

LICENSING COMMITTEE

12TH MARCH 2020

REVIEW OF CONTROLS FOR DRINKING IN PUBLIC PLACES

1.0 Purpose of Report

1.1 To report the findings of the additional consultation with Parish Councils and the Police, on the proposed revised scheme of Alcohol Control Public Space Protection Orders (PSPO) within the district.

2.0 Background

2.1 In September the Committee considered a report on a Public Space Protection Orders. There was some concern expressed about the responses from the Parish Councils and the police in regard to a number of Parishes where there was a proposal to remove the current controls.

2.2 It was agreed that additional consultation would take place with Parish Council's and the police on whether the existing scheme of PSPO's for alcohol control remained relevant and that advice would be sought on if and how they could be revised.

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.

3.2 The Parishes identified for additional consultation were:

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

3.3 All of the Parishes have now been contacted and their response is set out below.

3.4 Edwinstowe

Have requested that the DPPO controls remain in place but have been unable to supply additional evidence or detailed information concerning incidents of Alcohol related ASB.

3.5 Blidworth

Have all requested that the DPPO controls remain in place and have forwarded their concerns about young people drinking on the park. However the police are unable

to back up the Parishes concerns as there has only been 1 report to the police either directly or via the local police team surgeries.

3.6 Rufford

The Parish Council has not requested further Alcohol Control's.

3.7 Sutton on Trent

The Parish have provided additional information and are citing issues and requesting a PSPO is considered.

3.8 Farnsfield

No further information has been submitted.

3.9 A number of different Parishes that also have a DPPO expressed concern in the previous round of consultation. These have now been subject to additional consultation and the outcomes are set out in the proposals below.

3.10 Regard has been given to the issuing of the penalty notices to people under the age of 18 and it has been decided that a robust system of support and mentoring by partner agencies is preferable to the use of FPN. Where it is identified that a person under the age of 18 has committed a relevant offence, a referral will be made via the Safer Neighbourhood Team Policing lead officer to the Youth Offending Team.

4.0 Proposals

PARISH AREA	No ASB REPORTS.	PROPOSED ACTION	JUSTIFICATION/ FURTHER COMMENT.
1. Farnsfield	0	Revoke DPPO	Nil reply stating any ASB
2. Rufford	0	Revoke DPPO	Nil reply stating any ASB
3. Balderton	3	Revoke DPPO	There is a lack of clear and definite evidence of alcohol related ASB occurring sufficient to justify a PSPO being necessary or proportionate. Implementing one at present would make it challengeable. The ASB team are aware of issues around Balderton Lake and Coronation Street Park, but there is no evidence to suggest that these involve drinking alcohol in that

			location.
4. Sutton on Trent	0	Revoke DPPO	Not justified in having PSPO due to lack of clear evidence of persistent alcohol related ASB.
5. Blidworth	1 pa	Revoke DPPO	Insufficient evidence of persistent alcohol related ASB to justify a PSPO.
6. Edwinstowe	1 pa	Revoke DPPO	Insufficient evidence of persistent alcohol related ASB to justify a PSPO.
7. Southwell	4 to police. Town council believe it is 10 reports	Revoke DPPO and implement PSPO	Although not significant number of actual reports to police and risk of perception of reports to Town Council greater than actuality, a PSPO is justified here given the proximity to the Minster. Its status as a significant religious and historic building and the adjacent parkland being a focal point for significant ASB in past years mean this PSPO is proportionate and appropriate. See map outlining proposed area
8. Rainworth	2	Revoke DPPO and implement PSPO	There are significant issues with ASB in this area and although these are underreported, the existence of efforts by joint partners to tackle ASB and drink related ASB in the area does justify a PSPO around Pit Lane and the Skate Park only. See map outlining proposed area
9. Ollerton	9	Revoke DDPO and implement PSPO	Ongoing issues. NSDC aware of alcohol related ASB in the area. CAP established to help resolve issues.

			PSPO justified by evidence. See map outlining proposed area
10.	Clipstone	5	Revoke DPPO and implement PSPO. Ongoing issues. NSDC aware of alcohol related ASB in the area. CAPS established to support the community and to help to resolve issues. PSPO justified by evidence. See map outlining proposed area

4.2 It is proposed that:

Ollerton & Boughton - the proposed PSPO area replicates that of the DPPO area. See map 1

Southwell - the proposed PSPO area replicates that of the DPPO area. See map 2

Clipstone - the proposed PSPO area replicates that of the DPPO area. See map 3

Rainworth is for the proposed PSPO to cover the Skate Park and Pit Lane area only. See map 4

4.3 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.

4.5 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.

5.0 **Comments from the Council's solicitor**

- 5.1 The Legal advice on this matter is not to make PSPOs on the areas highlighted above. The option to make them for a limited time of e.g. 1 year in anticipation of alcohol related ASB occurring that may have previously been unreported, is not recommended because this would be unlawful.

The Orders must be evidence based and that is unfortunately lacking from many of the Parish Councils or their areas. The Parish Council's themselves have not reported significant and persistent ASB to the police or council and neither have their parishioners. Although some Parish Council's state they have reported more incidents that police records show, there is insufficient evidence to verify this.

6.0 Equalities Implications

- 6.1 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.

- 6.2 The revised scheme of FPN administration ensures that Environmental Crime within the district is enforced against in a consistent way. It promotes fairness through the "polluter pays principle". By offering an alternative to prosecution the FPN scheme provides a proportionate intervention against first time offenders. Young people have been exempted from the scheme due to their protected characteristic and their financial vulnerability. Alternative interventions are provided for in the policy. The Appeals scheme allows for a FPN to be revoked for public interests.

7.0 Financial Implications

- 7.1 There will be a need to produce new signage with a possible cost of between £500 and £1,000. There is a Repairs and Renewal scheme established for this.

8.0 Community Plan – Alignment to Objectives

- 8.1 ***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.

9.0 RECOMMENDATION:

- (a) That the committee supports the revocation of the DPPOs at
Farnsfield
Balderton

Blidworth
Edwinstowe
Sutton on Trent
Rufford Country Park

(b) That a Public Space Protection Order is agreed in :

Southwell
Clipstone
Ollerton and Boughton
Rainworth

As shown on maps 1 to 4

(c) The terms of the Order are agreed as set out in paragraph 4.3

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

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