

**HARBOROUGH DISTRICT COUNCIL**

**REPORT TO THE CABINET MEETING OF 2<sup>nd</sup> SEPTEMBER 2019**

<b>Report Title</b>	<b>Extension of Public Space Protection Order for Alcohol Related Anti-Social Behaviour</b>
<b>KEY DECISION</b>	<b>Yes</b>
<b>Report Author</b>	Sarah Pickering Community Safety Manager
<b>Purpose of Report</b>	To seek Cabinet agreement to extend the existing PSPO for Alcohol Related Anti-Social Behaviour for a further three years.
<b>Reason for Decision</b>	The current PSPO expires on the 25 <sup>th</sup> August 2019.
<b>Portfolio (holder)</b>	Councillor Michael Rickman
<b>Corporate Priorities</b>	CO1 Keeping the District a great place to live
<b>Financial Implications</b>	None. Signage is already in place and enforcement is carried out by Leicestershire Police and authorised HDC officers.
<b>Risk Management Implications</b>	Not having a valid PSPO in place will have an impact on the Council and Leicestershire Polices ability to deal with anti-social drinking within the District. This may have a detrimental affect on the reputation of the Council.
<b>Environmental Implications</b>	See section 2 of this report
<b>Legal Implications</b>	If the PSPO is extended, authorised officers will issue fixed penalty notices where an offence under the PSPO is witnessed by authorised officers, and proceed to court proceedings where such action is considered proportionate and in line with the Council's Antisocial Behaviour Policy.
<b>Equality Implications</b>	The PSPO will have no significant implications on human rights. All of the proposed measures are accompanied with the appropriate rights of appeal. Please see Appendix 3.
<b>Data Protection Implications</b>	There are no data protection implications as a result of this report or PSPO.
<b>Consultation</b>	Necessary consultation has been undertaken regarding the extension of the current PSPO for alcohol related anti-social behaviour within the

	<p>District, in accordance with Section 72 of the Anti-social Behaviour Crime and Policing Act 2014 (the Act) was carried out between the 12<sup>th</sup> June and 19<sup>th</sup> July 2019.</p> <p>A SurveyMonkey questionnaire was made public and publicised through social media, HFM, the Council's Residents Newsletter and the Parishes were invited to complete the survey. 86 responses were received and the results analysed.</p> <p>Overwhelmingly, 93% of people surveyed were in favour of extending the existing PSPO for a further three years. The results of the public consultation are included in Appendix 2.</p> <p>The Police were also consulted and a statement is included in Appendix 4.</p>
<p><b>Options</b></p>	<p>Options available to the Cabinet are to:</p> <ol style="list-style-type: none"> <li>a. Agree to the extension of the PSPO for a further 3 years</li> <li>b. Extend the PSPO to cover other areas for a further 3 years</li> <li>c. No not extend the PSPO</li> </ol>
<p><b>Background Papers</b></p>	<ul style="list-style-type: none"> <li>• Anti-social Behaviour, Crime and Policing Act 2014</li> <li>• Anti-social Behaviour, Crime and Policing Act 2014: reform of Anti-social behaviours. Statutory Guidance for front line professionals; Home Office, July 2014, updated December 2017.</li> <li>• Current Public Spaces Protection Order for Alcohol Related Anti-Social Behaviour can be found on the Harborough District website</li> <li>• Report to the Executive meeting of 11<sup>th</sup> July 2016, where it was agreed to proceed with adoption of PSPO (adopted 25<sup>th</sup> August 2016)</li> </ul>
<p><b>Recommendation</b></p>	<p><b>That Cabinet agree:</b></p> <ol style="list-style-type: none"> <li>1. <b>That the Public Spaces Protection Order ('PSPO') for Alcohol related Anti-Social Behaviour is extended for a further 3 years, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014.</b></li> </ol>

## **1. Introduction**

- 1.1. Both the Police and the Local Authority are responsible for tackling anti-social behaviour. Designated Public Places Orders (DPPOs), which previously controlled drinking in public places since 2011 were replaced with a Public Space Protection Order (PSPO) in 2016, and legislation now requires a review to extend the duration of the order.
- 1.2. The Community Safety Partnership considers that the current PSPO has been an effective deterrent to alcohol related crime and anti-social behaviour since it was made.
- 1.3. Public consultation carried out indicates 93% support the proposal to extend the existing PSPO.
- 1.4. The consultation and engagement process has included a review of the area covered by the PSPO against anti-social behaviour, criminal damage and public order offences for the last 12 months.
- 1.5. The existing PSPO came into force on the 25<sup>th</sup> August 2016 and covers two areas, one in Market Harborough and the other in Lutterworth. The offence being:
  - 1.5.1. Alcohol related anti-social behaviour
- 1.6. In accordance with s.60 of the Act, a PSPO cannot have effect for more than 3 years, unless extended under s.60(2). This section permits a local authority to extend a PSPO where it is satisfied on reasonable grounds that doing so is necessary to prevent an occurrence or recurrence of the activities identified in the Order.
- 1.7. The introduction of the Order has enabled the police to remove alcohol from those that are committing or may commit anti-social behaviour. 59% of people consulted said that they felt the presence of the PSPO had reduced levels of anti-social drinking. The Order may also be varied within this 3 year period.

## **2. Key Facts**

- 2.1. The PSPO was introduced under the Anti-Social Behaviour, Crime and Policing Act 2014 as a provision for local authorities to address anti-social behaviour in public spaces.
- 2.2. The PSPO does not make it illegal to carry alcohol or to drink alcohol in a public place so long as drinking is done responsibly. A PSPO will only be used to tackle potential alcohol related anti-social behaviour. Under these circumstances

Police and Council Officers (where designated) will have the power to stop people drinking alcohol and seize or confiscate alcohol within the controlled area. If a member of the public fails to comply with an officer's request to stop drinking and/or dispose of alcohol, they could face a Fixed Penalty Notice (FPN) or being taken to court and receiving a fine on conviction of up to level 2 on the standard scale. Enforcement will be primarily carried out by Leicestershire Police and will arrest on breach should it be required.

2.3.A PSPO cannot be used to restrict the consumption of alcohol where the premises or its curtilage (a beer garden or pavement seating area) is licensed for the supply of alcohol. There are also limitations where either Part 5 of the Licensing Act 2003 or section 115E of the Highways Act 1980 applies. This is because the licensing system already includes safeguards against premises becoming centres for anti-social behaviour.

2.4.The results of a desktop review and consultation with key stakeholders, including Leicestershire Police have been compiled in this report and appendices. Feedback from frontline Police Officers is that the restrictions on drinking continues to be a deterrent and an effective tool and has contributed to reduced alcohol related crime and anti-social behaviour. For these reasons the CSP recommends that the current PSPO be extended.

2.5.The consultation process ran from May, when Parishes and Members were notified of the public consultation to extend the PSPO, 12<sup>th</sup> June when the consultation on SurveyMonkey was made public, to mid July. 93% support the proposal to extend the existing PSPO.

2.6.Signage has been in place since August 2016, this would not need to change.

2.7.If Executive agrees the extension of the PSPO, there is a further requirement for publicity within the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations. The Regulations require that where a Local Authority has made a PSPO, they must publish it on its website and erect such notices as it considers sufficient to advise members of the public that the PSPO has been made and the effect of such an order.

**Ward Members Notified: Yes**

**Appendices:**

- 1. Draft PSPO 2019**
- 2. Public Consultation Results**
- 3. PSPO EIA 2019**
- 4. Police Statement**