

EXECUTIVE MEMBER FOR NEIGHBOURHOOD SAFETY

A meeting of the Executive Member for Neighbourhood Safety was held on Tuesday 15 November 2022.

PRESENT: Councillors , TA Grainge

PRESENT BY INVITATION: Councillors

ALSO IN ATTENDANCE:

OFFICERS: S Blood, G Field and M Walker

APOLOGIES FOR ABSENCE: Councillors

22/1 **TS1 PSPO EXTENSION**

The Director of Environment and Community Services submitted a report which outlined the results of the formal consultation which was recently completed in order to extend and vary the current Public Space Protection Order (PSPO) for the TS1 area of Middlesbrough.

In order to extend and vary a PSPO, it was necessary to follow a statutory consultation process.

The report stated that the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) came into force on 1st October 2014 and introduced streamlined tools and powers to address anti-social behaviour which include Public Spaces Protection Orders.

Following approval by the Executive, the TS1 PSPO was made and came into force on the 26 November 2019 for a period of three years which prohibits a number of activities within the TS1 area, summarised as follows:

- people urinating or defecating
- people spitting saliva or products
- people refusing to stop drinking alcohol when requested by the police or authorised officers
- People failing to keep dogs on leads, failing to dispose of dog waste and being in charge of more than four dogs at the same time
- people dropping litter
- people being verbally abusive and causing harassment alarm or distress to others
- people using skateboards, scooters, skates, bikes in a manner that causes damage to property of nuisance and annoyance to others
- people ingesting smoking inhaling injecting intoxicating substances
- Groups of people congregating in a manner likely to cause

harassment alarm or distress to others

- people persistently begging

The TS1 PSPO may not have effect for longer than three years and expires on the 26 November 2022, but may be extended under Section 60 of the Act.

To extend the TS1 PSPO the Executive must be satisfied, on reasonable grounds, that the extension is necessary to prevent the occurrence or recurrence of the activities prohibited in the Order or to prevent an increase in frequency or seriousness of those activities if the Order was to expire.

Section 61 of the Act also permits PSPOs to be varied by the alteration, removal or addition of a restriction, prohibition or requirement in an Order. It is proposed that the TS1 PSPO is varied to prohibit the following additional activities:

- a. Rummaging in bins
- b. Appropriating monies for charitable or other purposes without a licence including asking members of the public to sign up to schemes

Under Sections 61 and 59 of the Act, in order to vary the TS1 PSPO the Executive must be satisfied, on reasonable grounds, of the following conditions:

- c. That the activities set out above are being carried out in public places within the TS1 area and are having or likely to have a detrimental effect on those in that locality, and
- d. That the effect of likely effect of those activities is or is likely to be of a persistent or continuing nature such as to make those activities unreasonable and, therefore, that the prohibition of those activities in the Order is justified.

In accordance with the requirements of the Act a formal consultation has been carried out about the proposal to extend and vary the TS1 PSPO.

The draft Middlesbrough Borough Council TS1 Area of the Borough, Extension and Variation, Public Spaces Protection Order 2022 which sets out the detailed provisions relating to the proposed extension and variation and which also formed part of the consultation documents was attached to the report.

The process of the consultation and the results of the consultation were detailed within the report.

OPTIONS

Other potential decision(s) and why these have not been recommended

1. That the PSPO is not extended. This is not recommended as there is still a high level of crime and anti-social behaviour and which include the prohibited activities within the TS1 area. The TS1 PSPO provide powers for the council to enforce the prohibitions and take action by way of a warning, fine or prosecution against any person breaching the Order. If the Order is not extended it is likely those prohibited activities will recur or increase in frequency or seriousness and there will be no additional powers of enforcement to aid prevention provided for in the TS1 PSPO.
2. That the PSPO is extended but the variation is not granted. This is not recommended as it is likely that the activities of rummaging in bins and nuisance approaches to members of the public for money or subscriptions to charities or schemes will continue to and persistently occur being detrimental to people in the locality. There will be no additional powers to prevent those activities or enforce against the carrying out of those activities.

ORDERED

2. That the Executive is satisfied that the conditions set out in paragraph 5 of the report have been made out and the TS1 PSPO should be extended for a period of three years on the terms set out in the draft order annexed to this report
3. That the Executive is satisfied that the conditions set out in paragraph 7 of the report have been made out and that the TS1 PSPO should be varied to prohibit the following activities on the terms as set out in the draft order annexed to this report.
 - a. Rummaging in bins
 - b. Appropriating monies for charitable or other purposes without a license including asking members of the public to sign up to schemes

REASON

The decisions were supported by the following reason:

Following the results of the public survey, it was evident that there was sufficient support from both local residents and the business community that the conditions have been met to extend and vary the Order.

The decision(s) will come into force after five working days following the day the decision(s) were published unless the decision becomes subject to the call in procedures.