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

Report of the Acting Executive Director Communities

Proposed Introduction of a Public Spaces Protection Order for Barnsley Town Centre and Surrounding Residential Area.

1. Purpose of report

1.1 This report provides Cabinet with the findings of the statutory consultation on the proposed introduction of a Public Spaces Protection Order (PSPO) for Barnsley town centre and surrounding residential areas

2. Recommendations

2.1 That Cabinet agree to the introduction and implementation of a PSPO in the proposed designated areas and within the terms proposed effective from 1st March 2016

2.2 Cabinet endorse the principles and approach proposed in the enforcement plan ensuring resilience in the administration of the order.

2.3 That a formal evaluation and review of the effectiveness of the PSPO conducted during 2016/2017.

2.4 That the Director of Communities authorise appropriate personnel to enforce the order after implementation.

3. Introduction & Findings

3.1 Cabinet authorised entering into a period of statutory consultation with regards the introduction of a PSPO for the town centre and surrounding residential areas in November 2015. The period of statutory consultation began on Monday 3rd December 2015 and ended on Sunday 3rd January 2016.
The purpose of the consultation was to ask the public to consider whether they would support the introduction of a PSPO within the proposed boundaries and in accordance with the proposed prohibitions and requirements.

3.2 The consultation sought to reach key audiences namely:

Residents living in the proposed designated area - 300 residential premises were contacted in writing,

Town centre businesses – all were contacted to respond

In addition 25 draft orders and maps were erected throughout the designated area.

3.3. The summary findings from the consultation are attached at Appendix 1

The full consultation report is available for review.

Almost 88% of respondents answering supported the introduction of a Public Spaces Protection Order with over 80% supportive for each of the suggested prohibitions and requirements.

The overwhelming response to the consultation appears to substantiate concern with antisocial behaviour and perceived antisocial behaviour within the designated area and a desire for a response to deal with this.

3.4 Some consultees expressed concern and worries about homeless people and other vulnerable groups and wanted reassurance that people would get signposted / receive the support required. General vulnerability and economic deprivation were all cited as reasons why people may be driven to behave in a certain way.

The PSPO is not designed to make rough sleeping a criminal offence. Further work is being undertaken to ensure that officers are aware of the services and support available to people and that wherever possible (subject to individuals permission) direct referrals to support services will be made.

There will be a 12 week review undertaken (early June 16) in partnership with the equalities team to gather our intelligence and understand the nature of any interventions, individual needs and interventions taken. This will help us to refine any processes accordingly.

3.5 In addition consultees provided helpful commentary describing broader concerns around the Town Centre which have been shared with the Executive Director of Place to feed into the Town Centre development plans.

3.6 Should Cabinet decide to proceed with the implementation of a PSPO an Enforcement Plan has been drafted in conjunction with South Yorkshire Police attached at appendix 3.
The Enforcement Plan sets out the aim of the PSPO the principles for enforcing and the primary resources attached. The Plan also considers the principle of extending authorisation for enforcement to other council roles pending further consultation with staff the trade unions and the Director of Legal and Governance.

4. **Consideration of alternative approaches**

   In consultation with South Yorkshire Police, consideration has been given to using alternative approaches to address these problems. This includes enforcement of existing legislation and powers such as Section 5 of the Public Order Act and a Designated Public Place Order (DPPO). However, it is felt that neither of these powers, nor any other existing criminal or civil powers provide the flexibility to address the dynamics of the current problems being encountered. A PSPO allows council’s to tailor prohibitions and requirements to deal with the specific behaviour causing negative effects on the community.

5. **Proposal and justification**

   5.1 That Cabinet agree to the introduction and implementation of a PSPO in the proposed designated areas and within the terms proposed effective from 1st March 2016. (Order and area attached at appendix 2 (i) and 2 (ii)

   5.2 Cabinet endorse the principles and approach proposed in the enforcement plan ensuring resilience in the administration of the order.

   5.3 That a formal evaluation and review of the effectiveness of the PSPO conducted during 2016 / 2017.

   5.4 That the Director of Communities authorise appropriate personnel to enforce the order after implementation.

6. **Implications for local people / service users**

   6.1 The introduction of a PSPO following the period of statutory consultation would aim to improve the quality of life and experience for all residents businesses and visitors to the town centre and surrounding residential areas.

   The proposed terms of the order would prohibit 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 findings of the consultation would appear to show an overwhelming concern in relation to certain behaviours in certain locations and support for the introduction of measures to address these behaviours. The desired impact of a PSPO is to “ensure the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour”.

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We should also recognise other aligned work that seeks to address the underlying causes of such behaviour e.g.

- The development of a Mental Health & Wellbeing Commissioning Strategy
- Revised Commissioning of Drug & Alcohol Services
- Review of Homeless prevention plan
- Development of the Community Safety Strategy

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 will have a role in enforcing the PSPO after implementation. It is also intended to consider broadening enforcement capacity to include a wider range of semi authoritative council resources. Consultation will be required with staff Trade Unions and the Director of Legal and Governance prior to the extension of authorisation to other council personnel.

9. **Communications implications**

9.1 Communication of the outcome of the consultation and the implications associated with the implementation and administration of the PSPO will be necessary in partnership with South Yorkshire Police.

10. **Consultations**

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

10.2 Further consultation needs to take place the Trade Unions and staff to consider whether other town centre staff could be trained and authorised to enforce the PSPO.

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

11.1 The PSPO proposal will support 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**
12. **Tackling health inequalities**

12.1 Consultations are ongoing with the Service Director Public Health to consider how individuals likely to be affected by the PSPO and its enforcement may be impacted by longer term underlying health concerns such as substance dependency and mental health issues. Ensuring that the approach adopted by authorised officers considers the underlying causes of behaviour and to work through more detailed case plans for repeat perpetrators should assist in identifying where health issues are present and require attention. Accessing appropriate treatment and support for individuals is a key principle for the discharge of the order.

13. **Climate Change & Sustainable Energy Act 2006**

13.1 There are no implications.

14. **Risk management issues**

14.1 The Key risks and mitigations with regards consultation and introduction of a PSPO are as follows;

**Risk:** Public expectations are raised unrealistically and a subsequent order cannot be robustly enforced.

**Mitigation:** An enforcement plan is attached at Appendix 4.

**Risk:** 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.

**Mitigation:** To mitigate this carefully considered ongoing communications are necessary to promote the positive impact the order could have.

**Risk:** The introduction of a geographically defined PSPO may simply displace problems currently being experienced beyond the area of coverage.

**Mitigation:** 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.

**Risk:** 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.

**Mitigation:** 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 courses 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.

15. **Health, safety, and emergency resilience issues**

15.1 Staff occupational risk assessments are currently being reviewed to ensure safe working practices should an order be made.

16. **Compatibility with the European Convention on Human Rights**

16.1 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.

17. **Promoting equality, diversity, and social inclusion**

17.1 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 provide 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 any subsequently introduced order may be more prominent in individuals typically already isolated from the wider community. An Equality Impact Assessment is attached at Appendix 4.

18. **Reduction of crime and disorder**

18.1 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.

19. **Conservation of biodiversity**

None.

20. **Glossary**

PSPO – Public Spaces Protection Order

21. **List of appendices**

Appendix 1 – Consultation Feedback Summary
Appendix 2 (i) – Draft Public Spaces Protection Order Conditions
Appendix 2 ( ii) – PSPO Area
Appendix 3 - Enforcement Plan
Appendix 4 – Equality Impact Assessment

22. **Background papers**

Anti-Social Behaviour, Crime and Policing Act 2014 held by Safer Barnsley
Financial Implications / Consultation

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