

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 16 December 2019

Portfolio:	Health & Public Protection
Subject:	Public Spaces Protection Order
Report of:	Director Leisure & Community
Corporate Priorities:	Strong, safe, inclusive and healthy communities

Purpose:

To review and extend the Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 following the statutory consultation which controls begging, drug taking and consumption of alcohol in the town centre.

Executive summary:

The current PSPO requires review as the three-year period is due to expire on 24 December 2019. Fareham Town Centre is still experiencing begging, street drinking, taking of drugs which is having a detrimental effect on the quality of life of those who live, work in and visit Fareham.

Recommendation/Recommended Option:

It is recommended that the Executive agrees to extend the Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 for a further 3 years

Reason:

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

Cost of proposals:

No additional costs

Appendices:

A: Draft Order

B: Map of area

Background papers:**Reference papers:**

Minutes of the meeting of the Executive held on 7 November 2016

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Executive Briefing Paper

Date:	16 December 2019
Subject:	Public Spaces Protection Order
Briefing by:	Director of Leisure and Community
Portfolio:	Health and Public Protection

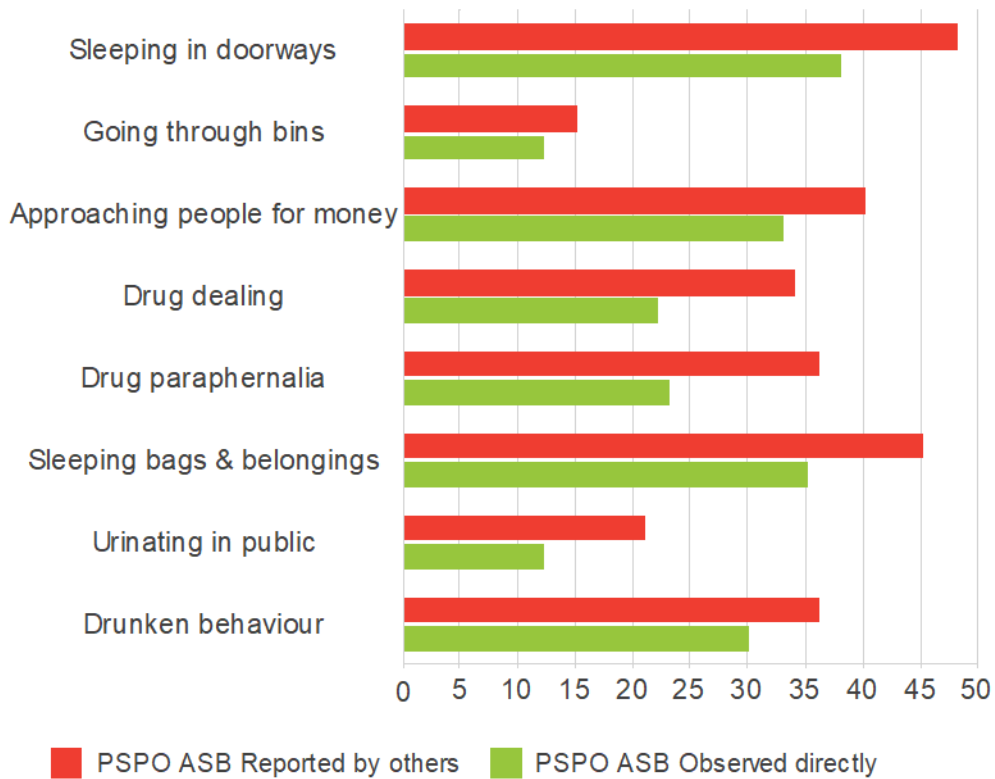
1. Fareham Town Centre currently has a Public Spaces Protection Order (PSPO) in place which restricts begging, drinking of alcohol and taking of drugs. Breach of these conditions set out in the order can lead to a fixed penalty notice. This report provides a review of the use of this order and the evidence base to keep it in place.
2. A full report was provided to the Executive on 7 November 2016. Under section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014, once a PSPO is made it lasts for a maximum of 3 years. Prior to the PSPO expiring you are required to review it and may extend it for a maximum of 3 years. The current PSPO is due to expire on 24 December 2019.
3. The areas considered by this review are the appropriate scope of the Order, the area covered by the restrictions, the potential impact of the proposals and how each of the restrictions meet the legal test.
4. There is a requirement to consult on the prohibitions to be caught by the PSPO: The three prohibitions have been condensed and refined to ensure they are robust, understandable and concise. They are:-
 - (i) Persons not to act in a manner that causes harassment, alarm or distress as a result of consuming alcohol or refusing 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 within the Restricted Area.
 - (ii) Persons not to act in a manner that causes harassment, alarm or distress as a result of use of drugs, being in possession of drug paraphernalia or leaving paraphernalia within the Restricted Area
 - (iii) Persons not to act in a manner that causes harassment, alarm or distress as a result of begging or persistently approaching people for money within the Restricted Area.

5. The restrictions imposed by an Order are considered reasonable and prevent or reduce the detrimental effect of the problem behaviour, or reduce the risk of that detrimental effect continuing, occurring or recurring. The prohibitions or requirements included in a PSPO are solid, easily understood and can withstand scrutiny. There is an additional requirement added to the Order around dispersal. Anyone breaching the restrictions can be asked to leave the area when requested to do so by an authorised officer.

6. Consultation with residents, users of the public space, and those likely to be directly affected by the restrictions has been undertaken. Local businesses, commissioned service providers, charities and relevant interest groups attended Community Action Team meetings where focus groups made up of service providers, interest groups and other interested parties representing those who will be affected provided feedback. A summary of findings is listed below. There has been formal consultation with the Police and the Police and Crime Commissioner.

Respondents	Daily	More than Once a Week	Few Times a Month	Less than Once a Month	It was in the past month	Total
Sleeping in Doorways	27	12	6	1	22	68
Going through the Bins	5	5	1	3	3	17
Injecting Drugs	5	3	9	4	6	27
Approaching People for Money	15	11	10	6	20	62
Drug Dealing	9	9	10	4	10	42
Drug Paraphernalia e.g. Needles	5	9	9	7	13	43
Sleeping Bags and Belongings Left	25	13	3	6	18	65
Urinating in Public	3	3	4	6	2	18
Drunken Behaviour	5	9	12	3	12	41

Observed ASB



- Evidence confirms that there are still issues in the town centre linked to drug usage, drink of alcohol and begging. Evidence is also gathered by Venture Security who report daily on their findings of drug paraphernalia.
- Officers and members are clear that Fareham Borough Council and Partner agencies will use prohibitions of the PSPO as a matter of last resort and the primary intention is to support and signpost people to agencies that can assist.
- Signs publishing the Order in the affected locality will inform the public that the PSPO exists.
- 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 with residents, businesses and service providers, which resulted in an overwhelming desire for the Council to implement such an Order. It is proposed that the order be made for a further three years.

Enquiries:

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