



Strategic Planning and Environment Overview and Scrutiny Committee

Report for:	Strategic Planning and Environment Overview and Scrutiny Committee
Title of report:	Alcohol related Public Spaces Protection Orders
Date:	6 March 2024
Report on behalf of:	Councillor Tindall, Portfolio Holder for Corporate and Commercial Services
Part:	I
If Part II, reason:	N/A
Appendices:	Appendix A: Maps of areas covered by Alcohol related Public Space Protection Orders Appendix B: Consultation responses
Background papers:	Home Office – Reform of anti-social behaviour powers: Statutory guidance for frontline professionals (section 2.5) (Home Office - Anti-social behaviour powers Statutory guidance for frontline professionals Updated March 2023).
Glossary of acronyms and any other abbreviations used in this report:	PSPO – Public Spaces Protection Order FPNs – Fixed Penalty Notices DPPO – Designated Public Places Order

Report Author / Responsible Officer

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Corporate Priorities	A clean, safe and enjoyable environment
Wards affected	Hemel Hempstead Town Highfield Berkhamsted Castle, Berkhamsted East and Berkhamsted West Northchurch Bovingdon Flaunden and Chipperfield Boxmoor Apsley and Corner Hall Nash Mills

Purpose of the report:	1. To present the outcome of public consultation on the extension of alcohol related Public Spaces Protection Orders in the Borough. Extension of the orders would continue to provide an additional means of controlling the consumption of alcohol having a detrimental effect on the quality of life for those living and working in Dacorum.
Recommendation to the decision maker:	1. That committee consider the proposal to the re-establishment of the Public Space Protection Orders noted in paragraph 1.4 of the report.
Period for post policy/project review:	Period orders are in effect : 3 years

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). The current orders have been in place since between 2006 and 2007, when they were initially known under previous legislation as Designated Public Places Orders, or DPPOs, and remain valid for three years at a time. The last extension of the orders was agreed by Cabinet in 2021.

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 3 on the standard scale (currently up to £1000). Offences may also be disposed of by way of a fixed penalty notice of up to £100 (currently £88.00), 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 may continue to have a positive impact on the proactive enforcement of these orders where required.

1.4. Until April 2024, the Council have 6 alcohol specific PSPOs in force, maps of which are provided in Appendix A:

- 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. 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 PSPO enforcement service is now in place.

2 Key Issues/proposals

2.1. The current three year period for the alcohol related PSPOs listed in this report comes to an end on 6 April 2024.

2.1. 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;

3 Options and alternatives considered

3.1. No alternative solutions have been suggested or considered since the introduction of the Orders.

4 Consultation and outcome

2.1. A six week consultation was carried out from the 4th January 2024 to 7th February 2024. 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 PSPOs (and historically DPPOs) for this purpose.

2.2. The public consultation was carried out using the Council's 'Let's Talk Dacorum' page on its website. Hertfordshire Constabulary were consulted with directly as required by the legislation alongside Hertfordshire County Council, Environmental and Community Protection, Clean Safe and Green and DENS.

2.3. Environmental and Community Protection responded to support an extension of the Orders, confirming that 20 FPNs had been issued between November 2021 and December 2023, with all being issued in the Hemel Hempstead Town Ward which covers Marlowes, Water Gardens, Market Square and Bridge Street. This response is set out at Appendix B.

No further responses were received.

5 Financial and value for money implications:

5.1. PSPOs are seen as a more cost-effective means of controlling the activities in question than under byelaws, also providing a wider range of enforcement options.

6 Legal Implications

6.1. While a legal process must be followed to make, vary or discharge orders, the option to extend them is a discretionary one.

6.2. 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.

7 Risk implications:

7.1. 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, although this burden is now lessened by the use of external contractors to take enforcement action. The Council currently works in partnership with District Enforcement, who are authorised to issue FPNs for breaches of PSPOs, and whose officers have been given defined delegated powers by the Council to carry out this function. They are able to issue FPNs in line with the

alcohol related PSPOs but only if the offender's alcohol consumption is associated with nuisance or anti-social behaviour in that area. Evidence in relation to this approach has been produced during the consultation period and is set out in Appendix B.

7.2. 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.

7.3. 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.

8 Equalities, Community Impact and Human Rights:

6.1. A Community Impact Assessment has been completed during the consultation period.

6.2. The authority must also consider the extension of restrictions against the rights of freedom of expression (Article 10) and assembly (Article 11) under the European Convention on Human Rights. The proposed extension of restrictions have been considered against the rights in Article 10 and 11 but it is not considered that there will be any infringement on these rights. If there is any infringement it is considered that it is proportionate for the prevention of disorder and crime.

9 Sustainability implications

There are no sustainability implications arising from this report.

10 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)

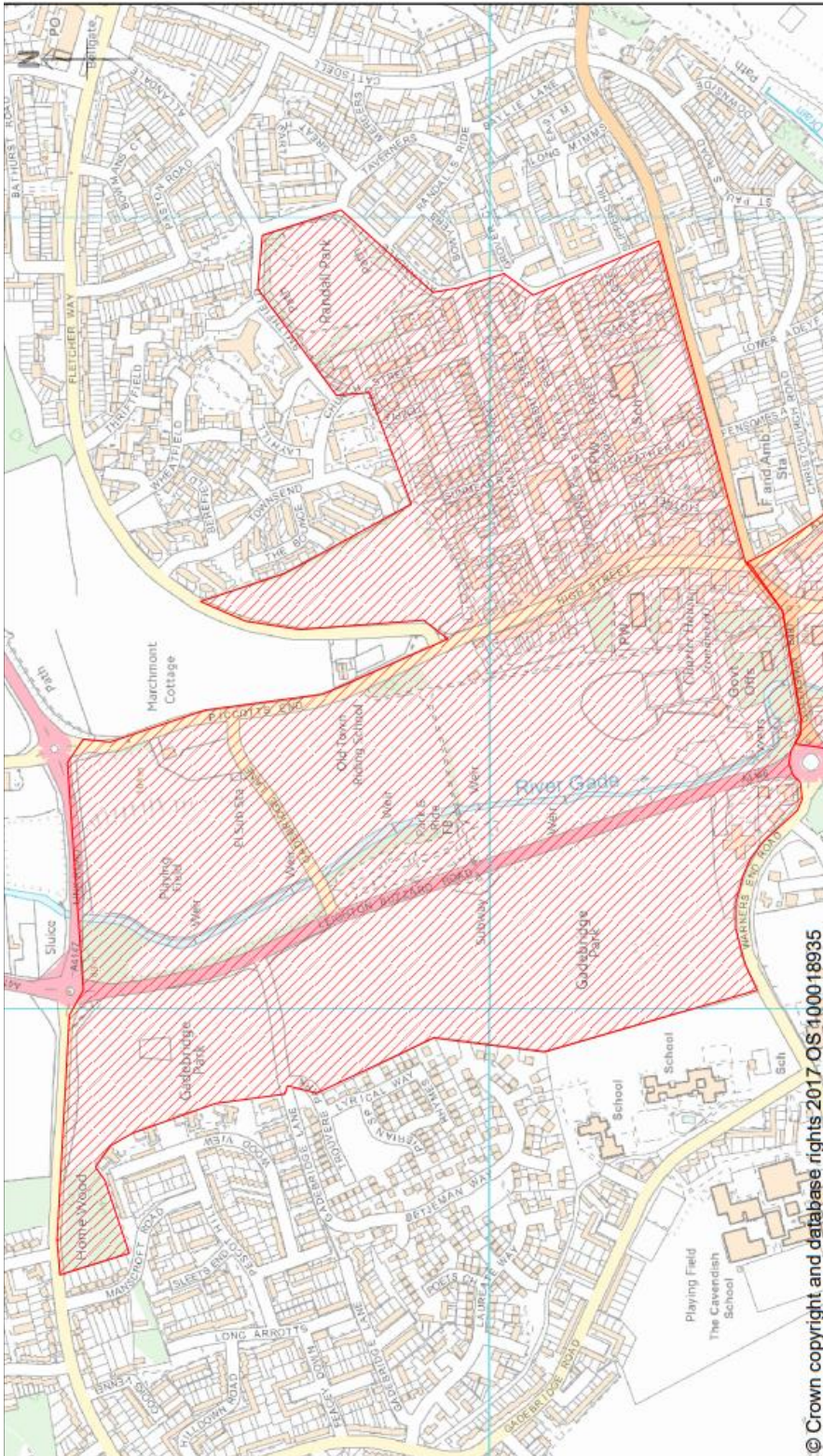
There are no infrastructure implications arising from the report. Council Size Submission to the Local Government Boundary Commission for England

11 Conclusions:

11.1. This report sets out the outcome of the consultation exercise – any decision to extend the orders will be made by Cabinet on 19th March 2024.

MAPS OF AREAS WHERE PUBLIC SPACE PROTECTION ORDERS APPLY

1. Hemel Hempstead Town Centre (North)

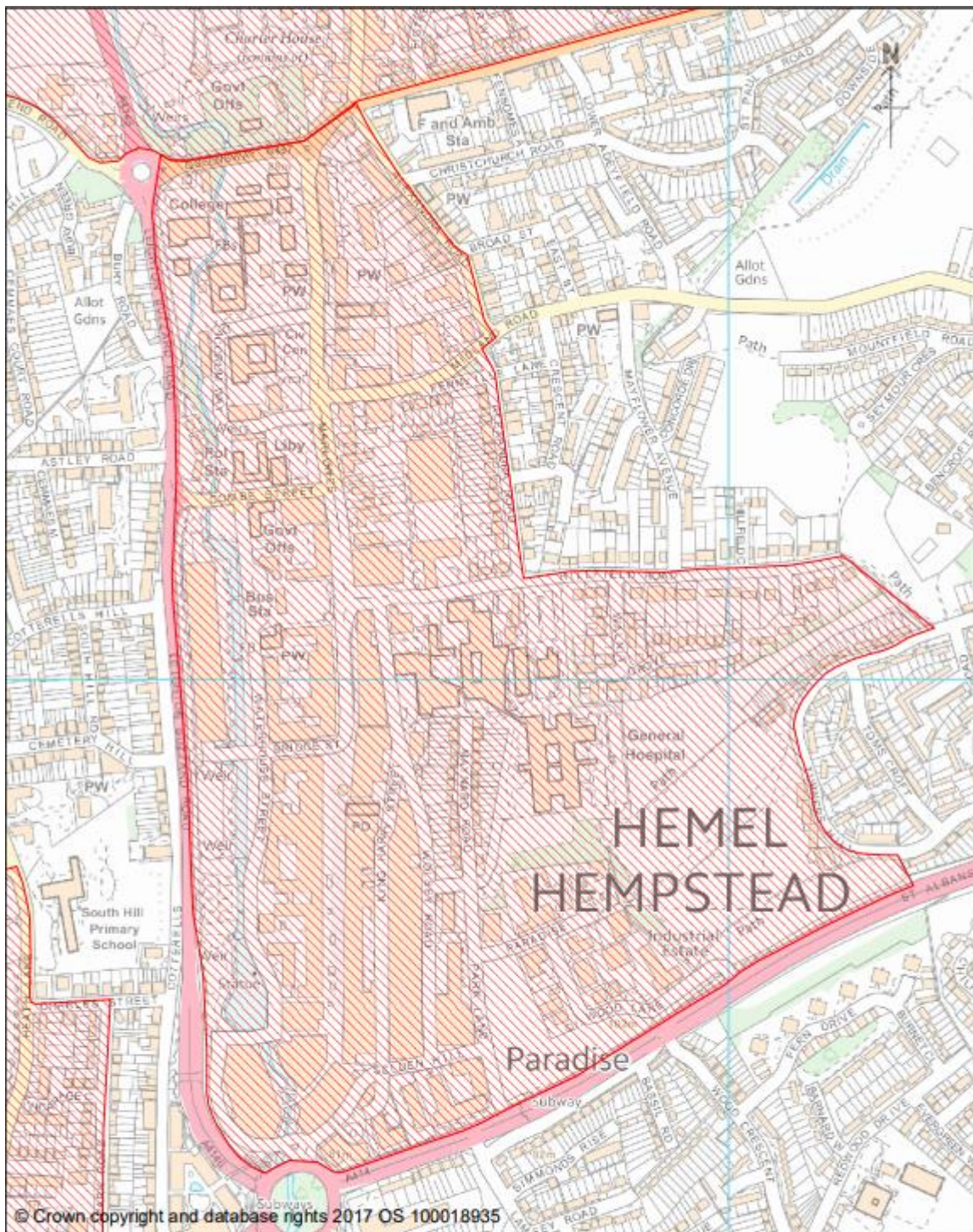


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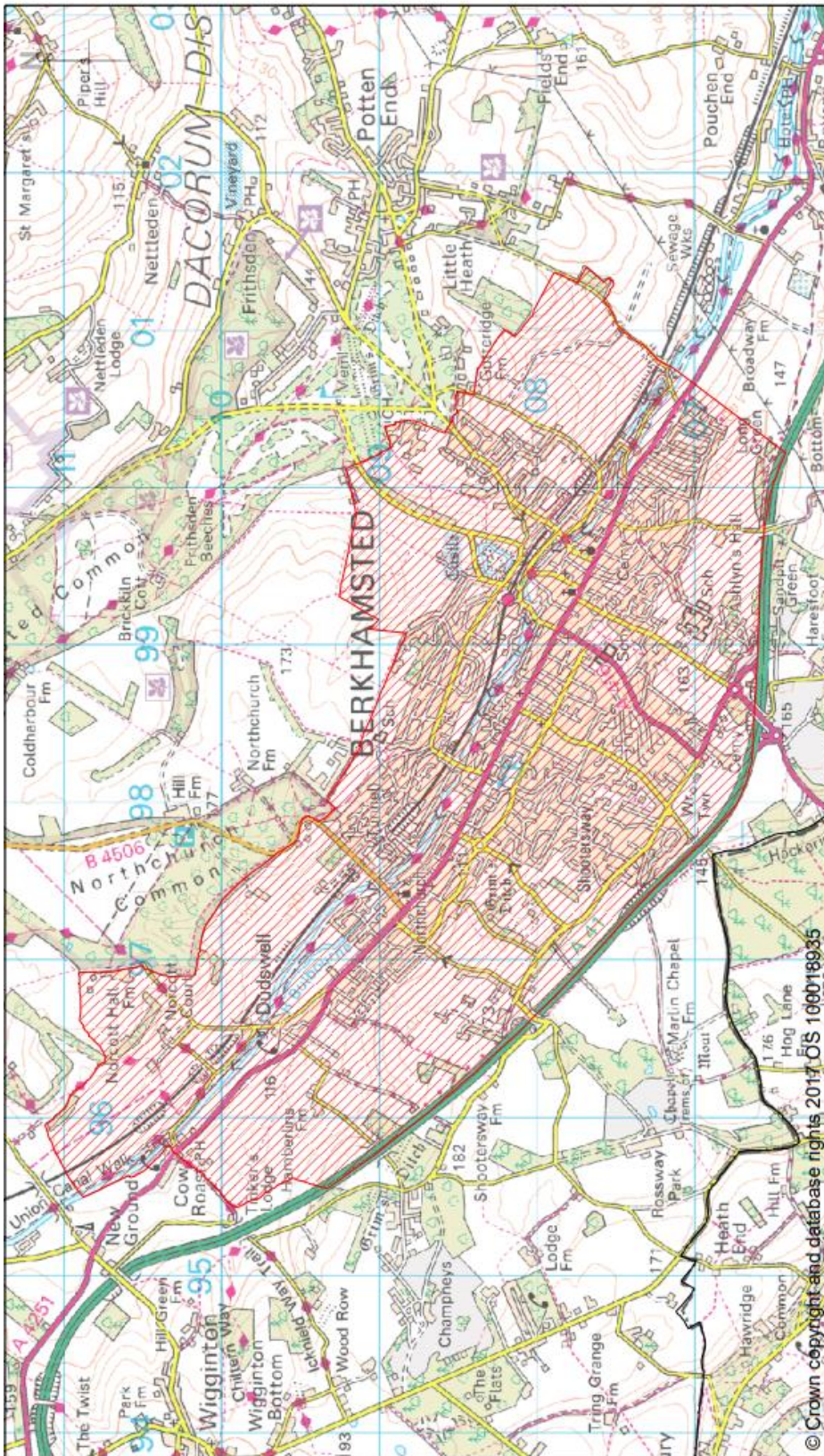
2. Hemel Hempstead Town Centre (South)



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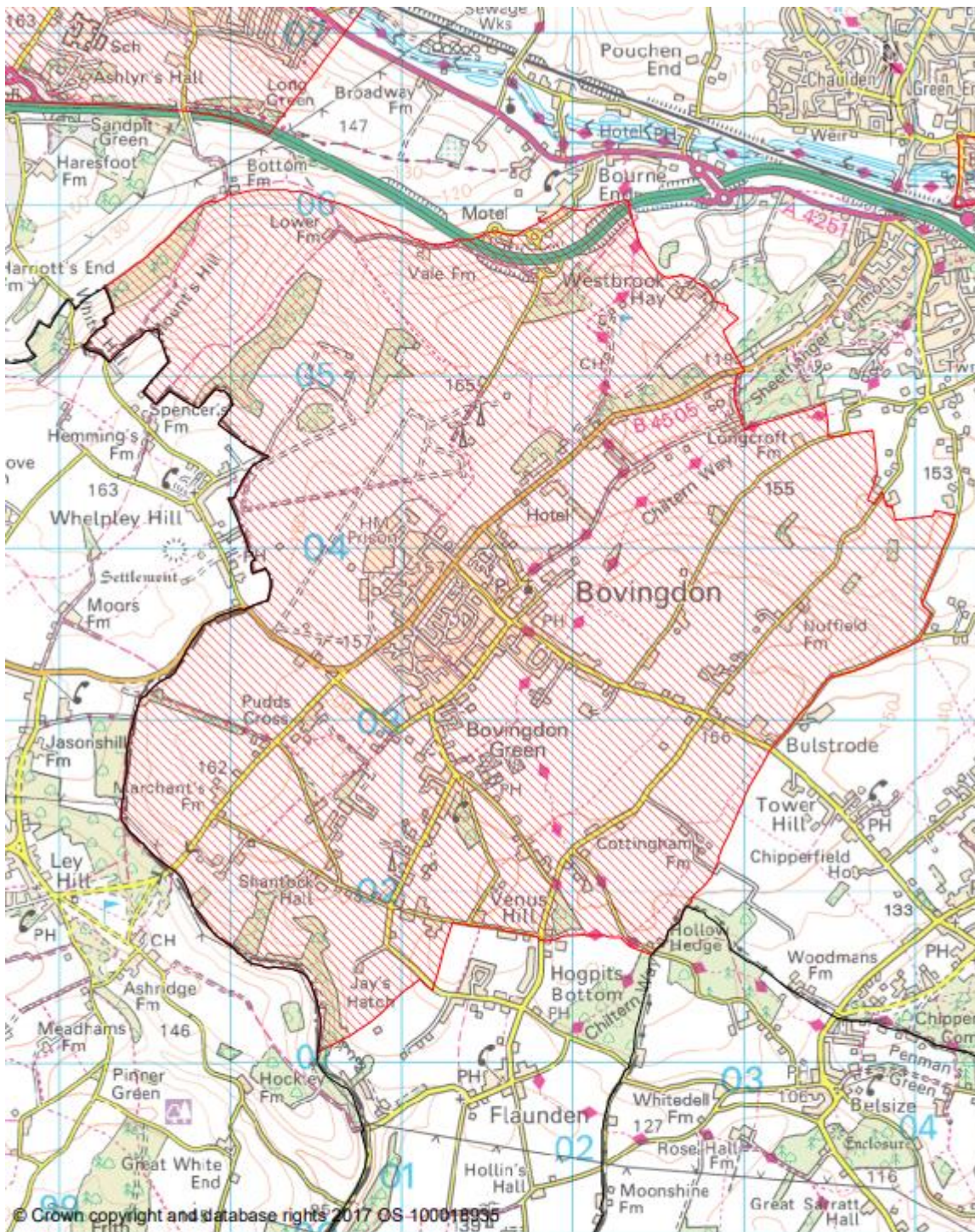
3. Berkhamsted and Northchurch



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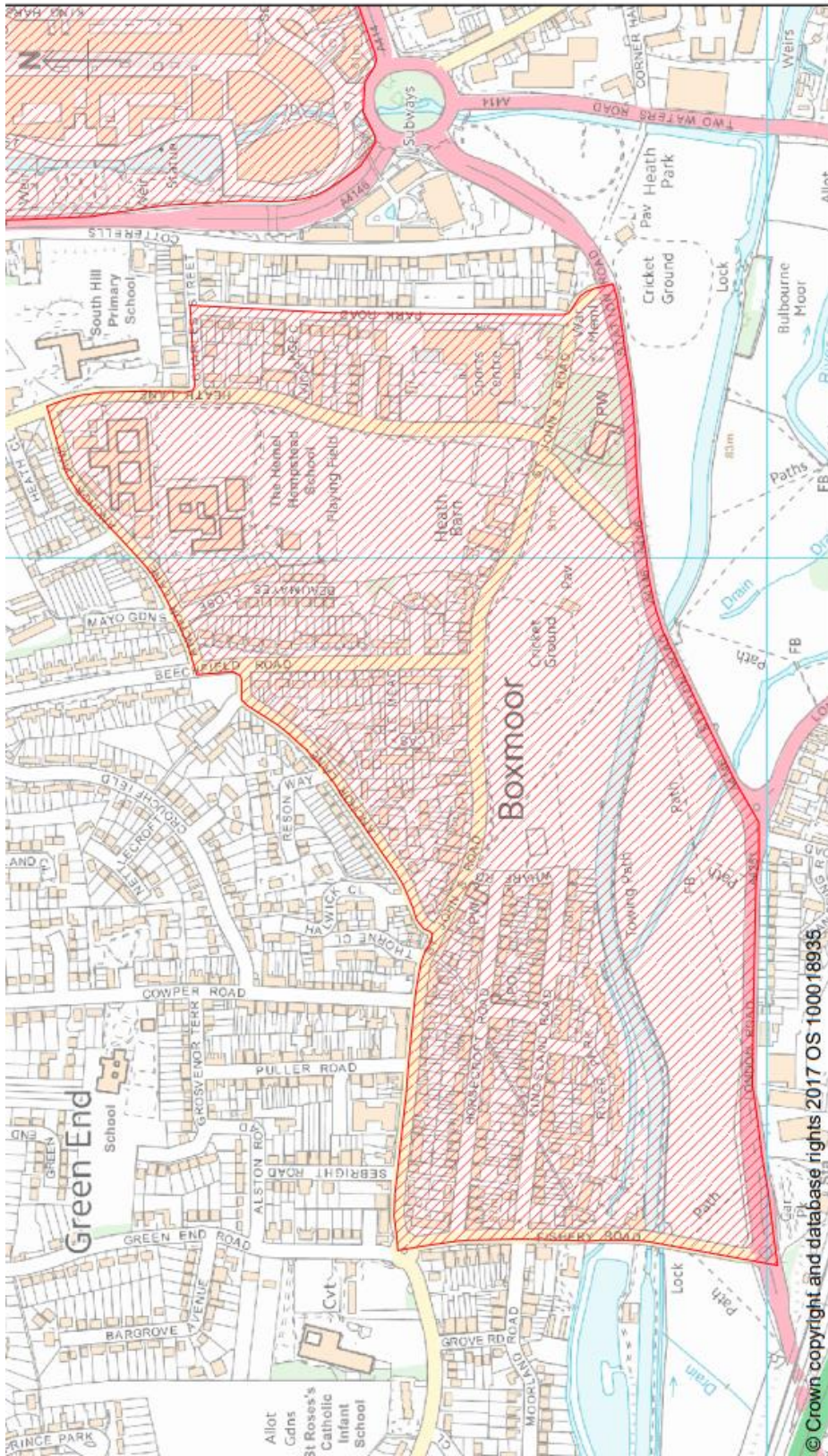
4. Bovington



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5. Boxmoor

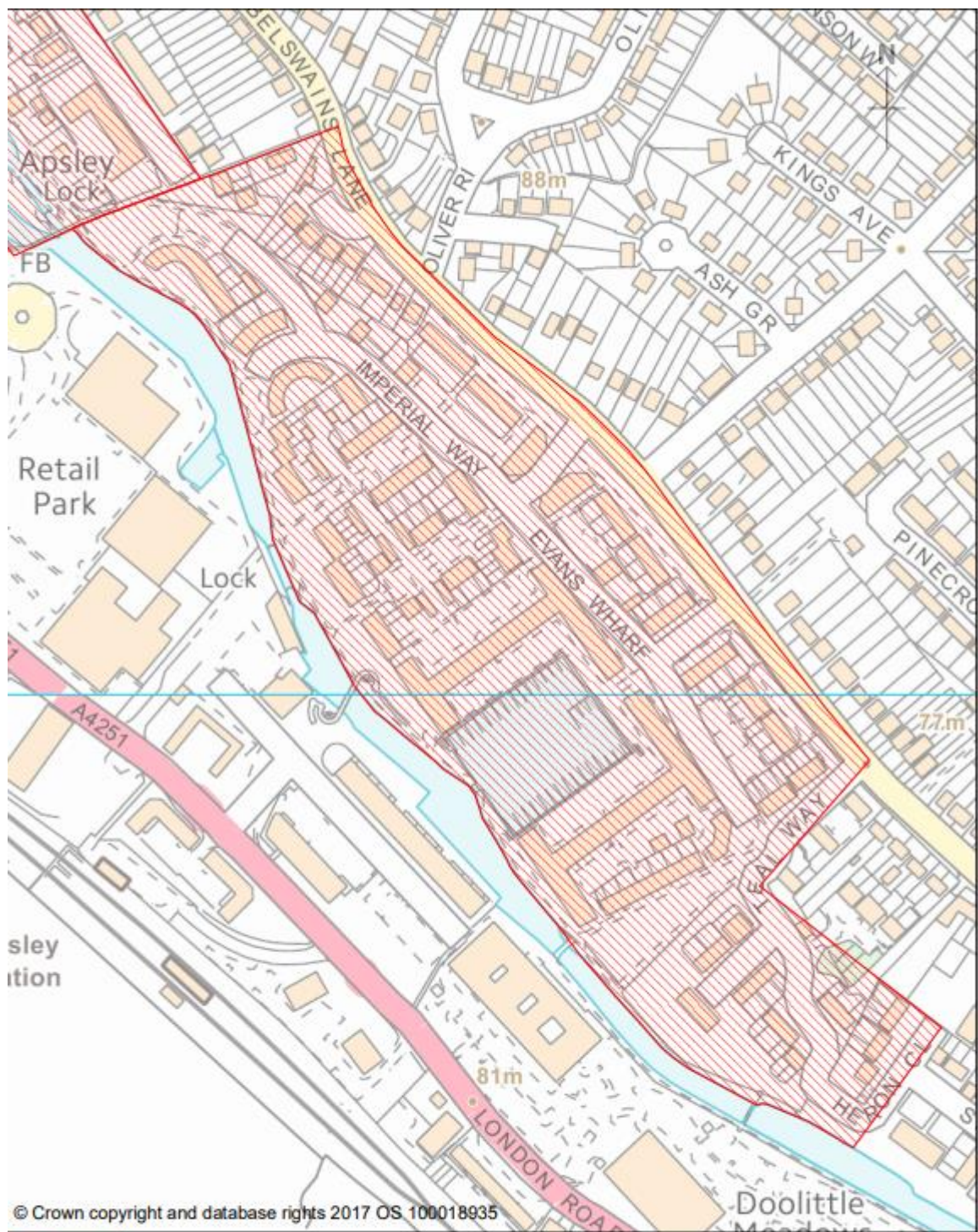


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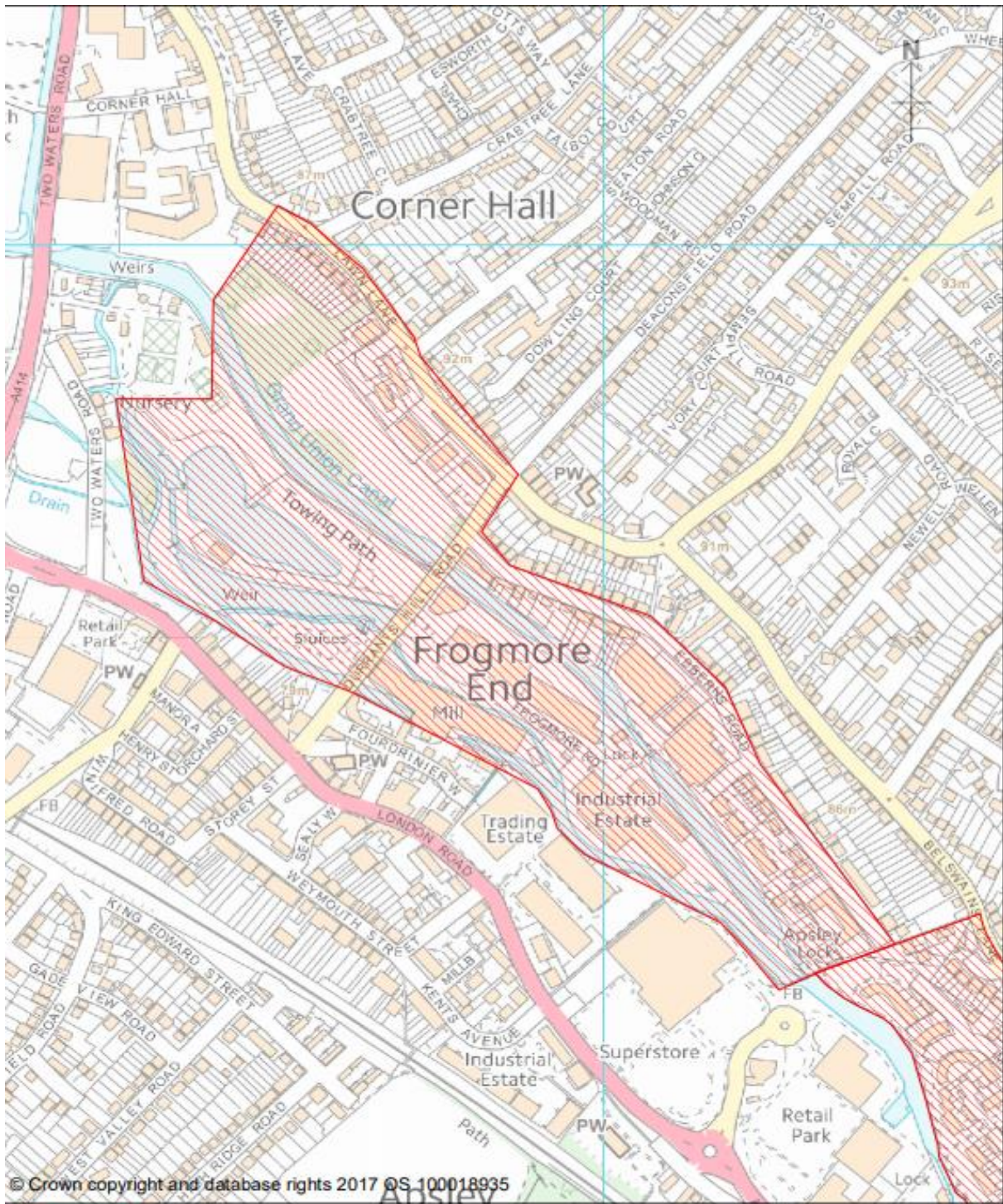


6. Evans Wharf, Frogmore End/Durrants Hill Road



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From: Emma Walker <Emma.Walker@dacorum.gov.uk>

Sent: 24 January 2024 14:38

To: Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>

Cc: Licensing Mailbox <Licensing@dacorum.gov.uk>

Subject: Consultation on proposals to extend Alcohol related Public Space Protection orders in the borough of Dacorum - Call for evidence

Hi Sally,

Between November 2021 – December 2023 District have issued 20 FPNs for breaches of the alcohol PSPOs. All FPNs were issued in Hemel Hempstead Town Ward (Marlowes/Water Gardens/Market Square/Bridge Street) and the last being in September 2022.

As an enforcement tool, we have received complaints/requests for targeted patrols/engagement by DE from other council departments such as the Water Gardens Team and Parks & Open Spaces where alcohol related ASB has occurred. I would therefore suggest extending these PSPOs would be useful.

Thanks,

Emma

Emma Walker

Head of Regulatory Services

Environmental and Community Protection | Dacorum Borough Council | The Forum | Marlowes | Hemel Hempstead | Herts | HP1 1DN

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