

GWYNEDD COUNCIL CABINET



Report to the Cabinet

Meeting Date: 16th July 2019
Cabinet Member: Councillor Nia Jeffreys
Contact Officer: Catherine E Roberts
Contact Number: 679047
Item Title: Public Spaces Protection Order (PSPO) for Bangor

1 DECISION SOUGHT

Cabinet is requested:

- 1) To approve the undertaking of the process of considering the introduction of a new Public Spaces Protection Order (PSPO) for a designated area within the city of Bangor, as per the attached draft Proposed Order; (appendix 1) and revoking the GWYNEDD COUNCIL ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES FOR THE AREAS OF BANGOR AND CAERNARFON ORDER 2004 (Current Order) to the extent that it applies to Bangor;
- 2) To authorise the Head of Corporate Support to undertake a consultation process for a period of 28 days, with the matter to return to Cabinet in due course for decision whether a PSPO should be introduced in Bangor, as well as any associated delegations, and revoke of the Current Order.

2 REASON WHY DECISION IS NEEDED

The making of a PSPO is a function held by Local Authorities only. In accordance with the Local Authority's Constitution, the making of such an order is an executive function the responsibility for which lies with Cabinet.

3 INTRODUCTION

The Antisocial Behaviour Crime and Policing Act 2014 (the 2014 Act) provides the powers for Local Authorities to introduce a Public Spaces Protection Order (PSPO) to deal with particular nuisanc(es) or problem(s) in a specific area. These problem behaviours are those which are deemed to be having a detrimental effect on the local communities quality of life. Such orders can last up to 3 years.

Before making such an order, the Local Authority must be satisfied that –

1. There are reasonable grounds for believing that the activities carried out,

in a public space have had, or are likely to have, a detrimental effect on the quality of life of those in the locality.

2. The activities are, or are likely to be, persistent and continuing in nature.
3. The activities are, or are likely to be, unreasonable.
4. And they justify the restrictions imposed.

In addition, before making an order the Local Authority must consult with the Police and with the wider community.

PSPOs work by enabling behaviours to be challenged and the individual given the opportunity to cease the activity (in most circumstances). If this is not possible, the Home Office guidance suggests the course of action to be that the person may be issued with a fixed penalty notice, however in this instance the Police have suggested a different approach. The intention of the Police in this particular case is to use a model of enforcement which does not utilise fixed penalty notices but rather allows for the use of a model based on an escalation of responses based on the behaviour of the individual. That is, engaging and challenging in the first instance, report for summons if required, and in specific situations, an arrest is made (see attached flow chart attachment 2).

The intention of the Act is to reduce antisocial behaviour in public places. When an order is being considered, there is the possibility that the problems will be displaced into other areas. We must also consider the protection of vulnerable individuals, such as the homeless.

These issues have already been discussed with the Police and have led to amendments and pledges as explained in the report.

4 REASON AND JUSTIFICATION BEHIND THE DECISION.

A PSPO already exists for Caernarfon and Bangor (“the Current Order”). This Current Order covers a large part of Bangor City Centre and Upper Bangor and has been in place for some years. The Current Order was originally made as a Designated Public Places Order under the provisions of the Police and Criminal Justice Act 2001, but on 20 October 2017 automatically converted into a PSPO by virtue of the 2014 Act. The Original Order is confined to the confiscation of alcohol and enables a power of arrest under certain circumstances.

The Police have suggested that the Current Order no longer allows sufficient leverage and powers to deal with emerging and growing types of antisocial behaviour in Bangor. The main problems stem from the misuse of alcohol or other substances, often resulting in rowdy and antisocial behaviour. There has also been an increase in aggressive begging.

Following lengthy and detailed discussions, the Police have provided the Local Authority with evidence of the types of behaviours and a list of actual incidents which seemingly occur regularly on the streets of Bangor.

Thereafter, discussions have been held with the Local Authority’s Legal Services, Portfolio lead for Community Safety, and 5 of the Bangor local members.

Evidence – to support the required grounds for the Local Authority to make

such an order

The Police have stated that :-

“ The existing order is insufficient to deal with the current issues impacting on local businesses, residents, students and tourists. These issues include general ASB and crime with intimidating behaviour, foul language, assaults, consuming alcohol and being under the influence of drugs. Concerns have been identified around begging and loitering at cash machines with intimidating behaviour.”

“The implementation of the PSPO in addition to providing an enforcement option will primarily allow early intervention and prevention with potential offenders through engagement and education. None of the proposed conditions are unreasonable and they’re designed to improve the City’s quality of life and impact on specific behaviours “

To support their stance on this matter, they have provided a number of data sets, including a map of the geographical area which they wish to be considered within the order. They have also included within the map an indication of the incidents, both Antisocial behaviour and crimes which have occurred within the area during the period 1st of April 2018 and the 4th of June 2019. They number 486 incidents and 649 crimes. The timescale indicates that these behaviours were not a ‘short term problematic period’, but are in fact persistent, and are continuing to be an issue within the City centre. (attachment 3)

They have produced impact statements from members of the business community in Bangor indicating how these incidents are having a detrimental effect on their daily working day. They include a School, a Café, 4 shops and a representative of Bangor BID (Bangor Improvement District) and in the main refer to Antisocial behaviour relating to drug use, extreme littering, harassment, intimidation and aggressive begging.

There have also produced an anonymised list of actual incidents, which they have sectioned between each of the 4 restrictions they wish to be considered. That is, so as to indicate why a new, and more specific order is required in order to deal more effectively with the types of behaviour which seem to be increasing. The number of incidents which fitted within these specified behaviours was 125.

This would also indicate that the restrictions under consideration, have been developed specifically to deal with the types of behaviours that are causing the most issues, and are increasing, thereby justifying their inclusion in the order.

The evidence suggests that there are sufficient grounds to conclude that a justifiable case had been made for considering such an order.

The Police initially provided 6 restrictions which they favoured having within the Proposed Order. The Local Authority has considered 4 of these to be appropriate for inclusion in the Proposed Order, namely:

1. Behaving in a manner that is likely to cause harassment, alarm, nuisance or distress
2. Loitering in a state of intoxication through alcohol or drug induced activity
3. That consuming alcohol or being in possession of open containers of alcohol likely to cause or causing ASB is prohibited in the restricted Area.

A constable or PCSO may require anyone in breach of this condition not to consume alcohol or anything they believe to be alcohol and to surrender anything in their possession which is alcohol.

4. Loitering or performing for reward within 10 meters of any cash point

The Police have agreed to reducing the number of restrictions to 4, and have also agreed that they will continue to work with partners in the community, such as Registered Social Landlords, and the homelessness forums, as regard dealing with rough sleeping issues.

A further aspect to consider is the enforcement of the Proposed Order. North Wales Police have experiences of using different enforcement models across the region and favour the model as expressed above as opposed to a fixed penalty model.

Local Authority officers have been assured that the Police would carry out targeted interventions and that they would work proactively to enforce, based on the concerns of the public and the complaints they receive. Displacement of the issues into neighbouring areas, particularly residential areas will require the Police to act swiftly and mitigate with other appropriate enforcement action. They have also agreed to monitor the patterns of antisocial behaviour and report on a regular basis.

The Police have also agreed to pay for the new signage which will be required if the Proposed Order is made.

In line with the legal requirements of the Equalities Act 2010, an impact assessment has been undertaken in relation to the process this far, an updated assessment will be undertaken following the statutory consultation, and prior to returning to the Cabinet for a final determination. (attachment 4)

To date the assessment has not indicated any reason to not continue with the process.

In line with the recommendations of the Wellbeing of Future generations Act 2015, this development has considered the principles of the legislation, and in particular the 5 ways of working concept – as below

Long Term

The order itself will remain in place for three years, with the intention of changing people's attitudes towards their behaviour in public places. In the longer term, it is hoped that this will contribute to more responsible attitudes and respect towards safeguarding our communities and an understanding of the need to consider the effect on others.

Prevention

Such an order will help to reduce the number of antisocial behaviour incidents in the community, and will help to prevent a deterioration in the situation in the near future.

Integration

The order addresses the characteristics of a number of organisations. It will also contribute towards the objectives of the Police, namely to reduce offences and make the streets safer for residents and towards the Council's ambition of seeing communities succeeding and thriving.

Collaboration

This development stems from collaboration between the Council and the Police specifically. Local members in Bangor have been a part of the discussions, and a public consultation will be held before an order may be approved in full.

Involvement

The police and local members have been a part of the discussions, and a public consultation will be held before a final decision is made on the application.

The Police, and Local members have been involved in the discussions, and a public consultation will take place before the final decision is reached

6 NEXT STEPS & TIMETABLE

- Cabinet to approve in principle the continuation of the process of considering the introduction of a new PSPO to Bangor as per Proposed Order, and revocation of Current Order
- If the above is approved, the Local Authority to undertake consultation
- The Local Authority must undertake a public consultation as regard the order, this will need to be in place for 28 days
- Following consultation, the Local Authority officers to present findings of consultation to Cabinet, and advise if Proposed Order is still recommended.
- If the Proposed Order is still recommended the Local Authority shall proceed to make the Proposed Order, revoke the Current Order and erect signage.

7 ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

- The consultations to date are as indicated within the report.
- A further statutory Public consultation will be required, before returning to the Cabinet for final approval

Opinion of the Monitoring officer –

The report has been the subject of input by the Legal Services and provides appropriate recommendations to proceed to consultation.

Opinion of Statutory Finance officer -

I have received confirmation from the author that the decision sought would not create a new financial commitment, and therefore I support the recommendation in order to be able to act pragmatically.

