To replace current Designated Public Place Orders with a single consolidated Public Space Protection Order as required by the Anti-Social Behaviour Crime and Policing Act 2014

1. Purpose of report

   1.1 To approve the conversion of the current Designated Public Place Orders (DPPO) (Appendix A) to a consolidated Public Space Protection Order (PSPO) (Appendix B).

2. Outcomes

   2.1 The Police and Authorised Officers of the council will continue to be able to restrict the drinking of alcohol in the areas currently covered by DPPOs.

   2.2 The Police and Authorised Officers of the council, will continue to be able to prosecute members of the Public who continue to drink alcohol after being requested to stop, or fail to surrender any alcohol on request in areas currently covered by DPPOs.

   2.3 Following the introduction of the PSPO the Police and Authorised Officers of the council will also have the option to issue Fixed Penalty Notices (£100) to members of the public who continue to drink alcohol after being requested to stop, or fail to surrender any alcohol on request in areas currently covered by DPPOs.

   2.4 As part of the proposal current DPPO signs will be updated and replaced to reflect the introduction of the PSPO.

3. Recommendations

   3.1 That the proposal to convert the current DPPOs with a single consolidated PSPO is approved.
3.2 That the areas and restrictions identified in the current DPPOs are mirrored in the PSPO without change.

3.3 The consolidated PSPO shall remain in force for a period of three years from 20 October 2017 and shall then be the subject of review.

4. Background

4.1 The DPPOs identified in Appendix A were introduced in Wyre on the 11 July 2008 (order 1) and on the 1 December 2009 (order 2). The Anti-Social Behaviour, Crime and Policing Act 2014 ("the 2014 Act") repealed earlier legislation and effectively prevented the creation of new DPPOs. However, transitional provisions contained within the 2014 Act provide for DPPOs that were in force on 20 October 2014 to remain in force until 19 October 2017. From 20 October 2017, they will remain in force as if the provisions of the DPPO were provisions of a PSPO. Accordingly Wyre’s existing DPPOs can effectively convert to a PSPO on 20 October 2017.

4.2 The two DPPO orders have been converted into a single PSPO in order to simplify the description of the areas covered. The actual areas covered by the two DPPO orders, will remain the same in the consolidated PSPO.

4.3 The split between Fleetwood and Cleveleys described in the DPPO (Order 2) has been modified in the PSPO to more accurately reflect the boundary between the two towns but the actual areas covered in the DPPO has not changed.

4.4 The one difference between the DPPOs and the converted PSPO is the level of a fixed penalty notice, which has increased from £50 under a DPPO to £100 under a PSPO.

4.5 The restrictions help prevent increased anti-social behaviour associated with the drinking of alcohol to excess. The effect or likely effect of the activities is or is likely to be of a persistent or continuing nature such as to make the activities unreasonable and justifies the restrictions imposed by the Order.

4.6 Lancashire Constabulary support the conversion of existing Wyre DPPOs into a PSPO as highlighted in the letter from the Wyre Place Based Inspector, see Appendix C.

4.7 The conversion to a PSPO is administrative and does not change existing requirements or the areas covered.

5. Key issues and proposals

5.1 That all existing DPPOs identified in Appendix A, are converted to a single consolidated PSPO to enable the continued control of drinking alcohol in these areas.
5.2 The restrictions and the areas covered within each DPPO will be inserted into the replacement PSPO without alteration.

5.3 The Police and Authorised Officers, will continue to be able to prosecute for the failure to comply with a request to stop drinking or failure to surrender any alcohol on request, in areas currently covered by DPPO’s.

5.4 The Police and Authorised Officers, will also be able to issue fixed penalty notices (£100) for the failure to comply with a request to stop drinking, or failure to surrender any alcohol in areas currently covered by DPPOs.

6. Delegated functions

6.1 The matters referred to in this report are considered under the following executive function delegated to the Neighbourhood Services and Community Safety Portfolio Holder (as set out in Part 3 of the council’s constitution): “To drive initiatives which affect the Council in relation to the enhancement of community safety throughout Wyre and to seek to create a safe and secure environment for the whole community through the reduction of crime and fear of crime”

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<td>Signs will need to be updated or replaced to reflect the new legislation. The cost of any changes will be found from existing community safety budgets. Where a fixed penalty notice is issued the funding will be retained within community safety. For budget purposes there is no expectation of any immediate income from such notices and this will be reviewed during the year.</td>
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<td>As the DPPOs are still in force on 20 October 2017 they will effectively convert to a PSPO and, under Section 75 of the 2014 Act, the provisions of the DPPO have effect as if they were the provisions of a PSPO. The PSPO will need to be advertised on the Council website and signs will also need to be updated or replaced to draw attention to members of the public of the existence of the PSPO. The PSPO can remain in force for a period of three years from 20 October 2017.</td>
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Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

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<tr>
<td>Neil Greenwood</td>
<td>01253 887410</td>
<td><a href="mailto:Neil.greenwood@wyre.gov.uk">Neil.greenwood@wyre.gov.uk</a></td>
<td>28 September 2017</td>
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List of background papers:

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List of appendices

Appendix A – Current Designated Public Place Orders
Appendix B – Draft Consolidated PSPO
Appendix C – Letter of support from the Wyre Place Based Inspector for Lancashire Constabulary

Arm/ph/ne/cr/17/0011ng1 fv
Wyre Borough Council
Criminal Justice and Police Act 2001

ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES IN THE
AREA OF WYRE BOROUGH COUNCIL (No 1) ORDER 2008

Wyre Borough Council ("the Council") hereby makes the following Order,
pursuant to Section 13(2) of the Criminal Justice and Police Act 2001 ("the
Act"):

1 The land described in the Schedule below and shown edged in blue
and coloured green on the maps attached to this Order, being a public
place in the area of the Council which is public space in which the
consumption of alcohol has been associated with disorder, nuisance
or annoyance to members of the public or a section of the public, is
hereby designated for the purposes of section 13(2) of that Act

2 This Order may be cited as the Alcohol Consumption in Designated
Public Places in the area of Wyre Borough Council (No 1) Order 2008
and shall come into force on 11th July 2008.

Schedule

Poulton-le-Fylde

The area shown green on the attached map which is bounded by a line
starting on Queensway and incorporating Tithebarn Street as far as the
railway bridge. The line then follows the railway line up to the railway bridge
on Station Road. The line then follows Station Road until the Junction with
Higher Green but includes Lower Green up to the Junction of Garstang Road
East. The line follows Higher Green, along Hardhorn Road, including
Elizabeth Court until the entrance of Hardhorn Car Park. The line encloses the
car park and joins Blackpool Old Road before joining Queensway.

Cleveleys

The area shown green on the attached map bounded by a line along South
and North Promenade (including the beach) between the junctions with
Kingsway and Thornton Gate. The line then follows Thornton Gate to Rossall
Road. The line goes along Rossall Road and Crescent East and West until
the junction with Kingsway. The line then follows Kingsway to the junction with
South Promenade.

Fleetwood

The area shown green on the attached plan bounded by a line running along
the beach adjacent to the Outer Promenade, The Esplanade, Queens Terrace
and Dock Street, starting adjacent to Carr Road Road, the Esplanade,
Queens Terrace, and Dock Street to a point opposite the junction with Station
Road. From this point the line includes Station Road and then follows Copse Road until a point adjacent to Flakefleet Avenue. The line then follows Flakefleet Avenue and up Fleetwood Road to the Westview roundabout. From this roundabout the line follows Chatsworth Avenue to Princess Way. The line then follows the beach adjacent to Princess Way until a point opposite the junction with Grange Road. The line then follows Grange Road back to the Westview roundabout. From this point the line follows Hatfield Avenue, then Highbury Avenue to Poulton Road. The line then travels in an easterly direction up Poulton Road to the Junction with Carr Road and then up Carr Road to the starting point.

Dated 30th June 2008

The Common Seal of the Wyre Borough Council

Was hereunto affixed in the presence of

____________________
Wyre Borough Council
Criminal Justice and Police Act 2001

ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES IN THE
AREA OF WYRE BOROUGH COUNCIL (No 2) ORDER 2009

Wyre Borough Council ("the Council") hereby makes the following Order, pursuant to Section 13(2) of the Criminal Justice and Police Act 2001 ("the Act"):

1 The land described in the Schedule below and shown edged in red and coloured green on the maps attached to this Order, being a public place in the area of the Council which is public space in which the consumption of alcohol has been associated with disorder, nuisance or annoyance to members of the public or a section of the public, is hereby designated for the purposes of section 13(2) of that Act

2 This Order may be cited as the Alcohol Consumption in Designated Public Places in the area of Wyre Borough Council (No 2) Order 2009 and shall come into force on 1 December 2009.

Schedule

Garstang

An area bounded by a line passing down High Street from the junction with Wyre Lane to Park Hill Road. Passing down Park Hill Road, enclosing the leisure centre car park and skateboard park to Moss Lane Up Moss Lane enclosing the playing fields returning down Church Street to Bridge Street. Along Bridge Street to the River Wyre. The line then follows the River Wyre to a point opposite Wyre Lane and along this lane to the starting point on High Street.

Fleetwood

An area bounded by a line running along the beach opposite Grange Road to a point opposite Carr Road. The line then passes down Carr Road to Poulton Road. The line then proceeds along Poulton Road, Highbury Avenue and Hatfield Avenue to the West View Roundabout and up Grange Road to the Starting Point.

Cleveleys

An area bounded by a line running along the beach from a point opposite Thornton Gate to a point opposite Grange Road. The line then returns to include the Promenade, Outer Promenade, Rossall Promenade and North Promenade to the junction with Thornton Gate.
Dated

The Common Seal of the Wyre Borough Council

Was hereunto affixed in the presence of
This Order is made by Wyre Borough Council (The Council) under the Anti-Social Behaviour, Crime and Policing Act 2014, Section 59 (“The Act”).

1. This Order relates to the public spaces within the area edged in red on the maps which appears at Appendix 1, being public spaces in the Council’s area to which the Act applies (“the restricted area”)

2. The Council is satisfied that the two conditions below have been met, in that:-

   a) activities carried on in the restricted area as described below have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the restricted area and they will have such an effect;
   b) the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed by the Order.

3. The effect of the Order is to impose the following prohibitions and/or requirements:

   - No person shall refuse to stop drinking alcohol, or refuse to hand over containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer in order to prevent a public nuisance or disorder.

4. Any person who without reasonable excuse continues drinking alcohol in the restricted area when asked to desist by a police officer, Police Community Support Officer or authorised person from the Council under Section 63 of the Act or fails to surrender any intoxicating liquor in their possession when asked to do so by a Police Officer, Police Community Support Officer or authorised person from the Council under section 63 of the Act commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale
Appendix B

(currently £500) or in the receipt of a fixed penalty notice to a penalty of a maximum of £100.

5. Nothing in Articles 3 and 4 shall apply to:

(1)(a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;

(b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;

(c) a place within the curtilage of premises within paragraph 5(1)(a) or 5(1)(b);

(d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;

(e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).

(2) Council-operated licensed premises—

(a) when the premises are being used for the supply of alcohol, or

(b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

(3) In this Article—

“club premises certificate” has the meaning given by section 60 of the Licensing Act 2003;

“premises licence” has the meaning given by section 11 of that Act;

“supply of alcohol” has the meaning given by section 14 of that Act.

(4) For the purposes of this Article, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and—

(a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or

(b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

6. The Order shall come into force on the 20 October 2017 and remain in place for a period of 3 years

Dated 2017

Signed

............................................................

0011ng1 latest Appendix B1
Appendix B

PSPO Schedule

Poulton Le Fylde

The area shown red on the attached map which is bounded by a line starting on Queensway and incorporating Tithebarn Street as far as the railway bridge. The line then follows the railway line up to the railway bridge on Station Road. The line then follows Station Road until the junction with Higher Green but includes Lower Green up to the junction of Garstang Road East. The line follows Higher Green, along Hardhorn Road, including Elizabeth Court up until the junction with Wheatsheaf Way (previously known as Hardhorn car park and referred to in Wyre Borough Council’s Designated Public Places Order made on 11 August 2008). The line encloses the car parks and joins Blackpool Old Road before joining Queensway.

Cleveleys

The area shown in Red on the attached map bounded by a line along South and North promenade and the promenade (including the beach) between the junction with Kingsway up to and including the last property on the Promenade (No 56) before you reach the boundary with Rossall School. The line then returns to the Thornton Gate Junction. The line then follows Thornton Gate to Rossall Road. The line goes along Rossall Road and Crescent East and West until the junction with Kingsway to the junction with South Promenade.

Fleetwood

An area bounded by a line running along the beach from the junction with Chatsworth Avenue towards Marine Parade to the last property on the Promenade (No 56) at Cleveleys just after the boundary with Rossall School. The line then returns to include Rossall Promenade (including Fleetwood Golf Club), Outer Promenade, The Esplanade, Queens Terrace, and Dock Street to a point opposite the junction with Station Road. From this point the line includes Station Road and then follows Copse Road until a point adjacent to Flakefleet Avenue. The line then follows Flakefleet Avenue and up to Fleetwood Road to the Westview roundabout. From this roundabout the line follows Chatsworth Avenue to the starting point.

Garstang

An area bounded by a line passing down High Street from the junction with Wyre Lane to Park Hill Road, enclosing the leisure centre car park and skateboard park to Moss Lane up Moss Lane enclosing the playing fields returning down Church Street to Bridge Street. The line then goes along Bridge Street to the river Wyre. The line then follows the river Wyre to a point opposite Wyre Lane and along this lane to the starting point on High Street.
30th September 2017

Mr Neil Greenwood,
Wyre Council.

Civic Centre,
Breck Road,
Poulton-le-Fylde,
FY6 7PU

Dear Sir,

I am the Place Based Inspector for Lancashire Constabulary based at Fleetwood Police Station and am writing this letter to support your efforts relating to the introduction of Public Space Protection Orders in Fleetwood, Cleveleys, Poulton and Garstang in Wyre.

Previously the use of designated areas for consumption of alcohol have been very effective and I would certainly like to see the introduction of PSPO’s.

Yours Faithfully

Jonathan Smith
Wyre Place Based Inspector
Tel 01253 604449
Email: Jonathan.Smith@lancashire.pnn.police.uk