

Public Space Protection Orders

Crime and Disorder Select Committee

22nd July 2021



Introduction

A summary of what's to come

- Current services and measures to tackle ASB in Stockton on Tees.
- Review of the current ASB and crime challenges across the Borough.
- An introduction to the purpose and potential benefits of a PSPO.
- A series of local case studies including successes and impact on resources.
- An input regarding legal viability, potential downsides and required legal conditions to be met.



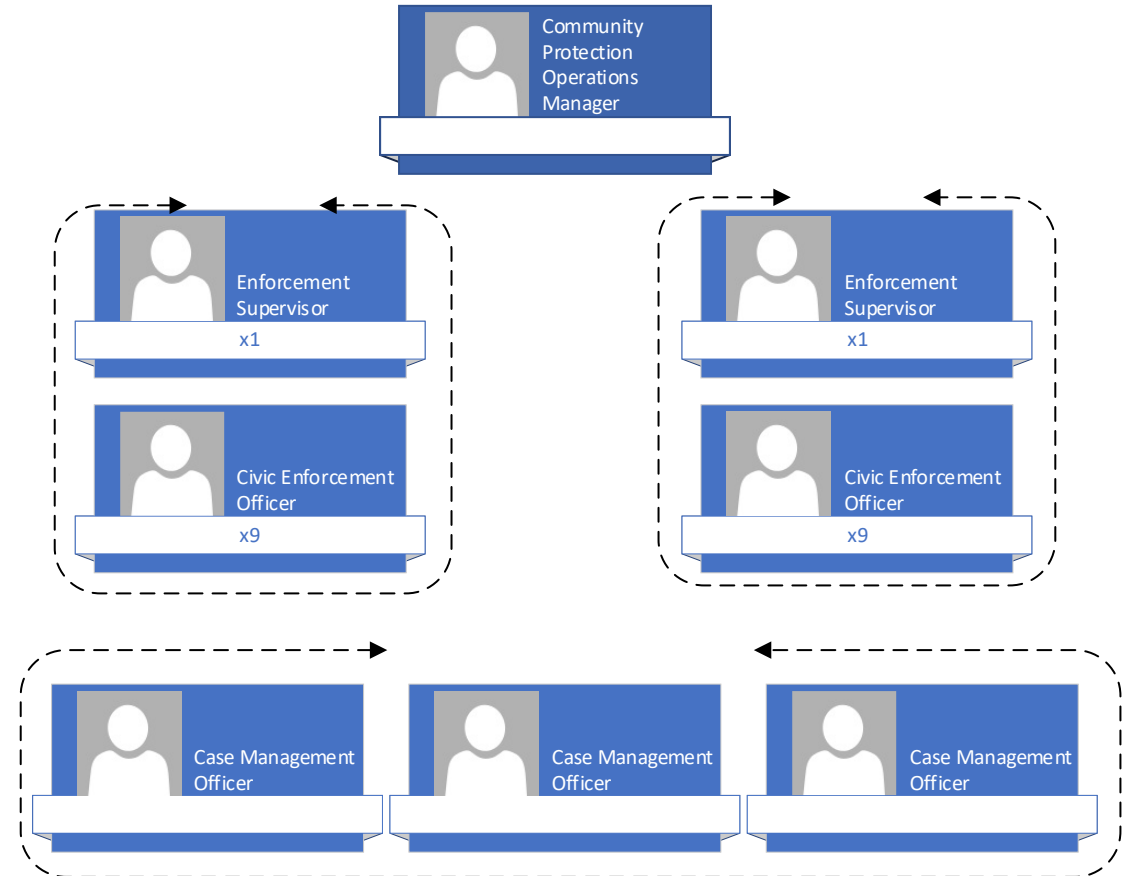
Current Resources and Services

Civic Enforcement Service has a dedicated establishment of a manager, two supervisors and 18 Enforcement Officers working 365 days per year.

Team supported by 3 Case Management Officers.

Additional resource on the way to support town centres in light of new economical development post Covid.

CCTV control room has an establishment of 17 working 365 days per year, 24hours per day.



Key Areas of Demand

- Civic Enforcement Service deals with 10,000 plus requests each year as well as proactive and joint working with partners such as Cleveland Police and Cleveland Fire Brigade.
- Key demand areas include town centres, predominantly Stockton Town Centre accounting for over 20% of all calls in the borough.
- Aggressive begging accounts for the largest demand type, with over 16% relating to this behaviour. Closely followed by fly tipping, consumption of alcohol by drunk groups of adults and other anti-social behaviour.
- Over 1400 calls regarding ASB this year, with similar concerns reported.

ASB and Crime in Stockton



15,064 publicly reported offences, a decrease of 8.8% on previous year.



7,015 recorded ASB incidents not including Covid-19 reports. A 5.3% decrease in ASB.



Stockton on Tees has the lowest recorded crime and ASB rate in the Tees Valley.



Public perception and fear of ASB and crime getting worse despite this.

Purpose and Benefits of a PSPO

The Anti-social Behaviour, Crime and Policing Act 2014 provides a broad legal framework within which PSPOs can be implemented.

Public Spaces Protection Orders (**PSPO**) 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. It can prohibit certain things or require specific things to be done.

Focus on specific behaviours in a defined area. Must be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

Provides a remedy for local community concerns that can not be addressed by any other means and gives Police and Council extra powers to solve problems in our community.

Purpose and Benefits of a PSPO

A fixed penalty of up to £100 can be issued for breaches or prosecution in the magistrate's court with a maximum fine of £1000.

A PSPO is in place for 3 years. Can be extended but review required first.

PSPOs are most effective and most robust to challenge where they are tightly drafted and focus on the precise harmful behaviour identified.



What can be Tackled

PSPO legislation replaced DPPOs, Gating Orders and Dog Control Orders.

Any previous orders in place at October 2017 automatically transitioned into PSPOs
The transitioned orders remain in force up to a maximum of 3 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?

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 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.

The area an order is introduced 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.

Case Study - Redcar

Car park plagued by dangerous drivers, litter and people urinating prompts rules and fines of £1,000

There are times of day when Majuba Car Park does not feel a safe place to be'

SHARE    25 COMMENTS

By [Toni Guillot](#)
18:03, 1 JUL 2021

NE



**MAJUBA VEHICLE NUISANCE PUBLIC SPACES PROTECTION ORDER
PROPOSED AREA FOR PROHIBITION OF CAR CRUISING ACTIVITIES**

REDCAR AND CLEVELAND BOROUGH COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (PSPO) MAJUBA VEHICLE NUISANCE

The Council of the Borough of Redcar and Cleveland proposes to make a in the exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act') and all other enabling powers hereby make the following Order:-

The Order shall be cited as the Redcar and Cleveland Borough Council (Majuba Vehicle Nuisance) Public Spaces Order 2021'

General provisions

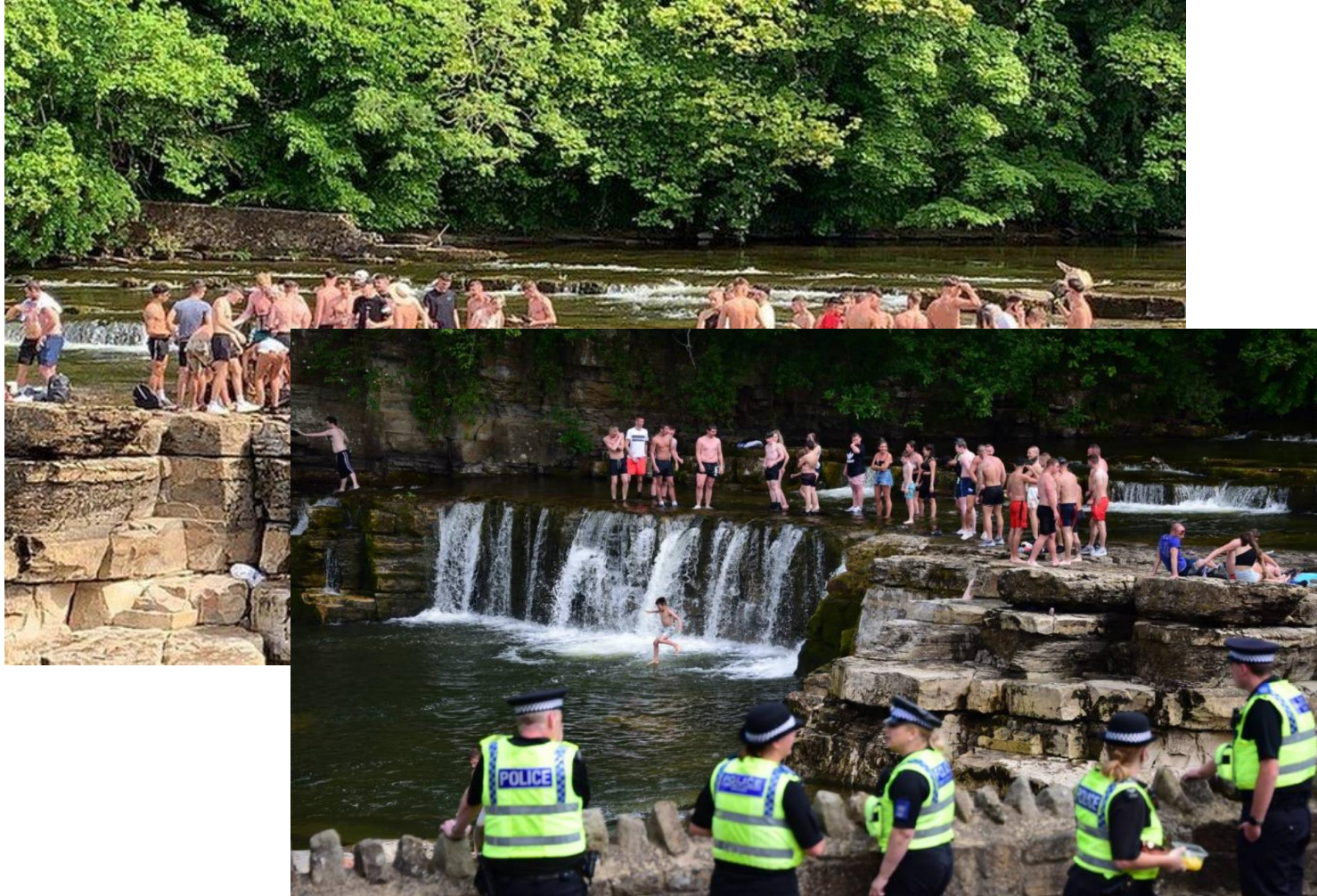
- (a) A person who fails to comply with any obligation imposed by this order is guilty of a criminal offence by virtue of section 67(1) of the Anti-Social Behaviour, Crime and Policing Order 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale.
- (b) A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £100.

THE SCHEDULE

In the area coloured red, on the attached map, any person who continues to carry out activities from which they are prohibited commits an offence namely:

- 1 No person shall attend the area whether in control of a vehicle or otherwise by congregating or loitering around one or more stationary vehicles to watch, encourage, assist or participate in a car cruising event, where a car cruising event is a meeting of two or more motor vehicles (including motorcycles and quad bikes) for the purpose of socialising, display, comparison, promotion or any other purpose other than the legitimate use of the car park, the public highway or at any place to which the public has access within this area.
- 2 No person shall race motor vehicles nor shall they deliberately cause their vehicle to spin wheels so as to leave burnt rubber on the road surface.
- 3 No person shall use their motor vehicle in a way which causes or is likely to cause danger, alarm, harassment, distress or nuisance to the public, including people living in the locality, in particular driving at excessive speed, racing, spinning wheels so as to leave burnt rubber on the road surface, or causing or permitting excessive amplified music or other noise from their motor vehicle, including by revving engines or sounding horns.
- 4 No person shall act in such a way which causes or is likely to cause alarm, harassment, distress, or nuisance to the public, including people living in the locality, in particular shouting and swearing at, or abusing, threatening or otherwise intimidating (including by the use of sexual language or making sexual suggestions) another person, or by dropping litter and urinating in public.

Case Study - Richmond



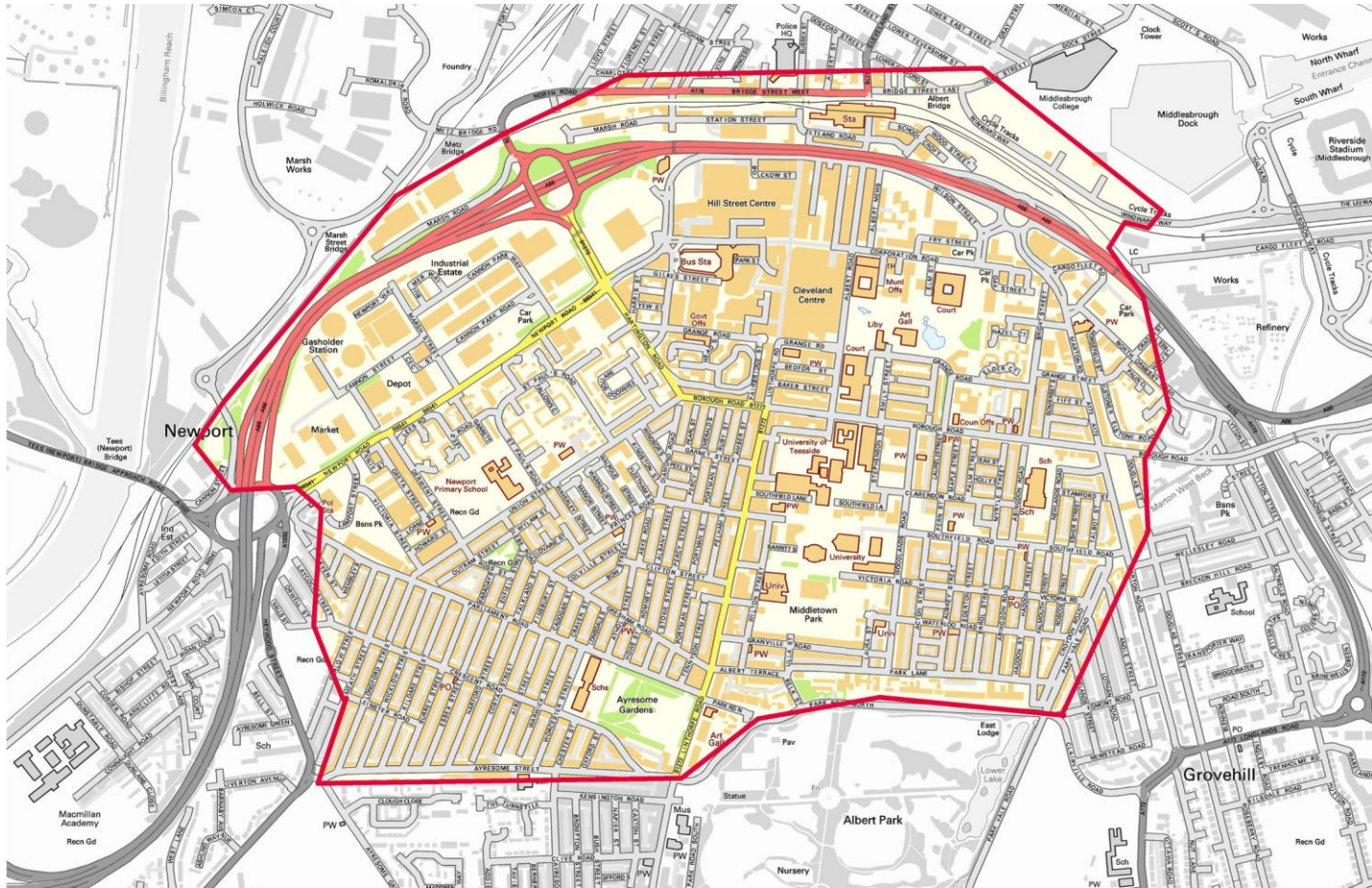
RICHMONDSHIRE DISTRICT COUNCIL
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, SECTION 59
Richmondshire District Council
The Falls and The Batts, Richmond

This Order is made by Richmondshire District Council ("the Council") under the Anti-Social Behaviour, Crime and Policing Act 2014 Section 59 ("the Act").

1. This Order relates to the Falls and the Batts area, as defined by the Schedule Plan attached to this Order. The land is described by the map attached and shown edged in red being the land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies. This is a public place in the Council's area to which the Act applies, this Order may be cited as the The Falls and The Batts Public Spaces Protection Order 2021.
2. The Council is satisfied that the activities listed have been carried out within the Restricted Area (Schedule attached) and that they have had a detrimental effect on the quality of life of those in the locality. The effect of these activities is of a persistent and continuing nature and is such to make the activities unreasonable and justifies the restrictions imposed by this order.
3. The effect of this Order is to prohibit the following activities in public spaces within the restricted area, as follows:
 - a) Behaving in a way, including by congregating in a group, that causes or is likely to cause harassment, obstruction or concern for safety to another person in a public place;
 - b) Threatening and/or abusing people within the restricted area;
 - c) Continuing to consume alcohol when required to stop doing so by any authorised officer;
 - d) Being under the influence of controlled drugs or other psychoactive substance;
 - e) Throwing objects which are liable to cause damage, nuisance, or injury to any person, animal or structure.
 - f) Lighting or being in control of a fire or barbecue.
 - g) No littering, not to throw down, drop or otherwise deposit and then leave litter in any place.

An "Authorised Officer" is any Police Officer, Police Community Support Officer, or an Officer designated by the Council.

Case Study – Middlesbrough



Middlesbrough TSI Public Spaces Protection Order

The following actions are prohibited:



Drinking alcohol in public



Littering



Begging



Dog fouling



Rummaging in bins



Cycling on pavements



Spitting



Urinating or defecating

**Failure to comply is an offence
subject to a fine up to £1,000**

The following actions are also covered by this PSPO in Middlesbrough's TSI area:

- Dog control
- Gangs
- Off road bikes
- Verbal abuse and threatening and intimidating behaviour
- Appropriating monies for charitable or other purposes without licence

If you are homeless then call 0300 111 1000 or visit middlesbrough.gov.uk/smallchange for support



middlesbrough.gov.uk



Legal

PSPO are set by Councils in consultation with Police, PCC and other relevant bodies.

Restrictions set by Council and enforced by a Police Officer, a PCSO or Council Enforcement Officer.

Breach of a PSPO is a criminal offence, a fine of up to £100 can be issued and a fine up to level 3 (£1,000) can be imposed on prosecution.

Any PSPO must 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?

- **Vulnerability** – Human Rights Act 1998 and Equality Act 2010. Orders can not be used to target people solely for being homeless for example.
- **Proportionality** – Must focus on specific behaviours and must be proportionate to the detrimental effect being caused.
- **Reasonableness** – Only designed to prevent or reduce the detrimental effect of behaviour taking place.
- **Openness and Accountability** – Public and partner consultation with focus on transparency.

Thank you

Questions?

