

Cabinet Report

Report of Head of Legal and Democratic Services

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To: CABINET

Date: 23 June 2017

Abingdon Public Spaces Protection Order

Recommendations

For Cabinet to:

- (a) approve the making of the proposed Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 for the area of Abingdon as set out in appendix A to this report, to come into effect on 1 August 2017; and
- (b) authorise the head of legal and democratic services to do all things necessary to give effect to the order.

Purpose of Report

1. To ask Cabinet to approve a Public Spaces Protection Order for the area of Abingdon as set out in appendix A to this report. If approved, the order would come into effect on 1 August 2017.

Corporate Objectives

2. The creation of this order will contribute to the council's corporate priority 'building the local economy' by helping to:
 - maintain low levels of crime and anti-social behaviour
 - make Abingdon a place where people who live, work or visit the town feel safe

3. In addition, the proposed Public Spaces Protection Order will help the South and Vale Community Safety Partnership deliver against its objective to 'cut crimes that are of most concern to the public and reduce reoffending'.

Background

4. Abingdon is currently covered by a Designated Public Places Order which was put in place by the district council in 2009 to tackle anti-social behaviour relating to alcohol consumption in the town. Under the order, a police officer has the power to ask somebody to stop drinking alcohol or confiscate their alcohol if they are behaving (or are likely to behave) anti socially. If the person refuses to hand over the alcohol the Police officer can issue them with a fixed penalty notice.
5. By 20 October 2017, all Designated Public Places Order s will automatically convert to Public Spaces Protection Orders. This is a legal requirement as set out in the Anti-Social Behaviour, Crime and Policing Act 2014 and it is the responsibility of the district council to manage the process locally.
6. The new Public Spaces Protection Order is similar to a Designated Public Places Order. However, in addition to alcohol related anti-social behaviour, it can also include a wider range of offences to help address other local anti-social behaviour issues that are persistent and having a significant, detrimental impact on the community.

Purpose of the Public Spaces Protection Order for Abingdon

7. The aim of the Public Spaces Protection Order is to tackle alcohol related anti-social behaviour and vehicle related noise nuisance in public places in order to improve the quality of life of local residents and support a vibrant, safe town where people enjoy living, working and visiting.
8. The order covers the majority of Abingdon, as outlined by the black line on the map attached to the order (appendix A). It applies to people aged 16 and over.
9. The specific requirements in the order give the police the power (in public places within the area covered by the order) to:
 - ask somebody to stop drinking alcohol and/or confiscate alcohol. If the person refuses to comply, the police officer can issue a Fixed Penalty Notice
 - issue somebody with a Fixed Penalty Notice if they are carrying out, assisting or encouraging any other person to cause vehicle related noise nuisance to people in the locality (e.g. revving of engines, playing music from their cars, performing stunts)
10. As the problems the order is designed to tackle occur in numerous locations across Abingdon, the order covers the whole town - this also addresses any displacement issues that may occur if the order covered a more limited area. Also, the order could be enforced by the police at any time of the day or week.
11. The Local Police Area Commander for the Vale of White Horse (Superintendent Rory Freeman) supports this order. If approved, the order will be enforced in a proportionate way by the police and managed within resources available and should not affect response to genuine emergency situations.

How we drafted the order

12. The district council's community safety team worked in partnership with a range of relevant key stakeholders to consider if a) the alcohol related restriction from the Designated Public Places Order is still required in Abingdon and b) if additional requirements are needed on the new Public Spaces Protection Order to address other relevant anti-social behaviour issues in the town. Stakeholders included the police, Abingdon Town Council and a number of internal district council teams (e.g. Environmental Protection).
13. In summary, the stakeholder engagement confirmed that the existing requirement in the Designated Public Places Order relating to alcohol and anti-social behaviour should be included in the Public Spaces Protection Order. The other significant anti-social behaviour issue that stakeholders were concerned about related to incidents in the town's car parks where the revving of engines, loud bass stereos and screeching tyres have created a disturbance for people living nearby, and caused some residents to feel intimidated.
14. We asked relevant partner agencies/council teams to provide us with evidence to support their request for vehicular noise nuisance to be added to the Public Spaces Protection Order. Although only a relatively small number of reports have been received by the police and other agencies about the issue, it is having a significant impact on near-by residents and is proving difficult to resolve due to its nature/the powers available to tackle it effectively.
15. Based on the feedback and evidence gathered from stakeholders and the consideration of the suitability of existing enforcement tools, we agreed that the following two issues in Abingdon would be effectively tackled by a Public Spaces Protection Order:
 - alcohol related anti-social behaviour in a public place
 - anti-social use of a vehicle in a public place which causes noise nuisance
16. In relation to the alcohol requirement, the order only covers public places and does not cover licensed premises. It will not stop people from drinking alcohol responsibly in public places in the town. It just makes it an offence if somebody doesn't comply with a police officer's request to stop drinking alcohol or hand over alcohol in the area covered by the Public Spaces Protection Order. It is not intended to stop anyone from drinking sensibly. For example, if someone is drinking alcohol with a picnic by the riverside and not acting in an anti-social way, they would not be affected. People drinking alcohol responsibly outside licensed premises would also similarly not be affected.
17. We have worked with the council's Equalities Officer to carry out an equality impact assessment on the order to help ensure that we have considered how it could affect different groups within the community. No issues were raised.
18. When drafting the order, we have also given due regard to Article 10 (freedom of expression) and 11 (freedom of assembly and association) of the Human Rights Act 1998. In the way that the order has been framed, it respects these rights.

Consultation on the draft Public Spaces Protection Order

19. Although the statutory guidance relating to Public Spaces Protection Orders states that we only need to consult the Police and Crime Commissioner, the chief officer of police, relevant land owners (including the Highway Authority) and any community

representative we think appropriate on the draft Order, it is considered best practice to give the wider local community the opportunity to give feedback.

20. Therefore, we ran a four week public consultation on the draft Order which launched on 9 January 2017. We published a consultation page on the district council's website which briefly explained what a Public Spaces Protection Order is and our plans for Abingdon. It also included a set of frequently asked questions and survey to enable people to give their feedback on the draft order.
21. We contacted the following key stakeholders directly to alert them to the consultation:
 - Thames Valley Police and Crime Commissioner
 - Thames Valley Police Chief Constable and Local Police Area Commander
 - Vale Portfolio Holder for Community Safety
 - Abingdon district councillors
 - Chair of Vale Scrutiny Committee
 - Abingdon Town Council
 - Tesco Abingdon
 - Oxfordshire County Council Highways
 - All members of the South and Vale Community Safety Partnership
22. We issued a press release about the consultation which received positive press coverage, included an article in In Focus and promoted the consultation locally via the Thames Valley Police Alert service.
23. 193 people responded to the consultation. Of these, 159 respondents were from people who live in Abingdon and 34 were residents from surrounding villages who visited Abingdon regularly and there were 2 residents who attended car meet clubs in Abingdon.
24. The detailed results of the consultation can be found in the report at appendix C. In summary, the overall response to the consultation was very positive and demonstrated strong support for the proposed order from the local community:
 - 79 per cent of respondents agreed/strongly agreed with the alcohol element of the order (11 per cent said they disagreed/strongly disagreed)
 - 89 per cent agreed/strongly agreed with the vehicle nuisance requirement of the order (6 per cent said they disagreed/strongly disagreed)
25. Some respondents used this consultation as an opportunity to report their concerns regarding other anti-social behaviour/community safety issues (e.g. drug taking in a park). None were suitable to be included within the Public Spaces Protection Order but have been passed onto the Neighbourhood Police Team for consideration/action.
26. Eleven respondents raised concerns that the order would prevent the responsible consumption of alcohol (e.g. drinking during the day time in a family context). As outlined in paragraph 16, this would not be the case as the police would only enforce the order where there was a problem with anti-social behaviour.
27. Eleven respondents asked for the Public Spaces Protection Order area to be expanded (e.g. to cover outlying villages). Having consulted with the neighbourhood police team, we identified that there wasn't enough evidence to justify amending the Public Spaces Protection Order map to incorporate these requests. However, should the situation

change at a later date and evidence highlight the need to change the Public Spaces Protection Order boundary, we can amend the order.

28. Taking into consideration all the consultation feedback, we have not made any changes to the draft order.

Options

29. Option 1 – Cabinet approves the proposed Public Spaces Protection Order for Abingdon (Appendix A)

30. Option 2 – Cabinet requests changes to the proposed Public Spaces Protection Order and the community safety team carries out a second round of public consultation on those changes before bringing the order back to Cabinet for approval at a later date

31. Option 3 – Cabinet rejects the proposed Public Spaces Protection Order and the existing Designated Public Places Order automatically converts into a Public Spaces Protection Order (alcohol requirement only) on 20 October 2017 and will remain in place for three years.

32. Option 4 – Cabinet rejects the proposed Public Spaces Protection Order and when the existing Designated Public Places Order automatically converts into a Public Spaces Protection Order (alcohol requirement only) on 20 October, asks for the Public Spaces Protection Order to be discharged immediately.

Financial Implications

33. The only financial cost to the council for introducing this order will be the signage: we anticipate needing to install approximately 40 metal signs/stickers at relevant locations within the town which will cost between £500 and £1,000 to purchase and a similar amount to install. The South and Vale Community Safety Partnership will fund the signs and the district council will pay for their installation (this cost can be met within existing budgets).

Legal Implications

34. Any legal implications relating to the proposed Public Spaces Protection Order have been covered in detail in the body of this report.

Risks

35. Once a Public Spaces Protection Order has been made, any person who lives in the area covered by the order (or who regularly works in or visits that area) may apply to the High Court to question the validity of the order on the grounds that the local authority did not have the power to make the order, or to include particular prohibitions or requirements imposed by the order, or that a requirement of the Act was not complied with in relation to the order. An application needs to be within six weeks of the date on which the order was made.

36. Without having the proposed Public Spaces Protection Order in place, there is a risk that alcohol related anti-social behaviour and vehicle related noise nuisance will continue and potentially escalate as the police will be unable to effectively address the issues. This will have a detrimental impact on the local community.

37. Due to the positive feedback received from both stakeholders and the public about the order, there is a risk to the reputation of the council if we do not progress the order as we may be seen to be disengaged from the needs of the community and not proactively delivering against our commitment to maintain low levels of crime and anti-social behaviour.

Other implications

38. We have not identified any implications in addition to those that have already been addressed in the body of this report.

Conclusion

39. In summary, the proposed Public Spaces Protection Order for Abingdon will help:

- support the police in continuing to tackle alcohol related anti-social behaviour in public places around the town
- provide the police with an effective tool to tackle vehicle related noise nuisance (particularly in the town's car parks)
- show that anti-social drinking and vehicle related noise nuisance is not acceptable and will not be tolerated in Abingdon's public places
- make Abingdon a place where residents, businesses and visitors feel safe
- protect the economic viability of the town (supporting the council's corporate priority of 'building the local economy')

Background Papers

None