

REPORT TO: STRATEGY AND RESOURCES COMMITTEE

Date: 13 November 2020

TOPIC: PUBLIC SPACES PROTECTION ORDERS

REPORT BY: TIM BIRTWISLE, COMMUNITY PROTECTION OFFICER

1 INTRODUCTION

1.1 In October 2014 the Anti-Social Behaviour Crime and Policing Act 2014 (The Act) was brought into force – giving Local Authorities and the Police more effective powers to deal with Anti-Social Behaviour (ASB).

1.2 Under this act, The Council has additional powers available to better address Anti-Social Behaviour

1.3 The Council is aware of the level of concern of some aspects of the community in relation to the behaviour that an updated order could address.

1.4 The current arrangements (as summarised in section 4.1 and 4.2 of this report) need to be amended to enable The Council to proactively manage ASB associated with these areas more effectively.

2 RECOMMENDATIONS

2.1 It is recommended that The Strategy and Resources Committee approve the findings of the consultation and proceed to Full Council for adoption.

3 REASONS FOR RECOMMENDATIONS

3.1 To enable The Council to proactively manage ASB associated with street based behaviour

3.2 To bring the Council up to date in its arrangements under the Act

4 REPORT

4.1 The current arrangements relate to consumption of alcohol in a public place, namely “that if a constable believes that a person is, or has been, consuming intoxicating liquor in a designated place or intends to consume intoxicating liquor, he may require that person not to consume any intoxicating liquor and/or surrender anything in his possession which the constable reasonably believes to be, intoxicating liquor (other than in a sealed container)”

4.2 Council Officers' currently issue a Fixed Penalty Notice for £100 if the individual fail to abide by the request to dispose of the alcohol in their possession.

4.3 If the Fixed Penalty Notice is not paid, The Council is able to commence prosecution proceedings for the offence.

4.4 The Council is not making use of additional powers available under The Act to better address ASB associated with street based behaviour.

4.5 While this report relates only to Barnstaple and Ilfracombe, where the previous order expired on 20 October 2020, it is possible that The Council seek to impose new seasonal restrictions on public alcohol use in Braunton, Woolacombe, Croyde and Combe Martin for the summer holiday period only.

4.6 The proposed restriction of areas in **Barnstaple and Ilfracombe** will apply at all times.

4.7 The proposed restrictions are:

1)

“Surrender any intoxicating substance in their possession when requested to do so to an authorised person if:

- (a) They are found to be ingesting, inhaling, injecting or otherwise using an intoxicating substance or substances, or,
- (b) They are in possession of such an intoxicating substance or substance with the intent of using that substance within the PSPO area.
- (c) 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.

2)

“Not to urinate in a street or public Place”

“Street” includes any road, footway, beach or any other area to which the public has access. Other areas will include parks and carparks.

3)

**“Not to 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”.
“Persons within this area who breach the above prohibition while in a group shall when ordered to do so by an authorised person disperse either immediately or by such time as may be specified and in such a manner as may be specified”**

4)

“Not carry out aggressive begging”

“Aggressive begging” is defined as behaviour that a reasonable person would regard as intimidating and is designed to cause a member of the public to give money to a person not known to them. North Devon Council would define the language as (1) clearly intimidating, i.e. through the use of threatening language or gestures or (2) intimidating by being passively aggressive such as standing or sitting within 5 metres of a cash machine, pay station or anywhere it is likely where an individual may expect privacy or feel vulnerable as their cash, bankcards, purse or wallet is on display

4.8 The Committee approved a consultation exercise at its meeting on 2 March 2020 and this was held for a period of 6 weeks, beginning 5 March 2020.

4.9 The consultation period coincided with the start of the strict national Covid-19 lockdown restrictions. This may have led to less people responding as would do in normal circumstances. In total, there were 38 responses of which over 90% were supportive of the restrictions.

4.10 In order to augment the findings of the consultation, selected interested parties were approached and asked to give their views on the restrictions. These were: Devon & Cornwall Police, Barnstaple Town Council, Ilfracombe Town Council, Barnstaple Town Centre Management and homeless charities Freedom Social Projects and Encompass South West.

4.11 Both Town Councils approved the plans and Devon and Cornwall Police returned a detailed response fully in support of the Order. Hannah Harrington, Barnstaple Town Centre, manager also expressed support for the restrictions.

4.12 Both charities support the prohibitions contained in the order. Encompass South West have offered to undertake outreach work to explain the restrictions to their service users. Outreach workers from North Devon Council and The Freedom Centre will also undertake this work.

5 RESOURCE IMPLICATIONS

- 5.1 Set up of the new PSPO will be undertaken using existing Officer resource.
- 5.2 Enforcement within the PSPO would be undertaken by Council Officers, and other groups which The Council are satisfied hold the appropriate competencies, and subsequently delegate powers to – for example Police Officers’.
- 5.3 There is a financial implication associated with the provision of new signage. The total cost of the signage (supply and installation) is expected to be in the region of £5000 – on the basis of costs for similar signage already incurred by other Local Authorities in Devon. This will be funded from within existing Environmental Health & Housing (EH&H) revenue budget.
- 5.4 Any procurement will be undertaken in accordance with The Council’s procurement guidelines

6 EQUALITIES ASSESSMENT

- 6.1 There are equalities implications anticipated as a result of this report. An Equality Impact Assessment Report has been completed

7 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Part 3, Annexe 1, paragraph 1 (h)	Delegated
Part 2, Article 4, 4.5.13	

8 STATEMENT OF CONFIDENTIALITY

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

9 BACKGROUND PAPERS

This report has been prepared with reference to the Local Government Association document “Public Spaces Protection Orders – Guidance for Councils” - published on 1st February 2018 and available at www.local.gov.uk.

10 STATEMENT OF INTERNAL ADVICE

10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

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Date: 19/10/2020