

## RECORD OF EXECUTIVE DECISION

Tuesday, 15 March 2016

**Decision No:** (CAB 15/16 16264)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	HOUSING AND SUSTAINABILITY
SUBJECT:	CONTROLLING STREET DRINKING AND BEGGING USING PUBLIC SPACES PROTECTION ORDERS
AUTHOR:	Gavin Derrick

### THE DECISION

- (i) To consider the representations received in relation to this matter in response to the consultation carried out between 3<sup>rd</sup> November and 11<sup>th</sup> December 2015 as set out in appendices 2 and 3;
- (ii) To approve five Public Spaces Protection Orders to control begging and street drinking in the localities shown in the maps at Appendix 1 and set the fixed penalty notice fine at £100;
- (iii) To delegate authority to issue fixed penalty notices to the Service Director: Transactions and Universal Services and all other ancillary powers for non-compliance with the requirements of a Public Spaces Protection Order; and
- (iv) To note that police officers may also take enforcement action and issue Orders, Directions and Notices as considered appropriate, including Fixed Penalty Notices, under the Public Space Protection Orders.

### REASONS FOR THE DECISION

1. Begging and street drinking are becoming increasingly prevalent in 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.
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.

3. PSPOs provide the Police and other authorised officers with additional powers to tackle anti-social behaviour. In addition to directing individuals not to engage in an activity which is prohibited by the Order, an officer can issue a fixed penalty notice (up to £100) to anyone who fails to comply with the requirements of the Order; and in the case of a person consuming alcohol in a location covered by a PSPO, can require that person to surrender the alcohol. While council officers could, theoretically, issue penalty notices, it is envisaged that police will lead on this element of enforcement, and the council has liaised with police to ensure this is deliverable and effective enforcement can take place.
4. 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.
5. The Council has received complaints from members of the public and businesses about begging and street drinking in the city. Analysis of data, including data provided by the Police, has identified five locations where begging and street drinking are prevalent. These locations are set out in the maps included at Appendix 1 and have been the subject of public consultation.
6. Begging and street drinking have a detrimental effect on quality of life in certain localities within the city and introducing PSPOs in these localities will provide powers to tackle these activities. The police have supplied information which records complaints about street drinking and begging made by members of the public and people operating businesses in the city. This information shows the detrimental impact these activities can have on the quality of life of people living, working or visiting these localities.

For example, street drinking can lead to behaviour which can be intimidating, particularly when drinkers gather in groups. The information supplied by the police records incidents such as drinkers obstructing access to business premises and directing verbal abuse towards members of the public trying to use businesses in the city; or directing verbal abuse at members of staff asking drinkers to move away from business premises. Drinkers gathering in parks, close to play facilities used by young children have become abusive and used foul language, discouraging the use of these facilities. Incidents of drinkers urinating in public and soiling themselves in business premises have been recorded, along with drinkers damaging vehicles and street furniture whilst intoxicated.

The information supplied by the police shows that individuals begging in the city can become verbally abusive or threatening when requests to give money are declined. This behaviour can also be directed at the staff of businesses within the city when beggars are asked to move away from premises.

The behaviour of street drinkers and beggars can have a detrimental impact on the quality of life in parts of the city, and discourage people from using businesses and other amenities within the City.

## **DETAILS OF ANY ALTERNATIVE OPTIONS**

1. Drinking alcohol in public in Southampton is currently restricted by a Designated Public Places Order (DPPO), which was created under previous legislation, but this order will expire in 2017. The PSPOs will extend the power of Police Officers to tackle street drinking until 2019.

2. Begging is an offence under the Vagrancy Act 1824 but this legislation does not provide an effective deterrent to those who engage in this activity, with the Courts often imposing a minimal fine. The Public Spaces Protection Orders will provide an alternative enforcement procedure and associated signage, which is required to publicise the orders, informing both the individuals engaging in the activity, and members of the public who give money, that begging is not permitted. An example of the type of sign to be erected to identify locations subject to a PSPO is included at Appendix 4.
3. Activities to engage with people who are begging or street drinking, to direct them to seek assistance from support services to address drug or alcohol dependency, already exist. For example, a StreetCRED event led by the neighbourhood police team was carried out in Portswood in May 2015. This type of activity is an important part of an overall strategy to tackle begging and street drinking, and activity to support and re-direct affected individuals will be continued, but needs to be supported by the ability to undertake enforcement activity, in appropriate circumstances, using the powers provided by a PSPO.

#### **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: 15<sup>th</sup> March 2016

Decision Maker:  
The Cabinet

Proper Officer:  
Judy Cordell

#### **SCRUTINY**

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

Call-In Period

Date of Call-in <i>(if applicable) (this suspends implementation)</i>
Call-in Procedure completed <i>(if applicable)</i>
Call-in heard by <i>(if applicable)</i>
Results of Call-in <i>(if applicable)</i>