

Epsom Psychoactive substances PSPO: Summary of Conclusions of Consultation 2021

About the consultation

A Public Space Protection Order (PSPO) is designed to stop individuals or groups committing anti-social behaviour in a public space. Epsom and Ewell Borough Council can use PSPOs to address anti-social behaviour by prohibiting specific activities in defined public areas.

Between 21 July 2021 and 6 September 2021, we consulted the community and stakeholders as part of a plan to deal make the possession and use of psychoactive substances unlawful where it is not covered by other legislation such as the Misuse of Drugs Act.

This Summary of Conclusions explains how we consulted on the proposal to declare a PSPO and sets out the conclusions relied on by the Council's officers in recommending that the Committee make a PSPO in the terms contained in the draft order attached to the Committee Report together with this Summary of Conclusions.

How we consulted with the community

In addition to consulting statutory consultees, the Council adopted the approach found in 'A Common Purpose' Guidance from DEFRA and consulted the wider public. Between 21 July and 6 September 2021, the Council carried out an online survey aimed at a broad cross section of society and groups that would be interested in the making of a PSPO to control psychoactive substances. We promoted the survey through social media and on our website. Business groups in Epsom were reached via the Business Improvement District and contact was made with the various Friends of the Parks groups via the Council's Community Liaison Officer.

In addition to asking the participants to confirm their status (e.g., local resident) we asked the following questions.

1. In the past 12 months have you been affected by problem behaviour related to the use and disposal of psychoactive substances in Epsom & Ewell?
 - a. If 'Yes', please share with us the location of the incident (e.g. the name of the street or park) and how it has affected you below

2. The proposed PSPO covers all of the Epsom and Ewell borough areas. Do you agree with the areas to be covered by the PSPO?
 - a. If you disagree, please specify areas to be included or excluded in the PSPO explaining your reasons below.

3. If you have any other comments on the proposed PSPO, please include your comments below

Participation

44 people participated in the survey as follows

Local resident – 39

A person who works in the borough – 2

Representative of a community group – 3

Key findings

The main themes identified by respondents have been extracted from the consultation responses and appear below

If 'Yes', please share with us the location of the incident (e.g. the name of the street or park) and how it has affected you below	
<p>Wide range of locations identified, specifically: Shadbolt Park Stoneleigh Broadway Noble Park Hook Road Epsom Downs Nonsuch Park Epsom Common Court Recreation Ground Epsom Town Centre Rosebery Park Gibraltar Recreation Ground Cumberland Close Alexandria Recreation Ground Horsley Close Rifle Butts Alley Ewell Village surrounds Church Road Ewell Upper High Street Epsom</p>	<p>The wide range of locations accord with the observations from Council officers.</p> <p>The locations cited are typically public spaces of land where people naturally and lawfully congregate but where certain groups carry on illicit activities.</p> <p>The locations also feature areas of urban streetscape and alleyways.</p>
If you have any other comments on the proposed PSPO, please include your comments below	
<p>Comments relating to the enforcement of the provisions, the numbers of officers and at what times of day the provisions might be enforced. Concern that they will not be used out of office hours.</p>	<p>The intention is that the enforcement will be carried out by Surrey Police who will automatically be given the powers on adoption of the enabling Order by the Council. As such the provisions will be available for use at all times of the day and night.</p>
<p>Various comments of support</p>	
<p>A concern relating generally to criminalisation and the failure of the “war on drugs”</p>	<p>The proposals involve the creation of a new offence of the possession and use of psychoactive substances in a similar way that more conventional classes of drugs are controlled. The manner of their possession and use must, however, be causing or likely to cause harassment, alarm, distress, or annoyance in order for the offence to be committed. This means the authorised officer will need to assess the circumstances before proceeding to take resulting action. The aim of the provisions is to allow police the ability to demand surrender of psychoactive substances and it is a separate decision as to whether it is in the public interest to take a prosecution (or issue FPN), against the person using or possessing the substance. On balance, it is considered that without the offence</p>

	of using or possessing psychoactive substances, the proposals would be rendered ineffectual regardless of whether anyone is prosecuted or not.
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The consultation elicited certain held views about substances already controlled in law such as cannabis use and consumption, particularly in open spaces. It is recognised that cannabis consumption is occasionally seen in the same settings as other psychoactive substance consumption but as a class B controlled substance, cannabis and its derivatives are controlled by national legislation and fall outside the scope of this PSPO.

Awareness and views of the PSPO

- 67% of participants suggested that they had been affected by problem behaviour related to the use and disposal of psychoactive substances in the borough.
- 97% of respondents were in favour of the PSPO being borough wide.

What happens next?

Officers and have reviewed the results of the consultation, including feedback from the public and local community groups.

Given that the effect of Public Spaces Protection Orders is to restrict the behaviour of everybody using the public place, the close or direct involvement of elected members will help the Council to ensure openness and accountability. Accordingly, officers have referred the decision whether to adopt the PSPO and on what terms to the Council in accordance with the Council's committee procedures.

If the Committee adopts the Officers' recommendations found in the Committee Report, then this Summary of Conclusions will be updated and published together with the final PSPO.

Once final terms of any PSPO as approved by the Council are published the PSPO will take effect.

The proposal is that the Order will be in effect for a period of three years whereupon it will be reviewed and extended or allowed to lapse as necessary.