

Agenda Item

REPORT OF Public Health and Community Safety Manager
To: Full Council
Subject: Public Space Protection Order – Antisocial Behaviour and Alcohol Consumption.
Date: 8 April 2024 **Reference:** PSPO1

PURPOSE OF REPORT: To seek variation and extension of the existing Public Spaces Protection Order in relation to Street Drinking Controls in a defined area (“the Specified Area”) of Bideford under section 59 of the Antisocial Behaviour, Crime and Policing Act 2014.

1. INTRODUCTION

In June 2010 TDC introduced a Designated Public Places Order (DPPO) restricting the consumption of alcohol in specified areas of the Bideford. This was in response to issues of street drinking around the town and Quay. This was superseded by Public Spaces Protection Orders, the latest of which was approved in April 2021 under the Antisocial Behaviour, Crime and Policing Act 2014.

PSPOs are a legal tool that are used to stop individuals or groups committing antisocial behaviour or nuisance in a public space that is detrimental to the local community’s quality of life. The test in implementing a PSPO must be that the behaviour being restricted meets the following criteria, namely that the behaviour:

- Is having, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- Is persistent or continuing in nature; and
- Is unreasonable; and
- Justifies the restrictions imposed.

In implementing a PSPO, restrictions or requirements to address the antisocial behaviour must be set by the council. PSPOs can be enforced by a police officer, police community support officer and suitably qualified and experienced council enforcement officers. A breach of a PSPO is a criminal offence and can result in a fixed penalty notice of £100. Alternatively a fine of up to £1000 can be imposed by the court on conviction for each breach.

A PSPO can be appealed to the High Court by anyone who lives in, or regularly works or visits the affected area within six weeks of issuing or varying of the Order.

PSPO provisions must be reviewed every three years. This revision and update is proposed to come into place on the 27 April 2024, after the expiry of the current PSPO on 26 April 2024.

2. REPORT

Background:

The process to vary and extend a PSPO is prescribed and must include a ‘relevant consultation’ and ‘relevant publication’, as described in s72 of the Antisocial Behaviour,



Crime and Policing Act 2014. Consultation and publication for this PSPO has been as follows:

1. Consultation with the relevant policing teams to agree a draft proposal.
2. Consultation with ward members in the specified area and the portfolio holder for the Community Safety function.
3. Direct notification of the draft provisions to Bideford District members, County Council members, Parish and Town councillors.
4. Publication of the draft provisions on the TDC website, including promotion through social media.

The various aspects of the consultation were completed between 19 February 2024 and 3 April 2024.

A copy of the provisions and coverage of the proposed, updated Order are given in appendix 1 of this report.

Wording of the provisions consulted on:

The effect of the Order is to impose the following prohibitions in the specified area at all times:

Whilst in the Specified Area a person commits an offence if, without reasonable excuse, or lawful exemption they fail to comply with either of the following conditions and/or fail to comply with the request of an Authorised Officer in this regard, namely:

- a. The consumption of alcohol, or a substance reasonably believed by an Authorised Officer to be alcohol or other intoxicating substance is prohibited in the Specified Area.
- b. On the request of an Authorised Officer, a person within the Specified Area must immediately surrender any container(s) (open or closed) in their possession containing alcohol, or a substance reasonably believed by an Authorised Officer to be alcohol or other intoxicating substance.

NOTES: Any surrendered items may be disposed of by the Authorised Officer in any way he or she deems appropriate. These provisions (3(a) and 3(b)) do not apply to alcohol being consumed at a pre-organised public event with appropriate permissions or licensing, within premises, or at an event (including designated outdoor areas) that have obtained a licence under the Licensing Act 2003 or other formally regulated location or activity.

Whilst in the Specified Area a person commits an offence if, without reasonable excuse, they do any of the following:

- a. Fails to leave the Specified Area forthwith and in an orderly manner when requested to do so by an Authorised Officer.
- b. Re-enters the Specified Area within 24 hours of being instructed to leave

NOTES: The Authorised Officer must be of the opinion that the individual is causing, or has the potential to cause harassment, alarm or distress to other people in the area, or is of the opinion that the individual is under the influence of an intoxicating substance, or that the individual is breaching another condition or provision of this notice.

- c. Urinates and/or defecates within the Specified Area, other than within designated public toilets.



- d. Acts in such a manner that is reasonably perceived by the Authorised Officer to be anti-social, aggressive and/or intimidating to any member of the public.

Reasons for the wording of the order:

The above seeks to clarify and continue the provisions to address antisocial behaviour arising from street drinking in the specified area. It is necessary that the provisions are clear, reasonable and enforceable. As with all enforcement, the police and council officers will use discretion when regulating the PSPO. The language in the Order has been clarified to ensure that drinks can be confiscated if a request to move on, or to stop drinking is ignored. The police requested a clarification to ensure the Order was more consistent with other PSPOs in the Community Safety Partnership and the wider force area and to ensure that evidence of breaches could be more readily established, also allowing Torridge District Council CCTV Operatives the opportunity to establish breaches in certain circumstances.

Response to the consultation

A full copy of the responses to the consultation will be provided as a supplement to the agenda. On or after the 4 April 2024.

Verbal support for the revised PSPO was given from Cllr Philip Hackett, Broadheath - Lead Member for Public Health & Community Safety.

Email response from Cllr Doug Bushby, Bideford North - Chair of the Council and Lead Member for Finance & Audit

“I would like to add my support for the PSPO scheme in Bideford. The town centre area has benefited immensely when uniformed staff are present both during the daytime and evenings. The number of business staff who spoke to me full of praise for the street Marshall’s really surprised me. Shop lifting also saw a decrease particularly from the co-op store. There is no doubt in my mind that the street Marshall’s play an important role in making the town feel safer for residents and visitors alike. As the ward member for the town centre, I can say this scheme helps enormously with antisocial behaviour.”

Reports to police of anti social behaviour in Bideford from March 2017 to date

The number of police logs between Jan 2023 and Jan 2024 is as follows (note that Jubilee Square comes under ‘the Quay’ and is not listed separately). The Quay has the highest number of calls for any given location in the Torridge area. The High St comes in second and Mill St is third.

There were 145 ASB related calls to the police about incidents on the Quay during that period. 107 calls were made to the police relating to ASB on the High Street and 93 in Mill Street.

31 Dispersal notices have been issued during the current PSPO period. Torridge District Council are currently progressing 1 breach of a dispersal notice.

Consideration of the test for implementing a PSPO

1. *Be having, or be likely to have, a detrimental effect on the quality of life of those in the locality*

Police incidents show that the behaviour of individuals is already having a detrimental effect on victims of alcohol related disorder, and assaults.



2. *Be persistent or continuing in nature*

118 incidents have been reported to police over a 12 month period, averaging nearly 10 a month. Consideration must also be given to those incidents that do not get reported but are still affecting our community.

3. *Be unreasonable*

Innocent members of our community witnessing or being subjected to groups of adults or juveniles who are under the influence of alcohol and are engaging in foul language and disorder whilst in public would be deemed unreasonable.

4. *Justifies the restrictions imposed.*

Taking into account the above factors, we propose that the provisions consulted upon meet the necessary test for varying and extending the PSPO, and put this forward to Council for approval.

3. IMPLICATIONS

Legal Implications

The imposition, revision and variation of a Public Spaces Protection Order is a power available to Local Authorities under section 59 of the Antisocial Behaviour, Crime and Policing Act 2014. PSPOs are a tool to address antisocial behaviour and nuisance issues that are having or a likely to have a detrimental effect on the local community. Certain tests must be met in order to impose or extend an order and must be taken into consideration at the final decision stage of the PSPO.

Financial Implications

Consideration needs to be given to altering any existing signage in the specified area and erecting new signage where appropriate. Part of this cost will overlap with the proposed Community Engagement Hub on Jubilee Square, where a visible, jointly-branded presence will be implemented. There is a resource implication for policing the specified area. However, this is shared between the Neighbourhood Policing Team, TDC Environmental Protection and Community Safety team, including the TDC CCTV Operatives. It is not anticipated that the patrolling resource will increase. However, the Community Engagement Hub will become a meeting place for Neighbourhood Policing Team members and TDC Officers, thus increasing the visible presence within existing resource.

TDC, as members of the North Devon and Torridge Community Safety Partnership, will also bid for relevant funding as and when the opportunity arises. The PSPO can help with such bids, as it identifies an ASB hotspot, where partnership working is operational and within which the need for additional regulatory resource can be demonstrated.

Human Resources Implications

No implications.

Sustainability/Biodiversity Implications

No implications.

Equality/Diversity



All PSPO proposals will be screened to ensure that no protected group are disadvantaged through the imposition of the provisions.

Risk Management

The PSPO and proposed variations are designed to address antisocial behaviour and nuisance issues that are having or a likely to have a detrimental effect on the local community. Failure to extend the varied Order, or implement the PSPO effectively may lead to the continuation of this nuisance or antisocial behaviour.

Conversely, it should be noted that draconian implementation of these provisions has drawn negative press, sometimes national, therefore any provisions must be carefully considered and be a fair and proportionate response to evidenced need.

Compliance with Policies and Strategies

This action supports the Torridge District Council Strategic Plan 2024-2029, Communities, Health and Housing theme: Working in partnership to reduce crime so people feel safe and secure in their communities.

4. CONCLUSIONS

These proposals offer a pragmatic, proportionate and enforceable response to antisocial street drinking in Bideford.

5. RECOMMENDATIONS

That the Public Space Protection Order in relation to Street Drinking Controls and Antisocial Behaviour for the specified area in Bideford is varied and extended in line with the proposals in Appendix 1.

SUPPORTING INFORMATION

Members Directly Consulted:	Cllr Hackett, Cllr Bushby, Cllr Johns
Contact Officer:	Phil Gilbert phil.gilbert@torridge.gov.uk 01237 428857
Background Papers:	None

