



North Devon Council

Decision Requested: Ilfracombe Public Space Protection Order - Consultation

Decision requested by decision maker: To approve a public consultation for a maximum of 6 weeks and a minimum of 3 weeks, on extension of the Public Space Protection Order (PSPO), at Ilfracombe; to include Wildersmouth Beach, The Harbour, Cheyne Beach and The Caen.

1. BACKGROUND / REASONS FOR THE DECISION REQUEST

1.1. The Council is aware of a series of events concerning street drinkers and their associated anti-social behaviour around Wildermouth Beach. It has become apparent that those responsible are aware the beach area lays outside the current designated PSPO area.

1.2. The current PSPO made under Section 59 of the Anti-Social, Crime and Policing Act 2014 requires:

A:

The terms of the order are that any person within the Restricted Areas, whilst in a street or any other public place to which the public have access without payment, shall:

- A. Surrender any intoxicating substance in their possession to an authorised person when requested to do so by that **authorised person, if:
 - (a) They are found to be ingesting, inhaling, injecting, smoking or otherwise using an intoxicating substance or substances; or
 - They are in possession of such *intoxicating substance or substances with the intent of using such intoxicating substance within this area; or
 - The authorised person has reasonable grounds to believe that such person is using or intends to use the intoxicating substance or substances within the said area.

D:

- Not behave (either individually or in a group of two or more people) in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour.

- *Intoxicating Substance is given the following definition (which includes alcohol and 'new psychoactive substances' i.e. substances with the capacity to stimulate or depress the central nervous system).
- ** An authorised person shall be a Police Constable, Police Community Support Officer or authorised North Devon District Council Officer, who must be able to present their authority upon request.

1.3. Given the offenders knowledge of areas it is likely that they could move to alternative similar locations nearby. It is therefore appropriate to include other likely impacted areas of Harbour Beach, Caen and Cheyne Beach.

1.4. The teams continue to try and engage with those responsible and seek compliance but so date this has been unsuccessful, with the anti-social behaviour and fears of the public and local residents increasing.

1.5. The impact of the street drinking and associate behaviour has a negative effect on the look and feel of place, as well as the implications to tourism and the local economy.

1.6. There are an increasing an emerging issues in terms of complaints and anti-social activity, which are reasonably expected to increase as the weather is improving. An urgent decision is required so that the consultation can be completed and consideration given to extending the PSPO area.

1.7. In order to satisfy the requirements of the Act it is important that the Council consults stakeholders on the proposed changes to the PSPO. Three weeks has been considered as reasonable in order to allow stakeholders time to make representations.

1.8. Due to the timing of the consultation the results would not be published prior to the general election on the 4 July 2024.

2. FINANCIAL IMPLICATIONS:

2.1. None

3. ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED?

3.1. Other anti-social behaviour tools have been considered but these are not sufficiently robust and would generally be levelled at individuals, which are less effective than using PSPO.

4. ANY CONFLICT OF INTEREST DECLARED?

4.1. None

5. DISPENSATION IF GRANTED

5.1. Not required



6. BACKGROUND PAPERS

The following background papers were used in the preparation of this request
(The background papers are available for inspection and kept by the author):

6.1. Public Space Protection Order December 2023

7. CONSULTATION UNDERTAKEN :

7.1 Councillors : Councillor Ian Roome, Councillor David Clayton, Councillor Paul Crabb, Councillor Malcolm Prowse, Councillor Sara Wilson, Councillor Daniel Turton, Councillor June Williams, Councillor Jonathan Quinn

8. OFFICER REQUESTING DECISION TO BE TAKEN: Darren Hale, Lead Environmental Health Officer (Environmental Protection and Built Environment)

9. NAME OF DECISION MAKER: Ken Miles: Chief Executive

10. DATE DECISION TAKEN:

11. APPROVED BY DECISION MAKER: Yes / No (*Please delete as appropriate)

12. DECISION MAKER'S COMMENTS: