

Newcastle City Council
September 2016

Proposal for Public Space Protection Order

Background Information

Newcastle upon Tyne: Public Spaces Protection Order Background Information

Introduction

Newcastle City Council (the Council) faces quite complex challenges around anti-social behaviour and a number of issues have been raised by the public and businesses that need to be addressed. The Council wants to ensure that the city remains a great place to live, work and visit. To help us achieve this we want to put measures in place to deter anti-social behaviour whilst continuing to ensure that appropriate support is in place to protect some of the most vulnerable people in our city.

In March 2016 the Council consulted on the proposal to introduce a Public Space Protection Order (PSPO). Following extended discussions by Newcastle City Council officers and members and taking into consideration the views expressed by consultees it was decided that a more comprehensive consultation was needed to inform the evidence base and ensure any order introduced is both reasonable and proportionate.

If the proposed PSPO is made it will seek to replace two types of orders which are in place already: (a Designated Public Place Order ('DPPO'), and a Dog Control Order). The existing orders place controls on the consumption of alcohol in public places and the behaviour of dogs and their owners. The proposed PSPO will keep these controls in place and will place controls on other types of behaviour in addition. A brief description of each type of behaviour which will be controlled is set out in this document.

To help us decide whether to have a PSPO, we are consulting to provide you with the opportunity to tell us what you think of the proposal. There are a number of ways you can tell us your views and these are set out in the 'What happens next?' section at the end of this document.

What is a Public Space Protection Order (PSPO)?

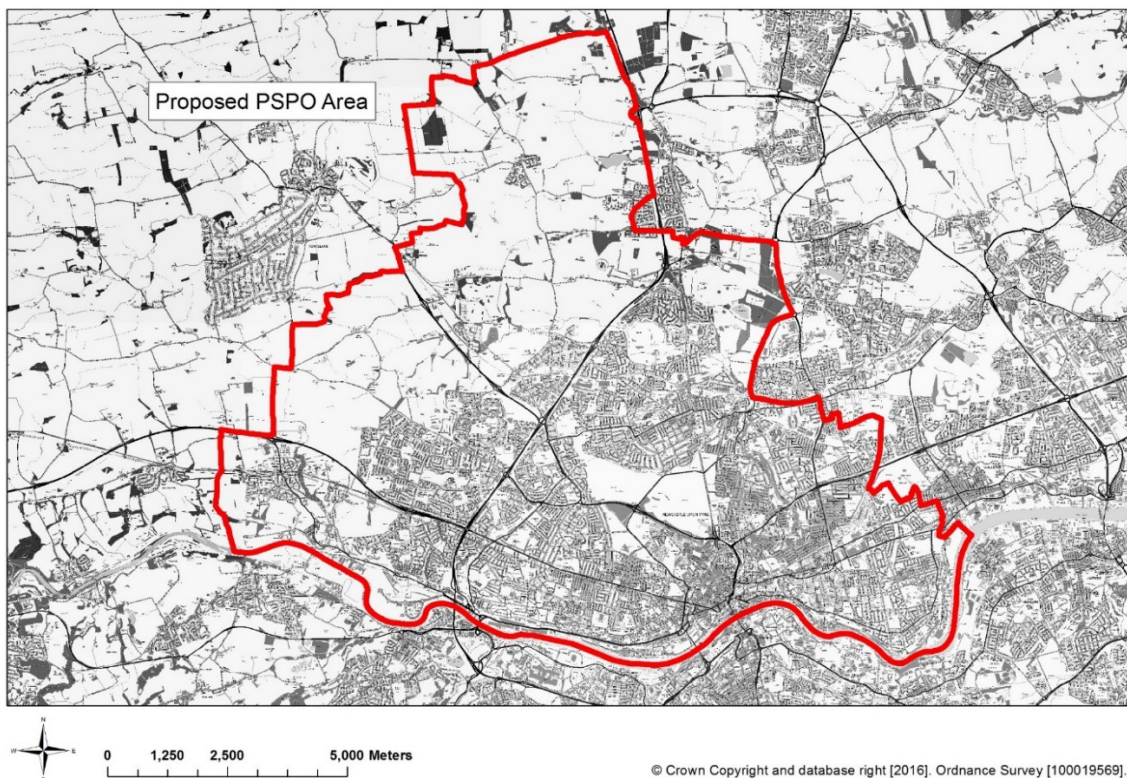
Public Space Protection Orders ('PSPOs') were created by the Anti-Social Behaviour, Crime and Policing Act 2014, Chapter 2, Part 4 which came into force on 20 October 2014. PSPO's can be used to regulate activities in identified public places that can have a detrimental effect on the quality of life of those in the locality. They are designed to ensure that the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour. Further information can be found on the following links.

<http://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2/enacted>

Local authorities have the power to implement these orders to help in tackling anti-social behaviour. The order works by imposing conditions on the use of that area which apply to everyone. It is an offence for a person to fail without reasonable excuse to comply with the order. The orders have effect for up to three years and can be extended.

Proposed area to be covered by the PSPO

It is proposed that this PSPO will cover the full Newcastle upon Tyne local authority area as shown on the map below. This area is known as the 'Restricted Area'.



This area has been proposed in order to allow the greatest flexibility for the authority to deploy measures to tackle Anti-Social behaviour across the city. The previous orders being replaced such as the Designated Public Place Order and Dog Control orders already cover the majority of the local authority area. The proposed 'new' behaviours to be addressed under the PSPO are:

- Begging
- Face to Face fundraising (Chugging)
- The supply/provision/possession/taking of New Psychoactive Substances (NPS) in a public place

Previous attempts to address these issues have resulted in displacement to other areas of the city. This includes face to face fundraising being witnessed in Gosforth, the use of NPS being recorded in both the west end and east end wards of Newcastle, and begging being displaced to areas such as Jesmond and Newcastle quayside following activity to address issues in the city centre. Implementing the PSPO on a citywide basis would allow efficient action to be taken to tackle these issues wherever they are having a persistently negative impact on the quality of life of people in Newcastle.

What will be included in the PSPO for Newcastle?

The Council's proposed PSPO would encompass activities which are currently covered by existing orders under previous legislation together with other activities which are currently not subject to orders. The activities are detailed below:

Designated Public Place Orders (DPPO)

At present there is a DPPO in place which covers the majority of the local authority area. These orders have been available since 2001, DPPO powers enable local authorities to designate places where restrictions on public drinking apply. These restrictions compel any person to surrender alcohol upon instruction by a Police Constable or Police Community Support Officer. However, they can only be used in areas that have experienced alcohol-related disorder or nuisance. These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park or on the beach with a glass of wine. While police officers have the discretion to require an individual to refrain from drinking regardless of behaviour, the advice is that it is not appropriate to challenge an individual consuming alcohol where that individual is not causing a problem. Section 13 of the Criminal Justice and Police Act 2001 makes it clear that this power is to be used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place. The inclusion of drinking alcohol in a public place within this PSPO would enable authorised officers to continue to take action to tackle alcohol related disorder or nuisance behaviour.

Dog Control Orders

At present there is a Dog Control Order in place which covers the whole of the local authority area.

Dog Control Orders have been in place since 2012, they regulate a number of offences including the control of dogs on leads, permitting a dog to enter land from which dogs are excluded and fouling of land by dogs. Enforcement action in relation to Dog Control Orders is taken by the Council against persons seen to contravene the Order either by prosecution or by means of a fixed penalty notice. The proposed PSPO would allow the continuation of these enforcement actions.

It is proposed that the new PSPO would also include the following activities:

Begging

Begging became a neighbourhood priority for Northumbria Police in 2014 and is subject to extensive multi-agency work which includes taking Civil Injunctions against the most persistent and problematic beggars in the city centre. As a result of continuing problems and displacement of this type of behaviour to areas outside of the city centre the council is considering bringing in measures under the PSPO to deter begging citywide. This activity can be intimidating to the public and detrimental to businesses by putting shoppers off entering shops where beggars congregate. It is also recognised that beggars often need long term help and support rather than short term donations.

Aggressive or assertive face to face fundraising (often referred to as Chugging)

The city council and NE1 have received complaints relating to face to face fundraising. This can be intimidating to members of the public, including the more vulnerable members of our community. It is seen as an annoyance to shoppers in the city centre and has been witnessed in other areas of the city. The proposed PSPO will prohibit chugging unless it is done in accordance with a scheme operated by, or expressly approved by, the Council.

The supply/provision/possession/taking of New Psychoactive Substances (NPS) in a public place

New Psychoactive Substances (NPS), often referred to as 'legal highs', have become a major concern to local agencies over the last three years. A number of shops and individuals have caused significant harm and anti-social behaviour by selling NPS. The increasing seriousness of harm has recently led to numerous

Police and Council actions. Whilst new legislation came into effect in May 2016 to criminalise the production, distribution, sale and supply of NPS there are currently no powers available in the city to tackle the possession or taking of legal highs. The inclusion of NPS within this PSPO would allow enforcement actions to be taken against individuals taking NPS in a public place, and would allow a graded response to be employed when it was felt criminal prosecution may not be the most appropriate response.

What happens next?

To help us decide whether to have a PSPO, we are consulting to provide you with the opportunity to tell us what you think of the proposal. There are a number of ways you can tell us your views.

This leaflet gives some detailed background to the proposals. This information can be found online together with the questionnaire at the link shown below.

- Complete an online questionnaire at <https://letstalknewcastle.co.uk/consultations/index/206>
- Complete a paper questionnaire: copies are available upon request and can be sent to:

Safe Newcastle Unit
Newcastle City Council
Civic Centre
Newcastle upon Tyne
NE1 8QH

- Write to us at the address above (please mark it 'Public Space Protection Order consultation').

This consultation will close on Friday 14th October

The Council's Cabinet will make the final decision about the Public Space Protection Order. Details of the Cabinet meeting and subsequent decisions will be published on the Council's website.

If you need this information in another format or language, please phone:

Christine Knox on 0191 277 7831 or email: christine.knox@newcastle.gov.uk

www.newcastle.gov.uk