

## REPORT TO THE COMMUNITY AND CORPORATE ORGANISATION POLICY AND SCRUTINY PANEL

**DATE OF MEETING: 9 OCTOBER 2018**

**SUBJECT OF REPORT: TACKLING ANTI-SOCIAL BEHAVIOUR – AN  
UPDATE ON PUBLIC SPACE PROTECTION ORDERS, COMMUNITY  
RESPONSE AND OTHER ASB TOOLS AND POWERS.**

**TOWN OR PARISH: ALL**

**OFFICER/MEMBER PRESENTING: DEE MAWN / SIOUX ISHERWOOD**

**KEY DECISION: N/A**

### **RECOMMENDATIONS**

To receive and discuss the update on the Public Space Protection Orders (PSPOs), Community Response and associated ASB tools and powers across North Somerset.

#### **1. SUMMARY OF REPORT**

- 1.1 Public Space Protection Orders (PSPOs) were introduced across the district by North Somerset Council at the end of October 2017 to deter individuals or groups of individuals committing anti-social behaviour in public places.
- 1.2 The new orders have replaced existing dog control orders, designated public place orders that help the police tackle alcohol related anti-social behaviour and, where appropriate, local byelaws.
- 1.3 Ticket books have been issued to Council staff, Police officers the Business Improvement Team (BID) and the British Transport Police. Fines have now been issued and we are now starting to see the first prosecutions progress through the system.
- 1.4 The Community Response Team continues to provide essential support not only to this process but also to vulnerable people and communities across North Somerset. The team consisting of two full time officers are dedicated to tackling anti-social behaviour within North Somerset, providing advice, guidance and a visible presence to communities that need them most.
- 1.5 Anti-social behaviour that cannot be addressed specifically by a PSPO can be tackled using Community Protection Warnings and Notices (CPW/CPNs) and other

legislative tools. More information on the ASB tools and powers can be found in background papers.

## **2. POLICY**

- 2.1 Tackling anti-social behaviour supports the vision and ambition of the council to “build and sustain great places to live and visit that are vibrant, accessible and safe”.
- 2.2 The implementation of PSPOs is a key project delivered in line with Development & Environment’s (D&E) Annual Directorate Statement (ADS)
- 2.3 The Community Response Team is pivotal in identifying local problems and developing strategies and action plans to deal with them. The team is well placed within an operational division that has strong, solid connections with other teams and agencies.
- 2.4 There are many types of action that can be taken depending on the nature of the problem. One size does not fit all and therefore all appropriate sanctions will be considered in line with our enforcement policy. A link to our enforcement policy can be found in background papers.
- 2.5 Enforcement action may not be appropriate in all circumstances. National policy and guidance is not to disproportionately target certain groups in some areas.
- 2.6 A summary of actions that have been taken to date are detailed in the next section.

## **3. DETAILS**

### **3.1. Interventions**

The following table gives a summary of the anti-social behaviour interventions that have been taken since 1 Jan 2018.

<b>ASB Interventions since 1 Jan 2018</b>	
<b>Public Space Protection Orders</b>	
Pending	35
Written Warning	40
Fined	16
DVLA enquiry	4
Legal Casefiles	10
Successful prosecutions	1
<b>Total</b>	<b>106</b>
<b>Community Protection Warnings/Notices</b>	
Persistent bird feeding	2
Premises in a dilapidated condition	2
Allowing a dog to stray repeatedly	4
Allowing a dog to attack and bite another dog	7
Allowing dogs to cause fear and apprehension of attack on a person	2
Persistent littering on private land	1
<b>Total</b>	<b>18</b>

## Environmental Protection Act Interventions to prevent noise related ASB

Notices

5

Prosecutions

2

### 3.2 Community Response

The service has undergone some significant changes over the last six months with the previous service manager and one officer leaving. Whilst this has left only one officer available to react to issues, it has also provided an ideal opportunity to revisit the remit, tasking and operational processes to make the service even more fit for purpose moving forward.

3.2.1. On reviewing the cases being handled by Community Response, quite significant overlap was noted with other teams. This has proved to be detrimental to the projects and Community work the team would like to be involved in but cannot resource whilst carrying out duties other Local Authority and External agencies already have within their remit.

3.2.2 Considerable work has been carried out to triage existing cases and to pass them onto the appropriate work area, and internal education to ensure future referrals are directed accordingly. In addition to those issues referred across to other agencies, the following cases have been dealt with over the last 6-month period:

Case Type	Number
Multi-agency/Parish Council/PACT meetings	91
PSPO - Dog Fouling	61
Vandalism - Open spaces	33
Report defect or repair	26
General reactive patrols	26
Substance Misuse	25
Generalised ASB	23
Homeless Persons	23
Litter	22
Fly Tipping	21
Graffiti	20
Inconsiderate Behaviour	20
Parking issues	17
Illegal encampments	17
PSPO - Dogs in banned area	15
Illegal signage	15
Rowdy / Nuisance neighbours	15
PSPO - Dog Control Order	14
Inappropriate use of public space	12
PSPO - report form submission	7
Parking on verges	6
Mini-motos/motorbikes/scrambling	6
Vehicle Nuisance	6
Require Name & Address re ASB	4

Animal Related issues - other	4
Rowdy Behaviour / Env Damage/ Litter	4
Urinating/Defecating public space	3
PSPO - skateboarding	3
Cycling recklessly	3
Drones	3
Safeguarding referrals	3
Malicious Communication	3
Overgrown Vegetation	3
Unauthorised works - NSC land	2
Begging	1
Bag & Tag scheme	1
Illegal Fishing	1
Street Drinkers	1
Remove drug paraphernalia	1
Hate Incident	1

3.2.3 There have been some significant successes over that period. New links with the Bourneville One team have resulted in multi-agency work to clear overgrown vegetation, providing better visibility for CCTV and safer passage for users of paths in the area. A letter drop and follow-up visits were carried out in the Moorland Road area which has stopped all complaints of dog fouling in the road. Officers have attended various Parish Council and PACT meetings to reaffirm the remit of the team and ensure current contact details are available.

3.2.4. A second Community Response Officer has now been recruited, hopefully to be in post before Christmas. A review of current projects and allocation of more proactive work will now take place with more formal promotion of the team activities taking place as soon as possible.

#### **4. CONSULTATION**

4.1 Consultation was undertaken to introduce the PSPOs we currently have in the district. Any newly proposed PSPO orders would need to follow a similar process.

#### **5. FINANCIAL IMPLICATIONS**

5.1 None to be considered at this stage

#### **6. LEGAL POWERS AND IMPLICATIONS**

6.1 PSPOs were brought in under the Anti-Social Behaviour, Crime and Policing Act in 2014, which came in to force on 20 October 2017. PSPOs can be challenged in the high court within a period of six weeks following introduction.

6.2 North Somerset Council has not been challenged on the orders that were introduced on the 20 October 2017. However, the council must be prepared to instigate legal proceedings and be prepared for further challenge if an FPN is unpaid. It is paramount therefore that the evidence leading to the issue of an FPN is robust.

The decision as to whether the offender should receive a FPN will be made by an independent officer to that making the report so that a thorough examination of the evidence can be made. In short, to serve a FPN, the burden of proof is no different to laying information to prosecute. Failure to ensure that the evidential test is passed, may undermine the success of future PSPO enforcement. The FPN policy which reflects this was formally adopted Community and Corporate Organisation Policy and Scrutiny Panel dated 13 March 2018. A link to these papers can be found in background papers.

- 6.3 Any new PSPOs that the council propose to introduce will be open to challenge within the first six weeks of adoption. Any district wide controls will come under particular scrutiny.
- 6.4. Guidance issued on 24 December 2017 will help police and councils to continue to take appropriate action against nuisance behaviours while ensuring the most vulnerable, including the homeless, are not disproportionately targeted.
- 6.5 This new guidance follows feedback from charities and other groups who raised concerns nationally that the orders were being used in some cases to disproportionately target certain groups in some areas rather than focusing on behaviour that is genuinely anti-social and causing others distress or alarm.
- 6.6 Particular concerns were raised around the use of the orders against the homeless, buskers, dog walkers and, in some cases, people simply gathering together in small groups in town centres who were not engaged in anti-social behaviour.
- 6.7 The guidance puts greater emphasis on the need to ensure the powers are used to target specific nuisance behaviours and are not applied in a blanket way against specific groups or behaviour that is not in itself anti-social. It reminds councils that powers should not, for example, target normal everyday behaviour that is not having a detrimental effect on the community's quality of life, such as skateboarding.
- 6.8 Where young people are concerned, councils should think carefully about restricting activities that they are most likely to engage in. Restrictions that are too broad or general in nature may force the young people into out-of-the-way spaces and put them at risk. In such circumstances, councils should consider whether there are alternative spaces that they can use.
- 6.9 There is no current need to review the PSPOs in place at the present time as we are satisfied that they are in line with the revised guidance. They will be routinely reviewed in 2020 in accordance with legislation. The proposals identified for future consultation in the report to the Executive of 20 June 2017 will need to be reconsidered in light of the revised guidance.

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## **BACKGROUND PAPERS**

ASB Tools and Powers  
<http://intranet/NR/rdonlyres/elz5fqcvjb62xqv5cqgo4xz6jedhkwo7cnh3ldl6fwvdxefqoqzia5cqht5vgcehkcr3uygecdetnld6ytdqfmpgg/ASBtoolsandpowersforpractitionerspdf.pdf>

Revised Guidance  
<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-billanti-social-behaviour>

The Regulatory Services Enforcement Procedure  
<http://www.n-somerset.gov.uk/wp-content/uploads/2015/11/regulatory-servicesenforcement-procedure-pdf.pdf>

Meeting Papers- 13 March 2018  
<http://apps.n-somerset.gov.uk/cairo/committees/comidx219-2017.asp>