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| Agenda Item No: | 6 |  |
| Committee: | Cabinet | |
| Date: | 11 September 2023 | |
| Report Title: | Extension of the Wisbech alcohol Public Spaces Protection Order (PSPO) | |

Cover sheet:

1 Purpose / Summary

- 1.1 To extend the Wisbech PSPO on the consumption of alcohol by a further 3 years

2 Key Issues

- 2.1 As per Appendix One, there is a PSPO in place which controls the consumption of alcohol in Wisbech.
- 2.2 This Order expires on 20 October 2023
- 2.3 PSPO's can be made under Anti-Social Behaviour, Crime and Policing Act 2014.
- 2.4 There is no cost to the Council in extending this order save for officer time.
- 2.5 A Consultation has been carried out, including formal letters to identified statutory consultees and a wider public survey which ran between 19 June 2023 and 3 July 2023.
- 2.6 A summary of the public consultation is seen at Appendix Two
- 2.7 Consultation was undertaken in accordance with legislation and the following were consulted:
- Chief of Police (as delegated to Inspector)
 - Clarion Housing
 - Wisbech Town Council
 - Cambridgeshire County Council
 - Cambridgeshire County Council (Highways)
 - Cambridgeshire County Council (Health)
 - Police Crime Commissioner
 - The Horsefair Shopping Centre
 - St Peter's Church
- 2.8 The above consultees were all in favour of extending the Order – a summary can be found at Appendix Three.

- 2.9 Legal advice has been received to ensure the process followed accords with legislation.
- 2.10 Consultation has been taken in accordance with legislation.
- 2.11 The legislation can be found at Chapter 2 Anti-social Behaviour, Crime and Policing Act 2014.
- 2.12 Appendix Five is the wording of the proposed order.

3 Recommendations

- 3.1 To approve the extension of the PSPO for a 3 year period

| | |
|------------------------|---|
| Wards Affected | Wisbech |
| Forward Plan Reference | N/A |
| Portfolio Holder(s) | Cllr Susan Wallwork |
| Report Originator(s) | Russell Wignall rwignall@fenland.gov.uk Alan Boughen aboughen@fenland.gov.uk |
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| Background Papers | Anti-social Behaviour, Crime and Policing Act 2014 (legislation.gov.uk) |

Report:

1 BACKGROUND AND INTENDED OUTCOMES

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014, hereafter known as the Act, came into effect on 20th October 2014 making a number of changes

to the law on anti-social behaviour. A key change was the introduction of PSPO's to replace Designated Public Place Orders (DPPO), dog control orders and gating orders in addition to a range of other behaviours that local authorities can now regulate in public spaces

- 1.2 The Act gives power to Local Authorities to create PSPOs if they are satisfied that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect. The second condition is that the effect, or likely effect, of the activities is, or is likely to be persistent, unreasonable and justifies the introduction of the Order.
- 1.3 Public Space Protection Orders (PSPO's) are intended to deal with a particular nuisance or problem in a particular 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. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- 1.4 PSPO's can be drafted based on the specific issues being faced in a particular public space and can include multiple restrictions and requirements in one order. Examples of restrictions might include:
 - Controlling Dogs;
 - restricting access to an area;
 - misuse of substances
 - tackling noise nuisance
 - tackling unreasonable behaviour having a detrimental effect on the community
- 1.5 Section 60(1) of the Act states: Before the time when a public spaces protection order is due to expire, the local authority that made the order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent—
 - (a) occurrence or recurrence after that time of the activities identified in the order, or
 - (b) an increase in the frequency or seriousness of those activities after that time.
- 1.6 Based on the response of the consultation, Fenland District Council are satisfied that alcohol use (often in the form of street-drinking) and associated antisocial behaviour (including litter and noise) continues to have a detrimental impact on the community and if the PSPO was not extended that the frequency of antisocial behaviour linked to street drinking would likely increase
- 1.7 A PSPO can be extended for up to 3 years. It is proposed that the PSPO sought is made for the full 3-year period. Legislation requires there to be a review before the 3-year period expires. The outcome of the review can lead to a renewal, amendment or removal of the existing PSPO.

2 REASONS FOR RECOMMENDATIONS

- 2.1 The mapped areas (Appendix 1) suffer from the effects of alcohol consumption and is also an area where the community have indicated an increased fear of crime and anti-social behaviour. The use of alcohol in these areas can lead a number of issues, including antisocial behaviour, alcohol related litter, intimidation caused by large groups gatherings etc
- 2.2 Partnership performance data indicates there has been improvement in the situation following the introduction of the PSPO. However, incidents do continue to occur albeit at a reduced level. Recently there has been a number of highly visible issues of street drinking that is causing great concern with the community The extension of the Order is believed necessary as prescribed in points (a) & (b) of Section 60(1) above. Namely to prevent occurrence or recurrence or an increase in the frequency or seriousness of those activities.
- 2.3 The Order is made by the Local Authority, and the Local Authority are the prosecuting agency. Enforcement of the Order can be carried out by both the Local Authority and the Police.
- 2.4 The Order whilst enforceable in its own right, also compliments the Police led partnership project, Operation Luscombe (OL). OL looks to work with individuals found to be causing ASB linked to begging/street drinking and looks to support them with any issues they may have. This can be addiction issues, housing problems or other vulnerabilities.
- 2.5 Fenland District Council's Community Safety team work closely with the Police, particularly with Operation Luscombe where regular joint patrols are carried out. Both Police and Community Safety feel the PSPO is a crucial tool and accompaniment for OL.
- 2.6 It is believed that OL is having a positive effect on reducing street drinking and associated antisocial behaviour. Extending the Order would assist in continuing this success.

3 CONSULTATION

- 3.1 Legislation guides who must be consulted and appropriate legal advice has been sought to this end. Emails were sent to:
 - *Cambridgeshire Constabulary*
 - *Cambridgeshire County Council (including highways and health)*
 - *Wisbech Town Council*
 - *Police Crime Commissioner*
 - *Horsefair Shopping Centre*
 - *Clarion Housing*
 - *St Peter's Church*
- 3.2 A summary of responses can be found at Appendix Three, however all specified consultees were in favour of the Order remaining place.
- 3.3 A survey was placed on the FDC website and shared on the FDC Social Media pages from 19/06/2023 until the 03/07/2023 inviting views on the

proposal. Paper copies were also made available at Wisbech Library and Wisbech Town Council.

- 3.4 A summary of the responses can be found at Appendix Two
- 3.5 Out of 46 responses, 93.48% felt the PSPO should be extended.

4 DATA

- 4.1 Fenland District Council monitors street drinking via CCTV and Police figures – please see Appendix Four
- 4.2 CCTV data (October 2020-May 2023) shows that whilst there are seasonal fluctuations in street drinking activity it continues to be an ongoing occurrence.
- 4.3 Police data (October 2020-May 2023) shows that there are fluctuations in incidents being reported, Medworth ward in particular has regular incidents, and the same ward has had enough crime issues to be successful in a safe streets funding initiative which provides further evidence of need.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The other options are to allow the Order to expire or to extend with an amendment.
- 5.2 If the Order was allowed to expire an important tool in the District Council and The Police's toolkit in dealing with alcohol related ASB will have been removed. This could see an increase in alcohol related ASB within Wisbech Town Centre and could detriment the Operation Luscombe initiative and the wider community.
- 5.3 It's not felt necessary to seek an amendment to the order based upon consultation feedback.

6 IMPLICATIONS

6.1 Legal Implications

- 6.2 The legal implications are as detailed within the main body of the report. Fenland District Council is statutorily empowered to take the action proposed and has fulfilled its wider obligations by undertaking a period of consultation as well as seeking input from legal advisers throughout the process of putting this proposal together for consideration.

7 Financial Implications

- 7.1 None save for Officer's time and printing costs for the consultation. If further signage is needed, then Fenland District Council will explore funding options in the first instance

8 Equality Implications

8.1 EIA at appendix Six

9 APPENDICES

- Appendix One – Current PSPO and maps. (Not Exempt)
- Appendix Two - summary of public consultation responses (not exempt)
- Appendix Three – summary of specified consultation responses (not exempt)
- Appendix Four – Partnership Data (not exempt)
- Appendix Five - draft Order (not exempt)
- Appendix Six - EIA (not exempt)

**FENLAND DISTRICT COUNCIL
FENLAND DISTRICT COUNCIL (Alcohol) Wisbech.
PUBLIC SPACES PROTECTION ORDER 2017**

Fenland District Council ('the Council') in exercise of its powers pursuant to Section 59, and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') hereby makes the following Order ('the Order') :-

1. This Order shall come into operation on **20/10/2020** and shall have effect for a period of 3 years from that date.

2. This Order relates to the areas as shown *hatched in red on the attached Plans in Schedules 1, 2, 3, & 4* (the 'Restricted Area'); and applies to all the land (except which is referred to in paragraph 3. below) which is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this paragraph, any land which is covered is to be treated as land which is "open to the air" if it is open to the air on at least one side.

3. This Order does not apply to premises excluded by section 62 of The Act (for example- premises authorised by a 'premises licence', 'club premises certificate, or 'permission' authorising the supply, sale or consumption of alcohol).

4. The effect of this Order is to impose the following prohibitions and requirements on the Restricted Area as specified as follows:

5.1. In the Restricted Area shown in Schedule 1:

Any person reasonably believed to be drinking alcohol or to have been drinking alcohol or intends to drink alcohol must upon the request of an Authorised Person or Constable, stop drinking what is reasonably believed to be alcohol and hand over to the Authorised Person or Constable what is reasonably believed to be alcohol and any container for alcohol.

5.2. In the Restricted Areas shown in Schedules 2, 3, and 4:

- *The possession by any person of an open container or open containers filled wholly or partly with alcohol is prohibited.*
- *Any person found in possession of an open container or containers, reasonably believed to contain alcohol, must hand it/them over to a Constable or Authorised person if required to do so.*

6. It is an offence for a person without reasonable excuse to do anything prohibited by this Order, or to fail to comply with a prohibition or requirement to which a person is subject to pursuant to this Order.

7. A Constable or an 'Authorised Person' may issue a Fixed Penalty Notice (FPN) to anyone he or she has reason to believe has committed an offence under this Order.

Appendix C

8. An 'Authorised Person' means any person authorised in writing for the purposes of this Order by Fenland District Council (the Council).

A Constable means a Police Constable in whatever capacity including Community Support Officers.

9. A person found to be in breach of this Order is liable upon summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000.00); or to be made subject to a FPN of £75.00, or if paid within 14 days- to the reduced sum of £65.00.

10. The Council is satisfied that the conditions set out in Sections 59 and 72 of 'the Act' have been met: that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; and that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by this notice. The Council believe that it is reasonable to impose the above prohibitions and requirements in order to prevent the detrimental effect from continuing, occurring or recurring, and to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

11. Any interested person (an individual who lives or regularly visits or works) in the restricted area who desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, may apply to the High Court within six weeks from the date upon which this Order is made.

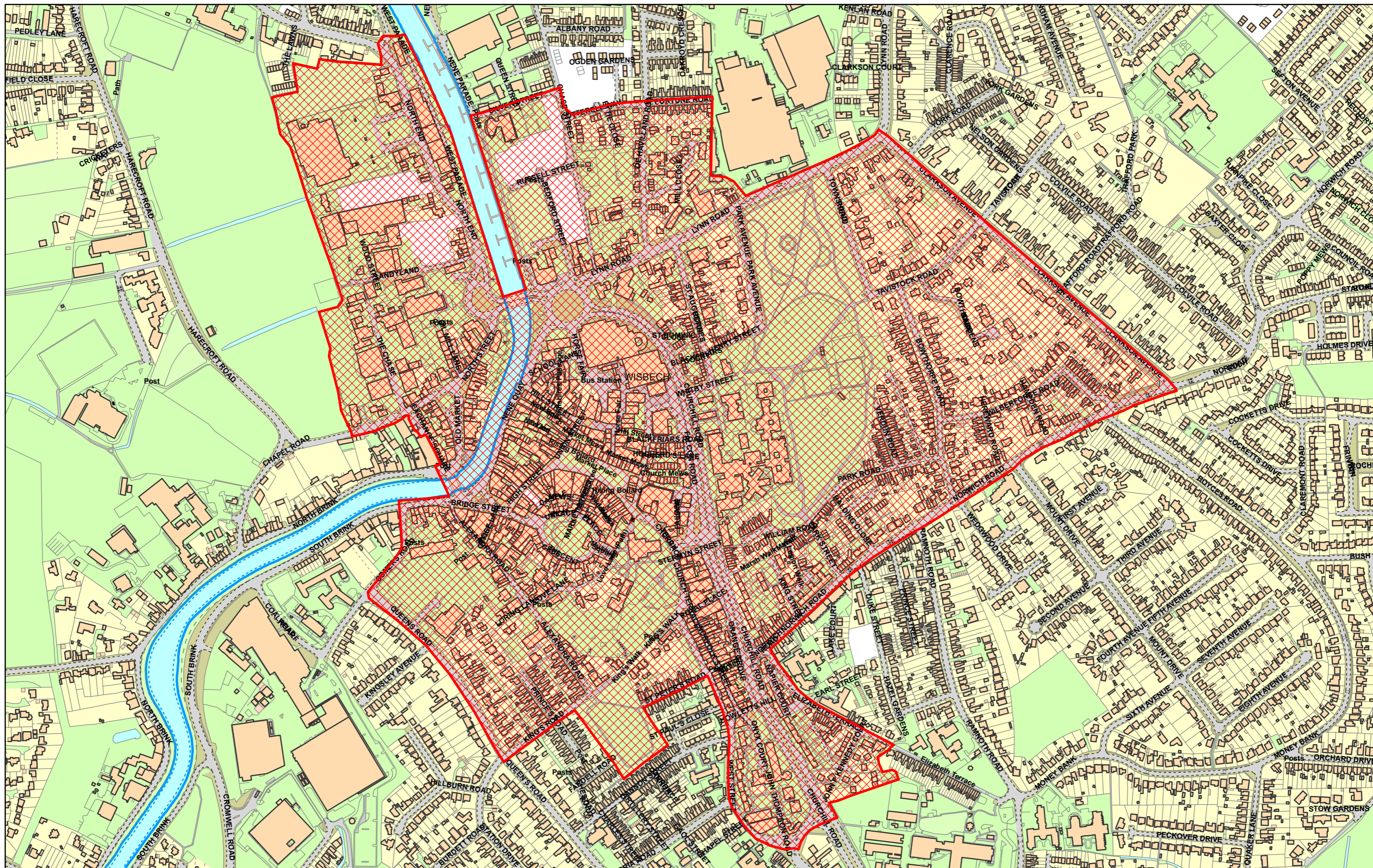
19th
[Date] October 2020

13052

Sealed as Deed on behalf of)
Fenland District Council the)
Common Seal being affixed in the)
presence of and signed by:)

Authorised Signatory





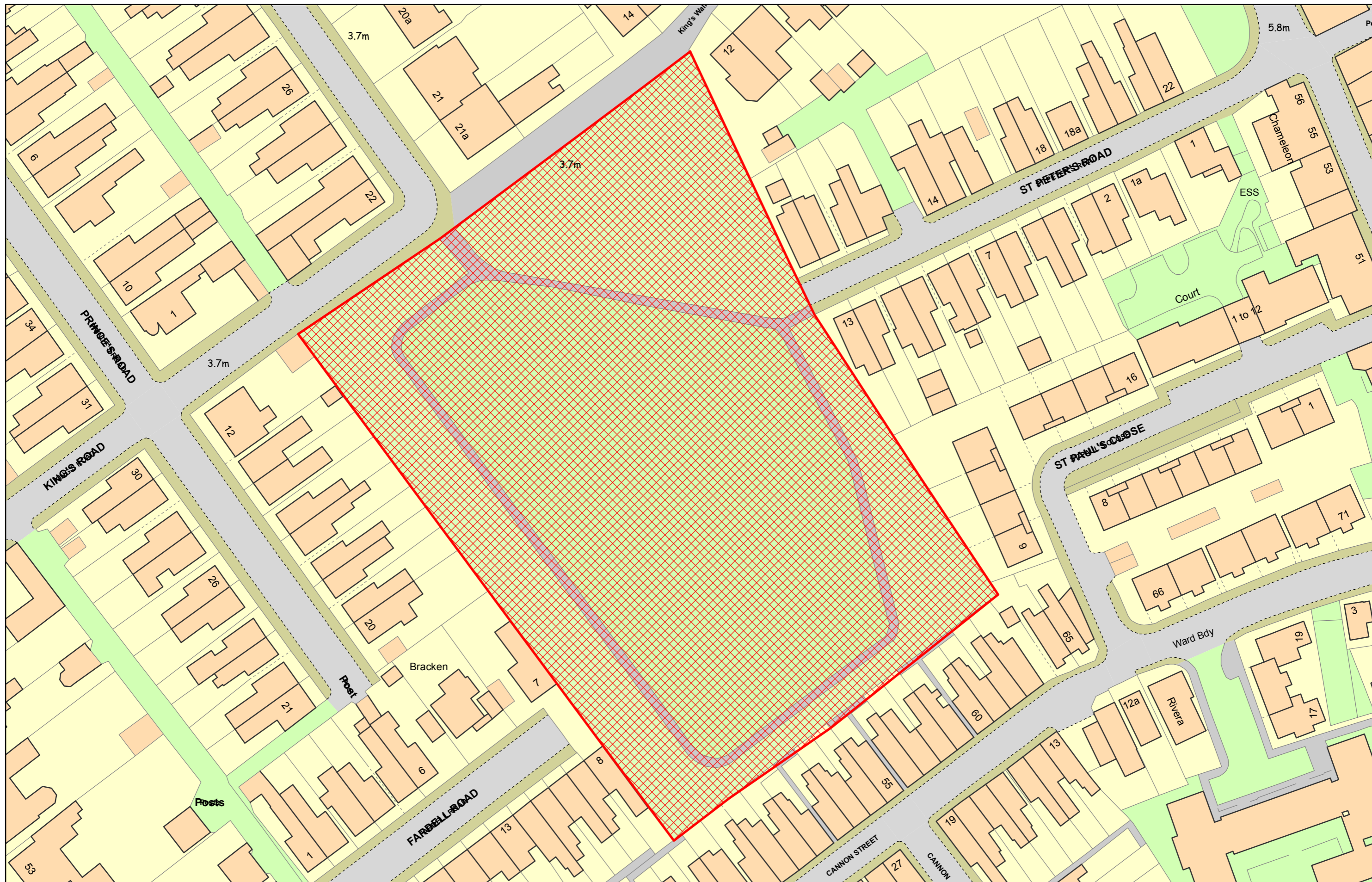
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Wisbech - Proposed Public Spaces Protection Order Schedule 1

Scale = 1:0



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Tillery Park, Wisbech Proposed Public Spaces Protection Order Schedule 2

Scale = 1:0





Created on: 06/10/2017

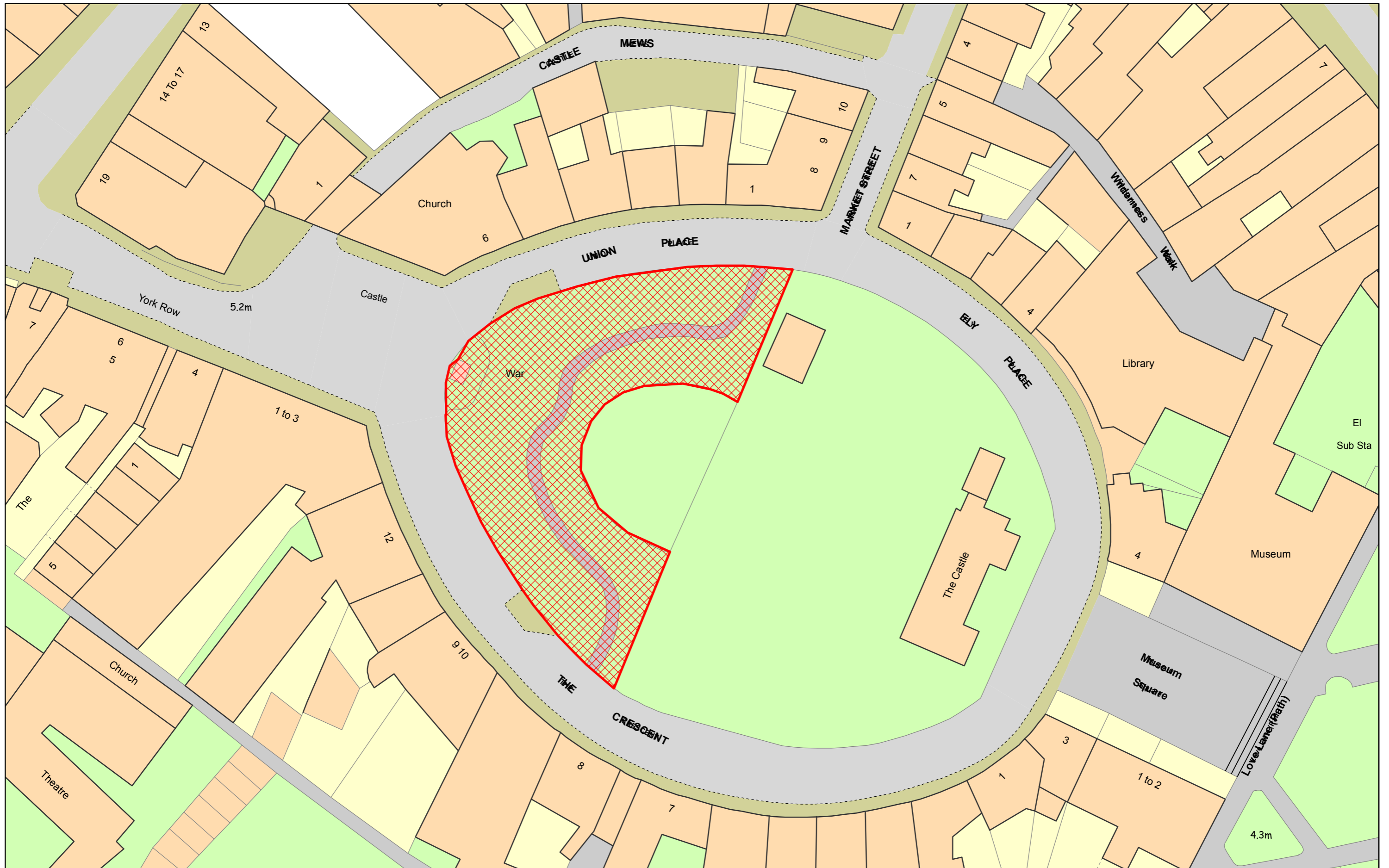
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St Peter & Paul Church, Wisbech Proposed Public Spaces Protection Order Schedule 3

Scale = 1:0





Created on: 06/10/2017

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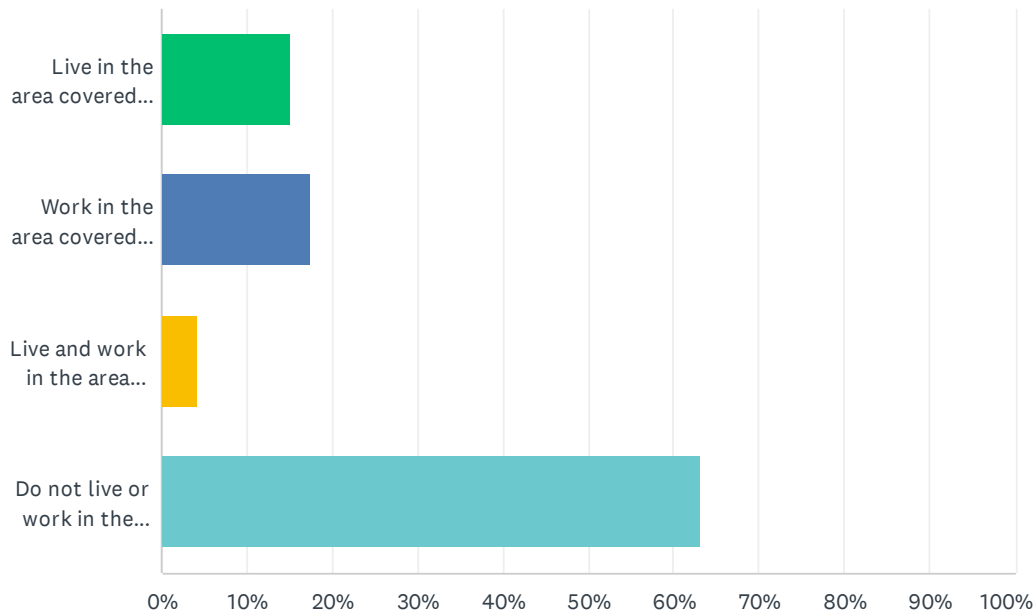
Memorial Gardens, Wisbech Proposed Public Spaces Protection Order Schedule 4

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Q1 Do you?

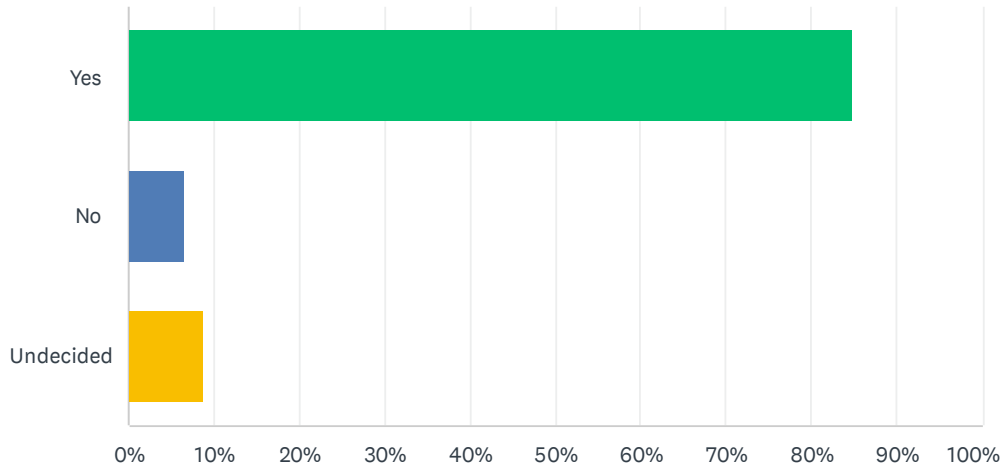
Answered: 46 Skipped: 0



| ANSWER CHOICES | RESPONSES | |
|--|-----------|-----------|
| Live in the area covered by the PSPO | 15.22% | 7 |
| Work in the area covered by the PSPO | 17.39% | 8 |
| Live and work in the area covered by the PSPO | 4.35% | 2 |
| Do not live or work in the area but visit the area covered by the PSPO | 63.04% | 29 |
| TOTAL | | 46 |

Q2 Do you feel alcohol related antisocial behaviour is a problem in Wisbech Town?

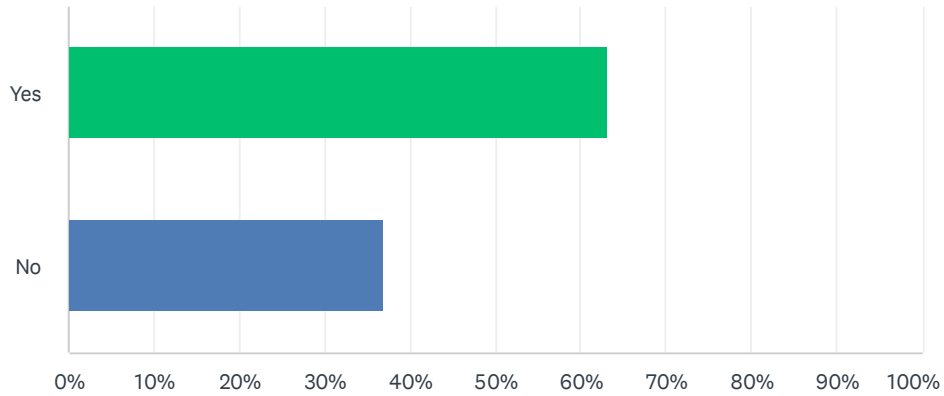
Answered: 46 Skipped: 0



| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|----|
| Yes | 84.78% | 39 |
| No | 6.52% | 3 |
| Undecided | 8.70% | 4 |
| TOTAL | | 46 |

Q3 Are you aware that there is a PSPO in place restricting the consumption of alcohol in the shaded areas of the maps above?

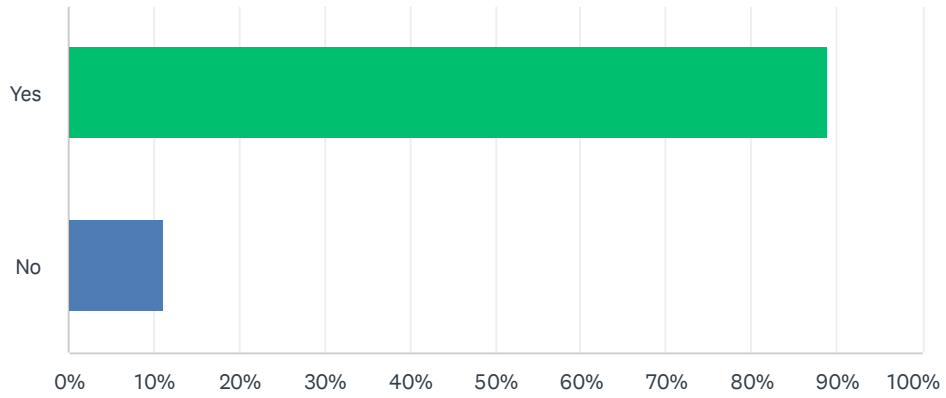
Answered: 46 Skipped: 0



| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|----|
| Yes | 63.04% | 29 |
| No | 36.96% | 17 |
| TOTAL | | 46 |

Q4 Have you been seen alcohol being consumed in any of the shaded areas in the last 6 months?

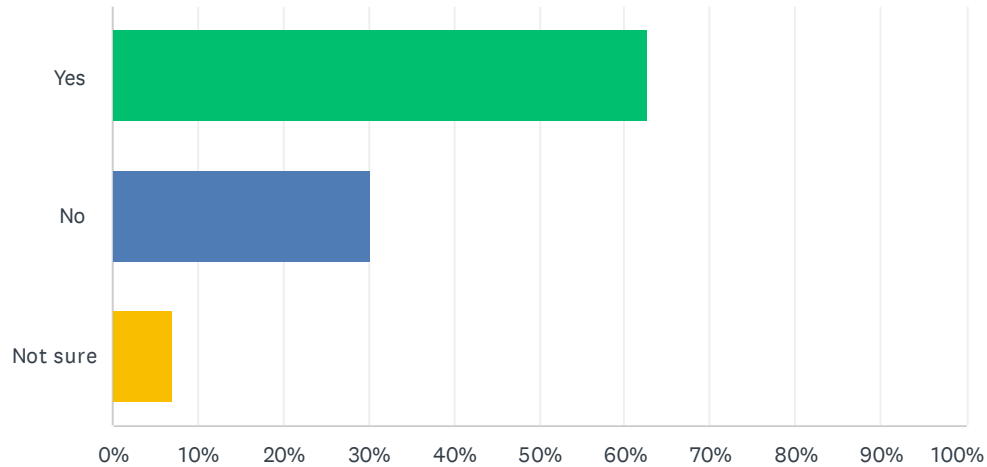
Answered: 45 Skipped: 1



| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|----|
| Yes | 88.89% | 40 |
| No | 11.11% | 5 |
| TOTAL | | 45 |

Q5 If you answered yes to question 4, did you observe any anti-social behaviour linked to the alcohol consumption?

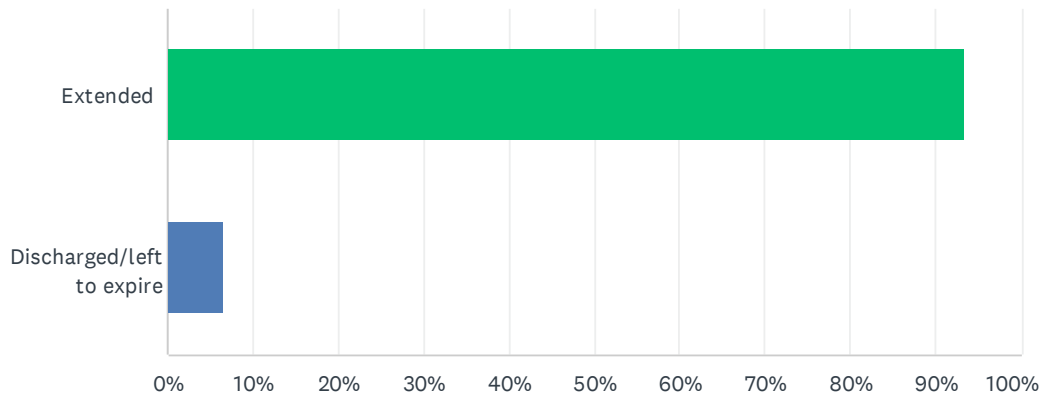
Answered: 43 Skipped: 3



| ANSWER CHOICES | RESPONSES | |
|----------------|-----------|-----------|
| Yes | 62.79% | 27 |
| No | 30.23% | 13 |
| Not sure | 6.98% | 3 |
| TOTAL | | 43 |

Q6 Would you like to see the PSPO:

Answered: 46 Skipped: 0



| ANSWER CHOICES | RESPONSES |
|---------------------------|-----------|
| Extended | 93.48% 43 |
| Discharged/left to expire | 6.52% 3 |
| TOTAL | 46 |

Q7 Do you have any other comments?

Answered: 15 Skipped: 31

| # | RESPONSES | DATE |
|----|---|--------------------|
| 1 | I feel the enforcement is taking place, but more regular patrols must be undertaken. The use of CCTV as soon as groups form. | 7/2/2023 7:45 PM |
| 2 | Would be great to see the PSPO policed and extended to include the area around the old Beales shop | 6/30/2023 7:49 AM |
| 3 | St Peters Gardens were full of drinkers last night. Not one police/enforcement officer in sight. Local shops selling single cans of drink. No enforcement action | 6/29/2023 11:32 AM |
| 4 | More policing required with punishments such as cleaning and scrubbing the paths which are stained with drink. Cans often conceal the alcohol. | 6/28/2023 11:34 AM |
| 5 | BUT WHAT WILL BE DONE ABOUT IT? NOTHING HAS YET SO WHY BOTHER ? | 6/27/2023 5:28 PM |
| 6 | Strongly support an extension to the existing PSPO both in timescale and location. Have experienced issues in Museum Square and would suggest this also needs to be part of the PSPO | 6/27/2023 1:16 PM |
| 7 | Please police it more frequently esp in the mornings. | 6/19/2023 4:43 PM |
| 8 | There needs to be an increase in patrolling by Cambridgeshire Police Service officers within these areas, even at present they are rarely seen,indeed never! Within The Old Market area alone, groups are persistently drinking openly in the bricked area to the side of 'Cafe D'licious' leading to anti social behaviour being committed, the same groupd openly urinating in full public view, graffitti being sprayed on the walls and telephone junction boxes, not to mention the vomit being left and the increase in the litter in the area! More needs to be done overall in the area to prevent additional offences being committed! | 6/19/2023 2:20 PM |
| 9 | Shading in a map doesn't equate to actually policing the order | 6/19/2023 1:34 PM |
| 10 | I live near Wisbech Park. I have not seen any evidence of the drinking ban being enforced. Alcohol and other illegal substances are openly consumed in and around the park. Drug dealing goes on at any time of the day. What exactly is the purpose of this PSPO? | 6/19/2023 1:18 PM |
| 11 | Drug selling and participation also an issue. Going to the toilet in the bushes due to park toilets being closed in the evening. Helmet less lads on trial bikes sharing smokes. | 6/19/2023 1:13 PM |
| 12 | . | 6/19/2023 1:04 PM |
| 13 | Wisbech is not a place we would consider visiting after dark, don't feel that it is safe | 6/18/2023 12:10 PM |
| 14 | The PSPO needs to be enforced - stringently. I appreciate that this is a big ask, but as a business manager that has been told time and time again that guests would avoid visiting Wisbech because of street drinking and aggressive/imposing behaviours, it is essential. We have guests who asked to be walked to their car as they feel so unsafe. | 6/17/2023 8:52 AM |
| 15 | It's a bad decision to implement an unlawful PSPO because the ends justify the means. Disregarding both The Human Rights Act and Magna Carter is repugnant. | 6/16/2023 2:24 PM |

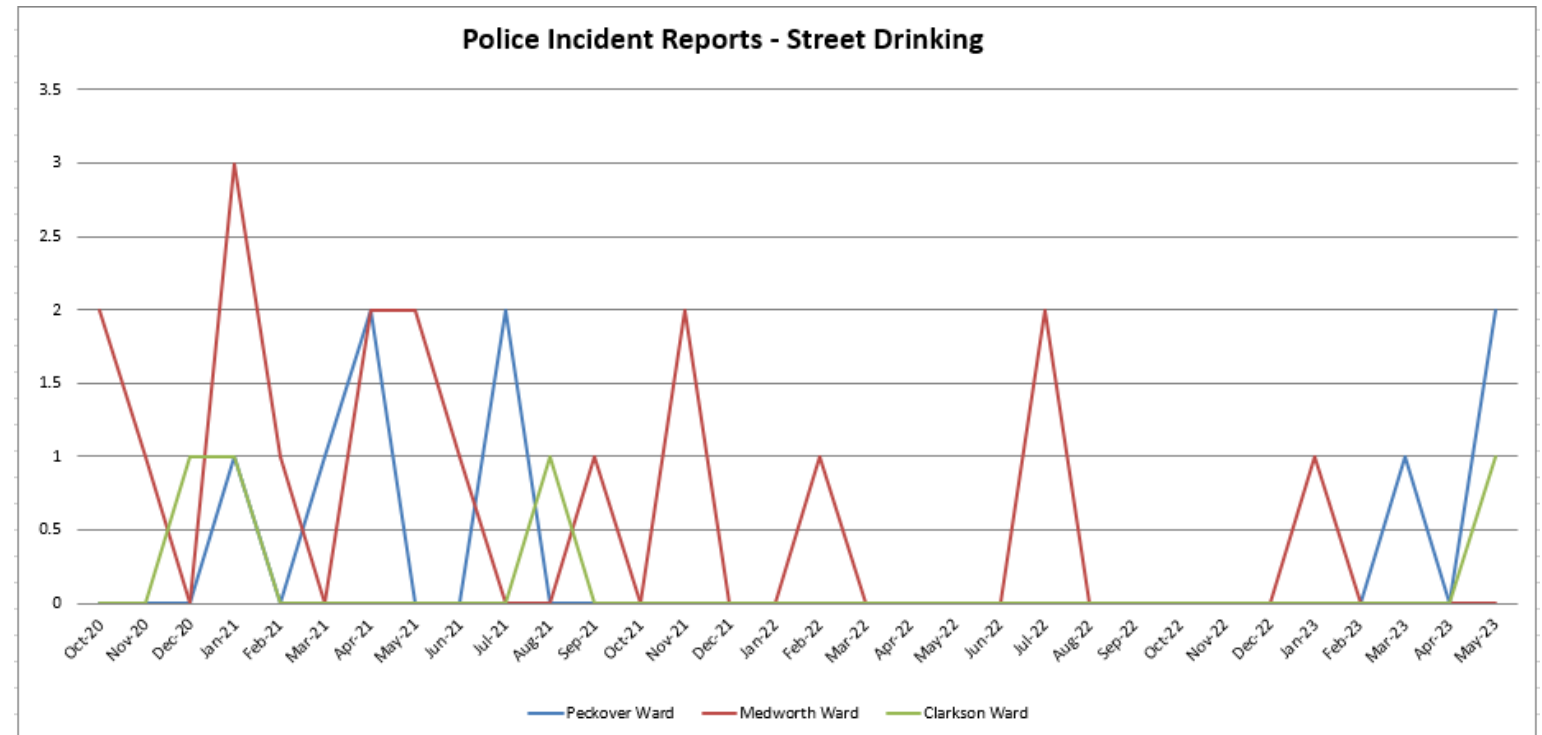
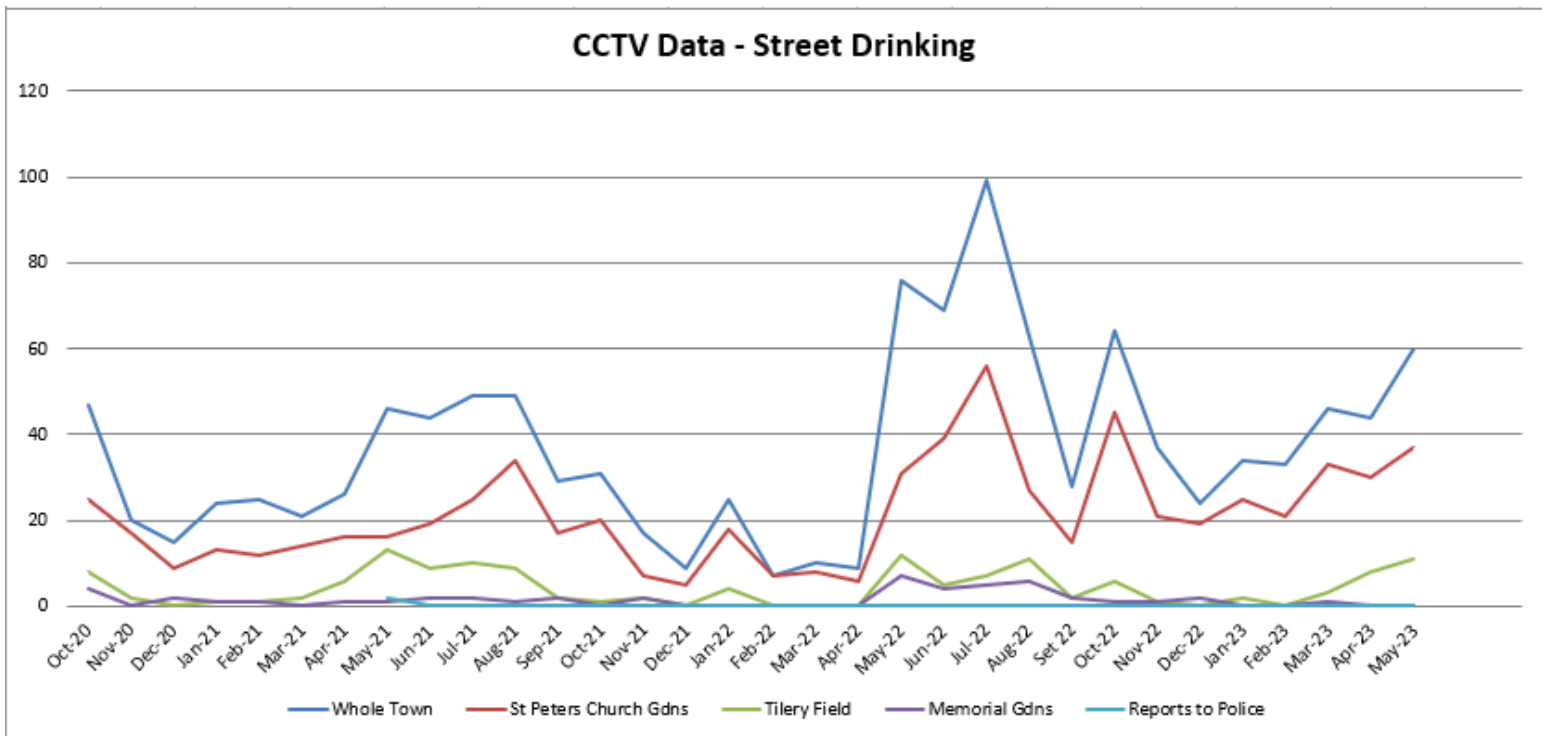
APPENDIX THREE – SPECIFIED CONSULTEES

| Name | Consulted on | Response |
|--|--------------|---|
| Cambridgeshire County Council | 23/05/2023 | 22/06/2023 In Favour Believes the order has a positive impact on younger people |
| Chief of Cambs Police (Inspector, confirmed delegated authority) | 23/05/2023 | 07/06/2023 In favour A vital tool for Op Luscombe and helps reduce harm to communities and safeguarding vulnerable service users. |
| CCC Health | 23/05/2023 | 29/06/2023 In favour |
| CCC Highways | 23/05/2023 | 05/07/2023 In favour? I can confirm that for some time now, we as the Highways Team have not been effected by bad behaviour in the town centre. Clearly this order has had a good effect whilst it has been in existence. |
| The Horsefair | 23/05/2023 | 25/05/2023 In favour measure helps towards reducing the negative impact that alcohol related anti-social behaviour has on shoppers and visitors to the town centre. |

APPENDIX THREE – SPECIFIED CONSULTEES

| | | |
|--|-------------------|---|
| <p>Clarion</p> | <p>23/05/2023</p> | <p>08/06/2023</p> <p>In favour</p> <p>Feels there has been a clear improvement in the type of incidents reported in those areas since this has been in place and if it was to end, I would be concerned about the impact and increase of ASB and related offending.</p> |
| <p>Office of the Police and Crime Commissioner</p> | <p>23/05/2023</p> | <p>16/06/2023</p> <p>In favour</p> <p>Believes it to be a vital tool to assist with Op Luscombe</p> |
| <p>St Peter and Paul Church (Canon)</p> | <p>23/05/2023</p> | <p>23/05/2023</p> <p>In favour</p> <p>still have considerable difficulties with public drunkenness, rowdiness and drunks entering and attempting to sleep in church. Every morning there are broken alcohol bottles everywhere and the signs of widespread urination.</p> |
| <p>Wisbech Town Council (Clerk)</p> | <p>23/05/2023</p> | <p>20/06/2023</p> <p>In favour</p> <p>Members are of the opinion that the issues that the Orders were put in place to seek to address still exist.</p> |

APPENDIX 4 – DATA



**FENLAND DISTRICT COUNCIL
FENLAND DISTRICT COUNCIL (Alcohol) Wisbech.
PUBLIC SPACES PROTECTION ORDER 2023**

Fenland District Council ('the Council') in exercise of its powers pursuant to Section 59, and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') hereby makes the following Order ('the Order') :-

1. This Order shall come into operation on **20/10/2023** and shall have effect for a period of 3 years from that date.

2. This Order relates to the areas as shown *hatched in red on the attached Plans in Schedules 1, 2, 3, & 4* (the 'Restricted Area'); and applies to all the land (except which is referred to in paragraph 3. below) which is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this paragraph, any land which is covered is to be treated as land which is "open to the air" if it is open to the air on at least one side.

3. This Order does not apply to premises excluded by section 62 of The Act (for example- premises authorised by a 'premises licence', 'club premises certificate, or' 'permission' authorising the supply, sale or consumption of alcohol).

4. The effect of this Order is to impose the following prohibitions and requirements on the Restricted Area as specified as follows:

5.1. In the Restricted Area shown in Schedule 1:
Any person believed to be drinking alcohol or is believed to have been drinking alcohol or intends to drink alcohol must upon the request of an Authorised Person or Constable, stop drinking what is reasonably believed to be alcohol and hand over to the Authorised Person or Constable what is reasonably believed to be alcohol and any container for alcohol.

- 5.2. In the Restricted Areas shown in Schedules 2, 3, and 4:**
 - *The possession by any person of an open container or containers which is reasonably believed to contain alcohol is prohibited.*
 - *Any person found in possession of an open container or containers reasonably believed to contain alcohol must hand it/them over to a Constable or Authorised Person if required to do so.*

6. It is an offence for a person without reasonable excuse to do anything prohibited by this Order, or to fail to comply with a prohibition or requirement to which a person is subject to pursuant to this Order.

7. A Constable or an 'Authorised Person' may issue a Fixed Penalty Notice (FPN) to anyone he or she has reason to believe has committed an offence under this Order.

8. An 'Authorised Person' and 'an authorised officer of the Council' means any person authorised in writing for the purposes of this Order by Fenland District Council (the Council). A Constable means a Police Constable in whatever capacity including a Community Support Officer.

9. A person found to be in breach of this Order is liable upon summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000.00); or to be made subject to a FPN

10. The Council is satisfied that the conditions set out in Sections 59 of 'the Act' have been met: that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality; and that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by this notice. Such activities include public urination, associated rowdy behaviour and alcohol related litter. The Council believe that it is reasonable to impose the above prohibitions and requirements in order to prevent the detrimental effect from continuing, occurring or recurring, and to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

11. Any interested person (an individual who lives or regularly visits or works) in the restricted area who desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, may apply to the High Court within six weeks from the date upon which this Order is made.

[Date] October 2023

Sealed as Deed on behalf of)
Fenland District Council the)
Common Seal being affixed in the)
presence of and signed by:)

Authorised Signatory

Assessing Equality – The Equality Act 2010

Customer Impact Assessment – Public Spaces Protection Orders (PSPO's)

Name and brief description of policy being analysed

Briefly summarise the policy including any key information such as aims, context etc; note timescales and milestones for new policies; use plain language – NO JARGON; refer to other documents if required

The Anti-Social Behaviour, Crime and Policing Act 2014, hereafter known as the Act, came into effect on 20th October 2014 making a number of changes to the law on anti-social behaviour. A key change was the introduction of PSPO's to replace Designated Public Places Orders (DPPO's), dog control orders and gating orders in addition to a range of other behaviours that local authorities can now regulate in public spaces.

The Act has introduced simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities. This includes the introduction of Public Spaces Protection Order (PSPO).

Councils will be responsible for making the new PSPO although enforcement powers will be much broader.

Public Space Protection Orders (PSPO's) are intended to deal with a particular nuisance or problem in a particular 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. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

PSPO's are drafted based on the specific issues being faced in a particular public space, and can include multiple restrictions and requirements in one order. Examples of restrictions might include:

- Controlling the use of dogs;
- Restricting access to an area;
- Misuse of substances;
- Tackling noise nuisance; or
- Unreasonable behaviour having a detrimental effect on the community.

A PSPO can be made where the council is satisfied, after conducting the test, that the activity or activities, carried on in a public place, it proposes to restrict:

- Have had, or are 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.

A PSPO can be used to restrict the consumption of alcohol in a public space where the test has been met. However, as with DPPO's which it replaces, there are a number of limitations on using this power for this end.

A PSPO cannot be used to restrict the consumption of alcohol where the premises or its curtilage is licensed for the supply of alcohol. There are also limitations where either Part 5 of the Licensing Act 2003 or Section 115E of the Highways Act 1980 applies. This is because the licensing system already includes safeguards against premises becoming centres for anti-social behaviour. It would cause confusion and duplication if PSPO's were also introduced within these areas.

A PSPO for the need of this assessment is in relation to restricting and removing the act of consuming alcohol within specific locations covered by the PSPO where the test has been met.

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The Order was previously extended in 2020 and as per legislation is being extended further

Information used for customer analysis

The following bodies were consulted:

- Chief of Police (as delegated to Inspector)
- Clarion Housing
- Wisbech Town Council
- Cambridgeshire County Council
- Cambridgeshire County Council (Highways)
- Cambridgeshire District Council (Health)
- Police Crime Commissioner
- The Horsefair Shopping Centre
- St Peter's Church

All consultees were in favour of extending the Order

A public consultation was carried out between 19/6/2023 and 3/7/2023 46 responded and 93.48% were in favour of extending the order


Data was obtained from CCTV and Police which showed Street Drinking to be a problem.

| | Could particularly benefit | Neutral | May adversely impact | Explanations | Is action possible or required? | Details of actions or explanations if actions are not possible Please note details of any actions to be placed in your Service Plan |
|----------------------------|----------------------------|----------|--------------------------|--|---------------------------------|--|
| Race | <input type="checkbox"/> | X | <input type="checkbox"/> | The use of PSPO's is responding to the linked behaviours that are either being requested to be stopped or conducted within these specified areas and not linked to an individuals race, sex, disability or age. In this case the use of PSPO is to reduce alcohol related ASB by restricting the consumption of alcohol in three specific locations and controlling | N | |
| Sex | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Gender reassignment | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Disability | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Age | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Sexual orientation | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |

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| | | | | | | |
|---|--------------------------|----------|--------------------------|----------------------------------|---|--|
| Religion or belief | <input type="checkbox"/> | X | <input type="checkbox"/> | consumption across a wider area. | N | |
| Pregnancy & maternity | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Marriage & civil partnership | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Human Rights | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Socio Economic | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Multiple/ Cross Cutting | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Outcome(s) of customer analysis | | | | | | |
| <p>a) Will the policy/ procedure impact on the whole population of Fenland and/ or identified groups within the population; negative <input type="checkbox"/> neutral <input type="checkbox"/> positive X</p> <p>No major change needed X Adjust the policy <input type="checkbox"/> Adverse impact but continue <input type="checkbox"/> Stop and remove / reconsider policy <input type="checkbox"/></p> | | | | | | |
| Arrangements for future monitoring: | | | | | | |
| <p>Note when analysis will be reviewed; include any equality indicators and performance against those indicators</p> <p>At the time of reviewing this document the PSPO is subject of a legal requirement to review every three years. Should there be any change in the current PSPO areas and/or restrictions this document will be subject further review. At present it is felt that street drinking remains an issue in the mapped areas (as confirmed by the consultee and public consultation) and as such it is felt a PSPO is an effective measure to help combat this issue</p> <p>Equality Impact Assessments are subject of an annual review.</p> | | | | | | |
| Details of any data/ Research used (both FDC & Partners): | | | | | | |
| <p>Cambridgeshire Police Fenland District Council – CCTV services Fenland Community Safety Partnership</p> | | | | | | |
| Completed by: | | | | | | |
| <p>Name: Russell Wignall Position: Community Safety Partnership Officer 04/07/2023</p> | | | | | | |

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|--|--|
| Approved by (manager signature):  | Date published: |
| Details of any Committee approved by (if applicable): | Date endorsed by Members if applicable: |

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Customer Impact Assessment – Wisbech PSPO Signage

Name and brief description of policy being analysed

Briefly summarise the policy including any key information such as aims, context etc; note timescales and milestones for new policies; use plain language – NO JARGON; refer to other documents if required

Public Spaces Protection Order (PSPO) signage to be located in community areas of need where alcohol related anti-social behaviour (ASB) exists as identified through community feedback, information from local police and management information from internal teams primarily CCTV. Legislation requires signage to be placed in these areas to provide awareness and education to the local community that they are within an area covered by a PSPO to provide an opportunity for behaviour to be modified accordingly.

Information used for customer analysis


Note relevant consultation; who took part and key findings; refer to, or attach other documents if needed; include dates where possible

The Community feedback, information from partners and internal management information influenced location specific restrictions to be introduced through the use of the PSPO. Recognising the diverse community within Wisbech and the sections of community who were likely to be at risk of breaching the order the signs were in multi-lingual format. The languages were chosen following consultation with the local police and chair of the Fenland Diverse Community Forum. Languages chosen were English, Lithuanian, Russian and Polish.

The positioning of the signs was determined by access routes to the specified areas and locations where it was known alcohol related ASB occurred. Community consultation feedback and management information influenced location choices.

| | Could particularly benefit | Neutral | May adversely impact | Explanations | Is action possible or required? | Details of actions or explanations if actions are not possible Please note details of any actions to be placed in your Service Plan |
|---------------------|----------------------------|-------------------------------------|-------------------------------------|---|---------------------------------|--|
| Race | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Race – e.g. It was not possible to have the signs translated into all Eastern European languages spoken by the migrant community. Those who do not speak the four chosen languages will be unable to understand the relevant written warning signage so may be at risk of alcohol removal and/or prosecution. However, the signs incorporate pictorial representation of 'no alcohol' | N | Disability – the design of the signs will make reasonable adjustments to wording and text font to mitigate impact on these community groups. A warning picture will also be used in conjunction with the text to support this. Law enforcement and local authority officers can provide education and advice to any community members who have a reduced understanding of the PSPO signage before enforcement |
| Sex | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | N | |
| Gender reassignment | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | N | |
| Disability | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | | Y | |
| Age | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | N | |
| Sexual orientation | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | N | |

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| | | | | | | |
|---|--------------------------|----------|--------------------------|--|---|----------------|
| Religion or belief | <input type="checkbox"/> | X | <input type="checkbox"/> | The four chosen languages are considered to be spoken by the vast majority of the community in Wisbech. Disability – The local community that may have learning disabilities will have a restricted understanding of the signage and those with visual impairment may have a reduced awareness of the signs. | N | is considered. |
| Pregnancy & maternity | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Marriage & civil partnership | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Human Rights | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Socio Economic | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Multiple/ Cross Cutting | <input type="checkbox"/> | X | <input type="checkbox"/> | | N | |
| Outcome(s) of customer analysis | | | | | | |
| <p>a) Will the policy/ procedure impact on the whole population of Fenland and/ or identified groups within the population; negative <input type="checkbox"/> neutral <input type="checkbox"/> positive X</p> <p>No major change needed X Adjust the policy <input type="checkbox"/> Adverse impact but continue <input type="checkbox"/> Stop and remove / reconsider policy <input type="checkbox"/></p> | | | | | | |
| Arrangements for future monitoring: | | | | | | |
| <p>Note when analysis will be reviewed; include any equality indicators and performance against those indicators</p> <p>PSPO signage to be subject of continued review in line with legally required review of the relevant order. The EIA is subject of an annual review.</p> | | | | | | |
| Details of any data/ Research used (both FDC & Partners): | | | | | | |
| FDCF – multi agency/partnership group. | | | | | | |
| Completed by: | | | | | | |
| <p>Name: Russell Wignall Position: Community Safety Officer 16/08/2023</p> | | | | | | |
| Approved by (manager signature): | | | | Date published: | | |
|  | | | | | | |