



ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 22ND JUNE 2021

SUBJECT: PUBLIC SPACE PROTECTION ORDER REVIEW

REPORT BY: CORPORATE DIRECTOR, ECONOMY & ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To seek the Committee's views on the proposal to undertake a public consultation on the proposed changes to the current Public Space Protection Orders for anti-social behaviour (ASB) and drinking in a public place.

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 of a Public Space Protection Order (PSPO) is to ensure that the law-abiding majority can use and enjoy public spaces, free from anti-social behaviour.
- 2.2 PSPOs replaced a number of existing legal provisions including Designated Public Place Orders (DPPOs), Gating Orders, and Dog Control Orders. Existing Orders made under previous legislation transferred to become PSPOs in 2017 for a maximum period of three years. Due to the Covid 19 pandemic it was not possible to carry out a full review of the PSPOs in 2020 so they were renewed for a period of 12 months with the view to a full review being carried out in 2021.
- 2.3 PSPOs are subject to a consultation and notification process and may be appealed by any 'interested person' (a person who lives, works in, or regularly visits the Restricted Area) within 6 weeks of the date of the Order.
- 2.4 This report outlines the proposals for the next three years for the current PSPOs in place throughout Caerphilly County Borough that address ASB and drinking in a public place. It also outlines proposals to vary several existing areas and consideration for a number of new locations.

3. RECOMMENDATIONS

- 3.1 Committee members' views are requested on the undertaking of a public consultation exercise on the below proposals to the PSPOs for anti-social behaviour and drinking in a public place.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To enhance community safety in the identified areas.

5. THE REPORT

- 5.1 The Safer Communities Action Area of the Well-being of Future Generations Wellbeing plan identifies that feeling unsafe in a community has a significant impact on quality of life, whether someone is a direct victim of crime and disorder, or fears that they may be at some time in the future. One of the priority areas of the Safer Communities area of the action plan is to work with regional partners to create safe, confident communities and promote community cohesion to provide reductions in crime and disorder, reductions in anti-social behaviour and to improve community confidence and cohesion.
- 5.2 Use of PSPOs in areas highlighted by the community or partners agencies as being focal points for anti-social behaviour, crime and disorder, and by having open public consultation on the restrictions that should be brought in to these areas to target the reported behaviour is directly supportive of the Wellbeing Plan aims.
- 5.3 PSPOs introduced by the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) can be used to regulate activities in particular public places, to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. Whilst the Act allows local authorities to regulate activities in public places, the legislation specifies certain requirements which must be considered prior to making an Order.
- 5.4 A local authority may make a Public Space Protection Order if it is satisfied on reasonable grounds that two conditions are met. The first condition is that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality or it is likely that the activities will be carried on in a public place and that they will have such an effect. The second condition is that the effect or likely effect is likely to be of a persistent or continuing nature, is likely to be such as to make the activity unreasonable and justifies the restriction imposed by the Order.
- 5.5 Extending, varying and introducing the new areas listed below will assist in targeting the anti-social behaviour occurring in these areas. It is likely that if the Orders are not in place then there will be an increase in the amount, or the severity, of the anti-social behaviour in the Restricted Areas due to there being a decrease in the consequences of behaving in such a manner and reduction in the powers of Enforcement Officers to target those responsible.
- 5.6 Please note that the PSPOs in place over the last 3 years have provided grounds for targeted enforcement patrols and the powers for authorised persons (Police and Community Safety Wardens) to engage persons behaving in an anti-social manner at an early stage. This may involve moving them on or issuing Fixed Penalty Notices to effectively disrupt the anti-social activity and prevent it escalating to the point of becoming criminal activity (e.g., Criminal Damage or Violence offences). Details are provided below of the four proposals for public consultation:
- 5.7 PSPO Caerphilly County Borough Council Bus Stations at Caerphilly, Blackwood, Bargoed and Nelson and the Passenger Bridge and Train Station at Caerphilly

This PSPO was introduced in 2017 as a result of multiple community reports and complaints to agencies of considerable ASB in these areas. Gwent Police and the CCBC Community Safety Wardens continue to patrol and monitor these areas due to the number of continued reports of ASB. Over the last three years Gwent Police have received 244 complaints of ASB and crime and disorder at Blackwood bus station alone. The Community Safety partner agencies have needed to arrange specific operations to target ASB at the station and have used the restrictions in place to move people on, issue ASB referrals and Fixed Penalty Notices when required. It is therefore proposed to renew this PSPO for a further three years to assist with the enforcement of these issues.

5.8 PSPO Caerphilly County Borough Council Bus Shelters and Bus Stops

This PSPO was also introduced in 2017 for the same reasons as the Bus Station PSPO above. Local knowledge of Police Crime And Disorder Reduction Officers (CADROs) and Community Safety Wardens continues to suggest that these bus stops and shelters are focal points for people gathering in the locality. Having a PSPO in place to restrict certain behaviours in these areas has allowed persons to be moved on or stopped from engaging in activities (e.g., loitering and drinking alcohol in a public place) which would otherwise progress to anti-social behaviour. It is therefore proposed to renew this PSPO for a further three years to assist with the enforcement of these issues.

5.9 PSPOs – Drinking alcohol in a public place

Since 2006 the Council has used powers to restrict anti-social drinking in designated public places by introducing several DPPOs. The historic DPPOs (which transferred to PSPOs in 2017 under the new legislation) cover 31 areas across the county borough which cover 280 specific locations such as streets, lanes and parks. Under these PSPO areas it is an offence for an individual to continue to consume alcohol having been requested to stop by an authorised officer.

5.9.1 The legal powers conferred upon Police Officers and Community Safety Wardens by these PSPOs are used regularly and are considered to provide an effective additional tool to assist them in addressing ASB and crime and disorder associated with the consumption of alcohol. However, enforcement is limited since these only cover alcohol restrictions. A lot of the areas covered are known ASB hotspots and Police and Community Safety tasking priority areas.

5.9.2 After consultation with the Police and key Community Safety partners it is proposed to vary a number of these existing areas to include ASB restrictions. A full list of these areas is listed under Appendix A and the areas to be varied are highlighted. The proposed wording for the proposed additional ASB restrictions for the varied PSPO will include:

- No person shall behave in a disorderly, indecent, or offensive manner.
- No person shall damage or deface any part of this area.
- No person shall consume alcohol when requested not to do so by an authorised person.
- No person shall litter, graffiti or deliberately set fires within this area.
- No person shall wilfully obstruct or impede an authorised person in the execution of their duty.
- No person shall be in possession of an off-road vehicle in this area.

- Any person reasonably suspected, by an authorised person, of breaching the relevant provisions shall give his name and address when requested to do so by an authorised person.

5.9.3 It is proposed to renew/vary these PSPO areas for a further three years.

5.10 New PSPO areas

Through consultation with Gwent Police the following areas have been identified as meeting the criteria for a new PSPO:

5.10.1 Trethomas River Walk

Both adults and young people congregate in groups in the area along Trethomas River Walk, in particular at the area of the “wooden fish carving”. Groups drink alcohol, leave behind litter including empty cans and broken glass bottles. They use foul language and are intimidating to passers-by including families who are trying to enjoy the natural beauty of the area. This has been discussed locally at Bedwas Police tasking meetings and reports of littering at the location have been reported by the CCBC Rivers Officer. The location has also been patrolled regularly by the Neighbourhood Policing Team. It is difficult to quantify the call data as there is no specific Police beat code for this location, however feedback from local residents, and officers indicate that there is an issue here that has become persistent in nature.

5.10.2 Cwrt Coch Street Play Area, Aberbargoed

For the year 2020-2021 there have been 27 reports of ASB in the area of Cwrt Coch Street, Aberbargoed and the area known as the Aberbargoed Park. There has also been a great deal of community tension highlighted on social media regarding the area. Complaints have been received from local councillors and residents. The range of anti-social behaviour includes large gatherings of young people causing a nuisance, noise nuisance, littering, off road bikes and quads. This area has been discussed at the Safer Caerphilly Partnership Tasking and has been part of a patrol plan by the local Neighbourhood Policing team.

5.10.3 Ystrad Mynach Park

For the year 2020-2021 there have been 28 Reports of ASB linked to Ystrad Mynach Park, Caerphilly Road. Historically there have been reports of ASB also recorded at the park as a result of large groups of young people gathering and causing a nuisance by consuming alcohol and deliberate fire setting. Tragically, the area has also been highlighted following the death of a child due to a drugs overdose at the location. Incidents recorded at the park include: gangs of young people causing trouble, deliberate fire setting, fighting at the location, being intoxicated, and setting a tree on fire. Due to the levels of ASB in the area Ystrad Mynach Park has previously been highlighted as a Gwent Police “Your Voice Priority” identified by members of the public via a public survey. Previously several Dispersal Notices have been issued to prevent offending in this area.

5.10.4 Newbridge – High Street, Celyn Road, Bridge Street, Land surrounding Newbridge Leisure Centre including the car park, Calzaghe Bridge.

Historically Newbridge has been an ASB hotspot for Caerphilly Central Policing team. Recently the problem has resurfaced and has involved some serious incidents. Community tensions increased following an incident involving over 40 young people. Some of whom damaged cars and smashed the front window of a house as they made their way over Calzaghe Bridge. Two dispersal notices have been issued in recent

weeks and the area is now a Gwent Police Your Voice Priority. The ASB can be widespread and the areas listed above are the main focal points for young people to gather.

- 5.11 It is therefore proposed that these new areas are covered by a PSPO for a period of three years.

5.12 **Conclusion**

The above proposals aim to ensure that the law-abiding majority can use and enjoy our public spaces, safe from anti-social behaviour. Scrutiny members are asked for their views on conducting a public consultation on the above proposals.

6. ASSUMPTIONS

- 6.1 There are no assumptions associated with this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 An Integrated Impact Assessment has been undertaken. The reduction of anti-social behaviour and crime and disorder in public places across the county borough will benefit children, young people and adults and help provide clean and safe areas for communities to enjoy. No negative impacts have been identified

Link to full Integrated Impact Assessment

https://www.caerphilly.gov.uk/CaerphillyDocs/IIA/IIA_PSPO_ASB_Alcohol_May2021

8. FINANCIAL IMPLICATIONS

- 8.1 There will be a financial cost of appropriate signage at the new PSPO sites and the varied sites. This will be met through existing budgets.

9. PERSONNEL IMPLICATIONS

- 9.1 Temporary increase in workload to conduct the consultation and to develop the amended PSPOs. Any additional restrictions imposed may increase the potential for staff to be placed in confrontational situations. However, the proposals provide additional powers intended to moderate and de-escalate adverse behaviour. It will be important to ensure that the necessary training and procedures are in place so that staff are able to assist with the expectations in relation to enforcement of these proposals.

10. CONSULTATIONS

- 10.1 This report has been sent to the consultees listed below and all comments received are reflected in this report.

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

Author: Natalie Kenny, Community Safety Officer

Consultees: Cllr Nigel George, Cabinet Member for Environment and Neighbourhood Services
Cllr. D.T. Davies – Chair of Environment & Sustainability Scrutiny Committee
Cllr. A. Hussey - Vice Chair of Environment & Sustainability Scrutiny
Mark S. Williams –Corporate Director, Economy & Environment
Rob Hartshorn, Head of Public Protection, Community and Leisure Services
Rob Tranter, Head of Legal Services/Monitoring Officer
Steve Harris, Head of Financial Services & S151 Officer
Lynne Donovan, Head of People Services
Ceri Edwards Environmental Health Manager
Anwen Cullinane, Senior Policy Officer (Equalities & Welsh Language)
Liz Sharma, Consultation and Public Engagement Officer
Supt. Mark Hobrough, Gwent Police
Ch. Insp. Amanda Thomas, Gwent Police
Insp. Gavin Clifton, Gwent Police
Insp. Andrew Boucher, Gwent Police
Insp. Richard Tovey, Gwent Police
Paul O'Neill, Senior Youth Service Manager
Michaela Rogers, Youth Offending Service Manager
Mike Headington, Green Spaces and Transport Services Manager
Todd Rawson, Solicitor
Rachel Thornett, Tenancy Enforcement Manager
Jared Lougher, Sport & Leisure Development Manager

Background Papers:

The Anti-Social Behaviour, Crime and Policing Act 2014. Statutory guidance for frontline professionals.

Appendices:

Appendix A List of the PSPO areas that transferred from DPPOs in 2017.