

RECORD OF EXECUTIVE DECISION

Tuesday, 16 April 2019

Decision No: (CAB 18/19 23753)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	Community Wellbeing
SUBJECT:	Controlling Street Drinking using Public Spaces Protection Orders
AUTHOR:	Gavin Derrick

THE DECISION

- (i) To note the representations received in relation to this matter in response to the consultation carried out between 25 February and 24 March 2019 as set out in Appendix 1 and Appendix 4.
- (ii) To vary and extend the five Public Spaces Protection Orders to control street drinking in the localities shown in the maps at Appendix 2.
- (iii) To remove controls on begging in the Public Spaces Protection Orders.

REASONS FOR THE DECISION

1. Begging and street drinking continue to cause problems in some parts of Southampton. The anti-social behaviour associated with these activities can have a detrimental impact on the quality of life for those who live and work in or visit the City and generate complaints to either the Council or the police.
2. The Anti-Social Behaviour, Crime and Policing Act 2014 introduced new powers to tackle anti-social behaviour. The Act allows the local authority to make a Public Spaces Protection Order (PSPO) if it is satisfied that:
 - a) activities carried on in a public place have had or will have a detrimental effect on the quality of life of those in the locality; and
 - b) the activities are persistent or continuing and are unreasonable; and
 - c) the restrictions imposed by an order are justifiable.

A public spaces protection order can last for a period of three years after which it may be extended for a further three year period. The local authority may also vary a public spaces protection order.

3. Public spaces protection orders (PSPO's) provide the police and other authorised officers with powers to tackle the anti-social behaviour which is restricted by the order. Officers may direct individuals not to engage in an activity which is prohibited by the PSPO; issue a fixed penalty notice (up to

£100) to anyone who fails to comply with the requirements of the PSPO; and in the case of a person consuming alcohol in a location covered by a PSPO, can require that person to surrender the alcohol. Failure to comply with the requirements of a PSPO is an offence, which can result in a fine of up to £1,000 on conviction.

4. In April 2016, the Council created five PSPO's to control street drinking and begging in five localities where anti-social behaviour associated with these activities was particularly prevalent. The orders last for three years and are due to expire on 29 April 2019.
5. Over the past three years, the Council has worked in partnership with the police to tackle anti-social behaviour associated with street drinking and begging. Following the introduction of the PSPO's in 2016, activity was initially focussed on engaging with individuals found to be begging or street drinking and directing them to the appropriate support services within the city. Individuals who persisted with aggressive begging were issued with fixed penalty notices. Few of these fixed penalties were paid and they did little to change the behaviour of these individuals. A review of the approach to enforcement available to tackle begging was undertaken and other interventions were found to have a greater deterrent effect. These interventions include the use of dispersal powers by the police; issuing persistent beggars with community protection notices; and seeking criminal behaviour orders from the Court for those who continued to beg aggressively. These intervention were more effective and the use of fixed penalty notices for non-compliance with the requirements of the PSPO's was discontinued.
6. As other interventions have a greater impact on reducing begging, it is recommended that the current PSPO's are varied so that they no longer include controls on begging.
7. The Council and the police continue to receive complaints from members of the public and businesses about the anti-social behaviour associated with street drinking in the city. The PSPO's provide powers for police officers and PCSO's to require a person to stop consuming alcohol in within an area covered by a PSPO; and to require that person to surrender their alcohol. These powers are not available through other legislation and it is recommended that the controls on street drinking in the existing PSPO's are extended for a further three year period.
8. The boundaries of the existing PSPO's for the City Centre and for Shirley do not cover all of the areas where anti-social behaviour associated with street drinking has been identified. It is recommended that the boundaries of these PSPO's are extended to allow the police to effectively deal with complaints about street drinking in these areas.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. The PSPO's could be renewed without variation to extend the existing controls on both street drinking and begging for a further three year period, but as the controls on begging are not actively used and more effective interventions are available to address aggressive and persistent begging this is not considered appropriate.
2. The PSPO's could be allowed to expire on 29 April 2019 and not extended, but this would remove the power to deal with anti-social street drinking which is not available through other legislation (allowing police officers to require a person to stop consuming or surrender their alcohol).
3. The PSPO's could be varied, so that the existing controls on begging are discontinued, but the controls on street drinking are extended for a further three years in the areas currently covered but this would not provide an effective control on street drinking in those areas where it is problematic but not within the existing boundaries of the PSPO's for the City Centre and Shirley.
4. The controls on either street drinking or begging could be controlled by creating a PSPO to cover the entire city, but this would be difficult to justify as anti-social behaviour associated with these activities does not cause problems in many parts of the city.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

None

CONFLICTS OF INTEREST

None

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 16th April 2019

Decision Maker:
The Cabinet

Proper Officer:
Claire Heather

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on

Date of Call-in (*if applicable*) (*this suspends implementation*)

Call-in Procedure completed (*if applicable*)

Call-in heard by (*if applicable*)

Results of Call-in (*if applicable*)