

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Public Spaces Protection Order (PSPO) – Huntingdon Town Centre Request for approval to apply the Order
Meeting/Date:	Licensing and Protection Panel -
Executive Portfolio:	Cllr Tom Sanderson, Executive Councillor for Strategic Economic Development and Legal
Report by:	Chris Stopford, Head of Community
Ward(s) affected:	Huntingdon East

Executive Summary:

The Anti-Social Behaviour, Crime and Policing Act 2014 received Royal Assent on 13th March 2014. The Act introduced Public Spaces Protection Order (PSPO) as a replacement to Designated Public Place Orders (DPPO). Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

Over the last 12 months, an increasing number of complaints have been received by Cambridgeshire Constabulary, Huntingdonshire District Council and BID Huntingdon about a small number of individuals' street drinking in and around the Town Centre of Huntingdon. The reports are in relation to the group consuming large quantities of alcohol leading them to act in an intimidating manner consisting of them urinating in public, shouting, swearing and fighting, begging and trespassing. These incidents are occurring on a daily basis in locations that are visible and utilised by members of the public including the bus station, church gardens, public benches and the Town park. In response to the issue of street drinking a request has been made to Huntingdonshire District Council to apply a Public Spaces Protection Order to Huntingdon Town Centre, defined as the area inside the ring road. Under the legislation, it is Local Authorities that issue PSPOs after consultation with the Police and Crime Commissioner, Chief Constable and other identified community groups.

The Local Authority can make a PSPO if they are satisfied on reasonable grounds that the activities carried out or likely to be carried out in the public space:

- Have had or are 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; and
- Justifies the restrictions imposed

A consultation proposing a PSPO for Huntingdon Town Centre has been carried out with the Police and Crime Commissioner, Chief Constable, identified relevant bodies, businesses and members of the public and full support has been received. The proposal is for a PSPO that better manages the consumption of alcohol and individual's behaviour as a result of consuming alcohol. If implemented, the PSPO would be enforced by Police Officers, Police Community Support Officers and designated Local Authority officers.

Recommendation(s):

1. Members approve the implementation of a Public Spaces Protection Order in Huntingdon Town Centre.
2. Members approve the following prohibitions within the Public Spaces Protection Order for Huntingdon Town Centre:
 - Persons not to be in possession of open containers of alcohol in the area covered by the PSPO; and
 - Persons acting in a manner that causes alarm, harassment or distress will be perceived as breaching the order

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1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 This report has two purposes, firstly to ensure the Panel is aware of the legislative changes relevant to them as a result of the commencement of the ASB, Crime and Policing 2014, mainly the repeal of the Designated Public Places Orders (DPPOs) which has been replaced by the Public Places Protection Order (PSPO). And secondly, to request support from the Panel to apply a PSPO to Huntingdon Town Centre to address the street drinkers and their anti-social behaviour.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 Over the last year, an increasing number of complaints have been received by Huntingdonshire District Council, Cambridgeshire Constabulary and BID Huntingdon about a small group of individuals who are street drinking in Huntingdon Town Centre. This group congregates on a daily basis in and around the Town Centre, consumes large quantities of alcohol which regularly leads to them acting in an anti-social manner. Their behaviour causes alarm, harassment and distress to those working, living and visiting the town and has led to certain areas being avoided so as not to have to come into contact with this group.
- 2.2 Between January 2014 and December 2014 inclusive, there have been 62 calls for service to the Police in relation to street drinking in Huntingdon Town Centre (Appendix 1). On most occasions the Police have not been able to enforce any action as an offence has not been committed. This means that this group and their behaviour is able to continue, significantly impacting the town. The Police have utilised powers where they are able to including enforcing against drunk and disorderly behaviour, begging and urinating in a public place.
- 2.3 The type of complaints and incidents reported varied between anti-social behaviour as a result of consuming alcohol, aggressive begging, urinating in public and use of foul and abusive language, all are behaviours that have significantly impacted those who witnessed them. A number of the incidents were reported by local residents affected by the street drinking behaviour as a result of these individuals congregating close to their homes. It is recognised that it is possible that incidents of street drinking are under-reported due to this behaviour being tolerated, fear of repercussions as well as not knowing who to report the incidents to as it is unclear as to whether an offence has been committed.
- 2.4 A request to apply a PSPO to the Huntingdon Town Centre to respond to issues of street drinking has been received by Huntingdonshire District Council from Cambridgeshire Constabulary. Under the ASB, Crime and Policing Act 2014, it is the Local Authority who issue PSPOs after consultation with identified relevant bodies. In response to this request, Huntingdonshire District Council commenced a 28 public consultation on 6th November 2014 to seek the communities' views on the proposed prohibitions of the PSPO, these being:
- Persons not to be in possession of open containers of alcohol in the area covered by the PSPO; and
 - Persons acting in a manner that causes alarm, harassment or distress will be perceived as breaching the order and dealt with accordingly

The legislation requires the Local Authority to consult with the Police and Crime Commissioner, the Chief Constable and recommends consultation with relevant bodies. Positive support for the PSPO has been received from both the Police

and Crime Commissioner and Chief Constable as well 8 emails, 1 letter, 2 Tweets and 3 photographs via the public consultation supporting the proposal. As well as consulting with members of the public, the following were contacted by letter advising them of the proposed PSPO and how they could comment:

- Huntingdon Town Council
- Huntingdonshire District Council Huntingdon East Ward Members
- Huntingdon Civic Society
- All licensed premises in the Huntingdon Town Centre area
- All business that make up BID Huntingdon
- Huntingdonshire Business Against Crime
- Cambridgeshire County Council

All comments that have been received have been of a supportive nature and we have not received any opposition to the proposed Order.

2.5 Should the Panel support the PSPO, the draft Order in line with requirements set by the Secretary of State would be published immediately with the official Order commencing shortly after. Once in place, the Order will be enforced by Police Officers, Police Community Support Officers and Council Officers who have delegated authority. A breach of the Order is a criminal offence and enforcement officers can choose to issue a fixed penalty notice (FPN) of £100 or proceed with a prosecution which could result in a level 3 fine (£1,000). Income obtained via the issuing of FPNs regardless of the issuing authority, will be awarded to Huntingdonshire District Council.

2.6 Also available under the ASB, Crime and Policing Act 2014 is the Dispersal Power. The Dispersal Power is a flexible power which the Police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to the local community. The Dispersal Power requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours. In an effort to reassure the community, the Dispersal Power was utilised in Huntingdon Town Centre on 18th November 2014 for 48 hours. Fortunately on this occasion the Police were not required to enforce the powers available to them.

3. OPTIONS CONSIDERED/ANALYSIS

3.1 Previously available under the Anti-Social Behaviour Act 2003, were Designated Public Places Orders (DPPOs). These orders specifically related to alcohol whereas PSPOs have been designed to be used more broadly to enable Local Authorities to combat multiple issues. In Huntingdonshire we have evidence of where DPPOs have been trialled and been successful. There are two DPPO areas in St Ives, both were introduced to try and address the street drinking culture that was present there. Both Orders have had significant success by stopping the regular street drinking and associated issues that occurred daily. In turn, the Order has reduced the need for the areas to be continuously 'policed' to address the issues and has significantly improved the communities' quality of life.

3.2 In relation to the street drinking in Huntingdon Town Centre, a number of approaches have been tried but have been unsuccessful in addressing the issues. Evidence suggests that if applied, the PSPO would have the desired effect and would combat street drinking in this area.

4. KEY IMPACTS/RISKS? HOW WILL THEY BE ADDRESSED?

- 4.1 If allowed to continue, this behaviour will further affect the local community and those working in and visiting the town and will leave the Police with very limited powers to act.
- 4.2 There is a risk that if the PSPO is applied then there will be a displacement of the street drinkers to outside the area covered by the Order. Should this happen then it will be managed by regular contact between the Police and the street drinkers to ensure that they congregate in appropriate locations. This concern was replicated with the introduction of the two DPPOs in St Ives but evidence confirms that displacement of the street drinkers was not an issue.

5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 5.1 The request for the Local Authority to apply a PSPO to Huntingdon Town Centre was received at the time that the ASB, Crime and Policing Act 2014 received royal assent in October 2014 and the power became available for use. The 28 day consultation period commenced on 6th November 2014 and has now closed. All responses received, including from the two statutory consultees were positive. On receiving approval of the Order from the Licencing and Protection Panel, the draft Order will be published in accordance with regulations published by the Secretary of State, this being:

- Publish the Public Spaces Protection Order as made, on the Huntingdonshire District Council website.

The final set of prohibitions that forms the Order will then be published in accordance with regulations made by the Secretary of State (published on Huntingdonshire District Council website) and will:

- Identify the activities having the detrimental effect;
- Explain the potential sanctions available on breach; and
- Specify the period for which the PSPO has effect

- 5.2 The PSPO for Huntingdon Town Centre will remain in place for 3 years from the date of commencement. Under the legislation there is the flexibility to vary the terms of the Order if a new issue arises in the area where the Order is in force.
- 5.3 As well as varying the PSPO, the Council can also seek to discharge it at any time.

6. LINK TO THE CORPORATE DIRECTION

- 6.1 The Council Corporate Priorities contained within the Corporate Plan 2014 – 16 clearly indicate the Local Authority's intent to create safer, stronger and more resilient communities. If applied, this power will work alongside this priority and ensure that by 'putting the victim first'; we can positively address issues of crime, disorder and anti-social behaviour.

7. CONSULTATION

- 7.1 A requirement of the legislation to create a Public Spaces Protection Order is that the Local Authority consults with the Police and Crime Commissioner, Chief Constable and relevant bodies. This requirement has been fulfilled and positive support for the Order has been received.

8. LEGAL IMPLICATIONS

8.1 The use of PSPO requires the consideration of the evidential test as defined in the ASB, Crime and Policing Act 2014, this being behaviour being restricted has to:

- Be having, or likely to have, a detrimental effect on the quality of life of those in the locality;
- Be persistent or continuing in nature; and
- Be unreasonable

Appeals or challenges to the use of the PSPO power can be made as follows:

- Anyone who lives in or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue.
- Further appeal is available each time the PSPO is varied by the Council.

9. RESOURCE IMPLICATIONS

9.1 The PSPO available under the ASB, Crime and Policing Act 2014 replaces the DPPO that was previously available under the ASB Act 2003 for which existing delegations and resources exist.

9.2 A breach of a Public Spaces Protection Order can be dealt with by means of a Fixed Penalty Notice (FPN) up to £100. Income achieved via the use of FPNs is payable to the Local Authority regardless of who issues them (Police Officers, PCSOs, Council Officers).

10 REASONS FOR THE RECOMMENDED DECISIONS

10.1 The introduction of the PSPO to Huntingdon Town Centre represents an opportunity to put the victim of anti-social behaviour first and reassure the community that the issues that they are experiencing are being taken seriously. The Order will enable enforcing officers to have more power to deal with street drinking issues and persistent individuals who have blighted the area for over 12 months. If adopted, Huntingdonshire would be the first Local Authority in Cambridgeshire to utilise the PSPO demonstrating that we are adhering to our Corporate Priorities of creating safer, stronger and more resilient communities.

13. LIST OF APPENDICES INCLUDED

Appendix 1 – Consultation Letter

Appendix 2 – Map detailing proposed PSPO area

BACKGROUND PAPERS

- The Anti-Social Behaviour, Crime and Policing Act 2014
- Anti-Social behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers – Statutory guidance for frontline professionals, July 2014
- Anti-Social behaviour, Crime and Policing Act 2014 – Public Spaces Protection Orders – a replacement of Designated Public Places Orders (Report to Licensing and Protection Panel dated 6th November 2014)
- Anti-Social Behaviour, Crime and Policing Act 2014 – Changes to the Anti-Social behaviour Legislation previously available under the Anti-Social

behaviour Act 2003 (Report to Overview and Scrutiny Panel Social Wellbeing –
2nd December 2014 and Cabinet – 11th December 2014)

- Huntingdonshire District Council Corporate Plan 2014 - 16

CONTACT OFFICER

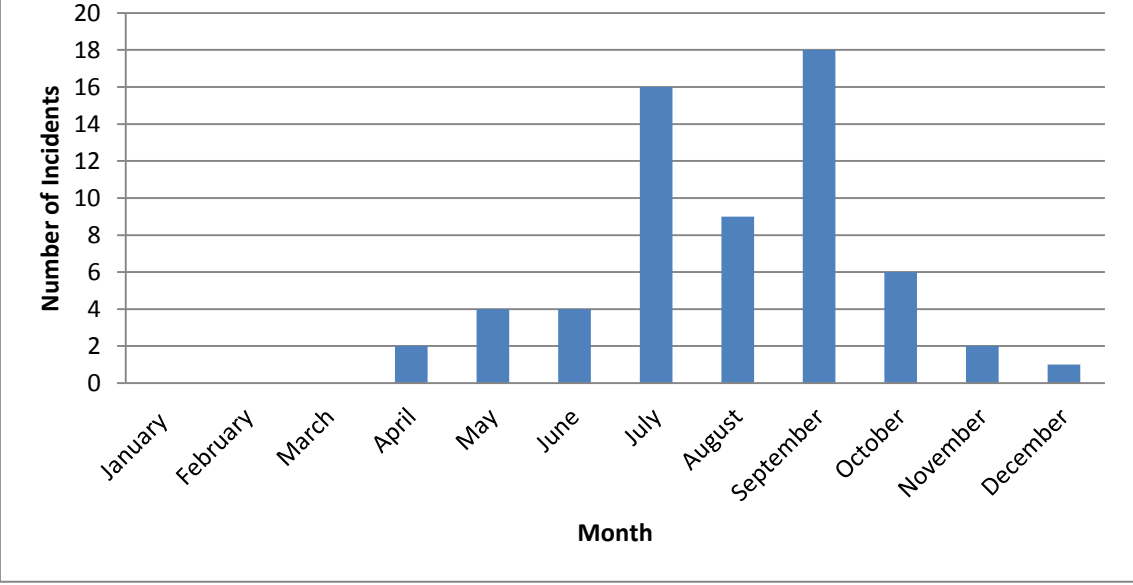
Chris Stopford

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Number of Police Recorded Incidents of Street Drinking (Jan to Dec 2014)





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Dear Sir/Madam

Consultation on proposal for a 'Public Space Protection Order' Huntingdon Town Centre

Following numerous complaints about public drinking and alcohol related disorder and nuisance in and around Huntingdon Town Centre, Huntingdonshire District Council is proposing applying a 'Public Space Protection Order' to this area. This is in accordance with Chapter 2, Section 59 of the Anti-Social Behaviour Crime and Policing Act 2014. Overleaf is a map showing the proposed area for designation.

A 'Public Spaces Protection Order' (PSPO) allows a Police Officer, Police Community Support Officer or designated Local Authority Officer to control the consumption of alcohol in the designated Public Place. If they believe that someone is consuming alcohol or intends to consume alcohol or is acting in an anti-social manner as a result of consuming alcohol they can require them to stop or confiscate the alcohol. Any person who fails to comply with the Officer's request may be issued with a Fixed Penalty Notice up to the sum of £100 or fined up to level 3 (£1,000) on prosecution. It is proposed that the following prohibitions are implemented:

- Persons not to be in possession of open containers of alcohol in the area covered by the PSPO; and
- Persons acting in a manner that causes alarm, harassment or distress as a result of consuming alcohol will be perceived as breaching the order

Huntingdonshire Community Safety Partnership has supported the proposal for a PSPO following a review of the evidence.

You are invited to put forward any views you have about the proposal for a PSPO by 5th December 2014 in writing to me at the above address or by email to mandi.brown@huntingdonshire.gov.uk. Please contact me by telephone on my direct line 01480 388390 if you have any questions.

Yours sincerely,

Mandi

Mandi Brown, Anti-social Behaviour Caseworker

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