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Date: 17 June 2024
Our ref: Overview and Scrutiny Panel/Supplementary Agenda
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OVERVIEW & SCRUTINY PANEL

18 JUNE 2024

A meeting of the Overview & Scrutiny Panel will be held at **7.00 pm on Tuesday, 18 June 2024** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Fellows (Chair); Councillors: D Green (Vice-Chair), Austin, Bright, Britcher, Currie, Davis, Farooki, Kup, Paul Moore, Packman, Pope, W Scobie, Wing and Worrow

SUPPLEMENTARY AGENDA

Item
No

Subject

6. EXTENSION TO THE ALCOHOL PUBLIC SPACE PROTECTION ORDER (Pages 3 - 28)



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Anti-social Behaviour and Alcohol PSPO

Overview and Scrutiny Panel 18th June 2024

| | |
|---------------------------------|--|
| By | Jo-Anna Taylor, Community Services Manager |
| Cabinet Portfolio Member | Cllr Keen, Cabinet Member for Community |
| Key Decision | Yes |
| Decision classification | Unrestricted |
| Call in status | Can be called in |
| Ward: | Thanet District |

Purpose of the Report

Both the current Alcohol PSPO and the current Anti-social Behaviour PSPO are due to expire on 31st July 2024. This report is to set out the details and reasons to combine the two PSPO into one, to run for 3 years.

Recommendation(s):

Members of the Overview and Scrutiny Panel are asked to:

Note and scrutinise the report and consider any representations to Cabinet in advance of its meeting on 25th June 2024 where it will be asked to adopt the Public Space Protection Order for 3 years and delegate any minor amendments and extensions to the Chief Executive .

1. Summary of Reasons

- 1.1 The combining and extension of the Alcohol and Anti-Social Behaviour Public Space Protection Order (PSPO) should be considered by the district council for the following reasons:
- 1.2 **Continued Antisocial Behavior and Alcohol-related Issues:** The original PSPO has had a positive impact, but issues related to antisocial behaviour and alcohol consumption still persist. Combining and extending the PSPO can help maintain control over these ongoing problems.
- 1.3 **Public Safety and Welfare:** Ensuring the safety and well-being of the public is a primary concern. Combining and extending the PSPO helps in protecting residents, visitors, and businesses from the detrimental effects of ASB and alcohol misuse.

- 1.4 **Community Support:** Often, local communities support the continuation of the PSPO. Residents and businesses may have seen improvements and would like the measures to remain in place to sustain the positive changes.
- 1.5 **Enforcement Continuity:** Law enforcement and local authorities find the PSPO an effective tool for managing problematic behaviours. Combining and continuing the order provides consistency in enforcement and helps authorities plan and allocate resources effectively
- 1.6 **Preventing Regression:** Without the PSPO, there is a risk that anti-social behaviour and alcohol-related problems might return or worsen. Extending the order helps prevent regression to previous conditions.
- 1.7 **Ongoing Challenges:** Certain areas may continue to face specific challenges that the PSPO addresses, such as high levels of street drinking and anti-social behaviour. These issues might require more time to fully resolve.
- 1.8 **Evaluation of Success:** Data and feedback collected during the existing PSPO period can demonstrate its effectiveness, justifying the need for its extension to further build on the successes achieved.
- 1.9 In summary, combining and extending the anti-social behaviour and alcohol PSPO for another three years is requested to continue addressing persistent issues, protect public safety, support community desires, ensure enforcement consistency, prevent regression of improvements, tackle ongoing challenges, and build on proven success.

2. Background

- 2.1 A Public Spaces Protection Order (PSPO) is an order made by the Local Authority if it is satisfied on reasonable grounds that two conditions are met. These are:
 - That activities being carried out within a public place have had a detrimental effect on the quality of life of those in the locality or it is likely they will.
 - That the effect, or likely effect, of these activities is, or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable.
- 2.2 The current Anti-social Behaviour PSPO and Alcohol PSPO is due to expire on the 31st July 2024.
- 2.3 The impact of the original order and subsequent orders around PSPO restrictions have had a positive impact and helped prevent some of the negative behaviour that affects residents and visitors of Thanet.
- 2.4 The council continues to receive a number of complaints around alcohol behaviour. The 2024 strategic assessment identified drunken and rowdy behaviour as one of the

largest areas of reported ASB in Thanet. The use and misuse of alcohol can also be a factor in a number of crimes from assault to burglary.

- 2.5 A Public Spaces Protection Order (PSPO) is an order made by the Local Authority if it is satisfied on reasonable grounds that two conditions are met. These are:
- That activities being carried out within a public place have had a detrimental effect on the quality of life of those in the locality or it is likely they will.
 - That the effect, or likely effect, of these activities is, or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable.
- 2.6 These orders identify public places and prohibit specific things from being done in that area or require specific things to be done in that area for a maximum of three years. A breach of the order would constitute a criminal offence. A PSPO may be extended as many times as required.
- 2.7 Representatives from Kent Police have been consulted with and have agreed the rationale for the extension.
- 2.8 We are recommending that both the Anti-social Behaviour PSPO and the Alcohol PSPO will become combined, and for the PSPO to become district wide and for the authority to approve any further minor amendments to the order be delegated to the Chief Executive.

3. Relevant Issues

3.1 Continued Reduction in Crime and Disorder:

- 3.1.1 Sustained Decrease in Alcohol-Related Crime: Extending the PSPO can maintain the reduction in alcohol-related offences such as vandalism, violence, and public drunkenness, contributing to ongoing community safety.
- 3.1.2 Ongoing Prevention of Anti-Social Behaviour: Persistent anti-social behaviour linked to misuse of public space, use of foul language, excreting bodily fluids, use of psychoactive substances, inappropriate harmful and degrading related activity, can be continually managed, preserving public order and peace.

3.2 Long-Term Community Impact:

- 3.2.1 Enhanced Public Safety and Comfort: Continuing the PSPO ensures that public spaces remain safe and welcoming, especially for vulnerable populations, thereby promoting a sense of security and well-being.
- 3.2.2 Improved Quality of Life: Residents benefit from a cleaner, quieter, and more orderly environment, which can enhance community pride and cohesion.
- Economic Stability: Safe and attractive public spaces can draw more visitors and businesses, sustaining economic growth and vitality in the area.

3.3 Compliance with Legal Obligations:

- 3.3.1 Ongoing Crime and Disorder Prevention: The council has a legal duty to address behaviours that negatively impact the community. Extending the PSPO helps in fulfilling this obligation by continuing to mitigate crime and disorder.

3.3.2 Continued Management of Substance Misuse: The extension supports ongoing efforts to reduce the misuse of alcohol and other substances, contributing to broader public health and safety goals.

3.3.3 Reduction in Re-Offending: Sustaining measures that reduce anti-social behaviour linked to alcohol can help decrease reoffending rates, promoting long-term community stability.

3.4 **Positive Feedback and Community Support:**

3.4.1 Community Endorsement: If the initial PSPO has been successful and well-received, extending it can build on this positive momentum, reinforcing public trust and cooperation with council initiatives.

3.5 **Evidence of Effectiveness:** Data and feedback showing the PSPO's success in reducing incidents and improving community conditions provide a strong rationale for its continuation.

3.6 **Community Concerns:** A number of feedback from the consultation shows individuals are concerned about how the PSPO will be enforced and are there enough enforcement officers. Thanet District Council have officers with delegated authority who can issue FPNs and Police are also able to issue FPNs. However, the PSPO is also about education, which will also be the first port of call.

4. **Recommendations from the Overview and Scrutiny Panel**

5. **Consultation**

5.1 A consultation was implemented on Friday 3rd May 2024 and closed on Friday 24th May 2024 to seek views from those who have links with Thanet district (residents, workers, visitors, family/friends). Full consultation results Annex 4. Summary of result;

- Community Connection:
 - A majority of the respondents are residents of Thanet, with a significant portion also working or owning businesses in the area. This suggests a strong local engagement in community affairs.
- Geographical Distribution:
 - The highest concentration of respondents live in Margate and Ramsgate, followed by Broadstairs. This distribution might reflect the population density and engagement levels in these areas.
- Support for Community Rules:
 - There is strong support for rules addressing antisocial behaviour, misuse of public space, foul language, bodily fluids, alcohol consumption, and psychoactive substances. The majority of respondents "strongly agree" or "agree" with these rules, indicating community concern for maintaining public order and safety.

- Extending PSPO Area:
 - A significant majority, 91.6% support extending the PSPO (Public Spaces Protection Order) area, reflecting a community desire for broader enforcement of these rules.

6. Corporate Implications

6.1 Finance and Resources

- 6.1.1 Costs associated with the management of the Alcohol PSPO will be contained within current budgets. Mechanisms in relation to breaches of this PSPO are already adopted.

There may potentially be future legal costs for enforcement of breaches via court process however this will also be covered within the existing budgets.

6.2 Legal and Constitutional

- 6.2.1 In accordance with the provisions set out in Article 6 of the Council's constitution the Overview and Scrutiny Panel may make reports or recommendations to Cabinet in respect of the discharge of any function. Cabinet must then consider and respond to any recommendations made.
- 6.2.2 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 permits a local authority to make a PSPO in the areas where a particular nuisance or problem occurs which is detrimental to the local community's quality of life. In order to make a PSPO, the council must be satisfied on reasonable grounds that two statutory conditions are met and that the restrictions are reasonable and proportionate. Once made, a PSPO empowers a Constable (or other authorised persons) to enforce a prohibition or requirement set out in the PSPO.
- 6.2.3 The first condition that must be met 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.
- 6.2.4 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. Having considered the information in this report, if Cabinet is not satisfied that the conditions are met, the extension to the current orders must not be approved.
- 6.2.5 The proposed Orders potentially entail an infringement of individuals' human rights. The Anti-Social Behaviour, Crime and Policing Act 2014 also requires that in deciding whether to make a PSPO the Council must have particular regard to the rights of freedom of expression and freedom of assembly and association set out in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Such qualified rights may be legitimately interfered with in the interests of public safety, the prevention of crime and disorder and in accordance with the law.

When considering whether to make the orders the Council must balance the rights and freedoms of individuals in these regards against the needs of the wider community.

6.2.6 The Council is required to carry out the necessary consultation before making a PSPO and this must include consulting with “the chief officer of police, and the local policing body, for the police area that includes the restricted area” and with appropriate community representatives and those who own or occupy land within the restricted area.

6.2.7 Before reaching a decision in relation to the extension of the PSPO and its implementation in the revised terms proposed, Cabinet must conscientiously consider the results of consultation. Cabinet must also be clear what the detrimental activities are that the PSPO seeks to address, also to be clear about exactly what is being prohibited, the area covered, the consequences for any breach and the period for which the PSPO will have effect.

6.3 Council Policies and Priorities

6.3.1 **To keep our district safe and clean:** Work with communities and partner organisations, including the Police, to improve the perception and reality of public safety.

Communities: Work with our partners to deliver a range of community safety initiatives across the District, taking tough action to tackle anti-social behaviour and alcohol related negative behaviour.

6.4 Risk

6.4.1 The council operates a robust process around the enforcement of PSPO related issues which include the issue of penalty notices.

6.4.2 The issue of a Fixed Penalty Notice is a remedy offered as an alternative to prosecution. There is a low risk of error in the issue of these types of Fixed Penalty Notices which may have a disproportionate impact upon different groups within society. Legislative guidance around the issue of penalty notices of this type allows for a mechanism for appeal and an ability to challenge the issue at a judicial level if the issue of an Fixed Penalty Notices is either believed incorrect or issued in error.

6.4.3 There is a range of information available including online, in a written format and delivered in person in schools. Areas covered by the PSPO have clear understandable signage in place Those committing the offence are given an opportunity to stop their behaviour before a fixed penalty notice is issued.

6.4.4 The continuation of the Anti-Social Behaviour PSPO and Alcohol PSPO reduces risk of negative behaviour, including anti-social behaviour, associated with anti-social group congregation, misuse of public space, using foul or abusive language, excreting bodily fluids, alcohol consumption, use of legal psychoactive substances and intoxicants, in appropriate harmful and degrading related activity.

6.5 Climate Change and Biodiversity

- 6.5.1 The combining and continuation of both the Anti-social Behaviour and Alcohol PSPO has no impact on climate change and biodiversity.

7. Equality, Equity and Diversity Implications

- 7.1 Whilst the Public Space Protection Order applies to all and therefore does not discriminate against those with protected characteristics the statutory guidance associated with the enforcement of the order does recognise that certain protected characteristics should be considered when undertaking enforcement.

8. Crime and Disorder Implications and Community impact

- 8.1 The implementation of an Alcohol and Anti-Social Behaviour Public Space Protection Order (PSPO) by the district council should be considered due to several key reasons related to crime, disorder, and community impact:

- **Crime and Disorder Implications:**

Reduction in Crime: Implementing a PSPO can lead to a decrease in alcohol-related crimes, such as public drunkenness, vandalism, and violent incidents. This contributes to overall community safety and security.

Prevention of Anti-Social Behaviour: A PSPO can curb various forms of anti-social behaviour that are often exacerbated by alcohol consumption in public spaces. This includes noise disturbances and aggressive behaviour, which can create a hostile environment for residents and visitors.

- **Community Impact:**

Enhanced Public Safety: By restricting alcohol consumption in certain areas, the council can create a safer and more welcoming environment for all community members, particularly vulnerable groups such as children and the elderly.

Improved Quality of Life: Reducing anti-social behaviour can lead to a more pleasant living environment, encouraging community cohesion and pride in local spaces.

Economic Benefits: A safer and cleaner community can attract more visitors and businesses, boosting local economies and fostering economic development.

Obligations to Prevent Crime and Disorder:

Legal Duty: The council has a statutory duty to exercise its functions with due regard to the likely effects of these functions on preventing crime and disorder. This includes addressing behaviours that negatively impact the local environment.

Misuse of Substances: Addressing the misuse of alcohol through a PSPO aligns with the council's responsibility to mitigate the misuse of drugs, alcohol, and other substances within its area.

Re-Offending: Implementing measures that reduce opportunities for alcohol-fueled anti-social behaviour can also help in reducing re-offending rates, contributing to long-term community safety and stability.

- 8.2 The adoption of an Alcohol and Anti-Social Behaviour PSPO by the district council is a strategic measure aimed at enhancing public safety, improving the quality of life for

residents, and fulfilling the council's legal obligations to prevent crime, disorder, and the misuse of substances within the community.

9. Subject History

- 9.1 16th November 2023, Cabinet approved that the Alcohol PSPO was extended by 9 months to bring inline with the Anti-social Behaviour PSPO, which is due to expire on 31st July 2024. The last renewal of the Anti-social Behaviour PSPO was extended, with no changes, by the former Chief Executive on 29th July 2021 for the period of three years. The last renewal of the Alcohol PSPO was extended, with no changes, by the Chief Executive on 26th October 2020, for a period of three years.

Annexes


Annex 1 - Draft PSPO 2024-2027

Annex 2 - Summary and Analysis of Survey Data

Annex 3 - Equality impact Assessment

Background Papers

 Draft PSPO 2024-2027

 Summary and Analysis of Survey Data

Community Safety Partnership Strategic Assessment - Exempt.

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Report Sign Off

Legal Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Finance Chris Blundell (Director of Corporate Services - Section 151)

Thanet District Council

Anti-Social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Orders (Thanet District Council)
2024 -2027

DRAFT

| | |
|---|----------|
| Thanet District Council (in this order called “the Authority”) hereby makes the following Order; | 2 |
| 1. Offences | 2 |
| I. Anti-Social group congregation | 2 |
| II. Misuse of public space | 3 |
| III. Using foul or abusive language | 3 |
| IV. Excreting bodily fluids | 3 |
| V. Alcohol | 3 |
| VI. Use of legal Psychoactive Substances & intoxicants | 3 |
| VII. Inappropriate harmful and degrading related activity | 3 |
| 2. Offences under this Public Space Protection Order | 3 |
| Designated Area | 4 |
| Schedule 1 | 4 |

Thanet District Council (in this order called “the Authority”) hereby makes the following Order;

Under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, the authority is satisfied that the activities set out in is being carried out within the area to which this order applies, it is likely that these activities will continue to be carried out and that this is having or it is likely to have a detrimental effect on the quality of life of those in the locality by causing harassment, alarm and distress.

This order relates to the whole Isle of Thanet. This order relates to the land inside the area marked on the attached maps (Schedule 1) which is outlined in blue (‘the Restricted Area’). This includes all spaces within this boundary that are accessible to the public.

This Order comes into force on 31st July 2024 for a period of 3 years.

1. Offences

The activities which are prohibited by this order within the designated areas:

I. Anti-Social group congregation

All persons are prohibited from congregating as part of a group of 2 or more for such duration as specified when directed not to do so by an authorised officer; on the basis that the behaviour is causing or is likely to cause harassment, alarm or distress to others in the locality.

II. Misuse of public space

All persons are prohibited from misusing any public space, facility or installation; when directed not to do so by an authorised officer and that the behaviour is causing or is likely to cause harassment alarm or distress to others in the locality. Officers will have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the convention.

III. Using foul or abusive language

All persons are prohibited from using foul or abusive language in such a manner that it is likely to cause harassment, alarm or distress to any other person in any public place.

IV. Excreting bodily fluids

All persons are prohibited from excreting bodily fluid, including but not limited to urinating, defecating or spitting in any public place that is not a specified toilet facility.

V. Alcohol

All persons are prohibited from consuming alcohol where it is having or is likely to have a detrimental effect on the wider community and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person. This provision does not apply to alcohol being consumed within premises (including designated outdoor areas) that have obtained a licence under the Licensing Act 2003 or section 115E of the Highways Act 1980.

VI. Use of Legal Psychoactive Substances & intoxicants

All persons are prohibited from the consumption of legal Psychoactive Substances where it is likely to have a detrimental effect on the quality of life of those within the community, leading to anti-social behaviour, likely to cause harassment, alarm or distress to any other person in any public place.

VII. Inappropriate harmful and degrading related activity

All persons are prohibited from being abusive to any person or behaving in a way which causes or is likely to cause harassment, alarm or distress to any other person. This includes but is not limited to, approaching women in the area, asking if they are for hire or making sexually inappropriate comments.

2. Offences under this Public Space Protection Order

Any person who, without reasonable excuse fails to comply with the terms of this Order is guilty of an offence under Section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014 and shall be liable on summary conviction to a fine.

An authorised person may issue a Fixed Penalty Notice to anyone they have

reason to believe has committed an offence under this Order in accordance with Section 68 of the Anti-social Behaviour, Crime and Policing Act 2014.

The penalty is set at £100.00 to be paid within 28 days but is reduced to £60.00 if paid within 14 days.

Length of Order: this Order shall have effect for a period of 3 years.

Designated Area

This order applies to the Thanet District which is described in schedule 1 ("The Restricted Area), i.e. all public spaces within the Thanet District, as set out on the Order Plan and which is shown edged in Grey on the attached plan ("the Order plan").

Length of Order: this Order shall have effect for a period of 3 years until 30th July 2027.

Schedule 1



Summary and Analysis of Survey Data

1. Connection to Thanet

- Responses: 142
- Key Findings:
 - Live in Thanet: 68.5% (97 respondents)
 - Work in Thanet: 23.6% (33 respondents)
 - Own a business in Thanet: 5.9% (8 respondents)
 - Visit for holidays/short visits: 0%
 - Other: 2% (4 respondents) with specific mentions like family in Ramsgate, community group volunteer, parish councillor, and private landlord.

2. Residency in Thanet

- Responses: 142
- Key Findings:
 - Top Locations:
 - Margate: 32.4% (46 respondents)
 - Ramsgate: 30.3% (43 respondents)
 - Broadstairs: 16.9% (24 respondents)
 - Other Locations:
 - Birchington-on-Sea and Westgate-on-Sea: 3.5% each (5 respondents each)
 - Others include Garlinge, St Peter's, Cliffsend, Manston, Minster, St Nicholas at Wade, and individual mentions of Cliffsend, Cliftonville, Nethercourt, Palm Bay, and work-related residency.

3. Rule 1: Antisocial Group Congregation

- Strong Agreement: 54.2% (77 respondents)
- Agreement: 27.5% (39 respondents)
- Neutral: 6.3% (9 respondents)
- Disagreement: 4.9% (7 respondents)
- Strong Disagreement: 7% (10 respondents)

4. Rule 2: Misuse of Public Space

- Strong Agreement: 58.5% (83 respondents)
- Agreement: 28.9% (41 respondents)
- Neutral: 5.6% (8 respondents)
- Disagreement: 3.5% (5 respondents each for strongly disagree and disagree)

5. Rule 3: Using Foul or Abusive Language

- Strong Agreement: 56.3% (80 respondents)
- Agreement: 34.5% (49 respondents)
- Neutral: 2.1% (3 respondents)
- Disagreement: 4.9% (7 respondents)
- Strong Disagreement: 2.1% (3 respondents)

6. Rule 4: Excreting Bodily Fluids

- Strong Agreement: 79.6% (113 respondents)
- Agreement: 15.5% (22 respondents)
- Neutral: 2.1% (3 respondents)
- Disagreement: 1.4% (2 respondents each for strongly disagree and disagree)

7. Rule 5: Alcohol Consumption

- Strong Agreement: 58.5% (83 respondents)
- Agreement: 31.7% (45 respondents)
- Neutral: 4.9% (7 respondents)
- Disagreement: 1.4% (2 respondents)
- Strong Disagreement: 3.5% (5 respondents)

8. Rule 6: Use of Legal Psychoactive Substances and Intoxicants

- Strong Agreement: 69.7% (99 respondents)
- Agreement: 20.4% (29 respondents)
- Neutral: 3.5% (5 respondents)
- Disagreement: 4.2% (6 respondents)
- Strong Disagreement: 2.1% (3 respondents)

9. Rule 7: Inappropriate Harmful and Degrading Activity

- Strong Agreement: 73.9% (105 respondents)
- Agreement: 21.1% (30 respondents)

- Neutral: 2.1% (3 respondents)
- Disagreement: 1.4% (2 respondents each for strongly disagree and disagree)

10. Extending the Designated Area of the PSPO

- Strong Agreement: 64.8% (92 respondents)
- Agreement: 26.8% (38 respondents)
- Neutral: 3.5% (5 respondents)
- Disagreement: 1.4% (2 respondents)
- Strong Disagreement: 3.5% (5 respondents)

Analysis

- Community Connection:
 - A majority of the respondents are residents of Thanet, with a significant portion also working or owning businesses in the area. This suggests a strong local engagement in community affairs.
- Geographical Distribution:
 - The highest concentration of respondents live in Margate and Ramsgate, followed by Broadstairs. This distribution might reflect the population density and engagement levels in these areas.
- Support for Community Rules:
 - There is strong support for rules addressing antisocial behaviour, misuse of public space, foul language, bodily fluids, alcohol consumption, and psychoactive substances. The majority of respondents "strongly agree" or "agree" with these rules, indicating community concern for maintaining public order and safety.
- Extending PSPO Area:
 - A significant majority support extending the PSPO (Public Spaces Protection Order) area, reflecting a community desire for broader enforcement of these rules.

Further comments

1. Underage drinking on Thanet's beaches is a significant issue that leads to other forms of antisocial behaviour. It is proposed that anyone found underage drinking or under the influence of alcohol or other substances should be immediately removed from the area and prohibited from returning.

Agenda Item 6

Annex 2

2. Living directly on Botany Bay seafront, we experience severe issues every year due to day trippers. Despite having a PSPO in place last year, enforcing it was extremely challenging. While the concept appears promising, if current enforcement in designated areas is inadequate, how will it be effectively implemented on a larger scale?
3. Will additional police resources be allocated specifically to enforce these measures?
4. Regarding drinking on the beach, there should be authority to confiscate all glass bottles of spirits and similar items often left by drinking groups, which pose a risk of injury to beachgoers. Is this covered under the definition of behaviour "detrimental to the community"? Clarity on such broad definitions is essential for both law enforcement and public understanding.

In summary, this snippet of statements noted here underscore the crucial need for enforcement officers to address issues related to drinking, anti-social behaviour.



Thanet District Council (TDC) Equality Impact Assessment

Step one: test for relevance

1 Person responsible for this assessment

| | | | |
|---------------|----------------------------|---------------------|------------|
| Name: | Jo-Anna Taylor | | |
| Job title: | Community Services manager | | |
| Phone: | 01843 577910 | | |
| Service area: | Community Services | Date of assessment: | 24/05/2024 |

2 Others involved in carrying out the analysis

| | |
|-------|--|
| Name: | |
| Name: | |
| Name: | |

3. Description of strategy, policy, service, project, activity or decision

| | |
|--------|---|
| Title: | Alcohol and Anti-social behaviour Public Space Protection Order |
|--------|---|

Is it new? Yes No

A review of existing? Yes No

3.1 Aims and objectives

Consider: **what** you are doing? **why** you are doing it? **who** will benefit?

Thanet District Council is proposing to combine the Alcohol and Anti-Social Behaviour PSPO to incorporate the whole district of Thanet to create safer communities and deter and reduce crime and anti-social behaviour.

PSPOs will only be used to protect communities from unwanted anti-social behaviours and the misuse of alcohol and shall only be enforceable where there is reasonable evidence to do so. A breach of the order is a criminal offence reported to the court or the breach being discharged through a Fixed Penalty Notice. Restrictions on the proposed behaviours may have an impact on protected characteristics or other strategic equalities considerations, in particular the safeguarding of children

and vulnerable adults, mental well-being and community resilience, and disability. The impact on all factors has been considered as part of the Equality Impact Assessment.

3.2 What outcomes are expected? Who is expected to benefit?

The expected outcome of the order is to reduce the impact of anti-social behaviour and the misuse of alcohol which is having an ongoing negative impact upon residents of Thanet and visitors to the district. The conditions of the PSPO are covered below.

- I. All persons are prohibited from congregating as part of a group of 2 or more for such duration as specified when directed not to do so by an authorised officer; on the basis that the behaviour is causing or is likely to cause harassment, alarm or distress to others in the locality.
- II. All persons are prohibited from misusing any public space, facility or installation; when directed not to do so by an authorised officer and that the behaviour is causing or is likely to cause harassment alarm or distress to others in the locality. Officers will have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the convention.
- III. All persons are prohibited from using foul or abusive language in such a manner that it is likely to cause harassment, alarm or distress to any other person in any public place.
- IV. All persons are prohibited from excreting bodily fluid, including but not limited to urinating, defecating or spitting in any public place that is not a specified toilet facility.
- V. All persons are prohibited from consuming alcohol where it is having or is likely to have a detrimental effect on the wider community and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person. This provision does not apply to alcohol being consumed within premises (including designated outdoor areas) that have obtained a licence under the Licensing Act 2003 or section 115E of the Highways Act 1980.
- VI. All persons are prohibited from the consumption of Psychoactive Substances where it is likely to have a detrimental effect on the quality of life of those within the community, leading to anti-social behaviour, likely to cause harassment, alarm or distress to any other person in any public place.
- VII. All persons are prohibited from being abusive to any person or behaving in a way which causes or is likely to cause harassment, alarm or distress to any other person. This includes but is not limited to, approaching women in the area, asking if they are for hire or making sexually inappropriate comments.

The benefit of the PSPO is to all Thanet residents and visitors to the district, with an aim to reduce crime and anti-social behaviour, allowing them to live and visit Thanet with the knowledge that the aforementioned restrictions have been put in place for their safety and peace of mind.

4 Who is affected?

- 4.1 Which groups or individuals does the strategy, policy, service, project, activity or decision affect? For example, the Council, employees (including temporary workers), other public authorities, contractors, partner organisations, wider community, others.

Staff, Internal departments, Police, County council, residents, visitors and businesses

- 4.2 Does the strategy, policy, service, project, activity or decision relate to a service area with known inequalities? (Give a brief description).

Thanet continues to rank as the most deprived local authority in Kent.

5 Equality Act 2010

How does the strategy, policy, service, project, activity or decision actively meet the public sector equality duties to:

Eliminate unlawful discrimination (including harassment, victimisation and other prohibited conduct)

Once agreed, this will be the 04th PSPO within the district, as two current PSPOs will be combined. In review of other PSPO's there have been no complaints of evidence to support a premise of a negative impact on the wider community and for groups that may have protected characteristics.

Advance equality of opportunity (between people who share a protected characteristic and people who do not share it)

The PSPO does not target any groups of people regarding protected characteristics and following in the principles of previous PSPO's implemented across the district, Individuals are given an opportunity to mitigate risk behaviour to prevent and enforcement activity.

Foster good relations (between people who share a protected characteristic and people who do not share it). Could it have an adverse impact on relations between different diverse groups?

The consultation showed Thanet residents are in agreement with the changes proposed on the combined PSPO. The majority of Thanet residents strongly agreed with all 8 elements of the consultation.

The consultation was both easy read and pictorially, for all individuals to be able to respond.

The consultation is a process to not only gain the views on the PSPO but to also build positive relations. For TDC to understand the needs of the community and the need of individual residents.

6 Priority

The following questions will help you to identify whether this 'service' is a high priority. Please answer all questions with particular reference to the protected characteristics; race, gender, gender reassignment, disability, religion or belief, sexual orientation, age, marriage and civil marriage/partnership and pregnancy and maternity.

Agenda Item 6

Annex 3

Please provide a comment for each answer, providing evidence for your answer, regardless whether you have answered yes or no.

| Questions | Yes | No |
|---|-----|----|
| 1. Are there any particular groups who may have trouble accessing the 'service'? | | X |
| Comments: The PSPO is equally applicable to all in the defined geographical location | | |
| 2. Does your information suggest that some groups of people are less satisfied than others with this 'service'? | | X |
| Comments: The PSPO recognises the diversity of the Thanet district and all events work to ensure that everyone has the same opportunities and they are inclusive. | | |
| 3. Will this service have a significant impact on any of our residents? | | X |
| Comments: The enforcement of the PSPO will follow an incremental progression the situation of individuals will be taken in to account on each occasion prior to enforcement being undertaken | | |
| 4. Do you have any evidence that discrimination, harassment and/or victimisation could occur as part of this service? | | X |
| Comments: The PSPO is inclusive for all. | | |
| 5. Do you think the service will hinder communication and negatively impact relations between the organisation and its employees, residents, contractors or anyone else? | | X |
| Comments: The rich variation of ethnicities and communities within Thanet is something to be celebrated and with a district wide annual survey and neighbourhood engagement meeting, we envisage that the positive relations will grow further. | | |
| 6. Does this service need to improve the way in which it is communicated to people who have literacy, numeracy or any other access needs? | | X |
| Comments: The development of the PSPO is designed to improve the quality of life for residents. The PSPO can be seen as beneficial for increasing wellbeing and reducing anti-social behaviour, directly within the proposed area. All information on the PSPO can be found on the Thanet District Council website in an easy read format. | | |
| 7. Does consultation need to be carried out? | X | |

Comments:

Annex 3

A consultation was carried out over a three week period, the consultation was placed on the TDC website, in Your Voice Thanet, social media, posters in the community and paper copies.

The short period of time is due to election restrictions (PCC).

In order to assess the priority of your '**service**' please complete the table below by adding up how many questions you answered yes to and following the appropriate action.

| Priority | Number of questions answered 'yes' | Rating | Action |
|----------|------------------------------------|--------|--|
| High | 3 or more | | Continue to section 2 |
| Medium | 1 to 2 | 1 | Please provide evidence to any questions you answered 'yes' to in section 1. Test for relevance complete (sometimes a full assessment may be required). |
| Low | 0 | | Test for relevance complete. |

If, following the completion of the test for relevance, a full assessment is not required, go straight to the declaration. If a full assessment is required, go to Step two: full equality impact assessment.

Step two: full equality impact assessment

1 Could the strategy, policy, service, project, activity or decision have a **negative, positive or neutral** effect on groups or individuals?

Consider:

What you are doing?

Why you are doing it?

How you are doing it?

Who can access the service easily and who may not be able to access the service and **why**?

The full analysis explores ways to reduce or eliminate barriers and/or negative impacts.

| Protected characteristics | N e g a t i v e | P o s i t i v e | N e u t r a l | Evidence/Reasoning (Consider any barriers which will have negative impact and/or good practices giving positive impact) |
|---|--------------------------------------|--------------------------------------|---------------------------------|--|
| <p>Age</p> <p>Consider:</p> <ul style="list-style-type: none"> • The way younger and older people access services may be different • Use of technology • Child care/care of other dependant • Timings/flexibility, such as work patterns • Transport arrangements • Venue location | | X | | <p>Recommendations:</p> |
| <p>Disability (Includes: physical, learning, sensory (deaf/blind), mental health)</p> <p>Consider:</p> <ul style="list-style-type: none"> • Communication methods • Accessibility – venue, location, transport • Range of support needed to participate • Hearing Loops/Interpreters • Disability awareness training for employees | | X | | <p>Recommendations:</p> |
| <p>Race (Includes; gypsy, travelling, refugee and migrant communities)</p> <p>Consider:</p> | | X | | <p>Recommendations:</p> |

| | | | | |
|--|--|---|--|--------------------------------|
| <ul style="list-style-type: none"> • The size of the BME communities that your service/project affects. • Language(s) spoken/understood. • Culture, such as hygiene, clothing, physical activities, mixed gender activities. • What access support can you offer? | | | | |
| <p>Religion, faith or belief</p> <p>Consider:</p> <ul style="list-style-type: none"> • The diversity within the communities that your service/project affect • Prayer times, meal times, food (some religions do not eat meat), cultural habit or belief, religious holidays such as Ramadan • Awareness training for employees | | X | | <p>Recommendations:</p> |
| <p>Pregnancy and maternity</p> <p>Consider:</p> <ul style="list-style-type: none"> • Flexible hours of the service/project • Is there access to private area for breastfeeding mothers? | | | | <p>Recommendations:</p> |
| <p>Gender</p> <p>Consider:</p> <ul style="list-style-type: none"> • The impact on men and women • Child care/care of other dependant • Mixed/single gender groups/activities • Timing of services/projects | | | | <p>Recommendations:</p> |
| <p>Sexual orientation (Includes: lesbian, gay, bisexual)</p> <p>Consider:</p> <ul style="list-style-type: none"> • LGB people should feel safe to disclose their sexual orientation without fear of prejudice • Make it clear you recognised civil | | | | <p>Recommendations:</p> |

| | | | |
|--|--|----------|--------------------------------|
| <p>marriage and partnerships</p> <ul style="list-style-type: none"> Awareness training for employees | | | |
| <p>Transgender</p> <p>Consider:</p> <ul style="list-style-type: none"> Trans people should be able to disclose their gender identity without fear of prejudice Making it clear you have a Trans policy and process Awareness training for employees | | <p>X</p> | <p>Recommendations:</p> |
| <p>Marriage and civil marriage/partnership</p> <p>Consider:</p> <ul style="list-style-type: none"> All couples or partners, regardless of gender, should be able to access services | | <p>X</p> | <p>Recommendations:</p> |

| | |
|---|--|
| <p>Outsourced services</p> | |
| <p>If your policy/process is partly or wholly provided by external organisations/agencies (such as Civica or Capita), please list any arrangements you plan to ensure that they promote equality and diversity. Include this in your improvement plan</p> | <p>N/A</p> |
| <p>Relations between different equality groups</p> | |
| <p>Does your assessment show that a strategy, policy or process may amount to potential adverse impact between different equality groups? If yes please explain how the improvement plan is going to tackle this issue</p> | <p>The PSPO is structured to ensure that everyone has the same opportunities and they are inclusive.</p> |
| <p>Consultation responses</p> | |
| <p>Summary of replies from individuals and stakeholders consulted including any previous complaints on equality and diversity issues about the strategy, policy or process</p> | <p>141 responses</p> <p>All 7 elements of the proposed PSPO have had a positive response, with the majority of this responding, agreeing with the proposals.</p> <p>Whilst there are several comments, the common themes made were expressing concerns around enforcement of the PSPO and officers available to educate and enforce.</p> |

| Summary of recommendations | | |
|----------------------------|--------|---------|
| Actions | By Who | By When |
| | | |

Declaration

I am satisfied that a Test for Relevance has been carried out on the matter named in this Analysis and conclude that a full Equality Impact Assessment **is not required**.

Yes No

If you do not think that a full Equality Impact Assessment is required – please give your reasons:

The implementation of a Public Spaces Protection Order is related to a geographical area and the impact is equitable across all groups including those with protected characteristics, supporting policies, services and legislation that do not discriminate against anyone and that, where possible, promotes equality of opportunity.

I confirm that a full Equality Impact Assessment has been completed.

Yes No

| | |
|-------------------------------|-------|
| Signature of Head of Service: | Date: |
| | |

| | |
|-------------------------|--|
| Recommendations agreed: | Yes <input type="checkbox"/> No <input type="checkbox"/> |
|-------------------------|--|

| | |
|------------------------|-----------|
| Signed: (Director): | EIA date: |
| | |