

Anti-social Behaviour and Alcohol PSPO

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| Cabinet | 25th July 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):

Cabinet is asked to:

1. Agree that the two current PSPOs be combined and adopted for the period of three years to cover Thanet main towns (Margate, Birchington, Ramsgate, Broadstairs);
2. To delegate any minor amendments and extensions of the PSPO to the Chief Executive.

1. Summary of Reasons

- 1.1 Thanet District Council should combine the current Alcohol and Anti-social Public Space Protection Order, which addresses many issues and community concerns. Both the Alcohol PSPO and Anti-social Behaviour PSPO have had a positive impact on the community and the district.
- 1.2 However, there are still ongoing concerns and issues around this, therefore combining and extending the PSPO's would allow authorised officers to educate and enforce the PSPO to help have some control over the concerns and issues that are embedded within it. This will allow a further reduction in anti-social behaviour, and prevent previous issues returning.

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.
- 2.5 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.
- 2.6 Representatives from Kent Police have been consulted with and have agreed the rationale for the extension.
- 2.7 We are recommending that both the Anti-social Behaviour PSPO and the Alcohol PSPO will become combined, and for the PSPO to cover the main towns within the district (Margate, Birchington, Ramsgate, Broadstairs) 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**

- 4.1 The Overview and Scrutiny Panel considered this report at its meeting on 16th July 2024 and made the following recommendation, that:

"The Panel had concerns about resources for enforcing the PSPO and justifying enforcement without adequate resources."

5. **Alternative Options**

Cabinet could agree either of the following alternative options:

1. That the two current PSPOs are combined and adopted for the period of three years to cover Thanet district and

2. To delegate any minor amendments and extensions of the PSPO to the Chief Executive or;
3. To not combine the Anti-social Behaviour and Alcohol PSPO
4. To not extend the PSPOs beyond 31st July 2024

6. Consultation

6.1 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 support extending the PSPO (Public Spaces Protection Order) area, reflecting a community desire for broader enforcement of these rules.

7. Corporate Implications

7.1 Finance and Resources

- 7.1.1 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.
- 7.1.2 There may potentially be future legal costs for enforcement of breaches via court process however this will also be covered within the existing budgets.
- 7.1.3 OSP recommended to Cabinet that "the Panel had concerns about resources for enforcing the PSPO and justifying enforcement without adequate resources." Due to the focussed nature of the activity, officers remain of the view that all costs associated

with the management of the PSPO can be contained within existing approved budgets.

7.2 Legal and Constitutional

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 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.
- 7.2.4 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.
- 7.2.5 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.
- 7.2.6 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.

7.3 Council Policies and Priorities

7.3.1 **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.

7.4 Risk

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

7.4.2 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.

7.4.3 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.

7.4.4 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.

7.4.5 The Council's in-house legal team have reviewed the PSPO and are satisfied that it complies with the requirement of the legislation set out above.

7.5 Climate Change and Biodiversity

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

8. Equality, Equity and Diversity Implications

8.1 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.

8.2 An equalities impact assessment has been completed in relation to this decision sought in this report and this is attached at Annex 3.

9. Crime and Disorder Implications and Community impact

9.1 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.

9.2 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.

10. Subject History

10.1 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

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