

To: City Executive Board
Date: 13 March 2019
Report of: Scrutiny Committee
Title of Report: Scrutiny Committee recommendations concerning the Council's approach to a City Centre Public Space Protection Order (PSPO).

Summary and recommendations	
Purpose of report:	To present Scrutiny Committee recommendations for City Executive Board consideration
Key decision:	Yes
Scrutiny Lead Member:	Councillor Andrew Gant, Chair of the Scrutiny Committee
Executive Board Member:	Councillor Tom Hayes, Board Member for Safer, Greener, Environment
Corporate Priority:	Strong and Active Communities
Policy Framework:	Corporate Enforcement Policy, Anti-social Behaviour Policy
Recommendation: That the City Executive Board states whether it agrees or disagrees with the recommendations in the body of this report.	

Introduction and overview

1. On 5 March 2019, the Scrutiny Committee reviewed a reporting concerning the Council's approach to the City Centre Public Space Protection Order (PSPO), which is due for consideration by the City Executive Board on 13 March 2019. This report sets out four recommendations for the Board to consider. The Committee would like to thank Councillor Hayes, Board Member for Safer, Greener Oxford, and Richard Adams, Community Safety Service Manager, for attending meeting.
2. The Committee would also like to thank Councillor Aziz for attending to address the Committee. She said that there had been local instances of violence and abuse against rough sleepers in the City, and advocated for the development of a rough sleeper protection order. Further, that rough sleepers should in no way be criminalised by any Public Space Protection Order. The Committee noted the Board Members statement that the Council does not, and would never, criminalise homelessness and rough sleeping.

Summary and recommendations

3. The City Executive Board report proposed to undertake a consultation with local residents and businesses about what they see as acceptable behaviours, and the appropriateness of a City Centre Public Spaces Protection Order (PSPO) for tackling certain inappropriate behaviours. This consultation would run prior to any further consultation, required by statute, if the Council decided to take forward the PSPO option. There was general, but not unanimous support for undertaking a consultation on acceptable behaviours, but there were a number of reservations expressed about the use and appropriateness of PSPOs.
4. From the outset, the Committee were of the view that residents and visitors had the right to feel safe in the city centre. The Committee noted that under the previous PSPO, which expired in January 2019, 18 second aggressive begging warnings had been served. 16 of these notices were served on people experiencing substance misuse issues. Some councillors were of the view that this demonstrated that the PSPO disproportionately affected vulnerable people. There were also wider comments around the subjective nature of behaviours such as aggressive begging.
5. The Committee discussed whether the Council was conflicted in its work with vulnerable people. On the one hand, the Council commissions a wide range of services to support rough sleepers and other vulnerable and hard to engage with groups, whilst at the same time a PSPO may penalise people and make people wary of engaging with services. It was noted that the operation of PSPOs was principally a deterrent, and the data showed that of the nearly 1,000 incidents, enforcement action was only used on six occasions.
6. The Committee discussed how the consultation should ensure that a wide range of views are gathered, and that a spread of responses are received. For example, councillors said that businesses and other local organisations were experienced in providing consultation responses and engaging with the Council. Rough sleepers and people experiencing mental health issues may feel less able to contribute.
7. Accordingly, the Committee was of the view that a targeted approach was needed to ensure that a broad range of responses were received to the consultation, and that vulnerable people are supported to overcome any barriers to providing a full response. The consultation should include organisations that support rough sleepers and people experiencing mental health issues also. The Committee noted from the Board Member that the intention was to consult widely, and specifically with people who may be vulnerable, as set out in the report.
8. Councillors were also of the view that the Police were essential stakeholders in this issue, and they should be invited to contribute. In particular, they should be asked of the value of PSPOs, what their capacity is to carry out such enforcement action, and what alternative powers they might use to deal with inappropriate behaviours.
9. In addition to rough sleepers, vulnerable people and the Police, the Committee noted that recent Local Government Association guidance on the use of PSPOs encouraged local authorities to “actively seek out stakeholders who might oppose

the proposals during their consultation.”¹ Accordingly, the Committee endorses this approach.

Recommendation 1: That the Council ensures that the consultation on acceptable behaviours in the City Centre actively seeks out the views of:

a) People who sleep rough and related third sector support organisations, as well as other vulnerable groups and their associated bodies.

b) Thames Valley Police.

c) People who are likely to oppose the introduction of PSPOs.

10. The Committee was conscious that presenting people with a list of behaviours, and asking which they considered to be inappropriate, would be a leading approach. Indeed, the City Executive Board report did not propose such an approach. However, the Committee were clear that in line with recommendations made by the Local Government Association, the consultation should be carried out in an open way, as not to influence respondents.

Recommendation 2: That the consultation on acceptable behaviours presents information objectively, and that questions are phrased in an open way.

11. The Local Government Association recommends that, in scrutinising proposals for introducing PSPOs, thoughts should be given to what alternative approaches can be taken to achieve the same outcome. This Committee believes the decision making process could benefit from having more information on what the alternative approaches are available, even if only to rule out those approaches. It would therefore be helpful if any further reports to the City Executive Board concerning public behaviours set out various alternative approaches to managing unacceptable behaviours. This is important to ensure that all options are considered, but also in demonstrating that the Council has given due consideration to the alternatives.
12. In order to provide assurance that the consultation has reached a wide range of contributors, and for the purposes of openness and transparency, a published list which identifies the organisations that have been asked by the Council to contribute to the consultation would be welcome.

Recommendation 3: That any subsequent City Executive Board report concerning PSPOs discusses alternative approaches to managing unacceptable behaviours, and the benefits and limitations of such approaches. This report should also set out a list of consultees the Council has approached as part of the acceptable behaviours consultation.

13. The Committee is aware that violence is both a cause and unfortunate consequence of rough sleeping, and that people who sleep rough are much more likely to experience violence than the wider population.² Recently, there have been some instances national and locally of heinous abuse towards rough sleepers. Therefore,

¹ Local Government Association, 2018. Public Space Protection Orders: Guidance for Councils. Available at: <https://www.local.gov.uk/public-spaces-protection-orders-guidance-councils>

² Crisis, 2012. Homelessness Kills: An analysis of the mortality of homeless people in early twenty-first century England.

the Committee believes that wider consideration should be given to what action the Council can take to protect rough sleepers, and whether protection orders may be appropriate route to address this.

Recommendation 4: That consideration is given to how the Council could better protect people sleeping rough from violence and abuse.

Further consideration

14. The Scrutiny Committee has indicated its wish to review the outcome of the consultation, when it is brought forward for City Executive Board consideration. The conclusion of this process will determine whether the Committee wishes to revisit the Council's Anti-social Behaviour Policy as part of its work plan.

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