

Overview and Scrutiny Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Public Space Protection Order (PSPO) Bury St Edmunds - Addition of Condition	
Report No:	OAS/SE/19/005	
Report to and date:	Overview and Scrutiny Committee	9 January 2019
	Joint Executive (Cabinet) Committee	12 March 2019
Portfolio holder:	Councillor Robert Everitt Portfolio Holder for Families and Communities Tel: 01284 769000 Email: robert.everitt@stedsbc.gov.uk	
Lead officer:	Helen Lindfield Families and Communities Officer Tel: 01284 757620 Email: helen.lindfield@westsuffolk.gov.uk	
Purpose of report:	To propose an addition to the current conditions to the existing town centre PSPO in relation to non- congregation of vehicles to reduce incidences of anti- social behaviour.	
Recommendation:	<p>Overview and Scrutiny Committee:</p> <p>It is <u>RECOMMENDED</u> that the Joint Executive (Cabinet) Committee be recommended to approve an additional condition to the current Public Space Protection Order, in respect of "non-congregation of vehicles in Bury St Edmunds town centre", for the purposes of reducing anti- social behaviour; <u>subject to public consultation.</u></p>	

<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input checked="" type="checkbox"/></p> <p>No, it is not a Key Decision - <input type="checkbox"/></p> <p>(a) A key decision means an executive decision which, pending any further guidance from the Secretary of State, is likely to:</p> <p>(i) be significant in terms of its effects on communities living or working in an area in the Borough/District.</p> <p>(b) A decision taker may only make a key decision in accordance with the requirements of the Executive procedure rules set out in Part 4 of this [the] Constitution.</p>
<p>Consultation:</p>	<p>Prior to seeking Cabinet approval on 12 March 2019 a four week consultation period will be carried out with key stakeholders as laid down in the Anti-Social Behaviour Crime and Policing Act 2014 (s59 -79). Consultation will run from 16 January to 13 February 2019.</p>
<p>Alternative option(s):</p>	<ul style="list-style-type: none"> Do not add to the condition
<p>Implications:</p>	
<p><i>Are there any financial implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> Purchase and erection of replacement of signs (approximately. 30 signs in Bury St Edmunds at a cost of £700) Funding has been identified from ASB Home Office funding within the existing Families and Communities budget.
<p><i>Are there any staffing implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> PSPOs can be enforced by Police Officers, Police Staff (PCSOs) and West Suffolk Council enforcement officers.
<p><i>Are there any ICT implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none">
<p><i>Are there any legal and/or policy implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> The proposed additional condition has been prepared by the Councils' legal team
<p><i>Are there any equality implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none">
<p>Risk/opportunity assessment:</p>	<p><i>(potential hazards or opportunities affecting corporate, service or project objectives)</i></p>

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Public perception – negative perception of the impact of the additional condition on the PSPO	High	Information provided to explain the purpose. Effective consultation process to be completed	Low
Reputation- no enforcement activity taken	High	Work with the community. Encourage information and evidence to be provided of any breaches	Medium
Ward(s) affected:		Risbygate, Abbeygate, Eastgate and Westgate	
Background papers:		None	
Documents attached:		<p>Appendix A – Evidence to support the addition of a new condition to the existing PSPO.</p> <p>Appendix B – Draft PSPO order</p> <p>Appendix C – Map showing restricted area</p>	

Key issues and reasons for recommendation

1. Background

- 1.1. In 2017 St Edmundsbury Borough Council implemented a Public Space Protection Order (PSPO), covering Bury town centre, to address two issues of anti-social behaviour (ASB); alcohol related ASB and street begging.
- 1.2. PSPOs are reviewed after a three-year period (Sept 2020), however can be varied, in either conditions or area, at any time during that period, subject to consultation.
- 1.3. There is a proposal to add a further condition to the existing PSPO in relation to non-congregation of vehicles in the town centre.

2. Anti-social behaviour caused by the congregation of vehicles

- 2.1. Anti-social behaviour can be caused by people who congregate to 'show' their vehicle and 'race' on public highways. The racing element includes speeding and performing 'donuts', and the showing includes revving engines whilst stationary and playing music with the doors open, which can be heard outside the vehicle.
- 2.2. There is also associated littering (including empty gas canisters) and damage to highways and public street furniture. (see **Appendix A**).
- 2.3. This usually occurs in the evenings anytime from 6pm through to 4am at any time of year however is more prevalent in the lighter nights of the Spring/Summer.
- 2.4. This behaviour constitutes anti- social behaviour and causes alarm, harassment and distress to residents and businesses that live or work nearby.

3. Cases of anti-social behaviour in Bury St Edmunds town centre

- 3.1. Between September 2017 and September 2018 Suffolk Police have received 23 complaints about anti-social behaviour caused by the congregation of vehicles from residents and Arc management who live and work in and around the town centre and the ARC car park. (See **Appendix A**). Nelson Road Residents Association has also written a letter of complaint to Bury St Edmunds MP Jo Churchill.
- 3.2. In previous years several initiatives aimed at engagement and enforcement have been tried which include multi agency enforcement action events and engagement evenings. Whilst these are effective in the short term, each year a new cohort of individuals appear and the problem begins again.
- 3.3. As the town centre already has a Public Space Protection Order (PSPO) in place, it is proposed to strengthen this by adding a further condition, (subject to consultation) which would be around non- congregation. (see 3.4).

Enforcement of the new condition in the PSPO will be greatly assisted as the area is covered by CCTV and, by additional private security in the Arc centre and underground car park, who are already aware of this issue and reporting matters regularly to the Police.

- 3.4. With the above in mind, it is proposed that the additional condition will be as follows:

No persons shall, within the restricted area:

Gather in groups of two or more motor vehicles for purposes other than simply parking which will cause or is likely to cause harassment, alarm and distress to others between the hours of 6pm and 4am by performing any of the activities listed below:

- a) Using a motor vehicle to perform stunts.**
- b) Repeatedly sounding horns and/or revving engines (as to cause a public nuisance).**
- c) Playing music excessively loud (as to cause a public nuisance).**
- d) Using foul or abusive language.**
- e) Using threatening, intimidating behaviour towards another person.**
- f) Causing obstruction on a public highway, or a publicly accessible space, whether moving or stationary**

4. Consultation requirement for a variation of a PSPO

- 4.1. In accordance with the legislation where a variation to the conditions of an existing PSPO is required, consultation must take place before final consideration by Cabinet. The consultation period will start on 16 January 2019 and finish on 13 February 2019.

The range of the consultation must include as a minimum all interested parties and will include:

- Suffolk Police – Western area
- Our Bury St Edmunds
- Bury Town Council
- Elected members for affected wards
- County council elected members for affected wards
- Arc management
- Residents associations- Nelson Road, Eastgate, Churchgate and Saxongate

The above consultees will receive a personal letter inviting them to take part in the consultation, which will also be posted on West Suffolk councils' website. A

media briefing will take place in relation to the consultation and how to take part.

5. Publication and signs

- 5.1. Following the period of consultation and democratic approval, the amended order will be published on West Suffolk councils' website, and be displayed in the restricted area by appropriate signage. The existing sites for signage will be used with a revised sign.
- 5.2. There are currently 30 signs relating to the PSPO in the town centre and these will be replaced at an estimated cost of £700. Funding has been identified from an existing budget.

6. Enforcement

- 6.1. A PSPO can be enforced by council enforcement officers, Police officers or Police Community Support officers
- 6.2. It is an offence to without reasonable excuse to:
 - Do anything that the person is prohibited from doing by a PSPO; or
 - Fail to comply with a requirement to which a person is subject under a PSPO

A breach of a PSPO is an offence. This will be disposed of by way of a fixed penalty notice or by prosecution. On conviction, a level three summary fine can be applied by a magistrate.

7. Other tools for enforcement across West Suffolk councils area

- 7.1. West Suffolk councils are working with Suffolk Police and we are committed to use the most effective tools to resolve this issue. We have looked at a number of options within civil and criminal legislation as well as what other police force and authorities have found effective. In particular, there are regular reports of anti-social behaviour caused by congregation of cars, speeding and other behaviour in the Moreton Hall area. The Council is working with the Police to address this matter through the use of injunctions and other action.
- 7.2. Both the Council and the Police recognise the problem caused by this issue and want to implement the quickest, most effective action we can that will also have a strong deterrent and high penalties within what the law allows.
- 7.3. Research from other areas has shown that use of injunctions will give a quick, targeted and robust response to those who are committing this anti- social behaviour. Injunctions are easy and quick to put into place by the County Court or High Court and a breach is considered a contempt of court and a criminal not civil matter. This means penalties are greater than other legislation.

- 7.4. Conditions of the injunction can include non- congregation of **two** or more vehicles within stated times (e.g. 6pm – 4am) within a specified area and can be served to known and unknown persons. In effect, this would enable Police to order people congregating in cars to leave the specified area even if they are not committing a crime. Therefore, even if they do not witness the offence they can still take action and if the injunction broken again criminal action taken. Our legal Team is now in the process of drawing up relevant injunctions with the Court.
- 7.5. The use of injunctions as an enforcement tool will be adopted across West Suffolk councils.