

# Report of the Strategic Director of Place to the meeting of Regulatory and Appeals Committee to be held on 14 May 2018

# AZ

---

## Subject:

Review of Public Space Protection Order (PSPO) Bradford City Centre and surrounding area 2016

## Summary statement:

The report provides a summary of the main findings from the review of the PSPO City Centre and surrounding area 2016.

---

Steve Hartley  
Strategic Director, Place

Report Contact: Rebecca Trueman  
Community Safety Co-ordinator  
Phone: (01274) 431364  
E-mail: [Rebecca.trueman@bradford.gov.uk](mailto:Rebecca.trueman@bradford.gov.uk)

## Portfolio:

**Neighbourhood and Community Safety**

## Overview & Scrutiny Area:

**Corporate Overview and Scrutiny**

## 1. SUMMARY

The report provides a summary of the main findings from the review of the PSPO City Centre and surrounding area 2016.

## 2. BACKGROUND

2.1 This report is submitted in compliance with the resolution of this Committee of the 29 September 2016:

*(1) That the proposed Public Space Protection Order, as set out in Appendices C and D to Document "Z", be formally adopted; the Order having been amended, as a result of the consultation process, to extend the boundary of the exclusion zone to include the following streets and places:*

*Trinity Green Campus  
University accommodation (close to the existing proposed boundary)  
Dixon's Trinity Academy, Trinity Road  
Laisterdyke Lane towards All Saints' Road (Dirkhill area)  
Grantham Road  
Grantham Place  
Spring Place  
Dirkhill Road  
Rand Street  
Rand Place  
Alexandra Street  
To the junction of All Saints' Road with Great Horton Road  
Retford Place,  
St Luke's Hospital*

*(2) That it be noted that:*

*(a) Under Section 63(5) of the Act an authorised person can dispose of any item that has been surrendered under Section 63(2) i.e. alcohol or a container for alcohol.*

*(b) An authorised person in the context of this Public Space Protection Order is defined as being either a Police Constable, Police Community Support Officer or Council Officer.*

*(c) An authorised person can decide when it is appropriate to either:*  
*(i) Impose a Fixed Penalty Notice,*  
*(ii) Waive the Fixed Penalty Notice in the event that a person who would have been issued with a Fixed Penalty Notice agrees to and attends an alcohol or substance misuse service, or*  
*(iii) If anti-social awareness sessions are made available locally, reduce the level of the Fixed Penalty Notice if the person who would have been issued with a Fixed Penalty Notice agrees to and attends an anti-social awareness session.*

*(d) That the Strategic Director, Environment and Sport be requested to investigate and, if feasible, make available local anti-social awareness sessions.*

*(e) That the Strategic Director, Environment and Sport be authorised to take all the necessary action to implement the Public Space Protection Order, as amended, and to make it operational.*

*(f) That the Bradford City Centre Anti-Social Behaviour (ASB) Partnership review the Order in 12 months time, taking account of the comments and suggestions made by respondents during the consultation exercise and the evidence arising during the time the Order is in force.*

*(Regulatory and Appeals Committee 29 September 2016 - Document 'Z' and Minute 46))*

- 2.1.1** Please note that the term 'exclusion zone' as used in the Committee's resolution above in 2.1 and in various parts of this report and Appendix A has the same meaning as 'restricted area' within the Order.
- 2.2** Since the PSPO came into force Environment and Sport has been replaced by the Department of Place.
- 2.3** This review has been led by Place's Safer Communities Co-ordinator and undertaken by staff within the Office of the Chief Executive with support from initially a non-PSPO operational Safer and Stronger Project Officer (SSPO) and in the later stages of the review, due to staff turnover, a PSPO operational SSPO.
- 2.4** Initially this review was to also consider the existing Designated Public Place Order in place within the City Centre over an area covered by this PSPO. However due to delays in undertaking the review, the City Centre DPPO (which became a PSPO from the 24<sup>th</sup> October 2017) retains the original provisions contained in the DPPO.
- 2.5** A further four DPPOs that protected Shipley, Keighley and Bingley Town Centres and an area in West Bowling in compliance with the Police and Anti-Social Behaviour Act 2014 became PSPOs after 15 October 2017. These have not been subject to this review.
- 2.6** Six Safer and Stronger Project Officers were engaged by the Council in March 2017. One of their roles was to undertake enforcement of the PSPO City Centre and surrounding areas. Since April 2017, at any given time, during the hours of 9am until 5pm from Monday to Friday, two of these officers have been deployed to enforce the PSPO.
- 2.7** At all other times not covered by the Council Officers the Police agreed to enforce the PSPO but only if they had available resources

## **2.8 The review considered:**

- a) The impact, if any, of the current PSPO on reducing anti-social behaviour caused by people imbibing new psychoactive substances or alcohol not in licenced premises or in a place covered by a liquor licence across the area protected by the PSPO.
- b) Resources deployed to enforce the current PSPO and a projection of resources required if the PSPO is altered.
- c) If there has been an increase in anti-social behaviour caused by people imbibing new psychoactive substances or alcohol not in licenced premises or in a place covered by a liquor licence around the boundaries of the PSPO area.
- d) If public and businesses perceptions of anti-social behaviour related to the prohibited behaviours within the PSPO area have changed since implementation.
- e) In light of issues that arise out of the review, recommendations for changes to either or both the area protected and the prohibitions within the PSPO.

## **2.9 The review methodology**

### **2.9.1 Analysis of data:**

- Calls for service to the Police in the PSPO area and at points around its boundary
- Information collected by those enforcing the PSPO
- Perception survey responses from residents, businesses, people, and agencies in or using the area protected by the PSPO

### **2.9.2 Direct engagement and methods of engagement:**

- Agencies consulted as part of the original PSPO consultation such as the Police and Crime Commissioner, neighbourhood policing teams
- Representative groups with an interest in the area covered by the PSPO such as Bradford Chamber of Commerce
- Elected Members
- Safer and Stronger Communities Partnership and associated strategic groups such as the City Centre ASB Group and any other partnerships with an interest
- Providers and advocates that support people
- Staff who have enforced the PSPO.

### **2.9.3 Engagement through a range of mechanisms, some targeted and some self-selecting included:**

- Contact with specific agencies/individuals via e-mail or letter
- Focus Group – Safer and Stronger Project Officers
- Press release to invite people to submit their views

- Online survey questionnaire – for use with targeted groups and also for people to self select.

A segment within Question 1 of the online survey was incorrectly worded and read 'I have visited the exclusion zone (the area outside the red line) shown on the map within the last 6 months'. This has been taken into account when analysing the survey responses.

Appendix A contains the list of those contacted directly about the review of the PSPO.

## **2.10 Review findings**

As previously noted, the term 'exclusion zone' as used in parts of this report and the attached document has the same meaning as 'restricted area' within the Order.

### **2.10.1 Summary of individual responses**

A number of individuals and organisations wrote to the Council in response to the review of the PSPO, a range of views were expressed, in summary:

- Local respondents were either in favour of the PSPO continuing as it was, felt it should be extended to prohibit additional activities, such as begging, or felt that enforcement of the PSPO was not consistent across the area covered- especially around the market area at the top end of the City – and that calls for support went unanswered.
- Conversely, national organisation Liberty, expressed concern about the use of PSPOs that disproportionately impact the most vulnerable and criminalise poverty. Liberty urges the Council to withdraw its plans to renew the PSPO or, alternatively, to not extend its scope.

Please note, the Council is reviewing the PSPO and is not at the point where the PSPO needs to be renewed.

None of the statutory organisations contacted as part of this review submitted individual written responses.

### **2.10.2 Summary of online Survey responses**

- a) A total of 156 completed online surveys were submitted. Of these 8% were from people living within the area covered by the PSPO and 9% from business or land owners within the PSPO area. 47% of submissions were from people who worked in the area and 58% had either visited the PSPO area or areas on the map provided that were outside of the PSPO area.
- b) 54% of respondents knew that the Council had been enforcing the PSPO since April 2017.

- c) 34% of respondents felt that levels of alcohol related anti-social behaviour had remained the same, with 23% feeling they had decreased.
- d) When asked if they felt safer in the 'exclusion zone' since the enforcement of the PSPO, 50% of respondents stated that they hadn't noticed any difference, with 29% responding 'no' and 13% reporting that they did feel safer.
- e) In summary, those stating they felt safer cited these reasons: visible enforcement officers dealing with people who were drunk, reduced numbers of groups of drinkers, less begging and swearing, feel less threatened by drunk or drugged people.
- f) In summary, those stating they felt less safe since enforcement commenced in April 2017 cited:
- Unruly behaviour by youths outside Broadway Shopping Centre on a weekend,
  - Drug dealers operating in the area
  - Aggressive drunk people and beggars
  - Low footfall in the City Centre at night
  - Poor driving
  - Unavailability of PSPO enforcement officers out of hours
  - Anti-social behaviour including swearing
  - Increase in the number of homeless people
  - Types of shops in the centre – vap, bargain, attempts by some to sell goods on the street.
- g) 83% of respondents stated that they visited the 'exclusion zone' once per week or more in the past six months. Most respondents were there in the afternoons (77%) compared to the evenings (53%).
- h) 37% of respondents stated that they felt very or fairly safe going to areas outside of the PSPO area and 23% stating they felt fairly or very unsafe.
- i) In summary, reasons stated for feeling unsafe outside the PSPO area were:
- Poor and dangerous driving and parking
  - Car hijacking and quad bikes
  - Begging on streets and at major road junctions
  - Poor lighting and dark winter nights
  - Hate crime towards white residents
  - Litter,
  - Witnessing assaults, robbery and vandalism
  - People abusing drugs and dealing drugs, young people smoking cannabis
  - People abusing alcohol
  - Run down buildings
  - Prostitution,

- 'Influx' of people who do not reside in the area and more homeless people
  - Lack of uniform presence.
- j) 57% of respondents were male, and 40% were female. The majority of respondents, 74%, were aged 35-64, with 15% aged 34 and under and 7% aged 67 and over. 8% of respondents identified as being disabled. 82% of respondents were white English, Welsh, Scottish or Northern Irish and 14% identified as BAME.

### **2.10.3 Summary of Police and Enforcement Officer data and focus group**

#### **a) PSPO Council Enforcement - data**

Since 1 April 2017, Council authorised officers have asked individuals to surrender alcohol on 446 occasions. Individuals have refused to surrender their alcohol on 4 occasions, 3 of them have been issued with a Fixed Penalty Notice, 1 has been offered alcohol awareness courses, and due to none attendance at the awareness course he also been issued with a Fixed Penalty Notice.

Just over a quarter of those asked to surrender alcohol have been in Centenary Square, with the highest number of interactions occurring across the area covered by the PSPO on Tuesdays and Fridays.

Recorded data shows activity across the breadth of the area protected by the PSPO. It also shows nil interactions on some days for some of the streets – this may indicate that prohibited activities were not taking place on those days in those locations or that those locations were not patrolled on those days. Recently due to staffing resources enforcement officers have been patrolling for four out of the five days from Monday to Friday.

Enforcement officers indicated in the focus group meeting that they did cover all the streets and roads protected by the PSPO but not everyday. There were hotspots that they concentrated on, such as City Park, the new bus stop at Manningham Lane, these changed as the street drinkers moved around the city centre.

There are no recorded interactions with individuals suspected of taking new psychoactive drugs. Enforcement officers explained that they were unable to establish if individuals were intoxicated through the use of alcohol or drugs. In addition they do not have powers to search individuals and any drugs surrendered to them would need to be disposed of by the Police.

The PSPO enforcement officers felt their role in relation to people who might be intoxicated through the use new psychoactive drugs(formerly known as 'Legal Highs') had become unclear when the New Psychoactive Drugs Act 2016 came into force on the 16 May 2016.

PSPO enforcement officers have also called ambulances on several occasions to attend to people in distress in the PSPO area – either through alcohol, drugs or other medical incidents.

Enforcement officers expressed that they felt that on occasion that they needed support from the Police which wasn't always available. They were also unaware of any occasions when Police colleagues had enforced the PSPO in their absence.

The enforcement officers also expressed that they were generally dealing with a 'hard core' of 20 or so street drinkers and felt that their powers were not adequate to deal with the problems they encountered. However they felt that the introduction of the use of Community Protection Warning (CPW) and Community Protection Notices (CPN) would improve their impact in addressing anti-social behaviour across the PSPO area by enabling them to deal more effectively with the 'hard core'. Appendix B provides further information about these provisions.

Officers also expressed that on occasion that members of the public had impeded them in their duties, suggesting that they were targeting vulnerable individuals. In the course of their duties these officers have been spat at and threatened. Conversely they also mentioned that shop owners and others have praised them for the positive impact they've had in the City Centre and surrounding areas.

Officers also expressed that members of the public, and to some extent partner agencies staff, expected them to be able to deal with a wide range of issues that some would consider to constitute anti-social behaviour – such as begging, defecating in public – and were not supportive when they explained their remit and powers. Officers did try to assist where they could but sometimes felt they were left vulnerable and exposed due to their lack of powers.

Of other anti-social behaviour they witnessed whilst on patrol, officers stated that they felt begging, especially in the City Centre and at road crossings, had increased, along with the open smoking of cannabis around the magistrate's court. In addition they also mentioned witnessing an increase in anti-social driving across the PSPO area since they started in their roles.

Please note that these officers have developed 'Bradford Cares' in conjunction with partners. The initiative encourages and enables people to donate to charitable, community and voluntary services that support those people who are rough sleepers, beggars, alcohol or substance misusers or vulnerable in other ways. The initiative is also supported by an App that signposts to those services.

## **b) Police data**

Police recorded alcohol incidents have been falling since March 2014 both in the Bradford District and also within the City Centre.

Since the introduction of the PSPO the number of alcohol related incidents has fallen further. There were 555 alcohol incidents recorded by the Police for the period 1<sup>st</sup> April 17 – 31<sup>st</sup> Dec 17. This is a 25% reduction on the same period the previous year. The reduction for the City Centre at 35% is greater than the District as a whole.

There was a decrease of 33% in alcohol related incidents in the City Centre in the 12 months to 31 December 2017 over the previous year.



### **c) Other anti-social behaviour taking place within the PSPO area recorded by Police**

The number of road related offence incidents increased by 14% in Bradford City Centre over the last year. This is higher than the increase of 11% for the District.

Youth related incidents had increased by 92% in the City centre in the 12 months to the 31 December 2017 over the previous year.

#### **2.10.4 Conclusions**

Police data shows further falls in calls to alcohol related issues in the area protected by the PSPO since enforcement commenced in April 2017.

However people responding to the online survey who state that they do not feel safer since enforcement commenced have cited incidents that they have witnessed outside the times the PSPO officers patrol the area.

PSPO officers have stated that they feel that the powers under the PSPO have not permanently impacted the behaviour of the hard core of 20 or so drinkers they come across within the PSPO area. They stop the behaviour when they witness it but the individuals concerned start the behaviour again either later in the day, next day or at another location.

Enforcement of the PSPO has not impacted on the behaviour of those taking new psychoactive drugs except in the limited manner described above where an individual also has an open container of alcohol.

Referral of street drinkers to awareness sessions with the intention of signposting them to services has been ineffective.

Both PSPO enforcement officers and those responding to the online survey or submitting comments directly have cited an increase in begging in the City Centre and surrounding areas and anti-social driving. This is also supported by the Police data. A district-wide PSPO to deal with anti-social driving is currently under consideration. The issue of ASB driving raised in this review will be considered as part of that process.

There is some evidence that anti-social behaviour has been displaced to areas outside of this PSPO area – however, four other areas covered by PSPOs – Shipley, Keighley and Bingley town centres and an area in West Bowling – will be benefitting from active enforcement activity in the future.

It is too early to assess the impact of the use of CPNs and CPWs to increase the effectiveness of the PSPO.

It is too early to assess the Bradford Cares initiative in relation to reducing street begging and rough sleeping in the area covered by the PSPO.

### 3. OTHER CONSIDERATIONS

#### Public Space Protection Orders

- 3.1 A Public Space Protection Order is an order that identifies the space to which it applies and can make requirements, or prohibitions within the area. This means that the local authority can, require people to do specific things in a particular area or not to do specific things in a particular area. The local authority can grant the prohibitions/requirements where it believes that they are reasonable in order to prevent or reduce the detrimental impact. The order can be made so as to apply to specific people within an area, or to everybody within that area. It can also apply at all times, or within specified times and equally to all circumstances, or specific circumstances. The order can apply for a maximum of three years upon which the process of reviews and consultation must be repeated to ensure the issues is still occurring and the order is having the required effect. Thereafter it can be extended for a further three years and, upon the reviews and consultation taking place, can be extended more than once for further periods of three years.
- 3.2 Failure to comply with the order is an offence. Breaches of the order can also be discharged by use of a fixed penalty notice (FPN) £100.00.
- 3.3 Consumption of alcohol, contrary to the terms of any order made, is a separate issue and is not in itself an offence; the offence is committed by failure to comply with a request to surrender the alcohol, from an authorised person.
- 3.4 The Act is not overly prescriptive about the necessary process required for application of these powers. It has therefore been necessary to design a process that is considered to be appropriate and suitably robust.
- 3.5 The recommendation following the consultation period is to seek a Public Space Protection Order with the terms as set out below and for an area, as shown on the plan.

*Person(s) within this area will not:*

- *Ingest, inhale, inject, smoke or otherwise use intoxicating substances.*

*Intoxicating Substances is given the following definition (which includes Alcohol and psychoactive substances: Substances with the capacity to stimulate or depress the central nervous system).*

*Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.*

*Persons within this area who breach this prohibition shall: surrender intoxicating substances in his/her possession to an authorised person.*

*(An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.)*

#### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 The cost of enforcing this PSPO and the additional PSPOs is covered by current temporary resources.
- 4.2 Continued enforcement of the PSPO City Centre and surrounding areas along with the additional four PSPOs that protect Shipley, Keighley and Bingley town centres, and an area in West Bowling is dependent on having authorised officers available to undertake this role. Funding for the current provision is temporary and due to end in March 2019.

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

There are no risk management or governance issues apparent.

#### **6. LEGAL APPRAISAL**

- 6.1 The Anti-Social Behaviour, Crime and Policing Act came into force on 20th October 2014. This Act contains the provisions for the making of a Public Space Protection Order.
- 6.2 Under section 59 local authorities have the power to make Public Space Protection Orders if satisfied on reasonable grounds that two conditions are met?

The first condition is that—

- a) activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or
  - b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- 6.3 The second condition is that the effect, or likely effect, of the activities— is, or is likely to be, of a persistent or continuing nature,
    - a) is, or is likely to be, such as to make the activities unreasonable, and
    - b) Justifies the restrictions imposed by the notice.

- 6.4 Activities can include things that a person or a group does, has done or should do (in order to reduce the detrimental effect). As with any new legislation of its type, this is untested ground and the legislation will be further defined in years to come by a process of appeals and High Court rulings. Any legal challenge presents a risk to the Authority. The legislation supporting implementation of the new Orders states that “interested persons” may challenge the validity of any order in the High Courts.

This means that the Council could face a challenge against its ability to implement the Order. An application of this nature must be made within six weeks; beginning on the day the Order is made or varied. There are three grounds upon which a challenge could be made, these are:

- That the local authority did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied)
- That a requirement under this element of the legislation not complied with in relation to the order or variation
- The High Court would have the power to quash, amend or uphold the order.

### **Section 63 of the Act states**

#### **Consumption of alcohol in breach of prohibition in order**

(1) This section applies where a constable or an authorised person reasonably believes that a person:

- a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
- b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

(2) The constable or authorised person may require the person;

- a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- b) to surrender anything in persons possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—

- a) is asked by the person to show evidence of his or her authorisation, and
- b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

- (6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**Section 67 creates a second offence of failing to comply with order**

- (1) It is an offence for a person without reasonable excuse—
- a) to do anything that the person is prohibited from doing by a public spaces protection order, or
  - b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).
- 6.5 The penalty for breaches of a PSPO relate to fixed penalty notices and fines alone, which may lead to significant levels of non-payment. The suite of new powers available however would allow officers to utilise a range of measures for those identified as persistently breaching the order, for example:
- Community Protection Notices could be issued against the individuals
  - An Anti-Social Behaviour Injunction (ASBI) could be sought against individuals, which carries tougher sanctions (and ultimately imprisonment)
  - A Criminal Behaviour Order could be sought. Breach of the PSPO is an offence and upon conviction, individuals could be made subject to a Criminal Behaviour Order. This carries both tougher sanctions, along with the ability to implement positive conditions requiring support for substance misuse issues.
- 6.6 Consideration was also given by officers of the Council and the police as to whether or not to include in the draft PSPO prohibitions lifted from the Council's 1998 Good Rule and Government Byelaws e.g. prohibitions against the use of motor cycles and other vehicles, skateboarding, noise in streets and other public places, touting (selling), fireworks and urinating some of which appear to be supported by evidence from the police. Other prohibitions under consideration are begging, rough sleeping and busking but these issues do not appear to be identified specifically in current Police evidence.
- 6.7 Given the evidence provided to the Council by the police of current levels of ASB and following the consultation in respect of the additional prohibitions it is not recommended the matters referred to in Paragraph 8.6 are included by way of additional prohibitions in the PSPO. The existing Good Rule and Government Byelaws 1998 will continue in force under section 70 of the Act.

- 6.8 The making of a PSPO does not affect existing DCOs or DPPOs.
- 6.9 In October 2017 all the Councils existing DPPOs and DCO's will become PSPOs under section 75 of the Anti-Social Behaviour Crime & Policing Act 2014 and FPNs will then apply to the existing DPPOs. If a PSPO was not pursued now in relation to prohibition of the consumption of alcohol then in October 2017 the current City Centre DPPO's could be reviewed and including the whole of the new City Park . As mentioned above the current DPPO's do not include those parts of the City Park which were part of former public highways.
- 6.10 In order to implement a PSPO the procedure under section 72 of the Act must be followed. Section 72 states

**Convention rights, consultation, publicity and notification**

- (1) A local authority, in deciding—
- a) whether to make a public spaces protection order (under section 59) and if so what it should include,
  - b) whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,
  - c) whether to vary a public spaces protection order (under section 61) and if so how, or
  - d) whether to discharge a public spaces protection order (under section 61), must have particular regard to the rights of freedom of expression and freedom of assembly set out

**In articles 10 and 11 of the Convention.**

- (2) In subsection (1) "Convention" has the meaning given by section 21(1) of the Human Rights Act 1998.
- (3) A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—
- a) making a public spaces protection order,
  - b) extending the period for which a public spaces protection order has effect, or
  - c) varying or discharging a public spaces protection order.
- (4) In subsection (3)—
- "the necessary consultation" means consulting with—
- a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;

- b) whatever community representatives the local authority thinks it appropriate to consult;
- c) the owner or occupier of land within the restricted area;

“the necessary publicity” means—

- a) in the case of a proposed order or variation, publishing the text of it;
- b) in the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension, variation or discharge—

- a) the parish council or community council (if any) for the area that includes the restricted area;
- b) in the case of a public spaces protection order made or to be made by a district Council in England, the county council (if any) for the area that includes the restricted area.

(5) The requirement to consult with the owner or occupier of land within the restricted area—

- a) does not apply to land that is owned and occupied by the local authority;
- b) applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.

(6) In the case of a person or body designated under section 71, the necessary consultation also includes consultation with the local authority which (ignoring subsection (2) of that section) is the authority for the area that includes the restricted area.

(7) In relation to a variation of a public spaces protection order that would increase the restricted area, the restricted area for the purposes of this section is the increased area.

6.11 Guidance relating to publication of PSPO’s is set out in the Anti-Social Behaviour Crime and Policing Act 2014 (Publication of PSPO’s) Regulations 2014. There is also the July 2014 Home office guidance which will assist in the legal formalities in creating an order.

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

7.1.1 We are committed to ensuring that every part of the district and everyone who lives in it is equitably served, and no one feels excluded or is unfairly favoured or disadvantaged. Promoting equality is one of our core principles and is central to all we do.

7.1.2 In 2016 Bradford Council committed to new equality objectives to enhance its work and celebrate the diversity of the district. These objectives do not cover everything the Council does in relation to equalities, but identifies a few areas which the Council feels are most important to progressing our equalities approach. These are also directly embedded into the Council's overarching priorities, which are outlined in its Council Plan (2016-2020).

7.1.3 The objectives are summarised below:

- Community relations – ensure that the people of the district get on well together.  
Encouraging and celebrating good community relations and active citizenship  
Hate and street crime
- Employment and skills – promote inclusive growth through ensuring those most disadvantaged in the labour market are able to get the skills they need and access good jobs.  
Poverty and ethnicity employment and skills programme  
Apprenticeship programme
- Organisational equalities culture – the Council is well run, fit for business and is fair and inclusive in its approach.
- Equalities competency and corporate approach  
Workforce diversity  
Accessible information
- Equality data – our data better provides us with the right insight, evidence and intelligence to make well informed decisions that impact on our communities.  
Equality monitoring  
Use of the equality data and information

7.1.4 Generally it is understood anti-social behaviour has a disproportionate effect on those most vulnerable in our communities.

7.1.5 Penalties for breaching prohibitions contained within the Public Space Protection Order impacted more on those people most vulnerable to substance and alcohol misuse than on any other identifiable group who use this space.

7.1.6 This impact was mitigated by the decision to waive any FPN where the person deemed to be in breach of the PSPO agreed to and participated in alcohol and substance misuse services. As few people broke the prohibition (by refusing to surrender open receptacles containing alcohol), people were not in breach and therefore were not required to attend these sessions. They were, however, sign-posted to appropriate services. The intention is to continue to sign post individuals in this way.

7.1.7 In future Community Protection Warnings and Community Protection Notices will be issued against people who authorised officers encounter on more than one occasion consuming alcohol away from licensed premises. Whilst these individuals will continue to be sign posted to services, there is also a risk that they may be taken to Court if they breach the conditions set out in the CPW and CPN.



## **7.2 SUSTAINABILITY IMPLICATIONS**

None apparent

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

None apparent

## **7.4 COMMUNITY SAFETY IMPLICATIONS**

7.4.1 Anti-social behaviour, including street drinking and harassment can have an adverse impact on town and city centres. Any actions the authority can take to improve community safety outcomes, how safe people feel and consequently the reputation of the city centre will be of benefit to visitors and businesses.

## **7.5 HUMAN RIGHTS ACT (HRA)**

7.4.2 Individuals have rights established under the HRA some of which are absolute and some of which are qualified.

7.4.3 The Council is required under the HRA to balance the rights of those affected by the order, against the rights of the community to enjoy the area proposed to be included in the order without being subject to acts of anti-social behaviour as evidenced by complaints to the police and as prohibited by the draft order.

## **7.6 TRADE UNION**

N/A

## **7.7 WARD IMPLICATIONS**

7.1.1 The boundary of the PSPO covers parts of Manningham and City wards.

7.1.2 All Elected Members were contacted and invited to provide their comments about the use and impact of the PSPO

## **7.9 IMPLICATIONS FOR CORPORATE PARENTING**

There are no implications for our Corporate Parenting Duty.

## **7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

The report considers the operation of an existing policy. Management of personal data collected as part of the enforcement of the PSPO complies with the Council's current Council Data Protection and Data Retention policies.

## **8. NOT FOR PUBLICATION DOCUMENTS**

There are no documents that are not for publication.

## **9. OPTIONS**

- 9.1 This report provides a review of the effectiveness of the PSPO Bradford City Centre and surrounding areas 2016.
- 9.2 In light of the evidence presented, the Council has the option to retain the PSPO City centre and surrounding areas 2016 as it is, extend or reduce its boundary or increase or reduce the activities prohibited under the PSPO

## **10. RECOMMENDATIONS**

### **That the Committee resolves:**

- 10.1 There are no changes to the current PSPO City centre and surrounding areas 2016.
- 10.2 That consideration be given by the Strategic Director of Place to:
- (i) increasing the number of officers patrolling this and the other areas protected by PSPOs.
  - (ii) enforcing the PSPO during evenings and weekends.
- 10.3 That referral to alcohol awareness sessions is discontinued. However signposting to drug and alcohol services will continue.
- 10.4 The impact of the use of CPNs and CPWs in conjunction with the PSPOs is monitored.
- 10.5 The impact of Bradford Cares is monitored.
- 10.6 A further review of the effectiveness of the PSPO is undertaken in 12 months time and prior to September 2019, with particular regard to the impact of the use of CPNs and CPWs and Bradford Cares, when the Council will be required to consider its renewal.

## **11. APPENDICES**

- 11.1 Appendix A – Consultation documents, including the PSPO and map of the exclusion zone (known as the 'restricted area') agreed by Regulatory and Appeals Committee 29 September 2016, and T & A article dated 10 May 2016.
- 11.2 Appendix B - Community Protection Warnings and Community Protection Notices

## **12. BACKGROUND DOCUMENTS**

- 12.1 Consultation Survey Data and individual responses
- 12.2 Police and WISE data collected by the PSPO enforcement officers
- 12.3 Notes of focus group meeting with Safer and Stronger Communities Project Officers  
23 March 2018
- 12.4 Doc 'Z' to Regulatory and Appeals Committee 29 September 2016
- 12.5 Document 'AS' to Regulatory and Appeals Committee 17 February 2016
- 12.6 Minute 90 of Regulatory and Appeals Committee 17 February 2016