

# Report to Cabinet

**4 December 2024**

<b>Subject:</b>	Renewal of the West Bromwich Town Centre Public Space Protection Order (PSPO)
<b>Cabinet Member:</b>	Councillor Suzanne Hartwell
<b>Director:</b>	Alan Lunt – Executive Director of Place
<b>Key Decision:</b>	Yes
<b>Contact Officer:</b>	Nicola Plant Assistant Director Place, Public Protection and Community Safety Wendy Sims Operations Manager Community Safety

## 1 Recommendations

For the reasons set out in the report, it is recommended that:-

- 1.1 approval be given to extend the existing West Bromwich Town Centre Public Space Protection Order for a period of three years commencing 4 December 2024;
- 1.2 the Public Space Protection Order continues to prohibit the following activities at all times: -
  - Harassment, alarm, or distress: Acting in a manner, or inciting others to act in a manner, that causes or is likely to cause harassment, alarm, or distress to any person;
  - Threatening behaviour or violence: Threatening or using violence or being verbally abusive towards any person;
  - Begging or loitering for the purpose of begging: Begging or asking members of the public for money or loitering with the intent of begging or asking for money;
  - Obstructing roads and footpaths: Causing a motor vehicle or trailer to stand on a road or footpath, creating unnecessary obstruction.

1.3 approval be given to authorise the Executive Director of Place to implement, monitor, and enforce the Public Space Protection Order.

## 2 Reasons for Recommendations

2.1 The West Bromwich Town Centre PSPO was first introduced in August 2018 in response to significant public concerns about anti-social behaviour (ASB), including alcohol-related disorder, begging, and threatening behaviour in the town centre.

2.2 The Order has been a key tool in addressing these behaviours and ensuring public safety. It was renewed in 2021 for a further three years and is now due for consideration for a further three years. Based upon the assessment of the continued need for such powers and the outcome of public consultation, the recommendations are required to ensure the continued operation of the PSPO.

2.3 These issues are a concern in Sandwell with our public consultation showing 91% support for the West Bromwich Town Centre PSPO. The PSPO proposals demonstrate the council's commitment to listening to its residents, partners, and communities and to take action to address issues that are important to them.

## 3 How does this deliver objectives of the Council Plan?

Growing Up in Sandwell	The renewal of the PSPO contributes to creating a safer and more secure environment for children and young people by reducing anti-social behaviour (ASB) within the town centre. This ensures that public spaces are more welcoming for families and young people, fostering a sense of safety and promoting freedom of movement. By preventing behaviours such as harassment and threatening behaviour, the PSPO helps protect young people from exposure to harmful influences, aligning with the Council's vision for children to grow up in a secure and supportive community.
Living in Sandwell	The PSPO directly supports residents by reducing anti-social behaviours that detract from the quality of life in West Bromwich Town Centre. Addressing issues such as begging, and obstruction of public paths ensures

	that public spaces are accessible and enjoyable for all. This aligns with the Council's commitment to ensuring Sandwell is a place where people feel safe, supported, and proud to live.
Thriving Economy in Sandwell	By reducing ASB and creating a safer and more welcoming environment, the PSPO supports businesses and commerce within the town centre.
Healthy in Sandwell	The PSPO promotes public health by tackling behaviours that negatively impact community wellbeing, such as street drinking, drug-related activities, and harassment.
One Council One Team	The PSPO demonstrates a coordinated approach to community safety, showcasing how the Council works collaboratively with partners such as law enforcement, local businesses, and support services. It demonstrates that our residents are being listened to and their views heard.

## 4 Context and Key Issues

4.1 The West Bromwich Town Centre PSPO was first introduced in August 2018 in response to significant public concerns about anti-social behaviour (ASB), including alcohol-related disorder, begging, and threatening behaviour. The Order has been a key tool in addressing these behaviours and ensuring public safety. It complements the Boroughwide Alcohol PSPO, forming a broader strategy for tackling ASB across Sandwell.

4.2 The PSPO is designed to:

- Deter persistent anti-social behaviours that have a detrimental effect on the quality of life for residents, visitors, and businesses.
- Provide enforcement powers to address unacceptable behaviour and support engagement with individuals involved in ASB, including offering support to vulnerable people, such as rough sleepers.

4.3 The Anti-Social Behaviour, Crime and Policing Act 2014 allows for PSPOs to be renewed every three years, following a review and public consultation. The current PSPO is due to expire, and this report proposes the renewal of the PSPO for another three years to maintain

the improvements in public safety and ensure continued enforcement capability.

- 4.4 The existing PSPOs has continued to be used extensively during the last 3 years, specifically by providing opportunities for engagement but where necessary enforcement. The Police have expressed their support for the extension of the existing West Bromwich Town Centre PSPO. The public consultation has also demonstrated support for the proposal.

### Police data

- 4.5 The data provided by West Midlands Police (WMP) for West Bromwich Town Centre between 1 April 2018 and 31 March 2024 presents trends across three key data types: Police recorded PSW (Public Safety and Welfare), Police recorded ASB (Anti-Social Behaviour), and Police recorded TRC (Total Recorded Crime). In relation to ASB related activity, there has been a marked decrease in frequency of incidents since 20128, albeit with some annual fluctuations.

Data Type	1 April - 31 March 2018-19	1 April - 31 March 2019-20	1 April - 31 March 2020-21	1 April - 31 March 2021-22	1 April - 31 March 2022-23	1 April - 31 March 2023-24
Police recorded PSW West Bromwich Town Centre	2903	2521	1413	1323	1140	1485
Police recorded ASB West Bromwich Town Centre	381	247	412	248	145	169
Police recorded TRC West Bromwich Town Centre	2356	2210	1756	3129	3223	2858

### ASB incidents

- 4.6 The overall number of ASB incidents reported (to whom?) from 2018 to 2024 across all categories totals 274 incidents. Yearly trends have shown fluctuations, with significant increases in certain areas over the past few years:

2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
36	44	60	24	40	70

- 4.7 The Town Centre PSPO complements the Boroughwide Alcohol PSPO, forming a broader strategy for tackling ASB across Sandwell, and in relation to street drinking and homelessness which remain issues across Sandwell.

## Consultation

4.8 The consultation was open from August 1 to 15 September 2024. Feedback was collected from residents, business owners, community groups, and other interested parties via online submissions, email, and written responses. A total of 167 responses were received: -

- **Residents:** 105 respondents (63%) were local residents, highlighting strong community interest in the PSPO's role in enhancing public safety.
- **Interested Parties:** 29 responses (17%) came from individuals with vested interests in West Bromwich, though they may not live or work directly within the PSPO area.
- **Organisations:** 22 respondents (13%) represented groups or organisations, including key stakeholders like West Bromwich BID.
- **Business Owners:** 11 respondents (7%) were local business owners, emphasising the importance of the PSPO from a business perspective.

## Key Findings

4.9 Overall, 153 respondents (91%) were in support of the proposed West Bromwich Town Centre PSPO. In relation to the specific areas of behaviours the response was:

- 153 respondents (91%) supported the PSPO's renewal to address alcohol-related disturbances.
- 161 respondents (96%) agreed that the PSPO should remain in place to tackle threatening and intimidating behaviours.
- 160 respondents (95%) supported the PSPO's renewal to address violent behaviour in the town centre.
- 147 respondents (88%) supported the PSPO to address persistent begging.
- 150 respondents (89%) supported the PSPO to address obstruction from parking.
- Of the respondents, 111 (66%) stated they had witnessed ASB in the town centre.

## 5 Alternative Options

### *Option 1: Do Not Renew the PSPO*

5.1 The Council could choose not to renew the PSPO for West Bromwich Town Centre. This option would result in the following impacts:

- **Loss of Enforcement Powers:** Without the PSPO, the Council and Police would lose a key tool for addressing persistent anti-social behaviour (ASB) in the town centre.
- **Increased ASB:** ASB remains a concern in West Bromwich. Failing to renew the PSPO could result in a resurgence of ASB due to the loss of the powers and routes for engagement that the PSPO provides.
- **Public Confidence:** The decision not to renew could reduce public confidence in the Council's commitment to maintaining a safe and welcoming town centre, and to listen and response to residents' views, especially as 91% of respondents supported the renewal of the PSPO in the recent consultation.

This option is not recommended, given the ongoing need to address ASB in West Bromwich Town Centre and the strong public support for the PSPO's renewal.

### *Option 2: Renew the PSPO with Amendments*

5.2 The Council could consider renewing the PSPO but reduce the scope of behaviours included within the Order. The areas within the PSPO remain of concern within the Town Centre and all targeted behaviours within the PSPO were supported in the public consultation. The consultation did not identify any behaviours to be removed from the proposed PSPO.

This option is therefore not recommended.

## 6 Implications

<b>Resources:</b>	The implementation of the PSPO for West Bromwich Town Centre will not require any additional resources.
<b>Legal and Governance:</b>	Under sections 59-75 of the Anti-Social Behaviour, Crime and Policing Act 2104, local authorities have powers to make PSPOs. The Council can only make

	<p>a PSPO when it is satisfied on reasonable grounds that the activities carried out or likely to be carried out in a public place have a detrimental effect on the quality of life of those in the area and are persistent, continuing, and unreasonable. The Council would also need to be satisfied that the restrictions imposed were justified.</p> <p>The Council must comply with the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 by publishing the orders on its website and by erecting notices on or near the affected land sufficient to draw the attention of the public to the fact that the orders are in place and the effects of this.</p> <p>A PSPO can last up to three years unless it is extended by the relevant local authority (section 60). More than one extension can be granted, with each extension lasting up to three years.</p>
<p><b>Risk:</b></p>	<p>Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Community Safety Strategy. This is business as usual and adheres to all required risk assessments and required mitigations.</p> <p>There could be a reputational risk to SMBC if the support from the public consultation is not acted upon by granting the PSPO.</p> <p>Should anyone object to the granting of a PSPO they would have to make a High Court application within 6 weeks of the order being granted. For that appeal to be successful they would have to show that the Council did not have the power to make the order, as the issue covered has not been demonstrated to be a significant enough issue to justify the restriction. The other grounds for the appeal would be to demonstrate that the consultation process was inadequate.</p>

	The Council has followed the necessary legal procedures, including public consultation, to minimise this risk.
<b>Equality:</b>	An Equality Impact Assessment (EIA) has been completed to ensure that the PSPO does not disproportionately affect any protected groups under the Equality Act 2010. The PSPO targets specific behaviours, not individuals, and includes safeguards to support vulnerable groups, such as rough sleepers, before enforcement action is taken. The Council will continue to work with multi-agency partners to ensure that appropriate support services are offered to those in need.
<b>Health and Wellbeing:</b>	The PSPO will help improve the overall health and wellbeing of residents, visitors, and businesses by reducing anti-social behaviours that create an unsafe and unwelcoming environment. This will promote the use of public spaces and encourage physical activity and social interaction, contributing to better mental and physical health outcomes for the community.
<b>Social Value:</b>	The PSPO supports social value by creating a safer environment that encourages local economic growth and public confidence. By reducing ASB, the town centre becomes more attractive to businesses and visitors, supporting local employment and commerce. The Order also promotes a sense of pride and engagement within the community, fostering active participation in maintaining a positive public space.
<b>Climate Change:</b>	There are no direct implications for climate change in relation to this proposal.
<b>Corporate Parenting:</b>	The PSPO has no direct implications for Corporate Parenting responsibilities.

## 7. Appendices

Appendix 1: Proposed Public Space Protection Order (PSPO) for West Bromwich Town Centre.

Appendix 2: Map of the Restricted Area (West Bromwich Town Centre)



Appendix 3: Consultation Summary Report

Appendix 4: Equality Impact Assessment (EIA)

## **8. Background Papers**

Anti-Social Behaviour, Crime and Policing Act 2014

<https://www.gov.uk/government/collections/anti-social-behaviour-crimeand-police-bill>

LGA Guidance in Relation to PSPO Implementation 2018

<https://www.local.gov.uk/publications/public-spaces-protection-ordersguidance-council>