



To: Scrutiny Co-ordination Committee

Date: 19th April 2023

Subject: Public Space Protection Orders

1 Purpose of the Note

- 1.1 To inform Scrutiny Co-ordination Committee of the use and enforcement of Public Space Protection Orders (PSPO's) in the city.

2 Recommendations

- 2.1 Scrutiny Co-ordination Committee are recommended to:
- 1) Consider the content of the briefing note
 - 2) Identify any recommendations for the appropriate Cabinet Member

3 Background

- 3.1 PSPO's were created as part of the 2014 Anti Social Behaviour (ASB), Crime and Policing Act, PSPO's work for spaces the same way that injunctions work against the person. When a PSPO is created it can define what behaviours or activities are permitted or prohibited within a defined area.

4 Use of PSPO's in the City

- 4.1 We currently have 5 PSPO's operational in the City, They address behaviours that we are looking to address across the City, such as public alcohol consumption and off road bikes, as well as localised issues that are deemed to affect specific areas such as Edwick Park or the City Centre

5 How they are enforced

- 5.1 PSPO's can be enforced by Police and Council officers. These powers can be delegated to other agencies but that has not been done in Coventry.
- 5.2 Under the legislation a simple breach of a PSPO leaves some liable to be issued with a Fixed Penalty Notice (FPN) that can cost £100 or £60 if paid within 14 days.
- 5.3 In Coventry, we issue "breach notices" when someone doesn't comply with a PSPO. This means there is not an obvious confrontation at the point of issuance and allows the offence and the individual to be triaged to decide on the appropriate course of action. The appropriate action may be the issuing of a FPN, a referral to a support agency or a summons to court, it will depend on the circumstances.

6 Challenges of enforcement

- 6.1 Where it is the Council that enforces the PSPO's it is carried out by Neighbourhood Enforcement Officers (NEO's) These officers carry out a wide range of duties across the whole City including investigating fly tipping and other environmental issues, amongst other duties.
- 6.2 We only have a finite number of NEO's and as such where they are allocated and on what duties they are tasked to carry out will have an impact on PSPO enforcement. Recently NEO's have been prioritising fly tipping in targeted areas.
- 6.3 We need to challenge the idea that people's behaviour always needs to be "enforced" technically enforcement only occurs when you have to rely upon legislation to get someone to comply with your instructions. If someone modifies their behaviour as requested then it's usually not appropriate to enforce.
- 6.4 Police look to use what they refer to as "The 5 E's" when they interact with the public. These are:
 - Engage,
 - Educate,
 - Encourage,
 - Enforcement,
 - Evaluate
- 6.5 As can be seen there are a number of steps to follow that could result in people modifying their behaviour without the need to formally tell them you are ordering them to comply with the PSPO.
- 6.6 Because of this, any review of enforcement statistics needs to be caveated so that people aren't unduly concerned if figures are lower than they might expect. This could reflect that officers are good at encouraging people to act in a suitable manner without needing to formally use the PSPO powers.

7 Use of PSPO's moving forwards

- 7.1 The St Michaels PSPO was introduced a number of years ago. The order allows officers to disperse a gathering of two or more people if conditions are met.
- 7.2 Elected members recognised the civil liberty ramifications of such an order and requested data regarding its usage. This presented a number of operational challenges for Police officers as to how they would compile this information and how it would be recorded. At the time it wasn't possible to give precise information, only anecdotal. Members were not happy with this and made it clear that future renewals would only be considered if we could show the level of usage of the order.
- 7.3 Police and Council officers worked collaboratively to address this and various measures were implemented, but results were not as we would wish. It was addressed with West Midlands Police corporately and recently they added an extra function to the phone app that officers use to allow for recording, in real time of the times they enforce PSPO powers.
- 7.4 For the reasons given previously all stats have to be caveated to say that officers may have not needed to use the powers to achieve desired outcomes, so smaller numbers of enforcement does not mean behaviours are not being addressed, but when they do enforce it will be recorded and this information will be available.

- 7.5 It is expected that the phone app feature on officers phones will be operational soon, but it is not possible to give a precise date, but it is thought to be weeks or months away.
- 7.6 For context in March there were approximately 50 instances of PSPO powers being enforced, this means a breach notice was issued, it will not reflect how many people were interacted with.

8 Brief Summary

- 8.1 In summary, we feel PSPO's are very useful tools, but it should be remembered they are part of a wider toolkit that officers and agencies can use to achieve required outcomes.
- 8.2 It is possible to achieve changes in behaviour and outcomes that are desired without the need to specifically use a PSPO, there are still a wide range of options in officers toolkits.
- 8.3 We do not foresee a massive increase in the number of PSPO's we will look to create, but we anticipate keeping the ones that we have and continually improving our usage and analysis of them

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