

## **AGENDA ITEM NO. \_\_\_\_\_**

### **NUNEATON AND BEDWORTH BOROUGH COUNCIL**

**Report to: Cabinet – 13<sup>th</sup> October 2021**

**From: Director – Regeneration and Housings**

**Subject: Public Space Protection Order Consultation – Control of Begging**

**Portfolio: Planning and Regulation (Councillor Richard Smith)**

**Delivering Our Future Theme: One**

**Delivering Our Future Priority: Four**

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#### **1 Purpose of Report**

1.1 Cabinet is asked to consider approval of a Public Space Protection Order (PSPO) in order to address the issues caused by begging within the Borough accordance with the Anti-Social Behaviour, Crime and Policing Act 2014. This proposed order is based on the feedback of a public consultation exercise that took place with residents, businesses and partner organisations.

#### **2 Recommendations**

2.1 That the boroughwide order be approved in the form set out in appendix A.

#### **3 Background**

3.1 Public Space Protection Orders were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 and can set restrictions or requirements on groups or individuals to prevent them committing anti-social behaviour in a public place. Key tests must be met. These are;

- *it must be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;*
- *be of persistent or continuing nature; and*
- *be unreasonable.*

3.2 Both the Council and the Police have experienced an increase in the number of complaints related to the act of begging and the associated anti-social behaviour. There is currently no Public Space Protection Order to address the impacts of begging on residents and businesses in the Borough. The purpose of the consultation exercise was to understand the overall direct and indirect impact of this problem with a view to identifying measures to address the issue.

#### **4. Proposals**

- 4.1 The Council has consulted with residents, businesses and other stakeholders to understand if a Public Space Protection Order (PSPO) has wider support. The consultation took place online, using all communication platforms and partner community networks/databases to promote the exercise.
- 4.2 The proposed boundary for the exclusion zone (appendix B) will be boroughwide. This is based upon discussions with partners to consider what measures may address the problems being experienced, in line how this issue has evolved in the last few years.
- 4.3 Informal consultation has also been undertaken with partners including Warwickshire Police, Warwickshire County Council and Nuneaton and Bedworth Safer Communities Partnership (NABSCOP). Responses received from these partners see no problem with the proposal or strongly support it.
- 4.4 The consultation was held over a six-week period. The feedback shows a very strong level of support for a PSPO to help control begging within the Borough, this mirrors the feedback from partner organisations. A summary of the feedback can be found below.

**Public space protection order – Begging control. Response table:**

**Question 1 - Do you feel street begging is a problem in Nuneaton and Bedworth?**

<b>Yes</b>	<b>No, undecided or no response</b>
<b>86.5 %</b>  (199 responses out of 230)	31 either said no, were undecided, or made no comment

**Question 2 - Do you support the introduction of a PSPO as a tool to address anti-social behaviour related to begging in Nuneaton and Bedworth?**

<b>Yes</b>	<b>No, undecided or no response</b>
<b>84.3 %</b>  (194 responses out of 230)	36 either said no, were undecided, or made no comment

**Question 3 - Do you support the issuing of fines to address begging related anti-social behaviour?**

<b>Yes</b>	<b>No, undecided or no response</b>
<b>71.7 %</b>  (165 responses out of 230)	65 either said no, were undecided, or made no comment

**Question 4 - Do you support the use of authorised officers to enforce the PSPO as well as the Police?**

<b>Yes</b>	<b>No, undecided or no response</b>
<b>81.7 %</b>  (188 responses out of 230)	42 either said no, were undecided, or made no comment

**DAWN DAWSON**

## Appendix A

### **NUNEATON & BEDWORTH BOROUGH COUNCIL**

#### **Begging Control Public Space Protection Order – (Nuneaton and Bedworth Borough Council) 2021**

Nuneaton & Bedworth Borough Council (in this order called the Authority) exercise of its powers under Sections 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all other enabling powers, hereby makes the following Order:

1. This Order shall come into operation on **1<sup>st</sup> November 2021** and shall have effect for **3 years** thereafter, unless extended by further orders under the Authority's statutory powers.
2. This Order relates to those parts of Nuneaton and Bedworth as shown edged red on the attached plan ("the Exclusion Zone").
3. The Authority is satisfied that the conditions set out in Section 59(2) of the Act have been met. Namely that the activities carried out in a restricted area described below have had a detrimental effect on the quality of life of those in the locality and resultant anti-social behaviour and criminal activities have been carried out within the Exclusion Zone. It is also likely that these activities will continue to be carried out within that area and have such an effect.
4. The Authority is also satisfied that the conditions set out in the Section 59(3) of the Act have been met. Namely that the effect or likely effect of the activities is, or likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order, and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

#### **PROHIBITIONS:**

1. **Person(s) within the Exclusion Zone will not:** be permitted to beg at any time be permitted. The act of begging is deemed as either approaching people for money, or being stationery and directly asking for money, or positioned on the floor to invite the offer of money or goods.

The PSPO makes it an offence to fail to comply without reasonable excuse with any requirement of an authorised person. An authorised person could be a Police Constable, Police Community Support Officer or Council Officer or their authorised representative and must be able to present their authority on request

**FIXED PENALTY NOTICES AND OFFENCES:**

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by attempting to beg as outlined above is liable to a Fixed Penalty Notice up to £100 or on summary conviction to a maximum fine not exceeding level 3.

**APPEALS:**

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

**APPENDICES:**

A street plan of the Borough of Nuneaton & Bedworth showing The Exclusion Zone edged in red.

GIVEN under the Common Seal of

Nuneaton & Bedworth Borough Council

On the

.....<sup>18<sup>th</sup></sup>.....day of...*November*.....2021

**THE COMMON SEAL** of the }  
Nuneaton & Bedworth Borough Council }  
Was hereunto affixed }

In the presence of: }

