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West Devon
Borough
Council

Please reply to: Darryl White
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Dear Councillor

WEST DEVON HUB COMMITTEE - TUESDAY, 2ND NOVEMBER, 2021

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

Agenda No	Item
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| 10. | <u>Public Space Protection Order - Alcohol and Anti-Social Behaviour (Pages 1 - 16)</u> |
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Yours sincerely

Darryl White
Democratic Services Manager

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Report to: **West Devon Borough Council**

Date: **Tuesday 2nd November 2021**

Title: **Public Space Protection Order – Alcohol and Anti-Social Behaviour**

Portfolio Area: **Wellbeing - Cllr Leech**

Wards Affected: **Tavistock**

Urgent Decision: **N** Approval and clearance obtained:

Author: **Richard Easthope** Role: **Environmental Health Specialist**
Contact: **email: Richard.Easthope@swdevon.gov.uk**

Recommendations:

That the Council resolves to:

- (1) **Agree the Tavistock Meadows** Alcohol and Anti - Social Behaviour Public Space Protection Order 2021 as set out in Appendix A

1. Executive summary

1.1 The Report asks Members to consider the recommendations as to whether or not an Alcohol and Anti-Social Behaviour Public Space Protection Order should be made in relation to an area within the Borough of West Devon. The recommendation is based on an assessment of the evidence as to whether or not the statutory grounds for making the Order have been established. The location in question is Tavistock, specifically the area outlined in the map in appendix A, the area known as “The Meadows”.

1.2 Sections 59 to 75 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) set out the powers that a Local Authority has to regulate behaviour within a specified area with public access, to prevent anti-social behaviour from causing a detrimental impact to the quality of life to those in the locality. This includes the power for principal councils to make Public Space Protection Orders (PSPO’s) in respect of public places. The purpose of a PSPO is to deal with a particular nuisance or problem in a particular area that is detrimental to the local community’s quality of life. It can be used to deal with existing problems that are likely to continue in the future. The PSPO’s proposed is in relation to alcohol and anti-social behaviour that can have a detrimental impact on some communities.

Only a Local Authority can make a PSPO in respect of a public place within its area. The definition of “local authority” under the Act is a District or Borough council. Parish and Town Councils do not have the power to issue PSPO’s.

1.3 PSPO’s allow a local authority to respond to concerns of anti-social behaviour in a specific area by prohibiting certain activity and/or requiring specified things to be

done within it. The Council must be satisfied on reasonable grounds that **two** conditions are met.

The first condition is that:

- Activities currently carried out in a public place within the area of the authority have had a detrimental effect on the quality of life of those in the locality.
- OR
- It is likely that activities will be carried out in a public place within that area and that those activities will have such an effect.

The second condition is that:

- It is (or is likely to be) of a persistent or continuing nature.
- It is (or is likely to be) such to make the activities unreasonable; and
- Justifies the restrictions imposed by the notice.

Any prohibitions or requirements imposed by the PSPO must be made in strict regards to ceasing the anti-social behaviour or reducing it. As such, any requirements must be proportionate and tailored to the behaviour of concern and to the persons causing it.

2. Background

2.1 Tavistock Town Council has made a recommendation to the Borough Council for the creation of a public space protection order in the Meadows area of Tavistock. This was recommended due to a rise in anti-social behaviour in the area. The Police have supported this recommendation.

2.2 A 33 day consultation was launched on the 4th August which ran until the 5th September inclusive. The public and other stakeholders such as town and parish councils were asked to submit their comments on the proposal during this period.

A summary of the responses received are listed anonymously in appendix C.

2.3 In addition to the public consultation West Devon Borough Council has worked with Devon and Cornwall Police to obtain crime figures relating to the proposed area. Please see Appendix D.

3. Outcomes/outputs

3.1 The wording to accompany the proposed Order is as follows:

Anti-social behaviour

- At all times, persons will not act in a manner that is causing or is likely to cause, harassment, alarm or distress in the designated area.

Alcohol

- Alcohol must be disposed of or surrendered if requested by an authorised officer

3.2 Fines for breach of an Alcohol or Anti-Social Behaviour PSPO are set at £100.00 per offence, issued in the form of a Fixed Penalty Notice (FPN). Fixed penalty notices may be issued by the Police or a person authorised by the Council.

3.3 Before making a PSPO, the Council must consult with the Police at Chief Officer level and the Devon, Cornwall and Isles of Scilly Police and Crime Commissioner.

The response from the Office of the Police and Crime Commissioner (OPCC) in support of the proposals for a PSPO in the Meadows can be found below in Appendix B.

4. Options available and consideration of risk

4.1 The Council can decide not to make any Alcohol or Anti-Social Behaviour orders at this time, but if this were to happen the Council could be open to criticism that it is not upholding its responsibilities under Section 17 of the Crime and Disorder Act 1998. This states that all relevant authorities (which includes District/Borough councils) have a duty to consider the impact of all their functions and decisions on crime and disorder in their local area.

As referred to by the OPCC the Police have the option of various other powers available to them, such as Section 5 of the Public Order Act 1986 or Section 35 of Anti-Social Behaviour, Crime and Policing Act 2014 which is time limited to 24 or 48 hours and has the ability to disperse individuals who are likely to harass or alarm members of the public.

However, Public Space Protection Orders are the preferred option supported by the Police as the most effective way of dealing with Anti-Social Behaviour, particularly that associated with alcohol use.

4.2 As outlined in section 1.3 above, in order to apply a Public Space Protection Order the Council must be satisfied on reasonable grounds that in doing so, it is necessary to prevent:

- Occurrence or recurrence of the activities identified in the order, or
- An increase in the frequency or seriousness of those activities after that time.

4.3 If the Council does not agree a PSPO for an area at this time, then there is no legislation or reason to suggest that one cannot be sought in the future if circumstances for the area were to change.

5. Proposed Way Forward

It is recommended that an Anti-Social Behaviour and Alcohol Public Space Protection Order is made for the Tavistock Meadows area based on the evidence set out in the relevant appendices attached to this report:

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>Under the Anti-social Behaviour, Crime and Policing Act 2014, Public Space Protection Orders (including the surrender of any alcohol) may be made by West Devon Borough Council if satisfied on reasonable grounds that:</p> <ul style="list-style-type: none"> • activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect. Further, • the effect, or likely effect, of the activities is, or is likely to be of a persistent or continuing nature • the effect, or likely effect, of the activities is, or is likely to be, such as to make the activities unreasonable, and • the effect, or likely effect, of the activities justifies the restrictions imposed by the notice. <p>Any restrictions or prohibitions that are to be imposed must be both reasonable and aimed at preventing or reducing the risk of the detrimental effect continuing.</p>
Financial implications to include reference to value for money	Y	<p>There will be costs associated with the production and fixing of appropriate signage which is required for the PSPO's to be enforceable.</p> <p>There may be additional staffing costs associated with increased enforcement activity in the prescribed area.</p>
Risk	Y	<p>The risk of not agreeing the Order is set out in paragraph 4.</p> <p>Applying the Public Space Protection Order requires the Borough Council and Police to support said Orders through enforcement.</p> <p>Poor enforcement performance will lead to customer dissatisfaction which will impact on the Borough Council's and Police's reputation.</p>
Supporting Corporate Strategy	Y	Wellbeing, Environment and Communities
Climate Change - Carbon / Biodiversity Impact	N	There are no direct carbon/biodiversity impact arising from the recommendations.

Comprehensive Impact Assessment Implications		
Equality and Diversity	N	There are no equality and diversity implications.
Safeguarding	N	There are no direct safeguarding implications.
Community Safety, Crime and Disorder	Y	The Orders are generally preventative. They prevent the behaviour from occurring. However the can and will be enforced as required. Section 17 of the Crime and Disorder Act requires local councils to be jointly responsible for the prevention of crime and disorder with police.
Health, Safety and Wellbeing	Y	A locality with little to no antisocial behaviour (through alcohol) has a large impact on the mental and physical wellbeing of its residents
Other implications	N	Human Rights - In deciding whether to make a public space protection order and if so, what it should include, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

Supporting Information

Appendices:

Appendix A – Map of proposed PSPO area – Red shaded area denotes PSPO area

Appendix B – Consultation response from the Office of the Police and Crime Commissioner

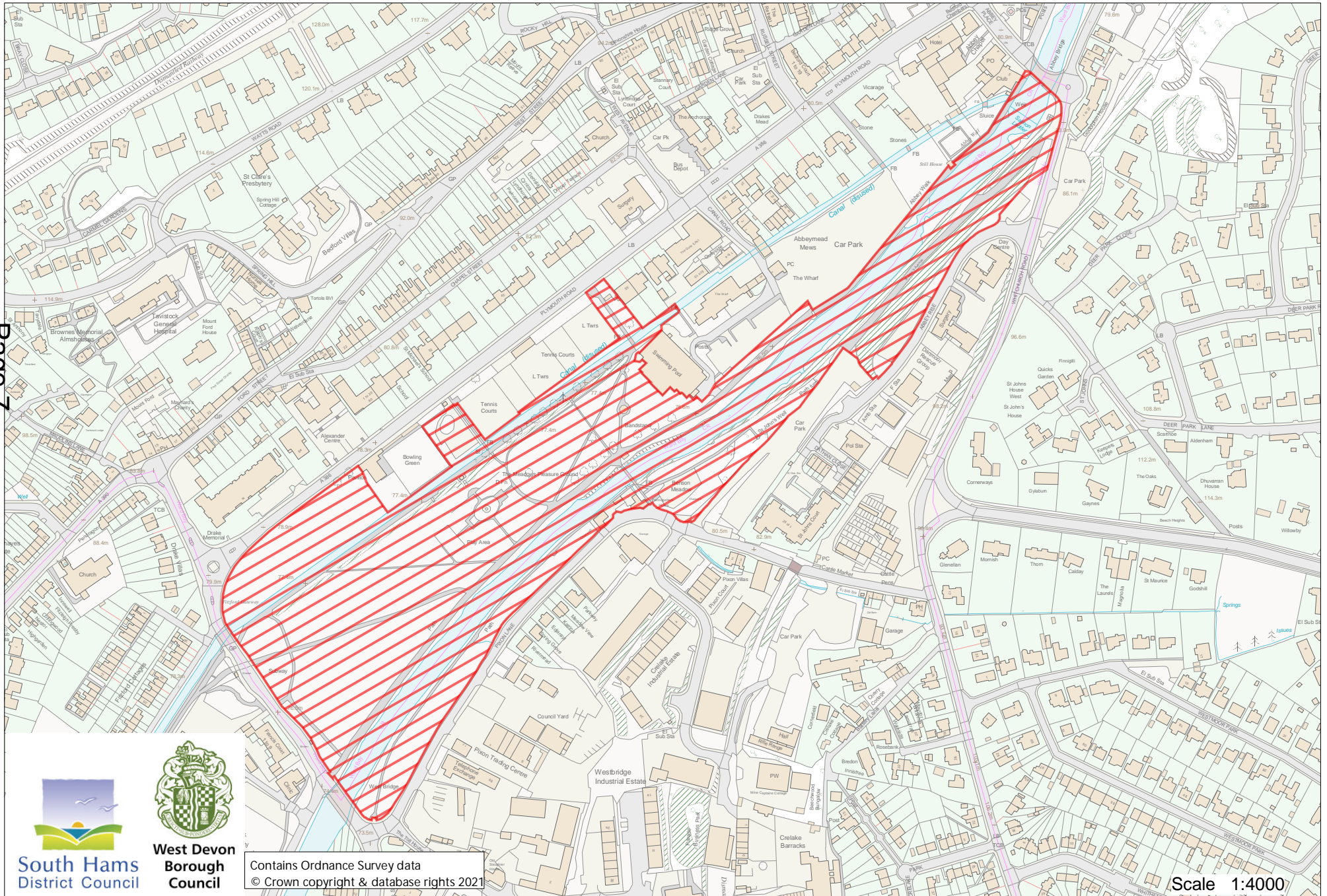
Appendix C – Summary of Public Consultation responses received between the 4th August and the 5th September 2021.

Appendix D – Tavistock Crime statistics, specifically relating to Anti-Social Behaviour in the Meadows and the surrounding area

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Proposed PSPO area – Alcohol & Anti-Social Behaviour – August 2021

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Contains Ordnance Survey data
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Richard Easthope
Senior Specialist – Environmental Health
South Hams District Council and West Devon Borough Council

Via email: richard.easthope@swdevon.gov.uk

1st September 2021

Re: Tavistock Meadows Public Spaces Protection Order

Dear Richard,

I am writing to confirm my support for the proposed Public Spaces Protection Order (PSPO) in Tavistock Meadows. Tackling anti-social behaviour is one of my priorities as Police and Crime Commissioner and will feature as a priority in my upcoming Police and Crime Plan.

I am acutely aware that in recent months the area has experienced issues related to anti-social behaviour and disorder. The impact of this behaviour should not be understated, and it is important that swift action is taken to ensure the safety and resilience of the local community.

I believe that the dual restrictions on anti-social behaviour and alcohol that the proposed PSPO would introduce will act as a useful preventative tool to intercept anti-social conduct and street drinking, sending a message to offenders that such behaviour will not be tolerated.

I am aware that the local policing team are considering whether the power to disperse offenders may be beneficial. The Council may wish to review this as part of the consultation process.

Yours sincerely,



Alison Hernandez
Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly

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Full details of responses received in relation to the PSPO Consultation

Proposed area – Tavistock Meadows

Consultation timeframe - 4th August 2021 – 5th September 2021

Responses received - 10

**Responses anonymised to protect personal details*

Response 1

Whilst welcoming this action I believe the area should be extended to cover more of the town centre. There are so many complaints on Facebook from people living in this area regarding noise, damage, mess and vomit mostly on Friday and Saturday nights. It is wonderful to have such a good selection of pubs, restaurants and takeaways but there needs to be control over people who are anti social and have no thought for others in the community.

Response 2

I agree with this subject to challenge anti social behaviour in the Meadows area of Tavistock. I personally have tried to explain and reason with young people who were drinking and smoking. I am aware that they may be bored. But there is no excuse for thier behaviour, which includes bad language, throwing objects and damaging property.

I believe if this is not addressed correctly, there is a chance that someone will be seriously assaulted or attacked.

Response 3

I have read with interest your proposed PSPO for Tavistock Meadows.

I am in part in favour of this proposal, due mostly to the amount of rubbish and broken glass that can be littered around the skate park and 'The Tin' where I often walk my dog. Not only is this dangerous for dogs and small children, but is an eyesore. I also worry about the environmental impact due to the proximity of the river with rubbish being blown in and becoming part of the problem of plastics in our rivers and seas. I've often seen town council workers early in the mornings cleaning up this area and spoke with one who appeared to share my frustrations.

My hope is that with a PSPO in place, there would be a lot less opportunity for such littering including broken spirit/beer bottles.

But I am also worried that the problem will be pushed into other areas of our town that don't have a PSPO on them. Young people will always find places to hang out with each other and get up to their mischiefs. We were all young once and perhaps behaved in ways we may not be entirely proud of now...

Perhaps a drive to better educate our young people regarding the impact they have on local residents, the environment and the authorities would be better placed? Can schools be involved? Can we give them a sense of ownership of these spaces and teach them to respect our lovely Meadows?

Response 4

I have read about the proposal to introduce a pspo in the meadows. I wanted to let you know that I am supportive of the measures. I live in Tavistock.

The amount of glass left in the park worries me as does the groups of young people drinking there in the evening. There is often lots of rubbish left by the skate park/basketball court which is harmful to dogs.

Response 5

I think the proposals are a good idea but they do need to be enforced. There is no point having rules when there are insufficient police to patrol the area.

Response 6

By all means implement some meaningful action. It's godawful down there in the evenings.

Response 7

I would like to say that I am delighted at the proposal with regard to anti social behaviour in The Meadows and surrounding area. However, I am slightly concerned that the proposal does not include Tavistock town.

West Street and King Street are also badly effected by anti- social behaviour.

It would appear to be a few individuals that are giving the younger generation a bad reputation. I would like to say that I have met some very mannerly and respectful youngsters.

Tavistock is such a lovely little town which in the last couple of years has become a place I do not like being after dark.

I welcome any measures that can help to alleviate the problem

Response 8

As a Tavistock resident, I do agree that an ASB would be a good idea for the area shown in order to get control of the (small) number of people causing disruption and damage to properties in, and around, the Meadows park.

We do know that most, if not all, of this misbehaviour is carried out during the evenings or night time, so it is important that all control measures are aimed at those hours. It is also important, if not vital to the scheme, that full support is given to the problem by the local police. No laws are supported if they cannot be enforced. Police action on a regular basis must be a vital action here. If not you might as well forget any success with your ASB, and probably loose all support for any future action in this area.

Thank you,

Response 9

I am a bit confused - surely the type of anti-social behaviour described in the proposed PSPO for Tavistock should not be tolerated anywhere? Why is a PSPO needed for this - it's suggesting that type of anti-social behaviour is then allowed everywhere else in Tavistock, just not in the Meadowlands

area?! What about the other areas already being misused eg the football club & surrounding playing fields & behind the bus station?

Is this the only way to get that area regularly policed?

Response 10

I fully back this proposal and would ask that it include the bus station on a permanent basis. I am a homeowner in Tavistock.

We often have trouble getting our young children to sleep at a reasonable time due to the noise and general disturbance from youths gathering in the evenings.

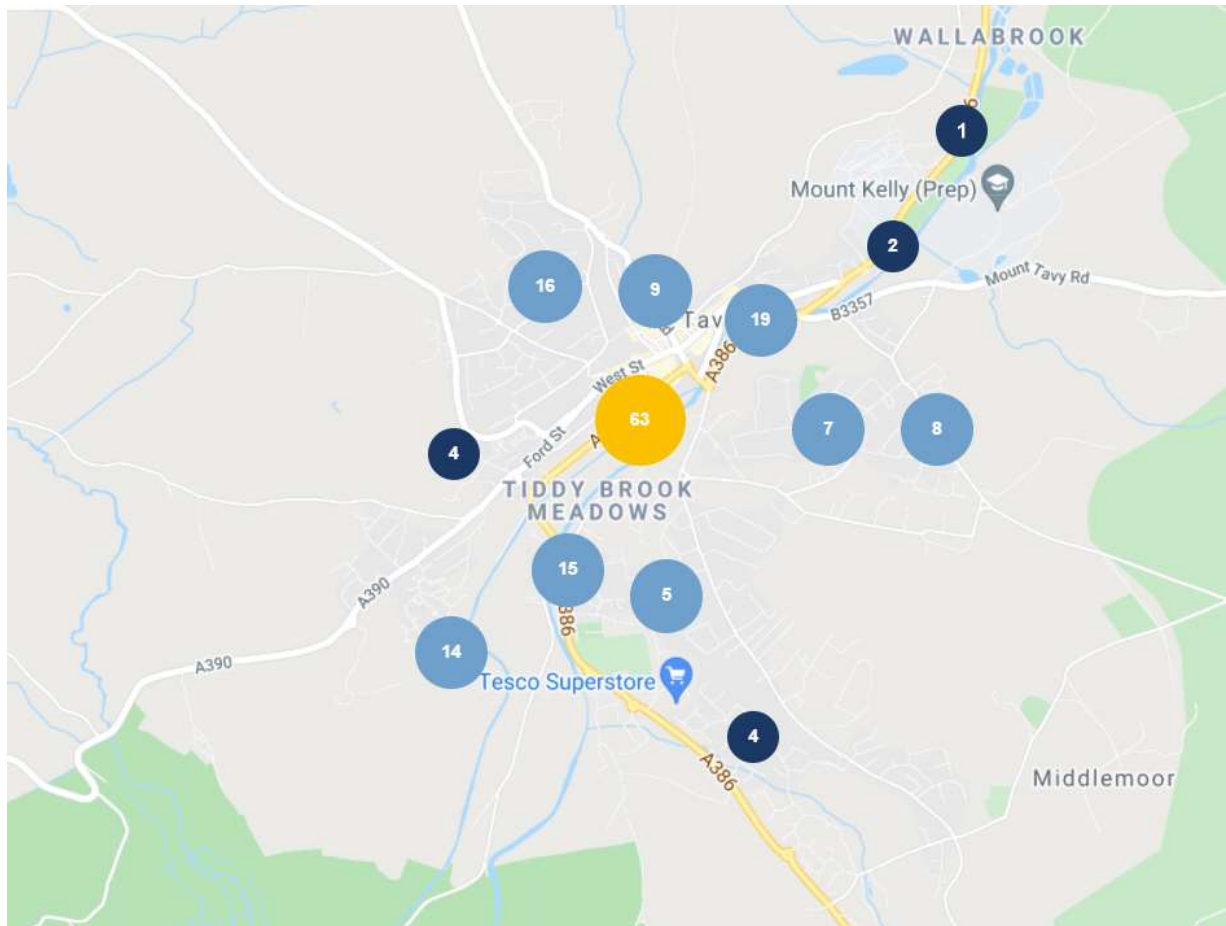
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Appendix D – Crime figures for Tavistock.

There have been 167 occurrences of anti-social behaviour reported in Tavistock over the past 12 months.

Anti social behaviour accounts for 31% of all crimes reported in Tavistock.

38% of these reports originate from “The Meadows”, totalling 11% of all reported crimes.



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