

**BIRMINGHAM CITY COUNCIL**

**REPORT TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**18 JANUARY 2023**  
**ALL WARDS**

**COMMUNITY SAFETY TEAM CITY CENTRE PUBLIC SPACE PROTECTION**  
**ORDER REPORT**

**1     Summary**

- 1.1    The purpose of this report is to provide the Committee with information related to the City Centre Public Space Protection Order (CCPSPO) introduced by Birmingham Community Safety Team.
- 1.2    The CCPSPO was brought into force on 25<sup>th</sup> January 2022, since this date we have had 61 breaches.

**2     Recommendation**

- 2.1    That the content of the report be noted.

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### 3 **Background**

- 3.1 The Anti-social Behaviour, Crime and Policing Act 2014 introduced tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas. These tools are to be used for tackling ASB, focussing on the impact such behaviour can have on both communities and individuals.
- 3.2 Public Space Protection Orders (PSPO) are one of the tools available under the Anti-social Behaviour Crime and Policing Act 2014. PSPOs are wide-ranging and flexible powers for local authorities, which recognise that councils are often best placed to identify the type of activities which are having a detrimental effect upon the quality of life for those who live in, work in or visit the local authority area. A PSPO identifies these activities, sets out conditions which aim to prevent or reduce their detrimental effects and defines the public space to which these conditions apply by way of a map identifying 'the restricted area'. This proposed PSPO orders anyone entering any public space in the restricted area to comply with the conditions set within.
- 3.3 On 03/02/2021 a discussion was tabled by West Midlands Police at the City Centre Local Partnership Delivery Group (LPDG), requesting that consideration be given to submitting a PSPO application for the City Centre.
- 3.4 Partners concluded that there was enough verbal evidence provided to move forward with producing an evidence pack to consider a PSPO for the City Centre. A profile was requested from West Midlands Police regarding Crime and ASB incidents
- 3.5 On the 07/04/2021 WM Police produced a profile that showed the criminal and ASB issues within the City Centre. Based on this, and further conversation at the LPDG, a draft set of conditions and map of the proposed area was produced on 14/04/2021.
- 3.6 Following the LPDG meeting on 07/04/2021 a consultation process started, involving the police community representatives, owners and occupiers of land. This included the PSPO being discussed at every City Centre LPDG meeting between March 2021 and September 2021 and updates and actions added to the LPDG action tracker. Partners included WM Police, WM Fire, BCC Regulation & Enforcement, Trident Reach, Residents living within the City Centre, Business Improvement Districts (BID) managers, Change Grow Live (CGL) the Council's commissioned drug and alcohol service, Aston University, Network Rail, Network Four - Birmingham Pastors, Big Issue, National Express/Safer Travel, Birmingham Children Trust, St Basils, British Transport Police and Councillors Hartley and Bore.

- 3.7 On 16/06/2021 a tabletop discussion took place at Lloyd House which included partners from the Office of the Police and Crime Commissioner (OPCC), Change Grow Live (CGL) Trident Reach, rough sleeper outreach services, West Midlands Police, British Transport Police, City Centre Residents and Councillor Hartley. On 23/06/2021 a consultation meeting took place with Public Health. On 02/08/2021 an email was sent to the chairs of the Homelessness Partnership Board, Adult Safeguarding Board, Children Safeguarding Board and the Domestic Abuse Partnership Board providing a copy of the draft conditions and asking for comments.
- 3.8 Following requests from local Councillors the map was amended and a further profile was requested from WM Police to share any evidence in relation to the extended area.
- 3.9 Throughout this timeline the Birmingham City Council Community Safety Team continued to gather evidence in the form of witness statements, reports to both BCC and West Midlands Police and recorded all interactions.
- 3.10 Birmingham City Council Legal department was engaged, and the evidence pack was presented to them on 16/08/2021.
- 3.11 Cabinet Member approval to commence public consultation was given on 3rd November 2021.
- 3.12 On 05/11/2021 a public consultation was launched on Birmingham City Council's BeHeard platform. Details were shared with all six of our Local Partnership Delivery Groups, the Councillors representing the four wards covered by the PSPO proposal, and with the Homelessness Partnership, Adult Safeguarding, Children's Safeguarding and the Birmingham Community Safety Partnership Boards.
- 3.11 Birmingham City Council's Communication team posted details of the consultation on various social media outlets. Birmingham City Council Community Safety Team posted on the CSP Twitter account.
- 3.12 Throughout the consultation period Community Safety, British Transport Police, Business Improvement District staff and West Midlands Police officers undertook a number of "pop- up" consultation events in different locations in the PSPO map area.

#### **4. Consultation Outcome**

- 4.1 The consultation finished on 17/12/2021 with 751 responses. Of the 751 people who took part in the consultation 619 (82.42%) agreed with all the conditions, 25 (3.33%) did not agree with any of the conditions. 107 agreed with some but not all conditions.

- 4.2 The Community Safety Team have put in place a fortnightly partnership tasking group, together with West Midlands Police and Trident Reach to ensure that the needs and interests of vulnerable people, including those who may be sleeping rough or part of the wider street community, are properly addressed and supported. This partnership has been in place since October 2020 and the focus is to ensure that any person begging in Birmingham is offered access to support services. Under the PSPO breach process any person who is at risk or has breached the PSPO and is begging, a rough sleeper or has some form of addiction will be referred into this partnership. If a person has vulnerabilities and/or addictions breaches will only be escalated to enforcement action on approval from support services.
- 4.2 Having reviewed the outcomes of consultation which demonstrated broad support for the proposed order the with the partnership mechanisms put into place to address the concerns raised by respondents in respect of people with vulnerabilities already in place and referenced in 4.2 above, approval from full cabinet was given and the PSPO was brought into force on 25<sup>th</sup> January 2022 for three years.

## **5. Public Space Protection Order – Conditions**

### **1. Groups**

- a) An Authorised Person may require an individual, or a group, within the Restricted Area to leave the Restricted Area, where he reasonably suspects that that individual or any person within that group is causing or likely to cause nuisance or disorder, or harassment, alarm or distress to any other person.
- b) An individual or group required to leave the Restricted Area by an Authorised Person is:
  - (i) prohibited from remaining within the Restricted Area, and
  - (ii) required to leave that area immediately, and
  - (iii) prohibited from returning to the Restricted Area within 24 hours of being required to leave.
- c) An individual will not breach paragraph 1(b)(ii), if he attends a railway station, bus-stop or tram-stop within the Restricted Area for the purpose of taking public transport out of the Restricted Area, so long as he is not accompanied by any other person who has also been required to leave the Restricted Area (except for a dependent person).

### **2. Intoxicating Substances**

- a) It is prohibited for any person to possess or consume in any manner an Intoxicating Substance within the Restricted Area, except a prescription drug which has been prescribed for his use.

- b) It is prohibited for any person to be under the influence of an Intoxicating Substance within the Restricted Area, except a prescription drug which has been prescribed for his use.
- c) It is prohibited for any person to sell or supply any Intoxicating Substance within the Restricted Area, except a pharmacist who does so in fulfilment of a medical prescription

### **3. Alcohol**

- a) If an Authorised Officer reasonably suspects that a person who is or has been drinking alcohol in the open air within the Restricted Area is causing or likely to cause a nuisance or disorder, he may request the person to:
  - (i) stop drinking alcohol within the Restricted Area; and/or
  - (ii) hand to the Authorised Person any container of alcohol in his possession, whether or not it has been opened, and even if it is empty.
- b) A person who has been requested to do either or both of the things referred to at paragraph 3(a) above, is required to comply with such a request immediately.
- c) For the purposes of this paragraph, the Restricted Area does not include frontages covered by a current authority to sell or supply alcohol under the Licensing Act 2003, or an area covered by a pavement licence.

### **4. Graffiti**

- a) A person is prohibited from marking any surface within the Restricted Area with any form of unauthorised graffiti.
- b) Where an Authorised Person reasonably suspects that a person is using or is likely to use any item to mark any surface with unauthorised graffiti, he may require the person to surrender that item to him.
- c) A person required by an Authorised Person to surrender any item must do so immediately.

The final order for the PSPO can be seen within (See Appendix One.)

## **6. Partnership working and breaches**

- 6.1 The enforcement of the PSPO is done in partnership with West Midlands Police. WM Police neighbourhood officers received training from the Community Safety Manager with regards to the agreed breach process. (See Appendix Two)
- 6.2 Within the BCC Community Safety Team we have four Intervention Officers working within the city centre who enforce the PSPO.
- 6.3 Since the introduction of the PSPO we have received 61 breach notifications. The most breached condition is related to alcohol followed by intoxicating substances. 18 have received verbal warnings with no further action, the remainder have all had warning letters.

## **7. Public Sector Equality Duty**

- 7.1 A full Equality Impact Assessment was undertaken at the time of the consultation and the Council continues to be mindful of the concerns reflected in the responses to the public consultation. Therefore, the management of the PSPO is based upon an approach of support and enforcement by partners to ensure vulnerable individuals are not impacted or treated unfairly. This support includes working with homeless and outreach services as well as drug and alcohol support services. The Community Safety Team have put in place a fortnightly partnership tasking group together with West Midlands Police and Trident Reach to ensure that the needs and interests of vulnerable people, including those who may be sleeping rough or part of the wider street community, are properly addressed and supported. We are committed to ensuring a compassionate and understanding approach to enforcement, closely allied to support from appropriate services.
- 7.2 No further equality issues have been identified, as all enforcement activities are carried in accordance with the adopted enforcement policy, which was the subject of an equalities impact assessment.

## **Appendix**

### **One – Public Space Protection Order**



10012953 - FINAL  
VERSION City Centre

### **Two – The Community Safety breach process**



CST PSPO breach  
process.pdf

