

Report for: Service Delivery and Continuous Improvement PDG

Date of Meeting:	15 September 2025
Subject:	Public Spaces Protection Order – Alcohol Prohibition, Crediton Town.
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Service Delivery and Continuous Improvement
Responsible Officer:	Luke Howard, Environment and Enforcement Manager Matthew Page, Head of People, Performance and Waste
Exempt:	N/A
Wards Affected:	Crediton Boniface and Crediton Lawrence
Enclosures:	Appendix 1 – Proposed Public Spaces Protection Order Appendix 2 – Map of proposed alcohol prohibition within Crediton

Section 1 – Summary and Recommendation(s)

- (1) For the Service Delivery and Continuous Improvement PDG to consider recommending that Cabinet considers issuing a Public Spaces Protection Order under the powers given to the Council by the Anti-Social Behaviour, Crime and Policing Act 2014 to tackle anti-social behaviour associated with public consumption of alcohol in Crediton Town Centre. The proposed Public Spaces Protection Order (the “Crediton Order”), can be found at Appendix 1 of this report, prohibiting the consumption of alcohol in areas located in Crediton Town Centre as highlighted in the plan at Appendix 2.
- (2) The process of issuing a Public Spaces Protection Order involves statutory consultation, publicity and notification of the order itself.

- (3) Delegated authority is sought for: a) to carry out the statutory processes and b) to consider whether to issue the order in the light of the statutory consultation responses.

Recommendations

That the Service Delivery and Continuous Improvement PDG considers recommending to Cabinet that they make the following resolutions:

- 1. On being satisfied that the statutory grounds for making the Crediton Order are met, the Cabinet to authorise the Operations Manager for Street Scene and Open Spaces to carry out the necessary statutory consultation, publicity and notification for the proposed Crediton Order.**
- 2. The Cabinet to grant delegated authority to the Director of Legal, HR & Governance (Monitoring Officer) to draft the Crediton Order to go out to consultation.**
- 3. The Cabinet to grant delegated authority to the Operations Manager for Street Scene and Open Spaces, in consultation with the Cabinet Member for Service Delivery and Continuous Improvement, to then:**
 - consider the responses to the necessary consultation, publicity and notification**
 - decide, in light of the responses received to the consultation, whether to not proceed with the order if there are numerous material objections, or to authorise the Director of Legal, HR and Governance (Monitoring Officer) to seal the order**
 - authorise the Director of Legal HR and Governance (Monitoring Officer) to make any minor amendments to the draft of the Crediton Order prior to sealing**

Section 2 – Report

1.0 Introduction

- 1.1 Under the Anti-Social Behaviour, Crime and Policing Act 2014 (2014 Act), councils can make a Public Spaces Protection Order (PSPO) after consultation with the Police, the Police and Crime Commissioner, the owner or occupier of land in the restricted area and other community representatives as they see fit to consult.**
- 1.2 PSPOs are designed to stop individuals or groups committing anti-social behaviour in a public space. In a PSPO, a council can set the restrictions and requirements it wants in a public space. These can be blanket restrictions or requirements, or alternatively can be targeted against certain behaviours by certain groups at certain times. A PSPO can restrict**

access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour. PSPOs can be enforced by a police officer and authorised council officers.

1.3 A local authority can only make a PSPO in its own area if it is satisfied on reasonable grounds that the behaviour being restricted is:

- having, or be likely to have, a detrimental effect on the quality of life of those in the locality;
- be persistent or continuing in nature; and
- be unreasonable

1.4 A PSPO can last for a period of up to three years. Orders may also be varied or discharged by the local authority at any time during their validity.

1.5 Before making a PSPO, a local authority must observe certain "necessary" consultation, publicity and notification requirements.

1.6 Local authorities must openly and publicly consult with:

- The chief officer of police, and the local policing body, for the police area that includes the restricted area
- Any community representatives the local authority considers it appropriate to consult with
- Where practicable the owner or occupier of land within the restricted area. This should include the relevant county council where they are the Highway Authority

1.7 Local authorities must notify the following authorities of a proposed PSPO:

- The parish council or community council (if any) for the area that includes the restricted area
- Where the PSPO is made, or will be made by a District Council in England, the County Council (if any) for the area that includes the restricted area

1.8 There are also publicity requirements that have to be complied with when making a PSPO.

1.9 Failure to comply with a PSPO prohibition or requirement is normally an offence. However, consuming alcohol in breach of a PSPO is not an offence as such. Instead a Constable, PCSO or authorised person who reasonably believes that a person is consuming (or intends to consume) alcohol in breach of the PSPO has the power to require them not to consume the alcohol and/or to surrender anything in their possession which they reasonably believe to either be alcohol or a container for alcohol. A failure to comply is an offence, which on summary conviction attracts a fine not exceeding level 2 on the standard scale (currently

£500). Offences may also be disposed of by way of a fixed penalty notice of up to £100, payable to the local authority.

2.0 The Proposed Crediton Order

- 2.1 The proposed Crediton Order, contained at Appendix 1, prohibits alcohol consumption taking place within Public Spaces in the roads and areas located in Crediton Town centre as shown on the plan at Appendix 2 of this report.
- 2.2 A Public Space is land which is open to the air (including covered land which is open on at least one side) and to which the public are entitled and permitted to have access, with or without payment.
- 2.3 Prohibitions on alcohol consumption in the Crediton PSPO will not apply to any part of a licensed premises, including beer gardens and terraces, with the expectation that the management of those premises will control the consumption of alcohol within the curtilage of their premises, under threat of a licence review if they failed to do so. Public spaces which are licensed for the sale of alcohol (e.g. parks licensed for events) are also exempted at times when alcohol is being lawfully sold there.

3.0 Reasons for Recommendations

- 3.1 Since the 10 September 2023 Devon and Cornwall Police have recorded twenty seven incidents reported directly to them regarding anti-social behaviour experienced by members of the public from street drinkers.
- 3.2 Of these reports, twenty five date from March 2024 to November 2024, when the last data set was generated. This indicates a significant rise in ASB from street drinkers within the area over the course of nine months.
- 3.3 The local neighbourhood Policing team have specifically requested we introduce this PSPO as an extension of their current powers. It is felt this will enable them to better disperse street drinkers and take swift and appropriate action against non-compliance.
- 3.4 The majority of these ASB incidents have taken place in the proposed alcohol prohibition area (see Appendix 2 plan).

4.0 Consultation and publicity

- 4.1 It is proposed to consult with:
 - Crediton Town Council
 - Sector inspector Mid Devon representing Devon and Cornwall Police as delegate for Chief Officer
 - Police and Crime Commissioner
 - Relevant town and District elected members
 - Devon County Council
 - Chamber of commerce for Crediton

- The owners of the land affected

5.0 Other Legal Considerations

5.1 The Council is required to have regard to the European Convention on Human Rights and in particular Articles 10 and 11. In deciding whether to make the Crediton Order, the 2014 Act says the Council must have particular regard to the rights of freedom of expression, and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

5.2 The need to "have particular regard" to Articles 10 and 11 suggests that Parliament in passing the 2014 Act has sought to give these rights an elevated status in relation to deciding whether to make a PSPO.

5.3 Article 10: freedom of expression reads as follows:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

5.4. Article 11: freedom of assembly and association reads as follows:

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

5.5 These qualified rights may be legitimately interfered with in the interests of public safety, the prevention of crime and disorder and in accordance with the law. When considering whether to proceed with the Crediton PSPO the

Council must balance the rights and freedoms of individuals against the needs of the wider community. Officers consider that subject to consultation the balance is in favour of making the Crediton PSPO as the wider community will benefit significantly from the protection of the Crediton PSPO and there will only be a relatively limited interference with individuals' rights and freedoms.

6.0 Conclusion

- 6.1 Officers believe that there are reasonable grounds to suggest that incidents of anti-social public consumption of alcohol in the areas identified are of such a nature that they have had, and are likely to have, a detrimental effect on the quality of life of the public in the Crediton town centre.
- 6.2 Unfortunately, even though the majority of people do not create the issues identified, the continuing nature of the irresponsible behaviour by a minority group, and the adverse impact this is having on the public, justify the imposing of the restrictions as proposed in the Crediton Order.

Financial Implications

Whilst a consequence of enforcement may be an increase in Fixed Penalty Notices, income generation is not a reason for introducing a new PSPO.

Legal Implications

The statutory test considers the impact of the activity on the grounds that it has Have had, or be likely to have, a detrimental effect on the quality of life of those in the locality; Be persistent or continuing in nature; Be unreasonable; and Justify the restrictions imposed by the notice. It is believed the proposals fulfil this test and current behaviours are having a detrimental effect on the quality of life within the area in a persistent and continuing nature. It is not believed the prohibition of alcohol is unreasonable within the scope of this proposal and it is justified as a means to extend Policing powers to manage the issues.

Risk Assessment

All enforcement of this order will be an extension of Policing powers. This report does not propose to utilise officer time for enforcement. The Council is a conduit for the implementation of the legislation.

Impact on Climate Change

This report is not considered to have any bearing on climate change or climate impact.

Equalities Impact Assessment

An updated Equality Impact Assessment will be undertaken after the consultation proposed in the Report and prior to any decision whether to make the Crediton Public Space Protection Order

Relationship to Corporate Plan

This report aims to tackle issues relating to specific ASB concerns. This aligns with the corporate plan to create safer environments for communities to live in.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151 Officer

Date: 4.9.25

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 4.9.25

Chief Officer: Andrew Jarrett

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 4.9.25

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 05.09.2025

Cabinet member notified: (yes)

Section 4 - Contact Details and Background Papers

Contact: Luke Howard, Environment and Enforcement Manager

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Telephone: 01884 255255

Background papers: None