



## **Consultation on the repeal of the Designated Public Protection Order and the implementation of a to Public Space Protection Order**

### **Introduction**

The way that councils and the police control anti-social behaviour in public places and open spaces changed on 20<sup>th</sup> October 2014 with the introduction of the Anti-Social, Crime and Policing Act. Under this Act, came the introduction of a new power that enables local authorities to create Public Space Protection Orders.

From 20<sup>th</sup> October 2014 Designated Public Place Orders (DPPO) were replaced by Public Space Protection Orders (PSPOs). DPPOs that were in existence prior to 20<sup>th</sup> October 2014 automatically converted to PSPOs under the Act. 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.

We believe it is important for Newark and Sherwood District Council to use PSPO's because they can help in the creation and maintenance of a clean, safe and healthy district for all our residents and visitors and as such Newark & Sherwood District Council are consulting on revoking current orders within the District and replacing it with an updated PSPO.

## **What are Public Space Protection Orders?**

Public Space Protection Orders (PSPO) were created by a new power granted under the Anti-Social Behaviour, Crime and Policing Act 2014. PSPOs are intended to deal with persistent nuisance behaviour or problems that occur in a defined public open space, e.g. a park. They are designed to ensure that the law-abiding majority can use and enjoy public spaces safely free from unacceptable behaviour. All local authorities can make a PSPO on any public space within its area. The definition of a “public open space” under the Act is wide and includes any open space to which the public have access, irrespective of ownership.

A PSPO is made under powers vested in the local authority by Section 59, of the Anti-Social Behaviour Crime and Policing Act 2014.

A PSPO can be made where the council is satisfied that the activity or activities it proposes to restrict:

- Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- Is, or is likely to be, persistent or continuing in nature;
- Is, or is likely to be, unreasonable; and
- Justifies the restrictions imposed.

Public Space Protection Orders put restrictions in place which, if breached, create an offence. When an offence is witnessed an Enforcement Officer can issue a fixed penalty notice of up to £100 and there is a fine of up to £1000 if prosecuted through the courts.

## **Existing PSPOs which converted to PSPOs on 20<sup>th</sup> October 2014**

Within Newark & Sherwood District there were 14 separate orders covering:

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

## **Repealing of the existing Orders and introduction of a PSPO in Newark Town Centre**

The review must consider 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. They are not a pre-emptive control.

Evidence has been sought from Police and Crime Commissioner Crime statistics, Local knowledge from the District’s inspector. The views of the Community Safety Operational Delivery Group, the District’s Police inspector, Town Council, Parish Councils, Enforcement Teams, Pub Watch and Framework have also been considered.

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 Spots that predominantly affect Newark Town Centre. 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. Based on their views a target geographical area around the Town Centre has been identified as a potential zone to be declared as a PSPO.

Consultation with the police and Newark Town Council has confirmed that nuisance drinking in Newark Town Centre is still a matter of concern. Views have been sought on the introduction of a Public Space Protection Order to replace the old DPPO’s. The proposal for a PSPO that covers the geographical areas of

the town centre and water front and castle grounds is being considered and a map of this area is on page 4 of this consultation document.

This area is the preferred option of the Community Safety Partnership and Town Council because it provides a targeted control in an area where Alcohol related ASB is of most concern. There is less evidence to support the need for a PSPO across a wider area at this time.

The terms being considered are as follows:

1. Any person must cease consuming alcohol when asked to do so by an authorised officer
2. Any person must surrender and hand over any containers (sealed or unsealed) in their possession and which are reasonably believed to contain alcohol when required to do so by an authorised officer and in order to prevent public nuisance, antisocial behaviour or disorder

The updated PSPO still focuses on restrictions on public drinking (previously DPPOs) The order is not intended to disrupt peaceful activities, for example families having a picnic in a park with a glass of wine. It is not an offence to drink in these public places. However, the Police have the power to ask people to stop drinking if anti-social behaviour (alarm, harassment or distress), nuisance or annoyance is being or likely to be caused.

#### **Enforcement of proposed Public Space Protection Order, Newark Town Centre**

The introduction of different PSPOs also provides opportunities to review our existing enforcement arrangements and also to consult our residents, visitors and key stakeholders about proposed changes such as the introduction of new restrictions or controls. The consultation process will be in 2 parts. The first consultation will concentrate on the repealing of the existing Orders. A second consultation will consider proposals to introduce a PSPO aimed at targeting alcohol related nuisance affecting public in Newark Town Centre.

The police have existing powers to require a person in such PSPO areas not to drink alcohol in that area where an officer reasonably believes that the person has, or intends to do so. In addition an officer has the power to ask that person to surrender the alcohol and any open or sealed container in their possession. Failure to comply can result in a fine, arrest and prosecution.

Newark and Sherwood District Council are proposing a change to the enforcement of the proposed PSPO in that the Council's Community Protection Officers will also enforce the Order, with the support of the police, and failing to comply can result in a fine or prosecution.

This notice is an invitation to contribute to the public consultation.

The consultation will close at 5pm on **Sunday 11<sup>th</sup> August 2019** and responses should be sent to:

**Sheridan Stock,**  
**Assistant Business Manager Public Protection**

**at the address below or by email to**  
**Sheridan.stock@nsdc.info** quoting reference: **PSPO Alcohol Related Anti-Social Behaviour**  
**Newark and Sherwood District Council**  
**Castle House**  
**Great North Road**  
**Newark**  
**Nottinghamshire**  
**NG24 1BY**



PSPO - Option 1 Mapping

