

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 30/09/2020

Decision Type: Non-Urgent Non-Executive Non-Key

Title: REVIEW OF PUBLIC SPACE PROTECTION ORDERS
CONCERNING ALCOHOL CONTROL ZONES 2020

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Chief Officer: Colin Brand, Director of Environment & Public Protection

Ward: All

1. Reason for report

To fulfil the Council's obligations to review the existing Public Space Protection Orders (PSPO) regarding drinking in a public place, to see if they are still necessary or effective. A PSPO can last for up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years. There is no limit on the number of times an Order may be reviewed and renewed.

2. **RECOMMENDATIONS**

The General Purposes and Licensing Committee is requested to:

- 2.1 Agree that the proposed statutory consultation exercise (Appendix A) be approved to go out for public consultation line with the Government's Guide to Good Practice, to review the current PSPO controls in concerning the consumption of alcohol in a public place in the Borough.
- 2.2 Agree that if no significant objection emerges as part of the consultation and no issues arise as a consequence of legal compliance checks, the Director of Environment and Public Protection be given delegated authority to create the Public Space Protection Order, in consultation with the Committee, as soon as possible following the end of the statutory consultation. If significant objection does occur then the matter will be referred back to this Committee on the 26th January 2021 for a final decision on how to proceed. The Exact wording of the PSPO proposals can be seen at (Appendix B).

Impact on Vulnerable Adults and Children

1. Preventing anti-social behaviour arising from people consuming alcohol in a public places is desirable for all residents including vulnerable adults and children. Consideration of any additional impacts on groups of residents is considered when exercising the use of Public Space Protection Orders. The proposals contained within this report will make parks and open spaces safer for those who are vulnerable living in the borough.
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment Safer Bromley
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Financial

1. Cost of proposal: The cost of any new signage required if the PSPO is amended or extended Borough-wide
 2. Ongoing costs: None
 3. Budget head/performance centre: Public Protection
 4. Total current budget for this head: £2.300m
 5. Source of funding: Existing controllable revenue budget for 2020/21
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Personnel

1. Number of staff (current and additional): Not applicable
 2. If from existing staff resources, number of staff hours: Not applicable
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance Anti-Social Behaviour, Crime and Policing Act 2014 (Prescribed Offences and Penalties etc.) Regulations 2006
 2. Call-in: Applicable
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough wide impact on residents, children, families and tourists visiting Bromley run parks and public spaces.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
 2. Summary of Ward Councillors comments: Not Applicable
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3. COMMENTARY

Background

- 3.1 The Anti-Social Behaviour, Crime and Policing Act 2014 provides local authorities with powers to create a Public Spaces Protection Order (PSPO) where they are satisfied that activities carried out in a public place have had a detrimental effect on the quality of life of those in the locality.
- 3.2 The Council currently has 3 alcohol exclusion zones (AEZ's). These AEZ's were originally introduced through a Designated Public Place Orders and have subsequently become PSPO's as a result of the Anti-Social Behaviour, Crime and Policing Act 2014 through transitional arrangements within the Act as of 20th October 2017.
- 3.3 Although the vast majority of people drink and behave responsibly there was historically a problem of alcohol related crime and disorder in some areas of Bromley. The Police therefore approached the Council at that time for support in dealing with this problem and the AEZ's were put in place to allow this behaviour to be controlled

Review of Existing Arrangements

- 3.4 The existing areas subject to AEZ's are as follows:
 - Beckenham Town Centre
 - Bromley Town Centre
 - Penge Town Centre
- 3.5 Orpington was also formerly covered by an AEZ but this was not reviewed or renewed. Some amendment has also made to the areas covered by the remaining AEZ's, such the removal of Queensmead. Maps of the extant AEZ's are included at Appendix C.
- 3.6 Alcohol Exclusion Zones are now more commonly referred to as controlled drinking zones (CDZ's). This is because the drinking of alcohol in a controlled zone is not usually prohibited. The reason for the introduction of such controls is only designed to deal anti-social behaviour from members of the public consuming alcohol which has a detrimental effect on others enjoying a public place.
- 3.7 The land subject to PSPO can apply to any land which is open to the air and to which the public have access A number of London Councils have introduced PSPO's to control behaviour in relation to the consumption of alcohol in a public places. Most of these PSPO's have resulted from conversions from Designated Public Place Orders. A number of Boroughs in Central London and District and Boroughs outside of the capital have designated their entire areas CDZ's. This approach does have the benefit of allowing controls around anti-social behaviour to be applied in a consistent and effect manner in all public spaces and is recommended for LBB also.
- 3.8 Serious problems were recently encountered with regards to Queensmead during the

lockdown period and the absence of this area being included in the current AEZ resulted in the need for a sec.35 Dispersal Order to be put in place.

3.9 As the number of Boroughs and District Councils who choose to designate entire areas increases problems of displacement of alcohol related anti-social behaviour may be displaced. Most London Boroughs directly bordering Bromley to the North now have such controls in place.

3.10 Preliminary discussions ahead of any formal consultation exercise have indicated that anti-social behaviour related to the consumption of alcohol is still an issue on Council run parks and open spaces. The following data has been provided by Ward Security the Council's contractor concerning alcohol related ASB within Council owned parks.

April 2020

- ASB -9
- Alcohol Abuse-1

ASB was at: Havelock Rec, Crystal Palace Park, Civic Centre, Queens Gardens, Church House Gardens, and Alcohol Abuse was at Queens Gardens

3.11 May 2020

- ASB -13
- Alcohol Abuse-2
- Drug Abuse-1

ASB was at: Crystal Palace Park, Norman Park, Church House Gardens, Priory Gardens, Kelsey Park. Alcohol Abuse was at Priory Gardens and Drug Abuse was at Church House Gardens.

3.12 June 2020

- ASB -11
- Alcohol Abuse-4

ASB was at: Crystal Palace Park, Poverest Park, Church House Gardens, Biggin Hill Rec, Hayes Common, Kings Road, Priory Gardens. Alcohol Abuse was at Hayes Common, Norman Park, Queensmead Rec, Church House Gardens.

3.13 The Metropolitan Police have also reported the following incidents in general relating to alcohol and ASB for the entire borough. (The codes relate to incidents concerning the use of alcohol).

Count of alcohol related CADs with opening code 209 for the borough of Bromley for the period of 01/07/2019 to 30/06/2020

Year	Total
July to Dec 2019	4
Jan to Jun 2020	10
Grand Total	14

Year	Month	Total
2019	Jul	72
	Aug	63
	Sep	80
	Oct	60
	Nov	57
	Dec	76
2020	Jan	64
	Feb	38
	Mar	51
	Apr	49
	May	69
	Jun	68
Grand Total		747

PSPO Proposal

- 3.14 The spread of alcohol-related ASB reports over the period would suggest there is a need to retain the existing powers held by Police under the current AEZ; with this in mind a continuation of existing powers on a borough-wide basis authorising Police to require a person to stop drinking and surrender alcohol where ASB is occurring or is likely to occur will be sought.
- 3.15 As a part of the consultation it is considered sensible to expand the process beyond just keeping the current controls in place to cover other psycho active substances as well as alcohol and also to consider the areas covered by the current designated spaces to see if they should be enlarged to be borough wide.

Consultation Timeline and Next Steps

- 3.11 To comply with the Council's obligation to review PSPO's it is proposed that a 6 week consultation exercise is undertaken with all key stakeholders and the public. This will be undertaken via direct contact with statutory partners who make up the Community Safety Partnership and through the Council's social media pages using online survey including the questions as set out at Appendix A.
- 3.11 As a part of the consultation it is considered sensible to expand the process beyond just keeping the current controls in place to cover other psycho active substances as well as alcohol and also to consider the areas covered by the current designated spaces to see if they should be enlarged.
- 3.12 Timetable

Consultation with Statutory Consultees and key stakeholders to include the public - 6 weeks	1st October 2020 – 5th November 2020
Collate responses and Amend Extant PSPO as Appropriate	5th November 2020 – 3rd December 2020
Collate responses and Refresh PSPO regarding Alcohol in Public Places	10th December 2020 – 17th December 2020

Report with Findings and Suggested PSPO if Considered Desirable to Retain and or Enlarge	26th January 2021
Report to Executive	27th January 2021

Implementation

4. POLICY IMPLICATIONS

4.2 Increased enforcement action is a key aim in “Building a Better Bromley” in improving a safe and quality environment for the public.

4. FINANCIAL IMPLICATIONS

4.1 . Should the PSPO be amended, new signage highlighting the changes would be required and the changes advertised in the local press, in libraries and at Bromley Civic Centre. Signage would also be needed on entrance points to the Borough if the area is extended to be Borough-wide. The cost of any additional signage required and of the consultation process will be met from the existing Public Protection revenue budget.

4.2 Ongoing enforcement of this legislation resides with the Police and, as such, there are no further financial considerations for the Authority.

5. PERSONNEL IMPLICATIONS

5.1 The enforcement of the legislation designated on the highway would be carried out by enforcement officers within Environment and Public Protection and Ward Security enforcement officers as part of their business as usual. If the PSPO extends beyond Council land the Metropolitan Police would enforce. The Metropolitan Police have confirmed they would be in support of amending the current controlled areas. A copy of their response is included at Appendix D.

5.2 The Police are also authorised to issue FPN’s concerning PSPO’s.

6. LEGAL IMPLICATIONS

6.1 A legal concurrent must be sought and inserted.

7. PROCUREMENT IMPLICATIONS

7.1 There are no implications.

Non-Applicable Sections:	Procurement
Background Documents: (Access via Contact Officer)	1. The Anti-social Behaviour, Crime and Policing Act 2014 http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted
Report Number: ACS07020	Bromley Alcohol Controls Review (21/09/2005) Alcohol Consumption in Public Places in Bromley (21/02/2007)