

SUBJECT:	PUBLIC SPACE PROTECTION ORDER – ST PETER'S PASSAGE
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	FRANCESCA BELL, PPASB AND LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To inform the committee of the proposal to implement a Public Space Protection Order (PSPO) to allow the gating of St Peters Passage, Lincoln.
- 1.2 To inform the committee of the public consultation responses received and to seek the views of the committee on the proposal.

2. Executive Summary

- 2.1 In October 2014 the Secretary of State enacted new powers from the Anti-Social Behaviour, Crime and Policing Act, relevant to tackling Anti-Social Behaviour. These new powers also make changes to some of the relevant existing legislation and the Council is required, within the period of three years, to reconsider its Designated Public Place Orders (DPPOs) and either withdraw or replace them with new Public Space Protection Orders (PSPOs).
- 2.2 The PSPO's are more flexible and can be applied to a much broader range of issues, with local authorities having the ability to design and implement their own prohibitions or requirements where certain conditions are met. These conditions centre on the impact to the quality of life in the locality, persistence, and whether the impact makes the behaviour unreasonable.
- 2.3 The purpose of the PSPO is to enable St Peters Passage, Lincoln, to be gated. St Peters Passage is a public right of way and is shown in **APPENDIX A**. The introduction of a PSPO would prevent public access to the passage.
- 2.4 The proposed PSPO would be put in place for a maximum period of three years after which a full review would take place. Through the consultation we have sought the views of the partner agencies and the public on the following points:
 1. Does your agency have any information in support of or against the proposal of the PSPO?
 2. Does your agency require access to St Peters Passage? If yes then for what reason?
 3. Does your agency have any concerns or objections to the proposed PSPO?

- 2.5 The City of Lincoln, much like other towns and cities nationally, has seen an increase in on street ASB particularly associated with substance misuse. These issues have manifested in the city centre particularly with St Peters passage being used for crime and ASB including the passage being used as a toilet. The council and its partners are working collaboratively to address the complex issues of individuals, however the gating of St Peters Passage would break the cycle of ASB and enable partners to better tackle the issues as well as protecting the public from harm by preventing public access to the passage which in its current state presents a public health risk.
- 2.6 On 9th October 2018 Policy Scrutiny Committee approved the proposal to implement the PSPO with two recommendations: Firstly to review the PSPO in 12 months' time, the report is amended to incorporate this. Secondly to consider the use of CCTV on the basis of public safety at the Glory Hole and Much Lane. The Glory hole has good coverage from the high street. Much Lane is not covered however the cost to implement, with the support of local businesses allowing the camera to be sighted on their building, is estimated at between £2000 - £3000.

3. Background

- 3.1 For a number of years City of Lincoln Council has received intermittent complaints relating to the condition of St Peters Passage. Over the last 12 months complaints have increased significantly. The main concerns relate to drug use and paraphernalia such as needles being left behind, additionally the passage is being used as a toilet, smelling particularly strong of urine but also containing faeces.
- 3.2 The passage is currently unsanitary and poses a health and safety risk to both the Public, Street Cleaning Employees and Partner Agencies that access the Passage. Additionally the passage does not portray Lincoln as a vibrant and welcoming city.

4. Public Space Protection Orders

- 4.1 The Anti-Social Behaviour, Crime and Policing Act came into force on 20th October 2014. This Act contains the provisions for the Public Space Protection Order, which was enacted by order of the Secretary of State on the 20th October 2014
- 4.2 Local authorities have the power to make Public Spaces 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.

- 4.3 The second condition is that the effect, or likely effect, of the activities:

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) justifies the restrictions imposed by the notice.

Activities can include things that a person or a group does, has done or should do (in order to reduce the detrimental effect).

- 4.4 A Public Space Protection Order is an order that identifies the space to which it applies (“the restricted area” within which the impact has or is likely to occur[ed]) and can make requirements, or prohibitions, or both within the area. This means that the local authority can, by virtue of the order, 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 are 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.
- 4.5 The Anti-Social Behaviour Crime and Policing Act rescinded powers known as gating orders. This Power has now been replaced by Public Space Protection Orders.

5. The consultation

- 5.1 On Wednesday 1st August 2018 a public consultation was launched. The consultation lasted 28 days and closed at 5pm on Wednesday 29th August 2018. As part of the consultation partners were approached directly seeking their views and any evidence they may hold in relation the proposed PSPO.
1. Does your agency have any information in support of or against the proposal of the PSPO?
 2. Does your agency require access to St Peters Passage? If yes then for what reason?
 3. Does your agency have any concerns or objections to the proposed PSPO?
- 5.2 We have directly approached all members of the Safer Lincolnshire Partnership (formerly Lincolnshire Community Safety Partnership) as well as approaching the following partners;
- Lincolnshire Police,
 - Lincoln BIG,
 - P3,
 - Framework,
 - Addaction.

In addition to this we have also advised all ward councillors of the consultation and City of Lincoln Communications team have put out information of the public consultation.

5.3 In response to the consultation we have received a total of 25 responses. Of the 25 responses 15 were in favour, seven were against and three were indifferent of gating St Peters Passage. A copy of the comments received is provided in **APPENDIX B**.

5.4 Of the responses received they fell into four specific areas.

- a. In favour of gating the passage – 14 responses
- b. In favour but with concerns about displacement of the problems – Three responses
- c. Against due to displacement of problems – Four responses
- d. Against as they do not agree there is a problem in St Peters Passage or due to the passage being a historic right of way – One response.

Three responses did not express a view – Total 25 responses.

5.5 To address points B – D above:

With regard to points B and C, The problems that are arising in St Peters Passage may be displaced as a result of gating the passage. With the projects that are currently launching across Lincoln City all agencies will be in a better position to jointly tackle anti-social behaviour and to offer comprehensive support to individuals where there is a willingness to engage positively with agencies. By implementing a PSPO the aim would be to disrupt the cycle of ASB in this particular location.

With regard to point C a short video of St Peters Passage will be shown to the committee.

6. The Evidence

6.1 Police incidents relating to associated ASB and criminal behaviour in the passage are low. This could be due to the passage being out of public view and not being regularly used by pedestrians. A number of reports have been made by Lincoln Business Improvement Group who have witnessed used needles, drug paraphernalia and faeces in the passage on a daily basis. In addition to this each time street cleaning employees or PPASB employees have visited the passage way needles and faeces have been present.

6.2 Over the last two years the Council has recorded 24 separate incidents of needles and/or faeces in the passageway. It is recognised within the PPASB Team that this number of complaints is low by comparison to the number of actual incidents.

6.3 23 businesses within the city centre have signed a petition in support of gating the passage.

7. The Proposal

7.1 To introduce a PSPO to permit the gating of St Peters Passage, Lincoln. The PSPO will remain in place for a maximum of three years before review, however it is proposed that a full review be undertaken and brought before Policy Scrutiny after the initial 12 months.

7.2 Members would need to be satisfied that the legal conditions, laid out above in sections 4.2 and 4.2, have been met. Officers' view is that these requirements have been met based upon:

- Evidence gathered by the Council itself, and from other associated agencies including the Police, recording crime and ASB statistics for the area.
- Feedback from the consultation attached as **APPENDIX B**. Full responses are available on request from Democratic Services.

8. Strategic Priorities

8.1 Let's drive economic growth

Projects within the city centre to tackle anti-social behaviour enhance our city making it a more attractive city for investment.

8.2 Let's reduce inequality

The service seeks to reduce inequality through its work with individuals and communities.

8.3 Let's enhance our remarkable place

Projects within the city centre to tackle anti-social behaviour serve to improve and enhance the city.

9. Organisational Impacts

9.1 Finance (including whole life costs where applicable)

The cost of gating and ongoing maintenance will be met by Lincoln Business Improvement Group. There are no other financial implications

9.2 Legal Implications including Procurement Rules

Under the Anti- Social Behaviour Act 2014, the City Council has the power to make such orders restricting rights over the highway. The installation of the gates will require planning permission and so subject to the agreement of Executive, Lincoln BIG will then submit a formal planning application detailing the design and installation of the gates themselves.

9.3 Land, property and accommodation

The introduction of the PSPO would remove a public right of way, consultation has been done with Lincolnshire County Council Highways, who are satisfied in principal with the proposal.

All land owners within the area are required to be consulted, which has been satisfied through the consultation conducted.

9.4 Human Resources

There are no human resources implications

9.5 Equality, Diversity & Human Rights

The proposal does not have any direct Human Rights implications.

9.6 Corporate Health and Safety implications

The introduction of the PSPO would alleviate the Public Health Concerns associated with the use of the passage.

10. Risk Implications

10.1 (i) Options Explored

- a. To take no further action – this would allow the ASB to continue in St Peters Passage and would not address the risks to public health that the passage way presents.
- b. To put CCTV and lighting into the passage way – this would incur a cost. It may provide agencies with the means to identify perpetrators. In the meantime the risk to public health would remain.
- c. To introduce a PSPO permitting the gating of the passage way – this would ensure that the immediate public health risk is removed. It may displace ASB however partners have a range of interventions in place that should allow them to tackle continued ASB.

10.2 (ii) Key risks associated with the preferred approach

There is a possibility that by gating the passage to restrict access that this will increase the prevalence and visibility of drug taking and possibly defecation on the high street. By gating the passage way only the symptom of a deeper rooted social issue is being dealt with however with the other interventions being introduced across the city there will support available for vulnerable individuals that wish to engage.

11. Recommendation

- 11.1 That a Public Space Protection Order permitting the gating of St Peter's Passage be approved.

Is this a key decision?

No

Do the exempt information categories apply?

No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?

No

How many appendices does the report contain?

2

Appendix A – Map of St Peters Passage
Appendix B – Consultation Comments

List of Background Papers:

None

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