



## **Communities and Equalities Scrutiny Committee**

Date: Tuesday, 11 January 2022

Time: 10.00 am

Venue: Council Chamber, Level 2, Town Hall Extension

This is a **Supplementary Agenda** containing additional information about the business of the meeting that was not available when the agenda was published

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## **Membership of the Communities and Equalities Scrutiny Committee**

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**Councillors** - Hacking (Chair), Azra Ali, Shaukat Ali, Andrews, Battle, Chambers, Connolly, M Dar, Douglas, Evans, Grimshaw, Hilal, Hussain, S Judge, Rawson, Sheikh, Whiston, Wills and Wilson

## Supplementary Agenda

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6. **Proposed Public Spaces Protection Order - restricting alcohol consumption in public places** 3 - 78

Report of the Head of Compliance, Enforcement and Community Safety and Community Safety Lead, Compliance, Enforcement and Community Safety

This report provides information about the outcome of the statutory consultation regarding the potential introduction of a Public Spaces Protection Order (PSPO) to restrict the consumption of alcohol in public places and proposes the introduction of a new PSPO.

## Further Information

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For help, advice and information about this meeting please contact the Committee Officer:

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This supplementary agenda was issued on **Wednesday, 5 January 2022** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

**Manchester City Council  
Report for Information**

**Report to:** Communities and Equalities Scrutiny Committee – 11 January 2022

**Subject:** Proposed Public Spaces Protection Order – restricting alcohol consumption in public places

**Report of:** Head of Compliance, Enforcement and Community Safety and Community Safety Lead, Compliance, Enforcement and Community Safety

### Summary

This report provides information about the outcome of the statutory consultation regarding the potential introduction of a Public Spaces Protection Order (PSPO) to restrict the consumption of alcohol in public places and proposes the introduction of a new PSPO.

### Recommendations

The Communities and Equalities Scrutiny Committee is invited to consider and comment on the contents of the report and endorse the proposed decision to make a City Wide PSPO to restrict alcohol consumption in a public place.

**Wards Affected:** All wards

**Environmental Impact Assessment** - the impact of the issues addressed in this report on achieving the zero-carbon target for the city

There is no direct impact on achieving zero carbon from the implementation of the PSPO

<b>Manchester Strategy outcomes</b>	<b>Summary of how this report aligns to the OMS</b>
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	
A highly skilled city: world class and home grown talent sustaining the city's economic success	
A progressive and equitable city: making a positive contribution by	

unlocking the potential of our communities	
A liveable and low carbon city: a destination of choice to live, visit, work	This report will highlight how Public Spaces Protection Orders can support the maintenance of neighbourhoods as a clean, safe, attractive and cohesive destination of choice for people to live, visit and work.
A connected city: world class infrastructure and connectivity to drive growth	

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### Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy of the documents, please contact one of the contact officers above.

- Community Safety Strategy 2018/21
- Home Office Anti-social behaviour powers – statutory guidance for frontline officers (January 2021)
- Transitioned Designated Public Places Orders

## 1.0 Introduction

- 1.1 This report provides details of the consultation on a proposed Public Spaces Protection Order to restrict the consumption of alcohol in public places across the city of Manchester, excluding the majority of the city centre (GMP policing boundary) which has a separate PSPO. This report includes a summary of the early engagement that led to the statutory consultation, the findings from the consultation and the rationale for the resulting proposed order. Please note 'street drinking' for the purpose of this consultation is described as people drinking alcohol in a public place, for example a street or a park. Places legally exempt from PSPOs include licensed premises such as public houses, bars or cafe outdoor areas and licensed organised public events.

See **Appendix 1** for the premises and places where the proposed PSPO would not apply.

## 2.0 Background

- 2.1 To achieve our strategic objectives of a safe, clean and welcoming city the Council and the police use a wide range of informal and formal powers to protect the public and tackle crime and anti-social behaviour. These measures include community resolution, warnings, Acceptable Behaviour Agreements, Community Protection Notices, ASB Injunctions, Dispersal powers, arrests, prosecution and Criminal Behaviour Orders, alongside appropriate offers of intervention and support.
- 2.2 Several areas of the city have previously been subject to PSPOs to restrict street drinking. These PSPOs were originally introduced as Designated Public Place Orders (DPPOs) between 2001 and 2010. As a result of the enactment of the Anti-social Behaviour, Crime and Policing Act 2014 all DPPOs transitioned into PSPOs in October 2017 and ceased to have effect in October 2020. These PSPOs imposed restrictions on street drinking and made it an offence to fail to comply with a request from a police officer to refrain from drinking and/or surrender alcohol. Areas covered by the transitioned Orders include Oxford Road corridors, Rusholme and Fallowfield, Sportcity, Withington and Wythenshawe.
- 2.3 The Council and Greater Manchester Police regularly receive reports and witness street drinking associated with crime and antisocial behaviour which has a detrimental impact on the quality of life of some of those living, visiting or working in our neighbourhoods. The types of behaviours associated with street drinking include people urinating and defecating in public spaces, littering, verbal abuse and fighting resulting in people feeling harassed, intimidated, distressed and anxious.
- 2.4 A PSPO is a place based order which is intended to control or restrict activities, within a specific area, which are having, or may have, a detrimental effect on the quality of life of those in the vicinity. The terms of a PSPO can prohibit or require particular acts. They can apply to particular groups or to the public as a whole.

Under section 59 of the 2014 Anti-Social Behaviour Crime and Policing Act, local authorities must be satisfied on reasonable grounds that each type of activity included in an Order;

- has a detrimental effect on the quality of life of those in the locality (or it is likely that activities will take place and have such an effect)
- is (or is likely to be) persistent and continuing in nature
- is (or is likely to be) unreasonable
- the effect of the behaviour justifies the restrictions to be imposed

A PSPO that restricts alcohol consumption does not create a blanket ban on people drinking alcohol in public places. People are allowed to meet outside for a social drink. A breach of the Order occurs when an authorised person or a constable asks a person to stop drinking alcohol or surrender their alcohol and they fail to comply. If the person complies with the request no further enforcement action is taken.

The sanction for breaching a prohibition or requirement included in a PSPO is solely a financial penalty. The consequences of breaching a PSPO that restricts alcohol consumption are a Fixed Penalty Notice (£100) or a prosecution resulting in a criminal conviction and a fine of up to £500 if the individual is found guilty of the offence. There is no provision for a community order, for positive requirements to be attached to a breach of the order or a custodial sentence. Prior to introducing a PSPO the Council is legally obliged to publish the text of the proposed order and consult with;

- the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- whatever community representatives the local authority thinks it appropriate to consult; and
- the owners or occupiers of land within the restricted area.

A PSPO can last for up to three years. Before a PSPO expires it must be reviewed and if the review supports an extension, it may be extended for up to a further three years. There is no limit on the number of times an Order can be reviewed and extended. PSPOs can also be varied or discharged. When PSPOs are varied, extended or discharged, there are statutory requirements regarding publishing or publicising this and councils are required to undertake a further consultation process.

### **3.0 Early Engagement**

- 3.1 Prior to the statutory PSPO consultation commencing officers engaged with partners and key stakeholders to help understand the prevalence of street drinking in Manchester, the potential association with crime and anti-social behaviour and how individuals and communities were impacted or not by street drinking in their local area.
- 3.2 From 26 June 2020 to 27 July 2020 an online informal public survey was undertaken which received 450 responses. The survey asked Respondents

how problematic or not street drinking was in their area. Outside of the city centre the survey identified 320 locations in Manchester where street drinking was deemed to be problematic and 78 locations where street drinking was not a problem. A copy of the survey analysis can be found at **Appendix 2**.

- 3.3 Officers considered Council and Greater Manchester Police data and information to help identify areas of Manchester where street drinking and associated anti-social behaviour caused a detrimental effect on the quality of life of people within the locality. The information shared with the public as part of the informal consultation can be found at **Appendix 3**.

#### **4.0 Statutory PSPO Consultation**

- 4.1 The early engagement with partners and key stakeholders evidenced the need to further explore the option of introducing a PSPO/s to restrict the consumption of alcohol. The Council undertook a statutory consultation from 9<sup>th</sup> March 2021 to 31<sup>st</sup> May 2021. Information and an online survey were published on the Council's website. In accordance with relevant guidance the information included;

- Why the Council was undertaking the consultation together with a summary of the evidence
- A draft PSPO including the proposed behaviours and requirements
- The consequences of breaching a PSPO
- The right to appeal a PSPO

- 4.2 The survey included closed questions regarding the proposed order and a free text field to allow Respondents to provide additional feedback. Respondents were given the option to choose which questions they answered.

The draft proposed order which was the subject of the consultation and listed the prohibitions and requirements under consideration can be found at **Appendix 4**.

- 4.3 Awareness of the consultation was promoted extensively through a communications and stakeholder plan. Methods of communication included social media and promotion within ward networks. The consultation was promoted on the council's social media channels and website. Officers undertook on street engagement with members of the public to raise awareness of the consultation in North, Central and South areas and completed surveys with people who did not have access to the internet.

- 4.4 In addition awareness of the consultation was raised through resident and business groups, councillors, licensed premises, the Community Safety Partnership, Homelessness Partnership, Macc and members of the Safety, Violence and Policing Meeting (voluntary and community organisations), Manchester's housing providers, Street Engagement Hub, the faith network, safeguarding boards, taxi licensing, hate crime reporting centres and other Integrated Neighbourhood Management partners. Young people and students were informed of the consultation through contact with Young Manchester,

youth providers, Manchester College, Manchester Universities and the Student Safety Group.

Consultation took place with all statutory consultees.

- Greater Manchester Police
- Police and Crime Commissioner
- Community representatives and Owners/Occupiers of Land

## **5.0 Statutory Consultation Responses**

5.1 The consultation survey was open to the public including community representatives and owners and occupiers of land. The Police and Crime Commissioner and Greater Manchester Police have also been consulted. During the survey period 334 responses and 6 written submission were received. However, 58 of the responses related to the city centre and 2 related to outside of Manchester. These responses were excluded resulting in analysis of 274 responses.

5.2 The survey responses are summarised with reference to the broad geographical areas where Respondents choose to provide feedback about. These areas include North, Central and South Manchester. Separately 7 people commented about an area that we were unable to identify and 15 people provided feedback about the whole of Manchester.

### **5.3 North Manchester (130 survey responses)**

96 (74%) respondents were resident in the area  
 27 (16%) respondents worked in the area  
 7 (5%) respondents visited the area  
 5 (4%) respondents owned or managed a business in the area  
 1 (1%) other

The areas highlighted by Respondents providing feedback about North Manchester were Heaton Park, Cheetham Hill, Harpurhey, Cutting Room Square, New Islington and the Etihad. 105 (81%) respondents visited the area almost every day and 124 (95%) respondents had observed street drinking in the area in the past two years. 98 (76%) respondents reported that street drinking took place daily or several times a week. 83 (64%) respondents described street drinking as a major problem and 32 (25%) respondents described it as a minor problem. 12 (9%) respondents said street drinking was not a problem and 3 (2%) respondents did not know if street drinking was a problem or not. 113 (87%) respondents thought street drinking was an ongoing problem and 17 (13%) respondents said the problems with street drinking were not continuing. Afternoons and evenings were identified as the times of day when street drinking took place and the main associated behaviours were littering, noise, urination and groups congregating. The main impacts of the behaviour were concerns about the area looking untidy, feeling unsafe and feeling afraid and intimidated. 17 (13%) respondents said they were not affected by the behaviour. Overall, 108 (83%) respondents were in



support of a PSPO to help control street drinking and 17 (13%) respondents opposed the introduction of a PSPO.

#### 5.4 Central Manchester (23 survey responses)

13 (57%) respondents were resident in the area  
 7 (30%) respondents worked in the area  
 2 (9%) respondents visited the area  
 1(4%) respondents owned or managed a business in the area

The areas highlighted by respondents providing feedback about Central Manchester were Ardwick, Moss Side and Levenshulme. 19 (83%) respondents visited the area almost every day and 16 (70%) respondents had observed street drinking in the area in the past two years. 15 (65%) respondents reported that street drinking took place daily or several times a week. The other responses identified the weather or problems related to street drinking being a seasonal issue. (48%) respondents described street drinking as a major problem and 4 (17%) respondents described it as a minor problem. 8 (35%) respondents said street drinking was not a problem. 13 (57%) respondents thought street drinking was an ongoing problem and 10 (43%) respondents said the problems with street drinking were not continuing. Afternoons and evenings were identified as the time of day when street drinking took place and the main associated behaviours were other than the categories identified in the survey included drug taking and selling, defecation and urination, begging and noise from students and groups congregating and littering. The main impacts of the behaviour were concerns about the area looking untidy and feeling unsafe. 8 (35%) respondents said they were not affected by the behaviour. Overall, 16 (70%) respondents were in support of a PSPO to help control street drinking and 5 (22%) respondents opposed the introduction of a PSPO.

#### 5.5 South Manchester (99 survey responses)

76 (76%) respondents were resident in the area  
 17 (17%) respondents worked in the area  
 3 (3%) respondents owned or managed a business in the area  
 1 (1%) representative from the voluntary and community sector  
 3 (3%) other

The areas highlighted by respondents providing feedback about South Manchester were Chorlton, Whalley Range, Fallowfield, West Didsbury, Didsbury Village, East Didsbury, Northenden, Wythenshawe Park and Wythenshawe Civic Centre. 88 (89%) respondents visited the area almost every day and 93 (94%) respondents had observed street drinking in the area in the past two years. 70 (70%) respondents reported that street drinking took place daily or several times a week. 58 (59%) respondents described street drinking as a major problem and 20 (20%) respondents described it as a minor problem. 21 (21%) respondents said street drinking was not a problem. 74 (75%) respondents thought street drinking was an ongoing problem and 25 (25%) respondents said the problems with street drinking were not

continuing. Afternoons and evenings were identified as the times of day when street drinking took place and the main associated behaviours were littering, groups congregating and urination. The main impacts of the behaviour were concerns about the area looking untidy and people feeling unsafe. 23 (23%) respondents said they were not affected by the behaviour. Overall, 72 (73%) respondents were in support of a PSPO to help control street drinking and 17 (17%) respondents opposed the introduction of a PSPO.

#### 5.6 Unidentifiable locations

7 respondents referenced locations that officers were unable to identify from the survey response. Their feedback is captured in the analysis document.

#### 5.7 All Manchester

15 respondents chose to provide feedback about the whole of Manchester. 11 (73%) of these respondents had witnessed street drinking in the past two years. 12 (80%) respondents said that street drinking was not a problem and 13 (87%) of respondents opposed the introduction of a PSPO. 1 (7%) respondent supported the introduction of an Order and the other respondent did not know whether an Order should be introduced.\_

Analysis of the statutory consultation responses can be found at **Appendix 5**.

#### 5.8 Written responses

Six separate written responses were received by the Council during the consultation survey period;

- A member of the public from the Moss Side area contacted a Community Representative to express that parks and other green spaces are surrogates for a lack of gardens. The member of the public opposed the introduction of a PSPO stating that the green spaces should be allowed to be used similarly to a shared garden without oppressive rules on where and how people can meet.
- A Council Officer shared information about groups gathering in Platt Fields Park, Fallowfield drinking alcohol and littering the area. The conduct resulted in noise complaints and concerns raised about people using the residential fence line as a toilet.
- An Ardwick Community Representative said, "We would like to see a PSPO in place to prevent drinking in our small parks, Ardwick Green Park, Gartside Gardens, Wonderland Park and West Gorton Community Park, and the open green spaces along Coverdale Crescent, and along Lauderdale Crescent. These open spaces are all in very close proximity to streets of houses and have in recent years begun to attract numbers of street drinkers, causing nuisance, damage to the parks, and occasional abusive and threatening behaviour directed at residents close to their homes."
- A Moss Side Community Representative provided feedback that they broadly supported the aims of the PSPO believing it could be an

effective tool to tackle anti-social behaviour but wanted to highlight that introducing a PSPO in the area needed to be carefully considered. The representative explained that Moss Side has spaces and culture that are communal and the PSPO could potentially conflict with the needs or wishes of the wider community. The representative expressed concern that the proposed Order could be open to disproportionate use against Moss Side residents.

- Two residents jointly contacted a Community Representative to oppose the introduction of a PSPO in the Ancoats and New Islington areas. The response refers specifically to Cutting Room Square having brief problems, associated with the height of lockdown, during the Bank Holiday weekends and very good weather. The response explains that the problems involved people from outside of the area visiting Cutting Room Square and asserts that local people enjoy the outdoors for a drink or a picnic and are generally very civilised. The response concludes by stating that the long term quality of life in the area, which is richer for the ambience that outdoor picnics and drinking allow for, should not be determined by very unusual circumstances.
- A Council Officer shared concerns raised by a person who owned a business premises in the Moston Lane area. They had experienced problems with people drinking and urinating in the Peace Gardens, Moston Lane.

#### 5.9 Greater Manchester Police

Greater Manchester Police (GMP) supports the introduction and appropriate enforcement of a city wide PSPO to control street drinking involving GMP and Council officers working together. GMP said that enforcement would be targeted in areas where there are concerns that street drinking causes or is likely to contribute towards anti-social behaviour. GMP commented that a city wide PSPO would help prevent displacement within Manchester and was practical to implement operationally.

#### 5.10 Police and Crime Commissioner

The Greater Manchester Police and Crime Commissioner expressed support for a PSPO to restrict street drinking in Manchester.

### 6.0 **Equality Impact Assessment and the European Convention on Human Rights**

6.1 An Equality Impact Assessment (EIA) has been completed considering each of the protected characteristics and vulnerable groups. Officers have worked together with the Council's Equalities, Diversity and Inclusion Team to undertake the assessment. The EIA can be found at **Appendix 6**.

6.2 The Council is a public authority and the Human Rights Act 1998 requires it to act compatibility with the European Convention on Human Rights.

- 6.3 In addition to this general position s.72(1) of the 2014 Act requires the Council to have particular regard to the rights protected by Article 10 (Freedom of Expression) and Article 11 (Freedom of Assembly and Association) when deciding whether to make a PSPO.
- 6.4 Article 10 of the European Convention on Human Rights protects everyone's right to freedom of expression. This includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority. The proposed PSPO does not interfere with this right.
- 6.5 Article 11 of the European Convention on Human Rights protects everyone's right to freedom of peaceful assembly and to freedom of association with others. The proposed PSPO does not interfere with this right. If people were to assemble or associate with others when drinking alcohol in a public place a constable or an authorised person could ask them to stop drinking and surrender their alcohol. There are no prohibitions or requirements contained within the proposed Order that would allow a constable or an authorised person to ask the group to disperse nor prohibit the assembly or association with others.

## **7.0 Risk of Displacement**

- 7.1 The Home Office Anti-Social Behaviour statutory guidance 2021 recommends that consideration is given to the risk of displacement when considering introducing a PSPO. Taking a whole city approach to restricting the consumption of alcohol in public places prevents the risk of displacement within Manchester. The majority of Manchester's neighbouring Local Authority areas have similar PSPOs that restrict street drinking covering the whole of or parts of the area. Therefore, the proposals mean that the overall risk of displacement is low.

## **8.0 The Proposed PSPO**

- 8.1 Having carefully considered feedback from the early engagement, the statutory consultation responses, the risk of displacement, the outcomes of the Equality Impact Assessment, Articles 10 (Freedom of Assembly) and 11 (Freedom of Expression) of the European Convention on Human Rights and the legal threshold it is proposed that a city wide PSPO (excluding the area covered by the City Centre PSPO) is introduced to restrict people consuming alcohol in a public place. This is not a street drinking ban. It's a discretionary power that constables and authorised officers can use when appropriate to address anti-social behaviour associated with street drinking.
- 8.2 With regard to the legal threshold the evidence demonstrates that street drinking in public places has or is likely to have a detrimental effect on the quality of life of people, at times, in most Manchester wards. A summary of the information gathered through the early engagement and direct quotes from statutory survey respondents by ward can be found at **Appendix 7**. Through the statutory consultation 126 Respondents, people who live, work or visit Manchester, told us that they felt unsafe in the city due to street drinking and

associated anti-social behaviour. This detrimental effect on their quality of life is unreasonable. Overall, 205 (75%) statutory survey Respondents told us that the problems associated with street drinking were ongoing.

8.3 It is important to consider that people have provided feedback that they do not experience problems with street drinking and are not supportive of an Order that prohibits street drinking. Some people welcome the opportunity to responsibly drink alcohol in public places outside of licensed premises. These proposals demonstrate that all feedback has been considered and the proposed Order is balanced and proportionate in that it does not ban street drinking in a public place. People are allowed to meet outside for a social drink. A breach of the Order occurs when an authorised person or a constable asks a person to stop drinking alcohol or surrender their alcohol and they fail to comply. Following the consultation, the proposed PSPO has been amended to ensure the wording of the prohibitions make this clear to the public. If the person complies with the request no further enforcement action is taken. Appended to the proposed PSPO is a map of the Restricted Area. The current map is for illustrative purposes only. If the decision is made to introduce a PSPO a more detailed map will be produced. In addition, it is important to consider the enforceability of the proposed PSPO. Having a clearly defined city-wide area supports operational implementation of the proposals for the Council and Greater Manchester Police. Therefore, in conclusion, Officers consider the restrictions and requirements are justified.

8.4 The effect of the proposed PSPO is to give a constable or an authorised person the power to;

- require a person to not consume alcohol or anything which they reasonably believe to be alcohol
- require a person surrender anything in their possession which is, or which they reasonably believe to be, alcohol or a unsealed container of alcohol
- require a person who is suspected of breaching the Order, upon request by the constable or authorised person, to provide their name, address and date of birth to the constable or authorised person.

The proposed PSPO that Officers are recommending introducing can be found at **Appendix 8**.

## **9.0 Enforcement**

9.1 If the PSPO is introduced it will provide an additional discretionary power for both authorised Council and Police Officers to use when appropriate. The approach to enforcement remains as outlined in the Council's Corporate Enforcement Policy and the Anti-Social Behaviour Policy and Procedure. The overarching principles of any enforcement activity are to ensure that decisions are fair and equitable with a strong focus on seeking compliance. Enforcement activity is delivered in a way that is proportionate, accountable, consistent, transparent and targeted. If a decision is made to introduce a PSPO and dependent upon the particular circumstances officers will have the options to

provide verbal advice, issue a warning, make a referral to a support service, issue a Fixed Penalty Notice or prosecute. To become authorised to enforce the PSPO officers will undertake the required training and formal authorisation process. The outcomes of the Equality Impact Assessment and the Human Rights considerations will form a key part of the training package.

Officers will continue to be proactive in the identification of vulnerability and provide appropriate advice, signposting and if necessary, referrals to safeguarding or support services. The enforcing officers work closely with the Council's commissioned drug and alcohol service Change, Grow, Live (CGL). All engagement related to the enforcement of the PSPO will include information about CGL's services so that people can self-refer or, with consent, an officer can make a referral for support on their behalf.

- 9.2 Upon commencement of the PSPO, for the first three weeks, officers will spend time raising awareness of the PSPO. This will involve engaging with all stakeholders and spending time in the Restricted Area speaking with members of the public and anyone else who may be affected by the terms of the Order to raise awareness of the prohibitions, requirements and consequences of breach. Officers will use translation and interpretation services to ensure everyone has a fair opportunity to understand the proposed PSPO and consequences of breaching the Order. During this period the PSPO will not be enforced.
- 9.3 Members of the public will be asked to report breaches of the PSPO using the existing channels to provide details of the incident and the location. This information will be discussed at the Local Partnership Meetings to inform the response and the targeting of resources in particular and repeat locations where street drinking is having or likely to have a detrimental effect on the community.
- 9.4 Officers will record breach actions: the number of verbal warnings, Fixed Penalty Notices and prosecutions.

## **10.0 Next Steps**

- 10.1 Before a final decision is made any feedback or recommendations from the committee will be considered.
- 10.2 The decision to introduce a PSPO is a key decision in the constitution delegated to the Strategic Director Neighbourhoods (in consultation with the Deputy Leader). If the Order is made there follows a period of six weeks in which an appeal can be made to the High Court by an interested person to challenge the decision.
- 10.3 If the Order is introduced, it will be important to closely monitor any activity and review the impact of the PSPO. This will be important to establish any issues with enforcement, identify any areas of displacement, and to understand whether the PSPO is achieving the desired outcomes of the Order.

## **Appendix 1: Premises and places where the PSPO would not apply**

### **Section 62, ASB, Crime and Policing Act 2104**

#### **Premises etc to which alcohol prohibition does not apply**

- (1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—
  - (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 (a) or (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) A prohibition in a public spaces protection order on consuming alcohol does not apply to 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 section—
  - “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 section, 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.







# On-street drinking in Manchester

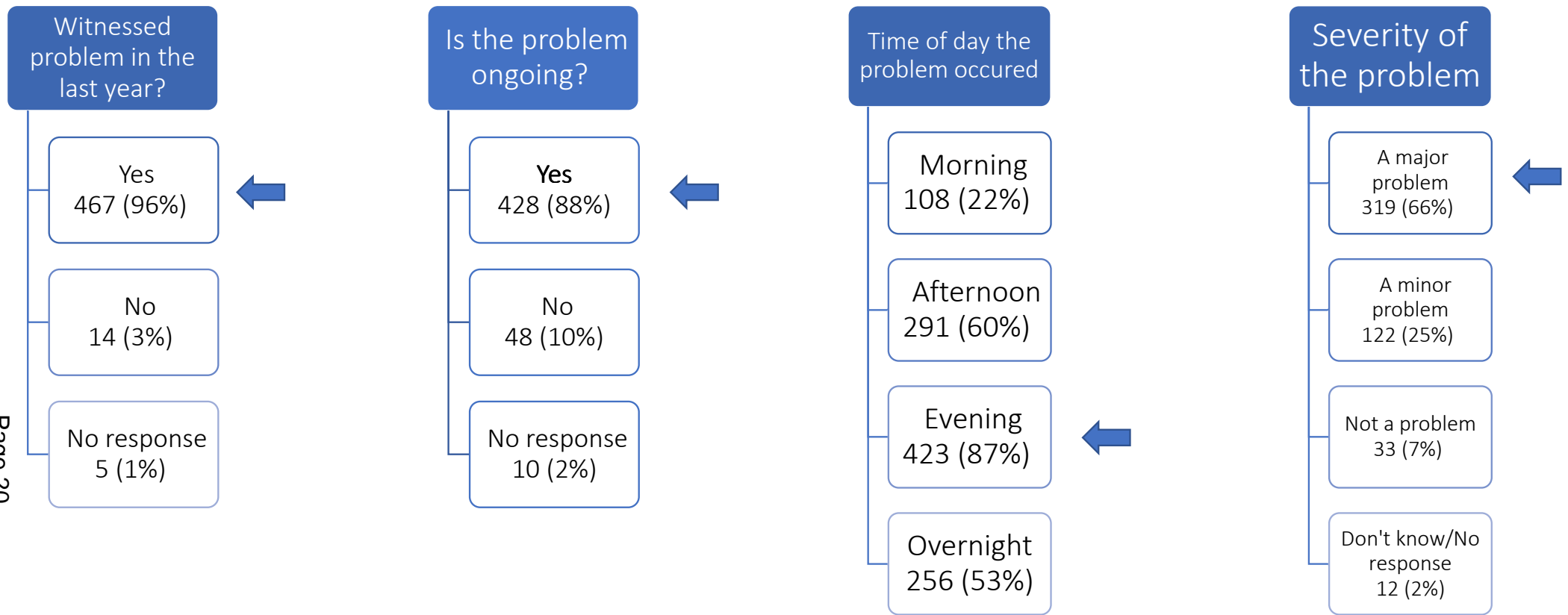
Asking our residents to identify problem areas of  
Manchester where on-street drinking occurs

# The Consultation

- The aim of the consultation was to hear if street drinking was occurring in the city and whether it is a problem.
- The consultation ran until 27th July 2020 and 450 responses were received.
- Of these responses:
  - 169 (38%) lived in South Manchester
  - 149 (33%) lived in Central Manchester
  - 74 (16%) lived in North Manchester
  - 14 (3%) lived in Manchester but their postcode was not provided in full
  - 43 (10%) lived outside of Manchester; and
  - 1 person provided no address details.

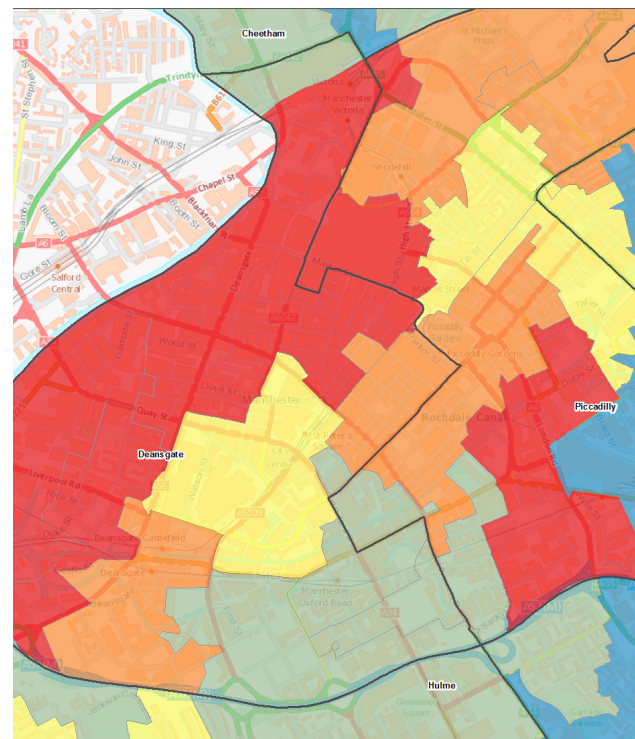
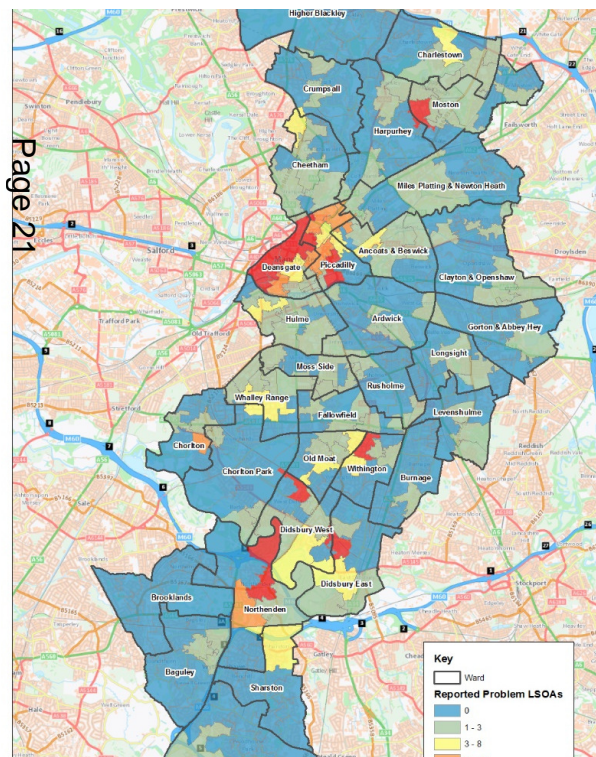
## Highlighting Problem Areas

- The 450 respondents to the survey were asked where in Manchester on-street drinking was a problem and to provide details of the problem.
- 514 locations where on street drinking was a deemed a problem were identified. Of these:
  - 91 (18%) were in North Manchester
  - 161 (31%) were in City Centre
  - 42 (8%) were in Central Manchester (excl City centre)
  - 187 (36%) were in South Manchester
  - 5 (1%) were unknown locations and
  - 28 (5%) were outside of Manchester
- 78 locations were highlighted as areas where on street drinking wasn't a problem.



## Details of the problems

# On street drinking problem areas highlighted by respondents



- These maps show the number of people mentioning areas of Manchester where on street drinking is a problem. There is a large part of the City Centre where this was raised as a problem and also pockets of south Manchester.

Religion		No.	%	Ethnicity		No.	%	Sexuality		No.	%
	Christian	115	26%		White	371	82%		Lesbian	6	1%
	Buddhist	6	1%		Asian/Asian British	8	2%		Gay	50	11%
	Hindu	1	0%		Black/African/Carib	9	2%		Heterosexual	296	66%
	Jewish	2	0%		Mixed/Multiple Eth	5	1%		Bisexual / Pansexual	13	3%
	Muslim	4	1%		Other Mixed	3	1%		Prefer not to say	66	15%
	No religion	251	56%		Other	4	1%		Other	3	1%
	Other	4	1%		PNTS/NR	50	11%		PNTS/NR	16	4%
Age	PNTS/NR	67	15%	Gender				Disability			
	16 to 25 years	13	3%		Female	218	48%		Disability	25	6%
	26 to 39 years	151	34%		Male	194	43%		No disability	387	86%
	40 to 64 years	212	47%		Non-binary	2	0%		PNTS/NR	38	8%
	65 to 74 years	40	9%		Other	3	1%				
	75+ years	7	2%		PNTS/NR	33	7%				
	PNTS/NR	27	6%								

# The Respondents

The following shows the demographic information of all respondents.

## Appendix 3

### Street drinking in different areas across Manchester

#### Ancoats and Beswick

- Survey responses detailed concerns about drinking in Cutting Room Square and Woodward Street and nearby park
- The detrimental effect of this being intimidation and not being able to take their child to the park
- Greater Manchester Police (GMP) submitted a requirement for a PSPO to manage drinking around the Spots City area and Cutting Room Square
- It was stated that street drinking in the area results in increased litter, anti-social behaviour
- There has been a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Ardwick

- Reports of street drinking to GMP were recorded as the highest number after the City Centre in the 12 month period June 2018 – June 2019 (18)

#### Baguley

- There has been a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Brooklands

- Survey responses detailed concerns around Bowland Road and Firbank Road
- The impact of this has been lack of sleep, fear and worry about the areas.
- There has been a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Burnage

- Survey response details concerns at Westdean Crescent and the wider area.
- The detrimental effect of this was detailed as lack of sleep and litter concerns

#### Charlestown

- Responses from the survey identified issues around Charlestown Road and White Moss shops
- This resulted in people avoiding the area
- Feedback from GMP identified some issues in parks throughout the summer months
- The impact of this was identified as litter and concern for children in the park

#### Cheetham

- GMP have identified concerns about the area with numerous reports to police particularly Cheetham Hill Road, Bury Old Road area as a result of street drinking including anti-social behaviour, threats and intimidation.
- The impact has been identified as a concern for the local area, fear and intimidation.

#### Chorlton

- GMP officers have identified concerns about street drinking particularly in the Chorlton Green area. Reports have been received about noisy gatherings, urination and antisocial behaviour.
- The impact of this behaviour has been reported as resident concerns and litter in the area
- Resident responses to the survey also identified Chorlton Green as a concern including congregating, noise, litter, bad language, urinating and intimidation
- The impact of the behaviour included lack of sleep and intimidation

#### Chorlton Park

- Resident response to the survey identified problems with litter left behind from street drinking
- The impact of this was a concern about the look of the area.

#### Clayton and Openshaw

- Responses received highlighted concerns around Ashton Canal towpath and grass area by Holt Town tram stop as a major problem with street drinking resulting in shouting and fighting.
- The behaviours were described as intimidating

#### Crumpsall

- Numerous reports to GMP (15) were recorded in relation to street drinking
- Response to survey identified concerns around Lonsdale Road and Waterloo Road with groups congregating littering and intimidating behaviour
- The impact was cited as intimidation and trying to avoid the area

#### Didsbury East

- Responses to the survey identified people drinking and using foul language, littering, urination in Didsbury Village
- The impact was reported as intimidating, frightening, feeling vulnerable.
- GMP also reported problems with street drinking in the area including gatherings, fights and anti-social behaviour

#### Didsbury West

- GMP reported problems with street drinking in relation to Burton Road and Cavendish Road
- Several responses to the survey identified people drinking and using foul language, littering, urination in Didsbury Village, Palatine Road, Burton Road, Cavendish Road
- The impact of this was fear and intimidation, disturbance and lack of sleep, and litter and detritus left in the area.

#### Fallowfield

- Several survey responses were received in relation to street drinking in Fallowfield and Withington reporting gatherings, noise, urination, defecation, bad language, criminal damage and vandalism. Areas mentioned include Fallowfield, Withington, Clifton Avenue, Wellington Road and Victoria Road.
- This causes fear and worry, lack of sleep and damage to property.



- There has been a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Gorton and Abbey Hey

- GMP reports demonstrated that Gorton and Abbey Hey is one of the worst-affected wards for streets drinking with 10 reports in the period June 18 – June 19
- Responses from the survey identified issues with street drinking in areas including Vine Street and Delamere Street
- The impact of this is litter in the street and children unable to use the park.

#### Harpurhey

- Responses to the survey identified street drinking as a problem in areas of Harpurhey including Monsall, Rochdale Road and Clough Road with associated behaviours such as gatherings, noise, intimidation and littering.
- The impact of these behaviours included lack of sleep and fear.
- There has been a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Higher Blackley

- There has been a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Hulme

- A response from the survey detailed issues with street drinking in Hulme particularly near cash-points and off licences with groups arguing and using offensive language
- The impact of this is that it makes people feel uncomfortable and avoid using the facilities.
- There has been a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Levenshulme

- A response to the survey stated concerns about street drinking in Levenshulme
- The impact was identified as making the individual feel unsafe in their own home

#### Longsight

- A response to the survey identified a concern about street drinking along the A6 (Stockport Road), this resulted in aggressive behaviours such as criminal damage, offensive language.
- The impact of this was people's cars being damaged.
- Police, Councillors and other partner agencies have detailed concerns about drinking in Crowcroft Park. This has included anti-social behaviour, abusive and offensive language, littering, urination and defecation.
- The detrimental impact has been felt by the local school who have had to change their route from the park to the school as it did not feel safe for the children.

#### Miles Platting and Newton Heath

- There has been a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Moss Side

- Responses were received from the reporting concern about street drinking in Moss Side and specifically near Flamborough Walk. Behaviours included noise, intimidation, harassment, littering, bad language and urination.
- The impact of this was that people felt disgusted about the place they live.
- Moss Side was also one of the worst affected wards in relation to incidents reported to the police connected to street drinking (16)

#### Moston

- Responses raised concerns about street drinking in Moston. Specific areas identified included Moston Lane, Kenyon Lane, Nuthurst Park, St Mary's Road, Hollinwood Avenue. Behaviours were described as urination, loud music, anti-social behaviour, intimidation.
- This makes people feel unsafe in the local area and makes them avoid the streets.
- GMP also reported experiencing issues in the Moston Lane, Kenyon Lane, Rochdale Road area resulting in ASB outside licensed premises.
- There has been a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Northenden

- Several residents raised concerns about street drinking in Northenden, particularly groups of people congregating on Northenden Green. Behaviours were described as urinating, arguing, swearing and littering.
- These issues were described as causing significant disturbance to family life and intimidation. Residents explained that they were unable to sleep due to the noise.

#### Old Moat

- Old Moat Lane was identified through our survey as an area that experienced problems with street drinking. Associated behaviours involved noise, litter and intimidation. The impact of this behaviour made people feel scared and vulnerable.

#### Rusholme

- Our survey identified parts of Rusholme where there are problems with street drinking including Great Western Street near Roberts Avenue and Flamborough Walk.
- Behaviours identified included groups of people arguing and fighting, foul language and littering.
- The impact of this behaviour was reported to make people feel unsafe and affect residents' ability to sleep.
- There has been a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Sharston

- There has been a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Whalley Range

- Responses to the survey identified street drinking as a problem specifically on College Road, Wood Road and Withington Road. Behaviours associated with street drinking included, litter, damage to cars and noise late at night.
- The impact of this behaviour was loss of sleep, feeling uncomfortable in the local area, feeling intimidated and the area looking messy.

#### Withington

- Several survey responses were received in relation to street drinking in Fallowfield and Withington reporting gatherings, noise, urination, defecation, bad language, criminal damage and vandalism.
- This behaviour results in fear and worry, lack of sleep and damage to property.
- There has been a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Woodhouse Park

- There has been a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

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## **Manchester City Council (*[Insert Area]*) (Alcohol Consumption) Public Spaces Protection Order 2021**

### **The Anti-social Behaviour, Crime and Policing Act 2014**

Manchester City Council in the exercise of its powers under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) hereby makes the following Order.

This Order is made on the *[insert day]* of *[insert month]* 2021 and shall have effect for a period of 3 years thereafter, unless discharged or extended under the Council's statutory powers.

### **General provisions**

The Council is satisfied on reasonable grounds that the activity in the Restricted Area and identified in Article 1 of this Order:

- has had a detrimental effect on the quality of life of those in the locality, or it is likely that this activity will be carried on in the Restricted Area and that it will have such an effect; and
- that the effect, or likely effect, of this activity:
  - is, or is likely to be, of a persistent or continuing nature;
  - is, or is likely to be, such as to make those activities unreasonable; and
  - justifies the prohibitions imposed by this Order

The Council is satisfied that the prohibition and requirement imposed by this Order are reasonable to impose in order to prevent the detrimental effect of the activity from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that any restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

This Order applies to all public places within the Restricted Area.

This Order is available for inspection on the Council's website.

### **Definitions**

"Alcohol" has the same meaning as in section 191 of the Licensing Act 2003.

"Authorised person" means a person authorised in writing by the Council.

"Constable" includes Police Community Support Officer.

“Public place” means any place to which the public or any section of the public has access on payment or otherwise, as of right or by virtue of an express or implied permission.

“Restricted Area” means all public places, as defined by section 74(1) of the Act, *[insert description of area]* as more particularly outlined in red on the map at the Appendix.

“The Council” means Manchester City Council.

## **Prohibition**

### **Article 1: Consumption of alcohol**

No person shall consume alcohol in a public place in the Restricted Area (save for those places identified in section 62 of the Anti-social Behaviour Crime and Policing Act 2014).

## **Requirement**

### **Article 2: Provision of information upon request**

A person who an Authorised Person or Constable reasonably suspects has breached Article 1 of this Order shall, upon request of that Authorised Person or Constable, provide their name, address and date of birth to that Authorised Person or Constable.

## **THE COMMON SEAL OF THE COUNCIL OF THE CITY OF MANCHESTER**

Was hereunto affixed in the pursuance of an order of the Council of the said City: -

.....

Authorised Signatory  
Dated this *[insert day]* day of *[insert month]* 2021

## **What happens if you fail to comply with this order?**

Section 63 of the Anti-social Behaviour Crime and Policing Act 2014 provides that where a Constable or Authorised Person has reason to believe that a person has been consuming alcohol in breach of this Order or intends to consume alcohol in circumstances which would be a breach of this Order, the Constable or Authorised Person may require that person not to consume alcohol or anything which is reasonably believed to be alcohol and/or surrender anything believed to be alcohol or a container for alcohol.

A requirement is not valid if the Constable or Authorised Person, fails to show evidence of their authorisation. Section 62 of the Act (set out in full below) contains a list of exceptions where the prohibition on consuming alcohol does not apply.

Failure to comply without having a reasonable excuse is an offence.

## **Criminal offence**

Section 67 of the Anti-Social Behaviour Crime, and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse:

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

## **Penalty**

A person who is guilty of an offence under this Order shall be liable to a £100.00 Fixed Penalty Notice, or upon summary conviction to a fine not exceeding level 3 (£1000) on the standard scale.

## **Appeals**

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in or visits the Restricted Area. This means that only those who are directly affected by the restrictions have the right to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with. When an application is made the High Court can decide to suspend the operation of the order pending the court's decision, in part or in totality. The High Court has the ability to uphold or quash the order or any of its prohibitions or requirements.

## **Legislation**

### **62 - premises etc to which alcohol prohibition does not apply**

(1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—

- (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 (a) or (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) A prohibition in a public spaces protection order on consuming alcohol does not apply to 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 section—

“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 section, 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.

## **Section 67 - offence of failing to comply with the order**

(1) It is an offence for a person without reasonable excuse—

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (section 63).



**Appendix**

*[Insert map here]*

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MANCHESTER  
CITY COUNCIL

# Results from the Alcohol Public Space Protection Order Consultation

June 2021

Dawn Billups and Nicola Lodge

# Contents

- Background to the consultation
- Responses compared by geographic location including citywide and North, Central and South Manchester
- Analysis of respondents highlighting areas in:
  - North Manchester
  - Central Manchester
  - South Manchester
- Demographic analysis of all respondents

# Background

- A consultation took place with the public on whether or not the police and Council should introduce Public Spaces Protection Orders (PSPO) in areas of Manchester to control street drinking in public spaces.
- A PSPO would specify behaviour which is unacceptable and give the police and Council an extra tool to help tackle unacceptable behaviour, alongside existing powers and ongoing partnership work.
- The consultation took place between 9<sup>th</sup> March and 31<sup>st</sup> May 2021.
- During that period 334 people responded to the consultation via the online form which was hosted on Manchester City Council's website. Of these responses, people highlighted the following areas in Manchester :
  - 130 (39%) were in North Manchester
  - 99 (30%) were in South Manchester
  - 23 (7%) were in Central Manchester
  - 58 (17%) stated areas in the city centre which is excluded from this consultation as there is currently a PSPO within this area
  - 15 (4%) stated the whole of Manchester
  - 7 (2%) were areas what were unidentifiable and
  - 2 (1%) were outside of Manchester.

Please note that analysis of responses from this point will exclude 58 responses that were in the city centre and 2 that were outside of Manchester. The base will therefore be 274.

# All responses compared by geography

Respondents were asked which best describes them:

	Resident in the area	You work in the area	Visitor tourist shopper busines	Local business owner or manager	Other	Representative from the VCS	You study in Manchester	Grand Total
North	96 74%	21 16%	7 5%	5 4%	1 1%			130
Central	13 57%	7 30%	2 9%	1 4%	0%			23
South	75 76%	17 17%		3 3%	3 3%	1 1%		99
Ambiguous location	5 71%	2 29%						7
All Manchester	10 67%	2 13%	1 7%	1 7%			1 7%	15
Grand Total	199 73%	49 18%	10 4%	10 4%	4 1%	1 0%	1 0%	274

Other includes two local councillors, chairperson of a park and a visitor to the Halle

## How often does the respondent visit the area?

	Almost everyday	At least once a week	About once a month	Within the last six months	Within the last year	Grand Total
North	105 81%	22 17%	2 2%	1 1%		130
Central	19 83%	2 9%	1 4%	1 4%		23
South	88 89%	9 9%	2 2%			99
Ambiguous location	5 71%	2 29%				7
All Manchester	11 73%	3 20%			1 7%	15
Grand Total	228 83%	38 14%	5 2%	2 1%	1 0%	274

Please note: All Manchester is where respondents have said the whole city and not North, Central and South summed.

# All responses compared by geography

Have respondents observed street drinking in the area in the past two years?

	Yes		No		Grand Total
North	124	95%	6	5%	130
Central	16	70%	7	30%	23
South	93	94%	6	6%	99
Ambiguous location	7	100%		0%	7
All Manchester	11	73%	4	27%	15
Grand Total	251	92%	23	8%	274

How often did street drinking take place?

	Daily		Several times a week		Once a week		Once a month		Several times a month		Other		Grand Total
North	57	44%	41	32%	13	10%	2	2%	10	8%	7	5%	130
Central	6	26%	9	39%					1	4%	7	30%	23
South	46	46%	24	24%	4	4%	3	3%	12	12%	10	10%	99
Ambiguous location	4	57%	1	14%	1	14%					1	14%	7
All Manchester	3	20%	1	7%	1	7%			4	27%	6	40%	15
Grand Total	116	42%	76	28%	19	7%	5	2%	27	10%	31	11%	274

Majority of 'other' respondents stated never. Others also include on rare occasions, when I am there, only near a pub, once every 3 months, regularly when students are in residence.

Please note: All Manchester is where respondents have said the whole city and not North, Central and South summed.

# All responses compared by geography

What was the respondents' view of street drinking in the area?

	A major problem			A minor problem			Not a problem			Don't know			Grand Total
North	<div><div></div></div>	83	64%	<div><div></div></div>	32	25%	<div><div></div></div>	12	9%	<div><div></div></div>	3	2%	130
Central	<div><div></div></div>	11	48%	<div><div></div></div>	4	17%	<div><div></div></div>	8	35%	<div><div></div></div>		0%	23
South	<div><div></div></div>	58	59%	<div><div></div></div>	20	20%	<div><div></div></div>	21	21%	<div><div></div></div>		0%	99
Ambiguous Location	<div><div></div></div>	3	43%	<div><div></div></div>	1	14%	<div><div></div></div>	3	43%	<div><div></div></div>		0%	7
All Manchester	<div><div></div></div>	1	7%	<div><div></div></div>	2	13%	<div><div></div></div>	12	80%	<div><div></div></div>		0%	15
Grand Total	<div><div></div></div>	156	57%	<div><div></div></div>	59	22%	<div><div></div></div>	56	20%	<div><div></div></div>	3	1%	274

Did the respondents still think there was problems with street drinking in the area they identified?

	Yes		No		Grand Total
North	<div><div></div></div> 113	87%	<div><div></div></div> 17	13%	130
Central	<div><div></div></div> 13	57%	<div><div></div></div> 10	43%	23
South	<div><div></div></div> 74	75%	<div><div></div></div> 25	25%	99
Ambiguous Location	<div><div></div></div> 3	43%	<div><div></div></div> 4	57%	7
All Manchester	<div><div></div></div> 2	13%	<div><div></div></div> 13	87%	15
Grand Total	<div><div></div></div> 205	75%	<div><div></div></div> 69	25%	274

Please note: All Manchester is where respondents have said the whole city and not North, Central and South summed.



# All responses compared by geography

What is the nature of the problem?

	Litter		Groups Congregating		Urination		Noise		Bad language		Intimidation		Other		Harrasment		Grand Total
North	110	85%	98	75%	99	76%	99	76%	68	52%	54	42%	26	20%	38	29%	130
Central	10	43%	11	48%	9	39%	7	30%	6	26%	9	39%	14	61%	6	26%	23
South	70	71%	63	64%	56	57%	51	52%	44	44%	41	41%	36	36%	27	27%	99
Ambiguous location	4	57%	3	43%	4	57%	3	43%	2	29%	2	29%	3	43%	2	29%	7
All Manchester	4	27%	3	20%	2	13%	3	20%	3	20%	1	7%	11	73%	1	7%	15
Grand Total	198	72%	178	65%	170	62%	163	59%	123	45%	107	39%	90	33%	74	27%	274

What time of day/night did street drinking take place?

	Morning		Afternoon		Evening		Night		Total
North	29	22%	86	66%	117	90%	90	69%	130
Central	9	39%	13	57%	15	65%	9	39%	23
South	43	43%	63	64%	73	74%	57	58%	99
Ambiguous location	1	14%	4	57%	6	86%	4	57%	7
All Manchester	7	47%	10	67%	12	80%	10	67%	15
Grand Total	89	32%	176	64%	223	81%	170	62%	274

Please note: All Manchester is where respondents have said the whole city and not North, Central and South summed.

# All responses compared by geography

Respondents were asked how the behaviour affected them, They responded:

	The area looked untidy	I felt unsafe in the area	I felt afraid or intimidated	It resulted in disturbed or lack of	I avoided the area	It did not affect me	Other	Total
North	106 82%	70 54%	51 39%	47 36%	36 28%	17 13%	16 12%	130
Central	12 52%	8 35%	5 22%	3 13%	6 26%	8 35%	3 13%	23
South	63 64%	46 46%	31 31%	30 30%	29 29%	23 23%	14 14%	99
Ambiguous Location	4 57%	1 14%	1 14%	0%	0%	3 43%	1 14%	7
All Manchester	1 7%	1 7%	0%	0%	1 7%	9 60%	6 40%	15
Grand Total	186 68%	126 46%	88 32%	80 29%	72 26%	60 22%	40 15%	274

Respondents were asked if the area they had identified should have a PSPO to control public drinking, they responded:

	Yes	No	Don't know	Grand Total
North	108 83%	17 13%	5 4%	130
Central	16 70%	5 22%	2 9%	23
South	72 73%	17 17%	10 10%	99
Ambiguous location	3 43%	3 43%	1 14%	7
All Manchester	1 7%	13 87%	1 7%	15
Grand Total	200 73%	55 20%	19 7%	274

Please note: All Manchester is where respondents have said the whole city and not North, Central and South summed.

# North Manchester

Areas in North Manchester highlighted by respondents and the issues with those areas

**130** respondents highlighted areas in North Manchester. Of these:

<b>96</b> (74%) Residents in the area	<b>21</b> (16%) Work in the area	<b>7</b> (5%) Visitor (tourist/shopper/business)	<b>5</b> (4%) Local business owner	<b>1</b> (1%) Other
---	--	--	--	---------------------------

Asked how often they visited the area, respondents said the following:

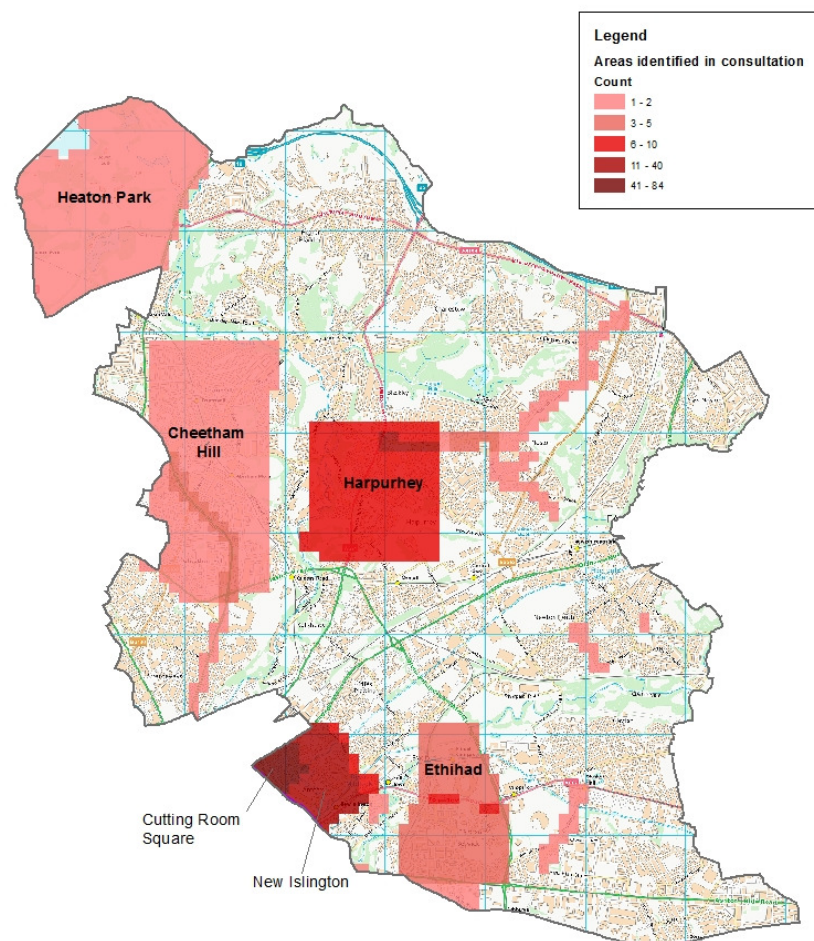
<b>105</b> (81%) Almost everyday	<b>22</b> (17%) At least once a week	<b>2</b> (2%) About once a month	<b>1</b> (1%) Within the last 6 months
--	--	--	--

Asked if the respondent agreed or disagreed that the area they identified should be included in a PSPO to control public drinking, they responded:

<b>108</b> (83%) Yes	<b>17</b> (13%) No	<b>5</b> (4%) Don't know
----------------------------	--------------------------	--------------------------------

# North Manchester

Areas in North Manchester highlighted by respondents and the issues with those areas



Has street drinking been observed in the area in the last two years:

124 (95%) Yes, street drinking had been observed  
6 (5%) No, street drinking hadn't been observed

How often has street drinking taken place?

57 (44%) Daily  
41 (32%) Several times a week  
13 (10%) Once a week  
10 (8%) Several times a month  
7 (5%) Other  
2 (2%) Once a month

What is your view of street drinking in this area?

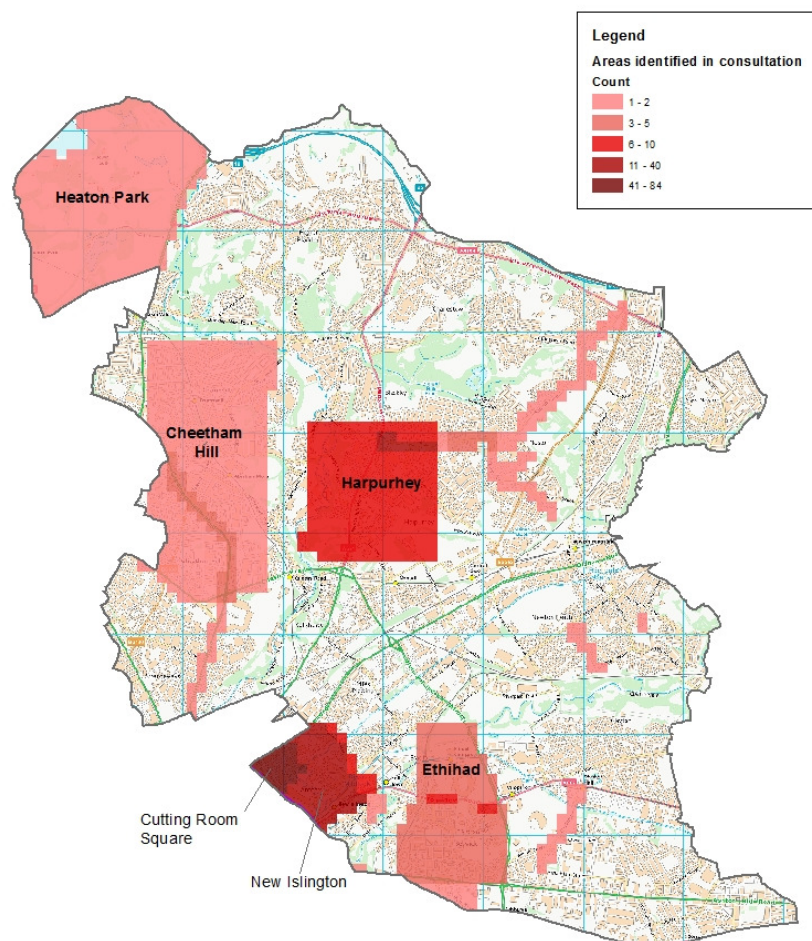
83 (64%) A major problem  
32 (25%) A minor problem  
12 (9%) Not a problem  
3 (2%) Don't know

Are there still problems with street drinking in the area?

113 (87%) Yes  
17 (13%) No

# North Manchester

Areas in North Manchester highlighted by respondents and the issues with those areas



In addition to street drinking, have you experienced any other associated problems:

110	(85%) Litter
99	(76%) Noise
99	(76%) Urination
98	(75%) Groups congregating
68	(52%) Bad language
54	(42%) Intimidation
38	(29%) Harassment
26	(20%) Other

The times of day when the problem took place was:

117	(90%) Evening
90	(29%) Night
86	(66%) Afternoon
29	(22%) Morning

This affect the respondents in the following way:

106	(82%) The area looked untidy
70	(54%) I felt unsafe in the area
51	(39%) I felt afraid or intimidated
47	(36%) It resulted in disturbed or lack of sleep
36	(28%) I avoided the area
17	(13%) It did not affect me
16	(12%) Other

## Slide 11

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**LC1**      [@Dawn Billups] - Should the denominator be 130 - is it multiple choice? so the percentages wouldn't add up to 100 but out of 130 85% said litter was a problem 76% noise etc?

Lorraine Copeland, 30/06/21

**LC2**      ie should it be worded of the 130 respondents ....

Lorraine Copeland, 30/06/21

# Central Manchester

Areas in Central Manchester highlighted by respondents and the issues with those areas

**23** respondents highlighted areas in Central Manchester. Of these:

**13**

(57%)

Residents in the area

**7**

(30%)

Work in the area

**2**

(9%)

Visitor (tourist/shopper/business)

**1**

(4%)

Local business owner

Asked how often they visited the area, respondents said the following:

**19**

(83%)

Almost everyday

**2**

(9%)

At least once a week

**1**

(4%)

About once a month

**1**

(4%)

Within the last 6 months

Asked if the respondent agreed or disagreed that the area they identified should be included in a PSPO to control public drinking, they responded:

**16**

(70%)

Yes

**5**

(22%)

No

**2**

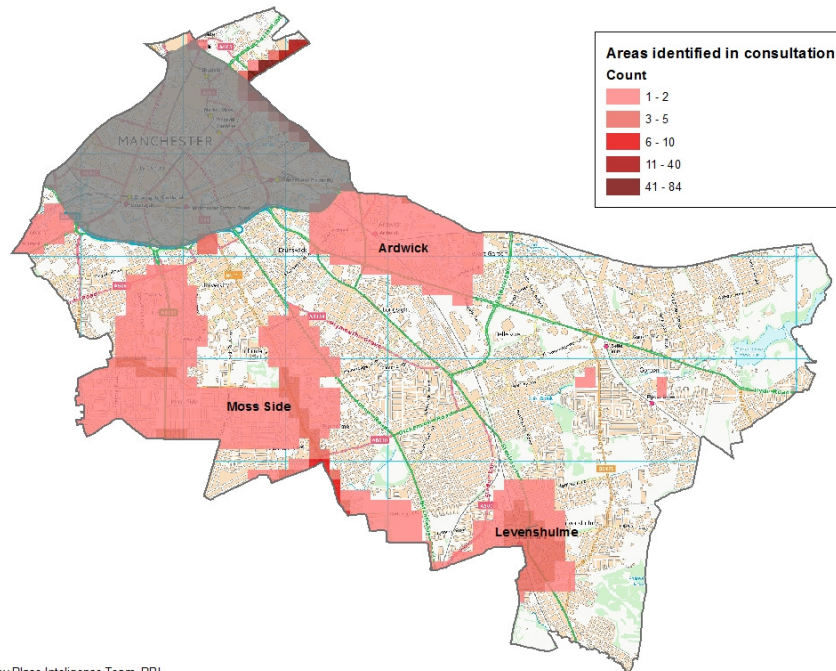
(9%)

Don't know



# Central Manchester

Areas in Central Manchester highlighted by respondents and the issues with those areas



Produced by Place Intelligence Team, PRI

Has street drinking been observed in the area in the last two years:

- 16 (70%) Yes, street drinking had been observed
- 7 (30%) No, street drinking hadn't been observed

How often has street drinking taken place?

- 9 (39%) Several times a week
- 7 (30%) Other
- 6 (26%) Daily
- 1 (4%) Several times a month

What is your view of street drinking in this area?

- 11 (48%) A major problem
- 8 (35%) Not a problem
- 4 (17%) A minor problem

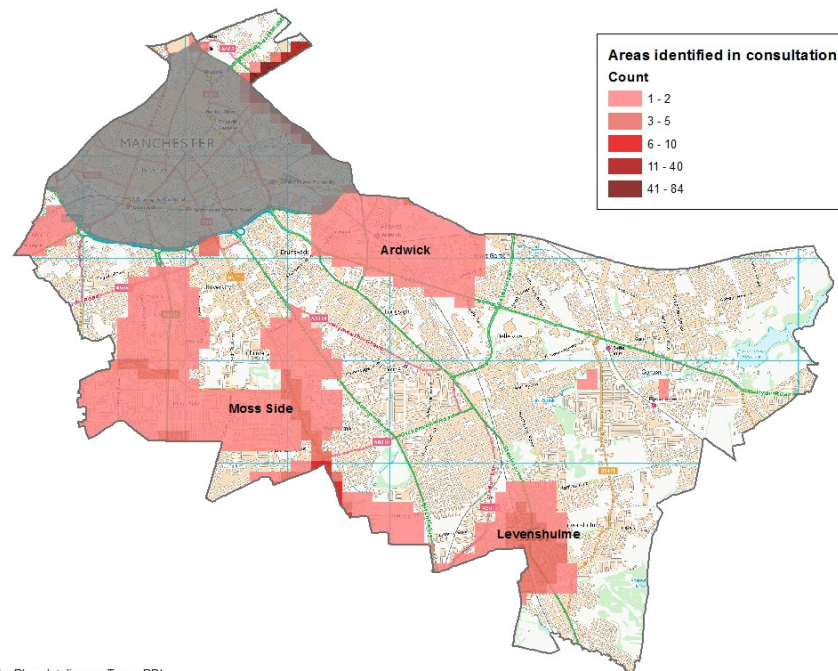
Are there still problems with street drinking in the area?

- 13 (57%) Yes
- 10 (43%) No



# Central Manchester

Areas in Central Manchester highlighted by respondents and the issues with those areas



Produced by Place Intelligence Team, PRI

In addition to street drinking, have you experienced any other associated problems:

14	(61%)	Other
11	(48%)	Groups congregating
10	(43%)	Litter
9	(39%)	Intimidation
9	(39%)	Urination
7	(30%)	Noise
6	(26%)	Bad language
6	(26%)	Harassment

ie times of day when the problem took place was:

15	(65%)	Evening
13	(57%)	Afternoon
9	(39%)	Morning
9	(39%)	Night

is affect the respondents in the following way:

12	(52%)	The area looked untidy
8	(35%)	I felt unsafe in the area
8	(35%)	It did not affect me
6	(26%)	I avoided the area
5	(22%)	I felt afraid or intimidated
3	(13%)	It resulted in disturbed or lack of sleep
3	(13%)	Other

# South Manchester

Areas in South Manchester highlighted by respondents and the issues with those areas

**99** respondents highlighted areas in North Manchester. Of these:

<b>75</b> (76%) Residents in the area	<b>17</b> (17%) Work in the area	<b>4</b> (4%) Other	<b>3</b> (3%) Local business owner	<b>0</b> (5%) Visitor (tourist/shopper/business)
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Asked how often they visited the area, respondents said the following:

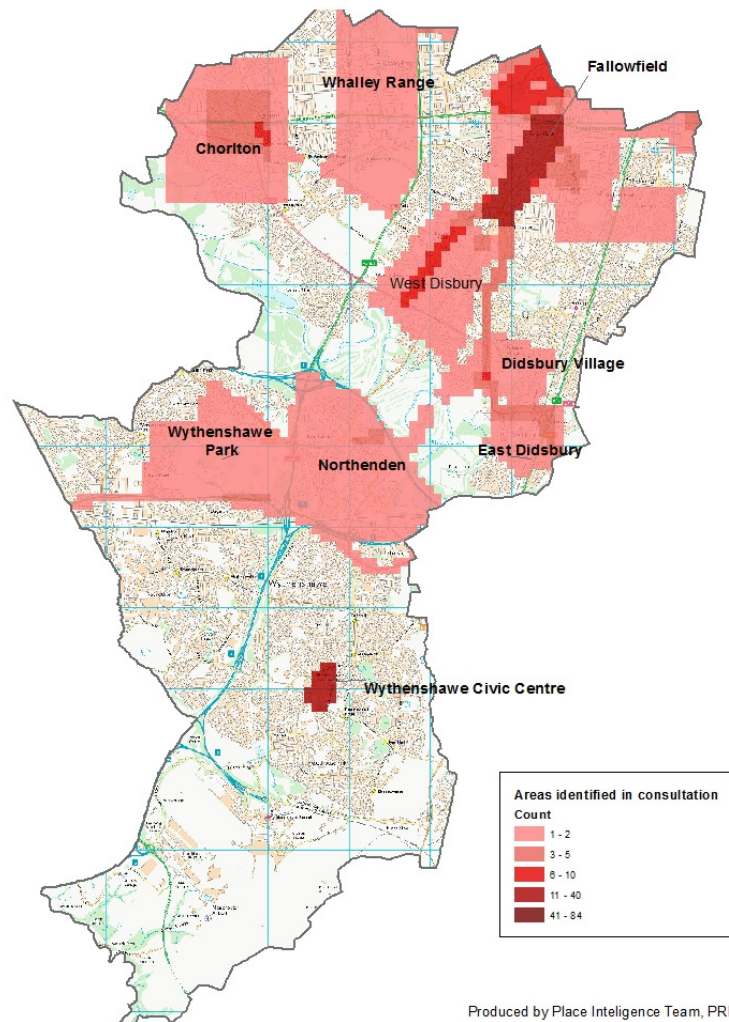
<b>88</b> (89%) Almost everyday	<b>9</b> (9%) At least once a week	<b>2</b> (2%) About once a month	<b>0</b> (0%) Within the last 6 months
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Asked if the respondent agreed or disagreed that the area they identified should be included in a PSPO to control public drinking, they responded:

<b>72</b> (73%) Yes	<b>17</b> (17%) No	<b>10</b> (10%) Don't know
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# South Manchester

Areas in South Manchester highlighted by respondents and the issues with those areas



Has street drinking been observed in the area in the last two years:

93	(94%) Yes, street drinking had been observed
6	(6%) No, street drinking hadn't been observed

How often has street drinking taken place?

46	(46%) Daily
24	(24%) Several times a week
12	(12%) Several times a month
10	(10%) Other
4	(4%) Once a week
3	(3%) Once a month

What is your view of street drinking in this area?

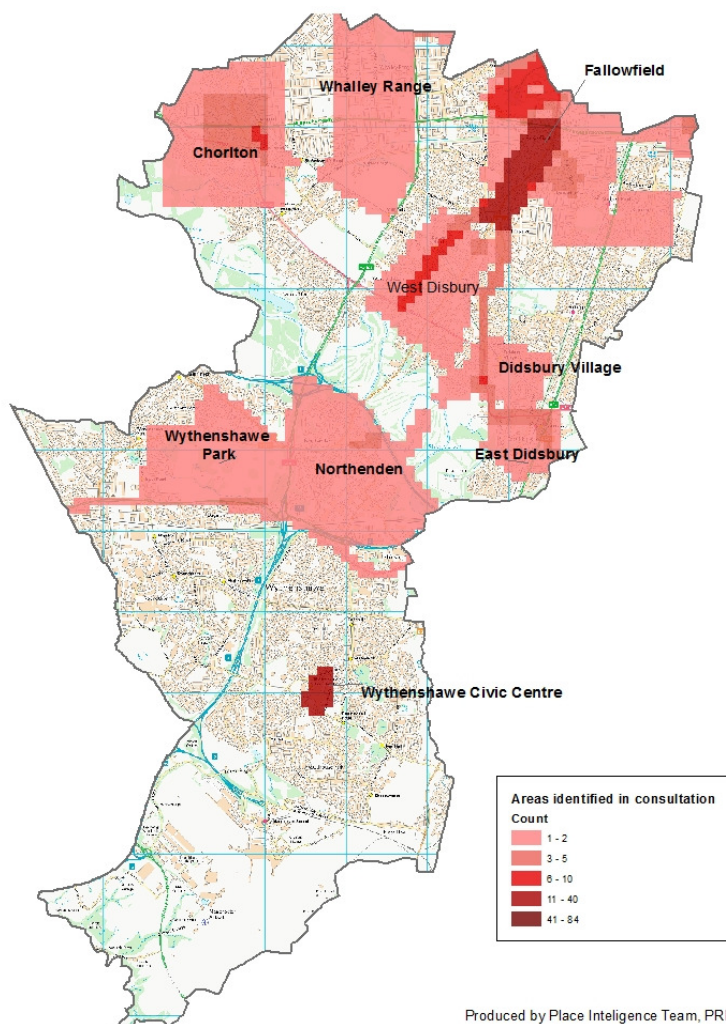
58	(59%) A major problem
21	(21%) Not a problem
20	(20%) A minor problem

Are there still problems with street drinking in the area?

74	(75%) Yes
25	(25%) No

# South Manchester

Areas in South Manchester highlighted by respondents and the issues with those areas



In addition to street drinking, have you experienced any other associated problems:

70	(71%) Litter
63	(63%) Groups congregating
56	(57%) Urination
51	(52%) Noise
44	(44%) Bad language
41	(41%) Intimidation
36	(36%) Other
27	(27%) Harassment

The times of day when the problem took place was:

73	(74%) Evening
63	(64%) Afternoon
57	(58%) Night
43	(43%) Morning

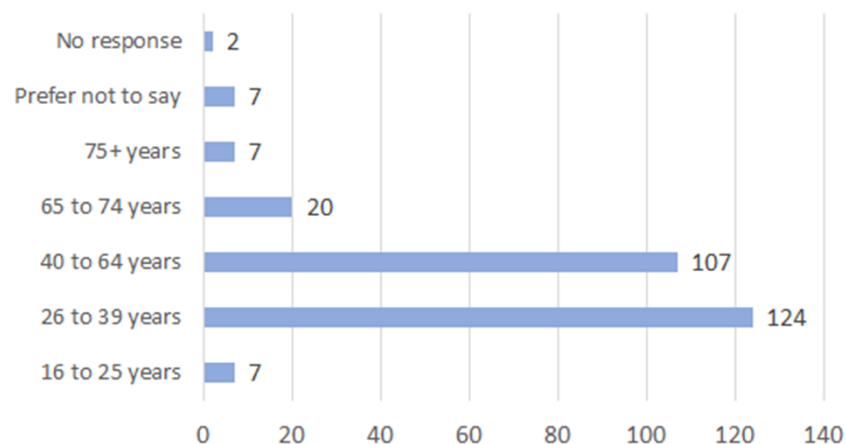
This affect the respondents in the following way:

63	(64%) The area looked untidy
46	(46%) I felt unsafe in the area
31	(31%) I felt afraid or intimidated
30	(30%) It resulted in disturbed or lack of sleep
29	(29%) I avoided the area
23	(23%) It did not affect me
14	(14%) Other

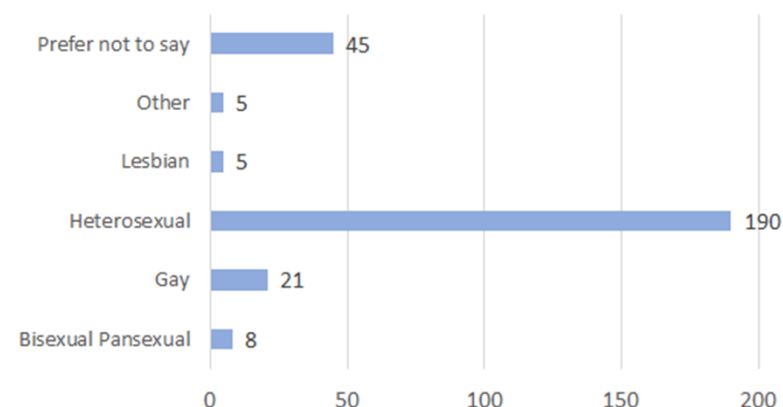
# Demographics of all respondents

Based on 274 respondents

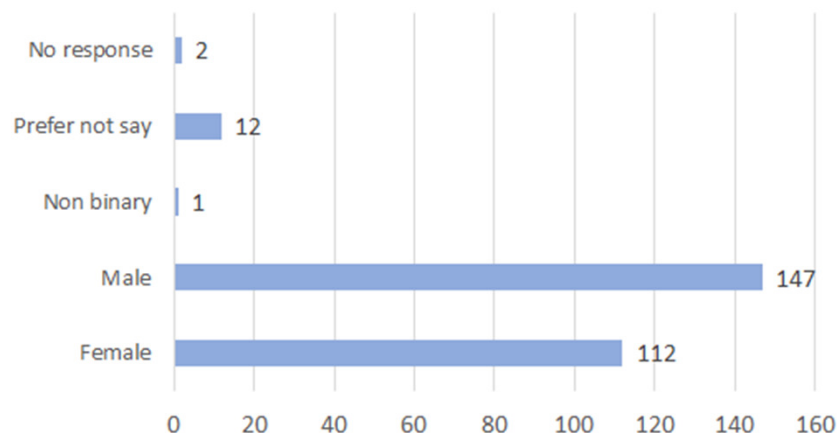
Age of respondents



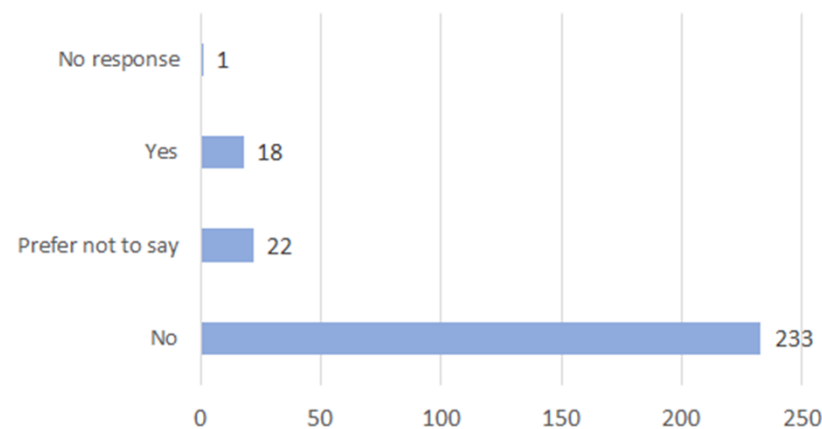
Sexual orientation of respondents



Gender of respondents



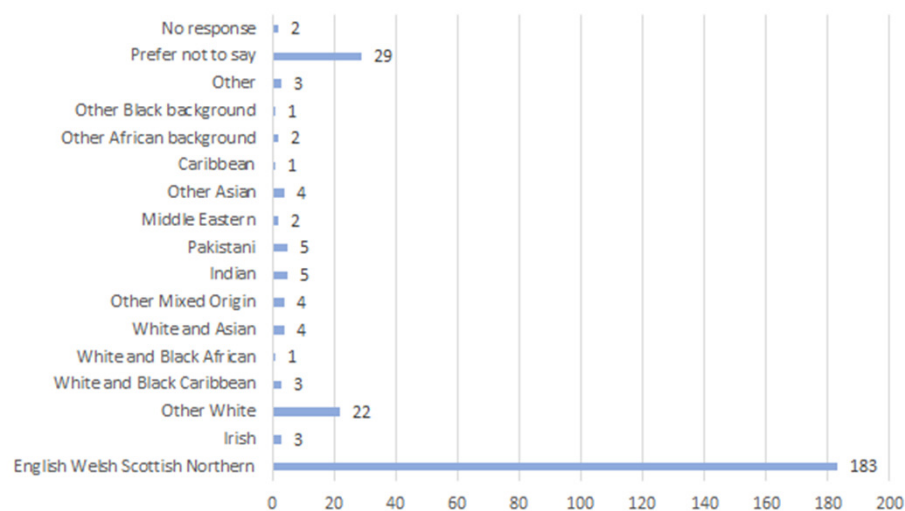
Do respondents have a disability?



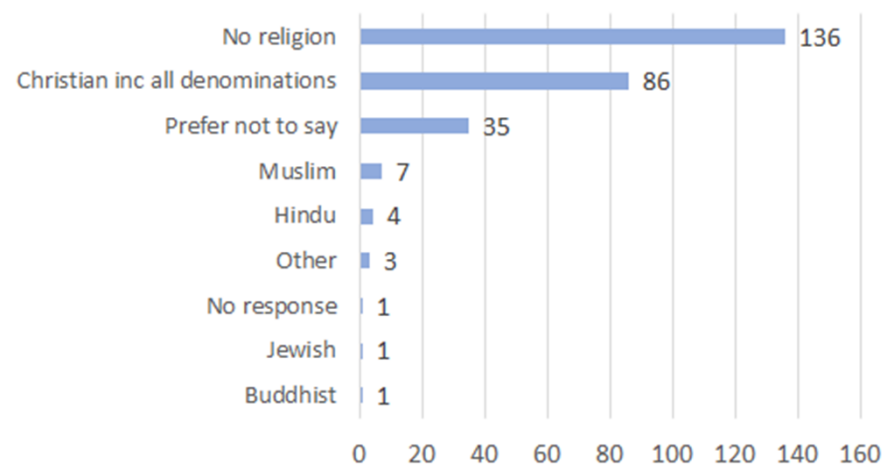
# Demographics of all respondents

Based on 274 respondents

Ethnicity of respondents



Respondents religious beliefs



## [DRAFT] Equality Impact Assessment

### 1. Tell us about your service

My Directorate	Neighbourhoods
My Service	Compliance, Enforcement and Community Safety
My team / section	Anti-Social Behaviour Action Team
The name of the function being analysed	Public Spaces Protection Order to control street drinking
Who is completing the assessment?	Sara Duckett, ASB Lead
Who is the lead manager for the assessment?	Samantha Stabler, Community Safety Lead

### 2. Tell us about the option or activity that you're analysing

Briefly describe the main aims and objectives of your options or activity, outlining at a high level if it has implications for other areas of the Council's work and priorities.

The aim of the activity is to introduce a Public Space Protection Order in Manchester to help restrict any detrimental impacts associated with people drinking alcohol in public places such as on the street and in parks. A PSPO is one of the anti-social behaviour tools and powers. The Order can restrict certain behaviours in a public place or require people to do something to prevent a detrimental impact on others.

It is proposed that the PSPO will cover all of Manchester apart from most of the city centre where there is an existing PSPO that includes a street drinking prohibition. The city centre Order was implemented earlier this year (2021) and early indications show it is an effective tool to help manage anti-social behaviour associated with street drinking.

Evidence identifies clear links between alcohol consumption and crime and anti-social behaviour. In 2018/19, 39% of people in England and Wales said they witnessed anti-social behaviour in their local area. 11% of this anti-social behaviour was alcohol-related. 12% of people said that there is a very or fairly big problem in their area with people being drunk or rowdy in public



places [1]. In 2014-2016 in England and Wales, 91% of violent incidents which took place in or near a pub or club were alcohol-related, and 67% of those which took place in public spaces were alcohol-related [2].

The objective is for the Council and GMP to work together to prevent and tackle anti-social behaviour associated with street drinking making Manchester a safer place for everyone. Tackling crime and anti-social behaviour and reducing the crime impact caused by alcohol and drugs are key priorities for Manchester identified in the Community Safety Partnership's Community Safety Strategy. If the Order is introduced Officers will focus their engagement activity regarding the PSPO on people who they observe street drinking where there is a risk that street drinking may have a detrimental effect on the quality of life of other people. Officers will use their professional discretion to identify if the PSPO is the appropriate power at the time of the engagement.

The recommendation to introduce a PSPO has been made following engagement and consultation with partners, key stakeholders and the public. The opportunity to engage in the consultation was promoted widely through a communications and stakeholder plan. Methods of communication included social media and promotion within ward networks.

The consultation was promoted on the council's social media channels and website. Officers undertook on street engagement with members of the public to raise awareness of the consultation across Manchester and completed surveys with people who did not have access to the internet.

Through the PSPO public consultation officers found that street drinking makes people (46% of Respondents) feel unsafe in their neighbourhoods and the majority of people said the problem was ongoing. People reported feeling afraid and intimidated (32%) and people also avoided certain areas (26%) because of their concerns about street drinking. With regard to the extent that street drinking is problematic or not, 57% of Respondents said it was a major problem, 22% of Respondents said it was a minor problem and 20% of Respondent said street drinking was not a problem. 1% of Respondents did not know if street drinking was a problem.

Full details of the consultation process and rationale for recommending that a PSPO is introduced can be found at [About the street drinking Public Space Protection Order \(PSPO\) consultation | Street drinking Public Spaces Protection Order \(PSPO\) statutory consultation | Manchester City Council](#)



### 3. Analysing the impact on equality

Will the options being assessed here... (Tick all that apply):

Remove or minimise disadvantages suffered by individuals or groups because of their characteristics	✓
Meet the needs of people from protected or disadvantaged groups where these are different from the needs of other people	✓
Promote diversity and encourage people from protected or disadvantaged groups to participate in activities where they are underrepresented	

Describe how you've reached your conclusion and what evidence it's based on (500 words max).

Research identifies that there are certain types of anti-social behaviour that are more likely to be experienced than others. According to the analysis, the ASB types most likely to be experienced/witnessed were: street drinking/drunken behaviour (this ASB type accounted for 11.5% of those who reported experiencing/witnessing some form of ASB); groups hanging around (9.5%); inconsiderate behaviour (7.1%); and vehicle-related ASB (5.1%) [3] Living in an area of higher income deprivation and higher crime risk for longer than 12 months are factors which mean that residents are more likely to experience ASB. Therefore, it is proposed that introducing a PSPO will help to contribute to reducing alcohol related crime and anti-social behaviour in our wards with higher deprivation levels.

There is limited local and national research regarding the profile of people who street drink. Research identifies that people who street drink are more likely to be male, white British and in their 40s [4]. Officers will focus their engagement activity on the street drinking behaviour, particularly where that behaviour is contributing to anti-social behaviour, rather than targeting people because of their protected characteristics.

The health risks associated with drinking alcohol are stark. In England and Wales, data for 2017-19 shows that the alcohol specific mortality rate for England was 10 per 100,000 people and 17.3 per 100,000 for Manchester [5]. In England, there are an estimated 602,391 dependent drinkers (2018.19) [5], of whom 82% are not accessing treatment [6]. In Manchester there is an estimated 8,671 adults who are alcohol dependent, a rate of 20.4 per 1,000 population. This is higher than the estimated national rate for England which is 13.7. 23.4% of adults in Manchester are estimated to drink over 14 units of alcohol per week (the recommended safe limit for alcohol with at least 2 alcohol free days), compared to 22.8% nationally.

The proportion of dependent alcohol users not in treatment in Manchester is 85% which is higher than the proportion for England (82%.) [7] Alcohol misuse is the biggest risk factor for death, ill-health and disability among 15-49 year-olds in the UK, and the fifth biggest risk factor across all ages [8]. Implementing a city wide PSPO provides Council and Police Officers with a justified legal reason to engage with people who drink alcohol in public places which currently does not exist outside the city centre. One of the intended consequences of this is to assess needs and increase referrals into Change, Grow, Live so that the appropriate advice, support and intervention can be provided.

“Problems with drugs and alcohol can be part of a person’s spiral into homelessness. Of course, not everyone who has problems with alcohol or drugs becomes homeless and not every homeless person has problems with drug or alcohol abuse. However, levels of drug and alcohol abuse are relatively high amongst the homeless population. Being homeless is incredibly stressful. There is also a high prevalence of mental health problems amongst the homeless population. It is not uncommon for those traumatised by homelessness to seek solace in drug or alcohol.” [9] If the Order is introduced trained Officers will engage with homeless people in a sensitive and respectful manner. Officers may use their discretion when determining the most appropriate outcome of that engagement. In the city we have an excellent person centred multi-agency offer for vulnerable people through the Street Engagement Hub. People are able to seek support regarding their alcohol consumption in addition to receiving advice around issues including benefits, homelessness, health, crime and anti-social behaviour and referrals to mental health services. PSPO engagement provides an opportunity to refer people to the Street Engagement Hub for support.

Evidence suggests that lesbian, gay, bisexual and transgender (LGBT) people are more likely to be victims of crime than the general population [10]. Due to the high prevalence of alcohol featuring in crimes taking place in public places it is intended that the proposed PSPO would help contribute to keeping everyone safe including LGBT people, women and girls [11]. Similar to all the other protected characteristics and vulnerable groups considered as part of the EIA support will be offered to everyone who is found to be street drinking in the city.

Considering which group/s you have identified the options as being relevant to, complete the table below. Be brief with your answers and only complete them for the group/s relevant to your activity.

	<b>1. What is the impact of your proposal on this group?</b>	<b>2. What evidence have you used to reach this assessment?</b>	<b>3. What actions could be taken to address the impacts?</b>
Age (older people)	The impact on this group (50+) is positive. The PSPO will help contribute to making neighbourhoods safer for older people by preventing and tackling street drinking.	Age Friendly Manchester	N/A
Age (children and young people)	The PSPO will not be enforced against children (17 years and under).  PSPO engagement may involve 18 – 25 year olds. However, this group will not be targeted because of age. All activity will be based on who officers observe to be street drinking and the aim is to divert young people away from street drinking and anti-social behaviour through advice and support.	Policy decision.	If children are identified drinking alcohol in public places officers will initiate the appropriate safeguarding response.  Explore the opportunity to improve equality monitoring related to asb interventions.
Carers	There is no evidence of a disproportionate impact on carers.		
Continuing health conditions	The adverse health impacts related to drinking alcohol are identified above including the fact that 85% of people in Manchester who are alcohol dependant do not access treatment. The PSPO will be an opportunity to intervene and	See table above.	Through the engagement with the individual the officer utilises discretion about the appropriate response. The options include; advice, support referral, warning, seizing the alcohol, fixed penalty notice and / or prosecution. A balanced approach will be taken to signpost people to the relevant

	<p>refer people to appropriate support services.</p> <p>A senior officer in the Council's Population Health Team has advised that if alcohol is taken away from people who are dependent on alcohol, this will put their life in danger and could impact on emergency ambulance call outs due to seizures and unplanned hospital admissions.</p>	Population Health Team.	<p>support services to enable them to access help with problematic drinking. Officers will work with the Population Health Team and invite Change, Grow, Live to contribute to the officer training package regarding alcohol disorders, dependency and the intervention pathways. The risks associated with seizing alcohol from people who are alcohol dependent will be identified through the training.</p> <p>Explore the opportunity to improve equality monitoring related to asb interventions.</p>
Disability	<p>The evidence identifies links particularly between alcohol and mental health needs. Vulnerable people will be supported to access the relevant help and intervention.</p>	See table above.	Explore the opportunity to improve equality monitoring related to asb interventions.
Faith / religion / belief	<p>There is no evidence of a disproportionate impact on faith/religion/belief.</p>		
Families living in poverty	<p>The PSPO aims to support this group by contributing to making communities safer by tackling asb associated with street drinking.</p>	See table above.	Explore the opportunity to improve equality monitoring related to asb interventions.
Gender identity / Trans	<p>The PSPO aims to support this group by contributing to making communities safer by tackling asb associated with street drinking.</p>	See table above.	Explore the opportunity to improve equality monitoring related to asb interventions

Marriage / civil partnership	There is no evidence of a disproportionate impact on marriage / civil partnership.		
Homelessness	The PSPO aims to support this group by engaging in a positive and respectful manner. Every opportunity will be taken to signpost the individual to relevant support services including Change, Grow, Live and the Street Engagement Hub.	See table above. Officer experience of city centre PSPO activity.	Explore the opportunity to improve equality monitoring related to asb interventions
Ex-Armed Forces	There is no evidence of a disproportionate impact on ex-armed forces.		Explore the opportunity to improve equality monitoring related to asb interventions
Pregnancy / maternity	There is no evidence of a disproportionate impact on marriage / civil partnership.		Explore the opportunity to improve equality monitoring related to asb interventions
Race	There is no evidence of a disproportionate impact on race.		Explore the opportunity to improve equality monitoring related to asb interventions
Sex	Due to the evidence we have highlighted above, it is likely that the PSPO engagement will mainly be with men. Activity will be focused on people who officers observe street drinking. People will not be targeted because of their sex. The PSPO may have a positive impact on the work to ensure public places are safe for women and girls by tackling anti-social behaviour associated with street drinking.	See table above. Officer's experience of city centre PSPO engagement activity.  See table above	Explore the opportunity to improve equality monitoring related to asb interventions

Sexual Orientation	The PSPO aims to support this group by contributing to making communities safer by tackling asb associated with street drinking.		Explore the opportunity to improve equality monitoring related to asb interventions
Any other (please list)			

#### 4. Head of Service Approval

Your completed analysis needs to be signed off by your Head of Service to approve it.

<b>Name:</b>		<b>Date:</b>	
<b>Job title:</b>		<b>Signature:</b>	

## Annex 1 – Actions Log

Use this table to list the actions you have identified to mitigate and adverse risks, detailing who will be responsible for completing these and setting clear timescales for delivery. Your actions will be reviewed at 6 months and 12 months to assess progress.

Actions identified in your EIA	Responsible officer / team for delivery	Timescale for delivery	Comments
Invite Change, Grow, Live to contribute to the development of the officer training package	Sara Duckett, Anti-Social Behaviour Action Team	Upon the decision being made whether or not to introduce the PSPO	
Deliver training to all officers involved in implementing the PSPO.	Sara Duckett and Ben Lough, Anti-Social Behaviour Action Team	To be completed prior to any engagement activity if an Order is introduced.	
Explore the opportunity to improve equality monitoring related to asb interventions	Sara Duckett and Samantha Stabler, Anti-Social Behaviour Action Team & Community Safety Team	To be begin if/when a decision to introduce the PSPO is taken	

## References

- [1] Office for National Statistics (2019). Crime in England and Wales: Other related tables.
- [2] Office for National Statistics (2017). Overview of violent crime and sexual offences.
- [3] [Annual Report of the Victims' Commissioner 2020 to 2021](#)
- [4] Police and Crime Commissioner guidance on best practice – supporting evidence and resources (2016)
- [5] Adults Alcohol Commissioning Support Pack, 2022-23, Office of Health Disparities and Improvement.
- [6] Public Health England (2021). Public Health Dashboard.
- [7] Adults Alcohol Commissioning Support Pack, 2022-23, Office of Health Disparities and Improvement.

[8] Burton, R. et al (2016) The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies: An Evidence Review.

[9] Crisis, 'Together we will end homelessness' <https://www.crisis.org.uk/ending-homelessness/health-and-wellbeing/drugs-and-alcohol/#> (accessed 1 November 2021)

[10] National LGBT Survey: Summary Report (2019)

[11] Tackling violence against women and girls strategy, Home Office (2021)

[



## Appendix 7

### Street drinking in different areas across Manchester including examples of direct Respondent quotes taken from the statutory consultation responses

#### Ancoats and Beswick

- Survey responses detailed concerns about drinking in the Cutting Room Square area, Woodward Street and nearby park
- The detrimental effect of this behaviour was intimidation and not being able to take their child to the park
- Greater Manchester Police (GMP) submitted a requirement for a PSPO to manage drinking around the Sportscity area and Cutting Room Square
- It was stated that street drinking in the area results in increased litter, anti-social behaviour
- There was previously a PSPO in place in parts of the area that has made it possible to deal with street drinking.

Examples of feedback (direct quotes) received during the public statutory consultation explaining the problems associated with people drinking alcohol in public places;

*“Damage to the building I manage. Urine and other detritus in doorways. Difficulty managing visitors to our venue in approved and licensed spaces against those drinking in the square surrounding the building. None customers expecting use of toilets.”*

*“Fouling, human faeces and litter (including drug paraphernalia) is devastating this community.”*

*“It made it unbearable being at home at times – feelings of stress and anxiety.”*

#### Ardwick

- Reports of street drinking to GMP were recorded as the highest number after the City Centre in the 12 month period June 2018 – June 2019 (18)

#### Baguley

- There was previously a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Brooklands

- Survey responses detailed concerns around Bowland Road and Firbank Road
- The impact of this has been lack of sleep, fear and worry about the areas.
- There was previously a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Burnage

- Survey response details concerns at Westdean Crescent and the wider area.

- The detrimental effect of this was detailed as lack of sleep and litter concerns

Examples of feedback (direct quotes) received during the public statutory consultation explaining the problems associated with people drinking alcohol in public places.

*“It resulted in disturbed and lack of sleep, I felt afraid and intimidated and unsafe in the area”*

#### Charlestown

- Responses from the survey identified issues with street drinking around Charlestown Road and White Moss shops
- This resulted in people avoiding the area
- Feedback from GMP identified some issues in parks throughout the summer months
- The impact of this was identified as litter and concern for children in the park

#### Cheetham

- GMP have identified concerns about the area with numerous reports of street drinking made to the police particularly Cheetham Hill Road, Bury Old Road area resulting in anti-social behaviour, threats and intimidation.
- The impact has been identified as a concern for the local area, fear and intimidation.

#### Chorlton

- GMP officers have identified concerns about street drinking particularly in the Chorlton Green area. Reports have been received about noisy gatherings, urination and antisocial behaviour.
- The impact of this behaviour has been reported as resident concerns and litter in the area
- Resident responses to the survey also identified Chorlton Green as a concern including congregating, noise, litter, bad language, urinating and intimidation
- The impact of the behaviour included lack of sleep and intimidation

#### Chorlton Park

- Resident response to the survey identified problems with litter left behind from street drinking
- The impact of this was a concern about the look of the area.

#### Clayton and Openshaw

- Responses received highlighted concerns around Ashton Canal towpath and grass area by Holt Town tram stop as a major problem with street drinking resulting in shouting and fighting.
- The behaviours were described as intimidating

#### Crumpsall

- Numerous reports to GMP (15) between June 2018 and June 2019 were recorded in relation to street drinking
- Response to survey identified concerns around Lonsdale Road and Waterloo Road with groups congregating littering and intimidating behaviour

- The impact was cited as intimidation and trying to avoid the area

#### Didsbury East

- Responses to the survey identified people drinking and using foul language, littering and urinating in Didsbury Village
- The impact was reported as intimidating, frightening, feeling vulnerable.
- GMP also reported problems with street drinking in the area including gatherings, fights and anti-social behaviour

#### Didsbury West

- GMP reported problems with street drinking in relation to Burton Road and Cavendish Road
- Several responses to the survey identified people drinking and using foul language, littering, urination in Didsbury Village, Palatine Road, Burton Road, Cavendish Road
- The impact of this was fear and intimidation, disturbance and lack of sleep, and litter and detritus left in the area.

#### Fallowfield

- Several survey responses were received in relation to street drinking in Fallowfield and Withington reporting gatherings, noise, urination, defecation, bad language, criminal damage and vandalism. Areas mentioned include Fallowfield, Withington, Clifton Avenue, Wellington Road and Victoria Road.
- This causes fear and worry, lack of sleep and damage to property.
- There was previously a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

Examples of feedback (direct quotes) received during the public statutory consultation explaining the problems associated with people drinking alcohol in public places.

*“Drinks containers and litter, noise and antisocial behaviour and urination on our property.”*

*“Extreme litter and noise problem.”*

*“Gross, loutish, vulgar and uncivilised behaviour, particularly by privileged entitled students, including ruining the pleasure of residents and their families visiting Platt Fields park.”*

*“Have to clean urine off walls and litter from side of house and garden.”*

*“I am seriously considering selling my house at a loss to leave the area.”*

#### Gorton and Abbey Hey

- GMP reports demonstrated that Gorton and Abbey Hey is one of the worst-affected wards for streets drinking with 10 reports in the period June 18 – June 19

- Responses from the survey identified issues with street drinking in areas including Vine Street and Delamere Street
- The impact of this is litter in the street and children unable to use the park.

Examples of feedback (direct quotes) received during the public statutory consultation explaining the problems associated with people drinking alcohol in public places.

*“Groups congregating at Annie Lees Park, Mount Road in the children’s play area”*

#### Harpurhey

- Responses to the survey identified street drinking as a problem in areas of Harpurhey including Monsall, Rochdale Road and Clough Road with associated behaviours such as gatherings, noise, intimidation and littering.
- The impact of these behaviours included lack of sleep and fear.
- There was previously a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

Examples of feedback (direct quotes) received during the public statutory consultation explaining the problems associated with people drinking alcohol in public places.

The groups of people around Harpurhey district centre *“Stops customers attending”* the shops in the area.

#### Higher Blackley

- There was previously a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Hulme

- A response from the survey detailed issues with street drinking in Hulme particularly near cash-points and off licences with groups arguing and using offensive language
- The impact of this is that it makes people feel uncomfortable and avoid using the facilities.
- There was previously a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Levenshulme

- A response to the survey stated concerns about street drinking in Levenshulme
- The impact was identified as making the individual feel unsafe in their own home

Examples of feedback (direct quotes) received during the public statutory consultation explaining the problems associated with people drinking alcohol in public places.

*“Alcoholics congregating with cans, also, sometimes people with a baby in a pram”*

*Considered by a resident as a major problem "Regular people can't use one of Levy's few green seating areas" due to people drinking in the area.*

#### Longsight

- A response to the survey identified a concern about street drinking along the A6 (Stockport Road), this resulted in aggressive behaviours such as criminal damage and offensive language.
- The impact of this was people's cars being damaged.
- Police, Councillors and other partner agencies have detailed concerns about drinking in Crowcroft Park. This has included anti-social behaviour, abusive and offensive language, littering, urination and defecation.
- The detrimental impact has been felt by a local school who have had to change their route from the park to the school as it did not feel safe for the children.

#### Miles Platting and Newton Heath

- There was previously a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Moss Side

- Responses were received reporting concern about street drinking in Moss Side and specifically near Flamborough Walk. Behaviours included noise, intimidation, harassment, littering, bad language and urination.
- The impact of this was that people felt disgusted about the place they live.
- Moss Side was also one of the worst affected wards in relation to incidents reported to the police connected to street drinking (16)

#### Moston

- Responses raised concerns about street drinking in Moston. Specific areas identified included Moston Lane, Kenyon Lane, Nuthurst Park, St Mary's Road, Hollinwood Avenue. Behaviours were described as urination, loud music, anti-social behaviour, intimidation.
- This makes people feel unsafe in the local area and makes them avoid the streets.
- GMP also reported experiencing issues in the Moston Lane, Kenyon Lane, Rochdale Road area resulting in ASB outside licensed premises.
- There was previously a PSPO in place in parts of the area that has made it possible to deal with street drinking.

#### Northenden

- Several residents raised concerns about street drinking in Northenden, particularly groups of people congregating on Northenden Green. Behaviours were described as urinating, arguing, swearing and littering.
- These issues were described as causing significant disturbance to family life and intimidation. Residents explained that they were unable to sleep due to the noise.

Examples of feedback (direct quotes) received during the public statutory consultation explaining the problems associated with people drinking alcohol in public places.

*“It means I cannot use my garden in peace as it backs onto the area” (Northenden Green)*

*“Generally, those that were street drinking did so responsibly” (resident reported seeing street drinkers almost every day)*

*“Drinking in front and behind Happy Man Shops, smell of smoking drugs from park opposite”*

#### Old Moat

Four residents complained specifically about street drinking in Old Moat and highlighted Old Moat Park as having an issue with groups of people congregating, drinking alcohol and intimidating other people wishing to use the park. People reported this as a major issue happening on a daily basis.

#### Rusholme

- Our survey identified parts of Rusholme where there are problems with street drinking including Great Western Street near Roberts Avenue and Flamborough Walk.
- Behaviours identified included groups of people arguing and fighting, foul language and littering.
- The impact of this behaviour was reported to make people feel unsafe and affect residents' ability to sleep.
- There was previously a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Sharston

- There was previously a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

#### Whalley Range

- Responses to the survey identified street drinking as a problem specifically on College Road, Wood Road and Withington Road. Behaviours associated with street drinking included, litter, damage to cars and noise late at night.
- The impact of this behaviour was loss of sleep, feeling uncomfortable in the local area, feeling intimidated and the area looking messy.

#### Withington

- Several survey responses were received in relation to street drinking in Fallowfield and Withington reporting gatherings, noise, urination, defecation, bad language, criminal damage and vandalism.
- This behaviour results in fear and worry, lack of sleep and damage to property.
- There was previously a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

Woodhouse Park

- There was previously a PSPO in place in parts of the area that has made it possible to deal with on-street drinking.

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**Manchester City Council (Alcohol Consumption) Public Spaces  
Protection Order 2022  
The Anti-social Behaviour, Crime and Policing Act 2014**

Manchester City Council in the exercise of its powers under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) hereby makes the following Order.

This Order is made on the *[insert day]* of *[insert month]* 2022 and shall have effect for a period of 3 years thereafter, unless discharged or extended under the Council's statutory powers.

### **General provisions**

The Council is satisfied on reasonable grounds that the activity in the Restricted Area and identified in Article 1 of this Order:

- has had a detrimental effect on the quality of life of those in the locality, or it is likely that this activity will be carried on in the Restricted Area and that it will have such an effect; and
- that the effect, or likely effect, of this activity:
  - is, or is likely to be, of a persistent or continuing nature;
  - is, or is likely to be, such as to make those activities unreasonable; and
  - justifies the prohibitions imposed by this Order

The Council is satisfied that the prohibition and requirement imposed by this Order are reasonable to impose in order to prevent the detrimental effect of the activity from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that any restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

This Order applies to all public places within the Restricted Area.

This Order is available for inspection on the Council's website.

### **Definitions**

"Alcohol" has the same meaning as in section 191 of the Licensing Act 2003.

"Authorised person" means a person authorised in writing by the Council.

"Constable" includes Police Community Support Officer.

“Public place” means any place to which the public or any section of the public has access on payment or otherwise, as of right or by virtue of an express or implied permission.

“Restricted Area” means all public places, as defined by section 74(1) of the Act, within the boundary of Manchester City Council except for those within the areas covered by the Manchester City Council ( City Centre) Public Space Protection Order 2020 as more particularly outlined in red on the map at the Appendix 1.

“The Council” means Manchester City Council.

## **Prohibition**

### **Article 1: Consumption of alcohol**

The consumption of alcohol or anything an Authorised Person or Constable considers to be alcohol in breach of an Authorised persons or Constables request to cease it's consumption.

### **Article 2: Failure to surrender alcohol**

Having an unsealed container of alcohol or anything an Authorised person or Constable believes to be alcohol in breach of a request from an Authorised Person or Constable to surrender it .

## **Requirement**

### **Article 3: Provision of information upon request**

A person who an Authorised Person or Constable reasonably suspects has breached Articles 1 or 2 of this Order shall, upon request of that Authorised Person or Constable, provide their name, address and date of birth to that Authorised Person or Constable.

## **THE COMMON SEAL OF THE COUNCIL OF THE CITY OF MANCHESTER**

Was hereunto affixed in the pursuance of an order of the Council of the said City: -.

Authorised Signatory

Dated this *[insert day]* day of *[insert month]* 2022

## **What happens if you fail to comply with this order?**

Section 63 of the Anti-social Behaviour Crime and Policing Act 2014 provides that where a Constable or Authorised Person has reason to believe that a person has been consuming alcohol in breach of this Order or intends to consume alcohol in circumstances which would be a breach of this Order, the Constable or Authorised Person may require that person not to consume alcohol or anything which is reasonably believed to be alcohol and/or surrender anything believed to be alcohol or a container for alcohol.

A requirement is not valid if the Constable or Authorised Person, fails to show evidence of their authorisation. Section 62 of the Act (set out in full below) contains a list of exceptions where the prohibition on consuming alcohol does not apply. Failure to comply without having a reasonable excuse is an offence.

## **Criminal offence**

Section 67 of the Anti-Social Behaviour Crime, and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse:

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

## **Penalty**

A person who is guilty of an offence under this Order shall be liable to a £100.00 Fixed Penalty Notice, or upon summary conviction to a fine not exceeding level 2 (£500) on the standard scale.

## **Appeals**

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in or visits the Restricted Area. This means that only those who are directly affected by the restrictions have the right to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with. When an application is made the High Court can decide to suspend the operation of the order pending the court's decision, in part or in totality. The High Court has the ability to uphold or quash the order or any of its prohibitions or requirements.

## **Legislation**

**62 - premises etc to which alcohol prohibition does not apply**

(1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—

(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 (a) or (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) A prohibition in a public spaces protection order on consuming alcohol does not apply to

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 section—

“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 section, 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.

### **Section 67 - offence of failing to comply with the order**

(1) It is an offence for a person without reasonable excuse—

(a) to do anything that the person is prohibited from doing by a public spaces protection order, or

(b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

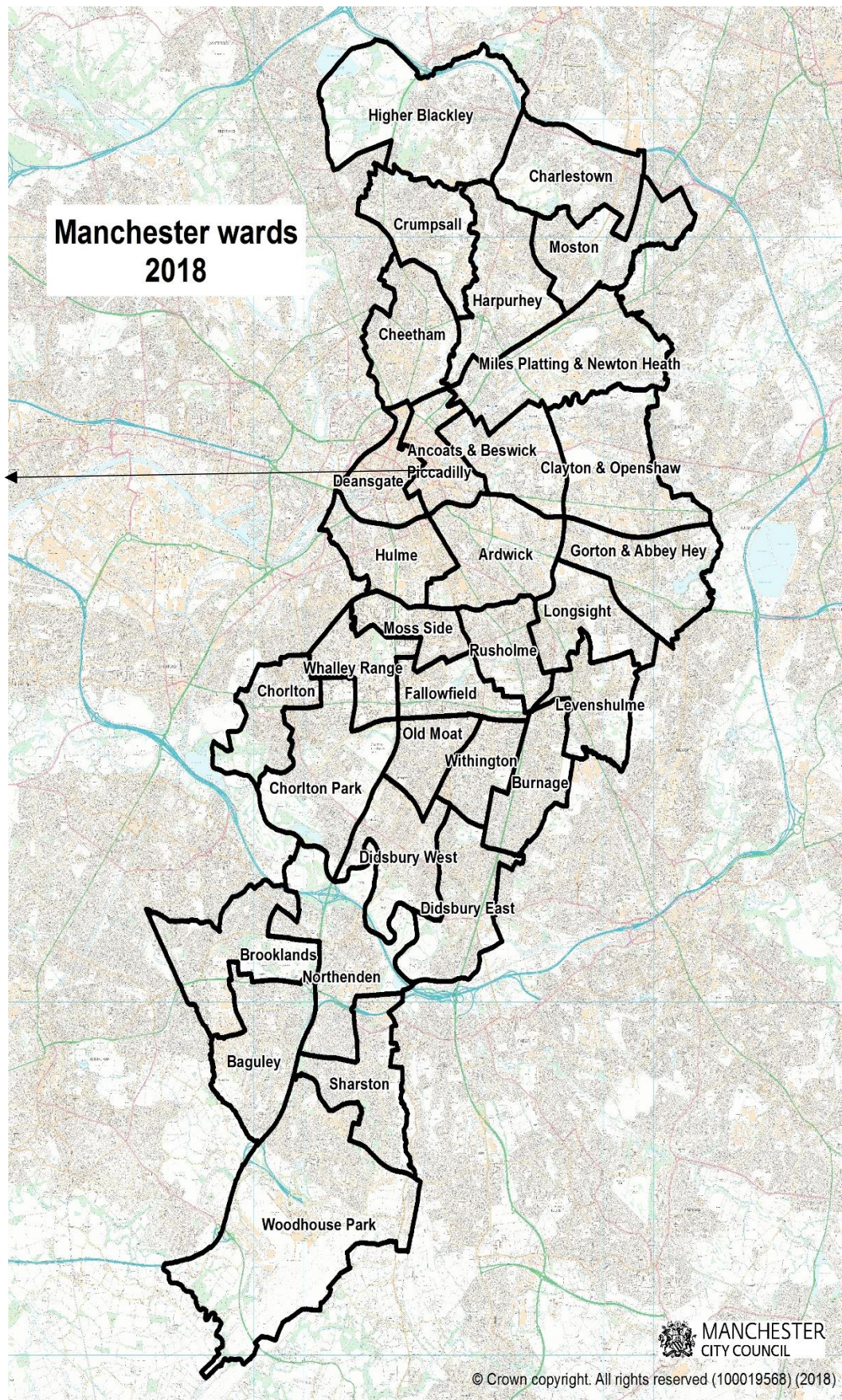
(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (section 63).



## Appendix 1



Map for illustrative purposes only. If a decision is made to introduce a PSPO a more detailed map outlined in red will be produced.