

# 2<sup>ND</sup> AMENDED AGENDA

## POLICY AND RESOURCES COMMITTEE MEETING



Date: Wednesday 25 November 2015

Time: 6.30 pm

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Mrs Blackmore, Brice, Chittenden,  
Cox, Garland, Mrs Joy, McKay,  
McLoughlin, Munford, Naghi, Ross,  
Round, Sargeant, Mrs Stockell and  
Mrs Wilson (Chairman)

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members
5. Disclosures by Members and Officers

**Continued Over/:**

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**Issued on Wednesday 25 November 2015**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Caroline Matthews on 01622 602743**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

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 21 October 2015
9. Minutes of the Meeting held on 5 November 2015
10. Presentation of Petitions (if any)
11. Questions and answer session for members of the public (if any)
12. Reference from Heritage, Culture and Leisure Committee - Destination Management Plan
13. Report of the Head of Policy and Communications - Strategic Plan Performance Update - Quarter 2 2015
14. Report of the Head of Finance and Resources - Budget Monitoring 2nd Quarter 2015/16
15. **Urgent Decision Referral from Communities, Housing and Environment Committee 17 November 2015: Public Spaces Protection Order for Town Centre**

## POLICY AND RESOURCES COMMITTEE

**25 November 2015**

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

### Urgent Decision Referral from Communities, Housing and Environment Committee 17 November 2015: Public Spaces Protection Order for Town Centre

<b>Final Decision-Maker</b>	Policy and Resources Committee
<b>Lead Head of Service</b>	John Littlemore, Head of Housing and Community Services
<b>Lead Officer and Report Author</b>	Sarah Robson, Housing and Community Manager
<b>Classification</b>	Public
<b>Wards affected</b>	

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

The report is provided to the Committee to inform the debate on the referral under consideration and makes no recommendation. The Committee must choose to:

- Endorse the original decision; or
- Agree the proposed amendment as set out in the referral

#### **This report relates to the following corporate priorities:**

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

#### **Timetable**

<b>Meeting</b>	<b>Date</b>
Policy and Resources Committee	25 November 2015

# **Urgent Decision Referral from Communities, Housing and Environment Committee 17 November 2015: Public Spaces Protection Order for Town Centre**

## **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 This report relates to the referral to the Policy and Resources Committee of the decision of the Communities, Housing and Environment Committee at its meeting on 17 November 2015 made in relation to Agenda Item 13: Public Spaces Protection Order for Town Centre.
  - 1.2 The report sets out the desired outcome of the referral.
  - 1.3 The Policy and Resources Committee can decide to endorse the original decision of the Communities, Housing and Environment Committee or may substitute a different decision. The proposals set out at paragraph 5 below give the Policy and Resources Committee the ability to amend the original decision, by adding an agreement to start the process of considering whether PSPOs are also appropriate for rural areas of the Borough.
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## **2. REASONS FOR URGENCY**

- 2.1 The Communities, Housing and Environment Committee unanimously approved the recommendation for a borough wide consultation with regards to introducing a Public Spaces Protection Order in and around the town centre to commence on 30 November 2015 for an 8 week period. Any delay to the consideration of this decision referral will have a consequential effect on the period of consultation and subsequent implementation.

## **3. INTRODUCTION AND BACKGROUND**

- 3.1 In the last three years, the Council's preventative approach to ASB has led to a reduction in the number of incidents of ASB across the Maidstone Borough recorded by Police as a 25% drop over the three year period. However, Maidstone still has the 5th highest number of reported incidents in the County (after Thanet, Canterbury, Swale and Dover). Analysis of ASB including environmental nuisances across Maidstone, highlights that the High Street ward continues to experience the highest volumes, with Fant and Bridge wards seeing a significant increase.
- 3.2 As a Council, we are determined to reduce this figure further, and use the new tools and powers within the Anti-Social Behaviour, Crime and Policing Act 2014 to enhance the partnership approach where appropriate.
- 3.3 The Council continues to receive repeated complaints from residents, visitors and local businesses about unreasonable anti-social behaviour including street drinking, increased littering from legal highs (e.g.



empty laughing gas canisters) and verbal intimidation from the street population, including beggars and rough sleepers over the last year. Complaints showed that the anti-social behaviour was having a detrimental effect on the quality of life of those living in or using certain areas, reducing their ability to feel safe in, use or enjoy public spaces.

- 3.4 One of the key powers of interest to the Council, partners and the community is the Public Spaces Protection Order (PSPO). PSPO's are designed deal with a particular nuisance or problem in a specified area by placing conditions on the use of the area and providing sanctions for those that do not comply.
- 3.5 On 20 October 2014, the Government implemented most of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act"). The purpose of the Act is to give local authorities and others more effective powers to tackle anti-social behaviour (ASB), providing better protection for victims and communities.
- 3.6 Amongst these new tools and powers are Public Spaces Protection Orders (PSPO's), which are designed to control use of public spaces. It is for each individual Council to determine what behaviour(s) they want to make the subject of a Public Space Protection Order.
- 3.7 Public Space Protection Orders provide Councils with a flexible power to implement local restrictions to address a range of anti-social behaviour issues in public places in order to prevent future problems. An Order should help to significantly reduce incidents of relevant ASB in the area over the long-term and improve the quality of life for residents, visitors to the town and local businesses.
- 3.8 Local authorities can make an order as long as two conditions are met:

**First condition:**

Activities carried out in a public space within the local authority's area have had a detrimental effect on the quality of life of those in the locality, or;

It is likely that activities will be carried out in a public place within the area that will have such an effect.

**Second condition:**

The effect or likely effect of the activities:

Is, or is likely to be, of a persistent or continuing nature

Is, or is likely to be, such as to make activities unreasonable and Justifies the restrictions imposed by the notice.

- 3.9 Local authorities, when considering implementing a Public Space Protection Order, must have particular regard to the rights of freedom of expression and the freedom of assembly before making an order.
- 3.10 In terms of any consultation, local authorities must consult with the Chief

Officer of Police, the Police and Crime Commissioner, whichever community representatives the local authority deems appropriate and, as far as is reasonably practicable, with the owner or occupier of the land in question.

3.11 The local authority must also notify the County Council and any Parish Council (where appropriate) before making any Order.

3.12 The Order must identify and publicise (e.g. on social media and through the provision of public signage in the designated areas) the public space as a 'restricted area' and must prohibit specified activities being carried out in the restricted area (prohibitions), or require specified things to be done by persons carrying out specific activities in that area (requirements), or both.

3.13 Any prohibition or requirement must be reasonable and proportionate in order to prevent the detrimental effect from occurring or reoccurring, or must reduce the detrimental effect or reduce the risk of its occurrence, reoccurrence or continuance.

3.14 A prohibition or requirement may be framed so that it applies to all persons, persons in specified categories, or to all persons except those in specified categories. It can be applicable at all times, or only at specified times, or at all times except those specified. Also, so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified. Public Space Protection Orders can be made for a maximum of three years. The legislation provides that they can be extended at the end of the period, (if the authority is satisfied on reasonable grounds that it is necessary for various reasons), but only for a further period of up to three years. However, orders can be extended more than once. Local authorities can increase or reduce the restricted area of an existing order, amend or remove a prohibition or requirement, or add a new prohibition or requirement. They can also discharge an order but further consultation must take place for varying or discharging orders.

3.15 The orders can be enforced by Police Officers, and Council Officers and in relation to Fixed Penalty Notices or requirements not to consume alcohol authorised PCSOs

3.16 Before making the order the local authority must notify potentially affected people of the proposed order, inform those persons of how they can see a copy of the proposed order, notify them of how long they have to make representation, and consider any representations made.

3.17 Any interested person can challenge the validity of a Public Space Protection Orders in the High Court but the challenge must be made within six weeks of the making of the Order. An 'interested person' means an individual who lives in the restricted area or who regularly works in or visits that area.

3.18 It is proposed that the Council considers consulting upon a Public Space Protection Order to cover prohibiting the following activities, which will support the current efforts to improve town centre public spaces where

behaviours have a detrimental effect on the quality of life of those in the locality.

- 3.19 There are currently 4 key issues identified by the Council's Strategic Assessment, alongside Kent Police and other partners for the use of a PSPO to be investigated. These are begging, new emerging drugs, sleeping in a public space and drinking in a public space.
- 3.20 Advice received from national experts is that empirical evidence should be collated by the local authority and their key partners in order to support the requirement for the PSPO. The evidence should demonstrate the nature of the nuisance and their duration in order to satisfy the First and Second Conditions set out in paragraph 3.8 above.
- 3.21 Although this is the first PSPO the Council has considered, additional PSPOs could come forward where they are supported by the evidence to demonstrate that the terms of the PSPO are reasonable and proportionate to the activity the PSPO is seeking to address.
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#### **4. DESIRED OUTCOME OF REFERRAL**

- 4.1 The referral notification at Appendix A sets out the desired outcome. To assist the committee this is replicated below:

"That the Communities, Housing and Environment Committee receive a report setting out a strategic assessment of anti-social behaviour, crime and disorder for the rural areas of the borough and recommended action for reduction of these issues".

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#### **5. RESPONSE AND REASONS FOR RECOMMENDATIONS**

- 5.1 Recommendation 1 would allow the Council to move forward and conduct consultation with respect to the proposed Public Space Protection Order for Maidstone town centre within the boundary set out in the report to the Communities, Housing and Environment Committee and for the order to cover legal highs, particularly laughing gas users, street drinking, street begging and rough sleeping which have been identified from local crime or performance data as key issues for the town centre.
- 5.2 Recommendation 2 would both allow the Council to move forward with respect to the PSPO for Maidstone town centre and require a report to be presented to the Communities, Housing and Environment Committee concerning the strategic assessment of anti-social behaviour, crime and disorder for the rural area of the borough. In turn consideration can be given to the appropriateness of a PSPO and other interventions based on evidence relating to locations including Headcorn and Staplehurst.
- 5.3 Notwithstanding this, specific concerns about crime and disorder in any area of the borough should be highlighted to the Maidstone Community Safety Unit,

who can review and address issues on a case by case basis through normal, daily operational working channels.

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## 6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The Public Spaces Protection Order in the town centre will be subject to an 8 week public consultation from 30 November 2015 dependent on the decision to undertake this being endorsed by the Policy and Resources Committee
- 6.2 If recommendation 2 is agreed then an additional action will be undertaken to report the strategic assessment of crime and disorder for the rural areas of the borough to the Communities, Housing and Environment Committee.

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## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<b>Keeping Maidstone Borough an attractive place for all:</b> Public Space Protection Orders 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.	Head of Housing and Community Services
<b>Risk Management</b>	The management of Public Space Protection Orders will be subject to the current performance management arrangements within the service, with performance benchmarking as part of the process.	Head of Housing and Community Services
<b>Financial</b>	It is anticipated that implementation will be resourced from within existing budgets.  There may also be additional legal costs and costs associated with the introduction of the individual PSPOs. These will be looked at on a case by case basis as	Head of Finance and Resources

	<p>they occur. The payment of fixed penalty notices within the new regime will generate a small income for the council. This will be pooled with the existing FPN income from other enforcement activities and used to fund awareness campaigns and legal action as appropriate in the delivery of a cleaner, safer Maidstone.</p> <p>Initial costs of consultation of this type would be in the region of £500.</p> <p>Additionally, there is a cost of signage and promotion which could reach £5,000 and require on-going maintenance budgets if the order is approved. These costs will need to be met from within the Housing and Community Services existing budget.</p>	
<b>Staffing</b>	<p>Authorised officers will need to have completed appropriate training in order to be able to issue fixed penalties and deal with prosecutions.</p>	Head of HR Shared Service
<b>Legal</b>	<p>Legal implications for the process of consulting upon and implementing a PSPO are covered in the body of the report.</p> <p>Should an Order be implemented MKLS will need to be instructed to act in respect of any unpaid FPN and/or prosecution matters arising and resourced according to the volume of matters likely to arise.</p>	Head of Legal Partnership
<b>Equality Impact Needs Assessment</b>	<p>Incidents of ASB will continue to be dealt with in line with the emerging strategy and in line with our equalities framework.</p> <p>These legislative changes are designed to have a significant community impact in preventing and limiting anti-</p>	Policy & Information Manager

	social behaviour.  EQIA to support this report.	
<b>Environmental/Sustainable Development</b>	None.	Head of Housing and Community Services
<b>Community Safety</b>	The introduction of Public Space Protection Orders will contribute to making 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>Human Rights Act</b>	<p>The council must ensure that all statutory conditions are satisfied before a PSPO can be adopted and ensure it complies with its duties under the Equality Act 2010.</p> <p>The council must consider if the proposed PSPO will breach of the council's code of conduct – including disproportionate interference with a number of fundamental rights protected by the Human Rights Act.</p> <p>The council must ensure it balanced the problems of anti-social behaviour in its town centre with the rights of individuals</p>	Head of Housing and Community Services
<b>Procurement</b>	Appropriate procurement methods will used to procure consultation, publicity and signage.	Head of Finance and Resources
<b>Asset Management</b>	None.	Head of Housing and Community Services

## 7. REPORT APPENDICES

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

- Appendix A: Referral Form

- Appendices B-F: Appendices from original report to CHE – 17 November 2015
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## **8. BACKGROUND PAPERS**



# Decision Referral

**To:**

The Head of Finance and Resources

**Decision making body**

Communities, Housing and Environment Committee

**Decision made**

That, in principle, the Committee agrees to proceed with public consultation on the implementation of a Public Space Protection Order (PSPO). See Appendix 1 for proposed PSPO location map and boundaries, which incorporates the town centre (High Street ward), Whatman Park, (Bridge) and Riverside (Fant, South and Tovil) areas.

**Reason for referring the decision**

The decision supports a Borough-wide consultation to introduce a Public Space Protection Order (PSPO). However, the decision made by the Communities, Housing and Environment Committee only covers the town centre and certain urban wards.

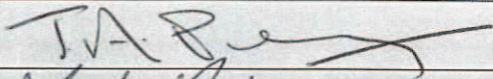
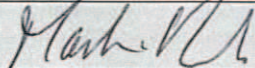
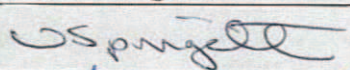
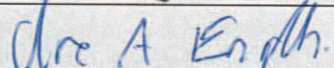
We welcome the proposals that have been put forward with respect to the town centre to address anti-social behaviour, crime and disorder there. However the report and decision of the Committee were silent with respect to these issues in other parts of the borough. This is unfortunate and we feel that the Committee should have received a borough-wide analysis of anti-social behaviour, crime and disorder including the rural area of the borough and brought forward strategies for addressing these issues for example in Headcorn and Staplehurst.



**Desired outcome (please give full details)**

That the Communities, Housing and Environment Committee receive a report setting out a strategic assessment of anti-social behaviour, crime and disorder for the rural areas of the borough and recommended action for reduction of these issues.

**Members calling in decision****Signed:**

<b>John Perry</b>	
<b>Martin Round</b>	
<b>Valerie Springett</b>	
<b>Clive English</b>	

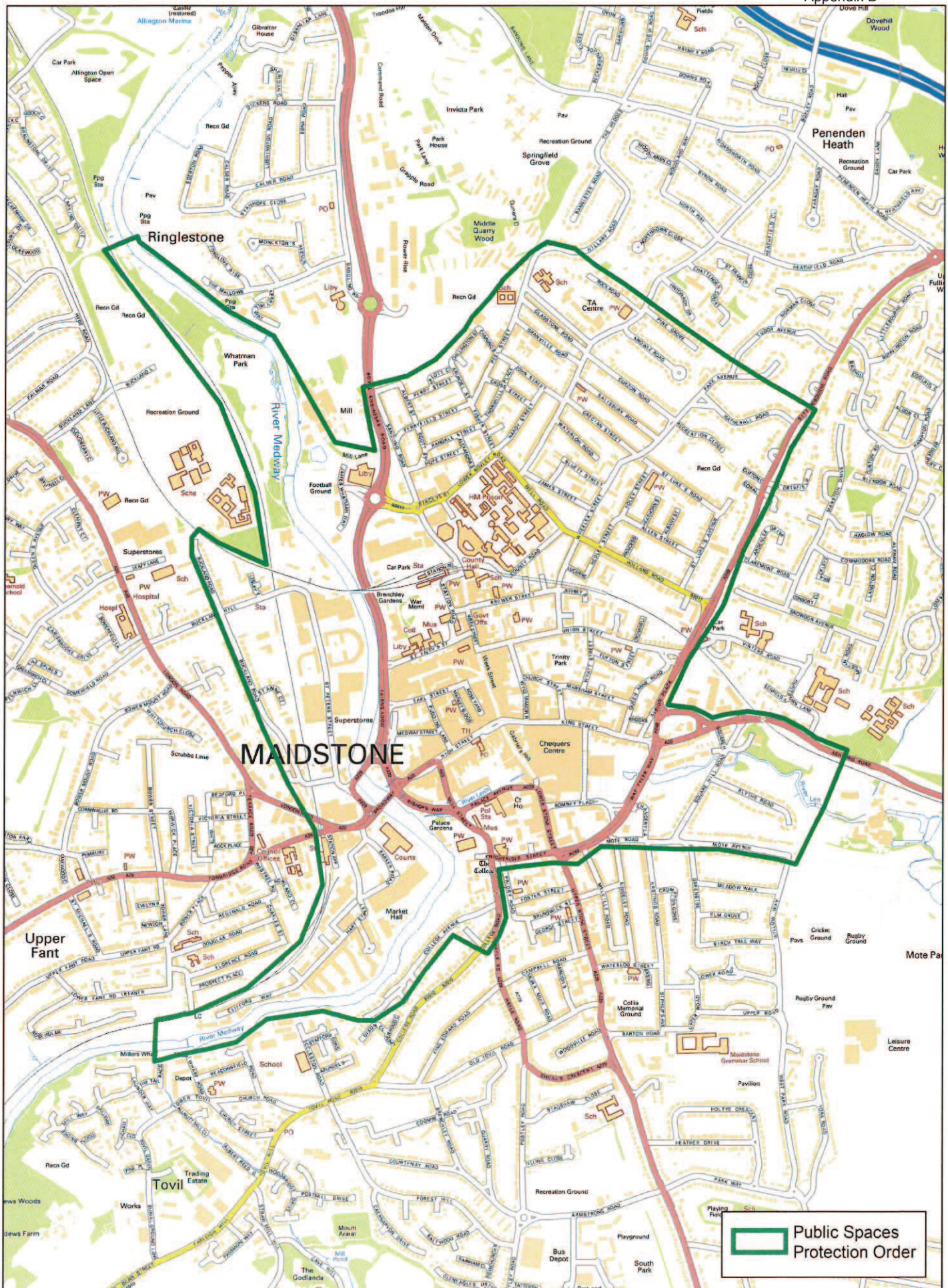
(3 signatories are required to refer a decision of a Service Committee to the Policy and Resources Committee. A decision of the Policy and Resources Committee for referral to Council requires 5 signatories in accordance with the Constitution's rules of procedure).

Please note that should new and relevant information come to light, or a more acceptable course of action be proposed which may resolve the matter to the satisfaction of the Committee, then a Committee Chairman, at the request of any three Councillors in writing, may choose whether to call another meeting of the original Committee to re-consider the decision within five working days of receipt of a referral. The referral to Policy and Resources or the Council would then fall away and the matter would be treated as having been dealt with by the original Service Committee. No further referral of the matter would be permitted.

**Committee (or Council) responsible for examining this decision**

Policy and Resources Committee



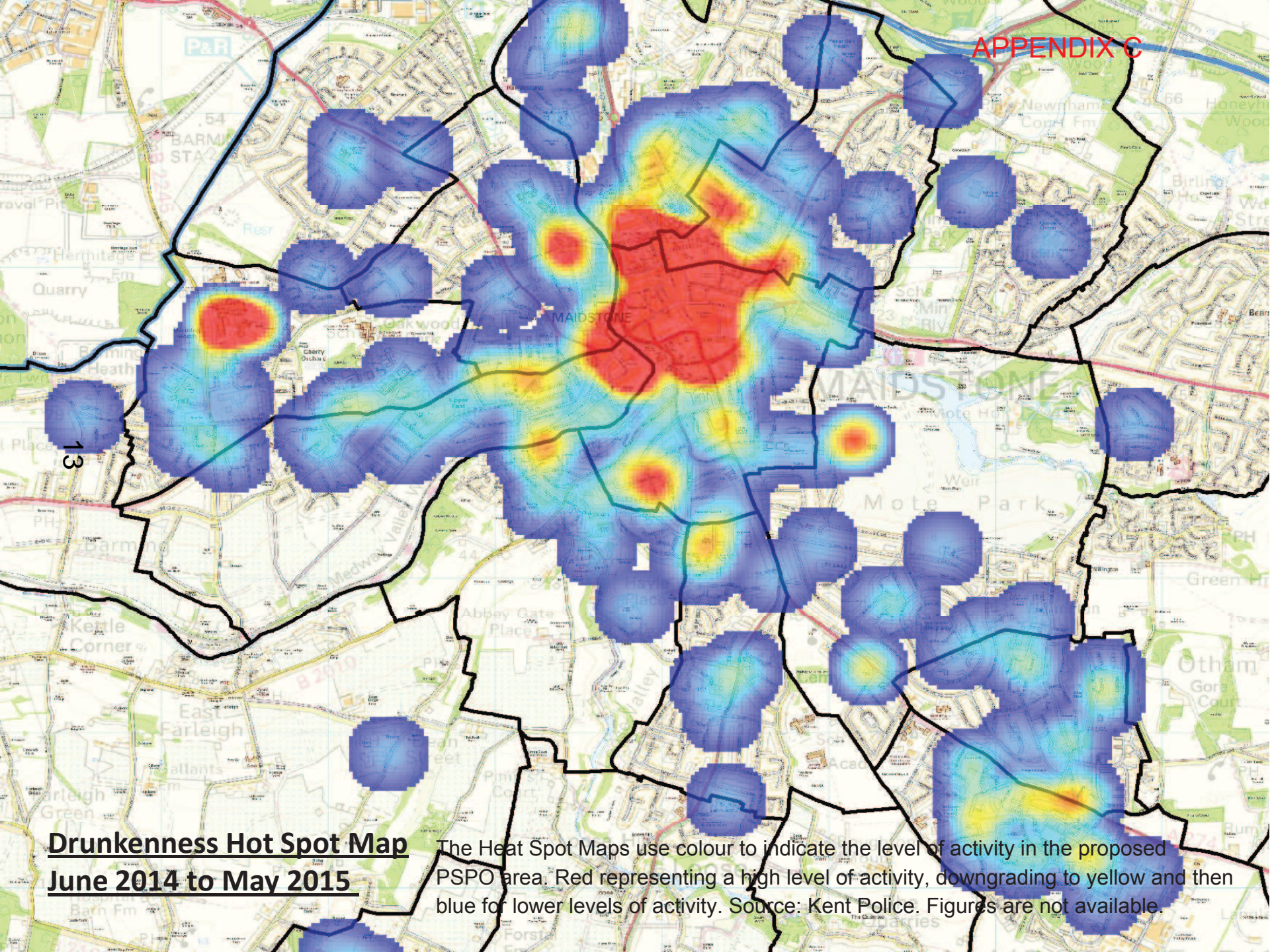


## Maidstone Town Centre



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**Drunkenness Hot Spot Map**  
**June 2014 to May 2015**

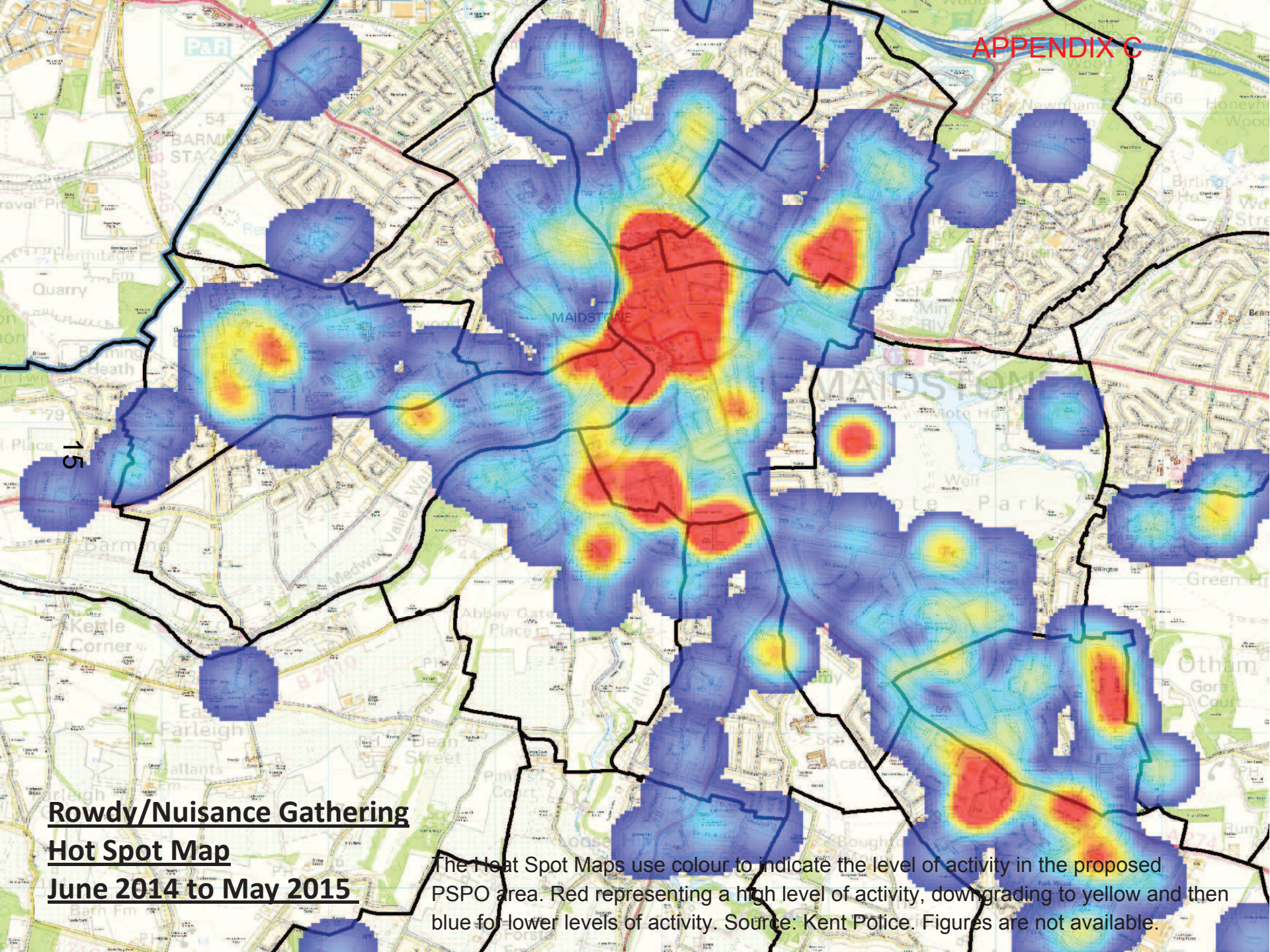
The Heat Spot Maps use colour to indicate the level of activity in the proposed PSPO area. Red representing a high level of activity, downgrading to yellow and then blue for lower levels of activity. Source: Kent Police. Figures are not available.



MAIDSTONE

The Heat Spot Maps use colour to indicate the level of activity in the proposed PSPO area. Red representing a high level of activity, downgrading to yellow and then blue for lower levels of activity. Source: Kent Police. Figures are not available.

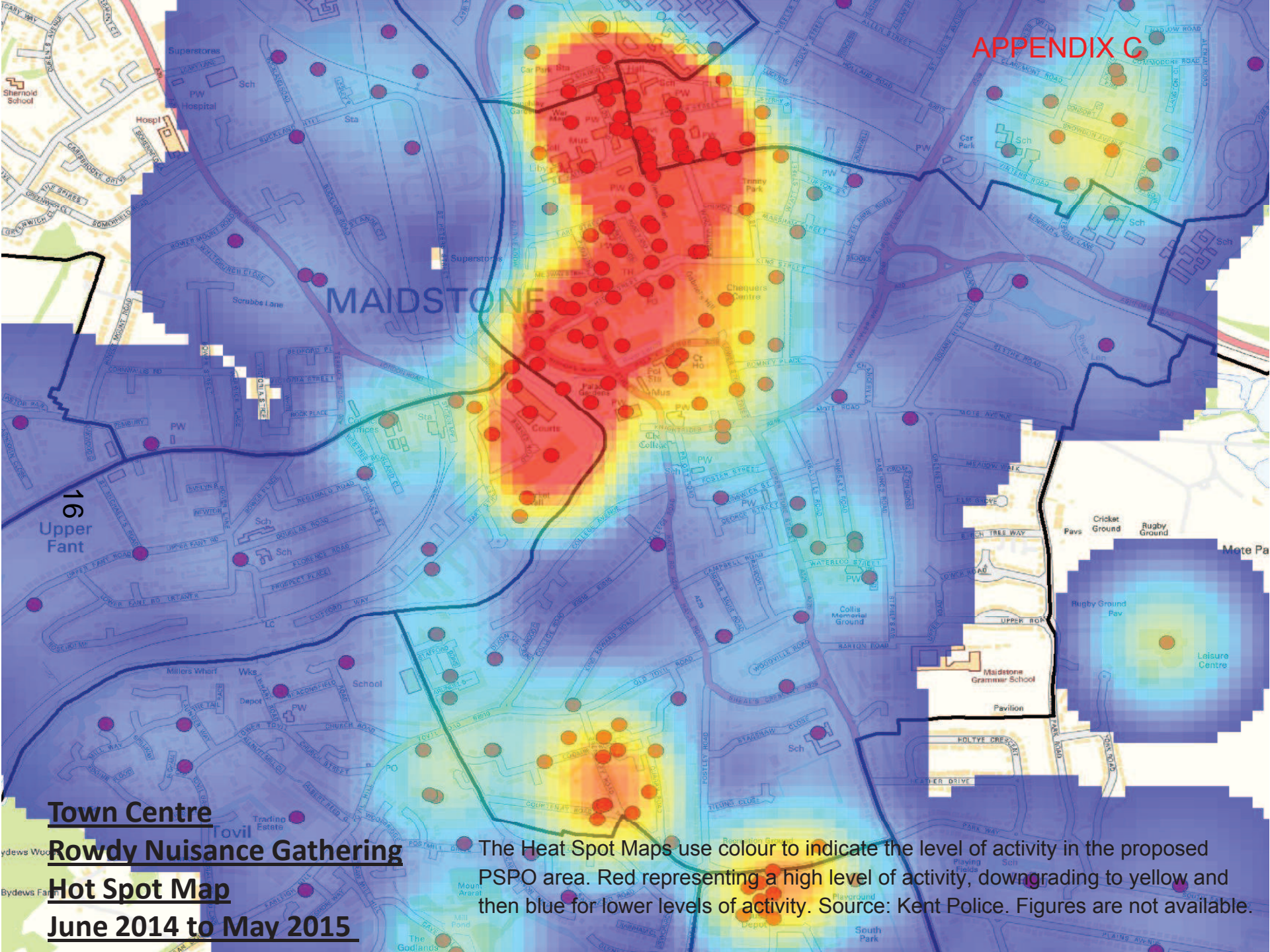




**Rowdy/Nuisance Gathering**  
**Hot Spot Map**  
**June 2014 to May 2015**

The Heat Spot Maps use colour to indicate the level of activity in the proposed PSPO area. Red representing a high level of activity, downgrading to yellow and then blue for lower levels of activity. Source: Kent Police. Figures are not available.





**Town Centre**

**Rowdy Nuisance Gathering**

**Hot Spot Map**

**June 2014 to May 2015**

The Heat Spot Maps use colour to indicate the level of activity in the proposed PSPO area. Red representing a high level of activity, downgrading to yellow and then blue for lower levels of activity. Source: Kent Police. Figures are not available.



**APPENDIX C**

**Rubbish Discarded Drugs**  
**Hot Spot Map**  
**June 2014 to May 2015**

The Heat Spot Maps use colour to indicate the level of activity in the proposed PSPO area. Red representing a high level of activity, downgrading to yellow and then blue for lower levels of activity. Source: Kent Police. Figures are not available.

**APPENDIX C**

**Rubbish Discarded Drugs**  
**Hot Spot Map**  
**June 2014 to May 2015**

The Heat Spot Maps use colour to indicate the level of activity in the proposed PSPO area. Red representing a high level of activity, downgrading to yellow and then blue for lower levels of activity. Source: Kent Police. Figures are not available.



## Town Centre

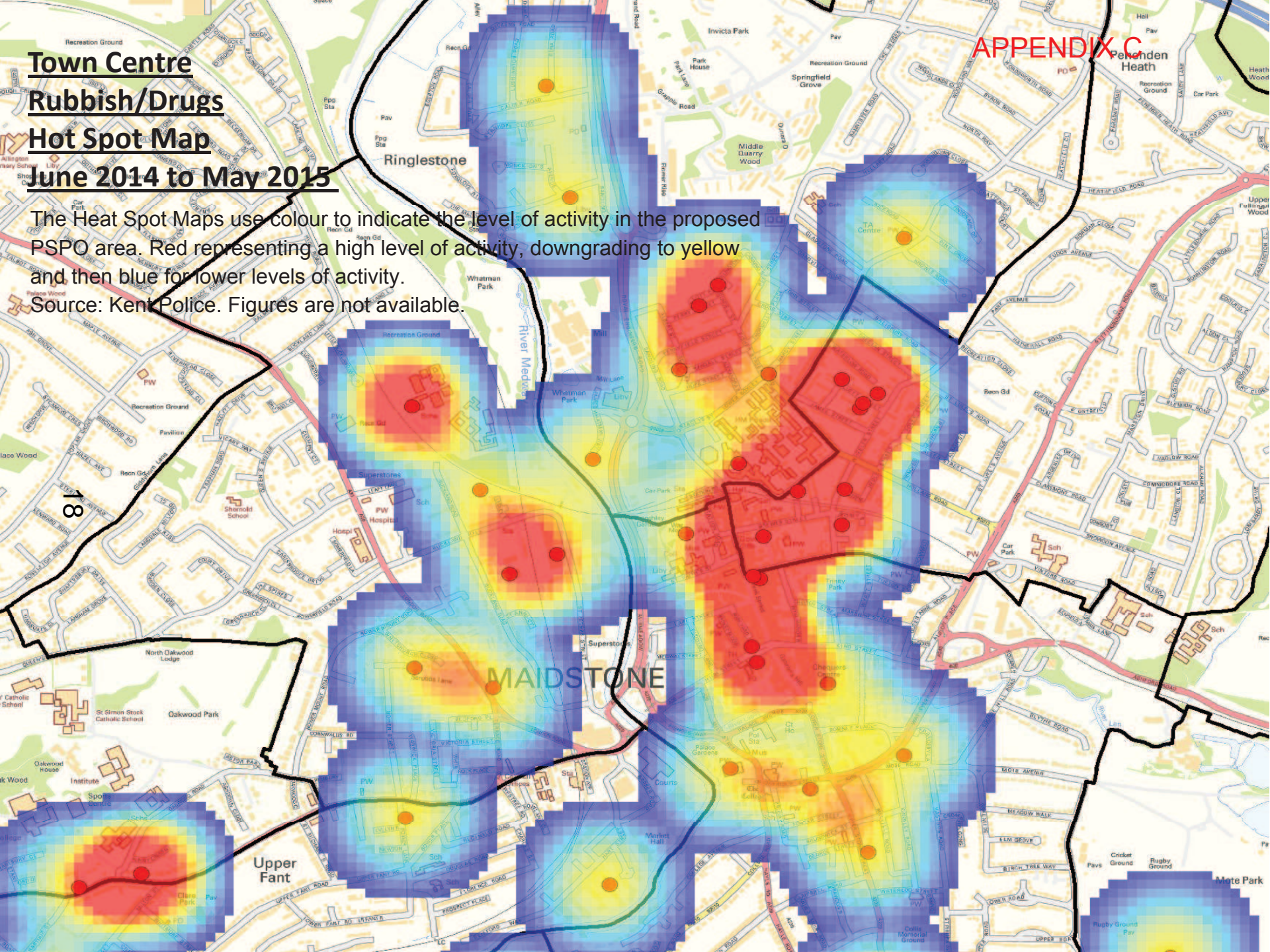
## Rubbish/Drugs

## Hot Spot Map

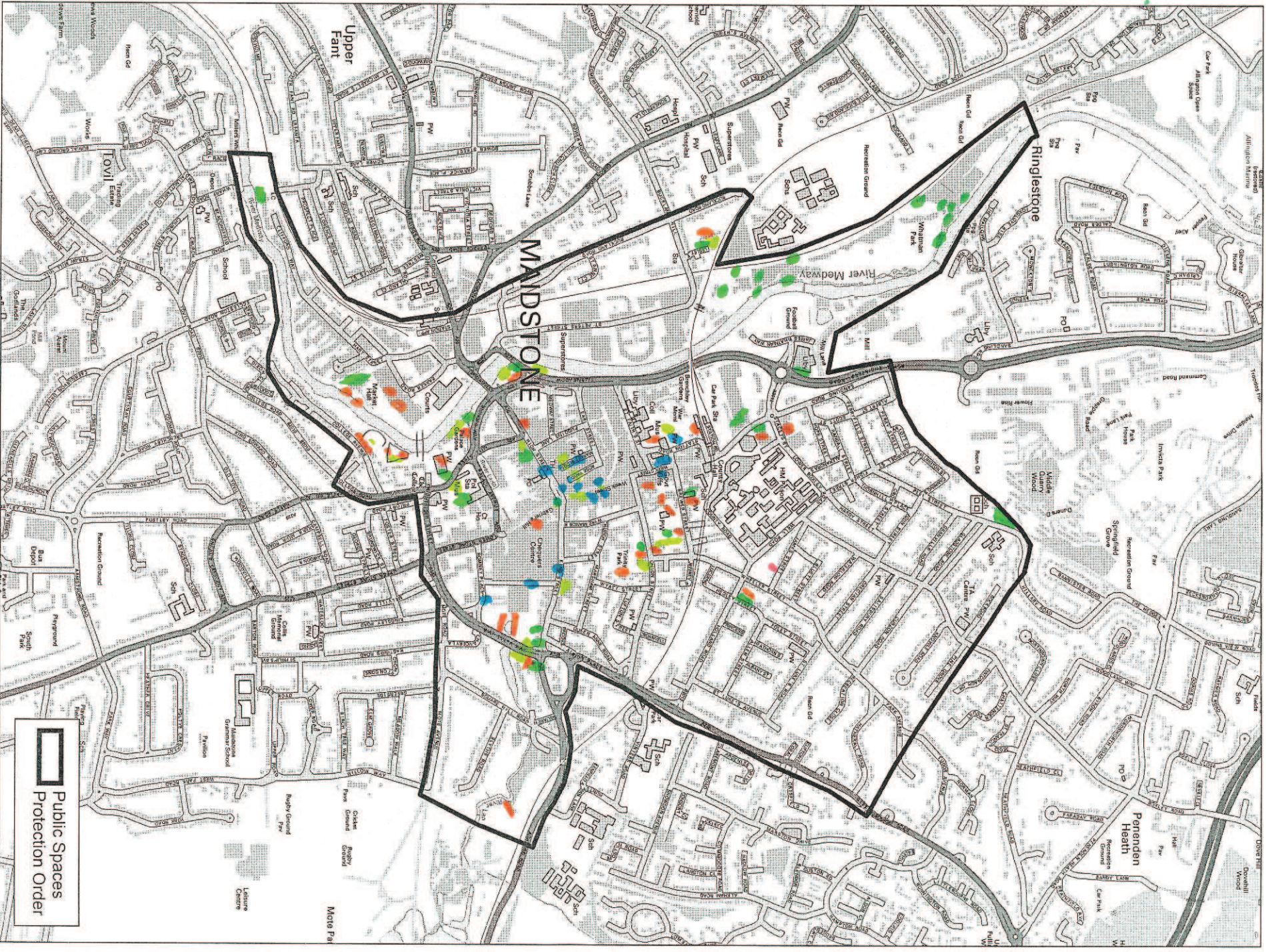
## June 2014 to May 2015

The Heat Spot Maps use colour to indicate the level of activity in the proposed PSPO area. Red representing a high level of activity, downgrading to yellow and then blue for lower levels of activity.

Source: Kent Police. Figures are not available.







Street Population locations

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### Maidstone town centre PSPO - Draft consultation timetable

In order to declare and implement any PSPO there are key tests, activities and decisions which need to be made in accordance with the Council's Scheme of delegation. In order for the Council to consider introducing a PSPO, the earliest potential timeframe is set out below;

<b>3 September 2015</b>	Inform the quarterly SMP meeting of the PSPO proposal	A number of agencies will be in attendance who will be affected by the PSPO and can feedback their opinions once consultation starts.
<b>17 November 2015</b>	PSPO report to Community, Housing & Environment committee	Communities, Housing and Environment Committee receive a report presenting the evidence and setting out the decisions it can take and the recommendation for undertaking the statutory consultation.  Once consultation has been approved, the website, online & paper questionnaires will have been ready in anticipation of the next stage.
<b>30 November 2015</b>	8 week statutory consultation period starts	During the consultation period, Kent Police and the Police and Crime Commissioner will be consulted directly with other key organisations and the public having the opportunity to submit their views in a variety of ways. This will include relevant Councillors, organisations and businesses through TCM/Maidsafe etc.
<b>25 January 2016</b>	8 week public consultation period ends	Collate data from the consultation questionnaires and comments, put together a report.
<b>March 2016</b>	Deliver results of consultation to the C, H & E committee	Consultation feedback is presented to Committee to decide whether there is a valid case for declaring a PSPO and adopting an appropriate enforcement process and penalties?  Decision to be made on whether to approve the PSPO based on the evidence presented to committee.
<b>May 2016</b>	Suggested Go live implementation date for the PSPO	Should Committee determine all tests have been achieved, it could then instruct officers to issue the prescribed Notice declaring a PSPO and to undertake all other necessary measures so that an Order could commence in May 2016.  Signage is erected at strategic spots around the town centre prior to this date publicising the content and area of the PSPO.



## **Appendix IV**

**Maidstone Borough Council**

**Proposal for Public Space Protection Order in Maidstone  
(town centre and surrounding areas)**

**Draft Questionnaire**



**Visit: [www.maidstone.gov.uk/consultations](http://www.maidstone.gov.uk/consultations)**

## Public Space Protection Order in Maidstone Consultation

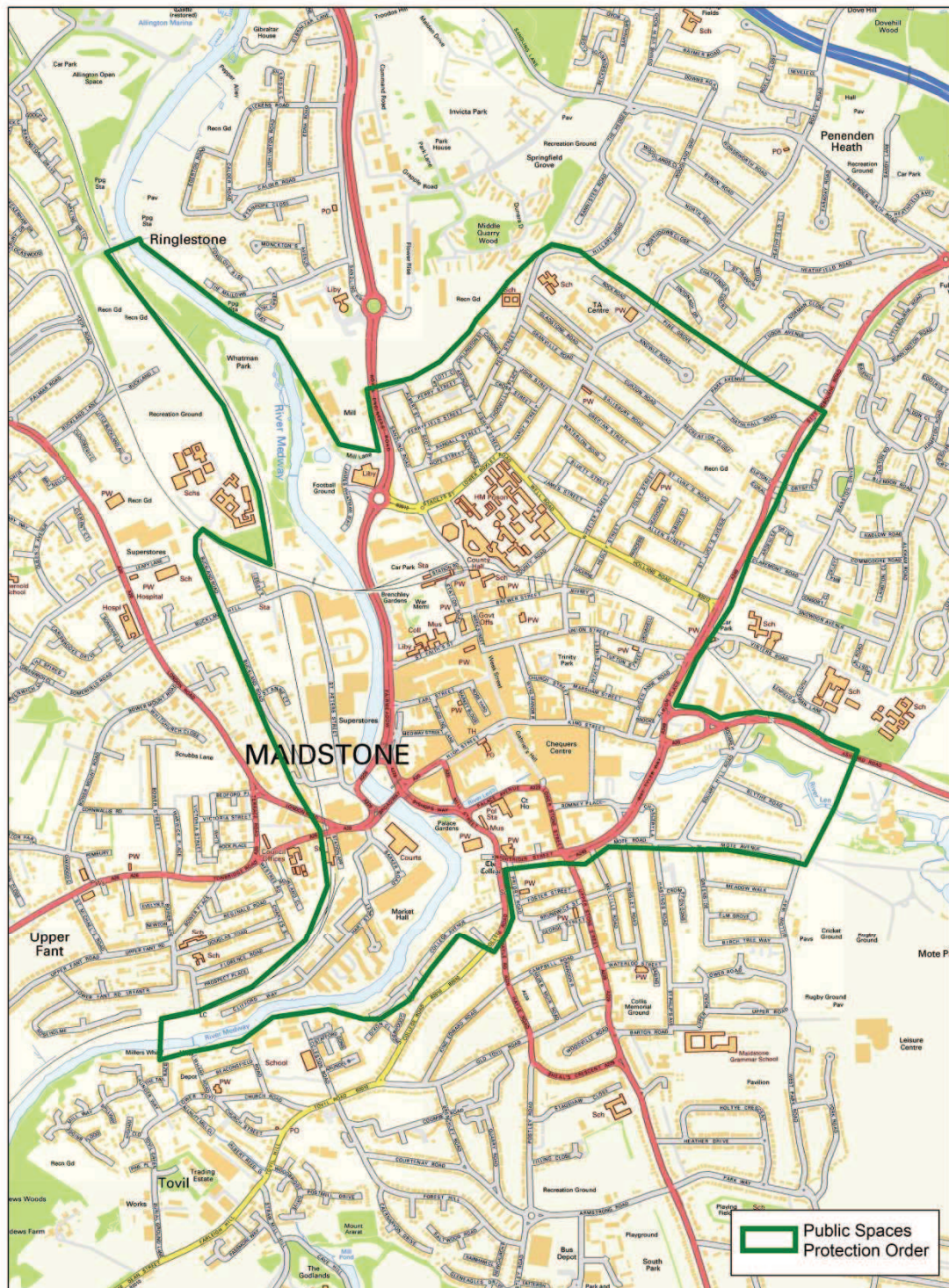
Maidstone Borough Council is consulting on a proposed Public Space Protection Order (PSPO) for Maidstone town centre and surrounding areas (see the marked area in the map below). This will allow the Council to introduce a range of measures to address anti-social behaviour (ASB) issues and help to improve community safety and the local environment in this area.

We would like to hear your views, so please complete this questionnaire **by midnight on 25 January 2016** and return it to: Public Space Protection Order Consultation, Nicolas Rathbone, Community Safety Unit, Maidstone Borough Council, Maidstone House, King Street, Maidstone Kent ME15 6JQ.

There is more information about this consultation and an **on-line version** of this questionnaire that you can find at: [www.maidstone.gov.uk/consultations](http://www.maidstone.gov.uk/consultations).

If you have any further questions please email Maidstone's Community Safety Unit at: [nicolasrathbone@maidstone.gov.uk](mailto:nicolasrathbone@maidstone.gov.uk) or call 01622 602658.

**Proposed Public Space Protection Order area** (area marked within green boundary line)



**Maidstone Town Centre**



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## How to complete this questionnaire

Please use a black or blue pen.

- Please read each question carefully and cross a box to indicate your answer for example, x
- If you make a mistake, just shade in the box and put a cross in the one you want.
- Some questions may ask you to write in a box. Please try to keep your answer within the space provided.
- If there are any questions you do not wish to answer, please feel free to leave them blank.
- If you are under 16 years of age, please ask your parent/guardian to add their signature at the end of this questionnaire.

**THANK YOU**



## QUESTIONNAIRE

<b>Q1 About you responding as a...? (please tick all that apply)</b>	
Local resident who lives in the marked area on the map (see page 3)	
Local resident who lives outside the marked area on the map (see page 3)	
Person who works in the marked area on the map (see page 3)	
Local business owner/manager	
Street entertainer in the marked area on the map (see page 3)	
Visitor to the marked area on the map (e.g. shopper, tourist)	
Local Borough, Parish or County Councillor	
Representative of a local community or voluntary group (Please state the name of the group below)	
Other (Please state below)	

<b>Q2 How often do you visit the marked area on the map (see page 3) in Maidstone?</b>			
	I live in the marked area on the map		Within the last six months
	Almost every day		Within the last year
	At least once a week		Longer ago
	About once a month		Never visited

<b>Q3 What do you use Maidstone town centre for? (Please select all that apply)</b>			
	Shopping		Family events and activities
	Bars/nightlife		Tourist attractions
	Restaurants/cafes		Work in Maidstone
	Entertainment/shows		Other
Other, please explain			

<b>Q4 How safe do you feel when outside DURING THE DAY in the area marked on the map? (see page 3). Please cross only one option.</b>			
	Very safe		Very unsafe
	Fairly safe		Don't know
	Neither safe nor unsafe		Not here during the day
If you answered 'fairly unsafe' or 'very unsafe' please tell us the reasons why.			

<b>Q5 How safe do you feel when outside in the EARLY EVENING (between 5.00pm-8.00pm) in the area marked on the map? (see page 3). Please cross only one option.</b>			
	Very safe		Very unsafe
	Fairly safe		Don't know
	Neither safe nor unsafe		Not here during the early evening
If you answered 'fairly unsafe' or 'very unsafe' please tell us the reasons why.			

**Q6 How safe do you feel when outside AFTER DARK in the area marked on the map? (see page 3). Please cross only one option.**

<input type="checkbox"/>	Very safe	<input type="checkbox"/>	Very unsafe
<input type="checkbox"/>	Fairly safe	<input type="checkbox"/>	Don't know
<input type="checkbox"/>	Neither safe nor unsafe	<input type="checkbox"/>	Not here during the after dark
If you answered 'fairly unsafe' or 'very unsafe' please tell us the reasons why.			

**Q7 How much of a problem, if at all, do you think each of the following are to people living or working in or visiting the marked area on the map? (see page 3).**

	A very big problem	A fairly big problem	Not a very big problem	Not a problem at all	Don't know/no opinion
People being drunk or rowdy in public spaces					
People (e.g. beggars) loitering in a public place					
People using or smoking legal highs in public					
People lying in or sleeping in a public place					
Other – please write in the space below					

**Q8 How have any of these issues or activities affected you in either a positive or negative way over the last 12 months when you have been in the area of Maidstone town centre and surrounding areas marked on the map? (see page 3).**

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**As mentioned, Maidstone Borough Council is considering a proposal to introduce a Public Space Protection Order (PSPO) for the area marked on the map on page 3. This will allow the Council to use a range of measures to address anti-social behaviour issues and improve public spaces in this area.**

**Measure 1: Introduction of No Alcohol Zones**

The PSPO proposes a prohibition on the drinking of alcohol within the specified area (see map on page 3), other than within the curtilage of public houses or licensed premises. A person seen to be consuming alcohol in this area will be 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.

**Do you support the use of a Public Space Protection Order to introduce No Alcohol Zones in the area outlined on the map? (see page 3). This would include streets, green areas and other public areas but not public houses, licensed premises or pavement cafes.** Please cross only one option.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

**Please say why**

**Measure 2: Deterring unauthorised collecting of money on the street or loitering for such purpose**

The Council is considering using the Public Space Protection Order to deter unauthorised street collections and begging. This measure means that no one will be able to make verbal, non-verbal or written requests for money or financial donations unless they are authorised e.g. authorised charity collections.

**Do you support the use of a Public Space Protection Order to deter the unauthorised collecting of money in public spaces and streets in the area marked on the map on page 3?** Please cross only one option.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

**Please say why**

**Measure 3: Deterring the use of psychoactive substances (Legal Highs)**

The Council is proposing to bring in measures to stop individuals using psychoactive substances, referred to as 'Legal Highs' and to make it an offence to possess items used to administer such substances. This does not include tobacco or prescription medicine.

**Do you support the use of a Public Space Protection Order to deter people using or carrying items used to administer Legal Highs in public spaces in the area marked on the map on page 3?** Please cross only one option.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

**Please say why**

**Measure 4: Deterring people from lying in or sleeping on the street**

The Council is proposing to use the Public Space Protection Order to deter any person from sleeping in public spaces (either in the open air or within a vehicle or other non-fixed structure e.g. caravan or tent) without prior permission. This will include shop doorways and car parks. A small number of people have been found lying or sleeping in public spaces in Maidstone town centre and surrounding areas. The Council's primary concern is to keep people safe and in particular, to offer advice and assistance to those who find themselves without accommodation and who may be vulnerable. Officers will signpost those found lying or sleeping in public spaces without permission to local services and agencies that may be able to help them. However, there are some people lying or sleeping in the street who do not wish to engage with the support services offered to them, are resistant to accepting any advice or assistance and who sometimes have accommodation.

The Order will make it an offence for these individuals to continue to lie or sleep in the street **but this will only be enforced as a measure of last resort and individual circumstances will always be taken into consideration.**

**Do you support the use of a Public Space Protection Order to deter people lying or sleeping in public spaces without prior permission in the area marked on the map on page 3?** Please cross only one option.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

**Please say why**

**Q9 Do you have any further comments to make about any of these proposals?**

**Thank you for responding**

**Safer Maidstone Partnership  
2015**

**About You**

The following questions are to help us understand how a Public Space Protection Order would impact different groups of people. You can leave blank any questions that you do not want to answer. You do not have to provide your name and we will keep all of your information secure and strictly confidential. However, if you are happy to be contacted regarding this consultation, please feel free to provide your name and either a telephone number or email address.

**Note: If you are answering on behalf of a community or voluntary group, then you don't need to complete this section.**

<b>What is your postcode?</b>	
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**Are you?** Male ☐ Female ☐

**Age group.** Please cross one option only.

I am under 16 ☐ Signature of parent/guardian: .....

16-24 ☐

25-34 ☐

35-44 ☐

45-64 ☐

65-74 ☐

75/+ ☐

**Are your day to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? This includes problems related to old age. Please cross one option only.**

Yes ☐ No ☐

**Please tell us about any disabilities that you may have. Please cross all that apply.**

☐ Physical impairment that causes mobility issues (e.g. wheelchair user)

☐ Mental health issues

☐ Learning disability or difficulty

☐ Visual impairment

☐ Hearing impairment

☐ Long-standing illness or health condition

☐ Other – please tell us in the box below:

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**What is your religion?** Please cross one option only.

☐ Christian

☐ Buddhist

☐ Hindu

☐ Sikh

☐ Jewish

☐ Muslim

☐ None

☐ Prefer not to say

☐ Other (Please state below)

**What is your ethnic background?** Please cross one option only.

**White**

- ☐ English/Welsh/Scottish/N. Irish/British  
☐ Irish  
☐ Any other White background (Please state): .....

**Asian or Asian British**

- ☐ Indian  
☐ Pakistani  
☐ Bangladeshi  
☐ Chinese  
☐ Any other Asian background (Please state): .....

**Black or Black British**

- ☐ Caribbean  
☐ African  
☐ Any other Black background (Please state): .....

**Mixed**

- ☐ White and Black Caribbean  
☐ White and Black African  
☐ White and Asian  
☐ Any other Mixed background (Please state): .....

**Travelling community**

- ☐ Gypsy/Roma  
☐ Traveller of Irish descent  
☐ Other member of the travelling community (Please state): .....

**Other ethnic group**

- ☐ Arab  
☐ Other ethnic group (Please state): .....

**Optional**

Name	Telephone Number/Email Address

**Thank you for completing this questionnaire. Please return it by post or hand to the following address by midnight on 25 January 2016.**

Public Space Protection Order Consultation, Nicolas Rathbone, Community Safety Unit, Maidstone Borough Council, Maidstone House, King Street, Maidstone Kent ME15 6JQ.



## Equality Impact Assessment Tool

### Conducting an Equality Impact Analysis

An EIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative or unlikely to have a significant impact on each of the protected characteristic groups.

The public sector equality duty (PSED) highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

1. **Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;**
2. **Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
3. **Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against the three tenets of the Equality Duty.

Section 1: Overview	Details of Full Equality Impact Analysis
Financial Year and Quarter	2015 – 2016 Quarter 3
Name and details of policy, strategy, function, project, activity, or programme	<p><b>Title of EIA:</b> Public Space Protection Order (PSPO) 2015</p> <p><b>State whether new or existing:</b> New</p> <p><b>Short summary:</b> Maidstone Borough Council is considering consulting on a Public Space Protection Order (PSPO) for a specific area including the town centre and parts of surrounding wards (Bridge, South, High Street, Fant, Bridge, East, North), to give the Council greater powers in relation to dealing with anti-social behaviour in public spaces within its town centre. The purpose of this PSPO is to prohibit street begging, sleeping in public spaces and the consumption of alcohol and legal highs in specified public spaces identified as suffering from anti-social street drinking.</p> <p>By virtue of Chapter 2 of the Anti-social Behaviour, Crime and Policing Act 2014, a</p>

	<p>local authority can make a PSPO if satisfied, on reasonable grounds that the following two conditions are met:</p> <p>(1) that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect.</p> <p>(2) that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature; is, or is likely to be, such as to make the activities unreasonable; and justifies the restrictions imposed by the notice.</p> <p><b>How do these fit with the wider aims of the organization?</b>  <b>Keeping Maidstone Borough an attractive place for all:</b> The introduction of a Public Space Protection Order will create safer communities and deter and reduce crime and anti-social behaviour. Perpetrators of ASB will be dealt with effectively and the victims of ASB are supported. This will support the achievement of lower levels of ASB and crime and in turn contribute to a safer town centre.  <b>Securing a successful economy for Maidstone:</b> the order would support the Purple Flag initiative and the ongoing policy to support and enhance the town centre through regeneration, investment and management.</p>
<b>Lead Officers</b>	<p>Sarah Robson  Housing and Community Manager  <a href="mailto:sarahrobson@maidstone.gov.uk">sarahrobson@maidstone.gov.uk</a>  01622 602827</p>
<b>Date of completion of final Full EIA</b>	<p>(before consultation starts) 30 September 2015</p>

<b>Section 2</b>	<b>Scoping of full EIA</b>
<b>Who will be affected by this strategy, policy, plan, project, contract or major change to your service?</b>	Residents, visitors and staff will be affected by the consultation exercise. However, if a PSPO is approved (following the consultation), the specific client groups to be affected will include street population, street drinkers, street beggars and consumption of legal highs in public spaces.
<b>What type of strategy, policy, plan, project, contract or major change to your service is this?</b>	New
<b>Responsible directorate and service</b>	<b>Directorate:</b> Regeneration and Communities <b>Service:</b> Housing and Community Services
<b>Are other departments or partners involved in delivering this strategy, policy, plan, project, contract or major change to your service?</b>	Yes. Kent Police, MBC Environmental Enforcement and Community Safety teams, voluntary and community sector.
<b>Plan for completion</b>	Undertake a public consultation exercise on the Council's proposal for a PSPO in order to gather evidence to support any future decision.
<b>Key Decision Report (if relevant)</b>	Date of report to Communities, Housing and Environment Committee: 17/11/15 Key equalities issues have been included: Yes
<b>Analysis of impact and outcomes</b>	The data from Maidstone Borough Council, Kent Police, Town Centre Management, community support services and customer complaints suggest the issue of anti-social street drinking, consumption of legal highs, street begging and rough sleeping, reduces the quality of life for those who live, work or visit in and around the town centre (High Street ward), Whatman Park (Bridge) and Riverside (Fant, South and Tovil) areas. The proposed PSPO would concentrate on these areas.
<b>Analyse the impact of the policy, strategy, function, project, activity, or programme</b>	Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral or negative impact on equality, giving due regard to relevance and proportionality.  Please list and explain how this strategy, policy, plan, project, contract or major change to your service could <b>positively</b> or <b>negatively</b> affect individuals from the following equalities groups.

	<p>When answering this question, please think about:</p> <p>The results of relevant consultation that you or others have completed (for example with residents, people that work in or visit Maidstone, service users, staff or partner organisations).</p> <ul style="list-style-type: none"> <li>• Complaints information.</li> <li>• Performance information.</li> <li>• Information about people using your service (for example whether people from certain equalities groups use the service more or less than others).</li> <li>• Inspection results.</li> <li>• Comparisons with other organisations.</li> <li>• The implementation of your piece of work (don't just assess what you think the impact will be after you have completed your work, but also think about what steps you might have to take to make sure that the implementation of your work does not negatively impact on people from a particular equality group).</li> <li>• The relevant premises involved.</li> <li>• Your communications.</li> <li>• National research (local information is not always available, particularly for some equalities groups, so use national research to provide evidence for your conclusions).</li> </ul>
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Protected characteristic	Potential impact
<b>Age</b> (any group of people of a particular age, including younger and older people – in particular, please consider any safeguarding issues for children and vulnerable adults)	Impact neutral
<b>Disability</b> (including people with a physical impairment, sensory impairment, learning disability, mental health problem or other condition which has an impact on	The PSPO will affect those with poor physical and mental health, along with dependency issues (substance misuse), which are known problems for the street population community and can be the reason that led to someone becoming homeless.

their daily life)	
<b>Gender</b>	Impact neutral
<b>Pregnancy and maternity</b>	Impact neutral
<b>Transgender</b> (including gender re-assignment)	Impact neutral
<b>Marriage and Civil Partnership</b>	Impact neutral
<b>Race or Ethnicity</b>	<p>The notice may not be understood by those who language is not English, or who cannot read.</p> <p><b>It should be recognised that:</b></p> <ul style="list-style-type: none"> <li>• Both the police and council officers undergo diversity awareness training and are aware of their organisation's equal opportunities and diversity policies and procedures.</li> <li>• Romany Gypsies and Irish Travellers are legally recognised as ethnic groups, and protected from discrimination by the Race Relations Act (1976, amended 2000) and the Human Rights Act (1998).</li> </ul>
<b>Religion or Belief</b>	Impact neutral
<b>Sexual Orientation</b>	Impact neutral
<b>Other factors that may lead to inequality</b> – in particular – please consider the impact of any changes on low income groups or those experiencing the impacts of poverty (please state):	<p>The PSPO targets the street population community, as it is aimed at addressing anti-social street drinking, consumption of legal highs and street begging, which, has a detriment on quality of life for those who live, work or visit the proposed PSPO area.</p> <p>The PSPO is aimed at an identified cohort of Maidstone's street population, who play a detrimental part in reducing the quality of life, causing significant ASB and nuisance in the town centre, including defecation in public spaces, drunk and disorderly behaviour and used drug paraphernalia discarded in parks and children's play areas, alongside damage and vandalism to business premises. This group has been identified and continues to be engaged with through the street outreach team, but with no success to date. Continued intervention and recovery support offered through the partners.</p>
<b>Additional comments</b>	The Council has already taken a number of steps to tackle street population anti-social behaviour in the town centre and surrounding areas and a range of services are provided by the Council and its partners to support those who are homeless or



	<p>who have alcohol and drug dependency problems. There has been much improvement in the last 2 years with anti-social behaviour incidents generally going down in the borough. However, anti-social behaviour linked to street population issues (monitored through data on alcohol, homeless, begging) remains an area of focus and complaint and continues to represent a high level of incidents in the identified locations.</p>
<b>Conclusions and next steps</b>	<ul style="list-style-type: none"> <li>• If you have not identified any negative impacts, please sign off this form.</li> <li>• If you have identified potential negative actions, you must complete the action plan at the end of this document to set out how you propose to mitigate the impact. If you do not feel that the potential negative impact can be mitigated, you must explain why that is the case.</li> <li>• If there is insufficient evidence to say whether or not there is likely to be a negative impact, please complete the action plan setting out what additional information you need to gather to complete the assessment.</li> </ul>

<b>Action Plan</b> <b>EQIA Title: Public Spaces Protection Order</b> (town centre and parts of surrounding wards (Bridge, South, High Street, Fant, Bridge, East, North)) <b>Date of assessment:</b> 30 September 2015 <b>Note:</b> you will only need to use this section if you have identified actions as a result of your analysis.	
<b>Age</b>	
<b>Disability</b>	<p><b>Details of possible disadvantage or negative impact:</b> The PSPO will affect those with poor physical and mental health, along with dependency issues (substance misuse), which are known problems for the street population community and can be the reason that led to someone becoming homeless.</p> <p><b>Action:</b> Ensure Street Population community have continued access to Maidstone Housing Assertive Outreach Officer and referrals into community services (e.g. CRI drug and alcohol support and the mental health support team)</p> <p><b>Officer responsible for progressing the action:</b> Nic Rathbone, Community Safety Partnerships Officer</p> <p><b>Date action to be completed by:</b> 31 March 2016 (to be reviewed 6 monthly)</p>
<b>Gender</b>	
<b>Pregnancy and maternity</b>	
<b>Transgender</b>	
<b>Marriage and Civil Partnership</b>	
<b>Race or Ethnicity</b>	<p><b>Details of possible disadvantage or negative impact:</b> Those who first language is not English or who cannot read will be unable to understand the notice</p> <p><b>Action:</b> The notice will have a clear pictorial representation showing that drinking alcohol is not permitted in the area.</p> <p><b>Officer responsible for progressing the action:</b> Nic Rathbone, Community Safety Partnerships Officer</p> <p><b>Date action to be completed by:</b> 31 March 2016 (to be reviewed 6 monthly)</p>
<b>Religion or Belief</b>	
<b>Sexual Orientation</b>	
<b>Other factors that may lead to inequality</b>	<p><b>Details of possible disadvantage or negative impact:</b> The PSPO targets the street population community.</p> <p><b>Action:</b> The prohibition on the consumption of alcohol, legal highs, begging or sleeping in the specified public spaces applies generally, though the actual</p>

	<p>enforcement of any breach of the PSPO (for example, a person has not stopped drinking or given up an alcoholic drink when asked to do so or a prolific rough sleeper will not engage with community support services being offered) will be down to the constable or enforcement officer, who will enforce proportionately, assessing each breach on a case-by-case basis.</p> <p><b>Officer responsible for progressing the action:</b> Nic Rathbone, Community Safety Partnerships Officer</p> <p><b>Date action to be completed by:</b> 31 March 2016 (to be reviewed 6 monthly)</p>
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