



## **CABINET – 10TH NOVEMBER 2021**

**SUBJECT: PUBLIC SPACE PROTECTION ORDERS – ANTI-SOCIAL BEHAVIOUR AND DRINKING ALCOHOL IN A PUBLIC PLACE**

**REPORT BY: CORPORATE DIRECTOR, ECONOMY AND ENVIRONMENT**

### **1. PURPOSE OF REPORT**

- 1.1 To update Cabinet on the outcome of a public consultation regarding the extension and proposed amendments to the existing Public Space Protection Orders (PSPOs) for anti-social behaviour (ASB) and drinking alcohol in a public place.
- 1.2 To seek Cabinet approval for the variation of some existing PSPO areas to include anti-social behaviour restrictions and on introducing a number of new areas within the PSPOs (Appendices 3-5).

### **2. SUMMARY**

- 2.1 Public Space Protection Orders were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and are used by 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 At its meeting of 22<sup>nd</sup> June 2021 Environmental and Sustainability Scrutiny Committee endorsed a proposed public consultation on proposed extension and amendments to the existing PSPO for ASB and drinking alcohol in a public place. A public consultation was launched on 23<sup>rd</sup> July for a period of 6 weeks. This report provides details on the outcome of the consultation and proposed draft PSPOs (Appendices 3-5) for approval.
- 2.3 The consultation outcome and proposed Order was considered by Environment and Sustainability Scrutiny Committee at its meeting on 26<sup>th</sup> October 2021 and the views and comments of Scrutiny Committee are detailed in the consultation section (Section 10) of this report.

### **3. RECOMMENDATIONS**

- 3.1 That the views and comments of Environment and Sustainability Scrutiny Committee to Cabinet be noted as detailed in the consultation section (Section 10) of this report.
- 3.2 That Cabinet approve the draft PSPOs relating to anti-social behaviour and drinking alcohol in a public place attached at Appendices 3-5.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To protect and 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 as proposed through this consultation 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).

- 5.7 The consultation was launched on 23<sup>rd</sup> July and was open to residents and stakeholders for a period of six weeks. The consultation period was preceded by wide scale communication via the Council's website and social media accounts. Communication continued through a variety of media throughout the consultation period with a view to raising awareness of the consultation and increasing the response rate.
- 5.8 The key consultation tool was a survey. This was made available bilingually to residents for online completion via the Council's Website and shared on social media. Paper and alternative formats were available on request. A poster and leaflet were also developed to raise awareness of the consultation with a total of 3,000 A5 leaflets and 330 posters were distributed to various locations across the county borough.
- 5.9 Stakeholder groups were contacted directly via e-mail and invited to respond to the survey. Those contacted included: Gwent Police - Chief Constable, local Inspectors, Sergeants and Crime And Disorder Reduction Officers (CADROs). The Gwent Police and Crime Commissioner, Community Safety Partners and Town Council representatives.
- 5.10 Throughout the consultation period a total of 127 surveys were completed online. Of those who responded to the survey, 84% of the respondents were residents living in the county borough. A total of 94% of people agreed with the proposal to extend the current PSPOs for a period of three years. A total of 96% agreed to vary some areas to include restrictions for anti-social behaviour. A total of 87% agreed with the proposal to introduce new areas whilst 10% had no view. A report of the consultation and all comments received are attached as an Appendix to this report (Appendix 1).
- 5.11 The existing PSPOs and proposed changes are detailed below. Within the comments of the survey some respondents suggested additional areas that they would like to see covered by a PSPO. All of these suggestions were investigated appropriately, and Police call data analysed to determine sufficient evidence to justify establishing a PSPO. On this basis it is proposed that the following areas will be added to the list of new areas to be covered by a PSPO:
  - Hengoed Railway Station
  - Birchgrove, Tirphil, New Tredegar
  - Rhymney Library Car Park
  - Pengam Eco Park including Dylan Avenue
  - Crosskeys Train Station
  - Risca Road, Crosskeys

5.12 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.

5.13 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.

5.14 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.

5.15 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.

5.16 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 2 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.

#### 5.17 New PSPO areas

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

##### 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 residents, and officers indicate that there is an issue here that has become persistent in nature.

##### 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.

##### 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.

##### 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.

- 5.18 It is proposed to renew/vary and introduce these new areas under a PSPO for three years. A full list of all areas covered by a PSPO is attached as Appendix 2 to this report.
- 5.19 Extending these Orders will assist Officers in targeting the anti-social behaviour which occurs in these areas. It is possible that if the Orders are not renewed 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.

## 5.20 **Conclusion**

Having regard to the requirements of Section 59 of the Act set out in paragraph 5.2 above and the responses to the consultation outlined above it is clear that the conditions required to make the proposed Public Spaces Protection Orders have been satisfied. The above proposals aim to ensure that the law-abiding majority can use and enjoy our public spaces, safe from anti-social behaviour. Cabinet are asked to approve the PSPOs detailed above and attached at Appendices 3-5 for a period of 3 years prior.

## 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](#)

## 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 initially, due to erecting new signage. 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.

- 9.2 The consultation outcome and proposed Orders were considered by Environment and Sustainability Scrutiny Committee at its meeting on 26<sup>th</sup> October 2021 and the views and comments of Scrutiny Committee will be presented verbally to Cabinet.

## **10. CONSULTATIONS**

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

- 10.2 The consultation outcome and proposed Order was considered by Environment and Sustainability Scrutiny Committee at its meeting on 26<sup>th</sup> October 2021:

- One Member raised the number of anti-social behaviour complaints received for Blackwood Bus Station and asked if the nature of complaint had changed over the three years or was it dominated by one factor. The Community Safety Officer advised that complaints were mainly associated with youth annoyance and drug-taking and highlighted that this location was a priority area.
- One Member sought clarification on the proposed PSPO extension as he couldn't find the information for specific wards within the report. The Community Safety Officer outlined how the PSPO would be extended in all existing areas for a further 3 years. Also, that further areas had been suggested as part of the consultation process and that some of these locations would now be covered by the PSPO.
- One Member asked about anti-social behaviour at Panside, Crossways Road in Newbridge. The Member believed that the main problem was behind nearby shops. The Community Safety Officer advised that discussions had taken place with the Police and the area initially identified had been by the bus-shelter, but that consideration would now take place on including the carpark behind the shops. Officers have since determined that the relevant criteria are met and this location has now been added to the list at Appendix 2 and the draft Order at Appendix 3.

## **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

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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. Lysha Thompson, Gwent Police  
Paul O'Neill, Senior Youth Service Manager  
Michaela Rogers, Youth Offending Service Manager  
Mike Headington, Green Spaces and Transport Services Manager  
Stephen Mock, Solicitor  
Rachel Thornett, Tenancy Enforcement Manager  
Jared Lougher, Sport & Leisure Development Manager  
Lisa Lane, Head of Democratic Services and Deputy Monitoring Officer

Background Papers:

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

Environment & Sustainability Scrutiny Committee report 22<sup>nd</sup> June 2021 entitled “Public Space Protection Order Review”

Environment & Sustainability Scrutiny Committee report 26<sup>th</sup> October 2021 entitled ‘Public Space Protection Orders – Anti-social Behaviour and Drinking Alcohol in a Public Place’

Appendices: The documents attached are not fully accessible for further information please contact the report author.

- Appendix 1 ASB PSPO Report of Consultation
- Appendix 2 List of PSPO areas
- Appendix 3 Draft PSPO Order Anti-Social Behaviour Drinking Alcohol in a Public Place 2021
- Appendix 4 Draft PSPO Order Bus Shelters and Bus Stops 2021
- Appendix 5 Draft PSPO Order Bus Stations 2021