
Cabinet

9th June 2020

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor A S Khan

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

St Michaels (City Centre only)

Title: Renewal of City Centre Public Spaces Protection Order

Is this a key decision?

No

Executive Summary:

A Public Spaces Protection Order (PSPO) was created and approved in 2017 to address a number of behaviours within the City Centre that it was felt needed controlling. The behaviours included Street Trading, Busking, Begging amongst others.

PSPO's are only permitted to run for 3 years and at that point either expire or an application is made to renew. The City Centre PSPO is due to expire on 17th July 2020 and we are requesting that the current order is renewed for another 3 years.

It is felt the existing order has worked well in its intention to address problematic behaviours and we would benefit from those conditions being retained, particularly with Coventry becoming the UK City of Culture in 2021. We are likely to see a significant increase in the number of visitors to the City Centre and it's important we have a framework in place to address problematic behaviour.

The City Centre PSPO assists in addressing problematic behaviours and simplifies the response of officers from the Police and the Council in dealing with various anti-social activities.

Recommendations:

The Cabinet is recommended to:-

- 1) Consider and approve the wording of the proposed Public Space Protection Order and the suggested area to be covered by the Order, as set out in Appendices 1 and 2 of the report.
- 2) Authorise officers to bring the Order into effect on 16th July 2020, just prior to the expiry date of the previous order.

List of Appendices:

Appendix 1 – City Centre (2020) Public Space Protection Order for Coventry

Appendix 2 – City Centre Map

Appendix 3 – Summary of responses from key partners

Appendix 4 – Enforcement activity for existing order.

Appendix 5 – Buskers code of conduct

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: Renewal of City Centre Public Spaces Protection Order

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. A PSPO covering the city centre came into effect on 17th July 2017 for a period of 3 years; the maximum period of time, granted under this legislation. A summary of the enforcement taken under this Order can be seen in Appendix 4 to the report.
- 1.3. The Council's aim is to improve the city as a place to live, shop and do business. It is recognised that in order to do this we need to make the city, and city centre, as attractive a destination as possible. This can be helped by minimising any factors that may deter people from visiting the city, or city centre. A citywide PSPO for addressing the issues identified is a useful tool in achieving this aim.
- 1.4. The power to make a PSPO rests with the Council, in consultation with the Police, other relevant bodies and the general public.
- 1.5. 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.

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 slow to implement through summoning to court and similar. Equally there are significant risks to the smooth operation of many City Centre events during the year of culture if we do not have the ability to address issues such as street trading or unauthorised busking.
- 2.2. **Renew the City Centre PSPO (recommended).** The renewal of the City Centre PSPO, for a further period of three years, would provide useful powers for Council officers and the Police in addressing adverse behaviours in the 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 to the report.
- 2.3. The proposed City Centre PSPO will cover the area indicated on the attached map (see Appendix 2 to the report).
- 2.4. In summary, Cabinet is recommended to:
 1. Consider and approve the wording of the proposed PSPO and the suggested area to be covered by the Order as shown in Appendix 1 and Appendix 2 to the report.

2. Authorise officers to bring the order into effect on 16th July 2020, just prior to the expiry of the current Order.

3. Results of consultation undertaken

- 3.1. Provided the Order is renewed before the current Order expires, and there are no proposed changes to the wording of the Order, or the geographical area covered by the Order, then a full public consultation is not required. Consultation with key stakeholders is required.
- 3.2. Consultation took place in early 2020 with key stakeholders, namely West Midlands Police, Coventry Business Improvement District and the Neighbourhood Enforcement team that patrols the City Centre and enforces the Order alongside Police colleagues. Their responses can be seen in Appendix 3 to the report.
- 3.3. In addition, in advance of 2021 and becoming the City of Culture a meeting was held with key agencies such as Equity and the Musicians Union and performers to review the busking code of conduct ahead of 2021. These amendments have made the City Centre a more welcoming destination for buskers and provided greater clarity. It should be noted that the Musicians Union and Equity whilst in favour of the amendments were not in favour of buskers potentially being liable to enforcement. These views were acknowledged but it was felt, ahead of 2021 and increased numbers of buskers we would want to have the ability to quickly regulate performers and enforce if necessary.
- 3.4. It is a requirement of granting a PSPO that it can be shown that it is needed and proportionate to a given issue. Statements and responses from specific organisations and supporting evidence can be found in Appendix 3 to the report.

4. Timetable for implementing this decision

- 4.1. Should the Order be approved by Cabinet it will be implemented on 16th July 2020 just prior to the expiry of the current Order.
- 4.2. 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 Director of Law and Governance

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 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.

Should anyone object to the granting of a PSPO they would have to make a High Court application within 6 weeks of the order being granted.

For that appeal to be successful they would have to show that the Council did not have the power to make the Order, as the issue covered has not been demonstrated, usually by empirical evidence, to be a significant enough issue to justify the restriction. The other grounds for the appeal would be to demonstrate that the consultation process was inadequate.

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.

The Council will decide whether it is appropriate to issue a fixed penalty notice for any breach of the PSPO witnessed by an enforcing officer. 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, court proceedings can be initiated to prosecute for the offence of failing to comply with the PSPO where the maximum fine is currently £1000 (level 3 on the standard scale). Following conviction the Council could apply for a Criminal Behaviour Order which can contain both prohibitions and positive requirements.

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. Equality and Consultation Analysis (ECA)

The impact on protected groups as defined by the Equality Act 2010. 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) climate change and 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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