

REPORT FROM: **DIRECTOR OF RESOURCES**

TO: **NELSON, BRIERFIELD AND REEDLEY COMMITTEE**

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PUBLIC SPACES PROTECTION ORDER FOR ALCOHOL CONTROL

PURPOSE OF REPORT

To update the Committee on the review of the Public Spaces Protection Order in relation to alcohol control in Pendle.

RECOMMENDATIONS

- (1) That the Public Spaces Protection Order for Alcohol Control be extended for a further three years.
- (2) That the town centre area of Nelson covered by the PSPO be extended along Leeds Road up to and including Walton Street and that Swinden Playing Fields be included.

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 Nelson including enforcement action.

ISSUE

1. Between 2004 and 2010 Pendle Council made five Designated Public Protection Orders (DPPOs) in relation to the control of alcohol in Colne, Nelson, Earby, Barnoldswick and Barrowford. The Anti-Social Behaviour, Crime and Policing Act 2014 replaced DPPOs with Public Spaces Protection Orders (PSPOs). In October 2017 the five DPPOs became PSPOs under the transitional arrangements in the Act.

2. In October 2020 these were replaced by a single PSPO for Alcohol Control for Pendle covering the same five areas (see Appendices). Under the Act PSPOs have a limited duration of no more than three years. As a result, the current PSPO must be reviewed in 2023 and either extended or allowed to lapse.
3. The PSPO does not ban the consumption of alcohol in public spaces however it provides Police Officers with the opportunity to require individuals to stop in order to prevent crime or disorder; if necessary by seizing the alcohol.
4. Consultation with the Police and the Council's Licensing Officer and Green Spaces Manager indicated a preference to extend the current PSPO for a further three years.
5. Member, Partner and public consultation on extending the PSPO was carried out during June and July. Although there were few responses, there has been no opposition to extending the PSPO. The draft PSPO is included in the Appendices.
6. The consultation included proposals to extend the Nelson town centre boundary along Leeds Road up to and including Walton Street and to include Swinden Playing Fields. No opposition to these proposals was expressed during the consultation. A draft replacement plan for Nelson is included in the Appendices.
7. Officers consider that the Council can be satisfied that the proposals meet 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.

8. Once approved by Members, the 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.
9. 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 an extension to the Order.

The cost of publicising the Order 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. The current PSPO for Alcohol Control
2. The draft PSPO for Alcohol Control 2023
3. The draft plan for Nelson

LIST OF BACKGROUND PAPERS: None.