

BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR OF ADULTS & COMMUNITIES

TITLE: RENEWAL OF TOWN CENTRE PUBLIC SPACE PROTECTION ORDER

REPORT TO:	CABINET
Date of Meeting	23 March 2022
Cabinet Member Portfolio	Adults and Communities
Key Decision	No
Public or Private	Public

Purpose of report

To seek agreement from Cabinet on the update and replacement of the current Town Centre Public Space Protection Order (PSPO). This is required due to the current order expiring on 31 March 2021.

Council Plan priority

Healthy Barnsley - The replacement of the PSPO contributes to this Council priority by improving the environment for people to be and feel safe.

Growing Barnsley – This particular PSPO will contribute to creating a welcoming, safe and enjoyable Town Centre

Recommendations

- 1. That the Public Space Protection Order and relevant conditions are agreed for a period of three years from the date of the agreement.**

1. INTRODUCTION

1.1 Following the implementation of the Anti-Social Behaviour, Crime and Policing Act 2014, the council made its first PSPO in 2016 for Barnsley town centre and some surrounding residential areas where evidence existed at that time to justify making such an order, and with overwhelming support from partners and the public.

1.2 In 2019 the existing order was updated and approved, incorporating some different conditions and a boundary change to focus purely on the Town

Centre. This has proven to be successful during the three years it has been in place.

- 1.3 The current PSPO came into effect in March 2019 for the maximum permitted duration of three years; therefore, it will expire in March 2022. The legislation in relation to PSPO's requires those that have been in place for three years to be reviewed, removed or renewed.
- 1.4 Leading up to the expiration date, further evidence gathering has been undertaken in order to justify its continuation. Although the original PSPO is deemed to have been effective, it is believed that the evidence remains, as does support from partners and the public, to continue to have such an order in place. The evidence gathering includes public consultation.
- 1.5 As part of the evidence-gathering process, the Safer Neighbourhood Service and Legal Services have reviewed the existing conditions to establish whether they are suitable and continue to be legally enforceable.

2. PROPOSAL

- 2.1 The legislation states that in order for a PSPO to be granted, there must be a suitable evidence base. For the purpose of this report and PSPO, all evidence is collated from the results of the public consultation and evidence available from partnership colleagues.
- 2.2 The proposed conditions to form part of this order can be found in Appendix 1. These conditions have been agreed upon with Legal Services. These conditions are different to the previous three years and contain all of the existing conditions with additional ones based on experienced behaviour and consultation feedback.
- 2.3 It is proposed that the conditions in Appendix 1 be put into place for a period of three years.
- 2.4 There continues to be no evidence to suggest that peddler activities are a significant problem within the town centre. There are no reported incidents, and the public consultation response was limited in this field. It is not proposed to include this in the new PSPO.
- 2.5 It is recognised that alternative approaches must be considered and implemented in conjunction with a PSPO to comprehensively tackle safety, security and anti-social behaviour concerns impacting the town centre and surrounding residential areas.

The PSPO can only be effective when implemented as part of a range of tools and interventions dependent upon the dynamics of the problem in question. For this reason, it is not proposed that the PSPO should be regarded as the solution for more entrenched and persistent behaviours, nor should it be regarded as a complete solution to "rough sleeping", street begging and persistent offending.

The PSPO is effective as an intervention to quickly address lots of lower-level

anti-social behaviour involving those who would respond to the requirements of the intervention, enforcement agents or be deterred by the sanction attached to breaching the PSPO, which can carry a fine up to £1,000.

- 2.7 The Council conducted a public consultation prior to developing the conditions outlined in Appendix 1 and the responses from the public consultation and key stakeholders has been taken into account when developing the proposed conditions.
- 2.8 A draft Public Space Protection Order is attached at Appendix 1.
- 2.9 A copy of a map showing the existing PSPO area, and the proposed new area is attached in Appendix 1.

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

- 3.2 Consultations have taken place with representatives of the Service Director Finance (S151 Officer).

- 3.3 There are no financial implications resulting from this proposal as the report is seeking agreement to update and replace the current Town Centre Public Space Protection Order.

3.4 Risk Management

Expectations – There is a danger that public expectations will be unrealistic in terms of the effectiveness of the PSPO to resolve all safety and security concerns relating to the town centre. From its introduction in March 2016, clear messages have been communicated that the PSPO is only one intervention tool of many to help address these issues. A comprehensive town centre safety and security plan have been devised to provide a broader range of prevention, intervention, enforcement and engagement approaches and targeted action plans to address issues relating to the safety of the town centre.

Stigmatisation – Initial concerns that the PSPO would automatically stigmatise the location have not materialised. The PSPO is designed to provide additional powers to tackle specific issues unique to a locality, with the intention of improving that location to benefit residents. There is no evidence to suggest that feelings of safety in Barnsley have been damaged by the introduction of the PSPO.

Displacement of problems elsewhere – South Yorkshire Police have undertaken an analysis of anti-social behaviour reports after the implementation of the PSPO to establish any correlation to the displacement of problems outside the boundary of the PSPO. The evidence suggests there is nothing to substantiate that any apparent displacement has occurred, when analysing a 0.5-mile perimeter next to the boundary of the current PSPO.

Some temporary peaks have been identified in certain locations, such as Asda and McDonald's car park; however, there are no clear trends, and those peaks have occurred on singular months/dates and are not sustained.

Criminalisation – As the PSPO criminalises certain types of behaviour, there is a risk that certain individuals found to have breached the PSPO will be unnecessarily criminalised. In reality, those found to be persistently breaching the terms of the PSPO typically already have offending histories. The PSPO alone has not proved an effective intervention to achieve sustained behaviour change.

3.5 Legal

The provisions relating to PSPO powers fall under the Anti-Social Behaviour, Crime and Policing Act 2014.

PSPOs are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area, that applies to everyone. They are designed to make sure the law-abiding majority can use, and enjoy public spaces safe from anti-social behaviour.

These orders are flexible and can be applied to a broader range of issues, with local authorities having the ability to design and implement their own prohibitions or requirements where certain conditions are met. These conditions centre on the impact to the quality of life in the locality, persistence, and whether the impact makes the problem behaviour unreasonable.

Section 60 of the Act provides that a PSPO may be extended (section 60 (2)) 'if satisfied on reasonable grounds that doing so is necessary to (a) prevent occurrence or recurrence after that time of the activities identified in the order, or (b) an increase in the frequency or seriousness of those activities after that time'.

The extension may only be for a maximum period of three years, but Section 60 (4) provides that it may be extended under section 60 more than once.

Officers are satisfied that there are sufficient grounds to extend the current PSPO with modifications for a further three years following the outcome of the consultation.

3.6 Equality

Full Equality Impact Assessment completed

An Equality Impact Assessment was completed at the start of the initial PSPO and this has been revised and updated. (Available as a background paper).

The order is designed to contribute towards a safe and peaceful environment for all residents of the borough. It, therefore, should be supportive of those most affected by the fear of crime and those most fearful of using the town

proportionate approach to the needs of the most vulnerable and isolated in our town.

If agreed by the cabinet, information will be made publicly available on the council's website, social media, posters, meetings, and forums to highlight the updates for the next three years.

4. CONSULTATION

Consultation has been undertaken with the following.

- South Yorkshire Police
- Communities Directorate
- Local Member of Parliament
- Barnsley council Legal Services
- Town Centre Board
- The general public (by means of open consultation both online and in person with visitors and businesses in the town centre)

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Do nothing and cease to have a PSPO in place after the current one expires in March 2022

This is not a recommended option because evidence suggests there is still an ongoing problem that the PSPO would provide support for. Failure to continue with a PSPO may result in a rise in anti-social behaviour.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The recommendation for the approval of this report is to make sure that the most effective conditions are in place for the Town Centre, so that authorised officers are given the ability to deal with people causing alarm, harassment or distress within the relevant area.

7. GLOSSARY

Not Applicable

8. LIST OF APPENDICES

Appendix 1: Order

9. BACKGROUND PAPERS

None

10. REPORT SIGN OFF

Financial consultation & sign off	Senior Financial Services officer consulted and date <i>Joshua Amahwe (07/02/2022)</i>
Legal consultation & sign off	Legal Services officer consulted and date Sajeda Khalifa 25/01/2022

Report Author: Mark Giles

Post: Group Leader

Date: 11 March 2022