

**CABINET
10 SEPTEMBER 2019**

**PUBLIC SPACES PROTECTION ORDER
DARLINGTON TOWN CENTRE**

**Responsible Cabinet Member – Councillor Jonathan Dulston
Community Safety Portfolio**

**Responsible Director - Ian Williams
Director of Economic Growth and Neighbourhood Services**

SUMMARY REPORT

Purpose of the Report

1. The purpose of this report is to update Members of the Cabinet on the development of the Public Space Protection Order (PSPO) which was implemented in Darlington Town Centre on 1 March 2019. The update is provided in accordance with a direction made by Cabinet at a meeting held in February that a report would be provided following a period of six months to determine use and effectiveness of the PSPO in Darlington Town Centre.

Summary

2. Following a three-month period of public consultation, a PSPO was implemented in Darlington Town Centre on 1 March 2019. This was in response to increased levels and complaints of anti-social behaviour in the area.
3. The PSPO provides police officers, police community support officers and civic enforcement officers with powers to deal effectively with certain types of anti-social behaviour including alcohol related nuisance, disorderly conduct and begging.
4. Following implementation of the PSPO, 48 warnings and 10 fixed penalty notices have been issued. In addition, two subjects have been reported for summons resulting in court proceedings.
5. Since implementation there has been a significant reduction of anti-social behaviour relating to the behaviours of alcohol-related offending, disorderly conduct and begging.
6. Public and business feedback has been positive with no adverse comments or complaints during the reporting period.
7. Research suggests that the powers granted by Cabinet have been used proportionately and only when absolutely necessary. Any initial concerns relating to “criminalising” vulnerable people remains unfounded at this time.

8. It is concluded that the PSPO has been used effectively, certainly proportionately, and has contributed to making Darlington a more attractive and safer place to live, work and visit.
9. Members will be aware that our approach involves a number of key stakeholders offering extensive specialist support and care with fixed notices used as a last resort.

Recommendation

10. It is recommended that:-

- (a) Members note and consider the information in this report and support the continued use of the PSPO in Darlington Town Centre.
- (b) If supported, a similar report will be brought to Cabinet in six months and thereafter by annual review.

Reasons

11. The recommendation is supported as the PSPO is being used in a proportionate, justified and necessary manner and is having a positive effect on Darlington Town Centre

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

No background papers were used in the preparation of this report.

S17 Crime and Disorder	A PSPO will have a positive effect on crime and disorder in the town centre.
Health and Well Being	Anti-social behaviour within the town centre can impact negatively on the health and well-being of individuals.
Carbon Impact	There is no impact on carbon as a result of this report.
Diversity	No particular group is impacted differently as a result of this report.
Wards Affected	Park East, Park West, Northgate, College
Groups Affected	No particular group will be impacted differently as a result of this report.
Budget and Policy Framework	No impact on the Budget or Policy Framework.
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	An attractive, vibrant, safe town centre is an important part of the Perfectly Placed agenda in the Sustainable Community Strategy.
Efficiency	There is no impact on the Council's Efficiency agenda as a result of this report.
Impact on Looked After Children and Care Leavers	There is no impact on Looked After Children and Care Leavers as a result of this report.

MAIN REPORT

Information and Analysis

12. PSPOs are a key element of the Anti-Social Behaviour, Crime and Policing Act 2014 which came into force in October 2014.
13. PSPOs are intended to limit and restrict activities which cause nuisance or lead to problems for a community, and as such allow Councils to make restrictions on activities which are judged to have a detrimental effect on the quality of life in an area. They are to replace current controls on the drinking of alcohol in public places and matters such as dog fouling and the keeping of dogs on leads as a result of the phasing out of existing Designated Public Places Orders (DPPOs) and Dog Control Orders (DCOs) but a range of other activities can also be addressed, depending upon particular local issues. By design the orders are planned to allow people to enjoy open public spaces free from nuisance and anti-social behaviour.
14. The responsibility for making a PSPO rests with the Council. The Council must, prior to making an order, be satisfied, on reasonable grounds, that activities carried out in a public space have had or are likely to have a detrimental effect on the quality of life of those in the locality and that the effect or likely effect of the activities:
 - (a) Is or is likely to be persistent or continuing;

- (b) Is or is likely to be such as to make the activities unreasonable; and
 - (c) Justifies the restrictions imposed.
15. Following a period of public consultation (as required by the act) Cabinet approved the introduction of a PSPO in a designated area of Darlington Town Centre with effect from 1 March 2019. A copy of the order is shown at **Appendix 1**.
16. In summary, the PSPO in Darlington Town Centre covers the following:-
- (a) Persons drinking alcohol in public places which are not licensed premises
 - (b) Begging
 - (c) Threatening behaviour
 - (d) Swearing
 - (e) Obstruction of public access to buildings
17. A Police Officer, Police Community Support Officer or Council Officer witnessing behaviour that breaches its conditions may challenge the individual(s) concerned and ask them to comply. If the individual does not comply with the request, an offence is committed.
18. An offence involving failure to comply with a PSPO is punishable by a fine of up to £1,000 (or £500 in the case of consumption of alcohol) or a fixed penalty of £100.
19. In practice, although the offences are technically committed immediately (with the exception of drinking alcohol in a public place where the PSPO requires a person to be requested to desist from drinking and for them to refuse to do so before an offence is then committed) and therefore they could be enforced immediately, persons carrying out a prohibited activity are first being asked to stop by an authorised Council officer or police officer. If the person follows the instruction, then no further action is currently being taken. Any failure to comply with the instruction to desist from the prohibited activity would generally in the first instance lead to a fixed penalty notice being issued rather than arrest or court appearance.
20. A PSPO is for an initial period of three years at which time it must be renewed, or it would cease. The Council have the power to remove specific prohibitions or end a PSPO early, for example if an activity no longer existed. If significant new issues arise during the PSPO then the Council can modify prohibitions.
21. A Public Space Protection Order is a positive 'tool' enabling officers to deal with anti-social behaviour within a designated area and is one of a number of civil and criminal remedies designed to tackle anti-social behaviour in our communities.
22. Following implementation of the PSPO in Darlington Town Centre 48 warnings and 10 fixed penalty notices have been issued. In addition, two subjects have been reported for summons for court related proceedings. A breakdown of these warnings and penalties is shown at **Appendix 2**.

23. A review of the associated powers concludes that they have been used proportionately and only when considered absolutely necessary. Any initial concerns relating to “criminalising” vulnerable people remains unfounded at this time.
24. Examples of the proportionate and effective use of PSPO’s in Darlington Town Centre is shown below.
 - (a) A group of adults were requested by Civic Enforcement to stop drinking in St Cuthbert’s Church Yard. They refused to comply and became abusive. Police attended the scene and issued fixed penalty notices to the individuals in the group who continued to be abusive to Police. This resulted in three subjects being arrested for public order offences.
 - (b) Powers relating to begging have been used proportionately and only as part of a wider approach involving extensive specialist care and support from relevant agencies. This approach has proved most effective, however, where such support has been offered and refused and nuisance has continued enforcement is considered. Unfortunately, two individuals who have been offered countless opportunities for support have continued to cause nuisance through begging. Both individuals have been reported for criminal offences under the provisions of the Vagrancy Act 1824 and are now pending court.
25. Since implementation there has been a significant reduction of anti-social behaviour relating to alcohol-related offending in public open spaces, disorderly conduct and begging. A breakdown of relevant information is shown at **Appendix 3**.
26. Public and business feedback has been extremely positive with no adverse comments or complaints during the reporting period.
27. It is concluded that the PSPO has been used effectively and is having a positive effect on anti-social behaviour and the overall level of safety in Darlington Town Centre.