

Crime and Disorder Select Committee

Scrutiny Review of Public Spaces Protection Orders (PSPOs)

DRAFT

DRAFT Final Report
January 2022

DRAFT

Crime and Disorder Select Committee
Stockton-on-Tees Borough Council
Municipal Buildings
Church Road
Stockton-on-Tees
TS18 1LD

Contents

Select Committee - Membership	4
Acknowledgements	4
Contact Officer	4
Foreword	5
Original Brief	6
1.0 Executive Summary	8
2.0 Introduction	13
3.0 Background	14
4.0 Findings	16
➤ ASB in the Borough and the existing measures to identify / address this	16
➤ Existing support services	17
➤ PSPOs: legislative background / purpose / limitations	23
➤ Process for implementation	25
➤ Enforcement, impact and review	26
➤ Views from key partners / businesses / public	27
➤ Concerns around the use of PSPOs	34
➤ Experiences of other Councils	36
5.0 Conclusion & Recommendations	43
Appendix 1: Powers to tackle anti-social behaviour (ASB)	47
Appendix 2: Middlesbrough Council – PSPO Consultation (Prohibition Options)	50

Select Committee - Membership

Councillor Pauline Beall (Chair)
Councillor Paul Weston (Vice-Chair)
Councillor Kevin Faulks
Councillor Clare Gamble
Councillor Barbara Inman
Councillor Steve Matthews
Councillor Stephen Richardson
Councillor Mrs Sylvia Walmsley
Councillor Alan Watson

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- Marc Stephenson (Community Protection & Resilience Service Manager) – Stockton-on-Tees Borough Council (SBC)
- Jonathan Nertney (Chief Solicitor / Lawyer) – SBC
- Calum Tittle (Lead Officer, Adult Safeguarding) – SBC
- David Willingham (Assistant Director, Children’s Help & Support) – SBC
- Mandie Rowlands (Service Lead, Youth Direction) – SBC
- Andrea Murphy (Prevention & Joint Patrols Manager, Children’s Services) – SBC
- Stephen Donaghy (Service Manager, Environmental Health) – SBC
- Julie Lathan (Team Manager, Homelessness & Housing Solutions) – SBC
- Steve Johnson (Area Manager, Senior Head of Prevention, Protection & Engagement) – Cleveland Fire Brigade
- David Love (Station Manager) – Cleveland Fire Brigade
- Darren Lane (Community Liaison Officer) – Cleveland Fire Brigade
- Chris Smiles (Chief Inspector, Stockton Neighbourhood Team) – Cleveland Police
- Matthew Reeves (Inspector) – Cleveland Police
- Dale Metcalfe (Operational Community Safety Manager) – Middlesbrough Council
- Jay Hosie (Service Lead – Community Safety & Streetscene – Redcar & Cleveland Borough Council
- Jason Maxwell (Manager) – Stockton Business Improvement District (BID)

Contact Officer

Gary Woods (Scrutiny Officer)
Tel: 01642 526187
Email: gary.woods@stockton.gov.uk

Foreword

TBC



Cllr Pauline Beall
Chair
Crime and Disorder Select Committee



Cllr Paul Weston
Vice-Chair
Crime and Disorder Select Committee

Original Brief

Which of our strategic corporate objectives does this topic address?

The review will contribute to the following Council Plan 2021-2024 key objectives (and associated 2021-2022 priorities):

A place where people are healthy, safe and protected from harm

- Explore the options around the introduction of Public Space Protection Orders (PSPO) in the Borough.

A place with a thriving economy where everyone has opportunities to succeed

- Develop and implement our vision for town centres...

What are the main issues and overall aim of this review?

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.

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 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.

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.

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. The introduction of PSPOs in some other Local Authority areas around the country has attracted significant criticism – 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.

The main aims of this review will therefore be to:

- Understand the requirements of introducing a PSPO and the process which needs to be followed.
- Explore further 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.
- Ascertain 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).
- Investigate any new and innovative ways of using a PSPO to improve community safety and address key issues in our communities.

The Committee will undertake the following key lines of enquiry:

What measures already exist across the Borough to identify and address anti-social behaviour (inc. support given to those deemed vulnerable)? Why are these not sufficient?

What is envisaged in terms of a potential PSPO – which geographical area will it cover and what issues will it seek to address?

What is the process for implementing a PSPO? Who needs to be involved and what conditions must be met?

How will a PSPO be enforced – can this be achieved with existing resources?

What will be the expected impact of using a PSPO – how will this be measured / reviewed?

How do the Council's local partners feel about a potential PSPO – how will this impact on them?

What are the implications if the Council does not implement a PSPO?

What can be learned from the experiences of other Local Authorities who have used a PSPO? Why have some attracted criticism for implementing such a measure?

Provide an initial view as to how this review could lead to efficiencies, improvements and/or transformation:

Whilst Stockton-on-Tees has both the lowest crime and ASB rate in the Tees Valley, there is still more work to do to support communities to live and thrive without the fear of crime and ASB. Further improvements and scrutiny in this area is in the interest of every resident across the Borough in order to continue to drive high standards of community safety.

1.0 Executive Summary

- 1.1 This report outlines the findings and recommendations following the Crime and Disorder Select Committee's scrutiny review of Public Spaces Protection Orders (PSPOs).
- 1.2 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.
- 1.3 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: Anti-social 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.
- 1.4 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.
- 1.5 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.
- 1.6 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.

- 1.7 This review provided the opportunity for the Committee to consider the potential benefits and challenges from introducing a Public Spaces Protection Order (PSPO) within the Borough. It allowed the Committee to understand what a PSPO is (powers designed to stop individuals or groups from committing anti-social behaviour (ASB) in a public space, they can include restrictions on consuming alcohol in a public place or controlling the presence of dogs) and the process which needs to be followed, consider existing ASB it could help to address, and learn about the experiences of other Local Authorities, many of whom had utilised such Orders as an additional tool to respond to crime / ASB in their areas. Crucially, what the review did not set out to do was to decide whether a PSPO should actually be implemented.
- 1.8 The Committee found that, whilst the Council is well-placed to be aware of the community safety issues within the locality and already has a range of options to counter ASB, concerns clearly continue (as evidenced in this report) around the behaviour of a minority of individuals who are having an adverse impact on the Borough's public spaces. The Ward with the most ASB-related incidents for the Council's Civic Enforcement Service remains Stockton Town Centre, a position echoed by Cleveland Police, and of all the incidents that the Council has responded to in this location, begging remains by far the highest demand and prevailing area of concern for the public.
- 1.9 Although Stockton-on-Tees has the lowest recorded crime and ASB rate in the Tees Valley, caution is required here as the public may not be reporting incidents for a number of reasons, not least the feeling that little will be done if they do. Perceptions and fear of crime continue to be high, and, as noted by several contributors to this review, this is as important and significant as actual recorded cases. As such, the case for exploring further options is strong, especially if these options lead to more visible and quicker action to instil confidence in the public.
- 1.10 Both the Council and its key partners involved in this review highlighted the potential benefits of a PSPO, including a further deterrent to problem behaviour occurring in the first place, reassurance and increased confidence for retail workers / visitors / residents, and gains to the local economy. However, the true effectiveness (and indeed morality) of PSPOs has long been questioned (e.g. ability of those committing offences to pay fines, possible displacement of ASB to nearby areas out of the designated PSPO zone), and introducing such measures needs to balance the costs and resources of adopting additional processes against the potential ASB deterrent that an Order may bring.
- 1.11 Research demonstrates the controversy surrounding PSPOs, with a number of voices concerned over the way Councils are effectively judge, jury and executioner when adopting such measures. The Committee was made aware of issues regarding other Local Authorities using PSPOs in relation to rough-sleeping, an approach the Committee is very much against. Similarly, widespread concerns that PSPOs target vulnerable individuals shaped the Committee's desire to understand the support provided to those who are behaving in an anti-social way but who may also be considered vulnerable. Good examples emerged of existing systems and partnership-working from both Adults and Children's Services (working closely with SBC community safety-related services) when managing ASB-related cases.

- 1.12 Whilst recognising that enforcement of any prohibited activity is a key part of a PSPO, this work has, once again, raised the limited and overly-spread enforcement presence which, coupled with the ongoing challenges around visible police numbers, can compromise the ability to ensure ASB is identified and responded to. The Committee once again heard of the strong partnership-working between the Council and Cleveland Police, and the introduction of any PSPO will require close collaboration between these two organisations around how this can be effectively monitored to ensure an Order remains credible in the eyes of the public.
- 1.13 Unlike numerous other Local Authorities, SBC has yet to introduce any PSPOs – however, as previously stated, it is fair to consider the use of additional available powers in an attempt to address ongoing ASB-related issues within the Borough, and also beneficial to factor-in the experiences of those Councils who have already trodden this path. To this end, the Committee was grateful for the input of neighbouring Council's, Middlesbrough and Redcar & Cleveland, who detailed their polar approaches for considering and introducing a PSPO. These two examples demonstrated the flexibility inherent within the PSPO concept and provided useful insight into the nuances involved in bringing-in such measures. Assessing the true success of these remains difficult though.
- 1.14 No strong indication from any contributors of a specific issue that explicitly required the use of a PSPO to counteract ASB was given, though aggressive begging and dog controls did elicit more in-depth discussion (particularly the former). Whether these two issues are prevalent enough to merit the introduction of an additional, potentially resource-intensive, power is unclear and will require further investigation as part of a formal consultation process that has to be undertaken ahead of any PSPO implementation. The frequency of deliberate fire-setting within the Borough (and across the Cleveland Fire Brigade footprint), however, is a cause for concern, and should be included as a topic for any future PSPO engagement with local stakeholders and communities.
- 1.15 The Committee received an impassioned plea from representatives of Stockton BID, and recognise the concerns from the local business community who should not be having to experience, and deal with, such alarming ASB cases on their doorstep which inevitably has a negative impact upon trade and investment. These businesses must be supported as far as possible, and an increase in the visibility of enforcement / police officers would be a significant help (not just when large-scale events are held). Future discussions between the Council, police and Stockton BID are encouraged to identify possible solutions in the identification and addressing of ASB.
- 1.16 This review was a first step in a long process of consultation prior to any possible implementation of a PSPO. As reflected in its findings, ultimately, any PSPO would merely be another tool with which to tackle ASB, and existing (and often deep-rooted) issues would not suddenly disappear should one be introduced. Managing expectations would be an important challenge for all partners, and whilst an Order would enable a timely reaction to an incident, it would lead to further work / processes. The Committee is broadly supportive of introducing such measures, but, as per the principles and processes of PSPO implementation, only where:

- 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.

As has been shown through this review, there are a range of opinions around PSPOs, and the Council must therefore ensure that, should it wish to proceed with plans for a potential Order within the Borough, it seeks views from a wide variety of stakeholders (i.e. public, local businesses, special interest groups (depending on the issues an Order seeks to prohibit), key partners) to validate any future decision.

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 multi-agency 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 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;**

continued...

Recommendations (continued)

The Committee recommend that:

- 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.*

2.0 Introduction

2.1 This report outlines the findings and recommendations following the Crime and Disorder Select Committee's scrutiny review of Public Spaces Protection Orders (PSPOs).

2.2 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.

It is important to stress that the Committee's remit was not to decide whether a PSPO should actually be implemented.

2.3 The Committee undertook a number of key lines of enquiry:

- What measures already exist across the Borough to identify and address anti-social behaviour (inc. support given to those deemed vulnerable)? Why are these not sufficient?
- What is envisaged in terms of a potential PSPO – which geographical area will it cover and what issues will it seek to address?
- What is the process for implementing a PSPO? Who needs to be involved and what conditions must be met?
- How will a PSPO be enforced – can this be achieved with existing resources?
- What will be the expected impact of using a PSPO – how will this be measured / reviewed?
- How do the Council's local partners feel about a potential PSPO – how will this impact on them?
- What are the implications if the Council does not implement a PSPO?
- What can be learned from the experiences of other Local Authorities who have used a PSPO? Why have some attracted criticism for implementing such a measure?

2.4 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.

2.5 Recognising the increasing pressure on the Council's finances, it is imperative that in-depth scrutiny reviews promote the Council's policy priorities and, where possible, seek to identify efficiencies and reduce demand for services.

3.0 Background

3.1 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.



3.2 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: Anti-social 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.

3.3 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.



Wharton Park, Durham

3.4 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.

3.5 A key document in relation to this scrutiny topic was the [Local Government Association \(LGA\): Public Spaces Protection Orders - Guidance for Councils](#) (Feb 2018).

Within this, it is stressed that other options should actively be considered before a PSPO is pursued – and where a PSPO is used, it should be carefully framed and employed alongside other approaches as part of a broad and balanced anti-social behaviour strategy. It also cautions that PSPOs can be resource-intensive to introduce and enforce and there will need to be commitment from partners to ensure it can be implemented effectively.



3.6 From a wider ASB perspective, the LGA had published a number of [case studies](#) detailing how various Council's had addressed and prevented ASB, as well as promoting the 'Community Trigger' process. Some of these examples included the use of PSPOs.

3.7 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.

4.0 Findings

ASB in the Borough and the existing measures to identify / address this

Current Resources and Services

- 4.1 Initiated in 2006, the Stockton-on-Tees Borough Council (SBC) [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 – this is now underway and will see an additional 12 Civic Enforcement Officers recruited to improve resilience and capability.

- 4.2 The CCTV control room monitors over 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 Public Spaces Protection Orders (PSPOs) as there must be a strong evidence-base to justify the introduction of such measures.
- 4.3 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 core SBC staffing numbers.

Key Areas of Demand

- 4.4 SBCs 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).

- 4.5 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 were 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.
- 4.6 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.
- 4.7 The definition of 'aggressive begging' was explored, 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 - PSPO Guidance for Councils](#) document stated that PSPOs should not target vulnerable individuals.
- 4.8 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, the Committee 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.

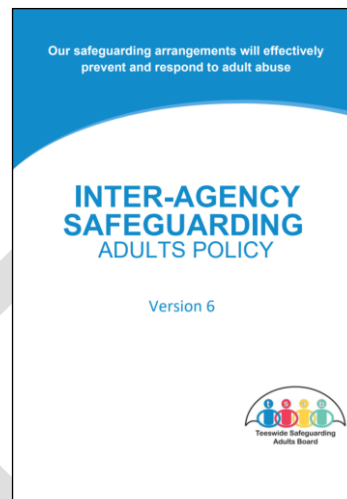
Indeed, it was highlighted that a mid-2021 incident in Stockton Town Centre (which ended up being relatively small in scale) led to over 500 negative social media comments on the area – countering such views was vital in providing a more balanced portrayal of what was actually happening. Members also 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.

Existing support services

- 4.9 The Committee received contributions from several SBC departments regarding ASB and the impact this has upon their service area, as well as their role in supporting those perpetrators of ASB who may be deemed 'vulnerable'.

Adult Safeguarding

- 4.10 Local Authorities (Adult Services) have a duty to make enquiries under s42 of the Care Act 2014 when there is reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there) has needs for care and support (whether or not the authority is meeting any of those needs), is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself / herself against the abuse or neglect, or the risk of it.
- 4.11 An overview of the legal framework, the different types of abuse / neglect, and key principles which include working-in-partnership are outlined within the [TSAB Inter-Agency Safeguarding Adults Policy](#) developed by the Teeswide Safeguarding Adults Board (TSAB). Under the 'psychological abuse' category, intimidation, coercion, harassment and verbal abuse can all present themselves as ASB.
- 4.12 Along with the Local Authorities, Cleveland Police are a statutory member of the TSAB and the Adult Safeguarding Team work very closely with the Force on a case-by-case basis. Specific issues, including ASB, are regularly discussed between Council departments and with external partners, and are escalated where necessary to enable organisations to come together to consider actions / options (e.g. Team Around the Individual (TATI) panels). It was noted that, during the COVID-19 period, information-sharing with Cleveland Police had strengthened.
- 4.13 The main challenges around addressing ASB were due to a lack of reporting by the individual to the police / Community Safety team, or the individual not giving a statement at a later date – without formal reporting, little can be done from an enforcement perspective.
- 4.14 Findings of a Safeguarding Adults Review (SAR) held in Cambridgeshire and Peterborough (shared with the Committee) referenced street begging and how warning notices were implemented far too late. The focus of the learning determined that if a co-ordinated professional response had used preventative tools (which a PSPO could be regarded as) earlier on, this might have positively impacted on the individual's behaviour and restricted their drinking habits.



Preventions – Help & Support (Children's Services)

- 4.15 The directorate has a strong multi-agency Outreach team (with funding contributions from the Police and Crime Commissioner) where information is shared with the voluntary youth sector (e.g. Corner House, which then distributes details to a wider network) and also received. Local youth organisation partners have been re-opening during summer 2021, and the team are promoting and diverting young people to local youth provision that is still available.

- 4.16 Missing-from-home return interviews are carried out by Preventions and Patrols staff, and a member of the Preventions and Outreach team are present at all ASB interviews with colleagues in Community Safety, enabling staff to assess need and offer the support required at the earliest opportunity for any young person highlighted as being involved in ASB. The Outreach Co-ordinator is present at all key meetings (e.g. Joint Action Group (JAG), Vulnerable, Exploited, Missing, Trafficked (VEMT), and Hate Crime meetings) to share information that is relevant, along with directing Outreach staff to areas of concern to support the Borough's most vulnerable young people.
- 4.17 Young people are transient, and how the Council responds to those involved in ASB needs to be flexible, with the capacity to change as and when needed. Allocating outreach capacity to one specific area would remove capacity for preventative interactions with young people and would reduce the ability to respond in the wider community. PSPOs require resources like dispersal orders used by the police and need a substantial amount of attention to enforce in order to have the impact required. Lack of resources to enforce could lead to the perception that they carry less meaning or deterrent to those involved in ASB.
- 4.18 Mindful of the impact of COVID-19 and the temporary closure of schools during 2021 (potentially leading to some young people becoming disenfranchised from learning), the Committee queried if the service had increased its contact with the education sector. Officers confirmed that, along with a Preventions staff member being situated in the Admissions team, the Council provides a single point of contact for all schools within the Borough which enables information on what goes on outside schools to be relayed. It was also important to acknowledge that not all children playing truant were involved in ASB.
- 4.19 The Committee was informed that any potential Stockton-on-Tees PSPO would be aimed at those aged 18 or over. That said, it was important to recognise that young people can, and do, get involved in ASB, and that there were measures in place to address this.

Environmental Health

- 4.20 Dog control in Stockton-on-Tees, and associated issues concerning irresponsible dog owner behaviour, was currently addressed via the Animal Welfare collection service for stray dogs, use of The Dogs (Fouling of Land) Act 1996 provisions, proactive Animal Welfare patrols, stencilling and signage in problematic areas, and through SBC media channels. There were no dog control orders in place across Stockton-on-Tees, and only voluntary schemes exist within the Borough's parks and green spaces.
- 4.21 The three key locations where wider dog nuisance was caused by irresponsible dog owners have been identified as Ropner Park (below left), Preston Park (below right), and the Crematorium / Cemeteries.



4.22 A PSPO for dog control functions could involve a limit on the number of dogs an individual can walk / exercise at any one time, set areas where dogs must be on a lead (and / or enabling officers to ask for dogs to be placed on a lead with immediate effect), and / or establishing dog-free zones / areas. The key difference between the existing voluntary schemes and a designated PSPO is that the latter allows for fines to be issued and gives clear instructions to the public as to when dogs must be kept under control.

4.23 Several considerations for a dog control PSPO were proposed:

- An Order would need to be based on existing local knowledge for areas of concern (Environmental Health Officers already work in conjunction with the Community Safety team).
- Funding / resources would need to be identified to address operational costs (including enforcement, which would require additional staff / training / patrols to be in place to act upon non-compliant and / or irresponsible dog owners).
- The Council would need to be mindful of the public response to any proposed controls.
- A PSPO would supersede any existing legal powers in the designated area (i.e. dog fouling enforcement would need to be addressed via the Anti-social Behaviour, Crime and Policing Act 2014, not The Dogs (Fouling of Land) Act 1996).

4.24 The Committee was keen on establishing the prevalence of dog-related issues across the Borough, and heard that, whilst there were not significant problems occurring in parks, the Council does receive complaints regarding out-of-control dogs. It was also important to note that, although there were few concerns relating to dog control within town centres, the planned changes for Stockton High Street could see a significant increase in owners using the proposed new green spaces to walk their dogs. Care would be needed to ensure this was facilitated in a safe and responsible manner, and did not impinge on the activities of others in close proximity.



- 4.25 Members queried if there were any dog-free zones / areas currently within the Borough. Officers confirmed that, although some signs exist that indicate 'no dogs allowed', this is only a voluntary arrangement and cannot be enforced. Voluntary schemes set a principle which the majority follow; however, some do not, and the Council currently has no enforcement power to take action against such individuals (whether they be residents of, or are visitors to, the Borough).
- 4.26 Clarity was sought around current dog-related Council legal powers. In response, officers stated that laws exist on picking-up after dogs and individuals can be fined for failing to address dog fouling.

Homelessness and Housing Solutions

- 4.27 The Team's main focus was around the prevention of homelessness, with staff working with a household / individual 56 days prior to homelessness to achieve a positive outcome. A number of toolkits were used to do this, including funds, support and negotiation with landlords, and the initial aim was to keep the household where they were (if safe to do so). If re-housing was the only option, this was done via Tees Valley HomeFinder, funds, advice on private rent and local housing allowance rates, and floating support to help the individual / family sustain their tenancy.
- 4.28 In terms of commissioned supported housing, the Council was in the process of moving to new Short-Term Housing-Related Support Contracts – these will provide both accommodation for homeless households and support services to ensure residents attend appointments with providers such as drug services or probation, and ensure they gain the necessary skills to live independently. Single households (100 identified) will receive seven hours of support per week, and families (20 identified) will receive five hours per week – commissioned providers include Bridge House, Newalk, Turnaround Homes, Community Campus, and Sanctuary.
- There were also 10 units of single-person accommodation dispersed property with Community Campus, with three hours support per week for single people. For families, the Council had managed to procure six units.
- 4.29 When a household needs emergency or supported accommodation, the Team consider all support and risk factors prior to placement, then moves the household on in a relevant and timely manner so as not to create long-term cohorts of complex households in particular areas. Most of the single-person accommodation was in the town centre area – this was due to provider / landlord property being manageable from a financial business perspective and property type (note: the recent Supported Housing Tender for homeless households brought no new providers to the area).
- 4.30 There were a number of providers in the Borough that offered accommodation on a licence for those who were experiencing homelessness or potential homelessness. In such instances, accommodation was not directly commissioned by SBC and, as such, the Council does not make any payments other than eligible housing benefit costs (nor does it have any control over who goes into these units). The Team tries to work in partnership with providers in order to discourage any referrals from out-of-the-Borough

being placed due to the often-complex needs of the customer and subsequent potential additional resource on other support services.

- 4.31 Regarding rough sleeping, there were relatively low numbers in the Borough (last official count in November 2020 recorded eight, the same as in 2019). Many rough sleepers were working with the service on a crisis basis and few, if any, participate in begging (most of the individuals who were active beggars had accommodation).

Report a Rough Sleeper

For the latest Coronavirus updates and information including advice and support for residents and businesses visit www.stockton.gov.uk/coronavirus
To find out how to get a Coronavirus test visit www.stockton.gov.uk/testing

Have you seen someone sleeping rough?
Are you worried about someone who may be sleeping on the streets tonight? Do you know someone who is homeless and needs our help?
Visit [StreetLink](#) (or download [StreetLink for apple devices](#) or [StreetLink for android devices](#)) to send an alert.
If the person needs urgent medical attention or you believe they are under 18 years of age please call 999.

Contact
Homelessness and Housing Solutions team
01642 528389
housing.options@stockton.gov.uk

- 4.32 The Council has a team that works proactively to get rough sleepers in off the street and to stop anyone spending a first night out by working with accommodation providers to prevent eviction (one of the main reasons people sleep rough in the first place). The team were aware of all the Borough's rough sleepers, though some do not want to take-up the offer of help (i.e. sleeping rough is a lifestyle-choice).

In addition to the 'standard' homelessness prevention toolkit, staff also had the ability to provide personalisation funds (to address individual needs) and a range of accommodation options, including four rough sleeper flats (with residents receiving 10 hours support per week), and 12 move-on properties (and a further six properties with North Star) to enable move-on from hostel-based accommodation. Work is further undertaken on a multi-agency basis, including a Rough Sleeper Action Group, partnership-work with housing providers and other support agencies (e.g. Moses Project), and via active participation with the TATI group (led by SBC Adult Safeguarding).

- 4.33 In addition to the above, the following comments were also received from the Council's Private Sector Housing team:

'Some of the ASB experienced can be linked to privately rented housing. Despite the common belief that landlords are liable / responsible for such behaviour, this isn't necessarily the case (see section 1.1 of the [House of Commons: Anti-social neighbours living in private housing](#))

[\(England\)](#) briefing paper (August 2019)), although we would expect responsible landlords to deal with such issues.

The responsibility within the Local Authority to formally deal with ASB lies with colleagues in the Civic Enforcement Service, although we sometimes end up being the first people contacted or brought in to an individual case, usually because of our willingness to help and because we are 'associated' with private landlords via the Landlord Accreditation Scheme and PLuSS, both of which under the terms of reference expect landlords to deal with ASB when it is brought to their attention.'

PSPOs: legislative background / purpose / limitations

- 4.34 The [Anti-social Behaviour, Crime and Policing Act 2014](#) introduced several new tools and powers for use by councils and their partners to address ASB in their local areas. These tools, which replaced and streamlined several previous measures, were brought in as part of a Government review of approaches to tackling ASB, focusing on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable. PSPOs are one of the tools available under the 2014 Act (see [Anti-social Behaviour, Crime and Policing Act 2014: Part 4, Chapter 2 \(PSPOs\)](#)), however Stockton-on-Tees Borough Council have extensively used other tools such as Premise Closure Orders and Community Protection Notices (see Appendix 1 for an overview of the main ASB powers available to Local Authorities).
- 4.35 As well as enabling Local Authorities to address an array of different issues, PSPOs replaced Designated Public Place Orders (DPPOs), Gating Orders and Dog Control Orders (existing DPPOs, Gating Orders and Dog Control Orders automatically became PSPOs as of the 20th October 2017).
- 4.36 PSPOs 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. The Act gives Councils the authority to draft and implement PSPOs in response to the particular issues affecting their communities, provided certain criteria and legal tests are met. The first test concerns the nature of the ASB, requiring that:
- Activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will take place and that they will have a detrimental effect, and;
 - the effect or likely effect of these activities:
 - is, or is likely to be, persistent or continuing in nature
 - is, or is likely to be, unreasonable
- 4.37 Councils can use PSPOs 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. A single Order can include multiple restrictions and requirements, and can prohibit specified activities, and / or require certain things to be done, by people engaged in particular activities within a defined public area. Crucially, any Order 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 is not designed to cover behaviours that have not occurred, but may do so in the future.

- 4.38 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. A PSPO can provide a remedy for local community concerns that cannot be addressed by any other means, and gives the police and Council extra powers to solve problems within the community.
- 4.39 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.
- 4.40 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.
- 4.41 There are some limitations set out in the legislation regarding behaviours that can be restricted by PSPOs. Under the 2014 Act, Local Authorities must have regard to the freedoms permitted under articles 10 and 11 of the [Human Rights Act 1998](#) (see below graphic) when drafting, extending, varying, or discharging an Order – these cover 'freedom of expression', and 'freedom of assembly and association' respectively (although it is worth noting that PSPOs might be considered appropriate for addressing aggravating behaviours such as the use of noise-enhancing equipment like amplifiers).

<i>ARTICLE 10</i>	
Freedom of expression	
1	Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2	The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
<i>ARTICLE 11</i>	
Freedom of assembly and association	
1	Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2	No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Wherever proposals for an Order have the potential to impinge on the rights under articles 10 and 11, consideration must be given as to how to demonstrate that they satisfy the requirements for a public authority to limit these rights.

- 4.42 In summary, when considering a PSPO in Stockton-on-Tees, the Council will need to satisfy itself that the legislative requirements are met before an Order can be introduced. Obtaining clear evidence in support of a PSPO is vital.

Process for implementation

- 4.43 PSPOs are set by Councils in consultation with the police, Police and Crime Commissioner (PCC) and other relevant bodies. Restrictions are set by Councils and enforced by a Police Officer, a Police Community Support Officer (PCSO), or a Council Enforcement Officer. As a minimum, any PSPO must clearly set out:
- what the detrimental activities are
 - what is being prohibited and/or required, including any exemptions (e.g. times of day when a behaviour might be prohibited)
 - the area covered
 - the consequences for breach
 - the period for which it has effect
- 4.44 Collating information about the nature and impact of the ASB subject to the PSPO are core elements of the evidence-gathering and consultation process, and will help inform the Council's view as to whether the legal requirements under section 59 of the [Anti-social Behaviour, Crime and Policing Act 2014: Part 4, Chapter 2 \(PSPOs\)](#) have been fulfilled. The evidence will need to be weighed-up before authorities can determine whether it is appropriate and proportionate to introduce a PSPO at all, and if so, whether the draft proposals are suitable.
- 4.45 Ensuring that the prohibitions or requirements included in a PSPO are solid, easily understood and can withstand challenge is key. Orders granted in other parts of the country have attracted significant scrutiny, and even Judicial Review, if they are perceived to be unduly pursuing individuals who may not be causing 'real' harm (e.g. homeless people or rough sleepers). The most robust Orders will be supported by a solid evidence-base and rationale that sets out how any PSPO will meet the statutory criteria for each of the proposed restrictions, and demonstrates a direct link between the ASB and the PSPO being proposed in response to this.
- 4.46 Before introducing, extending, varying or discharging a PSPO, there are requirements under the Act regarding consultation, publicity and notification. Local Authorities are obliged to consult with the local Chief Officer of Police, the Police and Crime Commissioner, owners or occupiers of land within the affected area (where reasonably practicable), and appropriate community representatives. The Council must also consult with 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).

4.47 Key criteria requiring consideration included:

- Vulnerability: Human Rights Act 1998 (see paragraph 4.41) 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
- Openness and accountability: public and partner consultation with focus on transparency)

4.48 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 (as well as possible resource implications for the Council's partners). In addition, any PSPO would require an appropriate awareness-raising drive, including suitable signage in and around the designated area.

Enforcement, impact and review

4.49 Fixed penalties of up to £100 can be issued by authorised officers for breaches of a PSPO, with a fine of £1,000 and prosecution in a magistrate's court being the maximum sanction. As previously stated, the issue of criminalising those who are likely to be deemed 'vulnerable' remains, something which must be balanced against wider community safety.

4.50 SBC 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) and were subsequently informed that only police officers in uniform have powers currently to deal with begging under the Vagrancy Act 1824. Any implementation of a PSPO would include giving those powers to PCSOs also (where proportionate and reasonable to do so) in order to meet the stated aim of the Order itself.

4.51 It was suggested 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.

4.52 The Committee 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.

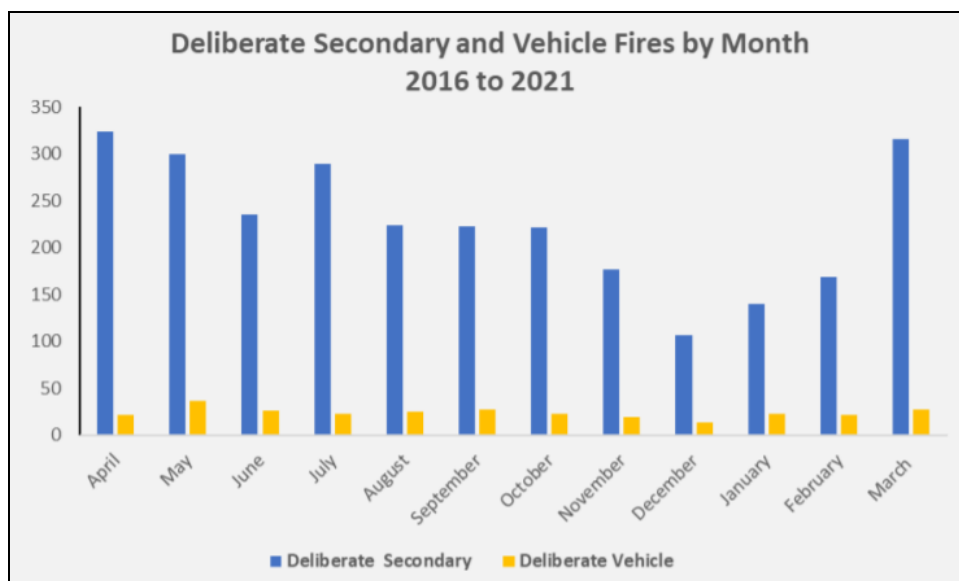
- 4.53 Members noted that the concentration of a PSPO on a geographical area meant the undesirable behaviour in question was likely to be merely displaced to a nearby part of the Borough (outside the PSPO zone). Officers acknowledged that this was indeed a potential ramification, and that any knock-on effect had to be borne in mind.
- 4.54 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.
- 4.55 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.
- 4.56 Reflecting on the potential 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). The Committee was 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.

Views from key partners / businesses / public

Cleveland Fire Brigade

- 4.57 The successful introduction of a PSPO could have a positive impact on deliberate secondary (nuisance / any fire that does not involve a structure or dwelling) fires, deliberate vehicle fires, and violence to staff incidents. Using Cleveland Fire Brigade's (CFB) Risk Management and Intelligence Frameworks, incident-related analysis within the Stockton district was undertaken to provide the following information covering a five-year period (1st April 2016 – 31st March 2021):
- **Total Service Demand:** 2,722 deliberate secondary fire incidents (19% of the total number (14,251) across the CFB footprint), 72% of which was refuse-related (CFB average: 74%) and 24% grassland-related (CFB average: 22%). 283 deliberate vehicle fire incidents (27% of the total number (1,063) across the CFB footprint), and 25 violence to staff incidents (12% of the total number (216) across the CFB footprint).
 - **Incidents by Month:** Peak numbers of deliberate secondary fire incidents occur in March to May each year, with a peak also occurring in July – lowest numbers of incidents occur during the December to February period. Number of deliberate vehicle fires are lower in number and

relatively consistent throughout the year – May incurs a slightly higher number of incidents that the rest of the year (see below).



- Incidents by Day:** Peak numbers of deliberate secondary fire incidents occur on a Sunday, although numbers are relatively constant across the days of the week. Number of deliberate vehicle fires are lower in number and relatively consistent throughout the week, with a very minor increase on a Sunday compared to the rest of the week.
- Incidents by Hour:** Over the five-year period, 72% of deliberate secondary fire incidents occurred between the times of 14:00hrs and 21:59hrs (which aligns to the hours CFB deploy its Small Fires Units). 63% of deliberate vehicle fire incidents occurred between 20:00hrs and 03:59hrs.
- Incidents by Ward:** Billingham South and Stockton Town Centre incur higher levels of deliberate secondary and vehicle fires. Mandale & Victoria and Norton South incur higher levels of deliberate vehicle fires. Newtown incurs higher levels of deliberate secondary fire incidents (see right).
- Violence to Staff (VTS):** CFB takes a zero tolerance to VTS incidents, and all cases are investigated. Between 2016 to 2021, there were 216 VTS incidents to CFB staff of which 25 (12%) occurred within the Stockton district – a significant proportion of these occurred within the Stockton Town Centre and Newtown Wards. A large proportion occur when staff are dealing with incidents and primarily occur during deliberate secondary fire incidents.

	5 Years Vehicle Fires	5 Years Secondary Fires
00EFNH - Billingham Central	7	88
00EFNJ - Billingham East	10	115
00EFNK - Billingham North	5	30
00EFNL - Billingham South	26	220
00EFNM - Billingham West	0	18
00EFNN - Bishopsgarth and Elm Tree	13	73
00EFNP - Eaglescliffe	4	58
00EFNQ - Fairfield	3	25
00EFNR - Grangefield	3	22
00EFNS - Hardwick	24	179
00EFNT - Hartburn	3	23
00EFNU - Ingleby Barwick East	3	32
00EFNW - Ingleby Barwick West	1	91
00EFNX - Mandale and Victoria	30	158
00EFNY - Newtown	16	470
00EFNZ - Northern Parishes	9	34
00EPPA - Norton North	6	103
00EPPB - Norton South	26	152
00EPPC - Norton West	0	19
00EPPD - Parkfield and Oxbridge	16	110
00EYPE - Roseworth	13	74
00EPPF - Stainsby Hill	11	37
00EPPG - Stockton Town Centre	41	487
00EPPH - Village	6	42
00EPPJ - Western Parishes	3	17
00EPPK - Yarm	4	45

- Impact of COVID-19 Pandemic: The pandemic significantly impacted the services provided by CFB. New ways of delivering Prevention and Protection services were introduced, and a significant reduction in the level of service demand for incidents was experienced (such reductions were consistent with the rest of the country, the CFB area, and Stockton district).

4.58 Further data focusing on the current financial year (1st April 2021 – 31st August 2021) was also provided. In terms of service demand, percentages of deliberate secondary and vehicle fire incidents were broadly similar to the five-year picture, as were the Wards in which incidents were most prevalent (maps of which were also included to illustrate these hot-spots areas).

4.59 Perceived benefits from the successful implementation of a PSPO were outlined, including:

- reduced risk and enhanced efficiency (lessening the drain on CFBs resources which could instead be used to increase prevention and protection activities)
- positive impact for CFB partners (including the Local Authority, Police and Health services)
- environmental gains through lower toxic emissions that fires create, and reduced vehicle emissions produced through the mobilisation of fire appliances

Other benefits to neighbourhoods and the local economy, and to CFB staff health and wellbeing, were noted.

4.60 The Committee highlighted the issue of unreported incidents and asked if CFB had an idea about the prevalence of these. CFB only count fires that were reported through its control team but were made aware of others which allowed the Brigade to take preventative measures. It was difficult to have knowledge of every incident, but hot-spot areas were known and CFB spend a lot of time within these areas in an attempt to reduce future fire-related cases.

The economic impact of deliberate fires / arson on communities is calculated using the Home Office incident costs. The ONS publish recognition that up to 60% of incidents do not get reported (this was previously 75%). Not knowing about these fires results in no attendance, no records and under-reporting of the scale of fire-related issues and attributable community blight costs. CFB continually promote the reporting of fires via 999 and promote public empowerment tools such as Crimestoppers for anonymous and confidential reporting (where other issues may be prevalent for not using the 999 system to report emergencies).

4.61 Members queried if there were any concerns around malicious / false alarms across Cleveland. Whilst this was not a particular problem for CFB, such behaviour can present a nuisance and divert valuable resources for no good reason. Calls can be traced, though, as evidenced in the presented data, the level of Malicious Fire Calls received in Cleveland is very low. This is testament to the success of previously introduced processes for reporting and disconnecting nuisance callers. CFB also use a process of 'Call Challenge' through Emergency Call handlers in the Control Room which enables caller challenge when malicious callers are suspected.

- 4.62 Acknowledging the measures required to attempt to address an issue before a PSPO is considered, the Committee sought further details around preventative action undertaken by CFB, as well as any scenarios which would trigger an approach to partners regarding the need to adopt an Order. CFB continually examines the data to understand the types of fires and where these are taking place, and can initiate a leaflet-drop in an area to inform residents to be vigilant (e.g. look out for their wheelie-bins). School education teams try to raise awareness with young people and CFB tries to identify those individuals who are setting fires for work with the Brigade's Fire Intervention Team as these people often do not see the bigger picture as to the ramifications of their actions. CFB works with Local Authority enforcement teams regarding additional patrols and try to ensure a visible presence in identified areas to reassure the public (it is less likely that fires are started if local people are familiar with CFB staff visible in their community). In terms of trigger points for raising potential PSPO discussion, a significant escalation in fire-related case numbers and / or violence to staff incidents could initiate such a proposal.

Furthermore, CFBs *Safer Homes Visits* now include an assessment area to determine the risk to occupants from arson. Where this is identified, advice, education and interventions are taken to reduce risks. In addition to this, CFB also provide a Firesetter intervention / education programme where families, schools, social workers and police can refer children and young people to the Brigade for a programme of education to change their behaviour. This is now also available to the justice system as a condition to any cases / sentencing around arson.

- 4.63 Reference was made to the following examples of fire-related ASB / PSPO considerations from other areas of the UK:

- <https://manchesterfire.gov.uk/yoursafety/campaigns/safe4summer/deliberatefires-and-anti-social-behaviour/>
(Greater Manchester Fire & Rescue Service)
- <https://democracy.newarksherwooddc.gov.uk/documents/s9774/19.01.21%20PSPO%20Vicar%20Water.pdf>
(Newark and Sherwood District Council)
- <https://www.highpeak.gov.uk/article/6595/Protection-Orders-approved-to-try-and-stop-wildfires>
(High Peak Borough Council)
- <https://www.northants.police.uk/news/northants/news/news/2021/july-21/arsontask-force-helping-to-tackle-anti-social-behaviour-in-northamptonshire/>
(Northamptonshire Police)

Members were reminded of the key principle that the introduction of any PSPO had to be backed-up by evidence and be proportionate.

Cleveland Police

- 4.64 Key concerns around ASB across Stockton-on-Tees: Any ASB is a concern and a priority for Cleveland Police, and the Force utilises systems to monitor such behaviour and directs activity based on the data. Issues present around organised crime (which can lead to serious crime, including firearms offences), violence, alcohol / substance misuse, begging, and theft / acquisitive crime (includes offences such as burglary / shop theft).

The present focus remains the Stockton Town Centre area (the High Street and immediate surrounding part-residential / part-retail areas such as Hartington Road, Rose Street and Yarm Lane), though a wider view shows evidence of ASB from the bottom-end of Thornaby which moves into the Town Centre. Many individuals within these areas have complex needs and are vulnerable, but a PSPO must differentiate between those who are vulnerable and those who are not – this can be difficult to quantify and requires a case-by-case approach.

- 4.65 Views on potential PSPO within the Borough: A PSPO must be proportionate to the presenting issue. The Stockton Town Centre area has a complex array of problems which not only affects vulnerable residents, but also impacts upon those visiting the High Street for social purposes, people working in the area, and existing (and potential) retail premises. As such, the needs of those coming into / using the area must be balanced with the needs of those a PSPO will potentially affect.

Tackling ASB and crime, protecting communities, and addressing vulnerability are key priorities for the Force – a PSPO would provide extra powers in order to address these issues in addition to more traditional policing tactics. Areas of focus could include anti-social alcohol misuse, begging / aggressive begging, and / or misuse of prohibited substances.

- 4.66 Potential benefits a PSPO may bring: As well as additional Force powers, a PSPO could lead to a decrease in the fear and / or perception of crime, a reduction of intimidating behaviour, reassurance and increased confidence of retail workers / visitors / residents, and a further strengthening of the existing partnership between the Force and SBC.

- 4.67 Potential challenges a PSPO may bring: Concerns may arise around a perception of limits to freedoms, negative press, feelings that an Order targets the poor / vulnerable, and the displacement of the identified problem to other areas (though this would be less likely if PSPO planning was robust). Ensuring sufficient staffing levels to meet demand created by a PSPO would be challenging, and those enforcing an Order would require education around proportionate use in a targeted manner, ensuring people that are vulnerable are identified and referred for assistance from relevant support services.

- 4.68 Awareness of PSPO use elsewhere and the impact of this: Multiple examples of PSPO use around the country in an attempt to address wide-ranging problems. Two specific Orders highlighted – anecdotal evidence of the positive impact on retailers and visitors of PSPO implementation in [Kent](#), and criticism from residents in [Doncaster](#) that a PSPO was not being enforced.

- 4.69 Reflecting on Cleveland Police's focus on Stockton High Street, the Committee asked if the issues being highlighted by the public in relation to

that area were being exaggerated, particularly around drug addicts and aggressive begging. It was acknowledged that perceptions of such activity can be greater than what is actually happening, but that the former was as important as the latter in terms of how people view a location. Even without a PSPO, the Force actively targets Stockton Town Centre and had responded to reported incidents.

- 4.70 Attention was drawn by the Committee to the possible impact of a PSPO on resources and sought clarity on existing Police numbers. It was stated that, working a shift-pattern, there were currently 24 PCs and 30 PCSOs split between the Borough's 26 Wards. Members expressed concern around the limited PCSO powers and whether more PCs would need to be brought in to cover a designated PSPO area. In response, officers assured the Committee that PCSOs do far more than simply moving people on and were the Force's primary local engagement mechanism. Should a PSPO be implemented, the Force would look to resource this as far as possible alongside SBC.

For additional context, in late-October 2021, police numbers.gov showed that Cleveland Police went from just under 1,700 officers to 1,300 between 2011 and 2016. The Force was now at about 1,400 (many of whom are in training stages)).

- 4.71 Following-up on the dispersal-of-a-problem-to-another-area theme, a notable increase in the level of begging and drinking on Yarm Lane was noted. Officers reiterated the need to distinguish between those committing ASB and vulnerability (who should be diverted to support services accordingly), and gave assurance that the Force looks to target repeat offenders and tackle their behaviour in an appropriate manner using both criminal powers as well as civil orders with SBC. It was also highlighted that some tenants manage their landlords better than others when it comes to addressing ASB incidents, and that if there was a need to go to court, all efforts made towards an individual would need to be evidenced.
- 4.72 The Committee considered the challenges around differentiating between vulnerability and an ASB incident, and queried whether a PSPO would be an effective tool to address aggressive begging as individuals undertaking such behaviour were likely to have complex needs and / or misuse substances. Members were reminded that involved services would need to establish if there was something deeper surrounding a one-off case of ASB so that appropriate action could be initiated.
- 4.73 In summary, it was reiterated that a PSPO would merely be another tool with which to tackle ASB, and that existing (and often deep-rooted) issues would not suddenly disappear should one be introduced. Managing expectations would be an important challenge for all partners, and whilst an Order would enable a timely reaction to an incident, it would lead to further work / processes. The public can get rightly frustrated if they feel as though ASB is not being tackled, but it can take time to collect the necessary evidence so a case can be pulled together which ultimately has repercussions for the offender in question.

Stockton Business Improvement District (BID)

- 4.74 Stockton BID is the elected representative of businesses within Stockton Town Centre, run by businesses for businesses. Its mission is a simple one: to improve the commercial environment for local businesses with every penny invested to make Stockton a place where people will want to do business, visit and stay.
- 4.75 There are 369 businesses within Stockton BID which covers a large geographic area, 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.
- 4.76 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 must, therefore, be a balance between enforcement and compassion.
- 4.77 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.
- 4.78 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. There were also different ASB issues evident between day and night-time.
- 4.79 Several emails detailing specific ASB incidents involving local businesses were presented, 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).
- 4.80 The Committee was made aware of the [Drug and Alcohol Strategy for Bristol 2021-2025](#), with their policy 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).

- 4.81 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.
- 4.82 Referencing comments made in one of the included email correspondences, 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).
- 4.83 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.

Public

- 4.84 During this review, 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. 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.

Concerns around the use of PSPOs

Liberty

- 4.85 Liberty is an independent membership organisation which challenges injustice, defends freedom and campaigns to make sure everyone in the UK is treated fairly. They are campaigners, lawyers and policy experts who work together to protect rights and hold the powerful to account, and have expressed deep reservations around the use of PSPOs:
- *PSPOs: what's happening, why should we be concerned, what is Liberty doing about it?*

<https://www.libertyhumanrights.org.uk/fundamental/public-space-protection-orders/>

- *If the Government is serious about ending homelessness, it needs to scrap PSPOs* (Aug 2018)
<https://www.libertyhumanrights.org.uk/issue/if-the-government-is-serious-about-ending-homelessness-it-needs-to-scrap-public-space-protection-orders/>
- *Poverty no longer penalised in landmark Liberty legal action* (Dec 2020)
<https://www.libertyhumanrights.org.uk/issue/poverty-no-longer-penalised-in-landmark-liberty-legal-action/>

4.86 Attention was drawn to a [BBC News Online](#) article (*Civil rights group opposes Stockton aggressive begging ban plan* (Oct 2021)) 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

4.87 The Manifesto Club is at the forefront of challenging the hyper-regulation of public spaces. It produces cutting-edge research, change policy, and work at the frontline to defend those whose liberties have been affected. It takes on vetting, speech codes, leafleting bans, PSPOs, on-the-spot fines, and other key erosion of public freedoms, working with homeless people, buskers, young people, dog walkers, defending them against draconian powers and busybodies.

- PSPOs – The 'Busybodies' Charter' in 2018 (Apr 2019)
<https://manifestoclub.info/pspos-the-busybodies-charter-in-2018/>
- The myth of 'aggressive begging' (Sep 2018)
<http://manifestoclub.info/the-myth-of-aggressive-begging/>

Dog's Trust

4.88 The Dog's Trust mission is to bring about the day when all dogs can enjoy a happy life, free from the threat of unnecessary destruction. Their website includes a section on 'dogs in public spaces' which discusses PSPOs and cautions against the introduction of blanket orders that are ineffective and are often ignored by those causing the problem (with responsible owners and the wider community then left with the burden that the restrictions bring).

- <https://www.dogstrust.org.uk/latest/issues-campaigns/restrictions-on-dogs-in-public-spaces/>

The Trust has also created a toolkit to guide dog owners through the PSPO consultation process and ensure they have an opportunity to influence the outcome of a proposed Order.

Experiences of other Councils

Middlesbrough

- 4.89 An example of a broader PSPO (including measures not seen elsewhere) was initially provided to the Committee in the form of neighbouring Local Authority, Middlesbrough Council (MC), who had prohibited 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.
- 4.90 Previous feedback from MC had indicated an encouraging level of general compliance, though 84 fixed penalty notices (FPNs) had been issued along with around 1,000 warnings. When considering Middlesbrough's approach, it was noted that MC had a team of around 70 Enforcement Officers (compared to 18 in Stockton-on-Tees (as at July 2021)). It was also highlighted that individuals who refuse to pay a fine can be convicted in their absence (though this was a resource-intensive process), and issues around drinking alcohol in public did not include licensed premises.
- 4.91 The Committee heard that, regardless of the geographic coverage of a PSPO, its credibility was dependent upon a Council's ability to enforce it. The Committee was therefore interested in finding out more about MCs approach, including how many of the FPNs issued by Middlesbrough had actually been collected. The MC Operational Community Safety Manager was therefore invited to a subsequent Committee session and provided further details as follows:
- 4.92 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). MCs 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 could 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.

4.93 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 – see Appendix 2). 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.

4.94 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 (see right graphic), 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.



- 4.95 Enforcement of the PSPO: All Neighbourhood Safety Wardens had been trained in the issuing of 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.
- 4.96 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, MC 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.

- 4.97 Concluding the evidence submission, the Committee was reminded 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.
- 4.98 Reflecting on the various prohibited actions within the MC PSPO, the Committee 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, MC 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.

- 4.99 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.
- 4.100 The Committee was particularly interested in MCs dedicated partnership town centre team and asked how this was financed. Members were informed that MC had received Tees Valley Combined Authority (TVCA) grant funding which it had used to support 30 Street Wardens and a dedicated police presence in the TS1 area (up until March 2024), 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.
- 4.101 Although data on the number of FPNs actually paid (thought to be less than 10) and those that had gone to court was not provided, the Committee remained keen on having this confirmed, 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 (note: the Committee was subsequently asked by MC to submit a Freedom of Information (Fol) request – this was not actioned due to the limitations with the review's timescales).

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).

- 4.102 Following confirmation that the official MC PSPO document for the TS1 postcode (a copy of which accompanied was provided to the Committee) 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 (a figure of approximately £8,000 was subsequently provided), 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.

- 4.103 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).
- 4.104 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 MC which was subsequently thought to be around 10.

Redcar & Cleveland

- 4.105 Representing a more targeting approach, the Committee was informed of Redcar and Cleveland Borough Council's (RCBC) introduction of 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. Despite no additional resourcing, it had already proved successful (74.35% reduction in vehicle nuisance-related reports to Cleveland Police compared with the same period in 2020).

- 4.106 RCBC was approached for further details on this and any other PSPO-related consideration / implementation. A written submission was subsequently provided which outlined the following:

- RCBC had already used its PSPO powers on a number of occasions in recent years – these included:
 - Orders in relation to the consolidation of three existing dog control measures into one PSPO and the introduction of two new dog control offences (2016)
 - restricting access to specific alleyways (2017)
 - treating existing gating orders as if they were provisions of a PSPO (2017)
 - treating Designated Public Place Orders (controlling the drinking of alcohol in nine public places) as if they were provisions of a PSPO (2017)
 - prohibiting vehicle nuisance and related ASB at Majuba car park, and within the surrounding Coatham development area, initially for a period of 18 months (2021)
- RCBCs general rationale for exercising its PSPO powers has been to gain an additional enforcement tool enabling it and its community safety partners to tackle ASB and crime by placing controls on the use of public spaces where this is an appropriate and proportionate response.
- The Council complies with all consultation, notification and publication requirements when exercising its PSPO powers. Once it has determined it will proceed to make a new PSPO, or vary or extend an existing PSPO, RCBC complies with notification and publication requirements, by:
 - giving notice of its intention to do so for a period of 28 days to any Parish or Town Council for the area including a restricted location
 - giving notice of its intention to do so for a period of 28 days to any affected owners and occupiers
 - by publishing the text of the proposed order on its website
 - by ensuring notices are placed (for a period of 28 days) on or adjacent to the land affected, such that they are sufficient to draw the attention of any member of the public to the fact the order is proposed, and the order's effect
- In terms of enforcement:
 - RCBCs 12-strong Community Enforcement Team has responsibility for enforcing the three PSPOs involving dog controls, alleyways and gates (74 FPNs have been issued for breaches of the dog control Order, with 22 FPNs issued for breaches of the alleyway and gates Order – of these, 11 have been paid by offenders).
 - Cleveland Police enforces the alcohol-related Order (RCBC holds no enforcement data for this)
 - RCBC and Cleveland Police jointly enforce the Majuba car park Order (two FPNs issued; one subsequently withdrawn as offender under 18).
- In general, the RCBC reviews the impact of implementing each PSPO as part of the scheduled triennial review and renewal process. The Council has occasionally monitored the impact of individual PSPOs during the first few months of implementation.

Richmondshire

4.107 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.

4.108 Richmondshire District Council's use of a PSPO to address this issue was highlighted in the [Local Government Association \(LGA\): Tackling anti-social behaviour](#) case studies which were shared with the Committee as part of this review.

Within the overview, the need to support the PSPO by securing and maintaining a positive joint-working Council / police approach, as well as through the use of targeted interventions (e.g. additional traffic enforcement, road closures where feasible and use of private sector stewards, with a rota of Council officers to supervise them and act as the link to the police) was emphasised.

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.

4.109 Richmondshire District Council stressed that effective community engagement and consultation is essential to ensure there is sufficient evidence to justify the restrictions being imposed, and that the action won't have a detrimental effect on vulnerable people. Positive engagement and support from local police is key: they have been essential in terms of gathering the required evidence for FPNs.

5.0 Conclusion & Recommendations

- 5.1 This review provided the opportunity for the Committee to consider the potential benefits and challenges from introducing a Public Spaces Protection Order (PSPO) within the Borough. It allowed the Committee to understand what a PSPO is (powers designed to stop individuals or groups from committing anti-social behaviour (ASB) in a public space, they can include restrictions on consuming alcohol in a public place or controlling the presence of dogs) and the process which needs to be followed, consider existing ASB it could help to address, and learn about the experiences of other Local Authorities, many of whom had utilised such Orders as an additional tool to respond to crime / ASB in their areas. Crucially, what the review did not set out to do was to decide whether a PSPO should actually be implemented.
- 5.2 Whilst the Council is well-placed to be aware of the community safety issues within the locality and already has a range of options to counter ASB, concerns clearly continue (as evidenced in this report) around the behaviour of a minority of individuals who are having an adverse impact on the Borough's public spaces. The Ward with the most ASB-related incidents for the Council's Civic Enforcement Service remains Stockton Town Centre, a position echoed by Cleveland Police, and of all the incidents that the Council has responded to in this location, begging remains by far the highest demand and prevailing area of concern for the public.
- 5.3 Although Stockton-on-Tees has the lowest recorded crime and ASB rate in the Tees Valley, caution is required here as the public may not be reporting incidents for a number of reasons, not least the feeling that little will be done if they do. Perceptions and fear of crime continue to be high, and, as noted by several contributors to this review, this is as important and significant as actual recorded cases. As such, the case for exploring further options is strong, especially if these options lead to more visible and quicker action to instil confidence in the public.
- 5.4 Both the Council and its key partners involved in this review highlighted the potential benefits of a PSPO, including a further deterrent to problem behaviour occurring in the first place, reassurance and increased confidence for retail workers / visitors / residents, and gains to the local economy. However, the true effectiveness (and indeed morality) of PSPOs has long been questioned (e.g. ability of those committing offences to pay fines, possible displacement of ASB to nearby areas out of the designated PSPO zone), and introducing such measures needs to balance the costs and resources of adopting additional processes against the potential ASB deterrent that an Order may bring.
- 5.5 Research demonstrates the controversy surrounding PSPOs, with a number of voices concerned over the way Councils are effectively judge, jury and executioner when adopting such measures. The Committee was made aware of issues regarding other Local Authorities using PSPOs in relation to rough-sleeping, an approach the Committee is very much against. Similarly, widespread concerns that PSPOs target vulnerable individuals shaped the Committee's desire to understand the support provided to those who are behaving in an anti-social way but who may also be considered vulnerable. Good examples emerged of existing systems and partnership-working from both Adults and Children's Services (working closely with SBC community safety-related services) when managing ASB-related cases.

- 5.6 Whilst recognising that enforcement of any prohibited activity is a key part of a PSPO, this work has, once again, raised the limited and overly-spread enforcement presence which, coupled with the ongoing challenges around visible police numbers, can compromise the ability to ensure ASB is identified and responded to. The Committee once again heard of the strong partnership-working between the Council and Cleveland Police, and the introduction of any PSPO will require close collaboration between these two organisations around how this can be effectively monitored to ensure an Order remains credible in the eyes of the public.
- 5.7 Unlike numerous other Local Authorities, SBC has yet to introduce any PSPOs – however, as previously stated, it is fair to consider the use of additional available powers in an attempt to address ongoing ASB-related issues within the Borough, and also beneficial to factor-in the experiences of those Councils who have already trodden this path. To this end, the Committee was grateful for the input of neighbouring Council's, Middlesbrough and Redcar & Cleveland, who detailed their polar approaches for considering and introducing a PSPO. These two examples demonstrated the flexibility inherent within the PSPO concept and provided useful insight into the nuances involved in bringing-in such measures. Assessing the true success of these remains difficult though.
- 5.8 No strong indication from any contributors of a specific issue that explicitly required the use of a PSPO to counteract ASB was given, though aggressive begging and dog controls did elicit more in-depth discussion (particularly the former). Whether these two issues are prevalent enough to merit the introduction of an additional, potentially resource-intensive, power is unclear and will require further investigation as part of a formal consultation process that has to be undertaken ahead of any PSPO implementation. The frequency of deliberate fire-setting within the Borough (and across the Cleveland Fire Brigade footprint), however, is a cause for concern, and should be included as a topic for any future PSPO engagement with local stakeholders and communities.
- 5.9 The Committee received an impassioned plea from representatives of Stockton BID, and recognise the concerns from the local business community who should not be having to experience, and deal with, such alarming ASB cases on their doorstep which inevitably has a negative impact upon trade and investment. These businesses must be supported as far as possible, and an increase in the visibility of enforcement / police officers would be a significant help (not just when large-scale events are held). Future discussions between the Council, police and Stockton BID are encouraged to identify possible solutions in the identification and addressing of ASB.
- 5.10 This review was a first step in a long process of consultation prior to any possible implementation of a PSPO. As reflected in its findings, ultimately, any PSPO would merely be another tool with which to tackle ASB, and existing (and often deep-rooted) issues would not suddenly disappear should one be introduced. Managing expectations would be an important challenge for all partners, and whilst an Order would enable a timely reaction to an incident, it would lead to further work / processes. The Committee is broadly supportive of introducing such measures, but, as per the principles and processes of PSPO implementation, only where:

- f) all other avenues of support and / or use of existing powers have been demonstrably exhausted;
- g) appropriate evidence is in place to justify the introduction of this additional tool in the fight against ASB;
- h) any proposal is clear, targeted, proportional and easily defined to a specific geographical area;
- i) a robust and timely plan to inform the public of any future PSPO implementation is outlined;
- j) sufficient, visible and sustainable enforcement resources are dedicated to the PSPO area.

As has been shown through this review, there are a range of opinions around PSPOs, and the Council must therefore ensure that, should it wish to proceed with plans for a potential Order within the Borough, it seeks views from a wide variety of stakeholders (i.e. public, local businesses, special interest groups (depending on the issues an Order seeks to prohibit), key partners) to validate any future decision.

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 multi-agency 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 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;**

continued...

Recommendations (continued)

The Committee recommend that:

- 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.*

APPENDIX 1: Powers to tackle anti-social behaviour (ASB)

Powers to Tackle Anti-Social Behaviour

Since the Anti-Social Behaviour Act of 2003, local authorities, the police and others regulatory partners have had 19 specific tools to consider when dealing with ASB. The present government felt that the existing legislation was over-complicated and potentially hindered a more victim focused approach. The Anti-Social Behaviour, Crime and Policing Act 2014 simplified these 19 powers, combining some and reducing down to six key interventions. Detailed guidance regarding the use of these powers is set out by the Home Office in the 'Anti-social Behaviour, Crime and Policing Act 2014: Statutory guidance for frontline professionals'.

Brief details of the six key tools are set out and summarised below for reference.

1. Civil Injunctions

- 1.1. Civil injunctions are aimed at preventing individuals from engaging in ASB, aimed at stopping anti-social behaviour, before it escalates and causes more nuisance or harm. Civil injunctions can be for housing and non-housing related ASB and are tested on the balance of probabilities.
- 1.2. While all injunctions issued by the county or high court will have prohibitions attached, some may also include positive requirements aimed at addressing the underlying causes of the individual's anti-social behaviour. While breach of the injunction is not a criminal offence, it can carry an unlimited fine or up to two years in prison for an adult. Applicants for civil injunctions can include local councils and can now also be used for those under 18 years of age.
- 1.3. Although the injunction is a civil power, it is a formal sanction and councils are expected to explore other routes before applying to the court for a civil injunction.

2. Criminal Behaviour Orders

- 2.1. Criminal Behaviour Orders are issued by a criminal court to people convicted of a criminal offence, to prevent them from engaging in anti-social behaviour. In most cases the applicant for the criminal behaviour order will be the Crown Prosecution Service, though this can be at the request of the local council.
- 2.2. A CBO is available on conviction for any criminal offence in any criminal court and this is required in order to attach the order. The CBO can be used to deal with a wide range of ASB and have been used to good effect in respect of begging, drunken and persistently aggressive behaviour previously. Whilst a strong tool to tackle ASB, the process of obtaining a CBO can take a significant amount of time and is often considered a last resort.
- 2.3. A breach of this order is a criminal offence and must be proved to a criminal standard of proof, which is beyond reasonable doubt. As with Civil injunctions, Criminal Behaviour Orders have the scope to specify positive requirements, to focus on long-term solutions. Unlike the old Anti-Social Behaviour Orders, there is no longer a need to prove "necessity" to issue an order.

APPENDIX 1: Powers to tackle anti-social behaviour (ASB)

3. Dispersal Powers

- 3.1. Dispersal powers enable police and police community support officers to direct people committing or likely to commit anti-social behaviour, crime or disorder to leave a public place for up to 48 hours. A police chief constable must designate the power to uniformed police officers and police community support officers, there is however no requirement for the police to consult the local council in implementing the dispersal power. A breach of a dispersal order is a criminal offence and can carry a penalty of three months in prison for adults.
- 3.2. The dispersal power is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to the local community. The power is preventative, allowing an officer to deal quickly with someone's behaviour and nip the problem in the bud before it escalates
- 3.3. In areas where there are regular problems, it is recommended that the police work with the local council to find a sustainable long-term solution such as a public space protection order. The impact on the local community should be considered when using the dispersal power.

4. Community Protection Notice

- 4.1. Community Protection Notices (CPN) are designed to deal with environmental anti-social behaviour which spoils the quality of life for a community, which could include the state of a premises, noise emitting from machinery, noise caused by a vehicle or insects emanating from a business premises. CPNs may be used against individuals as well as organisations and businesses. A breach of a CPN is a criminal offence and may carry fine of up to £20,000 for businesses or £2,500 for individuals. Local authorities may issue CPNs, as may police officers and police community support officers.
- 4.2. The Community Protection Notice can be used to deal with, ongoing problems or nuisances which are having a detrimental effect on the community's quality of life by targeting those responsible. In Stockton on Tees, community protection notices have been used extensively for a range of issues such as noise, begging, damage to verges and untidy gardens.

5. Public Space Protection Orders

- 5.1. Public space protection orders (PSPO) are designed to stop individuals or groups from committing anti-social behaviour in a public space. This can include restrictions on consuming alcohol in a public place or controlling the presence of dogs such as excluding them from playgrounds or restricting the number of dogs that can be walked by one person at any one time.
- 5.2. Local authorities can issue a PSPO after consultation with key stakeholders, residents and other relevant bodies. Council officers may enforce PSPOs, a breach of which is a criminal offence. Importantly, more than one restriction can be added to the same PSPO that means that, a single Order can deal with a wider range of behaviours than the orders it replaces.
- 5.3. Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.

APPENDIX 1: Powers to tackle anti-social behaviour (ASB)

5.4. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. Given that these orders can restrict what people can do and how they behave in public spaces, it is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

6. Closure Powers

6.1. Closure powers allow the local authority or police to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder. This power can be used for up to 48 hours out of court and is intended to cover a wide range of behaviours in a quick and flexible way. A breach of a closure notice is a criminal offence.

6.2. The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. The power comes in two stages, the initial closure notice and then the closure order which is obtained in Court for a period of up to 3 months. In Stockton on Tees, premise closure orders have been obtained on a number of properties linked to substance misuse and anti-social behaviour.

APPENDIX 2: Middlesbrough Council – PSPO Consultation (Prohibition Options)

Middlesbrough Council

PSPO Consultation – Prohibition Options

- 1) Not to Interfere in any way the operations of Cleveland Police, MBC Street Wardens, Community Safety Officers, Environmental Enforcement Officers or any Emergency Service Provider.
- 2) Must not be verbally abusive, intimidating or threatening to any member of Local Authority staff, Police personnel or member of the public.
- 3) Must not make any improper sexual advances or use behaviour or language of a sexual nature, or act in a sexually explicit manner towards any person not of the same household as himself where the behaviour causes or is likely to cause harassment, alarm or distress.
- 4) Urinate in a public place, except when using public toilets.
- 5) Pre-arrange any organised gatherings or use or offer violence towards any person within the proposed designated area.
- 6) Must not congregate in public in a group of more than three people, where the behaviour of the group as a whole causes, or is likely to cause harassment, alarm and distress.
- 7) Must not be in possession of any Class A, B or C class drug as defined by the Misuse of drugs Act 1971 (excepting prescribed medicine issued to by a medical practitioner) and/or will not be under the influence of any drug in a public place nor carry and/or discard of any drug paraphernalia within the designated area.
- 8) Must not be drunk and disorderly in any public place or be in possession of any unsealed container containing alcohol within the proposed designated area. Any alcohol either sealed or unsealed to be handed to a Police Officer, PCSO or Street Warden on request.
- 9) Must not kick, throw or propel any stone, missile or any other object or threaten to do so at or towards any building, motor vehicle or person.
- 10) Must not behave in any way that threatens or intimidates the staff or customers of any business premise within the TS1 area.

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APPENDIX 2: Middlesbrough Council – PSPO Consultation (Prohibition Options)

Middlesbrough Council

PSPO Consultation – Prohibition Options

- 11) Must not take, ride or drive any mechanically propelled vehicle on a public footpath, pavement or green area within the proposed designated area.
- 12) Must not Interfere or attempt to interfere with CCTV cameras or any car park signage.
- 13) Must not light or attempt to light fires or incite or encourage any other person or persons to light or attempt to light fires in any public area or open place.
- 14) Must not discharge, ignite or throw any firework.
- 15) No person shall sit or loiter on the highway or any pedestrian area whether by placing any item before them for the purpose of obtaining money or otherwise.
- 16) Must leave the proposed designated area and not return with a 48 hour period if formally requested by a member of Cleveland Police or Middlesbrough Council.
- 17) If a dog fouls, the person who is in charge of the dog must remove the faeces forthwith from the restricted/ designated area.

