

The Anti-Social Behaviour, Crime and Policing Act 2014
Public Spaces Protection Order - (Thanet District Council) 2018
No. 3 (Anti-Social Behaviour)

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The Anti-Social Behaviour, Crime and Policing Act 2014
Public Spaces Protection Order (Thanet District Council) 2018
No. 3 (Anti-Social Behaviour)

Thanet District Council (“the Council”) makes this Public Spaces Protection Order under section 59 of the Anti Social Behaviour, Crime and Policing Act 2014, having consulted as required by section 72 of the act.

This Order comes into force on **27th July 2018** for a period of 3 years.

The council is satisfied that anti-social behaviour is being carried out within the area to which this order applies, it is likely that these activities will continue to be carried out and that this is having or it is likely to have a detrimental effect on the quality of life of those in the locality by causing harassment, alarm and distress.

This order relates to the land inside the area marked on the attached maps which is outlined in red (‘the Designated Area’), for the urban areas of Thanet, namely Margate and Ramsgate. This includes all spaces within this boundary that are accessible to the public.

1. Offences

The activities which are prohibited by this order within the designated areas:

i) Anti-Social group congregation

All persons are prohibited from congregating as part of a group of 2 or more for such duration as specified, when directed not to do so by an authorised officer; on the basis that the behaviour is causing or is likely to cause, harassment, alarm or distress to others in the locality.

ii) Misuse of public space

All persons are prohibited from misusing any public space, facility or installation; when directed not to do so by an authorised officer.

Officers will have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the convention.

iii) Using foul or abusive language

All persons are prohibited from using foul or abusive language in such a manner that it is likely to cause harassment, alarm or distress to any other person in any public place.

iv) Excreting bodily fluids

All persons are prohibited from excreting bodily fluids, including but not limited to urinating, defecating or spitting in any public place that is not a specified toilet facility.

Any breach of this order must be witnessed by an authorised officer, whereby at least 1 member of the public is present and affected, or likely to be affected by the specified behaviour or conduct.

2. Breaches

If, without reasonable excuse, you fail to comply, with clause 1 of this Order, you commit an offence for which the maximum penalty upon summary conviction is a fine not exceeding level 3 on the standard scale.

3. Definitions

Public place means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. This includes beaches and foreshores.

Authorised person means an officer or agent acting on behalf of Thanet District Council, a police constable or a police community support officer.

Anti-Social Behaviour has the meaning as given by Section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Foul or abusive language can be defined as words that are used to cause offence and the manner in which they are delivered.

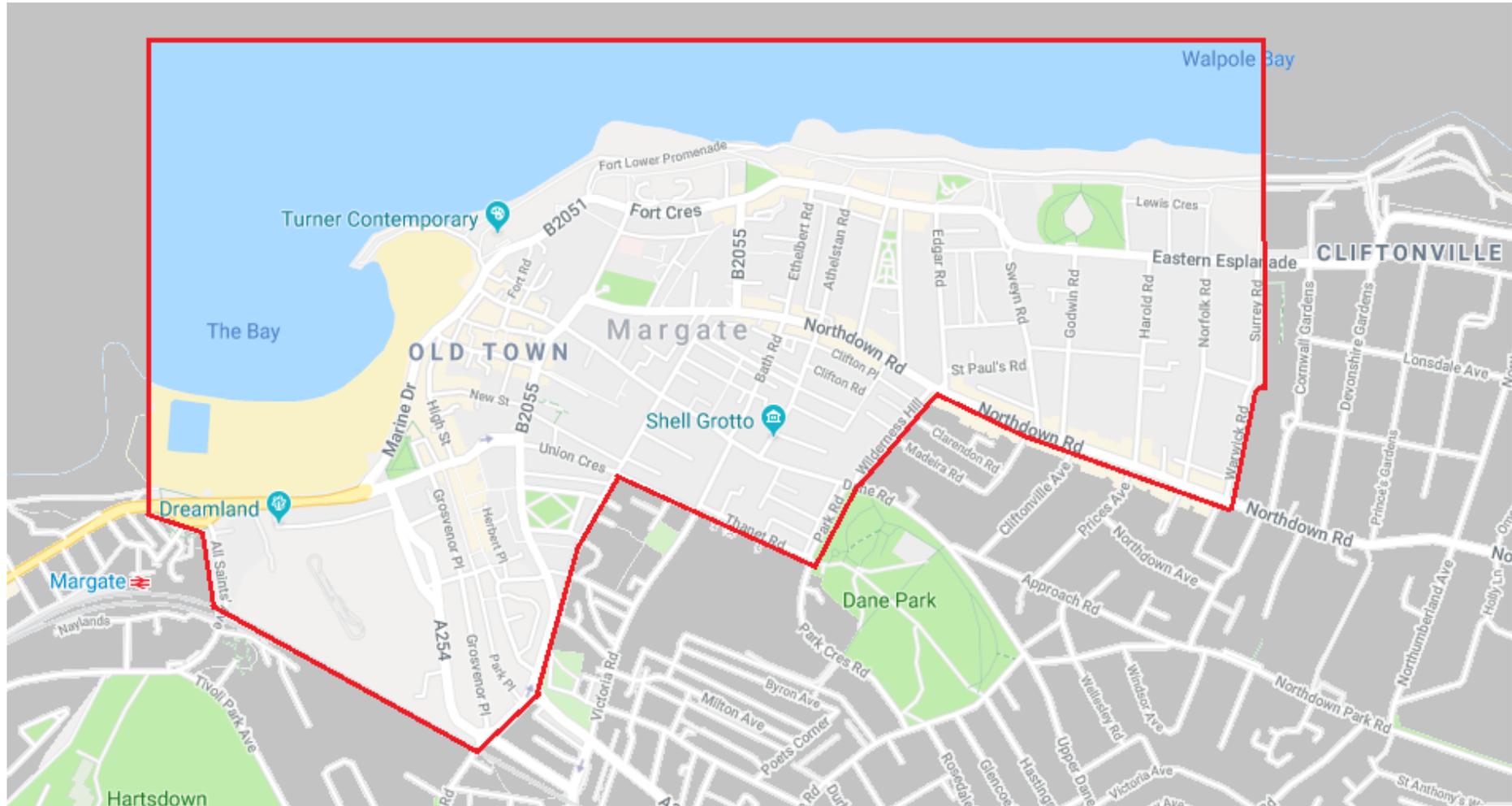
4. Date of effect

This Order shall come into effect on **27th July 2018**

5. Length of Order

This Order shall have effect for a period of 3 years.

Map 1 - "Designated Area 1" – Margate



Map 2 - "Designated Area 2" – Ramsgate



Appendix 1

Threshold

A public spaces protection order is an order made by the Local Authority if it is satisfied on reasonable grounds that two conditions are met. These are:

- That activities being carried out within a public place have had detrimental effect on the quality of life of those in the locality or it is likely they will.
- That the effect, or likely effect, of these activities is, or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable.

These orders identify public places and prohibit specific things from being done in that area or require specific things to be done in that area for a maximum of 3 years.

Breach of the order would constitute a criminal offence.

Evidence and justification

Thanet is a growing tourist destination with a number of award winning beaches and visitor attractions. With regeneration taking place across the district, there is a need to ensure those living in and visiting the district can do so safely.

Kent Police data

Thanet consistently has the high levels of Anti-Social Behaviour (ASB) compared to other districts in Kent. Between April 2017 and February 2018 a total of 4059 ASB incidents were reported to Police. The highest volumes of incidents are recorded as being in the Margate Central (676) and Central Harbour (574) wards that form the majority of the restricted area. This equates to 53% of all ASB in Thanet (2158 incidents).

Kent Police have had to regularly use dispersal powers in these areas to combat nuisance behaviour in the town centres due to regular and persistent nuisance by group congregation and the misuse of public spaces. In the last 12 months, over 75 dispersal areas for Anti-Social Behaviour and nuisance groups have been put in place by the Police within the designated areas of Ramsgate and Margate town centre areas..

A request was received from Kent Police to therefore consider a more substantial order to restrict Anti -Social Behaviour in hot spot locations and give Police and Council officers greater powers to combat deliberate nuisance behaviour.

A review of Kent Police data (See Maps 3 and 4) highlight hot spot areas for Anti Social Behaviour within the wards of Margate Central and Cliftonville West, Central Harbour and Eastcliff in Ramsgate forming the more densely populated urban areas in the district.

Map 3 below shows the reports of anti-social behaviour made to Kent Police depicted via colour density. These show the highest levels of anti-social behaviour reports being in the Margate and Ramsgate town centre areas with lower levels of reports on the outskirts of those towns. Broadstairs shows lower levels of reporting with the number not justifying coverage by this order.

Map 4 shows crime data spilt into lower super output area (LSOA). LSOAs are a geographical hierarchy designed to improve the reporting of small area statistics. They are built from groups of contiguous output areas and have been generated to be as consistent in population size as possible. The map again shows the LSOA within the Margate and Ramsgate town centres are the worst affected by crime and anti-social behaviour within the District.

Thanet District Council complaints

Neighbourhood Engagement Meetings for the Margate and Ramsgate areas have regularly raised issues with regards to Anti-Social group congregation in the high street areas.

In the last 12 months Thanet District Council have dealt with a total of 239 incidents regarding ASB and nuisance in those areas, comprising 157 reports for the Margate area and 82 reports for the Ramsgate area.

In addition to this, Thanet District Council has, in the last 18 months, had cause to take enforcement action, including applying to the courts to formally re-possess land within the designated areas due to misuse of public spaces on 23 occasions. Cleansing operatives have also had cause to employ specialist contractors on 17 occasions following the deposition of bodily fluids including vomit, blood, urine or faeces.

In addition to this, within the geographic area a number of other tactics have already been utilised in these areas in a bid to combat the Anti-Social Behaviour, this has including the application for 3 Civil injunctions and 2 Criminal Behaviour Orders as well as the issue of 36 Community Protection Warnings and 8 Community Protection Notices to persons believed to be responsible for ASB.

In addition to this, mobile outreach and diversionary interventions have also been targeted to these areas on a regular basis. Whilst these tactics have had some impact, the two areas still continue to experience significantly higher volumes of ASB than other wards.

Resident and trader complaints

Traders and local businesses situated within the town centre areas have submitted 16 separate complaints to the Local Authority about the impact of people misusing public spaces . This misuse has included; cycling on pavements and in pedestrianised areas, regular large group congregation so as to cause harassment through activities such as play fighting, shouting swearing and using abusive language, refusing to cease when asked to do so, playing games across roads and in pedestrianised areas, spitting, urinating and defecating. Statements have been gathered that demonstrate the impact to the community.

The annual Community Safety survey highlighted 50% of respondents felt their perceptions had deteriorated, due to 'Groups hanging around and causing ASB in the towns' this was the highest response category.

Over 20 local traders from the town centre areas compiled personalised responses to the survey completed the survey in February 2018. Of those responses, their perceptions of safety were worse than the average responses, with 95% stating they felt unsafe or very unsafe at night in the designated areas, and 50% stating they felt unsafe or very unsafe during the day.

Overall responses for the District showed maintained perception levels, apart from these areas.

When asked what impacted on this perception, respondents stated '*intimidating groups and group congregation*', '*regular fighting in the street in the high street areas*', '*people on bikes*', '*It's out of control*'

These concerns have also been raised by ward councillors on several occasions.

Potential for displacement: This order has been considered as a direct result of the problems these areas are currently experiencing and recognition that issues have escalated and other tactics only had moderate success.

It is not possible to fully anticipate the impact this order will have until it is in place. The potential for displacement has been considered, however the ASB that this order is seeking to address results predominantly from a number of factors specific to the town centre locations, including; being easily accessible and well contacted by public transport, having a close proximity to a number of shops particularly food establishments, the accessibility to public Wi-Fi and being near to popular tourist sites with a high footfall of other visitors.

The designated area is currently disproportionately affected by ASB and as such this order is sought to provide additional powers which complement the continuation of other tactics.

Diversionsary outreach has also been planned across other areas of the District, particularly during the summer months in a bid to provide greater resilience to other areas and mitigate displacement.

Currently the volume of ASB in all other parts of the district, as shown in Table 1 and Map 4 does not support extending the order to other areas. The guidance surrounding PSPOs is clear that orders should be targeted to specific locations where problems can be evidenced. Orders with larger areas also become more difficult to enforce.

Any PSPO once granted remains under review and amendments to an order can be made if required.

All other ASB enforcement powers are still available and can and will be deployed in other areas should it be perceived that displacement is occurring before the situation escalates.

Map 3: Thanet Anti-Social Behaviour hotspots

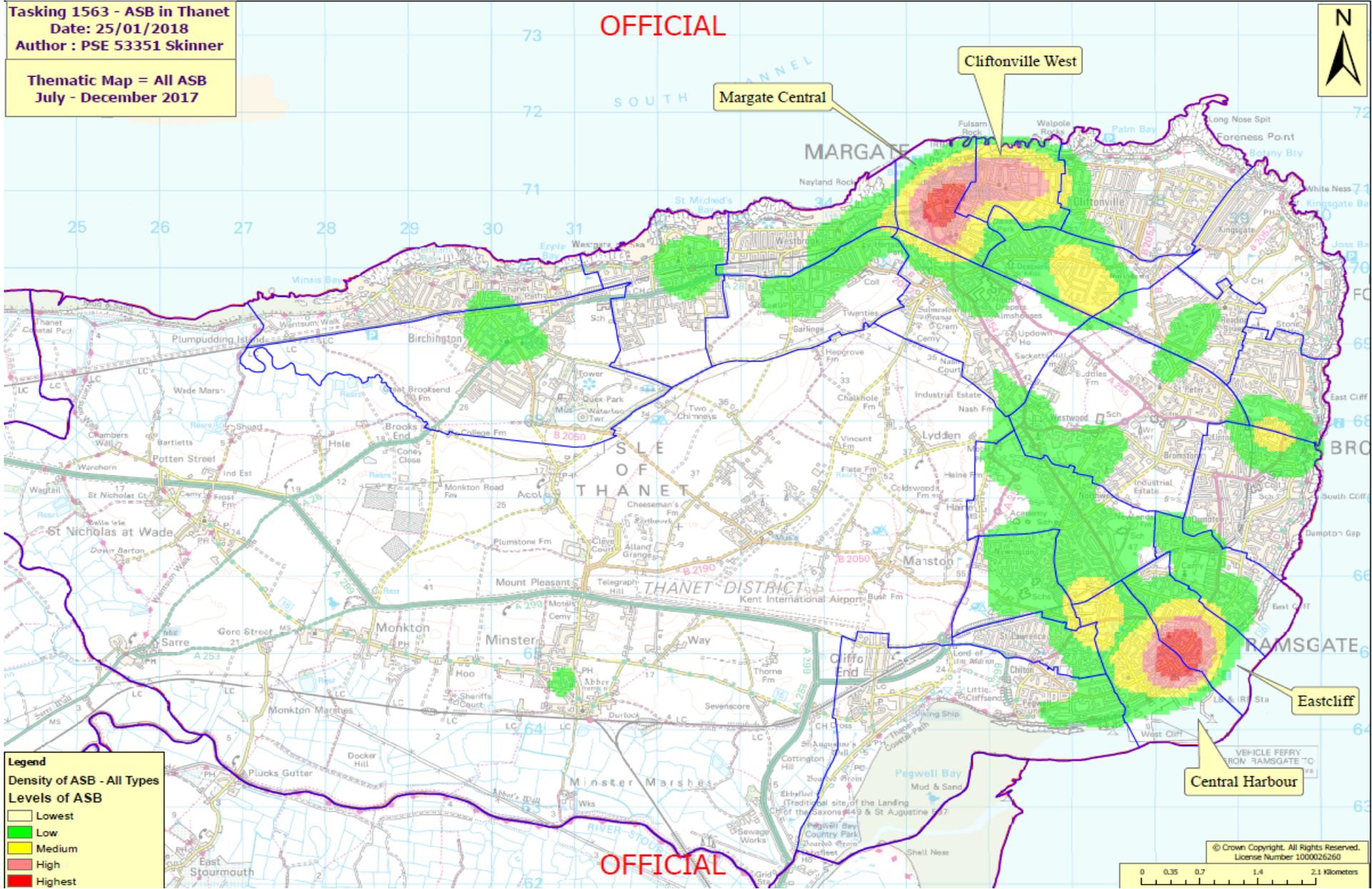
Source: Kent Police

Map 3: Thanet Anti-Social Behaviour hotspots

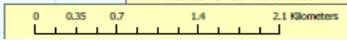
Source: Kent Police

Tasking 1563 - ASB in Thanet
 Date: 25/01/2018
 Author : PSE 53351 Skinner

Thematic Map = All ASB
 July - December 2017



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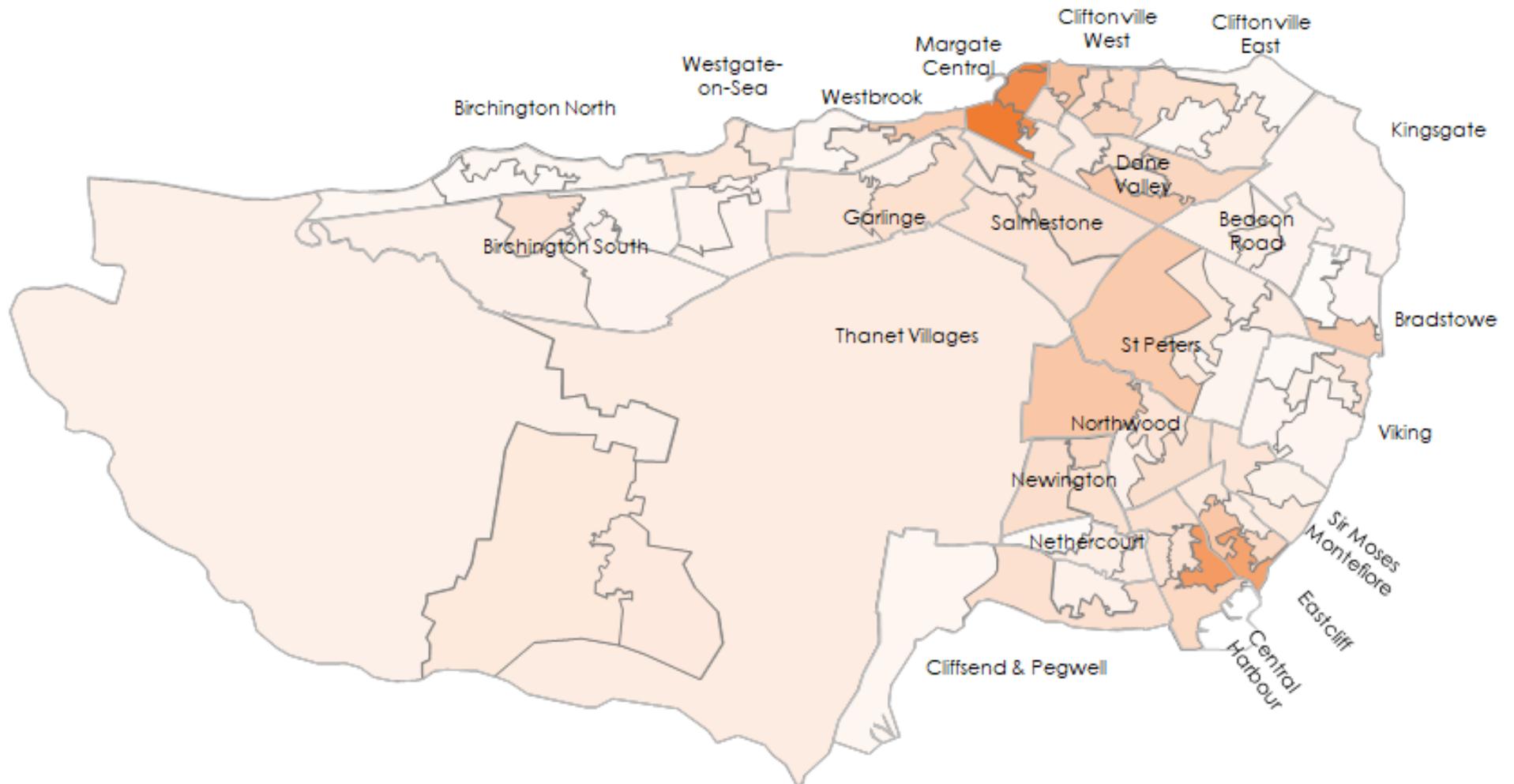


Table 1 - ASB Data by Ward : April 2017 – Feb 2018

Source: Kent Police

Thanet District
 Recorded Crime by Ward
 Period: April 2017 to February 2018

Ward	Rank (adjusted for population)	Number of incidents	Population	per 1000 of the population	
Margate Central	1	676	6,042	112	
Central Harbour	2	574	8,611	67	
Eastcliff	3	410	8,460	48	
Cliftonville West	4	498	10,623	47	
Dane Valley	5	306	7,956	38	
Northwood	6	189	6,622	29	
Newington	7	147	5,586	26	
Bradstowe	8	97	4,059	24	
Westbrook	9	98	4,370	22	
St Peters	10	148	7,080	21	
Salmestone	11	98	5,836	17	
Sir Moses Montefiore	12	83	5,174	16	
Cliffsend and Pegwell	13	77	4,904	16	
Birchington South	14	96	6,244	15	
Garlinge	15	72	4,811	15	
Nethercourt	16	66	4,915	13	
Westgate-on-Sea	17	98	7,549	13	
Thanet Villages	18	82	7,201	11	
Cliftonville East	19	67	6,292	11	
Beacon Road	20	50	4,826	10	
Viking	21	75	7,470	10	
Birchington North	22	35	3,831	9	
Kingsgate	23	10	2,190	5	
Thanet			140,652	29	

Appendix 3

Enforcement

It is proposed that this order gives discretion and flexibility to officers to exercise enforcement of these provisions where it is believed to be having a detrimental effect and capable of causing harassment, alarm and distress on those in the locality.

Failure, without reasonable excuse, to comply with the prohibitions or requirements imposed by this Order is a summary offence under section 67 of the Anti-social Behaviour, Crime and Policing Act, 2014.

A person guilty of an offence under Section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A constable or an authorised person may, under Section 68 of the Act, issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 in relation to this Order.

If the fixed penalty notice is paid within its required timescale no further action will be taken. Failure to pay within this time may result in a prosecution for the breach of the order.

Authorised persons:

- Any council officer or appointed agent acting on behalf of the Thanet District Council, will be authorised to be able to undertake enforcement of this order.
- This order can also be enforced by Kent Police Constables and Police Community Support Officers.

Incremental approach to enforcement

- This order is being considered to provide officers with additional enforcement capability. It does not replace existing powers and any enforcement of this order will take an incremental approach, must be proportionate and only be considered when advice and warnings have not been adhered to.
- The individual circumstances surrounding any breach of this order will be considered and flexibility will be utilised as to whether enforcement is appropriate.
- Where there is an underlying reason contributing towards the Anti-Social Behaviour, wherever appropriate support and advice will be given in the first instance.

Equalities Impact Assessment

This was completed prior to considering this proposals and no significant matters have arisen from this assessment.

Appendix 4

Consultation

A formal public opportunity to comment was held from the 12th June – 2nd July 2018. Overall those who commented as part of this process were supportive of the proposals. A total of 36 formal written responses were received and of those, 33 were strongly in support, with only three objections to the proposals.

Those in support of the proposals cited a number of circumstances where public spaces were being misused, residents and traders were fearful and incidents had occurred specifically in relation to deliberately intimidating groups within the proposed boundary areas.

35 of the responses were directly from people who lived or worked in the designated areas.

Of the three objections, one provided no reason as to why they were not in support of the proposals. The second objection was primarily regarding wider concerns in relation to general PSPO legislation and sought clarification regarding the group congregation definition and enforcement, which was provided. This response also raised general concerns regarding the creation of new orders to create new offences which could criminalise people and again further clarification provided regarding training and proportionality of use by officers to confirm that the majority of law abiding persons would not be affected by this order if agreed.

The third objection was from Liberty, who regularly counter PSPO proposals. The feedback from Liberty has been reviewed and acknowledged prior to submitting final proposals and the reports and associated documentation has included revised definitions to reflect best practice.

Additional specified consultation also took place with identified relevant persons.

The following persons have been identified and were consulted as part of this consultation:

- Portfolio Holder for Community Safety- Cllr Game was briefed in advance of this process.
- All Ward Councillors with responsibility for the areas affected by these proposals (Margate Central, Cliftonville West, Central Harbour and Eastcliff) were invited to a meeting on the 11th June. Those who were able to attend – Cllrs Johnston, Campbell, Dawson and Game were in support of the proposals.
- Ramsgate Town Council - formally endorsed the proposals 26th June 2018.
- Margate and Ramsgate Town Teams – circulated via email – no objections received
- Businesses and traders within the town centre areas – provided with copies of the public consultation and also circulated to email where known
- The Thanet District Commander for Kent Police – formal consultation and in support of proposals - 13th June 2018 A/ Chief Inspector Rhiannan Pepper
- Kent Police and Crime Commissioner – acknowledged 24th May 2018

Certificate of consultation
Public Spaces Protection Order (Thanet District Council) 2018
No. 3 (Anti-Social Behaviour)

It is proposed that this Public Spaces Protection Order would cover:

2. Offences

The activities which are prohibited by this order within the designated areas:

- i) Anti-Social group congregation**
All persons are prohibited from congregating as part of a group of 2 or more for such duration as specified, when directed not to do so by an authorised officer; on the basis that the behaviour is causing or is likely to cause, harassment, alarm or distress to others in the locality.
- ii) Misuse of public space**
All persons are prohibited from misusing any public space, facility or installation; when directed not to do so by an authorised officer *and* that the behaviour is causing or is likely to cause, harassment, alarm or distress to others in the locality. *Officers will have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the convention.*
- iii) Using foul or abusive language**
All persons are prohibited from using foul or abusive language in such a manner that it is likely to cause harassment, alarm or distress to any other person in any public place.
- iv) Excreting bodily fluids**
All persons are prohibited from excreting bodily fluids, including but not limited to urinating, defecating or spitting in any public place that is not a specified toilet facility.

I certify that I have been consulted by Thanet District Council in connection with the application for a Public Spaces Protection Order and (where relevant) agree to contribute to the enforcement of such an order.

Signature: RAP

Print name: Rhiannan Pepper

Position held and agency: A Chief Insp

Date: 13/06/18