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Investigating the Implementation of Public Spaces Protection Orders

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Investigating the Implementation of Public Spaces Protection Orders

Benjamin Archer

A thesis submitted in partial fulfilment of the requirements of
Sheffield Hallam University
for the degree of Doctor of Philosophy

November 2023

Candidate Declaration

I hereby declare that:

1. I have not been enrolled for another award of the University, or other academic or professional organisation, whilst undertaking my research degree.
2. None of the material contained in the thesis has been used in any other submission for an academic award.
3. I am aware of and understand the University's policy on plagiarism and certify that this thesis is my own work. The use of all published or other sources of material consulted have been properly and fully acknowledged.
4. The work undertaken towards this thesis has been conducted in accordance with the SHU Principles of Integrity in Research and the SHU Research Ethics Policy.
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Date of Submission	November 2023
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Abstract

Public Spaces Protection Orders (PSPOs) are spatial tools in England and Wales that regulate the anti-social behaviour of those in a designated public space, where punishment for breach can include a £100 fixed-penalty notice or a fine of up to £1,000. This thesis examines the decision-making that underpins the implementation of PSPOs by local authorities, with specific consideration given to their use against vulnerable communities, particularly those experiencing street homelessness. A multiple-case study research design was employed, which sampled nine local authorities in England. In 2020, qualitative, semi-structured interviews were conducted with 32 participants, constituting local authority employees, police officers, and elected officials.

Using a combination of governance, preventive justice, street-level bureaucracy, and procedural justice theories as analytical lenses, this thesis makes several empirical contributions to knowledge. The findings reveal that the vague statutory requirements for imposing PSPOs increase the adoption of practices that are perceivably accountable by practitioners, but that these orders punitively target the conduct of three marginalised groups: people experiencing street homelessness, young people, and disadvantaged neighbourhoods. New insights have also been revealed concerning the relationship between local authorities and police officers in this context; exploring obstacles in partnership working through a lack of clear communication channels and divergent opinions on the jurisdiction of PSPOs. Additionally, this research sheds light on the significant personnel resourcing that is required to effectively implement PSPOs, and the impact of austerity-related budget cuts on their enforcement.

The findings demonstrate that PSPOs are complicated tools for local authorities to introduce. This thesis recommends that the government strengthen the statutory framework for PSPOs to ensure that practitioners are consistent and proportionate in their application.

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Civil Procedure Rules 1998

Clean Neighbourhoods and Environment Act 2005

Crime and Disorder Act 1998

Criminal Justice Bill 2023

Data Protection Act 2018

Housing Act 1996

Human Rights Act 1998

Localism Act 2011

Misuse of Drugs Act 1971

Police, Crime, Sentencing and Courts Act 2022

Police Reform Act 2002

Psychoactive Substances Act 2016

Public Order Act 1986

Sexual Offences Act 2003

Vagrancy Act 1824

Violent Crime Reduction Act 2006

Table of cases

Chief Constable of Manchester v Potter [2003] EWHC 2272

Dulgheriu & Orthova v Ealing LBC [2018] EWHC 1667

R (on the application of Stanley) v Commissioner of Police of the Metropolis [2004] EWHC 2229

R v Lamb [2006] 2 Cr App R (S) 84.

Summers v Richmond Upon Thames LBC [2018] EWHC 782

Wycombe District Council v Snowball [2020] EWHC 1656

Anti-social behaviour tools and powers

ABC	Acceptable Behaviour Contract
ASBO	Anti-Social Behaviour Order
–	Civil Injunction ¹
CBO	Criminal Behaviour Order
CPN	Community Protection Notice
CPW	Community Protection Warning
CrASBO	Post-conviction Anti-Social Behaviour Order
–	Dispersal Orders ²
DCO	Dog Control Order
DPPO	Designated Public Place Order
E-PSPO	Expedited Public Spaces Protection Order
–	Gating Order ³
PSPO	Public Spaces Protection Order
–	Section 35 direction to leave notice ⁴

¹ This thesis does not abbreviate Civil Injunctions.

² This thesis does not abbreviate Dispersal Orders.

³ This thesis does not abbreviate Gating Orders.

⁴ This thesis does not abbreviate Section 35 direction to leave notices.

Acronyms

ASB	Anti-social behaviour
CCTV	Closed-circuit television
CSA	Case study area
ECHR	European Convention on Human Rights
FPN	Fixed-penalty notice
NPS	New psychoactive substances
PCSO	Police Community Support Officer
SHURDA	Sheffield Hallam University Research Data Archive
SRA	Supplementary research area

Chapter 1 – Introduction

1.1 Introduction

The purpose of this study is to examine how local authorities implement Public Spaces Protection Orders (PSPOs) to address incidents of anti-social behaviour (ASB). This chapter contextualises the legal framework for imposing a PSPO, provides the background of the researcher's journey, outlines the substantive research questions and the project's design, and presents the structure for the remaining eight chapters of this thesis.

1.2 What are Public Spaces Protection Orders?

ASB is defined in section 2(1)(a) of the Anti-Social Behaviour, Crime and Policing Act 2014 as “conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”. This is a broad definition, allowing for various criminal and sub-criminal behaviours to be subjectively perceived as anti-social. In turn, the frequency with which ASB occurs is relatively stable; in the year ending December 2022, there were one million reported incidents of this behaviour (Office of National Statistics, 2023). These numbers demonstrate that ASB is a significant concern for citizens and, subsequently, policymakers.

PSPOs are an ASB tool that were introduced by Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014. Implemented by a local authority, PSPOs can regulate the behaviour of all users of a designated public space. They contain prohibitions (such as around littering, begging, foul and abusive language, and consumption of alcohol or new psychoactive substances (NPS)) and requirements (such as mandating that a dog is kept on a lead or, when requested, a citizen supplying their name and address to a police officer). Any person who breaches a PSPO can receive an on-the-spot fixed-penalty notice

(FPN) of up to £100⁵ and, potentially, a fine of £1,000 in the Magistrates' Court. The PSPO is therefore an example of a civil preventive order, the scope of which Simester and von Hirsch (2006:147) termed to be "two-step prohibitions". They are a civil power that, when exercised, can result in a criminal offence for anyone who violates their conditions (Ashworth & Zedner, 2014).

A local authority must follow a bi-stage test to implement a PSPO. First, section 59(2)(a) states that any type of ASB that is occurring within a public space must have, or be likely to have, a "detrimental effect on the quality of life of those within the locality." Second, section 59(3)(a)–(c) requires a local authority to consider whether it is appropriate to implement a PSPO to prevent this behaviour from continuing or recurring within these environments. In addition, before introducing a PSPO, under section 72(3)–(4), a local authority must complete a "necessary consultation" with, as a statutory minimum, the chief of police, appropriate "community representatives", and the owner or occupier of land within the proposed area. However, neither the statute nor the Home Office's (2023) ASB guidance⁶ offer any substantive clarification of how local authorities should approach these broad statutory processes.

Sections 68(11) and 69 provide for the designation of various practitioners as policing bodies⁷ for enforcing PSPOs. They include ASB officers, police officers, Police Community Support Officers (PCSOs), and private security firms

⁵ When drafting this thesis, the government's *Anti-social behaviour action plan* proposed that the monetary penalty of an FPN for breaching a PSPO should be increased to £500 (Department for Levelling Up, Housing and Communities & Home Office, 2023).

⁶ First published alongside the enactment of the Anti-Social Behaviour, Crime and Policing Act 2014, this thesis refers to several revisions of this guidance document, from 2017, 2019a, 2022a, and 2023.

⁷ The term 'policing bodies' is used throughout this thesis about the practitioner types that are listed below. As chapter four will present, however, not all of the statutory 'policing bodies' are classified as 'front-line workers' in this study, as a result of the researcher's use of street-level bureaucracy theory.

(employed as local authority employees or third-party contractors). Further, the operational period for PSPOs is limited, and orders cannot be in place for more than three years at a time. After the expiry of this period, sections 60(1) and 60(2)(a)–(b) state that a local authority must consider whether to extend an order or rescind it from operation.

Since their statutory introduction, PSPOs have faced a limited amount of academic scrutiny. The most critical publications have focused on their broad nature (O'Brien, 2016; Stevens, 2017), the limited central government oversight around their implementation (Brown, 2017; Ford et al., 2018; Heap & Dickinson, 2018), and their disproportionate use against people experiencing street homelessness (Brown, 2020a; Heap, Black & Devany, 2022; Moss & Moss, 2019; Sanders & Albanese, 2017). What this body of work lacks is an understanding of how local authorities interpret the requirements of the Anti-Social Behaviour, Crime and Policing Act 2014. This thesis will address this gap in the literature by providing empirical insights into the implementation, enforcement, and perceived effectiveness of PSPOs as an ASB tool.

1.3 The research journey

I am part of the 'ASBO generation', born only a few years before the introduction of the Crime and Disorder Act 1998. Raised in a working-class family on the outskirts of Sheffield, I have had a long-standing interest in the stigmatisation and criminalisation of those in my peer group whose behaviour was considered to be anti-social. Undertaking this research has revealed how classifying such conduct as ASB is, at least statutorily, a relatively recent occurrence.

After completing my earlier law degree, I began this project, which was jointly funded by the Sheffield Institute for Policy Studies⁸ and the Doctoral Training Alliance,⁹ in October 2018. ASB is a complex concept to explore; in response, this research is interdisciplinary in its scope. It combines my background in law with criminology and, given the spatial nature of PSPOs, incorporates elements of place and space that draw from sociology and the study of the built environment. This thesis also adopts a particular social policy focus, acknowledging its source of funding and in considering the implications of the findings.

The journey towards the drafting of this thesis has been challenging. The emergence of the coronavirus (COVID-19) pandemic in March 2020 was an unexpectedly unique obstacle that arose part-way through data collection, postponing the completion of this particular stage of the study. However, through perseverance during the initial stages of the pandemic, I resumed data collection in the summer of 2020.

1.4 Research questions

The overarching aim of this study was to explore how practitioners implement PSPOs in response to incidents of ASB and the vague statutory duties of the Anti-Social Behaviour, Crime and Policing Act 2014. In doing so, the project posed three substantive research questions, each raising subsidiary questions. These are:

⁸ The Sheffield Institute for Policy Studies is a research centre within Sheffield Hallam University that focuses on informing local and national policy: <https://www.shu.ac.uk/research/specialisms/sheffield-institute-for-policy-studies>

⁹ The Doctoral Training Alliance is part of University Alliance, providing funding for different strands of doctoral research, including social policy: <https://www.unialliance.ac.uk/dta/about-dta/>

i) How are PSPOs implemented?

- a. How do local authorities operationalise the “detrimental effect on the quality of life” definition?
- b. How do local authorities consult prior to introducing a PSPO?
And,
- c. How do local authorities determine the prohibitions and requirements that a PSPO includes?

ii) How are PSPOs enforced?

- a. What enforcement strategies do local authorities employ, particularly against vulnerable citizens? And,
- b. How is enforcement responsibility designated between policing bodies?

iii) How do practitioners perceive the effectiveness of PSPOs?

- a. Where does the PSPO fit within the broader toolbox of ASB powers? And,
- b. How does a local authority approach the requirement to renew or rescind a PSPO following its three-year operating period?

This study answered these questions by employing the following design.

1.5 Research approach and analytical framework

This research used a multiple-case study design, sampling nine local authorities across England. There are four substantive case study areas (CSAs) and, due to the emergence of the coronavirus pandemic, five supplementary research areas (SRAs). This project employed a qualitative research method, and in 2020, the researcher conducted semi-structured interviews with 32 participants, including local authority employees, police officers, and elected officials. The findings are underpinned by rich qualitative data that was collected

from an under-researched sample of practitioners, generating unique insights into perceptions of their professional duties in this context.

Given the complexity of ASB, this research combined several theories to interpret the collected data. The analytical framework uses governance and preventive justice to explore practitioner interpretations of the Anti-Social Behaviour, Crime and Policing Act 2014. It also employs street-level bureaucracy and process-based models of procedural justice to investigate the implementation and enforcement of PSPOs. These lenses provide a theoretical underpinning for analysing processes around which there have previously been significant knowledge gaps.

The 2014 statute affords considerable decision-making agency to local authorities. When conducting this study, however, it became clear that many similarities exist between the CSAs in the practitioners' implementation, enforcement, and perceived effectiveness of PSPOs. The findings of this thesis detail these connections and, crucially, highlight significant differences.

1.6 Thesis structure

This thesis comprises nine chapters, including this introduction, two chapters which discuss developing themes within the literature, two chapters on the analytical framework, methodology and the underpinning rationale for their selection, respectively, three chapters that detail the empirical findings, and an overarching conclusion.

Chapter two presents an overview of the literature concerning ASB, contextualising its political narrative before the introduction of the Crime and Disorder Act 1998. This chapter then considers the implications of the subjective definition of ASB and illuminates the types of public spaces that are prone to

incidents of such behaviour. Finally, it examines the concept of social exclusion and outlines the groups of citizens who are particularly vulnerable to punishment through the use of ASB policy. These are: people experiencing street homelessness; young people; disadvantaged neighbourhoods; on-street sex workers; and Gypsies, Roma and Travellers.¹⁰

Chapter three develops a further understanding around the scope of the PSPO. It begins by establishing how the overhaul of ASB measures by the Conservative-led Coalition government in 2010 led to the creation of the PSPO. This chapter then examines the statutory processes for implementing PSPOs; including consultations, prohibitions and requirements, enforcement, and judicial challenges. In its conclusion, this chapter identifies the research gaps within the existing literature.

Chapter four details the combined analytical framework that was used in this study: comprising governance; preventive justice; street-level bureaucracy; and procedural justice. Through explaining these concepts, and their application to practitioners' decision-making when implementing, enforcing, and perceiving the effectiveness of PSPOs, this chapter supplies a theoretical justification for the analysis of the data that generated the findings in the subsequent chapters.

Chapter five outlines the methodological basis for utilising a qualitative, multiple-case study approach and describes the relevant research philosophies. Following this, it details the particular elements of this study's design, such as case study recruitment (including the impact of the coronavirus pandemic on this process), the nature of the semi-structured interviews, and data analysis. It then outlines

¹⁰ The government's Race Disparity Unit (2022:para.3) states that "Gypsy, Roma and Traveller... is a term used to describe people from a range of ethnicities who are believed to face similar challenges. These groups are distinct, but are often reported together." This thesis adopts this terminology when referencing this citizen group.

the limitations of this study, and also considers the researcher's reflexivity, positionality, and compliance with ethical guidelines.

The first findings are presented in **chapter six**, and focus on the implementation process. This chapter begins by analysing a local authority's decision to pursue the introduction of a PSPO by satisfying the "detrimental effect on the quality of life" definition and how they respond to an insufficient volume of ASB reports. Following this, the consultation processes are considered, including the strategies that the practitioners adopted for engaging with public space users, particularly vulnerable citizens. This chapter then explores the development of PSPO prohibitions and requirements, with a focus on the regulations that target the behaviours of marginalised groups.

Chapter seven then outlines the enforcement of PSPOs; examining the use of assertive outreach and coercive strategies for engaging with people experiencing street homelessness. It then contrasts this with the informal methods that the practitioners used to enforce PSPOs against other socially excluded groups and outlines the frequency and impact of issuing FPNs. This chapter then discusses the limited personnel resourcing that is available for the enforcement of a PSPO and its impact on the designation of policing bodies within public spaces.

Chapter eight offers the final empirical findings on the perceived effectiveness of PSPOs. It starts by situating the PSPO within the broader toolbox of ASB powers, highlighting the challenge of disentangling its impact from other tools that are simultaneously used. It then considers how the participants perceived the effectiveness of the imposition of a PSPO. Finally, there is an exploration of the processes that local authorities employed to justify the renewal of PSPOs, raising concerns regarding the potentially disproportionate continuation of these orders.

Finally, **chapter nine** provides a conclusion, stating the principal contributions to knowledge and making recommendations for changes to policy and practice. This chapter then identifies the scope for future research opportunities around PSPOs and the policy developments that have emerged since this study began.

Chapter 2 – Understanding anti-social behaviour

2.1 Introduction

This chapter explores the concept of anti-social behaviour (ASB), beginning by detailing its political background and legislative introduction in the Crime and Disorder Act 1998. It then examines the subjective nature of the legal definition of ASB and the public spaces where incidents of this behaviour are likely to take place. Following this, it considers notions of social exclusion and outlines the population groups that are particularly vulnerable to enforcement under both the first and second-wave¹¹ of ASB powers, namely: people experiencing street homelessness; disadvantaged neighbourhoods; young people; on-street sex workers; and Gypsies, Roma and Travellers.

2.2 The political background of anti-social behaviour policy

The emerging priority for tackling the occurrence of, what now is considered to be, ASB derives from the Morgan Report (Home Office, 1991). This document advocated for the devolution of both community safety and crime prevention to become the responsibility of local, rather than central, government (Burney, 2009). Moreover, whilst in opposition, the Labour Party (1995) produced a White Paper entitled, *A quiet life: Tough action on criminal neighbourhoods*. This publication argued that inadequate punishments existed for a range of sub-criminal behaviours, and proposed the creation of a Community Safety Order to tackle these incidents. The foundation of these debates was the idea of the 'justice gap', initially contemplated within an interim report that was produced by the Commission on Social Justice (1993). The 'justice gap' highlighted the

¹¹ The phrases 'first-wave' and 'second-wave' are used throughout this thesis to distinguish between the range of ASB tools and powers that the Labour and Conservative-led Coalition governments have introduced, respectively. This wording is taken from the language used in Heap and Black's (forthcoming) work.

discrepancy between the number of crimes that are committed and those that are prosecuted (Home Office, 2002). A seeming 'enforcement deficit' also suggested that there was a lack of procedures for the criminal justice system to appropriately respond to the impact of various sub-criminal behaviours (Squires, 2006; Squires & Stephen, 2005a).¹²

This period coincided with the emergence of Third Way politics for the 'New Labour' Party (Rose, 2001). This ideological stance, which drew together a mixture of centre-left and centre-right policies, is evidenced by the then Labour leader Tony Blair's statement that, if elected, his party would become 'tough on crime, tough on the causes of crime' (Burney, 2009; Matthews & Young, 2003). Notably, New Labour's Third Way politics reinforced elements of Communitarianism, an idea that Etzioni (1993) prominently discussed. This theory highlights the active role that communities, as opposed to the State, can play in upholding rights and responsibilities and addressing broader issues of social exclusion. The New Labour government utilised ideas of Communitarianism and Third Way philosophy to develop policy relating to the increased importance of the presence and impact of a range of criminal and sub-criminal behaviours, or ASB, within communities. This included enacting statutes like the Crime and Disorder Act 1998, and creating tools such as the Anti-Social Behaviour Order (ASBO).¹³

¹² In their work, Hansen et al. (2003:92) articulated that "the impact of a series of events, not individually serious, is not allowed to accumulate in sentencing, but does accumulate in victims' quality of life."

¹³ The ASBO was a civil power introduced through section 1 of the Crime and Disorder Act 1998. They were applied for by the police, local authorities, or housing executives in the Magistrates', Crown, or Youth Courts, and were individualised orders issued to any individual over 10 years old for conducting ASB. Containing rules and behavioural guidelines for recipients, punishment for the breach of an ASBO included a prison

Zero-tolerance strategies to crime and disorder, adopted in New York by Mayor Rudolph Giuliani and Police Chief William Burton in the 1990s, also influenced Tony Blair. The tactics taken by this part of the United States specifically and consistently targeted sub-criminal behaviour, such as graffiti and subway fare-dodging, reflecting elements of the Broken Windows Theory (Burney, 2009; Fyfe et al., 2006; Millie, 2009; Mooney & Young, 2006). When proposing this seminal theory, Wilson and Kelling (1982) suggested that visible disorder in public spaces is self-perpetuating, leading to the further decline of these areas. In addition, Kelling and Coles (1997) also asserted that sub-criminal behaviour, such as the graffiti that New York's zero-tolerance approach attempted to tackle, can be a predecessor to further, more serious crime.

The influence of the Broken Windows Theory is evident in early New Labour ASB rhetoric (Jacobson et al., 2008). This includes statements that the decline of spaces, particularly disadvantaged neighbourhoods, could be reversed by addressing the existence of ASB and reinforcing the importance of the 'community' for residents (Burney, 2002; Flint & Nixon, 2006; Johnstone & Mooney, 2007). The use of this theory continued following New Labour's second term re-election in 2001, and echoes of the Broken Windows Theory were particularly apparent in the Home Office's (2002) *Respect and responsibility* White Paper and the enactment of further ASB legislation (Burney, 2009). These reflections demonstrate how the Broken Windows Theory, and its conceptualisation of the impact of the presence of crime and disorder, guided

sentence. The Police Reform Act 2002 expanded the scope of ASBOs, allowing them to be issued alongside a criminal conviction (CrASBOs).

The ASBO was repealed following the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014 (Figure 3.1, p. 78).

New Labour's development of ASB policy. This began with the Crime and Disorder Act 1998 and was followed by the Anti-Social Behaviour Act 2003.

Despite its prevalent use within political discourse, the Broken Windows Theory has received criticism in research that followed Wilson and Kelling's (1982) initial work. For instance, Sampson and Raudenbush (1999) instead highlighted the effect of economic decline and its impact on crime and disorder within communities. They also used the term 'collective efficacy' to examine how informal social control and improved community structures could work to lower crime incidence rates. Further critiques emerged, arguing that New Labour had disproportionately conflated the Broken Windows Theory with ASB policy and, in doing so, they had failed to distinguish between broader policing and welfare issues (Jacobson et al., 2008). However, regardless of this criticism, the development of ASB policy using this theory has continued. In addition to being used as a justification by New Labour in devising ASB policy, the Conservative-led Coalition government also employed ideology relating to the Broken Windows Theory to reform the existing ASB tools and powers following their election in 2010. Chapter three discusses this policy development in more detail.

2.2.1 New Labour's spotlight on anti-social behaviour

Whilst New Labour did not create the concept of ASB, they were responsible for making it a pervasive issue through their policy development. Indeed, legislation predating the Crime and Disorder Act 1998 contains early indicators of language that later ASB policy would incorporate. Examples include the Public Order Act 1986, which criminalised behaviour causing "harassment, alarm or distress"; phrasing that New Labour directly transposed into the legal definition of ASB. Previous debate has further highlighted how there was already an awareness of behaviour that is now considered to be anti-social, particularly

in a social housing context, before the Crime and Disorder Act 1998 came into force (Burney, 2009; Flint, 2006; Millie, 2009). However, at that point, citizens largely tolerated such conduct, or police officers disregarded it, due to it being sub-criminal (Forrest & Tilley, 2005).

The enactment of the Crime and Disorder Act 1998, and the broader statutory formation of ASB, reflected a period of “policy hyperinnovation” for New Labour, who introduced several legal tools and powers shortly after the 1997 general election and their second term re-election (Crawford et al., 2017:11). They founded these initiatives upon a ‘what works’ approach to governance, focusing on the collection of evidence-based evaluative methodologies (Tilley, 2001; Wells, 2007). Within an ASB context, this included the creation of powers like the ASBO and the development of 376 Crime and Disorder Reduction Partnerships¹⁴ whose remit was to tackle incidences of ASB (Gilling & Schuller, 2007).

In response, some have criticised the approach of New Labour in placing a spotlight on ASB in this way, stating that “By making antisocial behaviour into a major social problem, and by giving it sustained high-visibility attention, Labour has made a small problem larger, thereby making people more aware and less satisfied with their lives and their government” (Tonry, 2004:57). Through politically raising the profile of ASB, New Labour increased awareness of the presence and impact of this behaviour (Squires & Stephen, 2005a). In doing so, they created a culture whereby citizens’ perceptions of this conduct, and its interference with their daily lives, furthered intolerance and heightened expectations that policy would sufficiently address it. This made ASB a focal point

¹⁴ Section 6 of the Crime and Disorder Act 1998 formulated the idea of community safety partnerships, including the police, fire and rescue services, local authorities, health service providers and the probation service. The remit of community safety partnerships is tackling crime and disorder, including ASB, within their local areas.

of practitioner responsibility and decision-making, guided by citizens' subjective interpretations of its definition.

2.3 Defining anti-social behaviour

Following the statutory introduction of ASB within the Crime and Disorder Act 1998, it is essential to understand what this concept means to gain perspective on how its various powers criminalise such behaviour. Section 1(1)(a) of the Crime and Disorder Act 1998 originally defined ASB as acting "in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household." This definition is vague (Ashworth, 2004; Bland & Read, 2000), driven by citizens' perceptions of ASB, which are, in turn, shaped by factors which Nixon et al. (2003) stated to include context, location, community tolerance, and quality of life expectations. ASB is, as Burney (2009:8) termed it, an "elastic" concept, which is accentuated by Millie's (2007:617) statement that "you know it when you see it."

Building upon Armitage's (2002) work, Harradine et al. (2004:3) criticised the legal definition of ASB, stating that "by describing the consequences of behaviour rather than the behaviour itself, the definition lacks specificity and measurability." Their study, as one of several projects creating typologies of ASB, followed the 66,107 incidents that were reported across the Home Office's 'one-day count' in September 2003 to develop the categories of: acts directed at people; misuse of public space; disregard for community/personal well-being; and environmental damage. In doing so, however, over half of these behaviours were already criminalised elsewhere (Squires & Stephen, 2005a). By contrast, Millie et al.'s (2005) typology identified interpersonal/malicious, environmental and behaviour-restricting access to public spaces as forms of ASB. Through this process, they excluded conduct that was already criminalised. Similarly, the National Policing

Improvement Agency (2011) developed a classification to assist police incidence reports that comprises: personal, nuisance, and environmental forms of ASB. Despite such efforts, some scholars have indicated that the insufficient reporting of ASB by citizens can limit the comprehensive categorisation of this behaviour by practitioners (Whitehead et al., 2003). Others have noted that classification can also affect whether victims receive a response (and subsequently, support) through either the civil or criminal law processes (Hunter et al., 2004).

Mackenzie et al. (2010:iv) recommended that the central government should provide a more “prescriptive definition of ASB”, asserting that the vague wording of section 1(1)(a) invites subjective and inconsistent interpretations. Indeed, as Mayfield and Mills (2008:81) declared, “What is acceptable to one person is unacceptable to another; behaviour that is acceptable or tolerated in one setting is not acceptable somewhere else.” For instance, noise-related ASB may be more detrimental to a citizen in their home in the evening than when they are shopping in a public space, such as a town or city centre, during daytime hours. Alternatively, a group of young people shouting on a street corner may be more harmful than the same population group conducting similar behaviour at a football match. The “elastic[ity]” of the legal definition allows practitioners to respond appropriately to victimisation but risks the stigmatisation and punishment of vulnerable citizens by allowing intolerant and contextualistic judgements to guide perceptions (Burney, 2009). Practitioners must, therefore, balance their responsiveness to ASB victimisation alongside the potential of these experiences to reflect the stigmatisation that is demonstrated towards marginalised communities.

Furthermore, subjective and perception-driven interpretations of ASB blur the line between criminal and civil law, with Darke (2011:424) stating that ASB policy has

“defined up” the thresholds of criminality. Martin (2011:391) supports this by explaining that “there is no clear distinction between terms and, importantly, no distinction between nuisance, anti-social behaviour, or incivility and criminal conduct.” Indeed, where questioned, citizens perceived little difference between crime and ASB (Innes & Weston, 2010). Reflecting Cohen’s (1985) ‘net-widening’ analogy, lowering the standard of behaviour that is necessary to constitute ASB to cover any behaviour that causes “harassment, alarm or distress” increases the number of behaviours that practitioners can punish, and thus more people face criminalisation (Squires & Stephen, 2005a). Consequently, the definition of ASB permits the wider and simultaneous punishment of a range of criminal and sub-criminal behaviours.

However, for some, the legal definition allows for development in both citizen and practitioner understanding of ASB. Carr and Cowan (2006:57) described the “harassment, alarm or distress” phrasing as a “vehicular concept” that expands in its scope. The emergence of the coronavirus (COVID-19) pandemic demonstrates the broad remit of the definition of ASB through practitioners classifying more than half of the lockdown-related¹⁵ violations throughout 2020 as a form of ASB (Halford et al., 2022). From this categorisation, the number of ASB incidents that were reported yearly grew from 1.4 million in March 2020 to 1.8 million in June 2021 (Office of National Statistics, 2022). A further illustration derives from the societal concern about the consumption of new psychoactive substances (NPS) within public spaces (Alexandrescu, 2020; Devany, 2019; Ford et al., 2018). Sanders and Albanese (2017) discussed the benefits of the flexibility of the legal definition of ASB by asserting that it sufficiently covered this behaviour

¹⁵ For a timeline of the lockdown measures introduced in the United Kingdom from March 2020 to December 2021, see: <https://www.instituteforgovernment.org.uk/data-visualisation/timeline-coronavirus-lockdowns>

before it was criminalised by the Psychoactive Substances Act 2016,¹⁶ and Ford et al. (2018) presented similar uses of Public Spaces Protection Orders (PSPOs) in the years prior to the enactment of this statute. The findings of earlier studies highlight how the vagueness of the statutory definition of ASB enables its adaptation to emerging behaviours. They also illustrate how the legal definition can classify non-criminalised behaviours as causing “harassment, alarm or distress” whilst waiting for the legislature to respond by developing new statutes. ASB is, therefore, a subjective concept that applies to various criminal and sub-criminal behaviours. The existing literature has noted concerns about its loosely defined and perception-driven nature, the blurring thresholds of criminality within interpretations, and how statutory ambiguity enables the stigmatisation of vulnerable groups. The following section considers how the “elastic” definition of ASB results in the prevalence of such behaviour within different public spaces.

2.4 Public spaces and anti-social behaviour

Acknowledging the spatial nature of a PSPO, this section explores what a public space is and then considers issues of ASB occurring within different sites. This includes debates concerning quasi-public spaces, greenspaces, and the night-time economy, alongside contemplating displacement and revanchism.

Academic commentary on public spaces has acknowledged that, due to their developing nature, it is difficult to provide a conclusive definition (Kohn, 2004; Mitchell, 1995; Zhang & He, 2020). However, across these discussions, there is

¹⁶ Section 2(1)(a)–(b) of the Psychoactive Substances Act 2016 criminalises the consumption of “any substance which is capable of producing a psychoactive effect in a person who consumes it; and is not an exempted substance.” The maximum penalty for those breaching this statute is six months imprisonment.

However, the Psychoactive Substances Act 2016 does not criminalise possession, like the Misuse of Drugs Act 1971. This means that different behaviour is subject to criminalisation under these two statutes.

a common understanding that public spaces are unrestricted areas that a diverse range of citizens can access. Atkinson (2003:1831) exemplified this by stating that public spaces are “permeated by a sense of the public”, which is supported by Kohn’s (2013:107) assertion that “Public space should not be viewed only as a site for leisure or recreation but also as a place where people can come together to meet as citizens rather than consumers or clients.” Further illustrating this, Gray and Gray (1999) have argued that, to a reasonable level, all citizens should expect unlimited access to public spaces, signifying the freedom that is inherent within these environments.

Despite being praised for their freedom of access, public spaces have become subject to privatisation for several reasons. These include, as Harvey (2005) has suggested, revitalising the economic potential of public spaces through consumer-focused forms of regeneration, which have become particularly important to practitioners in responding to the “death of the high street” (Hughes & Jackson, 2015:237). Privatisation can also represent an attempt to respond to fears that citizens have of crime and incivility within public spaces, which can impact their use of these areas (Atkinson & Blandy, 2005; Banerjee, 2001). The work that Marcuse (2005) conducted created a typology for the different levels of legal ownership of public spaces, which assists in understanding how citizen accessibility impacts whether an environment constitutes a public space. The distinctions between public and private spaces are:

Public ownership, public function, public use (streets);

Public ownership, public function, administrative use (city halls);

Public ownership, private function, private use (space leased to commercial establishments);

Private ownership, public function, public use (airports, gated communities, zoning bonus private plazas, community benefit facilities);

Private ownership, private function, public use (cafes, places of public accommodations); and

Private ownership, private use (homes). (Marcuse, 2005:113)

In light of this, the following subsections consider certain public space types, ranging between wholly public and privatised, and outline the issues of ASB that arise in these different environments. Section 3.2.1 (p. 80) also considers which levels of legal ownership from Marcuse's (2005) work the scope of PSPOs falls within.

2.4.1 Quasi-public spaces

As a recently emerged phrase, "quasi-public spaces" are areas that are frequently considered in debates concerning the public nature of public spaces (Gray & Gray, 1999:79). When defining this concept, Meert et al. (2006:3) stated that they are environments "that are legally private but part of the public domain", with prominent examples including out-of-town retail parks, shopping centres, and gated communities. The distinction between a public and quasi-public space is often minimal, with local authorities sometimes working with private developers (Jones, 2013), and sites often being on, near, or next to, former high streets (Layard, 2010; Schmidt & Németh, 2010). Exemplifying the development of public spaces (Pratt, 2017), quasi-public spaces are a 'new' manifestation of such areas.

Notwithstanding their prominence, there are conflicting views on the prevalence of quasi-public spaces. Some scholars have argued that the benefits for consumers derive from the amplified regulation of these environments, such as closed-circuit television (CCTV) installations, an increased presence of privatised enforcement officers, and 'codes of conduct' for use, including dress codes that, for instance, ban hooded jumpers (Chiodelli & Moroni, 2015; Crawford, 2011). For

affluent consumers, who are often the intended users of quasi-public spaces, these assurances foster perceptions of safety that may be lacking in wholly public spaces (Banerjee, 2001; Ceccato & Tcacencu, 2018). This increases these citizens' frequency of usage of these spaces and their economic consumption whilst they are there.

Conversely, others have criticised that the increased regulation within quasi-public spaces focuses too much on commercialisation, overlooking the diversity of citizenry and opportunities for socialisation that public spaces can encourage (Addo, 2018; Paddison & Sharp, 2007; Raymen, 2016). Through the mechanisms used to promote safety that are outlined above, quasi-public spaces often exclude vulnerable groups who are perceived to cause undesirable conduct (Hughes et al., 2017; Kohn, 2004; Layard, 2010; Pratt, 2017), particularly people experiencing street homelessness and young people. This both promotes and furthers judgements of intolerance towards the presence of these individuals (Bannister et al., 2006). The exclusion of these citizens has led these environments to become what Crawford (2011:126) termed to be "a consciously symbolic test of the limits of private ownership and the legitimacy of exclusion." Therefore, whilst quasi-public spaces benefit economic growth by attracting affluent consumers, this is often at the expense of excluding other, more vulnerable citizens and removing the inherent accessibility of public spaces.

There has been a substantial growth in the number of quasi-public spaces in recent decades (Banerjee, 2001), and an increasing consumer preference for these environments. This subsection has outlined how this results from, and further encourages, the judgement of, and intolerance that is demonstrated towards, others, leading to the exclusion of vulnerable citizens.

2.4.2 Greenspaces

In a recent classification, Forest Research (n.d.) created a typology of greenspaces that included: community woodlands; the landscape around buildings; street trees; urban parks and gardens; and wetlands. As with other public spaces, the range of areas that are recognised as greenspaces represents the evolution of this term (Lee et al., 2015; Swanwick et al., 2003). Consequently, from an analysis of 125 journal articles, Taylor and Hochuli (2017:32) outlined how most academic research fails to adequately define what greenspaces are. From this work, they suggested that an inclusive definition could be “greenspace as natural areas or urban vegetation.” In subsequent discussions within this thesis, the term ‘greenspace’ references public parks, fields and woodlands as sites where local authorities can introduce PSPOs.

There has been a decline in funding allocations for greenspaces over time. This is exemplified by spending cuts of £1.3 billion in public space management that took place between 1979 and 2000 (Dempsey & Burton, 2012) and also by the more expansive financial restrictions that were imposed through the Coalition government’s austerity measures that began in 2010 (Dempsey et al., 2016; Heritage Lottery Fund, 2016). Cuts in public spending have increased citizen responsibility for greenspace preservation. This is illustrated through the 60% increase in ‘friends of parks’ groups as the bodies that are primarily responsible for the maintenance of these environments (Gilmore, 2017; Mathers et al., 2015; Mattijssen et al., 2017). The decreased governmental responsibility for greenspaces has necessitated individual and community action to sustain these areas.

A lack of funding for greenspaces can cause a decrease in their quality and sustainability (Dempsey & Burton, 2014). Moreover, Cabe Space (2004)

suggested that disinvestment in public parks can further their decline by encouraging the presence of ASB, particularly environmentally-related forms of this behaviour that young people conduct, such as littering and graffiti. Their work also highlighted how 'friends of parks' groups became responsible for recording instances of ASB and subsequently informing local authorities of this behaviour, signifying a diminished formal enforcement presence within these environments. Others have noted the prevalence of the incidence of ASB in greenspaces that are situated within disadvantaged areas, similarly conducted by young people (Gidlow & Ellis, 2011; Mueller & Flouri, 2021), and the impact that this has on feelings of intolerance towards these individuals. There are, therefore, ongoing concerns about the acts of ASB that certain individuals undertake within greenspaces, alongside its impact.

The likelihood of ASB occurring within a greenspace presents a barrier to other citizens who are seeking to access these areas (Gidlow & Ellis, 2011; Seaman et al., 2010). A report by Knowsley Council¹⁷ (n.d.) discovered that the fear of crime was a crucial reason why citizens would not use public parks within their boroughs on a regular basis. This publication also alluded to the Broken Windows Theory in suggesting that signs of environmental ASB may further the likelihood of criminal incidents in these spaces. Linking to the influence of Communitarianism from New Labour governing, they also asserted that high-quality greenspaces can positively increase community relations.

These studies indicate that the presence of ASB limits greenspace usage by other citizens, seemingly justifying the use of ASB policy to address it. There is, however, scope to better understand current issues of ASB within these

¹⁷ Who do not constitute one of the local authorities that were sampled in this research.

environments and what tools and powers are used to tackle the incidence of this behaviour. This thesis explores how the PSPO is one spatial tool that local authorities utilise within these environments for such a purpose.

2.4.3 The night-time economy

It is also necessary to consider both the night-time economy and alcohol-consumption-related ASB when contemplating how citizens navigate public spaces. Demonstrating a New Labour commitment to decentralised decision-making, Parliament introduced the Licensing Act 2003, which directly devolved licensing powers from magistrates to local authorities. The then government intended to develop opportunities for the night-time economy to increase economic growth and competition between citizens and businesses in town and city centres (Hadfield, 2006; Hadfield et al., 2009). Examples of activities that take place within these hours include theatre trips, family meals, and nights out in nightclubs and bars, with the night-time economy contributing £60 billion annually to the United Kingdom's economy (Local Government Association, 2020). Thus, recreational activity in the night-time economy is a financially significant development in the use of town and city centres.

Alongside these benefits, the night-time economy can foster incidents of crime and ASB within public spaces. Examples of such behaviour include forms of noise-related disorder that occur from patrons leaving drinking establishments, loitering in public spaces, and urinating in public during the early hours of the morning (Crawford & Flint, 2009; Roberts, 2009). Past studies on the prevalence of ASB incidents during this time of day have highlighted how excessive alcohol consumption by individuals within licensed premises is directly responsible for increasing incidents of this behaviour (Brands & Schwanen, 2014; Hadfield et al., 2009; Smith, 2007). Others have argued that such blame is unfairly placed on

licensed premises when many individuals arrive in town and city centres already intoxicated from earlier alcohol consumption at home (Hughes et al., 2008). Regardless of the cause, whilst the night-time economy has afforded more significant potential for economic growth, it has also expanded the opportunity for new instances of criminal and sub-criminal behaviour by promoting citizens' consumption of excessive amounts of alcohol.

Various measures have sought to address crime and disorder within the night-time economy, including relying on local authorities' ASB tools and powers (Hadfield et al., 2009). Millie (2009) asserted that the Designated Public Place Order (DPPO)¹⁸ was a proactive way to tackle criminal and sub-criminal behaviour resulting from alcohol consumption in public places during night-time economy hours, but only when used as one of several other ASB tools that practitioners employed. In conjunction with statutory ASB powers, other techniques to regulate disorder and increase feelings of safety during the night-time economy include increased street lighting and CCTV (Brands et al., 2015; 2016; Hadfield & Measham, 2015; Hadfield et al., 2009), and governance through the employment of door supervisors or voluntary agencies (Hadfield, 2014; Hobbs et al., 2003), including street pastors (Middleton & Yarwood, 2015; van Steden, 2018). Several of these reflect privatised modes of governance and a lack of local authority presence during the night-time economy hours. Alternatively, 'crackdowns' on excessive alcohol consumption and related types of disorder in the night-time economy demonstrate a proactive approach from

¹⁸ Section 13 of the Criminal Justice and Police Act 2001 (later coupled with section 26 of the Violent Crime Reduction Act 2006) created DPPOs. With the potential to be borough-wide and last indefinitely, DPPOs predominantly regulated alcohol consumption within public spaces. Enforced by police officers, punishments were arrest or a fine of up to £500.

DPPOs were repealed following the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014 (Figure 3.1, p. 78).

local authorities to address unwanted conduct (Hadfield et al., 2009). An example includes the 'Late Night Levy', a scheme whereby local authorities imposed an annual fee on licensed premises to pay towards the regulation of crime and ASB within the night-time economy (McGill et al., 2022). When evaluating this program, McGill et al. (2022) argued that the levy could lower unwanted conduct by providing additional resourcing, but their research reflected earlier findings that these efforts failed to address excessive alcohol consumption as the underlying cause of ASB during this time (Crawford & Lister, 2007).

Linking to the availability of personnel resourcing for such endeavours, Hobbs et al. (2005:167) discovered that police officers experience "frustration at being unable to police the night-time streets adequately; they are uneasy at having to ignore transgressive behaviour that would meet a swift response in the less frenzied streets of daylight hours." In this excerpt, they acknowledged the potential for disproportionate enforcement to arise between daytime and night-time hours. In doing so, they indicated the potential for the night-time economy to further the 'justice gap' through the volume of behaviours that go unpunished.

Burney (2009) suggested that New Labour overlooked ASB arising from alcohol consumption in the night-time economy because of the economic benefits that it brought to town and city centres. Through a contextual interpretation of the legal definition of ASB, alcohol consumption by a person experiencing street homelessness during the day may be considered anti-social by causing "harassment, alarm or distress". However, the same behaviour that is conducted by a night-time reveller may not (Millie, 2008). Measham and Moore (2008:280, original emphasis) explained this as "less a question of intoxication as such, than of *who* is drunk and *where* they are drunk." In circumstances where enforcement

is inconsistently disproportionate against particular perpetrators, this poses issues in the fairness of policy enforcement.

Thus, characterisations of the night-time economy have recognised the potential for economic growth beyond daytime hours in town and city centres. At the same time, they also identified how excessive alcohol consumption contributes towards increased levels of disorder within public spaces, with inconsistent enforcement of such behaviour taking place. However, the extent to which unreliable enforcement of ASB in the night-time economy remains a prominent issue, and how this is addressed, is currently uncertain.

2.4.4 Revanchism and displacement

The work by Smith (1996), building upon the socialist uprising of 19th century Paris and applying it to 1990s New York City, is fundamental to understanding the exclusion of vulnerable citizens from public spaces. In his work, Smith (1996) argued that earlier economic decline, coupled with the zero-tolerance approach to crime and disorder that was adopted during this time, notably lowered the levels of acceptance that were demonstrated towards the presence of marginalised groups. Through revanchist theory, he claimed that public spaces in New York City had gone through a period of seeming privatisation, with the exclusion of these perceivably unwanted citizens emerging as a consequence. Johnsen and Fitzpatrick (2010:1704) later described this occurrence as “the ‘vengeance’ of cities intent on eradicating undesirable populations in order to create a positive image for themselves.” Domestically, revanchism developed through the treatment of people experiencing street homelessness in 1990s Glasgow, with New Labour subsequently incorporating elements of this concept into their social policy that was introduced at the end of that decade (Atkinson, 2003; MacLeod, 2002).

Revanchism, therefore, encourages subjective judgements from citizens that generate intolerance towards the presence and conduct of others in public spaces (Smith, 1996). In Table 2.1, Johnsen and Fitzpatrick (2010) offer a framework for exploring how different mechanisms facilitate revanchism, ranging between enacting legislation and developing stigmatising narratives. Each of these encourages the aim of excluding certain individuals from public spaces.

Table removed for copyright reasons.

Table 2.1 Types of revanchism (Johnsen & Fitzpatrick, 2010:1704).

An outcome of revanchist strategies is the displacement of vulnerable citizens from public spaces. Accordingly, Sibley (1995:xi) posited that “The human landscape can be read as a landscape of exclusion... Because power is expressed in the monopolization of space and the relegation of weaker groups in society to less desirable environments.” As a means of situational crime prevention, displacement seeks to alter behavioural responses by removing perpetrators of crime or incivility (Barr & Pease, 1990; Repetto, 1976). Table 2.2 illustrates a collation of the six types of displacement from these earlier studies and the impact of each form of spatial exclusion on the occurrence of crime within public spaces.

Table removed for copyright reasons.

Table 2.2 Displacement types (Barr & Pease, 1990:279; Reppetto, 1976:168).

As these forms of displacement indicate, the exclusion of potential perpetrators from public spaces does not result in an absence of crime being committed. Suggesting a limitation of first-wave ASB tools to achieve behaviour change and address ASB incidents, Squires and Stephen (2005a:190) asserted that “exclusionary measures may simply displace the ‘problem of anti-social behaviour’.” Research by Crawford and Lister (2007) supplemented this argument; finding that, in one area where ASB tools, notably Dispersal Orders,¹⁹ displaced this behaviour, crime rose by 148% compared to the previous six months, particularly for instances of criminal damage. However, in her Home Office evaluation, Campbell (2002) noted that practitioners would perceive the displacement of individuals from residential areas as a metric for considering ASBOs as successful.

¹⁹ Within Part 4 of the Anti-Social Behaviour Act 2003, Dispersal Orders formed part of the first-wave of ASB powers introduced by the second-term Labour government. These orders, lasting for a renewable period of six months, allowed enforcement officers to require an individual under the age of 16 who has committed or is likely to commit, ASB to leave a specified area and not return within 24 hours. Police also had the power to return an individual under 16 years old to their residence under section 30. Whilst receiving an order of dispersal was not a criminal offence in itself, returning to the public space within 24 hours could result in arrest.

They were reformed into new dispersal powers by the Conservative-led Coalition government’s introduction of the Anti-Social Behaviour, Crime and Policing Act 2014 (Figure 3.1, p. 78).

2.4.5 Public spaces and anti-social behaviour – summary

This section has considered the spatial implications that are relevant to the understanding of ASB. Its discussions have highlighted the issues that public spaces face, such as disinvestment and the presence of crime and ASB. In turn, the policy response to these concerns has included the utilisation of ASB tools and powers which can further the social exclusion of their recipients, an outcome which is discussed next.

2.5 Social exclusion

When discussing the introduction and enforcement of ASB policy, it is crucial to consider whether those who are most likely to be the recipients of these tools and powers are also those who are socially excluded from society. This section examines the concept of social exclusion and its rise in cultural prominence and political discourse alongside the emergence of punitive ASB powers.

Perceptions of those who are socially excluded often align with impoverished individuals (Burchardt et al., 2002; Levitas, 2006; Matthews & Pitts, 2001), whose circumstances mean that they lack sufficient financial resources to participate in society (Townsend, 1979). Whilst socially excluded citizens are primarily those facing this type of hardship, the definition of social exclusion extends beyond poverty to include additional forms of vulnerability and disadvantage, such as living in a social housing estate, experiencing physical or mental ill health, and being a young person in Britain (Hobcroft, 2002; Levitas et al., 2007). The New Labour government recognised these multiple causes, describing social exclusion as “A short-hand label for what can happen when individuals or areas suffer from a combination of linked problems such as unemployment, poor skills,

low incomes, poor housing, high crime environments, bad health and family breakdowns” (Opportunity for All, 1999:23).

Levitas (2005; 2006) explored social exclusion in British critical social policy through three overlapping discourses: a redistributive discourse (which attributes the unequal distribution of wealth, poverty, and access to appropriate resources as the cause of social exclusion); a moral underclass discourse (whereby social exclusion is the consequence of behavioural disorder from an undesirable ‘underclass’); and a social integrationist discourse (from which social exclusion is a result of exclusion from paid work). She asserted that New Labour’s policy had moved from a redistributive discourse to one that was largely a combination of the moral underclass discourse and the social integrationist discourse, shifting blame for social exclusion to the individual instead of fully considering the implications of both poverty and a lack of adequate resources. Such policy attempted to lower levels of social exclusion through a mixture of employment and financial support or punitive policy interventions (Flint, 2002; Norman & Pauly, 2014), which the following subsection considers further concerning the Social Exclusion Unit.

Moreover, labelling citizens as the ‘other’ can contribute towards their exclusion (Conklin, 1997; Hall, 1997). ‘Othering’ is a process by which citizens deflect from themselves through the “project[ion] of negative values onto others” (Skeggs, 2005:977). Sibley (1995:8) postulated the phenomena of this labelling by claiming that “The urge to make separations, between... ordered and disordered, “us” and “them”, that is, to expel the abject, is encouraged in western cultures, creating feelings of anxiety because such separation can never be finally achieved.” For example, Elias and Scotson’s (1994) research examined the relationship between the ‘established’ and the ‘outsiders’. They found that those who had

resided in an area for an extended period perceived those who had just moved in as the cause of any emerging disorder, creating issues in developing community cohesion. In an ASB context, Nixon and Parr (2006:85) stated that “simple pathological codes of ‘other’ are adopted as causal explanations of ASB.” New Labour’s rhetoric, including using terms such as ‘council estates’ and ‘chavs’, contributed towards the labelling of both vulnerable and socially excluded citizens (Jones, 2011; Tyler, 2013), often overlooking the social and economic causes of disadvantage (Burney, 2009). Thus, despite a recurrence in ASB discourse, labelling a vulnerable individual as the ‘other’ can broaden the social exclusion and intolerance that is directed towards these marginalised citizens. This led to, as Parr (2009a:371) noted, academic literature that was “highly critical of the dominant discourse of ASB particularly because of the way in which it demonized those accused of such conduct.”

Both the concepts of social exclusion and ASB reached cultural prominence at similar periods during New Labour’s time in office. The following subsection discusses the creation of the Social Exclusion Unit by that government in response to the perceived issue of social exclusion.

2.5.1 The Social Exclusion Unit

As one strategy to tackle social exclusion, New Labour formed the Social Exclusion Unit²⁰ following their first general election win in 1997. The Social Exclusion Unit was a cross-departmental task group that intended to provide ‘joined-up solutions to joined-up problems’, analysing the causes of social exclusion and producing reports around key issues, initially including truancy

²⁰ Later rebranded in 2006, when it merged with the Prime Minister’s Strategy Unit, as the Social Exclusion Task Force.

from school, rough sleeping, poor neighbourhoods, teenage pregnancy, and the volume of 16–18 year olds not in education, employment, or training (Levitas, 2006). In doing so, these reports provided metrics for gauging the reduction of social exclusion through sustained policy intervention. They did so through an understanding that social exclusion results not just from economic and social issues but also through a failure of social policy to appropriately support those facing exclusion (Evans, 2010; Levitas, 2005; 2006).

New Labour was particularly critical of earlier attempts to address social exclusion, stating that previous Conservative governments had a “tendency to parachute in solutions from the outside, rather than engaging with local communities” (Social Exclusion Unit, 1998:9). The Social Exclusion Unit reflected New Labour’s concerted effort on Communitarianism; and aimed to prevent future social exclusion by reintegrating these citizens into society (Matthews & Pitts, 2001; Young & Matthews, 2003). In particular, it provided ‘joined up’ opportunities for young people to increase their social mobility, specifically by presenting these individuals with significantly more employment opportunities, alongside the chance to address the perceived decline of social housing neighbourhoods (Jacobson et al., 2008; Kearns, 2003).

New Labour’s rhetoric focused on the failure of the individual to succeed because of the disadvantages that they had experienced in their life (Burney, 2009; Hoffman et al., 2010). They evoked images of neighbourhoods with a workless class and solely welfare-dependent, single-parent ‘problem families’ (Hunter & Nixon, 2001; Johnstone, 2004; Nixon & Parr, 2006; Parr & Nixon, 2008; 2009). Additionally, the messaging of the Social Exclusion Unit highlighted problematised areas, such as social housing estates (Hunter & Nixon, 2001; Johnstone & Mooney, 2007), and risked criminalising young people through

narratives that encouraged demonisation and ‘othering’ (Squires & Stephen, 2005a; Stephen & Squires, 2004).²¹ The imposition of punitive ASB policy against those who had been socially excluded supported the stigmatisation and intolerance that was demonstrated towards those who were disadvantaged (Atkinson & Jacobs, 2010), overlooking their potential to be simultaneously victims of such behaviour alongside supposed perpetrators (Brown, 2013a; Nixon & Parr, 2006).

However, Parr and Nixon (2008; 2009) found that some schemes, particularly Family Intervention Projects,²² tackled ASB in a way that contradicted the ongoing disciplinary discourse by addressing the underlying causes of such conduct, challenged the negative connotations of vulnerable families, and were something that practitioners preferred to use over punitive ASB tools. This resulted in, as research by Nixon et al. (2006) discovered from evaluating six of these projects, decreased or discontinued ASB in over 80% of families (which, in turn, reduced the likelihood of eviction from their tenancies).²³ The inconsistency between disciplinary and holistic engagement methods through the Social Exclusion Unit was criticised by Hancock (2008) who asserted that practitioners distinguished

²¹ In their work, Stephen and Squires (2004) took Kelly’s (2003) earlier notion of an ‘institutional mistrust’ towards young people; and applied it to the use of ASB policy. In discussing distinctions among class, gender, and ethnicity, Kelly (2003:177) stated that “the consequences of this mistrust are differently experienced by different populations of young people.”

²² Family Intervention Projects engaged with families facing eviction due to the conducting of ASB. These interventions provided multi-agency support through, amongst other things, assigning a dedicated key worker to address issues causing social exclusion (Department for Children, Schools and Families, 2009).

Family Intervention Projects are now retrospectively seen as a predecessor to the Troubled Families Programme that the Coalition government subsequently introduced in December 2011 (Lambert & Crossley, 2017).

²³ Later work by Parr (2009b:1269) also stated that it “is impossible to identify the core ‘essence’ of the [Family Intervention Project] agenda due to the different ways that [Family Intervention Projects] are translated on the ground.”

between those who were deemed 'deserving' of supportive strategies and those who were to be considered 'undeserving' (Johnstone & Mooney, 2007). Burney (2009) similarly noted the potential for the Social Exclusion Unit to disproportionately further the social exclusion of some vulnerable citizens, but not others.

The Social Exclusion Unit was an attempt for the New Labour government to address this issue differently, providing 'joined up' initiatives to tackle its occurrence in disadvantaged communities and offer alternative outcomes. However, using ASB policy to tackle social exclusion continued a narrative which implied that marginalised citizens were unable to alter their circumstances without the use of disciplinary measures. This, in turn, maintained the stigmatisation of these groups.

2.5.2 Encouraging civility

Civility, defined by Bannister and O'Sullivan (2013:95, original emphasis) as "a code of *superficial* behaviour necessary to enable diverse populations to exist in harmony", also plays a role in promoting social inclusion. Its importance has developed within discourses on exclusion through suggestions that "Urban populations are increasingly diverse, segregated and isolated, possessing (seemingly) neither the capacity nor the desire to engage in meaningful social interaction" (Bannister & Flint, 2017:534). This section of the thesis considers the place of civility in ASB discourse, recognising the significance of this concept in fostering social cohesion among citizens (Griffith et al., 2011).

ASB policy reflects discussions of civility through, as Ranasinghe (2011:1928) explained, the ways in which some individuals "are seen as lacking the requisite civility to restrain themselves in public and are exhorted to behave civilly or

coerced into behaving so.” Both New Labour’s Communitarianism ideology and third-term Respect agenda underpinned the use of ASB powers to develop civility, particularly in social housing environments (Bannister & O’Sullivan, 2013; Bannister et al., 2006). Bannister and Flint (2017:324) clarified that these powers intended “to renew civic values and forms of responsibility perceived to have eroded amongst targeted populations such as youths, the working class, or ethnic minorities.” As a result, notions of civility populated political and media narratives during Labour’s time in office (Edyvane, 2017), furthering the importance of this concept in the imposition of the first-wave of ASB policy.

Several issues arise from the frequency with which civility has underpinned the implementation of the various ASB powers. Some scholars have noted that practitioners used these tools to coercively encourage long-term civility from citizens, rather than promote voluntary behavioural change (Bannister & O’Sullivan, 2013; Crawford, 2006). Others have criticised attempts of civilising as representing hegemonic ideals (Heath and Borda, 2021), furthering the social exclusion of those from different cultures or those with alternative perspectives on what constitutes acceptable behaviour within public spaces. Staeheli and Mitchell (2006) stated that this particularly applied to shopping malls as quasi-public spaces, by highlighting how these environments promote civility by threatening the exclusion of those who are considered to be the ‘other’.

Civility, therefore, encourages a harmonious relationship between those in society, but it “can plausibly be interpreted as just such an instrument of social control” (Boyd, 2006:869). The efficacy of strategies to encourage civility between different citizens is, resultantly, contentious.

2.5.3 Intolerance and anti-social behaviour

Alternatively, it has been argued that social exclusion, and the stigmatisation of vulnerable citizens, is primarily driven by intolerance (Amin, 2006; Millie, 2009). A fluid concept, Allport (1954) suggested that tolerance represented the acceptance of others whilst expressing disapproval. Hancock and Matthews (2001:99) expanded upon this understanding, finding that it meant “the deliberate choice not to interfere with conduct or beliefs with which one disapproves.” From this, Bannister and Kearns (2013:2707) outlined that many subjective factors influence whether one person tolerates another, and that someone “may object to something because it infringes our privacy or quiet enjoyment of private or public space.” They also highlighted how tolerance exists on a spectrum, which Egan et al. (2013) similarly related to direct, local, and macro contexts. Recognising the subjectivity of these judgements, Table 2.3 presents the different considerations that contribute to the feelings of intolerance that some individuals have towards others, taken from the conceptual framework that the work of Bannister and Kearns (2013) developed.

Table removed for copyright reasons.

Table 2.3 Factors of intolerance (Bannister & Kearns, 2013:2707).

Early guidance drafted by the Home Office (1999:7) cautioned that interpretations of the “elastic” definition of ASB should not be guided by intolerant judgements,

stating that it “should not include run of the mill disputes between neighbours, petty intolerance, or minor one-off disorderly acts. Nor should orders be used to penalise those who are merely different.” Moreover, whilst Squires and Stephen (2005b) advocated otherwise, the use of the first-wave of ASB powers fostered intolerance towards marginalised groups, increasing perceptions of the incidence of such conduct from socially excluded citizens (Burney, 2009; Hancock & Matthews, 2001; Kearns & Bannister, 2009). These authors argued that the increased use of these measures to address interpretations of ASB deriving from subjectively intolerant judgements subsequently broadened the exclusion for their recipients.

2.5.4 Social exclusion – summary

Discussions around this section have considered the factors that contribute to the social exclusion of citizens. They have highlighted how these elements have led to an increase in the imposition of punitive policy to promote civility or cease behaviours, which could stimulate feelings of intolerance. Additionally, whilst the Social Exclusion Unit represented an effort by New Labour to provide alternative outcomes for socially excluded individuals, there is little consideration of how the second-wave of ASB policy, which was introduced by the Coalition government, has directly tackled social exclusion.

The following section builds upon these discussions to highlight the groups of socially excluded citizens whose conduct in public spaces is frequently considered to be anti-social.

2.6 Groups who are vulnerable to anti-social behaviour policy

This section focuses on the types of citizens that are vulnerable to social exclusion and criminalisation through ASB policy. These are: people experiencing

street homelessness; disadvantaged neighbourhoods; young people; on-street sex workers; and Gypsies, Roma and Travellers.

2.6.1 People experiencing street homelessness

A wealth of literature has attempted to define what it means to experience street homelessness. For instance, Pleace (1998:57, original emphasis) presented it as a “*set of consequences* that arise when social exclusion occurs in a context within which little or no existence or assistance is given to those who experience it.” This discussion explores street homelessness in an ASB context.

Stereotyping often occurs with regard to people experiencing street homelessness; generating images of an unkempt, dishevelled-looking man with poor personal hygiene, wearing a baggy, distressed overcoat (Breeze & Dean, 2012; Speer, 2018). Moore (2008) characterised those experiencing street homelessness as living most of their day in public spaces, conducting different social and physical activities (both personal and private) in these environments, being unemployed, and being dependent on alcohol or other intoxicating substances. Fitzpatrick et al. (2011; 2013) referred to the latter of these considerations as ‘multiple exclusion homelessness’, defined as affecting those individuals who:

[H]ave been ‘homeless’ (including experience of temporary/unsuitable accommodation as well as sleeping rough) and have also experienced one or more of the following additional domains of deep social exclusion – ‘institutional care’ (prison, local authority care, psychiatric hospitals or wards); ‘substance misuse’ (drug problems, alcohol problems, abuse of solvents, glue or gas); or participation in ‘street culture activities’ (begging, street drinking, ‘survival’ shoplifting or sex work). (Fitzpatrick et al., 2011:502–503)

Research by Wilson (2011) stated that between 30% and 50% of people experiencing street homelessness suffer from some form of mental illness. Alongside mental health difficulties, another complication is the prevalence of

alcohol and intoxicating substance addictions within this community (Carver et al., 2020; Dietz, 2009; Polcin, 2016), particularly given how these issues can exacerbate each other. For example, in a survey of 389 people experiencing street homelessness in London, Fountain et al. (2003) found that 83% of those who were sampled used drugs, 36% were dependent on heroin, 25% were dependent on alcohol, and 63% reported that these addictions were a crucial reason why they were experiencing street homelessness. Additionally, recent commentary has highlighted the prominence of the consumption of NPS, predominantly synthetic cannabinoids (such as 'Spice'), within public spaces, particularly town and city centres, by these citizens (Alexandrescu, 2020; Devany, 2019; Ford et al., 2018). As was discussed in section 2.3 (p. 30), the flexibility of the legal definition of ASB can categorise this behaviour as being anti-social; additionally, Ford et al. (2018) presented that substance addiction and mental health difficulties were common reasons that recipients did not comply with ASB tools and powers.

Issues of exclusion are most apparent when debating homelessness (Doherty et al., 2008; Hodgetts & Stolte, 2016), with these citizens being manifestations of the fundamental 'outsider'. In understanding why these individuals face stigmatisation, Sanders and Albanese (2017) found that, in public spaces, 92.8% of people experiencing street homelessness reported sleeping rough, 60.7% drank alcohol, 47.8% took drugs, and 36.5% begged. These behaviours are inherently visible when conducted in a public space, which Moore (2008) noted as contributing to judgements of intolerance from other citizens. Research with this population group has discovered that people experiencing street homelessness recognised their perceived limited right to occupy public and quasi-public spaces (Coleman, 2004; Hughes et al., 2017), even if they were

often not engaging in significant crime or ASB (Moore, 2008). Perceptions that drive intolerance towards these citizens overlook that they are both 17 and 15 times more likely to be victims of violence and verbal abuse, respectively, than other citizens (Mackie et al., 2017).

The intolerance that is generated by citizens towards the presence of people experiencing street homelessness within public spaces has increased policy responses to the presence of such citizens, especially in the years since 1990 (Johnsen & Fitzpatrick, 2010). Table 2.4 details Johnsen et al.'s (2018) methods of engaging with these citizens, ranging from the forceful use of ASB tools and powers to supportive, tolerant engagement strategies.

Table removed for copyright reasons.

Table 2.4 Methods of engaging with people experiencing street homelessness (Johnsen et al., 2018:1110).

In Table 2.4, assertive outreach represents an influential mode of power for engaging with multiple exclusion homelessness, recognising its development beyond the deinstitutionalisation of psychiatric hospital patients in the 1970s to this context (Coleman et al., 2013; Fisk et al., 2006). Assertive outreach is a flexible, client-centred strategy that addresses the vulnerability of those experiencing street homelessness by providing housing and other support, rather than imposing punitive sanctions that further entrench exclusion (Phillips & Parsell, 2012; Phillips et al., 2011). Including individuals in the process of providing appropriate accommodation, whilst also offering intervention around mental health and substance misuse, makes assertive outreach a potentially more effective way for engagement than punishments (Asana et al., 2018; Firn, 2007; Toynbee & Allen, 2009).

However, there are conflicting views on the efficacy of assertive outreach. For example, whilst Parsell et al. (2013) suggested that people experiencing street homelessness report positive perceptions of these engagement strategies, others have highlighted the importance and challenges of resourcing allocations to substantiate offers of support (Coleman et al., 2013; Phillips et al., 2011). Mackie et al. (2019:88–89) contended that assertive outreach is “potentially unethical if not accompanied by a meaningful and suitable accommodation offer.” Furthermore, Sanders and Albanese (2017) found that 81% of 456 people experiencing street homelessness did not receive any signposting towards service providers during enforcement encounters, suggesting that there is limited assertive outreach when people experiencing street homelessness engage with authority figures in a domestic setting. Fitzpatrick et al. (2020) supported this finding by indicating that the financial constraints presented by austerity offered

a means for public authorities to justify their evasion of engaging with these citizens through holistic strategies like assertive outreach.

Table 2.4 also details that practitioners can forcefully employ a range of ASB tools and powers when engaging with people experiencing street homelessness. Maclennan and O'Sullivan (2013) asserted that the introduction of the Crime and Disorder Act 1998 thrust the responsibility for addressing homelessness towards local authorities; whilst the New Labour government did not necessarily intend for this, practitioner understanding of the first-wave of ASB powers developed to punish the behaviour of these citizens. Matthews and Briggs (2008) discussed the use of ASBOs against people experiencing street homelessness, and Burney (2009) reported that they were being issued to those who were suffering from addictions to alcohol or intoxicating substances. Dispersal Orders and DPPOs, two spatial first-wave measures, were also successful means of securing behavioural change from people experiencing street homelessness despite, as discussed in section 2.4.3 (p. 39), the inconsistent enforcement of these powers between daytime and night-time hours. Reflecting on the subjective nature of the legal definition of ASB, Measham and Moore (2008:283) suggested, "In such terms, 'anti-social behaviour' becomes increasingly a question of social context." Sanders and Albanese (2017) found that police officers had displaced six out of 10 people experiencing street homelessness, with Heap, Black and Devany's (2022) later research noting a similar frequency of displacement for these citizens. Within town and city centres, the Broken Windows Theory, coupled with the perceived inability of such citizens to engage with the economic purposes of these environments, underpins their displacement (Flusty, 2001; Holland et al., 2007). This extends earlier discussions of revanchism, exemplified by Smith's (1996:227) statement that "the reaction against homelessness and people

experiencing street homelessness in the 1990s represents only one aspect of the emerging revanchist city, if a particularly nasty one.” Displacement overlooks both the diversity that these citizens offer to public spaces and also suggestions that towns and city centres are critical areas for citizens’ social interaction (Addo, 2018; Paddison & Sharp, 2007). Indeed, Mitchell (1995:115) asserted, “Only in public spaces can the homeless, for example, represent themselves as a legitimate part of: ‘the public’.” A report by JUSTICE (2023)²⁴ also noted that displacement can move people experiencing street homelessness to spaces that are considerably more unsafe for them to occupy. When practitioners measure the effectiveness of ASB tools through their ability to displace their recipients (Campbell, 2002), this further contributes to their social exclusion.

Whilst research by Parr (2022) noted the benefit of unconditional approaches to engaging with people experiencing street homelessness within one organisation, she noted that such strategies were not commonplace in other service providers. Consequently, the prevalence of punitive mechanisms for addressing the behaviours of people experiencing street homelessness shifts this societal issue from a health and social care context to the criminal justice system (Moss & Moss, 2019). As section 3.5 (p. 91) discusses in more detail, there are growing concerns about using prohibitions and requirements within PSPOs against people experiencing street homelessness.

2.6.2 Disadvantaged neighbourhoods

New Labour’s narrative linked low socioeconomic status to the nature and frequency of ASB (Burney, 2009). This led to those within residential

²⁴ JUSTICE is a charity in the United Kingdom that advocates for law reform and human rights, especially for vulnerable citizens: <https://justice.org.uk/about-us/>

neighbourhoods becoming subjected to social exclusion through increased perceptions from other citizens of the incidence of such behaviour (Brown, 2004; Hancock, 2008; Hancock & Mooney, 2013; Millie, 2009). The resulting beliefs about the prevalence of ASB, and the subsequent use of associated tools and powers, within these disadvantaged areas, is discussed below.

Considerations of Nixon et al.'s (2003) ASB perception drivers that are particularly relevant to these environments include both location and quality of life considerations. This recognises the home as a crucial space for feelings of comfort (Stokoe & Wallwork, 2003). Forms of ASB here vary from environmental to criminal (Nixon & Parr, 2006), commonly involving vandalism, graffiti, broken glass, excessive noise, and young people 'hanging around' (Hancock, 2001; Neary et al., 2013), each of which is cumulatively impactful to residents (Heap, 2016; 2021). Indeed, Thompson et al. (2019) discovered that 71.8% of those who had witnessed environmental ASB did so on a fortnightly basis; similarly, the behaviour that was associated with 'nuisance neighbours' presented a typical form of ASB that had impacted their quality of life. Phrasing from Labour's third-term Respect Taskforce (2006:3) summarised these concerns by stating that "serious anti-social behaviour like constant noise and harassment from neighbours ruins lives – particularly in the poorest communities."

Whilst Neighbourhood Watch (n.d.) stated that 45% of citizens perceived ASB as problematic in the area where they live, 56% of those who had witnessed or were victimised by this conduct did not report such incidents. Principal reasons why citizens generally fail to do so include: not defining a perpetrator's conduct as ASB (demonstrating a further limitation of the vagueness and subjectivity of the legal definition); being considered too trivial; lacking confidence in public authorities; or fearing retaliation where practitioners take insufficient action

(Casey & Flint, 2007; Flint et al., 2007; Hopkins-Burke & Hodgson, 2015; Hunter et al., 2004). Whilst ASB may affect the quality of life for those living within these neighbourhoods, and be cumulatively impactful, its incidence can often go unreported.

Skogan's (1990) seminal work highlighted the importance of community cohesion in removing disorder from neighbourhoods. Moreover, furthering Elias and Scotson's (1994) discussion of the 'established' and the 'outsiders', Nixon and Parr (2006) indicated that neighbour disputes about ASB can create an 'us' and 'them' dynamic. For some, tensions, and subsequent perceptions of ASB, may also derive from cultural differences between citizens, particularly where disadvantaged neighbourhoods comprise a diverse population (Amin, 2002; Kearns & Whiteley, 2018; Powell & Robinson, 2019). Sibley (1995) described both the anxiety and resistance that is demonstrated towards those moving into areas with socioeconomic and cultural differences, whilst others have explained that 'established' residents, predominantly White people, "are more isolated... less tolerant, more suspicious and less willing to engage... with communities other than their own" (Finney & Simpson, 2009:111). The subjective definition of ASB allows cultural misunderstandings and prejudices to be classified as anti-social, furthering the social exclusion of these citizens (Kearns & Bannister, 2009; Robinson, 2008). Public authorities must, therefore, incorporate the perspectives of these citizens within their decision-making processes to avoid disproportionately punitive responses (Prior & Spalek, 2008).

The implementation of ASB policy within neighbourhood environments was particularly remarkable because New Labour targeted these areas (Brown, 2004; Flint et al., 2007; Millie, 2007; 2009), primarily to illustrate the importance of their Communitarianism agenda (Flint & Pawson, 2009; Robinson, 2008). This

approach overlooked suggestions that not all disadvantaged areas experienced ASB to the same extent; subsequently, the ASBO transitioned from a tool that was intended to be widely applicable, into one whose imposition frequented those living in social housing estates (Flint et al., 2007). The findings of several studies have further demonstrated the prevalence of this. For example, Nixon et al. (2003) discovered that practitioners preferred to issue ASBOs because of the individualistic nature of these tools, which meant that they could avoid punishing a whole family through eviction. Similarly, Crawford and Lister (2007) revealed that police officers issued Dispersal Orders at a notably higher rate in residential areas than in town and city centres.

The language that was used throughout this time was predominantly stigmatising, including references to 'neighbours from hell' (Field, 2003),²⁵ 'problem families' (Parr & Nixon, 2008; 2009) and 'problem households' (Lupton & Power, 2002). This rhetoric targeted the perceived disorder of such individuals despite the existence (but lack of similar demonisation) of so-called 'problem neighbourhoods' before the statutory introduction of ASB in the Crime and Disorder Act 1998 (Flint, 2006), alongside insufficient clarification of what particular behaviours that these residents exhibited were actually anti-social, beyond simply living in such environments (Parr & Nixon, 2008). Moreover, through labelling and regulating behaviours of residents in these neighbourhoods from the outside, the imposition of punitive ASB policy overlooked the internal organisation of these environments by presuming that there was a lack of social structure for citizens to resolve these conflicts among themselves (Atkinson & Flint, 2004; Whyte, 1943). Mackenzie et al. (2010) recommended that increased

²⁵ It is worth noting that Frank Field (later Lord Field of Birkenhead) wrote the book, *Neighbours from hell: The politics of behaviour*, whilst he was an elected Member of Parliament in the Labour Party.

community cohesion would avoid the stereotyping of others and decrease perceptions of ASB. However, Coalition governing continued this stigmatisation, with the Troubled Families Programme²⁶ disproportionately identifying those in the poorest areas (Crossley, 2015; 2017; Lambert & Crossley, 2017).

Whilst there is literature concerning the use of first-wave powers in disadvantaged neighbourhoods, what is underdeveloped is the extent to which local authorities employ second-wave tools in these environments. There is the potential for these orders to continue narratives around the 'established' and 'outsiders' through their imposition. This research addresses these gaps in understanding.

2.6.3 Young people

Millie et al. (2005) presented three considerations for increased perceptions of ASB: a broader social decline in behaviour and a loss of 'community'; because young people are increasingly disengaged from society; and the idea that poor parenting has increased the number of delinquent children. This subsection explores 'young people', a term which this study uses to refer to those who are aged over 10 years, to meet the age of criminal responsibility (and the remit of ASB policy), but who are under 18 (Home Office, 2023).

Fahmy (2006:349) defined 'youth' as a "period of transition or set of transitions, between the dependency of childhood and the social and economic

²⁶ The Troubled Families Programme was a scheme introduced in 2011 by the Coalition government. Building upon existing datasets, the programme identified an initial 120,000 'troubled families' (expanded to 400,000 in May 2015), that would be 'turned around' by the end of the first government term in May 2015 through sustained intervention (Crossley, 2015; 2017; 2018; Parr, 2017). Behavioural characteristics of 'troubled families' included crime or incidents of ASB, educational exclusion and worklessness (Lambert & Crossley, 2017).

This programme has faced criticism within academic studies. For example, Hayden and Parr (2019) noted a correlation between a family's generational history with social services and their referral to the Troubled Families Programme, and Parr and Churchill (2020) have questioned the methodologies used to evaluate the effectiveness of this programme.

independence of adulthood.” Public spaces are recognised as pivotal sites for young people during this “transition”, with areas like streets, town and city centres and greenspaces acting as symbolic sites for young people, away from the family home, to mingle with their peers (Goldsmith, 2008; Measor & Squires, 2000). Additionally, quasi-public spaces, particularly shopping centres, play a significant role in fostering young people’s socialisation within secure environments (Crawford, 2011; Johnstone, 2016), especially following the closure of many community facilities (Bateman, 2007; Findlay-King et al., 2018). Therefore, the gathering of young people in public spaces is considered to be an important milestone in their development into adulthood.

From their presence in these areas, often termed ‘hanging around’, young people are subjected to intolerance by adults, deriving from subjective perceptions that they may potentially suffer harm as a result of the incidence of ASB (Deuchar, 2010; Mackenzie et al., 2010; Squires & Stephen, 2005a). These perceptions are particularly prevalent in areas of high socioeconomic disadvantage, but they also exist in high streets and shopping centres through the perceived inability of young people to engage with the economic purpose of these environments (Crawford, 2011). Consequently, young people are often ‘moved on’ from these areas (Measor & Squires, 2000; Squires, 1999). Previous studies have highlighted the frustration that stigmatisation like this causes for young people, reporting that whatever behaviour they conduct in a public space will be construed by others as being anti-social (Goldsmith, 2008). Accordingly, Brown’s (2013a) work considered how young people would alter their behaviour whilst in a public space to appear more friendly, hoping to alleviate intolerance by smiling or greeting adult public space users. However, they reported that these strategies were ineffective in lowering perceptions of ASB from young people ‘hanging around’.

The discourse about young people throughout the early 2000s included the broader 'othering' of such individuals (Stephens & Squires, 2004), alongside 'naming and shaming' those who had been punished for conducting ASB (Bateman, 2007; Evans, 2005; Squires & Stephen, 2005b). This was notably apparent for those from disadvantaged backgrounds, through media publications and the pejorative label of a 'chav' (Bennett, 2013; Jones, 2011; Tyler, 2013). McCulloch et al. (2006:547) suggested that the word 'chav' was "used as [an] 'othering' label, and only rarely as a self-identifying label", demonstrating the subjection of young people to intolerant judgements and 'othering'. Whilst being anti-social and a 'chav' are two disparate concepts, New Labour's rhetoric throughout this time conflated these two notions. In doing so, these narratives furthered the social exclusion and infantilisation of young people (Hollingworth & Williams, 2009; Millie et al., 2005; Neary et al., 2013; Yates & Payne, 2006), whilst treating them as "fully integrated members of a community" for the purpose of punitive enforcement under ASB policy (Hill & Wright, 2003:294). They also overlooked suggestions that young people simultaneously need protection whilst they are in public spaces (Brown, 2013a).

Young people were not identified as the initial targets of first-wave ASB policy, such as ASBOs, following the introduction of the Crime and Disorder Act 1998 (Burney, 2009; Squires, 2008). In the years following the introduction of this statute, however, Burney (2009:67) stated that ASB policy had developed into "a convenient peg on which to hang generalised prejudices about young people and their activities", which, as Squires and Stephen (2005b:522) asserted, created a situation whereby "policymaking has largely focused upon resolving the problems that young people cause for adults." Accordingly, Millie et al. (2005), in a survey that asked 847 people about their perception of what the government meant by

the idea of ASB, found that most respondents associated it with young people's actions. By the time that the Coalition government was elected in 2010, 55% of the recipients of first-wave ASB tools were under 18 (Clarke et al., 2011).

The ASBO was the most prominent power that was used against this population group, with Crawford (2008) reporting the issuing of 40% of these orders to young people. Despite this, the effectiveness of an ASBO when given to a young person was contentious; for some, the severity of punishment from these orders was sufficient to achieve long-term behaviour change (Brown, 2011). Conversely, Bateman's (2007) research discovered that young people perceived receiving an ASBO as disproportionate to their sub-criminal conduct, and that they sometimes lacked a complete understanding of the conditions that these orders contained. Consequently, he found that this led to a breach rate of 57%, notably for contravening restrictions on accessing certain public spaces. Later research by the Prison Reform Trust (2011:3), discussing the 68% breach rate for young people who were given ASBOs after 2000 stated that, through the use of these powers, "children are in effect being set up to fail." Elsewhere, others have noted that some recipients perceived their ASBO as a 'badge of honour' that promoted their notoriety within their community (Brown, 2011; Macdonald & Telford, 2007; Solanki et al., 2006).

Dispersal Orders were another tool that was similarly unsuccessful in addressing young people's ASB, often causing displacement rather than deterring incidents all together (Crawford & Lister, 2007; Hodgkinson & Tilley, 2007). Some have argued that the resulting displacement following the introduction of a Dispersal Order enhanced negative perceptions of youth ASB, further alienating young people from public spaces and their wider community (Cockroft et al., 2016; Crawford, 2008). Those within this population group reported that Dispersal

Orders were punitively unfair, particularly the 9 p.m. curfew (Smithson, 2005). They also indicated that they perceived little consistency in the approach of practitioners towards their use (Crawford & Lister, 2007).

Alongside these punitive sanctions, Acceptable Behaviour Contracts (ABCs)²⁷ constitute an informal engagement strategy with young people, with Crawford et al. (2017) discovering the creation of nearly 14,000 between 2006 and 2007 alone. Publications by Squires and Stephen (2005a), and Stephen and Squires (2003; 2004), gather work undertaken with ten families in 2002. Their findings revealed the impact of ABCs on familial relationships (particularly the threat of eviction), highlighted perceptions from recipients that they had been 'singled out', and noted the high proportion of those entering into these agreements with mental health or special education needs. However, they also uncovered circumstances where two mothers perceived ABCs as successful, in cases where the siblings of their recipients were already imprisoned. Subsequent work by Brown (2012) found that practitioners generally employed ABCs in one of two ways: to either supportively encourage individuals to take responsibility for their behaviour or to coercively hold recipients to account through threatening formalised punishment (such as issuing an ASBO or eviction) for non-compliance. Others have also noted that issues with ABCs include the lack of adherence to the four principles of procedural justice (specifically voice) in their use by practitioners (Crawford et al., 2017).

²⁷ ABCs, also known as Acceptable Behaviour Agreements, are written agreements between ASB perpetrators and local authorities. These documents contain a list of prohibited behaviours, often environmental ASB, although they are not legally binding documents. Typically lasting for six months, ABCs can be open-ended in length, with a progression to formalised ASB policy, previously ASBOs, where breached.

At the time of writing, they are still available for use by practitioners, although JUSTICE (2023) noted that their use has been in gradual decline in recent years.

Public spaces are a developmental area for young people, but their presence in these environments is contested. The first-wave of ASB policy disproportionately targeted young people in an attempt to, as Gil-Robles (2005:77) articulated, “nip issues in the bud”, aligning with suggestions that the incidence of ASB acted as a gateway towards a broader criminal career (Jacobson et al., 2008; Squires & Stephen, 2005a). This narrative continued for the creation of the second-wave powers, such as the Home Office’s (2011:23) assertion that the new tools would make “early intervention more effective, so that fewer people – young people in particular – go onto more serious offending.” Since this time, however, little academic research has considered the implications of enforcing these measures against young people.

2.6.4 On-street sex workers

Street-based sex workers have faced continued social exclusion for their presence and conduct in public spaces. Aside from their behaviour being classified as anti-social, the Sexual Offences Act 2003²⁸ criminalises behaviours that are associated with on-street sex work, aligning with earlier discussions of the blurring of criminality thresholds within the “elastic” definition of ASB.

The existing literature situates the place of on-street sex workers within broader societal structures, indicating how the stigmatisation of these citizens extends discussions of social exclusion. For example, their marginalisation often relies upon comparisons to existing moral standards, and labels of on-street sex workers as the proverbial ‘other’ in society (Hubbard & Sanders, 2003; Scoular et al., 2007). Further, debates about street-based sex work are often gendered in

²⁸ Section 51A(1) of this statute provides that “It is an offence for a person in a street or public place to solicit another (B) for the purpose of obtaining B’s sexual services as a prostitute.”

their approach, targeting those who identify as female as the primary perpetrators of undesirable conduct (Dorais, 2005). Through this, the imposition of punitive policy overlooks several vulnerability factors and risks of harm for these individuals, including their frequently low socioeconomic status, addictions to alcohol or intoxicating substances, and broader victimisation experiences of physical violence and sexual abuse (Hester et al., 2019; Jones & Sagar, 2001; Sagar, 2009). Despite facing a wide range of harms and vulnerability, on-street sex workers are one of the most marginalised groups in society.

Regardless, these individuals have been the target of ASB policy, notably the ASBO (Sagar, 2007). Phoenix (2008:302) raised particular concern with suggestions that ASBOs could support street-based sex workers in remedying their vulnerability, arguing that “Despite the rhetoric of help and support offered to street-based sex workers, and despite the fact that selling sex is not illegal, current prostitution policy is little more than institutionalised intolerance.” Furthermore, the judgment of *Chief Constable of Manchester v Potter* [2003] EWHC 2272 demonstrated the low threshold for issuing an ASBO to these individuals, decreeing that an on-street sex worker did not need to cause “harassment, alarm or distress” and that her presence alone was sufficient to affect the community and justify the imposition of an order. Research by Hester and Westmarland (2004) illustrated the ineffectiveness of these orders, finding that only three out of 10 of the on-street sex workers that they sampled saw this tool as a form of deterrence, particularly where addiction to intoxicating substances was a driving force behind them conducting behaviour that others perceived as anti-social. Many others have also considered how practitioners discriminatively issued ASBOs to street-based sex workers, with limited efficacy

(Jones & Sagar, 2001; Sanders, 2009; Scoular & Maggie O'Neill, 2007; Sagar, 2007).

As with most other socially excluded groups, a consequence of first-wave ASB policy implementation against street-based sex workers was the displacement of their presence from certain public spaces (Hubbard, 2004; Sagar, 2007). Others have found that behaviour that is perceived to be anti-social would continue in places that on-street sex workers considered less safe, rather than displacement conclusively deterring this behaviour (Hubbard & Sanders, 2003; Kingston & Thomas, 2017; Kinnell, 2008). This causes concern, as previous research has highlighted that street-based sex workers choose to conduct this behaviour within public spaces where they develop feelings of safety (Pitcher et al., 2006). Recommendations from Hester and Westmarland's (2004) work stipulated that support from service providers constitutes a more appropriate response to on-street sex work than forms of displacement.

Contrasting with punitive approaches to street-based sex work, alternative methods have recently addressed the perceived ASB that these individuals cause. For example, in Holbeck, Leeds,²⁹ the local authority adopted a decriminalised approach in a public space with a prominent presence of on-street sex work. In 2014, they introduced a legalised system for this behaviour for 12 months, limiting the time of day that street-based sex work could occur and restricting the consumption of intoxicating substances during these operating hours. Building upon findings from similar examples, which indicated that legalisation resulted in decreased crime levels and lower rates of sexually transmitted infections, this approach sought to increase the safety of on-street

²⁹ The local authority for which was not sampled in this research.

sex workers within this area (Cunningham & Shah, 2018; Sanders & Sehmbi, 2015). However, where legalised in Sweden, research has revealed the potential for displacement to continue (Levy & Jakobsson, 2014), presenting uncertainty about the effectiveness of these schemes in ensuring the safety of those who conduct on-street sex work.

As this subsection has illustrated, there are both holistic and punitive ways to address the behaviour of on-street sex workers, including through the use of ASB policy. Whilst the former signifies an increase in tolerance towards these individuals through a legalised approach, the latter continues a pattern of stigmatisation and disciplinary enforcement.

2.6.5 Gypsies, Roma and Travellers

Due to the conduct of Gypsies, Roma and Travellers prominently involving their presence in public spaces, specifically greenspaces such as public parks, they are vulnerable to intolerance (Table 2.3, p. 52), alongside social exclusion and punitive ASB policy. Accordingly, this subsection considers the punishment of this population group through these tools alongside their categorisation as homeless within section 175(2)(b) of the Housing Act 1996,³⁰ and the criminalisation of “Residing on land without consent in or with a vehicle” within section 60C of the Criminal Justice and Public Order Act 1994.³¹

Often presumed to be of Irish descent, in Britain, these citizens are predominantly of Romanian heritage, and face recurrent labelling as the ‘other’ or an ‘outsider’

³⁰ This section of the statute provides that “A person is homeless if he has accommodation, but it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.”

³¹ As amended by the Conservative government through Part 4 of the Police, Crime, Sentencing and Courts Act 2022.

in society (Helleiner & Szuchewycz, 1997; Powell & Lever, 2017; Tyler, 2013). Gypsies, Roma and Travellers face stigmatisation because they decide to live outside the perceived societal norms that govern the lives of the majority of settled citizens, often facing intolerance due to their family size, experiences of poverty, or symbolism of being 'out of place', particularly in town and city centres (Tyler, 2013; Sibley, 1995). Further postulating on their vulnerability, Powell (2008) considered that stigmatisation often arises from a differential power balance between this population group and settled citizens. He later explained that the relationship between them is unequal and fractious.

Clark and Taylor (2014) claimed that New Labour failed to adequately address the social exclusion that Gypsies, Roma and Travellers experience by criminalising these individuals through the first-wave of ASB policy. Building upon this, Kabachnik and Ryder (2013:99) suggested that the punitive use of such measures furthered the social exclusion of these citizens, detailing that "An important opportunity to extend understanding of the exclusion of nomadic Gypsies and Travellers was missed but also a chance to mainstream their needs into service provisions and solicit understanding and support." Consequently, those within this community are often displaced from the public spaces where they temporarily reside, which may be areas where they have grown attached to or have formed positive social relationships with others (Kabachnik & Ryder, 2013).

This discussion suggests that New Labour fostered, rather than remedied, the stigmatisation that is directed towards Gypsies, Roma and Travellers through the punitive imposition of ASB measures. Compounding this, Tyler (2013) indicated that the Coalition government's agenda extended the opportunities for local

authorities to evict, and subsequently displace, members of these communities, which the discussions in chapter three explore further.

2.6.6 Groups who are vulnerable to anti-social behaviour policy – summary

This section has highlighted that certain marginalised groups are particularly likely to have their behaviour subjectively interpreted as anti-social, through the use of the legal definition, and to become the targets of its associated policy. The punitive measures that are imposed against citizens facing such vulnerabilities overlook the multiple difficulties that these socially excluded individuals may face, failing to consider the notable importance of public spaces to these communities. Commonly, addressing the presence and conduct of these citizens involves some form of territorial displacement (Table 2.2, p. 44), but the extent to which these individuals face marginalisation (and subsequent spatial exclusion) through the enforcement of a PSPO are considerations that chapter three ponders, and the findings of this thesis explore.

2.7 Conclusion

Overall, this chapter has provided a literature review concerning the concept of ASB. It has highlighted how subjective, perception-driven interpretations of the incidence of this behaviour in public spaces have fostered intolerance towards, and the stigmatisation of, the conduct of several already socially excluded population groups. A disproportionate utilisation of first-wave ASB powers in response continued the criminalisation of particularly marginalised citizens. These considerations offer the opportunity to explore whether the implementation of a PSPO, and notably the rationale for doing so, intend to further the social exclusion of these citizens, or whether it is a consequence of their use.

The next chapter builds on the recurrent mention of the PSPO within these discussions to investigate this power, which is the focus of this study, in more detail.

Chapter 3 – Understanding Public Spaces Protection Orders

3.1 Introduction

Presenting the process for introducing a Public Spaces Protection Order (PSPO), this chapter focuses on the existing academic commentary around this anti-social behaviour (ASB) power. It highlights the wide-ranging discretion that the Anti-Social Behaviour, Crime and Policing Act 2014 offers local authorities and illustrates how PSPOs extend earlier issues regarding the punitive nature of first-wave ASB policy. This chapter concludes by outlining the current gaps in knowledge that this study seeks to address.

3.2 Reforming anti-social behaviour policy

This section examines the reformation of ASB policy by the then Conservative Prime Minister David Cameron following the establishment of the Conservative-led Coalition government in 2010. Its focus is on the narrative that led to the creation of the PSPO within the Anti-Social Behaviour, Crime and Policing Act 2014.

The Coalition government introduced the Big Society as a concept to, among other things, devolve power and responsibility away from the central government (Conservative Party, 2010). Thus, through elements of localism, the Big Society was proposed to create “a society where people come together to solve problems and improve life for themselves and their communities; a society where the leading force for progress is social responsibility, not state control” (Conservative Party, 2010:37). Localism, in this context, reflected a move away from centralised governing, and it also reinforced existing ideas of community responsibility which were evident in the ASB policy of earlier Labour governments.

Devolution of responsibility from the central government occurred primarily through the Localism Act 2011, a statute allowing local authorities to undertake any activity that is permissible by law (Clarke & Cochrane, 2013; Jones, 2013). Elements of the Anti-Social Behaviour, Crime and Policing Act 2014 also demonstrate the attempt to create a Big Society through localist governing. This includes the central government's lack of oversight for the imposition of PSPOs (Brown, 2017; Ford et al., 2018; Heap & Dickinson, 2018), alongside the ability of local authorities to introduce these orders without the approval of the judiciary (Stanford, 2020). Later sections in this chapter, which outline the scope of PSPOs through this statute, further highlight the impact of localism on the development of the Coalition government's ASB policy.

As part of their approach to addressing ASB, the Conservative Party highlighted ongoing issues with the existing policy that the previous Labour governments had introduced. By 2010, there were 19 different tools and powers that existed for use by various public authorities, and this year offered the first opportunity for a Conservative-led administration to devise statutory provisions relating to ASB following its introduction in the Crime and Disorder Act 1998. At this time, academic literature suggested that the existing ASB powers were too excessive, often unenforceable, and that ASB policy needed general reforming (Downes & Morgan, 2012). Examples of these criticisms include, as section 2.6.3 (p. 63) presented, the perception from young people that being issued with an Anti-Social Behaviour Order (ASBO) was a 'badge of honour' rather than an effective means of acquiring behaviour change (Brown, 2011; Macdonald & Telford, 2007; Solanki et al., 2006). The ASBO, in particular, had become a critical part of British culture, garnering negative connotations with its use towards the criminalisation of vulnerable young people (Burney, 2009; Squires & Stephen, 2005a). The

Conservative Party (2010:56) latched onto critiques of ASBOs, highlighting a 58% breach rate and labelling them “blunt instruments” for tackling the continued incidence of ASB (Home Office, 2013). Their narrative was that a wholesale reformation of ASB policy was necessary due to the perceived ineffectiveness of, and the stigmatisation that was associated with, the first-wave powers that the previous Labour governments had introduced.

The proposal to create new forms of ASB policy also allowed the Coalition government to refocus its discourse on the effect of persistent victimisation. This political rhetoric accepted an understanding of the harmful effect that recurrent and cumulative ASB can have on a victim’s quality of life (Heap, 2016; 2021; Home Office, 2011). Conservative politicians referred to the high-profile instances of David Askew and Fiona Pilkington, individuals whose persistent ASB victimisation within their communities, without appropriate local authority support and responsiveness, contributed towards their deaths (Her Majesty’s Inspectorate of Constabulary, 2010). As a result, the Conservative Party prioritised victimisation experiences. This included research by Her Majesty’s Inspectorate of Constabulary (2010:8), which developed four factors of victimisation risk, “1. Repeat victims 2. Illness and disability 3. People who are at home for lengthy periods 4. Areas of particular deprivation.”

The Home Office (2011) combined these discussions into the *More effective responses to anti-social behaviour* report, which proposed consolidating the previous 19 ASB tools into six new instruments. The Coalition Government continued with this change despite suggestions that the new powers would generate more confusion than simply “tweaking” the measures that had existed for several years or, in some cases, over a decade prior (Hodgkinson & Tilley, 2011:294). Notwithstanding such concerns, the Anti-Social Behaviour, Crime and

Policing Act 2014 received royal assent on March 13th, 2014. Figure 3.1 illustrates the previous 19 first-wave ASB tools and powers and how the 2014 statute amalgamated these into six new second-wave measures.

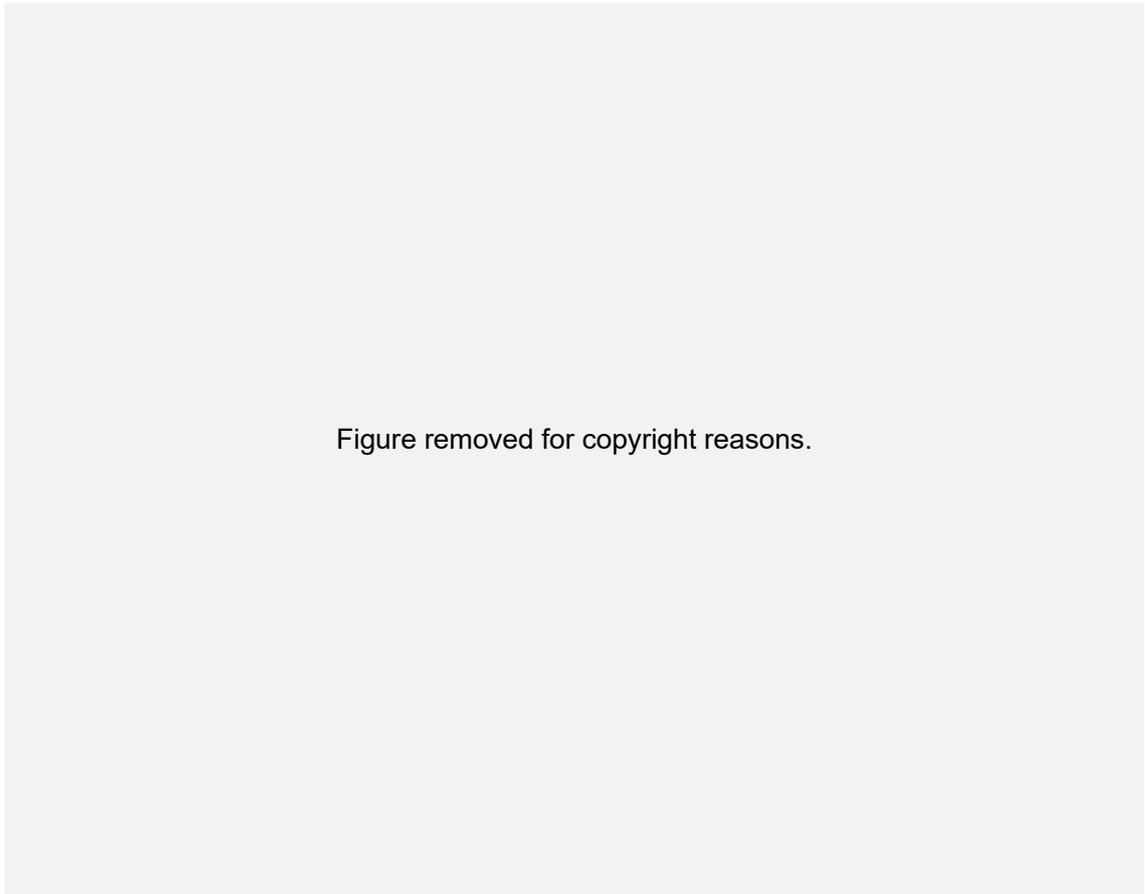


Figure 3.1 The amalgamation of powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (Bhogal, 2020:2).

One example of a victim-focused power that was introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 is the Community Trigger case review, later renamed as the ASB Case Review in March 2023 (Department for Levelling Up, Housing and Communities & Home Office, 2023). This measure emphasises the importance of citizens reporting ASB incidents, allowing them to request a multi-agency evaluation meeting if they perceive that they have not received an appropriate response to their ASB reports (Home Office, 2023; Local Government Association, 2014). The impetus driving the creation of this tool was tackling

perceptions of inadequate local authority responsiveness, allowing victims to address their experiences through powers that granted seemingly more immediate resolution.³²

However, whilst introducing the Anti-Social Behaviour, Crime and Policing Act 2014 offered an opportunity for the Coalition government to address criticisms of earlier ASB policy, debate within the literature has highlighted similar issues for the second-wave of tools and powers. For example, some have noted that this statute encourages subjective interpretations of ASB, providing further confusion around the legal definition, and continuing an enforcement-led governing style (Demetriou, 2020; Young, 2016). Others have supported this by outlining how localism has fostered, particularly for the PSPO, discretionary decision-making by local authorities (Brown, 2017; 2020a; Heap & Dickinson, 2018; O'Brien, 2016), which can subsequently lead to inconsistent practices by different areas. Appleton (2014:para.8) questioned the nature of the PSPO when the 2014 statute was proposed as a Bill, stating that this order removed “existing checks on the use of such powers, such as the need for public consultation or to prove a case beyond reasonable doubt.” Similarly, Bannister and Kearns (2012) warned that the new powers that were proposed could worsen the intolerance that is demonstrated towards socially excluded citizens. Thus, whilst the Coalition government sought to address issues relating to previous powers, questions of punitiveness, and about which behaviour is classified as ASB, continued to arise.

³² For a broader discussion of the Community Trigger case review, see the report that was published by ASB Help (2019), a charity that provides support to victims of ASB in England and Wales: <https://asbhelp.co.uk/asb-help/>

Further academic discussions of this power can be found in journal articles written by Brown (2015) and Heap (2016), respectively.

This was alongside new anxieties regarding insufficient governmental oversight, which appeared to be a consequence of the localism agenda.

Following the general election in 2010, the Conservative-Liberal Democrat Coalition government sought to revitalise the ASB policy that the three previous Labour governments had introduced. Adopting the Big Society agenda, which included elements of localism, they aimed to devolve responsibility towards local authorities to address localised issues. Focusing on persistent ASB victimisation, they highlighted the impact that recurrent ASB could have on citizens. In doing so, the Coalition government noted the ineffectiveness of the existing 19 ASB powers, particularly perceptions that they did not obtain long-term behavioural change from their recipients. By empirically investigating the scope of the PSPO, one of the six new powers that this government gave to local authorities, this project seeks to respond to concerns about the use of these orders.

3.2.1 What makes a ‘Public Spaces’ Protection Order?

As discussed above, the PSPO is one of the most contentious powers that the Coalition government introduced, primarily due to the wide-reaching implications of its spatial nature. In one of the few instances where the Anti-Social Behaviour, Crime and Policing Act 2014 clarifies the use of a term, section 74(1) defines a ‘public place’, for the purposes of introducing a PSPO, as “any place to which the public has access on payment or otherwise, as of right or by virtue of express or implied permission.” In addition, and alongside the ASB guidance published by the Home Office (2023), section 64(1)(a)–(c) gives a further explanation about a “public space” for the use of these orders, noting how they

can include both highways³³ and quasi-public spaces, such as shopping centres. Thus, a public space for a PSPO reflects elements of the first four of Marcuse's (2005) levels of legal ownership, from within section 2.4 (p. 33), recognising the public nature of these environments whilst also incorporating developing notions on the importance of privatisation.

However, there is limited knowledge about the decision-making that determines *why* a public space becomes subject to the jurisdiction of a PSPO by a local authority and how the choice of practitioners impacts the ability of this tool to exclude some people from these areas. Heap, Black and Devany's (2022) research discovered the frequent displacement of people experiencing street homelessness from public spaces. They noted, however, that this did not deter this group from conducting any behaviour that was perceived as ASB. This thesis builds upon this finding to explore the rationales for determining which public spaces are subject to PSPOs, alongside how these orders encourage the exclusion of citizens who conduct ASB within such sites.

The following sections discuss the statutory framework for introducing a PSPO within the Anti-Social Behaviour, Crime and Policing Act 2014.

3.3 A "detrimental effect on the quality of life"

Alongside the "elastic" definition of ASB that has persisted since the Crime and Disorder Act 1998, which section 2.3 (p. 30) detailed, the Anti-Social Behaviour, Crime and Policing Act 2014 introduced a bi-stage test that local authorities would need to satisfy before implementing a PSPO. The first criterion

³³ The inclusion of highways reflects the amalgamation of Gating Orders into the scope of PSPOs through the Anti-Social Behaviour, Crime and Policing Act 2014's introduction (Figure 3.1, p. 78). Section 129A of the Highways Act 1980 previously introduced Gating Orders to allow local authorities to restrict access, including through barriers, to a public highway.

of this test is that the ASB that the PSPO is seeking to address must have a “detrimental effect on the quality of life” of other public space users. This section explores this statutory consideration in light of the subjective definition of ASB and the potential for inconsistent operationalisation by practitioners.

There are ongoing discussions about the lower threshold of this statutory requirement, especially as an extension of the legal definition of ASB. For example, in research examining PSPOs, scholars have raised concerns about the potential ways that the “detrimental effect on the quality of life” can be quantified (Heap & Dickinson, 2018). This is especially true given a lack of statutory explanation and clarification within the ASB guidance that the Home Office has produced (Brown, 2017). Further, a study by Dima and Heap (2021) explored practitioners’ interpretations of the definition of the “detrimental effect” when researching Community Protection Notices (CPNs).³⁴ From the 271 responses that were received, they found that, among other considerations, 19.5% associated this phrase with behaviour that causes “harassment, alarm or distress”, 14.9% relied upon the statutory guidance (which, as indicated above, provides no substantive clarification), 14% operationalised it on a case-by-case basis, and 2.6% interpreted it as encompassing annoyance or inconvenience. These findings highlight that, without clarification from central government, practitioners approach the quantification of this statutory threshold inconsistently,

³⁴ Introduced in Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, CPNs carry a similar requirement that ASB must cause a “detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality” in order to be issued, under section 43(1)(a).

An individualistic tool, CPNs can be issued to anyone over the age of 16, alongside being given to businesses committing ASB. Preceded by a written Community Protection Warning (CPW), they contain prohibitions and requirements on acceptable behaviour; and can be appealed in the Magistrates’ Court within 21 days of issuance. Breach of a CPN is a criminal offence, with punishment including a fixed-penalty notice (FPN) of up to £100, or a Level 4 fine of up to £2,500 for individuals, and up to £20,000 for businesses.

with most relying on the vague wording of “harassment, alarm or distress” that has existed since the Crime and Disorder Act 1998. As JUSTICE (2023:101) stated, the wording of tests like this “are vague, framed broadly and rely heavily on subjective assessments.” This thesis seeks to further unpick how practitioners interpret this threshold when seeking to impose a PSPO.

Moreover, the National Policing Improvement Agency’s (2011) classification recognised “quality of life” as a metric of victimisation within their personal and nuisance categories of ASB. When suggesting that ASB must be detrimental to the “quality of life” of victims, most debate about this term references the first-wave of ASB policy. In doing so, it has been indicated that this constitutes behaviour that causes “harassment, alarm or distress”, which either makes citizens unhappy or increases their fear of crime (Ashworth & Zedner, 2014; Jacobson et al., 2008). When discussing how residents within communities assess their “quality of life”, Squires and Stephen (2005a:27) stated that this phrasing incorporates “social, psychological and emotional factors”. From Nixon et al.’s (2003) earlier research, contextual and location-based perceptions of ASB are particularly relevant, as cumulative ASB in specific environments can detrimentally impact a citizen’s “quality of life” in ways that are similar to being the victim of a serious crime (Heap, 2021). However, Hopkins-Burke and Hodgson (2015) suggested that some citizens fail to report ASB that is detrimental to their “quality of life” due to fear of reprisal. These considerations outline the impact on those who are suffering from ASB victimisation and recognise that certain forms of this behaviour may be more cumulatively detrimental in some environments, such as neighbourhoods, than others.

Benefits deriving from the broad framing of the “detrimental effect on the quality of life” consideration within the Anti-Social Behaviour, Crime and Policing Act

2014 is that it allows local authorities to operationalise the persistent impact of ASB when introducing a PSPO. However, it may expose disadvantaged citizens to potential criminalisation, mainly where judgements of intolerance guide interpretation and practitioner operationalisation. For instance, Brown (2017), stated that PSPOs may place greater weight on the “quality of life” of citizens looking to avoid the behaviours of people experiencing street homelessness in public spaces, rather than such individuals who are begging for money or food in such sites. He further argued that:

The risk is that local authorities will often seek to protect the sensibilities of the “law-abiding”, “respectable” majority with whom they are more likely to share a world view of what types of activities are detrimental to that section of society’s quality of life. (Brown, 2017:548)

Work by Hendry (2022:382) has considered similar propositions in the context of knife crime, arguing that the “quality of life” of “the ‘virtuous’ majority” guides pre-emptive public authority intervention. Findings from recent studies have further supported the potential for disproportionality in practitioner interpretation, with Vaughan et al. (2022) reporting that 71% of 6,720 respondents stated that their “quality of life” was not detrimentally impacted by ASB in the previous 12 months. Further, Heap, Black and Devany (2022) presented instances where practitioners had implemented PSPOs to address behaviours that did not immediately pose a “detrimental effect on the quality of life” to other public space users, such as orders criminalising behaviours that people experiencing street homelessness conducted during night-time hours. JUSTICE (2023) has made similar criticisms, arguing that the use of measures like the PSPO can occur even where conduct poses no significant harm. Alongside benefits deriving from the subjective definition of ASB, and its ability to acknowledge victimisation, when contemplating the impact of a PSPO, concerns have emerged that local authorities may take

reports from a vocally intolerant majority to evidence a “detrimental effect on the quality of life”.

Case law judgments illustrate further concern about the potential for practitioner misinterpretation. For instance, the ruling in *Summers v Richmond Upon Thames LBC* [2018] EWHC 782 outlined that ASB does not need to affect all public space users to have a “detrimental effect”; local authorities have a broad remit to decide whether behaviours are detrimental and such decision-making is the basis of localist governing. Similarly, the judgment in *Dulgheriu & Orthova v Ealing LBC* [2018] EWHC 1667 affirmed the wide-ranging discretion that is given to local authorities when interpreting the 2014 statute. These judgments reflect the localist approach that was taken by the Coalition government and supply judicial precedent for the High Court’s deference to local authority decision-making. At the same time, they promote inconsistency in interpreting the “detrimental effect on the quality of life” statutory requirement, furthering existing confusion and the potential for orders to be disproportionately punitive.

Combining the legal definition of ASB with the first element of the bi-stage test from the Anti-Social Behaviour, Crime and Policing Act 2014, its vague terminology provides scope for variation in practitioner interpretation. As a result, the literature has emphasised the potential for significant deviation without substantive clarification or guidance. Nevertheless, these discussions suggest that, in theory, one citizen’s subjective (and potentially intolerant) interpretation of the legal definition of ASB could sufficiently satisfy the “detrimental effect on the quality of life” test that is necessary to meet the threshold for introducing a PSPO that infringes upon the rights of all public space users. This research will address this gap in knowledge by exploring how local authorities satisfy this statutory

requirement before deciding to go out to consultation on the introduction of an order.

3.4 Consultations

Following consideration of the first element of the bi-stage test that needs to be satisfied in order for a PSPO to be implemented, the discussion now explores the obligation of local authorities to conduct a “necessary consultation”. Through section 72(4)(a)–(c) of the Anti-Social Behaviour, Crime and Policing Act 2014, a local authority must consult with the chief of police, appropriate “community representatives”, and the owner or occupier of the land within the proposed PSPO zone. This section explores the suggestion that consultations can be tokenistic exercises for public authorities to undertake, before highlighting how specific issues relating to these engagement methods may present themselves in the process of introducing a PSPO.

Debates on consultations have frequently argued that, although they allow citizens to participate in the development of policy interventions that are relevant to their concerns, they can sometimes fail to sufficiently engage with the perspectives of their respondents (Albert & Passmore, 2008; Fuji Johnson & Howsam, 2018). In particular, Figure 3.2 illustrates Arnstein’s (1969) seminal ladder of citizen participation, which considered how public authorities can sufficiently include their citizenry in decision-making processes. In her work, Arnstein asserted that consultations are often tokenistic as they do not usually fully incorporate citizen perspectives and frequently reduce responses to statistical data that is either in favour of proposals or not. Rather than facilitating comprehensive citizen engagement, Arnstein (1969:219) suggested that consultations signify that “decision-making elites have gone through the required motions.”



Figure removed for copyright reasons.

Figure 3.2 Ladder of citizen participation (Arnstein, 1969:217).

Some of the suggestions from Arnstein's commentary on citizen engagement are potentially applicable to the consultation that is required before the introduction of a PSPO. For instance, no statutory mandate exists on the form that such consultations should take. However, the Local Government Association's (2018) PSPO guidance suggests that online, postal, and face-to-face surveys may be most appropriate, alongside recommending that local authorities highlight the existence of a consultation within the local press and on social media platforms. Despite some benefits that derive from the accessibility of online consultations (Firmstone & Coleman, 2015), others have argued that they do not necessarily decrease elements of tokenism, stating that:

[T]he modern turn towards consultation in the internet age opens up possibilities of speed, reach, economy and interaction that was unimaginable when Arnstein was writing. However, the online quality of any consultation does not automatically make an interaction more (or indeed less) democratic. (Morison, 2017:651)

PSPO consultations can also be tokenistic through the use of closed questions. For example, Appleton's (2016:para.64) work compiled a plethora of examples of such forms of questioning within consultations, including, "To what extent do you agree or disagree that each of these behaviours has affected your enjoyment or use of the town centre?" She suggested that, regardless of citizens' responses, this question generates an indication to the local authority that the introduction of a PSPO is both necessary and supported by citizens. Similarly, Brown (2020a:588) has asserted that such phrasing is "an essential technology of governance as a reader of a consultation is likely to be inclined towards the conclusion that said activities must be problematic to warrant inclusion."

Moreover, the only form that public space users take within the list of statutory consultees is contained within the notion of "community representatives", which section 74(1) of the 2014 statute defines as "any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area."³⁵ The statute, therefore, encourages wide-ranging discretion by allowing local authorities to decide which public space users, if any, to consult with outside the prescribed list of stakeholders. In turn, several guidance documents have sought to provide clarification for local authorities as to whom they should consult. This includes the ASB guidance from the Home Office (2023:65), which states that "It is strongly recommended that the council engages in an open and public consultation", and the publication made by the Local Government Association (2018), which suggested that residents' associations, businesses, charities, and other interest groups should form the consultees for a proposed order. In addition, legal practitioners, Bhogal and O'Leary (2019), have

³⁵ This sub-set of citizens for participation resembles Fung's (2003:339) earlier commentary on public authorities engaging with "minipublics". Its vagueness has also been criticised in JUSTICE's (2023) publication on behaviour orders.

advocated for more meaningful engagement with residents where proposed PSPOs encompass multicultural areas. Together, these recommendations enable local authorities to adapt a consultation depending on the proposed nature of a PSPO whilst simultaneously recognising the importance of consulting widely. Particularly, this is with those who are likely to be impacted by its prohibitions or requirements, who are often considered to be within hard to reach groups (Jones & Newburn, 2001).

However, these consultees are not statutorily mandated within the Anti-Social Behaviour, Crime and Policing Act 2014; instead, most are only contained within the guidance documentation that the Home Office (2023) has produced. Local authorities have no obligation to follow this guidance, and the introduction of a PSPO can occur without any substantive consultation with the public space users who are likely to be affected. Research by Heap, Black and Devany (2022) indicated that practitioners were deliberately selective in this process; discovering a lack of consultation with people experiencing street homelessness. Similarly, other studies have highlighted instances whereby local authorities have sent only a 'letter of intent' regarding the imposition of a PSPO to residents without any meaningful consultation opportunity, engaging only with the statutorily required consultees (The Kennel Club, n.d.). Applying Morison's (2017:658) earlier commentary that citizen participation often represents a "justificatory veneer of democratic engagement", whilst the Anti-Social Behaviour, Crime and Policing Act 2014 allows PSPOs to respond to ASB victimisation, it fails to create procedural safeguards to ensure that local authorities consider the viewpoints of those who are potentially vulnerable to the introduction of an order (Brown, 2017; 2020a).

A further problem with consultations relates to Bobbio's (2019) work on self-selection bias, which is that local authorities risk consulting only with those public space users who are likely to have intolerant views towards marginalised population groups. Consultations for a PSPO could extend earlier statements by Matthews (2001:310) that "participation advances the interests of the vociferous, articulate and confident at the expense of others." For instance, Dyce (2019) explained that people experiencing street homelessness lack consistent internet access, suggesting that online consultations will exclude these citizens from participating. This research examines the extent to which local authorities engage with marginalised groups when consulting for a PSPO and whether these efforts may instead garner the views of intolerant citizens. It explores whether local authorities follow recommendations by Brown (2017:553) that they "should avoid the temptation to consult only with those who they believe will be protected by the measures rather than those who will be restricted by them."

The final consideration for consultations is acknowledging that PSPOs are only initially active for a maximum of three years, as provided by section 60(1) of the 2014 statute. However, local authorities can renew orders for a further three-year period should they consider it reasonable and proportionate to prevent the continuation or recurrence of the identified ASB pursuant to section 60(2)(a)–(b). The statutory duties that are required to be complied with for renewal are vague, and there are no mechanisms for evaluating the effectiveness of an order, nor understanding what its successfulness may entail (JUSTICE, 2023). The only semblance of such a framework derives from the PSPO guidance by the Local Government Association (2018:18) which states that "Effective evaluation of Orders will be important when determining whether any extensions or variations would be appropriate." At present, there is limited knowledge of the consultation

processes that local authorities undertake regarding the renewal of these orders; there is the potential that PSPOs could remain in place and disproportionately criminalise vulnerable citizens. Consequently, some local authorities may have gone through this process several times without central government scrutiny.

The statutory requirements for PSPO consultations are broad, raising substantial concerns when combined with the lack of central government oversight.³⁶ Currently, uncertainty surrounds: the form of consultation for these orders; what citizens, if any, become consultees; and how local authorities rely upon the findings that they have gathered. This thesis will empirically examine these under-researched aspects concerning the introduction of PSPOs, and explore the extent to which local authorities follow (and potentially go beyond) the 2014 statute and guidance documentation when consulting. This will reveal to what extent these consultations represent elements of tokenism or genuine citizen inclusion. Further, it will address issues about the renewal of PSPOs; particularly the mechanisms that local authorities employ when determining whether orders should continue in force past the initial period of operation.

Following the consultation procedure, the next stage in the process of introducing PSPOs is confirming the prohibitions and requirements that orders encompass.

3.5 Prohibitions and requirements

Local authorities can include a prohibition on, or requirement for, any behaviour within a PSPO so long as it addresses ASB that presents a “detrimental

³⁶ The Cabinet Office (2018) has previously produced a framework for citizen engagement, with principles requiring consultations to be, among other things: clear and concise; with a purpose; informative; part of a process of engagement; and targeted.

However, the central government is not responsible for overseeing whether PSPO consultations adhere to these principles as part of their broader lack of oversight for the processes within the Anti-Social Behaviour, Crime and Policing Act 2014 (Ford et al., 2018; Heap & Dickinson, 2018).

effect on the quality of life” of others. The ASB guidance created by the Home Office (2023) has offered some caveats, stating that restrictions must be proportionate to the harm that the incidence of ASB poses. It further claims that these orders should not criminalise passive behaviours that are inherent to the presence and sociability of citizens within public spaces. Earlier versions of this guidance also contained wording which specifically made this recommendation for people experiencing street homelessness, stating that a PSPO:

[S]hould not be used to target people based solely on the fact that they are homeless or rough sleeping, as this in itself is unlikely to mean that their behaviour is having an unreasonably detrimental effect on the community’s quality of life which justifies imposing restrictions using a PSPO. (Home Office, 2022a:69)

This wording was first added in the December 2017 revision of the ASB guidance that was produced by the Home Office and continued to be present within subsequent amendments in August 2019, and June 2022. Upon its latest revision in March 2023, coinciding with the publication of the Conservative government’s *Anti-social behaviour action plan*, it was removed from the ASB guidance (JUSTICE, 2023). Whilst similar wording continues to be present for young people, this amendment means that local authorities are no longer guided against using PSPOs to punish people experiencing street homelessness for the circumstances that they find themselves in.

Further, Brown (2017:554) has asserted that proportionality should be particularly important for local authorities who impose regulations that criminalise sub-criminal behaviour. Using an example of a restriction on foul and abusive language, he stated, “Criminalising speech in an arbitrary manner without any requirement to establish any harm or potential harm disproportionately undermines freedom of expression.” In this, he emphasised the necessity of robust justification for the prohibitions and requirements that PSPOs contain,

which is particularly pertinent when considering the impact of these orders on public space users, the criminalisation of ordinarily sub-criminal behaviour, and a local authority's human rights obligations.

Moreover, section 59(6) of the 2014 statute allows PSPO regulations to apply to all citizens, meaning that restrictions should theoretically be enforced against all users of a designated PSPO zone. However, scholarly commentary has focused on the potential for the prohibitions and requirements of these orders to specifically target the behaviour of the socially excluded groups that section 2.6 (p. 53) identified, especially people experiencing street homelessness. For example, Brown (2020a) found that, in 2018, 32 local authorities (from a sample of 125) had at least one PSPO that contained restrictions on begging, aggressive begging, rough sleeping, or loitering, and another five were in consultations to introduce comparable orders. Similarly, Appleton (2019) discovered that, between 2017 and 2019, local authorities had introduced 22 prohibitions on begging, 10 for loitering, and three for rough sleeping. Later research by Appleton (2023) found that (from a sample of 303 local authorities), 53 had PSPOs with prohibitions on begging, seven had bans on rough sleeping, and 22 had restrictions on loitering. Similarly, Heap, Black and Devany's (2022) study sampled 10 areas, each of which had introduced PSPOs containing restrictions related to begging, leaving belongings in a public space, sleeping in tents, and consuming new psychoactive substances (NPS). These findings reveal the prevalence of local authorities seeking to punitively address the conduct that is associated with people experiencing street homelessness. By disproportionately targeting this group, they reinforce statements that "The danger is that PSPO powers reinforce a heavy-handed approach to those who live on the streets" (Moss & Moss, 2019:4).

Alongside people experiencing street homelessness, regulations that apply to other socially excluded groups include prohibitions on solicitation,³⁷ implicitly punishing on-street sex workers (Kingston & Thomas, 2017; Richardson, 2018), and unauthorised encampments,³⁸ targeting Gypsies, Roma and Travellers (Appleton, 2020; Johnson et al., 2018). There are also examples of restrictions on gathering in groups of two or more, which can have wide-reaching implications for several socially excluded groups, such as people experiencing street homelessness, young people, and ethnic minorities, and can be disproportionately enforced only against those within these population groups (Brown, 2017; Ford et al., 2018). Including these prohibitions continues narratives of intolerance of, and stigmatisation of, the conduct of these marginalised population groups, as the restrictions within these PSPOs categorise such behaviours as undesirable within a designated public space. In addition, enforcing a PSPO threatens financial punishment for those who are in breach, and potential criminalisation, furthering the risk of social exclusion for these citizens. These examples demonstrate that PSPOs can target criminal and sub-criminal behaviour, and that the nature of these orders gives greater weight towards the experiences of the potential to suffer harm from ASB, rather than actual harm.

There are pressing concerns that prohibitions and requirements within PSPOs reflect the potential for a postcode lottery of enforcement (Heap, Black & Devany, 2022; JUSTICE, 2023), an inconsistency which was also present in practitioner use of the first-wave of ASB powers (Matthews et al., 2007). The existing

³⁷ Introduced by Redbridge London Borough Council; the local authority for which was not included in the sample of this research.

³⁸ Imposed by Brighton and Hove City Council; the local authority for which did not form one of the local authorities sampled in this study.

evidence has indicated that PSPOs extend the comment by Moore (2008:195) regarding earlier ASB powers, that “This is exactly what appears to happen when the community is given power to define what is threatening and problematic. A visible out-group is chosen, demonised and then becomes the focus of what is community.” This study is the first empirical work to understand the decision-making processes for introducing PSPO restrictions. It focuses on the choice to include sub-criminal activities alongside behaviours that are criminalised elsewhere, together with examining why local authorities introduce regulations to target the behaviours that are associated with vulnerable citizens.

3.6 Frequency of introduction

Official details on the implementation of PSPOs are scarce; as Heap and Dickinson (2018) noted, the Home Office does not require local authorities to inform them of any PSPOs that they have introduced. Existing knowledge about their imposition, therefore, derives from a combination of documentary analysis of local authority publications, alongside the submitting of freedom of information requests. Work like this has been predominantly undertaken by organisations such as the Manifesto Club,³⁹ Crisis⁴⁰, and academic research by Brown (2020a).

Initially, research by Crisis found that 25% of 56 local authorities who had reported using second-wave powers had a PSPO in operation, and a further 29% intended to implement one in the future (Sanders & Albanese, 2017). Later, Appleton (2019), for the Manifesto Club, highlighted that, by 2019, local authorities had introduced 595 PSPOs, equating to an average of 15 per month. Subsequent

³⁹ The Manifesto Club is an organisation challenging the regulation of public spaces: <https://manifestoclub.info/about/>

⁴⁰ Crisis is the United Kingdom’s national charity for people experiencing street homelessness: <https://www.crisis.org.uk/about-us/>

research by Appleton (2023) discovered that (from a sample of 303 local authorities) 2,003 PSPOs had been introduced, and only 9.6% of their sample had never implemented an order. Finally, as identified above, Brown's (2020a) study provides important information on the number of PSPOs targeting the behaviours that are primarily conducted by people experiencing street homelessness. There are frequent debates about the use of freedom of information requests within the literature on methodological approaches, including the potential for non-responses (Bryman, 2016), as the sample size in the research by Crisis potentially signals. However, in this context, they provide a mechanism to hold local authorities to account for processes that otherwise would be unscrutinised due to the lack of central government oversight.

Whilst there is limited evidence detailing the frequency of PSPO implementation, there is more accurate data on the use of first-wave ASB powers, specifically ASBOs and Dispersal Orders. For example, whilst the ASBO has been retroactively seen as a "zeitgeist punishment" (Brown, 2020b:92), Burney (2009) noted that public authorities had only issued 104 orders between April 1999 and May 2000, a number which increased to 24,427 by the time of their repeal in December 2013 (Home Office, 2013). For Dispersal Orders, a forebearer to the PSPO due to their spatial similarities, the implementation rate was much higher, with governmental reports recording the issuing of 14,375 between 2004 and 2005 alone (Hansard, 2 October 2006, col 2657W). By contrast, academic literature by Crawford (2008) found that some practitioners hesitated to employ Dispersal Orders, suggesting that local authorities had divergent approaches towards their use. Regardless, there was a greater understanding of the use of both ASBOs and Dispersal Orders throughout their period of operation, potentially through the 'what works' evaluative approach. The fact that the same

does not apply to PSPOs, under the guise of devolving central government responsibility, is a troubling development stemming from the Coalition government.

Among these concerns about newly introduced PSPOs, there are prescient worries about the statutory conversions of the previous ASB measures into such orders through section 75(2)(a)–(c) of the 2014 statute. When local authorities did not repeal or amend existing Designated Public Place Orders (DPPOs), Dog Control Orders (DCOs)⁴¹ and Gating Orders, they were automatically converted into PSPOs on October 20, 2017, and set to expire three years later. Local authorities were not under a statutory duty to consider the bi-stage test, nor consult regarding the appropriateness of continuing these measures as PSPOs. There are, therefore, issues in accountability, particularly in understanding how many of these conversions continue to exist and criminalise the conduct of vulnerable population groups. As a result, there is the potential for the introduction of disproportionately punitive orders that are conversions of first-wave tools, presenting issues for their subsequent enforcement.

Despite the emergence of research that has quantitatively measured the number of PSPOs that local authorities have introduced, no academic study has qualitatively examined a practitioner's choice to use the PSPO as the most appropriate measure to address ASB. Further, there has been no substantive

⁴¹ DCOs were contained within sections 55 and 56 of the Clean Neighbourhoods and Environment Act 2005. Their scope was to address unwanted behaviour relating to the presence of dogs in public spaces, such as dog fouling, keeping dogs on leads, and dog exclusion areas. Breach of a DCO included punishments of a fixed-penalty notice or a fine not exceeding £1000.

The Conservative-led Coalition government repealed these orders following their introduction of the Anti-Social Behaviour, Crime and Policing Act 2014 (Figure 3.1, p. 78).

discussion of the conversion of the previous ASB powers into PSPOs, signalling significant empirical gaps in knowledge.

3.7 Enforcement

Following the statutory requirements around the implementation of PSPOs, this section explores the punishments that are available for those breaching these orders through the Anti-Social Behaviour, Crime and Policing Act 2014. Its focus is on: the policing bodies that can enforce these powers; the two legislative penalties that are available to those who are in breach; the limited current knowledge of the informal enforcement of PSPOs; and the imposition of signage.

3.7.1 Policing bodies

Sections 68(11) and 69 of the 2014 statute empower a wide range of policing bodies to enforce a PSPO. This includes local authority employees, police officers, Police Community Support Officers (PCSOs) and private security firms (employed as local authority employees or third-party companies). In doing so, the statute enables non-governmental actors to be part of policy implementation, becoming, as they were termed by earlier research, “co-producers of public safety” (Bayley & Shearing, 1996:588).

Since the introduction of the Crime and Disorder Act 1998, the prevalence of community safety and ASB officers has grown. Early literature discussing this policing body focused on the role of these individuals in reinforcing New Labour’s Communitarian agenda, but also highlighted the limited enforcement training that these practitioners receive compared to police officers and PCSOs (Hughes & Gilling, 2004). Gilling and Hughes (2002) argued that the level of training given to community safety officers did not best equip them for entering into practice; subsequently, their survey found that 55% of these practitioners agreed that there

should be a minimum standard of training. Similarly, Brown (2013b:388) later asserted that “The extent and quality of training does not rival that required of traditional disciplinary-based professions (such as the police or social services).” He also outlined that local authority practitioners held responsibility for delivering investigation, enforcement, intervention, victim support and prevention under their remit. By contrast, little is known about how these practitioners operate in the context of second-wave ASB power enforcement.

Further contention arises from local authorities employing third-party, private security firms to enforce PSPOs, especially as the ASB guidance that the Home Office (2023) has published does not manage their use. The existing academic literature has raised concern about the potential for disproportionate enforcement by private security firms through a lack of procedural safeguards (Heap, Black & Devany, 2022; Moss & Moss, 2019), and this is an issue which is compounded by the absence of central government oversight (Ford et al., 2018; Heap & Dickinson, 2018). Most of the information that is currently known about the use of private security firms results from quantitative research that interested organisations have conducted. This includes the Manifesto Club, whose recent reports have found that 48 local authorities employed these companies to enforce PSPOs, and that this policing body was responsible for issuing 5,000 fixed-penalty notices (FPNs) in 2018 (Appleton, 2019; 2022). In addition, Liberty⁴² has identified an example of potentially disproportionate enforcement by highlighting that a private policing body had issued an FPN to a citizen feeding ducks in a public park (Brighouse, 2016).

⁴² Liberty is the largest civil liberties organisation in the United Kingdom: <https://www.libertyhumanrights.org.uk/about-us/>

Appleton (2021:23) has criticised the “fining for profit” approach that is taken by these policing bodies, whereby they are incentivised to issue a certain number of FPNs in order to gain financial reward for their company. She has also revealed instances where the contractual agreement with a local authority has included a specific goal for the number of FPNs that should be issued (Appleton, 2022). Coupled with Liberty’s work, the evidence suggests that incentivisation guides the enforcement of a PSPO and the issuing of punitive sanctions by these policing bodies. These instances illustrate unbalanced interpretations of the subjective definition of ASB and, with the lack of both local authority and central government oversight, these are decisions that can go largely unchallenged.

The following subsection details the punishments that these policing bodies can issue.

3.7.2 Statutory punishments

A local authority’s use of a PSPO criminalises the behaviour of those in breach of its prohibitions and requirements. The Anti-Social Behaviour, Crime and Policing Act 2014 provides two penalties for those who are breaching a PSPO: an on-the-spot issued FPN of up to £100; and a fine not exceeding Level 3, that is currently set at £1,000, and imposed alongside a summary conviction in the Magistrates’ Court (or the maximum of a Level 2 fine of £500 for the breach of alcohol consumption-related restrictions). PSPOs are civil powers under section 67, but as they are civil preventive orders, a breach results in a criminal offence for a perpetrator (Ashworth & Zedner, 2014; Simester & von Hirsch, 2006). Figure 3.3 illustrates how the Home Office’s (2023:64) ASB guidance perceives the stages of punishment for those breaching the prohibitions or requirements of a PSPO. It also indicates when policing bodies should consider imposing an FPN as an appropriate response to the violation of an order.



Figure removed for copyright reasons.

Figure 3.3 Enforcement progression for a PSPO (Home Office, 2023:64).

Since their introduction in 2003, literature has acknowledged the prevalence of FPN issuing in an ASB context. For example, for the first-wave of ASB powers, Millie (2009) discussed the speediness of the on-the-spot nature of such penalties, noting how public authorities commonly issued FPNs as the punishment for environmental forms of ASB, such as littering, graffiti, and noise in residential areas. Burney (2009:44) warned, however, that punishing this form of behaviour through similar penalties further blurs the lines of criminality, stating that they “may seem like a parking ticket, but some of the implications are greater.”

Despite the Conservative Party’s (2010:56) manifesto stating that FPNs were “blunt instruments” for tackling ASB, they remain the primary formal sanction imposed on those breaching PSPOs. This is also despite JUSTICE (2023) highlighting that those with complex social circumstances, suggestibly those receiving FPNs, are often those who fail to pay such sanctions. The limited existing data has presented a consistent rise in the number of FPNs that local

authorities have issued to those violating these orders. Table 3.1 illustrates (where the data is publicly available through the Manifesto Club’s research) the number of FPNs that have been issued for PSPO breaches annually.



Table 3.1 FPNs issued, 2015–22 (Appleton, 2020; 2021; 2023).

Table 3.1 demonstrates that the number of FPNs that local authorities issued for PSPO breaches decreased by almost 50% in 2020. However, it is essential to acknowledge that the coronavirus (COVID-19) pandemic reduced the number of regular public space users during this time due to the Department of Health and Social Care (2020) statutorily mandating a ‘Stay at home, Protect the NHS, Save lives’ requirement on citizens for the majority of the year. Nevertheless, the National Police Chiefs’ Council (2022) reported that COVID-19 regulation breaches accounted for the issuing of 118,978 FPNs between March 2020 and February 2022; notably, Halford et al. (2022) examined practitioner preference to categorise these violations as a form of ASB. Therefore, this discrepancy in the frequency of FPNs issued can be attributed to the pandemic, as Appleton’s (2023) report has highlighted that the rate of FPNs issued had risen in 2022 to 13,443.

Additionally, Table 3.2 offers a further selection of data from publications from the Manifesto Club on the punishment of criminal and sub-criminal behaviour through PSPOs. It also shows the rate at which local authorities have issued FPNs.⁴³

Table removed for copyright reasons.

Table 3.2 Rate of ASB and FPN issuing (Appleton, 2019; 2021; 2022; 2023).

Concerns arise regarding the issuing of FPNs for PSPO breaches. As the examples above emphasise, without oversight by the central government, this can lead to some local authorities issuing substantially more FPNs than others (Stanford, 2020), in a postcode lottery of enforcement. This means that a perpetrator could receive an FPN in one area but not another, signalling inconsistency in the approach of local authorities. Moreover, without mechanisms for holding local authorities accountable, and without greater guidance on the use

⁴³ Note that none of these local authorities were sampled as either case study areas or supplementary research areas for this research.

of FPNs, the number of penalties that are issued could continue to rise in line with indications that were suggested by Table 3.1. If the volume of FPNs that are given remains so high, questions arise about the effectiveness of the PSPO as a power to reduce ASB within public spaces.

By contrast to the available information about the number of FPNs that have been issued, details on the prosecution rate for PSPO breaches are scarcer. Appleton (2019) noted that there have been 192 proceedings within the Magistrates' Court for PSPO violations, but the resulting rate of criminalisation remains unclear. Whilst Brown (2020a) found that some local authorities did not issue an FPN or prosecute people experiencing street homelessness who breached a PSPO (opting instead to follow the informal enforcement mechanisms that are detailed below), others have raised concerns that those who lack the financial resources to pay an FPN could form a disproportionate number of prosecuted citizens (Heap, Black & Devany, 2022). There is also evidence that breaches of CPNs have supported the application for Criminal Behaviour Orders (CBOs)⁴⁴ (Heap, Black & Devany, 2023; JUSTICE, 2023). However, whether practitioners similarly use the violation of a civilly-imposed PSPO to obtain a criminal sanction is currently unknown.

3.7.3 Alternative enforcement mechanisms

Alongside the statutory punishments, a small body of literature has evidenced the potential for other means of formal enforcement instead of, or in

⁴⁴ CBOs were introduced in Part 2 of the Anti-Social Behaviour, Crime and Policing Act 2014. They are issued by a judge following a criminal conviction in the Crown or Magistrates' Court and contain both prohibitions and requirements for behaviour. For perpetrators under 18 years old, CBOs are annually reviewable and exist for up to three years; for adults, they last a minimum of two years. Any breach must meet the criminal standard of proof and be beyond a reasonable doubt; punishment includes a fine or imprisonment for up to four years.

conjunction with, a PSPO. For example, Heap, Black and Devany (2022) discovered that practitioners would use CPNs, Section 35 direction to leave notices,⁴⁵ and Civil Injunctions,⁴⁶ concurrently with the enforcement of a PSPO against people experiencing street homelessness. They also noted the frequency with which policing bodies would utilise the Vagrancy Act 1824⁴⁷ against these citizens, concluding that “participants walked a tightrope of potential formal enforcement action” (Heap, Black & Devany, 2022:79). However, they also found that a collation of formal enforcement tools did not deter ASB incidents.

Additionally, there is an indication that informal verbal warnings, given on the spot by policing bodies, seek to encourage compliance with the regulations of a PSPO without the need to employ any of the formal punitive sanctions (Brown, 2020a; Heap, Black & Devany, 2022). Brown’s (2020a) research notably reported that a single local authority had issued 793 warnings following the introduction of their PSPOs, highlighting their frequency in use among some practitioners. Similarly, Ford et al. (2018) revealed the prevalence of verbal warnings being issued to young people violating CPNs and PSPOs, and noted their ineffectiveness when

⁴⁵ Section 35 direction to leave notices were introduced in Part 3 of the Anti-Social Behaviour, Crime and Policing Act 2014. Through section 34, a police officer of at least an Inspector rank issues them for up to 48 hours; where an individual over the age of 10 conducts ASB, they can be given a notice which requires that they must leave the area. If under 16, a policing body can escort an individual back to their home or an alternative safe place. Failure to adhere to this notice can result in a Level 4 fine and/or up to three months imprisonment, with the latter only applicable to those over 18 years old.

⁴⁶ Civil Injunctions are found in Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014. Issued by the County Court for adults and the Youth Court for under 18s, an Injunction is applied for by various public authorities as a response to, on the balance of probabilities, ASB occurring. Injunctions contain prohibitions and requirements for regulating behaviour. There is no maximum term for adults, but for young people, it should last no longer than 12 months at a time. Breach of a Civil Injunction for adults can result in arrest.

⁴⁷ Section 3 of the Vagrancy Act 1824 criminalises “every person wandering abroad, or placing himself or herself in any public place, street, highway, court, or passage, to beg or gather alms, or causing or procuring or encouraging any child or children to do so; shall be deemed an idle and disorderly person within the true intent and meaning of this Act.” For those breaching this legislation, punishment includes arrest.

given to those suffering from substance addiction or mental health difficulties. Aligning with the Home Office's (2023) and JUSTICE's (2023) recommendation of an incremental enforcement approach, these considerations reflect notions of responsive regulation through Ayres and Braithwaite's (1992:35) enforcement pyramid, which is presented in Figure 3.4.

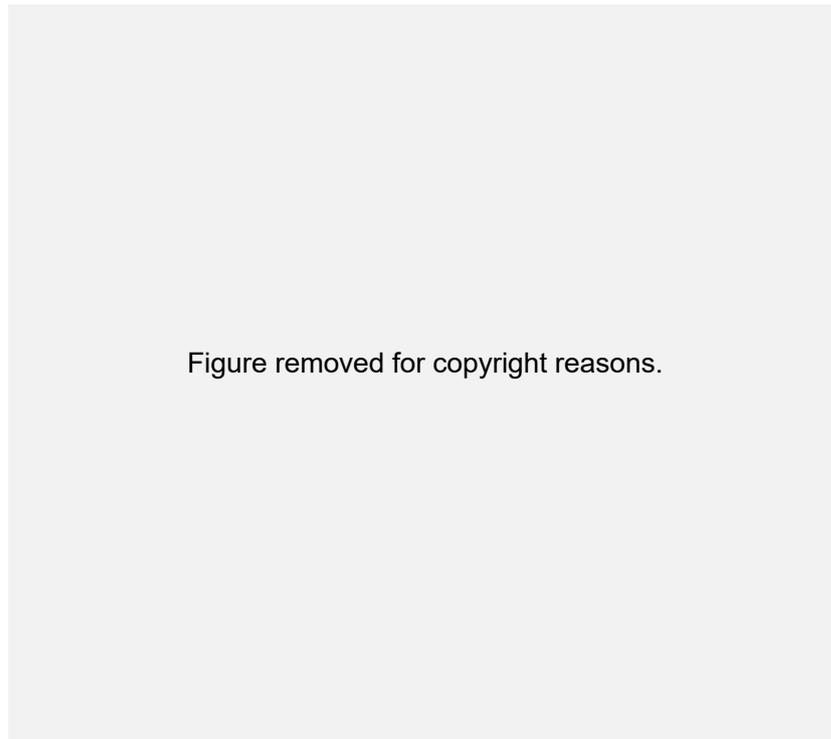


Figure 3.4 Enforcement pyramid (Ayres & Braithwaite, 1992:35).

In understanding the designation of punishments when progressing through the enforcement pyramid, Ayres and Braithwaite (1992:35) asserted that "The proportion of space at each layer represents the proportion of enforcement activity at that level." For ASB, Mayfield and Mills (2008) discussed the efficacy of an incremental approach, finding that only 5% of those entering into informal Acceptable Behaviour Contracts (ABCs) went on to receive an ASBO. However, Innes and Jones (2006) explored the complicated relationship that exists between formal and informal methods of social control, indicating that the effectiveness of informal penalties is more uncertain than other studies have

argued. Without greater clarity from the central government, whilst an individual who is breaching a PSPO may receive an informal verbal warning in one area, they may be given an FPN in another. Geographical inconsistency, in this way, affects the value of PSPOs as tools for consistently regulating behaviour.

As Brown's (2020a) work explained, there is no statutory obligation on local authorities to keep records of informal methods for enforcing a PSPO; whilst some areas do so, he noted that others do not. Therefore, there is scope to develop current understandings around the prevalence of use of the PSPO, the circumstances in which local authorities engage informally with those conducting ASB instead of issuing an FPN, and whether certain population groups are more likely to be subjected to informal enforcement strategies than others.

3.7.4 Signage

Local authorities must publicise the imposition of a PSPO, and the potential for enforcement against those in breach, through the display of signage within a designated PSPO zone. The guidance produced by the Home Office (2023) has outlined, for statutory conversions, that:

It will be for local councils to consider what changes to signage are necessary to sufficiently draw the matters set out in Regulation 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulation 2014 to members of the public's attention. (Home Office, 2023:74)

Additionally, the Local Government Association's (2018) PSPO guidance has offered some assistance for local authorities who are introducing these displays, stating:

Signs publishing the order in the affected locality do not necessarily need to set out all the provisions of the order, but rather state where this information can be found. Multiple signs are likely to be required, particularly where the Order covers a large area. (Local Government Association, 2018:17).

Signage provides knowledge and encourages education about the regulations that a PSPO contains, and can outline the potential penalties for those violating these restrictions. The literature on signage has explored its success in deterring disorder through a crime prevention narrative (Cozens & Love, 2015; Lee et al., 2016; Meis & Kashima, 2017; Vasquez et al., 2022). Furthermore, Crawford and Evans (2017) suggested that signs are a cost-effective way for local authorities to encourage public space users to self-regulate their behaviour by reminding them of the penalties for undertaking prohibited conduct.

However, when exploring PSPOs, Heap, Black and Devany (2022) discovered that signage was limited in both its prevalence and size. As a result, they found that people experiencing street homelessness had little awareness of the imposition of an order until the time at which local authorities pursued a formal sanction against them for breach. A lack of knowledge about the jurisdiction of a PSPO within a public space creates opportunities for practitioners to punish individuals for contravening the restrictions of an order that they did not know existed. It also restricts the ability for the introduction of a PSPO to be challenged.

3.7.5 Enforcement – summary

The enforcement of PSPOs currently encompasses wide-ranging and inconsistent practices, and this study seeks to address several of the current gaps in knowledge regarding the application of these orders. This includes exploring the variety of policing bodies that are statutorily able to enforce a PSPO, the vocal opposition to local authorities who employ private security firms, and the use of FPNs and how frequently they are issued to those who are in breach. This thesis will also examine the layering of ASB powers and reliance upon informal enforcement methods, such as verbal warnings and displaying signage to

encourage compliance with the regulations of an order. It will present an empirical understanding of how practitioners enforce the PSPO.

3.8 Challenging Public Spaces Protection Orders

Section 66(2)(a)–(b) of the Anti-Social Behaviour, Crime and Policing Act 2014 outlines two challenges that could be raised against a PSPO: either that a local authority lacked sufficient power to impose an order (that they acted *ultra vires*); and/or, that a local authority did not comply with a statutory requirement relating to the imposition of an order. This section explores some of the considerations and obstacles relating to the process of judicially challenging a PSPO.

Across this chapter, there have been references to the limited case law available where High Court judges have discussed the PSPO. For instance, the case of *Summers v Richmond Upon Thames LBC* [2018] affirmed that the “detrimental effect on the quality of life” definition is purposefully broad to allow local authorities to make decisions based on the needs of their community. In addition, the judgment of *Wycombe District Council v Snowball* [2020] EWHC 1656 held that, for alcohol containers, a PSPO breach is based on an officer’s reasonable belief of the situation, rather than the actual circumstances themselves. This broadens the scope of enforcement and is the most prominent example of a judicial challenge to the issuing of an FPN. Whilst the High Court has considered only a few cases concerning the PSPO, its judgments are unanimous in affirming that decision-making remains a local authority responsibility. At the time of writing, no judgment has overwhelmingly disagreed with the decisions that have been made by a local authority when implementing PSPOs, suggesting a preference for the High Court to remain removed from local authority decision-making.

The choice to devolve decision-making reflects the ideas of localism that were introduced by the Coalition government. The requirement for an “interested person” to bring a claim to the High Court within six weeks of the issue or variance of a PSPO through section 66(1)–(3) of the Anti-Social Behaviour, Crime and Policing Act 2014 further demonstrates this, as this period is less than the three months that is allocated for a Judicial Review claim to be made under Rule 54.5 of the Civil Procedure Rules 1998. Further, legal aid is unavailable to those seeking to raise a judicial claim against a PSPO (JUSTICE, 2023). The 2014 statute is designed, therefore, to limit the number of cases against PSPOs that are taken to the High Court. As a result, questions emerge regarding how local authorities anticipate challenges to PSPOs and how this affects their decision-making around the introduction of an order.

Moreover, when introducing a PSPO, a local authority must have a “particular regard” for Article 10, the freedom of expression, and Article 11, the freedom of assembly and association, that are contained in the European Convention on Human Rights (ECHR), through the Human Rights Act 1998, under section 72(1) of the 2014 statute.⁴⁸ Concerns about the contravention of human rights from ASB policy began with the enactment of the Crime and Disorder Act 1998 (Bright & Bakalis, 2003; Macdonald, 2007; Plowden, 1999), including Ashworth’s (2004:289) suggestion that New Labour “sail[ed] as close to the wind” when introducing their initial ASB powers. Previous research has also criticised the lack of procedural safeguards or standards of proof that apply to these civil preventive

⁴⁸ The author of this thesis was part of a team from the Department of Law and Criminology at Sheffield Hallam University that submitted evidence to the Joint Commission on Human Rights regarding PSPOs. They recommended that the wording of Section 72(1) be amended to also include a “*particular regard to the need to avoid penalising relevant groups of disabled people; groups of people from cultural, ethnic and national minorities; groups of people manifesting their religion or faith; and persons made vulnerable through homelessness*” (Heap et al., 2021:1, original emphasis).

orders compared to criminal offences in this regard (Ashworth & Zedner, 2014; Stanford, 2020).

There are also several other convention rights that PSPOs can engage alongside Articles 10 and 11 ECHR. The judgment of *R (on the application of Stanley) v Commissioner of Police of the Metropolis* [2004] EWHC 2229 found that the 'naming and shaming' of an individual who had been given an ASBO (through handing out leaflets to the community with their name, image and age on) was not a breach of Article 8 ECHR, the right to a private and family life. The court reached this decision because it found that such publicity protected the community by informing them of the recipients of these orders. Similarly, others have contemplated how publishing the details of those who had been given an ASBO within mainstream and local media was perceived by the judiciary to be a justifiable engagement of Article 8 ECHR on the grounds of New Labour's wider promotion of restorative justice (Braithwaite, 1999; Edwards, 2008; Squires & Stephen, 2005b). PSPOs are active against all those who are within a designated public space, and can potentially engage Article 8 through their jurisdiction, but there has been little consideration of the implications of the introduction of a PSPO on this convention right.

Where punishments, such as FPNs, are issued on-the-spot by policing bodies, there are concerns that these penalties could contravene Article 6 ECHR, the right to a fair trial (Burney & Gelsthorpe, 2008; JUSTICE, 2023; Moss & Moss, 2019). These orders could also engage Article 14 ECHR, the prohibition of discrimination in the interference of other convention rights, as a result of the potentially prejudicial enforcement of PSPO regulations against specific categories of citizens (Heap et al., 2021; JUSTICE, 2023; Stanford, 2020).

Despite the potential for PSPOs to contravene these ECHR articles, there have been few challenges in this regard. By way of example, in the case of *Dulgheriu v London Borough of Ealing* [2018], the High Court interpreted the ‘legitimate aim’ of Article 8 ECHR as being to protect the privacy of service users at an abortion clinic. In doing so, the court gave greater weighting to this right than the engagement of the Articles 9, 10 and 11 ECHR rights of the protestors. This case demonstrates an instance where a PSPO justifiably limits the convention rights of public space users, albeit with the judgment being in favour of the separate rights of the service users who suffered a “detrimental effect on the quality of life” from this behaviour.

The acceptance of the intrusion of a PSPO on the rights of citizens reflects Waldron’s (2003:209) earlier comment that “no doubt the psychological reassurance that people derive from this is a consequential gain from the loss of liberty. But whether it is the sort of gain that should count morally is another question.” However, there has been little consideration of practitioner decision-making that takes into account the awareness of, and potential for, infringements of ECHR articles.

3.9 The research gap

There is a scarcity of literature around the ASB powers that were introduced by the Coalition government, especially the PSPO. These gaps in empirical research and academic commentary are especially apparent when compared to explorations of the first-wave of ASB powers that began with the enactment of the Crime and Disorder Act 1998, particularly ABCs, ASBOs and Dispersal Orders. This chapter has highlighted issues about the second-wave of ASB powers and the concerns that have been raised about the imposition of PSPOs by local authorities.

The existing research on the PSPO has been primarily quantitative, and conducted by organisations such as the Manifesto Club, Crisis, and Liberty. Whilst the data that these studies have collected offer essential numerical information about the volume and range of PSPOs and the punishments that have been issued, they fail to deliver a comprehensive qualitative depth of understanding into the processes that practitioners adopt, and the effects of these orders on public space users. Both Brown (2020a) and Heap, Black and Devany (2022) have conducted mixed-method studies on PSPOs; quantitatively and qualitatively considering the punitive use of these orders and raising important questions about their proportionality. Specifically, both of these studies focused on the use of PSPOs against people experiencing street homelessness.

However, little is known about the imposition of these orders against other vulnerable population groups, and no academic research has focused solely on the perspectives, experiences, and decision-making processes of practitioners when introducing a PSPO. This study offers a foundational contribution to knowledge around the decision-making processes that are adopted by those who are responsible for implementing these orders at all stages. This includes considering the operationalisation of the “detrimental effect on the quality of life” statutory requirement, the nature and shape of consultations, which prohibitions or requirements are included within a PSPO, how enforcement occurs and by whom, and how practitioners perceive the effectiveness of a PSPO as a tool to address ASB in public spaces. The findings will offer unique and important insights into the concerns raised by this chapter around how local authorities can be held to account for implementing processes for which they have been previously unscrutinised.

The following chapter presents the analytical framework that has been adopted to answer this study's substantive research questions. It utilises the concepts of governance, preventive justice, street-level bureaucracy, and procedural justice.

Chapter 4 – Analytical framework

4.1 Introduction

This chapter begins by outlining the substantive research questions for this study and then presents the four lenses that form the analytical framework: governance; preventive justice; street-level bureaucracy; and procedural justice. It establishes how these concepts work collaboratively as a theoretical underpinning for analysing the implementation of Public Spaces Protection Orders (PSPOs) and the findings that are presented in subsequent chapters.

4.2 Research questions

As chapter three depicted, there are significant gaps in knowledge regarding the PSPO, and there has been a lack of empirical research that has been conducted in this area. Consequently, this research focuses on how practitioners interpret and apply the framework imposed by the Anti-Social Behaviour, Crime and Policing Act 2014 to build on a previously underdeveloped understanding of the use of these orders. It answers three overarching research questions, that are each broken down into further subsidiary questions. These are:

i) How are PSPOs implemented?

- a. How do local authorities operationalise the “detrimental effect on the quality of life” definition?
- b. How do local authorities consult prior to introducing a PSPO?
And,
- c. How do local authorities determine the prohibitions and requirements that a PSPO includes?

ii) How are PSPOs enforced?

- a. What enforcement strategies do local authorities employ, particularly against vulnerable citizens? And,
- b. How is enforcement responsibility designated between policing bodies?

iii) How do practitioners perceive the effectiveness of PSPOs?

- a. Where does the PSPO fit within the broader toolbox of anti-social behaviour (ASB) powers? And,
- b. How does a local authority approach the requirement to renew or rescind a PSPO following its three-year operating period?

The following four theories are used as analytical lenses to answer these research questions.

4.3 Governance

Governance is a mechanism for exploring the decision-making of public authorities (Bevir, 2004; McKee, 2009). The following subsections begin by situating governance within the ASB context of this study, and then outline the taxonomy of governing principles that later chapters use to analyse the data of the decision-making of a local authority when introducing a PSPO.

4.3.1 Understanding governance

Keping (2018) has suggested that modern understandings of governance developed during the 1990s, and it has evolved into a term that distinguishes the individual actions of public authority decision-making from the broader concept of the 'government' itself. In turn, Rose (1999:15) stated that governance should be perceived as "a kind of catch-all to refer to any strategy, tactic, process, procedure or programme for controlling, regulating, shaping, mastering or exercising control

over others.” This study focuses on the governance of ASB by local authorities that began with the Crime and Disorder Act 1998, the creation of community safety partnerships, and the first-wave of ASB policy. Within the literature discussing governance during this period, several authors have asserted that the devolution of responsibility from the central government to local authorities (Jones & Lister, 2019), coupled with the relative infancy of the ASB practitioner, and their lack of substantive training (Brown, 2013b; Hughes & Edwards, 2002; Hughes & Gilling, 2004), caused problems in both partnerships and the effective implementation of these powers. The Conservative-led Coalition government’s localism agenda further decentralised the governance of ASB, such as by removing the role of the judiciary in imposing some ASB tools and powers, like PSPOs. In light of this, governance functions in this thesis to explore the decision-making underpinning the introduction of PSPOs as second-wave tools. Particularly, it focuses on whether concerns about using first-wave powers continue with the implementation of PSPOs as second-wave tools.

A further consideration within the notion of governance is the extent to which public authorities rely upon different working partnerships, both institutionally and externally, with Rhodes (1997:57) stipulating that successful governing requires “interorganisational networks made up of governmental and social actors.” Similarly, Peck (2011:1) suggested that “policy making practices have spilled over vertically”, from which Crawford (2009:817) has indicated created an environment whereby “ASB is able to incorporate and absorb the governmental activities of much wider institutions and organizations, from housing to schools via health, urban planning and commerce.” Previous research has queried the efficacy of collaborative working within ASB governance, notably the partnership of local authorities and the police in their use of ASB powers (Crawford & Flint, 2009;

Squires, 2017). This study examines how this governing network functions in this context by engaging directly with these practitioners.

4.3.2 Taxonomy of principles for effective governance

The United Nations (2009) has advocated that effective public authority governance occurs through adherence to eight principles: participation; the rule of law; transparency; responsiveness; consensus-orientation; equity and inclusiveness; effectiveness and efficiency; and accountability. These tenets are pertinent considerations when examining how local authorities implement, enforce, and perceive the effectiveness of a PSPO.

Participation emphasises the importance of citizen inclusion within public authority decision-making, with Nabatchi et al. (2015:140, original emphasis) suggesting that “*Public participation* is an umbrella term for a wide variety of processes by which people’s concerns, needs, interests, and values are incorporated into decision making about public matters and issues.” Others have outlined that participation does not mean that public authorities need to include every citizen, a revelation that indicates a limitation to the inclusiveness of broader decision-making practices (Lawton & Macaulay, 2014; United Nations, 2009; Woods, 1999). The implementation process for a PSPO could resemble citizen participation through the need for a local authority to operationalise the “detrimental effect on the quality of life” definition, alongside, with potentially more significance, the consultation requirements that were detailed in section 3.4 (p. 86). As Nabatchi et al. (2015) argued, public authorities frequently rely on established means for fostering citizen participation in their processes without developing individualised governing mechanisms for specific policies. This thesis examines whether participation relating to this somewhat unique ASB tool reflects existing consultative efforts. This includes considerations of whether

consultations are tokenistic exercises, in line with Arnstein's (1969) ladder of citizen participation (Figure 3.2, p. 87).

When implementing policy, public authorities must adhere to existing laws, including their human rights obligations, ensuring "that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions" (United Nations, 2009:2). As chapter three presented, there are questions regarding the approaches that are taken to informally enforce PSPOs, instead of imposing the penalties provided for by the 2014 statute. There is also, as was earlier discussed, the potential for the broad scope of a PSPO to contravene several articles of the European Convention on Human Rights (ECHR). However, there is limited information on how local authorities maintain the balance of adhering to the rule of law, whilst not acting *ultra vires*, when following the vague requirements of the Anti-Social Behaviour, Crime and Policing Act 2014.

Similarly, the principle of transparency advocates that "political information be duly communicated to citizens through various media vehicles so that they can participate in public policymaking" (Keping, 2018:5). For PSPOs, local authorities must publish information about orders following their introduction, but the extent to which they disseminate the findings from these consultations is unclear. Moreover, aside from the research that has been conducted by interested organisations such as Crisis, Liberty, and the Manifesto Club, and academics like Brown (2020a) and Heap, Black and Devany (2022), there is no knowledge around the frequency of enforcement. This project examines these concerns through the direct decision-making of practitioners in their introduction of a PSPO, particularly regarding the inclusivity of the consultation process.

Responsiveness requires that “institutions and processes [must] try to serve all stakeholders within a reasonable timeframe” (United Nations, 2009:2). This means that governing authorities must respond to issues of citizens appropriately, with a link often emerging between the availability of adequate financial and personnel resourcing and the overall responsiveness of public authorities (Jones et al., 1996; Keping, 2018), echoing later discussions in section 4.5 (p. 128) about street-level bureaucracy. For ASB, research by Thompson et al. (2019) found that satisfaction with public authority responsiveness varied between different practitioners, with victims being less pleased with the response of local authorities and housing associations than the actions of the police. Responsiveness is imperative for a local authority’s reaction to ASB incidents (whether criminal or sub-criminal behaviour) when reported by a citizen. It is also vital in understanding their interpretation of the “detrimental effect on the quality of life” definition when introducing a PSPO. In light of the victimisation focus of the Conservative-led Coalition government, this study explores how practitioners remain responsive to ASB victimisation whilst balancing the intrusiveness of the implementation of a PSPO on the behaviours and conduct of other public space users.

Consensus-orientation provides that public authorities should contemplate the perspectives of all citizens within society and come to a decision that is in the best interests of as many people as possible (Woods, 1999). Similarly, there are the principles of equity and inclusiveness, that are understood as being fulfilled when citizens “feel they have a stake in it and do not feel excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, have opportunities to improve or maintain their well being” (United Nations, 2009:3). These tenets are essential in this study to examine the

consultation process for a PSPO, especially in response to Heap, Black and Devany's (2022) finding that local authorities are purposefully selective when deciding whom to consult when introducing an order in response to the broad statutory requirements.

The principle of effectiveness and efficiency states that "Institutions [must] produce results that meet the needs of society while making the best use of resources at their disposal" (United Nations, 2009:3). This principle is fundamental when considering the broad scope of PSPOs, and links to considerations of resourcing within local authorities and public services, particularly in light of declining personnel resourcing due to austerity, discussed later in section 4.5.4 (p. 135). It also relates to the need for local authorities to either renew or rescind an order at the end of its three-year period of operation and how perceptions of the effectiveness of these orders influence this statutory process.

Finally, accountability refers to the mechanisms by which, as Hupe and Hill (2007) described, public authorities are held responsible for their decision-making processes, politically, professionally, and by citizens. This recognises that "an organization or an institution is accountable to those who will be affected by its decisions or actions" (United Nations, 2009:3). Chapter three highlighted that the imposition of PSPOs has been contentious through their potential disproportionality, and that there is limited scrutiny of the imposition of these orders by local authorities from central government (Heap & Dickinson, 2018). This study employs the accountability element of governance to examine the mechanisms through which, if any, practitioners seek to remain accountable when implementing a PSPO in response to the vague statutory requirements that they must follow. For instance, regarding consultations, this study considers

whether local authorities reflect accountability through consensus-orientation, aligning with Nabatchi et al.'s (2015:150) recommendation that "Accountability can be enhanced when participatory processes convene a diverse, representative, and critical mass of people. Conventional processes tend to attract a small group of 'usual suspects'." Using these ideas, this study explores how local authorities remain accountable when interpreting a statutory framework that does not necessitate such assurances through low thresholds and a broad scope for imposition.

4.3.3 Governance – summary

As the substantive research questions for this study aim to unpick a series of decision-making exercises that local authorities undertake, governance is a crucial concept to include within the analytical framework. This thesis, therefore, employs the principles of effective governance to examine how local authorities introduce PSPOs through their devolved responsibility under localism and the wide-ranging discretion that the Anti-Social Behaviour, Crime and Policing Act 2014 affords them. This includes exploring their engagement with citizens during the implementation process and investigating the importance of multi-network, community safety partnerships; looking specifically at how the different practitioners who are sampled work together to use this power.

This study offers empirical insights into the extent to which, and despite indications that seemingly suggest otherwise, local authorities implement PSPOs in ways that resemble notions of effective governance.

4.4 Preventive justice

Through Ashworth and Zedner's (2014) work, preventive justice is used as a lens in this study to analyse why local authorities impose PSPOs to prevent harm

resulting from ASB. The following subsections outline the nature of PSPOs as civil preventive orders before considering how concerns about the disproportionate use of preventive ASB measures may continue within the implementation of this power.

4.4.1 The nature of civil preventive orders

Steiker (1998:771) coined the idea of the “preventive state” to explore the then-rising development of preventive measures in the United States; recognising the growing role of the State in preventing crime and disorder alongside its existing responsibility to punish those who had already conducted this behaviour. Subsequent research by Ashworth and Zedner (2014:1) defined preventive justice as “the principles and values that should guide and limit the state’s use of preventive techniques that involve coercion.” In turn, their work created a taxonomy of different preventive orders, including offences that criminalise conduct before harm, the crime of possessing criminalised articles, and the crime of membership to a proscribed organisation. Their taxonomy acknowledged that preventive justice is a concept that overlaps different areas; addressing conduct from sub-criminal ASB to terrorism. Additionally, various public authorities, including the police, local authorities, housing providers, and the Crown Prosecution Service, are bodies with the power to issue preventive orders (Cole, 2014; Stacey, 2017).

Another element of Ashworth and Zedner’s (2014:102) taxonomy is “doing anything that the person has been prohibited from doing by a civil preventive order.” These are, as Simester and von Hirsch (2006:167) described, “two-step prohibitions”. They asserted that, whilst the Public Order Act 1986 criminalised “harassment, alarm or distress”, the civil nature of these later powers (notably the Anti-Social Behaviour Order (ASBO)) represented a new form of preventive

measure that was introduced to remedy the deficiencies of the criminal law. In doing so, Ashworth and Zedner (2014:78) considered the ASBO to be the “talisman of civil preventive orders”, recognising the prevalence of the use of this measure throughout New Labour’s governing (Macdonald, 2007; Tulich et al., 2021). PSPOs represent not only one of the second-wave of ASB powers but also a new incarnation of civil preventive orders, albeit in a spatial, rather than individualistic, context.

Exploring the growth in the use of civil preventive orders, Zedner (2007:190) stated, “How much preventive justice is really about the scientific assessment of risk of serious harm and how much about the political costs of that harm eventuating is a question probably without answer.” This study considers this as an overarching theme when examining the implementation of PSPOs.

4.4.2 Concerns about civil preventive orders

In their text, Ashworth and Zedner (2014) raised several issues with the use of civil preventive orders, specifically ASBOs. They argued that, whilst the State must prevent harm resulting from the incidence of ASB, principles should be in place to prevent the misuse of preventive orders. The concerns in their work ally with earlier criticisms by Crawford (2009:818) that the use of civil preventive orders represents the “evading [of] higher standards of proof and evidentiary burdens associated with criminal justice processes.” An example of such evasion is the Anti-Social Behaviour, Crime and Policing Act 2014, which enables local authorities to implement a PSPO without being required to obtain approval from the judiciary (Stanford, 2020). This subsection examines some of the further concerns relating to the employment of civil preventive orders that are potentially applicable to the imposition of a PSPO by a local authority.

The basis for issuing a civil preventive order is the reassurance that these powers give to others, particularly victims. In doing so, they criminalise the potential to cause future harm *rather* than responsively punish the earlier conduct of their recipients (Ashworth & Zedner, 2010; Cornford, 2015; Crawford, 2009). Steiker (2013:196) stated that these powers “focus on the degree of harm sought to be averted and the likelihood that the harm would occur in the absence of prevention”. Similarly, Ramsay (2012:28) asserted that “liability to an ASBO arises when a person manifests a disposition that fails to reassure others about their future behaviour.” Ramsay (2009:120) also suggested earlier that imposing these orders based on preventing harm is “a legal burden akin to a presumption of guilt. It reverses the onus of proof in respect not of accusations about the past, but of fears about the future.” Consequently, Steiker (2013) has raised concern that recipients cannot prove themselves as no longer being at risk of causing harm by civil preventive orders being in operation beyond the time that they are considered necessary. This is something that Heap, Black and Rodgers’ (2022) work on Community Protection Notices (CPNs) highlighted in an ASB context, whereby they criticised the open-endedness of these notices on their recipients. The decisions about a citizen’s failure to reassure others of the future potential to cause harm continue considerations of the subjective nature of ASB and ideas of ‘othering’ vulnerable citizens (Ashworth, 2006; Harcourt, 2007).

Further, Sloboggin (2018) indicated that there is a discriminative use of civil preventive orders against socially excluded citizens. This is a statement that Husak (2004:437) noted was a “morally problematic” aspect of the use of first-wave powers. Recognising the vulnerability of those who often receive civil preventive orders, some have articulated that:

One largely missing element in the spheres of conduct currently covered by civil preventive orders is that of support. The civil preventive orders are chiefly prohibitory, and tend not to be underpinned by any formal framework of support for the person subject to the order. (Ashworth & Zedner, 2014:94)

Therefore, the use of civil preventive orders raises questions about their proportionality. Particularly, this concerns: the potential for civil preventive orders to over-intrude on the rights of vulnerable recipients; policing bodies employing coercion within their enforcement; and the disproportionately punitive punishments for those in breach (Crawford, 2009; Shute, 2018; Zedner & Ashworth, 2019; Heap, Black & Devany, 2022). When discussing such inequity for ASBOs, Ashworth and Zedner (2014) highlighted a problem with practitioners including sub-criminal behaviours alongside conduct that other statutes have already criminalised. They reflected on prominent discussions of the subjective definition of ASB to criticise ASBOs for disproportionately broadening the behaviours that can be subject to criminalisation in the following way:

In relation to the ASBO, the prohibited conduct may not be a criminal offence in its own right (e.g., entering a shopping mall, jumping noisily on a trampoline), which suggests – particularly in these days of over-criminalization – that the arguments for criminalizing it are not sufficiently strong. (Ashworth & Zedner, 2012:564)

Through this, civil preventive powers place their recipients in, as Ashworth and Zedner (2014:91, original emphasis) described, a “*cordon sanitaire*”. They restrain their recipient’s behaviour in such a way that Taylor et al. (1998:13) termed first-wave ASB powers to be a form of “personalized criminal law” through their generality. Drawing upon the ruling of *R v Lamb* [2006] 2 Cr App R (S)⁴⁹ to illustrate the excessive regulations that practitioners included within ASBOs,

⁴⁹ In this case, an ASBO was issued to an individual regularly graffitiing the Tyneside Metro, with prohibitions prohibiting the use of this public transport service altogether. The Court of Appeal decided that the inclusion of this regulation was disproportionate to the initial behaviour that was conducted.

Ashworth and Zedner (2014) suggested that such restrictions do not allow a recipient to self-regulate their behaviour. Similarly, Heap, Black and Rodgers (2022) criticised the inclusion of a generic prohibition on causing any “harassment, alarm or distress” within a CPN, finding that the wording of this restriction allowed policing bodies to subjectively define behaviour as having the potential to cause harm to others. This links to aspects of decision-making about the prohibitions and requirements that local authorities include within a PSPO, particularly concerning the criminal and sub-criminal behaviours that are regulated through these orders. The spatial scope of PSPOs also broadens discussions of proportionality with the issuing of civil preventive orders on the wider population whose behaviour is under scrutiny whilst within a designated public space.

Donoghue (2010:151) suggested how the subjective use of civil preventive orders “necessitates rigour and standardisation”. However, Stern and Wiener (2006) contested that there are often insufficient mechanisms for public authorities to measure the effectiveness of preventive orders, which can result in these bodies utilising more disciplinary powers. Stanford (2020) argued that PSPOs lack substantive fairness through an absence of judicial oversight, something JUSTICE’s (2023) report echoed. He contended that whilst there is a statutory obligation to renew these orders, there is a dearth of knowledge about how this process manifests in practice. Moreover, due to their individualistic nature, and the frequent issuing of them by public authorities rather than the criminal justice system, concerns exist regarding the limited mechanisms that are available to challenge civil preventive orders (Cherney & Murphy, 2011; Duff, 2010; Ramsay, 2012). As section 3.8 (p. 109) presented, opportunities to contest PSPOs are scarce and constricted by the Anti-Social Behaviour, Crime and Policing Act 2014.

This study, therefore, examines how local authorities perceive the effectiveness of a PSPO and how they decide whether an order should continue operating within a public space in response to the lack of clarity regarding evaluative mechanisms.

4.4.3 Preventive justice – summary

Preventive justice provides an analytical lens to explore the implementation of PSPOs as civil preventive orders, building upon considerations of earlier and concurrent ASB powers using this concept. Prominent scholars in this area have discussed the importance of proportionality when employing these orders, particularly the sub-criminal behaviour that is regulated on an individualised basis, and the potential for these powers to be unfairly punitive on vulnerable citizens. This project examines how local authorities remain accountable when governing through the imposition of civil preventive orders that could be disproportionate to the potential harm that victims experience.

Additionally, when considering the process-based model of procedural justice theory, which section 4.6 (p. 137) outlines, this study considers how practitioners employ the PSPO as a civil preventive order in ways that still foster perceptions of procedural fairness during encounters with citizens.

4.5 Street-level bureaucracy

This research uses Lipsky's (1980/2010) seminal text that explores street-level bureaucracy to understand the roles of those whose professional occupation involves contact with citizens. Specifically, the following subsections outline how this project examines the obstacles that these practitioners face when introducing, enforcing, and perceiving the effectiveness of PSPOs.

4.5.1 The role of street-level bureaucrats

In Lipsky's (1980/2010:3) writing, he described a subset of those working within public-facing professions as "typical street-level bureaucrats". This is a term that Leadbeater and Goss (1998) asserted has developed since then to include additional groups of practitioners in different roles who have similar citizen-focused interactions. Therefore, the idea of a street-level bureaucrat includes civil servants, police officers, school teachers, social workers, border patrol officers, and general practitioners (Tummers & Bekkers, 2014). Within this study, this term predominantly refers to police officers and Police Community Support Officers (PCSOs); policing bodies which later findings also refer to as front-line workers. These are the types of practitioners who predominantly interact with the public in the context of the enforcement of PSPOs.⁵⁰

The foundation of street-level bureaucracy, as Maynard-Moody and Musheno (2003:20) proposed, is the engagement, knowledge, and rapport that these practitioners develop with the communities that they work with, and that, "in their narratives... [street-level bureaucrats] define their work and to a large extent themselves in terms of relationships more than rules." Others have highlighted the importance of street-level bureaucrats as being "identifiable authority figure[s], known by, and belonging to, the community" (Girling et al., 2000:123). Through the development of strong relationships between street-level bureaucrats and the citizens within their communities, several studies have noted how such encounters often engender perceptions of procedurally fair practices

⁵⁰ It is worth noting that whilst local authority employees constitute policing bodies for enforcing PSPOs under the Anti-Social Behaviour, Crime and Policing Act 2014, they are not considered to be front-line workers for this study's analytical framework.

(Hassan et al., 2021; Tummers & Bekkers, 2014), through the process-based model that is outlined in section 4.6 (p. 137).

Hupe and Hill (2007) stated that Lipsky's (1980/2010) work on street-level bureaucracy specifically focused on the pressures that front-line workers face when undertaking their role, and the mechanisms for developing coping strategies in their working patterns. Through their understanding of the nature of front-line work, Jewell and Glazer (2006:341) outlined six principles that guide these practitioners. Table 4.1 lists the factors underpinning the role of street-level bureaucrats and details their impact on front-line work.

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Table 4.1 Dimensions of front-line work (Jewell & Glazer, 2006:341).

There are several considerations that apply to the role of the street-level bureaucrat. One of the most significant is how these practitioners rely on discretion during citizen interactions. This is a factor that is discussed below.

4.5.2 Street-level bureaucrats' discretion

Deriving from the relationships of street-level bureaucrats and the communities which they work within, a fundamental aspect of their role is the utilisation of discretion during encounters. This is a notion that Davis (1971:4) described as “A public officer has discretion whenever the effective limits on his power leave him free to make a choice among possible courses of action or inaction.” Research in the United States has highlighted that discretion offers street-level bureaucrats the ability to be flexible in deciding on appropriate objectives, intervention methods, investigation, and disposal of cases when tackling certain situations (Goldstein, 1977). Discretion facilitates the scope for these practitioners to alter policy implementation and, regardless of their rank, the academic literature has encouraged street-level bureaucrats to be discretionary when engaging with citizens (Bronnitt & Stenning, 2011; Coates et al., 2009; Evans, 2011).

Tummers and Bekkers' (2014) work demonstrated the importance of discretion, emphasising the positive factors that derive from the ability of front-line workers to tailor decisions when responding to encounters with citizens. Additionally, they recommended that senior governing bodies consistently offer front-line workers the freedom to alter policy, using their discretion, wherever possible. Moreover, Maynard-Moody and Portillo (2010:259) discussed the necessity of discretion in the exercise of front-line work, stating that these practitioners “rely on their discretion to manage the physical and emotional demands of their jobs. They also rely on their discretion to claim some small successes and redeem some satisfaction.” Discretion, therefore, embodies a coping strategy for street-level bureaucrats; Lipsky's (1980/2010:xvii) work suggested that discretion fosters notable distinctions between “policy as written” and “policy as performed”, finding

that cumulative instances of front-line enforcement create a broader organisational policy. This research considers whether this applies to the implementation and enforcement of a PSPO, building upon earlier work by Heap, Black and Devany (2023), which was specifically focused in the context of the use of second-wave powers against people experiencing street homelessness.

Moreover, using discretion within encounters frequently results from the hesitancy of street-level bureaucrats to employ punitive policies against the community that they serve, particularly for fear of any backlash that they may receive (Maynard-Moody & Musheno, 2003). Further, a front-line worker who recognises the vulnerability of their community can drive discretionary practices during citizen encounters (Durose, 2011; Vohnsen, 2015). Riccucci (2005:94) examined this in more detail, stating that policy implementation by street-level bureaucrats frequently features discretionary strategies as these practitioners are more acutely aware than their seniors that such citizens are not “abstractions, ‘the disabled’, ‘the poor’, ‘the criminal’, but... individuals with flaws and strengths who rarely fall within the one-size-fits-all approach of policies and laws.” Where ASB powers, such as PSPOs, target socially excluded and vulnerable population groups in a potentially disproportionately punitive way, questions emerge regarding how street-level bureaucrats use this tool in conjunction with their discretion.

Responding to Maynard-Moody and Musheno’s (2000:329) suggestion that “in street-level work discretion is inevitable”, this study examines how street-level bureaucrats, as statutory policing bodies, are discretionary when enforcing PSPOs. From this, Lipsky (1980/2010:159) posited that discretion diverts from broader organisational authority and that “bureaucratic accountability is virtually impossible to accomplish among lower-level workers with degrees of discretion.”

This consideration recurrently leads to conflicts between street-level bureaucrats and their senior managers, a tension that is explored below.

4.5.3 The managerial and street-level bureaucrat relationship

Distinctions exist between street-level bureaucrats, and those who are responsible for introducing policies and, as a result, who manage front-line workers (Lipsky, 1980/2010). In the imposition of PSPOs, local authorities introduce these orders through the framework of the Anti-Social Behaviour, Crime and Policing Act 2014. They therefore embody the role of managers in this relationship. By contrast, police officers, PCSOs and other policing bodies who have limited statutory involvement in the introduction of orders become the street-level bureaucrats that are responsible for punishing those in breach of the regulations of a PSPO.

Managers will have expectations around the compliance of street-level bureaucrats with policy implementation, but these practitioners will frequently divert away from this by using discretionary strategies when engaging with citizens (Brodkin, 2003; Hill, 2006; Thomas & Davies, 2005). May and Winter (2009:452) embraced this by stating that “it is now well accepted that the actions at the front-line of policy do sometimes, if not often, differ from the intentions of higher ups.” The individual action of street-level bureaucrats can be either, as Brodkin (2012:947) stated, seen as “building or undermining support for the government” in the imposition of policy, linking to Lipsky’s (1980/2010:xvii) discussion of the distinction between policy as “written” and “performed”. As local authorities are currently responsible for introducing a PSPO, these practitioners play a crucial role in setting expectations around the imposition of these orders that front-line workers must follow.

There are suggestions that managers will seek to limit the discretion of street-level bureaucrats, often by imposing rigid regulations on front-line engagement with citizens (Hupe & Hill, 2007; Lipsky, 1980/2010). Other studies have demonstrated how managers supervise street-level bureaucrats more closely than in other comparably vertical relationships due to their dissatisfaction with the use of discretion (Fitzgerald et al., 2003; Riccucci, 2005). For example, Lint (1998:283) explained that, in training street-level bureaucrats, managers attempted to regulate the autonomy of these front-line practitioners, particularly noting that “academy professionalism sought professionalization through the inculcation of a deeper commitment to institutional values.” Through these approaches, however, managerial expectations of front-line work can sometimes require street-level bureaucrats to implement policy in ways that they perceive as procedurally unfair, and there are questions regarding the effectiveness of forcing the professional conduct of front-line workers in this way (Brodkin & Majmundar, 2010; Hawkins, 2002). Additionally, managers exerting restrictive power over street-level bureaucrats overlook indications that when front-line workers receive support from their managers in the discretionary implementation of policy, rather than constraints, these practitioners are more likely to follow managerial enforcement expectations (Nix & Wolfe, 2016).

Front-line worker and managerial relationships can often be contentious (Bradford & Quinton, 2014; Lipsky, 1980/2010; Megan O’Neill & McCarthy, 2014). In an ASB context, research by Brown (2013b) found that local authorities had the most common working relationship with the police, and that these practitioners considered their partnership to be particularly effective. By including managers and front-line workers within the sample for this study, this research explores the dynamic of PSPO implementation through both perspectives. It also

untangles how local authorities may seek to constrain the use of discretion by front-line workers when enforcing PSPOs.

4.5.4 Resourcing

For street-level bureaucracy to be effective, there is a necessity for adequate resourcing, contextualised here in terms of the personnel that is available to implement policy (Durose, 2011; Lipsky, 1980/2010). The readiness of street-level bureaucrats within their communities is a practical issue; previous research has indicated that inadequacies limit the consistent enforcement and effectiveness of the introduction of policy (Hill, 2003; Mello, 2018; Riccucci, 2005). Consequently, Lipsky (1980/2010:83/107) contended that street-level bureaucrats will create “routines and simplifications” and “skim off the top” minor instances of crime and incivility as coping mechanisms for insufficient resourcing.⁵¹

Subsequent research considered how front-line workers made the best use of their available time and personnel resourcing given their conflicting demands, and noted how this links to the governing principle of effectiveness and efficiency (Durose, 2009; Jacobsson et al., 2020). For instance, Davidovitz and Cohen (2021) examined the influence of political figures on resourcing allocations, finding that some policy areas receive greater attention and street-level bureaucrat resourcing than others, creating further obstacles to effective front-line work. Further, Brown’s (2013b:399) study explored how the role of ASB practitioners included addressing incidents of such behaviour where police officers could not allocate sufficient resources towards enforcement by prioritising

⁵¹ Importantly, this was written before the criminalisation of ASB within the Crime and Disorder Act 1998. However, this study considers whether there is the current potential for sub-criminal behaviour that is subjectively classified as ASB to be similarly unpunished in line with Lipsky’s (1980/2010) earlier suggestions.

the occurrence of “serious crime”. Conversely, Allen et al. (2004) found that, in a different setting where resourcing issues posed no problem, street-level bureaucrats worked together in ways that personnel deficiencies would otherwise prevent.

Resulting from the austerity measures that the Coalition government introduced, the number of police officers and PCSOs decreased from 143,700 to 123,200 between 2010 and 2019 (Draco & Langella, 2020; Sindall & Sturgis, 2013).⁵² As such, Higgins (2019:8, original emphasis) suggested that “*prioritisation* has taken over from *efficiency* as the principal frame for responding to austerity”, linking to the abovementioned suggestion that front-line workers “skim off the top” instances of perceivably minor criminal behaviour. A further consideration regarding the resourcing of PSPOs, compared to other individualistic ASB powers, is that they are active in a designated public space and subsequently enforceable 24 hours a day, seven days a week. Despite this, Ford et al.’s (2018) research uncovered instances where no additional resourcing was provided for their implementation. The impact of there being insufficient street-level bureaucrats to enforce these orders could reflect earlier discussions that highlighted the limited enforcement of Designated Public Place Orders (DPPOs) within the night-time economy (Millie, 2009). This thesis seeks to further explore existing questions about whether there is consistent enforcement of a PSPO, or whether insufficient personnel resourcing results in a temporal inconsistency in the implementation of these orders.

⁵² In the time leading up to data collection for this research, which began in January 2020, however, the then Prime Minister Boris Johnson promised to recruit an additional 20,000 police officers over the following four years (Home Office, 2019b).

4.5.5 Street-level bureaucracy – summary

Street-level bureaucracy constitutes a critical analytical lens when considering the demographic of participants in this study, which incorporates both managers and front-line workers. This research employs this theory to explore the coping mechanisms that front-line practitioners adopt when enforcing PSPOs, including the utilisation of discretion, particularly when engaging with socially excluded citizens. In doing it, it considers whether conflicts within the literature about the managerial relationship continue in the context of these powers. Moreover, this study examines whether sufficient personnel resources exist to enforce a PSPO following the decrease of policing numbers through austerity and the increased jurisdiction of this ASB tool.

4.6 Procedural justice

Pioneered by both Thibaut and Walker (1975) and following subsequent work by Tyler (1990/2006), procedural justice theory has transitioned from its earlier application in a commercial-focused business context into a way in which police and citizen interactions can be understood within the broader criminal justice system. The following subsections explore the process-based model of procedural justice in the context of the use of this concept as an analytical lens in this study.

4.6.1 Principles of procedural fairness

Early research by Thibaut and Walker (1975) discovered that a citizen's perceptions of levels of control during encounters with policing bodies, as authority figures, was more influential in fostering perceptions of fairness than the actual outcomes. Procedural justice theory suggests, therefore, that even where a citizen considers an outcome to be unfair, such as receipt of a fine, perceived

fairness during the encounter with authority figures prior to this punishment increases perceptions of the legitimacy of these policing bodies to issue such penalties, and subsequently obtain compliance (Bradford et al., 2014; Tyler, 2003; Tyler & Fagan, 2008). Indeed, Augustyn (2015) highlighted how these perceptions can continue years after an initial encounter. This research employs this hypothesis to examine how the enforcement of a PSPO can foster perceptions of procedural justice. In doing so, it recognises that subjective factors mean that often there is an inability to distinguish why some citizens perceive procedural fairness during encounters and others do not (Dai et al., 2011; Nagin & Telep, 2017). This is particularly important when considering that the demographic of this study constitutes practitioners rather than citizens who have generated either perceptions of procedural fairness or procedural unfairness.

Tyler (1990/2006) presented four principles that authority figures should adopt to stimulate perceptions of procedural justice during encounters with citizens: voice; neutrality; respect; and trustworthiness. Voice suggests that authority figures should allow citizens to feel heard during encounters before they receive an outcome, such as providing them with opportunities to contribute and ask questions regarding the decision-making process (Cherney & Murphy, 2011; Jackson et al., 2010; Paternoster et al., 1997). Additionally, authority figures must encourage perceptions of neutrality during interactions with citizens by arriving at an outcome from an objective evaluation of the facts, rather than by making a decision underpinned by potential biases (Jonathan-Zamir et al., 2015; Tyler & Wakslak, 2004). Several authors have noted the importance of these two principles for marginalised groups, such as those of different ethnicities or young people. They have highlighted that individuals in these populations often perceive a lack of voice during encounters, and that authority figures arrive at outcomes

from prejudicial judgements (Bradford, 2011; Bradford et al., 2013; Tyler, 2015). Subsequently, there is a need to understand how authority figures employ the tenets of voice and neutrality within encounters for PSPO violations, particularly against socially excluded groups.

Citizens often perceive adversarial approaches as procedurally unfair; in response, authority figures must act respectfully when engaging with members of the public (Hough, 2013; Mastrofski et al., 1996). For instance, it is known police officers disproportionately employ stop and search powers against marginalised communities; as Keeling (2017:2, original emphasis) asserted, young “BAME⁵³ people are now *three times* more likely than white people to be searched.” However, Nawaz and Tankebe (2018) found that 75% of citizens who were subjected to this process perceived respect from policing bodies during an encounter. In turn, research by Nix et al. (2015) noted that respect can foster trust in authority figures, which is understood as symbolising the faith that citizens place in these individuals to act honestly, empathetically, and in citizen’s best interests when arriving at a decision (MacQueen & Bradford, 2015; Tyler, 2005). Where PSPOs disproportionately target the behaviours of socially excluded population groups, such as people experiencing street homelessness, this study considers whether practitioners act in ways that foster these principles when enforcing such orders.

It is imperative for policing bodies to foster perceptions of procedural justice during encounters with citizens through adopting these principles, especially as authority figures embody the criminal justice system for citizens (Jackson &

⁵³ In quoting directly from the findings of Keeling’s (2017) study, the author of this thesis would like to acknowledge that the Commission on Race and Ethnic Disparities (2021) later recommended the disaggregation of the term ‘BAME’ to reference those within Black, Asian, or minority ethnic groups.

Bradford, 2009). For example, Tyler and Huo (2002) highlighted the frequency of citizen and authority figure interaction, finding that, in the United States, 44% of their respondents had recently encountered a police officer, whereas only 8% had recently been in a courtroom. Other studies have illustrated the importance of adopting procedural fairness by demonstrating that those with direct authority figure experience held more negative perceptions towards policing bodies than those with limited interactions, particularly those who have suffered previous marginalisation and derive from a low socioeconomic background (Bradford, 2014; 2017; Bradford et al., 2009; 2017). Whilst the impact of the principles for procedural fairness is well recognised, Jonathan-Zamir et al. (2015) suggested that practitioners cannot, and should not, apply all four elements systematically. However, using one or two principles may be appropriate to encourage perceptions of procedural justice.

Consistently promoting the four principles of procedural justice during encounters in an ASB context is challenging. Indeed, as Donoghue (2007:418) stated, “a flexible, ambiguous, and ultimately subjective definition of anti-social behaviour necessarily invites inconsistency in application and administration.” Empirically, Crawford et al. (2017) found that practitioners failed to use the four principles of procedural justice in implementing and enforcing ASB policy, which they took to explain the consequential high number of breaches of ASBOs by their recipients. For CPNs, other researchers have presented that practitioners’ engagement with the recipients of these notices often does not foster procedural fairness (Heap, Black & Devany, 2023; Heap, Black & Rodgers, 2023). However, there has been limited exploration of the application of these principles in the imposition of a PSPO.

This project employs the four foundations of procedural justice theory to examine whether similar concerns exist for the implementation of PSPOs. Crucially, the findings aim to reveal whether encounters between authority figures and citizens represent engagement through procedurally fair mechanisms.

4.6.2 The process-based model of regulation and legitimacy

Adherence to these four principles is paramount in obtaining compliance through procedural justice (Sunshine & Tyler, 2003). Tyler (2003:286) described this as a 'process-based model'; enabling authority figures to adjust engagement methods by "treating community residents in ways that lead them to feel that the police and courts exercise authority in fair ways." Figure 4.1 presents the process-based regulation model through procedural justice theory. It outlines the ability of authority figures to increase compliance from citizens by adopting procedurally fair strategies during encounters.



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Figure 4.1 The process-based model of regulation (Tyler, 2003:284).

The process-based model suggests that procedurally fair enforcement can enhance perceptions of policing legitimacy, which Tyler and Fagan (2008:235) described as "a feeling of obligation to obey the law and defer to the decisions

made by legal authorities.” Examining this, Sunshine and Tyler (2003), in their work across the summers of 2001 and 2002 in New York City, found that perceivably fair practices had the most substantial impact on the legitimacy of authority figures and the subsequent willingness of citizens to regulate their behaviour in compliance with the law. Conversely, where perceptions of legitimacy are absent through a failure to adopt procedurally fair practices, earlier studies have suggested that this weakens the ability of authority figures to obtain long-term compliance from citizens (Tyler, 2004; 2006; Tyler & De Cremer, 2005). Legitimacy, therefore, represents what Hough et al. (2010; 2013) articulated as a citizen’s deference to an authority figure’s ability to exercise power. In line with this, Jackson et al. (2012:1063) stated, “An interesting feature of the procedural justice approach is that it suggests police legitimacy can be enhanced via the everyday practice of policing.” This study’s sample comprises the practitioners who are responsible for encouraging procedurally fair practices. Thus, this research considers whether policing bodies foster legitimacy within their strategies for implementing, enforcing, and perceiving the effectiveness of PSPOs.

Alongside the legitimacy deriving from citizen perceptions, the concept of procedural justice argues that authority figures must possess self-legitimacy to appropriately exercise their power (Bottoms & Tankebe, 2012; Bradford & Quinton, 2014). The perceptions of legitimacy from these practitioners, to display such dominance, fosters their adherence to the four principles of procedural justice (Tankebe, 2019; Tyler, 2011). Additionally, their perceptions of self-legitimacy increase when these policing bodies ideologically align with the policy that public authorities in their organisation ask them to implement (Bradford & Quinton, 2014; Bradford et al., 2013; Tyler & Blader, 2003). They must also feel

supported by their peers, their managers, and the public that they serve (Bottoms & Tankebe, 2013; Tankebe, 2009; 2013; Tankebe et al., 2016). Building upon earlier work from Bradford et al. (2013), Bradford and Quinton (2014:1028) highlighted the importance of this relationship, suggesting that “when officers feel fairly treated by their organization, their sense of positive identification with it is enhanced”, relating to the managerial and front-line worker relationship within discussions of street-level bureaucracy in section 4.5.3 (p. 133). By engaging with those who are responsible for enforcing a PSPO, this work employs this element of procedural justice as an analytical lens to explore the extent to which authority figures experience self-legitimacy when exercising this power. It examines the extent to which self-legitimacy arises even where authority figures have not been part of the decision-making process involved in the local authority’s introduction of an order.

The prevalence of legitimacy through the process-based model is fundamental to secure compliance from citizens following encounters with authority figures, as perceptions of fairness mean that “the likelihood of defiance, hostility, and resistance is diminished” (Tyler, 2003:286). In light of this, the following discussion explores the different forms of compliance through the process-based model of procedural justice theory.

4.6.3 Compliance

ASB continues to be a prevalent issue; as chapters two and three described, it can have a severe and detrimental impact on citizens’ lives, especially when persistent and cumulative in nature (Heap, 2016; 2021). Therefore, practitioners must continue to foster compliance following the imposition of ASB powers to prevent further victimisation from this conduct. This aligns with Tyler’s (2003:85) statement that “While compliance is widespread, it

can never be taken for granted.” This subsection considers how procedurally fair practices can stimulate compliance with the law and how each type of compliance, whether instrumental, coercive, or normative, constitutes part of the analytical framework for this study in understanding the adherence by citizens to the regulations that a PSPO contains.

Enforcement strategies that embody instrumental compliance can encourage citizens to conform by threatening punishment for non-compliance, to deter unlawful behaviour (Tyler, 2011). This form of compliance occurs when policing bodies are effectively proactive in “(1) creating credible sanctioning threats for those who break the rules (risk); (2) effectively controlling crime and criminal behaviour (performance); and, (3) fairly distributing police services across people and communities (distributive fairness)” (Sunshine & Tyler, 2003:514). Black and Heap (2022) articulated the prevalence of instrumental compliance in an ASB context, finding that recipients of Community Protection Warnings (CPWs) and CPNs complied with the requirements of these penalties due to an instrumental fear of punishment. Similarly, commentary from Kyprianides et al. (2022) revealed that the policing of people experiencing street homelessness in London embodied instrumental outcomes more prevalently than other mechanisms for behavioural change.

In the enforcement of PSPOs, instrumental compliance could occur through policing bodies routinely responding to breaches and, in doing so, provide an impetus for other public space users to comply with the jurisdiction of an order. In addition, the omnipresence of these orders within public spaces, such as through signage displays, could further foster instrumental compliance by highlighting the risk of punishment to those who do not adhere to their regulations.

Moreover, debates in procedural justice acknowledge that attempts to obtain compliance through coercion, such as the threat of arrest, are often insufficient to encourage citizens to comply with the law (McCluskey, 2003). Coercion is particularly inadequate in securing behaviour change on a long-term basis, and especially when compared to procedurally fair encounters. Reiner (2010:8) supported this, highlighting that “‘good’ policing has often been seen as the craft of handling trouble without resort to coercion, usually by skilful verbal tactics.” In addition, others have argued that:

If officers understand and appreciate the dynamics of their encounters with citizens, especially the different effects of procedural justice and coercion, then they can enjoy a better relationship with the public and receive more voluntary compliance and less risk of physical harm and litigation. (Dai et al., 2011:167)

Despite these concerns, Tyler (2011; 2017) suggested that, whilst recognising the priority of procedural fairness in securing voluntary compliance, policing bodies routinely employ coercive mechanisms when interacting with citizens. Johnsen et al.’s (2018) methods for engaging with people experiencing street homelessness exemplified this by demonstrating that coercion is a way that authority figures express power over people experiencing street homelessness (Table 2.4, p. 56). Furthermore, Crawford et al. (2017) have shown that practitioners employ informal, non-legal, and coercive methods of ascertaining compliance when addressing the ASB of young people. Heap, Black and Devany’s (2022) study also found instances where the threat of formal sanction constituted coercive elements of enforcement for second-wave powers. To build upon the concerns that these findings generate, this study explores the extent to which coercive techniques form part of the enforcement of a PSPO.

Whilst instrumental and coercive forms of compliance are prevalent, Hough (2021:7) found that “securing compliance with the law by deploying normative

strategies such as those derived from procedural justice theory is less costly, less intrusive and more effective than instrumental or coercive ones based on deterrence.” The process-based model of procedural justice suggests that procedurally fair practices, and the subsequent legitimacy of authority figures, increase a citizen’s internalised obligation to adhere to the law through its mechanisms more successfully than through the threat of punishment or coercing citizens into following set rules (Sunshine & Tyler, 2003; Tyler, 1990/2006). Indeed, many studies have examined the connection between perceptions of legitimacy and long-term self-regulatory behaviour in line with the law (Bradford et al., 2015; Jackson et al., 2012; Tyler & Jackson, 2014). This commentary has highlighted the cost-effectiveness of fostering normative compliance compared to instrumental strategies (Hough, 2003; Hough et al., 2010; Tyler, 2011). Through their geographical remit, range of behaviours that they can regulate, and length of time in operation, PSPOs are vast tools, and local authorities must stimulate normative compliance with an awareness that not every breach can be suitably witnessed and punished. This research explores the extent to which this is the case for practitioners who have introduced these orders.

4.6.4 Procedural justice – summary

Procedural justice theory is an essential analytical lens to explore how the practitioners who are responsible for enforcing a PSPO tackle citizens who breach the regulations of these orders. This part of the analytical framework highlights the importance of authority figures adopting procedurally fair practices when engaging with citizens in the use of this civil preventive order, to increase subsequent perceptions of legitimacy and adherence to the law. This study’s findings examine the extent to which practitioners seek to reinforce the key tenets

of voice, neutrality, respect, and trustworthiness during these encounters and their perceptions of obtaining self-regulatory compliance.

The findings chapters of this thesis also offer empirical contributions to knowledge concerning the different strategies for obtaining compliance. Whilst Tyler et al. (2015) proposed that policing has evolved from coercive to consensual strategies, existing studies have suggested that practitioners rely upon instrumental and coercive mechanisms to obtain compliance with the various tools and powers. Linking to the 'justice gap', this research uses procedural justice theory to explore whether practitioners rely upon instrumental or coercive strategies when enforcing a PSPO or use the spatial nature of these powers, and the process-based model, to facilitate the development of normative compliance.

4.7 Contemplating other lenses

At various times throughout this study, the researcher contemplated utilising several other theories and concepts as potential analytical lenses. They reflected how civility, tolerance and responsabilisation (as part of a broader discussion of governmentality) could be potential avenues for interpreting the data and provide an empirical understanding of the implementation, enforcement, and perceived effectiveness of a PSPO. However, the researcher disregarded these in favour of the four theories that this chapter outlined, primarily because they could have diverted away from the practitioner focus of this project. Thus, this study's analytical framework better facilitates the answering of the underlying research questions from the perspectives of the studied participants.

4.8 Conclusion

This chapter has presented several conceptual standpoints used by this study. Given that the nature of ASB and its discourse is complex, this research

necessitates the utilisation of several theories to analyse the implementation of a PSPO. Specifically, governance and preventive justice act as mechanisms to explore how practitioners interpret the statutory duties of the Anti-Social Behaviour, Crime and Policing Act 2014. This includes considerations of the definition of the “detrimental effect on the quality of life”, consultations, prohibitions and requirements, and the renewal obligation. Further, street-level bureaucracy and procedural justice facilitate analysis of the strategies for enforcing PSPOs; mainly, this is whether front-line engagement with citizens aligns with statutory duties around enforcement practices and the potential for these techniques to be perceived by citizens as disproportionate. These lenses theoretically situate the contributions to knowledge that subsequent findings chapters will present.

The following chapter builds upon the analytical lenses that have been examined here to outline the methodology of this research, which employs a qualitative, multiple-case study research design.

Chapter 5 – Methodology

5.1 Introduction

This chapter outlines the multiple-case study research design that this project has employed to explore the implementation of Public Spaces Protection Orders (PSPOs). It details the process of selecting local authorities as case study areas (CSAs) and explains the inclusion of several supplementary research areas (SRAs). In addition, it considers the decision to utilise qualitative semi-structured interviews as the data collection method and the strategies that the researcher used to analyse the data collected. This chapter also identifies the challenges of the coronavirus (COVID-19) pandemic, alongside reflexivity, positionality, and ethical considerations.

5.2 Research philosophies and design

This section explores quantitative and qualitative research methods, the nature of case study research, and the philosophies underpinning this study's research design. In short, the distinction between quantitative and qualitative research methods is that whilst the former utilises numerical data, the latter often collects unquantifiable information through, among other techniques, interviews and observations (Heap & Waters, 2019). When deciding on the focus of this study, the gaps in knowledge about the introduction of PSPOs, from a qualitative perspective, led the researcher to undertake a multiple-case study research design that drew on qualitative, semi-structured interviews. While some have highlighted the benefits of multiple-case studies through the breadth of data that they can obtain (Grix, 2010; Stake, 1995; Yin, 2018), others have criticised their contextual nature and lack of transferability (Flyvbjerg, 2006; Tsang, 2014). The introduction of a PSPO is inherently individualistic, and this study cannot provide

generalisable findings for all of the local authorities that are within England and Wales. However, the perspectives and experiences of several areas can offer substantial insights into decision-making processes that, as chapter three has highlighted, are currently unknown.

Considerations of the researcher's epistemological and ontological research philosophies further support using this particular research design. Whilst ontology relates to interpretations of reality within the social world, epistemology focuses on creating and formulating knowledge (Blaikie, 2008; Thomas, 2009; Scotland, 2012). Ontologically, this research adopts the concept of constructivism, which explains that actors are responsible for occurrences within the world (Bryman, 2016). This approach emphasises "the role of the individual, whilst also acknowledging the social interactions and broader environmental/cultural values within which beliefs and learning operate" (Duffy et al., 2017:267–268). A constructivist standpoint enhances the focus on practitioners' understandings of structural parameters when interpreting the Anti-Social Behaviour, Crime and Policing Act 2014, lending itself to this study's substantive research questions.

Epistemologically, this research is conducted from a standpoint of interpretivism, acknowledging that knowledge is subjective, as are the lived experiences of individuals, and respecting "the differences between people and the objects of natural science" (Bryman, 2016:26). By seeking to understand a range of perspectives on the decision-making processes of practitioners, an interpretive approach invites a plurality of practitioner voices, embodying the aims of this research and supporting the decision to employ a multiple-case study research design (de Saint-Georges, 2018; Yin & Campbell, 1989). Together, the philosophical rationale for this study offers the foundations to gather a range of

qualitative insights, develop existing academic commentary, and draw on the analytical framework to make significant contributions to knowledge.

5.3 Selecting case study and supplementary research areas

This research employs a multiple-case study model. The following subsections outline the approach to: creating a PSPO database to identify potential local authorities as case studies, the methods that were used to gain access to potential participants, and the inclusion of the SRAs in response to the coronavirus pandemic. The final part of this section then provides profiles for each of the four CSAs and an overview of the demographics for the five SRAs.

5.3.1 Creating a Public Spaces Protection Order database

As local authorities hold no responsibility to inform the central government of the implementation of any PSPOs (Heap & Dickinson, 2018), the first step in selecting local authorities to study was developing a database of active orders. Unfortunately, publicly accessible databases are non-existent; however, given their earlier writing, it was believed that some organisations would privately hold such information. Two groups, the Manifesto Club and Liberty,⁵⁴ were approached and, upon request, provided examples of previous PSPO databases that they had compiled. However, these exemplars were insufficient to aid sampling for this study due to being either incomplete or out of date by several years. Likewise, the researcher decided not to submit any freedom of information requests to obtain this information from local authorities, partially because earlier studies demonstrated that these requests were often unfulfilled by such bodies, potentially due to their overstretched resources (Cochrane, 2020).

⁵⁴ In addition, two solicitors from Liberty, with an interest in, and previous experience concerning, the use of PSPOs, functioned as professional advisers for this research.

However, one of the statutory requirements for implementing a PSPO within the Anti-Social Behaviour, Crime and Policing Act 2014 is that local authorities must publicise the introduction of an order; on the whole, the websites of these organisations contain these details. Therefore, the researcher sourced and collated, for the 317 local authorities in England and the 22 in Wales, the following material:

- i) The name of the local authority;
- ii) The number of active PSPOs;
- iii) The prohibitions and requirements within each PSPO;
- iv) The date of implementation and expiry of any PSPOs;
- v) The penalties that were available to those who were in breach, including fixed-penalty notices (FPNs) and the level of fine; and,
- vi) A hyperlink to the documentation relating to the PSPO.

The researcher compiled the PSPO database from August to October 2019. It facilitated an initial, informal exploration of the types of PSPOs that local authorities had introduced, and highlighted areas that could constitute the sample for this study. At the time of its creation, the construction of this dataset found that 55 local authorities had no active PSPOs, reducing the list of potential areas that could be sampled to 284.

Creating the PSPO database was a helpful exercise within the broader sampling process, but the findings of this study do not include any quantitative analysis of this information. This is because, as the research gaps in section 3.9 (p. 112) indicated, there is a comparatively higher range of quantitative research examining PSPOs. Consequently, the aims of this project reflect the importance of collecting qualitative data to explore the introduction of these orders. Due to the lack of central government oversight, the compilation of this database was

simply a step that the researcher needed to take within the broader sampling process.

5.3.2 Sampling from the database and gaining access

Following the creation of the PSPO database, the researcher then generated a list of suitable local authorities to sample. Recognising Yin's (2018) statement that consistency is a necessary consideration for case study identification, the process for sampling employed the following criteria:

- i) PSPOs were operational for at least six months before the start of data collection to enable a discussion of enforcement and perceived effectiveness, and were due to be in force throughout the data collection period;
- ii) The prohibitions and requirements within any orders that a local authority had introduced had the potential to specifically target socially excluded population groups. Examples of such regulations include prohibitions on begging or aggressive begging, consumption of alcohol or new psychoactive substances (NPS), 'hanging around', foul and abusive language, solicitation, public urination and defecation, and unauthorised encampments;⁵⁵
- iii) The local authority had at least one PSPO within either a town or city centre or a neighbourhood environment, reflecting the prevalence of ASB in these areas; and,
- iv) To reflect the financial constraints on the researcher and their ability to visit these areas to conduct face-to-face interviews, the local authority

⁵⁵ These were behaviours that chapters two and three outline as often attributed to several socially excluded population groups.

was within close geographical proximity and easily accessible through public transport to Sheffield.

This process created a consolidated list of approximately 70 local authorities, highlighting a wide range of areas that this study could have sampled if they had been willing to participate. Prominently featured within this list were orders within town and city centres that restricted the consumption of alcohol or NPS. By contrast, only a minority of areas had introduced PSPOs solely in different types of environments, such as greenspaces and residential neighbourhoods. At this time, it was unclear whether these local authorities had introduced PSPOs that were statutory conversions of the three previous powers, Designated Public Place Orders (DPPOs), Dog Control Orders (DCOs), and Gating Orders (Figure 3.1, p. 78); whilst some areas publicised this information, others did not. However, discussions regarding the conversion of previous orders emerged recurrently throughout interviews, and their importance and potential significance became more apparent as data collection progressed.

The researcher tried identifying practitioners within these areas to initiate contact. This included searching local authority websites for publicly available details, alongside viewing media sources, such as newspaper articles, recognising how the culture of ASB commonly leads to these individuals providing quotes to the media. Moreover, to help identify potential participants, presentations were given at several ASB practitioner events across England between November 2019 to January 2020, including Resolve ASB's⁵⁶ regional practitioner series. Through these approaches, purposive sampling successfully identified senior local

⁵⁶ Resolve ASB is an organisation which provides training and support to community safety and ASB practitioners: <https://www.resolveuk.org.uk/about-us/the-resolve-team>

authority ASB/community safety team managers as prominent practitioners and potential contacts.

Over 50 senior local authority practitioners received scoping emails, including those with notably 'high-profile' PSPOs. From this, over half either did not reply or declined to participate in this research on behalf of their local authority. When practitioners were responsive to the initial communication, informal telephone conversations were held with these individuals to discuss the remit of this study. Considering self-selection bias regarding this process (Hug, 2003), it is hoped that practitioners responding to these emails and engaging in informal telephone conversations did so because they were willing to share their practitioner experience. Similarly, it could be argued that the areas who declined to participate did so to avoid further scrutiny, a point of contention that was recurrently faced throughout the informal conversations in the sampling process.

Where practitioners indicated the potential for the researcher to recruit a significant number of participants within their respective local authorities, the initial contacts aided a snowball sampling approach by providing a contact list.⁵⁷ Following this, each individual was invited to participate in an interview by email, and received a participant information sheet and a digital copy of the informed consent form.⁵⁸ Predominantly, the types of practitioners and elected officials that this study initially sampled as participants included:

⁵⁷ Conversely, when indicated that few practitioners could be recruited, these areas were, for the time being, disregarded following the informal communication.

⁵⁸ Copies of these are annexed to this thesis at Appendix 1 (p. 360), Appendix 2 (p. 361), and Appendix 3 (p. 365), respectively.

- i) ASB/community safety officers;
- ii) ASB/community safety managers;
- iii) Heads of service and other senior local authority members;
- iv) Local authority enforcement officers; and,
- v) Local councillors with an ASB/community safety portfolio.

However, as the data collection period progressed, it became apparent that police officers and Police Community Support Officers (PCSOs) were vital to gain a more detailed viewpoint on enforcement practices. This became necessary when it was discovered that local authorities primarily designated responsibility for this away from themselves. Whilst data collection did not originally include these practitioners due to a perceived lack of experience interpreting the Anti-Social Behaviour, Crime and Policing Act 2014, revisiting some CSAs facilitated interviews with police officers and PCSOs to form part of the sample. This reflects the iterative nature of the case study selection process.

5.3.3 Impact of the coronavirus pandemic on sampling

The emergence of the coronavirus pandemic, the first national lockdown in March 2020, and adherence to Sheffield Hallam University's (2020) research guidelines during this time presented unexpected obstacles to the sampling process and data collection. As a result of the pandemic and through following the institutional policies, data collection for this research occurred in two stages: between January and March 2020; and August and October of the same year.

Before data collection paused at the end of the first stage, interviews had been conducted with a substantial number of participants from two local authorities, and these areas were considered to be completed case studies. However, due to the pandemic, the main challenge that was faced was the ability to recruit the

same number of individuals from within one area as had previously been the case in other areas. As discussed above, where informal telephone conversations with senior local authority practitioners indicated a limited number of potential participants, these areas were disregarded in the original data collection period. However, following the emergence of the pandemic, the researcher subsequently reconsidered these areas for the second stage, recruiting two more substantive CSAs. Additionally, one or two practitioners in five other areas were interviewed, which this thesis terms as 'supplementary research areas/SRAs'. The decision to recruit in this way increased the number of sampled areas from two to nine and enabled the overall recruitment of 32 participants. This change in strategy enabled data saturation and conceptual density from the participants within the sample (Fusch & Ness, 2015; Nelson, 2017). Section 5.4.1 (p. 164) discusses further how the researcher decided that data saturation had been reached.

Additionally, it was hoped that telephone interviews would only need to be used when there was a lack of time or resources to travel to an interview site or when a participant preferred such a format. This was particularly in consideration of notable limitations of telephone interviews, such as the inability to build a rapport with participants before data collection commences, alongside a failure to observe factors such as participant body language (Heap & Waters, 2019; Novick, 2008). However, following Sheffield Hallam University's (2020) guidelines, all interviews were conducted by telephone in the second stage. By the end of data collection in October 2020, 15 interviews had been conducted by telephone, compared to 17 in-person interviews. This permitted the collection of data from practitioners whose schedules may have prohibited face-to-face participation (Fenig et al., 1993). Furthermore, beyond allowing the research to continue during the pandemic, the additional benefits of collecting data through

telephone interviews included the broader geographical reach of the local authorities that this study sampled.

5.3.4 Sample demographics

Overall, data collection for this research concluded with four CSAs and five SRAs, constituting semi-structured interviews with 32 participants. Figures 5.1, 5.2, 5.3, and 5.4 anonymously outline information that is pertinent to each of the local authorities that were sampled as case study areas, including their population size, socioeconomic status, and political representation. They also detail the PSPOs that these local authorities had active during data collection.

CSA 1 is a local authority in the North of England with over 100,000 residents. As a former mining area, the geographical remit of this borough includes several market towns and faces a socioeconomic disadvantage. The political makeup of this area comprises elected members of the Conservative Party.

PSPOs in this area include:

- PSPO 1: A town centre PSPO with prohibitions on the gathering of groups, consumption of alcohol or NPS, shouting or swearing, and causing “harassment, alarm or distress”, and a requirement to provide your name and address when asked for such details by an authority figure;
- PSPO 2: A town centre PSPO with prohibitions on the consumption of alcohol or NPS, shouting or swearing, and causing “harassment, alarm or distress”, and a requirement to provide your name and address when asked for such details by an authority figure;
- PSPO 3: An out-of-town shopping district and neighbourhood PSPO, including prohibitions of groups of three or more young people causing “harassment, alarm, or distress”; and,
- PSPO 4: A borough-wide PSPO with prohibitions of dog control and a requirement for owners to have the means to pick up after their dogs.

Figure 5.1 Case study area 1 profile.

CSA 2 is a local authority in the North of England with just over 100,000 residents. This area comprises a town centre, several greenspaces and multicultural communities and is a borough facing severe socioeconomic disadvantage. The political makeup of this local authority includes elected representation from the Labour Party.

PSPOs in this CSA include:

- PSPO 5: A town centre and public park PSPO, containing prohibitions on the consumption of alcohol or NPS, alongside swearing, foul and abusive language and dog-related conditions; and,
- PSPO 6: A PSPO in a disadvantaged neighbourhood encompassing a multicultural population, with prohibitions on noise, foul and abusive language, alcohol consumption, and harassment, alarm, or distress.

Figure 5.2 Case study area 2 profile.

CSA 3 is a local authority in Central England with over 200,000 residents. Compared to other areas that were studied, this local authority encompasses a more affluent population, facing fewer issues of disadvantage and unemployment. It also contains a Conservative Party voting demographic.

PSPOs within this CSA include:

- PSPO 7: A town centre PSPO with prohibitions including the consumption of NPS, dog control, and begging;
- PSPO 8: A closure of an alleyway in the city centre; and,
- PSPO 9: A PSPO proposing the closure of an alleyway in the city centre.

Figure 5.3 Case study area 3 profile.

CSA 4 is a local authority in the North of England with over 200,000 residents. It is an area that is divided into several boroughs which face continued socioeconomic disadvantage. For a prolonged period, residents in this area have voted for elected representation from the Labour Party.

PSPOs within this CSA include:

- PSPO 10: A city centre PSPO prohibiting alcohol consumption.

Figure 5.4 Case study area 4 profile.

Signifying the smaller number of practitioners who were interviewed within the SRAs, Table 5.1 specifies the location of these local authorities alongside the population size of these areas.

SRA number	Location	Population size
SRA 1	South of England	Over 100,000 residents
SRA 2	North of England	Approximately 100,000 residents
SRA 3	Central England	Several hundred thousand residents
SRA 4	South of England	Over 100,000 residents
SRA 5	North of England	Several hundred thousand residents

Table 5.1 Demographic information for supplementary research areas.

Moving on to discuss the demographics of the 32 participants, the categorisation of these individuals broadly falls within three groups: elected officials, local authority employees, and police officers/PCSOs. Table 5.2 presents the distribution of these categories and highlights the cumulative total of face-to-face or telephone interviews.

Interview matrix	Mode of interview		
	<i>Face-to-face</i>	<i>Telephone</i>	<i>Total</i>
<i>Type of participant</i>			
Elected officials	0	4	4
Local authority employees	11	9	20
Police officers/PCSOs	6	2	8
<i>Total</i>	17	15	32

Table 5.2 Interview matrix and mode of interview.

Elaborating on the generalised roles of participants within the CSAs and SRAs, Figure 5.5 offers a more detailed account of specific job roles, particularly for local authority employees.

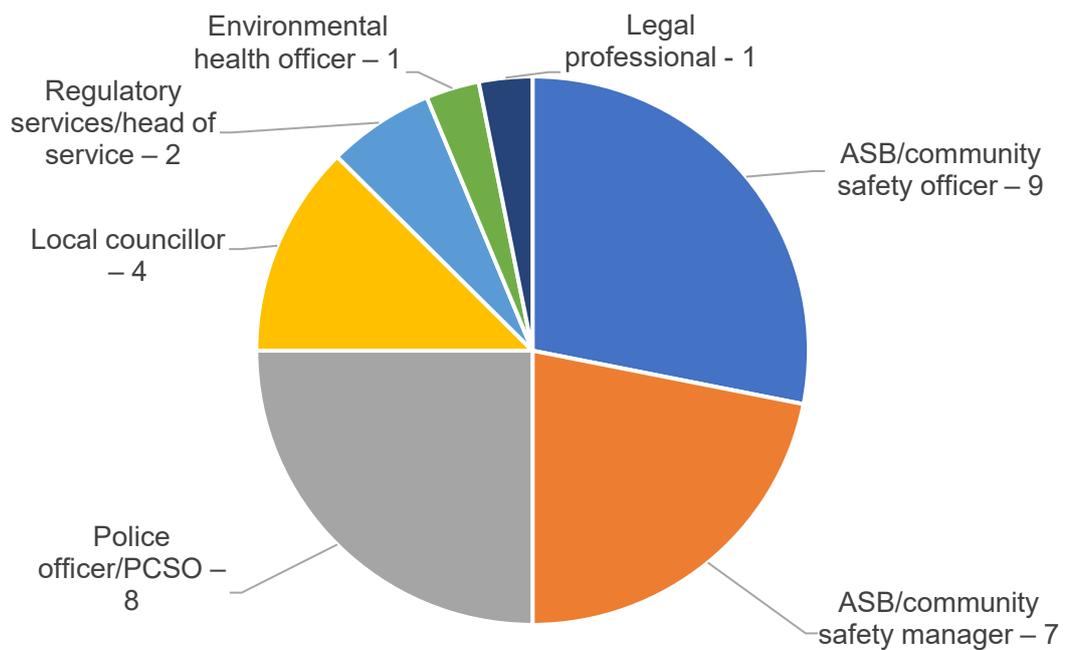


Figure 5.5 Number of participants by generalised occupation.

As this diagram shows, interviews mainly occurred with local authority employees, including ASB/community safety officers and managers, and with police officers and PCSOs. This proportion reflects the importance of these practitioners in the implementation of a PSPO. Another consideration is the potential underrepresentation of elected officials in the sample. Although the researcher sent email enquiries to many prospective participants within this group, there were comparably lower numbers to contact within this demographic; moreover, those with this occupation were the most likely group to fail to respond to such requests. In exploring possible reasons for this, the literature has acknowledged that elected officials face demanding workloads (McGarvey & Stewart, 2018). Indeed, some local councillors who participated in this study asserted that such a position is often a part-time responsibility alongside other work commitments. At the time of data collection, others also highlighted that the upcoming local elections may have taken priority for elected officials. Nevertheless, albeit lower than other participant numbers, the interviews with

local councillors generated a range of substantively similar and complex responses.

5.4 Data collection

This research utilised semi-structured interviews as a qualitative research method, which the literature has noted as beneficial in multiple-case studies to provide “some structure in order to ensure cross-case comparability” (Bryman, 2016:549). If conducted successfully, semi-structured interviews “explore people’s experiences, practices, values and attitudes in depth” (Devine, 2002:207), whilst also allowing for unexpected points of conversation to arise (Galletta & Cross, 2013). The substantive research questions for this study aimed to examine the experiences of practitioners in the implementation, enforcement, and perceived effectiveness of PSPOs so the interview schedule⁵⁹ encompassed questions about the various stages of introduction from the Anti-Social Behaviour, Crime and Policing Act 2014. However, the researcher also encouraged participants to explore tangential experiences that they considered appropriate to discuss, which resulted in unexpected and intriguing findings.

The interview schedule reflects the substantive research questions and includes amendments to incorporate questions about the impact of the coronavirus pandemic on the introduction of PSPOs by local authorities. The freedom to amend lines of questioning in this way aligns with the iterative nature of semi-structured interviews (Heap & Waters, 2019). Broadly, the formulation of questions in the interview schedule drew upon the work on interviews that Kvale (1996) completed. Table 5.3 explains these question types and provides illustrations of such instances from the interview schedule.

⁵⁹ A copy of the interview schedule is annexed to this thesis at Appendix 4 (p. 367).

Table removed for copyright reasons.	Example
	What type of ASB within public spaces led your local authority to consider a PSPO?
	What was done to address the ASB instead of a PSPO?
	Could you give me an example of the questions asked?
	Do you agree with enforcing PSPOs against these groups?
	Have you renewed a PSPO?
	Do your partner organisations agree with enforcing PSPOs against these groups?
	Moving on to the consultation process, could you explain how you consulted before introducing a PSPO?
	N/A
	Am I correct in understanding that...

Table 5.3 Types of semi-structured interview questions (Kvale, 1996:133–135) and examples from this study’s interview schedule.

The researcher included or excluded specific lines of questioning from within the interview schedule where it was considered appropriate, recognising the differing roles of the participants that Figure 5.5 (p. 161) outlined. For instance, a police officer may have had limited involvement in interpreting the statutory requirements for a PSPO, so omitting questions concerning this generated a

focus on enforcement within an interview. Similarly, due to their public profile, a local councillor may likely have more experience in encountering reports of ASB from citizens and less familiarity with front-line enforcement. Tailoring these interviews again accounted for the knowledge of this type of participant.

5.4.1 Data analysis

The 32 interviews lasted, on average, for 45 minutes each, and both face-to-face and telephone interviews were recorded by dictaphone. Data analysis was undertaken using Braun and Clarke's (2006; 2017) thematic analysis framework. Thematic analysis permits flexibility to researchers outside of structural paradigms and facilitates an exploration of similarities and differences within qualitative data (Braun & Clarke, 2020; 2022), highlighting its suitability for examining the introduction of PSPOs by local authorities. Table 5.4 presents the six phases of thematic analysis from Braun and Clarke's (2006:87) work.

Table removed for copyright reasons.

Table 5.4 Stages of thematic analysis (Braun & Clarke, 2006:87).

After each interview, the researcher manually transcribed the recordings. Self-transcription familiarises an individual with the data that they have collected (Bailey, 2008; Davidson, 2009), and the researcher used this process as the first stage of their analysis (Phase 1). During this stage, they made informal notes on prominent themes throughout the transcripts, which assisted in later phases of analysis. The transcripts were then imported to NVivo, a computer software package for comprehensive qualitative data analysis (Bazeley & Jackson, 2013).⁶⁰ They then generated initial codes from the transcripts (Phase 2), attaching extracts from these documents to themes (which NVivo refers to as 'nodes') and sub-themes ('cases'). This included a process of using both semantic (analysis at face value, including direct excerpts from the transcripts as codes) and latent (a deeper examination, reflecting the analytical framework and existing literature) coding (Terry et al., 2017).

These codes were then collated to identify themes within the data (Phase 3). A theme, in this context, is "an idea that can be seen running through several responses" (Harding, 2013:6). As Braun and Clarke (2019; 2022) have recurrently asserted, themes are 'discovered' throughout the recurrent examination of the data and are not there to be 'found' by a researcher. Similarly, Ryan and Bernard (2003) have cautioned against utilising previous and well-established structures as part of this process. Therefore, the researcher completed this phase whilst remaining reflexive about any unanticipated themes that may have been discovered (Bryman, 2016; Phillips & Lu, 2018). This was

⁶⁰ NVivo does not conduct automatic data analysis and is a manual procedure that researchers undertake. The researcher supplemented their experience in using this platform by attending training sessions that Sheffield Hallam University ran.

especially important considering the specific framework for implementing PSPOs through the Anti-Social Behaviour, Crime and Policing Act 2014.

Following this, the themes were then consolidated (Phase 4). Each theme was extensively examined, and a decision was made as to whether sufficient data had been collected; sometimes, themes were combined or disregarded. During this phase, the researcher also judged that data saturation had been reached and decided to cease further data collection. Data saturation is a stage that Braun and Clarke (2019; 2022) assign wholly to researchers in their interpretation of the data and contemplation of external constraints. In this situation recruiting additional participants in this study could have provided further insights, as Budden et al. (2020) described in their work. However, as these authors similarly discussed, the content of interviews in this study was already becoming repetitive, and the researcher was conscious of time constraints on the expiry of their studentship, especially in light of delays relating to the pandemic. Furthermore, as no additional participants from areas that had already been studied could be recruited, the researcher was cautious not to dilute the findings by including too many SRAs. Through the thematic analysis framework, the breadth of data that had been collected by October 2020, particularly the recurrence of specific areas of discussion, signified the achievement of conceptual density.

These themes were then further consolidated, with the role of each part in the overall narrative refined (Phase 5). The extracts that were to be used in this thesis were then selected; subsequent chapters of this thesis present the findings that were generated from following the process of the thematic analysis framework (Phase 6).

5.5 Limitations

There are several limitations to this study that are appropriate to consider. This project is small in scale. Its sample constitutes only nine out of 317 local authorities in England, does not include any of the 22 local authorities in Wales, and does not sample any PSPOs that specifically target the conduct that is associated with two groups of socially excluded citizens that were detailed in chapter two: on-street sex workers; and Gypsies, Roma and Travellers.⁶¹ The substantive research questions focus on the perspectives of the practitioners who are responsible for introducing PSPOs; consequently, there is no consideration of the effect of the implementation of these orders on public space users or the views of those breaching the regulations of a PSPO.⁶²

The most significant challenge throughout this research was the emergence of the coronavirus pandemic, and section 5.3.3 (p. 156) highlighted its impact on the sampling process. Given the consequence of the pandemic occurring during this time, when data collection resumed in August 2020, the researcher took great care to remain sensitive to the workloads of participants and the demands that had been placed on them by a public health crisis. Some adjustments that were made during this time included conducting shorter interviews to take up less of the participant's time and deciding not to follow up on a lack of response from initial email enquiries. Although the pandemic initially halted the data collection,

⁶¹ Whilst several local authorities with such prohibitions formed the shortlist of potential areas that this research could have sampled, following the process that was discussed above, very few of these areas responded to the researcher's initial outreach emails, and none accepted the invitation to participate in this study. There is, therefore, an insubstantial discussion of these socially excluded groups despite the potential for PSPOs to continue criminalising their behaviour whilst within public spaces.

⁶² For work that has examined the impact of the enforcement of PSPOs (among other second-wave tools) against people experiencing street homelessness, see Heap, Black & Devany (2022).

and impacted the envisaged timeline for this study, the opportunity to collect data both before and during this time was unique (Prommegger et al., 2021).

As discussed above, the original research design did not anticipate single interviews with local authorities; instead, it sought to focus on several in-depth CSAs. Therefore, the inclusion of the SRAs could be considered by some to be a limitation, as these areas lack the same depth when compared to the CSAs. However, including the SRAs within the sample facilitated the conducting of 32 semi-structured interviews, which, as mentioned earlier, was sufficient to reach data saturation. Additionally, moving to conduct wholly telephone interviews removed earlier barriers to acquiring a broader geographical range of local authorities that were studied, aligning with suggestions presented in the literature on the benefits of this data collection method (Drabble et al., 2015).

In hindsight, little could have been done differently throughout the research due to the external constraints that were placed on the data collection process. Fortunately, conducting telephone interviews and including the SRAs enabled the completion of the study.

5.6 Reflexivity and positionality

In discussing the importance of being reflexive in research, Dean (2017:6) stated that “Reflexivity raises questions about the role of objectivity in social sciences.” In particular, he highlighted the importance of considering a researcher’s discipline within their reflexive practices, which is significant within the context of this research. In approaching this project as a legal scholar with no ASB practitioner experience, there was a conscious effort to counteract the insider and outsider dynamic of the study with the participants (Corbin-Dwyer & Buckle, 2009). For instance, the questions that the interview schedule contained

avoided potential biases, particularly regarding controversial elements of PSPOs, allowing participants to discuss their decision-making processes without facing judgement. This method recognises Bourdieu's (1990:380) "scholastic point of view". It appreciates that the interpretation of the data that is collected by an academic, who has spent a considerable amount of time focusing solely on PSPOs, differs significantly from the concerns of the practitioners who are responsible for implementing these orders among their other responsibilities.

The researcher's age is another factor for reflexive consideration because of the many barriers that this can negatively present (Jacobson & Mustfasa, 2019; Kilby, 2020). The completion of this thesis began when the researcher was 21 years old; despite seeking to present a façade of confidence to peers, colleagues, and participants, entering environments where practitioners had professional experience resulted in feelings of inferiority due to inexperience. These perceptions, however, resulted in comprehensive explanations of crucial concepts by practitioners during interviews, resulting in a greater level of elucidation (and subsequent depth of data) than participants may have given to a more experienced academic. Steps taken to overcome this personal obstacle included obtaining more comprehensive academic and research practice, such as presenting the findings of this study at The British Society of Criminology, CrimCon, People, Place and Policy, and Socio-Legal Studies Association conferences over a period of several years.

Further, positionality suggests that an individual completing a piece of research must situate themselves within the broader social and political context (Bryman, 2016; Heap & Waters, 2019). Elements of a researcher's social identity that are particularly relevant for this research include "age, political beliefs, social class, race, ethnicity, gender, religious beliefs, [and] previous career" (Holmes, 2020:4).

Being born and raised in a working-class environment, and being the first family member to complete their A-Levels and attend university, let alone contemplate undertaking a PhD, meant that the researcher's social class developed as a personal limitation. They consequently struggled with varying levels of imposter syndrome, particularly in terms of maintaining confidence in their academic ability. However, they recognise that this is an experience that is commonly felt by early-career academics (Kilby, 2020).

Additionally, literature such as Archer et al. (2003) has discussed the financial implications of social class distinctions within higher education; living pay cheque to pay cheque (or stipend payment to stipend payment) meant that there were initial geographical barriers in selecting CSAs, simply due to the cost of travelling.⁶³ As discussed earlier, moving to telephone interviews offered the opportunity to select CSAs and SRAs from further afield without these limitations. Furthermore, acquiring a lectureship and receiving subsequent funding from the Department of Law and Criminology at Sheffield Hallam University to pay for doctoral supervision helped to mitigate financial difficulties, although taking on the lecturing role and associated teaching and administrative responsibilities caused a delay in the overall completion of this thesis.

Accepting Gearing's (2004) assertion, this section does not cover all reflexive practice and positionality factors. The researcher must, however, acknowledge the inordinate privilege that is derivative of being a white British, able-bodied, and cisgender male in Britain during the completion of this project.

⁶³ These financial challenges presented themselves despite the potential for recovering some of the research and travel expenses through the doctoral school at Sheffield Hallam University.

5.7 Ethical considerations

Researchers must understand and adhere to ethical principles when collecting data, particularly in studies that involve human participants (Bryman, 2016; Heap & Waters, 2019). The following subsections outline the ethical principles that were pertinent to undertaking this research which, alongside extensive reading, were developed by the researcher engaging in training sessions that Sheffield Hallam University organised.

5.7.1 Avoidance of harm

Research participants must not suffer psychological or physical harm from participating in a study (The British Society of Criminology, 2015). As involvement in this research meant practitioners discussing part of their professional responsibility within semi-structured interviews, it was unlikely that any harm would occur. Therefore, when submitting an ethics application, this research was classified as a 'low-risk human participant study'.

Further, the person collecting the data must avoid harm to themselves (Bryman, 2016; Heap & Waters, 2019). This was also unlikely as interviews were conducted either at the participant's workplace or by telephone. Where interviews occurred face-to-face, requiring travelling to an interview site, the researcher gave a sealed envelope to a trusted person, with details enclosed (to ensure confidentiality) and the expected start and end time written on the outside. Following each interview, these were destroyed. Travelling to an interview by car or public transport further decreased the risk of harm. As outlined earlier, in line with Sheffield Hallam University's (2020) research guidelines that accompanied the first national lockdown, face-to-face data collection ceased at the end of March 2020.

Following this, all subsequent data collection occurred through telephone interviews.

During any interview, participants could choose not to answer a particular question without having to explain their decision. This option was evident from the participant information sheet, which also pre-emptively answered other questions that they may have had. Participants were also able to ask questions before the interview began and after the interview had concluded. Particularly for telephone interviews, and acknowledging earlier concerns over an inability to observe a participant's body language, the amended interview schedule included pauses to provide opportunities for the interviewer to ask participants if they were happy with continuing the interview and whether they had any questions.

Regarding the right to withdraw, the participant information sheet, informed consent form, and debriefing email⁶⁴ outlined that participants had a period of up to 14 days following an interview during which they could withdraw.

5.7.2 Informed consent

Participants were given copies of the participant information sheet alongside a template of the informed consent form before each interview. Prior to each face-to-face interview commencing, participants completed two informed consent forms. The researcher retained one of these forms and stored it in a secure location in a Sheffield Hallam University building, away from the raw data. Participants verbally agreed to each of the points within the informed consent form to provide informed consent during telephone interviews. Their verbal consent was then transcribed following the interview.

⁶⁴ A template of this document is annexed to this thesis in Appendix 5 (p. 369).

Additionally, the participant information sheet informed all of the participants that the collected data would be stored in the Sheffield Hallam University Research Data Archive (SHURDA) for up to 10 years after the completion of this research.

5.7.3 Privacy, anonymity, confidentiality, and publication

For ethical reasons, this chapter and subsequent findings chapters do not identify the local authorities that this research studied (Walford, 2005). Details of local authorities that this project has sampled are anonymised (for example, “CSA 1”, “CSA 2”, “SRA 1”, and “SRA 2”), and their specific geographical locations are generalised (such as, “a local authority in the North of England” and “a local authority in Central England”). PSPOs that these local authorities have introduced are numbered to assist in the narrative of analysis (including, “PSPO 1”, “PSPO 2”, “PSPO 3”, and “PSPO 4”) but remain anonymous to prevent identification through the specific geographical area that they cover. Redaction of information through the mechanisms that are detailed here ensures the confidentiality of the participants (Saunders et al., 2015).⁶⁵

All collected data, including the interview audio files, transcripts and subsequent analysis, were stored on a designated Q-Drive that was created by Sheffield Hallam University. Access to this was limited to the researcher and the supervision team. Details of the interviews and participants were stored in a different folder and were encrypted. When unable to transfer data immediately to the Q-Drive, or when research was completed away from a Sheffield Hallam

⁶⁵ Although some participants indicated a willingness to be named directly within the thesis, they remain anonymous to ensure the confidentiality agreements that the researcher made with other individuals from the same local authority and to reflect the nature of the research design as a multiple-case study approach.

University computer or laptop, a password-protected flash drive temporarily stored this information.⁶⁶

At the appropriate stage, participants will be made aware of the completion of this thesis and will be able to receive a copy of the findings if desired.

5.7.4 Laws of the land

The researcher adhered to the General Data Protection Regulations (through the Data Protection Act 2018), The British Society of Criminology's (2015) statement of ethics and Sheffield Hallam University's (n.d.) ethical guidelines throughout this study. In addition, no data collection started until ethical approval through Converis, the online platform used by Sheffield Hallam University, had been granted (Ethics Review ID: ER17426491).

5.8 Conclusion

This chapter has explained the methodology of this research. Its discussions have outlined the adoption of a multiple-case study research design, its data collection and analysis procedures, reflections on limitations, reflexivity and positionality, and its adherence to ethical principles. It has also highlighted the continued impact of the coronavirus pandemic. Together, it integrates the debates from earlier chapters into a robust qualitative research design.

The next chapter provides the first of the empirical findings from this thesis. It begins by discussing the volume of ASB reports that local authorities had received to encourage them to consider the introduction of a PSPO, before

⁶⁶ A copy of the data management plan that the researcher used for this study is annexed to this thesis in Appendix 6 (p. 370).

contemplating the consultation process and the prohibitions and requirements contained within an order.

Chapter 6 – Implementation

6.1 Introduction

Addressing the first substantive research question, this chapter examines how local authorities implement Public Spaces Protection Orders (PSPOs). Exploring practitioners' interpretations of the requirements of the Anti-Social Behaviour, Crime and Policing Act 2014, the findings offer three empirical contributions to knowledge:

- i) The development of local authority-specific thresholds for quantifying citizen anti-social behaviour (ASB) reports in response to the “detrimental effect on the quality of life” definition;
- ii) The prevalence of online consultations that employ leading questions as engagement mechanisms, and a lack of equitable and inclusive consultative efforts with socially excluded citizens; and,
- iii) That the decision-making for the prohibitions and requirements that PSPOs contain intend to regulate the sub-criminal behaviour of marginalised groups, creating the potential for the scope of an order to be disproportionately punitive.

The following section considers the first of these contributions through the governing principles of participation and responsiveness, alongside notions of preventive justice.

6.2 Reports of anti-social behaviour

The first stage for a local authority that is contemplating the introduction of a PSPO is meeting the statutory requirement that any ASB that is occurring within a public space must have a “detrimental effect on the quality of life” of others. This section demonstrates how, at times, the local authorities that were studied

had similar perspectives on the number of ASB reports from citizens that were needed to quantify this statutory definition. However, differences in approaches towards meeting these thresholds led to inconsistent levels of responsiveness towards the incidence of ASB.

6.2.1 A “community need” for the “detrimental effect”

It was common for practitioners, regardless of area, to consider that persistent ASB affecting a large number of public space users would be needed for such behaviour to pose a “detrimental effect on the quality of life”. More so than in any other local authority that was studied, employees in case study area (CSA) 1’s ASB team discussed the notion of a “community need”, “community impact”, or “body of evidence” within interviews. These were phrases that participants in this area used interchangeably to operationalise the “detrimental effect” threshold and assess whether the volume of ASB reports that they had received was robust enough for them to consider a PSPO; whilst coined by the local authority, they were not a response to any legal standard from the Anti-Social Behaviour, Crime and Policing Act 2014, nor its accompanying guidance documents. As a senior member of this team asserted, this area would not be able to justifiably pursue a PSPO where they had received an insubstantial number of citizen reports concerning the incidence of this behaviour:

I can say this quite categorically, Ben; if there’s no community need for it, then it won’t happen. We’re not, PSPOs, well, any of the tools and powers, are not about addressing single issues, if you know what I mean. There’s got to be evidence of continued behaviours. (ASB team manager, CSA 1)

To illustrate the volume of ASB reports that would be necessary to pose a sufficient “community need” and consider a PSPO, this participant subsequently clarified that one report per calendar month would be regarded as inadequate. Supporting this, a Police Community Support Officer (PCSO) later recalled that

the local authority received up to six complaints daily, prompting the implementation of PSPO 3. Despite all areas reporting a flexible approach to quantification, CSA 1 was the area that most strictly abided by this threshold, disregarding over half of their potential PSPOs through decisions that there was insufficient “community need” to warrant the imposition of an order.

This approach towards the “detrimental effect” was common throughout the areas that were studied, and local authority employees would develop institutional metrics for assessing when ASB posed sufficient harm to consider a PSPO. For example, when discussing the breadth of citizen ASB reports that would be required for CSA 2 to contemplate the introduction of an order, one participant commented:

[Y]ou’re not talking about single-figure numbers. You’re talking about a consistent, relatively high number of the same types of complaints from a particular area before you think: “I’ll tell you what, let’s look at this a bit wider now, and just see, let’s do some analysis of the complaints, let’s look at the days it’s happening, the type of people that’s making them, the age of people making them. Are they visitors? Are they residents? Are they business owners? What time is it happening?” (Community safety officer, CSA 2)

CSA 4 took a similar approach in their implementation of PSPO 10, limiting the geographical scope of this order to the areas of the city centre where they had received the highest frequency of reports demonstrating that ASB was posing a “detrimental effect”. Their order contrasted with the commonly borough-wide nature of their previous Designated Public Place Order (DPPO), one of the powers that was amalgamated into the PSPO (Figure 3.1, p. 78). As was outlined:

[T]he PSPO is just limited to those areas where there was that evidence to support a PSPO. That was something that we’ve always been conscious with. To take forward a PSPO, there must be the evidence, and we had that evidence in those two defined areas. (Neighbourhoods manager, CSA 4)

This strategy for operationalising the “detrimental effect” definition highlights the effect of ASB on public space users whilst also alluding to practitioners’ awareness of the wide-ranging impact of the imposition of a PSPO when compared to other, more individualistic ASB powers. In response to the vague nature of the test contained in the Anti-Social Behaviour, Crime and Policing Act 2014, and the lack of statutory guidance towards interpretation, these local authorities adopted an approach towards this threshold that encouraged citizen participation through collating a “body of evidence”, strengthening, on their part, accountable decision-making. In doing so, however, they overlooked the judicial precedent from the case of *Summers v Richmond Upon Thames LBC* [2018], which emphasised the inherent jurisdiction of local authorities by stating that not every citizen had to be affected by ASB for this conduct to pose a “detrimental effect”. The findings here indicate a divergence between how the judiciary and local authorities have interpreted this statutory duty.

Consequently, the approaches of these areas sometimes created obstacles in their effective governing. For instance, in the initial introduction of PSPOs 1 and 2, two near-identical town centre orders, the regulations of these measures differed because:

[T]he body of evidence we used when looking at them, there was no body of evidence to support that there was an issue in [the public space encompassing PSPO 2] with groups of children gathering and causing anti-social behaviour. (Legal professional, CSA 1)

The “body of evidence” tactic for interpreting the “detrimental effect” resulted in two proximate PSPOs with slightly different regulations. Following data collection, the researcher, through reading consultation documents and media sources, discovered that the local authority had varied the scope of this order to include the previously disregarded prohibition that now seemingly posed a “community

need”. This example highlights a limitation to the rigid, but perceivably robust, strategies that local authorities had adopted towards the “detrimental effect” definition. It provides a circumstance whereby the local authority in CSA 1 overlooked the warning from the then ASB guidance produced by the Home Office (2019a), namely that displacement may unintendedly occur following the imposition of a PSPO.

Within supplementary research area (SRA) 1 similar hindrances were derived from the accountable interpretation of the “detrimental effect” by practitioners. These concerns were particularly related to a city-wide PSPO with regulations on dog fouling and other similar behaviours, which was a conversion of a previous Dog Control Order (DCO). The community safety manager from this area argued that the local authority considered dog fouling a necessary prohibition for inclusion within their PSPO. However, the reports from citizens that the local authority had received were, by themselves, insubstantial to pose a “detrimental effect” to justify the inclusion of this restriction. They argued that:

People get impassioned by it, but without an evidence base, it's very difficult to say, you know, we need a PSPO to deal with dog fouling... even though the public says, “Yes, we want it.” That's the part of the act that I find a bit of a struggle. (Community safety manager, SRA 1)

This individual was frustrated by the prevalence, and harm, of this form of ASB and their “struggle[s]” in meeting the arbitrary framework that they had created to satisfy the “detrimental effect”.⁶⁷ This example provides another instance whereby the collection of robust “evidence bases”, as the response by a local authority to the vague wording of the statutory framework, hindered the quantification of this considerably low threshold.

⁶⁷ For this particular participant from SRA 1, this also prompted frustration regarding the renewal process for this specific PSPO, which chapter eight explores further.

This subsection offers empirical insight into the decision-making of local authorities when seeking to satisfy the “detrimental effect on the quality of life” requirement. By developing thresholds of necessary evidence bases and focusing on the persistently wide-ranging harm of ASB incidents in public spaces, practitioners sometimes ineffectively employed the main statutory test for introducing a PSPO through an awareness of the need to display accountability in the rationales for their governance. While collecting appropriate evidence to support the issuance of earlier first-wave powers, such as Anti-Social Behaviour Orders (ASBOs), posed similar issues (Burney, 2002; Campbell, 2002), this finding highlights the continuing importance of a high frequency of varied ASB reports from citizens when implementing a PSPO.

6.2.2 Balancing victimisation and alternative datasets

Although practitioners had created the thresholds for satisfying the “detrimental effect”, which the previous subsection described, they recognised that this conflicted with their duty to be responsive to the impact of recurrent ASB on the “quality of life” of victims, in line with the reform of ASB policy by the Conservative-led Coalition government. CSA 2, the most socioeconomically disadvantaged area that this research sampled, presented interesting perspectives in their reaction to ASB incidents when considering the introduction of a PSPO. For some, the frequency with which citizens would report ASB incidents did not align with the need for participation from a wide range of citizens. As was clarified, there was a risk that the victimisation experiences of a small number of individuals could influence a local authority’s policy response in implementing a broadly intrusive PSPO. They indicated, within their operationalisation of the “detrimental effect”, that:

[L]ocal councils can fall foul to, you know, we will often talk about, "People who shout the loudest", [which] is a common terminology that people use in councils. (Head of service, CSA 2)

In turn, some within this local authority recalled circumstances where, upon initial inspection, they had received sufficient reports to establish the "community impact" that was necessary to consider the introduction of a PSPO and satisfy the "detrimental effect" definition. However, through a closer examination, these reports largely constituted the experiences of single citizen ASB victimisation:

That's one of the problems you might get. You might get 100 complaints about a particular problem, but when you analyse it, you might find that one person made 80 of those complaints. So, you have to balance that up, basically. (Community safety officer, CSA 2)

Examples such as this were challenging for local authorities who, while waiting to obtain a "body of evidence" that they deemed essential to fully consider a PSPO, needed to be responsive towards the impact of ASB on the "quality of life" of victims. Recurrent reporting from single citizens was inadequate to prompt the consideration of a PSPO across the studied local authorities, in line with their individually developed thresholds for quantification. This left practitioners, as is demonstrated below, "frustrated" with recurrent reports from victims that were challenging for them to respond to, although they had sympathy towards the victimisation of these individuals:

[Y]ou get really frustrated, but then you have to remember that there's a person who's living [in] a situation that they're finding really uncomfortable, and as annoying as it might be for you to have to deal with it daily, they're having to live with it. (Community safety officer, CSA 2)

Further, others within CSA 2 recognised that several barriers contributed towards reporting incidents to local authorities. In describing their contemplation of a PSPO within another neighbourhood area of CSA 2, another member of the ASB team explained that:

[Y]ou might get somebody on the phone that said, "I don't want to complain, but I've got a small problem", and it could be an absolutely massive problem, but you know that they don't want to complain. They don't want to get anybody into trouble; they don't want to get themselves into any bother. (ASB officer, CSA 2)

CSA 2 was one of the only local authorities that was sampled to introduce a PSPO within a residential environment. Whilst ASB was prominent in the public space that PSPO 6 later encompassed, aligning with Heap's (2016; 2021) commentary, this area comprised a diverse but smaller population than the town centre. This limited the volume of ASB reports that the local authority could potentially receive. The participant in the above excerpt recognised the challenges that citizens face when reporting ASB incidents, either through the subjective nature of ASB or through fear of reprisal, given the entrenched nature of residing within this challenging environment. This is a common finding in ASB studies, including research from Casey and Flint (2007) and Hunter et al. (2004), and location-based perception indicators for ASB from Nixon et al. (2003). Building upon these earlier findings, this study also discovered that the difficulties that reporting ASB incidents provide important considerations for the decision-making of practitioners when implementing a PSPO.

Local authorities appreciated the need to respond to the impact of recurrent ASB victimisation and acknowledged the barriers to reporting incidents within specific environments. However, they still followed their participation and consensus-orientated mechanism for satisfying their interpretation of the "detrimental effect" threshold.⁶⁸ The findings here illustrate the potential inadequacy of interpreting

⁶⁸ Whilst sufficient reports of ASB eventually prompted the introduction of PSPO 6, other proposed orders were disregarded and individualistic, less intrusive measures were pursued. The most prominent of these examples was an out-of-town shopping centre, where the local authority threatened the issuance of Community Protection Notices (CPNs) to businesses, which led to the imposition of private security officers, recognising the quasi-public nature of this space.

the “community need” element of this statutory requirement to reflect the Coalition government’s refocus of ASB policy on victimisation, particularly in neighbourhood environments, when contemplating the imposition of a PSPO.

The findings also revealed that some local authorities would supplement insufficient ASB reports with alternative datasets. This would allow them to meet their threshold for quantifying the “detrimental effect” and justifiably pursue the introduction of a PSPO. For example, one practitioner from CSA 3 discussed engagement with others in their community safety partnership to supplement the citizen ASB reports that they had received, maintaining that:

Well, in order to consult on it, probably we would need numerous complaints, and we’d need them from different places. We’d ask our colleagues in the police, “Is this really a problem, or is it [not]?” Especially if it’s only one person who has brought it up, and they would usually have a pretty damn good idea. (Community safety officer, CSA 3)

In this example, they used anecdotal evidence from police officers to, as Crawford and Lister (2007:15) described for Dispersal Orders, “prop up” a limited number of citizen ASB reports. Moreover, in responding to the abovementioned concerns about the underreported dog fouling related ASB in SRA 1, it was explained that the local authority employed existing ASB statistical datasets to meet the “detrimental effect” requirement. They considered how the ability to supplement insufficient ASB reports should become a recommendation within the PSPO guidance:

[W]here you have a lack of data points, lack of datasets, there should be a bit more guidance about using public attitude surveys as evidence of local people’s worries and concerns, and therefore [that] should allow you to implement the PSPO if that’s what your local authority felt was necessary. (Community safety manager, SRA 1)

This participant indicated that changes to the accompanying guidance documents would benefit the decision-making of local authorities for this

requirement, rather than leaving this vague duty (carrying a low threshold) open to interpretation. The provision of clarity around the role of alternative datasets in operationalising the “detrimental effect on the quality of life” consideration would generate greater consistency between local authorities in their governing, as CSA 1 may have disregarded a potential PSPO due to an insufficient “community need”. Contrastingly, CSA 3 may have used other evidence to prove the necessity of an order. Whilst both approaches signify accountable and participatory governing under the broad scope of the bi-stage test for implementation, the latter demonstrates a more responsive approach to addressing ASB incidents and victimisation through a PSPO. It empirically supports discussions that others have raised about the collection of objective evidence to demonstrate that ASB has a “detrimental effect on the quality of life” of others to justify the imposition of a PSPO (Brown, 2017), and aligns with findings from Heap, Black and Rodgers’ (2022) around Community Protection Notices (CPNs). In doing so, it strengthens the accountable governing of a local authority.

Once a local authority has gathered sufficient evidence to operationalise the statutory requirement of a “detrimental effect on the quality of life”, the next stage in the implementation of a PSPO is conducting a consultation, which is considered below.

6.3 Consultations

This section focuses on the consultation process that the local authorities who were studied undertook when pursuing the implementation of a PSPO. It begins by exploring the online mechanisms for facilitating citizen participation and then reflects on a lack of equity and inclusiveness when practitioners engaged with marginalised groups. The discussion then examines the exclusion of front-line

workers from consultations and presents the conflicting views of participants on the statutory requirement for them to consult.

6.3.1 Online platforms as primary consultation mechanisms

In all the local authorities that were studied, the individuals who were consulted went beyond the list of consultees from the Anti-Social Behaviour, Crime and Policing Act 2014⁶⁹ to include public space users. This included examples where local authorities had sent postal consultations for intended neighbourhood PSPOs. However, aligning with the PSPO guidance from the Local Government Association (2018), they most commonly engaged with citizens through the online platform SurveyMonkey.⁷⁰ SurveyMonkey was considered an effective and resource-efficient method for local authorities to consult with a broad range of citizens. For instance, one participant reported that:

It is kind of proven that the best way to do things is by SurveyMonkey now to get the right results; we get a lot greater feedback by that. It was also promoted through our various social media sites, [and] various councillors were involved so that they could get it out to their local wards. (Local councillor, CSA 3)

A separate individual expressed a similar viewpoint, asserting that online platforms provided a way for local authorities to reach a variety of potential respondents:

So, it's a lot of places set, so when we start the consultation, although it gets publicised and it's available to everybody, and it's available on the website and everything else. We have got a lot of groups that we can push it out to. (Community safety officer, CSA 3)

⁶⁹ As discussions within section 3.4 detailed (p. 86), section 72(4)(a)–(c) of this statute states that local authorities need to consult only with the chief of police, appropriate “community representatives”, and the owner or occupier of the land within the proposed public space.

⁷⁰ SurveyMonkey is an online platform for creating, distributing, and analysing quantitative consultations: <https://www.surveymonkey.co.uk/>

A consistent opinion across the local authorities that were studied was that online platforms provided a robust way for these practitioners to allow citizens to participate in the consultation for a PSPO, strengthening the transparency (and subsequent accountability) of their decision-making. Morison's (2017) commentary outlined the willingness of the central government to be seen as embracing the technological age by relying upon online consultations, which the findings here suggest has trickled down to a local authority level in this context. In certain circumstances, however, online consultations were considered inadequate by some citizens. Some defended the availability of other ways for public space users to participate, noting that:

[W]e would accept written. It's not just if you don't fill in the SurveyMonkey; we don't accept it. We have had emails, and we've had hand-written letters that have come from part of the consultation.
(Legal professional, CSA 1)

Similarly, others stressed that:

[J]ust about anyone who would've had an interest would've had a chance to either answer a website consultation or to do a paper one or to, you know, come into the council offices and complete one there.
(Safer communities manager, SRA 4)

These excerpts, when taken together, reveal several considerations about using online platforms as the primary mechanism to consult for a PSPO. Specifically, this relates to how they encourage broad participation in the responses that local authorities receive. Dyce's (2019) study has highlighted the digital exclusion of people experiencing street homelessness through a lack of consistent internet access. Whilst the latter excerpt specifically indicated that any citizen could obtain paper copies of a consultation by attending the local authority building, questions arise as to whether an individual in this population group would feel comfortable doing so. Coupled with the need for proactivity from respondents in the consultation process, this could lead to a sizeable portion of responses that

indicate favourability towards the introduction of a PSPO. This may encourage practitioner perceptions that ASB, and subsequent harm, may be more of a concern than it should be. If so, local authorities would not receive a balanced reply that reflects the principle of equity and inclusiveness. The findings here, therefore, do little to alleviate concerns about self-selection in the consultation responses that chapter three raised.

Moreover, when practitioners provided examples of the questions that they asked as part of a consultation, they frequently employed leading questions that resembled notions of tokenistic engagement. One participant within CSA 3 offered an example of a question that they had included within the consultation for PSPO 7:

“Do you believe that continuing to prohibit the drug use in public spaces in [CSA 3] would be justified in order to prevent anti-social behaviour?” (Community safety officer, CSA 3)

Another recalled asking the following question within the consultation for PSPO 6:

“Do you think having all these extra powers could improve your area?” (Community safety officer, CSA 2)

Later in the interview, this same participant admitted that:

[T]he consultation can be quite leading... so when you say to people, “Do you think it would be better if we fined people more money for untidy gardens?” They’re gonna say yes. (Community safety officer, CSA 2)

These questions empirically further concern about the structure of questions influencing consultation responses (Brown, 2020a), by affirming the use of leading questions by local authorities who are consulting for an order, something a community safety officer from this area openly admitted, an empirical revelation in itself. Responses to leading questions overemphasise citizen perceptions of

potential harm deriving from ASB, and the necessity of a PSPO, rendering consultations merely tokenistic exercises for local authorities to undertake. This furthers the application of Arnstein's (1969) ladder of citizen participation (Figure 3.2, p. 87) to the context of the use of this power. It generates unease about the consultation mechanisms for the introduction of a PSPO through the 2014 statute, precisely the extent to which the findings genuinely represent the viewpoints of public space users by not incorporating leading questions.

Few examples emerged where local authorities went beyond online consultations for proposed orders, with the broadest examples arising within CSA 2. The local councillor here commented on the consultation process that was used for their town centre:

I think the consultation was quite good for the town centre as well; we had very good engagement. We sent officers out; they were on the market, they had a stall and were out there talking to people. (Local councillor, CSA 2)

Moreover, the head of service in this area stated:

There was a recognition within the town centre area that lots of people will come in and pass through, so you're unlikely to catch everybody if you do something [that is] targeted to that public... We had a kind of stall in the market in the town centre so we could catch people that were coming and going, and we had various surveys and stuff that we sent out to businesses. (Head of service, CSA 2)

The concerted effort of practitioners here fostered participation and consensus-orientated governance, enabling citizens to partake in the decision-making process within the specific environment that the proposed order encompassed. Upon reflection, several people in this area perceived this strategy as an effective way to obtain various views, despite being a resource-intensive exercise for them to embark on. This example also illustrates the local authority in CSA 2 conducting what the participant above later termed as a "full public consultation" for a PSPO that was a statutory conversion of a previously imposed DPPO.

Circumstances arose, therefore, where some local authorities allowed first-wave ASB powers to convert automatically, and others conducted “full public consultation[s]” to justify the continuation of these orders as PSPOs. This creates instances where some orders transitioned into PSPOs, and continued potentially disproportionately in a public space for three years, and others did not, highlighting an inconsistent approach to consultations between the local authorities that were studied.

As part of its introduction, PSPO 5 encompassed a neighbouring public park. When consulting, the local authority had received negative responses, predominantly around the potential for the order to punish those who were unaware of its jurisdiction in particular parts of the greenspace:

There’s certain areas in the park that dogs have got to be kept on leads, and they were worried. They weren’t quite sure what [the] boundaries were. (ASB officer, CSA 2)

Describing the negative feedback that they had received from the consultation responses, one individual postulated that:

We’ve never had any major issues about any of the other town centre prohibitions, about alcohol, rowdy behaviour, language etc., etc., that more or less went through, and that’s fine. But when we came to the dogs on leads, it caused a lot of issues. (Community safety officer, CSA 2)

Therefore, the local authority held in-person meetings with residents to broaden the inclusivity and transparency of their decision-making process:

[W]e used to have a public meeting as well in [CSA 2] every other month, which was really well attended... particularly by people who walked their dogs in the park... there was some work done with the dog walkers to come up with a compromise. (Community safety officer, CSA 2)

During this forum, practitioners could explain the scope of the variation of the PSPO to include the public park in detail and respond to citizen concerns

immediately. This allowed them to work with citizens in the decision-making regarding the change in scope for this order. The approach of the local authority in CSA 2 sought to move beyond the tokenistic nature of online, quantitative consultations by providing a means for citizens to play an active role in the decision-making of an order; as was suggested, arriving at “a compromise”⁷¹ about its scope. Including citizens in this way reflects Fuji Johnson and Howsam’s (2018) suggestions that greater engagement improves the effectiveness of public authority governing. It also demonstrates a decidedly more inclusive approach than other local authorities took through relying solely on online consultations.

In sum, whilst the 2014 statute offers local authorities significant opportunities to tailor consultations, practitioners across the local authorities that were studied were generally consistent in their approach. Despite the somewhat unique nature of the PSPO, few examples emerged where local authorities went beyond online quantitative consultations for proposed orders, the most remarkable of which derived from CSA 2. This finding reflects Nabatchi et al.’s (2015) statement that governing participation largely follows similar practices, regardless of the specificities of a particular context. Consultation mechanisms were, therefore, a missed opportunity for most of the areas that were studied.

Consequently, concerns emerged about the extent of consultations with socially excluded groups, which are discussed below.

⁷¹ The “compromise”, in this instance, was that the requirement of PSPO 5 was only applicable in certain parts of the public park, which were clearly defined. This was combined with enforcement guidance from the local authority to ensure that policing bodies would be discretionary in their engagement with those breaching this order.

6.3.2 Consulting with socially excluded population groups

Whilst the then ASB guidance produced by the Home Office (2019a) ASB advocated that local authorities consult with the public space users who are likely to be affected by the imposition of a PSPO, this research found instances where consultation with marginalised groups did not embody the ideas of equity and inclusiveness. This was particularly notable for three socially excluded groups: people experiencing street homelessness (relating to several orders across the areas that were studied); young people (related to PSPO 3 in CSA 1); and those of different cultures within disadvantaged neighbourhoods (relating to PSPO 6 in CSA 2).

Most often, the consultation that was conducted with those in these vulnerable groups occurred through a local authority engaging with partner organisations, such as accommodation and English language service providers, or through schools. This allowed these practitioners to engage with what could be considered hard to reach groups (Jones & Newburn, 2001). An example of this is the approach of the community safety lead, from SRA 5, who detailed, for their city centre order proposing a restriction on begging, that:

[F]or those that were potentially begging, we used a lot of our partners around engaging with people with lived experience, and we also did some on-street work to try and, in some of our hot spot areas... we went to [area of city centre] for example, and did some face to face work as well. (Community safety lead, SRA 5)

For PSPO 6, a neighbourhood order which aimed to regulate the behaviour of those with different cultural practices in CSA 2 (such as alcohol consumption, spitting, and noise-related disorder during night-time hours), practitioners within the local authority disseminated their consultation through a nearby service provider, which offered language support to those who could not speak English.

However, this was only after this organisation queried why the local authority was not transparently consulting with their service users:

[E]ven some of the community organisations were saying, “Well, you’re not talking to the people we’re working with.” So, we’re giving them the papers and saying, “Would you want to do some of the consultations with them and feed it back to us?” (Community safety officer, CSA 2)

In CSA 1, PSPO 3 prohibited groups of three or more young people from congregating in an out-of-town shopping district and neighbouring residential area, causing “harassment, alarm or distress”. As this order directly targeted the presence and behaviour that young people undertook within this area, participants from the local authority reported engagement with a neighbouring school as part of the broader implementation process:

[W]e did consult with schools on that. Where we are at [in the public space encompassing PSPO 3], there’s a secondary school very close by, and [the ASB team manager] did a lot of work with the secondary school about the impact that it would have on young people. (Legal professional, CSA 1)

A police officer from this area also detailed that:

I did some work with the school’s officer because, obviously, it’s this age group... I did some workshops with that age group around anti-social behaviour, [its] impact, and that sort of thing. (PCSO, CSA 1)

Inherently, there is a contradiction between the recommendation of inclusiveness in consultations from within the then ASB guidance produced by the Home Office (2019a), and the suggestion that the tenet of participation from within governance does not require every citizen, particularly those in marginalised groups, to be involved in policy formation. These examples illustrate instances whereby local authorities attempted to encourage participation but, at the same time, insufficiently adhered to the principles of equity and inclusiveness, and transparency through their engagement efforts with socially excluded groups.

Only three of the local authorities studied had introduced a PSPO with restrictions on begging or aggressive begging. By contrast, all of the areas had imposed prohibitions on behaviours that are associated with people experiencing street homelessness, such as the consumption of alcohol or new psychoactive substances (NPS), or public urination. Whilst the excerpt from the community safety lead in SRA 5 outlined informal consultative efforts with those who are in this population, this was not a practice that other areas routinely followed, as the engagement of local authorities generally did not extend beyond the use of the online consultations that were detailed in section 6.3.1 (p. 186). Similarly, chapter seven will demonstrate that those most likely to violate a PSPO often did not engage with service provider support, indicating limitations around equity and inclusiveness for consultation strategies that relied upon accessing individuals through these organisations. Coupling this consideration with the inefficacy of online consultations, people experiencing street homelessness were not afforded an appropriate opportunity to have their voices heard regarding the scope and potential impact of these proposed orders, despite specifically targeting behaviours that they predominantly conducted.

Further, in CSA 2, the community organisation had to proactively contact the local authority to facilitate the participation of their service users in the consultation, suggesting limitations around the accessibility of its design and transparency around invitation processes. As a result, it was believed that the support organisation had negatively impacted the responses that their service users provided, in part by highlighting the potentially disproportionate nature of the application of this order against such citizens:

The ones we got back... were very different to the ones that I filled in with people. So, when I was chatting and filling them in and saying, "Do you think a Public Spaces Protection Order could help the area?"

[They would say] “Yes”. All the ones I were getting back from them [the service provider], I was getting “No”. It’s like they’re obviously putting a different perspective on this because it’s funny they’re all saying “No”. So, then that skews it a bit. (Community safety officer, CSA 2)

From the responses received through the service provider, it was a seeming concern that, due to a lack of participation and consensus-orientation in the initial consultation, PSPO 6 would foster intolerance towards the multicultural community, and disproportionately criminalise those who breached its restrictions. Through initially failing to consult the citizens whom the order intended to target, the local authority had already heightened perceptions of the potential for procedural unfairness during authority figure encounters before PSPO 6 had been imposed. It also did not reflect recommendations of equity and inclusiveness for consultations with such citizens within the practitioner literature (Bhogal & O’Leary, 2019). As later findings within sections 7.2.2 (p. 227) and 7.2.3 (p. 231) will reveal, this omission early on in the implementation of the PSPO required the local authority to conduct substantial educational work in order to increase the legitimacy of their approach and combat the negative perceptions that had emerged from the consultation.

Finally, although CSA 1’s local authority was proactive in engaging with the nearby school, these efforts resembled strategies to prevent a breach of PSPO 3 following its imposition, rather than an equitable and inclusive way for practitioners to obtain the views of young people in assisting with their decision-making processes. Separately, the ASB team manager noted particular issues around ASB within the borough with young people who were excluded from school. This suggests that those who were most likely to breach this particular order did not partake in either the consultative or educational efforts that were undertaken by the local authority. The consultation results, therefore, largely enveloped the perspectives of adults who may have been intolerant towards the

presence and conduct of young people, and not the young people whose behaviour would be subject to regulation through the PSPO. As such, they were disproportionately represented in the consultation results.

Despite the broad scope of the PSPO, and its potential to prejudicially target the conduct of those within socially excluded groups, Brown (2020a:590) has indicated “that many local authorities are not interested in gaining this diversity of views”. This was consistently the case within the areas that were studied, as the perspectives of many vulnerable citizens were either absent or insufficiently engaged in the consultation that local authorities undertook prior to the introduction of an order. This leaves these practitioners open to criticism where the implementation processes for these PSPOs do not incorporate the viewpoints of the public space users who are most likely to contravene the restrictions that they contain.

6.3.3 Consulting the perspectives of front-line workers

Local authority employees would discuss their compliance with the statutory consultation requirement by engaging with senior police officers, the police and crime commissioner, or both. For example, participants would offer a list of interested stakeholders that formed consultees for proposed orders:

[W]e’d contact all the sort of key statutory service providers. That would include ourselves, the police, probation officers, police and crime commissioners, local councillors, district and county, [and the] fire service. (ASB team manager, CSA 1)

Similarly, another explained that there were:

A lot of communications to promote it, making sure all the councillors get it, making sure our staff and stakeholders get a specific letter, any major land owners get a letter, the police and crime commissioner gets consulted as well. (Community safety manager, SRA 1)

However, within the Anti-Social Behaviour, Crime and Policing Act 2014, and the version of the ASB guidance that was created by the Home Office (2019a), the obligation for local authorities to consult directly with front-line workers, notably police officers and PCSOs, is vague, allowing local authorities to disregard the perspectives of these practitioners if they so choose. Despite their fundamental role in enforcing PSPOs following the introduction of orders, local authority employees rarely recalled consultations with these individuals, and a viewpoint from front-line workers themselves was that the consultations for these measures did not draw upon their knowledge and expertise of the public space that was proposed as being subjected to an order. For instance, one police officer from CSA 1 reflected on their earlier lack of involvement in the consultation to prospectively assert that:

I'd like to be involved in the consultation on the conditions, about what needs to be in and what doesn't need to be in. (Police officer, CSA 1)

The most illuminating example of a lack of consultation with front-line workers occurred in CSA 2. When asked about their involvement in the consultations for PSPO 5 and PSPO 6, one PCSO explained that:

There were quite a few emails back and forth about [the PSPOs], but it were mainly our gaffers, and we were just CC'd into it. We had no decision on [the] final outcome, I don't believe. (PCSO, CSA 2)

Whilst they were copied into the email that was sent to their senior, this front-line worker perceived it to be a formality rather than a consultative effort. As a result, they did not see these discussions as providing a voice for their perspective within the broader consultation for these orders, overlooking the insight that this participant could have provided through their extensive experience of operating within the proposed PSPO zone. This example reveals that, what Bayley (2008:8) called a “top-down” style of decision-making within policing, applies to the

processes that are associated with the introduction of a PSPO. Through the lack of consultation with front-line workers in this area, these practitioners held negative opinions towards the scope of these orders, particularly PSPO 6. Specifically, this related to the behaviour that the regulations of this order intended to address:

[W]hat they've put on it wasn't what the issue was down there. The issue is fly-tipping and waste that's leading to [a] rat infestation. Obviously, there's a bit of drugs and that sort of thing; that's a different issue, but that's obviously what we're looking at as police. (PCSO, CSA 2)

Moreover, a lack of consultation with front-line police officers and PCSOs resulted in an order containing restrictions that these practitioners considered unsuitable for them to enforce. This was particularly so for the inclusion of noise-related disorder during certain night-time hours, as another PCSO from CSA 2 explained:

Noise is not really an option for PCSOs or police officers, because we've not been trained in the actual noise levels. So, other people in the council have been to university and actually done degrees and courses on it, so they know exactly what noise is and what levels it is, and I would be uncomfortable to stand in court if I said, "Oh, that sounds loud", and somebody asks me, "How loud is that?" (PCSO, CSA 2)

As it lacked the opportunity to allow front-line workers to adequately participate in its consultation, PSPO 6 did not reflect the knowledge and expertise of these participants, from Jewell and Glazer's (2006) work (Table 4.1, p. 130), nor their priorities as policing bodies. Indeed, if the local authority had comprehensively engaged with them, this order may have contained different prohibitions and requirements within its scope. However, at the time of data collection in this area, it included regulations that went unpunished by the authority figures who were responsible for policing this order, and were essentially redundant. This limited the ability of the local authority to appropriately respond to ASB victimisation experiences through the introduction of this PSPO.

Their perceived inability to enforce some of the prohibitions imposed by the PSPO subsequently reflects considerations of insufficient self-legitimacy, which was a direct consequence of their reduced voice within the decision-making process. However, the failure to include these practitioners within the consultation for proposed PSPOs could exemplify Bayley's (2008:14) statement that front-line workers are often "regarded by senior officers as the source of unhelpful complaints rather than useful insights." The findings therefore align with what Heap, Black and Devany (2022) suggested as elements of selectivity for consultees within the PSPO consultation process. This could imply why those practitioners who were not favourable to the inclusion of particular prohibitions or requirements, like the two PCSOs, were not directly included in the consultation for PSPO 6 by the local authority in CSA 2.

6.3.4 Practitioner opinion on consultations

The Anti-Social Behaviour, Crime and Policing Act 2014 mandates that a local authority must consult only with a few stakeholders. This is somewhat remarkable, given the otherwise broad scope accompanying the imposition of a PSPO. Consequently, however, participants from local authorities were pleased if they had conducted any form of consultation that went beyond this low threshold. As an example, an ASB officer in CSA 1 was eager to stress that:

[W]e had a whole list of who we had to consult, and even those we didn't have to consult, we consulted them anyway. Dot the 'I's and cross the 'T's. (ASB officer, CSA 1)

Similarly, another individual from the same local authority explained:

We're a very small local authority but cover a wide geographical area, so it is resource-intensive. But I think it's important that it's done correctly to get the right result and get the effective order that's right for purpose... we really do try and go over and above what the legislation does expect to make sure we are justified in what we're doing. (Legal professional, CSA 1)

Others emphasised the conflict between limited resourcing to consult and a desire for their local authority to allow the local community to engage within the decision-making process for an order that affected their usage of public spaces:

[I]t makes it more robust in terms of supporting the local community. You know, you've given the local community who are impacted by the order the chance to have their say around it, which is important. But again, what I would say is it's really challenging. If I had never-ending resources, absolutely, that's what I'd want to do, but it is extremely challenging in terms of allocating resources, in terms of being able to do it. (Community safety lead, SRA 5)

When responding to the statutory requirements, the approach of these two local authorities was to strengthen the “robust[ness]” of their decision-making by consulting with public space users. An incidental consideration that emerged from the desire to embolden their accountability was around the challenges that these practitioners faced in justifying the allocation of resources towards endeavours that were not legislatively mandated. This suggests why the use of the online platform, SurveyMonkey, prominently featured within the findings because, as earlier subsections have presented, participants perceived this as an accessible way for them to transparently disseminate opportunities to participate in the consultation for PSPOs to wide-ranging groups of citizens. This enabled them to make decisions that they believed were accountable within the constraints presented by their existing resources. It also hints at a further reason as to why, as was also discussed earlier, consultations were inadequate for socially excluded population groups, which consequently limited opportunities for equitability and inclusivity within their governance.

For some of the practitioners who were interviewed, conducting a consultation before introducing a PSPO represented a genuine desire for them to facilitate consensus-orientated governing within their decision-making. In these instances,

local authorities were mindful of introducing orders that represented the views and needs of residents within their borough:

[T]hen when we go out to consultation, and we very, very much follow what, you know, the results of the consultation [are] – we've never gone against that. (Community safety officer, CSA 3)

Others expressed comparable opinions to this, acknowledging the importance of entering into a consultation for a proposed PSPO without expectations towards its results. This was even if the outcome was that the local authority did not have the citizen support to introduce an order:

When I go out and do [a] consultation, I'm not looking for a particular answer... and I didn't, I didn't go out looking for people to say, "Yes, we want it." (Community safety officer, CSA 2).

One participant similarly described the consequence of a hypothetical situation where a local authority did not consult with public space users:

I think there'd probably be uproar. I think people would feel very much [that] they were having stuff done to them, but now it's an opportunity to have a say. (Community safety officer, CSA 3)

Beyond local authority employees, an elected official conveyed a similar outlook. They reflected on their position as a local councillor in both listening to and following the perspectives of their constituents:

One thing I have learnt as a councillor is doing anything, it's a really good idea to ask residents first. So, yeah, it can act as a sort of reality time sometimes. I think sometimes with the PSPOs, they come because... the council officers see a problem that they can't solve and think: "Well, one way we could get on top of that is with a PSPO", and, in their mind, it seems a brilliant idea. And then, if you take it out to consultation, it can throw out all sorts of things you haven't thought about and all sorts of unintended consequences and things that residents will flag up. (Local councillor, SRA 1)

Throughout these excerpts, practitioners adhered to consensus-orientation when consulting for a PSPO, looking to introduce orders only where they reflected the perspective of most of those who were consulted. Given the broad implications

of PSPOs on the rights of public space users, participants generally acknowledged that it was important for citizens to have some say in whether an order is introduced, linking to suggestions that the local authorities that were studied were going beyond their statutory duties to engage with public space users. Further, this local councillor suggested that local authorities may propose a PSPO as “one way to get on top” of the challenge presented by ASB. In these circumstances, a consultation enables them to consider whether the imposition of this civil preventive order is proportionate from the perspective of those who are outside of their institutional, public authority environment.

However, there were inconsistent perspectives towards the obligation to consult. At times, the consultation for a proposed order was a process that local authorities undertook to affirm decisions that they had already made, with limited flexibility. For instance, the practitioner responsible for introducing PSPO 4 stipulated that:

[O]bviously, we did [the] consultation; I was interested in what people had to say, but I wasn't going to necessarily listen to what they wanted. I'd already, if you like, I'd already made my mind up [that] we were going to bring it in. (Environmental health officer, CSA 1)

This participant then went on to say that:

[W]hat it says [is] that you should consult. It doesn't say you should consult and do what they say. So, we decided what we wanted the order to say, and I wasn't going to change from that unless somebody suggested it was a really good idea not to do that. (Environmental health officer, CSA 1)

An ASB officer from the same local authority articulated a similar perspective, highlighting that the decision around its suitability lies with the practitioners who are considering the imposition of an order:

I think there has to be an element of trust that we're doing the right power because that's our sort of specialism. So, rather than asking the opinion of the general public on that, yeah, we're asking the general

public on what their thoughts are on this power, but not how to do our role. (ASB officer, CSA 1)

These excerpts further indicate the inconsistency between practitioners' approaches, and that consultations sometimes closely reflect Arnstein's (1969) ladder of citizen participation, as illustrated in Figure 3.2 (p. 87), by being tokenistic. Whilst the local authority encouraged participation and went beyond their statutory duty to include public space users, despite resourcing deficiencies, they did not always intend to follow the results they had collected. Instead, these processes provided a façade of citizen engagement for PSPOs that Brown (2020a) has previously criticised, for a lack of consensus-orientated governance and by entering into a consultation with a prejudicial perspective on what restrictions an order should contain. Whilst this particular environmental health officer noted that the consultation result might alter their perspective, they had created a high threshold for doing so. Considering that orders like PSPO 4 were borough-wide impositions, their was potentially disproportionate in consequence.

6.3.5 Consultations – summary

This section has discovered important insights into the PSPO consultation process that have been previously underdeveloped. By revealing how local authorities rely upon online consultations as engagement efforts, the findings demonstrate that they overlooked the opinions of those who are most vulnerable to the punishments that are associated with the imposition of an order. Furthermore, conflicting perspectives on the need to consult signify a broader issue of resourcing for endeavours that local authorities consider necessary for their accountability, but which are not statutorily mandated.

The examples provided here draw upon specific considerations regarding consultations by a number of local authorities. However, they represent the

potential for other areas to adopt similarly inconsistent approaches without clear guidance from the central government.

6.4 Prohibitions and requirements

This chapter's final section considers the prohibitions and requirements that local authorities include within PSPOs. The following subsections examine how practitioners would criminalise sub-criminal behaviour to prevent harm from this conduct and encourage feelings of safety for those within public spaces. It then explores how, despite being broadly applicable to all public space users, local authorities introduced regulations within a PSPO to target the behaviour of certain socially excluded groups. In doing so, they furthered the punitive nature of such orders and the potential to disproportionately criminalise these citizens.

6.4.1 Criminalising sub-criminal behaviour

Almost every PSPO that the local authorities studied had introduced concurrently covered criminal and sub-criminal behaviours, blurring the thresholds of criminality within the jurisdiction of these orders. By restricting behaviours that were not inherently criminal but were perceived by practitioners as causing a "detrimental effect on the quality of life" to others, introducing a PSPO was perceived to be a way of responding to such behaviour and preventing future harm from occurring as a result. This was the reason why a restriction on foul and abusive language, behaviour which residents of different cultures primarily conducted within PSPO 6's disadvantaged neighbourhood, was included in this order:

I mean, one of the things on the [PSPO 6] one is about large groups using foul and abusive language. That's very subjective, but that is a problem in that area. That is a big problem for residents living in that area, so something had to be done to address it. (Community safety officer, CSA 2)

This excerpt reflects commonly cited findings concerning the prevalence and impact of sub-criminal noise-related disorder within residential areas (Heap, 2016; Nixon & Parr, 2006; Stokoe & Wallwork, 2003). However, the local authority did not obtain objective evidence to support the inclusion of this sub-criminal behaviour. Instead, they relied upon the initial ASB reports that operationalised the “detrimental effect” and the consultation results (which, as discussed above, initially overlooked the perspectives of those who were conducting this behaviour and, where received from these individuals, were frequently against the imposition of this order). In SRA 2, a regulatory services officer reported a notable backlash that their local authority had received when they introduced a similar prohibition within their PSPO. They described that, as one of the first areas to include a restriction on this sub-criminal behaviour, there were perceptions that this was a borough that disproportionately punished non-criminal behaviour, and this had affected their legitimacy as a local authority. CSA 2 could have become subject to the same perceptions of disproportionality by including a regulation on this behaviour within PSPO 6, a remnant of the inadequacies in their initial consultation efforts.

A further example of the criminalisation of sub-criminal behaviour also arose in CSAs 1 and 3, whose local authorities had introduced PSPOs that prevented the consumption of NPS within their town centres. In these areas, it was outlined that the incidence of this behaviour was prominent, but it was an issue that they lacked sufficient tools to address prior to its statutory criminalisation within the Psychoactive Substances Act 2016:

The reason that [the prohibition on the consumption of NPS] was written in was because it was before all the legislation came in to deal with legal highs, ‘cus it was like a massive problem in the town. (Community safety officer, CSA 3)

The legal professional in the ASB team clarified how CSA 1 was in a challenging position regarding the occurrence of this behaviour, particularly with respect to the “detrimental effect on the quality of life” that it was causing to other public space users:

[S]o, we knew we needed to do something. We knew it wasn't [at the time of introducing the PSPO in 2014] a criminal offence. The police's hands were tied at that point. (Legal professional, CSA 1)

A common perspective was that there was a need to prevent the harm that was resulting from the consumption of NPS where appropriate forms of criminalisation did not exist, manifesting in the inclusion of this behaviour in their respective PSPOs. Indeed, the enactment of the Psychoactive Substances Act 2016 was delayed for some time due to uncertainty about what the term ‘psychoactive’ would mean from an enforcement perspective (Travis, 2016). The PSPO offered a framework for local authorities to define this term in the interim, with the participant above explaining that they drew upon wording that was used in a medical report in determining how this conduct was classified as anti-social. This extends Cohen’s (1985) earlier work on criminality thresholds within the context of this second-wave power and emphasises the “vehicular” nature of ASB (Carr & Cowan, 2006:57). Essentially, local authorities criminalised sub-criminal behaviour whilst the legislature was experiencing difficulties in defining this conduct as such.

Furthermore, several local authorities had introduced a restriction on any behaviour causing “harassment, alarm or distress” as an addendum to other, more specified regulations that their PSPOs contained. Including this phrasing allowed practitioners to have sufficient jurisdiction to tackle unanticipated harm at the time that an order was imposed, without having to vary its scope through the

legislative framework. When asked about the function of the wording of this regulation, an individual contemplated whether it acted:

As a catch-all? Yeah. If we, well, we'd need a statement from somebody saying that his actions caused them... to feel a particular way. (Legal professional, CSA 1)

Prohibitions addressing behaviour that causes “harassment, alarm or distress” is a subversion of the statutory mechanisms for introducing a PSPO. By allowing practitioners to retroactively decide that behaviour is breaching an order, citizens cannot self-regulate their conduct with an awareness that they may be in breach. Local authorities with such restrictions can, theoretically, punish a potentially unlimited number of behaviours through the scope of a PSPO under the guise of regulating conduct causing “harassment, alarm or distress”, which reinforces the subjectively discriminatory strategies around the use of these orders. Earlier research by Heap, Black and Rodgers (2022) has criticised the inclusion of similar phrasing within individualised CPNs, but this research highlights a potentially more troubling discovery in light of the broader scope of the remit of a PSPO to all users of a designated public space. In these situations, local authorities may be acting *ultra vires* in including this restriction, but there has been no contestation to the presence of this prohibition within orders at the time of writing. The findings here present the criminalisation of sub-criminal behaviour through the imposition of a PSPO, illustrating the wide-ranging discretion that is granted to local authorities in their decision-making. Whilst seeking to prevent harm from the incidence of such behaviour, the vague nature of the Anti-Social Behaviour, Crime and Policing Act 2014, coupled with the “elastic” definition of ASB, allows local authorities to become the legislature in deciding what behaviour they should criminalise inside a PSPO. This furthers Crawford’s (2009) earlier concerns about the bypassing of due processes that are associated with the criminal justice

system in the context of this power as a civil preventive order. Through localist devolution, PSPOs disproportionately and inconsistently criminalise various sub-criminal behaviours without local authorities facing significant challenges to their processes or accountability.

6.4.2 Regulations as remedies to negative public space perceptions

The decision to implement specific regulations within a PSPO, particularly on behaviours that were associated with people experiencing street homelessness, such as begging, consumption of alcohol or NPS, and the congregation of groups, was often a response to negative perceptions that citizens held about a specific public space. This was particularly notable for local authorities who had introduced PSPOs within town and city centres. For example, as one practitioner within CSA 1 reported in relation to their two town centre orders, the imposition of these PSPOs was perceived to be a way to prevent the further presence of these signs of decline in areas that already suffered from socioeconomic disadvantage:

I think if it wasn't in place, there would be a lot more people drinking alcohol in front of the general public, young families, which, which has a knock-on effect and, it, it's like the Broken Windows Theory, it would escalate from there. (ASB officer, CSA 1)

Wilson and Kelling's (1982) Broken Windows Theory was an explicit justification for introducing restrictions on alcohol consumption within their PSPOs. Whilst others did not explicitly name this theory within the interviews, a common theme within the findings was that practitioners would allude to the ideology of the Broken Windows Theory as a rationale for the prohibitions and requirements that a PSPO included. Sometimes, this related to the presence of ASB potentially detracting citizens from accessing a public space:

[T]he reason that we've got it, we've got the PSPO, is because of the behaviour that can result of drinking in the town centre, but also because of how it looks as well. If you've got lots of people in the street drinking from open containers, then have families and young people, are they going to want to come into [the designated PSPO zones] upon seeing that? Maybe not. So, it's about trying to reduce that image. (ASB officer, CSA 1)

Similarly, for the introduction of PSPO 5 in CSA 2, it was recalled that the restrictions included within this order sought to address:

Just disorderly, just unruly behaviour that people thought was making the town centre not look [like] a nice place for people to visit... So generally, the general theme was [to] make [PSPO 5] a more attractive and inviting place for people to come [to] without having to be confronted by what was described at the time as "groups of aggressive people, drinking, shouting, swearing, spitting" etc., 'cus people would be saying "I wouldn't go to [PSPO 5] again, it doesn't feel safe." (Community safety officer, CSA 2)

The findings here lend further empirical support to Brown's (2020a:586) statement that a "common rationale for PSPOs targeting street poverty was that such behaviour undermined business by putting consumers off from those public spaces that facilitate consumption." An elected official in CSA 2 also elaborated that the harm occurring from incidences of this behaviour affected perceptions of safety for public space users who were in this environment:

People didn't feel safe, and [it was] the numerous sort of behaviours that were causing that. So, really, when we were looking, "Okay, what can we do about this?" The Public Spaces Protection Order is one of those tools that we wanted to bring in to help with that. So, [it] really started with that conversation about what do we do with the town centre, what would help our enforcement in that in terms of tackling some behaviours that we could see quite clearly were causing people to feel unsafe. (Local councillor, CSA 2)

In the town centre of these two boroughs, ASB was just one factor contributing to the disadvantage of these areas. Nevertheless, practitioners perceived that the introduction of a PSPO would be one way to address its presence, prevent harm from occurring, and "tackl[e]" the ASB that was conducted by some individuals within the public space. This exemplifies the PSPO as a form of legislative

revanchism within town and city centres, building upon Johnsen and Fitzpatrick's (2010) earlier work, as summarised in Table 2.1 (p.43), in the context of this power. In doing so, however, the introduction of a PSPO furthers the criminalisation of behaviour that vulnerable individuals conduct.

6.4.3 Prohibitions, requirements, and socially excluded groups

Despite applying broadly to all public space users, the findings demonstrate that local authorities introduce certain prohibitions and requirements to regulate the behaviour of socially excluded citizens. For instance, of the nine local authorities that this research studied, three had introduced a PSPO with restrictions on begging or aggressive begging⁷² and only one derived from a case study area, which was PSPO 7 in CSA 3. In the decision-making underpinning the inclusion of this prohibition by this local authority, the community safety officer leading the imposition of this order outlined that:

[W]e had a massive problem with like career beggars really, who were being housed, who were just doing it for extra money, and it was quite difficult to deal with them. (Community safety officer, CSA 3)

In this area, participants outlined that their begging restriction intended only to address so-called "career beggars", rather than those who were genuinely experiencing street homelessness. Throughout the local authorities that were studied, regardless of whether a PSPO prohibited begging or aggressive begging, practitioners would distinguish between these two perceived categories of homelessness. In earlier work, Brown (2020a) highlighted that local authorities inconsistently defined the parameters of the term 'aggressive begging', or did not

⁷² This was despite the version of the ASB guidance that was produced by the Home Office (2019a) at the time of data collection stating that the prohibitions and requirements of PSPOs should not target activities that are associated with street homelessness. As discussed in section 3.5 (p. 91), subsequent editions, published following the completion of data collection, removed this wording.

provide a definition at all. In an example where SRA 1 had developed an understanding, the community safety manager elucidated the harm arising from this behaviour within the city centre of their area:

So that is basically people walking up to people, asking them for money, going down bus queues asking for cash, or sitting under a cash machine as you're about to take your money out, asking for money. We're a big, heavy tourist city, so foreign tourists, and there's somebody sitting under a cash machine asking for money. We felt that was unacceptable. (Community safety manager, SRA 1)

In conjunction with introducing these orders, local authorities, such as SRA 3, discussed the work that they had taken to distinguish between those who were genuinely experiencing street homelessness and those who were not:

[T]here was a number of pieces of work going on, with the idea being determining which nuisance beggars need help and which nuisance beggars are actually nuisance beggars. (ASB team manager, SRA 3)

However, another individual suggested that the distinction between begging and aggressive begging was narrow; those most vulnerable to multiple exclusion homelessness may conduct behaviour that others would subjectively classify as aggressive begging. They stated that:

The other one that was a bit problematic, of course, was the aggressive begging because, how do you define aggressive? If people are desperate and down on their luck and needing to beg, that's a desperately sad situation for them to be in, and we don't want to be criminalising them. (Local councillor, SRA 2)

Practitioners stressed that passive begging, conducted by those who were genuinely experiencing street homelessness, differed from aggressive begging, and that the regulations on this behaviour within a PSPO intended to tackle only the latter. This finding reflects Heap, Black and Devany's (2022) similar discoveries of 'passive' begging not being perceived as anti-social, and 'aggressive' begging being considered so by practitioners. However, as was indicated, there was a small differentiation between begging and aggressive

begging, particularly for those who were suffering significant vulnerability. As a result, whilst practitioners included this term within orders to distinguish between different levels of homelessness and the need for support, there was still the potential to punish those who are most vulnerable through the regulation of this behaviour within a PSPO. Similarly, Steiker (2013) criticised civil preventive orders for failing to provide mechanisms for individuals to demonstrate changes to their behaviour. Here, practitioners did not offer perpetrators an opportunity to prove that they were not going to be “aggressive[ly] begging”, meaning that any future social interaction between these citizens with other public space users whilst the PSPO was in operation could be construed as such. Inevitably, this affects the sociability of these individuals when occupying public spaces.

Contrastingly, some local authorities, such as CSA 1 and CSA 2, ideologically opposed the inclusion of regulations addressing the behaviours of people experiencing street homelessness. For example, the ASB team manager from the former stated that they would not include a prohibition on rough sleeping within their orders:

We have never considered a condition against rough sleeping, never. We're actively against it. We are well aware that a number of local authorities nationwide have, and in my opinion, been rightly pilloried for it. The vast majority of our rough sleepers have either mental health issues, substance misuse issues, relationship issues... You know, I would vehemently defend our position, and actively, erm, campaign against us doing that. (ASB team manager, CSA 1)

Furthermore, the head of service from the latter area clarified that:

There's a couple of issues within that for me – one, as you've kind of rightly identified, that would involve targeting a particular group. For me, PSPOs are about targeting behaviours and behaviours that have an impact on other people in that particular area, and I, you know, purely the act of somebody sleeping out overnight for me doesn't reach that threshold, although the threshold is a bit of a subjective issue. (Head of service, CSA 2)

In these two areas, practitioners expressed discomfort with regulations targeting people experiencing street homelessness, specifically around rough sleeping. Divergent ideological perspectives among local authorities resulted in PSPOs that were geographically disparate from each other, meaning that people experiencing street homelessness faced an inconsistent application of these orders where some local authorities criminalised rough sleeping and/or begging through a PSPO, and others did not. Regardless of opposition to the criminalisation of the behaviour of such citizens, all areas incidentally criminalised conduct that is closely associated with multiple exclusion homelessness, such as the consumption of alcohol or NPS, congregating in groups, and urination in public, aligning with Sanders and Albanese's (2017) findings. The approaches of these practitioners suggest a punitive viewpoint towards other behaviours that this population undertakes without, as Ashworth and Zedner (2014) queried, providing an opportunity for them to remedy the underlying causes of this conduct. In these circumstances, the need to prevent harm and be responsive to their conduct outweighed the need to support them and prevent further social exclusion.

For the criminalisation of particular sub-criminal behaviour within CSA 1's PSPO 3 and CSA 2's PSPO 6, introducing prohibitions within these orders reflected an attempt to address the behaviour of other marginalised groups, namely young people and those with different cultural practices, respectively. With reference to young people, with an order that prohibited groups of such citizens from gathering in a public space, one participant in this area reported that the wording of this PSPO was:

[A] bit like a cake... but [PSPO 3] will only apply if they're causing annoyance, harassment, alarm or distress. (Senior police officer, CSA 1).

It was similarly discussed by another that the threshold for the breach of these restrictions constituted more than young people simply 'hanging around' in the public space:

Well, 'hanging around', as you know, Ben, is not a crime and is not anti-social behaviour. What we were getting, and we still get, we [are] still getting to a degree, is intimidation, harassment, shouting, swearing, [and] a bit of underage drinking. Just general intimidation of the public. They're obstructing other people going about their business, then when challenged, they're verbally abusive. (ASB team manager, CSA 1)

The requirements of this order, only applying in a spatial context to children, could be considered a disproportionately punitive use of this power by the local authority in CSA 1. Whilst they intended to provide a buffer in only considering behaviour by young people that caused "harassment, alarm or distress" as breaching PSPO 3, this particular order reflects the low threshold of punishment for sub-criminal behaviour that the use of these orders encourages. Moreover, when coupled with earlier literature discussing the perception of young people causing ASB by their mere presence, or them 'hanging around' in public spaces (Brown, 2013a; Deuchar, 2010; Mackenzie et al., 2010; Squires & Stephen, 2005a), the application of this PSPO reinforces the intolerance that adults demonstrate towards the presence of young people. This is particularly important when considering that a portion of the area that was covered by PSPO 3 encompasses a quasi-public space, meaning that this finding extends earlier discussions on the exclusionary nature of these sites against young people (Crawford, 2011) and the distinctions that are made between what constitutes acceptable behaviour from young people and adults.

Similarly, for PSPO 6, the rationale for including restrictions on alcohol consumption, noise-related disorder, and foul and abusive language was because, according to local authority practitioners, steps were necessary to

prevent harm that was resulting from such behaviours, particularly during night-time hours:

[S]omething's got to be done to address it, and whilst you can say, "Well, you can't tell people they can't stand in the street." Well, actually, under this, you can, and you can say to them that they do need to move on, and you can say to them that they need to be quiet.
(Community safety officer, CSA 2)

The particular remit of this PSPO echoed discussions of community cohesion and a broader encouragement of residents around civility within the neighbourhood from others:

You've got to try to say; it's almost like saying, "We're not in Romania now; it's different here, and this is the balance to be had." And working with organisations like the [support organisations] is good, 'cus you can get that education across, and you hit most people with it.
(Community safety officer, CSA 2)

This excerpt resembles Boyd's (2006) suggestion of the necessity of social control within civility, with the community safety officer above applying it to this diverse neighbourhood. However, earlier studies by Heap, Black and Devany (2022) have highlighted that being "move[d] on" does not have legal grounding elsewhere, and this excerpt illustrates the potentially discriminatory application of this sub-criminal restriction within PSPO 6. By including these prohibitions within the regulations of these orders, in an attempt to promote civility among residents, the local authority in CSA 2 risked punishing only the behaviours of those from different cultures, which, as Bannister and Kearns (2013) indicated in Table 2.3 (p. 52), can generate intolerance. This order embodies Elias and Scotson's (1994) theory about the conflict between the 'established' and the 'outsiders'. The local authority legitimised the intolerance of the 'established' residents that was demonstrated towards the 'outsiders' by introducing an order that regulated and subsequently criminalised the latter's sub-criminal behaviour. In doing so, they validated the concerns that were raised through the service provider during the

consultation process, and the local authority introduced a PSPO within this environment in a way that was similarly discriminative for ASBOs and Dispersal Orders (Brown, 2004; Flint, 2002; Robinson, 2008).

The findings here extend Husak's (2004:437) statement on the "morally problematic" use of civil preventive orders against socially excluded citizens and apply them to the imposition of a PSPO within the local authorities that were studied. In their decision-making, practitioners aimed to prevent harm that was occurring through the conduct of such individuals but, in doing so, created an environment that exposed a presumption from local authorities that these citizens would contravene the restrictions of a PSPO. In providing thresholds for when their behaviour constitutes the breach of an order, such as through the caveats of only considering "aggressive begging" or young people 'hanging around' if it is causing "harassment, alarm or distress", the decision-making regarding these orders provides a semblance of robust accountability; however, an individual's subjective interpretation of the legal definition of ASB can easily dismantle these guises. This can leave a local authority open to judicial challenge and contribute to the disproportionate enforcement of these orders against socially excluded citizens, forming the basis for the next chapter of this thesis.

6.5 Conclusion

This chapter has explored the decision-making of practitioners when implementing a PSPO, finding key similarities between the approaches of local authorities regarding the main statutory requirements of the Anti-Social Behaviour, Crime and Policing Act 2014. The first contribution outlines the operationalisation of the "detrimental effect on the quality of life" definition, discovering that local authorities rely on individual thresholds for satisfying this legislative obligation based on incidences of ASB posing a "community need".

However, inconsistencies were present in supplementing limited citizen reports, meaning that some areas disregarded experiences of victimisation, and potential PSPOs, that others may have pursued further using alternative datasets. Responding to concerns about the vague nature of this requirement, and lack of substantive guidance, from researchers such as Heap and Dickinson (2018) and Brown (2017), respectively, local authorities adopted perceivably accountable processes, which sometimes hindered their ability to effectively govern due to strictly following the threshold that they had developed.

The second contribution focuses on the mechanisms for consultations. Alongside establishing the reliance of local authorities on tokenistic quantitative consultations that include leading questions, the findings highlight a lack of engagement with marginalised communities and front-line workers, impacting the consensus orientation of these strategies. As such, whilst public consultations should target all affected citizens and those directly involved in enforcement to encourage equity and inclusiveness in governance, they currently do not. These are empirical extensions of previous work (Heap, Black & Devany, 2022), providing further knowledge from a practitioner perspective.

The third contribution to knowledge from this chapter relates to decision-making about the prohibitions and requirements that are included within a PSPO. It presents that local authorities will take on a proactive role in criminalising sub-criminal behaviour to encourage public space use and increase feelings of safety for other public space users. It also suggests the prevalence of regulations addressing ASB that is conducted by socially excluded population groups, demonstrating that the imposition of these orders punitively targets such individuals.

Next, chapter seven explores the enforcement of PSPOs. Particularly, it furthers consideration of the resourcing that is required for enforcement and the mechanisms that practitioners employ, specifically against the socially excluded groups that this chapter has highlighted.

Chapter 7 – Enforcement

7.1 Introduction

This chapter examines the second substantive research question by considering the mechanisms that practitioners employ to enforce Public Spaces Protection Orders (PSPOs). The empirical discussions here provide two overarching contributions to knowledge regarding the enforcement of these orders:

- i) The disproportionate utilisation of coercive and punitive enforcement, namely: forcing people experiencing street homelessness to accept service provider support; the prevalence of giving informal verbal warnings to other vulnerable citizens; and an inconsistent approach to fixed-penalty notice (FPN) issuing among local authorities; and,
- ii) That limited personnel resourcing impacts the consistent enforcement of PSPOs, specifically the reliance on police officers by local authorities; the potential use of private security firms as a remedy to resourcing deficits; and how this culminates in temporal enforcement against people experiencing street homelessness.

The first section of this chapter explores the inconsistent strategies for obtaining compliance from citizens in line with the regulations of a PSPO. It employs street-level bureaucracy and procedural justice as analytical lenses, and it reflects on how practitioners adhered to the rule of law in their governing.

7.2 Enforcement strategies

The Anti-Social Behaviour, Crime and Policing Act 2014 offers wide-ranging discretion to the various policing bodies that can enforce a PSPO. However, at the time of data collection, the then Home Office's (2019a) anti-social behaviour

(ASB) guidance recommended that practitioners adopt an incremental approach to enforcing incidents of this conduct. Accordingly, this section presents some of the most crucial discoveries regarding the discretionary and, often, inconsistent, enforcement strategies adopted within the case study areas (CSAs) and supplementary research areas (SRAs) that this study sampled.

7.2.1 Assertive outreach and coercive compliance

For PSPO regulations prohibiting begging, aggressive begging, and the consumption of alcohol or new psychoactive substances (NPS), practitioner engagement with people experiencing street homelessness (notably those considered to be facing multiple exclusion homelessness) across the studied areas generated similar findings. Overall, participants believed that assertive outreach was the most suitable mechanism for initial engagement with these citizens, and individuals from all local authorities referenced existing relationships with drug, alcohol, and accommodation service providers as part of their wider community safety partnership. This strategy for interacting with people experiencing street homelessness attempted to address any underlying issues that resulted in behaviour or conduct that breached the regulations of a PSPO, rather than immediately seeking to punish these individuals through the statutory penalties:

[[It's all around education, isn't it. And it's about reaching out to those people who might be begging. So, we have a fantastic outreach team in [CSA 3] who go out and educate and help people to try and change their methods and get help as well, so they don't need to be begging on the street. (Local councillor, CSA 3)

Supporting this approach towards street homelessness, another emphasised the strategy that underpinned initial engagement with these citizens within the town centres in CSA 1:

[W]e do have the team that goes out there to help with the rough sleepers and try to help with their, erm, way of life and try and change it for them. Not change it for them, but work with them to try and improve their status, really. (ASB officer, CSA 1)

These conversations signify the importance that these participants placed on supporting people experiencing street homelessness during initial encounters, demonstrating trustworthiness as a tenet of procedural justice (Tyler, 1990/2006). Through assertive outreach, and by offering accommodation and various service provider support, they strived to convey their legitimacy to these citizens by demonstrating that they were acting in their best interests, rather than being disproportionately punitive. However, across the areas that were studied, local authorities adopted supportive strategies on an informal basis, and, with a few exceptions, there was seldom indication that this was a practice that participants had entrenched within the approach that accompanied the imposition of a PSPO. This echoes Ashworth and Zedner's (2014) criticism that using civil preventive orders does not include formalised procedures towards supporting vulnerable citizens within the context of PSPOs and people experiencing street homelessness. It similarly raises concerns about assertive outreach strategies that the processes of a local authority do not consistently align with as part of their engagement strategies.

As the excerpt above also suggested, the foundation of assertive outreach places a responsibility on the citizen to be a willing participant in developing behaviour change and accepting service provider support. Indeed, the inference that local authorities would "[n]ot change it for them" was a commonly discussed perspective across the studied areas. For instance, it was noted in CSA 4 that:

[T]here was engagement through work with partners, and there was... an available programme should individuals be willing to engage. (Neighbourhoods manager, CSA 4)

By emphasising the proactive role that people experiencing street homelessness would have to play, participants would attribute blame towards these individuals where they did not accept these opportunities:

A lot of them that are sleeping out at the moment are banned from hostel accommodations or sleeping outside because they choose to. (Police officer, CSA 4)

Another example of this comes from a recognition that it was the responsibility of people experiencing street homelessness to spend their money on accommodation services:

[T]o access that support, it would mean they would have... a commitment themselves would be [necessary]. Obviously, they would have like a service charge or something to pay for, like a hostel or something they're in, but whether or not they want to pay it is down to them. (ASB officer, CSA 1)

The perspective of an elected official referred to their response to complaints that were received from public space users about the presence of people experiencing street homelessness within the city centre in SRA 1:

I often have to explain [that] we have places for everybody. We have 100 people in places at the moment, but the 10, 15 people you see in the city centre have tried to be engaged with at that point, and aren't ready to engage. (Local councillor, SRA 1)

Distributing blame towards people experiencing street homelessness for not accepting service provider support continues narratives of judgement and intolerance towards these citizens. It diverges from Parr's (2022) work, which highlighted the benefits of positive, tolerant relationships between practitioners and those experiencing multiple exclusion homelessness. While participants understood the need for individual self-motivation in these examples, they quickly overlooked their pivotal role in supporting people experiencing street homelessness beyond signposting them to service provider support. As such, these examples align with suggestions from earlier studies that practitioners

overlook the multiple causes of homelessness, and place blame on these citizens, to deflect responsibility from their own inadequacies in resolving this societal issue (McCarthy, 2010; O’Neil et al., 2017).

In instances where assertive outreach was perceivably ineffective, several practitioners had moved on to coercively utilise a PSPO to force people experiencing street homelessness to accept the support that was offered. For example, when applying the restrictions around the consumption of alcohol and NPS in the town centre PSPOs 1 and 2 in CSA 1, the ASB team manager outlined an upcoming engagement tactic with someone experiencing street homelessness, where they were going to coerce them to accept service provider support. This participant reported that:

I’m gonna have a conversation with the guy, [and] say, “You’ve got this [PSPO] ticket; you’ve got 14 days to pay the fine. However, if you engage with drug services, I’m quite happy to hold the ticket, as long as you engage with drug services.” So that’s the kind of carrot-and-stick approach. (ASB team manager, CSA 1)

By using the enforcement of a PSPO as a tool for threatening vulnerable citizens in this way, this approach contradicts the rule of law as a tenet of effective governance, as this is not an approach that is found in the 2014 statute, nor one that is recommended in the accompanying guidance. Further, whilst engaging with service providers is a decidedly more positive outcome than punishment through a PSPO, this strategy does not represent a way to foster perceptions of neutrality and trustworthiness within procedural justice. Instead, it is associated with Lipsky’s (1980/2010:43) statement that, “A drug rehabilitation programme is coercive when it stands as an alternative to jail.” It does not engender these citizens to perceive the legitimacy of these authority figures, nor does it develop long-term normative compliance through the processed-based model of this theory. Coercion signifies a prejudicial targeting of people experiencing street

homelessness and shifts the PSPO from a forceful to a coercive and bargaining way to engage with these citizens when drawing upon Johnsen et al.'s (2018) taxonomy in Table 2.4 (p. 56).

However, from the perspective of other individuals within the ASB team of CSA 1, they had few options other than to apply their PSPOs in such a way in circumstances where assertive outreach had failed to achieve suitable behaviour change:

If all that [is] ignored, then that's when we'll try the enforcement. And that will be via the tools of the PSPO, or the tools of any anti-social behaviour tools that we have to use to get the point across. (ASB officer, CSA 1)

Similarly, the legal professional that was based within the ASB team in this CSA explained that:

You get individuals who won't engage, and then you are left with no opportunity, no other option than prosecution under the PSPO. (Legal professional, CSA 1)

In this area, this practitioner reported the prosecution of several individuals experiencing street homelessness who had failed to accept service provider support, accumulated one or several unpaid FPNs for violating a PSPO, and continued conducting ASB within the designated public space. The approach taken by CSA 1 towards enforcement with this population group failed to foster normative compliance with the restrictions of these orders and furthered the criminalisation of these individuals by issuing punishments that they may lack the financial means to pay. In this particular area, this finding deviates from Heap, Black and Devany's (2023) discussion of the hesitancy for practitioners to issue the punishments that are associated with Community Protection Notices (CPNs) to people experiencing street homelessness due to the perceived inability of

these citizens to pay the financial penalty. Here, the local authority adopted a coercive and potentially procedurally unfair practice when enforcing their PSPOs.

This discussion was most prominent within CSA 1. However, other areas had adopted similar approaches towards punitively enforcing PSPOs against people experiencing street homelessness who did not engage with their initial assertive outreach strategies. For example, as someone from SRA 3 communicated for those who were begging in contravention of their city centre order:

The same for the, the nuisance beggars. Quite often, if they're engaged, they're advised, they're offered support, they're offered referrals to various people. It's only when they fail to comply or start returning is when they start accumulating tickets. (ASB team manager, SRA 3)

Another participant also presented a similarly disciplinary approach to enforcing a large city centre PSPO in SRA 5:

[I]f people who are breaching the PSPO are, for example, you know, potentially living on the street or at risk of homelessness... then we would always want officers to engage initially and give people the opportunity to access support where they need it before enforcement takes place. (Community safety officer, SRA 5)

These excerpts illustrate further instances whereby local authorities utilised the enforcement of a PSPO as a way to punish people experiencing street homelessness who had failed to accept the support of service providers. By being punitive in their strategies towards these vulnerable citizens, the findings demonstrate the coercive nature of PSPOs as civil preventive orders, furthering Black and Heap's (2022) commentary on CPNs being used in this context. Whilst participants would indicate that these strategies guided people experiencing street homelessness towards a positive outcome, Hough (2021:78) cautioned that "there is a boundary between behaviour that is civil and courteous, and that which is manipulative." The findings here present a discriminatory use of the PSPO against those who are most vulnerable within public spaces in several of

the studied areas, rather than a procedurally fair way of supporting these individuals.

Contrasting with the viewpoints that have been detailed already, which local authority employees primarily held, some police officers perceived engaging with people experiencing street homelessness differently. This was particularly so where this group posed no significant risk of harm to the “quality of life” of public space users, other than through their presence, as explained below:

I mean, some people refuse all help, but the people who refuse all help tend not to cause us problems... I've spoken to [a person experiencing street homelessness] many a time in my professional capacity. He doesn't want help, he wants to be on the street; he prefers that now. But he doesn't cause any issues, so he lives his life that way because he doesn't cause any issues, he doesn't come to people's attention, so they just leave him alone. (Police officer, CSA 4)

These excerpts represent divergent beliefs that practitioners had and the action that they took towards street homelessness, in the areas that were studied. If this person who was experiencing street homelessness was within the public space of PSPOs 1 or 2 in CSA 1, they could potentially accumulate several FPNs, and be prosecuted through the coercive approaches that were outlined above. However, in CSA 4, their presence within the designated PSPO area, and potentially their sub-criminal breaches of PSPO 10, went unpunished. This demonstrates an inconsistency by different policing bodies in engagement with these citizens. Doing so means that the punishment that is received by a person experiencing street homelessness differs depending on the type of policing body that they encounter and the public space that they are in.

Similarly, and in direct contrast to the “carrot-and-stick” approach of the ASB team manager, a senior police officer from the same area, CSA 1, stated that:

[Y]ou wouldn't want to use a PSPO as a carrot 'cus a PSPO's a stick to beat someone with and move them on, and I'd only want to utilise

anything that would be put in the PSPO if you've got a robust system of doing something with that individual. (Senior police officer, CSA 1)

This participant recognised the forceful nature of PSPOs, aligning with Johnsen et al.'s (2018) taxonomy in Table 2.4 (p. 56), by describing it as a “stick to beat someone with”. They indicated that it would be disproportionately punitive for policing bodies to use a PSPO coercively against vulnerable citizens in ways resembling the approach outlined above. Such an understanding reflects a view that coercion is ineffective in obtaining long-term behaviour change from citizens (JUSTICE, 2023), particularly when it is perceived as procedurally unfair (Sunshine & Tyler, 2003; McCluskey, 2003; Reiner, 2010). The disconnect between local authority practitioners and police officers in CSA 1 demonstrates the varying ways that PSPOs can be enforced, furthering Matthews and Briggs' (2008) similar discoveries around first-wave powers.

This subsection has highlighted the disproportionately coercive enforcement of PSPOs against people experiencing street homelessness. It has shown that the use of these orders by local authorities has become a method of providing “coercive care” to people experiencing street homelessness, a term that Johnsen and Fitzpatrick (2010:1712) used about Anti-Social Behaviour Orders (ASBOs), and Heap and Black (2022) adopted when discussing CPNs. Building upon Brown's (2020a) earlier acknowledgement of the coercive enforcement of PSPOs representing forms of welfare conditionality, the findings here provide an empirical contribution to knowledge that enforcing such orders against these citizens can be unjustly punitive and procedurally unfair.

7.2.2 Informal enforcement strategies

Nearly every participant outlined that informal verbal warnings, given on the spot by policing bodies to those breaching a PSPO, should form, in most

instances, the first stage of incrementally enforcing these orders. This was particularly important when considering the breadth of an area that some PSPOs covered, and this sanction provided an opportunity to educate citizens about its existence, alongside establishing the penalties for recurrent breaches. For instance, as was indicated for the conversion of a previous Dog Control Order (DCO) into the borough-wide PSPO 4:

There are situations possibly out in the countryside... where people won't necessarily know the legislation applies, and it does. But my view would be, unless I've warned someone it does, I wouldn't want to issue a fine or take them to court. (Environmental health officer, CSA 1)

Where a PSPO was borough-wide, incorporating rural areas, education was considered a necessary precursor to formal enforcement. Aligning with an informative rather than punitive approach to the introduction of these orders, It was suggested that warnings were a mechanism for CSA 3 to engage with citizens in a way that was perceivably fair:

I'd like to think we're a kind town. We don't want to fine people. We want people to be aware of communities and others and be respectful. So, it's all about education first. We will give warnings; if that doesn't work, then you do have to come down harder and issue the FPN. (Local councillor, CSA 3)

From the perspective of front-line workers, a Police Community Support Officer (PCSO) described their approach to enforcing the otherwise sub-criminal behaviour of foul and abusive language within the town centre encompassing PSPO 5 as:

My rule of thumb is that if they swear in front of you, then they get a warning. It's a matter of saying, "If you swear again, you are breaching the PSPO, which is active in this area of [CSA 2]", wherever it happens to be. And, if they then swear again, then I would then issue a PSPO ticket. (PCSO, CSA 2)

When discussing the enforcement of PSPO 3, particularly against young people, other police officers also suggested a need for proportionality in the response of policing bodies:

I think we can be decent with people, even the kids who are rowdy and can occasionally get out of hand, but at the end of the day, we don't wish to be draconian because it's pointless, and it's often self-defeating, quite frankly. (Senior police officer, CSA 1)

Outlining their approach to enforcing the restriction on alcohol consumption within PSPO 10, the following participant further illustrates the use of informal verbal warnings. Building upon Johnsen and Fitzpatrick's (2007) discussions of 'soft' approaches to enforcement, they also referenced confiscating alcohol containers where behaviour change does not occur:

So, if we come across someone and they're just having a drink, having a laugh with their mates, I might, as an officer... I'd just have a little walk amongst them all, "Guys, I appreciate you're all drinking. Could you keep it a bit sensible?"... And usually, that's enough. If it gets past that point and you realise that this person is not realising what you're saying, you say, "Give me your alcohol." You can take their alcohol, their open alcohol containers... on a PSPO. (Police officer, CSA 4)

FPNs were perceived as a disproportionate response to the potential harm that was caused by those violating the sub-criminal restrictions of a PSPO in the first instance. Instead, verbal warnings (or context-specific alcohol container confiscations) were believed to be effective means of informally encouraging behaviour change upon initial breaches. These excerpts exemplify a citizen engagement strategy that embodies Ayres and Braithwaite's (1992) work on responsive regulation (Figure 3.4, p. 106), with participants attempting to persuasively obtain behaviour change from those breaching a PSPO. Moreover, as suggested above, the strict enforcement of these orders can often be a "self-defeating" exercise for practitioners to undertake, and there is a potential consequence that such a strategy would affect perceptions of their legitimacy as

authority figures. They hoped that, by providing a warning, an FPN would not be necessary for the majority of public space users who had violated the jurisdiction of a PSPO.

The most prominent example of this incremental approach to enforcement arose for PSPO 6, in the disadvantaged residential area of CSA 2. For the first month following the imposition of this order, the local authority prevented policing bodies from issuing FPNs to those who were breaching the PSPO. Instead, the only available penalty was an informal verbal warning. When talking about this tactic, one participant summarised it as:

There was... an introductory period, from when they said, "Right, this is when the order comes in force, but for these four weeks, we're not going to issue any tickets, we're just going to deal with it by advice and warnings, etc.", and we communicated that. (Community safety officer, CSA 1)

As an alternative to formal enforcement, policing bodies engaged with residents to educate them about the contents of the order, and the potential consequence for recurrent breaches. The underpinning rationale for this period was to avoid perceptions of disproportionality through the enforcement of PSPO 6:

We all agreed it'd just be far too harsh to just go in with an iron rod and say, "Here's a £100 fine." "What for?" "Well, since yesterday, you've not been able to drink, and you're drinking today." It'd just be very harsh. (PCSO, CSA 2)

Section 6.3.2 (p. 192) outlined concerns from residents during the consultation period regarding the scope of this order and its potential targeting of those with different cultural practices who could not speak English. In adopting the introductory non-enforcement period, CSA 2's local authority intended to convey perceptions of neutrality and trustworthiness alongside the implementation of this order by not formally enforcing it against someone who was contravening its restrictions, and who may not have entirely been aware of its contents. Attempting

to increase perceptions of their legitimacy as authority figures, the local authority hoped that this period would educate residents about the order and encourage long-time normative compliance to its regulations, adhering to notions of the process-based model of procedural justice from Figure 4.1 (p. 141) (Sunshine & Tyler, 2003; Tyler, 1990/2006). Where recurrent breaches arose, policing bodies could progress through the available penalties with the knowledge that a perpetrator had most likely already received a warning on the consequence of continuing such behaviour.

The findings of this subsection extend Heap, Black and Devany's (2022) commentary on the formal and informal punishments that people experiencing street homelessness receive by demonstrating the frequency of issuing verbal warnings to all citizens breaching a PSPO. Echoing Brown's (2020a) work, whilst prominent throughout all areas, ways to track whether a perpetrator had previously received an informal verbal warning were absent within local authorities, meaning there was seldom consistency in the progression throughout the available punishments. Similarly, besides practitioners in SRA 4 briefly mentioning a comparable strategy, no other local authority within those studied had employed an introductory non-enforcement period, even where orders encompassed comparable neighbourhood environments. This inconsistency indicates the implications of a potential postcode lottery where local authorities deviate from the Anti-Social Behaviour, Crime and Policing Act 2014 and the Home Office's ASB guidance in their governing.

7.2.3 Signage

There were conflicting views on whether displaying signage was an effective way for a local authority to obtain compliance with the regulations of a PSPO. In some instances, practitioners highlighted how the signage that

accompanied the introduction of an order was a supplementary but important way to encourage the development of instrumental compliance through a crime prevention narrative:

Signage can be another tool. So, a lot of people will think about the signage as just meeting the legal compliance, but actually, it can be used as a tool for that prevention agenda. (Head of service, CSA 2)

A community safety manager within SRA 1 similarly discussed the deterrent nature of signage :

[T]he signage is really important, particularly in hot-spot locations. So... you need to put signage up as your first deterrent, "Oh, I can't do that. That alcohol order [with a] cross-through means I can't drink here." So that helps enormously. It also helps when people ignore it, and we can have a conversation with them, and we can point to the signage and say, "Here's the proof." (Community safety manager, SRA 1)

A participant from SRA 4 described that their local authority had imposed a significant number of signs within their designated PSPO zone. The presence of these displays defended the local authority against any claims from perpetrators that they were unaware of the existence of an order:

[W]e interpreted that to say, however, [when] you came up to one of those open spaces, you had to see a sign. So, we would have signed all the entrances, and we would have had a sign in the middle of each of the areas, so there was no way you could've been in there and say, "I didn't know, as I didn't see the sign." (Safer communities manager, SRA 4)

The spatial nature of PSPOs contrasts with other, individualistic, ASB tools and powers. Practitioners in these areas would use signage displays to foster self-regulated behaviour from public space users as an incremental method of enforcement before any informal or formal authority figure engagement. The rationale for their use aligns with Crawford and Evans' (2017) earlier argument that these displays are resource-friendly ways to encourage compliance. Specifically, these approaches reflect Sunshine and Tyler's (2003) work on

instrumental compliance. The signs highlighted the risk of punishment for those who continued to conduct ASB, violating the regulations that were contained in a PSPO. Where they were ineffective in obtaining self-regulated behaviour through the threat of punishment, policing body engagement was the next step of enforcement.

However, as Heap, Black and Devany (2022) discovered, people experiencing street homelessness had often not noticed the presence of a PSPO sign within a designated public space, meaning that there was an inability for these displays to encourage self-regulated behaviour through the threat of punishment. Some participants in this study were also less confident in the effectiveness of PSPO signage in encouraging instrumental compliance with the regulations of an order. Notably, one individual suggested that signs were largely an ineffective way for the local authority to obtain self-regulated behaviour from those who were most likely to recurrently violate a PSPO:

It depends how you, depends on how you use it, to be honest. Lots of people will talk, and this [is] slightly outside of ASB, but generally about things like nudge theory, and generally the way to change behaviours. I think signage will work for a certain part of the population, but probably not individuals that might frequently be causing ASB or other crimes. (Head of service, CSA 2)

This participant disagreed with the suggestion that, through Thaler and Sunstein's (2022) nudge theory, PSPO signage could be a sufficient mechanism in shaping the environment to deter ASB incidents from occurring, particularly for those likely to routinely breach the contents of an order. Consequently, as is explained below, citizens often perceived that increased signage would alleviate some of the ASB incidents that were occurring within a designated public space. This caused frustration when, in their opinion, these displays did not encourage such deterrence:

[W]e have had calls from residents saying we need signage in this area to prevent people drinking. I think there's a perception that if the sign went up, somebody would read it and think: "Oh, I mustn't drink in this area." That's not the case at all, but that's the perception from the residents that the signage would deter the problems in the neighbourhood. (Neighbourhoods manager, CSA 4)

Others equally questioned the prevalence of signs within public spaces. Outlining the process of converting their previous city centre Designated Public Place Order (DPPO) into a PSPO, they explained how they decreased the number of signs that were associated with the new order. They continued to introduce signage to meet their legal duties, but with an awareness that the local authority was looking to "declutter" their presence within public spaces:

When we did the DPPO, we had a lot of signs, and it was decided that when we changed to the PSPO... we'd have a few less, put up as many as we thought we needed, but no more because highways at that time were trying to declutter. (Community safety officer, CSA 3)

The limited potential efficacy of PSPO signage was most notable for PSPO 6. Participants from CSA 2's local authority were acutely aware that many of the residents within this area, for whom English is not their first language, would be unable to read the contents of a sign and may unintentionally breach this order. As one practitioner stated, these anxieties were a further justification for the local authority to implement the introductory non-enforcement period that was detailed in the previous subsection:

[I]t was just about trying to get it, trying to get a really broad group of people without disadvantaging those that can't speak the language as well, because they are likely to be the ones that are likely to fall foul of it if they can't read the signs. (Community safety officer, CSA 2)

CSA 2's local authority did not want to be perceived as adopting procedurally unfair practices by disproportionately punishing citizens for breaching an order even though they were unaware of its contents. Resultingly, the implementation of PSPO 6 went beyond the crime prevention narrative of the imposition of signage to include the creation of leaflets in several languages, which outlined

the restrictions that this order contained. In doing so, practitioners recognised the importance of being seen as trustworthy, underlining their legitimacy as authority figures, especially following the negative consultation response. They were acutely aware that signage, whilst meeting their legal obligations, was largely ineffective for those citizens who were most likely to breach this particular PSPO. Finally, a concern that some practitioners expressed regarding signage was the connotations that these displays provided for the designated PSPO zone. As the findings in section 6.4.2 (p. 208) presented, the rationale for the inclusion of certain prohibitions and requirements within some PSPOs was to either re-encourage public space use or increase feelings of safety for those within these environments. Whilst a PSPO sign could help foster these perceptions, interviewees were conscious that they might also overemphasise the incidence of ASB. In justifying the more minimal use of signs within SRA 2 they recalled:

[W]e didn't want to make everything a big issue, as if there is a massive criminal problem in the area. There isn't; there is just an amount of anti-social behaviour that we wanted to address. (Regulatory services officer, SRA 2)

Where ASB, which was potentially otherwise sub-criminal behaviour, is criminalised within the regulations that a PSPO contains, practitioners questioned whether signage might unintentionally overstate its presence (and the subsequent potential of the risk of harm or victimisation) within a public space. This was a common concern around the use of PSPO signs, particularly that these displays can discourage, rather than promote, feelings of safety, community cohesion, and tolerance between public space users. If, as discussed above, signs provide limited efficacy in deterring ASB from those who were most likely to frequently violate the restrictions of PSPOs, their use may further highlight the

presence of ASB within public spaces for those who are unlikely to breach the contents of an order.

7.2.4 Fixed-penalty notices

In practice, issuing an FPN represents the most punitive on-the-spot penalty that is available to someone breaching a PSPO, prior to prosecution within the Magistrates' Court. Reflecting the lack of substantive guidance towards their use, the process for giving FPNs varied among the local authorities that were studied. However, one commonality was that policing bodies would reserve an FPN as an outcome that was only available for recurrent breaches of the regulations that their PSPOs contained, particularly for sub-criminal behaviour. One PCSO reported that:

If I had a repeat offender, definitely... we'd go down the route that I've said already, but then I probably would like for some kind of fixed-penalty notice. (PCSO, CSA 1)

Aligning with using an FPN as a way to address recurrent ASB incidents, several participants noted that they considered that the formal enforcement of a PSPO should occur only when no alternatives were available for them to employ:

[T]he enforcement of the PSPO is almost the last resort with a lot of these people. (ASB officer, CSA 1)

In such circumstances, an escalation of the penalties that a perpetrator receives, to the extent that a policing body would issue an FPN, reflects these practitioners' progression through Ayres and Braithwaite's (1992) enforcement pyramid (Figure 3.4, p. 106). By issuing an FPN only after a perpetrator has received an informal verbal warning, this increased severity in penalty was an attempt to regulate ASB whilst also maintaining their legitimacy as authority figures by demonstrating proportionality in their response. Practitioners also had self-legitimacy whilst

issuing an FPN in the knowledge that they could achieve behavioural change without a perpetrator having to enter the broader criminal justice system:

I think it's probably got the same outcome because if you get arrested for being drunk and disorderly, you'd go to court and get probably [a] £100 fine. So, I think it is saving people from going through the criminal justice system. (ASB officer, CSA 2)

This finding highlights a practitioner's preference for issuing an FPN due to their convenience and avoidance of imposing more formal punishments through recipients not receiving a criminal record. This is a particularly important consideration when recognising that most of the PSPOs that were studied predominantly contained restrictions on behaviour that would otherwise be sub-criminal. However, any mechanism for recipients to contest the issuing of an FPN, appreciating the absence of their Article 6 European Convention on Human Rights (ECHR) protection in these scenarios, was not referenced in any of the local authorities that were studied. No area had been subjected to substantial judicial challenge for any of the FPNs that they had given, and it was unclear whether recipients were made aware of their potential to do so if they disagreed with the punishment that they had received.

For some participants, an incremental approach was a procedural safeguard that their local authority had developed in response to concerns that their issuing of an FPN could be considered "overzealous" by others. In these situations, some were uncomfortable with the idea that FPNs should be issued as "blunt instruments"⁷³ for addressing every PSPO breach:

I want to really get away from fixed penalty notices... as a money-generating thing. You've got to be careful doing that and setting targets and things like that... you really don't want to be doing that, 'cus it's very obvious if you rock up in court and somebody says, "The only

⁷³ This was the phrasing that the Conservative Party (2010:56) used to describe the frequency with which FPNs were used in their criticism of first-wave ASB powers.

reason you've issued this fixed penalty on me is because you've got a target to hit!" I don't wanna be trying to defend that in court. I wanna be defending it, "No, you've committed an offence, and as a last resort, we've taken you to court", sort of thing. (Environmental health officer, CSA 1)

There was also an acknowledgement of the potential for CSA 2's local authority to be criticised if they did not adopt an incremental enforcement strategy:

I think there is some hesitation about things where it may be used overzealously, and I think that might be... the sort of traffic warden scenario, "Oh, [the] first time I've done owt wrong, I've got a fine", you know "[the] council's trynna make money", all those things. (ASB officer, CSA 2)

These excerpts exemplified the perspectives of practitioners throughout the studied local authorities. They were aware that, at times, issuing an FPN could be an appropriate and procedurally fair punishment for someone who was breaching a PSPO, but citizens would not consider it to be so at other points, especially when the enforcement of breaches for sub-criminal restrictions did not follow an incremental approach. Practitioners were aware of the negative discourse about the punitive use of these penalties, particularly suggestions that FPN issuance is a "money-generating thing" for local authorities due to the civil nature of the PSPO, and the effect that this could have on their legitimacy as authority figures. Ultimately, participants aimed to obtain normative compliance from public space users when imposing orders. However, there was the potential to jeopardise this through the disproportionate use of FPNs; the individuals interviewed from those areas were keen to avoid this.

A crucial consideration within the findings is the attempts of local authorities to ensure that there was consistency in the issuing of FPNs by the various policing bodies. Several studied areas ran training sessions or developed supplementary materials to accompany the introduction of their PSPOs, encouraging a standardised approach for those who could issue such penalties. In response to

concerns that the consultation results generated regarding the greenspace encompassing PSPO 5, CSA 2's community safety team created guidance documents to avoid circumstances that the consultees were notably weary of:

[W]e also developed some enforcement guidance for our officers, and that essentially kind of gave them some parameters to work with so people wouldn't kind of accidentally, good decent dog owners, wouldn't accidentally fall foul of it. (Head of service, CSA 2)

Local authority employees stressed that the creation of this document was not an attempt for them to provide a rigid framework for enforcing this order. Instead, these training opportunities represented an effort to remind policing bodies of the importance of incremental and proportionate responses to PSPO violations:

So, there's no real hard or fast rule on that; it's subjective. This is why we had the training, you see, about appropriateness. Is it appropriate? But more importantly, is the issuing of a ticket proportionate to what you've just witnessed, 'cus it's not always proportionate. (Community safety officer, CSA 2)

A front-line worker in this area reflected on their experience of receiving these materials:

[T]hey just said, "We've got this in town, we've got this in [PSPO 6], here's your ticket book", and then, "Here's a bit of information about it."... So, I read the pamphlets on what I could and couldn't do, and then I just worked along with [it], so if I saw people breaching these rules, then I would advise; enforce if necessary. (PCSO, CSA 2)

These excerpts embody Lipsky's (1980/2010) work on managerial and front-line worker relationships, particularly the effort of the former to align the latter's discretionary practices to their policy objectives. It also reflects the role expectations that Jewell and Glazer (2006) outline in Table 4.1 (p. 130). Here, local authorities were seeking to communicate to their policing bodies, who may have had limited involvement in the imposition of an order, the aim of the PSPO and shape their behaviour in line with such goals. Resembling Nix and Wolfe's (2016) discussions of the managerial promotion of discretionary practices by

front-line workers, local authority employees in CSA 2 encouraged their policing bodies to be incremental and discretionary when enforcing their PSPOs.

This was a common finding in most of the nine local authorities that were studied. However, the local authority in CSA 1 took a decidedly different strategy. Here, policing bodies were not permitted FPNs on-the-spot to those who were breaching a PSPO; instead, the ASB team retroactively issued them to perpetrators. Describing the process for giving an FPN to someone who had violated a PSPO, one front-line worker stated:

[W]ell, what we normally do is take the details, and we have the local authority sort them afterwards. (Senior police officer, CSA 1)

When encountering a violation that they considered appropriate for issuing an FPN, a police officer in this area would record the perpetrator's details⁷⁴ and give this information to the local authority's ASB team, who would then decide whether the breach warranted this penalty. If it was considered appropriate, an FPN would then be issued by post or, as one participant reported, hand-delivered to a person experiencing street homelessness who did not have a fixed address. Within this process, there was no discussion of whether the local authority obtained evidence from the accused perpetrator so that they could arrive at an objective decision. These citizens' voices were overlooked, and the only information that the local authority practitioners relied upon to make their decision was the subjective perspective of the policing body, and somebody who was not present to witness the breach acted as the arbitrator to decide what penalty, if any, should be given.

⁷⁴ As Figure 5.1 (p. 158) outlined, a requirement within the town centre PSPOs 1 and 2, within CSA 1 was that a perpetrator must provide their name and address to a policing body when requested. This was the only instance of such a requirement being present within PSPOs from across the local authorities that were studied.

The legal professional here suggested that not allowing police officers to use their discretion in an encounter prompted consistent enforcement in the borough which would otherwise be absent:

[T]he decisions as to [issuing an] FPN or to prosecute are taken by a very limited number of officers under our power and scheme of delegation. I do think we are very consistent because it's not 100 officers each making an individual decision; it's escalated to the team manager. (Legal professional, CSA 1)

Another local authority employee further justified the rationale of this strategy as a way of providing:

[L]ess confrontation, you're less likely to get smacked in the teeth, but it also allows the officer to think through whether they're doing the right thing. (Environmental health officer, CSA 1)

Despite these justifications that resemble notions of accountability, and regardless of concerns about the “overzealous” issuing of these penalties, this appears to be a disproportionate approach to the use of FPNs by local authorities. It fundamentally diverts away from the foundations of the role of policing bodies as street-level bureaucrats and the ways in which these practitioners can generate perceptions of self-legitimacy through their position as authority figures. Indeed, as a police officer from CSA 4 commented, they take individual accountability for the discretionary decisions that they make, even if they are later challenged for these outcomes:

It's very much ingrained in us as [police] officers that [you] are personally responsible for what you do and what you choose to do. You never, as a police officer, should say “we”. It's a case of “I”... The way I may deal with a situation may be completely different to how my colleague would deal with a situation, but we both have to justify the way in which we dealt with that situation if it was scrutinised in any way. (Police officer, CSA 4)

This excerpt directly contrasts with the consistency that the local authority in CSA 1 aimed to achieve through their retroactive issuing of FPNs. Moreover, the front-line police officers who were interviewed in CSA 1 were largely unaware that the

Anti-Social Behaviour, Crime and Policing Act 2014 allows them to issue FPNs on the spot to those breaching a PSPO. This indicates a lack of transparency by the local authority within their community safety partnership when they introduce these orders. This revelation prompted discussion about what they would like to change about the mechanisms that are associated with implementing a PSPO. One PCSO notably asserted that:

[F]ixed-penalty notices, it would be great if we could just issue those us selves on the spot. I think that would be the only thing that I would change. (PCSO, CSA 1)

Highlighting another example of a disconnected partnership between local authorities and police officers, this finding hints at undiscussed frustration among practitioners in their implementation processes. Although local authority employees justified retroactively issuing FPNs for the consistency and the subsequent accountability that was stimulated, the decision here disproportionately limits the nature of street-level bureaucracy. Further, compared with other studied areas, which encouraged discretion but provided guidance towards FPN issuing by policing bodies, these discussions further the potential for geographically inconsistent enforcement where local authorities adopt different methodologies to determine when to issue an FPN.

Together, these examples culminate in an inconsistent approach to the issuing of FPNs, leading to substantial differences in the number of these penalties that the local authorities that were studied had given. For example, one interviewee reported that less than six FPNs had been issued for violations of PSPO 4, a converted DCO, and CSA 3 recalled also issuing a comparably low volume of FPNs for their town centre PSPO 7. By contrast, an elected official stated that CSA 2's local authority had issued nearly 150 FPNs to those breaching PSPOs 5 and 6, despite the introductory non-enforcement period in the latter public space.

Moreover, as discussed earlier, CSA 1 frequently issued FPNs to people experiencing street homelessness who were contravening PSPOs 1 and 2. This demonstrates how citizens who are breaching a PSPO are more likely to be given an FPN within public spaces in some local authorities than in others. Disproportionality in the number of FPNs that have been issued also diverts from Ayres and Braithwaite's (1992) assertion that the formal punishments that are contained towards the top of their enforcement pyramid should, and generally will, be used more sparingly in practice (Figure 3.4, p. 106).

7.2.5 Enforcement strategies – summary

The findings here highlight a postcode lottery of enforcement, partly through the discretionary mechanisms that the then Home Office's (2019a) ASB guidance promoted. Whilst a perpetrator may go unpunished in one area, they may receive an informal verbal warning in another, or be issued with an FPN in a third site, despite all three local authorities having PSPOs with the same regulations. Moreover, comparing the approaches that were taken in some areas with the techniques for engaging with people experiencing street homelessness, the findings indicate divergent and contextualistic enforcement relating to the geographical location of a PSPO and the socially excluded groups that are targeted under its remit.

An inconsistent approach creates unequal outcomes in enforcement and a hierarchy of socially excluded groups who receive greater tolerance, such as through an informal verbal warning, and those who do not, through being coerced to comply with a PSPO. Inconsistency inevitably affects compliance from public space users, leading to the enforcement of these orders in ways that could be perceived by citizens as procedurally unfair, particularly where local authorities are not subject to any oversight to ensure standardisation in their approach.

7.3 Resourcing for enforcement

This section presents the difficulties emerging from the significant personnel resourcing that is required to effectively enforce a PSPO, highlighting that practitioners often make the best use of the limited resources that they have at any given time. The following subsections reveal key findings about this element; they draw upon instances whereby limited resourcing critically hindered the consistent enforcement of these orders.

7.3.1 Designating policing bodies

As section 3.7.1 (p. 98) established, there are a variety of policing bodies that can enforce a PSPO. Whilst responsible for implementation and statutorily able to enforce these orders, local authority employees were often reactive in their enforcement efforts. Throughout the interviews, those within ASB or community safety teams noted that they would most commonly remain a surveillant enforcement presence through closed-circuit television (CCTV), partnerships with Shopwatch and Pubwatch schemes,⁷⁵ and responding to calls for service from police officers. For example, the ASB team manager of SRA 3 described the absence of proactive enforcement by the local authority as:

We will remain predominantly an investigation team rather than the patrol services. We don't have the number or the resources to do any high-vis bodycam or patrol. We do occasionally run operations where we go out with the street wardens and do the patrols, but those are targeted and planned in advance rather than a patrolling service. If we did that, our team would have no time to do our casework. (ASB team manager, SRA 3)

⁷⁵ These were described as partnerships between retailers, licensed premises, local authorities, and the police, with the aim of preventing crime and anti-social behaviour as part of broader governance structures. They were often connected to a local authority by (and communicated through) two-way radio systems.

Several participants within this practitioner type stated that the PSPO was the most time-consuming ASB power for them to use. This was the result of several considerations, including the volume of ASB reports that they received in line with the implementation of a PSPO, the broad geographical scope of these orders to manage (which were sometimes borough-wide), and the personnel resourcing that was required to implement and enforce these measures effectively whilst maintaining sufficient progress on their other responsibilities. For these participants, observing an incident in breach of a PSPO on-the-spot often happened because a practitioner was in the right place, at the right time, such as one ASB officer who witnessed a violation whilst walking through their borough's town centre during their dinner break. The neighbourhoods lead from CSA 4 described the prioritisation that local authorities have to make for their different responsibilities as that:

We have to be mindful of the calls to service we're getting. When that individual sat there [is] drinking a can of lager and causing no problems, there's nothing anyone can do. (Neighbourhoods lead, CSA 4)

Moreover, alongside personnel availability, local authority interviewees explained that police officers were better resourced to enforce any PSPOs in terms of the training and uniforms that they receive as part of the role:

If it's spilt out on [the] streets, it's classed as police business really, and also it's for us to monitor, not to go and stop. We're two council officers with a badge, not armed or anything. (ASB officer, CSA 1)

Across these local authorities, participants indicated a lack of confidence and expertise to navigate enforcement interactions, which contrasted with the more formalised training and uniform that police officers have. This reflects the distinctions between the limited training provided to community safety practitioners compared to police officers (Brown, 2013b), offering an insight into

the impact of this spatial power on the self-legitimacy of these individuals. In CSA 2, these practices were due to be changed in the months following the period of data collection, and it was explained that there was soon to be a growing presence of ASB officers proactively enforcing their PSPOs:

[B]est practice from [the] Local Government Association says that any council employee giving out tickets, enforcement tickets, should ideally be uniformed. Now, a lot of the staff we're talking about aren't. I think that's gonna change [in the] next few months because there's a restructure in sort of enforcement and regulation, and I think they'll be more of a uniformed presence as far as [the] council staff is concerned. (Community safety officer, CSA 2)

Through these narratives, local authority employees justified the designation of enforcement responsibility to police officers in terms of better availability of personnel resourcing for designation and by emphasising the suitability of these practitioners to be front-line workers. However, the reliance on police officers to proactively enforce this power generated frustration for some participants who fell within this particular practitioner group, especially considering that they were sometimes completely removed from the processes involved in the earlier implementation of an order. For example, one police officer in CSA 1 expressed that:

[O]bviously, the council have been involved in putting it in, but it's left to the police to enforce it ultimately, isn't it? (Police officer, CSA 1)

They also referenced the impact of limited personnel resourcing on the ability of police officers in this area to enforce the orders that were active in the town centres:

[W]e have three days off in a row, and I know, categorically, that when I'm not on, no one's walking around the town centre. We have a response team who respond to jobs when they come in, [when] someone calls [the] police about whatever it might be. They might come in [to] the town centre to the report of a fight or report a shop theft. But they're not going to [be] patrolling routinely, looking to take [a] can of alcohol from people. So, if me and the town centre team aren't on, it doesn't get done. (Police officer, CSA 1)

Within CSA 1, participants discussed that, due to austerity, the number of police officers within the area had significantly decreased, affecting their ability to respond efficiently to calls for service for sub-criminal behaviour. In an area facing socioeconomic disadvantage like this, such cuts resulted in the lack of policing body presence that the police officer's above excerpt highlights. This individual's senior officer also emphasised the difficulties that policing bodies within this area faced, whilst also acknowledging the police officer recruitment action that the then Prime Minister stated would happen following the completion of this study's data collection:

Boris Johnson quotes 20,000 cops he's recruiting... So, going forward, my ability to react to these will improve over time. But at the moment, it's a little bit, it's a challenge... 'cus we have so many focuses, there are so many priorities, it's like which do we go to first? (Senior police officer, CSA 1)

From the perspectives of these two police officers in CSA 1, the lack of physical policing body presence in a designated public space limited the ability to consistently enforce a PSPO. Police officers like this had few options other than to make do with their available resources, including, in line with Lipsky's (1980/2010) work, developing coping mechanisms which resulted in the limited enforcement of sub-criminal restrictions. In doing so, this finding extrapolates, in a PSPO context, Higgins' (2019) earlier discussions of prioritisation in the aftermath of austerity-related cuts to policing personnel, and it signifies how practitioners would approach effectiveness and efficiency as a principle of governance. In contrast, a local authority employee within CSA 1 noted that police officers, if better prioritised, could more proactively enforce the PSPOs within the existing constraints on their available personnel resources:

[I]f you ask the police, they'd say they need more bodies. However, if you ask the council, they will say no, because if the bobbies you had went into the town centre on a regular basis and patrolled it like they

used to... I don't know. It's gonna come down to money, isn't it, like everything else? (ASB officer, CSA 1)

This individual reported that practitioners like themselves worked weekdays., removing the potential for them to conduct enforcement outside of these more regular working hours, especially compared to the changing shift patterns of police officers. There was an expectation by the local authority in this area that police officers would be able to offer the presence of a consistent authority figure within the designated PSPO zones, with the findings revealing a conflict between the perspectives of these individuals through the lack of a joined-up partnership working strategy. Examples from CSA 4 further demonstrate these tensions as present in other areas:

I know one of the superintendents in the police is pushing for certain council staff to be accredited, because what he's saying is, "The PSPO is in place, it's a great tool for the police, but it is solely down to the police to enforce the order." (Neighbourhoods lead, CSA 4)

These excerpts illustrate the lack of cohesive engagement strategy between police officers and local authorities in some areas that this research studied. However, formal and informal agreements existed between these two partners in other sites, with police officers accepting responsibility for enforcing the PSPO but being transparent with local authorities that their effectiveness and efficiency would be limited because of their other responsibilities. For example, a participant from CSA 3 outlined a working relationship that better demonstrated appropriate communication by, and understanding from, local authorities, resembling the findings of Hughes and Gilling's (2004) earlier work. Within this area, which was one of the most socioeconomically advantaged that was studied, they stated:

So, obviously, [that] falls on to the police to enforce. Urinating in public is a very mild offence to them because they're dealing with so many more challenging issues. (Local councillor, CSA 3)

Comparing the perspectives of the ASB officer from CSA 1 and the elected official from CSA 3, both recognise the responsibility of their respective police officers to enforce any PSPOs. However, the latter demonstrates a greater understanding of the responsibilities that police officers must manage alongside these orders, and the need for these officers to make the best use of their available personnel resourcing by prioritising more serious criminal incidents. The local authority in this area appeared to respect the work and prioritisation of front-line workers more than in CSA 1, and participants reported a better working relationship between the local authority and the police. These findings illustrate geographical divergence around perspectives on resourcing issues and the differing nature of community safety partnerships.

Alongside these two practitioner types, the Anti-Social Behaviour, Crime and Policing Act 2014 allows local authorities to designate privatised individuals to enforce a PSPO. In one such instance, and in responding to concerns raised above about a lack of uniforms for local authority employees as policing bodies, privatised officers conducted enforcement of PSPOs in SRA 3:

They're predominantly enforced by the environmental protection officers. They have the proper authority to issue Community Protection Warnings, Community Protection Notices, fixed-penalty notices and things like that. They're all appropriately kitted up... bodycams and things like that. They do the majority of the enforcement on those kind of things. (ASB team manager, SRA 3)

Additionally, CSA 3 utilised neighbourhood wardens to expand the presence of authority figures who could enforce PSPO 7 within their town centre alongside police officers. Discussing the designation of these policing bodies, it was understood that these practitioners, contrasting with earlier findings in this chapter from other areas, were able to issue FPNs to perpetrators:

The enforcement comes under our environmental health section. FPNs will be issued either by our neighbourhood wardens or the

police; the police can issue our FPNs. (Community safety officer, CSA 3)

Some local authorities employed policing bodies other than themselves and police officers as privatised authority figures to enforce a PSPO. However, considering all nine local authorities that this research studied, no area had employed policing bodies to enforce a PSPO solely as private companies within the data collection period. This discovery is unsurprising considering that Appleton's (2022) findings reported that only 48 of the 339 local authorities in England and Wales have employed such organisations.⁷⁶ Within SRA 2, employing private security firms was a borough-wide practice that had existed for several years before the local authority had implemented any PSPOs. This was mainly to enforce environmental forms of ASB that were criminalised within byelaws, such as littering and dog-related conduct. A regulatory services officer noted that the local authority hoped, in the immediate future, to expand the remit of these policing bodies so that they could also enforce the regulations of their PSPOs. When asked about how the negative discourse around the use of these organisations as policing bodies had affected the decision-making of the local authority in this regard, they responded that:

[T]here is negative connotations to it, but again, it's more the majority of the time, it's false information [that is] encouraged because, do you know what, it's a lot better story than telling the truth, and we don't have the number of officers that we need... we need that support and assistance. (Regulatory services officer, SRA 2)

As this excerpt highlights, there has been a pervasively negative narrative around using private security firms to enforce PSPOs and judgements of disproportionate enforcement have been directed towards local authorities who employ such

⁷⁶ Whilst the researcher made an effort to contact areas which had used such policing bodies through the sampling procedure that section 5.3 (p. 151) detailed, these local authorities either did not respond to these requests or declined the invitation to participate in this study.

policing bodies. These perceptions exist for these orders despite, as explained, local authorities like SRA 2 using them for various other enforcement purposes and as remedies for insufficient personnel resourcing. Within different areas, there was a consideration that, whilst recognising the hostile reception that it may create, the employment of private security firms to enforce a PSPO would alleviate the personnel resourcing issues that police officers faced:

What's my view on that?... If they can effectively enforce it, so reducing the calls for service for my team, I wouldn't be objecting [to] it. (Senior police officer, CSA 1)

Despite the scepticism that was expressed by this senior police officer, practitioners like this perceived the employment of private policing bodies as a remedy for the insufficient availability of enforcement personnel that has been discussed throughout this subsection. This includes the opportunity for enforcement to occur proactively beyond the working hours of local authority employees, having policing bodies with self-legitimacy, and alleviating the resourcing deficits that police officers face by having authority figures who focus solely on addressing the criminal and sub-criminal behaviour that a PSPO contains. In turn, the findings empirically respond to some of the hostile reception of their use within the existing literature, such as Appleton's (2022) report, and align with broader debates on the usefulness of privatised modes of governance in a PSPO context (Crawford, 2011; Hobbs et al., 2003).

7.3.2 Enforcement and the night-time economy

A further considerable factor concerning personnel resourcing is around the need for consistency in PSPO enforcement during night-time economy hours. Through the increased consumption of alcohol within licensed premises in town and city centres, practitioners acknowledged that these times of day would lead

to an increased prevalence of ASB, which the jurisdiction of a PSPO could go some way to address. For example, a police officer from CSA 4 identified that:

[T]hen you get the public order evenings, Friday, Saturday evenings, things like that, where people come and have a drink, and it becomes, people obviously have a lot to drink. (Police officer, CSA 4)

In all of the local authorities that were studied except one, the existence of a PSPO within town and city centres during the night-time economy was incidental to its introduction for addressing ASB incidents during daytime hours. However, for SRA 1, it was noted that one of the primary purposes for imposing their city centre PSPO was to tackle the ASB that was occurring within the night-time economy:

The main reason for putting it in, in the first place, was for the night-time economy and people coming out of pubs and standing for a pee somewhere, but actually catching them, police actually catching them and doing something about it, is very infrequently used. (Community safety manager, SRA 1)

Echoing discussions from Hobbs et al.'s (2005) similar findings, some expressed frustration around their inability to appropriately respond to ASB incidents that took place during the night-time economy. This was a recurrent finding throughout the local authorities that were studied, with participants explaining that an insufficient level of personnel resourcing hindered the enforcement of PSPOs during this time:

[Y]ou have somebody who thinks, "Right, [the] PSPOs [are] in place now. I witnessed this behaviour, why haven't you done something about it?" Well, because it's half-past eleven, midnight on a Friday, Saturday night, there's no police officers, nobody's witnessed it. (Community safety officer, CSA 2)

In these situations, insufficient personnel resourcing allocation affected the ability of practitioners to respond to ASB victimisation experiences. Therefore, the enforcement of these orders was temporally inconsistent between the local authorities studied, and policing bodies would have to prioritise their enforcement

response to a given circumstance by developing coping mechanisms. For a PSPO, this meant disregarding the sub-criminal regulations that were contained within these orders:

We perhaps use the PSPO and the DPPO more in the night-time economy to prevent violence and the use of weapons and that, be it a bottle or a glass or indeed throwing a can at somebody else... it's having the availability of resource to do something about it. (Senior police officer, CSA 1)

Whilst the inclusion of criminal and sub-criminal behaviour within a PSPO renders all regulations under the same threshold for violation, this excerpt indicates that a hierarchy of enforcement priority exists within the night-time economy to ensure that policing bodies respond to the most serious incidents that occur. This approach reflects elements of both Jewell and Glazer's (2006) workload management (Table 4.1, p. 130) and Lipsky's (1980/2010) street-level bureaucracy, exemplifying how different responsibilities are prioritised in light of demands for service and limited resourcing. For sub-criminal behaviour restricted by a PSPO, privatised governing mechanisms were predominantly used in the place of these orders, such as the alcohol license of a public house or the work that door supervisors undertake:

I mean, effectively, the PSPO can deal with drinking in public, but you tend to find, certainly, with the night-time economy, any issues in relation to where pubs have people drinking outside, it tended to be dealt with by the pub's license, rather than the PSPO. (Neighbourhoods lead, CSA 4)

In appreciating the opportunity for privatised forms of governance to tackle sub-criminal behaviour during the night-time economy, this excerpt furthers the findings of earlier studies (Hadfield, 2014; Hobbs et al., 2003). However, this was at the consequence of the enforcement of any PSPOs during this period, and the limited application of these orders during the night-time economy is counter-intuitive to visions of them being active within a designated public space 24 hours

a day, seven days a week. These findings illustrate the impact of limited personnel resourcing results in the temporal enforcement of these orders by policing bodies.

Practitioners were also aware that insufficient enforcement during the night-time economy facilitates perceptions that there is disproportionate punishment of perpetrators within daytime hours. There was a particular awareness that people experiencing street homelessness would likely be punished for the same types of behaviour that night-time revellers did not receive any sanction for conducting. In some instances, participants attributed this to the ability of a policing body to better identify perpetrators within the daytime:

[P]articularly when you think about town centres in the evening economy, that's where it does tend to be a little bit more spread in terms of the types of individuals that might fall foul of the order. I would say primarily daytime the town centre issues can be associated with certain groups of individuals. (Community safety officer, CSA 2)

This statement presents a disconcerting element around the enforcement of these powers, highlighting the implications of temporal inconsistencies to the regulation of ASB incidents. Additionally, one police officer explicitly acknowledged the inequity of enforcement regarding the regulations of alcohol consumption in PSPO 10 between different hours of the day:

I do think people aren't treated equally across the board, sort of between the night-time revellers and the rough sleepers... I don't think they're treated the same. (Police officer, CSA 4)

Overall, interviewees were aware that the temporal enforcement of PSPOs resulted in the inconsistent criminalisation of people experiencing street homelessness for behaviours that went unpunished by those in the night-time economy. The actions of these practitioners do not foster the principles of neutrality and trustworthiness from Tyler's (2003) process-based model of procedural justice when engaging with people experiencing street homelessness (Figure 4.1, p. 141). This omission signifies why participants in several areas

reported that this population group generally were not deterred from conducting ASB that violated a PSPO after receiving an FPN. Moreover, this finding confirms the opinion of people experiencing street homelessness presented by Heap, Black and Devany's (2022) study, where such individuals reported they had received differential treatment from policing bodies compared to other citizens.

This subsection presents that, whilst policing bodies should enforce a PSPO within the night-time economy, they predominantly do not. This is not a new discovery, as earlier studies have highlighted the prominence of inadequate enforcement of ASB incidents during these hours, particularly Millie's (2009) work on DPPOs. However, in this context, the findings present an empirical discovery regarding the impact of policing body personnel cuts and the temporal nature of enforcement. As a result, whilst PSPOs are theoretically operational during the night-time economy, these orders (particularly any sub-criminal regulations) appeared to have become redundant throughout this time for most of the studied areas. This limits the effectiveness and efficiency of these orders and furthers concerns about their prejudicial enforcement against socially excluded groups, notably people experiencing street homelessness.

7.4 Conclusion

This chapter has articulated the main empirical contributions to knowledge about the enforcement of PSPOs, revealing previously under-researched practices around these orders. It has highlighted the frequency of assertive outreach with people experiencing street homelessness whilst presenting a broader issue of some local authorities coercively employing a PSPO against this population group. When perpetrators in other environments fail to face enforcement in the same way, for example by receiving informal verbal warnings instead, this results in disproportionate *and* inconsistent enforcement.

Furthermore, the discussion has presented geographically different practices regarding the use of FPNs among the local authorities that were studied. It found that there are attempts to generate uniformity within areas, and that some practitioners employed these punishments more frequently, whilst others limited the ability of police officers to issue these penalties on-the-spot to perpetrators. This contradicts the nature of street-level bureaucracy and worsens the relationship between the front-line worker and the manager.

A further contribution to knowledge made by this study is that inadequate resources, particularly the availability of policing bodies, exist to enable the effective enforcement of a PSPO. Due to having several conflicting responsibilities, local authority employees deferred such obligations primarily to police officers, causing tensions between these two organisations where there was an absence of acknowledgement of workload constraints. An additional empirical contribution about practitioner perceptions of private security firms suggests that their utilisation could address local authorities' resourcing issues. Due to these challenges, there was limited enforcement during the night-time economy, which led to a temporally disparate approach to implementing PSPOs against vulnerable groups, notably people experiencing street homelessness, during daytime hours.

Reflecting on discussions around implementation in chapter six and enforcement in this chapter, the next chapter examines the perceived effectiveness of the PSPO as an ASB power within the local authorities that were studied.

Chapter 8 – Perceived effectiveness

8.1 Introduction

This chapter responds to the third substantive research question by exploring how practitioners perceive the effectiveness of Public Spaces Protection Orders (PSPOs). The lack of robust evaluative processes for these orders means that these findings provide three new contributions to knowledge:

- i) Practitioners considered the effectiveness of PSPOs when situating these orders as part of the broader toolbox of anti-social behaviour (ASB) powers, but were unable to gauge whether the imposition of a PSPO had contributed towards decreasing ASB incidence rates;
- ii) Other ways in which practitioners perceived the efficacy of PSPOs included the omnipresence of these orders and subsequent encouragement of public space use; alongside a recognition of the need to manage expectations of personnel resource allocation following the introduction of an order; and,
- iii) The approach to extending a PSPO differed among local authorities, with only some areas conducting comprehensive consultation efforts, and some orders being extended based on the potential for ASB to recur, rather than its actual incidence.

This chapter examines the perceived effectiveness of the PSPO from the perspective of this study's participants, rather than an objective evaluation of the use of these measures.⁷⁷ As the following discussions demonstrate, local

⁷⁷ As per chapter five's case study selection criteria, each sampled local authority had at least one PSPO that had been active for six months before the start of data collection in January 2020. This consideration enabled discussions on how practitioners would perceive the effectiveness of these measures.

authorities do not follow consistent processes for evaluating the effectiveness of an order, meaning that the perceptions that are presented here reflect the statistical and anecdotal data that practitioners used to shape their decision-making.

8.2 The anti-social behaviour toolbox

As Figure 3.1 (p. 78) illustrated, the PSPO is one of six measures within the Anti-Social Behaviour, Crime and Policing Act 2014. This section contextualises the perceived effectiveness of PSPOs within the broader framework of ASB measures, highlighting the frequency with which local authorities had employed other tools to tackle ASB incidents. The following subsections also outline perceived difficulties in distinguishing between the effectiveness of the powers that are simultaneously used when disentangling the PSPO from the toolbox of second-wave policy.

8.2.1 Public Spaces Protection Orders are not the “panacea”

The PSPO is considered to be the broadest ASB power that the Anti-Social Behaviour, Crime and Policing Act 2014 introduced (O’Brien, 2016). However, the practitioners who participated within this study recognised that they had to rely upon a range of tools and powers alongside the PSPO; and that these orders were not the “panacea” for addressing the incidence of ASB within public spaces. In case study area (CSA) 2, several participants expressed a belief that their PSPOs alone, particularly the punitive nature of these orders, were insufficient tools for resolving all occurrences of ASB:

It can be effective, but you’ve got to take it in isolation. It’s not the panacea to all the problems. It’s something that’s there to help, that you can use if you need to use it, but there’s got to be other things as well. You can’t just enforce your way out of problems. (Community safety officer, CSA 2)

As was detailed in section 7.2 (p. 219), local authorities employed an incremental approach to enforcing a PSPO, utilising informal verbal warnings and assertive outreach before progressing to issuing the statutory penalties. The suggestion that “You just can’t enforce your way out of problems” acknowledged the need for informal or holistic citizen engagement within the context of the effectiveness of these tools. An elected official within this area conveyed a similar perspective, discussing the plethora of strategies that the local authority had adopted alongside the introduction of their orders:

So, there’s been other measures coming in as well. But, yeah, we were very clear that this doesn’t solve everything. This is just another tool for our officers to be using. (Local councillor, CSA 2)

Similarly, a participant in CSA 1 emphasised the decision to use a range of tools and powers in different circumstances:

It might be CPWs [Community Protection Warnings] or CPNs [Community Protection Notices]. It might be that you go straight to [a Civil] Injunction. It might be a criminal offence, straight to an arrest. Whatever, depending on the circumstances. I think it’s [the PSPO] a tool to be used appropriately, but that’s all it is. It’s a tool. It’s nothing more, nothing less... it’s an option for addressing behaviour or managing behaviour within a designated area. (ASB team manager, CSA 1)

Another individual furthered these debates through their experience of proposing a PSPO within a quasi-public space, but ultimately deciding against its imposition. In reflecting upon their decision to use a variety of different strategies instead of the PSPO (including privatised forms of governance within this environment) they contemplated a misconception that these orders would be effective in all circumstances:

It’s a very useful tool, it really is, and they’ve all got their own individual merits, and you have to work out what you would use in each individual circumstance. You couldn’t say, “Right, everywhere that does this, we’re going to have a PSPO”, ‘cus that just wouldn’t work, you know. It’s like saying, “We’ll take an Injunction out on everybody that does

this.” You still wouldn’t do that either; every case is so individual, you know. (ASB officer, CSA 2)

The flexibility to employ various tools was also found in other areas. A police officer noted how they could perceive a PSPO as effective in some circumstances, but highlighted that alternative measures might be more appropriate in other situations:

It’s just part of that toolkit, the ASB toolkit. You pick the right one for the right time, just as you would do for any job. (Police officer, CSA 4)

With these understandings, participants indicated that these orders were not applicable in every circumstance. Using preventive justice, these perspectives signify that practitioners sometimes considered PSPOs to be an excessively intrusive way to address the prevalence of ASB, particularly where informal strategies or individual powers may be more appropriate. This consideration subsequently questions the proportionality of their imposition within a public space where practitioners are overtly aware of its potential inappropriateness. By not seeing the PSPO as a “panacea” for ASB, practitioners employed several other ASB tools and powers that they had available, which are discussed below.

8.2.2 Employing all the tools within the toolbox

As detailed above, practitioners perceived the effectiveness of PSPOs within the broader toolbox of powers that can address ASB incidents in public spaces. Another spatial power that several areas utilised alongside these orders were Section 35 direction to leave notices. For instance, a senior police officer explained how the local authority in CSA 1 would ask them to authorise this power to provide policing bodies with the option to temporarily disperse perpetrators from a public space:

[T]hey would come to me and go, “Would you put a dispersal order in place for the day because we’ve had a number of [ASB incidents]?”...

if we've got a particular event on or there has been a particular problem over the last few weeks, I will... put a dispersal zone in place, which then gives my staff [the power] to go, "Get out of town"... and we use the same map as the PSPO, we use the same area. (Senior police officer, CSA 1)

The geographical jurisdiction of Section 35 notices in CSA 1 mirrored the designated map of the PSPO zone, representing a layering of the various spatial powers that can tackle the ASB that was occurring within these specific public spaces. The authorisation process for these notices notably reverses the process for how a PSPO is usually introduced, with local authority practitioners approaching senior police officers to issue them. The police were generally willing to issue these notices when asked to do so by a local authority, particularly in a targeted effort to prevent harm from ASB by issuing a different penalty to a PSPO, that being the displacement of a perpetrator from the designated public space. It also represented efforts to make the most effective use of the resources available to address the presence of such behaviour.

However, front-line workers perceived that this tool was an ineffective way for addressing the underlying issues that caused socially excluded groups to conduct ASB within these sites. As was described, the use of these notices created engagement with the criminal justice system for those in breach and did not result in a "positive outcome" for perpetrators:

Section 35 of that Act gives us a power to ban a person from a certain area for a period of time, up to 48 hours, which obviously gives the area a bit of a reprieve from that behaviour. If they do return to that area within the time that they've been asked to leave, they can be arrested for that, and then they would have to go to court. Again, there's no positive outcome of that; it's not offering them any help or support, it's sort of a stopgap. (Police officer, CSA 4)

Section 35 notices divert from the incremental and procedurally fair approach to enforcing a PSPO that this study presented in section 7.2 (p. 219). Layering a perceivably more punitive tool on top of an existing PSPO provided a "stopgap"

for addressing ASB incidents that these orders tackled ineffectively. Appreciating the inadequacies of these notices in producing a “positive outcome”, one front-line worker clarified that:

It's just the way the teams get taught, to use a Section 35 notice to get rid of an issue in an area. (Police officer, CSA 4)

In these instances, it was understood that issuing a Section 35 notice gave them the power to displace perpetrators, and perceived that this was somewhat of a blunt instrument for addressing recurrent ASB incidents. From the short-term respite that these notices deliver to other public space users, the use of this power has the potential to further concerns surrounding the implications of displacing citizens that were raised about first-wave tools (Crawford & Lister, 2007; Millie, 2009; Squires & Stephen, 2005a). In these terms, the use of a PSPO was perceived to be a more incrementally supportive, long-term way of resolving ASB incidents and encouraging civility among public space users, but they were ineffective when compared to the immediate impact of displacement through Section 35 notices, in addressing ASB on a short-term basis.

Drawing contrasts with spatial tools, participants would also detail how, in some instances, individualistic ASB powers were more appropriate for them to use than a PSPO. Within the data that was collected, the most commonly discussed individual power that were used as an alternative to these orders were CPWs and their associated formal notice, CPNs. Frequently, the issuing of these notices, where the CPN carries the same financial punishment as PSPOs of £100, would occur to address ASB, which the jurisdiction of a PSPO did not sufficiently cover:

Most of the CPN stuff is to do with things like people not keeping their gardens tidy, [and] a lot of wider issues rather than breaching the PSPO. But you can do both, give a CPN and do a PSPO. (Community safety officer, CSA 2)

In this area, participants discussed their restrained use of CPNs following their introduction within the Anti-Social Behaviour, Crime and Policing Act 2014. However, over time, and with guidance from local governmental advisers, their frequency of issuing notices for a wide range of behaviours had expanded:

[T]he CPN's quite fashionable, and... the guidance started off quite timid. The guidance around it were quite, "Here's another tool if you feel like using it", but as it's gone on, when any government adviser comes, they're now advising, our instructor [was] in a week or two ago as I was asking for advice myself [and] they're like "This is a lovely tool, just use it. It's a nice, quick solution." (ASB officer, CSA 2)

For some, issuing a CPN was a fairer way to punish ASB given that it was more straightforward for recipients to challenge these notices:

I think when you look at how you challenge a CPN, I think that's much more accessible – it's the Magistrates' Court, it's a complaint by way of appeal to the Magistrates. You can apply for fee waiving because of your income. I think that's a much better and fairer way to challenge rather than making it something that's built into a PSPO. (Legal professional, CSA 1)

CPNs were perceived to be an individualistic enforcement tool for addressing behaviour that the restrictions of a PSPO did not cover. As these two participants indicated, they were more accountable and convenient for practitioners to issue. By contrast to the spatial scope of the PSPO, and the regulations included within such orders, local authorities would criminalise behaviour that was particular to the recipient of CPNs, such as "not keeping their garden tidy"; conduct which Bannister and Kearns (2013) indicated can generate intolerance (Table 2.3, p. 52). This reflects a much broader issue around the generality of regulations that are contained within civil preventive orders, something that Ashworth and Zedner (2014) have criticised.⁷⁸ However, in the context of this study, the findings

⁷⁸ For a more detailed discussion on the discriminative use of CPNs using the lenses of Ashworth and Zedner's (2014) preventive justice and Lipsky's (1980/2010) street-level bureaucracy, see Heap, Black and Rodgers (2022) and Heap, Black and Devany (2023), respectively.

illustrate perceptions of the limited effectiveness of a PSPO through the rigid processes that mean restricted behaviours have to be pre-determined at the time of imposition. This could limit the “elastic” definition of ASB in some aspects. Moreover, it also signifies practitioner awareness of the constriction that is present within the 2014 statute regarding the processes for challenging a PSPO following its introduction.

When dealing with young people, local authorities particularly hesitated to employ the formal penalties that are associated with a PSPO. This was especially prominent where criminalisation, and perceptions of procedural unfairness, were a consequence, as chapter seven considered. Instead, and alongside the earlier discussions of issuing informal verbal warnings, practitioners often used an Acceptable Behaviour Contract (ABC) in an attempt to regulate the conduct of a young person. In discussing how the use of ABCs allowed their local authority to engage not just with the perpetrator, but also with their parents, it was explained:

The more we can get to do [with] an individual, we might do Acceptable Behaviour Contracts on them because they're not legally binding, but what we are saying is, “Look, if you are doing this, then please stop it.” We're not actually accusing them of anything [laughs]. You would point out the consequences of their actions; you would also speak to the parents as well. (ASB officer, CSA 2)

Regarding the enforcement of PSPO 3, which included a prohibition directly targeting the congregation of young people causing “harassment, alarm or distress”, somebody in CSA 1 reported that:

[W]e do a lot of Acceptable Behaviour Contracts, especially with the younger people, we do sort of say, “Look, you can't be in a group”, and that gets put into a contract. (ASB officer, CSA 1)

These excerpts add further insight into the greater tolerance that is afforded to young people when policing bodies enforce PSPOs, especially compared to the approach that practitioners take to people experiencing street homelessness.

ABCs are informal contracts between the local authority and a perpetrator, and participants used these documents to educate young people on ASB and the implications of continuing to conduct unwanted behaviour. However, few participants went on to state whether their use of ABCs was effective in lowering ASB incidents among young people, presenting uncertainty around the extent to which the current use of these agreements extends findings from earlier studies (Brown, 2012; Crawford et al., 2017; Squires & Stephen, 2005a; Stephen & Squires, 2003; 2004). Additionally, where local authorities were hesitant to formally enforce PSPOs against young people, particularly when regulations specifically targeted such individuals, this raised questions about whether introducing an order like PSPO 3 was an appropriate decision for the local authority in CSA 1 to make.

Finally, at a comparably lower rate to other ASB powers, but with a greater consequence, some discussed applying to the Magistrates' or County Court to begin criminal proceedings for issuing a perpetrator with a Criminal Behaviour Order (CBO). In these situations, practitioners would take instances of the earlier issuing of a fixed-penalty notice (FPN) for a PSPO breach, and use this as evidence to support the application for this other order:

I've got to put a table of evidence in that says, "On this date, at this time, at this location, such and such did this, was arrested for this, or was issued a PSPO ticket for drinking in the street." That's the information I use. (ASB officer, CSA 2)

Within CSA 2, local authority employees suggested that CBOs obtained compliance from citizens on a long-term basis, whilst PSPOs were a short-term means to reassure public space users that the local authority was taking action to address ASB:

So, actually, the CBO has been... the one that's given teeth to those real persistent offenders, but the PSPO has given... a little bit of solace

to people, a little bit of a base to start getting your evidence together for a CBO later. (ASB officer, CSA 2)

Whilst prominent in this area, CSA 2 was not the only local authority that was studied to discuss the use of these orders in such a way. For example, those from supplementary research area (SRA) 1 reported using a PSPO violation to obtain a CBO for an individual consuming heroin within a public space in contravention of restriction contained within a PSPO on the consumption of intoxicating substances. Moreover, practitioners from CSA 1 applied for a “bolt-on” CBO for recurrent perpetrators of a PSPO, asserting that:

What we have tended to do is, so we've got a PSPO in place, and the individual's breaching it, is persistently breaching it and causing, erm, an impact, an issue with a smaller area, look at a bolt-on Criminal Behaviour Order, and we've had a CBO bolted onto a breach of [a] PSPO. (Legal professional, CSA 1)

In these areas, the formal enforcement of a PSPO was a mechanism to secure a more serious and individualised punishment for persistent offenders, with greater consequences for those continuing to conduct ASB.⁷⁹ Using these orders in this way generates a disproportionate criminal penalty for those who may have initially conducted sub-criminal behaviour in breach of its civil regulations. It is a decidedly punitive stance for local authorities to take in governing. Whilst the flexible use of PSPOs does not necessarily contradict the rule of law as a principle of governing, partly due to the broad nature of the Anti-Social Behaviour, Crime and Policing Act 2014 allowing for a range of different interpretations by practitioners, it does raise concerns about the robustness and accountability of the ASB strategies of these local authorities. Furthermore, where civil breaches of sub-criminal behaviour later function as mechanisms for obtaining criminal sanctions, this may affect perceptions of procedural fairness from those receiving

⁷⁹ Section 30(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 provides that imprisonment is a potential punishment given by the court for those breaching a CBO.

this punishment. It also leaves local authorities open to both scrutiny and challenge for any CBOs that have been issued based on a PSPO violation as its founding evidence.

Aligning with previous discrepancies between local authority employees and police officers, a senior police officer in CSA 1 had opposing views regarding the use of PSPOs in this way. They argued that issuing an FPN for the breach of such an order should not be later used as evidence for a CBO:

[B]ecause it's not criminal. The PSPO sits within the county court sphere. So, let's say we've got a recidivist, who they would take them to the county court. As opposed to Criminal Behaviour Orders, which we use predominantly on the back of possession of controlled substances, [and] recidivist shop theft, so, and part of their CBO will be to stay out of the town centre. (Senior police officer, CSA 1)

This excerpt highlights a recognition of the contrast between the civil nature of PSPOs and the criminal underpinning of CBOs and that, despite the 2014 statute introducing both tools, different legal jurisdictions underpin their use. They detailed the criminal offences that would result in the application for a CBO, underlining how the breach of a civil PSPO, often on sub-criminal behaviour, would not be sufficient. Where Heap, Black and Devany (2023) found that local authorities would use CPN violations as evidence for obtaining a CBO, the findings here extend the same discovery for the PSPO. However, it signals a move from the use of an individualistic power to one with a spatial remit that is applicable to all public space users.

This subsection demonstrates that practitioners use various ASB tools and powers alongside introducing a PSPO within a designated public space. It provides further empirical contributions that align with Heap, Black and Devany's (2022) discussion of layering formal enforcement powers provided for in the Anti-Social Behaviour, Crime and Policing Act 2014, showing where other powers

were utilised in response to the perceived limitations of the scope of these orders. Further, the discussion here distinguishes the new range of measures from Mayfield and Mills' (2008) commentary that Anti-Social Behaviour Orders (ASBOs) consumed the discourse and implemented first-wave policy by highlighting the recurrent frequency with which practitioners employ other tools.

8.2.3 Disentangling the toolbox

For most of the local authorities that were studied, the documents that were associated with the implementation of a PSPO outlined that the introduction of an order aimed to decrease the breadth of ASB incidents that occurred within the designated public space before they became cumulatively impactful.⁸⁰ If the imposition of a PSPO met this aim, and ASB incident levels had decreased in the designated public space following its introduction, some would consider the choice to use this tool a success. For example, regarding the efficacy of PSPO 1 and PSPO 2, it was explained that:

I think it's very effective at controlling what the key issues [are] in an area. So, we've still got ASB issues in the town centre, but they tend to be more isolated and more unique. (Legal professional, CSA 1)

By reducing the number of ASB incidents within this area that practitioners had to respond to, their PSPOs efficiently lowered ASB incident rates within the town centres. However, the concurrent use of several different ASB tools and powers created issues for practitioners when specifically perceiving the effectiveness of a PSPO. Crucially, although participants would outline that the level of ASB (or volume of ASB reports) within a public space had decreased following the imposition of an order, they were often uncertain as to what power, if any, was the

⁸⁰ JUSTICE's (2023) publication similarly found that both decreasing and deterrent levels of crime and incivility were metrics by which practitioners would consider behaviour orders (a broad term that encompassed several tools and powers) to be effective.

direct cause. Practitioners infrequently attributed this to the perceived effectiveness of introducing any PSPOs:

[T]he evidence seems to suggest it's made a difference. I don't see why it particularly should. The only thing I would say about how we've done the PSPO is [that] I've obviously learnt from previous experience of the designated orders and done it in a better way, I think. I've made it easier for us to understand what areas are enforceable for an officer and the public. (Environmental health officer, CSA 1)

Despite the available statistical data that presented decreasing levels of ASB, this interviewee was pessimistic towards suggestions that this was the direct consequence of the imposition of PSPO 4. Instead, they argued that this order was primarily effective for consolidating their governing practices. Similarly, others reported that the statistical ASB rates were generally lowering across the borough in CSA 2. In turn, this provided difficulties for them to determine whether or not their orders had been effective through the datasets that they had available:

The problem we've got is that ASB was decreasing anyway, so can we attribute that to the PSPO? We don't really know. Can we say that [the] continued decline is a result of the PSPO? We don't really know at this stage, and I think in a lot of areas, it will take a much bigger dataset than what we're talking about at the minute to have a proper understanding. (Head of service, CSA 2)

Another participant in this area emphasised the difficulties of directly measuring the effectiveness of a PSPO. They reflected on the utilisation of the broader ASB toolbox by asserting that:

I think what is clear is you can't just say it's the PSPO itself. Like I say, it's one tool in addressing the issue, and there have been other measures at the same time that have been put in place. (Local councillor, CSA 2)

Without robust processes to identify the impact of these orders, it was challenging for a local authority to determine which powers from the toolbox have contributed, if at all, to decreasing ASB incidence rates. The Anti-Social Behaviour, Crime and Policing Act 2014 encourages local authorities to layer the use of as many powers

as possible in the hope that one works to reduce the presence of ASB within public spaces. In doing so, this limits their ability to consider why particular powers have or have not been effective through robust evaluative processes. When considering their nature as civil preventive orders, the findings here further concerns that earlier commentary has raised (Ashworth & Zedner, 2014; JUSTICE, 2023; Stern & Wiener, 2006) within this new context. This consideration becomes more complicated in contemplation of the statutory requirement to operationalise the effect of a PSPO to either extend or rescind an order for operation within a public space. Section 8.4 (p. 277) considers this further.

In determining how local authorities perceive the effectiveness of a PSPO, these excerpts prompt a discussion of additionality, defined as “the extent to which something happens as a result of an intervention that would not have occurred in the absence of the intervention” (Homes & Communities Agency, 2014:1). The findings here indicate a lack of additionality from the imposition of an order, as practitioners acknowledged a trend in decreasing ASB levels within their borough, regardless of any proactive action that they had undertaken. Further, they indicate an inability of local authorities to distinguish the imposition of a PSPO from other formal and informal mechanisms that they had utilised. In part, the hesitancy to claim the perceived success of a PSPO could represent an intention to remain fully transparent and accountable in their governing. It could also be a remnant of New Labour’s evidenced-based policy, the ‘what works’ methodology, that underpinned the use of earlier powers (Tilley, 2001; Wells, 2007), combined with a lack of clarity from the central government about how they should evaluate these new tools.

Regardless of the difficulties that this subsection has highlighted, the following section identifies some ways through which a local authority would perceive the effectiveness of a PSPO.

8.3 Further considerations for perceiving effectiveness

The Anti-Social Behaviour, Crime and Policing Act 2014 and the then ASB guidance produced by the Home Office (2019a) have not detailed what the effectiveness of a PSPO means, and there is no obligation for local authorities to conduct a formal evaluation of the use of these orders. This part considers how practitioners perceived effectiveness, especially in light of the above discussions. The following subsections outline how effectiveness is perceived through the ability of these orders to encourage citizen use of a public space, and they subsequently indicate how measures of effectiveness are contextual and depend on allocations of personnel resourcing.

8.3.1 Symbolism and reassurance as indicators of effectiveness

There were perceptions that PSPOs were imposed to reassure citizens that the local authority was responsive to their victimisation experience by taking a proactive approach against the incidence of ASB. As was explained, the spatial nature of these orders allows a local authority to combat any perceptions of a lack of responsiveness from their governing:

We will refer to the PSPO when they say we're doing nothing or there's nothing we can do. That's when we will say, "Well, there is a PSPO in place, and we will take action if we need to." (ASB officer, CSA 1)

In these circumstances, the introduction of a PSPO was a symbolic demonstration of proactive action by a local authority, providing a form of reassurance to citizens which signalled the effectiveness of an order to these practitioners. The spatial nature of these tools is a distinct aspect of this measure

when compared to other individualistic ASB powers, which require publicity to spotlight local authority action. It also seeks to respond to the findings of past studies that citizens were unhappy with the perceptions of limited action that was taken by local authorities towards ASB incidents (Thompson et al., 2019). This approach to perceiving effectiveness recognises the victimisation-refocus of the Anti-Social Behaviour, Crime and Policing Act 2014 in its creation of second-wave powers, and it empirically furthers JUSTICE's (2023) commentary, alongside Brown's (2020a:588) statement that "A PSPO is a low-cost mechanism for a local authority to communicate that they are doing something."

Subsequently, reassurance encouraged the use of a designated public space, particularly for disadvantaged town and city centres. For instance, upon reflection on the imposition of PSPO 7 in the town centre of CSA 3, it was suggested that:

I think it's a good positive step that we've had for the town. We want to entice people in, not keep them away. (Local councillor, CSA 3)

Furthermore, a Police Community Support Officer (PCSO) considered how implementing their PSPOs in CSA 2 had incrementally changed citizens' narratives towards these environments. They particularly noted the perceptions of safety that the PSPO had fostered towards the use of such sites:

I do believe now... the actual town and [PSPO 6] has improved dramatically, and that's been borne out by the people in [PSPO 6] and the people in [PSPO 5], sort of on social media saying the town feels better, looks better, the elderly say it feels safer to come in, there's not beggars on the street; they're not drunk on the street. (PCSO, CSA 2)

The findings here echo the decision-making that supports the inclusion of certain requirements from section 6.4 (p. 204) to address particular behaviours, specifically those that are associated with socially excluded groups, which made citizens feel unsafe when within public spaces. The effectiveness of the PSPO, in this sense, reflects the benefits that citizens perceive from the use of 'codes of

conduct' within quasi-public spaces, and the notions of security that derive from the exclusion of some citizens, like people experiencing street homelessness, from these areas (Crawford, 2011). In doing so, it indicates that the legislatively revanchist nature of PSPOs, through Johnsen and Fitzpatrick's (2010) work in Table 2.1 (p. 43), also acts as one barometer which practitioners use to perceive the effectiveness of these orders. Effectively, local authorities used the imposition of a PSPO to both determine and signal which public space users deserved to be in these environments.

A practitioner's perspectives on the effectiveness of a PSPO often results from the ability of these orders to reassure other public space users that the local authority is taking proactive action towards ASB. Their success, therefore, relies upon the broader justification for imposing civil preventive orders on the premise that certain citizens cannot reassure local government officials that they will not cause harm (Ashworth & Zedner, 2014; Ramsay, 2012). However, it is questionable as to whether the symbolism of a PSPO, with its potentially broad impact on Article 8 of the European Convention on Human Rights (ECHR), the right to a private and family life, and Article 11 ECHR, the right to assembly and association, are both the most proportionate and least intrusive instrument for a local authority to employ. Without any alternatively objective mechanisms for gauging the effectiveness of these orders, the rationale for such extensive intrusions on the rights of these citizens is uncertain.

8.3.2 Resourcing and perceived effectiveness

At different times, local authorities would gauge the effectiveness of a PSPO to be relational to the personnel resourcing that they had available to implement and consistently enforce these orders. Often, this was at the expense of any other consideration that may have genuinely impacted the efficacy of any

PSPO. For example, whilst one participant perceived them as an effective tool within their area, more significant resourcing allocations would further improve the positive impact of these orders within their designated public spaces:

I do think they're effective, and I do think you need them, and I do think that they work to an extent, but [they] would work a lot, lot better if they had more people to enforce things, but that's something beyond my control. (Community safety officer, CSA 2)

Interviews with senior local authority employees revealed similar sentiments regarding PSPOs within several areas that were studied. As someone from CSA 1 detailed:

I think they're only as effective as the resources you've got at your disposal, and... the resources at your disposal to implement a well-designed, well-consulted on... targeted Public Spaces Protection Order, that is about addressing the problems that you've identified, they're effective. If it's just something that's thrown together and under-resourced... then they're not worth the paper they're written on. (ASB manager, CSA 1)

Moreover, somebody else specifically detailed the impact of cuts to policing body numbers within CSA 1, accentuating the consequence of this decrease in the consistent enforcement of these orders. Building upon the discussion of designation within section 7.3.1 (p. 244), this same participant asserted that:

[C]onsistency of enforcement is difficult. At the time the [PSPO 3] was incepted at the retail area, I had 25 PCSOs in this town. I'm now down to, at full-time equivalent posts, I'm down to 10. (Senior police officer, CSA 1)

Here, the availability of policing bodies had decreased by 60% following the implementation of PSPO 3. In line with the tenet of effectiveness and efficiency from the taxonomy of governing principles, the findings reveal that the role of practitioners, particularly those in senior positions, was to make the best use of the opportunity that was presented by implementing a PSPO within their existing constraints around personnel resourcing. Reflecting the broad nature of these orders, and the resourcing allocation that is required for their effective

implementation compared to other individualistic second-wave powers, participants understood that insufficient personnel resourcing hindered the ability of a PSPO to be as effective as it could be. An example of this is the city centre order that was introduced by SRA 1, which contained eight prohibitions and requirements. Highlighting one of the only examples where a practitioner perceived a PSPO regulation to have been ineffective in remedying the occurrence of ASB, the manager of the community safety team identified that:

It depends on the topic... Begging it had a really good effect, and our engagement was improved, and that was really useful... and then there was some prohibitions that didn't work. So, the toilet one and the urination and defecation, they didn't really work. I think they could've done, but I don't think there was a huge focus by the police on that.
(Community safety manager, SRA 1)

Through the various criminal and sub-criminal behaviours that this order encompassed, the need for front-line workers to prioritise the enforcement of certain regulations detrimentally impacted the restriction on public urination and defecation. There are suggestions that the inclusion of too many prohibitions within this order hindered its overall effectiveness due to inabilities around appropriate resourcing allocation. This proposes an association between PSPOs with greater, specific focus and their subsequent perceived effectiveness. In the renewal of this order, the local authority demonstrated this by decreasing its number of prohibitions and requirements to reflect the prioritisation of certain behaviours during its initial operational period. This provides empirical evidence to support the Home Office's (2019) recommendation that the regulations that PSPOs contain should be precise and limited to facilitate consistent enforcement. Consequently, the introduction of a PSPO had an incidental effect of increasing citizen expectations of resourcing allocations towards its use. In response,

practitioners managed the public's expectations of the order by outlining that its introduction does not guarantee greater resourcing towards addressing ASB:

[T]he way I've always worked is to be really honest with people and say, "This isn't a magic wand that's gonna come and solve all your problems, and just because these extra powers are there doesn't mean you're gonna suddenly have 100 police officers walking round and enforcing it"... it is a difficult one to manage because people do see it as coming in and solving a problem. It's not necessarily the magic wand that it needs to be. (Community safety officer, CSA 2)

Whilst highlighting the benefit of the imposition of a PSPO for responding to ASB incidents, the manager of the ASB team in SRA 3 similarly noted the importance of tempering citizen expectations:

So, if done correctly, it's a fantastic tool, but it needs to be managed correctly, and expectations need to be managed as well... if you create something that you're never going to be able to enforce, all you've done is unrealistically raise people's expectations. (ASB manager, SRA 3)

These excerpts highlight the pragmatism that local authorities adopted, demonstrating an awareness that there is a limit to the effectiveness of these orders in terms of the personnel resourcing that is allocated towards their implementation. Participants acknowledged that these orders are not "magic wand[s]" within public spaces. As part of the education regarding the implementation of an order, practitioners would seek to explain to public space users the impact of resourcing deficits and avoid, as was described, "unrealistically rais[ing] people's expectations" following its imposition. Resultingly, the omnipresence of PSPOs within public spaces can be a double-edged sword, signalling the proactiveness of a local authority, whilst also increasing citizen expectations of their responsiveness. At the same time, introducing an order did not convey the challenges in personnel resourcing that local authorities experienced.

These mechanisms for perceiving the effectiveness of PSPOs play a crucial role in determining whether a local authority extends an order following its expiry, which the following section explores.

8.4 Renewing Public Spaces Protection Orders

Understanding the impact and effectiveness of a PSPO is significant when considering the statutory requirement for local authorities to either extend or rescind an order following its maximum three-year period of operation. In line with the Local Government Association's (2018:19) proclamation that "A thorough evaluation will help to determine if the PSPO has addressed each aspect of the problem behaviour", this section presents the findings relating to how the local authorities that were studied engaged with this process.

8.4.1 The renewal process

All of the local authorities that were studied had decided to extend a PSPO that they had introduced for additional periods as it approached its expiration. During the data collection period in 2020, several areas were approaching this consideration for the second time, recognising that it had been six years since the enactment of the Anti-Social Behaviour, Crime and Policing Act 2014. Despite Donoghue (2010) stressing the importance of standardisation in the application of civil preventive orders, the approach of local authorities towards the renewal process was inconsistent. This created issues in the proportionality of the continuation of these orders.

For some areas that were studied, the renewal process was extensive. For instance, CSA 3 had recently concluded a consultation for the renewal of their town centre PSPO 7. At this stage, the local authority considered removing the prohibition on begging from this order. In response to this proposal, their

interpretation of the statutory requirements was that they had to undertake significant consultative research to gain consensus-orientation on the variation:

Well, again, this is the first time we've done it, and our legal advised us to go out and do a full consultation. We did on the main PSPO anyway because there was going to be changes. (Community safety officer, CSA 3)

Demonstrating a similar example for another local authority, it was noted that for the extension of their orders in SRA 2:

You're pretty much looking at the same thing. I mean, again, it's a lot of factual information and gathering evidence. I suppose the only real difference is, do we still need it? You're not asking that question when you're putting it in place, you're asking the question of do we need it?... It really is the same process. There's no big deviation. (Regulatory services officer, SRA 2)

Further highlighting the intensity of this process, but also its rewards in ensuring a local authority's accountability, the person responsible for implementing PSPO 4 stated:

[I]t's just a bit time-consuming, a bit of a ball-ache, you know, just [to] do it all again, sort of thing. But then people can't really accuse you of not consulting as you've asked everybody again. (Environmental health officer, CSA 1)

Finally, a safer communities manager detailed the mechanisms for renewing their PSPO. Contrasting with findings from the earlier discussions of consultations within chapter six, this participant noted that the local authority engaged with front-line policing bodies to gauge their perspective on the efficacy of their order:

[W]e did fairly extensive consultation with the police in particular, and mostly, the police on the ground, the operational people, PCSOs, they were inclined to think it had been really helpful, and it had been, in a way, very non-confrontational for them. (Safer communities manager, SRA 4)

Within these areas, the mechanism for renewing their PSPOs represented, as a minimum, the same level of a "full consultation" with citizens and partner organisations that the local authority had originally conducted when introducing

an order. The Anti-Social Behaviour, Crime and Policing Act 2014 does not impose such an obligation on local authorities who are renewing a PSPO. However, these areas consulted comprehensively to strengthen the accountability of their decision-making in response to a vague legislative framework and, as was suggested, avoid accusations that they had not engaged with partners or public space users. In these situations, practitioners hesitated to extend a PSPO without the evidence to demonstrate that they needed to do so. Furthermore, reflecting their nature as civil preventive orders, it was indicated that these processes allowed local authorities to consider whether such orders continued to be a proportionate response to the incidence of ASB within public spaces.

By contrast, for others, the decision to renew an order was based on a simplified version of the steps that they took when they introduced the PSPO several years prior. For example, one individual within CSA 4 suggested that:

[T]he extension process would be a slightly more streamlined version of the initial application, where, as I said before, they would look at what are the statistics – has it assisted the community? Has it been of use to the council? Has it been of use to the police? (Police officer, CSA 4)

In CSA 1, local authority employees had adopted a similar view for their two town centre orders, PSPOs 1 and 2. An ASB officer detailed the mechanism for renewal that their ASB team had employed:

[I]t was half the time it took to [do] the actual one in the beginning. So, because we didn't have to consult everybody this time because they were in favour of it from the past. We looked, we just had to notify them that this is up for renewal and if there is any concerns, then please reply to whatever by a certain time. (ASB officer, CSA 1)

As these excerpts indicate, the extension of a PSPO took less of the local authority's time and resources because, in their interpretation of the statutory requirements, they did not have to conduct the same level of consultation as

when they originally introduced these orders. They explained that the local authority assumed a somewhat passive role; they waited for those within their community safety partnership to come forward with concerns or opposition to the continuation of these PSPOs, rather than making a proactive attempt for them to gauge the response or effectiveness of their imposition.

As chapter six established, it seemed that this local authority varied the scope of these PSPOs at the renewal stage due to previously disregarded behaviour now being considered as posing a “community need”. In doing so, this local authority potentially did not proactively consult with those who were most likely to be affected by the variation for the *inclusion* of new restrictions. However, CSA 3 conducted a “full consultation” for the *removal* of a similarly punitive regulation of begging in their town centre PSPO. These approaches are antithetical, and the processes of CSA 1 may not represent equitable and inclusive decision-making, especially upon comparison to the mechanisms that CSA 3 had adopted. The scope of their town centre orders could be considered disproportionately punitive, opening the local authority to potential challenge and implicating perceptions of procedural unfairness during subsequent enforcement.

The ASB officer from CSA 1 was especially unhappy with the statutory requirement for local authorities to renew a PSPO. They later gave their opinion that:

I don't think we should need to renew it. I think it should be a thing in place, yeah, maybe review, have a review period, and then say, "Yeah, we may need to put that in." I don't think we need to renew it every three years. (ASB officer, CSA 1)

Several other participants also expressed dissatisfaction with the resourcing obligations that are associated with the statutory renewal process:

I understand there's a good reason for reviewing and making sure they're right, etc., but it's a resource that councils then have to find.
(Community safety lead, SRA 5)

The findings show that local authorities have adopted no standard approach for the renewal process. Previous spatial ASB measures, such as Designated Public Place Orders (DPPOs), were often open-ended in their scope, meaning that local authorities did not have to engage in cyclical processes to renew these powers. However, this meant that they were often disproportionate and were imposed in a public space beyond their perceived need, which is a criticism that is recurrently raised when discussing the use of civil preventive orders more generally (Steiker, 2013). Most participants in this study recognised the importance of recurrently assessing whether their PSPOs were a necessary enforcement tool. Nevertheless, the Anti-Social Behaviour, Crime and Policing Act 2014 created a vague obligation for them to contemplate the effectiveness of an order without providing the legislative specificity that would justify designating resourcing towards such endeavours, nor the processes that this would practically include.

All of the strategies that this subsection has detailed could be considered lawful interpretations of the broad statutory process for renewal. Through the deviations that the local authorities took, however, there is the potential that one area could continue the operation of a PSPO following the “streamlined” approach. Conversely, another could remove an order from operating entirely after conducting a “full consultation” and determining that its continuance was disproportionate. In these circumstances, the statutory framework fosters geographical variation in the application of these measures, applying Stern and Wiener’s (2006) broader concerns about the inconsistency of civil preventive orders, to this power.

8.4.2 Evidence to justify the continuation of statutory conversions

In renewing a PSPO, local authorities were conscious of ensuring that they obtained a dataset of evidence to demonstrate the need for orders to continue. One individual described their interpretation of the statutory framework for introduction and renewal as:

I know the legislation is really set up to say you've got to be able to prove it was necessary in the first place and prove it is still necessary after the three years before you do it again... it might be a thing for three years, and it might not be in future. (Environmental health officer, CSA 1)

From their perspective, the evidence base that was necessary to extend an order was comparable to the statutory requirement for local authorities to satisfy the “detrimental effect on the quality of life” definition from their introduction. This was despite the 2014 legislation providing a decidedly lower threshold for local authorities considering renewing a PSPO. In some areas, and through similar interpretations of the renewal process, there were difficulties, as section 6.2 (p. 176) discussed for the introduction of an order, regarding the availability of datasets to justify a measure continuing, particularly in proving how effective their PSPOs had been in addressing specific forms of sub-criminal ASB. This was notably the case for the previously-converted first-wave powers, DPPOs, Dog Control Orders (DCOs), and Gating Orders:

In terms of the older ones, as I've mentioned, reporting is quite tricky and... it's difficult to understand how impactful or effective they are. (Community safety lead, SRA 5)

At both stages of data collection, there was an acknowledgement of the need to renew the PSPOs that were conversions of first-wave measures before their expiry on October 20, 2020. Some senior local authority employees were particularly aware of the challenges that their local authority faced in ascertaining

evidence of the effectiveness of their orders to justify their continuation beyond this date. They went on to state that:

[C]ertainly, for us, coming up to October 2020, when a lot of them will expire, there's a significant amount of work for the authority to review all of the PSPOs, or what was the Gating Orders, [and] what was the Designated Public Place Orders, in order to understand and to identify whether these are to continue. (Community safety lead, SRA 5)

The impending expiry date was common across several areas that were studied, if not all, highlighting to the researcher the breadth of local authorities with versions of these statutory conversions. Further illustrating the impact of the need to renew these orders, an individual from SRA 3 exclaimed:

It's something that's keeping me up at night because we've been so busy. I haven't had chance to start thinking about it. So, I know there was an [event] where somebody did a presentation on the process of renewal, but it was one of the meetings I couldn't stay for 'cus I had to be in court. I will be thinking about the process of renewal, but I haven't been able to do much of it yet. (ASB team manager, SRA 3)

In creating a statutory obligation to renew a PSPO following a set period of operation, practitioners had to obtain evidence to justify their continuation through a process that had not been required for the first-wave predecessors. While acknowledging that the statutory requirement for renewal allowed local authorities to consider the effectiveness of converted first-wave orders, obtaining datasets to support accountable governing throughout this process was another time and personnel-related resource that they had to find. This consideration, in turn, affected the effectiveness and efficiency of the governing that was undertaken by these local authorities. It also illustrated instances where the obligation to evidence the continuation of a PSPO put these individuals under significant pressure in their professional responsibilities, as the excerpt above exemplified.

Contrasting with the challenges these areas faced, it was reportedly easier for the local authority in CSA 4 to renew PSPO 10 due to the volume of statistical data that they had available to rely upon in their decision-making. As was stated concerning the renewal of the restriction on alcohol consumption in designated areas of the city centre within this order:

So, we still had to gather evidence that it is still a problem, and let's face it, let's be realistic, street drinking will be a problem probably forever because it's been a problem forever. It's a problem of trying to contain it and keep a lid on it. (Neighbourhoods lead, CSA 4)

The prevalence of statistical data evidencing the occurrence of alcohol consumption within the designated PSPO zone, and its associated harm to other public space users, meant that the local authority in CSA 4 had a reliable and ongoing dataset available for them to use when deciding whether or not to renew PSPO 10. In this instance, extending this order by satisfying the statutory requirements for renewal was a relatively straightforward process for them to undertake. Its extension was a formality for the local authority rather than a significant evaluation of the effectiveness of this order, especially as it only contained one restriction on alcohol consumption.

However, the availability of statistical datasets to support the continuation of a PSPO raises concern about the decision-making processes of local authorities in areas like CSA 4. Extending PSPO 10 beyond its initial operational period should be considered an admission by this local authority that the order had failed to “keep a lid on” ASB incidents. Instead, such information justified its continuation. In circumstances where quantitative evidence demonstrates the prevalence of ASB notwithstanding the introduction of a PSPO, this should prompt a local authority to conduct a comprehensive and robust evaluation to ascertain why this order had not sufficiently reduced ASB incidents and whether it remains the most

appropriate tool to tackle its occurrence. Where these orders do not reduce ASB incidents over three years, the local authority that is responsible for its introduction should thoroughly question whether their extension will make any difference. This is especially important when they do not propose a substantial change in the scope of the power and the resources that are allocated towards its enforcement. These assessments would strengthen their accountability whilst ensuring that the continuation of a PSPO remains a proportionate interference, as a civil preventive order, with the rights of public space users.

As was discussed in section 6.2.1 (p. 177), the local authority in CSA 4 limited the geographical scope of PSPO 10 to the public spaces within the city centre that had received sufficient reports for them to accountably satisfy the “detrimental effect on the quality of life” definition. In this area, those within the ASB team also used the available statistical evidence to accountably reject elected members’ requests to extend the geographical remit of PSPO 10:

There have been some members that have said, “We would like the PSPO to be extended.” But we haven’t had the evidence through the police stats, or neighbourhood nuisance or any other partners in the city to evidence there is a problem, so we haven’t taken it any further. (Neighbourhoods manager, CSA 4)

This contrasted with the perspective offered by a participant in SRA 1. Building upon similar discussions around the issues that they experienced in effectively operationalising the “detrimental effect on the quality of life” definition, this practitioner raised fear about their inability to justify an extension of a converted DCO on a borough-wide level because of a lack of available statistical data:

I’m now faced with the problem that if I want to maintain those two [regulations] at a city-wide level, which is pretty significant, I need those data points. I need something stronger than 90 points on a map for the whole of the city for dog fouling. (Community safety manager, SRA 1)

Although this practitioner was some months away from the renewal deadline at the time of the interview, they were uneasy about interpreting the statutory requirements and providing evidence to accountably continue this order beyond their knowledge of its perceived necessity. These excerpts present divergent approaches between these two local authorities; whilst CSA 4 had insufficient evidence to support extending the geographical jurisdiction of their PSPO, SRA 1 sought to renew a borough-wide order while similarly relying on an insubstantial volume of statistical data. The provision of clarity from the statute and accompanying Home Office publications would assist local authorities in operationalising the extension requirements and provide more consistency between local authorities. Without this guidance, borough-wide orders may exist with little evidence to support their imposition.

The powers that the Anti-Social Behaviour, Crime and Policing Act 2014 amalgamated did not include the same legislative requirements for their introduction, automatically converting to PSPOs on October 20, 2017. Their presence within a public space was ongoing for a substantial period without any statutory mandate for evaluation. For some local authorities, the decision to extend or rescind these PSPOs before their October 20, 2020 expiration was the first time that they had contemplated the appropriateness of these orders. With hindsight, this prompts issues around accountably adhering to processes that were previously unrequired by local authorities. It also raises broader concerns about the proportionality of these earlier powers continuing as PSPOs where local authorities were not obligated to follow statutory processes for their introduction.

8.4.3 Varying an order during renewal

Overall, the majority of PSPOs had either remained as initially introduced by a local authority, been varied to include fewer prohibitions or requirements, or

altered to encompass a smaller geographical area. This furthers earlier discussions in this chapter about how precise a PSPO is and its perceived effectiveness. Few orders had expanded in scope following the renewal process. PSPO 4, encompassing dog-related ASB in a borough-wide order across CSA 1, was the only instance whereby an order had expanded to include a requirement as part of its renewal. From this area, it was asserted that:

[T]he original one was only three things – fouling, dogs on leads and dog bans. The second time we did it, we introduced [a requirement that dog owners] must carry bags. I didn't really wanna do it, but our councillors seemed keen, so it was like, "All right then." (Environmental health officer, CSA 1)

This participant subsequently explained that they thought this requirement would place potential perpetrators in a disproportionate and potentially procedurally unfair position. They were faced with a difficult choice between: either picking up after their dog and risking not having any bags left as a result when asked by a policing body, or not picking up after their dog because it would mean using their last bag, and facing potential punishment for not doing so. Here, the influence of the local councillors vetoed the professional opinion of this individual, and the practitioner expressed frustration with this element of the variation for PSPO 4. Throughout the areas that were studied, practitioners would highlight the influence of local councillors on the variation of the prohibitions and requirements that an order included. An interviewee in CSA 2, further considered the impact of elected officials in the decision-making for PSPO 5, saying that:

It's guidelines, not tramlines, they say... a lot of it is driven by the wishes of politicians listening to what their constituents are telling them, etc., and they are powerful people within local authorities. (Community safety officer, CSA 2)

A further illuminating example of this, and a PSPO varying its scope, is derived from CSA 3. In this instance, it was reported that, due to the temporary housing

of people experiencing street homelessness that occurred during the initial coronavirus (COVID-19) national lockdown in early 2020, their local authority did not perceive, nor have the available dataset, to justify the continuation of a restriction on begging in PSPO 7 following its renewal:

[A]ll our homeless people were housed during the shutdown, and there's now a lot more support, and a lot more work put into them, so people who were determined to be homeless and wouldn't engage with anyone are now having real intensive work. So, there's been a whole shift on a couple of things, so they have been taken out, even though there was... enough support for them to go through, they've been taken out of the PSPO because at the moment they're not the issue they were. (Community safety officer, CSA 3)

The excerpt here illustrates the response to the emergence of the coronavirus pandemic and the first national lockdown in March 2020, which temporarily adjusted state intervention towards housing people experiencing street homelessness through an “Everyone in” strategy (Crisis, 2020:1).⁸¹ For CSA 3, whilst there was support from within the local authority for renewing the prohibition on begging within PSPO 7, the lack of people experiencing street homelessness who were physically present within the designated PSPO zone meant that there was no statistical evidence base (or perceived risk of harm) to support its continuation. Here, the need to pre-emptively prevent harm was considered unnecessary; the local authority deemed the inclusion of this restriction as no longer a proportionate part of this order. Despite the low threshold for renewal, CSA 3 strengthened their accountable governing in this instance, and there is the potential that another local authority may have let this restriction remain in their renewed order. In turn, this participant indicated that, without the emergence of the pandemic and subsequent lockdowns, the local

⁸¹ In total, the National Audit Office (2021:4) reported that “33,139 people [were] brought into accommodation (including emergency accommodation, such as hotels, and more settled accommodation, such as in the private rental sector) in the national response to the COVID-19 pandemic as at the end of November 2020.”

authority would, through available datasets, have extended this regulation and continued the criminalisation of people experiencing street homelessness.

Additionally, for some of the PSPOs that had been introduced, particularly examples where the local authority that was studied was the first to introduce specific prohibitions on sub-criminal behaviour within orders across England and Wales, the extension process allowed practitioners to consider variation in response to negative public perceptions. For example, a PSPO within SRA 2 removed a prohibition on foul and abusive language during its extension following criticism of its inclusion at the time of introduction:

We took the using foul and abusive language aspect out. I don't know if you saw any of that, but if you have time to have a look on the internet, it's fantastic [laughs]. As soon as this was introduced ... it did cause a bit of an uproar. (Regulatory services officer, SRA 2)

This participant discussed the prominent media discourse regarding this prohibition, mainly as it was one of the first of its kind that a local authority had introduced. Whilst this participant later suggested that there were no issues in the regulation lessening instances of ASB and that there was evidence to justify its continuation, removing it from the extended order was an attempt to remedy the negative association that the local authority had received, which, by calling it “fantastic”, was perceived to indicate an unwarrantedly negative response to its inclusion. The variation of this PSPO intended to foster perceptions of accountable governing for the local authority and increase the legitimacy of their authority figures through the process-based model of procedural fairness (as depicted in Figure 4.1 (p. 141) when enforcing other regulations that tackled criminal behaviour within this order.

8.4.4 The potential for anti-social behaviour to return

For most of the local authorities that were studied, the reassurance that a PSPO gave public space users through their omnipresence within a designated public space was a broad justification for their renewal. Particularly for town and city centre environments, practitioners explained that, without a PSPO in place, the ASB that had prompted the introduction of an order would inevitably return, leaving policing bodies without the power to respond appropriately. For example:

[I]f we got rid of that condition or the PSPO in general, that [public space in CSA 1] would just become drinkers' paradise again, and there'd be drinking. There's not a lot we could do; we'd just have to let them drink 'cus they're not doing anything wrong. (Police officer, CSA 1)

The criminalisation of sub-criminal behaviour within the town centre PSPO 5 raised similar concerns. It was reported that norms of civility that the introduction of an order had encouraged would eventually discontinue without the framework of the PSPO:

I think once you got a mindset into the people that come to these areas and live in these areas, if you stop doing something, then slowly and gradually, it will start going back to how it was. You will get your beggars back; you will get your people cursing, swearing, throwing litter down and things. (PCSO, CSA 2)

The legal professional in CSA 1 echoed this, stating that the removal of the PSPO would negatively impact the community. They also noted that there would be challenges for local authorities who sought to reintroduce an order:

I do think it needs to be there, because there's a risk if not that you've put this order in place, you've had a happy content community for three years. Suddenly, it's snatched away from them, and they're suddenly transported back to three years ago, and then it's not a quick fix to put it back in place. (Legal professional, CSA 1)

For a PSPO relating to the closure of an alleyway within SRA 2, a paradox that was unique to the nature of gating-related orders was discussed:

Where alley gates are used effectively and properly, for that three-year period, they have stopped the anti-social behaviour in that area, so it's a unique position that we then have to look at... how do we show that, if we remove the PSPO, which would ultimately lead to the removal of the alley gates, that the problem would reoccur, because we haven't got a problem occurring at this moment of time. (Regulatory services officer, SRA 2)

In these circumstances, these participants argued that continuing a PSPO on the potential for harm to recur, rather than its current incidence, was an appropriate justification for the renewal of these orders. Whilst statutorily permissible, extension through such a rationale contradicts the nature of civil preventive orders being operational only when necessary to prevent harm that is currently occurring, providing what Steiker (2013) considered to be a disproportionate use of these tools within the context of this power. In addition, if the ASB were to return after removing a PSPO, then this suggests that the order has done little, on a long-term basis, to address the behaviour that prompted its introduction and, similar to earlier discussions, should prompt the conducting of a broader evaluative process. The implications are worrying for the continued existence of such orders without substantial justification for their extension, particularly given their intrusiveness on the rights of public space users. Additionally, it questions the overall effectiveness of these orders to address ASB within public spaces and obtain compliance with its regulations from citizens.

By contrast, front-line workers advocated for the recission of PSPO 3 at its time of renewal, but the local authority produced enough evidence to support its continuation:

[I]t pretty much stands as it's always stood. We haven't changed anything about it. To be honest, I were quite surprised the council were pushing for the last one because it [the ASB] has settled down quite a lot. But they were of the mind that there was still enough to keep it in place. (PCSO, CSA 1)

Moreover, the Psychoactive Substances Act 2016 subsequently criminalised the consumption of new psychoactive substances (NPS) following the introduction of PSPOs 1 and 2 some years prior.⁸² Another front-line worker in CSA 1 stated that they felt the original rationale for the inclusion of regulations within these orders for this particular issue was potentially no longer necessary:

[T]he psychoactive substance one doesn't need to be in there because, well yeah, I sort of mentioned that we could probably keep it in [just] in case any new drugs came into place. But in terms of the synthetic cannabinoids, that's a criminal offence anyway. (Police officer, CSA 1)

These participants' perspectives reflect a minority view from practitioners across the findings that, either through sufficient progress in reducing ASB incidents or through the development of appropriate alternative legislation, this justified the removal of the PSPO. Nevertheless, the local authority decided to continue with its operation. Further highlighting the nature of civil preventive orders being active only for the time that they are necessary, the findings here represent a potentially disproportionate use of the scope that is given to local authorities in the renewal process. Of note, this police officer explained that the continuation of this prohibition could anticipate future harm deriving from different forms of the consumption of intoxicating substances, rather than as a way to tackle the initially intended synthetic cannabinoids. However, this should take the form of a new order, or a variation to an existing order through a new regulation, rather than keeping a vaguely worded restriction in place through the potential that further, unanticipated ASB may arise within the area.

⁸² It is worth noting here, however, that the Psychoactive Substances Act 2016 does not criminalise possession, like the Misuse of Drugs Act 1971, thus differentiating the behaviour that can be subject to criminalisation through this statute and, potentially, under a PSPO.

The excerpts here present an empirical contribution that sometimes, the fear of recurring ASB, rather than its actual ongoing incidence, prompts the extension of a PSPO. Through the wording of the Anti-Social Behaviour, Crime and Policing Act 2014 granting permission to do so, the decision-making of practitioners overlooked the remit of these orders to prevent and address specific harm for only a prescribed period. Moreover, after data collection had concluded in October 2020, CSA 2 renewed PSPO 6 within their disadvantaged neighbourhood. The rationale for doing so, discovered through the researcher reading consultation documents and media sources, was explicitly the reassurance that the continuation of this order would provide to residents, further illustrating the concerns that have been raised throughout the findings of this chapter.

The extension of these orders therefore leaves a local authority open to criticism, particularly concerning the evidence that they obtain to support the likelihood that ASB would recur without the PSPO being in place.

8.5 Conclusion

This chapter has demonstrated that it is challenging to assess the effectiveness of a PSPO. The first contribution to knowledge is that because a PSPO is commonly one of several ASB powers that practitioners employ, it was difficult for these individuals to disentangle the effects of these orders from the broader tools that are available in the Anti-Social Behaviour, Crime and Policing Act 2014. This finding situates the effectiveness of the focus of this study within the range of tools and powers that were introduced by the Coalition government, extending earlier work by Heap, Black and Devany (2022).

Further, this chapter has outlined how practitioners perceive effectiveness. Linking to the omnipresence of an order, perceptions of effectiveness sometimes resulted from the ability of a PSPO to increase feelings of safety from citizens using a designated public space and re-encourage its use. Additionally, and expanding upon previous discussions on resourcing from earlier chapters, senior practitioners suggested that their perceptions of effectiveness are linked to the management of expectations about the resourcing that is allocated towards the implementation of an order.

Alongside these contributions, this chapter empirically examined the decision-making processes during the renewal of orders. It outlined that the consultations for extensions varied between local authorities, with issues of resourcing and an apparent lack of statutory guidance causing geographical inconsistencies in practitioner approach. Moreover, the findings highlighted issues in acquiring datasets to accountably justify the renewal of an order, furthering the discussions around the “detrimental effect on the quality of life” definition from section 6.2 (p. 176). There are also indications that local authorities renew a PSPO based on the fear of ASB occurring or recurring rather than its actual incidence, meaning that they could extend orders and disproportionately intrude on the rights of public space users.

The next and final chapter of this thesis provides a conclusion to this study. It reflects on the empirical contributions to knowledge that the findings chapters have presented, recommends policy changes for the future implementation of PSPOs, and highlights the potential for subsequent research opportunities within this field.

Chapter 9 – Conclusion

9.1 Introduction

This thesis has examined the implementation of Public Spaces Protection Orders (PSPOs), an anti-social behaviour (ASB) power that was introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. Imposed by local authorities in public spaces where ASB incidents cause a “detrimental effect on the quality of life” of others, PSPOs contain prohibitions and/or requirements that regulate the conduct of all those who are within a designated area. For those breaching the restrictions of a PSPO, punishments include either a fixed-penalty notice (FPN) of up to £100, or a fine of up to £1,000 alongside a summary conviction in the Magistrates’ Court. Previous research examining these orders has highlighted several concerns with their use, including their wide-ranging impact through a lack of clear statutory processes and judicial oversight (Brown, 2017; Heap & Dickinson, 2018; O’Brien, 2016) and the prevalence of the use of these orders to address behaviours that are commonly associated with people experiencing street homelessness (Brown, 2020a; Heap, Black & Devany, 2022; Moss & Moss, 2019; Sanders & Albanese, 2017). However, no research has substantively and qualitatively examined the processes for implementing a PSPO from the perspectives of the practitioners who are responsible for their introduction.

This study adopted a qualitative, multiple-case study research design, using semi-structured interviews to gain insight into the professional experiences of local authority employees, police officers, and elected officials who are involved with implementing PSPOs. Data collection occurred across nine local authorities in England, with 32 participants from four substantive case study areas (CSAs)

and five supplementary research areas (SRAs). The SRAs were included due to the emergence of the coronavirus (COVID-19) pandemic in March 2020.

The researcher undertook a thematic analysis of the data to explore the similarities and differences between the local authorities that were studied in their approaches to implementing PSPOs. The theoretical framework combined governance, preventive justice, street-level bureaucracy, and procedural justice theories to analyse practitioner decision-making; utilising several perspectives was necessary due to the complexity of ASB. The findings indicate that the PSPO is a complicated tool for local authorities, and this research provides substantial insight into their use that, until this point, has been empirically underdeveloped.

The following sections of this chapter: detail the contributions to knowledge that this study offers; consider the policy implications from its findings; describe possibilities for future research; and summarise statutory developments that have happened since this research began.

9.2 Contributions to knowledge

When the researcher commenced this project in October 2018, there were knowledge gaps for all elements of PSPOs. The empirical findings of this thesis have answered questions regarding the implementation, enforcement, and perceived effectiveness of these orders. These have generated four overarching contributions to knowledge:

- i) Local authorities strived to effectively and accountably govern when interpreting the broad statutory requirements of the Anti-Social Behaviour, Crime and Policing Act 2014. As a result, they employed similar approaches, but the efficacy of their decision-making was uncertain in some aspects;

- ii) There was an inconsistent and insufficient approach to partnership working between local authorities and police officers when developing and enforcing PSPOs. This inadequacy hindered the effective implementation of these orders, creating friction between these organisations;
- iii) There are discrepancies in the implementation and enforcement of PSPOs seeking to address the ASB of vulnerable groups. The findings present this as notable for: people experiencing street homelessness; young people; and disadvantaged neighbourhoods; and,
- iv) PSPOs are both a time and resource-intensive power for a local authority to use, and insufficient personnel resourcing limits the effective implementation of these orders at every stage.

The following sub-sections explore these contributions to knowledge in more detail.

9.2.1 Interpreting broad statutory requirements

The Anti-Social Behaviour, Crime and Policing Act 2014 contains several broadly worded requirements for introducing PSPOs, giving local authorities wide discretion when imposing these orders. While participants interpreted these statutory duties in perceivably robust ways to strengthen their accountable governing, their approaches generated inconsistent practices between the studied areas.

When considering the implementation of a PSPO, chapter six demonstrated how all local authorities adopted a similar process to operationalising the “detrimental effect on the quality of life” definition. This involved creating a localised threshold of ASB reports that would be considered sufficient to constitute, as CSA 1

described, a “body of evidence”, “community impact”, or “community need”, evidencing the need to impose a PSPO to prevent future harm from ASB incidents. They attempted to convey participatory governance by avoiding introducing an order that was disproportionate to the overall impact of ASB. However, through developing this framework, practitioners risked overlooking the experiences of individual victimisation and the interpretation of this statutory test by the judiciary, and aligned with the Local Government & Social Care Ombudsman’s (2023) finding that local authorities can apply the legal definition and impact of ASB too strictly. For instance, some areas, like SRA 4, struggled to introduce a PSPO in circumstances where the local authority had received few citizen reports, despite practitioners perceiving the imposition of an order as suitable. Additionally, inconsistencies emerged where some local authority practitioners would supplement insufficient ASB reports with alternative evidence, such as statements from police officers or broader statistical crime/ASB incidence data, and others would not. This creates a differing evidential threshold between local authorities through insufficient statutory explanation of what data can contribute towards quantifying the “detrimental effect” definition. Consequentially, the findings of this research extrapolate earlier discussions about the various interpretations of this threshold by Dima and Heap (2021), which was based on Community Protection Notices (CPNs), into a PSPO context.

Despite not being under a statutory duty to do so, local authorities overwhelmingly followed the then Home Office’s (2019a) ASB guidance to consult with public space users, with participants generally appreciating the importance of citizen inclusion in their decision-making. When approaching the consultation process, practitioners would rely on online quantitative consultations through SurveyMonkey and employ leading questions, aligning with Arnstein’s (1969)

work highlighting the tokenistic nature of consultative exercises (Figure 3.2, p. 87). In doing so, practitioners perceived any consultation that went above the statutory threshold as exemplifying their accountable governing. However, through limited resourcing to use alternative consultation mechanisms and a lack of statutory mandate to justify these strategies, local authorities failed to sufficiently engage with the socially excluded groups who were vulnerable to the imposition of an order.

Regarding the regulations that these orders included, practitioners would use a PSPO to introduce prohibitions that criminalised broad sub-criminal behaviour, which was prominently occurring, but for which they lacked suitable powers to address. For instance, several areas had included a restriction on the consumption of new psychoactive substances (NPS) within their orders several years before the criminalisation of this behaviour in the Psychoactive Substances Act 2016, furthering the “elastic[ity]” of the legal definition of ASB. Similarly, a participant from one area described that a prohibition on behaviour causing “harassment, alarm or distress” (which several other areas had also included as an addendum to their orders) was a mechanism to provide a “catch-all” for miscellaneous behaviour that policing bodies categorised as ASB, echoing findings from Heap, Black and Rodgers (2022) finding on the use of similar wordings within CPNs. Whilst the Anti-Social Behaviour, Crime and Policing Act 2014 seemingly permits this, section 6.4.3 (p. 210) of this study argued that including this regulation as a “catch-all” is a disproportionate criminalisation of sub-criminal behaviour through the application of Ashworth and Zedner’s (2014) preventive justice theory.

Another insight relates to the presence of signs within a designated PSPO zone. Whilst all local authorities were aware of their obligation to display signage, their

interpretation of the requirements that are associated with their imposition differed, with some areas imposing substantially more signs than others. This finding aligns with earlier PSPO research (Heap, Black & Devany, 2022). Despite seeking instrumental compliance through their use, some practitioners considered that a local authority's interpretation of the statutory requirements could not foster adherence to an order in every circumstance, particularly for recurrent perpetrators.

Chapter eight discussed the toolbox of various ASB powers, finding that practitioners would concurrently employ CPNs, Section 35 direction to leave notices, Acceptable Behaviour Contracts (ABCs), and Criminal Behaviour Orders (CBOs), alongside implementing PSPOs. Existing debates have demonstrated the layering of different second-wave ASB tools and powers (Heap, Black & Devany, 2022), and practitioners in this study hesitated to claim the success of a PSPO when its effect (positive or negative) could not be isolated from the impact of other tools that were employed. Therefore, PSPOs were one of several powers that practitioners used in the hope that one of them, albeit without retrospective clarity on which, would successfully address the ASB that was occurring within a public space. This approach is problematic when contemplating the proportionality of using a number of tools to, sometimes coercively, obtain behaviour change from vulnerable citizens.

Further, the process for renewing a PSPO was inconsistent, with some local authorities conducting comprehensive consultative strategies and others providing only a "streamlined" version of the initial consultation. In addition, some local authorities, like CSA 4, had a breadth of evidence to justify a renewal but did not explore whether such a decision was proportionate through a robust evaluative process. Their PSPO was essentially open-ended, given the

availability of data to support its continuation. In some instances, practitioners were cautious of repealing a PSPO where the potential for ASB continued, such as in town and city centres, demonstrating a disproportionate use of this preventive order and furthering existing concerns in the literature (Steiker, 2013). These findings suggest that local authority decision-making represents a guise of accountable governing and that PSPOs remain active in public spaces where they may be wholly insufficient to address the problem of ASB.

Together, the broad requirements of the Anti-Social Behaviour, Crime and Policing Act 2014 have fostered both similar and divergent practices between local authorities. Through these vague statutory mandates, local authorities strived for accountability through cautious interpretations, but without greater consistency deriving from the statute, PSPOs currently represent a postcode lottery of decision-making.

9.2.2 Disconnected partnership working

This study explored the extent of partnership working between local authorities and the police, using Lipsky's (1980/2010) street-level bureaucracy theory as a framework to understand the decision-making of these practitioners as managers and front-line workers, respectively. The findings have shown that these types of practitioners adopted divergent strategies and held alternative perspectives for introducing and enforcing PSPOs. These differences generated friction in their partnership through insufficiently joined-up aims and working practices.

The first instance of ineffective partnership working within the findings was demonstrated in the consultations that were conducted before any PSPOs were imposed. For example, in CSA 2, the local authority did not directly consult with

front-line workers prior to the introduction of PSPO 6, and this order did not represent the viewpoints of these practitioners, who opposed the inclusion of a regulation on excessive noise. This affected their perception of self-legitimacy to enforce this prohibition and potentially the procedural fairness of encounters between authority figures and citizens. By uncovering instances where local authorities did not consult with front-line workers who may have opposed the prohibitions that a PSPO includes, this finding extends Heap, Black and Devany's (2022) earlier work on the selective decision-making that occurs when a local authority consults on an order. Additionally, examples from other areas arose where front-line workers expressed a greater desire to be part of the consultation process, highlighting that these omissions were a recurrent issue throughout local authorities.

Chapter seven examined the enforcement of PSPOs. It considered how practitioners explained differing perspectives regarding the use of coercion when engaging with people experiencing street homelessness. For instance, whilst a local authority employee described the PSPO as a "carrot" to guide potential perpetrators, a senior police officer within the same area stated that it should be a "stick" to punish them. Inevitably, these distinctions result in the inconsistent application of these orders by practitioners. Further, this study highlights that local authorities would attempt to ensure consistency in front-line worker discretion by creating guidance documents or holding training sessions around the enforcement of a PSPO, whilst simultaneously recognising the subjectivity of authority figure interaction with citizens. However, in seeking consistency in the punishments that perpetrators receive, CSA 1 prohibited front-line workers from issuing FPNs on-the-spot to those who were breaching one of their orders. This decision prompted frustration from police officers in this area, a tension that

extends earlier studies on street-level bureaucracy into a PSPO context (Hupe & Hill, 2007; Lint, 1998).

Moreover, this chapter explored the personnel resources that are required to enforce PSPOs. It found that local authorities designated responsibility for proactive enforcement to police officers. Resultantly, these relationships became fractious when managers placed additional resourcing pressure on these front-line workers, thus demonstrating a failure to understand the personnel challenges that these practitioners face following austerity-related cuts. This resulted in the development of coping mechanisms (Lipsky, 1980/2010), seen most evidently through police officers prioritising the enforcement of criminal behaviour within the night-time economy at the expense of enforcing these PSPOs.

Finally, the discussions throughout chapter eight note practitioners' use of different datasets when considering the effectiveness of a PSPO. Here, where local authorities and elected officials drew upon statistical crime/ASB data to evidence whether an order had any perceivable effect, front-line workers relied on anecdotal evidence obtained through their interactions with various public space users in a designated PSPO zone. The latter reflects discussions on front-line workers' knowledge and expertise around their communities (Jewell & Glazer, 2006; Lipsky, 1980/2010). It further resulted in instances like, for example, the discussion with a Police Community Support Officer (PCSO) in CSA 1, where they perceived the PSPO as effective and suitable for removal through anecdotal evidence, but the local authority did not agree due to the available statistical data.

The findings indicate that there is broad scope for improving the partnership between local authorities and police officers within the future implementation of these orders. This thesis offers critical insight into this working relationship,

revealing tensions that have been previously underdeveloped within discussions about PSPOs.

9.2.3 Socially excluded groups

This study identifies three socially excluded groups that were vulnerable to the imposition of PSPOs: people experiencing street homelessness; young people; and those from disadvantaged neighbourhoods. For instance, regarding the consultation process in chapter six, local authorities would attempt to consult with these citizens by accessing various service providers, but this process was insufficient and inconsistently followed throughout the studied areas. This frequently resulted in a consultation process that overlooked the experiences and perspectives of these citizens, failing to resemble notions of equity and inclusiveness and consensus-orientated governance. This could affect perceptions of procedural fairness if an order was implemented and a member of one of these groups was subsequently found to be in breach.

Moreover, most of the PSPOs that this study explored contained prohibitions and requirements that disproportionately targeted these vulnerable citizens. Whilst regulations such as begging or aggressive begging tackled behaviours conducted by “career beggars”, extending work by Heap, Black and Devany (2022), there is the potential that people ‘genuinely’ experiencing street homelessness may be subject to enforcement under these restrictions. Reflecting findings from Sanders and Albanese (2017), this study has highlighted the criminalisation of a broad range of sub-criminal behaviour that is associated with those experiencing multiple exclusion homelessness, such as the consumption of alcohol or NPS. Similarly, CSA 2 introduced PSPO 6 to target the cultural differences of residents within their disadvantaged neighbourhood, and the wording of PSPO 3 in CSA 1 specifically targeted the conduct of young people.

As such, whilst broadly applicable to all public space users, local authorities disproportionately introduced a PSPO to target the presence and conduct of vulnerable communities within public spaces. This was often behaviour that was subject to judgement from others, and through Bannister and Kearns' (2013) work in Table 2.3 (p. 52), demonstrated how the PSPO can become a mechanism for furthering feelings of intolerance towards these citizens.

Practitioners used an assertive outreach strategy when interacting with people experiencing street homelessness. In doing so, however, they re-emphasised a narrative that blamed these individuals for their circumstances, aligning with earlier commentaries on the social exclusion of these citizens (McCarthy, 2010; O'Neil et al., 2017). Furthermore, chapter seven highlighted an example where local authorities would use a PSPO as a "carrot" to force a person experiencing street homelessness to engage with service providers. The discussion here noted how this represented force, bargaining and coercion from Johnsen et al.'s (2018) modes of power for practitioners engaging with these individuals (Table 2.4, p. 56). A police officer disagreed with this practice, further exemplifying the disconnected partnership between these two authorities, and, through this difference in perspective, reflected suggestions in the literature that coercion is an ineffective means of securing long-term behaviour change (McCluskey, 2003; Reiner, 2010). Some areas also discussed the recurrent issuing of FPNs to people experiencing street homelessness and, at times, had pursued prosecution where the local authority had not received payment for penalties that were issued. This approach disproportionately criminalised vulnerable citizens for the circumstances that they found themselves in.

Contrasting with the enforcement practices that are associated with people experiencing street homelessness, other socially excluded population groups

received greater tolerance and fewer formal sanctions from policing bodies. For instance, in seeking to foster perceptions of procedural fairness through Tyler's (1990/2006) work, particularly the principles of neutrality, respect and trustworthiness, the local authority in CSA2 introduced a non-enforcement period when implementing the neighbourhood PSPO 6, where no FPNs were issued. Additionally, most front-line practitioners discussed using informal verbal warnings instead of giving an FPN when engaging with vulnerable groups, particularly young people, and whilst reference to issuing informal verbal warnings for people experiencing street homelessness did occur, the approach of practitioners towards this community was decidedly more punitive.

Additionally, due to insufficient resources, the enforcement of town and city centre PSPOs was temporally inconsistent. Participants outlined that ASB in breach of the regulations that were contained in such orders would likely be unpunished within the night-time economy as a result of a front-line worker's prioritisation of more serious incidents. However, the occurrence of this behaviour during daytime hours, particularly if conducted by people experiencing street homelessness, would be enforced through a PSPO. This finding reflects previous concerns about the temporal nature of earlier ASB powers (Hadfield, 2014; Millie, 2009; Roberts, 2009) but reveals that, for this second-wave power, policing bodies disproportionately enforce it against people experiencing street homelessness.

When exploring the perceived effectiveness, chapter eight found that practitioners would situate these orders within the broader range of ASB tools and powers. A particularly troubling finding was the extent to which, for recurrent perpetrators and those who may also be suffering additional vulnerabilities, local authorities would use the breach of a PSPO as evidence to support the application for a CBO. This theme was present across several of the studied local

authorities, representing a disproportionate response to the breach of these orders. It also furthers the cycle of criminalisation that vulnerable citizens conducting sub-criminal behaviour may experience.

There is a breadth of evidence presenting that first-wave ASB powers were disproportionately and inconsistently employed against socially excluded groups (Burney, 2009; Millie, 2009; Squires & Stephen, 2005a). This research contributes to knowledge by highlighting how this continues through the implementation of a PSPO by local authorities directly from practitioners' perspectives.

9.2.4 The impact of insufficient resourcing

A key issue arising from this study was that the personnel resourcing that is necessary to implement and enforce PSPOs did not align with what local authorities had available. For example, resourcing issues were apparent in the planning process, explaining why consultations with citizens and stakeholders were primarily conducted through online platforms such as SurveyMonkey. This was despite the problems of failing to facilitate participation and equity and inclusiveness for socially excluded groups, such as people experiencing street homelessness (Dyce, 2019). Although practitioners indicated that they would like to conduct more substantive consultations beyond the online mechanisms that all areas had employed, mainly to strengthen their accountable and consensus-orientated governing, a lack of resourcing, and the absence of a statutory requirement to do so, provided financial and personnel limitations to pursue these endeavours.

Throughout these contributions to knowledge, a recurrent finding relates to the designation of policing bodies and the issues that this posed for the consistent

enforcement of PSPOs. Existing commentary on the use of private security firms to enforce these orders has been predominantly critical (Appleton, 2022), and whilst none of the local authorities studied directly employed these individuals to enforce a PSPO, the findings provide empirical perspectives on their potential use in this context. Notably, police officers and PCSOs suggested that employing these enforcement officers would remedy deficiencies in resourcing, especially following austerity-related personnel cuts. Further, local authority practitioners discredited the negative perception of the use of private firms to enforce PSPOs by describing the ongoing support that these organisations already provide in other areas, such as littering and dog-related conduct. The findings here respond to the ongoing discussions that have criticised the use of private security firms by presenting the perspectives of the practitioners who are responsible for imposing a PSPO within public spaces.

In assessing the perceived effectiveness of PSPOs, chapter eight highlights that practitioners, particularly senior local authority employees, would be pragmatic in considering the efficacy of an order according to the resourcing that they had available for its implementation and enforcement. Resultingly, resourcing was the primary reason that participants gave for the lack of perceived effectiveness for PSPOs in most of the areas that were studied, and practitioners discussed the obligation to manage citizen expectations, particularly by highlighting how introducing these orders does not bring additional resources. In turn, some suggested that implementing a PSPO increased expectations regarding the resourcing that the local authority would allocate towards addressing issues of ASB, an incidentally negative effect of their imposition. Such findings demonstrate how important it is for local authorities to mediate expectations

alongside the introduction of an order through transparent communication with citizens.

These contributions to knowledge are the basis of the statutory and practical policy recommendations, which the following section presents.

9.3 Policy recommendations

Earlier chapters have provided findings which can be utilised to create policy recommendations to improve the implementation, enforcement, and perceived effectiveness of PSPOs through amendments to the Anti-Social Behaviour, Crime and Policing Act 2014, subsequent revisions to the Home Office’s ASB guidance, and changes to practice. The following sub-sections present these recommendations.

9.3.1 Changes to statute and guidance

To begin, it is recommended that the Home Office should give more precise guidance around the definition of the “detrimental effect on the quality of life”. The statute and accompanying ASB guidance produced by the Home Office should not be amended to definitively quantify what it means for this behaviour to have a “detrimental effect on the quality of life” of others, given the individualistic nature of the PSPO and its localist underpinning. However, further insight into this legislative requirement would give clarity to local authorities when introducing these orders as to what quantification should practically entail. It is pertinent to remember that ASB does not have to affect a substantial number of public space users to pose a “detrimental effect”, in line with the judgment of *Summers v Richmond Upon Thames LBC* [2018], which would assist local authorities in responding to individual victimisation experiences. Greater certainty of what suitable datasets, alongside citizen ASB reports, can be included within their

decision-making processes would also benefit local authorities when quantifying this definition.

This study demonstrates that it would benefit practitioners if there was an increase in the statutory requirements for consultation. At present, the Anti-Social Behaviour, Crime and Policing Act 2014 provides only an obligation for local authorities to engage with public space users who reflect “whatever community representatives the local authority thinks it appropriate to consult” under section 72(4)(b). Responding to this study’s findings, the wording of the 2014 statute should be amended to include obligations for local authorities to consult with:

Public space users who will likely be affected by the prohibitions and requirements that are introduced within a PSPO, particularly citizens recognised as belonging to vulnerable populations.

Front-line workers who will be responsible for enforcing a PSPO following the implementation of an order, including police officers and Police Community Support Officers (PCSOs).

Moreover, amended ASB guidance from the Home Office should explain that:

A comprehensive, representative consultation should occur with the communities that frequent the proposed designated PSPO zone. By way of example, for PSPOs in greenspaces and town or city centres, practitioners should engage with these areas’ thoroughfare. Further, local authorities should work carefully with residents for PSPOs within residential areas. This would ensure that all orders reflect the community’s consensus, rather than the views of a minority of citizens.

Greater emphasis should be placed on engaging with vulnerable and already socially excluded population groups, such as people experiencing street homelessness, young people, and disadvantaged neighbourhoods. For example, for proposed orders addressing behaviours that are associated with people experiencing street homelessness, direct engagement with citizens within this population group should occur, focusing on alternative and holistically supportive resolutions, rather than punishment and criminalisation through the jurisdiction of a PSPO.

In addition, local authorities should extend the consultation efforts to the front-line workers who will be responsible for enforcement. They should obtain their perspectives on the suitability of the proposed geographic scope of a PSPO, the prohibitions and requirements that are included, and the enforcement protocol that is suggested by the

consulting local authority. This will help strengthen the partnership between the local authority and the police when implementing such orders.

These amendments would permit greater citizen participation and more equitable and inclusive consultation for local authorities that are looking to introduce an order. Moreover, a statutory requirement for the broader inclusion of public space users within a consultation should hopefully increase the level of resourcing that a local authority can justifiably allocate towards the implementation process. The provision of greater guidance by the Home Office about the statutory procedures for extending a PSPO would, furthermore, provide benefits in several areas. Specifically, it would facilitate a more precise understanding of how local authorities approach the expiration of orders, increase strategic consistency between areas and prohibit these tools from disproportionately continuing.

The Anti-Social Behaviour, Crime and Policing Act 2014 should expressly forbid the use of prohibitions for begging, aggressive begging, and other behaviours that are associated with people experiencing street homelessness. Whilst these regulations were only present in the PSPOs of three of the local authorities that this study sampled, they do exist, and other research has explored the prevalence and impact of these bans (Appleton, 2023; Brown, 2020a; Heap, Black & Devany, 2022; Sanders & Albanese, 2017). Introducing a statutory restriction on these prohibitions would force local authorities to contemplate less punitive alternatives to addressing the perceived ASB that people experiencing street homelessness conduct, preventing these citizens from facing further criminalisation and social exclusion. It is particularly concerning that, in the years since this research began, the most recent amendment to the Home Office's (2023) ASB guidance removes any earlier mention that local authorities should not criminalise behaviours that

are associated with street homelessness. This wording should be readded within subsequent amendments to the guidance.

Similarly, the Anti-Social Behaviour, Crime and Policing Act 2014 should statutorily prohibit local authorities from introducing the “catch-all” prohibition of “harassment, alarm or distress” within PSPOs. The contents of these orders should target specifically occurring behaviour, rather than including these restrictions as placeholders for future, undefined ASB.

Finally, the Home Office could provide increased guidance about PSPO signage. As chapter seven details, variations in approach exist, and greater direction could address concerns that have been raised about inconsistencies between local authorities. For instance, a requirement for a certain number of signs per a specific geographic scope (such as per metre square or mile) would aid identification of the volume of signage that is required, especially if an order covers a large public space, or is borough-wide. In addition, specifications regarding the details of PSPOs themselves, to be included on such signage, would encourage uniformity between local authorities, allowing for more substantial awareness of the existence of an order among public space users.

9.3.2 Changes to practice

This study has demonstrated that, in a PSPO context, partnership working between local authorities and police officers is challenging. Therefore, this research recommends that community safety partnerships develop PSPO working groups when proposing an order. Chaired by a senior member of the local authority, or an elected official, these working groups could also include other key stakeholders, such as service providers, local businesses, and the statutory “community representatives”, allowing for ongoing evaluation of the

effectiveness and suitability of a PSPO. Whilst this working group would require a short-term investment of local authority time and personnel, it could address some of the issues from this research's findings, generating more long-term benefits. This includes greater communication and transparency between local authorities and the police in the use of PSPOs, which, in turn, could increase knowledge on the level of resourcing and training that is necessary for the implementation of these orders.

Within the findings, practitioners suggested that employing privatised policing bodies could be one way to address police resourcing deficits, albeit one necessitating (perhaps unavailable) financial expenditure. Whilst rarely used in the local authorities that were studied, Appleton (2022) notes that their employment by local authorities is growing annually. The researcher recognises the contentious nature of using private security firms through their potential to disproportionality enforce the PSPO, such as by not adhering to notions of responsive regulation by being incentivised to issue FPNs. As such, this recommendation for practice stresses that if local authorities are going to continue to use private security firms to enforce PSPOs, which the evidence seems to suggest that they are, they need to place such organisations under greater scrutiny. This should include removing incentivisation as a justification for enforcement, alongside providing greater training to align these policing bodies with the objectives of the local authority.

While enforcing PSPOs, practitioners should not use the threat of issuing a penalty to coerce people experiencing street homelessness to comply with the support that service providers offer. This strategy towards engaging with those breaching such orders suggests a disproportionate use of these powers and is unlikely to engender long-term compliance. Further, as civil powers, PSPOs

should not be implemented to criminalise vulnerable population groups through the more punitive sanctions of a CBO, whose jurisdiction is based in criminal law. These recommendations primarily concern vulnerable citizens who may become subject to a cycle of criminality for breaching the sub-criminal forms of ASB within the regulations that PSPOs contain.

This drafting of this thesis has uncovered that local authorities often work in isolation. Whilst the findings from this study demonstrate similarities between specific introductory approaches for the PSPO, there are variations in procedures, which can stimulate inconsistent practices and, potentially, a postcode lottery for the remit of implemented orders. Examples occurred where local authorities faced obstacles with the implementation process that a discussion with another local authority could have quickly remedied, indicating the potential benefits of greater communication between different areas. Increased networking, and the subsequent consistency that it encourages, could be operationalised in subsequent amendments to the ASB guidance that is produced by the Home Office, as an example of good practice.

In addition to these recommendations, the following section presents opportunities for subsequent research that could offer greater insight into the use of PSPOs by local authorities and the effect of these orders on public space users.

9.4 Future research

Whilst this study has generated valuable insight into the implementation of PSPOs, it only scratches the surface of the research that is needed to understand the use of these orders. Accordingly, this section outlines the potential avenues for future studies.

This study's sample constitutes only nine of the 317 local authorities in England and 22 in Wales. Reflecting on the issues of decision-making that this research presents, the contributions to knowledge indicate the need for a robust and systematic national evaluation of the use of PSPOs by local authorities. As the discussions within chapter eight establish, the Anti-Social Behaviour, Crime and Policing Act 2014 does not offer a framework for measuring the effectiveness of a PSPO, and practitioners perceive the efficacy of this tool differently. There is a need, with relative urgency, to objectively examine the application of these orders and present recommendations for changes to their ongoing use. This includes quantitatively assessing whether imposing a PSPO has an effect in lowering ASB incidents within public spaces through a detailed analysis of ASB incidence data. Further, this study focused only on practitioners' implementation of PSPOs, and did not consider within its findings the viewpoints of public space users who may be directly affected by these orders. Other research that has been published since this study began in October 2018, such as papers by Brown (2020a) and Heap, Black and Devany (2022), offers significant insight into the use of ASB powers from within the 2014 statute, particularly PSPOs, in the context of people experiencing street homelessness. Future research should continue to examine the impact of PSPOs on socially excluded population groups and the general public more broadly to understand the effect of these powers. This research should include people experiencing street homelessness, young people, disadvantaged neighbourhoods, on-street sex workers, and Gypsies, Roma and Travellers (groups which section 2.6 (p. 53) highlighted as particularly vulnerable through literature examining first-wave ASB policy).

Reflecting on the qualitative multiple-case study design of this thesis, there is the potential to employ other research methods to examine the implementation of

PSPOs. For example, a longitudinal study with a local authority could follow the cycle of an order from inception to implementation and then renewal or rescission, providing a detailed insight into a local authority's process and encouraging further discussions around objective effectiveness. Alternatively, a mixed-methods project could examine PSPOs qualitatively and quantitatively and triangulate the findings.

The final suggestion for potential avenues for future study, which the researcher seeks to pursue following the submission of this thesis, is that there should be consistent documentation of any PSPOs that local authorities introduce. The types of information to monitor should include the prohibitions and requirements, geographic scope, and frequency of enforcement, allowing a researcher to create a comprehensive typology of existing orders. Maintaining knowledge of the number of current PSPOs would foster transparency in local authority governing, permitting citizens and those within other areas to recognise the orders that have been implemented.

9.5 Policy developments since this research began

When this study began in October 2018, and throughout the majority of the time that the researcher spent drafting this thesis, PSPOs remained essentially unchanged in their scope within the Anti-Social Behaviour, Crime and Policing Act 2014. However, since 2021, there have been a number of policy developments, albeit some of these are only proposed at the time of writing, which could affect how these orders operate in future.

For a prolonged period, various governments have proposed dismantling the criminalisation of begging within the Vagrancy Act 1824, and it is currently due to be repealed by the Conservative government as this legislation approaches its

200th year in operation (Home Office, 2022b). However, the abolition of this statute fosters significant concern about the enforcement of PSPOs against people experiencing street homelessness, which the researcher has commented on elsewhere (Roberts & Archer, 2022), alongside discussion from other scholars (Brown, 2021). Therefore, in line with the empirical findings on the coercive use of PSPOs against this population group, there is growing concern that repealing the Vagrancy Act 1824 may extend the punitive use of this power by practitioners.

A further development is the creation of Expedited Public Spaces Protection Orders (E-PSPOs), which were introduced as an amendment to the Anti-Social Behaviour, Crime and Policing Act 2014 in May 2022. Limited in duration, E-PSPOs exist for a maximum of six months under section 60A(1) and can contain prohibitions and requirements that are similar to PSPOs. To be implemented by a local authority, an E-PSPO must meet similar statutory thresholds to a PSPO, but with an emphasis on addressing ASB incidents that have resulted from protests or demonstrations within public spaces outside schools or National Health Service vaccine and test and trace sites, through section 59A(2)–(4). Disconcertingly, local authorities can issue these orders with just the “necessary consents” of the chief officer of the police for the area and an “appropriate authority”, the latter of which is determined contextually by the proposed scope of an order, per section 72A(3)–(6). Local authorities do not have to consult with other stakeholders or citizens before implementation, but they must complete a “necessary consultation as soon as reasonably practicable” after granting an E-PSPO under section 72B(1). In light of the concerns about consultation mechanisms arising from the findings of this thesis, this is a worrying statutory development that does not promote local authorities’ adherence to the principles of effective governance.

Finally, in March 2023, the Conservative government published their *Anti-social behaviour action plan* (Department for Levelling Up, Housing and Communities & Home Office, 2023). As part of this, a public consultation aimed to gauge whether there is an appetite for broadening the responsibility for introducing a PSPO to police officers, alongside increasing the maximum penalty of an FPN for PSPOs and CPNs to £500. The researcher and his colleagues in the Department of Law and Criminology at Sheffield Hallam University responded to this consultation by drawing upon, among other studies, the findings of this research. They raised concerns about the broadening of implementation responsibility and highlighted that the increase in the financial penalty could worsen the punishment and subsequent criminalisation of vulnerable and socially excluded citizens for sub-criminal behaviour.

Whilst the outcome of these proposed changes and the upcoming general election is beyond the scope of this thesis, what is certain is that ASB will continue to be a prominent issue for citizens and policymakers in the years to come, governed by, among other tools, the PSPO.

9.6 Rethinking the future of Public Spaces Protection Orders

A radical proposal would be the abolishment, disaggregation, and reintroduction of PSPOs as new tools that more closely align with other means of behavioural regulation, like byelaws. As the Anti-Social Behaviour, Crime and Policing Act 2014 offers local authorities *carte blanche* in deciding which behaviours should form their “*cordon sanitaire*” (Ashworth & Zedner, 2014:91, original emphasis), this means that PSPOs often encompass majoritarian standards of acceptable behaviour. In its new form, the Home Office should provide local authorities with an exhaustive list of behaviours that PSPOs can include, which should largely mirror the targeted conduct of the first-wave powers

that they amalgamated: Designated Public Place Orders (DPPOs), Dog Control Orders (DCOs), and Gating Orders (Figure 3.1, p. 78). Like byelaws, the new PSPOs would prohibit local authorities from including behaviours that are already criminalised (Brown, 2017), and remove the opportunity to include conduct that is associated with vulnerable citizens. This would force practitioners to consider alternative approaches, such as employing harm reduction frameworks (through greater collaboration with service providers), or either preventive and/or problem-solving policing.

These new PSPOs should also re-centralise the decision-making process by reversing the localist underpinning of their creation. Whilst over half are introduced by a single council officer (Appleton, 2016), the framework for reformed orders should begin with the local authority, in collaboration with other organisations in their community safety partnership (like the police), seeking approval from their scrutiny committees. Following this, they should then present the Home Office with a report justifying the imposition of an order. This should be evidence-led (including objective information such as crime/health statistical data) and clearly outline the steps that have previously been taken to resolve any ASB, including the evidence that the local authority has to indicate a PSPO would make a demonstrable impact where other tools have been ineffective. Requiring approval from the Home Office would reinstate the central government in the implementation process, reflecting byelaws (Brown, 2017). It would also ensure that PSPOs are implemented consistently and accountably, whilst also providing a process for the Home Office to develop a comprehensive PSPO database.

ASB governance stands at a crossroads, and policymakers can further entrench the use of punitive tools or radically rethink how policy is developed and implemented. Future responses to ASB should move beyond preventive

justifications and punitive actions, and reforming PSPOs would go some way to achieving this aim. Moreover, the four theories used in this thesis (governance, preventive justice, street-level bureaucracy, and procedural justice) situate PSPOs in a lineage of academic debates. Together, this theoretical framework should be a starting point for interpreting the implementation of ASB powers going forward, allowing for consistent analysis and scrutiny across these measures. There is, however, the opportunity for the framework to be developed.

Governance and preventive justice contribute towards discussions of 'preventive governance'.⁸³ Since the Crime and Disorder Act 1998, ASB powers have increasingly moved towards the pre-emptive regulation of conduct, and PSPOs demonstrate this by limiting the rights of all public space users in anticipation of the undesirable behaviour of a few. No more evident is a preventive shift than in the recently-published Criminal Justice Bill 2023, which proposes new preventive powers to tackle 'nuisance rough sleeping' and 'nuisance begging', alongside defining these terms to criminalise such behaviour. Combining governance and preventive justice in this thesis highlights the importance of using preventive governance in the future to examine the rationales for implementing ASB powers, alongside the measures proposed in the Criminal Justice Bill 2023. Through the lens of preventive governance, such exploration should investigate: the justification for using preventive powers despite concerns about disproportionality; which structures encourage preventive action and pre-emptive regulation; and what concerns exist in waiting for behaviour to occur and responding punitively. Efforts should also be made to chronicle the evolution of

⁸³ This term is applied here, but has been used elsewhere. In discussing the management of globalised risks, Grande (2013:28) stated that "Preventive governance is based on the combination of 'hard' and 'soft' instruments and the complex interaction between them."

preventive powers to demonstrate the encroachment of their use on the rights of citizens.

This work on PSPOs reflects criminological trends in the reaction to ASB – enforcement-led responses (Hodgkinson & Tilley, 2011). However, the findings of this work highlight differences in the ideological rationale for such strategies among first-wave powers and these second-wave orders: whilst the former sought to simply displace perpetrators (as was detailed in section 2.4.4, p. 42), PSPOs are used to guide such individuals to support under the guise of ‘coercive care’ (per the findings of section 7.2.1, p. 220). Through analysis and interpretation using process-based models of procedural justice, the findings of this work indicate that enforcement-led responses are evolving to recognise that holistic offers of support can increase perceptions of legitimacy and normative compliance.

However, what the future seemingly holds is a ‘punitive turn’ (Garland, 2001) through the Criminal Justice Bill 2023. Whilst Brown (2021) and Roberts and Archer (2022) have warned of the consequence of increased PSPO enforcement after the Vagrancy Act 1824 has been repealed, the proposed new powers are a more concerning development through the consequences upon breach – fines of up to £2,500 or imprisonment for one month. PSPOs criminalising people experiencing street homelessness alongside other sub-criminal ASB have normalised acceptance of the increasing regulation of street homelessness. PSPOs, therefore, have been a mediating factor – a stepping stone from the first-wave powers detailed above to a more punitive future. Should this Bill be enacted as statute, research should examine whether enforcement of the powers it creates aligns with notions of the process-based model of procedural justice.

One area where the theoretical framework may develop relates to the proposal that the police could be given the power to issue PSPOs through the Criminal Justice Bill 2023. Currently, these orders transition a horizontal relationship between local authorities and police officers vertically, and this thesis used Lipsky's (1980/2010) street-level bureaucracy to categorise practitioners as 'managers' and 'front-line workers'. Utilising this theory enabled this work to challenge previous understanding of the relationship among these organisations, examining the cognitive dissonance between what police officers think of PSPOs and local authority expectations of enforcement, particularly around the voice of these actors through procedural justice. The Criminal Justice Bill 2023 would reorient PSPO implementation between these partners by removing the hierarchical relationship through senior police officers being able to issue PSPOs, meaning that street-level bureaucracy would be unable to function in the same way. Therefore, other theories may be more suited to examining the implementation of orders among those who do not exist in clear hierarchical structures, offering an example where future criminologists will have to adapt beyond the theoretical framework of this thesis. Nonetheless, the findings of this study indicate that letting police officers issue PSPOs will not ameliorate the discovered tensions between them and local authorities.

This thesis has provided a theoretical contribution to the field of criminology, building upon a pantheon of work that has explored the implementation of ASB tools. There are still, however, remaining empirical and theoretical contributions to pursue.

Reference list

- Addo, R. (2018). Homeless individuals' social construction of a park: A symbolic interactionist perspective. *Qualitative Report*, 23(9), 2063–2074. <https://doi.org/10.46743/2160-3715/2018.3301>
- Albert, A. & Passmore, E. (2008). *Public value and participation: A literature review for the Scottish Government*. Scottish Government Social Research. <https://tinyurl.com/axy49w7s>
- Alexandrescu, L. (2020). Streets of the 'spice zombies': Dependence and poverty stigma in times of austerity. *Crime, Media, Culture: An International Journal*, 16(1), 97113. <https://doi.org/10.1177%2F1741659019835274>
- Allen, D., Griffiths, L. & Lyne, P. (2004). Accommodating health and social care needs: Routine resource allocation in stroke rehabilitation. *Sociology of Health & Illness*, 26, 411–432. <https://doi.org/10.1111/j.0141-9889.2004.00397.x>
- Allport, G. W. (1954). *The nature of prejudice*. Addison-Welsey.
- Amin, A. (2002). Ethnicity and the multicultural city: Living with diversity. *Environment and Planning A* 34, 959,980. <https://doi.org/10.1068/a3537>
- Amin, A. (2006). The good city. *Urban Studies*, 43(5/6), 1009–1023. <https://doi.org/10.1080=00420980600676717>
- Appleton, J. (2014). The end of public space: One law to ban them all. *Open Democracy*. <https://tinyurl.com/26xt8uv2>
- Appleton, J. (2016, February 29). *PSPOs: A busybodies' charter*. The Manifesto Club. <http://manifestoclub.info/psposreport/>
- Appleton, J. (2019, April 19). *PSPOs: The "bushbodies" charter in 2018*. The Manifesto Club. <https://manifestoclub.info/pspos-the-bushbodies-charter-in-2018/>
- Appleton, J. (2020, September 17). *CPNs and PSPOs: The use of 'bushbody' powers*. The Manifesto Club. <https://tinyurl.com/yc76b7et>
- Appleton, J. (2021, June 18). *From ASBOs to COVID-marshals: Are councils becoming too much like the police?* The Manifesto Club. <https://tinyurl.com/yc5xe269>
- Appleton, J. (2022, August 23). *The corruption of punishment 2022: The dangers of 'fining for profit'*. The Manifesto Club. <https://tinyurl.com/2ns9nswv>
- Appleton, J. (2023, July 19). *PSPOs: The use of 'bushbody' powers in 2022*. The Manifesto Club. <https://tinyurl.com/4ehyt9cm>
- Archer, L., Hutchings, M., Ross, A., Leathwood, C., Gilchrist, R. & Philips, D. (2003). *Higher education and social class: Issues of social exclusion and inclusion*. Routledge.
- Armitage, R. (2002). *Tackling anti-social behaviour: What really works*. Nacro Crime and Social Policy Section. <https://tinyurl.com/ycyhdyvz>
- Arnstein, S. R. (1969). A ladder of citizen participation. *Journal of the American Planning Association*, 35(4), 216–224.
- Asana, O. O., Ayvaci, E. R., Pollio, D. E., Hong, B. A., North, C. S. (2018). Associations of alcohol use disorder, alcohol use, housing, and service

- use in a homeless sample of 255 individuals followed over two years. *Substance Abuse*, 39(4), 497–504. <https://doi.org/10.1080/08897077.2018.1449169>
- ASB Help. (2019). Availability and use of the Community Trigger. In Victims' Commissioner for England and Wales, ASB Help & Nottingham Trent University. (Eds). *Anti-social behaviour: Living a nightmare* (pp. 10–15). <https://tinyurl.com/2p8av7tm>
- Ashworth, A. (2004). Social control and “anti-social behaviour”: The subversion of human rights? *Law Quarterly Review*, 120(April), 263–291
- Ashworth, A. (2006). Four threats to the presumption of innocence. *The International Journal of Evidence & Proof*, 10(4), 241–279. <https://doi.org/10.1350/ijep.10.4.241>
- Ashworth, A. & Zedner, L. (2010). Preventive orders: A problem of undercriminalization? In R. A. Duff, L. Farmer, S. E. Marshall, M. Renzo & V. Tadros (Eds.). *The boundaries of the criminal law* (pp. 59–87). Oxford University Press.
- Ashworth, A. & Zedner, L. (2012). Prevention and criminalization: Justifications and limits. *New Criminal Law Review*, 15(4), 542–571. <https://doi.org/10.1525/nclr.2012.15.4.542>
- Ashworth, A. & Zedner, L. (2014). *Preventive justice*. Oxford University Press.
- Atkinson, R. (2003). Domestication by cappuccino or a revenge on urban space? Control and empowerment in the management of public spaces. *Urban Studies*, 40(9), 1829–1843. <https://doi.org/10.1080/0042098032000106627>
- Atkinson, R. (2004). The evidence on the impact of gentrification: New lessons for the urban renaissance? *European Journal of Housing Policy*, 4(1), 107–131. <https://doi.org/10.1080/1461671042000215479>
- Atkinson, R. & Blandy, S. (2005). International perspectives on the new enclavism and the rise of gated communities. *Housing Studies*, 20(2), 177–186. <https://doi.org/10.1080/0267303042000331718>
- Atkinson, R. & Flint, J. (2004). Order born of chaos? The capacity for informal social control in disempowered and ‘disorganised’ neighbourhoods. *Policy & Politics*, 32(3), 333–350. <https://doi.org/10.1332/0305573041223690>
- Atkinson, R. & Jacobs, K. (2010). Damned by place, then by politics: Spatial disadvantage and the housing policy-research interface. *International Journal of Housing Policy*, 10(2), 155–171. <https://doi.org/10.1080/14616718.2010.480855>
- Augustyn, M. B. (2015). The (ir)relevance of procedural justice in the pathways to crime. *Law and Human Behavior*, 39(4), 388–401. <https://doi.org/10.1037/lhb0000122>
- Ayres, I. & Braithwaite, J. (1992). *Responsive regulation: Transcending the deregulation debate*. Oxford University Press.
- Bailey, J. (2008). First steps in qualitative data analysis: Transcribing. *Family Practice*, 25(2), 127–131. <https://doi.org/10.1093/fampra/cmn003>

- Banerjee, T. (2001). The future of public space: Beyond invented streets and reinvented places. *Journal of the American Planning Association*, 67(1), 9–24. <https://doi.org/10.1080/01944360108976352>
- Bannister, J. & Flint, J. (2017). Crime and the city: Urban encounters, civility and tolerance. In A. Liebling, S. Maruna & L. McAra (Eds.), *The Oxford handbook of criminology* (6th ed.) (pp. 522–540). Oxford University Press.
- Bannister, J., Fyfe, N. & Kearns, A. (2006). Respectable or respectful? (In)civility and the city. *Urban Studies*, 43(5–6), 919–937. <https://doi.org/10.1080/00420980600676337>
- Bannister, J. & Kearns, A. (2012). Overcoming intolerance to young people's conduct: Implications from the unintended consequences of policy in the UK. *Criminology & Criminal Justice*, 13(4), 380–397. <https://doi.org/10.1177/1748895812458296>
- Bannister, J. & Kearns, A. (2013). The function and foundations of urban tolerance: Encountering and engaging with difference in the city. *Urban Studies* 50(13), 2700–2717. <https://doi.org/10.1177%2F0042098013477705>
- Bannister, J. & O'Sullivan, A. (2013). Civility, community cohesion and antisocial behaviour: Policy and social harmony. *Journal of Social Policy*, 42(1), 91–110. <https://doi.org/10.1017/S0047279412000736>
- Barr, R. & Pease, K. (1990). Crime placement, displacement, and deflection. *Crime and Justice: A Review of Research*, 12, 277–318. <https://doi.org/10.1086/449167>
- Bateman, T. (2007). “An effective tool if used appropriately”: But what is an appropriate use of ASBOs for young people? *Safer Communities*, 6(3), 14–21. <https://doi.org/10.1108/17578043200700020>
- Bayley, D. H. (1994). *Police for the future*. Oxford University Press.
- Bayley, D. H. (2008). Police reform: Who done it? *Policing & Society*, 18(1), 7–17. <https://doi.org/10.1080/10439460701718518>
- Bayley, D. H. & Shearing, C. (1996). The future of policing. *Law and Society Review*, 30(3), 585–606. <https://doi.org/10.2139/ssrn.2726571>
- Bazeley, P. & Jackson, K. (2013). *Qualitative data analysis with NVivo*. SAGE.
- Bennett, J. (2013). Chav-spotting in Britain: The representation of social class as private choice. *Social Semiotics*, 23(1), 146–162. <https://doi.org/10.1080/10350330.2012.708158>
- Bevir, M. (2004). Governance and interpretation: What are the implications of postfoundationalism? *Public Administration*, 82(3), 605–625. <https://doi.org/10.1111/j.0033-3298.2004.00409.x>
- Bevir, M. (2011). Governance and governmentality after neoliberalism. *Policy & Politics*, 39(4), 457–471. <https://doi.org/10.1332/030557310X550141>
- Bhogal, K. (2020). *Cornerstone on anti-social behaviour* (2nd ed.). Bloomsbury Professional.
- Bhogal, K. & O'Leary, T. (2019). Public Spaces Protection Orders: What have we learned? *Journal of Housing Law*, 22(1), 7–12. <https://tinyurl.com/wfxwznex>

- Black, A. & Heap, V. (2022). Procedural justice, compliance and the 'upstanding citizen': A study of Community Protection Notices. *British Journal of Criminology*, 62(6), 1414–1430. <https://doi.org/10.1093/bjc/azab114>
- Blaikie, N. (2008). *Approaches to social enquiry* (2nd ed.). Polity Press.
- Bland, N. & Read, T. (2000). *Policing anti-social behaviour*. Policing and Reducing Crime Unit. <https://tinyurl.com/2ebzeyty>
- Bobbio, L. (2019). Designing effective public participation. *Policy and Society*, 38(1), 41–57. <https://doi.org/10.1080/14494035.2018.1511193>
- Bottoms, A. & Tankebe, J. (2012). Beyond procedural justice: A dialogic approach to legitimacy in criminal justice. *Journal of Criminal Law and Criminology*, 102, 120–170. [https://doi.org/102\(1\):119-170](https://doi.org/102(1):119-170)
- Bottoms, A. & Tankebe, J. (2013). A voice within: Power holders' perspectives on authority and legitimacy. In J. Tankebe & A. Liebling (Eds.). *Legitimacy and criminal justice: An international exploration* (pp. 60–82). Oxford University Press.
- Bourdieu, P. (1990). The scholastic point of view. *Cultural Anthropology*, 5(4), 380–391. <https://doi.org/10.1525/can.1990.5.4.02a00030>
- Boyd, R. (2006). The value of civility? *Urban Studies*, 43(5–6), 868–878. <https://doi.org/10.1080%2F00420980600676105>
- Bradford, B. (2011). Confidence, not divergence? *The British Journal of Criminology* 51, 179–200. <https://doi.org/10.1093/bjc/azq078>
- Bradford, B. (2014). Policing and social identity: Procedural justice, inclusion and cooperation between police and public. *Policing and Society*, 24(1), 22–43. <https://doi.org/10.1080/10439463.2012.724068>
- Bradford, B. (2017). *Stop and search and police legitimacy*. Routledge.
- Bradford, B., Jackson, J. & Stanko, E. (2009). Contact and confidence: Revisiting the impact of public encounters with the police. *Policing and Society*, 19(1), 20–46. <https://doi.org/10.1080/10439460802457594>
- Bradford, B., Hohl, K., Jackson, J. & MacQueen, S. (2015). Obeying the rules of the road: Procedural justice, social identity, and normative compliance. *Journal of Contemporary Criminal Justice*, 31(2), 171–191. <https://doi.org/10.1177/1043986214568833>
- Bradford, B., Milani, J. & Jackson, J. (2017). Identity, legitimacy and “making sense” of police use of force. *Policing: An International Journal*, 40(3), 614–627. <https://doi.org/10.1108/PIJPSM-06-2016-0085>
- Bradford, B., Murphy, K. & Jackson, J. (2014). Officers as mirrors: Policing, procedural justice and the (re)production of social identity. *The British Journal of Criminology*, 54, 527–550. <https://doi.org/10.1092/bjc/azu021>
- Bradford, B. & Quinton, P. (2014). Self-legitimacy, police culture and support for democratic policing in an English constabulary. *The British Journal of Criminology*, 54(6), 1023–1046. <https://doi.org/10.1093/bjc/azu053>
- Bradford, B., Quinton, P., Myhill, A. & Porter, G. (2013). Why do 'the law' comply? Procedural justice, group identification and officer motivation in police organizations. *European Journal of Criminology*, 11, 110–131. <https://doi.org/10.1177%2F1477370813491898>

- Braga, A. A. & Clarke, R. V. (2014). Explaining high-risk concentrations of crime in the city: Social disorganization, crime opportunities; and important next steps. *Journal of Crime and Research and Delinquency*, 51, 480–498. <https://doi.org/10.1177%2F0022427814521217>
- Braithwaite, J. (1999). Restorative justice: Assessing optimistic and pessimistic accounts. *Crime and Justice*, 25, 1–127. <https://doi.org/10.1086/449287>
- Brands, J. & Schwanen, T. (2014). Experiencing and governing safety in the night-time economy: Nurturing the state of being carefree. *Emotion, Space and Society*, 11: 67–78. <https://doi.org/10.1016/j.emospa.2013.08.004>
- Brands, J., Schwanen, T. & van Aalst, I. (2015). Fear of crime and affective ambiguities in the night-time economy. *Urban Studies*, 52(3), 439–455. <https://doi.org/10.1177%2F0042098013505652>
- Brands, J., Schwanen, T. & van Aalst, I. (2016). What are you looking at? Visitors' perspectives on CCTV in the night-time economy. *European Urban and Regional Studies*, 23(1), 23–39. <https://doi.org/10.1177%2F0969776413481369>
- Braun, V. & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101. <https://doi.org/10.1191/1478088706qp063oa>
- Braun, V. & Clarke, V. (2017). *Evaluating and reviewing TA research: A checklist for editors and reviewers*. The University of Auckland. <http://tinyurl.com/2u3yfwf>
- Braun, V. & Clarke, V. (2019). Reflecting on reflexive thematic analysis. *Qualitative Research in Sport, Exercise and Health*, 11(4), 589–597. <https://doi.org/10.1080/2159676X.2019.1628806>
- Braun, V. & Clarke, V. (2020). One size fits all? What counts as quality practice in (reflexive) thematic analysis? *Qualitative Research in Psychology*, 18(3), 328–352. <https://doi.org/10.1080/14780887.2020.1769238>
- Braun, V. & Clarke, V. (2022). Conceptual and design thinking for thematic analysis. *Qualitative Psychology*, 9(1), 3–26. <https://doi.org/10.1037/qup0000196>
- Breeze, B. & Dean, J. (2012). Pictures of me: User views on their representation in homelessness fundraising appeals. *International Journal of Nonprofit and Voluntary Sector Marketing*, 17, 132–143. <https://doi.org.hallam.idm.oclc.org/10.1002/nvsm.1417>
- Brighouse, R. (2016, November 15). *PSPO watch: Kingdom Security come, thy will be done*. Liberty. <https://tinyurl.com/2jzmt5vs>
- Bright, S. & Bakalis, C. (2003). Anti-social behaviour: Local authority responsibility and the voice of the victim. *The Cambridge Law Journal*, 62(2), 305–334. <https://doi.org/10.1017/S0008197303006330>
- British Society of Criminology, The. (2015). *Statement of Ethics*. <http://www.britsoccrim.org/documents/BSCEthics2015.pdf>
- Brodkin, E. Z. (2003). Street-level research: Policy at the front lines. In T. Corbett & M. C. Lennon (Eds.), *Policy into action: Implementation research and welfare reform* (pp. 145–164). Urban Institute Press.

- Brodkin, E. Z. (2012). Reflections on street-level bureaucracy: Past, present and future. *Public Administration Review*, 72(6), 940–949. <https://doi.org/10.1111/j.1540-6210.2012.02657.x>
- Brodkin, E. Z. & Majmundar, M. (2010). Administrative exclusion: Organizations and the hidden costs of welfare claiming. *Journal of Public Administration Research and Theory*, 20(4), 827–848. <https://doi.org/10.1093/jopart/mup046>
- Bronnit, S. & Stenning, P. (2011). Understanding discretion in modern policing. *Criminal Law Journal*, 35(6), 319–332. <http://ssrn.com/abstract=2611449>
- Brown, A. P. (2004). Anti-social behaviour, crime control and social control. *The Howard Journal of Criminal Justice*, 43(2), 203–211. <https://tinyurl.com/5n6v64s4>
- Brown, D. M. (2013a). Young people, anti-social behaviour and public space: The role of community wardens in policing the 'ASBO generation'. *Urban Studies*, 50(3), 538–555. <https://doi.org/10.1177/0042098012468899>
- Brown, K. (2011). Being 'badges of honour': Young people's perceptions of their Anti-Social Behaviour Orders. *People, Place & Policy Online*, 5(1), 12–24. <https://10.3351/ppp.0005.0001.0002>
- Brown, K. J. (2012). 'It's not as easy as ABC': Examining practitioners' views on using behavioural contracts to encourage young people to accept responsibility for their anti-social behaviour. *Journal of Criminal Law*, 76, 53–70. <https://doi.org/10.1350/jcla.2012.76.1.750>
- Brown, K. J. (2013b). The developing habitus of the anti-social behaviour practitioner: From expansion in years of plenty to surviving the age of austerity. *Journal of Law and Society*, 40(3), 375–402. <https://doi.org/10.1111/j.1467-6478.2013.00631.x>
- Brown, K. J. (2015). The Community Trigger for anti-social behaviour: Protecting victims or raising unrealistic expectations? *Criminal Law Review*, 7, 488–503.
- Brown, K. J. (2017). The hyper-regulation of public space: The use and abuse of Public Spaces Protection Orders in England and Wales. *Legal Studies*, 37(3), 543–568. <https://doi.org/10.1111/lest.12175>
- Brown, K. J. (2020a). The banishment of the poor from public space: Promoting and contesting neo-liberalisation at the municipal level. *Social & Legal Studies*, 27(4), 575–595. <https://doi.org/10.1177%2F0964663919889104>
- Brown, K. J. (2020b). Punitive reform and the cultural life of punishment: Moving from the ASBO to its successors. *Punishment & Society*, 22(1), 90–107. <https://doi.org/10.1177%2F1462474519831347>
- Brown, K. J. (2021). *Protecting the homeless by repealing the Vagrancy Act – Two steps forward; one step back*. Social & Legal Studies blog. <https://tinyurl.com/3aew686b>
- Bryman, A. (2016). *Social research methods* (5th ed.). Routledge.
- Budden, T., Dimmock, J. A., Smith, B., Beauchamp, M., Rosenberg, M. & Jackson, B. (2020). Overweight and obese men's experiences in a sport-based weight loss intervention for men. *Psychology of Sport and Exercise*, 50, 101750, 1–10. <http://tinyurl.com/ya6n3tdy>

- Burchardt, T., Le Grand, J. & Piachaud, D. (2002). Introduction. In T. Burchardt, J. Le Grand & D. Piachaud (Eds.), *Understanding social exclusion* (pp. 1–12). Oxford University Press.
- Burney, E. (2002). Talking tough, acting coy: What happened to the Anti-Social Behaviour Order? *The Howard Journal of Crime and Justice*, 41(5), 469–484. <https://doi.org/10.1111/1468-2311.00258>
- Burney, E. (2009). *Making people behave* (2nd ed.). Willan.
- Burney, E. & Gelsthorpe, L. (2008). Do we need a 'naughty step'? Rethinking the parenting order after ten years. *The Howard Journal of Criminal Justice*, 47(5), 470–485. <https://doi.org/10.1111/j.1468-2311.2008.00538.x>
- Cabe Space. (2004). *Decent parks? Decent behaviour? The link between the quality of parks and user behaviour*. <https://tinyurl.com/5n6rfaye>
- Cabinet Office. (2018). *Consultation principles 2018*. <https://tinyurl.com/3cdw7cwz>
- Campbell, S. (2002). *A review of Anti-Social Behaviour Orders*. Home Office.
- Carr, H. & Cowan, D. (2006). Labelling: Constructing definitions of anti-social behaviour? In J. Flint (Ed.). *Housing, urban governance and anti-social behaviour* (pp. 57–78). Policy Press.
- Carver, H., Ring, N., Miler, J. & Parkes, T. (2020). What constitutes effective problematic substance use treatment from the perspective of people who are homeless? A systematic review and meta-ethnography. *Harm Reduction Journal*, 17(10), 1–22. <https://doi.org/10.1186/s12954-020-0356-9>
- Casey, R. & Flint, J. (2007). Active citizenship in the governance of anti-social behaviour in the UK: Exploring the non-reporting of incidents. *People, Place & Policy*, 1/2, 69–79. <https://doi.org/10.3351/ppp.0001.0002.0003>
- Ceccato, V. & Tcacencu, S. (2018). Perceived safety in a shopping centre: A Swedish case study. In V. Ceccato & R. Armitage (Eds.). *Retail crime: International evidence and prevention* (pp. 215–242). Palgrave Macmillan.
- Cherney, A. & Murphy, K. (2011). Understanding the contingency of procedural justice outcomes. *Policing*, 5(3), 228–235. <https://doi.org/10.1093/police/par030>
- Chiodelli, F. & Moroni, S. (2015). Do malls contribute to the privatisation of public space and the erosion of the public sphere? Reconsidering the role of shopping centres. *City, Culture and Society*, 6(1), 35–42. <https://doi.org/10.1016/j.ccs.2014.12.002>
- Clark, C. & Taylor, B. (2014). Is nomadism the 'problem? The social construction of gypsies and travellers as perpetrators of 'anti-social' behaviour in Britain. In S. Pickard (Ed.). *Anti-social behaviour in Britain: Victorian and contemporary perspectives* (pp. 166–178). Palgrave Macmillan.
- Clarke, A., Wydall, S., Gray, P., Liddle, M. & Smith, A. (2011). *Describing and assessing interventions to address anti-social behaviour*. Home Office Research Report 51. <https://tinyurl.com/5n72hhfx>
- Clarke, N. & Cochrane, A. (2013). Geographies and politics of localism: The localism of the United Kingdom's Coalition government. *Political Geography*, 34, 10–23. <https://doi.org/10.1016/j.polgeo.2013.03.003>

- Coates, S., Kautt, P. & Mueller-Johnson, K. (2009). Penalty Notices for Disorder: Influences on police decision making. *Journal of Experimental Criminology*, 5(4), 399–428. <https://doi.org/10.1007/s11292-009-9084-6>
- Cochrane, A. (2020). In and beyond local government: Making up new spaces of governance. *Local Government Studies*, 46(4), 524–541. <https://doi.org/10.1080/03003930.2019.1644321>
- Cockroft, T. W., Bryant, R. & Keval, H. (2016). The impact of dispersal powers on congregating youth. *Safer Communities*, 15(4), 213–222. <https://doi.org/10.1108/SC-11-2015-0038>
- Cohen, S. (1985). *Visions of social control*. Polity Press.
- Cole, D. (2014). The difference prevention makes: Regulating preventive justice. *Criminal Law and Philosophy*, 9, 501–519. <https://doi.org/10.1007/s11572-013-9289-7>
- Coleman, A., MacKenzie, D. & Churchill, B. (2013). *The role of outreach: Responding to primary homelessness*. National Homeless Research Agenda 2009–2013. <https://tinyurl.com/ykmnhptp>
- Coleman, R. (2004). *Reclaiming the streets: Surveillance, social control and the city*. Willan.
- Commission on Race and Ethnic Disparities. (2021). *Independent report: Summary of recommendations*. <https://tinyurl.com/3rba8cca>
- Commission on Social Justice. (1993). *The justice gap*. Institute for Public Policy Research.
- Conklin, W. E. (1997). The assimilation of the other within a master discourse. In S. H. Riggins (Ed.). *The language of politics and exclusion: Others in discourse* (pp. 226–248). SAGE.
- Conservative Party. (2010). *Invitation to join the government of Britain*. <https://tinyurl.com/mr29bkwb>
- Corbin-Dwyer, S. & Buckle, J. L. (2009). The space between: On being an insider-outsider in qualitative research. *Methods*, 8(1), 54–63. <https://doi.org/10.1177%2F160940690900800105>
- Cornford, A. (2015). Preventive criminalization. *New Criminal Law Review*, 18(1), 1–34. <https://doi.org/10.1525/nclr.2015.18.1.1>
- Cozens, P. & Love, T. (2015). A review and current status of crime prevention through environmental design (CPTED). *Journal of Planning Literature*, 30(4), 393–412. <https://doi.org/10.1177/0885412215595440>
- Crawford, A. (2006). ‘Fixing broken promises?’: Neighbourhood wardens and social capital. *Urban Studies*, 43(5/6), 957–976. <https://doi.org/10.1080/00420980600676451>
- Crawford, A. (2008). Dispersal powers and the symbolic role of anti-social behaviour legislation. *The Modern Law Review*, 71(5), 753–784. <https://doi.org/10.1111/j.1468-2230.2008.00714.x>
- Crawford, A. (2009). Governing through anti-social behaviour: Regulatory challenges to criminal justice. *The British Journal of Criminology*, 49(6), 810–831. <https://doi.org/10.1093/bjc/azp041>

- Crawford, A. (2011). From the shopping mall to the street corner: Dynamics of exclusion in the governance of public space. In A. Crawford (Ed.). *International and comparative criminal justice and urban governance* (pp. 483–518). Cambridge University Press.
- Crawford, A. & Evans, K. (2017). Crime prevention and community safety. In A. Leibiling, S. Maruna & L. McAra (Eds.). *The Oxford handbook of criminology* (6th ed.) (pp. 797–824). Oxford University Press.
- Crawford, A. & Flint, J. (2009). Urban safety, anti-social behaviour and the night-time economy. *Criminology & Criminal Justice*, 9(4), 403–413. <https://doi.org/10.1177%2F1748895809343390>
- Crawford, A. & Lister, S. (2007). *The use and impact of Dispersal Orders: Sticking plasters and wake-up calls*. Policy Press.
- Crawford, A., Lewis, S. & Traynor, P. (2017). “It ain’t (just) what you do, it’s (also) the way that you do it”: The role of procedural justice in the implementation of anti-social behaviour interventions with young people. *European Journal on Criminal Policy and Research*, 23(1), 9–26. <https://doi.org/10.1007/s10610-016-9318-x>
- Crisis. (2020). *Government response to homelessness and COVID-19*. <https://tinyurl.com/3xdx7sz3>
- Crossley, S. (2015). *The troubled families programme: The perfect social policy?* Centre of Crime and Justice Studies. <https://tinyurl.com/ysxeucxk>
- Crossley, S. (2017). ‘Making trouble’: A Bourdieusian analysis of the UK government’s troubled families programme. Durham University. <https://tinyurl.com/23ytt8bt>
- Crossley, S. (2018). *Troublemakers: The construction of ‘troubled families’ as a social problem*. Policy Press.
- Cunningham, S. & Shah, M. (2018). Decriminalizing indoor prostitution: Implications for sexual violence and public health. *The Review of Economic Studies*, 85(3), 1683–1715. <https://doi.org/10.1093/restud/rdx065>
- Dai, M., Frank, J. & Sun, J. (2011). Procedural justice during police-citizen encounters: The effects of process-based policing on citizen compliance and demeanour. *Journal of Criminal Justice*, 39, 159–168. <https://doi.org/10.1016/j.jcrimjus.2011.01.004>
- Darke, S. (2011) The enforcement approach to crime prevention. *Critical Social Policy*, 31(3), 410–430. <https://doi.org/10.1177/0261018311405012>
- Davidovitz, M. & Cohen, N. (2021). Politicians’ involvement in street-level policy implementation: Implications for social equity. *Public Policy and Administration*. Advance online publication. <https://doi.org/10.1177/09520767211024033>
- Davidson, C. (2009). Transcription: Imperatives for qualitative research. *International Journal of Qualitative Methods*, 8(2), 35–52. <https://doi.org/10.1177%2F160940690900800206>
- Davis, K. C. (1971). *Discretionary justice: A preliminary inquiry*. Louisiana State University Press.

- de Saint-Georges, I. (2018). Generalizing from case studies: A commentary. *Integrative Psychological & Behavioral Science*, 52(1), 94–103. <https://doi.org/10.1007/s12124-017-9402-x>
- Dean, J. (2017). *Doing reflexivity*. Policy Press.
- Demetriou, S. (2020). Crime and anti-social behaviour in England and Wales: An empirical evaluation of the ASBO's successor. *Legal Studies* 40(3), 458–476. <https://doi.org/10.1017/lst.2020.19>
- Dempsey, N. & Burton, M. (2012). Defining place-keeping: The long-term management of public spaces. *Urban Forestry & Urban Greening*, 11(1), 11–20. <https://doi.org/10.1016/j.ufug.2011.09.005>
- Dempsey, N., Burton, M. & Selin, J. (2016). Contracting out parks and roads maintenance in England. *International Journal of Public Sector Management*, 29(5), 441–456. <https://doi.org/10.1108/IJPSM-02-2016-0029>
- Department for Children, Schools and Families. (2009). *Family intervention projects*. <https://tinyurl.com/5n8rp9fx>
- Department of Health and Social Care (2020, March 24). *Stay home, Protect the NHS, Save lives* [Video]. <https://tinyurl.com/2p8u2e57>
- Department for Levelling Up, Housing and Communities, & Home Office. (2023). *Anti-social behaviour action plan*. <https://tinyurl.com/2kw4c3me>
- Deuchar, R. (2010). 'It's just pure harassment... as if it's a crime to walk in the street': Anti-social behaviour, youth justice and citizenship – The reality for young men in the east end of Glasgow. *Youth Justice*, 10(3), 258–274. <https://doi.org/10.1177/1473225410381686>
- Devany, C. (2019). *The changing pattern of homeless drug use in Edinburgh and Sheffield*. Oak Foundation. <https://tinyurl.com/bdefppjn>
- Devine, F. (2002). Qualitative methods. In D. Marsh & G. Stoker (Eds.). *Theory and methods in political science* (2nd ed.) (pp. 197–215). Palgrave Macmillan.
- Dietz, T. L. (2009). Drug and alcohol use among homeless older adults: Predictors of reported current and lifetime substance misuse problems in a national sample. *Journal of Applied Gerontology*, 28(2), 235–255. <https://doi.org/10.1177/0733464808326006>
- Dima, I. & Heap, V. (2021). *How do local councils administer Community Protection Notices?* The Manifesto Club. <https://tinyurl.com/wuj2kx6w>
- Doherty, J., Busch-Geertsema, V., Kartpuskiene, V., Korhonen, J., O'Sullivan, E., Sahlin, I. & Wygnańska, J. (2008). Homelessness and exclusion: Regulating public space in European cities. *Surveillance and Society*, 5(3), 290–314. <https://doi.org/10.24908/ss.v5i3.3425>
- Donoghue, J. (2007). The judiciary as a primary definer on Anti-Social Behaviour Orders. *The Howard Journal of Criminal Justice*, 46(4), 417–430. <https://doi.org/10.1111/j.1468-2311.2007.00486.x>
- Donoghue, J. (2010). *Anti-Social Behaviour Orders: A culture of control?* Palgrave Macmillan.

- Dorais, M. (2005). *Rent boys: The world of male sex workers*. McQueen's University Press.
- Downes, D. & Morgan, R. (2012). Overtaking on the left? The politics of law and order in the 'Big Society'. In M. Maguire, R. Morgan & R. Reiner (Eds.). *The Oxford handbook of criminology* (5th ed.) (pp. 182–205). Oxford University Press.
- Drabble, L., Trocki, K., Salcedo, B., Walker, P. & Korcha, R. (2015). Conducting qualitative interviews by telephone: Lessons learned from a study of alcohol use among sexual minority and heterosexual women. *Qualitative Social Work: Research and Practice*, 15(1), 118–133. <https://doi.org/10.1177/1473325015585613>
- Draco, M. & Langella, M. (2020). *Law, order and austerity: Police numbers and crime in the 2010s*. The University of Warwick. <https://tinyurl.com/2zp8895k>
- Duff, R. A. (2010). Pervasions and subversions of criminal law. In R. A. Duff, L. Farmer, S. E. Marshall, M. Renzo & V. Tadros (Eds.). *The boundaries of the criminal law* (pp. 88–112). Oxford University Press.
- Duffy, M., Muis, K. & Foy, M. (2017). Clearing a path for constructivist beliefs: Examining constructivist pedagogy and pre-service teachers' epistemic and learning beliefs. In G. Shraw, J. L. Brownlee, L. Olafson & M. Vander Veldt Brye, *Teachers' personal experiences: Evolving models for informing practice* (pp. 265–290). Information Age Publishing.
- Durose, C. (2009). Front-line workers and 'local knowledge': Neighbourhood stories on contemporary UK local governance. *Public Administration*, 87(1), 35–49. <https://doi.org/10.1111/j.1467-9299.2008.01737.x>
- Durose, C. (2011). Revisiting Lipsky: Front-line work in UK local governance. *Political Studies*, 59(4), 979–995. <https://doi.org/10.1111/j.1467-9248.2011.00886.x>
- Dyce, S. (2019). *Digital exclusion of homeless people*. People Know How. <https://tinyurl.com/zknv494h>
- Eagle, R., Jones, A. & Greig, A. (2017). Localism and the environment: A critical review of UK Government localism strategy 2010–2015. *Local Economy, Journal of the Local Economy Policy Unit*, 32(1), 55–72. <https://doi.org/10.1177%2F0269094216687710>
- Edwards, I. (2008). The place of shame in responses to anti-social behaviour. *British Journal of Community Justice*, 6(3), 50–66. <https://tinyurl.com/4c6nipc5>
- Edyvane, D. (2017). The passion for civility. *Political Studies Review*, 15(3), 344–354. <https://doi.org/10.1177%2F1478929915611919>
- Egan, M. Neary, J., Keenan, P. J. & Bond, L. (2013). Perceptions of antisocial behaviour and negative attitudes towards young people: Focus group evidence from adult residents of disadvantaged urban neighbourhoods (Glasgow, UK). *Journal of Youth Studies*, 16(5), 612–627. <https://doi.org/10.1080/13676261.2012.733809>
- Elias, N. & Scotson, J. L. (1994). *The established and the outsiders*. SAGE.

- Etzioni, A. (1993). *The spirit of community – Rights, responsibilities and the Communitarian approach*. Fontana Press.
- Evans, K. (2005). Young people in the media: A dangerous and anti-social obsession. *Criminal Justice Matters*, 59(1), 14–15. <https://doi.org/10.1080/09627250508553032>
- Evans, K. (2010). *Crime prevention: A critical introduction*. SAGE.
- Evans, T. (2011). Professionals, managers and discretion: Critiquing street-level bureaucracy. *British Journal of Social Work*, 41(2), 368–386. <https://doi.org/10.1093/bjsw/bcq074>
- Fahmy, E. (2006). Youth, poverty and social exclusion. In C. Pantazis, D. Gordon & R. Levitas. (Eds.), *Poverty and social exclusion in Britain: The millennium survey* (pp. 347–374). Policy.
- Fahmy, E. (2018). The impoverishment of youth: Poverty, deprivation and social exclusion among young adults in the UK. In E. Dermott & G. Main (Eds.), *Poverty and social exclusion in the UK. Volume 1: The nature and extent of the problem* (pp. 41–60). Policy Press.
- Fenig, S., Levav, I., Kohn, R., & Yelin, N. (1993). Telephone vs face-to-face interviewing in a community psychiatric survey. *American Journal of Public Health*, 83(6), 896–898. <https://doi.org/10.2105/AJPH.83.6.896>
- Field, F. (2003). *Neighbours from hell: The politics of behaviour*. Politico's Publishing.
- Findlay-King, L., Nichols, G., Forbes, D. & Macfadyen, G. (2018). Localism and the Big Society: the asset transfer of leisure centres and libraries – fighting closures or empowering communities? *Leisure Studies*, 37(2), 158–170. <https://doi.org/10.1080/02614367.2017.1285954>
- Finney, N. & Simpson, L. (2009). *Sleepwalking into segregation? Challenging the myths about race and migration*. Policy Press.
- Firmstone, J. & Coleman, S. (2015). Public engagement in local government: The voice and influence of citizens in online communicative spaces. *Information Communications and Society*, 18(6), 680–195. <https://doi.org/10.1080/1369118X.2014.986180>
- Firn, M. (2007). Assertive outreach: Has the tide turned against the approach. *Mental Health Practice*, 10(7), 24–27. <https://doi.org/10.7748/mhp2007.04.10.7.24.c4299>
- Fisk, D., Rakfeldt, J. & McCormack, E. (2006). Assertive outreach: An effective strategy for engaging homeless persons with substance use disorders into treatment. *The American Journal of Drug and Alcohol Abuse*, 32(3), 479–486. <https://doi.org/10.1080/00952990600754006>
- Fitzgerald, T., Young, H. & Grootenboer, P. (2003). Bureaucratic control or professional autonomy? Performance management in New Zealand schools. *School Leadership & Management*, 23(1), 91–105. <https://doi.org/10.1080/1363243032000080050>
- Fitzpatrick, S., Bramley, G. & Johnsen, S. (2013). Pathways into multiple exclusion homelessness in seven UK cities. *Urban Studies*, 50(1), 148–168. <https://doi.org/10.1177%2F0042098012452329>

- Fitzpatrick, S., Johnsen, S. & White, M. (2011). Multiple exclusion homelessness in the UK: Key patterns and intersections. *Social Policy & Society*, 10(4), 501–512. <https://doi.org/10.1017/S147474641100025X>
- Fitzpatrick, S., Watts, B. & Sims, R. (2020). The limits of localism: A decade of disaster on homelessness in England. *Policy & Politics*, 48(4), 641–561. <https://doi.org/10.1332/030557320X15857338944387>
- Flint, J. (2002). Social housing agencies and the governance of anti-social behaviour. *Housing Studies*, 17(4), 619–637. <https://doi.org/10.1080/02673030220144376>
- Flint, J. (2004). The responsible tenant: Housing governance and the politics of behaviour. *Housing Studies*, 19(6), 893–909. <https://doi.org/10.1080/0267303042000293991>
- Flint, J. (2006). *Housing, urban governance and anti-social behaviour: Perspectives, policy and practice*. Policy Press.
- Flint, J., Green, S., Hunter, C., Nixon, J., Parr, S., Manning, J., Wilson, I., Pawson, H. & Davidson, E. (2007). *The impact of antisocial behaviour strategies at the neighbourhood level*. Scottish Government. <https://tinyurl.com/5yrfcv2e>
- Flint, J. & Nixon, J. (2006). Governing neighbours: Anti-Social Behaviour Orders and new forms of regulating conduct in the UK. *Urban Studies*, 43(5), 939–955. <https://doi.org/10.1080/00420980600676386>
- Flint, J. & Pawson, H. (2009). Social landlords and the regulation of conduct in urban spaces in the United Kingdom. *Criminology & Criminal Justice*, 9(4), 415–435. <https://doi.org/10.1177/1748895809343408>
- Flusty, S. (2001). The banality of interdiction: Surveillance, control and the displacement of diversity. *International Journal of Urban and Regional Research*, 25(3), 658–664. <https://doi.org/10.1111/1468-2427.00335>
- Flyvbjerg, B. (2006). Five misunderstandings about case study research. *Qualitative Inquiry*, 12(2), 219–245. <https://doi.org/10.1177%2F1077800405284363>
- Ford, M., Grimshaw, R., Mills, H. & Hickey, N. (2018). *Anti-social behaviour powers and young people*. Centre for Crime and Justice Studies. <https://tinyurl.com/y3yzaxnv>
- Forest Research. (n.d.). *Types of resources*. <https://tinyurl.com/bdfehvb2>
- Forrest, S. & Tilley, N. (2005). *Nottingham anti-social behaviour task force: Final report*. Home Office.
- Fountain, J., Howes, S., Marsden, J., Taylor, C. & Strang, J. (2003). Drug and alcohol use and the link with homelessness: Results from a survey of homeless people in London. *Addiction Research & Theory*, 11(3), 245–256. <https://doi.org/10.1080/1606635031000135631>
- Fuji Johnson, G. & Howsam, R. (2018). Can consultation ever be collaborative? *Policy Design and Practice*, 1(4), 253–268. <https://doi.org/10.1080/25741292.2018.1531583>
- Fung, A. (2003). Survey article: Recipes for public spaces: Eight institutional design choices and their consequences. *Journal of Political Philosophy*, 11(3), 338–367. <https://doi.org/10.1111/1467-9760.00181>

- Fusch, P. I. & Ness, L. R. (2015). Are we there yet? Data saturation in qualitative research. *The Qualitative Report*, 20(9), 1408–1416. <https://doi.org/10.46743/2160-3715/2015.2281>
- Fyfe, N., Bannister, J. & Kearns, A. (2006). (In)civility and the city. *Urban Studies*, 43(5–6), 853–861. <https://doi.org/10.1080/00420980600676063>
- Galletta, A. & Cross, W. E. (2013). *Mastering the semi-structured interview and beyond: From research design to analysis to publication*. New York University Press.
- Garland, D. (2001). *The Culture of Control: Crime and social disorder in contemporary society*. Oxford University Press.
- Gearing, R. (2004). Bracketing in research: A typology. *Qualitative Health Research*, 14(10), 1429–1452. <https://doi.org/10.1177%2F1049732304270394>
- Gidlow, C. J. & Ellis, N. J. (2011). Neighbourhood green space in deprived urban communities: Issues and barriers to use. *Local Environment*, 16(1), 989–1002. <https://doi.org/10.1080/13549839.2011.582861>
- Gil-Robles, A. (2005). Report by Mr Alvaro Gil-Robles, Commission for Human Rights, on his visit to the United Kingdom, 4–12 November 2004 (CommDH (2005)6). Office for the Commission on Human Rights. <https://tinyurl.com/v9z4mzsu>
- Gilling, D. & Hughes, G. (2002). The community safety ‘profession’: Towards a new expertise in the governance of crime, disorder and safety in the UK? *Community Safety Journal*, 1(1), 4–12. <https://doi.org/10.1108/17578043200200002>
- Gilling, D. & Schuller, N. (2007). No escape from the iron cage? Governmental discourse in New Labour’s community safety policy. *Crime Prevention and Community Safety*, 9, 227–251. <https://doi.org/10.1057/palgrave.cpcs.8150050>
- Gilmore, A. (2017). The park and the commons: Vernacular spaces for everyday participation and cultural value. *Cultural Trends*, 26(1), 34–46. <https://doi.org/10.1080/09548963.2017.1274358>
- Girling, E., Loader, I. & Sparks, R. (2000). *Crime and social change in Middle England*. Routledge.
- Goldsmith, C. (2008). Cameras, cops and contracts: What anti-social behaviour management feels like to young people. In P. Squires (Ed.). *ASBO nation: The criminalisation of nuisance* (pp. 223–238). Oxford University Press.
- Goldstein, H. (1977). Categorizing and structuring discretion. In H. Goldstein (Ed.). *Policing a free society* (pp. 95–100). Ballinger Publishing Company.
- Grande, E. (2013). Global risks and preventive governance. In D. Innerarity & J. Solana (Eds.). *Humanity and risk: The need for global governance* (S. Kingery & S. Williams, Trans.) (pp. 19–38). Bloomsbury.
- Gray, S. F. & Gray, K. (1999). Civil rights, civil wrongs, and quasi-public space. *European Human Rights Law Review*, 1, 46–102.
- Griffith, P., Norman, W., O’Sullivan, C. & Ali, R. (2011). *Charm offensive: Cultivating civility in 21st century Britain*. The Young Foundation.

- Grix, J. (2010). *The foundations of research* (2nd ed.). Macmillan.
- Gyong, J. E. (2014). Good governance and accountability in a democracy. *European Scientific Journal*, 7(26), 71–89. <https://doi.org/10.19044/esj.2011.v7n26p%p>
- Hadfield, P. (2006). *Bar wars: Contesting the night in contemporary British cities*. Oxford University Press.
- Hadfield, P. (2014) The night-time city. Four modes of exclusion: Reflection on the Urban Studies special collection. *Urban Studies*, 52(3), 606–616. <https://doi.org/10.1177%2F0042098014552934>
- Hadfield, P., Lister, S. & Traynor, P. (2009). ‘This town’s a different town today’: Policing and regulating the night-time economy. *Criminology & Criminal Justice*, 9(4), 565–485. <https://doi.org/10.1177/1748895809343409>
- Hadfield, P. & Measham, F. (2015) The outsourcing of control: Alcohol law enforcement, private-sector governance and the night-time economy. *Urban Studies*, 52(3), 517–537. <https://doi.org/10.1177%2F0042098014554540>
- Halford, E., Dixon, A. & Farrell, G. (2022). Anti-social behaviour in the coronavirus pandemic. *Crime Science*, 11(6), 1–14. <https://doi.org/10.1186/s40163-022-00168-x>
- Hall, S. (1997). The spectacle of the “other”. In S. Hall (Ed.), *Representation: Cultural representations and signifying practices* (pp. 225–239). SAGE.
- Hancock, L. (2001). *Community, crime and disorder: Safety and regeneration in urban neighbourhoods*. Palgrave.
- Hancock, L. (2008). The criminalisation of places. *Centre for Crime and Justice Studies*, 74(1), 22–23. <https://doi.org/10.1080/09627250802476742>
- Hancock, L. & Matthews, R. (2001). Crime, community safety and toleration. In R. Matthews & J. Pitts (Eds.). *Crime, disorder and community safety* (pp. 98–119). Routledge.
- Hancock, L. & Mooney, G. (2013). “Welfare ghettos” and the “broken society”: Territorial stigmatization in the contemporary UK. *Housing, Theory and Society*, 30(1), 46–64. <https://doi.org/10.1080/14036096.2012.683294>
- Hansard HC Deb (2 October 2006) vol 449 col 2656W [Electronic version].
- Hansen, R., Bill, L. & Pease, K. (2003). Nuisance offenders: Scoping the public policy problems. In M. Tonry (Ed.), *Confronting crime: Crime control policy under New Labour* (pp. 80–94). Cullumpton.
- Harcourt, B. E. (2007). *Against prediction: Profiling, policing, and punishing in an actuarial age*. University of Chicago Press.
- Harding, J. (2013). *Qualitative data analysis: From start to finish*. SAGE.
- Harradine, S., Kodz., J., Lemetti, F. & Jones, B. (2004). *Defining and measuring anti-social behaviour*. Home Office. <https://tinyurl.com/yus7wvvt>
- Harvey, D. (2005). *A brief history of neoliberalism*. Oxford University Press.
- Hassan, M. S., Raja Ariffin, R. N., Mansor, N. & Al Halbusi, H. (2021). The moderating role of willingness to implement policy on street-level bureaucrat’s multidimensional enforcement style and discretion.

- International Journal of Public Administration*, 1(3), 1–15.
<https://doi.org/10.1080/01900692.2021.2001008>
- Hawkins, K. (2002). *Law as last resort: Prosecution decision-making in a regulatory agency*. Oxford University Press.
- Hayden, C. & Parr, S. (2019). Multiple needs, 'troubled families' and social work. *People, Place and Policy*, 13(1), 29–41.
<https://doi.org/10.3351/ppp.2019.8432625383>
- Heap, V. (2010). *Understanding public perceptions of anti-social behaviour: Problems and policy responses*. University of Huddersfield.
<https://tinyurl.com/2vrf2jrk>
- Heap, V. (2016). Putting victims first?: A critique of coalition anti-social behaviour policy. *Critical Social Policy*, 36(2), 246–264.
<https://doi.org/10.1177/0261018315624173>
- Heap, V. (2021). Anti-social behaviour victims' experience of activating the 'Community Trigger' case review. *People, Place and Policy*, 15(1), 19–32.
<https://doi.org/10.3351/ppp.2021.9393834535>
- Heap, V. & Dickinson, J. (2018). Public Spaces Protection Orders: A critical policy analysis. *Safer Communities*, 17(3), 182–192.
- Heap, V. & Black, C. (forthcoming).
- Heap, V., Black, A. & Devany, C. (2022). *Living within a Public Spaces Protection Order: The impacts of policing anti-social behaviour on people experiencing street homelessness*. Sheffield Hallam University.
<https://tinyurl.com/2ajpf3b6>
- Heap, V., Black, A. & Devany, C. (2023). Understanding how Community Protection Notices are used to manage anti-social behaviour attributed to people experiencing street homelessness. *People, Place and Policy*. Advance online publication.
<https://doi.org/10.3351/ppp.2023.3333664643>
- Heap, V., Black, A. & Rodgers, Z. (2022). Preventive justice: Exploring the coercive power of Community Protection Notices to tackle anti-social behaviour. *Punishment & Society*, 24(3) 305–323.
<https://doi.org/10.1177/1462474521989801>
- Heap, V., Black, A. & Rodgers, Z. (2023). Procedural justice and process-based models: Understanding how practitioners utilise Community Protection Notices to regulate anti-social behaviour. *Criminology & Criminal Justice*. Advance online publication. <https://doi.org/10.1177/17488958221151113>
- Heap, V., Grace, J., Black, A., Dickinson, J. & Archer, B. (2021). *Is there a need to review the wording and application of guidance and legislation on Public Spaces Protection Orders (PSPOs)?* Written evidence submitted to the Joint Commission on Human Rights. <https://tinyurl.com/4br4t3f8>
- Heap, V. & Waters, J. (2019). *Mixed methods in criminology*. Routledge.
- Heath, R. & Borda, J. L. (2021). Reclaiming civility: Towards discursive opening in dialogue and deliberation. *Journal of Deliberative Democracy*, 17(1), 9–18. <https://doi.org/10.16997/jdd.976>

- Helleiner, J. & Szuchewycz, B. (1997). Discourses of exclusion: The Irish press and the travelling people. In S. H. Riggins. (Ed.), *The language and politics of exclusion: Others in discourse* (pp. 109–130). SAGE.
- Hendry, J. (2022). 'The usual suspects': Knife Crime Prevention Orders and the 'difficult' regulatory subject. *The British Journal of Criminology*, 62, 378-395. <https://doi.org/10.1093/bjc/azab063>
- Her Majesty's Inspectorate of Constabulary (2010). *Anti-social behaviour: Stop the rot*. <https://tinyurl.com/2p8tn3mb>
- Heritage Lottery Fund. (2016). *State of UK public parks*. <https://tinyurl.com/527bf27s>
- Hester, M. & Westmarland, N. (2004). *Tackling street prostitution: Towards a holistic approach*. Home Office Research Study 279. <https://tinyurl.com/ywpz9tk5>
- Hester, M., Mulvihill, N., Matolcsi, A., Lanau Sanchez, A. & Walker, S. J. (2019). *The nature and prevalence of prostitution and sex work in England and Wales today*. Centre for Gender and Violence Research. <https://tinyurl.com/yc3dxjfa>
- Higgins, A. (2019). *Understanding the public's priorities for policing*. The Police Foundation. <https://tinyurl.com/3du6nzrd>
- Hill, C. J. (2006). Casework job design and client outcomes in welfare-to-work offices. *Journal of Public Administration Research Theory*, 16(2), 263–288. <https://doi.org/10.1093/jopart/mui043>
- Hill, H. C. (2003). Understanding implementation: Street-level bureaucrats' resources for reform. *Journal of Public Administration Research and Theory*, 13(3), 265–282. <https://doi.org/10.1093/jpart/mug024>
- Hill, J. & Wright, G. (2003) Youth, community safety and the paradox of inclusion. *The Howard Journal of Criminal Justice*, 42(3), 282. <https://doi.org/10.1111/1468-2311.00283>
- Hobbs, D., Hadfield, P., Lister, S. & Winlow, S. (2003). *Bouncers: Violence and governance in the night-time economy*. Oxford University Press.
- Hobbs, D., Winlow, S., Hadfield, P. & Lister, S. (2005). Violent hypocrisy: Governance and the night-time economy. *European Journal of Criminology*, 2(2), 161–183. <https://doi.org/10.1177%2F1477370805050864>
- Hobcroft, J. N. (2002). Social exclusion and the generations. In J. Hills, J. Le Grand & D. Piachaud (Eds.). *Understanding social exclusion* (pp. 62–83). Oxford University Press.
- Hodgetts, D. & Stolte, O. (2016). Homeless people's leisure practices within and beyond urban socio-scapes. *Urban Studies*, 53(5), 899–914. <https://doi.org/10.1177%2F0042098015571236>
- Hodgkinson S. & Tilley N. (2007). Policing anti-social behaviour: Constraints, dilemmas and opportunities. *Howard Journal* 46(4): 385–400. <https://doi.org/10.1111/j.1468-2311.2007.00484.x>
- Hodgkinson, S. & Tilley, N. (2011). Tackling anti-social behaviour: Lessons from New Labour for the Coalition Government. *Criminology and Criminal Justice*, 11(4), 283–305. <https://doi.org/10.1177%2F1748895811414594>

- Hoffman, S., Mackie, P. K. & Pritchard, J. (2010). Anti-social behaviour law and policy in the United Kingdom: Assessing the impact of enforcement action in the management of social housing. *International Journal of Law in the Built Environment*, 2(1), 26–44. <https://doi.org/10.1108/17561451011036504>
- Holland, C., Clark, A., Katz, J. & Peace, S. (2007). *Social interactions in urban public places*. Joseph Rowntree Foundation. <https://tinyurl.com/bdhehh76>
- Hollingworth, S. & Williams, K. (2009). Constructions of the working-class ‘other’ among urban, white, middle-class youth: ‘Chavs’, subculture and the valuing of education. *Journal of Youth Studies*, 12(5), 467–482. <https://doi.org/10.1080/13676260903081673>
- Holmes, A. G. D. (2020). Researcher positionality: A consideration of its influence and place in qualitative research: A new researcher guide. *Shanlax International Journal of Education*, 8(4), 1–10. <https://doi.org/10.34293/education.v8i4.3232>
- Home Office. (1991). *The report of the Daniel Morgan independent panel*. <https://tinyurl.com/y83cfnyz>
- Home Office. (1999). *Crime and Disorder Act 1998: Anti-Social Behaviour Orders: Guidance*.
- Home Office. (2002). *Narrowing the justice gap*. Justice Gap Taskforce. <https://tinyurl.com/3mkac5z6>
- Home Office. (2003). *Respect and responsibility – Taking a stand against anti-social behaviour*.
- Home Office. (2011). *More effective responses to anti-social behaviour*. <https://tinyurl.com/zwdp36ts>
- Home Office. (2013). *Anti-social behaviour statistics: England and Wales 2013 key findings*. <https://tinyurl.com/z38ppk9u>
- Home Office. (2014). *Statistical notice: Anti-Social Behaviour Order (ASBO) statistics – England and Wales 2013*. <https://tinyurl.com/ykwphh4x>
- Home Office. (2017). *Anti-social behaviour, crime and policing act 2014: Anti-social behaviour powers – Statutory guidance for frontline professionals*.
- Home Office. (2019a). *Anti-social behaviour, crime and policing act 2014: Anti-social behaviour powers – Statutory guidance for frontline professionals*.
- Home Office. (2019b). *National campaign to recruit 20,000 police officers launches today*. <https://tinyurl.com/29kytr27>
- Home Office. (2022a). *Anti-Social, Crime and Policing Act 2014: Anti-social behaviour powers – Statutory guidance for frontline professionals*.
- Home Office. (2022b). *Repeal of the Vagrancy Act 1824: Police, crime, sentencing and courts act 2022 factsheet*. <https://tinyurl.com/3vk77bhh>
- Home Office. (2023). *Anti-Social, Crime and Policing Act 2014: Anti-social behaviour powers – Statutory guidance for frontline professionals*. <https://tinyurl.com/5n8davub>
- Homes & Communities Agency. (2014). *Additionality guide* (4th ed.). <https://tinyurl.com/ym6jnme6>

- Hopkins-Burke, R. & Hodgson, P. (2015). Anti-social behaviour, community and radical communitarianism. *Cogent Social Sciences*, 1(1), 1–13. <https://doi.org/10.1080/23311886.2015.1033369>
- Hough, M. (2003). Modernisation and public opinion: Some criminal justice paradoxes. *Contemporary Politics*, 9(2), 143–155. <https://doi.org/10.1080/1356977032000106992>
- Hough, M. (2013). Procedural justice and policing in times of austerity. *Criminology & Criminal Justice*, 13(2), 181–197. <https://doi.org/10.1177/1748895812466399>
- Hough, M. (2021). *Good policing: Trust, legitimacy and authority*. Policy Press
- Hough, M., Jackson, J., Bradford, B., Myhill, A. & Quinton, P. (2010). Procedural justice, trust, and institutional legitimacy. *Policing: A Journal of Policy and Practice*, 4(3), 203–210. <https://doi.org/10.1093/police/paq027>
- Hough, M., Jackson, J. & Bradford, B. (2013). Legitimacy, trust, and compliance: An empirical test of procedural justice theory using the European social survey. In J. Tankebe & A. Liebling (Eds.), *Legitimacy and criminal justice: An international exploration* (pp. 326–353). Oxford University Press.
- Hubbard, P. (2004). Cleansing the metropolis: Sex work and the politics of zero tolerance. *Urban Studies*, 41(9), 1687–1702. <https://doi.org/10.1080/0042098042000243101>
- Hubbard, P. & Sanders, T. (2003). Making space for sex work: Female street prostitution and the production of urban space. *International Journal of Urban and Regional Research*, 27(1), 75–89. <https://doi.org/10.1111/1468-2427.00432>
- Hug, S. (2003). Selection bias in comparative research: The case of incomplete data sets. *Political analysis*, 11(3), 255–274.
- Hughes, C. [Caroline], Madoc-Jones, I., Parry, O. & Dubberley, S. (2017). A place to call our own: Perspectives on the geographical and social marginalisation of homeless people. *Journal of Adult Protection*, 19(3), 105–116. <https://doi.org/10.1108/JAP-09-2016-0022>
- Hughes, C. [Cathy] & Jackson, C. (2015). Death of the high street: Identification, prevention, reinvention. *Regional Studies, Regional Science*, 2(1), 237–256. <https://doi.org/10.1080/21681376.2015.1016098>
- Hughes, G. (2007). Neighbourhood policing and community safety: Researching the instabilities of the local governance of crime, disorder and security in contemporary UK. *Criminology & Criminal Justice*, 7(4), 317–346. <https://doi.org/10.1177%2F1748895807082059>
- Hughes, G. & Edwards, A. (Ed.). (2002). *Crime control and community: The new politics of public safety*. Routledge.
- Hughes, G. & Gilling, D. (2004). ‘Mission impossible’?: The habitus of the community safety manager and the new expertise in the local partnership governance of crime and safety. *Criminology & Criminal Justice*, 4(2), 129–149. <https://doi.org/10.1177%2F1466802504044912>
- Hughes, K., Anderson, Z., Morleo, M. & Bellis, M. A. (2008). Alcohol, nightlife and violence: The relative contributions of drinking before and during nights out

- to negative health and criminal justice outcomes. *Society for the Study of Addiction*, 103, 60–65. <https://doi.org/10.1111/j.1360-0443.2007.02030.x>
- Hunter, C. & Nixon, J. (2001). Taking the blame and losing the home: Women and anti-social behaviour. *Journal of Social Welfare and Family Law*, 23(4), 395–410. <https://doi.org/10.1080/09649060110079323>
- Hunter, C., Nixon, J., Parr, S. & Greenwood, A. (2004). *What works for victims and witnesses of anti-social behaviour*. Home Office.
- Hupe, P. & Hill, M. (2007). Street-level bureaucracy and public accountability. *Public Administration*, 85(2), 279–299. <https://doi.org/10.1111/j.1467-9299.2007.00650.x>
- Husak, D. (2004). The criminal law as last resort. *Oxford Journal of Legal Studies*, 24(3), 207–235. <https://doi.org/10.1093/ojls/24.2.207>
- Innes, M. & Jones, V. (2006). *Neighbourhood security and urban change: Risk, resilience and recovery*. Joseph Rowntree Foundation. <https://tinyurl.com/2n6erbds>
- Innes, M. & Weston, N. (2010). *Rethinking the policing of anti-social behaviour*. Her Majesty's Inspectorate of Constabulary. <https://tinyurl.com/vajy4f35>
- Jackson, J. & Bradford, B. (2009). Crime, policing and social order: On the expressive nature of public confidence in policing. *The British Journal of Sociology*, 60(3), 493–521. <https://doi.org/10.1111/j.1468-4446.2009.01253.x>
- Jackson, J., Bradford, B., Hough, M., Myhill, A., Quinton, P. & Tyler, T. R. (2012). Why do people comply with the law? Legitimacy and the influence of legal institutions. *The British Journal of Criminology*, 52, 1051–1071. <https://doi.org/10.1093/bjc/azs032>
- Jackson, J., Tyler, T. R., Bradford, B., Taylor, D. & Shiner, M. (2010). Legitimacy and procedural justice in prisons. *Prison Service Journal*, 191, 4–10. <http://eprints.lse.ac.uk/id/eprint/29676>
- Jacobson, J., Millie, A. & Hough, M. (2008). Why tackle anti-social behaviour? In P. Squires (Ed.). *The criminalisation of nuisance* (pp. 37–56). Oxford University Press.
- Jacobson, D. & Mustafa, N. (2019). Social identity map: A reflexivity tool for practicing explicit positionality in critical qualitative research. *International Journal of Qualitative Methods*, 18, 1–12. <https://doi.org/10.1177%2F1609406919870075>
- Jacobsson, K., Wallinder, Y. & Seing, I. (2020). Street-level bureaucrats under new managerialism: A comparative study of agency cultures and caseworker role identities in two welfare state bureaucracies. *Journal of Professions and Organization*, 7(3), 316–333. <https://doi.org/10.1093/jpo/joaa015>
- Jewell, C. J. & Glazer, B. E. (2006). Toward a general analytic framework: Organizational settings, policy goals, and street-level behavior. *Administration & Society*, 38(3), 335–364. <https://doi.org/10.1177/0095399706288581>
- Johnsen, S. & Fitzpatrick, S. (2007). *The impact of enforcement on street users in England*. Policy Press.

- Johnsen, S. & Fitzpatrick, S. (2010). Revanchist sanitisation or coercive care? The use of enforcement to combat begging, street drinking and rough sleeping in England. *Urban Studies*, 47(8), 1703–1723. <https://doi.org/10.1177%2F0042098009356128>
- Johnsen, S., Fitzpatrick, S. & Watts, B. (2018). Homelessness and social control: A typology. *Housing Studies*, 33(7), 1106–1126. <https://doi.org/10.1080/02673037.2017.1421912>
- Johnson, C., Willers, M. & Watkinson, D. (2018, April 3). *The unlawful use of Public Spaces Protection Orders*. Travellers Times. <https://tinyurl.com/mwcc9xmh>
- Johnstone, C. (2004). Crime, disorder and urban renaissance. In C. Johnstone & M. Whitehead (Eds.). *New horizons on British urban policy – Perspective on New Labour’s urban renaissance* (pp. 75–94). Ashgate.
- Johnstone, C. (2016). After the ASBO: Extending control over young people’s use of public space in England and Wales. *Critical Social Policy*, 36(4), 716–726. <https://doi.org/10.1177%2F0261018316651943>
- Johnstone, C. & Mooney, G. (2007). “Problem people”, “problem place”? New Labour and council estates. In R. Atkinson & G. Helms (Eds.). *Securing an urban renaissance: Crime, community and British urban policy* (pp. 125–140). Polity Press.
- Jonathan-Zamir, T., Mastrofski, S. D. & Moyal, S. (2015). Measuring procedural justice in police-citizen encounters. *Justice Quarterly*, 32, 845–871. <https://doi.org/10.1080/07418825.2013.845677>
- Jones, H. & Sagar, T. (2001). Crime and Disorder Act 1998: Prostitution and the Anti-Social Behaviour Order. *Criminal Law Review*, 873–885.
- Jones, O. (2011). *Chavs: The demonization of the working class*. Verso.
- Jones, P. I. (2013). *Urban regeneration in the UK*. SAGE.
- Jones, T. & Lister, S. (2019). Localism and police governance in England and Wales: Exploring continuity and change. *European Journal of Criminology*, 16(5), 552–572. <https://doi.org/10.1177%2F1477370819860689>
- Jones, T. & Newburn, T. (2001). *Widening access: Improving police relations with hard to reach groups*. Home Office Police Research Series. <https://tinyurl.com/9twmhym2>
- Jones, T., Newburn, T. & Smith, D. J. (1996). Policing and the idea of democracy. *The British Journal of Criminology*, 36(2), 182–198. <https://doi.org/10.1093/oxfordjournals.bjc.a014081>
- JUSTICE. (2023). *Lowering the Standard: A review of Behavioural Control Orders in England and Wales*. <http://tinyurl.com/4ar5336f>
- Kabachnik, P. & Ryder, B. (2013). Nomadism and the 2003 Anti-Social Behaviour Act: Constraining gypsy and traveller mobilities in Britain. *International Journal of Sociology and Social Policy*, 23(1), 83–106. <https://doi.org/10.3828/rs.2013.4>
- Kearns, A. (2003). Social capital, regeneration and urban policy. In R. Imrie & M. Raco (Eds.), *Urban renaissance: New Labour, community and urban policy* (pp. 37–60). Policy Press.

- Kearns, A. & Bannister, J. (2009). *Conceptualising tolerance: Paradoxes of tolerance and intolerance in contemporary Britain*. The Scottish Centre for Crime & Justice Research. <https://tinyurl.com/2y6vu832>
- Kearns, A. & Whiteley, E. (2018). Perceived neighborhood ethnic diversity and social outcomes: Context-dependent effects within a postindustrial city undergoing regeneration. *Journal of Urban Affairs*, 40(2), 186–208. <https://doi.org/10.1080/07352166.2017.1343632>
- Keeling, P. (2017). *No respect: Young BAME men, the police and stop and search*. Criminal Justice Alliance. <https://tinyurl.com/bdd6h88c>
- Kelling, G. L. & Coles, C. M. (1997). *Fixing broken windows: Restoring order and reducing crime in our communities*. Touchstone.
- Kelly, P. (2003). Growing up as risky business? Risks, surveillance and the institutionalized mistrust of youth. *Journal of Youth Studies*, 6(2), 165–180. <https://doi.org/10.1080/1367626032000110291>
- Kennel Club, The. (n.d.). *Out of order — The impact of access restrictions on dogs and their owners*. <https://tinyurl.com/yc6a6cpr>
- Keping, Y. (2018). Governance and good governance: A new framework for political analysis. *Fudan Journal of the Humanities and Social Sciences*, 11, 1–8. <https://doi.org/10.1007/s40647-017-0197-4>
- Kilby, L. (2020). Shaking off the shackles of imposterism. *Psychologist*, 33, 38–41. <https://tinyurl.com/wbm5mdhr>
- Kingston, S. & Thomas, T. (2017). The Anti-Social Behaviour, Crime and Policing Act 2014: Implications for sex workers and their clients. *Policing and Society*, 27(5), 465–479. <https://doi.org/10.1080/10439463.2015.1072181>
- Kinnell, H. (2008). *Violence and sex work in Britain*. Willan.
- Kohn, M. (2004). *Brave New Neighbourhoods: The Privatisation of Public Space*. Routledge.
- Kohn, M. (2013). Privatization and protest: Occupy Wall Street, Occupy Toronto, and the occupation of public space in a democracy. *Perspective on Politics*, 11(1), 99–110. <https://doi.org/10.1017/S1537592712003623>
- Knowsley Council. (n.d.). *Reducing crime and anti social behaviour by utilising green space assets*. <https://tinyurl.com/5n848ufx>
- Kvale, S. (1996). *InterViews: An introduction to qualitative research interviewing*. SAGE.
- Kyprianides, A., Bradford, B., Jackson, J., Stott, C., & Pósch, K. (2022). Relational and instrumental perspectives on compliance with the law among people experiencing homelessness. *Law and Human Behavior*, 46(1), 1–14. <https://doi.org/10.1037/lhb0000465>
- Labour Party. (1995). *A quiet life: Tough action on criminal neighbourhoods*.
- Lambert, M. & Crossley, S. (2017). 'Getting with the (troubled families) programme: A review. *Social Policy & Society*, 16(1), 87–97. <https://doi.org/10.1017/S1474746416000385>
- Lawton, A. & Macaulay, M. (2014). Localism in practice: Investigating citizen participation and good governance in local government standards of

- conduct. *Public Administration Review*, 74(1), 75–83. <https://doi.org/10.1111/puar.12161>
- Layard, A. (2010). Shopping in the public realm: A law of place. *Journal of Law and Society*, 37(3), 412–441. <https://doi.org/10.1111/j.1467-6478.2010.00513.x>
- Leadbeater, C. & Goss, S. (1998). *Civic entrepreneurship*. Demos.
- Lee, A., Jordan, H. & Horsley, J. (2015). Value of urban green spaces in promoting healthy living and wellbeing: prospects for planning. *Risk Management and Healthcare Policy*, 8, 131–137. <https://doi.org/10.2147%2FRMHP.S61654>
- Lee, J. S., Park, J. & Jung, S. (2016). Effect of crime prevention through environmental design (CPTED) measures on active living and fear of crime. *Sustainability* 8(9), 872–888. <https://doi.org/10.3390/su8090872>
- Levitas, R. (2005). *The inclusive society? Social exclusion and New Labour* (2nd ed.). Palgrave Macmillan.
- Levitas, R. (2006). The concept and measurement of social exclusion. In C. Pantazis, D. Gordon & R. Levitas (Eds.), *Poverty and social exclusion in Britain: The millennium survey* (pp. 123–162). Policy Press.
- Levitas, R., Pantazis, C., Fahmy, E., Gordon, D., Lloyd, E. & Patsios, D. (2007). *The multi-dimensional analysis of social exclusion*. Bristol Institute of Public Affairs. <https://tinyurl.com/38y4keh>
- Levy, J. & Jakobsson, P. (2014). Sweden’s abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden’s sex workers. *Criminology & Criminal Justice*, 14(5), 593–607. <https://doi.org/10.1177/1748895814528926>
- Lint, W. D. (1998). Regulating autonomy: Police discretion as a problem for training. *Canadian Journal of Criminology*, 2, 277–304.
- Lipsky, M. (1980/2010). *Street-level bureaucracy: Dilemmas of the individual in public services* (3rd ed.). Russell Sage Foundation.
- Local Government & Social Care Ombudsman. (2023). ‘Out of order’: Learning lessons from complaints about anti-social behaviour. <https://tinyurl.com/8t7d866n>
- Local Government Association. (2014). *The Anti-Social Behaviour, Crime and Policing Act 2014: Implementing the community trigger*. <https://tinyurl.com/2sp3cpay>
- Local Government Association. (2018). *Public Spaces Protection Orders: Guidance for councils*. <https://tinyurl.com/jvnc7da4>
- Local Government Association. (2020). *Approaches to managing the night-time economy*. <https://tinyurl.com/8c4xsvmz>
- Lui, H. K. (2017). Exploring online engagement in public policy consultation: The crowd or the few? *Australian Journal of Public Administration*, 76(1), 33–47. <https://doi.org/10.1111/1467-8500.12209>
- Lupton, R. & Power, A. (2002). Social exclusion and neighbourhoods. In T. Burchardt, J. Le Grand & D. Piachaud (Eds.), *Understanding social exclusion* (pp. 118–140). Oxford University Press.

- Macdonald, S. (2007). ASBOs and Control Orders: Two recurring themes, two apparent contradictions. *Parliamentary Affairs*, 60(4), 601–624. <https://doi.org/10.1093/pa/gsm034>
- Macdonald, S. & Telford, M. (2007). The use of ASBOs against young people in England and Wales: Lessons from Scotland. *Legal Studies*, 27(4), 604–629. <https://doi.org/10.1111/j.1748-121X.2007.00059.x>
- Mackenzie, S., Bannister, J., Flint, J., Parr, S., Millie, A. & Fleetwood, J. (2010). *The drivers of perceptions of anti-social behaviour*. Home Office. <https://tinyurl.com/yaz8hkf2>
- Mackie, P., Johnsen, S. & Wood, J. (2017). *Ending rough sleeping: What works. An international evidence review*. Crisis. <https://tinyurl.com/3nvcn8at>
- MacLennan, D. & O’Sullivan, A. (2013). Localism, devolution and housing policies. *Housing Studies*, 28(4), 599–615. <https://doi.org/10.1080/02673037.2013.760028>
- MacLeod, G. (2002). From urban entrepreneurialism to a “revanchist city”? On the spatial injustices of Glasgow’s renaissance. *Antipode*, 34(3), 602–624. <https://doi.org/10.1111/1467-8330.00256>
- MacQueen, S. & Bradford, B. (2015). Enhancing public trust and police legitimacy during road traffic encounters: Results from a randomised controlled trial in Scotland. *Journal of Experimental Criminology*, 11, 419–443. <https://doi.org/10.1007/s11292-015-9240-0>
- Marcuse, P. (2005). The ‘threat of terrorism’ and the right to the city. *Fordism Urban Law Journal*, 32(4), 767–785. <https://tinyurl.com/4pupyzmd>
- Martin, G. (2011). Tackling ‘anti-social behaviour’ in Britain and New South Wales – A preliminary comparative account. *Current Issues in Criminal Justice*, 22(3), 379–397. <https://doi.org/10.1080/10345329.2011.12035894>
- Mastrofski, S. D., Snipes, J. B. & Supina, A. E. (1996). Compliance on demand: The public’s response to specific police requests. *Journal of Research in Crime and Delinquency*, 33(3), 269–305. <https://doi.org/10.1177%2F0022427896033003001>
- Mathers, A., Dempsey, N. & Frøik Molin, J. (2015). Place-keeping in action: Evaluating the capacity of green space partnerships in England. *Landscape and Urban Planning*, 139, 126–136. <https://doi.org/10.1016/j.landurbplan.2015.03.004>
- Matthews, H. (2001). Citizenship, youth councils and young people’s participation. *Journal of Youth Studies*, 4(3), 299–318. <https://doi.org/10.1080/13676260120075464>
- Matthews, R. & Briggs, D. (2008). Lost in translation: Interpreting and implementing anti-social behaviour policies. In P. Squires (Ed.). *ASBO nation: The criminalisation of nuisance* (pp. 87–102). Policy Press.
- Matthews, R. & Pitts, J. (2001). (Eds.). *Crime, disorder and community safety*. Routledge.
- Matthews, R., Easton, H., Briggs, D. & Pease, K. (2007). *Assessing the use and impact of Anti-Social Behaviour Orders*. Policy Press.
- Matthews, R. & Young, J. (2003). (Eds.). *The new politics of crime and disorder*. Willan.

- Mattijssen, T. J. M., van der Jagt, A. P. N., Buijs, A. E., Elands, B. H. M., Erlwin, S. & Laforteza, R. (2017). The long-term prospects of citizens managing urban green space: From place making to place-keeping? *Urban Forestry & Urban Greening*, 26, 78–84. <https://doi.org/10.1016/j.ufug.2017.05.015>
- May, P. J. & Winter, S. C. (2009). Politicians, managers, and street-level bureaucrats: Influences on policy implementation. *Journal of Public Administration Research and Theory*, 19(3), 453–476. <https://doi.org/10.1093/jopart/mum030>
- Mayfield, G. & Mills, A. (2008). Towards a balanced and practical approach to anti-social behaviour. In P. Squires (Ed.). *ASBO nation: The criminalisation of nuisance* (pp. 73–85). Policy Press.
- Maynard-Moody, S. & Musheno, M. (2000). State agent or citizen agent: Two narratives of discretion. *Journal of Public Administration, Research and Theory*, 10(2), 229–258. <https://doi.org/10.1093/oxfordjournals.jpart.a024272>
- Maynard-Moody, S. & Musheno, M. (2003). *Cops, teachers, counselors: Stories from the front-lines of public service*. University of Michigan Press.
- Maynard-Moody, S. & Portillo, S. (2010). Street-level bureaucracy theory. In R. F. Durant (Ed.). *Oxford handbook of American bureaucracy* (pp. 252–277). Oxford University Press.
- McCarthy, D. J. (2010). Self-governance or professionalized paternalism?: The police, contractual injunctions and the differential management of deviant population. *The British Journal of Criminology*, 50(5), 896–913. <https://doi.org/10.1093/bjc/azq026>
- McCluskey, J. D. (2003). *Police requests for compliance: Coercive and procedurally just tactics*. LFB Scholarly Publishing.
- McCulloch, K., Stewart, A. & Lovegreen, N. (2006). ‘We just hang out together’: Youth cultures and social class. *Journal of Youth Studies*, 9(5), 539–556. <https://doi.org/10.1080/13676260601020999>
- McGarvey, N. & Stewart (2018). The role of the councillor. In R. Kerley, J. Liddle & P. T. Dunning (Eds.). *The Routledge handbook of international local government* (pp. 54–69). Routledge.
- McGill, E., Marks, Petticrew, M. & Egan, M. (2022). Addressing alcohol-related harms in the local night-time economy: A qualitative process evaluation from a complex systems perspective. *British Medical Journal*, 12, 1–16. <https://doi.org/1136/bmjopen-2021-050913>
- McKee, K. (2009). Post-Foucauldian governmentality: What does it offer critical social policy analysis? *Critical Social Policy*, 29(3) 465–486. <https://doi.org/10.1177/0261018309105180>
- Measham, K. & Moore, K. (2008). The criminalisation of intoxication. In P. Squires (Ed.). *ASBO nation: The criminalisation of nuisance* (pp. 273–288). Policy Press.
- Measor, L. & Squires, P. (2000). *Young people and community safety: Inclusion, risk, tolerance and disorder*. Ashgate.
- Meert, H., Stuyck, C., José Cabrera, P., Dyb, E., Filipovic, M., Gyori, P. & Maas, R. (2006). *The changing profiles of the homeless people: Conflict,*

- rooflessness and the use of public space*. European Observation on Homelessness. <https://tinyurl.com/p6c7edm>
- Meis, J. & Kashima, Y. (2017). Signage as a tool for behavioral change: Direct and indirect routes to understanding the meaning of a sign. *PLoS One*, 12(8), 1–16. <https://doi.org/10.1371/journal.pone.0182975>
- Mello, S. (2018). More COPS, Less Crime. *Journal of Public Economics*, 172, 174–200. <https://doi.org/10.1016/j.jpubeco.2018.12.003>
- Middleton, J. & Yarwood, R. (2015). ‘Christians, out here? Encountering street-pastors in the post-secular spaces of the UK’s night-time economy. *Urban Studies*, 52(3), 501–516. <https://doi.org/10.1177%2F0042098013513646>
- Millie, A. (2007). Looking for anti-social behaviour. *The Policy Press*, 35(4), 611–628. <https://doi.org/10.1332/030557307782453056>
- Millie, A. (2008). Anti-social behaviour, behavioural expectations and an urban aesthetic. *The British Journal of Criminology*, 48(3), 379–394. <https://tinyurl.com/ynkp52kn>
- Millie, A. (2009). *Anti-social behaviour*. McGraw-Hill.
- Millie, A., Jacobson, J., McDonald, E. & Hough, M. (2005). *Anti-social behaviour strategies: Finding a balance*. Joseph Rowntree Foundation. <https://tinyurl.com/mu7few5e>
- Mitchell, D. (1995). The end of public space? People’s Park, definitions of the public, and democracy. *Annals of the Association of American Geographers*, 85(1), 108–133. <https://doi.org/10.1111/j.1467-8306.1995.tb01797.x>
- Mooney, J. & Young, J. (2006). The decline in crime and rise in anti-social behaviour. *Probation Journal*, 53(4), 397–407. <https://doi.org/10.1177/0264550506069364>
- Moore, S. (2008). Street life, neighbourhood policing and ‘the community’. In P. Squires (Ed.). *ASBO nation: The criminalisation of nuisance* (pp. 179–203). Policy Press.
- Morison, J. (2017). Citizen participation: A critical look at the democratic adequacy of government consultations. *Oxford Journal of Legal Studies*, 37(3), 636–659. <https://doi.org/10.1093/ojls/gqx007>
- Moss, C. J. & Moss, K. (2019). Out of sight: Social control and the regulation of public space in Manchester. *Social Sciences*, 8(5), 146–157. <https://doi.org/10.3390/socsci8050146>
- Mueller, M. A. E. & Flouri, E. (2021). Urban adolescence: The role of neighbourhood greenspace in mental well-being. *Environmental Psychology*, 12, 1–13. <https://doi.org/10.3389/fpsyg.2021.712065>
- Muncie, C. (2015). *Youth and crime* (4th ed.). SAGE.
- Nabatchi, T., Becker, J. A. & Leighninger, M. (2015). Using public participation to enhance citizen voice and promote accountability. In J. L. Perry & R. K. Christensen (Eds.). *Handbook of public administration* (3rd ed.) (pp. 137–151). Wiley.

- Nagin, D. S. & Telep, C. W. (2017). Procedural justice and legal compliance. *Annual Review of Law and Social Science*, 13, 5–28. <https://doi.org/10.1146/annurev-lawsocsci-110316-113310>
- National Audit Office (2021). *Investigation into the housing of rough sleepers during the COVID-19 pandemic*. Ministry of Housing, Communities & Local Government. <https://tinyurl.com/436n5kxs>
- National Police Chiefs' Council (2022, March 16). *Update on coronavirus FPNs issued by forces in England and Wales, and the payment of FPNs*. <https://tinyurl.com/mrycnp3f>
- National Policing Improvement Agency. (2011). *The national standard for incident recording*. <https://tinyurl.com/yckvr2zv>
- Nawaz, A. & Tankebe, J. (2018). Tackling procedural justice in stop and search encounters: Coding evidence from body-worn video cameras. *Cambridge Journal of Evidence-Based Policing*, 2, 139–163. <https://doi.org/10.1007/s41887-018-0029-z>
- Neary, J., Keenan, P. J., Lawson, L. & Bond, L. (2013). Damned if they do, damned if they don't: Negotiating the tricky context of anti-social behaviour and keeping safe in disadvantaged urban neighbourhoods. *Journal of Youth Studies*, 16(1), 118–134. <https://doi.org/10.1080/13676261.2012.710745>
- Neighbourhood Watch. (n.d.). *Say no to ASB*. <https://tinyurl.com/yt5r5vsu>
- Nelson, J. (2017). Using conceptual depth criteria: Addressing the challenge of reaching saturation in qualitative research. *Qualitative Research*, 17(5), 554–570. <https://doi.org/10.1177%2F1468794116679873>
- Nix, J. & Wolfe, S. E. (2016). Sensitivity to the 'Ferguson effect': The role of managerial organizational justice. *Journal of Criminal Justice*, 47, 12–20. <https://doi.org/10.1016/j.jcrimjus.2016.06.002>
- Nix, J., Wolfe, S. E., Rojek, J. & Kaminski, R. J. (2015). Trust in the police: The influence of procedural justice and perceived collective efficacy. *Crime & Delinquency*, 61(4), 610–640. <https://doi.org/10.1177/0011128714530548>
- Nixon, J., Blandy, S., Hunter, C., Reeve, K. & Jones, A. (2003). *Tackling anti-social behaviour in mixed-tenure areas*. ODPM.
- Nixon, J., Hunter, C., Parr, S., Myers, S., Whittle, S. & Sanderson, D. (2006). *Anti-social behaviour intensive family support projects: An evaluation of six pioneering projects*. ODPM.
- Nixon, J. & Parr, S. (2006). Anti-social behaviour: Voices from the front-line. In J. Flint (Ed.). *Housing, urban governance and anti-social behaviour* (pp. 79–98). Policy Press.
- Norman, T. & Pauly, B. (2014). Including people who experience homelessness: A scoping review of the literature. *International Journal of Sociology and Social Policy*, 33(3/4), 136–151. <https://doi.org/10.1108/01443331311308203>
- Novick, G. (2008). Is there a bias against telephone interviews in qualitative research? *Research in Nursing & Health*, 31(4), 391–398. <https://doi.org/10.1002/nur.20259>

- O'Brien, B. (2016). Public Spaces Protection Orders – An “attack of vagueness.” *Safer Communities*, 15(4), 183–189. <https://doi.org/10.1108/SC-06-2016-0013>
- O'Neil, M., Gerstein Pinau, M., Kendall-Taylor, N., Volmert, A. & Stevens, A. (2017). *Findings a better frame: How to create more effective messages on homelessness in the United Kingdom*. Frameworks Institute. <https://tinyurl.com/2p87vvu4>
- O'Neill, M. [Megan] & McCarthy, D. J. (2014). (Re)negotiating police culture through partnership working: Trust, compromise and the ‘new’ pragmatism. *Criminology & Criminal Justice*, 14(2), 143–159. <https://doi.org/10.1177%2F1748895812469381>
- Office of National Statistics. (2023). *Crime in England and Wales: Year ending December 2022*. <https://tinyurl.com/upcccjk7>
- Opportunity for All. (1999). *Opportunity for all: Tackling poverty and social exclusion*. Home Office. <https://tinyurl.com/m78ky7yn>
- Paddison, R. & Sharp, J. (2007). Questioning the end of public space: Reclaiming control of local banal spaces. *Scottish Geographical Journal*, 123(2), 87–106. <https://doi.org/10.1080/14702540701615236>
- Parr, S. (2009a). Confronting the reality of anti-social behaviour. *Theoretical criminology*, 13(3), 363–381. <https://doi.org/10.1177/1362480609336501>
- Parr, S. (2009b). Family Intervention Projects: A site of social work practice. *The British Journal of Social Work*, 39(7), 1256–1273. <https://doi.org/10.1093/bjsw/bcn057>
- Parr, S. (2017). Explaining and understanding state intervention into the lives of ‘troubled’ families. *Social Policy & Society*, 16(4), 577–592. <https://doi.org/10.1017/S147474641600035X>
- Parr, S. (2022). The changing shape of provision for rough sleepers: From conditionality to care. *Housing Studies*, 37(7), 1100–1123. <https://doi.org/10.1080/02673037.2018.1543796>
- Parr, S. & Churchill, H. (2020). The troubled families programme: earning about policy impact through realist case study research. *Social Policy & Administration*, 54(1), 134–147. <https://doi.org/10.1111/spol.12529>
- Parr, S. & Nixon, J. (2008). Rationalising Family Intervention Projects. In P. Squires (Ed.). *ASBO nation: The criminalisation of nuisance* (pp. 161–178). Policy Press.
- Parr, S. & Nixon, J. (2009). Family Intervention Projects: Sites of subversion and resilience. In M. Barnes & D. Pior (Eds.). *Subversive citizens: Power, agency and resistance in public services* (pp. 101–117). Policy Press.
- Parsell, C., Jones, A. & Head, B. (2013). Policies and programmes to end homelessness in Australia: Learning from international practice. *International Journal of Social Welfare*, 22(2), 186–94. <https://doi.org/10.1111/j.1468-2397.2012.00884.x>
- Paternoster, R., Brame, R., Bachman, R. & Sherman, L. W. (1997). Do fair processes matter? The effect of procedural justice on spouse assault. *Law & Society Review*, 31(1), 163–204. <https://doi.org/10.2307/3054098>

- Peck, J. (2011). Geographies of policy: From transfer-diffusion to mobility-mutation. *Progress in Human Geography*, 35, 773–797. <https://doi.org/10.1177/0309132510394010>
- Phillips, M. & Lu, J. (2018). A quick look at NVivo. *Journal of Electronic Resources Librarianship*, 30(2), 104–106. <https://doi.org/10.1080/1941126X.2018.1465535>
- Phillips, R. & Parsell, C. (2012). *The role of assertive outreach in ending 'rough sleeping'*. Australian Housing and Urban Research Institute. <https://tinyurl.com/4c9uux4n>
- Phillips, R., Parsell, C., Seage, N. & Memmott, P. (2011). *Assertive outreach*. Australian Housing and Urban Research Institute. <https://tinyurl.com/bdd2p6jf>
- Phoenix, J. (2008). ASBOs and working women: A new revolving door? In P. Squires (Ed.). *The criminalisation of nuisance* (pp. 289–306). Oxford University Press.
- Pitcher, J., Campbell, R., Hubbard, P., O'Neill, M. [Maggie] & Scoular, J. (2006). *Living and working in areas of street sex work: From conflict to coexistence*. The Policy Press.
- Pleace, N. (1998). Single homelessness as social exclusion: The unique and the extreme. *Social Policy & Administration*, 32(1), 46–59. <https://doi.org/10.1111/1467-9515.00085>
- Plowden, P. (1999). Love thy neighbour. *New Law Journal*, 149, 479 & 520.
- Polcin, D. L. (2016). Co-occurring substance abuse and mental health problems among homeless persons: Suggestions for research and practice. *Journal of Social Distress and the Homeless*, 25(1), 1–10. <https://doi.org/10.1179%2F1573658X15Y.0000000004>
- Powell, R. (2008). Understanding the stigmatization of gypsies: Power and the dialectics of (dis)identification. *Housing, Theory and Society*, 25(2), 87–109. <https://doi.org/10.1080/14036090701657462>
- Powell, R. & Lever, J. (2017). Europe's perennial 'outsiders': A processual approach to Roma stigmatization and ghettoization. *Current Sociology*, 65(5), 680–699. <https://doi.org/10.1177/0011392115594213>
- Powell, R. & Robinson, D. (2019). Housing, ethnicity and advanced marginality in England. In J. Flint & R. Powell (Eds.). *Class, ethnicity and the state in the polarized metropolis: Putting Wacquant to work* (pp. 187–212). Palgrave.
- Pratt, A. (2017). The rise of the quasi-public space and its consequences for cities and culture. *Palgrave Communications*, 3(1), 1–4. <https://doi.org/10.1057/s41599-017-0048-6>
- Prior, D. & Spalek, B. (2008). Anti-social behaviour and ethnic minority populations. In P. Squires (Ed.). *The criminalisation of nuisance* (pp. 117–134). Oxford University Press.
- Prison Reform Trust. (2011). *Prison reform trust consultation submission: More effective responses to anti-social behaviour*. <https://tinyurl.com/yc4axjat>
- Prommegger, B., Thatcher, J. B., Wiesche, M. & Krcmar, H. (2021). When your data has COVID-19: How the changing context disrupts data collection

- and what to do about it. *European Journal of Information Systems*, 30(1), 100–118. <https://doi.org/10.1080/0960085X.2020.1841573>
- Race Disparity Unit. (2022). *Gypsy, Roma and Irish Traveller ethnicity summary*. <https://tinyurl.com/mpmhy9vt>
- Ramsay, P. (2009). The theory of vulnerable autonomy and the legitimacy of civil preventive orders. In B. McSherry, A. Norrie & S. Bronitt (Eds.). *Regulating deviance: The redirection of criminalisation and the futures of criminal law* (pp. 109–140). Hart Publishing.
- Ramsay, P. (2012). *The insecurity state: Vulnerable autonomy and the right to security in the criminal law*. Oxford University Press
- Ranasinghe, P. (2011). Public disorder and its relation to the community-civility-consumption triad: A case study on the uses and users of contemporary urban public space. *Urban Studies*, 48(9), 1925–1943. <https://doi.org/10.1177/0042098010379275>
- Raymen, T. (2016). Designing-in crime by designing-out the social? Situational crime prevention and the intensification of harmful subjectivity. *The British Journal of Criminology*, 56, 497–514. <https://doi.org/10.1093/bjc/azv069>
- Reiner, R. (2010). *The politics of the police* (4th ed.). Oxford University Press.
- Repetto, T. A. (1976). Crime prevention and the displacement phenomenon. *Crime and Delinquency*, 22(2), 166–177. <https://doi.org/10.1177%2F001112877602200204>
- Respect Taskforce (2006). *Respect action plan*. <https://tinyurl.com/yu6heucn>
- Rhodes, R. A. W. (1997). *Understanding governance: Policy networks, governance, reflexivity and accountability*. Open University Press.
- Richardson, A. (2018, September 26). *UK's first borough-wide no prostitution zone in Redbridge*. Guardian-Series. <https://tinyurl.com/yp6dzfat>
- Riccucci, N. (2005). *How management matters: Street-level bureaucrats and welfare reform*. Georgetown University Press.
- Robinson, D. (2008). Community cohesion and the politics of communitarianism. In J. Flint & D. Robinson (Eds.). *Community cohesion in crisis?* (pp. 15–34). Policy Press.
- Roberts, A. & Archer, B. (2022). Co-productive approaches to homelessness in England and Wales beyond the Vagrancy Act 1824 and Public Spaces Protection Orders. *British Journal of Community Justice*, 16(1), 4–20. <https://doi.org/10.48411/jp74-nn80>
- Roberts, M. (2009). Planning, urban design and the night-time economy: Still at the margins? *Criminology and Criminal Justice*, 9(4), 487–506. <https://doi.org/10.1177%2F1748895809343415>
- Rose, N. (1999). *Powers of freedom: Reframing political thought*. Cambridge University Press.
- Rose, N. (2001). Community, citizenship and the third way. In D. Merydyth and J. Minson (Eds.). *Citizenship and cultural policy* (pp. 1–17). SAGE.
- Ryan, G. W. & Bernard, H. R. (2003). Techniques to identify themes. *Field Methods*, 15(1), 85–109. <https://doi.org/10.1177%2F1525822X02239569>

- Sadler, J. (2008). Implementing the youth 'anti-social behaviour' agenda: Policing the Ashton estate. *Youth Justice*, 8(1), 57–73. <https://doi.org/10.1177%2F1473225407087042>
- Sagar, T. (2007). Tackling on-street sex work: Anti-Social Behaviour Orders, sex workers and inclusive inter-agency alternatives. *Criminology and Criminal Justice*, 7(2), 153–168. <https://doi.org/10.1177/1748895807075568>
- Sagar, T. (2009). Anti-social powers and the regulation of street sex work. *Social Policy and Society*, 9(01), 101–109. <https://doi.org/10.1017/S1474746409990236>
- Sampson, R. J. & Graif, C. (2009). Neighborhood social capital as differential social organization: Resident and leadership dimensions. *American Behavioral Scientist*, 52(11), 1579–1605. <https://doi.org/10.1177/0002764209331527>
- Sanders, B. & Albanese, F. (2017). *An examination of the scale and impact of enforcement interventions on street homeless people in England and Wales*. Crisis. <https://tinyurl.com/3phzp4zh>
- Sanders, T. (2009). Controlling the 'anti sexual city': Sexual citizenship and the disciplining of female street sex workers. *Criminology & Criminal Justice*, 9(4), 507–525. <https://doi.org/10.1177/1748895809343403>
- Sanders, T. & Sehmbi, V. (2015). *Evaluation of the Leeds street sex working managed area*. University of Leeds. <https://tinyurl.com/2p9e2jfd>
- Sampson, R. J. & Graif, C. (2009). Neighbourhood social capital as differential social organization: resident and leadership dimension. *American Behavioural Scientist*, 52(11), 1579–1605. <https://doi.org/10.1177/0002764209331527>
- Sampson, R. J. & Raudenbush, S. W. (1999). Systematic social observation of public spaces: A new look at disorder in urban neighbourhoods. *American Journal of Sociology*, 105(3), 603–651. <https://doi/10.1086/210356>
- Saunders, M. N. K., Lewis, P. & Thornhill, A. (2015). *Research methods for business students* (7th ed.). Pearson.
- Schmidt, S. & Németh, J. (2010). Space, place and the city: Emerging research on public space design and planning. *Journal of Urban Design*, 15(4), 452–457. <https://doi.org/10.1080/13574809.2010.502331>
- Scotland, J. (2012). Exploring the philosophical underpinnings of research: Relating ontology and epistemology to the methodology and methods of the scientific, interpretive and critical research paradigms. *English Language Teaching*, 5(9), 9–16. <https://doi.org/10.5539/elt.v5n9p9>
- Scoular, J. & O'Neill, M. [Maggie] (2007). Regulating prostitution: Social inclusion, responsabilisation and the politics of prostitution reform. *The British Journal of Criminology*, 47(5), 764–778. <https://doi.org/10.1093/bjc/azm014>
- Scoular, J., Pitcher, J., Campbell, R., Hubbard, P. & O'Neill, M. [Maggie] (2007). What's anti-social about sex work? The changing representation of prostitution's incivility. *Safer Communities*, 6(1), 11–17. <https://doi.org/10.1108/17578043200700003>
- Seaman, P. J., Jones, R. & Ellaway, A. (2010). It's not just about the park, it's about integration too: Why people choose to use or not use urban

- greenspaces. *International Journal of Behavioral Nutrition and Physical Activity*, 7(78), 1–9. <https://doi.org/10.1186/1479-5868-7-78>
- Sheffield Hallam University. (2020). *Research ethics and COVID-19 – Update 26th March 2020*. <https://tinyurl.com/2p83kkwz>
- Shute, S. (2018). Rationalising civil preventive orders: Opportunities for reform. In J. J. Child & R. A. Duff (Eds.). *Criminal law reform now: Proposals and critiques* (pp. 37–66). Hart Publishing.
- Sibley, D. (1995). *Geographies of exclusion*. Routledge.
- Simester, A. P. & von Hirsch, A. (2006). Regulating offensive conduct through two-step prohibitions. In A. von Hirsch & A. P. Simester (Eds.). *Incivilities: Regulative offensive behaviour* (pp. 171–194). Hart Publishing.
- Sindall, K. & Sturgis, P. (2013). Austerity policing: Is visibility more important than absolute numbers in determining public confidence in the police? *European Journal of Criminology*, 10(2), 137–153. <https://doi.org/10.1177%2F1477370812461237>
- Skeggs, B. (2005). The making of class and gender through visualizing moral subject formation. *Sociology*, 39(5), 965–982. <https://doi.org/10.1177/0038038505058381>
- Skogan, W. (1990). *Disorder and decline: Crime and the spiral of decay in American neighbourhoods*. University of California Press.
- Sloboggin, C. (2018). Preventive justice: A paradigm in need of testing. *Behavioral Sciences & the Law*, 36(4), 391–410. <https://doi.org/10.1002/bsl.2350>
- Smith, G. (2007). The night-time economy: Exploring tensions between agents of control. In R. Atkinson & G. Helms (Eds.). *Securing the urban renaissance: Crime, community and British urban policy* (pp. 183–202). Policy Press.
- Smith, N. (1996). *The new urban frontier: Gentrification and the revanchist city*. Routledge.
- Smithson, H. (2005). *Effectiveness of a dispersal order to Reduce ASB amongst Young People*. ODPM.
- Social Exclusion Unit. (1998). *Bringing Britain together: A national strategy for neighbourhood renewal*.
- Solanki, A., Bateman, T., Boswell, G. R. & Hill, E. (2006). *Research into the use of Anti-Social Behaviour Orders (ASBOs) for young people*. Report to the Youth Justice Board of England and Wales, 180.
- Speer, J. (2018). Urban makeovers, homeless encampments, and the aesthetics of displacement. *Social & Cultural Geography*, 20(4), 575–595. <https://doi.org/10.1080/14649365.2018.1509115>
- Squires, P. (1999). Criminology and the ‘community safety’ paradigm: Safety, power and success and the limits of the local. *British Criminology Conference 1997*, Queens University, Belfast.
- Squires, P. (2006). New Labour and the politics of antisocial behaviour. *Critical Social Policy*, 26(1), 144–168. <https://doi.org/10.1177/0261018306059769>
- Squires, P. (2008). The politics of anti-social behaviour. *British Politics*, 3, 300–323. <https://doi.org/10.1057/bp.2008.16>

- Squires, P. (2017). Community safety and crime prevention: A critical reassessment. In N. Tilley & A. Sidebottom (Eds.). *Handbook of crime prevention and community safety* (2nd ed.) (pp. 32–54). Routledge.
- Squires, P. & Measor, L. (2005). Below decks on the youth justice flagship: The politics of evaluation. In D. Taylor & S. Balloch (Eds.). *The politics of evaluation: Participation and policy implementation* (pp. 21–40). Policy Press.
- Squires, P. & Stephen, D. E. (2005a). *Rougher justice*. Willan.
- Squires, P. & Stephen, D. E. (2005b). Rethinking ASBOs. *Critical Social Policy*, 26(4), 517–28. <https://doi.org/10.1177/0261018305057038>
- Stacey, J. (2017). Preventive justice, the precautionary principle and the rule of law. In T. Tulich, R. Ananian-Welsh, S. Bronitt & S. Murray (Eds.). *Regulative preventive justice: Principle, policy and paradox* (pp. 23–39). Routledge.
- Staeheli, L. A. & Mitchell, D. (2006). USA's destiny? Regulating space and creating community in American shopping malls. *Urban Studies*, 43(5/6), 977–992. <https://doi.org/10.1080/00420980600676493>
- Stake, R. E. (1995). *The art of case study research*. SAGE.
- Stanford, B. (2020). Power to the people? Public Spaces Protection Orders and the devolution of the preventive state. *Public Law*, 2020, 719–739. <https://tinyurl.com/3fsmej3b>
- Steiker, C. (1998). The limits of the preventive state. *Journal of Criminal Law & Criminology*, 88(3), 771–808. <https://doi.org/10.2307/3491352>
- Steiker, C. (2013). Proportionality as a limit on preventive justice: Promises and pitfalls. In A. Ashworth, L. Zedner & P. Tomlin (Eds.). *Prevention and the limits of the criminal law* (pp. 194–213). Oxford University Press.
- Stephen, D. E. & Squires, P. (2003). *Community safety, enforcement and Acceptable Behaviour Contracts*. University of Brighton. Health and Social Policy Research Centre.
- Stephen, D. E. & Squires, P. (2004). “They’re still children and entitled to be children.” Problematizing the institutionalised mistrust of marginalised youth in Britain. *Journal of Youth Studies*, 7(3), 351–369. <https://doi.org/10.1080/1367626042000268962>
- Stern, J. & Wiener, J. B. (2006). Precaution against terrorism. *Journal of Risk Research*, 9(4), 393–447. <https://doi.org/10.1080/13669870600715750>
- Stevens, S. (2017). Life and letting die: A story of the homeless, autonomy, and anti-social behaviour. *Organization Studies*, 38(5), 669–690. <https://doi.org/10.1177%2F0170840616686130>
- Stokoe, E. H. & Wallwork, J. (2003). Space invaders: The moral-spatial order in neighbour dispute discourse. *British Journal of Social Psychology*, 42(4), 551–569. <https://doi.org/10.1348/014466603322595275>
- Sunshine, J. & Tyler, T. R. (2003). The role of procedural justice and legitimacy in shaping public support for policing. *Law & Society Review*, 37(3), 513–548.

- Swanwick, C., Dunnett, N. & Woolley, H. (2003) Nature, role and values of green space in town and cities: An overview. *Built Environment*, 29(2), 94–106. <https://doi.org/10.2148/benv.29.2.94.54467>
- Tankebe, J. (2009). Policing, procedural fairness and public behaviour: A review and critique. *International Journal of Police Science & Management*, 11(1), 8–19. <https://doi.org/10.1350%2Fijps.2009.11.1.105>
- Tankebe, J. (2013). Viewing things differently: The dimensions of public perceptions of police legitimacy. *Criminology: An Interdisciplinary Journal*, 51, 103–153. <https://doi.org/10.1111/j.1745-9125.2012.00291.x>
- Tankebe, J. (2019). In their own eyes: An empirical examination of police self-legitimacy. *International Journal of Comparative and Applied Criminal Justice*, 43(2), 99–116. <https://doi.org/10.1080/01924036.2018.1487870>
- Tankebe, J., Reisig, M. D., & Wang, X. (2016). A multidimensional model of police legitimacy: A cross-cultural assessment. *Law and Human Behavior*, 40(1), 11–22. <https://doi.org/10.1037/lhb0000153>
- Taylor, L. & Hochuli, D. F. (2017). Defining greenspace: Multiple uses across multiple disciplines. *Landscape and Urban Planning*, 158, 25–38. <https://doi.org/10.1016/j.landurbplan.2016.09.024>
- Taylor, R., Leng, R. & Wasik, M. (1998). *Blackstone's guide to the crime and disorder act 1998*. Blackstone Press.
- Terry, G., Hayfield, N., Clarke, V., & Braun, V. (2017). Thematic analysis. In C. Willig & W. S. Rogers (Eds.). *The SAGE handbook of qualitative research in psychology* (pp. 17–37). SAGE.
- Thaler, R. H. & Sunstein, C. R. (2022). *Nudge: Improving decisions about health, wealth and happiness* (2nd ed.). Penguin.
- Thibaut, J. W. & Walker, L. (1975). *Procedural justice: A psychological analysis*. John Wiley & Sons.
- Thomas, G. (2009). *How to do your research project*. SAGE.
- Thomas, R. & Davies, A. (2005). Theorizing the micro-politics of resistance: New public management and managerial identities in UK public services. *Organization Studies*, 26(5), 683–706. <https://doi.org/10.1177%2F0170840605051821>
- Thompson, R., Tiwari, P., Hunter, J., Tseloni, A. & Tilley, N. (2019). Who experiences anti-social behaviour and in what context? In Victims' Commissioner for England and Wales, ASB Help & Nottingham Trent University. (Eds). *Anti-social behaviour: Living a nightmare* (pp. 4–9). <https://tinyurl.com/2p8av7tm>
- Tilley, N. (2001). Evaluation and evidence-led crime reduction policy and practice. In R. Matthews & J. Pitts (Eds). *Crime, disorder and community safety* (pp. 81–97). Routledge.
- Tonry, M. (2004). *Punishment and politics: Evidence and emulation in the making of English crime control policy*. Willan.
- Toynbee L, & Allen, D. (2009) Appropriate referral to assertive outreach teams. *Mental Health Practice*. 12(5), 26–27. <https://doi.org/10.7748/mhp2009.02.12.5.26.c6863>

- Townsend, P. (1979). *Poverty in the United Kingdom*. Penguin.
- Travis, A. (2016, March 30). *Ban on legal highs delayed over concerns law is not enforceable*. The Guardian. <https://tinyurl.com/4unvc9ja>
- Tsang, E. (2014). Generalizing from research findings: The merits of case studies. *International Journal of Management Reviews*, 16(4), 369–383. <https://doi.org/10.1111/ijmr.12024>
- Tulich, T., Murray, S. & Skead, N. (2021). Antipodean perspectives on preventive justice: The high court and serious crime prevention orders. *Griffith Law Review*, 30(2), 211–239. <https://doi.org/10.1080/10383441.2021.1925411>
- Tummers, L. & Bekkers, V. (2014). Policy implementation, street-level bureaucracy, and the importance of discretion. *Public Management Review*, 16(4), 527–547. <https://doi.org/10.1080/14719037.2013.841978>
- Tyler, I. (2013). *Revolting subjects: Social abjection and resistance in neoliberal Britain*. Zed Books Ltd.
- Tyler, T. R. (2003). Procedural justice, legitimacy, and the effective rule of law. *Crime and Justice*, 30, 283–357. <https://doi.org/10.1086/652233>
- Tyler, T. R. (2004). Enhancing police legitimacy. *Annals of the American Academy of Political and Social Science*, 593, 84–99. <https://doi.org/10.1177/0002716203262627>
- Tyler, T. R. (2005). Policing in black and white: ethnic group differences in trust and confidence in the police. *Police Quarterly*, 8(3), 322–342. <https://doi.org/10.1177/1098611104271105>
- Tyler, T. R. (2006). Psychological perspectives on legitimacy and legitimation. *Annual Review of Psychology*, 57, 375–400. <https://doi.org/10.1146/Annurev.Psych.57.102904.190038>
- Tyler, T. R. (1990/2006). *Why people obey the law*. Princeton University Press.
- Tyler, T. R. (2011). Trust and legitimacy: Policing in the USA and Europe. *European Journal of Criminology*, 8(4), 254–266. <https://doi.org/10.1177%2F1477370811411462>
- Tyler, T. R. (2015). Why trust matters with juveniles. *American Journal of Orthopsychiatry*, 85(6), s93–s99. <https://doi.org/10.1037/ort0000104>
- Tyler, T. R. (2017). Procedural justice and policing: A rush to judgement? *Annual Review of Law and Social Science*, 13, 29–53. <https://doi.org/10.1146/annurev-lawsocsci-110316-113318>
- Tyler, T. R. & Blader, S. (2003). The group engagement model: Procedural justice, social identity, and cooperative behaviour. *Personality and Social Psychology Review*, 7(4), 349–361. https://doi.org/10.1207/s15327957pspr0704_07
- Tyler, T. R. & De Cremer, D. (2005). Process-based leadership: Fair procedures and reactions to organizational change. *The Leadership Quarterly*, 16(4), 529–545.
- Tyler, T. R. & Fagan, J. (2008). Legitimacy and cooperation: Why do people help the police fight crime in their communities? *Ohio State Journal of Criminal Law*, 6(1), 231–275. <https://tinyurl.com/5n85yybw>

- Tyler, T. R., Goff, P. A. & MacCoun, R. J. (2015). The impact of psychological science on policing in the United States: Procedural justice, legitimacy, and effective law enforcement. *Psychology Science*, 16(3), 75–109. <https://doi.org/10.1177/1529100615617791>
- Tyler, T. R. & Huo, Y. J. (2002). *Trust in the law: Encouraging public cooperation with the police and courts*. Russell Sage Foundation.
- Tyler, T. R. & Jackson, J. (2014). Popular legitimacy and the exercise of legal authority: Motivating compliance, cooperation, and engagement. *Psychology, Public Policy, and Law*, 20(1), 78–95. <https://doi.org/10.1037/a0034514>
- Tyler, T. R. & Wakslak, C. J., (2004). Profiling and police legitimacy: Procedural justice, attributions of motivation, and acceptance of police authority. *Criminology*, 42(2), 253–281. <https://doi.org/10.1111/j.1745-9125.2004.tb00520.x>
- United Nations. (2009). *What is good governance?* <https://tinyurl.com/yrn267wy>
- Valentine, G. & Harris, C. (2014). Strivers vs skivers: Class prejudice and the demonisation of dependency in everyday life. *Geoforum*, 53, 84–92. <https://doi.org/10.1016/j.geoforum.2014.02.007>
- van Steden, R. (2018). Street pastors: On security, care and faith in the British night-time economy. *European Journal of Criminology*, 15(4), 403–420. <https://doi.org/10.1177/1477370817747499>
- Vasquez, A., Barbieri, N. & Rodriguez, J. J. (2022). Do crime prevention through environmental design strategies deter taggers? Voices from the street. *Journal of Qualitative Criminal Justice & Criminology*. Advance online publication. <https://doi.org/10.21428/88de04a1.4b16df64>
- Vaughan, E., Dennehy, E., Kelly, C. & Nic Gabhainn, S. (2022). *Understanding and addressing anti-social behaviour: A rapid evidence review*. Department of Justice. <https://tinyurl.com/2p9c6rx3>
- Vohnsen, N. (2015). Street-level planning: The shifty nature of “local knowledge and practice”. *Journal of Organizational Ethnography*, 4(2), 147–161. <https://doi.org/10.1108/JOE-09-2014-0032>
- Waldron, J. (2003). Security and liberty: The image of balance. *Journal of Political Philosophy*, 11(2), 191–210. <https://doi.org/10.1111/1467-9760.00174>
- Walford, G. (2005). Research ethical guidelines and anonymity. *International Journal of Research & Method in Education*, 28(1), 83–93. <https://doi.org/10.1080/01406720500036786>
- Wells, P. (2007). New Labour and evidence-based policy making 1997–2007. *People, Place and Policy Online*, 1(1), 22–29. <https://doi.org/10.3351/ppp.0001.0001.0004>
- Whitehead, C. M. E., Stockdale, J. E. & Razzu, G. (2003). *The economic and social costs of anti-social behaviour: A review*. The London School of Economic and Political Science. <https://tinyurl.com/bddmzbtb>
- Whyte, W. F. (1943). *Street corner society*. University of Chicago Press.
- Wilson, W. (2011). *Rough sleeping*. UK Parliament Standard Note, Social Policy Section. House of Commons Library. <https://tinyurl.com/2evx98tb>

- Wilson, J. Q. & Kelling, G. L. (1982). Broken windows: The police and neighborhood safety. *Atlantic Monthly*. <https://tinyurl.com/bk9fphyc>
- Woods, N. (1999). Good governance in international organizations. *Global Governance*, 5(1), 39–61. <https://www.jstor.org/stable/27800219>
- Worpole, K. & Knox, K. (2007). *The social value of public spaces*. Joseph Rowntree Foundation. <https://tinyurl.com/4csnnp5s>
- Yates, S. & Payne, M. (2006). Not so NEET? A critique of the use of 'NEET' in setting targets for interventions with young people. *Journal of Youth Studies*, 9(3), 328–344. <https://doi.org/10.1080/13676260600805671>
- Yin, R. (2018). *Case study Research and Applications: Design and methods* (6th ed.). SAGE.
- Yin, R. & Campbell, D. T. (1989). *Case study research: Design and methods*. SAGE.
- Young, G. J. (2016). Pushing the boundaries: Urban unrest as anti-social behaviour. *Safer Communities*, 15(4), 202–212. <https://doi.org/10.1108/SC-02-2016-0005>
- Young, J. & Matthews, R. (2003). New Labour, crime control and social exclusion. In R. Matthews & J. Young (Eds.). *The new politics of crime and punishment* (pp. 1–32). Willan.
- Zedner, L. (2007). Preventive justice or pre-punishment? The case of control orders. *Current Legal Problems*, 60(1), 174–203. <https://doi.org/10.1093/clp/60.1.174>
- Zedner, L. & Ashworth, A. (2019). The rise and restraint of the preventive state. *Annual Review of Criminology*, 2, 429–450. <https://doi.org/10.1146/annurev-criminol-011518-024526>
- Zhang, X. & He, Y. (2020). What makes public space public? The chaos of public space definitions and a new epistemological approach. *Administration & Society*, 52(5), 740–770. <https://doi.org/10.1177/0095399719852897>

Appendices

Appendix 1 – Invitation to interview email

Dear *[participant name]*,

My name is Benjamin Archer, and I am a research student at Sheffield Hallam University. The focus of my research is on the implementation of Public Spaces Protection Orders (PSPOs). I'm investigating the measures used by local authorities in the process of introducing a PSPO against a designated public space. I have been given your contact details by *[existing contact]*, who has recommended your participation in this research. I hope you don't mind.

If you choose to participate, this will involve a semi-structured interview discussing your role in introducing the PSPO and the processes used. The interview will last up to 1 hour and will be recorded by a Dictaphone. If possible, the interviews would take place on *[date/time/month]*. I can travel to meet you at your offices or a Sheffield Hallam University campus. The interview can be conducted over the telephone if it is more convenient.

Once the interview has been completed, the audio file will be securely stored on Sheffield Hallam University's research drive to ensure the interview remains confidential. Your participation will remain anonymous throughout the publication of the research, you will not be named directly, and your job position will be generalised. In addition, the PSPOs which derive from your local authority will remain anonymous, and the location will be generalised. Your participation is voluntary; you will be given an informed consent sheet to sign before participating (this will be conducted over the phone in a telephone interview), and you will be free to withdraw at any time during the interview and for *14 days* following the interview being conducted. If you agree to participate, an information sheet will be provided to you which gives more detail.

I would appreciate your participation. If you are willing to be involved, please contact me as soon as possible. If you have any questions, I am happy to answer them.

Best wishes,

Benjamin Archer

Appendix 2 – Participant information sheet



PARTICIPANT INFORMATION SHEET

TITLE OF PROJECT – Investigating the Implementation of Public Spaces Protection Orders.

LEGAL BASIS FOR RESEARCH FOR STUDIES – The University undertakes research as part of its function for the community under its legal status. Data protection allows us to use personal data for research with appropriate safeguards in place under the legal basis of public tasks that are in the public interest. A full statement of your rights can be found at:

<https://www.shu.ac.uk/about-this-website/privacy-policy/privacy-notice-for-research>

However, all University research is reviewed to ensure that participants are treated appropriately and their rights respected. This study was approved by UREC with Converis number ER17426491. Further information can be found at:

<https://www.shu.ac.uk/research/ethics-integrity-and-practice>

OPENING STATEMENT – You are invited to take part in a study investigating the implementation of Public Spaces Protection Orders (PSPOs). The purpose of this research is to understand how PSPOs have been introduced and to examine how those directly involved in the implementation process play a role in developing PSPOs.

WHY HAVE YOU ASKED ME TO TAKE PART? – You have been asked to take part due to your involvement in the development of a PSPO. All participants in this research have been approached due to their expertise and will help form the understanding of PSPOs for this research.

DO I HAVE TO TAKE PART? – It is up to you if you want to take part. A copy of the information provided here is yours to keep, along with the form if you do decide to take part. If you do decide to take part, you have the right to withdraw for up to 14 days after the interview has taken place. If you take part and wish to

withdraw within the 14 days, you should contact Benjamin Archer ([REDACTED]). If you withdraw after this point, your data may be retained as part of this study.

WHAT WILL I BE REQUIRED TO DO? – You will be required to take part in a semi-structured interview about your involvement with PSPOs with Benjamin Archer. This will involve discussing how the order was decided to be created, alongside the processes of introduction, such as the consultation procedure and deciding on the conditions of the PSPO. The interview will also discuss your perceived effectiveness of the orders since their introduction.

WHERE WILL THIS TAKE PLACE? – This research will take place either in your place of work, within a Sheffield Hallam University campus, or by telephone.

HOW OFTEN WILL I HAVE TO TAKE PART, AND FOR HOW LONG? – You will be invited to an interview that will last for approximately one hour. It may be possible that you are invited to a further interview, to either clarify your further previous statements or provide new information, but if you do, you will be asked to provide informed consent again and be given this information sheet.

NO DECEPTION IS INVOLVED IN THIS STUDY – This research does not involve any deception to its participants.

ARE THERE ANY POSSIBLE RISKS OR DISADVANTAGES OF TAKING PART? – There are no anticipated risks in taking part. You will not be under any pressure to answer a question or talk about topics that you prefer not to discuss, and you can choose to halt or withdraw from the interview at any point.

WHAT ARE THE POSSIBLE BENEFITS OF THE STUDY? – This research will provide benefits in the understanding of PSPOs. As there is little existing research on PSPOs, this research will provide useful information on how PSPOs are implemented.

WHEN WILL I HAVE THE OPPORTUNITY TO DISCUSS MY PARTICIPATION? – This information sheet and an informed consent sheet will have been provided to you before the interview takes place, and you will have the opportunity to ask any questions and withdraw before the interview takes place. Following the interview, you will have the opportunity to discuss the interview alongside being reminded of your opportunity to withdraw. As you have been selected to take part

because of your professional involvement with PSPOs, it is not expected that you will suffer any physical or psychological harm from partaking in this research.

WILL ANYONE BE ABLE TO CONNECT ME WITH WHAT IS RECORDED AND REPORTED? – Your name will remain anonymous throughout the writing up and publication of this research. As the PSPO may derive from a similar geographic area (the ‘North’), your position will be generalised (‘local authority officer’, ‘anti-social behaviour lead’ etc.), and the PSPO will be given a pseudonym (‘PSPO 1’, ‘PSPO 2’ etc.). Whilst a documentary analysis will be conducted on publicly accessible documents, and there is a chance you may be identified from this, it is unlikely that this will occur through the process of anonymisation.

WHO WILL BE RESPONSIBLE FOR ALL THE INFORMATION ONCE THE STUDY IS OVER? – Sheffield Hallam University will be responsible for all of the data during the study and when it is over. Data security and management procedures are consistent with the Data Protection Act 2018 and EU General Data Protection Regulation (GDPR), and staff are aware of and adhere to the University’s Data Protection Policy Statement and all terms in this document, report all security incidents, physical or electronic, to the relevant contact.

Data from this study may be retained by the Sheffield Hallam University Research Data Archive (SHURDA) for up to 10 years after the study has finished and may be available to the public, but only if it can be sufficiently anonymised to protect your identity. Only transcriptions of interviews will be uploaded to SHURDA to avoid voice recognition. The only personal data we keep will be your signed consent form. We have to keep this for ten years from the end of the project, so it will be kept separately in a secure file for this length of time.

WHO WILL HAVE ACCESS TO IT? – If you consent, the data will be accessible by the researcher and the supervision team during the study. Once published, the thesis will be publicly available. As mentioned above, the research will be stored for archiving purposes for up to 10 years after the study is completed and may be publicly accessible, should the data be sufficiently anonymised.

WHAT WILL HAPPEN TO THE INFORMATION ONCE THE STUDY IS OVER? – The results of this research will be used in a publication for a PhD thesis, which will be publicly available, as well as presentations and academic publications. If you are interested, copies of the thesis will be available on request from Benjamin

Archer ([REDACTED]). As mentioned above, elements of the research will be stored for archiving purposes for up to 10 years after the study is completed and may be publicly accessible, should the data be sufficiently anonymised. Only transcriptions of interviews will be uploaded to SHURDA, to avoid voice recognition through the audio file.

HOW LONG IS THE WHOLE STUDY LIKELY TO LAST? – It is expected that the PhD thesis will be published by October 2021.

HOW CAN I FIND OUT ABOUT THE RESULTS OF THE STUDY? – You will be informed of the upcoming publication of the study and will be allowed to receive a copy of the published thesis.

DETAILS FOR WHO TO CONTACT WITH ANY QUESTIONS OR IF ADVERSE EFFECTS OCCUR –

Researcher – Benjamin Archer | [REDACTED] | [REDACTED]

Supervisory team – Dr Vicky Heap | [REDACTED] | [REDACTED]

Professor Paul Hickman | [REDACTED] | [REDACTED]

Dr Jill Dickinson | [REDACTED] | [REDACTED]

<p>You should contact the Data Protection Officer if:</p> <ul style="list-style-type: none">i) you have a query about how your data is used by the University.ii) you would like to report a data security breach (e.g. if you think your personal data has been lost or disclosed inappropriately)iii) you would like to complain about how the University has used your personal data. <p>[REDACTED]</p>	<p>You should contact the Head of Research Ethics ([REDACTED]) if:</p> <ul style="list-style-type: none">1. you have concerns with how the research was undertaken or how you were treated. <p>[REDACTED]</p>
<p>Postal address: Sheffield Hallam University, Howard Street, Sheffield S1 1WB Telephone: [REDACTED]</p>	

Appendix 3 – Informed consent form



PARTICIPANT CONSENT FORM

Please answer the following questions by ticking the response that applies.

- | | Yes | No |
|---|------------|-----------|
| i) I have read the Information Sheet for this study and have had details of the study explained to me. | | |
| ii) My questions about the study have been answered to my satisfaction, and I understand that I may ask further questions at any point. | | |
| iii) I understand that I am free to withdraw from the study within the time outlined in the Information Sheet, without giving a reason for my withdrawal or to decline to answer any particular questions in the study without any consequences to my future treatment by the researcher. If I wish to withdraw within the 14 days outlined, I should contact Benjamin Archer ([REDACTED]). | | |
| iv) I agree to provide information to the researcher under the conditions of confidentiality set out in the information sheet. | | |
| v) I wish to participate in the study under the conditions set out in the Information Sheet. | | |
| vi) I consent to the information being collected by audiotape for the purposes of this research study, and, once anonymised (so that I cannot be identified), to be used for any other research purposes. | | |
| vii) I consent to relevant documents and transcriptions being stored on Sheffield Hallam University Research Data Archive (SHURDA) for a period of up to 10 years following the completion of the research, for purposes of archiving and auditing. | | |

Participant's Signature: _____

Date: _____

Participant's Name (Printed): _____

Contact details: _____

Researcher's Name (Printed): _____

Researcher's Signature: _____

Researcher's contact details: Benjamin Archer | [REDACTED] | [REDACTED]
[REDACTED]

Please keep your copy of the consent form and the information sheet together.

Please note that if this interview is conducted over the telephone, the participant consent form will be conducted over the telephone as part of the preparation before the interview. This will be recorded by a Dictaphone and will be transcribed. In this instance, verbal consent will be given.

Appendix 4 – Interview schedule

Introduction

- Could you talk about the PSPOs in your local authority, and what your role has been in their implementation?

Implementation

- What type of ASB within public spaces led your local authority to consider a PSPO?
 - What ASB powers would previously have been used to address this type of ASB?
- At what point did the ASB present enough problems to warrant a PSPO in light of the “detrimental effect on the quality of life” statutory requirement?
 - What evidence did you use to meet this threshold?
- How did you decide what prohibitions and requirements to include within the PSPO?
 - What underpinned your decision to/not to introduce regulations applicable to people experiencing street homelessness, such as begging?

Consultation

- Moving onto the consultation process, could you explain how you consulted before introducing a PSPO?
 - What form did this take, and who was invited to take part?
 - Could you give me an example of the questions asked?
- How much did the consultation responses that you gathered impact upon your decision to proceed with the introduction of a PSPO?
- Has there been any instances where the consultation resulted in a proposed PSPO being withdrawn or altered in response?
 - What was done instead to address the ASB instead of a PSPO?
- What is your opinion on having to consult?

Enforcement

- Turning to enforcement, in what ways does your local authority approach enforcing a PSPO?

- How does your local authority deal with multiple breaches of a PSPO by one individual?
- Whose responsibility is it to issue FPNs to those breaching a PSPO?
- How does your enforcement strategy differ when engaging with vulnerable citizens?
 - Do you agree with enforcing PSPOs against these groups?
 - Do your partner organisations agree with enforcing PSPOs against these groups?
- In what ways do you measure the enforcement frequency of your PSPOs?

Renewal

- Do you have any experience renewing a PSPO?
- What was the process of renewing the PSPO compared to its initial introduction?
- Have you decided not to renew any PSPOs?
 - If yes, what was the decision-making underpinning the removal of this order?

Perceived effectiveness

- What is your opinion on the effectiveness of your PSPOs?
 - Is this evidence-based?
- How do you monitor whether your PSPOs have lowered ASB incidents within their public spaces?
- Is the Home Office guidance useful in helping you through the implementation of a PSPO?

Wrap up

- Is there anything else you would like to tell me about the introduction and implementation of a PSPO?
- Would it be possible to contact you again?

Thank you for your time.

Appendix 5 – Debriefing email

Dear *[participant name]*,

Thank you for participating in the research concerning Public Spaces Protection Orders (PSPOs). The purpose of this research is to examine the introduction and implementation of PSPOs, meaning your participation has been vital.

If you think of any other individual that would be a suitable participant, please do pass me their details so I can invite them to interview using the same invitation that was used for yourself.

Should you have any questions regarding the research, please feel free to ask the researcher at any time – Benjamin Archer (██████████).

To reiterate, if you wish to withdraw from the study, you have *14 days* from the date of the interview to do so. Any concerns that you may have about the research are addressed within the information sheet, a copy of which has been provided again.

Thank you again for your participation.

Best wishes,

Benjamin Archer

Appendix 6 – Data management plan

PROJECT ABSTRACT:

This study is an empirical qualitative study examining the introduction of Public Spaces Protection Orders (PSPOs) by local authorities. As the literature demonstrates, there are significant gaps in knowledge for PSPOs regarding their implementation, especially upon the consideration that multiple issues have arisen since the introduction concerning the conditions being used, the consultation process, and how PSPOs are consistently enforced.

Through the adoption of a multiple-case study model, the proposed methods for this research and its data collection involve the use of semi-structured interviews with individuals within local authorities who are directly involved in the introduction of PSPOs. This will be supported by a documentary analysis and preliminary interviews with organisations and individuals to aid the sampling process. Completing interviews with these individuals in up to three CSAs will allow for an exploration of differences made between local authorities in their approach to introducing and implementing a PSPO, as there is a severe lack of accountability for local authorities in their implementation thus far.

DATA COLLECTION

What data will be produced?

The data collected will be qualitative from semi-structured interviews. The raw data will be:

1. Digital audio files are saved as mp3/m4a files. These will then be transcribed and saved as Microsoft Word Files. Following, the transcriptions will then be analysed using NVivo and the analysis compiled into the final thesis, which will be both a Word document and a PDF.

Audio files will be stored in an 'Interview audio' folder and named accordingly:

1. 'Interview X-YYYY-MM-DD.mp3'. In this context, 'X' refers to the participant consent form, meaning the number in which the participant was interviewed (i.e. the first participant will be '1'). The participant names will not be within the file names or transcripts.

Transcriptions will be stored as follows:

1. 'Transcript-X-YYYY-MM-DD.docx'. In this context, 'X' refers to the

participant consent form, meaning the number in which the participant was interviewed (i.e. the first participant will be '1'). The participant names will not be within the file names or transcripts.

Analysis within NVivo will be saved as NVivo outputs in an Analysis folder.

1. The NVivo files will be used to generate codebooks based on the text.

Other data collected will include the following:

1. Empirical data is a mixture of qualitative and quantitative data collected by organisations acting in an advisory capacity/in existing relationships with the Department of Law and Criminology. This information will be collected either through the information being sent through the post or the Zendto server. Where no issues of confidentiality are present, these documents will be sent by email.
2. Secondary data for analysis will be conducted through information readily and likely publicly available. Freedom of Information Requests will be submitted where this data is unavailable. Where this is stored on the Q drive, it will be named in line with APA. For example, the documents will be titled Archer (2019).

ETHICAL AND COPYRIGHT ISSUES

How will you deal with any ethical and copyright issues?

A detailed ethics approval application will be sent to the faculty research ethics committee for approval before any data is collected. This will be done through the Converis system.

Before any interview is conducted, informed consent will be obtained from the participant (Bryman, 2016). Upon offering to become a participant, the individual will be given a participant information sheet alongside a copy of the informed consent form. Two consent forms will be signed on the day of the interview, one retained by the researcher and the other by the participant. The copy retained by the researcher will be kept in a secured cabinet away from the raw data and transcripts. The informed consent form will also involve the participant consenting to information being stored on the Sheffield Hallam University Research Data Archive (SHURDA) for a period of up to 10 years. Here, only transcripts will be uploaded to avoid anonymity being comprised through voice recognition.

Where a telephone interview is conducted, the researcher will go over the informed consent sheet before the interview and record it on a Dictaphone as part of the transcription process, allowing verbal consent to be obtained. Further, the participant will receive an opportunity to ask any questions before the interview begins and after the interview is complete.

To ensure anonymity, the PSPO will not be named in the research, and pseudonyms will be given (e.g. 'PSPO 1', 'PSPO 2'). Further, the specific locations will not be provided either. Instead, it will be stated that the PSPOs are from the 'North'. As the documentary analysis will derive from publicly-accessible documents (Walford, 2005), the participant information sheet will inform participants that this element will occur. Participants from both sets of interviews, the preliminary interviews for sampling aid and case study participants, will remain anonymous and will be referred to by their profession (e.g. 'ASB lead', 'solicitor'). Where a participant seeks to be named, they will remain anonymous.

DATA DOCUMENTATION

How will your data be documented and described?

The data on SHURDA will be accompanied by the following files:

1. A summary of the project and aims of the research.
2. The purpose of the research and methodology.
3. Information sheet and consent form example.
4. Interview schedule.
5. Transcriptions of the interviews (not audio files to avoid voice recognition).
6. Details of analysis, including coding procedure.
7. A link to the ultimate thesis.

DATA STORAGE

How will your data be structured, stored and backed up?

Live data collected throughout the research will be stored on the University Research Q Drive. Access to the files will be limited to the researcher and the supervision team.

Where data cannot be immediately transferred from the recording device to the research drive, it will be stored on a password-protected memory stick and

transferred at the first available opportunity. Any work completed away from SHU will be saved and stored on the password-protected memory stick also.

Folders will be created, within the larger methods folder, including Interview Audio, Interview Transcription, and Analysis Files, in line with the 'Data Collection' descriptions outlined above. A list of participants will be contained in a separate folder from the audio files and interview transcriptions and will be encrypted if necessary. There will also be other folders including Literature Review, Supervision Meetings, and other miscellaneous activities (conferences etc.)

DATA PRESERVATION

What are the plans for the long-term preservation of data supporting your research?

Supporting documents and data files will be stored on SHURDA. To preserve the anonymity of participants, only transcriptions of interviews will be uploaded, not audio files, to preserve anonymity and avoid voice recognition. This is to allow transcripts of interviews, analyses, and other relevant documents to be preserved for integrity and audit purposes. Consent to being stored on SHURDA is found within the informed consent sheet that will be given to participants before the interview.

This information will be stored on SHURDA for a period of up to 10 years.

DATA SHARING

What are your plans for data sharing after the submission of your thesis?

I will ensure that consent is obtained (through the informed consent sheet) and that the information can be shared, but this has not been confirmed yet, especially from the advisory parties.

Therefore, if consent is not given to sharing the data other than for preservation purposes, it may be that SHURDA is used only for preservation purposes and will not be accessible. Should publication be an option, an embargo will be requested.