



AGENDA ITEM:
SUMMARY

Report for:	Cabinet
Date of meeting:	9 th February 2021
Part:	1
If Part II, reason:	

Title of report:	Alcohol related Public Spaces Protection Orders- Consultation Outcome
Contact:	Councillor Andrew Williams, Portfolio Holder for Corporate and Contracted Services Author/Responsible Officer: Mark Brookes – Assistant Director (Corporate and Contracted Services)
Purpose of report:	To advise Cabinet of the outcome of the recent consultation to consider the re-establishment of alcohol related Public Spaces Protection Orders (PSPOs) in the Borough.
Recommendations	1. That Cabinet approves the re-establishment of the Public Space Protection Orders noted in paragraph 1.5 to the report
Corporate Objectives:	<ul style="list-style-type: none"> • A clean, safe and enjoyable environment • Building strong and vibrant communities
Implications:	<p><u>Financial</u> In areas where an order has effect, the local authority must arrange for the display of signage advising of the effect of the order. There will be ongoing maintenance costs to replace any damaged signage. If the previous PSPOs are simply reinstated, the existing signs can be updated to reflect the change in date that these are in force.</p> <p>It is proposed that enforcement of the PSPO will be carried out within existing resources, together with contracted services, and with assistance from Hertfordshire Constabulary.</p>
'Value For Money	<u>Value for Money</u>

Implications'	PSPOs are seen as a more cost-effective means of controlling the activities in question than under byelaws, and also provide a wider range of enforcement options.
Risk Implications	<p>There will be risks associated with Council enforcement officers who may be tasked with enforcing the PSPO and appropriate training will need to be maintained. Individual risk assessments will be completed for the enforcement activity and all reasonable precautions will be taken to minimise any risk. This burden is likely to be lessened by the use of external contractors to take enforcement action.</p> <p>There are also reputational risks in terms of the Council being perceived as enforcing against vulnerable persons and seeking to criminalise certain behaviours which wouldn't normally attract fixed penalty notices or prosecution for non-payment.</p> <p>The PSPOs may raise expectations that prohibited behaviours will be eliminated entirely; however due to difficulties in identifying some of the contraventions, and taking a proportionate approach to enforcement, there will not always be immediate results which will be noticeable to the public.</p>
Community Impact Assessment	A Community Impact Assessment has been completed and is attached as Appendix 2 for consideration as part of the report.
Health And Safety Implications	Some H&S implications may arise from the enforcement of orders, and will be incorporated within individual service risk assessments for authorised enforcing officers.
Monitoring Officer/S.151 Officer Comments	<p>Deputy Monitoring Officer:</p> <p>Further to Section 59 of The Anti-Social Behaviour Crime and Policing Act 2014, local authorities have powers to create PSPOs to deal with anti-social behaviour in designated public places.</p> <p>The consultation requirements have been complied with and Cabinet must now consider if it is appropriate and proportionate to approve the re-establishment of the PSPOs, on the basis of the consultation responses and community impact assessment.</p> <p>Deputy S.151 Officer:</p> <p>The installation of suitable signage and the reintroduction of the PSPO's service can be delivered from within existing budgets.</p>
Consultees:	Public consultation carried out via Council's website Hertfordshire Constabulary

Background papers:	<p>Alcohol related Public Spaces Protection Orders Cabinet Report - 20th October 2020</p> <p>Home Office – Reform of anti-social behaviour powers: Statutory guidance for frontline professionals (section 2.6)</p> <p>Home Office - Anti-social behaviour powers Statutory guidance for frontline professionals Updated December 2017</p>
Glossary of acronyms and any other abbreviations used in this report:	<p>PSPO – Public Spaces Protection Order</p> <p>DPPO – Designated Public Places Order</p> <p>CSAS – Community Safety Accreditation Scheme</p> <p>FPNs – Fixed Penalty Notices</p>

1. Background

- 1.1. Under the Anti-social Behaviour, Crime and Policing Act 2014, local authorities may make orders to prohibit specified activities, and/or require specified activities to be carried on in accordance with certain requirements, within a designated area in the public domain, which may include public highways and footways, parks and open spaces, pedestrianised areas, or similar. Such orders are known as Public Spaces Protection Orders (PSPO).
- 1.2. Where an alcohol related PSPO is in force, it is a criminal offence to do anything which is prohibited under the order, or to fail to comply with requirements of the order. Persons guilty of such offences are liable, on summary conviction, to a fine not exceeding level 2 on the standard scale (currently up to £500). Offences may also be disposed of by way of a fixed penalty notice of up to £100, payable to the local authority.
- 1.3. PSPOs may be enforced by a police officer, Police Community Support Officer, or a person authorised by the local authority for that purpose. The Police and Council have limited resources which can be made available for such enforcement proactively, so it is likely that, if the PSPOs are re-established, the powers will be used reactively in areas where problems arise. The use of external contractors is likely to have a positive impact on the proactive enforcement of these orders where required.
- 1.4. Prior to making, extending, varying or discharging a PSPO, a local authority must:
 - Consult the chief officer of police and the Policing and Crime Commissioner for the applicable area; any community representatives that it is thought appropriate to consult; and the owners/occupiers of land included within the restricted area;
 - Publish the draft Order (or details of variation/discharge proposal);
 - Notify any parish/town councils within the restricted area, and the County Council;

1.5. Until October 2020, the Council had 6 alcohol specific PSPOs in force covering the areas that were subject to this consultation, maps of which are provided in Appendix 1:

- Hemel Hempstead town centre, Gadebridge Park, Old Town, Randall Park
- Berkhamsted and Northchurch
- Bovingdon
- Boxmoor
- Evans Wharf, Aspley Lock
- Frogmore End, Durrants Hill Road

1.6. There have been occasional reports of groups causing antisocial behaviour in the areas whilst the previous PSPOs were in place and these have generally been reported to the police, but it can be difficult to establish from their reports whether the ASB reported is connected to alcohol consumption or not. It is also possible that the existence of the previous PSPOs may have deterred people from causing these issues.

1.7. Prohibitions on alcohol consumption will not apply to any part of a licensed premises, including beer gardens and terraces, with the expectation that the management of those premises will control the consumption of alcohol within the curtilage of their premises, under threat of a licence review if they fail to do so. Public spaces which are licensed for the sale of alcohol (e.g. parks licensed for events) are also exempted at times when alcohol is being lawfully sold there.

1.8. PSPOs may be challenged in the High Court by any person who lives in, regularly works in, or regularly visits a restricted area, within 6 weeks of an Order being made or varied.

1.9. A 12 month PSPO enforcement service pilot that is proposed to take place from July 2021 would significantly increase the Council's proactive and responsive capability in regards to enforcement against the PSPO, and would provide better quality data for their future evaluation. This proposed pilot is due to be given scrutiny. Should the Pilot not proceed, the enforcement will fall upon local police officers and council enforcement officers; and this would be most likely a reactive approach due to limitations on existing resources.

2. Consultation outcome

2.1. A 6 week consultation was carried out across November and December. This was a short and relatively light touch consultation, given that the areas proposed matched those that had previously been protected in this way, without any complaints arising from the use of DPPOs/PSPOs for this purpose.

- 2.2. The public consultation was carried out using the Council's consultations and PSPOs pages on its website. Hertfordshire Constabulary were consulted with directly as required by the legislation.
- 2.3. The Police responded to the consultation and the full response is in Annex 1. In summary, the Police are in full support of the alcohol related PSPOs, and would like these to be reinstated. In addition to this, they have provided some views in regards to other PSPOs that cover Hemel Hempstead town centre, which will be reviewed in 2022. Support is also given to the potential use of external contractors to increase the Council's capacity for enforcement, and a request for consideration of further funding for Police Community Support Officers to assist with this also, which may be of interest to members, although not a direct consideration in terms of the decision to re-instate the PSPOs which were subject of the consultation.

3. Recommendations

- 3.1. To approve the re-establishment of the Alcohol related PSPOs following consideration of this report, and the consultation outcome.

Annex 1

Police Consultation Response

Good afternoon

I apologise as this is something I would want to fully support and seek some enhancements.

I can only assume I got waylaid.

Firstly I fully support the need for the PSPO to continue.

I evidence this by

Complaints from the public about consumption of alcohol on the Boxmoor trust land leading to anti-social behaviour. Whilst this may adversely affect those that may wish to picnic with alcohol, a balance needs to be struck for the greater good of the community affected by the less lawful and responsible members of the public.

I further evidence this by complaints about the town centre - The continuation of complaints about cycling, skateboarding, the use of e-bikes which are unlawful to use in a public place and begging in the town centre.

- . To this end I would ask again that begging be added to the PSPO (something that was rejected by the councillors) but is near impossible to address through ancient laws and leads the public to be harassed for money by persons who look at the town centre as a lucrative source of income and create a poor atmosphere discouraging visitors to the town.
- . I don't think Skateboarding was part of the previous PSPO and it look like there is an intention to add it. It cause danger to the public and damages the furniture and structures in the town centre. Users are not always in control and the skateboards can fly off towards the public causing injury or damage.
- . I would like e-scooters added as there is a recent uptake of these machines which travel at high speed, are unstable and risk danger to the public which are only allowed to be used on private land with the owners permission. At the moment the Local Authority cannot address this problem.

Other localities have not hit my radar in the same way at this time but this may be because the orders are effective.

The challenge is the need for increased enforcement by the Local Authority who I appreciate are finding it challenging to resource on a regular basis. This is a daily problem and in particular suggestion has been made and I believe is being considered by the LA around the use of a private company to carry out the necessary proactivity in the town centre where the majority of problems exist.

Alternatively the LA may wish to consider reinstating its funding for dedicated PCSOs for the town centre to carry out enforcement activity more exclusively in that locality. My current PCSOs have wider location responsibility and cannot be in the town centre sufficient to fully address this problem on behalf of the LA.

Regards

Jeff

Jeffrey Scott
Inspector
Safer Neighbourhood Team
Dacorum