

Public Spaces Protection Order - (Thanet District Council) No. 5 (Athelstan & Ethelbert Road)

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| Cabinet | 26 January 2023 |
| Report Author | Eden Geddes (Enforcement & Multi Agency Task Force Manager) |
| Portfolio Holder | Councillor George Kup, Cabinet Member for Community Safety and Youth Engagement |
| Status | For Decision |
| Classification: | Unrestricted |
| Key Decision | No |
| Ward: | Cliftonville West |

Executive Summary:

The purpose of this report is to recommend that the council exercises its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 to introduce a Public Spaces Protection Order (PSPO) covering Athelstan & Ethelbert Roads and the alleyway between the two roads in Cliftonville West.

If agreed, this will be the fifth PSPO to be enacted within the district.

The purpose of a PSPO is to more effectively manage Anti-Social Behaviour in areas where it is currently having a detrimental effect on the community.

There are approximately 2,077 streets in Thanet. The proposed PSPO area (including the 195 metre alleyway within) has been responsible for 7% of all fly-tips in Thanet in the 12 months (from December 2020 to December 2021 data), and 32% of all FPNs issued in Thanet were in relation to offences on Athelstan Road.

A number of targeted interventions have already been deployed but have only achieved moderate success. These have included additional waste containers, increased visibility, targeted enforcement as well as diversionary tactics such as mobile outreach, support and information provided in multiple languages.

In light of this and based on the continued high volumes of fly tipping and anti-social waste dumping in the areas, the council in consultation with Kent Police, seek this order to provide additional enforcement capabilities to tackle these complex issues.

This order proposes that within the specified designated areas of Athelstan & Ethelbert Roads, the following activities are to be restricted for the duration of this order (three years);

- I. Each relevant person must ensure that all household waste be presented for collection from their property and that waste is contained in the specified receptacle or

is presented for collection in a manner specified for their property by Thanet District Council.

- II. Each relevant person must ensure that any waste for their property or waste presented for collection in a manner specified for their property is not situated outside the boundary of their premises other than between 6pm on the day before collection is due, and 8pm on the day of collection unless the waste is in an identifiable bin storage area of their property.
- III. Each relevant person must ensure that gardens, driveways and any other outdoor space associated with relevant premises are free from litter, waste, furniture, kitchen appliances or any other items which could be considered waste.
- IV. Each relevant person must ensure that boundaries associated with relevant premises, be it a fence, wall, barrier or other kind of boundary line be kept in a good state of repair and not present a hazard.
- V. All persons are prohibited from generating excessive noise, that can be heard in the street, when directed not to do so by an authorised officer.
- VI. To restrict access to the non-public right of way proportion of the alleyway between Athelstan Road and Ethelbert Road to the public at all times using lockable alley gates, except for residents, guests, emergency services and statutory undertakers.
- VII. To restrict access to the public right of way proportion of the alleyway between Athelstan Road and Ethelbert Road to the public at all times using lockable alley gates, except for residents, guests, emergency services and statutory undertakers.

Recommendation(s):

1. To exercise its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 to introduce a Public Space Protection Order;
2. To delegate any minor amendment of the PSPO to a Service Director.

Corporate Implications

Financial and Value for Money

There are no identified financial implications at this time. Enforcement of this order if adopted will come from within existing budgets and resources.

Kent Police will also support enforcement activity and this will not incur a cost to the council.

Legal

The Anti-Social Behaviour Crime and Policing Act 2014 (the act) streamlined existing measures used to tackle Anti-Social and nuisance behaviour, into just six new powers. Civil Injunctions; Criminal Behaviour Orders; Community Protection Notices; Closure Orders; Dispersal Powers and Public Space Protection Orders.

This report concerns itself with the introduction of a new Public Space Protection Order.

Section 59 of the Act requires the council to carry out the necessary consultation and the necessary publicity, and the necessary notification before making a public spaces protection order.

The 'necessary consultation' means consulting with the chief officer of police, and the local policing body, for the police area that includes the restricted area; whatever community representatives the local authority thinks it appropriate to consult; and the owner or occupier of land within the restricted area.

Kent Police and the Kent Police and Crime Commissioner and District Councillors were consulted as part of the initial consideration for making this order. In addition to this, residents, landlords and other stakeholders were all invited to respond as part of a public consultation.

Risk Management

Risk is defined as the uncertainty of outcome, whether positive opportunity or negative threat, of actions and events.

A risk matrix has been completed and negative impact potential scored as remote/unlikely.

Corporate - Risk is low, the PSPO for Athelstan/Ethelbert is to be delivered using existing resources. There is a concerted agreement across internal departments, the political spectrum and residents/ landlords/ businesses.

Service - The councils Street Scene Enforcement Team will be the primary agency dealing with breaches of the PSPO. Other Services which hold delegated authority to enforce mon the PCSO already have mechanisms in place leading to a minimal risk rating

Project - Capital costs for the PSPO are funded by a Defra grant. Any additional costs will be covered within the existing Street Scene/ CCTV budgets.

Matrix

| <i>Risk</i> | <i>Risk description</i> | <i>Mitigation</i> | <i>Score</i> | | |
|--------------------------|---|--|--------------|---|---|
| Low economic output | Low economic output leading to reduced ability for tenants to maintain area as part of an ongoing process | The area is undergoing an economic upturn. An example being a 100% increase in property values in the last 10 years. | 2 | 2 | 4 |
| Transient population | High transience means reduced community ownership and buy in to required improvements | Work has been undertaken to reduce transience, particularly with families with children 0-4 | 1 | 2 | 2 |
| Low community confidence | Area perceived as neglected by resident group leading to low acceptance of proposed activities | Surveys in relation to the PSPO reflect that community confidence is high | 1 | 1 | 1 |
| Language barriers | Normal communication routes ineffective leading to low acceptance | The PSPO has been advertised in written English and with a pictograph. 20 of PSPO surveys returned were in a pictographic format with a 100% approval. | 1 | 1 | 1 |
| Lack of funding | No direct funding available (currently) to implement required changes | Funding in place | 1 | 1 | 1 |
| Lack of agency buy in | Issues not resolved leading to la public lack of support | All relative agencies consulted and in agreement. | 1 | 1 | 1 |

Corporate

Environment;

- Maintain strong enforcement action in the areas of planning, building control and parking. Strengthening our already tough response to fly-tipping and maintaining the zero-tolerance policy towards littering.
- Continue the education programmes in schools and the wider public areas to cultivate a shared responsibility approach to waste and littering.

Communities;

- Work with our partners to deliver a range of community safety initiatives across the district, taking tough action to tackle anti-social behaviour.
- Work in partnership with the community and Public Sector Agencies to seek new ways of working to improve or jointly deliver services.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to marriage & civil partnership.

It is not felt that the introduction of this order should have any negative impact in respect of protected characteristics and the public sector equality duty.

Restrictions around Anti-Social Behaviour, aims to make all public spaces more accessible to all members of society regardless of whether they hold a protected characteristic or not.

An Equality Impact Assessment screening has been undertaken and there are no matters arising from this proposal at this time.

This will be kept under review.

Corporate Priorities

This report relates to the following corporate priorities: -

- Environment
- Communities

1.0 Introduction and Background

- 1.1 A Public Spaces Protection Order (PSPO) 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 a 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 three years.
 - Breach of the order would constitute a criminal offence.

The ongoing issues of ASB related waste around Athelstan & Ethelbert Roads has met the threshold for the introduction of a PSPO.

2.0 The Current Situation

- 2.1 There are approximately 2,077 streets in Thanet. The proposed PSPO area (including the 195 metre alleyway within) has been responsible for 7% of all fly-tips in Thanet (from December 2020 to December 2021 data), and 32% of all FPNs issued in Thanet were in relation to offences on Athelstan Road. Currently, Athelstan Road presents the opportunity to dispose of waste easily due to the accessibility and a few blind spots in CCTV coverage.
- 2.2 We have determined that those fly-tipping in this area are either residents wishing to dispose of old, broken or unwanted furniture, or waste collection companies who do not have a commercial waste licence and therefore, have no recourse to dispose of waste correctly. Our conclusion for the high levels of fly-tipping and other issues in this area is similar to that of the 'broken windows theory'; the criminological theory that visible signs of disrepair, anti-social behaviour, crime and vandalism will encourage and promote further incidences, exacerbating the initial situation into a collective of larger, more serious issues.
- 2.3 Thanet Multi-agency Task Force (MTF) has undertaken a 2+ year project on Athelstan/Ethelbert Roads in Cliftonville West along with a range of partners both inside and outside the local authority with the aim to reduce population transience, crime and ASB and improve the visual presentation of the two roads. In general terms, the work of the MTF, along with partners, has highlighted a reduction in reported crime and ASB (non waste-related) at the locations.
- 2.4 As to waste-related ASB, a number of targeted interventions have already been deployed but have only achieved moderate success in these areas. These have included increased visibility, targeted enforcement as well as diversionary tactics such as mobile outreach, support and information provided in multiple languages. Cliftonville West, the ward which contains Athelstan & Ethelbert Road, ranks first out of 86 Lower Super Output Areas (LSOA) in the district. Athelstan Road and Ethelbert Road fall into the LSOA Thanet 001A, which has a population of 2510 and has the highest rates of fly tipping/dumped rubbish in the district with 41 complaints per 1,000 population.

- 2.5 Impreparation for this PSPO a consultation was held from Monday 21 November to Friday 9 December 2022. The consultation included delivering a printed letter to residents on Athelstan & Ethelbert Road with a paper copy of the survey and a link to an online response page. A separate letter was sent to landlords and managing agents with a copy of the survey and a link to an online response page. A pictographic survey was sent to residents, landlords and managing agents for whom English is not their first language.

A total of 80 formal written responses were received and of those, 92% agreed or strongly agreed with the proposals. In relation to the pictographic survey, 21 responses were returned.

3.0 Options

- 3.1 To suggest and approve the recommendations.
- 3.2 To reject the proposed order and recommendations.

Contact Officer: Eden Geddes (Enforcement & Multi Agency Task Force Manager)
Reporting to: Penny Button (Director of Neighbourhoods)

Annex List

Annex 1: PSPO:
Annex 2: Equality Impact Assessment
Annex 3: Risk Matrix
Annex 4: Kent Police & Crime Commissioner agreement

Background Papers

None

Corporate Consultation

Finance: Greg Dungan (Finance Manager)

Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)