

# FAREHAM

## BOROUGH COUNCIL

### Report to the Executive for Decision 06 December 2022

<b>Portfolio:</b>	Health and Public Protection
<b>Subject:</b>	<b>Town Centre Public Spaces Protection Order</b>
<b>Report of:</b>	Director of Leisure and Community
<b>Corporate Priorities:</b>	Strong, safe, inclusive and healthy communities

**Purpose:**

To review and extend the Public Spaces Protection Order (PSPO) 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 statutory three-year period is due to expire on 24 December 2022. Fareham Town Centre has reduced begging, street drinking and the taking of drugs, however this Order enables enforcement action to be taken when incidents are 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 current Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 for a further 3 years in relation to Fareham Town Centre.

**Reason:**

Begging, street drinking and taking drugs cause fear within the local community and have 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:**

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## BOROUGH COUNCIL

### Executive Briefing Paper

<b>Date:</b>	06 December 2022
<b>Subject:</b>	Town Centre Public Spaces Protection Order
<b>Briefing by:</b>	Director of Leisure and Community
<b>Portfolio:</b>	Health and Public Protection

#### INTRODUCTION

1. Fareham Town Centre currently has a Public Spaces Protection Order (PSPO) in place which restricts begging, the drinking of alcohol and taking of drugs. A breach of these conditions set out within 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 making a case for the Public Spaces Protection Order was provided to the Executive in 2019. 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 expiration of the PSPO there is a requirement to review it, at which point an application can be made to extend it for a maximum period of 3 years. The current PSPO is due to expire on 24 December 2022.
3. The areas considered by this review are:
  - (a) the appropriate scope of the Order;
  - (b) the area covered by the restrictions;
  - (c) the potential impact of the proposals;
  - (d) how each of the restrictions meet the legal test.
4. There is a requirement to consult on the three prohibitions to be captured by the PSPO: These 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 the 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 aggressively or persistently approaching people for money within the Restricted Area.
5. The restrictions imposed by the Order must be considered reasonable and prevent or reduce the detrimental effect of the problem behaviour, or reduce the risk of that detrimental effect continuing, occurring or reoccurring. The prohibitions or requirements included within a PSPO must be solid, easily understood and able to withstand scrutiny.
  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 have responded to the Consultation. There has been formal consultation with the Police and the Police and Crime Commissioner who are supportive of the review and the continuation of the PSPO for a further three years.
  7. The most common response to the consultation was that respondents did not have any comments on the area covered by the existing PSPO. The second most frequent response mentioned extending the area included within the PSPO. Another common comment was that the existing PSPO seems adequate.
  8. There was strong support from 44% of respondents for the Council to renew the order for a further 3 years as it was considered to be a good policy
  9. Evidence confirms that there are still issues in the town centre linked to drug usage, the drinking of alcohol and begging. Evidence is also gathered by the Council and partner agencies who report monthly to the Partnership Action Group (PAG).
  10. 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 that the primary intention is always to support and signpost people to agencies that can assist. The Council have a proactive Street Aid and Housing First group which deals with housing and substance misuse support and intensively supported tenancies so people can be assisted into accommodation with support to maintain it.
  11. Signs publishing the Order in the affected locality will inform the public that the PSPO exists which compliments the street attached team from Two Saints who engage with rough sleepers and offer housing support on the streets, and the Council's enforcement officers who provide support, direction and enforcement and CCTV.
  12. 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 now proposed that the order be extended for a further three years due to the success

of the enforcement of the prohibitions to date.

**Enquiries:**

For further information on this report please contact Narinder Bains, Community Safety Manager (Tel: 01329 824496)