

**REPORT FROM: CORPORATE DIRECTOR**

**TO: POLICY AND RESOURCES COMMITTEE**

**DATE: 20<sup>th</sup> AUGUST, 2020**

**Report Author: Tim Horsley**  
**Tel. No: 661280**  
**E-mail: [tim.horsley@pendle.gov.uk](mailto:tim.horsley@pendle.gov.uk)**

## **PUBLIC SPACES PROTECTION ORDER FOR ALCOHOL CONTROL**

### **PURPOSE OF REPORT**

To update the Committee on the review of Public Spaces Protection Orders (PSPOs) in relation to alcohol control in Pendle

### **RECOMMENDATIONS**

That a single Alcohol Control PSPO with a schedule and maps of the areas included be agreed, subject to public consultation on the Council's website, and made for a period of three years and that the necessary legal steps, including the provision of signage, be taken to implement the PSPO.

### **REASON FOR RECOMMENDATIONS**

To enable the Council and its partners to respond to concerns regarding alcohol related behaviour that is detrimental to the quality of life in town centres and some parks in Pendle including enforcement action.

### **ISSUE**

1. Between 2004 and 2010 Pendle Council made five Designated Public Protection Orders in relation to the control of alcohol in Colne, Nelson, Earby, Barnoldswick and Barrowford. The DPPOs are attached as Appendices 1 to 5. The Orders included a map of the area covered and, rather than banning the carrying or consumption of alcohol in public places, enable the Police to do this with individuals they identified as causing alcohol related crime or disorder. Enforcement is a matter solely for the Police under these Orders.
2. The Anti-Social Behaviour, Crime and Policing Act 2014 replaced DPPOs with Public Spaces Protection Orders. In October 2017 the five DPPOs became PSPOs under the transitional arrangements in the Act. They currently represent five of the eleven PSPOs in place in Pendle.

3. Under the Act PSPOs have a limited duration of no more than three years. As a result, the five alcohol control PSPOs need to be reviewed in 2020 and either extended or allowed to lapse. Under the Act the wording and effect of an alcohol control PSPO is similar to that for a DPPO.
4. Consultation is ongoing with partners and other interested parties on whether the PSPOs should be extended or allowed to lapse. At the time of writing this report Barrowford Parish Council; Colne and Earby Town Councils; the Police and the Fire Service favour an extension. Although the Orders are not well used in terms of enforcement they are seen to have a significant deterrent effect on alcohol related nuisance in town centres and the parks where they apply.
5. Officers consider that the Council can be satisfied that the proposals satisfy the legal tests i.e. the behaviour to be prevented is:
  - having or likely to have a detrimental effect on the quality of life of those in the locality
  - persistent or continuing in nature, and
  - unreasonable.and that the PSPO is proportionate, reasonable and enforceable.
6. Once approved by Members, a draft PSPO will be publicised on the Council's website for a period of four weeks before being sealed and posted on the website with background information.
7. Signage throughout the Borough will need to be reviewed and, where necessary, replaced to reflect the Orders being PSPOs rather than DPPOs and that the Orders can be seen on the Council's website. This is likely to be done by providing new skins for the current signs subject to their condition.

## IMPLICATIONS

**Policy:** The legislation reinforces the continuing role of the Council in responding to crime and disorder.

**Financial:** The opportunity the legislation provides and public expectation imply that these powers will be used by the Council and costs will be incurred. It is anticipated that the implementation of the powers described above can be dealt with within existing staffing resources. The proposals have been drafted to reflect the resources. Enforcement is a matter solely for the Police and they have welcomed and extension to the Orders.

The cost of publicising the Orders will be managed within approved budgets.

**Legal:** The Council has the lead role on the use of PSPOs. Members of the public have a right of appeal on the basis the Council did not have the power to make the Order or to include particular prohibitions or requirements or that one or more of the preliminaries has not been complied with (eg consultation). Appeals are heard in the High Court. Enforcement is a matter solely for the Police.

**Risk Management:** The legislation supports those elements of the Risk Management Plan relating to community safety; environmental crime and environmental protection.

**Health and Safety:** Enforcement is a matter solely for the Police

**Sustainability:** The legislation supports those elements of the Strategic Plan relating to community safety; environmental crime and environmental protection.

**Community Safety:** The legislation re-enforces the continuing role of the Community Safety Partnership; the Partnership Plan and local delivery on community safety within an area and county based strategic landscape.

**Equality and Diversity:** The legislation was subject to a detailed government impact assessment.

## **Appendices 1-5**

1. Designated Public Place Order Barrowford
2. Designated Public Place Order Barnoldswick
3. Designated Public Place Order Colne
4. Designated Public Place Order Earby
5. Designated Public Place Order Nelson