

To: **Corporate Management Team**
12 August 2020

PUBLIC SPACES PROTECTION ORDER (PSPO) EXTENSION
Executive Director: People

1 Purpose of Report

- 1.1 The existing PSPO in the town centre, which gives police an additional power to seize and confiscate alcohol linked to ASB, is due to expire on 20 October 2020. Legislation allows us to extend the PSPO by a further 3 years subject to evaluation and consultation

2 Recommendation(s)

- 2.1 **That CMT approve the extension of the existing PSPO for a further 3 years until 20 October 2023**

3 Reasons for Recommendation(S)

- 3.1 To continue to give police additional powers to tackle alcohol-related ASB in the PSPO area

4 Alternative Options Considered

- 4.1 While police do have powers to deal with alcohol-related ASB, most allow them only to act when an offence takes place or by a specific person whereas PSPO powers allow action to be taken for any individual in breach and can be used when an offence is likely to occur.

5 Supporting Information

Background

- 5.1 Much of Bracknell town centre and the Arlington Business Park are covered by a PSPO made by BFC under Section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014. The current PSPO expires in October 2020 and a requirement of the Act is that the PSPO is reviewed every 3 years. This PSPO provides a power to police to seize and confiscate alcohol where it is, or is likely to, cause anti-social behaviour (ASB) within the PSPO area. It does not ban drinking in public places but allows police to prevent or address situations of disorder where alcohol is involved. This is a discretionary power.

It is not a criminal offence to drink alcohol within the PSPO area – an offence is only committed if a person does not comply with a police officer's requirement to surrender alcohol without reasonable excuse. A person who fails to comply with this requirement from police commits an offence.

A Designated Public Place Order (DPPO) was put in place in 2012 as a response to several problem drinkers congregating within Bracknell town centre whose presence contributed to reports of ASB made to police.

The DPPO automatically became a PSPO in 2017 with the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014. This coincided with the regeneration of Bracknell town centre and was a useful tool to negate any adverse alcohol-related ASB within the new development. With the town centre regeneration now set to include 'The Deck' Food and Leisure Quarter in 2022, an extension of the PSPO for another 3 years would maintain the ability for police to address any alcohol-related ASB that could occur.

Legislative Requirements and Guidance

- 5.2 The Anti-Social Behaviour, Crime and Policing Act 2014 Act requires a local authority to:
- Consider whether to extend the period for which a PSPO has effect and, if so, for how long
 - Carry out the necessary consultation, the necessary publicity, and the necessary notification before extending the period for which a PSPO has effect
 - Include in the consultation the chief officer of police for the police area that includes the restricted area, community representatives with whom it may think appropriate to consult and the owner or occupier of land within the restricted area (unless the land is owned or occupied by the local authority)
 - Publish the text of the extension proposal
 - Notify the parish council or community council (if any) for the area that includes the restricted area
- 5.3 The Local Government Association's (LGA's) Public Spaces Protection Orders Guidance for Councils document requires that a thorough evaluation be undertaken to test the effectiveness of an existing PSPO.

Publicity and Consultation

- 5.4 In line with the above requirements, the following publicity has taken place:
- A notification of consultation of the proposed extension was placed on the BFC public webpages, Facebook and Twitter on 13 February 2020
 - Public notices were installed on the perimeter of the PSPO adjacent to the existing PSPO signage for a period of 3 weeks from 18 February 2020 to 11 March 2020
- 5.5 A public consultation ran from 10 February 2020 to 9 March 2020 and on 12 March 2020, BFC published the results which comprised 8 responses. All 'strongly agreed' or 'agreed' to the extension of the PSPO.

Evaluation

- 5.6 Data was requested from Thames Valley Police (TVP) of all crime and ASB incidents recorded in Bracknell town centre that had been flagged as alcohol-related from 30 May 2010 – 30 May 2012 and the same again for the time period 30 May 2017 – 30 May 2019. The DPPO came into effect on the 30th May 2012 so this represents a two-year period before the DPPO was in place and allows comparison against the current period of the PSPO.

- 5.7 The crime data shows there was a 42% decrease in alcohol-related crime over the two time periods (n=155>90). The ASB data shows there was a 20% decrease in alcohol-related ASB over the two time periods (n=20>16).
- 5.8 Previous analysis by TVP indicated that alcohol-related crime and ASB was increasing year on year before the implementation of the DPPO, and that alcohol consumption was causing significant problems in the town centre.
- 5.9 Data provided from the TVP Town Centre Neighbourhood Team demonstrates that this order is still relevant as they have used PSPO powers to deal with 133 incidences of street drinking since 29/06/18 (when Police started recording this data). This represents a period in which the PSPO was in effect which allowed police extra powers to tackle the nuisance-related consumption of alcohol in this area and target persistent drinkers.
- 5.10 Taking this into account, along with the decrease in alcohol-related crime and ASB recorded by TVP, this would indicate that the PSPO is continuing to be effective in that it is allowing police to deal with alcohol-related ASB before it occurs.

Enforcement

- 5.11 The data shows how enforcement is taking place and that police practices are appropriate, consistent, and can be monitored going forward. It is noted that failure to comply with the order can lead to prosecution. However, since its adoption, there has only been one prosecution under the DPPO and none since, which indicates that there has been compliance with the order. Ongoing research and analysis of crime and ASB data following the implementation of the order has shown no displacement of this issue to other areas of the Borough.

6 Consultation and Other Considerations

Legal Advice

- 6.1 The process to extend the PSPO has been followed in line with the Anti-Social Behaviour, Policing and Crime Act 2014.

Financial Advice

- 6.2 There is no financial impact.

Other Consultation Responses

- 6.3 The Community Safety Partnership (CSP) approved the extension at their meeting on 30 April 2020.

Equalities Impact Assessment

- 6.4 (Attached)

Strategic Risk Management Issues

- 6.5 Section 17 of the Crime and Disorder 1998 places a duty on all authorities to do all that it reasonably can to prevent crime and disorder including ASB. Further, the Anti-Social Behaviour, Policing and Crime Act 2014 provides for the PSPO order to be put in place where an ongoing activity can result in a detrimental impact on the quality of

life in the immediate community. Additional powers to tackle alcohol-related ASB in the town centre will prevent potential heightened alarm and fear by those witnessing it or being a victim of it and will ensure that the community will continue to feel safe visiting the town centre. With further current and planned extension of the town centre within the PSPO area, as well as the growth in residential accommodation, there will be additional footfall and facilities which heighten risk. Increases in alcohol-related ASB could also lead to reputational damage to the Lexicon and Bracknell as a town.

Contact for further information

Alison O'Meara, Community Safety, Early Help & Communities, People Directorate - 01344 352286

Alison.o'meara@bracknell-forest.gov.uk