



Report to: **Licensing Committee Meeting – 23 June 2022**

Director Lead: **Matthew Finch, Director – Communities & Environment**

Lead Officer: **Alan Batty, Business Manager – Public Protection, Extn. 5467**

Report Summary	
Reason for Report	To have appropriate controls in place to limit antisocial behaviour from consuming alcohol in public places
Report Title	Review of controls for drinking in public places in Newark
Purpose of Report	To review the current Public Space Protection Order (PSPO) to control the drinking of alcohol in public places in Newark and seeks to consider renewing the PSPO for a further three years.
Recommendations	<p>Members confirm the renewal the Public Space Protection Order for drinking alcohol in public spaces for a further three years.</p> <p>The terms of the PSPO are:</p> <p>An authorised officer of the council or police may ask a person who:</p> <p>Is consuming or appears to be consuming alcohol in an area covered by the PSPO and that person is causing or is likely to cause anti-social behaviour:</p> <p>To</p> <p>Cease drinking the alcohol and dispose of the alcohol, or surrender the alcohol to the officer, or immediately leave the area covered by the PSPO.</p> <p>That the fixed penalty level for all Public Space Protection Orders is set at £100.00 reduced to £75.00 if made within 14 days.</p>

1.0 Background

- 1.1 In June 2019 committee approved the making of a revised PSPO for alcohol control covering Newark Town Centre. It also approved the recommendation that the previous alcohol control areas originally declared as Designated Public Place Orders (DPPO's) were reviewed. The Anti-Social Behaviour, Crime and Policing Act 2014, requires that both the geographical area and nature of the control pertaining to each PSPO be reviewed at least every 3 years, to ensure that the restrictions that it imposes are necessary and proportionate to the levels of ASB affecting the location to which they apply.
- 1.2 The PSPO requires that any person who is drinking alcohol and is causing or likely to cause a nuisance or antisocial behaviour, must at an authorised officer's request:
 - Leave the area covered by the PSPO or
 - Hand over any open alcohol containers or throw away any alcohol containers or
 - Stop drinking at that time within the declared area.
- 1.3 Failure to do so is an offense for which a Fixed Penalty Notice of £75.00 will be issued, non-payment can result in a fine of up to £1,000 on successful prosecution.
- 1.4 A map showing the extent of the area of Newark currently covered by the PSPO is attached as **Appendix 1**.

2.0 Proposal/Options Considered and Reasons for Recommendation

- 2.1 The review, has been carried out in accordance with Government Guidance and has considered if the geographical area and specific controls enforced under the PSPO are still necessary and appropriate based on a review of the evidence of existing and likely ASB. PSPO's cannot be used as a pre-emptive control.
- 2.2 Evidence has been sought from Nottinghamshire police, Bassetlaw and Newark and Sherwood Community Safety Partnership's ASB Assessments and Performance Report, and a review of calls for service from the Public Protections Team. Detailed conversations have taken place with Inspector Matt Ward Newark and Sherwood District Commander, who supports the further time extension of the PSPO.
- 2.3 During the past three years there have been 29 reports of street drinking related antisocial behaviour reported to the council. In addition to this the police have recorded 164 street drinking related incidents in the same period. A breakdown of the NSDC reported incidents are attached as **Appendix 2**.
- 2.4 The PSPO controls currently in place have been used by the council to seize alcohol, and to remove people from certain 'hot spot' areas associated with street drinking. A range of enforcement actions have been taken to enforce the terms of the PSPO. These are included within appendix 2.
- 2.5 As a result of this review the following options have been considered:

The location and type of alcohol related ASB remains the same and the terms of the PSPO should remain in force.

The location or nature of the ASB has changed and the terms of the PSPO should be revised to reflect this change.

ASB no longer exists and the PSPO should be revoked.

- 2.6 Having considered the options above it is proposed that the terms of the PSPO should remain in force and be reconfirmed for a further three years. This would be the maximum extension of the PSPO the law permits and, after a further 3 years the council would have to make a new PSPO following further consultation on a wider scale.
- 2.7 The geographical areas covered by the PSPO has also been reviewed and it is considered appropriate to leave this unchanged. The location remains one where alcohol related ASB persists, as shown by the police and council data but that the measures available under the PSPO mitigate the problem by allowing incidents to be dealt with as they occur and an element of deterrent in the form of fixed penalty notices.
- 2.8 The renewing of the PSPO will support the following Community Plan objective.

Reduce crime and anti-social behaviour, and increase feelings of safety in our communities: The proposed control will provide an enforcement tool to control drink related ASB.

3.0 Implications

- 3.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability.

Equality and Diversity - To ensure support is in place any individual who presents as being vulnerable, or who has previously been referred to the Vulnerable Persons Panel will be discussed at a case conference chaired by the Business Manager or Assistant Business Manager Public Protection, to establish the best course of action in both the interest of the public and in the interest of the individual concerned.

Financial Implications – there will be cost in advertising the renewal of the PSPO. This will be met from the existing Public Protection budget.

Background Papers and Published Documents

The Antisocial Behaviour Crime and Policing Act 2014