

CABINET

Lancaster City Centre Public Spaces Protection Order 2016 6 December 2016

Report of Chief Officer (Environmental Services)

PURPOSE OF REPORT				
To seek approval to make a Public Spaces Protection Order covering the Lancaster City Centre.				
Key Decision	X	Non-Key Decision	Referral from Cabinet Member	
Date of notice of forthcoming key decision		7 November 2016		
This report is public				

RECOMMENDATIONS OF COUNCILLOR BRENDAN HUGHES

- (1) That the making of a Public Spaces Protection Order covering the designated area of Lancaster City Centre is approved, as set out at Appendix A.

1.0 Introduction

- 1.1 In October 2014 the Secretary of State enacted new powers from the Anti-Social Behaviour, Crime and Policing Act, relevant to tackling Anti-Social Behaviour. These new powers also make changes to some of the relevant existing legislation and the Council is required, within the period of three years, to reconsider its Designated Public Place Orders (DPPOs), which are used to prevent on street drinking, and either withdraw or replace them with new Public Space Protection Orders (PSPOs).
- 1.2 Lancaster city centre like other cities and towns centres, has issues with street drinking, and anti-social behaviour, Whilst a number of initiatives have helped to reduce the impact and prevalence of this behaviour there is concern about loss of the ability to enforce provision relating to alcohol should the DPPO be withdrawn without replacement.

2.0 Proposal Details

- 2.1 Approval is sought to make a Public Space Protection Order (Appendix B), in

the area defined by the attached map (Appendix A). This would replace the current Designated Public Place Order. Lancashire Constabulary have specifically requested that the Council puts in place a PSPO as soon as possible as they considered it will be a useful tool in managing the City Centre.

- 2.2 Based on statistics from the Police the hotspot locations for anti-social behaviour are generally the main thoroughfares through and to and from the City Centre 40% of assaults reported in the district were alcohol related. (Appendix C)
- 2.3 Approval of the Public Spaces Protection Order would give Lancashire Constabulary additional powers to help target these issues.
- 2.4 In specific terms the PSPO will provide additional powers to deal with-
 - shouting, swearing and behaviour causing annoyance harassment alarm or distress
 - urinating
 - prohibition of alcohol consumption
- 2.5 Lancashire Constabulary would enforce the PSPO on behalf of Lancaster City Council but payment of fines and any potential prosecutions would be the responsibility of the council.
- 2.6 A person can be issued a fixed penalty notice (FPN) of £100, reduced to £65 if paid within 10 days. Payment of this FPN offers the opportunity to discharge any liability to conviction of that offence. A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 (£1,000) on the standard scale. A person guilty of consumption of alcohol in breach of prohibition in order commits an offence and is liable on summary conviction to a fine not exceeding level 2 (£500) on the standard scale. This is as per section 63 & 67 of the Anti-Social Behaviour, Crime and Policing Act 2014
- 2.7 The use of a PSPO would contribute to a number of the Council's priorities and would also support two of the priorities of the Community Safety Partnership, which are Violence against the Person and Anti-Social Behaviour.
- 2.8 The PSPO that is already in place at Ridge Square has along with a number of other actions had a positive impact on the community and surrounding area. There have been a reduction in the incidences of Anti-Social Behaviour.
- 2.9 The PSPO will be for a 3 year term which is the maximum time allowed. It will be reviewed annually by the Council's Overview & Scrutiny committee,
- 2.10 Officers will report on the performance of the PSPO to the Community Safety Partnership and the council's Overview & Scrutiny panel.
- 2.11 A Public Spaces Protection Order can be varied at any point based on changes in circumstance or issues.

3.0 Details of Consultation

- 3.1 A formal consultation was launched on the 7th June 2016. As above, the Act is not specific on what constitutes an appropriate consultation, however it is clear that it requires that the local authority consult with the following:
 - Chief Officer of Police for the local area
 - Police and Crime Commissioner
 - Land Owners in the area

- Any Community Representatives the local authority feels appropriate.

3.2 There were a total of 108 responses received in the online survey. The views of consultees have been taken into account in developing the proposal.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: To approve the introduction of a Public Spaces Protection Order covering Lancaster City Centre	Option 2: To take no action
Advantages	The introduction of a PSPO will provide a clear message about the type of behaviour which is not acceptable within the City Centre, and will provide additional powers to tackle any anti-social behaviour as described in the Order. The introduction of an Order responds to public concerns about behaviour within the City Centre. Reinforces the council's commitment to partnership working.	None
Disadvantages	Raises public expectation. The PSPO is a tool that can be used by authorised officers. However there is no additional staff resource being allocated to this.	<p>The current City Centre no outside drinking rules will no longer be able to be enforced as the DPPO expires in 2017.</p> <p>The Police has requested that as partners in the CSP we take out a PSPO. To taken no action would demonstrate a lack of support.</p> <p>Does not demonstrate the council's commitment to community safety and addressing residents' legitimate concerns.</p>

5.0 Officer Preferred Option (and comments)

5.1 Option 1 is the preferred officer option, and has the support of the Community Safety Partnership and the local community.

6.0 Conclusion

6.1 The making of a Public Spaces Protection Order covering the designated area of Lancaster City Centre should enable the better policing of this public space and bring relief to local residents.

RELATIONSHIP TO POLICY FRAMEWORK

The proposal supports the council's priorities of clean, green and safe places, and community leadership.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

The Order will be compliant with the Human Rights Act 1998 as long as the council is reasonably satisfied that the measures in it are justified. Although the Order is at least partially directed at young people and hence raises age specific issues, its effect is intended to be even handed and proportionate and so not to raise issues under the Equality Act.

LEGAL IMPLICATIONS

This report recommends legal action be taken by the Council in accordance with the new legislation, and also involves subsequent legal enforcement relevant to that action. The legal parameters laid out within the Act will be considered carefully against the proposal for an Order.

FINANCIAL IMPLICATIONS

Enforcement costs under this order will be met by existing Police staff. There were some internal costs for consultation and a small cost associated with the publication of the Order and stationary for FPNs along with signage. These will be met from within existing budgets.

Income from FPNs is expected to be small and will be used to cover the associated costs of implementing the proposal.

OTHER RESOURCE IMPLICATIONS**Human Resources:**

None

Information Services:

None

Property:

None

Open Spaces:

As set out in the report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments

BACKGROUND PAPERS

None

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