

Public Space Protection Order: Mill Road Cemetery, Petersfield Green and the front garden of Ditchburn Place

To:

Executive Councillor for Recovery, Employment and Community Safety, Cllr Alice Gilderdale

Environment and Communities Scrutiny Committee, 23/03/2023

Report by:

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Wards affected:

Petersfield

Not a key decision

1. Executive Summary

- 1.1 The Anti-social Behaviour, Crime and Policing Act 2014 (“2014 Act”) gives local authorities the power to make Public Space Protection Orders (PSPOs).
- 1.2 The Cambridge City Council Mill Road Cemetery, Petersfield Green and the front garden at Ditchburn Place, Cambridge Public Spaces Protection Order 2016 is due to lapse on 31st May 2023. This PSPO prohibits consuming alcohol or having an open container of alcohol in possession within the areas shown shaded red on the Order (see Appendix A-C). At the time the PSPO was introduced, these areas were the focus of complaints for anti-social drinking of alcohol.
- 1.3 Before the orders lapse, Cambridge City Council must decide to either:
 - a) extend the period of the order for up to three years, b) vary the order or c) discharge the order.
- 1.4 As per legislation this decision should be informed by consultation with:

- The Police and Crime Commissioner,
- Cambridgeshire Constabulary (the local policing body),
- Relevant community representatives,
- Ward Councillors, and
- The owner/occupier of land the PSPO covers.

In addition to these groups, the Council sought the views of local people via the Council's Citizen Lab consultation platform. 61 people completed the consultation. The consultation questions can be found in Appendix D.

- 1.5 The council also collaborated with the University of Cambridge whose Geography students completed 300 in-person surveys with the public on ASB and public spaces.
- 1.6 The evidence and consultation results have been used to inform consideration about whether to a) renew the PSPO; b) vary it; or c) discharge it and adopt a new approach to addressing alcohol related ASB. The report highlights why options a) and b) are not recommended and how option c) is proposed to be implemented, as summarised in 3.18.

2. Recommendations

The Executive Councillor is recommended to discharge the PSPO and adopt a new approach to addressing alcohol related ASB.

The new approach will involve:

- 2.1 A proactive and preventative council presence on the current PSPO sites through weekly patrols.
- 2.2 Better engagement and education with street drinkers, support services and local interest groups.
- 2.3 A greater ability to gather intelligence on alcohol related ASB, which will be used as evidence for enforcement action, such as Criminal Behaviour Orders.

Discharge is recommended on the grounds of:

- 2.4 A significant reduction in reports of anti-social drinking of alcohol on the sites covered by the PSPO. In 2022, the police and council received only 2 reports each.
- 2.5 Low frequency of incidents identified in the consultation. 36 consultation respondents had witnessed anti-social drinking in the past 12 months. Of these who had witnessed anti-social drinking, almost half witnessed this 10 times or less (an average of less than once per month).

- 2.6 65% (194 of 300) respondents to the University of Cambridge's in person surveys did not list alcohol as a core problem facing public spaces in Cambridge.
- 2.7 80% of consultation respondents (49 people) supported the Council and Police managing anti-social drinking of alcohol as outlined in 2.1 – 2.3.

3. Background

- 3.1 PSPOs are intended to deal with nuisance or problem behaviours in a particular area that are detrimental to the local community's quality of life, by imposing conditions on the use of the area. Whilst PSPOs can be extended, they cannot be used indefinitely. 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. It was renewed three times and lapses on 31 May 2023. It prohibits consuming alcohol or possessing an open container of alcohol within the area shown coloured red on the Order (see Appendix A-C).
- 3.3 At the time the PSPO was introduced, these areas were the focus of complaints for anti-social drinking of alcohol.
- 3.4 Petersfield Green is adjacent to Jimmy's which is a community-based charity providing both support and housing to people who are rough sleeping. Ditchburn Place is a supported living scheme operated by Cambridge City Council.
- 3.5 The Home Office guidance on PSPOs states: *"PSPOs should not be used to target people based solely on the fact that someone is homeless or rough sleeping, as this in itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies the restrictions imposed. It suggests the council should consider whether the use of a PSPO is the appropriate response and if it will have a detrimental impact on homeless people and rough sleepers."*
- 3.6 There are a range of interventions available to the Council and Community Safety Partnership to address street drinking and alcohol related disorders other than using a PSPO.
- 3.7 The Street Life Working Group (SLWG) is a multi-agency group working focused on 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.

- 3.8 In 2022, a new role of Street Life Support Officer was created within the Community Safety Team. The purpose of this role is to engage with people with a street presence who cause anti-social behaviour (ASB), including street drinkers and link them in with appropriate support services where necessary. Whilst in the early stages of their work, the post holder has successfully engaged those with a street presence and has had a positive impact on street related ASB in the city centre. On 2nd March 2023 the Street Life Support Officer started weekly patrols of the PSPO sites. These patrols act as a deterrent to ASB, create opportunities for the officer to safely engage with street drinkers and gather evidence on anti-social drinking in the areas. The evidence can be used as a basis for interventions or where necessary, enforcement. The Street Life Support Officer will also engage the nearby support services and local interest groups.
- 3.9 Community based solutions can also be used to manage ASB related to street drinking and support cohesion on public spaces.
- 3.10 Residents of Petersfield Green were awarded £2,200 from the Environmental Improvement Programme 2022 for two benches on the Green. Their application explains how currently those with a street presence, including those living at Jimmy's tend to drink on the steps of the Petersfield Mansions.
- 3.11 The application states residents *“fully acceptance that the area is there for all people to use but it would be much better if bench seating was provided to attract people to sit in on them rather than on residents’ steps and near Jimmy’s”* and that *“the provision of two benches would provide more facilities for the general public but would also help reduce the impact of those who congregate together during the day and in evenings.”*
- 3.12 Currently the PSPO would prohibit the benches being used for the purpose intended by the residents.
- 3.13 Where anti-social behaviour associated with alcohol persists despite education and engagement, the Police can issue Criminal Behaviour Orders on the individuals causing ASB.

- 3.14 The approaches outlined in 3.6 – 3.13 enables the council and police to address the problematic behaviours of specific individuals causing alcohol related ASB in public spaces without the PSPO.
- 3.15 Before considering discharge of the order the Council is required to consult 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. The Council widened the scope of the PSPO consultation, by making it public. 61 people completed the consultation – this is 96% more than last year. The consultation questions can be found in Appendix D.
- 3.16 In addition, the council collaborated with the University of Cambridge who completed 300 in-person surveys with the public on ASB and public spaces. Of those surveyed 83% (248) were in the city either daily or multiple times per week. The places surveyed included the areas covered by the PSPO, and a full list can be found in Appendix E.
- 3.17 The results of key evidence and consultations are broken down below:
- Police and Council reports showed:
 - Few reports of anti-social drinking to both the police and Council. Only 2 reports to each organisation received in 2022.
 - Citizen Lab consultation showed:
 - 25 consultation respondents had not witnessed any anti-social drinking of alcohol on the PSPO sites in the last 12 months.
 - Of those who had witnessed anti-social drinking, almost half witnessed it less than once a month, on average.
 - 80% (49 people) supported the Council and Police managing anti-social drinking of alcohol as set out in 2.1 – 2.3.
 - University of Cambridge public surveys showed:
 - Alcohol was not a core problem facing public spaces in Cambridge for 65% of the public (194 of 300 people) who completed in person surveys.
 - 62% (186 of 300) of the public surveyed had never avoided public spaces in Cambridge due to experiences or perceptions of ASB.
 - Ward Councilors felt it was important that action is taken on anti-social drinking at the current PSPO sites.

- Police stated that anti-social drinking could be managed without the PSPO.

- 3.18 The evidence shows that the frequency in which the anti-social drinking occurs does not warrant blanket enforcement through a PSPO, either through renewal or variation. The City Council and Police are both confident that that anti-social drinking of alcohol on the sites covered by the PSPO can be managed through, education and engagement with street drinkers, support services and local interest groups. Where necessary enforcement of individuals causing ASB can be managed through Criminal Behaviour Orders.
- 3.19 To manage anti-social drinking, weekly patrols will take place on Mill Road Cemetery, Ditchburn Place and Petersfield Green, which will be closely reviewed and monitored. There will be a meeting with Petersfield ward councillors in 6-months, or sooner if needed, to review the findings of the patrols and other measures to manage anti-social drinking as set out in 3.6 – 3.13.

4. Implications

a) Financial Implications

If discharge is approved, it will be necessary to update the council's website, remove the signs on the sites and erect new signage. The new signage will inform people of how they can report any type of anti-social behaviour to either the Council or Police. The cost of the signage would be ~£700 - £900.

The new Street Life Support Officer's time can be used to monitor anti-social street drinking at Petersfield Green, Mill Road Cemetery and the front garden of Ditchburn Place at no additional cost.

If the discharge is not approved, it will be necessary to vary the order so that it is in line with the countywide Cambridgeshire Constabulary Memorandum of Understanding for PSPO enforcement.

To vary a PSPO, the Council requires sufficient evidence to show that the activities that are sought to be prohibited on the sites have a detrimental impact on the quality of life for those locally and that they are persisting in nature.

The evidence as demonstrated above shows that there has been a decrease the prohibited behaviour on the sites of the PSPO. The evidence also shows

that the majority of those surveyed by University of Cambridge did not avoid public spaces due to perceptions or experiences of ASB.

If the order was to be varied the validity of it could be challenged in the High Court. The cost of a High Court challenge would be ~£10,000 - £20,000 and the court could rule to suspend the order until the final determination of the proceedings.

b) Staffing Implications

Staff time would be required to remove the current signage and install new signage on the sites, at no additional cost.

The new Street Life Support Officer's time can be used to monitor street drinking at Petersfield Green, Mill Road Cemetery and the front garden of Ditchburn Place at no additional cost.

c) Equality and Poverty Implications

The impact on residents, visitors and businesses is expected to be positive overall, as the actions proposed in 3.6 – 3.13 will mitigate the impact of anti-social drinking in the areas currently covered by the PSPO. The proposal to manage anti-social drinking is expected to reduce anti-social behaviour and increase feelings of safety.

Equality impact assessments for the PSPO can be found Appendix F.

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 actions proposed in 3.6 – 3.13 would address community concerns and mitigate the impact of anti-social drinking of alcohol.

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 no longer considered proportionate.

5. Consultation and communication considerations

More in depth information about the consultation:

- a) Before considering discharge of the order the Council needs to consult with:
- Police and Crime Commissioner,
 - The local policing body,
 - Relevant community representatives,
 - Ward councillors, and
 - The owner or occupier of land within the restricted area

The Council widened the scope of the PSPO consultation, by making it public. 61 people completed the consultation – this is 96% more than last year. The consultation questions can be found in Appendix D.

- b) In addition, the council collaborated with the University of Cambridge who completed 300 in-person surveys with the public on ASB and public spaces. Of those surveyed 83% (248) were in the city either daily or multiple times per week. The places surveyed included the areas covered by the PSPO, and a full list can be found in Appendix E.
- c) The consultation responses and evidence for this PSPO showed:
- The Council and Police only received 2 reports of anti-social drinking of alcohol in 2022.
 - The table below shows how reports of anti-social drinking were lower in 2022 than the years which included Covid-19 lockdowns. 2022 reporting figures were also lower than pre-pandemic figures.

Reports to Cambridgeshire Police on Antisocial Behaviour involving intoxication					
Year	Mill Road Cemetery	Petersfield Green	Ditchburn Place	Total	Average
2017	1	2	0	3	1 report every 3 months
2018	0	4	2	6	1 report every 2 months
2019	1	9	1	11	1 report per month
2020	1	5	1	7	1 report every 2 months
2021	2	7	0	9	1 report every 1 ½ months
2022	1	1	0	2	1 report every 6 months

Citizen Lab consultation showed:

- 25 consultation respondents had not witnessed any anti-social drinking of alcohol on the sites covered by the PSPO in the last 12 months.
- Of the 36 respondents who had seen anti-social drinking, almost half witnessed it 10 times or less. On average this is less than one report per month.
- Of those who had seen anti-social drinking, 94% (34 people) did not report it to either the police or the council.
- Whilst 78% of consultation respondents (48 out of 61) wanted the PSPO to continue. 80% (49 of 61) supported the Council and Police managing anti-social drinking of alcohol as set out in 2.1 – 2.3.

University of Cambridge public survey showed:

- 65% (194 of 300) respondents to the University of Cambridge's in person surveys did not list alcohol as a core problem facing public spaces in Cambridge.
- 62% (186 of 300) respondents to the University of Cambridge's in person surveys had never avoided public spaces in Cambridge due to experiences or perceptions of ASB. Of those who did avoid public spaces, only 5 stated alcohol as a reason for avoiding the space, 3 locations were either outside a pub or nightclub.

d) The consultation responses show mixed views amongst residents about whether there is a continued need for the PSPO. A selection of responses are listed below:

- *Substance misuse should never be viewed as a criminal act, but rather a medical and social health issue.*
- *Every single street homeless and person in supported living with such issues, who I used to work with extensively, are suffering both life-long trauma and poverty. Criminalising these people exacerbates all issues in favour of keeping them out of sight for the wellbeing of other citizens. This is not the mark of a responsible society.*
- *It was useful back in 2015 when there was an established problem but there's no sign that it's still needed.*
- *Remove them [people drinking on the PSPO sites] permanently and ban from the city centre and all other locations. Including beggars.*

- *The PSPO has little negative consequence and provides a deterrent/easy enforcement route for anti-social drinking.*
- e) The responses show that those effected want to see the Council respond to anti-social drinking and that they are supportive in it being managed differently. Respondents were asked whether they that would support anti-social drinking being managed by *“engaging more with people street drinking to get them to stop and through more Criminal Behaviour Orders that put conditions on people such as staying away from a particular place and working to improve their behaviour by going to support services”*. 80% (49 of 61) supported the Council and Police managing anti-social drinking of alcohol in this way.
- f) In addition, the Council proposes that ant-social drinking can be managed through the measures outlined in 3.6 – 3.13. These include utilising:
- The Street Life Working Group
 - Weekly patrols by the Street Life Support Officer
 - Community initiatives and funding via the Environmental Improvement Programme
 - Criminal Behaviour Orders
- g) Cambridgeshire Constabulary stated *“It is the view of the neighbourhood policing team that ASB and nuisance related to alcohol is not a significant issue in either of the 3 locations covered by the PSPO. Any incidents that do occur can be easily managed using ordinary policing powers and tactics.”*

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%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 Mill Road Cemetery Map
- B Petersfield Green Map
- C Ditchburn Place Map
- D Consultation Questions
- E List of University of Cambridge Survey Areas
- F Equality Impact Assessment Mill Road Cemetery, Petersfield Green and Ditchburn Place

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