

CYNGOR GWYNEDD - Report to Cyngor Gwynedd Cabinet

Title of item:	Caernarfon, Pwllheli and Dolgellau PSPO
Cabinet Member:	Cllr Dilwyn Morgan
Relevant Officer:	Daron Marged Owens – Senior Operational Officer Community Safety Partnership
Date of meeting:	16/07/24

1. The decision sought:

- (a) To approve the introduction of a new Public Spaces Protection Order (PSPO) for Caernarfon, Pwllheli and Cricieth for a period of three years, as per the draft Proposed Order attached to the report (appendix 1)
- (b) To authorise the Head of Adults, Health and Well-being to undertake the introduction of the Proposed Order in Caernarfon, Pwllheli and Cricieth.

2. The reason why the Cabinet needs to make the decision:

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

3. Introduction and Rationale

3.1 Background / Introduction

The Anti-social Behaviour, Crime and Policing Act 2014 provides the powers for Local Authorities to introduce a Public Spaces Protection Order (PSPO) to deal with particular nuisance(s) or problem(s) in a specific area. The Police and the Senior Community Safety Operational Officer made contact to request a PSPO in response to the new and increasing types of anti-social behaviour in Caernarfon, Pwllheli and Cricieth.

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

- That there is reasonable grounds for believing that these behaviours in a public space has had, or is likely to have, a detrimental impact on the quality of life of people in the neighbourhood.
- That these activities are, or are likely to be, frequent and persistent in nature.
- That these activities are, or are likely to be, unreasonable.
- That they justify the restrictions outlined.

In addition, before making an order, the Local Authority must consult with the Police and the wider community. These matters have already been discussed at length with the Police, Local Members and Caernarfon, Cricieth and Pwllheli Town Councils. All are in

favour of introducing an Order in their respective areas. In addition, Arfon and Dwyfor Meirionnydd MPs noted their support.

A report was submitted to the Cabinet on 19 December 2023, recommending that the Cabinet approves a process of considering whether a PSPO should be introduced in specific areas in Caernarfon, Pwllheli and Cricieth. Permission was sought to conduct a public consultation. Subsequently, the matter would be returned to the Cabinet to make a final decision on whether a new PSPO should be introduced. Based on the case submitted at the time, the Cabinet decided that there was justification for moving to the next step to hold a public consultation. The Cabinet now needs to consider the findings of the consultation and, as a result of that consultation, whether it approves the introduction of new orders.

The Proposed Order includes three prohibitions, namely:

1. A person shall not follow a course of conduct which causes, or which can reasonably be perceived to cause harassment, alarm, nuisance or distress.
2. A person shall not consume alcohol, or anything which an Authorised Person reasonably believes to be alcohol or a container holding alcohol, if the Authorised Person asks the person to stop drinking or to surrender the alcohol or container.
3. A person shall not loiter in a state of intoxication through consumption of alcohol or drugs. If an Authorised Person asks a person to leave the area in circumstances where the person has contravened this restriction, the person shall leave immediately.

3.2 The reasoning and justification for recommending the decision

The consultation was open for six weeks. It was launched on 26 February and ended on 8 April. A press statement was released on 14/03/2024. The consultation was promoted on many occasions via our social media pages. The relevant Town Councils and Local Members were informed when the consultation was opened, with a request to promote this with their communities. Contact was made with businesses within the proposed areas to inform them that the consultation was open.

The public could respond on-line by means of a simple questionnaire, or a paper questionnaire with a pre-paid envelope to return the responses was available in Siop Gwynedd Caernarfon and Pwllheli and in the Libraries of each town. People were also able to make direct contact with the Community Safety team to request a paper form, or share any comments.

112 complete responses were received to the questionnaire, and an outline of the consultation process and details about the findings can be seen in the attached document. (appendix 3)

The main findings are:-

Caernarfon

-The majority (**63%**) noted that a PSPO was needed in the area.

- The majority (**67%**) agreed with the proposed area.
- The majority agreed with the proposed restrictions:
 - 1) A person shall not follow a course of conduct which causes harassment, alarm, nuisance or distress. **(93% agreed)**
 - 2) A person shall not consume alcohol if the Authorised Person asks the person to stop drinking or to surrender the alcohol or container. **(80% agreed)**
 - 3) A person shall not loiter in a state of intoxication through consumption of alcohol or drugs. **(77% agreed)**
- Specifically, Pool Street and the Bus Stop were noted as areas of significant concern regarding anti-social behaviour.

Pwllheli

- The majority (**85%**) noted that a PSPO was needed in the area.
- The majority (**73%**) agreed with the proposed area.
- The majority agreed with the proposed restrictions:
 - 1) A person shall not follow a course of conduct which causes harassment, alarm, nuisance or distress. **(94% agreed)**
 - 2) A person shall not consume alcohol if the Authorised Person asks the person to stop drinking or to surrender the alcohol or container. **(81% agreed)**
 - 3) A person shall not loiter in a state of intoxication through consumption of alcohol or drugs. **(92% agreed)**
- Specifically, the Bus Stop and the Maes were noted as areas of significant concern regarding anti-social behaviour.

Cricieth

- The majority (**65%**) noted that a PSPO was needed in the area.
- The majority (**56%**) agreed with the proposed area. 21% disagreed, and 18% were uncertain. Many of the responders who replied 'disagree' raised concerns about additional areas and wanted to extend the proposed area.
- The majority agreed with the proposed restrictions:
 - 1) A person shall not follow a course of conduct which causes harassment, alarm, nuisance or distress. **(83% agreed)**
 - 2) A person shall not consume alcohol if the Authorised Person asks the person to stop drinking or to surrender the alcohol or container. **(85% agreed)**
 - 3) A person shall not loiter in a state of intoxication through consumption of alcohol or drugs. **(83% agreed)**
- Specifically, the Beach/seaside and public transport were noted as areas of concern regarding anti-social behaviour.

Of the responses received, it can be concluded that there is sufficient information to acknowledge that many people are concerned about Anti-social Behaviour in Caernarfon, Pwllheli and Cricieth, and that the support in favour of introduction is stronger than any objection.

After analysing the responses, a summary of the results was provided to Town Councils, Local Members and the Police, with a request for observations. After considering the results, they were all unanimous in their continuing support of introducing a PSPO in these areas.

In addition, discussions were held with the Police to reconsider the geographical area of the proposed orders, in response to the suggestions arising from the consultation. The evidence of the need, and ability to enforce the order had to be considered. Based on further discussions with the Police regarding what was practical and sensible in terms of policing, the area in Caernarfon has been extended to include:

Caernarfon

- Upper and Lower Penrallt
- the underpass leading from the bus stop to William Street

Further observations to consider

When responding to the questionnaire, comments were also provided on other matters, specifically:

- The need to consider preventative measures.
- A lack of provision for young people.
- Anti-social driving in Pwllheli - Five responses referred to cars being driven wildly, late at night.
- Comments were provided that there was a need for caution and not punish young people unreasonably, and moderate drinkers enjoyed socialising in public houses. Concerns were raised about overzealous officers with too much power.

Where applicable, we have shared the comments with relevant partners, such as the Police, Youth Services and Highways.

The Community Safety budget and contribution from the Town Councils will address the costs of the signage.

The Equality Act 2010

In accordance with the legal duties under the Equality Act 2010, when making decisions the Council must pay due regard to the need (1) to abolish unlawful discrimination (2) promoting equal opportunities and (3) fostering good relationships based on the protected characteristics together with paying attention to socio-economic impacts.

An equality impact assessment was undertaken in relation to the process (appendix 4), and the equality officer was consulted. The assessment shows that the proposal has a significant positive impact on people with equality characteristics and the three goals of the equality duty.

In addition, the document demonstrates the detailed consideration given to the possible effects on socio-economic disadvantage. A large majority of the possible effects are

positive and mean that we are reducing the socio-economic gap. You will see in the document that specific steps are taken to eliminate any possible negative impact.

The Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act is about improving the social, economic, environmental, and cultural well-being of Wales. The act imposes a well-being duty on public bodies which is aimed at achieving 7 well-being goals, in accordance with 5 ways of working. The Equality Impact Assessment (appendix 4) details how the intention, and the way we have acted, complies with the Act.

3.3 Next Steps

- The Cabinet to approve the introduction of the new PSPO in Caernarfon, Pwllheli and Cricieth, in accordance with the Proposed Order.
- If approved, the Local Authority will publish the sealed Order on its website.
- If approved, the Local Authority will install signage which it considers sufficient within and nearby the Restricted Area, drawing public attention to the existence and impact of the Order.

4. Views of the Statutory Officers

4.1 Chief Finance Officer: *The report states the Community Safety budget and contribution from town councils will meet the costs for the signs. I am therefore satisfied that the funding sources for the decision sought have been identified and I can confirm that costs will be reviewed in accordance with normal budgetary monitoring.*

4.2 Monitoring Officer *The report highlights the statutory processes which have been followed in order to establish these zones. The Legal Service will support these arrangements as they move forward. I can confirm the propriety of the decision sought*

List of Appendices:

Appendix 1 – Proposed Order:- CYNGOR GWYNEDD PUBLIC SPACES PROTECTION ORDER (ALCOHOL AND ANTI-SOCIAL BEHAVIOUR), (CAERNARFON, CRICIETH AND PWLLHELI) 2024

Appendix 2 - Maps of the Proposed PSPO Areas – Caernarfon, Cricieth, Pwllheli

Appendix 3 - Summary of the consultation process and main findings

Appendix 4 - Equality Impact Assessment

List of Background Documents:

Public Spaces Protection Orders: Guidance for Councils. Local Government Association

Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals

THE CABINET DECISIONS TIMETABLE

<i>MONDAY</i>	<i>TUESDAY</i>	<i>WEDNESDAY</i>	<i>THURSDAY</i>	<i>FRIDAY</i>
	<i>E-mail to the Heads including the draft agenda</i>			
<i>Last date to register an item</i>				<i>Send the documents to the statutory officers for comments - IE, DAM, DG</i>
			<i>Papers to be submitted (bilingual) to 'cabinet' by midday</i>	<i>Publish the Cabinet Agenda to Cabinet Members</i>
<i>Publish the Cabinet Agenda</i>				
	CABINET MEETING			
		<i>Publish Decision Notice</i>		
			<i>Decision comes into force unless it is called in</i>	

Note that the timetable may change if there are Bank Holidays during the publishing period. The Democracy Team Officer will note the key dates in the e-mail to the Heads.

Please remember to contact the Translation Unit to arrange a translation well in advance.