



## North Devon Council

Report Date: Wednesday, 17 July 2024

Topic: Ilfracombe Public Space Protection Order - extension

Report by: Darren Hale, Lead Environmental Health Officer Environmental Protection

### 1. INTRODUCTION

1.1. The Council is aware of a series of continuing and escalating events concerning people with substance use and disorders, with their associated anti-social behaviour around Wildermouth Beach. It has become apparent that those responsible are aware that this beach area lays outside the current designated Public Space Protection Order (PSPO) area, which restricts any action to curb their behaviour.

1.2. The current PSPO, made under Section 59 of the Anti-Social, Crime and Policing Act 2014 that was approved by Members in July 2023 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:*

- *Surrender any intoxicating substance in their possession to an authorised person when requested to do so by that \*\*authorised person, if:  
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 PSPO areas it is likely that they could move to alternative similar locations nearby other than Wildermouth Beach if this is the only additional area considered to be added to the PSPO. It is therefore appropriate to include other likely impacted beach areas of Harbour Beach and Cheyne Beach.

## 2. RECOMMENDATIONS

2.1. Member approve the extension of the Ilfracombe Public Space Protection Order to include Wildermouth Beach, Harbour Beach and Cheyne Beach.

2.2. To consider the outcomes of the Equality Impact Assessment as summarised in paragraph 6 of the report. See appendix 2.

## 3. REASONS FOR RECOMMENDATIONS

3.1. The impact of the anti-social behaviour associated with substance abuse has a significant detrimental affect the sense of place, the quality of life local residents and visitors to Ilfracombe, as well as raising fears of safety and the perception of lawlessness.

3.2. The consultation on the extension to include the beaches received a high level of support. A number of bodies and individuals expressed concerns on the lack of support provided for those with addiction problems, which we recognise and the Council continue to work with those support agencies and housing providers to improve their work and avoid merely pushing the problem elsewhere in the town as a consequence of this decision.

## 4. REPORT

4.1. The reasoning behind the beach areas being excluded from the PSPO in July 2023 is unclear. It has become evident that the offender's knowledge of areas and the associated PSPO was the reason to move to these areas, as in close proximity to previous areas where they tended to gather. It is therefore appropriate to include other likely impacted areas of Wildermouth, Harbour Beach and Cheyne Beach.

4.2. The Police, Council teams and support organisations continue to try and engage with those responsible and seek compliance but so date this has had limited success, with the anti-social behaviour and fears of the public and local residents increasing, which is likely to further increase in warmer summer weather.

- 4.3. The impact of the street drinking and/or drug taking and its associated behaviour has a negative effect on the look and feel of place, as well as the implications to tourism and the local economy. Therefore action to curtail anti-social behaviour and street drinking is essential to maintain public confidence, with a PSPO extension being reasonable and proportionate.
- 4.4. An urgent decision was approved by the Chief Executive on 13<sup>th</sup> June 2024 to ensure that a timely consultation can be completed and consideration given to extending the PSPO area.
- 4.5. A public consultation commenced on the 17<sup>th</sup> June 2024 for a three week period until the 8<sup>th</sup> of July 2024. Online, leaflets and physical forms were made available at The Ilfracombe Centre, Lynton House and the Armory Centre.
- 4.6. The results of the consultation have shown an overwhelming support for including the beach areas in the PSPO. It is noted that some organisations and individuals felt that the Council should offer more support and not restrict the areas that could just push the problem elsewhere in the town. (See Appendix 1 consultation response analysis).
- 4.7. The risk of further dispersing is acknowledged, which will require additional monitoring. However, guidance suggests that PSPO areas should not be widespread and as narrow as possible. The Council cannot continue extending the area to drive out the associated anti-social behaviour but the beach areas are a community space enjoyed by locals and visitors alike, so are a priority area to restrict this behaviour.

## 5. RESOURCE IMPLICATIONS

- 5.1. The enforcement of the PSPO will be carried out within existing resources. The street marshals do not currently have powers to enforce the PSPO in Ilfracombe but extending this power to them will be considered. At present it is hoped that the street marshals will be able to engage and encourage compliance without the need for these further powers. The marshals will be able to call of other officers to assist in tackling persistent on compliance.

## 6. EQUALITIES ASSESSMENT

- 6.1. The proposed extension of the current PSPO would not adversely impact any groups with protected characteristics as these were also considered as part of the original PSPO throughout Ilfracombe. The proposed extension would



not greatly alter the current impact on any groups but consideration given to those with a disability (see Appendix 4).

6.2. The more elderly may receive some positive benefit as they are more likely to be intimidated by anti-social behaviour and fearful of actions of the individuals concerned but this could also benefit anyone who perceives themselves to be intimidated.

## 7. ENVIRONMENTAL ASSESSMENT

7.1. None required as no environmental impact in terms of the assessment.

## 8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

- Pride of Place and Prosperity – the enhance PSPO will improve the quality of life for residents and visitors by making Ilfracombe more attractive, vibrant and successful.

## 9. CONSTITUTIONAL CONTEXT

9.1. The decision in respect of the recommendations in this report can be made pursuant to Part 2, Article 4.5.13 of the Constitution.

9.2. Not used

## 10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report:  
Consultation Responses

## 12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Simon Fuller (Senior Solicitor and Monitoring Officer and Nina Lake (Head of PMO, Housing and Health)