



**To: Executive Councillor Anna Smith**  
Environment and Community Scrutiny Committee

**21 March 2019**

**Report by:**

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**Wards affected:**

ALL

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**EXTENSION OF PUBLIC SPACES PROTECTION ORDER – Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place, Cambridge**

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**1. Executive Summary**

- 1.1 The purpose of this report is to ask the Executive Councillor to approve the proposal to extend the current Public Spaces Protection Order (hereafter PSPO or “the Order”), due to lapse on 31 May 2019, in respect of Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place, Cambridge, in the form as set out at Appendix A1-4.
- 1.2 The responses to consultations are examined and recommendations are made for the Executive Councillor to approve at 2.1 in this report.

**2. Recommendations**

The Executive Councillor is recommended to:

- 2.1 Approve the extension of the current PSPO, in the form as set out at Appendix A1-4, for a duration of three years.

### **3. Background**

#### Background

- 3.1 The Anti-social Behaviour, Crime and Policing Act 2014 (“2014 Act”) gives the Council powers to make PSPOs. PSPOs 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. The orders have effect for up to three years and can be extended. Only local authorities can make PSPOs.
- 3.2 On 13 February 2015, the Executive Councillor approved in principle the proposal to make a PSPO in relation to Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place, Cambridge, that prohibits people from consuming alcohol or having an open container of alcohol in their possession within the above-mentioned areas. This Order was approved as an initial Order limited to 12 months.
- 3.3 The initial Order was extended to have effect from 1 June 2016 to run until 31 May 2019.

#### Consultations

- 3.4 Before considering extending the PSPO, the Council has consulted with the Police and Crime Commissioner, the local policing body, relevant community representatives, ward councillors and the owner or occupier of land within the restricted area. Consultation responses were received from the following:
  - The Police and Crime Commissioner;
  - Inspector Paul Rogerson, Southern Partnership Manager;
  - Chair, Mill Road Cemetery Parishes Committee;
  - Engagement and Enforcement Manager, City Council;
  - Housing Services Manager, Supported Housing, City Council;
  - Senior Anti-social Behaviour Officer, Safer Communities, Anti-social Behaviour Team
  - Ward Councillors.
- 3.5 The Police and Crime Commissioner supports the City Council’s proposal to extend the PSPO. The Commissioner asks that the

observations of Inspector Rogerson, as detailed in paragraph 3.6, are considered.

3.6 Inspector Paul Rogerson, Manager Southern Partnership, said that the police position is that they broadly support an extension to the order but make the following observations:

1. The local Police team has sought to undertake a review of data to support our decision, we recommend that a complete review including wider sources of Council data and public views would be appropriate to support the use of a power such as this on two of our public open spaces.
2. The attached research indicates that concern and reports of ASB may not have reduced as we expected.
3. The attached research suggests that we don't fully understand the effect of displacement. We do not believe we can confidently say that people who previously caused issues have reformed and no longer drink or cause anti-social behaviour elsewhere. Likewise we cannot confirm that the area has been made any less vulnerable outside of the restrictions imposed by the PSPO.
4. We believe we should be able to test the "success" of this order against a set of joint strategic aims. We are unable to agree that the order has proved successful but agree that it remains a way of preventing certain behaviours in this area.
5. Linked to the above, we don't have an exit strategy or an agreement as to what a return to normality might look like. PSPOs are not intended to be indefinite.

The Inspector's observations are address in the evidence section at 3.13-3.19.

3.7 The local police carried out an assessment of the impact of the PSPO from a policing perspective, which is attached as Appendix B. Generally the assessment suggests that the PSPO has had a positive affect and has provided a useful tactical option for dealing with alcohol related anti-social behaviour and been effective in reducing incidences at the three locations. There continues to be anti-social behaviour connected to street drinking in nearby streets which the Council is addressing with Police and outreach workers by offering support and information and enforcement where appropriate.

- 3.8 The Housing Services – Supported Housing Services Manager, said that they found the Order to be very effective, resulting in a reduction of issues from weekly occurrences to next to no reports at all. Housing Service furthermore expressed that both tenants and staff felt safer in the areas and that they were now able to keep the Ditchburn Gardens open to the public more frequently.
- 3.9 The Chair of the MRC Parishes Committee, on behalf of the Parochial Burial Grounds Management Committee, endorsed the extension of the Order and responded that they found the Order to have had a beneficial effect on the Cemetery which although not a public space is open to the public at all times.
- 3.10 The Engagement and Enforcement Manager, City Council supports the extension of the Order although the enforcement team does not have any evidence of either support or complaints about the Order from the public.
- 3.11 All the consultees, including the ward councillors who responded, supported the extension of the Order. A majority of the consultees simply expressed their support while the above-referenced consultees gave a more substantive account of their view on extending the PSPO.
- 3.12 The Council has notified the County Council of the proposal to extend the Order and the proposal has been published on the City Council website.

### Evidence

- 3.12 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 prior to the PSPO being introduced.
- 3.13 The Council supports a range of strategies and interventions to address street drinking and alcohol related disorder. These interventions do have an impact but studies in previous years found that there is a group with entrenched anti-social habits who may only respond to legal remedies. The PSPO gives the police an additional tool when responding to calls for service making it appropriate to extend the order for three years.

- 3.14 A review of reported incidents has been carried out on ECINS, the City Council ASB case management database. There have been only 3 incidents reported in 2018 of drinking on Petersfield Green.
- 3.15 The required consultation in order to extend a PSPO has been carried out and Ward Councillors for the areas covered by the Order and, other consultees who responded, have all supported an extension based on feedback from members of the public and the experience of consultees of the impact of the PSPO. Those Ward Councillors who supported the extension of the PSPO are set out at Appendix C.
- 3.16 The PSPO as stated on the Order was intended to prohibit the consumption of alcohol or having an open container of alcohol within the designated places. The reduction in complaints about people drinking on the open spaces suggests that the Order has achieved its aim. It was not envisaged that it would address all forms of ASB but that it would return the named open spaces to the general public for their enjoyment.
- 3.17 The Street Life Working Group (SLWG) is a multi-agency group working with people difficult to engage and involved in street based ASB. The approach of the SLWG which uses customised action plans for individuals is better designed to address life style choices and behaviours of individuals and to deliver the intensive work required to achieve changes with individuals rather than a PSPO.
- 3.18 It is acknowledged that PSPOs are not intended to be indefinite and that an exit strategy is a sensible idea. This can be achieved through the process of data review and consultation which is required under the legislation when either making a change to the order or allowing an order to lapse.

### Proposal

- 3.19 If the Order is to be extended this must be done before the time when the Order is due to expire, on 31 May 2019, and must satisfy the reasonable grounds as set out in section 60(2) of the 2014 Act.
- 3.20 The Council is satisfied on reasonable grounds (as per section 60(2) of the 2014 Act) that extending the order is necessary to prevent:
- (a) Occurrence or recurrence after that time of the activities identified in the order; or

(b) An increase in the frequency or seriousness of those activities after that time.

- 3.21 Considering the evidence, the overall picture indicates that extending the current 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 2014 Act. It is reasonable in these circumstances to expect that the problems would return to these open spaces if the PSPO was to expire.
- 3.22 In the event of the PSPO not being extended the Order in relation to Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place, Cambridge, will lapse on 31 May 2019. The Council considers it reasonable to assume that street drinking and anti-social behaviour in the areas of concern may reoccur and/or increase in the frequency and/or seriousness if the Order is not extended.

## **4. Implications**

### **(a) Financial Implications**

If an extension to the 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.

The current signs can remain in place and the City Council will be required to publicise the extension which can be done through press release and publication on our website.

If the extension is not approved, it will be necessary to publicise the lapse and to remove the signs and erect signs to publicise the removal of the Order, for which there will be a cost.

### **(b) Staffing Implications**

There may be staffing implications to extending the Order, dependent on how the Council wants to designate the issuing of fixed penalty notices for breaches of the Order. Currently there is a memorandum of understanding between the police and the City Council in which beaches of the Order are policed by the Constabulary and the fixed penalty notices are issued by the

City Council. The police have indicated that they will want to review this approach which can be done through a review of the memorandum of understanding.

### **(c) Equality and Poverty Implications**

The impact on residents, visitors and businesses is expected to be positive, as the Order should continue to act as a deterrent to irresponsible consuming of alcohol or possession of alcohol containers within the relevant areas.

### **(d) Environmental Implications**

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

### **(e) Procurement Implications**

Costs are highly unlikely to fall within the procurement criteria.

### **(f) Community Safety Implications**

The extension of the Order will continue to have a positive effect on community safety in the concerned areas.

### Human Rights

When deciding whether to extend the period for which a PSPO has effect and if so for how long 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. The restrictions imposed by the PSPO are considered proportionate for the prevention of crime and disorder.

## **5. Consultation and communication considerations**

Consultation with the Police and Crime Commissioner, the local policing body, relevant community representatives and the owner or occupier of land within the restricted area has already taken place. All consultees who responded supported the extension of the Order.

The Council has notified the County Council of the proposal to extend the Order and the proposal has been published on the City Council website.

## **6. Background papers**

Background papers used in the preparation of this report:

(a) Anti-social Behaviour, Crime and Policing Act 2014:

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm>

- (b) Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers, Statutory guidance for frontline professionals:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352562/ASB\\_Guidance\\_v8\\_July2014\\_final\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf)
- (c) Decision details: Public Spaces Protection Order, Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place:  
<https://democracy.cambridge.gov.uk/ieDecisionDetails.aspx?Id=3885>
- (d) 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:  
<https://democracy.cambridge.gov.uk/documents/s27927/PSPO%20Report%20-%20SR%20Committee%20Feb%202015%20v5.pdf>
- (e) PSPO - Mill Road cemetery, Petersfield Green and the front garden at Ditchburn Place – Sealed:  
<https://www.cambridge.gov.uk/media/5485/mill-road-cemetery-petersfield-green-ditchburn-place-pspo-2016-with-stamp.pdf>

## 7. Appendices

- A The Public Spaces Protection Order (A1) and Maps (A2-A4)
- B Impact of the PSPO
- C Ward Councillors supporting PSPO extension

## 8. Inspection of papers

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

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