

# OVERVIEW & SCRUTINY ACTING AS THE CRIME & DISORDER COMMITTEE MEETING

Date: Tuesday 18 July 2023

Time: 6.45 pm, or at the conclusion of the Overview and Scrutiny Committee Meeting being held at 6.30 p.m., whichever is the later.

Venue: Town Hall, High Street Maidstone

Membership:

Councillors Mrs Blackmore, Cannon, Clark, Cleator (Vice-Chairman), Conyard, Eagle, English (Chairman), Hastie, Hinder, Munford, Round, S Thompson and Webb

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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<b><u>AGENDA</u></b>	<b><u>Page No.</u></b>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Notification of Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information	
8. Minutes of the Meeting Held on 13 April 2023 - To Follow	
9. Presentation of Petitions (if any)	
10. Question and Answer session for Local Residents (if any)	
11. Questions from Members to the Chairman (if any)	
12. Public Spaces Protection Order - Town Centre Renewal	1 - 41

## INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting

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**Issued on Date Not Specified**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

(i.e. by 5 p.m. on Friday 14 July 2023). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 4 p.m. on Friday 14 July 2023). You will need to tell us which agenda item you wish to speak on.

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## **OVERVIEW AND SCRUTINY COMMITTEE**

**18 July 2023**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Housing, Health and Environment Policy Advisory Committee	11 July 2023
Overview and Scrutiny Committee	18 July 2023
Cabinet Member for Housing and Health	Exact Date tbc (by 10 August 2023).

### **Public Spaces Protection Order – Town Centre Renewal**

<b>Will this be a Key Decision?</b>	Yes
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Cabinet Member for Housing and Health
<b>Lead Head of Service</b>	Head of Housing and Regulatory Services
<b>Lead Officer and Report Author</b>	Martyn Jeynes, Community Protection Team Manager
<b>Classification</b>	Public
<b>Wards affected</b>	High Street, Bridge Ward, East Ward, Fant Ward

#### **Executive Summary**

The following report is in relation to the proposed renewal of the Town Centre Public Space Protection Order (PSPO), which is used as one of a number of legislative tools and practices to challenge and discourage anti-social behaviour in the Town Centre. The PSPO contains specific requirements in relation to Begging and Street Drinking Controls. The renewal has been coordinated in collaboration with stakeholders, including Kent Police, One Maidstone, local Ward Members and the Cabinet Member for Housing and Health. We ask the committee to consider the proposal before being passed to the Cabinet Member for Housing and Health for decision.

#### **Purpose of Report**

Recommendation to Cabinet Member/Decision

**This report asks the Committee to consider the following recommendation to the Cabinet Member for Housing and Health**

1. That, the Cabinet Member for Housing and Health give delegated authority to the Head of Housing and Regulatory Services to renew the existing Town Centre Public Space Protection Order for a further 3 years.
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**1. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <ul style="list-style-type: none"> <li>• Accepting the recommendations will materially improve the Council’s ability to achieve Safe, Clean and Green. We set out the reasons other choices will be less effective in section 2.</li> </ul>	Community and Strategic Partnerships Manager
<b>Cross Cutting Objectives</b>	The report recommendations support the achievement of the Health Inequalities cross cutting objectives by ensuring there is a strong focus on preventative work that is intelligence driven so as to maximise the opportunities to reduce health inequalities in partnership with the police and other community safety related partners.	Community and Strategic Partnerships Manager
<b>Risk Management</b>	There is a Statutory Requirement to review PSPOs every three years. The management of PSPOs will be subject to the current performance management arrangements within the service, with performance benchmarking as part of the process.	Head of Housing and Regulatory Services
<b>Financial</b>	It is anticipated that the continued delivery of the PSPO will be resourced from within existing budgets.	Head of Housing and Regulatory Services
<b>Staffing</b>	Delivery of the PSPO will continue to be overseen by the Community Protection Team in partnership with Kent Police and One Maidstone. Authorised Officers will complete appropriate training in order to be able to issue fixed penalties and deal with prosecutions.	Head of Housing and Regulatory Services

<b>Legal</b>	As contained within the body of the report, any enforcement by way of prosecution, or non-payment of FPN and any other legal process will have resource implications for MKLS. These are not anticipated to be any different than the current PSPO.	Robin Harris Legal Team
<b>Information Governance</b>	Private information obtained within the process of delivering the PSPO will be managed in accordance with Environmental Health, Waste Crime & Community Protection Enforcement Policy and the Council's Data Protection Policy.	Head of Housing and Regulatory Services
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Head of Housing and Regulatory Services
<b>Public Health</b>	The Community Protection Team is under the reporting line of the Head of Housing and Regulatory Services. The focus is strongly on preventative work that is intelligence driven so as to maximise the opportunities to reduce health inequalities in partnership with the Police and other Community Safety related partners.	Housing & Inclusion Team Leader
<b>Crime and Disorder</b>	The continued delivery of the PSPO will contribute to make Maidstone town centre a safer place by promoting the message and enforcement of appropriate standard of conduct and behaviour.	Head of Housing and Regulatory Services
<b>Procurement</b>	Appropriate procurement methods will used to procure consultation, publicity and signage.	Head of Housing and Regulatory Services
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and; <ul style="list-style-type: none"> <li>• There are no implications on biodiversity and climate change.</li> </ul>	Head of Housing and Regulatory Services

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The current Public Space Protection Order (PSPO) for the Town Centre is due to expire in September 2023. This is part of the 3-year review process that affords local authorities to check that the PSPO remains relevant and appropriate for renewal. The current PSPO has been in place since 2017, having been reviewed and renewed in 2020.
- 2.2 In 2020, as part of the renewal, a report was provided that explained that enforcement of the PSPO is undertaken by both Kent Police and Maidstone Borough Council in partnership, providing a useful tool to sit alongside a range of other powers, to reduce ASB in the town. 3 years later this still remains the case.
- 2.3 The current PSPO provisions are summarised as follows:
- **Begging** – whilst already an offence in law, the provision extends the provision to include loitering, presenting signs, cups/hats or other materials in order to encourage people to give them money.
  - **Street Drinking**- PSPOs replace alcohol control zones and allows Kent Police to challenge anti-social drinking by either:
    - Removing the alcohol
    - Excluding a person from the area
    - And/or issuing a fixed penalty notice/prosecute

### Enforcement of the PSPO

- 2.4 The use of the PSPO varies depending on each of the provisions although both remain effective as a largely preventative tool.
- 2.5 In relation to **Begging**, the very effective Housing Outreach Service provide a proactive service who engage with rough sleepers and beggars to support them into appropriate services and, where eligible, into supported accommodation. The PSPO, in most cases, provides the Outreach team with a degree of leverage to dissuade individuals from begging and to undertake the support being offered. Where necessary the Community Protection Team will engage with the person and provide further discouragement, before acting if the behaviour persists. In some case, the begging is found to be being undertaken at professional level. In these cases, further action is considered through either an FPN, Prosecution or through other Community Protection Powers. The effectiveness of the Outreach Team and the Community Protection Team is such that enforcement of the begging provision has remained largely informal, in keeping with our Enforcement Policy and regulatory codes of practice. Our work has shown that the Criminal Justice System, including the use of Fixed Penalty Notices on vulnerable people, who often have complex health and financial needs, is less effective and ultimately more expensive than the approach undertaken in Maidstone.
- 2.6 Owing to its nature, the Alcohol provision is largely enforced by Kent Police, supported by the One Maidstone Ambassadors. As described in 2.3, the PSPO sets out a number of actions available to officers. "Removing the alcohol" and "excluding a person from the area" are by far the most common use of

this provision. Unfortunately, due to their informal nature, the use of these techniques is largely unrecorded. Whilst the provision exists to issue an FPN, officers rarely need to use this provision and when they do it is often at a point where other police powers come into effect, such as causing affray, which is an arrestable offence.

- 2.7 However, as an insight to how effective the PSPO is, in 2021 a specialist team of Police Community Support Officers, the ASB Task Force, were deployed in Maidstone to help tackle increasing issues of ASB and Crime in the area around Brenchley Gardens. In a 3-month period, the team reported to have used the PSPO more than 250 times to undertake alcohol seizures and move beggars on.
- 2.8 Whilst enforcement remains largely informal, not renewing the PSPO would remove an effective tool for dealing with some of the lower-level issues in the Town Centre by both the Community Protection Team and the Police.
- 2.9 There are other offences that could have been included in the PSPO, but the Community Protection Team and partners have a range of other powers in place to challenge unwanted behaviour. As an example, Community Protection Powers are already used in Maidstone more extensively than all comparable local authorities. As an example, One Maidstone Ambassadors are empowered to issue formal warnings, known commonly as CPWs, which are extremely effective, for a range of street level offences. These include, but are not limited to:
  - banning persistent shoplifters from specific stores
  - being in a large group and acting in an anti-social way
  - or wearing articles of clothing, so as to conceal one's identity.

### **Consultation on the renewal**

- 2.10 Prior to public consultation, a review of the existing PSPO was undertaken with key stake holders, including One Maidstone and Kent Police, who all felt that the exiting measures were effective and needed to be renewed to support existing processes.
- 2.11 A public consultation was then undertaken between 10 March and 8 May 2023 and received 788 responses. A copy of the report on the consultation can be found in Appendix 1. The Consultation shows overwhelming (91.3%) support for renewing the existing measures.
- 2.12 An objection was raised by the Liberty Human Rights (Appendix 2) in relation to the Begging aspect of the PSPO. The response from Liberty appears to conflate begging with homelessness but that is not an accurate interpretation of what actually takes place in Maidstone Town Centre. Street homelessness has largely been eradicated, with consistent low or zero street counts being maintained for a number of years. This has been achieved by interventions to support and assist people from becoming entrenched street homeless as outlined in 2.5. The PSPO has always been used as a tool of last resort, when the continued offers of support are rejected and the behaviour of the individual is negatively impacting on local residents and businesses. This is borne out by the low instances of the PSPO being needed to be served. It has

evolved into a preventative measure that is particularly useful when tackling 'professional beggars' who are not homeless but travel into the Town Centre and harass members of the community going about their daily lives.

2.13 It is therefore misleading to characterise the use of PSPO to tackle begging as being an infringement on the most destitute in our community. We continue to provide a rapid response service to those who might find themselves street homeless. There is no reason why persons should need to beg in order to sustain their basic needs due to the services that are available within and operate out of Trinity, which is ideally located within the Town Centre.

2.14 In relation to other concerns in the Town Centre, a number of other issues were raised, such as drunken behaviour and large groups of young people. As detailed in 2.9, there are a range of powers available to deal with such matters and the introduction of a Town Centre Task Force in June 2022 has shown how effective partnership can lead to significant improvements across a range of offence types. The following figures are a comparison of fiscal years, with the Task Force launching in June 2023.

Reported crime- (21/22 to 22/23) Fiscal year.

Violence against women and girls	8% decrease
Night-time economy Crimes	17% decrease
Anti-social behaviour	28% decrease
Neighbourhood Crime	16% increase

2.15 As you see, all but one category has seen significant reductions. Increases in neighbourhood crime, those crime specific to the type of neighbourhood, is largely due to increases in thefts and shoplifting. Some of this is due to increase confidence in reporting, with police and One Maidstone Ambassadors working with businesses to rebuild confidences and securing evidence. Anecdotally we are seeing a lot more thefts of "essential" as opposed to "luxury" items such as food and nappies, which is a national trend linked to the cost-of-living crisis.

2.16 It is unrealistic to remove all crime and ASB from a busy Town Centre, but the volume of reported issues with ASB are reducing. There are still those in our community who are responsible for the majority of all the ASB and the work of the Town Centre Task Force is focussed around those individuals who cause the most harm. Improving public perception remains an area of priority for the Town Centre and work is ongoing with MBCs Communications Team and the team at One Maidstone to challenge the narrative created by social media and local news reporting.

2.17 A summary of the consultation result and the proposed renewal have been shared with the Kent Police District Commander, the local Ward Members, the Portfolio Holder, and no concerns have been raised. Throughout the last year we have regularly engaged with Ward Members for the area, through Ward Cluster meetings, which has enabled us to demonstrate the effectiveness of our approach and to respond to local concern, as necessary.

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### 3. AVAILABLE OPTIONS

- 3.1 **Do Nothing** – Not renewing the PSPO would remove a useful tool that is readily used to tackle issues associated with anti-social drinking and begging. This would likely lead to an increase in issues and the risk of reputational damage. This would not be aligned with our Strategic Plan and may be considered a failure of our duty under the Crime and Disorder Act 1998 to take steps to reduce crime and anti-social behaviour within our Borough.
- 3.2 **Implement some of the proposed measures or additional measures**– Committee may wish to choose to only implement certain aspects of the PSPO or additional measures. This is not recommended as the thorough and detailed process undertaken to date has brought forward the recommendations set out in section 4 as the most appropriate and proportionate measures at this time. Choosing to implement only one of the recommendations may suggest that the Committee are not willing to listen to the public opinion gathered and the advice provided by officers and stakeholders for the Town Centre. In addition, any new measures may need to be consulted on prior to implementation, which would delay implementation of the proposed measures, but as outline in section 2, other tools are available to deal with most forms of ASB, where evidence or resources allow.
- 3.3 **Increase the resourcing levels for the delivery of the PSPO**- as detailed in the report, the enforcement of the PSPO is a largely through partnership work between various MBC Departments, One Maidstone and Kent Police. Members could ask that this is reviewed and for additional resources to be provided for this purpose. However, as part of the current Community Safety Partnership Plan, a Town Centre Task Force was introduced in June 2023, to enable various agencies and partners to work effectively together to reduce ASB and Crime. The results shown in 2.14 supports this approach and the effectiveness of existing tools, including the current PSPO
- 3.4 **Authority given to Head of Housing and Regulatory Services to renew the existing PSPO** - This is the preferred option as detailed in section 4.

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### 4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred and recommended option is 3.4, for the Cabinet Member for Housing and Health to give delegated authority to the Head of Housing and Community Services to renew the existing Public Space Protection Order (Appendix 3) for a further 3 years.
- 4.2 As previously reported, the MBC's Outreach Team have significantly reduced the number of street homeless around the Borough. The PSPO allows them to challenge members of the street population, particularly those known for ASB and/or with complex needs. The Police actively use the PSPO to require those behaving inappropriately to surrender their alcohol and leave the area without the need to formalise the issue. Like any busy town, particularly one with a thriving night-time economy, there will still be occasional issues

with both ASB from street drinking and begging. The PSPO remains a vital tool and, through the Town Centre Task Force, we will continue to ensure a collaborative and proactive approach to problem solving and tackling ASB.

- 4.3 The consultation response detailed in section 2 demonstrates public support for the proposed measures. It also demonstrates that continued work is needed to reassure the public that steps have been taken to reduce issues around street begging and anti-social drinking. Concerns raised by Liberty Human Rights have also been considered and addressed through effective local practices.
- 4.4 The Anti-Social Behaviour, Crime and Policing Act 2014 sets out under Section 60 a legal test in that the local authority that made the order may extend the period for which an order has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
- (a) occurrence or recurrence after that time of the activities identified in the order, or
- (b) an increase in the frequency or seriousness of those activities after that time
- 4.5 We are satisfied given the occurrence and recurrence of the issues the order seeks to control that the need for the order remains necessary and proportionate to address behaviour associated with begging and ASB in relation to drinking alcohol.
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## **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 As detailed in section 2.
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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Following the committee, a recommendation will be made to the Cabinet Member for Housing and Health to give delegated authority to the Head of Housing and Community Services to renew the existing Public Space Protection Order for a further 3 years, which will be sealed by Legal Services. The order will be published on our website and appropriate signage replaced in the areas covered by the order.

## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Consultation Summary Report
  - Appendix 2: Consultation response from Liberty Human Rights
  - Appendix 3: Proposed PSPO Draft
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# TOWN CENTRE PSPO CONSULTATION

May 2023

## ABSTRACT

Results of the survey into the renewal of Maidstone Town Centre PSPO.

[Consultation@maidstone.gov.uk](mailto:Consultation@maidstone.gov.uk)

[Course title]

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## Introduction

Public Spaces Protection Orders (PSPOs) specify an area where activities are taking place that are or may likely be detrimental to the local community's quality of life. PSPOs impose conditions or restrictions on people using that area.

In 2017 the Council introduced a PSPO (Public Spaces Protection Order) that allowed the Council to deal with measures to reduce anti-social behaviour in the town centre around alcohol and persistent begging. We know that anti-social behaviour can detrimentally affect people's quality of life and we want to ensure that everyone is able to enjoy public spaces in our town centre, which are safe and welcoming. In 2020, the PSPO was reviewed which led to it remaining in place. It has now been three years and is due for review.

A review undertaken with community safety partners has found that the existing PSPO remains an effective tool against specific forms of anti-social behaviour. The existence of the enforcement tool acts as an effective deterrent against the anti-social behaviour associated with drinking and against persistent begging. Kent Police use the PSPO to challenge those behaving inappropriately as a result of alcohol. Alongside other legislation, the PSPO provides the police with legislation to engage, explain and encourage appropriate behaviour, using enforcement as a last resort. The PSPO similarly provides an excellent deterrent against persistent begging and enables our proactive outreach team to support those in need instead by helping them to access funds and support appropriately.

The two measures that were consulted on for renewal in the Town centre were:

1. Street drinking in an anti-social manner; and
  2. Deterring unauthorised collections of money on the street or loitering for such purpose (persistent begging).
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## Methodology

The survey was open between 10 March and 8 May 2023. It was promoted online through the Council's website and social media channels. Residents on the Council's Consultation mailing list were notified and sent an invitation to participate in the consultation.

There was a total of 788 responses to the survey. There was also a letter received from a national advocacy group (this is shown in full at the end of the report).

As an online survey is a self-selection methodology, with residents free to choose whether to participate or not, it was anticipated that returned responses would not necessarily be fully representative of the wider adult population. This report discusses the weighted results to overall responses by demographic questions to ensure that it more accurately matches the known profile of Maidstone Borough's population by these characteristics.

The margin of error for the overall results has been calculated as  $\pm 3.48\%$  at the 95% confidence level. This indicates that if we repeated the same survey 100 times, 95 times out of 100 the results would be between  $\pm 3.48\%$  of the calculated response, so the 'true' response could be 3.48% above or below the figures reported (i.e. a 50% agreement rate could in reality lie within the range of 53.48% to 46.52%).

Where reference has been made in the report to a 'significant difference' in response between difference groups, the proportional data has been z-tested. The z-test is a statistical test which determines if the percentage difference between subgroups is large enough, taking into account the population size, to be statistically significant (meaning that if we were to run the same survey 100 times, 95 times out of 100 the same result would be seen) or whether the difference is likely to have occurred by chance.

Please note that not every respondent answered every question, therefore the total number of respondents refers to the number of respondents for the question being discussed, not to the survey overall.

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## Summary Findings

- People being drunk or rowdy in public places was the behaviour that had the greatest proportion stating this is worse than it was three years ago at 46%. However, proportion of people responding negatively regarding people loitering in public places had the greatest increase compared to the 2020 survey (an increase of 12.4 percent points).
  - People loitering in public places was the behaviour that had the greatest proportion stating this has 'stayed about the same', across the behaviours this also have the greatest proportion that answered this way in the 2020 survey.
  - When asked questions about behaviour change in the last three years, economically active respondents were consistently more likely than economically inactive respondents to state that the behaviour being asked about had gotten worse in the last three years.
  - The top themes arising from the comments about behaviours seen or experienced in the town centre were: young people, large groups/gangs and alcohol & drunken behaviour.
  - Support for both measures was strong with over nine in ten respondents supportive of continuing with measure 1- street drinking in an anti-social manner and more than four in five respondents in favour of continuing with measure 2 - Deterring unauthorised collections of money on the street or loitering for such purpose (persistent begging).
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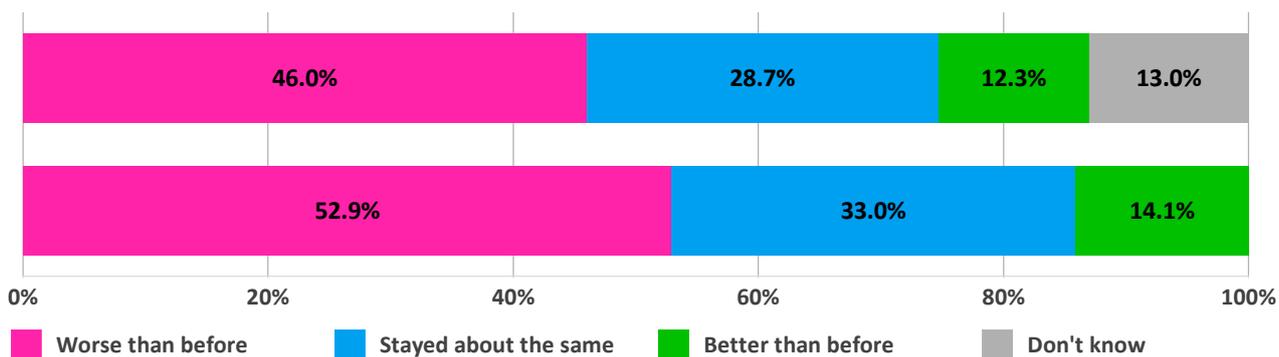
## Visiting Maidstone Town Centre

Survey respondents were asked how they felt Maidstone Town Centre had changed in the last three years in relation to specific behaviours. The available response options for these questions were 'worse than before', 'stayed about the same', 'better than before' and 'don't know'.

### People being drunk or rowdy in public places

Overall, there were 693 responses to this question. The most common response was 'worse than before' with 319 responding this way.

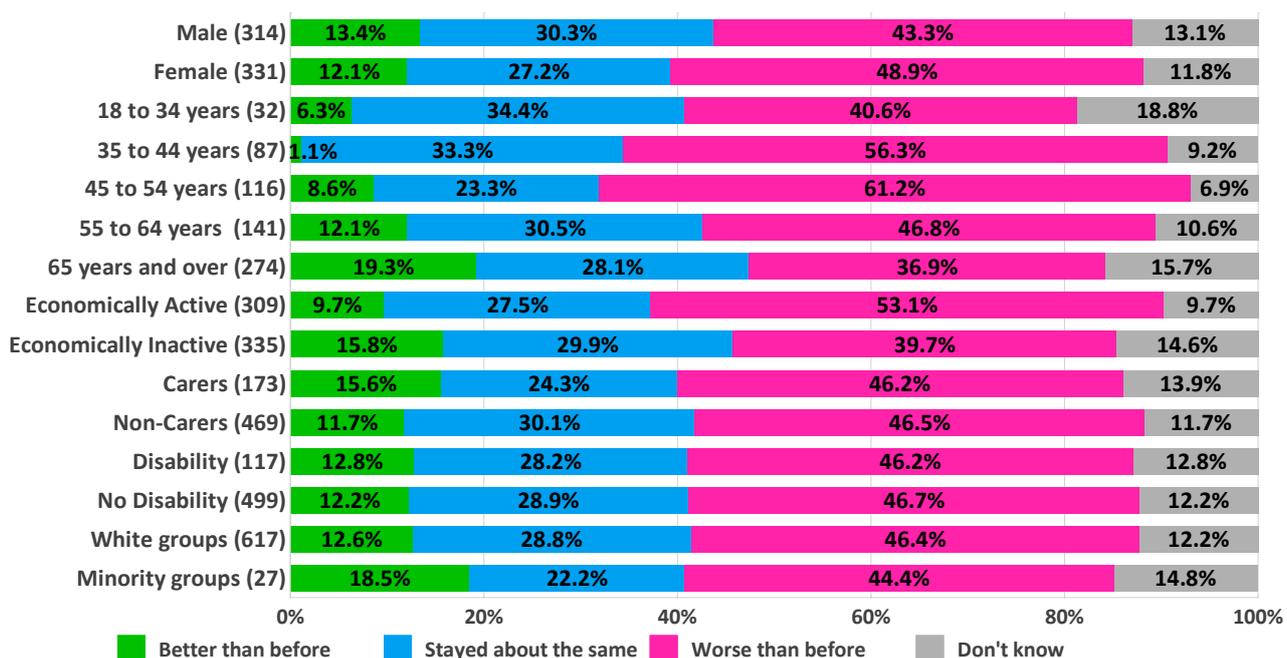
Overall, excluding respondents that answered 'don't know', more than half of all respondents said that people being drunk or rowdy in public places had gotten worse in the last three years.



When this survey was run in 2020, the most common response (including don't know responses) was 'Stayed about the same', with 35.0% answering this way. There has been an increase of 12.2% in the proportion of people responding that people being drunk or rowdy in public places has gotten worse over the last three years.

### Demographic Differences

The chart below shows how the response differs across the different demographic groups. Significant differences and changes in response from the 2020 consultation are shown in the table below.

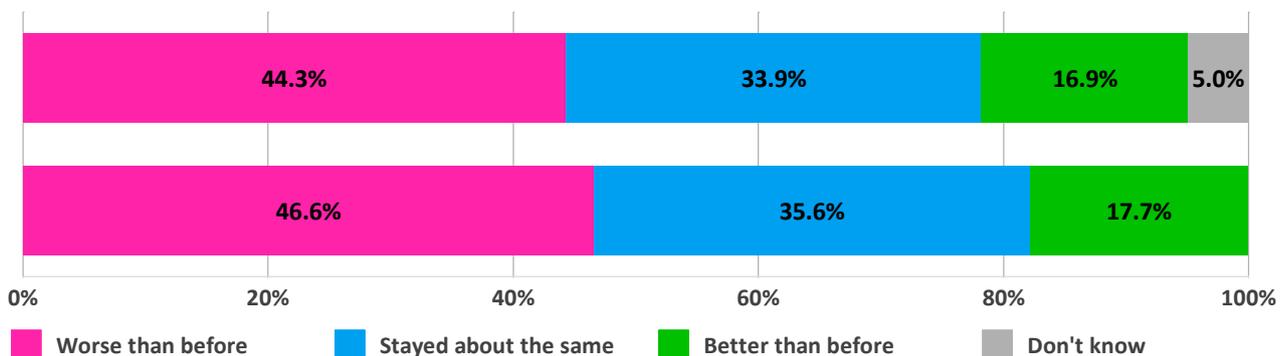


	<ul style="list-style-type: none"> <li>In 2020 the most common response from males was that people being drunk or rowdy in the Town Centre had 'stayed about the same' while the most common response for female respondents in 2020 was that this behaviour was 'worse than before'.</li> <li>For 2023 the most common response for both genders was that people being drunk or rowdy in public places has gotten worse.</li> </ul>
	<ul style="list-style-type: none"> <li>The 45 to 54 years had the greatest proportion across the age groups that said that people being drunk or rowdy in public places had gotten worse over the last three years at 61.2%.</li> <li>In 2020 the 18 to 34 years group had the greatest proportion that answered this way and the 65 years and over group had the lowest proportion that answered this way.</li> <li>The proportion of respondents aged 65 years and over stating that this behaviour had gotten worse increased since 2020 but remains the lowest across the age groups.</li> </ul>
	<ul style="list-style-type: none"> <li>Respondents that were economically active had a significantly greater proportion responding that this behaviour has gotten worse in the Town centre in the last three years with 53.1% responding this way compared to 39.7% of economically inactive respondents.</li> <li>Although the proportions answering this way have increased for both groups the profile of responses aligns with that from 2020.</li> </ul>
	<ul style="list-style-type: none"> <li>In 2020 the most common response for people from white groups was that these type of behaviours had stayed about the same compared to three years prior. For 2023 the most common response for respondents from white groups and minority groups was that this behaviour has gotten worse.</li> </ul>

### People (e.g. beggars) loitering in a public place

Overall, there were 700 responses to this question. The most common response was 'worse than before' with 310 responding this way.

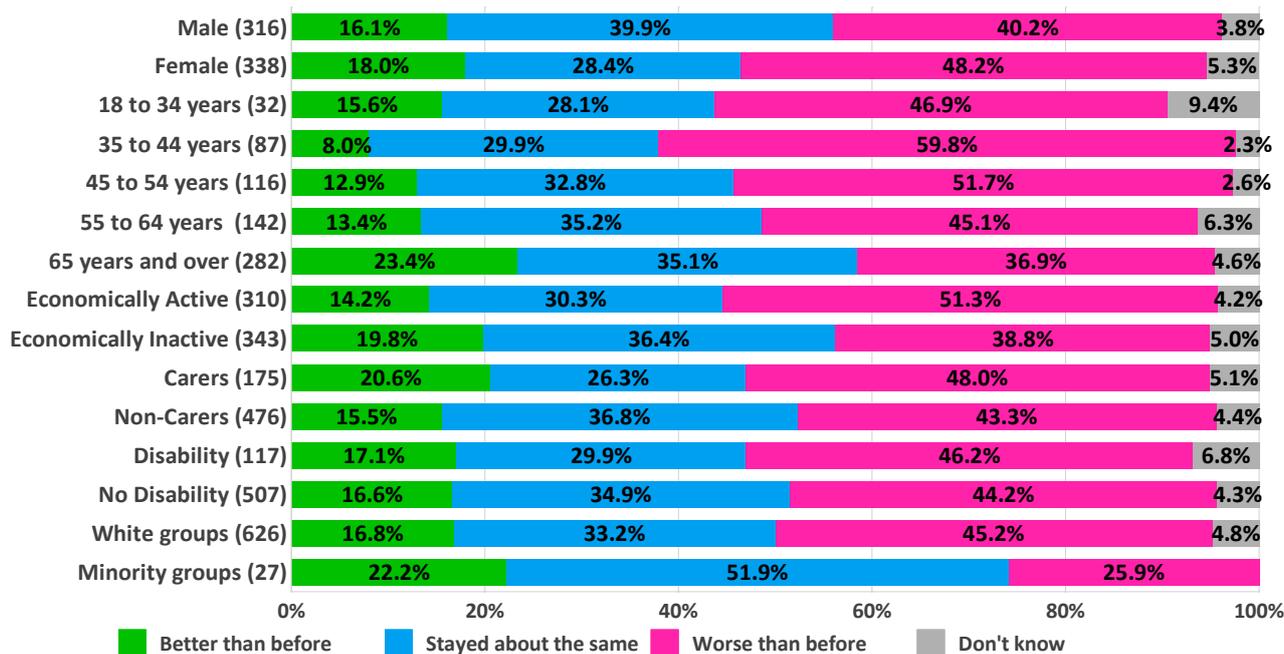
Overall, excluding respondents that answered 'don't know', just over four in nine respondents said that people loitering in public places has gotten worse in the last three years.



When this survey was run in 2020, the most common response (including 'don't know' responses) was 'stayed about the same', with 36.8% answering this way. There has been an increase of 12.4% in the proportion of people responding that people loitering in public places has gotten worse over the last three years.

### Demographic Differences

The chart shows how the response differs across the different demographic groups. Significant differences and changes in response from the 2020 consultation are outlined in the table below.

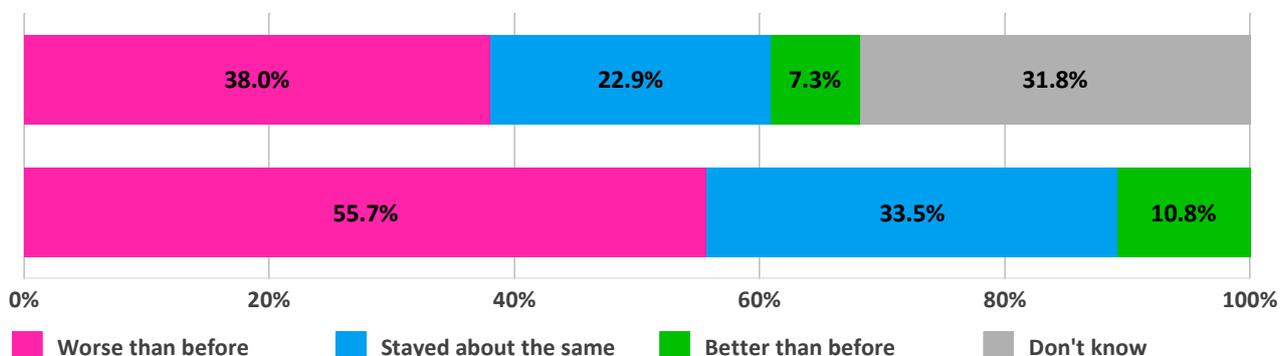


	<ul style="list-style-type: none"> <li>Female respondents had a significantly greater proportion that responded ‘worse than before’ when asked about people loitering in public spaces at 48.2% compared to 40.2% of male respondents answering the same.</li> <li>This was the most common response for both groups. In 2020 the most common response for both groups was ‘same as before’.</li> </ul>
	<ul style="list-style-type: none"> <li>In 2020, the 45 to 54 years group had the greatest proportion that responded, ‘worse than before’ and 65 years and over group had the lowest proportion that answered this way. In 2020, the top response for all the age groups except the 45 to 54 years group was ‘stay about the same’.</li> <li>For 2023, the top response across all age groups was ‘worse than before’ and the 35 to 44 years group had the greatest proportion that answered this way at 59.8%.</li> </ul>
	<ul style="list-style-type: none"> <li>Respondents that are economically active had a significantly greater proportion responding that this behaviour has gotten worse in the Town centre in the last three years with 53.1% responding this way compared to 38.8% of economically inactive respondents.</li> <li>Proportions answering this way have increased for both groups compared to 2020. In 2020 the most common response for both groups was ‘stayed about the same’ whereas for 2023 the most common response for these groups was ‘worse than before’.</li> </ul>
	<ul style="list-style-type: none"> <li>Non-carers had a significantly greater proportion that answered ‘stayed about the same’ when asked about people loitering in public places with 36.8% responding this way compared to 26.3% of carer respondents. In 2020.</li> <li>This was the most common response for non-carer, whereas for 2023 ‘worse than before’ was the most common response for both groups.</li> </ul>
	<ul style="list-style-type: none"> <li>The most common answer for respondents from white groups was ‘worse than before’, while ‘better than before’ was the most common response for people from white groups.</li> <li>In 2020, the most common response for white groups was ‘same as before’ and the most common response for minority groups was ‘worse than before’.</li> </ul>

## People using or smoking legal highs in public

Overall, there were 695 responses to this question. The most common response was ‘worse than before’ with 264 responding this way.

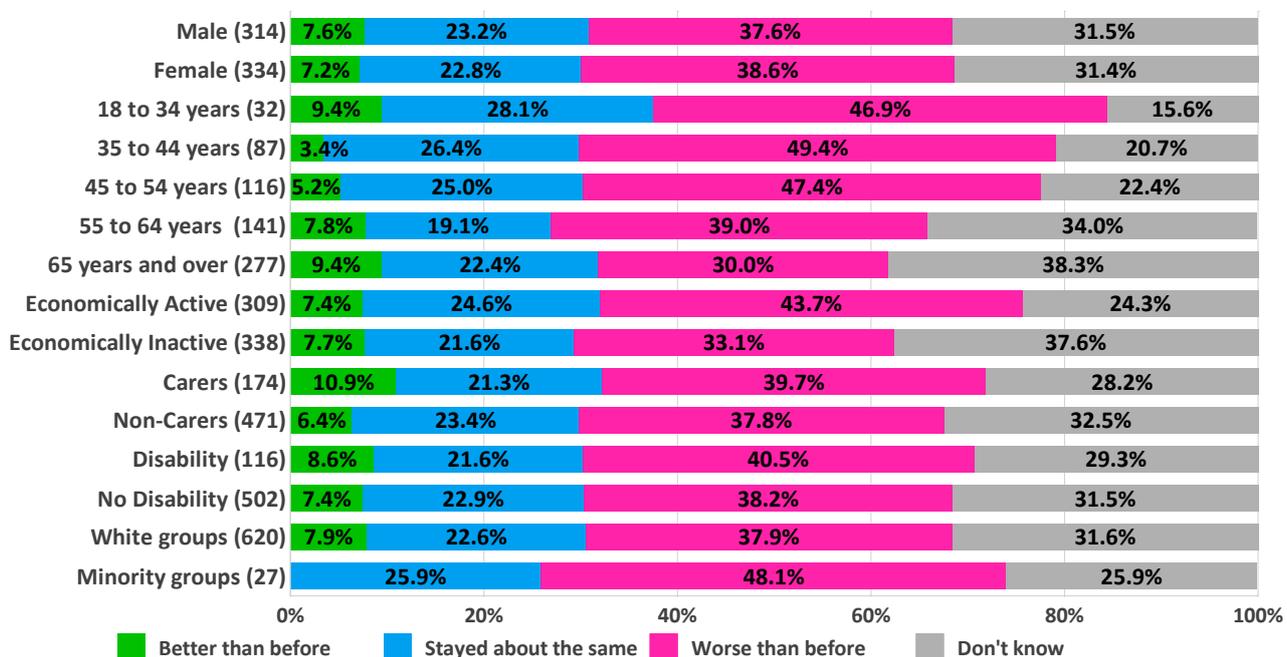
Overall, excluding respondents that said ‘don’t know’, more than half of respondents said that people using or smoking legal highs in public has gotten worse in the last three years.



When this survey was run in 2020, the most common response (including ‘don’t know’ responses) was ‘don’t know’, with 33.6% answering this way. Since 2020, there has been an increase of 1.5 % in the proportion of people responding that people using or smoking legal highs in public places has gotten worse over the last three years.

### Demographic Differences

The chart shows how the response differs across the different demographic groups. Significant differences and changes in response from the 2020 consultation are outlined in the table below.



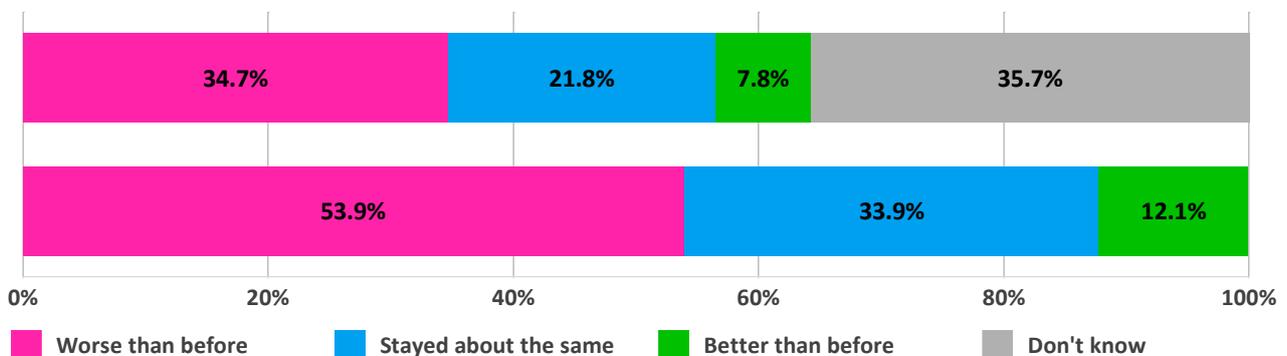
- In 2020, the 18 to 34 years group had the greatest proportion that responded, ‘worse than before’ and 65 years and over group had the lowest proportion that answered this way.
- In 2023, the 34 to 45 years group had the greatest proportion that answered ‘worse than before’ at 49.4%.

	<ul style="list-style-type: none"> <li>• Respondents aged 65 years and over still had the lowest proportion answering this way at 30%.</li> </ul>
	<ul style="list-style-type: none"> <li>• Respondents that were economically active had a significantly greater proportion responding that this behaviour has gotten worse in the Town centre in the last three years with 43.7% responding this way compared to 33.1% of economically inactive respondents.</li> <li>• The top response for the economically inactive group remained unchanged from 2020 as 'don't know'.</li> </ul>

### People using illegal substances (drugs) in public

Overall, there were 692 responses to this question. The most common response was 'don't know' with 247 responding this way.

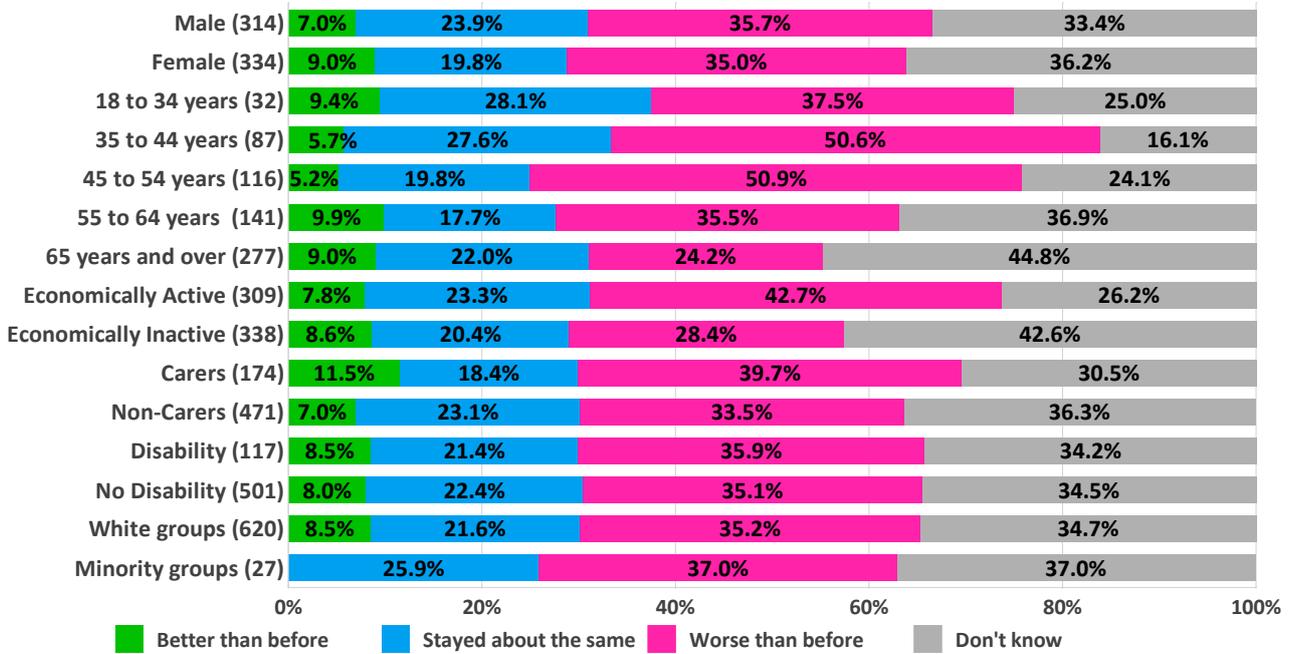
Overall, excluding respondents that said 'don't know' more than half of respondents said that people using illegal substances in public has gotten worse in the last three years.



When this survey was run in 2020, the most common response (including don't know responses) was 'don't know', with 34.1% answering this way. Since 2020, there has been an increase of 1.2% in the proportion of people responding that people using or smoking legal highs in public places was 'worse than before'.

### Demographic Differences

The chart shows how the response differs across the different demographic groups. Significant differences and changes in response from the 2020 consultation are outlined in the table below.

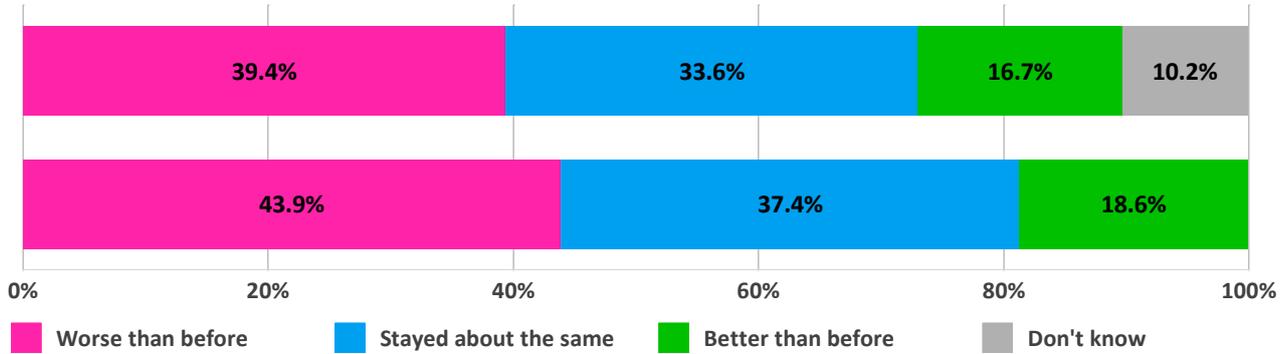


	<ul style="list-style-type: none"> <li>In 2020, the 18 to 34 years group had the greatest proportion that responded, 'worse than before' and 65 years and over group had the lowest proportion that answered this way.</li> <li>In 2023, the 45 to 54 years group had the greatest proportion that answered 'worse than before' at 50.9%, an increase of 10.1% in the proportion answering this way compared to 2021.</li> <li>Respondents aged 65 years and over still had the lowest proportion answering this way at 24.2%, an increase of 8.8 percent point compared to 2020.</li> </ul>
	<ul style="list-style-type: none"> <li>Respondents that were economically active had a significantly greater proportion responding that this behaviour had gotten worse in the Town centre in the last three years with 42.7% responding this way compared to 28.4% of economically inactive respondents.</li> <li>The top response for the economically inactive group remained unchanged from 2020 as 'don't know' with 42.6% responding this way.</li> </ul>
	<ul style="list-style-type: none"> <li>Unlike in 2020, respondents without a disability were not more positive than respondents with a disability, with no significant differences between the response patterns from these groups identified for 2023.</li> </ul>

## People lying in or sleeping in a public place

Overall, there were 687 responses to this question. The most common response was ‘worse than before’ with 271 responding this way.

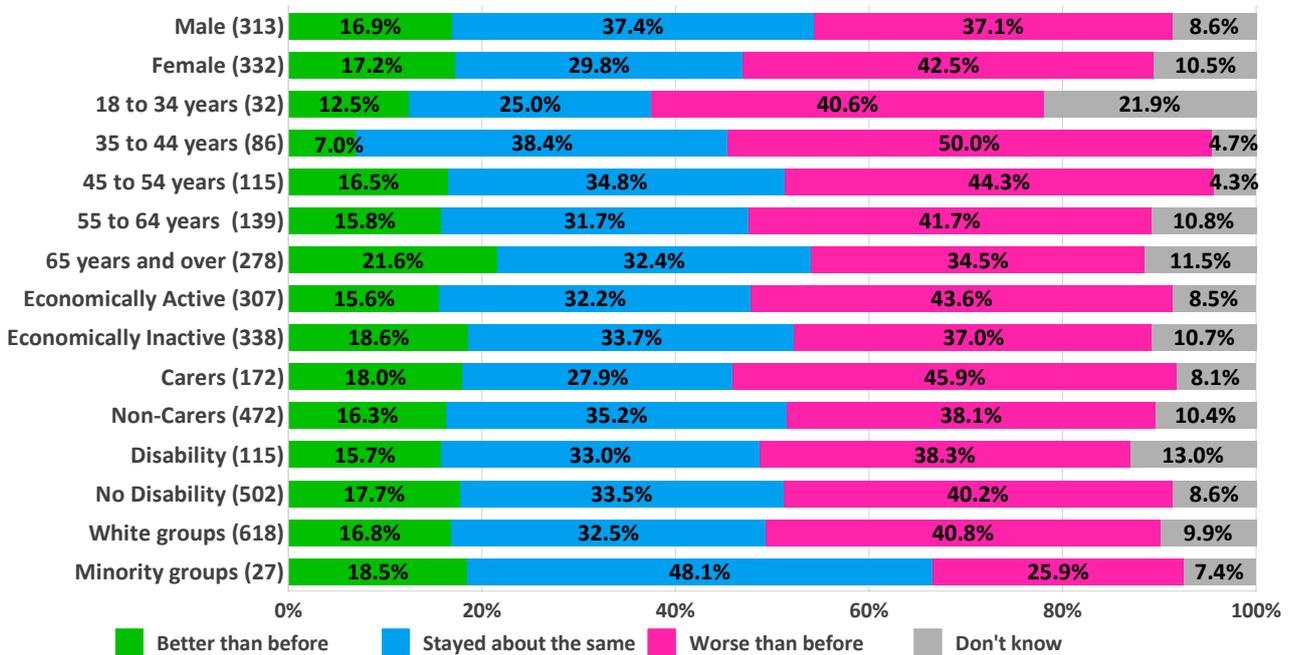
Overall, excluding respondents that said ‘don’t know’, four in nine respondents said that people lying or sleeping in public place has gotten worse in the last three years.



When this survey was run in 2020, the most common response (including don’t know responses) was ‘stayed about the same’, with 37.3% answering this way. Since 2020, there has been an increase of 10.1% in the proportion of people responding that people lying in or sleeping in public places has gotten worse over the last three years.

### Demographic Differences

The chart shows how the response differs across the different demographic groups. Significant differences and changes in response from the 2020 consultation are outlined in the table below.





- For 2023 the most common response across all age groups was ‘worse than before’.
- In 2020, the most common response across all age groups was ‘stayed about the same’.
- In 2020, the 18 to 34 years group had the greatest proportion that responded, ‘worse than before’,

	<ul style="list-style-type: none"> <li>In 2023 the 35 to 44 years age group had the greatest proportion that answered, 'worse than before'.</li> </ul>
	<ul style="list-style-type: none"> <li>There has been a decline in the proportion of disabled respondents answering, 'better than before', compared to the previous survey.</li> <li>In 2020, 29.9% respondents with a disability answered this way compared to 15.7% in 2023.</li> </ul>
	<ul style="list-style-type: none"> <li>Since 2020 the proportion of respondents from minority groups answering 'worse than before' has dropped from 33.8% to 25.9%.</li> <li>The proportion of respondents from white groups answering this way has increased from 29.6% to 40.8%.</li> </ul>

## Behaviours Witnessed in Maidstone Town Centre

Survey respondents were provided with a free text box and asked what behaviours they had witnessed in Maidstone Town centre that concerned them.

There was a total of 469 comments submitted by respondents in relation to behaviours they have witnessed in Maidstone Town Centre, with many mentioning more than one type of behaviour that they have witnessed or that concerns them.

The top ten themes are shown in the table, alongside a sample of comments relating to that theme.

Theme	No.	Comments
Young people	118	<ul style="list-style-type: none"> <li>• Groups of youths hanging around.</li> <li>• Antisocial behaviour from the youngsters.</li> <li>• Teenagers in the town centre assaulting people or behaving inappropriately</li> </ul>
Gangs/Large groups	114	<ul style="list-style-type: none"> <li>• Gangs of males.</li> <li>• Groups of homeless, drunk or on drugs, feels threatening when walking past them.</li> <li>• Vandalism, public disturbance by groups.</li> </ul>
Alcohol & Drunken Behaviour	99	<ul style="list-style-type: none"> <li>• Crowds of alcohol fuelled loud, foul language and intimidating people. Usually late evening to night time.</li> <li>• lunchtime 'binge drinking / bottomless brunch style.</li> <li>• Drunks being loud and intimidating, especially in Brenchley Gardens</li> </ul>
Violence & Intimidation	99	<ul style="list-style-type: none"> <li>• Knife crime/ stabbings.</li> <li>• Fights, bad language, intimidation, people being aggressive.</li> <li>• The amount of young people who have knives in their possession and the behaviour of in particular teenage groups of girls fighting and attacking other females and security staff. This is being reported time and time again.</li> </ul>
ASB & Shouting	84	<ul style="list-style-type: none"> <li>• Very loud, irrational behaviour from mainly males.</li> <li>• People using foul and aggressive language.</li> <li>• I am aware of large groups of very rowdy teenagers are behaving with no concern for others, swearing constantly, throwing litter and generally making people feel uncomfortable.</li> </ul>
Begging	83	<ul style="list-style-type: none"> <li>• I have witnessed at least 3 different Eastern European looking people openly begging in Week Street.</li> <li>• There regularly seems to be a beggar on the paving outside Sainsburys towards the bus station.</li> <li>• Professional beggars acting like they are disabled and harassing people, shouting out shaking a tin.</li> </ul>
Drugs	72	<ul style="list-style-type: none"> <li>• People are openly dealing drugs from car windows in and around Maidstone.</li> <li>• Nitrous oxide cannisters left in areas off of main roads, needles in car parks and physical assaults reported via media within town centre in the evening. Cannabis scent is regularly present along week Street.</li> </ul>
Rough Sleepers	64	<ul style="list-style-type: none"> <li>• I feel sad and frustrated that there are more homeless people in Maidstone. What is being done to support them. I believe that increased cost of living and reducing funding for support has let many people down.</li> <li>• There seems to be a lot more homeless, seems that the "displaced people" now congregate around the Kightrider Street car park entrance.</li> </ul>

Theme	No.	Comments
Bikes & E-Scooters	36	<ul style="list-style-type: none"> <li>• Electric scooters being ridden illegally on footpaths, pedestrian streets, and town centre roads.</li> <li>• People on bicycles through the pedestrian areas and in paths making pedestrians have to get out of the way or worse go in the road.</li> </ul>
Avoid/Feel Unsafe	25	<ul style="list-style-type: none"> <li>• I don't feel safe walking down the top end of Week Street, any time of day. I am also embarrassed about it.</li> <li>• The top end of week Street from Faith Street to Maidstone East feels very hostile at all times of day. I feel a little unsafe there and act wary I'll when there. I avoid when possible.</li> </ul>

## Visiting Maidstone Town Centre Comments

Survey respondents were provided with a free text box to provide comments they had about visiting Maidstone Town Centre.

There was a total of 455 comments submitted by respondents. Many of the comments covered more than one theme.

The top themes are shown in the table, alongside a sample of comments from that theme.

Theme	No.	Comments
Avoid	144	<ul style="list-style-type: none"> <li>• Try to avoid now unless I need something.</li> <li>• No go areas for me do not shop in Maidstone now.</li> <li>• We rarely visit the town centre in the evening as there are too many undesirable people about, especially around the bars and clubs. During the day if I have to come into Maidstone I try to be as quick as possible, partly because of the cost of parking and partly because it is not a pleasant experience.</li> </ul>
Shops & Attractions	102	<ul style="list-style-type: none"> <li>• Not a particularly inspiring place to go any more. Shops boarded up. Shifty characters.</li> <li>• It is no longer a pleasure to walk around the town Centre as there are no longer good quality retail stores to attract the mid to older generation.</li> <li>• Not enough high-quality shops.</li> </ul>
Transport & Access	78	<ul style="list-style-type: none"> <li>• I find the approaches to Maidstone town so off putting. Car parking is so expensive.</li> <li>• Public transport an issue - out of working hours rely on expensive taxis. Bus station already looking tired - refurb a waste of money and doesn't link easily to rail services.</li> <li>• Park and Ride close down has had a detrimental effect ie: congestion and parking, also an increase in traffic using the High Street.</li> <li>• The roads are a mess broken pavers replaced with wrong colour substitutes or tarmac.</li> </ul>
Unsafe/ Intimidating place	75	<ul style="list-style-type: none"> <li>• Feels unsafe after about 6pm in Week Street from Union Street to the station and often earlier.</li> <li>• I no longer feel safe visiting the town centre and wouldn't recommend people visit on their own.</li> <li>• Find it uncomfortable and not safe walking in the town after dark. This has got worse since lockdown</li> </ul>
Run Down	72	<ul style="list-style-type: none"> <li>• Town becoming very dirty and tired.</li> <li>• I do visit town centre but apart from chequers centre and Fremlin walk, I find the town looks very run down and not inviting.</li> <li>• In past couple of years Maidstone has become run down. There is very little to attract people or even youngsters.</li> </ul>
ASB	49	<ul style="list-style-type: none"> <li>• The level of anti-social behaviour, drug users etc in Maidstone town centre actually makes me not want to come to the town for shopping or the night-time economy.</li> <li>• Antisocial and irresponsible behaviour are problems, but they're exacerbated by the lack of leisure options for the young.</li> <li>• I avoid the town where possible especially in the evenings. There are gangs of people acting threateningly and antisocially throughout the town centre.</li> </ul>
Cleanliness	45	<ul style="list-style-type: none"> <li>• Avoid it now as it is dirty, unwelcoming and no diversity in shops.</li> <li>• Generally noisy dirty &amp; needs renovating. The type &amp; nature of shops has deteriorated. The town is grubby &amp; not a nice place to visit any more.</li> </ul>

Theme	No.	Comments
Police	31	<ul style="list-style-type: none"><li>• More police presents and use of CCTV to intervene when group of people are gathering and causing problems. No nonsense approach to people hanging around) gathering in large groups, drinking on streets if they have no place to be they should be moved on. This should be happening across the town centre.</li><li>• Try and avoid going to town centre due to increased lawlessness and lack of policing.</li><li>• Safe during the day but at night feels a bit creepy not enough police presence.</li></ul>

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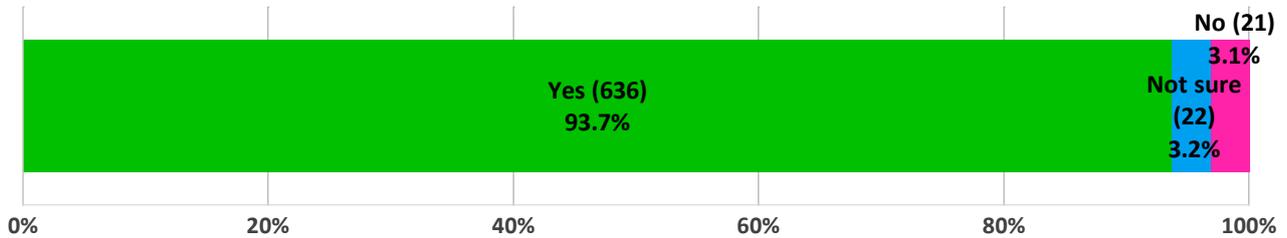
## Measure 1 - Street drinking in an anti-social manner

The current PSPO prohibits the drinking of alcohol within the specified area, where their behaviour as a result of consuming alcohol, affects the quality of life to those who live, work in or visit the area, other than within the curtilage of public houses or licensed premises. The area covered includes streets, green spaces and other public areas in the Town Centre PSPO area.

A person seen to be consuming alcohol in this area is in breach of the Order. An authorised officer will in the first instance explain to them that they are in a No Alcohol Zone and request them to stop drinking the alcohol and/or ask them to surrender alcohol in open containers. If the same person is seen consuming alcohol again within a reasonable time in a No Alcohol Zone after having already been advised and warned, a Fixed Penalty Notice will be issued to them.

Survey respondents were asked if they were in favour of renewing measure 1 as described above.

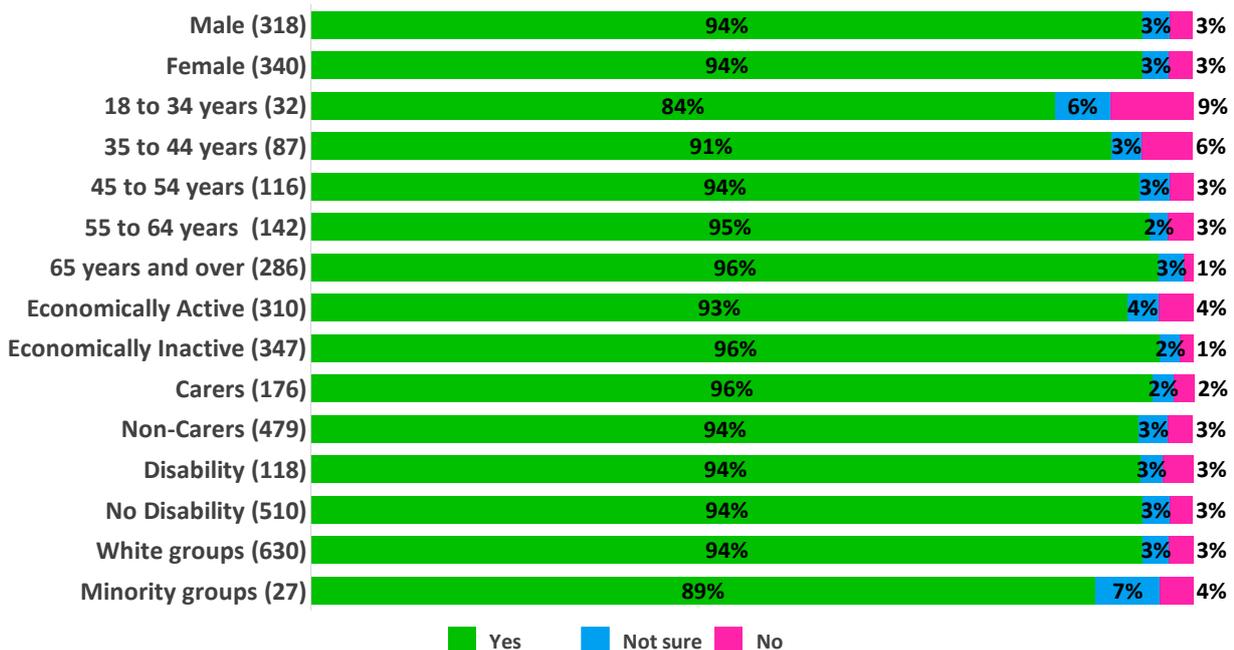
Overall, there were 679 responses to this question. The most common response was 'Yes' with 636 responding this way.



In 2020, 91% of respondents were in favour of measure 1, for 2023 the proportion responding in favour increased by 2.7% to 93.7%.

### Demographic Differences

The chart shows how the response differs across the different demographic groups. Significant differences and changes in response from the 2020 consultation are outlined in the table below.



	<ul style="list-style-type: none"> <li>• The proportion of male respondents that were not in favour of measure 1 has reduced from 9% in 2020 to 3% for 2023.</li> <li>• For 2023 there was also a lower proportion of female respondents that answered neutrally with 3% responding this way compared to 6% in 2020.</li> </ul>
	<ul style="list-style-type: none"> <li>• In 2020, the 18 to 34 years groups had the greatest proportion that were not in favour of measure 1.</li> <li>• The 65 years and over age group had the lowest proportion that answered this way – the profile of responses across the different age groups remains unchanged for 2023.</li> </ul>
	<ul style="list-style-type: none"> <li>• In 2020, economically inactive respondents had a greater proportion agreeing that measure 1 should be renewed compared to economically active respondents, this still true of the 2023 result.</li> </ul>

### Measure 1 Comments

Survey respondents were provided with a free text box to provide any additional comments they had about measure 1 – Street drinking in an anti-social manner.

There was a total of 203 comments were submitted by respondents. Many of the comments covered more than one theme.

The top themes are shown in the table, alongside a sample of comments from that theme.

Theme	No.	Sentiment
Enforcement	60	<ul style="list-style-type: none"> <li>• Whilst this measure is in place it does not seem to be regularly enforced. It is quite commonplace to see people drinking from open cans of larger walking along Week Street for example.</li> <li>• No one takes any notice of any regulations anyway and no one enforces anything so struggling to see the point of renewing anything.</li> <li>• Enforcement is spasmodic. I see police very occasionally and then often turning a blind eye.</li> </ul>
Supportive of Measure 1	36	<ul style="list-style-type: none"> <li>• It will bring the town back to more of a safe and friendly place.</li> <li>• This is a good idea because drinking in the street is not nice to see and it could cause an incident to happen with another person.</li> <li>• This is a sensible measure to reduce the risk of unruly behaviour and is in line with common practice in many European destinations I visit where the problem of unruly drunks is very rare.</li> </ul>
Scope of Measure 1	25	<ul style="list-style-type: none"> <li>• Should be a larger area of the town.</li> <li>• Increase number of zones.</li> <li>• The "reasonable time" seems open to personal interpretation. Also, the size of fixed penalty may cause unreasonable hardship.</li> <li>• Issuing a fixed penalty fine is not enough. People should be arrested by the Police if found to break the law.</li> </ul>
Query impact of Measure	24	<ul style="list-style-type: none"> <li>• FPNs are all very well but the offenders, particularly ones of no fixed abode, simply will not pay them, so they are not a deterrent.</li> <li>• Won't make any difference, and no officer in sight 99% of the time.</li> </ul>

Theme	No.	Sentiment
		<ul style="list-style-type: none"> <li>It doesn't seem to have made any difference, has also pushed people to the side streets where people live!</li> </ul>
General Comments about behaviours	21	<ul style="list-style-type: none"> <li>There are enough pubs and bars to drink at. You don't need to be drinking in the streets.</li> <li>No one should be allowed to buy alcohol in a supermarket etc and consume it on the streets. By implication those that do are a worry and a bad example to kids.</li> <li>A zero tolerance for alcohol and bad behaviour is the only way that the town will change.</li> </ul>
Outside Hospitality & Entertaining	14	<ul style="list-style-type: none"> <li>I think having a drink in moderation in public is acceptable. It should only be stopped when linked to antisocial behaviours.</li> <li>A picnic in a park where alcohol in sensible amounts is consumed is different than drunks in the street.</li> </ul>
Locations	13	<ul style="list-style-type: none"> <li>The alleyway [a public right of way] next to KFC on Week Street has been taken over and blocked by The Social Chill Bar. It's a loud, drunken, coke-headed mess</li> <li>Alcohol often being drunk at bottom of Gabriel's Hill outside last shop on the left.</li> <li>There are often people drinking/drunken in the town centre square, or the top of Week Street towards the station, stronger enforcement would be good.</li> </ul>
Catalyst for poor behaviour	11	<ul style="list-style-type: none"> <li>Drinking in public places leads to a minority behaving inappropriately which can lead onto a dangerous situation. It will never change.</li> <li>From my time as a Magistrate, drinking alcohol in public places often results in criminal offences.</li> </ul>
Other Themes	9	<ul style="list-style-type: none"> <li>Seven comments said that anti-social street drinking is not an issue.</li> <li>Two comments said they did not support renewing this measure.</li> </ul>

## Measure 2 - Detering unauthorised collections of money on the street or loitering for such purpose (persistent begging)

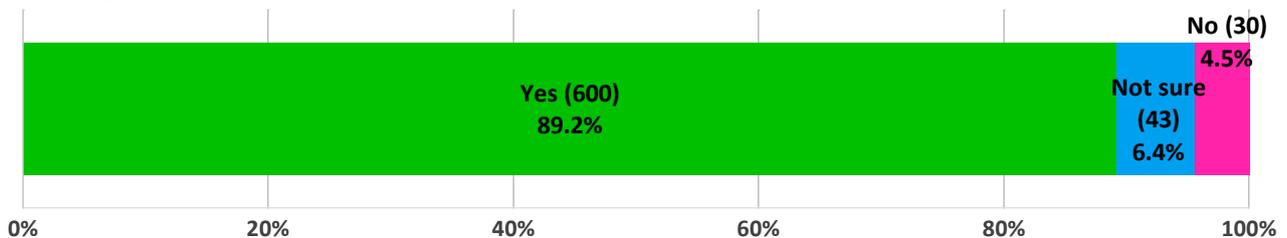
The current PSPO means that no one is able to make verbal, non-verbal or written requests for money or financial donations unless they are authorised e.g. authorised charity collections, within the Town Centre PSPO area.

We try to avoid giving fines for begging to those who are genuinely homeless and instead offer support.

Action will be taken against persons found begging who are in accommodation and in receipt of benefits and in breach of the Town Centre PSPO or where the measure is persistently breached. FPNs are only considered where they are appropriate, and most discharges will be through the Magistrate’s Courts where further requirements will be requested to support the individual.

Survey respondents were asked if they were in favour of renewing measure 2 as described above.

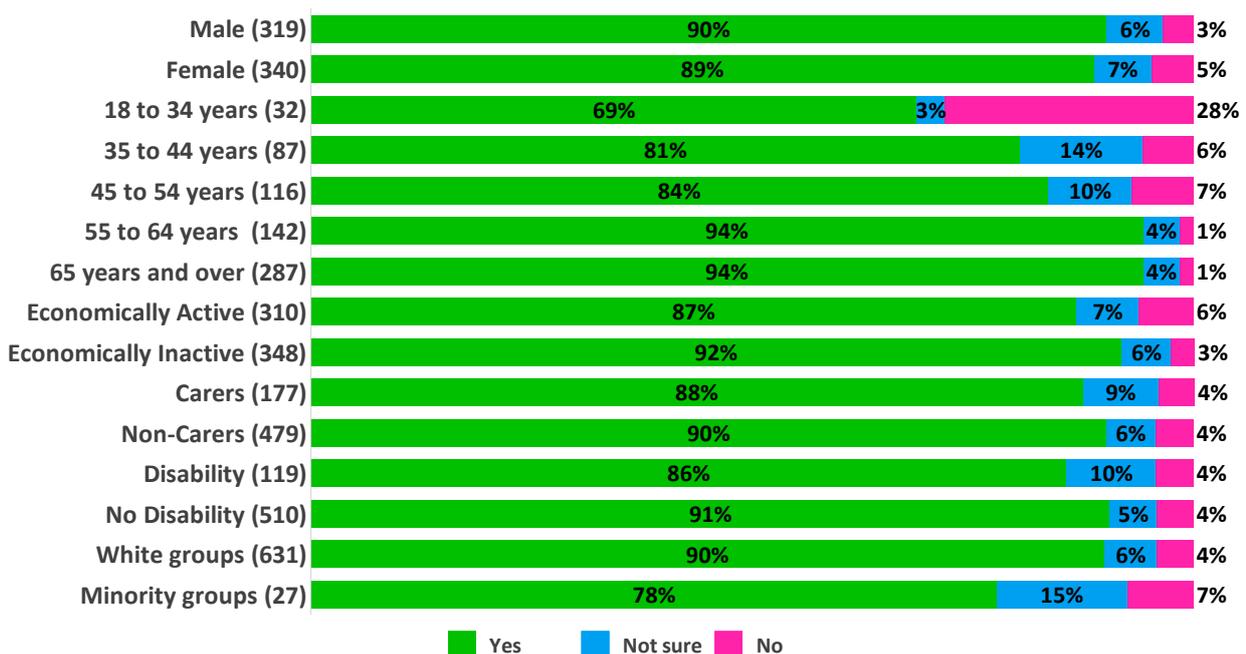
Overall, there were 673 responses to this question. The most common response was ‘yes’ with 600 responding this way.



In 2020, 85.1% of respondents were in favour of measure 2, the 2023 result represents an increase of 4.1% in the proportion of people in favour of measure 2.

### Demographic Differences

The chart shows how the response differs across the different demographic groups. Significant differences and changes in response from the 2020 consultation are outlined in the table below.



	<ul style="list-style-type: none"> <li>In 2020, the 18 to 34 years groups had the greatest proportion that were not in favour of measure 1 and the 65 years and over had the lowest proportion that answered this way – the profile of responses across the different age groups remains unchanged for 2023. The proportion that said they are not in favour of measure two has increased by 14% since 2020.</li> </ul>
	<ul style="list-style-type: none"> <li>Economically active respondents had a significantly greater proportion that were in favour of renewing measure 2 with 92% answering this way compared to 87% of economically inactive respondents.</li> <li>In 2020, the difference in response between these groups was not significant.</li> </ul>
	<ul style="list-style-type: none"> <li>Respondents from white groups had a significantly greater proportion that were in favour of renewing measure 2 with 90% responding this way compared to 78% of respondents from minority groups.</li> </ul>

## Measure 2 Comments

Survey respondents were provided with a free text box to provide any additional comments they had about measure 2 - Deterring unauthorised collections of money on the street or loitering for such purpose (persistent begging).

There was a total of 210 comments submitted by respondents. Many of the comments covered more than one theme.

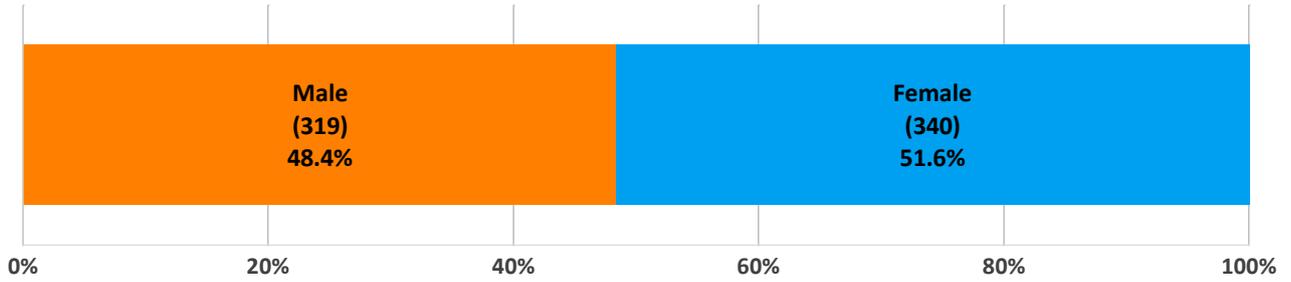
The top themes are shown in the table, alongside a sample of comments from that theme.

Theme	No.	Sentiment
Support for Vulnerable	45	<ul style="list-style-type: none"> <li>From my time as a Magistrate, drinking alcohol in public places often results in criminal offences.</li> <li>"persistent begging" is just because there's not enough welfare support. Punishing them for trying to get by is awful. I am not bothered by people begging at all.</li> <li>The homeless need help &amp; are desperate, so desperate that they need to ask strangers for a few quid to pay for their food &amp; drink. Stopping them from doing so is infringing their human rights. The Council would be better placed in finding these people a home instead of cracking down on something that is of no harm whatsoever.</li> </ul>
Charity Collections	34	<ul style="list-style-type: none"> <li>There needs to be more checks on those that are encourage people to take out direct debits in the streets, for various charities. Chugging should be banned.</li> <li>I have never been harassed by any beggars nor homeless for money. I have however been harassed many times by the "authorised" collectors when I have clearly asked them to leave me alone numerous times.</li> </ul>
In favour of measure 2	28	<ul style="list-style-type: none"> <li>Please continue as its very intimidating with some! I love that you offer support where genuinely needed and take action against those who are not!!!</li> <li>In favour but have not seen any improvement so far.</li> <li>Although I agree to this, I imagine it's difficult to take appropriate action to deter these individuals.</li> </ul>

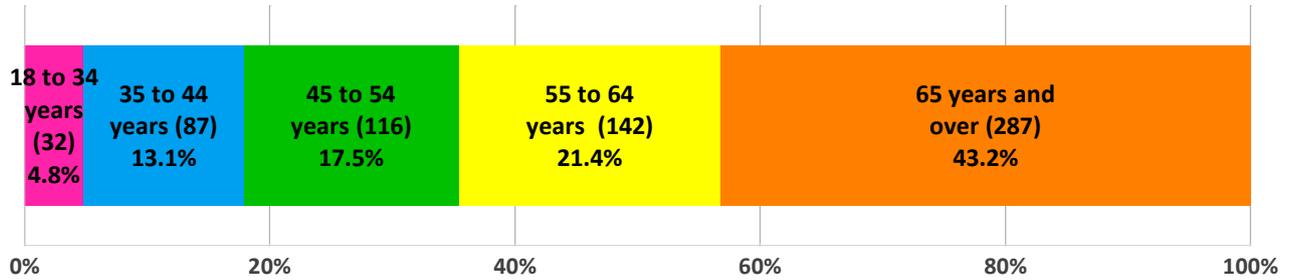
Theme	No.	Sentiment
Unsafe/Harassment/ Intimidation	27	<ul style="list-style-type: none"> <li>• Can be frightening to be approached. I am sure there are some genuine cases, but the public are wary after reports of aggressive behaviour.</li> <li>• Begging is intimidating for passers-by.</li> <li>• Zero tolerance - they are intimidating and sometimes aggressive. Maidstone has an excellent homeless process; the town is being used by beggars who are not from the area.</li> </ul>
Enforcement	21	<ul style="list-style-type: none"> <li>• I feel that this is not enforced at all. Going through Maidstone on a daily basis there are the same people every day consistently asking for money.</li> <li>• Only if enforced otherwise pointless.</li> <li>• Who wants to be accosted by these people? The order should be enforced.</li> </ul>
Organised begging/ Disingenuous beggars	16	<ul style="list-style-type: none"> <li>• Impossible to know if those who are begging are really homeless/destitute. They need to be checked and given information where they can get help from various charities that are in Maidstone</li> <li>• Lots of beggars are on a decent income from benefits so need stopping.</li> <li>• Whilst I have huge sympathy for those genuinely on hard times, I have concerns about how genuine these beggars are. I consider some are made to beg and it therefore encourages modern day slavery if we allow begging to continue unchecked.</li> </ul>
Buskers	11	<ul style="list-style-type: none"> <li>• I do not consider busking to be classed as begging. Busking enhances the ambience of the town.</li> <li>• People who are busking should not be allowed to carry out this activity. I've seen women intimidated outside Primark - not nice.</li> <li>• Musicians possibly exempt providing not too loud.</li> </ul>
Impact	9	<ul style="list-style-type: none"> <li>• This will not help. No one likes to beg. My belief is that they beg because they have no choice. It's not a career choice. Taking money from people who are already struggling is madness.</li> <li>• This measure doesn't seem to be working as I saw plenty sitting on the floor with signs or annoyingly singing whilst asking for money last week.</li> </ul>
Other Themes	21	<ul style="list-style-type: none"> <li>• Eight mentioned locations in the town centre where they have witnessed begging including Week Street and outside Sainsburys.</li> <li>• Seven said that the amount of begging going on in the Town Centre was increasing.</li> <li>• Six said they think all unauthorised collections of money should be banned.</li> </ul>

## Survey Demographics

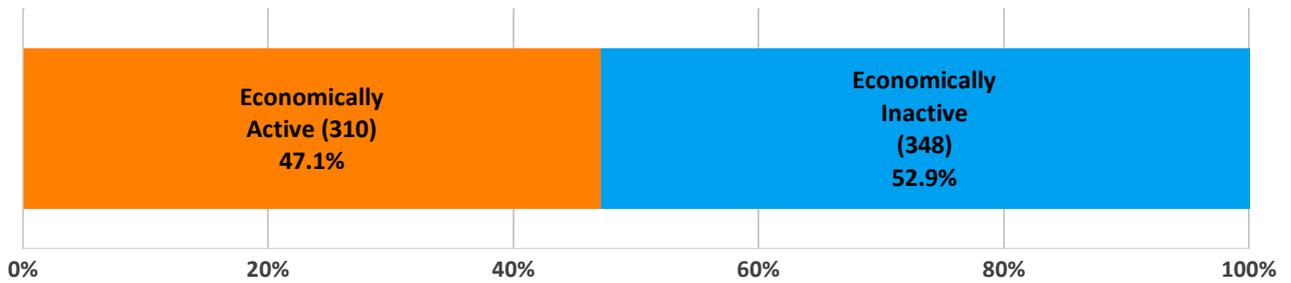
### Gender



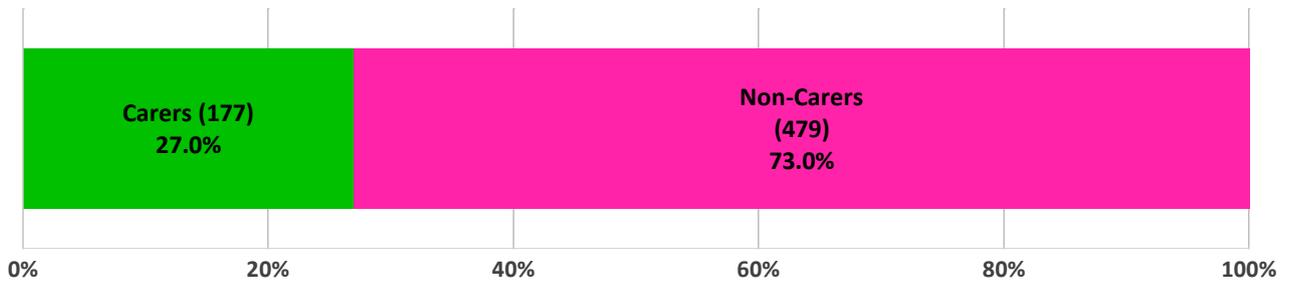
### Age



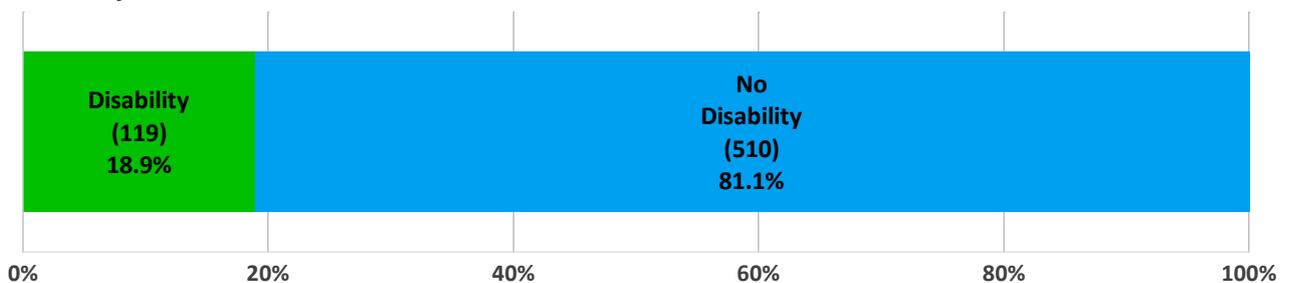
### Economic Activity



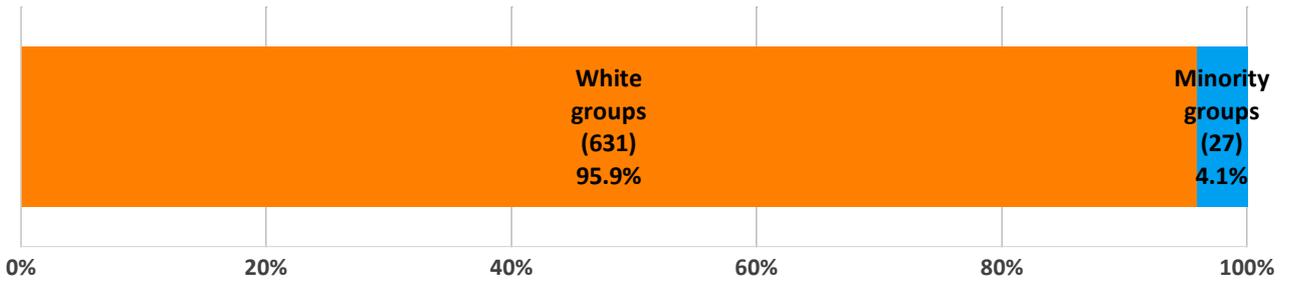
### Carers



### Disability



**Ethnicity**



# LIBERTY

Communities, Housing & Environment Committee  
Maidstone House  
King Street  
Maidstone  
Kent, ME15 6JQ

By email only to: [consultation@maidstone.gov.uk](mailto:consultation@maidstone.gov.uk)

Our ref: 39/LW/CCT

2 May 2023

Dear Communities, Housing & Environment Committee,

## Renewal of Public Space Protection Order (PSPO) in Maidstone Town Centre

I am writing in relation to Maidstone Borough Council's ("the Council") consultation regarding the proposed extension of its Town Centre Public Spaces Protection Order ("the PSPO"). Our letter is based on information regarding the consultation as set out on the Council's website<sup>1</sup>, as well as within the draft PSPO itself.<sup>2</sup>

### 1. Background to Liberty's concerns

Liberty has been concerned about the impact of PSPOs since their inception and has successfully persuaded a number of local authorities not to pursue their proposed PSPOs. We are particularly concerned about the potential misuse of PSPOs, especially those that punish poverty-related behaviours such as begging. For the reasons set out below, we are against the renewal of the PSPO.

### 2. Lack of evidence

We are disappointed that no evidence has been published on the Council's website to support the renewal of the PSPO, particularly the provisions that seek to criminalise behaviours associated with poverty.

The Council is required by s. 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the "Act") to be satisfied on reasonable grounds that the PSPO is necessary to prevent the occurrence or recurrence of the activities specified in the PSPO, or to prevent an increase in the frequency or seriousness of those activities. The Council cannot reasonably be satisfied of these conditions without first considering robust evidence on the situation in the area which will be covered by the renewed PSPO. Having had the original PSPO in place since 2017 (and the revised version in place since 2020), there should be extensive evidence available on

<sup>1</sup> <https://letstalkmaidstone.uk.engagementhq.com/town-centre-bsp0-2023-review>

<sup>2</sup> <https://letstalkmaidstone.uk.engagementhq.com/21926/widgets/64927/documents/39479>

## LAWYERS

HEAD OF LEGAL CASEWORK  
Louise Whitfield, Solicitor

Lana Adamou, Solicitor  
Megan Goulding, Solicitor  
Katy Watts, Solicitor

The solicitors employed by Liberty are individually authorised and regulated by the Solicitors Regulation Authority.

whether it has reduced the occurrence of the behaviours it seeks to deter.

The Council's website states that "*a review undertaken with community safety partners has found that the existing PSPO remains an effective tool against specific forms of anti-social behaviour*", yet no evidence has been provided to support this statement. Many councils have realised that PSPOs are a blunt instrument and only serve to "move" the problem to a nearby area. Indeed, research by criminologists in 10 towns in England and Wales have found that PSPOs "merely recycle the homelessness problem rather than go any way towards deterring – let alone preventing – the problems associated with homelessness."<sup>3</sup>

By way of comparison, we have found that other councils have relied on, and published, data, witness statements, police reports, surveys, impact assessments, and many other sources of information to justify the need for a PSPO before setting out a proposed order and starting a consultation. If the Council goes ahead with renewing this PSPO without sufficient evidence, then it will be unlawful and vulnerable to challenge in the High Court. If you assert that evidence has been considered, we request that you provide evidence to demonstrate that the renewal of the PSPO is necessary to prevent the 'antisocial' behaviours. Please do so without delay so that we may review it.

Furthermore, when considering any evidence, the Council should ensure that its consultation has heard a representative sample of views, including from those who will be negatively affected by the PSPO, who are likely to be among the most vulnerable and marginalised members of the community.

### 3. General concerns

Firstly, the presence of people living on the streets, who may be begging, is a symptom of poverty and of the detrimental impact of economic inequality and other factors, not the cause. The Council should liaise with local community partners to address the causes of poverty and homelessness; not renew a PSPO that targets and criminalises those living on the streets and in poverty, thereby simply moving the problem to a nearby area.

Secondly, The PSPO provisions below also constitute a potential interference with Article 8 and 10 of the European Convention on Human Rights ('the Convention'). Under s.6 of the Human Rights Act 1998, the Council must not act in a way which is incompatible with any rights contained in the Convention. Article 8 of the Convention grants the right to respect for family and private life. This extends to the protection of personal autonomy and can apply to activities conducted in public; this is especially true of homeless people whose scope for private life is highly circumscribed. Article 10 protects the right to freedom of expression. Any interference with this right must be '*in accordance with the law*', a concept which has been interpreted to mean that any relevant legal provision must be circumscribed with precision and allow sufficient foreseeability of its breadth and consequences. There is a clear risk that the terms included in the PSPO fail to satisfy this requirement and are therefore interfere with rights under Article 8 and 10.

We have set out below more detailed concerns that we have in respect of prohibition [1] relating to begging.

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<sup>3</sup> <https://www.theguardian.com/society/2022/sep/27/dispersing-homeless-people-fails-to-stop-antisocial-behaviour-finds-study>; accessed on 24 April 2023.

#### 4. Begging

- a. ***All persons are prohibited from approaching another person, either physically or verbally or sitting, laying or loitering in doorways or similar, or next to an ATM within the Restricted Area in order to beg from any other person, including by the use of signage, children, animals or any other means, in order to solicit monies from another other person or using any receptacle to contain monies for the purpose of begging.***

***This prohibition does not apply to any authorised collections made on behalf of a registered charity.***

We object to the proposal of the prohibition relating to begging for the reasons outlined below.

The Council is required by s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 to be satisfied on reasonable grounds that the conditions to implement the PSPO are met. The Council can only impose PSPO requirements that is reasonable to impose. It is clearly not reasonable to impose requirements that are simply not needed or could be addressed by more focused provisions of a PSPO.

Additionally, it is not reasonable (or efficient) to target those who are begging with fines that they cannot afford to pay. Indeed, it would be particularly cruel and perverse for those caught begging in violation of the PSPO to have to pay a fine using what little money they might have saved from charitable donations.

The Home Office's guidance "Anti-social Behaviour, Crime and Policing Act 2014 – Anti-social behaviour powers – Statutory guidance for frontline professionals" revised in March 2023 (the 'Statutory Guidance')<sup>4</sup> emphasises that the prohibited behaviour itself must be unreasonable, and that PSPOs should only be used to address any specific behaviour which is within the control of the person concerned.<sup>5</sup> Begging when in poverty is not in itself harmful or unreasonable, nor does that person have any other option where begging is their only means to provide for themselves.

The only method of enforcing a PSPO is by way of a Fixed Penalty Notice (an 'FPN') of up to £100 or, upon prosecution, a fine of up to £1,000. A PSPO does not give council officers, police officers or Magistrates any other additional powers, for example powers to require engagement with substance misuse services. However, this is not made clear in the consultation at all. Prosecution for breaching a PSPO cannot, other than in the most exceptional circumstances, lead to the imposition of a community sentence.

Begging is not anti-social behaviour: it is often an act of desperation. This PSPO draws some of the most vulnerable people into the criminal justice system. People who resort to begging are likely to do so because of poverty, addiction and/or mental health issues. They are also highly unlikely to be able to pay an FPN or a Magistrate's Court fine, and a resulting criminal record will not alleviate their poverty or address the underlying causes.

The prohibition on begging constitutes an interference with Articles 8 and 10 of the Convention and is therefore a breach of the Human Rights Act 1998. The measure interferes with these rights in two ways: firstly, begging is arguably an expression of poverty and disadvantage, and criminalising such conduct may undermine the right to freedom of expression under Article 10

<sup>4</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/956143/ASB\\_Statutory\\_Guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf), accessed 24 April 2023.

<sup>5</sup> Page 61.

of the Convention. Secondly, Article 8 of the Convention extends to the protection of personal autonomy and can apply to activities conducted in public. Begging is a form of interaction with others and, its criminalisation falls within the scope of the right to respect for private life in Article 8.

In a recent case in the European Court of Human Rights (ECtHR), a blanket ban on begging was held to be unlawful.<sup>6</sup> The court stated that the penalty given impaired the very “essence” of Article 8 and ultimately undermined “human dignity”; it had not been “proportionate either to the aim of combating organised crime or to the aim of protecting the rights of passers-by, residents and shopkeepers.”<sup>7</sup> In addition, the Court noted the opinion of the United Nations Special Rapporteur on extreme poverty and human rights, according to which the motivation to render poverty less visible in a town, and (thereby) to attract investment, is not compatible with a proper regard for human rights.<sup>8</sup> The Council should therefore be aware of the unlawful nature of its blanket ban on begging.

There are well-established links between homelessness and disability, based on a range of academic studies in this area. This is recognised in the Government’s September 2022, *Ending Rough Sleeping for Good*,<sup>9</sup> which states that “many people sleeping rough suffer from poor mental health and substance misuse.” Those who fail to engage with support services among the homeless and destitute are precisely those who are the most vulnerable; they should not be criminalised.

There is therefore a risk that this prohibition unlawfully discriminates against disabled people.

## 5. Rough Sleeping

The survey on the Council’s website asks whether “*in the last three years there has been any change in people lying in or sleeping in a public space*”. This appears as though the Council is asking for the public’s view as to whether rough sleeping should be addressed via the renewed PSPO. No proposed PSPO wording is set out; but we are very concerned that any such prohibition would unfairly target rough sleepers and those who are hungry and in most need of support, not criminalisation.

Like begging, rough sleeping is not anti-social behaviour. It is an act of sheer desperation. They should be offered any support they need– they should not be criminalised.

Any prohibition on living on the streets would also constitute an interference with Article 8 of the Convention. Local authorities are bound by s. 6 of the Human Rights Act 1998 not to act in any way which is incompatible with any rights contained in the Convention. Article 8 of the Convention extends to the protection of personal autonomy and can apply to activities conducted in public; this is especially true of the homeless whose scope for private life is highly circumscribed.

## **CONCLUSION**

The Council’s proposed renewal of the PSPO in Maidstone town centre is unreasonable and potentially unlawful. The PSPO would disproportionately interfere with people’s basic rights, including their right to inherent human dignity. It adds nothing to the fight to alleviate poverty.

<sup>6</sup> *Lăcătuș v. Switzerland* (application no. 14065/15) [19.01.2021], paras 115-117.

<sup>7</sup> *Ibid*, para 115.

<sup>8</sup> *Ibid*, para 113.

<sup>9</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102408/20220903\\_Ending\\_rough\\_sleeping\\_for\\_good.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102408/20220903_Ending_rough_sleeping_for_good.pdf), , accessed 24 April 2023.

# MAIDSTONE BOROUGH COUNCIL

## PUBLIC SPACES PROTECTION ORDER (the "Order")

### Begging and Street Drinking

#### (SECTIONS 59 AND 60 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014)

In exercise of its powers under sections 59 and 60 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") Maidstone Borough Council hereby makes the following extension to the existing 2017 Order "Maidstone Borough Council Public Spaces Protection Order – Begging and Street Drinking".

This order may be cited as the Maidstone Borough Council Public Spaces Protection Order – Begging and Street Drinking.

The Maidstone Borough Council ("the Council") having consulted with the relevant authorities and persons and being satisfied on reasonable grounds that activities, being begging or street drinking in the manner prohibited below, carried out or likely to be carried on in the public place as specified in Schedule 1 to this Order have had, or are likely to have, a detrimental effect on the quality of life of those in the locality and;

- Is, or is likely to be, of a persistent or continuing nature;
- Is, or is likely to be, unreasonable and
- Justifies the restrictions imposed

This Order shall apply to the parts of the area of the Maidstone Borough shown edged red on the plan attached at Schedule 1. (the "Restricted Area"), to which the public or a section of the public have access on payment or otherwise, as of right or by virtue of express or implied permission.

#### PROHIBITIONS / REQUIREMENTS:

##### 1. Begging

- a. All persons are prohibited from approaching another person, either physically or verbally or sitting, laying or loitering in doorways or similar, or next to an ATM within the Restricted Area in order to beg from any other person, including by the use of signage, children, animals or any other means, in order to solicit monies from another other person or using any receptacle to contain monies for the purpose of begging.

This prohibition does not apply to any authorised collections made on behalf of a registered charity.

##### 2. Street Drinking

- a. A person must not consume alcohol and as a result behave in a manner that has had, or is likely to have, a detrimental effect on the quality of life of those in the locality.
- b. Where an authorised person reasonably believes that a person is, or has been, consuming alcohol and behaving in a manner as set out in section 2(a). They may require a person not to consume alcohol in breach of the Order and or surrender a container for alcohol or anything the authorised officer reasonable believes to be alcohol.
- c. A person must, when requested to do so, surrender anything in their possession which is, or which the authorised person reasonably believes to be, alcohol or a container for alcohol.
- d. Should the same person continue to consume alcohol and act in the same manner as set out in 2(a) after having been asked to surrender any alcohol as set out in section 2(b), an authorised person may then require the person to cease consuming alcohol in the Restricted Area for a period of 24hrs. A person so requested must then cease to consume alcohol in the restricted area for the period directed.

This prohibition does not apply to alcohol being consumed within premises licensed under the Licensing Act 2003 or Section 115e of the Highways Act 1980 and does not constitute an alcohol ban but places restrictions on the consumption of alcohol where it is linked to anti-social behaviour in the Restricted Area.

## **DEFINITIONS:**

### **For the purpose of this Order:**

Public place means any place to which the public, or a section of the public, have access on payment or otherwise, as of right or by virtue of express or implied permission.

Alcohol is as defined by Section 191 of the Licensing Act 2003.

An authorised person means; Police Constable, designated Police Community Support Officer, or an officer with authority delegated by the Council.

Registered charity means a charity registered with the Charity Commission.

ATM means automated teller machine or cashpoint, being a machine that dispenses cash and/or facilitates other banking services.

## **OFFENCES AND FIXED PENALTY NOTICES**

1. Under Section 63 of the Act a person who fails without reasonable excuse to comply with a requirement imposed on him or her to surrender or cease to consume alcohol under 2 (b) or (c) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
2. Under Section 67 of the Act it is an offence for a person without reasonable excuse to:
  - i. Do anything that the person is prohibited from doing by the Order; or
  - ii. Fail to comply with a requirement to which the person is subject under the Order

(other than as 1. above whereby section 63 sets out the alcohol offence)

Any person who commits an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

3. In accordance with Section 68 of the Act, an authorised person may issue a Fixed Penalty Notice up to £100 to a person he has reason to believe has committed an offence under Section 67 or Section 63.

## **APPEALS:**

In accordance with Section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

## **SCHEDULE 1:**

Street plan of part of Maidstone Borough showing the Restricted Area edged in red.

**This Order shall be renewed on 01September 2023 and have effect for a period of 3 years.**

**The Common Seal of the  
Borough of Maidstone**

**was affixed in the presence of:**