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# **Executive Decision PSPO Zone 1 (City Centre)**

Decision to be taken by: City Mayor

Decision to be taken on: 25 March 2025

Lead director/officer: Sean Atterbury

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### **Useful information**

- Ward(s) affected: Castle
- Report author: Nicola Odom
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- Report version number: 1.1

## **1. Summary**

This report proposes the introduction of a Public Space Protection Order for the city centre for a period of 3 years from 2<sup>nd</sup> April 2025 until 2028 under the Anti- Social Behaviour Crime and Policing Act 2014. This will provide powers to authorised officers including the police to tackle behaviours within the city centre that are having a detrimental effect on the quality of life of those visiting, working or living in the city centre. Before approving implementation of the order, the Executive must consider the consultation outcome and apply the legal test for making a PSPO and advice set out in the legal implications

## **2. Recommended actions/decision**

To approve the implementation of a Public Space Protection Order for the City Centre (Zone) which will run for a 3 year period from 2025 to 2028 as appended to Appendix A of the report. This covers the entirety of the area set out in Appendix B.

## **3. Scrutiny / stakeholder engagement**

The work of the Council's Community Safety team was reported to the Culture and Neighbourhoods commission on 28th Feb 2025. The commission recognised the need to take further action and welcomed the work of officers to consult on this proposal. Furthermore, the commission recommended that the City Warden team are allocated temporarily to the implementation of an Order to support education and engagement work along with enforcement as a temporary measure for several months.

Leicestershire Police were consulted with making of this PSPO, the consultation findings. and are supportive of its introduction.

## **4. Background and options with supporting evidence**

The Anti-Social Behaviour, Crime and Policing Act 2014 provides tools for local authorities to tackle anti-social behaviour by working in partnership with the police to tackle troublesome or problematic behaviours which are having an adverse impact on the public. One of the tools available to tackle problematic behaviour in a locality is a Public Space Protection Order (PSPO).

A PSPO can be used to tackle a range of behaviours such as, noise amplification, street consumption of alcohol and behaviours such as begging to name a few. Any restrictions imposed under a PSPO must be focused on the specific behaviours and be proportionate to the detriment that the behaviour is causing and are necessary to prevent the behaviour from continuing or occurring or recurring.

Leicester City Council has had PSPO's in place since 2014 covering, street drinking and consumption of psychoactive substances. The most recent PSPO covering street drinking and psychoactive substances expired at the end of 2023 and a thorough assessment has since taken place to research and prepare a new proposal to consult with members of the public that is fit for purpose and relevant to the changing economic and emerging issues. Psychoactive substances have been dropped from any proposals because the last government made it illegal to possess or to consume these and it is therefore not a requirement of a PSPO.

Leicester City Council has received numerous complaints about behaviours within the city centre, which is not unlike other cities in the region which have also implemented PSPO's recently to tackle local issues.

Council officers also met with local businesses and the police before determining which aspects to consult on. In response to this the Council launched a consultation to formally seek the views of local residents and businesses to understand which behaviours in particular were the most cause for concern.

The consultation was only focussed on a defined area of the City Centre (Zone1) which is set out in appendix B.

## **CONSULTATION**

The consultation was made available on the council's website, with the link shared via the council's social media channels from 11am on 20 January 2025 until midnight on 17 February 2025. Access to complete this consultation was also possible in local libraries and neighbourhood centres. A total of 1139 responses were received, along with several additional emails.

Questions were asked covering the following

- General behaviours including the specific aspect of these behaviours that the public felt caused harassment, alarm or distress.
- Anti social behaviours relating to bikes, e-bikes and scooters in the city
- Street drinking and alcohol
- Begging including aggressive begging
- Unlicensed use of amplification equipment and loudspeakers used for street performing or preaching
- Temporary structures including gazebos, tents, tables and counters that are used often to support street performing and preaching in the city
- Unlicensed charity collections

Finally, a question was asked to establish whether any of these behaviours were also experienced in local neighbourhoods of the city and if so, if they also were a cause for

concern there. The purpose of this question was to understand where there is a need to explore further local PSPO's outside of the city centre.

## CONSULTATION RESPONSE

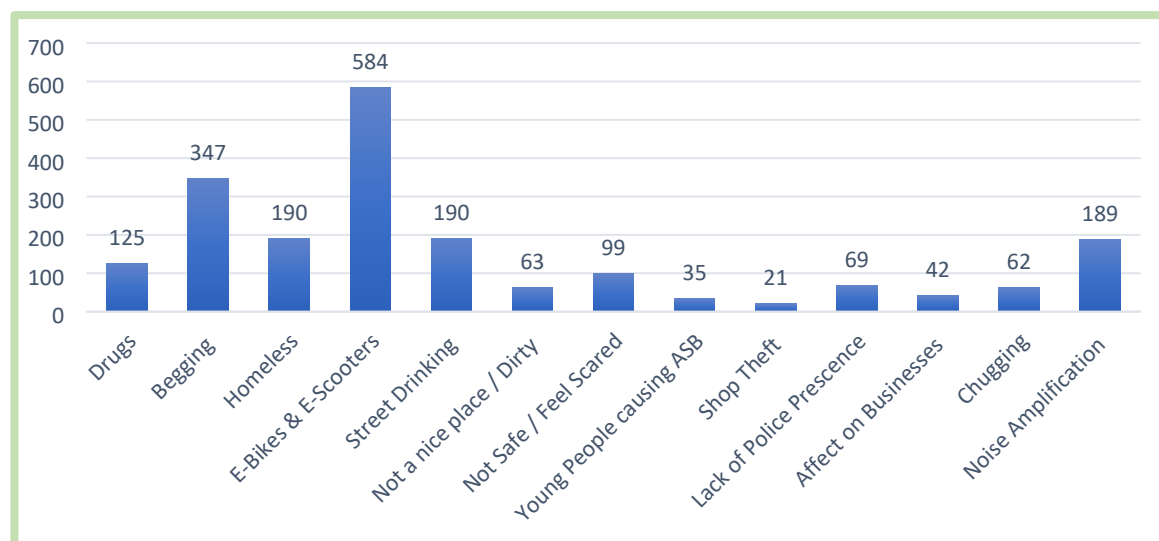
### Response rate and localism

The consultation reach was broad, and responses were received from across Leicester, Leicestershire and other neighbouring counties with most responses returned 302 (26.51%) by those living in the LE2 area of the City which is not surprising as it is the most densely populated residential area nearest to the city centre:

### Question 1 - Do you agree that there is behaviour in the city centre that is having a detrimental effect on those living, working, or visiting the city centre?

An overwhelming response and feedback have been received in relation to the behaviour affecting the city. Of the 1139 responses, 1092 answered, yes, totalling 95.87% of responses.

### Question 2 - Type of ASB experienced? - Respondents Concerns / Views, were thematically analysed and the following was found:



NB. please note most of the respondents commented on more than one concern

### Question 3: Should Leicester City Council introduce measures to address anti-social behaviour related to Bikes, E-Bikes and Scooters?

Of the responses received 1067 want measures introduced to address anti-social behaviour related to Bikes, E-bikes and Scooters. It should be noted that a significant number of responses were related to E-scooters and that this consultation does not address this as riding an E-scooter in a public area is against the law. Those that responded 'no' did so in defence of ordinary cyclists at risk of being penalised unfairly.

### Question 4: Should Leicester City Council introduce measures to control anti-social behaviour related to drinking alcohol in public spaces?

Of the responses 1059 (92.8%) want measures in place to control anti-social behaviour related to drinking alcohol and those that responded 'no' did so because they did not want ordinary people enjoying a drink on a summers evening to be penalised.

**Question 5: Should Leicester City Council introduce measures to address begging in public spaces?**

Of the responses 1019 (92.8%) want measures to address begging in public spaces. Of those that responded 'no' they stated concerns for those that were vulnerable needing to be helped and not penalised and others shared concerns that it would push the problem out of the city centre and into other areas where the Order will not cover.

**Question 6: Should Leicester City Council introduce measures to address unlicensed amplification and loudspeakers?**

Of the responses 1024 (89.9%) want measures introduced to address unlicensed amplification and loudspeakers in the city centre. Those that responded 'no' was generally because of wanting freedom of speech and enjoying the sound of some faith groups and also raised concerns about the lack of entertainment.

**Question 7: Should Leicester City Council introduce measures to address unlicensed charity or commercial subscription collections?**

Of the responses 1024 (91.57%) want measures introduced to address unlicensed charity or commercial subscription collections and of those that responded 'no' there appeared to be a consensual mis-understanding of the question as the comments narrate that charities will suffer.

**Question 8: Should Leicester City Council introduce measures to address obstructions caused by temporary structures such as gazebos, marquees, tents, tables, and counters which attract behaviours that are anti-social?**

Of the responses 966 (84.81) want measures introduced to address obstructions caused by temporary structures. This question attracted the highest percentage of 'no' responses at 163 (14.31%) and of those the reasons given were the potential curtailing of demonstration or protest. 10 (0.88%) did not complete this question.

**Question 9: Are any of the above issues affecting you in the area that you live in?**

Of the responses 642 (56.37%) responded 'yes'. Of which were from residents who live within the city boundaries. Most of the responses related to street drinking and begging however the perception in some areas about street drinking was that it should be banned and this is not what this Order seeks to do.

**Question 10: Do you have any comments to make on the proposed draft order?**

There were 444 written responses to this question, these have been thematically analysed and the following was found:

- 249 (56.08%) were supportive
- 35 (7.88%) were 'not' supportive

- 20 (4.51%) Provided suggestions and were neither supportive nor not supportive
- 140 (31.53%) Responses were not applicable as they didn't answer the proposed question

## **SUMMARY**

The consultation reached a broad sample set and captured local views, showing significant support for the introduction of a city centre PSPO to tackle anti-social behaviours experienced by residents. The draft PSPO in Appendix A is intended to provide powers to authorised officers of the council and the police to tackle these in society. The weight of evidence in these responses provides assurance that the introduction of a PSPO is appropriate in Zone 1 as a means to improve the quality of life of those visiting, working or living in the city centre. Furthermore, the response rate to question 9 suggests that it would be appropriate for the council to consult on the introduction of further PSPO's across the wider city at a separate point in time.

The Council is satisfied that the two conditions below have been met, in that: -

- a. activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;
- b. the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

## **PROPOSED ORDER**

The council published a draft order of six clauses as set out in appendix A of this report throughout the period of consultation and will now ratify this in the final Order for implementation.

### **A) Begging**

A person is prohibited from begging, in a manner that causes or is likely to cause harassment, alarm, distress, nuisance or annoyance to any person within the Restricted Area

### **B) Charity or commercial subscription collectors**

A person is prohibited from soliciting for the completion of subscription charity collections. Appropriate permission to carry out cash collections in the City Centre should be obtained from the Council in advance.

### **C) Pedal cycles, e-bikes, skateboarding and manual scooters**

Any person riding a pedal cycle, e-bike, skateboard or riding a manual scooter must do so in a manner that does not cause harassment, alarm, or distress to any

person in the designated area and must dismount if requested to do so by a Police Officer or Authorised Officer.

**Exemption:**

Nothing in this order applies to a person who uses a mobility scooter for access reasons or a person who uses an E-bike or E-scooter as a mobility aid and cannot safely dismount and push a cycle for any significant distance, but these persons must use these aids in a careful and considerate manner.

**D) Alcohol**

A person shall not within the Restricted Area:

- (i) continue to consume alcohol when asked to stop by an Authorised Officer, or
- (ii) fail to surrender any alcohol in their possession when asked to do so by an Authorised Officer

Any alcohol or container for alcohol surrendered to an authorised person may be disposed of by an authorised person as he or she thinks appropriate in accordance with Section 63(5) of the Act.

**E) Microphones, loudspeakers, megaphones, loudhailers or any other equipment used to amplify the volume of speech, music**

A person shall not within the Restricted Area:

- (i) Use microphones, loudspeakers, megaphones, loud hailers or any other equipment which are designed to amplify the volume of speech, music or instruments.

**Exemptions**

- Events activities, marches processions authorised by the council and/or the police
- Premises or vehicles where these activities are permitted under their licence conditions
- Performers that are permitted to so under a council scheme

**F) Temporary structures**

A person shall not within the Restricted Area:

- (i) Erect a temporary structure such as a gazebo, tent, marquee, table temporary stall, promotional flag / banner.

## Exemptions

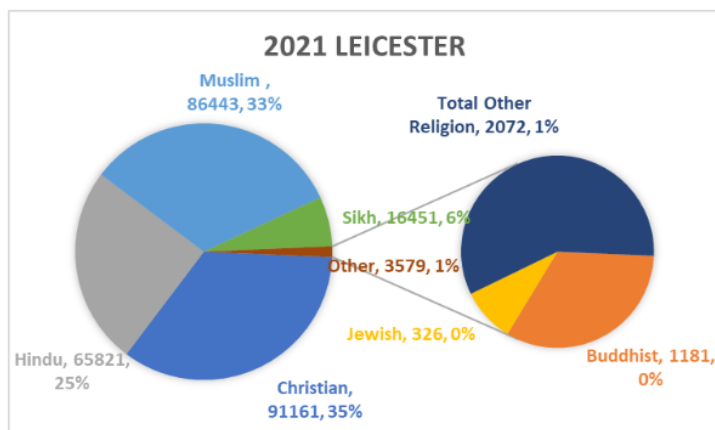
- Persons who have obtained prior consent or licence from the council
- Persons engaged in events, activities authorised by the council
- Emergency service or emergency responders

## EQUALITY IMPACT

PSPO's are intended to create an environment of peaceful enjoyment for all and not to target any specific protected group or characteristic. To understand the impact on society and pursuant with the Council's public sector equality duty a full EIA was undertaken.

Whilst there has been no specific identified detriment to any groups of protective characteristic, there has been concern raised by religious groups in the consultation phase about restriction of the right to preach under the Human Rights Act 1998.

Leicester is a known as one of the UK's most religiously diverse city with representation within the 2021 census as Christian (35% of residents and 91,161 in total), Muslim (33%), Hindu (25%) or Sikh (6%).



Source -<https://emedr.dmu.ac.uk/census-2021-religion-in-leicester>

The introduction of a PSPO does not restrict the right to preach under the Human Right Act 1998 – this remains firmly in place. However, under part (e) of the Order measures are proposed to prohibit the use of amplification equipment including speakers and microphones that are often heard in the city centre and were identified as a detriment to respondents. This extends to the playing of pre-recorded materials for the same purpose. Part (f) also restricts the use of gazebos and other ancillary items that are now commonplace at religious stalls and obstruct pavement space in the city centre and access to shops.

## IMPLEMENTATION

It is proposed that the new City Centre (Zone 1) PSPO is made live from 31<sup>st</sup> March 2025. Councill officers including the City Warden team and Community Safety officers will be



allocated solely to this area to ensure there is sufficient resource to enforce the order. It is proposed that an incremental approach is taken on introduction;

- **Education** – April will be a month of education and engagement to ensure that the detail and powers of the order are understood. It is intended that officers undertake visits to businesses and engage directly with the public to promote the order. Anyone in breach of the Order will be served a warning notice, with FPN's reserved for exceptional circumstances. Promotion using city centre digital screens, social medias and the media will be the primary communication channel.
- **Enforcement** – From May onwards any person found in breach of the PSPO will be served with an FPN where it is appropriate to do so.

Monitoring will be in place to capture the number of patrolling hours, engagement interventions and fines which will be reported to the executive on a routine basis.

## 5. Financial, legal, equalities, climate emergency and other implications

### 5.1 Financial implications

There are no significant financial implications associated with the recommendations within this report beyond the cost of additional signage, estimated to be in the region of £20k, which will be met from existing revenue budgets. Subject to compliance with the order, a small amount of income from charges may accrue.

Signed: Stuart McAvoy

Dated: 20<sup>th</sup> March 2025

### 5.2 Legal implications

1. To make a PSPO the council must be satisfied on reasonable grounds that two conditions are met:

The first condition is that:

activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public place and they will have such an effect;

The second condition is that

the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

The executive must also take into account the statutory guidance issued by the Home Office. Decision makers are required to satisfy themselves that there is evidence to impose the restrictions set out in the order and to consider the activities which are being restricted

and whether the terms of the order are appropriate to tackle the identified problems and how effectively the terms of the order can be enforced. When considering who might be impacted by the PSPO, the Executive is required to take into account articles 8,9,10 and 11 of the Human Rights Act in making its decision and must in particular consider any impacts on those that are vulnerable like the street homeless or those seeking to exercise freedoms relating to freedom of speech, freedom of expression, freedom of assembly, freedom to practice religion or belief without hindrance. Section 72(1) of the 2014 Act requires the council to have particular regard to the rights of freedom of expression and freedom of assembly as set out in articles 10 and 11 of the convention

2. What is required is consideration of the interplay between different pieces of legislation. This includes the 2014 Act, the Equality Act, the Human Rights Act (particularly Articles , 10 and 11) and the statutory Guidance. Decision makers must consider all of the circumstances and conclude that the making of the PSPO is a legitimate aim to restrict problem behaviour even though there may be some individuals who may be adversely affected.

3. A lawful consultation requires the council to observe the 'Gunning principles' of particular importance here is for the executive to be satisfied that sufficient information was given to the public to allow intelligent considerations to be given to the proposals and the executive must give conscientious consideration to the consultation responses prior to making a decision

4. Before making a PSPO, the executive must be satisfied that there is evidence to meet the test for making an PSPO. The procedure to be followed for making a PSPO is set out in s72 of the 2014 Act. The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Space Protection Orders) 2014 provides guidance on the publication of a PSPO. A PSPO can be in force for a maximum of 3 years. The Council has the power to vary, discharge or extend the order. Breach of a condition of a PSPO without reasonable justification is a criminal offence. The Police or a person authorised can issue a fixed Penalty notice. A person can also be prosecuted for the breach of a PSPO and a fine imposed upon conviction. It should be noted that a PSPO has the effect of criminalising behaviour that would not otherwise be an offence. The necessity and proportionality of the restrictions should therefore be considered carefully

6. Under the 2014 Act, an interested party can make an application to the High Court challenging the validity of a PSPO. If successful, the High Court can quash the whole order or any of the restrictions. Such an application must be made within 6 weeks of the order being made and comply with the grounds identified in the Act.

Signed: F. Hajat Qualified Lawyer

Dated: 18<sup>th</sup> March 2025

### 5.3 Equalities implications

When making decisions, the Council must comply with the Public Sector Equality Duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate discrimination, advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

Decision makers need to be clear about any equalities implications of the proposed changes. In order to consider the likely impact on those likely to be affected by the recommendation and their protected characteristics.

Protected groups under the Equality Act are age, disability, gender re-assignment, pregnancy/maternity, race, religion or belief, sex and sexual orientation.

The report is seeking approval for the implementation of the PSPO for the city centre from 31st March 2025 for a three-year period. While PSPOs are intended to maintain public order, they must be implemented in a way that ensures fairness and does not disproportionately impact certain groups. An Equality Impact Assessment has been undertaken and the key findings from this are cited in the Equality Impact section of the report. The EIA has identified several mitigating actions that can be put in place, such as providing additional support and signposting for individuals who may need it, to support them through the process. The city centre PSPO will also be monitored on a quarterly basis with regard to number of complaints, number of offenses and location of these offenses, if any areas of concern are identified these need to be addressed appropriately.

Signed: Sukhi Biring, Equalities Officer

Dated: 20<sup>th</sup> March 2025

#### 5.4 Climate Emergency implications

There are no significant direct climate emergency implications arising from this report. However, if the proposed actions outlined in the report are successful in ensuring the city centre is attractive for shopping and leisure visits, this may have a beneficial effect on reducing carbon emissions from travel by encouraging the use of public transport and reducing the 'pull factor' of alternative destinations which tend to be accessed by car.

Signed: Duncan Bell

Dated: 19/3/25

#### 5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

### **6. Background information and other papers:**

### **7. Summary of appendices:**

- Appendix A – Draft Order
- Appendix B – Map of Zone 1
- Appendix C – Equality Impact Assessment

### **8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?**

### **9. Is this a “key decision”? If so, why?**

**The proposals of this report are limited to Castle Ward only and has no financial bearing.**