

# Extension to the Alcohol Public Space Protection Order

Extraordinary Overview  
& Scrutiny Panel

**24th October 2023**

Report Author

**Jo-Anna Taylor, Community Services Manager**

Portfolio Holder

**Cllr Keen, Cabinet Member for Neighbourhoods**

Status

**For Recommendation**

Classification:

**Unrestricted**

Key Decision

**Yes**

Reasons for Key

**Significant effect on communities**

Ward:

**All wards**

## Executive Summary:

The purpose of this report is to recommend that the Council exercises its powers as contained within the Anti Social Behaviour Crime & Policing Act 2014 to extend the current Alcohol PSPO for a further 9 months. This extension of 9 months will bring the expiry of the alcohol PSPO into alignment with the Anti Social behaviour PSPO which will expire on 31st July 2024, at which point a combined ASB and Alcohol PSPO will be applied for.

## Recommendation(s):

Members of the Overview and Scrutiny Panel are asked to;

1. Note and scrutinise the report and consider any representations to Cabinet in advance of its meeting on 16th November 2023.

## Corporate Implications

### Financial and Value for Money:

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.

### Legal:

Section 59(1) of the Act empowers local authorities to make a PSPO if they are satisfied, on reasonable grounds, that any activity carried out or which is likely to be carried out in a public space within their area:

- has had, or is 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;
- justifies the restrictions imposed

Section 59(5) of the Act provides that the only prohibitions or requirements that may be imposed are reasonable to impose in order-

- To prevent the detrimental effect referred to above from continuing, occurring or reoccurring; or
- To reduce the detrimental effect or to reduce the risk of its continuance, the occurrence of reoccurrence

Section 59(8) of the Act requires that a PSPO must be published in accordance with regulations made by the Secretary of State. Section 60 of the Act provides that a PSPO may not have an effect for a period of more than 3 years unless extended.

Section 61(4) of the Act provides that a PSPO may be discharged by the local authority that made it. Section 61(6) of the Act provides that where a PSPO is discharged, a notice identifying the PSPO and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.

Section 72 of the Act requires that, in extending or varying a PSPO, the local authority must consult with –

- the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- whatever community representatives the local authority thinks it appropriate to consult;
- the owner or occupier of land within the restricted area

### **Risk Management:**

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

The issue of 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 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 FPN is either believed incorrect or issued in error.

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.

The continuation of this PSPO reduces risk of negative behaviour, including anti-social behaviour, associated with the consumption of alcohol.

### **Corporate**

The recommendations support The Council's Core Business Objectives in the following areas:

- 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.

## **Equality Act 2010 & Public Sector Equality Duty**

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.

## **Corporate Priorities**

This report relates to the following corporate priorities: -

- Growth: Open spaces, free from alcohol related negative behaviour support the growth of the area, attracting positive behaviour from residents and visitors.
- Environment: Protect and enhance where possible our parks, beaches and open spaces for the benefit of current and future residents.
- 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 behaviour.

## **1.0 Introduction and Background**

1.1 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.

1.2 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.

## **2.0 The current situation**

The current alcohol PSPO is due to expire on the 15th November 2023.

2.1 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.

2.2 The council continues to receive a number of complaints around alcohol behaviour.

2.3 Representatives from Kent Police have been consulted with and have agreed the rationale for the extension.

2.4 We are recommending that the PSPO will continue unchanged for the next 9 months and that the authority to approve any further minor amendments to the order be delegated to the chief executive.

### **3.0 Options**

3.1 Consider any representations to Cabinet in advance of its meeting on 16th November 2023 in relation to the recommendations going to Cabinet which are as detailed below:

1. That the Current PSPO is extended for a further 9 months, to 30th July 2024;
2. To delegate any minor amendment of the PSPO to the Chief Executive.

Contact Officer: Jo-Anna Taylor (Community Services Manager)

Reporting to: Penny Button (Head of Neighbourhoods)

#### **Annex List**

Alcohol PSPO document

#### **Background Papers**

Current Web page

<https://www.thanet.gov.uk/info-pages/alcohol-pspo/>

#### **Corporate Consultation**

**Finance: Chris Petrou (Finance Officer)**

**Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)**