

MAIDSTONE BOROUGH COUNCIL

Communities, Housing and Environment Committee meeting as the

Crime & Disorder Overview and Scrutiny Committee

Tuesday 25 September 2018

PSPO: One Year On

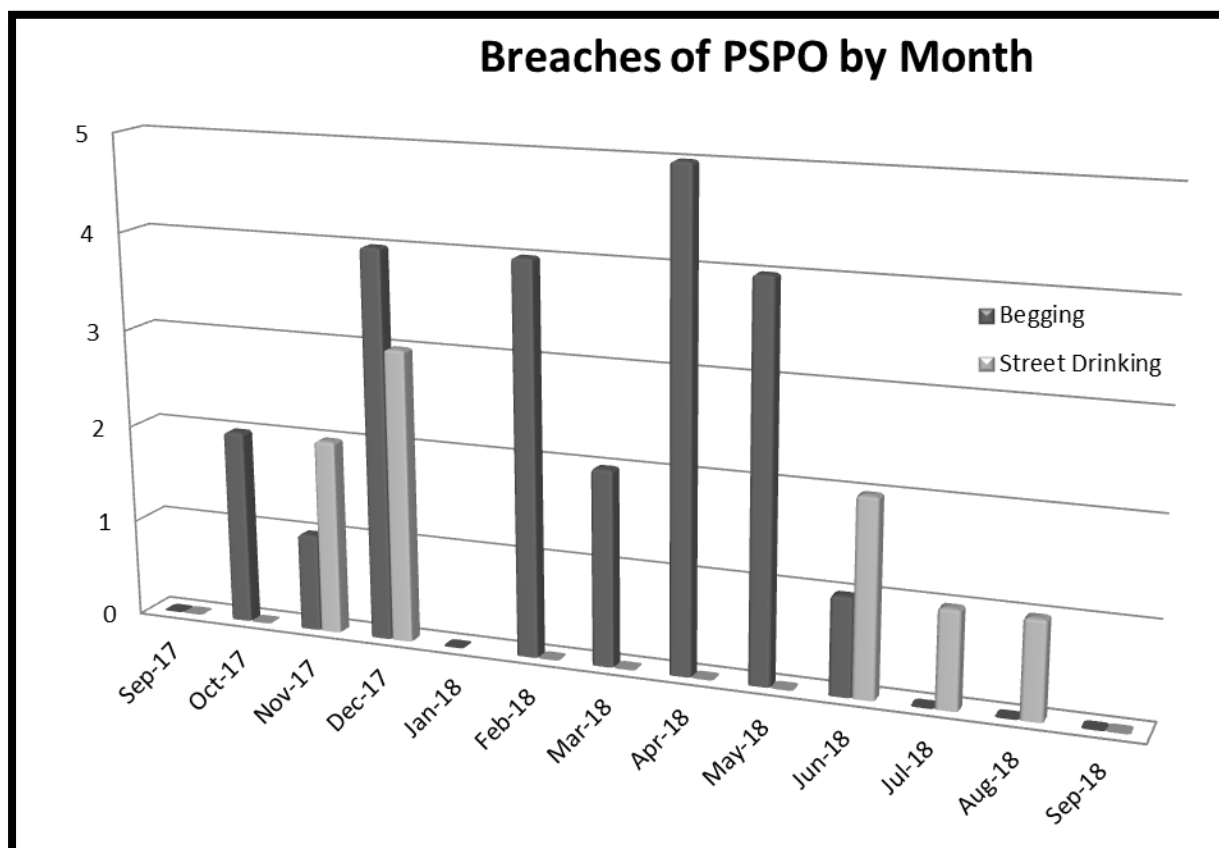
Report by: Matt Roberts, Community Partnerships & Resilience Manager

1. Introduction

- 1.1.** On 1st September 2017 Maidstone Borough Council introduced a Public Space Protection Order (PSPO) Begging and Street Drinking, as publicised on our website (Appendix 1). The Order provided MBC and Kent Police officers with new powers to address anti-social behaviour due to people drinking in the street and begging within a designated area of Maidstone town centre.
- 1.2.** The designated area and prohibitions made by the order are detailed in the signage/leaflet produced for publicising the PSPO can be found in Appendix 2.
- 1.3.** The power to make PSPOs were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 and as detailed in the are intended to be implemented to help deal with nuisance behaviour in an area that is having a detrimental effect on the quality of life for those in the local community. They can prohibit certain things or require specific things to be done.
- 1.4.** The PSPO for Begging and Street Drinking was introduced to target the behaviour associated with begging, such as sitting next to an ATM and to replace the Designated Public Place Orders (DPPOs) for Alcohol in the Town Centre to control anti-social drinking, not just consumption.
- 1.5.** The Order is not intended to crack down on rough sleeping and there is no intention to target people who are genuinely in need of support. Our Homelessness Outreach Officer continues to try and engage with people to ensure they are signposted to the support they need.

- 1.6.** Although the PSPO came into effect on Friday 1st September; the council, with support from the Kent Police and other agencies, undertook a two week (11th – 24th September) ‘Warn and Inform’ exercise, handing out leaflets (appendix 2) and speaking to people about the Order and to make sure that the local community were aware of the implications of the PSPO and how it may affect them in the future should they not comply with the requirements of the Order before any fixed penalty notices are issued.
- 1.7.** Joint training and an officers handbook were delivered jointly to the Police Community Policing Team and our Community Protection team which outlined the scope of the order and the process that needed to be followed in order to provide advice and where necessary gather evidence sufficient to be able to obtain a successful prosecution against those persistently breaching the prohibitions in the order. With concerns over the victimisation of disadvantaged people, the training and processes included Guidance on engaging and supporting homeless individuals to ensure their welfare needs were met.
- 1.8.** Due to a delay in recruiting to vacancies in the Waste Crime Team, which were only resolved over the summer, the enforcement of the PSPO has largely sat with the Town Centre policing teams, including their PCSOs, who have worked with our Community Protection Team and Mid Kent Legal Services to report persons in breach of the prohibition. This included recommendations for either a summons to be issued or for an Fixed Penalty Notice to be issued based on the attending officers assessment.
- 1.9.** Since the PSPO’s introduction there has been :
- 32 breaches in total
 - 23 breaches for Begging and 9 for Antisocial Drinking
 - Figure 1 provides the monthly breakdown of when the offences were reported
 - 5 FPNs have been issued of which one was paid, one rescinded when the offender received a custodial sentence for a more serious offence and the remaining are still being considered for further action
 - 16 different offenders have been reported for offences
 - 20 of the breaches for begging related to 4 offenders only.

Fig 1. Breaches of PSPO by Month



1.10. The nature of the offences and the people involved has meant that it has sometimes been appropriate to withdraw cases because the public interest did not exist to pursue a prosecution. Where the evidence provided has supported further action the CPT have prepared case files for Mid Kent Legal Services. Summonses have been prepared for several of the offenders but only four have been successfully served. This is for a variety of reasons including one offender dying and the majority having relocated out of the borough.

1.11. Four summonses were successfully served against three of the more prolific offenders and another offender who causes a range of ASB concerns in the Town:

- One case was withdrawn as it was found to be no longer in the public interest as the offender was on remand for other offences on the date of their trial.
- A conditional discharge was obtained for another offender who was able to provide evidence that they had obtained housing in a neighbouring authority and was taking positive steps to reform.
- Two offenders have been prosecuted receiving £435 in fines and costs between them.

2. Improving services delivery

- 2.1.** A review of the delivery of the PSPO is currently being undertaken to establish some of the lessons learned from the first 12 months. This includes looking at the process and further training to help improve evidence gathering and decision making in regards to the offences.
- 2.2.** There have also been concerns raised about the resourcing provided by MBC in enforcing the PSPO and we are considering a number of options including multi-agency days of action and awareness raising, particularly around Brenchley Gardens, starting with a trial operation in the coming weeks.
- 2.3.** We also recognise that the anti-social drinking powers can be used more effectively, alongside other police powers and this will be of particular focus in the revised training package.

3. KEY LINES OF ENQUIRY

- 3.1.** The Committee should consider the evidence submitted in the report and the key lines of enquiry should be focussed around the priorities outlined in the plan.

4. RECOMMENDATION

- 4.1.** That the content of the report is noted.
- 4.2.** That recommendations are made to the Safer Maidstone Partnership as appropriate.

5. Impact on Corporate Objectives

- 5.1.** The remit of the Safer Maidstone Partnership has relevance to many of the Council's Priorities, but relates specifically to the priority "Providing a Clean, Safe and Green Environment". The work of the Partnership relates most specifically to ensuring the safety of the community in Maidstone in relation to Crime and Disorder.
- 5.2.** There are no risks involved in considering the progress of the Safer Maidstone Partnership.

6. Appendices

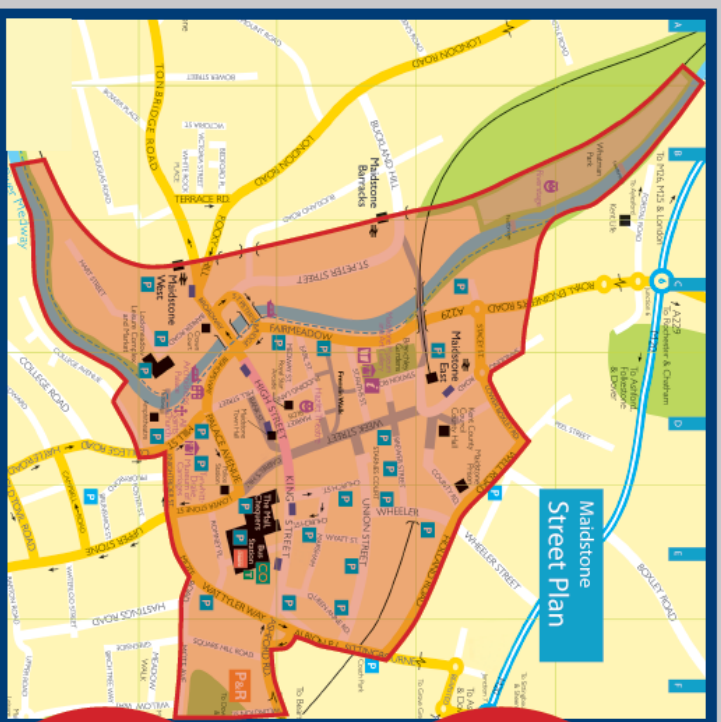
6.1. The following appendices are included as part of this report:

Appendix 1: Sealed - Maidstone Public Spaces Protection Order (PSPO) -
Begging and Street Drinking (Implementation Date 01.09.17)

Appendix 2: Leaflet/signage for the Town Centre PSPO.

THIS AREA IS CONTROLLED BY A PUBLIC SPACES PROTECTION ORDER

(SECTION 59 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014)



The order was made on 31 August 2017 and will be in force from 1 September 2017

The activity described below is hereby prohibited by this Order:

- A person must not consume alcohol and, as a result, behave in a manner that is considered to be anti-social.
- A person must surrender anything in their possession thought to be alcohol or a container for alcohol when asked to do so by an authorised person.
- Should the same person continue to consume alcohol or behave in a way considered to be anti-social then they may be requested to stop drinking within the restricted area for a period of 24 hours.



All persons are prohibited from approaching another person either physically or verbally within the restricted area in order to beg.

Persons must not:

- Sit, lie or loiter next to an ATM, in doorways or similar for the purpose of begging.
- Use any container to hold money for the purpose of begging.
- Use signage, children, animals or any other means to extract money from a person for the purpose of begging.

PENALTY UPON BREACH

It is an offence to fail, without reasonable excuse, to comply with the prohibitions in this Order. This may result in a **FIXED PENALTY NOTICE of £100 or PROSECUTION.**

Right to appeal: In accordance of Section 66 of the Act, any interested person may challenge the validity of this Order by appeal to the High Court, within six weeks from the date upon which this Order is made. This Order will be in force for a period of 36 months and will expire on: 30 August 2020

For further details on this Order please visit: www.maidstone.gov.uk/policies