

AGENDA ITEM

REPORT TO CABINET

17 FEBRUARY 2022

**REPORT OF CRIME
AND DISORDER
SELECT COMMITTEE**

CABINET DECISION

Lead Cabinet Member – Access, Communities and Community Safety – Cllr Steve Nelson

SCRUTINY REVIEW OF PUBLIC SPACES PROTECTION ORDERS (PSPOs)

SUMMARY

The attached report presents the outcomes of the Crime and Disorder Select Committee's review of Public Spaces Protection Orders (PSPOs).

REASONS FOR RECOMMENDATION(S) / DECISION(S)

This topic was included on the Scrutiny Work Programme for 2021-2022. The review is now complete, and the recommendations have been endorsed by the Crime and Disorder Select Committee for submission to Cabinet.

RECOMMENDATIONS

The Committee recommend that:

- 1) SBC and Cleveland Police use their available media platforms (e.g. websites, social media, Stockton News) to reinforce existing mechanisms for reporting ASB and, as a means of countering any negative perceptions around a lack of response to the notification of incidents, communicates operational successes in identifying and addressing ASB within the Borough.
- 2) Consideration be given to an increased dedicated and visible multiagency presence (including the use of recently enhanced SBC Civic Enforcement resources) within the Borough's town centres to support local businesses and reassure residents / visitors in identifying and responding to ASB.
- 3) As part of any future formal PSPO consultation, an easy-read flowchart (such as the draft version in Appendix 3) of the existing PSPO consultation, implementation and review procedures be included.
- 4) Reassurance be provided that the following key principles and processes of PSPO planning and implementation (as referenced within paragraph j) of this report's conclusion) have been undertaken as part of any future formal consideration around the introduction of a PSPO in the Borough of Stockton-on-Tees:

- a) all other avenues of support and / or use of existing powers have been demonstrably exhausted;
 - b) appropriate evidence is in place to justify the introduction of this additional tool in the fight against ASB;
 - c) any proposal is clear, targeted, proportional and easily defined to a specific geographical area;
 - d) a robust and timely plan to inform the public of any future PSPO implementation is outlined;
 - e) sufficient, visible and sustainable enforcement resources are dedicated to the PSPO area.
- 5) Adhering to the approach that problem-behaviour is targeted, not a person's status, the implementation of any PSPO does not target homeless individuals for being homeless.
- 6) SBC adopts a formal definition of 'aggressive begging' as follows:

The action of begging for money or other items in a manner considered to be unreasonably threatening or intimidating, especially when targeting a person due to a perceived vulnerability or in a location such as in the vicinity of ATMs / cashpoints. This includes, but is not limited to, behaviour such as:

- *Repeated requests for money or items whilst approaching or following the person from whom the request is made;*
- *Continuing to make requests for money or items from a person, after the person has refused or implied reluctance to give money or items;*
- *Using false or misleading information in order to request money or other items;*
- *Providing or delivering, or attempting to provide, unsolicited services or products with a demand or exertion of pressure for payment in return.*

DETAIL

1. Community safety in Stockton-on-Tees is of paramount concern to the Council, hence the continued prioritisation of resources in this service area. The Council is proud to have a team of Enforcement Officers, who exercise a wide range of powers in the execution of their duties, with the overall objective of ensuring a safe place for residents to live and businesses to flourish. Councils also know the issues that affect their localities the most and are well-placed to identify how best to respond. Public Spaces Protection Orders (PSPOs), introduced in 2014, sit amongst a broad range of powers and tools to help tackle anti-social behaviour locally, and are aimed at ensuring public spaces can be enjoyed, free from anti-social behaviour.
2. The Anti-social Behaviour, Crime and Policing Act 2014 created several new tools and powers for use by Councils and their partners to address anti-social behaviour (ASB) in their local areas (these were detailed in [Home Office: Antisocial behaviour powers - Statutory guidance for frontline professionals](#)). These tools, which replaced and streamlined a number of previous measures, were brought in as part of a Government commitment to put victims at the centre of approaches to tackling ASB, focusing on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable. PSPOs, one of the tools available under the 2014 Act, are wide-ranging and flexible powers for Local Authorities which recognise that Councils are often best placed to identify the broad and cumulative impact that ASB can have.

3. The Act gives Councils the authority to draft and implement PSPOs in response to the issues affecting their communities, provided certain criteria and legal tests are met. Councils can use PSPOs to prohibit specified activities, and / or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are Council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.
4. Used proportionately and in the right circumstances, PSPOs allow local areas to counter unreasonable and persistent behaviour that affects the quality of life of its residents. They can send a clear message that certain behaviours will not be tolerated and help reassure residents that unreasonable conduct is being addressed. However, PSPOs will not be suitable or effective in all circumstances, and it is important to carefully consider the right approach for identifying and addressing problem behaviour.
5. The introduction of PSPOs in some other Local Authority areas around the country has attracted significant criticism, with a number of organisations and commentators questioning the validity and even morality of adopting such approaches. It is therefore important that any future use of PSPOs in Stockton-on-Tees is carefully framed, considered and scrutinised as to whether or not this is a viable option to consider.
6. The aim of this review was for the Committee to establish the requirements of introducing a PSPO and the process which needed to be followed. Exploration around what a PSPO can be used for and whether the introduction of a PSPO in Stockton-on-Tees would have a benefit in reducing anti-social behaviour and crime in the Borough was also intended. Ascertaining the benefits and potential challenges of introducing a PSPO within the boundary of Stockton-on-Tees, including benefits to the Council's wider partners (i.e. police, fire brigade), was another key component of the review.
7. The Committee heard from a range of stakeholders including several Stockton-on-Tees Borough Council (SBC) directorates, neighbouring Local Authorities in terms of their use of PSPOs, Stockton Business Improvement District (BID), Cleveland Police and Cleveland Fire Brigade

COMMUNITY IMPACT IMPLICATIONS

8. The very nature of a PSPO is to prohibit specified activities, and / or require certain things to be done by people engaged in particular activities, within a defined public area. As such, any individual either living, working or visiting an area which is within any future designated PSPO zone will be required to adhere to the conditions of an Order. As set out in the review's recommendations, any future implementation of a PSPO will require a plan to fully inform the public (both before one is adopted through consultation and during (e.g. robust signage)) so that those residing or coming into the Borough are aware of an Order and its requirements.

CORPORATE PARENTING IMPLICATIONS

9. There are no direct implications in the report.

FINANCIAL IMPLICATIONS

10. Whilst this review did not set out to decide whether a PSPO should actually be implemented, any future use of an Order by the Council will have clear financial implications in relation to consultation, implementation, enforcement and review (as noted within the Committee's report).

LEGAL IMPLICATIONS

11. Whilst this review did not set-out to decide whether a PSPO should actually be implemented, any future use of an Order by the Council will have clear legal implications in relation to consultation, implementation, enforcement and review (as noted within the Committee's report).

RISK ASSESSMENT

12. The review is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

WARDS AFFECTED AND CONSULTATION WITH WARD/COUNCILLORS

13. Although particular issues regarding anti-social behaviour in and around town centres were highlighted, this review was not Ward-specific. Where fully justified, PSPOs could potentially be utilised in any area within Stockton-on-Tees, and the established consultation process for any future use of a PSPO would include engagement with affected Ward Councillors.

BACKGROUND PAPERS

14. None.

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