

Report



Street Scene, Regeneration and Safety Scrutiny Committee

Part 1

Date: 08 September 2016

Subject Public Space Protection Order – City Centre – Recommendations Monitoring

Purpose This report provides monitoring information of the City Centre Public Space Protection Order, the process of public consultation for which was considered by the Committee and concluded at its meeting held on 13 October 2015.

Author Overview and Scrutiny Officer

Ward General

Summary This report provides the Committee with monitoring information of the City Centre Public Space Protection Order. the outcome of public consultation for which was considered at the Committee's meeting held on 13 October 2015.

Proposal *If info report:*

This is an information report. Members are asked to note the outcomes of these recommendations and the action(s) determined by the Committee Chair. If any Committee Member objects to the proposed action(s), they have 5 working days to raise this with the Chair.

If report to Committee meeting:

The Committee is asked to:

- i. Note the Cabinet / Cabinet Member's response to the Committee's recommendations;
- ii. Consider how effectively the Cabinet / Cabinet Member's decisions have been implemented, and the outcomes of those decisions; and
- iii. Determine whether it wishes to continue monitoring this matter, or whether it is satisfied that the decisions have been implemented effectively with the desired outcomes.

Action by Scrutiny Committee

Timetable Immediate

Background

- 1 The Scrutiny Committee was asked to oversee the public consultation exercise regarding City Centre Public Space Protection Order in 2015. An important function of the Committee is to ensure that the recommendations are followed up and the outcomes reported back. This report is being presented as part of this monitoring process.

Outcomes Monitoring Process

- 2 The following process is in place for recommendations / outcomes monitoring activity:

- Recommendations made by Committee and presented to Cabinet / Cabinet Member.
- Recommendations monitoring report prepared and presented to next Chair's briefing after the Cabinet / CM decision.
- Chair considers the draft report and determines the next steps from the following options:
 - Satisfied with Response:**
 - Propose no further action / no action at present but request a report back (within a specified timescale).
 - Electronic copy of the report forwarded to the Committee for information.
 - If any Committee Member objects to the proposed action, they have 5 working days to raise this with the Chair.
 - Unsatisfied with Response:**
 - Propose the report is presented to Committee meeting / request attendance by CM to discuss.
 - RM report finalised and presented to the Committee in the normal way.
 - Committee determines any further monitoring, including the timescale.
- In either case, if a further report is requested the process starts again e.g. draft report to Chair's briefing to consider progress and determine next steps.

Recommendations Update

- 3 An update on The City Centre Public Space Protection Order is attached at Appendix 1.

Proposal

The Committee is asked to consider the progress made as indicated in Appendix 1 of the report and to decide an appropriate course of action in accordance with the outcomes monitoring process outlined earlier in this report.

Legal, Financial and HR Implications

This is a monitoring report. The legal, financial and human resources implications of the Committee's recommendations were addressed in the original reports to Committee / Cabinet. No additional implications arise from the production of this report.

Scrutiny Outcomes Monitoring: City Centre Public Space Protection Order

Background and Recommendations

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.

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:-

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.

(**Note:** Councillor Bond was not in support of the inclusion of Rough Sleeping within the Public Spaces Protection Order.)

- 2) The Committee **recommended** that the boundary of the Public Spaces Protection Order be extended, as per the map in the report at Appendix E.
- 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.

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

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 (**Set out below**) and as recommended by the Cabinet Member for Regulatory Services

(Version 2- Following the Cabinet Member for Regulatory Functions' Recommendations

**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.

Dated:

Signed:

THE COMMON SEAL of)
NEWPORT CITY COUNCIL was)
hereunto affixed in the presence of:-))

Next Steps

The Committee is invited to consider the progress made as indicated in Appendix 1 of the report and to decide an appropriate course of action in accordance with the outcomes monitoring process outlined earlier in this report.

Review of Newport City Centre Public Space Protection Order

1 The Five Restrictions in the order:

- 1.1 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.
- 1.2 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.
- 1.3 No person shall beg within the restricted area in a manner which is aggressive or intimidating, or which harasses members of the public.
- 1.4 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).
- 1.5 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).

2 Enacting The Order

- 2.1 The Order was approved at the beginning of Dec 2015 but it took a while to bring it into effect as a number of “administrative” processes needed to be actioned first.
These included:
 - a) Council and police officers needing to be trained;
 - b) Agreement as to who would be enforcing what and when
 - c) Council officers needing to identify the many lampposts where statutory signage should be displayed,
 - d) Agree the wording of the signage and have it translated into Welsh
 - e) Pay for the 80 signs to be produced and mounted on various posts around the large area covered by the PSPO
 - f) Produce Fixed Penalty Notices for both Council and Police officers to use, to have these translated into Welsh and copies printed into pads.
- 2.2 Accordingly for the first few months of 2016 officers worked on an informal basis monitoring compliance of/ speaking to people seen breaching the order’s five restrictions.
- 2.3 From the three months: May to July 2016, we moved into formal enforcement and the following compliance statistics relate.

3 Enforcement of the Restrictions

- 3.1 Police enforce the order all the times of the day. Council Wardens enforce during the day. However, begging, as it is a ban on “aggressive” begging, is generally left to the Police. Similarly, if the breach of the alcohol restriction is by more than the odd individual, then that too would be referred to the Police.

4 Compliance with the Restrictions from returns from the Police and Council Community Safety wardens

	Restriction	No of times breached	Activity stopped?	Specific operations	General observations
1	Alcohol	24 (stats from Council wardens) Police report on each shifts, they will approach 2-3 people on the city centre and will seize and verbally warn people.	Yes Warnings given No need for FPNs to be issued	Police state there has been a huge decrease on the amount of seizures that they had prior to the PSPO. Re. persistent drinkers that were on the city centre last year, no longer any problems: not being seen in the city centre at all.	Council officers "off duty" are still reporting some problems with people drinking alcohol opening in the city centre at night and the occasion street drinker on Friday and Saturday nights sitting near the Morgan Statue on Bridge St also asking for money. But the main problem still seems to be with people heading for the clubs "pre-loading". See comment below at 5.3
2	Persistent approaches to seek financial sign up to charities etc.	None reported			No observations of any charity "direct debit" collectors.
3	Fly posting	None reported			None reported
4	Aggressive begging	13	Yes Warnings given	Some during the day, but mainly in the evenings. Perpetrators would leave the area.	Officers are finding it difficult to determine what constitutes "aggressive begging" however those found begging are being arrested by the Police and being dealt with criminally rather than being issued FPNs.
5	Dogs off lead	11	All stopped when warned. No need for FPNs	During the day.	None reported by police

5. Other Observations

- 5.1 Alcohol consumption is the main restriction breached. Some of the perpetrators are of no fixed abode, so there is little point in issuing them with FPNs in any event.
- 5.2 It has been reported that people are still drinking alcohol at night on the streets despite the introduction of the PSPO. The Police have been notified of this.
- 5.3 The main issue at night appears one of "pre-loading" alcohol and indeed City Centre club owners have complained to the Police and the Council Licensing team about this problem. "Pre-loading", in so far as breaching the PSPO, is where people either:

- Come into the city centre, often in taxis, and are dropped off on the Queensway having consumed alcohol at home and then also bring alcohol in with them which they then consume in the streets before going into the clubs; or
- Buy alcohol in city centre convenience stores and then drink it outside in the street before going into the clubs. Some even pop out from a club, buy alcohol at a convenient store, consumer it outside in the street and then go back into the club.

5.4 As part of investigation into the Baneswell Express off-licence, on 27 February 2016, officers witnessed six people In the space of 15 minutes (01:05 to 1:20) buying alcohol from the store and consuming it on the street which is covered by the PSPO. This store's licence was submitted for review to the Council Licensing Sub-committee who reduced the latest time the store could sell alcohol from 1am to 10pm, although this is the subject of an appeal.

6. Conclusion

6.1 Whilst clearly more work needs to be done around compliance with the alcohol restriction, the introduction of the PSPO in the City Centre has produced positive changes, with many of the issues that lead to its introduction, largely dwindling. The extension of the geographical boundary from that covered by the original Alcohol Designation Area (that was in existence before the PSPO), has definitely helped, as previously, significant instances of street drinking were occurring just outside that original boundary. Displacement into other areas does not appear to be a huge problem, but we are now beginning to consider a possible PSPO for Pill which could include a restriction on street drinking.

The PSPO will need to be reviewed again before its 3rd anniversary in November 2018.