

Report to Cabinet

20 October 2021

Subject:	Implementation of a Public Space Protection Orders for West Bromwich Town Centre
Cabinet Member:	Cllr Bob Piper - Community Safety
Director:	Nicholas Austin Interim Director of Borough Economy
Key Decision:	Yes
Contact Officer:	Tessa Mitchell Business Manager Community Safety & Resilience tessa_mitchell@sandwell.gov.uk

1 Recommendations

That Cabinet

- 1.1 Approves the implementation of the proposed Public Spaces Protection Order (PSPO) for West Bromwich Town Centre which prohibits the following behaviour:
- ***Acting or inciting others to act in a manner that causes, or is likely to cause, harassment alarm or distress to any person.***
 - ***Threatening any person with violence and /or being verbally abusive towards any person.***



- ***Begging or asking members of the public for money or loitering for the purpose of begging or asking members of the public for money.***
- ***Causing a motor vehicle or trailer to stand on a road and /or footpath so as to cause any unnecessary obstruction of the road and /or footpath***

- 1.2 Approves the publication of the proposed order in accordance with the regulations published by the Secretary of State and instructs that the proposed order is made accessible and available via the council website
- 1.3 This Public Spaces Protection Order (PSPO), will be effective from **xxx** for a period of 3 years as set out in Appendix 1 and the area covered by these requirements is attached as Appendix 2.

2. Reasons for Recommendations

- 2.1 In August 2018, following significant consultation and public support SMBC introduced the West Bromwich Town Centre PSPO. PSPOs last for up to 3 years and then need to be reviewed. This PSPO expired on the 1st August but public consultation and a review of the first 3 years has shown ongoing support for continuing with a new PSPO as part of a suite of measures to tackle anti-social behaviour within the town centre.

Since its introduction 66 Fixed Penalty Notices (FPNs) have been issued. However, as well as providing useful enforcement powers this PSPO has provided additional engagement opportunities to improve behaviour and enable support to be offered where necessary and numerous opportunities have been taken to do this. This PSPO also works in tandem with the Boroughwide Alcohol PSPO which was renewed in March 2021. The powers of both complement each other, particularly in relation to homelessness, street drinking and causing harassment, alarm and distress, all of which remain issues in Sandwell.

- 2.2. The implementation of a new PSPO would ensure that we continue to have a wide range of powers available to tackle these issues. It has been well used over the past 3 years as part of a toolkit of measures to tackle these areas of ongoing concern in West Bromwich Town Centre.





The PSPO is supported by Sandwell's Multi Agency Borough Tasking Group , particularly as part of this toolkit

A public consultation on the proposed PSPO was undertaken between 10th May and 16th July and showed that the areas covered by the PSPO remain significant concerns for local residents and businesses, with 87% supporting the continuation of the PSPO.

PSPOs, used effectively, can help increase public confidence through effective response to residents' concerns about anti-social behaviour. This order would enable ongoing engagement and targeted interventions in relation to these issues. It also allows for additional enforcement powers.

3. How does this deliver objectives of the Corporate Plan?

	<p>Best start in life for children and young people</p> <ul style="list-style-type: none"> • Contributes to providing a safe environment in our town centre.
	<p>People live well and age well</p> <ul style="list-style-type: none"> • Standards set around use of public spaces and support those who are vulnerable. This is particularly helpful in relation to proactive engagement with street beggars / rough sleepers. 48 individuals have been engaged with over the last 3 years.
	<p>Strong resilient communities</p> <ul style="list-style-type: none"> • PSPOs provide SMBC and other partners additional tools and powers to effectively manage and reduce Anti-Social Behaviour (ASB) and its negative impact on residents • This PSPO supports public confidence in relation to challenging ASB through offering advice and support and sanctions for non-compliance.
	<p>Quality homes in thriving neighbourhoods</p> <ul style="list-style-type: none"> • Crime and ASB in the town centre impacts negatively on confidence in the town's leisure, entertainment and shopping offer. The PSPO aims to help build confidence that the West Bromwich town centre is a safe place for individuals, families and communities. <p>An essential component of creating a thriving neighbourhood.</p>

	<ul style="list-style-type: none"> It also demonstrates that the council is committed to listening to its residents, partners and communities and to take action to address issues that are important to them.
	<p>A strong and inclusive economy</p> <ul style="list-style-type: none"> A failure to set standards of behaviour and take enforcement action as required in town centre locations will affect the local economy with people choosing not to visit and shop there. Supporting a safe environment helps local businesses.
	<p>A connected and accessible Sandwell</p> <ul style="list-style-type: none"> The area covered by the PSPO includes the bus station and metro stops which are key transport interchanges in Sandwell and will support safe use of these.

4. Context and Key Issues

4.1 Background

At Cabinet on the 25th July 2018, the implementation of the West Bromwich Town Centre Public Spaces Protection Order was approved and the order was implemented on the 1st August 2018. During the first-year incidents of ASB reduced by 29.3% and disorder offences by 30.7%.

The PSPO, coupled with the Boroughwide Alcohol PSPO has enabled significant engagement opportunities with those begging / drinking and sleeping rough across the town centre. Our Housing Solutions Team working with Housing First have supported 48 individuals from West Bromwich town centre into Housing / support services through such engagement over the past 3 years.

4.2 Enforcement is also a key element of any PSPO and was reinforced through our public consultation. Where necessary, enforcement action has also been taken with 66 FPNs issued during the first 3 years. Enforcement has primarily been in relation to causing harassment, alarm or distress and aggressive / nuisance begging. From the outset care was taken in choosing and confirming the wording of a PSPO so that vulnerable groups were not further disadvantaged by disproportionate actions.



PSPO guidance highlights the need for proportionality and specifically requires the council to consider the appropriateness of a PSPO to address issues caused by those who are homeless and rough sleeping. In Sandwell, over the past 3 years, we have ensured that support is always offered to people who are genuinely in need because of homelessness or poverty.

The use of a PSPO should never be used in isolation as for many types of crime, ASB and other unacceptable behaviour other remedies are more appropriate and more effective. While there has been no enforcement in relation to parking issues during the past 3 years there have been opportunities for engagement and discussion. This PSPO has also been used alongside other sanctions such as ASB Injunctions and Community Protection Warnings and Notices with the most appropriate intervention chosen for the individual circumstances and presenting need / issue.

Utilising this PSPO as an opportunity to engage with individuals and to offer support and advice which has been demonstrated during the past 3 years. As envisaged, it has been used as part of a strategy that includes policing, use of wardens and other council and non-council teams to tackle the range of issues in the town centre as effectively as possible

There are many examples of such engagement and assertive outreach work taking place across the town centre supported by our strong partnership approaches. All of which have helped address ASB concerns and shown that PSPOs, used effectively, help increase public confidence through effective response to residents' concerns about anti-social behaviour. It has not been used in isolation but is now firmly part of a toolkit to address differing forms of unacceptable behaviour through the most appropriate and effective means available.

5. Public Consultation

- 5.1 A public consultation was undertaken regarding this PSPO between 10th May and the 16th July 2021. Guidance regarding undertaking Consultations on a Public Space Protection Order was published by the Local Government Association in 2018. This guidance was adhered to, being mindful also of Covid 19 restrictions regarding face to face meetings, and the proposed PSPO was advertised in the local press, The Sandwell Herald and on SMBCs website and social media.



Specific consultees were:

West Midlands Police	Office of the Police & Crime Commissioner (OPCC)
West Midlands Fire Service	West Midlands Ambulance Service
SMBC Public Health	Cranstoun – Sandwell’s Adults Drug & Alcohol Service
West Bromwich Business Improvement District (BID)	Transport for West Midlands (TfWMs)
SMBC Highways	SMBC Housing
SMBC Environmental Protection Team	

5.2 Findings

138 responses were received of which 87% supported the continuation of the PSPO.

78% of respondents from West Bromwich disclosed experiencing or witnessing this anti-social behaviour. Begging was reported as the most common form of anti-social behaviour encountered in the town with 26% of respondents stating that they had personally experienced and / or witnessed this. This was closely followed by 23% stating they had experienced / witnessed abusive behaviour.

27% of respondents stated that they felt unsafe / scared when visiting West Bromwich. The perception of safety has a significant impact on the town centre with 11% of respondents stating that they avoided the area altogether.

The need for the PSPO in deterring anti-social behaviour/crime (34%) and the importance of improving public safety (34%) were the given as the two biggest reasons for individuals being in favour of the proposed PSPO. Appropriate enforcement of the PSPO was a key concern for respondents including the OPCC.



Of those opposed to or unsure about the PSPO proposal, comments included a lack of enforcement, that the proposals should be extended to the whole of Sandwell and concerns in relation to supporting those presenting as homeless in the town centre. The Police and Crime Commissioner was also concerned in relation to enforcement and criminalising the most vulnerable. However, over the past 3 years great care has been taken to engage and support those who present as homeless / rough sleepers and beggars across the Town Centre and the multi-agency Commercial Centres Group, chaired by the ASB Team Manager, reviews individual cases to ensure help and support is offered before any enforcement action is initiated. The figures from Housing Solutions regarding those being offered accommodation and support also reflect this. The PSPO is also a standing item on town tasking where the council, Police, West Bromwich BID and other agencies actively work together to make joint decisions around appropriate interventions around specific issues as they arise. A few responses queried whether the Order should be extended to cover more of West Bromwich but the area currently covered appears to be appropriate and proportionate.

Those who took the time to respond to the consultation responded overwhelmingly in support of this PSPO as part of a suite of measures to combat anti-social behaviour and provided an overview of the issues that are continuing to be experienced in West Bromwich Town Centre. A full copy of the Consultation Report is attached as Appendix 3.

The public consultation clearly showed ongoing concerns regarding issues and safety within the town centre which need to continue to be addressed and the PSPO is part of that wider work. PSPOs, used effectively, help increase public confidence through effective response to residents' concerns about anti-social behaviour. This can clearly be demonstrated in relation to the support offered and targeted interventions put in place in relation to vulnerable individuals within the town centre as well as through the enforcement work undertaken.

6. Alternative Options

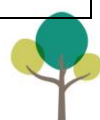
- 6.1 Sandwell has had a number of controls in place in relation to these issues for many years but despite these local businesses and residents have continued to support the implementation of this PSPO to provide additional controls as part of a wider toolkit of measures.



Both the enforcement and engagement figures indicate that this is used and is still needed to deal with these complex issues and to provide reassurance for residents. The PSPO is also supported by partners and will ensure direct action is taken using the most suitable tools and powers as required by the individual situation. We could opt to not renew these powers and deal with any issues individually, but this will require additional resources and not enable the engagement opportunities that we will have through the use of a PSPO. This is not recommended.

7. Implications

Resources:	The implementation of this PSPO will not require any additional strategic resources that require the council or partners to operate outside existing budgets.
Legal and Governance:	<p>Under Sections 59-75 of the Anti-Social Behaviour Crime and Policing Act 2014 Local Authorities have powers to make a Public Space Protection Order (PSPO). They address activities detrimental to the quality of life that are persistent, unreasonable and evidenced.</p> <p>They can be challenged in the High Court within 6 weeks of being made mainly on grounds of inadequate i) evidence and ii) consultation. They apply to public places and must be publicised. They last for 3 years but may be extended if extension is justified evidentially.</p> <p>Non-compliance can result in a person being issued with a fixed Penalty of up to £100. Failure to pay can result in a prosecution with a maximum penalty of £1000, the level of fine being at the Courts discretion subject to means.</p>
Risk:	Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Community Safety Strategy 2019-21 and Strategic Assessment 2020. This is business as usual and adheres to all required risk assessments and required mitigations.



Equality:	An EIA has been completed as part of this process and identifies there are no negative impacts on any protected characteristic.
Health and Wellbeing:	<p>Reducing and managing anti-social behaviour, and protecting its victims has a positive impact on health and wellbeing.</p> <p>Engaging with and supporting vulnerable people in relation to homelessness and begging, who are also more vulnerable to becoming victims of crime and exploitation will also have a positive longer-term impact on their health and wellbeing.</p>
Social Value	This PSPO support environmental enhancements and opportunities to enhance perceptions of community safety which will help with revitalising West Bromwich Town Centre and associated health and economic benefits for local residents and businesses. It also contributes to strengthening civic pride. Enforcement is done through our locally employed EPOs – in full.

8. Appendices

- Appendix 1 Proposed West Bromwich Public Spaces Protection Order
- Appendix 2 Map of area covered by proposed PSPO
- Appendix 3 Consultation Report

9. Background Papers

- Anti-Social Behaviour, Crime and Policing Act 2014.
- LGA Guidance in Relation to PSPO Implementation 2018



Appendix 1 Proposed West Bromwich Town Centre PSPO

ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

SANDWELL METROPOLITAN BOROUGH COUNCIL

PUBLIC SPACES PROTECTION ORDER

WEST BROMWICH TOWN CENTER

This Order is made by Sandwell Metropolitan Borough Council ("the Council") under the Anti-Social Behaviour, Crime and Policing Act 2014, Section 59 ("the Act").

1. This Order relates to all areas West Bromwich Town Centre, as defined in the attached map, including public space in the Council's area and privately-owned land made available to the public, to which the Act applies ("the Restricted Area").
2. The Council is satisfied that the two conditions below have been met, in that:-
 - a. activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
 - b. 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 Order.

3. By this Order

The effect of the Order is to impose the following prohibitions and/or requirements in the Restricted Area at all times, unless specifically stated: -

- **Acting or inciting others to act in a manner that causes, or is likely to cause, harassment alarm or distress to any person.**
- **Threatening any person with violence and /or being verbally abusive towards any person.**
- **Begging or asking members of the public for money or loitering for the purpose of begging or asking members of the public for money.**



- **Causing a motor vehicle or trailer to stand on a road and /or footpath so as to cause any unnecessary obstruction of the road and /or footpath.**

4. Period for which the order has effect

This order will come into force on xxxxx 2021 and lasts for three years. At any point before the expiry of this period the Council can extend the order by up to three years if satisfied on reasonable grounds that this is necessary to prevent the activities identified in the order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time. The Order may also be varied in accordance with the requirements of Section 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”).

5. Failure to comply with this order

Section 67 of the Act states that it is an offence for any person without reasonable excuse:

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

A person guilty of this offence is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale.

6. Penalty Notices

Under Section 68 of the Act a constable or authorised person may issue a fixed penalty notice to anyone they believe has committed an offence under Section 67 of the Act. A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the local authority. Failure to pay the fixed penalty notice may result in proceedings being issued for the offence under Section 67.

7. Validity of Order

Under Section 66 of the Act an “interested person” (being a person who lives in the restricted area or who regularly works in or visits that area) may apply to the High Court to question the validity of a public spaces’ protection order (or a variation thereof). Such an application must be made within six weeks of the order being made.



The grounds on which an application under this section may be made are:

- (a) that 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);
 - (b) that the requirements of the legislation have not been complied with
- when an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, totally or in part. The High Court can uphold, quash or vary the order.

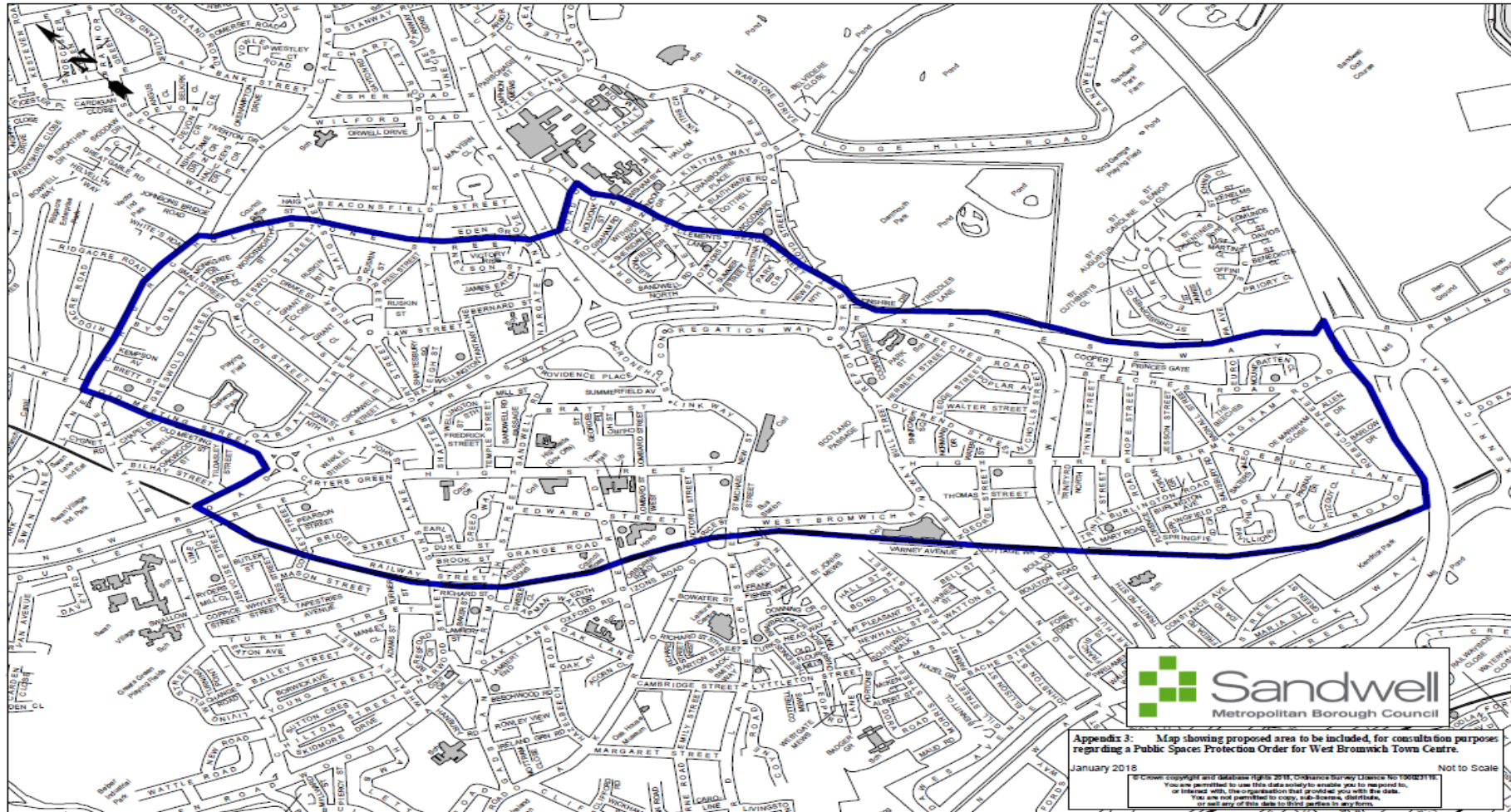
8. **DATED:**

9. **SIGNED:**

10. **SEALED**



Appendix 2 Area Covered by PSPO



Appendix 3 Consultation Report



West Bromwich Town Centre Public Spaces Protection Order Consultation 2021

INTRODUCTION

- The Public Spaces Protection Order (PSPO) had been in place for three years in the West Bromwich town centre and provided the police and council extra powers to prevent and tackle anti-social behaviour and other issues in the area.
- The PSPO expired on the 1st August and feedback was sought from residents of West Bromwich in addition to local businesses, visitors, voluntary groups and interested parties on Sandwell Council's plans to renew the PSPO.

METHODOLOGY

- An online consultation was made available for feedback on the Sandwell Council website.
- Participants could remain anonymous if they wished to do so.
- The consultation was promoted across Sandwell Council's communication channels including social media and via posters and flyers which were shared with public venues in the town centre.
- The consultation was left open for feedback from 10th May 2021 to 16th July 2021.

FINDINGS

- There were 138 people who participated in the consultations.
- 87% supported the renewal of this PSPO.
- 71% of these participants were residents with a small number of local businesses also represented (3.9%) [Figure 1].
- 57% of the individuals who took part in the survey were from West Bromwich [Figure 2].

Experiences of Anti-Social Behaviour

- When quizzed on personal experiences of anti-social behaviour as covered by the proposed PSPO, 72% of all people revealed that they had come across or been the victim of this [Figure 3].
- 78% of respondents from West Bromwich disclosed experiencing or witnessing this anti-social behaviour [Figure 4].
- Local people in West Bromwich shared that begging was the most common form of anti-social behaviour which they were encountering in the town with 26% of feedback showing that this had been personally experienced by the participants of the consultation or witnessed. Abusive behaviour (23%) was the second most common form of anti-social behaviour. Alcohol-influenced anti-social behaviour occurring in the



town was made mention of in 12% of feedback as was drug-related activity (12%) [Figure 5]. Some of the feedback is shown below:

Begging

- *'Being verbally abused by a beggar because I refused to give money'*
- *'I was threatened with violence when I refused to give someone begging the money they wanted'*
- *'Increase in the number of people begging outside shops, beggars being verbally abusive'*
- *'Verbally abused by beggars when you say you'll buy them food/drink, instead of giving them money or when they ask for a cigarette and tell them no.'*

Abusive Behaviour

- *'Gangs of students using threatening behaviour'*
- *'Family members attacked in West Bromwich Town centre by gangs trying to intimidate and harass local people.'*
- *'I saw a group of very rude youths shove an elderly man out of the way and then spat at him'*
- *'I have been physically and verbally abused during a walk in our local park'*

Alcohol-Related Anti-Social Behaviour

- *'Drunken behaviour at all times of the day.'*
- *'Drunk people shouting obscenities at other people in the middle of the day.'*
- *'Feel very intimidated by the crowds of antisocial gatherings by young and old smoking weed and drinking from bottles covered with brown bags'*
- *'Drinking alcohol in streets and throwing down rubbish anywhere'*

Drug Dealing/Taking

- *'Cannabis dealing and smoking in public on the high street'*
- *'Drug dealing every day outside Hargate primary school'*
- *'Feel very intimidated by the crowds of antisocial gatherings by young and old smoking weed'*
- *'Have seen drug deals'*

Impact of Anti-Social Behaviour

- When asked about the impact of the anti-social behaviour, 27% of respondents from West Bromwich alluded to feeling unsafe or scared because of this. 18% of comments highlighted that local people were taking precautions when out in public [Figure 6].
- 11% of feedback revealed that because of the anti-social behaviour, local people either no longer visited the town centre or wanted to any more [Figure 6].
- 24% of feedback from respondents who did not live in West Bromwich or did not provide their address showed that the anti-social behaviour was deterring them from visiting the West Bromwich town centre. Some of this feedback has been shared below:



- *'I no longer go to West Bromwich very often and my elderly parents never go now. I'm nervous if I do need to visit.'*
- *'Won't visit West Bromwich, rather go to Dudley or Halesowen'*
- *'I try and avoid the high street at all costs meaning I can only visit select shops that are in the new square if I need to go in a shop that is located on the high street or in kings square I will only do so if my partner is with me when he's not I will travel and go to a different branch of the shop in another town.'*
- *'We avoid West Bromwich and shop, eat, visit cinema elsewhere'*
- *'Felt unsafe and do not visit WB as often'*

Other Feedback

- 84% individuals from West Bromwich stated that the anti-social behaviour was occurring in in the town on a regular basis [Figure 7].
- 87% of respondents gave their support for the proposed PSPO [Figure 8].
- The need for the PSPO in deterring anti-social behaviour/crime (34%) and the importance of improving public safety (34%) were the given as the two biggest reasons for individuals being in favour of the proposed PSPO [Figure 9].
- A local MP emphasised that the PSPO might not fully resolve the concerns previously mentioned but will help combat some of the anti-social behaviour that is evident within the town centre and that effective enforcement was essential. Such a measure could help improve the image of the town moving forward and consideration could be given also to extending the area covered by the PSPO.
- The West Midlands Police and Crime Commissioner who welcomed effective action to prevent and tackle anti-social behaviour. A number of points raised for consideration included: the potential criminalising of poverty, street homelessness and rough sleeping; distinguishing between passive begging, polite begging and aggressive begging and potentially imposing financial penalties on those least able to afford them. Opportunities for treatment and support were also raised along with potential displacement
- At the end of the consultation, participants were asked about any other comments that they had in relation to the proposal for the PSPO. Common themes were found in the comments and have been detailed below along with some of the feedback itself:

Making West Bromwich Safer

- *'I wish that West Bromwich was how it used to be as I felt safe back then'*
- *'We all need to work together to make WB the once welcoming place it was, we used to have the best high street in Sandwell, let's get there again'*
- *'PLEASE give us hope and help take our streets/towns /parks and cities back'*
- *'I cannot imagine the area worse than it is so please continue with this at the very least. We should feel safe where we live'*
- *'Unfortunately, West Bromwich town centre, like many other town centres isn't the town it was, and I don't feel as safe there as I once did which is a shame as I have lived in West Bromwich my whole life'*



Strong Enforcement Needed for PSPO to be Successful

- *'Enforcing the PSPO is just as important.'*
- *'Enforcement is a must, if you have the powers use them!'*
- *'They need to be enforced more thoroughly but cannot work in isolation. Programmes to help the people that are drinking on the streets need to be in place.'*
- *'A pointless piece of paper if its contents are not going to be policed or enforced to the letter.'*
- *'I hope there are enough people to police it and enforce the rules, followed by heavy fines.'*

Support for the PSPO

- *'Fully in favour of it'*
- *'A PSPO will deter and halt car storage in the area help clean the area up, reduce crime, reduce nuisance and hazard parking, reduce damage being done to resident's cars as well criminal damage.'*
- *'It sounds great! Hope it works out.'*
- *'Know that hard work goes on to constantly improve the town and it doesn't go unnoticed but there are still issues and I think the removal of the PSPO would only exasperate issues. Anything that improves the town should stay in place.'*
- *'Strongly support renewal to encourage community ownership'*



Graphs

Figure 1: Who Were The Participants Who Took Part In The Consultation?

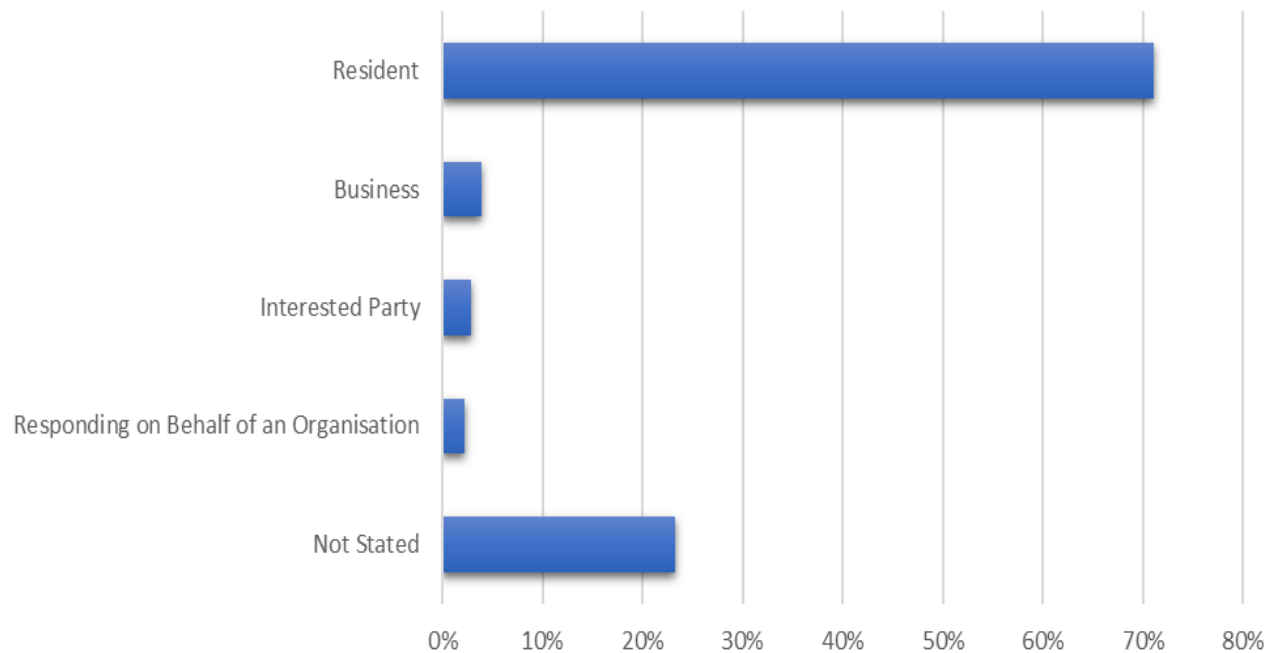


Figure 2: Where Were The Participants In The Consultation From?

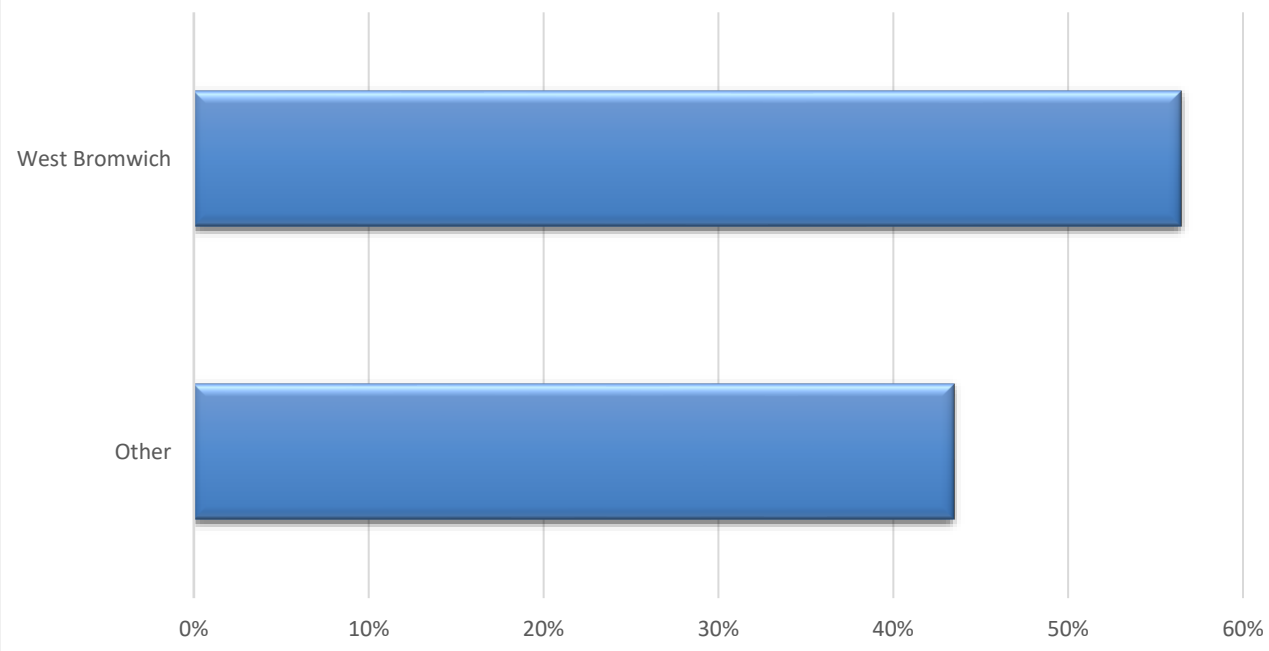


Figure 3: Responses of Individuals When Asked If They Had Been Subjected To Or Witnessed Anti-Social Behaviour Covered By The Proposed PSPO

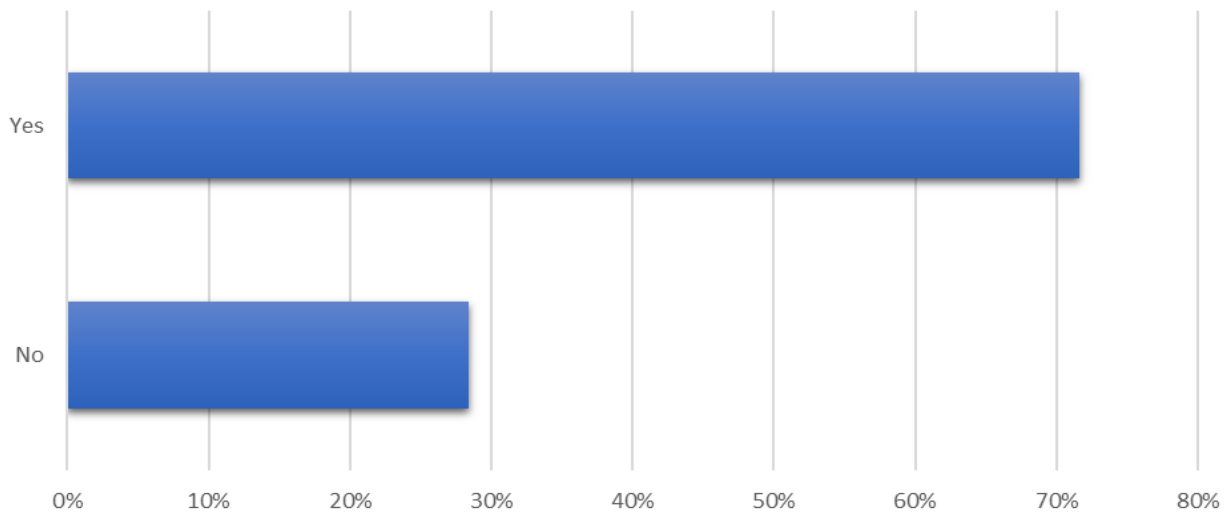


Figure 4: Responses of Individuals From West Bromwich When Asked If They Had Been Subjected To Or Witnessed Anti-Social Behaviour Covered By The Proposed PSPO

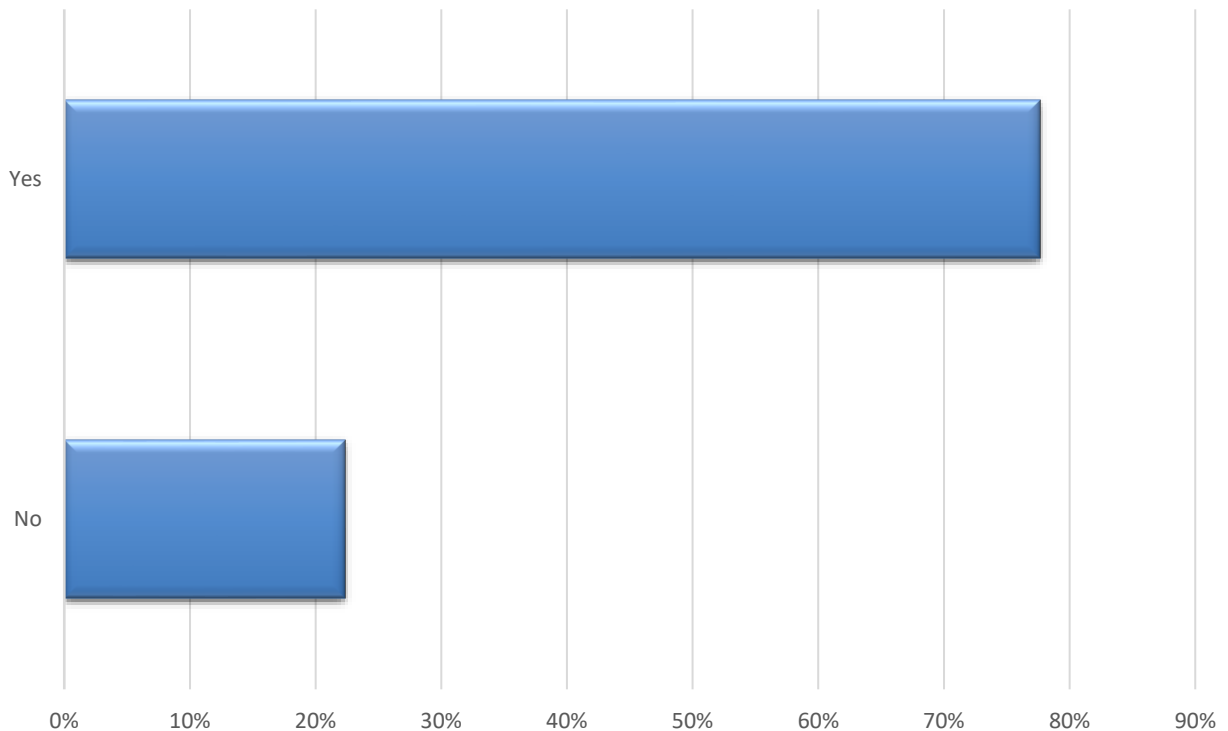


Figure 5: Type of Anti-Social Behaviour Experienced or Witnessed In West Bromwich

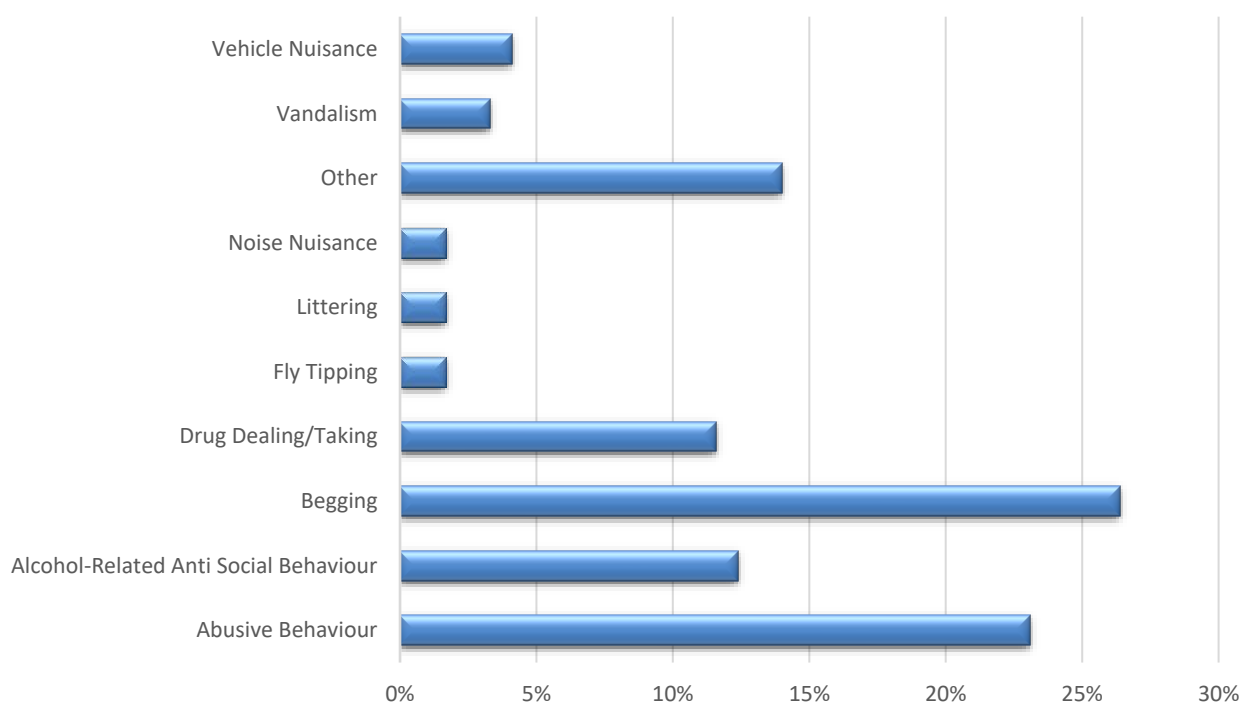


Figure 6: The Impact of Anti-Social Behaviour on West Bromwich Locals

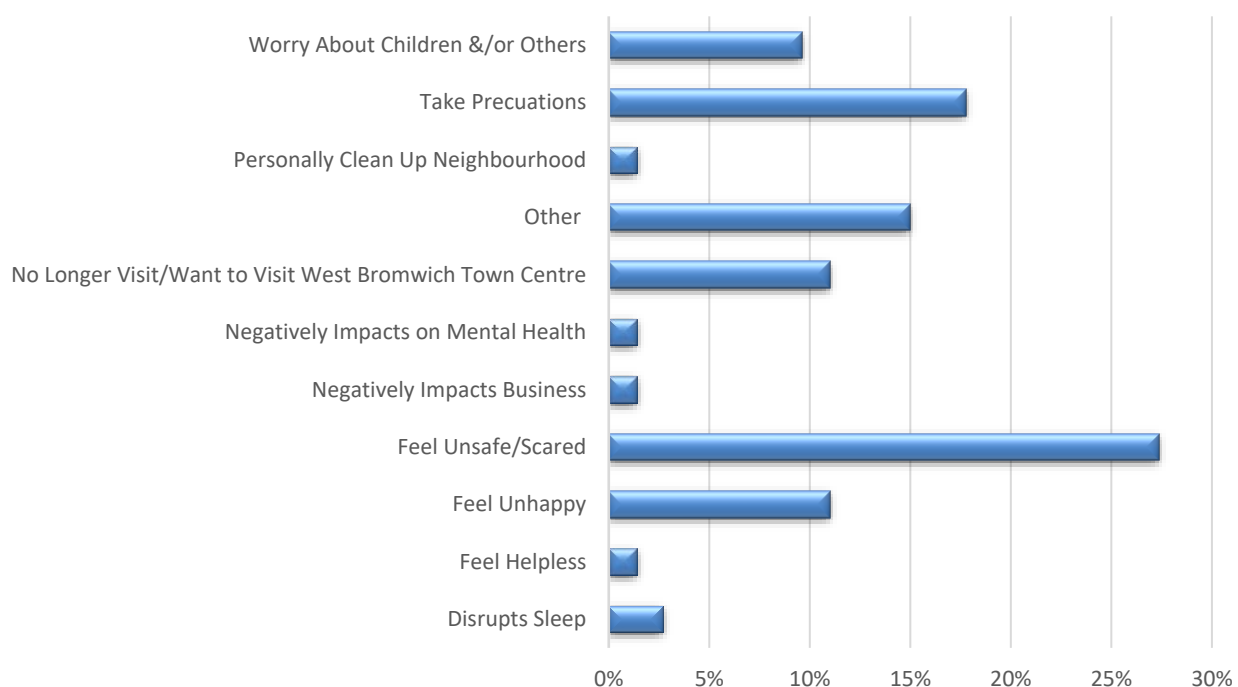


Figure 7: How Often Anti-Social Behaviour Takes Place In West Bromwich

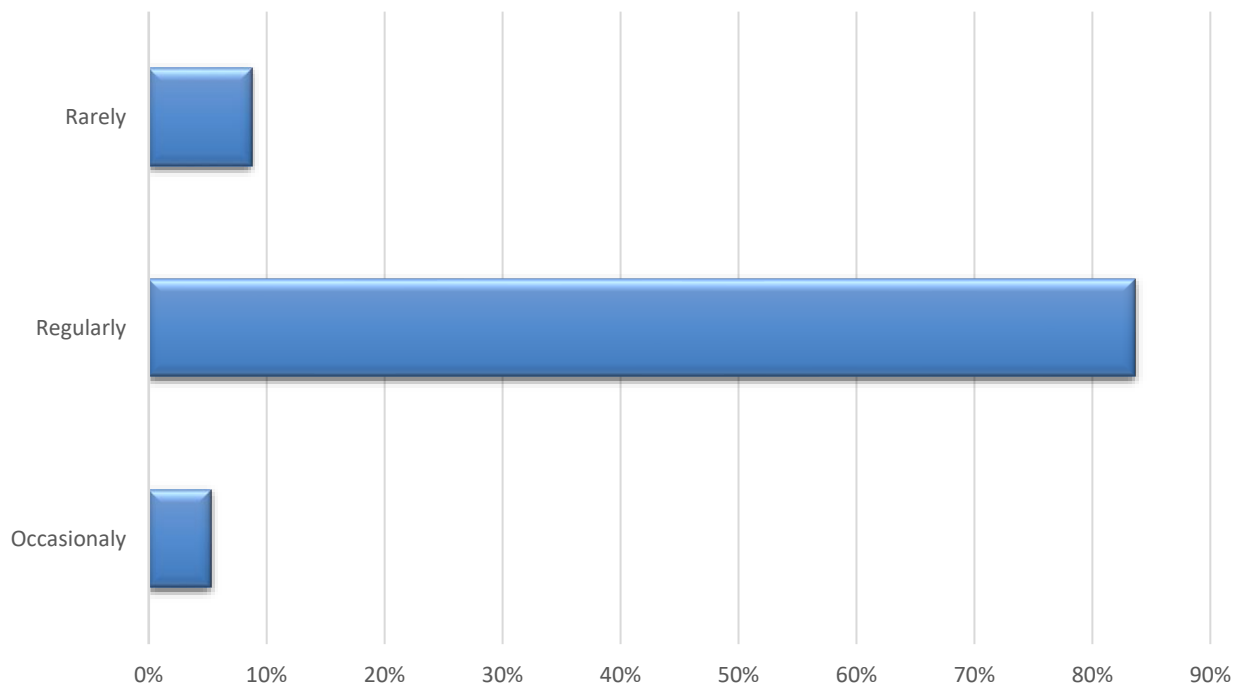


Figure 8: Responses Of Individuals When Asked If They Were In Favour Of The Proposed PSPO

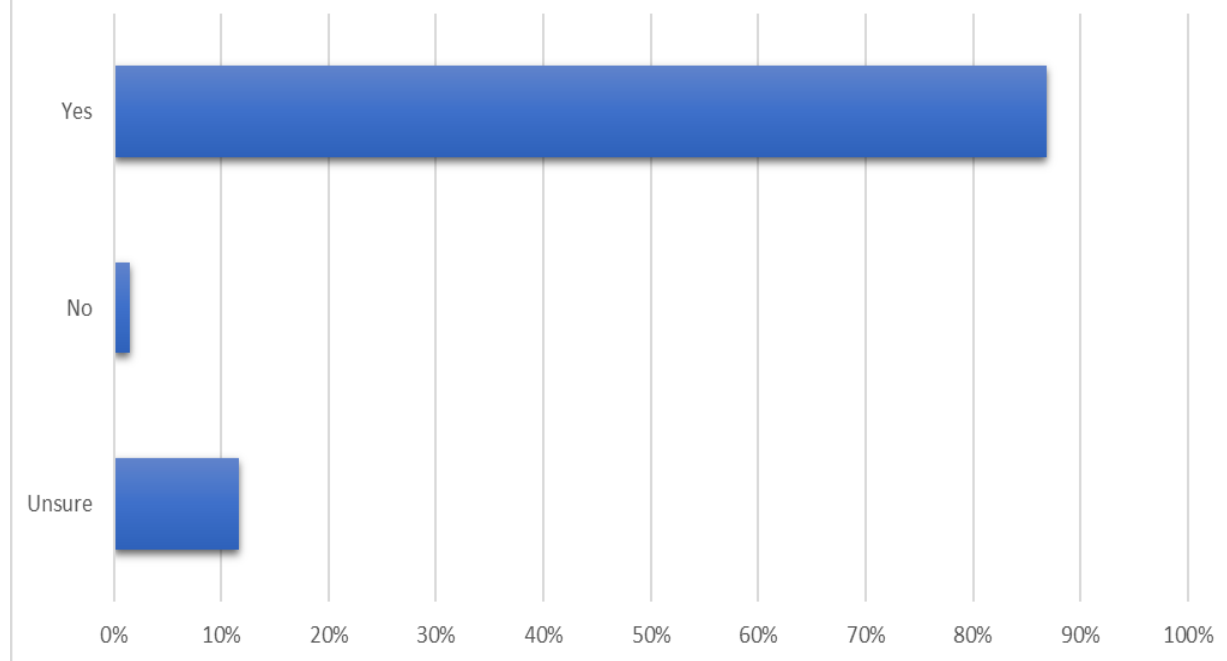


Figure 9: Reasons For Support Of Proposed PSPO

