



Extension of Public Space Protection Orders –

1. Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place, Cambridge and 2. Touting

To:

Executive Councillor Alex Collis
Environment and Community Scrutiny Committee, 24/03/2022

Report by:

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Wards affected:

All

Not a key decision

1. Executive Summary

- 1.1 The Anti-social Behaviour, Crime and Policing Act 2014 (“2014 Act”) gives the Council powers to make Public Space Protection Orders (PSPOs).
- 1.2 The Council has two PSPOs due to lapse in 2022. These are:
 - The Cambridge City Council Mill Road Cemetery, Petersfield Green and the front garden at Ditchburn Place, Cambridge Public Spaces Protection Order 2016, and
 - The Public Spaces Protection Order (Touting) 2016.
- 1.3 Before the orders lapse a decision must be made to either extend the period of the orders for up to three years, to vary or to discharge the orders. All three decisions will require action by Cambridge City Council.
- 1.4 A consultation on which decision to take has been conducted with the Police and Crime Commissioner, the local policing body, relevant community representatives, ward councillors and the owner/occupier of

land the PSPOs cover. Over 92% of respondents supported the extension of the orders.

- 1.5 Whilst reported incidents of prohibited behaviours have significantly decreased, community groups and councillors remained concerned about anti-social behaviour re-occurring without the PSPOs in place.

2. Recommendations

The Executive Councillor is recommended to:

- 2.1 Extend both PSPOs for a period of 12 months on the grounds of:
 - Consultation feedback highlighting concerns about anti-social behaviour (ASB) re-occurring if the orders were discharged and evidence of lower levels of prohibited behaviours.
 - The impact of Covid-19 on social life in the areas concerned and the potential that behaviour and anti-social behaviour may resume now that restrictions have been lifted.
 - The need to address the disparity between low reporting to the Council and Police and ongoing community concerns about prohibited behaviours.
- 2.2 To note that, if approved, the extension period will be used to assess if there is further evidence to warrant a 3-year extension, variation or discharge of either or both of the PSPOs.

3. Background

- 3.1 PSPOs are intended to deal with a nuisance or problem behaviours 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 The Mill Road Cemetery, Petersfield Green and the front garden at Ditchburn Place PSPO commenced in 2016, was renewed twice and lapses on 31 May 2022. It prohibits consuming alcohol or having an open container of alcohol in your possession within the area shown coloured red on the Order (see Appendix A-C).
- 3.3 These areas have been the focus of complaints associated with street drinking for many years prior to the PSPO being introduced.
- 3.4 The range of interventions available to the Council and Community Safety Partnership to address street drinking and alcohol related disorder 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 of ASB related to alcohol. The police can engage in a dialogue with those displaying behaviours prohibited by the PSPO, with a breach only being issued if the individual does not agree to comply when required by the police to 1) not consume or 2) surrender their drink.

- 3.5 The Street Life Working Group (SLWG) is a multi-agency group working with people difficult to engage and involved in street based ASB. The SLWG use customised action plans designed to address lifestyle choices and behaviours and to deliver the intensive work required to achieve changes, rather than a PSPO.
- 3.6 Covid-19 also impacted on the presence of street drinking in these open spaces with the restrictions on groups gathering and the effect of the 'Everyone In' initiative for the homeless.
- 3.7 Before considering extension, variation or discharge of the order the Council 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. Appendix D shows the list of consultation respondents.
- 3.8 Extending the PSPO requires evidence that the behaviour prohibited has occurred or is likely to re-occur.
- 3.9 The consultation responses and evidence for this PSPO showed:
 - The Council's ASB case management system showed 9 incidents of drinking on Petersfield Green between October 2019 – October 2021.
 - Police reports on ASB incidents involving alcohol for the same period were low:
 - Ditchburn Place – 2 incidents
 - Mill Road Cemetery – 3 incidents
 - Petersfield Green – 16 incidents
 - 92% of respondents (22 of 24) supported the extension of the PSPO. Reasons included:
 - Respondents witnessing evidence of alcohol consumption (drinkers and discarded alcohol containers) in the prohibited areas
 - Concern that the alcohol consumption in the area would return to levels seen in the years prior to the PSPO

- Importance of the public being able to enjoy the limited green spaces in the area
- The PSPO acting as a deterrent for ASB
- The PSPO enhancing feelings of safety in the areas it covers
- Of the 8% (2 of 24) who did not call for the PSPO to be extended, one respondent felt unable to comment and the other responded that if the PSPO were to be discharged it should be reviewed every 12 months.

3.10 The PSPO 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 it is achieving its aim.

3.11 The Public Spaces Protection Order (Touting) 2016 has been renewed once and lapses on 14 September 2022. The activities prohibited by the Touting Order are verbally: i. advertising or ii. soliciting for custom or iii. otherwise touting for a punt tour or the hire or use of punts boats or similar craft on the River Cam (including any walking tour which includes or involves, whether or not for consideration, a punt tour or hire or use of punts boats or similar craft on the River Cam. The areas covered by the PSPO can be found in Appendix E and F.

3.12 The consultation and extension process are the same as in 3.6 and 3.7.

3.13 On 25 May 2018, the Council was granted an Injunction against named and unnamed parties from engaging in unlicensed commercial punt operations, including touting, on Council-owned land. This resulted in operators being unable to punt from Garret Hostel Lane and had a significant impact on illegal touting in King's Parade and the city generally.

3.14 Covid-19 had a significant impact on the number of visitors to the city during 2020/21 and consequently on the number of people seeking punt tours, again reducing the opportunities to tout for business.

3.15 The consultation responses and evidence for this PSPO showed:

- Complaints received by the City Council about punt touting:

Year	No. of complaints	Order / Injunction
2006 – 2016	268	Order – 15 September 2016
2016 – 2018	164	Injunction – 25 May 2018
2018 – 2021	19	

- 94% (32 of 34) of respondents supported the extension of the PSPO. Reasons included:
 - People being approached by touters at prohibited locations, albeit at reduced levels
 - The PSPO acting as a deterrent
 - Increased enjoyment by the public of the spaces covered in the PSPO
 - Concerns about prohibited behaviours increasing should the PSPO be discharged
 - The need to maintain a pleasant resident, student and visitor experience as the city recovers from the Covid-19 pandemic
- Of the 6% (2 of 34) who did not explicitly call for the PSPO to be extended one commented that touting still occurs at prohibited locations on a reduced level and the other respondent gave views on both extension and discharge.

3.16 It is acknowledged that PSPOs are not intended to be indefinite and that an exit strategy is a sensible idea. This can be achieved for both PSPOs through the process of data review and consultation over the next 12 months.

4. Implications

a) Financial Implications

If an extension to the Orders 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 lapses and to remove the signs and erect signs to publicise the removal of the Orders, 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. For the Cambridge City Council Mill Road Cemetery, Petersfield Green and the front garden at Ditchburn Place, Cambridge Public Spaces Protection Order there is a memorandum of understanding between the police and the City Council in which beaches of the PSPO 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 overall, as the PSPOs should continue to act as a deterrent to 1) touting and 2) irresponsible consuming of alcohol or possession of alcohol containers, within the relevant areas. This is expected to reduce anti-social behaviour and increase feelings of safety.

Equality impact assessments for the PSPOs can be found appendices G +H.

d) Net Zero Carbon, Climate Change and Environmental Implications

A climate change rating tool has been completed which shows no net impact on the council's net zero carbon target.

e) Procurement Implications

Costs are highly unlikely to fall within the procurement criteria.

f) Community Safety Implications

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

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. A list of those who responded to the consultation can be found in Appendix D.

94% (32 of 34) of respondents supported the extension of the Public Spaces Protection Order (Touting) 2016.

92% of respondents (22 of 24) supported the extension of the Cambridge City Council Mill Road Cemetery, Petersfield Green and the front garden at Ditchburn Place, Cambridge Public Spaces Protection Order.

Cambridgeshire Constabulary commented *“We understand that Mill Road Cemetery, Petersfield Green and the front garden at Ditchburn Place remain areas of local concern. Despite very low reports of crime and disorder officers have continued to patrol the area. The pandemic did contribute to a generic reduction in crime and ASB across the City for a period of time. Likewise, it should be noted that the City Council secured civil orders against key persons who significantly contributed to the issues in this same area over the last 3 years.*

Looking ahead, we have a variety of preventative powers available to us, powers of arrest, stop and search and dispersal orders which are all successfully used in Cambridge City to prevent harm and tackle ASB, we believe these powers are likewise sufficient for the areas concerned. A further 12 months would allow the Police, City Council and local partners to complete our wider problem-solving approach, with a view to designing out the problems with the help of local communities.”

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
- (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=4945>

- (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%2015%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>
- (f) Decision details: PSPO Touting:
<https://democracy.cambridge.gov.uk/ieDecisionDetails.aspx?ID=5003>
- (g) Public Space Protection Orders (Touting) 2016: First Year Operational Review:
<https://democracy.cambridge.gov.uk/documents/s40032/Draft%20Report%20FINAL.pdf>
- (h) PSPO – Touting (2019) – Sealed:
<https://www.cambridge.gov.uk/media/7690/touting-pspo-sealed.pdf>

7. Appendices

- A Mill Road Cemetery Map
- B Petersfield Green Map
- C Ditchburn Place Map
- D List of Consultation Respondents
- E PSPO Touting Map
- F PSPO Touting Exception Areas
- G Equality Impact Assessment Mill Road Cemetery, Petersfield Green and Ditchburn Place
- H Equality Impact Assessment Touting

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact Keryn Jalli, Community Safety Manager, tel: 07562 308 141, email: keryn.jalli@cambridge.gov.uk