

Report of:	Geoff Field, Director of Environment and Community Services Tony Grainge, Executive Member for Neighbourhood Safety
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Submitted to:	Executive
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Date:	15 November 2022
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Title:	Results of consultation and proposal to extend and vary the TS1 Public Space Protection Order
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Report for:	Decision
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Status:	Public
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Strategic priority:	Crime and anti-social behaviour
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Key decision:	No
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Why:	Decision does not reach the threshold to be a key decision
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Urgent:	No
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Why:	
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Executive summary

This report outlines 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 is necessary to follow a statutory consultation process. It is recommended that Executive reviews the outcome of the survey results, which support the extension and variation and decides to renew the current order with the proposed variation for an additional 3 years.

Purpose

1. That Executive approve the extension and variation of the current Public Space Protection Order that covers the TS1 area following the results of a recent public consultation (“the TS1 PSPO”).

Background and relevant information

2. 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.
3. 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
4. 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.
5. 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.
6. 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

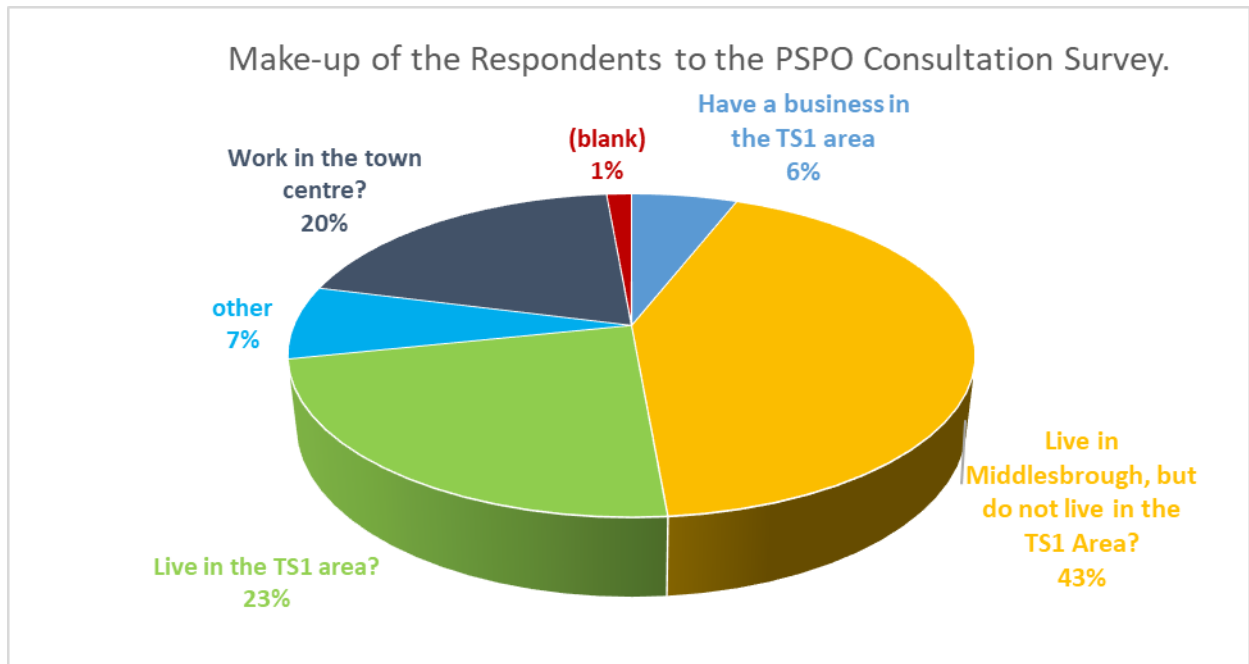
- b. Appropriating monies for charitable or other purposes without a licence including asking members of the public to sign up to schemes
7. Under Sections 61 and 59 of the Act, in order to vary the TS1 PSPO the Executive must be satisfied, on reasonable grounds, of the following conditions:
 - a. That 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
 - b. 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.
8. 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.
9. 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 is attached to his report.

Consultation process

10. The 5 week consultation process commenced on 28th September 2022 and closed at midnight on 26th October 2022. We asked local residents and businesses to provide their views by:
 - Completing a short online questionnaire
 - Sending feedback via email to middlesbrough.gov.uk/pspo
 - Completing a copy of the questionnaire which was made available at Streets Ahead on Parliament Road, Newport Hub on Union Street or at Central Library
 - Information was also circulated via the staff/Members e-bulletin
 - Promoted via MBC's social media pages
 - Information was also circulated to town centre businesses via the Town Centre Management Team
11. The results of the consultation have shown that there is strong support for an extension and variation of the TS1 PSPO.

Consultation results

The total number of respondents to the survey was 286. The make-up of the respondents can be seen below.

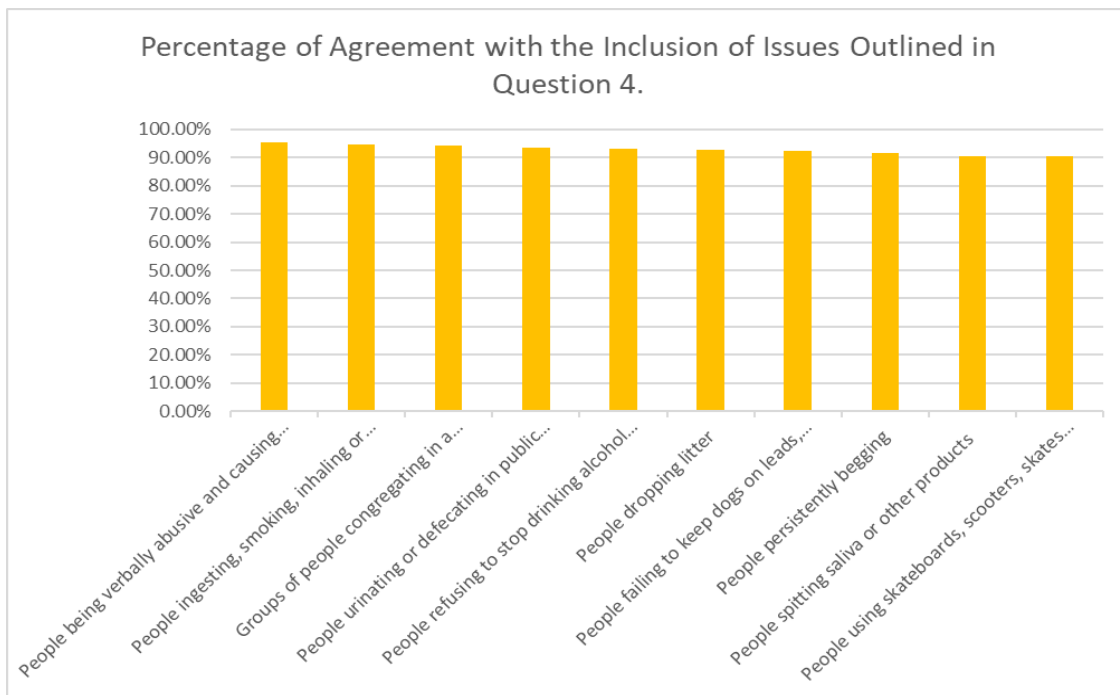


Out of all respondents 97.55% were either very concerned, concerned, or a little concerned about antisocial behaviour in the TS1 area, with only 2.45% either being not at all concerned, or not selecting a response.

In response to question 3 – Do you agree that the PSPO should be extended? The following results were obtained:

- Overall 95.1% agreed that the PSPO should be extended, and 4.9% either disagreed or chose not to answer.
- 94.12% of respondents who have a business in the TS1 area agreed the PSPO should be extended,
- 96.97% of people who live in the TS1 area agreed the PSPO should be extended,
- And 92.86% of people who responded as working in the Town Centre agreed the PSPO should be extended.

Question 4 of the PSPO consultation survey outlined the current issues that are included in the PSPO and gave the opportunity for respondents to agree or disagree with the continued inclusion of said issues. The percentage of respondents who agreed per issue can be seen in the graph below.

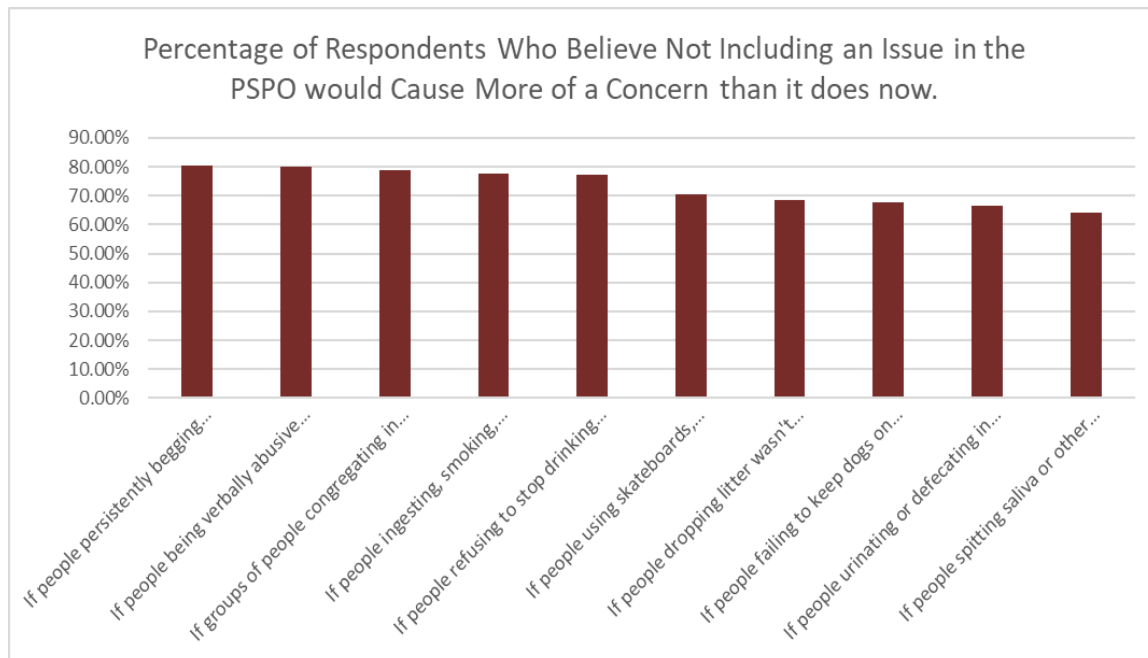


A total of 10 issues were outlined and over 90% of respondents agreed that each issue should still be included in the PSPO.

Respondents were also asked to comment on each issue and say if not included in the PSPO if they felt it would:

- Become more of a concern than it is now
- Cause the same concern as it does now
- Become less of a concern than it is now
- Not an issue in the TS1 area
- Or other.

The below graph shows each issue and the percentage of all respondents who thought the issue would become more of a concern than it is now if it was not included in the PSPO.



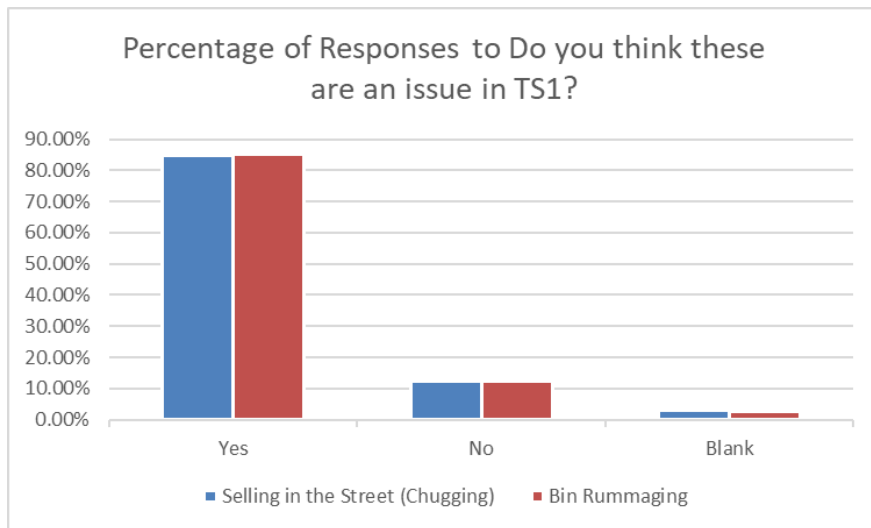
For all 10 issues more than 60% agreed that for each one that if not included it would become more of a concern than it already is. People spitting saliva or other products had the least percentage of respondents agreeing at 63.9%, and people persistently begging received the highest percentage of respondents agreeing it would cause more of an issue with 80.4%. The next two issues that respondents felt if not included would cause more of a concern were; people being verbally abusive, and causing ASB (80%), and people congregating in a manner likely to cause ASB (79%).

Respondents were also given the opportunity to leave comments, some of the themes are set out below;

- A lot of the comments are further views on the agreement on the main issues i.e. begging, alcohol, drugs, and youth ASB.
- Consideration of the extension to other areas that face similar issues with a lot of respondents also suggesting Hemlington as an area to have a PSPO.
- Police and Warden Presence needs to be increased, with more proactive patrols, possibly some work around communication of enforcement.
- Similar to the previous point, a lot of further comments were the belief that the current PSPO isn't making a difference as residents are not seeing it being enforced or don't believe the continuation would make a difference.
- The overall stigma of the TS1 area respondents felt was a 'no go' area, which is declining and all the issues mentioned within the survey are not improving and that there is a fear of going into the TS1 area due to the issues.

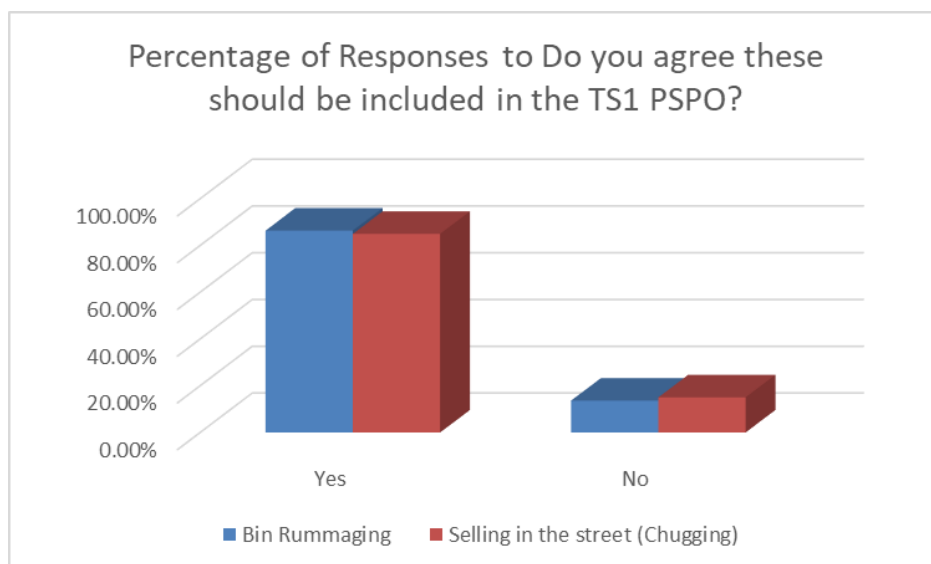
The proposed variation to the existing PSPO were to add in bin rummaging and selling in the street (chugging). In relation to these variations the respondents were asked to

answer 3 questions. The first question was did they think these amendments were an issue within TS1?



Out of the 286 respondents 84.62% agreed Chugging is an issue, and 84.97% agreed bin rummaging is an issue within the TS1 area. Furthermore 15.38% of respondents disagreed or chose not to answer in relation to this question concerning chugging, and similarly 15.03% disagreed or chose not to answer in relation to bin rummaging being an issue in TS1.

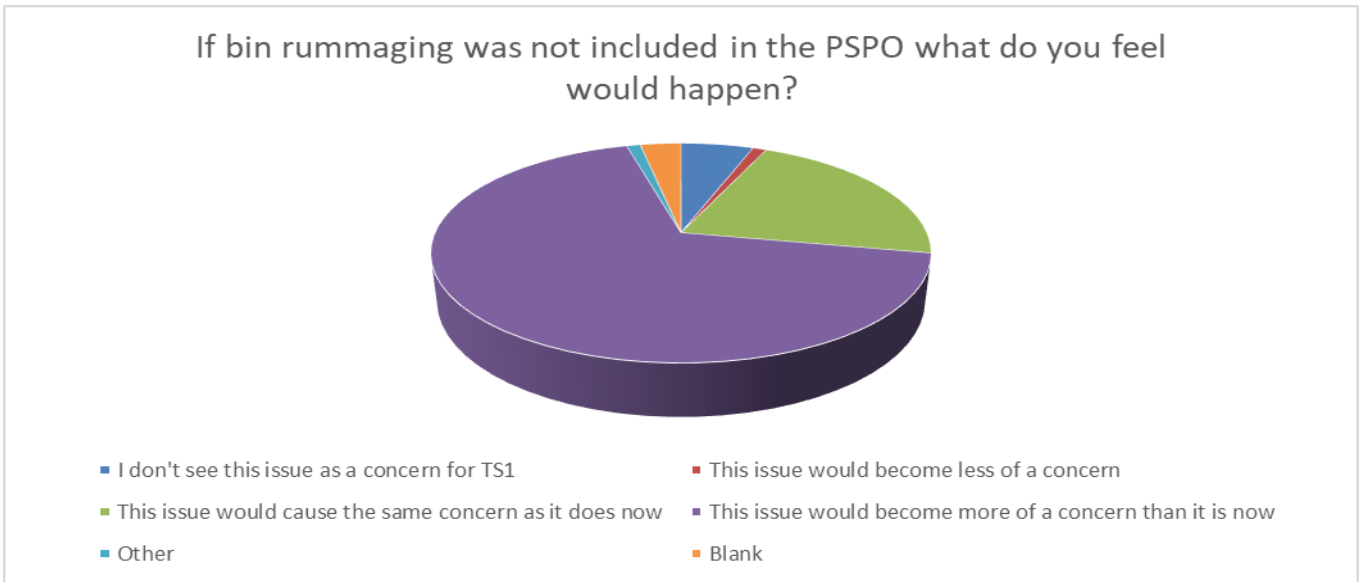
The next question the respondents were asked is if they believed the issues should be covered and included in the TS1 PSPO? As with the previous question 86.36% agreed that bin rummaging should be included, and 84.97% agreed that chugging should be included in the TS1 PSPO.



When the respondents were asked what they felt would happen if each issue were not included in the PSPO the following was stated.

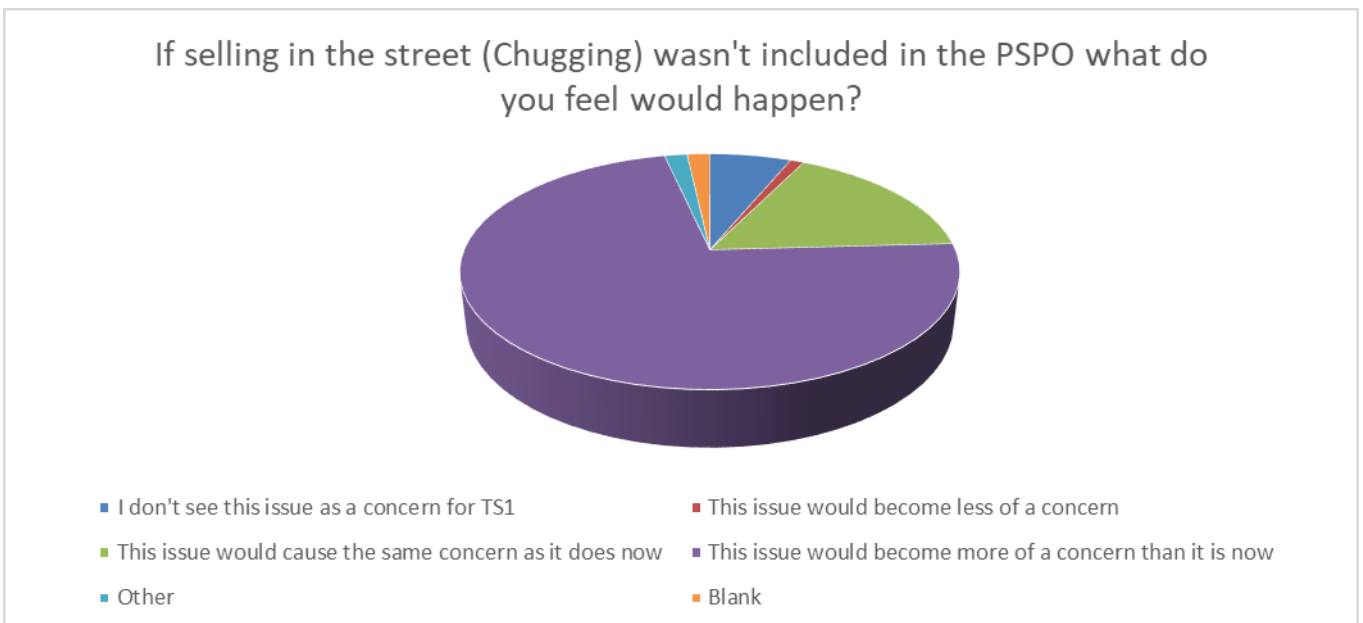
In relation to bin rummaging:

- 67.83% thought it would cause more of an issue than it does now
- 21.33% said it would cause the same issue that it does now
- And 5.59% stated they don't see this as an issue for TS1.



In relation to Selling in the street (Chugging):

- 72.38% thought it would cause more of a concern than it does now
- 16.78% said it would cause the same concern as it does now
- And 6.29% stated they don't see this as an issue for TS1.



The findings from the consultation overwhelmingly support

- 1) the extension of the current PSPO and
- 2) the variation to prohibit rummaging in bins and collections for charities / chugging.

What decision(s) are being recommended?

That the Executive:

12. 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

13. 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 licence including asking members of the public to sign up to schemes

Rationale for the recommended decision(s)

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

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

15. 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.

16. 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.

Impact(s) of the recommended decision(s)

Legal

17. Legal have been consulted during the production of this report

Strategic priorities and risks

18. There is a risk of antisocial behaviour increasing if the PSPO is not extended as there will be fewer consequences for these actions.

Human Rights, Equality and Data Protection

19. Following the consultation, an equality impact assessment will be completed to assess the impact of any measures on the community. Under Section 72 of the Act, when deciding whether to extend and vary the TS1 PSPO, the Council must have regard to articles 10 (Freedom of Expression) and 11 (Freedom of Assembly and Association) of the Convention contained in Schedule 1 to the Human Rights Act 1998. It is not considered that the proposals set out for the operation of the TS1 PSPO will infringe on any of the above rights and if there is any infringement it is proportionate and necessary in order to prevent anti-social behaviour and crime in that area.

Financial

20. The cost of the consultation was minimal for the promotional materials (less than £5000). A financial contribution will be needed if the PSPO extension is supported. This is estimated to be approx. £5,000 and it will be covered via existing budgets.

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