

Cabinet Report



Listening Learning Leading

Report of Head of Housing and Environment

Author: Shona Ware (Legal and Community Safety Service Manager) and

Karen Brown (Community Safety Team Leader)

Telephone: Shona Ware - 01235 422188 / Karen Brown 01235 422592

E-mail: Shona.Ware@southandvale.gov.uk or

Karen.Brown@southandvale.gov.uk

Wards affected: Thame

Cabinet member responsible: Cllr Elizabeth Gillespie

Tel: 01865 341398

E-mail: Elizabeth.Gillespie@southoxon.gov.uk

To: CABINET

Date: Thursday 5 April 2018

Thame Public Spaces Protection Order

Recommendations

That Cabinet:

(a) approves the proposed Public Spaces Protection Order for Thame as set out in Appendix A for it to take effect from 1 May 2018 and

(b) instructs the Head of Housing and Environment to publish the order on the council's website and ensure the necessary signage is installed in the town to publicise the order.

Purpose of Report

1. To ask Cabinet to approve a Public Spaces Protection Order (PSPO) for the area of Thame as set out in Appendix A to this report. If approved, the order would come into effect on 1 May 2018.

Corporate Objectives

2. The creation of this order will contribute to the council's corporate priority 'building the local economy' by helping to:
 - maintain low levels of crime and anti-social behaviour
 - make Thame a place where people who live, work or visit the town feel safe.

3. In addition, the proposed PSPO will help the South and Vale Community Safety Partnership deliver against its objective to manage demand on services through working together.

Background

4. Thame is currently covered by a Designated Public Places Order (DPPO) which was put in place by the district council in 2009 to tackle anti-social behaviour relating to alcohol consumption in the town. Under the order, a police officer has the power to ask somebody to stop drinking alcohol or confiscate their alcohol if they are behaving (or are likely to behave) anti socially. If the person refuses to hand over the alcohol the Police officer can issue them with a fixed penalty notice (FPN).
5. Since October 2017, DPPOs have been converted to Public Spaces Protection Orders (PSPOs). This is a legal requirement as set out in the Anti-Social Behaviour, Crime and Policing Act 2014 and it is the responsibility of the district council to manage the process locally.
6. The new PSPO is similar to a DPPO but, in addition to alcohol related anti-social behaviour, it can include a wider range of offences to help address other local anti-social behaviour issues that are persistent and having a significant, detrimental impact on the community.

Purpose of the PSPO for Thame

7. The aim of the PSPO is to tackle alcohol related anti-social behaviour and stop groups of people causing alarm, distress, harassment or a nuisance in a public place to improve the quality of life of local residents and support a vibrant, safe town where people enjoy living, working and visiting.
8. The proposed order covers most of Thame, as outlined by the red lines on the map attached to the order (Appendix A) and would apply to people aged 16 and over.
9. The specific requirements in the proposed order give the police the power (in public places within the area covered by the order) to:
 - Ask somebody to stop drinking alcohol and/or confiscate alcohol. If the person refuses to comply, the police officer can issue a fixed penalty notice (FPN).
 - Issue somebody with an FPN if they are causing alarm, distress, harassment or a nuisance in a public place.
10. The proposed order is designed to tackle these problems that occur in numerous locations across Thame, should this problem cause displacement to other areas the PSPO will be reviewed. The police would be able to enforce the order at any time of the day or week to provide as much flexibility to address the issues as possible.
11. The Local Police Area (LPA) Commander for South Oxfordshire (Superintendent Rory Freeman) supports this proposed order. If approved, the police would enforce the order in a proportionate way and manage it within the resources available so as not to affect their response to genuine emergency situations.

How we drafted the order

12. The council's community safety team worked in partnership with a range of key stakeholders to consider if a) the alcohol related restriction from the DPPO was still required in Thame and b) if any additional requirements were needed to address other relevant ASB issues in the town. Stakeholders included the police, Thame Town Council and other council services such as Environmental Protection.
13. In summary, the stakeholder engagement confirmed that the existing requirement in the DPPO relating to alcohol and anti-social behaviour should be included in the PSPO. The other significant ASB issue that stakeholders were concerned about related to groups of people causing alarm, distress, harassment or a nuisance in a public place and causing some residents to feel intimidated.
14. We asked relevant partner agencies/council teams to provide us with evidence to support their request for groups of people causing anti-social behaviour to be added to the PSPO and their views on the age of residents the proposed PSPO should cover. Although the volume of reports to the police and other agencies about the issue is low, it is an issue impacting on residents that has proven very difficult to resolve due to its nature/the powers currently available to tackle it effectively.
15. Based on the feedback and evidence gathered from stakeholders and given the lack of suitable existing enforcement tools, we consider a PSPO to be the most effective way of tackling the following two issues in Thame:
 - Alcohol related anti-social behaviour in a public place
 - Anti-social behaviour causing alarm, distress, harassment or a nuisance in a public space.
16. In relation to the alcohol requirement, the order does not cover licensed premises and is not a total ban on drinking alcohol in Thame. It just makes it an offence if somebody doesn't comply with a police officer's request to stop drinking alcohol or hand over alcohol in the area covered by the PSPO. It is not intended to stop anyone from drinking sensibly. For example, if someone is drinking alcohol with a picnic by the riverside and not acting in an anti-social way, they would not be affected. People drinking alcohol responsibly outside licensed premises would also similarly not be affected.
17. We have worked with the council's Equalities Officer to carry out an Equality Impact Assessment on the proposed order to ensure we have considered the impact on different groups within the community and it didn't highlight any concerns or recommend any further action.
18. In proposing the order, we have given due regard to Article 10 (freedom of expression) and 11 (freedom of assembly and association) of the Humans Rights Act 1998 and framed the order to respect these rights.

Consultation on the draft PSPO

19. Although the statutory guidance relating to PSPOs states we only need to consult the Police and Crime Commissioner, the chief officer of police, relevant land owners (including the Highway Authority) and any community representatives we think

appropriate on the draft Order, we considered it best practice to give the wider local community the opportunity to give feedback.

20. We ran a four-week public consultation on the draft Order in October 2017, which we published on the council's website along with an explanation of what a PSPO is and our plans for Thame. We also included a set of Frequently Asked Questions and a survey to enable people to give their feedback on the draft order.

21. We contacted the following key stakeholders directly to alert them to the consultation:

- Thames Valley Police and Crime Commissioner
- TVP Chief Constable and LPA Commander
- South Portfolio Holder for Community Safety
- Thame district councillors
- Chair of South Scrutiny Committee
- Thame Town Council (clerk)
- All members of the South and Vale Community Safety Partnership.

22. We promoted the consultation through the press, which received positive coverage, a premium advert on Facebook, in In Focus and locally via the Thames Valley Police Alert service and at Lord William's School.

23. We received 241 responses to the consultation. Of these, 218 were from residents in Thame, eight from community/voluntary groups, three from local businesses and two from visitors to the area. Ten respondents did not disclose the capacity in which they were responding. The detailed results of the consultation are attached in Appendix B. In summary, the overall response to the consultation was very positive and demonstrated strong support for the proposed order from the local community:

- 87 per cent of respondents agreed/strongly agreed with the alcohol element of the order (six per cent said they disagreed/strongly disagreed)
- 92 per cent agreed/strongly agreed with stopping groups of people causing alarm, distress, harassment or a nuisance (six per cent said they disagreed/strongly disagreed)

24. Some respondents used this consultation as an opportunity to report their concerns regarding other community safety issues (e.g. drug use in the town centre). We passed this information onto the Neighbourhood Police Team who have existing powers to deal with this behaviour.

25. A small number of respondents (11) raised concerns about vehicle offences (e.g. to monitor speeding motorists and young people congregating round cars and playing loud music from cars). Having consulted with the neighbourhood team we have passed these reports to them for their intelligence. Should the situation change, and we receive further evidence of the problem we can amend the order.

26. Ten respondents asked for the PSPO area to be expanded (e.g. to cover the Southern road recreation ground, the skate park, Elms park, Lee Park Estate). The areas included in the PSPO are set out in Appendix A and include the town centre, the southern road recreational ground, the skate park and Elms park. We selected these areas as they have been the source of most reported anti-social behaviour. If any evidence comes to light of group anti-social behaviour in the Lee Park Estate and other areas, we can review the PSPO and amend the area it covers.
27. We also asked participants for their views on the age restriction for the PSPO and gave three options: '16+, 18+' or other'. Over half the respondents were in favour of the lower age limit. As the punishment for breaching a condition outlined in the PSPO is a Fixed Penalty Notice of £100, the district council and the police have decided not to issue any Fixed Penalty Notices to people under 16 as these individuals cannot be expected to have a source of income with which to pay any fines. The district council would not seek to recover any costs or initiate court proceedings for people under 16. Furthermore, the district council does not want to see under 16s disproportionately penalised within the criminal justice system for failing to pay their fine. The neighbourhood police team will be provided with guide lines on the enforcement of the PSPO and will continue to work with agencies and parents to address this type of behaviour. With regard to drinking alcohol in public, the PSPO does not specifically target people of any particular age however, it should be noted that the police already have powers to confiscate alcohol from people under 18 who are consuming alcohol in a public space. The Community Safety Team will monitor the number of Fixed Penalty Notices issued at the monthly Joint Tasking Meetings.
28. Taking into consideration all the consultation feedback, we have not made any changes to the draft order.

Options

29. Option 1 – Cabinet approves the proposed Public Spaces Protection Order for Thame (Appendix A)
30. Option 2 – Cabinet requests changes to the proposed PSPO and we carry out a further round of public consultation on those changes before bringing the order back to Cabinet for considering at a later date.
31. Option 3 – Cabinet rejects the proposed PSPO and the existing DPPO automatically converts to a PSPO (**alcohol requirement only**) for three years.
32. Option 4 – Cabinet rejects the proposed PSPO and when the existing DPPO converts to a PSPO (alcohol requirement only) asks for the PSPO to be discharged immediately.

Financial Implications

33. The only financial cost to the council for introducing this order would be for signage in the town to publicise the order. We anticipate needing approximately 40 metal signs/stickers at relevant locations within the town, which would cost between £500 and £1,000 to purchase and a similar amount to install. The South and Vale Community Safety Partnership (CSP) has agreed to fund the signs and we have sufficient in existing budgets to pay for their installation.

Legal Implications

34. Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 gives local authorities the powers to create PSPOs to tackle Anti-Social Behaviour in public spaces.

Risks

35. Once a PSPO has been made, any person who lives in the area covered by the order (or who regularly works in or visits that area) may apply to the High Court to question the validity of the order on the grounds that the local authority did not have the power to make the order, or to include/impose particular prohibitions or requirements in the order, or that it did not comply with a requirement of the Act in making the order. The High Court must receive an application within six weeks of the order being made.
36. Without a PSPO in place, there is a risk that alcohol related ASB and vehicle related noise nuisance will continue and potentially escalate as the police will be unable to effectively address the issues. This would have a detrimental impact on the local community.
37. Given the positive feedback we received from both stakeholders and the public about the proposed order, there is a risk to the reputation of the council if we don't progress the order as we may be seen to be disengaged from the needs of the community and not proactively delivering against our commitment to maintain low levels of crime and anti-social behaviour.

Other implications

38. We have not identified any implications in addition to those we have already highlighted in the body of this report.

Conclusion

39. In summary, the proposed Public Spaces Protection Order for Thame will help:

- a. support the police in continuing to tackle alcohol related ASB in public places around the town
- b. provide the police with an effective tool to tackle groups of people causing alarm, distress, harassment or a nuisance
- c. demonstrate that anti-social drinking and anti-social behaviour is not acceptable and will not be tolerated in Thame's public places
- d. residents, businesses and visitors to feel safe in the town
- e. protect the economic viability of the town.

Background Papers

- Appendix A – Proposed Public Spaces Protection Order for Thame
- Appendix B – Public consultation summary