

LEISURE, ENVIRONMENT AND COMMUNITY COMMITTEE - 11 MARCH 2020

PART I – NOT DELEGATED

8. REVIEW OF SCHOOL PUBLIC SPACES PROTECTION ORDER (CED)

1 Summary

- 1.1 In December 2017 Council agreed to establish a Public Spaces Protection Order (PSPO) for Shepherd Primary School for a period of 2 years.
- 1.2 The PSPO came into force on 4 June 2018, and is due to expire on 3 June 2020.
- 1.3 The enforcement pilot, that used the PSPO to improve road safety and reduce anti-social behaviour associated with the school run, came to an end in July 2019.
- 1.4 In October 2019 Committee received a report on the cost and outcomes of the pilot. The pilot was successful in improving road safety and reducing anti-social behaviour when patrolled 3 times a week.
- 1.5 It was agreed that PSPO would continue, however there would be no planned patrol.

2 Details

- 2.1 Since October 2019, Community Partnerships Team has received complaints from school governors, parents and local residents regarding breaches of the School PSPO and the lack of enforcement.
- 2.2 Complaints have expressed concerns about the safety of children when walking to/from school as well as parents at Shepherds Primary disregarding the PSPO.
- 2.3 Shepherds Primary school has received complaints from parents and residents about breaches of the PSPO and road safety.
 - 2.3.1 Due to the volume of complaints received by the school, the Head Teacher at Shepherds Primary has proposed ending the PSPO as soon as possible if patrols will not be carried out with the same frequency undertaken during the pilot period.
- 2.4 Due to the increased complaints since October, the Anti-Social Behaviour Officer has carried out 11 patrols. During these patrols only one person has been caught breaching the PSPO. This breach is currently being processed.
- 2.5 It has been observed that when an Enforcement Officer attends the PSPO and is observed by drivers, breaching significantly reduces.
- 2.6 Shepherds Primary School have declined the suggestion for their staff to patrol the PSPO. When this was attempted before the pilot developed, staff were verbally abused by parents/carers, which impacted on the school's relationship with pupils and their families.
- 2.7 Prior to starting the pilot there was no School Crossing Patrol Officer in place at the school – increasing the risk for children crossing the road. Since the start of the pilot Hertfordshire County Council has employed a School Crossing Patrol Officer, who is based outside the school daily to assist children and carers in crossing the road safely.

2.8 The path that was built by Three Rivers District Council from William Penn Centre Car Park to the school remains available for those parents using the car park as a drop off point.

3 Options and Reasons for Recommendations

3.1 Extend the PSPO beyond 3 June 2020 – without regular patrols.

3.1.1 With this option the Community Partnerships team would continue to work as they are in response to the PSPO. Ad hoc patrols will be carried out in response to complaints at a maximum of one a week.

3.1.2 This method has proven ineffective at improving road safety on the days a patrol is not carried out and is not supported by the Head of Shepherds Primary school or Council officers.

3.1.3 At the current rate of patrol and enforcement, this option would absorb approximately 50 hours of officer time per academic year. Given the increasing demands on the Community Safety Team in relation to serious violence and organised crime, the priority for this officer's time is not the School PSPO but responding to violence and drug dealing.

3.1.4 Any increase in Anti-Social Behaviour Officer resources would be prioritised according to the risks presented in ASB complaints received. The resource demands of current drug and serious violence related casework is not only determined by the volume of cases, but also by the complexity of work required to respond to it. As such any increase in staffing resources is not, in the opinion of officers, a priority for allocation to the enforcement of the PSPO.

3.1.5 Extending the PSPO will generate an expectation in the community that the PSPO will be enforced. Given the current staffing resources available, and the priorities for those staffing resources, this could bring the Council into disrepute for using an ineffective enforcement tool.

3.2 Discharge the PSPO on 3 June 2020 and maintain ad hoc patrols until discharged.

3.2.1 This option would allow for the PSPO to be in place for the full two years. However, this is not effective method of improving road safety when patrols are carried out once a week.

3.2.2 Parents/carers will still have access to the William Penn car park and path leading directly to the school gates when the PSPO ends.

3.2.3 This can be done without further public consultation.

3.2.4 This will absorb approximately 15 hours of officer time which would otherwise be spent addressing anti-social behaviour issues or tackling serious violence.

3.2.5 Further consideration of traffic regulations could be considered as part of the parking review for the area.

3.2.6 Further consideration could be made by the school of initiatives used by other schools including banners and temporary child shaped stands to deter parents from parking outside of the school.

3.3 Discharge the PSPO before 3 June 2020.

- 3.3.1 Shepherds Primary School supports this option due to the time taken to respond to complaints being received.
- 3.3.2 Parents/carers will still have access to the William Penn car park and path directly to the school when the PSPO ends.
- 3.3.3 The expectations of the public would be managed as to the ability of the Council to afford to enforce the PSPO by removing it.
- 3.3.4 Further consideration of traffic regulations could be considered as part of the parking review for the area.
- 3.3.5 Further consideration could be made by the school of initiatives used by other schools including banners and temporary child shaped stands to deter parents from parking outside of the school.

4 Policy/Budget Reference and Implications

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

5 Environmental and Public Health Implications

- 5.1 None specific.

6 Financial Implications

- 6.1 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. Discharging the PSPO would increase the speed at which the service can respond to other areas of ASB including serious violence.

7 Legal Implications

- 7.1 The statutory test for continuance of an order is met. The prohibition is reasonable in order to prevent activities which have had a detrimental effect on the quality of life of those in the locality from continuing, occurring or reoccurring.
- 7.2 The efficacy of the order is undermined by the absence of a regular patrol. If the PSPO is only adhered to when it is patrolled, and it is not regularly patrolled, officers are unable to ensure a consistent enforcement practice. Inconsistency in enforcement practice exposes the Local Authority to potential challenge.
- 7.3 If the option of discharging the PSPO is the preferred option then this decision will need to be made by Council.

8 Equal Opportunities Implications

8.1 Relevance Test

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

8.2 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. In addition it has a school crossing patrol in place.

9 Staffing Implications

9.1 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.

9.2 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.

9.3 Officer opinion is that staffing resources should be prioritised to higher risk ASB work and not the school PSPO. If resource was provided for additional part-time staff to cover patrols and enforcement, this would be better used towards tackling increasing levels of violent and drug related anti-social behaviour and crime.

10 Community Safety Implications

10.1 For the upcoming year Community Safety Priorities includes serious violence & exploitation and exploitation prevention and their link to anti-social behaviour in terms of drug and alcohol misuse and risk of harm.

10.2 Issues arising from anti-social parking associated with school drop off and pick up is not a priority.

11 Customer Services Centre Implications

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

12 Communications and Website Implications

12.1 Should the PSPO be discharged then Three Rivers District Council is legally required to publish a notice of this on the website.

13 Risk and Health & Safety Implications

- 13.1 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.
- 13.2 The subject of this report is covered by the Community Partnership 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 PSPO is extended but the Council cannot resource a regular patrol	The Council is challenged for inconsistency in its enforcement of the PSPO when taking enforcement action on the occasions it does patrol.	Discharge the PSPO.	Treat	4

- 13.3 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 Likely ----- Likelihood ----- ▼ Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
	Low	Low	Medium	High
	2	4	6	8
	Low	Low	Low	Low
	1	2	3	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%))

13.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

14 Recommendation

14.1 That the Committee recommends to Council that the PSPO be discharged as soon as possible.

14.2 That Committee recommends to Council to delegate responsibility to the Chief Executive to amend the constitution to reflect the discharge of the PSPO.

Report prepared by: Shivani Dave, Partnerships Manager

Data Quality

Data sources: PSPO Patrol records - Data checked by: Shivani Dave, Partnerships Manager

Data rating:

1	Poor	
2	Sufficient	x
3	High	