

**Report of the Director of Human Resources,  
Performance & Communications  
and the Interim Director of Communities  
to the Overview & Scrutiny Committee (OSC)  
on Tuesday 19<sup>th</sup> July 2016**

**Barnsley Town Centre Public Spaces Protection Order (PSPO)**

**1. Introduction**

- 1.1 This report provides an overview of the Public Spaces Protection Order (PSPO) and key work taking place to manage anti-social behaviour in Barnsley Town Centre and the surrounding residential area.

**2. Background – National Context**

- 2.1 Public Spaces Protection Orders (PSPOs) were introduced as part of the Anti-Social Behaviour Crime and Policing Act 2014. The aim of PSPOs is to stop individuals or groups committing anti-social behaviour, that is, displaying behaviours that have a “detrimental effect upon the quality of life of those in the locality” and are “persistent or continuing” in nature and that such behaviour is “unreasonable”.
- 2.2 Restrictions are set and implemented by the local authority in designated locations, allowing councils to tailor prohibitions and requirements to deal with a specific behaviour causing negative effects on the community.
- 2.3 Once introduced, a PSPO can be enforced by both the local authority (authorised personnel) and the police and any breach of the order is a criminal offence which can be discharged via fixed penalty notice (£100) or up to £1,000 fine upon prosecution.
- 2.4 The desired impact of a PSPO is to “ensure the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour”.

**3. Background - Local Context**

- 3.1 In recent years there has been a significant increase in recorded incidents of anti-social behaviour in Barnsley town centre and the central electoral ward. This increase is not replicated across the borough, suggesting that this area has its own specific challenges. Addressing the rise in anti-social has become a key priority for the council and its partners.
- 3.2 Examples of anti-social behaviour which had been reported in the Town Centre area included: urinating and defecating in the street; intimidating and verbally abusing shop and business staff when opening and closing premises; open drug dealing and usage; and aggressive behaviour including shouting, swearing and fighting.
- 3.3 After a positive response to a period of statutory consultation with residents and town centre businesses, a Town Centre PSPO went live on 1<sup>st</sup> March 2016, with a view to improving the quality of life and experience for all residents, businesses and visitors to the town centre and surrounding residential areas (see Appendix A for geographical coverage of the Order).

3.4 The following is prohibited under the order:-

- (i) Behaving in a way that causes or is likely to cause harassment alarm or distress to any other person.
- (ii) Using, possessing or supplying to another person any intoxicating substance, defined for the purposes of this order as any substance with the capacity to stimulate or depress the central nervous system.
- (iii) Continuing to consume alcohol when required to stop doing so by an authorised officer.

Upon which those identified would be required to:-

- (i) Leave the restricted area and not return within 48 hours of the request to leave.
- (ii) Immediately surrender any alcohol in his or her possession upon request.

#### **4. Current Position**

4.1 Since the introduction of the PSPO, South Yorkshire Police and the council have significantly increased their presence in the town centre with an additional 5 police officers and 4 council security officers working alongside resources already active in the town centre.

4.2 Part of the initial work focussed on information gathering to fully understand the problem, including identifying key locations and times, those involved, and to provide reassurance to town centre users and businesses. Key findings show that:-

- Peel Square and the bottom of Market Hill are the main locations.
- The highest numbers of incidents occur on Mondays, closely followed by an even spread throughout the majority of other week days. Since the PSPO was introduced, there have only been a handful of days where no formal interventions have been recorded.
- Interventions have been spread across the hours of 0800 to 2300; however there is a clear pattern emerging that shows more than 61% being between 1100 and 1500, with the highest numbers occurring around 1300 and 1400.
- Profiling alleged offenders shows that the majority are indigenous Barnsley residents aged between 20 and 50 with known histories of offending and substance dependencies, including alcohol, drugs and legal highs.
- Most have other associated complex lifestyle issues such as non-secure housing, health issues (including mental health) and the majority are not in employment.

4.3 In the first 12 weeks of the Order, there have been:-

- 127 formal interventions.

- Of these 127 interventions, 72 have been recorded as relating to alcohol consumption and 13 have been recorded as “drugs” or suspected “drugs use” including the use of Nuevo Psychoactive Substances (NPS or so called legal highs).
- 87 individuals have been subject to some form of sanction or warning from either police or council officers regarding behaviour which could be deemed to be in breach of the terms of the PSPO.
- Of these 87 individuals, 51 have been challenged on more than one occasion and 29 have been identified as a continuous risk where they have been subject to 3 or more formal interventions.
- 7 individual cases are currently being considered for escalated intervention, with the possible use of injunctions or criminal behaviour orders.

#### 4.4 The police and council have formally intervened to enforce the PSPO by:-

- Issuing 76 Dispersal Notices with directions to leave the location and not return within 48 hours and 35 formal first warnings.
- Issuing 2 Fixed Penalty Notices and a further 7 individuals reported on summons for later disposal at court.
- Removing and pouring alcohol away on 18 occasions.

#### 4.5 Tactics being adopted to better manage anti-social behaviour include the “risk” rating of people found to be in breach of the PSPO and/or a direction to leave, with a view to a more focussed approach to those who have breached on two or more occasions.

#### 4.6 Full case conferences are being held for all individuals identified as being a “red risk” to agree tailored intervention plans. These plans could include more specific intervention methods, including using Community Protection Notices and Civil Injunctions to prevent usage of the town centre and association with other known perpetrators. Full consideration will need to be given as to how to best address any underlying issues such as substance misuse and housing.

### **5. Key Issues & Challenges**

#### 5.1 The numbers of people regularly involved is much greater than originally anticipated. Whether this is as a result of the problem getting worse or an initial underestimation is not clear, however this will make it more difficult to address quickly and a longer term ongoing plan will be necessary.

#### 5.2 Sustaining the current level of police and council enforcement activity is proving increasingly challenging as there is a need to balance resource allocation to the town centre with the needs of residential communities and neighbourhoods.

#### 5.3 Although issues around the Interchange and Sheffield Road have shown significant improvement, there remain concerns that the problems may re-emerge as a result of resources being redirected to Peel Square.

- 5.4 As a consequence of a local business ceasing to trade in “Legal Highs”, the selling of these substances (dealing) has been pushed onto the street and into the town centre. This has undoubtedly contributed to more visible instances of individuals being under the influence of NPS, however as the retail and supply of these substances was made a criminal offence on 26 May 2016, this should assist in disrupting the open use and sale of such substances.
- 5.5 Due to the nature of anti-social behaviour, there can be flare-ups from time to time often involving individuals fighting with each other, which can serve to undo the positive improvements in perceptions of safety in the town centre.
- 5.6 Perceptions of safety and security in Barnsley have been damaged by the very visible nature of anti-social behaviour in some of the busiest locations in the town centre and there is no doubt that if this continues and worsens the plans to rejuvenate the town centre may be jeopardised.
- 5.7 There are limitations to powers the PSPO affords the council and police and it is important to recognise that the PSPO is not a ‘cure-all’ solution.

## **6. Future Plans & Improvements**

- 6.1 As the PSPO is only one measure to combat antisocial behaviour and safety in Barnsley, other measures and interventions are planned to create a more connected approach to issues. These will include:-
  - Connecting our professional assets across the council and partners to include the Town Centre Team (Place Directorate) the Safer Communities Team (Communities Directorate), research, intelligence and behaviour strategies (Public Health Directorate) the business community, South Yorkshire Police and the community and voluntary sector.
  - Increased enforcement capacity.
  - Designing a “code of conduct” for the town centre and appropriate signage to provide a clear statement of behaviour standards expected.
  - Town Centre Marshalls (volunteers) building on the successful approach of the Street Pastors for the night time economy and looking to develop and extend this type of approach into the day and evening to provide support to town centre users through a visible reassuring presence and non-confrontational support to people who may be putting their own or other peoples’ safety at risk due to intoxication.
  - Consideration of implementing a compulsory citizenship course for those found to be in breach of the PSPO as an alternative to being fined or prosecuted.
  - Proactive licencing intervention with retailers selling high-strength, low-cost alcohol to known individuals. This will complement a longer term initiative to “reduce the strength” of cheap alcohol openly on sale in the town centre.
  - The provision of alcohol strips to allow officers to easily test liquids concealed in “non-alcoholic containers”.

- Broader use of town link radios to include more retailers.
- Better connections to be made with the ambulance service, Job Centre Plus and local voluntary groups providing services to more clearly understand the key client group from a range of perspectives.
- Organisation of high profile combined days of action bringing all resources and partners together, not just the council and police.
- “Designing out” factors within the physical landscape of the town centre which may be a contributory factor to clustering of individuals in certain locations such as the bench at the bottom of Market Hill, Peel Square toilets.
- Wider distribution of methadone and other drug replacement treatments and therapies across the borough to ensure this activity is not restricted to an individual outlet in the town centre. A full list of prescribing chemists has been produced which belies the notion that only one outlet in the town centre can prescribe and monitor usage. This will be utilised when managing the needs of individuals with a view to a more equitable distribution.
- Review of the PSPO after 12 months.

## **7. Invited witnesses**

7.1 At today’s meeting, a number of representatives have been invited to answer questions from the OSC regarding the Town Centre PSPO:

- Wendy Lowder, Interim Executive Director, Communities Directorate
- Paul Hussey, Interim Service Director, Stronger, Safer Healthier Communities Directorate
- Paul Brannan, Head of Safer Barnsley, Communities Directorate
- Melanie Fitzpatrick, Strategy & Operations Manager, Communities Directorate
- Councillor Jenny Platts, Cabinet Spokesperson, Communities Directorate
- Mark Lynam, Head of Economic Development, Place Directorate
- Councillor Roy Miller, Cabinet Spokesperson, Place Directorate
- Chief Inspector Jakkie Hardy, South Yorkshire Police
- Inspector Julie Mitchell, South Yorkshire Police

## **8. Possible Areas for Investigation**

8.1 Members may wish to ask questions around the following areas:

- What other work is being done alongside the PSPO to address underlying causes of such behaviour?
- How effective is the integrated working and sharing of intelligence between different teams and agencies? Are all key stakeholders on board to support future plans and developments?

- What training is available to officers to ensure that they deal with people appropriately, such as referring those with underlying issues including poor health and homelessness to other agencies?
- What is being done to make sure the PSPO doesn't just move problems to other areas?
- What performance indicators are in place to measure the effectiveness of the PSPO including the recording of incidents as well as public perceptions? What are the current findings?
- What has been the economic impact on the Borough as a result of the increase in anti-social behaviour in Barnsley Town Centre?
- What has been learnt from having the Town Centre PSPO and could this be applied to other areas in the borough?
- What has been done to learn from best practice in other areas of the country?
- What are the key future challenges in relation to the PSPO and ensuring its effectiveness and sustainable improvements?
- How can Members support this area of work to improve outcomes for our residents and visitors to Barnsley?

## 9. Background Papers & Useful links

- Appendix A (attached) – Map of PSPO
- Anti-Social Behaviour Crime & Policing Act 2014:  
[Anti-social Behaviour, Crime and Policing Act 2014](#)
- BMBC PSPO Draft Enforcement Plan:  
<http://barnsleymbc.moderngov.co.uk/documents/s7437/Appendix%203.pdf>
- Community Protection Notices:  
<https://www.askthe.police.uk/content/Q835.htm>
- Anti-Social Behaviour Injunctions  
<https://www.askthe.police.uk/content/Q838.htm>
- BMBC Corporate Plan Performance Report Quarter 4 2015-16:  
<https://www2.barnsley.gov.uk/media/id/45722>

## 10. Glossary

CSP – Community Safety Partnership  
 NPS – Nuevo Psychoactive Substances  
 PSPO – Public Spaces Protection Order  
 OSC – Overview and Scrutiny Committee  
 SYP – South Yorkshire Police

## 11. Officer Contact

Anna Morley, Scrutiny Officer (Tel: 01226 775794)  
 Email: [annamorley@barnsley.gov.uk](mailto:annamorley@barnsley.gov.uk) Date: 11<sup>th</sup> July 2016