

COMMUNITIES, PARKS AND LEISURE POLICY COMMITTEE

MONDAY, 29TH JANUARY 2024

QUESTIONS RECEIVED FROM MEMBERS OF THE PUBLIC

Name of Questioner	Questions
Ruth Hubbard	<p>Item 8 City Centre Public Spaces Protection Order</p> <p>Q1. From reading the report it is not at all clear to me why the existing and effective use of current enforcement measures are insufficient to tackle instances of anti-social behaviour in the city centre and why the committee would seek to ramp this up into the more generalised regulation of public spaces and behaviour. We all need to feel safe on our streets but.. Why, for example, is a group of students sitting in a green space having a can of beer at the end of an exam a problem? Or, indeed, a student and their visiting parents on graduation day having a picnic and sharing a bottle of wine. How are buskers and street entertainers affected by these proposals? And where is the evidence that passive begging affects quality of life of the more fortunate majority? Do we want to stop a child who has lost their bus fare from asking passers by if they can help? Are we really suggesting members of the public should become less tolerant, and begin to refuse to accept these kinds of behaviours, lowering the thresholds for intervention? And to want to cleanse or airbrush our streets and public spaces of people who struggle to or won't conform - in a cost of living, mental health, housing and inequality crisis and so on?</p> <p>A1.</p> <p>The report asks for the committee to resolve to agree to commence a period of public consultation on the introduction of a PSPO in Sheffield City Centre and wording of the draft proposed PSPO. The committee is not, at this stage, making the order.</p> <p>The Anti-social Behaviour, Crime and Policing Act 2014 provides the police and Local authorities with</p>

a number of enforcement tools and powers to address anti-social behaviour (ASB) including:

Community Protection Notices – these are designed to stop a person aged 16 or over, business or organisation from committing ASB which spoils the community’s quality of life.

Criminal Behaviour Orders – these are issued by any criminal court against a person convicted of an offence to tackle the most serious and persistent offenders where their behaviour has brought them before a criminal court.

Civil Injunctions – can be granted against a person aged 10 or over and can offer fast and effective protection for victims and communities by setting a clear standard of behaviour for the perpetrator.

These powers are used where appropriate; however, they are limited to tackling the behaviour of identified individuals, businesses or organisations. In contrast, Public Spaces Protection Orders (PSPOs) target specified types of behaviour that is anti-social and apply to everyone equally.

Some activities, whilst anti-social, are not criminal so immediate action and response is not always possible. The additional restrictions provided by a PSPO would give the opportunity to take earlier, preventative action to tackle issues such as alcohol related anti-social behaviour.

Restrictions 2 (begging) and 3 (loitering) would only apply to behaviour that may cause or is likely to cause harassment, alarm, distress, nuisance, or annoyance. It is highly unlikely that a child who has lost their bus fare, asking passers-by if they can help would meet that threshold.

The individual draft restrictions and the specific wording of each condition within the draft order will form part of the consultation undertaken.

Q2. Do we also want to make unelected council officers local lawmakers and enforcers whilst restricting civil liberties, having few checks and balances, and with much lower burdens of proof than is normally required? Is there not a much more positive

vision and strategy that could be developed, or at least included, for what our city centre public streets and spaces mean, than extra regulation and criminalisation? Is all that's being proposed really worth it, and a proportionate response?

A2.

Following consultation, it is a matter reserved to the Communities, Parks and Leisure Policy Committee to consider the outcome of the consultation and to approve the making of the PSPO with such amendments as are necessary or to decide not to proceed. It is, therefore, elected representatives who will take that decision and not Council officers.

Q3. A narrative of 'public order' and of 'undesirables' has been pretty prevalent in the U.K, not least as we have seen applied by the current government. But I see early consultation or scoping work has already also been carried out and this seems to have prioritised business and corporate interests in determining how things should be, and we see councils increasingly aligning with these interests everywhere.. But what equivalent early consultation and scoping work has been carried out with those most likely to be disproportionately impacted by a PSPO or with those working with them, such as VCS, faith and other outreach groups, hostel and supported accommodation providers, homelessness, asylum seeker, migrant and youth organisations and so on. Or indeed with city centre residents/residents' groups? Or is it as it appears in this report, that it's what local business interests state that really matters, and that will continue to be prioritised?

A3.

The purpose of this report is to set out the current position regarding anti-social behaviour in the city centre, seek approval of the wording of the draft Public Spaces Protection Order (PSPO) and to approve consulting the public and other stakeholders on the introduction of the PSPO.

If approved, the Council will engage in an open and public consultation to give the users of the public

space the opportunity to comment on whether the proposed restriction or restrictions of a PSPO are appropriate, proportionate or needed at all. The Council will also ensure that specific groups likely to have a particular interest are consulted.

It is the outcome of the consultation that will inform whether or not a PSPO is the right course of action, what restrictions it should or shouldn't contain and the area covered by those restrictions.

Q4. Presumably when it comes to enforcement there is a potential council resource likely to be involved if council officers are going to have enforcement powers. Might the council employ a private security firm to enforce a PSPO, as some councils have and which offers financial incentives for issuing FPNs? Will likely costs be consulted on and in relation to views about whether extremely constrained council budgets should be prioritised for enforcement activity and other costs? Do we know at this stage what financial implications there might be here for council budgets, or have these been anticipated?

A4.

If, following consultation, it is recommended that a PSPO be made, the financial implications of implementing a PSPO will be considered in a further report to the Policy Committee.

The PSPO can be enforced by both Council and Police officers. The Council resources are the Sustainable Communities Officers (Anti-Social Behaviour Team) and City Centre Ambassadors.

Enforcement would be managed through existing staff resources. As with all elements of the service, resources would be prioritised according to need.

An Enforcement & Support Protocol would be developed to ensure there would be a shared approach to enforcement that is fair, reasonable, and focused both on keeping the city centre safe and on addressing support needs. This would be linked to and complement existing work to tackle anti-social behaviour in the city centre.

Q5. I note the local data provided. Why is there nothing, however, by way of evidence provided in the report, of the fairly extensive criticisms of, and problems with, PSPOs. Nor reporting of the extremely thin to negligible evidence base for any success that can be attributed to them?

A5.

The evidence presented in this report seeks to demonstrate that, within the City Centre, there is behaviour that is having or is likely to have a detrimental effect on the quality of life of those in the locality, is persistent and continuing in nature and is unreasonable and may justify the introduction of restrictions through a PSPO.

The report does not seek to demonstrate the effectiveness or otherwise of PSPOs introduced in other towns and cities.

Q6. The proposed area for the PSPO appears to be widely drawn. It includes perhaps up to 25% of its area where there is the lowest level (nearly nothing) in terms of ASB reported. And fairly large local areas where there is barely much more. Is the proposed wide area necessary and proportionate as is required? (It doesn't really appear so?)

A6.

As above, if consultation on the draft PSPO is approved by the Committee, it will include consulting on the proposed area covered.

Q7. The serious studies that exist all draw the same conclusions including, of course, that they disproportionately target, impact and criminalise the most vulnerable, the poorest, young people, migrant groups, homeless people and so on. I note the talk of signposting to support services and an emphasis on harm reduction. But are poverty levels, inequalities, mental health etc so improved - and benefit levels, youth services, the housing situation and statutory and vcs sector funding also so improved that we expect to see a different picture and pattern emerging in Sheffield? How will monitoring be undertaken and responded to?

A7.

The purpose of this report is to set out the current position regarding anti-social behaviour in the city centre, seek approval of the wording of the draft Public Spaces Protection Order (PSPO) and to approve consulting the public and other stakeholders on the introduction of the PSPO.

The consultation will aid the understanding of both the impact of the behaviour and the potential impact of introducing a PSPO on those who live, work and visit the area and those affected by the PSPO so that an informed decision can be taken by the Committee on whether or not to make a PSPO. A full Equalities Impact Assessment has been carried out to assess the impacts across the range of protected characteristics and this will be updated and revised following the consultation process.

Q8. If the report is agreed, will the council anonymise and make all consultation responses public?

A8.

Openness and honesty are important to us and we will endeavour to publish the comments from as many responses as we can, however we can't guarantee, at this stage, that we will be able to publish all of the responses. Quantitative questions will be provided as aggregated results.