

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

Report for Public Protection and Licensing Committee – September 2022

<u>Title:</u>	Public Space Protection Order Public Consultation Update
<u>Submitted by:</u>	Executive Director of Sustainable Environment and Operations
<u>Portfolios:</u>	Community Safety and Wellbeing
<u>Ward(s) affected:</u>	All

Purpose of the Report

This report is to;

- Provide an update regarding the recent public consultation undertaken on the two proposed Public Spaces Protection Orders (PSPOs) and provide recommendations to the committee seeking approval to adopt two PSPOs in the Borough.

Recommendations

That the Public Protection and Licensing Committee considers the content of this report and gives approval for Officers to carry out further public consultation on the requested amendments to the two proposed PSPO's at the below locations;

1. Newcastle Town Centre PSPO(see Appendix 1)
2. Queen Elizabeth Park PSPO (see Appendix 2).

Reasons

- Following ongoing reports of anti-social behaviour in these locations, the Borough Council is seeking to use its powers to impose prohibitions to tackle incidents of anti-social behaviour. Please refer to Appendix 1 and 2 for further information.
- The Committee is required to consider agreeing to the conditions of the order so that a final 6 week consultation can be completed. This consultation will factor in any suggested amendments to the original proposals, put forward during the initial consultation.

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.

In 2019 the Committee agreed to adopt two PSPO's that covered Newcastle Town Centre and Queen Elizabeth Park. On the 26th May 2022 those orders lapsed and we now need to consider the importance of having such like orders in place, the benefits of such orders, and whether the conditions included in Appendix 1 and 2 of this report are of the agreement of the committee.

Since the previous PSPO's were adopted in the town centre, we have been hit with a global pandemic. Therefore we need to consider this when we look at the number of breaches below:

- 2 in 2019
- 3 in 2020
- 3 in 2021
- 0 in 2022

From consultations that have been undertaken with Staffordshire Police we are able to provide the following statistics for in and around the town centre.

- Decrease of 1% in anti-social behaviour
- Increase of 15% in fireworks nuisance
- Increase of 33% in Begging and Vagrancy
- Increase of 35.5% in Rowdy and inconsiderate behaviour
- Decrease of 21% street drinking
- Decrease of 18% for drug related offences.
- Increase in public order offences by 69%
- Increase in violent crime by 72%
- Increase in Criminal Damage by 49%

ASB statistics from the Borough Council –

- 2018/2019 – Total ASB cases 456 – town centre related ASB 109
- 2019/2020 – total ASB cases 342 – town centre related ASB 67
- 2020/2021 – total ASB cases 461 – town centre related cases 254
- 2021/2022 – total ASB cases 587 – town centre 254
- 2022/2023 to date ASB cases 279 – town centre 198

The conditions in Appendix 1 and 2 will look to cover a range of behavioural issues that we believe are impacting on the town centre and Queen Elizabeth park.

Following the initial 6 week consultation period, (a copy of the full results can be seen on Appendix 3) amendments to the proposed orders have been included in this report. We will then conduct a final 6 week consultation on the changes. This will be followed with a return to the committee to express the results of the second consultation whereby a decision will be made whether to adopt the proposed Order's at this point.

- 1.2 Failure to comply with either a prohibition, or requirement stated within the order is a 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). To coincide with this, we are currently looking at the legal frame work to extend the authorisations of those who will be able to enforce the PSPO to include the Mobile Multi Function Team and PCSO's from Staffordshire Police.

- 1.3 The main issues in Newcastle-under-Lyme Town Centre have previously been highlighted as street drinking, drug taking, aggressive and/or persistent begging, general anti-social behaviour and vandalism/defacement of property. We are now looking to reintroduce prohibitions to tackle this behaviour.
- 1.4 A six week public consultation was undertaken from 15th July to 26th August. Its purpose was to gauge the level of support for the inclusion of a number of prohibitions for the PSPO in Newcastle Town Centre.
- 1.5 The boundaries for the exclusion zones whereby the proposed PSPO's will be situated will remain the same as the former PSPO's in place. This included the Newcastle Town centre and Queen Elizabeth Park areas as shown in Appendix 1 and 2.

2. Public Consultation Findings

From 15th July to 26th August there were 219 online responses submitted, but not all respondents answered every question.

- 187 from residents of Newcastle-under-Lyme Borough
- 53 from people employed in Newcastle-under-Lyme Borough
- 19 from visitors to Newcastle-under-Lyme
- 16 from local business owners/managers
- 7 from representatives of organisations
- 6 from councillors

2.1 Clear support for all the proposed restrictions. At least 88 per cent thought that each of the proposed restrictions were justified.

- The lowest support for the restrictions related to vandalism (88 per cent)
- The highest support for the proposed restrictions related to drug taking (96 per cent)
- A significant proportion of younger respondents were undecided on the vandalism question.
- Generally, older age groups were more in agreement that each of the proposed restrictions were justified.

2.2 Following the feedback from the Public Consultation it provides majority support for the two PSPO's to be made. Please refer to the report in Appendix 3 for further information.

2.3 We are also looking to add in some additional conditions to tackle some of the issues we are seeing on the town centre.

- Discarding hypodermic needles or syringes in a public space (except in an appropriate sharps container)
- Occupying a tent or other temporary structure in a manner likely to create a health and safety risk for other people.
- Obstructing a building or exit, stairwell or highway after being asked to move by an authorised officer.

In addition to the above, we will also be looking to extend the boundary of the town centre PSPO as per appendix 3.

4. Recommendations

- 4.1 It is recommended that the Public Protection and Licensing Committee acknowledge the consultation results and approve the draft Public Space Protection Orders for both Newcastle Town Centre and Queen Elizabeth Park to allow us to initiate a final 6 week consultation on the final proposals.

5. Outcomes Linked to Corporate Priorities

- 5.1 The Council Plan outlines a priority to create two vibrant town centres in Newcastle and Kidsgrove where everyone can live, work, shop, study and spend their leisure time.

We want our town centres in Newcastle and Kidsgrove to be the vibrant and successful centres of life in the borough. We want to ensure that they have the right retail, public service, leisure, cultural, business and residential facilities that work for local residents and attract visitors and businesses to the town centres.

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.

6. Legal and Statutory Implications

- 6.1 PSPO's can be challenged on the grounds that the Local Authority, under the legislation, did not have 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). Challenges must be made to the High Courts within 6 weeks of the Order being made/varied and by an individual who lives in, regularly works in, or visits the restricted area. The High Court can quash, uphold or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict.

7. Equality Impact Assessment

- 7.1 An Equality Risk Assessment has been refreshed detailing how PSPO's will affect disadvantaged and vulnerable individuals such as dependent street drinkers, rough sleepers and beggars.

8. Financial and Resource Implications

- 8.1 The two PSPO's will be managed under existing Council resources in Town Centre and Community management, Legal, Finance Teams with assistance from partners such as the Police who will be identifying breaches of the PSPO, issuing FPNs and as authorised persons on behalf of the Council as outlined in the PSPO Order.

- 8.2 There may be an additional staffing resource required to support the management of FPN's, including income recovery when non-payment occurs. This depends on how many FPNs are issued and how many occurrences there are of non-payments. Also, the level of resulting income cannot be accurately predicted but is not expected to be significant. It will be monitored on a regular basis and managed using existing resources.

9. Key Decision Information

9.1 This report can be considered key because it requires the Borough Council to commit existing and additional resources for the function to which the decision relates.

10. Earlier Cabinet/Committee Resolutions

10.1 In June 2018 the Anti-Social Behaviour Policy report was approved by Cabinet.

10.2 In July 2018 the report 'Public Space Protection Orders review' was approved by Cabinet.

10.3 In July 2018 the report 'Public Space Protection Orders variation' was approved in principle by the Public Protection and Licensing Committee.

10.4 In January 2019 the report 'Public Space Protection Order Public Consultation Update' was approved by the Public Protection and Licensing Committee.

10.5 In June 2022 the report 'Public Space Protection Order Public Consultation approved the initial 6 week consultation.

11. List of Appendices

11.1 Appendix 1: Public Space Protection Order Newcastle Town Centre (draft Order)

11.2 Appendix 2: Public Space Protection Order Queen Elizabeth Park (Draft Order)

11.3 Appendix 3: New proposed Map area for the town centre PSPO.

11.4 Appendix 4: Consultation results

12. Background Papers

12.1 None