

LEISURE, ENVIRONMENT AND COMMUNITY COMMITTEE - 16 OCTOBER 2019

PART I - DELEGATED

8. EVALUATION OF PILOT SHEPHERD SCHOOL PUBLIC SPACES PROTECTION ORDER (CED)

1 Summary

- 1.1 In December 2017 Council agreed to establish a Public Spaces Protection Order for Shepherd Primary School for a period of 2 years.
- 1.2 It was agreed to pilot the use of the anti-social behaviour legislation to assess its usefulness with road safety and anti-social behaviour associated with the school run and the related cost. This report feeds back on the pilot.

2 Background

- 2.1 Initial evidence of the issues associated with anti-social parking at Shepherd School was presented to Policy & Resources Committee on 17 July 2017. This included testimonies from local Councillors who had received complaints/concerns from residents, information from the Head of Shepherd Primary School and Council Officers observing drop off and pick up times. This information raised concerns of hazardous parking and cars stopping causing obstruction and preventing school pupils crossing safely.
- 2.2 A Public Spaces Protection Order (PSPO, Anti-Social Behaviour, Crime and Disorder Act 2014) was considered the most appropriate tool to address this issue. The breach of a PSPO can result in a Fixed Penalty Notice (FPN) or prosecution.
- 2.3 Based on the information gathered the following proposals were made for the PSPO:
 - To ban parking in any area within the marked zone for the purposes of dropping off or picking up from Shepherds Primary School, Daybreak Nursery or Children's Centre.
 - The ban to be in operation from Monday to Friday, between the hours of 0800 to 0900 and 1430 to 1530, during term time only.
 - The proposed ban would not to apply to residential parking in the zone.
 - The proposed ban would not to apply to those requiring disabled access to the school.
 - The zone is shown on the map below.



2.4 A consultation was undertaken between 18 July and 11 August 2017 to understand how the community felt about the proposals listed above. 130 survey responses were received, from school/nursery/children’s centre staff, parents/guardians and residents in the area:

- 88% agreed to the ban in principle
- 89% agreed to the weekday morning times for the ban
- 89% agreed to the weekday afternoon times for the ban
- 87% agreed to the exemption for residents in the marked zone
- 93% agreed to the exemption for those requiring disabled access to the school.

2.5 Findings from the consultation were considered by the Policy and Resources Committee on 7 November 2017 and a recommendation made to Full Council to make the PSPO in December 2017.

2.6 A copy of the order is provided in Appendix 1.

3 Development

3.1 Work to address the concern of anti-social parking outside Shepherd Primary School began in April 2017, the PSPO did not come into force until June 2018.

3.2 Officers within the Community Partnerships team spent 14 months investigating the problem, consulting on proposals, researching various solutions and developing processes for the implementation of the PSPO.

3.3 In addition it was agreed to build a new path between the car park opposite William Penn Leisure Centre and the school across King George V Playing Fields prior to implementing the PSPO, in order to provide an alternative area for parents to park in. Work to build the path had to wait for the end of the football season to commence. Work was completed in May 2018.

3.4 Significant time was spent consulting with the DVLA over the process required to obtain registered driver details for vehicles witnessed breaching the PSPO. An individual manual request form was the only viable solution within budget.

4 Delivery

4.1 The PSPO and enforcement patrols began on 4 June 2018. The first week of patrols focussed on education and informing parents of the PSPO when they parked outside of the school. Enforcement work then started. This soft launch stage was used to test equipment, processes and procedures until the end of the 2018 summer term.

4.2 During the soft launch phase further correspondence took place with the DVLA before a final standardised request letter resulted in all registered keeper details being provided by the DVLA without further query.

4.3 During the pilot it was observed that some people caught breaching had a family member with a disability that required close access, either consistently or sporadically, to the school entrance. In order to provide a consistent service to those with disabilities, officers developed an online application form for drivers or children with disabilities to apply for an exemption card which could be displayed in their vehicle.

4.4 Weather made a significant difference on PSPO adherence. During the colder and wetter months more “drop and runs” took place that were too far away from officers to capture vehicle details or evidence. A “drop and run” is an incident where a vehicle briefly stops in the road within the zone for children to jump out before continuing to drive.

4.5 The pilot staggered the number of enforcement patrols carried out per week over the school year, in order to evaluate and understand the impact of patrol level on adherence to the PSPO. 4-5 patrols per week were planned from September to December (Wave 1), 3-4 patrols per week from January to April (Wave 2) and 2-3 patrols per week from May to July (Wave 3).

4.6 At the end of each term surveys were designed and sent to parents/guardians of children attending the school nursery and children’s centre, and letters regarding the survey posted to all residents living in the zone. At the end of the 2019 summer term the survey was additionally shared with residents outside of the zone to understand whether the PSPO had impacted on them.

4.7 Since June 2017, 134 patrols were carried out by TRDC officers. In some instances when TRDC officers were unavailable to carry out patrols the local Police Safer Neighbourhood Team supported in this function – this number has not been included in the total.

4.8 The table below summarises the number of breaches witnessed.

<u>Timeframe</u>	<u>Breaches witnessed</u>
Soft launch	7
Wave 1	19
Wave 2	4

Wave 3	7
Total	37

4.9 There were eight breaches that did not result in Fixed Penalty Notices (FPNs) being issued. In three incidents the registered keeper details provided did not match the driver witnessed breaching. As the PSPO applies only to the driver of the vehicle at the time of the breach, a FPN could not be issued to someone who clearly did not match the description of the driver recorded. In two other incidents there was insufficient evidence. Two incidents were not witnessed by an enforcement officer and one incident was not pursued following a conversation with the parent.

4.10 The table below summarises the number of FPN's issued.

<u>Status of FPN</u>	<u>Number</u>
Paid	12
Cancelled	5
Proceeded to Court	7
Awaiting Court action	3
Awaiting payment	2
Total	29

4.11 5 of the FPN's issued were cancelled, in 3 instances they were cancelled as the incident was not witnessed by an Enforcement Officer. In one incident the perpetrator provided information regarding a disability, and the final cancellation took place because the 6 months to issue in court had lapsed.

4.12 Seven incidents of breach were taken to court during the pilot period, of which six were successful and only costs were recovered in the seventh. Prosecution is for the breach of the PSPO as opposed to the non-payment of the FPN.

4.13 When prosecutions were publicised through the Schools "Parent Mail" there was a temporary reduction in breaches.

4.14 One parent continued to breach following court, so a Community Protection Warning was issued to the parent by Community Safety staff the Head teacher of Shepherd Primary present. The parent has since stopped breaching.

4.15 During the pilot period Children Centre services were recommissioned by Hertfordshire County Council and the site no longer hosts a Children's Centre.

4.16 The school now has in place a school crossing attendant. This addresses some of the key initial concerns raised during the consultation period of there not being a safe crossing space for pupils attending the school and nursery.

4.17 Regulatory Services are developing a proposal for a parking control scheme in the area for minor restrictions.

5 Costs

5.1 Set up. The table below shows a breakdown of PSPO set up costs. This includes estimates of officer time from the Community Partnerships Unit.

Item	Cost
Officer time (estimate)	£19,380
Path	£21,514
Signs	£858
Clothing	£207
Tablet & accessories	£638
Consultation	£405
Training	£261
Total	£43,263

5.2 Implementation. The table below shows the costs of implementing and enforcing the PSPO. Officer time is estimated from the Community Partnerships Unit and Legal Team.

Item	Cost
Patrols – 134 hours	£2,626
Back office (including breach, FPN, court and CPW) - 122 hours	£2,104
Legal	£4,000
Total	£8,730

5.3 Evaluation. The table below shows the costs of evaluating the PSPO.

Item	Cost
Production, distribution and analysis	£1,260
Total	£1,260

5.4 The total project cost was therefore £53,253.

6 Survey results & interpretation

- 6.1 Over the duration of the pilot, 3 waves of consultation were held to evaluate the effectiveness of the PSPO. A total of 114 survey entries were completed: 71 in wave 1, 21 in wave 2 and 22 in wave 3.
- 6.2 Overall, the majority of respondents agreed with the regulations of the PSPO. In all 3 waves over 90% of respondents felt the PSPO had made the zone safer. Some negative effects were reported such as inconvenience in the morning, parents still breaching on days when an enforcement officer was not present and the clearer road causing vehicle speeds to increase.
- 6.3 Wave 2 showed the highest percentage (68%) of respondents stating the PSPO was monitored and enforced well, which translates into 14 people - in comparison to 46% (33 people) and 51% (11 people) in Wave 1 and 3 respectively.
- 6.4 From the surveys, and officer observation, it is evident that the majority of respondents feel the PSPO has successfully improved the road safety surrounding the school during drop off and collection time. Due to the variation in number of respondents the results should be interpreted as “directional” rather than “statistically significant”.
- 6.5 The full evaluation report available in Appendix 2.

7 Implications for other areas

- 7.1 At Shepherd Primary School it was fortunate that there were local car parks available either side of the school who had given permission for parents to park there during drop off and collection times. In addition the Council had been in a position to build a path from the car park at William Penn to the school to avoid children having to cross 3 roads.
- 7.2 For other schools that experience similar anti-social parking during drop off and collection times the same solution of alternative parking may not be available. Putting in place a PSPO zone without offering a solution of where people can park would displace the parking problem to outside the zone. However different areas will be affected by different parking issues and pressures. A PSPO may therefore not be the best solution in each case.
- 7.3 The location of a school, such as in a cul-de-sac, would also impact the effectiveness of enforcement using a PSPO as there would be a smaller area to enforce within. A larger PSPO zone would require the enforcement officer to be strategically placed to catch as many breaches as possible, but some areas of the zone would not be constantly monitored when on patrol.
- 7.4 Were other areas to be considered where the use of a PSPO was appropriate, the same level of consultation would be needed prior to implementation. The costs associated with developing systems for enforcement would not be replicated but the cost of signage, and ongoing enforcement would be replicated.

8 Options and Reasons for Recommendations

- 8.1 Continue the PSPO, using Council officers to enforce.
- 8.1.1 This would require 318 officer hours each academic year at a cost of approximately £9,018. This is based on 3-4 patrols per week and costs of back office processing of breaches, FPN's and court cases.

- 8.1.2 This cost would increase for the PSPO to be covered by other members of staff during annual leave or sickness.
- 8.1.3 This would remove approximately 28% of the available hours of the part time ASB Officer's capacity. In officers opinion this is a disproportionate use of time, given the level of demand on ASB services including the demands associated with responding to serious violence. Given the triage process used for ASB cases, officer time should be allocated to types of ASB presenting the highest risk. Cases associated with serious violence and drug dealing present a higher risk.
- 8.1.4 The current PSPO was agreed for a period of 2 years which ends on 3 June 2020. By that point the Council will need to consider if there is sufficient evidence to warrant extending the PSPO.
- 8.2 Continuing the PSPO, using Shepherd Primary staff to enforce.
 - 8.2.1 This would use up 110 hours of time from Community Partnerships & Legal, costing approximately £6,600. This is based on back office time of processing breaches, FPN's and court cases.
 - 8.2.2 This option would require an agreement with the School and a recent meeting the governing body has confirmed that it is not willing to allocate staff to patrol the PSPO. This option is therefore not viable.
- 8.3 Continue the PSPO, without routine enforcement.
 - 8.3.1 Similar to the functioning of the dog control PSPO, enforcement would be responsive to complaints. This option would significantly reduce demand on Community Partnership Unit officer time and allow this to be spent tackling serious violence. However, it would also carry the risk of raising public expectation of enforcement that would not routinely be present.
 - 8.3.2 The current PSPO was agreed for a period of 2 years which ends on 3 June 2020. By that point the Council will need to consider if there is sufficient evidence to warrant extending the PSPO.
- 8.4 Discharge the PSPO.
 - 8.4.1 The Council has the option of discharging the PSPO. This option would have the least implications on Council resources, and manage public expectation of enforcement. The discharge of the PSPO would require a decision by Council.

9 Policy/Budget Reference and Implications

- 9.1 The recommendations in this report are within the Council's agreed policy and budgets. The relevant policy is entitled the Strategic Plan 2019-22.
- 9.2 The recommendations in this report relate to the achievement of the following performance indicators.
 - 9.2.1 CP18 – reduce the level of anti-social parking in the District
- 9.3 The impact of the recommendations on this performance indicator is:
To have an adverse impact on reducing anti-social parking.

10 Environmental and Public Health Implications

10.1 None specific.

11 Financial Implications

11.1 The recommendations in the report do not impact on any savings in staff time, as the demands placed on the anti-social behaviour services currently use up all available resources. The removal of the responsibility for enforcing the PSPO would increase the speed at which the service can respond to other areas of ASB including serious violence.

12 Legal Implications

12.1 If the option of discharging the PSPO is the preferred option then this decision will need to be made by Council through Policy & Resources Committee.

13 Equal Opportunities Implications

13.1 Relevance Test

Has a relevance test been completed for Equality Impact?	Yes
Did the relevance test conclude a full impact assessment was required?	No

13.2 Impact Assessment

The operation of the PSPO provides exemptions for disabled drivers and those with disabled children. No adverse impact is anticipated for options that retain the PSPO. If the PSPO is discharged then the school maintains processes to support parents of disabled children to drop off and pick up from the school.

14 Staffing Implications

14.1 Maintaining the PSPO in some format will impact on the staffing capacity of Community Partnerships and Legal. This is in terms of officer patrols, back office processing of breaches, and Legal team time for prosecutions.

14.2 At the point of starting the Pilot a fixed term budget was obtained that allowed for some of the patrol and back office costs to be covered by a fixed term secondment. However during that period the District experienced an increase in violent crime and anti-social behaviour associated with drug misuse. Additional resources have been allocated to the Community Partnerships Team in the form of a part-time ASB Officer to respond to the increase in demands caused by this serious violence. If the PSPO were to be maintained in some format this would reduce the available resources for other ASB work. In addition the time of the Legal team to support action against serious violence has also increased over the period of the pilot.

14.3 Officer opinion is that staffing resources should be prioritised to higher risk ASB work and not the school PSPO. There is therefore a preference for either maintaining the PSPO without routine enforcement or discharging the PSPO. The recruitment of additional part-time staff to cover patrols is not easily achieved given the short time windows required for patrols.

15 Community Safety Implications

15.1 Three Rivers Community Safety Partnership's current priorities include serious violence and exploitation and anti-social behaviour in terms of links to drug and alcohol misuse, mental health and fly tipping. Issues arising from parking behaviours associated with the school drop off or pick up are not a priority. Ensuring staffing resources of the Community Partnerships unit are aligned to the priorities of the partnership will help to deliver the Three Rivers Safeguarding and Managing Crime Plan.

16 Customer Services Centre Implications

16.1 Should the PSPO be discharged then scripts will be updated for the Customer Service Centre.

17 Communications and Website Implications

17.1 Should the PSPO be discharged then the relevant website page will be updated.

18 Risk and Health & Safety Implications

18.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

18.2 The subject of this report is covered by the Community Partnerships Unit service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
The levels of parking control are reduced and risks to public safety increase back to levels prior to the PSPO being started.	Increased risk of injury to child.	Path in place and car park still available to parents at William Penn. School Crossing Attendant in place.	Treat	4

The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very od Likelino	Low	High	Very High	Very High
	4	8	12	16

	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
	Impact			
	Low -----> Unacceptable			

Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

1 (Marginal)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Remote (≤5%))

18.3 In the officers' opinion risk above, were it to come about, would not seriously prejudice the achievement of the Strategic Plan and is therefore an operational risk. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

19 Recommendation

19.1 That the Committee notes the evaluation of the Pilot PSPO.

19.2 That the Committee agrees for the School PSPO to continue in place without routine enforcement until it expires on 3 June 2020.

Report prepared by: Shivani Davé, Partnerships Manager

Data Quality

Data sources:

PSPO Patrol records and FPN system records.

Data checked by:

Shivani Davé, Partnerships Manager.

Data rating:

1	Poor	
2	Sufficient	X

3	High	
----------	-------------	--

APPENDICES / ATTACHMENTS

Appendix 1 – Copy of the Order

Appendix 2 – PSPO evaluation summary