

## Public Space Protection Orders Consultation Results

### Introduction

Before introducing, extending, varying or discharging a PSPO, there are requirements under the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) regarding consultation.

Local authorities are obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a district), parish or town councils that are in the proposed area covered by the PSPO must be notified.

This consultation process does provide an important opportunity to seek a broad range of views on the issue and can be invaluable in determining ways forward, establishing the final scope of the proposals and ascertaining their impact.

Encouraging open discussion as part of the consultation process can help to identify how best to balance the interests of different groups – both those affected by the anti-social behaviour and those who will be restricted by the terms of an Order – and a chance to explore whether there may be any unintended consequences from the proposals; in particular, any adverse impacts on vulnerable people.

An effective consultation should provide an overview of what the local issues are, set out why a PSPO is being proposed, and what its impact would be. Publishing details of the extent of the problem behaviour can assist respondents to understand why a PSPO is being considered and help inform views on whether it would therefore be an appropriate response.

### Summary of the Consultation Process and Results

The consultation on the PSPOs ran from 28<sup>th</sup> May 2019 to the 7<sup>th</sup> July 2019. It took the form of a mainly online advertising campaign with support on the SSDC website.

A pop up event was held in Yeovil town centre on the evening of the 14<sup>th</sup> June 2019 in order to engage with those who may be most directly affected by the proposed PSPOs.

Key stakeholders including the police, Yeovil town council, Yeovil chamber of commerce, Somerset Drug and Alcohol Service, SSDC Housing, Yeovil Refresh, Somerset County Council and members of Yeovil One were also directly consulted.

The online survey had a total of 131 respondents, the full results of survey can be found in Appendix 1. Some of the survey results include:

- **85%** of respondents agreed or strongly agreed that anti-social behaviour affects how much they enjoy their visits to Yeovil town centre.
- **75%** of respondents disagreed or strongly disagreed that anti-social behaviour is well dealt with in Yeovil town centre.
- **95%** agreed or strongly agreed that people should be penalised if they do not stop, when required to do so, consuming intoxicating liquor.
- **92%** agreed or strongly agreed that people should be penalised if they do not handover, when required to do so, intoxicating liquor.
- **86%** agreed or strongly agreed that people should be penalised if they aggressively beg in Yeovil town centre.
- **73%** agreed or strongly agreed that people that people should be penalised if they passively beg in Yeovil town centre.

From this it is clear that support for the street drinking PSPOs is extremely firm, while support for the begging PSPO, while still in the majority of respondents is not as concrete.





A number of respondents commented that that poverty should not be criminalised and that individuals in need should be supported.




A substantive response to the begging PSPO was received from Liberty, which is included in Appendix 2. Liberty strongly objected to the imposition of the begging PSPO.





Another substantive response was received from Yeovil Town Council, included in Appendix 3. The Town Council very much support these proposals; however they would like to see the Public Space Protection Order for street drinking extended to Yeovil Country Park and the Yeo Leisure Park.


## Appendix 1: Full Consultation Response

### Necessity




1. How often do you visit Yeovil town centre?				
			Response Percent	Response Total
1	Daily		30.47%	39
2	Weekly		51.56%	66
3	Monthly		13.28%	17
4	Less Often		4.69%	6

2. Thinking about the last few occasions you visited Yeovil town centre what was the purpose for your visit?				
			Response Percent	Response Total
1	Leisure		36.72%	47
2	Retail		71.09%	91
3	Work		25.00%	32











3. Thinking about the last time you visited Yeovil town centre what time did you visit?				
			Response Percent	Response Total
1	Morning		47.66%	61
2	Lunchtime		40.63%	52
3	Afternoon		50.00%	64
4	Evening		10.16%	13

4. To what extent do you agree with the following statement?" Anti-social behaviour affects how much I enjoy my visits to Yeovil town centre"				
			Response Percent	Response Total
1	Agree Strongly		53.91%	69





**4. To what extent do you agree with the following statement?" Anti-social behaviour affects how much I enjoy my visits to Yeovil town centre"**

			Response Percent	Response Total
2	Agree		31.25%	40
3	Disagree		8.59%	11
4	Disagree Strongly		6.25%	8

**5. What are your main concerns regards anti-social behaviour in Yeovil town centre? (Pick the three)**





			Response Percent	Response Total
1	Street drinking		63.28%	81
2	Loud music/noise		9.38%	12
3	Aggressive begging		52.34%	67
4	Sleeping in the street		49.22%	63
5	Urinating / defecating in public		28.13%	36
6	The use of legal highs		22.66%	29
7	Graffiti		7.81%	10
8	Public nuisance / intimidation		53.91%	69
9	Misuse of skateboards / cycles / scooters		23.44%	30
10	Other (please specify):		9.38%	12

**6. To what extent do you agree with the following statement?" Anti-social behaviour is well dealt with in Yeovil town centre"**





			Response Percent	Response Total
1	Agree Strongly		3.91%	5
2	Agree		20.31%	26
3	Disagree		57.81%	74
4	Disagree Strongly		17.97%	23

## Street Drinking PSPO





**7. To what extent do you agree that people should be penalised if they do not stop, when required to do so, consuming intoxicating liquor?**

			Response Percent	Response Total
1	Agree Strongly		71.88%	92
2	Agree		23.44%	30
3	Disagree		2.34%	3
4	Disagree Strongly		2.34%	3



**8. To what extent do you agree that people should be penalised if they do not handover, when required to do so, intoxicating liquor or containers believed to contain intoxicating liquor?**

			Response Percent	Response Total
1	Agree Strongly		71.09%	91
2	Agree		21.09%	27
3	Disagree		5.47%	7
4	Disagree Strongly		2.34%	3

**9. To what extent do you agree that people should be penalised if they consume any intoxicating liquor in the prohibited area? (total prohibition on consumption, not currently proposed).**





			Response Percent	Response Total
1	Agree Strongly		65.63%	84
2	Agree		22.66%	29
3	Disagree		8.59%	11
4	Disagree Strongly		3.13%	4

**10. Do you think that the Street Drinking Public Space Protection Order (PSPO) will disproportionately target a specific group of people?**





			Response Percent	Response Total
1	Yes		29.69%	38
2	No		70.31%	90

## Begging PSPO





**11. To what extent do you agree that people should be penalised if they aggressively beg (e.g. approach you directly) in Yeovil town centre?**

			Response Percent	Response Total
1	Agree Strongly		56.25%	72
2	Agree		29.69%	38
3	Disagree		10.16%	13
4	Disagree Strongly		3.91%	5



**12. To what extent do you agree that people should be penalised if they passively beg (e.g. loiter with signs) in Yeovil town centre?**

			Response Percent	Response Total
1	Agree Strongly		39.06%	50
2	Agree		33.59%	43
3	Disagree		15.63%	20
4	Disagree Strongly		11.72%	15







**13. To what extent do you agree with the following statement? "The Proposed Begging Public Space Protection Order criminalises those most at need and the poor"**







			Response Percent	Response Total
1	Agree Strongly		14.06%	18
2	Agree		21.88%	28
3	Disagree		44.53%	57
4	Disagree Strongly		19.53%	25

**14. Do you think that the Begging Public Space Protection Order (PSPO) will disproportionately target a specific group of people?**

			Response Percent	Response Total
1	Yes		39.06%	50
2	No		60.94%	78



## Penalties

15. What level of penalty should people who commit an offence under the Street Drinking Public Space Protection Order be subject to?						Response Percent	Response Total	
1	Warning					14.84%	19	
2	Fixed penalty notice £50					33.59%	43	
3	Fixed penalty notice £100					17.97%	23	
4	Fixed penalty notice £150					7.03%	9	
5	Prosecution					13.28%	17	
6	Other (please specify):					13.28%	17	
<b>Analysis</b>	Mean:	3.1	Std. Deviation:	1.65	Satisfaction Rate:	42.03	answered	128
	Variance:	2.72	Std. Error:	0.15			skipped	0

16. What level of penalty should people who commit an offence under the Begging Public Space Protection Order be subject to?						Response Percent	Response Total	
1	Warning					35.94%	46	
2	Fixed penalty notice £50					18.75%	24	
3	Fixed penalty notice £100					6.25%	8	
4	Fixed penalty notice £150					2.34%	3	
5	Prosecution					17.19%	22	
6	Other (please specify):					19.53%	25	
<b>Analysis</b>	Mean:	3.05	Std. Deviation:	2.02	Satisfaction Rate:	40.94	answered	128
	Variance:	4.09	Std. Error:	0.18			skipped	0

## Proposed Areas





**17. Looking at the area proposed for the Street Drinking Public Space Protection Order, do you think the proposed area is correct?**

			Response Percent	Response Total
1	Yes		76.56%	98
2	No		23.44%	30





**18. Looking at the area proposed for the Begging Public Space Protection Order, do you think the proposed area is correct?**

			Response Percent	Response Total
1	Yes		61.72%	79
2	No		38.28%	49

**19. To what extent do you agree with the following statement? "The Street Drinking Public Space Protection Order area should be extended to include Ninesprings Country Park" (not currently proposed).**

			Response Percent	Response Total
1	Agree Strongly		59.38%	76
2	Agree		26.56%	34
3	Disagree		7.03%	9
4	Disagree Strongly		7.03%	9

**20. To what extent do you agree with the following statement? "The Street Drinking Public Space Protection Order area should be extended to include the Yeo Leisure Area (Cineworld, Bowling, Frankie & Benny's etc." (not currently proposed).**

			Response Percent	Response Total
1	Agree Strongly		58.59%	75
2	Agree		28.91%	37
3	Disagree		6.25%	8
4	Disagree Strongly		6.25%	8



Appendix 2: Liberty Consultation Response

# LIBERTY

Cllr Val Keitch  
South Somerset District Council  
Brympton Way,  
Yeovil, BA20 2HT  
5 July 2019

## LAWYERS

HEAD OF LEGAL CASEWORK  
Emma Norton, Solicitor

Rosie Brighthouse, Solicitor  
Debaleena Dasgupta, Solicitor  
Lara ten Caten, Solicitor  
Megan Goulding, Solicitor

**BY EMAIL TO** [val.keitch@southsomerset.gov.uk](mailto:val.keitch@southsomerset.gov.uk)

The solicitors employed by Liberty are individually authorised and regulated by the Solicitors Regulation Authority

Dear Cllr Val Keitch

## South Somerset District Council - Yeovil Public Spaces Protection Order

We are writing to you as the leader of South Somerset District Council ('the Council') with regard to the proposed Public Spaces Protection Order ('PSPO') in Yeovil Town Centre concerning street begging.<sup>1</sup> The Council is currently running a consultation before introducing this PSPO, as it is required to do by law.<sup>2</sup> However, this consultation is by way of multiple-choice questions and does not allow for a substantive response.<sup>3</sup> We are therefore writing to you to set out in more detail why we oppose this PSPO. We have also submitted a response to the survey and indicated in that response that we are writing to you.

### 1. Background to Liberty's Concerns

We have been concerned about the impact of PSPOs since their inception and have successfully persuaded a number of local authorities not to pursue their proposed PSPOs. We are particularly concerned about the potential misuse of PSPOs, especially those that punish poverty-related behaviours such as rough sleeping or begging.

### 2. Lack of Evidence

<sup>1</sup> Available here: <https://www.southsomerset.gov.uk/services/environmental-health/public-space-protection-order-consultation/draft-public-space-protection-order-concerning-street-begging/>

<sup>2</sup> Section 72(3) of the Anti-social Behaviour, Crime and Policing Act 2014. (Available at: <http://www.legislation.gov.uk/ukpga/2014/12/section/72>)

<sup>3</sup> The consultation is available here: <https://www.southsomerset.gov.uk/services/environmental-health/public-space-protection-order-consultation/consultation-on-public-space-protection-orders-in-yeovil/>

Liberty is disappointed that very little evidence has been published on the Council's consultation webpage to support the proposed PSPO. The Council is required by s59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ('the 2014 Act') to be satisfied on reasonable grounds that the conditions to introduce a PSPO are met before it can lawfully make a decision to introduce a PSPO. The Council cannot reasonably be satisfied of the relevant conditions without first considering robust evidence on the situation in the area which will be covered by the PSPO. However very little data or other forms of evidence are actually provided on the consultation webpage. Two maps are provided showing incidents of street begging in 2017 and 2018 within the rough area covered by the proposed PSPO.<sup>4</sup> These actually show levels of street begging *decreasing* between 2017-2018. This is not strong evidence to support introducing a PSPO to ban the activity. Indeed, if anything, it is evidence that the "problem" of street begging in this area is decreasing.

By way of comparison, we have found that other councils have relied on, and published, data, witness statements, police reports, surveys, impact assessments, and many other sources of information to justify the need for a PSPO before setting out a proposed order and starting a consultation. Furthermore, when considering any evidence the Council should ensure that its consultation has heard a representative sample of views, including from those who will be negatively affected by the PSPO, who are likely to be among the most vulnerable and marginalised members of the community and may be difficult to reach through normal forms of public consultation.

### **3. The effect of the PSPO – Reasonable Grounds**

As mentioned above, the Council is required by s59 of the 2014 Act to be satisfied on reasonable grounds that the conditions to introduce the PSPO are met. Further, the Council can only impose PSPO requirements that it is reasonable to impose. It is clearly not reasonable to impose requirements that are simply not needed. It is not reasonable (or efficient) to impose fines on people who cannot afford to pay them. We note that recently, Southampton City Council scrapped fines for begging under its PSPO, because "*few of those fixed penalties were paid and they did little to change the behaviour of these individuals*".<sup>5</sup>

It is particularly shocking that your proposed PSPO specifically criminalises begging in its most passive and harmless form – simply sitting in a public space with a receptacle. Such behaviour cannot in any reasonable way be considered to amount to harassment, intimidation or aggression of the type that could, in some circumstances, justify a criminal justice response. You have also not included wording in the PSPO that would limit its scope to include only 'false' or 'fraudulent' beggars. As such, your PSPO is specifically designed to criminalise those people who are, as a result of poverty and desperation, simply sitting on a pavement with a cup in the hope that passers-by may be willing to help. Such activity may engage the

<sup>4</sup> Available here: <https://www.southsomerset.gov.uk/services/environmental-health/public-space-protection-order-consultation/consultation-on-public-space-protection-orders-in-yeovil/>

<sup>5</sup> 'Southampton begging fines removed by council', BBC News, 16 April 2019.

person's rights under Articles 8 and 10 of the European Convention on Human Rights and, as such, it is at least questionable whether the PSPO is in violation of your legal obligations under the Human Rights Act 1998.

Your draft PSPO also criminalises anyone considered to be sitting or loitering in a public place for an "unreasonable time". This is an extremely vague provision and gives far too much discretion to your enforcement officers, who will be able to accuse almost anyone sitting down in public that they are breaching the PSPO. How will they determine what length of time is reasonable? How can anyone sitting down in the area covered by the PSPO be confident as to whether or not they are committing a criminal offence? The rule of law requires both that criminal offences are clearly delineated and consistently enforced. This provision is far too vague to be an appropriate use of a PSPO.

The only method of enforcing a PSPO is by way of a Fixed Penalty Notice ('FPN') of up to £100 or, upon prosecution, a fine of up to £1,000. A PSPO does not give council officers, police officers or Magistrates any other additional powers, including dispersal powers or powers to require engagement with substance misuse services, for example.

Prosecution for breaching a PSPO cannot, other than in the most exceptional circumstances, lead to the imposition of a community sentence. A PSPO is an extremely blunt and inappropriate measure to use when dealing with the effects of poverty. It is therefore likely that this provision will be ineffective. As the statutory guidance suggests, "*introducing a blanket ban on a particular activity may simply displace the behaviour and create victims elsewhere.*"<sup>6</sup>

## Conclusion

Very little evidence has been put forward to support the proposed PSPO, and its introduction risks worsening the problems it seeks to solve. We urge you to think again before proposing this PSPO.

Yours sincerely



Rosie Brighthouse  
Lawyer

020 7378 3657  
[rosieb@libertyhumanrights.org.uk](mailto:rosieb@libertyhumanrights.org.uk)

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<sup>6</sup> Home Office, 'Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers, Statutory guidance for frontline professionals' (updated December 2017, p 49. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/679712/2017-12-13\\_ASB\\_Revised\\_Statutory\\_Guidance\\_V2.1\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/679712/2017-12-13_ASB_Revised_Statutory_Guidance_V2.1_Final.pdf))



**South Somerset**  
District Council

Appendix 3: Yeovil Town Council Consultation Response



## Yeovil Town Council

Town House  
19 Union Street  
Yeovil  
Somerset  
BA20 1PQ

Telephone : (01935) 382424 Fax : (01935) 382429  
Website : [www.yeovil.gov.uk](http://www.yeovil.gov.uk)

**Amanda Card** Town Clerk

Mr P Huntingdon  
Compliance and Enforcement Specialist  
South Somerset District Council  
The Council Offices  
Brympton Way  
YEOVIL  
BA20 2HT

**Date:** 25<sup>th</sup> June 2019  
**Your Ref:**  
**Our Ref:** BCM/PSPO/AJC  
**Ask for:** Amanda Card  
**E-mail:** [town.clerk@yeovil.gov.uk](mailto:town.clerk@yeovil.gov.uk)

Dear Paul

### **Anti-Social Behaviour, Crime and Policy Act 2014**

#### **Consultation on proposed new Public Space Protection Order for Yeovil Town Centre**

Thank you for attending the meeting of the Buildings and Civic Matters committee held on 18<sup>th</sup> June 2019 and presenting the proposed new Public Space Protection Order for Yeovil Town Centre.

As a key agency within Yeovil Town, the Town Council very much support these proposals; however they would like to see the Public Space Protection Order for street drinking extended to Yeovil Country Park and the Yeo Leisure Park.

We look forward to receiving a copy of your report and learning whether the Public Space Protection Order will be designated or not.

Yours sincerely

Amanda Card  
**Town Clerk** CPFA, PSLCC, BA (Hons), BSc (Open)  
**For and on behalf of Yeovil Town Council**