

FORM 1

NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER

Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

I, M. Hart, as Strong Leader, delegate the decision to the Cabinet Member detailed below:

Cabinet Member for Cultural, Leisure and Community Protection

10th August, 2018

Dated:

Signed:

.....
Leader of the Council

FORM 2

NOTICE OF DECISION OF CABINET MEMBER

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to *me / by the Leader* (delete as appropriate), I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Review of the Public Space Protection Order for Kidderminster Town Centre restricting alcohol consumption	To continue the Public Space Protection Order, for Kidderminster Town Centre, restricting alcohol consumption, for a further three years, to take effect from 27 August 2018.	<p>The Anti Social Behaviour, Crime and Policing Act 2014 requires that PSPOs are reviewed every three years (or earlier) to enable them to be extended or varied, providing the order remains necessary in order to prevent:</p> <ul style="list-style-type: none"> - further activities identified in the order from taking place or - the frequency of seriousness of those activities increasing after that time. 	14/08/18

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated: 14th August 2018
 Signed: 
 Councillor: Juliet Smith
 Cabinet Member

To: Cabinet Member for Cultural, Leisure and Community Protection

From: Director of Community Well Being and Environment

Date: August 2018

Review of the Public Space Protection Order for Kidderminster Town Centre restricting alcohol consumption

1. PURPOSE

- 1.1 To seek approval for the continuation of the Public Space Protection Order for Kidderminster Town Centre restricting alcohol consumption for a further three year period.

2. RECOMMENDATION

That the Leader is asked to DECIDE:

- 2.1 To approve the continuation of the Public Space Protection Order for Kidderminster Town Centre restricting alcohol consumption for a further three year period, to take effect from 27 August 2018.
- 2.2 That enforcement of the Public Space Protection Order will continue to be a shared responsibility between Wyre Forest District Council and West Mercia Police.
- 2.2 To approve the retention of the £100 penalty to be paid within 21 days of issue in the form of a Fixed Penalty Notice (FPN) for failing to comply with a PSPO.

3. BACKGROUND

- 3.1 In August 2015, a Public Space Protection Order (PSPO) was implemented for Kidderminster Town Centre restricting the consumption of alcohol.
- 3.2 The Anti Social Behaviour, Crime and Policing Act 2014 requires that PSPOs are reviewed every three years (or earlier) to enable them to be extended or varied, providing the order remains necessary in order to prevent:
- further activities identified in the order from taking place, or
 - the frequency of seriousness of those activities increasing after that time.
- 3.3 As set out in Section 63 of the Anti Social Behaviour, Crime and Policing Act 2014, the scope of the PSPO states that whilst it is not an offence to consume alcohol within a “designated” area, a Police Officer, Police Community Support Officer and or any other Authorised Person do have powers to control the consumption of alcohol within that place where they reasonably believe that a person –

- is or has been consuming alcohol in breach of a prohibition in a Public Space Protection Order, or
 - intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.
- 3.4 A Police Officer, Police Community Support Officer and or any other Authorised Person, may require a person –
- not to consume, in breach of the Order, alcohol or anything which the police constable, or authorised person, reasonably believes to be alcohol
 - to surrender any alcohol (or any item which is reasonably believed to be alcohol) in their possession.
- 3.5 If someone, without a reasonable excuse, fails to comply with the Police Officer, Police Community Support Officer and or any other Authorised Person's request, then they are committing a criminal offence and are liable to £100 Fixed Penalty Notice (FPN) to be paid within 21 days of issue, or on summary conviction, to a fine of up to £500.
- 3.6 In considering the options moving forward, the Home Office's 'Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers statutory guidance for frontline professionals' has been applied. The guidance indicates that a PSPO must be reviewed by the local authority that made the order after three years to determine whether an extension is valid and reasonable, or whether the PSPO should be varied or discharged.
- 3.7 For a PSPO to be extended in its current format, evidence must be obtained and consultation undertaken showing the necessity and need. The Home Office guidance, referenced above, for a PSPO to be introduced, varied or extended is broad. The Council has to be satisfied on reasonable grounds that the activities that are being carried out, or likely to be carried out in the identified 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

4. STAKEHOLDER CONSULTATION

- 4.1 Applying the principles of the Home Office guidance, a consultation period ran from 3rd July until 6th August 2018 and received the following responses.
- 4.2 **West Mercia Police Response** - Feedback from West Mercia Police confirms that at certain times the police are responding to alcohol related ASB as a result of street drinking in the PSPO area. West Mercia Police support the continuation of the PSPO for a further three years and are committed to its enforcement. A potential increase in staff over the forthcoming year should also

allow an increased presence in areas of concern and for targeted operational activity when and where appropriate.

- 4.3 **Police and Crime Commissioner for West Mercia** - Feedback from the West Police and Crime Commissioner for West Mercia indicates support for the continuation of the PSPO. They have commented that the PSPO provides the police and other authorised officers with an effective tool and that it is useful in deterring irresponsible and anti social drinking in Kidderminster town centre.
- 4.4 **Ward Councillors** - Elected Members across the district were invited to offer their views on the future of the PSPO. In total three responses were received and all were in support of continuing the PSPO. Concerns were raised about effective enforcement and the potential to raise the public's expectations without having the capacity in place to enforce the PSPO.
- 4.5 **Kidderminster Town Council** - Kidderminster Town Council discussed the PSPO at its Town Council meeting on 18th July 2018 and have provided a comprehensive response. They support the extension of the PSPO but state that it must be accompanied by adequate resources to address the problems.
- 4.6 **Significant others** - A range of other stakeholders were also contacted directly and offered the opportunity to participate in the consultation. Stakeholders included local businesses, organisations and licensed premises located in the designated area, the local MP, members of the Community Safety Partnership, Swanswell, North Worcestershire Economic Development and Regeneration Service, Worcestershire Public Health and Churches Together in Kidderminster. Of responses received, all were broadly in support of extending the PSPO. Concerns reflected previous comments around effective enforcement and the need to provide support to vulnerable people and to address the root causes of street drinking, rough sleeping and begging.
- 4.7 **Public Consultation** - The local press and social media was used to publicise the public consultation. In addition to those respondents who replied directly, 57 people responded to the survey with 85.9% (49) in agreement with the power to stop people continuing to drink alcohol when asked to stop by an authorised officer in the PSPO area. 77.1% (44) respondents agreed with the requirement for a person to handover alcohol at the request of an authorised officer in the PSPO area.
- 4.8 Key themes from the consultation focused on effective enforcement and the impact on the town centre. There are some comments that state the PSPO is extreme and that the police already have the powers to deal with alcohol related ASB. The full consultation results are provided at Appendix One.
- 4.9 The consultation has elicited some responses that are outside the remit of the PSPO. Worcestershire Public Health commented that they wish the council to seek a wider solution to the issues surrounding homelessness and street drinking. Other comments focus on substance misuse, begging, shoplifting and general ASB. These issues will be considered as part of a more comprehensive report which is being tabled at Overview and Scrutiny on 6th September 2018,

seeking comments and any recommendations for Cabinet to consider at its meeting on 19th September 2018.

5. REPORT FROM PARTNERSHIP ANALYST TEAM, WEST MERCIA POLICE

- 5.1 The Partnership Analyst Team at West Mercia Police was commissioned to examine how effective the PSPO has been in preventing anti social behaviour linked to alcohol use.
- 5.2 The report, provided at Appendix Two, examines the number of alcohol related incidents of anti social behaviour which were reported during the three year duration of the PSPO between 28 August 2015 - 19 July 2018. A comparative period of the three year period prior to the PSPO being established, 28 August 2012 - 27 August 2015 was also examined.
- 5.3 The key findings of the report show that overall there was no change in the number of ASB incidents reported between the two periods for the PSPO area. The period before the PSPO and the period during the PSPO saw a volume of 1668 and 1664 respectively.
- 5.4 However, the number of alcohol related ASB incidents did reduce, from 281 in the three years prior to the PSPO to 178 during the PSPO period. This equates to a reduction of 36.7% (n=103) and is deemed to be statistically significant.
- 5.5 When every report was manually checked to establish if there was any link to alcohol related ASB which was occurring in a public space, for example the types of incidents the PSPO is in place to prevent), the numbers further reduced from 225 prior to the PSPO being put in place, to 117 during the PSPO period. This equates to a reduction of 48.0% (n=108) and is deemed to be a statistically significant change.
- 5.6 The report found that many issues were linked to regular street drinkers congregating in the area throughout weekday afternoons. While this issue continues, it appears to be at a lower level than prior to the PSPO. Anecdotally, these individuals are well known to authorities.
- 5.7 The report found that some instances where the PSPO was referred to as a 'no drinking zone' or 'alcohol free zone' rather than an area where restrictions apply to the consumption of alcohol. This highlights a lack of understanding by the general public and requires effective communications to ensure the PSPO and the conditions are fully understood.

6. ENFORCEMENT

- 6.1 Enforcement of the PSPO is a shared responsibility between Wyre Forest District Council and West Mercia Police. Police Officers and PCSOs from West Mercia Police are making alcohol confiscations but these do not appear to be formally recorded. Civil Enforcement Officers from Wyre Forest District Council

are authorised to enforce the PSPO. During the PSPO period they have confiscated alcohol on 131 occasions. Two FPNs have been issued relating to the PSPO, one in 2016 and one in 2017. This year, to date, no fines have been issued. The fine in 2016 was paid but the fine in 2017 resulted in a successful prosecution due to failure to comply.

- 6.2 Enforcement of the PSPO will continue to be a shared responsibility between Wyre Forest District Council and West Mercia Police, with commitment given from both organisations.
- 6.3 West Mercia Police is currently exploring the potential for a dedicated town centre policing team, which would consist of five police officers, working a shift pattern, alongside a dedicated outreach worker from Swanswell.

7. COMMUNICATIONS

- 7.1 Ongoing communications are essential to ensure that the public understand the nature of the PSPO and its conditions. This in turn will help to manage expectations regarding enforcement so communities are realistic regarding the response and understand it in the context of the wider demands placed on the police and the council.

8. FINANCIAL IMPLICATIONS

- 8.1 The recommendation to continue the PSPO, for a further three year period, will not result in additional financial requirements. If changes were made to the PSPO this would result in additional one off costs from removing or replacing the existing signage.
- 8.2 All revenue generated through Fixed Penalty Notices will be retained by the Council. Certain legal costs are likely to be incurred if an individual fails to pay a Fixed Penalty Notice Fine.
- 8.3 If the PSPO is discharged or amended there will be costs to remove the signage in areas where the PSPO is not in force or replacement signage to reflect the amended powers.

9. LEGAL AND POLICY IMPLICATIONS

- 9.1 Anyone who lives in or regularly works or visits the area can appeal a PSPO in the High Court within six weeks of issue on the grounds that the council did not have the power either to make the order or to include particular prohibitions or requirements, or that proper processes had not been followed as prescribed by the Act.
- 9.2 When making a PSPO, the Council must have particular regard to the Human Rights Act 1998 and must not act in a way which is incompatible with a

Convention right. Human rights are enforced through existing rights of review and may therefore be taken as points in any challenge to the validity of any Order made by the Authority.

If Convention rights are engaged (as they are with the making of a PSPO) any interference with them must be –

- (a) In accordance with the law (the Council must be satisfied that the statutory conditions in Section 59 of the Anti Social Behaviour, Crime and Policing Act 2014 are met)
- (b) In pursuit of a legitimate aim (in this instance the control of activities which, if not controlled, would have a detrimental effect on the quality of life of those in the locality) and
- (c) A proportionate means of achieving the legitimate aim.

The two issues which must therefore be addressed for each proposed restriction in the PSPO are whether the statutory criteria are met and whether the restrictions proposed are proportionate having regard to the legitimate aim of preserving the quality of life for everyone who lives, works or visits Kidderminster Town Centre.

9.3 The Council must also have regard to the public sector equality duty at Section 149 of the Equality Act 2010, which is as follows –

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.4 The Council must also have regard to Section 17 of the Crime and Disorder Act 1998 and consider the impact of their decisions and actions on crime and disorder in the local area.

10. CONCLUSION

10.1 It is evident from the range of stakeholder and community consultation that there is broad support for the continuation of the PSPO. Continuing with the current PSPO enables the Council and the Police to deal with alcohol related ASB within Kidderminster Town Centre and have the potential to deliver a significant positive community impact and contribute to a safer town centre for visitors, businesses and residents of the area.

11. RISK MANAGEMENT

- 11.1 The main risk associated with continuing the PSPO is the management of expectations and the physical ability to enforce the conditions effectively. Pressures rest on both the council and the police and the capacity to enforce will remain challenging due to other competing demands, which would need to be managed carefully.
- 11.2 It is acknowledged that within the feedback from the consultation there are issues with the lack of sufficient enforcement action. The council has a finite enforcement resource dealing with parking offences, littering, dog fouling and PSPO issues.

12. IMPACT NEEDS ASSESSMENT (Equality, Children & Young People)

- 12.1 An **Equality Impact Assessment** has been completed and is available as a background paper.
- 12.2 Where appropriate, the Community Safety Team will continue to work with partners to support the provision of increased educational information on alcohol harm to children and young people.

13. CONSULTEES

- 13.1 Director of Community Well Being and Environment
- 13.2 Principal Solicitor

14. APPENDIX

- 14.1 Appendix One: Results of the PSPO Stakeholder Consultation
- 14.2 Appendix Two: Statutory Review of the Effectiveness of the Public Space Protection Order in Kidderminster Town Centre Report
- 14.3 Appendix Three: Draft PSPO Order

15. BACKGROUND PAPERS

- 15.1 Equality Impact Assessment

Appendix One

Results of the PSPO Stakeholder Consultation

Method

Directly contacted a wide range of stakeholders
Public consultation by means of an online survey

Responses	No
Survey responses from those directly contacted and online survey responses	57
Written feedback submissions from those directly contacted	3
Comment by email	1
Total no of responses	61

Responses from those directly contacted - 12

West Mercia Police (1) (statutory consultee)
Police and Crime Commissioner for West Mercia (1) (statutory consultee)
Elected Members, Wyre Forest District Council (2+1 with written feedback)
Hereford and Worcester Fire & Rescue Service (1)
Kidderminster Town Council (1) (written feedback)
North Worcestershire Economic Development and Regeneration Service (1)
Public Health, Worcestershire County Council (1) (written feedback)
Retail premises (2)
Swanswell (1)

Responses from the online survey - 48

Member of the public (40)
Business Owner (2)
Other:

- Not specified (1)
- Churches Together in Kidderminster (1)
- Customer Services Centre (1)
- Wyre Forest District Council Employee (3)

Survey Results

1. Have you seen people drinking in public in the last 12 months in Kidderminster Town Centre?

Yes	44
No	12
Not answered	1
Total	57

Additional Comments
My local policing team have reported drinking in Kidderminster Town Centre on numerous occasions. It is evident that there remains a number of persons within the town centre that drink alcohol within the current PSPO boundary. Further I receive reports from other members of the public reporting the same.
This is happening on a daily basis and very little seems to be being done. Is this a capacity issue? If so the PSPO order by itself will not be effective.

Additional Comments	
Regularly groups congregate with alcohol in Bullring, Vicar Street, High Street and Bridge Street.	
I did not think these people were causing any problems at the time.	
I see people most days on Bromsgrove Street and Market Street with alcohol present. Usually in small groups. Waterloo Street (alongside the new medical centre) also has a persistent group of individuals drinking there most days (usually from early in the morning). They sit under the shelter of the BT building along the road side.	
Members of the public don't like people sitting on benches all day drinking etc.	
Inside the current order area by Dunelm Mill by the steps to the car park all day everyday.	
Groups congregate in certain places around town any time of the day and it is not a nice sight for children to see and quite nerveing whether to approach or go past them.	
Alcohol consumption in the town centre is an ongoing concern.	
Always see people drinking in town. People are drunk and disorderly and throw up on the high street, it's disgusting.	
Generally more noticeable after 3 when most of the regular shoppers have left the town centre.	
No problem.	
I think so, last summer, but not completely sure.	
Causing problems in the streets.	
Regular places, easily identifiable, but never seen anyone asking them to pour the drink away. Where are these enforcers?	
Constantly outside fire escape of Dunelm Mill on a daily basis!! And inside the internal staircase and on top of car park.	
It is becoming regular thing in the town centre especially opposite the Town Hall they gather at the old vegetable shop and nothing is being done about this.	
Always outside Kidderminster Town Hall at all hours of the day and night. Usually homeless or friends of homeless people.	
All the time sat outside the Town Hall (usually disguised in bags).	
No, however the operator of the outdoor market informs me there regularly, one to two males (the same males) frequenting the town centre (the prohibited area) consuming alcohol.	

2. Do you support the extension of the PSPO for a further three years to stop people continuing to drink alcohol when asked to stop by an authorised officer in the area shown on the map?

Yes	49
Yes with consideration*	1
No	5
Not answered	2
Total	57

Please say why	
The drinking of alcohol within the town centre brings with it additional ASB and disorder. Public confidence is affected and fear of crime is increased by the mere presence of persons consuming alcohol. Often those responsible are involved in more serious substance abuse and every effort should be made to protect them and the public from alarm and distress.	
As this would give the town a better environment to shop in especially as we are trying to put Kidderminster back on the map	

Please say why	
To help keep the town centre a safe and pleasant place for people to visit, including young families and to improve the public perception of the town centre.	
To reduce anti social behaviour that can arise from drinking large amounts of alcohol.	
To keep the possibility of any problems to a minimum.	
The PSPO provides the police and other authorised officers with an effective tool	
*Equal resource needs to be put into enforcement for this to have any efficacy on this current issue. There appears to be a declining amount of visible police officers and/or PCSOs in the town centre. Two years ago our service was in frequent contact with PCSO and police officers however for the last 12 months we have had little or no contact. The reduced visibility appears to be affecting the frequency of alcohol users in the town centre and I would imagine increasing the shoplifting levels that can be associated with street use of alcohol and/or drugs.	
To promote community wellbeing.	
It is a very good order.	
If drinking in the town centre in resulting in anti social behaviour, police officers have existing powers of arrest that are adequate for dealing with the issue highlighted. This order risks criminalising people unnecessarily. The alcoholics etc who are most likely to be targeted through this order will almost certainly not have the funds to pay any on-the-spot fines, leading to their criminalisation.	
It should be extended to cover the park and churchyard on Radford Avenue.	
I object on the basis that I feel the area identified is too narrow.	
They don't seem to be doing it (enforcement) now so maybe they might in the future. I hope so.	
It makes the town seem dirty or a crime haven. It should be a permanent ban.	
As you admit yourself, drinking in public is not against the law. In fact it is very much lawful so you could be acting illegally!	
It can be intimidating when you see a group of people drinking in public and shows our town in a bad light.	
It's a disgrace, I walk my children through the area and we always see people drinking early in the morning and around town children's safety are at risk when people are drinking and causing a nuisance.	
Drinking isn't a problem, though behaviour can be.	
Because it stops fights, nastiness and people feel safer in the town.	
The drinking is out of hand and something needs to be done it is effecting people visiting the town and giving it a bad reputation.	
They cause problems around the town wherever they go which is worsened by consumption of alcohol. They have been fighting and causing general anti social behaviour.	
Causing trouble and members of the public are feeling intimidated. Having an impact on local business.	

3. Do you support the extension of the PSPO for a further three years to require a person to handover alcohol at the request of an authorised officer in the area shown on the map?

Yes	44
No	9
Don't know*	2

Not answered	2
Total	57

Please say why
For the reasons previously stated.
To help keep the town centre a safe and pleasant place for people to visit, including young families and to improve the public perception of the town centre.
Reduction in anti social behaviour.
To keep the area neat for the public to feel safe and enjoy being there.
*For some people who are alcohol dependent, stopping their alcohol use suddenly during a day can have a very serious effect on their health with potentially life threatening consequences. This is not meaning the use of alcohol in public spaces is acceptable but perhaps a fine system that is properly enforced might be more effective in encouraging people out of town.
A local police/Swanswell pilot could also be considered where rather than imposing a fine or arrest due to breach of PSPO, the individual has the option to attend a drop in to engage with services as an alternative. This may be effective in helping those individuals who don't engage in services traditionally to come in for support. This may be possible with funding towards this initiative as under current circumstances I do not have the staff hours to facilitate. We have set up a similar scheme in Birmingham city centre previously with success.
To promote community wellbeing.
I believe any normally law abiding person who was being exuberant or celebrating or whatever would comply with police requests, without the need for this order. Those who do not are likely to engage in anti social behaviour – something that police are already empowered to curb.
It is frightening enough in the town with the drugs and drunks already.
This is the only way to stop the problem.
Depends on the behaviour of the individual and if they are known to cause anti social behaviour.
More likely to cause conflict than solve anything.
A swift enforcement policy means potential offenders see that they can not do what they want!
Action needs to be taken to stop this.
Feel this is extreme, if they are willing to move away from the area or stay in the area and stop drinking.
Think it will cause conflict on the street; people that are homeless or in need i.e. alcoholics perhaps revert to shoplifting to gain more?

4. Do you have any other comments regarding the Public Space Protection Order?

Additional Comments
If the BID for Kidderminster goes ahead and we get “rangers” they should be trained and given powers to support this as in my previous comments.
This is a good thing that must be continued to help keep law and order.
It is important to maintain this order to ensure that local residents and visitors to our town centre feel safe to go about their business in the knowledge that they will not be accosted by people that may be under the influence of alcohol.
The PSPO provides a useful tool in deterring irresponsible and anti social

Additional Comments
drinking in Kidderminster town centre.
I would like to see more PCSOs to enforce the order.
I think that these orders generally are designed solely to target the poorest and vulnerable people in our town. The area included in the PSPO covers the entire town centre and beyond – unnecessarily in my opinion. Controlling excessive drinking and anti social behaviour that results is perfectly possible within existing powers.
We feel that it should go beyond the ring road as it has just pushed the problem further out but we realise the difficulty in policing this.
It all should be enforced from drugs to drink the police say it's nothing to do with them. The junkies and pi**heads take no notice of the enforcement officers or the CSOs. So until the police pull their fingers out and do something you are wasting your time.
When they have had their methadone they defecate in the alleyway near Dunelm.
Alcohol consumption in the town centre is a growing concern. It is often leading to anti social behaviour and people congregating in groups which causes concern with staff and members of the public. It affects the image of our town centre and make people visiting the town feel intimidated. I feel more patrols are required to prevent the anti social behaviour from escalating. I fully support the consultation to extend the order.
The police community support officers in particular Mr Holloway is doing his best to tackle this but needs more PCSOs in the town.
Imbecile policy.
We live in a free country; we don't need these kinds of restrictive laws telling us what we can and can't do.
Signage and information needs to be very clear as to the powers of the officers. Not for the offenders but the general public who will not know (<30% turnout at Local Elections).
What support/advice/counselling – mental health and wellbeing activity is available to support the “street drinkers” who have complex needs? Are the issues being tackled in other ways i.e. is it only the PSPO? What agencies are helping these people to better pathways? How many “street drinkers” have been cautioned/warned/fined for not complying with requests? How successful has the PSPO been in tackling the issues?
Lawbreakers should be prosecuted. PSPOs evade the issue and just make life easier for police.
More needs to also be done about the beggars and drug addicts who frequently harass people.
This is bringing the town down with regeneration that the Council is investing in how we can get new traders to come into the town.
These people (it always seems to be the same ones) are driving people away from visiting the town as they are intimidating.
Drugs are also a major problem.
There needs to be a sufficient number of “authorised officers” in, or available to be in the town centre at any given time to enforce the PSPO.

Written Feedback Submissions

Comments from member of the public and WFDC Employee

'On the above subject I would very much like to say that I whole heartily agree with any measure that is put into place to make visiting/working in the town centre a safer, more pleasurable experience.

I have to say that unfortunately any current order in place is not having any effect as I witnessed all sorts of anti social behaviour when working at the hub a couple of weeks ago. When I came out for my lunch break I had to walk around people that were sat on the steps of the Hub swigging from cans.

While it is a good idea to extend the ban, it will only have a positive effect if action is actually taken against the constant persistent offenders, who shout, swear and generally make the job of just going about your own business, a very intimidating, stressful time.'

Comments from a Ward and Town Councillor

'Please find below my comments on the above as requested.

Whilst wholeheartedly supporting the idea of a PSPO for Kidderminster Town Centre if being applied correctly. It would be difficult for me to say what reduction or impact it has had on the street drinking and anti social behaviour caused as a result of it. Speaking to people that work in the town centre and those that have businesses here they have said they feel that there appears to be no enforcement in action to reduce the anti social issues caused by individuals that are continually under the influence of alcohol in the town centre. Therefore although we have the order in place at the moment the public do not appear to have seen any signs of it being enforced. As you will be aware the subject of street drinking and associated anti social behaviour appears frequently as a topic on social media where shoppers and visitors to the town highlight incidents they have seen or been involved in.

These continuing issues have been reported to Safer Wyre Forest Tasking and Safer Wyre Forest Action Group where specific areas of the town centre have been identified as requiring enforcement of the PSPO but those areas have not appeared to have improved in anyway. The same issues were also raised when a recent survey of town centre businesses was carried out with regard to a proposed relaunch of the shop watch scheme. Feedback from businesses was that at a time when they are doing everything to encourage trade, street drinking and related anti social behaviour does not help still deters shoppers.

Whilst I understand that capacity in both the police and the council may be an issue in the enforcement of the existing PSPO we would in my view be very wrong to raise the public's expectations without having the mechanism and capacity in place to enforce it to make the difference such an order promises.

I therefore support the extension of the PSPO if we guarantee to take the necessary steps to guarantee its enforcement to make the much needed difference in Kidderminster Town Centre'.

Response from Kidderminster Town Council (Town Council meeting Wednesday 18th July 2018)

1. Yes we have seen people drinking in the Town Centre during the last 12 months
 - a. The problem is getting worse
 - b. They are congregating outside the Town Hall
 - c. They have other regular drinking spots including:
 - Opposite the Town Hall
 - Opposite the library
 - The Bullring
 - The Corn Exchange steps
 - d. Additional comments
 - These people are known to the authorities
 - They are responsible for much of the crime in the town (shop lifting)
 - They are also causing a begging problem, aggressively approaching people in the town
 - They congregate at regular times in the town centre
2. The Town Council supports the extension of the PSPO
 - a. It will help protect the reputation of the town
 - b. It will keep the environment safe and welcoming to visitors
3. The Town Council supports the power to require surrendering alcohol
 - a. These people are known to the authorities
 - b. They disguise their drinking by using different vessels (pop bottles cups etc.)
 - c. It will help protect the reputation of the town
 - d. It will keep the environment safe and welcoming to visitors
4. Other Comments
 - a. Unless proper resources are put in place to deliver the PSPO it is wasting time and giving a false picture to the public:
 - It gives a false impression that something is being done
 - If it is not enforced it is useless
 - If this problem is not addressed and continues it will have an impact on visitors to the town
 - Concern that the drinking outside the Town Hall is intimidating users of the hub and potentially affecting Town Hall business
 - As said previously 'aggressive begging' is a by-product of drinking and affects visitors to the town
5. Summary
 - a. While the Town Council supports the extension of the order it must be accompanied by adequate resources to address the problems
 - b. This issue has got and continues to get worse. It will impact on the Town if it is not tackled fully
 - c. Contact townclerk@kidderminstertowncouncil.gov.uk

Worcestershire Public Health Comments on 'reviewing the PSPO to restrict alcohol consumption in Kidderminster Town Centre'

Worcestershire Public Health support in principal, the proposal to extend the PSPO to Kidderminster Town Centre

We would like to highlight a number of considerations

1. The consultation briefing states that; 'proposals are subject to evaluation of the existing order', it will therefore be important to see the results of the Councils evaluation of the impact of the original order, to give a better understanding of whether the initial problems would be likely to recur if the PSPO was not extended.
2. Public Health evidence is clear that excess consumption of alcohol is harmful to health, and is linked to anti- social behaviour and domestic abuse. In Wyre Forest hospital admissions and mortality related to liver disease are significantly higher than the national average. The prevention of alcohol related harm is an important consideration when considering the impact of alcohol on communities. Public Health England state that 'the financial burden which alcohol-related harm places on society is not reflected in its market price, with taxpayers picking up a larger amount of the overall cost compared to the individual drinkers. This should provide impetus for governments to implement effective policies to reduce the public health impact of alcohol, not only because it is an intrinsically desirable societal goal, but because it is an important aspect of economic growth and competitiveness'
3. A PSPO covering the town centre could be effective in promoting Kidderminster as a vibrant night-time economy and a place of choice for those spending money on activities including responsible alcohol consumption. It could also save money in terms of policing, damage to property and burden on the NHS. A PSPO would also compliment public health's position as a responsible licensing authority under the 2003 Licensing Act objectives:
 - (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
4. When making a decision, it should be noted that since the introduction of Public Spaces Protection Orders under the 'Anti-social Behaviour, Crime and Policing Act 2014', various groups and communities have expressed their concern over councils' use of these powers.
5. Worcestershire JSNA Annual Summary (October 2017) states that Wyre Forest district has homelessness rates that are significantly higher than the England average. On several occasions, and in areas spread across the country, it has been argued that PSPOs are being misinterpreted and used to unfairly discriminate against people who are homeless or sleeping rough. The introduction in December 2017 of the updated Home Office guidance on the Orders states that PSPOs 'should not be used to target people based solely on the fact that someone is homeless or rough sleeping, as this in itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies the restrictions imposed'. Criminalising vulnerable people who are homeless or sleeping rough does nothing to solve the root causes of the problem, and orders such as PSPOs and Criminal Behaviour Orders have

sometimes prevented people from accessing vital services and support that will help aid their recovery.

6. We therefore seek assurance that Wyre Forest District Council conduct a comprehensive review of the impact of a PSPO on those most vulnerable and where negative impact is identified seek a wider solution to the issues surrounding homelessness and street drinking in Kidderminster.

Statutory Review of the effectiveness of the Public Space Protection Order in Kidderminster Town Centre

August 2012 – July 2018

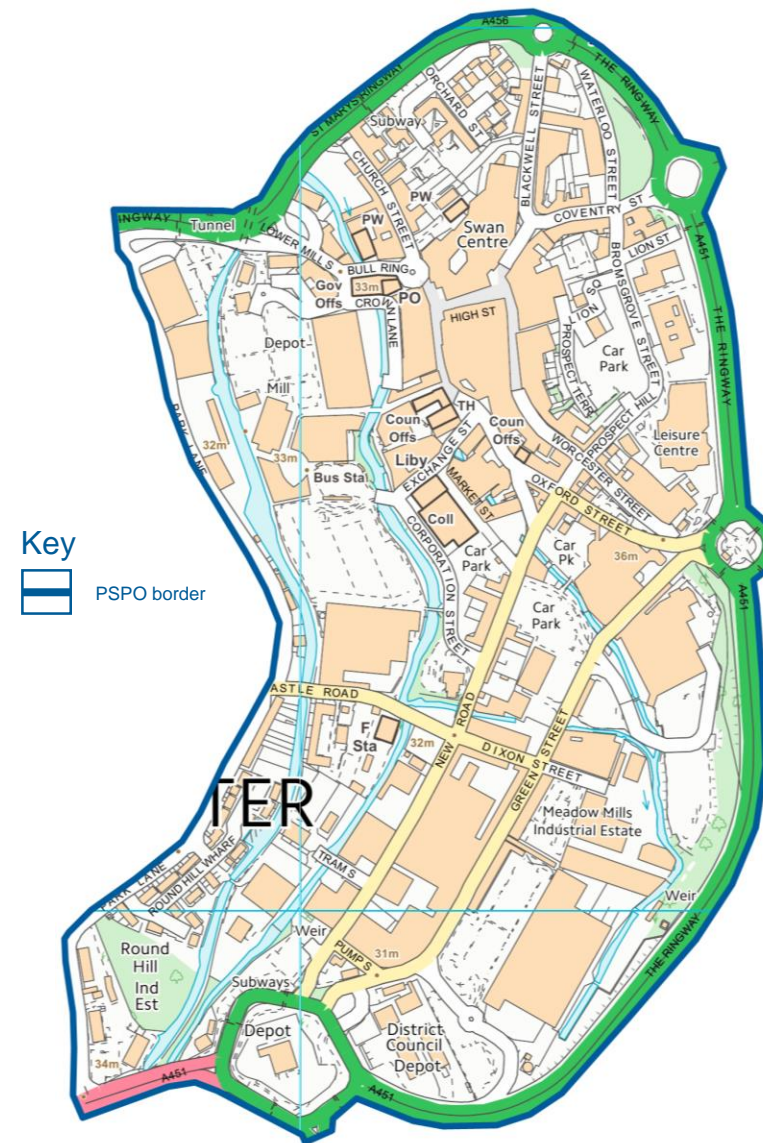
Emma Amies

Hope Speight

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- Public Spaces Protection Orders (PSPO) are proposals to deal with specific issues that have been shown to have a negative impact of the quality of life for those within a particular area.
- They prohibit certain activities, for example alcohol consumption or dogs that are off the lead. It is not an outright ban on the consumption of alcohol in the street. Consuming alcohol in a public place is not an offence unless you fail to comply with an officer's request. It is not illegal to carry or consume alcohol in Kidderminster Town Centre, so long as drinking is done responsibly.
- Those who do not comply can be fined or receive a fixed penalty notice.
- PSPOs last for three years but can be extended.
- The PSPO alcohol restricted area for Kidderminster Town Centre came into place on 28 August 2015 and had effect for three years. No other PSPOs restricting the use of alcohol were in place during this period.
- The order within Kidderminster applies at all times of the day and night.
- The map right illustrates the area included in the Order.

Map 1: PSPO area



Notification of the Order

Understanding how the public were notified of the PSPO in place

- A press release was issued at the launch of the Order, and another has been released in relation to the review of the Order.
- Shop owners were issued with a leaflet about the Order when it launched.
- The area is signposted, with 18 signs distributed around the borders of the area.
- Wyre Forest District Council Civil Enforcement Officers patrol the town centre area on a daily basis as part of their wider patrol area. This level of presence has not changed over the time period examined. Officers tackle instances of street drinking on a case by case basis. If officers encounter street drinking that they deem anti-social, alcohol is poured away if surrendered. In instances of non-compliance, Fixed Penalty Notices or FPNs are issued which would subsequently be prosecuted should the offender fail to pay.
- There is a trend for police officers be deployed responsively, sending resources where needed and not necessarily conducting more traditional daily patrols. However, demand for the area has been recognised, and the Greenhill Safer Neighbourhood Team which incorporates the town centre was increased at the end of 2017 to two police officers and two police community support officers.

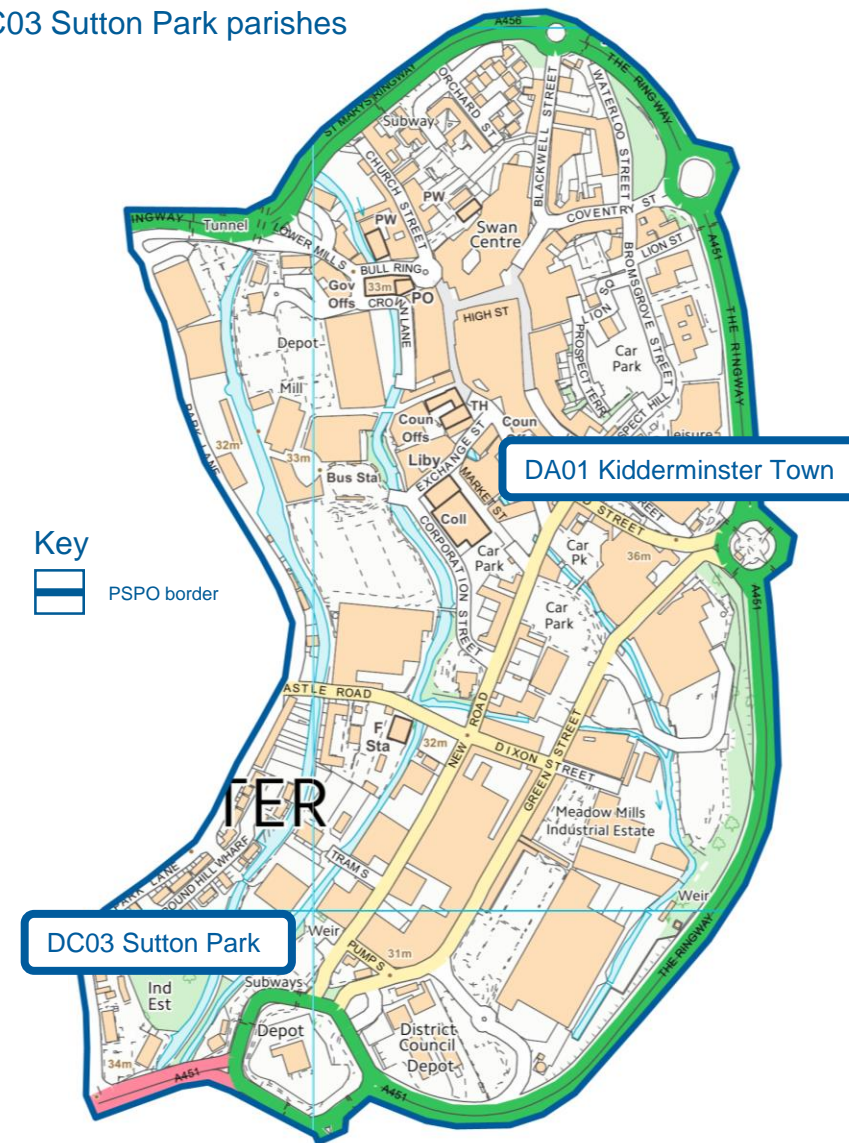
Figure 1: PSPO notice



Methodology of review

- The number of alcohol related incidents or antisocial behaviour or ASB which were reported during the three year period of the PSPO duration were examined between 28 August 2015 – 19 July 2018.
- A comparative period of the three year period prior to the PSPO being established, 28 August 2012 – 27 August 2015 was also examined.
- OIS incident data was extracted via an iBase query on 19 July 2018.
- Reports located within the area were selected by using relevant beat codes and checked at a street level.
- Incidents were filtered using a set of key words to identify alcohol related reports, begging and homelessness,.
- The reports were then cleansed by manually reading each record to identify if the report applies to alcohol related ASB in a public area.
- Paired t-tests were used to compare grouped monthly totals across the three year periods for all ASB, alcohol related ASB, and alcohol related public space ASB.

Map 2: PSPO area including DA01 Kidderminster Town and part of DC03 Sutton Park parishes



Comparing time periods - overall volume

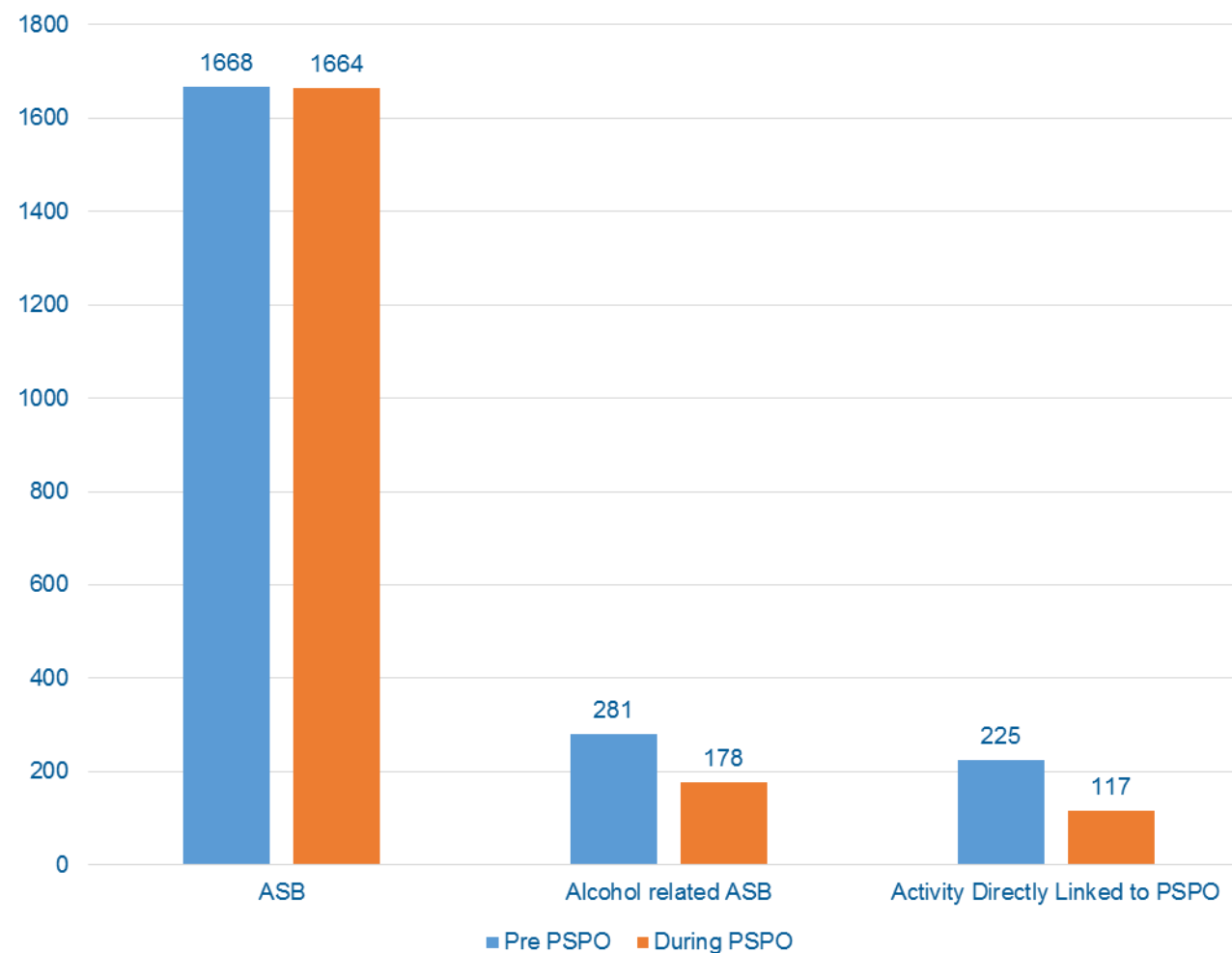
Comparing changes in ASB incidents, and PSPO specific incidents for the three year PSPO period and the three years prior to the order across key factors

Overall, there was no change in the **number of ASB incidents reported** between the two periods for the PSPO area. The period before the PSPO and the period during the PSPO saw a volume of 1668 and 1664 respectively.

The number of **alcohol related ASB incidents did reduce**, from 281 prior to the PSPO to 178 during the PSPO periods, each period three years in duration. This equates to a reduction of 36.7% (n = 103), and is deemed to be a statistically significant change.

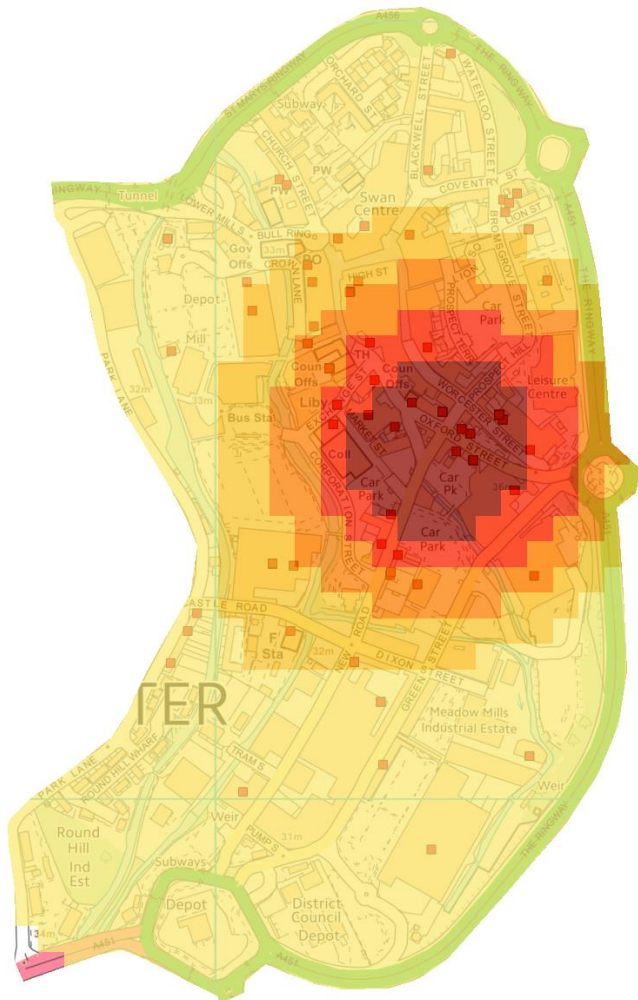
When every report was read to manually checked to establish if there was any link to **alcohol related ASB which was occurring in a public space**, for example the types of incidents the PSPO is in place to prevent), the numbers further reduced from 225 prior to the PSPO being put into place, to 117 during the PSPO period. This equates to a reduction of 48.0% (n = 108) and is deemed to be a statistically significant change.

Figure 2: ASB and Alcohol related ASB and ASB linked to the PSPO



Hotspot map to show changes in alcohol related ASB reporting in the three years prior to the PSPO and during the PSPO period

Map 3: Three years before the PSPO

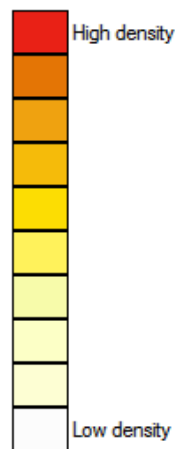


Prior to the PSPO being put into place, the key hotspot area was Oxford Street and Worcester Street.

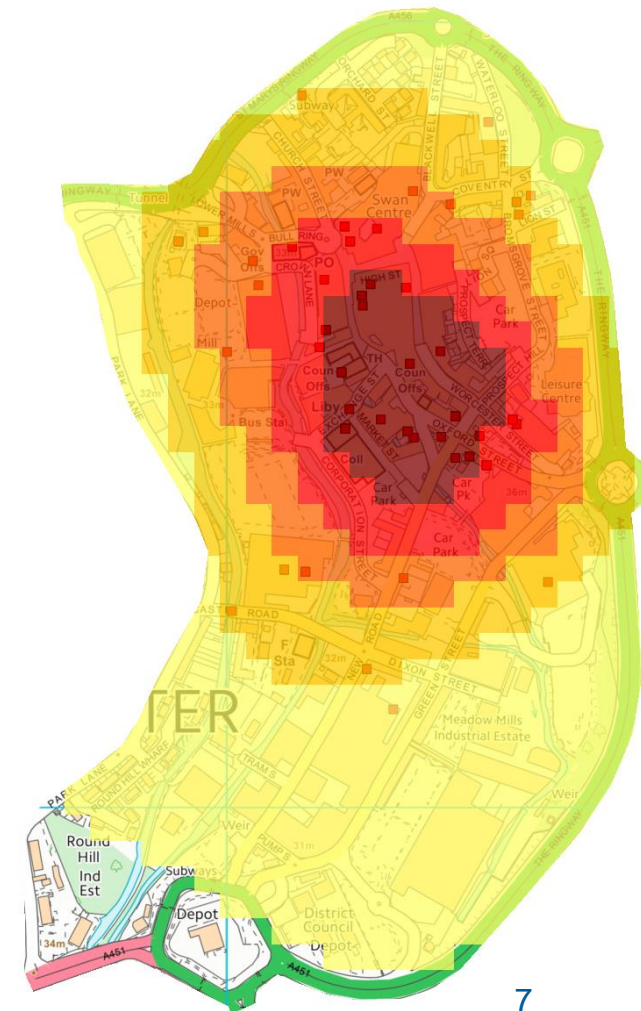
During the PSPO, the hotspot analysis identifies alcohol related ASB has spread to a slightly wider geography, despite occurring in smaller numbers.

Since the PSPO has been in place, clusters of incidents include Oxford Street and Worcester Street and reaches up towards the main high street.

Key



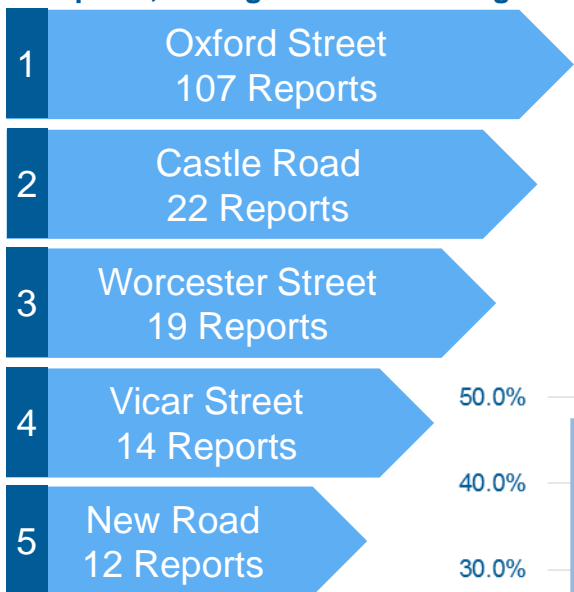
Map 4: Three years during the PSPO



Comparing time periods - detailed locations

Comparing location changes in alcohol related ASB in public areas - key locations between the two periods

Top five street locations before the PSPO was put into place, 28 August 2012 – 27 August 2015



Alcohol related ASB in public spaces in the top ten streets as a proportion of the total across the PSPO area. Periods before and during the PSPO are compared.

The geographic distribution of incidents is also shown in the graphs below. The proportions are more evenly spread across a number of streets during the PSPO rather than focussed on one main area as in the period before the PSPO Order.

Top five street locations after the PSPO was put into place, 28 August 2015 – 19 July 2018

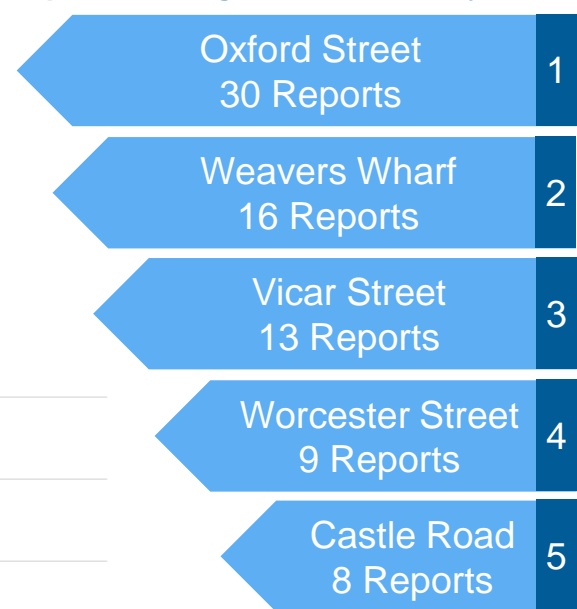


Figure 3: Incidents by street pre PSPO

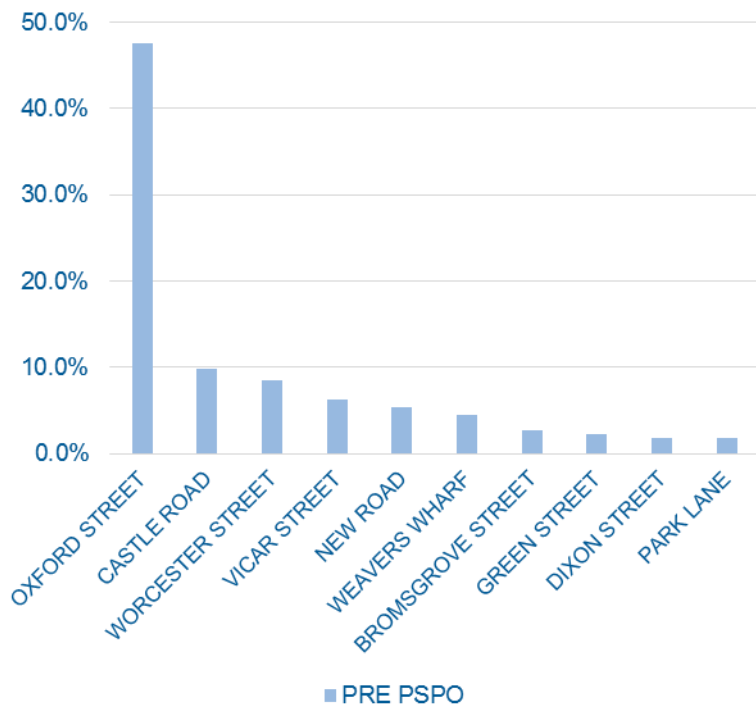
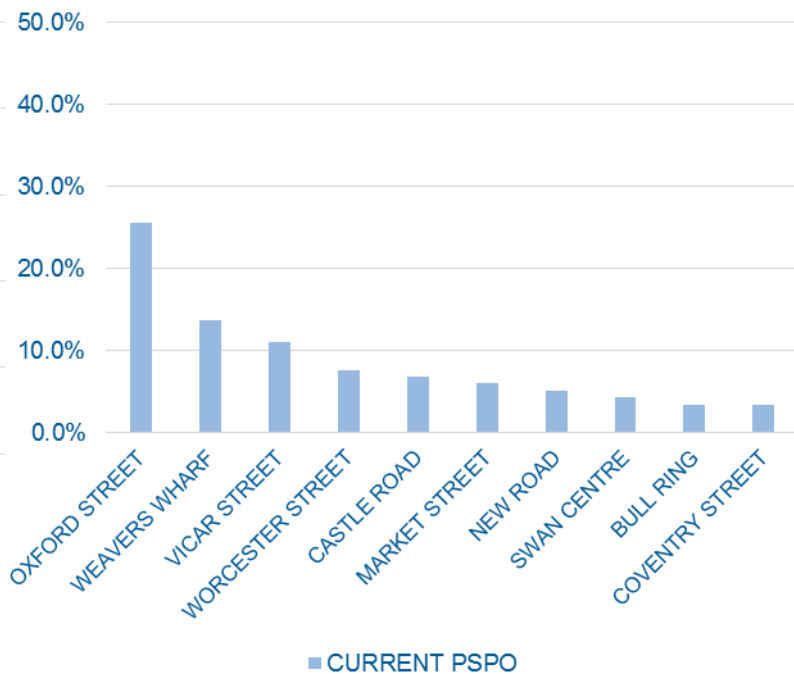


Figure 4: Incidents by street PSPO



Comparing time periods – Oxford Street and Worcester Street

Comparing location changes in alcohol related ASB key locations between the two periods examined

There has been a reduction of alcohol related ASB linked to public spaces from 107 on Oxford Street to 30. This is a reduction of 39.0%. Worcester Street has experienced similar issues, linked to an outdoor seating area. Reporting levels are lower, but still feature in the top five streets in both periods. There are also some details of this problem spreading towards New Road, Bridge Street and around the Wilko store.

Nine of the reports mention the alcohol restricted area, or that callers have been advised to call in when this problem is happening.

What?

Analysis of the log text reveals ongoing issues related to a group of roughly five to ten repeat street drinkers who gather around the same location around the steps of Dunelm Mill, outside Umberto Gianinni, and across the road to the seating area and the bus stop.

Reports also detail drug use, loose dogs, noise, broken glass, verbal abuse, intimidation and fighting.

When?

Weekdays – building mid morning to peak at 14:00 and decreasing towards early evening

Tues-Fri

14:00-18:00

Peak day:
Thurs/Fri

Peak Time:
14:00 – 15:00



Google Maps – Street View

Comparing time periods – Weavers Wharf

Comparing location changes in alcohol related ASB key locations between the two periods examined

There has been an increase of alcohol related ASB linked to public spaces from 10 to 16 in Weaver Wharf between the two time periods. Although these are small numbers, this area represents the street with the second greatest volume of public alcohol related ASB. It went from comprising 4.4% of all report to 13.7% of all reports, this is an upward trend. Only one report mention the alcohol restricted area, and that was an incident called in by a Civil Enforcement Officer.

What?

Activity is primarily focussed around McDonald's restaurant. Groups of ten or more youths gathering outside, using drugs and alcohol. Intimidation of staff and customers, fighting, urination in a public place.

Across the wider site, some reports are of drunk people on benches by the shops, and of cars with people drinking in them using the car park inappropriately, speeding, gathering and blocking exits.

When?

Weekends, building through late afternoon and early evening. Occasional late night issues.

Friday & Saturday
18:00-22:00

Peak day:
Friday
Peak Time:
20:00- 22:00



Google Maps – Street View

Comparing time periods – Other key areas

Comparing location changes in alcohol related ASB key locations between the two periods examined

Castle Road

Castle Road was the second highest street location for alcohol related ASB in public spaces prior to the PSPO order. This ties to a specific location outside Tesco, both in the carpark and along the canal and under the bridge. This is an ongoing issue and also relates to theft and the sale of alcohol to intoxicated customers in store. During the PSPO period this area saw a reduction from 22 incidents to 8 (63.6%, n = 14) moving it from the second to the fifth highest street location within the area.



Vicar Street

There are groups of suspected alcohol dependent homeless people who congregate around the Town Hall and up through the high street towards The Penny Black. Two reports mention the restricted alcohol zone, and there is one report of attempted alcohol confiscation and one of an officer moving people on. ASB within this area include intimidation of shoppers and verbal abuse.



Enforcement of the PSPO, offences charged and fines issued

- Anecdotally, we are aware that the police are making alcohol confiscations, however, records of these are not part of the corporate memory. The number of alcohol confiscations by Civil Enforcement Officers is shown in the graph, and illustrates a peak in confiscations during 2017.
- Where the individual refuses to surrender alcohol, a fixed penalty notice can be issued. Two fines were issued relating to the PSPO, one in 2016 and another in 2017. This year to date no fine have been issued.
- The fine in 2016 was paid, but the fine in 2017 resulted in a successful prosecution due to failure to comply.
- During the PSPO period between 2015 - 2018, 18 of the 117 reports mention enforcement in some way. The pie chart illustrates the nature of the calls made in relation to the PSPO Order.
- Of the 11 calls where the alcohol restricted are mentioned by a member of the public, in every case the order is referred to as a no-drinking zone or alcohol free zone, rather than a restricted area. This highlights a lack of understanding by the general public.

Figure 5: Containers of Alcohol Seized by Civil Enforcement Officers

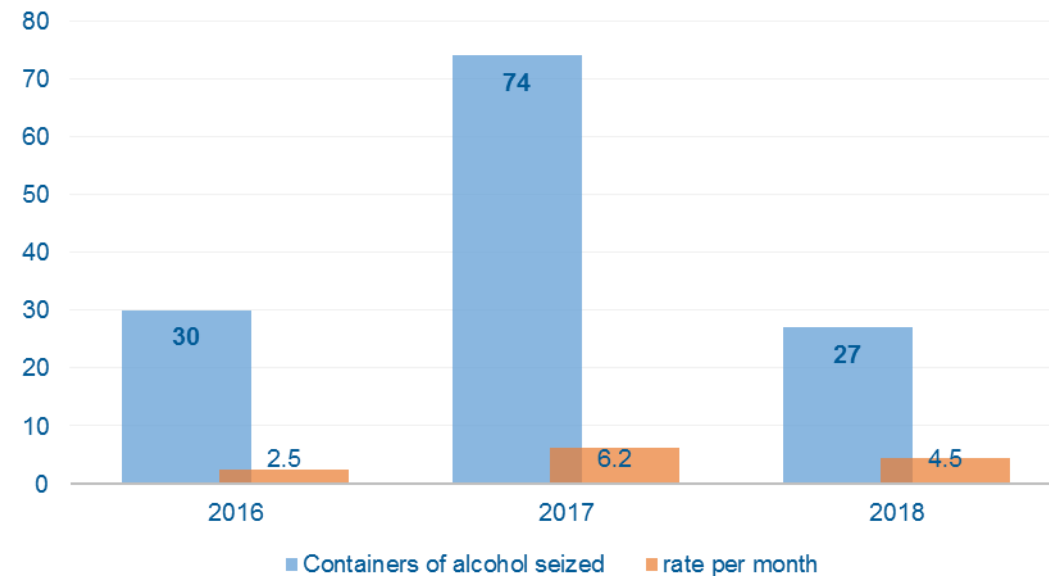
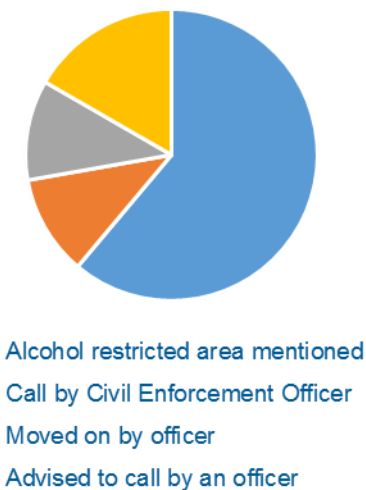


Figure 6: Calls made in relation to the PSPO



Homelessness and begging

Vulnerable people such as street drinkers and homeless people regularly using alcohol in the area

- Individuals encountered tend to be well known to the police and are repeat offenders, some already have Criminal Behaviour Orders or CBOs in place. There were several reports detailing individuals with current CBOs.
- Further anecdotal evidence suggests that the majority of street drinking is linked to homelessness, begging and drug misuse. Many drink from unmarked containers or soft drink bottles, which may, by proxy, indicate some success to the scheme.

Alcohol related ASB incidents in public spaces involving **homelessness** also rose, from one to seven between the two periods, although this is believed to be a reflection of economic changes rather than a reflection of changes to the use of alcohol in the area. Further, the numbers are too small to place any statistical significance on these findings.

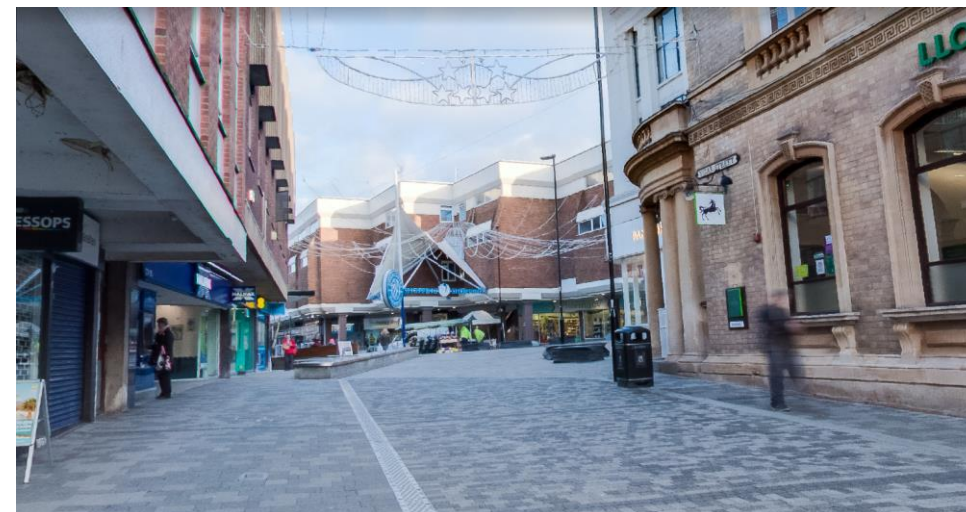
The majority of reports relate to small groups of homeless people sheltering in shop fronts along the high street and outside the Town Hall. In some cases they were aggressive or intimidating towards passers by.

The data does show that the volume of incidents reporting **begging** across the town is showing an upward trend across all ASB reporting (rising from 17 to 82 reports between the two periods), however, this report is only focused on alcohol related ASB in public where the PSPO would apply.

Despite this large increase and a perceived association between begging and alcohol use, the evidence for alcohol related ASB incidents involving begging was sparse, alcohol related ASB incidents in public spaces involving begging rose from three in the pre PSPO period to six during the PSPO period.

The changes in levels of begging are believed to be a result of economic changes to the area rather than as a result of any influence of alcohol.

The alcohol related reports from public spaces indicates that the main activity is on weekday afternoons, around the main shopping area of the town including The Swan Centre, Market Street and the bus stop on Blackwell Street.



Google Maps – Street View

How effective has the PSPO been in preventing antisocial behaviour linked to alcohol use?

- Overall, there was no change in the number of ASB incidents reported between the two periods for the PSPO area.
- When considering alcohol related ASB, particularly alcohol related ASB in public spaces, there was a significant reduction in the volume of incidents.
- Activity was clustered around Oxford Street and Worcester Street, and this continued to be the most problematic area during the PSPO period, despite a 39% reduction of incidents on Oxford Street. Worcester Street also saw a reduction of 52.6%, although the level of reporting for this street was much lower.
- Many issues were linked to regular street drinkers congregating in the area throughout weekday afternoons. While this issue continues, it appears to be at a lower level than prior to the PSPO Order. Anecdotally, these individuals are well known to authorities.
- An emerging problem was identified around Weavers Wharf, primarily linked to youth ASB and alcohol use in the car park, particularly in the vicinity of the McDonald's restaurant. This was not registered in the top five street level locations prior to the PSPO Order, but during the PSPO period it emerged as having the second largest frequency of incidents of all streets in the PSPO area (n=16). However, this is a much smaller volume than what continues to be reported around Oxford Street and therefore this area should continue to be the priority for targeted interventions. It is also a very different type of problem, youth gatherings as opposed to regular street drinkers.

Appendix Three

Wyre Forest District Council
Anti Social Behaviour, Crime and Policing Act 2014 (“The Act”)
Public Space Protection Order

1. The Order shall come into operation on 27 August 2018 and shall have effect for a period of three years thereafter, unless extended by further orders under the statutory powers of Wyre Forest District Council (hereafter ‘the Council’).
2. The Order applies to Kidderminster Town Centre (“the Restricted Area”), as shown on the attached plan.
3. The Order applies to all persons within the Restricted Area at all times of the day and night.
4. The Council is satisfied that the conditions set out in Sections 59, 63 and 72 of the Act have been satisfied and that the consumption of alcohol (“the Activity”) has been carried out and/or is likely to recur in the Restricted Area and has had a detrimental effect on the quality of life of those in the locality. Further, the Council is satisfied that the effect of the Activity is or is likely to be of a persistent or continuing nature and is or is likely to be such as to make the Activity unreasonable and the effect justifies the restrictions imposed.
5. The Council therefore
 - (i) prohibits, pursuant to section 59 of the Act, the Activity within the Restricted Area, unless the Activity is during, part of and associated with a Council endorsed special event;
 - (ii) requires all persons, pursuant to, section 63 of the Act, when requested to do so by a Police Officer, Police Community Support Officer and or any other Authorised Person, desist from the Activity (or any action reasonably believed to be the Activity), and or surrender any alcohol (or any item which is reasonably believed to be in alcohol) in their possession.

For the avoidance of doubt, a Police Officer, Police Community Support Officer and or any other Authorised Person may dispose of anything surrendered pursuant to this Order.

6. Offences

Failure without reasonable excuse to comply with a request, from a Police Officer, Police Community Support Officer and or any other Authorised Person, imposed by this Order as set out at 5(ii) above is a criminal offence. A person guilty of such an offence is liable on summary conviction to a fine not exceeding level 2 on the standard scale and/ or to a fixed penalty notice not exceeding £100.

7. If any person 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, he or she may apply to the High Court within six weeks from the date on which this Order is made.



Map data 2015 © Google

 PSPO Boundary

**THE COMMON SEAL of
WYRE FOREST DISTRICT COUNCIL**

was hereunto authenticated

in the presence of

Chairman

Authorised Signatory