

# GWYNEDD COUNCIL CABINET



## Report to the Cabinet

**Meeting Date:** 15th October 2019  
**Cabinet Member:** Councillor Nia Jeffreys  
**Contact Officer:** Catherine E Roberts  
**Contact Number:** 679047  
**Item Title:** Public Spaces Protection Order (PSPO) Bangor City

### 1 DECISION SOUGHT

Cabinet is requested:

- 1) To approve the introduction of a Public Spaces Protection order (PSPO) for the city of Bangor for a period of 3 years, as per the attached amended draft Proposed Order (appendix 1)
- 2) To revoke the Gwynedd Council Alcohol Consumption in Designated Public Places for the Areas of Caernarfon and Bangor Order 2004 (Current Order) on the making of the the PSPO to the extent that it applies to Bangor;
- 3) To authorise the Head of Corporate Support to undertake the introduction of the Proposed Order and revocation 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 Anti-social 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.

The intention of the Act is to reduce antisocial behaviour in public places.

A report presented to the Cabinet on 16 July 2019 recommended *inter alia* that the Cabinet approve the undertaking of a process of considering whether a new PSPO should be introduced for a specific area in Bangor, that a separate order relating to alcohol consumption currently in force be revoked to the extent that it applies to Bangor, and that a 28-day consultation process be held with the matter returning to Cabinet for a decision whether a new PSPO should be introduced and the current order be revoked.

That report included the evidence base disclosing a prima facie case for introducing a new order. Based on the case presented at the time, the Cabinet decided that there was justification for taking the next step of conducting a public consultation. Cabinet now needs to consider the findings of that consultation and whether, in light of that consultation, it approves the introduction of a new order and the revocation of the current order to the extent that it applies to Bangor.

The Proposed Order contains 4 prohibitions, namely:

1. Behaviour 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 anti social behaviour is prohibited in the Restricted Area as defined in the Proposed Order. 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.

#### 4 REASON AND JUSTIFICATION BEHIND THE DECISION.

The public consultation was launched on 31 July 2019 and closed on 6 September 2019.

156 responses were received, the attached document lays out the process of consultation undertaken, and the detailed results of the consultation. (appendix 2)

The main findings are:-

- Of the 362 individuals who logged on to the consultation web page, 152 provided a response, a further 4 e-mailed their response, a total of 156

contributions to the consultation on the making of this order.

- Of those 156, 145 stated their concerns about, and in most cases, gave example of, antisocial behaviour being an issue in Bangor. 79 of those responses, explicitly stated they agreed with the order
- 4 people disagreed with the implementation of the order, two responded that they did not have sufficient information to be able to respond, and 5 observations were not relevant.
- People expressed concerns regarding a number of issues. Altogether, 275 issues of concern were noted and categorised as in the attachment.

We can conclude, that of the responses received, there is sufficient information to acknowledge that a number of people are concerned about the problem of ASB in Bangor, and that the support for the order is much greater than any objections. Specific issues relating to services and partner agencies, such as the Police and Licensing have been shared with the relative partners.

In addition, discussions have been held with the Police to re-look at the geographical area covered by the proposed order, in response to the 22 suggestions from the consultation. Evidence of need and enforcement capabilities have to be a consideration, and based on discussions and further data from the Police, the area has been extended.

In addition to the consultation findings, it was noted in the first report that -

- The Police have agreed to reduce 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.
- North Wales Police have experiences of using different enforcement models across the region and favour the model which does not utilise fixed penalty notices.
- 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 Equality Act 2010, an impact assessment has been undertaken in relation to the process. (appendix 3) 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 has been undertaken.

#### Involvement

The police and local members have been a part of the discussions, and a public consultation has been undertaken

Following receipt of submissions during consultation, minor amendments of a typographical or technical nature have been made to the draft Proposed Order. These amendments do not affect the intended scope or effect of the Proposed Order.

## 6 NEXT STEPS & TIMETABLE

- Cabinet to approve the introduction of a new PSPO for Bangor as per Proposed Order, and the revocation of the Current Order the extent that it applies to Bangor.
- If approved, the Local Authority will publish on its website the sealed Order together with a notice confirming that the Current Order has been revoked to the extent that it applies to Bangor.
- If approved, the Local Authority will erect such signage it considers sufficient within and adjacent to the Restricted Area drawing the public's attention to the existence and effect of the Order, and to the fact that the Current Order has been revoked in relation to Bangor.

## 7 ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

- The consultations to date are as indicated within the report.

Opinion of the Monitoring officer –

- The report has been the subject of input from the Legal Service. No comments to add in relation to propriety.

Opinion of Statutory Finance officer -

- I have received confirmation from the author of the report that the decision sought would not create a new financial commitment, hence I support the recommendation to facilitate pragmatic action.