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| SUBJECT: | ARBORETUM -DESIGNATED PUBLIC PLACE ORDER REVIEW |
| DIRECTORATE: | COMMUNITIES AND ENVIRONMENT |
| REPORT AUTHOR: | PUBLIC PROTECTION AND ANTI-SOCIAL BEHAVIOUR SERVICE MANAGER |

1. Purpose of Report

- 1.1 In line with its legal requirements, the Council is required to consider any Designated Public Place Orders (DPPO) that have not yet been converted into Public Space Protection Orders (PSPO). This report has been developed in order to address the remaining DPPO which cover the Arboretum.

2. Executive Summary

- 2.1 The City of Lincoln has had three Designated Public Place Orders in place since the introduction of relevant legislation in 2001. Two of these (Temple Gardens and city centre) have since been replaced by a Public Space Protection Order (PSPO). The final remaining DPPO covers the Arboretum park.
- 2.2 The ASB Crime and Policing Act 2014, which introduced the provision for PSPOs, also required that previously existing DPPOs are converted or repealed within three years following enactment of PSPOs, which took place in October 2014. This means the Council has until October 2017 to make a decision as to the remaining DPPO.
- 2.3 Consideration has been given to the level of recorded incidents within this area, combined with our own and partners ability to enforce any new order. Based on the records, it is believed that there are insufficient issues to justify a PSPO, or any issues that do exist are not evidenced to be of a persistent or continuing nature. Additionally the limited dedicated policing resources now available in this area (they have been reduced in correlation with the number of recorded incidents), alongside the Council's own limited enforcement resources available for work of this nature, means any new Order would require additional resources.

3. Background

- 3.1 The Criminal Justice and Police Act 2001 allowed local authorities to implement what commonly became known as Drinking Control Areas (Officially title Designated Public Place Orders, DPPOs). The City Council subsequently enacted three such zones, the first two of which covered the Temple Gardens and the Arboretum and were introduced in 2007. During 2011 the Council adopted a third DPPO, which covered the city centre area.
- 3.2 In October 2014 the Government enacted provisions under the new ASB, Crime and Policing Act. In particular, part four, chapter two introduces the provision to make a PSPO.

- 3.3 Local authorities have the power to make Public Spaces Protection Orders if satisfied on reasonable grounds that two conditions are met.

The first condition is that—

- a) 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
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

- 3.4 The second condition is that the effect, or likely effect, of the activities—

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) Justifies the restrictions imposed by the notice.

Activities can include things that a person or a group does, has done or should do (in order to reduce the detrimental effect).

- 3.5 In April 2015, based on strong data regarding the prevalence of the issues, combined with a commitment from Police colleagues to enforce, the Council approved a PSPO to cover an extended area over the city centre. This order effectively repealed the previously existing DPPOs that covered both the city centre and Temple Gardens area.
- 3.6 The DPPO covering the Arboretum has remained in force to this date, as the Arboretum was not covered by the new PSPO. The ASB Crime and Policing Act does however require that Orders made under the old legislation are either converted or repealed within three years of enactment. The deadline for this is therefore the 20 October 2017.

4. Proposal

- 4.1 The DPPO gave a Police Constable the power to require an individual surrender alcohol, in a designated area, where he has reason to believe that the person may act in an anti-social manner following consumption. An offence is committed if the individual fails to surrender. The provisions of this Order, whilst welcomed at the time, have proven difficult to enforce. The requirement to be able to demonstrate that individuals would go on to cause issues created a difficult evidential basis for the Police to utilise. Additionally, the requirement only allowing for a Police Constable (PCs) to enforce makes this additionally challenging in terms of resources as it limits individuals who can use the powers. Conversely, the PSPO can be enforced by PCs and Police Community Support Officers (PCSOs) along with officers designated by the Local Authority
- 4.2 The PSPO is much more flexible and allows local authorities to design prohibitions or requirements relevant to its local issues. They also allow enforcement by a broader range of professionals, including PCSOs and authorised Council Officers. The PSPO requires that the Council and its partners are able to demonstrate that the issues it intends to address meet the requirements laid out above in 3.3 and

3.4.

- 4.3 In developing this report data has been requested from Lincolnshire Police in relation to incidents in the Arboretum where alcohol is a factor. The below table represents the level of issues, broken down to total ASB and total alcohol related ASB incidents, over the previous three years.

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|-----|--------------------------------------|-----------------|---------------------|-------------------------------------|
| 4.4 | Period (Periods are June to June) | Total Incidents | Total ASB Incidents | Total alcohol ASB related incidents |
| | 14 – 15 | 48 | 7 | 1 |
| | 15 – 16 | 69 | 16 | 5 |
| | 16 – 17 | 32 | 9 | 1 |

- 4.5 The above data does not represent a compelling case which could support the introduction of a PSPO. Additionally, enforcement of any such order would have to be considered in light of the available resources. To place an Order such as this creates an expectation within the community of visible enforcement which would be challenging to justify and deliver based on the limited levels of reports. It is not currently practical for Council officers to deliver the enforcement within the resources currently available.
- 4.6 With the above factors in mind it is not practical at this time to move to implement a PSPO in this area, and therefore the recommendation is that the DPPO will be withdrawn.
- 4.7 Consultation has taken place through local boards and the Park Advisory group and it is clear members of these boards would like to see the introduction of a PSPO however most accept that the evidence does not exist.
- 4.8 It is however recognised amongst partner agencies that these figures should be kept under review and clearly the position can be revised at any time, should the need arise. Additionally, agencies have a frequent established meeting structure to discuss both individuals and areas of concerns and it will therefore monitor, through its partners, relevant issues in this area. Engagement with the community has and will continue to take place.

5. Strategic Priorities

5.1 Let's enhance our remarkable place

The reduced levels of alcohol related ASB suggest that patterns of behaviour in the park have changed. The Arboretum is now a better place as a result of this change, and it will be important to monitor ongoing trends to ensure that with the repeal of the DPPO the problems previously encountered do not return. Remaining aware of and responsive to anti-social behaviour issues enhances our Remarkable Place objectives by increasing feelings of safety.

6. Organisational Impacts

6.1 Finance

No impact based on the recommendation. However, should greater enforcement

be required, then additional resources may be required in the future.

6.2 Legal Implications including Procurement Rules

This report ensure compliance with the relevant legal framework.

6.3 Equality, Diversity & Human Rights (including the outcome of the EA attached, if required)

Not required

7. Risk Implications

7.1 (i) Options Explored

Replace the DPPO with a PSPO.
Repeal DPPO

7.2 (ii) Key risks associated with the preferred approach

Community members may perceive that issues are greater than the figures suggest, or the decision to withdraw may be based on an incomplete picture if incidents have gone unreported. Officers will continue to engage to encourage reporting and residents will be assured that the decision not to implement a PSPO could be revised at any time should the nature change or prevalence increase.

8. Recommendation

8.1 The views of members of the Policy Scrutiny Committee are sought, on the proposal to withdraw the DPPO and monitor the Arboretum area, prior to this reports submission to the Executive.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain?

List of Background Papers: None

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