

## RECORD OF EXECUTIVE DECISION

Monday, 14 March 2022

**Decision No:** (CAB 21/22 33483)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	COMMUNITIES, CULTURE AND HERITAGE
SUBJECT:	Extending Controls on Street Drinking
AUTHOR:	Gavin Derrick

### THE DECISION

- (i) To consider the representations received in relation to this matter in response to the consultation carried out between 21 January and 18 February 2022 as set out in Appendix 1.
- (ii) To approve the extension of the five Public Spaces Protection Orders to control street drinking in the localities shown in the maps at Appendix 2.

### REASONS FOR THE DECISION

1. The anti-social behaviour associated with street drinking continues to cause problems in some parts of Southampton and can have a detrimental impact on the quality of life for those who live and work in or visit the City and generates 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 by the local authority for a further three-year period.

3. Public spaces protection orders (PSPOs) provide the police and other 'authorised persons' with powers to tackle the anti-social behaviour which is restricted by the order.

Police officers or 'authorised persons' 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 stop consuming alcohol and if consumption continues, 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 PSPOs to control street drinking in localities where anti-social behaviour associated with this activity was particularly prevalent. The orders were extended for a further three-year period in 2019 and are due to expire on 30 April 2022.
5. Since the introduction of the PSPOs, the Council has worked in partnership with the police to tackle the anti-social behaviour associated with street drinking and the power to require alcohol to be surrendered is regularly used.
6. The power to control street drinking is not available through other legislation and it is recommended that the controls on street drinking in the existing PSPOs are extended for a further three-year period.

#### **DETAILS OF ANY ALTERNATIVE OPTIONS**

The PSPOs could be allowed to expire on 30 April 2022 and not extended, but this would remove the power to deal with anti-social street drinking (allowing police officers to require a person to stop consuming or surrender their alcohol).

Street drinking 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 this activity 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: 14<sup>th</sup> March, 2022

Decision Maker:  
The Cabinet

Proper Officer:  
Judy Cordell

**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)*