

Gloucester City Council

Meeting:	Overview & Scrutiny	Date:	01.03.21
	Cabinet		10.03.21
Subject:	Review of Public Spaces Protection Orders (PSPOs)		
Report Of:	Cabinet Member for Neighbourhoods and Communities		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	1. None		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To provide a review of the use of Public Spaces Protection Orders (PSPOs) across the City agree future actions, having regard to current legislation and government guidance, following a desk top review the use of Public Spaces Protection Orders (PSPOs) across the City in the past year.

2.0 Recommendations

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

- (1) Citywide PSPOs currently in place to deal with alcohol and dog related nuisance are reviewed over the next nine months with a view to implementing any necessary amendments and extending them for a further three years before they expire in November 2021
- (2) That the appropriateness of standalone PSPOs or other means of resolution are considered for any issues raised as part of the above review, where it is not appropriate to include them in the Citywide PSPOs.
- (3) Cabinet continue to endorse the Council's "engage, support, enforce" approach as its primary means of dealing with street based nuisance, with PSPOs used as a supporting tool.
- (4) That begging continues to be dealt with via the Street Aware partnership initiative rather than be included in a PSPO
- (5) That all PSPOs are in future reviewed on a three-yearly basis, dependent on their start dates, as prescribed in the Anti-Social Behaviour, Crime and Policing Act 2014.
- (6) That, generally, PSPOs are not required to be brought to Cabinet or Council for approval or amendment unless there are exceptional circumstances. Delegation has already been agreed by full Council in 2018 that the Head of Communities and

Cabinet Member for Communities and Neighbourhoods have authority to sign off on PSPOs.

3.0 Background and Key Issues

- 3.1 A Public Spaces Protection Order (PSPO) places rules on a public space. PSPOs are used in areas where specific behaviour is having a negative effect on people who use that space and can either require or restrict certain behaviour in that area.
- 3.2 Gloucester City Council implemented its first Public Spaces Protection Orders in November 2018 following thorough consultation with residents and partners, 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.
- 3.3 On November 30th, 2018 two PSPOs were put in place across the City with the following terms:
 - 3.3.1 For the entire City-
 - Dogs must be under control at all times and put on a lead if requested
 - Dogs must not be allowed to enter children's' play parks
 - Dog fouling must be cleaned up by the person in charge of the dog at that time
 - Alcohol may be consumed in public places but must be surrendered if requested by an authorised officer in order to stop or prevent a nuisance
 - 3.3.2 For the City centre-
 - Dog restrictions as above
 - No alcohol can be consumed in public places, unless within the boundary of a licensed venue – effectively creating an alcohol free zone
- 3.4 In addition to the above “main” PSPOs, other PSPOs have been put in place to replace Gating Orders, which were superseded by PSPOs under the Anti-Social Behaviour, Crime and Policing Act 2014. These “gating order” PSPOs were reviewed in autumn 2019, including resident and partner agency consultation, and are due for review again in 2022.
- 3.5 PSPOs last for three years and can be amended, repealed or extended during this period if necessary. We propose that the PSPOs the Council puts in place are reviewed every three years respective to the date of their implementation. Every three years a consultation would happen to review the terms of the PSPO and see if they need amending, extending or repealing. If nothing is done to review our PSPOs, they would expire. After this year, the next review of the Citywide PSPOs would be in 2024
- 3.6 Delegated authority has already been given for PSPOs to be signed off by the Cabinet Member for Communities and Neighbourhoods and the Head of Communities. Therefore, we do not propose that “gating order” PSPOs or those for specific anti-social behaviour issues come to Cabinet. However, we do suggest that the Citywide PSPOs are brought to Cabinet when reviewed as this also offers an opportunity to update Cabinet on partnership working, including Street Aware and our engagement and regulatory policy, which is intrinsically linked to the PSPOs and deals with some key issues affecting the community.

- 3.7 Although this report is based on the Citywide PSPOs covering dog and alcohol related nuisance, dog related terms are straightforward and generally draw no concerns or comment whereas alcohol related terms are always of interest due to the complexities that can be involved. This report focusses on the alcohol related parts of the PSPOs, specifically the city centre alcohol free zone.
- 3.8 The dog control elements of the Citywide PSPOs have replaced old dog control orders which were repealed under the ASB, Crime and Policing Act. The dog related terms included in the PSPOs are exactly the same as the old orders because the rules around dogs were already well known by the community and generally adhered to. Any enforcement necessary relating to these terms can be carried out by any officer authorised by the Council. We propose that these terms of the PSPOs continue.
- 3.9 Information has been sought from key partners to provide a brief review of the use of the alcohol related terms of the PSPOs in the past year and incorporates views on any amendments or new PSPOs requested.
- 3.10 CitySafe and local Police are the main partners who enforce the Public Spaces Protection Orders. Feedback from CitySafe tells us *“Since the PSPO prohibiting Street Drinking was put in place within the City Centre, businesses and the public can see the City Centre looks and feels safer. Gone are the days where we find alcohol cans and bottles in shop doorways and on benches etc. It is a useful tool for the City Protection Officers and Police in both the Day and Night-time economy to ensure the City Centre looks and feels safe. We still have an issue with the street drinkers in the City, however having the PSPO gives us the power to remove alcohol, which otherwise we would be powerless”*.
- 3.11 Community Police tell us that they use PSPOs as part of their anti-social behaviour toolkit along with section 35 dispersal notices, ASB warnings and, more recently, COVID-19 legislation to prevent groups from gathering. Police feed back that PSPOs are *“a great tool to tackle street drinking and give us some real power to prevent/tackle low level ASB which is caused by street drinking. People who try and street drink will often get up and leave before we even get to them and move on”* They stress that they feel it is important to continue to use a multi-agency approach to dealing with street-based issues alongside keeping the PSPO in place.
- 3.12 CGL and ARA provide drug and alcohol services across the City, including outreach workers who proactively engage with street drinkers. They feedback that *“The alcohol-free zone is a good measure to stop people street drinking. I have had one of my clients complaining to me that it is in place, which prevents him drinking on the street within the city centre”*
- 3.13 CitySafe City Protection Officers are the main partners to engage proactively with street drinkers and they have provided data that they have had 3727 interactions with street drinkers in 2020. This ranges from alcohol removed to warnings and advice and roughly equates to around 10 or 11 interactions a day.
- 3.14 Police have provided figures that show from January to November 2020 they had 194 incidents reported to them regarding alcohol related anti-social behaviour. The monthly figures fluctuated between 1 or 2 per month in the colder months to

between 16 and 48 per month in the warmer months; a common theme that we see each year in terms of volume of incidents increasing when the weather is good.

- 3.15 During the same time frame, Community Police issued 37 ASB warnings and 19 dispersal notices. They also estimate that they have disposed of around 500 alcoholic beverages surrendered by street drinkers. It is worth noting in these figures that they do not solely account for “street drinkers” in the traditional sense of the same persistent drinkers that are often present in public spaces; we have been told anecdotally that because of Covid restrictions stopping people meeting inside, there was an increase in people meeting outside to socialise.
- 3.16 Police officers from Licensing and the night-time economy report that they also use the PSPO to deal with street drinking and use section 35 dispersal powers to bolster it. They report that the PSPOs *“really help with regards temporary event applications and processes and with the City Centre venues”* and that their main use of the order is removal of alcohol.
- 3.17 The City events form has been updated to include PSPO considerations and put responsibility on event holders to ensure that, if they are serving alcohol, designated drinking areas and the event boundary are clearly marked to ensure compliance with the PSPO.
- 3.18 Solace continue to deal with ASB across the City and lead on the Street Aware approach which aims to tackle to root causes and impact of begging, street drinking and place-based anti-social behaviour. In 2020 Solace obtained 6 injunctions against persistent street drinkers and have worked with partner agencies to support others away from street drinking, most notably to secure care home placements for two other street drinkers whose alcoholism has led to extremely poor health.
- 3.19 Solace report that we have seen some displacement of street drinking as a result of the city centre alcohol free zone and have received some complaints of street drinking in Kingsholm. It is not clear whether this is solely due to the alcohol-free zone in the city centre, or a combination of factors including the closure of the rose garden on London Road and high levels of supported housing in Kingsholm. There is a PSPO covering Kingsholm with powers to deal with alcohol related ASB, and further information about exploring these issues is detailed in paragraph 3.21.3
- 3.20 Overall feedback on the PSPOs and associated partnership work is positive, and the data is encouraging. There are some requests for amendments to the PSPO or considerations for new ones, as well as suggestions on how to support the PSPOs further. These are detailed below with any relevant information.
- 3.21 Requests for additional PSPOs or terms:
 - 3.21.1 Begging

It has been requested that begging is included in the City centre PSPO to give greater powers to enforcement partners. Briefly, the reasons why we propose not to include begging in a PSPO are:

 - a) We know in Gloucester, anecdotally, that begging funds addiction. It is more important and proper to work with individuals who are seen repeatedly begging to address addiction and any other underlying causes, than to impose fines on people who are already begging for money.

- b) People begging are already short of money therefore would not be able to pay fines and then would end up in the criminal justice system, perpetuating the problem
- c) PSPOs should not be used to duplicate existing legislation. Legislation and local inter-agency work already exists to deal with begging:
 - The Vagrancy Act already specifies that begging is a criminal offence
 - The ASB, Crime and Policing Act offers Community Protection Notices and Injunctions as a means of dealing with people who are persistent beggars. These orders are tailored to the person to offer a more personalised approach to dealing with them, therefore hopefully offering greater levels of success
 - Street Aware has been set up amongst key partner agencies to work with people involved in begging to address their behaviour and tackle root causes

3.21.2 Charity collectors

It has been requested that consideration be made to include a term in the City centre PSPO to deal with fake charity collectors, as this has become a more prominent issue in recent years. As part of the 2018 consultation, it was found that there are some measures in place for genuine charity collectors who must have a public collector's certificate from the Charity Commission, and a permit issued by the Local Authority. There is also an agreement in place with the Institute of Fundraising although this is voluntary. We will work with colleagues in the City Improvement Team to explore the evidence and necessity for a PSPO or other options to bolster existing provisions with an aim to stopping fraudulent charity collectors.

3.21.3 Kingsholm

Requests have been made to extend the City centre's 'alcohol free zone' PSPO to areas in Kingsholm in order to deal with alcohol related anti-social behaviour. The Citywide PSPO with provisions to tackle alcohol related ASB is already in place in Kingsholm; we will review with local Police, Solace and CitySafe how the PSPO is being enforced in the area and if any changes are needed. There is also a Kingsholm action planning group that has recently been set up to look at various issues in the area, and as part of this we will explore the evidence and need for any additional PSPO measures.

3.21.4 Gloucestershire Royal Hospital (GRH)

At a recent Council meeting a motion was brought to ask for consideration to be made for creating a 'buffer zone' outside the hospital's family planning clinic and Sexual Assault Referral Centre to ensure any protests that occur are at a safe distance and do not impact negatively on service users. Initial contact has been made with GRH to discuss the potential need for this, and we will follow up with them to assess whether there are sufficient issues and evidence to support a PSPO there.

3.22 Improvements to be made:

3.22.1 Use of council system to serve Fixed Penalty Notices and collect better data

The Council's 'Firmstep' system has a specially created module for the data collection and enforcement of PSPO offences. This was originally rolled out to some

Police officers to trial the system, however there are various technical issues which need to be addressed for the system to be fit for purpose and ready to use more widely. Once done, this will enable better data collection and reporting functions, as well as easier service of Fixed Penalty Notices where necessary.

3.22.2 Signage to be improved

City Improvement colleagues suggest that increased signage in hotspot areas would help with the PSPOs implementation. We will work with colleagues to explore this.

4.0 Social Value Considerations

- 4.1 PSPOs can be useful tools to address localised problems with anti-social behaviour (ASB) and ensure the safeguarding of the wider community and public spaces. However, they can also be considered a controversial tool and attract strong arguments both for and against their use. Many PSPOs implemented across England have attracted strong opposition and legal battles against their respective local authorities where the orders have sought to tackle things like rough sleeping and begging.
- 4.2 During the initial PSPO consultation partners brought forward suggestions for numerous terms to be included in the PSPOs. The final PSPOs put in place cover only the issues that cannot be dealt with by other means; either where there is no provision in legislation to deal with the issue or where partnership initiatives do not exist or could not be set up to tackle these matters or their root causes.
- 4.3 The PSPO consultation also looked at, reviewed and implemented some changes in partnership working across the City between both enforcement and support agencies, who work with people who may be affected by a PSPO or who were involved in issues raised as part of the consultation, such as begging and street drinking.
- 4.4 When amending PSPOs or implementing new ones, consideration must be given to whether the terms of the order would lead to displacement of activities. This can occur in two ways:
- Displacement of the kind of activities, e.g. from begging in to acquisitive crime
 - Geographical displacement such as street drinkers moving to new areas
- These issues are considered on a case by case basis as part of the investigation in to the nuisance or anti-social behaviour which are occurring, and measures will be put in place to mitigate any impact where possible.
- 4.5 Gloucester City Council believes that any legal enforcement tools should be used as a last resort, weighed up proportionately against the issues occurring, and only after engagement and support have been tried and are not effective, or are not suitable. We commit to continuing with this approach

5.0 Environmental Implications

- 5.1 The existing PSPOs, alongside associated partnership work, help to create a safer and more enjoyable public realm in Gloucester.

5.2 As mentioned in feedback from partner agencies, the City centre PSPO has supported cleaner streets with a reduction seen in littering from street drinking.

6.0 Alternative Options Considered

6.1 It could be considered to repeal the existing PSPOs which deal with dog and alcohol related nuisance across the City. However, this would lead to a negative impact on the safety and enjoyment of our public spaces.

6.2 All requests for inclusion of particular issues within the PSPOs, or the implementation of new ones, will be explored as part of the review happening this year.

7.0 Reasons for Recommendations

7.1 This report has been written in anticipation of the City's two main PSPOs expiring in November 2021 and seeks to agree an action plan to make any changes necessary before the orders expire.

7.2 Extensive consultation with a variety of partner agencies took place prior to the implementation of the original PSPOs in 2018. We draw on this, and current community consideration based on partnership feedback, to recommend that the two Citywide PSPOs remain in place pending review, and after review are extended for a further three years.

7.3 Further recommendations may be made following the reviews detailed in this report. Any further recommendations will be taken to the Head of Communities and Cabinet Member for Communities and Neighbourhoods for consideration.

8.0 Future Work and Conclusions

8.1 Review partnership feedback relating to the existing PSPOs. Explore options for dealing with additional issues raised by partners, considering whether a PSPO is an appropriate tool.

8.2 Work with partners to implement new PSPOs where it is deemed necessary, or to support inter agency working to address issues where PSPOs are not appropriate

8.3 Solace continue to lead on the Street Aware approach to work with people engaging in street based anti-social behaviour and address root causes

8.4 Work with colleagues to explore improved signage relating to the PSPO's alcohol free zone

8.5 Improve Firmstep module for use in data collection and service of fixed penalty notices relating to PSPO breaches

8.6 A forward plan of PSPO reviews be drawn up to ensure three-yearly reviews for all orders

9.0 Financial Implications

- 9.1 Financial implications arise through the need to erect signage to publicise the PSPOs
- 9.2 Gates will need to be erected in the case of any PSPOs put in place to gate off any alleyways. Generally at least two gates will be required at each alleyway to restrict access in line with legislation, and this could cost several thousand pounds per location. A budget will need to be available to cover these costs.

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

10.0 Legal Implications

- 10.1 Legal implications arise if the Public Spaces Protection Orders are not reviewed before they expire. It is also necessary for any new orders to comply with the prescribed process for implementing PSPOs, otherwise the City Council can be liable for legal challenge
- 10.2 Publicised cases across the country show us that any PSPOs implemented with regards to issues relating to poverty - such as rough sleeping and begging – will leave the council liable for strong potential legal challenge from organisations such as Liberty.

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

11.0 Risk & Opportunity Management Implications

- 11.1 If the PSPOs detailed in this report do not continue to be implemented then there will be risk of an increase of street drinking and street based anti-social behaviour, particularly within the City centre.

12.0 Equality Impact Assessment (EIA) and Safeguarding:

- 12.1 At this stage the EIA Screening was completed and did not identify any potential or actual negative impact, therefore a full EIA was not required.
- 12.2 No changes are currently being proposed but may be in future as a result of the full PSPO reviews once completed. An Equalities Impact Assessment will be completed at the review stage to consider and mitigate any potential negative impacts.

13.0 Community Safety Implications

- 13.1 The successful implementation of PSPOs can lead to safer and more desirable public spaces with decreased levels of crime and anti-social behaviour.

14.0 Staffing & Trade Union Implications

- 14.1 Staff working practices may need to be amended depending on the inclusion of additional provisions within the PSPOs. For example, there may be a need to set up new project work to support the PSPO terms.

Background Documents: None