

# Agenda

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## City Centre Public Spaces Protection Order Scrutiny Panel

Date: **Monday 5 October 2015**

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Time: **3.30 pm**

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Place: **St Aldate's Room, Town Hall**

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# City Centre Public Spaces Protection Order Scrutiny Panel

## **Membership**

**Chair**                      Councillor Andrew Gant

## **Vice-Chair**

Councillor Mary Clarkson

Councillor Sian Taylor

Councillor David Thomas

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# AGENDA

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<b>Background Information</b>
<p>An earlier version of the City Centre PSPO report was considered by the Scrutiny Committee on 2 June 2015 before the original decision was deferred.</p> <p>The revised City Centre PSPO report is due to go to the City Executive Board for decision on 15 October 2015.</p> <p>The Panel was established by the Scrutiny Committee to pre-scrutinise the revised City Centre PSPO in a one-off public meeting.</p>
<b>Why is it on the agenda?</b>
<p>For pre-decision scrutiny. The Panel's findings and any recommendations will be reported to the Scrutiny Committee on 6 October 2015.</p>
<b>Who has been invited to comment?</b>
<ul style="list-style-type: none"><li>- Councillor Bob Price, Leader of the Council;</li><li>- Councillor Dee Sinclair, Board Member for Crime, Community Safety and Licensing;</li><li>- Richard Adams, Service Manager, Environmental Protection;</li><li>- Jeremy Thomas, Head of Law and Governance.</li></ul>

## **DECLARING INTERESTS**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

**To: City Executive Board**

**Date:** 15 October 2015

**Report of:** Executive Director Community Services

**Title of Report:** City Centre Public Spaces Protection Order (PSPO)

## **Summary and Recommendations**

**Purpose of report:** To report on the consultation regarding a Public Spaces Protection Order for the city centre, and to seek approval of a draft Order.

**Key Decision:** Yes

**Executive lead member:** Councillor Dee Sinclair, Board Member Crime, Community Safety and Licensing

**Policy Framework:** Corporate Plan priorities – Strong, Active Communities; Cleaner, Greener Oxford

### **Recommendations:**

1. That the City Executive Board make a Public Spaces Protection Order under S 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 9 'the Act') on the terms set out at Appendix One, for the area of the city centre shown on the map at Paragraph 28 for the duration of three years from a date to be determined by the Executive Director Community Services by reference to the installation of adequate public signage and statutory notifications in accordance with the Act

<b>Appendix 1:</b>	<b>Draft PSPO</b>
<b>Appendix 2:</b>	<b>Data tables</b>
<b>Appendix 3:</b>	<b>eConsult consultation results</b>
<b>Appendix 4:</b>	<b>Crisis Skylight email and signatory list</b>
<b>Appendix 5:</b>	<b>Consultation engagement methods</b>
<b>Appendix 6:</b>	<b>Risk Assessment</b>
<b>Appendix 7:</b>	<b>Equality Impact Assessment</b>

## Introduction to Public Spaces Protection Order

1. The Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act') gained Royal Assent in April 2014. The Public Spaces Protection Order provision has been in operation since 20th October 2014. The Act is designed to put victims at the heart of the response to anti-social behaviour, and give professionals the flexibility they need to deal with any given situation.
2. Public Spaces Protection Orders (PSPOs) are intended to provide means of preventing individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature; and be unreasonable.
3. PSPOs also create a framework that either replaces or updates existing public space restrictions such as alcohol Designated Public Place Orders and Dog Control Orders and permits local authorities to introduce new regulations.
4. The power to make an Order rests with local authorities, in consultation with the police and other relevant bodies who may be affected.
5. A local authority can make a PSPO in respect of any public space within its administrative boundary. The definition of public space is wide and includes 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.
6. A PSPO can be in force for any period up to a maximum of three years.
7. Appeals against a draft PSPO can be made in the High Court within six weeks of issue by anyone who lives in, or regularly works in or visits the area. Further appeal can be made if a PSPO is varied by a local authority.
8. Section 59 of the Act sets out the basis on which local authorities may make a PSPO. It provides as follows -
  - (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
  - (2) 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.
  - (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.
  - (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and—

- (a) prohibits specified things being done in the restricted area,
  - (b) requires specified things to be done by persons carrying on specified activities in that area, or
  - (c) does both of those things.
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
- (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
  - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- (6) A prohibition or requirement may be framed—
- (a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;
  - (b) so as to apply at all times, or only at specified times, or at all times except those specified;
  - (c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.
- (7) A public spaces protection order must—
- (a) identify the activities referred to in subsection (2);
  - (b) explain the effect of section 63 (where it applies) and section 67;
  - (c) specify the period for which the order has effect.
- (8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.
9. The restrictions and requirements included in a PSPO may be comprehensive or targeted on specific behaviours by particular groups and/or at specified times.
10. Orders can be enforced by a police officer, a police community support officer, designated council officers and employees of other delegated organisations. The council's Anti-Social Behaviour Policy section 4.3 describes the council's approach to enforcement and states that all cases will be addressed firmly, fairly and proportionately. The policy goes on to say that we will always seek to resolve cases at the lowest level of intervention, taking formal action when the ASB is serious or persistent or when it threatens people's safety or health.
11. The policy is available on the council's website.
12. A breach of the PSPO can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a level 3 fine of up to £1000 on prosecution.
13. In establishing a PSPO, appropriate signage must be displayed in accordance with the requirements of the Act.
14. The Authority is also bound by the terms of the Human Rights Act 1998 and must not act in a way which is incompatible with a Convention right. Human

rights are enforced through existing rights of review and may therefore be taken as points in any challenge to the validity of any Order made by the Authority.

15. If Convention rights are engaged (as they are with the making of a PSPO) any interference with them must be –
  - (a) In accordance with the law (in other words the Board must be satisfied that the statutory conditions in S59 set out above are satisfied)
  - (b) In pursuit of a legitimate aim (in this instance the control of activities which, if not controlled, would have a detrimental effect on the quality of life of those in the locality) and
  - (c) A proportionate means of achieving the legitimate aim
16. The two issues which must therefore be addressed for every proposed restriction in the PSPO are whether the statutory criteria are met and whether the restrictions proposed are proportionate having regard to the legitimate aim of preserving the quality of life for everyone who lives or works in or who visits the city centre.
17. The Board must also have regard to the public sector equality duty at s149 of the Equality Act 2010, which is as follows –
  - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
  - (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in (1) above.
  - (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
    - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
    - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
    - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
18. The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.



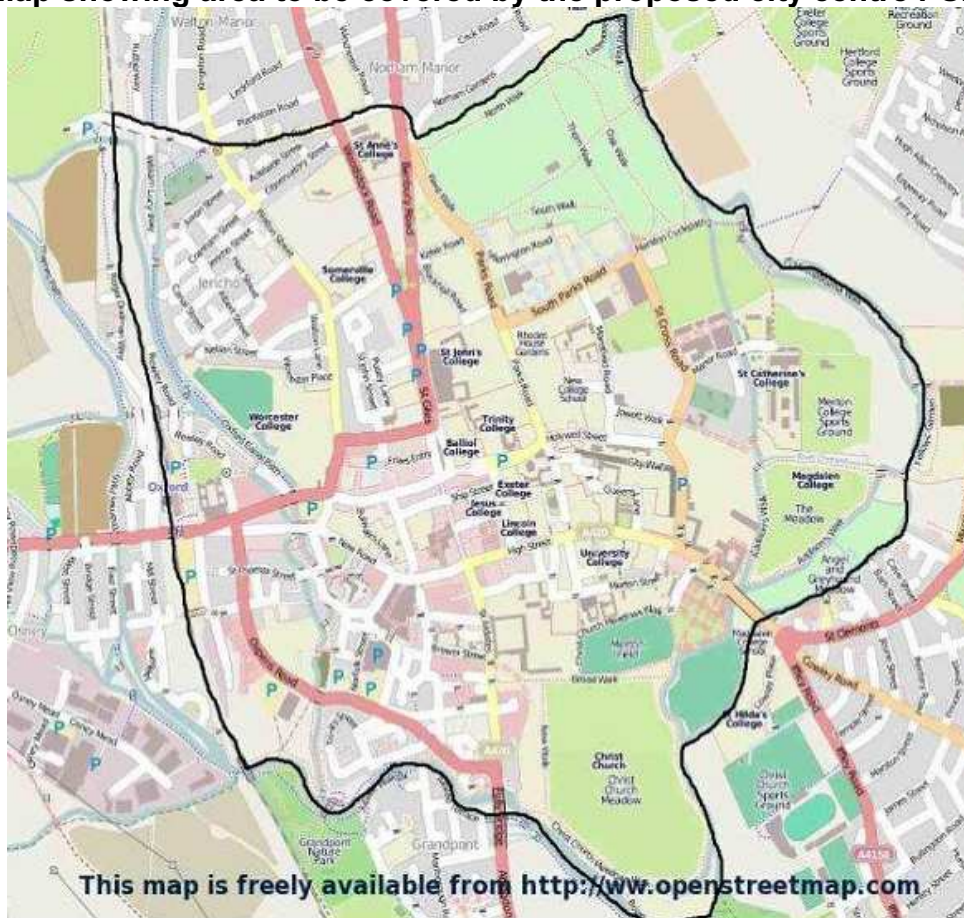
## Overview of the City Centre

19. Oxford's population grew by 12% over the decade 2003–2013, making it the eighth fastest growing English city. It has 155,000 residents and an additional 45,000 people live in adjacent urban areas. The city's population is projected to reach 165,000 by 2023.
20. Oxford has the seventh highest number of international visitors for any UK city. An estimated nine million domestic and international visitors come to the city for tourism each year.
21. Footfall statistics show an estimated 320,000 people per week access Cornmarket Street, peaking between 11 a.m. and 4 p.m. with over 5,000 visitors per hour. Figures for Queen Street show a total of 230,000 people per week, with a similar pattern over 3,000 visitors per hour during peak times.
22. The Oxford city centre Police Inspector has provided an overview of the issues his team faces in the city centre.
23. "I have been a Police officer for Thames Valley Police for approximately 15 years and I have worked in Oxford City for 7 of those years, first arriving in the City in 2007 as a neighbourhood Sergeant for the City Centre neighbourhood where I was in post for approximately two and a half years. I returned to Oxford City centre as the neighbourhood Inspector in 2013 and have remained in my position for approximately 2 years.
24. My role on the neighbourhood has been to manage a team of officers whilst working with partners and residents to problem solve the priorities that have been identified by the local community.
25. Throughout my time as both a Sergeant and Inspector there have been a number of areas that continue to be raised by the public that are having a detrimental effect on the lives of those that live in and attend the area of Oxford City Centre. These issues include begging, street drinking, graffiti, cycling on pavements or in prohibited areas, dogs that are not on the leads, pedlars, and buskers. Over the 7 years since I first started on the neighbourhood these issues have been tackled using a variety of different tactics to both deal with the behaviours/offences and the causes of the behaviours. In spite of all this work these behaviours continue to be seen in the area and continue to be complained about.
26. In spite of all this work these behaviours continue to be seen in the area and continue to be complained about due to their having a detrimental impact on the quality of life for those in Oxford City centre. The nature of these activities and behaviours are unreasonable and are likely to continue in spite of the tactics used to date. It is for this fact that I believe the restrictions contained within the proposed PSPO are entirely justifiable."

## Consultation

27. A full programme of public consultation using the council's eConsult questionnaire began on Monday 9<sup>th</sup> February and concluded on the 31<sup>st</sup> March 2015. Engagement methods to encourage respondents included:
- Media coverage and press release
  - Over 3000 letters sent to businesses, universities and residents within the area of the order.
  - Public consultation face-to-face on the street
  - Representation at key forums
  - Consultation with Thames Valley Police and the Police Crime Commissioner's office
28. The table in Appendix 2 illustrates the results of the eConsult consultation received up to the closing date on the 31<sup>st</sup> March 2015 and for 26<sup>th</sup> March 2015. From the 26<sup>th</sup> March to the end of the consultation period, and beyond, there was significant media interest in the proposals generated by an on-line petition. Responses to the eConsult questionnaire increased by 128%. 58% of respondents stated they visited, lived or worked in, the city centre. A further 32% stated they live in Oxford but not in the city centre.

### Map showing area to be covered by the proposed city centre PSPO



29. Initial consultation with a cross party group of Members resulted in the proposed prohibition on feeding pigeons, being withdrawn from the draft order. While

acknowledging the impact large flocks of pigeons in the city centre, it was felt that there were more effective methods for controlling numbers.

30. Following the end of the consultation period a number of additional representations were made to the Council concerning the proposal to include a prohibition restriction people from sleeping on the streets when they have accommodated. This proposal is also not being pursued within the draft Order recommended by this report.
31. The Board should have regard to the entirety of the consultation responses set out in Appendix 2.
32. CEB deferred consideration of a city centre PSPO at its meeting held on the 11<sup>th</sup> June due to the submission, on the day of the meeting, of a detailed legal opinion commissioned by the National Council for Civil Liberties. As the opinion made a number of criticisms of the June report the opportunity has been taken to address those criticisms by re-drafting sections of the report. This report differs therefore from the report before CEB in June of this year.
33. The principal criticisms of the June CEB report made by the Liberty opinion related to three matters. First, it was said that the statutory conditions which must be satisfied before a PSPO can be adopted were not met by the previous report. This report deals with that issue more clearly and comprehensively by addressing the statutory criteria for each aspect of the proposed Order. Second, that the report had not dealt adequately with the public sector equality duty (S149 Equality Act 2010). This report also deals with that issue more comprehensively and the equality impact assessment has been re-drafted and expanded. Third, that there were legal flaws in specific prohibitions, namely begging, remaining in a public toilet and busking. Whilst it is not accepted that the previous prohibitions were incapable of being lawfully adopted, the opportunity has been taken to amend the prohibitions in respect of begging and busking such that the criticisms are no longer applicable. Remaining in a public toilet without reasonable excuse is still a recommended prohibition and in the view of the Council's Solicitor the Board may lawfully adopt it.
34. The remainder of this report deals with each of the behavioural issues dealt with by the draft Order, paying particular regard to whether the statutory conditions are met, and if so, the proportionality of the proposed restrictions. The statutory conditions are whether the activity has a detrimental effect on the quality of life of those in the locality, and is persistent and unreasonable.

### **Begging**

35. Between the 1st July 2014 and 15th June 2015 there were 89 reports of begging made to the police in Oxford. There were 41 arrests or voluntary interviews for begging under the Vagrancy Act 1824.
36. On the 30<sup>th</sup> October 2014 the police introduced a 48-hour dispersal authorisation from George Street to Little Clarendon Street to deal with begging.

37. eConsult survey results found that during the last 12 months, of the total respondents:
- 81% had seen this issue in Oxford city centre
  - 16% felt that the situation had got worse, 9% felt it had got better
  - 40% had been affected by begging in the last 12 months
  - 34% felt it should be included in a PSPO, 54% felt it shouldn't
38. Published independent research from DrugScope, 2004: "Drug Misuse and Begging" concludes that the majority of the funds raised through begging are used to sustain a significant substance misuse habit, not for food or shelter.
39. This conclusion is supported by Oxford City Council's independent research into the effectiveness of the council's Kindness Can Kill campaign in 2012. The research found that the majority of money from begging is used by drug users and those addicted to alcohol to sustain their habits. Supported by local homelessness organisations, the council and police, the campaign encouraged members of the public not to give to people begging but to donate to local homeless charities instead. The views of Crisis, are attached as Appendix Four, who do not condone aggressive or threatening behaviour but, alongside a number of charities who support the homeless, were concerned that persistent begging was proposed within the order.
40. Freedom of Information figures from 34 of the 43 police forces in England and Wales, obtained by the BBC in July 2015, suggest that less than one in five beggars are in fact homeless.
41. Begging is illegal under the Vagrancy Act 1824 and enforced by the police by way of arrest and summons to court. It is a recordable offence which allows the court to impose community sentences. The PSPO provides an alternative to arrest, through FPNs (£100) or a summons to court.

42. Conditions test for begging.

<p>Condition 1: Detrimental effect on those in the locality</p>	<p>89 reports of begging in a 12 month period to the police. 40% of people who responded to the survey had been affected by the activity in the city and 34% of people who responded to the survey agreed that the activity should be included in the PSPO. National research shows that begging primarily funds substance misuse.</p>
<p>Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable</p>	<p>Patterns of recorded incidents to the police occur throughout the year. Begging by nature is often persistent whether through "location" or "mobile" begging as an individual will rarely beg for money just once. The effect of the activity of begging is unreasonable to some members of the public who feel intimidated or harassed by those begging.</p>

Condition 2 (c): justifies the restrictions imposed by the notice	The order provides a power to authorised officers to reduce or prevent aggressive begging continuing, occurring or recurring. The order will target aggressive begging, including begging near cash machines or when a person is made to feel intimidated or harassed.
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### Proper use of public toilets

43. Significant health and safety issues are being raised with regard to substance misuse, vandalism and sleeping in public toilets. The council are responsible for the upkeep, maintenance and safe use of the facilities. Records from Oxford City Council Street Scene Operatives show that between January and June 2015 there were 72 incidents relating to city centre toilets, including:
- On 15 occasions, a person was found drinking alcohol in the toilet or alcohol containers were found.
  - On 26 occasions, one or more people were sleeping or occupying the toilet for an extended period of time.
  - On 9 occasions, a person was found using drugs in the toilet or drugs paraphernalia was left in the toilet. There has been one death from a drug overdose in the toilet in the time period. A further two overdoses occurred in July.
  - Other incidents include lighting fires and vandalism.
44. eConsult survey results found that during the last 12 months, of the total respondents:
- 9% had seen this issue in Oxford city centre
  - 4% felt that the situation had got worse, 1% felt it had got better
  - 6% had been affected by the issue
  - 33% felt it should be included in a PSPO, 48% felt it shouldn't
45. The data demonstrates how public facilities are being used for illicit purposes, denying access to the public and costing a significant amount of money to clean and maintain. Over the weekend of the 3<sup>rd</sup> July a dispersal power was invoked by the police in the area of one toilet block to deal with the anti-social behaviour and substance misuse taking place.
46. Conditions test for proper use of public toilets.

Condition 1: Detrimental effect on those in the locality	72 incidents of these activities in the first six months of 2015. 33% of people who responded to the survey agreed that the activity should be included in the PSPO. Council staff are put at risk when having to remove people and drug-related paraphernalia from the toilets.
Condition 2 (a) and (b): Effect of the activities are	Patterns of recorded incidents to the council occur throughout this year.

persistent and unreasonable	It is unreasonable to deny others access to public facilities or leave drug paraphernalia in the toilets. The facilities are used by families and young children.
Condition 2 (c): justifies the restrictions imposed by the notice	The order provides a power to authorised officers to reduce or prevent activities in toilets that are continuing, occurring or recurring. The order will target behaviours that are a risk to the public accessing the facilities and the perpetrator.

### Urination and defecation in public spaces

47. Police data shows that between 1<sup>st</sup> August 2014 and 29<sup>th</sup> July 2015, there were 20 incidents of urinating or defecating in public in the city centre. This is very likely to be below the actual number of occurrences due to the nature of the offence.
48. eConsult survey results found that during the last 12 months, of the total respondents:
- 32% seen this issue in Oxford city centre
  - 10% felt that the situation had got worse, 1% felt it had got better
  - 25% had been affected by the issue
  - 58% felt it should be included in a PSPO, 29% felt it shouldn't
49. Conditions test for urination and defecation in public spaces.

Condition 1: Detrimental effect on those in the locality	There were 20 incidents logged by the police. 58% of respondents felt that this activity should be included in the PSPO, with 32% having seen it take place.
Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable	Business premises regularly have to clean up their properties. It is unreasonable to urinate or defecate in a public place.
Condition 2 (c): justifies the restrictions imposed by the notice	The order provides a power to authorised officers to reduce or prevent urination or defecation that are continuing, occurring or recurring. The order is proportionate in tackling the public health risk of this activity.

### Cycling prohibitions

50. Officers have witnessed the issue on a daily basis and ran an operation in 2014. Over five days officers spoke to 320 people regarding cycling in the restricted areas of Queen Street and Cornmarket Street.
51. In July 2015, officers conducted a two-hour operation in Queen St and Cornmarket St and spoke to 51 people contravening the traffic order. Four

members of the public complimented officers on the action they were taking.

52. Footfall figures for the two streets put the number of people using the area at over 3,000 per hour.
53. eConsult survey results found that during the last 12 months, of the total respondents:
- 67% seen this issue in Oxford city centre
  - 3% felt that the situation had got worse, 19% felt it had got better
  - 41% had been affected by the issue
  - 40% felt it should be included in a PSPO, 44% felt it shouldn't
54. Conditions test for cycling in prohibited areas.

<p>Condition 1: Detrimental effect on those in the locality</p>	<p>The Traffic Restriction Order was introduced to reduce the risk of harm to the public and cyclists during the peak hours of 10 a.m. to 6 p.m. Contravention of the order increases the risk of accidents between pedestrians and cyclists. 41% of respondents had been affected by the issue, and 40% felt that this activity should be included in the PSPO. 67% of respondents have seen it take place.</p>
<p>Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable</p>	<p>As evidenced by the operations, the activity occurs many times each day. The increased risk of harm to pedestrians and cyclist is unreasonable.</p>
<p>Condition 2 (c): justifies the restrictions imposed by the notice</p>	<p>The order provides a power to authorised officers to reduce or prevent cycling in restricted areas that are continuing, occurring or recurring. The order is proportionate in supporting an existing traffic restriction to prevent injury to cyclists and pedestrians.</p>

### **Busking and street entertainment**

55. There are 501 complaints logged by the council between 2004 and 2014. The seasonal profile shows complaints tend to begin in March and remain stable until June. In July and August there is a peak in complaints to nearly double the June levels. Between October and February the number of complaints remains low.
56. In 2010 a dedicated email address was created to handle all noise complaints reported to the council. To date 160 complaints have been sent to the email address. However, busking complaints often come in by telephone and an officer attends immediately, therefore they are not captured on the email system or logged as a case.

57. eConsult survey results found that during the last 12 months, of the total respondents:
- 54% seen this issue in Oxford city centre
  - 11% felt that the situation had got worse, 4% felt it had got better
  - 26% had been affected by the issue
  - 32% felt it should be included in a PSPO, 53% felt it shouldn't
58. Oxford has a Busking Code of Conduct that has been in operation for over a decade. Discussions have taken place with interested parties who have worked with York and Liverpool City Council's to develop their Code of Conduct. The York Code of Conduct describes the enforcement approach that the council will take regarding nuisance buskers. The problems of obstruction of the highway and noisy, invasive or repetitious music are identified within the Code. Enforcement options in York's are Community Protection Notices (including seizure of equipment), Statutory Noise Abatement Notices (including the power to seize equipment), a busking bye-law and Highways Act powers to deal with obstruction. These enforcement options are available in Oxford, with the PSPO fulfilling the purpose of the York byelaw.
59. Complaints relating to street entertainment are usually made when the Code of Conduct has not been adhered to. The PSPO gives officers a tool to deal with people who continually refuse to comply, and provides quicker respite to those affected. Likewise, complaints about entertainers who are complying with the Code of Conduct will not be taken forward, and an explanation given to the complainant.
60. Conditions test for busking and street entertainment.

Condition 1: Detrimental effect on those in the locality	There is an average of 50 complaints per year, mainly relating to noise levels and obstruction. Complaints peak during the summer months when footfall is highest. 11% of respondents felt the issue had got worse, compared to 4% who felt it had improved. 32% felt that this activity should be included in the PSPO.
Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable	Complaints commonly relate to intrusive noise levels. Busking sites are often utilised throughout the day during the Easter and Summer months. The effect of not adhering to a code of conduct is unreasonable, particularly on those who live or work in the city centre.
Condition 2 (c): justifies the restrictions imposed by the notice	The order provides a power to authorised officers to reduce or prevent nuisance caused by busking or street entertainment that are continuing, occurring or recurring. The order is proportionate for addressing complaints of noise nuisance. Advice will always be given as set out in a code of conduct.



## Illegal peddling

61. There are 39 cases of illegal peddling on council systems since 2003. Pedlars are required to ply their trade from town to town, moving between sales. Selling goods from a static position requires a Street Trading Licence. Complaints from businesses are mostly in regards to obstruction and the sale of goods in competition with shops without paying for a street trading licence.
62. eConsult survey results found that during the last 12 months, of the total respondents:
- 36% seen this issue in Oxford city centre
  - 8% felt that the situation had got worse, 2% felt it had got better
  - 15% had been affected by the issue
  - 37% felt it should be included in a PSPO, 32% felt it shouldn't
63. Stall holders selling their goods who aren't using a static pitch trade using a pedlar's licence. Officers witness stall holders trading most days during the Easter, Christmas and summer periods, without a street trading consent. They are not peddling but street trading without a licence. Existing street trading powers are no deterrent, with illegal traders paying a nominal court fine and returning to the location the following day.
64. Conditions test for peddling.

Condition 1: Detrimental effect on those in the locality	Complaints from 8% of respondents felt the issue had got worse, compared to 2% who felt it had improved. 37% felt that this activity should be included in the PSPO.
Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable	Stall holders sell their goods in Oxford City centre daily during the Christmas, Easter and summer periods, in contravention of street trading and peddling legislation. The stalls cause obstruction to the highway and trade without the necessary consents.
Condition 2 (c): justifies the restrictions imposed by the notice	The order provides a power to authorised officers to reduce or prevent illegal street trading that is continuing, occurring or recurring. The order is proportionate in giving immediate respite through advice, warning and enforcement. Advice will always be given as set out in a code of conduct.

## Alcohol consumption in a public place

65. Since 2004 Oxford City Council has a Designated Public Places Order (DPPO) that enables a police officer to confiscate alcohol if they believe it is, or could, be a contributing factor in public disorder. The Order covers the whole of Oxford

and has been successful in limiting anti-social behaviour linked to drinking in public. The Act requires a DPPO to be replaced by a PSPO within three years of their repeal in October 2014.

66. Between 1<sup>st</sup> August 2014 and 29<sup>th</sup> July 2015 there were 161 reports of street drinking logged by the police in the Oxford Central Neighbourhood.
67. Alcohol is a key factor in violent crime. There were 249 violence and sexual offences recorded by the police in the area of the proposed PSPO between January and May 2015. Data is not available that shows whether the offences are in a public place. However, police officers witness alcohol-related violence in the city centre and have a dedicated operation to target these incidents: Operation Nightsafe.
68. eConsult survey results found that during the last 12 months, of the total respondents:
- 72% seen this issue in Oxford city centre
  - 17% felt that the situation had got worse, 4% felt it had got better
  - 43% had been affected by the issue
  - 52% felt it should be included in a PSPO, 36% felt it shouldn't
69. Conditions test for alcohol consumption in a public place.

Condition 1: Detrimental effect on those in the locality	There were 161 incidents of street drinking reported to the police between 1 <sup>st</sup> August 2014 and 29 <sup>th</sup> July 2015 72% of respondents had seen the issue, with 43% affected by it. 52% felt that this activity should be included in the PSPO.
Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable	Police data indicates that street drinking is persistent in nature and connected to violent crime and disorder.
Condition 2 (c): justifies the restrictions imposed by the notice	The order provides a power to authorised officers to reduce or prevent alcohol consumption in a public place that is continuing, occurring or recurring. The order will be used where alcohol consumption in a public place causes, or is likely to cause, anti-social behaviour. The order is proportionate by replacing the existing Designated Public Places Order, as required by the Anti-Social Behaviour, Crime and Policing Act 2014.

**Dogs out of control**

70. From 2013 to July 2015, 112 incidents of dog fouling in the city centre wards of Carfax and Holywell have been recorded by Oxford City Council.

71. Since 2007 Oxford City Council has had Dog Control Orders. The Act requires Dog Control Orders to be replaced by a PSPO within three years of their repeal in October 2014.

72. eConsult survey results found that during the last 12 months, of the total respondents:

- 39% seen this issue in Oxford city centre
- 14% felt that the situation had got worse, 3% felt it had got better
- 28% had been affected by the issue
- 55% felt it should be included in a PSPO, 28% felt it shouldn't

73. Conditions test for dogs out of control.

<p>Condition 1: Detrimental effect on those in the locality</p>	<p>There were 112 dog fouling incidents recorded by Oxford City Council between 2013 and July 2015 in the city centre. 39% of respondents had seen the issue, with 14% feeling it had got worse. 55% felt that this activity should be included in the PSPO.</p> <p>Respondents views on conditions for the control of dogs: All dogs to be on a lead – Majority Agree No more than 4 dogs to be walked by one person - Majority Agree Dog mess to be cleaned up by the person walking the dog – Majority Strongly Agree No dogs allowed in indoor/covered areas of the City (medical exemptions) - Majority Agree</p>
<p>Condition 2 (a) and (b): Effect of the activities are persistent and unreasonable</p>	<p>There are no significant trends in dog control issues, they occur throughout the year. The risk to public health and the cost of cleaning the pavements are unreasonable. Dogs not kept under proper control in high footfall areas with large numbers of vehicles passing can cause a risk to the public.</p>
<p>Condition 2 (c): justifies the restrictions imposed by the notice</p>	<p>The order provides a power to authorised officers to reduce or prevent the impact of dogs that are not under the control of the owner, which is continuing, occurring or recurring.</p> <p>Dogs not on a lead are not adequately under control in a high footfall area with a large number of buses and taxis using the roads throughout the day and evening.</p> <p>The order is proportionate by replacing the existing Dog Control Orders, as required by the Anti-Social Behaviour, Crime and Policing Act 2014.</p>

## Conclusion

74. The evidence presented in the report and the views of the respondents demonstrate that existing legal remedies are slow and inadequate. The draft order targets nuisance behaviours that require a proportionate level of involvement by local authorities and the police, and timely respite for the complainant.
75. Enforcement of the order will be taken in accordance with the Council's ASB Policy. The policy clearly sets out the approach that starts with advice and explanation, prior to warnings and any enforcement action.
76. On consideration of the requirements of the Act, other relevant legislation, the evidence and consultation the following anti-social behaviours are proposed to be restricted in the draft PSPO, as set out in Appendix One:
- Aggressive begging
  - Inappropriate use of public toilets
  - Urinating or defecating in public places
  - Cycling in Queen Street or Cornmarket Street outside permitted hours.
  - Busking or street entertainment that causes nuisance
  - Illegal street trading
  - Drinking alcohol in a public place
  - Control of dogs

## Environmental

77. No expected issues

## Risks

78. See Risk Assessment.

## Financial Implications

79. The cost of implementing PSPOs will be funded through existing budgets.

### **Name and contact details of author:-**

Name: Richard Adams  
Job title: Environmental Protection Service Manager,  
Communities Services  
Tel: 01865 249811 e-mail: rjadams@oxford.gov.uk

## **Appendix 1: Draft PSPO**

### **OXFORD CITY COUNCIL**

#### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

#### **PART 4, SECTION 59**

#### **PUBLIC SPACES PROTECTION ORDER**

Oxford City Council (the Council) in exercise of the power under section 59 of The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in section 59 of the Act have been met, makes the following order:

- 1 The Order applies to the public areas shown delineated by the black line on the plan annexed to this Order (the Restricted Area):
  - a) No person shall aggressively beg. Aggressive begging includes begging near a cash machine or begging in a manner perceived to be intimidation or aggressive.
  - b) No person shall remain in a public toilet without reasonable excuse.
  - c) No person shall urinate or defecate in a public place. This includes the doorway or alcove of any premises to which the public has access.
  - d) No person shall cycle within Queen Street or Cornmarket Street outside the permitted cycling times of 6 p.m. to 10 a.m.
  - e) No person shall perform any type of street entertainment that causes a nuisance to nearby premises or members of the public. This includes obstructing the highway or shop entrances, or using street furniture including public seats, lamp posts and railings.
  - f) No person trading as a pedlar shall:
    - remain in any location for more than 10 minutes unless it is to make a transaction
    - locate themselves within 50 metres of their previous location
    - return to any location already occupied in the last three hours
    - obstruct the highway or shop entrances
  - g) 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.
  - h) Any person in charge of a dog within the restricted area shall be in breach of this Order if he/she:

- fails to keep the dog on a lead and under physical control at all times
- is found to be in charge of more than four dogs whilst in a public place
- allows the dog to foul in a public place and then fails to remove the waste and dispose of it in an appropriate receptacle
- allows the dog to enter any covered public space

The provisions of this order relating to the control of dogs shall not apply to any person who is registered blind in accordance with section 29 of The National Assistance Act 1948, to any person who is deaf and in charge of a dog trained by Hearing Dogs for Deaf People and to any person suffering a disability and in charge of a dog trained to assist with his/her mobility, manual dexterity, physical coordination or ability to lift and carry everyday objects and the said dog has been trained by a prescribed charity.

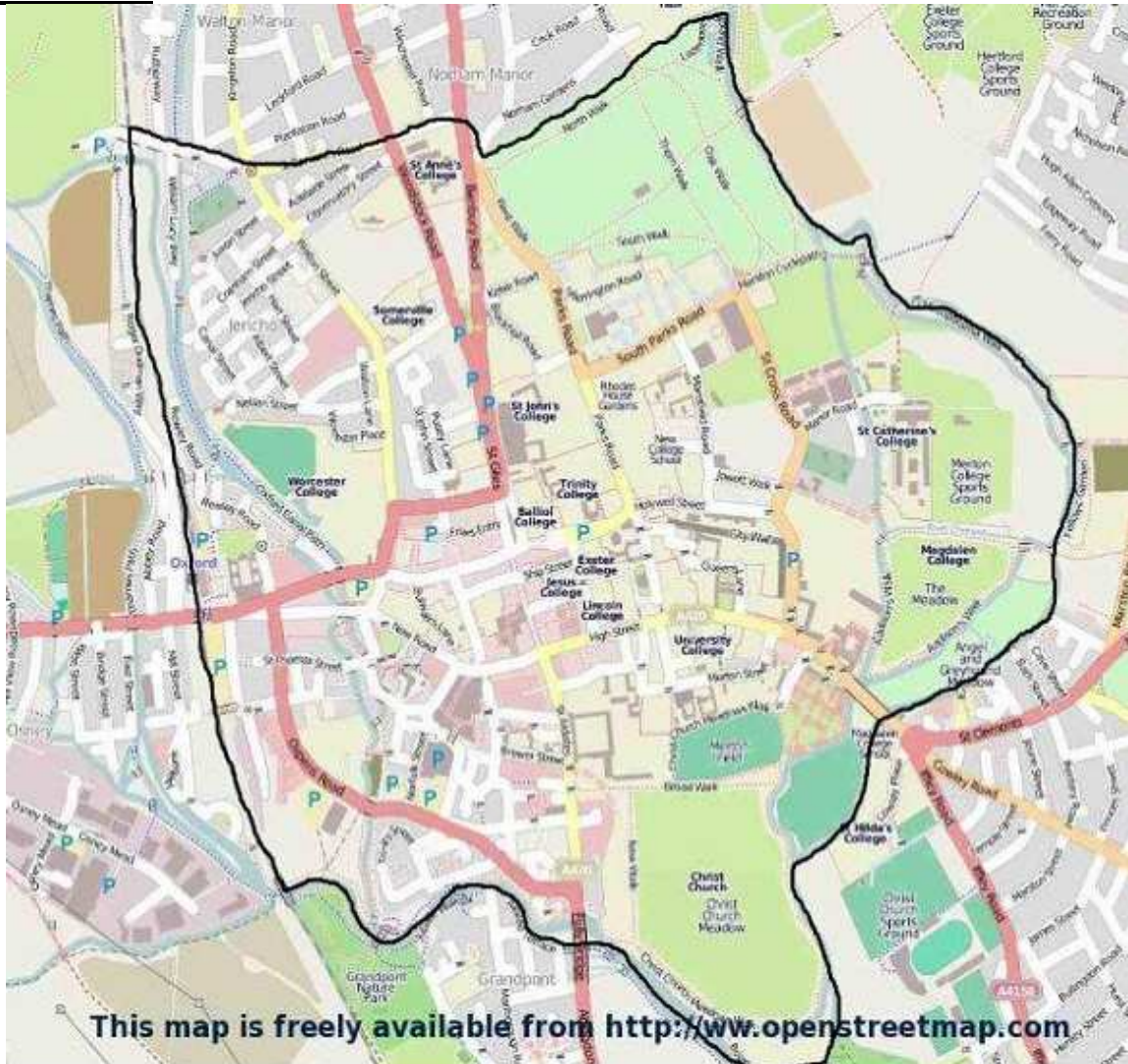
2 Any person who, without reasonable excuse, fails to comply with the requirements of this Order commits an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

3 This Order shall come into force on ..... and remain in place for a period of three years.

Dated 2015

Signed .....

## SCHEDULE



### CHALLENGING THE VALIDITY OF ORDERS

An interested person may apply to the High Court to question the validity of—

- a) This Order, or
- b) A future variation of this Order.

“Interested person” means an individual who lives in the restricted area or who regularly works in or visits that area.

An appeal against this Order or a future variation of this Order may be made to the High Court within six weeks from the date on which the order or variation is made, on the grounds that:

- a) Oxford City Council did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- b) a requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the order or variation.





## Appendix Two: The eConsult consultation survey and results as at 31 March 2015

The table shows whether responses were for (Yes) or against (No) the inclusion of each prohibition in the Order.

Behaviour	Responses presented to the Member Reference Group on 26/03/2015	Responses received by the end of the consultation period, 31/03/2015	Increase in responses
Persistent Begging	Yes 52%(154) No 28%(84)	Yes 34%(187) No 54%(294)	33 210
Sleeping in toilets	Yes 51%(150) No 23%(68)	Yes 33%(180) No 48%(264)	30 196
Urinating / Defecating	Yes 75%(223) No 13%(39)	Yes 58%(317) No 29%(161)	94 122
Cycling prohibitions	Yes 56%(165) No 30%(90)	Yes 40%(221) No 44%(238)	56 148
Sleeping on the streets when accommodated	Yes 46%(136) No 36%(107)	Yes 28%(152) No 60%(330)	16 223
Busking / Street entertainment	Yes 49%(145) No 35%(103)	Yes 32%(176) No 53%(289)	31 186
Peddling	Yes 55%(160) No 19%(56)	Yes 37%(201) No 34%(185)	41 129
Street Drinking	Yes 73%(218) No 16%(47)	Yes 52%(285) No 36%(197)	67 150
Graffiti / Street art	Yes 56%(167) No 31%(92)	Yes 38%(210) No 49%(268)	43 176
Pigeon feeding	Yes 53%(159) No 28%(84)	Yes 43%(232) No 38%(212)	73 128
Dog Control	Yes 70%(203) No 15%(45)	Yes 55%(292) No 28%(150)	89 105

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## **Appendix Three: The eConsult consultation survey and results as at 31<sup>st</sup> March 2015**

Closing date: 31<sup>st</sup> March 2015.

### **Topography of respondents**

I live in Oxford city centre 35% (240)  
I live in Oxford, but not the city centre 32% (215)  
I live outside Oxford 6% (44)  
I work in Oxford city centre 22% (146)  
I am a visitor to Oxford 3% (22)  
Other 2% (11)

### **Consultation topics**

#### **1 Persistent begging**

Oxford City Council and Thames Valley Police are working together to tackle persistent begging, which is an offence under the Vagrancy Act 1824. Under the Public Spaces Protection Order people persistently begging will be identified by a multi-agency working group, warned about their behaviour and encouraged to access the support available to them. If their behaviour continues they could be in breach of the Order.

Have you seen people persistently begging in Oxford city centre in the last 12 months?

Yes 81% (444)  
No 19% (102)

Has this got better or worse in Oxford city centre in the last 12 months?

Better 9% (48)  
Worse 16% (88)  
No change 53% (292)  
Don't know 22% (119)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 40% (220)  
No 60% (324)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?

Yes 34% (187)  
No 54% (294)  
Don't Know 12% (67)

## **2 Sleeping in public toilets**

Oxford City Council has identified that toilets are sometimes being used to sleep in and other associated behaviour. This can prevent access to the facilities by the public.

Have you seen people sleeping in public toilets in Oxford city centre in the last 12 months?

Yes 9% (47)

No 91% (501)

Has the issue got better or worse in Oxford city centre in the last 12 months?

Better 1% (7)

Worse 4% (23)

No Change 15% (82)

Don't Know 79% (432)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 6% (31)

No 94% (514)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?

Yes 33% (180)

No 48% (264)

Don't Know 19% (103)

## **3 Urinating or defecating in public places**

The problem of people urinating or defecating in Oxford city centre has been identified by partners as an issue that affects the public, public services and traders alike.

Have you seen this issue in Oxford city centre in the last 12 months?

Yes 32% (172)

No 68% (373)

Has the issue got better or worse in Oxford city centre in the last 12 months?

Better 1% (6)

Worse 10% (53)

No Change 26% (143)

Don't Know 63% (341)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 25% (136)

No 75% (408)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?

Yes 58% (317)

No 29% (161)  
Don't Know 13% (69)

#### **4 Cycling prohibitions**

Oxford City Council fully supports cycling throughout the city. However, for public safety reasons there are some roads with cycling prohibitions, and these prohibitions are sometimes being ignored.

Have you seen this issue in Oxford city centre in the last 12 months?  
Yes 67% (365)  
No 33% (180)

Has the issue got better or worse in Oxford city centre in the last 12 months?  
Better 3% (16)  
Worse 19% (102)  
No Change 48% (262)  
Don't Know 31% (167)

Have you been affected by this issue in Oxford city centre in the last 12 months?  
Yes 41% (222)  
No 59% (321)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?  
Yes 40% (221)  
No 44% (238)  
Don't Know 16% (87)

#### **5 Sleeping on the streets**

Oxford City Council strongly supports agencies to help people who find themselves sleeping on the city streets due to difficult circumstances. However, a small number of people who have been provided with support and accommodation choose to continue to sleep on the streets, putting their health and well-being at risk. These people are identified by a multi-agency working group, are encouraged to access the support available to them and could be warned about their behaviour.

Have you seen this issue in Oxford city centre in the last 12 months?  
Yes 80% (432)  
No 20% (109)

Has the issue got better or worse in Oxford city centre in the last 12 months?  
Better 5% (25)  
Worse 22% (120)  
No Change 40% (219)  
Don't Know 33% (181)

Have you been affected by this issue in Oxford City Centre in the last twelve months?

Yes 29% (160)  
No 71% (383)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?

Yes 28% (152)  
No 60% (330)  
Don't Know 12% (66)

## **6 Non-compliant busking and street entertainment**

Oxford City Council encourages safe busking and street entertainment in Oxford city centre. A voluntary code of practice has been developed over a number of years to support this aim for the benefit of the public and the entertainers. The code of practice covers noise levels, length of time in one place, authorised locations, size of pitch area and the authorised period of entertainment. The code of practice is available on the City Council's [website](#). However, some entertainers do not comply with the code resulting in unfair and sometimes unsafe practices.

Have you seen this issue in Oxford city centre in the last 12 months?

Yes 54% (296)  
No 46% (248)

Has the issue got better or worse in Oxford city centre in the last 12 months?

Better 4% (21)  
Worse 11% (60)  
No Change 43% (234)  
Don't Know 42% (227)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 26% (137)  
No 74% (398)

Should the busking and street entertainment code of practice be regulated through the Public Spaces Protection Order?

Yes 32% (176)  
No 53% (289)  
Don't Know 14% (77)

Should the Public Spaces Protection Order regulate behaviour(s) that are not covered by the busking and street entertainment code of practice?

Yes (please comment) 13% (72)  
No 51% (277)  
Don't Know 36% (194)

## **7 Illegal peddling**

Oxford City Council supports legal peddling in accordance with the Pedlars Act 1871. There is a code of practice available on the City Council's [website](#) that identifies what peddling is and how it should be conducted in order to comply with the law.

However, there are certain people who do not comply and therefore unfairly disadvantage others within the city centre.

Have you seen this issue in Oxford city centre in the last 12 months?

Yes 36% (193)

No 64% (349)

Has the issue got better or worse in Oxford city centre in the last 12 months?

Better 2% (12)

Worse 8% (46)

No Change 31% (167)

Don't Know 58% (317)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 15% (83)

No 85% (455)

Should the peddling code of practice be regulated through the Public Spaces Protection Order?

Yes 37% (201)

No 34% (185)

Don't Know 28% (153)

Should the Public Spaces Protection Order regulate behaviour(s) that are not covered by the peddling code of practice?

Yes (please comment) 14% (74)

No 41% (221)

Don't Know 46% (248)

## **8 Street drinking**

Oxford City Council currently has a Designated Public Protection Order in place for the whole city with regard to anti-social behaviour associated with street drinking. The order doesn't stop street drinking but does deal with the associated anti-social behaviour. The new Act requires current Designated Public Protection Orders to be replaced by Public Spaces Protection Orders.

Have you seen anti-social behaviour associated with alcohol consumption in Oxford city centre in the last 12 months?

Yes 72% (393)

No 28% (150)

Has the issue got better or worse in Oxford city centre in the last 12 months?

Better 4% (20)

Worse 17% (93)

No Change 52% (280)

Don't Know 27% (148)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 43% (235)

No 57% (307)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?

Yes 52% (285)

No 36% (197)

Don't Know 12% (65)

## **9 Graffiti and pavement drawings**

Graffiti is defined as a criminal damage offence. Drawing directly onto pavements is also an offence. Oxford City Council is working closely with its partners to clean up and prevent graffiti. However it encourages responsible street art that is not placed directly onto structures or highways.

Have you seen this issue in Oxford city centre in the last 12 months?

Yes 69% (374)

No 31% (171)

Has the issue got better or worse in Oxford City Centre in the last twelve months?

Better 5% (29)

Worse 16% (88)

No Change 49% (263)

Don't Know 30% (160)

Have you been affected by this issue in Oxford city centre in the last 12 months?

Yes 26% (143)

No 74% (399)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?

Yes 38% (210)

No 49% (268)

Don't Know 13% (69)

## **10 Pigeon feeding**

Pigeon feeding is littering and encourages an overpopulation of pigeons within the city centre. The food not eaten encourages vermin such as rats and the pigeons cause significant damage to properties within the city. Certain areas of the city require the presence of a hawk to try and reduce the impact of the large population of pigeons in their area.

Have you seen pigeon feeding in Oxford city centre in the last 12 months?

Yes 36% (196)

No 64% (347)

Has the issue got better or worse in Oxford city centre in the last 12 months?

Better 3% (15)

Worse 8% (43)



No Change 39% (209)  
Don't Know 50% (270)

Have you been affected by this issue in Oxford city centre in the last 12 months?  
Yes 21% (111)  
No 79% (428)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?  
Yes 43% (232)  
No 39% (212)  
Don't Know 19% (101)

### **11 Out of control dogs**

Dog control orders are being phased out and where necessary are being replaced by Public Spaces Protection Orders. Out of control dogs and dog mess are issues that Oxford City Council believes should be controlled within the City centre.

Have you seen this issue in Oxford city centre in the last 12 months?  
Yes 39% (209)  
No 61% (330)

Has the issue got better or worse in Oxford city centre in the last 12 months?  
Better 3% (18)  
Worse 14% (76)  
No Change 38% (205)  
Don't Know 45% (241)

Have you been affected by this issue in Oxford city centre in the last 12 months?  
Yes 28% (152)  
No 72% (384)

Should Oxford City Council seek to prohibit this activity through a City Centre Public Spaces Protection Order?  
Yes 55% (292)  
No 28% (150)  
Don't Know 17% (91)

To what extent do you agree with the following proposals?

- All dogs to be on a lead – Majority Agree
- No more than 4 dogs to be walked by one person - Majority Agree
- Dog mess to be cleaned up by the person walking the dog – Majority Strongly agree
- No dogs allowed in indoor/covered areas of the City (medical exemptions - Majority Agree

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## **Appendix Four: Crisis Skylight email and signatory list**

“Dear Sirs

We are responding to this consultation as a group of organisations and individuals who work with homeless people or are concerned about homelessness in Oxford. We are sending this consultation response by email as we do not consider the tick boxes given on the online questionnaire to be sufficient to give our considered view on these important issues

### **Rough Sleeping**

We are very concerned that, as part of the consultation on the new proposed Public Spaces Protection Order, Oxford City Council appears to be considering banning or further restricting rough sleeping. While we appreciate that no specific plans have been announced, we believe that any such policy would be particularly ill thought out and likely to be counter-productive.

We do appreciate that Oxford residents and businesses can experience problems from rough sleeping in the city centre. It is also to be welcomed that the reasons the council uses to defend their proposals include a commitment to outreach work and an acknowledgement that, wherever possible, rough sleepers should be supported into hostels and other services. However, we simply do not see how making rough sleeping a criminal offence will contribute to the council’s aim of ‘reducing rough sleeping to as near zero as we can achieve.’

We believe that any such ban or further restriction would be ill-conceived for the following reasons:

- Moving rough sleepers out of the designated area with the threat of criminal charges will only result in them moving to another location, which could include moving out of sight and away from services. It will not help them to resolve their homelessness, nor will it be a constructive way to encourage them to engage with services.
- Imposing fines on rough sleepers which they have no possible way of paying is an ultimately pointless exercise, and giving extremely vulnerable people a criminal record could jeopardise their chances of recovery.
- It is likely to antagonise a range of voluntary and statutory bodies which work with rough sleeping and will damage their relationships with Oxford City Council.
- The police and the council already have extensive powers to deal with any criminal and anti-social behaviour by rough sleepers, so new legislation is unnecessary.

We reject the notion that underpins this proposal and suggests that rough sleeping and particularly vulnerability is in some instance a “life style” choice - which needs enforcement action taken against it. We believe instead it is a situation which requires society and statutory and voluntary agencies to actively work together to engage the individuals involved as quickly as possible and then provide a holistic

package of support for as long as is necessary to help them out of homelessness and back into society.

We do not believe that criminalising the act of rough sleeping has any benefits at all for the individuals concerned, for the local community, for society at large or for any other statutory or voluntary agency working to tackle rough sleeping and help the individuals involved in Oxford.

### **‘Persistent’ begging**

We are also concerned that, as part of the consultation on the new proposed Public Spaces Protection Order, Oxford City Council appears to be considering banning or further restricting begging.

We believe that such a ban on begging would be ill-conceived for the following reasons:

- People who beg are some of the most vulnerable in our society and begging is a sign of deeper rooted problems, including homelessness, mental health and addiction problems.
- Though there is little evidence or research available on the people who beg, we know that the majority sleep rough or live in hostels and night shelters.
- We do not condone aggressive or threatening behaviour. However, homeless people are actually more likely to be the victims of violent crime than the perpetrators – with homeless people 13 times more likely to be a victim of violent crime than the general public.

We are also unclear as to why the focus is on “persistent” begging—as begging may be persistent without being in any way aggressive or threatening. As with rough sleeping, we believe that banning begging could criminalise vulnerable people, lead to fines being levied which cannot be paid (except, perhaps, through further begging) and displace vulnerable people away from services which can support them. Ultimately, the solution lies in society and statutory and voluntary agencies to actively working together to engage the individuals involved as quickly as possible and then provide a holistic package of support for as long as is necessary to help them until their issues have been addressed and they no longer turn to begging.

Signed

### **Organisations**

Crisis, Crisis Skylight Oxford, Aspire Oxford, Emmaus Oxford, Affordable Oxford, On Your Doorstep (Oxford University Students Union), The Gatehouse”

Subsequent additional organisations:

North Oxford Action Against Homelessness, The Big Issue Foundation, Homeless Link, Oxford Homeless Pathways

## Appendix Five: Consultation engagement methods

The Consultation involved:

- Letters to all businesses within the city centre (over 3000 letters)
- Letters to the Universities within the city centre
- Letters to the residents in the city centre (as per businesses)
- Public consultation on the street by city centre Ambassadors - to capture the opinion of the transient population (tourists etc) using a 1000 business cards.
- Representation at key forums – NAGS, business meetings and resident associations
- Media – Press release given to Oxford Mail in first week of March. This release is a continuation of a number of PSPO press releases since the new powers were released.
- Social media –released on Twitter
- Webpage – full details placed on the council website
- Buskers and street entertainers- City centre Ambassadors and Community Response Officers have approached a number of buskers.
- BBC Radio Oxford – Cllr Dee Sinclair (Board Member for Crime) took part in a radio discussion programme about the PSPO.
- Discussions with Area Commander Thames Valley Police and the Police Crime Commissioner's office
- 1000 registered members of eConsult contacted

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Appendix Six: City Centre Public Spaces Protection Order Risk Assessment

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
City Centre Public Spaces Protection Order	Multi agency enforcement	Lack of enforcement officers	Financial cutbacks in police and council	Ineffective legislation and negative public feedback	30th March 2015	Daryl Edmunds	4	2	4	2	2	2	Delegation of PSPO enforcement powers to the City Centre Ambassadors will ensure consistent presence and enforcement	Ambassadors will be trained by the ASB service to enforce in accordance with the Oxford City Council's ASB Enforcement Policy	11th June 2015	On-going		Simon manton / Laure Taylor
City Centre Public Spaces Protection Order	Negative public perception due to negative press	Council reputation	Lack of clear communication over the introduction and management of the PSPO	Negative reputation of council	30th March 2015	Daryl Edmunds	3	3	3	3	2	2	Regular press briefings will continue to be managed through the council media office	Regular clear positive press briefings explaining ethos of council	11th June 2015	On-going		Chafhomba Sithole / Daryl Edmunds
City Centre Public Spaces Protection Order	Council reputation with regard to zealous enforcement and targetting vulnerable members of society	Council reputation	Mismangement of enforcement of the PSPO	Negative reputation of council, wasted resources, failure of prosecutions.	30th March 2015	Daryl Edmunds	4	3	3	3	2	2	Enforcement policy is being written in line with the ethos of Oxford City Council	Strong management of staff in accordance with Oxford City Councils ASB Enforcement Policy	11th June 2015	On-going		Daryl Edmunds / Richard adams

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## Form to be used for the Full Equalities Impact Assessment

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<b>Service Area:</b> Community Services		<b>Section:</b> Community Safety	<b>Date of Initial assessment:</b> 5 <sup>th</sup> January 2015	<b>Key Person responsible for assessment:</b> Richard Adams	<b>Date assessment commenced:</b> 5 <sup>th</sup> August 2015		
<b>Name of Policy to be assessed:</b>			City Centre Public Spaces Protection Order				
<b>1. In what area are there concerns that the policy could have a differential impact</b>			<i>Race</i>		<i>Disability</i>		<i>Age</i>
			<i>Gender reassignment</i>		<i>Religion or Belief</i>		<i>Sexual Orientation</i>
			<i>Sex</i>		<i>Pregnancy and Maternity</i>		<i>Marriage &amp; Civil Partnership</i>
<b>Other strategic/ equalities considerations</b>			<i>Safeguarding/ Welfare of Children and vulnerable adults</i>		<i>Mental Wellbeing/ Community Resilience</i>		
<b>2. Background:</b>  Give the background information to the policy and the perceived problems with the policy which are the reason for the Impact Assessment.			<p>Oxford City Council is proposing to introduce a City Centre PSPO restricting a number of behaviours within the city centre. A breach of the order is a criminal offence that can result in the offender being reported to the court or the breach being discharged through a £100 Fixed Penalty Notice.</p> <p>Restrictions on the proposed behaviours may have an impact on protected characteristics or other strategic equalities considerations, in particular the safeguarding of children and vulnerable adults, mental well-being and community resilience, and disability. The impact on all factors has been considered.</p>				

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	<p>The assessment makes due regard to whether implementation of the order will:</p> <ul style="list-style-type: none"> <li>• Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equalities Act;</li> <li>• Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>• Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul>
<p><b>3. Methodology and Sources of Data:</b></p> <p>The methods used to collect data and what sources of data</p>	<p>Data used to identify the types of behaviours within the proposed PSPO has come from the City Council and police databases. The datasets indicate the number of reports from members of the public and officers who have witnessed the behaviours.</p> <p>Use of the PSPO powers and advice given will be recorded in pocket note books and on council databases. The information will be analysed to determine whether the implementation of the powers has had a disproportionate effect upon the equality factors.</p>
<p><b>4. Consultation</b></p> <p>This section should outline all the consultation that has taken place on the EIA. It should include the following.</p> <ul style="list-style-type: none"> <li>• Why you carried out the consultation.</li> <li>• Details about how you went about it.</li> <li>• A summary of the replies you received from people you consulted.</li> <li>• An assessment of your proposed policy (or policy options) in the light of the responses you received.</li> <li>• A statement of what you plan</li> </ul>	<p>Implementation of a Public Spaces Protection Order requires public consultation as set out in the Anti-Social Behaviour Crime and Policing Act 2014. The consultation methodology was approved by the city council’s Public Involvement Board.</p> <p>Consultation responses gave rise to concerns over:</p> <ul style="list-style-type: none"> <li>▪ Begging</li> <li>▪ Sleeping in toilets</li> <li>▪ Drinking alcohol in a public place</li> </ul> <p>Consultation responses did not raise concerns over:</p> <ul style="list-style-type: none"> <li>▪ Urinating or defecating in public places</li> <li>▪ Cycling in prohibited areas</li> <li>▪ Nuisance behaviours relating to noise</li> <li>▪ Illegal street trading</li> <li>▪ Graffiti</li> <li>▪ Control of dogs</li> </ul> <p>Please refer to the consultation report at appendix two of the City Centre PSPO CEB report.</p>

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to do next			
<p><b>5. Assessment of Impact:</b> Provide details of the assessment of the policy on the six primary equality strands. There may have been other groups or individuals that you considered. Please also consider whether the policy, strategy or spending decisions could have an impact on safeguarding and / or the welfare of children and vulnerable adults</p>	<p><b>Begging</b> A case management panel of officers from the police, city council and outreach team meet on a monthly basis to discuss individuals who beg in the city centre. The support needs of each individual are considered including their housing situation, physical and mental health needs. Their offending behaviour is assessed and an appropriate plan put in place to move people off the streets and into accommodation and support.</p> <p>Where engagement with the large number of local support services fails, enforcement action may be taken as determined by the panel. This approach balances the needs of the individual, principally substance misuse, physical and mental health concerns, with the need to tackle anti-social behaviour, respond effectively to complaints from the public and take action against illegal activities.</p> <p>Research commissioned by the city council in 2012 supported the conclusion from other national research that the majority of money from begging is spent on drugs and alcohol. Very little is spent on shelter or food.</p> <p>None of the people case managed by the panel has been, or is, a child. Any child identified would be dealt with under the police and council's safeguarding policies.</p>		
	<b>Race</b>	<b>Disability</b>	<b>Age</b>
	Neutral	Negative Mental health considerations will be taken into account by officers.	Positive Young people will be referred into safeguarding mechanisms.
	<b>Gender reassignment</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>
	Neutral	Neutral	Neutral
<b>Sex</b>	<b>Pregnancy and Maternity</b>	<b>Marriage &amp; Civil Partnership</b>	
Neutral	Neutral	Neutral	

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<p><b>Inappropriate use of public toilets.</b>                  The common behaviours regarding the inappropriate use of public toilets fall into three categories: drug misuse, alcohol misuse and sleeping or suspected sexual activity.                  Public toilets within the city centre are designed as gender-neutral single toilet access or male/female cubicles. The single toilet access blocks enable a person to lock themselves in the toilet for long periods of time.                  Drug users and alcoholics often have physical and mental health needs. Toilets provide facilities for a drug user including clean water, adequate lighting, warmth and privacy.                  City council cleansing staff regularly find discarded needles and alcohol containers in the toilets, and have difficulty removing people who have locked themselves in.                  Public toilets are not a suitable place for drug users and alcoholics to use to support their addictions. They may fall unconscious or overdose. Clients have easy access to a wide range of support services including GPs, rehabilitation and hostels with “wet” facilities, some within 200m of the toilet block.</p>		
<p><b>Race</b> Neutral</p>	<p><b>Disability</b> Positive Disabled people will be able to access clean toilets.</p>	<p><b>Age</b> Neutral</p>
<p><b>Gender reassignment</b> Neutral</p>	<p><b>Religion or Belief</b> Neutral</p>	<p><b>Sexual Orientation</b> Neutral</p>
<p><b>Sex</b> Neutral</p>	<p><b>Pregnancy and Maternity</b> Positive Parents with infants can access clean baby-changing facilities.</p>	<p><b>Marriage &amp; Civil Partnership</b> Neutral</p>
<p><b>Urinating or defecating in public places</b></p>		

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<p>Police data shows that the level of defecation in a public places happens relatively infrequently. Urination is commonly linked to the consumption of alcohol, whether in the evening economy from revellers leaving pubs and clubs, or people drinking alcohol in public areas. Toilet facilities are available for any person with an equalities consideration, whether during the day through the use of public toilets or cafés and restaurants, and during the evening with pubs and clubs having to provide toilet facilities.</p> <p>People with very complex mental or physical health issues may have reasonable excuse, a provision built into the PSPO. This would be assessed on a case by case basis and the situation would be very rare. Urination and defecation in a public place is a public health risk.</p>		
<p><b>Race</b> Neutral</p>	<p><b>Disability</b> Neutral</p>	<p><b>Age</b> Neutral</p>
<p><b>Gender reassignment</b> Neutral</p>	<p><b>Religion or Belief</b> Neutral</p>	<p><b>Sexual Orientation</b> Neutral</p>
<p><b>Sex</b> Neutral</p>	<p><b>Pregnancy and Maternity</b> Neutral</p>	<p><b>Marriage &amp; Civil Partnership</b> Neutral</p>
<p><b>Cycling in prohibited areas</b> This behaviour supports the existing traffic control order in Queen Street and Cornmarket Street. Disability considerations would be made on a case by case basis as there is no evidence to suggest disability would be affected by the order.</p>		
<p><b>Race</b> Neutral</p>	<p><b>Disability</b> Neutral</p>	<p><b>Age</b> Neutral</p>

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	<b>Gender reassignment</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>
	Neutral	Neutral	Neutral
	<b>Sex</b>	<b>Pregnancy and Maternity</b>	<b>Marriage &amp; Civil Partnership</b>
	Neutral	Neutral	Neutral
<p><b>Nuisance behaviours relating to noise</b>                  Noise nuisance in the city is caused by amplified or intrusive noise, including music and building work. The PSPO takes an even handed approach towards music noise, supporting the Code of Conduct that all buskers are expected to adhere to.</p> <p>If there is a language barrier, the person has a disability or cannot read officers will engage with the busker and explain the Code. If the Code is not adhered to officers will move the person onto the next available pitch or require them to turn down their music. No-one under the age of 16 should busk in the city centre without a parent or guardian. Children busking will be engaged with and the appropriate adult spoken to.</p> <p>Building works fall outside of the PSPO and are dealt with through the city council’s Environmental Health Service.</p>			
	<b>Race</b>	<b>Disability</b>	<b>Age</b>
	Neutral	Negative Lack of understanding of Code of Conduct.	Positive For under-16s officers will speak to the parent or guardian
	<b>Gender reassignment</b>	<b>Religion or Belief</b>	<b>Sexual Orientation</b>
	Neutral	Neutral	Neutral
	<b>Sex</b>	<b>Pregnancy and Maternity</b>	<b>Marriage &amp; Civil Partnership</b>
	Neutral	Neutral	Neutral

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<p><b>Illegal street trading</b>                  During peak holiday seasons the city centre experiences many traders pertaining to be pedlars, yet are illegally street trading.</p> <p>The PSPO takes an even handed approach towards peddling, supporting the Code of Conduct that all pedlars are expected to adhere to. If there is a language barrier, the person has a disability or cannot read officers will engage with the busker and explain the Code. If the Code is not adhered to officers will warn them that they are in breach of the PSPO. Children under-18 will be engaged with and the appropriate adult spoken to.</p>		
<p><b>Race</b> Neutral</p>	<p><b>Disability</b> Neutral</p>	<p><b>Age</b> Positive For under-18s officers will speak to the parent or guardian</p>
<p><b>Gender reassignment</b> Neutral</p>	<p><b>Religion or Belief</b> Neutral</p>	<p><b>Sexual Orientation</b> Neutral</p>
<p><b>Sex</b> Neutral</p>	<p><b>Pregnancy and Maternity</b> Neutral</p>	<p><b>Marriage &amp; Civil Partnership</b> Neutral</p>
<p><b>Drinking alcohol in a public place</b>                  It is currently an offence to drink alcohol in a public place in Oxford if asked by a police officer not to do so. Incidents of street drinking take place during the evening economy period from revellers leaving pubs and clubs, or people drinking alcohol in public areas during the day.</p> <p>If necessary there is easy access to a wide range of support services including GPs, rehabilitation and hostels with “wet” facilities. Safeguarding issues are dealt with through agencies established safeguarding practices and referrals into appropriate support agencies.</p> <p>Anyone under-18 found drinking alcohol in committing an offence and the police will take appropriate</p>		

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	action in line with their safeguarding responsibilities.		
	<b>Race</b> Neutral	<b>Disability</b> Negative Mental health considerations will be taken into account by officers.	<b>Age</b> Positive Young people will be referred into safeguarding mechanisms.
	<b>Gender reassignment</b> Neutral	<b>Religion or Belief</b> Neutral	<b>Sexual Orientation</b> Neutral
	<b>Sex</b> Neutral	<b>Pregnancy and Maternity</b> Positive Pregnant women will be referred into safeguarding mechanisms.	<b>Marriage &amp; Civil Partnership</b> Neutral
	<p><b>Control of dogs</b></p> <p>The provisions of the PSPO relating to the control of dogs does not apply to any person who is registered blind in accordance with section 29 of The National Assistance Act 1948, to any person who is deaf and in charge of a dog trained by Hearing Dogs for Deaf People and to any person suffering a disability and in charge of a dog trained to assist with his/her mobility, manual dexterity, physical coordination or ability to lift and carry everyday objects and the said dog has been trained by a prescribed charity.</p> <p>The most common complaint relating to dogs is fouling of the footpath and the associated public health risks. This is particularly difficult to control if the owner does not have the dog on a lead.</p> <p>Any mental health considerations will be dealt with on a case by case basis.</p>		
<b>Race</b>	<b>Disability</b>	<b>Age</b>	



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	Neutral	Negative Mental health considerations will be taken into account by officers.	Neutral
	<b>Gender reassignment</b> Neutral	<b>Religion or Belief</b> Neutral	<b>Sexual Orientation</b> Neutral
	<b>Sex</b> Neutral	<b>Pregnancy and Maternity</b> Neutral	<b>Marriage &amp; Civil Partnership</b> Neutral
<p><b>49</b></p> <p><b>6. Consideration of Measures:</b></p> <p>This section should explain in detail all the consideration of alternative approaches/mitigation of adverse impact of the policy</p>	<p>Mitigations relating to each of the proposed behaviours are detailed in the preceding section. Concerns relating to children are dealt with through each agency safeguarding policies and procedures. Prohibitions on behaviours that affect clients with complex physical and mental needs are mitigated through access to appropriate services, with trained staff skilled at dealing with the needs of the client group.</p> <p>All cases will be dealt with on their individual merits and the PSPO has written into it the test of “reasonable excuse”, providing an exemption from the order if the excuse for the behaviour is reasonable.</p> <p>Oxford City Council has a strong record of supporting people who are vulnerable and at risk of becoming homeless. Through the No Second Night Out project, the council funds services that assist individuals into appropriate accommodation and that work with homeless individuals to access education, training and employment. The Council’s current financial investment in homeless prevention totals £1.4m p.a.</p> <p>Oxford is one of nine areas in the country that was selected to take part in the Making Every Adult Matter (MEAM) project designed to improve outcomes and interventions for people with multiple needs. Since August 2014 clients who are hard to engage, live chaotic lives and have a multitude of support needs have been identified by services within the homelessness, mental health, substance misuse and criminal justice services. Clients are ‘case conferenced’ in order to put sustainable</p>		

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	<p>support in place for each individual and enable him/her to receive the services and support that they need to stabilise their lives.</p> <p>The Tenants At Risk meeting is managed by the City Council and brings together agencies including floating support services, housing associations and hostels. The meeting identifies individuals that may be struggling with sustaining their tenancies and are at risk of being evicted. The aim is for support agencies around the table to make sure relevant support is put in place for the individuals in order to ensure they do not lose their tenancies and become homeless.</p>
<p><b>6a. Monitoring Arrangements:</b></p> <p>Outline systems which will be put in place to monitor for adverse impact in the future and this should include all relevant timetables. In addition it could include a summary and assessment of your monitoring, making clear whether you found any evidence of discrimination.</p>	<p>The multi-agency case management panel will continue to assess the use of all enforcement actions, first taking into consideration the support needs of the individual.</p> <p>Advice, warnings and enforcement of the PSPO will be logged in pocket notebooks and council and police databases.</p> <p>The City Centre PSPO will be referred to the scrutiny panel for monitoring purposes.</p>
<p><b>7. Date reported and signed off by City Executive Board:</b></p>	<p>October 2015</p>
<p><b>8. Conclusions:</b></p> <p>What are your conclusions drawn from the results in terms of the policy impact</p>	<p>The introduction of the city centre PSPO will impact on the lives of people who live, work and visit the city. The proposed restrictions will impact positively on people whose protective characteristics are impacted upon by the anti-social behaviour the order is designed to address. For example, pregnant women and disabled people can be denied access to facilities they need. Young people in breach of the order will be referred through safeguarding arrangements when appropriate. Mental health considerations are assessed on a case by case basis and support and early intervention is used prior to more serious enforcement action. This approach is detailed in Oxford City Council's Anti-Social Behaviour Policy, available on the council's website.</p>

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9. Are there implications for the Service Plans?	YES	10. Date the Service Plans will be updated	November 2015	11. Date copy sent to Equalities Officer in HR & Facilities	5 <sup>th</sup> August 2015
13. Date reported to Scrutiny and Executive Board:	October 2015	14. Date reported to City Executive Board:	October 2015	12. The date the report on EqIA will be published	October 2015



Signed (completing officer)

Signed (Lead Officer)



**Please list the team members and service areas that were involved in this process:**

Jarlath Brine, Organisational Development & Learning Advisor  
 Richard Adams, Service Manager  
 Jeremy Thomas, Head of Legal Services

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