

SUBJECT:	PROPOSAL TO INTRODUCE A PUBLIC SPACE PROTECTION ORDER TO PREVENT ANTI-SOCIAL BEHAVIOUR AT LUCY TOWER MULTI-STOREY CARPARK, BROADGATE MULTI-STOREY CARPARK AND LINCOLN CENTRAL MULTI-STOREY CARPARK
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	FRANCESCA BELL, PUBLIC PROTECTION, ANTI-SOCIAL BEHAVIOUR 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 provide additional tools and powers to reduce and manage incidents of ASB and drug use within our multi-story carparks namely Lucy Tower, Lincoln Central and Broadgate. Location Map attached as **APPENDIX A**.
- 1.2 To inform the committee of the public and partner 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.
- 2.2 The PSPO's are 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 proposed PSPO is to provide additional tools and powers to tackle ongoing and protracted ASB occurring on a regular basis within our Multi-Story carparks.
- 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 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 have any concerns or objections to the proposed PSPO?
- 2.5 We sought the views of the public on the following points:

1. Do you have any information in support of the proposed PSPO?
2. Do you use our multi-story car parks, and if not why?
3. If you use our multi-story car parks have you witnessed any anti-social behaviour?
4. Do you have any concerns or objections to the proposed PSPO?

2.6 The City of Lincoln, much like other towns and cities nationally, has seen an increase in on street ASB particularly linked with substance misuse and associated issues such as begging, leaving behind drug paraphernalia and using areas as toilets. These issues have manifested across the city centre and have become a recurring problem particularly within our multi-Storey car parks which have resulted in the public and car parking staff reporting intimidating and unpleasant incidents.

2.7 The introduction of a PSPO would provide the framework and tools and powers to better protect the multi-storey car parks, our employees and the public from harm. Multi-storey car parks have been negatively impacted by ASB due to the shelter and privacy they provide to those wishing to engage in anti-social acts. As a result we do not see ASB in our open air car parks.

3. Background

3.1 For a number of years City of Lincoln Council has received significant complaints relating to the Anti-Social Behaviour taking place in our multi-story car parks. The main concerns relate to drug use and paraphernalia such as needles being left behind, additionally the stairwells are being used as a toilet, smelling particularly strong of urine but also containing faeces on occasion.

3.2 From January 2019 to 9th December 2019 the council had reported via our internal incident report system across the following sites; Broadgate, Lucy Tower, Central multi-storey car parks and the bus station a total of 706 incidents.

Broadgate multi-storey car park had a total of 369 reported incidents.
Lucy Tower multi-storey car park had a total of 212 reported incidents.
Central multi-storey car park had a total of 124 reported incidents.

3.3 Areas of the car parks are often unsanitary and pose a health and safety risk to both the Public and Employees that use the areas. Additionally the car parks are often the first and last image that visitors have of Lincoln and do not portray Lincoln as a vibrant, safe and welcoming city.

3.4 As well as recommending the introduction of a PSPO the council has already taken positive steps to address the number of reported incidents. The Council has recently introduced CCTV at both the Lucy Tower Street and Broadgate Car parks. Central Carpark had CCTV in already. CCTV is assisting with deterrence, and will also assist in the enforcement aspects of the proposed PSPO. The Council has also put on additional security patrols to support staff and give reassurance to the public.

- 3.5 The limited number of responses to the consultation would suggest that despite the numbers of incidents reported by our staff, the diligent work of Council staff is successfully making sure that the vast majority of carpark users are able to use facilities without witnessing any of the problems.

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 Monday 23rd September 2019 a public and partner consultation was launched. The consultation closed at 5pm on Friday 8th November 2019. As part of the

consultation partners were approached directly seeking their views and any evidence they may hold in relation the proposed PSPO.

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 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 have any concerns or objections to the proposed PSPO?

We sought the views of the public on the following points:

1. Do you have any information in support of the proposed PSPO?
2. Do you use our multi-storey car parks, and if not why?
3. If you use our multi-storey car parks have you witnesses any anti-social behaviour?
4. Do you 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,
- Probation

In addition to this we have also advised relevant portfolio holders 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 10 responses. 6 from the public and 4 from partners. Of the 4 partner responses 2 were in favour, 1 opposed and one indifferent. Of the 6 public responses 4 were in favour, one wanted further information and 1 suggested using weaponising music. The 4 public responses that supported the PSPO all gave examples of what they have witnessed first-hand when using our multi-storey car parks. A copy of the comments received is provided in **APPENDIX B**.

5.4 Lincolnshire Police responded to the consultation stating;

'Lincolnshire Police would be supportive of the proposed PSPO to cover the ongoing issues within Lincoln car parks as highlighted. Whilst we are aware of a number of incidents, which are usually reported to us via CCTV, we are also aware that a proportion are not reported to police and are managed by local

partners. I would observe that the conditions are not stipulated within the consultation, but the broad aims of the PSPO are set out. We would be supportive of those aims, specifically with the intent to reduce ASB in public areas, especially where the public are encouraged to utilise these facilities.'

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

- a. In favour of the PSPO – 3 responses
- b. In favour but with concerns about displacement or enforceability 3– responses
- c. Against due to criminalisation of the vulnerable / those causing ASB – 1 response
- d. Against as they do not agree there is a problem in the carparks - no responses.

Three responses did not express a view – Total 10 responses.

5.6 To address points B and C above:

With regard to point B, The problems that are arising in our multi-story carparks may be displaced as a result of introducing a PSPO however, whilst the PSPO is fundamentally an enforcement tool it will be the council's intention to continue to offer support to holistically address issues in tandem with any enforcement actions that are necessary. With the projects that are currently running 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 across these locations.

With regard to point C, The council and Partners will continue to make a robust offer of support to those who may require any additional support. Criminalisation will remain a last option however it is expected that some enforcement will be necessary to deter ASB and tackle entrenched behaviour alongside support. A robust approach is required to ensure public and employee safety and there is a legal requirement for the council to ensure that its buildings and structures are safe and managed appropriately.

6. The Evidence

- 6.1 The total number of people using or attempting to use drugs in our carparks is most likely a core of 20 – 30 people who continuously use the carparks to take drugs often multiple times a day. We know this from speaking directly with car parking employees as well as from the information gathered by the councils Intervention Team and neighbourhood policing teams who attend incidents and patrol the carparks. These are either from or associate with people at the Corner house (Broadgate) or visit the Addiction centre near Lucy Tower. Those who cause ASB in our multi-storey carparks can be genuinely homeless or people sleeping off the effects of drugs.
- 6.2 Total reported incidents at Broadgate, Lucy Tower and Central multi-storey car parks were 706. However some of these reports contained multiple incidents within one report and so the actual number of incidents may be much higher.

- 6.3 Central car park has a higher incident rate less by way of drug taking more by way of abusive youths, skateboards and youths on bicycles. Central multi storey car park had a total of 124 reported incidents.
- 6.4 Broadgate multi storey car park had a total of 369 reported incidents.
- 6.5 Lucy Tower multi store car park had a total of 212 reported incidents.
- 6.6 Our records show that police were called 173 times.
- 6.7 Our records show 11 ambulances were called in relation to drugs or our known on street cohort of individuals.
- 6.8 Full details of the information provided from our internal incident reporting system provided by City of Lincoln Council Corporate Health and Safety Team are shown in **APPENDIX C**

7. The Proposal

- 7.1 To introduce a PSPO to cover our multi-story carparks namely Lucy Tower, Lincoln Central and Broadgate.

That the proposed PSPO (Draft order) is attached as **APPENDIX D. APPENDICES A1, A2 and A3** show each location. The proposal is for each site to have its own order. The inner thick red line shows the site boundary and the outer red line shows where the PSPO will extend to beyond the site boundary. This is 5 meters beyond the site boundary. The purpose for the extended boundary is to prevent ASB such as begging or drug use taking place directly outside access and exit points of the carparks. Both the carpark and the additional 5 meter boundary will be covered by the PSPO being sought.

- 7.2 The PSPO is proposed to remain in place for a maximum of three years before review, however it is proposed that a review be undertaken with the Service Manager, Assistant Director and Portfolio Holder after 12 months and any matters arising fed back to Policy Scrutiny Committee.
- 7.3 Members would need to be satisfied that the legal conditions, laid out above in sections 4.2 and 4.3, 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. Additional powers the PSPO will provide

- 8.1 The PSPO will provide a quicker and simpler response to ASB in our multi-storey carparks compared to the current provisions available. The PSPO will enable authorised officers to issue a fixed penalty notice (FPN) to a person who commits

an offence, where deemed appropriate, as set out in 7.1 above. In extreme cases or where proportionate a perpetrator can be summoned to court for prosecution but this would ordinarily only be done where there are repeat or extreme cases of ASB.

- 8.2 The FPN Amount currently issued for the City Centre PSPO is £75 reduced to £50 if paid within 10 days. Additionally, if they agree to attend We Are With You it's £40. It is proposed that these fine levels are also used for this PSPO if approved.
- 8.3 Failure to comply with either a prohibition, or requirement, within the order is an offence. Upon summary conviction (offences heard within the Magistrates Courts) defendants can face a fine not exceeding level three on the standard scale (currently £1000). The defendant cannot be found guilty of an offence under a prohibition/requirement where the local authority did not have the power to include it in the order. Breaches of the order can also be discharged by use of a fixed penalty notice (FPN).
- 8.4 The PSPO should be viewed as an additional tool in tackling ASB and the full range of existing powers can still be utilised where appropriate. It is also noteworthy that the council will still work hard to engage perpetrators of ASB with support services and this option may be utilised as an alternative to enforcement where deemed appropriate.
- 8.5 By working with our car parking staff over the last 6 months they are now able to identify the majority of ASB perpetrators that frequent our car parks and along with the use of CCTV this will further enable both the identification of ASB perpetrators and the gathering of evidence to ensure a robust approach is taken where ASB is committed.

9. Implementation of the PSPO

- 9.1 The PSPO if agreed, could be implemented quickly. It is recommended that some communications messages be done at the time of the implementation and that some signage also be placed around the premises effected.
- 9.2 The enforcement of the PSPO will be undertaken by the PPASB Team, The Intervention Team and supported by Police where appropriate and where resource permits.
- 9.3 The introduction of bodycams for car parking employees and CCTV in these locations will assist PPASB officers and police officers in enforcing breaches of the order where necessary. The PSPO will be administered alongside an offer of assistance for the individual wherever possible.

10. Impact of Covid-19

- 10.1 Due to Covid-19 this report has been delayed in being put before the committee for consideration. The information presented remains relevant and the issues described within remain.
- 10.2 Updated statistics are contained within **APPENDIX E**. Any drop in incidents from March is most likely due to lack of use of facilities and staffing in car parks during

Lockdown and the Covid-19 pandemic.

- 10.3 Due to Covid-19 it is even more necessary to ensure that individuals are not placing themselves in a position to require close contact from other members of the public or services. The ongoing risk of Covid-19 adds an additional consideration when carpark attendants are requiring individuals to leave, checking those asleep or under the influence are ok or coming into contact with individuals sitting in the already narrow stairwells within the carpark. Additionally these risks are also passed to the public that use the carparks and to services attending the carparks.
- 10.4 With the current threat of Covid-19 there is a very clear requirement for our buildings and property to be Covid Secure and a need for the customers to be able to safely use the facilities provided.

11. Strategic Priorities

11.1 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.

11.2 Let's reduce inequality

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

11.3 Let's enhance our remarkable place

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

12. Organisational Impacts

12.1 Finance (including whole life costs where applicable)

There are no financial implications

12.2 Legal Implications including Procurement Rules

There may be a resource required to process prosecutions. Members should satisfy themselves that the PSPO meets the conditions set out in the report and that the PSPO is a proportionate response to the reported anti-social behaviour.

12.3 Land, property and accommodation

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

12.4 Human Resources

There are no human resources implications

12.5 Equality, Diversity & Human Rights

The proposal does not have any direct Human Rights implications.

12.6 Corporate Health and Safety implications

The introduction of the PSPO would alleviate the Public Health and Safety concerns associated with the car parks currently.

13. Risk Implications

13.1 (i) Options Explored

- a. To take no further action – without the PSPO the council can continue to use other powers such as Community Protection Notices and Injunctions in cases of extreme ASB. This process is being used currently however due to the incremental requirements of community protection notices and other powers the process can be lengthy and doesn't give any immediate sanctions to deter persons causing ASB.
- b. To introduce a PSPO providing addition tools and powers to address the ongoing issues of ASB. It may displace ASB however partners have a range of interventions in place that should allow them to tackle continued ASB.

13.2 (ii) Key risks associated with the preferred approach

There is a possibility that by introducing a PSPO that this will increase the prevalence and visibility of drug taking and possibly defecation in other areas. However with the ongoing interventions across the city there will support available for vulnerable individuals that wish to engage.

14. Recommendation

- 14.1 That the committee consider fully the proposal to implement a PSPO and if satisfied with the proposal approve and recommend to executive committee.

Is this a key decision? Yes

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? 7

Appendix A – Location Map of Car Parks
Appendix A1 – Broadgate MSCP Map
Appendix A2 – Central MSCP Map
Appendix A3 – Lucy Tower MSCP Map
Appendix B – Anonymised consultation responses

Appendix C – Incidents Report provided by CoLC
Corporate Health and Safety for January – December
2019

Appendix D – Draft Order

Appendix E – Incidents Report provided by CoLC
Corporate Health and Safety for January – July 2020

List of Background Papers:

None

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