



**Winchester**  
City Council



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**Community Safety  
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# **Public Spaces Protection Order Review and Extension 2023**

**Report by: Davina Domone-Hollands - Neighbourhood Services  
Officer – Anti-social Behaviour Lead Winchester City Council -  
2023**



## **Introduction**

The Anti-Social Behaviour, Crime and Policing Act 2014 provide local authorities with the power to implement Public Spaces Protections Orders (PSPO) to address Anti-social behaviour. Winchester currently has an active PSPO referred to locally as Alcohol Control Zone (Appendix 3). The order restricts “Behaving in a manner, either as an individual or within a group of people, which is likely to cause harassment, alarm or distress, whilst being in possession of an open container of, or consuming alcohol”<sup>1 2</sup>.

In accordance with Government Guidance a PSPO order<sup>3</sup> can be made for a maximum duration of up to three years, after which it may be extended after a review and further authorisation. The current order is now subject to review to ascertain if certain criteria under section 60 of the act is still being met. This includes consideration that; an extension is necessary to prevent activity recurring, there has been an increase in frequency or seriousness of activity.

PSPO’s were introduced to provide wider discretionary powers to deal with nuisance or problems which harm the local community’s quality of life. They provide local authorities with the necessary powers intended to deal with a specific nuisance or problem in a particular area that is detrimental to those using an open space. They are designed to ensure the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The order imposes conditions on the use of that area which applies to everyone.

Breaking an order is a criminal offence, which can result in a fixed penalty notice (FPN) of £100 and/or proceed to prosecution. If prosecuted, an individual could be fined up to a maximum of £1,000. Only those aged 18 or over can be issued with an FPN.

In order to move a further 3 year extension forward, support and feedback has been sought for the current PSPO to continue beyond 2023. The city council’s constitution states that the Licensing and Regulation Committee will determine all applications to designate an area under Section 59 Anti-Social Behaviour, Crime and Policing Act 2014. This means that officers need to establish if our partners and the Committee are happy to proceed with the continuation of the PSPO in its present format.

## **Methodology**

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<sup>1</sup> PSPO Order – does not apply to licensed premises.

<sup>2</sup> Breaking an order is a criminal offence, which can result in a fixed penalty notice (FPN) of £100 or proceed to prosecution. If prosecuted an individual could be fined up to a maximum of £1,000. Only those aged 18 or over can be issued with a FPN.

<sup>3</sup> PSPO Order – In Winchester this equates to the current alcohol control zone. A new order will not affect those consuming alcohol in a public place unless they are deemed to be causing alarm, harassment or distress to those in the immediate vicinity.

During the consultation process the following evaluation process was adopted:

- Survey (attached) - sent out to partners for completion.
- Anecdotal evidence - collected from partners in relation to the current Alcohol Control Zone (pro's and con's).
- CCTV Statistics – from WCC CCTV Manager
- Licensing Statistics - requested from Police Licensing Officer, Licensing and Alcohol Reduction Team.
- Police Anecdotal evidence – provided by Ch. Insp. (District Police Commander Winchester)
- Police Anecdotal evidence provided by District Inspector
- Anecdotal evidence given from Winchester BID via their contracted Rangers (Venture Security)
- Anecdotal evidence given from Winchester City Council Estates Team
- Surveys given to owners/occupiers in the alcohol control zone area

### **Surveys**

A survey containing 10 questions was sent out to partners who were identified because of their work within the current alcohol control zone. See appendix 1 for copy of the questionnaire.

Partners included:

- WCC Licensing Manager
- Police Alcohol Licensing Officer
- Hampshire and Isle of Wight Constabulary
- Winchester University Security Manager
- WCC Service Lead – Housing and Social Inclusion
- BID Rangers – Winchester Business Improvement District
- The Winchester Beacon
- Trinity Manager
- Winchester Street Pastors
- Winchester City Council Estates Team

Partner agency survey responses showed the following results:

Table 1. Question	Responses:
1. Are you aware of the current Public Space Protection Order also known as the Alcohol control zone?  1) Yes 2) No 3) Not answered	<ul style="list-style-type: none"> <li>• Yes 100%</li> </ul>

<p>2. Which of the following applies to you whilst out in the PSPO zone?</p> <ol style="list-style-type: none"> <li>1) Walk through/patrol</li> <li>2) Socialising</li> <li>3) Resident</li> <li>4) Workplace</li> <li>5) Enforcing authority?</li> <li>6) None apply</li> <li>7) Not answered</li> </ol>	<ul style="list-style-type: none"> <li>• Walk through/patrol 70%</li> <li>• Socialising 30%</li> <li>• Resident 20%</li> <li>• Work place 50%</li> <li>• Enforcing authority 50%</li> </ul>
<p>3. Do you agree or disagree that the PSPO has helped to improve the quality of your life for those working, living and visiting Winchester?</p> <ol style="list-style-type: none"> <li>1) Strongly Agree</li> <li>2) Agree</li> <li>3) Disagree</li> <li>4) Strongly Disagree</li> <li>5) No opinion</li> <li>6) Not answered</li> </ol>	<ul style="list-style-type: none"> <li>• Strongly agree 50%</li> <li>• Agree 40%</li> <li>• Disagree 10%</li> <li>• Strongly disagree 0%</li> <li>• No opinion 0%</li> <li>• Not answered 0%</li> </ul>
<p>4. Do you think that the PSPO helps to reduce crime and disorder?</p> <ol style="list-style-type: none"> <li>1) Yes – please explain why?</li> <li>2) No – please explain why?</li> <li>3) No opinion</li> <li>4) Not answered</li> </ol>	<ul style="list-style-type: none"> <li>• Yes 90.0%</li> <li>• No 10%</li> </ul>
<p>5. Do you think the PSPO signage is clear?</p> <ol style="list-style-type: none"> <li>1) Yes</li> <li>2) No</li> <li>3) Don't know</li> <li>4) Not answered</li> </ol>	<ul style="list-style-type: none"> <li>• Yes 10%</li> <li>• No 50%</li> <li>• Don't know 40%</li> </ul>
<p>6. Do you think the current process for managing alcohol related anti-social behaviour works?</p> <ol style="list-style-type: none"> <li>1) Yes</li> <li>2) No</li> <li>3) Not answered</li> </ol>	<ul style="list-style-type: none"> <li>• Yes 90%</li> <li>• No 10%</li> </ul>
<p>7. Do you support or oppose the use of the PSPO?</p>	<ul style="list-style-type: none"> <li>• 100% Support</li> </ul>

1) Support 2) Oppose 3) Not answered	
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**Partners providing supporting statements**

Listed below are key comments from the Police Licensing Officer, Hampshire and Isle of Wight Constabulary District Commander for the Winchester District, Hampshire and Isle of Wight Constabulary Neighbourhood Police Team Sergeant (Winchester) , Hampshire and Isle of Wight Constabulary Winchester District Inspector, ,Winchester BID City Rangers, Winchester Street Pastors, Councillor’s

- It would be a shame to revert to the unsatisfactory situation that existed previously.
- I am in full support of the extension. It has been proven to discourage groups within the city centre who congregate whilst consuming alcohol. This additional power allows early intervention with such individuals and has been proven to reduce more serious crimes taking place later on.
- The PSPO remains a useful tool for my officers and staff to take early intervention to reduce alcohol related violence. This is particularly effective with the street attached individuals who are causing disruption to local businesses and residents on a daily basis. It is also useful to assist us in dispersing youth related anti-social behaviour which remains an ongoing issue with groups congregating in open spaces such as Abbey Gardens.
- I support this to help reduce anti-social behaviour and assist in making Winchester a nicer place for residents and visitors. Also it discourages our homeless people from gathering in the city centre which can be intimidating for people.
- Working collectively with partners including Street pastors makes Winchester a safer place to be.
- It gives police the powers to intervene before it becomes a crime and allows police to set a bar for behaviour.
- Any additional powers that will help our authorities in protecting the local businesses, tourists and residents with regard to irresponsible behaviour is a big help.in areas of the city that have long been
- The area of particular concern has greatly improved in the last 12 months and an extension of the order to help my colleagues and the Police manage the area effectively is invaluable.

- Good working relationships with WCC, BID, CSP and Licensing.
- It works well in conjunction with Police Dispersal powers and enables officers to seize alcohol before drunken and disorderly behaviour. It also sets a level for general behaviour around the town.

**Partners proving statements that require addressing:**

- There needs to be a better system to manage the process so individuals who regularly ignore the PSPO are dealt with swiftly and where appropriate issued a FPN which if not paid is supported by prosecution.

**Our response** – We take a proactive approach to all concerns of public disorder including the Police, Winchester City Council Outreach and Inclusion to reduce the level of public drinking and drug taking within the city. We need to ensure that partners are reporting in the correct way so concerns of breaches of the PSPO are swiftly actioned.

- The PSPO is underutilised by agencies with persistent individuals ignoring it daily with limited consequence.

**Our response** – There is no evidence to suggest that the PSPO is under-utilised although we acknowledge the fact it would be worthwhile to do some education around the Alcohol control zone and legislation.

**Data from Hampshire and Isle of Wight Constabulary**

Hampshire and Isle of Wight Constabulary data for arrestable public order incidents reported for Winchester between 01.10. 2020 – 31.05.2023 x **70**.

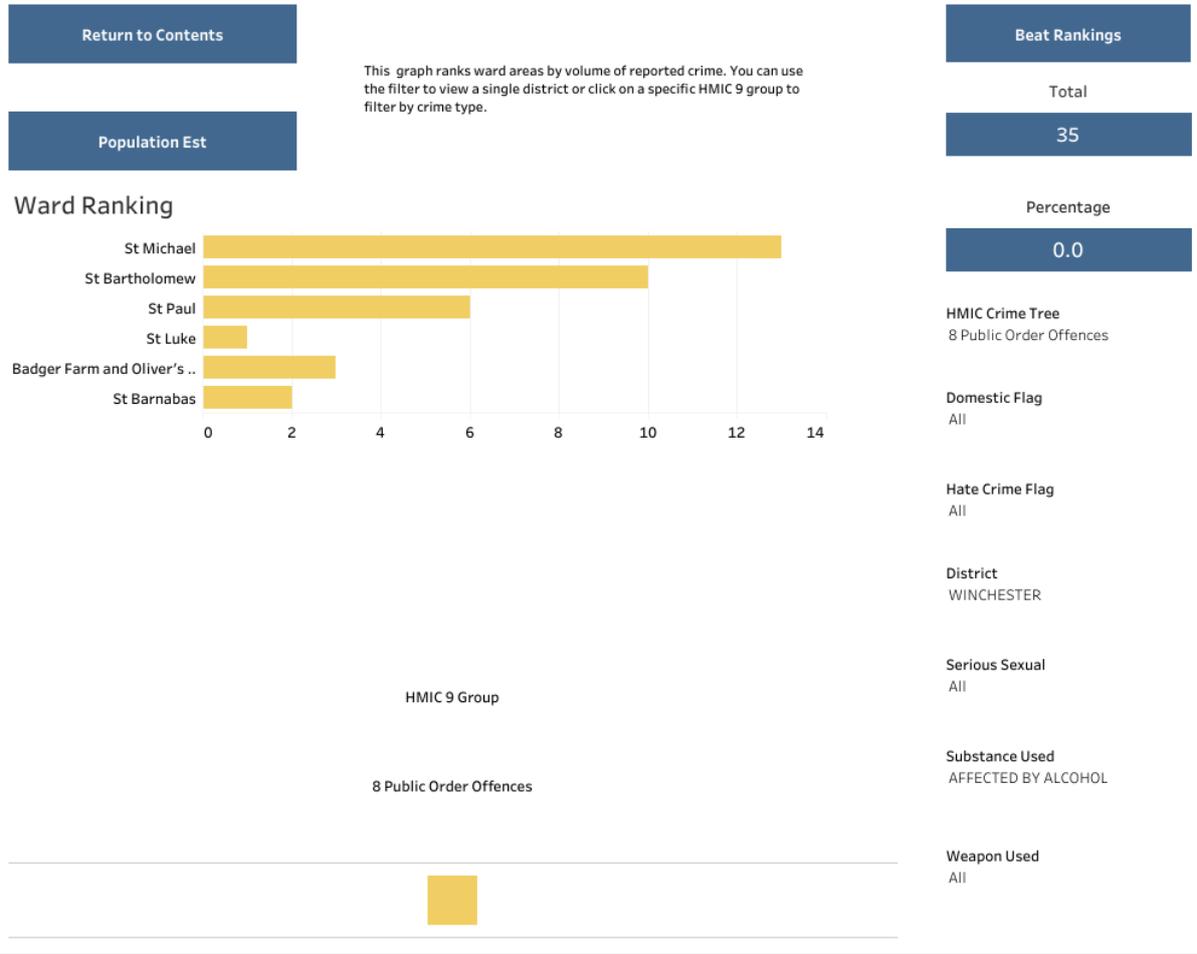
Please note below further comments from the Police Alcohol Licensing Officer

The date range above was during the COVID pandemic which was also an aggravating factor that when the hospitality industry re-opened, it was done so on the emphasis on utilising outdoor spaces.

Legislation was also amended to permit “off sales” of alcohol to support those venues who could not accommodate the outdoor regulations. Further legislation was amended to simplify and reduce the bureaucracy to the application process of the Amenities / Tables & Chairs permits. It is worth noting that both of these mentioned pieces of legislation remain relaxed to support the hospitality industry.

There was also a government initiative to support those who found themselves to be homeless and of an increased risk of catching (and spreading) the virus. I am not in possession of any figures but I am aware that this scheme was very positive in reducing the number of homeless during this period. I can also say with experience that these individuals would have previously contributed to the statistics, especially within the City Centre, and in particular Silver Hill.

I would suggest that if there is a positive use of the power and there has been a reduction in incidents then, as a Police Alcohol Licensing Officer, I would support the extension



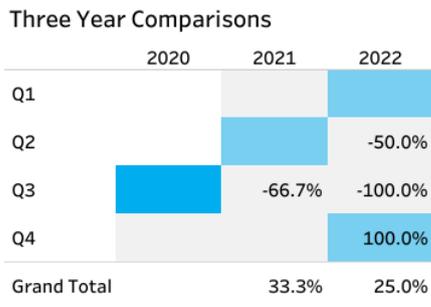
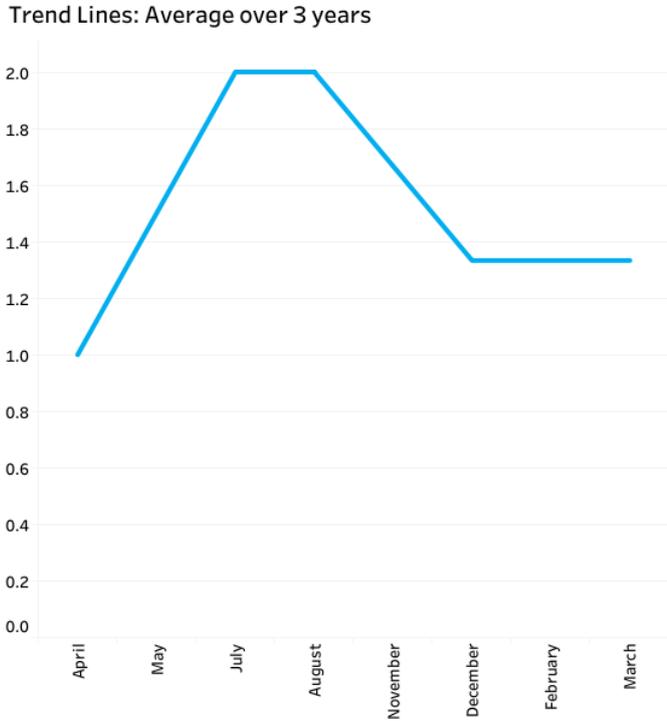
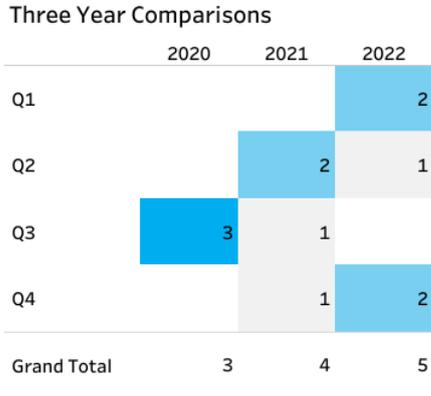
Alcohol related public order offences for the period 01/04/22 – 31/03/23 (no comparable data available)

Police recorded stats from Interact (Tableau) which is a multi-agency data collection tool which is managed by the Office of the Police and Crime Commissioner showing reported ASB incidents related to Alcohol - 3 year trend.

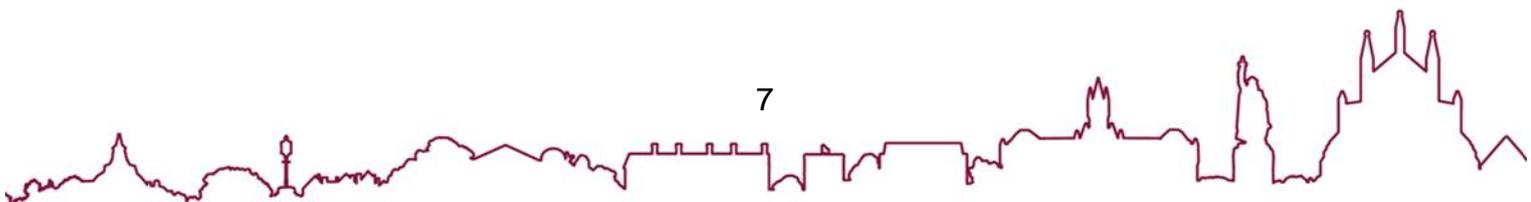
### Three Year ASB Comparisons

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District: WINCHESTER  
 Ward: Multiple values  
 Beat: All  
 ASB Type: All  
 Substance Used: AFFECTED BY ALC..



Alcohol related ASB for the last 3 years for the following wards: St Barnabas, St Bartholomew, St Luke, St Michael, St Paul, Badger Farm and Oliver Battery. (Littleton and Harestock and St John's don't exist as wards anymore)



## **CCTV data for proactive requests to log/monitor in ACZ and Public Order related incidents in Winchester**

CCTV data for Alcohol related incidents in Alcohol Control Zone and Public Order reported for monitoring/logging in Winchester between 01/10/2020 – 31/05/2023

Classified in the following way:

ACZ – Anyone that is in possession of an open container of alcohol but is behaving sensibly.

Public Order – Any individual/group that is causing a disturbance, harassment, alarm or distress which includes alcohol related to members of the public.

### **ACZ & Public Order Stats: October 2020 – May 2023**

<b>Months</b>	<b>Quarter</b>	<b>ACZ Total</b>	<b>Public Order Total</b>
Oct – Dec 2020	3	2	12
Jan – March 2021	4	4	1
April – June 2021	1	6	8
July – Sep 2021	2	4	15
Oct – Dec 2021	3	0	6
Jan – March 2022	4	1	4
April- June 2022	1	5	7
July – Sep 2022	2	0	7
Oct – Dec 2022	3	0	3
Jan – March 2023	4	0	8
April – May 2023	1	0	3
<b>Total:</b>		<b>22</b>	<b>74</b>

### **Equality Impact Assessment**

Government guidance required the completion of a full Equality Impact Assessment (EqIA) which are one tool for examining the main functions and policies of an organisation to see whether they have the potential to affect people differently. Their purpose is to identify and address existing or potential inequalities, resulting from policy and practice development. This has been completed and attached as (Appendix 2).

#### **Introduction:**

Important equality considerations; There is a requirement for a period of statutory consultation to be undertaken before a decision can be taken. It is important for the consultation to be both accessible and engaging with those likely to be affected by the order (positively and negatively). It must also consider the communication needs

of those living within the designated area (i.e. larger BME population), and ensure that they have access to translation services as required. If the PSPO is implemented it will be important for authorised officers to consider the needs of the individuals and their personal circumstances in order to make an informed decision as to the appropriate action to take (i.e. recommendation for support, advice, fine, criminal justice approach). It will also be important for authorised officers to ensure that any action taken is proportionate to and balanced against any risks posed, either to the individual or the wider community. This includes the seriousness of the offence, past history, the consequences of non-compliance and the likely effectiveness of the various enforcement options. It has outlined the need for a consistent yet flexible approach to the application of the PSPO, which must be tailored to the individual's needs and circumstances. It will be important to be able to evidence that the PSPO is not used, or is not perceived to be unfairly targeting young men who congregate within the different parts of the designated area. It is envisioned that some or all of the following factors will have a greater impact on the above individuals; the risk of further deprivation, destitution or homelessness, risk of criminalising behaviour, risk to health (for those physically dependant on substances), risk to community cohesion, restricted access to services located within the area for the duration of the order (i.e. pharmacies, GP, substance misuse treatment), if for example deemed unreasonable by the enforcing officer.

### **Recommendations**

- Extend for another three years as outlined in this report - Using the information provided within this report it is clear that there is unanimous 100% support for the extension of the Public Space Protection Order beyond September 2023. Not extending the Public Space Protection Order is likely to result in:
  - a) Reduced public confidence
  - b) There is also a lack of other powers to remove alcohol
  - c) Increase in alcohol related crime
- Encourage greater data collection and the reporting of successes resulting from the Public Space Protection Order.
- Review the wording on the signage to ensure the terminology used is that as laid down in statute.
- Provide a list of signage locations to statutory and non-statutory partners to use as a guide when educating the public about the alcohol control zone/legislation.

## Appendix: 1

### PSPO Survey Questions

Table 1. Question	Responses:
<p>1. Are you aware of the current Public Space Protection Order also known as the Alcohol control zone?</p> <p>1) Yes 2) No 3) Not answered</p>	
<p>2. Which of the following applies to you in relation to the PSPO Zone?</p> <p>1) Walking through/patrol 2) Socialising 3) Resident 4) Workplace 5) Enforcing authority 6) None apply 7) Not answered</p>	
<p>3. Do you agree or disagree that the PSPO has helped to improve the quality of life for those working, living and visiting Winchester?</p> <p>1) Strongly Agree 2) Agree 3) Disagree 4) Strongly Disagree 5) No opinion 6) Not answered?</p>	
<p>4. Do you think that the PSPO has helps to reduce crime and disorder?</p> <p>1) Yes – please explain why? 2) No – please explain why? 3) No opinion 4) Not answered</p>	
<p>5. Do you think that the PSPO signage is clear?</p> <p>1) Yes 2) No 3) Don't know 4) Not answered</p>	

<p>6. Do you think the current process for managing alcohol related anti-social behaviour works?</p> <p>1) Yes 2) No – please explain why? 3) Not answered</p>	
<p>7. Do you support or oppose the proposed extension of the PSPO?</p> <p>1) Support 2) Oppose 3) Not answered</p>	
<p>8. What is your name?</p>	
<p>9. What is your organisation?</p>	
<p>10. What is your email address?</p>	

## Appendix: 2



### Public Space Protection Order - Review and Extension 2023

#### Equality Impact Assessment (EIA)

##### Data Checklist:

		Yes/No	Please provide details
1	Have there been any complaints data related to the policy or project you are looking to implement?	No	This is linked to government guidance whereby we deleted the DPPO and replaced it with a PSPO in 2018 which expires in September 2023.
2	Have all officers who will be responsible for implementing the policy or project been consulted, and given the opportunity to raise concerns about the way the policy or function has or will be implemented?	Yes	Hampshire and Isle of Wight Constabulary have been consulted and are fully supportive of the proposal to extend the current PSPO.
3	Have previous consultations highlighted any concerns about the policy or project from an equality impact perspective?	No	The original DPPO was in place from 2006 and to date we have not had any formal representation made about inequality impact.

4	Do you have any concerns regarding the	No	I have completed a report following consultation with Strategic
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	implementation of this policy or project?  <i>(i.e. Have you completed a self-assessment and action plan for the implementation of your policy or project?)</i>		Partners using the following evaluation process; surveys, anecdotal evidence in relation to the current Alcohol Control Zone, Statistics from Strategic Partners.
5	Does any accessible data regarding the area which your work will address identify any areas of concern or potential problems which may impact on your policy or project?	No	None that I am aware off.
6	Do you have any past experience delivering similar policies or projects which may inform the implementation of your scheme from an equality impact point of view?	Yes	The DPPO which will be replaced by the PSPO.
7	Are there any other issues that you think will be relevant?	No	The current scheme will continue as is under a different legislation.

<b>Directorate:</b>	<b>Your Service Area:</b>	<b>Team:</b>	<b>Officer responsible for this assessment:</b>	<b>Date of assessment:</b>
Housing Services	Housing Operations and Community Safety	Neighbourhood Services and Community Safety Team	Davina Domone-Hollands	27/07/2023

	<b>Question</b>	<b>Please provide details</b>
1	What is the name of the policy or project that is being assessed?	Alcohol Control Zone - Public Space Protection Order
2	Is this a new or existing policy?	Existing policy
3	Briefly describe the aim and purpose of this work.	To manage alcohol related ASB in public spaces via the extension of the PSPO when it comes to fruition in September 2023.
4	What are the associated objectives of this work?	To reduce the incidence of alcohol related ASB in public open space within the alcohol control zone.
5	Who is intended to benefit from this work and in what way?	All those that live, work or visit Winchester District, making it a safe environment in relation to alcohol fuelled ASB, causing alarm, harassment or distress.
6	What are the outcomes sought from this work?	As above
7	What factors/forces could contribute or detract from the outcomes?	Lack of commitment by Hampshire and Isle of Wight Constabulary to robustly implement their powers to tackle alcohol related ASB within the PSPO.
8	Who are the key individuals and organisations responsible for the implementation of this work?	Community Safety and Hampshire and Isle of Wight Constabulary - The PSPO powers can only be issued if complaints from others who feel alarmed, harassed or distressed within the alcohol control zone are received.
9	Who implements the policy or project and who or what is responsible for it?	The Community Safety Partnership carries the responsibility as statutory duty. Day to day management will be a partnership between the police and city council (licensing committee approval will be required).

		Please select your answer in <b>bold</b> . Please provide detail here.		
10a	Could the policy or project have the potential to affect individuals or communities on the basis of <b>race</b> differently in a negative way?	Y	<b>N</b>	Government guidance is clear as to when the powers should be utilised.
10b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
11a	Could the policy or project have the potential to affect individuals or communities on the basis of <b>sex</b> differently in a negative way?	Y	<b>N</b>	As above
11b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
12a	Could the policy or project have the potential to affect individuals or communities on the basis of <b>disability</b> differently in a negative way?	Y	<b>N</b>	As above
12b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO is the extension of a DPPO that came into force in 2006 and the same guidance around the use of powers will still apply.		
13a	Could the policy or project have the potential to affect individuals or communities on the basis of <b>sexual orientation</b> differently in a negative way?	Y	<b>N</b>	As above
13b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
14a	Could the policy or project have the potential to affect individuals on the basis of <b>age</b> differently in a negative way?	Y	<b>N</b>	As above

14b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
15a	Could the policy or project have the potential to affect individuals or communities on the basis of <b>religious belief</b> differently in a negative way?	Y	N	As above
15b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
16a	Could this policy or project have the potential to affect individuals on the basis of <b>gender reassignment</b> differently in a negative way?	Y	N	As above
16b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
17a	Could this policy or project have the potential to affect individuals on the basis of <b>marriage and civil partnership</b> differently in a negative way?	Y	N	As above
17b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
18a	Could this policy or project have the potential to affect individuals on the basis of <b>pregnancy and maternity</b> differently in a negative way?	Y	N	
18b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		

19	Could any negative impacts that you identified in questions 10a to 15b create the potential for the policy to discriminate against certain groups on the basis of protected characteristics?	Y	<b>N</b>	None identified
20	Can this negative impact be justified on the grounds of promoting equality of opportunity for certain groups on the basis of protected characteristics? Please provide your answer opposite against the relevant protected characteristic.	Y	<b>N</b>	Race: Sex: Disability: Sexual orientation: Age: Gender reassignment: Pregnancy and maternity: Marriage and civil partnership: Religious belief:
21	How will you mitigate any potential discrimination that may be brought about by your policy or project that you have identified above?	The PSPO is in place to reduce alcohol related Anti-Social behaviour, so that it does not impact on an individual's ability to access services. By reducing an individual's anti-social behaviour we are promoting their role as part of an inclusive society.		
22	Do any negative impacts that you have identified above impact on your service plan?	Y	<b>N</b>	

Signed by completing officer	Davina Domone-Hollands
Signed by Service Lead or Corporate Head of Service	Amber Russell

# Appendix: 3

## Alcohol Control Zone Map

