

**Public Spaces Protection Order – Town Centre Extension**

<b>Final Decision-Maker</b>	Communities, Housing & Environment Committee
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community 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**

A report to request Committee authorise the Head of Housing and Community Services to extend the Public Space Protection Order (PSPO) for Begging and Street Drinking controls

**Purpose of Report**

Decision

**This report makes the following recommendations to this Committee:**

1. That the Committee give delegated authority to the Head of Housing and Community Services to extend the existing Public Space Protection Order for a further 3 years.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Communities, Housing & Environment Committee	25 August 2020

## Public Spaces Protection Order – Town Centre Extension

### 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>Keeping Maidstone Borough an attractive place for all. Securing a successful economy for Maidstone.</p> <p>PSPOs provide Councils with a flexible power to implement local restrictions to address the effect on quality of life caused by a range of anti-social behaviour issues in public places in order to prevent future problems and ensure safe and attractive environment.</p>	Head of Housing and Community Services
<b>Cross Cutting Objectives</b>	<p>The report recommendations support the achievements 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.</p>	Community Protection Manager
<b>Risk Management</b>	<p>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.</p>	Head of Housing and Community Services
<b>Financial</b>	<p>It is anticipated that the continued delivery of the PSPO will be resourced from within existing budgets.</p>	Section 151 Officer & Finance Team
<b>Staffing</b>	<p>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.</p>	Head of Housing and Community Services
<b>Legal</b>	<p>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.</p>	[Legal Team]

<b>Privacy and Data Protection</b>	Private information within 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 and the Council's Data Protection Policy.	Policy & Information Manager
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
<b>Public Health</b>	The Community Protection team is under the reporting line of the Head Housing and Community Services. The focus is strongly on preventative work that is intelligence driven so as to maximise the opportunities to reduces health inequalities in partnership with the police and other community safety related partners.	Community Protection Manager
<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 Community Services
<b>Procurement</b>	Appropriate procurement methods will used to procure consultation, publicity and signage.	Head of Housing and Community Services

## **2. INTRODUCTION AND BACKGROUND**

- 1.1 In June 2020 a [report](#) was brought to committee in relation to the Town Centre PSPO. Committee resolved that a further report be brought to Members to update on the consultation and to allow officers to investigate concerns raised by members. A separate report has been brought to Committee to support their request to seek opportunities for Members to be more involved in future enforcement decisions.

### **Further review of the proposed extension**

- 1.2 To address the concerns raised about engagement with all Wards within the footprint of the existing PSPO, all the associated Ward Members were contacted and provided an update on the PSPO process so far and our recommendation to extend the existing order for a further 3 years. The email provided members an opportunity to raise any concerns.
- 1.3 Only one response was received. The response asked for consideration to be given to including a rule to stop people going shirtless or vest-less. This was seemingly not publicly supported by any of the other Ward Members asked. The request was discussed with the police but it was not felt to fit with the statutory requirements of a PSPO or proportionate to the detrimental effect, and many of those who are seen to go shirtless are likely to be younger than the enforceable age of the PSPO.

### **Enforcement of the PSPO**

- 1.4 It was noted the perceived enforcement of the PSPO had not been as effective last summer as would have been hoped, with some issues with anti-social drinking still being seen in the town from time to time.
- 1.5 This perceived lull was reviewed with Kent Police and to build on the information provided in the previous report, enforcement may, in part, be linked to the availability of officers to enforce the PSPO effectively.
- 1.6 When the PSPO was first introduced in September 2017 it was proposed that the enforcement officers created in the Waste Crime Team would support the Community Protection Team in the enforcement of the PSPO. This would see these officers undertake this as part of their patrolling role in the town centre to tackle litter offences. This was because the Community Protection Team does not have sufficient capacity to enable routine patrolling of the town centre or the rest of the borough. The Community Protection Team are authorised to respond to issues around persistent begging and they administer the PSPO process, including the preparation of court case files for prosecution.
- 1.7 As detailed in the Waste Crime Team update [report](#) presented by Jennifer Shepherd in June 2020, the Waste Crime Team had changed their delivery of litter enforcement to refocussed onto litter from vehicles. Alongside some recruitment issues, the report outlined proposals for the enforcement officers to support enforcement around household duty of care, which the committee endorsed.

- 1.8 This has meant that the proactive enforcement of the PSPO has fallen largely to the town centre policing team, mainly their PCSOs, with the Community Protection Team undertaking the administration or issuing warnings when called to an issue. Prior to the Covid-19 lockdowns, we looked to improve our response to this by training the Business Improvement District (“One Maidstone”) Ambassadors to undertake a more active role in challenging the behaviour and referring offences through to the Community Protection Team or the police as necessary.
- 1.9 Also prior to Covid-19 the police were able to restore their town centre policing team to its full quota and now supported by the One Maidstone Ambassadors we are confident that this would redress the availability of resources to enforce the PSPO in partnership.
- 1.10 It should be noted though that the steps outlined in 2.8 and 2.9 may not necessarily increase the amount of reported offences. As detailed in the June report, much of the enforcement of the PSPO is undertaken in what we would refer to as an “informal phase”. The police often engage with individuals and ask them to surrender their alcohol and desist from their behaviour. Where this is complied with it is not necessarily recorded formerly but does not mean the PSPO isn’t being used effectively.
- 1.11 Members are asked that if they have concerns around the use of the PSPO , a particular incident or have other areas of concern, they should contact the Community Protection Manager directly as soon as possible so the issue can be investigated and recorded. Anecdotal reports and concerns from any area in the borough do not support officers in working with relevant partners to take the steps necessary to address those concerns, nor does it ensure we resource the issues correctly. To assist with this, the Community Protection team are looking to create “Ward Clusters” where Ward members will be invited to meet with the team and Kent Police to discuss their ongoing Community Safety/Nuisance concerns twice a year.

### **Wording of the PSPO**

- 1.12 The concern raised in relation to the wording of the PSPO has been revisited and the wording has been amended to ensure the measure is clear in what it is seeking to prohibit.

### **Public Consultation**

- 1.13 A public consultation on the proposed measures was run between 17th June and 7th August 2020. The survey also replicated survey questions previously asked when the PSPO was first introduced and asked those completing the survey whether the issues the PSPO seeks to change has changed as a result of the PSPO being introduced in 2017. 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.

1.14 There was a total of 1209 responses to the survey, there are 1065 weighted responses. The full consultation response can be found in appendix 1, however the findings are summarised as follows:

- People using or smoking legal highs in public was the behaviour that had the greatest proportion of respondents stating that this is worse than it was three years ago
- People lying or sleeping in a public place was the behaviour that had the greatest proportion of respondents expressing that this is better than it was three years ago and the greatest proportion that said 'Stayed about the same'
- The behaviours 'People using or smoking legal highs in public' and 'People using illegal substances (drugs) in public' had the greatest proportions responding, 'Don't know', with a third answering this way
- When asked about specific behaviour changes in the last three years, Economically Active respondents were consistently more likely to state that the behaviour being asked about had gotten worse in the last three years than Economically Inactive respondents
- The top themes arising from the comments about behaviours seen or experienced in the Town Centre were alcohol or drinking, drugs or illegal substances, shouting and rowdy people
- Support for both measures was strong with over nine in ten respondents supportive of continuing with measure 1 and over five out of six respondents in favour of continuing with measure 2
- The 18 to 34 years group had lowest proportions agreeing to renew both measures. Agreement with both measures increases with age

1.15 In interpreting these findings, it is clear that the proposed measures are strongly supported with 90% of respondents supporting the measure to control Street drinking in an anti-social manner and 83% supporting the measure to control begging. It also acknowledges the reduction in rough sleeping as a result of the Outreach service.

1.16 The report also highlights some of the concerns raised previously by the committee, including intimidating groups, drug taking/supply alongside some concerns around cleanliness. The survey results will be shared with the relevant departments and our partners.

1.17 Regarding intimidating groups, multiagency work is being undertaken to identify opportunities to disrupt persistent groups, many of which are younger than 16. This is an area impacted significantly by Covid 19. The pandemic has not only restricted many of the support services offered, there is also an apparent increase in risk taking behaviour in young people post lockdown. The police are recording a 97% increase in reported ASB since March 2020, a significant amount of which was in High Street Ward, which may have influenced respondents' opinion of post lockdown Maidstone.

1.18 Maidstone has the most proactive policing team in Kent when it comes to drugs and drug supply. Alongside a very effective Raptor team, who are a specialist team tackling the threat from County Lines, the Maidstone policing team boasts some of the highest stop search figures in the County. Searches are used for both possession of drugs and weapons and have been welcomed by the community, including the young people who are most commonly stop searched. The police have reported the following approximate figures:

1<sup>st</sup> Nov 2017 – 31<sup>st</sup> October 2018 – 580 stop searches completed

1<sup>st</sup> Nov 2018 – 31<sup>st</sup> October 2019 – 1101 stop searched completed

1<sup>st</sup> Nov 2019 – 30<sup>th</sup> June 2020 more than 1600 stop searches.

1.19 The UK Psychoactive Substances Act came into effect on the 26 May 2016, which banned New psychoactive substances (NPS), often known as 'legal highs' 'illegal legal' or 'illegal highs'. In the past NPS were often sold in the shops as research chemicals and advertised as 'not for human consumption' to get round the law. The legislation makes it an offence to produce, supply, offer to supply, possess with intent to supply, import or export (including over the internet) any psychoactive substances. Possession of a psychoactive substance is not an offence, except in a 'custodial institution' such as a prison or young offenders' institution, however buying with the intent to supply can carry a custodial sentence of 7 years. The introduction of this legislation meant that a legal highs measure under a PSPO, as seen in other local authorities prior to 2016, is not considered necessary.

1.20 Policing powers and multi-agency work is in place to tackle the points raised by 2.17 to 2.19, however the concerns raised will be discussed with partners around further works necessary to tackle these concerns. Work will also be undertaken to help manage perceptions and expectations through joined up communications.

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### 3. AVAILABLE OPTIONS

3.1 **Do Nothing** – Not extending 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 previous experience of the officers themselves. In addition, any new measures would need to be consulted on prior to implementation, which would delay implementation of the proposed measures.

- 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, this would be subject to a growth report and would be unlikely to be prioritised due to the financial pressures created by the Covid-19 pandemic.
- 3.4 **Authority given to Head of Housing and Community Services to extend 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, to authorise the Head of Housing and Community Services to extend the existing PSPO as detailed in Appendix 2.
- 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 with the increased support from Kent Police and One Maidstone we will ensure the message delivered remains clear.
- 4.3 The consultation response detailed in section 2 demonstrates public support for the proposed measures. It also demonstrates that some work is needed to reassure the public that steps have been taken to reduce issues around street begging and anti-social drinking.
- 4.4 The Community Protection are committed to working with Members to identify other areas of concern and to challenge persistent ASB and will shortly introduce Ward Clusters which will enable members to discuss their community safety concerns directly. One such Cluster will likely be made up of the Wards with the largest areas within the PSPO footprint.
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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. That consideration is shown throughout this report. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
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## **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 If authorised by the committee, the proposed order will be extended by the Head of Housing and Communities and sealed by Legal Services. The order will be published on our website and appropriate signage replaced in the areas covered by the order.

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## **8. REPORT APPENDICES**

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

- Appendix 1: Maidstone Town Centre Public Spaces Protection Order Consultation 2020
  - Appendix 2: Proposed PSPO Draft.
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## **9. BACKGROUND PAPERS**

20 September 2016 - Report of the Head of Housing and Community Services - Public Spaces Protection Order - Town Centre. Found [here](#)

30 June 2020 - Public Spaces Protection Order - Town Centre Extensional/Revision- Found [here](#)