
Cabinet

12th February 2019

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor A S Khan

Director Approving Submission of the report:

Deputy Chief Executive (Place)

Ward(s) affected:

St Michaels, Radford, Foleshill, Sherbourne

Title: Creation of a Public Spaces Protection Order for St Michaels and surrounding areas – public consultation

Is this a key decision?

Yes – The proposals affect more than two wards in the City

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 and other places covered by the order.

Equally there is significant Police and local intelligence that we have an existing and ever emerging issue in the City Centre and surrounding areas regarding drug use, drug dealing and exploitation of young people, both criminally and sexually.. In addition we have seen an increase in public place violence including gun and knife crime, we and the police believe these issues are related.

This report therefore proposes a Public Spaces Protection Order (PSPO) for St Michaels Ward. This will assist Police Officers in dealing with various anti-social activities in a prompt and effective manner.

To avoid displacement of criminal activity between different areas of the City Centre and surrounding neighbourhoods the order covers the geographical area of St Michael's Ward, and a small number of areas other areas, e.g. the Canal Basin and Gosford Green.

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.
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 – Proposed Consultation Document

Appendix 4 – Partner Impact Statements and relevant supporting evidence

Appendix 5 – Equality and Consultation Analysis

Background papers:

None

Has it been or will it be considered by Scrutiny?

It is planned to take the results of the consultation to the Scrutiny Coordinating Committee (SCRUCO) prior to bringing a report back to Cabinet.

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 Public Spaces Protection Order for St Michaels and surrounding areas – 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. PSPO's 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. Only local authorities have the specific power to create a PSPO.
- 1.2 As can be seen from the partner statements appended to this report in appendix 4, there is significant Police and local intelligence of an increasing problem with antisocial behaviour in the City Centre and surrounding neighbourhoods. This includes: drug use, drug dealing and exploitation of young people, both criminally and sexually. In addition, the City has seen an increase in public place violence including gun and knife crime, we believe these issues are related.
- 1.3 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. This PSPO would be a useful tool in achieving this aim.
- 1.4 This PSPO will allow Police Officers to promptly address issues that are causing issues for the area affected, and prevent those causing issues from simply moving to an adjoining area to continue their anti social, or possibly criminal behaviour.
- 1.5 The power to make a PSPO rests with the Council, in consultation with the Police, other relevant bodies and the general public as appropriate

2 Options considered and recommended proposal

- 2.1 **Do nothing (not recommended).** The Police and local authority, 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 could quickly result in offenders obtaining criminal records' which may adversely affect their future employment prospects. The evidence presented by WM Police is also clear that these existing powers are not currently tackling the antisocial and criminal behaviour in our City.
- 2.2 **Conduct a public consultation on the introduction of a PSPO (recommended).** The introduction of a specific PSPO for the designated area would provide useful powers for Police officers, and where necessary local authority officers, to address adverse behaviours in the designated area. It is quick and easy to use, which is an important consideration when organisations are facing reductions in resources.
- 2.3 The PSPO can be enforced by simply informing someone that their behaviour is unacceptable and advising them to move on. An offence and further action only applies if they refuse. 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 if enforcement is necessary. The wording of the proposed PSPO can be seen in Appendix 1.

- 2.4 By using the more pragmatic powers of a PSPO, it is hoped that the increasingly stretched resources of the Police and other partners can be better used to tackle the increasing antisocial behaviour problem in our City Centre.

3. Results of consultation undertaken

- 3.1 If 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 30 days. The proposed consultation document can be seen in Appendix 3.
- 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 taken to SCRUCO and then brought to 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 Director of Finance and Corporate Services

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.

5.2 Legal implications

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

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

PSPO's 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 PSPO's 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.

6.2 How is risk being managed?

Police and City Council Officers continue to incorporate the area in their patrol strategies / work schedules, and will monitor behaviour of individuals, the condition of the areas outlined.

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 5. 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.

Report author(s):

Liam Nagle

Name and job title:

Liam Nagle – Community Safety Officer

Directorate:

Place Directorate

Tel and email contact:

02476 832063

Liam.Nagle@coventry.gov.uk

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Craig Hickin	Head of Environmental Services	Place		15/01/19
Graham Hood	Head of Streetpride, Greenspaces	Place		15/01/19
Davina Blackburn	Regulatory Services Manager	Place		15/01/19
Richard Moon	Director of Project Management and Property Management	Place		15/01/19
Rebecca Wilshire	Strategic Lead – Help and Protection	People		15/01/19
Lara Knight	Governance Services Co-ordinator	Place		15/01/19
Names of approvers for submission: (officers and members)				
Finance: Cath Crosby	Lead Accountant	Place		15/01/19
Legal: Gill Carter	Senior Solicitor	Place		15/01/19
HR: Karen Mihailovic	Senior HR Advisor	Place		15/01/19
Andrew Walster	Assistant Director	Place		15/01/19
Martin Yardley	Executive Director	Place		15/01/19
Members:				
Cllr A. Khan	Cabinet Member for Policing and Equalities			15/01/19

This report is published on the Council's website: www.coventry.gov.uk/councilmeetings