



## **PUBLIC SPACE PROTECTION ORDERS**

### **FREQUENTLY ASKED QUESTIONS**

#### **What is a PSPO?**

The Public Space Protection Order is not a total ban on drinking in public places but makes it an offence to carry on drinking when asked to stop by a police officer. This power should only be used in circumstances where antisocial behaviour is occurring or is likely to occur. The penalty for breaching this order is normally a Fixed Penalty Ticket or a fine of up to £500 on conviction.

#### **How is it legal?**

The Antisocial Behaviour Crime and Policing Act 2014 allows councils to introduce these orders, after consultation with communities and other interested parties. The orders must be reviewed every three years to ensure they are still necessary.

#### **Is it a ban on drinking alcohol?**

No. A drinker's behaviour is the consideration in any action taken by those who enforce the order. It is not intended that those who are sensibly drinking will be subjected to these order's requirements. Home Office guidance reinforces this.

#### **Are people still able to drink outside of pubs?**

Yes. The PSPO does not make it illegal to drink alcohol in a public place. However a person could risk prosecution if they stray beyond the legal boundary of a licensed premises or are in contravention of the conditions attached to the licensed premises and they do not stop drinking if asked to do so by those empowered to enforce the order.

#### **Does the PSPO apply to alleyways and streets?**

Yes. A public place is any such place to which the public has access. Such public places include streets, parks and open spaces. Private land is not covered by this legislation.

## **What about street parties and events in parks?**

Events which take place in a public place and have been authorised by a premises license, or a temporary events notice will be excluded from the PSPO powers.

## **Were any additional police officers employed to enforce the order?**

No. There are no extra police officers to deal with this order.

## **What other powers do the police have to deal with alcohol related crime and disorder?**

A police officer can issue a direction to leave a locality to an individual aged at least 10 who is in a public place and who presents a risk of alcohol related crime and disorder under the Crime and Policing Act 2014. The effect of the order prohibits their return to the locality for up to 48 hours and failure to comply is a criminal offence punishable with a fine of up to £2,500. In addition the Confiscation of Alcohol (Young Persons) Act 1997 allows the police to seize alcohol from under 18s in public places.

## **Exclusions to the PSPO**

The following premises will be excluded from the designated public place under the proposed order and therefore the order WILL NOT apply to them:

- Premises with a premises licence under the Licensing Act 2003 authorising the sale / supply of alcohol.
- Premises with a club premises certificate under the Licensing Act 2003 authorising the sale / supply of alcohol.
- Places within the curtilage of any premises with a premises licence or club premises certificate.
- Premises that are subject to a temporary event notice. NB the proposed order will not apply only at times when alcohol is being served under the notice and 30 minutes thereafter. Outside of this the order will apply.
- Places where the sale or consumption of alcohol is permitted on the public highway under section 115E of the Highways Act 1980.

In the case of premises where the premises licence is held by the local authority or the licence is held by another person but the premises are occupied by or managed on behalf of the local authority, then the premises would not be within a designated public place under the proposed order at the time when alcohol is being sold or supplied, in accordance with the premises licence and within 30 minutes thereafter. At other times, such premises would be designated public places identified by the order. (At the time of consultation there are no such premises in North East Lincolnshire.)

**Do we have any PSPOs in our area now?**

Yes. We have seven covering the following ward areas – South, Park, Sidney Sussex, Croft Baker, East Marsh, Heneage and West Marsh. They now require a review to ensure they are still necessary.

**Do they work?**

The police currently use the powers at their discretion to confiscate alcohol where necessary. No fixed penalty notices have been issued in the current PSPO areas of Grimsby and Cleethorpes in the last 12 month period. To some extent this is due to compliance of the individuals when approached by the police and usage of the “direction to leave” legislation as previously explained.

**Where can I find further information?**

Further information can be found on the North East Lincolnshire Council website at <http://www.nelincs.gov.uk/environment-and-community-safety/community-safety/anti-social-behaviour/> or alternatively telephone 01472 325939.