

Minutes



Overview and Scrutiny Management Committee

Date: 26 April 2018

Time: 10.00 am

Present: Councillors J Guy (Chair), M Al-Nuaimi, C Evans, M Evans, C Ferris, P Hourahine, J Hughes, L Lacey and M Spencer

In Attendance: D Cooke (Overview & Scrutiny Officer), J Keen (Regulatory Services Manager Environment and Community), S Rose (Housing Needs Manager) and B Allan (Youth Worker), K Ward (Newport BID Manager), A Edwards (Newport BID Chairman), G Jones (Area Manager – The Wallich) and J Davies (City Centre Inspector – Gwent Police)

1 Declarations of Interest

None.

2 Minutes of the Meeting held on the 22nd March 2018

The minutes of the meeting were approved as a **true** and **accurate** record subject to the following amendment for 22nd March 2018:

The Committee requested that their discussion surrounding the Corporate Safeguarding item was outlined in the minutes.

3 Review of the City Centre PSPO

Item 5 - Review of the City Centre PSPO

Attendees;

Jonathan Keen	Newport City Council	Regulatory Services Manager - Environment and Community
Gareth Davies	Newport City Council	Monitoring Officer
John Davies	Gwent Police	City Centre Inspector
Bethan Allan	Newport City Council	City Youth Worker
Kevin Ward	Newport BID	Manager
Alan Edwards	Newport BID	Chairman
Simon Rose	Newport City Council	Housing Needs Manager
Gareth Jones	The Wallich	Area Manager for South East Wales

The Chair and Committee Members introduced themselves and the report author, Environment Services Manager - Environment and Community was invited to provide a brief introduction to their report.

One Member of the Committee drew attention to the fact that Cycling was not mentioned in any of the Orders restrictions, and had not been consulted on even though they had sought assurances from the Officers that it would in the January meeting. The Chair noted this.

A Member of the Committee raised concerns around how they felt the invitees would not present a balanced opinion and their evidence could create a bias. The Member expressed their view that Shelter Cymru and Liberty should have been invited. The Chair noted this.

Regulatory Services Manager – Environment and Community

The Chair invited the Officer to introduce their report. The Officer explained to the Committee that they had inherited the review of the City Centre Public Spaces Protection Order (PSPO) after the consultation had been completed. The Officer continued to outline what the PSPO was and its uses and its background in the City Centre. The Officer reminded the Committee of its previous meeting on January 8th, where they agreed the consultation strategy and how the Officers would complete the review.

The Officer talked the Committee through the strategy undertaken and how any other responses that were not completed on the online questionnaire were incorporated at a later date. The Officer then introduced the possible revised Order, explaining the omitted, reworded and new restrictions.

The Chair opened questioning to the Members.

The Committee were disappointed with the response rate to the consultation. They felt that 61 was too small a sample to base changes on. In January the Committee had asked that there would be more than one option for the public to comment on the consultation. They had discussed people in the city centre asking people in the day but this had not been carried out. The Committee also pointed out that nothing had been done to consult with those people who would be affected by the changes, in particular the people who were begging and groups of young people who use the City Centre.

The Committee continued by stating that they felt the consultation questions were leading and closed, and were to solicit the answers the Officers felt were required to implement changes. This, the Member claimed, was supported by how only two respondees said about begging near cash machines was an issue and yet the restriction had been changed.

A Member said that they understood the complex areas which were consulted on and that the question needed to be very straight forward. The Member went onto say that the consultation could have been more effective in eliciting responses from the public.

The Officer accepted that more could have been done to ensure that the consultation reached those people who would have been affected by the changes and those that used the City Centre on a daily basis.

City Centre Inspector

The Inspector introduced himself and took the opportunity during the introduction to run through Gwent Police's opinion of the possible revised PSPO.

Street Drinking had been successful and this was supported by another consultation that the Police have undertaken recently. The Police would have liked this restriction remain in the PSPO with the same wording.

Touting for Services / Donations was not something the Police deal with and of the small number of complaints that had been received were all passed to the Council.

Begging in an Anti-Social Manner would allow the Police to address any problems in the City Centre. The previous restriction, Aggressive Begging, was largely unenforceable due to its wording and required the act to be witnessed by a Police Officer or for the effected party to complete a witness statement.

Groups / Individuals Causing Anti-Social Behaviour was covered by Section 35 of the Anti-Social Behaviour, Crime and Policing Act 2014. This Act allows any Inspector to force someone to leave an area if their behaviour was or was likely to become anti-social. The problem was that by only having Inspectors with these powers there would be a chance that things could escalate before an Inspector could respond. In the Officers opinion it was better to allow other Police Officers to issue directions to the groups and individuals. Cycling in an anti-social manner could be addressed with this restriction.

Intoxicating / Psychoactive Substances the Police had seen an increase in Class A and B drugs in the City Centre and were seeing an increase in Psychoactive substances being used across the City.

Dogs to be on a Lead issues had not been reported to Police as a problem but this did not mean it was not a problem. The Police supported it being left in the possible revised Order.

In response to the Committees questions;

- There were large amounts of work being carried out to support and divert people from the streets into services. The Housing Needs Manager would be able to provide more information on this.
- The Inspector was aware of the rights bestowed on the citizens of Newport by the Human Rights Act and the PSPO would not be used to infringe on these.
- The Inspector explained that in June the City Centre would have received 12 new Officers and 3 Community Support Officers which provided more cover at all times of the day and night.
- The Inspector claimed that it was not his experience of Police Officers 'laughing and joking' with the people who break the law. Especially if they had seen members of the public injecting or using Class A and B drugs in the City Centre.
- The distance from cash machines and pay machines that was set in the *Begging in an Anti-Social Manner* restriction was decided upon after discussing the matter with numerous partners. The question we asked ourselves was how far someone needed to be from a member of the public using a machine and for that individual to not feel intimidated.
- The Inspector felt it was unfair to answer the Members question on whether or not the young people riding bikes through the city centre were running drugs.
- The Inspector clarified that the PSPO's restrictions was not to target beggars but to make people feel safer when handling their money around cash machines and pay machines. Beggars who do not respect the distance from cash machines will be moved on, and arrested if they refuse.
- Blanket bans had been used in Kettering, Swindon and Derby but the Inspector queried if this had been sustained by courts at a higher level. The Monitoring Officer explained that he could not comment on the three other PSPOs as he had not seen the evidence base they had to create the no begging restriction. To create a restriction you must prove it was a necessity. There was no evidence that a blanket ban on begging was necessary in Newport, but there was evidence to support an area around cash and pay machines. In addition the Monitoring Officer explained that the PSPO was in response to anti-social behaviour and begging was not anti-social

behaviour. The PSPO was creating a balance between the rights of all the people using the City Centre.

- The PSPO restrictions ensured people who use legal highs and drink in the streets were fearful of the Police confiscating their substances. This fear moves the problem individuals from the City Centre into other areas.
- The Monitoring Officer explained that the new restrictions were more enforceable as the Courts understood anti-social behaviour as there was a legal definition. This was not the case with aggressive as it was subjective.
- The Regulatory Services Manager – Environment and Community explained to the Committee that the exclusion area applied to all cash and pay machines in a public space inside the City Centre.

The Chair thanked the Inspector for his time and information.

City Centre Youth Worker

The Chair invited the Youth Worker to provide an introduction and to provide an opening statement. The Youth Worker first gave her apologies for her colleague who had been required to leave for an emergency. The Youth Worker then explained some of the problem areas that they had identified when analysing the possible revised Order, these included; the young people who used bus routes before and after schools naturally congregate together in the City Centre each day and this was something that would not change, and how the young people who used the City Centre were important revenue source for a number of the retailers in the City Centre and Friars Walk.

The Youth Worker went onto raise concerns about how forcing young people to leave the City Centre into more high risk areas. The Youth Service had services in the City Centre that supported young people who were at risk of, or were being exploited, which would not be available outside of the City Centre. The types of exploitation included sexually and criminally.

The Youth Worker stated that alternative options that could reduce ASB in the City Centre could include diversionary and preventative work, as well as information and guidance available to young people and parents on the changes to the possible revised PSPO. The Youth Service had Youth Workers in each secondary school and could disseminate information around the PSPO.

The Youth Worker gave the following answers to the Committees questions;

- The Officer agreed with the Committee that some groups of young people who used the City Centre and had no intention of causing ASB would have benefited from the PSPO as the City Centre would be a safer place.
- There was currently the MP20 project which had good engagement levels with the young people in the City Centre.
- The Youth Service had reported three or four serious instances to the Police over the last four months. The young people who had been involved were those that were the most at risk individuals. There were very small numbers of young people engaging in ASB in the City Centre. If the Youth Service had more resources then they would be better placed to deliver services to these young people.

- The Youth Service delivered services three times a week. Two evenings and a Saturday day in the City Centre.
- The relationship between security staff and the Youth Service was very good. The Youth Service were looking to deliver Level 2 Youth Worker training to the Security Staff to give them the tools to better engage with the young people they came into contact with.
- The Police referred young people to one of the Youth Service's programmes in an effort to keep them from receiving a criminal record. The young person was then supported to get help and change their behaviour before they reach a point where a criminal record was the only course of action.

The Chair thanked the invitee for their responses and information.

The Committee enquired if the PSPO could be put in place for a shorter period, of a year, the Monitoring Officer explained that legislations states that the PSPOs last for three years. The Scrutiny and Governance Officer explained that the Committee could request a report on the implementation and success of the revised Order after a year in order to monitor the effect of the PSB.

Newport BID Manager and Chairman

The Newport BID manager read a statement to the Committee, outlining the Boards views of the revised PSPO.

(NOTE: The Newport BID Managers statement is attached for information.)

The attendees provided the following responses to the Committees questions;

- The Diverted Giving scheme was being used across the Country and schemes work better than others. The money raised from the Diverted Giving scheme would be used to provide front line services to those most in need. There was evidence to support that claim that the money raised in a Diverted Giving scheme would benefit the most in need and not the 'career beggars'.
- The Chairman was hopeful that there would be a visible decrease in people begging if the revised PSPO is enforced. The Chairman claimed that there had been an increase in the amount of people asking for money since the existing PSPO had been implemented. The beggars were reacting to the footfall of the public and moving themselves to areas where there were more people. The Chair said that he would present the Council Officers with information from the Ambassador Service regarding the increase in problems over the last three years.
- Both attendees believe their responses to the Committees questions were representative of the majority of their levy payers. This is supported by the survey responses from an Open Meeting and Business Against Crime Meeting undertaken recently.
- The Diverted Giving scheme start-up was funded by the Newport BID, with the hope that it would become self-sufficient at a later date.
- The Chairman explained to the Committee that they take into account the feedback from the levy members and their customers. When the BID took over from the Chambers of Trade there was a big push to improve the perception of the City Centre.

- The 500 BID Members were based primarily inside the City Centre area. With only around 30 being outside the city centre.
- Cwmbran shopping centre was different and saw less issues because it was privately owned land, and because of which the Security were able to remove any people who were causing ASB.

The Chair thanked them for their time and answering the Members questions.

Housing Needs Manager

The attendee introduced himself and outlined his professional views on the revised PSPO. There had been an increase in household debt across the country and this was well documented and well publicised. This, the Officer claimed, was a direct result of central Government welfare reform. The increase in food bank usage and people seeking charitable donations was also evidence to the fact that parts of the population were struggling. The Manager believes that at the most acute end of this scale people were forced into begging. It was made clear to the Committee that Begging and Homelessness were distinctly different and must be treated as such. The impact the possible revised Order would change the approach taken, but it will unlikely solve the problem of begging in an anti-social manner. The Order might have an impact, but it was unlikely that that it would have been seen immediately. It was hoped that more individuals engaging in a more positive manner with services and the infrastructure in Newport reflecting this.

The Committee received the following responses to their questions;

- The Officer informed the Committee that they would look into what had been put in place in Manchester and the work done by the Streetwise team in Bristol to combat begging in an anti-social manner and homelessness.
- It was important to keep in mind that what someone perceived to be anti-social behaviour might not actually be so, like aggressive behaviour in the previous Order what one person finds intimidating another might not. Regarding the size of the exclusion areas around cashpoints, whatever distance made the majority of the public feel safer while using a cash or pay machine would have been the best option.
- Individuals who resorted to begging on the streets did so for a multitude of reasons, but they all felt the need to beg. There were a growing number of people begging with co-occurring issues. These people were more and more likely to be in unsuitable and unsustainable accommodation due to changes to their financial situations and have been caught up in the complex systems for housing and benefits.
- The number of people who receive housing support per year is around 2000 and just under half of these were supported to stop them becoming homeless. This, the Officer stated was just the tip of the iceberg and did not include the number of people who were sofa surfing and living with friends and family. The Wallich were vital in reaching the people most in need that do not make them known to the Council.
- There was a very high demand for hostel beds in Newport and we needed to develop more variety of provisions, like Housing First. There was a waiting list for beds in hostels. To increase the number of beds we were working with Eden Gate to create a year round service and other buildings for hostel use. The increase in demand seen has been a result of legislative changes in Wales according to the Officer.
- The Supporting People programme, and other schemes being created to support people to move into sustainable accommodation. This included partnership working

with Llamau to provide 'move on' units for young people, as well as increasing the amount of supported living housing available.

- Newport would be taking a lead on the Homeless Network, which is made up of Managers from each LA in Wales to tackle homelessness and improve supporting accommodation. The Homeless Network directed a lot of work done by Welsh Government. On a regional level a strategy had been developed to manage homelessness and housing stock. There were also local Newport only groups that meet to address the problems of Newport. Which were very different to those problems in Monmouthshire or Blaenau Gwent.
- There might be individuals using the lifestyle to illicit financial gain, but as no survey had been completed to find out the numbers of these individuals, the Officer felt unable to provide an answer. The PSPO will hopefully ensure that those people who were begging due to financial need are pushed to seek support to change their lifestyle.
- The Officer informed the Committee of the cyclical lifestyle led by some individuals. This the Officer stated was when an individual was moved from supported housing or a hostel into other accommodation without wrap around support, they were more likely to relapse and lose their accommodation.

The Chair thanked the Housing Needs Officer for his responses and insight into the areas around the PSPO.

South East Wales Area Manager - The Wallich

The Area Manager introduced himself and explained what services The Wallich ran in Newport. The Rough Sleeper Intervention Team delivered a service 5 mornings a week, this service checked on the welfare of the rough sleepers, offered basic humanitarian aid and aimed to create trusting relationships to support them off the streets. The day prior to the meeting the Rough Sleeper Intervention team found 20 individuals in the City Centre. This the Area Manager claimed was not a definitive number as some people liked to remain well hidden for safety reasons and others were reluctant to engage with any services. Rough sleepers choose to use the City Centre due to the protection offered to the weather by the building, the safety offered by the CCTV camera and the generosity and kindness of the people of Newport.

The Area Manager introduced some research to the Committee and stated that 75% of rough sleepers have been physically and verbally abused, spat on and even urinated on. Rough sleepers were 17 times more likely to be a victim of abuse than a general member of the public. The Wallich wanted all city centre spaces to be safe places for all, and they felt that no one should be threatened, bullied or intimidated.

The Wallich felt that the key to the PSPO was sensible enforcement and questioned if the Police had the resources to enforce it. The Manager continued to say that Newport had received some very good publicity after the period of bad weather with how local night clubs had opened its doors and allowed rough sleepers in. Cardiff in comparison has had some very negative publicity for the way the Police have been moving people away from the City Centre.

Some of the concerns of the Charity were that the activity could become dispersed to areas outside of the City Centre, and effectively the reach of some services. This could marginalise the homeless further by them not being welcome in the City Centre, where a lot of services they require were based. This could make The Wallich and other support agencies jobs of supporting these people to get the help and support they need even more difficult.

Around 80% of the people who were engaging with the Wallich in the morning were heroin users. This, the attendee stated, was what drove some people to beg.

The Area Manager gave the following responses to the Committees questions;

- The money raised from the diverted giving scheme would go to fund frontline services. It could also be used to provide grants for services users to access essentials when moving into accommodation from the streets.
- The attendee stood by The Wallich's statement from January where it stated that any ban on begging would further stigmatise homeless people and further exclude them. They also reinforced an earlier comment around the sensible enforcement required by the Police.
- The humanitarian aid included sleeping bags, food and clothing. The Wallich also provided sharp bins and cleaning supplies for the service users to ensure that the areas they used in the City Centre were kept tidy. The majority of service users were dual dependant on alcohol and drugs. This would not allow them to have used night shelters run by the Church, but other night shelters would have been available to them.
- The Area Manager invited any of the Committee Members to visit the Cardiff Wet House run by the Wallich, to see how it worked and to discuss further the impact the Wet House had had on street drinking in Cardiff.
- People who rough sleep were able to claim benefits. The Area Manager would not be able to confirm out of the 20 in Newport, the day before the meeting, how many were in receipt of benefits. The Wallich representative had concerns about how the Universal Credit benefit system had to be completed online. This would have been a barrier for homeless people and if they are pushed out of the City Centre away from places they would be able to access computers and support to use the benefit system they might be at risk of losing their benefits, which might push the individuals to look for alternative income sources like begging and criminal behaviour.
- The Diverted Giving scheme would hopefully make more people feel comfortable supporting homeless people. Some members of the public were unwilling to give money to the homeless because they feared their money would be used to buy drugs. The Diverted Giving scheme eliminates these concerns because the money goes straight to front line services.

The Chair thanked the Area Manager for their time and gave a ten minute adjournment.

The Chair outlined the role of the Committee in providing its comments on the revised order within agenda. The areas for the Committee to comment on where:

1. Flyposting

It was suggested within the report that this be removed from the PSPO within the revised order. The Committee discussed the merits of this remaining within the order, and the suggestion from the Officer that this was no longer an issue within the City Centre and as such should be removed. The Committee were advised that to be included within the PSPO there should be evidence that the associated behaviour was a problem for Newport and that the PSPO was the most effective method of addressing. Flyposting had not been raised as an issue within the consultation responses, and there had been no instances of the PSPO being used since its implementation for flyposting.

The Scrutiny and Governance Manager advised that Committee that if a consensus could not be reached on what the Committee wished to recommend to the Council, that the Committee could agree to present both arguments to the Council for determination. The Committee decided to vote on this matter to confirm the Committee's majority view to present to the Council.

Councillor Guy **moved** that the Committee recommend that the Council remove flyposting from the order, on the basis that the review of effect of the revised order would take place within a year. This was seconded by Councillor Al-Nuaimi. When put to the meeting the motion was declared **carried** by 4 votes to 2, 1 abstention.

2. Street drinking

The Committee **agreed** to recommend to the Council that this measure remain within the revised PSPO:

'No person shall within the restricted area refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer.'

3. Touting for Services/donations

The Committee **agreed** to recommend to the Council that this measure remain within the PSPO within the revised order, but that the wording revised to expand the current PSPO restriction to cover the street trading of services:

'Within the restricted area no street trading including peddling, charity collecting or touting for services, subscriptions or donations unless covered by an existing Police or Council-issued or Council-recognised Street Trading/Charity Collection/ promotions consent, licence or written permission.'

4. Intoxicating /Psychoactive substances

The Committee **agreed** to recommend to the Council that this measure be added to the PSPO:

'Within the restricted area no person shall ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances or sell or supply them. Persons who breach this prohibition shall surrender any such intoxicating substance, or a substance believed to be intoxicating, in his/her possession when asked to do so by an authorised officer.'

Intoxicating substances (psychoactive substances) = substances with the capacity to stimulate or depress the central nervous system. Exceptions: alcohol, tobacco, food & drink, and where substances are for used for valid and demonstrable medical use.'

5. Dogs to be on a lead

The Committee **agreed** to recommend to the Council that this measure remain within the revised PSPO:

'Any person in charge of a dog within the restricted area shall be in breach of this Order if he/she fails to keep the dog on a lead (of no more than 1.5 metres in length).'

6. Groups/ individuals causing anti-social behaviour

The Committee **agreed** to recommend to the Council that this measure be added to the PSPO:

'Within the restricted area no person shall behave (either individually or in a group) in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour. Persons who breach the above shall, when ordered to do so by an authorised person, disperse either immediately or by such time as may be specified and in such a manner as may be specified.'

7. Begging in an anti-social manner

It was suggested within the report that the wording for this measure within the PSPO be revised to make it easier to enforce on begging related ASB and set an exclusion zone around cash points. The Committee discussed the merits of this rewording, and whether it would be remain difficult to enforce in its original form. One Member expressed a view that that begging in any form should be removed from the order as it does not solve the underlying issues around begging. Another Member expressed the view that it would be better to have a blanket ban on begging to make it easier to enforce, without what was could still be perceived as subjective wording of 'antisocial behaviour.'

Councillor Al-Nuaimi **moved** that the Committee recommend to the Council that the order be revised to the following wording (as suggested within the report):

'Within the restricted area no person shall beg within 10 metres of a cash or payment machine, nor beg in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour.'

This was seconded by Councillor Ferris. When put to the meeting, the motion was declared **carried** by 5 votes to 1, with 1 abstention.

Cllr C Evans asked that it be noted that in his opinion the PSPO was not working, and had not been effective at addressing the antisocial behaviour as it was intended, and as such he had abstained from voting on the recommendations to Council.

The Committee discussed the need to ensure the ongoing monitoring of the implementation of the PSPO within the City Centre. The Committee **agreed** to include a review and monitoring of the implementation of the PSPO on the Scrutiny Work Programme 12 months after its adoption.

As part of this review, the Committee will consider how the PSPO has been used and enforced by the Council and the Police, and how effective this has been in addressing and reducing anti-social behaviour in the city centre.

Following on from the consideration of this report, the Committee agreed to request a report on consultation and engagement within the Council, outlining the corporate approach to consultation and any planned actions to improve the level and quality of engagement for public consultations. This should include:

- Length of the questionnaires:
- Closed / leading questioning:
- Methods in which the public are engaged – website, face to face, social media, focus groups, public meeting etc:
- Methods of increasing response rates and what is done to ensure cross section representative of the public respond:

It should also reference the examples and issues that have been raised by the Committee in relation to the consultation undertaken on City Centre PSPO, and previously raised by the Committee in relation to the Annual Budget Proposals.

4 **Forward Work Programme**

The Committee discussed the forward work programme, in particular the items on the next two Committee meetings.

The Members discussed how the Newport Transport AGM was at the same date as the next meeting. The Committee decided to look for alternative dates and postpone the meeting if possible.

Actions

The Committee **agreed** to note the items scheduled for the next two meetings.

The meeting terminated at 2.30 pm