Introduction
Scarborough Borough Council and its partners want to continue to develop safe and healthy communities; communities where everyone feels secure, free from the fear of crime and antisocial behaviour, and the effects of drugs and alcohol misuse.

A number of complaints have been received from the local community, businesses, and visitors about the antisocial behaviour within the Town and Scarborough Borough Council proposes to introduce a Public Space Protection Order to deal with the ongoing concerns raised.

Public Space Protection Order - What it is
The Anti-Social Behaviour, Crime and Policing Act 2014 came into force on the 20th October 2014, and changed the powers available to local authorities and the police to deal with anti-social behaviour (ASB) in our communities.

The Act introduces a new power, a Public Space Protection Order, which is granted by the Local Authority but which can be enforced by either the local authority or the Police. This new power replaces Designated Public Place Orders, Gating Orders and Dog Control Orders and brings the powers together as one power. The Public Space Protection Order can be used to address a number of different types of behaviour in one order and so can deal with anti-social behaviour in a clearer, more effective and streamlined way than previously.

The Public Space Protection Order is intended to protect a public space from persistent or continuing anti-social behaviour by individuals or groups which are having a detrimental effect on the quality of life in the designated area. Orders last for a period of up to three years, with provision for extensions for further three year periods.

If the provisions of a Public Space Protection Order are not adhered to then it is open to those authorised to enforce the order to consider whether to prosecute for a breach, or whether to issue a Fixed Penalty Notice (FPN). The Act allows for Local Authorities to set a local level for FPNs to a maximum of £100. There is also provision for a lower amount to be set for payment within 14 days and it is proposed this is set at £75.

Where will it cover?
The proposed area for the Public Space Protection Order is shown on the map outlined in red. This covers areas with the Castle, North Bay, South Cliff, Ramshill, Weaponness, Northstead, Stepney and Central wards.
Deterring of the use of Intoxicating Substances

Supply and consumption of drugs is addressed under the criminal law. Possession of drugs is, in many cases, also addressed by criminal law.

The provisions of the Public Space Protection Order would seek to address the possession, in a public place, of paraphernalia associated with drug use and also the possession of substances that have the effect of stimulating or depressing the central nervous system (known as new psychoactive substances) the production and supply of which is now prohibited by criminal law albeit that possession for personal use is not.

There is growing evidence as to the impact psychoactive substances can have on an individual’s health. There have been a number of incidents locally where people have taken these substances and been in need of immediate medical help. There is also evidence that, after consumption, the effects have led people to behave in a very erratic manner which is often seen as anti-social and this has occurred in and around the Town Centre.

This proposal also includes items that are used to administer intoxicating substances and this would include needles that are not correctly packaged. The issue of discarded needles is a problem and the impact this can have to the environment and the potential risks they present.

Under the Public Space Protection Order the use of these intoxicating substances in the proposed shaded area of Scarborough will not be allowed.

Do you agree with the above?

☐ Strongly agree  ☐ Agree  ☐ Neither agree nor disagree  ☐ Disagree  ☐ Strongly disagree

Do you have any comments regarding the above?
Deterring Rough Sleeping

Rough sleeping to be prohibited between 7am and 9pm or where alternative accommodation is available to the individual.

Scarborough experiences a number of people who sleep rough, some of whom do not wish to engage with the support services currently offered by the Council. Support is and would always be offered to the individual in the first instance.

A Public Space Protection Order could be used to make it an offence to 'sleep rough' in the shaded area of Scarborough, to be enforced only as a measure of last resort when support has been offered and continually refused.

Do you agree with the above?

☐ Strongly agree ☐ Agree ☐ Neither agree nor disagree ☐ Disagree ☐ Strongly disagree

Do you have any comments regarding the above?

===============================================

Deterring Urination and Defecation

Complaints are received in relation to street homeless and in relation to those intoxicated in the Night Time Economy. This is already an offence, however, a Public Space Protection Order adds strength to an prosecutions by the Police as we have explicitly stated it is not permitted.

A Public Space Protection Order could be used to prevent any urinating and defecating in a public place.

Do you agree with the above?

☐ Strongly agree ☐ Agree ☐ Neither agree nor disagree ☐ Disagree ☐ Strongly disagree

Do you have any comments regarding the above?

===============================================

Deterring Begging

Begging is an offence under the Vagrancy Act 1824 however any restriction contained in the proposed Public Space Protection Order would be such as to address the ASB arising from begging which includes aggressive begging and intimidation of passers-by and the accumulation of rubbish and offensive behaviour associated with those engaging in this activity.

There are numerous complaints made by businesses and the public alike as to the impact that begging can have on the Town Centre. It is a criminal offence that dates back to the vagrancy act of 1824 and the intention is to introduce a more current restriction.

The Council is considering bringing in measures that will deter begging in the shaded area of Scarborough. This measure is that no one will be able to make verbal, nonverbal or written requests for goods, money or donations, unless they are authorised at an appropriate location e.g. authorised charity collections.

**Do you agree with the above?**

☐ Strongly agree ☐ Agree ☐ Neither agree nor disagree ☐ Disagree ☐ Strongly disagree

**Do you have any comments regarding the above?**


Deterring Inconsiderate Busking and Street Entertainment

The Council is considering improving its measures to encourage considerate street entertainment in Scarborough. This would continue to include restricting excessive amplification, and the Council would welcome views on a range of other options. Two of the options are:

**Option 1.** The Council could work with professional bodies such as the Musicians Union and Equity, alongside members of the street entertainment community, local businesses and residents, to produce a new comprehensive code of practice.

**Option 2.** As well as drawing up a Code of Practice as stated in option 1, the Council could also use a Public Space Protection Order to require buskers and street entertainers to have permission to perform in Scarborough (there would be no charge for this) and to comply with a new Code of Practice.

The Code of Practice could include designated sites for street entertainment which are intended to fulfil criteria such as: ensuring a good spread of sites throughout the Town, minimising obstruction of the highway and minimising any potential impact on businesses and residents.

**Do you agree with option 1?**

☐ Strongly agree ☐ Agree ☐ Neither agree nor disagree ☐ Disagree ☐ Strongly disagree

**Do you agree with option 2?**

☐ Strongly agree ☐ Agree ☐ Neither agree nor disagree ☐ Disagree ☐ Strongly disagree

**Do you have any comments regarding the above?**


Deterring the Consumption of Alcohol AKA Street Drinking

Street Drinking is an ongoing issue in the areas identified and we get regular complaints from visitors, residents and businesses about the issue, including loud, abusive and intimidating behaviour.

There is some mitigation of the issue provided by the existing Designated Public Protection Order and the provisions of Designated Public Protection Order will be incorporated into new Public Space Protection Order.

Under the new legislation, the existing Designated Public Protection Order will automatically become a Public Space Protection Order on 21 October 2017. This being the case, it is appropriate to take the opportunity to review and consult on the same provisions so that the Designated Public Protection Order can be combined into the new Public Space Protection Order and run in conjunction with the other provisions. A Public Space Protection Order is designed to be significantly wider than a Designated Public Protection Order.

The order would be used alongside support and advice to individuals and encouragement to access support programmes in place to deal with substance misuse and other issues.

It is an offence to fail to surrender any alcohol, in an open or closed container, to a police officer, PCSO or any other authorised person when asked to do so. All persons will be prohibited from drinking alcohol in any public place within the restricted area. The provision will not apply to alcohol being consumed within licensed premises.

A Public Space Protection Order will deter people from drinking alcohol and/or failing to surrender alcohol to officers when asked to do so in the shaded area of Scarborough.

Do you agree with the above?

☐ Strongly agree
☐ Agree
☐ Neither agree nor disagree
☐ Disagree
☐ Strongly disagree

Do you have any comments regarding the above?

Deterring the Pitching of Tents on Scarborough Borough Council or Private Land

Complaints are received by the public that individuals are pitching tents on Scarborough Borough Council or private land and sleeping in them.

The order would be used alongside support and advice to individuals, including housing related advice and support and encouragement to access Support programmes where appropriate.

This would address the ASB associated with rough sleeping such as the accumulation of rubbish.

A Public Space Protection Order could be used to make it an offence to pitch tents on Scarborough Borough Council or private land in the area of Scarborough.

Do you agree with the above?

☐ Strongly agree
☐ Agree
☐ Neither agree nor disagree
☐ Disagree
☐ Strongly disagree

Do you have any comments regarding the above?
Deterring of the Lighting of Bonfires on Beaches

Complaints are received from members of the public and beach superintendents that individuals lighting fires and drinking alcohol and leave lit bonfires on the beach which are dangerous for other members of the public using the beaches.

Current bylaws allow BBQs (and similar) in designated areas and allow bonfires with the consent of Scarborough Borough Council.

The Public Space Protection Order would not be a blanket ban but would enable enforcement action to be taken where the lighting of fires is causing a danger or nuisance to others.

**Do you agree with the above?**

☐ Strongly agree  ☐ Agree  ☐ Neither agree nor disagree  ☐ Disagree  ☐ Strongly disagree

**Do you have any comments regarding the above?**

---

Deterring Street Trading

Complaints are received regarding problems arising from street traders. A licensing regime is in place but it is generally considered that provision needs to be made to deal with the ASB arising from certain traders’ activities in addition to the permissive regime that is already in place.

The licensing of street trading is dealt with under the Local Government (Miscellaneous Provisions) Act 1982 and some byelaws.

The provisions of the Public Space Protection Order would seek to address trading that is offensive, obstructive or noisy, giving rise to ASB, rather than banning it or regulating it in its entirety.

**Do you agree with the above?**

☐ Strongly agree  ☐ Agree  ☐ Neither agree nor disagree  ☐ Disagree  ☐ Strongly disagree

**Do you have any comments regarding the above?**

---
Deterring Peddling

Complaints are received regarding problems arising from peddlars. A permit regime is in place (not managed by Scarborough Borough Council) but it is generally considered that provision needs to be made to deal with the ASB arising from certain peddlars’ activities.

Peddling is regulated by the Peddlars Act 1871 and a Public Space Protection Order would not seek to ban peddling but seek to address peddling that is offensive, obstructive or noisy behaviour arising from some peddling and which gives rise to ASB.

Do you agree with the above?

☐ Strongly agree  ☐ Agree  ☐ Neither agree nor disagree  ☐ Disagree  ☐ Strongly disagree

Do you have any comments regarding the above?


Do you have any additional comments you would like to add?
About You...

You are not obliged to answer all or any of the following questions however, by answering them you will help us to ensure we are providing a fair and equitable service. We will treat all of the information confidentially and use it for statistical monitoring only.

Are you male or female?

☐ Male  ☐ Female

Which age group do you belong to?

☐ Under 18  ☐ 25 - 29  ☐ 40 - 49  ☐ 60 - 64
☐ 18 - 24  ☐ 30 - 39  ☐ 50 - 59  ☐ 65+

Which of the following best describes your racial origin?

☐ White  ☐ Chinese
☐ Mixed  ☐ Black
☐ Asian  ☐ Other

Do you consider you have a disability or limiting long-term illness?

☐ Yes  ☐ No

How would you describe your faith / religion?

☐ Christian  ☐ Hindu  ☐ Jewish  ☐ No religion
☐ Buddhist  ☐ Muslim  ☐ Sikh  ☐ Other

Which of the following best describes how you think of yourself?

☐ Heterosexual / straight  ☐ Prefer not to say
☐ Gay / lesbian  ☐ Other
☐ Bi-sexual

Your Postcode (e.g. YO11 2HG)


Thank you for completing this survey.

If you would like more information on the proposed Public Space Protection Order please contact Sandra Rees on 01723 383627 or email Sandra at Sandra.Rees@scarborough.gov.uk