

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

18 JANUARY 2022

### REPORT OF THE CHIEF OFFICER, FINANCE, PERFORMANCE AND CHANGE

#### PUBLIC SPACE PROTECTION ORDERS

##### 1. Purpose of report

1.1 The purpose of this report is to seek Cabinet approval to consult with the Police, the Police and Crime Commissioner and other relevant bodies in relation to:

- The extension of the existing Public Space Protection Orders (PSPO) relating to control of alcohol
- The extension of the existing PSPO relating to the restriction on access to public space in the area between Talbot Street and Plasnewydd Street, Maesteg
- The extension of the existing PSPO relating to Dog Control
- Varying the control of the alcohol area in Bridgend to include the area known as the play park on Quarella Road, Wildmill
- Noting that following the consultation, a further report will be made to cabinet for a decision on extending and varying the PSPO

##### 2. Connection to corporate well-being objectives/other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:

- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

##### 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 the increased flexibility they need to deal with certain situations.

- 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 The existing PSPO in Bridgend County Borough was enacted on 18 June 2019 and relates to control of alcohol, restriction of access to public space and dog control. It expires on 18 June 2022. A PSPO remains in place for three years unless discharged by the local authority.
- 3.4 A PSPO is an effective deterrent to deal with particular nuisance or problems in a specified area that is detrimental to the quality of life of the local community.
- 3.5 A PSPO works by imposing conditions on the use of a specified area, which applies to everyone. A PSPO is designed to ensure that residents and visitors can enjoy public spaces without experiencing anti-social behaviour.
- 3.6 In accordance with s60 (2) of the Anti-social Behaviour Crime and Police Act 2014, ('the Act') a PSPO may not have effect for more than 3 years, unless extended under s60. This section permits a local authority to extend a PSPO where it is satisfied on reasonable grounds that doing so is necessary to prevent an occurrence or recurrence of the activities identified in the order or to prevent an increase in the frequency or seriousness of those activities.
- 3.7 The introduction of the PSPO for the control of alcohol in public spaces has enabled the police to remove alcohol from those that are engaging or likely to engage in anti-social behaviour.
- 3.8 The PSPO for Dog Control enables officers from Bridgend County Borough Council to give direction in regards to dogs off lead and dogs causing nuisance in a public place. This includes dog fouling and other related issues.
- 3.9 The PSPO which restricts public access to the area between Talbot Street and Plasnewydd Street has seen a reduction in the number of reports of anti-social behaviour in that area.
- 3.10 The existing PSPO has enabled the Council and Police to take preventative enforcement action in public places. Detailed information is outlined below.

### **3.11 Dog Control Order**

This relates to all public open spaces throughout the borough and imposes the following conditions on the use of that land:-

- a) Person(s) within the Restricted Area will collect and dispose of the faeces of dogs within their control by removing it and depositing the dog faeces in a bag which should be left in a litter bin or taken home
- b) Person(s) within the Restricted Area who have dogs within their control must carry bags or other suitable means for the collection of dog faeces
- c) Person(s) within the Restricted Area must when requested to do so by an Authorised Officer place dogs in their control on a lead. The Authorised Officer must specify the location and duration covered by a direction given under Paragraph 6 (C) of this Order.

### **3.12 Alcohol consumption in a prohibited area.**

- a) 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 of the Act, 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.
- b) It is not an offence to drink alcohol in a controlled drinking area. It is an offence to fail to comply with a request to stop drinking or surrender alcohol in the area covered by the PSPO.

### **3.13 Restriction of Public Access (Gating)**

- a) The PSPO restricts public rights of way of the restricted area covering the rear lane between Talbot Street and Plasnewydd Street, Maesteg in Bridgend County by the installation of lockable steel swing gates.
- b) Access is restricted between Monday to Saturday during the hours of 17:30 on one day and 09:00 on the next and on Sunday and every bank holiday for 24 hours.

## **4. Current situation/proposal**

- 4.1 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).

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 through the chief officer of 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).
- 4.2 If approved the statutory consultation will commence on 7 February 2022 and continue for 12 weeks.
- 4.3 The Consultation will:
- Seek views on the extension of the current PSPO relating to alcohol control in Caerau, Pencoed, Porthcawl, Maesteg and Bridgend on identical terms. A copy of the current order is attached at **Appendix 1**.
  - Seek views on extending the area covered by the Bridgend PSPO relating to alcohol control to include the area known as the play park on Quarella Road, Wildmill, Bridgend. A map indicating the extended area is attached at **Appendix 2**.
  - Seek views on extending the PSPO that restricts access between Talbot Street and Plasnewydd Street, Monday to Saturday between 17:30 on one day and 09:00 on the next and on Sundays and all bank holidays for 24 hours. A copy of the current order is attached at **Appendix 1**.
  - Seek views on the extension of the current PSPO regarding dog control in Bridgend County on identical terms. A copy of the current order is attached at **Appendix 3**.
- 4.4 It is not intended to extend the PSPO relating to restricting access between Wesley Street and Lloyd Street, Caerau. A copy of the current order is attached at **Appendix 1**.
- 4.5 If a premises/area is licenced to service alcohol by way of a temporary events notice or another type of licence under the Licensing Act 2003, the PSPO will not be effective for the period of that licence.
- 4.6 As recommended in the Local Government Association Guidance for PSPO's, the PSPO relating to the restriction of public access shall not apply to any registered owner of, or person who lives in or works in, premises adjoining the Restricted Area, or to any police, ambulance or fire service personnel, acting in pursuance of statutory powers or duties or to any statutory undertaker, gas, electricity, water or communications provider requiring access to their apparatus situated in the

Restricted Area, or persons and/or vehicles required, where necessary, in connection with maintenance work or other function of the Council. As such, keys are held by all relevant commercial premises and residential premises which have access to the area covered by the gates and are also held in Maesteg Police Station, by Council Community Safety Partnership officers and by Council Highways department.

- 4.7 The PSPO relating to dog control shall not apply to Disabled persons as defined by the Equality Act 2010 where the person suffers from a disability which would prevent them from collecting their dog faeces.
- 4.8 All Town and Community Councils in the areas covered by the PSPO will be notified.
- 4.9 Specific consultees outlined in the legislation will be contacted directly via letter. These are:
- Elected members as representatives of their constituents
  - The South Wales Police and Crime Commissioner
  - The South Wales Police Chief Superintendent for the area
  - All town and community councils
  - Bridgend Association of Voluntary Associations (BAVO)
  - Bridgend Business Against Crime (BBAC)
  - Bridgend Dogs Trust
- 4.10 An on line survey will be available on the BCBC website. This will be promoted via social media platforms to individuals who live in, work in, or visit Bridgend County.

## **5. Effect upon policy framework and procedure rules**

- 5.1 No effect upon policy framework and procedure rules result from this report.

## **6. Equality Act 2010 implications**

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions.
- 6.2 Full Equality Impact Assessments were carried out when the PSPOs were created in 2018.
- 6.3 A new EIA screening will be carried out when the consultation questions are developed and the results of that screening reported to cabinet alongside the consultation report to inform whether a further full EIA is required.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 The recommendations in this report demonstrate the sustainable development principle by ensuring that by meeting the needs of the present they do not compromise the ability of future generations to meet their own needs and this is evidenced through the 5 ways of working:

- Long term – the report seeks to address the long term problems associated with anti-social behaviour. These include addressing issues relating to control of dogs, issues associated with the consumption of alcohol in public areas and other forms of anti-social behaviour
- Prevention – working with partners to prevent the negative effects of anti-social behaviour on those living, working or visiting Bridgend County Borough
- Integration – the project contributes to the wellbeing goals: a healthier Wales, a Resilient Wales, and a Wales of Cohesive Communities and to the Wellbeing objective Supporting communities in Bridgend to be Safe and Cohesive
- Collaboration – the initiative is a collaboration between Bridgend County Borough Council Communities Directorate ,the Bridgend Community Safety Partnership South Wales Police and South Wales Fire and Rescue Service
- Involvement – the consultation with partners, stakeholders, local residents, communities and elected members will inform the decision of whether to extend the PSPOs.

## **8. Financial implications**

8.1 If the extension to the PSPO is approved there will be costs associated with signage, promotional leaflets and maintenance of the steel gates.

8.2 The estimated costs are:

Design, manufacture and fixing of hard signs	£1500
Printing	£ 500
Annual maintenance of steel gates	£ 250 per annum

Total equals £2250 in the first year, then an annual cost of £250 for the 3 year life of the order. These costs will be funded from the Community Safety budget.

## **9. Recommendation**

9.1 It is recommended that Cabinet give approval for a public consultation to approve the proposed extension of the Public Space Protection Order as outlined in paragraph 4.3 of this report, specifically:

- The extension of the current PSPO relating to alcohol control in Caerau, Pencoed, Porthcawl, Maesteg and Bridgend on identical terms.
- Extending the area covered by the current Bridgend PSPO relating to alcohol control to include the area known as the play area, Quarella Road, Wildmill, Bridgend.

- Extending the current PSPO that restricts access between Talbot Street and Plasnewydd on identical terms
- Extension of the current PSPO regarding Dog control in Bridgend County on identical terms.

9.2 Cabinet is also asked to note that, following the consultation, a further report will be made to cabinet for a decision on extending and varying the PSPO.

CARYS LORD

**CHIEF OFFICER, FINANCE, PERFORMANCE AND CHANGE**

18 JANUARY 2022

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**Background documents:** None