

Report of:	Meeting	Date
Councillor Roger Berry, Neighbourhood Services and Community Safety Portfolio Holder and Mark Billington, Corporate Director Environment	Cabinet	10 January 2024

<p><b>Renewal of the Existing Public Space Protection Order for Alcohol Related Anti-Social Behaviour</b></p>
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**Key decision:** Yes

**1. Purpose of report**

- 1.1** To seek Cabinet agreement to renew the existing Public Space Protection Order (PSPO) for alcohol related anti-social behaviour for a further three years in those areas of the borough covered by the existing Order.

**2. Council priorities**

- 2.1** The PSPO seeks to deter and prevent alcohol related anti-social behaviour from taking place, and is therefore an effective means of ensuring residents live happier, healthier and safer lives.

**3. Recommendations**

- 3.1** That Cabinet agree to the renewal of the PSPO for alcohol related anti-social behaviour for a further 3 years in accordance with the Anti-Social Behaviour Crime and Policing Act 2014.
- 3.2** That the boundaries of the existing PSPO (as highlighted on the attached maps) are maintained having regard to the feedback received from the recent consultation exercise.
- 3.3** That the Legal Services Manager is authorised to renew the order subject to any minor amendments that she may wish to make.

## **4. Background**

- 4.1** The Council's existing PSPO for alcohol related anti-social behaviour came into force on the 27<sup>th</sup> February 2021. The Order which was made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 currently covers the district boundaries of Fleetwood, Thornton-Cleveleys, and Poulton-le-Fylde, and certain areas of Garstang. A copy of the existing Order is provided in Appendix 1.
- 4.2** The effect of the order is that an individual can be prosecuted or given a fixed penalty notice of up to £100, if they fail to surrender alcohol (or anything believed to be alcohol) when asked to do so by an authorised officer. The order does not make it illegal to carry alcohol or to drink in a public place as long as drinking is done responsibly. The order is therefore only used when necessary to tackle alcohol related anti-social behaviour, and no offence is committed if individuals comply with a request to stop drinking and / or dispose of alcohol when asked to do so.
- 4.3** The order does not restrict the consumption of alcohol where the premises or its curtilage (e.g.: a beer garden or pavement seating area) is licensed for the supply of alcohol. There are also limitations where either Part 5 of the Licensing Act 2003, or section 115E of the Highways Act 1980 applies. Such premises are covered by existing licensing laws to prevent and control anti-social behaviour.
- 4.4** In accordance with the requirements of the Anti-Social Behaviour, Crime & Policing Act 2014, PSPO's must be reviewed every three years, with any decision to renew being made before their expiry. Accordingly, the PSPO for alcohol related anti-social behaviour requires renewal before the 27 February 2024.

## **5. Key issues and proposals**

- 5.1** A public consultation on renewal of the order has been undertaken over a period of 5 weeks between 13 October and 18 November 2023. The consultation survey was advertised to the public by way of social media and the council's website. Direct notification of the consultation process was also given to statutory consultees, in addition to relevant stakeholders, partner agencies and interested parties such as Lancashire County Council, Lancashire Constabulary, and relevant Town and Parish Councils, etc.
- 5.2** The council received a total of 37 complete responses to its consultation exercise. 35 of these were via the council's consultation portal and 2 were by direct email submission. 31 (i.e.: 91%) of the responses received were from local residents. The other responses capable of being identified were from local businesses, Parish and Town Councils, and from Lancashire Constabulary.

- 5.3** Of the 37 complete responses received, 92% agreed that the existing order should be renewed. Whilst not all respondents chose to state why they favoured renewal, those comments received via the council's consultation portal suggest that the public associate the consumption of alcohol to anti-social behaviour in the community, and consider the PSPO to be an effective deterrent and tool to be used to prevent and control such behaviour. Table 1 of Appendix 2 provides a copy of all comments received.
- 5.4** In addition to those comments received by way of the council's portal, Lancashire Constabulary made a separate submission to the council outlining their support and reasoning for renewal of the PSPO. The submission provided refers to the PSPO as giving the Police greater tactical options to prevent and deter alcohol related anti-social behaviour within the Wyre District. Whilst the response acknowledges the difficulty in evidencing and measuring the success of the PSPO, it makes clear that its presence is considered of significant value, describing it as a highly effective and regularly utilised tool in deterring incidents of anti-social behaviour. Examples provided of its use by officers include during spontaneous callouts, with specific mention made to Poulton Town Centre, Jubilee Park Cleveleys, Cleveleys Bus Station; and the Mount and Marine Hall Fleetwood; all of which are known anti-social behaviour hot spots. Further examples provided include during routine planned operations such as Operation Nightsafe (a weekly operation aimed at the night-time economy); and during specific events within the community such as Fleetwood Festival of Transport (Tram Sunday) and Fleetwood Fireworks Extravaganza.
- 5.5** The response provided by the Police also highlights how the PSPO compliments the other work being undertaken by the council and its partners to tackle anti-social behaviour, most notably through the Community Alcohol Partnership, which works to raise awareness of alcohol related harm, and to stop young people from engaging in anti-social behaviour through the provision and promotion of diversional activities. The PSPO is described as being an effective tool of communication when engaging with young people in the community and in school / youth club settings, and its visible signage is described as both providing awareness of the powers available and providing reassurance to the public, particularly ahead of planned events. The PSPO is identified as positively contributing to the relatively low level of anti-social behaviour reports within the district, and its renewal is therefore recommended. A copy of the submission provided by Lancashire Constabulary is provided in Appendix 3.
- 5.6** A separate email submission was also received from Garstang Town Council confirming support for renewal of the existing order within Garstang. A copy of their email response can be found in Appendix 4.
- 5.7** In respects to the 8% (n=3) of respondents who were not in favour of the PSPO being renewed, one response considered that the PSPO was

ineffective in dealing with anti-social behaviour; one considered it stops people from enjoying themselves; and one considered that its use removes people's freedoms. Table 2 of Appendix 2 provides a copy of all comments received.

### **Extension / Reduction of those areas covered by the PSPO**

- 5.8** In reviewing the existing PSPO, consultees were asked whether or not they felt that the boundaries of the areas covered by the existing order should be altered. Of the respondents that chose to answer this question via the council's consultation portal, 93% stated that the boundaries should not be reduced, and 72% stated that the existing boundaries should be extended.

	Yes	No
<b>Reduced</b>	6.9%	93.1%
<b>Extended</b>	71.9%	28.1%

- 5.9** Whilst not all respondents who confirmed their support for an extension of the current boundaries also took the opportunity to state which streets / areas they considered should be included, of the 16 respondents who did provide comment, all but 3 suggested the inclusion of areas already covered by the existing Order. One respondent suggested all areas of the district should be included, one suggested the residential areas of Cabus, Catterall and Garstang; and one suggested Stalmine, Hambleton, Preesall and Knott End. A list of all the responses received are provided in Table 3 of Appendix 2.
- 5.10** In addition to those responses received from local residents, Lancashire Constabulary confirmed their desire for the boundaries of the current order to remain. Whilst the Constabulary has in previous years suggested that it would welcome extension of the order to cover the whole of the Wyre district, the inclusion of all known problematic hotspots for anti-social behaviour within the existing Order means that it considers the current boundaries of the order to be both reasonable and proportionate at this time. No request for extension from the Police has therefore been made.
- 5.11** In addition to the submission received from Lancashire Constabulary, Garstang Town Council also provided a separate response to the consultation which confirmed support for retaining the existing boundaries of the Order. A copy of Garstang Town Council's submission can be found within Appendix 4.
- 5.12** To conclude, having regard to the consultation responses received and to the statutory provisions and guidance, there is considered sufficient

evidence and support to recommend renewal of the existing order and retention of its existing boundaries.

**5.13** If approved for renewal, a copy of the renewed Order will be publicised to the public both on the council’s website and via its social media pages prior to it coming into force. This is in accordance with the requirements of the Anti-Social Behaviour, Crime & Policing Act 2014.

**6. Alternative options considered and rejected**

**6.1** There are no options that are alternative to those listed above.

<b>Financial, Legal and Climate Change implications</b>	
Finance	<p>There are no financial implications directly associated with this application. Adequate and updated signage is in place in all areas covered by the Order. Town and Parish Councils will be asked to contribute towards their sites if they request additional signage.</p>
Legal	<p>The Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) came into effect on 20 October 2014. Pursuant to section 59 of the Act a local authority may make a Public Spaces Protection Order if satisfied on reasonable grounds that</p> <p>1. (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 and 2. 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.</p> <p>Pursuant to section 60 of the Act 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 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.</p> <p>A local authority must carry out consultation, publicity, and notification before extending the period for which a public spaces protection order has effect, or varying a public spaces protection order.</p> <p>Pursuant to section 61 of the Act, where a public spaces</p>

	<p>protection order is in force, the local authority that made the order may vary it (a) by increasing or reducing the restricted area; (b) by altering or removing a prohibition or requirement included in the order, or adding a new one if satisfied that the tests set out above under section 59 of the Act are satisfied.</p> <p>Revised statutory guidance has been issued by the Secretary of State.</p> <p>Before making a PSPO, councils must consult with the local police (section 72(3) and 72(4) of the Act).</p> <p>The Act also stipulates that councils must consult with the local community on any proposed PSPO. PSPO's must be reviewed at least every three years. Consultation opportunities have been widely publicised within communities via the council's website, social media channels, and E-alerts; in addition to statutory consultees, Lancashire County Council, Town and Parish Council's, and relevant partner agencies.</p> <p>Anyone who lives in or regularly works or visits the area can challenge a PSPO in the High Court within six weeks of making on the grounds that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied); or (b) that a requirement under the Act was not complied with in relation to the order or variation. A PSPO must be publicised locally.</p> <p>With regard to breaches of a PSPO, it is an offence for anyone, without reasonable excuse, to do anything s/he is prohibited from doing by virtue of the order. Furthermore, it is an offence for anyone, without reasonable excuse, to fail to comply with a requirement in the PSPO. Section 67 of the Act specifies that anyone found guilty of an offence can be fined up to £1,000 by the Magistrates' Court. Section 68 of the Act provides that, in the alternative, a constable or authorised officer of the Local Authority may serve a fixed penalty notice on those in alleged breach offering them the opportunity to discharge liability by payment of Fixed Penalty Notice in an amount set by each local authority up to £100. Fixed penalty notices in Wyre for anti-social behaviour offences are currently set at £100.</p>
Climate Change	There will be no impact on climate change from renewing the Order.

### Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
health and safety	x

risks/implications	✓ / x
asset management	x
ICT	x
data protection	x

### Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:		
name of document	date	where available for inspection

### List of appendices

Appendix 1 – Existing PSPO 2021

Appendix 2 – Consultation responses received by way of the Consultation Portal  
(Table 1 & 2)

Appendix 3 – Consultation response Lancashire Constabulary

Appendix 4 – Consultation response Garstang Town Council

