



Luton Community Safety Partnership

Town Centre Public Spaces Protection Order – Information Pack

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**Community Safety, Luton Borough Council**



## 1. Introduction & background

This document sets out the information pack in relation to the proposed amendments to Luton Town Centre Public Spaces Protection Order (PSPO).

Anti-social behaviour (ASB) is a key priority for the Community Safety Partnership. It has a negative impact on victims and communities and is a negative generator of fear of crime within a location.

A PSPO has been in place within the Town Centre since July 2018 and covers a range of behaviours. The PSPO is not a tool that is used in isolation and is part of the integrated approach to tackling anti-social behaviour – this approach is set out later within this report.

Following a review of the operation of the PSPO within this integrated approach, a consultation exercise was undertaken to seek views from residents, businesses and interested parties in two potential amendments to the existing Town Centre PSPO.

The proposed amendments which were included within the consultation were:

- a) To change the 'failure to stop' begging term to an outright ban.
- b) The existing PSPO zone is extended to incorporate the public space areas of the Galaxy Centre (i.e. the entrance and communal areas, not the privately owned venues.)

For information – the Executive previously agreed to incorporate the Galaxy Centre subject to an additional public consultation. (25<sup>th</sup> June 2018).

### **Current operation of the PSPO**

The current PSPO includes a failure to stop approach to begging. This means that an individual who is evidenced as begging will be asked to stop by an enforcement officer. If the individual complies then no further action is taken other than signposting to support and intervention. If the individual continues to beg then they have committed an offence of breaching the PSPO.

In these circumstances – officers will refer the individual to the partnership assessment pathway which consists of an appointment with a local agency who will assist the individual with their personal needs and circumstances.

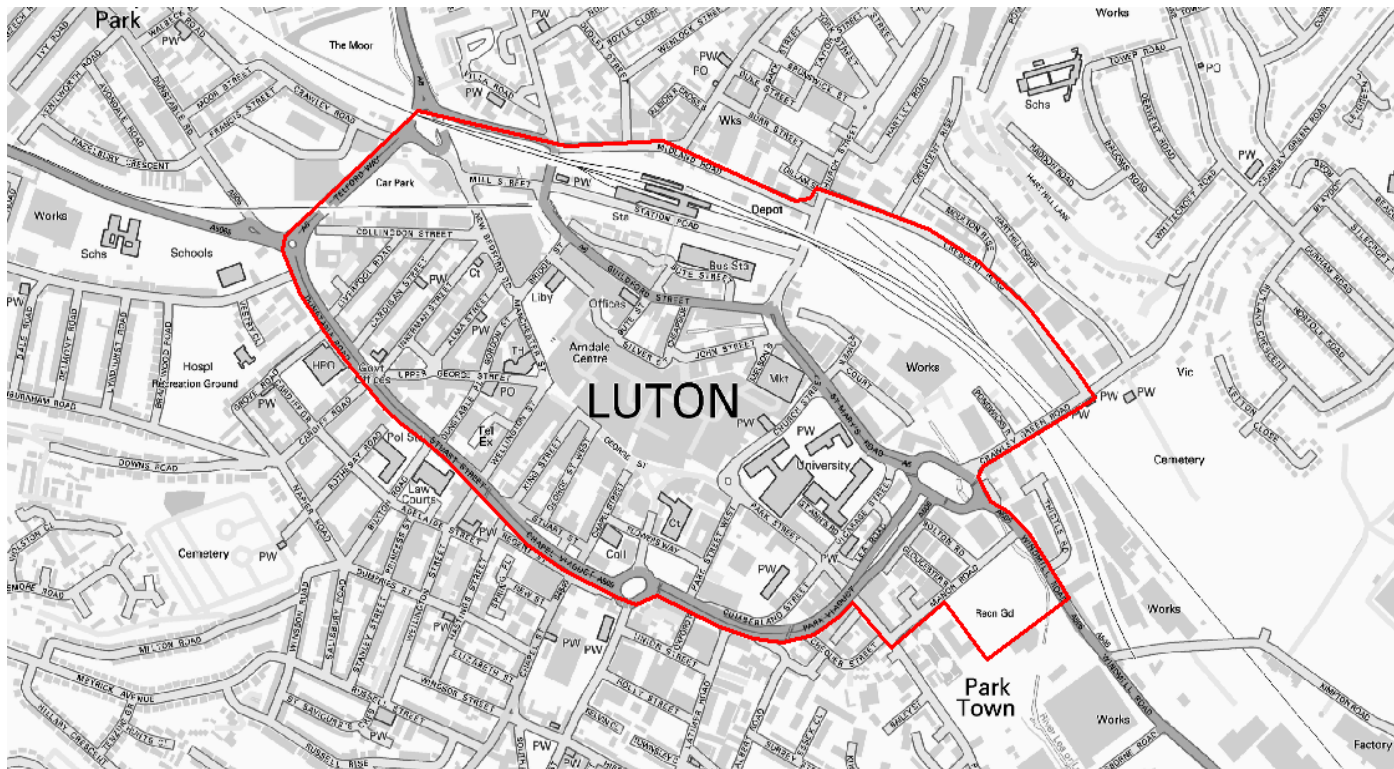
Compliance with requests to stop has been high (as set out further below) but there has not been longer term behaviour change and begging continues to take place on a persistent basis.

The proposals will remove the failure to stop requirement from the PSPO. It is proposed to retain a range of options to enforce the PSPO begging term including:

- Warnings
- Restorative justice options including the community resolution (Bedfordshire Police only)
- Partnership assessment pathway
- Fixed penalty notices

- Prosecution
- Other legal remedies such as injunctions

## 2. Geographical area

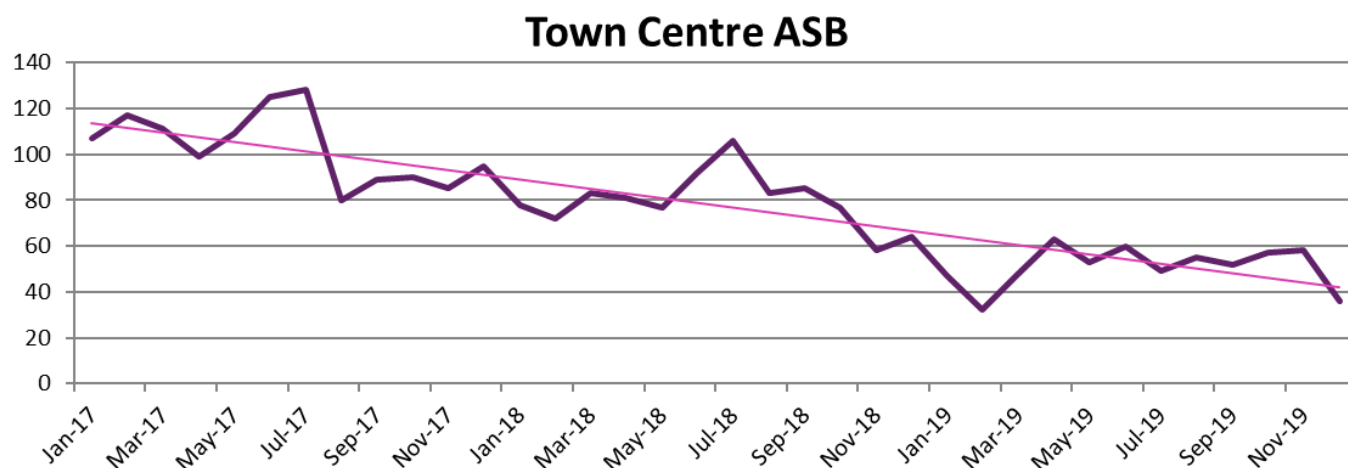


## 3. Legal Test

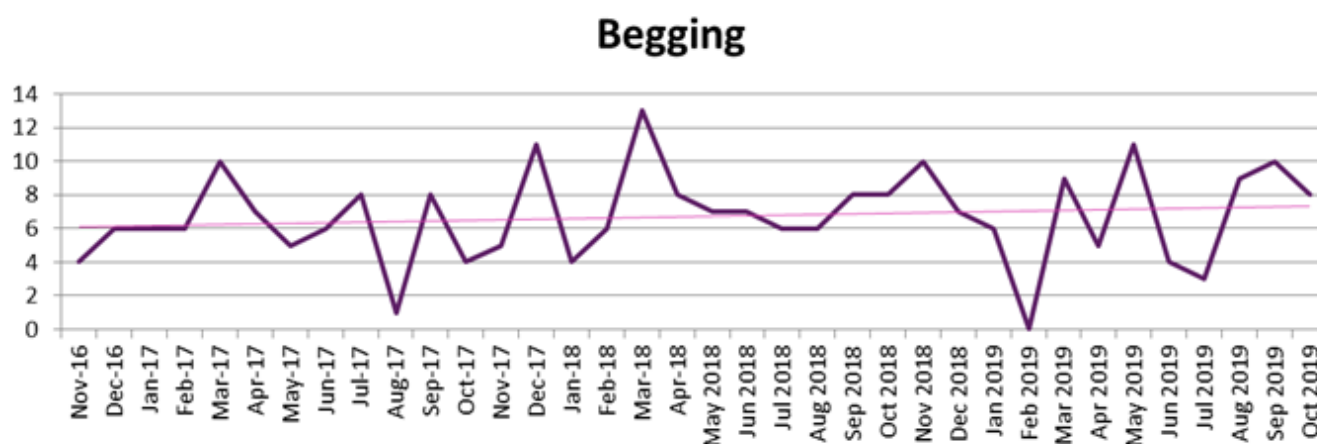
A PSPO can only be made or varied when the Council is satisfied, on reasonable grounds, that the activity or behaviour concerned, carried out, or is likely to be carried out, in a public space:

- Has had, or is likely to have, a detrimental effect on the quality of life on those in the location;
- Is, or is likely to be, persistent or continuing in nature;
- Is, or is likely to be, unreasonable; and
- Justifies the restrictions imposed.

#### 4. Frequency of anti-social behaviour



Anti-social behaviour reports within the Town Centre have followed a long term downward trend.



Reports relating to begging have remained relatively stable. It is notable that the vast majority of begging incidents are not reported through official channels. An assessment undertaken by officers has established that begging is taking place on a continual basis at various locations throughout the Town Centre footprint. This is a range of passive begging and direct begging whilst mobile, reports of aggressive begging account for 50% of all begging incidents.

Whilst high footfall areas are targeted by this activity, there is an increasing pattern of mobile incidents which occur at a wide range of locations. People within the Town Centre can experience begging on a number of occasions during short visits to the Town Centre.

#### 5. Impact of anti-social behaviour in the Town Centre

There are a number of ways in which anti-social behaviour broadly and begging more specifically causes detriment to visitors, workers and businesses within the Town Centre.

These include:

- Feeling scared, upset and intimidated.
- Feeling harassed.

- Avoiding the location altogether.
- Feeling vulnerable and at risk of exploitation.
- People and businesses may begin to move out of the town.
- People remain trapped in a cycle of poverty.
- The spirit and pride of communities is affected, leaving communities feeling neglected and powerless.

Two surveys have been undertaken around the PSPO – first in 2017 which was before its initial introduction and secondly during January to February 2020. Respondents were asked how safe or unsafe they felt in the Town Centre during the day and during the evening. The results of the surveys were as follows:

Response	2016 - % of respondents	2020 - % of respondents	Change
<b>Day</b>			
Very safe	14	9	-5
Fairly safe	44	34	-10
Neither safe nor unsafe	14	20	+6
Fairly unsafe	20	26	+6
Very unsafe	8	11	+3
<b>Night</b>			
Very safe	4	10	+6
Fairly safe	22	17	-5
Neither safe nor unsafe	16	34	+18
Fairly unsafe	32	36	+4
Very unsafe	26	3	-23

These results demonstrate that perceptions of safety in the day time have decreased. 58% of respondents felt fairly or very safe in the day time in 2016 compared to 43% of respondents in 2020.

There has been a shift in perceptions from fairly/very unsafe in 2016 to neither safe nor unsafe in 2020 in relation to the night time. Feeling safe remains stable.

## 7. Consultation 2020 response

Consultations were undertaken in 2016 and 2017 – an overview of the results are available within the previous PSPO report to Executive at:

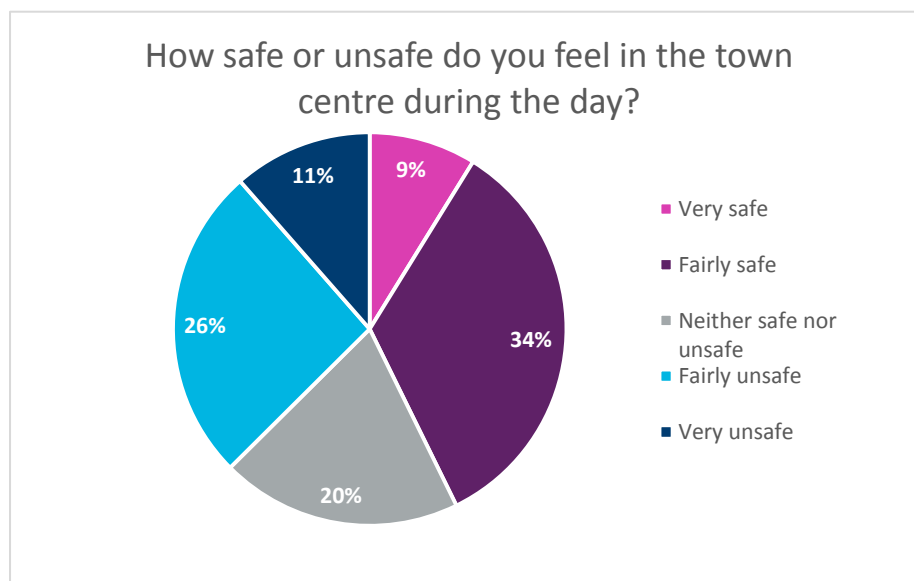
<https://democracy.luton.gov.uk/cm5public/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/5409/Committee/1106/Default.aspx>

Between 7<sup>th</sup> January 2020 and 5<sup>th</sup> February 2020, a consultation was undertaken on the potential proposed amendments.

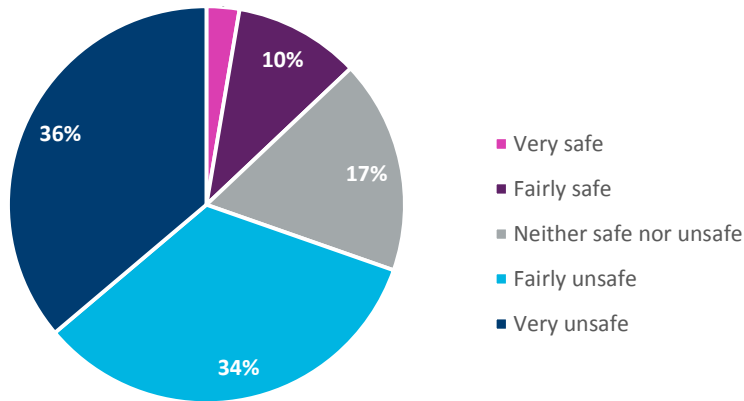
238 respondents completed the questionnaire, which were predominantly a local person:

	Count	%
A local person	164	72%
Someone that works in the town centre	39	17%
Town centre visitor	15	7%
Local business owner	6	3%
Other	4	2%
Local voluntary or community group	1	0%

All respondents had visited the town centre in the last 12 months with many regular visitors. The following questions were asked:

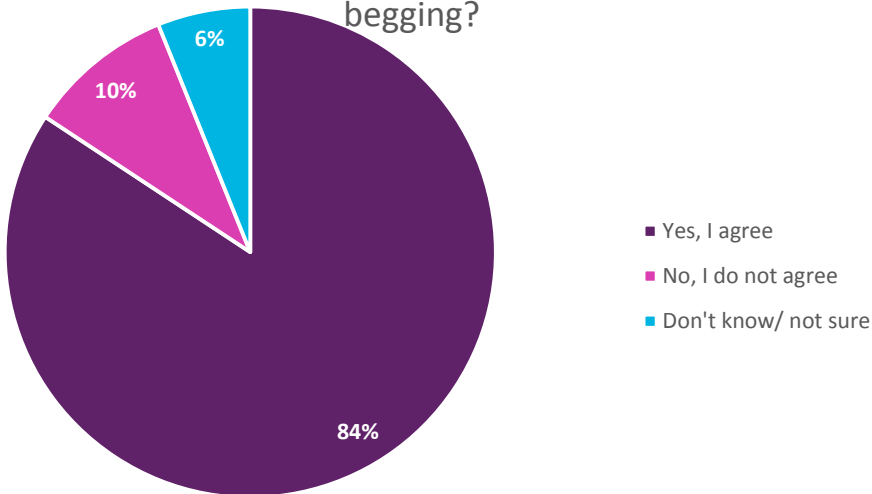


### How safe or unsafe do you feel in the town centre at night?



Respondents were asked 'Should the PSPO be amended to change the begging prohibition from failure to stop to a ban on begging' which received the following responses:

### Should the PSPO be amended to a ban on begging?



	Count	%
Yes, I agree	193	84%
No, I do not agree	22	10%
Don't know/ not sure	14	6%

Respondents were asked if they had any comments, 60 additional comments were received in relation to the amended term, with the most frequently made comments summarised below:



- Majority of respondents felt the level of begging made people feel uncomfortable and prevented them from visiting the town centre
- Concern that fining people who beg is not an effective way of tackling the issue
- Not enough is being done to stop the begging in the town and the current way of dealing with people that beg, only moves them on to another part of the town centre or prevents the behaviour for a short amount of time
- Requirement for additional resources to enforce the PSPO and have a more robust approach
- Apprehension regarding displacement of this behaviour to other areas close to the town centre, which is not covered by the PSPO; including Bute Street, Bury Park and the other side of the Train Station/High Town

## 6. Impact/perceptions – from the 2020 consultation

Anti-social behaviour can disrupt and even destroy the quality of life of individuals and communities. Victims of ASB can become frightened and even feel unsafe when in their homes or when they're in the community. Anti-social behaviour can have a detrimental impact on communities as a whole, leading people to feel less safe in public spaces and may even mean that they stop going to them. The ASB displayed in an area can massively reduce the spirit and pride of communities, which can result in residents and businesses moving away from the Town. Below are some comments from respondents of the consultation, which show the impact ASB in the Town Centre has had on them:

**Person A – “ Please do this, as a 65 year old female, lifetime resident of Luton I am constantly asked for money in the town centre; only yesterday I was actively pursued by a young male calling out to me. I have to admit I was frightened.”**

**Person B – “ Begging stops people coming into the town centre, have heard lots of comments on this, especially from the elderly. It is IMPORTANT though, that help is offered to those begging. Mental health is a strong area of special need. The only problem is that beggars will move to the Luton Town railway station and the High Town area, or other areas close to town, but more especially to High Town because of its close proximity to the bus/rail stations.”**

**Person C – “we have seen that people who are begging and vulnerable and at risk. However they are also manipulating the public in the majority of situations. We support a move to a ban on begging in addition to a failure to stop. However there seems to be very few punitive powers that would be appropriate or indeed have any effect. Certainly a fixed penalty notice is worthless and will have no public support. A positive behaviour requirement does seem to have helped other people engage with recovery services in the past if this would be possible.”**

**Person D – “The new approach would take a tougher approach on the problematic begging in the Town Centre, whilst hopefully improving outcomes for the person begging.”**



Person E – *“the reason I do not use Luton town centre anymore is due to the fact that all the prohibition orders are just not enforced, and it is a horrible threatening place to visit”*

Person F – *“all too often the beggars are warned, then disappear for 30 mins, then return. It's ridiculous and intimidating. 'can you spare some change for the homeless?' Then their mate shows up, they hand him the money and off he goes to the nearest off licence! many are not homeless themselves.”*

Person G – *“There is definitely too much begging and drinking going on in town which is main reason we choose to go to London or Watford to shop rather than visiting the town which is just 5min away from our home.”*

Person H – *“I and my family members get upset and stressed by being continually approached by beggars, some of whom seem quite intimidating. It makes me avoid walking outside of the Mall if I can avoid it.”*

Previous evidence relating to the impact of anti-social behaviour in the Town Centre is set out within the papers that were submitted to the Council's Executive prior to the initial commencement of the PSPO and are available at:

<https://democracy.luton.gov.uk/cm5public/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/5409/Committee/1106/Default.aspx>

## **Partnership Consultation**

A consultation event was held on Monday 6<sup>th</sup> January 2020 with a number of partners and supporting services, to discuss the current situation of the PSPO, its effectiveness and the proposed amendments. This was attended by a number of local partners from statutory and voluntary sector agencies.

The view from the partners was that the current disruption of begging within the town centre is not effective, and the anecdotal evidence suggests that the perception of begging is getting worse.

The PSPO has assisted in the interactions with people that beg, but there has been low opportunity to formally refer people to the partnership assessment pathway. With the amendment to the term of begging, this may see an increase of breaches to the PSPO, which should increase the number of referrals to the pathway that will assist in the long term support and effective change to the lives of those that beg.

There was an emphasis on the need for positive communications, from all partners. This would include the process of the pathway, education those that give to people that beg, promotion of the supporting agencies available to those that beg and also the good news stories.

Partners also felt that the enforcement and resourcing of the PSPO was paramount for it to be effective. The presence of officers alone would act as a disruption to this behaviour and offer reassurance to the public.

Ongoing work such as the Big Change, which encourages alternative giving, would support the PSPO in assisting the community to still be able to contribute towards changing the lives of those

that beg but this is where there is a requirement for communication around education and good news stories.

### **Statement from Neighbourhood Enforcement Team (NET) Lead**

*Whilst the current requirement has allowed us to have interactions, individuals are aware that by stopping when asked they have complied with the requirement and as such there is a large compliance rate. However we have noted that individuals will stop for the rest of that day and appear the following day and as such the process will re-start. Whilst the interactions have been able to provide evidence to support a number of ancillary orders such as injunctions and criminal behaviour orders, there is still a large amount of work that has to go into these and with one current case we have recorded a large amount of breaches for the injunction, however keep getting adjourned at court, whilst the individual continues to further breach the order.*

*I would be in support of altering the terms of the PSPO surrounding the element of begging, to remove the requirement. This would make it clearer for authorised persons enforcing the order but also to those individuals engaged in the behaviour. Whilst we would be able to deal with the breach instantly, this would not stop officers from having that engagement and continuing the support work & measures that are already in place, and would then fall down to officer discretion to determine the best course of action – taking into account relevant factors. Any breach would also need to be clearly evidenced and meet required levels before a decision is made to enforce against.*

*I feel that overall this would improve the perception of the PSPO and enforcement around the town centre as a whole.*

### **Statement from Bedfordshire Police Town Centre Community Sergeant**

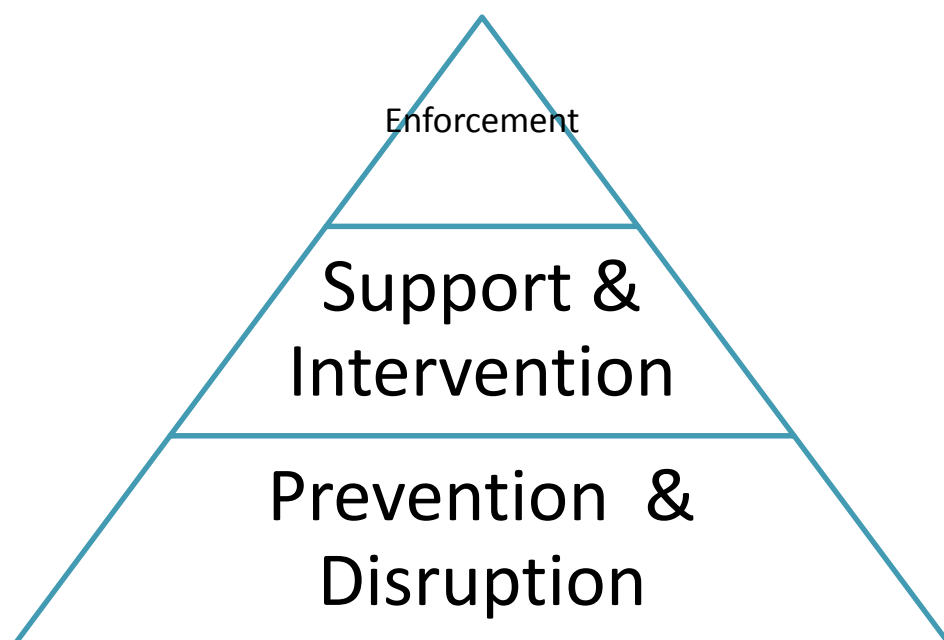
*Currently the terms of the PSPO state that it is an offence to refuse to stop begging. This has caused difficulty in terms of enforcing it as has been unclear exactly what refusal to stop begging can be classed as. It has been enforced on a day to day basis in that if a person is to stop begging, they will be prosecuted if they continue to beg on that same day only. The process then begins again the next day. This has caused confusion both amongst officers and those that engage in begging as it sends an unclear message. This also allows people the chance on each and every day to beg at least once in a day before there is any effect.*

*It would be a far clearer message and more effective if the direction was that it was an offence to beg that enforceable as soon as someone begs. This would still give officers the ability to use discretion as to when to prosecute, and this decision will need to be justified in the same way all decision Police take when prosecuting anybody. This will then present a clear message and be far easier to enforce. I believe that this would quickly lead to a better and more pleasant environment within the Town and hopefully lead to a greater footfall and hopefully increase business within the Town.*

*In conclusion I would support the change to the PSPO power around begging to increase the powers for those trying to solve the problems around begging and the anti-social behaviour associated with it.*

## 8. Overview of current integrated approach to addressing begging

Begging is a complex social issue that links to homelessness, addiction, unemployment and social isolation; there is a significant amount of resource in place to address this issue. The overall approach is based on the following diagram:



### Big Change – Luton

The Big Change Luton – a project that enables town centre visitors to donate to homeless services using new contactless donation points was launched in December 2019. The contactless donation points are on the outside window of The Travel Centre by the station (just off Bute Street) and in The Mall.

Big Change Luton, supported by Luton BID and more than 20 other organisations, is an initiative of the Luton Homeless Partnership.

Contactless donations of £3, or any amount via the Big Change Luton Just Giving page, will go into a central pot which will be accessible for applications from any one of the services working across Luton to help people build a life away from the street.

This programme will provide an alternative way of giving to individuals and help them towards lasting change.

### Overview of the rough sleeping coordination service

The Rough Sleeping Coordination service is a dedicated prevention and homeless service in Luton to drive reductions in rough sleeping within the Town. Since September 2018, over 300 people have been supported out of rough sleeping and into accommodation.

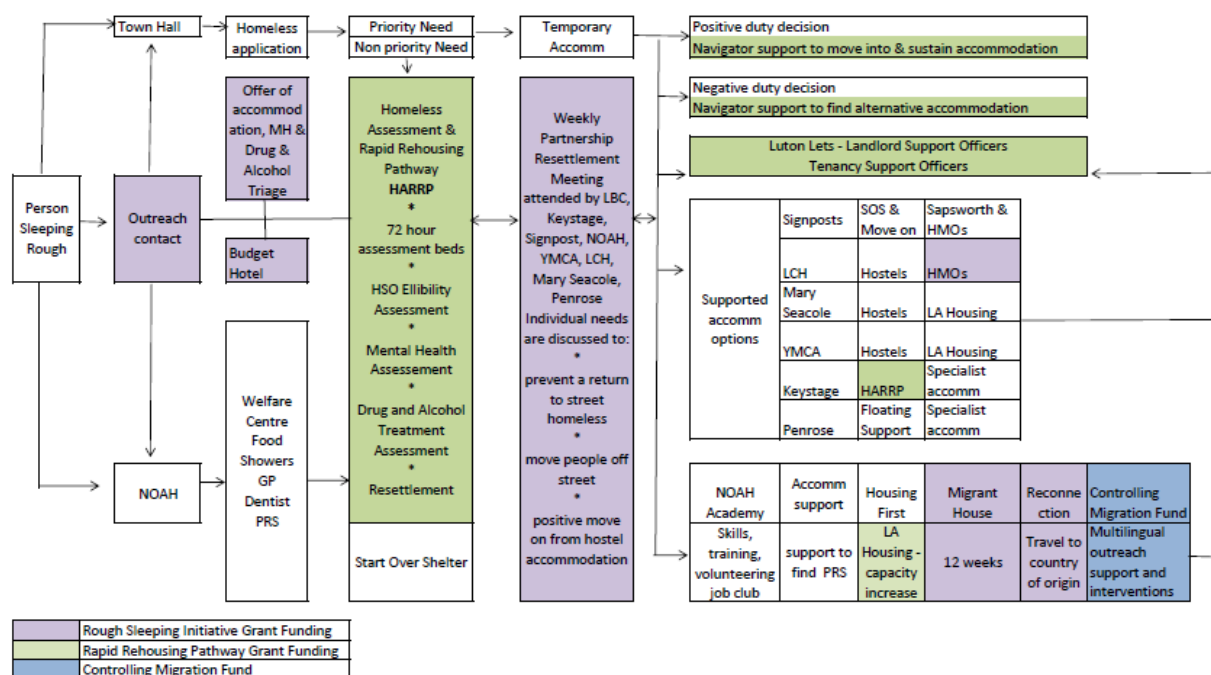
It is not possible to provide an exact figure of numbers of people who are rough sleeping at any one time but a snapshot count has taken place since 2015 which has assisted in estimating how many people are rough sleeping on a 'typical night' in Luton.

Year	Count/Estimate
2014	30
2015	53
2016	76
2017	87
2018	47
2019	43

November 19 snapshot of those rough sleeping:

- 43 people – 28 people observed rough sleeping and an additional 15 people who are known to sleep rough but were not seen on the night of the count
- 5 people were taken to accommodation on the night reducing the number to 38
- 90% male
- 58% EEA 42% British
- 55% long term rough sleeping with a range of unmet needs

## Pathways for people sleeping rough



The offer made to people who are rough sleeping is summarised below:

- Every person who is sleeping rough is continually offered accommodation solutions and support to access drug/alcohol treatment and mental health services by outreach workers.
- The accommodation that is offered is either free or will be paid for by housing benefits which staff will help to get up and running.
- Hostel accommodation is offered as a first step but support will be given to quickly move people on if they don't like shared accommodation.
- Free food, showers, laundry, warmth and further help with housing is available at NOAH Enterprise 7 days a week 365 days a year.
- When people refuse accommodation and offers of support a safeguarding referral is made and outreach staff will continue to offer support and will try to find different solutions and pathways that the person might accept.
- Access to services is not compulsory and people cannot be forced to accept accommodation if they don't want it – unless a person is assessed as not having capacity - this would be a breach of their human rights.
- It is hard to accept that some people choose to stay outside rather than go to supported accommodation or their own flat but this is often the case – it is important to remember that everyone is regularly offered accommodation and support.
- Outreach workers will never give up – they will keep offering different solutions until a person sleeping rough accepts support.

## **Barriers to change**

There are a very complex set of circumstances that surround issues relating to rough sleeping. Some of those who are rough sleeping will also be begging. The following is a summary of some of the key issues that are barriers for some people exiting rough sleeping/ participation in begging:

- Dependency on alcohol and/or drugs – the relentless issue of drug and/or alcohol addiction and the control that this has over individuals - many individuals dependency needs are met through participation in begging, which is also demonstrated in the strategic placing of rough sleeping encampments. If an individual has their needs met (i.e. they can raise money for drugs) then they can be less likely to access drug and alcohol treatment services
- Public perception – the generosity of Luton's residents to give to those they perceive to be in need of or unable to access accommodation/food/support is holding people to begging as the amount of money raised is significant.
- Mental health – individuals have been assessed by services and have capacity to make decisions. If they chose to refuse offers of accommodation and support, they cannot be forced to take it.

- Lack of enforcement motivator – some individuals may engage with services if they are subject to enforcement action that disrupts the ability to raise large amounts of money through begging.

### **Current Offer – Drug & Alcohol Service**

The offer available for people rough sleeping, begging and street drinking is comprehensive and provides a connection to support services which are available according to individuals' personal needs.

The Outreach team encourages and facilitates access to hot food, clothing, showers, laundry and bedding. Currently, any person begging visibly in a footfall area within Luton during the day will be offered help by a NOAH outreach worker within 48hrs, usually sooner. People new to the streets usually exit homelessness rapidly via the pathways developed once they come into contact with the outreach team. ResoLUTiONS are currently offering extensive, specialist drug and alcohol training to the NOAH service staff and management team to improve their knowledge and confidence in substance misuse. This learning and knowledge is essential to successfully engage with clients with complex issues.

In addition, individuals are encouraged to visit the NOAH welfare centre to receive general health check-ups including oral health and mental health support, legal advice, EUSS scheme access, accommodation advice, benefits advice, addiction recovery support, English lessons, employment support, volunteering opportunities, ID replacement and international reconnections.

The outreach team liaises daily with the ResoLUTiONS service and helps the service connect with the hardest to reach group who are often at high risk of falling out of treatment. This is done by reminding people of appointments, reiterating harm minimisation advice, liaising with their keyworker and accompanying people to appointments if they want this help.

Resolutions do not set thresholds but respond to personal need.

### **Public Spaces Protection Order - Begging Enforcement Overview**

#### **Principles of Enforcement**

All enforcement by the Council is undertaken in line with the Council's Enforcement Policy.

This specifically applies to individuals involved in begging, in the following ways:

- Responsible, fair and effective – the Council ensures that all individuals have been signposted, referred to and given information on support services on first contact and any subsequent contact with individuals who are begging.
- Proportionate and integrated – enforcement follows opportunities for individuals to engage with support services. It is integrated within the overall approach and seeks to further opportunities to engage people with intervention and support services.
- Victim- centric – individuals are seen as individuals and enforcement staff look out for signs of victimisation or vulnerability which is taken into account when making enforcement decisions.

## Enforcement of the Public Spaces Protection Order

The team have had 414 interactions with 65 individuals in relation to the Public Space Protection Order (PSPO). Current data capture does not include individuals who get up and move when in sight of an officer.

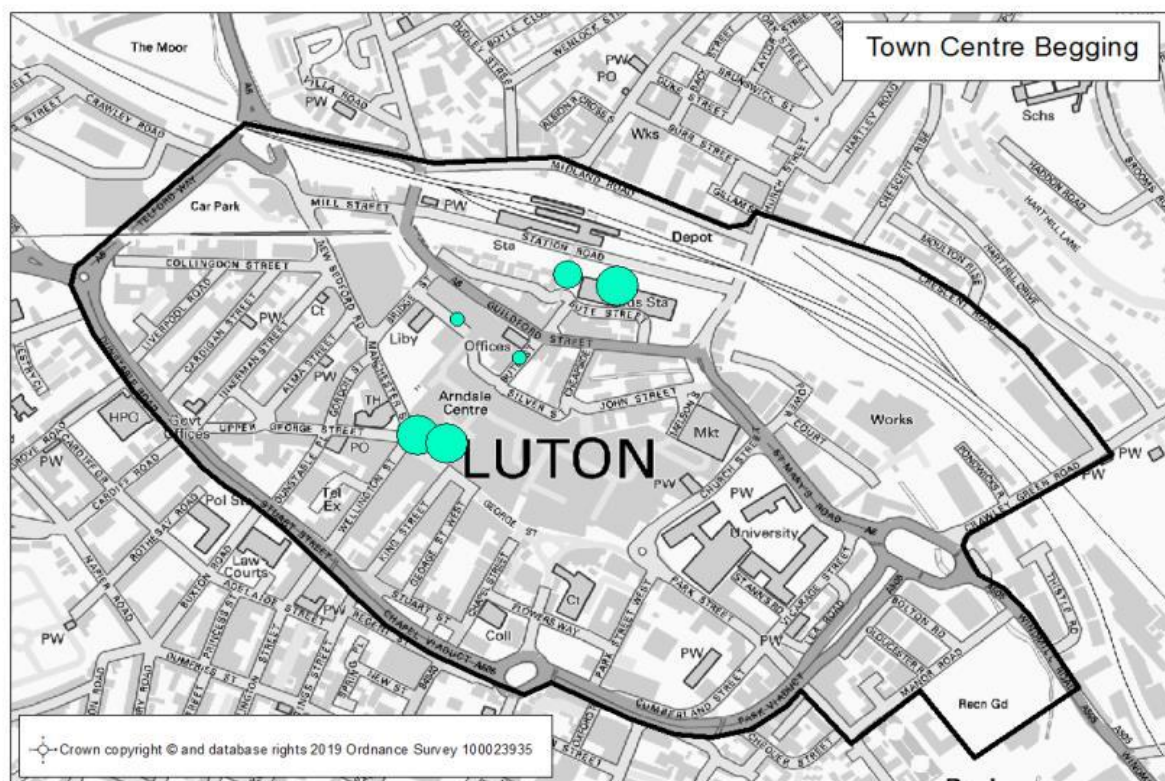
It is estimated that officer's visible patrols disrupts or prevents begging around 8-10 times per day where those involved leave the scene before officers are able to talk to them.

Compliance with requests to stop begging has been high. No fixed penalty notices (FPN) have been issued in relation to the begging term of the PSPO; however three individuals were referred to the partnership assessment as an alternative disposal to a FPN.

There have been a steady number of individuals who are strategically placing themselves at key locations throughout the town centre including high footfall locations and cashpoints as these are viewed as profitable locations. This is done within the integrated approach by ensuring that individuals have access to support, intervention and offers of accommodation.

Many refuse offers of accommodation and assistance and have advised enforcement officers that they are able to raise large amounts of money to fund their drug use through begging.

The map below sets out the key locations for begging interactions.



There have been very few and isolated reports of begging outside of the PSPO zone and there has not been significant evidence that the PSPO has displaced the issue.



## **Key points for Luton**

- The PSPO is not a solution to begging in isolation, but instead needs to run alongside initiatives to support the individuals in the long term to break the cycle of behaviour.
- There is suggestion that our current approach to begging within the PSPO, may encourage mobile begging, which is believed to have a greater impact on members of the public than someone sitting with a vessel
- There needs to be adequate resources for the PSPO to be enforced in order for it to be effective in dealing with begging
- Luton is advanced in its response and support in relation to begging/street culture. Our approach to enforcement, enshrined in our Enforcement Policy, is integrated with the care, support and intervention resources available in the Town. This will continue.
- There is a long term committed approach across all agencies in Luton to create meaningful and long lasting change to this area of work.