

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Executive Director
(Neighbourhoods and Environment)

To

Cabinet

On

5th July 2021

Report prepared by Simon Ford, Head of Community Safety

The Council's response to the PSPO public consultation in Old Leigh / Chalkwell area

Relevant Scrutiny Committee: Policy and Resources
Cabinet Member (Community Safety): Councillor Martin Terry

1. Purpose of Report

To provide Cabinet with a response to the public consultation findings regarding proposals for a PSPO in the areas of Old Leigh and Chalkwell shown on the plan at Appendix 1.

2. Recommendations

That Cabinet;

- 2.1 **Note the response to the Consultation set out at Appendix 2 and as summarised in the report.**
- 2.2 **Agree to implement the draft Public Spaces Protection Order (Leigh-on-Sea and Chalkwell Seafront and Adjoining Areas) No 1 of 2021.**
- 2.3 **Agree to fund 2 x FTE Community Safety Officers and 1 x FTE Community Safety Caseworker to support enforcement and administration of the PSPO on an initial 12 month basis.**

3. Background

- 3.1 The former *alcohol free zones* have been replaced by new legislation under the revised Anti-Social Behaviour, Crime and Policing Act 2014 namely; **Public Spaces Protection Orders** (PSPO's).
- 3.2 Old Leigh has been an increasing magnet for tourism year on year, with many visitors flocking to the area for its historic character, views and natural life, and of course its hospitality venues and festivals. Consequent upon this has been, year on year, an increase in the amount of alcohol available from the various venues

and the propensity for individuals to be drinking in the public realm areas of the Old Town, increasingly bringing their own alcohol.

- 3.3** Towards the end of last year, and in response to anti-social behaviours associated with public space drinking throughout the summer/autumn of 2020, the Council received a petition which proposed *alcohol free zones* in Old Leigh (approximately 1000 signatures received). In November 2020, following the tabling of the petition, the Council agreed to proceed with a public consultation on the proposal to introduce a PSPO into the Old Leigh area. The public consultation took place over a six week period commencing 8th May 2021. Summary findings from the consultation are detailed at section 5. The full consultation results are attached at Appendix 2.
- 3.4** Since the Covid 19 pandemic took hold in early 2020, we have seen significant increases in Anti-Social Behaviour (ASB) in Old Leigh with increasing demands placed on the Council's Community Safety Unit, Foreshore Officers and Essex Police. Essex Police have specifically stated that *'Over the last year or so, Essex Police have seen an increase in ASB, crime and disorder in the area of Leigh-On-Sea, particularly during warmer periods. This appears to be largely linked to street drinking in and around Old Leigh. The reported behaviour has included, urinating in the street, damage to street furniture, littering, fighting, assaults drug taking and knife related crime. The issues have caused great concern to local residents and businesses.'* Further activity such as tombstoning, motorbikes and vehicle noise, alongside general ASB caused by large groups, has interfered with the local fishing businesses and other local stakeholders. Dry and warm weather days certainly enhance the footfall and the incidents that then get reported.
- 3.5** In response to increased demand on Community Safety resources across the borough, the Council has provided additional funding over the last two years (including this year) to support the Council's Community Safety Unit (CSU) during the summer season. Additional funding provides the CSU to deploy private security contractors to work under the CSU team, ensuring more patrol visibility to site. Further additional measures including new CCTV and mobile CCTV cameras have and will be further deployed to Old Leigh in the coming months as part of the Council's wider CCTV upgrade programme. A new base from which partner operational teams working in Old Leigh, has also been utilised (Leigh Heritage Centre). However demand on the team – Borough wide, despite the additional funding, remains extremely high.
- 3.6** At certain times during the year, specific events are held in Old Leigh which can include a licence to supply alcohol on public land. It is intended that any such approved event sites are exempt from the requirements of any future PSPO in relation to drinking alcohol in the public realm.
- 3.7** Introducing a PSPO will provide powers to both police and community safety officers (and or other designated council officers) to address anti-social behaviour associated with alcohol consumption in defined public places, namely:
- i Urination, defecation, spitting or littering
 - ii Consuming alcohol and behaving in an anti-social manner or failing to surrender any containers (sealed or unsealed) which are reasonably believed

to contain alcohol, in a public place, when an Authorised Officer has required such consumption to cease

iii Ingesting, inhaling, injecting, smoking or otherwise using drugs or substances reasonably believed to be Psychoactive Substances.

- 3.8** The Police response to the consultation is included in the consultation report at Appendix 2, however the main elements of the response are as follows: ‘Over the last year or so, Essex Police have seen an increase in ASB, crime and disorder in the area of Leigh-On-Sea, particularly during warmer periods. This appears to be largely linked to street drinking in and around Old Leigh.

Essex Police have had to commit a large amount of resource into policing this area and in recent weeks have had to authorise several dispersal orders covering the area.

It is hoped a PSPO will give Police another tool to deal with issues before they escalate to the levels experienced recently. It will also act as a deterrent for people looking to come to the area to cause disorder. While we will not be in a position to constantly Police the PSPO, enforcement will be incorporated in our business as usual in that area.’

- 3.9** Consultation around the Southend 2050 outcomes in respect of the Safe & Well theme resulted in the inclusion a specific Outcome to help people in all parts of the borough to feel safe and secure at all times. Introducing measures to tackle anti-social behaviour, intimidation and helping to improve perceptions of safety, is consistent with the Outcome.

4. Reasons for Recommendations

- 4.1** As a specific location, Old Leigh is a popular visitor area, with a number of public houses, cafes and restaurants, as well as the picturesque harbour front and wharves, and its renowned local seafood industry attracting high visitor numbers. During the past summer season (2020), and already early this year, a growing number of anti-social behaviour issues associated with public space drinking have been reported. Since the start of 2021, police have implemented 4 Dispersal Orders to deal with large groups and ASB. The introduction of a PSPO targeted at behaviours associated with public space drinking would be a further additional measure to tackle the current challenges.

- 4.2** The proposed area to be considered for Old Leigh would include the old town (High Street) and the various access routes to the old town, including the Cinder Path from Chalkwell Station, Cockle Row from Leigh Station and other access routes from the north of the old town. Additionally, due to increased ASB reports, Leigh Library Gardens and the public footpath leading down towards Old Leigh, and a section of the Cliffs have also been included for consultation (See Appendix 1)

- 4.3** With regard to the recommendation on additional resources is it important to note that there is wider action to address the issues in Old Leigh currently in place. Essex Police have made a commitment (which they have said is unsustainable) to

increase the numbers of patrolling police officers in and around Old Leigh and Chalkwell as part of Operation Union. They welcome the PSPO introduction and will be a key agency in enforcing against future breaches. However, the reliance on them to be visible and to respond to issues when they are reported, is always dependant on officer availability at the time, current demand elsewhere in the Borough (other priorities), and current demand across the County (officers being deployed to incidents outside Southend). So, unfortunately, the longevity of increased presence of the like we are seeing now, is not held strongly.

- 4.4** Other wider activity includes better working with colleagues from C2C (cctv signage at stations, messaging etc), including knife arch deployment at station exits. Additional signage to advise visitors to respect the area is also being considered.
- 4.5** Other visible uniformed agencies who are on site at Old Leigh on a regular basis include Pier and Foreshore teams, HM Coastguard, Beach Welfare Officers and Veolia teams. None of these currently carry enforcement remits to tackle ASB or breach of PSPO.
- 4.6** The current position and resource strength of the Council's Community Safety Unit is not up to where it needs to be able to meet the additional demand placed upon them when the PSPO goes live. Under the recent Enforcement Review, the CSU will be receiving a further 2/3 posts from the Environmental Care Team. These posts although welcomed by the CSU, do not have the remit or responsibility to tackle ASB of the type described in this report (public space drinking etc). They are coming to the CSU to focus in the main, on waste enforcement. So, although these could be recognised as additional resources, the ability to deploy them to enforce against PSPO breach will not be their remit. They will be in position to patrol and add uniform strength to the site – but not deal directly with perpetrators in the same way as substantive CSOs can. Plans are afoot in 2022 to increase / widen enforcement capability of the recently transferred officers from waste – but that will require further staff training and review of job description etc.
- 4.7** The learning from the previous introduction of the PSPO in the town centre has shown that the amount of case work and backroom administration involved (case file preparation for prosecution, case file management, court file preparation, database management of breaches / fines etc) has significantly burdened the CSU team. The CSU do not have any specialist administrative support at all - so where officers enforce against the town centre PSPO, they are also then responsible for all the case work preparation - which then takes them out of patrol work (and therefore no enforcement focus) while they prepare papers for prosecution etc. This weakens the CSU visible presence on the streets and unfortunately adds to further complaints from residents and councillors alike about lack of presence / lack of action. A further PSPO introduction with same backroom demands will restrict the team even further. The need to properly support an enforcement focused team requires specialist caseworkers - who can free up the time the CS Officers spend in the office. This had been discussed as part of the Council's corporate wide Business Support Review, however it was considered that the caseworkers to be more specialist in nature and not considered to be in scope for that review.

4.8 Below shows a summary of the ASB and crime statistics covering the area of the proposed PSPO in Leigh, and demonstrates the increase in problems compared to previous year. In particular there is a steep rise in incidents of anti-social behaviour, and although increases are less, also in relation to public disorder, drugs related incident and incidents of violence or sexual offences

Crime Recorded in Restricted Area Old Leigh PSPO				
Row Labels	2019/20	2020/21	#Diff	%Diff
Anti-social behaviour	34	80	46	135%
Bicycle theft		2	2	
Burglary		2	2	
Criminal damage and arson	3	2	-1	-33%
Drugs	2	5	3	150%
Other crime	1		-1	-100%
Other theft	7	4	-3	-43%
Possession of weapons	1	1	0	0%
Public order	3	4	1	33%
Robbery	1	1	0	0%
Shoplifting		1	1	
Theft from the person	1		-1	-100%
Vehicle crime	6	3	-3	-50%
Violence and sexual offences	16	19	3	19%
Grand Total	75	124	49	65%

5.0 The summary of findings listed below, from the public consultation process including consultation with Essex Police, provides strong support for the introduction of a PSPO. 83% of respondents strongly agreed that a PSPO is necessary to tackle anti-social behaviour in the proposed area.

The consultation analysis report and copy of comments received is contained at Appendix 2

In respect of the type of behaviour that should be included in any PSPO, inclusion of the following four particular behaviours was strongly supported:

- Consuming alcohol and behaving in an anti-social manner;
- Ingesting, inhaling, injecting, smoking or otherwise using drugs or substances reasonably believed to be psychoactive;
- Littering;
- Urination, Defecation, or spitting.

The responses showed that littering and anti-social behaviour linked to alcohol had the greatest impact on the quality of life within, and usage of, the proposed area.

The response also included other behaviours that impact on the quality of life within, or usage of, the area, including:

- Anti-social and dangerous behaviour being experienced from water borne anti-social and dangerous behaviour, such as use of jet skis;
- Uncontrolled dogs and owners not clearing up after them;
- Increased noise, loud music (from individuals playing their own music) and shouting / arguments / swearing;

- Riding bikes and e-scooters on pavements / large groups of cyclists riding dangerously;
- Poor driving / poor parking on pavements, corners, double yellow lines.
- Sexual activity at Two Tree Island Car Park.

The response also included a relatively low number of comments about reasons for not introducing a PSPO, including:

- Impact on local individuals' right to be in the area, and feeling guilty for simply being in the area;
- Impact on mental health by introducing more formal restrictions following a long period of Covid related restrictions.

In respect of the proposed area to be covered by a PSPO, suggestions for additional areas to include included:

- Chalkwell Park (as many large groups who are moved from the seafront areas then move to the park);
- Marine Parade (Leigh) & gardens / Belton Way, as many of the anti-social behaviours are also prevalent there;
- Leigh Broadway;
- Leigh and Chalkwell Rail Stations, where large groups and numbers of visitors arrive;
- A number of individual residential roads have been suggested.

Some respondents commented that having a PSPO in place in Old Leigh would simply displace issues to other areas.

6.0 Issues to consider with PSPO introduction

Resourcing

6.1 It is important to understand that when a PSPO is introduced, there is an expectation regarding enforcement of its provisions. In determining whether to introduce a PSPO for Old Leigh, the Council should consider the resources required to effectively enforce the provisions of any new PSPO (including the administration function required to support enforcement procedures such as case file preparation). The current Community Safety Unit has remit to enforce on the current town centre PSPO, along with various other enforcement duties under the Anti-Social Behaviour Act, such as Community Protection Notices, however there is no full-time case work officer support in place currently. By adding further enforcement responsibility to the team, and the associated increase in administration from it, this additional workload on officers is likely to impact on available resources to deal with Borough wide ASB issues and hotspots. There is a concern that this could result in complaints where the PSPO is in place, ASB activity is being witnessed, but there are no council officers present. This would also apply to police resource.

The current CS Team has 6 x FTE substantive Community Safety Officers. These are well trained, experienced and are able to undertake the most demanding parts of the role, including enforcement of PSPO requirements. The team operates on split shifts, with these experienced officers spread between early and late shifts.

Additional funds have been provided to support the Community Safety Team, and this is used to engage external security staff, who can undertake much of the lesser demanding roles of Community Safety, and can support visibility etc, however, they are not as highly trained or have the experience of the substantive officers and are not able to undertake enforcement in respect of PSPO's.

To properly enforce and undertake the functions of an additional PSPO, it is considered that initially an additional 2 x FTE Community Safety Officer and 1 x FTE Community Safety Caseworker, would be necessary to properly undertake the enforcement and administration of the new PSPO. This position would be kept under review once the new PSPO becomes live to gauge the relevant workload and resource requirement of enforcing the new PSPO.

Actual enforcement approach

6.2 Equally significant, is how operationally the PSPO will be enforced. A range of resources are currently in place to tackle anti-social behaviour across Southend.

Community Safety – Community Safety Officers operate in pairs and deal with low level anti-social behaviour for health and safety reasons. Often in Old Leigh, types of activity reported centre on large groups of predominantly young males, drinking in public space – causing more serious ASB as well as general nuisance. Whilst community safety is important, so too is the safety of the team tasked with enforcement. The Council has a lone working policy which would not support Community Safety Officers attempting to enforce the provisions of the PSPO by issuing a Fixed Penalty Notice (FPN) in more serious situations without support from the police. It is recommended that Officers work with the Police to agree a joint approach to enforcement which will ensure the safety of the community at large as well as the Community Safety Officers tasked with enforcement.

SBC Enforcement review - The Council's enforcement review is also looking to extend the powers under certain legislation to a wider range of front line enforcement officers across the Council. The initial phase of the review will look to embed a culture of collaboration across front line services, and Phase two (anticipated early 2022) will consider extending legislative powers. This will include consideration of enforcement of PSPO's, however will not provide a permanent additional enforcement presence, but will link to support on particular enforcement initiatives and planned work in the area.

Essex Police – As a result of increased ASB and crime in the old Leigh area, Essex Police have recently put Dispersal Orders in place on three separate occasions, due to large gatherings and high levels of ASB and other crime. In recent weeks, the Police have increased resources along many areas of Southend's waterfront, including Old Leigh, to provide more visibility and enforcement where necessary. Essex Police have acknowledged this level of additional resources is not sustainable.

Operation Union, a Tactical Coordination Group, has been implemented to ensure that a partnership approach is adopted to address the significant increase in demand in Southend and in particular along the waterfront areas (i.e. Old Leigh, Chalkwell Esplanade and Marine Parade etc).

The main objective is to ensure we are promoting a shared awareness of what **is** being done, whilst making sure we are engaging with all our key stakeholders. Where partner agencies have the capability and capacity we provide the opportunity to all work together, to be as visible and engaging as we can with those who live, work and visit Southend. The ultimate goal is that of reducing incidents of serious violence and ASB whilst building the communities trust and restoring Public Confidence in Essex Police and the wider partnership.

In respect of Old Leigh, an Action Plan with a number of activities aimed at preventing large gatherings from taking place is being considered. This will include:

- more officer visibility in Old Leigh (Police and Council);
- Liaison with C2C Rail Company in respect of messaging on the trains to Leigh / Chalkwell stations;
- Consideration of enforcement initiatives at Leigh / Chalkwell station (including knife arch deployment);
- Additional signage to advise visitors about respecting the area.

Other forms of ASB identified in the Consultation - For other forms of anti-social behaviour and particular locations identified during the consultation but not included in the proposed PSPO, Community Safety Officers already undertake patrols in the Leigh area and any additional resources deployed to the Leigh area to cover the PSPO, will also be available as necessary to respond to other anti-social behaviour issues reported in the Leigh area. It is considered therefore these do not need to be covered in the PSPO as specific behaviours / locations.

7.0 Corporate Implications - Contribution to the Southend 2050 Road Map: Safe and Well agenda and activity plan (keeping people safe). Introducing measures to tackle anti-social behaviour is consistent with the 2050 Outcome to ensure that people in all parts of the borough feel safe and secure at all times.

7.1 Financial Implications – If the proposed PSPO is introduced, there will be an expectation around enforcement of its provisions. Paragraph 6.1 sets out some of the resource implications of a new PSPO.

It is proposed that for an initial 12 month period the following temporary resources are recruited to oversee the enforcement of the new PSPO. Over this period there will be the monitoring of the workload and resource requirement for this new PSPO to ascertain the need as to whether there is extended temporary support or that permanent support is established. This monitoring over the next year will also encompass the work of the current Community Safety team to assess the overall workload and resource requirement of Community Safety resources.

2 x FTE Community Safety Officer (L7) = approx. £72k

1 x FTE Community Safety Caseworker Officer (L7) = approx. £36k

It is proposed that the one year cost of circa £108k for these temporary posts is funded from any applicability of Covid-19 funding and/or the Council's contingency.

- 7.2 Legal Implications** – The introduction of a PSPO requires (by law) wide stakeholder consultation. If the order is breached an offender is liable for a fine and potential prison sentence if failure to pay fine. SBC already has an internal system in place to manage fines.
- 7.3 People Implications** – New PSPO provisions would further impact on an already stretched community safety team and expectations of the team (see 6.1).
- 7.4 Property Implications** Nil.
- 7.5 Equalities and Diversity Implications** – Equalities Impact Assessment in attached at Appendix 4.
- 7.6 Risk Assessment** – Risk Assessment is attached at Appendix 5.
- 7.7 Value for Money** - potential reduction in costs associated with crime and Anti-Social Behaviour.
- 7.8 Community Safety Implications** - Addressed in the report.
- 7.9 Environmental Impact** – potential to impact on the amount of litter discarded, some of which enters the estuary at Old Leigh, with potential impact on marine and wildlife.
- 8.0 Background Papers** – Report to Cabinet in November 2020.

APPENDIX 1 – Map of proposed PSPO area.

APPENDIX 2 – Public consultation results

APPENDIX 3 – Draft Public Spaces Protection Order (Leigh-on-Sea and Chalkwell Seafront and Adjoining Areas) No 1 of 2021

APPENDIX 4 – Equalities Impact Assessment

APPENDIX 5 – Risk Assessment