

To: **Executive Member**  
**31 OCTOBER 2023**

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**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 where it is causing, or is likely to cause, anti-social behaviour (ASB), is due to expire on 20 October 2023.

**2 Recommendation**

- 2.1 **That the Executive Member approve the extension of the existing PSPO for a further 3 years until 20 October 2026.**

**3 Reasons for Recommendation(S)**

- 3.1 While police do have powers to deal with alcohol related ASB, most allow them only to act when an offence takes place by a specific person. The PSPO powers allow action to be taken when an offence is likely to occur.

**4 Alternative Options Considered**

- 4.1 BFC could choose to discharge the PSPO. However, this would risk alcohol related ASB returning to the Town Centre which would have a negative impact on visitors, businesses and residents.
- 4.2 The PSPO may be considered a necessary power to have in place should the Deck development proceed in the next 3 years.

**5 Supporting Information**

**Background**

- 5.1 A Designated Public Place Order (DPPO) was put in place in May 2012 as a response to several problem drinkers congregating regularly within Bracknell Town Centre whose presence contributed to significant reports of ASB 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.
- 5.2 Much of Bracknell Town Centre and the Arlington Business Park are covered by this PSPO which expires in October 2023. Legislation requires a PSPO to be renewed every 3 years if it is still required.
- 5.3 The PSPO does not ban public drinking but allows police and authorised officers to prevent or address situations of disorder where alcohol is involved. This is a

discretionary power. An offence is only committed if a person refuses to surrender the alcohol without reasonable excuse.

### **Legislative Requirements and Guidance**

#### **Anti-Social Behaviour, Crime and Policing Act 2014 (Sec 59) (Power to make order)**

5.4 A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.

The first condition is that:

- (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities:

- (a) is, or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by the notice.

#### **Anti-Social Behaviour, Crime and Policing Act 2014 (Sec 60) (Duration of orders)**

A public spaces protection order may not have effect for a period of more than 3 years, unless extended under this section.

Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent:

- (a) occurrence or recurrence after that time of the activities identified in the order, or
- (b) an increase in the frequency or seriousness of those activities after that time.

An extension under this section:

- (a) may not be for a period of more than 3 years;
- (b) must be published in accordance with regulations made by the Secretary of State.

A public spaces protection order may be extended under this section more than once.

#### **5.5 Local Government Association (LGA) Public Spaces Protection Orders: Guidance for Councils (February 2018)**

- A PSPO can be made for a maximum duration of up to three years, after which it may be extended if certain criteria under the Act are met. This includes that an

extension is necessary to prevent activity recurring, or there has been an increase in frequency or seriousness of the activity. Extensions can be repeated, with each lasting for a maximum of three years.

- Effective evaluation of Orders will be important when determining whether any extensions or variations would be appropriate. The impact of the original Order should be evaluated before any extensions are approved – where ASB has been completely eradicated as a result of a PSPO, it is proportionate and appropriate to consider the likelihood of recurrence of problems if the Order is not extended.
- Orders can also be varied under the Act, by altering the area to which it applies, or changing the requirements of the Order. The same legislative tests of detrimental impact, proportionality and reasonableness need to be satisfied. Similarly, PSPOs can be discharged before their original end date. Where PSPOs are varied, extended or discharged, there are statutory requirements regarding publishing or publicising this and councils are required to undertake a further consultation process.
- Councils are required at all stages to have particular regard to articles 10 and 11 of the Human Rights Act 1998.

### **Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers - Statutory guidance for frontline professionals (Revised in March 2023)**

- At any point before expiry, the council can extend a Public Spaces Protection Order by up to three years if they consider it is necessary to prevent the original behaviour from occurring or recurring. They should also consult with the local police and any other community representatives they think appropriate before doing so.

### **Publicity**

5.6 The following publicity took place in June and July 2023:

- Public notices were installed on the perimeter of the PSPO adjacent to the existing PSPO signage for a period of 3 weeks from 26 June 2023 to 17 July 2023.
- A notification of consultation of the proposed extension was placed on the BFC Facebook page on 26 June 2023.
- On 26 June 2023, an additional tab was added to the Community Safety Service webpages with details of the proposed consultation and included the link to the consultation.

### **Public Consultation**

5.7 A public consultation ran from 26 June 2023 to 16 July 2023 with 168 responses. A summary is as follows:

- 81% (n=136) of responses were from people who stated they were residents.
- Most responses were from people aged 35 or over (96% n=161) with the largest proportion of people responding being aged 65 and over (37% n=62).
- 93% (n=156) of people who responded either agreed or strongly agreed with the proposal to extend the PSPO in Bracknell Town centre area. 84% (n=131) strongly agreed and 12% (n=19) agreed.

- 4% (n=7) of people who responded either disagreed or strongly disagreed with the proposal to extend the PSPO in Bracknell Town centre area. Three disagreed & 4 strongly disagreed. Four comments were left.
- 42% (n=71) of people who responded left a comment. 65 of the 71 comments were left by those who agreed with the PSPO extension.

## **Evaluation**

- 5.8 An analytical report was requested from Thames Valley Police (TVP) to assist with evaluating the effectiveness of the PSPO. TVP provided data of all recorded crime (e.g., violence/damage/public order) and non-crime occurrences (e.g., concern for welfare/suspicious person) in the Town Centre that have been flagged as 'alcohol related'. The data compares the 3-year period 1st April 2020 – 31st March 2023 with the previous 3-year period, 1st April 2017 – 31st March 2020.

These figures demonstrate that there was a 54% decrease in alcohol related crime over the two time periods (n=102>47), and a 5% increase in alcohol related non-crime (n=44>46). It is noted that COVID restrictions were in place during the 2020-23 period which could have contributed to the reduction. Also, several known street drinkers were accommodated during that time. As both periods of time had the PSPO in place, it is not a useful comparison.

However, when comparing with previous data (extracted from the 2020 review of the PSPO), it shows that alcohol-related crime for the period 30 May 2010 to 30 May 2012, prior to when the PSPO was in place, was 155 incidents. Although this is a 2-year period compared with 47 incidents over the 2020-23 3-year period, it does indicate that there has been a large reduction in alcohol-related crime.

- 5.9 Following the migration of software systems, there is no data available from TVP on the number of instances where PSPO powers were used. However, previous data collected manually by the Town Centre Neighbourhood Team between 2018 and 2020 showed that police used PSPO powers on 133 occasions. The Lexicon Security Officers were granted Community Safety Accreditation Scheme (CSAS) powers in 2022 which included this power. While they confirm that they have used the power on several occasions, they are unable to advise the exact number. Police and Lexicon Security have been asked to keep an accurate record of the use of powers going forward.

## **Enforcement**

- 5.10 It is noted that failure to comply with the order can lead to prosecution e.g. Community Protection Warning/Fixed Penalty Notice/Arrest. Since its adoption, there has only been one prosecution under the DPPO and none since which indicates that there has been compliance.

## **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 As per the above legislative requirement, the Bracknell and Wokingham Local Police Area and Bracknell Town Council were consulted.
- 6.4 The Community Safety Partnership (CSP) approved the extension at their meeting on 10 August 2023.

### Equalities Impact Assessment

- 6.5 (Attached)

### Strategic Risk Management Issues

- 6.6 Section 17 of the Crime and Disorder Act 1998 states that all relevant authorities – which includes town and parish councils – have a duty to consider the impact of all their functions and decisions on crime and disorder in their local area. The Anti-Social Behaviour, Policing and Crime Act 2014 provides for a PSPO 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 would help prevent potential heightened fear, alarm and distress to victims or those witnessing it and support feelings of safety when visiting the Town Centre. With further planned extension of the Town Centre within the PSPO area which is expected to comprise some alcohol-led establishment, as well as the growth in town centre residential accommodation, the possibility of increased prevalence of alcohol related ASB as well as the number of people living there which it would have an impact on, is heightened. Increases in alcohol related ASB could also lead to reputational damage to the Lexicon and Bracknell as a town. The consultation results are also strongly in favour of an extension. For there to be effective evaluation of the PSPO, however, police and the Lexicon need to ensure that incidents where the power is used are captured.

### Contact for further information:

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