

BRECKLAND DISTRICT COUNCIL

Report of: Paul Claussen, Executive Member Place and Rob Walker, Executive Director Place

To: Cabinet 21 March 2017

(Author: Steve James, Communities & Environmental Services Manager)

Subject: The implementation of Public Space Protection Orders in the market towns of Breckland

Purpose: To brief Members on the process to implement a Public Space Protection Order (PSPO) and seek approval to consult on the terms of PSPOs for the market towns of Breckland.

Recommendation(s):

- 1) That the Council proceed with the necessary consultation on the introduction of Public Space Protection Orders for the five market towns of Breckland.
- 2) That the first round of consultation be in respect of Thetford town centre.

1.0 BACKGROUND

- 1.1 A PSPO is a provision created by the Anti-Social Behaviour Crime and Policing Act 2014 (The Act) which is intended to deal with a particular nuisance or problem in a defined area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which will apply to everyone. The power to make a PSPO rests with the local authority in consultation with the Police, Police and Crime Commissioner and other relevant bodies or individuals who may be impacted.
- 1.2 The aim of the power is to stop individuals or groups committing anti-social behaviour in public spaces. Restrictions and requirements can be placed on an area where activities have or are likely to have a detrimental effect on the quality of life of local people, is persistent or continuing in nature and is unreasonable
- 1.3 Enforcement can be undertaken by a Police Officer, a Police Community Support Officer, a designated Council Officer and employees of other designated organisations. Breach of a requirement to desist in a particular prohibited activity is a criminal offence which can result in a Fixed Penalty Notice of up to £100, or a Level 3 fine of up to £1000 on prosecution. Being the enforcing authority the cost of prosecuting is with the Council.
- 1.4 The potential use of a PSPO appears to be very broad and flexible to allow a Council to cover individual circumstances in its area. A PSPO can also cover multiple restrictions so one order could for example prohibit such activities as the drinking of alcohol in a public place and urinating in a public place. In regards to alcohol restrictions, it is not an offence to drink alcohol in a controlled drinking zone. However, it is an offence to fail to comply with a request to cease drinking or surrender alcohol in a controlled drinking zone. This is also liable on summary conviction to a fine not exceeding level 2 (£500) on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.
- 1.5 The Council can make a PSPO on any public space within its own area. The definition of

public space is wide and includes any place to which the public or any section of the public has access on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping precinct or public car parks. The maximum length of a PSPO is three years, but it can be reviewed at any time.

- 1.6 The legislation allows the PSPO to be framed in such a way that it does not necessarily apply in all circumstances and can be worded in such a way that it only applies at certain times of the day or over specific dates, or that it applies all times except specific times or dates (such as when a festival is on).
- 1.7 Currently there is in existence, in the five market towns of Breckland, Designated Public Place Orders (DPPO), known locally as 'alcohol exclusion zones' which restrict the consumption of alcohol to premises covered by a licence under the Licensing Act. These orders enable a Police Officer to confiscate alcohol if they believe it is, or could be, a contributing factor in public disorder. These orders have assisted with limiting anti-social behaviour linked to drinking in public.
- 1.8 The Act requires a DPPO to be replaced by a PSPO within three years of their repeal in October 2014; at this point they will automatically transfer to a PSPO without the need for any additional action on the part of the Council. Therefore, we consider it timely to review the current DPPOs with a view to enacting a new PSPO in each of the five market towns.
- 1.9 We could simply replicate the existing alcohol prohibitions but it is a good opportunity to consider what other restrictions might be introduced to combat any other forms of anti-social behaviour detrimental to the quality of life of residents and visitors and which is persistent and continuing in nature in the respective town centres.
- 1.10 Norfolk Constabulary is supportive of the proposal to consult on the transfer of DPPOs to become PSPOs across the District ensuring that any amendments are evidenced and proportionate. Their evidence indicates that Thetford should be the first area for consultation, with Watton being the second. Further consultation in the remaining towns will be prioritised based on evidence of need.

2.0 **OPTIONS**

- 2.1 Do nothing. This will mean that the existing DPPOs in the market towns will remain in place until 20th October 2017. At this point they will automatically transfer to a PSPO. This is not a recommended option as the Council should demonstrate good practice and consider all available powers including its discretionary responsibility to respond to anti-social behaviour using the powers under the Act.
- 2.2 Carry out the consultation process as required by statute to enable the Council to ascertain and understand the types of complaints and issues that are being experienced by residents and visitors to our market towns and to gather evidence to support any future implementation of PSPOs. Best practice from other areas that have implemented PSPOs suggests that the consultation period should last for four weeks and allow online and written submissions.

3.0 **REASONS FOR RECOMMENDATION(S)**

- 3.1 The consultation exercise will assist the Council in considering:
 - If there are specific problems caused by particular ongoing activities, for example, street drinking, urination and defecation in the street.
 - What action needs to be taken by agencies to address the problem.

3.2 As Thetford is the town with highest incidence of anti-social behaviour it is recommended that this be the first area for consultation.

4.0 **EXPECTED BENEFITS**

4.1 By going to consultation the Council will ascertain the type and frequency of anti-social behaviour that members of the public are experiencing in our town centres.

4.2 Responding appropriately to the results of the consultation and investigating the issues raised will demonstrate the Council's commitment to addressing the concerns around reducing and preventing crime and protecting the community and environment of our town centres.

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint / Environmental Issues**

5.1.1 The introduction of PSPO's will help protect the natural environment which currently experience incidents of anti-social behaviour.

5.2 **Constitution & Legal**

5.2.1 In order that the Council can make a future decision about whether to proceed to a new PSPO, the Act states that 'necessary consultation' must be undertaken before a PSPO is introduced.

5.2.2 The Act defines 'necessary consultation' as consulting with:

- The Chief Officer of Police and the local Policing body, for the Police area that includes the restricted area;
- Whatever community representations the local authority thinks it appropriate to consult;
- The owner or occupier of land within the restricted area [as far as is practicable].

5.2.3 The purpose of the consultation is to ascertain and understand the types of complaints and anti-social behaviour issues that are being experienced.

5.3 **Contracts**

5.3.1 It is the opinion of the Report Author that there are no implications.

5.4 **Corporate Priorities**

5.4.1 The recommendations in this report contribute to the following Council Priorities and Objectives:

- Supporting Breckland to develop and thrive
- Work together with partners and local communities to make public spaces cleaner, greener and safer
- Work with our partners to reduce and prevent crime and anti-social behaviour and protect the community and environment

5.5 **Crime and Disorder**

- 5.5.1 Anti-social behaviour covers a variety of unacceptable activities that affect community life and the life of individuals and families. The introduction of PSPO's across our market towns has the potential to deliver significant positive community impact if enforced to their full potential.

5.6 **Equality and Diversity / Human Rights**

- 5.6.1 The formal consultation will evidence the requirement to prohibit activities that have a detrimental impact on the quality of life of the community and will be applied to all. Consideration will be given to what activities are prohibited, where the restrictions will apply and what times they will apply in order to ensure that the human rights of individuals are not breached.

5.7 **Financial**

- 5.7.1 To proceed with the consultation exercise required for a PSPO would have financial implications in both Officer time and media/publicity materials. Should we implement PSPOs there would be financial implications in terms of signage but this will be funded from existing budgets.

5.8 **Health & Wellbeing**

- 5.8.1 The consultation will evidence the type and location of incidences of anti-social which would likely be having an impact on the health and wellbeing of individuals and the community. Prohibiting such activities would therefore improve this.

5.9 **Risk Management**

- 5.9.1 Ensuring that a comprehensive consultation exercise is undertaken would reduce the risk that the Council would face legal challenge should it look to implement PSPOs in the future.

5.10 **Safeguarding**

- 5.10.1 Those individuals who may be in breach of a PSPO may be 'vulnerable' with their own needs. Additional support as well as enforcement may be needed on some occasions.

5.11 **Staffing**

- 5.11.1 It is likely that undertaking a formal consultation exercise will require Officer time to coordinate, it is anticipated that support will be required from Communications Team.

5.12 **Stakeholders / Consultation / Timescales**

- 5.12.1 Details of the consultation as defined by the Act are contained within the report. PSPOs that have been consulted on in other areas, such as North Norfolk District Council have used both on line and paper based options and have been open for a period of 4 weeks.

6.0 **WARDS/COMMUNITIES AFFECTED**

- 6.1 The PSPO has the potential to affect a number of Wards in Thetford.

7.0 **ACRONYMS**

- 7.1 Anti-Social Behaviour, Crime and Policing Act 2014 – The Act
Public Space Protection Order – PSPO
Designated Public Place Order – DPPO

Background papers:-

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service