

CYNGOR GWYNEDD – Report to Cyngor Gwynedd Cabinet

Title of item:	Caernarfon, Pwllheli and Cricieth PSPO
Cabinet Member:	Cllr Dilwyn Morgan
Relevant Officer:	Daron Marged Owens – Senior Operational Officer Community Safety Partnership
Date of meeting:	19/12/2023

1. Decision Sought:

(a) To approve the consideration of introducing a new Public Spaces Protection Order (PSPO) for specific areas in Caernarfon, Pwllheli and Cricieth in accordance with the draft Proposed Order attached in appendix 1

(b) Authorize the Head of the Adult, Health and Well-being Service to undertake a consultation process for a period of 28 days, returning to the Cabinet for a decision on whether to introduce a PSPO 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 solely by Local Authorities. 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 contacted the Senior Community Safety Operational Officer to request a PSPO in response to the new and increasing types of anti-social behaviour in Caernarfon, Pwllheli and Cricieth.

3.2 The reasoning and justification for recommending the decision

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

- That there are reasonable grounds for believing that these behaviours in a public space have had, or are 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, we have received observations from Arfon and Dwyfor Meirionnydd MPs noting their support.

The orders work by allowing behaviours to be challenged and to give the individual an opportunity to cease the activity. If this is not possible, Home Office guidance suggests the action of issuing a fixed penalty notice to the individual. However, the Police have suggested a different approach to these Orders. The Police's proposal is an enforcement model that does not use fixed penalty notices, but rather, uses a model that depends on escalating responses based on the individual's behaviour. That is, a challenge in the first instance, a report for a summons if required, and arrest in specific circumstances (see the flow chart attached in appendix 3). Such orders can last for up to three years and can be extended if necessary.

Evidence - to support the required grounds for the Local Authority to make such an order

Following an initial discussion, the Police presented evidence of the types of behaviours witnessed consistently in areas in Caernarfon, Pwllheli and Cricieth. The Police reported as follows:-

Caernarfon

During the period 01/04/2021 – 31/07/2023, 213 cases of anti-social behaviour were reported within the proposed PSPO area. 112 had been recorded during the last 12 months of this period. The highest number of incidents were in August 2022. The locations with the highest numbers were Penllyn, Pool Street, Pool Hill and Castle Square. Anti-social behaviour is at its worst on Mondays and Thursdays between 4pm and 9pm.

Cricieth

During the period 01/04/2021 – 31/07/2023, 97 cases of anti-social behaviour were reported within Cricieth ward. 41 incidents were recorded during the last 12 months of this period. The highest number of incidents were recorded in April 2022 and February 2023. The locations with the highest numbers were the Esplanade, Hen Bont Road, Stad Waen Helyg and Castle Street. Anti-social behaviour is at its worst on Tuesdays and Saturdays between 4pm and 10pm.

Pwllheli

During the period 01/04/2021 – 31/07/2023, 494 cases of anti-social behaviour were reported within the proposed PSPO area. 139 incidents were recorded during the last 12 months of this period. The highest number of incidents were recorded in February and May 2023. The locations with the highest numbers were Sand Street,

High Street and Abererch Road. Anti-social behaviour is at its worst on Fridays between 10-11pm, 1-2pm and 5-9pm.

The Police have also provided impact assessments from their officers and businesses in these areas. This information highlights the types of incidents that were witnessed, and how these incidents have a detrimental impact on people's daily lives and work.

In **Caernarfon**, one business describes large groups of young people gathering, wearing balaclavas and hoods, causing alarm and showing total disregard for the public. The cleaner in a nearby location has written that young people are causing damage and that the rubbish left includes empty clear snap bags and nitrous oxide cans. It is said that some of these young people are as young as 13 years old. Another nearby business notes that the groups can include as many as 50 young people, and they have been seen shouting insults at passers-by. This business writes that customers have noted that they had been forced to pass by instead of entering, as the entrance was full of young people.

Another issue involves a group of adults loitering in a drunken state in the area. One business has described them sitting on benches outside their site, drinking alcohol all day. This group's behaviour was uncontrollable, shouting and swearing. Their presence prevents members of the public from sitting on the nearby benches. This was echoed by another business, who reported seeing these adults arriving as early as 9am. They also note the alarm that is caused, that has led to customers saying that they have considered not entering the business and returning at another time to avoid walking near them. Empty bottles and cans of alcohol are left outside the building and used needles have also been found here.

In **Cricieth** there are descriptions of large gangs of young people travelling from further afield. The incidents include under-age drinking, threatening behaviour, throwing bottles and trespassing on private property. This behaviour has a huge impact on local residents and hospitality businesses. The information provided notes that as many as 100 young people congregate in this area at times. It is understood that this is a continual problem, which has been occurring for at least ten years, and has worsened over the past two years.

In **Pwllheli**, the information provided relates to the use of alcohol and drugs, which has a detrimental impact on the town and its community. Recent incidents in the bus stop have included drunk individuals being verbally abusive, unconscious, exposing themselves, violence and fighting, and members of the public nearby being injured. People are said to avoid entering the bus shelters, preferring to stand in the rain. The shelters are often full of litter including empty alcohol cans and bottles. These incidents have happened during the daytime, often when there are elderly people using public transport nearby. Businesses in the area have described how they have had to clean vomit and urine from outside their businesses. There are also grave

concerns about the number of bottles and cans being thrown, that could cause injuries and damage cars.

Other options should be considered for implementation before introducing PSPOs. We have received comprehensive information of the various interventions previously used by the Police to deal with these problems. We are satisfied that the Police have already used all the methods available to them to address these behaviours. The evidence suggests that there are sufficient grounds to conclude that there is justification for considering such an order.

The purpose of the 2014 Act was to reduce anti-social behaviour in local areas. When an order is being considered, it is possible that problems could move to other areas, and we acknowledge this. Orders are intended to deal with a specific problem in a specific area that is having a detrimental impact on the quality of life. The proposed PSPO areas (Attachment 2) have been noted due to the impact of the behaviour on the community, businesses and visitors.

The restrictions under consideration have been specifically developed to deal with the types of behaviour that cause the most serious problems (as noted above), which therefore justifies their inclusion. We consider that the following restrictions are appropriate, 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.

The Local Authority Officers have received assurance that the Police will be proactive in their enforcement. The Police will be asked to operate at short notice if the problems move to neighbouring areas, especially residential areas, using other suitable enforcement actions in mitigation. They have also agreed to monitor anti-social behaviour patterns and report regularly. The Town Councils have agreed in principle to contribute to the signage that will be required if the Orders come into force. The Community Safety budget will address the costs of the remaining signage.

In accordance with the legal requirements of the Equality Act 2010, an equality impact assessment has been undertaken in relation to the process to date. The assessment will be updated following a statutory consultation and before returning

to the Cabinet for a final decision. To date, the assessment has not shown any reason not to proceed with the process (Appendix 4).

In accordance with the recommendations of the Well-being of Future Generations (Wales) Act 2015, this development has considered the principles of the legislation, and specifically the concept of the five ways of working as shown 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 In line with the Council's ambition of seeing communities that succeed and thrive. It will also contribute towards the Police objectives, namely to reduce offences and make the streets safer for residents.

Collaboration This development stems from collaboration between the Council and the Police specifically. Town Councils and Members of Parliament have participated in the discussions, and a public consultation will be undertaken before the order can be fully approved.

Inclusion The Police, Town Councils and Local Members have been involved in the discussions, and a public consultation will be held before a final decision is made on the application.

3.3 Next steps

- The Cabinet to approve in principle continuing with the process of considering the introduction of a new PSPO for Caernarfon, Cricieth and Pwllheli, in accordance with the Proposed Order discussed in paragraph 1.
- If the above is approved, the Local Authority must undertake a public consultation regarding the Order, and this must be in place for 28 days.
- After the consultation, Local Authority officers will present the findings of the consultation to the Cabinet and will advise whether they are still recommending the Public Spaces Protection Order.
- If they are still recommending the Public Spaces Protection Order, the Local Authority will proceed to present the Public Spaces Protection Order, and erect signs.

4. Views of the Statutory Officers

4.1 Chief Finance Officer *The decision sought is to launch a public consultation on how the Council should exercise its power to impose restrictions in specified areas in accordance with legislation. As such, I have no comments on financial propriety, in the expectation that any costs associated with the consultation will be funded from existing budgets. Following the consultation, if Cabinet considers the matter further in order to reach a decision on implementing orders, full consideration will need to be given to the additional operating costs at that time.*

4.2 Monitoring Officer *The report highlights the statutory processes which need to be followed in order to establish these zones. The Legal Service will support these arrangements as they move forward.*

List of Appendices:

Appendix 1 – Proposed Order:- CYNGOR GWYNEDD PUBLIC SPACES PROTECTION ORDER (ALCOHOL AND ANTI-SOCIAL BEHAVIOUR), (CAERNARFON, CRICIETH AND PWLLHELI) 2023

Appendix 2 – Maps of the Proposed PSPO areas

Appendix 3 - Flowchart showing the steps that will be taken when an individual breaches the Order

Appendix 3 - Equality Act 2010 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

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	E-mail to the			

	<i>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.