

Gloucester City Council

Meeting:	Cabinet	Date:	15 January 2020
Subject:	Public Spaces Protection Orders (PSPOs) Update Report		
Report Of:	Cabinet Member for Communities and Neighbourhoods		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	None		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To update Cabinet following the PSPO report which went to Council in 2018 and to update on how Public Spaces Protection Orders (PSPOs) and initiatives to tackle street-based nuisance have been working over the past year.

2.0 Recommendations

- 2.1 Cabinet is asked to **RESOLVE** that:

- (1) ongoing work of PSPOs and Street Aware be endorsed
- (2) proposals contained in this report be endorsed–
 - a. That existing PSPOs as mentioned in paragraph 3.2.1 are next reviewed in 2022
 - b. That any gating-order type PSPOs are reviewed on a three-yearly basis
 - c. That begging continues to be dealt with via the Street Aware partnership initiative rather than be included in a PSPO
 - d. That street trading and entertainment be incorporated in to the City Council's enforcement policy rather than incorporated in to a PSPO which would duplicate existing legislation
- (3) it be endorsed that the Council's 'engage, support, enforce' approach continues as its primary means of dealing with street based nuisance, with PSPOs used as a supporting tool.

3.0 Background and Key Issues

- 3.1 In 2018 a report went to full Council via SMT, Cabinet and Overview and Scrutiny with recommendations for the use of PSPOs across the City. The report also

contained several other recommendations which were based on a thorough consultation with residents and partner agencies, as well as consideration of alternative tools, powers and initiatives already available to the City Council and our partners to tackle issues that were raised during the consultation period.

- 3.2 This report is one of the follow ups from the 2018 report; it was recommended that a review be completed after a year of the proposed PSPOs being in place in order to evaluate the effectiveness of the PSPOs and associated work, and monitor progress. This report will focus on the alcohol related terms of the PSPOs. Updates on all of the recommendations from the 2018 report are listed below:
 - 3.2.1 Three PSPOs were approved as part of the 2018 report and the orders came in to effect on 30th November 2018. These are:
 - A city wide PSPO with restrictions on dogs (dog fouling, dogs on leads and dogs in children's play parks) and alcohol restrictions which allows for consumption of alcohol in public places but gives provision for authorised officers to take action where alcohol related nuisance needs to be stopped or prevented.
 - A city centre focussed PSPO which contains the same dog restrictions as the wider city order, and in addition creates an alcohol-free zone which bans the consumption of alcohol in public places within the BID area.
 - a PSPO to supersede the old Gating Order at Organs Alley, off of Eastgate Street, which was a hotspot of crime and ASB issues in the city centre.
 - 3.2.2 Delegation remains with the Head of Communities in consultation with the Cabinet Member for Communities and Neighbourhoods to approve the implementation of future PSPOs
 - 3.2.3 Gating Orders that were in place in various locations across the city have all been reviewed as per the original report's recommendation that this be done by the end of 2019. Recommendations have been made for these to be commuted in to PSPOs in order to prevent any future detrimental impact on the community in those areas.
 - 3.2.4 Reviews and updates of the Safe & Attractive Streets Policy and PSPO guidance have taken place. The Safe & Attractive Streets Policy has been incorporated in to the new Community Engagement & Enforcement Policy in order to bring greater consistency across teams and numerous pieces of work.
 - 3.2.5 A Memorandum of Understanding is being drawn up for the night time economy to provide consistency between partner agencies who work within the City Centre, and a DaySafe meeting, to mirror NightSafe, has been established.
- 3.3 In addition to the above recommendations that were made in the 2018 report, the City Council's partnership Street Aware initiative continues and was broadened to incorporate street drinking and youth anti-social behaviour elements as well as maintaining its original focus on begging issues in the City. Street Aware continues to be led by Solace, the City's anti-social behaviour (ASB) team and works in partnership with both support and enforcement agencies, continuing with it's

“engage, support, enforce” approach to work with people for long term, sustainable change.

- 3.4 The Street Aware work links closely with the use of Public Spaces Protection Orders, particularly in the city centre. Both are in place to address street-based nuisance and the two workstreams are designed to complement each other.
- 3.5 Solace, the Police and City Safe City Protection Officers are key to the investigation element of Street Aware. Being out in the community on a daily basis means they are able to identify people involved in street based nuisance and engage with them to offer support and, if necessary, proceed towards enforcement action. These three agencies have also been at the front line of ensuring that the alcohol free zone PSPO in the city centre is complied with.
- 3.6 A PSPO puts rules of behaviour on a public place and can apply to all people using that place or specific groups. Enforcement of a PSPO follows a prescribed route and can only be carried out by Council or Police officers, or colleagues who have been granted authorisation by the Council under the ASB, Crime and Policing Act 2014. City Protection Officers are in the process of being authorised for this purpose.
- 3.7 A PSPO is a civil order and breaching it is a criminal offence. However, initially a person seen breaching a PSPO must be given the opportunity to comply with the order and it is only when this request to comply is refused or ignored that an offence is committed and enforcement action can be taken. In the case of alcohol related restrictions, initially the person suspected of breaching the order must be reminded of the terms of the PSPO and offered the chance to comply. The authorised officer can request the person to dispose of the alcohol they have open, or compel them to surrender it. If this is refused, a fixed penalty notice (FPN) can be served.
- 3.8 When first introduced, the city centre alcohol free zone was widely publicised and the Council, Solace and partner agencies focussed on education and awareness around the newly introduced alcohol free zone and the implications of breaching the PSPO. Following on from this, Solace, the Police and City Safe have been informally enforcing the alcohol free zone through removal of alcohol when people are witnessed breaching the order.
- 3.9 The use of fixed penalty notices has not yet been introduced as a means of enforcement for the PSPOs. Feedback from colleagues is that largely the removal of alcohol, or moving people on from the area in which they may be drinking, is working well and has had a large impact on the number of groups of street drinkers seen in the city centre and associated issues such as noise, litter and general ASB that used to be associated with these groups and would impact on users of the city centre.
- 3.10 Colleagues from the Police and City Safe have fed back that the removal of alcohol is frequently used as the means of ensuring compliance with the PSPO in the city centre. This power is used both during the day and night time economies, with differing reasons for both. During the day, the power has been used primarily for street drinkers whereas at night it is often people walking between licensed premises carrying drinks from one to another.

- 3.11 Due to multiple partner agencies enforcing the PSPOs and differing IT systems between them, it has been difficult to collect specific data on how many enforcement actions, and of what type, have been used since the PSPOs were introduced. What is clear, though, is that the education and awareness period at the beginning of the PSPOs had a big impact on the number of street drinkers seen in the city centre and led to a big reduction in incidents. Furthermore, once the removal of alcohol element was introduced, a reduction was seen again. As expected, the biggest impact on street based nuisance issues has been through engagement and more informal interventions rather than enforcement through fixed penalty notices (FPNs) or court action. There is, however, a place for enforcement action and the use of FPNs will be introduced in due course. The use of Injunctions or Criminal Behaviour Orders for those who are persistent offenders impacting on the community is still ongoing as a separate entity to PSPOs, through the Street Aware work led by Solace.
- 3.12 Work has been ongoing since the introduction of the PSPOs to work with Together Gloucester on process redesign to create a system for collection of data on interventions and to allow for the issuing of fixed penalty notices and enforcement actions in relation to the PSPOs. This work is ongoing and will enable data collection, ongoing monitoring and analysis of:
- Number of breaches of PSPOs, including type of breach and where it has occurred
 - Mapping of hotspot areas
 - Offender details and monitoring of repeat offenders
 - Options of referrals for support for people breaching PSPOs
 - The issuing of FPNs, monitoring of payment and further enforcement action if needed
 - Automatically generating FPNs and court statements
 - Comparison of types of intervention e.g. how many times alcohol has been removed compared to how many times it has been necessary to serve an FPN
- 3.13 The process for data collection and monitoring is almost complete and scheduled to be rolled out to Council officers and partner agencies before Christmas for user testing of the system. The additional element which allows for the issuing of FPNs, payments of them and further enforcement action will be added at a later date.
- 3.14 Review of the PSPOs, their effectiveness and associated work has been ongoing over the past year since the orders were introduced. Ongoing updates and feedback from partner agencies and through partnership meetings have provided valuable information to ensure that our multi-agency work can be directed accordingly and ensure the best possible success for the community, including perpetrators who are engaged with and offered support.
- 3.15 Through partnerships such as DaySafe, NightSafe, the Stronger Safer Gloucester Partnership and via ongoing conversations with partners such as the Police, City Safe, P3, the BID and the OPCC, we have gained positive feedback on how the PSPO has been introduced and the impact it has had.
- 3.16 A review survey was sent out to partners in October 2019 requesting their feedback on the PSPOs. This asked whether they felt the orders were effective, whether they had seen a reduction in street drinking, if the PSPOs have supported partners work,

and whether the PSPOs needed amending and the reasons why (e.g. to remove or include certain terms).

- 3.17 Anecdotal feedback from the review told us that partners do think the PSPOs and associated work are effective and supported their work, as well as contributing to a reduction in the number of street drinkers or alcohol related nuisance seen. Partners could not report any negative effects from the PSPO and the only improvement they requested was the ability to serve fixed penalty notices. They also told us that the area covered by the alcohol free zone was sufficient and didn't need amending.
- 3.18 Two issues were suggested by partners for inclusion in the PSPOs. These are detailed below with the Council's proposed response:
- 3.18.1 A request from night time economy partners that begging is included in the PSPO. This is due to issues witnessed on evenings, particularly weekends, along Eastgate Street with a handful of perpetrators impacting on those using the night time economy. Looking into this issue further, it is not proposed that begging be included in to the PSPO for a number of reasons;
- Street Aware is available as an initiative to tackle begging and was not being utilised in the night time economy due to not receiving reports.
 - Businesses were not reporting issues through to Solace, which has now been addressed
 - Begging and the Street Aware approach has been incorporated in to the weekend briefings for door staff and Police teams
 - As mentioned in the 2018 report, there are already tools and powers available to tackle begging, and a PSPO would duplicate these
 - Injunctions and Criminal Behaviour Orders are a more appropriate tool to use for dealing with repeat or persistent perpetrators
 - Serving a fixed penalty notice, which is a financial penalty, to someone who is already begging will only perpetuate the problem
- 3.18.2 A request to include street trading and entertainment in the PSPO in order to regulate busking and peddling in the city centre. As mentioned in the 2018 report, there are already powers in place to deal with street trading. Furthermore, the City Council's new enforcement policy looks to incorporate street based issues such as these. It is recommended that these be included in this policy with their own directed work, rather than included in a PSPO which would duplicate existing legislation.
- 3.19 The City Council has a strong record of partnership working and will continue to implement PSPOs and associated work in partnership so as to achieve community safety outcomes for all and to try and ensure we are providing better opportunities for help for those involved in street based nuisance or in need of support.
- 3.20 We will review our PSPO work on a regular basis and suggest that the PSPOs that are in place now are next subject to a full review in 2022. The PSPOs listed in this report are due to expire in November 2022 and so will need a review before deciding whether to extend, amend or rescind them. It should be noted that a PSPO can be amended at any time during this period if there is an evidenced need for this.

- 3.21 Further PSPOs may be introduced as and when issues arise and it is recommended that if these are gating order-type PSPOs that they are reviewed towards the end of their 3 year period. It is recommended that, if any other PSPOs are brought in to tackle specific nuisance or ASB that they are monitored for the first year and then reviewed fully towards the end of their 3 year period.

4.0 Social Value Considerations

- 4.1 The social value of the Council's use of PSPOs and the work which goes alongside them has been carefully considered from the beginning. The Council introduced its "engage, support, enforce" Street Aware approach in 2016 and took time to implement this properly before considering the use of PSPOs as an additional tool.
- 4.2 The use of this approach focusses on long term, sustainable change to support those who are involved in street based nuisance or are in need of help in to safer, healthier lifestyles.
- 4.3 The City Council recognises a social responsibility to working in this way to support culture change and lead by example amongst partner agencies in order to co-ordinate better outcomes for the community, including perpetrators which will give them a better chance at achieving sustainable lifestyle changes. Street Aware works in partnership with other initiatives to support efforts to tackle other issues such as rough sleeping, drug and alcohol misuse and crime trends.
- 4.4 The Council and our partners also recognise that the use of enforcement through fixed penalty notices has potential to perpetuate problems that we see in the city. For example, it would not be appropriate to serve a FPN for begging, which would likely see the offender begging more in order to pay the fine. It is preferable to work with the individual to address the reasons for their begging or the root causes for their behaviour and support them with making positive changes.

5.0 Environmental Implications

- 5.1 Our continuing moderate use of PSPOs, with complimentary workstreams such as Street Aware alongside them, offers an improved environment in the City centre in particular. Directed resources target those who persistently cause issues in the appropriate way; through tailored approaches specific to the individual and the issues they are involved in. This is preferable to a blanket approach of heavy enforcement which would impact on far more people and not necessarily bring positive outcomes.

6.0 Alternative Options Considered

- 6.1 Alternative options to the Council's current use of PSPOs and associated work are to consider enforcement as an initial course of action. However, this does not fit in line with the Council's ethos and our adopted "engage, support, enforce" approach.

7.0 Reasons for Recommendations

- 7.1 The recommendations in this report have been made in order to continue the positive work the Council have implemented to deal with street based nuisance over the past several years.

8.0 Future Work and Conclusions

- 8.1 Ongoing work is necessary to finish setting up the new IT system on Firmstep for logging of data and to be able to issue fixed penalty notices as mentioned in paragraph 3.12. This includes associated legal implications as mentioned in section 10.
- 8.2 Future work includes periodical reviews of PSPOs in place across the City
- 8.3 Further PSPOs may need to be implemented as issues arise and where a PSPO is deemed the most suitable option of addressing them.

9.0 Financial Implications

- 9.1 Financial implications in relation to PSPOs are largely absorbed through day to day budgets. However, additional funds may need to be agreed to cover:
- Consultation costs where a large scale consultation takes place
 - Publicity costs, for example signage for public display
 - The cost of purchasing and erecting gates in areas where PSPOs are implemented to gate off areas

(Financial Services have been consulted in the preparation of this report.)

10.0 Legal Implications

- 10.1 The Council has legal power to carry out the recommended actions contained in this report. Further work is ongoing with regards to the enforcement of PSPOs, specifically:
- Authorising partner agency colleagues to carry out enforcement
 - Implementing data collection and sharing protocols around enforcement of PSPOs

(One Legal have been consulted in the preparation of this report.)

11.0 Risk & Opportunity Management Implications

- 11.1 Continuing with the Council's already established approach continues the opportunities for us to work with people affected by and involved in street based nuisance to embed sustainable change and ensure widespread awareness of root causes of issues which we can tackle together with partner agencies and the community themselves.
- 11.2 Setting up the shared information system on Firmstep gives the City Council and partner agencies further opportunity to bring greater consistency to the ways we work. It also allows the Council to have greater oversight and monitoring of how Street Aware and PSPOs are working, with the data being available to clearly identify trends and allow for responsive services.

12.0 Equality Impact Assessment (PIA) and Safeguarding

12.1 An Equality Impact Assessment screening was completed and did not find any potential or actual negative impact, therefore a full EIA is not required.

12.3 Safeguarding matters are considered on a case by case basis by case officer working with those involved in ASB or nuisance behaviour. The overarching Street Aware approach which complements the use of PSPOs highlights safeguarding of individuals as a key consideration.

13.0 Community Safety Implications

13.1 The review and associated recommendations contained in this report continue to build upon the Council's community safety work and strengthen our partnership working.

14.0 Staffing & Trade Union Implications

14.1 Not applicable

Background Documents: None