



ADUR & WORTHING COUNCILS

Joint Overview and Scrutiny Committee
15 February 2018
Agenda Item 8

Key Decision [No]

Ward(s) Affected: All in Worthing

Review of Public Space Protection Orders

Report by the Director for Communities

Executive Summary

1. Purpose

- The purpose of this report is to provide a review of the use and enforcement of the current Public Space Protection Orders
- The report will enable Members to assess the use of the legal powers contained within the orders and agree future monitoring requirements.

2. Recommendations

2.1 Recommendation One

- The committee is asked to note the contents of the report
- The committee is asked to agree to reduce monitoring to twice yearly.

3. Context

- There are currently five public space protection orders in place; four in Worthing and one in Adur. Public Space Protection Orders allow for the restriction and/or prohibition of certain activities in specified locations. Breach of the conditions set out in an order can lead to a fixed penalty notice. This report provides a review of the use of the orders to the Joint Overview and Scrutiny Committee as agreed when implemented.
- A full report was provided to this committee in June 2017 and an interim report was provided to the committee in September 2017. Other reports can be found in the background papers below.
- This report will therefore focus on the use of the Public Space Protection Orders from June 2017 to January 2018

4. Issues for consideration

4.1 Enforcement of Public Space Protection Order 1: Public Place Drinking

Sussex Police continue to use the powers to ask people to desist from drinking in a public place where the officer believes it could lead to anti-social behaviour. Sussex Police do not collate figures for the use of this power, only the number of Fixed Penalty Notices where a person has refused to comply with the request. There have been no FPNs issued in this reporting period.

4.2 Enforcement of Public Space Protection Order 2: Begging in Worthing Town Centre

Adur and Worthing Councils prioritise support for individuals who are homeless and or facing financial hardship. In October, Adur and Worthing Councils recruited a female street outreach worker to increase the level and appropriateness of the support we can provide to the street community which has allowed more intensive casework, particularly with women who are in this group. The additional capacity has also enabled outreach workers to focus on supporting people to access benefits, as several members of the street have not been claiming the benefits they are entitled to claim. Outreach workers have developed stronger links with more agencies such as 'Boom' the local Credit Union to enable the street community to have access to banking and receive benefits such as Universal Credit, that are only paid in this way. By doing this we have assisted this group to reduce the need to beg for money.

- 4.3 There are currently 2-3 individuals who locate themselves in prominent town centre locations. They are regularly given donations of money and/or food by members of the public, however it should be noted they are not aggressively begging and many donations are unsolicited.

In the reporting period, 1 individual has been given a verbal warning for breach of PSPO 2.

4.4 Enforcement of Public Space Protection Order 3: Unauthorised Camping

The purpose of PSPO 3 was to enable the removal of temporary structures and associated paraphernalia from eight specified green spaces in Worthing and was implemented following reports of visitors to Worthing using these spaces as opposed to designated campsites. A breach of this order occurs if someone does not comply with a request to remove the structure.

Since the report in June 2017, Parks and Foreshore officers have responded to 13 reports of unauthorised camping. All reports have been passed to the Street Outreach Team to visit and establish whether any vulnerabilities exist.

There have been no Fixed Penalty Notices served for breach of PSPO 3 in this reporting period as individuals have either complied with a verbal request to move or have been supported by our outreach workers to access available services.

4.5 Enforcement of Public Space Protection Orders for Dog Control Worthing

There have been 4 FPNs issues in Worthing; 3 for dog fouling and 1 for a dog not on a lead. This is a reduction from the first 6 months of implementation (22) which demonstrates that the orders are reducing dog related nuisance.

4.6 Enforcement of Public Space Protection order for Dog Control - Adur

There has been 1 FPN issued for dog fouling in this reporting period, compared to 8 in the first 6 months of implementation.

- 4.7 Since the last report, the Government has revised the statutory guidance for the use of the Anti Social Behaviour, Crime and Policing Act 2014. The revised guidance has clarified that homeless people and rough sleepers should not be targeted by the use of Public Space

Protection Orders. Thus reinforcing the approach the Councils have taken to date, focusing on behaviours not a cohort of people.

- 4.8 The Joint Overview and Scrutiny Committee has received quarterly reports outlining the use of the Public Space Protection Orders for 18 months. These reports have demonstrated that use of the orders has been proportionate and balanced, seeking resolution of nuisance behaviours with low level interventions and offering support where vulnerabilities are identified. Therefore it is proposed that monitoring the use of these powers be reduced from quarterly to every six months.

5. Engagement and Communication

- 5.1 Adur and Worthing Councils continue to engage and consult with Adur and Worthing Council colleagues and voluntary and Third Sector partners to assess the impact of the orders. This includes Worthing churches Homeless Project and Sussex Police.

6. Financial Implications

- 6.1 There are no unbudgeted financial implications arising from this report.

7. Legal Implications

- 7.1 By s74 of the Anti Social Behaviour Crime and Policing Act 2014 a local authority can make a public space protection order in accordance with the Local Government Association Guidelines.
- 7.2 Public Space Protection Orders replace existing legislative rules in relation to some bye-laws, and place controls on the use of a space and everyone within it. Breach of a PSPO carries criminal sanction either through the issue of a Fixed Penalty Notice, or through proceedings in the Magistrates Court.
- 7.3 Two conditions under s59 of the Act must be met. Condition 1. The activities carried on in a public place have had a detrimental effect on the quality of life of those in the locality, or it is likely that those activities will have such an effect; and Condition 2. The effect, or likely effect is, or is likely to be persistent or continuing in nature such as to make the activities unreasonable to justify the restrictions imposed by notice.
- 7.4 Section 68 of the Act allows an Authorised Officer to issue a Fixed Penalty Notice of not more than £100 where that Officer has reason to believe that the

conditions are met and an offence has been committed. The alternative remedy is to summons the offender to appear before the Magistrates Court pursuant to s67 where the statutory fine will not exceed £1,000.00.

7.5 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

7.6 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation

Background Papers

- Anti Social Behaviour, Crime and Policing Act Statutory Guidance
<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>
- <https://docs.google.com/document/d/1MMs9wHAp6fBovm0aaVbbb1PR-4tqmzxq70Y6F7oGuJY/edit?usp=sharing>

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Sustainability & Risk Assessment

1. Economic N/A

2. Social

2.1 Social Value

Monitoring the use of PSPOs ensures that Adur and Worthing Councils are using all available resources to increase safety for all members of the Community and ensure that those who are more vulnerable are identified and supported to access help.

2.2 Equality Issues

An equalities impact assessment was conducted during the consultation for the orders.

2.3 Community Safety Issues (Section 17)

- Use of Public Space Protection Orders contribute to the reduction of crime and disorder in Adur and Worthing.

2.4 Human Rights Issues

Continued scrutiny of the use of Public Space Protection Orders will ensure adherence to the Human Rights Act

3. Environmental

None Identified

4. Governance

- The use of Public Protection Orders supports the priorities of Adur and Worthing Councils.
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