

Report subject	Public Spaces Protection Orders (PSPO)
Meeting date	9 September 2020
Status	Public Report
Executive summary	<p>This report follows on from a report made to Cabinet in March 2020. It reports the results of a public consultation now completed, which sought views on the varying of the current PSPO in place for Poole Town Centre and Holes Bay. The report now recommends that Cabinet adopt the proposed amendments.</p> <p>In addition, the report considers the use of PSPO's across BCP and seeks approval of a further public consultation which seeks to consider a BCP wide PSPO aimed at managing general anti-social behaviour issues across our communities.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <ol style="list-style-type: none"> 1. Cabinet approve the variation of the Poole Town Centre and Holes Bay PSPO as outlined at paragraph 5 of this report. 2. The Director of Communities is authorised to undertake consultation on a BCP wide Public Spaces Protection Order as set out in paragraphs 11 & 12 of this Report; and is authorised to finalise the precise terms of the wording of the conditions on which the consultation will be undertaken, such wording to be agreed in consultation with the Monitoring Officer 3. Cabinet considers the outcome of the consultation at a future meeting with a view to making recommendations in respect of the Public Spaces Protection Order in light of the consultation process.
Reason for recommendations	<p>To vary the terms of the current Poole Town Centre and Holes Bay PSPO in order to implement a consistent and balanced approach which is fit for purpose for the whole of BCP, applying effective solutions to the complex issues around anti-social behaviour which seeks a reduction of harmful behaviours that impact negatively on the wider community, whilst placing the needs of vulnerable people at its heart.</p>

Portfolio Holder(s):	Councillor Lewis Allison – Tourism, Leisure & Communities
Corporate Director	Kate Ryan, Corporate Director Environment & Community
Report Authors	Kelly Ansell, Director of Communities Andrew Williams, Head of Safer Communities
Wards	All Wards in particular Poole Town
Classification	For Decision

Background

PSPO Poole Town Centre and Holes Bay

1. In March 2020, Cabinet approved a public consultation on varying the Public Spaces Protection Order (PSPO) covering Poole Town Centre which currently seeks to address anti-social behaviour in the town centre and Holes Bay area. This PSPO restricts the following:
 - a. Drinking alcohol in public, whilst behaving in an anti-social manner**
 - b. Begging
 - c. Sitting or loitering in a public place with a receptacle used to contain monies from the public
 - d. Leaving unattended personal belongings such as bedding or bags
 - e. Causing an obstruction in shop doorways, or car park or public area such as hallways, stair wells etc
 - f. Possession, supply or use of intoxicating substances**
 - g. Behaviour which causes harassment, alarm or distress.**

2. Cabinet approved that consultation be conducted on the varying of the order to remove clauses b) to e), but that clauses highlighted in bold a), f) & g) would remain in force. A public consultation was undertaken from Tuesday 7 July until Sunday 9 August 2020. Information was circulated to relevant stakeholders, including Poole Business Improvement District, local community organisations and publicised through social media and press releases. An online questionnaire was circulated to gather people's views on the proposals to vary the current Order.

3. There were 199 responses to the consultation, and views were finely balanced, with the majority of respondents agreeing with the proposals to remove clauses B (51%) & D (52% agreed), equally split on clause C (50% agreement) and disagreeing with the proposal to remove clause E (54% disagreed). Respondents expressed strong feelings in their comments on both sides. Examples of comments included:
 - The need for better support services for the homeless and genuine beggars to enable them to improve their lives

- Taking a more humane and compassionate approach to supporting the homeless and genuine beggars
 - Concerns that the current PSPO in Poole Town and Holes Bay discriminates against the homeless by criminalising rough sleeping
 - Feeling intimidated by the presence and behaviour of rough sleepers and beggars
 - The enforcement of the Poole Town and Holes Bay PSPOs and how this could be stricter and more systematic
 - The placement of the homeless' belongings in Poole Town and the social and economic impact this has on the area
 - The negative impact rough sleeping and drug use has on Tourism in the PSPO area
4. Prior to the consultation exercise there was a review into tackling street based anti-social behaviour looking at local evidence and national research. It concluded that using patrolling CSAS Officers, there is a much greater engagement with those who are causing anti-social behaviour, which in turn leads to larger numbers being referred into support services. Ultimately it is through addressing the underlying causes of the anti-social behaviour, such as addiction, that we will see change. With CSAS Officers now patrolling in Poole Town Centre, this approach is seeing results in this area also.
5. It is therefore recommended that the Poole Town Centre and Holes Bay PSPO is varied to restrict the following;
- a. **Drinking alcohol in public, whilst behaving in an anti-social manner**
 - b. **Possession, supply or use of intoxicating substances**
 - c. **Behaviour which causes harassment, alarm or distress.**
6. Subject to Cabinet approval a new Order will be made covering Poole Town Centre and Holes Bay with these agreed restrictions.

Consistency of Approach to Management of Anti-Social Behaviour Across BCP

7. As noted in the previous report, across BCP - in particular in Bournemouth and Poole where the issues of street based anti-social behaviour are most prevalent, there has been a clear and long standing commitment to adopting balanced approaches where both enforcement and support are at the heart of the models applied.
8. In March 2018, the Community Safety Accreditation Scheme (CSAS) was introduced into Bournemouth Town Centre, after proving successful in Boscombe. This service has now been extended to Poole Town Centre. In April 2020, in response to the Covid 19 pandemic, the Chief Constable of Dorset Police extended the previously specified geographic CSAS areas to the whole of the BCP area, allowing for flexibility of deployment and response to issues of anti -social behaviour. However, it should be noted that the originally allocated CSAS areas remain the focus, with dedicated

patrols of accredited officers in place in Bournemouth Town Centre, Boscombe Precinct, Poole Town Centre and soon, Ashley Road, Poole.

9. The powers accredited to the individuals through both BCP Council and CSAS accreditation are;

- The power to require name and address for those acting anti-socially
- The power to require name and address for those who are begging
- The power to remove alcohol from those under 18
- The power to confiscate alcohol from those acting anti-socially
- The power to require name and address for a qualifying offence
- The Power to issue a Fixed Penalty Notice for failure to comply with a Public Spaces Protection Order.
- The Power to issue a Fixed Penalty Notice for failure to comply with a Community Protection Notice
- The Power to issue a Fixed Penalty Notice for littering

In March 2020 Cabinet resolved to adopt a consistent approach to enforcement of street-based anti-social behaviour across BCP, with a focus on the CSAS service as the means of response. The proposals made continue to ensure that the balanced approach of enforcement and support remains, and that the benefit of collaborative partnership working to tackle these complex issues, is maximised. CSAS Officers will use enforcement powers to tackle anti-social behaviour including Community Protection Warnings and Notice and will gather evidence for Anti-Social Behaviour Injunctions where appropriate.

10. The recent easing of lockdown measures, the re-opening of urban centres and the hospitality industry as well as the significant increases in visitor numbers to our BCP beaches, has highlighted the clear need for the Council and the Police to have sufficient powers available in order to effectively manage ASB, low level crime and public order issues. There are a number of hot spot areas across BCP where the easing of lockdown has created community concerns around public consumption of alcohol and general anti-social behaviour. With several PSPO's already in place, there is often confusion around where these powers are available. In addition, several existing PSPO's across the BCP geography are due to be renewed shortly, which requires the Council to consult on any proposals relating to these Orders.

11. In order to adopt a consistent approach to issues of general anti-social behaviour it is proposed that a further public consultation is completed in order to consider the implementation of a PSPO covering the whole of the BCP geography, with the following clauses included;

- a. **Drinking alcohol in public, whilst behaving in an anti-social manner**
- b. **Possession, supply or use of intoxicating substances**
- c. **Behaviour which causes harassment, alarm or distress.**

This Order would replace all existing PSPO's relating to alcohol and general anti-social behaviour across the BCP area, a summary of which is listed in Appendix A.

12. Cabinet may also wish to consider whether there are other prohibitions that they wish the consultation to take into account such as a ban on disposable barbeques in public spaces or illegal beach camping

Summary of financial implications

13. The costs of the consultation exercise are limited to staff time from the Anti-Social Behaviour and the Insight, Policy and Performance teams and will be met from within these existing budgets.

Summary of legal implications

14. The Anti-social Behaviour, Crime and Policing Act 2014 introduced Public Spaces Protection Orders (PSPOs) to tackle a wide range of anti-social behaviour issues. 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. Under the legislation, PSPOs need to be reviewed every three years.
15. The legal tests focus on the impact that anti-social behaviour is having on victims and communities. A Public Spaces Protection Order can be made by the council if they are satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:
 - has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justifies the restrictions imposed.
16. 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. Orders should not usually be made for issues where there is existing primary legislation to deal with the issue
17. Before introducing, extending, varying or discharging a PSPO, 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.
18. The Council has been challenged in the High Court in respect of a number of the conditions set out in the Poole Town Centre and Holes Bay Public Spaces Protection Order. Whilst the Council is able to respond to this challenge, a stay in proceedings has been agreed with the Applicant in order to avoid wasting public money and Court time should there be a change in approach taken which would negate the purpose of the challenge in any event.

Summary of human resources implications

19. There are no human resources implications

Summary of public health implications

20. What is clear from national research and local engagement is that those who cause street-based antisocial behaviour or beg are some of our most vulnerable individuals. They often have a range of complex needs and experience severe and multiple deprivation. Through better engagement and support into existing services, the work of the CSAS Officers aims to help tackle these complex needs.

Summary of equality implications

21. Those engaged in street-based anti-social behaviour often have multiple and complex needs, such as addiction and mental health issues. Their vulnerability needs to be addressed in any programme aimed at tackling the wider harm that may be caused to the community through begging, street drinking or associated ASB. Having patrolling Officers who are able to engage and signpost to support organisations is a more effective mechanism to achieving real change. Enforcement action will only be taken where it is appropriate and proportionate to the behaviour causing harm. These proposals apply to adults only, as different approaches would be taken for working with children and young people.

Summary of risk assessment

Background papers

Appendices

Appendix A – Current BCP PSPO's Summary

Previous report:

<https://democracy.bcpCouncil.gov.uk/documents/s16369/Developing%20a%20harmoured%20approach%20to%20tackling%20street-based%20anti-social%20behaviour.pdf>

Appendices

Appendix A – Current BCP PSPO's Summary

Area	Clauses
Whole of Bournemouth	Alcohol Control
<u>Christchurch Town Centre, Purewell and Mudeford Wood</u>	Alcohol Control
<u>Christchurch Saxon Square car park</u>	Alcohol Control & General ASB
<u>Poole Town Centre and Holes Bay</u>	Alcohol Control, Begging, Loitering, general ASB
<u>Poole - Ashley Road & Alexandria Park</u>	Alcohol Control & General ASB