

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 7 November 2016

Portfolio:	Public Protection
Subject:	Public Spaces Protection Order
Report of:	Director of Planning and Regulation
Strategy/Policy:	Community Safety Strategy
Corporate Objective:	A Safe and Healthy Place to Live and Work

Purpose:
To implement a Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 following the statutory consultation

Executive summary:
Fareham Town Centre is experiencing an increase in begging, street drinking, taking of drugs and rough sleeping which is having a detrimental effect on the quality of life of those who live, work in and visit Fareham.

Recommendation/Recommended Option:
That the Executive agrees to implement a Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014

Reason:
Begging, Street drinking, taking of drugs and rough sleeping are becoming increasingly prevalent in Fareham Town Centre and having a detrimental impact on the quality of life for those who live, work in and visit Fareham.

Cost of proposals:
Costs associated if Order is confirmed in the future – erecting signs, legal process

Appendices:

- A: Draft Order**
- B: Map of area**
- C: Consultation Report**
- D: EIA**

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	7 November 2016
Subject:	Public Spaces Protection Order
Briefing by:	Director of Planning and Regulation
Portfolio:	Public Protection

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 discussed by the Council's Executive on 7 July 2016 and approval granted to commence a consultation.
2. Fareham is a safe place to live, work and visit and crime rates in the town centre and borough are low. Begging, street drinking, taking of drugs and rough sleeping are becoming increasingly prevalent in Fareham Town Centre and are having a detrimental impact on the quality of life for residents, businesses and visitors.
3. The Council consulted on the making of a Public Spaces Protection Order (PSPO) in the summer of 2016, to assist in addressing the issues above.
4. The Police, Fareham Borough Council and Community Safety Partners including Catch 22, Hampshire and Isle of Wight Community Rehabilitation Company, Public Health England, Two Saints, Avalon's Inclusion Team, Department for Work and Pensions, Fareham Drugs and Alcohol Action Group, Adult Mental Health, Hampshire Youth Offending Team and the Fire Service worked together and tried a number of measures to reduce this anti-social behaviour and some of these have been successful with certain individuals. However the area has also attracted many other individuals from other parts of Hampshire and the problems have continued. Following representations by the police, shopkeepers, residents and members of the public, the Council's community safety team decided that it should consider using the powers granted to it under new legislation.
5. This Public Space Protection Order proposes to bring in a controlled alcohol zone and range of controls to prevent, street drinking, rough sleeping, begging and the taking of drugs in public place for the shaded area of Fareham Town Centre shown on the map (Appendix B). These measures will mean that, whilst it is not an offence to drink alcohol, beg, sleep rough 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, cease using drugs,

cease begging aggressively.

6. The order will provide the police and other accredited officers with the power to require individuals to stop consuming alcohol, taking drugs, begging and rough sleeping within the designated public place. Such an order provides a power of confiscation and disposal of the substance, plus a police power of arrest for an individual failing to comply with directions.
7. Failure to comply can lead to prosecution or the issuing of a fixed penalty notice of a maximum of £100.
8. These discretionary powers will allow authorised officers to take positive action where appropriate and prevent disorder; the alcohol or drug consumption and begging must be associated with anti-social or disorderly behaviour or the belief that such behaviour may occur.
9. The proposed order is similar to the Designated Public Place Order (DPPO) already in place in the whole of Fareham since 2007 and used successfully 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.

Consultation

10. In addition to the statutory consultees, it is best practice to consult more widely and thus a public consultation was undertaken between 17 August 2016 and 27 September 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.

Results of the Consultation

11. 544 responses were received to a survey which was the preferred method of collating responses to the consultation. There emails and letters received during the consultation period. A copy of the consultation analysis can be found in Appendix C.
12. The respondents were mainly either residents from the area or staff/owners of local businesses.
13. Of the 544 responses, 96% (481) wanted Police and authorised officers to have extra powers to tackle street drinking, 98% (491) wanted Police and authorised officers to have extra powers to tackle drug taking in public places. 91% (454) wanted Police and authorised officers to have extra powers to tackle persistent and aggressive begging and finally 81% (406) of respondents wanted Police and authorised officers to have extra powers to tackle rough sleeping.
14. The local police are fully supportive of this PSPO and indeed proposed it along with others. There were a minority of returns that had negative comments about the introduction of a PSPO and these are summed up in Appendix C.
15. There are clear concerns from residents and business representatives about the problem with the consumption of alcohol, begging, taking of drugs in public places, and associated anti-social behaviour, in the centre of Fareham. 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, begging and taking of drugs in public places will not be tolerated.

16. It is not suggested that the PSPO will alone solve the problems but it does provide the police and authorised officers with an 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.
17. It is recognised that there needs to be support for those who have problems of substance misuse and homelessness and the council and police will continue to work with charities, substance misuse and housing services to try and help those in need. The issues are monitored on a monthly basis through the multi-agency Partnership Action Group.

Support and Initiatives

18. Since 2014 the steady increase in anti-social behaviour and crime associated with street drinkers. In summer of 2016 a substantial increase in crimes associated with drinking, violence and drugs increased in areas around West Street, which included Trinity Church Gardens, Museum Gardens, The Gillies, Gardens of Reflection and Osborn Road Multi-storey car park. Statistically between the five month period of November 2015 – March 2016 and April 2016 – August 2016, reported Anti-Social Behaviour has risen in Fareham East Ward by 22%. All crime comparative within the same time frame has also risen by 16%. According to research carried out via the Police Record Management System, 694 incidents were reported to Police between 24/02/2016 and 31/08/2016 in the Fareham East Ward. This exclusively includes all ASB offences, theft, all public order offences, assaults, assaults on Police, domestic disputes and other disputes and drug offences. Of those, 208 were proven to be directly linked to those affiliated with the rough sleeper/ street drinking nominals.
19. It can therefore be said, in relation to the aforementioned offences, the same rough sleeper/street drinker group were responsible for 1 in 3 calls to Police during that 6 month period. As a result of this increase, the fortnightly Tactical Planning Meeting and monthly Partnership Action Group identified this issue as a District Priority and identified the locations as Priority Patrol Areas.
20. All street drinkers/rough sleepers have been given information to seek help for their respective addictions, housing, health and benefit needs. Joint agency patrols took place throughout June, July, August and September 2016. Agencies attending included Police, Homeless Charities, Churches, Fareham Borough Council, Inclusion, Two Saints, Public Health England, Fire Service and ward councillors.
21. Police and Fareham Borough Council also worked in partnership with Emmaus Hampshire, a homeless charity, who came on joint patrols in Fareham. Three people are have taken their offer of assistance and are engaging with their programme in Winchester.
22. In 2015, in addition to the food voucher initiative, a welfare drop-in facility was explored. A regular date was set up between Two Saints and Café Imbizo whereby Two Saints Outreach would set up in the café for anybody homeless or in need could easily access the support services. Unfortunately this was rarely attended and ceased to operate in 2016 through lack of willing attendees. Two Saints and Inclusion have outreach officers that continually engage with the street drinkers and rough sleepers on the streets and direct them to support.
23. The food voucher initiative was replaced by a scheme between Café Imbizo, Inclusion, Citizens Advice and Two Saints, whereby vouchers were issued that allowed for a free

drink and/or sandwich to the recipient only. This ensured only those engaging proactively with services would be able to access the incentive and continues to successfully operate to this date. Additional support agencies will be added to assist with housing, employment and debt advice.

24. A “reduce the strength” campaign has been initiated in Fareham through joint work between Police and the Council’s Licensing Team. Licensed premises have voluntarily removed high strength beers and ciders from their shelves. This has been overwhelmingly successful, with most stores willingly engaging with the initiative and many removing the drink from their shelves with immediate effect. Work is still on-going with a minority of stores who continue to sell the high strength alcohol.
25. 101 Gosport Road provides sheltered accommodation for the homeless. They have 18 beds available and a small number of emergency beds. Residents are required to contribute towards their stay and adhere to rules.

Equalities

26. The Council has a public sector equality duty under the Equalities Act 2010 to have due regard to tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. The Equality Impact Assessment in Appendix D sets out the protected characteristics, responses to the consultation from the public and mitigating actions supporting a positive partnership approach.
27. The PSPO will apply to all individuals committing anti-social behaviour within the designated area, without discrimination.

Conclusion

28. The Anti-social behaviour, Crime and Policing Act 2014 permits a PSPO to be imposed where there is evidence that consumption of alcohol or drugs, begging in a 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
29. 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.
30. During this 6 week period, officers will, if the order is made, prepare signage, and finalise the procedures for issuing of Fixed Penalty Notices should they be required. 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.

Enquiries:

For further information on this report please contact Narinder Bains (Ext 4496)