

PUBLIC SPACES PROTECTION ORDER (PSPO)

Safer Communities, Community Connections



1. Introduction

This briefing displays relevant information for the Portfolio Holder in relation to the renewal of the city-wide Public Spaces Protection Order focused on alcohol-related anti-social behaviour.

2. Background to Public Space 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 anti-social behaviour 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. Plymouth's Current Public Spaces Protection Order

In October 2020, a city-wide Public Spaces Protection Order (PSPO) was granted across the entire city of Plymouth for three years, aiming to reduce alcohol-related anti-social behaviour.

The prohibitions of the PSPO state:

1. No person shall continue to consume alcohol, or anything which is reasonably believed to be alcohol, when asked to stop by an authorised officer who, in their view believe this would assist in preventing further anti-social behaviour, public nuisance or disorder
2. No person shall fail to surrender a vessel(s) of alcohol, sealed or unsealed, when requested by an authorised officer who, in their view believe this would assist in preventing further anti-social behaviour, public nuisance or disorder

This PSPO is due to end on 19th October 2023.

Over the past few months, we have been consulting with relevant partners and the general public to determine whether the PSPO should be extended for a further 3 years and, if so, in what format this should be.

4. Consultation

4.1 Consultation with internal departments and partner agencies

Consultation took place with relevant internal departments within Plymouth City Council as well as key partners within the Safer Plymouth Community Safety Partnership. 43 responses were received including from the Police and Crime Commissioner, Devon and Cornwall Police, Plymouth Against Retail Crime (PARC), Harbour, BCHA, Plymouth Waterfront Partnership, Plymouth Sound National Marine Park, and the Salvation Army.

The consultation responses were as follows:

1. Do you consider alcohol-related ASB to be an issue in Plymouth?
 - a. 62% a significant issue, 36% somewhat an issue, 0% not an issue, 2% don't know
2. Do you feel alcohol-related ASB has improved or worsened since the PSPO was introduced in October 2020?
 - a. 33% improved, 40% stayed the same, 7% worsened, 19% don't know
3. How effective do you feel the current city-wide PSPO has been in reducing alcohol-related ASB since it was introduced?
 - a. 5% very effective, 69% somewhat effective, 7% neither effective or ineffective, 10% somewhat effective, 0% not effective, 10% don't know
4. Do you agree that Plymouth should have a city-wide PSPO linked to alcohol-related anti-social behaviour for a further 3 years?
 - a. 88% yes, 2% no, 10% don't know

We also received a significant number of comments in support of extending the PSPO, including:

- "There were previous incidents in public spaces where large gatherings involving alcohol caused a number of incidents...since the introduction of the PSPO, it has allowed officers to challenge people early before large groups set up."

- “I police the City Centre and my view on the PSPO is extremely positive. Having a city wide PSPO will negate moving the issues out of one area into another.”
- “Street drinking in the city centre is mostly dealt with by PARC during the day. If the PSPO doesn't continue then this would put more pressure on the police to deal with the issue. They wouldn't have the resources to do this to the same extent so crime and ASB would rise in the city centre.”
- “Without the PSPO, violence within the ENTE would increase, including VAWG”

4.2 Consultation with members of the public

Consultation took place via the Plymouth City Council Consultation Portal over a 3 week period. 104 responses were received.

The consultation responses were as follows:

1. To what extent do you agree or disagree that alcohol-related ASB is an issue in Plymouth?
 - a. 63% strongly agree, 29% agree, 7% neither agree or disagree, 0% disagree, 2% strongly disagree
2. To what extent is the area in which you live impacted by alcohol-related ASB?
 - a. 15% not impacted, 45% somewhat impacted, 32% significantly impacted, 6% unsure
3. To what extent do you agree or disagree that Plymouth should have a PSPO to try and reduce alcohol-related ASB?
 - a. 72% strongly agree, 13% agree, 7% neither agree or disagree, 1% disagree, 2% strongly disagree
4. Do you think prohibition 1 of the current PSPO is fair and reasonable?
 - a. 84% yes, 4 % no, 13% no response
5. Do you think prohibition 2 of the current PSPO is fair and reasonable?
 - a. 83% yes, 3% no, 14% no response

We also received a significant number of comments in support of extending the PSPO, including:

- “The PSPO has been well used by Police to tackle alcohol related ASB. To lose this would have a negative impact on the entire city”
- “Without this PSPO, Plymouth city centre would become a no go area for many people. Seeing currently that the city is trying to attract investment the removal of such an order would be very detrimental to our economy in Plymouth and surrounding areas.”

4.3 Consultation with alcohol-dependent communities

Consultation took place with service users of George House Hostel, Salvation Army Hostel, and Hamoaze House via a series of small focus groups. Informal conversations were had to understand the experiences of those most impacted by the prohibitions within the PSPO, including any thoughts they had about it being renewed for a further three years.

A number of common concerns were raised indicating a lack of understanding about the PSPO and the consequences for breach, an inconsistency in the way it was applied by officers, and the potential risk of removing alcohol from someone who is alcohol-dependent.

5. Plymouth Data

An analysis of alcohol-related crime data over the past three years was conducted as part of our consultation with Devon and Cornwall Police. The data showed that:

- In 2019, there were on average 3.1 alcohol-related crimes per day. In 2022, there were on average 3.8 alcohol-related crimes per day. These figures indicate an increase in the average number of alcohol-related crimes per day over the past three years. (It should be noted that these statistics cover all alcohol-related crimes, including those not linked with the consumption of alcohol in public places, such as vehicle offences and domestic offences. However, this is the most relevant data available to understand the picture of alcohol-related crime and anti-social behaviour in Plymouth)
- Although there are specific areas within Plymouth where demand is higher, alcohol-related offences occur across the entire city of Plymouth.

6. Conclusion and Recommendations

The Council have undertaken the required consultation process to establish whether the current city-wide alcohol-related PSPO should be extended for a further three years commencing on 20th October 2023 and ending on 20th October 2026. The feedback from both partner agencies and members of the public shows significant support for the PSPO to be extended and for this to continue being city-wide. This is also supported by crime data showing an increase in rates of alcohol-related crime, impacting all communities within Plymouth.

The consultation did however also highlight a lack of understanding around the PSPO within some communities and a disparity in the way it was applied across the city. Concerns were also highlighted about the impact on those who were alcohol-dependent including the risk of removing their alcohol and missed opportunities for diverting this community to support agencies.

Based on the above, the following recommendations have been made:

1. The city-wide alcohol-related PSPO should continue, with the same terms, for a further three years – from 20 October 2023 until 20th October 2026. A final draft of the PSPO is attached with this briefing.
2. A training package will be created by PCC Safer Communities team in relation to the PSPO and how it should be applied in a trauma-informed way.
3. An easy-read leaflet will be produced so this can be given to those who are asked to stop drinking or those who have their alcohol removed under the PSPO. This leaflet will explain the terms of the PSPO and have information about agencies who may be able to offer support, e.g. with alcohol dependency and homelessness.
4. PCC to release external comms in relation to the renewal of the PSPO and an updated copy published on the PCC website.

7. Decision:

It is recommended the Portfolio Holder agrees a three-year extension to the current city-wide Public Spaces Protection Order linked to alcohol-related anti-social behaviour commencing on 20 October 2023 and ending on 20 October 2026.