

# Report

## Cabinet Member for Strategic Planning, Regulation & Housing

---

### Part 1

Date: 19 December 2022

**Subject** Maesglas Public Spaces Protection Order

**Purpose** The Cabinet Member for Strategic Planning, Regulation & Housing is asked to consider and agree to public consultation on the renewal of a Public Spaces Protection Order (PSPO) within the Maesglas area of Newport.

**Author** Regulatory Services Manager (Environment & Community)

**Ward** Gaer

**Summary** A Public Spaces Protection Order (PSPO) is designed to prevent individuals or groups committing antisocial behaviour in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality; and the behaviour is or likely to be persistent or continuing in nature; and be unreasonable.

A PSPO was made in 2018 to cover an area in Maesglas, part of the Gaer electoral ward, in order to respond to antisocial behaviour. This included restricting access to a public path behind the shops situated on Cardiff Road and a number of other appropriate restrictions.

The PSPO was valued by the Police and the community, however in line with the relevant legislation it expired in September 2021. Consideration has been given to the renewal of the PSPO since that time, but progress has been delayed due to the legacy impacts of the Covid-19 pandemic.

This report asks the Cabinet Member to agree that public consultation takes place as to possible measures to be included in the PSPO. Approval of a PSPO is delegated to Full Council. Therefore, following public consultation, a draft PSPO will be finalised and presented to Council for consideration and agreement.

**Proposal** To approve the planned public consultation on a Public Spaces Protection Order within Maesglas.

**Action by:** Head of Environment & Public Protection

**Timetable:** Immediate

**This report was prepared after consultation with:**

- Head of Law & Standards
- Head of Finance
- Head of People, Policy & Transformation
- Head of Environment & Public Protection
- Community Protection Manager (NCC)

- Gwent Police
- Newport City Homes
- Ward Councillors

**Signed**

## **Background**

The Antisocial Behaviour, Crime and Policing Act 2014, commenced in October 2014, and introduced the Public Spaces Protection Order (PSPO).

### **What is a Public Spaces Protection Order?**

A PSPO is designed to prevent individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality; and the behaviour is or likely to be persistent or continuing in nature; and be unreasonable. The power to make an Order rests with local authorities, in consultation with the Police, Police and Crime Commissioner and other relevant bodies who may be impacted upon by the Order.

The Council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre. The maximum length of a PSPO is three years, but it can be reviewed at any time.

When making a PSPO, the Council must have particular regard to the rights of freedom of expression and freedom of assembly and association set out in the Human Rights Act 1998.

A PSPO is intended to provide the Council and Police with additional powers to require individuals or groups from refraining from certain actions or to do certain things within specified times and within a clearly specified geographical location, to quote the Act "it can either be a blanket restriction or requirement or can be targeted against certain behaviours by certain groups at certain times".

A PSPO can be enforced by a Police Officer, Police Community Support Officer and delegated Council officers e.g., a Community Safety Warden. It will be appropriate for some types of restrictions to be solely enforced by the Police.

### **Restrictions**

Restrictions and requirements are set by the Local Authority and can be blanket restrictions or requirements or can be targeted towards certain behaviour by certain groups at certain times. They can restrict access to public spaces (including certain types of highway) where that route is being used to commit antisocial behaviour.

A breach of the Order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice of up to £100 (to be fixed locally), or a Level 2 or 3 fine (£500 or £1,000 depending on the specific offence), on prosecution.

### **Appeals against the making of a PSPO**

Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. Further appeal is available each time the PSPO is varied by the Council.

### **What restrictions were included in the Maesglas PSPO 2018?**

A copy of the 2018 PSPO is included at Appendix A and the restrictions from that Order can be summarised as:

***No person in the restricted area shall***

1. *Refuse to stop drinking alcohol or to hand over containers (sealed or unsealed) which are believed to contain alcohol, when asked to do so by an authorised officer.*
2. *Behave in a manner that has caused or is likely to cause harassment, alarm or distress to a member of the public and then refuse to disperse from the area when asked to do so by an authorised officer.*
3. *Sell, use or possess intoxicating substances - this does not include alcohol, tobacco products or prescribed medicines. Persons who breach this prohibition must surrender any such substances to an authorised officer when asked to do so.*
4. *Use the path behind the Maesglas shops which has been closed by the gates (unless access is required to the rear of the premises affected).*

## **The current situation**

In accordance with the requirements of the legislation, the 2018 PSPO expired in September 2021. The process to renew the PSPO was not started at or before that date because of the impact of the Covid-19 pandemic, and progress has been hampered since then by Covid-19 legacy impacts on Council service delivery.

Informal consultation with local ward members, Gwent Police and Newport City Homes has indicated that the previous PSPO was successful and that a renewal of the PSPO is necessary to prevent antisocial behaviour significantly impacting on the local community again. The data on antisocial behaviour in the locality for the duration of the previous PSPO is skewed by the Covid-19 restrictions including full public lockdowns. However data and anecdotal feedback from partners available to suggest that antisocial behaviour continues to be a problem in the area. Recent data will be provided in the planned report to Full Council.

As it did in 2018, the Council needs to consider:

- Is there a specific problem caused by particular activities?
- If so, what needs to be done to regulate or control the problem?
- What is the least restrictive way of achieving this?

## **Consultation**

It is proposed that a public consultation be over a 4-week period.

The public and partners will be invited to make comment on whether to keep the previous restrictions, remove any of the previous restrictions, add any new restrictions and whether the previous area covered by the PSPO should be retained or amended.

For the public the consultation will be conducted by writing to all premises within the previous PSPO boundary and inviting the public to complete a survey online, with an option to respond in writing for those that do not wish to use the online survey.

## **What is the Cabinet Member being asked to do?**

1. To approve the consultation plan.
2. To oversee the consultation process to ensure it is robust, and that the outcomes are taken into consideration in drafting an Order for consideration by Council that would have public support. He would be asked to introduce the PSPO to Council.

## Approving a new Maesglas PSPO

The results of the consultation will be reviewed and a report and draft PSPO produced for consideration. Final approval will be by Full Council.

### Financial Summary

There is no financial impact from this report.

### Risks

<b>Risk</b>	<b>Impact of Risk if it occurs (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect</b>	<b>Who is responsible for dealing with the risk?</b>
Council puts in measures that are not supported	H	L	Consultation. Listen to all groups that are affected.	Regulatory Services Manager
Council puts in measures that are disproportionate to the problems experienced and are open to legal challenge	H	M	Ensure the evidence is robust and that the measures that are introduced are balanced against the antisocial behaviour experienced and the right level of restrictions to address it. Take legal advice.	Head of Law and Standards

### Links to Council Policies and Priorities

Ensuring that this work is completed as required will support the following Council Policies and Strategies:

Newport's Corporate Plan 2017-2022, "Building a better Newport" has a key focus – to improve people's lives in all the Council does.

It will also assist the Council to meet its 'wellbeing goals' under the Well-being of Future Generations (Wales) Act 2015; in particular the 'prosperity' goal and "to build cohesive and sustainable communities".

### Options Available and considered

- i) To approve the public consultation on a Public Spaces Protection Order within Maesglas.
- ii) Not to approve the public consultation on a Public Spaces Protection Order within Maesglas.

## **Preferred Option and Why**

To approve the public consultation on a Public Spaces Protection Order within Maesglas, using the consultation questions shown in this report. This will allow the Council to consider the views of Partners and the public, make amendments where necessary and progress a report to Full Council.

## **Comments of Chief Financial Officer**

There are no financial implications as a result of this report as it is only seeking permission to begin public consultation on issuing a PSPO for Maesglas.

## **Comments of Monitoring Officer**

The Council has a statutory power under the Anti-Social Behaviour, Crime and Policing Act 2014 to make Public Spaces Protection Orders in order to prevent types of anti-social behaviour which have, or are likely to have, a detrimental effect on the quality of life of those in the locality and the behaviour is or is likely to be persistent or continuing in nature. The nature and extent of the PSPO must be reasonable having regard to the type of behaviour and its impact on the public. In accordance with the legislation and the statutory guidance, the Council is required to consult with the Police, the Police and Crime Commissioner and specific community groups, and to have regard to any observations made before deciding whether or not to introduce any PSPO. However, because of the impact of the proposed PSPO within the Maesglas area, it is suggested that a wider public engagement exercise should also be undertaken. It is recommended that the Cabinet Member agrees to this public consultation and that the responses are considered before any further recommendation is made to Council regarding the PSPO.

When considering the need for any PSPO, the Council must act reasonably and, in particular, it must have regard to the Human Rights Act 1998. However, the rights and freedoms set out in the Articles to the Human Rights Act are qualified rights and can lawfully be restricted or limited where this is a necessary and proportionate means of achieving a legitimate aim, including public safety and the prevention of crime and disorder. It is a question of balancing rights and freedoms of individuals against the needs of the wider community. Therefore, the Council has to take a balanced decision regarding the need for a gating order restricting public access to the path at the rear of the shops and the other proposed restrictions and their impact on the freedoms and rights of individuals. Any order must be a reasonable and proportionate means of preventing or reducing the detrimental impact of any specific type of anti-social behaviour within the Maesglas area.

Public support for a particular measure is not, of itself, sufficient grounds to make a PSPO. The Council needs to be satisfied that the proposed controls are justified because of a specific problem and a need to control the anti-social behaviour in order to protect the public. The Council also has to be satisfied that the extent of the controls or prohibitions is reasonable and that there are no alternatives, and less restrictive ways, of regulating the problems. There is a statutory right of appeal to the High Court within 6 weeks if a PSPO is considered to be unreasonable.

The previous PSPO expired in 2021 and, therefore, it is necessary to reconsider whether a replacement Order is required. Informal feed-back from the Police, ward councillors and Newport City Homes has suggested that the previous PSPO was successful in controlling anti-social behaviour in this area and that there is a continuing need for a replacement order on the same terms. However, because of the time lapse since the original PSPO was made, then further evidence is now required to justify the continuation of the gating order and the other controls.

## **Comments of Head of People, Policy & Transformation**

The report notes that the previous PSPO has been well received by residents, is valued by the Police and was effective in reducing crime and anti-social behaviour. The report seeks to consult with local stakeholders on the renewal of an Order, the specific restrictions and the area covered. Involvement and the support and ownership of residents, in terms of a PSPO, is considered to be vital in improving community safety and addressing 'what matters most' to local people. Following

consultation, the draft Order will be reviewed before Full Council decide on its implementation. A Fairness and Equalities Impact Assessment has been undertaken, which will also be reviewed following the consultation period.

There are no direct human resource implications.

## **Comments of Executive Members**

### Councillor Batrouni:

I wholeheartedly support this decision. Hardworking and law-abiding citizens in the Maesglas area need to be shown that the local authority understands the issues they face and is willing to utilise its powers to protect the public spaces in the area. Residents have the right to walk around their local area and not feel intimidated by anyone.

## **Scrutiny Committees**

No consultation with Scrutiny Committees has been undertaken.

## **Equalities Impact Assessment and the Equalities Act 2010**

An Equalities Impact Assessment has been completed and is included at Appendix C.

## **Children and Families (Wales) Measure**

The proposals set out in this report are not relevant to the aims of the Children and Families (Wales) Measure.

## **Wellbeing of Future Generations (Wales) Act 2015**

The proposals set out in the report to be consulted on would contribute to a number of the Wellbeing Goals set out in the Wellbeing of Future Generations (Wales) Act 2015. Relevant goals are "A more equal Wales", "A Wales of cohesive communities", "A Wales of vibrant culture and thriving Welsh language". The proposals would contribute by helping to prevent problems of antisocial behaviour blighting the area, which would help to build a cohesive and sustainable community.

## **Crime and Disorder Act 1998**

A PSPO aims to reduce Crime and Disorder and the renewal of an Order has been requested in part by the Police.

## **Consultation**

Not applicable at this stage

## **Background Papers**

Home Office Guidance on PSPOs

## **List of Appendices**

### **Appendix A**

Maesglas PSPO 2018

### **Appendix B**

Draft public consultation questionnaire questions

### **Appendix C**

Fairness & Equalities Impact Assessment (FEIA)

**Dated: 9 December 2022**

## **Appendix A – Copy of the Maesglas PSPO 2018**

# **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

## **SECTION 59**

### **PUBLIC SPACES PROTECTION ORDER 2018**

#### **MAESGLAS, NEWPORT**

NEWPORT CITY COUNCIL in exercise of its powers under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes this Order, being satisfied on reasonable grounds that activities in a public space, namely in the MAESGLAS area of Newport, have had or are likely to have a detrimental effect on the quality of life of those in the locality and that these activities involved various anti-social behaviours. Further, Newport City Council believes that the effect, or likely effect, of the said activities is, or is likely to be, persistent or continuing in nature, such as to make the activities unreasonable and justifies the restrictions imposed by this Order:-

1. This Order shall come into operation on \_\_\_\_\_ 2018 and shall have effect for a period of 3 years thereafter, unless extended by further Orders under the Council’s statutory powers.
2. This Order relates to the public place in the City of Newport as shown edged in red on the Plan annexed to this Order (“the Restricted Area”) commonly referred to as “MAESGLAS”.

#### **PROHIBITIONS:-**

3. 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 to prevent public nuisance or disorder.
4. No person shall behave (either individually or in a group) in a manner that causes or is likely to cause harassment, alarm or distress to a member of the public; persons who breach this prohibition shall, when ordered to do so by an authorised person, disperse immediately or by such time as may be specified and in a manner as may be specified by the said authorised person and failure to do so is a further breach of this Order.
5. No person shall within the Restricted Area:
  - a. Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances.
  - b. Sell or supply intoxicating substances.



- c. Intoxicating substances (commonly referred to as “legal highs”) is given the following definition: substances with the capacity to stimulate or depress the central nervous system (does not include alcohol).
  - d. Exemptions shall apply in cases where the substances are used for valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs (to include drinks) regulated by food health and safety legislation.
  - e. Persons who breach this prohibition shall surrender any such intoxicating substance in his/her possession when asked to do so by an authorised officer in the Restricted Area.
6. No person shall, except as provided in Articles (6c) and (6d) below, use the public right of way over the public place as shown coloured in blue on the Plan annexed to this Order hereafter referred to as (“the Restricted Area 2”); namely part of a lane that runs directly behind the shops located on Cardiff Road known locally as the “Maesglas shops”.
- a. Gates may be installed, operated and maintained at each end by Newport City Council.
  - b. Any person using the gates referred to in Article (6a) to gain access to or from the Restricted Area 2 shall ensure that the gates are closed and locked immediately after they are used.
  - c. The restriction in Article (6) of this Order shall not apply to any person who occupies premises adjoining or adjacent to the Restricted Area 2.
  - d. The restrictions in Articles (6) and (6b) of this Order shall not apply to any Police, Ambulance or Fire Service personnel acting in pursuance of statutory powers or duties or to any statutory undertakers, gas, electricity, water or communications provider requiring access to their apparatus situated in the Restricted Area 2.
  - e. The alternative route for pedestrians is as shown hatched in xxxx on the Plan annexed to this Order.
  - f. No waste or household item shall be deposited, stored or discarded in the Restricted Area 2. This restriction shall not apply to any wheeled bin or other approved receptacle for the storage of waste where the Council has given written consent for the wheeled bin or approved receptacle to be stored in the Restricted Area 2.

**FIXED PENALTY NOTICES AND OFFENCES:-**

- 7. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
- 8. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a Level 2 fine (currently £500) or to a Fixed Penalty Notice up to £100.

9. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a Level 3 fine (currently £1000) or to a Fixed Penalty Notice up to £100.

APPEALS:-

10. If any interested person wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the

date on which this Order is made.

Dated:

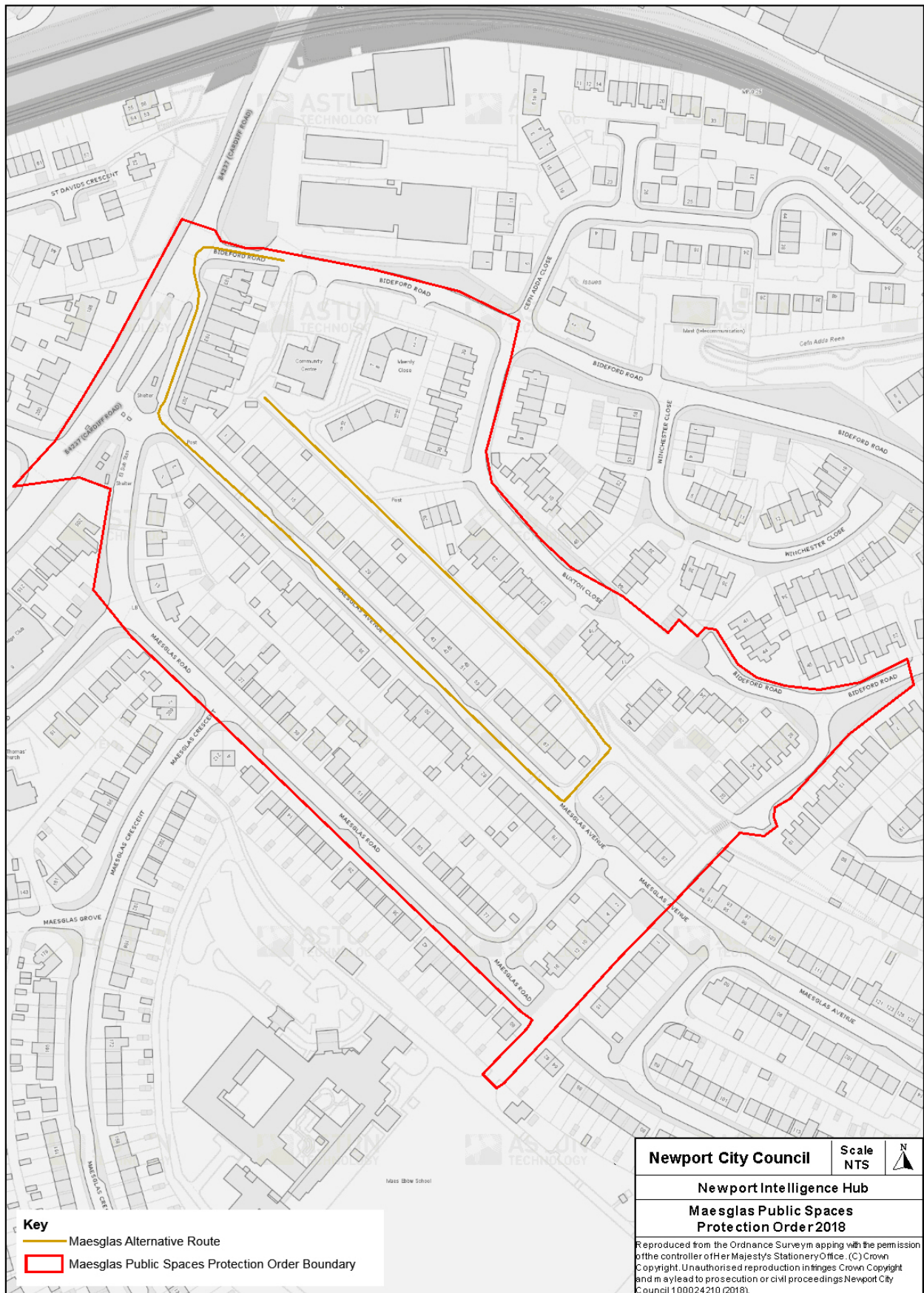
THE COMMON SEAL of )

NEWPORT CITY COUNCIL was )

here unto affixed in the presence of:- )

)

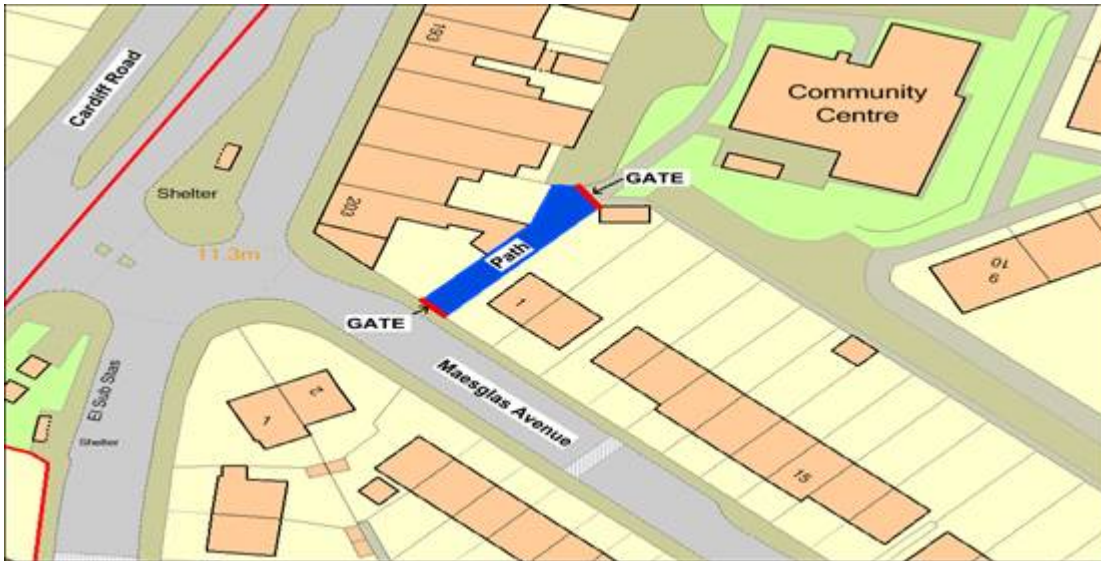
# Restricted Area



**Key**  
— Maesglas Alternative Route  
 Maesglas Public Spaces Protection Order Boundary

<b>Newport City Council</b>	Scale NTS	
<b>Newport Intelligence Hub</b>		
<b>Maesglas Public Spaces Protection Order 2018</b>		
<small>Reproduced from the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office. (C) Crown Copyright. Unauthorised reproduction in any form is prohibited and may lead to prosecution or civil proceedings Newport City Council 100024210 (2018).</small>		

**Restricted Area 2**



## Appendix B – Draft public consultation questionnaire questions

1. Have you experienced Anti-Social Behaviour in Maesglas in the past 12 months?
  - a. What type of Anti-Social Behaviour?
2. It is proposed that the restrictions in the 2018 Public Spaces Protection Order are renewed. Please select if you agree or disagree with each restriction being included in a new Order. If you disagree, please state your reasons.  
*Each of the proposed restrictions is then described as set out earlier in the report.*
3. Have you been affected by or witnessed Anti-Social Behaviour recently that would be affected by the proposed restrictions? *(Each proposed restriction listed).*
4. Is there anything else you would like to see included in the Order?
5. The map below shows the boundary of the area covered by the previous PSPO (shown by the red line). It is proposed to keep the area the same for the new Order. Do you think this proposed area includes the correct streets and areas? If not, do you think the area should be bigger? (please specify which additional streets or areas should be included) or smaller? (please tell us which streets/areas should be excluded). Please give reasons for your answer.

## Appendix C

# Fairness and Equalities Impact Assessment (FEIA)

This is an integrated Impact Assessment which aims to ensure Newport City Council makes decisions which are fair, take account of relevant evidence, and seek to secure the best outcomes for our communities. **An FEIA should be used to inform the first steps of decision-making, at concept stage, not when a decision is already made, or at the point when it cannot be influenced.** This impact assessment considers our legislative responsibilities under:

- The Equality Act (2010), including the Socio-economic Duty
- The Wellbeing of Future Generations (Wales) Act (2015)
- The Welsh Language (Wales) Measure (2011)

The FEIA process is not intended to prevent decisions being made, but to ensure we have considered their potential impact. An FEIA also helps us to focus on how we can reduce any negative impacts, and provides us with evidence that we have met our legal duties.

*For support to complete your FEIA, please contact the [Connected Communities Team](#)*

## What do we mean by Fairness?

The Newport Fairness Commission is an independent body which advises the council on the best use of resources and powers to achieve the fairest outcomes for local people. The Fairness Commission has established four **Principles of Fairness** which should be considered as part of any decisions that the council make – the questions below are useful to reflect on before you start your FEIA.

<b>Equity</b>	<b>Are people being treated in a consistent way, whilst acknowledging their differences (for example, need, barriers to accessing services)?</b>
	Will the gap between those with more, and those with less be reduced?
	Have the interests of different groups affected (including minority or disadvantaged communities) been taken into account?
<b>Priority</b>	Have the needs of the most disadvantaged and vulnerable across the city been given priority?
	Have you considered possible indirect consequences for minority/disadvantaged communities when other priorities are directing decisions?
<b>Inclusion</b>	Will the voices of all those affected by your decision be heard?
	Are people able to participate in and shape a service, as well as receiving it?
	Have you considered the impact of your decision on the relationship between communities, and the spaces they share?
<b>Communication</b>	Are decisions being made transparently and consistently?

How will decisions be communicated to people who are affected in a clear way, with the opportunity for feedback?

## Part 1: Identification

<b>Name of person completing the FEIA</b>	<b>Jonathan Keen</b>
<b>Role of person completing the FEIA</b>	Service Manager
<b>Date of completion</b>	7/11/22
<b>Head of Service who has approved this FEIA</b>	Silvia Gonzalez-Lopez

**1. What is being assessed?** *(Please double click on the relevant box(es) (X) and select 'checked' as appropriate)*

- New or revised policies, practices or procedures (which modify service delivery or employment practices)
- Service review or re-organisation proposals which affect the community and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- Decisions affecting service users, employees or the wider community including (de)commissioning or revising services
- New project proposals affecting staff, communities or access to the built environment
- Public events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Service Boards
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other *please explain in the box below:*

**2. Please describe the overall aims, objectives and intended outcomes of your decision**

To gain Cabinet Member approval for a public consultation exercise on the renewal of a Public Spaces Protection Order

**3. Who are the main stakeholders who may be impacted by your decision and what data do you hold on them? Consider communities of place (people who live in the same geographic area) and communities of interest (people who share particular characteristics but may live in different geographic areas). Stakeholders may include residents, local businesses, community groups, staff or partners.**

The main stakeholders who may be impacted by this decision include:

- All usual residents and businesses in Maesglas (Gaer Electoral Ward)
- Elected Members for Gaer
- Gwent Police
- Newport City Homes

At this pre-consultation stage, Ward Members, Gwent Police and Newport City Homes are all expressing the view that anti-social behaviour has started to become a problem again post-Covid, and that renewal of the PSPO is required.

The previous PSPO had a marked impact on anti-social behaviour in the relevant area and in particular the closure of the path significantly improved the wellbeing of residents in nearby properties on Maesglas Avenue according to partners. Prior to the previous PSPO, anti-social behaviour perpetrated by individuals used the path to congregate and to leave the scene after causing problems in the streets nearby.

The Community Wellbeing Profile 2021 for the South West Community area (which includes Gaer Ward, and in particular the Lower Super Output Area (LSOA) of 'Gaer 5') shows that Gaer 5 ranked in the top 10% most deprived areas in Wales for the Community Safety domain. Gaer 5 was one of the 2 LSOA's with the highest numbers of incidents of violence and sexual offences from August 2018 to July 2021. For the same period, 230 of the 950 anti-social behaviour incidents recorded for the Gaer ward were in Gaer 5 LSOA. 287 of the 1,471 records of 'all other police recorded crime' for the Gaer ward were in Gaer 5 LSOA.



## Part 2: Engagement

When completing this section, you need to consider whether you have sufficient information about the views and experiences of people who your decision will impact upon. If you don't, you may need to undertake a period of engagement/consultation before continuing. An FEIA is a live document, so can be updated with consultation findings, and amended as needed during the decision-making process.

The council has a duty to consult and engage with people who may experience inequalities as a result of your decision. This includes people **who share Protected Characteristics** (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and people who **have lived experience of socio-economic disadvantage**. The council's Youth Promise also requires us to ensure **all young people in Newport are listened to and included in decisions affecting them**.

The council also has a duty to ensure that any consultation is available bilingually (in Welsh as well as English), and you may like to consider any other community languages that are spoken by people who may be impacted by your decision. Below are some questions that should be included in any public consultation relating to a decision which may impact on the use of Welsh language in Newport:

1. Do you believe that the proposed decision/policy will have a positive or negative effect on opportunities to use the Welsh language?
2. If you think it will have a negative effect, what steps could we take to lessen or remove this and improve positive effects?
3. Do you believe that the proposed decision/policy will treat the Welsh language less favourably than the English language?

### **1. How have you engaged with people who may be affected by your decision (the stakeholders you have identified)?**

Not applicable at this stage – this is pre-consultation and seeking to start the process of consultation

### **2. What do you know about the views or experiences of people who may be affected by your decision?**

At this pre-consultation stage, Ward Members, Gwent Police and Newport City Homes are all expressing the view that anti-social behaviour has started to become a problem again post-Covid, and that renewal of the PSPO is required.

We also know that the majority of the feedback on the 2018 PSPO was positive.

## Part 3: Assessment

This section requires you to assess the potential impact of your decision on a range of groups who may experience specific disadvantages. Your assessment should be supported by evidence – either from your own engagement/consultation, similar or previous engagement, what you already know about the people who access your service, or from local and national sources of information.

Useful documents which set out information about how communities are impacted by inequalities include [EHRC – Is Wales Fairer?](#) and the council's [COVID-19 Community Impact Assessment](#). Your decision may have both positive and negative impacts – if this is the case, please place a cross in both boxes.

### 1. Impact on people that share Protected Characteristics

[Protected Characteristics](#) are defined under the Equality Act 2010, and describe groups of people who are protected from discrimination, either in the workplace, or through the provision of goods and services. The council must consider how decisions may impact on people differently because of a protected characteristic, and how any negative impact could be reduced. National guidance on assessing equality impacts and the Public Sector Equality Duty can be found [here](#). You can also access further advice and examples of positive and negative impacts [here](#).

Protected characteristic	Impact:			<b>Provide further details about the nature of the impact in the sections below, considering the Public Sector Equality Duty that the council has to:</b> <ol style="list-style-type: none"> <li>1. Promote equal opportunity across different groups</li> <li>2. Promote community cohesion</li> <li>3. Help eliminate unlawful discrimination/ harassment/ victimisation</li> </ol>
	Positive	Negative	Neither	
<b>Age</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that the proposal to consult will positively or negatively impact people who share this protected characteristic.
<b>Disability</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that the proposal to consult will positively or negatively impact people who share this protected characteristic.
<b>Gender Reassignment</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that the proposal to consult will positively or negatively impact people who share this protected characteristic.

Protected characteristic	Impact:			<p><b>Provide further details about the nature of the impact in the sections below, considering the Public Sector Equality Duty that the council has to:</b></p> <ol style="list-style-type: none"> <li>1. Promote equal opportunity across different groups</li> <li>2. Promote community cohesion</li> <li>3. Help eliminate unlawful discrimination/ harassment/ victimisation</li> </ol>
	Positive	Negative	Neither	
<b>Marriage or civil partnership</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that the proposal to consult will positively or negatively impact people who share this protected characteristic.
<b>Pregnancy or maternity</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that the proposal to consult will positively or negatively impact people who share this protected characteristic.
<b>Race</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that the proposal to consult will positively or negatively impact people who share this protected characteristic.
<b>Religion or Belief or non-belief</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that the proposal to consult will positively or negatively impact people who share this protected characteristic.
<b>Sex</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that the proposal to consult will positively or negatively impact people who share this protected characteristic.
<b>Sexual Orientation</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that the proposal to consult will positively or negatively impact people who share this protected characteristic.

## 2. Impact on Welsh Language

The Welsh Language (Wales) Measure specifies that for all policy decisions, the council must consider the effects (both positive and negative) on the Welsh language. For further guidance on Welsh language considerations see [here](#).




	Impact:			
	Positive	Negative	Neither	
<b>Welsh Language</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no evidence to suggest that the proposal to consult will positively or negatively impact the Welsh Language or compliance to Welsh Language Standards



**1. Please describe how you have ensured your engagement has considered the view of Welsh speakers in Newport and the impact of your decision on the Welsh language.**

Public consultation will be conducted in accordance with Welsh Language Standards. All consultation supporting documents, information and surveys will be available equally in Welsh, either through our website, social media or upon request of paper/alternative formats. In addition, public consultation will be advertised bilingually, and participants will be allowed to participate in either Welsh or English.

### 3. The Sustainable Development Principle

The Well-being of Future Generations Act puts in place a sustainable development principle which helps organisations consider the impact they could have on people living in Wales in the future, and ensure they are focused on tackling long-term challenges. Below, consider how your decision promotes, advances, or contradicts the [5 ways of working](#) which underpin the sustainable development principle. You can access further guidance on considering the sustainable development principle [here](#).

<p>Long term</p> 	<p><i>The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.</i></p>	<p>The maximum duration of a Public Spaces Protection Order is 3 years but it could be renewed if appropriate. The aim of the proposals is to reduce ASB in the area and it is hoped that this would have a long term benefit to the community.</p>
<p>Prevention</p> 	<p><i>Putting resources into preventing problems occurring or getting worse</i></p>	<p>A Public Spaces Protection Order cannot address the roots causes of why some youths cause ASB in this area, but the Community Safety team works closely with partners who complete such work such as Education, the Youth Service etc. Reducing ASB does help reduce future occurrences of ASB.</p>
<p>Integration</p> 	<p><i>Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.</i></p>	<p>The proposal is to consult on a Public Spaces Protection Order (PSPO) which has been designed to have a positive impact on the following Well-being goals:</p> <p>Well-being Goals</p> <ul style="list-style-type: none"> <li>• A prosperous Wales – the PSPO would reduce ASB in the area. ASB can impact on the education of children and on the success of businesses.</li> <li>• A healthier Wales – the PSPO would reduce ASB which would help improve the mental well-being of the community that would otherwise be affected.</li> <li>• A Wales of cohesive communities – the PSPO would help to protect the local community and make it more viable and safe.</li> </ul> <p>The information included above shows that there would be a positive impact on Newport City Council's Well-being Goals, as set out below:</p> <ul style="list-style-type: none"> <li>• To improve skills, educational outcomes and employment</li> </ul>

		<p>opportunities</p> <ul style="list-style-type: none"> <li>• To promote economic growth and regeneration whilst protecting the environment</li> <li>• To enable people to be healthy, independent and resilient</li> <li>• To build cohesive and sustainable communities</li> </ul>
<p>Collaboration</p> 	<p><i>Working together to deliver objectives.</i></p>	<p>Only the Council can make a Public Spaces Protection Order, however it would provide the Police and the Community Safety Warden Service with additional/alternative powers with which to address ASB in the area. The Community Safety team will continue to work together with the Police and other agencies/partners to address ASB. The Police and Newport City Homes have requested that the PSPO be renewed and the proposed consultation is in response to that request.</p>
<p>Involvement</p> 	<p><i>Involving those with an interest and seeking their view - ensuring that those people reflect the diversity of the area.</i></p>	<p>The proposed consultation will seek the views of all residents and businesses in the proposed PSPO area.</p>

#### 4. Socio-economic Duty

The [Socio-economic Duty](#) is set out in the Equality Act 2010, and requires the council, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage. Inequalities of outcome are felt most acutely in areas such as health, education, work, living standards, justice and personal security, and participation.

A 'strategic decision' is defined by Welsh Government as a decision **which affects how the council fulfils its statutory purpose over a significant period of time and does not include routine 'day to day' decisions.** Strategic decisions include:

- Corporate plans
- Setting wellbeing, equality and other strategic objectives
- Changes to, or development of public services
- Strategic financial planning
- Strategic policy development

If you do not think your decision meets this definition, and you do not plan on carrying out a Socio-economic Duty Assessment in this section, please provide your rationale below. Any decision which is presented to a Cabinet Member, at Cabinet or Council will be viewed as a strategic decision.

The proposal to conduct public consultation does not meet the definition of a 'strategic decision'.

If your decision does meet the definition, please consider the impact of your decision on the socio-economically disadvantaged groups, and areas of inequality that may arise from socio-economic disadvantage contained in the matrix below. The groups listed are not exhaustive and you should consider any additional groups relevant to your decision who may experience socio-economic disadvantage in the following ways:

- **Low Income/Income Poverty** - cannot afford to maintain regular payments such as bills, food, clothing, transport etc.
- **Low and/or no Wealth** - enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provisions for the future
- **Material Deprivation** - unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, hobbies etc.)
- **Area Deprivation** - where you live (rural areas), where you work (accessibility of public transport)
- **Socio-economic Background** – for example, parents' education, employment and income

Indicate a positive or negative impact, or both where they apply, and the severity of this impact by coding the sections of the grid based on the below. *If there is no/neutral impact, please leave blank.*

Negative Impact		Positive Impact	
N1	Negative impact – mild	P1	Positive impact – mild
N2	Negative impact – moderate	P2	Positive impact – moderate
N3	Negative impact – significant	P3	Positive impact – significant
N4	Potential for negative impact (but unsure)	P4	Potential for positive impact (but unsure)

Areas of inequality that may arise from socio-economic disadvantage – definitions
<b>Education</b> :The capability to be knowledgeable, to understand and reason, and to have the skills and opportunity to participate in the labour market and in society
<b>Work</b> : The capability to work in just and favourable conditions, to have the value of your work recognised, even if unpaid, to not be prevented from working and to be free from slavery, forced labour and other forms of exploitation
<b>Living Standards</b> : The capability to enjoy a comfortable standard of living, in appropriate housing, with independence and security, and to be cared for and supported when necessary.
<b>Justice, Personal Security and Community Safety</b> : The capability to avoid premature mortality, live in security, and knowing you will be protected and treated fairly by the law
<b>Health</b> : The capability to be healthy, physically and mentally, being free in matters of sexual relationships and reproduction, and having autonomy over care and treatment and being cared for in the final stages of your life
<b>Participation</b> : The capability to participate in decision making and in communities, access services, know your privacy will be respected, and express yourself

Groups	Areas of inequality						
	Living Standards	Work	Health	Education	Justice and community safety	Participation	Physical Environment
Children living in poverty							
Low income households without dependent children							
Unemployed young people							
Long term unemployed							
Homeless households							
Refugees, migrants and asylum seekers							
Deprived neighbourhoods - WIMD rank in 10% most deprived LSOA							



People on Universal Credit / income related benefits							
Adults with no qualifications or low qualifications							
People living in low quality housing or in Houses of Multiple Occupation							

**1. What evidence do you have about socioeconomic disadvantage and inequalities of outcome in relation to this decision?**

N/A

**2. Please describe how you have ensured your engagement has considered the views of people living in Newport who are affected by socio-economic disadvantage.**

N/A

**3. Does this decision contribute to a cumulative impact?**

N/A

## Part 3: Actions and Outcomes

Considering any negative impacts that you have identified, indicate below how you will reduce these, increase the potential for positive impacts, and how you will monitor those impacts. Further guidance on how to complete your action plan can be found [here](#).

IMPACT ON PEOPLE THAT SHARE PROTECTED CHARACTERISTICS			
Summary of impact	Action to reduce negative impact / opportunities	How this impact will be	Owner

	to increase positive impacts	monitored	
<b>IMPACT ON WELSH LANGUAGE</b>			
<b>Summary of impact</b>	<b>Action to reduce negative impact / opportunities to increase positive impacts</b>	<b>How this impact will be monitored</b>	<b>Owner</b>
<b>SOCIO-ECONOMIC IMPACTS</b>			
<b>Summary of impact</b>	<b>Action to reduce negative impact / opportunities to increase positive impacts</b>	<b>How this impact will be monitored</b>	<b>Owner</b>
<b>SUSTAINABLE DEVELOPMENT PRINCIPLE</b>			
<b>Summary of impact</b>	<b>Action to reduce negative impact / opportunities to increase positive impacts</b>	<b>How this impact will be monitored</b>	<b>Owner</b>