

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	HOUSING NEIGHBOURHOODS AND LEISURE COMMITTEE		
DATE:	15 NOVEMBER 2017	AGENDA ITEM:	13
TITLE:	ANTI-SOCIAL BEHAVIOUR UPDATE AND PUBLIC SPACE PROTECTION ORDERS		
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The report provides a short update on antisocial behaviour (ASB) in Reading.
- 1.2 The report identifies the need to convert the current Designated Public Place Order (DPPO (Street drinking restriction)), into a Public Space Protection Order (PSPO) and make recommendations on a number of restrictions to be included within a new order for consultation.

2. RECOMMENDED ACTION

- 2.1 That Housing, Neighbourhood and Leisure Committee note the update on Anti-Social Behaviour in Reading.
- 2.2 That Housing Neighbourhood and Leisure Committee agree Option 3 as set out in Paragraph 5.3 to be taken forward.
- 2.3 That Housing Neighbourhood and Leisure Committee agree to consult on the additional restrictions identified at paragraph 5.4.
- 2.4 That following the consultation a report is brought back to Housing Neighbourhoods and Leisure Committee detailing consultation feedback and with recommendations on implementing any new restrictions.

3. POLICY CONTEXT

- 3.1 Reading's Community Safety Partnership's three year plan (2016-19) acknowledged that ASB remains a priority and concern for many residents of Reading.
- 3.2 The Anti-Social Behaviour Strategy (the strategy) was written at a time of rapid change in policy, legislation and public funding. Meeting the objectives has at times been challenging and only achieved through partners willingness to work together.
- 3.3 ASB continues to be a national priority in recognition of the devastating impact it can have on individuals and communities. The last Crime Survey for England and Wales reported that there were 1.79 million incidents of ASB reported to the police nationally. The number of reported incidents has been falling slowly over the last four years.
- 3.4 A reduction in resources across partner agencies has resulted in changes to the way that some services are delivered at a neighbourhood level. However, patch-based working between services is now embedded in most areas resulting in more effective and joined-up approaches to tackling local issues.
- 3.5 Multi-agency senior level problem-solving groups have also been introduced. These place a greater emphasis on those areas with the most difficult and persistent issues.
- 3.6 Thames Valley Police have restructured and services have adapted and adjusted working models to ensure that collectively we are able to continue to respond to the changing nature of Anti-social Behaviour.
- 3.7 There has been a shift over time in the demands for service in relation to ASB enquiries, with substantial increases in two key areas:
 - **Unauthorised Encampments:** There has been a 70% increase in the number of unauthorised encampments on local authority land since 2013.
 - **Begging and rough sleeping:** There has been an increase in the levels of begging within Reading Town Centre and an associated increase in ASB linked to begging, rough sleeping and drug taking.

4. CURRENT POSITION

- 4.1 The nature of Anti-Social Behaviour being dealt with by the local authority's Anti-Social Behaviour team has changed. Whilst in the main the number of calls for service is still primarily from victims of ASB directed at them (Personal ASB), we have seen some areas of Situational ASB increase disproportionately.
- 4.2 Situational ASB impacts greatly on neighbourhoods and therefore can indirectly affect more people. The two main areas where this has been most prevalent are that of ASB associated with begging, rough sleeping and drugs,

and unauthorised camping on local authority land. It is important to note that not all of those who are rough sleeping beg, and many of those who are begging are in fact adequately accommodated. The Council funds a wide range of services for single homeless people, rough sleepers and those with substance misuse problems including proactive outreach to enable them to access housing and specialist support. Critically, our partnership approach to tackling ASB associated with the street population has a strong emphasis on prevention and support.

- 4.2 **Personal ASB:** The number of cases of Personal ASB reported to the local authority anti-social behaviour team has reduced by nearly 13% since 2014/15. For the same period the number of cases resulting in some form of legal action or threat of possession has increased from 10 to 19.

Period	Cases	NOSP ¹	Possession Granted	Injunctions	Victim Satisfaction
2016 / 17	221	8	5	6	92%
2015 / 16	261	4	1	10	Not available
2014 / 15	251	1	2	7	Not available

Table 1: Personal Anti-Social Behaviour data.

- 4.3 **Unauthorised Encampments:** Figure 1 demonstrates how demand has increased on the Local Authority in dealing with Unauthorised Encampments (UE) on its land and within the borough as a whole. The number of Unauthorised Encampments has risen substantially and virtually year on year since 2010². Since 2010 UE within Reading has risen by 76% - the vast majority of this increase has been driven by encampments that are recorded as being on Local Authority land (73%). This is at a time when resources to deal with the encampments and associated issues have been reducing.

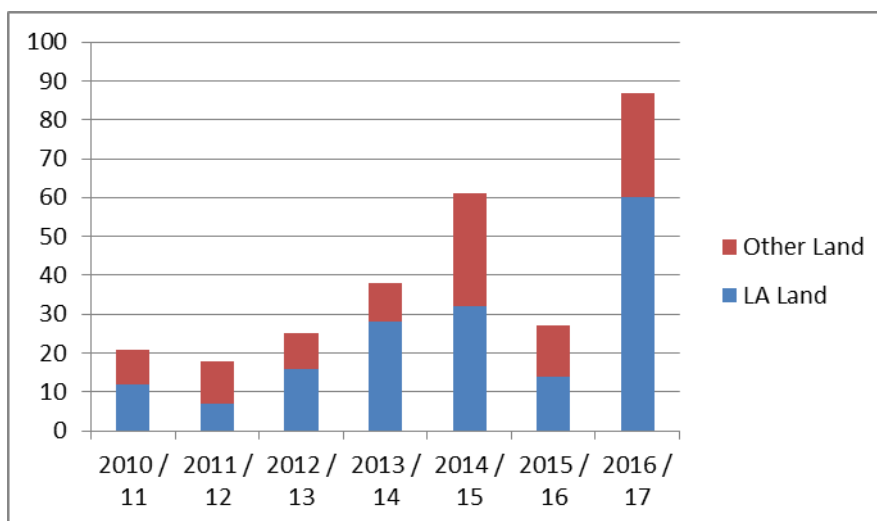


Figure 1: Unauthorised Encampments 2010 - 2016

¹ Notice of Seeking Possession

² The exception to the year on year increase was 2015 / 16 it is unclear why the numbers were so low for this period.

- 4.4 The nature of these encampments has also changed over time. More recently encampments on Local Authority land have been in areas that substantially impact on local communities. An example of this was the repeated encampments on Prospect Park and around Granville Road over the last year.
- 4.5 Figure 2 below shows one of the impacts on resources brought about by the increase in demand. There has been a substantial increase in the percentage of encampments requiring a legal response by the local authority - increasing from around 5 percent in 2014/15 to nearly 14 percent in 2016/17, with a similar increase in the number of times the Police used their section 61 powers to evict over the two year period.

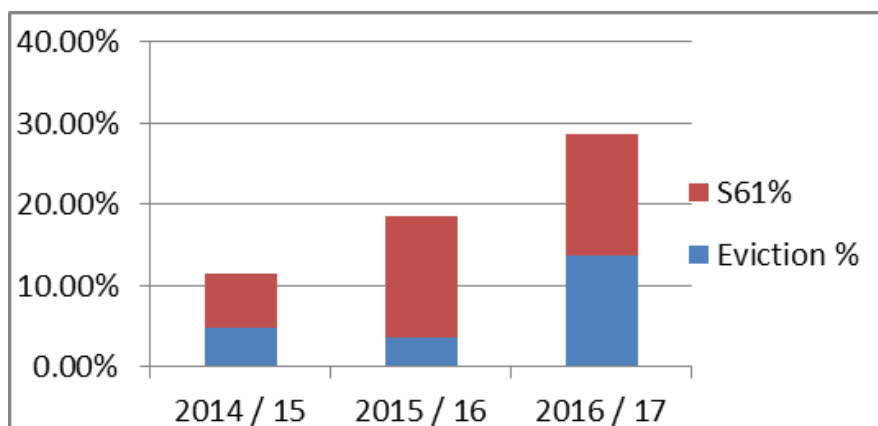


Figure 2: Legal Action as a percentage of UE by method

5 PUBLIC SPACE PROTECTION ORDERS (PSPO):

- 5.1 Public Space Protection Orders (PSPOs) were introduced under the Anti-Social Behaviour Crime and Policing Act 2014 to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life.
- 5.2 PSPOs have replaced powers to make Gating Orders, Designated Public Place Orders (street drinking restriction powers) and Dog Control Orders. In Reading, there are currently the following Orders in place:
- 1 x Gating Order
 - 1 x Dog Control Order (Borough Wide)
 - 3 x Designated Public Place Orders (annex A)
- 5.3 These current orders automatically convert into PSPOs in October 2017. However, in the context of the changing nature of anti-social behaviour in the public realm outlined above, it is appropriate to both review the necessity of the current provisions and assess the need to introduce new PSPOs to include conditions to tackle a wider variety of anti-social behaviour in Reading. There are four options available:
1. Allow current converted orders to remain.
 2. Allow current converted orders to remain and bring in additional new PSPOs to address other issues.

3. Discharge current orders and bring in new PSPOs to incorporate the dog control measures, street drinking and other ASB issues causing problems in Reading.
4. Discharge current orders and have no measures in place.

5.4 It is recommended that option 3 be taken forward and the following additional restrictions are consulted on.

Begging Restrictions:

1. No person shall aggressively beg. Aggressively begging includes begging near a cash machine or begging in a manner reasonably perceived to be intimidating or aggressive.
2. No person shall make any verbal, non-verbal or written request from a standing, sitting or lying-down position for money, donations or goods - including the placing of hats or containers.
3. No person shall sell any magazine which is already a free publication in Reading Town Centre. This restriction would not apply to anyone selling the Big Issue and who is officially "badged" to do so.

Busking Restrictions:

4. No person shall perform any type of street entertainment (also known as busking, which includes amplified or unamplified music & singing) that may cause a nuisance to nearby premises or members of the public within Reading Town Centre. This includes obstructing the highway or shop entrances, using street furniture including public seats, lamp posts, statues and railings, unless registered to do so by Reading UK CIC.

Dog Control Restrictions:

Any person in charge of a dog within the restricted area shall be in breach of the order if they:

5. Allow a dog to foul in a public place and then fail to remove the waste and dispose of it in an appropriate receptacle.
6. Do not comply with a direction given to him/her by an authorised officer of the authority to put and keep the dog on a fixed lead unless a) he/she has reasonable excuse for failing to do so; or b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so; c) an authorised officer of the Authority may only give a direction under this order to put and keep a dog on a fixed lead if such a restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any person (on any land to which this order applies) or the worrying or disturbance of any animal or bird.

7. A person must not take more than four (4) dogs at the same time onto the land detailed, unless - (a) s/he has a reasonable excuse for failing to do so; or (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Drug Activity Restriction:

8. No person shall ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances in a public place.

Intoxicating Substances is given the following definition: any Psychoactive Substances i.e. substances with the capacity to stimulate or depress the central nervous system, excluding alcohol. Alcohol would be covered separately in the Street Drinking Restriction (see below).

Public Urination and Defecation Restriction:

9. No person shall urinate or defecate in a public place.

Street Drinking:

10. No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol when required to do so by an authorised officer in order to prevent public nuisance or disorder.

Exemptions shall apply in cases where for the avoidance of doubt the consumption of alcohol is on premises or public space licensed under the Licensing Act 2003.

Litter Restriction:

11. No person shall, for any duration of time, leave unattended in a public area any personal effects or belongings or any other material or paraphernalia including anything that may be considered discarded or waste material.

Motorbike Nuisance Restriction:

12. The effect of the Order is to prohibit the use of a mechanically propelled vehicle, intended or adapted for use on roads, in a way that has caused or may be capable of causing a nuisance and annoyance anywhere on public land within the Restricted Area.

Mooring Restriction:

13. No person shall moor any boat or amphibious craft to any land without the consent of the land owner, or managing authority, or breach any conditions imposed by the land owner or managing authority.

Note: There is currently a pilot scheme to manage mooring on local authority land. The PSPO restriction will be reviewed if the pilot is successful.

- 5.5 Recommendations on the geographical extent of each restriction will be brought forward following the consultation.

6 RESOURCE IMPLICATIONS

- 6.1 There are implications for services in introducing the orders. Whilst having an order in place will deter some ASB, there would be a need to identify the most appropriate service to enforce the restrictions. Following discussion with service areas and based on current delegated authorities and powers it is anticipated that the main responsibilities for enforcing the restrictions would be as follows:

- Begging Restriction - Thames Valley Police
- Busking Restriction - Environmental Protection/Streetcare
- Dog Control Restriction - Environmental Protection
- Drug Activity Restriction - Thames Valley Police
- Street Drinking - Thames Valley Police
- Motorbike Nuisance Restriction - Thames Valley Police
- Mooring Restriction - Parks
- Litter Restriction - Streetcare

- 6.2 These new restrictions would be introduced at a time when both the Local Authority and the Police have reducing numbers of officers in a position to enforce them. One particular area of concern is around the implementation of the Dog Control Restriction. It may not be possible to enforce all of the restrictions all of the time. It may be necessary to prioritise enforcement based on severity and need. Failing to enforce the orders may result in complaints from the public.

- 6.3 There will also be a requirement for the Local Authority's legal service to take action against non-payment of fines or persistent breaching of the restriction.

7 LEGAL

- 7.1 The Council may make a Public Spaces Protection Order where it is satisfied on reasonable grounds that activities carried on in a public place have had a detrimental effect on the quality of life of those in the locality, or that it is likely that activities will be carried on in a public place and that they will have a detrimental effect. In addition, the Council must be satisfied that the effect of the activities is persistent or continuing, that the activities are unreasonable, and that the effect justifies the restrictions imposed by the notice. The order may prohibit specified things being done, and/or require specified things to be done by persons carrying on specified activities.

8. FINANCIAL IMPLICATIONS

- 8.1 Other than the cost identified under section 6 above, the main cost involved in the introduction would be associated with the production and fitting of the signage for the orders within the restricted areas. All orders may not be borough wide and therefore this may vary depending on the number of orders introduced. Cost could be met from within the current Safer Communities capital budget.

9. COMMUNITY ENGAGEMENT AND INFORMATION

- 9.1 The consultation period required for any new orders would be for a minimum of four weeks and would be carried out online. It is proposed that the Council would look to also specifically engage with Liberty, the National Bargee Travellers Association, commissioned services working with the street population, other relevant Voluntary and faith sector agencies, the Business Improvement District and the Neighbourhood Action Groups.

10. EQUALITIES ASSESSMENT

- 10.1 A full equalities impact assessment will be carried out as part of the consultation. This will include the impact of any mooring restriction in addition to those already in place may impact on Bargee travelling community.

11. CONTRIBUTION TO STRATEGIC AIMS

- 11.1 The introduction of any PSPO will contribute towards the following strategic aims:
1. Safeguarding and protecting those that are most vulnerable;
 2. Keeping the town clean, safe, green and active;

12. BACKGROUND PAPERS

- 12.1 Nil.

Annex A - DPPO Map

