

CREATING A NEW PUBLIC SPACES PROTECTION ORDER – CITYWIDE ALCOHOL CONTROL

Community Connections



1.0 Executive Summary

Public Space Protection Orders (PSPO's) are required to be reviewed every 3 years in order to renew or vary it. In Plymouth currently the 6 PSPO's which had transferred from being Designated Public Place Orders expire on the 19th October 2020. In addition the review of the Stonehouse PSPO has been completed.

A consultation process has been undertaken to explore the support for implementing a citywide order to prevent further anti-social behaviour linked to the consumption of alcohol. The consultation reached over 27,000 people via both Twitter and Facebook.

83.7% of responders were in agreement that a citywide PSPO would be of benefit to the city.

85.7% of responders believed that a citywide order would offer consistency and fairness

The Council propose to discharge the 6 existing PSPO's previously DPPO's and the Stonehouse PSPO and implement one PSPO across the city. It is intended that a new Public Spaces Protection Order will come into effect on the 20th October.

2.0 Background to Public Spaces Protection Orders

Public Spaces Protection Orders (PSPOs) were introduced in the Anti-social Behaviour, Crime and Policing Act 2014. The primary purpose of the PSPO is to empower local authorities to deal with anti-social behaviour that adversely affects other people using the same public space.

A PSPO may only prohibit or impose requirements that are reasonable to prevent or reduce the detrimental effect from continuing, occurring or recurring. A local authority may make a PSPO if they are satisfied that the following 2 conditions are met:

1. Activities carried out in a public place within the authority's area are having or have had a detrimental effect on the quality of life of those in the locality, or it is likely that the activities will be carried out in a public place within that area and they will have such an effect
2. The effect or likely effect of the activity:
 - Is or is likely to be of a persistent or continuing nature
 - Is or is likely to be such as to make the activities unreasonable, and
 - Justifies the restrictions imposed by the notice

Local authorities should consider that the requirements and prohibitions are reasonable. When drafting an Order placing restrictions on any activity, Councils should propose restrictions which focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or reoccurring.

A person will commit an offence if they do something that is prohibited or fails to comply with a PSPO.

A PSPO can be put in place for up to 3 years. Then the PSPO must be reviewed to ensure it is still necessary. Before extending or varying the PSPO, local authorities must consult with the local chief of police, the police and crime commissioner, owners or occupiers of land within any affected area and appropriate community representatives. The new PSPO will remain in force for a further 3 years.

In accordance with the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014, the local authority must publish the order as made, extended or varied on its website and erect appropriate notices on or adjacent to the public place to which the order relates.

3.0 Current Public Spaces Protection Order

The 6 existing PSPO's which transferred from DPPO's in October 2017 due to the change of legislation cover Plymouth City Centre, Devonport, North Hill, Mutley Plain, Tothill Park and Freedom Fields. Some of the DPPO's were put in place in 2009 and have at no point been subject to review. When the orders transferred to PSPO's the wording was no longer current or relevant due to the change in legislation. This has been addressed via PCC website. However this should be considered as a temporary measure.

The current PSPO covering Stonehouse was implemented in November 2017 and contains the following prohibitions;

- No person shall ingest, inject or inhale non-prescribed intoxicants in a public place
- No person shall fail to surrender an open vessel(s) of alcohol in a public place when requested to by an authorised officer
- No person shall beg or ask members of the public for money.
- No person shall urinate or defecate in a public place.
- No person shall use a vehicle in an antisocial manner.

The land to which these restrictions apply are detailed in the Order. The published Orders can be found on the Council's website:

<https://www.plymouth.gov.uk/crimepreventionandantisocialbehaviour/saferplymouth>

4.0 Internal consultation of the relevant city PSPO's

Meetings were held with a number of relevant internal departments and Portfolio Holders.

It was concluded that there was benefit to wider use of PSPO's across the city and that this should be focused on alcohol control measures.

It was considered that the Council should consult on the implementation of a citywide order to reduce anti-social behaviour linked to the consumption of alcohol. It should however be made clear that this is not represent a ban on public consumption of alcohol but consumption linked to anti-social behaviour.

Proposed wording for the prohibition for the citywide order consultation was:

- a) it shall be an offence for any person to refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so

by a police officer or authorised officer who, in their view believes this would assist in preventing further anti-social behaviour, public nuisance or disorder unless:

- b) he/she has an reasonable excuse for failing to do so

The final wording of this prohibition in the citywide order differs slightly to emphasise the requirement for a person to stop consuming alcohol (or anything believed to be alcohol) and to surrender it to prevent further anti-social behaviour.

5.0 Reasons for the proposed changes to the PSPO's

1. A singular citywide order prohibiting alcohol consumption linked to anti-social behaviour would provide a consistent, fair and equitable approach in tackling anti-social behaviour linked to alcohol consumption across the city. It would also leave no room for confusion.
2. The seven current PSPO's in different localities can be confusing to residents and officers' alike,
3. Due to numerous boundaries and differing wording, these orders are enforced very differently depending on the local policing team, public perception and resource availability.
4. A citywide order would enable a speedy and effective response to this specific type of ASB. This offers heightened reassurance to residents across the city, in turn this will improve confidence in services, and increase feelings of safety in the community.
5. A citywide order linked to the displayed behaviours as opposed to the consumption of alcohol would limit the possibility of an authorised person inadvertently causing an individual to suffer an alcohol withdrawal related medical episode.
6. A citywide PSPO would offer alcohol dependent individuals a consistent approach. This in turn could improve relationships between this community and professionals which may lead to better engagement with support.
7. A citywide PSPO could reduce the "need" to gather in large groups in very small geographies as it will be apparent to the community in question that their treatment will not differ from area to area within the city.

A citywide PSPO will give authorised officers the tools necessary to effectively prevent the escalation of anti-social behaviour as and when it occurs. This immediate solution can alleviate problems in the first instance. It will also highlight pockets of this behaviour which would allow us to work with partners to focus our longer term interventions and support in the areas where the PSPO prohibition is being enforced most frequently.

Prohibitions not directly linked towards the consumption of alcohol have not been utilised. Keeping unutilised prohibitions in place offers little relief to communities and makes work for relevant parties harder in managing expectations.

6.0 External consultation for implementing a Citywide PSPO

The external consultation has been carried out in accordance with the LGA Public Spaces Protection Order Guidance for councils. Any proposed extension or variation of the existing PSPO requires consultation with statutory consultees and the public.

The details of the consultation were put on the Council's website, social media Facebook and Twitter accounts and in the Herald.

Consultation details were sent to the Devon and Cornwall Police and Crime Commissioner, the Chief Officer of Police, the LPA Police inspectors for the city.

Details were sent to relevant partners working with those commonly found to be suffering adverse effects from alcohol addiction.

Details were sent to all Members and relevant internal departments, including Public Protection, Street Services, Public Health, Licensing and the Legal Department.

7.0 Results of Consultation

Reach;

PCC Twitter 2,325

PCC Facebook undefined but believed to be greater than Twitter.

Plymouth Live 25,152 Facebook

The consultation results are as follows;

Q1 To what extent do you agree or disagree that alcohol related anti-social behaviour could affect any neighbourhood across the city?

Agree 96% Disagree 4%

Q2 To what extent do you agree or disagree that the city will benefit from the introduction of a city wide PSPO?

Agree 83.7% Disagree 10.2% Neither Agree or Disagree 6.1%

Q3 To what extent do you agree or disagree that implementing an order across the entire city brings consistency and fairness?

Agree 85.7% Disagree 8.2% Neither Agree or Disagree 6.1%

8.0 Recommendations

The Council have undertaken the required consultation process to implement a new Citywide PSPO focused on anti-social consumption of alcohol.

The views of the responders have been taken into account and are reflected in the new draft PSPO.

It is recommended that the proposals which have been supported are included in the new City Wide Public Spaces Protection Order 2020.

The new Order will be published on the Council's website. Signage will be installed in appropriate places to highlight the new restrictions.