

Wiltshire Council

Trowbridge Area Board

15 September 2016

Trowbridge Public Spaces Protection Order (PSPO)

Summary

To provide background information concerning the proposed Trowbridge PSPO, which is recommended for approval at the Licensing Committee on 19 September 2016

Proposal(s)

It is recommended:

To note the proposed Order

Reason for Proposal

October 2014 saw the introduction of the PSPO by the Anti-Social Behaviour, Crime and Policing Act. This required all current Designated Public Places Order (DPPO) to be replaced by a PSPO by October 2017.

Tom Ward

Public Health Specialist – Substance Misuse and Community Safety

Trowbridge PSPO

Purpose of Report

1. Is to provide background information concerning the new proposed Trowbridge PSPO as contained in Appendix A.

Relevance to the Council's Business Plan

2. "People in Wiltshire work together to solve problems locally and participate in decisions that affect them".

"People are as protected from harm as possible and feel safe"

"People have healthy, active and high-quality lives"

Main Considerations for the Council

3. The approval for any PSPO is delegated to the Licensing Committee. Comment from the Area Board is sought ahead of its determination.

Background

4. The current DPPO in Trowbridge and seven other towns across the county creates an offence when a person refuses to stop drinking alcohol when asked to do so by a PC or PCSO. The grounds to request this is that the continuing of drinking is likely to lead to crime or disorder. The offence is punishable with up to a £500 fine.
5. The new PSPO will last for up to 3 years and allows for wider measures to be considered as driven by local need. Police data was used to decide on the conditions to be contained within the PSPO.
6. Analysis of reports from December 2014 to November 2015 found 758 alcohol related incidents and 63 related to urinating and defecating in public. A multiagency meeting including Police, Licensing, Trading Standards, Community Safety, Trowbridge Area Board and Trowbridge Town Council decided the order should focus on these areas. The area decided was based upon the above incidents being plotted on a map with areas of displacement also being considered. The proposed PSPO area can be found in Appendix B.
7. A public consultation seeking views on the proposed order ran from 18th March 2016 – 15th April 2016. Fifty-six responses were received of which 55 were in support of the order. In fact a number of the responses asked for the order to go further and to ban all on street drinking completely meaning the police do not need the grounds of believing drinking will lead

to crime or disorder. Consideration was also given to events which don't require a license but allow people to drink alcohol.

8. This consultation response coupled with a Police report of increased alcohol related issues within the town shaped the order to how it is proposed.
9. Once made, the order will be advertised in local press before going live. Appropriate signage (an example of which can be found in Appendix C) will be produced and displayed within the PSPO area.
10. A Breach of a PSPO is punishable by fine of up to £500 for a breach of the alcohol condition or £1000 for breach of the urinating/ defecating condition. This structure is dictated by the primary legislation. However, the legislation also allows for the use of a fixed penalty notice fining up to a £100.

Safeguarding Implications

11. Within Trowbridge drinking alcohol on the streets in public view appears to be a problem receiving growing public attention. Those drinking are often doing so in locations which are populated with the wider public including children and possibly vulnerable adults.
12. On occasions the drinkers have fought with each other and committed crimes to passer-bys. The new order will allow for the Police to confiscate alcohol and when needed deal robustly with individuals as required.
13. It has also been recognised that some of those who do drink continually within public areas have their own vulnerabilities. To assist with these issues a second working group concerned with working with the voluntary sector to engage with this population has been set up. The group will look to launch their working with the vulnerable people of the drinking groups with a day of action aimed at offering assistance and support.

Public Health Implications

14. Preventing harm caused by alcohol is a key aim of the alcohol strategy 2014-18. An effective PSPO will assure people that alcohol related crime and ASB will not be tolerated and focus agencies to assist those drinking who are vulnerable within our communities.

Environmental and Climate Change Considerations

16. The order also aims to reduce urinating and defecating in public which can have wider public health implications.

Corporate Procurement Implications

17. There are no procurement implications contained within this report.

Equalities Impact of the Proposal

18. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities.

Risk Assessment

19. The current DPPO will expire in October 2017 leaving the Police within Trowbridge without the ability to intervene when drinking starts to escalate to disorder.

Risks that may arise if the proposed decision and related work is not taken

20. Criticism of the Council and compromise the reputation of the Wiltshire Council. Alcohol related crime increases with the town.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

21. There is a risk that some drinking may be displaced, but this can be addressed with an amendment as required.
22. The council is criticised for targeting 'street drinkers'. However, a support package is currently being prepared which includes a day of action to offer all those on street drinking with appropriate support.

Financial Implications

23. Currently awaiting signage costs which the Town Council have agreed to assist with. A further legal notice is required in local press costing £1300.

Legal Implications

24. The final order will be made by legal and a copy sent to the secretary of state (Home Office). Once made there is a 6 week appeals window that anyone who lives, work or visits the area can make via the high court. However, we are satisfied that the wide ranging consultation which included a public notice, signs within the town and the use of social media was all encompassing and responses views have been taken into account.

Conclusions

25. The PSPO is required to effectively tackle on street drinking and the associated harms to the individual but also to the effect on the wider public.
26. The order is made for 3 years, at which point the PSPO will be evaluated and a decision on application and any amends will be made based on the issues suffered by the town over the past 3 years.

Proposal

27. That the Area Board note the draft Trowbridge PSPO ahead of the Licensing Committee on 19 September 2016..

Tom Ward
Public Health Specialist – Substance Misuse and Community Safety

Tom.ward@wiltshire.gov.uk, 01225 716615

19 August 2016

Appendix

1. Proposed PSPO
 2. Proposed PSPO area
 3. Proposed PSPO Signage
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The Public Spaces Protection Order (No.1) – Wiltshire Council 2016

NOTICE IS HEREBY GIVEN THAT Wiltshire Council in exercise of its power under Anti-Social Behaviour Crime Policing Act 2014 proposes to make a Public Space Protection Order (PSPO) to provide for the following:

1. A ban on the drinking of alcohol in public spaces within the designated PSPO area: no person shall consume alcohol or anything which a constable or other authorised person reasonably believes to be alcohol;
2. A Constable or other authorised person may require any other person to surrender anything in the perpetrators possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.
3. Neither conditions 1 or 2, above, shall apply to (i) an event for which Wiltshire Council has issued a licence to serve alcohol or (ii) a non-licensed event where prior written permission to serve alcohol has been given to the organisers by Wiltshire Police
4. No person shall urinate or defecate in public in the designated area.

Any person who, without reasonable excuse, fails to comply with a request made under this order by a constable or other authorised person may commit an offence and be liable to prosecution.

The Council hereby invites representations on the proposed order

The designated PSPO area is the land contained within the proposed order and the associated plans.

The areas which would be affected by the proposed order are as follows:

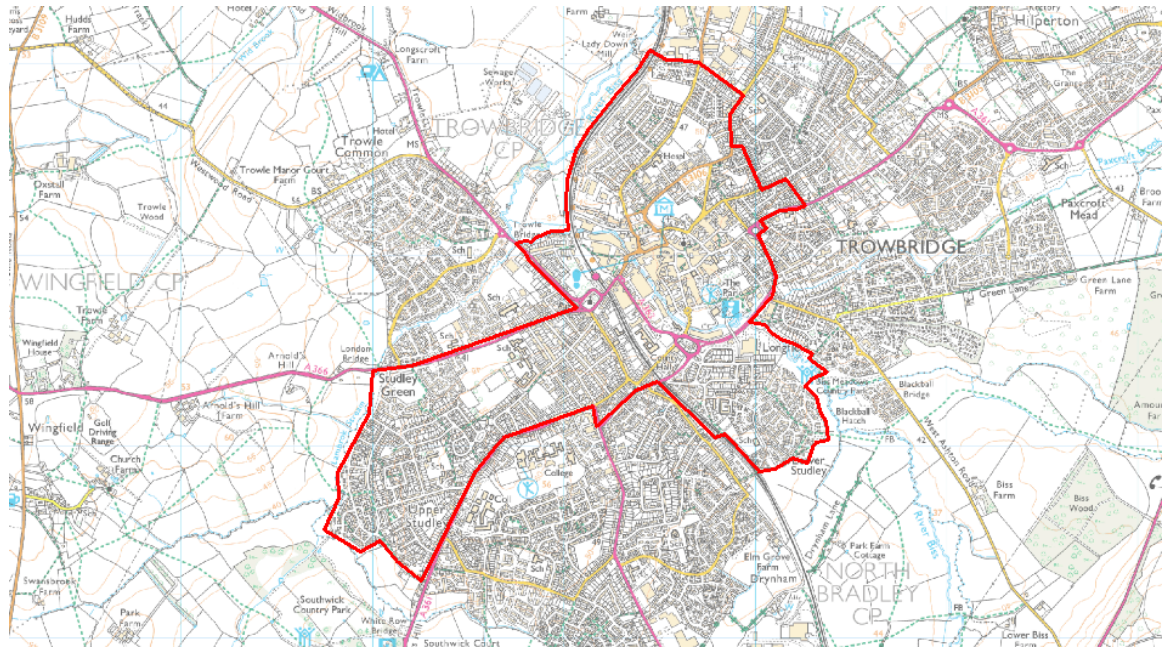
ACORN MEADOW	FRANCIS STREET	QUEENS ROAD
ADCROFT DRIVE	FROME ROAD	QUILLING CLOSE
ADCROFT STREET	GAINSBOROUGH RISE	RALEIGH COURT
ALDEBURGH PLACE	GEORGE STREET	RED HAT LANE
ALLEN ROAD	GLADSTONE ROAD	REGAL COURT
ALUM CLOSE	GLEBE ROAD	REGENTS PLACE
ARCH YARD	GLOUCESTER ROAD	RICHMOND CLOSE
ARNOLDS HILL	GREEN TERRACE	RIVERWAY
ASHLEIGH GROVE	GREENBANK VIEW	ROCK ROAD
ASHTON STREET	HADEN ROAD	ROUNDSTONE STREET
AVENUE ROAD	HARGREAVES ROAD	RUTHERFORD COURT
AVONVALE ROAD	HAVELOCK STREET	RYELAND WAY
AZALEA DRIVE	HENDERSON CLOSE	SALTER CLOSE
BACK STREET	HERON WALK	SANDERS ROAD
BARNES CLOSE	HEWITT CLOSE	SANDFORD PARK
BARTON LODGE	HILL STREET	SEYMOUR COURT
BELLEFIELD CRESCENT	HILPERTON ROAD	SEYMOUR ROAD
BLACK SWAN COURT	HOME CLOSE	SHAILS LANE

BLAIR ROAD	HUMMINGBIRD GARDENS	SHEARMAN STREET
BOND STREET	HUNGERFORD AVENUE	SHEEPCOTE BARTON
BOND STREET BUILDINGS	HYDE ROAD	SHERIDAN GARDENS
BRADFORD ROAD	INNOX MILL CLOSE	SILVER STREET
BRADLEY ROAD	INNOX ROAD	SOUTHWAY
BRAMLEY LANE	ISLINGTON	SPINNERS CROFT
BREWERS BAROQUE	JAMES STREET	ST JAMES GARDENS
BREWERY WALK	JENKINS STREET	ST JOHNS CRESCENT
BRIDGE STREET	KEATES CLOSE	ST MARGARETS CLOSE
BRITISH ROW	KENSINGTON FIELDS	ST STEPHENS PLACE
BROAD STREET	KEW DRIVE	ST THOMAS PASSAGE
BROADCLOTH LANE	KINGSWOOD CHASE	ST THOMAS ROAD
BROADCLOTH LANE EAST	LAMB ALE GREEN	STALLARD STREET
BROWN STREET	LAMBROK CLOSE	STANCOMB AVENUE
BRYER ASH BUSINESS PARK	LAMBROK ROAD	STATION APPROACH
BYTHESEA ROAD	LANGFORD ROAD	SUMMERLEAZE
CANAL ROAD	LINDEN PLACE	SURREY PLACE
CARDERS CORNER	LONGFIELD ROAD	TALBOT ROAD
CASTLE PLACE SHOPPING CENTRE	LONGFIELD ROAD WEST	TAYLORS VIEW
CASTLE STREET	LOWER COURT	THE DOWN
CAVENDISH DRIVE	LOWMEAD	THE HALVE
CHARLES STREET	MALLARD CLOSE	THE SHIRES
CHARLOTTE COURT	MANLEY CLOSE	TIMBRELL STREET
CHARLOTTE SQUARE	MANOR CLOSE	TOWER CLOSE
CHARLOTTE STREET	MANOR ROAD	TOWN BRIDGE
CHERRY GARDENS	MANVERS STREET	UNION STREET
CHEVIOT CLOSE	MARKET STREET	UPPER BROAD STREET
CHURCH FIELDS	MELTON ROAD	UPPER STUDLEY
CHURCH LANE	MILL STREET	USHERS COURT
CHURCH STREET	MILLHAND VILLAS	WARBURTON CLOSE
CHURCH WALK	MILLINGTON DRIVE	WATERFORD BECK
CLOTHIER LEAZE	MORTIMER STREET	WATERWORKS ROAD
CONIGRE	MURRAY ROAD	WEAVERS DRIVE
CONIGRE SQUARE	NARROW WINE STREET	WEBBERS COURT
CORONATION STREET	NEWTOWN	WESLEY ROAD
COUNTY WAY	NORWOOD COURT	WEST STREET
COURT STREET	OAK PARK	WESTBOURNE ROAD
CROSS STREET	ORCHARD COURT	WESTCROFT STREET
DELAMERE ROAD	ORCHARD ROAD	WESTFIELD CLOSE
DOWNHAYES ROAD	PALMER ROAD	WESTFIELD ROAD
DRINKWATER COURT	PARK ROAD	WHITE HART YARD
DUKE STREET	PARK STREET	WHITEROW PARK
DURSLEY ROAD	PARKLANDS	WICKER HILL
EASTVIEW ROAD	PEARL CLOSE	WINGFIELD ROAD
ELMDALE COURT	PITMAN AVENUE	WOOLPACK MEADOWS
ELMDALE ROAD	PITMAN COURT	WORSTED CLOSE
FALCON DRIVE	POLEBARN CIRCUS	YARN TERRACE
FLEECE COTTAGES	POLEBARN ROAD	YERBURY STREET
FORE STREET	POPLAR LANE	YORK BUILDINGS
FRAMPTON COURT	PROSPECT PLACE	

Fixed penalty notices

Wiltshire Council intends to issue fixed penalty notices to enforce the proposed order, the fine will be £100 and failure to pay may lead to summary conviction and a fine not exceeding level 3 on the Standard Scale (i.e. currently £1,000).

Appendix B – Proposed PSPO Area



Drinking alcohol within this area is prohibited



It is an offence not to cease drinking alcohol in this area, or not to surrender it, when asked to do so by a police officer or other designated person.

The Public Spaces Protection Order (PSPO) (No.1) – Wiltshire Council 2016

1. Drinking alcohol within the designated PSPO area is prohibited: no person shall consume alcohol or anything which a constable or other authorised person reasonably believes to be alcohol;
2. A Constable or other authorised person may require any other person to surrender anything in the 'perpetrator's' possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.
3. Neither conditions 1 or 2, above, shall apply to (i) an event for which Wiltshire Council has issued a licence to serve alcohol or (ii) a non-licensed event where prior written permission to serve alcohol has been given by Wiltshire Police to the organisers.
4. No person shall urinate or defecate in public in the designated area.

Any person who, without reasonable excuse, fails to comply with a request made under this order by a constable or other authorised person may commit an offence and liable to prosecution and fine up to £1000.