

Summary Sheet

Overview and Scrutiny Management Board – 6 September 2017

Title:

Introduction of a Public Spaces Protection Order (PSPO) for Rotherham Town Centre

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

Yes

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director of Regeneration and Environment.

Report Author(s)

Sam Barstow – Head of Service, Community Safety

Alan Heppenstall - Anti-social Behaviour and Community Safety.

Ward(s) Affected

Directly affected – Town Centre

Potential indirect effects – Surrounding wards

Summary

Powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 create 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 need. This means that prohibitions or requirements can be made at a local level in response to complaints from a range of sources including the public, business and Councillors.

Should the Council choose to introduce a PSPO, breach of a prohibition, or requirement, becomes a criminal offence and offenders are liable to a fixed penalty notice or prosecution through the Magistrates court.

Following analysis and initial consultation with stakeholders, the Council has undertaken a statutory consultation on a proposed PSPO. In excess of 500 views were gathered, across a variety of forums and methods, and a significant majority (93.7%) of respondents support the introduction of a PSPO. Further consultation has also taken place with partners and greater consideration has been given as to the impact of the proposed conditions which has led to the removal of some and the evolution of others.

This report therefore seeks the approval of the Cabinet to implement a PSPO, in Rotherham Town Centre, in order to prohibit the following activity;

- A. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.

- B. Making unsolicited approaches, in the open air, for the purposes of face-to-face fundraising and marketing of commercial products, carried out by organisations without prior written permission from the Council.
- C. Failing to keep a dog on a leash and under control (otherwise than within the designated area within Clifton Park, where dogs may be off leads but must remain under control, see attached maps)
- D. Littering
- E. Urinating or defecating in a public place, other than within designated public toilets.
- F. Spitting saliva or any other product from the mouth
- G. Consuming alcohol other than on licensed premises or at a licensed event

In making their decision, Cabinet must have due regard to the legal requirements laid out within this report, alongside the feedback from the public consultation.

Recommendations

Overview and Scrutiny Management Board are invited to scrutinise the report and proposals below and make its own recommendations to Cabinet:

That Cabinet:

1. Approves the Public Spaces Protection Order, for a period of three years, following consideration of the public consultation and relevant legal requirements (Appendix 3)
2. Requires a 12 month review, post implementation of the order to assess impact and make variations, adjustments or new orders as necessary

List of Appendices Included

Appendix 1 – ASB Data for PSPO Applications

Appendix 2 – Marketing and Comms Plan

Appendix 3 – Breakdown of Survey Responses

Appendix 4 – RMBC Public Space Protection Order (Town Centre and Clifton Park)

Background Papers - None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Cabinet and Commissioners' Decision Making Meeting – 11 September 2017

Council Approval Required

No

Exempt from the Press and Public

No

Title:

Introduction of a Public Spaces Protection Order (PSPO) for Rotherham Town Centre

1. Recommendations

1.1 That Cabinet:

1. Approves the Public Spaces Protection Order, for a period of three years, following consideration of the public consultation and relevant legal requirements (Appendix 3)
2. Requires a 12 month review, post implementation of the order, to assess impact and make variations, adjustments or new orders as necessary

2. Background

- 2.1 Concerns have been raised from Town Centre businesses; the public; Ward Members; partners; public forums; the Town Centre Partnership Group and others regarding anti-social behaviour (ASB) in Rotherham Town Centre and Clifton Park. The identified issues relate to persistent street drinking; littering; dogs running free (unleashed); people sleeping rough; rowdy and inconsiderate behaviour and drug related issues.
- 2.2 Formal data has been supplied by South Yorkshire Police's Force Intelligence Unit (see Appendix 1), as this was deemed the most appropriate method for accuracy in respect of incident numbers.
- 2.3 Data from the Force Intelligence Unit informs us that there were 824 reports of ASB incidents in the Town Centre throughout 2016, an increase on the annual mean number of incidents from 742 (2014/15 saw a 19% increase with 2015/16 seeing a further 6% increase).
- 2.4 The vast majority of ASB related incidents in the Town Centre (approximately 93%) take place during the daytime (6am - 6pm) with only 7% related to the night-time economy. Due to the increased footfall in the Town Centre during the daytime, increases in anti-social behaviour in this area are likely to impact a greater number of people alongside a large number of businesses.
- 2.5 A large number of the reported anti-social behaviour is listed under the rowdy and inconsiderate behaviour category. Whilst further detailed analysis of this category is not available, this does capture a wide range of behaviours where a crime may not have been committed. This is behaviour that can often be deemed as inconsiderate and is likely to include the use of loud and/or foul language.
- 2.6 Other predominant categories within the Police data highlighted vehicle nuisance, begging/vagrancy and street drinking as areas of concern.
- 2.7 Based on the above, officers provided members with a range of conditions used within PSPOs in other areas and requested views as to which behaviours may be likely to have an impact on the quality of life of those in the locality.

3. The Act

- 3.1 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) enables Local Authorities to address issues of anti-social behaviour, in public places, by use of a Public Spaces Protection Order.
- 3.2 These Orders are designed to tackle the behaviour of individuals or groups where their behaviour has, or is likely to have, a detrimental effect on the quality of life of those within the locality.
- 3.3 The Act allows local authorities to make an order if it is satisfied, on reasonable grounds, that the following two conditions are met;

The first condition is that—

- (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities—

- (a) is, or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by the notice.

- 3.4 Where the above conditions are met, Councils can use a PSPO to prohibit certain activities, where it can be evidenced that such activities have, or are likely to have, an impact on the quality of life of those in the locality, as described above. The orders were specifically designed to be flexible so that they can be adapted to meet local need. However, the only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order to:

- (a) prevent the identified detrimental effect referred to above from continuing, occurring or recurring; or
- (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence

4. Options considered and recommended proposal

- 4.1 As above, the Council and its partners have analysed ASB in the Town Centre area and developed a number of proposals for consideration.
- 4.2 Following this process, 9 prohibitions setting out behavioural boundaries were considered necessary to support the Council and its partners in developing and supporting the Town Centre experience:
 - A. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.

- B. Drinking alcohol other than in a licenced premises or event.
- C. Spitting saliva or any other product from the mouth
- D. Face to face fundraising and marketing carried out by organisations without prior written permission of the Council.
- E. Failing to keep a dog on a leash and under control
- F. Using or carrying controlled drugs otherwise than in accordance with a valid prescription
- G. Littering
- H. Using a vehicle to cause a nuisance by gathering in groups, playing loud music or otherwise impacting the quality of life in the locality
- I. Urinating or defecating in a public place.

4.3 These prohibitions were proposed to apply to all those living in or visiting the Town Centre and at all times and in all areas covered by the Town Centre and Clifton Park. Other prohibitions were considered and dismissed.

4.4 Consideration was also given to covering additional areas with the implementation of additional PSPOs however; the decision was made to recommend initially focusing on the Town Centre area where the issues are most prevalent. Should implementation be successful, further consideration will be given to providing coverage in additional areas. Due to the decision to focus on this area alone at the outset, it is recommended that a 12 month review be undertaken to assess the impact and any displacement.

4.5 Following the consultation and analysis of the evidence available, alongside consideration of the added value to be bought about through the implementation of the Public Space Protection Order, it is recommended that the following prohibitions are adopted;

- A. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
- B. Making unsolicited approaches, in the open air, for the purposes of face-to-face fundraising and marketing of commercial products, carried out by organisations without prior written permission from the Council.
- C. Failing to keep a dog on a leash and under control (otherwise than within the designated area within Clifton Park, where dogs may be off leads but must remain under control, see attached maps)
- D. Littering
- E. Urinating or defecating in a public place, other than within designated public toilets.
- F. Spitting saliva or any other product from the mouth
- G. Consuming alcohol other than on licensed premises or at a licensed event

4.6 These proposed conditions have also been recommended with due regard to the Council's collective ability to enforce. It may be damaging to make conditions which partners, including the Council, are unable to enforce as it may raise expectations that they can be properly address through making the PSPO.

5. Consultation Method

- 5.1 Alongside the above conditions, the Act also stipulates Councils conduct '*necessary consultation and necessary publicity, and the necessary notification*' prior to making an order.
- 5.2 Under the terms of the Act, the necessary consultation means consulting with;
- (a) the chief officer of police, and the local policing body for the police area that includes the restricted area;
 - (b) whatever community representatives the local authority thinks it appropriate to consult;
 - (c) the owner or occupier of land within the restricted area;
- 5.3 The necessary publicity means;
- (a) in the case of a proposed order or variation, publishing the text of it;
 - (b) in the case of a proposed extension or discharge, publicising the proposal;
- 5.4 The necessary notification means;
- (a) the Parish Council or community council (if any) for the area that includes the restricted area;
 - (b) in the case of a public spaces protection order made or to be made by a district council in England, the County Council (if any) for the area that includes the restricted area Councils are furthermore required to consult with landowners, as far as is reasonably practicable.
- 5.5 In order to fulfil the above consultative requirements, the Council has undertaken a full public consultation, which commenced on the 19th July 2017 and closed on the 16th August 2017. The consultation plan is attached as Appendix 2.
- 5.6 The consultation was publicised using various mechanisms including online, social media and traditional media. Radio Sheffield, the Sheffield Star, Rother FM, the Rotherham Advertiser and the Rotherham Record were amongst those who featured the consultation. Feedback was invited primarily via the Council's website, as well as inviting feedback in the form of a questionnaire and comment box.
- 5.7 The Community Safety Unit also undertook a range of additional activities in order to capture as many views as possible. These activities included;
- A members seminar, held on the 1st August
 - Attendance at the Council's Overview and Scrutiny Management Board
 - Two informal drop in sessions, one within the Town Centre and another in Riverside House reception
 - Attendance at the National Citizenship Scheme (both for under 16's and 16 – 18 year olds)
 - Consultation with staff and colleagues working within the area

- Attendance at the Rotherham Youth Cabinet
- Visits to 82 town centre businesses

5.8 In relation to Clifton Park, both the management and meeting of the 'friends of Clifton Park' had opportunity to discuss the PSPO. The Community Safety team also wrote to various organisations seeking feedback, including local treatment providers and the Borough Commander for South Yorkshire Police. Whilst the consultation was public additional efforts have been made following the close of the consultation and refinements of the draft order, to consult with the Office for the Police and Crime Commissioner. This also followed completion of consultation with South Yorkshire Police.

6.0 Consultation Responses and Feedback

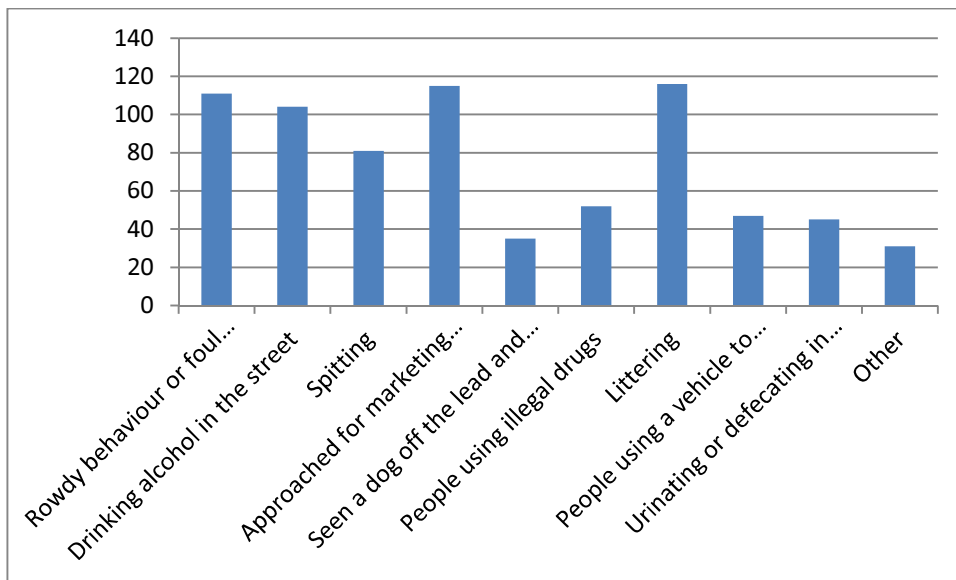
6.1 A full breakdown of responses to the consultation is provided attached as Appendix 3. In total, officers have gathered 525 responses through the various methods outlined above. Of those responses, 492 (93.7%) were in favour of the introduction of the PSPO.

6.2 The online survey attracted a total of 151 respondents. Of these 126 (83%) were in favour of the order. Respondents were not required to answer all questions in order to complete however, of those that responded to remaining questions, the following lists some of the areas of interest;

- Larger proportion of respondents were either visiting or working in the Town Centre
- Most come by car or walk (47% and 36% respectively)
- 66% felt ASB was getting worse in the area
- 92% felt ASB had a negative effect on the reputation of the area

6.3 The online survey also focussed on capturing thoughts from those affected by ASB, within the proposed area, in order to strengthen the evidence available to Councillors. One of the questions specifically asked people if they had been affected by ASB linked to the behaviours the Council is seeking to address. Only one respondent online reported not having suffered due to ASB in this area. As can be seen by the below table, the main concerns were as follows;

- Rowdy behaviour or foul language
- Drinking alcohol in the street
- Approached for marketing or fundraising
- Littering



- 6.4 Rowdy behaviour and foul language was something people were regularly affected by, as can be seen by the above with over 100 respondents stating so. This condition also received broad support through other methods of consultation with the Rotherham Youth Cabinet providing unanimous support alongside 99% of local businesses and 96% of other face to face consultation responses. However, this approval rating dips slightly to 74% with those surveyed who were under the age of 18.
- 6.5 Drinking alcohol in the street was again an issue that had affected a number of online respondents (69%). This condition also found support with 80% of young people spoken to. This number increased during the consultation event within Riverside and the Town Centre, where 94% of respondents supported the restricting of alcohol use. There were very limited references to the freedom to consume alcohol in parks by members of the public, though this issue has been discussed with Councillors during the seminar and scrutiny.
- 6.6 Spitting was an issue that had affected 54% of online respondents. The implementation of this prohibition received the support of around 75% of young people. During the consultation a number of questions were raised as to how enforceable this condition would be and whether sufficient evidence of its impact exists. Questions were also raised with regards to joggers and those doing other exercise within the park.
- 6.7 Approaches for marketing and fundraising, aside from littering, received the highest numbers of online respondents (76%) stating they had been affected by this in the Town Centre area. Amongst those who spoke to officers during the face to face events, an overwhelming number of those aged over 18 supported this prohibition, 97%. Those aged below 18 did, however, show a clear divide with 55% in approval.
- 6.8 Only 23% of online respondents reported being affected by ASB relating to a dog off the lead and not under control. A significant number of comments were received in the face to face consultation, in the comments section online and from Councillors suggesting that this condition may not be necessary in the entirety of Clifton Park. A number of respondents enjoyed walking through the park with their dog and the opportunity to exercise their dog. There was however general support for this condition within the Town Centre area.

- 6.9 34% of online respondents had reported being affected by drug use within the Town Centre. In contrast, around 81% of people during the face to face feedback stated they would support more action to tackle this issue through a PSPO. People did however question what additional power the order would bring and whether or not current legislation should be able to tackle this issue.
- 6.10 The largest number of respondents online (77%) had been affected by littering in the Town Centre. 92% of young people supported the inclusion of this order, however, there were conflicting views in the face to face consultation with regards to how this will be enforced. Concerns were also raised in this regard by UNISON, who also provided a formal response to the consultation. Some of those spoken to also raised concern about increasing the fine to £100 by use of the PSPO.
- 6.11 A smaller number of online respondents (31%) had been affected by vehicle nuisance. Young people were also found to be less supportive of this restriction, though still 75% expressed support. 93% of those spoken to in person agreed with this restriction, as did 99% of the businesses spoken to.
- 6.12 Though only 30% of online respondents had been affected by the issue of urinating and defecating in public, there was overwhelming support for its inclusion. A number of comments were made about the provision of facilities.
- 6.13 In relation to the specific conditions, which were the focus of the face to face consultation, overall support is as follows;

Condition	% In Favour
Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.	85%
Drinking alcohol other than in a licenced premises or event.	87%
Spitting saliva or any other product from the mouth.	85%
Face to face fundraising and marketing carried out by organisations without prior written permission of the Council.	79%
Failing to keep a dog on a leash and under control.	77%
Using or carrying controlled drugs otherwise than in accordance with a valid prescription.	89%
Littering.	95%
Using a vehicle to cause a nuisance by gathering in groups, playing loud music or otherwise impacting the quality of life in the locality.	86%
Urinating or defecating in a public place.	92%

- 6.14 In terms of formal consultation with the Borough Commander of Police, this has been undertaken and the Police have indicated their full support for the proposed introduction of a PSPO. Additionally, Police colleagues have indicated their support in relation to enforcement of the order and a detailed plan will be developed following the Cabinet decision as to how agencies will work in partnership to deliver this order.

6.15 In relation to engagement with Councillors, there has been a range of valuable feedback provided on behalf of their constituents. This feedback has been most prevalent in the following areas;

- Concerns around not allowing dogs off the lead anywhere within Clifton Park – suggesting an area could be zoned
- Concerns around restricting alcohol entirely within Clifton Park
- The need to ensure people are properly informed
- The need to ensure the order can be enforced

7. Summary of Considerations

7.1 Condition: Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person

Considerations:

- This issue is potentially covered under the Public Order Act (POA) 1986 as a criminal offence.
- There is evidence within the ASB data provided by the Police, citing high levels of rowdy/inconsiderate behaviour, to support this condition.
- 74% of respondents cited this as a cause of ASB they had witnessed.
- The making of this order will allow a greater number of officers to address this behaviour which may warrant the making of the PSPO in addition to the existing statute (POA).

Recommendation: To include within the Order

7.2 Condition: Drinking alcohol other than on licensed premises or at a licensed event.

Considerations:

- Street drinking is referenced as a significant contributor to the Police ASB data.
- 69% of online respondents affected
- 80% of young people and 94% of adults support the condition
- Any events or areas within Clifton Park, such as the Café could, become licensed and therefore consumption of alcohol would be acceptable in line with the nature of the license. The café does not currently hold a license
- Officers were reassured that the potential for licensed events, combined with the potential for licensing of the Café would allow alcohol consumption to continue in the park, under controlled circumstances, should demand exist. This may ease the concerns raised by Councillors, particularly when coupled with a twelve month review, at which this could be reconsidered.
- This will not impact licensed premises within the Town Centre as the act specifically exempts Licensed premises.

Recommendation: To include within the Order

7.3 Condition: Spitting saliva or any other product from the mouth.

Considerations:

- The evidence in this area is more limited as it cannot be directly linked to police data.
- 54% of online respondents said it affected them in respect of ASB, this may be considered significant enough to demonstrate that the behaviour

may be likely to have an impact on the *quality of life* of those in the locality.

- This behaviour would be difficult to enforce against and therefore the making of the condition may transpire to be largely symbolic.
- Police would support the introduction of this condition to help them address this behaviour, which their officers witness, at times when dealing with individuals.
- Feedback from Councillors has been extremely supportive of this condition.

Recommendation: To include within the Order

7.4 Condition: Face to face fundraising and marketing carried out by organisations without prior written permission of the Council.

Considerations:

- The evidence available to support the need for this condition is a mixture of anecdotal feedback and the evidence gathered as a part of the consultation exercise.
- Second largest number of online respondents affected, 76%.
- Overwhelming support in face to face consultations.
- A split amongst young people, with just over half in support.

Recommendation: To include within the Order

7.5 Condition: Failing to keep a dog on a leash and under control.

Considerations:

- This condition again is supported by anecdotal feedback and evidence gathered within the consultation.
- Negative feedback was to the extent of cover within Clifton Park
- Just under a quarter of online respondents affected. Again this may be deemed sufficient to suggest an impact is likely. This may also suggest widespread support for a blanket approach does not exist.
- Due to the case made by respondents to the public consultation, officers have recommended that dogs be allowed off the lead within a designated zone in Clifton Park. Dogs must remain under control.
- The area selected has been chosen based on officer knowledge, alongside the need for a clearly defined and identifiable area.
- Further work to be done to clarify what 'under control' means. Is likely to link to ability to effectively recall, remaining within eyesight and not approaching other dogs or owners
- Guidance will be developed for enforcement officers, with the support of legal colleagues

Recommendation: To include within the Order – subject to adjustment as per the draft order

7.6 Condition: Using or carrying controlled drugs otherwise than in accordance with a valid prescription.

Considerations:

- This is controlled by the Misuse of Drugs Act which gives powers to Police Constables

- The making of a PSPO would extend the powers however consideration would need to be given as to the desire for officers other than Police to intervene in these situations.
- 34% of online respondents were affected.
- 89% of face to face respondents supported the prohibition.

Recommendation: Not to include this within the Order

7.7 Condition: Littering

Considerations:

- Significant proportion (77%) affected.
- Number of tickets currently being issued continues to rise.
- The making of the PSPO would raise the fine from £75 to £100.
- The maximum sentence in court would reduce from £2500 to £1000.
- Increased fines may impact payment rates.
- Overwhelming support (95%)

Recommendation: To include within the Order

7.8 Condition: Using a vehicle to cause a nuisance by gathering in groups, playing loud music or otherwise impacting the quality of life in the locality.

Considerations:

- There is evidence to suggest this is an issue within Police data.
- Despite commitments, officers have been unable to consult directly with those who gather in their vehicles
- 31% online had been affected.
- 75% of young people spoken to were in support, which whilst still representing $\frac{3}{4}$, is less support than expressed by young people in other areas.
- 99% of businesses spoken to were in support.
- As officers have been unable to consultation directly with those that would be directly affected, it is recommended this is withdrawn, a further proposal may be made following that consultation

Recommendation: Not to include this within the Order – though further work to be undertaken

7.9 Condition: Urinating or defecating in a public place.

Considerations:

- Again this area is supported by anecdotal feedback and evidence gathered as a part of the consultation. It is broadly accepted that this behaviour is likely to impact on “*quality of life*”.
- 30% of respondents affected.
- 92% support introduction.

Recommendation: To include within the Order

8. Timetable and Accountability for Implementing this Decision

8.1 The steps for the completion and implementation of the Public Spaces Protection Order are as follows (a number of which have been completed):

19/06/17	Confirm scope of PSPO
18/07/17	Liaise with public houses (Pub watch) re prohibition 2.
19/07/17	Start of public consultation – (monitor feedback weekly)
19/07/17	Information leaflets to key businesses / libraries.
01/08/17	Members Seminar
02/08/17	Overview and Scrutiny Management Board.
02/08/17	1 st drop in session – Riverside House
07/08/17	Partnership meeting - agree enforcement strategy of PSPO
10/08/17	2 nd drop in session – Riverside House
16/08/17	Close of public consultation
23/08/17	Final Cabinet Report Deadline
11/09/17	Cabinet
12/09/17	Publication of Cabinet decision
14/09/17	Signage design and fabrication

9. Implementation and Enforcement

- 9.1 A timetable for implementation will work towards enacting the PSPO on the 1st October 2017. Work is now required to develop a detailed implementation and enforcement plan which will cover operating procedures alongside signage and other relevant matters.
- 9.2 Due to the risk posed by displacement of issues, with this order focussing on the Town Centre only, it is furthermore recommended that a review is scheduled for 12 months post-implementation, during October 2018.

10. Financial and Procurement Implications

- 10.1 All costs to date have been met through existing budgets. There will be some small costs in relation to implementation, but again these will be met through existing service budgets.
- 10.2 Income is not anticipated to be significant in respect of the enforcement of this order. Any income received will initially contribute to the cost of the implementation of this order.
- 10.3 There are no procurement implications associated with this report.

11. Legal Implications

- 11.1 The primary Legal implications have been addressed within the body of the report. In addition, when considering whether to make a PSPO, Section 72 of the Act requires Councils to specifically have regard to Articles 10 and 11 of the European Convention on Human Rights which deal with the right for lawful freedom of expression and freedom of assembly, ensuring that any PSPO and prohibitions/requirements contained within it are reasonable and proportionate. It should be noted that an interested person may make an application to the High Court to challenge the validity of the making of a PSPO on the grounds that the Council did not have the power to make PSPO or prohibitions/requirements contained within it, or it failed to comply with the requirements of the Act when making the order (e.g. consultation)..

12. Human Resources Implications

- 12.1 No additional HR implications brought about by this report.

13. Implications for Children and Young People and Vulnerable Adults

13.1 This order seeks to both protect the public and address poor behaviour. It is anticipated that implementation of this order will have a positive effect on all within the community by tackling ASB.

14. Equalities and Human Rights Implications

14.1 When considering making a PSPO the Council is required by the Act to have particular regard to the freedoms under Articles 10 and 11 of the Human Rights Act 1998 relating to the freedom of expression and freedom of assembly association respectively. Human rights issues are dealt with under the provisions of the Act itself and there are thought to be no additional impacts. Any protected groups or human rights related issues identified as a part of the consultation will be specifically highlighted within the consultation analysis.

14.2 The powers contained within this provision will be applied fairly and consistently under the terms of the enforcement plan.

15. Implications for Partners and Other Directorates

15.1 Issues for partners, in particular substance misuse services and the Police, will be assessed and addressed as a part of the implementation and enforcement plan.

16. Risks and Mitigation

16.1 Key risk areas in respect of approval is the provision within the Act for the decision to be challenged at the Crown Court and therefore due consideration must be given to the considerations highlighted within this report.

Risks in respect of delivery that will need to be carefully managed are:

Lack of Enforcement

Proactive work will take place with partners to establish a robust implementation plan and performance measures will be identified in relation to interactions under the order, alongside breaches.

Displacement of issues

Monitoring of surrounding areas will take place and this issue will be addressed in detail as a part of the 12 month reviews, if the recommendation is accepted.

17. Accountable Officer(s)

Approvals Obtained from:

Strategic Director of Finance and Customer Services: - Graham Saxton
Assistant Director of Legal Services: - Neil Concannon and Dermot Pearson
Head of Procurement (if appropriate):- Karen Middlebrook

Sam Barstow

Head of Service, Community Safety, Emergency Planning and Health and Safety

Alan Heppenstall

Community Safety and ASB, Community Safety and Streetscene

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories>

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Force Intelligence Analyst Unit

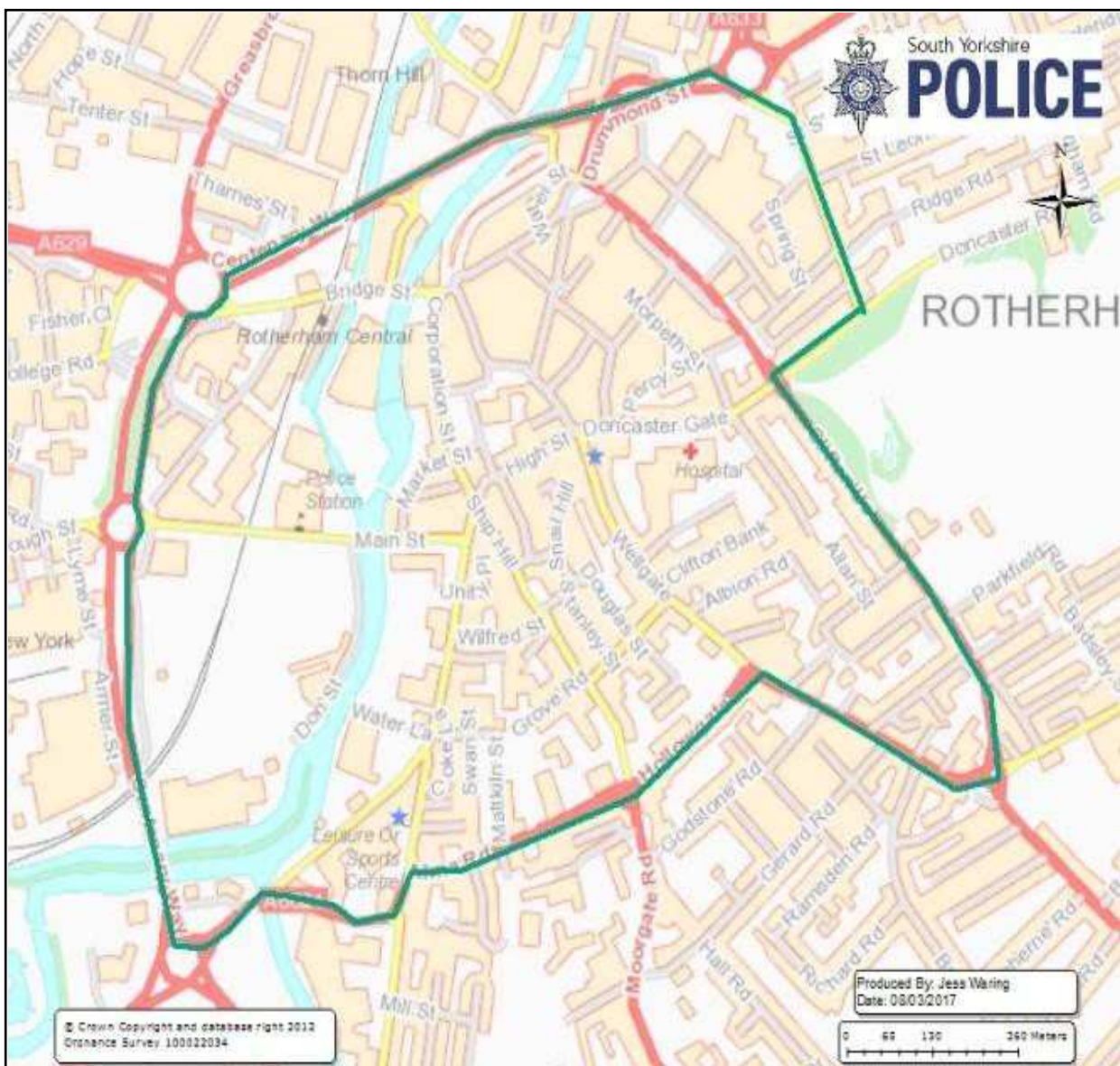
ASB Data for PSPO Applications			
Compiled	Jessica Waring	Owner	Steve Parry (RMBC)
EXT	01709 832730	Ref	AN17FEB22
Data Period	01/01/2014 to 31/12/2016	Protective Marking &	Official
Aim & Purpo	The aim of this report is to provide details of ASB incident volumes reported to SYP. The purpose is to assist with the application for		
Sources &	Data is extracted from ProCAD. Details of the parameters used for data extraction are detailed in the methodology section.		
Limitations	<p>Due to the methods of data extraction and anomalies with the geocoding of data, any figures provided within this report should be treated as unaudited. The force has a clear policy on the issuing of unaudited data externally and should you wish to share this data externally you take full responsibility for doing so.</p> <p>This report is the position of the South Yorkshire Police as of 27th February 2017. The data used within this report was sourced from ProCAD and was extracted on 27th February 2017. Any changes to the data used following this date will not be captured within the report. Therefore if the data held within the report is required for use elsewhere in the future due to the Retain, Review, Delete requirements of MOPI additional checks may be required to ensure accuracy of the information.</p> <p>Of the data extracted the following percentages of geocodes were found to be recorded: ASB 100%</p> <p>All the maps within this document, original representations or otherwise, are reproduced from the Ordnance Survey mapping with the permission of the</p>		

Methodology

Data for ASB incidents reported to SYP was extracted from ProCAD using Oracle Discoverer software. The date period considered was 01/01/2014 to 31/12/2016 (a three year period). Data was broken into monthly data to allow trends to be identified.

In order to obtain solely data that relates to the suggested PSPO areas, the data was ran through ArcMap software and extracted based on the following shape files:

Town Centre:

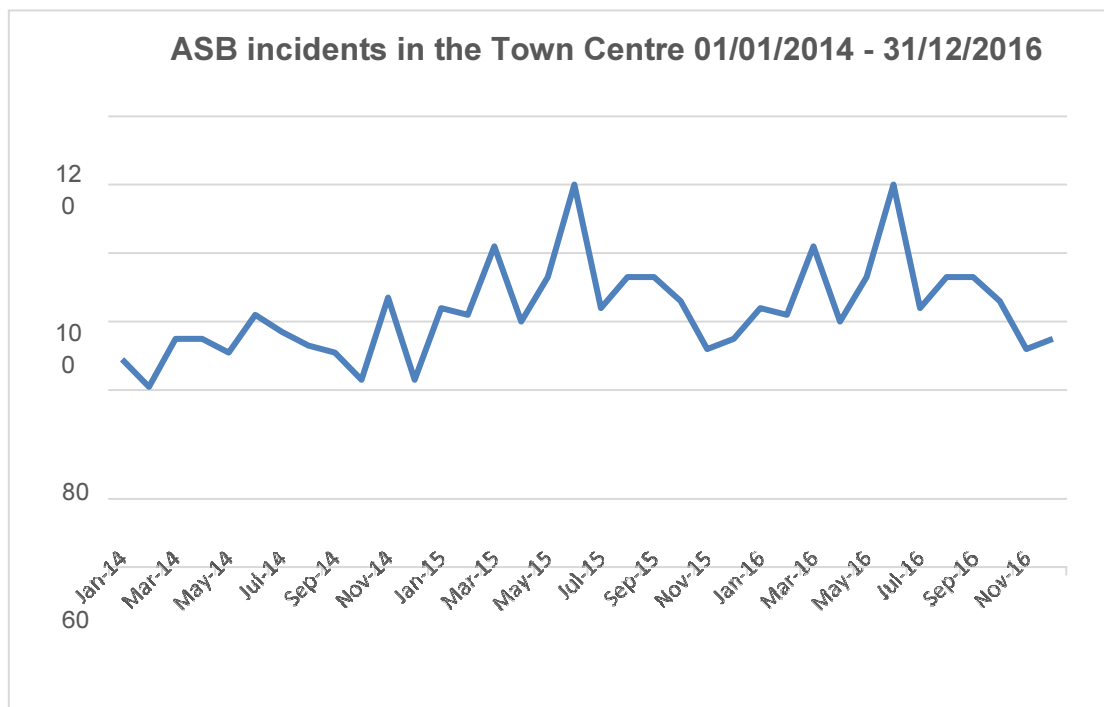


1. Town Centre

The table below shows the number of ASB incidents by calendar month in 2016:

Mont	Ja	Fe	Ma	Apr	Ma	Ju	Jul	Au	Se	Oct	No	De	Tot
Coun	64	62	82	60	73	10	64	73	73	66	52	55	824

The chart below shows the trend in ASB over the last three years:



The following table shows the top five incidents types reported to South Yorkshire Police in 2016 and the volume of each:

Incident Type	Coun
ROWDY/INCONSID	395
DISTURBANCE/FIG	54
VEH NUIS/INAP USE	54
BEGGING/VAGRAN	35
STREET DRINKING	30

Public Spaces Protection Order (PSPO)

Marketing and Communications Plan July 2017

Overview

Rotherham is regenerating and the Town Centre in particular has faced many challenges. The promotion of the Town as a great place to live, visit or work is the key driver of the Public Spaces Protection Order (PSPO). This Order seeks to remove any barriers to new investment and improvement by dealing with the minority of people that continue to act in an anti-social way. Challenging and changing the perceptions of Rotherham is a thread running through every service area of the organisation and its partners.

Public Spaces Protection Order (PSPO) consultation

Rotherham Metropolitan Borough Council wants to consult visitors, businesses and residents of Rotherham Town Centre on the introduction of a Public Spaces Protection Order.

Introduced under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, the legislation enables Local Authorities to address issues of ASB in public spaces by the introduction of a Public Spaces Protection Order (PSPO). The proposed PSPO for the town centre serves to address the climate of this area by targeting those individuals and groups that have consistently behaved badly.

PSPO's are designed to make public spaces more welcoming to the majority of law abiding people. The Orders are intended to deal with specific nuisances such as rowdy behaviour, littering and vehicle nuisances within a defined area. Such issues must be, or are likely to be, detrimental to the quality of life of local communities.

To this end, the Council seeks to undertake a 28 day public consultation with members of the public in relation to the introduction of the PSPOs.

Communications Strategy

The PSPO advocates for the many that wish to work in or visit the town centre without being subjected to anti-social behaviour (ASB); supporting several Council Theme Boards. It promotes Rotherham Council as a professional and responsive organisation that will use new tools and powers to bring about change and deliver success through the development of the town centre.

Our goal is to change the perception of the town; to promote its forward looking innovative stance and be a place which can attract investment and stimulate growth.

The PSPO is at heart an enforcement tool; however its goal is to improve the way that the town centre feels. The PSPO and related consultation process is a method of sharing the Council's vision of what Rotherham could be. It both publicises our

work and demonstrates that it is prepared to take a robust stance against anti-social behaviour.

Communication Objectives

- To share the town centre vision as a safe place to visit, work and live
- To raise awareness of the PSPOs, and discourage bad behaviour
- To encourage investors to consider Rotherham as a place worthy of investment, and promoting the Council as a reliable partner with clear strategies for developing the town
- To encourage Rotherham citizens to visit Rotherham town centre for leisure, promoting the 'added value' of the Rotherham 'offer'

Key messages

The PSPO seeks to challenge the bad behaviour of the few to improve the climate and feel of the town centre.

Key messages include:

- We are listening to public feedback that residents wish to visit the town centre, but are dissuaded by the bad behaviour of a few
- Rotherham is already a safe place to visit, work and live – but the prohibitions will make it better
- The prohibitions will improve the look and feel of the town centre
- The PSPO will challenge the bad behaviour of the few
- The improvements in the town centre brought about by the prohibitions will support the work being done to the town centre, promoting investment and drive development of the area.

Target audiences

This strategy clarifies the council's intention to inform and engage with appropriate audiences. Taking heed of the concerns expressed by Elected Members, businesses and visitors is part of the Council's drive to improve investor confidence and attract new commercial enterprises into Rotherham by creating a safer public environment.

- The consultation period needs to link in effectively with all of the town centre businesses; to provide appropriate advice and reassurance that the Council and the PSPO fully supports them.
- Likewise, a strong message needs to be given to visitors to the town centre that Rotherham is a great place to visit, work and live.
- In similar vein, a robust message needs to be delivered to those that behave badly in order that they are discouraged from doing so in the future.

This strategy clarifies the council’s intention to inform and engage with appropriate audiences. Taking heed of the concerns expressed by Elected Members, businesses and visitors is part of the Council’s drive to improve investor confidence and attract new commercial enterprises into Rotherham by creating a safer public environment.

The town centre has a small residential population; the majority of users being visitors in the form of shoppers, students and workers. By its very nature, the town centre is used by Rotherham residents from across the borough making direct consultation to private addresses not cost effective.

Communication channels

The consultation will be undertaken primarily using the Councils website. This will both inform the public of the Councils intention to implement the PSPO as well as inviting feedback in the form of a questionnaire and comment box.

The Community Safety Unit will also place information in key businesses in the town centre, mirroring the information provided to the local press by the Councils Communication Team. In both instances, members of the public will be signposted to the Website to leave feedback.

A Members Seminar will be held a week into the consultation period so that Elected Members are fully briefed on the aims and objectives of the PSPO. As well as Elected Members, public forums and tenant and resident groups will also provide ideal links into the communities to promote the understanding of the PSPO and invite feedback in return.

Two informal drop-in sessions will also be promoted using social media. These will take place at Riverside House on the 2nd and 10th August 2017. The Community Safety Unit will act as a central hub to gather and analyse any feedback received.

Informing RMBC Officers of the PSPO and the associated consultation period will be done through internal email and staff briefings. Likewise, strategic and operational briefings with key partners provide an ideal platform to promote the PSPO and highlight the consultation period.

Proposed Timetable

19/06/17	Confirm scope of PSPO
14/07/17	Start of public consultation – (monitor feedback weekly)
17/07/17	Information leaflets to key businesses / libraries.
18/07/17	Liaise with public houses (Pub watch) re prohibition 2.
20/07/17	Members Seminar
02/08/17	OSMB
02/08/17	1 st drop in session – Riverside House
07/08/17	Partnership meeting - agree enforcement strategy of PSPO
10/08/17	2 nd drop in session – Riverside House
16/08/17	Close of public consultation

16/08/17	Begin analysis of consultation
08/09/17	Report deadline for Cabinet
11/09/17	Formal Cabinet
12/09/17	Publication of Cabinet decision
14/09/17	Signage design and fabrication

Breakdown of Survey Responses

Online

Below is an example of how the data appeared;

Form Ref No	Date Completed	Time Completed	What brings you into Rotherham town centre	If other please give details	How do you visit the town centre	Do you support the Public Spaces Protection Order for the town centre - YES	NO	Have you ever suffered from any of the following types of antisocial behaviour in the town centre	If other please give details	What do you feel about the level of antisocial behaviour in the town centre	Do you feel that antisocial behaviour has a negative effect on the reputation of the town centre - YES	No	Would you like to see anything else added to the Order if so what
259058	17/07/2017	10:35:36											
260111	20/07/2017	18:30:27	I am a daytime visitor or shopper		Public transport	1		Rowdy behaviour or foul language, Spitting, Approached for marketing purposes or asked to make a donation, Littering, People using a vehicle to cause a nuisance		Getting worse	1		Gathering in groups and obstructing the footpaths.

The analysis conducted is presented below;

P1. Visiting Rotherham town centre	Q3. How do you visit the town centre?	Public transport	25	22%
		By car	71	47%
		Taxi	2	5%
		Walking	54	36%
P2. Anti-social behaviour	Q1. Do you support the Public Spaces Protection Order for the town centre?	Yes	126	83%
		No	25	17%

Cont...

P2. Anti-social behaviour	Q2. Have you ever suffered from any of the following types of anti-social behaviour in the town centre?	Rowdy behaviour or foul language	111	74%
		Drinking alcohol in the street	104	69%
		Spitting	81	54%
		Approached for marketing purposes or asked to make a donation	115	76%
		Seen a dog off the lead and not under proper control	35	23%
		People using illegal drugs	52	34%
		Littering	116	77%
		People using a vehicle to cause a nuisance	47	31%
		Urinating or defecating in public	45	30%
		Other	31	21%
P2. Anti-social behaviour	Q4. What do you feel about the level of anti-social behaviour in the town centre?	Getting worse	100	66%
		Staying the same	43	28%
		Improving	8	5%
P2. Anti-social behaviour	Q5. Do you feel that anti-social behaviour has a negative effect on the reputation of the town centre?	Yes	139	92%
		No	11	8%

Overleaf, an example of the data collected through the face to face consultation at Riverside House and the town centre.

The below table shows the data analysis of the face to face sessions in a range of settings and split between young people and adults.

	Total	In favour Y	N	Behavio ur	Alchoh l	Spittin g	Fundraisin g	dogs on a leash	Drugs	Litterin g	vehicle nuisanc e	urinating / defecatin g
NCS 1	96	92	4	71	77	72	53	67	78	88	72	83
		95%	4%	74%	80%	75%	55%	70%	81%	92%	75%	86%
R House and TC	126	123	3	121	116	118	122	104	119	124	118	122
		98%	2.4	96%	94.00 %	93.60 %	97%	83%	94%	98.40 %	93.60%	97%
TOTALS	222	215	7	192	193	190	175	171	197	212	190	205
				86%	87%	85%	79%	77%	89%	95%	86%	92%

APPENDIX 4

Rotherham Metropolitan Borough Council Public Space Protection Order (Town Centre and Clifton Park)

Notice is hereby given that Rotherham Metropolitan Borough Council ('The Council') in exercise of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act'), being satisfied that the conditions laid out with Section 59 are met, make the following order:

1. This order relates to the land described in Paragraph 1 of the Schedule below and defined by the red border on the plan attached to this Order ('the restricted area'), being a public place in the Council's area to which the Act applies:
2. The order may be cited as the Rotherham Metropolitan Borough Council Public Space Protection Order (Town Centre and Clifton Park) and shall come into force on 20th October 2017 for a maximum period of three years
3. The following activities have caused, or are likely to cause, a detrimental effect on the quality of life of those in the locality;
 - a. Using loud, foul or abusive language
 - b. Person carrying out promotional or fund raising work obstructing pavements and approaching people in the street so as to cause them annoyance
 - c. Dogs approaching strangers whilst of the lead, at times frightening them or their own animal, who may be on a lead or under proper control
 - d. The throwing down of any waste
 - e. Urinating or defecating
 - f. Spitting saliva or other products from the mouth
 - g. Acting in a drunken manner, which may include being loud, intimidating or incapable
4. The effect of this order is to prohibit the following activities within the prescribed area, (as shown within the first map at appendix A).
 - a. In this area any person who carries out acts from which they are prohibited, commits an offence, namely;
 - i. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
 - ii. Making unsolicited approaches, in the open air, for the purposes of face-to-face fundraising and marketing of

commercial products, carried out by organisations without prior written permission from the Council.

- iii. Failing to keep a dog on a leash and under control (otherwise than within the designated area within Clifton Park, where dogs may be off leads but must remain under control, see attached maps)
 - iv. Littering
 - v. Urinating or defecating in a public place, other than within designated public toilets.
 - vi. Spitting saliva or any other product from the mouth
 - vii. Consuming alcohol other than on licensed premises or at a licensed event
- a) A person guilty of an offence under conditions a (i) – (vi) above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£2000) or a fixed penalty notice at a maximum of £100.
 - b) A person guilty of an offence under condition (vii) is guilty of an offence if they fail to comply with the request of an authorised officer to surrender any sealed or unsealed containers of alcohol in their possession and under Section 63 and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (£500) or a fixed penalty notice at a maximum of £100.
5. The Council is satisfied that the conditions laid out within Sections 59, 63, 64 and 72 of the Act have been satisfied and that it is in all circumstances expedient to make this order to reduce the detrimental effect, or likely effect, in the Restricted Area, that the behaviours outlined have or were likely to cause. The effect or likely effect of these activities is of a persistent or continuing nature.
 6. The restrictions in paragraph 4 apply to all persons and at all times.

APPEAL

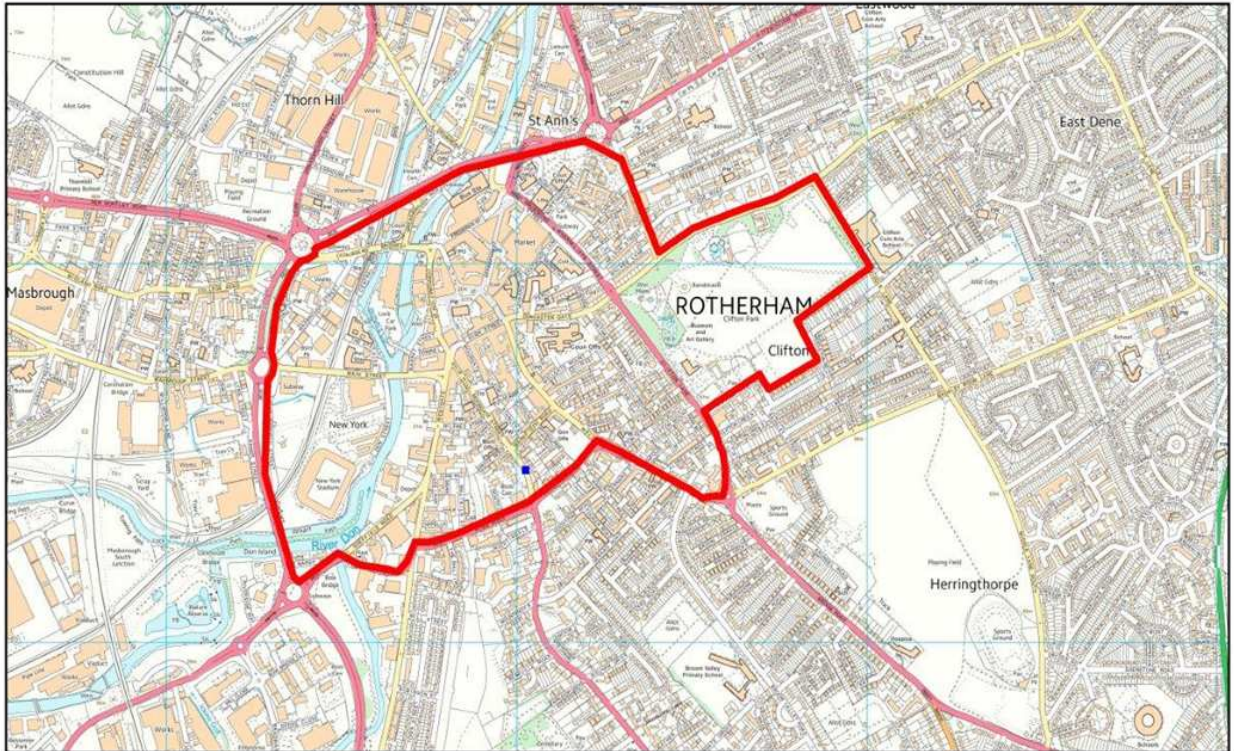
Interested persons can challenge the validity of the order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

Interested parties may lodge an appeal to the High Court within 6 weeks of this order being made.

Order Made By Cabinet

Dated.....

Appendix A – The Restricted Area



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Scale 1:1250

Proposed PSPO

Rotherham MBC
Land Tier, Land, Estates
Riverside House, Main Street
ROTHERHAM S60 1AE



Appendix B – Clifton Park – Dog Exercise Area (black thatched area)

