

Subject: **EXTENSION OF PUBLIC SPACES PROTECTION ORDER NO.1**
 ALCOHOL-RELATED ANTI-SOCIAL BEHAVIOUR

Report to: Full Council – 30 May 2019

Report by: Jason Williams, Community Protection Manager

SUBJECT MATTER

The current Great Yarmouth Borough Council Public Spaces Protection Order No. 1 was introduced in 2016 to tackle anti-social behaviour associated with the consumption of alcohol in public places. The Order is due to expire on June 2nd 2019. This report and its recommendation arise from a request by the police to extend this PSPO for a further three years.

RECOMMENDATIONS

That Council agree that the Order be extended for a further three years.

1. INTRODUCTION/BACKGROUND

- 1.1. The Anti-Social Behaviour (Crime and Policing) Act 2014 (the Act) came into force in October 2015, providing local authorities with wider powers to tackle anti-social behavior (ASB) in the community. One of these powers is the Public Spaces Protection Order (PSPO)
- 1.2. PSPOs are designed to make public spaces more welcoming to law abiding people and communities and not simply restrict access. Councils may make a Public Spaces Protection Order only based on evidence, and after consultation with the public, police and other relevant bodies. There is also a requirement for public notification of the proposal.
- 1.3. The Council has three PSPOs in existence. PSPO no.1 relates to Alcohol related Anti-Social Behaviour, PSPO no.2 relates to Vehicle-Related Anti-Social Behaviour and PSPO no.3 relates to Dog Control.
- 1.4 In respect of anti-social behavior arising from alcohol use in public places, prior to the

Act police officers relied on Designated Public Place Orders and Drink Banning Orders under the provisions of the Criminal Justice and Police Act 2001 and the Violent Crime Reduction Act 2006 to tackle persistent perpetrators of alcohol-related low-level crime in public places. A request was received by the police in 2015 for the Council to introduce a PSPO to replace these forms of Order.

- 1.5 Following a consultation, a report recommending the implementation of a PSPO covering the entire Borough was produced and agreed by Council. This Order came into force on 3rd June 2016 for a period of three years (the maximum period allowed). It expires on 2nd June 2019.

2. PSPO REQUIREMENTS

- 2.1 The current PSPO No. 1 restricts the consumption of alcohol in public places where it gives rise to anti-social behaviour.
- 2.2 The Order provides authorised officers, including the police, with a mechanism to seek the surrender of alcohol / cause to stop drinking where individuals are causing ASB. In the first instance a warning is issued.
- 2.3 Failing to comply with a warning issued is a criminal offence and could result in a fixed penalty notice and/or prosecution.

3. EFFECT OF THE CURRENT PSPO

- 3.1 A statement has been received by the Superintendent for Great Yarmouth Policing Command on the impact of the PSPO from a policing perspective (Appendix 1). This evidence was reinforced with alcohol-related crime statistics for the Great Yarmouth area for the period 2015-2019, broken down by year (Appendix 2).
- 3.2 It is clear from the statement that the police believe the implementation of the PSPO has reduced the amount of alcohol-related ASB and that, without an extension to the current PSPO, levels of community ASB will rise.
- 3.3 Statistics also show that since the introduction of the current PSPO there has been a 35% reduction in both responses to reports of alcohol-related crime and crime itself.

4. REQUESTED EXTENSION OF CURRENT PSPO

- 4.1 On 15 April 2019 a request was received from the police for the Council to extend the current PSPO for a further three years. The timing of this request was not ideal, taking into account the timescales involved with the preparation of consultation documents, articles for publicity, the consultation period, data analysis, report writing and the schedule of Council meetings.

5. CONSULTATION AND PUBLICITY ON THE PROPOSED EXTENSION OF THE PSPO

- 5.1 Due to time constraints, it was necessary to commence consultation without agreement by Full Council. However, group leaders were informed and agreed to proceed.
- 5.2 Consultations are subject to the provisions of Section 72 of the Act. Accordingly, the Council must seek the views of the local police, community representatives and the owner/occupier of land within the restricted area of the proposed extension. There is also a requirement to publicise this proposal.
- 5.3 A formal consultation was commenced and duly publicised on Friday 12th May 2019. A press release was also issued by the Council on 15th May 2019. The closing date for the consultation was set for Wednesday 29th May 2019.
- 5.4 A report recommending the approval of the consultation exercise was presented to, and subsequently endorsed by, Full Council on Thursday 16th May 2019.

6. RESPONSES TO CONSULTATION

- 6.1 As the consultation exercise does not end until 5pm on Wednesday 29th May, a full summary of the consultation and its findings cannot currently be reported and will be presented at the meeting as Appendix 3.
- 6.2 As of 21st May 2019, a total of 15 responses had been received, each declaring that they support the extension of the Order. Based upon the responses thus far, Environmental Services would recommend a decision to extend of the PSPO. However, this view is consistent with the status quo and should responses be received that reflect a difference in public opinion, this will be reported at Full Council.

7. ALTERNATIVE OPTIONS

- 7.1 Not to consider extending the PSPO. This would be contrary to the view of the police that the PSPO is an effective tool in dealing with alcohol-related ASB and crime and that levels would rise if the PSPO was discharged on 3rd June 2019.

8. CONCLUSIONS / RECOMMENDATIONS

- 8.1 That Council agree, subject to the common endorsement of the current Order by consultees, that the Order be extended for a further three years, commencing 3rd June 2019

9. FINANCIAL IMPLICATIONS

- 9.1 The costs of the consultation exercise will be met from within existing budgets.
- 9.2 As this proposes an extension to an existing scheme there are no new signage costs.

10. LEGAL CONSIDERATIONS

- 10.1 A PSPO may not have effect for more than 3 years unless extended under section 60 of the Act. A PSPO can be extended more than once, but any extension cannot be for more than three years. Thus, a PSPO can continue indefinitely if extended every 3 years.
- 10.2 A PSPO must be extended before it is due to expire and under section 60(2) of the 2014 Act, this PSPO may be extended if the Council is satisfied on reasonable grounds that it is necessary to extend the order to prevent:
- (a) Occurrence or recurrence after that time of the activities identified in the order; or
 - (b) an increase in the frequency or seriousness of those activities after that time
- 10.3 Section 72 (1) of the 2014 Act requires that in deciding whether to extend a PSPO and, if so, for how long, the Council must have particular regard to the rights of freedom of expression and freedom of assembly and association set out in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the

Convention").

- 10.4 Whilst acknowledging that the proposed Order potentially entails an infringement of individuals' human rights, including the right to respect for private life and potentially the right to freedom of assembly and association, it is considered that these qualified rights may in this instance be legitimately interfered with in the interests of public safety, the prevention of crime and disorder and in accordance with the law.
- 10.5 As required under Section 72(1) (3) of the 2014 Act the council is presently carrying out the necessary consultation and notification before deciding to extend a PSPO. A notice regarding the proposal to extend the PSPO will be published on the Council's website identifying the order which is to be extended and confirming that the Council has consulted with the local police (formally with the chief officer of police and MOPAC), relevant local community groups, business and individuals.

11. EQUALITY

- 11.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to; tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation); advance equality of opportunity between people who share those protected characteristics and people who do not; and foster good relations between people who share those characteristics and people who do not.
- 11.2 The PSPO will apply to all individuals committing antisocial behaviour within the borough, without discrimination.

12. CRIME AND DISORDER

- 1.1 According to police statistics, both locally and nationally, the implementation of PSPOs in respect of alcohol-related disorder has had a positive impact on crime and disorder. An extension of the PSPO would have a benefit to those in the community and links in with the Council's 2015-2020 Plan to work with partner agencies in tackling crime and anti-social behaviour.

Does this report raise any legal, financial, sustainability, equality, Crime and Disorder or Human Rights issues and, if so, have they been considered?	Issues	
	Legal	Yes
	Financial	Yes
	Sustainability	No
	Equality	Yes
	Crime and Disorder	Yes
	Human Rights	Yes

Associated legislation and documents

The Anti-Social Behaviour (Crime & Policing) Act 2014

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

Local Government Association: Public Spaces Protection Orders, Guidance for councils

<https://www.local.gov.uk/public-spaces-protection-orders-guidance-councils>

APPENDIX 1 – STATEMENT OF POLICE SUPERINTENDENT, ROGER WILTSHIRE

“I believe over the last three years the Public Space Protection Order (PSPO) which covers the anti-social consumption of alcohol in the Borough has been a positive piece of legislation which has helped tackle anti-social behavior from low level nuisance to more serious violent crime. The Police Officers that cover the most affected location, the Market Place, state that it has become an invaluable tool to tackle anti-social behaviour before it starts and even the most persistent offenders have moderated their behaviour since this legislation was implemented.

The attached analytical product, produced by Norfolk Constabulary, shows a reduction in both calls for service and crimes related to alcohol since the implementation of this order. I am sure that this preventative tool has helped towards these reductions. The low number of arrests and prosecutions for breaching the request from the Officer compared to the number of warning issued has shown that this is a more preventative tool than a punitive measure. This shows the warning alone and the confiscation of the alcohol is an important policing tool. The increase in warnings issued by officers (from 28 in 2016/2017 to 40 in 2018/2019) shows that there is still a need for this legislation within the Borough. I believe the legislation is both proportionate and necessary for the current levels of crime and anti-social behaviour reported to us for the area that is covered. Without this order we would see a rise again in reports of anti-social behaviour linked to the public consumption of alcohol especially in the Market Place, library area and other open spaces.”

15th May 2019

APPENDIX 2 – ASB AND CRIME IN GREAT YARMOUTH – 06/04/2015 to 05/04/2019

Strategic, Business and Operational Services

ASB and Crime in Great Yarmouth

06/04/2015 – 05/04/2019

10/05/2019



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Introduction, Methodology and Summary

Introduction

- Work was commissioned by Sergeant Dan SMITH to provide data on ABB and alcohol consumption to support the renewal of the Public Space Protection Order (PSPO).

Methodology

- The date parameters used were from 06/04/2015 to 05/04/2019.
- This was collated by using Computer Aided Dispatch (CAD), Crime and Intelligence System (CIS) and Athena Data.
- Mapping was completed using MapInfo.

Summary

- Between 06/04/15-05/04/19, alcohol-related ASB CADs have reduced by 35%.
- Between 06/04/15-05/04/19, alcohol-related ASB Crimes have reduced by 35%.
- There has been an increase of PSPOs from 2016/2017 to 2017/08. However this then decreased in 2018/2019. There have been no PSPOs so far in 2019.

Table 1: ASB Alcohol Related CADs

ASB alcohol-related CADs				
Month	2015/2016	2016/2017	2017/2018	2018/2019
Apr	69 (11%)	41 (7%)	34 (7%)	38 (9%)
May	62 (10%)	78 (13%)	53 (11%)	32 (8%)
Jun	73 (11%)	53 (9%)	41 (9%)	46 (11%)
Jul	58 (9%)	69 (11%)	52 (11%)	51 (12%)
Aug	90 (14%)	65 (11%)	53 (11%)	61 (15%)
Sep	47 (7%)	53 (9%)	29 (6%)	29 (7%)
Oct	52 (8%)	47 (8%)	41 (9%)	37 (9%)
Nov	34 (5%)	22 (4%)	29 (4%)	24 (6%)
Dec	56 (9%)	56 (9%)	34 (9%)	30 (7%)
Jan	41 (6%)	42 (7%)	37 (9%)	25 (6%)
Feb	22 (3%)	47 (8%)	30 (4%)	27 (6%)
Mar	44 (7%)	43 (7%)	39 (9%)	20 (5%)
Total	648	616	472	420

Table 1 provides the total number of CADs that were recorded as ASB which were tagged with an alcohol marker.

Between 06/04/15-05/04/19, alcohol-related ASB CADs have reduced by 35%. This highlights the fact that the current Public Space Protection Order (PSPO) has been successful in reducing incidents.

Between May and August across all years is a peak time for ASB alcohol-related CADs. In particular, August appears to have the majority of CADs apart from 2016/2017.

Numbers still remain fairly high and a renewal of the PSPO will help to keep these figures reduced and hopefully result in a further reduction.

Table 2: Alcohol Related Crimes

Alcohol-related Crimes				
	2015/2016	2016/2017	2017/2018	2018/2019
Apr	47 (8%)	74 (9%)	24 (6%)	35 (9%)
May	66 (11%)	82 (10%)	41 (10%)	45 (11%)
Jun	64 (10%)	60 (8%)	26 (7%)	35 (9%)
Jul	84 (13%)	100 (13%)	37 (9%)	28 (7%)
Aug	98 (16%)	50 (6%)	28 (7%)	34 (8%)
Sep	58 (9%)	68 (9%)	28 (7%)	38 (9%)
Oct	53 (8%)	58 (7%)	35 (9%)	36 (9%)
Nov	34 (5%)	46 (6%)	35 (9%)	27 (7%)
Dec	40 (6%)	77 (10%)	32 (8%)	22 (5%)
Jan	26 (4%)	56 (7%)	33 (8%)	28(7%)
Feb	22 (4%)	58 (7%)	42 (11%)	38 (9%)
Mar	32 (5%)	56 (7%)	30 (8%)	41 (10%)
Total	624	785	391	407

Table 2 provides the total number of crimes that were tagged with an alcohol marker. Data combines CIS data and Athena data.

Between 06/04/15-05/04/19, alcohol-related ASB Crimes have reduced by 35%. This highlights the fact that the current Public Space Protection Order (PSPO) has been successful in reducing incidents.

Numbers still remain fairly high and a renewal of the PSPO will help to keep these figures reduces and hopefully result in a further reduction.

Table 3: PSPO Non-Crimes

PSPO warnings issued			
	2016/2017	2017/2018	2018/2019
Apr	0	1	2
May	0	6	9
Jun	0	2	11
Jul	0	11	3
Aug	1	14	1
Sep	11	15	5
Oct	12	3	2
Nov	0	1	2
Dec	0	0	5
Jan	0	0	0
Feb	0	1	0
Mar	3	0	0
Total	28	54	40

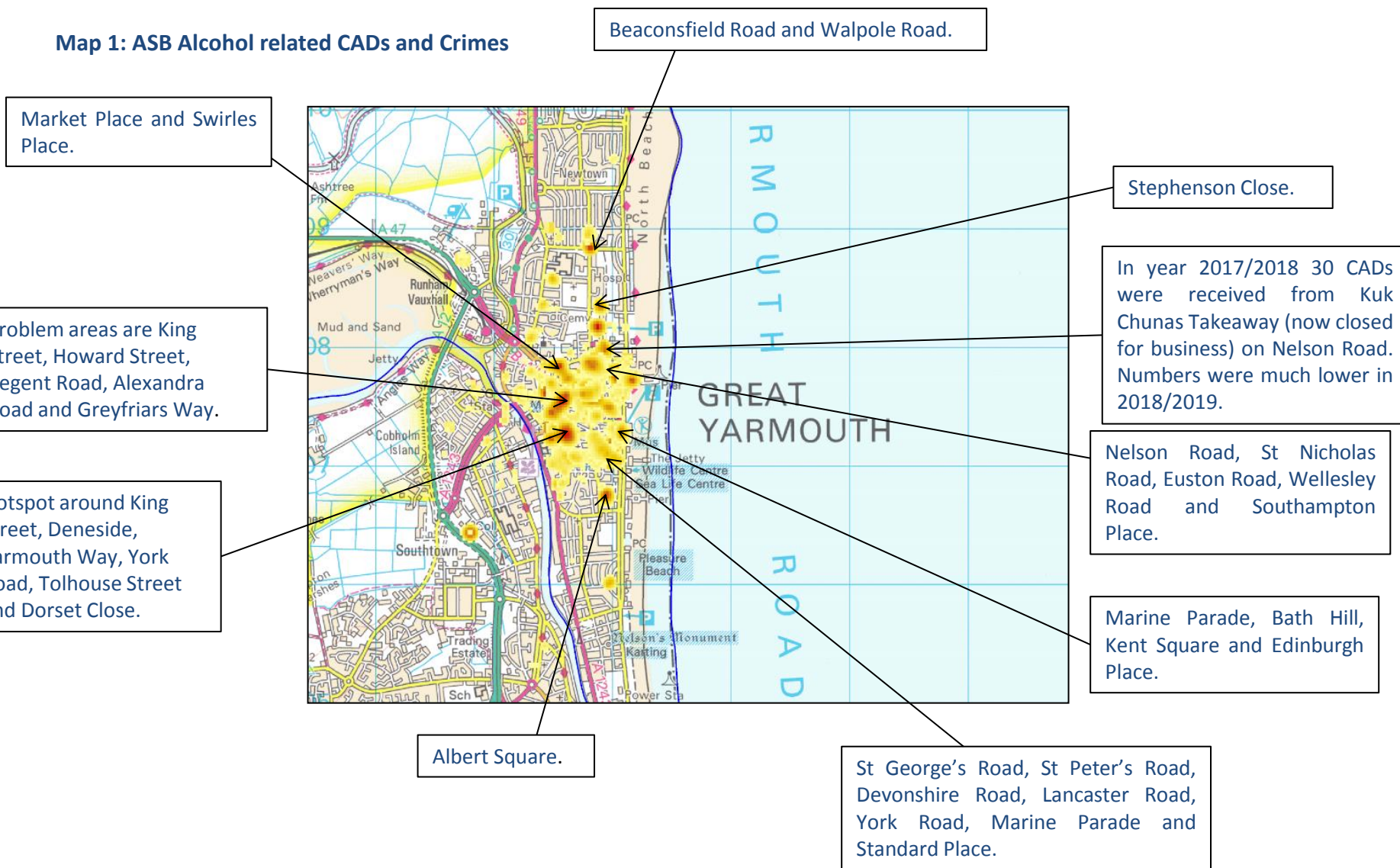
Table 3 provides the total number of Non-crimes that were recorded as ‘Fail to comply with a public spaces protection order’.

Please note this is data was gathered from Athena only (Oct 2015+).

There has been an increase in incidents from 2016/2017, but then there has been a decrease in 2018/2019, with no recorded failures recorded in 2019.

CADs and Crimes Map

Map 1: ASB Alcohol related CADs and Crimes



APPENDIX 3 – CONSULTATION RESPONSES

To be included for Full Council Meeting.