

## BOROUGH OF KETTERING

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<b>Report Originator</b>	Shirley Plenderleith Head of Public Services	<i>Fwd Plan Ref No:</i> A18/034	
<b>Wards Affected</b>	All and specifically William Knibb, All Saints and Northfield in relation to the town centre PSPO	12 <sup>th</sup> June 2019	
<b>Title</b>	<b>TOWN CENTRE PUBLIC SPACES PROTECTION ORDER (PSPO) REVIEW</b>		

**Portfolio Holder: Cllr Mark Dearing**

### **1. PURPOSE OF REPORT**

- 1.1 To seek Members approval to extend the Town Centre PSPO with the existing restrictions for a further three years, under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014.

### **2. INFORMATION**

#### **A. Context and powers**

- 2.1 Following the introduction of the Anti-social Behaviour, Crime and Policing Act 2014, a Public Spaces Protection Order (PSPO) was set up in Kettering Town Centre, as agreed by the Executive Committee on 9<sup>th</sup> December 2015. Members requested that a report on its effectiveness come to them three years after implementation of the Order. Formal review of the PSPO must be carried out before 25<sup>th</sup> July 2019, or the existing PSPO automatically expires.
- 2.2 The 2014 Act allows local authorities to create a PSPO where they are satisfied that activities carried on in a public place:
- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality
  - is, or is likely to be, persistent or continuing in nature;
  - is, or is likely to be, unreasonable; and
  - Justifies the restrictions imposed
- 2.3 The relevant area of the PSPO is shown at **Appendix 1**.
- 2.4 In 2016, after wide consultation with partner stakeholders (principally the Police and the wider public), ten restrictions were included in the Town Centre PSPO. These are summarised below:
1. Consumption of Alcohol in the street
  2. Begging on the street
  3. Charity Collection without the council's permission
  4. Use of skateboards and misuse of bikes/ scooters in the specified area
  5. Foul and abusive language when causing offence

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6. Under 18's staying after a request to go by an authorised officer
7. Loitering/ obstructing the highway
8. Using a car in an anti-social manner
9. Unauthorised distribution of leaflets
10. Anti-social parking

2.5 Offences can be dealt with through a number of possible interventions, one of which is the issuing of a Fixed Penalty Notice (FPN). Alternatively, and in cases of non-payment, the matter can then be taken to Court, where a fine of up to £500 may be imposed on summary conviction. A Community Behaviour Order (CBO) may also be applied by the Court at this stage.

### **B. The experience of the last three years**

2.6 The Town Centre PSPO is enforced by Council Wardens and PCSO's. Both services have worked closely together to jointly patrol the area and deal with situations as appropriate.

2.7 Whilst the PSPO has been in force, a number of the issues previously identified in the Town Centre as being of concern (notably skateboarding and charity collectors) have reduced. Issues arising in these cases have generally been resolved informally; however, it has been found that in cases of begging and alcohol consumption more sustained intervention is necessary.

2.8 In cases where compliance has not been achieved through an informal warning, Council officers have followed a process of support and enforcement. The first significant intervention with any person persistently committing an offence under the PSPO is to seek support for that individual to ensure that they do not continue to offend.

2.9 Wardens have worked jointly with officers from the Housing Options team and the voluntary sector to ensure that, where possible, long-term solutions to genuine homelessness have been addressed. This approach has enabled the warden team and Police to then isolate and focus on those who are repeatedly engaged in behaviour, which is anti-social. There have been a number of successes where repeat offenders have been supported and are no longer offending against the PSPO.

2.10 However, there are cases where support alone has not resolved matters and enforcement action has been necessary. Where possible when enforcement action is pursued, officers' continue to try to support the individual.

2.11 Using powers set out in the PSPO, 17 FPN's were served in 2017/ 18, with 5 served in 2018/ 19. However, there is a high level of non-compliance with these notices leading to escalation through the Courts.

2.12 Many of the offences relating to alcohol consumption and begging have been committed by 18 persistent offenders (with two or more reports each). These individuals have not always been receptive to the support offered and ultimately

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were dealt with through the enforcement process and are, or have been, taken to Court, resulting in the Courts issuing sanctions using Community Behaviour Orders (CBO).

2.13 To date the Council has obtained:

- 19 prosecutions
- 18 Criminal Behaviour Orders
- 1 case is currently being laid before the Magistrates Court
- 1 case is awaiting sentencing for breach of CBO
- 1 case has been adjourned and currently awaiting a new date

2.14 If the PSPO was not in place officers would be without an effective tool to persuade individuals to amend their behaviour. The enforcement and support elements of the Council's approach work hand in hand. To date this has resulted in an improved level of compliance.

### C. Trends

2.15 **Appendix 2** provides details of the incidences from July 2017 (information relating to the first year of the PSPO, from June 2016 were reported to Executive in 2017). There were 55 incidences relating to offences against the PSPO compared to 32 incidences in the summer of 2018, representing a decrease of over 40%.

2.16 This reduction in incidences has continued with only 12 reported from October 2018 to March 2019 compared to 60 incidences recorded over the same period the year before. However, the information shows that there was a slight rise in begging in winter 2019 compared to autumn 2018. This was due to one persistent offender, whose case is currently being dealt with. This case illustrates the need for both the support and enforcement elements offered through the PSPO.

2.17 The Police also record incidences of offences against the PSPO. Over 90% of cases recorded as being PSPO offences were classified as 'rowdy/ inconsiderate behaviour'. In 2017/ 18 over 750 incidences were recorded and in 2018/ 19 there were less than 175 incidences.

### 3. CONSULTATION AND CUSTOMER IMPACT

3.1 A Borough wide consultation took place between 1<sup>st</sup> January 2019 and 15<sup>th</sup> February 2019. The consultation took place:

- Online via Survey Monkey
- Face-to-face interviews
- Questionnaires - distributed at libraries, community facilities, leisure centres, to Councillors and the Kettering Pub Watch Scheme; see **Appendix 3**.

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- 3.2 Concern regarding the incidence of begging was a consistent theme in the consultation feedback. The results of these surveys are shown at **Appendix 4**.
- 3.3 92% of those who responded to the consultation supported the continuation of the PSPO for another three years.

### **4. POLICY IMPLICATIONS**

- 4.1 The purpose the 2014 Act, including the use of PSPO's, is to deal with anti-social behaviour and make residents feel safer and more confident in the enjoyment of their area, which is one of the Council's principal objectives.

### **5. FINANCIAL RESOURCE IMPLICATIONS**

- 5.1 The continuation of the town centre PSPO will not have a direct financial impact as the service is already in place.

### **6. HUMAN RESOURCE IMPLICATIONS**

- 6.1 The PSPO will continue to be enforced using existing Warden Team and Police (typically Police Community Safety Officers [PCSOs]).

### **7. LEGAL IMPLICATIONS**

- 7.1 Officers using the legislation are appropriately trained to do so.
- 7.2 Currently the Heads of Housing, Environmental Care, Development Services and Public Services (and their teams) are authorised under the Anti-Social Behaviour, Crime and Policing Act 2014.

### **8. RECOMMENDATION**

- 8.1 That Members approve to extend the current Town Centre PSPO for a further three years from 25<sup>th</sup> July 2019 in line with the consultation outcome.

Background Papers:

CSP minutes September 2016  
Anti-social Behaviour, Crime and Policing Act 2014

Contact Officer

John Kinloch

Previous Minutes/Reports:

Executive Committee 14 January 2015  
Executive Committee 9 December 2015  
Executive Committee 18<sup>th</sup> October 2017  
Research & Development Committee 16<sup>th</sup> April 2019