

TITLE OF REPORT: **Public Space Protection Orders – six month review**

REPORT OF: **Paul Dowling, Strategic Director, Communities & Environment**

Purpose of the Report

1. The report is to update Cabinet on the six month evaluation of the Public Space Protection Orders (PSPOs) for Gateshead.

Background

2. The Legislation to make PSPOs was introduced in 2015, and intended to give local authorities additional powers to tackle anti-social behaviour in a public place. The Council, in partnership with Northumbria Police, successfully implemented three PSPOs:
 - Gateshead borough – to make it an offence to not carry the means to pick up after your dog, to dispose of bagged or wrapped dog waste correctly and gives the police the power to seize alcohol if people are consuming it and acting in an anti-social manner.
 - Metro Centre Retail Park – to make it an offence to attend the car park for the purpose of car rallies and drive in an anti-social manner (e.g. do burn outs).
 - Town Centre – to make it an offence, amongst other things, to urinate/defecate, beg, consume alcohol and other intoxicating substances and tout or importune for business to the nuisance or annoyance of the public.
3. Cabinet requested a review of the PSPOs once they had been enforceable for six months.

Progress to date

4. The orders have been enforceable for six months with varying degrees of success:

Borough wide

5. There are two measures in the borough wide PSPO which were intended to help the council deal with an increase in complaints regarding dog fouling:
 - The requirement to carry the means to clean up after your dog
 - To dispose of bagged dog waste in a bin or by taking it home
6. There is also an additional requirement to help the police deal with on street drinking which makes it an offence in Gateshead not to surrender any open alcohol container when asked to do so by an authorised officer.

7. The measures around dog fouling were put in place as a response to reduced resources and recognising the difficulties of catching people “in the act”. They allow officers to proactively challenge dog owners to ensure they have the means to clear up which completely changes the situation from being reactive to enable a more direct, intelligence led approach. The second element was around dog waste being hung in trees, as this is not covered by littering legislation.
8. However, there has been little activity around implementing this as there is currently no on street enforcement function. Without an on street environmental enforcement team the only place the work could sit would be with the enforcement team - however, unless they stopped doing existing areas of work there is no capacity to pick up this additional demand. A report to Cabinet in July explored the options for delivering on street enforcement. Discussions continue about an on street enforcement team with the aim of having one in place by the end of the year.
9. Northumbria Police value the measure around disposing of alcohol as it is a useful tool, particularly in relation to youth ASB – alcohol is often found and confiscated. Northumbria Police do not routinely record the number of times alcohol is disposed of but have noticed an increase in the use as the legislation is available to use across the whole of the borough rather than the discreet areas that were previously subject to a Designated Public Place Order (DPPO).

Metro Centre

10. This PSPO has been very effective and has worked in preventing the number of car meets in the retail car park of the Metro Centre, as a result there have been no fixed penalty notices issued. Since its implementation there have been no issues and the meets have ceased to exist.

Town Centre

11. There are nine measures to combat anti-social behaviour in the town centre PSPO.

Touting for business and pitching stalls on the highway

12. Since the order was introduced and the enforcement team carried out some planned activity this is now greatly reduced, if not eliminated.
13. However, the Institute of Fundraising has raised concerns that the current situation is too restrictive. They remain unhappy that two members of staff from one of their charities were issued with fixed penalty notices. They await with interest the outcome of this review, and are hoping that collecting by charities in the town centre may be permitted through a site management agreement limiting their number of collectors and the days on which they can collect.
14. Any arrangement to manage and approve collectors would require additional staffing resources, together with a policy statement, fee and charging arrangements. Provisions already exist for charitable cash collections to receive a Street Collection Permit, and it is not recommended at this stage that alternative arrangements are put in place to accommodate the groups who collect for charities by taking bank details from the public.

Begging/Street drinking/Taking intoxicating substances/Being intoxicated and incapable/Urinating and defecating

15. There have been a large number of breaches of these provisions, and due to a lack of resource to enforce the order a limited amount of fixed penalty notices have been issued. As a result intelligence has been gathered around this, and a cohort of perpetrators has been identified in conjunction with partners including Northumbria Police, The Gateshead Housing Company, Evolve and Basis. Some of these breaches may also be as a result of increased regulation and associated enforcement activity in Newcastle.
16. This client group are extremely difficult to engage and cause numerous problems for businesses, residents and visitors to the town centre. As a result the more mainstream enforcement toolkit does not generally work. For example, of the 22 fixed penalty notices issued, not one payment has been received and in many cases multiple notices have been issued to the same people.
17. The approach with this group needs to be one of two options, when a breach occurs:
 - A summons file produced by Northumbria Police so we can get it in to court quickly with the option of requesting a Criminal Behaviour Order; or
 - Proactively compiling a file of evidence to make an application for an injunction to tackle specific aspects of perpetrators behaviour.
18. Both of these options require additional resource including time by council officers to do background checks with partners and agencies to ascertain who may be working with the offender and consult around the proposed conditions of any order we want to request. It is important that we do not criminalise people who genuinely need support services and work extensively with partners to ensure this is not the case.
19. The latter approach was recently adopted to deal with one prolific offender; however it was met with some difficulty because of the approach taken by the judiciary. This case was council led however, without a dedicated resource impacted on delivery of other services.
20. Regular complaints are made by visitors to the town centre, by retailers and other partners including Trinity Square Management and Nexus regarding individuals' behaviour, in particular around breaches of the PSPO. The neighbourhood policing team aren't always on shift, or are often working on another issue, and so the complaint isn't responded to in the timely manner people would expect.
21. The 'Necessity to Arrest Test' adopted by Northumbria Police has also caused some difficulties in dealing with perpetrators, in that on occasions perpetrators aren't detained which means it is likely that they will continue to breach the order.
22. The council is only allocated one half day slot every two weeks to present cases in court. As of early August hearings were already listed through to October. This means action in late August is likely not to go to court until November. This delay allows offences to continue, without any opportunity to take action earlier to stop the

activity. This causes a concern around people's perceptions about the ability of the council and police taking timely action to address problematic behaviour.

Feeding pigeons and anti-social riding

- 23. Since the order came into force we have had one complaint about feeding pigeons which was subsequently dealt with and there have been no further issues.
- 24. Trinity Square routinely warn cyclists about riding anti-socially, no further complaints have been received.

Proposal

- 25. Cabinet is asked to consider the report on the six month evaluation of the three Public Space Protection Orders.

Recommendations

- 26. It is recommended that Cabinet note the report.
- 27. It is recommended that Cabinet retain the current arrangements concerning charity collections, and do not seek to amend the current order to introduce any new arrangements to facilitate collections outside of the existing provisions for Street Collection Permits under the Police, Factories etc (Miscellaneous Provisions) Act 1916.

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PLAN REF:

Policy Context

1. The measures in the PSPOs support Vision 2030 and the Council's Corporate Plan particularly Live Well Gateshead – a healthy, inclusive and nurturing place for all

Background

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Consultation

4. Cabinet members have been consulted as part of the preparation of the report in Communities and Environment Portfolio and Transport and Environment Portfolio.
5. Gateshead Community Safety Board has also been consulted.

Alternative Options

6. The alternative options would be to amend the orders or to remove them. Changes can be made to one order, both or all.

Implications of Recommended Option

7. **Financial Implications** – The Strategic Director Corporate Resources confirms there are no financial implications directly arising from this report.
8. **Risk Management Implications** – There are no risk management implications arising directly from this report.
9. **Human Resources Implications** – There are no human resource implications arising directly from this report.
10. **Equality and Diversity Implications** – There are no equality and diversity implications directly arising from this report.

11. **Crime and Disorder Implications** – The PSPOs were put in place reduce anti-social behaviour, crime and disorder.
12. **Health Implications** – There are no health implications arising directly from this report.
13. **Sustainability Implications** – There are no sustainability implications arising directly from this report.
14. **Human Rights Implications** – There are no human rights implications arising directly from this report.
15. **Area and Ward Implications** – The three orders are in place across different parts of the borough:
 - Borough wide
 - Bridges (Town Centre PSPO)
 - Whickham North (Metro Centre PSPO)