

# GWYNEDD COUNCIL CABINET



## Report to the Cabinet

<b>Meeting Date:</b>	<b>12 September 2017</b>
<b>Cabinet Member:</b>	<b>Councillor Mair Rowlands</b>
<b>Contact Officer:</b>	<b>Catherine Roberts</b>
<b>Contact Number:</b>	
<b>Item Title:</b>	<b>ANTI –SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014: REFORM OF ANTI-SOCIAL BEHAVIOUR POWERS – REQUIREMENTS REGARDING EXISTING DESIGNATED PUBLIC PLACES ORDERS</b>

### 1 DECISION SOUGHT

To accept the report and to agree to the recommendations below:

- It is recommended, that the current DPPOs are allowed to revert into PSPOs on the 19<sup>th</sup> of October this year.
- It is also recommended, that the orders are then reviewed, taking into consideration, the aspects identified at 3.02 in the report.

### 2 REASON WHY DECISION IS NEEDED

To inform the Cabinet of changes to legislation, which have an effect on certain orders we currently have in place, and why we recommend they are allowed to convert into new orders called Public Space Protection Orders (PSPOs) and then reviewed over time.

Gwynedd currently has in place 7 Designated Public Place Orders (DPPOs). The first two DPPOs were introduced in 2004, and cover most of the City Centre of Bangor and the Town centre of Caernarfon. A further three were put in place in Blaenau Ffestiniog, Porthmadog and Pwllheli in 2005. Bala in 2008 and Bethesda in 2011.

All DPPOs currently in place will need to be revoked by 19 October or they will automatically become Public Space Protection Orders (PSPOs).

We have taken advice from the Legal department, and having consulted with the Police, recommend that the current DPPOs are left to become PSPOs, but that they are then individually reviewed in order to assess –

- If the orders need to be maintained for a further three years as they are or whether some/all need to be revoked.

- Whether they need to be amended in terms of geographical areas covered, and /or the types of behaviour being controlled or managed by the order.
- Whether new orders in different locations need to be considered.

## **BACKGROUND (What is a DPPO and a PSPO)**

DPPO powers enable local authorities to designate places where restrictions on public drinking apply. However, they can only be used in areas that have experienced alcohol-related disorder or nuisance. The orders allow the following –

- Only Local Authorities can put such orders in place
- Evidence to support and instigate a DPPO was presented to the LA by the Police, in each of the 7 cases.
- The orders enable, alcohol related antisocial behaviour to be challenged by a Police officer in uniform, in as much as the officer can request confiscation of the alcohol
- An individual refusing to submit the alcohol can be arrested
- All signage must make it clear what the order prohibits

PSPO – were introduced in the ASB Act 2014. Unlike a DPPO, the PSPO is not limited to alcohol related nuisance and can cover a wide range of antisocial behaviours. These orders allow the following –

- Only Local Authorities have the power to implement a PSPO in a specified area if they are satisfied on reasonable grounds that the following two grounds are met:
- 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 activities will be carried on in a public place within that area and that they will have such an effect.
- Also: that the effect or likely effect of the activities 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
- The order allows both restrictions and requirements to be set (an order can contain a number of these) and these can be applied universally or targeted against certain groups at certain times.

## **3 CURRENT SITUATION**

3.01 - The current evidence available to the LA, which is mostly provided by the Police, would not in all probability, warrant the implementation of new PSPO's (from scratch) within the large geographical areas that the DPPOs currently cover.

However, if we consider the existing orders in the context of local need, and take into account the view of the Police, which is, that they play an Important part in the control of alcohol related ASB in our communities, then we would allow the DPPOs to convert, and review them post changes. Notices would

need to be posted on the Council website and all signs in the seven areas would need to be amended noting the change.

3.02 - When reviewing the orders, post changes, it would be prudent also for the LA to consider –

- Whether there are already available powers/measures the LA and partner organisations could take to tackle any identified issues.
- Whether there are sufficient resources in place to enforce PSPOs (in light of the fact that Police Community Support Officers do not have ability currently to enforce PSPO's, the LA have a limited number of street enforcement officers, who may not be appropriately trained/required, to tackle people who are inebriated or behaving antisocially, and, Police officers are unlikely to be routinely patrolling these areas, and would more than likely only attend if called to an incident.

## **6 ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION**

### **Views of the statutory Officers**

#### **i. The Monitoring Officer**

As there are transitional provisions in the legislation, the recommendation is pragmatic and will ensure continuity of current arrangements. In addition, consideration will have to be given to the new powers within the bill and subsequent review and it is appropriate that this is proposed.

#### **ii. The Head of Finance Department**

From the perspective of financial propriety, I have no objection to the intention of allowing the Designated Public Place Orders to become Public Space Protection Orders (recommendation 4.01), as this is being driven by legislation. However, if a review resulting from implementing recommendation 4.02 were to identify any additional financial requirements, the additional resources will have to be found through the usual methods as this report does not create any commitment for additional expenditure.

### **Views of the Local Member**

Not a local matter