

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 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 beer 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 in 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 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 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?CId=120&MId=3119&Ver=4>

PSPO Processes

<http://democracy.tamworth.gov.uk/ieListDocuments.aspx?CId=120&MId=841&Ver=4>

APPENDICES

Appendix 1– Maps of considered areas

Appendix 2– Draft PSPO Kettlebrook

Appendix 3 – Draft PSPO Moor Lane

Appendix 4 – Consultation summaries

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