



REPORT FROM: Corporate Director
TO: Brierfield and Reedley Committee
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Use of Dispersal Powers in Brierfield

PURPOSE OF REPORT

To review the dispersal powers available to the Police and local authority and consider options for a Public Spaces Protection Order to include the Massey Street area in support of Police action to reduce the impact of anti-social behaviour on residents locally.

RECOMMENDATIONS

That the Committee approves a report to the Policy and Resources Committee for a Public Spaces Protection Order to include the Massey Street area in response to concerns raised by residents and supported by the Police and to underpin operational action to reduce ASB.

REASON FOR RECOMMENDATIONS

To address the concerns of local residents that without additional sanctions in place Massey Street will continue to attract significant and persistent ASB.

ISSUE

1. At its 3 July 2018 meeting the Committee requested a report on options for using dispersal powers to help solve the anti-social behaviour problems on Massey Street and Heyhead Street, Brierfield.
2. Massey Street Children's Play Area has attracted ASB over a number of years which increases during the spring and summer months. The last two years have been particularly problematic with a notable change in attitude from those involved in the ASB towards the

Police and other partners. More recent issues have also occurred in Heyhead Street. As the issues in Heyhead Street have not been widely reported or evidenced the proposals in this report are limited to Massey Street with the option to include other areas at a later date if the evidence proves necessity.

3. Massey Street is an isolated location difficult to monitor on a regular basis. There is no CCTV in the area and installation of CCTV in the short term would be logistically and financially difficult.
4. The Police have responded to concerns raised by residents at the Committee's meetings since May this year by using the Evening Patrol vehicle staffed by PCSO's between 6pm and 10pm. The PCSO's follow a dedicated plan which is reviewed and amended weekly including ASB "hot-spot" areas in order to provide high visibility and deal with any issues. This presence alone has made a difference in the area.
5. However, it is recognised that for the long term something needs to be in place which defines acceptable behaviour in the area and enables the Police and local authority to act on the boundaries this creates. The Anti-Social Behaviour, Crime and Policing Act 2014 provides two options relating to dispersal: Police Dispersal Power and Public Spaces Protection Orders. The former is a short-term (24-48 hours) power suitable when a situation flares up and needs dealing with quickly. Public Spaces Protection Orders provide longer term re-assurance and respite to communities where issues may arise then quieten down but never really go away.
6. It is suggested a Public Spaces Protection Order which prohibits specific behaviour in a specific area for a specific period of time will set out what is expected and provide re-assurance for residents in the Massey Street area that their concerns are being heard and acted on.
7. A local authority can make a PSPO if it is satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:
 - has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justifies the restrictions imposed.
8. The options for prohibitions are set out in the box below. The legislation is very specific around alcohol giving the Police powers which replicate those of Designated Public Place Orders; normally referred to as alcohol control zones. The other prohibitions can be enforced by fixed penalty notice or prosecution.
9. Consultation on the proposals has been carried out in the proposed restricted area by way of a joint door knocking exercise by Police and Council Officers. Residents universally felt the situation had quietened down during July which they attributed to Police activity; the intervention of the Mosque and the cutting back of the hedges around the play area.
10. Most residents were aware of the issues and have been disturbed by noise; bad language; drug and alcohol use; setting fire to bins and not being able to use the park for its proper use due to broken glass; cans and bottles and needles.

11. There was support for something to be put in place to support the Police however there was concern regarding the resources to enforce it; displacement of the issues to surrounding streets and retribution in the form of criminal damage to local homes and vehicles.

PSPO Prohibitions

You will commit an offence if:

- You are within the children's play area or within ten metres of the boundary fence of the children's play area but not accompanied by a child of ten years or younger who is actively using the area for play and you are currently or have previously engaged in anti-social behaviour within the restricted area
- You fail to provide your name and address to an authorised officer when requested to by them in a public space within the restricted area
- You are in a group of four or more people one or more of whom have engaged in anti-social behaviour and fail to leave the restricted area when requested to by an authorised Police Officer, PCSO or Council Officer
- You fail to stop drinking alcohol or surrender alcohol when requested to by an authorised Police Officer or PCSO because you have been engaging in anti-social behaviour in a public space within the restricted area
- You urinate and/or defecate in a public space within the restricted area

12. A map of the proposed restricted area is attached and is based on a 150 metre radius from the centre point of the play area.
13. Although a PSPO can last up to three years it is suggested an initial period of twelve months to take it through the summer of 2019 with a further report to this Committee to review options in August 2019.
14. In addition to those 16 or over breaching the terms of the PSPO being liable to a fixed penalty notice or prosecution, it is proposed to include provision for the Police to be able to accompany an under 16 year old who is in breach to their home or a place of safety. Where under 16s persistently breach the PSPO their parents will be engaged and if need be followed up with the use of Community Protection Notices requiring them to address the issues their children present.

IMPLICATIONS

Policy: The legislation and its use reinforces the continuing role of the Council in responding to anti-social behaviour and helping to create and sustain resilient communities

Financial: A PSPO of this nature will need to be publicised by way of signage around the restricted area. There is no budget for this type of work which is estimated at up to £300.

Legal: The Council has the lead role on the use of PSPOs. Members of the public have a right of appeal on the basis the Council did not have the power to make the order or to include particular prohibitions or requirements or that one or more of the preliminaries has not been complied with (e.g. consultation). Appeals are heard in the High Court.

Risk Management: The legislation supports those elements of the Risk Management Plan relating to community safety; environmental crime and environmental protection.

Health and Safety: Direct intervention in the enforcement of breaches poses a risk for the staff involved which is mitigated through the Council's risk assessments, lone working policy, use of the Volcano database and working in partnership with other agencies.

Sustainability: The legislation supports those elements of the Strategic Plan relating to community safety; environmental crime and environmental protection.

Community Safety: The legislation re-enforces the continuing role of the Community Safety Partnership; the Partnership Plan and local delivery on community safety within an area and county based strategic landscape.

Equality and Diversity: The legislation was subject to a detailed government impact assessment.