

LICENSING COMMITTEE

15 NOVEMBER 2018

REVIEW OF CONTROLS FOR DRINKING IN PUBLIC PLACES

1.0 Purpose of Report

1.1 To inform the Committee of the changes to the legislative controls relating to Designated Public Places Orders and the control of drinking in public places. The report also seeks approval to begin a consultation process on the use of Public Spaces Protection Orders to control drinking in public places.

2.0 Background

2.1 October 2014 saw the introduction of the Public Spaces Protection Orders (PSPO), under the Anti-Social Behaviour, Crime & Policing Act. This change requires all current Designated Public Places Orders (DPPO) to be replaced by a PSPO.

2.2 Newark & Sherwood currently has DPPO's in 14 areas across the district. A DPPO creates an offence when a person refuses to stop drinking alcohol when asked to do so by a PC or PCSO. The grounds to request this is that the continuation of drinking is likely to lead to crime or disorder. The offence is punishable with up to a £500 fine.

2.3 The current DPPOs are:

Balderton
Blidworth
Clipstone
Edwinstowe
Farnsfield
Ollerton & Boughton
Rainworth
Rufford Country Park
Southwell Town Centre
Sutton on Trent
Newark – Castle Grounds
Newark Town Centre and Hawtonville
Newark – Winthorpe Road
Newark – Yorke Drive

A map of the areas are attached as **Appendix 1**.

3.0 Introduction

3.1 All the existing DPPOs were transferred automatically to PSPOs on 20 October 2017. There is requirement to review all PSPOs within a 3 year period of their transfer.

3.2 Public Space Protection Orders are designed to promote responsible behaviour and restrict behaviour that is Anti-social, in parks and other public open spaces. Any behaviour can be restricted on any land, which is publically accessible with or without payment. There is no prescribed wording for a Public Space Protection Order allowing a flexible approach to their declaration which must aim to tacking specific antisocial behaviours in a geographically defined area.

- 3.3 Public Spaces Protection Orders (PSPOs) are intended to provide means of preventing individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature; and be unreasonable.
- 3.4 The power to make an Order rests with local authorities, in consultation with the Police and other relevant bodies who may be affected.
- 3.5 Section 59 of the Act sets out the basis on which local authorities may make a PSPO. It provides as follows:
- (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.
 - (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and:
 - (a) prohibits specified things being done in the restricted area,
 - (b) requires specified things to be done by persons carrying on specified activities in that area, or
 - (c) does both of those things.
 - (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
 - (a) to prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
 - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
 - (6) A prohibition or requirement may be framed—
 - (a) so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories;
 - (b) so as to apply at all times, or only at specified times, or at all times except those specified;
 - (c) so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.
 - (7) A public spaces protection order must—
 - (a) identify the activities referred to in subsection (2);
 - (b) explain the effect of section 63 (where it applies) and section 67;
 - (c) specify the period for which the order has effect.

(8) A public spaces protection order must be published in accordance with regulations made by the Secretary of State.

3.6 The restrictions and requirements included in a PSPO may be comprehensive or targeted on specific behaviours by particular groups and/or at specified times.

3.7 A breach of the PSPO can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a level 3 fine of up to £1000 on prosecution.

3.8 2 issues which must be addressed for every proposed restriction in the PSPO are whether the statutory criteria are met and whether the restrictions proposed are proportionate having regard to the legitimate aim of preserving the quality of life for everyone who lives or works in or who visits the proposed areas.

4.0 Proposals

4.1 The current DPPOs are set out in **Appendix One**. It is proposed to seek comments from the relevant town and parish councils as to whether they would seek to renew, replace or remove the current controls for drinking in public spaces.

4.2 It is also proposed that comments are sought from the Police and the Council's Community Safety Business Unit.

4.3 It is not proposed at this stage to include the public in this first stage of consultation. Once the initial proposals are in place there will be a wider consultation advertising the proposed changes.

4.2 It is important to note that any all PSPOs will need to be supported by evidence that show that the controls are required and that the level of control and the geographical area in which it is proposed is appropriate and proportionate.

5.0 Equalities Implications

5.1 An Equalities Impact Assessment will be undertaken once the consultation process is completed and the areas for the potential PSPOs are known.

6.0 Financial Considerations

6.1 None at this stage.

7.0 RECOMMENDATION

That the Committee note the transfer of DPPOs to PSPOs and that the proposals for consultation be supported.

Background Papers - Anti-Social, Behaviour, Crime & Policing Act 2014

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