

<b>SUBJECT:</b>	<i>Review of alcohol restrictions Public Spaces Protection Orders (PSPOs)</i>
<b>RELEVANT MEMBER:</b>	<i>Councillor Liz Walsh - Portfolio Holder for Healthy Communities</i>
<b>RESPONSIBLE OFFICER:</b>	<i>Martin Holt, Head of Healthy Communities</i>
<b>REPORT AUTHOR:</b>	<i>Ian Snudden, Principal Environmental Health Officer, 01494 732057</i>
<b>WARD/S AFFECTED:</b>	<i>All</i>

## 1. Purpose of Report

To review the current Public Spaces Protection Orders (PSPO) relating to alcohol restriction within Chiltern DC and to consider the responses to the consultation.

### RECOMMENDATIONS

- 1. To consider the outcome of the consultation on the existing PSPOs which provide the Police with powers to require any person to stop drinking and surrender alcohol if they are causing or likely to cause anti-social behaviour (ASB) in the following areas:**
  - a- Chesham Cemetery**
  - b- Chesham Town Centre High Street and The Meades Water Garden**
  - c- Amersham-on-the-Hill and Old Amersham**
  - d- Seer Green**
  - e- Land at Roundwood Road and Station Forecourt, Amersham**
- 2. Where there is supporting evidence for restrictions to be in place in a specific area, to approve the addition of this within a single PSPO.**
- 3. Where there is no supporting evidence for restrictions to be in place in a specific area, to approve the discharge of that PSPO and instruct the Head of Healthy Communities to remove any associated signage.**

## 2. Executive Summary

Public Spaces Protection Orders (PSPOs) are one of a number of powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They are designed to stop individuals or groups committing anti-social behaviour in a public space which is having or is likely to have a detrimental effect on the quality of life of people in the area.

There are currently five PSPOs with alcohol restrictions. It is proposed that these PSPOs are discharged and where there is sufficient evidence to support alcohol restrictions in

an area, for that area to be included in a new, single PSPO which will be easier to review and, where necessary and appropriate, to update, in the future. A copy of the new single PSPO is appended to this report as "Appendix 1".

### **3. Reasons for Recommendations**

The introduction of a Public Spaces Protection Order in targeted areas provides an effective tool for the police to manage alcohol related anti-social behaviour whilst still allowing those who do behave responsibly to enjoy themselves.

### **4. Content of Report**

Public Spaces Protection Orders (PSPOs) are one of a number of powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 ("The Act"). They are designed to stop individuals or groups committing anti-social behaviour in a public space which is having or is likely to have a detrimental effect on the quality of life of people in the community. The behaviour must be persistent or continuing in nature and must be unreasonable. The Order will last up to a maximum of 3 years before being reviewed again.

The previous Designated Public Place Orders (DPPOs) which were transitioned into PSPOs when the Act came into force provide Police and other authorised persons with powers to require any person to stop drinking and surrender alcohol if they are causing or likely to cause anti-social behaviour.

Currently there are five PSPOs which provide for the restriction of alcohol consumption. These are in the areas of:

- Chesham Cemetery
- Chesham Town Centre High Street and The Meades Water Garden
- Amersham-on-the-Hill and Old Amersham
- Seer Green
- Land at Roundwood Road and Station Forecourt, Amersham

The original Designated Public Place Orders and maps of the areas are appended to this Report as "Appendix 2".

The five PSPOs are now due for review, having continued for three years and so a six week consultation exercise has taken place with the necessary parties to receive their comments on the use of the PSPOs and the supporting evidence for their continued use. The parties involved were Amersham and Chesham Town Councils, Seer Green Parish Council, Thames Valley Police, British Transport Police, Chiltern Railways and

Transport for London, Transport for Bucks, Buckinghamshire County Council, Paradigm Housing, any owners or occupiers of the land covered by/to be included within the PSPO and internally, the Estates Section. The proposal has also been subject to the necessary publicity in accordance with the Act by being published on the Council's website and the accompanying plans were made available for public inspection.

A local authority, in deciding whether to make a Public Spaces Protection Order must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention of Human Rights. The PSPO attempts to only manage anti-social behaviour for the protection of the public and does not intend to prevent or impact upon the legitimate use of the public land in question or infringe rights of freedom of expression and assembly.

The proposal is for the five separate PSPOs to be discharged and a new single PSPO published which incorporates the areas where it is considered that alcohol restrictions should still apply. A PSPO can only be made by the council if satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

Therefore, for a PSPO to be put in place, there must be clear supporting evidence to justify its need.

## **5. Consultation Responses**

The consultation ends on 20th September and the responses to the consultation to date are appended to this report marked "Appendix 3".

On first review, there does not to be any evidence to support the inclusion of Seer Green within the new PSPO. Similarly, there is insufficient evidence to support the inclusion of Parsonage Wood, Amersham. However, analysis of ASB reports and particularly those related to alcohol would support the inclusion of all other areas covered by the proposed Order. This is further supported by responses from Amersham Town Council and Chesham Town Council. There would seem to be contradicting evidence in relation to Amersham Station Forecourt but since ASB has been reported in this and adjacent areas, albeit not directly associated with alcohol, it is recommended that this is included too.

A verbal update on the consultation responses to date will be presented at the meeting.

## 6. Options

A local authority can only make a PSPO if it is satisfied on reasonable grounds that the following conditions have been met:

- The activities carried on in the public place have or are likely to have a detrimental effect on the quality of life of those in the locality or it is likely that activities will be carried on in a public place in that area and that they will have such an effect.
- The effect of the activities is, or are likely, to be of a persistent or continuing nature, such as to make them unreasonable and justifying any restrictions or requirements imposed in the PSPO. Government guidance focuses on proportionality and suggests that local authority's consider whether any restrictions are required all the time, for example, it may be that a particular restriction does not need to be imposed all year round.

A PSPO can only impose a prohibition or requirement to:

- Prevent the detrimental effect of any anti-social behaviour from continuing, occurring or recurring in a restricted area. However, a PSPO should not be used to restrict "everyday sociability" in public places.
- Reduce the detrimental effect of the behaviour or reduce the risk of its continuance, occurrence or recurrence.

Where clear supporting evidence has been presented by relevant bodies which supports the continuation of alcohol restrictions in a particular area, then this area will be included within a single PSPO. The new PSPO and area maps will be published on the website and the relevant bodies notified. Appropriate signage is already present in the current areas. Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue.

Where no supporting evidence for alcohol restrictions is provided, then these areas will be excluded from the new, single PSPO, and the existing ones will be discharged.

## 7. Corporate Implications

- 3.1 Financial: The cost of the consultation process has been met within existing budgets. Failure to comply with the conditions of a PSPO can result in a fixed penalty notice of a £100 being issued. On prosecution a maximum fine of £500 can be given on conviction.
- 3.2 Legal: It is a statutory requirement under the Act that local authorities review their PSPOs every three years. If a new PSPO is made, anyone who lives in, or regularly works in or visits the affected area can appeal in the High Court within six weeks of the PSPO being issued.

- 3.3 Crime and Disorder: The PSPO should deter anti-social behaviour from taking place and will enable us to enforce the restrictions.
- 3.4 Environmental Issues: none
- 3.5 Partnership: We have consulted with our partners and the recommendations have been supported and/or come from suggestions from our partners.
- 3.6 Equality Act 2010 – An Equalities Impact Assessment (EIA), in accordance with the requirements of the Equalities Act 2010 has been undertaken in connection with the review of the PSPOs, appended to this report as “Appendix 4”. The EIA undertaken did not identify any adverse quality issues and as a result no further action or mitigation is considered appropriate.

## **8. Links to Council Policy Objectives**

We will deliver cost effective, customer focused services

Listen to our customers

- Consult with you on key issues and respond to results

We will work towards safe, healthy and cohesive communities

Improve community safety

- Work with partners to reduce crime and antisocial behaviour and to improve community safety

We will strive to conserve the environment and promote sustainability

Promote sustainability

- Promote a healthy, sustainable and safe built environment

## **9. Next Step**

If approval is given then the new PSPO and maps will be published, the existing PSPOs will be discharged and the relevant parties notified. Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue.

## **10. Appendices**

Appendix 1 – Proposed PSPO and maps of public places to be covered by it, as consulted upon.

Appendix 2 – Consultation results

Appendix 3 – Current Designated Public Place Orders (DPPOs) orders and map

Appendix 4 – Equalities Impact Assessment