

**Manchester City Council
Report for Information**

Report to: Communities and Equalities Scrutiny Committee – 7 November 2019

Subject: Proposed City Centre Public Spaces Protection Order

Report of: Head of Compliance, Enforcement and Community Safety

Summary

This report provides an update on the outcome of the consultation for the city centre proposed Public Spaces Protection Order.

Recommendations

To consider and comment on the contents of the report.

Wards Affected: Deansgate and Piccadilly

Alignment to the Our Manchester Strategy Outcomes (if applicable)

Manchester Strategy outcomes	Summary of how this report aligns to the OMS
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	
A highly skilled city: world class and home grown talent sustaining the city's economic success	
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	
A liveable and low carbon city: a destination of choice to live, visit, work	This report will highlight how the Public Spaces Protection Order can support the maintenance of city centre neighbourhoods as a clean, safe, attractive and cohesive destination of choice for people to live, visit and work
A connected city: world class infrastructure and connectivity to drive growth	

Contact Officers:

Name: Fiona Sharkey

Position: Strategic Lead Compliance and Community Safety

Telephone: 0161 234 1220

E-mail: f.sharkey@manchester.gov.uk

Name: Sam Stabler

Position: Community Safety Lead

Telephone: 0161 234 1284

E-mail: s.stabler@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Community Safety Strategy 2018/21

1.0 Introduction

1.1 This report provides details of the consultation on a proposed Public Spaces Protection Order for the city centre. This includes a summary of the evidence that led to a public consultation, the findings from the consultation and the rationale for the resulting proposed order. Appendices 4 and 5 include the results of the consultation and analysis of the free text responses.

2.0 Background

2.1 To achieve our strategic objectives of a safe, clean and welcoming city centre the Council and the police use a wide range of informal and formal powers to protect the public and tackle crime and antisocial behaviour. These measures include community resolution, warnings, Acceptable Behaviour Agreements, Community Protection Notices, injunctions, dispersal powers, arrests, prosecution and Criminal Behaviour Orders, alongside appropriate offers of intervention and support.

In Manchester we are committed to supporting anyone who is in need and we will always seek to connect people to the services that can help them, this work is detailed in section 3.0. The introduction of a PSPO will not change that approach.

2.2 The Council and police have continued to receive reports of anti social behaviour, causing a detrimental effect in the city centre, involving begging, alcohol consumption, people causing an obstruction (including blocking fire exits), people urinating and defecating in public spaces, people littering by disposing of needles in public spaces and people occupying tents and other temporary structures. Furthermore the Council had evidence that litter and commercial waste caused a detrimental effect in the city centre. The impact of antisocial behaviour should not be underestimated and can cause people to feel harassed, intimidated, distressed and anxious.

2.3 Additional resources were allocated in 2017 to address the problems that were being experienced in the City Centre. Additional officers operate as a part of the Integrated Neighbourhood Management approach linking with the Outreach Teams and support services to ensure that individuals are offered support for their individual needs. However where ASB continues, the existing tools and powers have been used to tackle the anti-social behaviours alongside continuous offers of support. This has been evidenced in the following activity:

- Use of injunctions to address individuals who cause harassment alarm or distress to others - for example addressing individuals who persistently verbally abuse and threaten those living and working in the city
- Use of community protection warnings and notices to address individuals, organisations and businesses to address ASB which has a detrimental effect on those in the locality including begging, litter and waste
- Use of dispersal powers by the police to address an individual committing or likely to commit crime or disorder in a 48 hour period in a specified area.
- Use of Fixed Penalty Notices to address those dropping litter, with a financial penalty

- Use of the Environmental Protection Act to ensure that businesses dispose of waste appropriately.

Enforcement work is directed at specific anti-social behaviours that are impacting on those that live, work and visit the city centre, it is not targeted at groups of people such as those that rough sleep or who are homeless.

The use of these powers has enabled the Council and Police to address some of the ASB that occurs in the city, however there are limitations to these powers. Current powers do not always facilitate an appropriate response to some of the problems that are frequently reported in the City Centre, like urination and defecation, health and safety hazards caused by the erection of tents and obstruction of exits, and build-up of commercial waste on the city streets.

In response to these concerns and in conjunction with the police, the Council agreed to explore whether a Public Spaces Protection Order (PSPO) would be an appropriate additional tool to address these behaviours.

2.4 A PSPO is a place based order which is intended to control or restrict activities, within a specific area, which are having, or may have, a detrimental effect on the quality of life of those in the vicinity. The terms of a PSPO can prohibit or require particular acts. They can apply to particular groups or to the public as a whole.

Under section 59 of the 2014 Anti Social Behaviour Crime and Policing Act, local authorities must be satisfied on reasonable grounds that each type of activity included in an Order;

- has a detrimental effect on the quality of life of those in the locality (or it is likely that activities will take place and have such an effect)
- is (or is likely to be) persistent and continuing in nature
- is (or is likely to be) unreasonable
- justifies the restrictions to be imposed

The sanction for breaching a prohibition or requirement included in a PSPO is solely a monetary penalty - either a Fixed Penalty Notice (£100) or a prosecution, criminal conviction and a fine (up to £1000). There is no provision for a community order, for positive requirements to be attached to a breach of the order or a custodial sentence.

Prior to introducing a PSPO the Council is legally obliged to publish the text of the proposed order and consult with;

- the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- whatever community representatives the local authority thinks it appropriate to consult; and
- the owners or occupiers of land within the restricted area.

A PSPO can last for up to three years. Before a PSPO expires it must be reviewed and if the review supports an extension, it may be extended for up to a further three

years. There is no limit on the number of times an Order can be reviewed and extended. PSPOs can also be varied or discharged. When PSPOs are varied, extended or discharged, there are statutory requirements regarding publishing or publicising this and councils are required to undertake a further consultation process.

3.0 Supporting people with vulnerabilities

The consultation has highlighted a significant level of concern about support for people with vulnerabilities in the city centre. We recognise that in Manchester some people who are involved in behaviours that the PSPO is seeking to address have support needs and some may be rough sleeping or begging. Our ambition in the city is to support each individual in addressing their particular situation thus reducing drivers leading to individuals committing ASB.

Both Council outreach teams and the dedicated GMP team commence engagement with an individual on the street with an offer of practical support and signposting to relevant services. A proactive outreach team from substance treatment provider *Change Grow Live (CGL)* is also part of the partnership and aims to motivate and support people to access treatment services including alcohol support.

Our approach is supportive and assertive. We support the message and campaign driven by *Big Change* Manchester which seeks to encourage members of the public to donate to charities and groups working with people who are on the streets rather than give money to people who are on the streets. This is to ensure that resources are used to support people to move on and make positive changes in their lives rather than sustaining a life on the streets. In Manchester city centre, there are free meals readily available provided by indoor services including those commissioned by the Council.

Whilst there has been success in many individual cases and our approach is making a positive difference, the impact is diminished when the bigger picture is considered as the city continues to see new people on the streets.

Our absolute priority remains to support anyone who is in need and connect them with the services which can help improve their lives. The introduction of the PSPO would not change our approach, but would provide an extra tool to address some of the challenges that we are experiencing in the city centre. The proposed PSPO is targeted to address anti-social behaviours therefore individuals will not be fined for rough-sleeping or homelessness.

4.0 Evidence of Issues of Concern in Manchester city centre

4.1 The Manchester city centre Survey, which took place from 27 July to the 24 August 2018, received a total of 3002 responses. The survey asked respondents questions about their perception of the city centre. Themes identified through the survey as being problematic issues included alcohol, begging, on street defecation and urination and the overall cleanliness of the area. Nearly half of the respondents were city centre residents.

The following information was also considered in order to better identify the issues that were being reported and experienced in Manchester city centre.

- 2018 -2021 Community Safety Strategy consultation responses
- Greater Manchester Police data from April 2016 to March 2018
- Manchester City Council data on reports of anti-social behaviour and environmental issues
- Community Impact Statements

A summary of the issues and concerns are detailed below.

4.2 Alcohol: Over the previous year a third of arrests in the city centre were recorded as involving alcohol intoxication. More arrests in the city centre involved alcohol intoxication in comparison to the rest of Manchester. Street drinking is sometimes associated with antisocial behaviour including rowdy and nuisance behaviour, harassment and intimidation of passers-by, as well as the littering of cans and bottles. (If introduced the PSPO will replace the existing city centre PSPO previously known as a Designated Public Place Order which puts restrictions on public drinking). An officer may require an individual to not consume alcohol or surrender their alcohol and failure to comply without a reasonable excuse is a breach of the order.

4.3 Begging: Over the previous three years Manchester city centre accounted for 75% of all incidents in Manchester coded as begging or vagrancy. Members of the public reported that they had been intimidated by people who beg near to cash machines and the entrances of commercial premises. Concerns were also raised about people begging approaching people to ask for money. Examples of the reports received involved incidents of verbal abuse and intimidation associated with begging activity.

The City Centre generated approximately 1328 incidents on GMP systems relating to people begging or asking for money over the three years to March 2018. There are also usually additional elements to those incidents which are reported – e.g. people becoming abusive or aggressive when refused money, or people begging who seem to be particularly vulnerable.

4.4 Obstruction of entrances and exits of premises: Reports continue to be received from residential and commercial premises about people obstructing the entrance or exit of premises, including fire exits. On occasions this has created problems for businesses in terms of them opening or closing their stores. Obstructing a fire exit causes a significant health and safety risk for those inside the building. Residents are fearful when attempting to enter or leave their homes and the access route is obstructed. Several reports have been received that relate to people being verbally abused when they have asked individuals to stop obstructing the entrance or exit to their premises. There were 281 incidents reports to the police that included blocked fire exits or escapes in the three years to March 2018.

4.5 Urination and defecation: The reports received from residents and people working in the city centre inform us that there is a problem with people urinating and defecating outside residents' homes, on the streets and in the vicinity of pubs, clubs

and restaurants. The detrimental effect is the odour, the low level health risk, how this type of human waste is often offensive in nature when present in a public space and for those that witness it taking place. In addition reports are received that when people are asked not to urinate or defecate there have been incidents of verbal abuse and intimidation. Analysis of GMP incident data in the three years to March 2018 showed approximately 416 references to people defecating or urinating in a public place over the past 3 years in the City Centre.

Urination and defecation in public spaces can involve indecent exposure of body parts. Reports have been received of individuals exposing themselves in the presence of children and other adults. A report made to the police involved an individual being ejected from a premises who then pulled their pants down outside the premises and defecated. Another report to the police involved an individual defecating outside a premises and when asked to clean up the faeces they told the victim that if he saw him in the street he would hit him with a bottle.

4.6 Disposal of needles: It has been identified that discarded needles are a significant concern for people living, working in and visiting the city centre. This conduct can have a negative psychological impact, particularly for residents. Concerns have been raised about the potential health and safety risks of needles being disposed of in public spaces without using an appropriate sharps container. Manchester City Council data includes 132 records about drug waste from December 2017 to August 2018.

Biffa (waste contractor) provided reports from their operatives that included “On 3 July 2018, in Piccadilly Gardens, a Biffa operative found a carrier bag full of needles dumped on the seating area quite near to the children’s play area. The bag was removed so the needles could be safely disposed.”

4.7 Tents and other structures: Reports have been received of tents obstructing the highway and the entrances and exits of commercial and residential buildings. Within and surrounding some tents there is evidence of an accumulation of drug paraphernalia, human waste, discarded food items, broken glass and vermin. This has a detrimental impact on the people occupying the tents and the wider community. Existing legislation to address the erection of tents and structures on public land can take time to progress and is ineffective for some circumstances that are presented in the city centre.

An example of a report received in the city centre relating to tents involved the tent causing a fire risk by blocking a fire escape door. It was reported that a group of people occupying the tent had been taking drugs and urinated in the fire escape area. Concerns were expressed that residents could not encourage the group to move due to the risk of verbal aggression. Another report was received involving a tent erected in a car park. It was reported that lots of people were coming and going and there was screaming and shouting coming from the tent. It was stated that the group were defecating on the car park and there was lots of debris around the tent. This report stated that the situation had been ongoing for several days. Officers have described how on occasions they have attended to engage with people occupying tents and found vermin attracted to food and debris. In addition officers report that

sometimes tents can become a base for drug use and at times have found tents with drug paraphernalia including used syringes with uncapped needles.

4.8 Litter: There is already legislation in place for the Council to take action when a person commits the offence of littering. Litter and hazardous waste have an impact on the public in terms of health and safety considerations, in addition to being unpleasant visually. The accumulation of items in public places, that create an opportunity to conceal objects, are considered a security risk and should be removed quickly.

4.9 Commercial Waste: The city centre has a high number of and densely located commercial premises that operate across different business models and at different hours of the day and night. The impact of these businesses not adequately managing their waste is detrimental to the visual amenity of the city centre. There are frequent instances of rat infestation in these areas, which is encouraged by the ready supply of food waste and other materials, often as a result of split bags, where waste has been left out on the street for a prolonged period of time or by individuals going through bags. This is then made worse by the lack of cleansing by premises following incidents of spillage.

4.10 Areas for consultation: Based on the findings from the city centre survey, data on reports of crime and ASB and taking into account the possibility of displacement, the area of the prohibitions and requirements of the proposed PSPO is identified in Appendix 1. The area for the commercial waste elements of the PSPO is identified in Appendix 2.

5.0 Consultation on a PSPO

5.1 The Council undertook an eight week consultation from 12 February 2019 to 8 April 2019. Information and an online survey was published on the Council's website. In accordance with relevant guidance the information included;

- Why the Council was undertaking the consultation together with a summary of the evidence in relation to each of the behaviours
- A draft PSPO including the proposed behaviours, requirements and maps outlining the geographical areas where the terms may apply
- The consequences of breaching a PSPO
- The right to appeal a PSPO.

5.2 The survey included closed and open questions regarding the proposed order. Respondents were given the option to choose which questions they answered in relation to each of the behaviours and requirements. The respondents were able to complete free text fields to provide additional feedback and suggestions.

The draft proposed order which was the subject of the consultation and lists the prohibitions and requirements which were originally under consideration can be found at Appendix 3.

5.3 Awareness of the consultation was promoted extensively through a communications and stakeholder plan. Methods of communication included social

media, city centre advertising boards and hard copies of the survey were available in Central Library. It was reported extensively in the media and promoted on the council's social media channels and website. Officers undertook on street engagement with members of the public to raise awareness of the consultation in the city centre and the North, Central and South areas and completed surveys with people who did not have access to the internet. Engagement with residents in the China Town area of the city centre involved utilising an interpreter and translated copies of the consultation survey which enabled residents whose first language was not English to participate in the consultation.

5.4 Awareness of the consultation was raised through resident and business groups, councillors, licensed premises, the Community Safety and the Homelessness Partnership, Macc and members of the Safety, Violence and Policing Meeting (voluntary and community organisations), Manchester's housing providers, the faith network, safeguarding boards, taxi licensing, hate crime reporting centres and other city centre Integrated Neighbourhood Management partners. Young people and students were informed of the consultation through contact with Young Manchester, youth providers, Manchester College, Manchester Universities and the Student Safety Group. Written correspondence was sent to owners and occupiers of land in the proposed area inviting them to participate in the online survey.

5.5 Offers were made to facilitate focus groups with people who may be affected by a PSPO to enable them to participate in the consultation. One organisation accepted this offer and a focus group was held attended by a member of staff and engaged former or current service users and their representatives. Other groups and organisations expressed a preference to meet with their service users and clients, without the involvement of Council officers, directly to support them in contributing to the consultation. Officers attended a Youth Council meeting to provide information about the consultation. The young people expressed a preference to participate by completing the survey online.

Consultation took place with statutory consultees;

- Greater Manchester Police
- Police and Crime Commissioner
- Community representatives
- Occupiers and owners of land in the city centre

6.0 Consultation Responses

6.1 The consultation received over two thousand responses which have been reviewed and analysed. This included 1996 survey responses, 7 written submissions and 3 complaints specific to the consultation.

Analysis of the survey responses can be found at **Appendix 4**. An independent organisation was commissioned to provide an analysis of the free text fields completed in the consultation. This analysis is provided in **Appendix 5**.

6.2 Statutory Consultee Responses:

Greater Manchester Police (GMP) supports the implementation of a PSPO stating that a PSPO would enhance the Neighbourhood Teams' ability to reduce crime and disorder and maintain public safety. The consumption of alcohol, begging in a manner that causes nuisance, annoyance, fear or distress, the erection and abandonment of tents in public places and obstruction were noted as particular issues that place a significant demand on the Local Policing Team. In regard to begging GMP provided feedback that the teams already demonstrate a sensible use of statutory powers acting proportionately and in a way designed to achieve meaningful progressive outcomes for the community and the individuals concerned.

The Mayor of Greater Manchester (fulfilling the Police and Crime Commissioner statutory obligation to consult) responded to say that these issues need to be dealt with proportionately and sensitively by providing advice for businesses or the individuals committing the unacceptable behaviour. If that advice is not heeded, then firmer action may be required for the benefit of the majority. The response expressed the need to balance the management of the city centre so that it is a welcoming place for visitors and the need to appropriately challenge behaviour that is anti-social, aggressive, intimidating or prevents others from going about their lawful business.

The views of community representatives and owners / occupiers of land were captured through the consultation survey.

6.3 Written responses were received from:

- Psychologists for Social Change
- Chair of Manchester Health & Care Commissioning and MHCC Clinical Lead for Homelessness
- Liberty
- Transport for Greater Manchester (TFGM)
- Manchester Metropolitan University, Programme Leader, MSc Urban Policy and Analytics

These responses were considered alongside the survey responses.

6.4 All the consultation responses are considered in relation to each of the specific behaviours and requirements contained within the draft PSPO and with reference to the legal threshold. It is important to consider each behaviour individually to ensure the legal threshold for that behaviour is met, rather than comparing the survey results across the different behaviours. Proposals have been made as to whether or not the evidence justifies the prohibition/requirement being included in the final Order or if any amendments should be made. The proposed PSPO has taken into consideration, initial evidence that demonstrated the grounds to consult, further evidence provided from the consultation responses, support for the PSPO, alternative suggestions and local and national developments since the consultation was undertaken.

7.0 Consideration of the articles for a PSPO

Prohibitions

7.1 Alcohol

Article 1 - No person shall consume alcohol in a public place in the Restricted Area (save for those places identified in section 62 of the ASB Crime and Policing Act).

7.1.1 697 respondents believe alcohol to be a major city centre problem. 211 of 1416 survey respondents reported that people drinking alcohol in public places makes them feel unsafe. Respondents also reported a detrimental effect in terms of a noise disturbance, nuisance or annoyance, verbal abuse, physical harm and littering. 621 survey respondents have personally experienced problems with the consumption of alcohol in a public place on either a daily or weekly basis. One third of the arrests in the city centre involve alcohol intoxication. Consumption of alcohol places significant demand on GMP due to the associated crime and disorder. The PSPO will replace the existing city centre PSPO ("Alcohol Restriction Zone"). 907 respondents agreed it should be in the PSPO.

7.1.2 If the restriction on public consumption of alcohol was removed it is likely that problems associated with alcohol related disorder would significantly increase as GMP currently use the existing Order to seize and dispose of alcohol.

7.1.3 It is proposed that this article will be included in a PSPO.

7.2 Begging with associated ASB

Article 2 - No person shall beg for money or any other item in a public place in the Restricted Area in a manner that causes or is likely to cause nuisance, annoyance, fear or distress for or to any other person.

7.2.1 766 out of 1597 respondents reported that begging in this manner had a detrimental effect on their quality of life. 391 respondents stated that the behaviour made them feel unsafe. 995 respondents reported experiencing this problem on a daily or weekly basis. Begging was one of the most significant concerns raised through the city centre survey completed in 2018 and causes significant demand for GMP. 1025 respondents reported that this conduct was a major city centre problem. 962 respondents agreed that it should be in the PSPO and 529 disagreed.

7.2.2 The sanction for breaching a prohibition or requirement included in a PSPO is solely a monetary penalty - either a Fixed Penalty Notice (£100) or a prosecution, criminal conviction and a fine (up to £1000). The PSPO legislation does not allow for requirements to be formally attached to breach proceedings either by issuing a Fixed Penalty Notice or prosecuting an individual at court. On conviction for breach of a PSPO requirement the court has no power for example to impose a Drug Rehabilitation Requirement (DRR), a Community Order or a 'positive requirement' to engage with services such as homelessness, mental health or substance misuse. Issuing a monetary sanction against a person who has no means to pay has been identified as a concern within a number of responses provided. It is acknowledged that both homeless and accommodated people beg in the city centre. 520

respondents stated that begging in such a manner could be reduced by providing more support to individuals. Unlike other behaviours the analysis of the free text showed that the majority of respondents do *not* agree with enforcing against people begging in an aggressive way or people begging in a non-aggressive way. However, 196 people believed that begging should be dealt with by more enforcement and fines.

7.2.3 The Ministry of Housing, Communities and Local Government is currently undertaking a review of the Vagrancy Act 1824. This was a commitment of a wider legislative review outlined in the Government's Rough Sleeping Strategy (2018). Members of the city centre Integrated Neighbourhood Management (INM) Team are actively engaged with the review which has a specific focus on the support and enforcement work in Manchester city centre.

7.2.4 Southampton Council has experience of a change in approach in terms of a PSPO begging prohibition. In practice Southampton found that trying to control begging through a PSPO was not effective and did not achieve behaviour change. During the three year period 32 Fixed Penalty Notices were issued for begging and there was one prosecution resulting in a conviction and a conditional discharge. Very few of the FPNs were paid. A review of the approach to enforcement available to tackle begging was undertaken and other interventions were found to have a greater deterrent effect. These interventions include the use of dispersal powers by the police; issuing persistent beggars with Community Protection Notices; and seeking Criminal Behaviour Orders from the Court for those who continued to beg aggressively. Southampton decided to remove controls on begging in the extended order.

7.2.5 City centre INM partners continue to evolve their approaches to begging raising awareness of the issues and a 'what works' approach engaging with custody suites, the courts, the public, probation, voluntary and community organisations and substance misuse services. A funded project working with people who beg and are accommodated continues to achieve success through engaging people in their residential localities outside of the city centre and increasing use of the accommodation provision. This had led to people stopping or significantly reducing their time spent begging. These developments in policy and practice continue to inform our approach in the city centre. GMP data shows that the number of recorded incidents of begging or people asking for money in the city centre has declined.

7.2.6 Whilst there is evidence of detriment and persistence, this should be balanced by the ongoing work to address this issue in ways more likely to have an impact which has been demonstrated by the experiences in Southampton.

7.2.7 This article will not be included in the PSPO.

7.3 Needles

Article 3 - No person shall discard, other than in an appropriate sharps container, a hypodermic needle or syringe in a public place in the Restricted Area.

7.3.1 523 people describe this behaviour as a major problem. 389 respondents out of 1094 said this behaviour had a detrimental effect with 118 people describing the effect caused by seeing or personally having to dispose of needles. 353 respondents said they experienced the problem daily or weekly and 560 said they experienced the problem less frequently or never. In addition to having to see or dispose of needles 76 people expressed health and safety concerns. 774 respondents agreed it should be included in the PSPO, 241 disagreed.

7.3.2 It is recognised that these issues are particularly detrimental for those people that live in the city centre. Analysis of those individuals that had a city centre postcode showed that a higher proportion of those that responded to the question experienced a more persistent issue found it to be more unreasonable and detrimental. 142 out of 212 saying it was a major problem and 120 out of 204 citing that it was detrimental.

7.3.3 The detriment has been demonstrated specifically for city centre residents.

7.3.4 It is proposed that this article will be included in the PSPO.

7.4 Urination and Defecation

Article 4 - No person shall urinate or defecate in a public place in the Restricted Area. This prohibition does not apply to urinating or defecating in a legitimate toilet facility.

7.4.1 575 respondents said urination had a detrimental effect and 708 respondents said it did not. 680 respondents stated they experienced this problem on a daily or weekly basis and 702 respondents said this is a major problem for the city centre. 921 respondents agreed that it should be included in the PSPO.

7.4.2 394 respondents said that defecation had a detrimental effect and 669 said it did not. 394 people describe defecation as a major problem in the city centre whereas 564 people state this is a minor problem or not a problem. 751 respondents agreed that it should be in the PSPO. Analysis of the impact on city centre residents also demonstrated that the impact of this behaviour was greater for those city centre residents that responded to the question with 131 out of 208 identifying a detriment and 118 out of 212 citing as a major problem.

7.4.3 For both urination and defecation the respondents suggested that as an alternative to using a PSPO to address these issues there was a need to improve public services. Further analysis was undertaken to identify how respondents believed public services could be improved. Overwhelmingly a specific suggestion made by 735 respondents was improved public toilet facilities in the city centre. In response to these concerns the Council has made a commitment to extending the opening hours of the Lloyd Street public toilet provision.

7.4.4 Evidence of detriment and harm has been demonstrated for urination in the consultation responses and defecation has been identified as a greater concern for city centre residents. As noted above improved availability to toilet facilities has been sought as a result of the consultation.

7.4.5 It is proposed that this article will be included in the PSPO.

7.5 Tents

Article 5 - No person shall erect or keep a tent or other temporary structure in a public place in the Restricted Area in a manner that:

- attracts, or is likely to attract, vermin; or
- creates, or is likely to create, a health and/or safety risk to any person

7.5.1 339 respondents stated this had a detrimental impact in comparison to 974 who said it did not. The main detriment identified was that tents were visually unsightly which has a relatively low harm impact on individuals. 524 respondents stated they experienced a problem with this behaviour on a daily or weekly basis. 441 described this as a major problem and 864 respondents said this was a minor problem or not a problem for the city centre. 617 respondents agreed that it should be included in a PSPO, 632 disagreed. When asked about alternative actions 501 respondents suggested that more support should be provided to individuals and 164 respondents said that people should not be criminalised in regard to tents. 88 respondents suggested removal and enforcement.

7.5.2 The evidence is limited for this to be included as a prohibition, however it will be included as a requirement to enable a reasonable and proportionate response to be available to address the issue.

7.5.3 This article will not be included in the PSPO as a prohibition, however it will be included as a requirement (see below).

7.6 Commercial Waste - Storage

Article 6 - No person shall leave commercial waste in a public place in the Restricted Area other than in secure, commercial waste company containers or commercial waste sacks. Any such waste shall be left in a manner that prevents escape of waste into the public place.

7.6.1 484 respondents experienced this problem on a daily or weekly basis and 468 respondents described this conduct as a major problem for the city centre. 384 respondents out of 809 said this conduct did have a detrimental effect and 425 said it did not. The main detrimental effects were littering or mess, visually unsightly and raised concerns about vermin. 662 respondents agreed that it should be included in the PSPO whilst 79 disagreed. Waste, unlike other behaviours, involves the main respondent suggestion to tackle this issue being more enforcement or fines (159 suggestions).

7.6.2 Whilst the number of respondents for this article is lower, the proposal corresponds to a smaller area of the city and is therefore likely to impact fewer individuals.

7.6.3 The consultation responses demonstrated persistence and unreasonableness for those that responded and the article is supported by 80% of the 828 respondents

7.6.4 It is proposed that the article will be included in the PSPO.

7.7 Commercial Waste - Collection

Article 7 - No person shall leave commercial waste company bins, or commercial company waste sacks in a public place in the Restricted Areas for the purpose of collection more than 2 hours prior to their contracted collection time.

7.7.1 300 respondents said they experienced this problem on a weekly or daily basis out of 606 respondents. 222 respondents said this conduct had a detrimental effect on their quality of life and 347 said it did not. 269 respondents said this was a major problem for the city centre whilst 255 people said it was a minor problem or not a problem. 399 respondents agreed that this should be included in the PSPO and 84 disagreed.

7.7.2 It is proposed that this article will be included in the PSPO.

7.8 Requirements

7.8.1 The consultation responses in respect of the requirements included in the PSPO consultation are detailed below. Requirements are not blanket bans but support a formal request from an authorised officer. Currently there is no opportunity to require individuals to address these behaviours. The inclusion of requirements will give additional powers to both council and police officers to be able to formally request actions to address ASB.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know	Response Total
Identification – give their name, date of birth and address to someone investigating a breach of a PSPO	42.7% (836)	17.6% (345)	6.6% (129)	7.9% (154)	23.2% (454)	2.0% (40)	1958
Litter – immediately, when asked to pick up any litter or rubbish that they have dropped or left, and properly dispose of it.	62.1% (1215)	22.7% (445)	4.4% (87)	2.0% (39)	7.5% (146)	1.3% (26)	1958
Obstruction – move from an entrance, exit or stairway that they are	46.1% (902)	20.4% (400)	7.4% (144)	6.7% (131)	17.5% (342)	1.9% (38)	1957

obstructing, within a reasonable time							
Obstruction – move, within a reasonable time, if they are stopping street cleaning	45.4% (889)	24.2% (474)	7.8% (153)	6.6% (130)	14.5% (283)	1.5% (29)	1958
Obstruction – move, within a reasonable time, if they are stopping people or vehicles passing	49.2% (958)	22.9% (446)	7.6% (148)	5.8% (113)	13.2% (257)	1.3% (26)	1948
Tent – move, within a reasonable time, a tent or other temporary structure that is attracting or is likely to attract vermin	43.6% (851)	15.5% (302)	7.4% (144)	9.4% (183)	22.2% (434)	1.9% (37)	1951
Tent – move, within a reasonable time, a tent or other temporary structure that is a health or safety risk	44.7% (871)	16.3% (317)	7.6% (149)	9.1% (178)	20.4% (397)	1.8% (36)	1948
Commercial waste – immediately clean up any spillages	68.7% (1344)	20.6% (402)	3.7% (73)	1.1% (21)	4.5% (87)	1.4% (28)	1955
						answered	1970
						skipped	26

7.8.2 Consultation responses supported the inclusion of all the requirements, however having considered the consultation responses it is proposed that these requirements are amended as follows:

7.8.3 It is proposed that changes be made to the requirements concerned with obstructions and erection of tents and structures to clarify that these are intended to address health and safety risks. The amended requirements are:

Health and/or safety risks – obstruction

A person in a public place in the Restricted Area who causes a health and/or safety risk by:

- obstructing the entrance to or exit from any building; or
- obstructing the free passage of pedestrians on or in a stairwell; or

- causing an obstruction which prevents or hinders street cleansing activity; or
- causing an obstruction which prevents or hinders the free passage of pedestrians or vehicles

shall, upon valid request of a Constable or an Authorised Person, move from that location within a reasonable time as specified in writing by that Authorised Person.

Health and/or safety risks - tents and structures

A person who has erected or is occupying a tent or other temporary structure in a public place in the Restricted area in a manner that:

- attracts or is likely to attract vermin; or
- creates or is likely to create a health and/or safety risk for any other person

shall, upon valid request of a Constable or an Authorised Person, move from that location within a reasonable time as specified in writing by that Authorised Person.

7.8.4 It has been identified that implementation of existing legislation to address littering is having a positive impact on the cleanliness of the city and as such additional provision in the PSPO is not considered to be necessary.

8.0 The Proposed PSPO

The resulting proposed Public Spaces Protection Order prohibitions and restrictions are detailed below:

Area 1 (city centre defined in Appendix 1)

Article 1: Consumption of alcohol

No person shall consume alcohol in a public place in the Restricted Area (save for those places identified in section 62 of the ASB Crime and Policing Act).

Article 2: Discarding a hypodermic needle or syringe

No person shall discard, other than in an appropriate sharps container, a hypodermic needle or syringe in a public place in the Restricted Area.

Article 3: Urination or defecation

No person shall urinate or defecate in a public place in the Restricted Area. This prohibition does not apply to urinating or defecating in a legitimate toilet facility.

Area 2 (commercial areas within the city centre defined in Appendix 2)

Article 4: Commercial waste - storage

No person shall leave commercial waste in a public place in the Restricted Area other than in secure, commercial waste company containers or commercial waste company sacks. Any such waste shall be left in a manner that prevents escape of waste into the public place.

Article 5: Commercial waste - collection

No person shall leave commercial waste company bins, or commercial company waste sacks in a public place in the Restricted Area for the purposes of collection more than 2 hours prior to their contracted collection time.

Article 6: Health and/or safety risks - obstruction

A person in a public place in the Restricted Area who causes a health and/or safety risk by:

- obstructing the entrance to or exit from any building; or
- obstructing the free passage of pedestrians on or in a stairwell; or
- causing an obstruction which prevents or hinders street cleansing activity; or
- causing an obstruction which prevents or hinders the free passage of pedestrians or vehicles

shall, upon valid request of a Constable or an Authorised Person, move from that location within a reasonable time as specified in writing by that Authorised Person.

Article 7: Health and/or safety risks - tents and structures

A person who has erected or is occupying a tent or other temporary structure in a public place in the Restricted Area in a manner that;

- attracts or is likely to attract vermin; or
- creates or is likely to create a health and/or safety risk for any other person

shall, upon valid request of a Constable or an Authorised Person, move from that location within a reasonable time as specified in writing by that Authorised Person.

Article 8: Provision of information upon request

A person who an Authorised Person reasonably suspects of breaching any of the prohibitions or requirements in this Order shall, upon request of that Authorised Person, provide their name, address and date of birth to that Authorised Person.

Article 9: Commercial waste - clearance

A person who has placed commercial waste in a public place in the Restricted Area for collection shall, upon a valid request of a Constable or an Authorised Officer, immediately clear that place of any such commercial waste that escapes from their control.

A requirement under this Article is not valid if the Authorised Person is asked by the person subject to the requirement to show evidence of their authorisation and they fail to do so.

9.0 Enforcement

9.1 If the PSPO is introduced it will provide additional powers for both authorised Council and Police Officers to use when appropriate. The approach to enforcement remains as outlined in the Council's Corporate Enforcement Policy and the Anti Social Behaviour Policy and Procedure. To become authorised to enforce the PSPO officers will undertake the appropriate training and formal authorisation. Officers will

continue to be proactive in the identification of vulnerability and provide appropriate advice, signposting and if necessary referrals to safeguarding or support services.

9.2 Upon commencement of the PSPO, for the first three weeks, officers will spend time in the city centre speaking to businesses, licensed premises, voluntary and community organisations, members of the public and people who may be affected by the terms of the Order to raise awareness of the prohibitions, requirements and consequences of breach. During this period the PSPO will not be enforced.

9.3 Members of the public will be asked to report breaches of the PSPO using the existing channels to provide details of the incident and the location. This information will be used to inform regular multi-agency operations when Council and Police Officers will target resources in a particular city centre location and apply the appropriate use of powers.

9.4 Officers will record breach actions; the number of verbal warnings, Fixed Penalty Notices and prosecutions.

9.5 A Council and GMP partnership protocol will confirm the approach to the city centre PSPO enforcement including any actions identified through the Equality Impact Assessment.

10.0 Equality Impact Assessment and Human Rights

10.1 An Equality Impact Assessment (EIA) has been completed considering each of the protected characteristics and behaviours included in the PSPO. In accordance with section 72 of the Act, particular regard has been given to the articles in the Human Rights Act detailing freedom of expression and freedom of assembly when deciding whether to proceed with the proposal to make a PSPO.

10.2 The EIA can be found at **Appendix 6**

11.0 Next Steps

11.1 Before a final decision is made any feedback or recommendations from the committee will be considered.

11.2 The decision to introduce a PSPO is a key decision in the constitution delegated to the Strategic Director Neighbourhoods (in consultation with the Deputy Leader when considering objections and representations in respect of proposed PSPOs affecting highways). If the Order is made there follows a period of six weeks in which an appeal can be made to the High Court by an interested person to challenge the decision.

11.3 If the Order is introduced, it will be important to closely monitor any activity and review the impact of the PSPO. This will be important to establish any issues with enforcement, identify any areas of displacement, and to understand whether the PSPO is achieving the desired outcomes of the Order.