

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

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

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 9th February and concluded on the 31st 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 31st March 2015 and for 26th March 2015. From the 26th 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 11th 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 30th 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 3rd 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 1st August 2014 and 29th 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 1st August 2014 and 29th 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 st August 2014 and 29 th 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.

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