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**Cabinet**

12 April 2022

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities – Councillor A S Khan

**Director Approving Submission of the report:**

Director Streetscene and Regulatory Services

**Ward(s) affected:**

St Michaels, Radford, Foleshill, Sherbourne, Lower Stoke

**Title:** Renewal of a Public Spaces Protection Order for St Michaels and surrounding areas

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**Is this a key decision?**

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

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**Executive Summary:**

In 2019 a Public Spaces Protection Order (PSPO) was created for St Michael ward and surrounding areas. The order was granted following public consultation that was overwhelmingly in favour of the order being granted. The matter was also discussed by the Scrutiny Co-ordination Committee.

The original reason for the order being sought was in response to the serious instances of public place violence witnessed in the City and criminal exploitation of young people.

We are fortunate that recently we have seen a downwards trend in the seriousness of these incidents; we can point to some excellent partnership work to address matters, but we cannot discount that some reduction was as a result of the COVID-19. pandemic, and as such it is still felt that there is justification for the renewal of the order.

**Recommendations:**

The Cabinet is recommended to:

- 1) Renew the Public Spaces Protection Order for St Michaels and surrounding areas.

**List of Appendices included:**

Appendix 1 – Draft Public Space Protection Order for St Michaels and surrounding areas

Appendix 2 – Map outlining the area covered by the PSPO

Appendix 3 – Partner Impact Statements

Appendix 4 – St Michaels Crime Statistics

**Background papers:**

None

**Has it been or will it be considered by Scrutiny?**

Although this report hasn't been considered by Scrutiny, the original PSPO was considered by Scrutiny Co-ordination Committee on 17<sup>th</sup> April 2019.

**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 a Public Spaces Protection Order for St Michaels and Surrounding Areas

**1. Context (or background)**

- 1.1 In recent years Coventry has seen serious incidents of public place violence and criminal exploitation of young people. This order was specifically created to help address aspects of that.
- 1.2 Significant resources have been allocated to address matters, both regionally and locally. We have seen a decrease in gang related activity and public place violence related to gangs. We cannot be certain of the specific reason for this as it is virtually impossible to analyse the impact of just one aspect of the enforcement toolkit used in the city, but partner agencies value the ability to have the powers to use if needed.
- 1.3 Due to the COVID -19 pandemic and subsequent 'lockdowns' it makes year on year comparison very difficult. The order came into use prior to the first lockdown and as such, the next year(s) saw decreases in most criminal acts. The last year has seen us come out of lockdown and as such, year on year data is showing increasing crime rates, but this is to be expected now that societal restrictions have been lifted.
- 1.4 In Appendix 4 to the report there are details of crime statistics for St Michaels ward. Members should note that all potential criminal acts addressed by the order will not only occur solely in St Michaels ward. Gangs will carry out criminal acts elsewhere in the City and outside the City boundaries. It can be seen from the statistics that behaviours are erratic during the life of the order, making inferences by statistics very difficult.
- 1.5 Last year approximately 25 injunctions were successfully obtained against key individuals thought to be active in gangs. These injunctions have been very effective in controlling the behaviour of these individuals and breaches of these injunctions have seen custodial sentences. However, we know many others are still criminally active and as such this order is still needed to help Police quickly address operational issues in key locations within the geographical limits specified in this Order.
- 1.6 The order is an "informed order" this means that someone will be informed that there is an order in place and that their behaviour is unacceptable. Should they accept an officer's instruction, there is no further action taken. Should they refuse then that will be a breach of the order.
- 1.7 In the three years of operation there have been 49 breach notices issued. Breach notices allow further assessment to decide upon the most appropriate sanction. This may be a formal warning, a referral to other agencies regarding drug or alcohol use or it may result in a fixed penalty notice or a referral to court. Most individuals are only encountered once and as such we do not often issue fixed penalty notices or refer to court.
- 1.8 Police colleagues are looking to create a system of recording each interaction with the public under this power, so we can better assess the number of interactions as well as breaches. All encounters will be recorded on body worn cameras and as such if people have a complaint regarding the use of the powers, this can be assessed.
- 1.9 The Police regularly meet with faith and community groups to discuss community relations and the use of their enforcement powers. No concerns regarding the use of this power have been formally raised, through community groups, or any other route.

## **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. It is believed that the new additional powers will assist the Police in efficiently addressing the relevant issues.
- 2.2 **Approve the Public Spaces Protection Order for St Michaels and surrounding areas (recommended).** The introduction of a specific PSPO for the designated area would provide useful powers for Police 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 apply 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 to the report. The operation of the PSPO will be in line with Home Office guidelines

## **3. Results of consultation undertaken**

- 3.1 Formal public consultation was carried out in 2019 and the results saw over 90% of respondents in favour of the creation of the PSPO. As this is a renewal of an existing order and no changes have been made to the original order we are only required to consult with key partners, their impact statements 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 one day prior to the expiry of the previous order, as indicated in the draft order in appendix 1.

## **5 Comments from the Chief Operating Officer (Section 151 Officer) 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 PSPO's for a period of up to three years.

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, and / or 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/](http://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 they will monitor the behaviour of individuals in these specific locations.

### **6.3 What is the impact on the organisation?**

None

### **6.4 Equalities / EIA**

An Equality Impact Assessment was carried out as part of the creation of the original PSPO. This assessment declared that it was not considered necessary to take any actions to prevent any negative impacts on any protected groups as a result of the renewal of this 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 protect and improve the environment and wellbeing of the community.

### **6.6 Implications for partner organisations?**

Powers granted will be available to West Midlands Police.

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