

EXECUTIVE MEMBER FOR COMMUNITY SAFETY

Date: Wednesday 28 August, 2024
Time: 2.30 p.m.
Venue: Spencer Room, Town Hall

AGENDA

1. Proposals to withdraw Neighbourhood Warden Police Accreditation Powers 3 - 24

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
19 August 2024

MEMBERSHIP

Councillors J Thompson

Assistance in accessing information:

Should you have any queries on accessing the Agenda and associated information please contact Claire Jones claire_jones@middlesbrough.gov.uk

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MIDDLESBROUGH COUNCIL



Report of:	Director of Environment & Community Services
Relevant Executive Member:	Executive Member for Neighbourhood Safety
Submitted to:	Single Member Executive
Date:	28 August 2024
Title:	Proposals to withdraw Neighbourhood Warden Police Accreditation Powers
Report for:	Decision
Status:	Public
Council Plan priority:	Safe and resilient communities
Key decision:	No
Why:	Decision does not reach the threshold to be a key decision
Subject to call in?:	Yes
Why:	Non-urgent report

Proposed decision(s)

That the Executive Member approves the withdrawal of Neighbourhood Warden Police Accreditation Powers

Executive summary

This report is to consider the removal of the Community Safety Accreditation Scheme that was designated to Neighbourhood Safety Wardens by Cleveland Police in 2019 and approved at full council on 8th October 2019 as part of the wider IGF proposals.

1. Purpose

A decision needs to be made on whether to remove the powers as the current process is having a detrimental impact upon the recruitment process and community safety budget.

2. Recommendations

That the Executive Member for Community Safety

Approves the withdrawal of Neighbourhood Warden Police Accreditation Powers.

3. Rationale for the recommended decision(s)

In order to comply with Cleveland Police, having accreditation powers, requires our Neighbourhood Wardens to be vetted at a higher level (NPPV2). In the last 12 months, Cleveland Police have advised Middlesbrough Council that they no longer have the capacity to do this. We are therefore having to apply to another police force in Warwickshire to complete these requests as part of the recruitment process.

We are experiencing significant delays, often waiting months for a response, which is having a detrimental impact on our ability to backfill vacant posts. Some candidates are failing the vetting process, despite passing their enhanced DBS, which is still an essential criteria as part of the recruitment process. Three recent applications that passed the enhanced DBS stage have all been failed/not cleared for NPPV L2 vetting, as a result of a relative whom the applicant had little or no association with.

Each police vetting application also costs the Local Authority £180 per request. Removing the delegated powers would help us to achieve savings within the community safety budget.

In addition, it will allow management to backfill current vacancies a lot more quickly, which in turn will allow wardens to be deployed across other areas of the town without any significant loss of warden powers.

4. Background and relevant information

The Police Reform Act 2002 enables the Chief Officer of any police force to establish and maintain a scheme to be known as a Community Safety Accreditation Scheme. This created an opportunity for organisations with responsibility for tackling community safety to apply for accreditation.

On 8th October 2019 Executive approved proposals to develop a new community enforcement service as part of a wider approach to tackle town centre enforcement. This was funded as part of the Council's Indigenous Growth Fund via the Tees Valley Combined Authority which will end in March 2024.

A range of measures to increase the Council's enforcement activities were approved, including the introduction of a Public Space Protection Order in TS1 and an enhanced approach to enforcement within the town centre, both of which will continue.

Delegated additional powers by the Chief Constable of Cleveland Police were also agreed, allowing Neighbourhood Wardens to carry out the following;

- Issue Fixed Penalty Notices for dog fouling
- Issue Fixed Penalty Notices for littering
- Power to issue Fixed Penalty Notices in respect of offences under dog control orders
- Issue Fixed Penalty Notices for graffiti and fly-posting
- Require giving of name and address
- Require name and address for antisocial behaviour
- Require persons drinking in designated places to surrender alcohol
- Require persons aged under 18 to surrender alcohol
- Seize tobacco from a person aged under 16

The Local Authority already have a wide range of legislative tools and powers via ASB and Environmental legislation. Since the introduction of the amalgamated enforcement team, use of these powers have increased such as; fixed penalty notices, community protection notices and the PSPO. All of these powers can be utilised without Police Accreditation (see table attached).

5. Other potential alternative(s) and why these have not been recommended

There are no other potential alternatives.

6. Impact(s) of the recommended decision(s)

The Local Authority already have a wide range of legislative tools and powers which will remain unchanged.

7. *Financial (including procurement and Social Value)*

The cost of each application is £180. On average, the Council has submitted 30 applications per annum. These costs are currently funded by grant from Tees Valley Combined Authority and the Police and Crime Commissioner. This resource can now be used to cover other eligible expenditure.

8. *Legal*

There are no direct legal implications as a result of this report and there are a wide range of enforcement powers under anti-social behaviour and environmental legislation.

9. *Risk*

There are no risks associated with these recommendations as Neighbourhood Wardens can still utilise alternative legislation to tackle anti-social behaviour.

10. *Human Rights, Public Sector Equality Duty and Community Cohesion*

Not applicable

11. Climate Change / Environmental

Not applicable

12. Children and Young People Cared for by the Authority and Care Leavers

Not applicable

13. Data Protection

The proposal does not involve the collation and use of personal data.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Discussion with Cleveland Police	Marion Walker	30.09.2024

Appendices

1	Table demonstrating current tools & powers
2	
3	

Background papers

Body	Report title	Date
Executive report	Community Enforcement: A New Approach Supporting town centre investment and strengthening town wide enforcement.	8/10/19

Contact: Marion Walker, Head of Stronger Communities

Email: Marion_walker@middlesbrough.gov.uk

Appendix 1

<ul style="list-style-type: none"> • Fines issued using Police Accredited Powers = income received by the treasury (not MBC) • Fines issued using LA powers = income received by Middlesbrough Council • Enforcement powers and Tools available to Neighbourhood Safety Service 			
Powers	Requested Police Power	LA Existing Power	Area of the Borough Powers apply
The power to issue Fixed Penalty Notices for dog fouling and littering	No	Yes	All of Middlesbrough
<ul style="list-style-type: none"> • The power to request the name and address of a person acting in an anti-social manner. 	Yes	Yes	All of Middlesbrough
<ul style="list-style-type: none"> • The power to request the name and address of someone suspected of committing; <ul style="list-style-type: none"> ○ An offence for which the Accredited Person is able to issue a penalty notice. ○ An offence that caused injury alarm and distress to another person. ○ An offence that caused damage to or the loss of another's property. 	Yes	Yes	All of Middlesbrough
<ul style="list-style-type: none"> • The power to confiscate cigarettes and tobacco products from persons under 16. 	Yes	No	All of Middlesbrough
<ul style="list-style-type: none"> • The power to confiscate alcohol from young persons under the age of 18. 	Yes	Yes	All of Middlesbrough
<ul style="list-style-type: none"> • Power to deal with begging. 	Yes	Yes	LA: PSPO area (TS1) only via FPN Police: All of Middlesbrough
<ul style="list-style-type: none"> • Power to stop vehicles for testing. 	No	No	
<ul style="list-style-type: none"> • Power to control traffic for purposes other than escorting a load of exceptional dimensions. 	No	No	All of Middlesbrough
<ul style="list-style-type: none"> • The power to issue a Fixed Penalty Notice for graffiti. 	Yes	Yes	All of Middlesbrough
<ul style="list-style-type: none"> • The power to issue a Fixed Penalty Notice for fly-posting. 	No	Yes	All of Middlesbrough
<ul style="list-style-type: none"> • The power to stop cyclists if they are suspected of having committed the offence of riding on a footpath. 	Yes	Yes	LA: PSPO area (TS1) only Police: All of Middlesbrough
<ul style="list-style-type: none"> • The power to deal with urinating or defecating in a public place (FPN) 	Yes	Yes	LA: PSPO area (TS1) only Police: All of Middlesbrough
<ul style="list-style-type: none"> • The power to deal with spitting slaver or other substances without attempting to remove it (FPN) 	Yes	Yes	LA: PSPO area (TS1) only Police: All of Middlesbrough
<ul style="list-style-type: none"> • The power to surrender alcohol by people drinking alcohol in a public place or holding an opened container of alcohol (FPN) This includes under 18 and over 18. 	No	Yes	LA: PSPO area (TS1) only Note: This can be requested as part of CSAS for designated areas. However the PSPO automatically gives the authority this power.
<ul style="list-style-type: none"> • The power to deal with people <ul style="list-style-type: none"> • failing to keep a dog on a lead 	No	Yes	LA: PSPO area (TS1) only

<ul style="list-style-type: none"> • being in charge of more than 4 dogs in a public place • allowing a dog to foul in a public place without picking it up (FPN) 			LA: Dog Fouling powers are borough wide.
<ul style="list-style-type: none"> • The power to deal with people being verbally abusive to any person or in a way that is likely to cause alarm or distress (FPN) 	Yes	Yes	LA: PSPO area (TS1) only Police: All of Middlesbrough
<ul style="list-style-type: none"> • The power to deal with people who ride a skateboard, scooter, skates or bicyclical or self-propelled wheeled vehicle in a way that causes damage to property or nuisance or annoyance to others. Including alcohol and 'legal high's' (FPN) 	Yes	Yes	LA: PSPO area (TS1) only Police: All of Middlesbrough
<ul style="list-style-type: none"> • The power to deal with people who ingest, inhale, inject, smoke or otherwise intoxicating substances (FPN) 	No	Yes	LA: PSPO area (TS1) only
<ul style="list-style-type: none"> • The power to deal with people who congregate in a group of 3 persons or more acting in a manner likely to cause harassment, alarm or distress to others. (FPN) 	Yes	Yes	LA: PSPO area (TS1) only Police: All of Middlesbrough
<ul style="list-style-type: none"> • Power to issue fixed penalty notices for truancy 	Yes	No	Police: All of Middlesbrough
<ul style="list-style-type: none"> • Power to issue fixed penalty notice in respect of an excluded pupil in a public place 	Yes	No	Police: All of Middlesbrough
<ul style="list-style-type: none"> • Power to issue fixed penalty notices in relation to offences against certain byelaws 	Yes	No	Police: All of Middlesbrough Further details needed relating to Byelaws in Middlesbrough.
<ul style="list-style-type: none"> • Power to photograph persons away from a police station 	Yes	Yes	All of Middlesbrough
<ul style="list-style-type: none"> • Powers to interview under caution 	No	Yes	Nationally
<ul style="list-style-type: none"> • Powers to issue warning letters for individuals involved in ASB 	No	Yes	All of Middlesbrough
<ul style="list-style-type: none"> • Powers to request people to sign up to acceptable behaviour contracts (Voluntary and not enforceable if perpetrators decline). 	No	Yes	All of Middlesbrough
<ul style="list-style-type: none"> • Powers to build case files and make applications for Civil Injunctions and Criminal Behaviour Orders 	No	Yes	All of Middlesbrough
<ul style="list-style-type: none"> • Powers to serve closure notices and apply for Closure Orders on both domestic and commercial premises where ASB/ Criminality is occurring. 	No	Yes	All of Middlesbrough
<ul style="list-style-type: none"> • Dispersal Powers 	No	No	Council wardens do not hold this power but would be a useful tool if we could be devolved with this power. This needs to be explored with Cleveland Police to see if this is feasible.

Power to issue Penalty Notices for Disorder (PNDs) for:			
• Throwing fireworks in a thoroughfare.	Yes	No	All of Middlesbrough
• Behaviour likely to cause harassment, alarm or distress.	Yes	No	All of Middlesbrough
Power to issue Penalty Charge Notices for Parking Contraventions (PCN Civil)			
• Can issue warning notices where appropriate	No	Yes	All of Middlesbrough
• Can issue Penalty Charge Notices for contraventions of traffic regulation orders e.g. parking on double yellow lines	No	Yes	All of Middlesbrough
Powers to deal with Environmental Crime			
• Power to seize untaxed vehicles	No	Yes	All of Middlesbrough
• Power to seize abandoned vehicles (CSAS) & refuse disposal (amenity) act 1978	Yes	Yes	All of Middlesbrough
• Power to seize vehicles used in fly-tipping/ Environmental Crime	No	Yes	All of Middlesbrough
• Powers to issue fixed penalty notices for environmental crimes such as fly tipping, littering, waste presentation, not holding appropriate waste licences and agreements	No	Yes	All of Middlesbrough
• Powers to issue fixed penalty notices for graffiti and fly posting	No	Yes	All of Middlesbrough
Powers to issue Community Protection Notice legislation			
• Powers to issue Community Protection Notice Warnings.	No	Yes	All of Middlesbrough
• Powers to issue Community Protection Notices.	No	Yes	All of Middlesbrough
• Powers to issue fixed penalty notices for breaches of community protection notices.	No	Yes	All of Middlesbrough

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Report of:	Kevin Parkes – Executive Director of Growth and Place Cllr Mieka Smiles - Executive Member for Culture and Communities
Submitted to:	Executive, October 8 th 2019
Subject:	Community Enforcement: A New Approach Supporting town centre investment and strengthening town wide enforcement.

Summary	
To agree a new approach to delivering community-based enforcement in Middlesbrough.	
<p>The report proposes a range of initiatives to decrease antisocial behaviour and crime in the borough including a dedicated Town Centre Enforcement Team and the implementation of a Public Space Protection Order for TS1. These proposals will improve the quality of our residents daily lives, protect existing businesses and support business growth.</p> <p>The proposals are supported as part of the Council’s Indigenous Growth Fund Bid to TVCA and increased delegated powers from the Chief Constable. It includes collaborative working with Cleveland Police and Teesside University.</p>	

Proposed decision(s)	
<p>That the Executive:</p> <ol style="list-style-type: none"> Supports the development of a new community enforcement service for the town. Supports the implementation of a Town Centre Enforcement Team as part of the town wide approach. This will be funded as part of the Council’s Indigenous Growth Fund bid to the TVCA; Support a further range of measures to increase the Council’s enforcement effectiveness, including increased delegated enforcement powers to Council staff by the Chief Constable of Cleveland Police and Supports the introduction of a Public Space Protection Order for TS1 as outlined in the report which will be in place for 3 years. 	

Report for:	Key decision:	Confidential:	Is the report urgent?
Decision	Yes	No	No

Contribution to delivery of the 2018-22 Strategic Plan		
Business Imperatives	Physical Regeneration	Social Regeneration
The scheme will provide an opportunity to improve business satisfaction in the way the Council responds to crime and antisocial behaviour across the borough, thus encouraging further investment and growth. The focus on central Middlesbrough supports the Town Centre Strategy and the Investment Prospectus.	The scheme is aimed at improving living standards and encouraging investment to the area. The new combined enforcement service will have a dedicated town centre team which will support many of the major regeneration investments proposed in the town.	The scheme has a significant contribution to make to the social regeneration strategy by building confidence in the community and local businesses by encouraging them to have an active role in their neighbourhood and pride in where they live.

Ward(s) affected
The PSPO will affect all wards in TS1 including Central, Newport and Park. The further measures outlined will impact on all wards in Middlesbrough.

What is the purpose of this report?

1. To give an overview of the measures proposed to address antisocial behaviour and crime in Middlesbrough and address community concerns on these matters. The specific proposals for the town centre are designed to protect businesses and attract greater investment in the area.
2. This report provides a whole new approach to the Council's enforcement activities and powers, reflecting community and business concerns and also helping to provide a more efficient and coordinated service in order to:
 - a) Reduce antisocial behaviour by changing behaviour throughout Middlesbrough.
 - b) Encourage more people to invest in the town centre and help current businesses feel supported as well as improving the visitor experience.
 - c) Tackle begging and nuisance behaviour in the town, whilst supporting those that need help.
 - d) Focus resources on the things that people say matter to them.
 - e) Improve Middlesbrough as a place to live, work and visit and
 - f) Maximise enforcement resources by working in partnership and attracting external funding.
3. The proposals bring together a range of measures that will increase the enforcement of environmental crime and antisocial behaviour. The Mayor of Middlesbrough has pledged to improve the lives of people living in Middlesbrough and to increase the economic vibrancy of the town centre. The first part of the report proposes a new amalgamated enforcement team. This will include a dedicated Town Centre Enforcement Team that will be partly funded through the TVCA Indigenous Growth Fund to support the investment programme that is currently being delivered. In addition it is recommended that additional

enforcement powers be delegated to Council enforcement staff by the Chief Constable. This will increase the effectiveness of the other measures outlined in the report. The second part of the report presents the results of a formal consultation on the introduction of a Public Space Protection Order for TS1.

4. If approved, the new community enforcement service will consist of 56.5 enforcement staff and will be fully in place by January 2020. Recruitment of the additional Town Centre Wardens commenced in September 2019 and this will increase capacity whilst we work on bringing together the existing enforcement functions across the Council.

Why does this report require a member decision?

5. The inclusion of a Town Centre Enforcement Team in the TVCA bid for the Indigenous Growth Fund is likely to amount to over £3 Million over three years. It is necessary for Executive to agree this investment and to agree the additional delegated enforcement powers for Council staff being requested of the Chief Constable.
6. In order to implement a Public Space Protection Order (PSPO) it is necessary to follow a statutory consultation process. Following the formal consultation that took place over the summer, a decision is required by Executive to implement the PSPO for TS1.

Report Background

7. The Mayor and the Council are being bold and ambitious in their plans to drive forward Middlesbrough's economic resurgence. There is a rise of the creative and digital sectors which has helped to drive regeneration, with innovative businesses successfully operating in the Boho Zone. Middlesbrough town centre's retail core has more retail floorspace than any other centre in the Tees Valley. The night-time and leisure economy is booming, with recent enhancements to Bedford and Baker Streets seeing new, independent retailers complementing the more established operators along Linthorpe Road.
8. The town centre is host to 32 million visitors per annum and the proposals within this report will help to cement the economic regeneration of the town by tackling some of the concerns raised by residents and businesses.
9. Working alongside the Investment Prospectus these proposals will ensure that in attracting greater investment there will be a welcoming and safe environment for investors, visitors, students and local residents.

A NEW COMMUNITY INTEGRATED ENFORCEMENT TEAM

10. This section of the report recommends the creation of a new Integrated Enforcement Team which will include a dedicated Town Centre Enforcement Team.

Amalgamating Current Enforcement Functions

11. Work is underway to amalgamate the current enforcement functions of the Council to maximise effectiveness, capacity and responsiveness to dealing with antisocial and nuisance behaviour. There are common approaches in the different service areas and there are opportunities to provide an enhanced and more efficient service. Discussions are taking place with Trade Unions and staff in order that an amalgamated enforcement team can be formed. Additionally, a new dedicated Town Centre Enforcement Team is to be created to support this area and will include the recruitment of additional wardens. This

is a fundamental arm of the Council's new invigorated approach to securing investment and regeneration.

12. Three services within the Council will be combined into the new Community Enforcement Service. These are:
- a) Community Safety (Street Wardens, Neighbourhood Safety and Selective Landlord Licensing)
 - b) Environmental Enforcement
 - c) Car Parking (Civil) Enforcement

Future Role of Community Enforcement Team

13. The new team will involve two front line enforcement job roles. There will be six senior Community Enforcement Officers which would have supervisory and additional investigatory responsibilities. The remaining 50 Community Enforcement Officers will have broad ranging roles, providing existing duties. It is envisaged that the primary responsibility of this role would be:
- a) A highly visible uniformed presence in neighbourhoods and the town centre.
 - b) Issuing of Fixed Penalty Notices for a wide range of antisocial behaviour and environmental offences.
 - c) Referral of vulnerable people to other council and partner services.
 - d) Gathering of community intelligence for use by partners and other services.
 - e) Gathering of intelligence and investigating environmental crimes.
 - f) Partnership working with other enforcement services, in particular the police.
 - g) Forming strong and trusting relationships with resident groups and residents.
 - h) Collective days/weeks of action on specific issues such as inconsiderate parking at schools.
 - i) Enforcing parking infringements through fines.
 - j) Taking parking actions against inconsiderate/dangerous parking at schools and other key premises.
 - k) Being ambassadors for good civil behaviour through raising public awareness.
 - l) Supporting the sense of safety and security at major events.
 - m) Being ambassadors for the town centre and helping and supporting visitors.
 - n) Working collaboratively with private sector warden services, such as in the four shopping centres.
 - o) Helping develop community-based initiatives to address antisocial behaviour and crime and,
 - p) Identifying issues needing to be addressed in the community and ensuring that the appropriate services respond e.g. street lighting failures etc.
14. When including the Council's Town Centre Enforcement Team outlined later in this report, this provides a total of 56.5 Community Enforcement Officers which includes supervisory roles. All Officers will have:
- a) New standard uniforms
 - b) Powers to issue Fixed Penalty Notices
 - c) Body worn cameras for personal safety and intelligence gathering and,
 - d) Radio contact with CCTV/central control

15. It is recommended that the final structure for the combined enforcement team be implemented by the Director of Culture, Communities and Communications, in consultation with the Executive Member for Culture and Communities.
16. The proposed hours of operation are 8AM to 11PM and this will be reviewed regularly to ensure service effectiveness.

A Dedicated Town Centre 'Enforcement' Team

17. Middlesbrough's economy and wider perceptions are largely based in and around the town centre area. There is considerable investment occurring in this area.
18. To support this investment the Town Centre Strategy identified that it is essential that the town centre and surrounding areas are seen as safe, clean and welcoming. The concern about crime and antisocial behaviour was the single biggest issue identified by both businesses and town centre users. It is proposed that to underpin future investment through the Indigenous Growth Fund (IGF) that has been established by TVCA to support local business growth. The Council has identified that its priority is for community and business safety in the Town Centre to be its priority in order to safeguard existing businesses and future investment. The resources for such security and enforcement will be funded from the IGF.
19. The wardens in this dedicated town centre team will form part of the wider amalgamated enforcement team outlined above.
20. As part of the consultation with businesses in the town Centre on a dedicated Town Centre Enforcement Team, it was identified that there is a need to ensure that there are dedicated warranted police officers available to support the business community on a daily basis. The proposals are therefore to include a small number of police officers dedicated to the town centre, with a proposed contribution from Cleveland Police. These officers will work as part of the dedicated Town Centre Enforcement Team and have shared objectives and priorities.
21. Additionally, a critical core of the Middlesbrough economy is Teesside University. The University already has a successful enforcement team. It is proposed that the new Town Centre Enforcement Team will work collaboratively with the University's team so as to ensure that the campus approach can be extended into the surrounding area.
22. The additional resources will supplement resources already committed by a variety of agencies and businesses and will not result in any displacement of existing commitments. The team will work in a new integrated management approach with the Council's Town Centre Manager, the Town Centre Partnership in terms of identifying strategic priorities, Cleveland Police and Teesside University. The investment proposed will focus on encouraging more people to invest in the town centre and help current businesses feel supported, including the University, as well as improving the visitor experience. This will be achieved via:
 - a) Improved security and addressing crime, and antisocial behaviour.
 - b) Providing management for events and activities, such as Orange Pip Market/ events at the Town Hall.

- c) Supporting the early evening and night time economy.
- d) Providing advice and support to visitors to central Middlesbrough.
- e) Supporting issues faced by the town centre businesses and,
- f) Making the university campus feel secure and safe for all.

23. In addition to these additional benefits, the Town Centre Enforcement Team will also ensure that antisocial behaviour and crime are tackled effectively along with ensuring that the area is kept clean and tidy. The objectives will be:

- a) To reduce retail crime and antisocial behaviour in the town centre by a minimum of 33% over the next three years.
- b) Deter and apprehend offenders, including the identification of persistent offenders such as shop lifters and ensuring that more shop lifters are prosecuted.
- c) Give businesses and investors' confidence Middlesbrough is the right place to have a business / invest (provide regular feedback to stakeholders and reassurance visits to city centre businesses).
- d) Provide a safe and secure environment and reduce the perceptions of crime for businesses and residents.
- e) Co-ordinate security in the retail core, collaborating with shopping centres and retailers.
- f) Work with businesses and agencies to reduce begging and rough sleeping and drug use.
- g) Enforce the impending PSPO and issue Fixed Penalty Notices.
- h) Ensure the area remains clean by performing ad hoc cleansing duties as required to supplement the existing cleansing service and to report issues to other Council services.

24. The total annual cost to the Indigenous Growth Fund will be £3.782 Million in total covering the costs of 27 wardens and two PC's for the period from Nov 2019 to April 2020 and 32 wardens and 2 PC's from April 2020 to May 2024. A financial contribution will be provided by the University and Cleveland Police has agreed to contribute officer posts to the scheme and work in a joint approach.

25. The proposed team will include up to 31 wardens dependant on need, a Neighbourhood Safety Officer, a Sargent, between 2 and 4 PC's and 2 PCSO's. Following confirmation of the Universities contribution and the police officer deployment, the Executive Member and Director for Culture, Communities and Communications will agree the final structure with partners.

26. The management and supervision will be through a dedicated manager for the whole Community Enforcement Team. There will be a dedicated lead for the Town Centre Enforcement Team who will ensure that the strategic objectives are continually observed. This post will have priorities set as outlined in paragraph 23. Co-ordination with other Council services such as cleansing and highways will also be essential.

27. The funding for the new Town Centre Enforcement Team will, in part, come from the TVCA Indigenous Growth Fund. The enforcement team forms a critical component of the Council's approach to economic regeneration. The initial funding will allow the new service to extend until 2024.

28. It is expected that a contribution from local businesses will subsidise the costs in later years and will also be a factor in the schemes long terms sustainability.

Delegation of Additional Powers

29. Section 40 of the Police Reform Act 2002 allows the Chief Constable to delegate powers to Council staff under a Community Safety Accreditation Scheme.
30. In previous years, Council wardens have been delegated additional powers by the Chief Constable, these were agreed by Executive, but are no longer in place. The powers included:
- a) Issue Fixed Penalty Notices for dog fouling.
 - b) Issue Fixed Penalty Notices for littering: Power to issue Fixed Penalty Notices in respect of offences under dog control orders.
 - c) Issue Fixed Penalty Notices for graffiti and fly-posting.
 - d) Require giving of name and address.
 - e) Require name and address for antisocial behaviour.
 - f) Require persons drinking in designated places to surrender alcohol.
 - g) Require persons aged under 18 to surrender alcohol and,
 - h) Seize tobacco from a person aged under 16.

The power to deal with begging by asking for a name and address is an additional power Council staff have not had previously, but it would be considered useful in future.

31. Many of these powers will be available under the PSPO, however this is only for the TS1 postcode. It has been agreed with the Chief Constable that these powers can be delegated and they will be implemented as part of the wider implementation of the enforcement team.

Timeline for implementation of Combined Enforcement Team

- a) Discussions with Trade unions and staff regarding Combined Enforcement Team – September 2019
- b) Combined Enforcement Team bringing together existing enforcement functions put in place – November 2019
- c) TCVA Cabinet Decision on funding – 25th October 2019
- d) Recruit additional Wardens – commences September 2019
- e) Full combined Enforcement Team in place to include the new Town Centre Team) – January 2020 and,
- f) Review impact of changes and consider further PSPO's – December 2020.

Measuring the Success of the Enforcement Team

32. A performance framework has been developed by the Community Safety Partnership that will monitor key indicators and measure success. This will include the reduction in both recorded crime and antisocial behaviour in TS1 and the town centre.

Public Space protection Order

33. A new enhanced Community Enforcement Team needs the strongest powers available.
34. The Mayor and the Executive approved a formal consultation process to be undertaken on the introduction of a PSPO in TS1 in July 2019. This section of the report provides the

results of that consultation and recommends that a PSPO is now formally put in place in TS1.

35. The Antisocial Behaviour, Crime and Policing Act 2014 introduced PSPOs which combined the powers available in a number of other existing orders covering things such as dog control and alcohol free zones.
36. PSPOs may be determined by a Local Authority where it is satisfied that two conditions are met:
 - a) It is likely that activities in a public place within the Authorities area have had, or will have, a detrimental effect on the quality of life of those in the locality and,
 - b) The effect of those activities are, or likely to be, persistent and unreasonable in nature, and they justify the restrictions on the notice.
37. PSPOs can prohibit certain activities, require certain activities, or a combination of the two. They can apply to all or certain persons, apply at all or certain times, and in all or certain circumstances. They must therefore be evidence-based.
38. A PSPO may not have effect for longer than three years. Prior to this period expiring the authority must review the order and can extend it for a further three years. If it is determined that it is still required a PSPO may be extended more than once.
39. The Order must be published on the Council's website and notices placed in the areas affected including the date for introduction. The PSPO will take effect four weeks from successful application, to allow relevant publicity to be undertaken. This will also coincide with the introduction of the new enforcement team.
40. A communications plan will be put in place to engage communities and businesses in the changes and to provide opportunities for people to actively engage in improving the area. Increasing enforcement provides comfort to businesses and residents and it will be necessary to ensure that people are aware of the changes. Reporting of issues will be encouraged and schemes such as Neighbourhood Watch will be promoted and modernised. For example, social media provides a great opportunity for people to share information on their neighbourhood and highlight concerns.

Results of the Formal PSPO Consultation

41. The formal consultation on the proposal to introduce a Public Spaces Protection Order in the TS1 area took place from 22 July - 18 September 2019. A communications plan was developed to promote the consultation and encourage participation from a wide range of audiences – including residents, businesses, partners, members, staff and visitors to the town. The consultation was launched on 22 July with a press release, a homepage feature and dedicated section on the Council website, staff intranet, staff portal and the online survey was pushed live. Hard copies of the survey were made available at Newport Hub, Streets Ahead and at the Civic Centre and Town Hall receptions, as well as posters on display in public areas promoting the consultation. Additional hard copies of the survey were also provided to Councillors to promote and distribute within their wards. There was ongoing promotion of the PSPO consultation throughout the consultation period with a variety of messages posted regularly via Council social media channels, emails to partners

and staff with links to the PSPO consultation, encouraging them to get involved and give their views. Local businesses, licensed premises, key partners and charities were contacted and provided with information on the consultation. Town centre and community safety partnerships were also consulted and encouraged to take part.

42. In total, more than 800 responses were received. The responses showed an overwhelming support for a PSPO in TS1. A summary of the results is included in Appendix 3 and it shows that 94.2% of all respondents are in favour of the order. Over 60% of respondents live in the TS1 area and 97% of respondents stated that they either live or work in Middlesbrough. The full results of the public consultation are shown in Appendix 3.
43. Specific responses in support of the scheme were received from the Police and Crime Commissioner and Cleveland Police. A letter of concern was received from the Human Rights group, Liberty. These concerns have been addressed in the report and the Equality Impact Assessment as appropriate.
44. It is not possible to include all the comments received during the consultation within this report due to the amount. Examples of the comments received include:

“I manage a large business in the town centre which brings visitors into Middlesbrough. We receive a lot of comments from visitors who feel unsafe going into the shopping area and up Linthorpe road. They feel unsafe because of individuals begging in the street, next to cash machines and in shop doorways. Visitors see homeless people sleeping on benches and drinking in the street. If we want to build the visitor economy and make the town centre more vibrant for businesses to thrive this has to be addressed.”

“We are desperate for Middlesbrough to be that wonderful town it used to be.”

“Drugs, Fly-Tipping, Dog Fouling and Anti-Social behaviour by youths/gangs are the most concerning of the problems. I have lived in town Centre for over 30 years and have found these issues to be worse now than ever before. I have elderly relatives who feel extremely vulnerable due to these issues”

Further Evidence to Support the Implementation of a PSPO in TS1

45. The area of TS1 has been chosen as a priority area based on a number of factors. The crime figures for Middlesbrough postcodes can be seen in Appendix 4. These figures show the highest crime rates are in TS1 and TS2. Over 36% of all crimes in Middlesbrough occur in the TS1 area and 26% of all antisocial behaviour. TS2 also has very high crime rates but a much smaller population, meaning 1.75% of crime in Middlesbrough occurs in TS2. Using these statistics it is evident that the greatest impact of a PSPO would be in the TS1 area. The area is shown in Appendix 1a of this report and all street names included are shown in Appendix 1b.
46. Additionally, TS1 includes the town centre. Crime in the town centre affects individuals, but especially affects businesses. Shoppers are put off visiting the town centre due to

antisocial behaviour and retailers lose money due to shoplifting and petty crime. A vibrant town centre is crucial to Middlesbrough's future and research for the Town Centre Strategy has shown that antisocial behaviour and petty crime are key factors affecting the vibrancy of the shopping and leisure area and is impacting adversely on the confidence of businesses.

47. TS1 also includes Newport Ward and the university campus. Newport is currently subject to a number of initiatives to tackle antisocial behaviour and poor housing conditions. Selective Landlord Licensing started in June and there are partnership projects in place and in development with the police and social landlords. Having a PSPO in place for this area will help with these projects and help to improve the area.
48. A complimentary report is on this Executive in respect of 'Locality Working' which sets out proposals on how the public, voluntary, community and private sector in the TS1 area can better integrate their activities to improve the quality of life, business performance and community pride in the area.
49. It is recommended that once the PSPO is in place for a period of 12 months, a full evaluation is undertaken. Consideration will then be given to applying PSPO's in other areas of high crime and antisocial behaviour in the borough.

Level of Fines for Offences Under the PSPO

50. It is proposed that fines be set at a level that encourages behaviour change, issuing a fine is a last resort for those who refuse to adopt considerate behaviour. It is considered that a fine of £25 for offences other than fly tipping be introduced. This would rise to £50 if payment was not received within two weeks. It is considered that this level of fine encourages payment and acts as a deterrent. A higher fine could result in general non-payment resulting in court action. It is worth noting that the Council only receive a small percentage of the fine, when cases go to court.
51. The level of the fine has been set to encourage behaviour change. To uphold the integrity of the scheme, all non-payment of fines will result in prosecution.

What will be included in the PSPO and How Will it Work

The consultation demonstrated very strong support for a PSPO and questions were also asked regarding which types of behaviour caused most concern. These responses have been used in developing the final order. A draft order was included as part of the consultation pack. It is proposed that based on the public's response, the final order includes the following measures:

- No Drugs or Intoxicating substances including street drinking
- No Littering
- No Groupings of gangs (more than 3 people)
- No rummaging in Bins
- No Dog Fouling and dogs under control at all times
- No Begging
- No off road bikes or bikes on pavements
- No verbal abuse/threatening or intimidating behaviour
- No Urinating or defecating in public
- No Rough Sleeping

- Appropriating monies for charitable or other purposes outside of any scheme operated or expressly approved by the council.

The approach to these offences will vary, many will be subject to a fixed penalty notice, although warnings will be given first to promote behaviour change. Rough sleeping will require a different approach which and include directing rough sleepers to the many services provided for accommodation and support. If gangs congregate and cause nuisance, the PSPO powers will allow us to disperse them, which may not result in a fine. The final implementation of the order and the approach will finalised by and monitored by the Director and Executive Member for Culture, Communities and Communications. The proposed PSPO sign is included as Appendix 5 and the wording of the full order can be seen in Appendix 6.

What decisions are being asked for?

That the Executive:

- a. Supports the development of a new amalgamated community enforcement service for the Borough.
- b. Supports the implementation of a Town Centre Enforcement Team as part of the Borough wide approach. This will be funded as part of the Council's Indigenous Growth Fund bid to the TVCA.
- c. Support a further range of measures to increase the Council's enforcement effectiveness including delegated enforcement powers to Council staff by the Chief Constable of Cleveland Police and
- d. Supports the introduction of a Public Space Protection Order for TS1 as outlined in the report which will be in place for 3 years.

Future Developments

52. The introduction of these measures will be carefully monitored and evaluated, with a view to rolling out learning from TS1 to other areas. There are a number of additional initiatives that are being progressed which will increase the engagement of the community in reducing crime and antisocial behaviour. These include taking a fresh look at Neighbourhood Watch scheme with the police and looking at the possibility of a volunteer warden scheme that would focus more on helping people in the community rather than focusing on enforcement.

53. It will be necessary to monitor the schemes effectiveness closely in order to adapt it as necessary and to also form a business case for its long term sustainability which will be dependent on replacement funding being identified.

54. The PSPO will be in place for 3 years and any extension would be through an Executive Decision of the Executive Member for Culture, Communities and Communications.

Why is this being recommended?

55. Antisocial behaviour consistently ranks as one of the key concerns of residents and businesses. As a consequence, the Mayor has pledged to take action to increase the enforcement where justified of antisocial acts. The Council has existing powers to implement Fixed Penalty Notices and the use of these are to be increased. However in specific areas it is not considered that existing powers are sufficient to make a difference and therefore it is necessary to implement a PSPO which provides additional powers.

Other potential decisions and why these have not been recommended

56. The introduction of a PSPO is an additional tool in a wide variety of measures to tackle antisocial behaviour. We are also increasing the use of Fixed Penalty Notices and introducing partnership working and Landlord Licensing in Newport. Collectively these measures give the Council and partners the best possible chance of improving the area for residents and visitors to the town. As part of the consultation we will actively seek additional suggestions as to how we can improve the area and these will be included in a future report to Executive.

Impact(s) of recommended decision(s)

57. This decision will provide additional enforcement resources and powers in order to tackle antisocial behaviour and crime in our most affected areas. It will also support local businesses and help grow the town centre by creating an environment that attracts greater investment in the area as well as encouraging more visitors.

Legal

58. Legal advice has been sought through the development of the consultation and the recommendations in this report comply with statutory guidelines.

Financial

59. The new Community Enforcement Team will be funded through combining the budgets of three existing Council services and the costs for the Town Centre Enforcement Team will be met through Indigenous Growth funding provided by the TVCA and supported by investment from Teesside University and Cleveland Police. All other measures will be funded through existing budgets.

60. It should be noted that the TVCA funding will only be available for four years and if the Town Centre Enforcement Team is continued beyond this, then funding will need to be secured.

61. It is anticipated that successful attainment of the objectives will mean that businesses, including the shopping centres will work collaboratively to ensure the future sustainability of the service. Other sources funding will be addressed.

Policy framework

62. Addressing antisocial behaviour is a corporate priority and a key political pledge of the elected Mayor.

Equality and diversity

63. An Equality Impact Assessment has been completed and is shown in Appendix 2. It should be noted that the Impact assessment recognises that fines for begging may impact disproportionately on the poor and increase their financial hardship. A number of services are in place to help vulnerable people and those issuing fines will be trained to provide support and refer people onto appropriate services. Additional powers are also available

to the Council, such as the Vagrancy Act and Anti-social Behaviour Orders which involve moving people on rather than issuing fines.

The proposal includes specific commitments to ensure that where needs differ because of protected characteristics, which appropriate adjustments will be made to the application of the order. For example, behaviour perceived as threatening and abusive may be a result of Mental Health issues, training will be provided to all staff issuing notices to ensure that those with Mental Health issues are not penalised for their disability and are instead given appropriate support. Similarly some community groups traditionally meet in public locations to catch up. The Order will be applied in such a way that these types of gatherings are not unfairly targeted by provisions which are aimed at tackling gangs.

Risk

64. It will be necessary to carry out a full risk assessment and training for all those issuing Fixed Penalty Notices in the PSPO area and all enforcement staff.

65. All enforcement staff will also need to undergo an advanced DBS check prior to being awarded the delegated powers from the Chief Constable.

The corporate risks that this report relates to are:

O1-052	Substantial areas of the town have high residential voids/low sales values and high population churn, effectively creating market failure resulting in significant social consequences which in turn have implications for Council resources and service delivery. Such an approach is unsustainable and will result in the need for significant market invention at great cost to the Council. Response – This report and its subsequent recommendations will contribute to a better quality of life for residents, attracting house buyers and reducing voids.
O1-005	If poor economic growth occurs, then this will reduce public and private sector investment in the town, including town centre retail, housing development and business. This report and its subsequent recommendations will contribute to a better quality Town Centre, reducing retail crime and supporting business growth.
O1-050	A continuing national decline in the retailing environment has the potential to manifest further in Middlesbrough's town centre. The withdrawal of major retail brands has the potential to damage Middlesbrough's local economy in terms of business growth / turnover; employment opportunities for Middlesbrough residents; and, the appeal of Middlesbrough as an investor / visitor attraction. This report and its subsequent recommendations will contribute to a better quality Town Centre, reducing retail crime and supporting business growth.
O2-038	The Community safety Partnership relies on effective partnership working with policing at a strategic level and neighbourhood level. Current pressures on policing have meant that there has been no neighbourhood policing presence. This has affected community confidence and crime levels. The Chief Constable has also publicly highlighted failings of the police in other areas such as response to Domestic Abuse etc. Response – The approach outlined is a partnership approach with the police and will ensure that policing presence increases in the town centre and that enforcement activity across the Borough is better co-ordinated.
O2-007	If the community is resistant to change then it may prevent new ways of working. Response – The results of the consultation demonstrated overwhelming support for these initiatives and community engagement will improve as a result.
O8-008	If effective partnership working is not achieved, then this will reduce the Council's ability to deliver strategic priorities and key services, resulting in reduced outcomes for local communities. Response – This approach is underpinned by partnership working and will make a positive impact on our work with key partners.

Actions to be taken to implement the decision

66. The following key actions will be taken in implementing the decision.

- a) Executive decision October 8th 2019
- b) Commencement of Amalgamated Enforcement Team and Town Centre Enforcement Team - September 2019
- c) TVCA Cabinet decision awarding Indigenous Growth Fund – October 25th 2019
- d) Recruitment of additional Street Wardens commences – September 2019
- e) Apply and receive delegated powers – November 2019
- f) Amalgamated Enforcement Teams fully operational – January 2020
- g) Training and team building commences October 2019

Appendices

Appendix 1a – Map showing area of proposed PSPO

Appendix 1b – Names of streets included in the PSPO

Appendix 2 – Equality Impact Assessment for PSPO

Appendix 3 – Summary of responses to the formal consultation

Appendix 4 – Summary Crime statistics for Middlesbrough and TS1.

Appendix 5 – Proposed PSPO sign

Appendix 6 – Proposed Public Space Protection Order

Background papers

Anti-social Behaviour, Crime and Policing Act 2014	(Publication of Public Space protection Orders) Regulations 2014
The Council's Strategic Plan	Enabling Social Regeneration
The Council's guidance on Impact Assessment	
Policing and Crime Act (2009)	Community Safety Accreditation Scheme Powers

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