



CABINET REPORT

Report Title	PUBLIC SPACES PROTECTION ORDER
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	16 November 2016
Key Decision:	YES
Within Policy:	YES
Policy Document:	NO
Directorate:	Customers & Communities
Accountable Cabinet Member:	Cllr Mike Hallam
Ward(s)	All Wards

1. Purpose

- 1.1 To agree to implement a Public Spaces Protection Order (PSPO) for the Borough of Northampton. This new Order prohibits certain behaviours and creates criminal offences for persons who do not comply with the Order.

2. Recommendations

- 2.1 Cabinet approves the Public Spaces Protection Order as detailed in Annex 2 after considering the consultation responses at Annex 3
- 2.2 Cabinet notes that the draft PSPO in Annex 1, which was the subject of consultation contained restrictions on street entertainment (aka busking) that have not been included in the final PSPO recommended for adoption in Annex 2 following the results of public consultation
- 2.3 Cabinet approve that the Public Spaces Protection Order comes into force once all necessary signage has been put in place as per Annex 2

- 2.4 Cabinet approves a one-off supplementary estimate of £12k for the provision of signage, to be funded by a drawdown from the Community Safety Partnership reserve
- 2.5 Cabinet agrees that once implemented, the PSPO is monitored for 6 months and a report on its impact is brought back with recommendations on any amendments or additions if required

3. Issues and Choices

3.1 Report Background

- 3.1.1 On 12 October 2015, approval was given to enter into consultation in relation to implementing a Public Spaces Protection Order for the Borough and Town Centre of Northampton.
- 3.1.2 In October 2014, the Government implemented the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act). The purpose of the Act is to give local authorities and the Police more effective powers to tackle a range of anti-social behaviour (ASB) issues, providing better protection for victims and communities.
- 3.1.3 Amongst these new tools and powers are Public Spaces Protection Orders (PSPO's), which are designed to stop all individuals or a specific group of persons committing anti-social behaviour in a public space. It is for each individual Council to determine what behaviour(s) they want to make the subject of a PSPO. However, the overarching consideration when considering a PSPO is whether the activity will have a detrimental effect on the quality of life of those in the locality.
- 3.1.4 There is a requirement to undertake a public consultation exercise, the statutory requirement is to consult with the chief officer of police, and the local policing body, for the area that includes the restricted area (see Annex 3a for responses received from statutory consultees), whatever community representatives the local authority thinks it appropriate to consult and the owner or occupier of land within the restricted area - Annex 3, 3a, 3b.
- 3.1.5 PSPO's will provide Councils with a flexible power to implement local restrictions to address a range of anti-social behaviour issues in public places in order to prevent future problems
- 3.1.6 Restrictions and requirements can be placed on an area where activities have, or are likely to have a detrimental effect on the quality of life of local people, is persistent or continuing in nature and is unreasonable. These can be blanket restrictions or requirements, or can be targeted against certain behaviours by certain groups at certain times.

The PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area

The prohibitions or requirements can be framed so that they:

- Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories
- Apply at all times, or only at specified times, or at all times except those specified

- Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

The following conditions must be met before making the order:

- Activities carried out in a public place within the local authority's area have a detrimental effect on the quality of life of those living in the locality OR
 - It is likely that activities will be carried out in a public place within the area that will have such an effect
- and
- 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

- 3.1.7 The Guidance is not specific on what can be included in a PSPO. The potential for their use is broad and flexible to allow a Council to cover individual circumstances in its area. A PSPO can cover multiple restrictions so one order could prohibit or promote such activities as the drinking of alcohol and keeping dogs on a lead. The PSPO can cover any publicly accessible space within the Council's area, including areas in private ownership to which the public have access.
- 3.1.8 The Order can be enforced by Police Officers, authorised Police Community Support Officers, authorised Council Officers and other designated persons, including officers under the Community Safety Accreditation Scheme, such as Neighbourhood Wardens.
- 3.1.9 Any interested person can challenge the validity of a PSPO in the High Court but the challenge must be made within six weeks of the Order being made. An 'interested person' means an individual who lives in the restricted area or who regularly works or visit that area.
- 3.1.10 A PSPO replaces existing provisions such as Designated Public Place Orders (DPPOs), which give powers to stop the drinking of alcohol in public places, and Dog Control Orders. Under the new Act, if not reviewed earlier, these will continue to be valid for a period of three years from when the provisions of the Act relating to PSPOs commenced.
- 3.1.11 A PSPO can be made for a maximum of three years. The legislation provides they can be extended at the end of the period, but only for a further period of up to three years. However, orders can be extended more than once. Local authorities can increase or reduce the restricted area of an existing order, amend or remove a prohibition or requirement, or add a new prohibition or requirement. They can also discharge an order but further consultation must take place for varying or discharging orders.
- 3.1.12 On 21 October 2015 Cabinet authorised the undertaking of consultation on the introduction of Public Spaces Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014.

Outcome of Consultation

- 3.1.13 The Council engaged in a 12 week online public consultation via an open access online survey using 'Survey Monkey'. This was widely promoted through:

- Council's social media accounts
- Councillors
- Parish Councils
- Businesses
- Community Safety Partnership
- Council Officers
- Northamptonshire Office of Police & Crime Commissioner
- Northamptonshire Police
- Northamptonshire County Council
- Community Forums
- Residents Panel
- Members of the public
- Local press and media channels
- Town Centre BID
- Brackmills BID
- Northamptonshire Retail Crime Initiative (NRCI)
- Pubwatch

Paper questionnaires were also available upon request to enable those without internet access to have their say.

The consultation sought views on:

- Street Drinking and other intoxicating substances
- Urinating & defecating in a public place
- Begging in the town centre and Kingsley front shopping area
- Busking being restricted, with caveats on behaviour
- Dog fouling
- Dogs to be kept on leads in town centre
- Dogs to be kept on leads in children's play areas
- Dogs to be kept on leads in cemeteries

3.1.14 The public consultation ran from 30 June 2016 to 23 September 2016. A total of 185 online responses were received, with 5 responses being received from statutory agencies (Annex 3a)

3.1.15 The response to the consultation:

The majority of options/issues consulted on for inclusion in a PSPO were supported by the majority of respondents.

Urinating and defecating in a public place showing the greatest support with 99.4% of respondents agreeing it is detrimental to quality of life.

This was closely followed by dog fouling and the consumption of intoxicating substances.

However, busking received the lowest response with only 44.2% of respondents agreeing that it was detrimental to quality of life and 48.3% agreeing with the proposed restriction. The majority of comments received on busking stated that it added positively to the town centre ambiance, but there were negative comments about the quality of some buskers, and also the use of amplifying equipment.

Annex 3 details the consultation responses and the freestanding responses under Annex 3a and 3b.

3.1.16 There were some strong views in support of the proposals, and in some cases suggestions that the proposals were taken even further.

3.2 Choices (Options)

3.2.1 Do nothing –continue to enforce anti-social street drinking under the Designated Public Places Order and Dog Control Orders under the existing powers. These powers are time limited and can only be enforced under the current powers they were agreed under and will come to an end in 2017.

3.2.2 Adopt the PSPO as detailed in Annex 1. The PSPO will provide those in para 3.1.8 with broader powers to deal with a wide range of anti-social issues in a more effective manner.

3.2.3 Adopt revised PSPO (Annex 2) taking into account consultation results by removing clause VII, restrictions on street entertainment. The PSPO will provide those in para 3.1.8 with broader powers to deal with a wide range of anti-social issues in a more effective manner, but will not include busking.

4. Implications (including financial implications)

4.1 Policy

4.1.1 This approach supports the multi-agency Countywide Anti-Social Behaviour Policy 2015 that Northampton Borough council is signed up to.

4.1.2 The Crime and Disorder Act 1998 places a statutory duty on all local authorities to work in partnership with statutory, non-statutory, community and voluntary agencies to develop and implement strategies and policies for tackling crime and disorder.

4.1.3 Under Section 17 of the Crime and Disorder Act 1998, Northampton Borough Council has a statutory duty to 'exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent crime and disorder'.

4.2 Resources and Risk

4.2.1 A PSPO can be enforced by both the Police and Council. The Council will be the agency to process the Fixed Penalty Notices (FPN's), regardless of which agency issues them. The approach to this will be agreed with the Police.

4.2.2 There is a financial implication in that the PSPO areas will require signage to allow enforcement to take place - cost is estimated at £12k at this stage. A one off supplementary estimate of this amount would require adding to the budget. This would be funded by a drawdown from the Community Safety Partnership reserve which has previously been approved by Cabinet / Council.

4.2.3 Any income generated by payment of FPN's must be directed back into management of the PSPO process.

4.3 Legal

- 4.3.1 The implementation of the PSPO can be challenged by any interested person within 6 weeks of the making of the Order. Any challenge is made at the High Court. A challenge can be made on the basis that the Council does not have the power to make the order, or that a requirement of the Act relating to PSPOs was not complied with. .
- 4.3.2 The process of implementing Public Space Protection Orders is being conducted through an appropriate and due process. Legal opinion has been sought and endorses the wording and validity of the Public Space Protection Order recommended for adoption at Annex 2.
- 4.3.3 Section 72 of the Anti-Social Behaviour and Policing Act 2014 requires the Cabinet as decision maker to pay particular regard to rights of freedom of expression and freedom of assembly set out in articles 10 (the right to freedom of expression) and 11 (freedom of assembly and association) of the European Convention on Human Rights ('ECHR') in considering the making any such order. The making of the said order is considered to be proportionate and will fulfil a legitimate aim of curbing anti-social behaviour in public places for the benefit of the law abiding majority and hence will not infringe Article 11 ECHR.

4.4 Equality and Health

- 4.4.1 An Equality Impact Assessment has been undertaken (Annex 4)
- 4.4.2 Incidents of ASB will continue to be dealt with in line with our equalities framework.
- 4.4.3 These legislative changes are designed to have a significant community impact in preventing and limiting anti-social behaviour.

4.5 Consultees (Internal and External)

- 4.5.1 See section 3.1.4, 3.1.12 -3.1.16 and Annex 3
- 4.5.2 Consultees on this report:

Director of Customers & Communities, NBC
Legal Services, LGSS
Finance, LGSS
Environmental Health & Licensing Manager, NBC
Environmental Services Manager, NBC
Northants Police
Cabinet Member for Community Safety, NBC
Town Centre Manager, NBC
Highways, KIER WSP

4.6 How the Proposals deliver Priority Outcomes

- 4.6.1 The restrictions detailed in the PSPO are related to nuisance, disorder, antisocial behaviour, litter, street fouling and impact negatively on public perceptions of the town. The proposals within the PSPO will contribute towards the NBC Corporate

Plan objectives of 'Invest in Safer, Cleaner Neighbourhoods' and 'Creating Empowered Communities'.

4.7 Other Implications

4.7.1 None

5. Background Papers

5.1 Anti-Social Behaviour, Crime & policing Act 2014; Reform of anti-social behaviour powers statutory guidance for frontline professionals

Debbie Ferguson
Community Safety Manager
Ext: 8731



Public Spaces Protection Order Covering the Borough of Northampton

Notice is hereby given that Northampton Borough Council ("the Council") proposes the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"):

1. The land described by the appendices map(s) being land in the area of the Council is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by the making of this Proposed Order.
2. The Proposed Order may be cited as the Northampton Borough Council Public Spaces Protection Order for the Borough.

By this Proposed Order

3. The effect of the Proposed Order is to impose the following conditions on the use of the land:

- (a) In this area any person who continues to carry out activities from which they are prohibited commits an offence namely;
 - I. Persons within the area (Appendix 1) will not ingest, inject, smoke or otherwise use intoxicating substances. Intoxicating substances being defined as substances with the capacity to stimulate or depress the central nervous system (i.e. alcohol, illegal drugs or psychoactive substances). Psychoactive substances - commonly referred to previously as 'legal highs' - but does not include tobacco or prescription medication.
 - II. Persons within this area (Appendix 1) will not have in their possessions any open containers of intoxicating substances as defined in paragraph 3(a)(I)
 - III. Persons within the area (Appendix 1) will not have any item that can be used to assist in the taking of intoxicating substances defined in paragraph 3(a)(I) above. This includes any device for smoking substances other than e-cigarettes, it also includes needles - save for those packaged and sealed by the manufacturer and stored in a hard case.
 - IV. No person shall urinate or defecate in any public place (Appendix 1); this does not include public toilets.
 - V. Persons within the town centre tennis racquet area (Appendix 1A) will not place themselves with the intention to make any verbal, non-verbal (excluding busking but subject to VII below) or written request from a standing, sitting or lying-down position for money, donations or goods – including the placing of hats or containers.
 - VI. Persons within the Kingsley shopping area (Appendix 1B) will not place themselves with the intention to make any verbal, non-verbal or written

request from a standing, sitting or lying-down position for money, donations or goods – including the placing of hats or containers for money

VII No person shall perform any type of street entertainment (also known as busking, which includes amplified or unamplified music & singing) that may cause a nuisance to nearby premises or members of the public within the town centre tennis racquet area (Appendix 1A). This includes obstructing the highway or shop entrances, using street furniture including public seats, lamp posts, statues and railings.

VIII Person who are in charge of a dog must remove its faeces from the land (Appendix 1) forthwith unless:

- a. there is reasonable excuse for failing to do so (not being in possession of a bag to remove the faeces would not be acceptable); or
- b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so

IX A person in charge of a dog on land detailed below must keep the dog on a lead in:

- a. all children's play areas in public parks
- b. all cemeteries
- c. Northampton town centre (tennis racquet area, Appendix 1A)

(b) In this area any person who fails to comply with any activity within the Proposed Order would commit an offence if they fail to adhere to the following;

- i. Persons within the area will, on the request of a Police Officer, Police Community Support Officer or an authorised Council Officer surrender any open containers of intoxicating substances in their possession.
- ii. Persons within the area will, on the request of a Police Officer, Police Community Support Officer or an authorised Council Officer surrender any item used to assist in the taking of intoxicating substances and comply immediately with the reasonable request of the requestor to secure safe disposal of any needles in their possession not sealed and stored as directed in Paragraph 3(a)(III)
- iii. Persons within the area will, on the request of a Police Officer, Police Community Support Officer or an authorised Council Officer cease drinking alcohol and will dispose of or surrender any containers of alcohol in their possession.

*** Please see Appendix 2 'Exemptions' ***

4. A person guilty of an offence of failing to comply with the Proposed Order under Section 67 of the Act, is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000.00) or if in receipt of a Fixed Penalty Notice to a penalty of a maximum £100.00.

- i. No proceedings may be taken for the offence before the end of the 14 day period following the date of notice; and

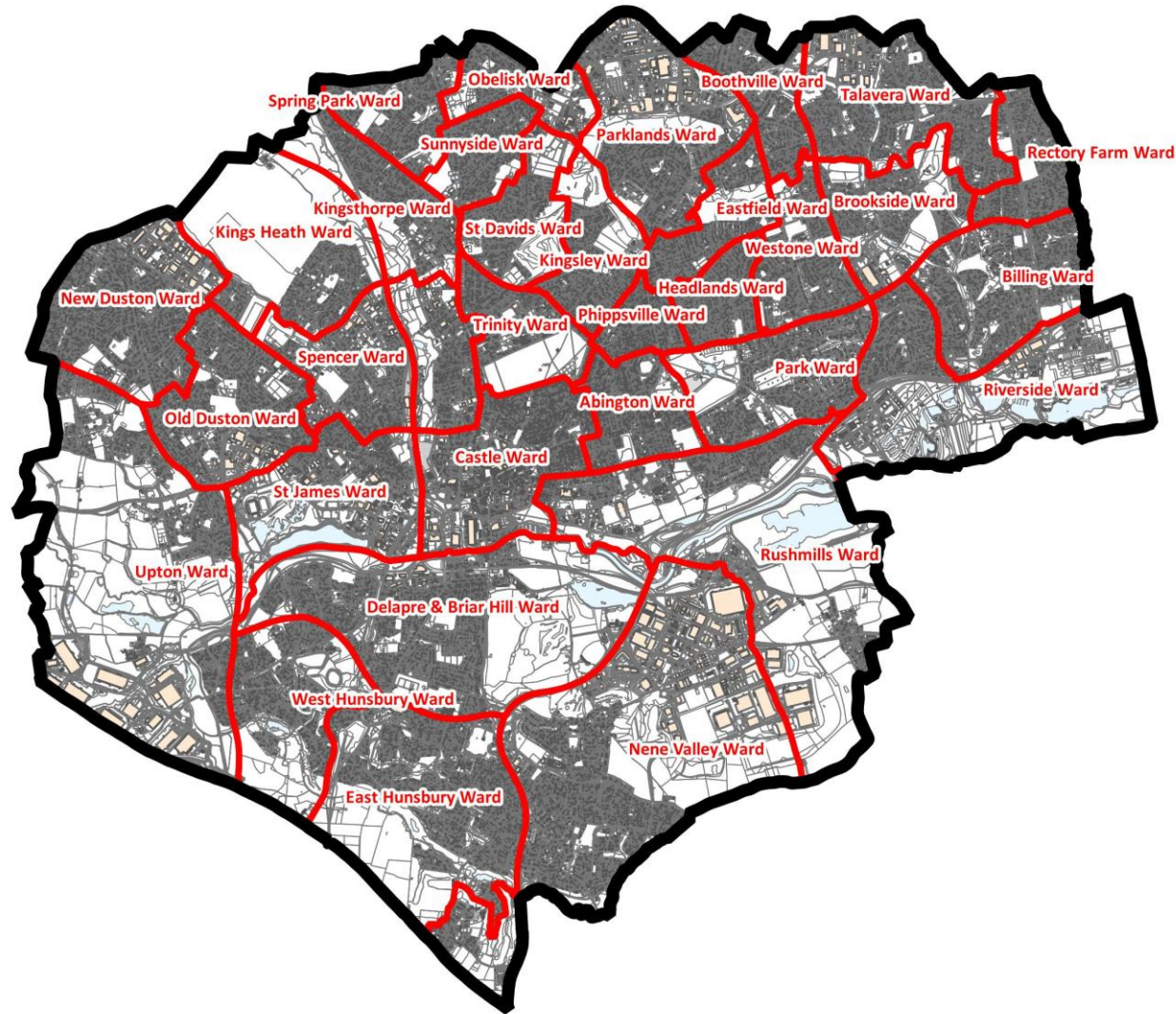
- ii. The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

5. Any person who without reasonable excuse continues consuming intoxicating substances as defined in paragraph 3(a)(l) in the Order area when asked to desist by a Police Officer, Police Community Support Officer or authorised person from the Council under Section 63, or fails to surrender any intoxicating substance in his possession when asked to do so by a Police Officer, Police Community Support Officer or authorised person from the Council under Section 63 commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500.00) or if in receipt of a Fixed Penalty Notice to a penalty of a maximum of £100.00.

6. In consulting regarding this Proposed Order the Council has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

Dated

Signed
David Kennedy
Chief Executive
Northampton Borough Council



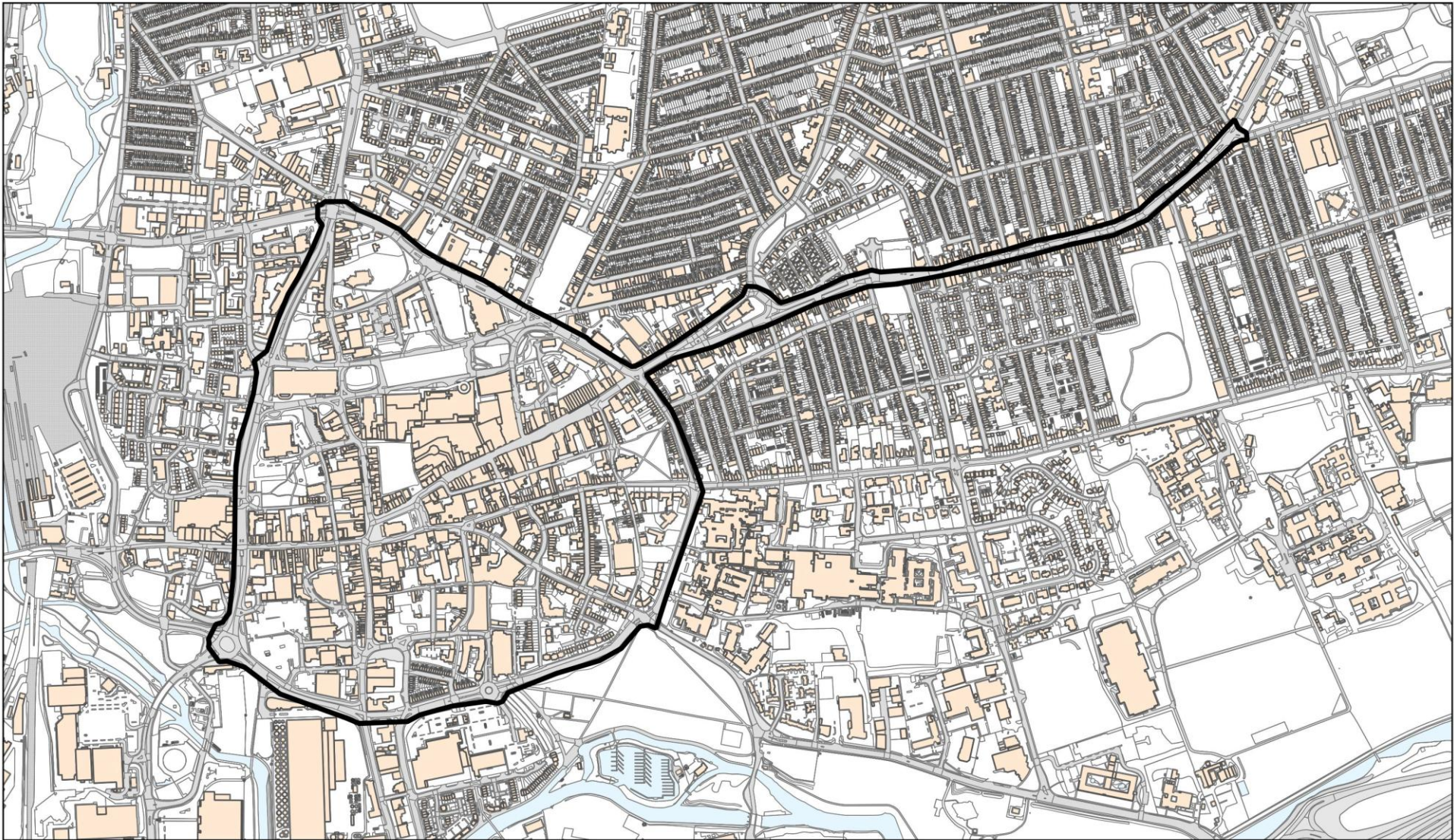
Title: **Appendix 1 - Northampton Borough & Ward Boundaries**

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Date: 01-04-2016

Scale: 1:68,417

Drawn by: S Heasman



Title: **Appendix 1A - PSPO**

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Date: 01-04-2016

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NORTHAMPTON
BOROUGH COUNCIL

Title: **Appendix 1B - PSPO**

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Date: 01-04-2016

Scale: 1:3,000

Drawn by: S Heasman

Exemptions

1. Nothing in Prohibition I, (alcohol) shall apply to:
 - (a) Premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol
 - (b) Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - (c) A place within the curtilage of premises within paragraph (a) or (b);
 - (d) Premises which by virtue of Pt 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;
 - (e) A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under s 115 of the Highways Act 1980 (highway-related uses)
2. A prohibition in the PSPO on consuming alcohol does not apply to council-operated licensed premises or land:
 - (a) When the premises or land are being used for the supply of alcohol; or
 - (b) Within 30 minutes of the end of a period during which the premises have been used for the supply of alcohol.
3. Nothing in Requirement VI & VII (removal of dog faeces & dogs on leads) shall apply to a person who:
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
 - (c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.



Public Spaces Protection Order Covering the Borough of Northampton

Northampton Borough Council ("the Council") makes the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"):

1. The land described by the appendices map(s) being land in the area of the Council is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by this Order.
2. The Order may be cited as the Northampton Borough Council Public Spaces Protection Order for the Borough.

By this Order

3. The following conditions are imposed on the use of the land:
 - (a) In this area any person who continues to carry out activities from which they are prohibited commits an offence namely;
 - I. Persons within the area (Appendix 1) will not ingest, inject, smoke or otherwise use intoxicating substances. Intoxicating substances being defined as substances with the capacity to stimulate or depress the central nervous system (i.e. alcohol, illegal drugs or psychoactive substances). Psychoactive substances - commonly referred to previously as 'legal highs' - but does not include tobacco or prescription medication.
 - II. Persons within this area (Appendix 1) will not have in their possession any open containers of intoxicating substances as defined in paragraph 3(a)(I)
 - III. Persons within the area (Appendix 1) will not have any item that can be used to assist in the taking of intoxicating substances defined in paragraph 3(a)(I) above. This includes any device for smoking substances other than e-cigarettes, it also includes needles - save for those packaged and sealed by the manufacturer and stored in a hard case.
 - IV. No person shall urinate or defecate in any public place (Appendix 1); this does not include public toilets.
 - V. Persons within the town centre tennis racquet area (Appendix 1A) will not place themselves with the intention to make any verbal, non-verbal or written request from a standing, sitting or lying-down position for money, donations or goods – including the placing of hats or containers.
 - VI. Persons within the Kingsley shopping area (Appendix 1B) will not place themselves with the intention to make any verbal, non-verbal or written request from a standing, sitting or lying-down position for money, donations or goods – including the placing of hats or containers for money

VII. Persons who are in charge of a dog must remove its faeces from the land (Appendix 1) forthwith unless:

- a. there is reasonable excuse for failing to do so (not being in possession of a bag to remove the faeces would not be acceptable); or
- b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so

VIII. A person in charge of a dog on land detailed below must keep the dog on a lead in:

- a. all children's play areas in public parks
- b. all cemeteries
- c. Northampton town centre (tennis racquet area, Appendix 1A)

(b) In this area any person who fails to comply with any requirement within the Order commits an offence if they fail to adhere to the following;

- i. Persons within the area will, on the request of a Police Officer, Police Community Support Officer or an authorised Council Officer surrender any open containers of intoxicating substances in their possession.
- ii. Persons within the area will, on the request of a Police Officer, Police Community Support Officer or an authorised Council Officer surrender any item used to assist in the taking of intoxicating substances and comply immediately with the reasonable request of the requestor to secure safe disposal of any needles in their possession not sealed and stored as directed in Paragraph 3(a)(III)
- iii. Persons within the area will, on the request of a Police Officer, Police Community Support Officer or an authorised Council Officer cease drinking alcohol and will dispose of or surrender any containers of alcohol in their possession.

This Order is subject to the Exemptions at Appendix 2

4. A person guilty of an offence of failing to comply with the Order under Section 67 of the Act, is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000.00) or if in receipt of a Fixed Penalty Notice to a penalty of a maximum £100.00.

- i. No proceedings may be taken for the offence before the end of the 14 day period following the date of notice; and
- ii. The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

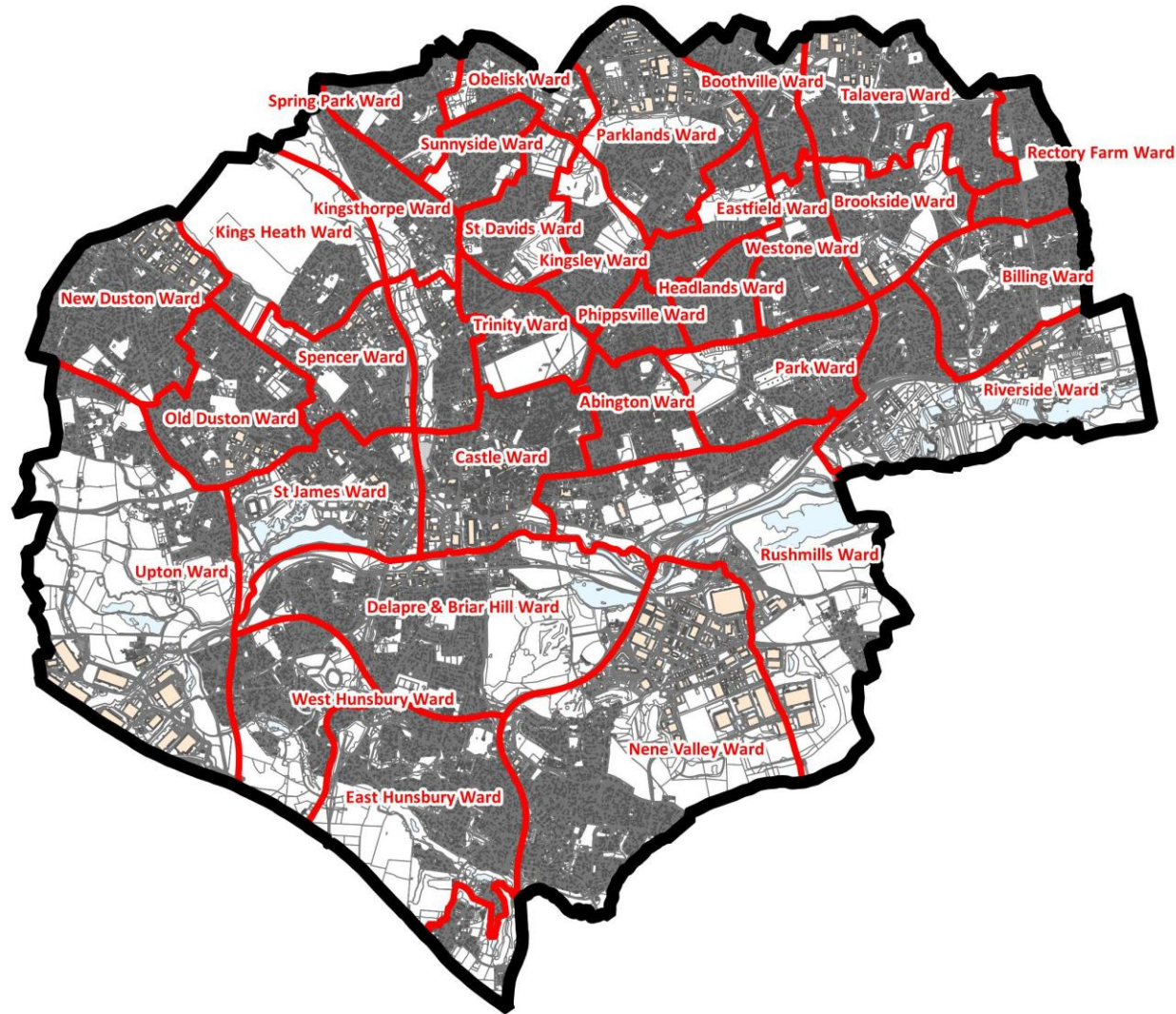
5. Any person who without reasonable excuse continues consuming alcohol in breach of this Order in the Order area when asked to desist by a Police Officer, Police Community Support Officer or authorised person from the Council under Section 63, or fails to surrender any alcohol in his possession when asked to do so by a Police Officer, Police Community Support Officer or authorised person from the Council under Section 63 commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500.00) or if in receipt of a Fixed Penalty Notice to a penalty of a maximum of £100.00.

6. In consulting regarding this Order before it was made the Council has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

Dated

Signed

David Kennedy
Chief Executive
Northampton Borough Council



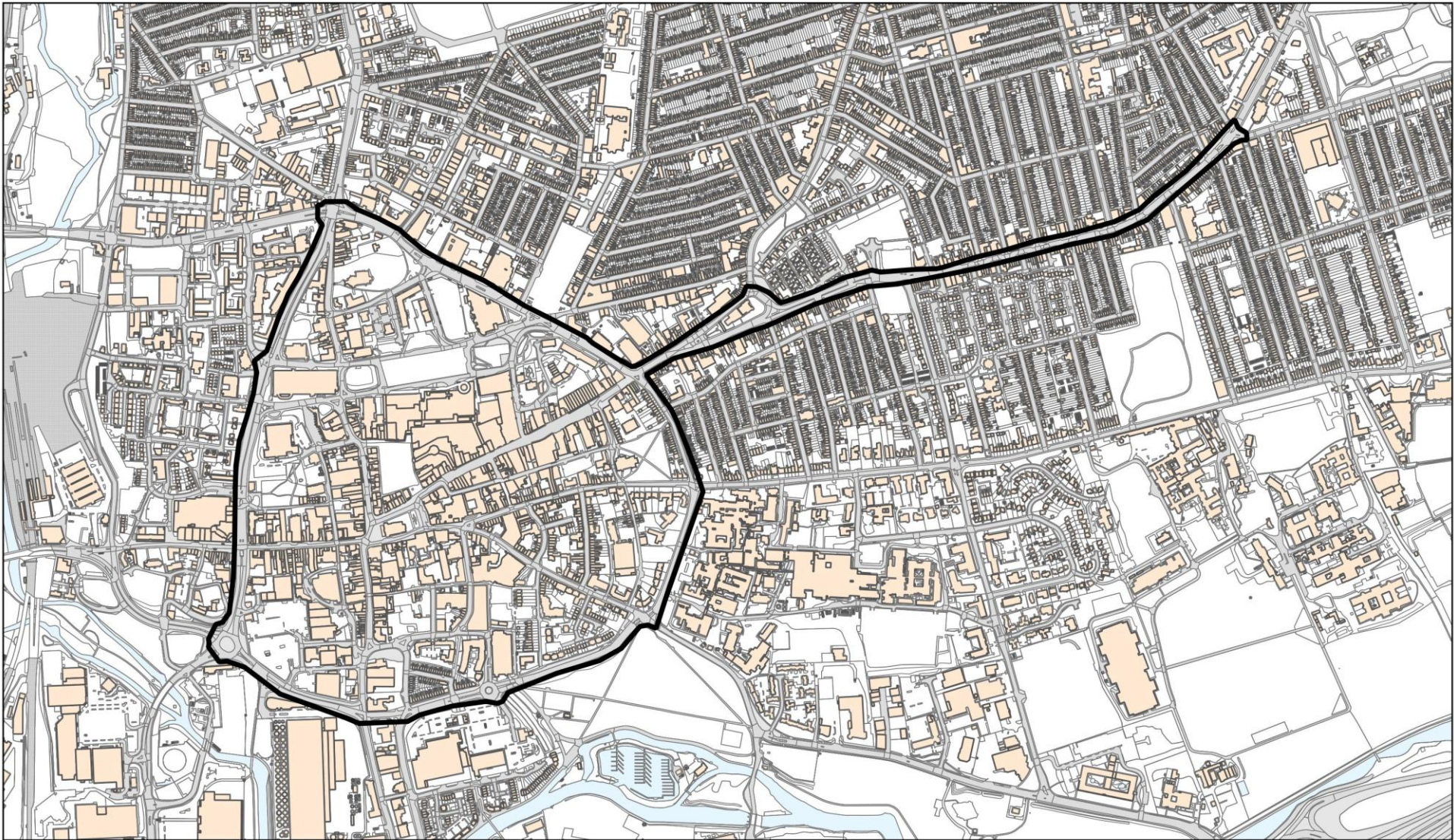
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Date: 01-04-2016

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Title: **Appendix 1A - PSPO**

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NORTHAMPTON
BOROUGH COUNCIL

Title: **Appendix 1B - PSPO**

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Date: 01-04-2016

Scale: 1:3,000

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Exemptions

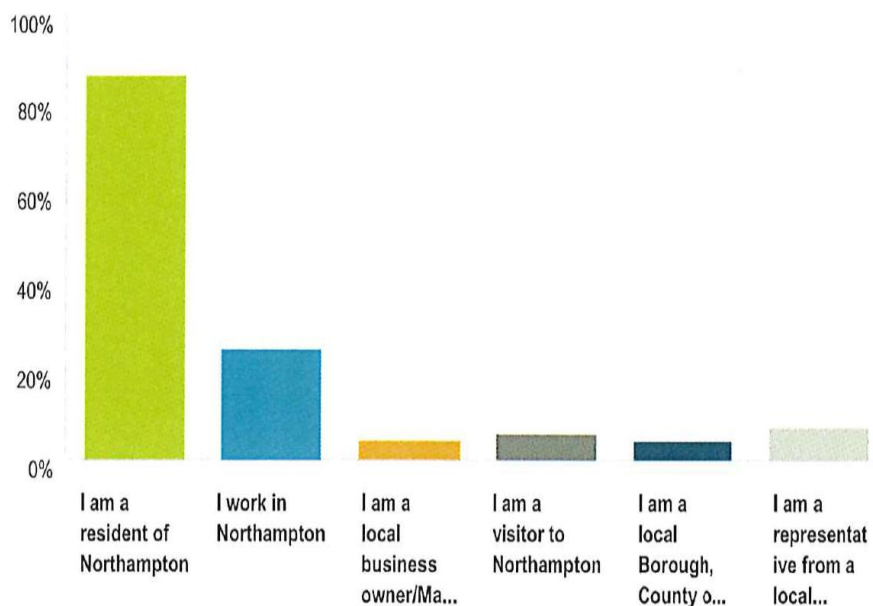
4. Nothing in Prohibition I, (alcohol) shall apply to:
 - (a) Premises authorised by a premises licence to be used for the supply of alcohol
 - (b) Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
 - (c) A place within the curtilage of premises within paragraph (a) or (b);
 - (d) Premises which by virtue of Pt 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;
 - (e) A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under s 115 of the Highways Act 1980 (highway-related uses)
5. A prohibition in the Order on consuming alcohol does not apply to council-operated licensed premises or land:
 - (a) When the premises or land are being used for the supply of alcohol; or
 - (b) Within 30 minutes of the end of a period during which the premises have been used for the supply of alcohol.
6. Nothing in Requirement VII & VIII (removal of dog faeces & dogs on leads) shall apply to a person who:
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
 - (c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance

Annex 3 - Consultation Results

Draft Public Spaces Protection Order

Q1 Are you responding as a.....? Please tick all that apply.

Answered: 184 Skipped: 1

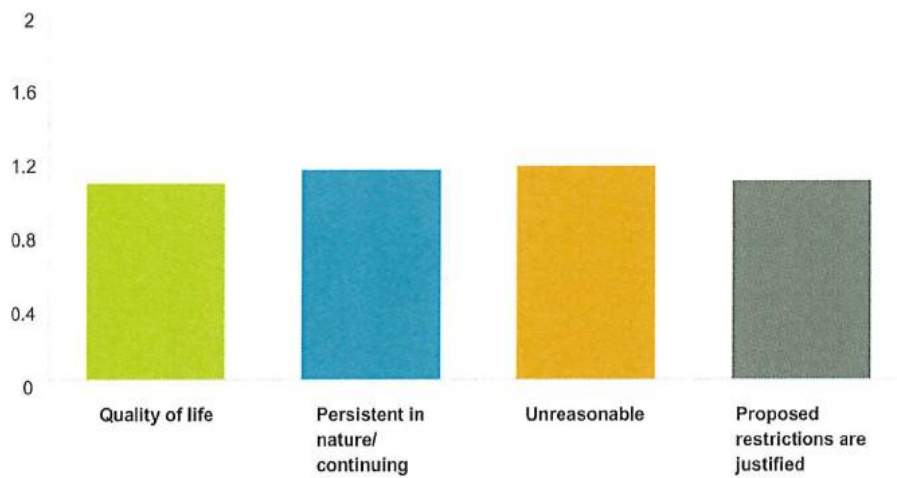


Answer Choices	Responses
I am a resident of Northampton	85.87% 158
I work in Northampton	25.00% 46
I am a local business owner/Manager	4.35% 8
I am a visitor to Northampton	5.98% 11
I am a local Borough, County or Parish Councillor	4.35% 8
I am a representative from a local community or voluntary group (please state name of group below)	7.61% 14
Total Respondents: 184	

* Question 2 has been omitted as it relates to postcodes for respondents *

Q3 Do you feel that consumption of intoxicating substances in a public place, such as alcohol, drugs or psychoactive substances, where it leads to, or is likely to lead to, anti-social behaviour, has or is likely to have, a detrimental effect on quality of life, be persistent in nature, is unreasonable and that the proposed restrictions are justified?

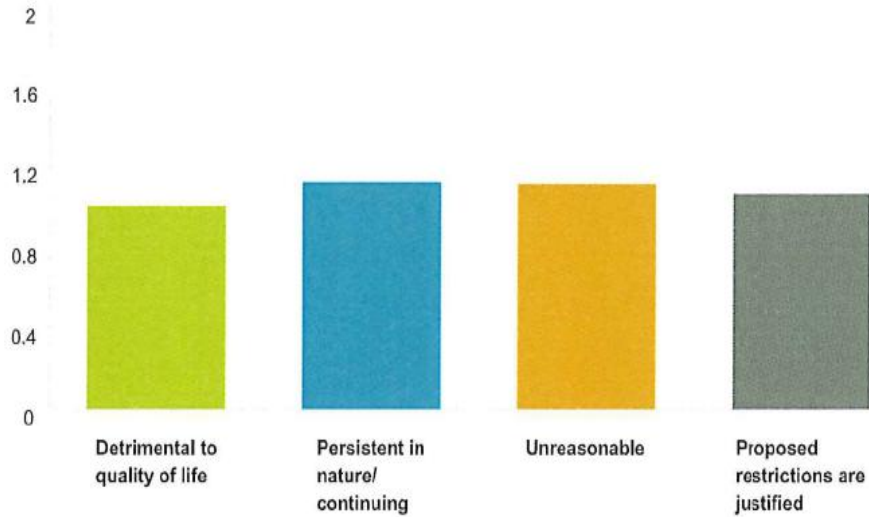
Answered: 183 Skipped: 2



	Yes	No	No opinion	Total	Weighted Average
Quality of life	93.92% 170	4.97% 9	1.10% 2	181	1.07
Persistent in nature/ continuing	90.91% 160	4.55% 8	4.55% 8	176	1.14
Unreasonable	86.36% 152	11.36% 20	2.27% 4	176	1.16
Proposed restrictions are justified	92.82% 168	6.63% 12	0.55% 1	181	1.08

Q4 Do you feel that urination and defecating in a public place has, or is likely to have, a detrimental effect on quality of life, be persistent in nature, unreasonable and that the proposed restrictions are justified?

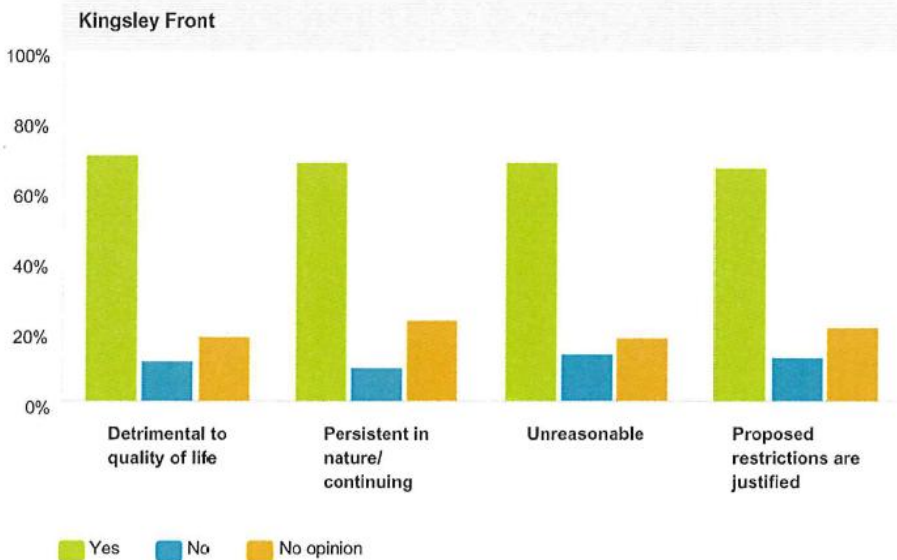
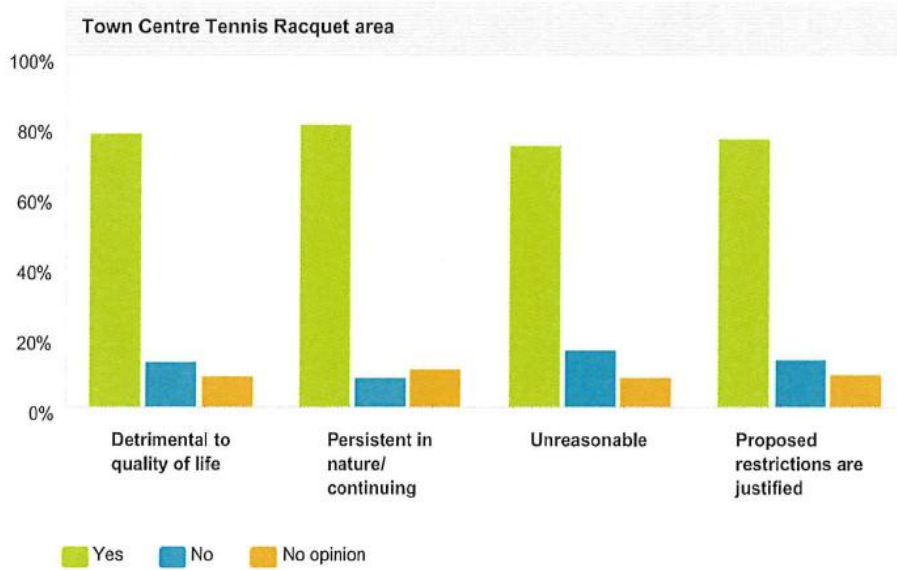
Answered: 181 Skipped: 4



	Yes	No	No opinion	Total	Weighted Average
Detrimental to quality of life	99.44% 177	0.00% 0	0.56% 1	178	1.01
Persistent in nature/ continuing	91.53% 162	3.95% 7	4.52% 8	177	1.13
Unreasonable	90.17% 156	7.51% 13	2.31% 4	173	1.12
Proposed restrictions are justified	94.38% 168	3.93% 7	1.69% 3	178	1.07

Q5 Do you agree that begging in the Town Centre Tennis Racquet area and the Kingsley front area (see maps)has, or is likely to have,a detrimental effect on quality of life, is of a persistent nature, unreasonableand that the proposed restrictions are justified?

Answered: 181 Skipped: 4



Town Centre Tennis Racquet area				
	Yes	No	No opinion	Total
Detrimental to quality of life	77.97% 138	12.99% 23	9.04% 16	177

Draft Public Spaces Protection Order

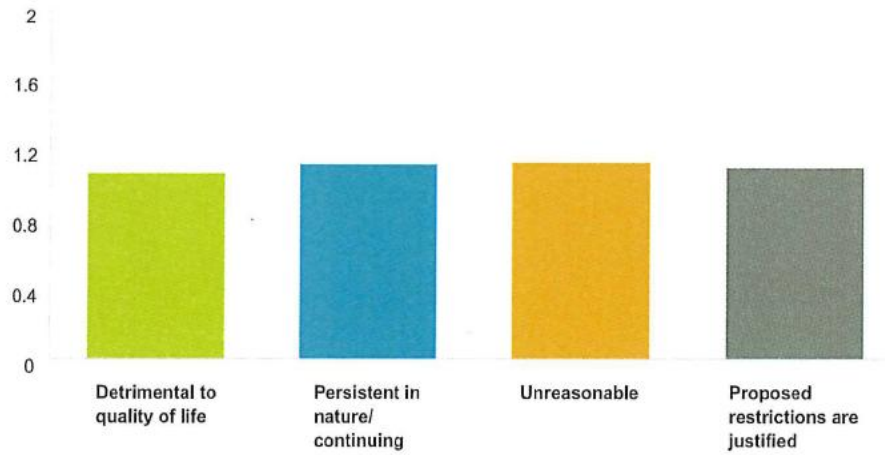
Persistent in nature/ continuing	80.34% 143	8.43% 15	11.24% 20	178
Unreasonable	74.71% 130	16.67% 29	8.62% 15	174
Proposed restrictions are justified	76.70% 135	13.64% 24	9.66% 17	176

Kingsley Front

	Yes	No	No opinion	Total
Detrimental to quality of life	69.75% 113	11.73% 19	18.52% 30	162
Persistent in nature/ continuing	67.90% 110	9.26% 15	22.84% 37	162
Unreasonable	68.13% 109	13.75% 22	18.13% 29	160
Proposed restrictions are justified	66.67% 108	12.35% 20	20.99% 34	162

Q6 Do you agree that people in charge of a dog who fail to remove the dog's faeces from a public place has, or is likely to have, a detrimental effect on quality of life, be persistent in nature, unreasonable and that the proposed restrictions are justified?

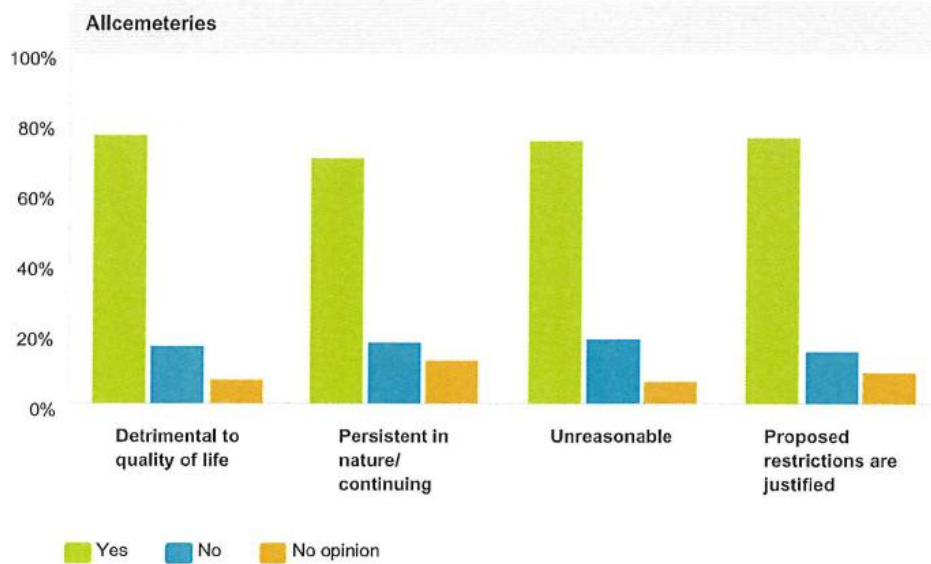
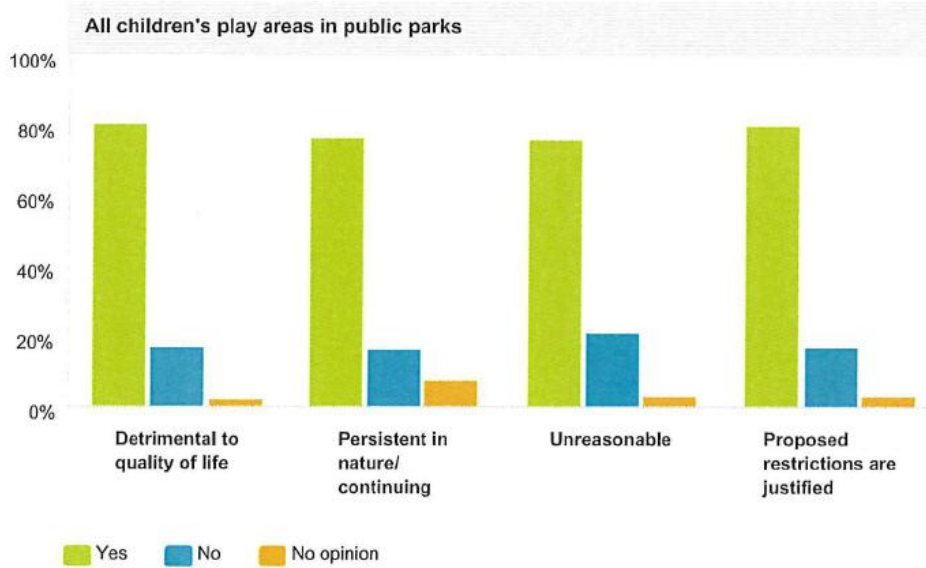
Answered: 182 Skipped: 3



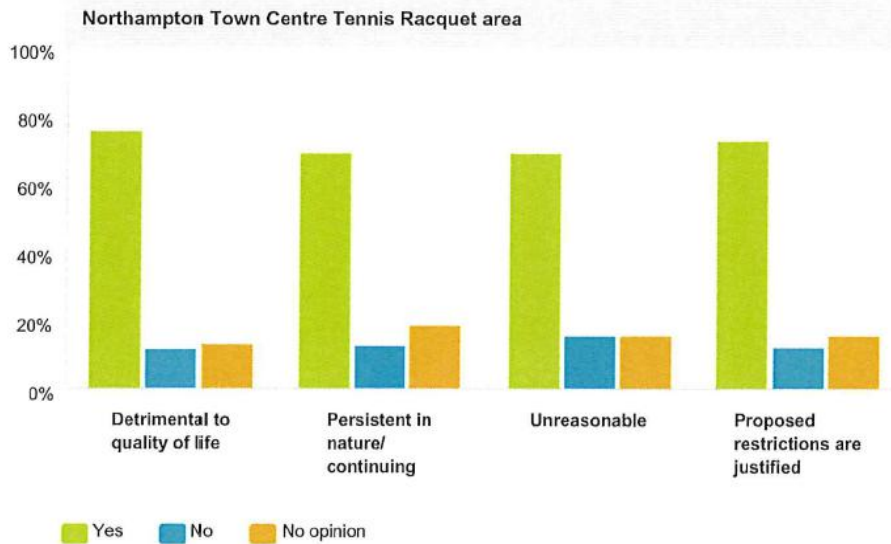
	Yes	No	No opinion	Total	Weighted Average
Detrimental to quality of life	96.11% 173	2.22% 4	1.67% 3	180	1.06
Persistent in nature/ continuing	92.22% 166	4.44% 8	3.33% 6	180	1.11
Unreasonable	90.45% 161	7.30% 13	2.25% 4	178	1.12
Proposed restrictions are justified	92.78% 167	5.00% 9	2.22% 4	180	1.09

Q7 Do you agree that, in the following areas, people in charge of dogs allowing the dog to be OFF the lead has, or is likely to have, a detrimental effect on the quality of life, be persistent in nature, unreasonable and that the proposed restrictions are justified?

Answered: 183 Skipped: 2



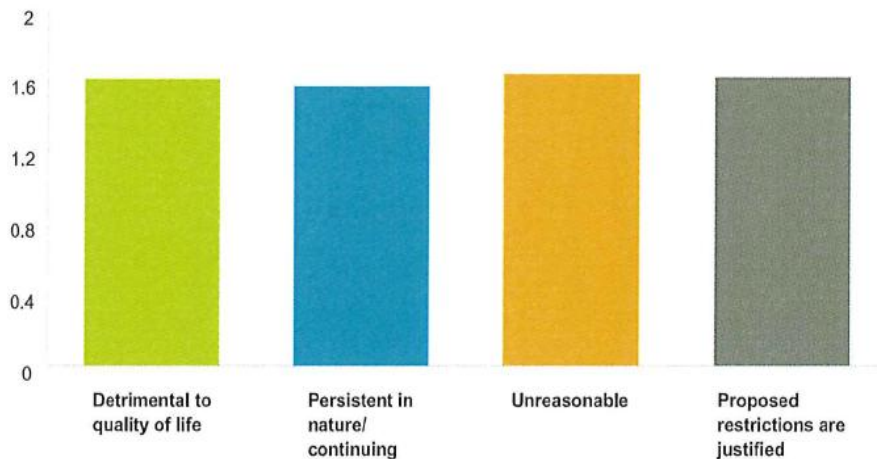
Draft Public Spaces Protection Order



All children's play areas in public parks				
	Yes	No	No opinion	Total
Detrimental to quality of life	80.56% 145	17.22% 31	2.22% 4	180
Persistent in nature/ continuing	76.40% 136	16.29% 29	7.30% 13	178
Unreasonable	76.14% 134	21.02% 37	2.84% 5	176
Proposed restrictions are justified	80.23% 142	16.95% 30	2.82% 5	177
Allcemeteries				
	Yes	No	No opinion	Total
Detrimental to quality of life	76.61% 131	16.37% 28	7.02% 12	171
Persistent in nature/ continuing	70.00% 119	17.65% 30	12.35% 21	170
Unreasonable	74.85% 125	18.56% 31	6.59% 11	167
Proposed restrictions are justified	76.02% 130	15.20% 26	8.77% 15	171
Northampton Town Centre Tennis Racquet area				
	Yes	No	No opinion	Total
Detrimental to quality of life	75.64% 118	11.54% 18	12.82% 20	156
Persistent in nature/ continuing	69.03% 107	12.26% 19	18.71% 29	155
Unreasonable	68.83% 106	15.58% 24	15.58% 24	154
Proposed restrictions are justified	72.61% 114	12.10% 19	15.29% 24	157

Q8 Do you agree that unregulated street entertainment (also known as busking, which includes amplified or unamplified music and singing) has, or is likely to have, a detrimental effect on the quality of life, be persistent in nature, unreasonable and that the proposed restrictions are justified?

Answered: 183 Skipped: 2



	Yes	No	No opinion	Total	Weighted Average
Detrimental to quality of life	44.20% 80	50.28% 91	5.52% 10	181	1.61
Persistent in nature/ continuing	52.81% 94	37.64% 67	9.55% 17	178	1.57
Unreasonable	44.75% 81	46.96% 85	8.29% 15	181	1.64
Proposed restrictions are justified	48.33% 87	41.11% 74	10.56% 19	180	1.62

Annex 3a

Responses received from statutory consultees

Inspector, Northamptonshire Police (North East Sector, Northampton)

I am happy with the content as per our previous discussions.

Inspector, Northamptonshire Police (South West Sector, Northampton)

Happy to support the suggestions within the PSPO although we need to be clear on expectations regarding enforcement and leads

There will be an enforcement protocol in place that will provide guidance to those authorised to enforce the PSPO

Northamptonshire County Council Community Safety

This looks good. The only other thing I would consider in relation to V and VI of the PSPO would be around individuals placing themselves with the intention to do those things.

Northamptonshire County Council Highways:

Having read the order it looks very comprehensive. The only comments I have are in connection with street entertainment.

It says a person can ask for money other than buskers (3(a)(V)) which implies busking is allowed but in 3(a)(VII) no person shall busk if they cause a nuisance including obstructing the highway, but all buskers are technically obstructing the highway.

Also no other person other than a busker can ask for money, but what about persons performing carols or the Salvation Army band neither are classed as busking activities.

Hardingstone Parish Council:

Hardingstone Parish Council agree with the proposals set out in the consultation.

Annex 3b

Question 9: Do you have any comments to add regarding what impact the above activities have on your quality of life:

PSPO's are a waste of time & public money as no one will implement them!

makes you scared of going out

What will you do about Charity Chuggers? And what will you do about the rip-off merchant running ice-cream & burger vans, and cafes, in public parks and other public places that do not offer fair value for money. What will you do about the vested interests in such enterprises?

Can you do anything to stop the charity people from stopping me whenever I walk through the town? These people make me think twice about coming to shop in Northampton. You never see them in the shopping centres so MK more attractive when they are all out in force!

Why can we not drink alcohol outside Frank Large walk if we are responsible? Does all of Frank Large walk constitute a children's play area, or just the play equipment? In which case you need to fence this off as there are thousands of dog walkers who use this area to exercise their dogs off lead and value the ability to do so.

I know a number of old people who will not now go to the shopping precinct in the tennis racquet area because of the practices which this proposed PSPO is intended to outlaw

Been distressed by unleashed dog; dog faeces add to the general disgraceful dirty and unkempt areas throughout the whole of Northampton

Begging on Fish St, Homeless people sleeping on my doorstep on Fish St, People urinating on my door step on Fish St and the buskers and music on Abington St can be heard in my flat and sometimes it's all day and every weekend.

Betting shops should have the same rules applied as public houses as people congregate consume alcohol and make noise and drop litter. Collins st corner staff say it has nothing to do with them.

i would say that paragraph 3 clause 6 be changed from kingsley shopping area to ALL SHOPPING AREAS INCLUDING....

Dogs must still be allowed to have some off lead areas in residential areas.

All of the above are fully covered by existing legislation. To enact what are basically geographically defined ASBOs would be unworkable and counter-productive, simply displacing the activities outlined above to places where they can be less surveilled. This is placebo legislation of the worst kind.

Busking enhances the quality of life. Level of amplified should be set.

Intimidation

The proposed PSPO should also include the area from the town centre along Kettering Road to Kingsley Front.

I had to stop using the Central library due to loud proselytising and music. The smell of urine in certain areas of the town is one reason I don't come to town .

Look at busking designated patches.

Fed up with dog faeces in public areas!

The smell of urine on the steps from campbell st car park is appalling and will put people off from visiting the town centre

I believe it is everyone's right to enjoy the open spaces without the view spoiling it for the many

Begging should be restricted in all public places. Dogs off the lead should not be allowed in any public place. We must ensure that dog poo bins are available and emptied regularly. Consumption of alcohol or being under the influence of alcohol or drugs in a public place should be dealt with severely. Adults should be setting an example to each other and the younger community. Begging lowers the reputation of the town centre.

Do not focus on town centre only. Levels of litter and dog fouling is disgraceful

Re consumption of intoxicants in the proposed areas, the problems will simply be moved elsewhere and there is no indication of what might be done to help those people likely to be punished other than adding to their problems by fining them, when they are extremely unlikely to be able to pay.2On restrictions on dogs in childrens play areas - that is fine in those Parks where the play areas are fenced off- what about those parks where there is no fencing eg Hunsbury Hill park?

why are the needy/homeless driven to have to beg?

I am a dog owner who always picks up .But never ever see people who don't pick up fined.

Areas where dogs can be let off leads should be made available but away from e.g. children's play areas

Amplified busking in town centre appears to have a positive affect on those around and brings a good atmosphere.

Here in Kingsthorpe, we are already suffering from the attention of beggars. I fear that enforcement in the areas covered in Items V. And VI. will exacerbate our local problem, causing a migration of "pan-handlers" onto Kingsthorpe front. Please can the Kingsthorpe shopping area be added to the list.

All the above make the town look more of a tip than it mostly already does, the above PSPO must be Implemented

Busking in the town centre has become intolerable. Also street charity fund raisers should be limited under this order

Anti-social behaviour can make life very unpleasant for the majority of residents and if not addressed can lead to the public avoiding certain areas.

Can you add ridng motorbikes illegally in local parks, bridlepaths and green areas

I would like to qualify no. 8. Licensed buskers should be a strategy for enhancing the street scene and ambience of the town centre. We need more shared space for cyclists. I have observed that where they are allowed they behave with more respect to pedestrians.

I am not sure the benefit of a blanket order. There are already other orders which relate to individuals that can clearly stop this behaviour.

Upton Public Open Spaces are not maintained or adopted by Council. If you want to put these public orders in place there, adopt the Public Open Spaces like you've done for all other areas in Northampton.

I heard a violinist busking last week in town and it was lovely. We should be rewarding people who are using their skills to raise money. Maybe offer the chance for people to officially busk in the town square and make it like Covent Garden and culturally and musically diverse.

Please could you add a section on cycling on paths, anti-social and dangerous, especially to the elderly. Thank you.

Non amplified busking as ordered under pedestrianisation in 1985 is antisocial but non amplified music is acceptable.

No, apart from stepping in dog poo!

We should encourage music and entertainment in the streets

The construction of your questions is confusing. How can I make a judgment that something is going to be 'persistent in nature/continuing' before it has happened? It might be over in 10 mins or last 10 hours there is no way of knowing.

8. 'Good' entertainment can add spice and vitality to a town centre (sadly lacking in Northampton). Part of the reason I live in an outlying village and rarely visit the town centre is because of all the aspects of questions 1 to 7 and as a 'Northamptonian' that is very sad.....

Not nice at all having to keep a look out for dog mess in public parks because irresponsible owners cannot be bothered to clear it up. Proposals are welcomed.

I believe dogs should be on a lead in all areas of a public park.

There are not enough police officers around to prevent unsociable behaviour which is on the increase.

Northampton town is dirty - not the fault of the BC, but those commercial premises who allow smokers to dispose of their waste outside the shop. Northampton has become an ashtray.

Need to consider re-commissioning of public toilets please.

The activities covered in this survey reduce the attractiveness of the town for visitors and businesses

Should the restrictions on begging also apply to unregulated charity and business person's in a public place?

Some of the buskers add to the street scene, but some who collect for animal charity or cannot sing/play do not. Providing dogs are kept under control on a lead & do not defecate within the

fenced children's play areas they should be allowed to be off their lead in the rest of the open space.

restrict to unamplified music and singing

Drinkers leaving their cans and broken bottles causes injury to my grandchildren and my dog, not picking up after dogs it's disgusted there is someone around where I live who never picks up even when on the pavement beside the school. Human waste is worse it happens occasionally along the school fence.

I believe the members of the public would welcome these interventions.

Busking, adds to the vibrancy of the town, ever been to Quebec?

selling the big issue would be caught under the begging PSPO but it is selling a good magazine and assisting homeless people. All the beggars/homeless people should be assisted by social services not criminalised.

Living in East Park Parade, I have experienced people urinating, defecating and begging on the boundary of my home

Please define begging. How will PSBO affect Big Issue sellers, and people collecting for charities or other causes? How will PSBO affect political campaigners, street theatre, etc?

Dog poo is a problem, lack of public toilets means people may be forced to urinate in public places, especially disabled people. Defecation should not be necessary in Public places

Please deal with the beggars, charity parasites, buskers and especially the offensive bagpipist on Abington Street every Saturday.

There needs to be a proportionate approach to street drinking, the likes of the auctioneers pub needs to have their external drinking area removed as it a magnet for anti social behaviour. Also for parks, it needs to be proportionate.

Makes me happy to hear music from buskers and if benefit housing was adequate then people would not need to beg or sleep rough

None but I can understand that it would be different for some

Just that if these restrictions are put in place they are actually enforced.

Probably unsupervised dogs has had the greatest impact in Abington Park. Closely. Followed by dog fouling and unsociable drinking, this is generally worse in summer. As regards urination, small children do sometimes have to go. I would hope restoration of toilets in the children's play area would be a high priority. As regards busking, a lot depends upon the quality of the musician/s as to whether it is a nuisance! Yes the problem of begging can be a problem, but I would hope if you take these measures; there would be additional council support for the homeless.

I disagree with criminalising homelessness and begging

The new psychoactive legislation does nothing to prevent simply possession of substances. Our kids are ruining their lives and we need to be tougher on the consequences of use.

The street drinking and did fouling having empty cans all over the place and lazy people not clearing the doggie do da and children are treading in it

Broken glass in surrounding area. Not safe for children or dogs.

Your document for dogs on leads does not include current identified spaces such as Abington Park Band stand part which is clearly marked dogs on leads this should be added as frequently ignored by some

The Protection Order must be implemented to maintain a decent standard of living. If not standards will deteriorate even further.

Its sad that there are fewer and fewer spaces where people can walk with dogs- simply because of a minority of ignorant and selfish owners.

I feel there are too many cars in the town centre and if they build more student flats and a picture house we don't need there will be more people. There are plenty of spaces near colleges. People dropping cigareets and deliberately turning into drop in for youth and homeless.

Area around closed toilets are drinking spots, need watching.

What about the noise of the amplified music (so called) in the High Street, Northampton

I constantly get drunk kids knocking at my front door. They leave mess everywhere and have no respect for the area I live in. It's not only kids though. Alot of the time there's drunken adults around who urinate up people's garden fences and cars and it's just rude. I feel very afraid to even walk out of my own front door.

Young teens gathering and drinking alcohol making it uncomfortable for families with young children to go to play areas near tesco mere way

People not picking up behind their dog is bad in this area (NN5), also so is the littering bad

Dog fouling, causes great nuisance, my son cannot play in certain areas as it is awful

I have been shocked by the levels of anti-social behaviour in Northampton in recent years, with seemingly little action taken by the authorities. Earlier in the year there was continual aggressive begging in Abington Street, apparent rough sleeping in the town centre etc with no obvious intervention. We look like a town that just doesnt care. This order needs to be part of a raft of measures that tackles some of the underlying issues. Are the boundaries on the map (streets not labelled in the appendix) arbitrary? What will stop the problem moving outside of the area but still persisting, particularly in local parks? What are the authorities doing to tackle the problems rather than just move it out of sight?

I rent an office in the town centre outside the Grovenor Centre entrance on Abington Street and i'm subjected to the daily noise of the buskers and street performers with their amplified system. Doesn't seem fair to me that I have to endure that along with the other business owners in my building.

Dogs not on lead, and owners who don't pick up faeces should be fined on the spot, but who would police it?

Although I have answered yes to these questions there will always be exceptions to the rule. For example why are people begging and how can Borough, organisations and individuals help.

St James also suffers with high levels of anti social behaviour, including drinking, drug taking and begging, so I would like the following clause inserted to reflect this problem within the final document; VII Persons within the Kingsley shopping area (Appendix 1C) will not make any verbal, non-verbal or written request from a standing, sitting or lying-down position for money, donations or goods – including the placing of hats or containers for money

Not being able to walk a well behaved and trained dog off lead is detrimental to the dog and owner. We live where we do (and have done for many years) enjoying exercising dogs, and this must not be stopped – it affects our rights to walk too.

What MOST destroys my quality of life, is councils continually having a go at dog owners and treating us as though we are criminals! Unless you want to face charges of discrimination, you need to leave us alone OR treat everybody else (eg, litterbugs) equally, rather than letting them get away with their crimes or just tidying up after them. You also need to ban CHILDREN from specific areas, if you're going to ban dogs. You are promoting hatred between societal groups, which directly conflicts with your obligations under the Public Sector Equality Duty (PSED). I am DISGUSTED that you are targeting people who have to beg, as well. If you want to reduce the number of people living on the streets, provide adequate hostels and shelter for them (DOG FRIENDLY!), and the proper counselling and treatment if they have alcohol or drug problems. I am disgusted that the council is mis-applying the law to persecute specific groups in society and to discriminate so openly against them.

These restrictions are not needed on these minor issues too PC.

Criminalising dog owners and walkers or introducing orders to criminalise ownership or day walking because of a very small minority who are inconsiderate spoils the enjoyment of those vast majority whom are responsible. It inhibits the dogs a chance to run around and get adequate exercise and to interact with other dogs which is at the centre of having a well rounded dog. Curtailing natural behaviour contravenes one other legislation or act of parliament rather than a voluntary money making exercise such as PSPO's.

Stop persecution of dog and owners have you got more important things to deal with on your high salaries!

Safe areas should be provided for dog walks to allow their dogs off lead where they cannot get out ie dog parks, both for multiple dogs and for single dogs only

Have had issues with dogs off lead coming up to my dog and hurting him, which has led to one of mine having a fear of other dogs. I personally really like buskers as they bring life into the centre. They make my life much better.

Common sense should be attached to all of the above regarding actions taken or not taken. I have come across buskers that should be paid for entertaining and selling CDs because they've been so good. I have also been offended by buskers as they have been loud, untuneful and even spitting, which I believe they most definitely should deserve punishment. Public spitting isn't just offensive, it is a way that diseases can be spread. Urination in public places is disgusting (with the obvious exception of anyone that has a medical condition leaving them with a level of unawareness of needing to go and having to run quickly and discretely behind a bush) it once again is offensive and unhealthy. Dogs in parks and public places off lead as long as the owner is in control of them is good, but you also have to bear in mind that some children are ignorant as far as how to behave around dogs is concerned and will run up to them and pull them around, so following the idea of Rushden town council could be of benefit. There is a children's play area that is fenced and secure and also a dogs play and running off lead area that is fenced off and secure. The rest of the park is

dogs on leads but rightly so, not picking up poo is unacceptable anywhere around the park . The use of drugs should carry harsher punishment even for smaller amounts purely because the problem is so out of hand. Alcohol consumed in public places inappropriately (re not a glass of beer or wine at a picnic or drank outside at a bistro, isn't a positive thing for anyone. Littering should also attract a penalty especially in our parks and public spaces.

I walk my dogs off lead and do not wish this to be restricted as I am in full vocal control of them

Fines for fouling should start at £20 then if they get caught again they should increase.

all dogs should be on leads everywhere especially on the street and parks

This needs to include St James

Northampton town centre is dump mainly due to street drinking tramps n goths in the centre screeching n looting around, anything to get this shifted would improve the centre

Dog faeces is a damn nuisance in public parks where children are playing. Dangerous too

To have to walk past several aces in the town to get to work, all I am confronted with is human faeces. It's disgusting, you report it, yet this lovely council will take weeks to move it, where are the wardens?

Street drinkers have made my life very stressful, because I cannot relax in my own home knowing that only yards from my front door there are groups of people drinking, shouting, urinating and behaving in an anit social manner for hours every day.

Would like to see the removal of amplified music the bsukers use as it is far too loud and does not reflect what proper busking is about

I love the buskers in the town centre on a Saturday, they IMPROVE my quality of life. In general, I think this is a consusingly written survey and that most people won't understand what you are asking. A lot of the things you are trying to include are covered by other laws anyway (eg begging), so why add another one? Which law would take precedence if someone were to be prosecuted?

I would just like to say how genuinely happy I am to see something being put in place to regulate Northampton town centre in particular. This behaviour does have an affect on all our life's and actually friends of mine have had to deal first hand with these issues as people outside McDonald's areas have attacked multiple friends of mine before due to I assume their drunkenness. It's a dangerous place Northampton town centre now and something should be done. I just hope if this order is put in place, that the police will use it rather than just let it carry on happening. I'm not actually from Northampton I'm here for university but the impact it's had on my life, I can't comprehend how bad it must be for everyone else that lives here and has to watch their beloved town centre turn to shambles.

Appendix 4

Equality Impact Assessment

Part 1: Screening

When reviewing, planning or providing services Northampton Borough Council needs to assess the impacts on people. Both residents and staff, of how it works - or is planning to – work (in relation to things like disability). It has to take steps to remove/minimise any harm it identifies. It has to help people to participate in its services and public life. “**Equality Impact Assessments**” (EIAs) prompt people to think things through, considering people’s different needs in relation to the law on equalities. The first stage of the process is known as ‘screening’ and is used to come to a decision about whether and why further analysis is – or is not – required. EIAs are published in line with transparency requirements.

A helpful guide to equalities law is available at: www.northampton.gov.uk/equality. A few notes about the laws that need to be considered are included at the end of this document. Helpful questions are provided as prompts throughout the form.

1 Name of policy/activity/project/practice	Public Places Protection Order
---	--------------------------------

2. Screening undertaken (please complete as appropriate)	
Director of Service	Julie Seddon
Lead Officer for developing the policy/activity/practice	Debbie Ferguson
Other people involved in the screening (this may be people who work for NBC or a related service or people outside NBC)	Director of Customers & Communities, NBC Legal Services, LGSS Finance, LGSS Environmental Health & Licensing Manager, NBC Environmental Services Manager, NBC Northants Police Cabinet Member for Community Safety, NBC Town Centre Manager, NBC Highways, KIER WSP

3. Brief description of policy/activity/project/practice: including its main purpose, aims, objectives and projected outcomes, and how these fit in with the wider aims of the organisation.

- A Public Spaces Protection Order (PSPO) allows a local authority to introduce a series of measures into a defined locality.
- The proposed PSPO will bring in measures to control and restrict certain activities, in particular the consumption of psychoactive substances, consumption of alcohol in public (other than in licensed premises), public urination and defecation, busking, begging, dog fouling, fly-posting and the sale of cars on public highway.
- This is a legal order that can last for up to three years and it will prohibit a number of activities.
- If an element of this order is breached, the outcome could be that the individual is issued with a fixed penalty notice for £100 or fined up to a maximum of £1000 if at court.
- The Cabinet agreed on the 21 October 2015 that they wanted to progress a consultation on proposals to introduce a Public Space Protection Order for Northampton.
- Consultation ran from 30 June 2016 to 23 September 2016

4 Relevance to Equality and Diversity Duties

A Public Spaces Protection Order is designed to stop all individuals or a specific group of persons committing anti-social behaviour in a public space. This Order replaces some elements contained in existing legislation such as Designated public Places Order and Dog Control orders, which are already being enforced.

If you have indicated there is a negative impact on any group, is that impact:

No – all individuals/sections of the community will be dealt with in the same manner. Incidents of ASB will continue to be dealt with in line with our equalities framework

Legal?

N/A

Please explain:

5 Evidence Base for Screening

Equality Human Rights Commission

<http://www.equalityhumanrights.com/resources/case-studies-of-how-organisations-are-using-the-duties/case-studies-equality-impact-assessments/>

Section 72 of the Anti-Social Behaviour and Policing Act 2014 requires the Cabinet as decision maker to pay particular regard to rights of freedom of expression and freedom of assembly set out in articles 10 (the right to freedom of expression) and 11 (freedom of assembly and association) of the European Convention on Human Rights in considering the making any such order. The making of the said order is considered to be proportionate and will fulfil a legitimate aim of curbing anti-social behaviour in public places for the benefit of the law abiding majority and hence will not infringe article 11 ECHR.

6 Requirements of the equality duties:

(remember there's a note to remind you what they are at the end of this form and more detailed information at www.northampton.gov.uk/equality)

Will there be/has there been consultation with all interested parties?

- The Cabinet agreed on the 21 October 2015 that they wanted to progress a consultation on proposals to introduce a Public Space Protection Order for Northampton.
 - The Council engaged in an 8 week online public consultation via an open access online survey using 'Survey Monkey', run from 30 June 2016 to 23 September 2016
 - Councils social media accounts
 - Councillors
 - Parish Councils
 - Businesses
 - Community Safety Partnership
 - Council Officers
 - Northamptonshire Office of Police & Crime Commissioner
 - Northamptonshire Police
 - Northamptonshire County Council
 - Community Forums
 - Residents Panel
 - Members of the public
 - Local press and media channels
 - Town Centre BID
 - Brackmills BID
 - Northamptonshire Retail Crime Initiative (NRCI)
 - Pubwatch
 -

Are proposed actions necessary and proportionate to the desired outcomes?

Yes/No Public Spaces Protection Order is designed to stop all individuals or a specific group of persons committing anti-social behaviour in a public space

Where appropriate, will there be scope for prompt, independent reviews and appeals against decisions arising from the proposed policy/practice/activity?

Yes/No The implementation of the PSPO can be challenged by any interested person within 6 weeks of the making of the Order, the challenge is made at the High Court. Anyone who is directly affected by the making of the PSPO can challenge the order

Does the proposed policy/practice/activity have the ability to be tailored to fit different individual circumstances?

Yes/No Public Spaces Protection Orders provide the opportunity to address specific problems in specific areas and create an 'Order' to enable appropriate and proportionate action to be taken.

Where appropriate, can the policy/practice/activity exceed the minimum legal equality and human rights requirements, rather than merely complying with them?

The making of the said order is considered to be proportionate and will fulfil a legitimate aim of curbing anti-social behaviour in public places for the benefit of the law abiding majority and hence will not infringe article 11 ECHR.

From the evidence you have and strategic thinking, what are the key risks (the harm or 'adverse impacts') and opportunities (benefits and opportunities to promote equality) this policy/practice/activity might present?

	Risks (Negative)	Opportunities (Positive)
Race		There is no evidence that the 'Order' will impact on any specific person based on their race
Disability	Mental Health issues and physical disability will be taken into account by officers. The restriction on the consumption of alcohol could also affect those that are alcohol dependant. The proposed 'Order' will not bring in any new powers in this area and will simply replace the existing Designated Public Spaces Protection Order.	The 'Order' may well have the opposite effect and encourage those that are drug/alcohol dependant to engage with the support that is available and this in turn will deliver health benefits.
Gender or Gender Identity/Gender Assignment		There is no evidence that the 'Order' will impact on any specific person based on their gender
Pregnancy and Maternity (including breastfeeding)		There is no evidence that the 'Order' will impact on any specific person based on pregnancy or maternity. If required pregnant women will be referred into safeguarding mechanisms
Sexual Orientation		There is no evidence that the 'Order' will impact on any specific person based on their sexual orientation
Age (including children, youth, midlife and older people)		Young people will be referred into safeguarding mechanisms. In some cases parent/guardian of under 16's will be spoken to
Religion, Faith and Belief		There is no evidence that the 'Order' will impact on any specific person based on their beliefs or religion
Human Rights	There is a high impact on a number of groups that are	The 'Order' has been proposed due to the volume

	<p>likely to be affected. For example those involved in street entertainment may feel that their human rights have been impacted (freedom of expression). The consultation process has provided the opportunity to capture their views.</p>	<p>of incidents that are occurring that are having a significant impact on the peoples quality of life. The introduction of this 'Order' will have a positive impact on residents, businesses, and visitors to the town.</p>
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7 Proportionality

All cases will be treated on an individual basis, and any decisions reached will be within existing legislative guidelines. Use of the PSPO powers and advice given will be recorded in pocket note books and on ECIN's data base. The information will be analysed to determine whether the implementation of the powers has had a disproportionate effect upon the equality factors.

Enforcement action will always be seen as a last resort. Through the multi-agency groups and individual case management, support and intervention will continue to be offered.

8 Decision

Set out the rationale for deciding whether or not to proceed to full impact assessment

Full Equality Impact Assessment is not required as all sections of the community are treated the same. The proposed restrictions will impact positively on people whose protective characteristics are impacted upon by the anti-social behaviour the order is designed to address

Date of Decision:

We judge that a full impact assessment is not necessary since there are no identified groups affected by these changes.

1. Equality Duties to be taken into account in this screening include:

Prohibited Conduct under The Equality Act 2010 including:

Direct discrimination (including by association and perception e.g. carers); Indirect discrimination; Pregnancy and maternity discrimination; Harassment; third party harassment; discrimination arising from disability.

Public Sector Duties (Section 149) of the Equality Act 2010 for NBC and services provided on its behalf: (due to be effective from 4 April 2011)

NBC and services providing public functions must in providing services have due regard to the need to: **eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between different groups.** 'Positive action' permits proportionate action to overcome disadvantage, meet needs and tackle under-representation.

Rights apply to people in terms of their "Protected Characteristics":

Age; Gender; Gender Assignment; Sexual Orientation; Disability; Race; Religion and Belief; Pregnancy; Maternity. But Marriage and Civil Partnership do not apply to the public sector duties.

Duty to "advance equality of opportunity":

The need, when reviewing, planning or providing services/policies/practices to assess the impacts of services on people in relation to their 'protected characteristics', take steps to remove/minimise any negative impacts identified and help everyone to participate in our services and public life.

Equality Impact Assessments remain best practice to be used. Sometimes **people have particular needs** e.g. due to gender, race, faith or disability that need to be addressed, not ignored. NBC must have due regard to the **duty to make reasonable adjustments** for people with disabilities. NBC must **encourage people who share a protected characteristic to participate in public life** or any other activity in which their participation is too low.

Duty to 'foster good relations between people'

This means having due regard to the need to **tackle prejudice** (e.g. where people are picked on or stereotyped by customers or colleagues because of their ethnicity, disability, sexual orientation, etc) and **promote understanding**.

Lawful Exceptions to general rules: can happen where action is proportionate to achieve a legitimate aim and not otherwise prohibited by anything under the Equality Act 2010. There are some special situations (see Ch 12 and 13 of the Equality Act 2010 Statutory Code of Practice – Services, Public Functions and Associations).

2. National Adult Autism Strategy (Autism Act 2009; statutory guidelines) including:

3. to improve how services identify and meet needs of adults with autism and their families.

4. Human Rights include:

5. Rights under the European Convention include not to be subjected to degrading **treatment**; **right to a fair trial** (civil and criminal issues); **right to privacy** (subject to certain exceptions e.g. national security/public safety, or certain other specific situations); **freedom of conscience** (including religion and belief and rights to manifest these limited only by law and as necessary for public safety, public order, protection of rights of others and other specified situations); **freedom of expression** (subject to certain exceptions); **freedom of peaceful assembly and to join trade unions** (subject to certain exceptions); **right not to be subject to unlawful discrimination** (e.g. sex, race, colour, language, religion, political opinion, national or social origin); **right to peaceful enjoyment of own possessions** (subject to certain exceptions e.g. to secure payment of taxes or other contributions or penalties); **right to an education**; **right to hold free elections by secret ballot**. The European Convention is given effect in UK law by the Human Rights Act 1998.