

Crime and Disorder Select Committee

A meeting of Crime and Disorder Select Committee was held on Thursday, 11th November, 2021.

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

Officers: Joanne Roberts, Marc Stephenson (CS&T); Gary Woods (MD)

Also in attendance: Dale Metcalfe (Middlesbrough Borough Council); Jason Maxwell (Stockton BID)

Apologies: Cllr Pauline Beall (Chair)

CD 28/21 **Evacuation Procedure**

The evacuation procedure was noted.

CD 29/21 **Declarations of Interest**

There were no interests declared.

CD 30/21 **Minutes**

Consideration was given to the minutes of the Crime and Disorder Select Committee meeting which was held on the 7th October 2021 for approval and signature.

AGREED that the minutes of the Committee meeting held on the 7th October 2021 be approved as a correct record and signed by the Chair.

CD 31/21 **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 second progress update following the Committee's agreement of the Action Plan in November 2020 and key developments were noted as follows:

- Recommendation 4 (Whitehouse Primary School maximise access to the school car park for parents / carers collecting pupils from after-school activities): No reported issues since activities resumed this term, with plans in place to allow parking in the playground and car park (to minimise disruption on the surrounding streets) for parent's evening. A similar plan will be adopted if problems arise outside of school-times.
- Recommendation 5 (The Council consider supporting the school's travel plan meetings as a pilot to establish a format to potentially handover to the SBC Junior Road Safety Officer in the school to deliver as part of their duties, and for any good practice identified via this pilot to be circulated to other schools across the Borough): New JRSOs appointed, including at Whitehouse Primary School. SBC Road Safety to have regular catch-up meetings to help the school deliver road safety messages, with the school providing a three-monthly review of

projects delivered and any feedback.

- 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): Assessment undertaken, but no evidence of parking on grass verges (no damage) or that footways were being obstructed – it had therefore been recommended to the relevant Ward Councillors that no action be taken. At the time this update was submitted, one Councillor had accepted this recommendation and a response was awaited from the other – the latter had since accepted the recommendation too, though both submitted additional comments around the desire for more Enforcement Officers to help deal with school-time parking issues as well as an interest in seeing what impact the temporary school parking bollards had had on encouraging parents to park more considerately.
- Recommendation 8 (Regarding the Dunelm Road side, the Council work with Whitehouse Primary School to better facilitate access to the school car park for those transporting pupils with SEN, as well as explore the possibility of using the green ‘island’ within the current ring road zone to create a small number of disabled parking bays): Following a review and site visits, there was insufficient evidence to demonstrate that additional parking could bring a positive impact. Extra spaces could impair visibility for pedestrians as they cross the ‘island’ and costs would be in excess of £12,000 – this would not be supported without demonstrating appropriate value, and should the ‘School Streets’ concept (recommendation 9) be implemented, any additional spaces would potentially be redundant.
- Recommendation 9 (The Council conduct further research with the Department for Transport around the ‘School Streets’ concept): Liaison with other organisations and researching had been undertaken – a scheme can be implemented using experimental Traffic Regulation Orders but cannot be enforced using cameras by areas outside London. Feedback awaited from Northumberland County Council on the success of their pilot projects, an approach that may be a possibility locally.

Stockton-on-Tees Borough Council’s (SBC) Community Protection and Resilience Service Manager highlighted the amount of work put into this issue by the Council’s Transport Strategy and Road Safety Manager and her team, noting that a number of the measures considered and introduced at Whitehouse Primary School following the CCfA investigation can be similarly incorporated at other schools across the Borough.

Members reiterated the parking challenges experienced by all schools in Stockton-on-Tees (and further afield), though recognised that some settings had additional complications depending on the layout of the surrounding area. The fact that there was no need for some of the measures outlined within the Action Plan may also indicate that those actions already implemented were already having a positive impact.

The Council’s Transport Strategy and Road Safety Manager was thanked for this latest update and the Committee agreed that a further update on the outstanding action relating to recommendation 9 (as well as an update on the

'little people bollards' idea outlined during the previous update in July 2021) be provided in February / March 2022.

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

**CD
32/21**

Scrutiny Review of Public Spaces Protection Orders (PSPOs)

Evidence-gathering for the Committee's review of Public Spaces Protection Orders (PSPOs) continued at this meeting where Members received contributions from other Local Authorities who had implemented a PSPO and Stockton Business Improvement District (BID), and reflected on further views around the use of such Orders.

Prior to the session commencing, it was noted that a contribution from Redcar and Cleveland Borough Council (R&CBC) had been sought (in addition to information from Middlesbrough Borough Council). Though a response could not be provided in time for this meeting, R&CBC was happy to submit its views and experiences of the use of PSPOs which would be circulated to the Committee once received.

Attention was also drawn to the inclusion of a link to several Local Government Association (LGA) case studies detailing how various Council's had addressed and prevented anti-social behaviour (ASB), as well as promoting the 'Community Trigger' process. Included within the case studies was the Richmondshire District Council example which was highlighted during the first evidence-gathering session for this review back in July 2021.

Middlesbrough Borough Council (MBC)

The MBC Operational Community Safety Manager was in attendance and gave a detailed presentation to the Committee which outlined the following:

- Rationale for introducing a PSPO: PSPOs may be determined by a Local Authority where it is satisfied that two conditions are met: 1) it is likely that activities in a public place within the Authority's area have had, or will have, a detrimental effect on the quality of life of those in the locality, and 2) the effect of those activities are, or are likely to be, persistent and unreasonable in nature, and they justify the restrictions on the notice.

The Regulations require that, once a decision has been made, the Order must be published on the Council's website and notices placed in the areas affected (including the date for introduction and the conditions detailed within it). MBC's PSPO came to fruition within four weeks of the successful application, and this allowed adequate time for signage to be erected and the relevant publicity to be undertaken in order to raise awareness. There was a need to be mindful about the type of signage used so people of all abilities can understand the conditions (e.g. incorporating pictures for those who cannot read).

The area of TS1 was chosen as a priority area based on a number of factors. 2018-2019 data for Middlesbrough postcodes showed the highest crime rates were in the TS1 and TS2 wards (over 36% of all crimes in Middlesbrough occur

in the TS1 area and 26% of all ASB). Using these statistics, it was evident that the greatest impact of a PSPO would be in the TS1 area. TS1 includes the Town Centre, and research for the Town Centre Strategy had shown that ASB and petty crime were key factors affecting the vibrancy of the shopping and leisure area, causing businesses to lose money and discouraging shoppers from visiting. Additionally, the University campus and Newport ward are within TS1, the latter currently subject to a number of initiatives to tackle ASB and poor housing conditions. Selective Landlord Licensing started in June 2021 and there were partnership projects in place, and in development, with the Police and social landlords – having a PSPO would assist with these projects and help to improve the area. Different types of ASB / crime were evident for both the day and night-time economy, and with victims of (and those affected by) ASB at the heart of this, the PSPOs key aim was to facilitate a change in behaviour.

- Consultation: As part of a pre-consultation process, local businesses and residents were contacted by letter in June 2019 to ask for their thoughts on introducing a TS1 postcode PSPO. Further correspondence on the proposed PSPO was then issued, with views sought as to what should be included in the Order (there were 17 prohibition options outlined, all of which were stated in the presentation). Comments on the proposals could be submitted via several mediums (online questionnaire, email (to a specific PSPO email address), hard-copy questionnaire), and additional consultation was undertaken at the Town Centre Partnership and City Centre Leaders Forum. Results showed strong support for a PSPO.

The formal consultation on the PSPO started on the 22nd July 2019 and ran for six weeks, the minimum statutory requirement (ending on the 2nd September 2019). It is important to seek views from as many people as possible and this was achieved by ensuring it was publicised in the press and was on the Council's website, with letters sent to all key stakeholders. Posters were displayed in public buildings in the area and signage was displayed in prominent locations.

- When the PSPO was introduced / area covered / prohibitions: The PSPO covering the entire TS1 postcode was introduced in January 2020. With reference to the example signage included within the presentation, the eight main prohibited actions (with accompanying pictures) were drinking alcohol in public, littering, begging, dog fouling, rummaging in bins, cycling on pavements, spitting, and urinating or defecating. Other actions (without accompanying pictures) were also covered by the PSPO in relation to dog control, gangs, off-road bikes, verbal abuse and threatening and intimidating behaviour, and appropriating monies for charitable or other purposes without licence. The fine was set at £25, though this increased to £50 if not paid within 14 days of being issued – the maximum fine was £1,000 if an individual failed to comply.

- Enforcement of PSPO: All Neighbourhood Safety Wardens had been trained in the issuing of Fixed Penalty Notices (FPNs), and body-worn cameras had been introduced for all these Wardens to assist in the gathering of evidence and to enhance their own personal safety. An additional eight Neighbourhood Safety Officers (who deal with the case management side of business and pursue prosecutions) had been trained in the issuing of FPNs, and two vehicles with CCTV attached will be deployed and will patrol hotspot areas, gathering evidence and acting as a deterrent for ASB as well as drug-dealing, prostitution

and other offences. Legal processes are in place for the issuing of FPNs and to prosecute those that choose not to discharge liability for their offence. A press launch took place to make people aware of the increased focus on ASB and keeping communities safe, and a dedicated partnership Town Centre team to tackle criminality and ASB within the ward area had been implemented.

- Impact of implementing the PSPO on addressing identified ASB – and how is this measured: A PSPO is an additional tool in a wide variety of measures to tackle ASB which, collectively, give the Council and partners the best possible chance of improving the area for residents and visitors. Since the PSPO was introduced, MBC had given out in excess of 800 instructions / warnings, with approximately 100 FPNs issued (though it was noted that Enforcement Officers had powers of discretion).

In terms of measuring impact, an Operational Working Group was set-up between the Local Authority, Police, housing and treatment services, and any other stakeholders relevant to the PSPO – this enables repeat offenders to be identified (aided by robust case management) and enforcement activity to be reviewed, as well as other higher-level available enforcement powers / legislation to be considered if necessary. The Group also monitors reported levels of ASB and crime in the designated PSPO area – this is key to assessing if enforcement action is having an impact (data comparisons on previous years and months is a good indicator). More widely, satisfaction surveys are undertaken with Town Centre businesses and the public.

Concluding the presentation, Members were informed of some key elements in the planning and implementation of a PSPO – these included having a robust, simple process in place for individuals to pay a FPN (though payment plans were not advised), and ensuring operational Officers could easily check when an individual had received an instruction / warning for a previous prohibition breach. It was also noted that the introduction of a PSPO for a designated area created the potential for different fines to be issued for the same offence (depending on whether it occurred inside or outside the PSPO zone) – as such, Officers needed to be aware of these differing levels and exercise appropriate discretion where necessary.

Reflecting on the various prohibited actions within the MBC PSPO, Members heard that there had been an increase in bin rummaging within the last five years and that the TS1 area incorporated a lot of semi-detached / terraced housing with alleyways. Whilst several FPNs had recently been issued in relation to this prohibited action (which also covered skip rummaging), it was acknowledged that it can be difficult to police and can get confused with fly-tipping. Regarding the begging prohibition, MBC tries to work with an individual who is observed asking for money and attempts to link them in with support services where appropriate. Members questioned how a PSPO helps with this as signposting to and providing support can be done without a PSPO in place, but were reminded that not all individuals committing offences want help or support and can be entrenched in criminality and / or substance misuse. Where prohibited behaviour continues, a PSPO provides an alternative sanction for offenders.

The issue of organised gangs was discussed, and it was noted that some individuals could be made to move around an area begging. As was probably

the case in most Town Centres, Middlesbrough had a core of individuals who were begging, and whilst they are warned, the Council also looks to support them. Enforcement is the last resort, and the PSPO is not the only tool at the Council's disposal (i.e. civil injunctions can also be used). Crucially, Enforcement Officers need a process in place whereby they can see what has been done with an individual to address their offending behaviour so that appropriate future action can be taken (a robust case management team working alongside the legal department regarding FPNs was advised). It was also vital to see through any enforcement action so the consequences of prohibited behaviour are evident to others.

The Committee was particularly interested in MBCs dedicated partnership Town Centre team and asked how this was financed. Members were informed that MBC had received Tees Valley Combined Authority (TVCA) grant funding which it had used to support specific PC and PCSO presence in the TS1 area, and that such support (via the TVCA Indigenous Growth Fund) was available for all Tees Valley Local Authorities, though how they spend it was up to each Council.

Although data on the number of FPNs actually paid and those that had gone to court was unavailable, the Committee remained keen on finding this out, and also requested a breakdown of the total number of warnings issued to show how many individuals this involved, when these were issued (by month), and which offences the warnings were given for. It was acknowledged that a number of individuals receiving a FPN were unlikely to discharge their liability, are unwilling and / or unable to pay the fine, and do not realise they have committed an offence at all (emphasising the importance of education around any PSPO).

Following confirmation that the official MBC PSPO document for the TS1 postcode (a copy of which accompanied the presentation within the meeting papers) had been signed-off by a legal representative of the Council after being approved by the Council's Executive, it was also stated that the whole process from initial proposal to implementation took around six months. The Committee asked if the budget for the signage required in relation to the Order could be relayed after this meeting, and also sought further confirmation on whether it had, ultimately, made a difference. Members were informed that, in Middlesbrough, Joint Action Groups (JAGs) had been replaced by Active Intelligence Meetings which involved key partners regularly reviewing data. A significant reduction in ASB was now being seen in the TS1 area, and it was also noted that plans were in place to potentially widen the PSPO to other areas of Middlesbrough where warranted / justified.

Returning to a concern raised in previous evidence-gathering sessions, the Committee queried if the introduction of the TS1 PSPO had merely displaced ASB to other parts of Middlesbrough. In response, Members heard that there was no evidence of such displacement occurring. A question was also asked in relation to the implementation of a no-alcohol zone and whether this would therefore override an existing pavement licence – the Committee was advised that any impact / non-impact of a PSPO on existing rules and regulations would need to be specified within the official wording of the Order (e.g. a time-limited relaxation of the prohibited actions for any temporary events within the designated PSPO area).

A discussion ensued around the use of other existing powers to address ASB in addition to those afforded by a PSPO. Middlesbrough had used civil (non-criminal) injunctions as a means of getting to grips with repeat offenders, alongside criminal behaviour orders which had seen some individuals ending-up in jail. A final request was made for confirmation of the number of civil injunctions issued by MBC which was subsequently thought to be around 10.

Stockton Business Improvement District (BID)

With reference to the report within the meeting papers, the Manager of Stockton BID addressed the Committee and highlighted the following:

- There are 369 businesses within Stockton BID which covers a large geographic area including Stockton Town Centre, and the perception amongst business owners and partners is that ASB in the area is getting worse – this is evident in the many correspondences and discussions with local businesses, with social media talk referring to Stockton as a no-go zone. Concerningly, it was felt many people witnessing ASB were more likely to relay this on social media than report it to the Police – as such, the area may be in a worse position than is officially recorded.
- The biggest risk to the investment in regeneration of the high street is not supermarkets or online shopping but ASB and the perception that people have of it. Although the addition of a PSPO may, if implemented in the right way, help eradicate some of the ASB, the majority of that behaviour seems to stem from a group of individuals who have addiction issues via alcohol or drugs, or may have mental health issues that have triggered those addictions or that have been brought on by the use of them. There has to, therefore, be a balance between enforcement and compassion.
- At one of the recent monthly network meetings for businesses, two owners became very upset when speaking of an incident involving an individual under the influence of drugs within their premises. Despite a call for assistance from Police / enforcement, no-one attended – the owners were left wondering if a similar lack of response would have ensued had the individual been within a Council building (someone else's place of work). It was simply not acceptable for people to fear going to work.
- The local area has an array of amazing businesses and benefits from a number of high-profile events – however, there remains an overriding concern about ASB (particularly around alcohol / substance misuse) which impacts upon people's desire to come into the area outside of special occasions. As noted within the previous MBC presentation, there are also different ASB issues evident between day and night-time.

Several emails detailing specific ASB incidents involving local businesses were included within the report, and it was queried if anyone had actually spoken to the individuals who were mainly responsible for ASB in the area to establish the reasons for their actions and how they might be helped down a different path. It was also felt that such people, who often live very chaotic lives, cannot be given just one chance to engage with support services (as these may be missed / avoided for a variety of possible reasons).

The Committee was made aware of Bristol's ASB strategy, with their policies appearing to offer an appropriate balance between enforcement and compassion. Crucially, there was a need to have buy-in from the public for any intervention and link-in to any other mechanisms that may provide opportunities for those members of the public who want to assist in addressing existing behaviour / circumstances (e.g. contactless giving).

Members raised the potential discrepancies between reality and perception, though it was reiterated that the latter was just as important as the former. It was also suggested that a dedicated email address be set-up in order for local businesses to report any ASB concerns.

Referencing comments made in one of the included email correspondences within the report, the Committee empathised with the observation around additional security being in place for the newly-refurbished Globe Theatre which is not apparent at other times (though it was acknowledged that this specific incident involved the opening night of the Globe). Visibility of Enforcement Officers was important for businesses as well as perpetrators of ASB, and Stockton BID was open to sharing ideas for tackling existing issues (e.g. street pastors / counsellors).

Moving the discussion onto the role of the Police, Members aired continued frustrations around the limited visibility of Officers with the required powers to intervene, in particular within those areas known for high rates of ASB. A former arrangement where local establishments provided funds which were pooled and then used for patrols was highlighted, something which worked and could, surely, work again. However, it was also acknowledged that Police / enforcement visibility was a Government issue, and that any initiatives to increase Police presence would take time and would not see the timely resolution of existing problems.

Other views on PSPOs

The third element of this evidence-gathering session involved a reflection on some wider views around PSPOs, particularly from those who have expressed concern in relation to the use of such Orders. Several links had been provided to the Committee from both organisations and individuals, including:

- Liberty: Purports to challenge injustice, defend freedom and campaign to make sure everyone in the UK is treated fairly. Attention was drawn to a BBC News Online article regarding the Committee's ongoing review which had prompted a response from Liberty in the form of a letter raising concerns about the potential implementation of a PSPO (this despite the Committee's remit being to only explore the pros and cons around PSPOs, not to agree to one being brought in).
- Manifesto Club: Challenges hyper-regulation of public spaces, and has published concerns around PSPOs and the myth of 'aggressive begging'.
- Dog's Trust: Concerns raised around the impact of dog control orders (an issue previously discussed as part of this review).
- Members of the public: Recent correspondence had been sent to two

SBC Councillors from individuals regarding ASB issues, one of which highlighted the potential benefits of using anti-social behaviour injunctions (ASBIs) as opposed to a PSPO.

Regarding the last point above, it was explained to the Committee that ASBIs were a replacement for anti-social behaviour orders (ASBOs) and were, in effect, a civil injunction. However, although these were an option that did not create the same headlines as PSPOs, there had been criticism of ASBIs with regards the length of time involved in collating the required evidence and the fact that any breach has to be taken back to court (leading to further costs). SBC does use ASBIs (albeit not extensively), though some issues require quicker action and other available powers must be exercised instead.

The Chair brought the session to a close by thanking all Officers in attendance for providing in-depth and thought-provoking submissions. As this completed the Committee's evidence-gathering for this review, a summary of the information received would be collated and presented to Members at an informal session in December 2021 (where draft recommendations would also be formulated).

AGREED that the information be noted and requests for further details be made as identified.

**CD
33/21** **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 16th December 2021 and would involve both a formal and informal element. The formal meeting would include the presentation of the draft final report for the task and finish review of Police Communications in Stockton-on-Tees, as well as a further progress update on actions in relation to the agreed recommendations from the previously-completed Scrutiny Review of Protection of Vulnerable Older Residents Living at Home. The informal meeting (to commence after the formal meeting closes) will consider a summary of the evidence received for the Scrutiny Review of Public Spaces Protection Orders (PSPOs) and then look to formulate draft recommendations.

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

**CD
34/21** **Chair's Update**

The Chair had no further updates.