

Report subject	BCP Alcohol Public Spaces Protection Order Review
Meeting date	22 May 2024
Status	Public Report
Executive summary	<p>Following a public consultation and Cabinet approval, a Public Spaces Protection Order (PSPO) was introduced on 01 July 2021 to deal with alcohol related anti-social behaviour. The order expires on 30 June 2024.</p> <p>The Anti-Social Behaviour, Crime and Policing Act 2014 sets out requirements that at any point before expiry, the Council can extend a PSPO by up to three years if it considers it is necessary to prevent the original behaviour from occurring or recurring.</p> <p>A review of evidence was undertaken which identified the need to consider extending the PSPO for a further 3 years.</p> <p>A public consultation was undertaken and identified that the majority of respondents said they agreed with the proposal to extend the Alcohol PSPO for a further 3 years.</p> <p>Extending the Order gives authorised officers the ability to deal with those who are having or likely to have a detrimental impact on those in the locality due to alcohol consumption.</p>
Recommendations	<p>It is RECOMMENDED that Cabinet approves:</p> <p>The BCP Alcohol Public Space Protection Order (PSPO) is extended for 3 years from 01 July 2024 with its current prescribed area and conditions remaining the same.</p>
Reason for recommendations	<p>Following a review of evidence and public consultation it has identified the need to extend the PSPO to prevent the original behaviour from occurring or recurring.</p> <p>It is proposed that the area and prohibitions remain the same, following review of the evidence base and consultation responses.</p>

Portfolio Holder(s):	Councillor Kieron Wilson - Portfolio Holder for Housing and Regulatory Services
Corporate Director	Jillian Kay: Corporate Director for Wellbeing
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Wards	Alderney & Bourne Valley; Boscombe East & Pokesdown; Boscombe West; Bournemouth Central; Burton & Grange; Canford Cliffs; Canford Heath; Christchurch Town; Creekmoor; East Cliff & Springbourne; East Southbourne & Tuckton; Hamworthy; Kinson; Littledown & Iford; Moordown; Mudeford, Stanpit & West Highcliffe; Muscliff & Strouden Park; Newtown & Heatherlands; Oakdale; Parkstone; Penn Hill; Poole Town; Queen's Park; Redhill & Northbourne; Talbot & Branksome Woods; Wallisdown & Winton West; West Southbourne; Westbourne & West Cliff; Winton East;
Classification	For Decision

Background

1. In 2020, following harmonisation of BCP Councils' approach to dealing with street based anti-social behaviour (ASB) and following a public consultation, a PSPO was introduced on 1st July 2021, across identified areas in BCP to deal with alcohol-related ASB.
2. The PSPO covers all wards, except where there was insufficient evidence to meet thresholds. Wards excluded are: Broadstone, Bearwood and Merley, Commons and Highcliffe and Walkford.
3. The PSPO can be viewed at Appendix 1.
4. It should be noted the PSPO is not an alcohol ban and it does not make it an offence to drink alcohol in the area covered by the Order. However, it is an offence to fail to comply with a request from an authorised officer to cease drinking or surrender alcohol in the area covered by the Order, if the individual is or is likely to cause anti-social behaviour. If alcohol is confiscated, it can be disposed of by the person who confiscates it. They can also be required to leave the area and not return for 48 hours.
5. The Anti-Social Behaviour, Crime and Policing Act 2014, provides tools and powers to enable local authorities to take appropriate action to deal with behaviours which are having a detrimental effect on communities.
6. Public Spaces Protection Order (PSPOs) are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

7. The legal tests focus on the impact that anti-social behaviour is having on victims and communities. The Legal Test for the making of a Public Spaces Protection Order is set out in Section 59 of the ASB, Crime and Policing Act 2014 which is set out below:

(1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.

(2) 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.

(3) 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.

8. In summary the conditions that must be met for an introduction of a PSPO are:

First Condition

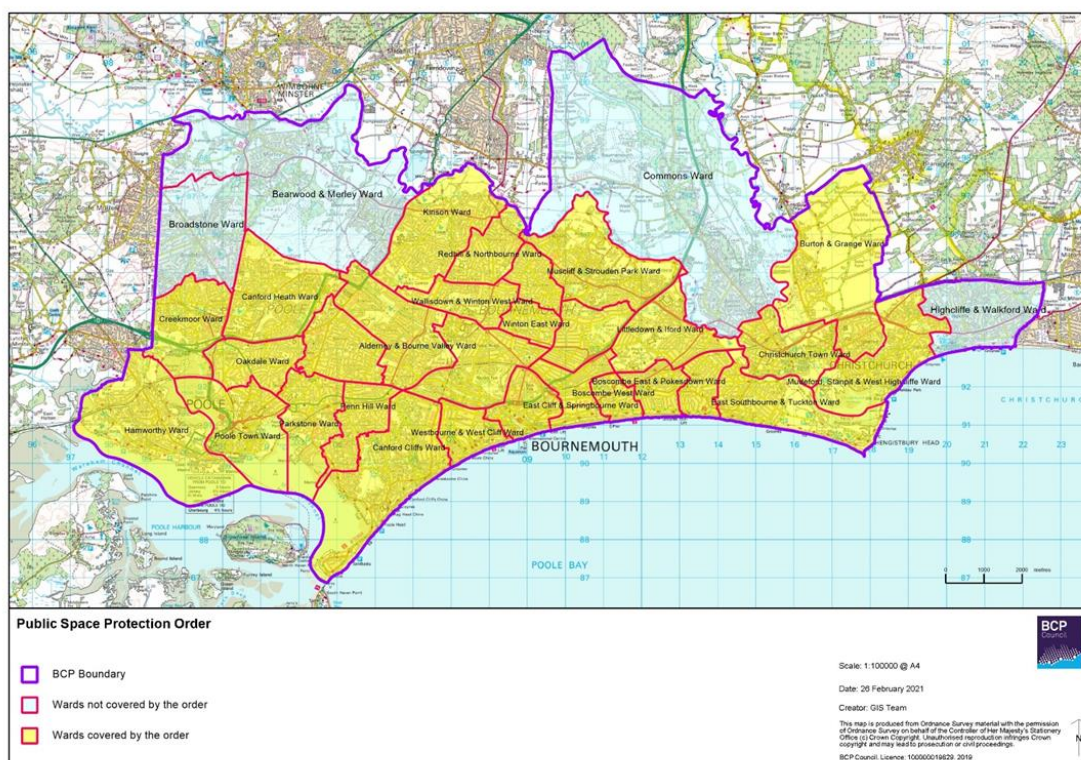
The activities carried on in a public place within the Council area has had, or is likely to have, a detrimental effect on the quality of life of those in the locality.

AND

Second Condition

The activity/activities is, or is likely to be, persistent or continuing in nature;
is, or is likely to be, unreasonable; and justifies the restrictions imposed.

9. On the 23 June 2021 Cabinet approved the proposal to introduce a Public Spaces Protection Order, to deal with Alcohol related anti-social behaviour. The order was implemented on the 01 July 2021, to tackle alcohol related anti-social behaviour in public places in the wards highlighted yellow on the map:



10. The main aim of the Order was to provide authorised officers with a tool which enabled them to pro-actively tackle those consuming alcohol and acting or likely to act in an anti-social manner in public open spaces. For many areas this can present in very visible form of behaviours, which are of a significant concern to members of the public.
11. The Anti-Social Behaviour, Crime and Policing Act 2014 sets out requirements that at any point before expiry, the Council can extend a PSPO by up to three years if it considers it is necessary to prevent the original behaviour from occurring or recurring. They should also consult with the Chief Constable, Police and Crime Commissioner, and any other community representatives they think appropriate before doing so.
12. The current PSPO expires on 30 June 2024.

Alcohol PSPO Evidence Review

13. A review of evidence was undertaken to determine if there was a need to vary, extend or discharge the PSPO.
14. Information from Dorset Police data about alcohol related ASB and crime, statistics from the Community Safety Patrol Officers (CSAS) around confiscation of alcohol and incidents they have dealt with, and action taken by the Anti-Social Behaviour Team. Along with anecdotal information from other internal departments such as our Parks and Open Spaces Team about some of the issues they deal with has been used as evidence to review the PSPO.
15. Following the review of the evidence it was apparent there were still incidents of alcohol-related anti-social behaviour in public places in all of the identified areas that are covered by the current PSPO.
16. It is necessary to continue to tackle and prevent the behaviour from occurring or recurring and allow designated officers to continue to deal with alcohol-related ASB.
17. Evidence identified the transient nature of some of those who commit alcohol related street ASB across the BCP area and demonstrates the need for the PSPO area, to prevent displacement.
18. It was recommended, from the review of evidence, that a consultation was undertaken on the proposal to extend the BCP Alcohol PSPO, for a further 3 years to prevent the original behaviour from occurring or recurring.
19. There was no evidence to suggest the areas covered by the PSPO or the terms of the order needed to be changed.

BCP Alcohol PSPO Review Consultation

20. The public consultation ran from the 12 January 2024 and closed at midnight on 12 February 2024.
21. 221 people responded to the consultation survey. The full findings of the consultation can be found at Appendix 2:
22. The consultation was on the BCP website, with hard copies being available at libraries, or on request from the ASB team.
23. There were 673 visits to the consultation web page with 562 aware visitors (i.e. a visitor who has made at least one single visit to the webpage) and 229

informed visitors (i.e. a visitor who has taken the 'next step' from being aware and clicked on something).

24. A wide range of partners and stakeholders were emailed details of the consultation, including statutory consultees.
25. It was promoted on the council's social media platforms and a press release was issued.
26. There were 4 consultation questions in relation to the proposal to extend the alcohol PSPO.
27. In general, most respondents said they agreed with the proposal to extend the Alcohol PSPO for a further 3 years.
28. Most respondents also said they considered drinking alcohol to be a problem within the public areas defined by the PSPO map and that they felt alcohol related ASB had a negative effect on the local area due to intimidating behaviour, littering and also had a negative effect on the local economy including shops, restaurants and tourism.
29. The Chief Constable was consulted, although no formal response was received it has been indicated that Dorset Police are supportive of the PSPO being extended.
30. The Police and Crime Commissioner was consulted and replied:

'In relation to the BCP Alcohol PSPO Review Consultation I've reviewed the consultation and it falls within the 2021-2029 Police and Crime Plan following priorities;

Priority 1 – Cut crime and Anti-Social Behaviour (ASB) – a key focus for this priority is to support and promote partnership working to tackle ASB in our local communities and this gives an additional key tool to deliver this

Priority 3 – Fight Violent Crime and High Harm – the PSPO gives us the ability to strengthen enforcement in line with the Combating Drugs Partnership (CDP) using civil routes for ASB related alcohol (drugs) within our communities

Priority 5 – Putting Victims and Communities First – reducing victims of ASB within the community

The PSPO remains to be a positive impact for BCP and therefore the PCC continues to support this'.

Options Appraisal

31. The PSPO is due to expire on the 30 June 2024. The council has the following options to consider: vary, extend or discharge the Order.
32. The evidence review highlighted the necessary to consider extending the PSPO for a further 3 years in order to prevent the original behaviour from occurring or recurring.
33. There was no information during the evidence review which highlighted the need to vary the PSPO in any way.

34. If the Order is discharged authorised officers would no longer have the power to deal with those consuming alcohol and acting in an anti-social manner. They would not be able to confiscate alcohol from those causing ASB or require them to leave the area for up to 48hr.
35. The recommendation, therefore, is to extend the current order with no change to the areas covered or the prohibitions.

Summary of financial implications

36. Signage – Signs were produced and erected by BCP Council in house signage department when the PSPO was first introduced. No new signage is required unless new 'hotspot' areas arise at which point signage will be erected as needed. Signs cost approximately £7 to make by the internal BCP sign shop and then the labour costs to install.
37. There are no further financial implications.

Summary of legal implications

38. Legal implications are detailed within the body of the report.
39. It was determined that the legal tests for making a PSPO were met when the decision was taken to implement the Order.
40. At any point before expiry, the Council can extend a Public Spaces Protection Order by up to three years if they consider it is necessary to prevent the original behaviour from occurring or recurring.
41. A challenge to the extension of the PSPO could be made by way of Judicial Review within 3 months of the decision to extend the PSPO.

Summary of human resources implications

42. There are no Human resource implications

Summary of sustainability impact

43. There is no sustainability impact of the Alcohol PSPO.

Summary of public health implications

44. Some of those who come to attention for street related anti-social behaviour will be alcohol dependant and may well have a number of complex needs. Enforcement officers always try to engage with those causing ASB not only to address the behaviours but to also ensure appropriate support is offered.
45. A balanced approach is taken to support and enforcement, with officers ensuring they signpost individuals to support services. They work closely with our services commissioned to tackle rough sleeping and substance misuse.
46. An escalation process is followed around enforcement; however, the needs of the wider community have to be taken into account. Especially when the community is adversely affected by those acting in a manner which is having a detrimental impact on others.

Summary of equality implications

47. An Equalities Impact Assessment was completed and approved by the EIA panel when the original order was made. This has been updated and can be found at Appendices 3.
48. The EIA panel have been consulted and sent the updated EIA. As there were no significant changes it was not required to be presented to the EIA panel again.
49. No specific concerns have been identified around the proposal to extend the BCP PSPO to tackle issues of anti-social behaviour related to the consumption of alcohol.
50. Anecdotal information from front line officers identifies the majority of those who might be identified as being part of the street drinking community are male. It has been identified that in some circumstances different cultural backgrounds can mean there are differing perceptions about the consumption of alcohol in a public place. Authorised officers will continue to take a balanced approach to enforcement and those street drinking will be signposted to support services to address problematic drinking, where appropriate.
51. This Order is not an alcohol ban and action will only be taken if an individual is acting, or likely to act, in an anti-social manner.
52. The review consultation identified some members of the public felt their human rights were affected by those causing alcohol related anti-social behaviour, therefore, if the Order is extended it will continue to provide a tool to help protect the community.

Summary of risk assessment

53. No risks have been identified if the PSPO is extended.

Background papers

Anti-Social Behaviour, Crime and Policing Act 2014

Appendices

1. BCP Alcohol Public Spaces Protection Order (PSPO)
2. BCP Alcohol PSPO Review Consultation Report
3. Updated Quality Impact Assessment