

## LICENSING COMMITTEE

5 SEPTEMBER 20019

### REVIEW OF CONTROLS FOR DRINKING IN PUBLIC PLACES

#### **1.0 Purpose of Report**

- 1.1 To report the findings of the public consultation exercise carried out for 4 weeks between July and August 2019, on the proposed revised scheme of Alcohol Control Public Space Protection Orders (PSPO) within the district.
- 1.2 For Members to consider the proposals on the adoption of Alcohol Control Public Space Protection Order in new and existing locations within the District and the revocation of PSPO's in locations where Alcohol related ASB has been tackled successfully.

#### **2.0 Background**

- 2.1 In June 2019 committee approved in principle, the adoption 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.
- 2.2 It was agreed that the Parish Council's and members of the public be consulted on whether the existing scheme of PSPO's for alcohol control remained relevant and sought views on if and how they could be revised. Newark & Sherwood currently has PSPO's in 14 areas across the district which relate to alcohol control. These are listed below and maps provided in **Appendix 1**.

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

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

### **3.0 Introduction**

3.1 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 inforce.
- 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.

3.2 As recorded at the previous committee, evidence has been sought from Police and Crime Commissioner Crime statistics, Bassett Law 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 the District Commander of the Police, and their recommendations have been included in the proposals.

3.3 Committee agreed that wider consultation was carried out to establish the public's view on which the points listed at paragraph 3.1 above, should apply to each of the 14 existing PSPO's. The Public Consultation document is shown at **Appendix 2**

### **3.4 Previous Consultation Responses.**

3.5 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.

### 3.6 Newark Town Centre PSPO;

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 Scone Park and along Farndon Road. Option 1 and Option 2 are identified in the areas outlined in red on the attached maps in **Appendix 3**.

Option 1 is the preferred option of the Community Safety Partnership 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.

### 3.7 The public consultation exercise has been extended to include:

- Police
- Police and Crime Commissioners Office
- Community Safety Partnership
- Businesses
- Town and Parish Councils
- Residents and Visitors
- Agencies providing support to people with an alcohol dependency:
- Framework.
- Street Outreach Teams
- EMAS
- Social Care

The Parish Council PSPO's 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

<b>Parish with DPPO in place</b>	<b>Parish Pack Questionnaire response</b>
Balderton	yes
Blidworth	no
Clipstone	yes
Edwinstowe	no
Farnsfield	no
Rainworth	yes
Rufford Country Park	no
Sutton on Trent	no
<b>Parish with no existing DPPO</b>	
Bilsthorpe	yes
Thurgaton	yes
<b>Town Councils with DPPO in place</b>	
	<b>Town Council response</b>
Newark – Castle Grounds	yes
Newark Town Centre	yes
Newark – Winthorpe Road	no
Newark – Yorke Drive	no
Southwell Town Centre	yes
Ollerton & Boughton	yes

3.8 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 DPPO's. This is a strong indication that alcohol related ASB no longer effects 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.

**3.9 Public Consultation Response to PSPO Proposals.**

3.10 As recorded in the previous committee report, the broad consensus of opinion from partners and Statutory Consultees was that it was still desirable to use of PSPO's to control alcohol consumption in Public Places, but that the areas previously declared as Designated Public Places no longer accurately reflected the exact locations where

Alcohol related ASB was reported to occur. As a result it was proposed to consult on the following by way of publicity in the press and by including the on the Councils, Consultations Web Page. Parish and Town Council responses are shown in **Appendix 4**.

3.11 **Public Space Protection Order Newark Town Centre**, shown as **Appendix 3** Option 1. Despite coverage on the ITV news, reports in the Newark Advertiser and placing the consultation document on the NSDC consultation web page, no additional comments have been received regarding the revised PSPO for Newark Town Centre. Pub watch meetings have been attended and the group support the revised scheme of PSPO controls as described as option 1. Framework representatives support the introduction of the scheme recognising that it runs in parallel to the person based interventions that they offer Street Drinkers within the district. The police inspector has also expressed support for the revised scheme to be introduced and enforced in line with NSDC's Fixed Penalty Notice Procedure and Officer Guidance.

3.12 **Public Space Protection Order Ollerton and Boughton Town Council**. Comments were made following discussions with the Town Clerk that although the police and crime commissioner statistics did not show alcohol related ASB to be significant across the whole of the Town Councils area of jurisdiction, hot spots remained in:

- Central Park
- Birch Road Play Area
- Forest Road
- Sherwood Drive Mill Field
- White Water Road
- Skate Park at the Energy Village

Furthermore the Community Safety Partnership supports the consideration of PSPO's in hot spot areas, if they are evidenced as being of concern to run in parallel with the Community Alcohol Project CAPS, Further consideration of PSPO's has been requested.

3.13 **Public Space Protection Order Southwell Town Council**: Comments were received from Southwell Town Council expressing concern that Alcohol related ASB continued to be a problem outside some public houses and in the park but did not report problems in other locations previously covered by their PSPO. No comments have been received from members of the public.

3.14 **Public Space Protection Order Balderton Parish Council**. Comments have been received expressing concern about increasing levels of ASB across the Parish including Alcohol related ASB in the locality of Coronation Park and Lakeside. The original control area, designated in 2008 as a DPPO included most of the borough. In recent conversations it has been requested that the use of a more geographically targeted PSPO be considered that seeks to address the broader issues of ASB within the Parish. No comments have been received from members of the public.

- 3.15 **Public Space Protection Order Clipstone Parish Council.** Comments were received as part of the Parish Pack consultation indicating that alcohol related ASB, especially with young people continued to be an issue of concern. This is supported by the recently initiated community alcohol project, CAPS project being run in the Parish. Although PSPO powers target people over the age of 18, not juveniles under the age of 18, it is believed through discussion that a PSPO for alcohol would complement the CAPS project.
- 3.16 **Public Space Protection Order Rainworth Parish Council.** Comments were made requesting that the Rainworth Skate Park and Play area were considered for a PSPO. The ASB reported included drinking and drug related ASB. A geographically targeted PSPO at this location may be an alternative the historic PSPO.
- 3.17 **Additional Public Space Protection Orders** Alcohol related ASB was not reported as a problem by the following Parish Council's previously covered by a PSPO for Alcohol Control and no comments were received by independent members of the public. This includes the following Parishes / locations:
- Blidworth
  - Edwinstowe
  - Farnsfield
  - Sutton on Trent
  - Rufford Country Park. Nottinghamshire County Council

#### **4.0 Proposals**

- 4.1 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.

- 4.2 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.
- 4.3 It is proposed that the Enforcement of PSPO's 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 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.

- 4.4 Enforcement will be carried out in line with NSDC's enforcement protocol, policies and procedures relating to the issue of Fixed Penalty Notices.
- 4.5 It is proposed that in line with the Council's FPN Enforcement Policy officers carry out full consultation with support agencies for people with known alcohol dependency before serving a FPN for a breach of PSPO, to allow consideration of alternative interventions.
- 4.6 That the previously declared DPPO's incorporated as PSPO's for
- Blidworth
  - Edwinstowe
  - Farnsfield
  - Sutton on Trent
  - Rufford Country Park. Nottinghamshire County Council

Be **revoked** and reconsidered in 12 months' time if complaints of alcohol related ASB reoccur.

- 4.7 That a Public Space Protection Order covering Newark Town Centre as shown as **Appendix 3** (Option 1) be approved.
- 4.8 The previously declare PSPO's as shown below be **revoked**
- Newark Castle Grounds
  - Newark Town Centre
  - Newark Winthorpe Road
  - Newark Yorke Drive

- 4.9 That NSDC engages with the Town and Parish Councils of Southwell, Ollerton and Boughton, Balderton, Clipstone, Rainworth to revise the previous PSPO's to ensure that they are geographically targeted and declared in such a way as to address the individual behaviours that cause alarm, harassment or distress to those residing or visiting the area.

## **5.0 Equalities Implications**

- 5.1 The Equalities Impact Assessment has been completed. It is recognised that those with alcohol dependency may be adversely impacted. To mitigate any inequality and to ensure support is in place any individual who presents as being vulnerable, or who has previously been referred to LMAPS 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.

**6.0 Financial Implications FIN19-20/6781**

6.1 There will be a need to produce new signage with a possible cost of between £1,000 and £1,500. This will be met from the existing Repairs and Renewals scheme for signage.

**7.0 Community Plan – Alignment to Objectives**

7.1 ***Objective 2: 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.

**8.0 RECOMMENDATION: that**

(a) the terms of the PSPO are:

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;

(b) the fixed penalty level for all Public Space Protection Orders is set at £100.00 reduced to £75.00 if made within 14 days;

(c) the previously declared DPPO's incorporated as PSPO's for

- Blidworth
- Edwinstowe
- Farnsfield
- Sutton on Trent
- Rufford Country Park. Nottinghamshire County Council

be revoked and reconsidered in 12 months' time if complaints of alcohol related ASB reoccur;

(d) a Public Space Protection Order covering Newark Town Centre as shown as Appendix 3 (Option 1) be approved; and

(e) the previously declare PSPO's as shown below be revoked



- **Newark Castle Grounds**
- **Newark Town Centre**
- **Newark Winthorpe Road**
- **Newark Yorke Drive**

Background Papers –

Anti-Social, Behaviour, Crime & Policing Act 2014

For further information please contact Alan Batty on 01636 655467  
or Sheridan Stock 01636 655616

Matthew Finch  
Director of Communities and Environment