Reform of anti-social behaviour powers

Drunken behaviour in public places

What is the issue?

People consuming alcohol and behaving anti-socially can prevent others in the community from using and enjoying shared public spaces. There are many examples across England and Wales where councils have worked closely with the police to designate ‘no drinking zones’ to ensure public spaces are welcoming to all. In most cases, it is not the actual drinking which is anti-social, but the behaviour that follows. This can involve littering, swearing, fighting and public urination.

It may be easier to identify some likely areas than others. For example, the area between a railway station and football ground on match day is likely to be an area where alcohol is consumed, leading to a number of other issues, such as urination in people’s gardens. Many councils have already made these areas ‘no drinking zones’ so that the police can challenge anti-social individuals more effectively on match day. Likewise, some parks or street corners can become hubs for drinkers who harass or intimidate those passing by.

However, other areas may require a more tailored solution. For example, a local park may be used by the local community for picnics during the summer but have problems with alcohol-related anti-social behaviour in the evenings when groups hang around. In these circumstances, councils can work with the police to find a solution that allows the law abiding majority to enjoy responsible drinking while penalising only those who behave irresponsibly.

How the new powers can be used

Public spaces protection order (PSPO): The PSPO can be used to deal with the consumption of alcohol where it is, or is likely to be, detrimental to the local community’s quality of life, by imposing conditions on the use of that area which apply to everyone.

For example, where groups regularly congregate in a park to consume alcohol, resulting in their behaviour having a detrimental effect on the area, the council can make a PSPO prohibiting the consumption of alcohol, either at all times or during specific times when the problem is more likely to occur, say after 6pm.

Before making a PSPO, the council should consider whether the problem will simply be displaced elsewhere as a result. Working with the police, partner organisations and charities to establish whether other prevention or support measures are needed, for example, if the problem
is caused by rough sleepers, also helps the council develop a more manageable long term solution.

**Dispersal Powers:** There may continue to be a minority of individuals who comply with an officer’s request to dispose of alcohol, only to wait until that officer has left the area and begin to drink again. As the individual is not committing an offence, there has historically been little that the council or police can do.

In the case of an anti-social drinker, the officer can seek to address the situation through the new dispersal power, available not only to the police, but also police community support officers who may well be the ones dealing with the issue as part of their wider neighbourhood role.

**Injunction to Prevent Nuisance or Annoyance (IPNA):** Where alcohol dependency is an issue, the police or council may wish to consider the new IPNA. This would allow them to request that the court attach a requirement to the IPNA to try and assist the individual in changing their pattern of behaviour.

This means that problem drinking should become easier for local agencies to deal with. The new powers are flexible enough to allow professionals to tailor an enforcement approach that ensures local communities are able to enjoy their public spaces.