
Cabinet

29th November 2016

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor A Khan

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

St Michaels

Title: Creation of a City Centre Public Spaces Protection Order – Public Consultation

Is this a key decision?

No

Executive Summary:

In order to ensure that the City Centre is an attractive destination for residents, shoppers and businesses, we need to minimise any behaviours that may be detrimental to the quality of life in this locality and potentially deter people from visiting the City Centre.

A City Centre Public Spaces Protection Order (PSPO) would assist in this matter and simplify the response of officers from the Police and the Council in dealing with various anti-social activities. This order will recognise that some of those considered to be causing issues have their own vulnerabilities and will seek to offer support and assistance, rather than simply rely on enforcement.

This report contains a draft PSPO and seeks permission to consult the general public, partners and businesses on its potential introduction.

Recommendations:

The Cabinet is recommended to:-

1. Consider the wording of the proposed PSPO and the suggested area to be covered by the Order, as set out in Appendices 1 and 2 to the report.
2. Authorise officers to consult with partners, businesses and the general public on the proposed PSPO and the suggested area to be covered by the Order.
3. Request that a further report is brought back to Cabinet with the findings of the consultation and subsequent recommendations.

List of Appendices included:

Appendix 1 – Draft Public Space Protection Order for Coventry City Centre

Appendix 2 – Map outlining area covered

Appendix 3 – Buskers code of conduct

Appendix 4 – Proposed Consultation Document

Appendix 5 – Partner Impact Statements and relevant supporting evidence

Appendix 6 – Equality and Consultation Analysis

Background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Creation of a City Centre Public Spaces Protection Order – Public Consultation

1. Context (or background)

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 gained Royal Assent in April 2014. The Public Spaces Protection Order (PSPO) provision has been in operation since 20th October 2014. PSPOs are intended to provide a means of preventing individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature; and be unreasonable.
- 1.2 The Council's aim is to improve the city centre as place to live, shop and do business. It is recognised that in order to do this we need to make the city centre as attractive a destination as possible. This can be helped by minimising any factors that may deter people from visiting the city centre. A city centre PSPO is a useful tool in achieving this aim.
- 1.3 This order will recognise that some of those considered to be causing issues have their own vulnerabilities and will seek to offer support and assistance, rather than simply rely on enforcement.
- 1.4 The power to make a PSPO rests with the Council, in consultation with the Police, other relevant bodies and the general public.

2 Options considered and recommended proposal

- 2.1 **Do nothing (not recommended).** The local authority and the Police, in some cases, already have powers to deal with certain adverse behaviour covered in the proposed PSPO. However, these current powers are viewed as being overly bureaucratic and can quickly result in offenders obtaining criminal records' which may adversely affect their future employment prospects.
- 2.2 **Conduct a public consultation on the introduction of a city centre PSPO (recommended).** The introduction of a specific PSPO for the city centre would provide useful powers for Council officers and the Police in addressing adverse behaviours in the city centre. It is quick and easy to use, which is an important consideration when both organisations are facing reductions in resources. It also has the added benefit of enabling the offender to accept a fixed penalty notice rather than appear in court and receive a criminal record. The wording of the proposed PSPO can be seen in Appendix 1.
- 2.3 One element of the proposed PSPO is to deal with busking in the City Centre. To assist in the proposed consultation, a copy of the City's Code of Practice for Buskers has been included (see Appendix 3).
- 2.4 The proposed City Centre PSPO will cover the area inside the ring road and extend to the Friargate development and the railway station (see Appendix 2).
- 2.5 In summary, Cabinet is recommended to:
 1. Consider the wording of the proposed PSPO and the suggested area to be covered by the Order.
 2. Authorise officers to consult with partners, businesses and the general public on the proposed PSPO and the suggested area to be covered by the Order.

3. Request that a further report is brought back to Cabinet with the findings of the consultation and subsequent recommendations.

3. Results of consultation undertaken

- 3.1 If the Cabinet approves the recommendations in this report, officers will consult with partners, businesses, residents and the general public. The consultation will be actively publicised and will be for a period of 47 days from 30th November 2016 until 15th January 2017. The proposed consultation document can be seen in Appendix 4.
- 3.2 It is a requirement of granting a PSPO that it can be shown that it is needed and proportionate to a given issue. Impact statements and supporting evidence can be found in appendix 5.

4 Timetable for implementing this decision

- 4.1 At the culmination of the proposed consultation process a further report will be prepared for Cabinet. The report will contain the views expressed in the consultation together with relevant recommendations.

A PSPO is valid for a period of 3 years, they can be rescinded, amended or extended at any point during that period. Any amendment or extension will need to follow the process again.

5 Comments from Executive Director of Resources

5.1 Financial implications

No additional resource will be required to implement the proposed PSPO. Any additional income generated by the introduction of a PSPO will contribute towards Council resources source.

5.2 Legal implications

Under sections 59-75 of the Anti-social Behaviour, Crime and Policing Act 2104, local authorities have powers to make PSPOs.

The Council can only make a PSPO when it is satisfied on reasonable grounds that the activities carried out or likely to be carried out in a public place have a detrimental effect on the quality of life of those in the area and are persistent, continuing and unreasonable. The Council would also need to be satisfied that the restrictions imposed were justified

PSPOs can only apply to public places. This means any place to which the public, or and sections of the public, on payment or otherwise, have access to as of right or by virtue of express or implied permission.

In line with other PSPOs in Coventry, any Fixed Penalty Notice for non-compliance with a PSPO will be set at £100 reduced to £60 if paid within 14 days. If the Fixed Penalty Notice is not paid, it is the Council's policy to prosecute the offender in the Magistrates` Court, where the maximum fine is currently £1000 (level 3 on the standard scale)

6 Other implications

- 6.1 **How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)**

Crime and Disorder

Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Community Safety Plan and Strategic Assessment 2015/16.

6.2 How is risk being managed?

Police and Council Officers continue to incorporate the area in their patrol strategies and work schedule and will monitor behaviour of individuals and the condition and cleanliness of the area.

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

The impact on protected groups as defined by the Equality Act 2010 is considered in the Equality and Consultation Analysis at Appendix 6 to the report. At present it is not considered necessary to take any particular steps to prevent the negative impact on any particular protected groups as a result of the introduction of the proposed PSPO.

6.5 Implications for (or impact on) the environment

The purpose of taking action is to address adverse behaviours in the City Centre, in an attempt to improve the environment and wellbeing of the community.

6.6 Implications for partner organisations?

Powers granted will also be available to West Midlands Police.

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