

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	Date	7 December 2021		
Title	Public Space Protection Orders				
Report of	Director for Communities and the Environment				
Purpose of Report					
To seek Cabinet approval for the introduction of a Public Space Protection Orders (PSPO) in relation to various types of anti-social behaviour for a period of three years. The proposed PSPO will cover Lancaster City Centre, Morecambe, Lower Heysham, Happy Mount Park and Williamson Park.					
Key Decision (Y/N)	Y	Date of Notice	08/11/21	Exempt (Y/N)	N

Report Summary

The report sets out the reasons why the making of PSPOs to cover specific areas would be a helpful tool for the Police to help reduce anti-social behaviour.

Recommendations of Councillor Jackson

- (1) That the Public Space Protection Orders (PSPOs) are made to cover the designated areas as set out in the appendices. (2-6)
- (2) That if recommendation(1) is approved, the Chief Executive be requested to consider waiving call-in and consult with the Chair of Overview & Scrutiny in order that the decision can be implemented without any delay.

Relationship to Policy Framework

Healthy and Happy Communities

Keeping our district's neighbourhoods, parks, beaches and open space clean, well-maintained and safe.

A Co-operative, Kind and Responsible Council

Listening to our communities and treating everyone with equal respect, being friendly, honest, and empathetic

Conclusion of Impact Assessment(s) where applicable

Climate N/A	Wellbeing & Social Value – outlined in the report
Digital N/A	Health & Safety – outlined in the report
Equality – outlined in the report	Community Safety – outlined in the report

Details of Consultation

A public consultation was held between June and October 2021 in the form of an online questionnaire. 330 responses were received. A summary of the responses is attached as Appendix 1.

During the consultation questions were also asked regarding PSPOs to install alley gates at 3 locations in Morecambe Town Centre. The consultation highlighted that there are other areas that the public would like to see alley gates installed and therefore this will be subject of a separate report to Cabinet when this is completed.

Legal Implications

The draft PSPO has been drafted in consultation with Legal Services and is appended to this report. (Appendix 7)

Publicity and notifications will be carried out in accordance with the requirements of the Act and the Statutory Guidance.

The adoption of PSPOs will allow officers to discharge offences with a Fixed Penalty Notice rather than prolonged legal proceedings.

Written authorisation will have to be given to the officers issuing Fixed Penalty Notices under the PSPOs.

When enforcing a PSPO by either prosecuting through the courts or issuing a Fixed Penalty Notice, there must be sufficient evidence to provide a realistic prospect of conviction and it must be in the public interest to proceed.

Financial Implications

Enforcement costs under this order will be met by existing budgets. Costs for the consultation has been met from existing staff budgets. The cost of new signage will be met from the CSP budget.

Other Resource or Risk Implications

None

Section 151 Officer's Comments

The s151 Officer has been consulted and has no further comments to add

Monitoring Officer's Comments	
The Monitoring Officer has been consulted and has no further comments	
Contact Officer	Kirstie Banks-Lyon
Tel	07887 831134
Email	klyon@lancaster.gov.uk
Links to Background Papers	
LGA guidance on Public Space Protection Orders Public spaces protection orders: guidance for councils (local.gov.uk)	
Psychoactive Substance Act 2016 https://www.gov.uk/government/collections/psychoactive-substances-bill-2015	
What exactly are legal highs? - BBC News	
https://en.wikipedia.org/wiki/Nitrous_oxide	

1.0 Introduction

1.1 Public Spaces Protection Orders (PSPOs) sit amongst a broad range of powers and tools to help tackle anti-social behaviour. They are aimed at ensuring public spaces can be enjoyed free from anti-social behaviour, and to help Councils deal with persistent issues that are damaging their communities.

1.2 In December 2016 and April 2018 Cabinet approved Public Space Protection Orders (PSPO's) covering Lancaster City Centre (2016) and defined areas in Morecambe & Heysham (2018) These orders replaced Designated Public Place Orders and were as a result of enacted powers from the Anti-Social Behaviour, Crime and Policing Act 2014.

1.3 No review of the orders was carried out at the end of the 3-year period and therefore have expired.

1.4 Concerns have been raised to the city council and the police by businesses in both Lancaster and Morecambe BID areas, and members of the public in relation to issues of ongoing anti-social behaviour issues within the district. As part of the process for the making of PSPO orders a public consultation was held between 14th June and 4th October 2021. This was in the form of an online survey. 330 responses were received. A summary of these responses is included in the appendices. (Enclosure 1)

1.5 The police and the PCC have been consulted with, and district and town councillors notified.

2.0 Background

2.1 92% (n- 286) of respondents have stated that they have been affected by incidents of anti-social behaviour across the district, with Lancaster and Morecambe being identified as the main locations where this had occurred. A smaller number of respondents identified other locations across the district. 239 people stated that the anti-social behaviour had taken place on the street, 105 in a park and 29 on a beach. Alcohol and youth related anti-social behaviour were the top categories identified with litter, drug related anti-social behaviour and fly-tipping also being highlighted as causes of concern. 296 respondents recorded that this had affected them – with 45% stating that it had affected them a lot.

2.2 After taking into consideration the representations made during the public consultation, it is proposed that the council now adopts the PSPO as detailed below. The draft order is included in the appendices. (Enclosure 2) and the areas of the district where the order would apply are detailed in enclosures 3-7.

2.3 Based on the analysis from the Police (August 2019-July 2021) the wards with the highest number of recorded ASB were Castle, Poulton, Harbour, Westgate and Bulk wards with over 1000 incidents recorded.

2.4 A number of repeat locations were identified in the proposed areas for the PSPO Order. This was also identified in the public consultation that was carried out as part of the process.

2.5 The survey was also consistent with the police analysis in the types of ASB witnessed by the public, with alcohol related ASB and youth ASB being the top 2 categories identified.

2.6 The police analysis also supports the proposal to extend the area of the Lancaster City PSPO from the previous order that has now expired, and also to propose a PSPO to cover Williamson Park

3.0 The Proposal

3.1 Approval is sought to make a Public Space Protection Order (Enclosure 7) in the areas defined in the attached maps. (Enclosures 2-6) Lancashire Police are requesting that the PSPO is granted as soon as possible in order to provide them with additional powers to help target these issues. The areas selected for the PSPO are based on the previous locations covered by the 2 expired PSPOs. These areas have been adjusted and a new location of Williamson Park proposed after reviewing the data provided by the police and the public consultation. The conditions of the previous PSPOs have been reviewed and the recommendations for the conditions of the new PSPO has been based on the analysis of the police data and from the public consultation, where over 92% of respondents supported the new conditions.

3.2 In specific terms the PSPO will provide additional powers to deal with:

- Shouting, swearing and behaviour causing annoyance, harassment, alarm, or distress. 92% of respondents were in favour of this condition.

- A person ingesting, injecting, smoking or otherwise an intoxicating substance. 93% of respondents were in favour of this condition.
- Prohibition of alcohol consumption. 95% of respondents were in favour of this condition.

3.3 The second condition was not on either of the original PSPO and has been recommended as a condition of this PSPO to provide authorised officers from the council and the police powers to deal with people under the influence of ‘legal highs’

3.4 One of the more easily identified ‘legal high’ used in the district is nitrous oxide (laughing gas) due to the discarded cannisters found in locations across the district.

3.5 Authorised officers of Lancaster City Council together with officers from Lancashire Police would have the powers to enforce the PSPO on behalf of Lancaster City Council by the issuing of fixed penalties, but collection of fines and any potential prosecutions would be the responsibility of the council.

4.0 Fixed Penalty Notice

A Fixed Penalty Notice will carry a £100 penalty reduced to £65 for early payment. A discount exists for early payments due to difficulties experienced in obtaining payments. This is the same penalty as the PSPO for the Dog Control PSPOs already in place in the district.

In accordance with the Act, fixed penalty notices may only be issued by authorised officers from the police and the local authority.

5.0 Options and Options Analysis (including risk assessment)

Option 1: Adopt the PSPO as proposed in the consultation, with no amendments
<p>Advantages:</p> <ul style="list-style-type: none"> • Reflects the majority of representation made during the public consultation that the prohibitions outlined in the draft PSPO order are types of behaviour not acceptable within the proposed areas. • The conditions are identical for the proposed areas which makes for more consistent and less confusing enforcement.
<p>Disadvantages:</p> <ul style="list-style-type: none"> • Raises public expectation. The PSPO is only one of the tools that can be used by authorised officers. Lack of enforcement could lead to a reduction in confidence in the Local Authority and Lancashire Police.
<p>Risks:</p> <ul style="list-style-type: none"> • Reputational. Not listening to the views of the public.
Option 2: Adopt the PSPO as proposed in the consultation, but not in all the proposed locations

Advantages:

- Not all areas received the same level of concern in the consultation
- Some members of the community could view the proposed restrictions in public parks as unnecessary
- Less areas to enforce

Disadvantages:

- Smaller communities feeling that their views have not been taken into consideration
- Potential displacement of the types of behaviour to other public spaces.

Risks:

- Reputational. Not listening to the views of the public

Option 3: Do not adopt the PSPO**Advantages:**

- Minimal cost benefit of not paying for signage.

Disadvantages:

- Going against majority of consultees
- Continued complaints received from the public about not feeling safe in the public spaces of the district.
- Loss of confidence in the local authority and Lancashire Police

Risks:

- Reputational. Not listening or responding to the points raised in the consultation.

6.0. Officer Preferred Option (and comments)

The officer preferred option is Option 1. This option reflects the majority of the public comment arising from the consultation. There has been increasing complaints made to the council and to the police regarding anti-social behaviour following the expiry of the previous PSPOs. It supports the council policy framework for Happy Healthy Communities and a Cooperative Kind and Responsible Council.

7.0 Conclusion

There is strong evidence of support of the need for a PSPO order in certain localities of the district. It is a fair and balanced approach to address the issue that certain types of behaviour spoils the enjoyment of the public spaces of Lancaster District for our residents and visitors alike.

