

**To:** City Executive Board  
**Date:** 11 June 2015  
**Report of:** Executive Director Community Services  
**Title of Report:** City Centre Public Spaces Protection Order (PSPO)

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## 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, affects two or more wards

**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:-
  - a. Considers the case for a Public Spaces Protection Order for the city centre and
  - b. If that case has been made, confirm or amend as appropriate the draft order and associated Codes of Conduct attached to this report.
  - c. If the Order is made to specify the date on which the Order is to come into force and the duration of the Order (maximum three years).

**Appendix One: Draft PSPO**

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

**Appendix Three: Crisis Skylight email and signatory list**

**Appendix Four: Oxford City Council response to On Your Doorstep petition**

**Appendix Five: Oxford City Council Homeless Budget 2015-16**

**Appendix Six: Consultation methods**

**Appendix Seven: Code of Conduct for Busking and Street Entertaining in Oxford**

**Appendix Eight: Code of Conduct for Pedlars and Peddling in Oxford**

**Appendix Nine: Risk assessment**

## **Appendix Ten: Equality assessment**

### **Introduction to Public Spaces Protection Order**

1. The Anti-Social Behaviour, Crime and Policing Act 2014 gained Royal Assent in April 2014. The Public Spaces Protection Order provision has been in operation since 20th October 2014.
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 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 three years maximum.
7. Appeals against a draft PSPO can be lodged by anyone who lives in, or regularly works in or visits the area in the High Court within six weeks of issue. Further appeal can be made when a PSPO is varied by the local authority.
8. When making a PSPO a local authority must have particular regard to the rights of freedom of expression and freedom of assembly set out in the European Convention on Human Rights and the Human Rights Act. A PSPO may be applied wherever there is material evidence of anti-social behaviour, for example, in reports to the police, local authorities or partner agencies.

### **Restrictions on anti-social behaviour**

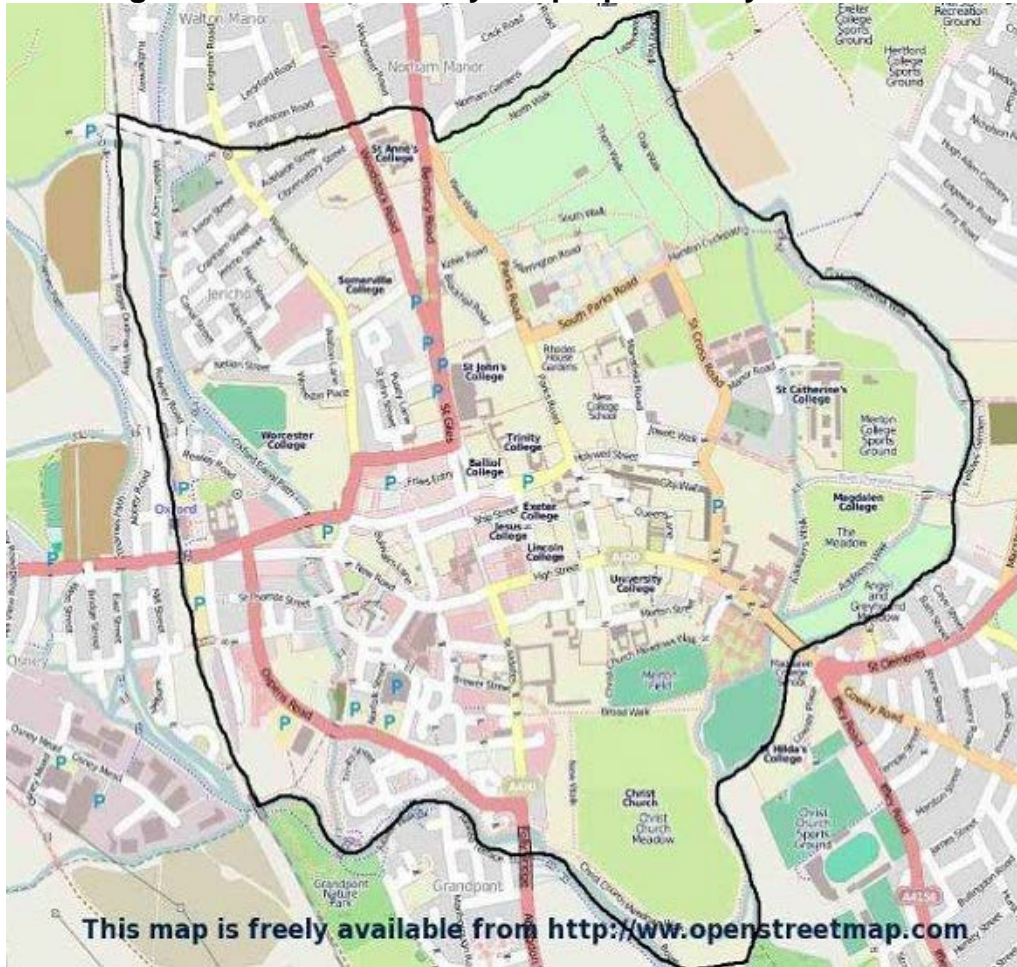
9. The restrictions and requirements included in a PSPO may be comprehensive or targeted on specific behaviours by particular groups and/or at specified times.
10. Orders can be enforced by a police officer, a police community support officer, designated council officers and employees of other delegated organisations.
11. 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, £1000, on prosecution.

12. In establishing a PSPO, appropriate signage must be displayed in accordance with the requirements of the Act.
13. Public spaces protection orders are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area. They are designed to ensure that the public can use and enjoy public spaces and do not face incidents of anti-social behaviour.

### **Consultation on the creation City Centre Public Spaces Protection Order**

14. In light of significant concerns over a long period of time about anti-social behaviour in the city centre a Member Reference Group was set up to consider the need for and potential content of a PSPO for the city centre area. This group comprised ward councillors, the Board Member for Crime and Community Response and a Scrutiny Committee Member. The group has been extensively involved in the process of developing the draft order.
15. The first briefing took place on Tuesday, 3rd February 2015. The group was presented with a long-list of anti-social behaviours that officers had identified as having a negative impact on the City centre. From this initial list, the group, weighing the evidence of anti-social behaviour and applying their local knowledge, agreed particular topics for the public consultation exercise that would shape the scope of a draft Public Spaces Protection Order.
16. From the outset Members and officers agreed that any eventual Order would be used as part of a wider process of support and engagement with people committing anti-social behaviour who may have complex needs. Any officer who is empowered to enforce the Order will receive specific training. These principles will be incorporated into the Council's Enforcement Policy. This will ensure that only where individuals or groups committing behaviour that is having, or is likely to have, a detrimental effect on the quality of life of those in the locality, being persistent in nature and is unreasonable, would enforcement action be taken.
17. A full programme of public consultation began on Monday 9<sup>th</sup> February and concluded on the 31<sup>st</sup> March 2015. Consultation methods used included:
  - Media coverage and press release
  - Use of the web-based eConsult,
  - Over 3000 letters sent to businesses, universities and residents
  - Public consultation face-to-face on the street
  - Representation at key forums
  - Consultation with Thames Valley Police and the Police Crime Commissioner's office
18. The group also agreed that the potential area to be covered by an Order would be as shown on the map below.

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



19. The Member Reference Group received an update on the progress of the consultation on Thursday 26<sup>th</sup> March 2015. The group highlighted their requirement that the PSPO should be managed in accordance with the ethos and principles of Oxford City Council in the provision of support for vulnerable people and ensuring a proportionate approach to enforcement.

20. The table below 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 when they were presented to the Member Reference Group. During the final five days of the consultation period and subsequently there was significant media interest in the proposals generated by an on-line petition. The eConsult response increased in the final five days by 128%. The table shows whether responses were for (Yes) or against (No) the inclusion of each prohibition in the Order.

Behaviour	Responses received across the 7 weeks consultation up to 26/03/2015	Responses received across the consultation period, up to 31/03/2015	Increase in responses
Persistent Begging	Yes 52%(154)	Yes 34%(187)	33
	No 28%(84)	No 54%(294)	210
Sleeping in toilets	Yes 51%(150)	Yes 33%(180)	30
	No 23%(68)	No 48%(264)	196

Behaviour	Responses received across the 7 weeks consultation up to 26/03/2015	Responses received across the consultation period, up to 31/03/2015	Increase in responses
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

21. In response to the Reference Group's concerns about the prohibition on feeding pigeons, this section has been removed from the draft order. While acknowledging the anti-social impact of the large flock of pigeons in Bonn Square in particular, members felt that there were more effective methods for controlling numbers.
22. Since the end of the consultation period a number of additional representations have been made to the Council concerning:
  - Sleeping on the streets when accommodated
  - Persistent begging
  - Enforcement of the busking code of conduct
23. The Board should have regard to the entirety of the consultation responses set out in Appendix 2. Responses made outside of the formal consultation period are also included in this report.

### **Sleeping on the streets when accommodated**

24. Ten organisations working with the single homeless community in Oxford submitted an email stating they were "very concerned" that the PSPO appeared to be restricting or banning rough sleeping and begging. Full details of the email can be found in Appendix Three.
25. A petition sponsored by the Oxford University Student Union homeless campaign group, On Your Doorstep, was emailed to Council officers on the final day of the consultation. The group is also one of the co-signatories of the email

in Appendix Three. The petition contained 900 signatories, the majority of whom appear to be Oxford students.

26. The petition is entitled “Don't make life harder for Oxford's rough sleepers” and the email t expressed concern over what was described incorrectly as “Oxford City Council’s proposal to ban rough sleeping from the city centre”. The petition was registered with Change.org and by the 15<sup>th</sup> April 2015 the number of on-line signatories reached 66,700.
27. Since the petition was based on an incorrect interpretation of the Order’s provisions, the City Council issued a statement clarifying that the Order related to a small number of people who beg and sleep on the city’s streets despite having been allocated accommodation and receiving support from the appropriate agencies. A copy of the statement can be found in Appendix Four.

### **Oxford City’s services for rough sleepers**

28. Oxford City Council has a strong record of supporting people who are sleeping rough or 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. Details of these budgets can be found in Appendix Five.
29. 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 support in place for each individual and enable him/her to receive the services and support that they need to stabilise their lives.
30. 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.
31. It is incorrect to assert or imply that the proposed Order would criminalise homelessness; it was confined to the objective of seeking to control the anti-social behaviour of a small group of people who drink overnight on the streets and/or beg, while nevertheless being provided with accommodation.

### **Begging**

32. Begging is illegal under the Vagrancy Act 1824 and can be enforced by the police by way of arrest. The inclusion of persistent begging in the Order will

provide other staff to regulate this behaviour and will provide an updated legal remedy, including the use of fixed penalty notices. This is likely to prove a more cost effective and proportionate approach to controlling this activity.

## **Busking**

33. Since the beginning of the consultation period there have been a number of comments about restrictions on busking. Local buskers who have been spoken to by council officers and the local press have expressed support for the Code of Conduct, which has operated for over a decade. Linking the Code of Conduct to the PSPO provides a means of enforcement of the Code for flagrant breaches which do occur infrequently, causing considerable nuisance to people in the street and occupiers of nearby premises. In the light of the comments received we have amended the Code, in particular removing the requirement to obtain a permit.
34. This Code has operated successfully for a long time, bringing music and entertainment into the city centre on a controlled basis. Only where behaviour associated with busking is having a detrimental effect on the quality of life of those in the locality, is persistent in nature, and is unreasonable would enforcement action be taken. Experience to date would suggest that such occasions are rare but where there is flagrant abuse of the Code the nuisance caused is significant.

## **Conclusion**

35. The consultation findings of the first seven weeks of the eight week consultation period, showed majority support for the inclusion of all the identified behaviours in the Order. The petition and related activity during the final week on the consultation reversed that position in respect of persistent begging, sleeping in toilets, cycle in a controlled zone, sleeping on the street when accommodated, busking and graffiti.
36. Having considered the results of the consultation and reviewed them with partner organisations and Members, it is proposed to remove two elements from the draft Order. Pigeon nuisance has been assessed as more effectively tackled by methods other than fining people who feed them; and the issues related to the small number of people who sleep on the streets despite having accommodation are likely to be addressed more effectively through reinforcement of the existing multi-agency homelessness approach.
37. The following behaviours are included in the draft PSPO, as set out in Appendix One:
  - Persistent begging
  - Sleeping in toilets
  - Urinating or defecating in public places
  - Cycling in prohibited areas
  - Breaches of the Code of Conduct for Busking and Street Entertaining in Oxford
  - Breaches of the Code of Conduct for Pedlars and Peddling In Oxford

- Street drinking
- Graffiti and street art
- Control of dogs

### **Environmental**

38. No expected issues

### **Risks**

39. See Risk Assessment in Appendix Nine.

### **Financial Implications**

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

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## **Appendix One: 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 within the restricted area persistently beg. Persistent begging involves begging on more than one occasion and includes all passive and active methods used to receive alms.
  - b) No person shall within the restricted area remain in a public toilet without reasonable excuse. Using a public toilet to sleep in is specifically included in this prohibition.
  - c) No person shall within the restricted area urinate or defecate in a public place. Public place can include the doorway or alcove of any premises to which the public would normally have access.
  - d) No person shall within the restricted area shall cycle in designated zones outside the permitted cycling times.
  - e) No person shall within the restricted area busk or carry on any other form of entertainment unless it is in accordance with the Council's Code of Conduct for Busking and Street Entertaining in Oxford. A copy of the said code of conduct is annexed to this Order.
  - f) No person shall within the restricted area trade as a pedlar unless it is in accordance with the Council's Code of Conduct for Pedlars and Peddling in Oxford. A copy of the code of conduct is annexed to this Order.
  - g) No person shall within the restricted area 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 to prevent public nuisance or disorder.
  - h) No person shall within the restricted area carry out any form of graffiti on any surface by any means. This includes any form of art/drawing which is applied

directly onto any highway or pavement BUT does not include any form of art/drawing which is on a canvass affixed to any highway, pavement or structure.

- i) 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 fit and proper lead and under physical control at all times.
  - is found to be in charge of more than four dogs at any consecutive time 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 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 ..... EXECUTIVE – CITY EXECUTIVE BOARD

## **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<sup>st</sup> March 2015**

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

### **Topography of respondents**

I live in Oxford city centre 44% (240)  
I live in Oxford, but not the city centre 39% (215)  
I live outside Oxford 8% (44)  
I work in Oxford city centre 27% (146)  
I am a visitor to Oxford 4% (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
- No more than 4 dogs to be walked by one person
- Dog mess to be cleaned up by the person walking the dog
- No dogs allowed in indoor/covered areas of the City (medical exemptions)

## **Appendix Three: 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 Four: Oxford City Council response to On Your Doorstep petition**

“We understand and share the concerns raised about criminalising those that are homeless. This is not what we are proposing to do.

We have an excellent track record of supporting homeless people and helping them find a bed or a home. Oxford City Council spends over £1 million on support for homelessness. It is wrong to suggest the proposed Public Spaces Protection Order (PSPO) would change any of that support. It is also untrue that the proposed Order would 'criminalise' rough sleeping.

The proposed City centre PSPO is aimed at tackling persistent types of anti-social behaviour which can spoil the experience of using the city centre for residents, businesses and visitors.

The Council works closely with a multi-agency team and St Mungo's to help rough sleepers, many of whom have complex needs. The experience of that team is that a small number of people continue to beg and sleep on the city's streets despite receiving support and having been allocated accommodation. It is only that behaviour that would be covered by the proposed PSPO.

The consultation process has been widely supported and before any decision is taken, the Council will be looking closely at what residents, businesses and visitors have said.

There is a housing crisis in Oxford and homelessness is a problem here as it is elsewhere. We have made housing our number one priority and remain committed to helping the homeless get off the streets.”

## Appendix Five: Oxford City Council Homeless Budget 2015-16

Organisation and Purpose of Grant	Allocation for 15/16
<b>Assertive Outreach, Reconnection, Move-on</b>	
<p><b>Single Homeless Outreach and Assessment Service</b> – a team of 9 FTE with a combination of a Project manager, Outreach workers, Assessment workers and trainees.</p> <p>This service will incorporate the functions previously carried out by Oxford City Outreach, the NSNO Pathway Leader, NSNO Assessment Worker and the advice services for single homeless people who may be in precarious housing.</p>	£350,893
<p><b>Specialist Homelessness Liaison Service</b> (Thames Valley Police)</p> <p>We have taken a different approach to last year where we are commissioning a service to be delivered by the City Centre Unit as opposed to a specific post holder. This may be delivered by the same individual but the focus will be for the unit to deliver specific outputs such as, number of outreach shifts, key meetings attended, tackling begging and anti-social behaviour, attending rough sleeping hot-spots and so on.</p>	£40,000
<p><b>O'Hanlon House (Oxford Homeless Pathways)</b></p> <p>This grant jointly commissions the service with Oxfordshire County Council. The money specifically commissions the day service that works with vulnerable adults who present with needs such as substance misuse, mental health and alcohol needs. The day service aims to provide a bridge between the service users and other meaningful services such as GP practices, Social services, DAAT teams and mental health teams. There is a reduction of £8k to reflect the reduction that County council have made. However the saving from this will be used to develop alternative initiatives with other day centres.</p>	£124,756.92
<p><b>Sit-Up service</b></p> <p>The Sit-up service was commissioned to mitigate for the lack of move on from the Adults homeless pathway. This function will be taken into account when the new pathway/service is commissioned. The cost attached is only for a year and will end on in March 2016.</p>	£54,903
<p><b>Severe Weather Provision</b></p> <p>This funding is to cover the cost of running additional services for rough sleepers during periods of severe weather.</p>	£15,000
<p><b>Housing First Project</b></p> <p>Housing First will be commissioned for the next year; the project has shown that it can work with some of the most complex/entrenched clients and deliver positive outcomes.</p>	£47,800
<b>Improving Mental Health/Complex Trauma</b>	
<p><b>Mental Health Practitioner (Luther Street Medical Centre)</b></p> <p>This post has continued to be a success and it is recommended that funding in partnership with Oxford Health and Oxford Homeless Medical fund is continued for this post. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2015.</p>	£25,000

<p><b>Complex Needs Service</b></p> <p>This funding has been allocated to fund a joint project next year. The service will be funded in conjunction with CCG and Public Health department to cater for a cohort whose needs are not met by both the Adults homeless pathway and the supported independent living pathway.</p>	£40,000
<p><b>Elmore In-reach (1 month)</b></p> <p>This service is being decommissioned but will be given a one month extension to ensure they have a 3 month period for a closedown period.</p>	£3,394.40
<p><b>Tackling Worklessness and Improving Positive Activities</b></p>	
<p><b>Aspire Oxfordshire</b></p> <p>Aspire provide social enterprises, work placements, employment opportunities and benefits' advice to Oxford's homeless network in order to develop progression pathways into sustainable independent living. We also fund <i>Two FTE Education, Training and Employment Workers</i> to further develop Aspire's social enterprises, work placements, employment opportunities to Oxford's homeless network in order to develop progression pathways into sustainable independent living. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2015.</p>	£88,691.50
<p><b>Emmaus Oxford Furniture Store</b></p> <p>This money supports Emmaus to provide accommodation for homeless people but also gives them an opportunity to work in their social enterprise; a second-hand furniture store. They have plans to taper the grant they receive from us; however this can only happen once they are operating their store from the new site on Barns Road.</p>	£25,000
<p><b>The Gatehouse Café</b></p> <p>This provides some core funding to the Gatehouse daycentre. They open six evenings a week and engage with the hard to reach clients that traditionally do not use mainstream services.</p>	£5,580
<p><b>Steppin Stone Day Centre</b></p> <p>This provides core funding to the Steppin Stones daycentre to work with vulnerable adults who are aiming to get back into training, education and employment. Steppin Stones also provide individuals with an opportunity to train in their social enterprises; their allotment, the daycentre kitchen or Porch Pickle enterprises. The daycentre is based away from the city centre, which allows for individuals to move away from the street activities such as begging, drinking and other anti-social behaviour.</p>	£55,000
<p><b>One FTE Service Broker (Big Issue Foundation)</b></p> <p>This post tackles the lack of engagement of Big Issue sellers with accommodation offers and to improve the partnership working with this organisation. This contract will continue to be within a payment by results framework this year, where 25% of the total grant is paid out only upon evidencing certain set outcomes. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2015.</p>	£25,000
<p><b>Priority Services for Young People</b></p>	

<b>Young Persons Pathway</b> This grant is part of Oxford City Council's contribution to joint commissioning of the Young Persons pathway (for vulnerable & homeless 16 – 22 year olds) with the County Council.	£42,992
<b>Prevention of Eviction Young People Beds</b> To cover the shortfall in DWP benefits received by someone under the age of 25 and those over the age of 25 in order to ensure under 25s can afford to paid their rent/service charge and thus prevent eviction. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2015.	£5,000
<b>Emergency Bed (within Oxford City)</b> This funding provides one emergency bed for use by Oxford City.	£6,134.28
<b>Homelessness Prevention</b>	
<b>Welfare Reform Outreach Team</b> This funding contributes towards the work of the team focussing on the impact of welfare reform on the City Council and its tenants.	£75,188.15
<b>Discretionary Housing Payments</b> This money has been allocated to ensure that we can mitigate the impact of welfare reform.	£150,000
<b>Target Hardening/Sanctuary Scheme</b> Provided to ASBIT, this is a service for victims of domestic abuse to enable them to stay in their own homes.	£30,000
<b>Elmore Community Services</b> This funds one post within the Elmore team; the post is called a Tenancy Sustainment officer. The officer works with residents of OCC who are finding it difficult to manage their tenancies. This allocation is on a yearly basis and the council have the right to terminate funding if the grant is stopped or reduced beyond March 2015.	£35,630
<b>Business Rates at the Old Fire Station</b> As required by previous CEB report to provide financial relief to Crisis and the Arts at the Old Fire Station in the first years of service.	£3,152
<b>Pre-tenancy course</b> As mentioned before; this will be subject to a review of the service. Should the outcome be positive this will be renewed for the year 2015/2016.	£16,000
<b>MEAM pilot project</b> This amount will be set aside to provide flexibility in extending the pilot project.	£20,000
<b>CHAIN</b> The web-based database management system that currently collates all data and provides monitoring reports on rough sleepers. This service is being extended for a year with the expectation that this will be paid for by the County council as it will be used for the Adults pathway in its entirety.	£8,093
<b>Single Homelessness</b> The funding is to be used to contribute towards the Council's operational activity supporting the work assisting Rough Sleeping and Single Homelessness activities.	£100,000
<b>Total</b>	<b>£1,393,208</b>



## **Appendix Six: Consultation 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 show about the PSPO.
- Discussions with Area Commander Thames Valley Police and the Police Crime Commissioner's office
- 1000 registered members of eConsult contacted

## Appendix Seven: Code of Practice for Busking and Street Entertaining

### CODE OF CONDUCT FOR BUSKING AND STREET ENTERTAINING IN OXFORD

www.oxford.gov.uk



We welcome most buskers and street entertainers and feel they add a lot to the street scene in Oxford. To help buskers and entertainers perform in a responsible way alongside local businesses and to avoid complaints we have a code of practice. We have also designated street entertainment areas. Following the code of practice will help you maintain good relations with other users and occupiers of the area, and not breach the City centre PSPO.

#### **Nuisance**

On occasions however, particularly for people living or working in the city centre, performances may be intrusive, annoying or disturbing. As a result, the Council and the Police receive complaints about the volume and sometimes the nature of busking and street entertainment, and about obstruction to the highway caused by gathering crowds.

Under the Environmental Protection Act 1990 (as amended) noise in the street may be a statutory nuisance. The Council has a duty to abate noise nuisance and prohibit recurrence, and may take formal enforcement action to deal with performers who are not following the code and are causing a nuisance. This may include the confiscation of musical instruments.

#### **Public Spaces Protection Order**

Oxford City Centre is covered by a PSPO under the Anti-social Behaviour, Crime and Policing Act 2014. It is a breach of the PSPO to busk or carry out any other form of entertainment unless it is in accordance with this Code of Conduct for Busking and Street Entertainment in Oxford.

**Please note** - If you are 16 or under you will be asked to provide written consent from one of your parents or legal guardians. We would also recommend that they accompany you when out busking.

#### **DO:**

1. Only perform at the designated pitches.
2. Perform only between 10 a.m. and 8 p.m.
3. Enjoy yourself and entertain others!

#### **DONT:**

4. Busk in a way that is repetitive, intrusive or causes a nuisance in nearby premises\*. Consideration should be given to neighbouring businesses and residents (including those above street level) who are affected by street noise. Whilst we prefer acoustic only performance, responsible use of amplification is tolerated, provided that you carefully consider volume and comply with requests by a neighbour or Council Official to turn it down.

5. Busk for more than 60 minutes in any one place. Busking shall not be repeated in that place for the next 2 hours.
6. Obstruct the highway (road, pavement or open pedestrian area). You are responsible for ensuring that any people gathering to watch or listen to them also do not obstruct the highway. Cordoning off any part of the pavement (with rope or using any other method) to create a performance area is not permitted
7. Make use of the street furniture, e.g. public seats, lamp posts, railings.
8. Busk within 50 metres of another busker or group of buskers.
9. Sell CDs or other merchandise. It is an offence to sell goods in the street without consent.
10. Ask for donations or payment for performing.
11. Perform in a manner that is dangerous to you or to the public.
12. Act in a way, or say anything that is likely to cause an offence to a member of the public.

\*as prescribed in the Environmental Protection Act 1990 [as amended].

## OXFORD BUSKERS' AND STREET ENTERTAINERS' CODE OF PRACTICE DESIGNATED STREET ENTERTAINMENT AREAS

### Sites

A - Cornmarket Street / St Michael's Street

B - Cornmarket Street / Market Street (outside Carphone Warehouse)

C - Cornmarket Street / Carfax

D - Covered Market (11:00 – 15:00 Fridays and Saturdays only)

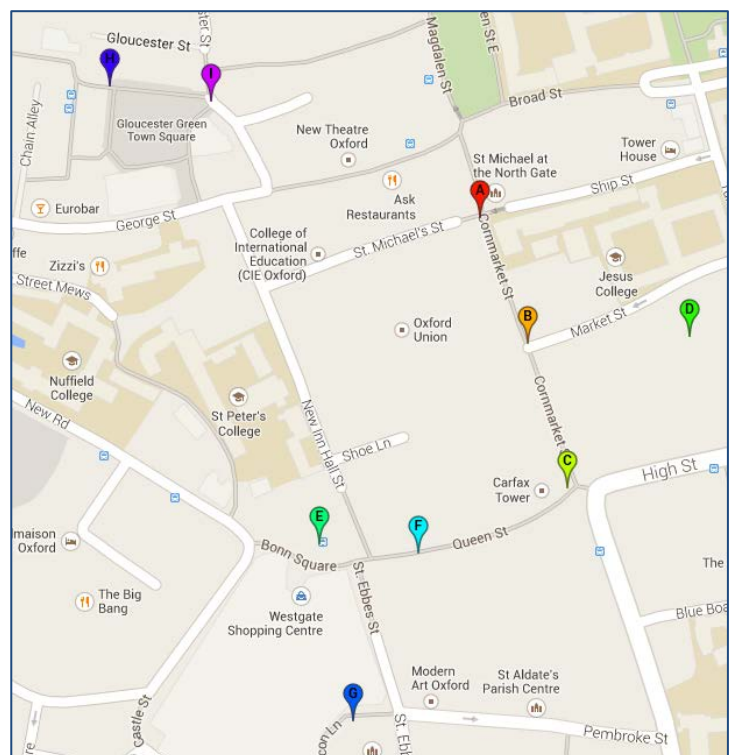
E - Bonn Square (**when no events taking place – check Events Diary on Oxford City Council Website**)

F - Queen Street (outside M&S)

G - Pennyfarthing Place (back entrance of Sainsbury's)

H - Gloucester Green / Friars Entry

I - Gloucester Green / Old School House



If you wish to make a complaint about buskers in Oxford or would like to discuss issues relating to buskers, please contact:  
 Oxford City Council, St. Aldate's Chambers, 109 – 113 St. Aldate's,  
 Oxford, OX1 1DS  
 Telephone: 01865 249811

## Appendix Eight: Peddling Code of Conduct

### CODE OF CONDUCT FOR PEDLARS AND PEDDLING IN OXFORD

#### Guidance for Pedlars

Oxford City Council welcomes pedlars and has developed a code of conduct in order to enable genuine pedlars to continue to trade and to deal with illegal street trading activity in the City. The following the code of practice will help you stay on the right side of the law.

www.oxford.gov.uk



#### Public Spaces Protection Order

Oxford City Centre is covered by a PSPO under the Anti-social Behaviour, Crime and Policing Act 2014. If you breach the Code of Conduct for Pedlars and Peddling in Oxford you could be in breach of the PSPO.

#### YOU MUST

1. "Go from town to town"- You must not frequent Oxford City Centre every day. You must trade as you travel, as distinct from someone who merely travels to a particular location to trade.
2. Produce a Pedlar's Certificate. Pedlar's Certificates can be obtained from Thames Valley Police. St Aldate's Police Station Oxford OX1 1SZ. It is an offence to peddle without a certificate
3. Keep on the move (unless you are making a sale or are approached by a customer). You can only peddle in the same location for 10 minutes. By remaining in the same street for long periods of time you may be illegally street trading.

#### YOU MUST NOT

1. Use someone else's certificate or lend your certificate to another person.
2. Remain in any location for more than 10 minutes unless you are in the process of making a sale or you are approached by a potential customer. You must then move immediately after completing the sale. Your new location must be at least 50 metres away.
3. Return to any location that you have already occupied in the last 3 hours.
4. Trade from large wheeled trolleys or similar as these can cause an obstruction of the highway. This is an offence under the Highways Act 1980.

For further information please refer to our Pedlar Guidance which is available on our website.

If you wish to occupy a street trading consent site, which will allow you to trade from a fixed position, please visit the Street Trading pages on our website [http://www.oxford.gov.uk/PageRender/decB/Street\\_Trading\\_occw.htm](http://www.oxford.gov.uk/PageRender/decB/Street_Trading_occw.htm) or contact the Miscellaneous Licensing Team on 01865 249811 or email [street\\_trading@oxford.gov.uk](mailto:street_trading@oxford.gov.uk).