



Tourism, Communities, Culture and Leisure Committee

Tuesday, 12th October 2021

REPORT TITLE:	PUBLIC SPACES PROTECTION ORDER: SAFER STREETS 2 (BIRKENHEAD AND SEACOMBE)
REPORT OF:	DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT SUMMARY

This report recommends the implementation of a Public Spaces Protection Order (PSPO), in the 'Birkenhead and Tranmere and Seacombe Safer Streets 2' area for a period of three years.

Following from the successful Safer Streets 1 project in North Birkenhead, Wirral has been awarded a further £432K by the Home Office, for Safer Streets 2 Central Birkenhead and Seacombe, which is being delivered between July 2021 and March 2022. The project is led by Wirral Council, in partnership with Merseyside Police and the Police and Crime Commissioner.

Safer Streets 2 project aims to deliver a reduction in burglary by 5%, leading to 6 less burglaries per annum, with diffused benefits of reductions in anti-social behaviour, fires, drug dealing, drug-related crime, flytipping and dog fouling. The project aims to specifically deliver:

- Installation of circa 30 new alleygates
- Installation of circa 150 light heads
- Marketing Campaigns
- Circa 12 Action Days and Cleansing Days
- Clearing 'grot spots'
- 7 CCTV Upgrades
- 12 CCTV Installations

The proposal is to install circa 30 new alleygates costing £150K in the Safer Streets 2 area, seeking to support the communities suffering from long-term issues of anti-social behaviour and high rates of burglary. Residents and businesses whose premises adjoin unsecured alleyways are particularly vulnerable to this kind of acquisitive crime.

The report is in furtherance of the Council's Wirral Plan Priorities 2021-26, 'Safe and pleasant communities that our residents are proud of.' This matter affects Birkenhead & Tranmere and Seacombe wards. The decision is a key decision.

RECOMMENDATION/S

That Tourism, Communities, Culture and Leisure Committee approve the implementation of a Public Spaces Protection Order in the 'Birkenhead and Seacombe Safer Streets 2' area as set out in Appendix 1 of this report for a period of 3 years.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION/S

- 1.1 This PSPO is being implemented in these specific areas within Birkenhead & Tranmere and Seacombe wards, to address the behaviours which are having a detrimental effect on the quality of life of this community. The proposal is as a direct response to long term high rates of crime and persistent problems of anti-social behaviour reported to Magenta Living, Wirral Council and Merseyside Police.
- 1.2 These areas are the worst affected residential areas in Wirral for both burglary and anti-social behaviour and have met the high thresholds set within the specific criteria used by the Home Office to fund alleygates as a situational crime and disorder intervention.
- 1.3 Academic studies have demonstrated alleygates reduced burglary by 37% on average in Merseyside and the scheme was cost beneficial with a saving of £1.86 for every pound spent¹. As well the documented reduction burglary, alleygated areas across Wirral have enjoyed dramatic reductions in anti-social behaviour, secondary fires, drug-related crime, fly tipping and dog fouling, explaining why so many Wirral communities have welcomed this intervention.
- 1.4 The evidence obtained from residents and businesses adjacent to the alleyways where gating is proposed, has demonstrated that the majority responding to the survey have been victims of crime and disorder occurring as a consequence of the vulnerability of their alleyways. Residents in the proposed areas have had to endure fly tipping, youths causing annoyance, drug related incidents, deliberate fires, vandalism / graffiti, street workers, syringes, muggings and hate crime as set out in Appendix 4.
- 1.5 Over 800 survey forms in total have been distributed to ensure every resident or business adjoining the alleyways proposed for gating have been able to provide both evidence of the detriment to the quality of life crime and disorder in these alleyways presents, as well as any objections and concerns felt regarding the gating of these alleyways.
- 1.6 Access and egress for people with a disability was specifically addressed in the surveys and no significant issues were identified. With regard to the restriction on movement, it is only potential offenders who will be inconvenienced, as they will no longer have a plausible excuse when challenged. This is seen as being the minimum required to bring about a change in the habits of those engaging in the behaviour being restricted.

¹ <https://link.springer.com/article/10.1007/s10610-005-5502-0>

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Currently there are no permanent orders or restrictions in place to address this anti-social behaviour in the proposed areas. If we continued with the option to continue without an order and not install alleygates in the Safer Streets 2 area, the incidences ASB, crime and arson would continue at the same level.
- 2.2 The option of signage on alleygates to prohibit ASB and flytipping could be used, however, a physical barrier preventing access has been shown to be more effective see paragraph 1.3

3.0 BACKGROUND INFORMATION

- 3.1 51 consultation responses were collected regarding the proposed PSPOs. 96% of overall responses were positive. The 4% objections or queries have been addressed. Details of the responses can be found in Appendix 4. Evidence of ASB was also gathered from 66 respondents showing high levels of ASB and crime in the areas. All surveys were targeted mailouts to all residents and businesses adjoining affected alleyways and also surveys were available online on the Council's website. In relation to consultation with the public, signage was placed in the areas affected for the duration of the three week consultation period, to ensure anyone potentially affected by the Order had the opportunity to give their views
- 3.2 The Neighbourhoods Community Engagement Team undertook an Alleygating case study 'Transforming Alleyways' submitted as a background paper, which illustrates the benefits to the community in terms of civic pride, social cohesion and public participation.

4.0 FINANCIAL IMPLICATIONS

- 4.1 If the Order is implemented the survey and repair of existing gates, installation of new gates complete with signage and sufficient keys for all residents and businesses in premises adjoining the alleyways identified will be funded by the Home Office under the 'Safer Streets 2' funding grant programme. Ongoing maintenance costs will be absorbed into the existing alleygate maintenance budget.
- 4.2 The expected costs of surveys and consultation will be set against the overall Safer Streets 2 project costs.

5.0 LEGAL IMPLICATIONS

- 5.1 The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) is designed to put victims first and streamlined the enforcement powers available to Councils and the Police. Sections 59 to 75 of the Act set out provision for Councils to make Public Spaces Protection Orders (PSPOs). The Council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any

place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

- 5.2 PSPOs are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone or by specified classes of person. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. It is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.
- 5.3 The making of a PSPO is a discretionary power available to the Council. The Council may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- 5.4 The first condition is that—
 - (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- 5.5 The second condition is that the effect, or likely effect, of the activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the activities unreasonable, and
 - (c) justifies the restrictions imposed by the notice.
- 5.6 A public space protection order is an order that identifies the public place referred to in the restricted area and—
 - (a) prohibits specified things being done in the restricted area,
 - (b) requires specified things to be done by persons carrying on specified activities in that area, or
 - (c) does both of those things.
- 5.7 Breach of a PSPO is a criminal offence. The penalty upon conviction is a fine of up to £1000. Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate.

- 5.8 The proposed Order would be enforceable by Council officers and Police Officers within Merseyside Police.
- 5.9 Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. A further right of appeal is available each time the PSPO is varied by the Council. Site notices alerting residents or workers to their right to appeal will be put on site in the roads affected.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 A PSPO can be enforced by an authorised officer of the Council, a Police Constable or an authorised Police Community Support and Traffic Officer. Legal Services will provide support where formal Court enforcement is considered necessary and in providing training to authorised officers.

7.0 RELEVANT RISKS

- 7.1 If the Council does not take action to address the increasing issues of anti-social behaviour affecting these areas there may be a detrimental impact upon the local economy and the quality of life for those who live nearby.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 The survey regarding implementing a PSPO has been out to public consultation for a period of 3 weeks. The guiding principles for a fair consultation can be summarised as follows:
- It should be at a time when proposals are at a formative stage;
 - It must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response;
 - Those consulted should be made aware of the factors that are of decisive relevance to the decision;
 - Adequate time should be given for consideration and response;
 - The product of the consultation should be conscientiously taken into account by the decision makers in finalising their statutory proposals when the ultimate decision is taken.
- 8.2 The PSPO consultation received 51 responses overall with an overwhelming 96% of responses being positive and in favour of the implementation of the proposed Order as set out in Appendix 1 of this report.
- 8.3 The proposed Orders have been discussed with partner agencies Magenta Living, Wirral ASB team, within Police Operations meeting and through written consultation. The proposals outlined have been considered with those partners, taking into account factors such as risks, gaps in service, priorities, implementation timescales and capacity to enforce the Orders. Evidence of ASB in proposed alleygate areas has been provided by partners and via targeted mailout surveys to residents and businesses with an online survey also provided.

9.0 EQUALITY IMPLICATIONS

- 9.1 The Council must have regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equality Act 2010. There are no significant equality and diversity implications arising from this report.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The immediate environment for residents will be less prone to build up of waste, litter and detritus from passers-by who may litter in the alleyway, or from organised fly-tipping as a result of the recommendations made in this report.
- 10.2 There are no climate changes issues arising from the recommendations within this report.
- 10.3 The recommendations contained within this report are expected to have no impact on emissions of greenhouse gases

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 The installation of the proposed alleygates will take place in two of the most deprived wards in Wirral (Birkenhead and Tranmere and Seacombe wards). The proposed alleygates will protect the community from further Anti-Social Behaviour, crime, drug dealing, burglary, flytipping and arson. The gates will prevent additional MFRS and Merseyside Police call outs and the need for alleyway flytipping clearance, thus saving the Wirral pound.

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APPENDICES

Appendix 1 - Draft Public Spaces Protection Order

Appendix 2 - Birkenhead and Seacombe Safer Streets geographic catchment

Appendix 3 - Maps A – M: Alleyways for proposed gating

Appendix 4 - Crime and disorder incidents affecting proposed area and excerpts from residents PSPO survey in proposed alleygating areas

BACKGROUND PAPERS

1. Full consultation responses
2. Alleygate study – College of Policing
3. Transforming Alleyways – Neighbourhoods Team Alleygating Case Study

SUBJECT HISTORY (last 3 years)

Council Meeting	Date