

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.

Report Author(s) Contact: Jo-Anna Taylor Community Services Manager

telephone: 01843 577910

email: jo-anna.taylor@thanet.gov.uk

Report Sign Off

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

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