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**Decision Session – Executive Leader  
(incorporating Housing and Safer  
Neighbourhoods)**

**20 June 2016**

Report of Assistant Director – Housing & Community Safety

**Acomb Green - Public Space Protection Order (PSPO) Consultation  
Outcome**

**Summary**

1. The purpose of this report is to consider the responses from the recent consultation process and determine whether to introduce a PSPO for Acomb Green. The decision to undertake consultation regarding a potential PSPO was in response to concerns raised by North Yorkshire Police.

**Recommendations**

2. The Executive Leader, Housing and Safer Neighbourhoods, is asked to **approve option 1** – The introduction of a PSPO within Acomb Green to include:
  - Banning the drinking of alcohol
  - The ability to remove large groups of 3 or more people who are causing anti social behaviour (ASB)
  - Banning under 16's from the possession of lighters in the play area
  - Setting the amount of any Fixed Penalty Notice (FPN) at £100, which would be reduced to £75 if paid within the first 14 days.

Reason: To ensure that the council actively addresses the issue of anti-social behaviour in our communities

**Background**

3. The Anti-Social Behaviour, Crime and Policing Act 2014 came into force on the 20<sup>th</sup> October 2014 and changed the powers available to local authorities and the police to deal with anti-social behaviour in our communities.

4. The Act introduced a new power, a PSPO, which is granted by the Local Authority, but can be enforced by either the Local Authority or the Police.
5. The PSPO serves to protect a public space from persistent or continuing anti-social activity by individuals or groups that is having a detrimental effect on the quality of life of those in the locality. Such an order lasts for a period of up to 3 years, with provision for extensions for up to 3 years at a time. The process starts by way of consultation, and after this time, a decision can be taken by a Local Authority to grant a PSPO. This new power replaces the previous gating orders, designated public place orders (relating to restrictions on alcohol consumption) and dog control orders.
6. If any new prohibition is not adhered to, then the local authority or police have the ability to take formal enforcement action. This action can take one of two forms, to prosecute for the breach, or to issue a Fixed Penalty Notice (FPN). The Act allows for Local Authorities to set a local level for FPNs to a maximum of £100.
7. In Acomb Green in 2015 North Yorkshire Police were called to 49 incidents, 44 of which were ASB and there were 5 criminal incidents.

## **Consultation**

8. As part of the process the Council has sought views from local residents to determine whether they support the PSPO. People were asked to complete a short survey which was placed on the council's website, links to this were placed on the entrance to the area, and for residents who do not have access electronically, a phone number was provided, so that paper copies could be sent out.
9. The council received 45 responses to the survey.
10. In response to the question have you experienced ASB in Acomb Green in the past 12 months:
  - 54% replied that they had;
  - 47% said that they had not.
11. In response to the individual questions to find out whether people supported the introduction of the PSPO and the specific prohibitions, the answers were as detailed below:

<b>Questions</b>	<b>Yes</b>	<b>No</b>	<b>No Opinion</b>
A ban on drinking alcohol	40	3	0
The ability to remove large groups of 3 or more people who are causing anti social behaviour	37	3	3
A ban on the possession of lighters by under 16's in the play area	40	2	0

12. North Yorkshire Police and the Office of the Police & Crime Commissioner have been consulted on these proposals. North Yorkshire Police support the proposals and the Office of the Police and Crime Commissioner have advised that 'I have worked with local residents and business owners to try and resolve the issue of street drinking in parts of North Yorkshire, and its subsequent effects. Having seen first-hand the consequences street drinking and anti-social behaviour can have I believe this civil order is a big step forward in giving the police and the local authority the necessary powers to tackle those issues. Targeting the individuals who are causing these issues will allow for a more effective response, as well as assist in preventing issues before they escalate and effect the community.'
13. Both Ward Councillors and Public Realm have also been advised regarding these requests, and support the recommendation.

## **Options**

14. **Option 1** – Authorise the introduction of the PSPO for Acomb Green to include:
- Banning the drinking of alcohol
  - The ability to remove large groups of 3 or more people who are causing ASB
  - Banning under 16's from the possession of lighters in the play area
  - Setting the amount of any Fixed Penalty Notice (FPN) at £100, which would be reduced to £75 if paid within the first 14 days.
15. **Option 2** – Decline to introduce a PSPO for the area.

## **Analysis**

16. **Option 1** – The Council and North Yorkshire Police have experienced issues with groups of youths at Acomb Green, local residents in the area have complained about issues such as drinking and associated anti social behaviour. In the consultation this is reflected by 93% of the consultation responses been from local residents.

17. The questions asked as part of the consultation were based upon the issues that are being experienced.
18. With regard to the banning of drinking alcohol 43 of the 45 respondents answered this question and 40 (93%) were in support of introducing a ban on drinking alcohol.
19. When considering the ability to move large groups of 3 or more who are causing problems, where they are causing anti-social behaviour that would affect other people who may want to use this area, 43 of the 45 respondents again answered this question with 37 respondents (86%) in support of the proposal, 3 respondents (7%) against the proposal and 3 respondents (7%) stating that had no opinion.
20. The suggestion to ban lighters from under 16's within the play park is designed to reduce the number of incidents of damage to the play equipment, caused by people using lighters to damage the equipment through burning. The Council's Public Realm Team who manage the play park have confirmed that there have been several incidents, and that the damage has cost approximately £1k to repair. 42 of the 45 respondents answered this question with 40 (95%) respondents in support of the proposal. 2 respondents (5%) were not in support of the proposal.
21. When dealing with under 18's the council policy is to give them a written warning before considering taking more formal enforcement action, and this would continue to be the case with the PSPO. Officers would advise the young people about the breach and would write to advise them about the breach and its consequences.
22. **Option 2** – Deciding not to introduce PSPO's for this area will mean that the council and the police will not have all the available powers available to them to address the anti social behaviour issues that the local residents in this area are experiencing.

## **Council Plan**

23. The introduction of a PSPO in Acomb Green strongly supports the priority within the Council Plan of 'A focus on Frontline Services.' To ensure that residents are protected from harm, with a low risk of crime.
  - a. Residents are encouraged and supported to live healthily (aim)
  - b. Residents are protected from harm, with a low risk of crime (aim)

## Implications

24. The implications arising directly from this report are:

- a. **Financial** – There is a cost in terms of signage, but this can be contained within existing budgets.
- b. **Human Resources (HR)** – There are no HR implications.
- c. **Equalities** – The decision to enforce the PSPO powers will be the individual officer's decision and the equalities impact will be considered by these officers on a case by case basis.
- d. **Legal** – The Council's Legal Services Department have given advice and training to officers in relation to the Act and in relation to the new PSPO powers, and have assisted in the drafting of all of the paperwork required to deal with these powers.
- e. **Crime and Disorder** – The introduction of the PSPO will help reduce antisocial behaviour in the area.
- f. **Information Technology (IT)** – There are no IT implications.
- g. **Property** – There are no property implications.
- h. **Other** – There are no other implications.

## Risk Management

25. There are no high risks identified.

### Contact Details

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Report  
Approved



Date 7<sup>th</sup> June 2016

**Wards Affected:** Westfield and Acomb Ward

**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes:**

Annex 1 Public Consultation Feedback

**Abbreviations used in report:**

ASB	Anti Social Behaviour
FPN	Fixed Penalty Notice
PSPO	Public Space Protection Order