

Overview and Management Scrutiny Committee

20 September 2018

Public Spaces Protection Order for Pillgwenlly

Implementation in Year 1 – a review

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1. Background

At the meeting of the Streetscene, Regeneration & Safety Scrutiny Committee on 16 March 2017 the Committee agreed to recommend to Council that

- the proposed Public Spaces Protection Order (PSPO) for Pillgwenlly (Pill) be progressed as per the draft Order and proposed area boundary, and
- if the PSPO was approved by Council, that the implementation of the PSPO be monitored and reported back to Scrutiny in one year.

The PSPO for Pill was agreed by Council on 25 July 2017 and came into operation shortly afterwards.

2. The PSPO for Pill

A PSPO is designed to prevent individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality; and the behaviour is or likely to be persistent or continuing nature; and be unreasonable. The power to make an Order rests with local authorities, in consultation with the Police, Police and Crime Commissioner and other relevant bodies who may be impacted.

The Council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre. There are particular considerations for registered common land, town or village greens and open access land.

The maximum length of a PSPO is three years.

When making a PSPO, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in the Human Rights Act 1998. Consideration of a PSPO will take place where there is material evidence of anti-social behaviour. Assessments will commonly include reports to the police, and various Council teams and partner agencies.

The PSPO for Pill brought in the following restrictions:

- a) 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.
- b) No person shall congregate in a group of THREE or more persons within the Restricted Area AFTER an authorised person has requested that the group disperse.

- c) Intoxicating substances: No person shall within the Restricted Area:
- Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances.
 - Sell or supply intoxicating substances.

Persons who breach this prohibition shall surrender any such intoxicating substance in his/her possession when asked to do so by an authorised officer in the Restricted Area.

The enforcement provisions for breach of the PSPO restrictions are Fixed Penalty Notices of £100 or prosecutions with a maximum fine of £500 for the alcohol restriction and £1,000 for the other restrictions.

The restrictions were proposed and included in the PSPO following public consultation, to address specific issues in Pill which the Council, Gwent Police and partner organisations were determined to deal with more effectively. The public expressed their overwhelming support for the restrictions via the consultation.

3. Initial Implementation

The first multi-agency Pill Action Day was held on 8 August 2017 and the PSPO was introduced at the public meeting held at the beginning of the day by the Police Inspector for Newport West. The PSPO provided a key focus for the Action Day.

4. Implementation/Enforcement during Year 1

Due to the nature of the issues in Pill that the PSPO was designed to try and address and the risks posed by some of the individuals and groups causing problems for the community, the majority of enforcement of the restrictions is undertaken by Gwent Police. In addition to their enforcement action, the Community Safety Wardens have also undertaken some relevant enforcement when patrolling in the area.

Feedback from the current Gwent Police Inspector for Newport West is that the PSPO has been a valuable tool (among other powers available to Police officers) to help respond to the issues in Pill.

In particular the ability to ask groups of people to disperse is a tool valued by the Police, as without this restriction the Police have to rely on Dispersal Powers in the Anti-social Behaviour Crime & Policing Act 2014 to deal with groups causing anti-social behaviour, which require a Police Inspector or higher rank to make a specific authorisation for no longer than 48 hours. This PSPO restriction has therefore been extensively used by the Police during the first year. The Community Safety Wardens have also used this restriction on occasions when patrolling, when they have judged it safe to do so. In the majority of cases when Officers have asked people to disperse, they have done so without the need for a Fixed Penalty Notice (FPN) to be served. No records have been kept of how many times this restriction has been used without the need for an FPN.

Gwent Police have also valued the restriction to deal with the drinking of alcohol in public places and again this PSPO restriction has been extensively used by the Police during the first year. The Community Safety Wardens have also used this restriction when patrolling. Members of the public who are asked to stop drinking and dispose of their alcohol have generally been compliant and FPNs have rarely been needed. No records have been kept of how many times this restriction has been used without the need for an FPN.

The restriction for intoxicating substances, commonly referred to as 'legal highs', has only been required infrequently during the first year.

In total 8 FPNs have been issued by Gwent Police during the first year of operation. This should not be judged to be poor performance, as the service of an FPN is not often required to gain compliance (the threat is usually sufficient) and it is the compliance that officers desire, not high numbers of FPNs served. 7 of the FPNs were issued to individuals refusing to stop drinking alcohol and 1 was issued to an individual in a group who refused to disperse when asked to do so.

The multi-agency Pill Action Days, which are organised by the Policy, Partnership and Involvement team within People & Business Change and supported by Ward Members and community groups, have continued throughout the first year of the PSPO – there have now been 7 Action Days. The PSPO has been a key focus at each event and is part of the enforcement activity and community engagement work undertaken by the Police and Community Safety Wardens.

5. Challenges to Implementation/Enforcement encountered

Gwent Police have reported that the PSPO restriction requiring groups to disperse when asked has proved challenging to enforce as some groups disperse for a short period and then congregate again. In this situation Police officers have found it difficult to judge if the individuals have complied with the request or not, and therefore whether they should issue an FPN or not. Advice has been provided by a Council lawyer and incorporated into guidance for Police officers. The Regulatory Services Manager has also offered to attend briefings of Police officers to reiterate the advice in person.

6. Future years

There are currently no calls from Gwent Police, the Community Safety Wardens or partner organisations to add or remove any restrictions from the PSPO. The situation will continue to be monitored over the next 2 years leading up to the point where the Council must decide whether to extend the PSPO, revise it and make a new one or simply let the current Order expire.