
**Decision Session - Executive Leader
(incorporating Housing & Safer Neighbourhoods)**

20 June 2016

Report of Assistant Director – Housing & Community Safety

West Bank Park - 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 West Bank Park. 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 West Bank Park to cover:
 - Banning motorised bikes
 - Banning drinking alcohol in the park
 - The ability to remove large groups of 3 or more people who are causing anti social behaviour (ASB)
 - A requirement that dogs are kept on a lead between 8.00am and 6.00pm
 - 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 20th 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 Public Spaces Protection Order (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. At West Bank Park, in 2015, there were 34 ASB incidents that 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.

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 155 responses to the survey for West Bank Park.
10. To the question have you experienced ASB in West Bank Park in the last 12 months:
 - 38% said that they had;
 - 62% replied that they had not.

11. In terms of the potential interventions presented that could be included within any PSPO responses are detailed in the table below.

Questions	Yes	No	No Opinion
A ban on people riding bicycles	42	86	17
A ban on people riding motorised bikes	136	8	7
A ban on drinking alcohol	119	23	10
The ability to remove large groups of 3 or more who are causing ASB	127	17	6
A requirement that dogs are kept on a lead at all times	33	106	7
A requirement that dogs are kept on a lead between 8.00am and 6.00pm	32	101	12

12. In addition to the questions, a lot of comments were received, and both the questions and comments are included as Annex 1.

13. The Council has also received feedback from the Friends of West Bank Park, who have confirmed that they support the order, but have some concerns about the order restricting groups from enjoying the park, see Annex 2 for the full letter.

14. North Yorkshire Police and the Office of the Police & Crime Commissioner have been consulted on these proposals. North Yorkshire Police support the introduction of the order. The Office of the Police and Crime Commissioner have said '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.'

15. Both Ward Councillors and Public Realm have been consulted and support the recommendation also.

Options

16. **Option 1** – Authorise the introduction of the PSPO for both West Bank Park to cover:
1. Banning motorised bikes
 2. Banning drinking alcohol in the park

3. The ability to remove large groups of 3 or more people who are causing ASB
4. A requirement that dogs are kept on a lead between 8.00am and 6.00pm
5. Setting the amount of any Fixed Penalty Notice (FPN) at £100, which would be reduced to £75 if paid within the first 14 days.

17. **Option 2** – Decide to not introduce a PSPO for the area.

Analysis

18. **Option 1** – There have been incidents reported of mopeds and motorbikes being ridden in the park, which affects the quiet enjoyment of the other users. This new order will make it easier for the Police to take enforcement action where these problems occur in the future. Of the 155 respondents to the consultation 151 answered this question, 136 (90%) were in support of the proposal, 8 respondents (5%) were not in support and 7 respondents (5%) had no opinion.
19. With regards to problems caused people drinking alcohol within the park. The PSPO will introduce a two stage test when Officers consider taking enforcement action. The first stage is whether they are in breach of the prohibition, and the second stage is whether any ASB is occurring. The purpose of the PSPO is not to deter people from either meeting up with friends or family, or enjoying a quiet drink in the sun, but to reduce incidents of ASB within the park, and to allow all residents to be able to enjoy the park. Of the 155 respondents 152 responded to this question, 119 respondents (78%) were in support of the proposal, 23 respondents (15%) were not in support of the proposal and 10 respondents (7%) had no opinion.
20. 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, 150 of the 155 respondents answered this question with 127 respondents (85%) in support of the proposal, 17 respondents (11%) against the proposal and 6 respondents (4%) stating that had no opinion.
21. There is currently a By-law in force in West Bank Park to ensure that all dogs are kept on leads at all times. It is proposed to relax this to allow dogs to be able to be exercised off of the lead, between 6.00pm and 8.00am, when the park is quieter. The consultation showed that the majority of respondents did not support either the current position or a less restrictive option of allowing dogs to be let off the lead in the evenings and early mornings, when there is reduced usage from families

and individuals without dogs. However, because the current by-law which states that dogs need to be kept on leads at all times is not well known amongst members of the public, there is a risk that people thought that this was restricting rather than relaxing the rights for dog owners. Legal Services have confirmed that the PSPO would take precedence over the current by-law.

22. 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.
23. 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.
24. **Option 2** – Refusing to introduce PSPO's for this area will continue to ensure that anti social behaviour continues to occur in the park. The Police will continue to target resources to tackle these problems as and when they occur, however the PSPO will allow them to receive support from the Council's Neighbourhood Enforcement Officers to respond to issues and work with North Yorkshire Police (NYP) on targeted campaigns.

Council Plan

25. The introduction of a PSPO in West Bank Park 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

26. 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

27. There are no high risks identified.

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Report
Approved



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Wards Affected: Holgate

For further information please contact the author of the report

Background Papers

None

Annexes

- Annex 1 PSPO Consultation Feedback
- Annex 2 Letter from West Bank Park

Abbreviations used in report:

ASB	Anti Social Behaviour
FPN	Fixed Penalty Notice
NEO	Neighbourhood Enforcement Officer
NYP	North Yorkshire Police
PSPO	Public Space Protection Order