



AGENDA ITEM: 6

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	28 February 2017
PART:	I
If Part II, reason:	

Title of report:	Public Spaces Protection Orders (PSPO's)
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To initiate a review of the six current designated public place orders (DPPO's) in Dacorum, with a view to discharging these orders or replacing them with public spaces protection orders (PSPO's).
Recommendations	To initiate a call for evidence in the terms outlined in this report, the results of which will be reported to a future meeting of the Committee.
Corporate objectives:	Safe and Clean Environment <ul style="list-style-type: none"> • Maintain a clean and safe environment
Implications:	<p><u>Financial</u> There is no direct financial cost at this stage. If a PSPO is extended, it will be necessary to replace signage within the restricted area.</p> <p><u>Value for Money</u> n/a</p> <p><u>Risk Implications</u> n/a</p> <p><u>Community Impact</u> Information to inform a subsequent Community Impact Assessment will be sought as part of the proposed call for evidence.</p> <p><u>Health And Safety Implications</u> Some H&S implications arise from the enforcement of orders, and will be reviewed if decisions are ultimately made to retain the current restrictions.</p>
Consultees:	This report proposes issuing a call for evidence from selected bodies and the public. If the recommendation is approved, the results will be reported back to the Committee at a subsequent meeting.

Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	<p>DPPO – Designated public place order (<i>created under the Criminal Justice and Police Act 2001 – also known as alcohol control zones, or similar</i>)</p> <p>PSPO – Public spaces protection order (<i>created under the Anti-Social Behaviour Crime and Policing Act 2014</i>)</p>

1. BACKGROUND

- 1.1. Under the Criminal Justice and Police Act 2001, local authorities were given powers to designate certain public places within their areas, within which the consumption of alcohol could be more rigorously controlled than would otherwise be the case. Orders created under this power were known as designated public place orders, or DPPO's, and could only be made following evidence that the consumption of alcohol in those locations was leading to nuisance or annoyance to the public, or disorder.
- 1.2. Within an area covered by a DPPO, any person who is believed to have consumed, is consuming, or intends to consume alcohol there, may be required by a police officer or an accredited person not to consume alcohol in that place, and to surrender any alcohol in their possession. It is an offence to fail to comply with a requirement made by a police officer or an accredited person in this regard.
- 1.3. The 2001 Act has now been repealed, and replaced by the Anti-Social Behaviour Crime and Policing Act 2014. This Act provided that DPPO's would remain in force and be treated as if they were PSPO's for a 3-year period, which expires on 20 October 2017. Authorities which have previously passed DPPO's must review them by this date and decide whether to retain the restrictions (by extending the PSPO) or discharging them if there is insufficient evidence to meet the statutory test for this. New or extended PSPO's will be valid for a period of 3 years.
- 1.4. Whereas DPPO's were limited only to alcohol consumption, PSPO's are a much wider-ranging power which can be used by authorities to control a variety of problematic behaviours which satisfy two statutory conditions¹:
- “The first condition is that—*
- (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or*
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.*
- The second condition is that the effect, or likely effect, of the activities—*
- (a) is, or is likely to be, of a persistent or continuing nature,*
- (b) is, or is likely to be, such as to make the activities unreasonable, and*
- (c) justifies the restrictions imposed by the notice.”*
- 1.5. When considering extending existing orders, authorities must also be satisfied² that an extension is *“necessary to prevent—*

¹ Section 59(2)-(3), Anti-Social Behaviour Crime and Policing Act 2014

² Section 60(4), Anti-Social Behaviour Crime and Policing Act 2014

*(a) occurrence or recurrence after that time of the activities identified in the order, or
(b) an increase in the frequency or seriousness of those activities after that time.”*

- 1.6. The Act exempts parts of licensed premises, including beer gardens or terraces, from restrictions on the consumption of alcohol, with the expectation that the management of licensed premises will control the consumption of alcohol within the curtilage of their premises, under threat of a licence review if they failed to do so. Public land which is licensed for the sale of alcohol (e.g. parks licensed for events) is also exempted at times when alcohol is being lawfully sold there.

2. CURRENT ORDERS

- 2.1. In a series of decisions through 2006 and 2007, the Licensing Committee exercised the above powers to create a total of six DPPO's, covering the following areas:

- Hemel Hempstead town centre, including Gadebridge Park
(links to maps: [north](#) [south](#))
- Berkhamsted and Northchurch ([map](#))
- Bovingdon ([map](#))
- Boxmoor ([map](#))
- Durrants Hill, Apsley ([map](#))
- Evans Wharf, Apsley ([map](#))

- 2.2. These orders all remain in force at the present time, but in accordance with the above provisions must be reviewed and either extended or discharged, by October.

- 2.3. Anecdotally, it is believed that relatively little use has been made of the powers conveyed by these orders in recent years, either by Hertfordshire Constabulary or by other persons accredited by the police under the community safety accreditation scheme, and that few complaints have been received concerning street drinkers outside of Hemel Hempstead town centre. However, to properly inform a review of the current orders, accurate information will be required from a range of parties.

3. CALL FOR EVIDENCE

- 3.1. In order to collect evidence needed to inform this review, it is proposed to issue a call for evidence on the use of the current orders in recent years – information will be requested for a 3-year period beginning January 2014. At this time it is intended to focus the review solely on whether to retain the existing orders – any other evidenced requests for new orders will be considered separately, outside the scope of this review.

- 3.2. Information will be sought from the following bodies on the frequency of use of the powers conveyed by the current orders, the number of complaints regarding relevant conduct received by those bodies, resources available for enforcement of the orders, and any other information considered to be relevant to the review by those bodies:

- Hertfordshire Constabulary
- Dacorum Borough Council (Residents Services; Clean Safe & Green; Regulatory Services; Strategic Planning & Regeneration; Strategic Housing)

- 3.3. Information will also be sought from the following bodies on the number of complaints regarding relevant conduct received by those bodies, and any other information considered to be relevant to the review by those bodies:
- Hertfordshire County Council (Community Safety; Public Health)
 - Town/parish councils for applicable areas
 - Dacorum Community Safety Partnership (members not already referenced)
- 3.4. Information will also be sought from the public about relevant conduct they have observed in their local areas. It is proposed that this part of the call for evidence will be conducted by way of an online questionnaire, hosted on the Council's consultation website channel. A link to this channel will also be sent to ward councillors. Although written responses from the public will not be encouraged, if received they will be considered as part of the review.
- 3.5. An 8-week window will be offered for receipt of evidence to inform the review, following which relevant information will be collated in a report. The final decision on whether to adopt, extend or discharge PSPO's must be made by Cabinet – the Licensing Committee will be asked to make appropriate recommendations.

4. RECOMMENDATION

- 4.1. To initiate a call for evidence in the terms outlined above, the results of which will be reported to a future meeting of the Committee.