

**To: City Executive Board**

**Date: 11 June 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 Simmons

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

**Policy Framework:** The Corporate Plan 2015-19 – Strong, Active Communities; Cleaner, Greener Oxford

### **Recommendations of the Scrutiny Committee to the City Executive Board:**

1. We recommend that an Enforcement Code of Conduct for Officers should be produced and that this code should be in place and in the public domain before any enforcement actions are taken under the City Centre Public Spaces Protection Order.
2. We ask the City Executive Board to note that a minority of the Scrutiny Committee opposed aspects of the PSPO most notably the inclusion of non-aggressive begging and busking in the PSPO.
3. We recommend that the existing 'Code of Conduct for Busking and Street Entertaining in Oxford' should be reviewed and revised to provide a more comprehensive "Guide to Busking and Street Entertaining in Oxford". This guide should be accessible to buskers, street entertainers, businesses and the public, and draw on examples of good practice from other cities, as well as input from stakeholders such as the Musicians Union. It should be in place before any enforcement actions are taken under the PSPO.

4. We recommend that officers are instructed to look at the differential equalities impact of the PSPO proposals, for example the behaviour of sleeping in public toilets, having regard for example to safeguarding concerns for vulnerable adults.

## **Introduction**

1. The Scrutiny Committee pre-scrutinised the City Centre Public Spaces Protection Order (PSPO) decision at its public meeting on 2 June 2015. The Committee would like to thank Councillor Dee Sinclair, Richard Adams and Jeremy Franklin for presenting this report and answering members' questions.
2. Three speakers addressed the Committee and the Committee would like to thank them for their contributions:
  - Councillor David Thomas, ward member for Holywell
  - Councillor Ruthi Brandt, ward member for Carfax
  - Giles Payne, Crisis Skylight

## **Summary of recommendations**

3. The Committee asked a number of questions including around; what powers PSPOs replace, alternative powers available to the City Council, the wording and interpretation of the PSPO, how evidence is gathered, the enforcement process, and how representative the results of the consultation were.
4. The Committee questioned how the approach to enforcement would differ across the different behaviours covered by the proposed City Centre PSPO. The Committee heard that enforcing officers are trained to have a conversation in the first instance; it would not be a case of handing out on the spot fines immediately.
5. The Committee heard that urinating or defecating in public places might be an example of where a more zero tolerance approach would be taken. However, the Committee noted that in some instances there may be a reasonable excuse for this behaviour, such as a medical condition.
6. The Committee suggest that guidance should be issued to enforcement officers to provide clarity as to what approach should be taken to different behaviours. Members heard that a corporate enforcement policy is being developed and will go to the City Executive Board later in the year. This would in effect be a code of conduct for enforcing officers. The Committee suggest that guidance should be available to officers and be in the public domain before any enforcement action is taken.

***Recommendation 1 – We recommend that an Enforcement Code of Conduct for Officers should be produced and that this code should be in place and in the public domain before any enforcement actions are taken under the City Centre Public Spaces Protection Order.***

7. The Committee considered a proposal that the City Centre PSPO represented a punitive approach and that the case had not been effectively made that existing powers were insufficient. A majority of members did not support this proposal and a minority of members did support it.
8. The Committee considered a proposal that 'persistent begging' should be removed from the PSPO. A majority of members did not support this proposed change and a minority of members did support it.
9. The Committee also discussed whether 'persistent begging' should be changed to 'persistent and aggressive begging'. A majority of members did not support this proposed change and a minority of members did support it.
10. The Committee considered a proposal to remove 'breaches of the Code of Conduct for Busking and Street Entertaining in Oxford' from the behaviours covered by the PSPO. A majority of members did not support this proposed change and a minority of members did support it.

***Recommendation 2 - We ask Executive to note that a minority of the Scrutiny Committee opposed aspects of the PSPO most notably the inclusion of non-aggressive begging and busking in the PSPO.***

11. The Committee supported having a code of conduct for buskers and the principle that buskers should busk for a maximum of 60 minutes in any one place, as this enables more people to have the opportunity to busk in prime locations.
12. It was suggested that the City Council's Code of Conduct for Busking and Street Entertaining in Oxford could be strengthened and that the words 'enjoy yourself' should be removed. A member noted that Liverpool has a more substantial guide to busking which has been highlighted as best practice. The Committee suggest that the City Council's Code of Conduct should be reviewed in light of examples of policies in other cities, as well as input from groups such as the Musicians Union.

***Recommendation 3 – We recommend that the existing 'Code of Conduct for Busking and Street Entertaining in Oxford' should be reviewed and revised to provide a more comprehensive "Guide to Busking and Street Entertaining in Oxford". This guide should be***

***accessible to buskers, street entertainers, businesses and the public, and draw on examples of good practice from other cities, as well as input from stakeholders such as the Musicians Union. It should be in place before any enforcement actions are taken under the PSPO.***

13. The Committee noted concern that 'Sleeping in toilets' is primarily a safeguarding issue. The Committee suggest that officers should look at whether including this behaviour in the city centre PSPO would have a differential impact on equalities, for example by affecting women more than men.

***Recommendation 4 – We recommend that officers are instructed to look at the differential equalities impact of the PSPO proposals, for example the behaviour of sleeping in public toilets, having regard for example to safeguarding concerns for vulnerable adults.***

#### **Further consideration**

14. The Committee requested an update report in 6 months, to monitor the impact of the City Centre PSPO, which should detail the breakdown between early intervention and enforcement actions.

#### **Executive response**

*To follow*

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**List of background papers: None**