

CRIME AND DISORDER SELECT COMMITTEE

SCRUTINY REVIEW OF PUBLIC SPACES PROTECTION ORDERS (PSPOs)

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.

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- 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

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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 (such as the draft version in Appendix 3) of the existing PSPO consultation, implementation and review procedures be included.**
- 4) Reassurance be provided that the following key principles and processes of PSPO planning and implementation (as referenced within paragraph j) of this report's conclusion) have been undertaken as part of any future formal consideration around the introduction of a PSPO in the Borough of Stockton-on-Tees:**
 - a) all other avenues of support and / or use of existing powers have been demonstrably exhausted;**

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.***