

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

REPORT OF CORPORATE DIRECTOR – OPERATIONAL AND PARTNERSHIP SERVICES

PUBLIC SPACE PROTECTION ORDERS

1. Purpose of Report

- 1.1 To ask Cabinet to:
- i. note the results of the consultation on the creation of Public Space Protection Orders (PSPO's);
 - ii. note that the grounds, as set out in paragraph 3.3 below, are met; and,
 - iii. in light of the outcome of the consultation and the grounds being met, to create 3 new PSPO's as set out in **Appendix 1** and detailed in para 4.9

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 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)
- 3.2 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 anything (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 PSPO's as specified in Part 4, Chapter 2 of the Act. As such the power for Bridgend County Borough Council to create a PSPO remains a Cabinet power and decision.
- 3.3 A Local Authority may make a PSPO if it is satisfied on reasonable grounds that it is likely that activities will be carried on in a public place within that area and that they will have a detrimental effect on the quality of life of those in the locality which is

likely to be of a persistent or continuing nature such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.

- 3.4 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. Under s.67 of the Act 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. Under s.63 of the Act a person can be required by an authorised officer to surrender alcohol and a failure to do this is a criminal offence. 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
- 3.5 Importantly PSPO's replace the old Designated Public Place Orders (DPPO's); Gating Orders and Dog Control Orders.
- 3.6 The Act came into force on the 14th October 2014. Under s.75 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 were converted under the Act to PSPO's.

4. Current situation / proposal

- 4.1 Prior to 14th October 2017 there were 5 Designated Public Places Orders (DPPO's) in existence in Bridgend County Borough which established 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 were in force are attached as **appendix 2** (maps)
- 4.2 In addition, prior to 14th October 2017 there were two Gating Orders in existence in Bridgend County: one covering the rear lane between Talbot Street and Plasnewydd Street, Maesteg and the second covering the highway to the rear of Wesley Street and Lloyd Street, Caerau, Maesteg. These are attached in appendix 2 (maps)
- 4.3 A further gating order had previously been in existence covering the highway between Treharne Road and Caerau Road, Caerau was revoked in March 2014.
- 4.4 On the 14th October 2017 there were no dog control orders within Bridgend County Borough Council.
- 4.5 On the 14th October 2017 the orders listed at paragraph 4.1 and 4.2 above, being five DPPO's and two Gating Orders, migrated under the Act to become PSPO's.

No action was required by the Council as this happened automatically under the 2014 Act.

- 4.6 To ensure that the new PSPO's remained necessary and whether any further PSPO's should be made, it was proposed to review all areas covered by the old DPPO's and Gating Orders, as well as any new areas where anti-social behaviour is being experienced, to establish what appropriate PSPO's could be made, and what conditions could be attached to best prevent anti-social behaviour. As such, a report was submitted to Cabinet on 27th June 2017 seeking approval to consult with the police, the Police and Crime Commissioner and other relevant bodies, which included Chief Superintendent, South Wales Police, Corporate Director Communities Bridgend County Borough Council, Town Centre Manager Bridgend County Borough Council, Bridgend Town Council, Maesteg Town Council, Pencoed Town Council, Porthcawl Town Council, Bridgend Traders Forum, CF31 Bridgend BID, Bridgend Pub Watch/BBAC, Porthcawl Chamber of Trade, Porthcawl Pub Watch and the public, on the creation of Public Space Protection Orders. Full details of the consultation can be found in the Consultation Report Appendix 3.
- 4.7 The statutory consultation commenced on 24 July 2017 and continued for 12 weeks, ending on 13 November 2017. Under s.71(4) of the 2014 Act it is necessary to consult with the chief officer of police and the local policing body for the police area that includes the restricted area; whatever community representatives the local authority thinks it appropriate to consult; and the owner or occupier of land within the restricted area ("the Statutory Consultees"). In addition to the Statutory Consultees there was also a public consultation.
- 4.8 A letter was sent to Statutory Consultees outlining the proposal and directing consultees to the webpage which gave details of how to respond. A copy of the letter and a list of Statutory Consultees is included in the consultation report. The public consultation was promoted through a variety of means including:
- i. the BCBC website;
 - ii. partner meetings including Bridgend Hate Forum and Bridgend Community Safety partnership.
 - iii. partner distribution networks;
 - iv. newsletters; and
 - v. via social media.

A clean up event was held between Talbot Street and Plasnewydd Street to promote the consultation to residents and local business.

- 4.9 The Consultation sought views on the following:
- i. Whether to maintain the PSPO's which were automatically created when the Designated Public Place Orders in Caerau, Pencoed, Porthcawl and Maesteg at described in 4.1 migrated by law into PSPO's on the 14th October.
 - ii. If the PSPO's at point i above are maintained, whether to maintain them with identical terms or altered terms

- iii. If the PSPO's at point i above are maintained whether to extend the area covered to include Coity Road, up to the entrance to the Princess of Wales Hospital
- iv. Whether to maintain the PSPO's which were automatically created when the Gating Order outlined in 4.2 migrated by law into PSPO's on the 14th October
- v. If the PSPO at point iv above is maintained, whether to maintain it with identical terms or altered terms
- vi. A further question was included in the survey: 'Are you aware of any activities which are currently restricted in a public space within your area, which if not restricted would have a detrimental effect of your quality of life?' Five individuals responded to the question.

4.9 A copy of the draft PSPO is attached as appendix 1 and was included in the consultation. In summary the draft PSPO's as consulted upon sought to:

A) create one new PSPO to prohibit the consumption of alcohol and the possession of alcohol in an open container within the following restricted areas:

- Bridgend as attached map in appendix 2
- Porthcawl as attached map in appendix 2
- Pencoed as attached map in appendix 2
- Caerau as attached map in appendix 2
- Maesteg as attached map in appendix 2

Any person who without reasonable excuse continues consuming alcohol in the Restricted Area when asked to desist by a Police Officer, Police Community Support Officer or authorised person from the Council under Section 63, or fails to surrender any intoxicating substance in his possession when asked to do so by a Police Officer, Police Community Support Officer or authorised person from the Council under Section 63 commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale (currently £500.00) or if in receipt of a Fixed Penalty Notice to a penalty of a maximum of £100.00.

The restriction applies to all persons at all times. The Order would affect all persons and is proposed to last for 3 years.

- B) the creation of one new PSPO's to restrict the public right of way between Talbot Street and Plasnewydd Street, Maesteg, Bridgend, specified on the attached Plan in appendix 1 ("the Restricted Area") between Monday to Saturday during the hours of 5.30pm on one day and 9.00am on the next and on Sunday and every Public Holiday, for 24 hours. The winter and summer timings will mirror the Greenwich Mean Time and British Summer Time schedules. This Order authorises the installation of lockable swing gates which will enforce the restriction. The Order would affect all persons and is proposed to last for 3 years.
- C) the creation of one new PSPO's to restrict the public right of way between the Highway to the rear of Wesley Street and Lloyd Street, Caerau, and specified on the attached and specified on the attached plan in appendix 1 ("the Restricted Area") between Monday to Saturday during the hours of 5.30pm on one day and 9.00am on the next and on Sunday and every Public Holiday, for 24 hours. The winter and summer timings will mirror the Greenwich Mean Time and British

Summer Time schedules. This Order authorises the installation of lockable swing gates which will enforce the restriction. The Order would affect all persons and is proposed to last for 3 years.

- 4.10 Details of the consultation can be found on the BCBC website <http://www.bridgend.gov.uk/services/consultation/public-space-protection-order-consultation.aspx>
- 4.11 Both the statutory and public consultation closed on 13 November 2017. The results of the consultation are attached as **Appendix 3**
- 4.12 The Statutory Consultees were given the option of responding to the consultation by completing the on line survey or providing general comments via letter or email. Five written responses were received. One from South Wales Police, one from the Clerk of Maesteg Town Council (on behalf of Maesteg Town Council) and three from individual Porthcawl Town Councillors. All responses supported the proposed orders. One response asked for control of dogs to be considered, and one response indicated there were not enough resources to enforce dog control orders so they should not be included. One response asked why almost the whole of Pencoed and Porthcawl are covered by the orders, whilst Bridgend only seems to be the town centre. There were no further comments on the size of the area.
- 4.15 There were thirty three unique responses to the on line survey. In summary the following responses were received.
- Bridgend Town Centre: twenty agreed to maintaining the PSPO (prohibition of alcohol) and five said no, but did not specify a reason. Twenty three agreed to the extended area to include Coity Road and 2 did not agree, but did not specify a reason. Comments regarding activities that have a detrimental effect on quality of life: People hanging around outside pubs, Youngsters drinking and when intoxicated damaging play area of the young people communities, Young people congregating, consuming alcohol, asb, 'Begging and people under the influence of drugs
 - Maesteg: Fifteen said yes to maintain the PSPO (prohibition of alcohol) and two said no, but did not specify a reason. . Six individuals agreed to maintain the PSPO (gating) and eleven did not... Of the seventeen people who responded to this question twelve individuals stated they did not live within a mile radius of the specified area. It is not possible to tell from the data whether respondents who answered no to the question live within a mile radius of the specified area. The police and other agencies were in favour. Comments regarding activities that have a detrimental effect on quality of life: 'Number of young people on bikes around Llynfi Surgery and carpark, 'Drinking, noise and violence caused by drink, verbal abuse to members of the public, 'Lack of Police presence, youth drinking/smoking in public area such as Garth Park (Maesteg), 'Begging and people in the street under the influence of drugs'
 - Caerau: Eleven said yes to maintain the PSPO (prohibition of alcohol) and one was opposed, but did not give a reason. Four individuals agreed the gating order should be maintained, and eight did not. Of the 12 people who responded to this question eight individuals stated they did not live within a mile radius of the specified area. It is not possible to tell from the data whether those respondents who said no lived

within a mile radius of the area. The police and other agencies were in favour. Comments regarding activities that have a detrimental effect on quality of life: 'People hanging around on street corners, Drinking, noise and violence caused by drink, verbal abuse to members of the public', Begging, people under influence of drugs'

- Pencoed: Seven agreed to maintaining the PSPO (prohibition of alcohol) and three did not, but did not give a reason (did the no say why?). Comments regarding activities that have a detrimental effect on quality of life: Drinking, noise and violence caused by drink, verbal abuse to members of the public', 'Begging'
- Porthcawl: Eleven agreed to maintain the PSPO (prohibition of alcohol) and five did not, but did not give a reason. (did the no say why?).. Comments regarding activities that have a detrimental effect on quality of life: 'Noisy neighbours', 'Litter in Newton beach area', 'Flying tipping in lanes', 'Begging and people in the street under influence of drugs'

- 4.16 Of the 33 responses received one person who identified themselves as a 'visitor' identified begging and people under the influence of drugs as an issue across all areas.
- 4.17 No additional comments were made regarding the time periods that the suggested PSPO should have effect.
- 4.18 No additional comments were made regarding the duration of the orders.
- 4.19 There were no specific comments on the effect of section 63 and section 67 of the Act as specified in para 3.4 above
- 4.20 The response to the consultation confirm that it is likely that the consumption of alcohol and possession of alcohol in an open container in the following 5 public areas proposed will have a detrimental effect on the quality of life of those in the locality which is likely to be of a persistent or continuing nature such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.
- 4.21 The response to the consultation confirm that it is likely that allowing access to the 2 public areas covered by the proposed PSPO's during the proposed hours will have a detrimental effect on the quality of life of those in the locality which is likely to be of a persistent or continuing nature such as to make the activities unreasonable, and justifies the restrictions imposed by the notice.
- 4.22 If the PSPO is created it would be published in accordance with Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014, SI 2014/259

5. Effect upon Policy Framework& Procedure Rules

- 5.1 None

6. Equality Impact Assessment

- 6.1 The Initial Screening EIA indicated a full Equalities Impact Assessment is required. The EIA is attached as **appendix 4**

7. Financial Implications

7.1 The estimated costs for implementing the orders are:

Design, manufacture and fixing of hard signs	£3500
Printing	£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:

- i. note the results of the consultation on the creation of Public Service Protection Orders (PSPO's);
- ii. note that the grounds, as set out in paragraph 3.3 above, are met; and,
- iii. in light of the outcome of the consultation and the grounds being met, to create 3 new PSPO's as set out in paragraph 4.9 above and at **Appendix 1**

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Background Documents

None