

## **Decision Session – Executive Member for Housing & Safer Neighbourhoods 4 April 2016**

Report of Assistant Director – Housing & Community Safety

### **Request to consult about the introduction of a Public Space Protection Order at West Bank Park and Acomb Green.**

#### **Summary**

1. The purpose of this report is to agree to proceed to public consultations on the potential implementation of Public Space Protection Orders (PSPO) to tackle the problems caused by youths in West Bank Park and Acomb Green. (see appendix 1).

#### **Recommendation**

2. The Executive Member is asked to approve:

**Option 1** – To agree that the council will undertake a 4 week consultation process with local residents and interested stakeholders to determine whether to introduce a PSPO for West Bank Park and Acomb Green.

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 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 new powers, including, a Public Spaces Protection Order (PSPO), which is granted by the Local Authority, but can be enforced by either the Local Authority or the Police. A PSPO will allow the council to stop individuals or groups from carrying out acts of anti social behaviour.

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 is taken by a Local Authority to grant a PSPO. This power replaces the previous gating orders, designated public place orders (relating to restrictions on alcohol consumption) and dog control orders.
6. Breaching the conditions of a PSPO is a criminal offence with the option open to officers to issue a Fixed Penalty Notice (FPN) or to prosecute the breach in the Magistrates Court. Association of Chief Police Officers guidance indicates that all breaches of PSPO and non payment of FPN rests with the Local Authority. Failure to pay a FPN within a given period is likely to lead to prosecution for the original offence.
7. West Bank Park is situated between Hamilton Drive, New Lane and Acomb Road. It is a large park that is managed by the council, which has a bowling green. As well as the long established Friends of West Bank Park, there have been recent attempts by West Bank Park Heritage Project to fundraise to remember the work of James Backhouse by transforming the old park-keeper's lodge, and they are looking to create a visitor centre and cafe for families to enjoy.
8. Acomb Green is a triangular shaped piece of land with a large play area sited on it. The site is managed by City of York Council, but supported by the Friends of Acomb Green. The area will also include the streets overlooking the green, which is called The Green.
9. Possible options that the council could look at introducing through a PSPO include:
  - A ban on people riding bicycles or motorised bikes through West Bank Park;
  - A ban on drinking alcohol in both areas;
  - The ability to remove large groups of 3 or more people who are causing anti social behaviour for both sites;
  - Ensuring that dogs are kept on a lead at West Bank Park (current position) or relaxing this at certain times;
  - Banning the possession of lighters by under 16's in the play area.

## Options

10. **Option 1** – to consult on the introduction of the PSPO which would mean that the Council would have greater powers to deal with anti-social behaviour in these areas.
11. **Option 2** – Not to consult on the introduction of a PSPO which would restrict the Council's ability to tackle anti-social behaviour in the area

## Analysis

12. Option 1~ West Bank Park ~ during the course of 2015, there were 34 Anti Social Behaviour (ASB) incidents that North Yorkshire Police (NYP) were called to, of which 27 were classified as youth related. There were also a further 10 criminal incidents. The Neighbourhood Enforcement Officers (NEO's) have received two reports of dogs not being kept on a lead, and one of these resulted in a dog being attacked. The NEO's have also undertaken targeted inspections within the park over the last few months and have identified dogs not on leads, the area is covered through a by-law at present, but there are difficulties in enforcing this, because of the fact that this would need to be prosecuted by the council and the current signage is not adequate at present.
13. The table below gives a breakdown of the issues reported in these complaints. In some of the cases, there may be more than one issue highlighted by the member of the public.

Type of issue	Number of complaints
Groups of people	26
Driving mopeds or bikes	8
Drinking in the park	6

14. There is a higher number of incidents during the summer months, but there are problems throughout the year with groups of young people. Some of the incidents have led to damage to Council buildings within the park. The Public Realm team have tried various initiatives such as anti vandal paint, and removing items which enable individuals to climb on top of the buildings, however problems still persist.

15. Acomb Green ~ in 2015 NYP were called to 49 incidents, 44 of which were ASB and there were 5 criminal incidents. The incidents are more frequent during the period April to September, and they occur more frequently in the evening.
16. The table below gives a breakdown of the issues reported by the members of the public in their complaints.

<b>Type of Issue</b>	<b>Number of Complaints</b>
Groups of people	33
Drinking in the area	4
Setting fire to the play equipment	4

17. As with West Bank Park, the green is well used by local residents, both for recreation as well as people walking their dogs.
18. Option 2 will restrict the options available to challenge ASB in this area, and will reduce the levels of additional revenue that can be raised to continue to tackle ASB across the city.

### **Consultation**

19. Ward Councillors have been advised regarding these requests, and they support the consultation to seek local residents views . Also the Public Realm team have been consulted and support the recommendation to move forward to public consultation.

### **Council Plan**

20. The introduction of PSPO's in these areas, supports the priority within the new Draft Council Plan of 'A focus on Frontline Services.' To ensure that residents are protected from harm, with a low risk of crime.
21. Support services are available to those who need them (aim).  
Residents are protected from harm, with a low risk of crime (aim).

### **Implications**

22. The implications arising directly from this report are:
  - **Financial** – The cost of undertaking the consultation can be met from within existing budgets.

- **Human Resources (HR)** – None
- **Equalities** – There are no equalities implication arising from the decision to consult, a full EIA will be carried out following the consultation should the outcome be to bring forward a PSPO.
- **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, have assisted in the drafting of all of the paperwork required to deal with these powers.
- **Crime and Disorder** – Anti-social behaviour is taking place and is having an impact on local residents wishing to use these recreational areas, undertaking this consultation will, subject to the outcome, enable council to reduce ASB in the locality.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

### Risk Management

23. There are no high risks identified.

### Contact Details

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**Steve Waddington**  
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**Report**  **Date** 17<sup>th</sup> March 2016  
**Approved**

**Wards Affected:** List wards or tick box to indicate all **All**

Holgate, Westfield & Acomb
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For further information please contact the author of the report

## **Appendices**

Appendix 1 - Map of the areas covered

## **Abbreviations**

PSPO - Public Space Protection Orders

FPN - Fixed Penalty Notice

ASB – Anti Social Behaviour

NYP – North Yorkshire Police

NEO - Neighbourhood Enforcement Officers