NON-CONFIDENTIAL



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INFRASTRUCTURE, SAFETY AND GROWTH SCRUTINY COMMITTEE

18 October 2018

Dear Councillor

A Meeting of the Infrastructure, Safety and Growth Scrutiny Committee will be held in **Committee Room 1 - Marmion House on Tuesday, 23rd October, 2018 at 6.00 pm.** Members of the Committee are requested to attend.

Yours faithfully

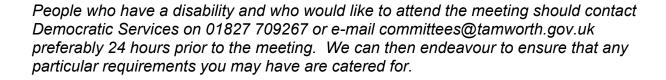
Chief Executive

AGENDA

NON CONFIDENTIAL

- 7 Public Space Protection Order Kettlebrook (Pages 3 28)
 (Report of the Assistant Director, Partnerships)
- 8 Public Space Protection Order Moor Lane (Pages 29 54)

 (Report of the Assistant Director, Partnerships)



To Councillors: S Goodall, M Bailey, R Bilcliff, T Clements, J Faulkner, R Kingstone, J Oates, M Oates and Dr S Peaple

INFRASTRUCTURE, SAFETY AND GROWTH SCRUTAGE MODELETCM 7 THURSDAY 23RD OCTOBER 2018

REPORT OF THE ASSISTANT DIRECTOR PARTNERSHIP

ASB, CRIME AND POLICING ACT - PROPOSED PUBLIC SPACE PROTECTION ORDER KETTLEBROOK AND MOOR LANE AREAS

EXEMPT INFORMATION

None.

PURPOSE

To consider public consultation received and support delegation to the Portfolio Holder for implementation of new Public Space Protection Orders

RECOMMENDATIONS

- 1. That Scrutiny Committee consider representations made and consider any suggested amendments to the proposals for Public Space Protection Order at:
 - Kettlebrook and area defined (map attached)
 - Moor Lane and area defined (map attached)
- 2. Approve delegation to the Portfolio Holder, Communities and Public Health for the implementation of the proposed orders.

EXECUTIVE SUMMARY

Processes for the consideration of Public Space Protection Orders, implemented under the Anti-Social Behaviour, Crime and Policing Act 2014, were approved at Cabinet on 18 June 2015.

The following conditions must be met before making the order:

- Activities carried out in a public place within the local authority's area have a
 detrimental effect on the quality of life of those living in the locality OR
- It is likely that activities will be carried out in a public place within the area that will have such an effect

The effect, or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature **OR**
- Is, or is likely to be, such as to make the activities unreasonable *and* justifies the restrictions imposed by the order

1. Kettlebrook Area

The following prohibitions have been considered:-

- a) Congregating or loitering at any time where any such activity causes or is likely to cause noise, harassment, alarm or distress
- b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering
- c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person
- d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times
- e) Barbeques, fires and littering
- f) Smoking, using or selling ANY substance likely to cause intoxication or odour nuisance to members of the public

Further:-

An authorised person can also require any person:

- a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
- b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol

Lead Agency: Staffordshire Police

Evidence

There is a substantive amount of historical evidence from the Police with regards to anti social behaviour outlined in the Cabinet report of 6th September 2018.

Police and the public have been consulted and impact statements returned which indicated full support for an order.

Recommendation

Cabinet agreed that at a PSPO should be implemented and a further public consultation period commenced as per the process on 5th October 2018 as per the process.

Draft PSPO is attached (Appendix 2) with a recommendation that the order

remains in force for 3 years. This will allow for monitoring and review by the Tamworth Community Safety Partnership. A PSPO can be reviewed and amended at any time on a case by case basis.

The order will allow the Police and Council delegated officers to move offenders along and/or issue Fixed Penalty Notices. Any signage will clearly indicate the requirement and the public consultation will gauge support for this.

The earliest implementation date is 1st November 2018, after which time any person wishing to challenge has six weeks to appeal to the High Court.

Consultation following Cabinet

A link to the consultation was placed on the Tamworth Borough Council website, notices were placed at the location and the PCSOs carried out some surveys. The link can be found at https://www.tamworth.gov.uk/public-space-protection-orders

The local press and social media also covered the issue.

The deadline for any further representation or concerns was midnight on Friday 5th October 2018.

Summary

16 representations received from local residents and all responses should a positive agreement for the introduction of the proposed PSPO.

Comments supported the concerns with regards to anti-social behaviour.

There was agreement that the PSPO should not be used to prevent gatherings and other activities for legitimate purposes eg fisherman having a been whilst fishing,

Details of all representations received are attached as appendix 4.

Further comments and support was received via email.

One resident has suggested the inclusion in the order of all the underpasses and McGregor Park:_

I would like to suggest the areas covered by these should be extended slightly to include MacGregor Park and the area in front of the 19 Arches/River Anker up to the underpasses/road bridge into the flood plain area in the centre of the Egg Island. These areas are often used as meeting points for perpetrators who engage is ASB activities after buying their alcohol etc in nearby

Members may wish to note that the Police do not have any substantial evidence of ASB calls for the this area, but consideration can be made to include the area should this be considered proportionate.

In accordance with the The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 and process agreed, the Scrutiny Committee are invited to consider this order and approve delegation to the Portfolio Holder for implementation.

2. Moor Lane Area

The following prohibitions have been considered:-

- a) Congregating or loitering at any time where any such activity causes or is likely to cause noise, harassment, alarm or distress
- b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering
- c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person
- d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times
- e) Barbeques, fires and littering
- f) Camping
- g) Smoking, using or selling ANY substance likely to cause intoxication or odour nuisance to members of the public

Persons gathering for legitimate social purposes, charitable or other events where there is no intention to cause or permit anti-social behaviour is permitted at all times subject to compliance with all conditions

An authorised person can also require any person:

- a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
- b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol

Lead Agency: Staffordshire Police

Evidence

There is a substantive amount of historical evidence from the Police with regards to vehicle gatherings anti-social behaviour outlined in the Cabinet report of 6th September 2018.

The use of a gate was considered, however this will affect public access to properties adjacent to the park.

Police and the public have been consulted and impact statements returned which indicated full support for an order.

Recommendation

Cabinet agreed that at a PSPO should be implemented and a 28 day further public consultation period commenced as per the process on 5th October 2018 as per the process.

Draft PSPO is attached (Appendix 2) with a recommendation that the order remains in force for 3 years. This will allow for monitoring and review by the Tamworth Community Safety Partnership. A PSPO can be reviewed and amended at any time on a case by case basis.

The order will allow the Police and Council delegated officers to move offenders along and/or issue Fixed Penalty Notices. Any signage will clearly indicate the requirement and the public consultation will gauge support for this.

The earliest implementation date is 1st December 2015November 2018, after which time any person wishing to challenge has six weeks to appeal to the High Court.

Consultation following Cabinet

A link to the consultation was placed on the Tamworth Borough Council website, notices were placed at the location and PCSOs carried out some surveys. The link can be found at

https://www.tamworth.gov.uk/public-space-protection-orders

The local press and social media also covered the issue. extensively and a FAQ was also issued.

The deadline for any further representation or concerns was midnight on Friday 5th October 2018.

The following representations were received:-

Summary

Formal representations received from local residents (via email and on feedback sheet) . All responses showed a positive agreement for the introduction of the proposed PSPO.

Further comments have suggested that the area could be considered for extension to the area of Warwickshire Moor beyond the railway line to include the

other side of the area known as the 'Monkey Bridge'

Further evidence from Streetscene has confirmed that this area does have occasional evidence of littering and large gatherings.

Responses received:-

As a Moor Lane resident I fully support this action. However, I would like to point out that the vast majority of drinking / noise / smashed beer bottles / big gatherings takes place in the area over the railway footbridge approx 100 yards beyond the railway, outside of the area you identified on your map.

This area should be extended to the rest of the moorland on the otherside of the railway where most of the anti-social activity takes place. Shouldn't these laws apply to all public spaces anyway!

There was a disagreement that camping should be included, however this is covered by the clause that the PSPO should not be used to prevent gatherings and other activities for legitimate purposes eg fisherman camping during carp fishing season where no ASB is noted.

Details of all representations received are attached as appendix 4.

OPTIONS CONSIDERED

All options and evidence has been considered as per and the process and proposals contained within the executive summary.

RESOURCE IMPLICATIONS

The use of Public Open Space Protection Orders requires enforcement resource and can be enforced by Community Wardens, Police officers and other Council officers as designated by Tamworth Borough Council.

Any PSPOs put in place require appropriate signage and advertising as per the The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 to be met from existing revenue streams.

The area defined can be enforced by the Police, who will remain the lead agency and Community Wardens (when patrolling) and will be monitored over the next three years. Signage will provide options for the public to call to report breaches, but the order will not have immediate call out.

The orders will also remain on the Tamworth Borough Council website at https://www.tamworth.gov.uk/public-space-protection-orders

Signage will be met from Community Safety budgets

All other recommendations will be subject to continued review by the Tamworth

Community Safety Partnership as issues present.

LEGAL/RISK IMPLICATIONS BACKGROUND

All legal risks covered by legislation and agreed process

SUSTAINABILITY IMPLICATIONS

All Public Space Protection Orders are reviewed within appropriate timescales.

BACKGROUND INFORMATION

A Public Space Protection Orders (PSPO) is a measure to stop individuals or groups committing ASB in public places. The local authority will identify the area that is to be covered by the order – known as the 'restricted area'.

The PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area

The prohibitions or requirements can be framed so that they:

- Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories
- Apply at all times, or only at specified times, or at all times except those specified
- Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

The process was outlined and agreed at Cabinet on 18 June 2015

If after consideration, areas are to be subject to a PSPO, Cabinet agreed to a statutory 28 day consultation (as outlined under the PSPO Guidelines 2014), the results of which will be discussed at Scrutiny for delegated approval to the Portfolio Holder for implementation

REPORT AUTHOR

Jo Sands, Assistant Director - Partnerships

LIST OF BACKGROUND PAPERS

Cabinet Report 6 September 2018

http://democracy.tamworth.gov.uk/ieListDocuments.aspx?Cld=120&Mld=3119&Ver=4

PSPO Processes

http://democracy.tamworth.gov.uk/ieListDocuments.aspx?Cld=120&Mld=841&Ver=4

APPENDICES

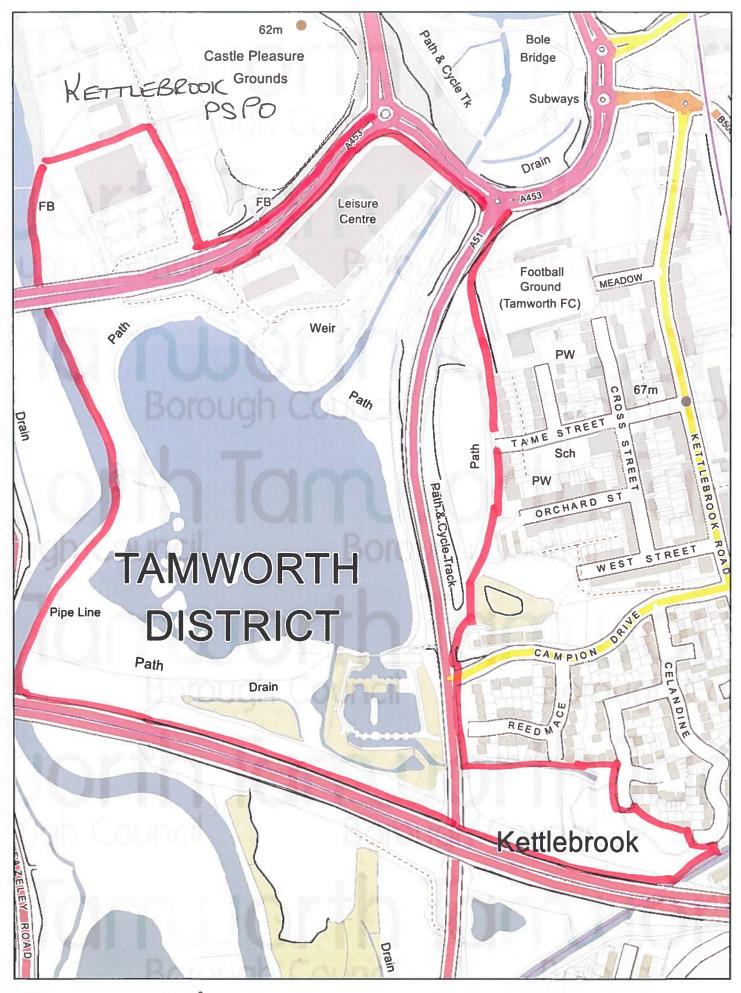
Appenidix 1– Maps of considered areas

Appendix 2– Draft PSPO Kettlebrook

Appendix 3 – Draft PSPO Moor Lane

Appendix 4 – Consultation summaries







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TAMWORTH COMMUNITY SAFETY PARTNERSHIP

NOTICE OF INTENTION TO APPLY A PUBLIC SPACE PROTECTION ORDER Section 59 Anti-Social Behaviour Crime and Policing Act 2014

1) Following representations from members of the public and in relation to evidence that has been gathered and reviewed, the Tamworth Community Safety Partnership (lead agency Tamworth Borough Council), intends to apply a Public Spaces Protection Order on the area defined below:

AREA FROM REEDMACE, PEELERS WAY, SNOWDOME, BORROWPIT LAKE AND NAMCO FUNSCAPE

See map attached (outlined in red as the restricted area)

The area includes all spaces within this boundary accessible to the public

- 2) Under the terms and restrictions of the Public Spaces Protection Order the following is **PROHIBITED**:
 - a) Congregating or loitering at any time where any such activity causes or is likely to cause noise, harassment, alarm or distress
 - b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering
 - c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person
 - d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times
 - e) Barbeques, fires and littering
 - f) Smoking, using or selling **ANY** substance likely to cause intoxication or odour nuisance to members of the public

Persons gathering for legitimate social purposes, charitable or other events where there is no intention to cause or permit anti-social behaviour is permitted at all times subject to compliance with all conditions at paragraph 2 above.

- 3) An authorised person can also require any person:
 - a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
 - b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol





TAMWORTH COMMUNITY SAFETY PARTNERSHIP

- 4) If any local resident or member of the public is found to be committing the acts that are prohibited above, the following sanctions may be applied:
 - The issue of a £100 Fixed Penalty Notice payable within 28 days and/or
 - Prosecution for breach of an Order and a maximum penalty fine not exceeding level 3 on the standard scale (currently £1,000)
- 5) It is the intention that this Public Spaces Protection Order will begin on the 1st November 2018 and will expire on 31st October 2021
- 6) If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not be complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this order is made.



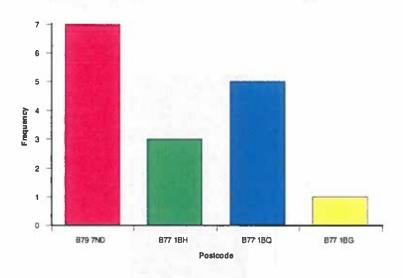




Public Space Protection Order Area evidence from: Reedmace, Peelers Way, Snowdome and Nameco Funspace

KETTLEBROOK RESPONSES

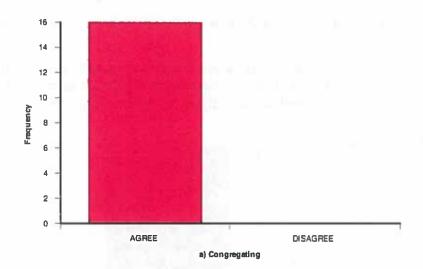
Postcode



2. Under the terms and restrictions of the PSPO the following will be PROHIBITIED

a) Congregating or loitering at any time where any such activity causes or is likely to cause noise, harassment, alarm or distress

AGREE / DISAGREE



Comments:

(Not answered) 1

12

Evidence on Celandine/Reedmace Park of aggressive behaviour to residents

The park is a children's play area not a recreational drug den

Common areas are underpass between Peelers Way and Snowdome - I have reported to 101 frequently

When trying to sleep after 10pm loud noise of shouting and motorbikes from that area

b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering

AGREE / DISAGREE



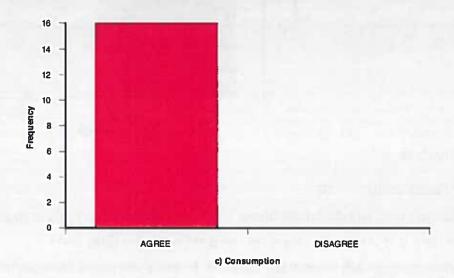
Comments:

(Not answered) 15

Music from Celandine/Reedmace Park heard inside nearby houses over the summer

c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person

AGREE / DISAGREE



Comments:

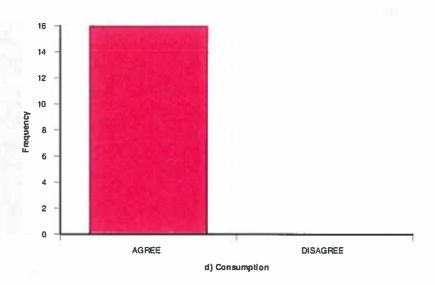
(Not answered) 1-

Related to aggressive behaviour comment in Section A - broken glass issue around celandine/Reedmace park

Bottle/Glass on cycle and pedestrian paths need cleaning; Peelers Way and Snowdome are and Underpass Page 16

d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times

AGREE / DISAGREE

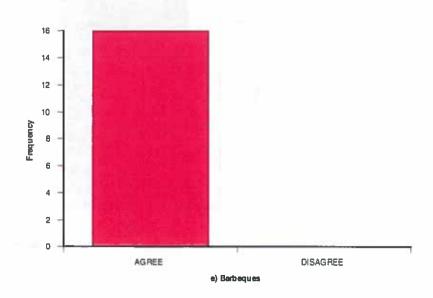


Comments:

(Not answered) 14
Related to suspected under age supply from local shops
I thought this was a Law anyway

e) Barbeques, fires and littering

AGREE / DISAGREE



Comments:

(Not answered)

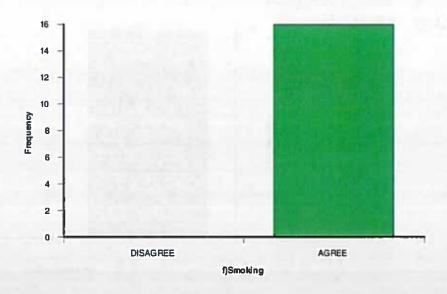
14

Drug sachets, broken glass, cider cans, sweet wrappers. Daily clean up by dog walkers and council

Regular fires lit in the refuse bin

f) Smoking, using or selling ANY substance likely to cause intoxication or odour nuisance to members of the public

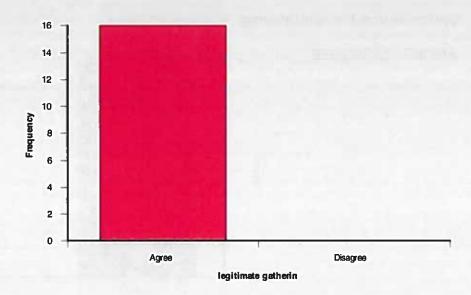
AGREE / DISAGREE



Comments - NO COMMENTS MADE

Persons gathering for legitimate social purposes, charitable or other events where there is no intention to cause or permit anti-social behaviour is permitted at all times subject to compliance with all conditions at Paragraph 2 above.

AGREE / DISAGREE



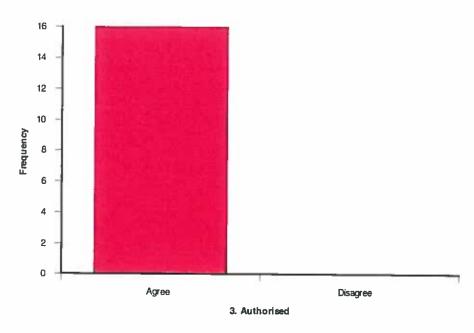
Comments:

This was my concern around Borrowpit – I do not want to stop fishermen having a beer while fishing

3. An authorised person can also require any person:

- a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels
- b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol

Agree / Disagree



Comments

Unless lawful activity (charity event, fishing club member)

4. Finally, considering the PSPO are there any other comments you would like to make

This is about Anti-Social Behaviour, if it is not anti-social behaviour, e.g. fishing around Borrowpit with a beer, then we should be lenient.

Living opposite the little park on Celandine, I have been witness to all the issues raised in this order. Much improvement has been made over the summer months, due to the police involvement so far.

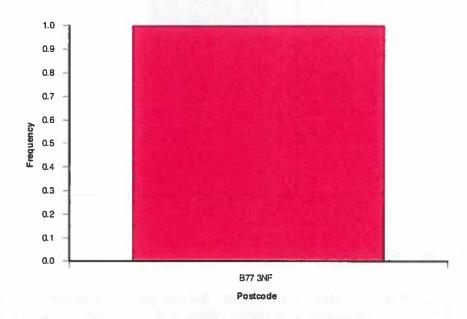
Why is graffiti not included as an item? Perhaps a separate entry as 2g. It's an awful problem in ALL underpasses and is not being cleaned its offensive and lets the town down. Peelers Way to Snowdome is bad. How can I volunteer to paint this underpass? I would gladly do this when needed if paint is provided. Please email details of who to contact, so that I can help keep the Peelers Way underpass looking nice.

Glad to see the police trying to tackle this unsociable behaviour please support them

These people are causing distress to the residents and need to be stopped.

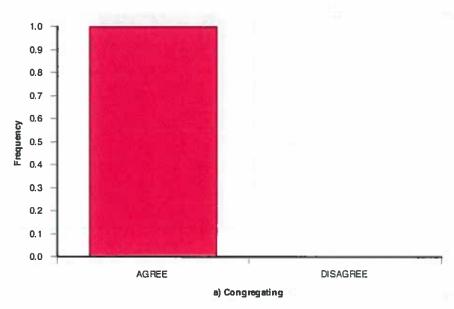
Public Space Protection Order Area evidence from: MOOR LANE

Postcode



a) Congregating or loitering at any time where any such activity causes or is likely to cause noise, harassment, alarm or distress

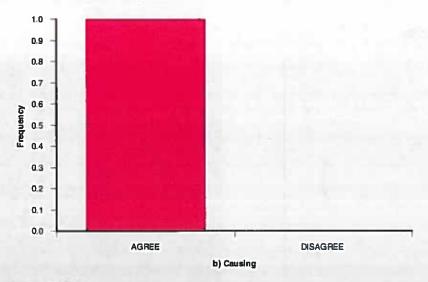
AGREE / DISAGREE



Comments - NO COMMENTS MADE

b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering

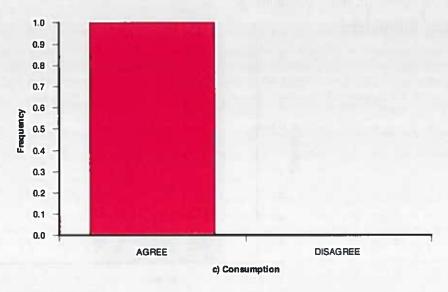
AGREE / DISAGREE



Comments - NO COMMENTS MADE

c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person

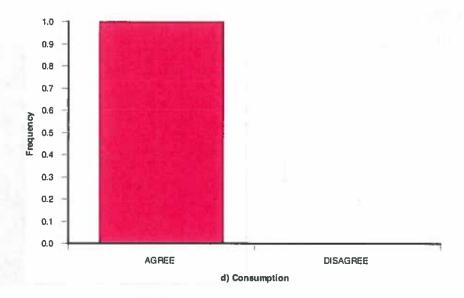
AGREE / DISAGREE



Comments - NO COMMENTS MADE

d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times

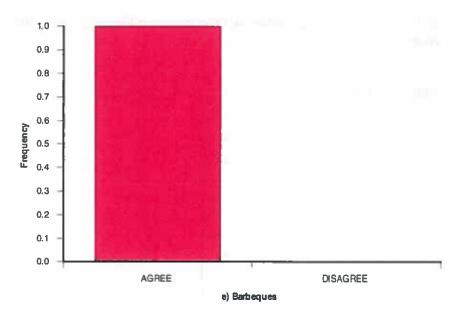
AGREE / DISAGREE



Comments - NO COMMENTS MADE

e) Barbeques, fires and littering

AGREE / DISAGREE



Comments - NO COMMENTS MADE

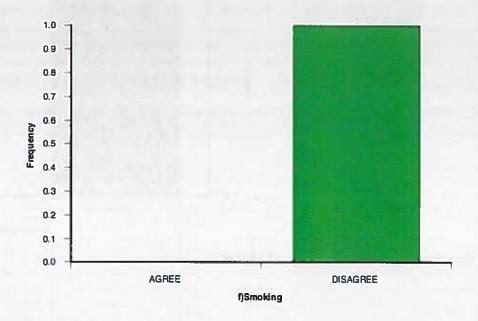
f) Camping
AGREE / DISAGREE



Comments - NO COMMENTS MADE

g) Smoking, using or selling ANY substance likely to cause intoxication or odour nuisance to members of the public

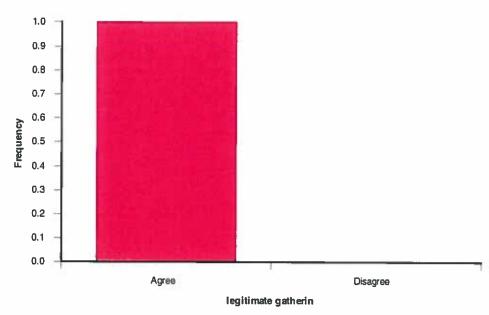
AGREE / DISAGREE



Comments - NO COMMENTS MADE

Persons gathering for legitimate social purposes, charitable or other events where there is no intention to cause or permit anti-social behaviour is permitted at all times subject to compliance with all conditions at Paragraph 2 above.

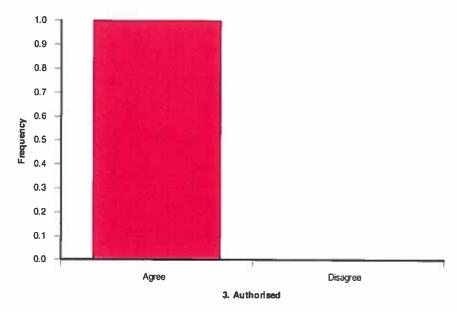
AGREE / DISAGREE



Comments - NO COMMENTS MADE

- 3. An authorised person can also require any person:
- a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels
- b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol

AGREE / DISAGREE



Comments - NO COMMENTS MADE

4. Finally, considering the PSPO are there may other comments you would like to make NO COMMENTS MADE

Agree	Disagree	a a manufa
Agree	Disaglee	Comments Thank you for the opportunity to comment on these latest proposals. Both are excellent ideas
		and long overdue.
		Please go ahead as soon as possible.
		I would like to suggest the areas covered by these should be extended slightly to include
yes		MocGross Pork and the area in front of the 40 Archae/Diver Advance to the
yes		MacGregor Park and the area in front of the 19 Arches/River Anker up to the
		underpasses/road bridge into the flood plain area in the centre of the Egg Island. These areas
		are often used as meeting points for perpetrators who engage is ASB activities after buying
		their alcohol etc in nearby shops. I believe doing this would assist the police in performing their
yes		duties in these areas. Please accept this email as notice of my support for this application.
ves		I fully support the implementation of the above PDO's
yes	 	I am writing in support of the public space protection order application for the Kettlebrook park near
Yes		Celandine.
100		I am emailing to register my support for the Public Space Protection Orders proposal for Warwickshire
	J .	Moor Nature Reserve. I have experienced many of the things listed in the proposal (anti-social
		behaviour, drinking alcohol, etc) in the public space and believe the protection order will benefit the
Yes		area.
		I have no objection to the implementation of the above order. For some considerable period of
		time this area has attracted numbers of undesirable persons. I have previously reported to the
		Council and the Police instances of ASB. Furthermore the footpaths have been used by
		motorcyclists sometimes throughout daytime and early evening hours. This also has been
yes		reported.
yes		The park is a childrens play area not a recreational drug den. Regular fires lit in refuse bin.
yes		
yes		
yes		
		I am relived to see that something is being done about the problems we have been experiencing with
		the anti social behaviour in the udnerpass and paths leading from my house past Snowdome to town.
		I have found it intimidating on a few occasions trying to get past youths & girls congregating in the
		underpass. We have also had motobikes going up and down the path in front of my house early
yes		evening onwards so hopefully you will solve these problems.
		i am writing in support of the intended public space protection order for the area from Reedmace,
		Peelers Way, Snowdome, Barrowpit Lake and Namco Funscape.
		As a resident in TAMWORTH for over 20 years I have noticed a difference at times and with the lack
		of support for the police as a whole in the area there has been on odd occasions groups of youths in
		all these areas mentioned above moving from place to place who quite frankly neither live in that part
		of town nor should be doing the petty antisocial things they are doing at the costs of good communities
		and people. As the recent presence and checking by the community support teams and authorities
		has shown, once these people know they are not welcome to commit antisocial behaviour and once
		this is properly enforced with councils and the authorities backing it with the fair and right action and penaltiesthey move on.
		Hopefully with peoples support it will be recognised that places like the park by Reedmace and any area of TAMWORTH for that matter are for the enjoyment and betterment of law abiding citizens and
		their children to enjoy, not dodge broken bottles, petty drug usage and the mess they leave behind
		while generally being up to no good and rather pointless.
		I am due to leave the area and have fond memories of living in the area for a great deal of years as it
		was my first adult home. The area had a good reputation which drew me here from Sutton Coldfield
		and I still believe it has a good reputation now. I hope many others will do the same and have happy
		lives and homes here, as they should. I have enjoyed good and honest/decent neighbours for many
		years and long may that remain for the other people still living in what is a nice and safe area. They
		cause no issue so why should someone who doesn't live in the area do so and be tolerated?
		I hope this email shows my support.
yes		
		Hi could somebody be contact myself in regards to the proposals for the ASB controls for Bolehall.
		according to the map this does not include the Monkey Bridge where the issues appear to be at
		present, I'd like some clarification as to the proposed area please.
		M-97
		As a Moor Lane resident I fully support this action. However, I would like to point out that the vast
		majority of drinking / noise / smashed beer bottles / big gatherings takes place in the area over the
1		rallway footbridge approx 100 yards beyond the rallway, outside of the area you identified on your
		тар.
		This area should be extended to the rest of the meadand as the otherwise of the astronomy.
4		This area should be extended to the rest of the moorland on the otherside of the railway where most of
		the anti-social activity takes place. Shouldn't these laws apply to all public spaces anyway!

INFRASTRUCTURE, SAFETY AND GROWTH SCRUTAGE MINISTRUCTURE, SAFETY MINISTR

REPORT OF THE ASSISTANT DIRECTOR PARTNERSHIP

ASB, CRIME AND POLICING ACT - PROPOSED PUBLIC SPACE PROTECTION ORDER KETTLEBROOK AND MOOR LANE AREAS

EXEMPT INFORMATION

None.

PURPOSE

To consider public consultation received and support delegation to the Portfolio Holder for implementation of new Public Space Protection Orders

RECOMMENDATIONS

- 1. That Scrutiny Committee consider representations made and consider any suggested amendments to the proposals for Public Space Protection Order at:
 - Kettlebrook and area defined (map attached)
 - Moor Lane and area defined (map attached)
- 2. Approve delegation to the Portfolio Holder, Communities and Public Health for the implementation of the proposed orders.

EXECUTIVE SUMMARY

Processes for the consideration of Public Space Protection Orders, implemented under the Anti-Social Behaviour, Crime and Policing Act 2014, were approved at Cabinet on 18 June 2015.

The following conditions must be met before making the order:

- Activities carried out in a public place within the local authority's area have a
 detrimental effect on the quality of life of those living in the locality OR
- It is likely that activities will be carried out in a public place within the area that will have such an effect

The effect, or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature **OR**
- Is, or is likely to be, such as to make the activities unreasonable *and* justifies the restrictions imposed by the order

1. Kettlebrook Area

The following prohibitions have been considered:-

- a) Congregating or loitering at any time where any such activity causes or is likely to cause noise, harassment, alarm or distress
- b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering
- c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person
- d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times
- e) Barbeques, fires and littering
- f) Smoking, using or selling ANY substance likely to cause intoxication or odour nuisance to members of the public

Further:-

An authorised person can also require any person:

- a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
- b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol

Lead Agency: Staffordshire Police

Evidence

There is a substantive amount of historical evidence from the Police with regards to anti social behaviour outlined in the Cabinet report of 6th September 2018.

Police and the public have been consulted and impact statements returned which indicated full support for an order.

Recommendation

Cabinet agreed that at a PSPO should be implemented and a further public consultation period commenced as per the process on 5th October 2018 as per the process.

Draft PSPO is attached (Appendix 2) with a recommendation that the order

remains in force for 3 years. This will allow for monitoring and review by the Tamworth Community Safety Partnership. A PSPO can be reviewed and amended at any time on a case by case basis.

The order will allow the Police and Council delegated officers to move offenders along and/or issue Fixed Penalty Notices. Any signage will clearly indicate the requirement and the public consultation will gauge support for this.

The earliest implementation date is 1st November 2018, after which time any person wishing to challenge has six weeks to appeal to the High Court.

Consultation following Cabinet

A link to the consultation was placed on the Tamworth Borough Council website, notices were placed at the location and the PCSOs carried out some surveys. The link can be found at https://www.tamworth.gov.uk/public-space-protection-orders

The local press and social media also covered the issue.

The deadline for any further representation or concerns was midnight on Friday 5th October 2018.

Summary

16 representations received from local residents and all responses should a positive agreement for the introduction of the proposed PSPO.

Comments supported the concerns with regards to anti-social behaviour.

There was agreement that the PSPO should not be used to prevent gatherings and other activities for legitimate purposes eg fisherman having a been whilst fishing,

Details of all representations received are attached as appendix 4.

Further comments and support was received via email.

One resident has suggested the inclusion in the order of all the underpasses and McGregor Park:_

I would like to suggest the areas covered by these should be extended slightly to include MacGregor Park and the area in front of the 19 Arches/River Anker up to the underpasses/road bridge into the flood plain area in the centre of the Egg Island. These areas are often used as meeting points for perpetrators who engage is ASB activities after buying their alcohol etc in nearby

Members may wish to note that the Police do not have any substantial evidence of ASB calls for the this area, but consideration can be made to include the area should this be considered proportionate.

In accordance with the The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 and process agreed, the Scrutiny Committee are invited to consider this order and approve delegation to the Portfolio Holder for implementation.

2. Moor Lane Area

The following prohibitions have been considered:-

- a) Congregating or loitering at any time where any such activity causes or is likely to cause noise, harassment, alarm or distress
- b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering
- c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person
- d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times
- e) Barbeques, fires and littering
- f) Camping
- g) Smoking, using or selling ANY substance likely to cause intoxication or odour nuisance to members of the public

Persons gathering for legitimate social purposes, charitable or other events where there is no intention to cause or permit anti-social behaviour is permitted at all times subject to compliance with all conditions An authorised person can also require any person:

- a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
- b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol

Lead Agency: Staffordshire Police

Evidence

There is a substantive amount of historical evidence from the Police with regards to vehicle gatherings anti-social behaviour outlined in the Cabinet report of 6th September 2018.

The use of a gate was considered, however this will affect public access to properties adjacent to the park.

Police and the public have been consulted and impact statements returned which indicated full support for an order.

Recommendation

Cabinet agreed that at a PSPO should be implemented and a 28 day further public consultation period commenced as per the process on 5th October 2018 as per the process.

Draft PSPO is attached (Appendix 2) with a recommendation that the order remains in force for 3 years. This will allow for monitoring and review by the Tamworth Community Safety Partnership. A PSPO can be reviewed and amended at any time on a case by case basis.

The order will allow the Police and Council delegated officers to move offenders along and/or issue Fixed Penalty Notices. Any signage will clearly indicate the requirement and the public consultation will gauge support for this.

The earliest implementation date is 1st December 2015November 2018, after which time any person wishing to challenge has six weeks to appeal to the High Court.

Consultation following Cabinet

A link to the consultation was placed on the Tamworth Borough Council website, notices were placed at the location and PCSOs carried out some surveys. The link can be found at

https://www.tamworth.gov.uk/public-space-protection-orders

The local press and social media also covered the issue. extensively and a FAQ was also issued.

The deadline for any further representation or concerns was midnight on Friday 5th October 2018.

The following representations were received:-

Summary

Formal representations received from local residents (via email and on feedback sheet) . All responses showed a positive agreement for the introduction of the proposed PSPO.

Further comments have suggested that the area could be considered for extension to the area of Warwickshire Moor beyond the railway line to include the

other side of the area known as the 'Monkey Bridge'

Further evidence from Streetscene has confirmed that this area does have occasional evidence of littering and large gatherings.

Responses received:-

As a Moor Lane resident I fully support this action. However, I would like to point out that the vast majority of drinking / noise / smashed beer bottles / big gatherings takes place in the area over the railway footbridge approx 100 yards beyond the railway, outside of the area you identified on your map.

This area should be extended to the rest of the moorland on the otherside of the railway where most of the anti-social activity takes place. Shouldn't these laws apply to all public spaces anyway!

There was a disagreement that camping should be included, however this is covered by the clause that the PSPO should not be used to prevent gatherings and other activities for legitimate purposes eg fisherman camping during carp fishing season where no ASB is noted.

Details of all representations received are attached as appendix 4.

OPTIONS CONSIDERED

All options and evidence has been considered as per and the process and proposals contained within the executive summary.

RESOURCE IMPLICATIONS

The use of Public Open Space Protection Orders requires enforcement resource and can be enforced by Community Wardens, Police officers and other Council officers as designated by Tamworth Borough Council.

Any PSPOs put in place require appropriate signage and advertising as per the The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 to be met from existing revenue streams.

The area defined can be enforced by the Police, who will remain the lead agency and Community Wardens (when patrolling) and will be monitored over the next three years. Signage will provide options for the public to call to report breaches, but the order will not have immediate call out.

The orders will also remain on the Tamworth Borough Council website at https://www.tamworth.gov.uk/public-space-protection-orders

Signage will be met from Community Safety budgets

All other recommendations will be subject to continued review by the Tamworth

Community Safety Partnership as issues present.

LEGAL/RISK IMPLICATIONS BACKGROUND

All legal risks covered by legislation and agreed process

SUSTAINABILITY IMPLICATIONS

All Public Space Protection Orders are reviewed within appropriate timescales.

BACKGROUND INFORMATION

A Public Space Protection Orders (PSPO) is a measure to stop individuals or groups committing ASB in public places. The local authority will identify the area that is to be covered by the order – known as the 'restricted area'.

The PSPO can:

- Prohibit specified things being done in the area
- · Require specified things to be done in the area

The prohibitions or requirements can be framed so that they:

- Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories
- Apply at all times, or only at specified times, or at all times except those specified
- Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

The process was outlined and agreed at Cabinet on 18 June 2015

If after consideration, areas are to be subject to a PSPO, Cabinet agreed to a statutory 28 day consultation (as outlined under the PSPO Guidelines 2014), the results of which will be discussed at Scrutiny for delegated approval to the Portfolio Holder for implementation

REPORT AUTHOR

Jo Sands, Assistant Director - Partnerships

LIST OF BACKGROUND PAPERS

Cabinet Report 6 September 2018

http://democracy.tamworth.gov.uk/ieListDocuments.aspx?Cld=120&Mld=3119&Ver=4

PSPO Processes

http://democracy.tamworth.gov.uk/ieListDocuments.aspx?Cld=120&Mld=841&Ver=4

APPENDICES

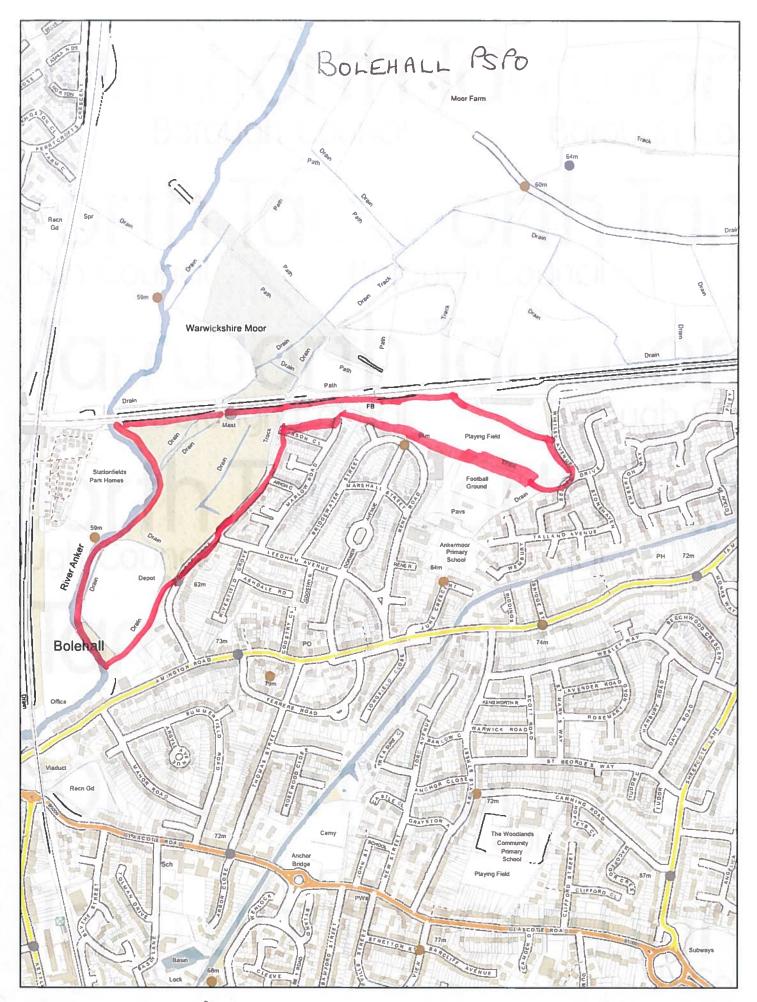
Appenidix 1– Maps of considered areas

Appendix 2– Draft PSPO Kettlebrook

Appendix 3 – Draft PSPO Moor Lane

Appendix 4 – Consultation summaries









TAMWORTH COMMUNITY SAFETY PARTNERSHIP

NOTICE OF INTENTION TO APPLY A PUBLIC SPACE PROTECTION ORDER Section 59 Anti-Social Behaviour Crime and Policing Act 2014

1) Following representations from members of the public and in relation to evidence that has been gathered and reviewed, the Tamworth Community Safety Partnership (lead agency Tamworth Borough Council), intends to apply a Public Spaces Protection Order on the area defined below:

AREA KNOWN AS WARWICKSHIRE MOOR NATURE RESERVE AND PLAYING FIELDS RENE ROAD, BOLEHALL

See map attached (outlined in red as the restricted area)

The area includes all spaces within this boundary accessible to the public

- 2) Under the terms and restrictions of the Public Spaces Protection Order the following is **PROHIBITED**:
 - a) Congregating or loitering at any time where any such activity causes or is likely to cause noise, harassment, alarm or distress
 - b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering
 - c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person
 - d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times
 - e) Barbeques, fires and littering
 - f) Camping
 - g) Smoking, using or selling **ANY** substance likely to cause intoxication or odour nuisance to members of the public

Persons gathering for legitimate social purposes, charitable or other events where there is no intention to cause or permit anti-social behaviour is permitted at all times subject to compliance with all conditions at paragraph 2 above.

- 3) An authorised person can also require any person:
 - a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
 - b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol





TAMWORTH COMMUNITY SAFETY PARTNERSHIP

- 4) If any local resident or member of the public is found to be committing the acts that are prohibited above, the following sanctions may be applied:
 - The issue of a £100 Fixed Penalty Notice payable within 28 days and/or
 - Prosecution for breach of an Order and a maximum penalty fine not exceeding level 3 on the standard scale (currently £1,000)
- 5) It is the intention that this Public Spaces Protection Order will begin on the 1st November 2018 and will expire on 31st October 2021
- 6) If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not be complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this order is made.



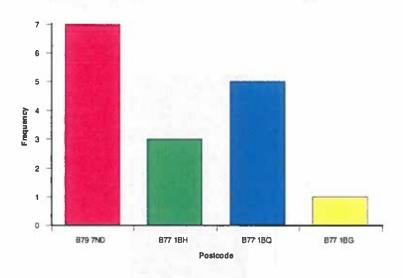




Public Space Protection Order Area evidence from: Reedmace, Peelers Way, Snowdome and Nameco Funspace

KETTLEBROOK RESPONSES

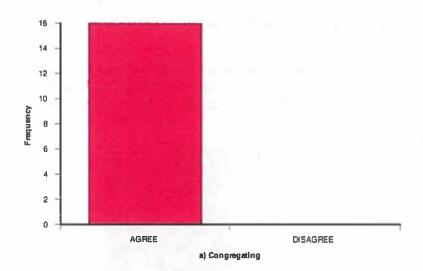
Postcode



2. Under the terms and restrictions of the PSPO the following will be PROHIBITIED

a) Congregating or loitering at any time where any such activity causes or is likely to cause noise, harassment, alarm or distress

AGREE / DISAGREE



Comments:

(Not answered)

12

Evidence on Celandine/Reedmace Park of aggressive behaviour to residents

The park is a children's play area not a recreational drug den

Common areas are underpass between Peelers Way and Snowdome - I have reported to 101 frequently

When trying to sleep after 10pm loud noise of shouting and motorbikes from that area

b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering

AGREE / DISAGREE



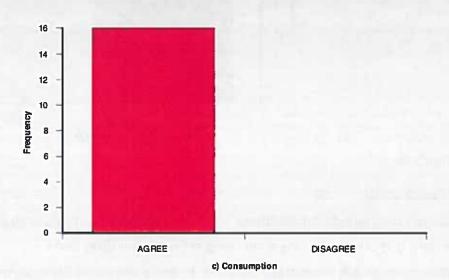
Comments:

(Not answered) 15

Music from Celandine/Reedmace Park heard inside nearby houses over the summer

c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person

AGREE / DISAGREE



Comments:

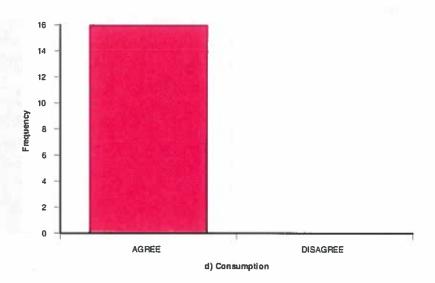
(Not answered) 1

Related to aggressive behaviour comment in Section A - broken glass issue around celandine/Reedmace park

Bottle/Glass on cycle and pedestrian paths need cleaning; Peelers Way and Snowdome are and Underpass Page 42

d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times

AGREE / DISAGREE

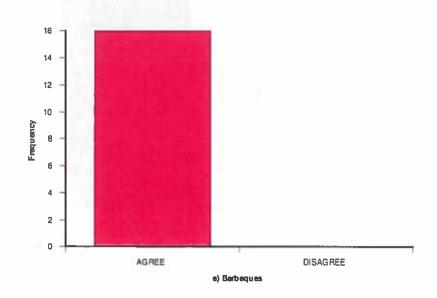


Comments:

(Not answered) 14
Related to suspected under age supply from local shops
I thought this was a Law anyway

e) Barbeques, fires and littering

AGREE / DISAGREE



Comments:

(Not answered)

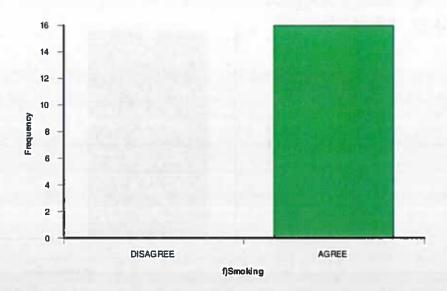
14

Drug sachets, broken glass, cider cans, sweet wrappers. Daily clean up by dog walkers and council

Regular fires lit in the refuse bin

f) Smoking, using or selling ANY substance likely to cause intoxication or odour nuisance to members of the public

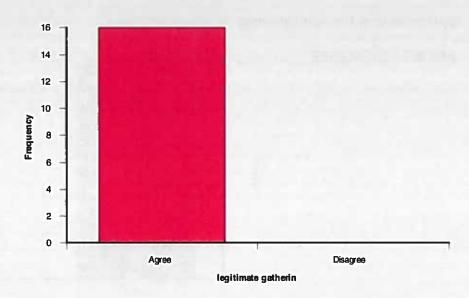
AGREE / DISAGREE



Comments - NO COMMENTS MADE

Persons gathering for legitimate social purposes, charitable or other events where there is no intention to cause or permit anti-social behaviour is permitted at all times subject to compliance with all conditions at Paragraph 2 above.

AGREE / DISAGREE



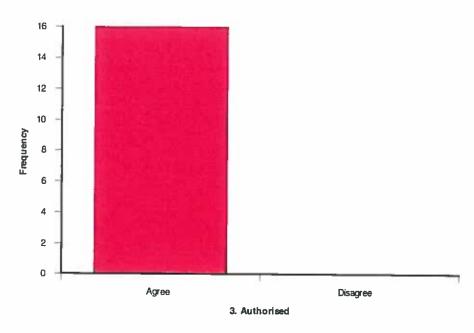
Comments:

This was my concern around Borrowpit – I do not want to stop fishermen having a beer while fishing

3. An authorised person can also require any person:

- a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels
- b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol

Agree / Disagree



Comments

Unless lawful activity (charity event, fishing club member)

4. Finally, considering the PSPO are there any other comments you would like to make

This is about Anti-Social Behaviour, if it is not anti-social behaviour, e.g. fishing around Borrowpit with a beer, then we should be lenient.

Living opposite the little park on Celandine, I have been witness to all the issues raised in this order. Much improvement has been made over the summer months, due to the police involvement so far.

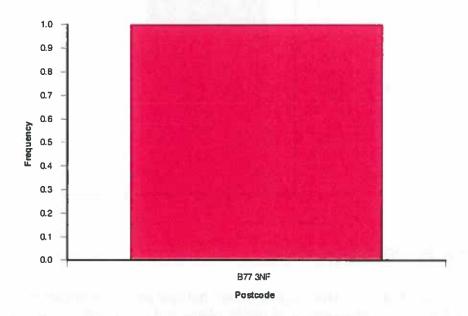
Why is graffiti not included as an item? Perhaps a separate entry as 2g. It's an awful problem in ALL underpasses and is not being cleaned its offensive and lets the town down. Peelers Way to Snowdome is bad. How can I volunteer to paint this underpass? I would gladly do this when needed if paint is provided. Please email details of who to contact, so that I can help keep the Peelers Way underpass looking nice.

Glad to see the police trying to tackle this unsociable behaviour please support them

These people are causing distress to the residents and need to be stopped.

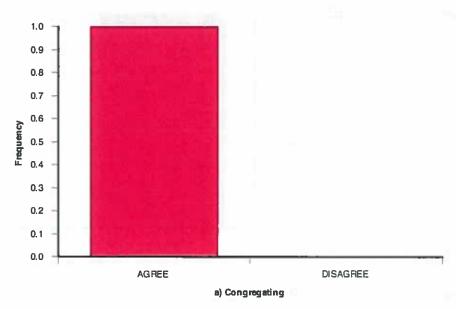
Public Space Protection Order Area evidence from: MOOR LANE

Postcode



a) Congregating or loitering at any time where any such activity causes or is likely to cause noise, harassment, alarm or distress

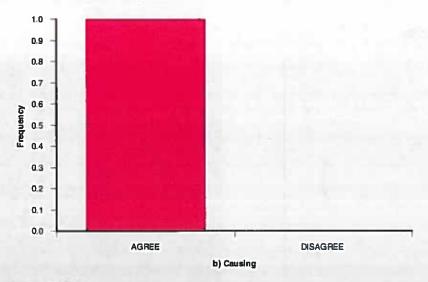
AGREE / DISAGREE



Comments - NO COMMENTS MADE

b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering

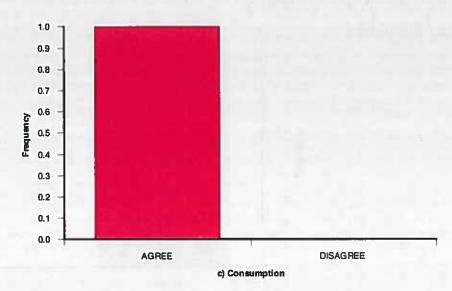
AGREE / DISAGREE



Comments - NO COMMENTS MADE

c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person

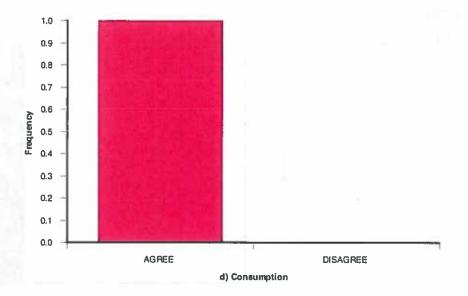
AGREE / DISAGREE



Comments - NO COMMENTS MADE

d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times

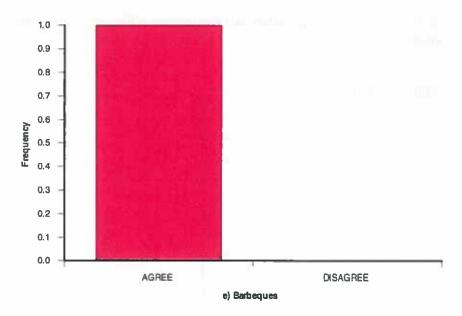
AGREE / DISAGREE



Comments - NO COMMENTS MADE

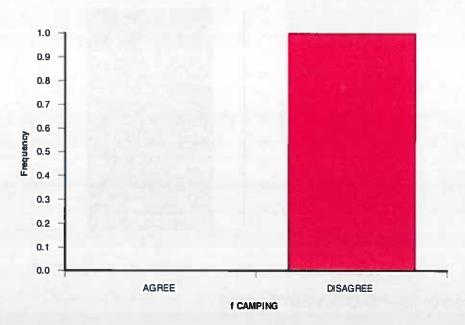
e) Barbeques, fires and littering

AGREE / DISAGREE



Comments - NO COMMENTS MADE

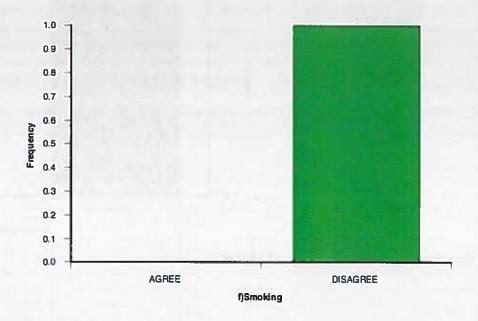
f) Camping
AGREE / DISAGREE



Comments - NO COMMENTS MADE

g) Smoking, using or selling ANY substance likely to cause intoxication or odour nuisance to members of the public

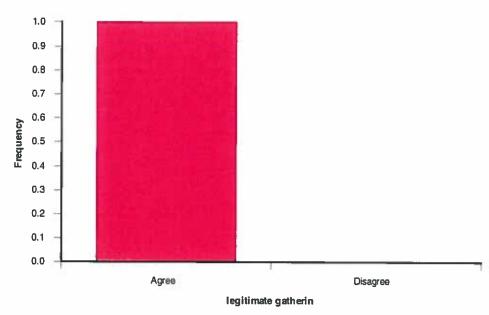
AGREE / DISAGREE



Comments - NO COMMENTS MADE

Persons gathering for legitimate social purposes, charitable or other events where there is no intention to cause or permit anti-social behaviour is permitted at all times subject to compliance with all conditions at Paragraph 2 above.

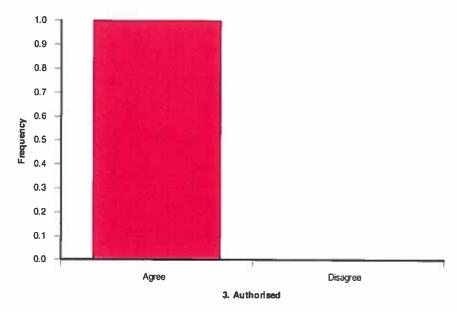
AGREE / DISAGREE



Comments - NO COMMENTS MADE

- 3. An authorised person can also require any person:
- a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels
- b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol

AGREE / DISAGREE



Comments - NO COMMENTS MADE

4. Finally, considering the PSPO are there may other comments you would like to make NO COMMENTS MADE

	Di-	
Agree	Disagree	comments Thank you for the opportunity to comment on these latest proposals. Both are excellent ideas
		and long overdue.
		Please go ahead as soon as possible.
		I would like to suggest the areas covered by these should be extended slightly to include
yes		MacGregor Park and the area in front of the 19 Arches/River Anker up to the
yes		wide Gregorian and the area in front or the 19 Arches/River Anker up to the
		underpasses/road bridge into the flood plain area in the centre of the Egg Island. These areas
	'	are often used as meeting points for perpetrators who engage is ASB activities after buying
		their alcohol etc in nearby shops. I believe doing this would assist the police in performing their
VOE -		duties in these areas.
yes		Please accept this email as notice of my support for this application.
yes	-	I fully support the implementation of the above PDO's I am writing in support of the public space protection order application for the Kettlebrook park near
Yes		Celandine.
163		I am emailing to register my support for the Public Space Protection Orders proposal for Warwickshire
		Moor Nature Reserve. I have experienced many of the things listed in the proposal (anti-social
		behaviour, drinking alcohol, etc) in the public space and believe the protection order will benefit the
Yes		area.
		I have no objection to the implementation of the above order. For some considerable period of
		time this area has attracted numbers of undesirable persons. I have previously reported to the
		Council and the Police instances of ASB. Furthermore the footpaths have been used by
		motorcyclists sometimes throughout daytime and early evening hours. This also has been
yes		reported.
yes		The park is a childrens play area not a recreational drug den. Regular fires lit in refuse bin.
yes		
yes		
yes		
-		I am relived to see that something is being done about the problems we have been experiencing with
		the anti social behaviour in the udnerpass and paths leading from my house past Snowdome to town.
		I have found it intimidating on a few occasions trying to get past youths & girls congregating in the
		underpass. We have also had motobikes going up and down the path in front of my house early
yes		evening onwards so hopefully you will solve these problems.
		i am writing in support of the intended public space protection order for the area from Reedmace,
		Peelers Way, Snowdome, Barrowpit Lake and Namco Funscape.
		As a resident in TAMWORTH for over 20 years I have noticed a difference at times and with the lack
l		of support for the police as a whole in the area there has been on odd occasions groups of youths in
ľ		all these areas mentioned above moving from place to place who quite frankly neither live in that part
		of town nor should be doing the petty antisocial things they are doing at the costs of good communities
		and people. As the recent presence and checking by the community support teams and authorities
		has shown, once these people know they are not welcome to commit antisocial behaviour and once
		this is properly enforced with councils and the authorities backing it with the fair and right action and
		penaltiesthey move on.
		Hopefully with peoples support it will be recognised that places like the park by Reedmace and any
		area of TAMWORTH for that matter are for the enjoyment and betterment of law abiding citizens and
		their children to enjoy, not dodge broken bottles, petty drug usage and the mess they leave behind
		while generally being up to no good and rather pointless.
	1	I am due to leave the area and have fond memories of living in the area for a great deal of years as it
		was my first adult home. The area had a good reputation which drew me here from Sutton Coldfield
		and I still believe it has a good reputation now. I hope many others will do the same and have happy
		lives and homes here, as they should. I have enjoyed good and honest/decent neighbours for many
		years and long may that remain for the other people still living in what is a nice and safe area. They
		cause no issue so why should someone who doesn't live in the area do so and be tolerated? I hope this email shows my support.
/es		гноро ило отнав апома тту виррог.
		Hi could somebody be contact myself in regards to the proposals for the ASB controls for Bolehall,
		according to the map this does not include the Monkey Bridge where the issues appear to be at
		present, I'd like some clarification as to the proposed area please.
T	Ţ	As a Moor Lane resident I fully support this action. However, I would like to point out that the vast
		majority of drinking / noise / smashed beer bottles / big gatherings takes place in the area over the
		railway footbridge approx 100 yards beyond the railway, outside of the area you identified on your
1		map.
		This prop about the extension to the cost of the consideration the extension of the extensi
1		This area should be extended to the rest of the moorland on the otherside of the railway where most of the anti-social activity takes place. Shouldn't these laws apply to all public spaces anyway!