

CABINET

THURSDAY, 19 DECEMBER 2019

REPORT OF THE PORTFOLIO HOLDER FOR REGULATORY & COMMUNITY SAFETY

ASB CRIME AND POLICING ACT 2014 PUBLIC SPACE PROTECTION ORDERS

EXEMPT INFORMATION

PURPOSE

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

RECOMMENDATIONS

It is recommended that Cabinet:

1. Approve the progression to public consultation and submission to the Infrastructure Safety and Growth Scrutiny Committee, thereafter for a PSPO at:
 - Access Road to Dosthill Hall, Dosthill Park to be renewed and updated
2. Reject, pending further monitoring and evidence, that the proposals for suggested PSPO (Gating Order) at:
 - Carisbrooke, Glascote

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.

Access road to Dosthill Hall, Dosthill Park

A PSPO was introduced at this location in 2015. The terms of the PSPO are included as Appendix 1.

The PSPO has since expired and Cabinet, supported by the IS&G Scrutiny committee in October 2019 and the Police, feel that this PSPO has substantially contributed to the reduction in ASB at this location have recommended renewal further to public consultation.

Evidence

In 2015 the original PSPO was introduced due to a substantive amount of historical evidence from the Police with regards to vehicle gatherings, noise nuisance and littering affecting nearby residents and users of the Dorcas Centre.

Police have reported that the introduction of the PSPO effectively ceased all complaints at this location and fully support the re-introduction to prevent the likelihood of the recurrence of the anti-social activities within the parking area and nuisance to the community.

Whilst the Borough Wide Nuisance Vehicle PSPO does cover some of the prohibitions included in the Dosthill PSPO (and can be used to address any wider issues in surrounding roads) a specific PSPO addresses the more local concerns of nuisance with prescribed timings and ensure legitimate users of the Dorcas Centre are not affected in any way.

There are no reports of wider concerns that would suggest increasing the boundary areas into the park at this time.

Recommendation

That the PSPO is re-considered for the access road to Dosthill Road opposite the Dorcas Centre to run concurrently with the Borough wide PSPO and that 28 day further public consultation period is commenced as per the process.

All the terms of the PSPO will remain as per Appendix 1 with a recommendation that the order remains in force for 3 years. This will allow for further 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. Signage is already in place and clearly indicates the requirement of the PSPO.

A new public consultation will gauge on-going support for this commencing Friday 20th December available on the Council website <https://www.tamworth.gov.uk/public-space-protection-orders>

The results of the new consultation and move to implementation will be discussed at Infrastructure Safety and Growth Scrutiny Committee on 28 January 2020. Where there are no substantial objections, the Committee will be asked to support delegation to the Portfolio Holder for Regulatory and Community for sign off of the public notice for implementation of the PSPO as per the Anti-social Behaviour, Crime and Policing Act (Publication of Public Spaces Protection Orders) Regulations 2014.

The earliest implementation date is 1st February 2020, after which time any person wishing to challenge has six weeks to appeal to the High Court.

Staffordshire Pathway between Silver Link Road Cycle Path (access to subway) and Carisbrooke, Glascote

Gating or closure of the alleyway due to anti-social behaviour (Map – Appendix 2) is now a consideration as a PSPO.

Evidence

Twelve residents of Carisbrooke petitioned the Council to ask for a gate to prevent access from Silver Link Road to Carisbrooke describing anti-social behaviour, including used condoms, sanitary products, drug paraphernalia, beer cans and stolen garden lights.

In accordance with the petitions policy local ward Councillors were advised and the Police and other Council colleagues have been consulted with regard to the request for a PSPO and the effect on the locality caused by the reported issues. The area has been monitored over the past few months.

Police have no recorded calls in relation to ASB for over two years in this area or during the summer period and following patrols by Community Wardens, no other evidence has been found.

Street Scene have received calls for service to cut back bushes and overgrown areas along the path, but report no extensive or concerning littering issues with regard to the reported concerns.

Recommendations in this report are supported by Ward Councillors at this time who have been updated.

Staffordshire County Council do not support the permanent closure of the path which provides pedestrian access to the subway road crossing and access to the Glascote Heath Primary school.

Recommendation

Whilst it could be determined that the residents perception is that they are very vulnerable, it is considered the issues here are consistent with the many public

footpaths and alleyways throughout housing estates and adjacent to dwellings in the Borough, which are regularly cleansed, maintained and patrolled.

The restriction of the pathway is considered to restrict the everyday access for the wider members of the public to the estate.

A PSPO 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 appears to be disproportionate to the issues presented.

Signage could be considered as an alternative to gating to prevent access between specified hours, however this may give rise to increased expectation from the community and is not considered proportionate given the lack of evidence.

It is acknowledged, however, 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 on 101 or to the Council Neighbourhoods team as they occur to allow for further review at a later date as necessary.

A letter will be sent to the residents outlining the next step and advising of reporting lines.

Residents may also wish to consider using the Neighbourhood Watch services and advice available through OWL – the online watch link – www.owl.co.uk

OPTIONS CONSIDERED

All options are included in the report

RESOURCE IMPLICATIONS

No increase resource or financial implications at this time

LEGAL/RISK IMPLICATIONS BACKGROUND

Ensures PSPO at Dosthill remains valid and compliant
Ensures that the request for PSPO at Carisbrooke has been considered under the test criteria of the legislation

EQUALITIES IMPLICATIONS

Equality impact assessments for both requests are attached as Appendix 3 and 4.

SUSTAINABILITY IMPLICATIONS

All PSPOs are now monitored to ensure proportionality

Requests to review or to create new PSOs will be considered as per process.

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

Jo Sands, Assistant Director Partnerships

LIST OF BACKGROUND PAPERS

APPENDICES

Appendix 1 – Updated proposed PSPO Dosthill Park

Appendix 2 – Carisbrooke pathway

Appendix 3 – Dosthill EIA

Appendix 4 – Carisbrooke EIA