

SUBJECT:	RENEWAL OF PUBLIC SPACES PROTECTION ORDER ALLOWING FOR THE GATING OF ST PETERS PASSAGE
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	FRANCESCA BELL, PUBLIC PROTECTION, ASB & LICENSING SERVICE MANAGER

1. Purpose of Report

- 1.1 To brief Policy Scrutiny Committee members on the process and consideration given to date, to review an existing Public Space Protection Order allowing for the gating of St Peters Passage in the City Centre area of Lincoln.
- 1.2 To seek the views of the Policy Scrutiny Committee on proposals regarding the review of the existing Public Space Protection Order (PSPO), which prevents access to this passageway, in consultation with the public and relevant partners prior to its consideration by the Executive.

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 In April 2018 the Executive approved the implementation of a PSPO permitting the access of St Peters Passage to be restricted by way of gating either end of the passage. A map of the passageway is shown in appendix A.
- 2.4 A PSPO has a maximum duration of 3 years. It is therefore advisable to review the order after 3 years to determine whether it should be subject to extension or variation. As part of the review, we have sought the views of both the public and relevant partner agencies by way of a public and partner consultation, this consultation has also been published on social media for greater reach. This consultation period opened on Monday 2nd August 2021 and closed on Monday 20th September 2021.

2.5 The purpose of the review is to consider the following points;

1. Do you/your agency have any information in support of the PSPO?
2. Do you/your agency have any concerns or objections to the PSPO?
3. If St Peters Passage was re-opened would you use it to walk through?
4. Do you believe that gating St Peters Passage has had a negative impact on other areas? If so, please provide details.

2.6 The City of Lincoln, much like other towns and cities nationally, saw an increase in on street ASB particularly associated with substance misuse. Prior to the gating of St Peters Passage some of these issues had 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 gating of St Peters Passage has removed the public health risk of this and the associated crime and ASB.

3. Background

3.1 Following increased complaints of drug use, drug paraphernalia, urination, defecation and criminal activity occurring in St Peters passage in 2018 a PSPO was approved to gate the passageway restricting access for the public.

3.2 At the time of the decision the passageway was in an unsanitary condition and posed a health and safety risk to both the Public, Street Cleaning Employees and Partner Agencies that access the Passage.

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 (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 to prevent or reduce the detrimental impact. The order can be made 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 Current PSPO

- 5.1 The current PSPO Permits for the gating of St Peters Passage as shown in APPENDIX A. A copy of the PSPO is attached as APPENDIX B. The passage has been gated since July 2019.
- 5.2 Planning permission is in place for the gates that are currently on St Peters Passage.
- 5.3 The management of the passage and the gates, i.e., if a key is lost, is provided by Lincoln BIG.

6. The consultation

- 6.1 On Monday 2nd August 2021 a public and partner consultation was launched. The consultation lasted 28 days and closed at 5pm on Monday 30th August 2021, however due to a low response level the consultation was reopened from Friday 3rd September closing on Monday 20th September.

As part of the consultation partners were approached directly seeking their views and any evidence, they may hold in relation the proposed PSPO. Specifically, we asked the public and partners the following:

1. Do you/your agency have any information in support of the PSPO?
 2. Do you/your agency have any concerns or objections to the PSPO?
 3. If St Peters Passage was re-opened would you use it to walk through?
 4. Do you believe that gating St Peters Passage has had a negative impact on other areas? If so, please provide details.
- 6.2 We have directly approached all members of the Lincoln Anti-Social Behaviour Risk Assessment Conference (ASBRAC) and the Safer Lincolnshire Partnership as well as approaching the following partners;
- Lincolnshire Police
 - Lincolnshire County Council Highways Team
 - Lincolnshire County Council We Are With You Commissioners

- Lincoln BIG
- YMCA
- Framework,
- We Are With You
- NHS Neighbourhood team
- ARC

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

6.3 In response to the consultation, we have received a total of 9 responses. Of the 9 responses all were in favour of continuing with the gating of St Peters Passage. 3 commented that the PSPO had improved the area, 4 explicitly stated they would not use St Peters Passage if it was reopened although none of the responses answered yes to this question. 1 response raised the potential for ASB to be displaced elsewhere and the highways department of LCC asked what the longer-term plan was for St Peters Passage. A copy of the comments received is provided in APPENDIX C.

6.4 In response to the two additional comments received.

Regarding displacement of ASB this has not been observed by the council or the Police. There has been some defecation and urination reported in St Peter in the arches however from the CCTV imaged this has not been from the same cohort that once used St Peters Passage and instead has been associated more so with the evening economy. Additionally, the city centre continues to have a number of multiagency initiatives to support those with drug addiction or who sleep rough and so agencies are now much better placed to address ASB and the root causes.

Lincolnshire County Council Highways have confirmed they are happy for the passage, which is a public right of way, to remain gated. However, they have asked what the longer-term proposal is to manage the passage. We are aware that there in 2020 planning permission granted to demolish the House of Fraser building which abuts the passage. The Planning Team have advised me that there are still some conditions which need discharging and so we are unsure when that development may go ahead. It is hoped that any future development of that site may address St Peters Passage.

7. The Proposal

7.1 To continue the PSPO in its current form for a further period of 3 years. A draft order is shown in APPENDIX D.

7.2 To continue to work collaboratively with partners to actively manage and design out ASB across the city centre.

8. Strategic Priorities

8.1 Let's drive inclusive 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 all kinds of 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)**

It is unlikely there are any financial cost for the council. Manage of the gates is undertaken by Lincoln BIG who have agreed they are willing to continue with that arrangement.

9.2 **Legal Implications including Procurement Rules**

There are no implications for legal or procurement.

9.3 **Equality, Diversity and Human Rights**

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

Consideration has been given to equality, diversity and Human rights, this decision does not materially impact these and serves to improve the quality of life for our community.

9.4 **Human Resources**

There are no implications on human resources.

9.5 **Land, Property and Accommodation**

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

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

9.6 **Significant Community Impact**

Whilst the PSPO does close a public right of way the diverted route is not any further and would be considered a safer route.

9.7 **Corporate Health and Safety implications**

The gating of St Peters Passage improves Health and Safety for the public, our employees and partner agencies.

10. Risk Implications

10.1 (i) Options Explored

a. Continue with the gating of St Peters Passage this has minimal risk associated with it. There has been no evidence of displacement and feedback through the consultation has suggested the gating of the passage has improved the local area.

b. Remove the gates and reopen St Peters Passage; from the consultation we believe this will lead to ASB becoming prevalent in that area and the feedback from Lincoln BIG was that when the passage gates were opened for a couple of days following the locks being damaged that ASB started again immediately.

10.2 (ii) Key risks associated with the preferred approach

The preferred approach is to continue with the gating of St Peters Passage. From the previous 3 years no key risks have been identified.

11. Recommendation

11.1 That the committee consider fully the proposal to continue the PSPO for a further period of 3 years permitting the gating of St Peters Passage.

11.2 If satisfied with the proposal, approve and recommend to Executive.

Is this a key decision? Yes/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? 4

List of Background Papers: None

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