



## Public Space Protection Orders: Yeovil

Executive Portfolio Holder:	Councillor Val Keitch, Strategy and Housing
Ward Member(s)	Councillors Karl Gill, David Gubbins, Andy Soughton
Strategic Director:	Kirsty Larkins, Service Delivery
Service Manager:	Leigh Rampton, Lead Specialist, Communities
Lead Officer:	Paul Huntington, Compliance and Enforcement Specialist
Contact Details:	Paul.huntington@southsomerset.gov.uk or 01935 462532

## Purpose of the Report

1. For members to agree to the extension of the Public Space Protection Orders to address street drinking.

## Forward Plan

2. This report appeared on the District Executive Forward Plan with an anticipated Committee date of 7<sup>th</sup> October 2021.

## Public Interest

3. Public Spaces Protection Orders (PSPO) are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. PSPOs are to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
4. This report is requesting an extension to an existing PSPO within Yeovil town centre, which will restrict what people can do and how they behave in public space.

## Recommendations

5. It is recommended that:
  - i. That the Council extend the area of the existing Public Space Protection Order to restrict street drinking in the town centre of Yeovil.

## Background

6. Local councils are responsible for making Public Spaces Protection Orders. The legal tests focus on the impact that anti-social behaviour is having on victims and communities. The council can make a Public Spaces Protection Order if they are satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:



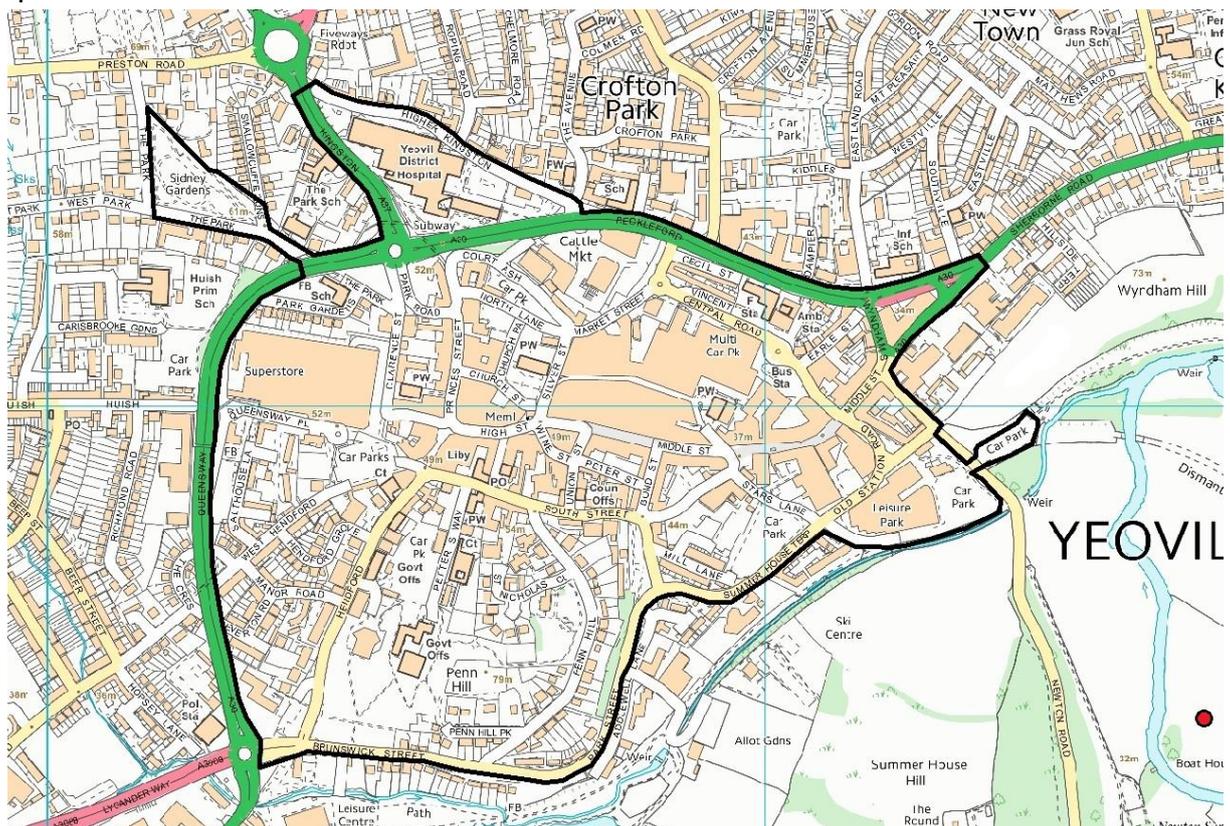
- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

7. Before making a Public Spaces Protection Order, the council must consult with the police in considering the extension of the existing PSPO officers have worked closely with the local police in Yeovil to gather the data relating to anti-social incidents.

### Street Drinking PSPO

8. On 11<sup>th</sup> October 2019, a PSPO was made restricting Street Drinking in a defined area of Yeovil Town centre as show in Figure 1. Below

Figure 1

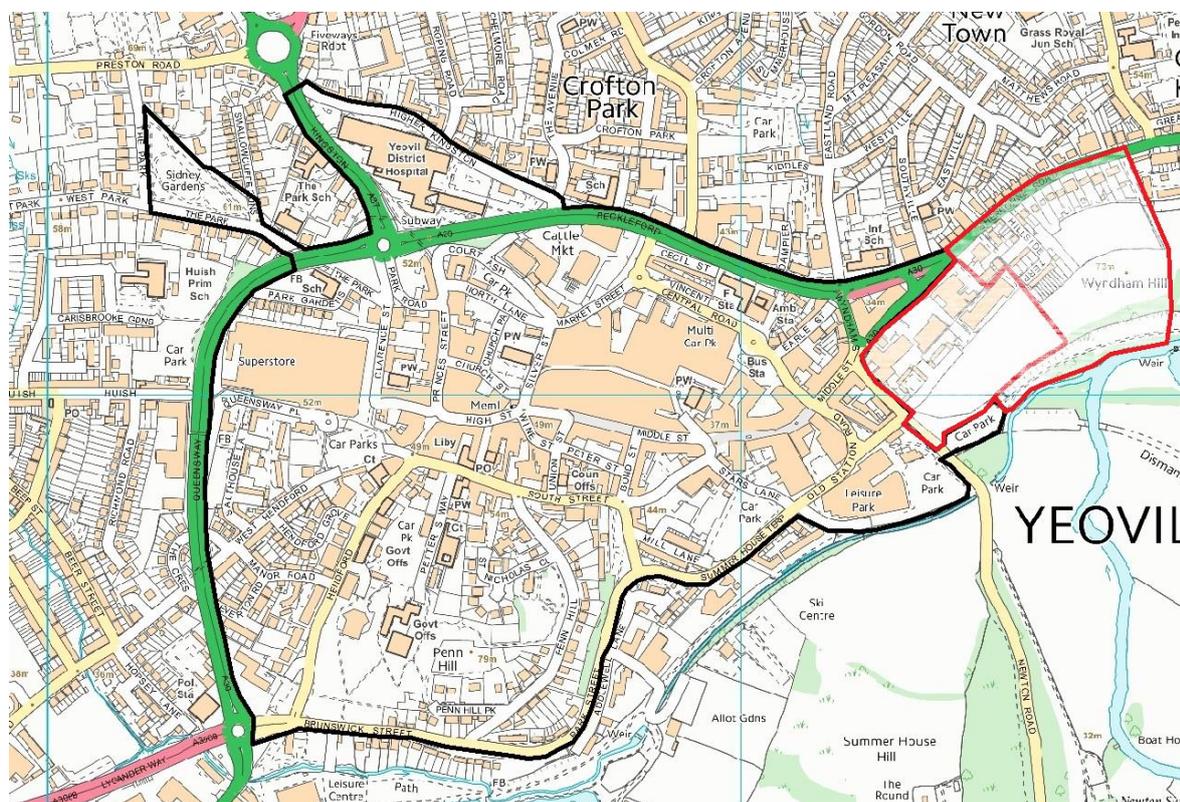


### The Requirements

- No person shall fail to stop consuming alcohol when required to do so by a Police Officer, Police Community Support Officer or an authorised officer from the Council.

- No person shall fail to surrender anything in his or her possession, which a Police Officer, Police Community Support Officer or authorised officer from the Council reasonably believes to be alcohol or a container for alcohol when required to do so.
9. Enforcement activities within the defined area have taken place since the PSPO was put in place. This involved publicising the PSPO, engaging with members of the public, patrols and active enforcement taken in partnership with Avon and Somerset Police.
  10. The existence and enforcement of the PSPO has had some positive impact on behaviour within the defined PSPO area. However, this has had the unintentional impact of displacing some of the unwanted anti-social behaviour outside the defined area.
  11. The evidence gathered has identified 72 alcohol related incidents in between January and July (inclusive) 2021 and this behaviour is concentrated in the Wyndham Hill area of the Country Park, Newton Road, Ivel Court and along Sherborne Road. This behaviour is causing problems for business and residents in this area.
  12. It is proposed that the PSPO is extended beyond the original boundaries of the first order. Figure 2 shows the proposed extension to the restricted area

*Figure 2: Proposed Extension to the Restricted Area*



13. The PSPO is not the only tool available to the Council and Police force in dealing with anti-social behavior associated with alcohol. SSDC Licensing department has worked and will continue to work with police officers to attempt to restrict the availability of alcohol to known offenders. Should specific individuals come to the attention of the partner organizations the additional enforcement options exist such as Community Protection Notices and Civil Injunctions.
14. SSDC and the Police will be keeping the issue of alcohol related ASB under review. It is hoped that if preventative measures and support can be provided to problem groups, together with a firm enforcement stance, then incidents within Yeovil will generally reduce.
15. A total prohibition on the consumption of alcohol was considered within the original restricted area. However looking at the experience of other councils and in consultation with the police, it was decided the proposed restrictions below are more appropriate. Not only do these restrictions link the behavior directly to anti-social impacts, but it gives the person subject to the restrictions an opportunity to comply with the restrictions, without the need for further formal enforcement action. This complies with the principles of proportionality, directly addresses the behavior causing the problem and is reasonable. The requirements are shown below:

### **The Requirements**

- No person shall fail to stop consuming alcohol when required to do so by a Police Officer, Police Community Support Officer or an authorised officer from the Council.
- No person shall fail to surrender anything in his or her possession, which a Police Officer, Police Community Support Officer or authorised officer from the Council reasonably believes to be alcohol or a container for alcohol when required to do so.

### **Financial Implications**

#### Signage

As a result of imposing a PSPO there is a statutory requirement to publicise the PSPO and designate the restricted area. Signage will therefore be required. It is estimated that to achieve this 30 signs will be required for the Yeovil PSPOs at the following costs

6 x PSPO signage	£180.00
Installation cost x 6	£100.00

These installation costs are not significant and will be met from existing budgets.

#### Enforcement Costs



## South Somerset District Council

Enforcement of the PSPOs will be incorporated into the existing role of the Compliance and Enforcement officer. Initially it is expected that the direct enforcement and evidence gathering will be undertaken by the Police in accordance with the proposed enforcement protocol.

### Risk Matrix

The risk matrix shows risk relating to the Corporate Plan headings.

#### Reputation

In the consultation public survey, 85% of respondents felt that anti-social behaviour affected how much they enjoyed their visits to Yeovil. 75% of respondents also felt that anti-social behaviour was not well dealt with in Yeovil. Since South Somerset District Council and only SSDC has the power to designate PSPOs, if the Council fails to do so after a clear need has been established, the Councils' reputation could be impacted.

#### Corporate Plan Priorities

South Somerset District Council plans to regenerate the town centre of Yeovil through multiple projects as part of the adopted Yeovil Refresh strategy. The stated vision is that "Yeovil town centre will be a vibrant place to live, work, learn and visit. Revitalised public spaces will celebrate the town's civic life and heritage – and help to regenerate the town's retail heart. A broad range of quality housing will encourage a diverse and inclusive community."

Should anti-social behaviour be allowed to continue unchallenged within the town centre this will undermine the efforts to achieve the stated vision.

#### Community Priorities

In the Council Plan themes and Areas of focus for 2019/20 under the banner of Healthy, Self-reliant Communities SSDC have stated that we will "Work with partners to keep our residents safe and help them to feel safe in their local area."

The PSPOs will give both our officers and the local police another tool to help tackle anti-social behaviour within Yeovil Town centre.

#### Capacity

The short term impacts on capacity are likely to be low. The on street enforcement is to be undertaken by the police, who will supply SSDC with the evidence should the PSPOs be breached. Such evidence will be followed up by the Compliance and Enforcement specialist as part of his normal duties.



# South Somerset District Council

In the longer term, effective enforcement will improve the rates of compliance and thus reduce service demand for both the Council and the Police.

## Financial

The direct financial risk is limited to the cost of signage. No other risk has been identified.

**Risk Profile before officer recommendations**

		CpP,CP	R	
F	CY			

**Risk Profile after officer recommendations**

		CpP	R	
F	CY, CP			

## Key

Categories	Colours (for further detail please refer to Risk management strategy)
R - Reputation	High impact and high probability
CpP - Corporate Plan Priorities	Major impact and major probability
CP - Community Priorities	Moderate impact and moderate probability
CY - Capacity	Minor impact and minor probability
F - Financial	Insignificant impact and insignificant probability

## Council Plan Implications

This measure links in with the theme of promoting Healthy, Self-reliant Communities. It involves working closely with our partners, in this case the police, social services and housing providers to keep our residents safe and help them to feel safe in their local area.

## Carbon Emissions and Climate Change Implications

There are no carbon emission or climate change implications with regard to this recommendation.

## Equality and Diversity Implications



## **South Somerset District Council**

It is important for councils to consider carefully the potential impact of a PSPO on different sections of their communities. In introducing an Order, councils must take care to ensure that they comply with the requirements of the public sector equality duty under the Equality Act 2010. The Equality Act requires public authorities to have due regard to a number of equality considerations when exercising their functions. Proposals for a PSPO should therefore be reviewed to determine how they might target or impact on certain groups.

Although it is not a specific requirement of the legislation, it is recommended that areas undertake an Equality Impact Assessment (EIA) to assess whether the proposed PSPO will have disparate impact on groups with protected characteristics.

The full equality impact assessment is included within the background documents. It shows that there is a potential negative impact to those with disabilities, specifically mental health issues. The EIA details how this potential negative impact is to be mitigated against.

### **Data Protection Impact Assessment**

Because personal and sensitive data can potentially be passed to SSDC as part of the enforcement process of the PSPOs a full data protection impact assessment is required and had been completed. This is included in the background papers.

### **Background Papers**

- Consultation Response
- Draft Enforcement Protocol between Avon and Somerset Police and South Somerset District Council
- Equalities Impact Assessment
- Data Protection Impact Assessment
- Street Drinking Public Space Protection Order: Yeovil