

REPORT TO: CABINET

DATE: 21 JULY 2022

TITLE: RENEWAL OF PUBLIC SPACES PROTECTION ORDERS FOR TOWN CENTRE

LEAD OFFICER: JANE GREER, DIRECTOR OF COMMUNITIES AND ENVIRONMENT (01279) 446406

CONTRIBUTING OFFICERS: JULIE HOUSTON, ASSISTANT DIRECTOR COMMUNITY RESILIENCE (01279) 446445

CHRISTOPHER MAYNARD-EVE, COMMUNITY SAFETY TEAM LEADER (01279) 446124

FAITH WATSON, COMMUNITY SAFETY TEAM LEADER (01279) 446514

CHRISTINE HOWARD, YOUTH AND CITIZENSHIP MANAGER (01279) 446192

RECOMMENDED that Cabinet:

- A** Approves the extension of the Public Spaces Protection Orders (PSPOs) for a period of three years commencing 6 August 2022.
- B** Agrees that once implemented, the PSPOs are monitored for three years and a report on their impact is brought back to Cabinet with recommendations on any further extensions, amendments or additions if required.
- C** Agrees that cases not covered by the PSPOs that require enforcement based on behaviour will continue to be enforced through the council's Anti-Social Behaviour Policy as set out in Appendix 2 to the report.

BACKGROUND

1. On 19 July 2018, approval was given by Cabinet to enter into consultation in relation to implementing two PSPO's in Harlow Town Centre.
2. In June 2019, Cabinet approved:
 - a) Implementation of the PSPOs, as set out in Appendix 1 to the report, after considering the consultation responses.
 - b) That the PSPOs should come into force once all necessary signage has been put in place.

- c) That once implemented, the PSPOs are monitored for three years and a report on their impact is brought back with recommendations on any extensions, amendments or additions if required.
 - d) That cases not covered by the PSPOs that require enforcement based on behaviour will continue to be enforced through the Council's Anti-Social Behaviour policy as set out in Appendix 2 to the report.
- 3. On 5 August 2019, the PSPOs came into effect for a period of three years. The PSPOs restrict the following activities:
 - a) Alcohol consumption
 - b) Ball games (excluding table tennis in Market Square)
 - c) Cycling (between 09:00 – 18:00hrs)
- 4. In October 2014, the Government implemented the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act). The Act gives local authorities and the Police more effective powers to tackle a range of anti-social behaviour (ASB) issues, and to provide better protection for victims and communities.
- 5. Included in the Act is the granting of the ability to establish a PSPO, which is designed to stop individuals from committing ASB in a public space. It is for each individual council to determine what behaviours they want to make the subject of a PSPO. However, the overarching consideration when moving forward with a PSPO is whether the activity will have a detrimental effect on the quality of life of those in the locality.
- 6. When implementing a PSPO, there is a requirement to undertake a public consultation exercise. The statutory requirement is for the individual local authority to consult with the Chief Officer of the Police, the local policing body for the area, any other community representatives the local authority thinks it appropriate to consult and the owner or occupier of land within the restricted area.
- 7. PSPOs provide councils with a flexible power to implement restrictions to address a range of ASB issues in public spaces in order to prevent future problems.
- 8. Restrictions and requirements can be placed on an area where activities have, or are likely to have, a detrimental effect on the quality of life of local people, is persistent or continuing in nature and is unreasonable. These can be blanket restrictions or requirements, or can be targeted against certain behaviours at certain times. The PSPO can:
 - a) Prohibit specified things being done in an area; and
 - b) Require specific things to be done in an area.
- 9. The prohibitions or requirements can also be framed so that they:

- a) Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories;
 - b) Apply at all times, or only at specified times, or at all times except those specified; and
 - c) Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.
10. The following conditions must be met before making the order:
- a) Activities carried out in a public place within the local authority area have a detrimental effect on the quality of life of those living in the locality; or
 - b) It is likely that activities will be carried out in a public space within the area that will have such an effect; and
 - c) The effect, or likely effect of the activities:
 - i) Is, or is likely to be, of a persistent or continuing nature;
 - ii) Is, or is likely to be, such as to make the activities unreasonable; and
 - iii) Justifies the restrictions imposed by the notice.
11. The Guidance is not specific on what can be included in a PSPO. The potential for their use is broad and flexible to allow a council to cover individual circumstances in its area. A PSPO can cover multiple restrictions so one order could prohibit or promote several different activities. The PSPO can cover any publicly accessible space within the council's area, including areas in private ownership to which the public have access.
12. The order can be enforced by Police Officers, authorised Police Community Support Officers, authorised Council Officers and other designated persons, including officers under the Community Safety Accreditation Scheme.
13. Any interested person can challenge the validity of the PSPO in the High Court, but the challenge must be made within six weeks of the Order being made. An 'interested person' means an individual who lives in the restricted area or who regularly works or visits that area.
14. A PSPO replaces existing provisions such as Designated Public Place Orders, which give powers to stop the drinking of alcohol in public places. Under the Act, if not reviewed earlier, a PSPO will continue to be valid for a period of three years when the provision of the Act relating to the PSPO commenced.
15. A PSPO can be made for a maximum of three years. The legislation provides that each individual PSPO can be extended at the end of the period, but only for a further period of up to three years. However, orders can be extended more

than once. Local authorities can increase or reduce the restricted area of an existing order, amend or remove a prohibition or requirement, or add a new prohibition or requirement. They can also discharge an order but further consultation must take place for varying or discharging orders.

16. Since the implementation of the two PSPOs in 2019, the Council has enforced the orders along with Essex Police. During the last three years there has been a national pandemic, which resulted in a large reduction in the number of people visiting Harlow Town Centre. Extending the PSPOs for a further three years, will allow us to monitor the effectiveness of the orders, while the Town Centre is operating under normal circumstances.
17. The Council removed approximately 180 containers of alcohol from nuisance drinkers, educated approximately 266 cyclists, issued two Fixed Penalty Notices (FPN) for breach of the Cycling PSPO and issued two Community Protection warnings (CPW) during the first six months of the PSPOs being introduced.
18. In response to a reported increase in ASB in the Town Centre, a Town Centre Action Plan (TCAP) was created on 3 October 2020 to document action taken by the Community Safety Partnership. The TCAP has evidenced numerous occasions in which officers have engaged with those drinking in Harlow Town Centre and have educated them on the order, before either removing alcohol or taking further enforcement action such as the issuing of Community Protection Warnings and notices.
19. On Friday 27 May 2022, the Council commenced consultation on the extension of the existing two PSPOs under the Act in respect of the following: cycling, alcohol and ball games (exclusions and restrictions apply, see appendix 1).

Outcome of Consultation

20. The Council engaged in a three-week public consultation starting on Friday 27 May 2022 ending on Tuesday 21 June 2022.
21. Appendix 3 provides a list of those consulted in respect of the proposed extension of the PSPOs. This includes: the Harlow District Commander; the local Town Centre Policing Team; the Police, Fire and Crime Commissioner for Essex; residents; and businesses within the restricted area and community representatives.
22. The responses to the consultation and other related documentation are attached as appendices and listed below.
23. The Council used a wide range of engagement methods to reach all sections of the community, these are listed below:
 - a) 533 letters posted to Town Centre residents and a further 55 letters to other stakeholders.
 - b) Online survey.

- c) Notices inviting people to participate in the consultation placed within the restriction zones.
 - d) Paper copies of surveys at Harlow Police Station and the Civic Centre.
 - e) Social media posts directing people to the online survey.
 - f) Face-to-face engagement with businesses and visitors to Harlow Town Centre.
 - g) Handing out leaflets with a QR code for an online survey.
 - h) Presentations to the Harlow Youth Council and Harlow Business Forum.
24. The online survey was completed by 92 participants. The results show us that:
- a) 81 per cent of respondents were aware that the Town Centre has PSPOs in place.
 - b) 95 per cent of respondents support the Council in its application for the extension of the two PSPOs for a further three years.
25. Overall, the result of the consultation indicated that there are no objections to the proposal and the dominant view was for the extension of the PSPOs in Harlow Town Centre to go ahead. It is clear from comments made in response to the consultation, that businesses within Harlow Town Centre, fear a return to pre-PSPO levels of ASB. The respondents feel that the PSPOs assist the Council and Essex Police in managing issues associated with ASB, although they feel that more enforcement activity would increase the effectiveness of the PSPOs.
26. Responses from members of the public suggest that further signage and enforcement within the designated areas would be beneficial moving forward.
27. Respondents also expressed some concerns regarding the use of E-Scooters within Harlow Town Centre. It is the Council's intention to work with Essex Police to address this issue using the appropriate legislation.

ISSUES/PROPOSALS

28. The Council recognises that there is other ASB linked to nuisance street drinking that is not covered by the PSPOs. The Council will continue to work within its current Anti-Social Behaviour Policy to address ASB that falls outside of the remit of the PSPOs. A copy of the policy is set out in Appendix 2 to the report.
29. Using the Anti-social Behaviour, Crime and Policing Act 2014, the Council has the power to use: Acceptable Behaviour Contracts; Civil Injunctions; Criminal Behaviour Orders; Community Protection Warnings; Community Protection Notices; and Injunctions to prevent conduct that has caused, or is likely to cause, harassment, alarm or distress to any person. It is therefore the view of

the Council that there is sufficient scope to address nuisance behaviour through using the Anti-social Behaviour, Crime and Policing Act 2014.

30. In the first instance, Community Protection Warnings and Notices can be used to stop a person aged 16 or over from committing ASB, which spoils the community's quality of life. Authorised Officers from the Council and the Police have powers to issue Community Protection Warnings and Notices should the behaviour exhibited have a detrimental effect on the quality of life of those in the locality, be of a persistent nature and be unreasonable.
31. The Community Protection Notice can deal with a range of ASB, including aggressive begging and can include requirements to prevent behaviour occurring again, a Community Protection Notice can be issued to someone aggressively begging requiring them to stop their behaviour. Breaching a Community Protection Warning is a criminal offence and a fixed penalty notice can be issued.
32. If the extension is agreed, the Council will review the PSPO signage within the Town Centre, updating and increasing the signage (including looking at its visibility) as required.

IMPLICATIONS

Strategic Growth and Regeneration

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

Author: Andrew Murray, Director of Housing

Communities and Environment

Author: Jane Greer, Director of Communities and Environment

Governance and Corporate Services

Author: Simon Hill, Director of Governance and Corporate Services

Appendices

- Appendix 1 - A copy of PSPOs
- Appendix 2 - A copy of Corporate ASB policy
- Appendix 3 - A list of those consulted with
- Appendix 4 - Response from Chief Inspector Paul Austin, Harlow District Commander
- Appendix 5 - Response from Sergeant Matt Hughes
- Appendix 6 - Letter received from Harlow Licencing
- Appendix 7 - A copy of the online survey responses report
- Appendix 8 - Harlow Council's social media posts regarding the PSPO extension
- Appendix 9 - Your Harlow's post regarding the PSPO extension and public comments
- Appendix 10 - A copy of the public notice displayed around Harlow Town Centre

Background Papers

Public reports pack – Agenda Document – Cabinet 20 June 2019

Glossary of terms/abbreviations used

ASB – Anti-Social Behaviour
PSPO – Public Spaces Protection Order
CPN – Community Protection Notice
CPW – Community Protection Warning
FPN – Fixed Penalty Notice
TCAP – Town Centre Action Plan
The Act – The Anti-social Behaviour, Crime and Policing Act 2014