

# **Proposal to create a Public Spaces Protection Order (PSPO) in Abingdon**

## **CONSULTATION SUMMARY**

**Summary of a consultation which asked for views on a proposed Public Spaces Protection Order in Abingdon**

**MARCH 2017**

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## **SUMMARY**

**This report summarises responses to a consultation undertaken by Vale of White Horse District Council which asked for views on a proposed Public Spaces Protection Order for Abingdon.**

**A short online survey was set up allowing people to comment on the proposed order between 9 January and 6 February 2017. The public consultation was made available on the council's website and publicised in a number of ways for the attention of local residents.**

**We received 193 responses to the consultation from residents and people with a connection to the town.**

**We found that:**

- The large majority of respondents agreed with the proposed order. 79 per cent of respondents felt that giving the police powers to limit drinking in public spaces to tackle anti-social behaviour was a good idea whilst 89 per cent were in favour of giving the police powers to deal with vehicle related noise nuisance.**
- The majority of comments received were statements in support of the proposed order. Other comments included suggestions for other types of anti-social behaviour which could be covered by the order or questions about how the order would be used by the police. Eight respondents made comments saying the order wasn't needed.**

**Council officers have reviewed feedback from the consultation and made responses throughout this report.**

**Based on the feedback received, the council believes there is a strong case to make a Public Spaces Protection Order for Abingdon as proposed.**

## **BACKGROUND TO THE CONSULTATION**

**Vale of White Horse District Council undertook this consultation to see if there is public support for the creation of a Public Spaces Protection Order (PSPO) for Abingdon.**

**PSPOs allow the police to target specific anti-social behaviour offences that occur in public areas. Orders can be tailored to the needs of a local area.**

**Abingdon has had a Designated Public Places Order (DPPO) which has given police the power to restrict people to stop drinking alcohol in public areas and confiscating it if they refuse since 2009. However, the Anti-Social Behaviour Crime and Policing Act 2014 requires that existing DPPOs are replaced with PSPOs by October 2017.**

**In view of this legislative requirement, as well as conversations with Thames Valley Police Officers and other key stakeholders, the council felt that it would be appropriate to propose a PSPO for Abingdon.**

**The order proposed for Abingdon said that it would restrict the consumption of alcohol in public places, as well as stopping vehicle related noise nuisance. If created, it would give police officers the power to issue fixed penalty notices of £100 to people who fail to adhere to the conditions of the order.**

## CONSULTATION METHODOLOGY

The proposal to create a Public Spaces Protection Order (PSPO) for Abingdon was published on the council's website on 9 January 2017. This included a summary of the proposed order (Appendix A).

Local residents were encouraged to comment on the proposed order by completing a short online survey. Paper response forms were also provided on request. Appendix B shows the consultation wording.

The consultation ran for a period of four weeks and closed 6 February 2017.

To make sure local residents were aware of the proposal, we publicised the consultation using a press release and the council's twitter feed. We also wrote to people living in Abingdon and the surrounding area who had previously registered an interest in council consultations and sent out a Thames Valley alert.

To make sense of the feedback received, we employed two types of analysis. In the first instance, we looked at the headline quantitative measures of agreement with the proposed order. This was followed by coding of the free text comments to help understand the sentiment behind respondents' agreement or disagreement with the order. The codes we generated identified frequently mentioned comments and concerns. The findings of the consultation are set out in the next section of this report.

The consultation was conducted in full compliance with the council's Public Engagement Charter<sup>1</sup>.

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<sup>1</sup> <http://www.whitehorsedc.gov.uk/about-us/have-your-say/our-commitments-public-engagement>

## CONSULTATION RESPONSES

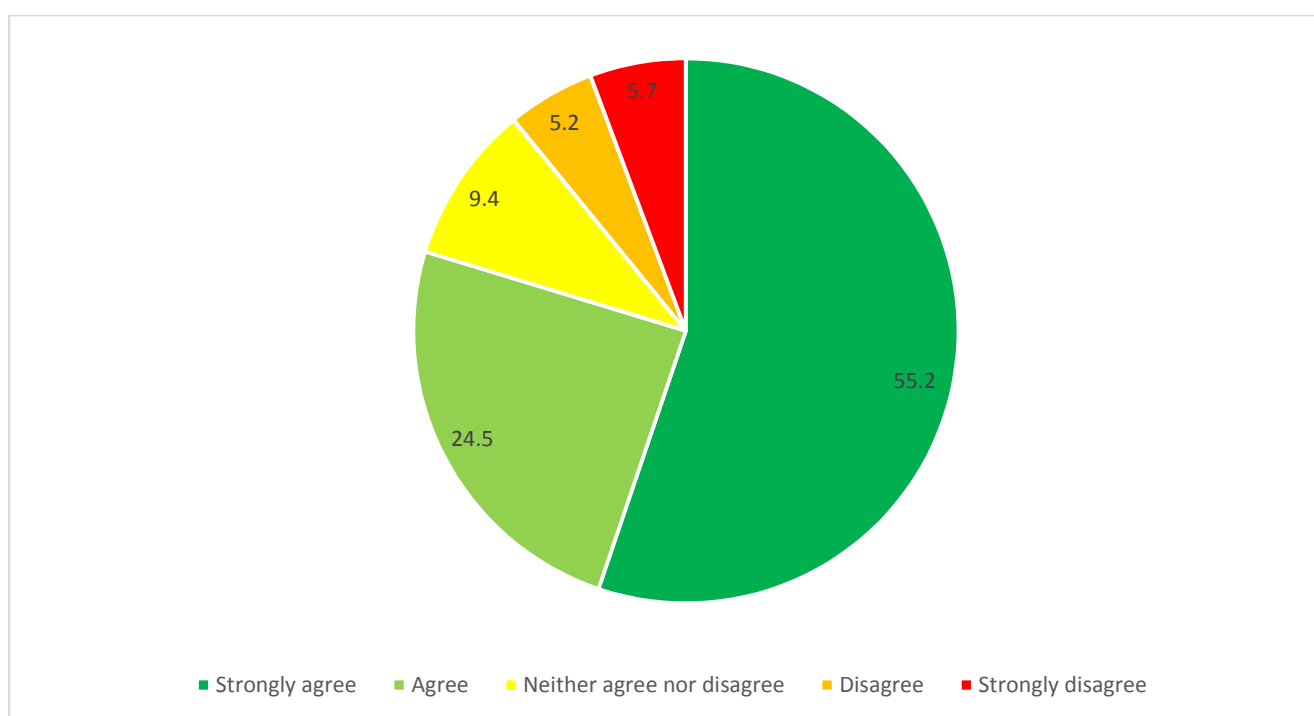
193 people responded to the consultation. Of these, 159 respondents were people who live in Abingdon and 34 were residents from surrounding villages who visit the town regularly. Two respondents were from further afield, however they attend regular meetings in the town.

### Agreement with the order

The large majority of respondents were supportive of the proposed order.

Figure 1 shows that nearly four in five of the 193 respondents agreed with the alcohol element of the order. In contrast, only 21 respondents (11 per cent) said they disagreed with the alcohol element of the Order.

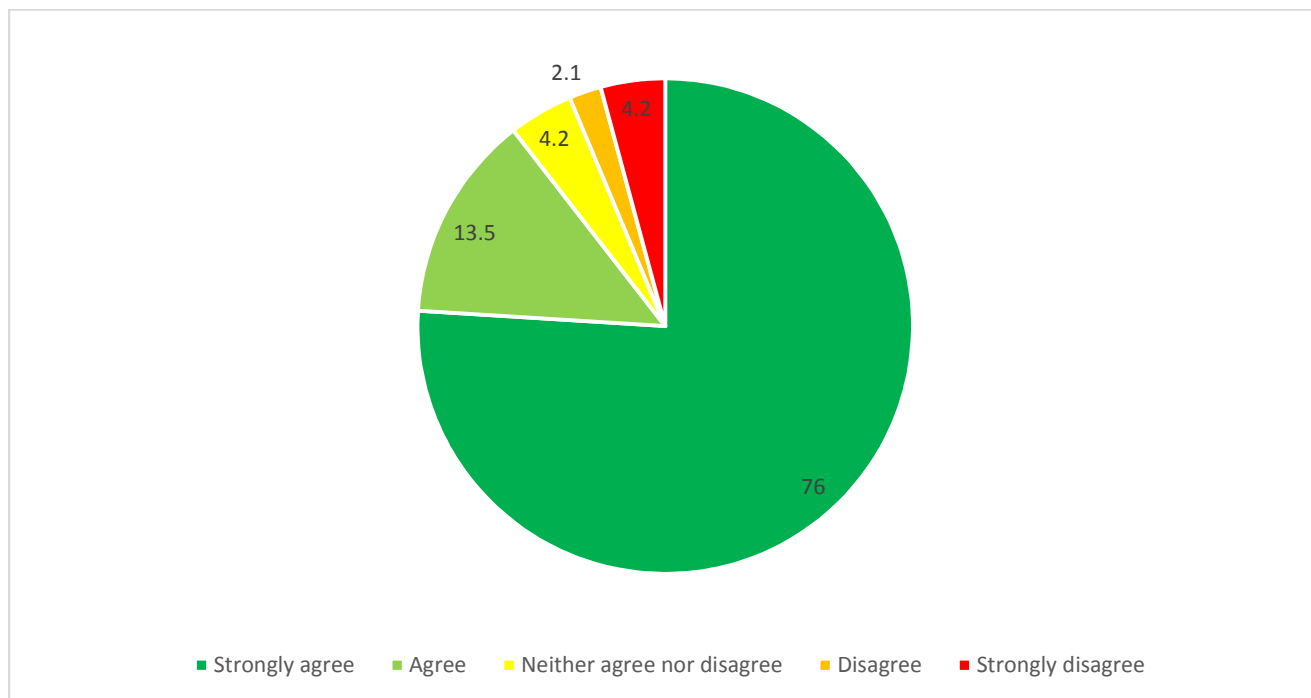
**Figure 1: Respondents agreement with the proposed order – stopping people from drinking alcohol in public places and confiscating it if they refuse (%)**



How far do you agree or disagree with the proposed Public Spaces Protection Order (PSPO) for Abingdon?		
Requesting people stop drinking alcohol in public places and confiscating it if they refuse	No.	%
Strongly agree	106	55
Agree	47	25
Neither agree nor disagree	18	9
Disagree	10	5
Strongly disagree	11	6
(1 unanswered)	192	100

Similarly, there was strong support for the order’s proposed restriction on vehicle related anti-social noise nuisance. Nine in ten respondents agreed with this type of restriction. Only 12 people disagreed with the vehicle nuisance requirement of the order.

**Figure 2: Respondents agreement with the proposed order – stopping people from causing vehicle related noise nuisance (%)**



How far do you agree or disagree with the proposed Public Spaces Protection Order (PSPO) for Abingdon?		
Stopping people from causing noise nuisance	No.	%
Strongly agree	146	76
Agree	26	14
Neither agree nor disagree	8	4
Disagree	4	2
Strongly disagree	8	4
(1 unanswered)	192	100

## Detailed comments

Respondents were also asked if they had any further comments or suggestions to make on the order. Table 1 shows the frequency of the different types of comment made.

The majority of comments received were statements in support of the proposed order. Other comments included suggestions for other types of anti-social behaviour which could be covered by the order or questions about how the order would be used by the police. Eight respondents made comments saying the order wasn't needed. These comments are described in more detail below.

**Table 1: frequency of comments**

Comment type	Frequency
Supportive statement	39
Other anti-social behaviour	23
Some drinking should be allowed	11
Expand the PSPO area	11
Order isn't necessary	8
Lack of police resource	8
Policy could be abused	5
Car meet members are not responsible	3
Displacement of anti-social behaviour	2
Confirmation of existing problems	2
Lessen the PSPO area	2
Do not agree with legislation	1
Alcohol ban is unnecessary	1
Concern regarding execution of Order	1
Approach is too lenient	1
Amendment to wording	1
Unsatisfied with wording	1

### SUPPORTIVE STATEMENT

We noted 39 comments that were supportive of the proposed order.

*Very good proposal and it should have a positive effect with respect to the protection of the Public Spaces from vandalism and rowdy behaviour (ID 50868416)*

*Very much in favour of this PSPO. (ID 50873580)*

*Extremely sensible power for police to have if required. (ID 51819689)*

*I would very much welcome it. (ID 50918621)*

*I think this is a good route towards discouraging anti-social behaviour and giving the police powers to enforce the order. (ID 50907429)*



## OTHER ANTI-SOCIAL BEHAVIOUR

23 respondents used this consultation as an opportunity to report their concerns regarding other anti-social behaviour problems such as cycling on pavements, blocking pavements with vehicles and drug use.

*People drive at rally level on Norman Avenue most days/ especially evenings. Very worrying for residents. Any help would be appreciated (ID 50992848)*

Some of these respondents said that these other types of anti-social behaviour should be included in the proposed order.

*Order should also be extended to moving vehicles presenting repeated noise nuisance in and around Abingdon roads at night (particularly Ock St / Town Centre loop (ID 51032994)*

*Also police the parks to stop drug use in parks such as Albert Park. (ID 50879766)*

The other types of ASB flagged by respondents in the survey can be addressed through existing enforcement powers (or they relate to people under 16) so would not be suitable for inclusion in a PSPO.

Any comments highlighting a different problem which does not relate to the PSPO will be signposted to the Neighbourhood Police Team or other relevant agencies so that they can be addressed.

## SOME DRINKING SHOULD BE ALLOWED

11 people voiced concerns that not all consumption of alcohol in public spaces should be considered anti-social and be targeted by the order.

*Don't think the questions asked are great. For instance I agree that underage drinking in parks etc is not great. But sometimes families go down the Abbey, having a family day and a few beers can't see a problem in that (ID 50880990)*

*Will the alcohol ban apply to organised outdoor events? Daytime Picnics in the parks? I would disagree with that. (ID 51395139)*

*Yes I do agree with this but not to the extent in summer time when people go for picnics and have a glass of wine, hoping you will use your discretion. As for vehicle noise this is quite a problem down saxton road especially motorbikes. (ID 51818100)*

The alcohol requirement on this order is identical to (and merely replaces) the Designated Public Place Order which has been in Abingdon since 2009. Therefore this is a requirement that has been in place for some time and not something new that is being introduced.

The purpose of this requirement is to give police powers to ask people to stop drinking and to seize alcohol if they refuse to comply where anti-social behaviour is present. Although the legislation doesn't specify this, the police use their discretion and only use this order should there be a need.

## EXPAND THE PSPO AREA

11 people felt there was a need to expand the area covered by the PSPO.

*It should include more of the open land to the SE of the map that is along the Thames Path and an area further from the river. (ID 50870390)*

*I think the order should apply to the whole of Abingdon, not just part of it. I have had to call the police on several occasions regarding vehicles being driven with reconditioned exhausts, and screeching away from traffic lights, and I don't live in the so called 'problem area' (ID 51829796)*

Within these responses, there were 3 people who felt the PSPO area should cover the smaller villages.

*Extend the scheme to outlying villages like Shippon which is only just outside the designated area (ID 50876283)*

*Extend it out to the villages. It seems I fall outside the proposed area. (ID 51838829)*

Having consulted with the neighbourhood police team, we identified that there wasn't enough evidence to justify amending the PSPO map to incorporate these requests. However, should the situation change at a later date and evidence highlight the need to change the PSPO boundary, we can amend the order.

## ORDER ISN'T NECESSARY

Eight respondents felt that the new order wasn't necessary as the problems were not prevalent and that a softer approach would be more effective.

*We don't have a problem with street drinking related disorder in Abingdon and I haven't noticed vehicle related nuisance noise. These oppressive measures are unnecessary. (ID 50882702)*

*Rather than criminalise young people, I would prefer to see more emphasis on working with them to steer them into being productive citizens. Don't create more work for the police or use a sledgehammer to crack a nut! (ID 51825169)*

The majority of responses indicate that there are problems which negatively impact the residents of Abingdon and the PSPO is proportionate to the problems. The order will only be enforced to target problem areas/hot spots. If there are no issues to address then people will not be affected by the order.

## LACK OF POLICE RESOURCE

Eight respondents were concerned that the police force would not be able to keep up with the demand if this order was to be effectively enforced.

*Its more work for the already over stretched police to do (ID 50880348)*

*Do the police have sufficient manpower to enforce? (ID 51892963)*

The Local Police Area (LPA) 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.

## POLICY COULD BE ABUSED

Some respondents felt that the order could be abused when it is enforced and that strict guidance would be necessary to ensure it was used consistently and fairly.

*I feel that the proposition to be allowed to stop people from drinking alcohol could be abused easily. (ID 50863668)*

*Would need specific guidelines and restraint on police for this to be implemented fairly. (ID 50931385)*

One respondent was concerned with that the requirement relating to vehicle noise would be misused by officers.

*My biggest concern is that section 2 of the proposed order, related to vehicle-related noise nuisance, is ambiguous and difficult to interpret. I worry it unfairly criminalizes a person who is ignorant of the order, or who interprets it differently to others. In particular, how is a person to gauge if their behaviour causes a "nuisance", and what might be considered proof that a person "assists" or "encourages" a restricted behaviour? Is it a "reasonable excuse" that a person is ignorant of the order, or that they didn't realize they were causing (or encouraging) a nuisance?*

*I initially had similar concerns about section 1 of the proposed order, but they were mitigated by the provisions of Section 63 of the Anti-Social Behaviour, Crime and Policing Act 2014. They are clear that an offence is committed not by engaging in the restricted behaviour (consumption of alcohol), but only by refusing to stop such behaviour when requested. Section 67 of the act (which applies in section 2 of the proposed order) does not do this, and instead makes it an immediate offence to engage in the restricted behaviour (without "reasonable excuse").*

*I would be much more comfortable if section 2 of the proposed order were re-worded to require a person to refrain from the vehicle-related noise nuisance behaviours when asked to do so by a properly authorised person, in the same way as for alcohol. This without first having been informed of the order, and of its interpretation by the authorised person in a particular circumstance.*

*It seems to me that the issue with the restricted behaviours in both sections of the order is not that they're done at all, but that they're done so as to cause a nuisance. And since the fine for breaching section 2 of the proposed order is potentially greater than that for section 1, it seems fair to me that a person is afforded at least as many opportunities to correct their behaviour before they're considered to commit an offence.*

*A separate concern is with whether it's reasonable for the PSPO area to be so large, effectively the whole of Abingdon. Is it really the case that all areas of the town are currently subject (or likely to be so) to persistent and unreasonable nuisance from both public drinking and vehicle-related noise? In particular, could the vehicle-related noise restriction be targeted to a smaller area around the problem car-parks? And, since the two sets of problem behaviours are entirely unrelated, is it appropriate that they share the same PSPO? I suspect they are only placed together because, at present, the proposed areas of restriction happen to coincide. Doesn't the different nature of the two problems mean that the restrictions to tackle them might need to vary in different ways? (ID 52041950)*

We will produce a briefing note to the police to provide guidance on the enforcement of the order and to outline the underlying principles behind it. The briefing note will emphasise that discretion should be used when deciding on when an FPN should be issued.

Although Section 67 of the Act does not require officers to first ask that the behaviour stops before issuing an FPN we would expect that the initial approach before enforcement would be for officers to engage with groups of people and verbally request that the behaviour stop before escalating to enforcing the order.

We will also monitor the use and effectiveness of the order and raise our concerns if we feel it is being misused.

The area covered is wide so that any displacement of the behaviours can be addressed by the order. If there are areas where there are not any problems then the order will not have an impact.

## **HOW WE HAVE USED RESULTS OF THE CONSULTATION**

We would like to thank everyone that responded to this consultation.

The feedback we received shows that there is support for the proposed order, albeit there are some concerns about whether it is needed and how it would be implemented. We have addressed these concerns in this report.

Based on the evidence available to us, including the results of this consultation, the council believes there is a strong case to make a Public Spaces Protection Order for Abingdon as proposed. As such we will be making a recommendation to council leaders to put this in place.

A decision will be taken in June and the outcome will be published on the council's website shortly after.

## **FURTHER INFORMATION**

For information about the consultation or the results presented in this report, please contact:

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To enquire about the councils work on community safety and PSPOs, please contact:

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# Proposal to create a Public Spaces Protection Order (PSPO) in Abingdon

## PROPOSED CHANGE

Vale of White Horse District Council is proposing to introduce a Public Spaces Protection Order (PSPO) in Abingdon.

**The order, if put in place, will mean that police are given discretionary powers to:**

- 1. request people stop drinking alcohol and confiscate it if they refuse, and;**
- 2. stop people causing vehicle related noise nuisance**

Fixed penalty notices of £100 could be issued to people where this behaviour is persistent or continuing and considered detrimental to the quality of life of those in the local community.

We are proposing this order applies to the marked area of the map shown in Appendix A. The wording of proposed order is provided in Appendix B.

## WHY WE ARE PROPOSING TO MAKE THIS CHANGE

The proposed Public Spaces Protection Order (PSPO) for Abingdon will replace the town's Designated Public Places Order (DPPO) which has been in place since 2009. The Anti-Social Behaviour Crime and Policing Act 2014 requires that existing DPPOs are replaced with PSPOs by October 2017.

PSPOs allow police to target specific anti-social behaviour offences that occur in public areas. Orders can be tailored to the needs of a local area.

We are keeping the same DPPO restriction on the new PSPO but with the addition of a restriction regarding vehicles being used for anti-social noise.

This follows concern over 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.

**If someone is drinking in a public area but not causing any problems they will not be affected by the order.** The order also does not apply to licenced premises, including beer gardens or seating areas.

We believe that creating a new PSPO which addresses the problems of alcohol consumption and vehicle related anti-social behaviour will have a positive impact on the wellbeing of the community.

## **PUBLIC CONSULTATION**

The council is required to consult members of the local community before the new order is created. We are therefore seeking comments on these proposals to inform our decision whether or not to proceed with this.

Members of the public are able to comment on the proposal to create a PSPO in Abingdon by completing an online survey, available from [www.whitehorsedc.gov.uk/AbingdonPSPO](http://www.whitehorsedc.gov.uk/AbingdonPSPO). Paper copies of the survey form can also be requested from the council's Corporate Consultation Officer by phoning 01235 422154.

Responses to the public consultation must be received by midnight Monday 6 February 2017.



## APPENDIX B – CONSULTATION WORDING

# Proposal to create a Public Spaces Protection Order (PSPO) in Abingdon

### COMMENT FORM

Please see supporting information explaining the proposed order before completing this form.

#### 1. Are you a current resident of Abingdon?

- Yes
- No

If you are not a resident of Abingdon, please specify your relationship with the town:

#### 2. What is your postcode?

#### 3. How far do you agree or disagree with the proposed Public Spaces Protection Order (PSPO) for Abingdon? (Please tick)

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Requesting people stop drinking alcohol in public spaces and confiscating it if they refuse					
Stopping people from causing vehicle related noise nuisance					

**4. Do you have any comments or suggestions on the proposed Public Spaces Protection Order (PSPO) for Abingdon?**

**5. If you are submitting your response on behalf of a group or organisation, please state below (otherwise leave blank)**