

Report to Place Scrutiny Committee

Date of meeting: **19th September 2023**



Portfolio: Regulatory & Technical Services – Cllr K Williamson

Subject: Public Space Protection Order (Debden Broadway) (Antisocial Behaviour, Crime & Policing Act 2014)

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Recommendations/Decisions Required:

To consider the Cabinet Report: Public Space Protection Order (Debden Broadway) (Antisocial Behaviour, Crime & Policing Act 2014) and comment as required.

Cabinet Recommendations/Decisions Required:

1. Cabinet agrees a 28-day public consultation on the proposed Public Space Protection Order (PSPO).
2. Cabinet agrees that where no objections are made or a majority of 60% of responses are positive that the proposed PSPO be implemented on the date specified in the public notice.
3. Cabinet agrees that where more than 40% objections are made, it will reconsider the proposal in light of those objections within 2 months of the date specified in the public notice.

Executive Summary:

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a variety of powers for local authorities to deal with anti-social behaviour including Public Spaces Protection Orders. PSPO's are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. The order can be used to deal with likely future problems.

PSPOs are designed to make public spaces more welcoming to the majority of law-abiding people and communities.

Reasons for Proposed Decision:

The Broadway is a well-used area which consists of both residential and commercial premises. There are several schools and a college in the vicinity of the area. Debden tube station is also in close proximity. It is an area that is used by people for local shopping, restaurants as well as other local amenities.

The Broadway has been highlighted as an area of focus for the Home Office 'ASB hotspot patrols' within the Epping Forest District. ASB hotspots have been introduced as a result of the Prime Ministers new ASB action plan.

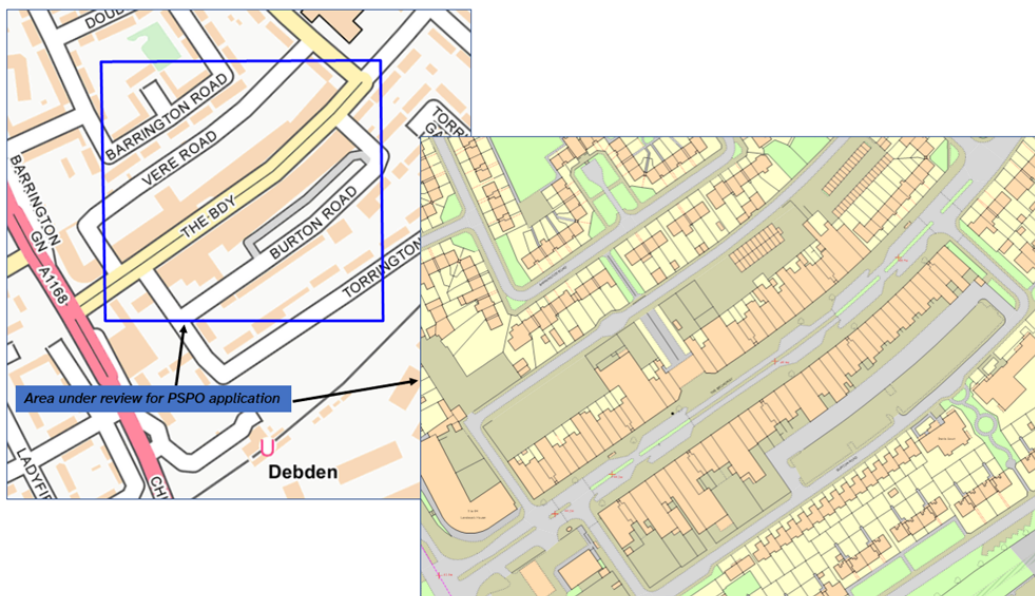
It is proposed to introduce a PSPO thereby providing a safe environment for residents, workers and the community when frequenting The Broadway.

Other Options for Action:

Not to proceed with the making of the Public Spaces Protection Order.

Report:

1. The Broadway has been highlighted due to the volume of anti-social behaviour incidents and reports that have been made in the area.
2. The below data has been taken from Essex Police systems. During the period 1 April 2018 to 31 March 2023, there were 324 ASB incidents reported, and 1273 crimes recorded within the area.
3. During the most recent year (2022 to 2023), there were 61 ASB incidents reported. Over half of the incidents referred to groups of youths causing a nuisance. This involved a variety of acts including noise, smoking cannabis/inhaling nitrous oxide, intimidation and fighting. A further 26% (16) relate to a homeless female causing a nuisance and a male begging outside BP in The Broadway.
4. The map below details the area that the PSPO will relate to:



5. The below table shows the ASB incidents over the last 5 years:

Final Call Type	2018 to 2019	2019 to 2020	2020 to 2021	2021 to 2022	2022 to 2023	Grand Total
NUISANCE	20	19	42	23	30	134
DISTURBANCE	16	7	15	18	17	73
DRUG RELATED INCIDENT	5	9	8	6	3	31
COVID RELATED			24			24
FIREWORK RELATED INCIDENT	2	3	3	3	4	15
INFORMATION	1	3	1	2	1	8
FIGHT	1	2	1	2	1	7
OFFENSIVE WEAPON		2	3	1	1	7
SUSPICIOUS CIRCUMSTANCES	1		1	2	1	5
ABANDONED VEHICLE	1		1	1		3
ATTENTION TO	1	1	1			3
OBSTRUCTION	2		1			3
TRESPASS		1		1		2
ABANDONED 999 CALL		1				1
ARSON					1	1
HATE CRIME		1				1
MENTAL HEALTH INCIDENT					1	1
PREVENT BREACH OF PEACE		1				1
ROAD TRAFFIC COLLISION		1				1
STALKING				1		1
SUSPECTS MAKING OFF			1			1
THEFT					1	1
Grand Total	50	51	102	60	61	324

Table 1 - breakdown of ASB Final Closing Descriptions

Final Call Type	2018 to 2019	2019 to 2020	2020 to 2021	2021 to 2022	2022 to 2023	Grand Total
NUISANCE	19	17	35	20	29	120
NUISANCE NEIGHBOUR		1	3	2	1	7
NUISANCE- VEHICLE	1	1	4			6
NUISANCE DUE TO NOISE				1		1

Table 1a - breakdown of ASB incidents closed as Nuisance

There were 121 ASB incidents reported during the period 1 April 2021 to 31 March 2023, evenly split over the forementioned two years. 44% (53) were closed as 'nuisance'.

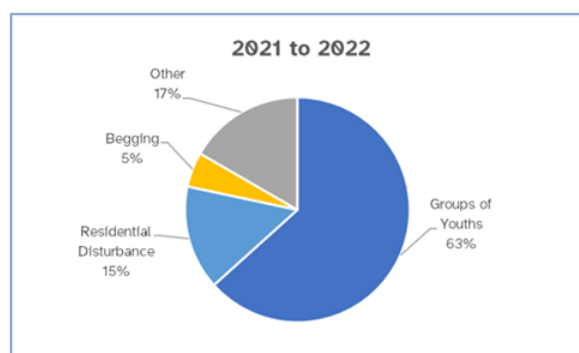


Chart 1 - Categorisation of ASB incidents 2021 to 2022

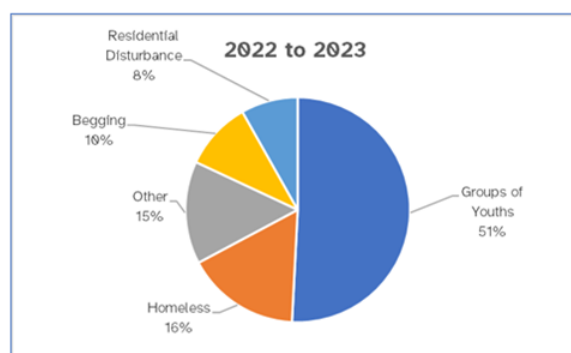


Chart 2 - Categorisation of ASB incidents 2022 to 2023

6. Charts 1 and 2 show the breakdown of ASB incidents. Groups described as 'youths' congregating and causing a nuisance (noise, drug taking, intimidation, fireworks and fighting) accounted for the highest percentage of ASB in both years. In the 2022 to 2023 data, this percentage was slightly lower due to the increase of begging and homeless incidents. There were 10 reports of a homeless female with mental health issues committing ASB on The Broadway between April and November 2022. The Essex Police Athena record now shows this female to have a home address in Waltham Abbey which may be the reason for no further sightings and reports. The six incidents relating to begging involved a male in his 60s asking customers for money outside BP on The Broadway. The last incident within the data was in March 2023 however there may have been further during the period April to July 2023.
7. The category 'other' consists of incidents not covered in the main groupings such as road related nuisance, group of adults congregating, mental health episodes, concern for welfare and fighting
8. Data from Epping Forest District Council system M3 relate to reports received in the location from April 2018- April 2022 is below:

Date	Report
04.2018	Alleged Brothel
06.2018	ASB/Nuis Youth
11.2019	Nuis Youth/ Drug Taking behind shop
11.2019	Nuis Youth/ Drug Taking in stairwell
12.2019	Neighbour Dispute
12.2019	Nuis Youth/ Drug Taking in stairwell
01.2020	Graffiti Brick clamps path
05.2020	General ASB/Nuis Youth
09.2020	Nuis Youth/ Drug Taking brick clamps path
10.2020	ASB/Nuis Youth
10.2020	Nuis Youth/ Drug Taking/Knife
12.2020	Drug Use
02.2021	Alleged Brothel
03.2021	Knife/Colleague Student
03.2021	Offensive Graffiti
05.2021	Assault
05.2021	Youth Nuisance on Balcony
06.2019	Drug Use In garages
07.2021	ASB/Nuis Youth/Weapon

08.2021	Drunken Behaviour
09.2021	General ASB/Nuis Youth
11.2021	Nuis Youth/ Drug Taking in stairwell
11.2021	ASB/Nuis Youth
11.2021	Offensive Graffiti
02.2022	Weapon and Youth Nuisance
02.2022	Youth Nuisance on Balcony
04.2022	Damage to EFDC CCTV
04.2022	General Youth Nuisance
07.2022	Harassment by Neighbour
08.2022	Drug dealing and Vandalism
08.2022	ASB/Nuis Youth
08.2022	Cannabis Odour
09.2022	Youth Nuisance
10.2022	Youth Nuisance on Balcony
10.2022	Youth Nuisance on Balcony
10.2022	General ASB/Nuis Youth
10.2022	Offensive Graffiti
11.2022	Fireworks Incident
11.2022	Cannabis Odour
11.2022	Nuis Youth/ Drug Taking in stairwell
11.2022	Youth Nuisance on Balcony
02.2023	Harassment by Neighbour
02.2023	Nuis Youth/ Drug Taking in stairwell
03.2023	Vandalism
03.2023	Harassment by Neighbour

Scrutiny Comments

To be added following Place Scrutiny 19th September 2023

Please insert where its relevant to the report a paragraph entitled, e.g. “Scrutiny Comments” as above. Any pre-scrutiny and/or consultation undertaken can be included here. It can also be summarised below under “Resource Implications” in the “Consultation / Scrutiny Undertaken” section.

Resource Implications:

None, enforcement is within BAU. The Home Office have provided funding of £45,354.00 to deliver the ASB Action Plan project.

Legal and Governance Implications:

A local authority may make a Public Spaces Protection Order if satisfied on reasonable grounds that two conditions are met:

- I. That 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 it is likely that activities will be carried on in a public place within that area and that they will have such an effect, and
- II. that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.

There is no prescribed consultation period, it is proposed that the consultation period is for a minimum of 28 days, to allow for the proposal to be properly considered and sufficient time for responses to be made.

A person who fails to comply with any obligation imposed by this order is guilty of a criminal offence by virtue of section 67(1) of the Anti-Social Behaviour, Crime and Policing Act 2014 and liable to fine on summary conviction not exceeding level 3 of the standard Scale. Local Authorities are the designated enforcement agency.

The PSPO lasts for 3 years, but at any point before it expires the PSPO can be extended for a further 3 years. A PSPO can be varied at any point, variations are most likely to be made to close any legal loopholes which offenders may be exploiting to avoid enforcement action.

The penalty for breaching a PSPO is a £100 fixed penalty notice or prosecution in the Magistrates Court, although in line with good practice informal and formal warnings will also be used when enforcing the PSPO.

Proposed implementation 8th January 2024

Safer, Cleaner and Greener Implications:

There have been numerous complaints that relate to the behaviour that would be a contravention of the Order if agreed. If the public spaces protection order is in place, it would allow officers to deal appropriately with the behaviour which will make the area a safer place to live, work and visit.

Consultation / Scrutiny Undertaken:

Public consultation will take place as required under the ASB, Crime and Policing Act 2014 for a period of 28 days between 16th October to 17th November. The consultation will be published on the EFDC website as well as direct consultation with all stakeholders, including local businesses and residents within the designated area as well as in the immediate vicinity. The local schools and college will also be consulted. Epping Forest District Council Housing and Essex County Council will be consulted as the landowners.

The proposed conditions are as follows:

- (i) Loitering by persons in council housing blocks and estates (including but not limited to any stairwell, lobby area, and communal balconies) causing nuisance, intimidation, harassment, alarm or distress or using or dealing drugs directly or indirectly causing damage or other ASB. For the purposes of this PSPO the term "loitering" shall include (without prejudice to the generality of its ordinary meaning) the actions of standing sitting, or lingering (i) aimlessly or without an obvious reason; or (ii) for the purpose of begging, drug taking, or drug dealing.
- (ii) Any person in possession of an open vessel(s) of alcohol / intoxicating liquor in a public place
- (iii) Any person sitting or loitering on the highway or any pedestrian area of the Restricted Area demanding or begging or perceived to be begging by an authorised person for money or any other item, whether placing any item before them for receipt of money or otherwise.
- (iv) Any person flyposting (including the unlawful affixing of any placard, notice or sign to street furniture) or any person permitting and / or benefitting from such flyposting.
- (v) Any person using a Skateboard, Bicycle, scooter, skates or any other self-propelled wheeled vehicle in such a manner as to cause damage to property or that causes or is likely to cause intimidation, harassment, alarm, distress, nuisance or annoyance to any person.

A notice must be published in at least one local newspaper and at the Council Offices, setting out the proposed PSPO conditions and the date on which the PSPO will come into force. The notice must also specify the period and manner in which objections can be made.

Background Papers: [LGA Public Space Protection Orders: Guidance for Councils.](#)

Risk Management:

There is no minimum statutory consultation period, it is proposed that we consult for period to 28 days, to allow for the proposal to be properly considered and sufficient time for responses to be made.

Where objections are received Cabinet will consider concerns raised and determine whether to agree the proposal or modify the proposal.

Equality:

An Equality Impact Assessment was carried out and there was low impact and there is a positive impact for residents, visitors and businesses in the area.