

CHANDLERS FORD AND HILTINGBURY LOCAL AREA COMMITTEE

14 September 2016

IMPLEMENTATION OF A PUBLIC SPACE PROTECTION ORDER

CHANDLER'S FORD

Report of the Community Safety & Emergency Planning Manager

Recommendation

It is recommended that the Local Area Committee agree the making of the Public Spaces Protection Order as set out in the draft order in Appendix A for a period of three years.

Summary

A report on the proposal to make a Public Space Protection Order (PSPO) for Chandlers Ford which will allow authorised officers powers to tackle drinking when associated with anti-social behaviour. The report outlines the proposal, the findings of the public consultation and supporting arguments for the introduction of the order.

Statutory Powers

The Anti-Social Behaviour Crime and Policing Act 2014

Introduction

1. The Anti-Social Behaviour Crime and Policing Act 2014, which came into force in October 2014, brought in new powers to allow Local Authorities to better tackle anti-social behaviour in their area. One of these powers was the ability to make a Public Spaces Protection Order (PSPO). These powers were adopted by the Council's Cabinet on 18th June 2015.
- 1.2 The Council consulted on the making of a Public Spaces Protection Order (PSPO) in the summer of 2016, to assist in addressing the unreasonable and persistent anti-social behaviour which was detrimentally affecting the quality of life of residents, businesses and visitors to Chandlers Ford centre.

Background

- 2.1 This issue is about tackling anti-social behaviour related to street drinking in Chandlers Ford, within the area outlined in red on the Map. Appendix D
- 2.2 Since October 2015 there have been an increasing number of calls and complaints by members of the public and local businesses to the police and the council about anti-social behaviour in Chandlers Ford town centre generally and in Fryern Arcade in particular. Most of these calls relate to behaviour by adult males who are drinking alcohol, fighting or urinating in public. The police received 57 calls in the period between 16th October 2015 and 17th April 2016. They also made use of s35 dispersal orders, which allow them on a temporary basis to require persons behaving in an anti-social manner to leave the area, 12 statements from the public have also been obtained.
- 2.3 The police and council during this period have tried a number of measures to reduce this behaviour and some of these have been successful with a number of individuals. However the area also attracted many other individuals from other parts of Hampshire and the problems continued. Following representations by the police, shopkeepers, and members of the public, the Council's community safety team decided that it should consider using the powers granted to it to try and control the behaviour that was being complained of. The measure proposed is the introduction of a controlled alcohol zone.
- 2.4 This Public Space Protection Order proposes to bring in a controlled alcohol zone for the shaded area of Chandlers Ford shown on the map (Appendix D). This measure will mean that, whilst it is not an offence to drink alcohol in a public space, it will be an offence to fail to comply with a request by an authorised officer to cease drinking or surrender alcohol.
- 2.5 The order will provide the police and other accredited officers with the power to require individuals to stop consuming alcohol within the designated public place. Such an order provides a power of confiscation and disposal of the alcohol, plus a police power of arrest should an individual fail to comply with directions.
- 2.6 Failure to comply can lead to prosecution or the issuing of a fixed penalty notice of a maximum of £100.
- 2.7 These discretionary powers will allow authorised officers to take positive action where appropriate and prevent disorder; the alcohol consumption must be associated with anti-social or disorderly behaviour or the belief that such behaviour may occur.
- 2.8 The proposed order is similar to the Designated Public Place Order (DPPO) already in place in Eastleigh and Boyatt Wood since 2009. DPPOs were replaced by the Public Spaces Protection Order in 2015. The DPPO has been used successfully since 2009 by local police officers to stop anti-social behaviour related to alcohol consumption through engagement and

confiscations where necessary and there have been no prosecutions needed.

Consultation

- 3.1 As part of the decision making the Council is required under the legislation to consult with the following parties via letter.

The Chief Constable of Hampshire Constabulary

The owners and occupiers of land covered by the proposed area

Community representatives - Chandlers Ford Parish Council

- 3.2 In addition to the statutory consultees, it is best practice to consult more widely and thus a public consultation was undertaken between 31st May and 11th July 2016. This was publicised on the Council's website, making use of social media and other communications to make people aware of the consultation exercise.

<https://www.eastleigh.gov.uk/the-council/news/2016/chandlers-ford-pspo.aspx>

Coverage was also obtained in the Daily Echo and through online media, additionally posters were put up in the area.

Results of the consultation.

- 3.3 68 responses were received to a survey which was the preferred method of collating responses to the consultation. There was one email but no other communication received. A copy of the survey can be found in Appendix B. A comprehensive document about the proposal with a FAQ was also produced and put on the Council's website. This can be found in Appendix C.

- 3.4 The respondents were mainly either residents from the area or staff/owners of local businesses.

- 3.5 Of the 68 responses, 59 (87%) were in favour of the proposal.

3.6 76% of the respondents stated that people being drunk or rowdy and drinking alcohol in public places was a very big or fairly big problem within the area. In free text replies to questions 3 and 4 the majority of responses expressed support citing the aggressive and unsociable behaviour, intimidation, urinating in public and feelings of being unsafe as reasons to support the proposal.

- 3.7 Question 5 asked if other things should be included – responses included widening the area to include Fryern Recreation Ground, acting against littering and dealing with rowdy behaviour coming from people who have left licensed premises.

- 3.8 Whilst the clear majority support the proposal, some disagreed. The main reasons given for this were that the police should use their existing powers to

tackle this type of behaviour that the Order would cover. Many respondents whether in favour or against stated that those who are homeless and have substance misuse problems should be receiving support and would like to see that support existing alongside any enforcement action that is proposed to be taken.

- 3.9 View of Hampshire Constabulary. The local police are fully supportive of this PSPO and indeed proposed it along with others.

Reasons for decision

- 4.1 There are clear concerns from residents and business representatives about the problem with the consumption of alcohol, and associated anti-social behaviour, in the centre of Chandlers Ford. There is a concern that this creates a negative perception of the town and feelings of being unsafe and intimidated as a result of the behaviours seen. It is suggested that the introduction of a PSPO will send a clear message that inappropriate behaviour associated with the consumption of alcohol will not be tolerated.
- 4.2 It is not suggested that the PSPO alone will solve the problems but it does provide the police with enforcement tool which can be used with discretion and allow the confiscation of the alcohol, a power which the police only have at present in respect of those under the age of 18.
- 4.3 It is recognised that there needs to be support for those individuals who have problems of substance misuse and may be homeless. The council and police have worked with charities and substance misuse services to try and help those in need in the past and will continue to do so.
- 4.4 There is an amendment to the draft proposed order included to allow Police Community Support Officers (PCSOs) the same powers following their inclusion in the consultation and on request from Hampshire Constabulary.

Financial and legal Implications

5. The cost of implementing the PSPO will be funded through existing budgets.

Risk Assessment

6. Following the introduction of the PSPO, there is a moderate risk of it being ineffective if Hampshire Constabulary is unable to enforce its provisions through lack of resources. As such the creation of a DPPO could create unachievable expectations. In addition there is considered to be a risk of displacement to areas in the borough and these will be closely monitored.

Equality and Diversity Implications

7. The decision to enforce the PSPO powers will be the individual officer's decision and the equalities impact will be considered by these officers on a case by case basis. There are no direct implications other than potentially

reducing the opportunity for substance misuse and the authorities will continue to signpost people to the appropriate support agencies and services

Conclusion

- 8.1 Following consultation with the police, the proposal is to introduce a PSPO in Chandlers Ford to cover the area outlined on Appendix D. This is to address alcohol related anti-social behaviour and will enhance people's feeling of safety, which can be harmed through witnessing the consumption of alcohol in public and the associated inappropriate behaviour.
- 8.2 The Anti-social behaviour, Crime and Policing Act 2014 permits a PSPO to be imposed where there is evidence that consumption of alcohol in public is associated with anti-social behaviour. A formal public consultation has been carried out, which resulted in an overwhelming desire for the Council to implement such an Order. It is proposed that the order be made for three years
- 8.3 An interested person (as defined in Section 66(1) of the aforementioned Act) may apply to the High Court to question the validity of the order or any variation thereof on the grounds specified in section 66(2) of the Act within 6 weeks of the date of the order or any subsequent variation.
- 8.4 During this 6 week period the Order will be widely published in the area and awareness raising will be undertaken so that members of the public are conversant with the terms of the Order, signage will also be erected to draw attention to any member of public that the PSPO has been made and the effect of the Order.

MELVIN HARTLEY

COMMUNITY SAFETY AND EMERGENCY PLANNING MANAGER

Date: 1st September 2016

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Appendices Attached: 4

*Report No 1

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

Appendices

- A. Draft order
- B. Survey
- C. Proposal and FAQ document
- D. Map (attached as PDF document)

APPENDIX A DRAFT ORDER

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER 2015

The Eastleigh Borough Council (Chandlers Ford) Public Spaces Protection Order No.1 of 2016

Eastleigh Borough Council (“The Council”) makes the following Order in exercise of its powers under s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“The Act”)

1. This Order may be cited as the Eastleigh Borough Council (Chandlers Ford) Public Spaces Protection Order (“the Order”)
2. This Order takes effect on the 15th September 2016 and continues to have effect for a period of three years thereafter.
3. This Order applies to the land (“the Restricted Area”) and is shown red on the attached plan (“the Order plan”).
4. This Order applies to all persons within the Restricted Area at all times of the day and night.

Prohibitions

- I. Persons not to act in a manner that causes harassment, alarm or distress as a result of consuming alcohol within the Restricted Area.
- II. No person shall within the restricted area refuse to stop drinking alcohol or hand over containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer to prevent public nuisance and disorder.

The Council is satisfied that the conditions set out in Sections 59 and 72 of the Act have been satisfied and that it is, in all the circumstances, expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area. The Council is satisfied that activities have been carried out in the Restricted Area that have a detrimental effect on the quality of life of those in the locality. Furthermore the

Council is satisfied that the effect of the activities is, or is likely to be, of a persistent or continuing nature, and is, or is likely to be such as to make the activity unreasonable and the effect justifies the restrictions imposed.

The Council makes this Order because people have been gathering in the Restricted Area and consuming alcohol and acting in a manner causing alarm, harassment and distress to the local community.

Offences

Failure without reasonable excuse to comply with the prohibitions or requirements imposed by this Order is a summary offence under Section 67 of the Act. A person guilty of an offence under Section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Failure to comply with a requirement of a constable, a Police Community Support Officer or an authorised person not to consume alcohol or anything they reasonably believe to be alcohol; or to surrender anything which a constable, Police Community Support Officer or authorised officer reasonably believes to be alcohol or a container for alcohol, is a summary offence under Section 63 of the Act. A person guilty of an offence under Section 63 of the Act is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

SCHEDULE 1

The land to which this Order applies includes the following:

Parts of Winchester Road, Oakmount Road and Brownhill Road, Chandlers Ford as shown on the attached map within the area marked in red.

For the avoidance of doubt the Restricted Area is shown red on the attached Order plan.

Dated this 15th day of September 2016

The Common Seal of Eastleigh Borough Council

Was affixed to this Order in the presence of -

.....

.....

Authorised by the Council to sign in that behalf

APPENDIX B SURVEY

Upgrade [nike.douglas@eastleigh...](#)

My Surveys Library Examples Survey Services Plans & Pricing [+ Create Survey](#)

Upgrade to create more powerful surveys: Get more answers and turn them into results. [View Pricing +](#)

🏠 > Chandler's Ford Public... Summary **Design Survey** Collect Responses Analyze Results

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BUILDER

- Multiple Choice
- Dropdown
- Matrix / Rating Scale
- Matrix of Dropdown Menus [Upgrade](#)
- Ranking
- Net Promoter Score
- Single Textbox
- Multiple Textboxes
- Comment Box
- Contact Information
- Date / Time
- Text
- Image

QUESTION BANK

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Chandler's Ford Public Space Protection Order

We would appreciate your views on the proposed Public Space Protection Order for Chandler's Ford.

The full consultation document, including a map of the proposed area, can be found from the homepage of Eastleigh Borough Council's website www.eastleigh.gov.uk. Please send all replies before midnight on Monday 11 July, 2016.

1. I am responding as a:

(please tick all that apply)

- Local resident who lives in the shaded area shown on the map in the consultation document
- Local resident who lives outside the shaded area shown on the map
- Person who works in the shaded area shown on the map
- Local Business owner/manager
- Visitor to the shaded area shown on the map (eg. shopper, tourist, on business)
- Local Borough, Town or Parish Councillor
- Representative of a local community or voluntary group (please state the name of the group and postcode below)

Name and postcode of local or voluntary group

*** 2. How much of a problem do you think each of the following are to people living in, working in or visiting the Chandler's Ford shopping area?**

	Very big problem	Fairly big problem	Not a big problem	Not a problem at all	Don't know	Not applicable
People being drunk or rowdy in public spaces (eg. in parks and on streets)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People drinking alcohol in public areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. Have any of these affected you in either a positive or negative way over the last 12 months, when you have been in the shaded area on the map?

- People being drunk or rowdy in public spaces
- People drinking alcohol in public areas

Please tell us how these issues have affected you.

4. Do you support the use of a Public Space Protection Order to control people drinking alcohol, as outlined above, in public spaces in the shaded area shown on the map? (This would include parks, streets and other public places but not public houses or licensed beer gardens or pavement cafes)?

- Yes
- No

Please tell us why.

5. Are there any other things that you feel are detrimental to the area that you would like to see included in a PSPO?


6. Do you have any other comments regarding the Public Space Protection Order?

[Add a new question](#)

Or simply click or drag a new question from the Builder.

Done

Powered by

 SurveyMonkey

See how easy it is to create a survey.

https://www.surveymonkey.com/create/?sm=oThxAMfBx6iFkfxs7ugJKJwwzpayn_2... 17/06/2016

APPENDIX C

Proposal and FAQ document

Public Spaces Protection Order (PSPO) for Chandlers Ford

This consultation is about tackling the issue of anti-social behaviour related to street drinking in Chandlers Ford.

This has become increasingly prevalent and problematic over the last six months, particularly around the area of Fryern Arcade and the shopping centre of the town.

Eastleigh Borough Council has the power to make Public Spaces Protection Orders (PSPOs). These orders allow for control of activities that can have a detrimental effect on the quality of life of those living and working within the local area.

The orders give Police Officers and Police Community Support Officers additional powers to tackle street drinking when associated with anti-social behaviour. This includes the seizing and disposing of alcohol which is being consumed within the designated PSPO area.

This consultation is to canvass local opinion on the plans to introduce a Public Spaces Protection Order in Chandlers Ford.

We would like to know:

- Whether you agree with the proposal .
- If there are any alterations you would like to see to the geographical area for the PSPO
- What impacts the order may have on the area or on local people.

The PSPO's aim to improve and protect the local area. We value your opinion and this is your opportunity to have your say.

We would like to hear the views of everyone who may be affected by the proposed PSPO.. These views will be considered before any decision is made on the proposed PSPO by the Local Area Committee for Chandlers Ford and Hiltingbury when they meet on July 6 2016.

This consultation closes opens on Tuesday 31 May and closes on Monday 11 July 2016.

How do I get involved?

The formal consultation period will run for three weeks.

There are three main ways to take part in the consultation:

By writing to us directly by:

1. Email: CommSafe@eastleigh.gov.uk
2. Post: Chandlers Ford PSPO consultation, Community Safety, Eastleigh Borough Council, Eastleigh House, Upper Market Street, Eastleigh, SO50 9YN
3. Completing an online questionnaire form which can be found at:

<https://www.surveymonkey.co.uk/r/B5WL5H7>

Prior to responding please read the following information:

- A. Background Information
- B. Proposed scope of the PSPO
- C. Frequently asked questions

A. Background information

Public Space Protection Orders were created in the Anti-social Behaviour, Crime and Policing Act 2014 and can be used to regulate activities in particular public places that can have a detrimental effect on the local community. They can help by giving local councils and local police additional powers to tackle antisocial behaviour in specific locations.

In the last 6 months there have been an increasing number of calls and complaints by members of the public and local businesses to the police and the council about anti-social behaviour in Chandlers Ford town centre generally - and in Fryern Arcade in particular. Most of these calls relate to behaviour by adult males who are drinking alcohol, fighting or urinating in public.

The authorities have tried a number of measures to reduce this behaviour and some of these have been successful with certain individuals. However the area has now attracted many other individuals from other parts of Hampshire and the problems have continued. Following representations by the police, shopkeepers, and members of the public, the Council has decided that it should consider using the powers granted to it to try and control the behaviour outlined.

One measure proposed is the introduction of a controlled alcohol zone.

B . Proposed scope of the order

This Public Space Protection Order proposes to bring in a controlled alcohol zone for the shaded area of Chandlers Ford shown on the map. This measure will mean that, whilst it is not an offence to drink alcohol in a public space, it will be an offence to fail to comply with a request by an authorised officer to cease drinking or surrender alcohol.

The order will provide the police and other accredited officers with the power to require individuals to stop consuming alcohol within a designated public place.

Such an order provides a power of confiscation and disposal of the alcohol, plus a police power of arrest for failure to comply with directions.

These discretionary powers will allow authorised officers to take positive action where appropriate and prevent disorder; the alcohol consumption must be associated with anti-social or disorderly behaviour or the belief that such behaviour may occur.

C. Frequently asked questions

1. What are Public Spaces Protection Orders (PSPO)?

These are areas that can be designated by Eastleigh Borough Council where anti-social behaviour has been causing a nuisance or annoyance. In these areas, police, police community support officers and some council officers have certain powers to tackle such behaviour.

2. Are there time restrictions on a PSPO?

The PSPO will be in force all hours of the day, every day. The PSPO will last for up to three years and can be extended following a review.

3. Will there be any extra policing to enforce the PSPO?

No. Police Neighbourhood Teams will continue to patrol and respond to incidents as part of their community response.

4. What are the benefits of a PSPO?

The main benefits of a PSPO are to help tackle anti-social behaviour associated with street drinking, begging, urinating in the street, and aggressive or intimidating behaviour of groups or individuals.

5. What are the concerns and issues with street drinking?

Street drinking is sometimes associated with anti-social behaviour, causing high levels of noise, rowdy and nuisance behaviour, harassment and intimidation of passers-by, as well as the littering of cans and bottles.

6. How will the PSPO work?

Officers can request people to stop drinking alcohol in the designated public places and ask to surrender their drink, including unopened containers of drink being carried. If people refuse they can be issued a fixed penalty notice of up to £75 and/or face prosecution.

A PSPO is not an outright ban on street drinking. It is not an offence to consume alcohol in a public place; the offence is failing to comply with an officer's request.

7. Can I be stopped or arrested for carrying alcohol or legal highs in public spaces?

A PSPO does not make it illegal to carry alcohol or to drink alcohol in a public place. So long as drinking is done responsibly a PSPO will only be used to tackle alcohol related, anti-social behaviour or disorder. Under these circumstances police and council officers (where designated) will have the power to stop people drinking alcohol and seize or confiscate alcohol within the controlled area. If you fail to comply with an officer's request to stop drinking and/or dispose of alcohol, you could face a Fixed Penalty Notice (FPN).

8. Do Police already have these powers?

The Police can make an arrest for street drinking related anti-social behaviour, or similar behaviour from intoxication by other substances. However, it is only an offence to refuse an officer's request to stop drinking alcohol/taking legal highs or to surrender alcohol/legal highs when asked, where a PSPO is in operation. Where there is no PSPO in operation, it is not an offence alone to refuse to surrender alcohol/legal highs, although any related anti-social behaviour can give cause for arrest.

9. Will there be signs alerting people to the new PSPO?

Yes.

10. Would people still be able to drink or hold alcohol bottles outside pubs?

Yes.

The PSPO does not make it illegal to drink alcohol in a public place. However, if a person was to drink beyond the legal boundary of a licensed premise and they do not stop drinking if asked to do so by a police officer or another designated officer, then they could be at risk of breaching the Order.

11. Are licensed premises affected?

Although a PSPO would restrict alcohol consumption in a public area the Act states that licensed premises are not affected.

12. What about street parties and events in parks?