

That Public Protection and Licensing Committee notes the content of this report and supports the Council in undertaking a full public PSPO consultation on Newcastle Town Centre and Queen Elizabeth Park and allow the publication of the two draft Orders (see Appendix 1 & 2) for public comment and feedback.

Reasons

- Our initial PSPO proposals focused on Anti-Social Behaviour (ASB).
- As we have moved forward we have developed a much more detailed understanding of the situation impacting on our Town Centre.
- Further consultation has identified growing concerns on aggressive and persistent begging and the need for more targeted orders.
- As a result we intend to develop our PSPO to reflect concerns voiced in previous consultations and the need for two bespoke orders on two specific locations – Town Centre and Queen Elizabeth Park.
- Because of this we have been advised we need a new legal process for an enhanced PSPO.
- For this to be legally binding we need to carry out a consultation on the revised and enhanced PSPO.
- This will go some way to meeting our corporate priority commitment around Town Centres.

1 Background

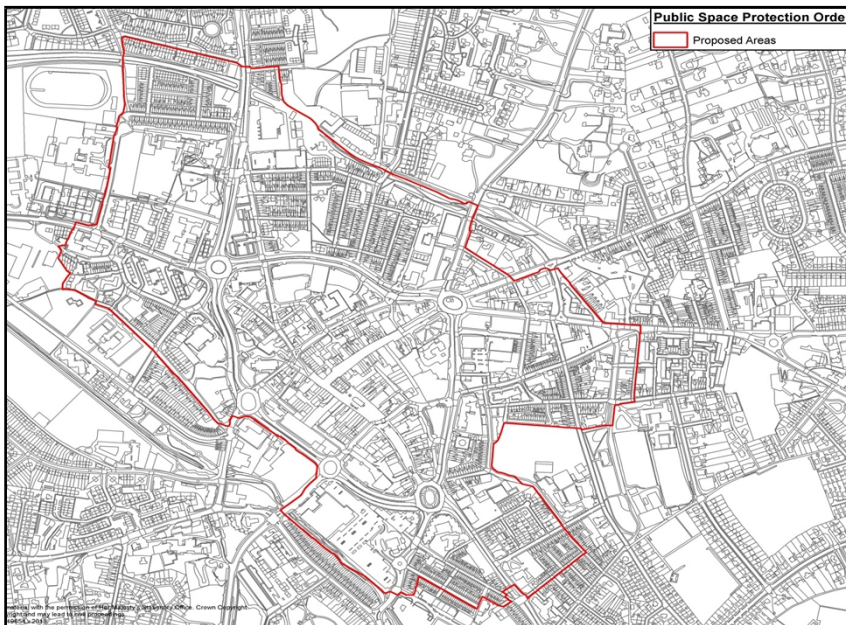
- 1.1 A Public Space Protection Order is an order made under the Anti-Social Behaviour, Crime and Policing Act 2014 whereby this legislation allows for an order to identify a particular space or area to which it will be applied; and can make requirements, or prohibitions, or both within that space or 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.
- 1.2 Failure to comply with either a prohibition, or requirement stated within the order is an Level 3 offence. Upon summary conviction (offences heard within the Magistrates Court) defendants can face a fine. The defendant cannot be found guilty of an offence under a prohibition/requirement where the Local Authority did not have the power to include it in the order. The authority has the option to either prosecute or issue an FPN to discharge liability to convict (s67 & 68 of the ASB, Crime and Policing act).
- 1.3 In December 2016, following a public consultation, Cabinet gave approval to establish a number of PSPO conditions under the ASB, Crime and Policing Act 2014, within specified boundaries of Newcastle-under-Lyme Town Centre. In February 2017 a number of signs stipulating these conditions were situated in and around Newcastle Town Centre and a consultation exercise was carried out with both internal and external partners and members of the public. Following this consultation the main issues in Newcastle-under-Lyme Town Centre were highlighted as street drinking, drug taking, begging, general anti-social behaviour and car cruising. As part of this consultation the boundary for the exclusion zones whereby the PSPO would be enforced were determined. This location included the Councils previous Alcohol Prohibition Zones (APZ's) and extended streets and Queen Elizabeth Park. At the Public Protection Committee on 31st July 2018 an Officer from the Partnerships Team presented a report requesting the Public Protection Committee to approve the inclusion of persistent and aggressive begging in the PSPO conditions along with the original ones presented, this was approved at the same given meeting.

2. Recommendations

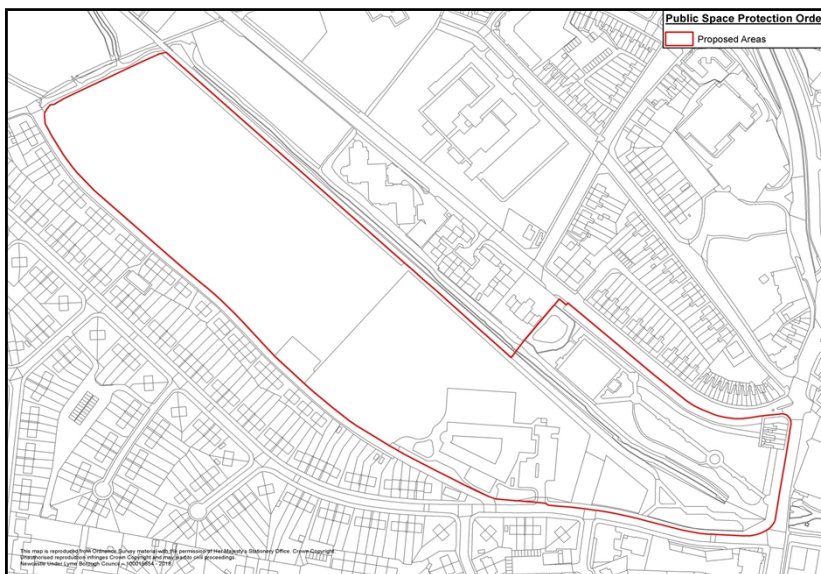
- 2.1 That the Public Protection and Licensing Committee notes the content of this report and supports the Borough Council in undertaking a full PSPO consultation on Newcastle Town Centre & Queen Elizabeth Park and allow the publication of the two draft Orders (see Appendix 1 & 2) for public comment and feedback. Feedback from the public consultation will be brought back to the Public Protection and Licensing Committee for further discussion and agreement on next steps.

3. PSPO boundaries

- 3.1 The following maps depict the boundaries of the proposed two areas which the public consultation will focus on.
- 3.2 Area of Newcastle Town Centre



3.3 Area of Queen Elizabeth Park



4. Outcomes Linked to Corporate Priorities

- 4.1 The Council Plan 2018-2022 outlines a priority to commit to provide a healthy, active and safe Borough and pledges to ensure that everyone is able to enjoy a safe environment, and have access to a wide range of facilities and activities to support residents and visitors to improve their health and quality of life. As a borough we have a vibrant town centre and we have a priority to provide a town where everyone can live, work, shop, study and spend their leisure time whilst feeling safe. To achieve the Council's priorities PSPO's can be utilised in building on our work with Police and partners to reduce anti-social behaviour and fear of crime in our communities.

5. Legal and Statutory Implications

- 5.1 PSPO's can be challenged on the grounds that the Local Authority, under the legislation, did not follow due diligence, not had the power either to make or vary the

order or include particular prohibitions or requirements, or that proper processes had not been followed (as prescribed by the legislation). Undertaking a full consultation would ensure that the Local Authority has followed due diligence and is fully transparent in its processes.

6. Equality Impact Assessment

- 6.1 An Equality Risk Assessment was completed in March 2016 detailing how PSPO's will affect disadvantaged and vulnerable individuals such as dependent street drinkers, rough sleepers and beggars.

7. Financial and Resource Implications

- 7.1 There are minimal financial and resource implications in running a full public consultation.

8. Earlier Cabinet/Committee Resolutions

- 8.1 In December 2016 the report 'Public Space Protection Orders' was submitted to Cabinet and Officers were given permission to make a PSPO for Newcastle Town Centre.
- 8.2 In June 2018 the Anti-Social Behaviour Policy report was approved by Cabinet.
- 8.3 In July 2018 the report 'Public Space Protection Orders review' was approved by Cabinet.
- 8.4 In July 2018 the report 'Public Space Protection Orders variation' was approved in principle by the Public Protection Committee.

9. List of Appendices

- 9.1 Appendix 1: Public Space Protection Order - Newcastle Town Centre
- 9.2 Appendix 2: Public Space Protection Order – Queen Elizabeth Park

10. Background Papers

- 10.1 None