

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to the Communities Overview and Scrutiny Panel

17 October 2016

TITLE:	Consultation on a Proposal to Introduce a Public Spaces Protection Order at Leek Bus Station/Smithfield Centre
PORTFOLIO HOLDER:	Cllr Mike Bowen - Portfolio Holder for Communities
CONTACT OFFICER:	Executive Director (People) and Monitoring Officer

Appendices Attached

Appendix A Draft Consultation Document

Appendix B Draft Public Spaces Protection Order

1. Reason for the Report

The area around Leek Bus Station has historically attracted relatively high levels of anti-social behaviour that continues to have a detrimental effect on the quality of life of those in the locality. Following partnership work with Staffordshire Police, it is considered that a Public Spaces Protection Order would assist in stopping individuals or groups committing anti-social behaviour in the area.

2. Recommendation

2.1 It is recommended that the Committee requests Cabinet to instruct Officers to carry out formal consultation on a proposed Public Spaces Protection Order to prevent on-going anti-social behaviour in and around Leek Bus Station.

3. Executive Summary

- 3.1 The area around Leek Bus Station has historically attracted relatively high levels of anti-social behaviour. This has generally involved young people ranging between the ages of 13 and 19 years of age. The behaviour affects residents whose properties back onto the bus station (Cromwell Terrace), legitimate users of the bus station, bus drivers and other members of the public.
- 3.2 Most of the incidents are reported to Staffordshire Police. In the period between 1st January and 31st July 2016, 65 incidents from the area of the bus station were reported to the police. Incidents included noise, shouting and swearing, climbing onto the roof of the Smithfield Centre, throwing a lit gas canister into the gentlemen's toilets area whilst the janitor was present, playing football, drinking alcohol and allegations of substance misuse/drug dealing, abusing a bus driver, and racing cars.
- 3.3 In response to the problem, Staffordshire Police have carried out additional patrols in the area. The Police and District Council have also worked together to use tools such as Community Protection Notices and a Criminal Behaviour Order to tackle the behaviour of individuals who are known to cause trouble in the area. Sporting Communities have also been asked to engage with the young people congregating in the area and to encourage them to take part in positive activities in a more appropriate location. The Police and District Council are also investigating ways of improving surveillance.
- 3.4 These activities have assisted but the problems at the location continue to occur.
- 3.5 A Public Spaces Protection Order (PSPO) is designed to stop individuals or groups committing anti-social behaviour in a public space in order to prevent or reduce any detrimental effect caused by those activities to local people. The District Council has the power to make such an order, which can last for up to 3 years (but can be extended and/or varied), if certain conditions are met.
- 3.6 Following discussions with Staffordshire Police, it is believed that the introduction of a Public Spaces Protection Order can be justified for the area around Leek Bus Station because the problems encountered at that location have a detrimental effect on the quality of life of those in the locality and are of a continuing nature. A draft Order is provided at Appendix A.

4. How this report links to Corporate Priorities

- 4.1 The proposed introduction of a Public Spaces Protection Order to help reduce nuisance behaviour in and around Leek Bus Station would assist the Council to achieve its corporate aim of helping to protect and improve the environment. It supports the priority outcome of quality open spaces and the corporate objective of high quality public

amenities. The Order would generally support the creation of a safer and healthier environment for our residents and communities to live and work.

5. Options and Analysis

- 5.1 None at this stage – the report requests authority to consult of the proposed order. Analysis of options will take place when the outcome of any consultation is known.

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

The making of the Public Spaces Protection Order would assist in reducing on-going nuisance behaviour in and around Leek Bus Station. It would help the Council to meet its duty to do all it reasonably can to prevent crime and disorder in its area under section 17 of the Crime and Disorder Act 1998.

6.2 Workforce

Enforcement of the Public Spaces Protection Order will largely be carried out by Staffordshire Police and through the issue of fixed penalty notices. District Council Officers may, however, become involved in facilitating the prosecution of individuals for any breaches of the Order in circumstances where a fixed penalty notice was not an appropriate response to the behaviour.

6.3 Equality and Diversity/Equality Impact Assessment

An assessment of the particular needs of people who use the area subject to the Order will take place after the results of the consultation exercise are known.

6.4 Financial Considerations

There will be a requirement to erect signage in and around the proposed location. The cost of the signage would be met from within existing budgets. It is hoped that the introduction of the Order will have a deterrent effect and, if there are any breaches, then these can be dealt with by means of a fixed penalty notice. However, the Council may incur costs if there is a need to prosecute an individual for breach of the Order.

6.5 Legal

The power to introduce a Public Spaces Protection Order (PSPO) is found at Section 59(4) of the Anti-social Behaviour Crime and Policing Act 2014. Before introducing an Order the Council must be satisfied

that the following conditions have been met:

(a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or

(b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The aim of a PSPO is to make public spaces more welcoming to the majority of law abiding people and communities. This report seeks authority to consult with the Chief Officer of Police, community representatives and the owner of the land and other relevant bodies on a proposed Order.

Failure to comply with a PSPO is an offence and punishable on summary conviction to a fine or fixed penalty notice. The Council and the Police should be clear about the division of responsibilities when enforcing the Order to ensure the Order is an effective tool in support of the Council's objectives.

6.6 Sustainability

No specific implications.

6.7 Internal and External Consultation

The report seeks authority to proceed with the statutory consultation exercise.

6.8 Risk Assessment

No specific risks.

7. **Background and Detail**

7.1 The area around Leek Bus Station has historically attracted relatively high levels of mainly low level anti-social behaviour. This has generally involved young people ranging between around 13 and 19. The area is relatively secluded and the benches that are provided for use by bus passengers also provide an attractive meeting place for young people. Unfortunately, this has included some young people who have committed criminal acts and other acts of anti-social behaviour in the area. The behaviour affects residents whose properties back onto the bus station (Cromwell Terrace), legitimate users of the bus station, bus drivers and other members of the public.

7.2 Most of the incidents are reported to Staffordshire Police, although some are reported directly to the District Council.

7.3 In the period between 1st January and 31st July 2016, 65 incidents from the area of the bus station were reported to the police, and two directly to the District Council (one complainant is known to also have raised the issue with the local Member of Parliament). Most of the reported incidents involved groups of young people with approximately 20 young people congregating during on incident in February. Incidents that have been reported include:

- Rowdy and inconsiderate behaviour;
- Noise;
- Shouting and swearing;
- Climbing onto the roof of the Smithfield Centre (and on one occasion throwing things off the roof);
- Playing music;
- Throwing a lit gas canister into the gentlemen's toilets area whilst the janitor was present;
- Playing football;
- Kicking windows;
- Knocking bins over;
- Drinking alcohol and allegations of substance misuse/drug dealing;
- Banging on the windows of a bus;
- Throwing a bottle at a bus;
- Abusing a bus driver; and
- Racing cars and wheel spinning.

7.4 In response to the problem, Staffordshire Police have carried out additional patrols in the area. The police and District Council have also worked together to use tools such as Community Protection Notices and a Criminal Behaviour Order to tackle the behaviour of individuals who are known to cause trouble in the area. Sporting Communities have also been asked to engage with any young people congregating in the area and to encourage them to take part in positive activities in a more appropriate location. The police and District Council are also investigating ways of improving surveillance.

7.5 The activities outlined in the previous paragraph have assisted but the problems at the location continue to occur. Because, in part, of the relatively poor surveillance of the area, it can be difficult for the police to prove that individuals have committed offences and take appropriate action.

What is a Public Spaces Protection Order?

7.6 A Public Spaces Protection Order (PSPO) is designed to stop individuals or groups committing anti-social behaviour in a public space. The District Council has the power to make such an order, which can last for up to 3 years (but can be extended and/or varied), if satisfied on reasonable grounds that two conditions are met:

The first condition is that— .

- (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or .
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect. .

The second condition is that the effect, or likely effect, of the activities— .

- (a) is, or is likely to be, of a persistent or continuing nature, .
- (b) is, or is likely to be, such as to make the activities unreasonable, and .
- (c) justifies the restrictions imposed by the notice.

- 7.7 An order can (a) prohibit specified things being done in the restricted area, (b) require specified things to be done by persons carrying on specified activities in that area, or (c) do both of those things.
- 7.8 The Act states that the only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order (a) to prevent the detrimental effect from continuing, occurring or recurring, or (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- 7.9 The local authority must carry out consultation, publicity and notification before making a PSPO. The “necessary consultation” means consulting with the chief officer of police, the local policing body, “*whatever community representatives the local authority thinks it appropriate to consult*”; and the owner or occupier of land within the restricted area. The “necessary publicity”, in the case of a proposed order (or variation) means publishing the text of it. The “necessary notification” means notifying the relevant town/parish council and the county council.
- 7.10 Once an Order has been made, the local authority must then publish a copy of the Order on its website and erect notices in the area drawing the attention of members of the public to the fact that the Order has been made.
- 7.11 There is scope within the Act for an interested party to challenge the making of an Order within the period of 6 weeks beginning with the date on which the Order or variation is made.
- 7.12 The authority to make Public Space Protection Orders has been delegated by the Council to the Cabinet.

Proposed PSPO for Leek Bus Station

7.13 Following discussions with Staffordshire Police, it is agreed that the introduction of a Public Spaces Protection Order can be justified for the area around Leek Bus Station because the problems encountered at that location have a detrimental effect on the quality of life of those in the locality and are of a continuing nature.

Prohibition/Requirement	Justification
Congregating or loitering as part of a group of five or more people unless waiting for the arrival of a bus that is (or was in the case of late running or delayed buses) scheduled to depart within the next 20 minutes for the purposes of boarding and travelling on said bus	One of the key factors of the anti-social behaviour in the area has been groups of young people congregating in the area for purposes other than using public transport.
Playing football, other ball games or other sports.	Staffordshire Police has received complaints about people playing football in the area. It is not a suitable place for the playing of sports since it can cause nuisance to members of the public and possibly pose a danger to those playing football since, because of its nature as a bus station, there are vehicles regularly coming and going.
Climbing onto the roof of any premises in the Smithfield Centre or the bus station canopy without written permission of Staffordshire Moorlands District Council.	Staffordshire Police has received complaints about this dangerous activity. On occasion, this has been related to the previous issue with young people climbing onto the roof to retrieve footballs.
Engaging in, promoting, encouraging or assisting in activities of vehicle racing, 'doughnutting', drifting, wheel spinning or other forms of vehicle nuisance.	Staffordshire Police has received complaints about vehicle nuisance.
Playing loud music such as to cause a nuisance for other users of the bus station, passers-by or local residents or businesses.	Staffordshire Police and the District Council have received complaints about the nuisance caused by people playing loud music whilst congregating at the bus station.
Lighting, throwing or otherwise setting off fireworks such as to cause noise or other nuisance.	Staffordshire Police has received complaints about firework-related nuisance.
Using foul or abusive language.	Staffordshire Police has received complaints about the use of foul and abusive language by people congregating at the bus station.
Consuming alcohol or being in the possession of alcohol in an unsealed container.	Staffordshire Police has received complaints about people consuming alcohol in the area of the bus station and this is seen as a catalyst for other forms of anti-social behaviour.

Behaving in a manner that causes, or is likely to cause, alarm, distress or harassment to others.	This is a general prohibition to cover other forms of behaviour, not specifically covered in the above provisions, that have a detrimental effect on the quality of life of those in the locality
---	---

- 7.14 The Authority recognises that everyone has the right to freedom of expression, freedom of peaceful assembly and to freedom of association with others (Articles 10 and 11 of the Convention on Human Rights). However, the Authority believes that it is appropriate to make an order in these circumstances in the interests of public safety and for the prevention of disorder or crime.
- 7.15 It is proposed that the District Council carry out formal consultation on whether to make a PSPO and, if so, what it should include as required by Section 72 of the Act.
- 7.16 A draft Order is provided at Appendix A. It is proposed that the Council formally consult with the Chief Officer of Staffordshire Police, the Police and Crime Commissioner for Staffordshire, Staffordshire County Council, Leek Town Council, relevant bus companies and the management company for the Smithfield Centre on the introduction of a PSPO. In addition, it is proposed that members of the public also be invited to submit any representations by erecting signage in and around the proposed affected area and placing details on the Council's website.

Mark Trillo
Executive Director (People) & Monitoring Officer

**Web Links and
Background Papers**

Location

Contact details

Democratic &
Community
Services, Leek

David Smith – Principal Officer
Communities & Partnerships
david.smith@staffs Moorlands.gov.uk
Phone: 01538 395400 ext 4165

Appendix A Consultation Document



Staffordshire Moorlands District Council

NOTICE OF INTENTION TO APPLY A PUBLIC SPACES PROTECTION ORDER

Section 59 Anti-Social Behaviour Crime and Policing Act 2014

Notice is hereby given that Staffordshire Moorlands District Council proposes to make a Public Spaces Protection Order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Anyone who commits an offence under any of the provisions of the proposed Public Spaces Protection Order will be liable on conviction in the Magistrates' Court to a fine of up to £1,000.

Under the terms and restrictions of the proposed Public Spaces Protection Order the following will be prohibited:

- a) Congregating or loitering as part of a group of five or more people unless waiting for the arrival of a bus that is (or was in the case of late running or delayed buses) scheduled to depart within the next 20 minutes for the purposes of boarding and travelling on said bus.
- b) Playing football or other sports.
- c) Climbing onto the roof of any premises in the Smithfield Centre or the bus station canopy without written permission of Staffordshire Moorlands District Council.
- d) Engaging in, promoting, encouraging or assisting in activities of vehicle racing, 'doughnutting', drifting, wheel spinning or other forms of vehicle nuisance.
- e) Playing loud music such as to cause a nuisance for other users of the bus station, passers-by or local residents or businesses.
- f) Lighting, throwing or otherwise setting off fireworks such as to cause noise or other nuisance.
- g) Using foul or abusive language.
- h) Consuming alcohol or being in the possession of alcohol in an unsealed container.
- i) Behaving in a manner that causes, or is likely to cause, alarm, distress or harassment to others.

Copies of the draft Order are available during normal opening hours at the following locations: Leek Councils Connect, Moorlands House, Stockwell Street, Leek, Staffs, ST13 6HQ; Biddulph Councils Connect, Town Hall, High Street, Biddulph, Stoke-on-Trent, ST8 6AR; Cheadle Council Connect, 15a/17 High Street, Cheadle, Stoke-on-Trent, ST10 1AA.

Any representations regarding this proposed Order may be sent to the Council in writing by XXX.....? and addressed to: David Smith, Principal Community Safety Officer, Staffordshire Moorlands District Council, Moorlands House, Stockwell Street, Leek ST13 6HQ or david.smith@staffsmoorlands.gov.uk

Appendix B Draft Public Spaces Protection Order



Staffordshire Moorlands District Council

NOTICE OF INTENTION TO APPLY A PUBLIC SPACES PROTECTION ORDER

Section 59 Anti-Social Behaviour Crime and Policing Act 2014

The Staffordshire Moorlands District Council hereby makes the following Order:

1. This Order comes into force on XX.....
2. This Order applies to the land specified in the Schedule.

Offence

3. Under the terms and restrictions of the Public Spaces Protection Order the following is prohibited:
 - a) Congregating or loitering as part of a group of five or more people unless waiting for the arrival of a bus that is (or was in the case of late running or delayed buses) scheduled to depart within the next 20 minutes for the purposes of boarding and travelling on said bus.
 - b) Playing football or other sports.
 - c) Climbing onto the roof of any premises in the Smithfield Centre or the bus station canopy without written permission of Staffordshire Moorlands District Council.
 - d) Engaging in, promoting, encouraging or assisting in activities of vehicle racing, 'doughnutting', drifting, wheel spinning or other forms of vehicle nuisance.
 - e) Playing loud music such as to cause a nuisance for other users of the bus station, passers-by or local residents or businesses.
 - f) Lighting, throwing or otherwise setting off fireworks such as to cause noise or other nuisance.
 - g) Using foul or abusive language.

- h) Consuming alcohol or being in the possession of alcohol in an unsealed container.
- i) Behaving in a manner that causes, or is likely to cause, alarm, distress or harassment to others.

Penalty

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

5. If any interested person desires to question the validity of this Order on the grounds that the Council has no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

IN WITNESS whereof the COMMON SEAL

of the STAFFORDSHIRE MOORLANDS

DISTRICT COUNCIL was hereunto affixed this

day of two thousand and sixteen in

the presence of

Chairman

Chief Executive

SCHEDULE

This Order applies to land including, and immediately surrounding, the Smithfield Centre and Bus Station in Leek, Staffordshire Moorlands, which for the avoidance of doubt is edged in red on the attached map.