

Minutes



Overview and Scrutiny Management Committee

Date:	23 September 2021
Time:	4.00 pm
Present:	Councillors L Lacey (Chair), G Berry, P Hourahine, M Al-Nuaimi, Y Forsey, C Ferris, M Evans, C Evans, F Hussain
In Attendance:	Gareth Price (Head of Law & Regulation), Rhys Thomas (Regulatory Services Manager – Environment and Community), Connor Hall (Scrutiny Adviser), Felicity Collins and Samantha Schanzer
Apologies:	None

1 Declarations of Interest

None.

2 Minutes of the Previous Meeting

Note: The minutes were read out and agreed upon **after** discussion of the City centre PSPO.

A committee member requested that on page 18, that regarding the inclusion of communities in bullet point 3 it be specified that white communities be included in any roundtable meetings and the roundtable be called a community cohesion group.

The minutes of the meeting held on 10 September 2021 were **accepted** as a true and accurate record.

3 City Centre PSPO

The Regulatory Services Manager began by explaining the chronology of the PSPO's democratic process thus far. The Regulatory Services Manager informed committee that there had been 108 anonymous responses to the public consultation. The Regulatory Services Manager assured committee they had identified and taken forward the principles that the committee had asked them to consider in this consultation for the comparative work between this and the Pillgwenlly PSPO consultation. The Regulatory Services Manager highlighted that they had retained the style and question and format using the Pillgwenlly PSPO for this consultation process, including some of the questions and observations that were made by this committee for the previous PSPO; these included being more specific on residents and businesses respondents, and questions were added regarding the experience of anti-social behaviour as recommended by the committee in July. The Regulatory Services Manager informed committee that the previous format was then followed, wherein it went through restrictions with an agree/disagree option for respondents. The Regulatory Services Manager informed committee that the top line brief was that there was wide-spread support for this PSPO; there was agreement that the area covered should stay the same, though a notable number of responses thought the area should be expanded. The Regulatory

Services Manager noted that there were some specific requests for the committee to consult more on constraints around aggressive begging around cash points, and the questionnaire process was amended for that consideration.

The Regulatory Services Manager reminded committee that the report outlined the nature of responses, though some specific text from responses were included.

The Regulatory Services Manager highlighted the recommendations that the report made: for committee to recommend to Council that the new PSPO be implemented with the additional control around the unsafe or dangerous use of e-scooters and bikes, as well as not to include a urination or defecation control, though the Regulatory Services Manager reminded committee that this wasn't ruled out wholly and could be added if necessary.

A committee member expressed disappointment in the number of responses received and reminded invitees and committee that it had been requested by committee that frequent advertisement of the consultation was done, which was seen weekly, though the lack of response was still a shame. The committee member felt that the responses received were polarised. The committee member expressed approval in seeing that e-bikes had been included in the survey as requested.

A committee member noted that question 5C of the survey could easily be misinterpreted as instead of being seen as asking whether the link between the banning begging 10 metres from cash points should be removed, he'd interpreted it as asking whether a more expansive ban on begging was appropriate. The committee member felt that this question was too ambiguous.

- The Regulatory Services Manager noted the difficulty in articulating this question and reiterated the question asked whether the link between begging bans and cash points were still relevant to the public. The Regulatory Services Manager reminded committee that begging was not illegal and hadn't been banned, and that people should be supported if finding themselves in such a situation. The Regulatory Services Manager added that it was the role of officers to "find a way through", and while begging isn't illegal, intimidation or aggressive behaviour was, which is why the cash point specification was included. The Regulatory Services Manager noted that the inclusion of this link was based off feedback from Police and officers who enforced this who have found it is an effective intervention.

The committee member asked whether the Regulatory Services Manager recognised it could be misinterpreted to be understood as asking whether there should be a blanket ban on begging.

- The Regulatory Services Manager informed committee that the question was to understand whether the public felt the restriction on begging should or should not be tied to cash point, and while a variety of opinions had been received, it was not as clear cut as some other responses.

The committee member noted that 78.5% of the responses agreed the link should be removed, which the Regulatory Services Manager confirmed.

The committee member asked for clarification that this wouldn't be removed despite the public's response.

- The Regulatory Services Manager confirmed that the link would not be removed.

A committee member agreed that it was an ambiguous question. The committee member expressed disappointment that despite the consultation responses, the public would not be listened to in this instance and expressed concern regarding the message not listening to the public would send. The committee member also expressed disappointment with the number of responses and felt that public contentment was unlikely to be the cause of a small response. The committee member felt that the consultation should've been advertised further on social media and suggested telephone surveys should've been conducted to better engage the public. The committee member noted that 21% wasn't a particularly high proportion of people regarding the response to the question regarding the link between cashpoints and aggressive begging.

The committee member also highlighted the question regarding the experience of anti-social behaviour, which resulted in a high percentage of people reporting they'd experienced anti-social behaviour in the city centre. The committee member questioned what would be done about this issue working with Police and noted that the last time the committee member had spoken with Police, they were in favour of having additional powers. The committee member recognised that it wouldn't solve all problems but may create more focus to ensure that people get the help they need rather than giving them money. The committee member expressed that it would be helpful to take this message forward and expressed disappointment in not having received examples where it's been trialled and suggested that this may need more evidence. The committee member noted that people were either listened to or not, that more should've been done to encourage responses in the consultation stage and public concerns should be listened to.

- The Regulatory Services Manager assured committee that they had advertised the message and consultation as far as they could, and the survey had gone out in accordance with weekly responses and that these recommendations can be taken forward for future work.

A committee member highlighted the responses to question 2A and asked what the threshold to be included required was, which the Regulatory Services Manager had mentioned. The committee member noted that the anti-social behaviour encountered most was littering. The committee member noted that despite having not experienced public urination or verbal harassment, it was undesirable regardless and expressed that the public would likely agree. The committee member felt that the main issue with the survey was that only by releasing it would anyone know if it was a good survey. The committee member felt that there was a disconnect between expressing what had been experienced and what were the public strongly against.

- The Regulatory Services Manager informed committee that anything going into a restriction had to be evidence based, and while consultation is an important part of the process, without appropriate proof of a problem for the PSPO, it cannot be included. The Regulatory Services Manager assured committee that other legislation covered certain issues not included in the PSPO.
- The Regulatory Services Manager informed committee that there is no numerical threshold for inclusion but felt that when reading responses, his and the officer's understanding was that there was more support across the feedback/comments raising concerns about e-scooters than urination.
- The Regulatory Services Manager reminded committee that guidance regarding how PSPOs are arrived at states that PSPOs have to be the most appropriate means of dealing with matters at hand. The Regulatory Services Manager reminded committee that it could be included later or added during a further review if necessary.

A committee member felt that a restriction regarding public urination/defecation should be included.

A committee member noted that the consultation was a flawed survey due to limited responses. The committee member stated that the committee had received evidence about how the PSPO had worked over the previous term from Police and other officers and noted that the powers under the PSPO had rarely been used and didn't seem likely to be used often due to staffing issues for both Police and Council. The committee member felt that there was no overwhelming pressure to change the PSPO from its previous iteration. The committee member expressed that the hard work of Police and officers should be acknowledged and the PSPO as stands should be recommended.

A committee member echoed the sentiments that a lot of work had been done in the background and appreciated that work and that committee's comments were taken on board. The committee member agreed that the PSPO should go forward as it stood. The committee member highlighted that it was good to see e-scooters had been included.

A committee member expressed that it was a shame that the consultation response was so weak. The committee member felt that they couldn't go forward with the current data to make any meaningful recommendations. The committee member highlighted that the subject of acquiring the data for and from the questionnaire should've become an urgent task. The committee member expressed that interacting with the residents of Newport was a valuable tool in hearing the community.

A committee member agreed that better means of survey should be considered, and that going forward, public consultation methods should be reconsidered.

A committee member agreed that the current PSPO should be continued. The committee member expressed that the city shouldn't be without the PSPO as it has made a difference. The committee member felt that receiving a low number of responses was not an issue only for this committee and current consultation and that this needs to be addressed by offering consultation responses be collected in a variety of ways. The committee member reminded committee that there hadn't been a lot of time to consider this PSPO and the consultation as the previous PSPO had run out and a new one needed to be approved at Council. The committee member disagreed that the PSPO should be left as is as there is an issue with bikes/scooters/skateboards in pedestrianised areas of the city, which elderly people have expressed an issue with. The committee member felt that being able to control the traffic of these methods of travel would make residents more comfortable in the city centre. The committee member noted that regardless of the number of responses, many residents have identified it as an issue and it would be amiss to not add that restriction, aligned with the Pillgwenlly PSPO. The committee member felt that to exclude the restriction despite having consulted the public on it would be negatively perceived. The committee member highlighted that the measure wouldn't conflict with active travel and there were other measures in place, such as plans to link cycle routes.

- A committee member clarified that the phrase "as it stands" related to the PSPO report, not the PSPO previously implemented.
- The Regulatory Services Manager reassured committee that judicious use of any restriction is done by trained Council and Police officers, that the Council is committed to the active travel network, and the appropriate enforcement of this related to unsafe, dangerous, or criminal activity on bikes/e-scooters.

A committee member felt that the effort which had been put into the PSPO thus far should not be forgotten as it was still relevant. The committee member reiterated that more engagement would've been welcome and that in future there should be a push for responses

from the public as the sample was too small to base the future on. The committee member assured everyone that there was no one at fault for the lack of response, but there should be an overall acceptance for the need to improve going forward.

Councillor Thomas noted that a high proportion of responses indicated that residents had come across urination and defecation and while the Councillor had only come across public defecation twice in ten years, the Councillor believed that many residents would be upset by the thought of the activity but didn't believe that it was a common issue. Councillor Thomas questioned the approach of responses as to whether the respondents expressed what they felt were common issues or whether they had experienced the issue. Councillor Thomas expressed concern about how evidenced based it was to be able to take appropriate action. Councillor Thomas noted that police and officers were aware of habitual offenders of aggressive begging, but felt that the responses were largely the public's fears of the actions rather than their experiences. Councillor Thomas noted that there is a general belief of lawlessness in the city centre but highlighted that there is some degree of anti-social behaviour in all cities, and it would be a pity to make drastic changes and extending laws where they were not necessary or appropriate.

- The Regulatory Service Manager echoed that there must be link maintained with evidence. The Regulatory Service Manager reminded committee that Fixed Penalty Notices were issued as a result of a PSPO, and work went into advising before FPN's being issued, that FPN's (when paid) created no criminal record and it was only when the FPN aren't paid that there is as follow up through the court system.

A committee member felt that there was a need to provide 24-hour toilet facilities in the city centre. The committee member felt that on that basis there was no excuse for public defecation or urination and asked for the attending Police Officer's view on whether this would be helpful.

- Inspector Jodie Davies noted that it was difficult to prove who had committed the offense, and like the survey suggested, these complaints were rare. Inspector Jodie Davies advised that this was an issue that could be dealt with using different powers and that there was no need to it to be immediately included in the PSPO.
- The committee member questioned whether it would be helpful if 24-hour toilets were available, and Inspector Jodie Davies thought it would especially with Newport's night-time economy.

A committee member echoed that it was not a pleasant experience to encounter public urination. The committee member noted previous experience with this issue and that it had occurred despite CCTV being visible. The committee member echoed previous sentiments that something needed to be looked at, that the public response was not good and that future surveys needed to do more work to encourage responses.

A committee member expressed concern regarding non-aggressive begging. The committee member highlighted that while not in favour of criminalising this, it was upsetting to see people begging and the paraphernalia that went with that and the impact of it within the city centre. The committee member informed committee that complaints had been received from local businesses that residents were sitting outside of shops and begging and felt it was a bad image for the city. The committee member questioned whether something could be done regarding the paraphernalia, and if a total ban on begging was not included, how would the issue be approached.

- The Regulatory Service Manager reminded committee that the purpose of a PSPO was to deal with anti-social behaviour and that restrictions must be tied to that; if

begging wasn't causing anti-social behaviour, it shouldn't be included. The Regulatory Service Manager highlighted that there are networks working across Newport addressing this issue. The Regulatory Service Manager recognised the point but felt it wasn't appropriate tool to deal with the issue.

- The committee member accepted this answer. The committee member noted that other cities had banned begging all together and felt that this was more desirable than what was seen currently in Newport. The committee member expressed that while not wanting to sound inhumane, they felt that with the effort to regenerate the city centre, and the criticism received by the public surrounding it, the image presented would be the Council being complicit in allowing this to continue. The committee member expressed that it was not productive to pass responsibility between the Police and Council, and questioned whether a recommendation should be made to address the issue of begging and its wider implications, especially regarding paraphernalia, abandoned items and food etc.
- The Regulatory Service Manager felt that while there were many issues to be addressed in Newport, the current focus was on the PSPO, and this was a different work stream with significant ramifications relating to equalities and impact assessments. The Regulatory Service Manager reassured committee that numerous lines of work within the Community Safety Wardens team and within the Crime and Disorder Reduction Partnership team, and the Community Manager has been working with variety of public sector and third sector organisations on many of these issues. The Regulatory Service Manager expressed that if committee felt work should be done on a PSPO to encompass these issues, it would be a very different piece of work and would have to be done outside of the current PSPO.

A committee member noted that there should be consistency between the Pillgwenlly PSPO and the City Centre PSPO to reduce confusion.

- The Regulatory Service Manager agreed, highlighting that there is already substantial crossover and some word-for-word comparisons, though some rationalisation may be required.

A committee member agreed with the previous point raised regarding anti-social behaviour surrounding standing/sitting outside shops and felt that this presence could be perceived as intimidating. The committee member felt that the public should be protected, and that many beggars have issues that are not productively addressed by being given money. The committee member acknowledged that there are support organisations that help with these issues but questioned what other cities and towns had addressed these issues using a PSPO. The committee member asked for clarification whether it was a case of not being able to do this, or not wanting to use the PSPO to address this.

- The Head of Law and Regulation reminded committee that a PSPO is evidence-based and dealt with anti-social behaviour. The Head of Law and Regulation stated that if Council was to blanket ban begging and further, the paraphernalia related, it would have significant ramifications regarding human rights. The Head of Law and Regulation reiterated that PSPO measures must be evidenced and necessary and proportionate to the problems and unless clear evidence was provided that a ban would be a proportional response, such a PSPO would be susceptible to challenge, and resultingly the entire PSPO could be challenged, meaning no measure could be implemented if this was done. The Head of Law and Regulation suggested going forward with the PSPO as it stood in the report and looking at broader issues as a

part of the review programme.

A committee member commented that it would be inappropriate to issue fines because someone was found intimidating by another due to the way they looked, and that this was too much an infringement on their human rights and inappropriate.

A committee member expressed that some residents feel so intimidated that they are unable to go to the city centre, which isn't appropriate and does no good for either party. The committee member highlighted that there were homelessness support organisations and foodbanks available and felt that many people beg to fund their habits, and that they do need help, support and assistance, but also felt that residents and traders shouldn't have to feel intimidated, and that was also an infringement on their human rights.

A committee member expressed the understand that if people were asking for money, that would be aggressive begging, and fines should not and could not be issued for residents standing near an entrance or in the street.

A committee member noted the subjectivity of the issue of intimidation.

A committee member accepted that the PSPO was not the vehicle to ban begging through and didn't want to jeopardise the passing of the PSPO but felt that the issue needed to be addressed by someone as the problem will still exist. The committee member felt it was a wide-spread and common occurrence to see people sitting in the street begging and regardless of their manner, it was not a positive experience for residents. The committee member felt that despite the reassurance of support organisations and charitable contributions, the issue still existed. The committee member felt that someone needed to address the issue, and at least address the issue of paraphernalia. The committee member noted that it didn't present a good image of the city centre and deterred shoppers and visitors. The committee member acknowledged that while this is a problem in other cities, it is very noticeable in Newport. The committee member agreed that this was not the place to address the issue directly but asked that the committee recommend that this issue be looked at the right level and highlighted how serious a problem it is.

The committee moved to a vote. The result was 6 for and 1 against, with no abstentions.

The committee thanked officers and invitees for their time and effort.

A committee member requested a definition of aggressive begging by Inspector Jodie Davies.

- Inspector Jodie Davies clarified that aggressive begging was done with shouting, swearing or action behind it. The Inspector acknowledged that just by asking it could be perceived as aggressive begging, but that technically didn't fit within the definition.
- Inspector Jodie Davies assured committee that issues within the city centre are being looked at and addressed and recognised that root causes of begging need to be addressed, which is what the Police are hoping to do with the help of partners.

4 **Scrutiny Adviser Reports**

Forward Work Programme:

A committee member noted that Scrutiny was still waiting for information regarding the climate change report. The Scrutiny Advisor noted that this was the next priority and assured committee they'd be informed of any changes.

The Scrutiny Advisor noted that a meeting had been added for 10th December 2021 to look at the Welsh Language 5 Year Strategy, and that he had just received further information regarding that.

This meeting was terminated at: 17:05pm

The meeting terminated at 5.05 pm