

Subject: Renewal of Public Space Protection Order NO.1- Alcohol Related Anti-Social Behaviour

Report to: Council – 12th May 2022

Report by: Paul Shucksmith – Environmental Protection and Waste Manager

James Wilson – Head of Environment and Sustainability

SUBJECT MATTER

Public Protection Order No.1 was introduced in 2016 to assist in addressing anti – social behaviour related to the consumption of alcohol in public places. The Order was extended in 2019 and this extension is due to expire on June 2nd 2022. This report seeks Council approval to extend it by a further three years.

RECOMMENDATION

That Council agree to the Order being extended by a further three years.

1. Introduction

- 1.1.** The Anti-Social Behaviour (Crime and Policing) Act 2014 provided local authorities with a range of powers to assist in tackling anti- social behaviour (ASB) within the community. One of these powers is the Public Space Protection Order (PSPO)
- 1.2.** PSPO’S are designed to replace and streamline a range of powers such Byelaws and other types of Orders which have historically been available to local authorities. They can be used to prevent or address behaviour carried out in the public space which have had, are having or could have a detrimental effect on other people in the locality.
- 1.3.** Councils may make a PSPO where there is an evidenced need and as part of its implementation must consult with the Police and appropriate community representation.
- 1.4.** PSPO’s last for a duration of up to three years after which time they must be reviewed and renewed if they are still required

- 1.5. Currently the Council has three PSPO's. PSPO no.1 relates to alcohol related anti-social behaviour, PSPO no.2 relates to vehicle related anti-social behaviour and PSPO no.3 related to dog control.

2. Background To PSPO No.1

- 2.1. PSPO NO.1 (Appendix 1) was introduced in June 2016 following a request from the Police to implement such an Order to help address persistent perpetrators of alcohol related low level crime in the public places. As per the requirements a consultation exercise was carried out with the Public who supported the proposal.
- 2.2. The PSPO ran for the period of three years and on the lead up to its review date in 2019 the Police identified that they would like it renewed on the basis that since the PSPO's introduction alcohol related ASB had dropped by 35%. A further consultation was carried out in 2019 and the PSPO again received public support in its renewal for a further 3 years.
- 2.3. The PSPO is due to expire on 2nd June 2022 and must be reviewed. The Police have again indicated they would like it renewed, due its effectiveness in tackling alcohol related ASB.

3. Requirements of the PSPO

- 3.1. PSPO No.1 restricts the consumption of alcohol in public places specifically where it gives rise to Anti-Social behaviour. It does not stop the drinking of alcohol in public where it is being done in a controlled manner and is not negatively affecting other people.
- 3.2. The Order provides authorised Officers, including the Police, with a mechanism to require the surrender of alcohol and/or to stop drinking where individuals are considered to be acting in an anti-social manner, this is very effective and instant tool to stop behaviour as it is happening.
- 3.3. Whilst Councils Officers can also be authorised to enforce the PSPO in practical terms this is carried out by the Police.
- 3.4. In the first instance a warning is issued and alcohol removed, but should this be ignored or there are repeat offenders, it is a criminal offence with the option of issuing a fixed penalty notice or prosecution.
- 3.5. Penalties for a breach of a PSPO is a fine of up to £1000 upon prosecution or, as an option a Fixed Penalty Notice can be offered- for Great Yarmouth this is currently set as £80 or reduced to £60 if paid within ten days.

4. Extension of PSPO No.1

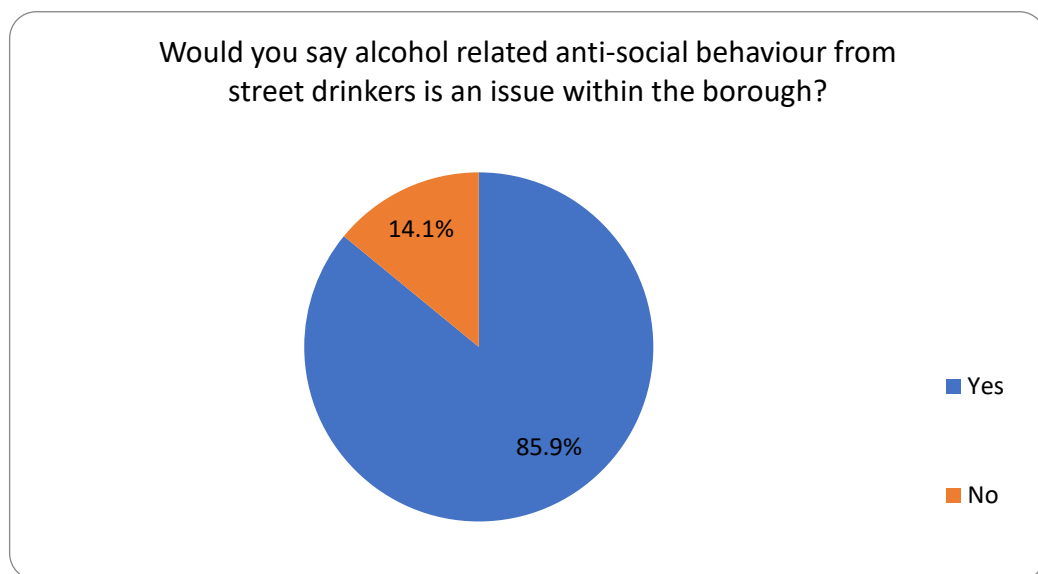
5. Dialogue with the Police in early 2022 identified that they would like to renew PSPO No.1 on the basis it provides them with a mechanism to address alcohol related ASB. Consequently a public consultation was carried out to seek public feeling about this

proposal of an extension . The Police have subsequently provided a letter formally requesting and supporting its renewal (Appendix 2).

6. It is clear from the statement that the Police believe the implementation of the PSPO continues to reduce the amount of alcohol related ASB by 35% with it being an effective tool to address such issues and that without the PSPO being renewed levels of such ASB will rise. They state the need for this PSPO has never been greater with wider alcohol related crime steadily increasing by over 60% over the same period.

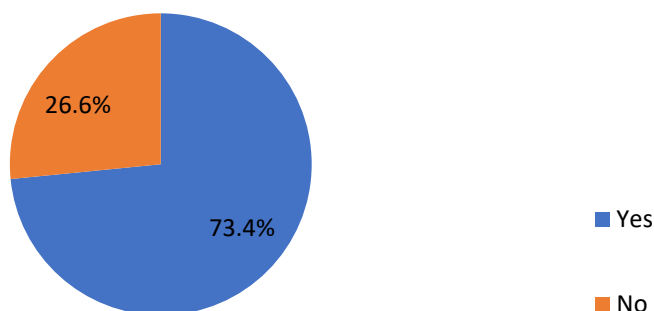
7. Consultation

- 7.1. For the implementation or renewal of a PSPO the Council are obliged to seek the views of the Police and relevant community representation. A formal public consultation was commenced on 7th February 2022 and was appropriately advertised as is required. Closing date for the consultation was 6th March 2022.
- 7.2. Officers also sought views from Partner Agencies at joint working groups including the Community Alcohol Partnership. Whilst partners have not provided written formal response the consensus was at these meetings in support of the renewal of the PSPO.
- 7.3. In total 128 consultation responses were received. An overview of the consultation feedback can be found in Appendix 3.
- 7.4. The Consultation showed that the Public feels there is an issue with alcohol related ASB within the Borough with over three quarters of respondents highlighting this.



Nearly 75% of respondents also said they felt intimidated by street and a similar figure saying they had experienced alcohol related anti- social behaviour-

Have you experienced alcohol related anti-social behaviour from street drinkers within the borough?



- 7.5.** Overall there was an overwhelming support for the PSPO itself and its renewal. Comments within the consultation also suggest that there is public feeling that ASB from drinking affects not only the town centre but Gorleston and the outer Parishes. The main points from the Consultation regarding renewal of the PSPO are-

Are you in support of the current alcohol PSPO?			
Answer Choice		Response Percent	Response Total
1	Yes	89.1%	114
2	No	10.9%	14

Do you support renewing the alcohol PSPO?			
Answer Choice		Response Percent	Response Total
1	Yes	93.0%	119
2	No	7.0%	9

8. Conclusions/Recommendations

- 8.1.** Both the Police and the feedback from the public consultation support the PSPO and its renewal. Based on this it is recommended that the Order is renewed for a further three years from 3rd June 2022.

9. Financial Implications

- 9.1.** There are no current direct financial implications identified

10. Legal Implications

- 10.1.** Section 72 of the 2014 Act requires that in deciding whether to extend a PSPO the Council must have regards 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

10.2. Whilst acknowledging that the proposed Order could potentially infringe on an individual's 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 the this instance be interfered within the interests of public safety , the prevention of crime and disorder and in accordance with the law.

10.3. As required under section 72 of the 2014 Act the Council has carried out the necessary consultation and notification before deciding whether to extend the PSPO or not. If the extension is agreed a notice will be published identifying that the Order has been extended.

11. Risk Implications

11.1. No risks have been identified

Area for consideration	Comment
Monitoring Officer Consultation:	No
Section 151 Officer Consultation:	No
Existing Council Policies:	ASB Strategy
Financial Implications (including VAT and tax):	No
Legal Implications (including human rights):	Yes, but has been in place for 6 years with challenge or issue.
Risk Implications:	No
Equality Issues/EQIA assessment:	No
Crime & Disorder:	Yes -an essential tool to allow police to tackle
Every Child Matters:	No

GREAT YARMOUTH BOROUGH COUNCIL

PUBLIC SPACES PROTECTION ORDER No. 1 OF 2016

1. This Public Spaces Protection Order is made by the Great Yarmouth Borough Council of Town Hall, Great Yarmouth NR30 2QF (hereafter "the council") as the council is satisfied upon reasonable grounds firstly that anti-social behaviour associated with drinking alcohol has been carried on or is likely to be carried on within the public places mentioned in this order and these activities have had or are likely to have a detrimental effect on the quality of life of those in the locality and further that the effect or likely effect of this activity is or is likely to be of a persistent or continuing nature and is or is likely to be such as to make the activity unreasonable and justifies the restrictions imposed by this Public Spaces Protection Order (hereafter "order"). This order is made by the council in exercise of its powers under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act").
2. No person shall at any place to which this order applies consume alcohol after being warned not to consume alcohol by a police officer, a police community support officer or an authorised officer of the council.
3. A warning given under paragraph 2 of this order may be given verbally or in writing.
4. The prohibition contained in paragraph 2 of this order does not apply to any place specified in section 62 of the Act as a place where a prohibition in a public spaces protection order on consuming alcohol does not apply.
5. This order shall apply to all those places within the council's district which area is shown on the plan attached as Appendix A to this order which fall within the following definition:

Any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. This includes but is not limited to: car parks, libraries, sports fields and playing fields and their attached facilities, play areas, parks and recreation grounds, beaches, public highways including footway and verge, market places, esplanades, public open space land and communal open space owned by the council, cemeteries and church yards, places of worship, shopping centres, cinemas and civic buildings, nature reserves, sites of special scientific interest, public w.c's and the curtilage of any such location.
6. This order comes into effect on 3 June 2016 and continues for a period of three years from that date unless extended under section 60 of the Act.

Public Space Protection Order No 1 of 2016
Great Yarmouth Borough Council

7. Under Section 63 of the Act where a police officer, a police community support officer or an authorised officer of the council reasonably believes that a person is or has been consuming alcohol in breach of a prohibition in a public spaces protection order or intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition then the police officer, police community support officer or authorised officer of the council may require that person not to consume in breach of the order alcohol or anything which the police officer, police community support officer or authorised officer of the council reasonably believes to be alcohol and/or to surrender anything in the person's possession which is, or which the police officer, police community support officer or authorised officer of the council reasonably believes to be, alcohol or a container for alcohol.
8. A police officer, police community support officer or authorised officer of the council who imposes a requirement upon a person under section 63 of the Act as mentioned above must tell the person that failing without reasonable excuse to comply with the requirement is an offence. A requirement imposed is not valid if the police officer, police community support officer or authorised officer of the council fails to show to the person receiving the requirement evidence of his or her authorisation if they are asked to do so by that person.
9. A police officer, police community support officer or authorised officer of the council may dispose of anything surrendered under sub-section (2)(b) of section 63 of the Act in whatever way he or she thinks appropriate.
10. A person who fails without reasonable excuse to comply with a requirement imposed on him or her under section 63 commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
11. Under section 67 of the Act it is an offence for a person without reasonable excuse to do anything that the person is prohibited from doing by a public spaces protection order, or to fail to comply with a requirement to which the person is subject under a public spaces protection order. A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale. However a person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the council did not have power to include in the public spaces protection order.
12. Consuming alcohol in breach of a public spaces protection order is not an offence under section 67 of the Act but reference should be made to section 63 of the Act.

Public Space Protection Order No 1 of 2016
Great Yarmouth Borough Council

13. This order may be cited as the "Great Yarmouth Borough Council Public Spaces Protection Order No. 1 of 2016".

Appendix A: Map of PSPO No 1 area attached.

Challenging the Validity of Orders

An interested person may apply to the High Court to question the validity of:-

- a. This Order, or
- b. A future variation of this Order.

"interested person" means an individual who lives in the restricted area or who regularly works or visits that area.

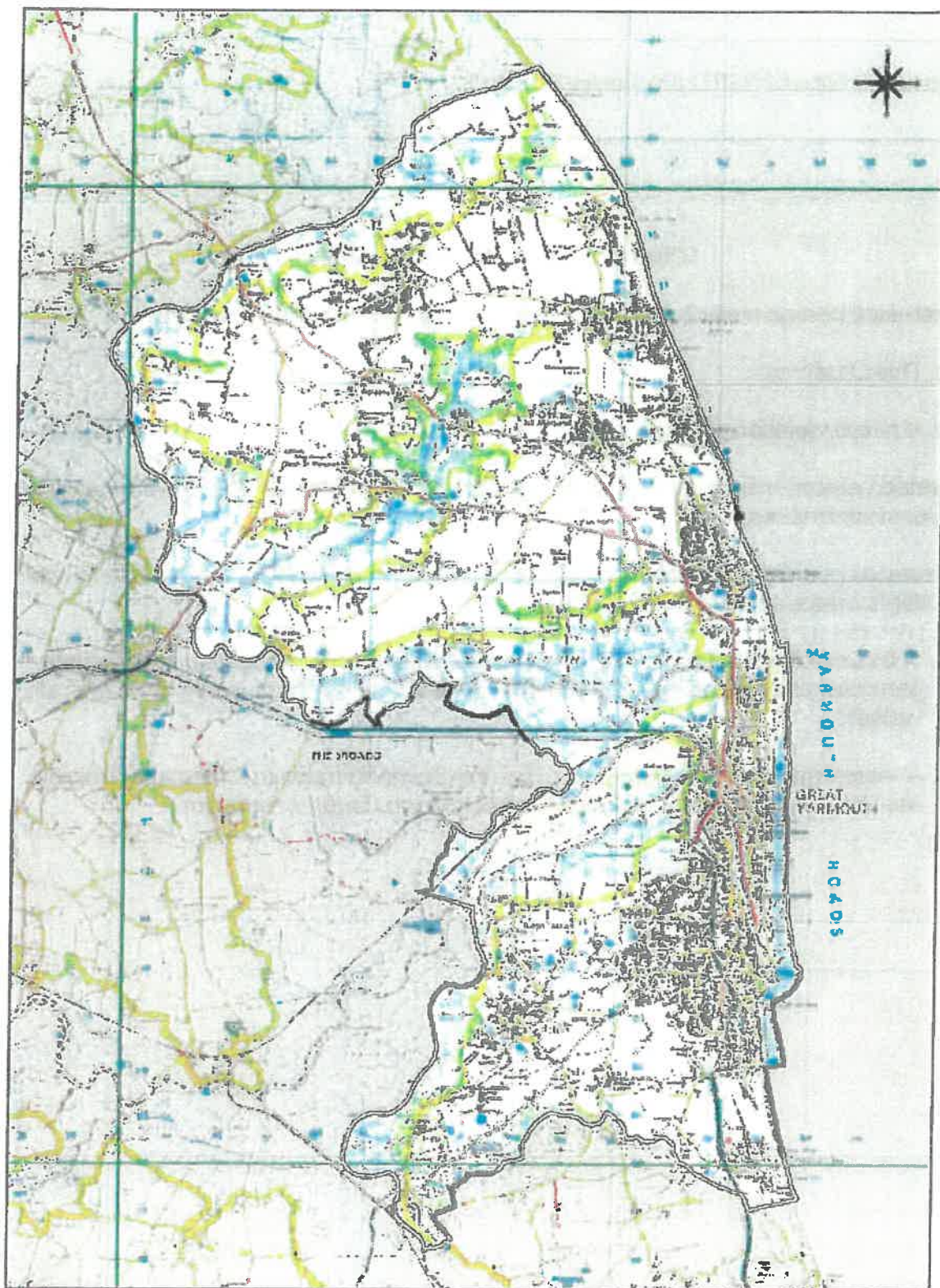
An interested person may apply to the High Court within six weeks from the date in which the Order is made, on the grounds that:

- a. The Council did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);
- b. A requirement under Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 was not complied with in relation to the Order or variation.

Public Space Protection Order No 1 of 2016
Great Yarmouth Borough Council

Appendix A: Map of PSPO area

Great Yarmouth Borough Council Boundary



GREAT YARMOUTH
BOROUGH COUNCIL

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Author:	
Editor:	
Designer:	
Date:	2016

Public Space Protection Order No 1 of 2016
Great Yarmouth Borough Council

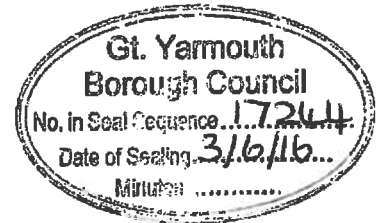
Dated: 3 June 2016

The Common Seal of Great Yarmouth Borough Council was affixed in the presence of

Signature:

.....*J. Beck*.....

Authorised Officer: Jane Beck, Director of Customer Services
Great Yarmouth Borough Council



**Public Spaces Protection Order No 1 of
2016 Great Yarmouth Borough Council**

Extension of Public Spaces Protection Order No.1 of 2016

The Council, following a statutory consultation and in exercise of its powers under section 60 of the Act, at Full Council Meeting on 30th May 2007, Agenda Item 4 has unanimously approved the extension of this PSPO for a further 3 years.

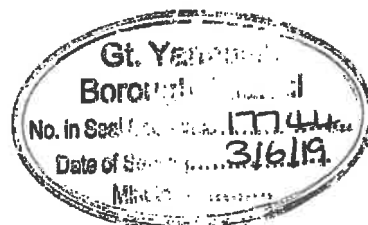
Dated 3rd June 2019

The Common Seal of Great Yarmouth Borough Council was affixed in the presence of

Signature



Authorised Officer: Neil Shaw, Strategic Director
Great Yarmouth Borough Council



STATEMENT OF POLICE SUPERINTENDENT, NATHAN CLARK

The renewal of the Public Space Protection Order (PSPO) is vital in minimising the impact of ASB and alcohol consumption in our borough. The Police Officers that cover the most affected location, the Market Place and St Georges Park, 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.

Strong justifications exist for a focus on street drinking due to the following factors:

- It is a widespread and persistent problem.
- The visibility of such drinking means it is of specific concern to the public.
- Although street drinkers are relatively few, they place huge pressure on services through calls on police time, hospital visits and 999 calls.

Data collated by Norfolk Constabulary Strategic, Business & Operational Services demonstrates how effective PSPO's can be in reducing both ASB and crime in urban areas. Within the Great Yarmouth borough, between 01/04/2018 - 08/03/2022, 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. It is also clear that more widely alcohol abuse is climbing, between 01/04/18 - 08/03/22, alcohol-related crimes have steadily increased by 61%. It has also been widely reported that the pandemic has exasperated the issue of alcohol abuse. The need for the PSPO has never been greater.

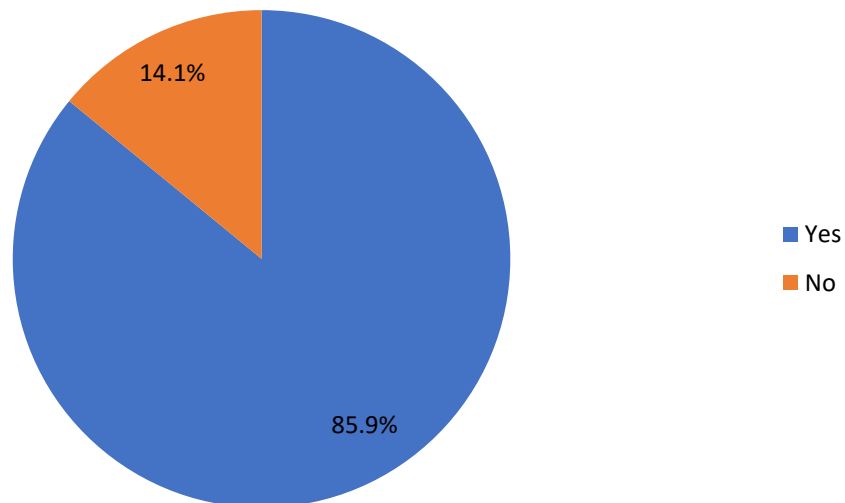
Police officers over the last 4 years have demonstrated this legislation has not been used as a coercive police power. Enforcement has been used in a sensible and proportionate way, with 24 investigations recorded. However, over the same period officers have utilised this legislation nearly every day, it provides the authority to engage street drinkers, remove open alcohol containers and sign post vulnerable users to services and preventative approaches.

Alcohol Public Space Protection Order (PSPO) Consultation Survey

Would you say alcohol related anti-social behaviour from street drinkers is an issue within the borough?

Answer Choice		Response Percent	Response Total
1	Yes	85.9%	110
2	No	14.1%	18
answered			128
skipped			0

Would you say alcohol related anti-social behaviour from street drinkers is an issue within the borough?

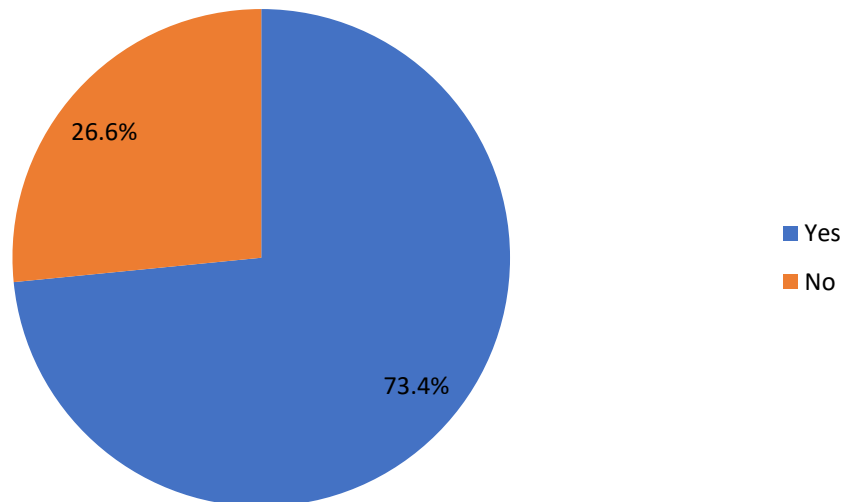


Alcohol Public Space Protection Order (PSPO) Consultation Survey

Have you experienced alcohol related anti-social behaviour from street drinkers within the borough?

Answer Choice		Response Percent	Response Total
1	Yes	73.4%	94
2	No	26.6%	34
			<i>answered</i> 128
			<i>skipped</i> 0

Have you experienced alcohol related anti-social behaviour from street drinkers within the borough?

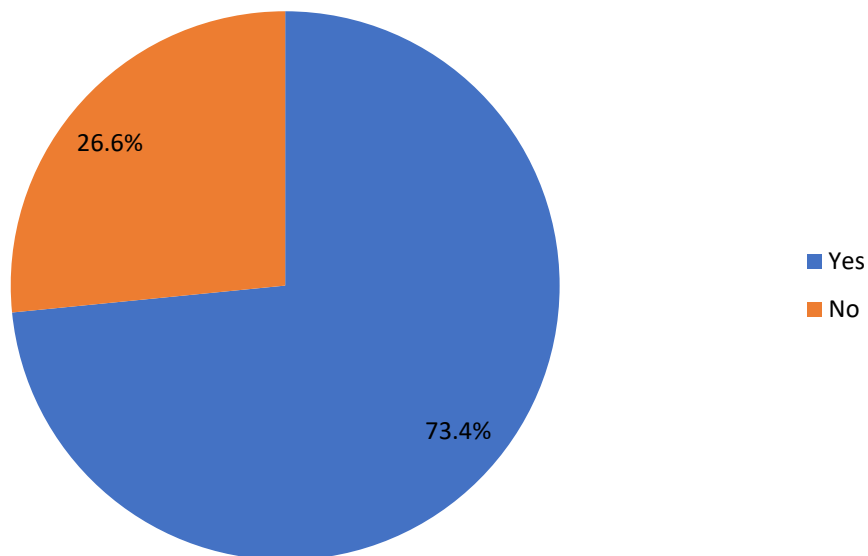


Alcohol Public Space Protection Order (PSPO) Consultation Survey

Have you or your household ever felt intimidated by street drinkers?

Answer Choice		Response Percent	Response Total
1	Yes	73.4%	94
2	No	26.6%	34
<i>answered</i>			128
<i>skipped</i>			0

Have you or your household ever felt
intimidated by street drinkers?

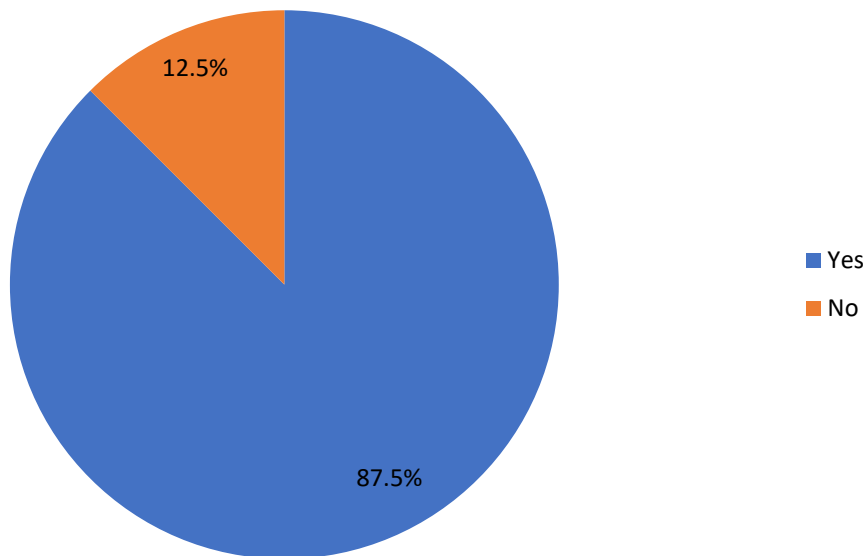


Alcohol Public Space Protection Order (PSPO) Consultation Survey

Is there an issue with alcohol related litter in the borough?

Answer Choice		Response Percent	Response Total
1	Yes	87.5%	112
2	No	12.5%	16
<i>answered</i>			128
<i>skipped</i>			0

Is there an issue with alcohol related litter in the borough?

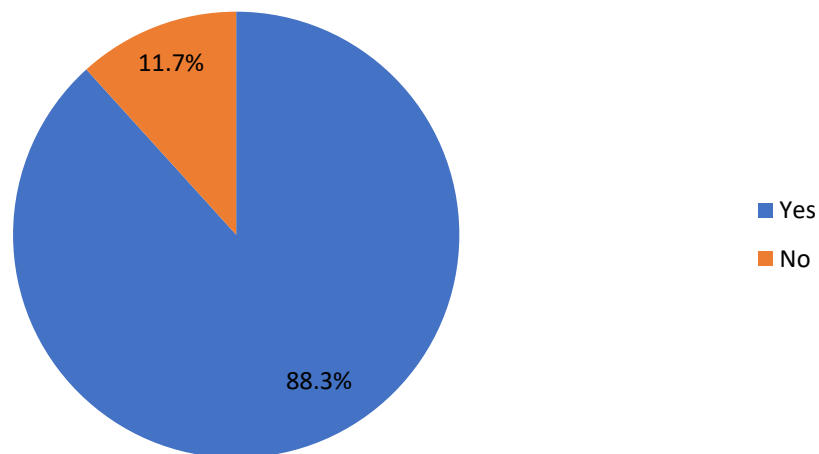


Alcohol Public Space Protection Order (PSPO) Consultation Survey

Do you think that street drinkers are negatively impacting the tourism trade or detracting from the “family friendly” environment in the borough?

Answer Choice		Response Percent	Response Total
1	Yes	88.3%	113
2	No	11.7%	15
answered			128
skipped			0

Do you think that street drinkers are negatively impacting the tourism trade or detracting from the “family friendly” environment in the borough?

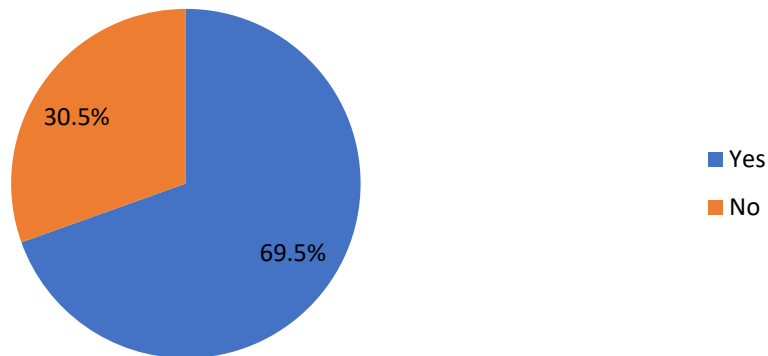


Alcohol Public Space Protection Order (PSPO) Consultation Survey

Are there areas of the borough that you would avoid because of street drinking?

Answer Choice		Response Percent	Response Total
1	Yes	69.5%	89
2	No	30.5%	39
If yes, please specify:			86
			<i>answered</i> 128
			<i>skipped</i> 0

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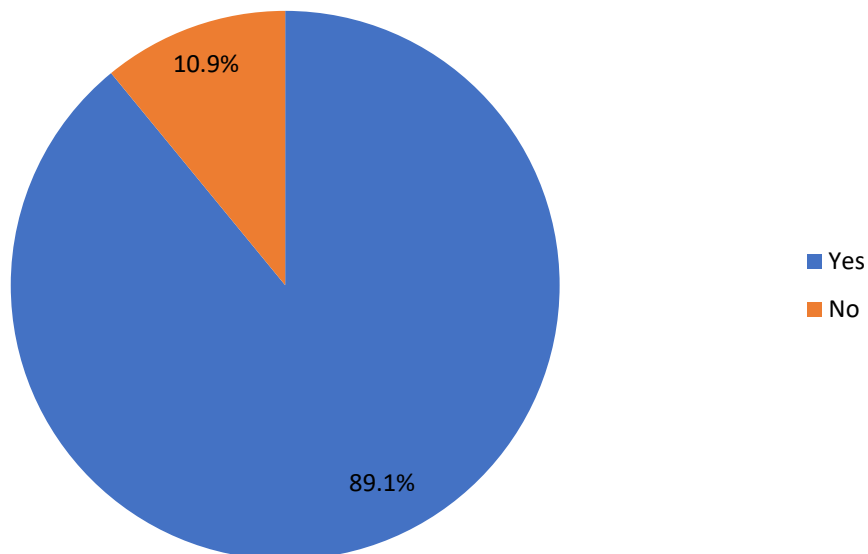


Alcohol Public Space Protection Order (PSPO) Consultation Survey

Are you in support of the current alcohol PSPO?

Answer Choice		Response Percent	Response Total
1	Yes	89.1%	114
2	No	10.9%	14
<i>answered</i>			128
<i>skipped</i>			0

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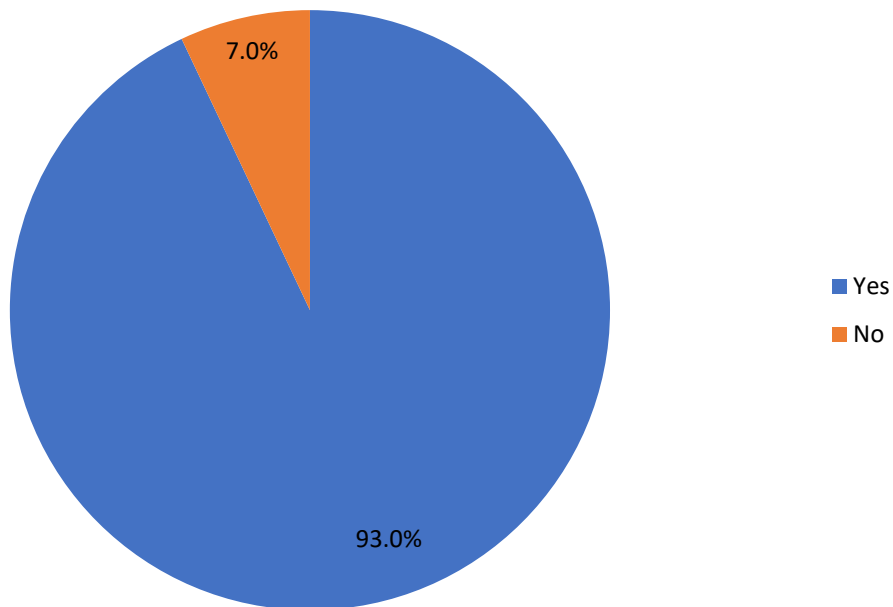


Alcohol Public Space Protection Order (PSPO) Consultation Survey

Do you support renewing the alcohol PSPO?

Answer Choice		Response Percent	Response Total
1	Yes	93.0%	119
2	No	7.0%	9
<i>answered</i>			128
<i>skipped</i>			0

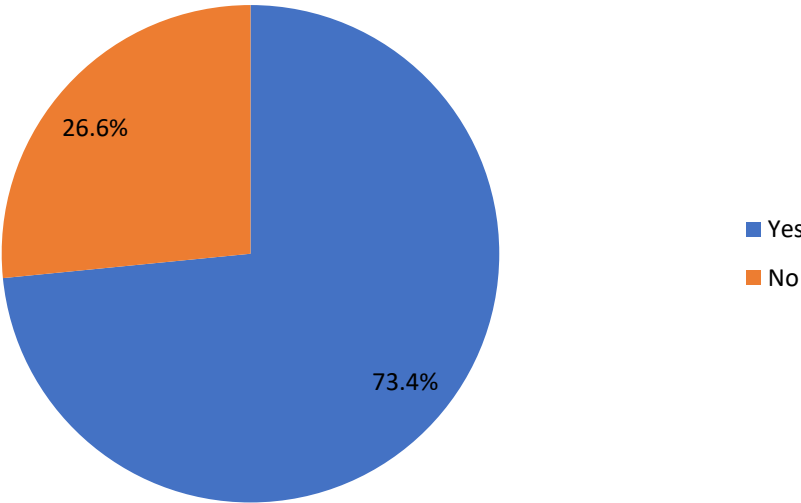
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Alcohol Public Space Protection Order (PSPO) Consultation Survey

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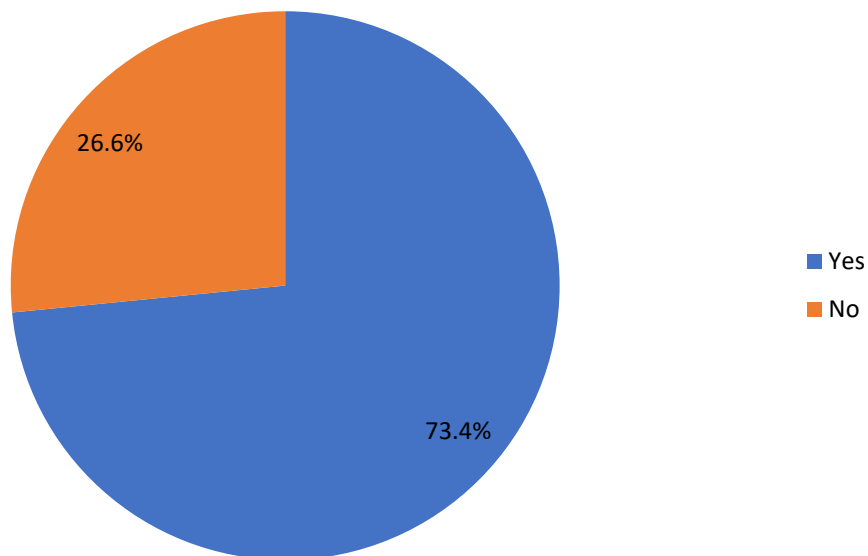


Alcohol Public Space Protection Order (PSPO) Consultation Survey

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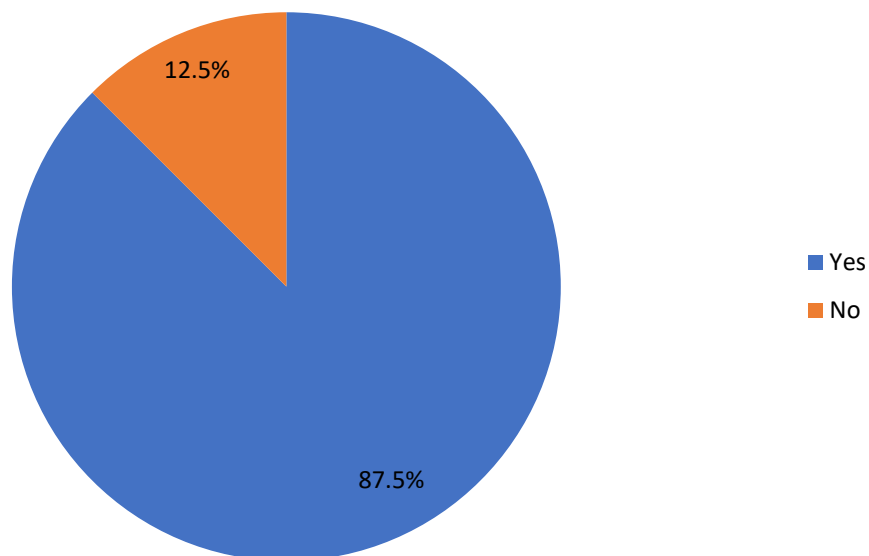


Alcohol Public Space Protection Order (PSPO) Consultation Survey

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<i>skipped</i>			0

Is there an issue with alcohol related litter in the borough?

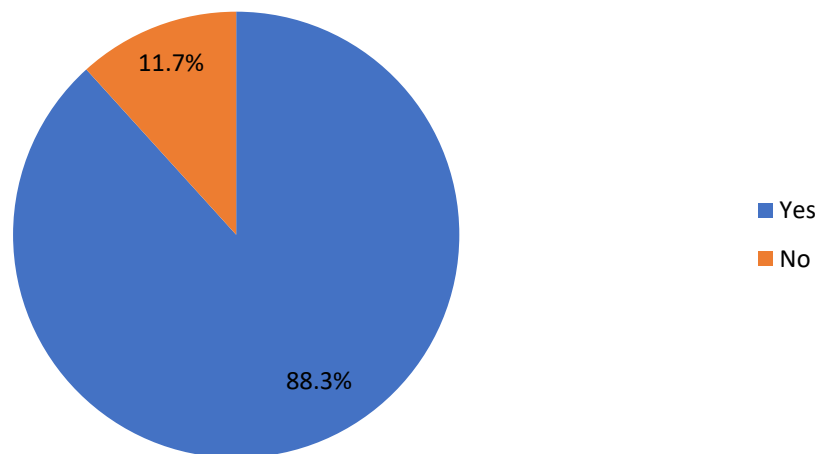


Alcohol Public Space Protection Order (PSPO) Consultation Survey

Do you think that street drinkers are negatively impacting the tourism trade or detracting from the “family friendly” environment in the borough?

Answer Choice		Response Percent	Response Total
1	Yes	88.3%	113
2	No	11.7%	15
<i>answered</i>			128
<i>skipped</i>			0

Do you think that street drinkers are negatively impacting the tourism trade or detracting from the “family friendly” environment in the borough?

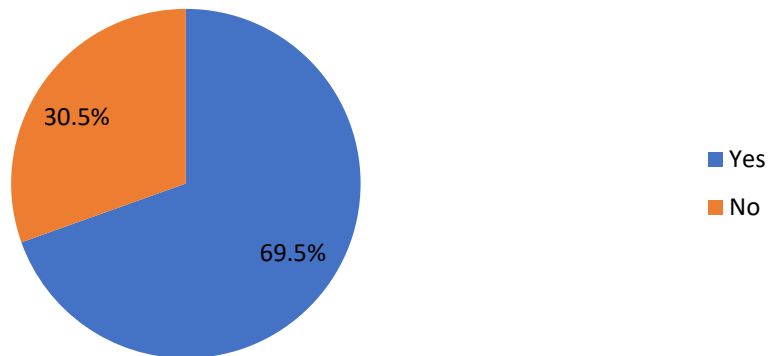


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If yes, please specify:			86
answered			128
skipped			0

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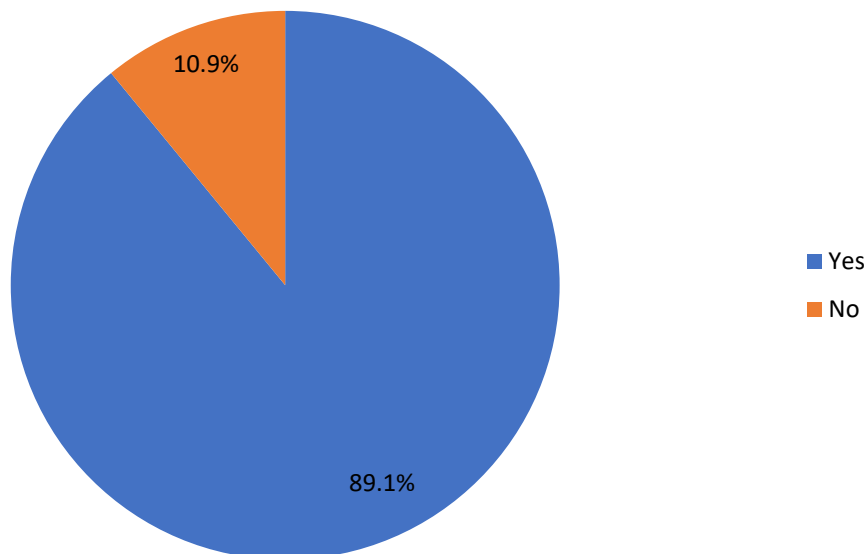


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