

PUBLIC SPACES PROTECTION ORDERS - INTRODUCTION (PSPO)

Report of Director of Partnerships, Strategy and Transformation

1 Purpose of the Report

- 1.1 To report on the outcome of the consultation exercise for the introduction of a Public Space Protection Order (PSPO) for Sunderland City Centre.
- 1.2 The initial proposals were brought to the Scrutiny Committee on 11 October 2016 for consideration and comment.

2 Background

- 2.1 Public Space Protection Orders (PSPOs) are a key element of the Anti-Social Behaviour, Crime and Policing Act 2014 which came into force in October 2014.
- 2.2 The orders are intended to limit and restrict activities which cause nuisance or lead to problems for a community, and as such allow Councils to make restrictions on activities which are judged to have a detrimental effect on the quality of life in an area. They are to replace current controls on the drinking of alcohol in public places and matters such as dog fouling and the keeping of dogs on leads (as a result of the phasing out of existing Designated Public Places Orders (DPPOs) and Dog Control Orders) but a range of other activities can also be addressed, depending upon particular local issues. By design the orders are planned to allow people to enjoy open public spaces free from nuisance and anti-social behaviour.
- 2.3 The responsibility for making a new PSPO rests with the City Council. The Council must, prior to making an order, be satisfied, on reasonable grounds, that activities carried out in a public space have had or are likely to have a detrimental effect on the quality of life of those in the locality and that the effect or likely effect of the activities:-
 - is or is likely to be persistent or continuing;
 - is or is likely to be such as to make the activities unreasonable; and
 - justifies the restrictions imposed.
- 2.4 On 8 February 2017, the Cabinet endorsed the making of a 3 year City Centre PSPO incorporating the provisions and prohibitions detailed the report.

3 Current Position

Sunderland City Centre PSPO Consultation Findings

- 3.1 In line with Home Office guidance an 8 week consultation phase has been completed.
- 3.2 Online communication methods used were as follows:

- Council & Partner Website, Facebook and Twitter sites
- Sunderland Echo articles
- Specific online consultation survey
- BID Bulletins
- Specific letters delivered to all businesses
- Council internal communications bulletin

3.3 Groups which formed part of the consultation process included:

- East Place Board/Committee
- Resident Groups (Gentoo Group and Friends of Mowbray Park)
- City Centre Management Group
- Shop Watch/Pub Watch
- BID forums
- East Voluntary and Community Sector Network
- Economic & Prosperity Scrutiny Committee
- Local Multi Agency Problem Solving Groups
- Hostel Strategy Group
- Back on the Map
- Sunderland Partnership
- Safer Sunderland Partnership Board

3.4 As part of the consultation phase and with support from the Sunderland Partnership, consultation was also carried out with a number of independent advisory groups; gay and lesbian, disability, BME, inter faith and inclusive communities group. No concerns were raised from any of these groups.

3.5 The online consultation received 356 responses and headline findings below show the percentage of people who agree individual prohibitions should be included:-

Prohibition	% in Agreement
Alcohol Control	90%
Begging	66%
Bin Raking	61%
Street Trading and Illegal Peddling	86%
Dog Control	87%
Skateboarding and Cycling	73%
Psychoactive Substances	84%

3.6 In-depth communication was carried out with all businesses within the proposed area. This included individual visits from police and council officers to gauge feedback and also attendance at BID action forums. The businesses are fully supportive of the order and many have provided witness statements in relation to bin raking and begging prohibitions. The aforementioned issues are currently having the biggest impact on everyday business operations.

3.7 **Green Party** – The Green Party have submitted an online petition in relation to the removal of the bin raking and begging prohibitions and this has received 1105 signatures. In light of the petition being submitted relevant council and police officers met with 3 members of the party. Members of the Green Party outlined their concerns around agencies targeting the most vulnerable and felt that the majority of individuals

who take part in such activities do so due to being homeless or in need. However, they could not provide evidence to substantiate their claims.

- 3.8 The police provided recent examples where officers have witnessed that the majority of individuals taking part in begging and bin raking activity are not homeless but engaging in such behaviour to either and/or fund substance misuse habits or increase income. They also provided information on a case where one individual found begging was genuinely homeless so necessary referrals were made and outreach workers called out and accommodation support given. Council officers commented on the mess these individuals are causing in the city centre and the impact this is having on resources but also the negative image it projects to visitors to the City. Business and residents who have been victims to these issues have provided supporting statements for the introduction of the order.
- 3.9 The Green Party were reassured that this order will not be used to target genuine vulnerable people and that each incident will be dealt with on a case by case basis and officer knowledge and discretion will be used when enforcing under this order.
- 3.10 **Cycling UK** – A representative from Cycling UK and the Cycling UK's Cyclists' Defence Fund (CDF) raised concerns around the banning of cycles as part of the order. Discussions have taken place to reassure Cycling UK that we are not banning the use of cycles but will be looking to tackle those who are using them anti-socially and causing damage as a result. They have also been provided with the proposed cycle routes for the City Centre.
- 3.11 **Kennel Club** – the Kennel Club are in support of the order but have requested that discretion is used for users of registered assistance dogs.
- 3.12 The order has the full support of Northumbria Police and the East Area Committee. The Police and Crime Commissioner is a statutory consultee and is in full support of the order and its proposed prohibitions.

4 Sunderland City Centre PSPO Draft Order & Prohibitions

- 4.1 The recommendation is to introduce a City Centre PSPO for 3 years which the following prohibitions attached:
- 4.2 **Alcohol control** – Police and authorised officers have the power to confiscate alcohol in a public space excluding licensed premises where they believe it is causing or is likely to cause anti-social behaviour.
- 4.3 **Begging** – restricts any person engaging in anti-social/nuisance behaviour whilst begging. Begging includes any passive and active methods, including but not limited to, non-verbal signs, hand held out, written notice, or verbal attempts to exhort, press, pressure, urge the giving material help, assistance, food or money.
- 4.4 **Bin Raking** – restricts any person engaging in bin raking. Bin raking is the searching and taking of any items whatsoever from rubbish bins, bags or items clearly left to be disposed of or belonging to another.
- 4.5 **Street Trading and Peddling** – restricts any person engaging in anti-social/nuisance behaviour whilst street trading.

- 4.6 **Dog Control** – prohibits dog fouling and provides for exclusion of dogs from play areas and dogs on lead by direction.
- 4.7 **Skateboard and Cycles** – prevents the anti-social use of skateboards, cycles and stunt cycles causing damage to property, or nuisance or annoyance to one or more persons.
- 4.8 **Psychoactive Substances** – restricts any person eating, drinking, inhaling, injecting, smoking or otherwise taking any psychoactive substance in a public place.
- 4.9 The area to be covered by the Order can be seen in the Appendix to the report.
- 4.10 Officers will carry out six monthly reviews of the order to measure impacts and ensure prohibitions remain appropriate.

5 Conclusion

- 5.1 The Anti-Social Behaviour and Policing Act 2014 introduced a range of new tools and powers to tackle anti-social behaviour including the provision for Councils to introduce Public Space Protection Orders. The orders are geographically defined and can contain locally agreed prohibitions.
- 5.2 The report sets out the outcome of the consultation process and the proposals submitted to Cabinet regarding the introduction of Public Spaces Protection Orders in the city centre.

6 Recommendations

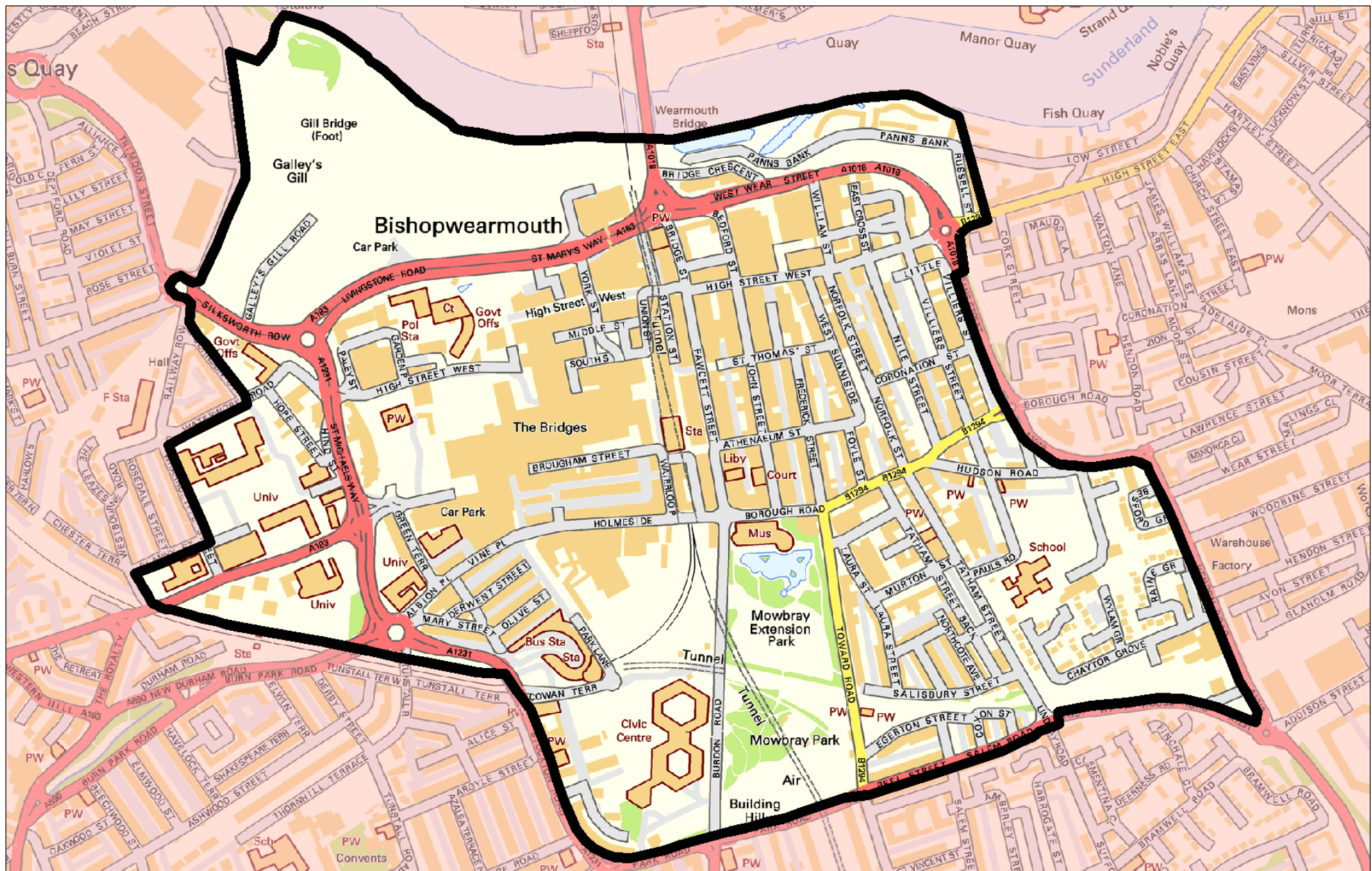
- 6.1 The Committee is asked to consider the outcome of the consultation process and the proposals submitted to Cabinet regarding the introduction of Public Spaces Protection Orders in the city centre.

7 Glossary

PSPO - Public Spaces Protection Orders

8 Background Papers

Home Office - Anti-social Behaviour, Crime and Policing Act 2014:
Reform of anti-social behaviour powers
Statutory guidance for frontline professionals
July 2014 PUBLIC HEALTH, WELLNESS AND CULTURE SCRUTINY PANEL
Policy Review 2014/15 Final report – Tackling New Psychoactive Substances



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City Centre Public Space Protection Order

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