

## Frequently Asked Questions (PSPO – Alcohol Consumption in Public Spaces)

### **Why is a PSPO to tackle antisocial behaviour related to street drinking required?**

The PSPO is designed to ensure the law-abiding majority can use and enjoy public spaces without experiencing anti-social behaviour. These powers are not intended to disrupt peaceful activities and are used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place. It is not a criminal offence to consume alcohol within a designated area. An offence is only committed if the individual refuses to comply with an authorised officer's request to stop drinking.

A PSPO cannot be used to restrict the consumption of alcohol where premises are licensed for the supply of alcohol as licensing law already includes safeguards against premises becoming associated with nuisance and anti-social behaviour.

The current Order is effective across all land to which the public have access as identified within the current order.

Alcohol related anti-social behaviour can quickly escalate and have a significant and lasting impact upon communities. Whilst most residents, visitors or people living and working in the county drink socially and behave responsibly, their right to enjoyment of our public spaces can be threatened by those who behave in anti-social manner,

The PSPO allows Police and authorised Council officers to ask individuals to stop drinking and have their alcoholic drinks confiscated, if they are deemed to be acting antisocially. It is an offence to fail to comply with a request to stop drinking or surrender alcohol including any opened or sealed containers in the area covered by the PSPO.

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### **How long has the current PSPO been in place?**

The County wide DPPO, now a PSPO, went live in 2012. The aim of this was to reduce the amount of anti-social street drinking occurring within Cornwall and therefore lowering the number of residents' complaints. Its aim was to ensure our public spaces are safe, improving the quality of life for residents and visitors.

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### **Can I be stopped or arrested for carrying alcohol in public spaces?**

A PSPO does not make it illegal to carry alcohol or to drink alcohol in a public place; as long as drinking is done responsibly. A PSPO will only be used to tackle alcohol related anti-social behaviour or disorder. Under these circumstances police will have the power to stop people drinking alcohol and seize or confiscate alcohol within the controlled area.

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### **Would people still be able to drink or hold alcohol bottles outside pubs?**

Yes. The PSPO does not make it illegal to drink alcohol in a public place. However, if a person was to drink beyond the legal boundary of licensed premises and they do not stop

drinking if asked to do so by an officer authorised by the local authority, police officer or police community support officer, then they could be at risk of regulation.

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

Events within a public place authorised by a premises license or a Temporary Event Notice (TEN) will be excluded from the Police and Authorised Council Officers PSPO powers.

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#### How will the PSPO be enforced?

- Breach of a PSPO is a criminal offence subject to a fine up to a level three on prosecution (up to £1,000)
- A Fixed Penalty Notice can be issued for £100 for failing to comply with an officer's request to stop drinking or hand over the alcohol
- Payment of the Fixed Penalty Notice discharges liability to conviction for the offence
- The Police will work in partnership with the council to ensure the effective enforcement of the PSPO.

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#### Does the PSPO ban drinking alcohol in public spaces?

It is NOT an offence to consume alcohol within the PSPO identified areas however; a Constable or Authorised Person can require a person to stop consuming what they believe to be alcohol and require that person to surrender any alcohol or container they believe contains alcohol. The Person must be informed that failure to comply with the Officers requirement is an offence. A Constable or Authorised Person may dispose of the contents in whatever way they think appropriate.

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#### Where can I report non-urgent crime?

- Use the non-urgent online crime reporting service on the [Devon and Cornwall Police website](#)(External link)
- Ring 101 or text/SMS 67101
- Minicom/Textphone 18001 101
- ASB incidents should be reported to Devon and Cornwall Police by calling 101 or using the online reporting form [Here](#)(External link)

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#### Where can I get support for drugs and alcohol?

# withyou

“We are with you” support adults, children, young adults and older people to make positive behavioural changes. Whether that’s with alcohol, drugs, or mental health and wellbeing, we’re here to help people improve their lives in ways they never thought possible.

Call 0333 2000 325

Online [www.wearewithyou.org.uk](http://www.wearewithyou.org.uk)(External link)

YZUP (young people) [www.wearewithyou.org.uk/services/cornwall-for-young-people/](http://www.wearewithyou.org.uk/services/cornwall-for-young-people/)(External link)  
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**Where can I get help and support for domestic abuse or sexual violence?**



Safer Futures provides support, safety planning, advice, therapy and recovery in domestic abuse and sexual violence. We can help if you have experienced sexual assault, abuse or rape and need support in your recovery. Services are provided to women, men, young people and children.

Call 0300 777 4777

Online [www.saferfutures.org.uk](http://www.saferfutures.org.uk)(External link)

Email [saferfutures@firstlight.org.uk](mailto:saferfutures@firstlight.org.uk)(External link)  
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**What are the concerns and issues with street drinking/ drinking in public spaces?**

Street drinking is sometimes associated with anti-social behaviour, causing high levels of noise, rowdy and nuisance behaviour, harassment and intimidation of passers-by, as well as the littering of cans and bottles and urination in public spaces.

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