



To: The Leader and Executive Councillor for Strategy and Transformation: Councillor Lewis Herbert
Report by: Liz Bisset, Director of Customer and Community Services
Relevant scrutiny committee: Strategy & Resources 23/3/2015
Scrutiny Committee
Wards affected: Petersfield

PUBLIC SPACES PROTECTION ORDER - MILL

ROAD

Not a Key Decision

1. Executive summary

The purpose of this report is to ask the Executive Councillor to approve 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 as set out at Appendix A.

2. Recommendations

The Executive Councillor is recommended:

- 2.1 To make the public spaces protection order in the form set out at Appendix A.
- 2.2 To authorise officers to publicise the proposed order as required by the Anti-Social Behaviour, Crime and Policing Act 2014.

3. Background

- 3.1 On 13th February 2015, the Executive Councillor approved in principle the proposal to make a public spaces protection order in relation to Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place, Cambridge.
- 3.2 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 the land within the restricted area. The Executive Councillor agreed the consultation process and the consultees as recommended in the report to committee in February.

- 3.3 The Council must publish the text of a proposed order on its website
- 3.4 The proposed order in the form set out in Appendix A was published on the Council's website between 16th February and 1st March 2015 and the following people and organisations were consulted:
- The Chief Officer of Police
 - The Local Policing Body at Parkside
 - 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.
- 3.5 A survey was also set up on the Council website. The responses to the consultation are set out in Appendix B.

Summary of the consultation responses:

- 3.6 The majority of the responses to the consultation were in favour of the public spaces protection order.
- 3.7 The response from the Police and Crime Commissioner, Sir Graham Bright supported the order as the extract from his letter demonstrates; *'I support Cambridge City Council's proposal for a PSPO as given in the consultation for the purpose of controlling the consumption of alcohol. I hope that the PSPO is effective in preventing the detrimental effect that public drinking and alcohol related disorder and nuisance is having so that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour'*. The full response is attached as Appendix C.
- 3.8 Inspector Matt Johnson responding on behalf of Parkside Police said *'There is a long history of complaints relating to alcohol fuelled anti-social behaviour at Petersfield Green, Mill Road Cemetery and the gardens in Ditchburn Place. There are strong links between members of the street-life community and incidents of alcohol related anti-social behaviour and/or violence and the calls for service at those locations support this; there were two calls for service from separate residents in Ditchburn Place – Wed 25th Feb – relating to street drinking and anti-social behaviour which were having a detrimental effect on their quality of life. The proposed PSPO focuses on areas where alcohol is consumed by members of the street-life community, as opposed to the drinking of alcohol as part of a family/recreational activity such as a picnic or community event. Therefore, by virtue of the locations*

selected, responsible drinkers are less likely to be affected. The Constabulary directs resources on the basis of threat, risk and harm; consequently, the police response to incidents should be graduated. Whilst the order prohibits certain activities, the police response will be proportionate to the harm being caused; where there is no harm being caused or likely to be, there would not be a need to challenge individuals. This approach is supported by guidance from the Police National Legal Database relating to Sect 63 which reads: Breach of an order prohibiting the consumption of alcohol is only an offence when an individual does not cease drinking or surrender alcoholic drinks when challenged by an enforcement officer. This could be a police officer, PCSO or local authority officer. This ensures that officers are able to exercise discretion in each situation. Where there is no threat of anti-social behaviour, they need not challenge the individuals, for example a family picnic with a bottle of wine.'

3.9 The majority of respondents to the consultation were in favour of the order. 68.2% said they thought that the Public Spaces Protection Order should be introduced by Cambridge City Council to tackle anti-social street drinking in Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place.

3.10 In the online survey people had the opportunity to comment or provide evidence with regard to anti-social drinking in the areas referred to in the order. The comments made covered a wide range of responses the main ones being:

- Some respondents felt that the order should only be aimed at those whose drinking is accompanied by anti-social behaviour
- Street drinkers should be offered support to overcome their alcohol dependency
- Concerns were expressed about displacement
- Some respondents had experience of litter and debris associated with street drinking
- A number of people expressed having experienced anti-social behaviour associated with the consumption of alcohol and said they felt threatened

The full details of the comments made are attached at Appendix B.

Measures in place to address street based anti-social behaviour

3.11 The Council supports a range of strategies and interventions targeted at reducing street drinking and alcohol related disorder. These interventions are having an impact, however, a study carried out by the Cambridge Community Safety Partnership in 2013 found that there are a small group who may only respond to legal remedies, who have deeply entrenched anti-social habits and the public spaces

protection order will give the police an additional tool when responding to calls for service.

- 3.12 There are a number of support systems and initiatives in place for vulnerable and homeless people, provided by the City Council and other agencies, the approach is always to offer support first and only to enforce when all other options have been tried and failed, or when there is a danger to the individual or the public.
- 3.13 The Task and Target group, chaired by the City Council Housing Advice Partnerships Manager, supports and addresses the behaviour of the most vulnerable but also most problematic group of street drinkers. This group has an individual action plan for each of the people in this cohort and they work together to offer support where appropriate and enforcement where necessary. The group consists of the Street Life Sergeant, and Police Constable, the Crime Outreach team and the Chronically Excluded Adults (CEA) initiative, which offers intensive support to the most disengaged and vulnerable. City Council funds the Street Life Police Officer and partially funds the CEA.
- 3.14 The City Council is currently running a pilot 'Supporting People and Preventing Anti-social Behaviour' funded by the Community Safety Partnership. The pilot is working across agencies with people who have been involved with street based anti-social behaviour and who have complex needs but who want to engage with support to manage alcohol and substance misuse or mental health issues. Action plans are produced for each individual with partner support agencies and the overall aim is to develop a model that will best serve the individual. The people involved have identified their own difficulties with accessing support services, which for them may trigger disengagement or relapse.
- 3.15 The City Council also has 2 tenancy sustainment officers who work with vulnerable people in danger of losing their tenancies for reason including being in trouble with the police or for anti-social behaviour. Many of the street drinkers have tenancies but because of dependencies chose to socialise on the streets and may get into trouble. The tenancy sustainment officers offer support and practical help at times of difficulty and help prevent homelessness.
- 3.16 The Council is also investigating the feasibility of introducing a 'Reduce the Strength' Campaign in targeted areas in the City. It may target licensed premises around the proposed public space protection orders as a pilot for the Campaign.

- 3.17 Some of the agencies that the Council works closely with through the Task and Target group and the 'Supporting People and Preventing Anti-social Behaviour' and on a daily basis when tackling ASB and homelessness are:
- Cambridge Street Outreach & Mental Health Outreach Team, managed by the Crime Reduction Initiatives (CRI), engage with the streetlife community and rough sleepers – encouraging them to link in with support and attend services and positive activities. They provide a free and confidential service offering assessments, advice, information and support.
 - Wintercomfort has a wide programme of activities that are well attended. They offer activities, opportunities for education, basic amenities and somewhere to go away from the street during the day. Breakfasts and lunches are provided daily.
 - Jimmy's Assessment Centre provides emergency accommodation assessment. The centre helps service users to address their issues, gain new skills and take control of their lives, so they can move away from the streets and into more permanent accommodation elsewhere.
 - Link up is a service user led group for the homeless community.
 - Women's Resources Centre – Dawn Project. Is a one stop service for women who are or were at one time in the criminal justice system and those who are at risk of offending.
 - Inclusion – Drug and Alcohol services provide prevention and treatment services including outreach support.
 - Cyrenians provide support and specialist service for homeless people.
 - A number of charities are doing work to help the homeless community such as providing food / activities / friendship.
 - Citizens Advice Bureau / Shelter provide legal and housing advice.
 - Foodcycle organises a meal for those in need.
 - Churches have supported the Council's Severe Weather Emergency Provision.

Licensing – Cumulative Impact/Licensing reviews

3.18 Reviews of licences are initiated by responsible authorities, usually from the police and have been successfully used in Cambridge to impose conditions on licences that help to address street drinking.

3.19 Cumulative impact zones have been successfully used in police representations on a number of occasions in the City with several premises being refused licences to sell alcohol or in securing conditions such as curtailing the hours that alcohol can be sold or limiting the type of alcohol that can be sold.

Conditions for a Public Spaces Protection Order

3.20 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

3.21 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

3.22 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.

3.23 Prohibitions can apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories.

3.24 The order can specify the times at which it applies and the circumstances in which it applies or does not apply.

3.25 Unless extended the order may not have effect for more than 3 years, however we are suggesting a review of the proposed order after a 12 month period.

3.26 Breach of a public spaces protection order without reasonable excuse is a criminal offence. The Police or a person authorised by the Council can issue fixed penalty notices.

Fixed Penalty Notices

3.27 The fixed penalty notice is to be set at £75 in keeping with fixed penalty notices for breach of dog control orders to avoid complications in issuing and following up on unpaid notices and also because it is possible that in the future we may have dog control orders included in public spaces protection orders.

Evidence

3.28 The report to Strategy and Resources Committee in February 2015 contained evidence to demonstrate that the areas of Mill Road Cemetery, Petersfield Green and the garden in front of Ditchburn Place fit the criteria for the introduction of a Public Spaces Protection Order 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. Further consultation on the order has demonstrated that those criteria continued to be met, this evidence in contained in the consultation response from the local police, the Police and Crime Commissioner and as detailed on the responses from the public at Appendix B.

Challenges to the Public Spaces Protection Order

3.29 An interested person can challenge a public spaces protection order in the High Court within six weeks of the order being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge.

3.30 There are only two grounds on which an order can be challenged, that the Council did not have power to make the order, or to include particular prohibitions or requirements, or that one of the statutory requirements (for example consultation) has not been complied with.

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 £32.50. The total cost is estimated at £1,050. 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. The expectation is that the Council will pursue unpaid notices and will need to have a protocol agreed with the police for dealing with this.

(c) Equality and Poverty Implications

An equalities impact assessment is attached. Details of a possible disadvantage or negative impact has been identified with regard to people whose first language is not English or who cannot read and will therefore be unable to read the signage. The impact will be mitigated by having a clear partially pictorial representation showing that drinking alcohol is not permitted in the area. Appendix D

(d) Environmental Implications

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

(e) Procurement

Cost are unlikely to fall within the procurement criteria.

(f) Consultation and communication

Consultation has taken place as detailed in section 3

(g) Community Safety

As indicated in the report

Human Rights

- (h) 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.
Appendix F

5. Background papers

Home Office guidance –
Anti-social Behaviour,
Crime and Policing Act
2014

6. Appendices

The Public Spaces Protection Order and Maps – Appendix A

Consultation Results – Appendix B

Letter of response from the Police and Crime Commissioner – Appendix C

Equalities Impact Assessment – Appendix D

Draft notice – Appendix E

Human Rights Articles 10/11 – Appendix F

7. Inspection of papers

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

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