

Report of Head of Operational Delivery – ASB, Hate Crime & Security Service

Report to Director of Communities and Environment

Date: 29 September 2020

Subject: Public Spaces Protection Order (PSPO)-2020.

| | |
|--|---|
| Are specific electoral wards affected? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, name(s) of ward(s): Armsley, Burmantofts and Richmond Hill, Little London and Woodhouse, Hunslet and Riverside, Beeston and Holbeck, Calverley and Farsley, Garforth and Swillington, Guiseley and Rawdon, Gipton and Harehills, Horsforth, Kippax and Allerton Bywater, Otley and Yeadon, Pudsey, Wetherby | |
| Has consultation been carried out? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Will the decision be open for call-in? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Does the report contain confidential or exempt information? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If relevant, access to information procedure rule number: Appendix number: | |

Summary

1. Main issues

- This report supports both the Safer Leeds Executive report dated the 29 September 2020, and the associated Delegated Decision Notification (DDN) report.
- This report provides the Director of Communities and Environment with an overview of the process to extend thirteen (13) existing Public Space Protection Orders (PSPOs) and to make one (1) new Public Spaces Protection Order.
- A PSPO can last for up to three years, however it can be extended upon review.
- This report relates to a ‘Key Decision’ as the proposals are deemed to:
 - to have a significant effect on communities living or working in an area (including one ward); and
 - which is not a decision which a direct consequence of implementing a previous Key decision, or in relation to which a further report will be submitted for approval of the proposal before the council is committed to proceed, or
 - which is not the result of varying a previous key decision in line with recommendations made by a scrutiny board following a call in of that decision.

2. Best Council Plan implications (see the [latest version of the Best Council Plan](#))

- Our proposals for this PSPO supports the priority as outlined in the Best Council Plan 2020- 2025 -Tackling poverty and reducing inequalities ‘Safe Strong Communities.’
 - Keeping people safe from harm, protecting the most vulnerable
 - Tackling crime and anti-social behaviour
 - Promoting community respect and resilience’

3. Resource implications

- Safer Leeds is required to renew/ remove PSPO signage from a number of ‘restricted areas’ and the interim cost to Community Committees and City Centre Management is £4612.

Recommendations

- a) The Director of Communities and Environment to approve this request for this PSPO as part of his delegated decision authority.
- b) The Director of Communities and Environment is advised that it is anticipated that the PSPOs will be implemented not before 16 November 2020.
- c) That the Head of Operational Delivery ASB, Hate Crime & Security Services is the Officer responsible for implementation.

1. Purpose of this report

- 1.1 This report supports the Safer Leeds Executive report of 29 September 2020, and the Safer Leeds Executive decision of 29 September 2020 to agree in principle the proposals for 14 PSPOs.

2. Background information

- 2.1 The Safer Leeds Executive report dated 29 September 2020, updates on the process that has been followed to enable Leeds City Council to consider the extension of thirteen (13) existing Public Spaces Protection Orders (PSPOs), the variation of a number of those Orders, and the making of one (1) new Public Spaces Protection Order (PSPO) in the Leeds local authority area. The report considers the statutory consultation exercise conducted by the Council. It examines the responses to consultation and the main substantive issues raised during the consultation process

3. Main issues

- 3.1 There were eighteen area based Public Spaces Protection Orders in Leeds and these commenced on 20 October 2017 following changes to legislation. All eighteen PSPOs were broadly based on the previous eighteen Designated Public Place Order (DPPO) initiative; and many of those had been in existence for approximately ten years.

- 3.2 On 01 July 2020, the North West Leeds PSPO expanded and merged three 2017 PSPOs in the Headingley and Hyde Park, Weetwood, and Little London and Woodhouse council wards.
- 3.3 Following discussions with West Yorkshire Police and the Community Safety/ Tasking meeting it was agreed that Safer Leeds would not extend the PSPOs in Gipton, and Killingbeck and Seacroft. There was a broad consent for discontinuation due to a lack of evidence and a lack of use. These two PSPOs will expire on 19 October 2020.
- 3.4 Following discussions with West Yorkshire Police, Garforth PSPO was revised for the purposes of the statutory consultation and the expanded 'restricted area' was renamed 'Garforth and Swillington'. Following the consultation this 'restricted area' was divided into two PSPOs- 'Garforth', and 'Swillington'.
- 3.5 The outstanding thirteen PSPOs will expire on 19 October 2020, unless they are extended following statutory consultation
- 3.6 Safer Leeds proceeded to statutory consultation Monday 10 August 2020 to Sunday 06 September 2020, and this was based on the following thirteen Public Spaces Protection Orders and prohibitions as listed below:

| PSPO area | Alcohol prohibitions | Additional prohibitions |
|-----------------------------|-----------------------------|--|
| Armley | x | x Household waste |
| Burmantofts | x | x- Leeds Teaching Hospitals Trust |
| City Centre | x | X – Temporary structures X - Leeds Teaching Hospitals Trust |
| Farsley | x | |
| Garforth and Swillington | x | |
| Guiseley | x | |
| Harehills | x | x Household waste |
| Horsforth | x | |
| Kippax and Allerton Bywater | x | |
| Otley | x | |
| Pudsey | x | |
| Wetherby | x | |
| Yeadon | x | |

- 3.7 These Public Spaces Protection Orders are proposed as part of a range of measures to tackle alcohol related anti-social behaviour, and other issues of anti-social behaviour across Leeds. All PSPO terms and geographical 'restricted areas' have the broad support of West Yorkshire Police and Community Safety partners including Ward Members. Community Safety leads are aware of the wider scope and terms which can apply to PSPOs and the agreed prohibitions are reflective of local issues and priorities.
- 3.8 Before introducing a PSPO the council must decide if it passes the legal test. For this, the behaviour being restricted has to:
- Be having, or is 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
- Justify the restrictions imposed

- 3.9 Safer Leeds has considered evidence and anecdotal supporting information and is satisfied that the test has been met.
- 3.10 Safer Leeds has noted House Office advice around vulnerable people and therefore Safer Leeds is not supporting terms around rough sleeping and begging etc. Safer Leeds is however supporting terms around ‘temporary structures’ in the city centre; and the Street Support Team and other Leeds City Council service areas and associated partners will engage with those who are affected by this intervention.
- 3.11 Details of all existing and proposed area based PSPOs including prohibitions and geographical ‘restricted areas’ can be found at www.leeds.gov.uk/pspo
- 3.12 Following the Public Spaces Protection Order consultation, a number of PSPO ‘restricted area’ amendments have been made. These have been agreed with West Yorkshire Police based on evidence, requests, operational priorities and capacity to manage. Ward Members have been consulted.

| PSPO area | Amendments to ‘restricted area’ |
|-----------------------------|---|
| Armley | To include the ‘Parks’ and ‘Hallidays’ community. |
| Garforth and Swillington | To <i>exclude</i> countryside areas/ agricultural land to central areas of PSPO. nb. Safer Leeds/ WYP agreed to dividing into two PSPOs (Garforth, <i>and</i> Swillington). |
| Guiseley | Administrative changes to ensure areas within the Guiseley PSPO fall within Guiseley & Rawdon ward, and Yeadon PSPO falls within Otley & Yeadon ward. To include: Rawdon Billings, Micklefield Park, and streets between Micklefield Park and Rawdon Billings. |
| Horsforth | To include the King George’s Field and the Horsforth Cricket Club field, and Horsforth Hall Park. |
| Kippax and Allerton Bywater | Minor administrative changes to ensure areas within the Kippax and Allerton Bywater PSPO fall within the Kippax and Allerton Bywater Ward. |
| Pudsey | To include area South of existing PSPO around the Southroyd Primary and Nursery School. |
| Yeadon | Administrative changes to ensure areas within the Guiseley PSPO fall within Guiseley & Rawdon ward, and Yeadon PSPO falls within Otley & Yeadon ward. To include: Yeadon Tarn. |

- 3.13 Given an agreement to divide the PSPO ‘restricted area’ of Garforth and Swillington to two separate PSPOs, the Director of Communities and Environment is being asked to make a decision based on fourteen Public Spaces Protection Orders.
- 3.14 There may be delays to implementation of PSPOs where additional signage are required. Additional signage is currently required in the following PSPOs Armley, Burmantofts, City Centre, Garforth, Guiseley, Horsforth, Pudsey, Swillington, Yeadon, and Wetherby.
- 3.15 Following statutory consultation amendments have been made to the alcohol related prohibitions.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Safer Leeds has carried out extensive engagement and consultation with community safety partner agencies, Leeds City Council Ward Members, and West Yorkshire Police.
- 4.1.2 The Cleaner Neighbourhoods Team have been consulted and PSPO prohibitions around 'household waste' will continue in both Armley and Harehills. This is consistent with PSPO-2017.
- 4.1.3 There have been a number of discussions and meetings to map out the way forward for the City Centre PSPO and these have involved primarily Safer Leeds Street Support Team, West Yorkshire Police, Safer Leeds/ Community Safety, and Legal Services. The proposed prohibitions allow an 'authorised person' to intervene where 'temporary structures' are being made, erected, placed, and/or deposited without the permission of Leeds City Council.
- 4.1.4 There have been a number of discussions and meetings with Leeds Teaching Hospitals Trust (LTHT) and Legal Services to map out the way forward for Leeds General Infirmary (City Centre), and St James's University Hospital (Burmantofts). The proposed prohibitions allow 'an employee or agent of the LTHT, and/ or an authorised person' to instruct a person to leave the 'internal and external public space areas including car parks' of the respective hospitals; should there be a breach of the following prohibition:
- ❖ No person within a public place of LTHT, St James's University Hospital may without reasonable excuse:
 - Be in possession of controlled drugs or psychoactive substances
 - Harass or cause distress to any other person, including members of staff
 - Refuse to leave after medical treatment
 - Refuse to leave when not requiring medical treatment or visiting a patient
 - Be involved in any other activities which may cause a detrimental effect to staff and patients
- 4.1.5 Safer Leeds and West Yorkshire Police have consulted with partner agencies during the six weekly Community Safety meetings and processes. Leeds city centre PSPO has additionally been consulted on at the Improvement Board and at the Community Safety Partnership Board.
- 4.1.6 Safer Leeds carried out statutory consultation between Monday 10 August 2020 and Sunday 06 September 2020. This included consultation with the Chief Superintendent, West Yorkshire Police, the Police and Crime Commissioner, Leeds Chamber of Commerce and community representatives within the 'restricted areas'.
- 4.1.7 The statutory (public) consultation survey was facilitated via a web based 'snap survey' and could be found at www.leeds.gov.uk/pspo and <https://surveys.leeds.gov.uk/s/PSPO-Consultation/>
- 4.1.8 It is recognised that the PSPO consultation could be of interest to many sections of the community, including public and special interest groups. Accordingly, Safer Leeds and partners Communities, Cleaner Neighbourhoods Team, West Yorkshire Police, and Leeds Teaching Hospitals Trust have consulted widely.

4.1.9 Leeds City Council and West Yorkshire Police gave a press release on 06 August 2020 and this was picked up by:

- Leeds Live
- Yorkshire Evening Post
- Caring Together
- West Leeds Dispatches

4.1.10 Leeds City Council shared the consultation by twitter:

- @SaferLeeds – LCC Safer Leeds account

4.1.11 Leeds City Centre residents shared the consultation by twitter:

- @Leeds Residents

4.1.12 Leeds City Council Digital Access Team shared the consultation by Facebook on 10 August 2020, 21 August 2020, and 01 September 2020. This was shared with Community Committee Facebook groups in all communities: Inner East, Inner North East, Inner North West, Inner South, Inner West, Outer East, Outer North East, Outer North West, Outer South, Outer West; and these posts were equally shared within the communities they represent. A number of third sector groups shared the original Digital Access Team publicity including:

- Harehills Community Watch
- Armley Labour Party
- Village of Kippax
- Temple Newsam Coronavirus Help
- Kippax and Methley Coronavirus Group
- Garforth and Swillington Coronavirus Group
- Cross Gates and Whinmoor Coronavirus Group
- Yeadon Community Hub
- Pudsey Community Hub
- Otley Community Hub
- Horsforth Community Hub
- Headingley Community Hub
- Hawksworth Community Hub
- Bramley Community Hub
- Armley Community Hub
- Boston Spa Grumbler

- Wetherby Means Business
- Wetherby online Market place
- Harehills Community Watch
- Wetherby Ward Councillors
- Armley Folk
- Wetherby Sports Association
- Leeds City Council Colleagues (4600 members)
- Leeds City Centre Living
- Leedsplace (110000 members)
- Outer south Tenant Engagement
- Outer North West Housing Advisory Panel
- Otley Children's Centre
- Welcome to Pudsey

4.1.13 Housing Leeds Tenant Engagement Team shared on all Facebook accounts in the PSPO areas.

4.1.14 Leeds Teaching Hospitals Trust shared with

- Security Managers
- Trust communications team
- Executive Director Responsible for security
- Trust Group that looks at patient behaviours
- Security Co-ordinaters and supervisors
- Emergency Dept Managers
- Patient relations Team
- 'Intouch' Staff e-newsletter (1600 staff)

4.1.15 West Yorkshire Police shared with all partner agencies within the thirteen Community Safety meeting groups.

4.1.16 Cleaner Neighbourhoods Team shared with

- Clean Leeds
- Recycle for Leeds
- Cleaner Neighbourhood Team Facebook page

4.1.17 Safer Leeds and Community Safety leads updated on a regular basis staff working within Leeds City Council and West Yorkshire Police; and all were encouraged to

both participate in the PSPO survey and to share emails and social media etc. with external partners and third sectors engaged within the communities.

4.1.18 Public consultation in proposed PSPO areas elicited 1,259 responses from individuals with a direct connection to the locality.

4.1.19 To support an understanding of community concerns each prohibition was separately consulted upon within the survey.

- 90% supported a prohibition connected to a public space including hospital grounds
- 88% supported a prohibition connected to household waste in a public space
- 83% supported a prohibition connected to alcohol misuse in a public space
- 57% supported a prohibition connected to temporary structures in a public space

4.2 Equality and diversity / cohesion and integration

4.2.1 Safer Leeds has carried out an Equality Impact Assessment.

4.3 Council policies and the Best Council Plan

4.3.1 Our proposals for this PSPO supports the priority as outlined in the Best Council Plan 2020- 2025 -Tackling poverty and reducing inequalities 'Safe Strong Communities'.

- Keeping people safe from harm, protecting the most vulnerable
- Tackling crime and anti social behaviour
- Promoting community respect and resilience'

Climate Emergency

4.3.2 These proposals do not impact upon the climate agenda.

4.4 Resources, procurement and value for money

4.4.1 Regulations set out additional requirements regarding the publication of PSPOs that have been made, stipulating that these must be:

- published on the local authority's website
- erected on or adjacent to the place the Order relates to, and is sufficient to draw attention, setting out the effect of the Order and whether it has been made, varied or extended.

4.4.2 Safer Leeds is required to renew/ remove PSPO signage from a number of 'restricted areas' and the interim cost to Community Committees and City Centre Management is £4612.

- 4.4.3 A comprehensive list is required for the streets which is to include street names and lamp column serial numbers to which signage will be affixed.
- 4.4.4 Enforcement costs (in terms of patrolling the localities) will be met by existing Police staff. There will be a cost to Safer Leeds for Fixed Penalty Notices, and the administration of those by Leeds City Council. It is not anticipated that Safer Leeds will be submitting many Court Applications and therefore those costs are likely to be relatively small.
- 4.4.5 Income is likely to be generated from the use of Fixed Penalty Notices and/ or Court Applications where there has been a non- compliance of the Public Space Protection Order. However as members of the public become more aware of the terms of a PSPO, this income might reasonably be expected to reduce.

4.5 Legal implications, access to information, and call-in

- 4.5.1 Leeds City Council's Legal Services has reviewed the process and consultation findings prior to the governance process.
- 4.5.2 PSPOs can be subject to 'Variation' by increasing or reducing the restricted area, by altering or removing a prohibition or requirement included in the Order; or by adding a new one.
- 4.5.3 PSPOs can be subject to 'Discharge'.
- 4.5.4 Leeds City Council is satisfied that the PSPO test has been met as outlined in the Anti Social Behaviour, Crime and Policing Act 2014.
- 4.5.5 The restriction imposed by the PSPOs may restrict the ability for people to associate with others and therefore engages the Article 8 Human Right regarding respect for private and family life, Article 10 regarding freedom of expression, and Article 11 regarding freedom of assembly and association. In actions taken for the prevention of disorder or crime it is lawful for the council to interfere with a person's Article 8, 10 and 11 rights as long as the action is proportionate.
- 4.5.6 The prohibition terms have a wide interpretation so that it may cover the full range of anti-social behaviour which those in the locality are to be protected against. The wording and scope of this term is in line with the legislation and case law relating to anti-social behaviour matters.
- 4.5.7 The Council is ultimately responsible for any decision to enforce and the Council's prosecution team is bound by the Crown Prosecutors Code. There are sufficient safeguards to ensure that inappropriate interpretations of the term do not lead to prosecutions.
- 4.5.8 Considering the levels of disorder, crime and anti-social behaviour to be targeted by the PSPO, and the safeguards against inappropriate prosecutions, the interference of persons' Article rights by the imposition of the PSPO is considered proportionate and lawful.
- 4.5.9 Safer Leeds has carried out extensive consultation with community safety partner agencies, Leeds City Ward Members, West Yorkshire Police, the Police and Crime Commissioner for West Yorkshire and community representatives and stakeholders; including that required by statute.
- 4.5.10 In accordance with regulations on publications PSPOs will be published on the local authority's website, and signage will be erected on or adjacent to the place the Orders relates to.

4.5.11 This report is subject to call-in.

4.6 Risk management

4.6.1 There are specified statutory grounds set out in sections 66 and 67 of the Anti-Social Behaviour Crime and Policing Act 2014 under which the validity of a PSPO, or a variation, can be challenged.

4.6.2 There are only two grounds on which a challenge can be brought:

- the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied), or
- the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement under Chapter 2 of the Act.

4.6.3 Any such challenge can only be brought by an “interested person” meaning an individual who lives in the restricted area or who regularly works in or visits that area

4.6.4 A challenge under section 66 must be made within the period of six weeks beginning on the date on which the order or variation is made. In order to bring a challenge under section 67, the interested person must have been charged with an offence.

4.6.5 The steps which the council has taken to ensure compliance with the statutory requirements for establishing the PSPOs are set out in the main body of this report. It is therefore felt that the risk of a successful challenge is low. However, the Director of Communities and Environment is asked to have regard to the potential risk of challenge when making this decision.

5. Conclusions

5.1 The Director of Communities and Environment is being asked to formally approve the recommendation to make, extend, or vary fourteen Public Spaces Protection Orders based on the prohibitions indicated and the respective geographical ‘restricted area’.

5.2 The Director of Communities and Environment is being asked to note that if further evidence is provided which is relevant to the effectiveness of this order, then the matter may be brought back to them, subject to the necessary evidence and consultation, for the order to be reviewed or varied or an additional PSPO be put in place as appropriate.

5.3 Decision making will be a ‘key decision’ and sign off will be by the Director of Communities and Environments as part of his delegated decision authority.

6. Recommendations

6.1 The Director of Communities and Environment to approve this request for this PSPO as part of his delegated decision authority.

6.2 The Director of Communities and Environment is advised that it is anticipated that the PSPOs will be implemented not before 16 November 2020.

6.3 That the Head of Operational Delivery ASB, Hate Crime & Security Services is the Officer responsible for implementation.

7. Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.