

## **DRAFT MINUTES – EXTRACT**

### **City Executive Board – 15 October 2015**

#### **Minute item 90: City Centre Public Space Protection Order**

The Executive Director Community Services submitted a report (previously circulated, now appended) which detailed the consultation regarding a Public Spaces Protection Order for the city centre, and sought approval of a draft Order.

Cllr Sinclair, Executive Board Member for Crime, Community Safety and Licensing presented the report. She reminded the Board that the current draft PSPO was the result of a long period of intense scrutiny from early 2015 and that it had been revised following robust and thorough review and in response to representations.

The Environmental Protection Service Manager highlighted the main points of the report. He explained that it addressed each of the proposed prohibitions and offered evidence for its inclusion and commented on how the offence would be enforced.

The Head of Law and Governance briefed the Board on the supplementary report (previously circulated, now appended) which addressed the representations submitted by Liberty in their letter of 9 October 2015. The report also clarified the Council's intentions with regard to the issue of Fixed Penalty Notices (FPNs) for aggressive begging and detailed a proposed correction to the draft Order by replacing "make" with "complete" in Prohibition 1f).

The Chief Executive advised the Board that a representation had been received that afternoon from the University of Oxford stating that they did not wish the boundaries of the PSPO to include any University land. He informed the Board that the University had been one of the 3000 landowners consulted. He indicated that some of the prohibitions in the draft PSPO already had effect on University land. He recommended that, if the Board were minded to approve the PSPO, they should do so in its present form and task officers to speak to university/college landowners about the practical implementation and enforcement of it.

The Chief Executive said that he had personally spoken to front line Council staff to understand the sort of issues they faced in dealing with anti-social behaviour in the city centre. Based on their comments and on his own personal observations of incidents in the city centre he was confident that the powers afforded to the Council under the PSPO were necessary. He said that in the majority of cases the Council's enforcement code was the starting point to changing behaviours and addressing the underlying problems which caused that behaviour. The PSPO would provide Council officers with stronger powers to deal with the minority of cases who rejected the offers of support from the Council and other local organisations. He assured the Board that the effectiveness of the PSPO would be subject to close scrutiny and monitoring.

Cllr Gant, Chair of the Scrutiny City Centre PSPO Panel, presented the report of the Scrutiny Panel (previously circulated, now appended). He explained that the Panel

had met on 5 October 2015 to consider the draft PSPO and that the Panel's conclusions had been presented to the Scrutiny Committee on 6 October 2015. He noted the City Executive Board responses to the Scrutiny Committee recommendations and reminded the Board that both the Scrutiny Panel and Committee had failed to reach a consensus with regard to Sections 1a and 1e of the draft PSPO. He said that due to time constraints it was regrettable that the Liberty letter had not been received at the time of the Panel or the Scrutiny Committee meetings.

Cllr Fooks, commenting on behalf of the Liberal Democrat Group, made the following points:

- Anti-social behaviour in the city centre needed to be addressed but was the introduction of a PSPO the most appropriate measure
- The Board should give full consideration to the points raised by Liberty as stated in Recommendation 2 from the Scrutiny Committee
- Was it advisable to include busking in the PSPO in advance of the new "code of conduct for busking"?

Cllr Thomas made the following points:

- That vulnerable people would be criminalised not helped as a result of the PSPO
- That the Board should drop the begging component in the draft PSPO

In discussion the Board noted the importance of differentiating between people who were homeless and those who were begging. They heard that the PSPO replaced or updated existing public space restrictions such as alcohol Designated Public Place Orders and Dog Control Orders. Any change to the draft PSPO boundaries would mean that the areas excluded would have no such updated legal regulations in place.

The City Executive Board resolved to:

1. **Agree** to 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 and subject to the amendments detailed at Recommendation 2, 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; and
2. **Agree** to revise the proposed Order, to replace the word 'make' in the first bullet point of Prohibition 1(f) with 'complete' and to insert the word 'reasonably' prior to the word 'perceived' in Prohibition 1(a).