



Agenda Item 6

Licensing & Regulatory Committee
14 October 2020

Title: Public Space Protection Orders (Intoxicating Substances)

Lead Officer: Marianne Rolfe, Jon Barnett

Portfolio Holder: Judith Falp

Public report / ~~Confidential report~~

Wards of the District directly affected:

Contrary to the policy framework: NO

Contrary to the budgetary framework: NO

Key Decision: YES

Included within the Forward Plan: NO

Equality Impact Assessment Undertaken: NO

Consultation & Community Engagement: Public Consultation

Final Decision: YES, for L&R

Officer/Councillor Approval

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	5/10/20	Andrew Jones
Head of Service	5/10/20	Marianne Rolfe
CMT	5/10/20	Andrew Jones
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	5/10/20	Judith Falp

1. Summary

- 1.1. The report provides an update as to the public consultation which has taken place in regard to the Public Space Protection Orders (Intoxicating Substances) (PSPO) and makes recommendations as to the variation and implementation of a PSPO.

2. Recommendation

- 2.1. That the Committee agree the variances to the existing order district wide restricted drinking zone in order to create a district wide intoxicating substances zone.
- 2.2. That the Committee agree to the adoption of the PSPO for the next three years.

3. Reasons for the Recommendation

- 3.1. On the 8th July 2020 the Licensing and Regulatory Committee agreed to undertake a public consultation regarding proposals to changes to the existing PSPO which is due to expire on the 21st October 2020.
- 3.2. The public consultation in regard to the proposals began on the 14th July 2020 and ran until the 11th August 2020. The results of which are included as appendix 1 (response received via the online consultation platform) and appendix 2 (correspondence as outlined in 3.5).
- 3.3. In accordance with the legislation, the following stakeholders were consulted:
 - All holders of premises licences within the district.
 - All District Councillors, Parish and Town Councils.
 - Warwickshire Police
 - Public Notice in the newspaper
 - Web and social media sharing of the proposals.
- 3.4. It is proposed that the existing Restricted Drinking Zone PSPO is varied to create an Intoxicating Substances PSPO. This would make it an offence for a person 'without reasonable excuse' to fail to comply with a police officers or designated officers request in terms of ingestion, inhalation, injection, smoking or otherwise use of an intoxicating substance if it was believed by that authorised officer that the continuation of the use of those intoxicating substances would lead that person to carry out anti-social behaviour. The proposals are contained in appendix 3.
- 3.5. An authorised officer could request that the consumption of substances is stopped and or request for it to be surrendered.
- 3.6. The responses received via the online consultation platform showed that 80.2% were in favour of the introduction of the intoxicating substances zone. (91 responses). In addition, correspondence of support has been received from licenced premises and organisations within the district. See Appendix 2.

- 3.7. As outlined in the previous report, the legislation for PSPOs outlines that if orders are varied, extended or discharged, there are statutory requirements regarding publishing or publicising of this and that a consultation process is required.

4. Policy Framework

4.1. Fit for the Future (FFF)

- 4.1.1. The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#). The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

4.2. FFF Strands

4.2.1 External impacts of proposal(s)

People - Health, Homes, Communities – Anti-social behaviour can significantly impact upon quality of life. The level of crime and disorder is cited as the top consideration when deciding on where to live. Whilst nationally statistics demonstrate that alcohol and other intoxicating substances are a major contributory factor to anti-social behavior, violence and criminal damage.

Services - Green, Clean, Safe - PSPOs enable a preventive and if necessary an enforcement approach resulting in reducing crime and disorder thus allowing communities to enjoy the district's public open spaces

Money- Infrastructure, Enterprise, Employment – PSPOs help police and the Council to safely manage the night time economy and the districts spaces ensure people enjoy the safety and vibrancy of the town centres thus helping to boost the local economy

4.2.2. Internal impacts of the proposal(s)

People - Effective Staff – no impact

Services - Maintain or Improve Services – no impact

Money - Firm Financial Footing over the Longer Term – no impact.

4.3. Supporting Strategies

- 4.3.1. This report does not directly impact on any of the supporting strategies of Fit for the Future

4.4. Changes to Existing Policies

4.4.1. The report does not bring forward any changes to any existing Council Policies.

4.5. Impact Assessments

4.5.1 The government guidance on PSPO states that the restrictions of a PSPO can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. The PSPOs will apply to all individuals committing anti-social behaviour within the designated areas, without discrimination. No particular group should be disadvantaged through publicity or enforcement of the PSPOs.

5. Budgetary Framework

5.1. There is a cost incurred by the adoption of the new PSPO as the signage throughout the district will require replacement. It is envisaged that this will be met from existing budgets. The estimated cost for new signage is 5k.

6. Risks

6.1. Not having valid PSPOs in place will have an impact on the officer's ability to educate, engage and enforce on alcohol and drug related anti-social behaviour across the district. This may have a detrimental effect on the reputation of the Council by:

- a. People drinking alcohol and taking intoxicating substances and engaging in anti-social behaviour as a result.
- b. Encourage large gatherings in public spaces against current government guidance.

7. Alternative Option(s) considered

7.1. The renew the existing PSPO without alteration. However, the public consultation has shown overwhelming support for the proposed changes to the PSPO. This would also prompt a further consultation to allow stakeholders to provide feedback on the proposals. Alternatively, a decision could be taken to removal the existing orders in relation to the current district wide restricted drinking zone. This would also require consultation with relevant stakeholders. As outlined within the report the feedback received outlines overwhelming support for the proposed changes.