

Notes of PSPO Panel on 5 October 2015

The Service Manager for Environmental Protection updated the Panel on changes to the proposed city centre PSPO and said that it now had a stronger focus on specific behavioural issues. The PSPO now covered aggressive begging rather than persistent begging. It also made no mention of codes of conduct for busking and street entertaining or peddling.

The Head of Law and Governance advised that the previous PSPO decision had been delayed due to the fact that detailed legal opinion had been received from Liberty which warranted consideration, rather than due to the content of that opinion. Liberty had been made aware that a new proposal was coming forward and officers would be holding a teleconference with Liberty the following day.

The Panel noted that the City Council should listen to respectable organisations such as Liberty and heard that there would be time for the Board to consider any further opinion from them, before any decision was taken.

In response to a question about the PSPO covering a large area and numerous behaviours, the Panel heard that it would be one of the larger PSPOs in the country and that most PSPOs cover a single issue. The evidence test was whether a PSPO would tackle existing or likely issues. The Panel heard that it was intended to be a preventative tool that set a standard of behaviour in the city centre.

The Panel noted that signage would be important and that some signs that were still in place in the city had been made obsolete by legislative changes. The Panel also noted that signage should be sensitive to its surroundings, particularly in conservation areas. The Panel heard that signage needed to be proportionate and would be placed on the boundaries of the area covered by the PSPO, and at specific sites within this area. Existing signage that would be superseded by the PSPO would be taken down.

The Panel discussed the measures relating to aggressive begging, including; the rationale and evidence base for a PSPO, the use and effectiveness of existing powers, whether a PSPO would make a positive contribution to helping people who were begging, whether begging near a cash machine was always aggressive, the perceptions of vulnerable people and those with English as a second language, and how a PSPO would work in practice.

The Panel heard that begging was strongly connected to substance abuse and that a carrot and stick approach could help officers to challenge behaviours such as aggressive begging and nudge people into support services. The Panel questioned whether this was clear in the report.

The Panel discussed a proposal to remove the behaviour of aggressive begging from the PSPO. This proposal was not agreed by the full Panel or by a majority – 1 in favour / 3 not in favour.

The Panel then considered whether the wording of section 1a of the Order should be amended. A number of alternatives were considered and voted on but none were agreed by the full Panel or by a majority of the Panel:

- Removing the reference to begging near a cash machine – 1 in favour / 3 not in favour
- Adding the word ‘reasonably’ before the word ‘perceived’ – 2 in favour / 2 not in favour
- Replacing the existing wording with ‘No person shall beg in a manner reasonably perceived to be aggressive. For example, begging near a cash machine’ – 1 in favour / 3 not in favour.

The Panel considered the measures relating to street entertainment that causes a nuisance and questioned whether busking should be considered an anti-social behaviour, noting that groups such as the Equity trade union were opposed to this. The Panel heard that a code of conduct for busking was being developed and would be consulted on. This code of conduct would be legally disassociated from the PSPO. The focus of the PSPO was on behaviours that cause a nuisance or obstruction, not busking or street entertainment.

The Panel questioned whether the use and effectiveness of existing powers. The Panel heard that the City Council did not use Community Protection Notices for street entertainment complaints, which required a body of evidence that the conduct in question was of a persistent and continuing nature. There had been one 28 day seizure of property under the Environmental Protection Act.

The Panel questioned whether the evidence justified the need for additional powers and heard that 501 noise complaints had been received and investigated over the last 10 years. The Service Manager for Environmental Protection advised that the PSPO would provide a useful sanction and that he would be satisfied if officers did not need to use it to fine people who, without reasonable excuse, failed to comply with the requirements of this order. It was felt advice and guidance would deal with all but the most problematic of nuisance complaints. Officers would be speaking with people in the city centre to raise awareness of the PSPO and were also developing a daily assessment that would provide a ‘health-check’ of the city centre.

The Panel considered and voted on a proposal that noise nuisance complaints should be closely monitored for one year before a decision is taken on whether to include this behaviour in the PSPO. This was not agreed by the full Panel but was agreed by a majority of members present – 2 in favour / 1 not in favour.

The Panel noted that the Scrutiny Committee had agreed to monitor the impact of the PSPO, including early intervention and enforcement actions.

The Panel considered the four recommendations agreed by the Scrutiny Committee on the previous PSPO report on 2 June 2015. The Panel noted that these recommendations had either been taken forward or were no longer relevant. A policy and procedure for officers dealing with anti-social behaviour was already in place.

The Panel agreed the following:

- To warmly welcome the changes to the PSPO documentation compared to June 2015 as being a considerable improvement and note that groups such as Crisis had welcomed these changes.
- To support the inclusion of behaviours set out in sections 1 b, c, d, f, g and h, in the City Centre Public Spaces Protection Order.

- To propose that the following recommendations be put to the City Executive Board:
 1. That the design and placing of signage is considered by a cross-party group of members and that every effort is made to remove obsolete signage across the city;
 2. That full consideration is given to any further views expressed by Liberty in relation to the revised PSPO;
 3. That the City Executive Board notes that there was no consensus in the scrutiny panel for the inclusion at this stage of the behaviours set out in sections 1a and 1e of the PSPO.

Councillor Clarkson left the meeting shortly before 5pm to attend a licensing sub-committee meeting.

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