

Committee: Overview and Scrutiny Committee

Date of meeting: 21 September 2017

Subject:	Walton-on-Thames Public Space Protection Order (PSPO)
Lead Officer:	Nicholas Martin, Policy Officer (Partnerships)
Portfolio Holder:	Community and Corporate Development, Councillor Mrs. Mary Marshall
Link to Council Priorities:	A Safe, Caring and Healthy Elmbridge
Exempt information:	None
Delegated status:	For Resolution

PURPOSE:

This report seeks approval to go out to consultation on a proposal to implement a Public Spaces Protection Order (PSPO) as outlined in the report.

RECOMMENDED THAT:

- (A) THE OVERVIEW AND SCRUTINY COMMITTEE NOTE THE UPDATE ON ANTI-SOCIAL BEHAVIOUR IN WALTON-ON-THAMES TOWN CENTRE AND THE PROCESS FOR IMPLEMENTING A PUBLIC SPACE PROTECTION ORDER (PSPO);**
- (B) CONSULTATION BE CARRIED OUT ON THE PROPOSED PSPO ON THE TERMS OUTLINED IN THE REPORT WITH SURREY POLICE, THE POLICE AND CRIME COMMISSIONER FOR SURREY, SURREY COUNTY COUNCIL, THE PUBLIC, LOCAL BUSINESS GROUPS AND OTHER RELEVANT BODIES.**
- (C) THOSE CONSULTATION RESPONSES BE REVIEWED AND DETERMINED BY THE CHIEF EXECUTIVE, IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR COMMUNITY AND CORPORATE DEVELOPMENT AHEAD OF NOVEMBER CABINET.**

REPORT

Crime and anti-social behaviour:

- 1.0 Surrey Police have received a significant number of calls between January and July 2017 relating to large groups congregating in Walton-on-Thames Town Centre in certain areas particularly on Friday, Saturday and Sundays between 3pm and 3am.
- 1.1 Partner agencies have reported that where groups have been gathering, there is evidence of substance misuse, underage drinking, weapons and sexual activity. The type of crime at these locations has consisted of assaults, criminal damage, public order, racially motivated crime and robbery.

- 1.2 Elmbridge has seen a reduction in reports of ASB year on year for the last three years across all wards.
- 1.3 In the first quarter of 2017, all district and boroughs experienced an increase in anti-social behaviour compared to the same period in 2016/17, with Elmbridge having the second lowest increase.
- 1.4 Notably, between January 2017 and June 2017, there have been 224 incidents classed as ASB in the policing areas of Walton (North Walton, South Walton & Ambleside and Walton Central). April and May in Walton Central showed notable increases in incidents ASB. Apart from February and June, there has been an increase in reports of ASB each month since January 2017.
- 1.5 In Q1 (April, May, June) 2017, there have been 127 incidents closed as anti-social behaviour in Walton Central, which is an increase of 77 incidents from the previous quarter. For the year to date, there have been 65 more incidents closed as ASB compared to the previous year (127 in 2017 / 62 in 2016) which is an increase of 105%.
- 1.6 In both 2016/17 and Q1 2017/18, ASB incidents across the policing areas of Walton are classed as 'Rowdy and Inconsiderate Behaviour' - 'Youth Related' or 'Alcohol Related'.
- 1.7 According to reports from Surrey Police, large groups of youths (between the ages of 14-18 years old, males and females) continue to congregate in the Walton Town Centre in the areas of Ashley Park, Elmgrove Recreation Ground and Drewitts Car Park particularly on Friday, Saturday and Sundays. Groups have been as large as fifty individuals.
- 1.8 Partner agencies and businesses have reported that where young people have been gathering around the town centre, there is evidence of substance misuse, underage drinking, weapons and sexual activity, particularly in Ashley Park which is an area of green space to the perimeter of the town centre where the cricket pavilion is situated.
- 1.9 Surrey Police have suggested that some of the young people in the town centre are carrying weapons such as knives due to fear of robbery with acid from people outside of Elmbridge. This is supported by information contained in the ICADs and intelligence obtained in engagements with young people.
- 1.10 A large amount of ASB ICADs have been reported at the locations of Drewitts car park, Ashley Park, Churchfield road/Highfield Road (leading to Elmgrove Recreation Ground), High Street and New Zealand Avenue. Furthermore, the main businesses where most calls to the police have been made are at McDonalds, Sainsburys and The Heart (See Appendix).
- 1.11 The crime reported on ICADs have been at a majority of the locations where ASB has been reported. The type of crime at these locations consists of assaults, criminal damage, public order, racially motivated crime and robbery.

- 1.12 The behaviour of the groups is perceived by residents and businesses as anti-social as it causes harassment, alarm and distress.
- 1.13 When spoken to by officers from Surrey Police the young people complain that there are no youth activities for them. Children identified when stopped are from Rydens, Esher High and out of area such as Chessington and Kingston-upon-Thames.
- 1.14 Elmbridge Borough Council have received reports of criminal damage to the cricket pavilion at Ashley Park on a number of occasions over a number of years with damage intensifying earlier this year. This has included fire setting on the cricket pitch (cricket covers) and on the pavilion. The cricket pavilion is attractive to young people after opening hours as it is secluded and provides a shelter.
- 1.15 The Head of Leisure and Cultural Services at Elmbridge Borough Council has received several complaints from the Cricket Club Chairman regarding criminal damage to the pavilion, cricket equipment and littering on the field – including drug paraphernalia such as NOS canisters and small plastic bags believed to contain cannabis. This has not only been costly to the club but has also impacted on the Health and Safety of those using the facilities.
- 1.16 The Chair of the Cricket Club has submitted a bid to Police and Crime Commissioner for Surrey for crime prevention improvements to the pavilion which is owned by Elmbridge Borough Council. At the time of writing this report, the result of the bid is not yet known.
- 1.17 Littering and drug paraphernalia is at a statistically significant level for Surrey Police in Elmbridge as of 1 June 2017 (See Appendix).
- 1.18 Since January 2017, there have been 3 reports from 2 different complainants using the ASB Reporting Form on the Elmbridge Borough Council website.

Partnership responses to date:

- 2.0 An Environmental Visual Audit (EVA) was held with partners on 5 April 2017 to identify areas of concern. This was undertaken with a representative from WOTTA, local ward members, Sgt Charlotte Chambers and the Crime Prevention and Reduction Advisor for Surrey Police. On the back of this, the crime prevention advisor made recommendations in the form of a report regarding Ashley Park, Drewitts Car Park, Accommodation Road and the Cricket Pavilion and open space.
- 2.1 On 7 April, as a result of the EVA, the vegetation between the cricket pitch and Ashley Park was cut to enable greater visibility from the car park. This assisted both police and park patrols. The Cricket Club also noted the crime prevention recommendations and have subsequently submitted a bid to the Police and Crime Commissioner.

- 2.2 A public meeting was held on 10 May 2017 between Surrey Police and Walton-on-Thames Traders Association (WOTTA). At the meeting, local businesses expressed their concern about police resources and the perceived ASB in the town. A few notable but unrelated incidents were noted.
- 2.3 A test purchasing operation was conducted on 5 April 2017 by Surrey Police and Trading Standards following reports of underage sales in Walton town Centre. However, there were no positive hits. A further test purchasing operation was undertaken on 30 June but again had no positive hits. Further test operations are planned around knives and alcohol sales.
- 2.4 There have been three dispersal orders in Walton Central which have been issued by Surrey Police in Q1 of 2017. These occurred on 29/4, 26/5 and 16/06. The latter two orders were based on intelligence received about public order offences, with the first following a GBH incident at Elmgrove. The dispersals ran between 8pm and 4am on all 3 occasions, all of which were on a Friday evening (See Appendix Map).
- 2.5 Dispersal orders: Where a Police Inspector or above has reasonable grounds for believing that members of the public have been intimidated, harassed, alarmed or distressed in public places in a specific area (referred to as the relevant locality) and that anti-social behaviour is significant and a persistent problem in that area, he may make a written authority under s 34 of the Crime and Policing act ASBA with the consent of the Local Authority allowing Police Officers and Police Community Support Officers to disperse groups of more than two people.
- 2.6 The respective 3 dispersal orders put in place by Surrey Police achieved the desired effect and no incidents were recorded between the hours of 8pm and 4am.
- 2.7 Surrey Police have undertaken patrols on a Friday evening where practicable in the months of April, May and June. On occasions, patrols have not been able to take place due to other higher priority incidents occurring in the borough or nearby such as the London terror attacks.
- 2.8 The Elmbridge Community and Safety Partnership arranged for Catch 22 a substance misuse service to speak with an identified group of young people at Rydens and Esher high respectively before the end of the summer term. This will continue into 2018-19 school term.
- 2.9 In July, The Elmbridge Community and Safety Partnership agreed to fund additional outreach at Ashley Park and Elmgrove Recreation for the duration of the summer holidays on a Friday evening. The outreach work is being undertaken by the Lifetrain Trust throughout August and started on Friday 3 August and will continue every Friday for one month. Lifetrain comes in the form of a bus which has wi-fi and young people can undertake a wide range of activities. Lifetrain are working on other days throughout the school holidays in around Walton-on-Thames Town Centre.

- 2.10 Notably, Walton Youth Centre is not open on a Friday night or at weekends due to resourcing. Youth Centres are operated by Surrey County Council.
- 2.11 Three Joint Action Group (JAG) meetings have been held Since January 2017 to discuss issues of ASB in Walton where the above recommendations have been discussed. Another JAG meeting will take place in the near future to follow up on actions.
- 2.12 JAG, which is the location based problem-solving arm of the Elmbridge Community and Safety Partnership (EC&SP), feel that the severity and frequency of anti-social behaviour reports and incidents occurring in Walton-on-Thames town centre have intensified since January 2017.
- 2.13 JAG believe that the behaviour is having, or likely to have a detrimental effect on the quality of life of those in the locality, is persistent and of a continuing nature and unreasonable.

Partial closure

- 3.0 Surrey Police are considering a partial closure order on Ashley Park and Drewitts Car Park. The car park will not be closed but it would it does mean is that anyone without a legitimate reason to be in the car parks can be moved on by Surrey Police. At the time of writing this report, this has not been sanctioned. This would be a temporary measure.

Public Spaces Protection Orders (PSPOs):

- 4.0 Elmbridge Borough Council are considering a Public Space Protection Order (PSPO) for a specified area of Walton-on-Thames due to the unreasonable and persistent nature of behaviour which is having or likely to have a determinantal effect on those living in the locality. The purpose of a PSPO is to stop individuals or groups committing anti-social behaviour in a public place by restricting certain types of behaviour.
- 4.1 PSPOs are used in dealing with low level anti-social behaviour. The Chief Executive's principal delegation is to exercise "all functions of the Council under the Anti-Social Behaviour Crime and Policing Act 2014 including, but not limited to, the exercise of all strategic, operational and management powers and duties under the Act" (Constitution Part 3-9). It follows that the Chief Executive could approve the making of a PSPO under section 59 of the Act, provided the conditions set out in that section were satisfied.
- 4.2 In deciding whether to make a PSPO the local authority must have regard to the rights of freedom of expression and freedom of assembly set out in the articles 10 and 11 of the Convention. "Convention has the meaning given by s.21 of the Human Rights Act 1998."
- 4.3 A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any) before making a PSPO.

- 4.4 Under s.72 Crime and Policing Act 2014, a consultation informs the decision to be made under s.59 when a local authority is deciding whether or not to make a PSPO under s.59 and if so what it should include. This in many cases such as in the implementation of the Surrey Heath PSPO has been undertaken using a survey on a Councils website
- 4.5 The Home Office guidance is not specific on what can be included in PSPOs as they have been designed to be flexible to the needs of local areas problems. A single PSPO can cover multiple restrictions and requirements in one order. It can prohibit certain activities, such as the drinking of alcohol, as well as placing requirements on individuals carrying out certain activities; for instance, people walking their dogs must keep them on a lead.
- 4.6 Councils are the Responsible Authority for implementing PSPO's which must be reviewed at least every three years. The maximum length of a PSPO is 3 years.
- 4.7 In assessing whether a PSPO can be considered the behaviour being restricted has to:
- Be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;
 - Be persistent or continuing in nature; and
 - Be unreasonable
- 4.8 The test is designed to be broad and focus on the impact of anti-social behaviour is having on victims and communities. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activities carried out meet the above tests and evidence.
- 4.9 Encouraging open discussion as part of the consultation process can help to identify how best to balance the interests of different groups – both those affected by anti-social behaviour and those who will be restricted by the terms of the Order – and a chance to explore whether there may be unintended consequences from the proposals; in particular any adverse impacts on vulnerable people.
- 4.10 It is proposed that the PSPO consultation for Walton-on-Thames Town Centre is undertaken between 25 September 2017 and 23 October 2017. This would accumulate to four weeks of consultation which would be a reasonable time under the Home Office guidance. The consultation period can be extended should it be required.
- 4.11 A link to the proposed PSPO consultation can be found here:
https://www.snapsurveys.com/wh/SURVEY_PREVIEW.asp?k=150279014996

4.12 Based on the incidents reported to date, the following roads would be consulted on in regard to the restricted areas for the PSPO:

- Ashley Park
- Elmgrove Recreation Ground
- Drewitts Car Park
- Church Street
- High Street
- Hepworth Way
- New Zealand Avenue
- Sidney Road
- Terrace Road
- Sandy Way
- High Street
- Churchfield Road
- Nelson Close
- Highfield Road
- Winchester Road

4.13 In ensuring that the requirements under s.59 of the 2014 Act have been satisfied, councillors will have a significant role to play in unpicking what might be regarded as unreasonable and detrimental behaviour in the locality and what would constitute reasonable restrictions or requirements.

4.14 Following the above, a decision on the PSPO would be resolved at Cabinet on 15 November 2017.

Enforcement

5.0 In Elmbridge, a PSPO could be enforced by a police officer, police community support officers and the Elmbridge Environmental Enforcement Officers. It is for Elmbridge to provide the Fixed Penalty Notices to Surrey Police.

5.1 The current Elmbridge environmental enforcement structure does not allow for regular patrols outside of normal working hours (9am-5pm). Enforcement of a PSPO would need to be looked into further as there would need to be changes in working hours and structure of the enforcement team. This would incur significant costs to Elmbridge.

5.2 Breach of a PSPO is a criminal offence. It is an offence for a person, without reasonable excuse, to do anything that a person is prohibited from doing by the order or fail to comply with the requirement to which a person is subject to under the order.

5.3 Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate. This can be a fine of up to Level 3 on prosecution (currently £1000).

- 5.4 Payment of the Fixed Penalty Notice within 14 days would discharge liability to conviction for the offence. Where the fixed penalty remains unpaid court proceedings can be initiated. It is proposed to issue fixed Penalty Notices in sum of £100, reduced to £70 if payment is made within 10 days.

Next steps

- 6.0 To assess the consultation responses and make any necessary changes to the restrictions and requirements within the proposed PSPO. It is recommended that this be conducted by the Chief Executive and Portfolio Holder for Corporate Development and Communications.
- 6.1 The next steps of the PSPO process are for Elmbridge to consult with the Police and Crime Commissioner for Surrey along with a person of Chief Inspector rank to seek their approval for the PSPO based on the evidence gathered.
- 6.2 Following the above, Cabinet then need to approve a paper on the PSPO that contains the evidence gathered to date (Police reports, statements from partner agencies and consultation responses along with the draft order).
- 6.3 If the PSPO is approved, the Elmbridge Community and Safety Partnership would have to communicate the PSPO to the public and order signage for the affected area. A copy of the PSPO order is put on the website and on street furniture in the affected area.
- 6.4 After the PSPO is made, there is a further requirement set out in regulations (SI 2014/2591) to publish the Order on our website and to display a public notice stating that an Order has been made and its effect.

Financial implications:

There will be an expenditure of approximately £500 for PSPO signage in the affected area. This will come out of the Elmbridge Community and Safety Partnership budget.

Enforcement costs of a PSPO would need to be looked into further as it would require changes in working hours and structure of the enforcement team.

Environmental/Sustainability Implications:

The PSPO will assist police and council colleagues in maintaining good public order and thereby supporting the economic sustainability of Elmbridge, the quality of life for the Town Centre users and residents and, hopefully, through engagement with perpetrators a rehabilitation path for them.

Legal implications:

These are set out in the report

Equality Implications:

There are no specific equality implications at this time.

Risk Implications:

PSPOs are a result of new legislation and may be tested through the courts, which may require us to revisit details of the order in future.

The penalty breaches of this order relates to fines alone, which may lead to levels of non-payment. This proposal does not rely on securing income from the FPNs. It is proposed that any income secured will be ring fenced to support community safety measures.

Community Safety Implications:

The request for this order is in response to a local joint approach to the problems in Walton-on-Thames Town Centre. Reducing crime and anti-social behaviour is an objective in the Elmbridge Community and Safety Partnership Action Plan 2017-18.

Principal Consultees:

Inspector Sarah Milligan, Surrey Police
Ian Burrows, Head of Leisure
Elmbridge Community and Safety Partnership
Elmbridge Joint Action Group (JAG)
Elmbridge Community Harm and Risk Management Meeting (CHARMM)
Overview and Scrutiny Community Safety Working Group

Background papers:

None

Enclosures/Appendices:

Appendix A - Anti-social behaviour statistics provided by Surrey Police 2016/17 and Q1 2017/18
Appendix B - ICADs to Surrey Police
Appendix C - Proposed PSPO area map

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