

Cherwell District Council

Executive

6 June 2022

Proposal to Introduce a Public Spaces Protection Order for Bicester Town Centre

Report of Assistant Director – Regulatory Services and Community Safety

This report is public

Purpose of Report

A consultation was recently undertaken on a proposal to introduce a Public Spaces Protection Order (PSPO) for Bicester town centre. This report provides the Executive with the background to the proposal, a summary of the consultation undertaken and the feedback from key stakeholders and details of the potential scope of the Order. The paper provides the Executive with the opportunity to decide whether to introduce a PSPO in Bicester Town Centre.

The proposed PSPO will contribute towards the delivery of the council objective to “work with partners to reduce crime and antisocial behaviour” within the Healthy, Resilient and Engaged Communities priority. A reduction in anti-social behaviour in the town centre will also contribute towards the Enterprising Economy with Strong and Vibrant Local Centres priority. Tackling anti-social behaviour was also identified as one of the priorities for the council in the last residents survey.

1.0 Recommendations

The meeting is recommended:

- 1.1 To introduce a Public Spaces Protection Order for Bicester town centre taking into consideration the outcomes of the public consultation and partner organisations' views.

2.0 Introduction

- 2.1 The Council's Community Safety Team have been working extensively with Thames Valley Police on problems of anti-social behaviour (ASB) in and around Bicester town centre for several years. However, all approaches that have been taken have so far failed to fully resolve this problem.
- 2.2 The view of our community safety team is that the ASB mainly stems from the town centre being used as a gathering point for teenagers in the town. Whilst the

individuals involved has changed over time, the general problem has persisted of groups of teenagers gathering and behaving in a manner that is detrimental to the businesses in the town and the feelings of safety of visitors to the town centre.

- 2.3 In discussion with Thames Valley Police, officers agreed to develop proposals for a PSPO for the areas mainly impacted by this anti-social behaviour. A map showing the exact geographic coverage of the proposed PSPO is included in appendix 1. A list of the roads to be included in the PSPO area is included in appendix 2.

3.0 Background

- 3.1 PSPOs are intended to provide a means of preventing individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality, is persistent or continuing in nature, and is unreasonable. The PSPO imposes conditions on the use of the area which apply to everyone.
- 3.2 A PSPO restricts what people can do in an area and how they behave. As such it is important to ensure that any such restrictions are focussed on problem behaviours, are proportionate to the detrimental impact that the behaviour is having or could cause and are considered necessary to prevent it continuing, occurring or reoccurring. The restrictions and requirements included in a PSPO may be comprehensive or targeted on specific behaviours by particular groups and/or at specified times.
- 3.3 A PSPO can be in force for any period up to a maximum of three years and can be extended for a further period of up to 3 years at any time before expiry. Before introducing a PSPO the council is required to conduct consultation with relevant parties on the scope of the PSPO.

Anti-Social Behaviour in Bicester Town Centre

- 3.4 Footfall and use of town centres has been significantly impacted by Covid-19 restrictions. The impact of those restrictions needs to be considered when looking at data relating to ASB.
- 3.5 The table below shows Police recorded offences for ASB, alcohol related public order/ drunk and disorderly and offences against the person in and around the town centre in Bicester prior to the lockdown restrictions introduced in March 2020 (including Sheep Street, Pioneer Square, Market Square, Manorsfield Road, Launton Road (Garth Park), Crown Walk, Victoria Road, Causeway, North Street, Deans Court, and St Edburg's Church/Cemetery) –

Month	No. of Offences Recorded
March 2019	20
April 2019	24
May 2019	12
June 2019	35
July 2019	17

August 2019	25
September 2019	27
October 2019	17
November 2019	15
December 2019	20
January 2020	17
February 2020	18

3.6 Recorded incidents for ASB alone for May 2021 to March 2022 are shown in the table below.

Month	No. of incidents reported to TVP involving ASB
May 2021	6
June 2021	9
July 2021	3
August 2021	11
September 2021	15
October 2021	19
November 2021	11
December 2021	6
January 2022	16
February 2022	34
March 2022	15

- 3.7 Thames Valley Police were asked whether it is possible to compare this data against other similar towns to understand whether the data supports the belief that ASB in Bicester town centre is more of a problem than in other areas. However, Thames Valley Police commented that comparisons are affected by too many variables to draw any robust conclusions. The view of the Neighbourhood Team and the Council's Community Safety Team is that anti-social behaviour in Bicester Town Centre is a **prevalent** and **persistent** problem that places continued demands on the resources of both organisations to minimise the impact.
- 3.8 Over the last two years, in an attempt to tackle youth related ASB in the town centre Thames Valley Police and the Council's community safety team have undertaken a number of specific operations. This has included increasing our presence in the town centre and engaging the parents of young people seen to be engaged in ASB in the area. Those involved in ASB have been offered Acceptable Behaviour Contracts. These have had some effect on the behaviour of certain individuals but limited impact on the overall problem of ASB in the town centre.
- 3.9 During 2018 and 2019 the Council's Community Safety Team was also involved in dealing with problems caused by a group of adults who congregated on Sheep Street to drink. There were also reports of problematic begging linked to this group. This problem was eventually resolved after the Community Safety Team issued Community Protection Warnings to the individuals to warn them that formal legal action would follow if the behaviour did not cease. As a result, it is intended to include begging in the scope of any PSPO

Benefits of Public Spaces Protection Order

- 3.10 A significant proportion of the ASB reported or witnessed in the town centre relates to teenagers. Activity to address this has mainly relied on the Police working with the individual and their parents/ guardian to reduce the harmful behaviour. Acceptable Behaviour Contracts can only be issued on a voluntary basis and community protection notices cannot be issued to anyone under 16 years of age. Therefore, non-criminal options for tackling the problematic behaviour of young people are limited.
- 3.11 A PSPO would provide the council and the Police with further legal options to tackle the behaviour of individuals which is causing concern in Bicester town centre. In particular it would permit the service of **fixed penalty notices** for behaviours which would not meet the thresholds or legal requirements for other formal action. In addition, it would provide opportunity for us to promote the restrictions through warning signs providing a deterrence and raising public awareness of the actions that we are taking to improve the town centre.
- 3.12 If a PSPO is introduced the Community Safety Team would continue with the existing approach to engage and advise first, but it would provide an option for an immediate and non-criminal escalation should this be necessary.
- 3.13 The proposed PSPO would prohibit -
- a) Loitering in the restricted area either as an individual or in a group in a way which causes, or is likely to cause, anti-social behaviour.
 - b) Begging or asking members of the public for money in the restricted area.
 - c) Consuming alcohol in the restricted area in a manner which causes nuisance or annoyance to other persons in the locality.
- In addition, the proposed PSPO would require persons to cease to consume alcohol in the restricted area when directed to do so by an officer and to surrender alcohol to officers if requested.
- The draft PSPO is included in appendix 3 of this report.

The Legal Framework for a PSPO

- 3.14 Local authorities have the power to create PSPOs under the Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act'). In deciding to make a PSPO, the Act requires that the local authority must have regard to the rights of freedom of expression and freedom of assembly set out in the Human Rights Act 1998.
- 3.15 The two issues which must be addressed for every proposed restriction in the PSPO are whether the statutory criteria are met and whether the restrictions proposed are proportionate having regard to the legitimate aim of preserving the quality of life for everyone who lives or works in, or who visits, the town centre.
- 3.16 A local authority can make a PSPO in respect of any public space within its administrative boundary. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- 3.17 Section 59 of the Act sets out the basis on which local authorities may make a PSPO. It provides as follows –

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is that:
 - (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- (3) The second condition is that the effect, or likely effect, of the activities:
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the notice.
- (4) A PSPO is an order that identifies the public place referred to in subsection (2) ("the restricted area") and
 - (a) prohibits specified things being done in the restricted area,
 - (b) requires specified things to be done by persons carrying on specified activities in that area, or
 - (c) does both of those things.
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order:
 - (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
 - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

3.18 In establishing a PSPO, appropriate signage must be displayed in accordance with the requirements of the Act and details of the PSPO must be published.

3.19 A breach of the PSPO can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, a level 3 fine of up to £1000 on conviction, or £500 upon conviction for consuming alcohol in breach of the Order.

3.20 An equalities impact assessment has been prepared in support of the decision whether to implement a PSPO in Bicester and is included in appendix 4.

Consultation

3.21 Before introducing, extending, varying or discharging a PSPO local authorities are obliged to consult with the local chief officer of police; the Police and Crime Commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives.

3.22 A **3-week public consultation** on the proposed PSPO for Bicester town centre was undertaken in March 2022. This consultation included an online survey promoted by a press release and on the council's social media platforms, face-to-face engagement with visitors to the town centre, visits to the main town centre businesses and direct communication with key stakeholders including all district and county councillors for Bicester.

3.23 An analysis of the responses to this consultation is included in appendix 5. There were 407 responses to this consultation. The main outcomes are shown in the table below.

Question	Response – ‘Yes’	Response – ‘No’	Response – ‘Don’t know’
“Should Cherwell District Council seek to prohibit anti-social behaviour in Bicester town centre through a Public Spaces Protection Orders?”	375 (93%)	12 (3%)	16 (4%)
“Should Cherwell District Council seek to prohibit street drinking in Bicester town centre through a Public Spaces Protection Orders?”	350 (86%)	24 (6%)	31 (8%)
“Should Cherwell District Council seek to prohibit begging in Bicester town centre through a Public Spaces Protection Orders?”	244 (60%)	80 (20%)	82 (20%)

3.24 Thames Valley Police formally responded to the consultation in support of the proposed PSPO. Bicester Town Council also formally responded in support of the proposal but asked that the Order did not prohibit the drinking of alcohol in Garth Park. The draft Order prohibits continuing to consume alcohol in a public place when requested to stop by an authorised officer so this will not create a general prohibition on drinking alcohol in Garth Park.

3.25 During the consultation we were approached by a representative of the Bicester Bike Users Group to ask if the general prohibition on cycling on Sheep Street could be removed if a prohibition on dangerous cycling was included in the PSPO. This proposal has been raised with the County Council since they have responsibility for the cycling restriction on Sheep Street. A previous proposal to remove this restriction was rejected by the County Council Cabinet Member in 2016. It is suggested that Cherwell DC should proceed with the proposed PSPO for Bicester and could seek to amend the PSPO should the County Council agree to amend the traffic restriction order on Sheep Street to allow cycling.

Evaluation of the Order

3.27 If the PSPO is introduced it will remain in force for **3 years**. During the third year it will be evaluated through reviewing the use of the powers introduced through the Order and by reference to the data relating to ASB in the area over the years preceding the introduction of the PSPO and during the time it is in force. The impacts of the PSPO on other areas outside the geographic scope of the Order will be monitored during this period to ensure that we identify if the Order has simply moved the problem to other areas. A further consultation will be required if it is intended to renew the Order.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The results of the consultation show overwhelming support for the introduction of a PSPO in Bicester Town Centre from the public and stakeholder organisations. The responses support including all three prohibitions that were included in the consultation. Crime and incident data from the Police evidence supports the conclusion that prevalent and persistent problem of anti-social behaviour in and around Bicester town centre and that the legal requirements for the introduction of a PSPO are met. Therefore, the Executive is recommended to approve the introduction of the PSPO included in appendix 3 (subject to any minor amendments advised by the council's solicitors to ensure the order will be effective).

5.0 Consultation

- 5.1 As set out in paragraphs 3.21 to 3.25

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not introduce a PSPO.

This option is not recommended. Crime and incident data from the Police evidence supports the conclusion that prevalent and persistent problem relating to anti-social behaviour in and around Bicester town centre. The consultation outcomes show strong support for the introduction of a PSPO to tackle this problem and stakeholders, including Thames Valley Police, also support the proposal.

Option 2: Introduce a PSPO of more limited scope.

This option is not recommended. The consultation outcomes show support for all aspects of the proposal PSPO and there is data and evidence which justifies the inclusion of all the proposed prohibitions if a PSPO is to be introduced.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising from this report

Comments checked by:

Kelly Wheeler, Finance Business Partner, 01295 221570

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Legal Implications

- 7.2 The legal implications are outlined in the report.

Comments checked by:
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Risk Implications

- 7.3 There are currently no risk implications arising from this report. If any risks are identified they will be managed through the service Operational Risk and escalated to the Leadership Risk Register as and when needed.

Comments checked by:
Celia Prado-Teeling, Interim Assistant Director Customer Focus, 01295 221556
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Equalities and Inclusion Implications

- 7.4 An Equality and Community Impact Assessment has been prepared and is included in appendix 4.

Comments checked by:
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Sustainability Implications

- 7.5 There are no sustainability implications arising from this report.

Comments checked by:
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8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

Bicester East
Bicester North and Caversfield
Bicester South and Ambrosden
Bicester West

Links to Corporate Plan and Policy Framework

As outlined in the purpose section in the main report.

Lead Councillor

Councillor Eddie Reeves, Portfolio Holder for Safer Communities

Document Information**Appendix number and title**

- Appendix 1: Map of area to be covered by proposed PSPO
- Appendix 2: List of roads fully or partially within PSPO area
- Appendix 3: Draft Order
- Appendix 4: Equality and Community Impact Assessment
- Appendix 5: Consultation report

Background papers

None

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