

LEISURE AND ENVIRONMENT COMMITTEE

13 JUNE 2019

REVIEW OF CONTROLS FOR DRINKING IN PUBLIC PLACES

1.0 Purpose of Report

To seek Members approval to undertake consultation on the designation of a Public Spaces Protection Order in Newark Town Centre to control drinking in the street and to remove controls in other areas of the district.

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 2014. This change requires all current Designated Public Places Orders (DPPO) to be replaced by a PSPO. The legislation also 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.

2.2 Newark & Sherwood currently has PSPOs in 14 areas across the district which relate to alcohol control. These are listed below and maps provided in **Appendix 1**.

- 2.2.1. Balderton
- 2.2.2. Blidworth
- 2.2.3. Clipstone
- 2.2.4. Edwinstowe
- 2.2.5. Farnsfield
- 2.2.6. Ollerton & Boughton
- 2.2.7. Rainworth
- 2.2.8. Rufford Country Park
- 2.2.9. Southwell Town Centre
- 2.2.10. Sutton on Trent
- 2.2.11. Newark – Castle Grounds
- 2.2.12. Newark Town Centre and Hawtonville
- 2.2.13. Newark – Winthorpe Road
- 2.2.14. Newark – Yorke Drive

2.3 The Order requires that any person who is drinking alcohol and is causing or likely to cause a nuisance or antisocial behaviour, must at an authorised officers request:

- Leave the area covered by the PSPO
- Hand over any open alcohol containers or throw away any alcohol containers
- Stop drinking at that time within the declared area.

2.4 Failure to do so is an offence for which a Fixed Penalty Notice of £75.00 will be issued, non-payment can result in a fine of up to £1,000.

- 2.5 The Antisocial Behaviour Crime and Policing Act 2014 also introduced an obligation of Local Authorities to review their PSPOs at least every 3 years. This review is necessary to comply with this requirement under the Act.

3.0 Introduction

3.1 Following the report presented to committee in November 2018, to update the committee on the progress of the consultation exercise to review the adequacy of alcohol controls across NSDC provided under the existing scheme of PSPOs relating to the consumption of alcohol. To also present recent information concerning alcohol related ASB, collated as part of this initial consultation process and to inform this committee of the initial responses from Statutory Partners regarding the use of Public Space Protection Order for alcohol control in new and existing locations within the District.

3.2 The initial 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. As a result of this review committee may come to one of the following conclusions:

- 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.

3.3 Evidence has been sought from Police and Crime Commissioner Crime statistics, Bassetlaw and Newark and Sherwood Community Safety Partnership's ASB Assessments and Performance Report, and a review of calls for service from the Public Protection Team. Detailed conversations have taken place with the District Commander of the Police, and their recommendations have been included in the proposals outlined below.

3.4 Consultation with Statutory Partners has also taken place. The views of the Community Safety Operational Delivery Group, Town Council, Parish Councils, Enforcement Teams, Pub Watch and Framework have also been considered.

4.0 Consultation Responses.

4.1 With regards to Newark the broad view of the Police, Community Safety Partnership and Town Council is that alcohol related ASB is not widespread across the district but there are some localised "Hot Spot" areas and these are predominantly in Newark Town Centre. Away from this location the majority of problems elsewhere in the District are not wide spread but rather associated with known individuals and

intervention in these situations should be targeted at the individuals concerned rather than through the use of PSPO powers.

- 4.2 Consultation with the police and Newark Town Council confirmed that nuisance drinking in public places in Newark Town Centre is still a matter of concern. Views have been sought on the introduction of a Public Space Protection Order to cover an amended area. A full review of Alcohol related ASB in the existing PSPO area has been carried out and based on statistics and agency/professional’s views, two revised options are proposed for Newark; Option 1 is a targeted geographical area covering the Town Centre, Castle Grounds and Riverside Park, or Option 2, which covers a wider geographical area, to include the Town Centre, Castle Grounds and Riverside Park, as per Option 1, but extends to include Sconce Park and along Farndon Road. Option 1 and Option 2 are identified in the areas outlined in red on the attached maps in **Appendix 2**.

Option 1 is the preferred option of the Officers and Town Council because it provides a targeted control in an area where alcohol related anti-social behaviour is of most concern. There is less evidence to support the need for a PSPO across the full area included in Option 2.

- 4.3 The Parish Council PSPOs were reviewed as part of the recent Parish and Town Council survey, where all 27 Parish councils were asked their views on the prevalence of different types of anti-social behaviour which they experience in their Parishes. Only 6 stated that alcohol related nuisance is a problem within their Parish. The table below summarises the responses relating to alcohol related nuisance and includes the views of parishes with existing controls previously covered by a PSPO relating to alcohol control.

Table 1 – summary responses from Parish Pack Questionnaires

Parish with DPPO in place	Parish Pack Questionnaire response
Balderton	yes
Blidworth	no
Clipstone	yes
Edwinstowe	no
Farnsfield	no
Rainworth	yes
Rufford Country Park	no
Sutton on Trent	no
Parish with no existing DPPO	
Bilsthorpe	yes
Thurgarton	yes

Town Councils with DPPO in place	
	Town Council response
Newark – Castle Grounds	yes
Newark Town Centre	yes
Newark – Winthorpe Road	no
Newark – Yorke Drive	no
Southwell Town Centre	yes
Ollerton & Boughton	yes

4.4 The Parishes were consulted by way of the Pack Questionnaires, with a specific question about concerns relating to alcohol related anti-social behaviour. Only 6 Parishes expressed concern, 4 of these previously had alcohol control measures under the DPPOs. The results of the questionnaires are shown in **Appendix 3**. This is a strong indication that alcohol related ASB no longer affects the existing PSPO areas in Blidworth, Edwinstowe, Farndon, Sutton on Trent and Rufford and these areas no longer require alcohol control measures to be introduced under a PSPO.

4.5 The concerns of Balderton, Clipstone, Rainworth, Bilsthorpe, Thurgarton Parish Councils and Southwell Town Council and Ollerton and Broughton Town Council regarding Alcohol related ASB have been noted.

5.0 Proposals

5.1 As stated above the power to make a Public Place Protection Order rests with the local authority, in consultation with the Police and other relevant bodies who may be affected and following this the following changes to the existing PSPOs should be considered.

5.2 That Option 1 for the Public Space Protection Order covering Newark Town Centre is put forward for full public consultation.

5.3 That public consultation is carried out to revoke all the Public Space Protection Orders in the in the Parish areas of

- Blidworth
- Edwinstowe
- Farnsfield
- Sutton on Trent

And in the location of

- Rufford Country Park.

5.3 It proposed to approach the Parish Councils that expressed concern in the previous informal consultation to explore options to develop new PSPO's in their area if it is evidenced to be a proportionate intervention considering the level of anti-social behaviour experienced. This would include full consultation with the public. This would include locations in:

- Balderton
- Clipstone
- Rainworth
- Southwell
- Bilsthorpe
- Thurgarton
- Ollerton & Broughton

5.4 It is proposed the terms of the PSPO are as follows:

An authorised officer of the council or police may ask a person who:

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

To

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.

5.5 It is proposed 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. This aligns the penalty level with that of similar environmental and ASB offences.

5.6 It is important to note that all new or existing 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.

5.7 It is proposed that the Enforcement of PSPOs will be carried by Authorised officers of the council, supported in partnership by the police. The key role of the police will be to assist NSDC authorised officers in situations where the offender appears likely to be uncooperative, obstructive or cause a breach of the peace. The police may also choose to refer cases to the Council where they have sufficient evidence of a breach of PSPO.

5.8 Enforcement will be carried out in line with NSDC's enforcement protocol, policies and procedures relating to the issue of Fixed Penalty Notices.

- 5.9 It is proposed to carry out full consultation with support agencies for people with alcohol dependency.
- 5.10 That a further report is brought to committee in September with a view to approving the declaration of PSPOs where appropriate and the revocation of those no longer required.

6.0 Equalities Implications

- 6.1 The Equalities Impact Assessment will be further reviewed undertaken once the consultation process is completed.

7.0 Financial Considerations

- 7.1 There will be a need to produce new signage with a possible cost of between £750 & £1,000. This will be found from existing budgets.

8.0 RECOMMENDATION

Members are asked to:

That committee supports the proposals listed as 5.1 to 5.10 above and that a consultation period of 6 weeks is agreed.

Background Papers –

Anti-Social, Behaviour, Crime & Policing Act 2014

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