



CABINET – 29TH JULY 2015

SUBJECT: PROPOSED PUBLIC SPACES PROTECTION ORDERS AT BARGOED, BLACKWOOD, NELSON AND CAERPHILLY BUS STATIONS (INCLUDING CAERPHILLY TRAIN STATION AREA) AND VARIOUS BUS SHELTERS

REPORT BY: DIRECTOR OF SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To seek a Cabinet decision to bring into being new Public Spaces Protection Orders (PSPOs), under the Anti-Social Behaviour, Crime and Policing Act 2014, to alleviate anti-social behaviour at local authority bus stations namely Bargoed, Blackwood, Nelson and Caerphilly (including Caerphilly Train Station area) and various bus shelters.

2. SUMMARY

- 2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 brought in a new power for local authorities to deal with anti-social behaviour problems in a geographical area by imposing conditions on the use of an area. The aim is to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- 2.2 PSPO's replace a number of existing legal provisions including Designated Public Place Orders, Gating Orders and Dog Control Orders. Existing Orders made under previous legislation subsist for a period of 3 years from October 2014; at this point they will be treated as PSPO's.
- 2.3 PSPO's can prohibit a wider range of behaviours than previous legislation. PSPO's are subject to a consultation and notification process and may be appealed in the High Court within 6 weeks of an order being made. An appeal may be made by an 'Interested Person' i.e. a person who lives, works in, or regularly visits the 'Restricted Area'.
- 2.4 This report considers the need, reasonableness, consultation and enforcement of the PSPOs as described.

3 LINKS TO STRATEGY

- 3.1 The single integrated plan replaces the statutory community safety partnership plan and encompasses the strategic aims of the partnership through the 'Safer Caerphilly' theme. Statutory partners deliver two key priorities relevant to this report:

S1- Reduce Anti-social behaviour and reduce the fear of becoming a victim of anti-social behaviour

S3- Reduce the harm caused to communities through substance misuse

4 THE REPORT

4.1 Section 59 of the Act allows a local authority to make a PSPO relating to the activities carried out, or likely to be carried out, in a public place if it is satisfied on reasonable grounds that two conditions are met:

- (i) activities are having a detrimental effect on the quality of life of those in the locality, or it is likely that they will do;
- (ii) that the activities are of a persistent or continuing nature, are unreasonable and justify the restrictions imposed by the order.

PSPOs subsist for a maximum of 3 years within which time they may be renewed or varied. A shorter time period can be set depending on the issue the PSPO is intended to control. The Orders annexed are intended to cover a three year period.

The Council can make a PSPO on any public space within its own area. The definition of a public space is wide and includes any place to which the public, or any section of the public, has access on payment or otherwise as a right by virtue of express or implied consent, for example a shopping centre.

Before making a PSPO a Council must consult with the local police via the Chief Officer and the Police and Crime Commissioner. Also any community representatives that they think appropriate for example a residents association, an individual or groups. Before making an Order the Council must publish a draft order in accordance with the required Regulations.

A PSPO can be drafted from scratch based on individual issue being faced in a particular public space and can include multiple restrictions and requirements in one order e.g. prohibit alcohol, and placing requirements on individuals carrying out certain activities.

Councils should ensure that measures are necessary to prevent the detrimental effect on those in the locality and reduce the likelihood of the detriment effect continuing or recurring.

Against this background the following consideration has been given to the introduction of PSPO's in Bus Stations and Bus Shelters.

The background to the proposed inclusion of the Caerphilly Train Station area is set out in the Report.

4.2 **Bus Stations and Bus Shelters**

The Safer Caerphilly Partnership, in discussions between Gwent Police and the Local Authority Community Safety Unit, Integrated Transport Unit and the Town Centre Development Manger have determined that Public Spaces Protection Orders at the four local authority bus stations and selected bus shelters (see Appendices 2 and 3) are needed to alleviate problems being experienced by members of the public.

4.3 In relation to bus stations Gwent Police have provided evidence of persistent youth annoyance, anti-social behaviour, substance misuse, damage to property and intimidation of members of the public taking place at Bargoed, Blackwood, Caerphilly and Nelson Bus Stations. Issues vary at each station. For example newly planted trees were recently damaged at the regenerated Nelson Bus Station. Bargoed Bus Station and Caerphilly Bus Station have a high number of reports related to youth anti-social behaviour.

4.4 Blackwood Bus Station suffers from congregations of homeless substance misusers who make use of the area for seating and shelter. Incidences of defecation in the waiting area, discarded needles, and persons injecting and sleeping in the public toilet are recorded. Homelessness support services work extensively with these individuals, however many are resistant to support. At present; there is no ability to prevent individuals sitting in the bus

stations all day. Persistent complaints are received from members of the public, local businesses and the taxi trade. Our local authority Cleansing staff have had to deal with the clean up of excrement, blood and drug paraphernalia. Enforcement operations are conducted by partners and proactive use is made of the CCTV system, however current resources and legal powers are not sufficient to address the persistent nature of the problems.

4.5 A Problem Solving Group convened to deal with issues at Blackwood Bus Station has drafted the proposed Order at Appendix 2 based on the Transport for London byelaws. Prior to the new Act enquiries were made with Welsh Government, however there was no ability for the local authority to consider similar controls at transport interchanges through good rule and governance byelaws.

4.6 The bus shelters in the proposed Orders at Appendix 3 have been the source of complaint from members of the public to the Integrated Transport Unit, Community Safety Wardens and Gwent Police. Due to the fact that complaints are only on record for these bus shelters it is not possible to extend the proposed controls to all local authority shelters.

4.7 Appended to this report are the terms of the proposed Orders (Appendices 2 and 3) and the 'Restricted Area' maps (Appendix 4) that delineate the extent of the bus stations based on enforceability and historical problems encountered. In relation to the listed bus shelters the restricted area will be confined to the area occupied by the bus shelter itself. Also appended are the Safer Caerphilly Partnership's Explanatory Notes for Public Space Protection Orders (Appendix 1).

4.8 **Consideration and consultation**

In determining whether to make an Order the local authority must have consideration of the rights of freedom of expression and assembly in the European Convention on Human Rights. It is considered that the evidence of issues affecting the local community justifies their being brought into being.

4.9 The local authority is required to consult with the Chief Constable, the Office of the Police and Crime Commissioner, appropriate community representatives, and owners and occupiers of land in the restricted area. Further, the local authority must notify town and community councils. Consultation and notification has taken place and no adverse responses have been received. Gwent Police and the Integrated Passenger Transport Unit are particularly supportive.

4.10 In addition to statutory consultees consultation has taken place with British Transport Police and Arriva Trains Wales in relation to the Caerphilly Bus Station. The Caerphilly and Blaenau Gwent Youth Offending Service, the local bus companies and neighbouring business owners at the bus stations have also been consulted.

4.11 A summary of responses is given at Appendix 5.

4.12 As a result of the consultation Arriva Trains Wales, the lessees of Caerphilly Train Station, requested that the area proposed at the Caerphilly Bus Station be extended into their leased area of land to encompass the Caerphilly Train Station within the Restricted Area. The basis of the request was to make enforcement more seamless and allow British Transport Police to make use of the new provisions as partners in helping to control anti-social behaviour in the town. The British Transport Police evidence of anti-social behaviour supports this request as set out in the body of the Report; the evidence suggests that both areas should be treated in the same way. As the landowner Network Rail were consulted on the inclusion of the area within the Restricted Area, they have indicated that they are fully supportive of the proposal. For the purposes of the Restricted Area map, the Bus Station and Train Station are described as the Caerphilly Transport Interchange.

- 4.13 Stagecoach requested that an additional bus stop be included at Heol Aneurin, Penyrheol due to problems being experienced by their staff and the travelling public. This request is supported by Gwent Police evidence, the area is a persistent source of anti-social behaviour.
- 4.14 Proposed and new Public Space Protection Orders must be publicised. However the new legislative regime allows that local authority websites may be used instead of press notices. The text of the proposed PSPO's was publicised with a social media message driving the public towards a web page and also by public notices placed in the locations. Responses received were limited to complaints about anti-social behaviour in areas not subject to the proposed Public Space Protection Orders. These have been progressed by referral to the Community Safety Warden Service.
- 4.15 **Enforcement**
- The local authority must provide sufficient signage to allow users of the area to be aware of the conditions imposed and the consequences of non-compliance.
- 4.16 It is an offence to breach a provision in a Public Spaces Protection Order punishable by a fine up to level 3 on the standard scale (£1000). In relation to restrictions relating to alcohol the fine is up to level 2 on the standard scale (£500). Alternatively a fixed penalty notice may be offered. The local authority has authorised its Community Safety Wardens to issue fixed penalty notices in the amount of £100 for breaches, reduced to £75 for payment within 7 days. Police Constables are directly authorised under the Act. Gwent Police have indicated that they would make use of local authority fixed penalty notices, subject to an internal decision-making process.
- 4.17 In the first case it is considered that, in line with the Public Protection Division's Enforcement Policy, the proposed orders would be considered as a deterrent with an advisory approach taken prior to any consideration of enforcement action. Continued or escalating behaviour amounting to breaches of the terms of the order would be enforced as appropriate. Where alcohol is being drunk, or is intended to be consumed in breach of the order it is only an offence under the Act to fail to cease drinking when asked to do so by an authorised officer, or to fail to surrender anything in a person's possession which is believed to be alcohol or a container for alcohol.
- 4.18 Failure to pay a fixed penalty notice is an offence that would be prosecuted in court.
- 4.19 A Policy is under development with the Caerphilly and Blaenau Gwent Youth Offending Service to consider an intervention process for those aged under 18 whose behaviour has escalated to the stage where a fixed penalty notice is appropriate, to avoid court action if possible on non-payment.
- 4.20 While there is the potential that placing controls on the proposed areas may displace activity elsewhere it is considered that the users of the transport facilities are disproportionately affected by the activity of the few. Any issues displaced will be dealt with using normal means including police action for low level public order and the perpetrators being fed into the existing multi agency anti-social behaviour intervention processes.
- 4.21 Public Space Protection Orders must be reviewed before they expire and guidance issued by the Home Office suggests they are reviewed at least annually. In common with the previous legislative regime it is proposed that an annual report be taken to Scrutiny Committee to achieve this.

5. EQUALITIES IMPLICATIONS

- 5.1 The locations covered by this report are used by people who for various reasons have to access public transport. Older people, lone women, people with disabilities and many other minority groups for example who would use public transport can be impacted to a greater degree by anti-social behaviour at these locations, and so the proposed new PSPOs therefore link to and support the Council's Strategic Equality Objectives 1 (Tackling Identity-based Hate Crime and Incidents) and 3 (Physical Access).

6. FINANCIAL IMPLICATIONS

- 6.1 To provide signage for the proposed PSPOs for bus stations and bus shelters is estimated to cost £1000.
- 6.3 For the 2013 – 2016 period the local authority has allocated £50,000 of its Welsh Government Outcome Agreement funding to Community Safety per year. Both anti-social behaviour and alcohol related disorder are included within the current Outcome Agreement. It is proposed that the cost of replacing and providing signage will be met from the budget.
- 6.4 Proposed and new PSPOs must be advertised. There is no longer a requirement to use press notices and hence costs are significantly less than under the previous legislation. Regulations permit the use of the local authority's website. Signage will support public knowledge.

7. PERSONNEL IMPLICATIONS

- 7.1 Additional enforcement responsibilities will be met from within existing budgets. Local Authority Community Safety Wardens has been granted the new powers in the scheme of delegation and are already dealing with such issues on the street. It is expected that the new powers and proposed PSPOs will increase their effectiveness. Staff have been consulted.

8. CONSULTATIONS

- 8.1 All statutory consultations have been undertaken as detailed above, no negative responses were received. This report has been sent to the consultees listed below and all comments received are reflected in this report.

9. RECOMMENDATIONS

- 9.1 (i) That Cabinet note the evidence in support of the proposed Public Space Protection Orders;
- (ii) That Cabinet agree to make the proposed Public Spaces Protection Orders for bus stations and bus shelters and the Caerphilly Transport Interchange.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 (i) To alleviate significant anti-social behaviour, disorder and annoyance for users of the bus stations/shelters residents and businesses nearby.

11. STATUTORY POWER

- 11.1 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014
The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014
Section 17 of the Crime and Disorder Act 1998

Author: Kathryn Peters, Community Safety Manager Ext. 5108
Consultees: Councillor Nigel George, Cabinet Member for Community and Leisure Services
David Street, Director of Social Services
Rob Hartshorn, Head of Public Protection
Superintendent Marc Budden, West Gwent Local Policing Unit
Chief Inspector Nick McLain, West Gwent Local Policing Unit
Gail Williams, Acting Head of Legal Services
Terry Shaw, Head of Engineering Services
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)
Sian Phillips, Human Resources Manager
Mike Eedy, Finance Manager
Michaela Rogers, Youth Offending Service Manager
Lisa Lane, Solicitor

Appendices:

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| Appendix 1 of 5 | Public Spaces Protection Orders Explanatory Note |
| Appendix 2 of 5 | Draft Order covering Bus Stations |
| Appendix 3 of 5 | Draft Order covering Bus Shelters |
| Appendix 4 of 5 | Restricted area maps- Bargoed Bus Station Blackwood Bus Station Caerphilly Transport Interchange Nelson Bus Station Bus Shelters |
| Appendix 5 of 5 | Summary of consultation responses |