



Report for:	Cabinet
Title of report:	Alcohol related Public Spaces Protection Orders
Date:	19 th March 2024
Report	Councillor Capozzi, 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
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

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Corporate Priorities	A clean, safe and enjoyable environment
Wards affected	Hemel Hempstead Town

	<p>Highfield Berkhamsted Castle, Berkhamsted East and Berkhamsted West Northchurch Bovingdon Flaunden and Chipperfield Boxmoor Apsley and Corner Hall Nash Mills</p>
Purpose of the report:	<p>To consider the outcome of public consultation on the extension of alcohol related Public Spaces Protection Orders in the Borough, which proposes continuing to provide an additional means of controlling the consumption of alcohol, which is having a detrimental effect on the quality of life for those living and working in Dacorum.</p>
Recommendations to the decision makers:	<p>That Cabinet approves the re-establishment of the Public Space Protection Orders as set out in paragraph 1.5, and in Appendix A, of the report.</p>
Period for post policy/project review:	<p>Orders are in effect for 3 years</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 (PSPOs). 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.
- 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, payable to the local authority. It is recommended that fine levels remain at £88.
- 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 that 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. 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 April 2024, the Council has 6 alcohol specific PSPOs in force covering the areas that were subject to this consultation, 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.
- 1.7. 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.
- 1.8. A PSPO enforcement service is now in place.

2. Consultation 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 or 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, the Council's Environmental and Community Protection, Clean Safe and Green teams and DENS.
- 2.3. Responses were received as follows:

The Environmental and Community Protection team 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.

There was no response from the public.

3. Financial and value for money implications:

- 3.1. In areas where an order has effect, the local authority must arrange for the display of signage advising of the effect of the order, and signage is currently in place at all locations covered. There is no prescribed format or size requirements for these signs, and costs ultimately depend upon the number of signs required and the design/materials used. There will be ongoing maintenance costs to replace any damaged signage.
- 3.2. It is proposed that enforcement of the PSPOs will be carried out within existing resources as part of the overall enforcement contract, and with assistance from Hertfordshire Constabulary.

Value for Money

- 3.3. 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.

4. Risk implications:

- 4.1. 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 likely to be 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.
- 4.2. There are also reputational risks in terms of the Council being perceived as enforcing against vulnerable persons and seeking to criminalise certain behaviours, which would not normally attract fixed penalty notices or prosecution for non-payment.
- 4.3. 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.

5. Equalities, Community Impact and Human Rights:

- 5.1. A Community Impact Assessment was completed during the consultation period.
- 5.2. The authority must also consider the continuation of restrictions against the rights of freedom of expression (Article 10) and assembly (Article 11) under the European

Convention on Human Rights. The proposed continuation of restrictions has 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.

6. Statutory Comments

Monitoring Officer:

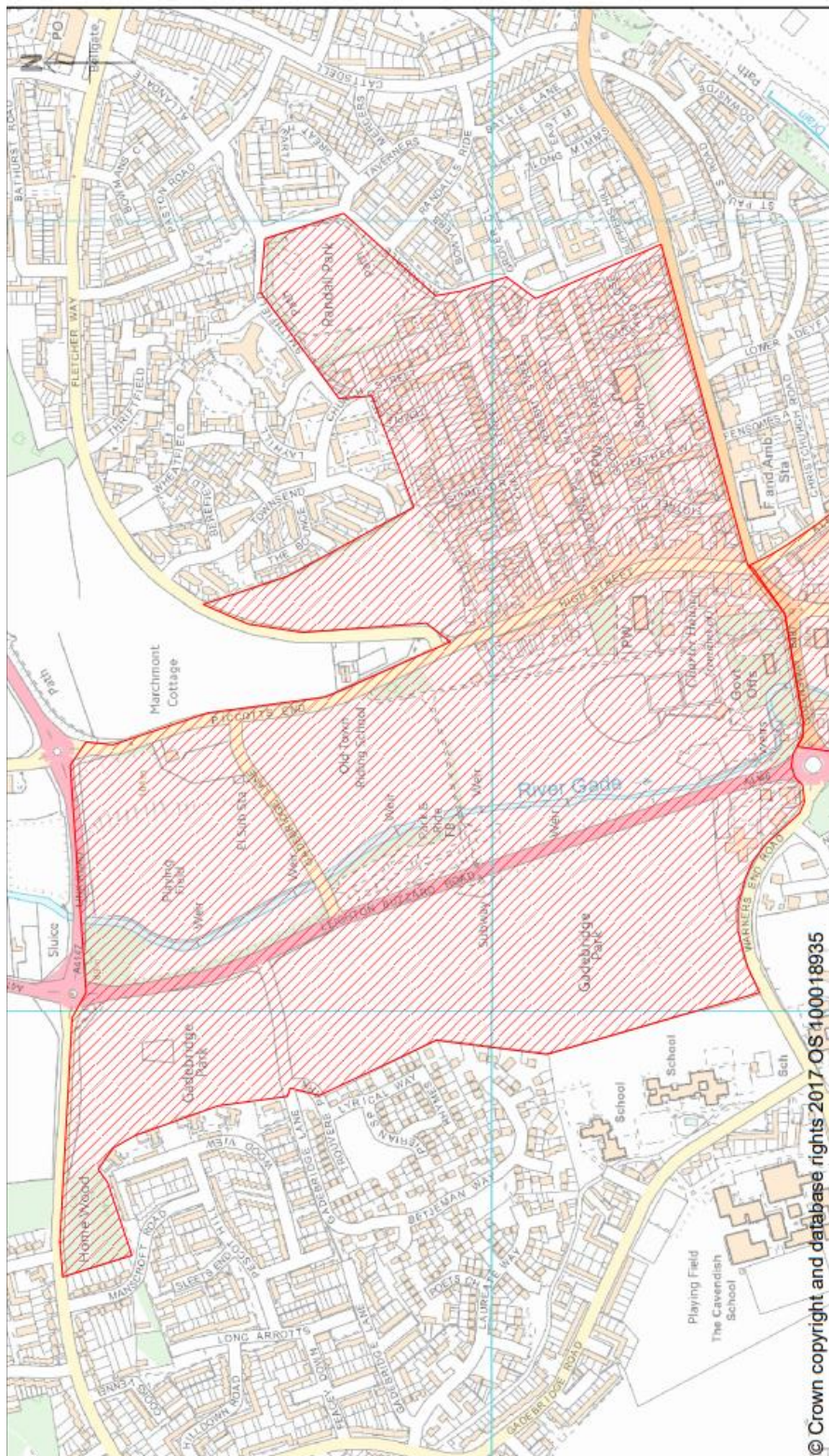
This is a report from the Monitoring Officer's team and comments are incorporated in the report.

S151:

The 2024/25 approved budget supports the delivery of the proposed PSPO arrangements recommended in this report.

MAPS OF AREAS WHERE PUBLIC SPACE PROTECTION ORDERS APPLY

1. Hemel Hempstead Town Centre (North)

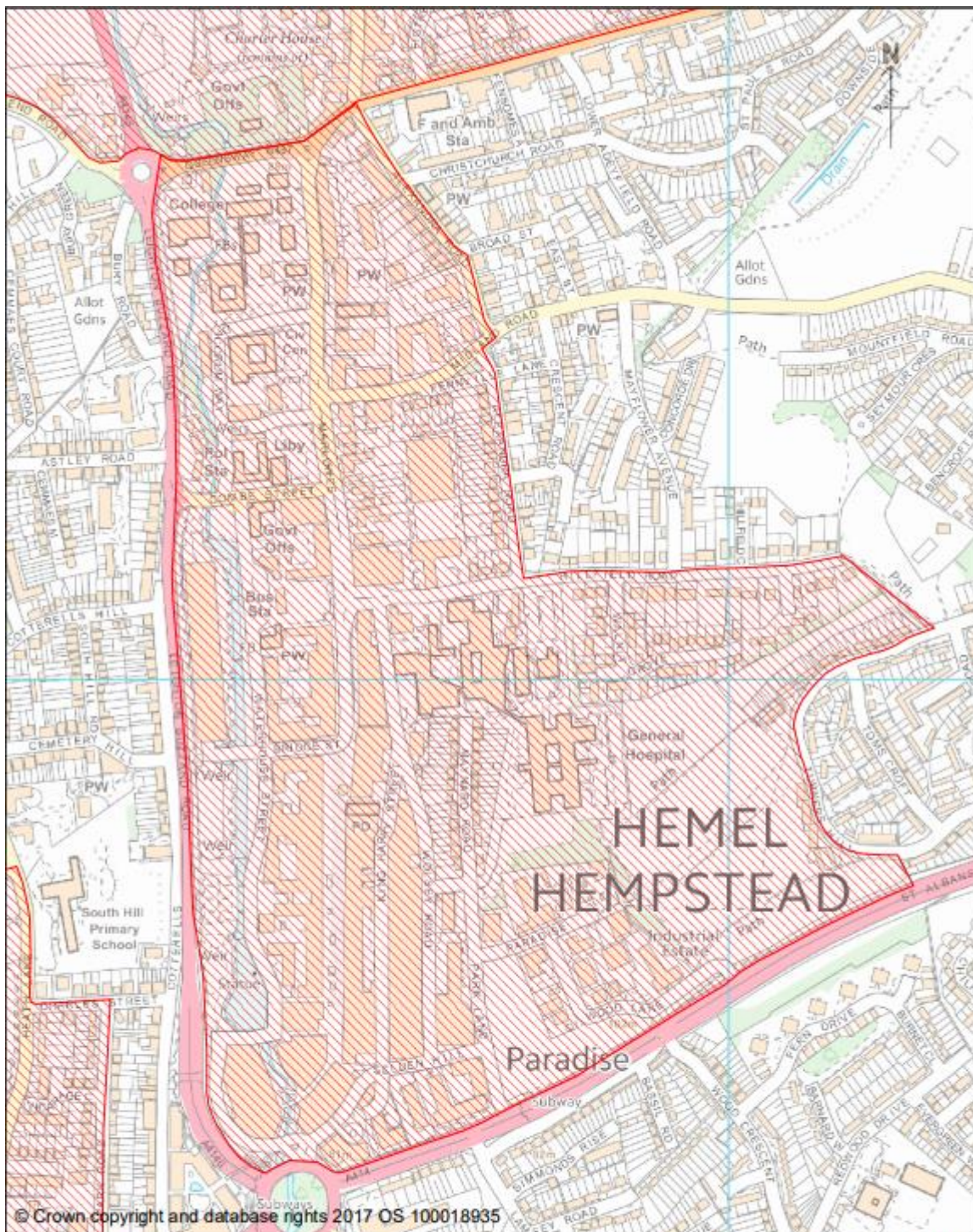


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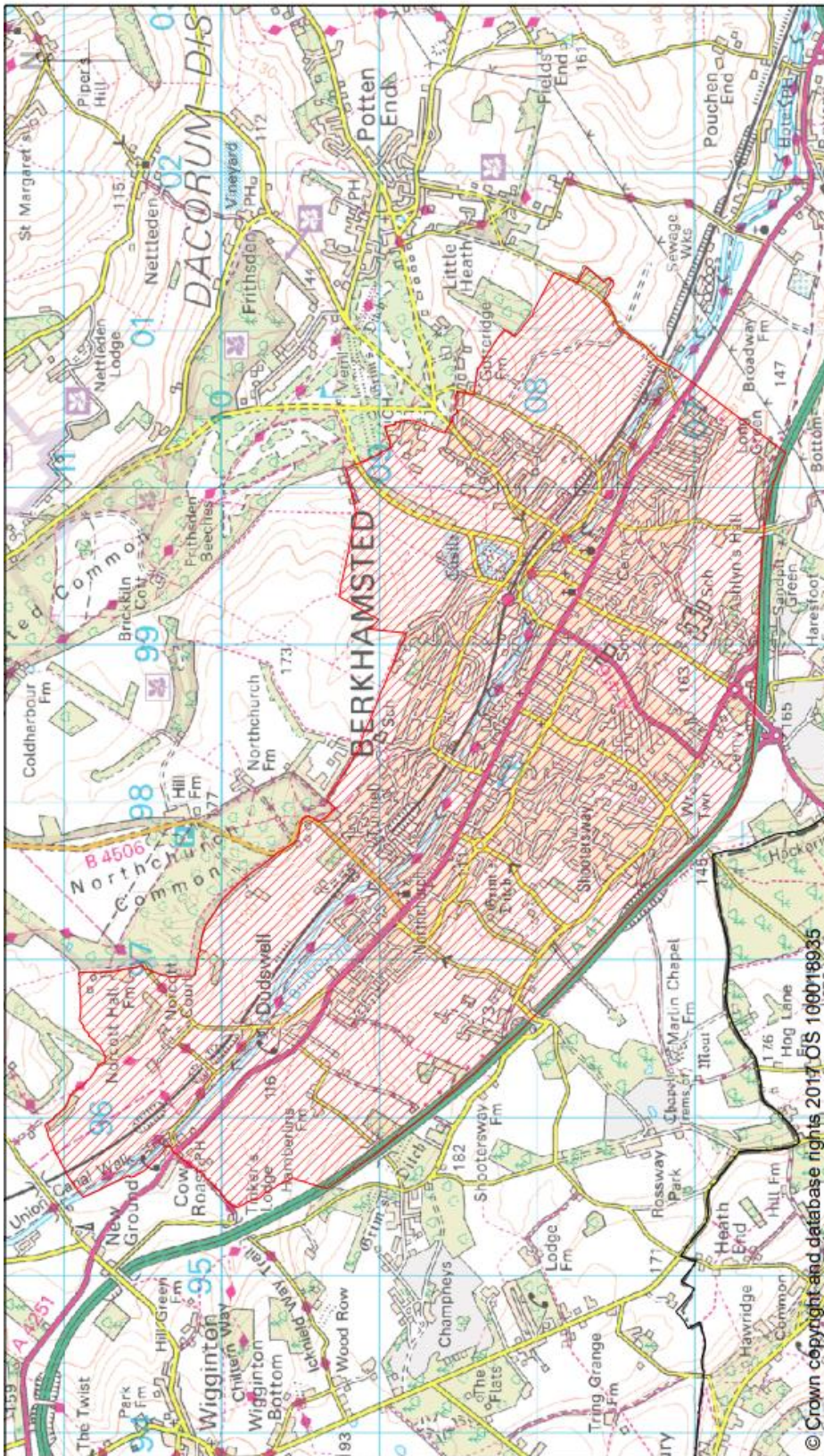
2. Hemel Hempstead Town Centre (South)



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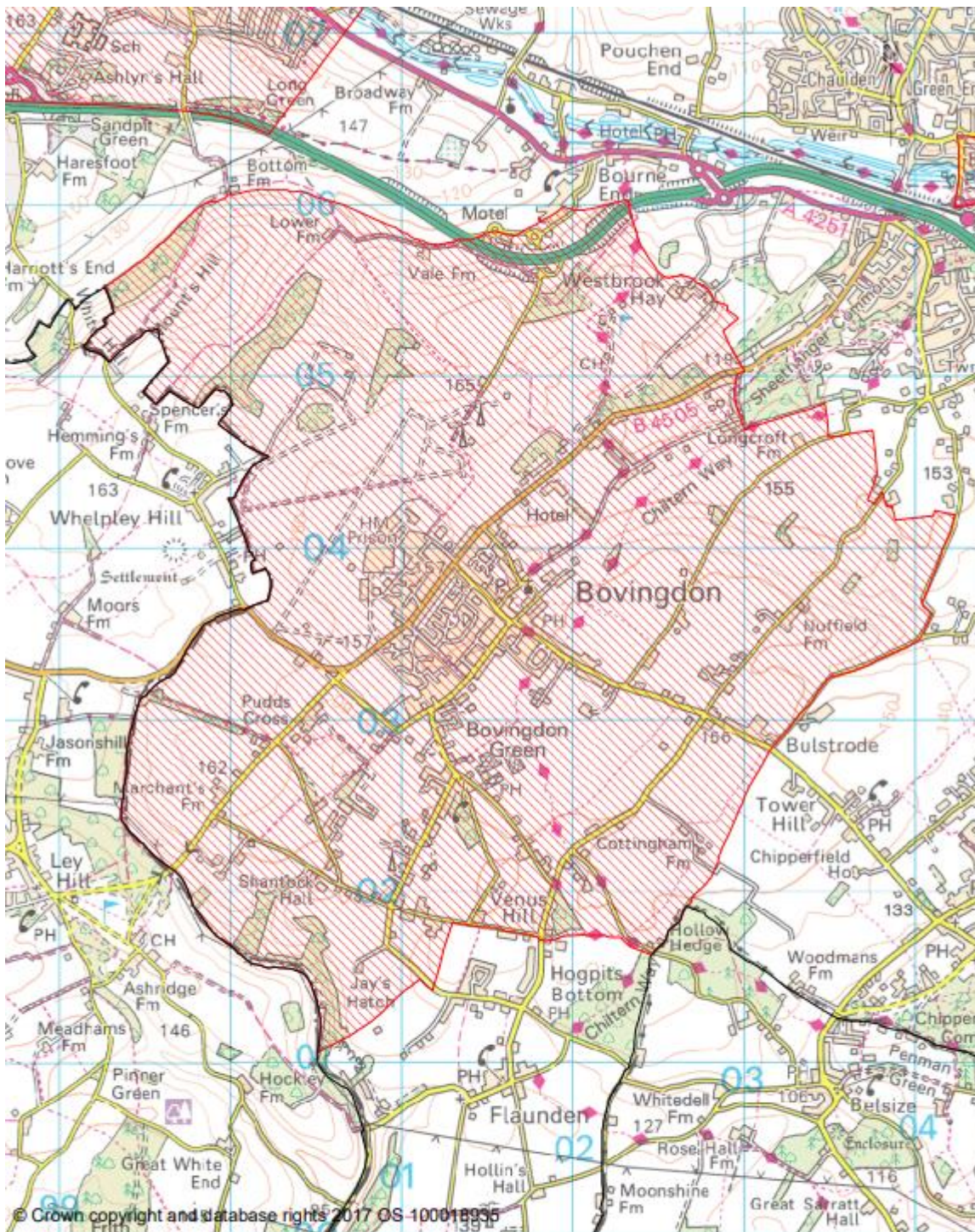
3. Berkhamsted and Northchurch



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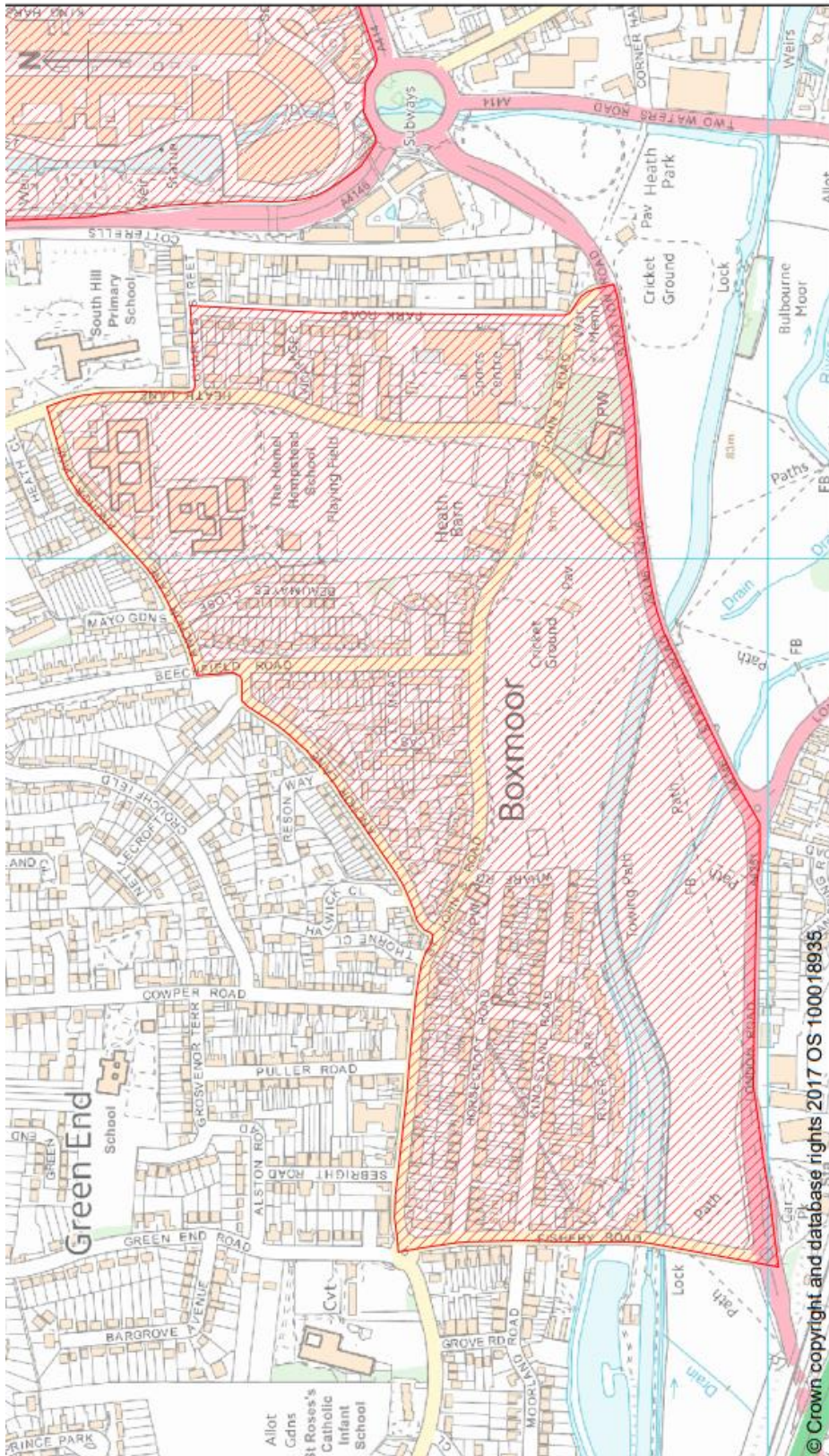
4. Bovington



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5. Boxmoor

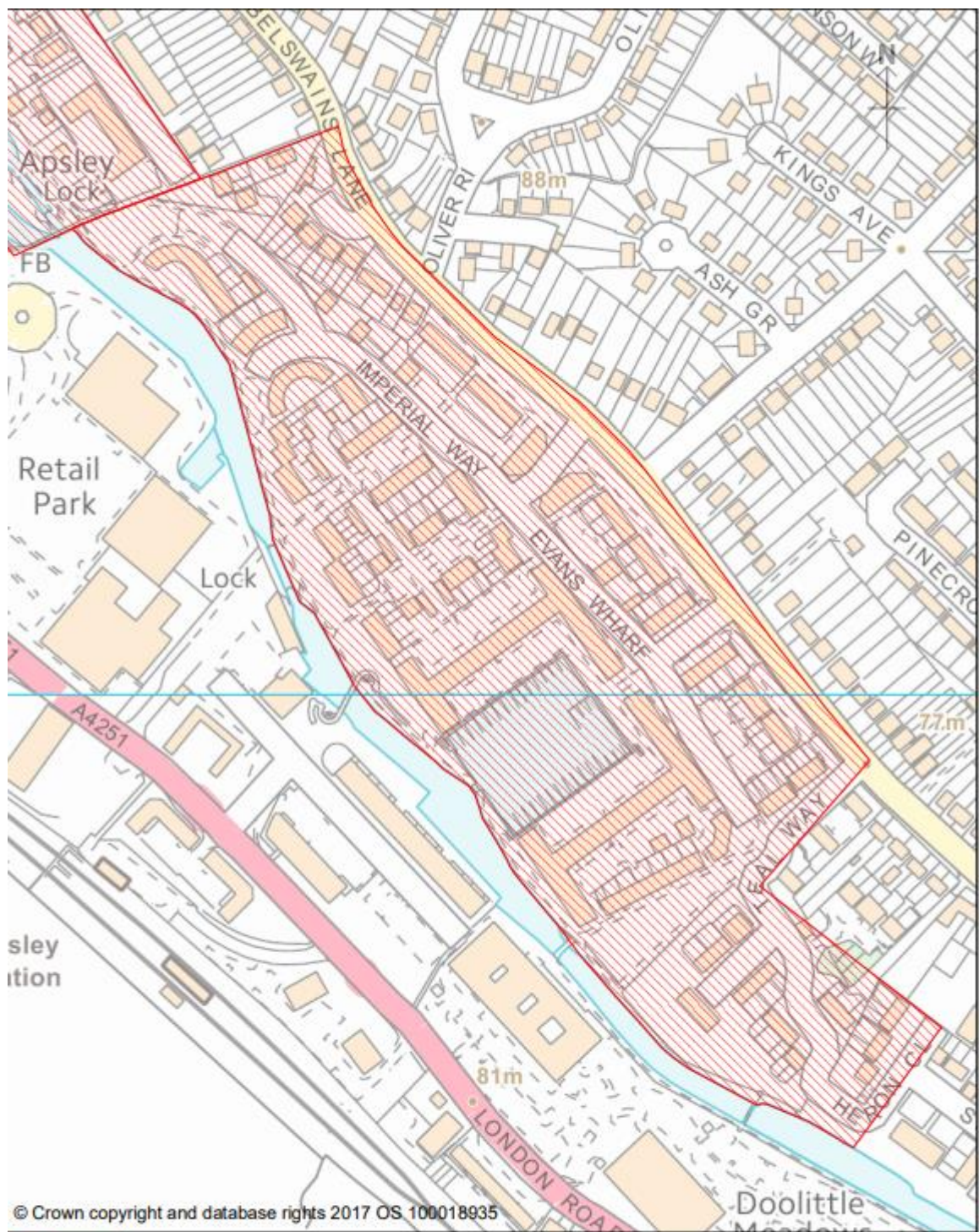


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6. Evans Wharf, Frogmore End/Durrants Hill Road

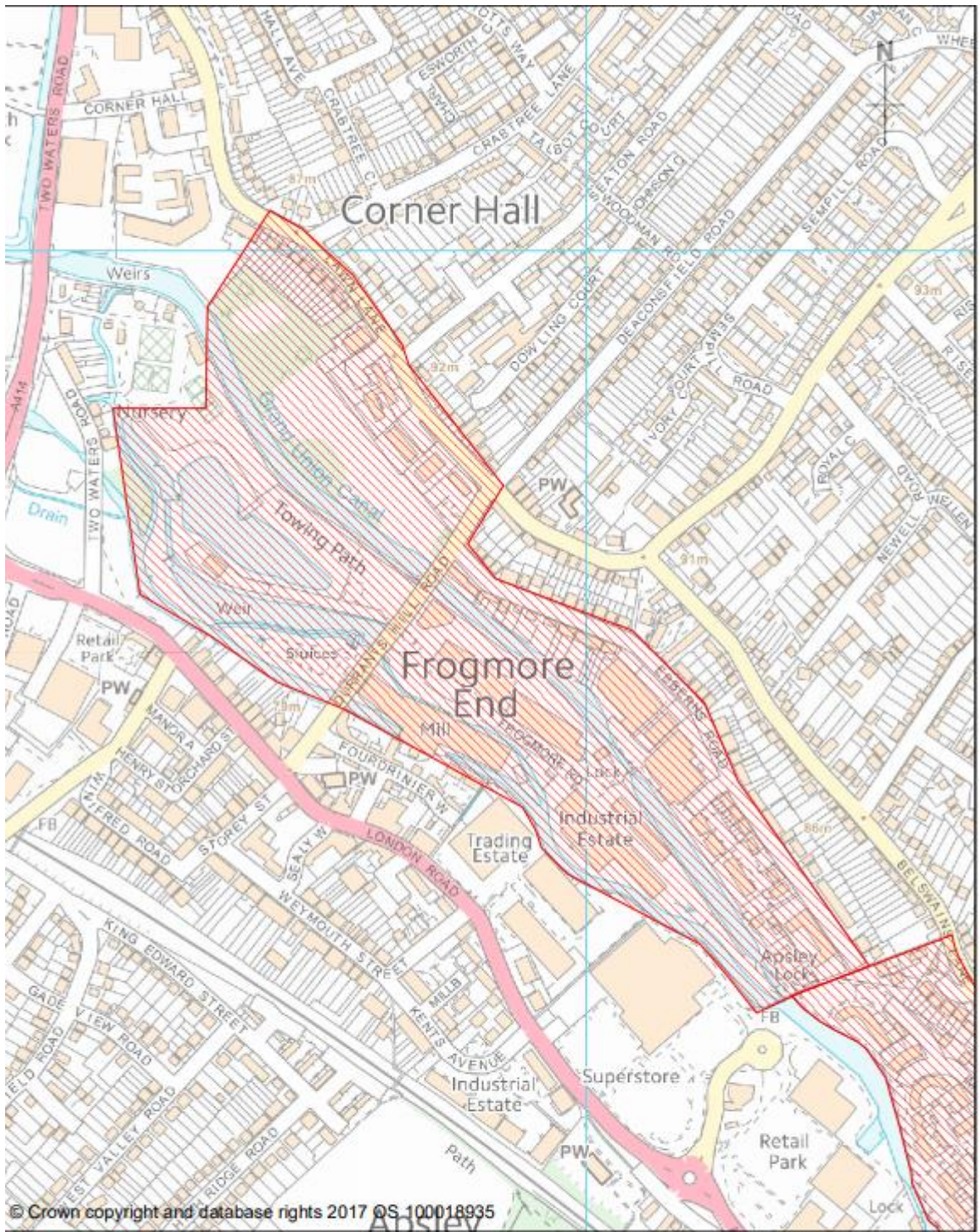


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