

Crime and Disorder Select Committee

A meeting of Crime and Disorder Select Committee was held on Thursday, 22nd July, 2021.

Present: Cllr Pauline Beall (Chair), Cllr Paul Weston (Vice-Chair), Cllr Barbara Inman, Cllr Eileen Johnson (sub for Cllr Clare Gamble), Cllr Steve Matthews, Cllr Stephen Richardson, Cllr Mrs Sylvia Walmsley, Cllr Alan Watson

Officers: Jimmy Jones, Joanne Roberts, Jamie Stephenson, Marc Stephenson (CS&T); Jonathan Nertney (HRL&C); Gary Woods (MD)

Also in attendance: None.

Apologies: Cllr Kevin Faulks, Cllr Clare Gamble

CD Declarations of Interest

8/21

There were no interests declared.

CD Minutes

9/21

Consideration was given to the minutes of the Crime and Disorder Select Committee meeting which was held on the 17th June 2021 for approval and signature.

AGREED that the minutes of the Committee meeting held on the 17th June 2021 be approved as a correct record and signed by the Chair.

CD Action Plan for Agreed Recommendations - Review of Fraud Awareness 10/21 (Personal)

Members were presented with the draft Action Plan setting out how the agreed recommendations from the Scrutiny Review of Fraud Awareness (Personal) would be implemented, and target dates for completion. The following areas were highlighted:

- Recommendation 1 (Representation is made to Action Fraud encouraging the sharing of relevant fraud information with the Local Authority (reflective of this review and in support of the National Trading Standards position)): It was proposed that a letter, signed by the Cabinet Member for Access, Communities and Community Safety, be submitted to Action Fraud in relation to this recommendation. The Committee encouraged this to be drafted, approved and sent ahead of the stated November 2021 deadline.
- Recommendation 2 (Cleveland Police consider the existing resources it has in place to tackle fraud, with a view to facilitating the disruption and prevention of fraud being committed in the first place, in addition to the investigation and prosecution of such crime): Whilst the Force had no plans at present to increase dedicated Fraud Investigation Officers, it had trained additional Officers posted on other teams in fraud and had recently trained a number of civilian investigators in fraud investigation.
- Recommendation 5 (Stockton-on-Tees Borough Council includes a

regular fraud-related feature in Stockton News which details the latest scams, reinforces reporting routes, and, where possible, highlights the prevalence of fraud against particular age-groups, including those under 40 years-old): The Council would continue to use Stockton News to raise awareness of scams to as wide an audience as possible. Members queried if other mediums (e.g. Facebook) were utilised to draw attention to fraud and were informed that awareness-raising already takes place via the Council's social media platforms, with Teesside News also regularly highlighting this type of crime.

The Committee thanked the Council's Trading Standards Manager for preparing and presenting the Action Plan, and looked forward to receiving an update on progress in around 12 months as part of the scrutiny monitoring process.

AGREED that the Action Plan be approved.

**CD
11/21**

Monitoring the Impact of Previously Agreed Recommendations

Consideration was given to the assessments of progress on the implementation of the recommendations from the Councillor Call for Action (CCfA) investigation on Obstructive and Illegal Parking around Whitehouse Primary School. This was the first progress update following the Committee's agreement of the Action Plan in November 2020 and, although some actions had been hampered by the ongoing challenges posed by COVID-19, key developments were noted as follows:

- Recommendation 1 (The commitment of Whitehouse Primary School's Chair of Governors to send termly correspondence to parents / carers regarding parking issues / updates is endorsed): In addition to the Chair of Governors' letter from November 2019, several examples of how the school had continued to address the issue of problem parking / encourage responsible parking were provided (as per Appendix 2).
- Recommendation 2 (Whitehouse Primary School distribute a 'walkzone' map (e.g. Appendix 1) with the Chair of Governors' termly communication to parents / carers regarding parking): Instead of a map, the school had continued to raise awareness of options around parking away from school entrances and walking (as documented in Appendix 2). To further deter problem parking, the school had purchased a number of 'little people bollards' which had already been used with positive effect.
- Recommendation 7 (Regarding the Barlborough Avenue side, respective Ward Councillors consider using part of their CPB funding allocation towards the installation of bollards to deter pavement / grass verge parking): In order to allow the new Ward Councillor (now in place following the May 2021 by-election) to settle-in, they had yet to be approached about this recommendation – however, this would be picked-up in the coming months. A conversation with the existing Councillor for this Ward had been undertaken.
- Recommendation 9 (The Council conduct further research with the Department for Transport around the 'School Streets' concept): Both Northumberland and Darlington Local Authorities had progressed this concept in their areas – the Council would therefore seek to understand how this had

worked before presenting a full technical assessment to the Cabinet Member for Environment and Transport. The findings would then be shared with the Committee.

- Recommendation 10 (The actions undertaken following the previous Scrutiny Review of School Parking continue to be reinforced with all schools across the Borough, and the production of a safe parking video using local schools is endorsed): The Committee signed-off the school parking video earlier in 2021 and this was now accessible via school (and the Council's) social media platforms.

The Committee was reminded that, whilst the focus of this progress update was on Whitehouse Primary School, developments to deter problem parking, encourage responsible parking, and promote alternative ways of getting to and from school were applicable to all the Borough's educational establishments. It was also stressed that the enforcement route was still available (if required) when dealing with irresponsible parking around schools, and that the Council continued to focus on those settings that were deemed to have the highest risk and created the most complaints.

In thanking the Council's Transport Strategy and Road Safety Manager for the update, the Committee welcomed the developments outlined, particularly the innovative 'little people bollards' (recommendation 2). It was noted that the school caretaker was responsible for carrying them out / collecting them in, and that the risk assessment for using them was based on the Council's A-board policy. Other schools had already shown interest in introducing these themselves – Members suggested that the concept be shared with the Headteacher and Governors Forum as good practice, and that costings are also provided so schools can better determine if they wish to utilise similar measures (and potentially bring savings by bulk-purchasing).

Members commended the efforts of all those who continued to tackle what was a very challenging issue across the whole Borough, and reflected on the Committee's original investigation which achieved more in the hope of addressing long-standing concerns than some would have expected. Special mention was given to the Whitehouse Primary School Chair of Governors who had committed to raising awareness of the issue and had certainly acted on this (as evidenced within the progress update).

AGREED that the Progress Update be noted and the assessments for progress be confirmed.

**CD
12/21**

Scrutiny Review of Public Space Protection Orders (PSPOs)

The first evidence-gathering session for the Committee's review of Public Spaces Protection Orders (PSPOs) took place at this meeting where Members received a detailed presentation from representatives of Stockton-on-Tees Borough Council's Community Services and Transport directorate and Legal Services department. Key aspects were recorded as follows:

- Current Resources and Services: Initiated in 2006, the Council's Civic Enforcement Service has a dedicated establishment of a Manager, two

Supervisors and 18 Enforcement Officers (empowered to deal with anything they come across, not just specific issues, there are a maximum of 10 Enforcement Officers on patrol at any one time) working 365 days per year – the team is supported by three Case Management Officers. An additional resource to support town centres in light of new economic developments post-COVID is planned.

The CCTV control room monitors 300 cameras across the Borough and has an establishment of 17 Officers working 365 days per year, 24 hours per day – this aspect of the overall service is crucial when considering matters in relation to PSPOs as there must be a strong evidence-base to justify the introduction of such measures.

The Civic Enforcement Service is further supplemented by additional Enforcement Officers who are dedicated to Ingleby Barwick – these are funded via the Parish Council and are not included in the Council's core staffing numbers.

- Key Areas of Demand: The Civic Enforcement Service deals with 10,000+ requests each year as well as undertaking proactive and joint-working with partners such as Cleveland Police and Cleveland Fire Brigade. Key demand areas include town centres (predominantly Stockton Town Centre which accounts for over 20% of all calls in the Borough).

The volume of calls received into the service is relatively consistent each year, though the nature of the issues reported can vary. Aggressive begging (conducted by around 12-15 identified individuals who pursue members of the public on high streets / buses and coerce people into going to the bank to withdraw funds for them) accounts for the largest demand type, with over 16% relating to this behaviour. This is closely followed by fly-tipping, consumption of alcohol by drunk groups of adults, and other anti-social behaviour (ASB). Over 1,400 calls had been received regarding ASB in 2021 – this represented a reduction in normal levels of ASB reporting which was likely a result of the COVID-19 social restrictions.

- ASB and Crime in Stockton: With 15,064 publicly-reported offences between June 2020 and May 2021 (a decrease of 8.8% on the previous year) and 7,015 recorded ASB incidents (not including COVID-19-related reporting) during the same period (a decrease of 5.3% on the previous year), Stockton-on-Tees has the lowest recorded crime and ASB rate in the Tees Valley. However, despite this, public perception and fear of crime and ASB is getting worse.

- Purpose and Benefits of a PSPO: PSPOs propose to deal with a particular nuisance in a particular area that is having a detrimental effect on the quality of life for those in the local community. They can prohibit certain things or require specific things to be done, and must be proportionate to the detrimental effect that the behaviour is causing or can cause, and necessary to prevent it from continuing, occurring or recurring.

A PSPO can provide a remedy for local community concerns that cannot be addressed by any other means, and gives the Police and Councils extra powers to solve problems within the community. When attempting to determine the

potential implementation of a local PSPO, it was useful to learn from other Local Authorities who had already introduced such a measure (some, it could be argued, had Orders which were too wide and too general). The key message to recognise was that a PSPO was most effective and most robust to challenge when it was specific (i.e. tightly drafted and focused on the precise harmful behaviour identified) and proportionate.

In terms of enforcement, fixed penalties of up to £100 can be issued for breaches of a PSPO, with a fine of £1,000 and prosecution in a magistrate's court being the maximum sanction (though the issue of criminalising those who are likely to be deemed vulnerable remains, something which must be balanced against wider community safety). A PSPO is in place for up to three years, but can be extended following a review – there is no maximum time limit (i.e. it can keep being extended), though there must be evidence that the Order is still required.

- What can be tackled: PSPO legislation replaced Designated Public Place Orders (DPPOs), Gating Orders and Dog Control Orders. Any previous Orders in place at October 2017 automatically transitioned into PSPOs, and these remained in force up to a maximum of three years from the point of transition (i.e. until October 2020). A single Order can include multiple restrictions and requirements – it can prohibit or restrict certain activities or place requirements on individuals carrying out certain activities (i.e. dogs must be kept on leads in a designated area).

- Where can a PSPO be used: A PSPO can be introduced on any public space within the Council's area of operation (the definition of 'public space' is wide and can include any place which the public or section of the public have access to). The area included within any PSPO must be proportionate to the detriment being addressed – this means an Order could be introduced in one area but may not be suitable for others. Previously defined boundaries for a PSPO can be amended once in place via a review process.

The Council must consult with partners, stakeholders and community representatives, particularly any specific groups likely to have a particular interest such as resident's associations, regular users of a park, or those involved in specific activities in the area (e.g. buskers and other street entertainers).

- Case Study – Redcar: Introduced a PSPO in 2021 to prohibit ASB (car cruising activities) in Majuba car park. This Order was implemented as identified problem behaviour was proving a significant pressure point for the Council's community safety teams, and despite no additional resourcing, it has already proved successful.

- Case Study – Richmond: An extensive consultation exercise which elicited 570 respondents (360 of which were local residents, with the rest being people who visited the area) gave overwhelming support for the introduction of a PSPO in the Falls and the Batts area of Richmond. Several aspects of ASB were prohibited, and whilst some fines have had to be issued, the Order has been broadly successful.

- Case Study – Middlesbrough: An example of a broader PSPO (including

measures not seen elsewhere) was provided in a neighbouring Local Authority with Middlesbrough prohibiting several actions in relation to ASB across a whole postcode area (TS1). Interestingly, the fine rate was set at £25 (not £100), and Albert Park, a potential place for public drinking, was not included within the PSPO boundary. Feedback from the Council had indicated an encouraging level of general compliance, though 84 fixed penalty notices (FPNs) had been issued along with around 1,000 warnings.

- Legal: PSPOs are set by Councils in consultation with Police, PCC and other relevant bodies. Restrictions are set by Councils and enforced by a Police Officer, a PCSO or a Council Enforcement Officer. It was reiterated that any PSPO must clearly set out what the detrimental activities are, what is being prohibited, the area covered, the consequences for breach, and the period of the order.
- What to Consider: Key criteria included 'vulnerability' (Human Rights Act 1998 and Equality Act 2010 – e.g. Orders cannot be used to target people solely for being homeless), 'proportionality' (must focus on specific behaviours and be proportionate to the detrimental effect being caused), 'reasonableness' (only designed to prevent or reduce the detrimental effect of behaviour taking place) and 'openness and accountability' (public and partner consultation with focus on transparency).

There was also a need to consider the ability to see through the introduction of a PSPO (if not, this would undermine the whole process), and understand the impact on both the Council's Community Services and Transport directorate and the Legal Services team. In addition, any PSPO would require an appropriate awareness-raising drive, including suitable signage in and around the designated area.

The definition of 'aggressive begging' was discussed, and whilst the Committee agreed that any form of aggression towards another person was unacceptable, it was also acknowledged that the determination of someone behaving 'aggressively' could be, as with many issues, subjective. Members were reminded that the Local Government Association guidance (which had been provided as a supplement to the presentation) stated that PSPOs should not target vulnerable individuals.

Crucially, the Committee was informed that Enforcement Officers (unlike the Police) currently have no powers to deal with aggressive begging, despite this being the highest demand type. Members were interested to know if this was the same for Police Community Support Officers (PCSOs) – it was noted that this could be clarified when Cleveland Police address the Committee in the coming months regarding this review. It was suggested that understanding where the responsibility lay regarding enforcement around begging would be an important factor for this review, and that careful consideration was needed to ascertain the underlying reasons why certain individuals were begging. The Committee heard that begging is a criminal offence under section 3 of the Vagrancy Act 1824, but that it is rarely punished due to its relative low priority in the scale of what Police Forces must deal with. There is also a strong argument over whether criminalising such behaviour helps at all. Aggressive begging, however, could be defined as harassment / common assault.

The Stockton-on-Tees anomaly of rising public perception / fear of crime against a backdrop of the lowest recorded rates in the Tees Valley was debated. Acknowledging that the statistics become lost / irrelevant if the views of the local population are negative, Members questioned if much of this was attributable to the perception of Stockton Town Centre. Whilst it was suggested that the Council (and relevant partners) had a challenge in terms of communications for this particular geographical area, the influence of social media was seen as the principal driver for continuing concerns around crime and ASB. Indeed, it was highlighted that a recent incident in Stockton Town Centre (which ended up being relatively small in scale) led to over 500 negative social media comments on the area – countering such views was vital in providing a more balanced portrayal of what was actually happening. Members also felt that a further way of tackling crime and ASB, and thereby changing public opinions, was for the Council to have more Enforcement Officers as current numbers were simply not enough.

Reflecting on the need to extend an existing PSPO, the Committee drew attention to the oddity that should a PSPO be effective, evidence to support its continuation would likely be in short-supply as the problem behaviour would no longer be taking place. Conversely, if the problem behaviour had continued to occur, then the PSPO would have been pointless anyway (it was noted that previous experience with anti-social behaviour orders (ASBOs) provided a similar conundrum). Members were informed that the decision to extend an existing Order did not have to be determined solely by data, and that, as part of any review consultation, people in the affected area may still be in broad support for its continuation.

As had been pointed out during a past Committee investigation of problem parking around Whitehouse Primary School, Members noted that the concentration of a PSPO on a geographical area meant the undesirable behaviour in question was likely to be merely displaced to a nearby part of the Borough (outside the PSPO zone). Officers acknowledged that this was indeed a potential ramification, and that any knock-on effect had to be borne in mind.

The Committee queried whether the very existence of a PSPO helped increase the possibility of engagement with those individuals whose behaviour had previously been identified as a cause for concern. It was stated that having such measures in place acted as a deterrent and reinforced the message that specific actions had consequences.

In respect of Middlesbrough's approach, it was noted that their Council had a team of around 70 Enforcement Officers (compared to 18 in Stockton-on-Tees). Regardless of the geographic coverage of a PSPO, its credibility was dependent upon a Council's ability to enforce it – Members were therefore interested in finding out how many of the FPNs issued by Middlesbrough had actually been collected. The Committee was informed that individuals who refuse to pay a fine can be convicted in their absence (though this was a resource-intensive process), and that issues around drinking alcohol in public did not include licensed premises.

Members questioned the reporting of offences and asked whether fines could only be issued for 'live' cases or if photographic evidence would be accepted for any breaches of a PSPO. It was confirmed that retrospective evidence is

accepted in relation to certain issues (e.g. fly-tipping), but that the Council would not be keen on pursuing evidence of, for example, someone drinking from a can a few days ago. Importantly, the success of a PSPO should not be determined based on the number of fines it accrues.

The Committee thanked the Officers in attendance for a thorough and thought-provoking presentation, and looked forward to following-up on a number of the issues raised in subsequent evidence-gathering sessions.

AGREED that the information be noted.

CD
13/21

Work Programme 2021-2022

Consideration was given to the Crime and Disorder Select Committee Work Programme for 2021-2022. The next Committee meeting was scheduled for the 9th September 2021 and would include the second session of evidence-gathering for the Public Spaces Protection Orders (PSPOs) review, as well as the first progress update on the Action Plan which was agreed in October 2020 following the previously-completed Scrutiny Review of Protection of Vulnerable Older Residents Living at Home.

In addition, two Task and Finish Group meeting dates (2nd September 2021 and 23rd September 2021) had recently been arranged in relation to the Police Communications in Stockton-on-Tees review. A Ward Councillor survey (to be issued to all Elected Members across the Borough) was also being planned as part of the evidence-gathering for this task and finish work.

AGREED that the Crime and Disorder Select Committee Work Programme for 2021-2022 be noted.

CD
14/21

Chair's Update

The Chair had no further updates.