

Board/Committee:	FULL COUNCIL
Date of meeting:	07 October 2020
Title:	GOSPORT AND TOWN CENTRE PSPO
Author:	BOROUGH SOLICITOR AND MONITORING OFFICER
Status:	FOR DECISION

Purpose

This report seeks the approval of the Council to approve the varied Gosport and Town Centre PSPO to run for a further period of three years commencing 20 October 2020.

Recommendation

That the Council approves the Gosport and Town Centre PSPO 2020 to control Anti-Social Behaviour (ASB), Drinking and Begging in public places within the areas shown edged black in the accompanying plans as set out at Appendix 1

1.0	Introduction
1.1	On 29 July 2020 the Council unanimously approved the Gosport and Town Centre PSPO 2020 (Appendix 1) for public consultation. The report presented to the Council set out the reasons, background and risks associated.
1.2	As part of the public consultation, notice of the proposed Gosport and Town Centre PSPO was given on social media, Twitter, Facebook and the Council website. Letters and e-mails were also sent to various stakeholders. An online survey was set up and a link to the survey was included in the communications.
2.0	Report - background
2.1	The survey contained 7 questions specific to the PSPO and a further set of questions designed to measure the reach of consultation and consider any equality impact of the survey. There were 136 respondents to the survey, 94.78% of which were Gosport residents.
2.2	The outcome of the consultation demonstrates a continued perceived problem with ASB, Alcohol and Begging and as such respondents have indicated a desire to keep the PSPO's in place for a further 3 years. The results of the public consultation are attached to this report as Appendix 2 but are summarised in the following paragraphs.
3.0	Survey Responses

3.1	Responses were received from each ward within the Borough. Whilst some Wards were more represented this does not detract from the responses received.
3.2	85.29% of respondents believe that there is a problem with alcohol/ drugs/ begging related antisocial behaviour in the Borough.
3.3	The overwhelming majority of respondents felt the need for a PSPO for the street drinking, drug use and begging.
3.4	Further 88.15% of respondents who answered the question wanted the existing PSPO to be extended for a further 3 years, whereas only 6.67% of respondents wanted the PSPO to be varied. One individual indicated that they felt the revised PSPO was too restrictive and one individual did not answer this question.
3.5	When asked if they felt the Restricted Area 2 should be extended, 65.67 % of 135 respondents agreed but 15.67% did not agree. Those that did not agree did not want the area extended. Individual comments indicated that the concern was for residents to have the ability to drink socially as a group.
3.6	Of the 135 people that answered the question about their experience of ASB and other related activities only 11.94% reported that they had not experienced ASB or other related activities. This was a multi-response question and so respondents were able to indicate one or more types of behaviours experienced by them.
4.0	Consultation
4.1	As well as the online survey, Letters were sent to the Chief Constable of Hampshire Police, the Police and Crime Commissioner and Hampshire County Council on 26.08.2020 but no responses were received. It is unclear if they responded using the survey. As such chaser letters were sent to each on 28.09.2020 by recorded delivery but at the time of writing this report no responses have been received.
4.2	The Consultation was open from 20.08 2020 and closed at 11.00hrs on 02.10.2020 so as to allow the full 6 weeks for those that wish to respond.
5.0	Risk Assessment
5.1	The results of the survey indicate a consensus to extend the existing PSPO's as they currently stand for a further 3 years and do not appear to demonstrate a desire from residents to merge the two existing PSPO's into one document as recommended. The current Alcohol PSPO expires on 20 October 2020 and the Town Centre PSPO expires on 17 November 2020. If the Gosport and Town Centre PSPO is not approved to commence on 20 October and is left until 17 November 2020 as originally planned, there will be a period of 4 weeks where there are no alcohol restrictions in the Borough.

<p>5.2</p> <p>5.3</p> <p>5.4</p> <p>5.5</p>	<p>A merging of the existing PSPO's had been carried out for the purpose of reducing the number of PSPO's the Borough has and so as to make enforcement simpler and clearer. The intention is to add the provisions of the current Dog PSPO and other PSPO's into the document in due course, thereby creating a single document for reference.</p> <p>For clarity the Alcohol restrictions contained within the existing Alcohol PSPO are Borough wide and this remains the case within the Gosport and Town Centre PSPO 2020.</p> <p>There is consensus to extend the boundary of the restricted activities in the Town Centre, but there is no indication as to how far the boundaries should be extended or which specific restrictions they would apply to. Therefore the boundary identified in the Gosport and Town Centre PSPO in Restricted Area Two is the same as the boundary identified in the existing town Centre PSPO.</p> <p>It is recommended that the document appearing at Appendix 1 is approved for the above reasons. There is no detriment to the public in merging the existing PSPO's into one but there is an advantage to the Council from an administrative perspective.</p>
<p>5.5</p> <p>5.6</p> <p>5.7</p>	<p>As before the focus of the Council and the Police remains on supporting individuals identified as vulnerable through issues such as addiction.</p> <p>Enforcement will be targeted on those who unreasonably refuse help and assistance and engage in ASB. The approach to enforcing the PSPO will be the key to their success in tackling the ASB within the Restricted Areas.</p> <p>Any enforcement activity should be supported by community education to highlight the availability of support services. This approach has been agreed with the police.</p>
<p>6.0</p>	<p>Conclusion</p>
<p>6.1</p> <p>6.2</p> <p>6.3</p>	<p>The Town Centre PSPO 2017 and Alcohol PSPO 2017 will expire unless renewed.</p> <p>If the Council resolves to approve the Gosport and Town Centre PSPO 2020 to come into force on 20 October 2020.</p> <p>Given that the Gosport and Town Centre PSPO 2020 encompasses the restrictions contained in the both the current Town Centre PSPO 2017 and Alcohol PSPO 2017, there will be no requirement to further extend the Town Centre PSPO when it expires on 17 November 2020.</p>

<p>Financial Services comments:</p>	<p>N/A</p>
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Legal Services comments:	Contained within the report. Section 66 of the Act does allow an 'interested person' to apply to the High Court to challenge the validity of the PSPO on prescribed grounds. Any appeal must be made within 6 weeks of the PSPO being made.
Crime and Disorder:	The report directly addresses anti-social behaviour and the Police have been consulted on the proposed PSPO. As such no response has been received and it may be that a response is received late resulting in an update at Full Council.
Equality and Diversity:	The Council must assess, having due regard to consider all the circumstances, the impact that the proposed PSPO and its enforcement will have on its duty to advance equality of opportunity for all and need to eliminate discrimination. A full impact assessment has been undertaken for the purpose and is attached as Appendix 3.
Service Improvement Plan implications:	
Climate Change implications:	
Corporate Plan:	
Risk Assessment:	See section 6.
Background Papers:	Report to Full Council 29.07.2020
Appendices:	Appendix '1' Gosport and Town Centre PSPO 2020 Appendix '2' Survey Results Appendix '3' Equality Impact Assessment.
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