



NORWICH City Council

Committee name: Cabinet

Committee date: 17/07/2024

Report title: Norwich City Council Control of Alcohol Public Space Protection Order (PSPO)

Portfolio: Councillor Jones, cabinet member for housing

Report from: Executive director of housing and communities

Wards: All Wards

OPEN PUBLIC ITEM

KEY DECISION

Purpose

The purpose of this report is to seek Cabinet approval to implement a Control of Alcohol Public Space Protection Order (PSPO) for a period of three years, extending the boundaries to cover the full Norwich City district.

Recommendation:

It is recommended that:

The Control of Alcohol Public Space Protection Order (PSPO) is made for the period of three years to May 2027.

The boundary for the PSPO be extended to cover the whole Norwich City district.

Policy framework

The council has five corporate priorities, which are:

- A prosperous Norwich.
- A fairer Norwich.
- A climate responsive Norwich.
- A future-proof Norwich.
- An open and modern council.

This report meets the open and modern council corporate priority

This report addresses the 'We have diverse and vibrant neighbourhoods where our streets are clean and safe. Growing numbers of people enjoy creative and culture events. We have safe and welcoming public spaces that celebrate diversity and we're proud of throughout all our neighbourhoods' action in the Corporate Plan.

This report helps to meet the Anti-social Behaviour adopted policy and the Safer Norwich Strategy 2023-26 of the Council.

Public Space Protection Order legislative framework.

1. The Anti-Social Behaviour, Crime and Policing Act 2014¹ provides local authorities with powers to make Public Space Protection Orders (PSPOs) to address and curtail activities having a detrimental effect on the quality of life of those in the community or any likely activity that would have such an effect.
2. A PSPO effectively prohibits specified things from being done or requires certain things to be done in an area covered by it, whilst ensuring that law-abiding members of the public can use and enjoy that area.
3. A PSPO may be made if the council is satisfied on reasonable grounds that three conditions are met: (i) Activities carried on in a public place within the City boundary either have had, or it is likely that they will have, a detrimental effect on the quality of life of those in the locality; (ii) It is likely that the detrimental effect will be persistent, and such as to make the activities unreasonable; (iii) The effect, or likely effect, is such as to justify the restrictions imposed by the proposed PSPO.
4. The restrictions and requirements set by the council may: (i) Be blanket or targeted restrictions against certain behaviours by certain groups at certain times; (ii) Restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour; (iii) Be enforced by a police officer, police community support officer and council officers.
5. The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order: (i) To prevent the detrimental effect referred to in 3(i) above; (ii) To reduce the detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
6. A breach of a PSPO is a criminal offence. Enforcement officers can issue a Fixed Penalty Notice (FPN) for up to £100. A breach may then be prosecuted on failure to pay the FPN with a possible fine up to Level 3 (£1000)
7. A PSPO can be made for a period of up to three years and can be renewed any number of times. A PSPO can also be reviewed and amended or withdrawn during the period of the order.

The need and justification for the PSPO

8. The preceding Control of Alcohol PSPO was implemented in May 2021 for a period of three years.

¹ [Anti-social Behaviour, Crime and Policing Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

9. This PSPO was limited to areas of the city where street drinking had previously been observed and this was described in the PSPO.

10. Information from Police Constables and ASB hot spot mapping indicates that street drinking and alcohol related crime and ASB is still prevalent and no longer limited to the previously described areas.

Consultation

11. The creation or extension of a PSPO cannot take place until the necessary consultation, publicity and notification has taken place in accordance with section 72 of the 2014 Act and Home Office statutory guidance.² This means consulting with the police, Police and Crime Commissioner, community representatives and the owners or occupiers of land within the restricted area (to the extent that it is reasonably practicable); publishing the text of the proposed PSPO; and notifying Norfolk County Council.

12. Statutory guidance highlights that, as the effect of PSPOs is to restrict the behaviour of everybody using the public place, the close or direct involvement of elected members will help to ensure openness and accountability.

13. In addition, when considering making a PSPO, the council must consider any equality issues pursuant to its duty under section 149 of the Equality Act 2010. In line with this, an Equalities Impact Assessment (EqIA) has been completed.

Consultation process and outcome

14. Norwich City Council undertook the recommended public consultation using the Get Talking (GTN) Norwich digital platform. The consultation ran from 8 February 2024 to 23 June 2024. The consultation was publicised on the Norwich City Council website, by press release (which subsequently saw an article in the Eastern Daily Press, Evening News, and BBC website) and via social media. Norwich City Council members were alerted to the consultation via e-Councillor bulletin. In addition, partner members of the Safer Norwich Board were informed of the consultation at the meeting dated 19 March 2024.

15. The consultation consisted of multiple questions to comment on the issue of alcohol related ASB in Norwich and whether the respondent supports the implementation and extension of the boundary of the PSPO. Some basic accompanying information regarding the aims of the PSPO was provided together with some Frequently Asked Questions.

16. Respondents were also invited to mark on an interactive map any locations they have experienced alcohol related ASB and offer alternative suggestions for management of alcohol related ASB in Norwich. These locations and suggestions will be used to inform future work by the Community Safety team.

17. The consultation received 117 responses to the main survey questions and 77 responses to identifying problem locations on the map. It was not mandatory to complete all questions on the consultation so the number of responses to specific questions may vary.

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1146322/2023_Update_ASB_Statutory_Guidance_-_FINAL_1_.pdf

18. 101 (91.8%) respondents supported the PSPO allowing authorised officers to remove alcohol from people engaging in ASB, with 7 (6.4%) opposing and 2 (1.8%) not sure

19. 100 (90.9%) people supported the extension of the boundary of the PSPO to be citywide, with 5 (4.5%) opposing and 5 (4.5%) not sure.

20. For purposes of clarity, a supplementary question was asked for those viewing the full wording of the proposed order “Do you support or oppose the implementation of the PSPO for control of alcohol?” There were only 6 respondents to this question, however all 6 (100%) answered “Strongly Support”.

21. As can be seen a significant majority of respondents support the proposed PSPO.

22. Key concerns raised about the extension of the boundary were:

- “All this order would do is cost money and put pressure on police and cause conflict”
- “You are overstepping the mark of control”
- “Giving too much power to police to enforce against behaviours based on their opinions. ASB is too broad and vague a definition”

23. 55 comments were offered with diverse perspectives and additional suggestions. These are summarised as:

- Enforcement and increased police presence: a recurring theme is the need for stricter enforcement of existing regulations and a more visible police presence, particularly on foot patrols and during nighttime hours.
- Consistent enforcement of signs, potentially with CCTV or increased police patrols
- Confiscation of alcohol from individuals engaging in ASB
- Potential temporary bans from specific areas for repeat offenders
- Targeted interventions: Comments suggest a multi-pronged approach, including designated alcohol-free zones and support services for those struggling with addiction.
- Increased support services to address addiction issues
- Designation of specific areas as alcohol free zones
- Collaboration with individuals in recovery to help those causing problems access support
- Balancing approaches: There’s a call for a balanced approach that tackles the root causes of ASB while also ensuring responsible enjoyment of public spaces.
- Comments highlight the need for clear communication regarding enforcement procedures and designated alcohol-free zones
- Concerns exist about potential overreach by police and the importance of only targeting those causing ASB

24. The Chief Constable of Norfolk and the Police and Crime Commissioner were consulted with both confirming their support for the proposed PSPO.

25. Norfolk County Council were informed of the proposed PSPO.

26. Norfolk Fire and Rescue Service and Norfolk Neighbourhood Watch were also consulted. Both were in support of the proposal.

Enforcement and management

27. As per the agreement reached with Norfolk Police breaches of the PSPO will primarily be witnessed and evidenced by the police.

28. In summary, the escalation and enforcement model is;

- Engage and educate – potential for confiscation of alcohol and warning letter.
- Further breach – evidence and statements to Norwich City Council.
- Norwich City Council – Community Safety team to decide upon serving a Fixed Penalty Notice (FPN) and any subsequent prosecution.

29. Once made, the Order will be publicised on the Council website, in the local press and by social media. Signage will be placed at appropriate locations.

Implications

Financial and resources

30. The financial cost of managing the PSPO and any enforcement action including prosecution for breaches will be covered from the existing Safer Neighbourhood Initiative budget.

31. The staff resource required to manage the PSPO implementation and enforcement will be met within existing Community Safety team resources.

Legal

32. Section 17 of the Crime and Disorder Act 1998 requires local authorities to consider the crime and disorder implications of all their activities and functions and do all that they reasonably can to reduce these problems. The proposed PSPO contributes to that requirement.

33. NPLaw have advised on consultation, the principles and content of the proposed PSPO and subsequent management of the PSPO once made.

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	There is the possibility the PSPO may impact more substantially on people with mental health difficulties and/or alcohol and substance abuse issues (as evidenced in the street drinking community). This may impact on our Public Sector Equality Duty under the Equality Act 2010. An Equality Impact Assessment has been conducted
Health, social and economic impact	Limited - but positive in respect of an increase in resident's being able to enjoy public spaces
Crime and disorder	The Proposed PSPO supports the Norfolk County Community Safety Partnership - Safer Norfolk Plan 2021-24 priority of reducing anti-social behaviour. The proposed PSPO also supports the Reducing Neighbourhood Crime and ASB priority in the Safer Norwich Strategy 2023-26.
Children and adults safeguarding	No direct impact on safeguarding in terms of policies or duties
Environmental impact	No specific environmental impact can be attributed to the PSPO

Risk management

Risk	Consequence	Controls required
Failure to implement effective enforcement of the PSPO	Loss of reputation	Oversight for delivery will lie with the Portfolio Holder and Executive Director. The Council's senior leadership team and elected members will be regularly appraised of progress.
Ineffective relationship management with Police	Ineffective management of PSPO	Regular reporting from police on use and impact of powers derived from the PSPO Regular stakeholder meetings

Other options considered

34. We have considered extending the preceding PSPO on a like for like basis or allowing the PSPO to lapse and not be replaced.

Reasons for the decision/recommendation

35. Data from Norfolk Police and officer testimony indicates that alcohol related crime and ASB is still prevalent in Norwich and that the preceding PSPO was an effective method of dealing with this.

36. Displacement of street drinking has been evident over the past 3 years

37. The consultation has demonstrated overwhelming support for the implementation of a citywide control of alcohol PSPO.

Background papers: None

Appendices:

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