

Scrutiny Report



Overview and Scrutiny Management Committee

Part 1

Date: 8 January 2018

Subject **City Centre PSPO (Public Spaces Protection Order)**

Author Overview and Scrutiny Officer

The following people have been invited to attend for this item:

- Helen Wilkie – Public Protection Manager
- Christopher Norman – Anti Social Behaviour Manager
- Inspector John Davies – Gwent Police

Section A – Committee Guidance and Recommendations

1 Recommendations to the Committee

The Committee is asked to

- 1.1 Consider the opinions of the Gwent Police representatives and Council Officers on the effectiveness of the current PSPO;
- 1.2 Approve the consultation strategy on the proposed changes to the PSPO (Appendix 3 and 4);
- 1.3 Agree to receive the outcomes of the consultation at its meeting in April, and at that stage consider the merits of the proposed changes.

2 Context

Background to the City Centre PSPO

- 2.1 Public Space Protection Orders were new measures brought in 2014 to allow Councils to control anti-social behaviour in a particular public location. They were designed to prevent individuals or groups committing anti-social behaviour where that behaviour was persistent and unreasonable and was having, or was likely to have, a detrimental effect on the quality of life of those in the locality.
- 2.2 An alcohol exclusion zone in the city centre had been in place for some 12 years, but the introduction of these new powers had provided an opportunity to review and consider putting in place a new PSPO to counter other forms of persistent and detrimental behaviour.

SSRS Scrutiny Committee - 15 October 2015

- 2.3 Scrutiny had been asked to oversee public consultation on the issue, consider what responses were received and to make recommendations to the Cabinet Member regarding measures they would want to see in a new Order.

The Committee made the following Recommendations:-

- 1) The Committee **recommended** that the Council should include the following measures in the Public Spaces Protection Order:
 - Alcohol Consumption;
 - Rough Sleeping;
 - Begging
 - Dogs not on leads
 - Canvassing of Services/Charities/Direct debits (unless covered by a street collection permit);
 - Fly Posting.
- 2) The Committee **recommended** that the boundary of the Public Spaces Protection Order be extended.
- 3) With regard to the distribution of free printed materials, the Committee noted that there were problems being caused by this, notably littering. The Committee did not agree that a Public Spaces Protection Order was the most appropriate and least restrictive method of addressing this problem. The Committee **recommended** that the Council work with the Business Improvement District Board to try and put in place measures, such as a code of conduct for business operators, to address the problem of littering caused by the distribution of free printed material.

- 2.4 The Committee noted the concerns with regard to potential displacement of the current problems with alcohol consumption outside out the proposed City Centre boundary. The Committee **decided** to include an update on the implementation of the Public Spaces Protection Order (once approved by Council) on its forward work programme, to be reported to the Committee after 6 months. This update should also include detail of any issues of displacement of any of these problems outside of the proposed new boundary.

Council - 24 November 2015

- 2.5 At the Council meeting, The Cabinet Member stated he had considered Scrutiny's recommendations and also evidence and concerns from the police, the public, and businesses and from council officers and partner agencies, including those involved with housing needs and supporting people.
- 2.6 He was mindful of the importance of striking the right balance between protecting the public and respecting civil liberties and freedom of expression and movement. To this end he recognised the success of the Council's current housing and homelessness policies, and considered that existing anti-social powers were more appropriate than an outright ban in relation to rough sleeping and begging.
- 2.7 He recommended a version of the Order that did not carry a 'No rough sleeping' measure and in which the "No Begging" measure was replaced by the following: "No person shall beg in a manner which is aggressive or intimidating, or which harasses members of the public." Following consideration, a series of three proposed amendments were lost.

- 2.5 The Council subsequently resolved to to adopt version 2 of the Order as set out in the report (**Set out below**) and as recommended by the Cabinet Member for Regulatory Services

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59
PUBLIC SPACES PROTECTION ORDER 2015
NEWPORT CITY CENTRE

NEWPORT CITY COUNCIL in exercise of its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes this Order, being satisfied on reasonable grounds that activities in a public space, namely in Newport City Centre, have had or are likely to have a detrimental effect on the quality of life of those in the locality and that these activities involved various anti-social behaviours. Further, Newport City Council believes that the effect, or likely effect, of the said activities is, or is likely to be, persistent or continuing in nature, such as to make the activities unreasonable and justifies the restriction imposed by this Order:-

1. This Order shall come into operation on and shall have effect for a period of 3 years thereafter, unless extended by further Orders under the Council’s statutory powers.
2. This Order relates to the public place – boundary shown in red on the Plan annexed to this Order (“the Restricted Area”).
3. No person shall within the restricted area refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer to prevent public nuisance or disorder.
4. No person shall within the restricted area, approach members of the public in a persistent manner with a view to persuading them to:
 - a. Subscribe to a service; or
 - b. Make charitable donations by direct debit, standing order or similar means.
5. No person shall beg within the restricted area in a manner which is aggressive or intimidating, or which harasses members of the public.
6. No person shall affix any notice, picture, letter, sign or other mark upon the surface of a highway or upon any tree, structure or works on or in a highway without permission of the landowner within the restricted area (fly-posting).
7. Any person in charge of a dog within the restricted area shall be in breach of this Order if he/she fails to keep the dog on a lead (of no more than 1.5 metres in length).
8. Any person who, without reasonable excuse, fails to comply with the requirements of this Order commits an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (currently £1000).
9. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.

SSRS Scrutiny Committee - 8 September 2016

- 2.6 The Committee received an Information Report on the progress achieved with the introduction of the City Centre PSPO Order. The Committee noted that there had been significant decreases in some of the restrictions included in the order but there were still further progress needed with others. The Committee requested an additional monitoring report in 12 months. The Meeting also highlighted the Committees desire for 'aggressive' begging to be given a clear definition which will provide the Police with something to act upon.

Current situation

- 2.7 The PSPO is being brought to the Committee due to the ineffectiveness of the current order at combating anti-social behaviour in the City Centre. The implementation issues have been highlighted by the Police and Council Officers, they both believe that changes can be made to the order to make it more effective. As such they have prepared this report outlining what the problems are and have suggested some changes. The role of the Committee is to discuss the perceived problems with the Police and the Council Officers.

The Committee can then consider the consultation strategy proposed by the Council Officers and see if there are any suggestions they would like to make before it goes out. Once agreed the response to the consultation will be brought back to the April meeting where the Committee will have a chance to consider the results and discuss the proposed changes, before making recommendations to Council.

3 Information Submitted to the Committee

- 3.1 **Appendix A** is the Public Protection Managers Review of City Centre PSPO.

Appendix 1 is the PSPO City Centre Community Safety Wardens Involvement from May 2016 – October 2017

Appendix 2 is the Police Data on the City Centre PSPO

Appendix 3 is the Public Place Protection Order – Draft Consultation Plan Jan – March 2018

Appendix 4 is the Draft online public consultation questionnaire

Appendix 5 is the Other City Centre PSPOs

4 Suggested Areas of Focus

- 4.1 It is suggested that the Committee focus on:

- Seek feedback from Council Officers and representatives from the Police on the current issues being experienced with the PSPO;
- Is there evidence of the issues with the current PSPO?
- Is there evidence that the existing restrictions have been effective at tackling any of the antisocial behaviour it was set up to address;
- Consider the consultation plan (**Appendix 3**) and determine whether the proposed consultation is targeting the most appropriate people / organisations and whether the mediums of consultation will provide the necessary information.

- 4.2 At this stage, the Committee is only being asked to agree that a review of the PSPO is needed, and to agree the consultation plan to seek the views of the public on proposed changes.
- 4.3 At its meeting in April, the Committee will be considering the outcomes of the consultation and will have an opportunity to comment on the proposed changes.

Section B – Supporting Information

5 Links to Council Policies and Priorities

Newport's Community Strategy 2010-2020 "Feeling Good About Newport" (Relevant themes: "To be a prosperous and thriving city"; "To have a better quality of life"; "To have vibrant and safe communities").

6 Risks

The risks associated with amending and introducing new restrictions to the City Centre PSPO are very minimal. The risks include unenforceable restrictions and the PSPO becoming irrelevant.

7 Financial Implications

There are no financial implications to the Committee reviewing the pre-existing City Centre PSPO and recommending amended and new restrictions in the Order.

9. Background Documents

- [SSRS Committee meeting minutes](#) – 15/10/2015
- [SSRS Committee meeting minutes](#) – 8/9/2016
- [Council minutes](#) – 24/11/2015

Report Completed: 29 December 2017