

THURSDAY, 1 OCTOBER 2015

## REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITIES AND PUBLIC HEALTH

ASB, CRIME AND POLICING ACT - PUBLIC SPACE PROTECTION ORDER  
CONSIDERATION

## EXEMPT INFORMATION

## PURPOSE

To consider proposals for Public Space Protection Orders (PSPO) in Tamworth

## RECOMMENDATIONS

1. That Cabinet approve the progression to public consultation and submission to Scrutiny Committee, thereafter for a PSPO at:

- Access Road to Dosthill Hall, Dosthill Park

2. That Cabinet, pending further monitoring of these sites, reject the proposals for suggested PSPO's at:

- The whole of the Borough of Tamworth (mini motos)
- Durham Close, Fazeley
- Wilnecote Lane/Nymet, Belgrave
- Chiltern Road, Wilnecote

However Cabinet is asked to consider the evidence associated to each case prior to determining each area.

## 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

As per the process agreed, each area has been considered and all evidence gathered, including police report and resident's impact statements.

An evidence determination sheet has been completed and recommendations given on each area to proceed to a statutory public consultation of 28 Days in accordance with the PSPO Guidelines.

The Tamworth Community Safety Partnership have received requests via the Police, Councillor's and members of the public for the consideration for the use of this power at the following locations:-

## **1. The Whole of the Borough of Tamworth**

### **Suggested order:-**

Prohibition of the use of mini motos include motorised scooters, go-peds, and scrambler bikes on any land to which the public have access in the Borough of Tamworth without the express permission of the landowner.

Lead agency: Staffordshire Police

### **Evidence**

Police have substantial evidence of mini motos disturbing the community, damaging the environment and putting people's safety at risk. There is little doubt that criteria is met for ongoing issues.

Between March 2014 – March 2015, Tamworth as a whole has recorded 2,005 ASB incidents which is a slight increase on the previous comparable 12 months which recorded 1948 incidents, representing an increase of 2.9 per cent. Hotspot areas include Glascote and Stonydelph.

There is some evidence also of bike and moped theft.

The majority of the incidents are during the spring and summer. The area of land (formerly Tamworth Golf Course) has seen a rise in incidents during the summer.

An education campaign has been ongoing during summer 2015.

### **Recommendation**

It already is against the law to use a mini moto in public parks, open spaces, or on footpaths, pavements, cycle routes and bridleways. It is an offence to use a mini moto on a footpath to pass from one piece of private land to another.

Insured vehicles/taxed vehicles MUST NOT drive on or over a pavement, footpath or bridleway except to gain lawful access to property, or in the case of an emergency.  
Laws Highways Act 1835 sect 72 & Road Traffic Act 1988 sect 34

Tamworth Community Safety Partnership will consider the use of additional signage on the land (formerly the golf course) and the Police will continue to use road stencils to highlight bike seizure zones.

It is considered that there are sufficient legislative powers already in place at this time, including seizure, Community Protection Notices and dispersal powers which makes the implementation of a PSPO disproportionate to the issue in question.

Perpetrators have often left an area before officers arrive and the implementation of a PSPO requires the same actions as other legislation.

At this time the recommendation is that the proposal is deferred as part of the wider review of the Anti-social behaviour concerns across public open space in Tamworth.

## **2. Chiltern Road**

Suggested order:

Prohibition of parking in Chiltern Road on Bank Holiday Mondays during the duration of the market in Robey's Lane, Alvecote (Map – Appendix 1a)

Lead Agency: Tamworth Borough Council

### **Evidence**

The Bank Holiday market has been in operation for many years and Councillors have received many complaints and representatives from residents.

Tamworth Borough Council has no records of recorded complaints and the Police have 4 substantive calls in the past two years from residents on Bank Holiday Monday.

There are no signs/lines that can be enforced by Staffordshire Civil Enforcement Officers.

Staffordshire Highways, Tamworth Police, Councillors and residents have been consulted to assess if the proposals meet the criteria for PSPO. (See Appendix 2 Section 2)

The majority of returns show that there is evidence that this issue does concern residents, albeit on an intermittent nature, four times per year.

### **Recommendation**

At this time the recommendation is that the implementation of such an order is disproportionate to the issues presented which occur on one day 4 times per year.

Enforcement of such an order cannot be undertaken by Tamworth Borough Council staff as part of contracted work commitments and would require additional staffing resource.

It is acknowledged that the concern does have an effect on the local residents at these times and Staffordshire County Council have agreed that a proposal will be put to the County Councillor for consideration of a time limited Traffic Regulation Order and/or other yellow lines that could be enforced at this location as part of the prioritisation programme. CEOs work on Bank Holidays.

A request has been made to North Warwickshire Borough Council and Warwickshire Police for details of traffic management plans supplied by the market organisers for future years.

## **3. Access road to Dosthill Hall, Dosthill Park**

Prohibition on the gathering of vehicles permitted to park after 20:00 hours on the road and laybys opposite the Dorcas Centre, Dosthill with engines running, playing loud music and drinking (Map – Appendix 1 b)

Lead Agency: Staffordshire Police

### **Evidence**

There is a substantive amount of historical evidence from the Police with regards to vehicle gatherings

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 (Determination sheet Appendix 2, Section 3)

### **Recommendation**

That a PSPO is considered for the access road to Dosthill Road opposite the Dorcas Centre and that 28 day further public consultation period is commenced as per the process.

Draft PSPO attached as Appendix 3 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 wider issues in the park to be considered as per the larger project for public space in Tamworth.

The results of further consultation and move to implementation will be discussed at Healthier and Safer Scrutiny Committee in November 2015 for sign off by the Portfolio Holder and public notice commenced as per the The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.

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

#### **4. Staffordshire Pathway, 91a between Wilnecote Lane, Belgrave and the Cycleway at the side of Nymet, Belgrave**

Gating or closure of the alleyway due to anti-social behaviour (Map – Appendix 1c)

Lead agency: Tamworth Borough Council

### **Evidence**

Staffordshire Highways, Tamworth Police, Councillors and residents have been consulted to assess if the proposals meets the criteria for PSPO. (See Appendix 2 Section 4)

The residents directly affected have provided some evidence and are all in favour of closure as they feel the perceived actions of passers by is unnerving.

### **Recommendation**

Police have only 4 recorded calls over two years and the area, whilst on the patrols of Community Wardens, is no longer on the hotspot list.

It is considered the issues here are consistent with the many public footpaths and alleyways throughout the Borough, which are regularly cleansed, maintained and patrolled

Gating a footpath will give ongoing maintenance liability to the Borough Council and

at this time the recommendation is that the implementation of such an order is disproportionate to the issues presented.

Staffordshire County Council object to the closure of the path and report calls each year to request that the shrubs, hedges are kept in order.

It is acknowledged that the residents do have concerns and they should be encouraged to report all activities which they consider to be anti-social behaviour to Staffordshire Police for further review at a later date as necessary.

**5. Staffordshire pathway U6071 leading from County Drive through Durham Close, Fazeley to Bitterscote Lane (420290,E 302588 N)**

Gating of the alleyway due to anti-social behaviour (Map – Appendix 1d)

**Lead agency:** Staffordshire Police

**Evidence**

Staffordshire Highways, Tamworth Police, Councillors and residents have been consulted to assess if the proposals meets the criteria for PSPO. (See App 2 Section 2)

The residents gated the alleyway personally in May 2015 and were subject to legal action by Staffordshire County Council as it was not authorised.

There were some conflicting views from the residents of Durham Close who requested closure and Bitterscote Lane who objected to it.

**Recommendation**

Police have only 3 recorded calls over two years and the area regarding damage to vehicles. The area is not on the hotspot list of Community Wardens. It is considered the issues here are consistent with the many public footpaths and alleyways throughout the Borough, which are regularly cleansed, maintained and patrolled.

Gating a footpath will give ongoing maintenance liability to the Borough Council and at this time the recommendation is that the implementation of such an order is disproportionate to the issues presented.

Staffordshire County Council have suggested that they would not necessarily object to the path being closed (subject to ongoing three year review), although they would need agreement from Police and Borough Council.

It is acknowledged that the residents do have concerns and they should be encouraged to report all activities which they consider to be anti-social behaviour to Staffordshire Police for further review at a later date as necessary or to explore other options.

**OPTIONS CONSIDERED**

All options and evidence has been considered as per Appendix 2 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. The revenue cost associated with the cases highlighted within this report can be met from existing budgets however there will be a need to review future budget requirements as part of the 2016/17 budget process.

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. There is no requirement for a public notice in the local newspaper.

The area at Dosthill Park can be enforced by the Police 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.

All residents will be informed of the decision of the Council by letter/email.

An application will be made to the Tamworth Community Safety Partnership for funding for the appropriate signage.

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**

### **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 is outlined in the Cabinet report of 18 June 2015.

If after consideration, areas are to be subject to a PSPO, Cabinet is to agree a statutory 28 day consultation (as outlined under the PSPO Guidelines 2014), the results of which will be discussed at Scrutiny for sign off and implementation.

**REPORT AUTHOR**

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**LIST OF BACKGROUND PAPERS**

Cabinet Report 18 June 2015

Anti-Social Behaviour, Crime and Policing Act 2014

**APPENDICES**

Appendix 1a- 1d – Maps of considered areas

Appendix 2 – Summary determination sheet

Appendix 3 – Draft PSPO Dosthill

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