

Scrutiny Report



Overview and Scrutiny Management Committee

Part 1

Date: 19th February 2021

Subject **Pill PSPO - 2021-2024 (Public Spaces Protection Order)**

Author Rhys Thomas – Acting Regulatory Services Manager

The following people have been invited to attend for this item:

Invitee:	Area / Role / Subject
Gareth Price	Head of Law and Regulation
Rhys Thomas	Regulatory Services Manager
Steffan Williams	Inspector - Gwent Police
Michelle Tett	Community Protection Manager
Tracey Holyoake	Pillgwenlly Ward Councillor - Newport City Council

Section A – Committee Guidance and Recommendations

1.0 Recommendations to the Committee

The Committee is asked to:

- (i) Agree (or otherwise) the restrictions imposed by the draft PSPO
- (ii) Satisfy itself that the evidence provided is sufficient, or otherwise, to progress to public consultation on the draft PSPO (**Section 4**)
- (iii) Consider the consultation plan (**Appendix 4**) and determine whether the proposed consultation is targeting the most appropriate people / organisations and whether the chosen medium of consultation will provide the necessary information for the process to proceed.
- (iv) Agree to review the outcomes of the consultation and consider the final draft of the PSPO at a future meeting, prior to presentation at Full Council.

2.0 Context

2.1 What is a Public Spaces Protection Order?

2.2 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 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.

2.3 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. There are particular considerations for registered common land, town or village greens and open access land.

2.4 The maximum length of a PSPO is three years.

2.5 When making a PSPO, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in the Human Rights Act 1998. Consideration of a PSPO will take place where there is material evidence of anti-social behaviour.

2.6 What kind of Restrictions can be in a PSPO?

2.7 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 Anti-social behaviour.

2.8 Orders can be enforced by a Police officer, Police Community Support Officer and delegated and duly authorised Council Officers e.g. Community Safety Wardens or Environmental Health Staff. 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 or a level 3 fine of up to £1000, on prosecution.

2.9 Previous Pill PSPO

2.10 The Previous PSPO for Pill was enacted in July 2017, contained 3 restrictions and expired in July 2020.

2.11 Since then, Council officers have been liaising with Gwent Police and other partners to consider the controls within the previous PSPO, establish whether they are fit for purpose, and to consider any additional controls required.

3.0 Previous Pill PSPO

3.1 The previous Pill PSPO restrictions are outlined below.

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59 PUBLIC SPACES PROTECTION ORDER 2017 PILLGWENLLY, 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 PILLGWENLLY 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 25 July 2017 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 red on the Plan annexed to this Order ("the Restricted Area") commonly referred to as "Pill".

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 congregate in a group of THREE or more persons within the Restricted Area AFTER an authorised person has requested that the group disperse.
5. Intoxicating substances: No person shall within the Restricted Area:
 - a. Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances.
 - b. Sell or supply intoxicating substances.

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.

"Intoxicating substances" (psychoactive substances) is given the following definition: substances with the capacity to stimulate or depress the central nervous system. Exemptions: alcohol (covered by (3) above), tobacco inc. vaporisers, food stuffs (to include drinks) regulated by food, health and safety legislation and where the substances are used for valid and demonstrable medicinal use, or substances given to an animal as a medicinal remedy.

FIXED PENALTY NOTICES AND OFFENCES:-

6. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
7. 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.
8. 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.

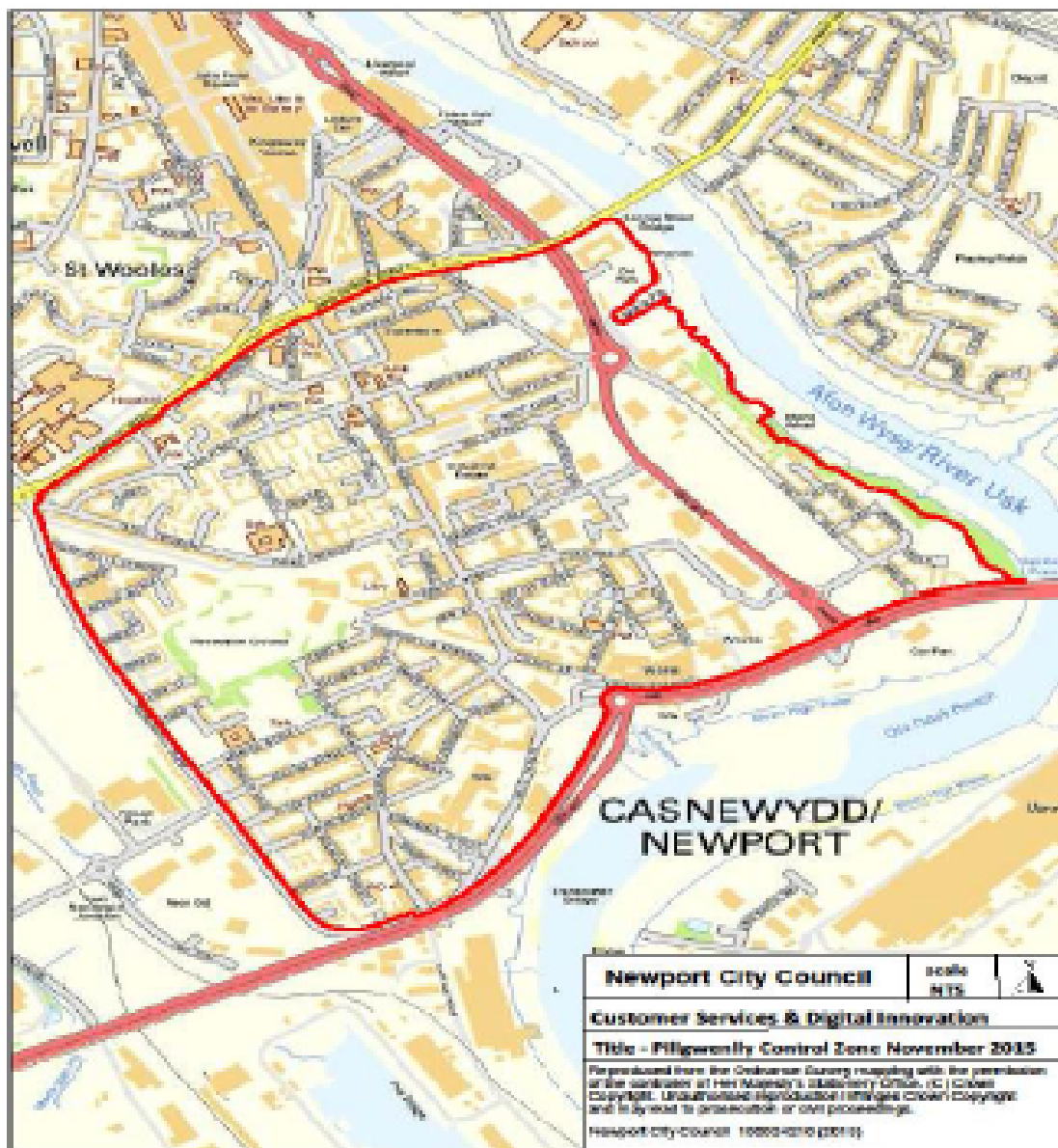
APPEALS:-

9. 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:-

Annex- Map showing area to be covered by the PSPO.



4.0 Proposed/Draft Pill PSPO (2021 – 2024)

4.1 The proposed content of the new PSPO is below.

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59 PUBLIC SPACES PROTECTION ORDER 2021 PILLGWENLLY, 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 PILLGWENLLY 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:-

This Order shall come into operation on _____ xxxx _____ 2021 and shall have effect for a period of 3 years thereafter, unless extended by further Orders under the Council’s statutory powers.

This Order relates to the public place in the City of Newport as shown edged red on the Plan, annexed 1 to this Order (“the Restricted Area”) commonly referred to as “Pill”.

The effect of the Order is to impose the following prohibitions in the Restricted Area at all times and will be enforced by Police Constables, Police Community Support Officers with delegated authority or an authorised Local Authority Council Officer.

PROHIBITIONS:-

1. Refusing to stop drinking alcohol or hand over any containers (sealed or unsealed) in their possession, which are believed to contain alcohol, when required to do so by an authorised Officer within the Restricted Area.
2. No person shall behave (either individually or in a group) in a manner that has caused or is likely to cause harassment, alarm or distress to a member of the public within the Restricted Area. Persons who breach this prohibition shall, when ordered to do so by an authorised Officer, disperse immediately and not return within 24hours, unless for a lawful reason.
3. No begging in a manner which is aggressive or intimidating or is likely to cause someone to feel harassed, alarmed or distressed.
4. No person shall urinate or defecate in a public space or in public view except in a premises designated for that purpose within the Restricted Area.
5. No person shall within the Restricted Area:
 - Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances*.
 - Sell or supply intoxicating substances*.

Persons who breach this restriction shall surrender any such intoxicating substance in his/her possession when asked to do so by a Police Constable.**

***“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).*

***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.*

6. Cyclists, or users of scooters, E-scooters, E-bikes, skateboards and hover boards, are to dismount if requested to do so by an authorised officer, if they are of the opinion that the operator is riding in an unsafe manner which is causing or is likely to cause a danger to the public in the Restricted Area.
7. No person shall engage in littering; it is an offence to throw down, drop or otherwise deposit and then leave, litter in any place in the open air within the Restricted Area.
8. No person shall spit saliva or any other product from their mouth onto the ground within the Restricted Area.
9. No person(s) shall enter the area, engage, loiter or solicit on the streets for sexual exploitation within the Restricted Area.

FIXED PENALTY NOTICES AND OFFENCES:-

10. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
11. 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.
12. 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:-

13. 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:-)
)

ANNEX 1 – Pillgwenlly, Newport Public Space Protection Order Restricted Area



4.2 Comparison of controls

Previous 2017 PSPO Restriction	Revised 2021 PSPO Restriction	Comment
<p>Street Drinking 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.</p>	<p>Refusing to stop drinking alcohol or hand over any containers (sealed or unsealed) in their possession, which are believed to contain alcohol, when required to do so by an authorised Officer within the Restricted Area.</p>	<p>Amended on consultation with Gwent Police and in learning from implementation of the City Centre PSPO</p>
<p>Groups No person shall congregate in a group of three or more persons within the restricted area after an authorised officer has requested that the group disperse</p>	<p>No person shall behave (either individually or in a group) in a manner that has caused or is likely to cause harassment, alarm or distress to a member of the public within the Restricted Area. Persons who breach this prohibition shall, when ordered to do so by an authorised Officer, disperse immediately and not return within 24hours, unless for a lawful reason.</p>	<p>Amended on consultation with Gwent Police and in learning from implementation of the City Centre PSPO</p> <p>Removes the number of people from the restriction and additional control of not returning.</p>
<p>Intoxicating Substances No person shall within the restricted area:</p> <ul style="list-style-type: none"> a) Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances b) Sell or supply intoxicating substances <p>Persons who break 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</p> <p>“intoxicating substances” (psychoactive substances) is given the following definition. Substances with the capacity to stimulate or depress the central nervous system.</p> <p>Exemptions: Alcohol (covered (3) above), tobacco (including vaporisers), foodstuffs (to include drinks) regulated by Food or Health and Safety legislation, and where the substances are used for valid and demonstrable medicinal use, or</p>	<p>No person shall within the Restricted Area:</p> <ul style="list-style-type: none"> • Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances*. • Sell or supply intoxicating substances*. <p>Persons who breach this restriction shall surrender any such intoxicating substance in his/her possession when asked to do so by a Police Constable.**</p> <p><i>**“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).</i></p> <p><i>**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</i></p>	<p>Amended on consultation with Gwent Police and in learning from implementation of the City Centre PSPO</p> <p>Includes reference to “legal highs”.</p> <p>Clarifies specific enforcement role i.e. police constable.</p> <p>Caveats on exemptions re-worded and simplified.</p>

substances given to an animal as a medicinal remedy	<i>food stuffs (to include drinks) regulated by food health and safety legislation.</i>	
Restricted Area NCC proposes no current change to the restricted area.	No change	N/A
New 2021 Restrictions		
Restriction	Comment	Evidence Provided
Begging No begging in a manner which is aggressive or intimidating or is likely to cause someone to feel harassed, alarmed or distressed.	Inclusion requested by Police. Similar restriction used in City Centre PSPO	Cited as necessary in evidence/submissions provided to NCC by Police
Urination / Defecation No person shall urinate or defecate in a public space or in public view except in a premises designated for that purpose within the Restricted Area.	Inclusion requested by Police.	Cited as necessary in evidence/submissions provided to NCC by Police
Scooters, Bikes et al. Cyclists, or users of scooters, E-scooters, E-bikes, skateboards and hover boards, are to dismount if requested to do so by an authorised officer, if they are of the opinion that the operator is riding in an unsafe manner which is causing or is likely to cause a danger to the public in the Restricted Area.	Inclusion requested by Police.	Limited or no evidence provided. Some reference to bikes associated with ASB in CSW complaint logs.
Littering No person shall engage in littering; it is an offence to throw down, drop or otherwise deposit and then leave, litter in any place in the open air within the Restricted Area.	Inclusion requested by Police.	NCC CSW's evidence
Spitting No person shall spit saliva or any other product from their mouth onto the ground within the Restricted Area.	Inclusion requested by Police.	Limited Evidence Provided
Sexual Exploitation No person(s) shall enter the area, engage, loiter or solicit on the streets for sexual exploitation within the Restricted Area.	Inclusion requested by Police. This is not a low level anti-social behaviour. The Police have significant powers to deal with this issue currently.	Cited as necessary in evidence/submissions provided to NCC by Police

	In this restriction, the meaning of Solicit is taken to be “to ask” or “to petition”	
Restricted Area NCC proposes no current change to the restricted area.	No change currently proposed.	

5.0 Supporting evidence

The necessary evidence to support Scrutiny Committee in making its decision is included in the appendices associated with this report.

- 5.1 **Appendix 1 NCC Law and Regulation:** Summary of the proposed amended PSPO and the restrictions it contains.
- 5.2 **Appendix 2** is the PSPO City Centre Community Safety Wardens complaint history from June 2017 to July 2020
- 5.3 **Appendix 3** is the Police Evidence, Submissions and Data provided to support the need for the new Pillgwenlly PSPO
- 5.4 **Appendix 4** is the proposed Draft online public consultation questionnaire and the approach to consultation including identification of key community stakeholders.
- 5.5 **Appendix 5** is the City Centre PSPO for comparison

6.0 Suggested Areas of Focus

6.1 At this stage, the Committee is asked to:

- 6.1.1 Agree (or otherwise) the continued need for a PSPO in the Pillgwenlly area of Newport.
 - 6.1.2 Agree (or otherwise) the restrictions imposed by the draft PSPO
 - 6.1.3 Satisfy itself that the evidence provided is sufficient, or otherwise, to progress to public consultation on the draft PSPO (**Section 4**)
 - 6.1.4 Consider the consultation plan (**Appendix 4**) and determine whether the proposed consultation is targeting the most appropriate people / organisations and whether the mediums of consultation will provide the necessary information.
- 6.2 At a future meeting, the Committee will be invited to consider the outcomes of the consultation and will have an opportunity to comment on the proposed PSPO changes as result of that consultation Prior to presenting the final PSPO to council.

Section B – Supporting Information

7.0 Links to Council Policies and Priorities

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

7.2 Pill Antisocial behaviour is directly cited as an issue. The previous PSPO is referenced in the Corporate Plan as a key tool to improving people’s lives and delivering a more resilient community in Pill.

8.0 Risks

8.1 The risks associated with amending and introducing new restrictions to the Pill PSPO are minimal. The risks include implementing unenforceable restrictions, imposing conditions that have unexpected consequences, unfairly impact on otherwise permitted freedoms, and the PSPO becoming irrelevant.

8.2 Scrutiny committee is invited to acknowledge that there has been a previous PSPO applying to the Pill area, however the proposed amendments to a new PSPO include additional restrictions.

9.0 Financial Implications

9.1 There are no financial implications to the Scrutiny committee reviewing the need for the PSPO, consultation process or proposed amendments to the PSPO. There are no financial costs associated with undertaking the consultation.

10.0 Background Documents

- Safer Pill Response Plan (2020)
- Safer Pill Minutes August (2020)
- LGA PSPO Guidance to LA’s (2020)
- Corporate Plan (2017-2022)



Safer Pill Response
Plan 20200827.docx



Safer Pill minutes,
August 2020.docx



10.21 PSPO
guidance_06_1.pdf



Corporate-Plan-201
7-2022.pdf

Report Completed: 19 February 2021

Appendix 1: NCC Law and Regulation: Review of the proposed amended PSPO

Community and Environment: Regulatory Services Manager Summary

Since the expiry of the previous 2017 Pill PSPO, there has been a clear request of Newport City Council to re-implement a PSPO in the ward of Pill. This has been evidenced through community action groups such as the Safer Pill Working Group, the associated community steering group and identified in communication between Officers of Gwent Police and Newport City Council. Re-implementation of a PSPO is seen as crucial in the Pill Working Group action plan.

Informal consultation on the proposed wording used in the PSPO, and its continuing need has been undertaken by the Community Protection Manager with Gwent Police Colleagues and is testimony to the close and effective working arrangements established between the two bodies. The Cabinet Member for Community and Environment has been briefed on the progress made to date. The Coronavirus pandemic has delayed progress on this piece of work.

The number of restrictions associated with the proposed 2021 PSPO has increased. The additional restrictions are requested by Gwent Police colleagues.

The previous PSPO was used by NCC Community Safety Wardens and a number of FPNs were issued.

Use of the previous PSPO sanctions by the Police was minimal.

Alcohol, Gatherings, Dispersal and Drug Use

NCC Law and Regulation department support the re-wording and then re-imposition of the PSPO restrictions on the control of Alcohol, Drug use and gatherings that may cause anti-social behaviour, offence, harassment or harm. Evidence from both NCC teams and Gwent Police supports the need for these restrictions. Similar restrictions exist in other Local Authority PSPO's.

Cycling, E Scooters, E Bikes and hover-boards

New restrictions associated with cycling, e-bikes, hover-boards, skateboards or use of e-scooters are requested by the Police. Limited evidence has been provided to substantiate the need for this control although it is acknowledged that E-scooters and hover boards are a more modern development and would not have been of such relevance at the time of considering or drafting the previous PSPO. Additional verbal context provided by Gwent Police indicates these new modes of transport are, in some circumstances, being used to evade the Police and are directly linked to gang issues and the distribution of drugs.

Cycling is a hobby, a way of children getting to school, getting to and from work and is part of employer sustainable travel or activity plans. It has significant benefits to mental health. The implementation of this PSPO restriction must not impinge on legitimate use of these modes of transport.

Begging

No evidence has been provided by Police colleagues to support the need for this restriction in the Ward of Pill. 6 instances or call logs were recorded by NCC Community Safety Wardens including 2 that cite Aggressive Begging. The wording of this restriction permits begging, but prevents aggressive or intimidating behaviour. The implementation of this restriction follows a similar inclusion in the City Centre PSPO.

Littering, Spitting, Urinating and Defecation

Limited Police evidence has been provided on the direct need for these restrictions. However, they relate to wider issues reflected in the Safer Pill Working Group, are supported in some of NCC's evidence and as such can be seen as relevant wider restrictions. Verbal update from Police colleagues cites recent examples where defecation on religious building steps, in fire escapes and urination in alleyways and door was as a regular occurrence. The inclusion of these restrictions in a PSPO is a proportionate additional tool to combat this behaviour. Other Local Authorities are consulting on similar controls (Swansea).

Sexual Exploitation/Soliciting

This is a new restriction requested by Gwent Police. Evidence from a local Constable has been provided and shows that there is a clear issue, and that Gwent Police already has powers to deal with it. This is not a low level Anti Social Behaviour issue. It has many links to serious and organised crime and higher level offending.

The evidence provided by Gwent Police identifies there is an issue, but does not identify that the most appropriate way to deal with this issue is via a PSPO.

On review of PSPO's implemented in Caerphilly, Cardiff and Wrexham, no similar controls exist in those locations, but it must be noted, they may not have a cause to include them.

A Swansea [PSPO consultation](#) identifies 'sex working' as a contributing factor and a rationale for closing or gating a tunnelled area, included alongside other restrictions for drugs and alcohol. ([Swansea - Public Space Protection Orders \(PSPOs\)](#))

[Redbridge](#) Council in England has implemented **borough wide** restriction on "prostitution related activity" using PSPO's as the control tool. Their PSPO includes the restriction: "*No person shall attempt to buy sexual services from another person*" and also that "*No person shall be verbally abusive to any person or behave in a way which causes or is likely to cause harassment, alarm or distress to another person*".

On 04 February 2021, a Gwent Police Inspector provided verbal update in advance of the Scrutiny meeting on the rationale for inclusion and their need for this restriction. Verbal evidence was provided on the context of the sexual exploitation occurring in Pill and how it relates to a more complicated regional and national picture. The context provided is of note.

The Inspector, who has remit for Pill, and is Chair of a community steering group has identified that the inclusion of this control will aid the Police in issuing FPN's **before** a person undertakes the act of soliciting - a much more serious offence. When integrated with other powers, the use of the proposed restriction will allow for rapid response to the issues. It will actively target and aim to discourage those travelling into the area with the view to exploit others. It will help the Police focus on higher risk offending. There is no expectation on NCC officers acting or issuing FPN's on this particular issue.

Scrutiny Committee is asked to carefully consider the wording of this restriction. This restriction **does not** target the people being exploited. **It is worded to target those exploiting others.**

The NCC Law and Regulation department position is that the Police remain the most suited organisation to deal with this concerning, higher level and complicated issue. A PSPO can be used to deal with these issues, as seen from consultation in Swansea and active in Redbridge. If imposed, the remit for enforcement and use of this restriction will fall solely to Police.

Appendix 2

Below is a record of the NCC Community Safety Wardens service request or complaint data from August 2017 – July 2020 relating to the area of Pillgwenlly. This data spans a time frame when the service changed reporting processes. Where relevant themes associated with the proposed PSPO are apparent, or links to broader Antisocial Behaviour, they are outlined under Commentary/PSPO Relevance.

Date Range	Call Log Type	Number of Calls	Commentary / PSPO relevance
August 2017 – June 2020	Nuisance - Assistance to the public.	31	Not specifically ASB related, could relate to leaflet drops, general advice, floodlights.
June 2018 – July 2020	Nuisance - anti Social Behaviour (Begging).	6	2 Calls specifically cite Aggressive Begging.
October 2017 – May 2020	Nuisance - Abuse Harassment.	11	Verbal abuse, shouting or threats being issued. Some links to drugs or Alcohol referenced.
August 2017 – July 2020	General Nuisance	68	2 records cite Bikes as being involved in nuisance. Many records involves broader ASB including shouting, alcohol, drugs, and intimidating people. 13 records cite gatherings or groups of people of various sizes. One reference to urination into a bottle
July 2017 - July 2020	Abuse Nuisance - Drug/Solvent	24	Main complaints related to Drug use and of needles being found.
August 2017 – June 2020	Public Nuisance - Drinking in Public	8	This code relates specifically to alcohol consumption.
July 2017 – July 2020:	Nuisance - Criminal Activity	11	Reports of weapons, broader ASB, cultivation of drugs.
July 2017 – December 18	Littering	7	Drug Needles and throwing litter. Other non ASB related complaints.

NCC issued Fixed Penalty tickets/Notices

Below is a log of FPN's issued by Newport officers between July 2017 and July 2020 in the ward of Pill.

FPN Type	Number	Commentary
Non-PSPO FPN	27	Primarily associated with Littering.
PSPO FPN	10	Issued for non-compliance with the Previous PSPO, primarily relate to alcohol consumption/use
PSPO FPN - Other	8	Issued for non-compliance with the previous PSPO, primarily relate to alcohol consumption / use

Appendix 3

Police Data submitted in support of the proposed Pill PSPO

1.0 Statement of Police Officer:

I am PC XXXXXXXXX of Gwent Police currently based at Pill. Police Station in Newport as the Crime and Disorder Reduction Officer for the Newport West Local Policing Team.

I will say that this statement is made from my own knowledge, except where I have indicated that matters are based on information that I have obtained or matters which I believe to be true. Where appropriate, I have indicated the source of my information and/or belief.

My role includes identifying repeat calls and locations, victims and offenders of crime and anti social behaviour, identifying the causes and developing sustainable solutions. I also monitor persistent offenders whose behaviour impacts on the quality of life of the general public within the Newport Area, more specifically the Western side of Newport, this includes the Pill Area.

In relation to the application of a Public Space Protection Order, I can provide the following calls in relation to the Violence, Drug taking, Street Drinkers and ASB in the Pill area during the period from 1st August 2020 and 8th January 2021.

During this time period there has been
171 calls relating to Violence without Injury.
102 Public Order Offences
32 Drugs offences
8 possession of weapons
8 Robberies

The following stats relate to soliciting within the area of the Pill Ward. Since 31/8/20 there has been

35 persons arrested for Soliciting of which 28 have been charged and 1 cautioned.
6 arrests for street sexually exploited adults (non- prostitution offences)
10 Arrests from Misuse of Drugs Act Warrants.
There has been 13 vehicles seized under Section 59, one under section 165 RTA no insurance

I believe that the facts as stated in this witness statement are true.

SIGNED: XXXXXXXXX

Police Constable XXXXXXXXX

DATED: 8th January 2021.

2.0 Commentary/Supporting evidence from Gwent Police Inspector

NCC and Gwent Police liaise regularly in various forums. The Safer Pill working group, pan Newport ASB work and in other fora. We proactively engage in regular communication and joint enforcement initiatives. In discussion on the relevance of the previous PSPO and in trying to understand the need for a continued and improved PSPO a Gwent Police colleague on 25th October 2020 indicated (*paraphrased*):

That the previous PSPO wasn't used much by Gwent Police as it was narrower than the actual issues and contained loop holes. The Inspector outlined the previous principal controls, namely: street drinking, dispersing groups of 3 or more, using intoxicating substances, sell or supply intoxicating substances. But that these restrictions were too limited. There was no significant reduction in ASB matters because of these issues and a perceived inability of the previous PSPO to deal with the wider issues across Pill. No FPN's were issued by Police colleagues. The Officer is keen to impress that there is considerable public outcry at the anti-social behaviour created by individuals as well as groups loitering on the streets and open areas. This causes a fear of crime, an image of gangs along the streets as well as the unpleasant anti-social activities resulting in public being harassed alarmed and distressed. A PSPO with wider remit and refreshed for the current issues faced by Pill in 2021 will have more relevance.

Appendix 4

The proposed approach to consultation and the questions and response options to the online questionnaire.

Consultees

NCC will consult the following organisations and partners during the consultation phase between **01 March 2021 and 31st March 2021.**

Consultee	Mode of Engagement
Public	Online Questionnaire Publicise via Social Media Provide link to consultation via Bus Wifi
Police and Crime Commissioner	Online Questionnaire to be sent directly to Office of the PCC.
Safer Pill	Chair to be sent Online Questionnaire and coordinate response on their behalf Tabled and Agenda item to require response on behalf of the group at next meeting
Safer Pill Steering group	Group to be invited to respond with possible physical attendance (Covid Permitting) at a meeting within the consultation period. Tabled and Agenda item to require response on behalf of the group at next meeting

2.0 Questionnaire questions



Public Space Protection Order (PSPO) - Pillgwenlly

What is a Public Space Protection Order (PSPO)?

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 nature; and be unreasonable. The power to make an order rests with the local authority. PSPO's are made under the Anti-Social Behaviour, Crime and Policing Act 2014.

The Council can make a PSPO on any public space within its own area. 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.

What can a PSPO do?

Restrictions and requirements are set out 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 anti-social behaviour.

Orders can be enforced by a police officer, police community support officer and delegated council officers. 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 3 fine of up to £1000, on prosecution.

Consultation Questions

1.	Are you a.....?		
	<input type="checkbox"/> Resident of Pill	<input type="checkbox"/> Visitor	
	<input type="checkbox"/> Worker in Pill	<input type="checkbox"/> Other	
Please specify:			
2.	Have you experienced Anti-Social Behaviour in Pill in the past 12 months?		
	<input type="checkbox"/> Never	<input type="checkbox"/> Rarely	<input type="checkbox"/> Occasionally

Restrictions

The following restrictions are proposed in the new PSPO, please select if you agree or disagree with the restriction. If you disagree, please state your reasons.

3.a	Refusing to stop drinking alcohol or hand over any containers (sealed or unsealed) in their possession, which are believed to contain alcohol, when required to do so by an authorised Officer within the Restricted Area?	
	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree
If you disagree, why?		
3.b	Please add any further comments about this condition.	
4.a	No person shall behave (either individually or in a group) in a manner that has caused or is likely to cause harassment, alarm or distress to a member of the public within the Restricted Area. Persons who breach this prohibition shall, when ordered to do so by an authorised Officer, disperse immediately and not return within 24hours, unless for a lawful reason.	
	<input type="checkbox"/> Agree	<input type="checkbox"/> Disagree

	If you disagree, why?
4.b	Please add any further comments about this condition.
5.a	No begging in a manner which is aggressive or intimidating or is likely to cause someone to feel harassed, alarmed or distressed.
	<input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree
	If you disagree, why?
5.b	Please add any further comments about this condition.
6.a	No person shall urinate or defecate in a public space or in public view except in a premises designated for that purpose within the Restricted Area.
	<input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree
	If you disagree, why?
6.b	Please add any further comments about this condition.

7.a	<p>No person shall within the Restricted Area:</p> <ul style="list-style-type: none"> • Ingest, inhale, inject, smoke, possess or otherwise use intoxicating substances* • Sell or supply intoxicating substances* <p>Persons who breach this restriction shall surrender any such intoxicating substance in his/her possession when asked to do so by a Police Constable.**</p> <p><i>*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).</i></p> <p><i>**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.</i></p> <p><input type="checkbox"/> Agree <input type="checkbox"/> Disagree</p> <p>If you disagree, why?</p>
7.b	<p>Please add any further comments about this condition.</p>
8.a	<p>Cyclists, or users of scooters, E-scooters, E-bikes, skateboards and hover boards, are to dismount if requested to do so by an authorised officer, if they are of the opinion that the operator is riding in an unsafe manner which is causing or is likely to cause a danger to the public in the Restricted Area.</p> <p><input type="checkbox"/> Agree <input type="checkbox"/> Disagree</p> <p>If you disagree, why?</p>
8.b	<p>Please add any further comments about this condition.</p>
9.a	<p>No person shall engage in littering; it is an offence to throw down, drop or otherwise deposit and then leave, litter in any place in the open air within the Restricted Area.</p>

	<input type="checkbox"/> Agree		<input type="checkbox"/> Disagree
<p>If you disagree, why?</p>			
9.b	Please add any further comments about this condition.		
10.a	No person shall spit saliva or any other product from their mouth onto the ground within the Restricted Area.		
	<input type="checkbox"/> Agree		<input type="checkbox"/> Disagree
<p>If you disagree, why?</p>			
10.b	Please add any further comments about this condition.		
11.a	No person(s) shall enter the area, engage, loiter or solicit on the streets for sexual exploitation within the Restricted Area.		
	<input type="checkbox"/> Agree		<input type="checkbox"/> Disagree
<p>If you disagree, why?</p>			
11.b	Please add any further comments about this condition.		

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12.	Is there anything else you would like to see included in the Order.
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Please state:

13.	The below image shows the boundary that is covered by the PSPO.
	Image of Pill to be added
	What do you think we should do (tick your preference)?

<input type="checkbox"/> Keep to the Pill boundary	<input checked="" type="checkbox"/> Make bigger	<input type="checkbox"/> Make smaller
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If you have ticked 'make bigger' or 'make smaller', please give details

Equalities Monitoring

This is to gather more comprehensive equalities information for those completing the survey.

14.	What is your gender?		
	<input type="checkbox"/> Male	<input type="checkbox"/> Non-binary	<input type="checkbox"/> Prefer not to say
	<input type="checkbox"/> Female	<input type="checkbox"/> Self-identify	
	If you ticked 'Self-identify', please state:		
15.	Age?		
	<input type="checkbox"/> Under 18 years old	<input type="checkbox"/> 35-44 years old	<input type="checkbox"/> 65-74 years old
	<input type="checkbox"/> 18-24 years old	<input type="checkbox"/> 45-54 years old	<input type="checkbox"/> 75 years or older
	<input type="checkbox"/> 25-34 years old	<input type="checkbox"/> 55-64 years old	<input type="checkbox"/> Prefer not to say
16.	What area of Newport do you live in?		
	<input type="checkbox"/> Allt-Yr-Yn	<input type="checkbox"/> Langstone	<input type="checkbox"/> Rogerstone
	<input type="checkbox"/> Alway	<input type="checkbox"/> Llanwern (Goldcliff)	<input type="checkbox"/> Shaftesbury (Crindau / Brynglas)
	<input type="checkbox"/> Beechwood	<input type="checkbox"/> Lliswerry	<input type="checkbox"/> St Julians
	<input type="checkbox"/> Bettws	<input type="checkbox"/> Malpas	<input type="checkbox"/> Stow Hill
	<input type="checkbox"/> Caerleon	<input type="checkbox"/> Marshfield	<input type="checkbox"/> Tredegar Park (Duffryn)
	<input type="checkbox"/> Gaer	<input type="checkbox"/> Pillgwenlly	<input type="checkbox"/> Victoria (Maindee)
	<input type="checkbox"/> Graig	<input type="checkbox"/> Ringland	<input type="checkbox"/> I do not live in Newport
17.	Do you consider yourself to be disabled?		
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Prefer not to say
18.	Do you consider yourself a Welsh speaker?		
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Prefer not to say
19.	What is your ethnic group?		
	<input type="checkbox"/> White – Welsh / English / Scottish / Northern Irish / British		
	<input type="checkbox"/> White – Irish	<input type="checkbox"/> Gypsy or Irish Traveller	

	<input type="checkbox"/> Any other White ethnic background (please state):	
	<input type="checkbox"/> White & Black Caribbean	<input type="checkbox"/> White & Asian
	<input type="checkbox"/> White & Black African	
	<input type="checkbox"/> Indian	<input type="checkbox"/> Pakistani
	<input type="checkbox"/> Bangladeshi	<input type="checkbox"/> Chinese
	<input type="checkbox"/> Any other Asian ethnic background (please state):	
	<input type="checkbox"/> Black African	<input type="checkbox"/> Black Caribbean
	<input type="checkbox"/> Any other Black ethnic background (please state):	
	<input type="checkbox"/> Arab	
	<input type="checkbox"/> Any other ethnic group or background (please state):	
	<input type="checkbox"/> Any other mixed or multiple ethnic background (please state):	
	<input type="checkbox"/> Prefer not to say	
20.	What is your current sexual orientation?	
	<input type="checkbox"/> Heterosexual / Straight	<input type="checkbox"/> Pansexual
	<input type="checkbox"/> Gay man / Homosexual	<input type="checkbox"/> ACE
	<input type="checkbox"/> Gay woman / Lesbian	<input type="checkbox"/> I identify in another way
	<input type="checkbox"/> Bisexual	<input type="checkbox"/> Prefer not to say
21.	Are you married or in a civil partnership?	
	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> Prefer not to say	
22.	Religion / Belief?	
	<input type="checkbox"/> Buddhist	<input type="checkbox"/> Muslim
	<input type="checkbox"/> Christian	<input type="checkbox"/> Sikh
	<input type="checkbox"/> Hindu	<input type="checkbox"/> Any Other
	<input type="checkbox"/> Jewish	<input type="checkbox"/> Atheist
	<input type="checkbox"/> No religion	<input type="checkbox"/> Agnostic
	<input type="checkbox"/> Humanist	<input type="checkbox"/> Prefer not to say

23.	<p>Is your gender identity the same as the sex assigned to you at birth?</p> <p><i>Gender identity is a way to describe how you feel about your gender. Some people know/feel that their gender identity is the same as the sex that they were assigned at birth – for example, a person whose original birth certificate says ‘male’ and they identify as a man (‘yes’ to this question). Some people know/feel that their gender identity is not the same as the sex they were assigned at birth – for example, a person whose original birth certificate says ‘male’ and they identify as a woman (‘no’ to this question).</i></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say</p>
24.	<p>Caring Responsibilities</p> <p>A: Do you care for children of school age?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say</p> <p>B: Do you care for children of pre-school age?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say</p> <p>C: Do you care for a dependent adult or child above school age?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say</p>

Thank you for taking the time to comment on the proposed PSPO.

Appendix 5 is the City Centre PSPO for comparison

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59
PUBLIC SPACES PROTECTION ORDER 2018
NEWPORT CITY CENTRE

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 Newport City Centre, 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 restriction imposed by this Order:-

1. This Order shall come into operation on *23 August 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 applies to the public place as shown edged in red on the Plan annexed to this Order ("the Restricted Area").
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 within the restricted area undertake "street trading" which term includes peddling, charity collecting or touting for services, subscriptions or donations UNLESS authorised to do so by an existing Police or Council issued or Council recognised Street Trading/Charity Collection/Promotions consent, licence or written permission or holds a valid Pedlars Certificate.
5. No person shall within the restricted area beg within 10 metres of a cash or payment machine or beg in a manner which is aggressive or intimidating or which has caused or is likely to cause a member of the public to feel harassed, alarmed or distressed.
6. 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.

7. 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.

8. 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).

FIXED PENALTY NOTICES AND OFFENCES:-

- 9. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
- 10. In accordance with sections 63 and 68 of the Act, a person found to be in breach of this Order by refusing to stop drinking alcohol or to surrender alcohol to an authorised person, on request, 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.
- 11. In accordance with sections 67 and 68 of the Act, a person found to be in breach of this Order other than by consuming alcohol in breach of a public spaces protection order, 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.
- 12. If any interested person desires 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: 23rd August 2018

THE COMMON SEAL of
NEWPORT CITY COUNCIL was
hereunto affixed in the presence of:-

