

Communities and Equalities Scrutiny Committee

Minutes of the meeting held on Wednesday, 11 March 2020

Present:

Councillor Hacking (Chair) – in the Chair
Councillors Andrews, Chambers, Collins, M Dar, Doswell, Douglas, Grimshaw, Hitchen and Rawson

Also present:

Councillor Akbar, Executive Member for Neighbourhoods
Councillor N Murphy, Deputy Leader

Apologies: Councillors Battle, Evans, Kirkpatrick and Rawlins

CESC/20/22 Call In: To make a Public Spaces Protection Order in respect of the City Centre for a maximum of 3 years

The Committee considered a call in of the decision taken by the Strategic Director (Neighbourhoods) relating to the decision to make a Public Space Protection Order in respect of the City Centre for a maximum of three years.

The Call In had been proposed by Councillor Hacking, Chair of the Communities and Equalities Scrutiny Committee. Councillor Hacking informed the Committee that the reason he had called the decision in was to seek an assurance from the Strategic Director that the concerns raised by the Communities and Equalities Scrutiny Committee at its meeting on 7 November 2019 in relation to the proposed PSPO for the City Centre had been taken fully into account prior to the decision being made.

The Strategic Director (Neighbourhoods) responded to the concerns raised by the Chair. In doing so she advised that to enable the Council to enable its strategic objectives of a safe, clean and welcoming city centre the Council and the police used a wide range of informal and formal powers to protect the public and tackle crime and antisocial behaviour. These measures included 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. The use of these powers had enabled the Council and Police to address some of the ASB that occurred in the city, however there were limitations to these powers. Current powers did not always facilitate an appropriate response to some of the problems that were 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.

The Strategic Director commented that she felt satisfied that the conditions as set out in Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 had been met and that by introducing the PSPO it would prohibit certain activities or require specified activities to be carried out by persons to ensure compliance with the Order. In order to make the decision, the Strategic Director advised that she had taken the following into consideration:-

- The evidence of the issues concerned'
- The consultation responses from the statutory consultation between 12 Feb to 8 April 2019, which included over 2000 responses; and
- The proposals for the PSPO presented to the Communities and Equalities Scrutiny Committee on 7 November 2019 and the associated feedback form Committee Members.

The Committee's attention was drawn to two specific points that had been withdrawn from the original proposal. These were the removal of begging with associated ASB as either a prohibition or a requirement and at Article 7 in relation to the obstructions and erection of tents and structures had also been amended to ensure that this requirement was intended to address health and safety risks only.

The Strategic Director assured the Committee that in making the decision she had taken full account of the concerns that had been raised by the Committee at its meeting in November 2019 and the response to those matters were detailed in section 8 of the report. She also explained in making the decision, she had decided to include a six month review of the implementation and impact of the PSPO, which was not requirement of the provisions of the legislation and offered to bring a report back to this Committee in regards to this.

The Chair then invited the Committee to ask questions of the Strategic Director (Neighbourhoods). Some of the key questions and points that were made by the Committee were:-

- It was felt that the proposals around displacement were weak and there was concern that there was no dedicated team or officer identified to implement the proposals;
- How would the commercial waste element of the PSPO be enforced and who would be attributed the blame of creating commercial waste, the employee or employer;
- What would the six month review of the PSPO cover;
- What analysis had been undertaken of the use of existing powers to determine that they were not sufficient to address the areas that the PSPO addressed and as part of the six month review it was requested that a breakdown of how effective and how often the PSPO had been used in comparison to existing powers was included;
- In relation to Article 6 (Health and/or safety risks – obstruction), if there was a protest in the city and the highways were being blocked, who would the written order be served on;
- In relation to Article 7 (Health and safety risks – obstruction), who would you serve a written order n if they were homeless,
- There was concern that there had been no consultation with wards that neighboured the city centre in respect of the proposals around displacement;
- How was Greater Manchester Police going to deliver the required training to its Officers to deal with displacements in neighbouring wards;
- What would happen if a person who was rough sleeping refused to move or was on private property;

- It was requested that a measure of adherence to the Equality Act was included in the six month review of the PSPO;
- What was the timeframe for the needle exchange review; and
- What consideration was given to the letter received by over 50 community and voluntary organisations who worked in partnership with the Council to combat homelessness and adhered to the homelessness charter.

The Strategic Director (Neighbourhoods) advised that the PSPO would look to identify what support people, who were subject to displacement, needed through an existing strong multi agency partnership and it was clarified that it was not meant to be used in a punitive way and was part of a suite of tools and powers. It was acknowledged that displacement was not just confined to the City Centre and it was commented that there was a clear approach to addressing this across the city. What was proposed as part of the displacement article was to monitor carefully any issues that were directly arising from displacement.

In terms of commercial waste, it was reported that the PSPO would not be used in isolation to tackle this but it would however provide a more robust approach to addressing commercial waste which was not currently being achieved through existing powers. It was also confirmed that this would be enforced against the employer, not the employee and would not be enforced if the employer had complied with their contracted collection time but their waste had not been collected on time by their waste contractor. It was also confirmed that reporting back on the performance of the PSPO in regards to commercial waste could be reported back as part of the six month review.

The Strategic Director (Neighbourhoods) advised that some existing powers did not go far enough in tackling particular issues, such as commercial waste and obstructions. The six month review of the PSPO would cover the implementation and impact of the PSPO in the City Centre but at the current moment in time the exact content was still being scoped.

The Committee was advised that if there was a protest in the City Centre, the PSPO legislation would not be used, but rather Public Order legislation and this was covered by the Police. In terms of obstructions from tents, this would not be a prohibition of the PSPO but a requirement and as such those causing an obstruction would be asked to move. The Strategic Director (Neighbourhoods) clarified that the consultation on the PSPO had been available to everyone in the city and a number of responses had been received from groups and individuals in the city, not just the city centre.

It was clarified that the PSPO would only be operational within the City Centre and would not be used outside of the city centre boundary. The enforcement of displacement would be from a combination of Police Officers and Neighbourhood staff working in the city centre who would all be adequately trained. Having spoken to the Chief Superintendent for the City, it was envisaged that it would predominantly be city centre Neighbourhood Beat Officers who would be trained to use these powers. Again it was reiterated that the PSPO would not be used in isolation but rather as a suite of powers. As it had not been considered to use the PSPO anywhere outside of the City Centre it was explained that there was a requirement to

train staff who worked outside of the city centre and in terms of displacement there were teams of people who worked across the city to tackle anti social behaviour. Officers explained that the first step in dealing with rough sleepers would be to try and engage with the individual, find out who they were and what support they needed. to try and identify if they were already known or engaging with services. Only if this approach was unsuccessful or where someone continued to engage in anti social behaviour or cause an hazard by obstruction would enforcement action then be considered. It was also reported that powers would still be able to be used on private land that was publically accessible.

The Strategic Director (Neighbourhoods) advised that she would ask the Director of Population Health to share information on the needle exchange review. Furthermore she advised that if the letter from the voluntary and community organisations was received as part of the consultation it was taken into consideration alongside all other responses received

A Member of the Committee sought clarification as to what power the Strategic Director (Neighbourhoods) had in respect of incorporating any recommendations that the Committee may ask that she took into account if asked by the Committee to reconsider the decision. The Chair provided clarification of what options the Committee had in terms of determining what it could do in terms of dealing with the Call In, and if it was minded to refer the decision back to the Strategic Director (Neighbourhoods), she would be required to give consideration to any recommendations put forward but was not obliged to accept them.

After all questions were asked, the Chair proposed a five minute adjournment

On the recommencement of the meeting, it was proposed to refer the decision back to the Strategic Director (Neighbourhoods) with the following recommendations:-

- That as part of the six month review, this was to include information and data on homelessness and information and data on commercial waste;
- That in relation to displacement, consideration be given to establishing a dedicated Officer or Team to deal with any displacements arising from the implementation of the PSPO; and
- That the enforcement of the PSPO should only be done by Police Officers or Council Staff who had received the necessary training to implement the PSPO;

Decisions

The Committee:

- (1) Agrees to refer the decision back to the Strategic Director (Neighbourhoods) with the following recommendations
 - That as part of the six month review, this was to include information and data on homelessness and information and data on commercial waste;
 - That in relation to displacement, consideration be given to establishing a dedicated Officer or Team to deal with any displacements arising from the implementation of the PSPO; and

- That the enforcement of the PSPO should only be done by Police Officers or Council Staff who had received the necessary training to implement the PSPO;
- (2) Requests that the Strategic Director (Neighbourhoods) when scoping the content of the six month review of the PSPO, the additional points and areas raised by the Committee in its discussions is taken into account and included where possible; and
 - (3) Requests that the six month review is reported back to a future meeting of this committee, the precise date to be agreed in consultation with the Chair.