



ADUR & WORTHING
COUNCILS

Joint Overview and Scrutiny Committee:
24 January 2019
Agenda Item 8

Key Decision No

Ward Affected:

Review of Public Space Protection Orders

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1 The purpose of this report is to provide a review of the use and enforcement of the current Public Space Protection Orders.

2. Recommendations

2.1 Recommendation One

The Committee is asked to note the contents of the report.

2.2 Recommendation Two

PSPO monitoring be moved from a six-monthly to an annual basis.

3. Context

- 3.1 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.

3.2 The Public Space Protection Orders for public place drinking, aggressive begging and unauthorised camping were implemented in August 2016. The Dog Control Orders were implemented in December 2016. The Anti Social Behaviour, Crime and Policing Act (2014) stipulates that the orders can be in force for a maximum of three years. The orders can be extended for a further three years if the local authority believes that this is necessary to prevent the recurrence of the anti social behaviour the order seeks to address.

4 Issues for consideration

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

PSPO 1 allows an authorised officer to ask people to desist from drinking in a public place where the officer believes that it could lead to anti- social behaviour. The order does not prohibit public place drinking but offers a low level intervention to prevent nuisance and disorder. A breach of the order occurs if someone does not comply with the request to cease drinking. A breach can incur a Fixed Penalty Notice of £50.

Sussex Police continue to use this power as part of a suite of interventions to tackle public place drinking. Sussex Police do not collate data for the number of times the direction is issued and the individual complies. Inspector Lowe has recently reaffirmed his support for the use of this power and confirmed that it is used regularly as a low level intervention. There have been no Fixed Penalty Notices issued under this order in this reporting period.

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

PSPO 2 was introduced to tackle aggressive begging in Worthing town centre. This was introduced due to a large number of complaints from the community and the local businesses, including begging around cash points and obstructing access to shops and businesses. It was not designed for and has never been used to target the homeless community. Since the last report, we have increased our outreach capacity and continue to prioritise advice and support for those experiencing financial hardship.

This power within this order is aimed at tackling the anti social behaviours that negatively impact on our communities. Where an individual is causing anti

social behaviour, a multi agency approach is taken and the appropriate intervention will be agreed.

In this reporting period, no Fixed Penalty Notices have been issued for begging. The order itself continues to provide a deterrent effect and an opportunity for engaging with people coming to attention in our community spaces.

4.3 Enforcement of Public Space Protection Order 3; Unauthorised Camping

The purpose of PSPO 3 is 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.

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

Our Parks and Foreshore officers continue to work closely with our outreach team and Turning Tides to ensure that anyone rough sleeping or believed to be vulnerable, is signposted to advice and support.

4.4 Enforcement of Public Space Protection Orders for Dog Control-

There are many aspects to exercising dog control in Adur and Worthing. From dealing with strays, responding to reports of excessive dog barking and animal welfare concerns. These are largely responses to individual pet owners.

In order to address generic dog control in public spaces, two dog control PSPOs were implemented in December 2016 ; one order in Adur and one in Worthing. These orders continue to be used as part of a suite of measures to ensure responsible pet ownership.

Worthing PSPO:

There have been two Fixed Penalty Notices issued for dog fouling between July 1st 2018 and January 1st 2019. The fines were paid in both cases.

Adur PSPO:

No Fixed Penalty Notices have been issued in Adur for the reporting period

July 1st 2018- January 1st 2019.

- 4.5** The current PSPO Dog Control Orders will expire in December 2019. Members will be consulted later in the year to consider the extension or amendment of these orders.

5. Engagement and Communication

There is a continuous process of consultation and engagement with Sussex Police and Turning Tides, regarding the use and enforcement of the PSPOs. Regular multi agency meetings ensure that support and enforcement options are considered in a balanced way, on a case by case basis.

As referenced above, Inspector Lowe has confirmed police support for PSPO 1, Public Place Drinking in particular. Turning Tides have also stated that they are confident that the PSPO 2, Aggressive Begging is an effective engagement tool that provides an opportunity to affect change and encourage access to services.

Information is given to this Committee on a six-monthly basis to monitor the PSPOs across Adur and Worthing. Due to the length of time these have now been in place and officer capacity it would be helpful for this monitoring to be changed to an annual basis.

6. Financial Implications

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

7. Legal Implications

- 7.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 7.2 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.

7.3 PSPOs must be lawfully implemented in line with legislation and with due consideration to Human Rights.

Background Papers

- Anti Social Behaviour, Crime and Policing Act Statutory Guidance

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Sustainability & Risk Assessment

1. Economic

Ensuring that the appropriate tools and powers are used to keep communities

safe, contributes to thriving towns that are attractive to businesses and Individuals.

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. Consultation with partners

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 as set out in Platforms for our Places.