

# Scrutiny Report



## Overview and Scrutiny Management Committee

### Part 1

Date: 26 April 2018

### Subject **Review of City Centre PSPO**

**Author** Overview and Scrutiny Officer

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

Invitee:	Representing	Role
Jonathan Keen	Newport City Council	Regulatory Services Manager Environment and Community
John Davies	Gwent Police	City Centre Inspector
Susan Calnon	Newport City Council	Youth Service Manager
Bethan Allan	Newport City Council	City Youth Worker
Kevin Ward	Newport BID	Manager
Alan Edwards	Newport BID	Chairman
Simon Rose	Newport City Council	Housing Needs Manager
Gareth Jones	The Wallich	Area Manager for South East Wales

## Section A – Committee Guidance and Recommendations

### 1 Recommendations to the Committee

The Committee is asked

1. To consider the consultation process undertaken, to ensure it is robust and that the outcomes are taken into consideration in drafting an Order that would have public support;
2. Consider the results of the consultation and hear evidence from Council Officers, Gwent Police and other representatives on the proposed changes.
3. Consider the officer recommendation for a possible revised order, at section 3 of the Officer report (Page 25).
4. Determine whether it wishes to make recommendation to the Council on this matter.

## **2 Context**

### **Background**

- 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.

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.

### **Previous Consideration of this item**

#### **2.2 SSRS Scrutiny Committee - 15 October 2015**

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's recommendations from this meeting can be found [here](#).**

#### **Council - 24 November 2015**

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.

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.

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.

The Council subsequently resolved to to adopt version 2 of the Order as set out in the report ([available here](#)) and as recommended by the Cabinet Member for Regulatory Services

#### **SSRS Scrutiny Committee - 8 September 2016**

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.

## Overview and Management Scrutiny Committee - 8 January 2018

The Committee were informed of the Officers intentions of conducting a public consultation to inform the revision of the City Centre PSPO for potential reinstatement in November 2018. The Committee were asked to listen to the Officer evidence of the current PSPOs ineffectiveness and agree a consultation strategy. The Committee made some recommendations as to who to invite to the next meeting.

### 3. Today's running order

The following table will set out the running order and will provide a brief description on the reason why the individual has been invited.

Position:	Invitee:	Specialism:
1	Jonathan Keen	The Officer who completed the report and will answer questions regarding the contents of the report, the consultation completed and the revised Order.
2	John Davies	Inspector Davies will provide Gwent Police's opinion on the revised Order and will answer questions as to how the revised Order will impact on the City Centre levels of anti-social behaviour.
3	Gareth Jones	The representative from The Wallich has been invited to provide an opinion on the Order and its impact, in particular the 'Begging in an anti-social manner' restriction.
4	Simon Rose	The NCC Officer has been invited to provide an opinion on the Order and its impact, in particular the 'Begging in an anti-social manner' restriction.
5	Susan Calnon	The NCC Officers have been invited to provide an opinion on the Order and its impact, in particular the 'Groups/individuals causing anti-social behaviour' restriction.
	Bethan Allan	
6	Kevin Ward	The representatives from Newport BID have been invited to provide an opinion on the Order and its impact on the City Centre businesses.
	Alan Edwards	

### 4 Information Submitted to the Committee

4.1 The information attached to this report includes;

- *Review of the City Centre Public Spaces Protection Order and consideration of new or amended restrictions to be included in a revised Order – post public consultation.*
  1. The current Newport City Centre PSPO
  2. Consultation on a revised PSPO
  3. A possible revised Order
  4. Comments of Gwent Police City Centre Inspector on the possible revised Order
  5. Approving the City Centre PSPO
- *Appendix 1 – Consultation Questionnaire*  
This appendix presents public consultation questionnaire.

- *Appendix 2 – Consultation responses*
  - Letter from Liberty
  - Letter from RSPCA Cymru
  - Collation of questionnaire responses – 61
  - Profile
- *Appendix 3 – Other City Centre PSPOs*

## 5. Suggested Areas of Focus

### Role of the Committee

#### **The role of the Committee in considering the report is to:**

The role of the Committee is split in to three when considering this report;

#### **Consultation Process**

- To analyse the consultation process undertaken and establish whether it was a robust process.
- Key question - Do the outcomes of the consultation provide a sufficient evidence base support making proposed changes to the City Centre PSPO restrictions?

#### **Evidence from key stakeholders**

- To discuss the key issues with Officers and external representatives on the revised orders and alternative options to the PSPO restrictions.
- Scrutinise the information and opinion gathered from the discussion with the key stakeholders, and establish if the additional information impacts on the recommendations the Committee will make to the Council.

#### **Conclusions, comments and recommendations:**

- What is the overall assessment of the Committee on the information presented by the Officer regarding the consultation?
- Are there any comments or conclusions based on the evidence from the external representatives?
- Are the Committee satisfied that the Council is receiving sufficient information to base a decision on?
- Do any of the areas require a more in-depth review by the Committee or the Council prior to a decision being made?
- What recommendations / comment would the Committee like to make to the Cabinet Officer and Council?

## Suggested Lines of Enquiry

5.1 The Committee might want to follow the following line of enquiry;

Invitee:	Suggested lines of Enquiry:
Jonathan Keen	<ol style="list-style-type: none"> <li>1. Did the Officers carry out the approved consultation strategy approved by the Committee in the previous meeting (section 2)?</li> <li>2. Was the consultation robust and sufficient to implement changes to the restrictions and Order?</li> <li>3. Does the report accurately summarise the consultation responses in the table in section 2.5? Are the <i>Officer Comments and Recommendations</i> made on sound evidence from the consultation?</li> <li>4. Is the information presented in a clear and accessible manner?</li> </ol>
John Davies	<ol style="list-style-type: none"> <li>1. How will the new suggested Orders impact on the Polices to combat anti-social behaviour?</li> <li>2. Can you explain how the differences in the restrictions will ensure the new Order becomes more effective?</li> <li>3. What is Section 35? Does it not provide the Police with similar powers to what the PSPO will? Why is the PSPO required?</li> </ol>
Gareth Jones	<ol style="list-style-type: none"> <li>1. What does The Wallich think about the suggested revised Order?</li> <li>2. What does The Wallich believe will be the impact of the revised Order, in particular the <i>begging in an anti-social behaviour</i>?</li> <li>3. Are there any alternative options that you believe would decrease the associated anti-social behaviour surrounding begging?</li> </ol>
Simon Rose	<ol style="list-style-type: none"> <li>1. What does the Officer think of the suggested revised Order?</li> <li>2. What does the Officer believe the impact of the amended restrictions will be on anti-social behaviour?</li> <li>3. Are there any alternatives options that would combat the anti-social behaviour associated with begging?</li> </ol>
Susan Calnon and Bethan Allan	<ol style="list-style-type: none"> <li>1. What do the Officers think of the suggested revised Order?</li> <li>2. What does the Officer believe the impact of the amended restrictions will be on anti-social behaviour associated with groups of young people in the City Centre?</li> <li>3. Are there any alternatives options that would combat the anti-social behaviour?</li> </ol>
Kevin Ward and Alan Edwards	<ol style="list-style-type: none"> <li>1. What do they believe will be the impact of the suggested revised order?</li> <li>2. The 'alternative giving' scheme is in the early stages of implementation. The Committee might want seek clarity on how this implementation is going and when would the City start to see any benefits?</li> </ol>
Open questioning	The Committee have the opportunity to revisit any of the attendees for further questioning which might have developed from the opinion of other attendees.

## Section B – Supporting Information

### 6 Supporting Information

6.1 This section will include any information deemed to be relevant:

- Information on Police Section 35 powers available [here](#).

6.2 These can be summarised and included within the body of the report, or linked for background reading.

### 7 Links to Council Policies and Priorities

The City Centre PSPO has strong links to the Corporate Plan Commitments; **Thriving City** and **Resilient Communities**.

<b>Well-being Objectives</b>	Promote economic growth and regeneration whilst protecting the environment	Improve skills, educational outcomes & employment opportunities	Enable people to be healthy, independent & resilient	Build cohesive & sustainable communities
<b>Corporate Plan Commitments</b>	Thriving City	Aspirational People		Resilient Communities
<b>Supporting Function</b>	Modernised Council			

### 7 Wellbeing of Future Generation (Wales) Act

#### 7.1 General questions

- How is this area / policy affected by the new legislation?
- How will this decision / policy / proposal impact upon future generations? What is the long term impact?
- What evidence is provided to demonstrate WFGA has been / is being considered?
- Evidence from Community Profiles / other data?
- (When published:) Evidence of links to Wellbeing Assessment / Objectives / Plan?

#### 7.2 Wellbeing Goals

- How are the Wellbeing goals reflected in the policy / proposal / action?
  - *A prosperous Wales*
  - *A resilient Wales*
  - *A healthier Wales*
  - *A more equal Wales*
  - *A Wales of cohesive communities*

- *A Wales of vibrant culture and thriving Welsh language*
- *A globally responsible Wales*

### 7.3 Sustainable Development Principles

- Does the report / proposal demonstrate how as an authority we are working in accordance with the sustainable development principles from the act when planning services?
  - **Long Term**  
*The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs*
  - **Prevention**  
*How acting to prevent problems occurring or getting worse may help public bodies meet their objectives*
  - **Integration**  
*Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies*
  - **Collaboration**  
*Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives*
  - **Involvement**  
*The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.*

## 8. Background Papers

Include all additional documents that are referenced in the report, and those that you have used as background reading. Hyperlink to online versions of them if available.

- [The Essentials - Wellbeing of Future Generation Act \(Wales\)](#)
- [Corporate Plan](#)
- [SSRS Committee meeting minutes](#) – 15/10/2015
- [SSRS Committee meeting minutes](#) – 8/9/2016
- [Council minutes](#) – 24/11/2015

Report Completed: April 2018