

Summary Sheet

Name of Committee and Date of Committee Meeting

Overview and Scrutiny Management Board – 30 January 2019

Report Title

Review of the Town Centre Public Space Protection Order

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Paul Woodcock, Acting Strategic Director of Regeneration and Environment

Report Author

Sam Barstow, Head of Community Safety, Resilience and Emergency Planning
sam.barstow@rotherham.gov.uk

Ward(s) Affected

Boston Castle

Summary

This report provides a detailed review of the implementation of the Public Space Protection Order in Rotherham Town Centre and Clifton Park.

Recommendations

1. That Overview and Scrutiny Management Board note the content of the report.

List of Appendices Included

1 - A

Background Papers

No

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Review of the Town Centre Public Space Protection Order

1. Background

- 1.1 Powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 created the provision for local authorities to implement Public Space Protection Orders (PSPO). These orders are designed to address anti-social behaviour in local areas and are therefore adaptable to meet local needs. Prohibitions or requirements can be made at a local level in response to complaints from a range of sources including the public, businesses and Councillors. Any breach of a prohibition or requirement, contained within a PSPO, becomes a criminal offence and offenders are liable to a Fixed Penalty Notice or prosecution through the Magistrates court.

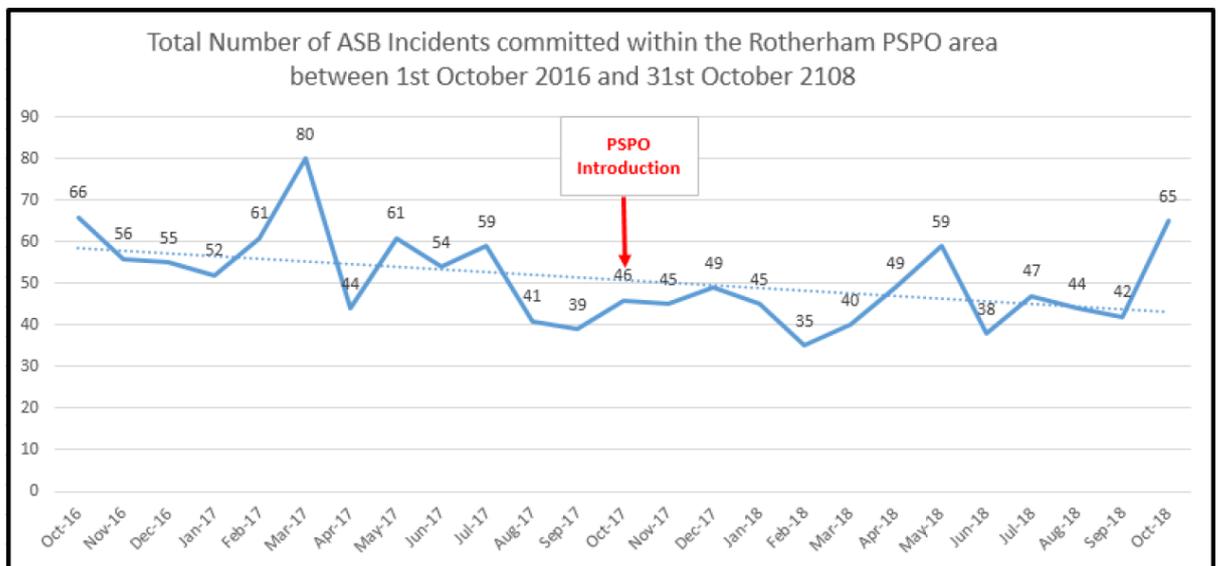
2. Introduction

- 2.1 Following analysis, consultation with partners and the public, and the approval by Cabinet at its meeting on the 11th September 2017, a PSPO was introduced in Rotherham town centre and Clifton Park in October 2017. Prior to Cabinet's decision, the PSPO was considered by the Overview and Scrutiny Management Board (OSMB). Whilst receiving support, members of OSMB recommended that the PSPO be reviewed following a year of operation to consider its impact. Further recommendations made by OSMB were as follows;
- The introduction of a condition relating to nuisance vehicle use;
 - The introduction of a code of practice for officers.
- 2.2 Public Space Protection Orders are made for three years. The Council is able to vary or remove the order at any time during the three years, but must follow due process. Following a period of three years, the full process must once again be followed, in order to consider the making of a further order.
- 2.3 In response to the recommendations, the Council's Cabinet Member for Waste, Roads and Community Safety agreed the recommendation in relation to a code of practice and committed to review the potential inclusion of a condition relating to nuisance vehicles in six months-time.
- 2.4 The code of practice was developed and issued to officers, alongside detailed training. This can be found attached as appendix A.
- 2.5 Nuisance vehicle use referred to nuisance often associated with vehicles parked and individuals gathering, at times causing litter and noise. Following further review in July 2018, it was noted that there had been limited incidents during the previous year and throughout January and February of 2018 there had been no reports. Following discussion with Cabinet members, it was agreed that reports would be monitored for any future spikes in incidents but that no further action was required at that stage.

2.6 Alongside the above, the Strategic Director for Regeneration and Environment agreed, following extensive consultation and engagement with dog walkers groups at Clifton Park, to review the condition relating to dogs. The Council agreed, in Clifton Park only, to assess any impacts and to ensure lawful and responsible dog owners were not inadvertently penalised. Again, in July 2018 officers reported to Cabinet members that there had not at that stage been cause to use the powers within Clifton Park and that no further complaints had been received from Dog Walking groups. No further process to consider change to the PSPO was therefore recommended as a result of further consideration of both aspects referred to above.

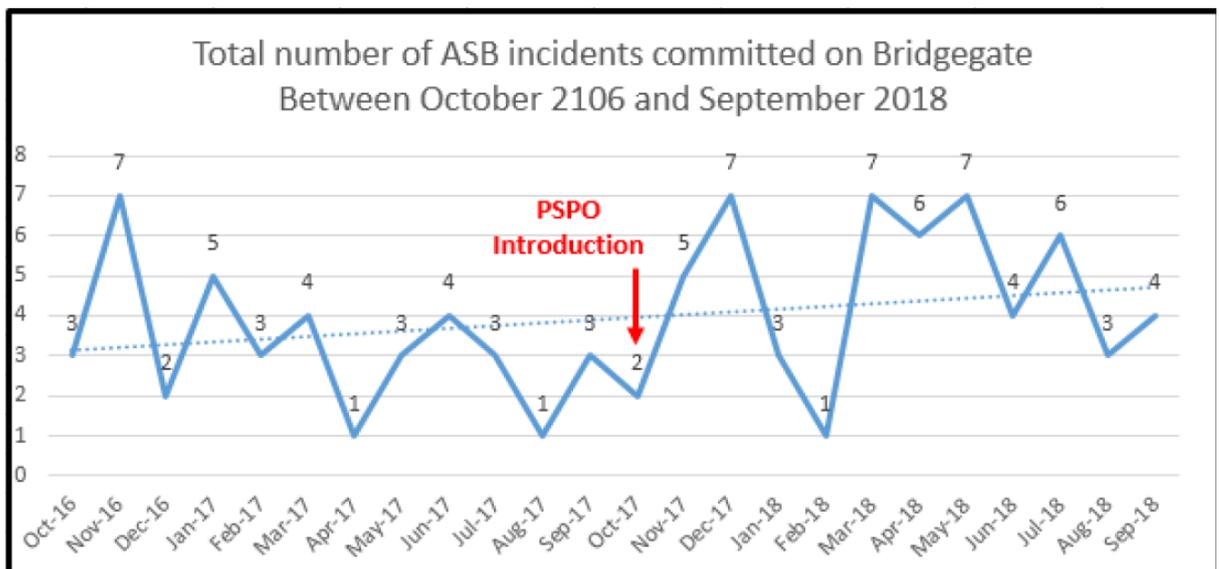
3. Analysis

3.1 In order to assess the effectiveness of the PSPO, analysts have reviewed incidents during the year prior to implementation (Oct 2016 to Oct 2017) and during the year following implementation (Oct 2017 to Oct 2018). The graph below demonstrates monthly incidents and the general direction of travel:



3.2 It is encouraging to note that incidents continue to reduce, though this is potentially a continuation of previous patterns. There were 539 incidents of Anti-Social Behaviour (ASB) in the year after implementation of the PSPO, averaging 45 incidents per month. This is compared to the 668 ASB incidents reported prior to PSPO implementation, averaging at 56 incidents. This shows an average reduction of 11 incidents per month, around 19%. The graph does however show a spike in incidents in October 2018, where numbers returned to those recorded in October 2016. This will need further analysis to understand the cause but it may be linked with the commencement of dark nights. The spike in April/May 2018 could be attributed to Rotherham United Football Club playing extra games, being promoted, and the celebrations that followed, coupled with the advent of the World Cup and the exceptionally warm weather that was experienced.

- 3.3 The majority of ASB in the PSPO area is classified as “rowdy / Inconsiderate behaviour”. Since the implementation of the PSPO, levels of this type of ASB have reduced to an average of 22 incidents per month, compared to 28 prior to the PSPO. Notably, street drinking has also seen a small reduction. Incidents reported as “Concern” have seen a noticeable increase, from less than 0.50 reports per month to nearly 2.25 reports. Other key types of ASB where there has been a change are “Disturbance/Fighting”, “Begging” and “Vagrancy and Threatening Behaviour”. These have seen either a very slight rise or a noticeable rise. Key times for ASB in the PSPO area are between 13:00 and 00:01hrs on Tuesdays, Fridays and Saturdays. Times of “Concern” reports are generally between 23.00 and 03.00 on Fridays, Saturdays and Sundays. This indicates a link to the night-time economy and, anecdotally, is linked to the time that patrons begin to arrive at licenced premises and the time that premises close. The “Nuisance Vehicles” category of reporting also continues to reduce, dropping from on average 5 incidents per month to less than 2 incidents.
- 3.4 Key locations for ASB, identified through hot-spot area mapping, are Bridgegate, Forge Island and locale and the Clifton Park area. These locations are representative, to some extent, of previous hotspots however: incidents at Clifton park have remained generally consistent; incidents at the interchange have reduced; incidents around Bridgegate have increased significantly (see graph below); and incidents at Forge Island have increased, likely shifted from the Interchange location.

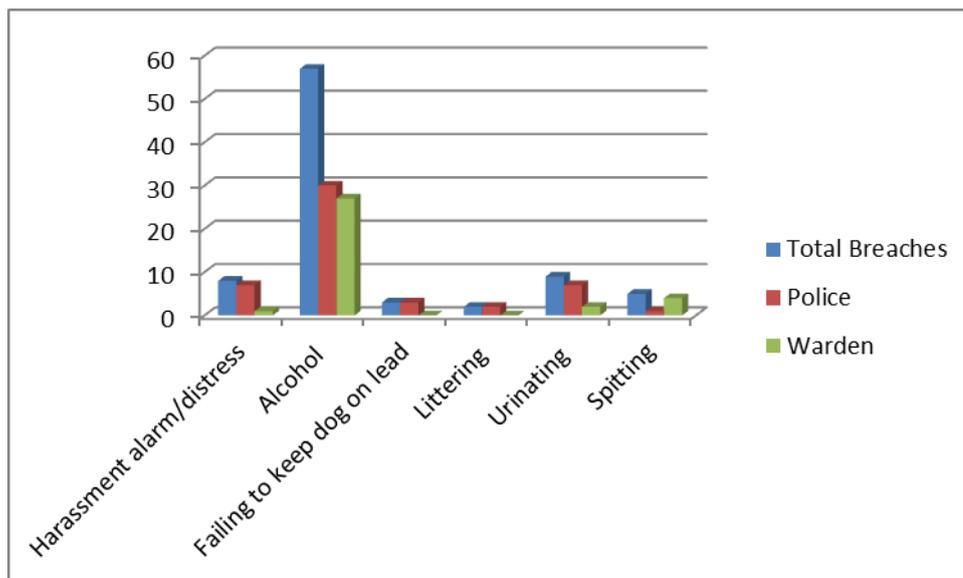


- 3.5 Overall the analysis shows there has been a reduction in the average number of ASB incidents per month since the implementation of the PSPO. However, volumes were on a reducing trend since the start of the data period (October 2016) and therefore the full impact of the PSPO is not as clear-cut as it appears, as the trend towards reduction had already commenced.

4. Enforcement

4.1 Enforcement data up to the end of September 2018 shows a total of 85 breaches of the Public Space Protection Order. All dealt with on the spot through a fixed penalty notice, 10 of which have been paid. 69 of these tickets have resulted in (or are waiting) prosecution. 50 of the tickets were issued by South Yorkshire Police and 35 by Council Wardens.

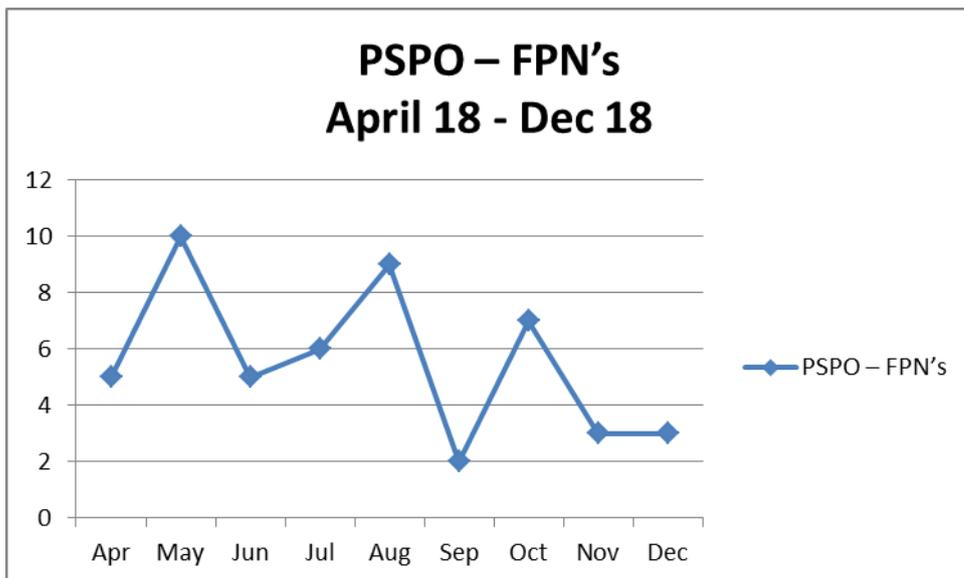
4.2 The following chart details the breakdown of offence type and the issuing agency;



4.3 As can be noted, alcohol breaches account for a significant proportion of all breaches (67%), with harassment/alarm and distress accounting for 9% and urinating accounting for 10%. There are seven repeat offenders accounting for 25 of the 85 offences (29%). Of the 25 all are subject to further enforcement, with a number currently imprisoned, others out of areas and one made subject to a Criminal Behaviour Order (CBO).

5. Officer Feedback

5.1 In order to support implementation, a joint training package was rolled out to all officers working in the area, from both the Council and South Yorkshire Police. This training has clearly supported a level of enforcement which has remained fairly consistently and evenly split across the agencies. The chart below shows FPNs issued by month from April to Dec 18. Of note the peaks mirror peaks in ASB reports as shown in sec 4.1:



- 5.2 Officers are generally positive in relation to the additional powers that the PSPO grants them. They allows officers to positively deal with lower level offences. Furthermore, effective use of the PSPO has supported the identification of repeat offenders, allowing officers to focus additional enforcement activity against the individuals causing the highest demand. Critically in addition, it has allowed the identification of support needs and referral to appropriate agencies.
- 5.3 Wider feedback, from Elected Members, management, businesses and others, suggests that further enforcement resources are required in order to have a more significant impact in the town centre area. It should be noted however that this feedback is in light of falling reports of ASB, which may in part be due to lack of confidence in reporting but may also support a general gap between perception and reality in respect of community safety issues, in light of the continued reduction.

6. Summary

- 6.1 Whilst it is encouraging that incidents in the PSPO are continue to decrease, further attention is required in the areas identified as 'hot spots'. Further monitoring and swift enforcement against repeat offenders is also required, to prevent escalation to nine breaches of the PSPO, as in the case of the individual referenced within this report.
- 6.2 The allocation of resources continues to be challenging and this pressure is likely to increase in the short term. This will challenge officers in respect of maintaining enforcement levels and may see short term reductions in enforcement activities. As a result of this pressure officers should consider the potential use of sporadic, targeted, operations, drawing resource from other areas and focussing on problem times or problem areas.
- 6.3 Officers see no reason to suggest adjustment of the Public Space Protection Order at this stage and recommend that a further formal review is undertaken during the summer of 2020, prior to the order lapsing in October 2020.

7. Key Issues

- 7.1 Resources continue to present a challenge in terms of enforcement and visibility of implementation.
- 7.2 Reductions in ASB continue but these may not be directly attributable to the PSPO.

8. Recommendations

- 8.1 That Overview and Scrutiny Management Board note the report.

9. Financial and Procurement Implications

- 9.1 This report does not present any decisions and there are no financial or procurement implications.

10. Legal Implications

- 10.1 This report does not present any decisions and there are no legal implications.

11. Implications for Children and Young People and Vulnerable Adults

- 11.1 None of the enforcement activity has been utilised against young people, where a proportionate approach would be taken.

12. Equalities and Human Rights Implications

- 12.1 None of the information reviewed or analysis conducted suggested an adverse impact on any protected characteristic.

13. Implications for Partners and Other Directorates

- 13.1 Clearly this report concerns South Yorkshire Police and Town Centre partners, including businesses. Consultation has taken place with the Police and also within the Town Centre Task and Finish Group.

14. Risks and Mitigation

- 14.1 As identified within the body of the report, there are no additional risks identified as a result of this report.

15. Accountable Officer(s)

Sam Barstow, Head of Community Safety, Resilience and Emergency Planning
Tom Smith, Assistant Director, Community Safety and Street Scene