

The Anti-Social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Order - (Thanet District Council)

No. 5 (Athelstan & Ethelbert Road)

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The Anti-Social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Order (Thanet District Council)

No. 5 (Anti Social Waste Athelstan Road & Ethelbert Road Cliftonville West)

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 **26 January 2023** 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 Athelstan & Ethelbert Roads. This includes all spaces within this boundary that are accessible to the public.

1. Restrictions (PART 1)

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

- 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.

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.

2. Restrictions (PART 2)

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.

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.

(Appendix 2 PSPO MAP Alley Gating Athelstan & Ethelbert Road.)

3. Breaches

If, without reasonable excuse, you fail to comply with 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.

4. 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. A non-public right of way (also known as a permissive path) is not a public right of way, but the public is allowed to use it with the permission of the landowner.

Relevant Person means any person in a position to control residential premises (referred to as "the relevant person") located within the specified area, (all such premises referred to hereafter as "relevant premises"). For the purposes of this order relevant person means any person residing in, whether permanently or temporarily, by legal right or simple occupation, at any premises situated in the specified area, and also any owner or managing agent of any premises let on a periodic tenancy and situated within the specified area.

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.

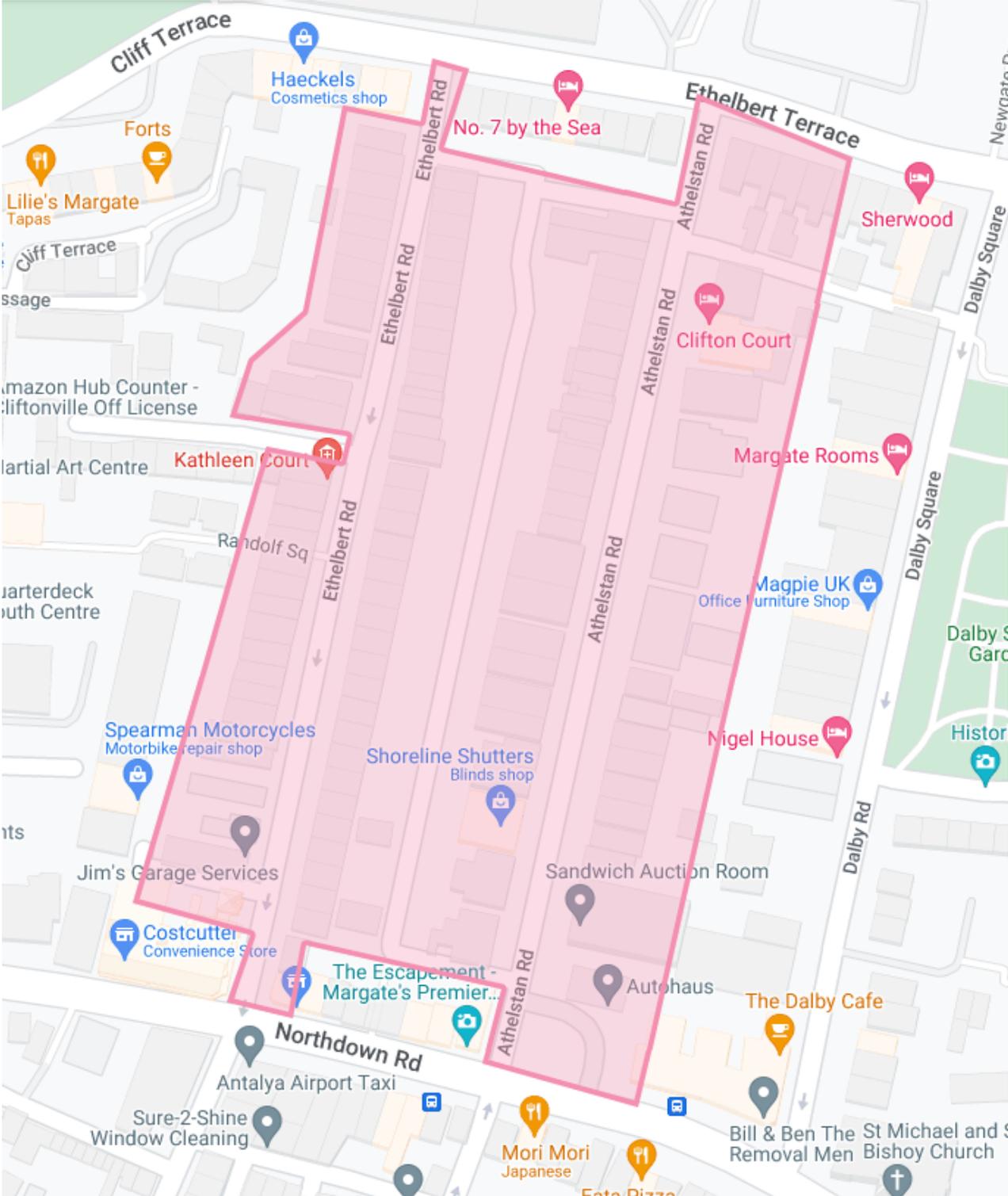
5. Date of effect

This Order shall come into effect on *****

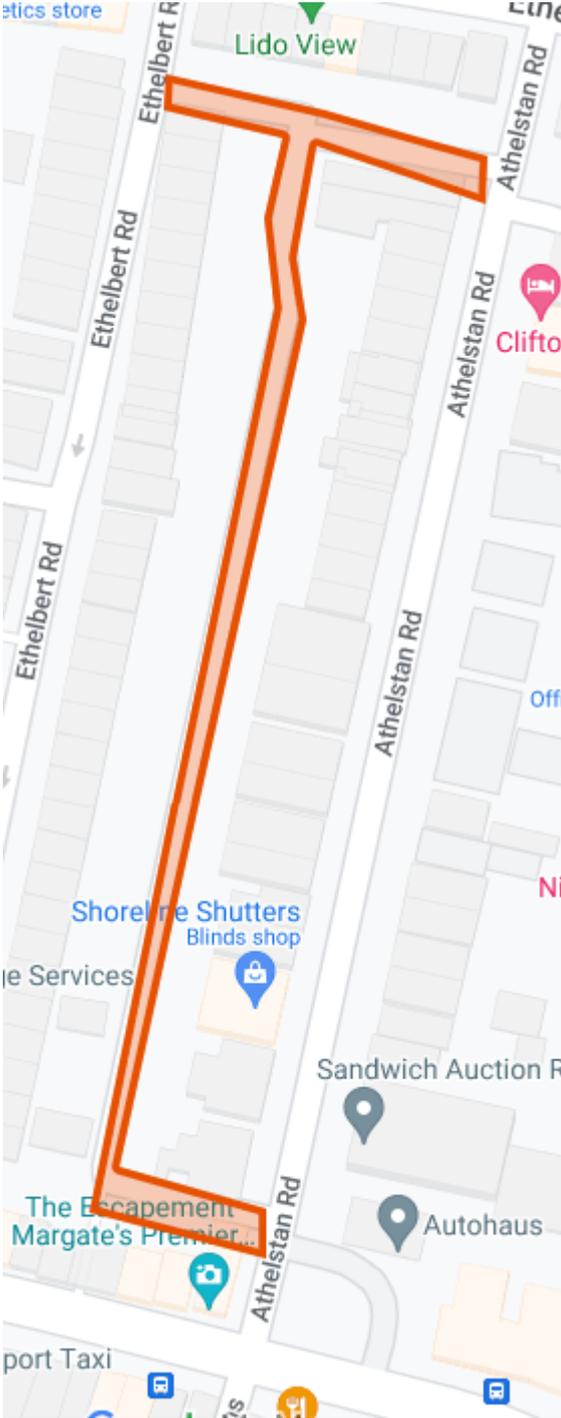
6. Length of Order

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

7. Map 1 - "Designated Area 1"



8. Map 2 - “Designated Area for gating”



Map showing proposed closed areas of the alleyway between Athelstan and Ethelbert Roads.

9. 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 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.

10. Evidence & Justification

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.

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.

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.

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.

Athelstan Road has seen a 35% increase in dumped rubbish complaints since 2019.

Ethelbert Road has seen a 58% increase in dumped rubbish reports since 2019.

Kent Police data

In the last 12 months, crime reporting specific to Athelstan & Ethelbert Road has seen a reduction: a 54% reduction on Ethelbert Road and a 35% reduction on Athelstan Road. The ward profile however shows higher than average reporting in relation to weapons possession, drug-related incidents and burglary.

Through consultation with local residents, landlords and businesses in the proposed area, the top three issues identified by survey respondents were as follows:

- Fly tipping/dumped rubbish - 89%
- Dog fouling - 53%
- How the area looks - 52%

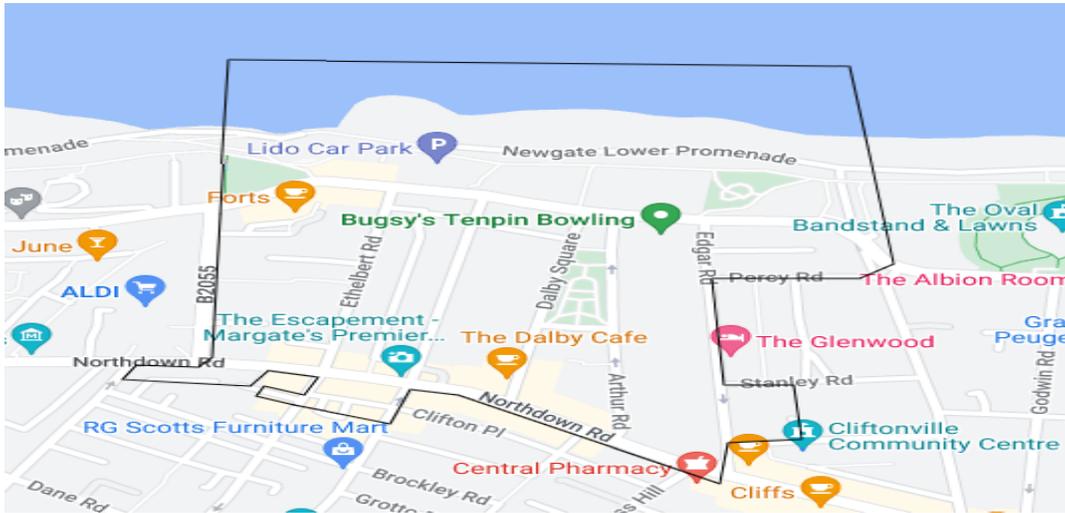
In developing this PSPO, the input from the community was at the core of the development and the following issues are predominantly the ongoing focus for the proposal of the PSPO.

- *Not presenting Waste in receptacles other than those authorised by the council.*
- *Not presenting waste in public spaces at a time other than specified collection times.*
- *Not keeping gardens, driveways and any other outdoor spaces free from litter, waste, furniture, kitchen appliances or any other items which could be considered waste.*
- *Not keeping property boundaries in a good state of repair or in such a way that presents a hazard.*
- *Generating excessive noise in a way which causes or is likely to cause nuisance or annoyance to others in the locality.*
- *Depositing clinical waste/dog faeces and household waste in publicly accessible areas.*

The implementation of the PSPO will be supported by a grant provided (in part) by the Defra Fly-Tipping Intervention Grant Scheme. Approximately £50,000 has been granted to provide CCTV in the alleyway between Athelstan & Ethelbert Road which is one of the most affected locations for fly-tipping in the district. The designated area for gating is to be redesigned as a community space accessible to residents of the two roads, utilising some of the grant funding.

11. Focus on Lower Super Output Area (LSOA) Thanet 001A

Athelstan Road and Ethelbert Road fall into the LSOA Thanet 001A, which has a population of 2510.



Summary Table for Thanet 001A

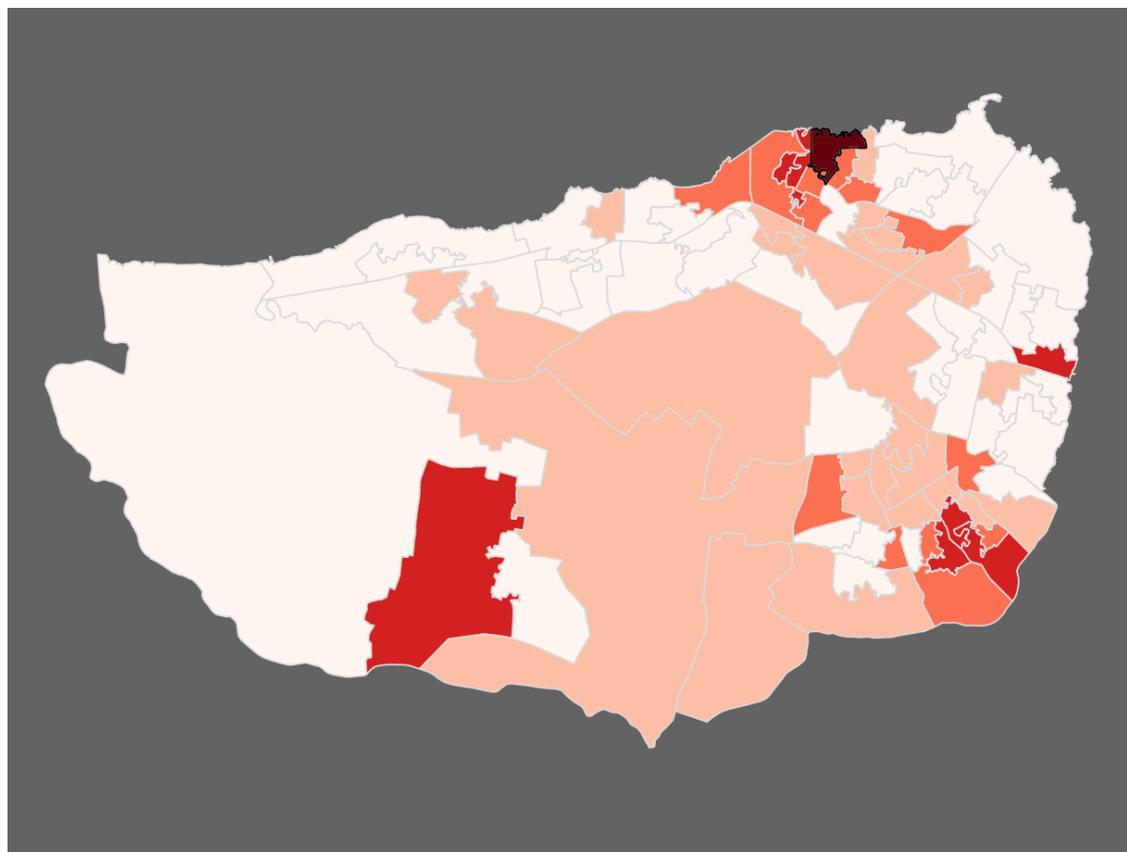
Crime Type	Rank	Per 1000 of population
dumped rubbish (M3)	1	41
possession-of-weapons	2	4
drugs	4	15
burglary	6	14
criminal-damage-arson	7	33
violent-crime	7	131
theft-from-the-person	8	2
anti-social-behaviour	9	43
other-theft	11	18
vehicle-crime	12	8
public-order	17	13
robbery	21	2
bicycle-theft	24	1
shoplifting	33	2
other-crime	40	3

Lower Super Output Area Maps

Dumped Rubbish - (council data M3)

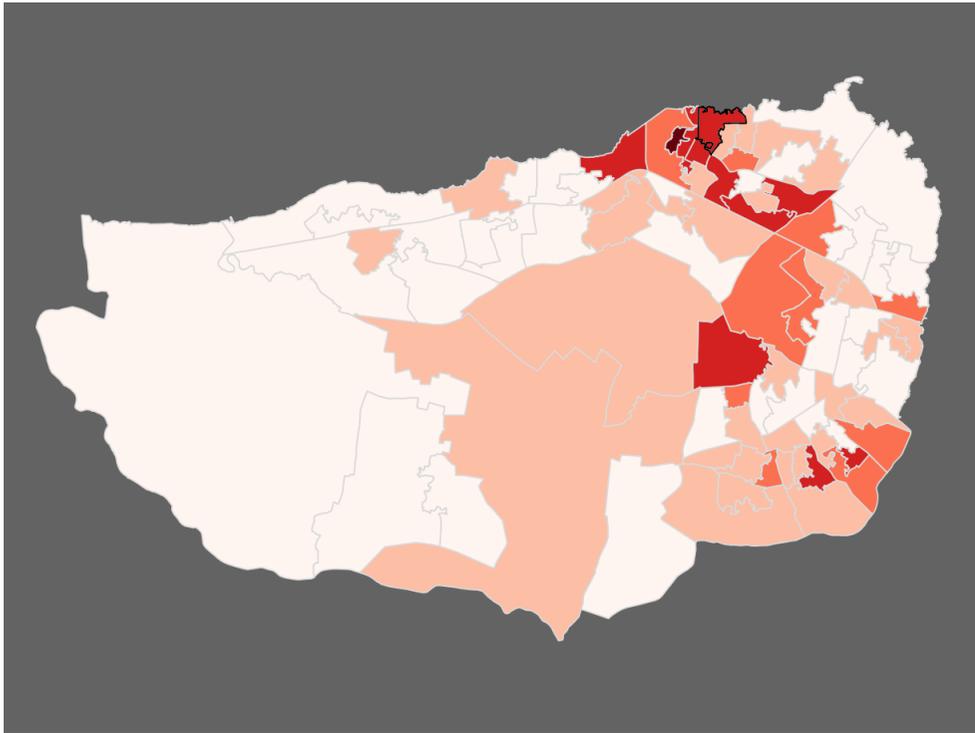
41 cases per 1000 of the population

Rank 1 out of 86 LSOAs in the district



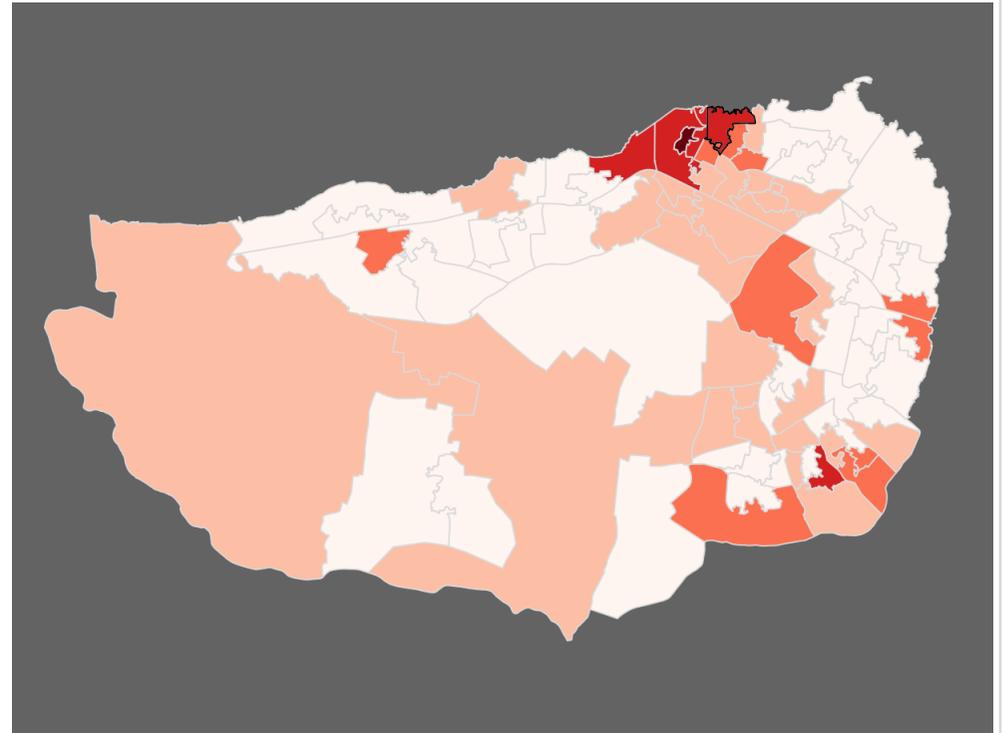
Possession of weapons (open police data)

4 cases per 1000 of the population
Rank 2 out of 86 LSOAs in the district



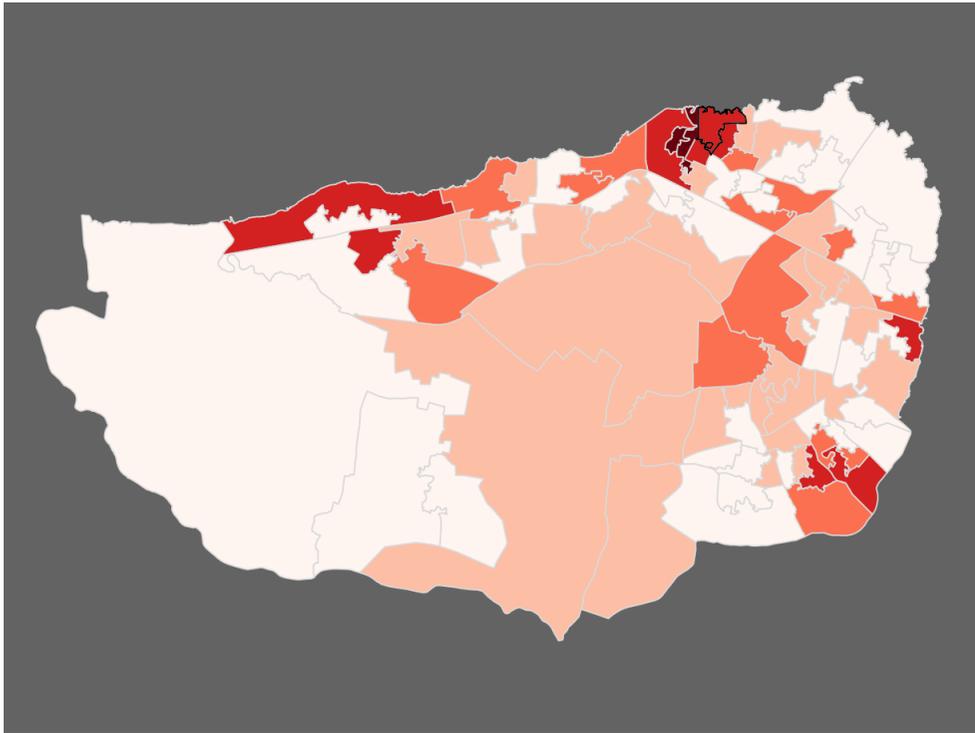
Drugs (open police data)

15 cases per 1000 of the population
Rank 4 out of 86 LSOAs in the district



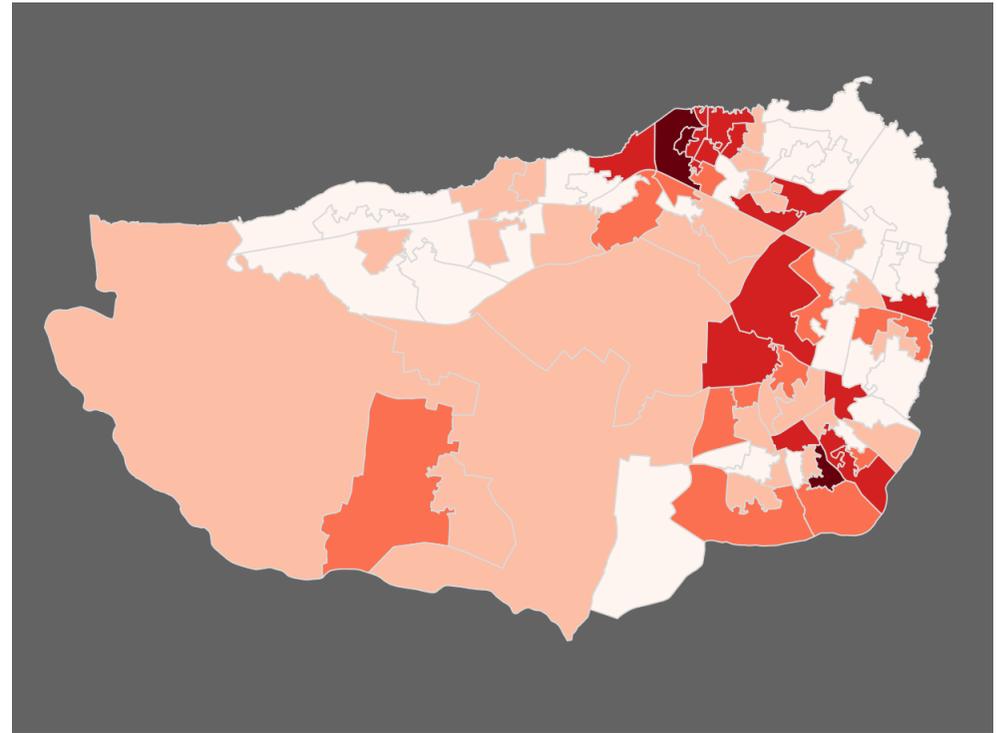
Burglary (open police data)

14 cases per 1000 of the population
Rank 6 out of 86 LSOAs in the district



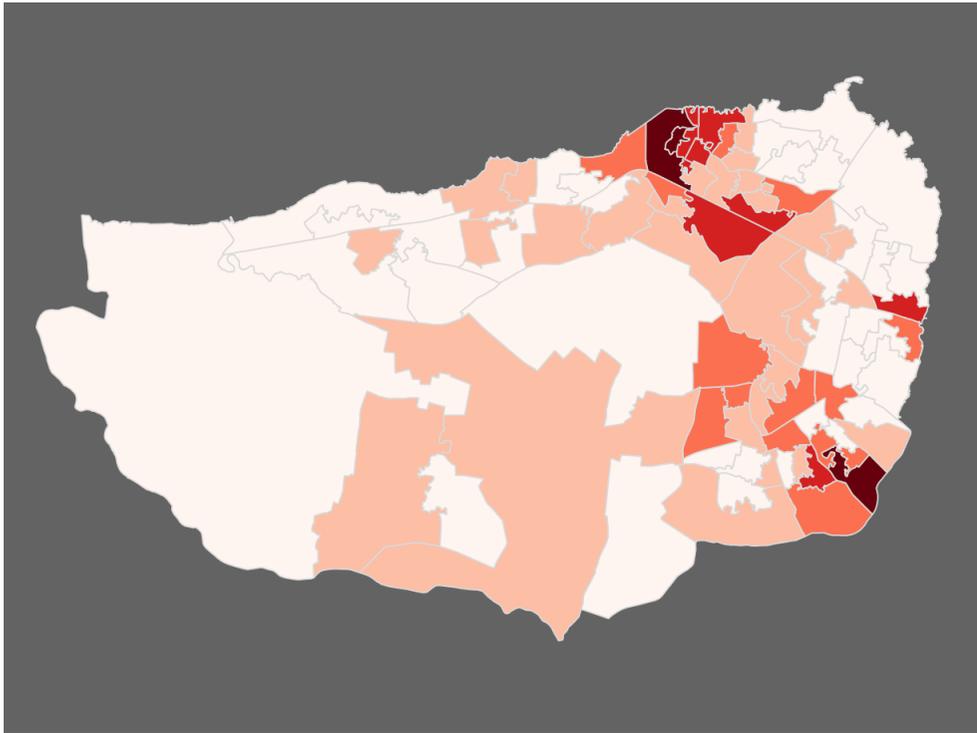
Criminal-damage-arson (open police data)

33 cases per 1000 of the population
Rank 7 out of 86 LSOAs in the district



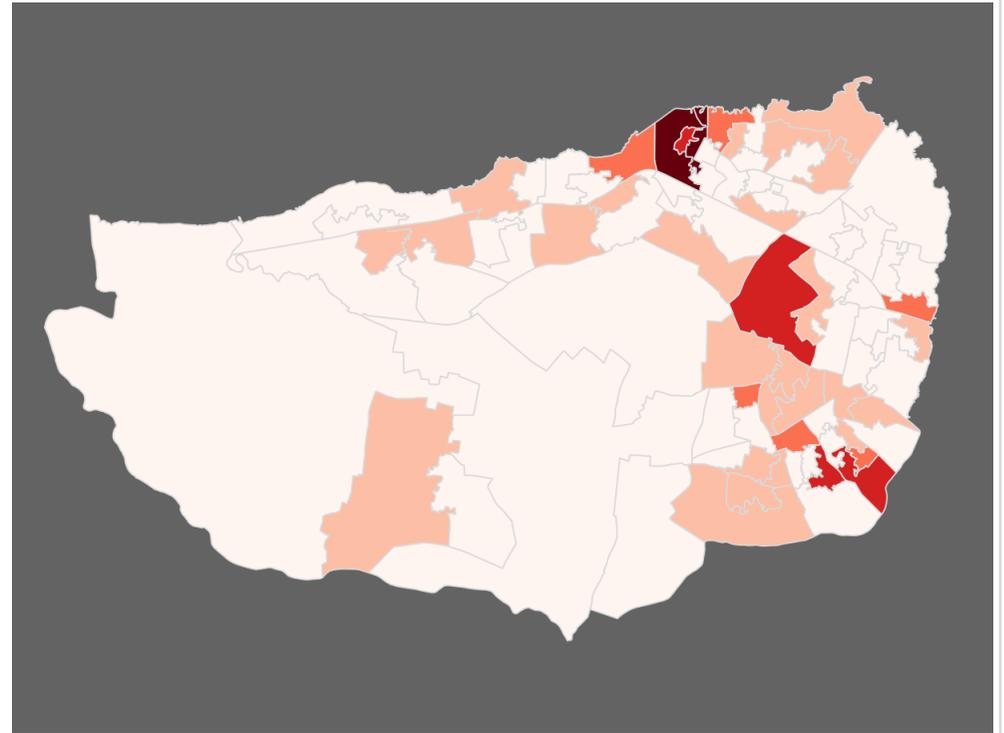
Violent-crime (open police data)

131 cases per 1000 of the population
Rank 7 out of 86 LSOAs in the district



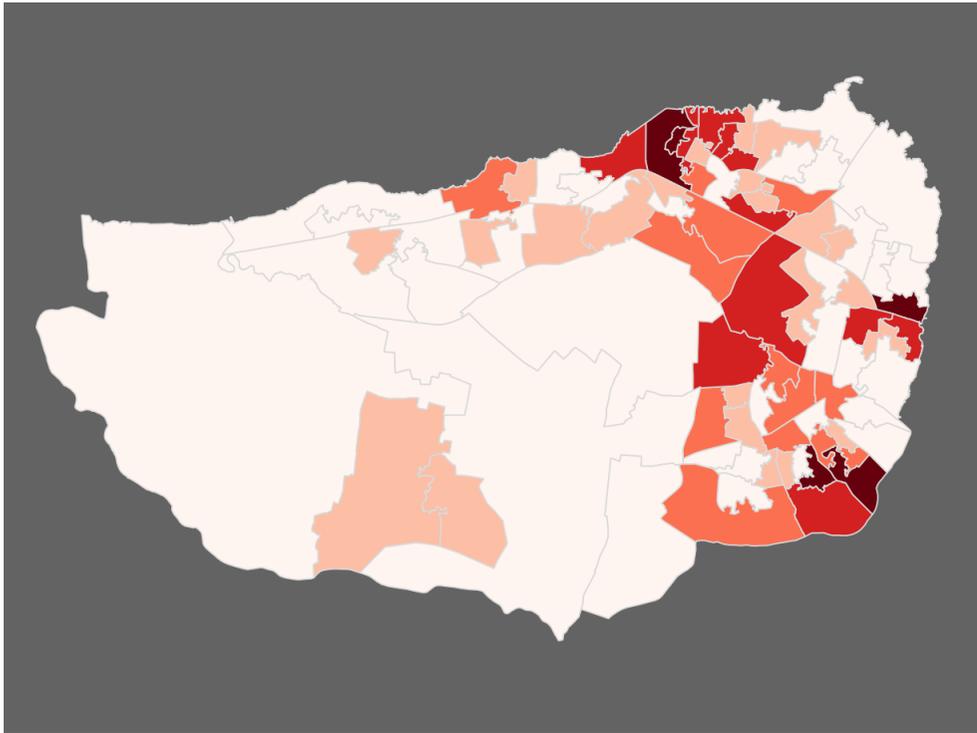
Theft-from-the-person (open police data)

2 cases per 1000 of the population
Rank 8 out of 86 LSOAs in the district



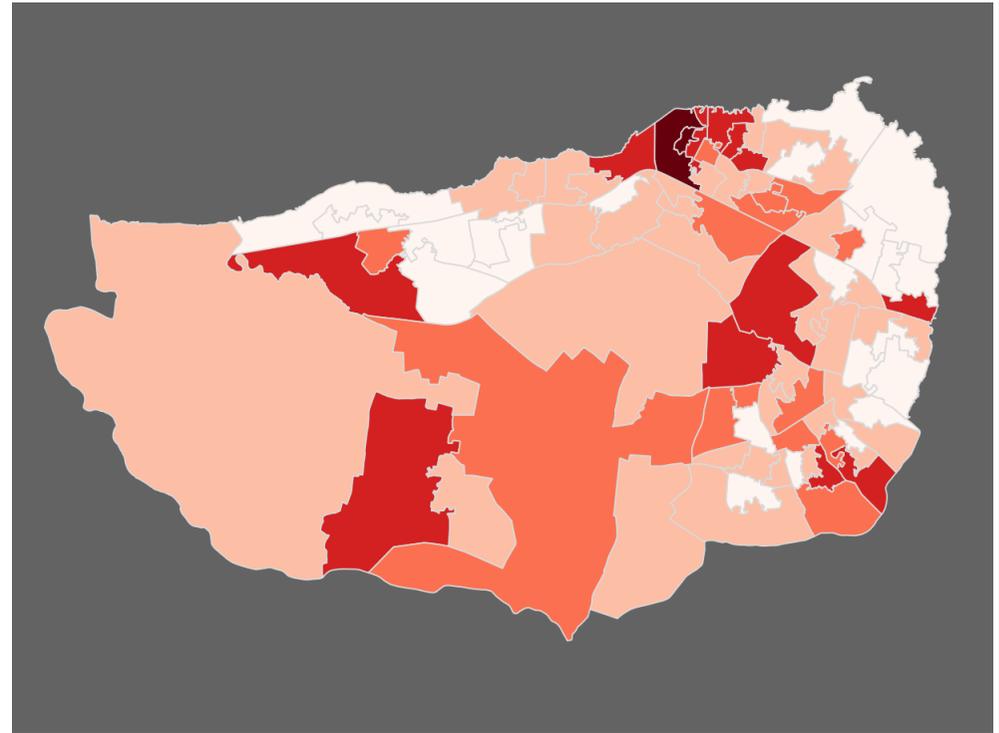
Anti-social-behaviour (open police data)

43 cases per 1000 of the population
Rank 9 out of 86 LSOAs in the district



Other-theft (open police data)

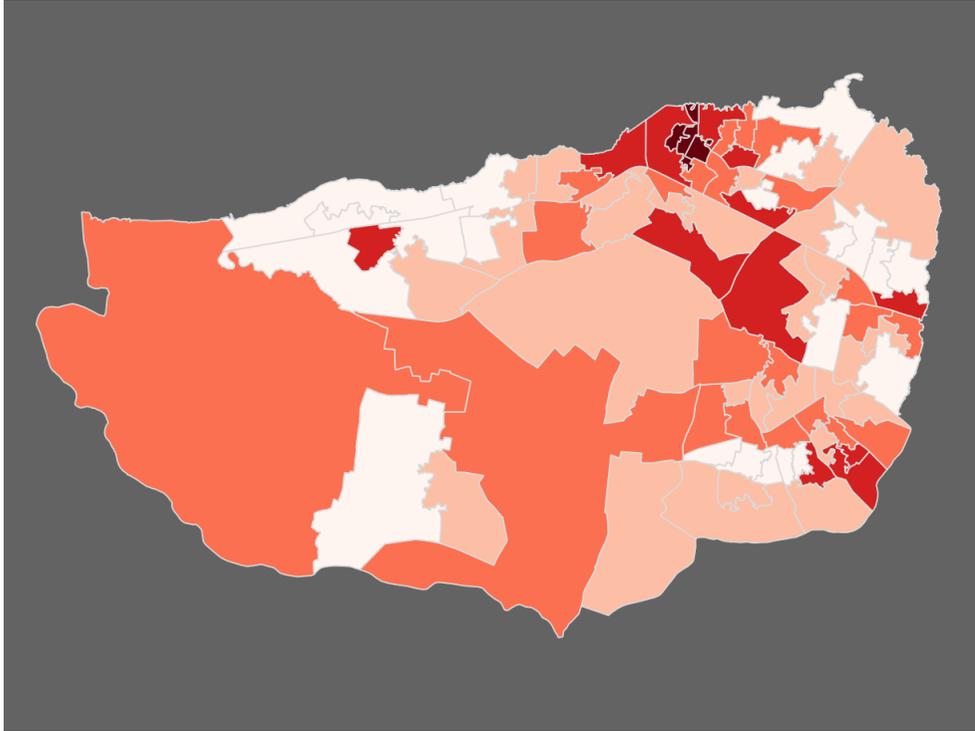
18 cases per 1000 of the population
Rank 11 out of 86 LSOAs in the district



Vehicle-crime (open police data)

8 cases per 1000 of the population

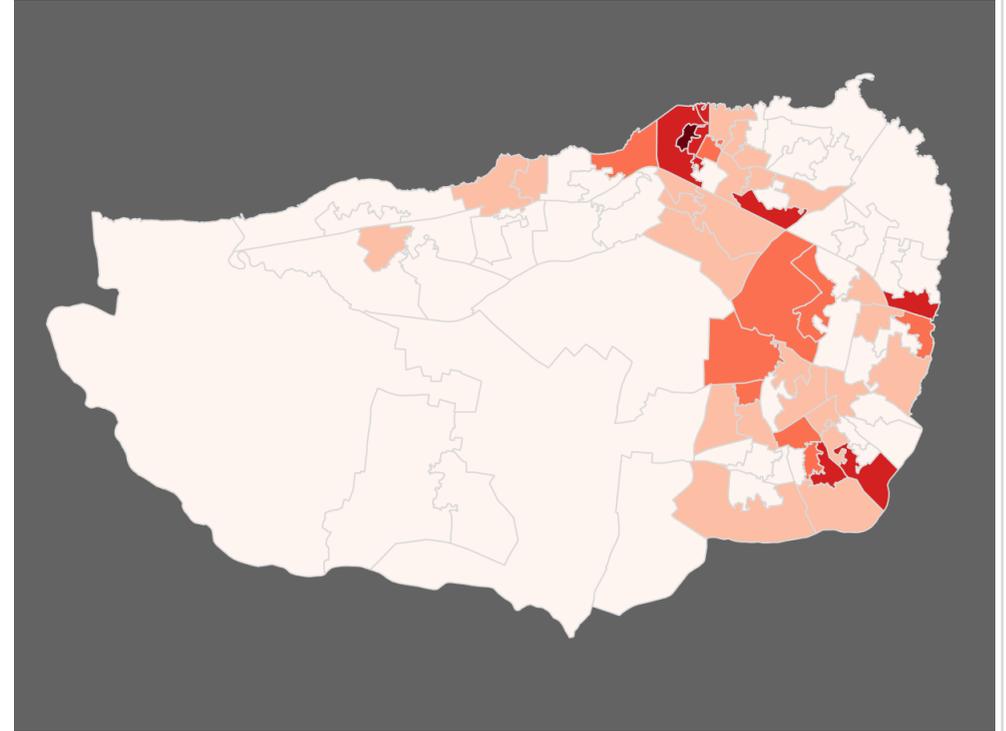
Rank 12 out of 86 LSOAs in the district



Public-order (open police data)

13 cases per 1000 of the population

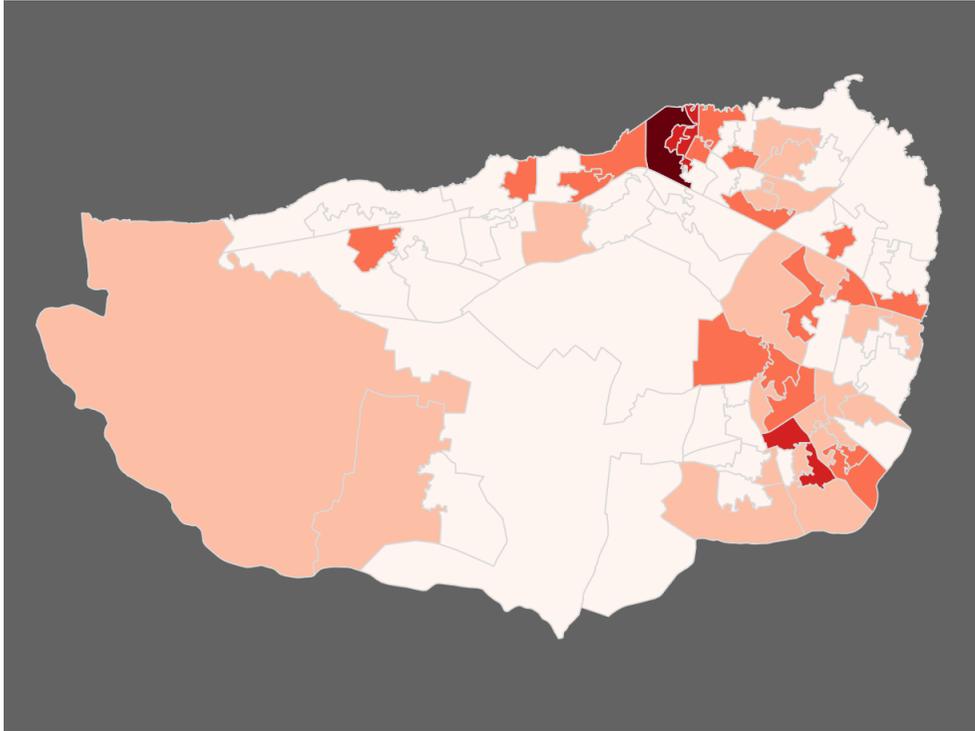
Rank 17 out of 86 LSOAs in the district



Robbery (open police data)

2 cases per 1000 of the population

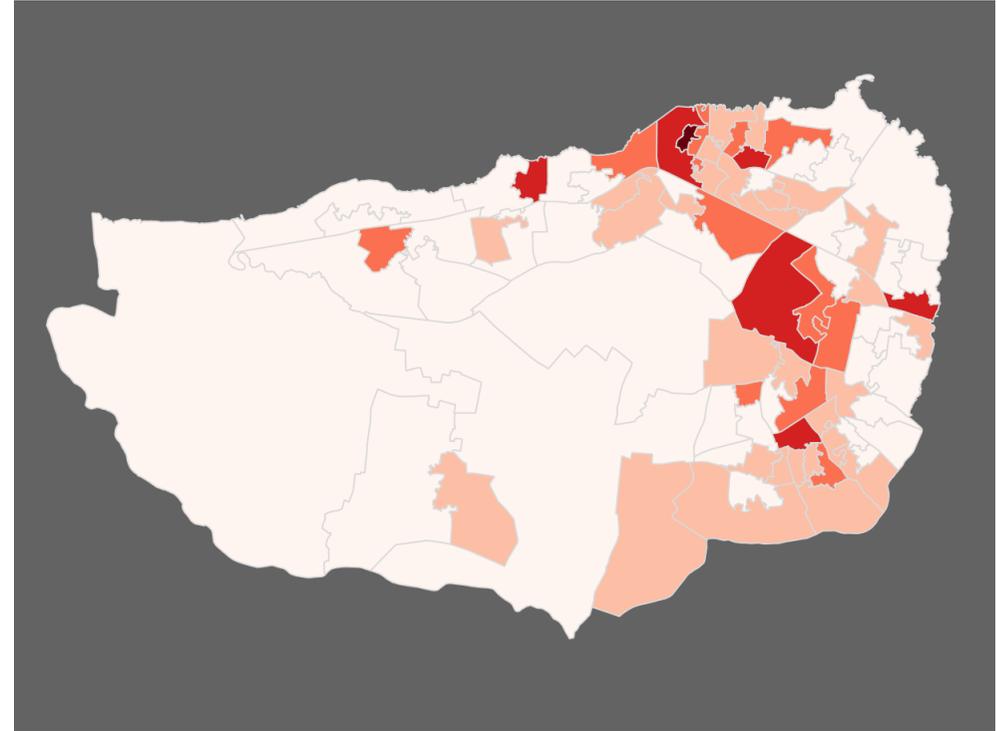
Rank 21 out of 86 LSOAs in the district



Bicycle-theft (open police data)

1 cases per 1000 of the population

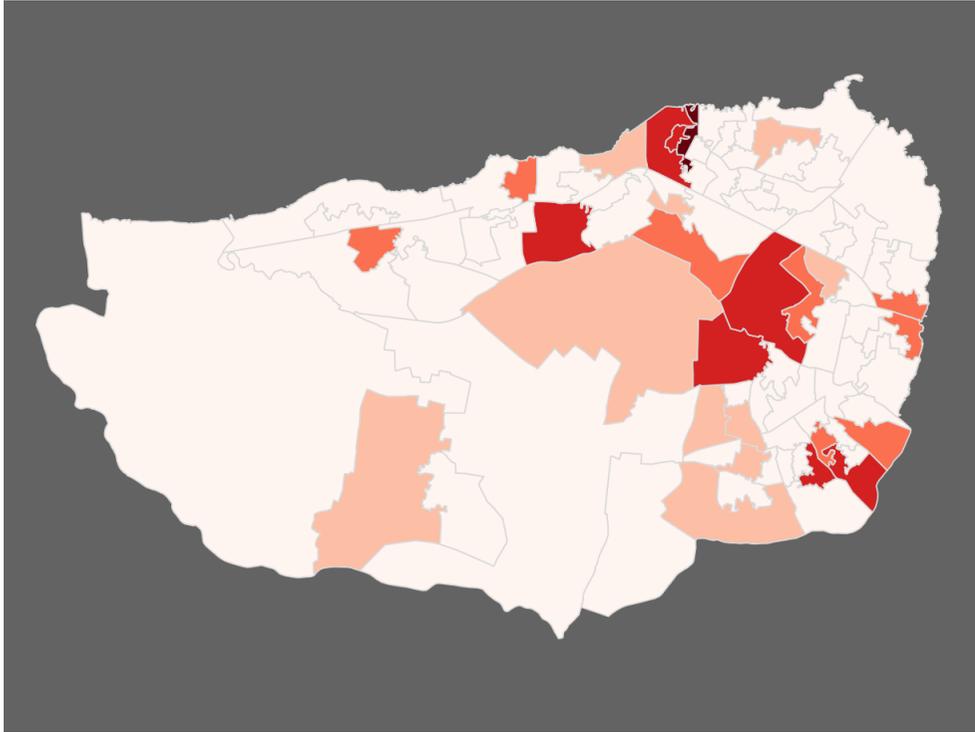
Rank 24 out of 86 LSOAs in the district



Shoplifting (open police data)

2 cases per 1000 of the population

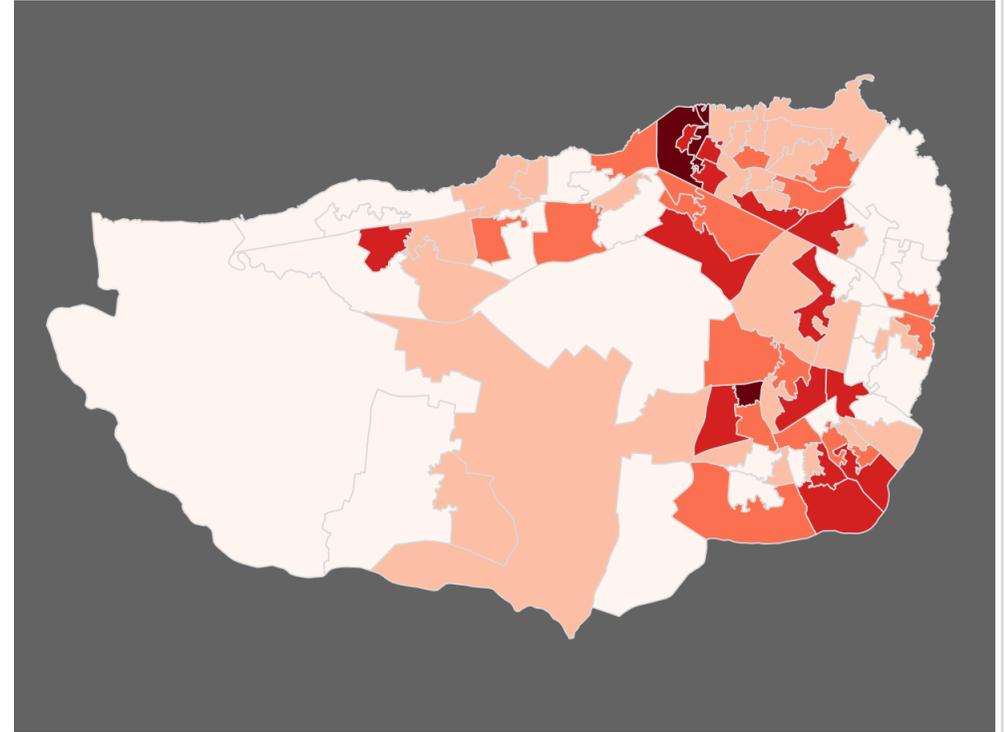
Rank 33 out of 86 LSOAs in the district



Other crime (open police data)

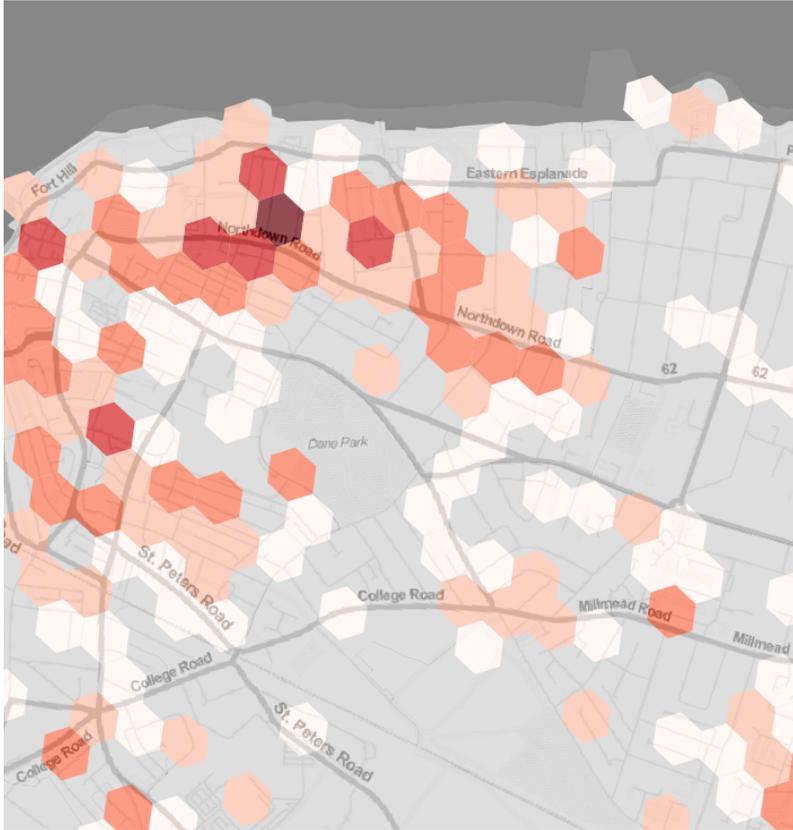
3 cases per 1000 of the population

Rank 40 out of 86 LSOAs in the district

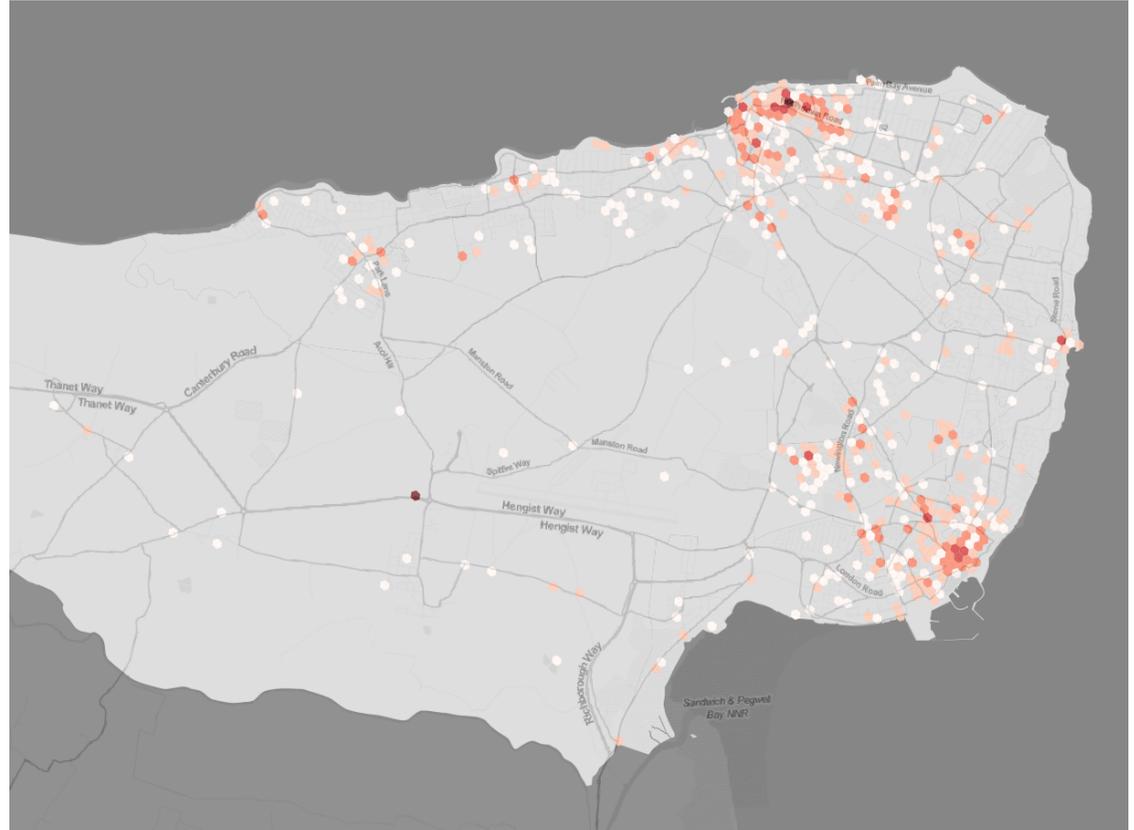


Summary at H3 hexagon - Dumped Rubbish

2nd highest in district is on the south stretch of Athelstan Road



The whole of the district.



Data sources

- Map LSOA boundaries [https://geoportal.statistics.gov.uk/search?collection=Dataset&sort=name&tags=all\(BDY_LSOA%2CDEC_2021\)](https://geoportal.statistics.gov.uk/search?collection=Dataset&sort=name&tags=all(BDY_LSOA%2CDEC_2021))
- Police Data <https://data.police.uk> Nov 2021 to Oct 2022
- Dumped Rubbish M3 data Dec 2021 to Nov 2022
- H3 hexagons. <https://www.uber.com/en-GB/blog/h3/>

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 the capacity to cause harassment, alarm and distress to 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 Thanet District Council will be authorised 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, appropriate support and advice will be given in the first instance.

Consultation

A formal public opportunity to comment 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.

The top three issues identified by the survey respondents were as follows:

- Fly tipping/dumped rubbish - 89%
- Dog fouling - 53%
- How the area looks - 52%

The consultation received 51 separate comments to proposals which were broadly in favour of the PSPO and in particular the gating order. A theme running across responses however were concerns around the council's (and police) capacity to enforce the restrictions of the PSPO.

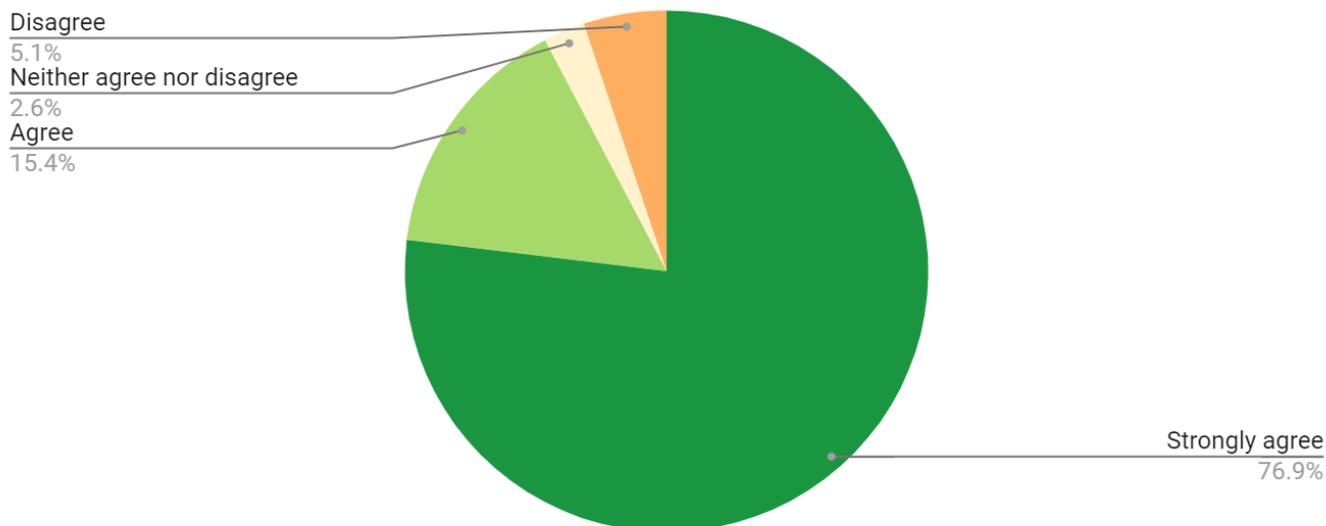
Link to Area

What is your main link to Athelstan or Ethelbert Roads?

I live in Athelstan Road	26%	
I live in Ethelbert Road	24%	
I live in a neighbouring road	14%	
I live or work elsewhere in Cliftonville or Margate	11%	
I live or work elsewhere in Thanet	8%	
I am a landlord with a property or properties in Athelstan or Ethelbert Roads	7%	
I work in a neighbouring road	4%	
I manage a property or properties in Athelstan or Ethelbert Roads	3%	
I work in Athelstan Road	3%	
I own or manage a property or properties in a neighbouring road	1%	

Agreement to PSPO

To what extent do you agree or disagree with the proposals for this PSPO?



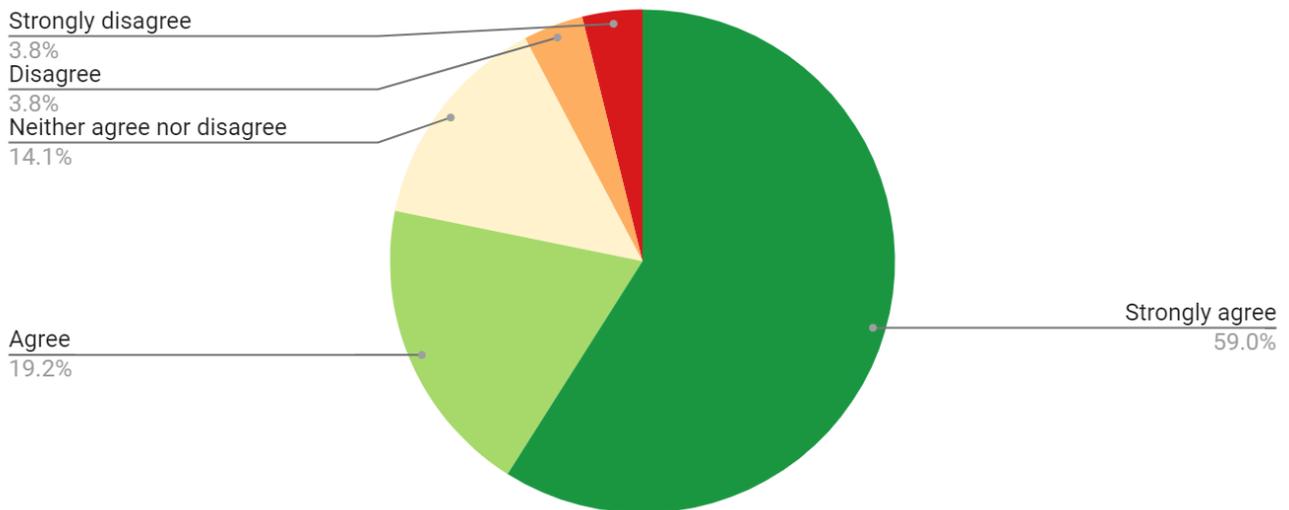
Main Concerns

Thinking about Athelstan or Ethelbert Roads, what has caused you concern over the last six months?

Number of responses	74	
Fly tipping / dumped rubbish	66	89%
Dog fouling	53	72%
How the area looks for example run down	52	70%
Groups of people hanging around	43	58%
Regular unreasonable noise	35	47%
Graffiti	26	35%
Incidents heard about from friends or neighbours	18	24%
Street lighting	17	23%
You've witnessed a crime	17	23%
You've been a victim of crime	4	5%
Other	17	23%

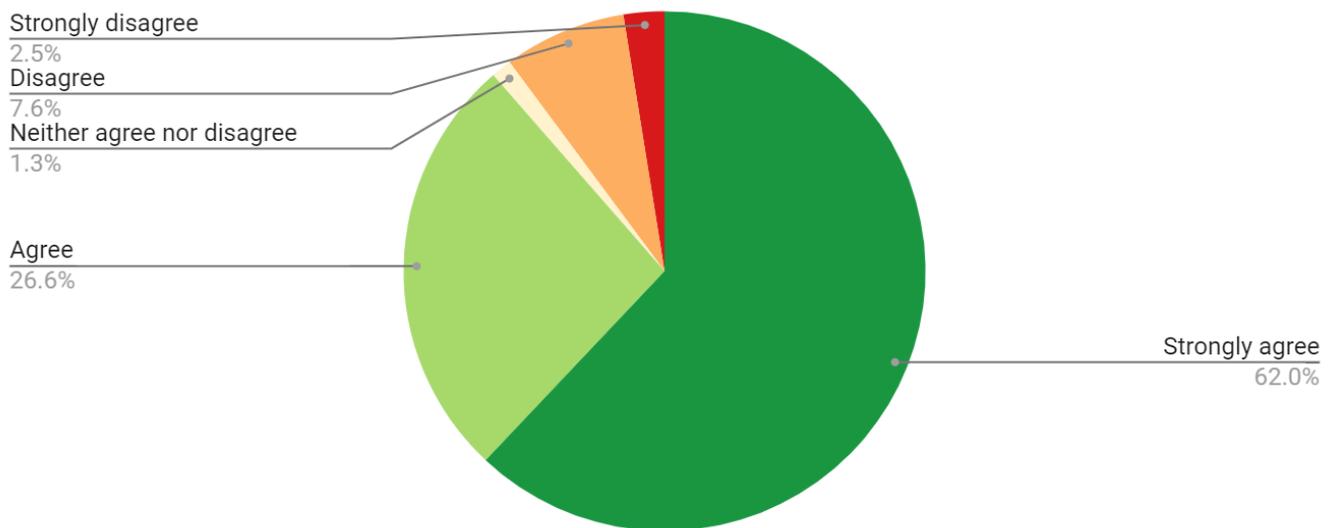
Impact - Household

To what extent do you agree or disagree that the proposals will have a positive impact on you and your household?



Impact - Quality of life

To what extent do you agree or disagree that the proposals will have a positive impact on the quality of life for the local community?



Additional consultation also took place with identified relevant persons

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

- Cllr George Kup, Cabinet Member for Community Safety and Youth Engagement, - was briefed in advance of this process, along with the council's Cabinet.
- All Ward Councillors with responsibility for the areas affected by these proposals were met individually and were in support of the proposals.
- Athelstan Road Tenants and Residents Association (ARTRA)

- Landlord & Agents within the two streets – provided with copies of the public consultation
- The Thanet District Commander for Kent Police
- Kent Police and Crime Commissioner
- Kent County Council Public Rights of way & Access Service
- Thanet District Council: Corporate Management Team, Regulatory Service Manager, Recycling & Waste Manager, Community Services Manager, Private Sector Licencing Manager, Principle Litigation Solicitor.

Appendix 1

Kent Police (Thanet) Certificate of Consultation

https://drive.google.com/file/d/1eCF3svfGMDbcwM_foEoiF8eoNqu1dQjO/view?usp=share_link

Appendix 2

Kent Police and Crime Commissioner Letter of agreement

https://drive.google.com/file/d/1p4pascP1GwyDaVwlQnzyF73PpNzpMkDg/view?usp=share_link

Appendix 3

Thanet District Council (TDC) Equality Impact Assessment

https://docs.google.com/document/d/1WzDfNv_ZwrzMTgyR2KPJTnQJDr3N0RJR_o3m24lhoKLk/edit?usp=sharing