

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	
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1. **TITLE:** Power to Confiscate Alcohol within the Public Space Protection Order Zone
2. **SERVICE AREA:** Adult Social Care, Health & Housing
3. **PURPOSE OF DECISION**

Bracknell Forest has a Designated Public Places Order (DPPO). This order was put in place to control anti-social behaviour linked to street drinking in Jubilee Gardens and other open areas.

DPPOs have been replaced by Public Space Protection Orders (PSPOs) following the enactment of the Anti-Social Behaviour, Crime and Policing Act 2014 and Bracknell Forest's DPPO became a PSPO on 20 October 2017.

However, with the passing of the Anti-Social Behaviour, Crime and Policing Act 2014, responsibility for enforcing PSPOs transferred from police forces to local authorities. The power of a constable under Section 12 of the Criminal Justice and Police Act 2001 to require a person consuming alcohol in a designated place to surrender any alcohol was repealed by the 2014 Act. However, a local authority is able to allow 'authorised persons' to seize alcohol.

Westgrove is employed by The Lexicon to provide a cleaning and security service in the new town centre. Employees of Westgrove who carry out this service receive training and are accredited by Thames Valley Police's Community Safety Accreditation Scheme (CSAS). However, the power to confiscate alcohol is no longer available under CSAS so cannot be granted by Thames Valley Police.

Authorisation is now sought for this power to be passed by Bracknell Forest Council to Westgrove staff who are awaiting accreditation under CSAS.

- 4 **IS KEY DECISION** Yes
5. **DECISION MADE BY:** Executive Member for Culture, Resources and Public Protection

6. **DECISION:**

RESOLVED that the Executive Member for Culture, Resources and Public Protection grant authority for Westgrove Group staff who are trained and accredited under Thames Valley Police's Community Safety Accreditation Scheme (CSAS) to seize and confiscate alcohol from people who are street drinking where there is anti-social behaviour or is likely to be. This includes current trained and accredited staff as well as those who become employed by Westgrove Group in the future.

7. **REASON FOR DECISION**

1. The Anti-Social Behaviour, Crime and Policing Act 2014 introduced new tools and powers for use by local authorities and their partners to address anti-social behaviour (ASB). These tools focus on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable. PSPOs are one of the tools available under the 2014 Act.
2. Local authorities can use PSPOs to prohibit specified activities and/or require certain things to be done by people engaged in particular activities, within a defined public area.
3. The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without a reasonable excuse is an offence.
4. Bracknell Forest has a Designated Public Place Order (DPPO) as per the map at <https://www.bracknell-forest.gov.uk/sites/default/files/documents/town-centre-map-for-designated-public-place-order.pdf>. This order was put in place in 2012 to control anti-social behaviour linked to street drinking in Jubilee Gardens and other open areas. The introduction of this DPPO led to a significant reduction in street drinking and anti-social behaviour linked to street drinking.
5. DPPOs have been replaced by PSPOs following the enactment of the Anti-Social Behaviour, Crime and Policing Act 2014. This change meant that all existing DPPOs would remain in force until 19 October 2017 and would automatically become PSPOs on 20 October 2017.
6. The passing of the Anti-Social Behaviour, Crime and Policing Act 2014 amended responsibility for enforcing PSPOs to constables and other local authority-authorized persons.
7. Westgrove Group who are contracted to carry out cleaning and security services on behalf of the Lexicon are trained and accredited under Thames Valley Police's Community Safety Accreditation Scheme (CSAS). With the introduction of PSPOs, the power to confiscate alcohol is no longer available under CSAS. However, a local authority is able to authorise these staff to seize and confiscate alcohol where there is street drinking and where those persons are engaged in anti-social behaviour or are likely to be involved in anti-social behaviour.
8. This does not apply to licenced premises or their curtilages where alcohol is being sold or supplied under a premises licence

8. ALTERNATIVE OPTIONS CONSIDERED

If this authority is not granted, it will result in only police constables (PCs) and police community support officers (PCSOs) being able to seize and confiscate alcohol. As Westgrove Group staff are working in the PSPO area throughout the day and evening, they will be able to support with this power should the need arise. It will also be a quicker response than calling police and requiring attendance.

9. PRINCIPAL GROUPS CONSULTED: Borough Solicitor and Chairman of the Community Safety Partnership

10. DOCUMENT CONSIDERED: Report of the Director of Adult Social Care, Health & Housing

11. DECLARED CONFLICTS OF INTEREST: None

Date Decision Made	Final Day of Call-in Period
26 March 2018	4 April 2018