

COMMUNITY SAFETY PARTNERSHIP

REPORT

Subject: Public Spaces Protection Order- Barking Town Centre

Date: Wednesday 13th December 2017

Author: Penny Pyke, ASB Manager
London Borough of Barking and Dagenham

Contact: Penny.pyke@lbbd.gov.uk, 0208 227 5292

Security: [UNPROTECTED]

Summary

Barking Town Centre is an area which has historically had the highest volume of complaints relating to 'antisocial behaviour'. Specifically the behaviour complained about includes street drinking, begging, spitting and urination and intimidating behaviour. Barking Town Centre is also identified in the Community Safety Strategic Assessment as a key generator of ASB complaints in the Borough.

Public Spaces Protection Orders are made under the Antisocial Behaviour Crime and Policing Act 2014 and can prohibit a wide range of behaviours. It is proposed that the Council implements a Public Spaces Protection Order which covers a wide range of behaviours. This would provide the police and Council Civil Enforcement Officers with a wider range of powers to deal with the issues reported more robustly and is part of a wider plan to make Barking Town Centre a more welcoming place to live and visit.

Recommendation(s)

The Group is asked to:

1. Consider the proposal regarding the implementation of a Public Spaces Protection Order to tackle antisocial behaviour in the Barking Town Centre.
2. Consider the issue relating to a condition around 'groups' which is discussed in section 4
3. Community Safety Partnership to discuss and take a decision regarding the terms of the proposed Public Spaces Protection Order.
4. After consideration of the comments, that the CSP Chair approves the order if agreed.

1. Public Spaces Protection Orders- The Legislation

1.1 The Antisocial Behaviour Crime and Policing Act 2014, set out several fundamental changes to the legislation related to antisocial behaviour.

1.2 In summary, the act aimed to simplify the legislation related to addressing antisocial behaviour, since the introduction of the Crime and Disorder Act 1998, by reducing the numbers of powers to just six: -

- Civil Injunctions
- Criminal Behaviour Orders
- Community Protection Notices
- Closure Orders
- Public Space Protection Orders
- Dispersal Powers

1.3 A local authority can make a Public Spaces Protection Order if it is satisfied that two conditions are met: -

- First condition – Activities carried out on a public place within the local authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and they will have such an effect.
- Second condition – That the effect of the specified activities is or is likely to be of a persistent or continuing nature, is or is likely to be unreasonable and justifies the restrictions imposed by the notice.

1.4 The order identifies the area that the restriction applies and prohibits specific things from being done, and/or requires specific things to be done by persons carrying out specified acts in that area. For example, a Public Space Protection order can include such activities as: -

- Drinking alcohol in a specified public place
- Control of dogs in a specified public place
- Playing loud music in a specified public place
- Parking inconsiderately near a school
- Persistent disturbance from motor vehicles driving inconsiderately to the detriment of local people

1.5 The breach of the order is an offence, discharged by the local authority through a fine. These will be issued through the Council's Enforcement Service and can also be issued by Police and Police Community Support Officers.

1.6 The order is for a period of no more than 3 years. However, there is provision to extend the order, both in terms of the time and the area that it covers.

1.7 Local Authorities across England and Wales have been introducing Public Spaces Protection Orders. One of the key challenges has come from human rights campaigners who argue that these types of controls impacts disproportionately on protected rights. These include Article 8, the right to a private and family life, Article 10 the right to freedom of expression and Article 11 the Freedom of assembly and association.

2. A Council Wide Framework

2.1 Barking and Dagenham is seeing significant changes socially, economically, and demographically. These changes both increase opportunity for our current and future residents and business, but also increase behaviour that can have a detrimental effect on the quality of life in our town centres and residential areas.

2.2 Public Space Protection Orders provide a valuable tool by placing a framework in an area which controls behaviour which has been evidenced as a significant nuisance to local people. As such, Public Space Protection Orders are a key part of our enforcement activity, as set out in our Enforcement Policy. They support our aim to change behaviour, increase civic pride, alongside an ability to deal with matters quickly.

2.3 Public Spaces Protection Orders are a useful tool that provide the Council with the ability to control activities that cause persistent antisocial behaviour to local communities.

2.4 Several council departments have been looking at the possibility of introducing these orders for a range of different issues, across different areas of the borough.

2.5 A formalised council approach for the introduction of Public Spaces Protection Orders was agreed by Cabinet on the 15 November 2016.

2.6 To ensure that Barking and Dagenham has a robust and responsive process that minimises delay, the following principles in relation to the Introduction of a Public Spaces Protection Order were agreed:

- Principle 1 – for an application for a Public Spaces Protection Order, there needs to be a clear evidence base that the nuisance is a persistent nuisance in the defined area. Evidence will need to be gathered through statistical data and/or resident's survey feedback to demonstrate this.
- Principle 2 – There needs to be a period of consultation of no less than one month prior to the creation of an Order. Consultation must include council and partnership services as well and the public, specific interested bodies and ward councillors. This will take place through a range of communication sources, including the

council's Community and Voluntary Sector portal, Safer Neighbourhood Ward Panels and Public Notices.

- Principle 3 – The Public Spaces Protection Order must be supported by the Police. In addition the Public Spaces Protection Order must be endorsed by the LBBB Community Safety Partnership (CSP) Board. The membership includes the relevant Cabinet Member and senior representatives from the 6 co-operating authorities: the Local Authority, Police Service, NHS, National Probation Service, Fire Authority and Transport for London. The CSP Board meetings are open to the public, enabling public participation. The CSP Board would also be responsible for review applications.
- Principle 4 – The final report seeking formal adoption of a Public Spaces Protection Order must be signed off by the relevant Strategic Director and the Director of Law and Governance, or their authorised nominees. That final report must include consideration of the Human Rights convention in adoption and be accompanied by an Equality Impact Assessment.
- Principle 5 – Once adopted there must be signage around the area defined by the Public Spaces Protection Order, clearly identifying the order and the relevant restrictions.

3. The Evidence for a Public Spaces Protection Order in the Barking Town Centre Area

- 3.1 The area effected by antisocial behaviour is shown on the map marked as appendix 1. This area is a 'public place' as defined by the Act. It is an area to which the public have access, although the area includes shop forecourts which are owned by individuals.
- 3.2 Barking Town Centre is always the Borough's hotspot for antisocial behaviour. When analysis of 'antisocial behaviour' complaints is made in this area largely the complaints are about street drinking, begging, spitting and urination and noise by groups. There are also complaints about drug use and supply, littering and criminal acts (like robbery). Criminal matters like drug use and supply are not appropriate to deal with by way of a PSPO as they are criminal offences and should be dealt with as such. Civil enforcement officers have substantial powers to deal with issues of littering and fly-tipping and therefore it is not suggested that these issues are included in the proposed PSPO.
- 3.3 Consultation with residents who live in the area and the public more widely was undertaken between October 2017 and 13 November 2017. Five thousand, nine-hundred and ninety-five premises were written to directing them to the consultation and asking them to provide their views of the Town Centre and their experience of using this area. The results of the consultation can be found at appendix 2.
- 3.4 In summary there were 338 responses to the consultation with 317 respondents (93.79%) agreeing with the proposal to put in place a Public Spaces Protection Order. In terms of the issues which the public felt should be covered by the PSPO:

- 86.09% (291 people) felt drinking alcohol in public places should be prohibited
- 80.77% (273 people) felt urination in the street should be prohibited
- 70.11% (264 people) felt spitting in the street should be prohibited
- 79.29% (268 people) felt that begging should be prohibited

4. Proposal and Issues

4.1 That the Community Safety Partnership consider the proposed Public Spaces Protection Order a draft of which can be found at appendix 3.

4.2 The issues being proposed as being covered by the proposed Public Spaces Protection Order are:

- Consuming alcohol in the street
- Spitting
- Public urination
- Begging
- Behaviour which may cause alarm, distress or harassment
- Anti-social groups

4.3 41.42% (140 people) felt other issues should also be included in a PSPO. These issues included criminal acts and littering, but also 54 people (16% of total respondents) also mentioned intimidation or noise from groups. The police have powers to deal with public order offences and dispersal powers to deal with groups. The CSP is asked to therefore provide their views in terms of including a condition in terms of groups which would provide police additional powers in respect of these issues. This needs to be balanced against Human Rights which allow for the right of assembly.

4.4 That comments on this proposed order are made to the Community Safety Partnership Chair and that they agree the order in the terms proposed.

5. Options Appraisal

5.1 Other work to tackle the issues of antisocial behaviour have been taken. This work includes:

- Use of Acceptable Behaviour Contracts and civil injunctions against individuals involved in antisocial behaviour.
- Joint operations between the Neighbourhood Police Team and Council Enforcement Team have taken place
- Environmental measures including removal of benches, installation of additional CCTV and changes to telephone boxes have been completed
- Licensing visits and action against licensed premises

- 5.2 While the police and the Council can continue to use existing powers to deal with the issues being reported, the implementation of a Public Spaces Protection Order will allow the setting of a standard of behaviours for everyone in the area. It would also provide more robust powers for dealing with the consumption of alcohol (a fine rather than just seizure) as well as urination and large groups.
- 5.3 The public have an expectation that the Council and the police will use all the powers available to them to respond to concerns.

6. Consultation

- 6.1 Public consultation was undertaken via the Council's consultation portal. As explained in 3.3- 3.5 this consultation shows public support and support of the SSCSC for a PSPO. A full breakdown of the consultation responses can be found at appendix 1.
- 6.2 The proposal for the making of a PSPO in Barking Town Centre was taken to the Safer Stronger Select Committee on the 29 November 2017. The SSCS fully supported the making of a PSPO in the terms proposed.

7. Financial Issues

- 7.1 There are limited financial issues. The making of a Public Spaces Protection Order in this area would require the Council to erect signage to publicise the order. This work would have a cost less than £2,000.

8. Legal Issues

Details of the legislation under which Public Spaces Protection Orders are made are found in Section 1 of this report and the governance framework that the Council has adopted is found in Section 2.

9. Other Issues

Risk Management

- 9.1 The proposed Public Spaces Protection Order is to provide greater powers to deal with antisocial behaviour and therefore limit this activity and the associated risks. The making of the order carries the risk of an individual or group taking the Council to judicial review, however this risk has been mitigated by the consultation on this proposal and the opportunity given to the public to challenge this order.
- 9.2 The risk of not putting in place a Public Spaces Protection Order to deal with this issue is that the activity continues, with the associated risks to public safety, of public nuisance and a loss of confidence from the community that we effectively deal with antisocial behaviour.

Contractual Issues

- 9.3 No contractual issues.

Staffing Issues

- 9.4 No staffing issues.

Corporate Policy and Customer Impact

- 9.5 The Council has a clear vision of 'One borough; one community; London's growth opportunity'. Dealing effectively with antisocial behaviour is important part of creating a cohesive community. Therefore, the proposal of providing greater powers to deal with antisocial fits with the Council's vision and expectations of our communities.

Safeguarding Children

- 9.6 Safeguarding children is a priority throughout work to tackle crime and antisocial behaviour and has been considered throughout these proposals. Antisocial vehicle use is predominately an activity which is engaged in by adults although children and young people are attracted to this which carries significant risks. Therefore, the proposals to provide additional powers to deal with this behaviour and keep roads safe is one which would positively impact on our safeguarding duties in respect of children.

Health Issues

- 9.7 The antisocial behaviour is reported by complainants to have a negative impact on them in terms of their health and wellbeing. This would be positively impacted on by the proposals.

Crime and Disorder Issues

- 9.8 The crime and disorder issues are contained in the body of this report.

Property / Asset Issues

9.9 No property/asset issues

List of appendices:

9.10 Appendix 1- Consultation Summary

9.11 Appendix 2- Draft PSPO

9.12 Appendix 3- Map of area