



To: The Leader and Executive Councillor for Strategy and Transformation: Councillor Lewis Herbert

Report by: Director of Customer and Community Services

Relevant scrutiny committee: Strategy & Resources
Date to be added as appropriate
Scrutiny Committee

Wards affected: Abbey Arbury Castle Cherry Hinton Coleridge
East Chesterton King's Hedges Market Newnham
Petersfield Queen Edith's Romsey Trumpington
West Chesterton [delete as appropriate]

PUBLIC SPACES PROTECTION ORDERS

Officers' review following Area Committee Meetings and Proposed Public Spaces Protection Order for Mill Road Cemetery and Petersfield Green and the front garden of Ditchburn Place, Cambridge Not a Key Decision

1. Executive summary

The purpose of this report is to set out the result of the officers' review of potential areas for public spaces protection orders proposed by the Area Committees and to ask the Executive Councillor to approve in principle the proposal to make a public spaces protection order in respect of Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place, Cambridge in the form set out at Appendix A and to authorise officers to publicise the proposed order and to consult.

2. Recommendations

The Executive Councillor is recommended:

1. To approve in principle the proposal to make a public spaces protection order for Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place, Cambridge in the form set out at Appendix A;
2. To authorise officers to publicise the proposed order and to carry out consultation as required by the Anti Social Behaviour Crime and Policing Act 2014.

3. Background

Anti-social Behaviour, Crime and Policing Act 2014 – Public Spaces Protection Orders

- 3.1 Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 gives the Council new powers to make public spaces protection orders (PSPOs). These orders are intended to deal with a nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of the area. They are designed to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- 3.2 The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 3.3 The Council can make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.

The first condition is that:

- (a) activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality, or
- (b) It is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect or likely effect, of the activities:

- (a) is or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by the notice.

- 3.4 A public spaces protection order is an order that identifies the public place and
 - (a) prohibits specified things being done in that public place
 - (b) requires specified things to be done by persons carrying on specified activities in that place; or
 - (c) does both of those things.
- 3.5 The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to prevent or reduce the risk of the detrimental effect continuing, occurring or recurring.

- 3.6 Prohibitions can apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories.
- 3.7 The order can specify the times at which it applies and the circumstances in which it applies or does not apply.
- 3.8 Unless extended the order may not have effect for more than 3 years.
- 3.9 Before making a public spaces protection order, the Council must consult with the Chief Officer of Police, the local policing body, whatever community representatives the Council thinks appropriate to consult and the owner or occupier of land within the restricted area.
- 3.10 In deciding whether to make a public spaces protection order and if so, what it should include, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights
- 3.11 The Council must publish the text of a proposed order on its website.
- 3.12 Consuming alcohol in breach of a public spaces protection order is not an offence. However where a constable or person authorised for that purpose by the Council reasonably believes that a person:
 - (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order; or
 - (b) intends to consume alcohol in circumstances in which doing so would be a breach of such prohibition

The constable or authorised person can require them:

- (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- (b) to surrender anything in their possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

Failing to comply with this requirement without reasonable excuse is a criminal offence for which the person can be prosecuted. Alternatively. The Police or an authorised person can issue fixed penalty notices

Areas for consideration for Public Spaces Protection Orders Proposed by Area Committees

3.13 Following a report entitled *Anti-social Behaviour, Crime and Policing Act 2014* to Strategy and Resources Committee on 29 September 2014, the Executive Councillor approved the recommendation to take the report to Area Committees and request that they review if any areas merited consideration for Public Spaces Protection Orders. The Area Committees asked for the following places to be considered:

North Area Committee

Cam Causeway
Mortlock and Maitland Avenue
Campkin Road
Alexander Gardens

South Area Committee

Cherry Hinton High Street Recreation Grounds

West Central

The committee decided not to put forward any areas for consideration at this time.

East Area Committee

Mill Road including Ditchburn Place garden
Mill Road Cemetery
Petersfield Green
Roundabout underpass on the way to the wet hostel
Cherry Hinton/Brooks Road Play Area
Bath House Play Area
Budleigh Close

In addition there have been requests for consideration of other areas put forward by the public or community groups:

Sussex Street
Kings Parade

3.14 The areas vary in the issues that need to be addressed including anti-social behaviour resulting from drinking alcohol to bullying on play areas, drug dealing within tenancies and punt touting.

3.15 We have carried out initial consultation with the police and examined the background and possible solutions to the various issues raised in the different locations. We have also looked at the experience of other local authorities in attempting to introduce PSPOs. There is a

resource and financial cost to introducing a PSPO. In order to be effective, it has to be policed. The Act also requires that the signage in the area that the order relates to, should be sufficient to draw the attention of any member of the public using that area. It is recommended that the Council should proceed on the basis of introducing a PSPO in Mill Road Cemetery, Petersfield Green and the garden in front of Ditchburn Place, where the evidence is most robust in relation to the impact of certain activities. This will give an opportunity to test the process and evaluate the success of the outcomes, by monitoring the number of fixed penalty notices issued and any displacement activity that may occur.

- 3.16 Therefore the recommendation is to consult on the introduction of a PSPO in Mill Road Cemetery, Petersfield Green and the garden in front of Ditchburn Place.

Evidence

- 3.17 The areas of Mill Road Cemetery, Petersfield Green and the garden in front of Ditchburn Place have been the focus of complaints about the problems associated with street drinking for many years.
- 3.18 The Council has already taken a number of steps to tackle 'street life' anti-social behaviour in the City and a range of services are provided by the Council and its partners to support those who are homeless or who have alcohol and drug dependency problems. There has been much improvement in the last 3 years with anti-social behaviour incidents generally going down in the City and anti-social behaviour linked to street life issues (monitored through key words such as alcohol, homeless, begging) has also decreased from an average number of police recorded incidents over a three year period of 367 to 188 in the last year. However, Mill Road remains an area of focus and complaint and continues to represent a high level of incidents.
- 3.19 The Strategic Assessment 2014, commissioned by the Cambridge Community Safety Partnership states that the Petersfield area had the second highest rate of police recorded ASB in the City at 52 per 1,000 population, an increase from 12 months ago when the rate was 49 per 1,000. Of course all of the incidents are not necessarily related to alcohol consumption; however, impact statements and community feedback suggest that a large number of the incidents are.
- 3.20 A police report and witness statement is attached as Appendix B with more detailed information. In particular the statement of the sergeant responsible for street life anti-social behaviour states that there are frequent calls about street drinkers in the Petersfield Green area

causing considerable distress to the residents of Petersfield Mansions and reports from people who have been unable to use the children's play equipment. The statement also includes references to street drinking issues in the Mill Road Cemetery, Ditchburn Place and the junction of Gwydir Street.

3.21 Street drinking in the Mill Road area is an enduring concern for the East Area Committee. It has appeared as a policing priority in the neighbourhood profiles on numerous occasions since 2012. In January 2014 PCSO Tony Marriott was appointed to cover Mill Road as part of the implementation of Operation Summit, a citywide policing operation around street-based ASB.

3.22 Initial consultation with Parkside Police received the following response:

'From a city-wide perspective, a Public Space Protection Order would be most effective in areas of the Market Ward. A PSPO would offer another tactic for consideration when dealing with issues such as street-drinking by the street-life community, ASB and disorder related to the night-time economy, and localised problems such as congregations at locations such as Sussex Street. I am aware that the West/Central Area Committee do not have an appetite for a PSPO at this time. Section 34 (ASB Act) Dispersal powers are being used effectively to address many of the above issues but are not a long term solution.

Outside the West/Central areas, the next most prominent area for street-based alcohol-related issues is Mill Road and the immediate vicinity. It should be acknowledged that there have been positive reductions in alcohol-related ASB and violence in the area, but this is a work in progress with further work to be done. A PSPO would be effective for addressing street-drinking in Petersfield Green and Mill Road Cemetery as proposed, however I envisage that it will displace the behaviours which it is seeking to address and not eradicate them. The garden at Ditchburn Place, St Matthew's Piece (off York Street) and the benches outside the Co-op on Mill Road are locations in the immediate area which have previously been popular with street-drinkers and which are likely to see an increase in activity as a result of displacement. Further afield, Mitchum's Corner and Christ's Pieces may also see an increase.

Any PSPO will be enforced proportionately by the police providing an additional tool to be used when responding to calls for service, as opposed to regular directed patrols.

The Constabulary is supportive of the proposal for a PSPO in the locations suggested but wish to ensure that the likely impact on other areas as a result of any dispersal is considered and noted'.

- 3.23 Results of an email consultation with community groups was inconclusive with various areas along Mill Road being mentioned as having problems with street drinkers.
- 3.24 Considering the evidence of many years from Area Committee priorities, police statements, and incident reports, the overall picture indicates that a PSPO which would restrict drinking alcohol in Mill Road Cemetery, Petersfield Green and the garden in front of Ditchburn Place, would fit the criteria as set down in the Act. That is the drinking of alcohol in these areas is having or is likely to have, a detrimental effect on the quality of life of those in the locality; is persistent and continuing in nature; and is unreasonable.

Consultation

- 3.25 If an order is approved in principle the Council is required to consult the Chief Officer of Police, the local policing body, and appropriate community representatives.
- 3.26 It is also recommended that we put a survey on the Council website to run from 16 February to 1 March asking people if they have experienced alcohol-related ASB in the Mill Road Cemetery and Petersfield area and if they would support the introduction of a PSPO as detailed on the attached draft order (Appendix A).
It is recommended that the following community groups should also be further consulted:
- Petersfield Area Community Trust
 - Glisson Road & Tenison Road Area Residents Association
 - Chair of the Parishes Committee – regarding Mill Road Cemetery
 - Mill Road Traders Association
 - Ward Councillors
 - Friends of Mill Road Cemetery.
- 3.27 Officers will report the outcome of the consultation to the Executive Councillor at the Strategy and Resources Committee meeting on 23 March 2015.

4. Implications

(a) Financial Implications

If an order is agreed the Council must 'cause to be erected on or adjacent to the land in relation to which the public spaces protection order has been made such notice or notices as it considers sufficient to draw the attention of any member of the public using that land to-

- (i) the fact that a public spaces protection order has been made; and
- (ii) and the effect of that order being made.

Consequently, there will be a financial cost to introducing the order. The signs will cost between £32.50 and £50 each (depending on size) plus delivery charge of £25 and approximately £20 each for fitting. We will also need to get permission to attach the signage to lampposts from Balfour Beatty. The cost could be considerable as the Act requires that the 'notice (or notices) must be positioned in a manner that the local authority considers sufficient to draw it to the attention of any member of the public using the land.' In addition, new notices would need to be produced and erected if the order was extended, varied or discharged.

(b) Staffing Implications

There may be staffing implications, dependent on how the Council wants to designate the issuing of fixed penalty notices for breaches of the order.

(c) Equal Opportunities and Poverty Implications

We are in the process of completing an Equalities Impact Assessment and will complete it following the outcome of the recommended consultation.

(d) Environmental Implications

- Nil: to indicate that the proposal has no climate change impact.

(e) Procurement

Costs are unlikely to fall within the procurement criteria.

(f) Consultation and communication

Initial consultation has already taken place with Area Committees, police and community groups. The order will also be published on the website and further consultation will take place with the groups detailed in section 3.26

(g) Community Safety?

As indicated in the report

Human Rights

In deciding whether to make a public spaces protection order and if so, what it should include, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights

5. Background papers

These background papers were used in the preparation of this report:
Strategic Assessment 2014
Notes from Area Committees
Anti-social Behaviour, Crime and Policing Act 2014

6. Appendices

Draft Order Appendix A
Police report and Statement Appendix B

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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