

# Overview and Scrutiny Management Committee

26 April 2018

## Review of 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 Public Spaces Protection Order (PSPO)

- 1.1 The current Order will expire in November 2018 and as stated at 8 January 2018 meeting of this Committee, we consider it timely to review it now with a view to enacting a revised City Centre PSPO, taking into account what has worked over the past two years, what restrictions need to be kept or revised, and whether we need to introduce new restrictions to tackle other forms of anti-social behaviour that are occurring in the city centre.
- 1.2 For the 8 January meeting, the report contained details of compliance with the current PSPO restrictions including data from the Police and the Council's Community Safety Warden Service, along with observations on each restriction i.e. whether the specific anti-social behaviour was still a problem and issues with the wording of "aggressive" etc. begging measure. The report also highlighted other forms of anti-social behaviour that were now occurring in the city centre that could be reduced with restrictions in a revised Order.

### 2. Consultation on a revised PSPO

- 2.1 At the January meeting of this committee, it was agreed that the Council should undertake public consultation. The responses would then be brought back to this Committee to review, hear evidence from Council Officers within Public Protection and also Housing Needs, the Police, the Business Improvement District and from other support agencies who work in the city centre and then to make recommendations to the Cabinet Member for Licensing & Regulation and to Council, as to what restrictions ought to feature in the revised Order.
- 2.2 The consultation was publicised through a press release, social media and leaflets promoting the existence of an online questionnaire, which asked the public their views on: the anti-social behaviour they had witnessed/ experienced in the city centre, on the existing PSPO restrictions and on possible revised / new restrictions. The consultation was also publicised through the Business Improvement District, the Police and partners agencies of the *One Newport* Public Services Board. A Council officer spoke at the Stow Hill Ward meeting on 8 February and at the City Centre PubWatch on 7 February on the review of the PSPO and encouraged responses to the consultation. The consultation questions are included at Appendix 1.

The consultation conducted is set out in the table below:

Consultee	Medium
<b>COUNCIL:</b>	Email sent requesting views by use of the online consultation questionnaire
Streetscene	
Legal Services	
Planning/ Regeneration	
Environmental Health	
Licensing	
Trading Standards	

<b>Consultee</b>	<b>Medium</b>
Community Safety- CCTV/Community Safety Wardens/Anti-Social Behaviour Liaison Officers	
One Newport Public Services Board	
Strategic Director -Place	
CM - Licensing & Regulation CM - Regeneration & Housing CM - Streetscene Chair of Licensing Committee Ward Cllrs/ All Cllrs Scrutiny	
Press team	
<b>OTHER AGENCIES:</b>	
Gwent Police- Licensing and city centre team, Police and Crime Commissioner	
South Wales Fire & Rescue Service	Email
Health Board	Email
<b>BUSINESSES:</b>	
Pubs and clubs	Attended Pub watch 7 February/Flier to all pubs/clubs
Business Improvement District Business Crime Reduction Group	Meeting with the BID Manager/ email & flier disseminated to all BID members
Taxi trade	Email to all Operators/Taxi reps
<b>THE PUBLIC:</b>	
Residents in the affected area	Press release/ Stow Hill Ward Cllrs. Attended Stow Hill Ward meeting 8 February
The public in general	Press release Twitter/ Facebook Web site (with a questionnaire allowing the public to tell us of the ASB they have been affected by and therefore what restrictions they would like to see in a PCPO).
Youth Council	5 responses included in collated questionnaire results

2.3 This consultation lasted until 11 March 2018 with 61 responses via the questionnaire and two letters – one from Liberty and the other from the RSPCA. The questionnaire responses are to be found collated at Appendix 2, with the two letters included in full. In summary the letter from Liberty expressed concern that a blanket ban on begging would be “not only cruel...but also incredibly unfair...” and expressed the view that imposing a blanket ban would be unlawful and a disproportionate response to the situation. The letter from the RSPCA is in support of the current condition requiring dogs to be on a lead of no more than 1.5 metres in length but encourages discretion on enforcement when the dog is on a longer lead but is under effective control. The RSPCA also encourages broader promotional work on responsible dog ownership is undertaken and mentions that some PSPOs have included a condition requiring dog owners to carry an appropriate receptacle to clean up their dog’s waste at all times.

2.4 As requested by the Committee at its January meeting, we enquired of 19 local authorities who had similar city/town centre PSPOs regarding their experiences. All were emailed and 7 responded. These responses are detailed in Appendix 3 but in

summary, of the 7 local authorities who responded, 4 said that they regard their PSPO restrictions as being successful or working well and all 4 have restrictions relating to begging and alcohol consumption in public places. The other 3 respondents said that their PSPOs were [too] new [to draw conclusions properly] and one of those said that there was no huge improvement but the direction of travel was in the right direction. Another one of those with a new PSPO said that they had an issue with enforcement capacity and this was resulting in the PSPO having a limited effect at present.

- 2.5 In summary, the results of the public consultation, along with officer comments and recommendations, are as follows:

Current restrictions	Consultation summary	Officer comments & recommendations
<p><b>1. Street Drinking</b> 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.</p>	<p>64% (37 respondents) said that they had witnessed or been affected by this type of ASB and many of the responses suggested that it was common to see alcohol being drunk in public places.</p> <p>83% (49) want this restriction to remain; only 8% (5) want the restriction to be removed and only another 8% (5) want the restriction altered.</p> <p>Several comments were made about the need for better enforcement.</p>	<p>This is still an issue.</p> <p>Recommendation - retain this restriction in its current form.</p>
<p><b>2. Touting for services/ donations</b> No person shall within the restricted area, approach members of the public in a persistent manner with a view to persuading them to: subscribe to a service; or make charitable donations; by direct debit, standing order or similar means.</p>	<p>64% (38) said that they had witnessed or been affected by this, with many respondents mentioning “no win – no fee” touts and those selling broadband services.</p> <p>One respondent said that this used to be a major problem but that they felt that the Order had really helped. It is assumed that this comment relates to charities seeking donations by direct debit.</p> <p>84% (47) wanted this restriction to remain in the Order with 11% (6) wanting changes, some of which specifically mentioned those <b>selling</b> services should be restricted. Only 5% (3) wanted this restriction removed from the Order.</p>	<p>There is an issue with persistent service <b>sellers</b> but since the inception of the current PSPO restriction, the number of charities soliciting donation by way of direct debit etc. has decreased significantly.</p> <p>Recommendation - change the wording of the restriction. See point 7 below.</p>
<p><b>3. Aggressive Begging</b> No person shall beg within the restricted area in a manner which is aggressive or intimidating, or which harasses members of the public.</p>	<p>64% (38) said that they had witnessed or been affected by this type of ASB with many responding that this is a persistent and common problem including near cash machines. Some respondents commented on some beggars reacting rudely/becoming verbally abusive when money was</p>	<p>It is clear from the consultation that begging does occur in the city centre and some members of the find it intimidating especially in the vicinity of cash/ payment machines. It is clear that some beggars become abusive and/or persistent when</p>

Current restrictions	Consultation summary	Officer comments & recommendations
	<p>not given. Others say you cannot walk through the city centre without being approached for money/ cigarettes. A small number of respondents specifically mentioned they find the begging intimidating.</p> <p>73% (43) of respondents want this restriction to remain in the Order with only 8% (5) wanting it removed.</p> <p>19% (11) want the definition altered, some to define “aggressive” begging more effectively and two commenting that begging near cash points should be prevented.</p> <p>Some want begging banned altogether and more enforcement to be carried out. Some comments relate to more focused donations to relevant charities.</p>	<p>their requests are rejected and this behaviour must be dealt with appropriately.</p> <p>Recommendation - that a restriction relating to begging is kept in the Order but the wording be altered. See point 8 below.</p>
<p><b>4. Flyposting</b> 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.</p>	<p>80% (48) of respondents had not been affected by this issue.</p> <p>Comments submitted suggest the problems are mainly on empty shop windows and buildings, and one points out that flyposting is unsightly.</p> <p>75% (38) said it should with remain in the Order, with 14% (7) wanting it removed and 12% (6) wanting it altered. Multiple comments in the “reasons” section said that this is not a major issue that needs to be dealt with by a PSPO.</p>	<p>This no longer appears to be a major problem but it is clear from the consultation that respondents do not want to remove the restriction from the PSPO, we assume because they are concerned about it becoming a bigger problem if it is removed.</p> <p>Comment – this restriction could be removed to keep the Order focussed or retained.</p>
<p><b>5. Dogs to be on a lead</b> Any person in charge of a dog within the</p>	<p>Letter from RSPCA - Appendix 2 and summarised previously at paragraph 2.3</p>	<p>Whilst officers have not witnessed many instances of dogs being off leads, the</p>

Current restrictions	Consultation summary	Officer comments & recommendations
<p>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).</p>	<p>52% (31) of respondents said they had witnessed or been affected by this type of ASB, but 48% (29) said they had not.</p> <p>Some comments said that they found certain breeds of dogs not on leads to be frightening and a number of general comments appear to be supportive of this restriction.</p> <p>87% (48) of respondents wanted this restriction to stay in the Order with a number of comments asking for more enforcement to be done.</p>	<p>public say it is still a problem and find some of the breeds that are off leads frightening.</p> <p>Recommendation - this restriction should remain in the order.</p>

Possible New/ Revised Restrictions	Consultation Summary	Officer comments & recommendations
<p><b>6. Groups/ individuals causing harassment, alarm or distress.</b>  “Within the restricted area not to behave (either individually or in a group) in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour.</p> <p>Persons who breach the above shall, when ordered to do so by an authorised person, disperse either immediately or by such time as may be specified and in such a manner as may be specified.”</p>	<p>65% (39) had been affected by this type of behaviour and 85% (49) want this new restriction included in the revised Order.</p> <p>Many respondents have experienced this behaviour and find this behaviour to be frightening and unacceptable. Individuals and groups shouting and swearing are mentioned multiple times, and groups on pedal bikes harassing/intimidating people is reported to be a significant problem in certain locations. Need more enforcement.</p> <p>A minority of respondents expressed the view that this restriction is not needed as it can be dealt with by existing legislation.</p>	<p>This is clearly an issue, as reported by the Police at the January Scrutiny meeting with significant instances of anti-social behaviour: swearing, shouting, racing on bikes, riding bikes at people, blocking pavements, “loutish” behaviour, which many people find intimidating, upsetting and unacceptable in the city centre.</p> <p>This is designed to disperse people who have or are likely to cause anti-social behaviour.</p> <p>Recommendation - this restriction is added to the Order.</p>

Possible New/ Revised Restrictions	Consultation Summary	Officer comments & recommendations
<p><b>7. Touting for services/ donations</b></p> <p>Revision of current restriction to: “Within the restricted area no street trading including peddling, charity collecting or touting for services, subscriptions or donations unless covered by an existing Police or Council-issued or Council-recognised Street Trading/Charity Collection/ promotions consent, licence or written permission.”</p>	<p>The results of the consultation broadly reflect the results set out at 2 above.</p> <p>81% (44) would like to see a change to the current restriction to regulate this area more effectively.</p>	<p>Whilst charities soliciting for direct debits etc. have decreased, sellers of services such as insurance, internet, legal services etc., are considered persistent and a nuisance. They are not covered by existing Street Trading licensing laws, which only cover the sale of goods.</p> <p>Recommendation - this restriction is amended.</p>
<p><b>8. Aggressive begging</b></p> <p>The consultation was on revising the restriction so that “aggressive begging” included any begging within the vicinity of a cash machine;</p> <p>Or instead revising it to “no begging”.</p>	<p>Letter from Liberty - Appendix 2 and summarised previously at paragraph 2.3</p> <p>75% (40) wanted the restriction to include no begging near a cash/payment machine.</p> <p>70% (37) wanted it changed to “no begging”. Reasons for “no begging” included that it is far too prolific in the city centre, not genuine and intimidating. A number of respondents said that people should be encouraged to give to charities directly.</p>	<p>Begging is clearly an issue in the city centre and some members of the public find it intimidating, especially adjacent to payment/ cash machines.</p> <p>The introduction of the Business Improvement District (Newport Now)’s “alternative giving scheme” (launch planned later in Spring 2018), should help to target donations at those in greatest need.</p> <p>Despite the result of the consultation on “no begging”, it is anti-social behaviour that is perpetuated by a minority of beggars that Council Officers and the Police wish to deal with and “no begging” is not felt to be a proportionate response to the situation.</p> <p>Recommendation - the emphasis should be on anti-social behaviour that may be associated with some begging, therefore we recommend this restriction be amended to:</p>

Possible New/ Revised Restrictions	Consultation Summary	Officer comments & recommendations
		<p>“Within the restricted area no person shall beg within 10 metres of a cash or payment machine, nor beg in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour.”</p>
<p><b>9. Intoxicating substances -</b> No ingesting, inhaling, injecting, smoking or otherwise using, possessing or supplying substances believed to be intoxicating (psychoactive) substances.</p> <p>Persons who breach this restriction shall surrender any such substance in his/her possession when asked to do so by an authorised officer.</p>	<p>69% (41) of respondents said they had been affected by this type of anti-social behaviour, although it is clear from some of the comments that some respondents thought this included alcohol.</p> <p>Many respondents indicated this type of ASB is prevalent in public areas, with some people clearly under the influence of drugs during the day.</p> <p>81% (47) wanted this to be in the revised Order and many commented that enforcement would be important.</p>	<p>Respondents clearly feel that this a problem and prevalent.</p> <p>Recommendation - this restriction is added to the Order: “Within the restricted area no person shall ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances or sell or supply them. Persons who breach this prohibition shall surrender any such intoxicating substance, or a substance believed to be intoxicating, in his/her possession when asked to do so by an authorised officer.”</p> <p>Intoxicating substances (psychoactive substances) = substances with the capacity to stimulate or depress the central nervous system. Exceptions: alcohol, tobacco, food &amp; drink, and where substances are for used for valid and demonstrable medical use.</p>
<p><b>Other forms of Anti-Social Behaviour</b></p>	<p>43% (25) of respondents said they had been affected by or witnessed other forms of ASB in the city centre. However the majority of issues raised are covered by the existing, altered or new restrictions outlined previously.</p>	<p>These issues should be adequately covered by the existing, altered or new restrictions, especially No. 6.</p>



### 3. A possible revised Order

3.1 Using officer recommendations, as in the tables at paragraph 2.5 above, a revised City Centre PSPO could be as set out in the left hand column below. This would remove the existing Flyposting restriction.

Restriction	Comment
<p><b>1. Street Drinking</b> 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.</p>	<p>Same wording as current PSPO restriction</p>
<p><b>2. Touting for services/ donations</b> Within the restricted area no street trading including peddling, charity collecting or touting for services, subscriptions or donations unless covered by an existing Police or Council-issued or Council-recognised Street Trading/Charity Collection/ promotions consent, licence or written permission.</p>	<p>Wording revised to expand the current PSPO restriction to cover the street trading of services.</p>
<p><b>3. Begging in an anti-social manner</b> Within the restricted area no person shall beg within 10 metres of a cash or payment machine, nor beg in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour.</p>	<p>Wording of the current PSPO restriction on aggressive begging revised to make it easier to enforce on begging related ASB and set an exclusion zone around cash points.</p>
<p><b>4. Groups/ individuals causing anti-social behaviour.</b> Within the restricted area no person shall behave (either individually or in a group) in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour. Persons who breach the above shall, when ordered to do so by an authorised person, disperse either immediately or by such time as may be specified and in such a manner as may be specified.</p>	<p>A new restriction.</p>
<p><b>5. Intoxicating/Psychoactive substances</b> Within the restricted area no person shall ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances or sell or supply them. Persons who breach this prohibition shall surrender any such intoxicating substance, or a substance believed to be intoxicating, in his/her possession when asked to do so by an authorised officer.</p> <p>Intoxicating substances (psychoactive substances) = substances with the capacity to stimulate or depress the central nervous system. Exceptions: alcohol, tobacco, food &amp; drink, and where substances are for valid and demonstrable medical use.</p>	<p>A new restriction.</p>
<p><b>6. Dogs to be on a lead</b> 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).</p>	<p>Same wording as current PSPO restriction</p>

#### **4. Comments of Gwent Police City Centre Inspector on the possible revised Order set out above.**

Having reviewed the proposals, I would comment as follows:

We have been able to reduce significantly street drinking using the PSPO restrictions as part of a menu of powers to tackle this behaviour. I would advocate that this restriction is included within any review so we can continue to manage this behaviour effectively and look to remove it as a perceived problem within the city centre.

The re-wording of the begging restriction would allow us to enforce against those people who are actually causing harassment and alarm to members of the public and would certainly not be a means to target the vulnerable.

The anti-social behaviour aspect would also allow the police and designated officers to tackle these issues more effectively. The wording of this restriction would allow us to tackle all manner of anti-social behaviour on the city centre more effectively.

These three areas are ones which would be most effective for the police in dealing with what matters most to the members of the public we speak with. They are written effectively and provable, without restricting the liberties of people who use the city centre lawfully and in contradiction of the enjoyment of others.

#### **5. What is Scrutiny being asked to do?**

**At this meeting:**

1. Oversee the consultation process 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. Make recommendations to the Cabinet Member for Licensing & Regulation and Council regarding the restrictions that could / should be included in a revised Order.

#### **6. Approving the City Centre PSPO**

The results of the consultation, including any comments from the Scrutiny Committee, will be reviewed and a draft, revised PSPO produced for consideration by the Cabinet Member and Council. Final approval will be by full Council and will last for a further 3 years, although it may be reviewed at any time. This needs to be done before November 2018, when the current city centre PSPO expires.