

Meeting of:	Cabinet
Date of Meeting:	Monday, 27 July 2020
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Prevention of Alcohol Related Anti-Social Behaviour - Resorts, Town Centres and Public Open Spaces
Purpose of Report:	To agree strong and effective control and management arrangements aimed at preventing incidence of alcohol related anti-social behaviour in public spaces
Report Owner:	Cabinet Member for Neighbourhood Services and Transport
Responsible Officer:	Miles Punter - Director of Environment and Housing
Elected Member and Officer Consultation:	<p>As this is a Council wide matter no individual ward member consultation has been undertaken.</p> <p>Committee Reports - Legal Services Cabinet Member - Neighbourhood Services and Transport Head of Regeneration and Planning Head of Shared Regulatory Services Operational Manager - Regeneration Operational Manager - Engineering Matthew Sewell - Accountant</p>
Policy Framework:	This is a matter for Executive decision by Cabinet.
<p>Executive Summary: This report seeks approval to vary the existing Public Space Protection Order, by increasing the restricted areas covered by it, in respect of alcohol related Anti-Social Behaviour that expires in October 2020.</p> <p>As the Council does not tolerate Anti-Social Behaviour on its Resorts and Public Spaces, it will be necessary to add Cosmeston Country Park, Porthkerry Country Park, Penarth Pier and Esplanade and Ogmore beach and surrounds to include these areas as part of the restricted areas covered by the existing Order, where there has been incidents over the summer and where Council Officers and the Police had limited ability to manage anti-social behaviour as a result of alcohol consumption within these areas. This will enable the Council and the Police to provide a proportionate and robust response to addressing areas of alcohol related anti-social behaviour across all areas of the Vale of Glamorgan.</p> <p>It will be necessary to undertake a 6-week consultation process over the summer on the existing areas covered by the Order in place, in addition to the proposal to vary it by increasing the number of restricted areas covered under it and prepare a report for the next Council meeting for consideration.</p>	

Recommendations

- 1.** That Cabinet agree to the proposal to vary the existing Public Spaces Protection Order (“PSPO”) by increasing the restricted areas covered by it as detailed within the report and which will be presented to Full Council for future consideration.
- 2.** That Cabinet endorse the commencement of a 6-week Consultation on all restricted areas proposed to be included in the existing Public Space Protection Order and current restricted areas included within it, in respect of Alcohol related Anti-Social Behaviour.
- 3.** That Cabinet agree that the outcome of the Consultation and any proposed Public Space Protection Orders, to be varied and increased be reported to Council including any further recommendations for consideration.
- 4.** That Cabinet agree the use of article 14:14 (urgency procedure) in respect to recommendations 1.1, 1.2 and 1.3.

Reasons for Recommendations

- 1.** To assist the Council robustly manage alcohol related Anti-Social Behaviour at its Resorts, Town Centres and Public Open Spaces.
- 2.** To ensure the Council complies with its duty to carry out a necessary consultation under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”)
- 3.** To ensure the Council and South Wales Police have the appropriate powers to protect the quality of lives of those who live, work and visit restricted areas and to permit the majority of the law-abiding citizens to use and enjoy public spaces, safe from anti-social behaviour.
- 4.** To ensure the Council carries out the necessary consultation required under the Act on the proposal to vary and consult on the existing restricted areas covered by the Order in place, and increasing the existing Order before they expire, to provide Council Officers and the Police the appropriate powers to manage activities of alcohol related Anti-Social Behaviour.

1. Background

- 1.1** Council on the 27th September 2017 (minute no. C333 refers) approved the introduction of alcohol related Public Space Protection Orders (PSPO's) for a 3-year period to replace previous Orders, made under the Criminal Justice and Police Act 2001, which were due to expire on 20th October 2017.
- 1.2** Under the Anti-social Behaviour, Crime and Policing Act 2014 (the Act), a Local Authority, after consultation with the police, Police and Crime Commissioner and other relevant bodies, is able to make a PSPO.
- 1.3** The purpose of the PSPO's created was to assist the Council and its partners to provide a proportionate and robust response to addressing areas of alcohol related anti-social behaviour (ASB) across the Vale of Glamorgan.

2. Key Issues for Consideration

- 2.1** The existing Order is attached (Appendix A) including the details of the list of current locations that are included within the Order as are appended in the Schedule.
- 2.2** This report seeks approval to undertake a Consultation as required by the Act, to prepare a future report to extend the existing Orders that are due to expire and to vary the Order to include additional restricted areas by increasing the number of PSPOs to address a range of ASB experienced in certain areas across the Vale of Glamorgan.
- 2.3** For information purposes and to note, before an Order is made, there is a legal test before a PSPO can be made. The test requires that the behaviour being restricted must:
- Be having, or likely to have, a detrimental effect on the quality of life of those in the locality; or
 - It is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that;

- Is, or is likely to be, of a persistent or continuing nature,
 - Is, or is likely to be, such as to make the activities unreasonable, and
 - Justifies the restrictions imposed by the notice.
- 2.4** In this case the behaviour to be restricted in the existing Orders and the proposal to increase the restricted areas covered by the Orders in place, in respect of alcohol related ASB only and the Orders are designed to ensure that the majority of law-abiding citizens can use and enjoy public spaces, safe from ASB.
- 2.5** At present, the existing PSPO's provide an effective means to manage land to prevent any ASB escalating by providing additional powers to issue warnings, seize and confiscate alcohol and to stop the consumption of alcohol if necessary.
- 2.6** In the restricted areas a person commits an offence if without reasonable excuse he or she continues to carry out activities from which he or she is prohibited, namely;
- Continuing to drink alcohol when required to stop doing so by an Authorised Officer;
 - Not surrendering any alcohol in his or her possession when required to do so by an Authorised Officer;
 - Refusal to hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an Authorised Officer.

- 2.7** This allows the Police and designated Council Officers to effectively manage and deal with situations that are alcohol related when it is consumed in a public space.
- 2.8** The Council has been restricted in its ability to robustly manage ASB in certain areas over the spring/summer 2020 as a result of increased alcohol consumption and in the absence of PSPO's.
- 2.9** Since the relaxation of Covid-19 measures, an increase in visitor numbers to coastal areas and a reduction of licenced premises operating, has seen an increase in the consumption of take away alcohol in public spaces where this has been facilitated and this has occasionally resulted in associated ASB.
- 2.10** The Council will not tolerate ASB on public spaces and this report aims to capture recent areas of concern as well as the future arrangements for the existing Orders that are due to expire in October 2020. This will allow the Council to robustly manage all its Resorts, Town Centres and Open Spaces.
- 2.11** As a result, it is proposed that the following areas be added to the existing schedule for consultation:
- Cosmeston Country Park
 - Porthkerry Country Park
 - Penarth Pier and Esplanade
 - Ogmore beach and surrounding common land
 - Llantwit Major – Cwm Col-Huw
 - Rhose Point
- 2.12** The Council has a statutory duty to consult when proposing to introduce PSPO's. Section 72 of 'the Act' does not determine the length of a consultation period, the Council previously when consulting on the making of the PSPO in October 2017 preceded its decision by undertaking for a 6-week Consultation which is deemed reasonable.
- 2.13** The existing Orders expire in October 2020 and therefore it is proposed that consultation is undertaken over the summer and the outcome presented in a report to Full Council at the end of September 2020 or at the earliest opportunity subject to any further relaxation of Covid-19 measures. This will include a proposal to extend the existing Orders for a further period of 3 years and vary it by increasing the number of restricted areas to be included within it.
- 2.14** If the Order is not extended and the proposal implemented to vary the Order by increasing the number of restricted areas within it, then the existing PSPO's in their current form will cease to exist from October 2020. This is likely to prevent the Council from achieving its Corporate commitments and the Council and Police will have greater difficulty preventing or stopping ASB associated with the consumption of alcohol in designated areas.

- 2.15 It will not be an offence to drink alcohol in a controlled drinking zone. However, it will be an offence to fail to comply with the request to cease drinking by an officer or surrender alcohol, in a controlled drinking zone. Possible sanctions include a Fixed Penalty Notice (FPN) or a fine of up to level 2 upon conviction.
- 2.16 The renewal of PSPO's is designed to make public spaces more welcoming to the majority of law-abiding citizens and communities and not simply restrict activities.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 Long term - the Orders will safeguard the Councils long-term strategic outlook regarding tourism and ensure it has robust measures to provide safe and secure environments of our citizens and visitors.
- 3.2 Integration - The introduction of new Orders and the proposal to renew the existing PSPO's demonstrates an integrated approach to robustly managing our Resorts, Town Centres and Open Spaces and demonstrates that the Council will not tolerate Anti-Social Behaviour in respect of alcohol consumption.
- 3.3 Involvement - By undertaking a comprehensive 6-week consultation process involving all our stakeholders it will ensure that citizens and visitors are engaged regarding the management of Resorts, Town Centres and Open Spaces in respect of Anti-Social Behaviour and the associated Orders.
- 3.4 Collaboration - The proposals will involve working in collaboration with Town Councils, Community Councils, South Wales Police and Community Support Officers.
- 3.5 Prevention - Consideration will need to be given as to whether prohibitions in one area will displace the problem behaviour elsewhere, or into a neighbouring Authority.
- 3.6 The consumption of alcohol in public places can lead to nuisance, violence and disorder. The proposed Orders, restricting the consumption of alcohol within a public place will help to prevent alcohol related Anti-Social Behaviour.

4. Resources and Legal Considerations

Financial

- 4.1 All consultation documentation will be translated bilingually into Welsh and English languages.
- 4.2 For those that cannot access the internet, other consultation options will be advertised, such as the option to send a letter or to give responses to the Council's call centre via telephone.

- 4.3** An equalities impact assessment will be undertaken with the support of the Equalities Team within the Council.
- 4.4** All future Order publications will be translated bilingually, and signs will be created in compliance with the Welsh Language Act 1993.

Legal (Including Equalities)

- 4.5** The extension of the PSPO's and proposal to vary them by increasing the number of restricted areas covered by them will require approval from Full Council.
- 4.6** The legal authority to make, extend, vary or discharge a PSPO is set out in the Anti-social Behaviour, Crime and Policing Act 2014. The publication of a PSPO is as required by the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.
- 4.7** The legal test and the two conditions as detailed elsewhere in the report permits a Local Authority to make a PSPO where it is satisfied on reasonable grounds that the two conditions are met pursuant to section 59 (1) and (2) of the Act.
- 4.8** The test requires that the behaviour being restricted must:
- Be having, or likely to have, a detrimental effect on the quality of life of those in the locality; or
 - It is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that;

- Is, or is likely to be, of a persistent or continuing nature,
 - Is, or is likely to be, such as to make the activities unreasonable, and
 - Justifies the restrictions imposed by the notice.
- 4.9** Necessary Consultation must be carried out to include amongst other things a consideration of the scope of the Order, the areas covered, the impact of the proposals and an analysis of how restrictions meet the legal test.
- 4.10** The making of a PSPO must be reasonable to prevent or reduce the detrimental effect of the problem behaviour, or reduce the detrimental effect continuing, occurring or reoccurring.
- 4.11** A Local Authority is required to have regard to Articles 10 and 11 of the Human Rights Act 1998 regarding freedoms permitted of the freedom of expression and freedom of assembly and association.
- 4.12** A Local Authority who is satisfied following a necessary consultation that it is reasonable to make, extend, vary, or discharge a PSPO is required to publish the text of it for any variation, and publish the proposal for any extension of it.

- 4.13** A Local Authority to specific upon the making out in 'the Act'. The existing Order [Appendix A] is required to have regard restrictions which apply or variation of a PSPO as set
- 4.14** An interested person may apply to the High Court to question the validity of a PSPO, or a variation of an Order.
- 4.15** An appeal must be made within the period of 6 weeks beginning with the date on which the Order or any variation is made.

5. Background Papers

- Council meeting 27th September (minute no. C235) – Public Spaces Protection Orders - Vale of Glamorgan
- Local Government Association: Public Spaces Protection Orders - Guidance for Councils
- Home Office: Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers: Statutory guidance for front line professionals, July 2014.

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VALE OF GLAMORGAN COUNCIL

PUBLIC SPACE PROTECTION ORDER 2017

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

The Vale of Glamorgan Council (the Council) in exercise of its powers under Sections 59 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) and under all other enabling powers, hereby makes the following Order:

1. This Order shall come into effect on **20th October 2017** and shall have an effect for 3 years thereafter, unless extended by further Orders under the Council's statutory powers.
2. This Order relates to the specified areas listed in the below Schedule.
3. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met. Namely that alcohol related anti-social behaviour and criminal activities have been carried out within the specified areas. This behaviour has a detrimental effect on the quality of life of those in the locality, and it is likely that these activities will be carried out within that area and has such effect.
4. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

Restrictions

1. The effect of this Order is to impose the following conditions on the Restricted Area:
 - 1.1 In the Restricted Area a person commits an offence if without reasonable excuse he or she continues to carry out activities from which he or she is prohibited, namely:
 - 1.1.1 Continuing to drink alcohol when required to stop doing so by an Authorised Officer.
 - 1.1.2 Not surrendering any alcohol in his or her possession when required to do so by an Authorised Officer.

- 1.1.3 Refusal to hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an Authorised Officer.
2. An 'Authorised Officer' can be a Council employee, a person designated by the Council, a Police Officer or Police Community Support Officer who is authorised in writing by the Vale of Glamorgan Council for the purposes of giving directions under this Order.

Fixed Penalty Notice and Offences

1. It is an offence for a person without reasonable excuse to engage in the activities restricted on this Order.
2. In accordance with Section 63 of the Act, a person found to be in breach of this Order by consuming alcohol when asked not to do so or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine.
3. An authorised person may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence. You will pay a reduced Penalty if paid within **14 days**. If you pay the Fixed Penalty Notice within **29 days** you will not be prosecuted.

Schedule

PENARTH

Alexandra Park including the Tennis Courts.

The Kymin including all grounds and the Pavilion.

Cogan Recreation Ground including all play areas and fields and the car park.

Windsor Road Dingle also known as the Dingle.

Victoria Playing Fields

All Saints Church Grounds

Victoria Square

Windsor Gardens

Pembroke Terrace Play Area, Pembroke Terrace

Cwrt-Y-Vil/ Old Penarthians Recreation Ground

St David's Park/St Cyres Field

DINAS POWYS

Parc Bryn-y-Don

RHOOSE

Milburn Park

Rhose Community Centre grounds and play area, Stewart Road.

Rhose Railway Station and car park, Torbay Terrace.

LLANTWIT MAJOR

The Square including the area around the Town Hall and its car park. The area in front of the Old Swan and the White Hart and the area around the New Globe also known as the Tudor Tavern including Burial Lane. Church Street and Wine Street as far as Wesley Street and the Old School. The lanes around Island House as far as Anchor Cottages and to the junction of The Strand.

Lorna Hughes Park including the foot path and adjoining area.

Poundfield Shopping Area including the car parks and The Precinct and pavement between The Precinct area and the public conveniences.

Windmill Playing Fields including the car park and play area.

Llantwit Major Train Station and adjoining car park.

BARRY

Broad Street including the area, in front of The Savoy Club to the far end of Barry Hotel including pavements to both sides of the road.

Chickenwood Park, also known as Porthkerry Road Open Space, off Porthkerry Road and to the rear of Romilly Infant and Nursery School.

Pencoedre Park within the boundaries of St Brides Way, Pencoedre Road, Raldan Close and the allotment gardens.

Romilly Park including all areas within the boundary fence including the tennis court, bowling green, and all shelters and the grassed area surrounded by Romilly Park Road just off Park Road.

Victoria Park including the bandstand, playground, tennis courts and playground.

Parade Gardens, The Parade.

The Knap including the Promenade, Cold Knap Gardens, Bron Y Mor car park, Knap Car Terrace and the green open space adjoining Marine Drive

Barry Island including Whitmore Bay, the Promenade including the gardens and adjoining Friars Road, car park, Paget Road, Station Approach and the Amusement Park, Maslin Park, Plymouth Road, Archer Road between Phyllis Street and Plymouth Road. Amherst Crescent and adjoining green spaces, Ivor Street and adjoining back lanes, Nell's Point, the green space adjoining St Baruch's Chapel, Jacksons Bay.

Bassett Park

Batts Fields

Gladstone Park, Gladstone Gardens, Memorial Hall grounds and car park.

Hatch Quarry Play Area and Little Hill Park open space off Brock Street, (known as Brock Street Park).

Gibbonsdown Estate including Pendoylan Close, Michaelston' Close, Coychurch Rise, Laleston Close, Ogmor Place and the adjoining green space, Dale Court, St Catherine Court, Cwrt Pencoedre, Cbs Llawhaden, Aberaeron Close, Columbus Close, Magellan Close, Ramsey Road, St Brides Way and Skomer Road.

Thompson Street Estate including lower Thompson Street, Belvedere Crescent including the Community Centre grounds, play area and rear lanes.

COWBRIDGE

Twt Park from the entrance off Town Mill Road to the footbridge over the River Thaw and to the access point off the public footpath from the High Street.

Poplars Park