

Arun District Council

REPORT TO:	Housing and Wellbeing Committee on 25 January 2023
SUBJECT:	Public Spaces Protection Order (ASB)
LEAD OFFICER:	Georgina Bouette, Wellbeing and Communities Manager
LEAD MEMBER:	Cllr. Jacky Pendleton, Committee Chair
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
IMPROVING THE WELLBEING OF ARUN: Develop and implement a Wellbeing Strategy to plan services, resources, amenities, activities, and places to help our community thrive	
DIRECTORATE POLICY CONTEXT:	
Improving wellbeing by addressing acts of anti-social behaviour and providing increased opportunities for residents and visitors to enjoy their use of open spaces.	
FINANCIAL SUMMARY:	
Not applicable to this report.	

1. PURPOSE OF REPORT

- 1.1. The Council's Public Spaces Protection Order (PSPO) in relation to anti-social behaviour will expire at the end of March 2023. This report sets out the options available to the Council in respect of this Order.

2. RECOMMENDATIONS

- 2.1. It is recommended that the PSPO, as it is currently set out, be extended for a further three years with effect from April 2023.

3. EXECUTIVE SUMMARY

- 3.1. Arun District Council introduced its current PSPO in April 2020, seeking to address anti-social behaviour and associated alcohol consumption.
- 3.2. The Anti-social Behaviour, Crime and Policing Act 2014 sets the maximum period for a PSPO to be three years. This report provides detail from which the Committee can determine whether to accept the recommendation.
- 3.3. It should be noted that the Council has a separate dog control PSPO in place. This report does not apply in any way to that separate order.

4. DETAIL

- 4.1. Public Spaces Protection Orders were introduced as a tool to tackle specific problems, within a defined area, that has a widespread, negative impact on local communities. A PSPO enables the Council to prohibit certain behaviours where people's quality of life is adversely affected.
- 4.2. As set out at 3.2. of this report a PSPO will expire after three years. Therefore, there is a requirement on the Council to review the status of its Order and determine whether to amend, renew, or discharge it.
- 4.3. A copy of the existing PSPO, including maps of the restricted areas, is attached to this report as **Appendix A**.
- 4.4. The principal elements of the current PSPO are:
 - (a) to control the consumption of alcohol in public areas when associated with causing anti-social behaviour, and
 - (b) to require that people do not act anti-socially.

It must be made clear that the restrictions of a PSPO apply to everyone in the prescribed area.

- 4.5. Since the current order came into force in April 2020, we have lived through an extended period of social restrictions due to the emergence of Covid-19. The first 12 months or so in which the order was in place saw limited public socialisation, and so the use of the PSPO was extremely restricted.
- 4.6. The order has been utilised by Sussex Police and the Council's community wardens in Littlehampton where necessary. The approach taken by officers has been one of engagement in the first instance which, on the whole, has been a positive tactic and seen high levels of compliance.
- 4.7. Local social media comments occasionally suggest that street drinking takes place and is intimidating to members of the public. It is important to make the distinction between general drinking of alcohol where there is no ASB, and where nuisance behaviour and alcohol are combined. The PSPO does not make it an offence to openly drink alcohol.
- 4.8. Where an authorised officer (Council or Police) believes that a person drinking alcohol is causing, or likely to cause, anti-social behaviour they can request the individual immediately stop drinking or request that alcohol is disposed of. An offence is caused where the individual refuses to comply with the request.
- 4.9. The legal tests for making a PSPO must consider the impact that the specific anti-social behaviour has on victims and communities. The Council can make a PSPO if it is satisfied that the activity carried out, or to be carried out in a public space:

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

4.10. Section 60 part 2 of the Act states:

“Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent-

- (a) occurrence or recurrence after that time of the activities identified in the order, or
- (b) an increase in the frequency or seriousness of those activities after that time.”

5. CONSULTATION

5.1. The views of Sussex Police, the Sussex Police and Crime Commissioner, and West Sussex County Council Highways have been sought in relation to a proposed new PSPO. The responses are collated below:-

5.2. Sussex Police, Chief Inspector Nick Bowman

No applicable comments submitted.

5.3. Office of the Sussex Police and Crime Commissioner

No response received.

5.4. West Sussex County Council, Matt Davey, Director of Highways

No response received.

5.5. The views in response to the Safer Arun Partnership Community Safety survey undertaken in July 2022 have also been taken into account and are attached to this report as **Appendix B**.

6. OPTIONS / ALTERNATIVES CONSIDERED

6.1. For the PSPO to expire and move forward without an Order in place.

This option would leave communities open to the risk of increased anti-social behaviour. The Council will not have a mechanism in place to address the prohibited behaviour in the current PSPO.

6.2. To reconsider the boundaries of the restricted areas, focusing on the town centres of Bognor Regis and Littlehampton.

Currently, the restricted areas are wide reaching and restricts the response to reported breaches. Officer capacity is limited meaning that resources are unable to always be 'in the right place at the right time' over the large geographical areas.

In order to reset the areas to which the PSPO applies, detailed analysis of each parish is required as to the impact that the defined behaviours are having. Due to the timescales involved, it is unlikely that such evaluation would be completed before the PSPO elapses.

- 6.3. To reconsider the activities which are prohibited by way of the PSPO.

The activities which are restricted by the current PSPO remain those most pressing to local residents. Responses to the recent Safer Arun Partnership community safety survey ranked anti-social behaviour as a more problematic issue than crime. Street drinking ranked highly as a main issue for residents of the district.

7. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1. There are no direct financial implications arising from this report.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1. Authorised council officers may be exposed to individuals under the influence of alcohol and, when challenged about their behaviour, occasionally become verbally aggressive. Officers receive appropriate training but are advised to consider their personal safety and withdraw if feeling threatened or unsafe.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1. The Council may make a Public Spaces Protection Order where it is satisfied on reasonable grounds that activities carried on in a public place have had a detrimental effect on the quality of life of those in the locality, or that it is likely that activities will be carried on in a public place and that they will have a detrimental effect. In addition, the Council must be satisfied that the effect of the activities is persistent or continuing, that the activities are unreasonable, and that the effect justifies the restrictions imposed by the notice. The order may prohibit specified things being done, and/or require specified things to be done by persons carrying on specified activities.

10. HUMAN RESOURCES IMPACT

- 10.1. There are no direct implications on the above area arising from this report.

11. HEALTH & SAFETY IMPACT

- 11.1. Due to the nature of the PSPO, officers will regularly come into contact with individuals under the influence of alcohol or already engaged in disruptive behaviour. This often results in officers being confronted and verbally attacked. All Council employees authorised to enforce the Order are provided with appropriate training and have safety protocols in place.

12. PROPERTY & ESTATES IMPACT

- 12.1. There are no direct implications on the above area arising from this report.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 13.1. Conditions imposed by a PSPO restrict the behaviour of everybody who uses the public place to which it applies.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

- 14.1. There are no direct implications on the above area arising from this report.

15. CRIME AND DISORDER REDUCTION IMPACT

- 15.1. The recommendation of this report takes into account the Council's statutory duty to consider the right of residents to enjoy open public spaces. By extending the PSPO with the same conditions, authorised officers can continue to reduce alcohol related anti-social behaviour.
- 15.2. The Anti-social Behaviour, Crime and Policing Act 2014 implies that the focus should be "on putting victims at the heart of the response to anti-social behaviour". The proposed extension of the PSPO does this by addressing local resident's concerns .

16. HUMAN RIGHTS IMPACT

- 16.1. Conditions imposed by a PSPO restrict the behaviour of everybody who uses the public place to which it applies.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

- 17.1. There are no direct implications on the above area arising from this report.

CONTACT OFFICER:

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BACKGROUND DOCUMENTS:

Appendix A

Arun District Council Public Spaces Protection Order 2020

Appendix B

Safer Arun Partnership survey results July 2022