

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

Report of the Executive
Director - Communities

12 Week Review of the Impact of the Public Spaces Protection Order and Interventions to Manage Anti-Social Behaviour in Barnsley Town Centre

1. Purpose of report

- 1.1 The purpose of this report is to update cabinet with regards the implementation of the Public Spaces Protection order and associated interventions to address antisocial behaviour in support of the council's ambitions for Barnsley town centre.

2. Recommendations

- 2.1 **Cabinet acknowledge the positive impact of the Public Spaces Protection Order and its contribution towards galvanising and refocussing efforts to tackle antisocial behaviour in the town centre.**
- 2.2 **Cabinet agree that the Public Spaces Protection Order remains in place and it is further reviewed after 12 months.**
- 2.3 **Cabinet recognise the complexity and extent of issues being addressed and endorse broader medium and long term approaches to intervention seeking to balance approaches of enforcement, reassurance, prevention and support to achieve long term sustainable improvements and safeguard investment in the regeneration of Barnsley town centre.**
- 2.4 **Cabinet agree that safety and security of our town centre remains a key priority for the borough.**

3. Introduction

- 3.1 Since the PSPO went live on March 1st 2016 there has been significant combined police and council resourcing dedicated to the town centre and surrounding areas to address ongoing antisocial behaviour and concerns about public safety. Part of the initial work has focussed upon developing our understanding of the problems, those involved, identifying the key locations and times, and providing a visible and reassuring presence to town centre users and businesses.
- 3.2 Peel Square and the bottom of Market Hill have been identified as the main locations. Profiling of alleged offenders indicates the majority are indigenous Barnsley residents between 20 and 50 years of age with known histories of offending and substance dependencies including alcohol, drugs and legal highs. Most have other associated complex and chaotic lifestyle issues such as none

secure housing, health issues (including mental health) and the majority are not in employment.

- 3.3 Town centre security and safety is recognised as a key priority to achieve the council's ambitions for the town centre and as such has been identified as a specific work-stream contributing towards the ambitions of the Town Plan. The Public Spaces Protection Order introduced at the beginning of March has provided an additional tool to try and manage antisocial behaviour out of the town centre however there are limitations to the powers the PSPO affords the council and police and it is important to recognise that the PSPO is not a panacea.
- 3.4 The tactics being adopted to better manage antisocial behaviour include the "risk" rating of people found to be in breach of the PSPO and/or a directions to leave, with a view to a more focussed and targeted approach to those who have breached on two or more occasions.
- 3.5 Full case conferences are being held for all individuals identified as a "red risk" to agree tailored intervention plans. These plans could include more specific intervention including using Community Protection Notices and Civil Injunctions to prevent usage of the town centre and association with other known perpetrators however full consideration will also be given as how best address any underlying issues such as substance misuse and housing.

4. Proposal and justification

- 4.1 It is proposed that the Public Spaces Protection Order remain in place within its current terms and that a broader range of medium and long term approaches are also adopted to achieve sustainable improvements to behaviour and perceptions of safety in Barnsley town centre.
- 4.2 The first 12 weeks of the PSPO has seen increased attention of both the police and council's enforcement teams. From the middle of May 2016 the police have dedicated a team of 5 additional officers and the council have commissioned a further team of 4 security officers to work alongside mainstream resources already active in the town centre.
- 4.3 Between March 1st 2016 and May 24th 2016, there have been 127 formal interventions and 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 Public Spaces Protection Order. Of these 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 possibly including the use of injunctions or criminal behaviour orders.
- 4.4 Temporal analysis of the days and times where incidents have been dealt with shows the following;
 - The highest numbers of incidents are on Monday's (35), Tuesday's (22) Thursday's (21) and Friday's (17) although incidents have been dealt with on every day of the week and since March 1st there have been only a handful of days where no formal interventions have been recorded.

- Interventions have been spread across hours from 0800 to 2300 however there is a clear pattern emerging with more than 61% being between 1100 and 1500 with the highest numbers occurring around 1300 and 1400. Another spike occurs between 1700 and 1800 beyond which time formal interventions reduce.
- 4.5 Of the 127 formal interventions 72 have been recorded as relating to alcohol consumption, and 13 have been recorded as “drugs” or suspected “drugs use” and this includes the use of Nuevo Psychoactive Substances (NPS or so called legal highs).
- 4.6 Up to May 24th 2016 the police and council have formally intervened to enforce the terms of the Public Spaces Protection Order by;
- Issuing 76 Dispersal Notices with directions to leave the location and not return within 48 hours.
 - 18 recorded incidents where alcohol has been removed and poured away.
 - 2 Fixed penalty notices issued and a further 7 individuals reported on summons for later disposal at court.
 - 35 formal first warnings have been issued.
- 4.7 Initial results are encouraging in terms of a reduction in the number of recorded incidents in certain parts of the area of coverage and anecdotally recorded improvements in public confidence. Demand information has yet to be validated however South Yorkshire Police have indicated after an initial increase in the number of recorded incidents in comparison to the same period last year since the middle of May recorded incidents of both antisocial behaviour and shoplifting have reduced by over 20%. (Please note these figures are yet to be validated)
- 4.8 Notwithstanding the early impacts being achieved by increasing a visible and proactive enforcement presence in the town centre the problems being encountered and the group of people involved present a real ongoing challenge for the council and its partners. Challenges include;
- **The numbers** of people regularly involved in problematic behaviour is greater than originally thought by the council and police. Initially it was felt that between 25 and 40 people were actively causing problems in the Peel Square and Market Hill areas however it would now appear that on some days there can be up to 100 people involved. Whether this is a result of the problems 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.
 - **Sustaining** the current level of police and council enforcement activity is proving increasingly challenging given antisocial behaviour pressures elsewhere in the borough and the need to balance resource allocation to the town centre with the needs of our residential communities and neighbourhoods. To mitigate this in the short term the council have commissioned 4 security officers from Kingdom and the police have identified a team 5 police staff to dedicate exclusively to the area over the next 6 months.
 - **The focus of activity** has been during the day when footfall and town centre use is at its peak and thus poor perceptions of behavioural standards more pronounced. There is a danger that by focussing on these times and locations

other problems of antisocial behaviour will not be as effectively addressed. For example whilst significant improvement has been achieved around the Interchange and Sheffield Road there remains a concern that problems here may re-emerge as resources have effectively been diverted to try and address Peel Square.

- **An unintended consequence** of Smokey Sam's ceasing to trade "Legal Highs" is that 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 heavily under the influence of NPS which can be alarming and distressing when witnessed by others. The retail and supply of NPS was made a criminal offence on 26th May 2016 and this should assist in disrupting the open use and sale of such substances in the town centre as legitimate internet trading has now ceased.
- **Due to the nature** of the antisocial behaviour, often driven by intoxication (both drunkenness and drug induced) there can be flare-ups of problems from time to time often involving individuals fighting with each other. Two specific incidents on 19th and 20th April demonstrate this. Incidents such as these can serve to undo positive improvements in perceptions of safety in the town centre.
- **Displacement** of problems currently experienced in and around Peel Square is a significant risk if the longer term underlying factors contributing towards this type of behaviour are not successfully addressed. The tactics of high visibility, disruption and enforcement are already beginning to drive some of the main perpetrators away from the higher profile locations in the town centre however problems are emerging elsewhere both at other less visible town centre locations and also on streets outside the town centre.

4.9 The PSPO is only one measure to combat antisocial behaviour and improve perceptions of safety in Barnsley and part of this update is to propose other measures and interventions to create a more connected approach to issues of town centre conduct. These will include;

- **Connecting** our professional assets across the Council and partners to include the town centre team (Place) the safer communities team (Communities), research, intelligence and behaviour strategies (Public Health) the business community, South Yorkshire Police and the community and voluntary sector.
- Increased enforcement capacity (see 4.8 above)
- Considering in facilitating the design of a "**code of conduct or charter of standards**" for businesses in the town centre to make a clear and uniform statements of expected behavioural standards.
- **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 time 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.
- Part of our 2020 ambition for the town centre is to achieve **Purple Flag** status setting a standard which the council and partners are collectively working towards. Integral to achieving this prestigious standard will be demonstrating how town centre users, visitors and businesses feel both safe and welcome.

4.8 In addition other specific activity has been identified through the enforcement of the PSPO which could assist in sustaining improvements in behaviour and perceptions of safety to include;

- Proactive licensing intervention with retailers selling high strength low cost lager and other alcohol to known individuals. This will compliment a longer term initiative to “reduce the strength” of cheap alcohol openly on sale in the town centre. Also the provision of alcohol strips to allow officers to easily test liquids concealed in “none” alcohol containers.
- Broader use of town link radios to include retailers such as off licenses who may be trading to known individuals due to fear of reprisals.
- Better connections to be made with the ambulance service, job centre plus and the church groups 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 contributory factor to clustering of individuals in certain locations. For example Peel Square toilets, the bench at the bottom of Market Hill and darkened recesses on Peel Parade and Dog Lane are all cited as locations where drug staking and drinking is prevalent.
- Wider distribution of methadone and other drug replacement treatments and therapies to ensure this activity is not restricted to an individual outlet in the town centre and can be shared more widely across the borough. 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 and this will be utilised when managing the needs of individuals encountered in the town centre with a view to a more equitable distribution.

5. Consideration of alternative approaches

5.1 The PSPO has achieved a sharper focus on, and understanding of, the problems apparent in Barnsley town centre. Largely the individuals who have been approached for breaching the terms of the PSPO have similar lifestyles and outlooks and display similar types of behavioural traits. Perceptions of safety and security in Barnsley have been damaged by the very visible nature of this 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 or town centre may be jeopardised. Other approaches to compliment rather than replace the

PSPO are being considered as the scale and complexity of the problems become clearer.

- 5.2 Approaches around homelessness, substance misuse, workless-ness, mental and physical health and offending behaviour all need to be cognisant of the group of town centre users that have come under spotlight through the introduction of the PSPO.

6. Implications for local people / service users

- 6.1 The introduction of a PSPO aimed to improve the quality of life and experience for all residents businesses and visitors to the town centre and surrounding residential areas. The terms of the order would certain activities which some local people may be involved in therefore some may feel negatively impacted by the introduction of such an order. The intention of the consultation period was to gauge the public mood pertaining to a PSPO and the behaviour it would proscribe in order to demonstrate that the impact would be broadly positive for local people and service users. The desired impact of a PSPO is to “ensure the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour”.

7. Financial implications

- 7.1 There are no additional financial implications associated with this report.

8. Employee implications

- 8.1 Authorised personnel from the Safer Barnsley team and South Yorkshire Police have a role in enforcing the PSPO.

9. Communications implications

- 9.1 A broader communications approach to the promotion of safety and the perceptions of safety within the town centre is being developed in conjunction with an overall campaign to promote the town centre to potential users and businesses.

10. Consultations

- 10.1 Consultations have taken place with the Director of Legal and Governance, the Director of Place and the Director of Communities. Consultations have also taken place with the Barnsley Economic Partnership, South Yorkshire Police, the Police the local Member of Parliament and local elected members.

11. The Corporate Plan and the Council’s Performance Management Framework

- 11.1 The PSPO supports the delivery of the following strategic priorities:

Thriving and vibrant economy

- Develop a Vibrant Town Centre

People achieving their potential

- Children and adults are safe from harm
- Early targeted support for those that need it

Strong and resilient communities

- Protecting the Borough for future generations

11.2 Performance is being actively monitored to ensure continuous improvement through a stratified risk and performance framework.

12. Promoting equality, diversity, and social inclusion

12.1 A full equality impact assessment has been undertaken to consider the potential impact upon certain groups and individuals potentially impacted by the PSPO. However it must be recognised that the order is designed to contribute towards providing a safe and peaceful environment for all residents of the borough and therefore should be supportive of the needs of those most affected by the fear of crime. It is also recognised that the behaviours being targeted by the order may be more prominent in individuals typically already isolated from the wider community.

13. Tackling the Impact of Poverty

13.1 The PSPO has focussed attention upon factors underlying behavioural issues in the town centre. Some of these factors are directly linked to worklessness and homelessness and it is hoped that longer term approaches to these issues may begin to address the consequences of some of the economic inequalities contributing to the problems

14. Tackling health inequalities

14.1 Many of the client group identified for intervention since the implementation of the PSPO have unequivocal health issues including substance dependency and to a lesser extent apparent mental health issues. By establishing a better understanding and more developed intelligence of these individuals' needs and issues it is hoped that more positive pathway can be designed to improve the health and life choices of these people.

15. Reduction of crime and disorder

15.1 The purpose of a PSPO is to assist in providing the necessary powers and environment to affect a reduction in disorder in the designated areas.

16. Risk management issues

16.1 The Key risks and mitigations with regards the ongoing enforcement of the PSPO are as follows;

1. Public expectations are raised unrealistically and a subsequent order cannot be robustly enforced. To mitigate this risk both the council and police have dedicated additional resources to enforcing the PSPO and providing a heightened visible and reassuring presence in the town centre.

2. The potential of stigmatising locations covered by a PSPO is a concern as this may be counterproductive in trying to stimulate economic growth into the town centre. To mitigate this carefully considered ongoing communications are necessary to promote the positive impact the order is having and to clearly demonstrate a commitment to making the town centre safe and welcoming.
3. The introduction of a geographically defined PSPO may simply displace problems currently being experienced beyond the area of coverage. To mitigate this comprehensive discussions have taken place with South Yorkshire Police to ensure that the geographical area being considered has (where possible) clearly defined geographic demarcation (such as major roads or railway line) and covers an adequate area to address the key manifestations of antisocial behaviour. However an additional risk is that the dispersal zones also cover where some individuals live and to this extent can hamper the use of the dispersal power within the PSPO. To mitigate this consideration may be given at a later date to vary the PSPO creating 2 zones covering residential and commercial areas separately.
4. The criminalisation of non-criminal behaviour where the terms of a PSPO are breached. There is a risk that certain individuals may breach any order regularly and be drawn into the criminal justice system. To mitigate this it is intended to ensure that where specific issues are identified (such as substance misuse or family breakdown) individuals will be provided assistance and support to address the root causes of behaviour and not simply be subject to ongoing enforcement action. It is also worth noting that discharging of a breach via a Fixed Penalty avoids prosecution and is not a recordable offence.

17. Health, safety, and emergency resilience issues

- 17.1 Staff occupational risk assessments are currently being reviewed to ensure safe working practises and additional personal protective equipment including stab vests, body cameras and point to point radios will be standard issue for any officer deployed specifically to enforce the order.

18. Compatibility with the European Convention on Human Rights

- 18.1 Articles 10 (right to freedom of expression) and article 11 (right to assembly) are relevant considerations when making this order. The Director of Legal and Governance must be satisfied that the impact of the behaviours proscribed or required more broadly negatively impacts the rights of individuals under article 8 right to private and family life.

19. Conservation of biodiversity

- 19.1 Not applicable

20. Glossary

PSPO – Public Spaces Protection Order
NPS – Nuevo Psychoactive Substances

21. List of appendices

None

22. Background papers

None

Officer Contact [Paul Brannan] Telephone No [774950] Date [30/05/16]

Financial Implications /
Consultation



.....
*(To be signed by senior Financial Services officer
where no financial implications)*