

STAFFORDHIRE MOORLANDS DISTRICT COUNCIL

Cabinet

9 February 2021

TITLE:	Public Spaces Protection Order
EXECUTIVE COUNCILLOR:	Councillor Mike Bowen – Cabinet Member for Communities
CONTACT OFFICER:	Mark Hitchen – Community Protection Officer.
WARDS INVOLVED:	Biddulph, Cheadle and Leek Town Centres

Appendices Attached –

A - Draft Public Spaces Protection Order

B - Biddulph Town Centre PSPO Map

C - Cheadle Town Centre PSPO Map

D - Leek Town Centre PSPO Map

1. Reason for the Report

To introduce measures to improve community safety by restricting on-street drinking in Biddulph, Cheadle and Leek

2. Recommendation

2.1 That the Cabinet agrees to carry out the necessary consultation, publication and notification in relation to the draft Order appended to this report.

2.2 That the Cabinet subsequently approves the draft Order by Delegated Decision unless the responses from the consultation necessitate material changes to the draft Order.

3. Executive Summary

3.1 The Anti-Social Behaviour Crime and Policing Act 2014 gives local authorities the power to introduce a Public Spaces Protection Order (PSPO) to control behaviours in a public place, which have caused or may cause a detrimental effect on the quality of life of those in the locality and are likely to be of a continuing or persistent nature and are therefore unreasonable.

- 3.2 The consumption of alcohol in Leek, Biddulph and Cheadle town centres can result in increased anti-social behaviour and may lead to other more serious criminal offences. This, in turn, places an increased demand on police resources, promotes a fear of crime and has negative economic and reputational consequences for the locations. Cans and bottles associated with on-street drinking are often discarded on streets and footpaths resulting in an increase in litter. This has a negative impact on the appearance of the town centres, attracts a clean-up cost and can encourage further littering.
- 3.3 Prior to 2017, Leek and Cheadle town centres were covered by Designated Public Places Orders (DPPOs) which were introduced by the District Council to tackle anti-social behaviour associated with alcohol consumption in the town centres. Under the orders, a police officer had the power to require a person to stop drinking alcohol or confiscate their alcohol if they were behaving (or were likely to behave) anti-socially. If the person refused to hand over the alcohol the Police officer could issue them with a fixed penalty notice (FPN).
- 3.4 The DPPOs automatically converted to Public Spaces Protection Orders (PSPOs) by operation of law in 2017. A PSPO lasts for a maximum of 3 years and thus the Orders expired in October 2020.
- 3.5 A dedicated PSPO was implemented in Biddulph in 2017 in response to an increase in anti-social behaviour in the town. This Order, amongst other things, empowered a constable or authorised person to require a person to stop drinking alcohol or confiscate their alcohol, or anything they believe to be alcohol, or a containing for alcohol. If the person refused to surrender the alcohol the authorised person can issue them with a fixed penalty notice (FPN). This Order expired in November 2020.
- 3.6 The introduction of a PSPO by the District Council could help to reduce the occurrence of anti-social behaviour, criminal behaviour and littering by prohibiting the consumption of alcohol in non-designated places in the town centres. The previous DPPOs and PSPOs acted as a deterrent to problematic drinking but historically very few fixed penalties were issued for such offences. Following informal consultation, it was initially decided not to extend the previous orders. However, the Coronavirus pandemic has highlighted their usefulness to the police and they have therefore asked the Council to consider introducing new Orders.
- 3.7 The Council's Licensing Team are supportive of the recommendations and do not see any conflict with the lawful operation of licensed premises in the affected areas.

4. How this report links to Corporate Priorities

- 4.1 Aim 1: Supporting our communities to create a healthier, safer, cleaner Staffordshire Moorlands

5. Alternative Options

5.1 To decide not to introduce a Public Spaces Protection Order in the designated areas (not recommended).

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

The introduction of the Order would assist in preventing nuisance and alcohol related anti-social behaviour.

6.2 Workforce

None

6.3 Equality and Diversity/Equality Impact Assessment

The proposed Order will apply equally to all groups.

6.4 Financial Considerations

The Council will be required to erect an adequate signage at each location. The cost of producing the signs, and fitting them to street furniture, will incur a cost. This is not expected to exceed £500 per town centre.

6.5 Legal

The draft Order has been reviewed by Legal Services.

6.6 Sustainability

None.

6.7 Consultation

Under section 72 of the Anti-social Behaviour, Crime and Policing Act 2014, the Council is required to carry out “necessary” consultation, publicity and notification prior to introducing (or extending) an Order.

Necessary consultation means consulting with:

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult; and
- (c) the owner or occupier of land within the restricted area.

Necessary publicity means publishing the text of the proposed Order.

Necessary notification means notifying any parish or community councils, and the County Council.

The requirement to consult with the owner or occupier of land within the restricted area does not apply to land that is owned and occupied by the local authority; and applies only to the extent that it is reasonably practicable to consult the owner or occupier of the land.

6.8 Risk Assessment

None

Mark Trillo

Executive Director (People) and Monitoring Officer

**Web Links and
Background Papers**

Contact details

Mark Hitchen
Community Protection Officer
mark.hitchen@highpeak.gov.uk

7. Detail

- 7.1 The Anti-Social Behaviour Crime and Policing Act 2014 gives local authorities the power to introduce a Public Spaces Protection Order (PSPO) to control behaviours in a public place, which have caused or may cause a detrimental effect on the quality of life of those in the locality and are likely to be of a continuing or persistent nature and are therefore unreasonable.
- 7.2 The consumption of alcohol in Leek, Biddulph and Cheadle town centres can contribute to increased levels of anti-social behaviour and can lead to other more serious criminal offences. This, in turn, places an increased demand on police resources, promotes a fear of crime in the town Centres and has negative economic and reputational consequences for the locations. Cans and bottles are often discarded streets, footpaths and other public areas following on-street drinking resulting in an increase in litter. This has a negative impact on the appearance of the town centres, attracts a clean-up cost and can encourage further littering.
- 7.3 Prior to 2017, Leek and Cheadle town centres were covered by Designated Public Places Orders (DPPOs) which were introduced by the district to tackle anti-social behaviour associated with alcohol consumption in the town centres. Under the order, a police officer had the power to require a person to stop drinking alcohol or confiscate their alcohol if they were behaving (or were likely to behave) anti socially. If the person refused to hand over the alcohol the Police officer could issue them with a fixed penalty notice (FPN).
- 7.4 The DPPOs automatically converted to Public Spaces Protection Orders (PSPOs) by operation of law in 2017. A PSPO lasts for a maximum of 3 years and thus the Orders expired in October 2020.
- 7.5 A dedicated PSPO was implemented in Biddulph in 2017 in response to an increase in anti-social behaviour in the town. This Order, amongst other things, empowered a constable or authorised person to require a person to stop drinking alcohol or confiscate their alcohol, or anything they believe to be alcohol, or a containing for alcohol. If the person refused to surrender the alcohol the authorised person can issue them with a fixed penalty notice (FPN). This Order expired in November 2020.
- 7.6 The recorded prevalence of alcohol related crime in 2019–2020 in Leek, Biddulph and Cheadle town centres is as follows:
- Leek Town Centre – 35 total alcohol related offences, 9 Violence with injury and 10 violence without injury.
 - Cheadle Town Centre – 20 total alcohol related offences, 7 Violence with injury and 9 violence without injury
 - Biddulph Town Centre – 43 total alcohol related offences, 8 violence with injury and 17 violence without injury.

- 7.7 The introduction of a PSPO by the District Council could help to reduce the occurrence of anti-social behaviour, criminal behaviour and littering by prohibiting the consumption of alcohol in non-designated places in the town centres. The previous DPPOs and PSPOs acted as a deterrent to problematic drinking but historically very few fixed penalties were issued for such offences. Following informal consultation, it was initially decided not to extend the previous orders. However, the Coronavirus pandemic has highlighted their usefulness to the police and they have therefore asked the Council to consider introducing new Orders.
- 7.8 The Council's Licensing Team are supportive of the recommendations and do not see any conflict with the lawful operation of licensed premises in the affected areas.