



REPORT TO:	Cabinet
DATE:	13 th December 2023
SUBJECT:	Review of Boston's Public Spaces Protection Order (PSPO) restricting the consumption of alcohol within the town centre.
PURPOSE:	To support the recommendation to extend the aforementioned PSPO for a further three-year period.
KEY DECISION:	N/A
PORTFOLIO HOLDER:	Portfolio Holder for Community Safety, Councillor Anne Dorrian
REPORT OF:	Emily Spicer, Assistant Director Wellbeing & Community Leadership
REPORT AUTHOR:	Peter Hunn, Community Safety Manager
WARD(S) AFFECTED:	Station / Witham / Trinity
EXEMPT REPORT?	No

SUMMARY

Boston Borough Council introduced a Public Spaces Protection Order (PSPO) on Monday 12th January 2015 that restricts the consumption of alcohol within a designated area of the town centre. It is a statutory requirement under the Anti-Social Behaviour Crime and Policing Act (2014) that a PSPO may not have effect for a period of more than 3 years, unless extended by the local authority responsible for granting the original order. The current order is due to expire on 11th January 2024. Cabinet has previously extended the order twice, each for a period of three years.

This report provides information relating to the introduction, extension and enforcement of the PSPO, along with the views of Lincolnshire Police, who are a key partner in the delivery of this tool to address street drinking and associated Anti-Social Behaviour (ASB) within Boston town centre. The report seeks the agreement of Cabinet to extend the PSPO for a further three years commencing on 12th January 2024, covering the same area as originally granted.

RECOMMENDATIONS

1. That the PSPO restricting the consumption of alcohol within Boston town centre, and its enforcement provisions are extended for a further three-year period, commencing on 12th January 2024, and the area remains the same as the original order, which came into force on 12th January 2015.

REASONS FOR RECOMMENDATIONS

1. The data presented in this report suggests that the continuation of the PSPO in the same area as first implemented is necessary to prevent the occurrence or recurrence of the street drinking activities identified in the granting of the original order. In addition, continuation in its original format for a further three years is likely to prevent an increase in the frequency or seriousness of the street drinking issues that led to the introduction of the order.

OTHER OPTIONS CONSIDERED

1. To discharge the order. This is not recommended as the evidence presented within the report demonstrates that behaviour identified in the original order is still occurring, mostly within the controlled area.

1. BACKGROUND

- 1.1** The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) commenced on 20th October 2014. All of the powers set out within the Act, except for Civil Injunctions, came into force on this date. The Act (Publication of Public Spaces Protection Orders) Regulations 2014 also came into force on 20th October 2014 and set out the procedure for declaring a Public Spaces Protection Order.
- 1.2** On 8th December 2014, Full Council approved that a Public Space Protection Order restricting the consumption of alcohol within Boston town centre would commence on Monday 12th January 2015. A web link to the full report and appendices submitted at the time of the commencement of this Order is provided in Appendix A (page 8).
- 1.3** The Act sets out that a PSPO may not have effect for a period of more than three years, unless extended by the authority that granted the order. Boston's PSPO was first set to expire on 11th January 2018 and Cabinet approved the first three-year extension on 6th September 2017, commencing from 12th January 2018. Cabinet approved a second extension of three years on 2nd December 2020, commencing from 12th January 21. Appendix B and C provides web links to the full reports and appendices submitted at the time of these reviews and extensions of the original Order.
- 1.4** The statutory requirement also states that before the time a PSPO 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. An extension under this section (3) (a) may not be for a period of more than 3 years (b) and must be published in accordance with regulations made by the Secretary of State. A PSPO may be extended under this section more than once.

1.5 Part 4 of the Act (Community Protection, Chapter 2, Section 61) sets out the provisions for the variation and discharge of orders where a PSPO is in force, allowing the local authority that made the order to vary it in the following ways:

1.5.1 (a) by increasing or reducing the restricted area.

1.5.2 (b) by altering or removing a prohibition or requirement included in the order or adding a new one. In addition:

1.5.3 A local authority may make a variation under subsection (1)(a) that results in the order applying to an area to which it did not previously apply only if the conditions in section 59(2) and (3) are met as regards activities in that area.

1.5.4 A local authority may make a variation under subsection (1)(b) that makes a prohibition or requirement more extensive, or adds a new one, only if the prohibitions and requirements imposed by the order as varied are ones that section 59(5) allows to be imposed.

1.5.5 A Public Spaces Protection Order may be discharged by the local authority that made it.

1.5.6 Where an order is varied, the order as varied must be published in accordance with regulations made by the Secretary of State.

1.5.7 Where an order is discharged, a notice identifying the order and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.

1.6 A web link to the Anti-social Behaviour, Crime and Policing Act, 2014 can be found in Appendix D of this report.

2. REPORT

2.1 PSPO Enforcement and Incident Data Review

2.2 Appendix E gives a full statistical update of enforcement action undertaken by the local police and community safety team made under this order between 1st January 2018 and 30th September 2023. The police spoke to 476 individuals during that period for consuming alcohol within the controlled area. Sixty of the 476 were found to continue to consume alcohol within a six-month period of receiving both verbal and written advice not to do so and have been dealt with under a tiered enforcement approach. ***It should be noted that since its introduction, only two people have breached the PSPO. All of the other people spoken to by the police have complied with the instructions of the attending authorised officer to leave the controlled area or to stop consuming alcohol with immediate effect.***

2.3 The data provided shows that the volume of enforcement action has declined somewhat since 2018. It could therefore be argued that the PSPO has achieved what it set out to do; and that it could be discharged. However, street drinking is an issue that the public often raise when consulted and talk about on social media. It is vital that the local community are reassured that the Police and Boston Borough Council are responding to their concerns and take street

drinking, and associated anti-social behaviour, seriously. Discharging the PSPO at this stage could have a detrimental impact on perceptions of street drinking and how it is managed, and on feelings of safety within the town.

- 2.4** Appendix F includes data provided by Lincolnshire Police covering the number of Drunken Behaviour and Street Drinking incidents in the beat areas that incorporate the PSPO (from 1st January 2021 to 19th September 2023), along with comparisons to the rural areas. This data shows that the huge majority of both Drunken Behaviour and Street Drinking incidents can be attributed to the town centre. Drunken Behaviour incorporates all of that incident type in public or private areas; so, a good proportion of this will never be seen on the street, for example poor behaviour of the intoxicated in Accident and Emergency (A&E).
- 2.5** Purely Street Drinking incidents are low compared to general drunken behaviour incidents, however, not so low that it is considered that the PSPO is no longer required. Lincolnshire Police recommend that there is a need to maintain the status quo, but no need to extend the scope of the area covered.
- 2.6** From Lincolnshire Police's perspective, there have been decreases in ASB drunken behaviour significantly over the last year. Boston Neighbourhood Policing Teams have started to concentrate on hotspot locations where the most street based violence and ASB is occurring. It is acknowledged that in the hotspot locations alcohol plays a significant role in both crime and ASB. Within the four hotspots alcohol is recorded as a factor in between 15 and 52 percent of crimes or ASB recorded (street based). On a positive note, drunken behaviour has dropped significantly, but through the analytical work, there are still areas to work on within the hotspots, so maintaining the PSPO is critical, as it is a tool that police can use to address the issues that remain. Police work beyond enforcement with partners in the Community Safety Team and We Are With You (drug and alcohol support service) to tackle alcohol related issues to try to resolve longer-term persistent offenders; however, enforcement is considered where support does not change behaviour.
- 2.7** The PSPO is a valuable tool that can be used by both the council and police to tackle street drinking, particularly that leads to or is causing ASB. It is an effective method to stop escalation of ASB and tackle longer-term perpetrators. Lincolnshire Police continue to address the issues caused by drunken behaviour, both publicly and privately, by a number of different complementary methods, one of which is maintenance of the PSPO.

3. CONCLUSION

- 3.1** Based on the evidence presented within this report, it is recommended that Cabinet extend the PSPO restricting the consumption of alcohol within Boston town centre for another three-year period, commencing from 12th January 2024, and the area remains the same as the original order, which came into force on 12th January 2015.
- 3.2** The data demonstrates that the existing controlled area of the PSPO is still where the main reports of street drinking are occurring within the borough. Members are satisfied on

reasonable grounds that the continuation of the order in the original area is necessary to prevent occurrence or recurrence of activities identified in the granting of the original order and that its continuation in the original format for a further three years will prevent an increase in the frequency or seriousness of the same identified activities.

EXPECTED BENEFITS TO THE PARTNERSHIP

The PSPO is an effective and essential tool to assist in addressing anti-social behaviour within Boston Town Centre and supports the strategic aims set out within the partnership's Community Safety Strategy 2022 to 2025.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

None

CORPORATE PRIORITIES

Boston Borough Council's Corporate Strategy, 'Priority 1 - People Focused' (main priority) - the extension of the PSPO will help to ensure that the community continues to feel safe.

STAFFING

The PSPO is enforced on the ground by Police Officers and Police Community Support Officers (PCSOs). Administration of the PSPO is undertaken by the Community Safety Team at Boston Borough Council.

WORKFORCE CAPACITY IMPLICATIONS

Enforcement of the PSPO is limited by the availability of officers on the ground to police the area and deal with issues accordingly. The reduction in PCSO numbers will further limit enforcement capabilities. Greater enforcement activity required additional capacity.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

It is essential that due legal process is followed and that any Notice issued accords with the requirements of the Act. Appropriate legal advice has therefore been taken to date and, subject to Council's decision, Legal Services Lincolnshire could be instructed to draft the appropriate Statutory Notices setting out the full terms of the Order.

DATA PROTECTION

None

FINANCIAL

None

RISK MANAGEMENT

None

STAKEHOLDER / CONSULTATION / TIMESCALES

Consultation has been undertaken with Lincolnshire Police, the details of which are included in the report.

REPUTATION

None

CONTRACTS

None

CRIME AND DISORDER

The PSPO is a tool which was introduced by the 2014 Anti-Social Behaviour, Crime and Policing Act to assist agencies in addressing anti-social behaviour and associated crime.

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

The PSPO plays a key role in helping to safeguard the local community from the threat and harm of alcohol related ASB.

HEALTH AND WELL BEING

Enforcement of the PSPO takes a holistic approach to addressing alcohol related ASB, incorporating signposting to relevant support agencies such as We Are With You to encourage people to think about the impact of their alcohol consumption on their own health and wellbeing and that of the local community.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

None

LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

MISSIONS	
This paper contributes to the following Missions outlined in the Government's Levelling Up White paper.	
Pride in Place	By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing.
Crime	By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.

ACRONYMS

PSPO – Public Spaces Protection Order

ASB – Anti-Social Behaviour

A&E – Accident and Emergency

PCSO – Police Community Support Officer

APPENDICES	
Appendices are listed below and attached to the back of the report: -	
<i>APPENDIX A</i>	Link to Full Council Meeting Papers PSPO Introduction 2014
<i>APPENDIX B</i>	Cabinet Papers Extending PSPO 06.09.17
<i>APPENDIX C</i>	Cabinet Papers Extending PSPO 02.12.20
<i>APPENDIX D</i>	ASB Crime & Policing Act (2014) Legislation
<i>APPENDIX E</i>	PSPO Enforcement data from January 2018 to September 2023
<i>APPENDIX F</i>	Drunken Behaviour and Street Drinking data submitted by Lincolnshire Police

BACKGROUND PAPERS	
Background papers used in the production of this report are listed below: -	
Document title	Where the document can be viewed
Full Council Meeting – Monday 8 th December 2014	A link to this report can be found under Appendix A of this report.
Cabinet – Wednesday 6 th September 2017	A link to this report can be found under Appendix B of this report.
Cabinet – Wednesday 2 nd December 2020	A link to this report can be found under Appendix C of this report.
Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers Statutory guidance for frontline professionals (Revised in March 2023)	ASB Powers, Statutory Guidance

CHRONOLOGICAL HISTORY OF THIS REPORT	
Name of body	Date
Full Council Meeting	Monday 8 th December 2014
Cabinet	Wednesday 6 th September 2017
Cabinet	Wednesday 2 nd December 2020

REPORT APPROVAL	
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Approved for publication:	Councillor Anne Dorrian, Portfolio Holder for Community Safety

Appendix E Enforcement data from 1st January 2018 to 30th September 2023

	Public Spaces Protection Order - Enforcement Action						
	Jan to Dec 2018	Jan to Dec 2019	Jan to Dec 2020	Jan to Dec 2021	Jan to Dec 2022	Jan to Sept 2023	Total
Stage 1 Advice	179	54	84	32	24	43	416
Stage 2 Warning	21	6	12	2	1	2	44
Community Protection Notice Warning	7	1	3	1	0	2	14
Community Protection Notice	1	0	0	0	0	0	1
Community Protection Breaches	0	0	0	0	0	0	0
Fixed Penalty Notice	1	0	0	0	0	0	1
Total	209	61	99	35	25	47	476

Appendix F Lincolnshire Police Data on Drunken Behaviour and Street Drinking

The beat codes that incorporate the PSPO are: NC32 Town Centre, NC31 Town West, and NC30 Town East (highlighted in yellow below). NC28 and NC29 are the rural beats. The boundary line between NC32 and NC30 is the Market Place.

ASB - DRUNKEN BEHAVIOUR						
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	Total
2021	5	5	29	17	37	93
2022	6	2	34	20	46	108
2023*	5	2	9	6	23	45
Total	16	9	72	43	106	246

*Up to September 19th 2023

ASB - STREET DRINKING						
	Rural Beat (NC28)	Rural Beat (NC29)	Town East (NC30)	Town West (NC31)	Town Centre (NC32)	Total
2021	1	1	4	3	1	10
2022	1	0	3	1	8	13
2023*	5	0	2	2	11	20
Total	7	1	9	6	20	43

*Up to September 19th 2023

