

Committee Name and Date of Committee Meeting

Improving Places Select Commission – 03 March 2020

Report Title

Review of the Fitzwilliam Road and Town Centre Public Space Protection Orders

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

No

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Sam Barstow
Head of Community Safety and Regulatory Services

Ward(s) Affected

Boston Castle
Rotherham East

Report Summary

This report provides an overview of the Public Space Protection Orders (PSPOs) within the Rotherham Borough and reviews enforcement activity. Whilst the report provides a basic level of information, a more detailed analysis of the Town Centre PSPO will take place in the Summer of 2020, as is legally required, and this report sets out the method by which the review will be conducted. This reports also provides a brief overview of enforcement against the new PSPO within the Fitzwilliam Road area, which was introduced at the end of 2019.

Recommendations

1. That Improving Places Select Commission note and comment on the report.

Background Papers

[Introduction of the Town Centre PSPO – Item 37](#)
[Introduction of the Fitzwilliam Road PSPO – Item 11](#)
[Town Centre PSPO – Review – Item 159](#)

Council Approval Required

No

Exempt from the Press and Public

No

Review of the Fitzwilliam Road and Town Centre Public Space Protection Orders

1. Background

1.1 In June 2019 Cabinet agreed a proposal to create a Public Space Protection Order (PSPO) in the Fitzwilliam Road area of Rotherham. The following activities are prohibited:

- I. Consuming alcohol other than on licensed premises or at a licensed event
- II. Behaving in such a way or using language that causes, or is likely to cause, harassment, alarm or distress to another person.
- III. Causing noise (in public places) that is likely to have a detrimental impact on a person(s) quality of life.

The following is required of persons within the area:

- IV. In this area all businesses will ensure the publicly accessible curtilage of their business premise, alongside any immediately adjacent footway, verges or other publicly accessible space, is maintained in a clean and tidy condition, free from litter and general rubbish.

1.2 A person guilty of an offence under the prohibitions above could be prosecuted by the Council and would face a maximum fine of £2000 or a fixed penalty notice (FPN) at a maximum of £100. A person who fails to surrender alcohol on the request of an authorised officer could be prosecuted by the Council and would face a maximum fine of £500 or an FPN at a maximum of £100.

1.3 Following feedback during the consultation period in relation to the need to communicate the order effectively, officers focussed on working with community organisations in the area and ensured that information was made available in different languages. The PSPO was launched during August and September, which resulted in three formal warnings being issued, all for alcohol consumption within the area and officers have since issued an FPN for all identified offences. One warning was issued on each of the following streets: Hatherley Road, Milton Road and Lindley Street.

1.4 Separately, in October 2017 a PSPO was introduced in Rotherham town centre and Clifton Park, following approval of the Cabinet at its meeting on the 11th September 2017. This order aims to prohibit the following activities:

- 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

2. Key Issues

2.1 PSPO Enforcement

2.2 The Town Centre PSPO has been in place now for just over two years and was subject to formal review in January 2019. It has been previously noted that Anti-Social Behaviour levels have continued to show a decline in the town centre area, though this may not be solely attributable to the PSPO. The Fitzwilliam Road PSPO was introduced in October 2019.

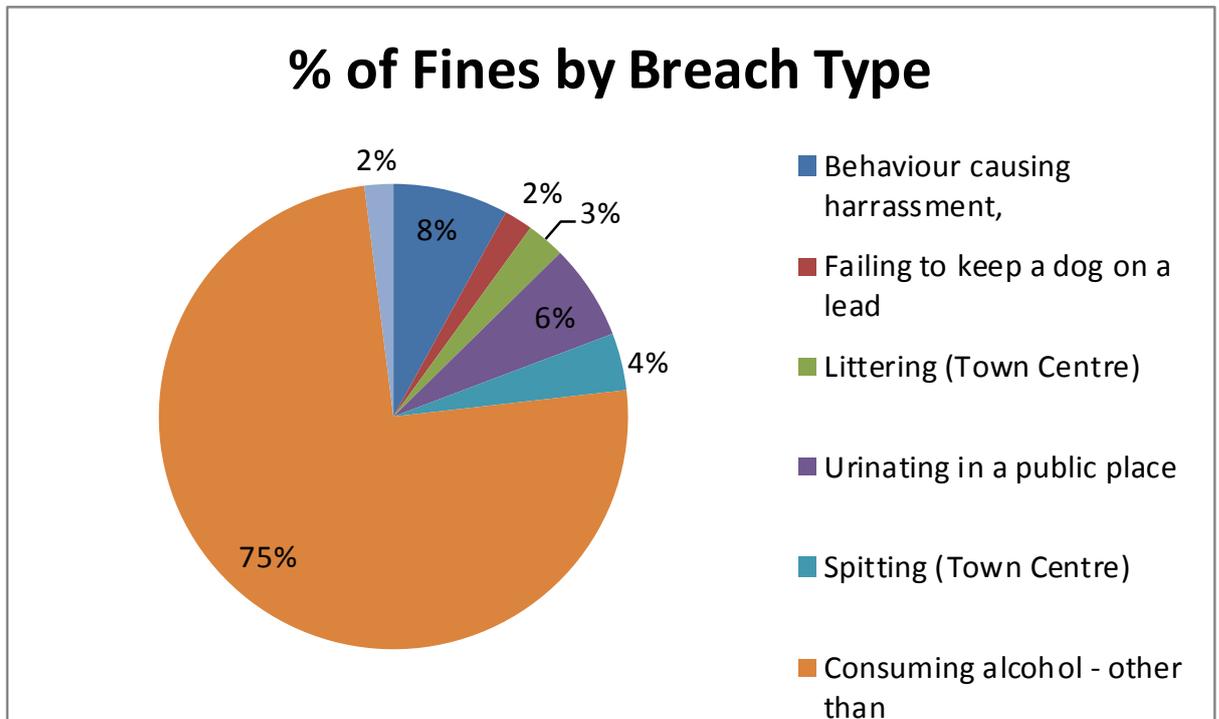
2.3 The total number of fines issued to date for breach of a PSPO in Rotherham is 143. This provides a monthly average of five tickets issued and a yearly average of around 62. Fluctuations can be seen in the table below.



2.4 Of the fines referenced in the chart above (which runs to the end of December 2019) three were issued in the Fitzwilliam Road area. Numbers have increased to date in 2020 with 3 issued in January and a further 2 to date in February. The remaining 135 were issued in the Town Centre PSPO area. Generally, there is more presence in the Town Centre from Police Officers and additional steps have been taken in recent months to increase the focus on use of the PSPO powers. This accounts for the spike shown above in December 2019, which has continued into January and February, with a further 15 breaches identified and dealt with. The town centre area also benefits from higher footfall which again makes identification of offences more likely. When combined, these factors increase the likelihood of identification of offences. The numbers

in the Fitzwilliam Road PSPO are recognised to be low and in response, officers have increased patrols which has resulted in the increases to date in 2020, additionally monitoring has also been established to ensure managers are regularly reviewing performance.

- 2.5** Of the 143 fines issued, 82 were issued by the Police with 50 issued by Council officers. The majority of fines (75% were issued for alcohol consumption) with the remainder of offences low in number. A full breakdown is presented below:



- 2.6** When considered against the limited national information below the numbers are not low, though do clearly fluctuate, mainly in line with seasonal trends, with many associated issues being more prevalent during periods of warmer weather. As can be seen the overall number of fines issued in 2019 is lower than the number issued during 2018, with 44 breaches identified compared to 71 in the previous year (a further 17 were identified in the first two months of the Town Centre PSPO in Nov and Dec 2017). This represents a fall of around 38% and, whilst there is no clear reason for this, the numbers issued by both Council teams and Neighbourhood Policing Teams have fluctuated during a time when both teams have been under review or restructure. Performance clearly can and should improve through greater monitoring and more effective deployment of resources in the future.

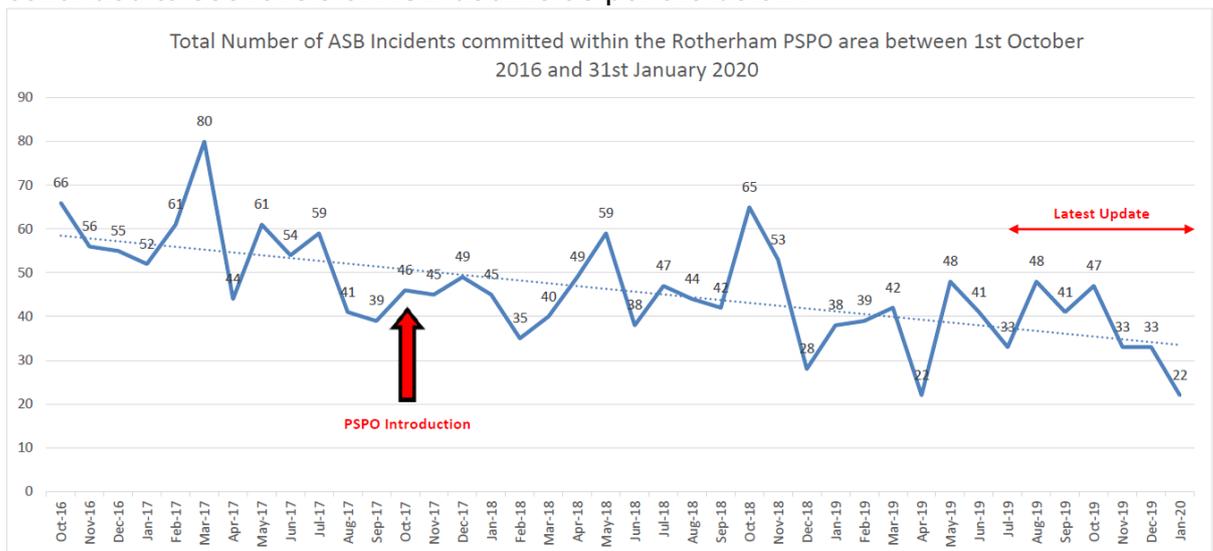
- 2.7** National data is not routinely collected by Government and therefore exact comparisons are hard to draw in order to understand whether the current level of enforcement is appropriate. From reviewing a range of published Freedom of Information (FOI) Requests, it is not currently possible to say exactly how many PSPOs are in force nationally. Looking at the number of new PSPOs over the last three years it is possible to estimate that at least 460 currently exist, with each potentially containing multiple conditions.

2.8 National data in relation to enforcement is similar however, again, from FOI data, we can estimate that around 10,000 PSPO breaches (which leads to a fine generally) were identified in 2018. A crude average therefore suggests every PSPO is breached 21 times in a year. However, it should also be noted that just four Councils account for over half (6,000) of the PSPO breaches. If these were removed from the total this would reduce the average to less than one fine per year per PSPO (0.8 avg). In the case of the four Councils referenced, according to the FOI requests, the sudden rise, which is an increase of over 8,000 from 2016 (last available data published by the Press Association) is due to the use of private contractors in those Council areas, though this has not been verified.

2.9 New measures have been established to regularly monitor the performance in both the Town Centre and the Fitzwilliam Road area with specific targeted patrols also taking place alongside joint Council and Police patrols four times a week. This has seen an increase in FPNs issued during the past three months and monitoring will continue to ensure improvements are sustained.

2.10 Impact of PSPOs

As reported previously in relation to the Town Centre PSPO the areas had continued to see levels of ASB decline as per the below:



2.11 Further detailed analysis will be conducted in the summer of 2020 as legally officers will be required to review and prepare options for Cabinet in relation to making a further order in the Town Centre area, as the order expires after three years (October 2020).

2.12 In relation to the Fitzwilliam Road area, given that the Order has only been operational for four months, any analysis at this stage would not be meaningful. Comparative data within some areas of the PSPO such as Eastwood Village does show a reduction in Anti-Social Behaviour on the same period in the previous year however the picture is less clear across the entire PSPO area.

2.13 Review of the Town Centre PSPO

2.14 The legislation allows Local Authorities to make a PSPO for a maximum period of three years, after which a fresh order is required. Any new order is required to follow the same legal process which therefore means that the evidence base must be established prior to agreement for any formal consultation to take place. A formal consultation must be conducted prior to the making of an order with various legal requirements to be met.

2.15 At the appropriate time, consultation will be undertaken with the relevant Cabinet member to agree a timetable and process for consideration of any further PSPOs.

2.16 Tidy Garden Scheme

2.17 During the implementation of the Fitzwilliam Road PSPO, a commitment was made to explore a 'Tidy Garden Scheme' in the absence of any additional enforcement tools being brought about through the PSPO. Tidy Garden schemes seek to build a package of enforcement and reward in order to promote tidy gardens in particular areas. Whilst officers have met to discuss an outline proposal for the scheme, a scheme is yet to be launched. Renewed focus will be given to this area in the new financial year with a view to launching a pilot scheme at the start of April 2020.

3. Options considered and recommended proposal

3.1 Report is for noting, no decision required.

4. Timetable and Accountability for Implementing this Decision

4.1 As referenced above, a report to the Assistant Director Community Safety and Street Scene would be required by June 2020, in order for final decision to be made in September 2020, ahead of the current order lapsing in October 2020.

5. Financial and Procurement Advice and Implications

5.1 There are no financial implications arising from this report and no decision to be made.

6. Legal Advice and Implications

6.1 This report does not bring about any additional legal implications.

7. Human Resources Advice and Implications

7.1 There are no HR implications as a result of this report.

8. Equalities and Human Rights Advice and Implications

8.1 Both PSPOs were subject to full equality impact analysis on creation.

9. Implications for Partners

- 9.1** The PSPOs are managed jointly with partners in South Yorkshire Police and are subject to regular monitoring through Joint Teams and tasking processes.

10. Risks and Mitigation

- 10.1** This report does not propose a decision and therefore no additional risk identified.

11. Accountable Officer(s)

Sam Barstow, Head of Community Safety and Regulatory Services

This report is published on the Council's [website](#).