

The Anti-Social Behaviour, Crime and Policing Act 2014



Public Spaces Protection Order - (Thanet District Council) 2017

No. 2 (Alcohol control)

Page Number	Document
1-2	Proposed Public Space Protection Order
3	Restricted area
Appendix:	
1	Threshold
2	Evidence and justification
3	Enforcement
4	Consultation
5	Support from the Police and Crime Commissioner

The Anti-Social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Order (Thanet District Council) 2017

No. 2 (Alcohol control)

Thanet District Council ("the council") makes this Public Spaces Protection Order under section 59 of the Anti Social Behaviour, Crime and Policing Act 2014, having consulted as required by section 72 of the act.

This Order comes into force on Thursday 16th November 2017 for a period of 3 years.

The council is satisfied that alcohol related anti-social behaviour 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 land inside the area marked on the attached map which is outlined in red ('the Restricted Area'). This includes all spaces within this boundary that are accessible to the public.

1. Offences

The activities which are prohibited by this order when asked not to do so by an authorised officer are:

Alcohol control in a public place

All persons are prohibited from consuming alcohol and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person, **when** it is believed that they are either committing or likely to commit Anti-Social Behaviour in a public place.

An authorised person can require any person:

- a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
- b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol.

Any surrendered items are to be retained by the authorised person and safely disposed of as appropriate.

[n.b This provision does not apply to alcohol being consumed within premises (including designated outdoor areas) that have obtained a license under the Licensing Act 2003 or section 115E of the Highways Act 1980.]

2. Breaches

If, without reasonable excuse, you fail to comply, with clause 1 of this Order, (Alcohol Consumption) you commit an offence for which the maximum penalty upon summary conviction is a fine not exceeding level 2 on the standard scale.

3. Definitions

Public place means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. This includes beaches and foreshores.

Authorised person means an officer or agent acting on behalf of Thanet District Council, a police constable or a police community support officer.

Alcohol has the meaning as given by Section 191 of the Licensing Act 2003

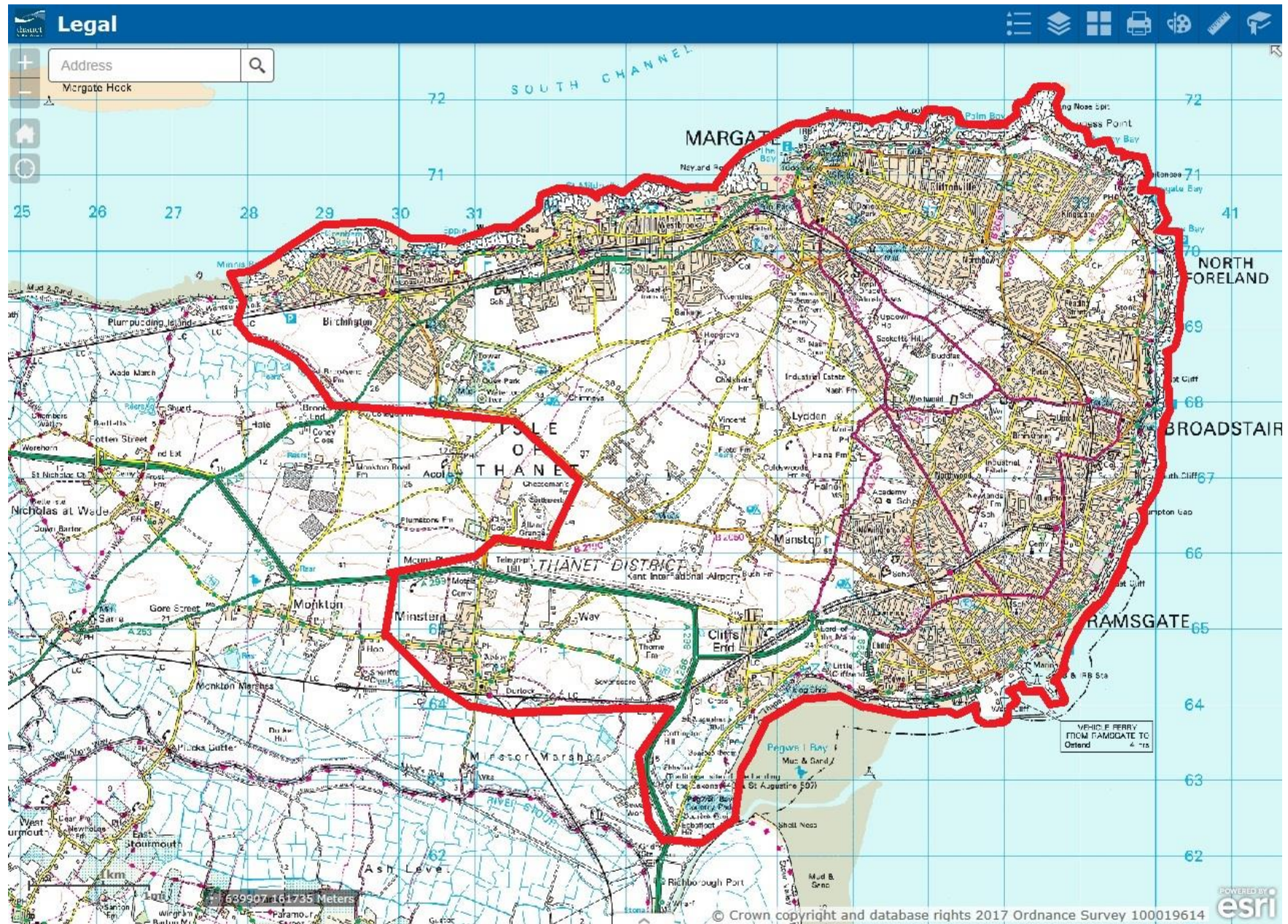
4. Date of effect

This Order shall come into effect on Thursday 16th November 2017 .

5. Length of Order

This Order shall have effect for a period of 3 years.

“Restricted Area”



Appendix 1

Threshold

A public spaces protection order 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 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.

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 3 years.

Breach of the order would constitute a criminal offence.

Appendix 2

Evidence and justification

Thanet is a growing tourist destination with a number of night time economy areas. Since 2008 a Designated Public Places Order has covered the district giving officers additional powers to confiscate alcohol.

The power to introduce Public Space Protection Orders has replaced previous legislation setting out Designated Public Place Orders. This Public Space Protection Order proposes to expand alcohol control capabilities for a further three years.

A review of the previous order's necessity as well as data provided by Kent Police (See map 1) demonstrates a continued need in the urban and open recreational areas of the district to have provision in place to give officers additional powers should they need them, to confiscate alcohol from persons causing or believed to be causing harassment, alarm or distress.

The 'Restricted Area' covers the urban areas within the District of Thanet that have shown a higher volume of arrests made by police due to drunkenness and intoxication.

This framework is **not** a blanket ban on alcohol consumption, but provides officers with additional powers when it is witnessed or suspected that alcohol is or may become a contributory factor in Anti Social Behaviour. It then becomes an offence to consume or carry alcohol or items believed to be alcohol, when asked not to do so by an authorised officer.

This will be particularly helpful with regards to unauthorised events, beach parties, street drinking, which have been raised as matters of concern at public Neighbourhood Engagement Meetings and by local residents and businesses.

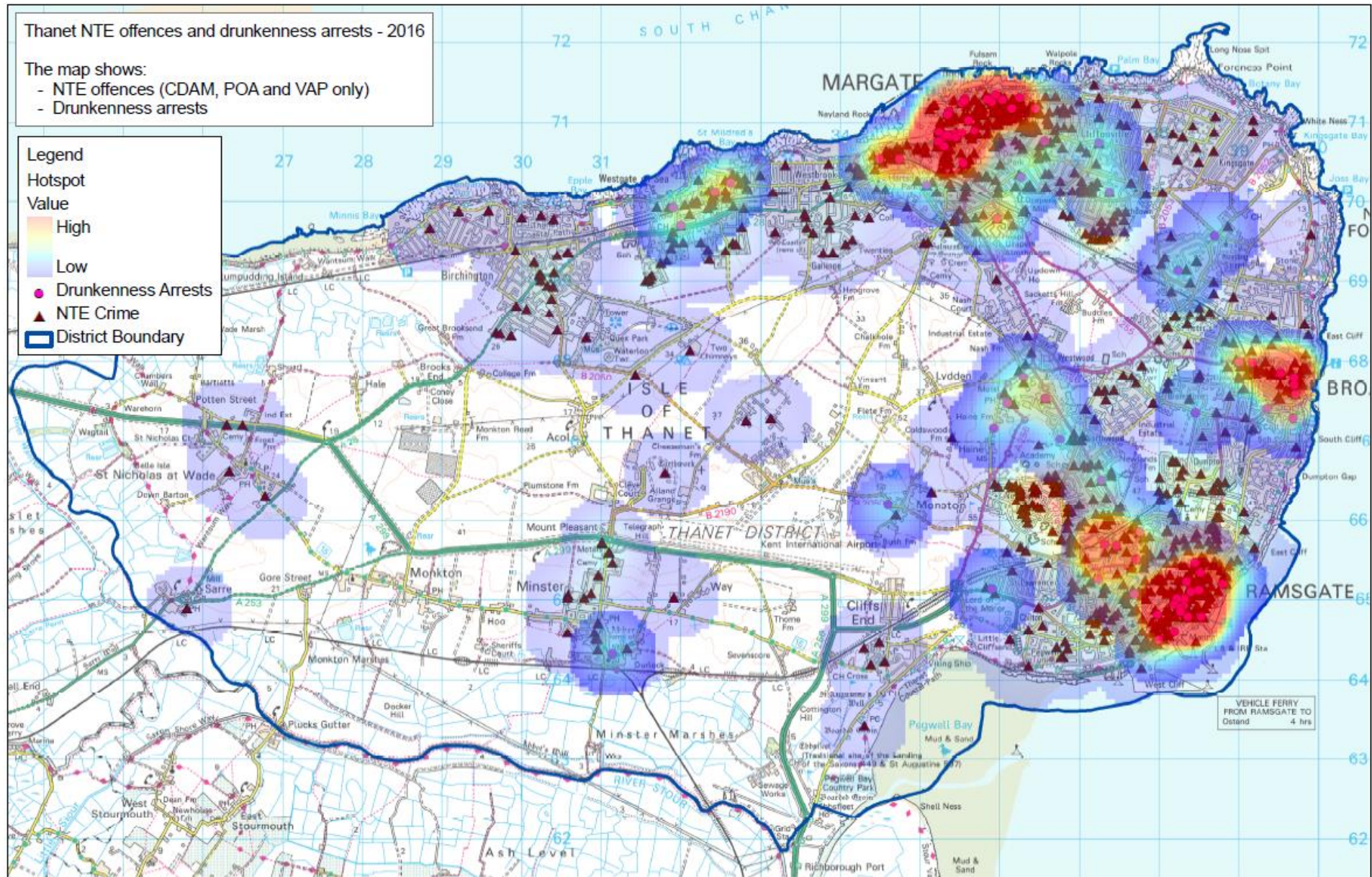
Alcohol Related Arrests

Kent Police Thanet custody data 2016-17

Alcohol related arrests	2016/17
Drunk and Disorderly	91
Section 4 POA	55
Driving Whilst Unfit (Drink)	46
Section 5 POA	16
Section 4 POA - Racially Aggravated	7
Drunk in Charge of Motor Vehicle	5
Drunk in Charge of Child	3
Drunk in a Public Place	1
Total	224

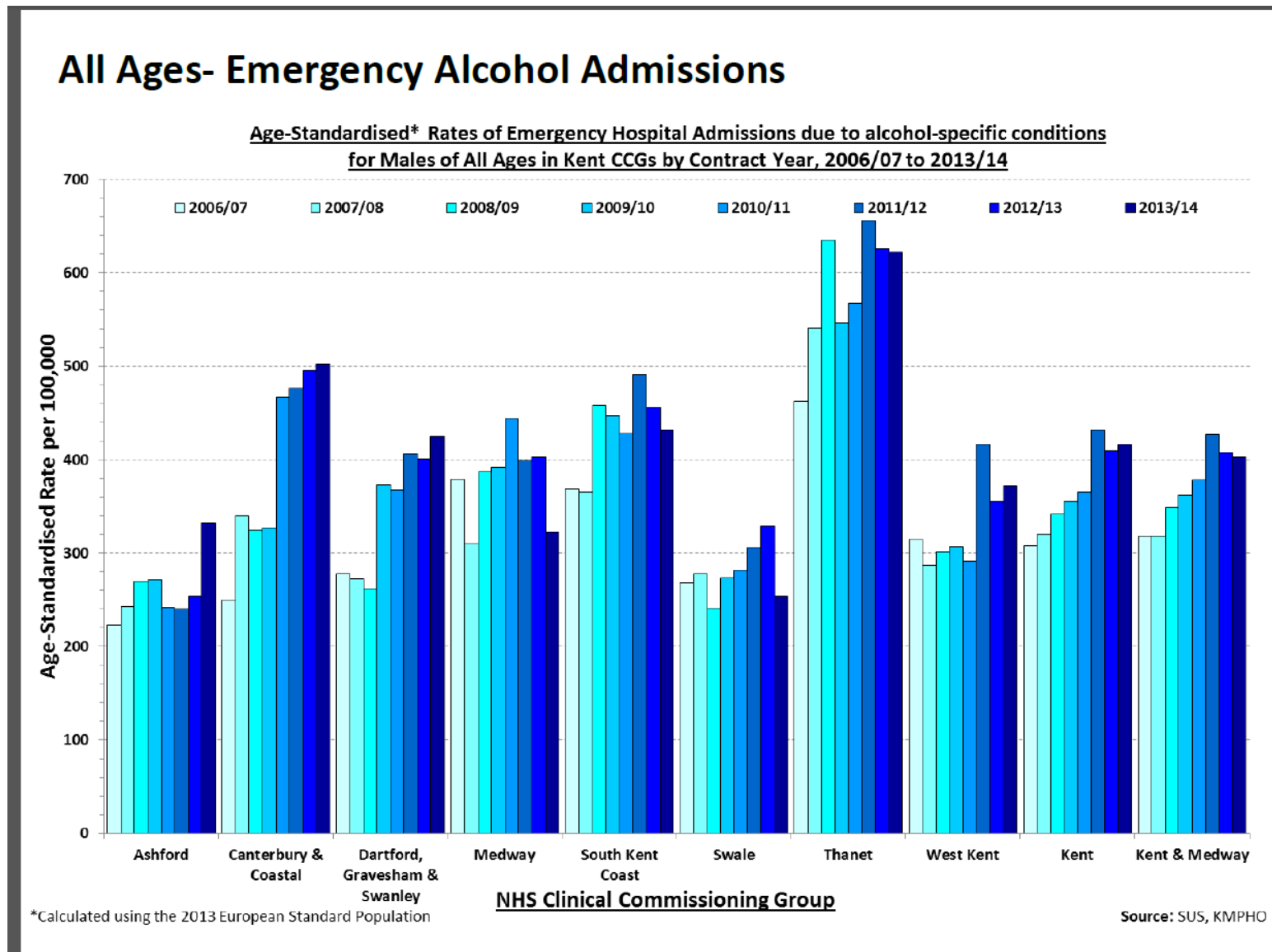
2.1: Thanet NTE offences and drunkenness arrests 2016 hotspots

Source: Kent Police



2.2 Emergency alcohol Admissions

Source: Kent Public Health



Available at: <http://www.kpho.org.uk/health-intelligence/lifestyle/alcohol#tab1>

2.3 Thanet Alcohol Profile summary 2014

Source: Public Health England

Thanet Alcohol Profiles (2014)

	Indicators	Thanet	South East region
Mortality	Months of life lost - males	13.64	9.89
	Months of life lost - females	5.85	4.72
	Alcohol-specific mortality - males	16.70	11.78
	Alcohol-specific mortality - females	6.72	5.35
	Mortality from chronic liver disease - males	22.78	12.94
	Mortality from chronic liver disease - females	10.51	6.92
	Alcohol-related mortality - males	65.57	58.49
	Alcohol-related mortality - females	32.19	25.95
Admissions	Alcohol-specific hospital admission - under 18s	58.26	37.30
	Alcohol-specific hospital admission - males	543.92	375.53
	Alcohol-specific hospital admission - females	256.45	188.37
	Alcohol-related hospital admission (Broad) - males	1711.28	1409.59
	Alcohol-related hospital admission (Broad) - females	819.76	705.48
	Alcohol-related hospital admission (Narrow) - males	693.52	495.95
	Alcohol-related hospital admission (Narrow) - females	350.43	267.25
	Admission episodes for alcohol-related conditions (Broad)	1851.48	1615.65
Crime	Admission episodes for alcohol-related conditions (Narrow)	651.88	513.12
	Alcohol-related recorded crimes	8.10	4.90
	Alcohol-related violent crimes	6.02	3.60
	Alcohol-related sexual offences	0.14	0.11
	Abstainers synthetic estimate	15.76	14.73
	Lower Risk drinking (% of drinkers only) synthetic estimate	73.97	72.71
	Increasing Risk drinking (% of drinkers only) synthetic estimate	19.09	20.54
	Higher Risk drinking (% of drinkers only) synthetic estimate	6.94	6.75
Binge drinking (synthetic estimate)	15.20	18.10	
Employees in bars - % of all employees	2.16	1.59	

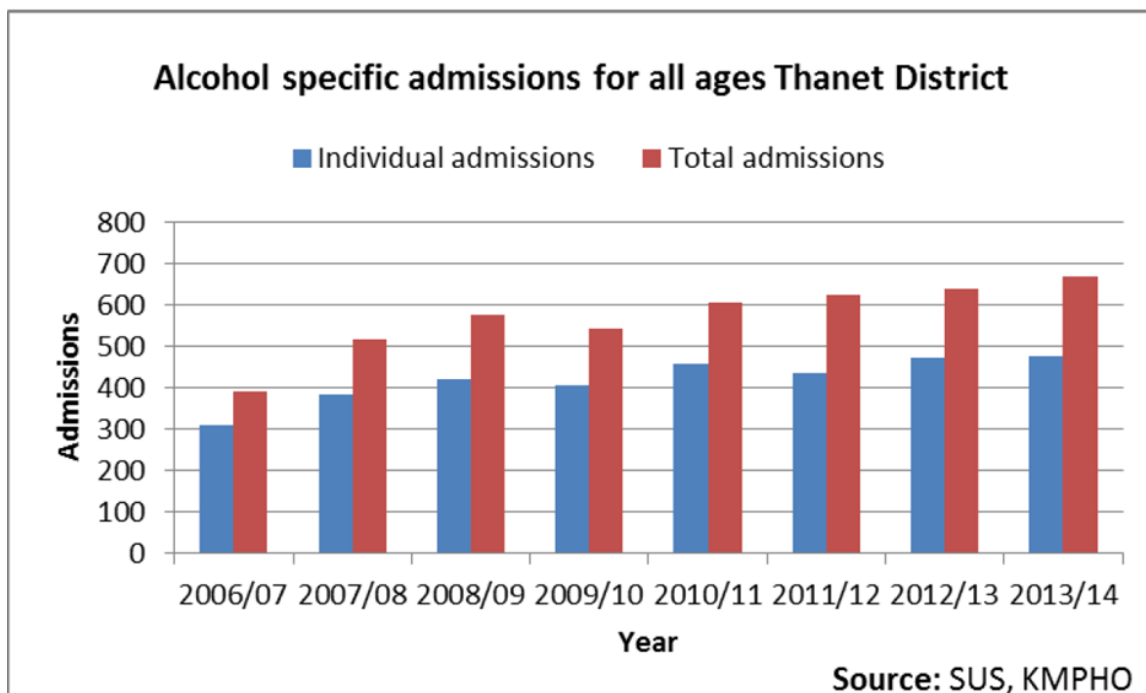


Source: LAPE 2014

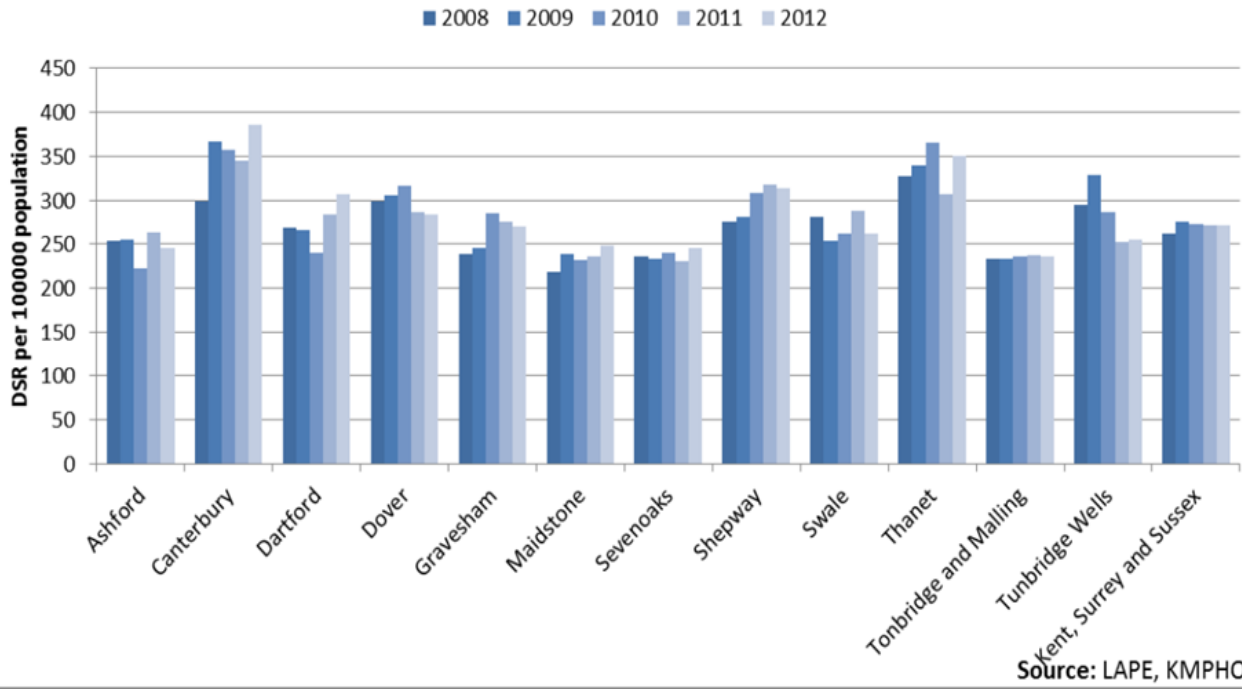
Available at: <http://www.lape.org.uk/>

2.4 Thanet Alcohol Hospital Admissions

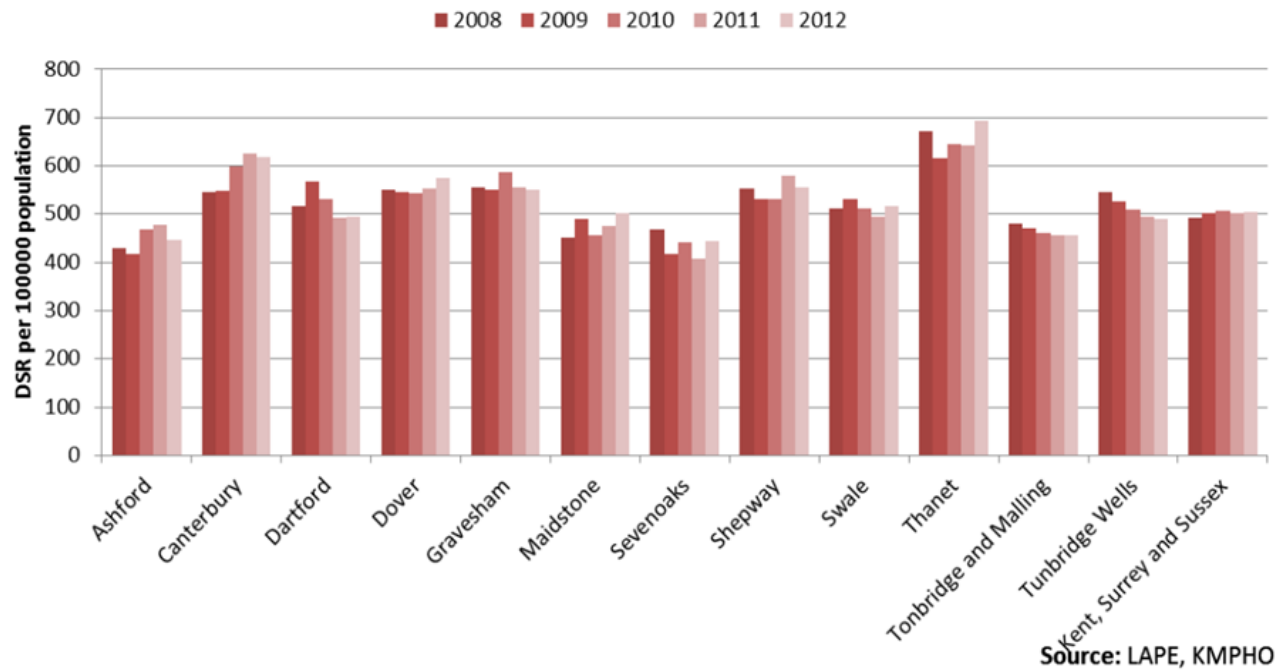
Source: Kent Public Health



Alcohol related hospital admission - females

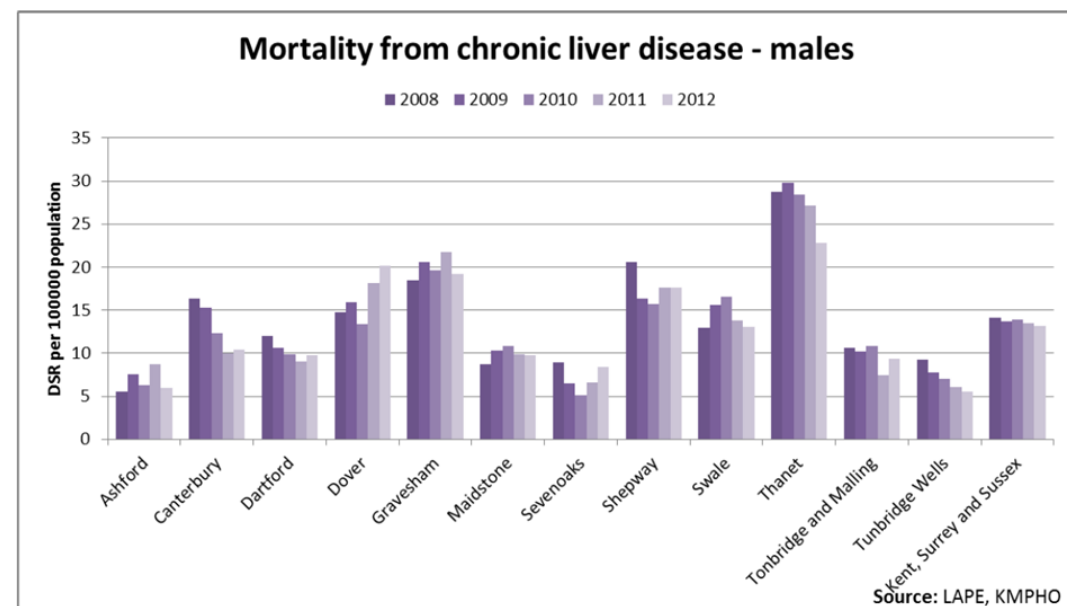
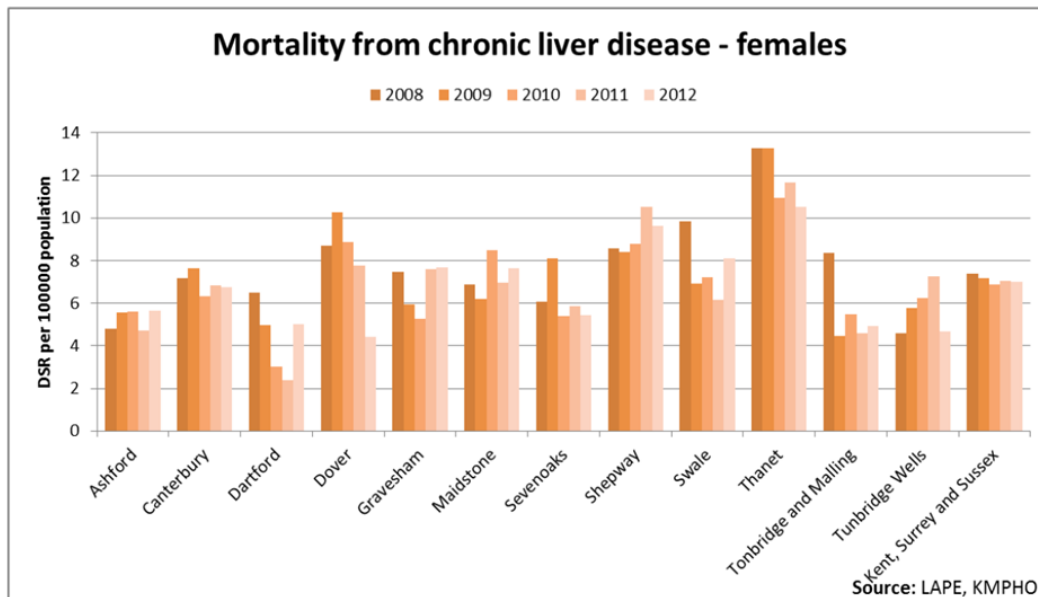
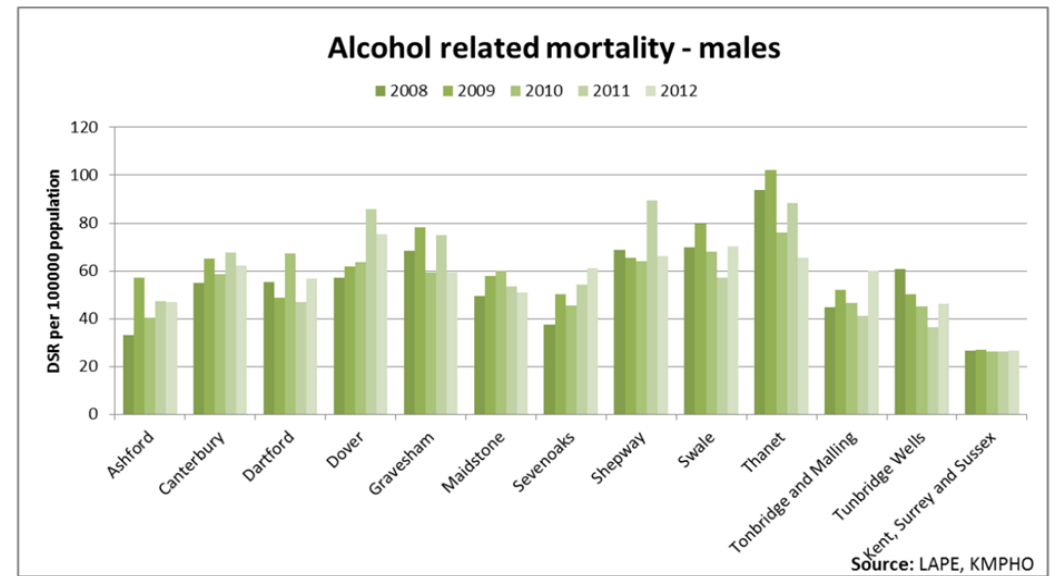
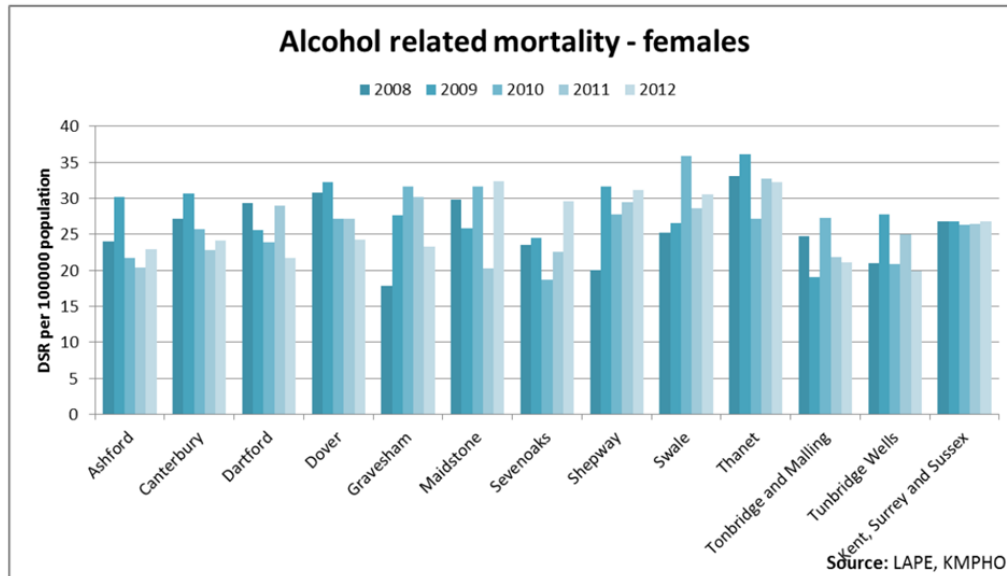


Alcohol related hospital admission - males



2.5 Alcohol related mortality by gender - Thanet

Source: Kent Public Health



Appendix 3

Enforcement

It is proposed that this order gives discretion and flexibility to officers to exercise enforcement of these provisions where it is believed to be having a detrimental effect and capable of causing harassment, alarm and distress on those in the locality.

Failure, without reasonable excuse, to comply with the prohibitions or requirements imposed by this Order is a summary offence under section 67 of the Anti-social Behaviour, Crime and Policing Act, 2014.

A person guilty of an offence under Section 67 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A constable or an authorised person may, under Section 68 of the Act, issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 in relation to this Order.

If the fixed penalty notice is paid within its required timescale no further action will be taken. Failure to pay within this time may result in a prosecution for the breach of the order.

Authorised persons:

- Any council officer or appointed agent acting on behalf of the Thanet District Council, will be authorised to be able to undertake enforcement of this order.
- Where resources are available this order can also be enforced by Kent Police Constables and Police Community Support Officers.

Consultation

Public Spaces Protection Order (Thanet District Council) 2017 No. 2 (Alcohol control)

It is proposed that this Public Spaces Protection Order would cover:

Alcohol control in a public place when contributory to Anti Social Behaviour

Namely, all persons are prohibited from consuming alcohol and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person, **when** it is believed that they are either committing or likely to commit Anti-Social Behaviour in a public place.

An authorised person can require any person:

- To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
- To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol.

Any comments or objections:

I am aware of Thanet District Council's proposal for a Public Space Protection Order under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 to deal with reducing anti-social behaviour being committed in a public place. I confirm that I have been consulted on the proposed Public Space Protection Order and the contents within. I am aware that a great deal of police time and resources are used to deal with alcohol related anti-social behaviour within the Thanet area which clearly has a detrimental effect on the quality of life for those in the local community. Therefore, I would fully support the making of this order and will assist where appropriate, as the Local Authority remain the lead agency in the enforcement of such an order."

I certify that I have been consulted by Thanet District Council in connection with the application for a Public Spaces Protection Order and (where relevant) agree to contribute to the enforcement of such an order.

Signature: Sharon Adley

Print name: Chief Inspector Sharon Adley

Position held and agency: Thanet District Commander

Date: 8/9/17

Summary of wider feedback

In the initial consultation period, statutory stakeholders, Kent Police and the Police and Crime Commissioner were consulted and had no objections to the proposals.

A wider opportunity to comment on the proposals was held from 12 September until 03 October 2017 requesting feedback from the public. Response's were generally in support of the proposals and felt that further enforcement was needed regarding alcohol control. Feedback specifically stated they felt the additional measures were 'needed' and were 'at long last'

Two representations were made requesting that the geographical boundary be extended to include Plum Pudding Island to the West of Minnis Bay and to incorporate Monkton and Acol as rural areas that had previously experienced alcohol related nuisance, however currently crime and ASB volumes do not substantiate this and no complaints recorded in recent years. The proposed boundary was therefore not amended.

Appendix 5



Jessica Bailey
Community Safety Manager
Thanet District Council
PO Box 9
Cecil Street
Margate
Kent CT9 1XZ

Date: 9 October 2017
Ref: OPCC/MS/IOR/956/17

Dear Jessica

Re: Proposed Public Space Protection Order - Thanet

Thank you for your letter concerning the proposed Public Space Protection Order (PSPO) for alcohol control in the urban areas of Thanet. I note that public consultation was due to run in September 2017. I appreciate the detail that you have provided and I subsequently asked my office to make contact with the Thanet District Commander seeking their views and potential involvement.

Following a favourable update from the District Commander, and confirmation of minimal impact on policing resources I am happy to provide my support to the proposed orders in Thanet.

I look forward to hearing an update on the orders in the future.

Yours sincerely

Matthew Scott
Kent Police & Crime Commissioner