

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

27 JUNE 2017

REPORT OF CORPORATE DIRECTOR – OPERATIONAL AND PARTNERSHIP SERVICES

PUBLIC SAFETY PROTECTION ORDERS

1. Purpose of Report

- 1.1 To seek Cabinet approval to consult with the police, Police and Crime Commissioner and other relevant bodies on the creation of Public Space Protection Order's (PSPO's) and to ask Cabinet to note the conversion of the current Designated Places Protections Orders and Gating Orders into PSPO's on the 14th October.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 The proposal to address anti- social behaviour supports a number of corporate priority themes relating to the reduction of crime and disorder and improvement of the environment
- 2.2 Under Section 17 of the Crime and Disorder Act 1998 the Council has a statutory duty to 'exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent crime and disorder'

3. Background

- 3.1 Anti-social behaviour is a broad term to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery: from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and social landlords. The Home Office has reformed the anti-social behaviour powers to give professionals increased flexibility they need to deal with any given situation.
- 3.2 The Anti-social Behaviour, Crime and Policing Act 2014 (the Act) makes provision about anti-social behaviour, crime and disorder. The Act sets out the following 6 new tools for responsible bodies and responsible authorities:
 - i. Injunction
 - ii. Criminal Behaviour Order (CBO)
 - iii. Dispersal power
 - iv. Community Protection Notice (CPN)
 - v. Closure Power
 - vi. Public Spaces Protection Orders (PSPO)

3.3. A Cabinet Report dated 15th March 2016 sets out the above powers in more details. This report also delegated to the Assistant Chief Executive, Legal and Regulatory the power to do (including the power to serve any notice) that is necessary for the enforcement of any of the provisions contained within the Anti-social Behaviour, Crime and Policing Act 2014 with the exception of Public Spaces Protection Orders as specified in Part 4, Chapter 2 of the Act. As such the power to make a PSPO remains a Cabinet power and decision.

4. Current situation / proposal

- 4.1 PSPO's are designed to stop individuals or groups committing anti-social behaviour in a public space. They are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. PSPO's contain restrictions and requirements set by the council. These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. They can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour. They can be enforced by a police officer, police community support officers and council officers. Breach of a PSPO is a criminal offence. Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate or following a conviction in Court a person can receive a fine of up to £1,000. Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue
- 4.2 Importantly PSPO's replace the old Designated Public Place Orders (DPPO's); Gating Orders and Dog Control Orders.
- 4.3 The Act came into force on the 14th October 2014. The Act made provision for DPPO's; Gating Orders and Dog Control Orders (where in existence) to remain valid for 3 years from the 14th October 2014 at which point, on the 14th October 2017, they are converted under the Act to PSPO's.
- 4.4 More than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a wider range of behaviours than the orders it replaces.
- 4.5 There are currently 5 Designated Public Places Orders (DPPO's) in Bridgend which establish alcohol control areas to deal with issues of nuisance and disorder associated with the consumption of alcohol in streets and public places. The areas where the orders are in force are attached as appendix 1.
- 4.6 There is currently one Gating Order in Bridgend County. This covers the rear lane between Talbot Street and Plasnewydd Street, Maesteg.
- 4.7 A second gating order that had previously been in existence covering the highway between Treharne Road and Caerau Road, Caerau was revoked in March 2014.
- 4.8 There are no current dog control orders
- 4.9 On the 14th October 2017 the current orders, being the 5 DPPO's and the one Gating Order, will migrate under the Act to become PSPO's. No action is required

by the Council as this will happen automatically. However some action will be required to amend the signs and to publicise the change. These newly created PSPO's are only valid for 3 years and must, if they continue to be needed post 14th October 2020, be renewed every three years thereafter following the statutory process set out below.

- 4.10 In light of the above, in particular the points raised at 4.4, it is proposed to review all current DPPO's and Gating Orders, as well as and new areas where anti-social behaviour is being experienced, to establish what appropriate PSPO's could be made, and what conditions attached, to best prevent anti-social behaviour.
- 4.11 PSPO's can be issued if the Council are satisfied that the activities carried out, or likely to be carried out, in a public space:
 - i. have had, or are likely to have, a detrimental effect on the quality of like of those in the locality;
 - ii. is, or is likely to be, persistent or continuing in nature;
 - iii. is, or is likely to be, unreasonable; and
 - iv. justifies the restrictions imposed
- 4.12 In deciding to make a PSPO and what it should include, a Local Authority must have regard to Articles 10 and 11 of the European Convention on Human Rights (Freedom of Expression and Freedom of Assembly).
- 4.13 Before the Council can make, extend or vary a PSPO there is a procedure set down by statute which must be followed. In particular, a Local Authority must carry out the necessary consultation, the necessary publication and the necessary notification (if any).
- 4.14 Necessary consultation means that a Local Authority must consult with:
 - i. the chief officer of police, and the local policing body, for the police area that includes the restricted area (statutory guidance issued states that this should be done formally through the chief officer of police and the Police and Crime Commissioner but details could be agreed by working level leads);
 - ii. any community representatives the local authority thinks it is appropriate to consult (community representative means any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area). Community representatives could include residents' groups or particular groups of individuals who use a local amenity (e.g. regular users of the park or specific activities such as busking or other types of street entertainment).;
 - iii. the owner or occupier of land within the restricted area (this does not apply to land owned and occupied by the Local Authority and applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land).
- 4.15 The statutory consultation will commence on 24 July 2017 and continue for 12 weeks. The consultation will conclude after the deadline of the 14th October 2017 meaning that the existing DPPO's and Gating Order will have converted into PSPO's on the same terms. It is proposed to use temporary signs to comply with the law during this period and permanent signage will be displayed once the consultation concludes and new PSPO's are created for a period of three years.

4.16 The Consultation will seek views on the creation of PSPO's to:

- Replace the Designated Public Place Orders in Caerau, Pencoed, Porthcawl and Maesteg as described in 4.5 with identical terms (at the point in time the consultation will conclude these DPPO's will have automatically have converted into PSPO's as explained above at 4.9)
- Extend the area covered by the existing Designated Public Place Order in Bridgend as described in 4.5 to include Coity Road, up to the entrance to the Princess of Wales Hospital (at the point in time the consultation will conclude this DPPO will have automatically have converted into a PSPO as explained above at 4.9)
- Replace the Gating Order outlined in 4.6 above with identical terms (at the point in time the consultation will conclude this Gating Order will have automatically have converted into a PSPO as explained above at 4.9)
- Control access to Elder Lane at the rear of Adare Street and Caroline, Bridgend

4.17 The statutory consultation will make it clear that Public Safety Protection Orders can only be issued if the conditions at 4.9 above are met.

4.18 To allow sufficient time for proper consultation to be completed, it is not proposed to conclude this process prior to the 14th October 2017. As such, as explained at 4.15 above, temporary signs will replace existing signs as outlined in 4.11 above.

4.19 At the conclusion of the consultation a further Cabinet Report will be prepared to outline the conclusions and recommendations for what, if any PSPO's should be made.

5. Effect upon Policy Framework & Procedure Rules

5.1 None

6. Equality Impact Assessment

6.1 An Initial Screening EIA has been undertaken and is attached as appendix 3. The Initial Screening EIA indicates a full Equalities Impact Assessment is required.

6.2 The full Equalities Impact Assessment will take place following the 12 week Consultation.

7. Financial Implications

7.1 The estimated costs for implementing the orders are:

Design, manufacture and fixing of hard signs	£3500
Printing (including temporary signage)	£1500
Publicity	£1000
Total	£6000

7.2 A request will be sent to partners asking for a financial contribution to the costs. If this is not forthcoming funding will be made available from existing budgets.

8. Recommendation

- 8.1 It is recommended that Cabinet approve the commencement of formal consultation as outlined at paragraph 4.13 to 4.19 above to establish whether PSPO's should be created and if so on what terms.
- 8.2 Cabinet is asked to note that on the 14th October the existing DPPO's and Gating Order will convert under the Act into PSPO's on the existing terms.

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Background Documents

None