

To: City Executive Board

Date: 15 October 2015

Report of: Scrutiny Committee

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

Summary and Recommendations

Purpose of report: To present recommendations from the Scrutiny Committee on the City Centre Public Spaces Protection Order

Key decision? No

Scrutiny Lead Member: Councillor Andrew Gant

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

Policy Framework: The Corporate Plan 2015-19

Recommendation of the Scrutiny Committee to the City Executive Board:

That the City Executive Board states whether it agrees or disagrees with the five recommendations set out in the body of this report.

Appendices

Appendix 1 – Notes of the City Centre Public Spaces Protection Order Scrutiny Panel, Monday 5 October 2015.

Appendix 2 – Suggested CEB response provided by the Board Member for Crime, Community Safety and Licensing.

Introduction

1. The Scrutiny Committee pre-scrutinised the original City Centre Public Spaces Protection Order (PSPO) decision in June 2015 before the City Executive Board (CEB) agreed to defer this decision.
2. The Scrutiny Committee then established a one-off cross-party panel to pre-scrutinise the revised City Centre Public Spaces Protection Order decision

before it went back to CEB. The PSPO Panel met in public on 5 October 2015 and the notes of this meeting are included as appendix 1.

3. The Scrutiny Committee considered the findings of the PSPO Panel at its meeting on 6 October 2015. The Committee would like to thank Councillor Bob Price, Councillor Dee Sinclair, Jeremy Thomas and Richard Adams, plus the four members of the PSPO Panel; Councillors Andrew Gant (Chair), Mary Clarkson, Sian Taylor and David Thomas, for their time and contributions.

Summary of the discussion

4. The Board Member for Crime, Community Safety and Licensing and the Environmental Protection Manager presented the report on the City Centre Public Spaces Protection Order (PSPO), explaining that the revised order had a stronger focus on specific behavioural issues. They explained that a separate code of conduct for busking was being developed and that the focus of the PSPO was on street entertainment that caused a nuisance or obstruction.
5. The Head of Law and Governance briefed the Committee on the substantive points of his teleconference with Liberty on 6 October 2015. He said that Liberty had welcomed the Council's reconsideration of the PSPO but had specific and overarching residual concerns which they were likely to set out in a letter. If received, this letter would be put before CEB for consideration. In response to comments raised in discussion the Head of Law and Governance assured the Committee that the current draft PSPO was a permissible exercise of discretion and that the CEB report did address the issue of the application of the European Convention on Human Rights. The remaining contentious issues reflected different philosophical approaches to enforcement.
6. The Chair of the City Centre PSPO Panel referred the Committee to the notes of the Panel meeting held on 5 October 2015 (see appendix 1) and summarised the main points of the discussion and the Panel's suggested recommendations.
7. The Committee questioned why the boundaries of the PSPO included university-owned land such as the University Parks and Christchurch Meadow, and why Council resources would be used to enforce in these areas.
8. The Committee voted on a proposal to exclude section 1a, dealing with the behaviour of aggressive begging, from the PSPO. This proposal was not agreed by a majority of the Committee. The minority who opposed the inclusion of aggressive begging in the PSPO felt that criminalisation of the activity (with the threat of fines that this included) was not the best, or a proportionate, means of tackling the problem.
9. The Committee voted on a proposal to exclude section 1e from the PSPO for one year pending implementation of the code of conduct for busking and a review of noise nuisance complaints. This proposal was not agreed by a majority of the Committee.

10. The Scrutiny Committee agreed that the following comments suggested by the PSPO Panel should be referred to the City Executive Board:
1. That the Scrutiny Committee and PSPO Panel welcomed the changes to the current City Centre PSPO documentation compared to that of June 2015 as being a considerable improvement and notes that groups such as Crisis have welcomed these changes;
 2. That the Scrutiny Committee and PSPO Panel supported the inclusion of the behaviours set out in sections 1 b, c, d, f, g and h, in the City Centre PSPO.
11. The Committee also noted the following suggestions:
- that Thames Valley Police could be asked to contribute to the training of OCC enforcement officers
 - that officers should monitor the situation in another local authority which had included within its PSPO the requirement for dog walkers to carry “poo bags”
12. The Scrutiny Committee agreed that the three recommendations suggested by the PSPO Panel should be referred to the City Executive Board as recommendations of the Scrutiny Committee, with the addition of a further two recommendations relating to section 1a of the draft PSPO.

Recommendation 1 - That the design and placing of signage should be considered by a cross-party group of members and that every effort should be made to remove obsolete signage across the city.

Recommendation 2 - That full consideration should be given to any further views expressed by Liberty in relation to the revised draft PSPO.

Recommendation 3 - That the City Executive Board notes that there was no consensus in the Scrutiny Committee or PSPO Panel for the inclusion at this stage of the behaviours set out in sections 1a and 1e of the draft PSPO.

Recommendation 4 - That the word “reasonably” should be inserted before the word “perceived” in section 1a of the draft PSPO.

Recommendation 5 - That the City Executive Board should clarify and define the meaning of the word “near” in section 1a of the draft PSPO to protect and assist officers enforcing the order.

Further consideration

13. The Scrutiny Committee had previously agreed to monitor the impact of the PSPO, including early intervention and enforcement actions.

Executive response

See appendix 2.

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