

Report

Council



Part 1

Date: 25 July 2017

Subject **Pillgwenlly Public Space Protection Order**

Purpose To inform the Council of the recommendations of the Scrutiny Committee and of the Cabinet Member for Licensing and Regulation for the introduction of a Public Space Protection Order for Pillgwenlly area of Newport.

To ask Council to consider the recommendations and to approve the Order.

Author Public Protection Manager

Ward Pillgwenlly Ward

Summary A Public Space Protection Order (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 is likely to be, persistent or continuing in nature; and be unreasonable. Following a Street Scene Scrutiny Committee meeting on 13th October 2016, it was agreed to go to public consultation on a number of possible measures that could be included in a Pillgwenlly PSPO and also to invite the public to suggest other possible measures. Scrutiny Committee then considered a report on 15 March 2017 which detailed the results of the consultation and heard from Gwent Police. This report details the recommendations of the Scrutiny Committee with regard to the measures to be included in the PSPO. Members requested that the order be altered to reflect the exemption to the intoxicating substance wording for 'food stuffs regulated by food health and safety legislation' so as to exclude coffee etc. which can also be a stimulant.

Following these recommendations, council lawyers have drafted an amended Pillgwenlly order (Appendix).

The Scrutiny Committee agreed to make the following recommendations to the Council:

1. That the Council proceed with the Public Space Protection Order (PSPO) for Pillgwenlly, as per the draft order and boundary map set out in Appendix.
2. That following approval by the Council that the implementation of the PSPO be monitored and reported back to the Scrutiny Committee within 1 year.

The Cabinet Member for Licensing and Regulation also supports the proposed Order, as do the Pillgwenlly Ward members.

Proposal That Council considers the proposed measures and approves the Public Space Protection Order for the Pillgwenlly area as detailed in the Appendix.

Action by Head of Law and Regulation

Timetable Immediate

This report was prepared after consultation with:

- Head of Law and Regulation
- Head of Finance
- Head of People and Business Change
- Strategic Director –Place
- Partnerships Manager
- Anti-Social Behaviour Manager
- Housing Needs Manager
- Cabinet Member- Licensing and Regulation
- Pillgwenlly Ward Members
- Gwent Police

Signed

1. Background

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced the Public Space Protection Order (PSPO).

1.2 What is a Public Space 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; 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.

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.

1.3 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 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.

Section 59 of the ASB etc. Act sets out the basis on which local authorities may make a PSPO. It provides as follows -

- (1) A local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.
- (2) The first condition is that:
 - (a) Activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - (b) It is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- (3) The second condition is that the effect, or likely effect, of the activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) Is, or is likely to be, such as to make the activities unreasonable, and
 - (c) Justifies the restrictions imposed by the notice.
- (4) A public spaces protection order is an order that identifies the public place referred to in subsection (2) ("the restricted area") and—
 - (a) prohibits specified things being done in the restricted area,
 - (b) Requires specified things to be done by persons carrying on specified activities in that area, or
 - (c) Does both of those things.
- (5) The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order—
 - (a) To prevent the detrimental effect referred to in subsection (2) from continuing, occurring or recurring, or
 - (b) To reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

1.4 Essentially the Council needs to consider:

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

1.5 Appeals against the setting up 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.

1.6 Human Rights Act 1998 / Equalities Issues

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 and must not act in a way which is incompatible with a Convention right. Human rights are enforced through existing rights of review and may therefore be taken as points in any challenge to the validity of any Order made by the Authority.

If Convention rights are engaged (as they are with the making of a PSPO) any interference with them must be –

- (a) In accordance with the law (in other words Council must be satisfied that the statutory conditions in Section 59 of the ASB etc. set out above in 1.4 are satisfied)
- (b) In pursuit of a legitimate aim (in this instance the control of activities which, if not controlled, would have a detrimental effect on the quality of life of those in the locality) and
- (c) A proportionate means of achieving the legitimate aim

The two issues which must therefore be addressed for every proposed restriction in the PSPO are whether the statutory criteria are met and whether the restrictions proposed are proportionate having regard to the legitimate aim of preserving the quality of life for everyone who lives or works in or who visits Pillgwenlly.

Council must also have regard to the public sector equality duty at s.149 of the Equality Act 2010, which is as follows –

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

An Equalities Impact Assessment has been made and is available as a Background paper.

2. A Pillgwenlly PSPO

2.1. The Police, with support from the Ward Members, have asked that Newport City Council consider implementing a Public Space Protection Order for the Pill Ward. 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”. As a result the following three restrictions were proposed (it should be noted that each requested restriction is intrinsically linked with the other).

Possible Restriction	Detail	Why	Comments
Alcohol consumption	<p>1. 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.</p>	<p>Alcohol consumption should be constrained within the boundaries of licensed premises. People under the influence of alcohol may act in an anti-social manner.</p>	<p>There is considerable evidence to support such a ban, whereby individuals gather and consume alcohol, this can result in: abusive behaviour directed towards the public, business people and visitors to the area; littering; indecent behaviour through urinating in the street or on buildings/ foul language</p> <p>The PSPO will allow enforcement officers to demand that individuals stop their activity; seize alcohol where appropriate, refusal to comply is a criminal offence.</p> <p>There is substantial evidence available to support this application which outlines incidents between July 2015 and the present date. This evidence has been obtained from logs recorded on both Police and Local Authority systems. Evidence is also available from complaints highlighted at public meetings raised by residents who have been affected by street drinkers and their anti-social behaviour.</p>
General nuisance and Anti-social behaviour.	<p>2. A person is prohibited from congregating in a group of three or more persons within the Restricted Area AFTER an authorised person has requested that the group disperse.</p> <p>3. A person is prohibited from having in their possession, selling or supplying any intoxicating substance namely any substance with the capacity to stimulate or depress the central nervous system but does not include alcohol, tobacco or vaporisers; a person is required to surrender any such intoxicating</p>	<p>This can be intimidating to the public including both residents and visitors to the area. There are calls recorded relating to drug and criminal activity together with anti-social behaviour.</p>	<p>Within the Police request there is evidence which shows that groups gather in the street or residential areas; often using offensive or threatening behaviour towards residents, shop keepers or visitors, behaviour that is clearly intimidating and which is at times a criminal offence such as drug dealing, assault or robbery. There is also evidence of people being subjected to intimidation and threats to themselves and their property.</p> <p>This allows for individuals to still stand around in groups if they are not causing any trouble and thus will have not been asked to disperse: it's only targeting those people being antisocial.</p> <p>The Police have stated that the benefit of the PSPO is that they will be able to require those engaged in this activity or suspected thereof to leave the area where there is no substantive evidence to prove a criminal offence. This power is not provided for elsewhere in law, a dispersal order is NOT always in place and requires the authority of a senior officer which can take time and only lasts</p>

Possible Restriction	Detail	Why	Comments
	<i>substance in his/her possession when asked to do so by an authorised officer in the Restricted Area. A person does not commit an offence under this Order where the said substance is used for a valid medicinal use.</i>		<p>up to 24-48 hours.</p> <p>The PSPO provides an 'instant' outcome for the authorities and allows officers to deal with incidents without any additional delay.</p> <p>Again there is substantial evidence available to support this application which outlines incidents between July 2015 and the present date. This evidence has been obtained from logs recorded on both Police and Local Authority systems. This has been raised by residents at public meetings, who have been affected by these youths and their criminal and anti-social behaviour.</p> <p>CCTV cameras have been erected at locations within the Pill area to disrupt this behaviour. One camera has been attacked twice in as many months to stop it recording as its presence was having an effect on the anti-social behaviour being demonstrated by youths in that locality.</p>

3. The Scrutiny and Consultation Process

3.1. The subject was taken to the Street Scene Scrutiny Committee, initially on 13 October 2016, <https://democracy.newport.gov.uk/ieListDocuments.aspx?CId=138&MID=6658>

where the above three restrictions were discussed, evidence received from officers from Gwent Police and it was agreed that the proposal for a PSPO should be put out for consultation and then brought back for further consideration once the consultation results had been collated.

3.2. Consultation Results

Consultation took place between 15 November 2016 and 16 January 2017 with elected Members for the Pillgwenlly area, Council Legal Services, Gwent Police including the Gwent Police and Crime Commissioner and Registered Social Landlords; together with the public through online and social media surveys, at public meetings and through community based organisations. The public was invited to consider the three proposed measures and to suggest others. They were also able to comment on the possible boundary of the PSPO. All expressed strong support for the introduction of a PSPO with the proposed measures.

3.3. The Street Scene Scrutiny Committee at its 16 March 2017 meeting considered a report containing the results of the consultation <https://democracy.newport.gov.uk/ieListDocuments.aspx?CId=138&MID=6661> and again considered the draft restrictions for the PSPO. Officers from Gwent Police attended to answer questions.

There were 251 responses to the survey and in summary the results were:

Are you a.....?			
160 (64%)	Resident of Pill	54 (21.6%)	Worker in Pill
21 (8.4%)	Visitor	15 (6%)	Other
Please specify: 56 comments received			

Residents, social landlords and their employees who deal with the issues experienced by the residents make up the majority of those surveyed. These are the people experiencing the anti-social issues in the area and are those most qualified to comment upon them.

Have you experienced Anti-Social Behaviour in Pill in the past 12 months?			
21 (8.5%)	Never	18 (7.3%)	Rarely
62 (25%)	Occasionally	147 (59.3)	Frequently
What type of Anti-Social Behaviour? (143 comments received)			

Do you believe that the introduction of the City Centre Public Space Protection Order, last year, moved anti-social behaviour, e.g. street drinking into the Pill area?			
144 (61.3%)	Yes	91 (38.7%)	No
If yes, please give details: (86 comments received)			

This question was designed to elucidate whether there had been any displacement of street drinking following the introduction of the city centre PSPO in November 2015. The comments were divided between those that thought there had been some displacement and others who felt it had been bad for some time. They highlight the issues surrounding the use of alcohol and how that has impacted on the Pill area.

Proposed Control Measures- Consultation outcome

Control Measure 1 Alcohol

240 (96.8%)	Agree	8 (3.2%)	Disagree
If you disagree, why? (12 comments received)			

There is strong public opinion in support of this recommendation. Many of those surveyed expressed their concerns over the use of alcohol on the streets and how that coupled with other issues is adversely affecting the Pill area. Their comments only expand on the reasons for their support for this particular measure

191 (79.9%)	Yes	48 (20.1%)	No
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Please add any further comments about this condition. (81 comments received)

Control Measure 2 Dispersal of Groups being antisocial

A person is prohibited from congregating in a group of three or more persons within the Restricted Area AFTER an authorised person has requested that the group disperse - this allows for individuals to still stand around in groups if they are not causing any trouble and therefore have not been asked to disperse: it's only targeting those people being antisocial.			
226 (91.1%)	Agree	22 (8.9%)	Disagree
If you disagree, why? (24 comments received)			

There is strong support for this measure to be included within the PSPO. Those surveyed comment predominately about groups of males who are intimidating by their presence on the streets coupled with their behaviour. These comments far from disagreeing with the proposal actually show a greater support than the figures suggest. One comment suggests that Police dispersal powers are sufficient to deal with this issue but this is an isolated view.

Have you been affected by / witness to this type of behaviour in Pill recently?			
185 (76.4%)	Yes	57 (23.6%)	No

Please add any further comments about this condition. (81 comments received)

Of the comments posted they highlight a number of areas of complaint many of which relate to the behaviour of groups of male persons and how their behaviour and activities are intimidating. Other issues have been highlighted which fall outside the scope of the PSPO.

Control Measure 3 Intoxicating substances

A person is prohibited from having in their possession, selling or supplying any intoxicating substance namely any substance with the capacity to stimulate or depress the central nervous system but does not include alcohol (covered by Control no 1), tobacco or vaporisers; a person is required to surrender any such intoxicating substance in his / her possession when asked to do so by an authorised officer in the Restricted Area. A person does not commit an offence under this Order where the said substance is used for a valid medicinal use.			
232 (93.9%)	Agree	15 (6.1%)	Disagree
If you disagree, why? (13 comments received)			

Again there is strong support shown for this restriction to be included in the PSPO. The comments received concentrate on general possession and supply of controlled drugs as well as the 'legal highs' covered by this section.

Have you been affected by / witness to this type of behaviour in Pill recently?			
179 (74.6%)	Yes	61 (25.4%)	No

Please add any further comments about this condition. (64 comments received)

The majority of comments surround the possession and supply of controlled drugs throughout the day and night times. No comments criticise the control, each continues to support the proposals.

Additional Questions

Is there anything else you would like to see included in the Order?			
132 (60.3%)	Yes	87 (39.7%)	No
Please state: (124 comments received)			

Of those surveyed many have made suggestions to include further restrictions within the order. Many of these suggestions have been considered during the preparatory process and whilst many have some considerable merit, they have not been included in the application.

Boundary of the proposed Order

The below image shows the boundary that is covered by the PSPO. What do you think we should do (tick your preference)?			
167 (72.9%)	Keep to the Pill boundary	59 (25.8%)	Make bigger
3 (1.3%)	Make smaller		

If you have ticked 'make bigger' or 'make smaller', please give details. (34 comments received)

The vast majority of those surveyed agree with the boundary area or wish to increase it, in some cases, to include the Royal Gwent Hospital and in some cases as far as Maesglas and Duffryn.

3.4 The Committee **requested** that the wording be altered in the order to reflect that the exemption to the intoxicating substance ban to include 'food stuffs regulated by food health and safety legislation' so as to exclude drinks, such as coffee from the restriction. Officers agreed to include this in the version that would be presented to the Council and that is reflected in the Appendix.

The Committee **agreed** to make the following recommendations to the Council:

1. That the Council proceed with the Public Spaces Protection Order (PSPO) for Pillgwenlly, as per the draft order and boundary map presented to the Committee.
2. If the PSPO is approved by the Council, that the implementation of the PSPO be monitored and reported back to the Scrutiny Committee within 1 year.

4. **Essentially for each measure:**

4.1. **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 and proportionate way of achieving this?

5. **Approving the Pillgwenlly PSPO**

This is matter for full Council to decide.

6. **Enforcing the PSPO**

6.1. In the main, due to the nature of the behaviour to be controlled, the PSPO would be enforced by Gwent Police. Police Officers have urged the restrictions be put in place to provide a quicker enforcement route to tackle behaviour that all parties readily identify as problematic in Pill. Initial work would involve advising affected parties as to the restrictions, through a variety of methods: publicity, individual conversations, warning letters. Contraventions would then be dealt with by way of a "stepped-up" enforcement approach, with fixed penalties and even prosecution only being considered where advice and warnings had failed.

7. **Financial Summary**

The cost of implementing the PSPO will be funded through existing budgets.

Enforcement, in the main, will be carried out by Gwent Police.

8. **Risks**

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

* Taking account of proposed mitigation measures

9. Links to Council Policies and Priorities

This work will support the following Council Policies and Strategies:

- Newport City Council's Corporate and Improvement Plans (Relevant priorities: A Working City and A Safer City).
- Public Service Board- *One Newport's* themes of Health and Wellbeing and (countering) Anti-social Behaviour.

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' and "**To build cohesive and sustainable communities.** In particular "Work with key partners to tackle antisocial behaviour and crime, and improve community cohesion and wellbeing in Pillgwenlly, and use this area focussed model to inform potential future programmes in other areas of Newport".

10. Options Available and considered

Option 1

Approve the Pill Public Space Protection Order as set out at the Appendix, as per the Scrutiny Committee's Recommendations, following the public consultation: with three restrictions.

Option 2

Approve the Pill Public Space Protection Order, but delete or amend one or more of the proposed restrictions.

Option 3

Not to approve the Order and remit it back for further consideration as to the measures to be included.

11. Preferred Option and Why

Option no 1

Approve the Pill Public Space Protection Order as set out at the Appendix, as per the Scrutiny Committee's Recommendations, following the public consultation: with three restrictions. The Order has broad support from all agencies and the public and would provide more, readily useable enforcement tools to combat the prevalent antisocial behaviour that blights the area.

12. Comments of Chief Financial Officer

There are no direct financial implications coming from this report – the implementation of the Pill Centre Public Space Protection Order will have to be completed within the available budgets as stated within the report.

13. Legal Comments and Comments of Monitoring Officer

The Council has a statutory power under the Anti-Social Behaviour, Crime and Policing Act 2014 to make Public Space 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 potential impact of any PSPO, it was agreed that a wider consultation and public engagement exercise should be undertaken as part of a Scrutiny review. A range of possible measures that could be included within the PSPO were identified by Scrutiny, based on historical complaints, and the Council has carried out a general public consultation exercise to assess the

need and justification for specific controls, to inform the final decision. The results of the engagement with key stakeholders and the public responses to the wider consultation are contained within this Report. Scrutiny Committee have considered the consultation responses and have formulated their recommendations, which are set out in the draft PSPO (Appendix). The final decision regarding the adoption of any PSPO is a matter for full Council.

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 any prohibition or restriction and its impact on the freedoms and rights of individuals.

Any prohibition order must be a reasonable and proportionate means of preventing or reducing the detrimental impact of specific types of anti-social behaviour within the designated area of Pillgwenlly. The proposed alcohol ban provision replicates the current ban within the City Centre, but the dispersal provisions and the prohibition of other intoxicating substances are new measures, designed to address specific problems in this area. When considering the need for and the impact of any PSPO, the Council also has to have regard to its public sector equality duty under Section 149 of the Equality Act 2010 and an Equality Impact Assessment has been carried out.

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 alternative, 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.

14. Comments of Head of People and Business Change

The report asks Council to approve a Public Space Protection Order for Pillgwenlly. The implementation will be met from existing resources and as such there are no specific staffing implications.

Since disturbances in October 2016, there has been multi-agency work in Pillgwenlly, overseen by the Public Services Board, to improve local well-being. A PSPO is one way of strengthening enforcement powers to tackle community safety and cohesion issues.

Significant public engagement has been undertaken in the development of the proposal. The report notes that residents, social landlords and their employees who deal with the issues raised by the residents make up the majority of those surveyed. These are the people experiencing the anti-social issues and are therefore most qualified to comment on them. The engagement demonstrates considerable support for the proposed control measures with significant numbers of people saying they had frequently experienced anti-social behaviour issues that concern people. The responses reflect a similar survey carried out for the Pill Area Focus Group which highlighted substance misuse, gangs congregating and anti-social behaviour as being key concerns for the Pill community.

Any PSPO should be seen in the context of other, preventative work, currently being undertaken with individuals, families and communities within Newport. Whilst considering the options presented, Council should be mindful of the full range of evidence available, including the impacts and mitigations drawn out within the Fairness and Equality Impact Assessment (FEIA), to ensure any decision does not disproportionately impact upon any groups within the protected characteristics of the Equalities Act 2010. If there is any disproportionate impact then there will need to be robust

mitigating measures in place and Council will have to ensure that they are adequate and appropriate to the risk identified.

Comments of Cabinet Member for Licensing and Regulation

Community safety/ combating Anti-social behaviour comes under the portfolio of this Cabinet Member. He has considered the recommendations of Scrutiny Committee, together with the consultation responses, and agrees with the three measures recommended by Scrutiny, along with the boundary of the PSPO.

Local issues- Comments of Pillgwenlly Ward Councillors

The Public Space Protection Order is a welcome part of the continued success of Pillgwenlly. All the elements to bring this order for the community took a lot of hard work and dedication for all those involved. It will give greater powers to the police to curb any anti-social behaviour and will send a clear message that this kind of behaviour will not be tolerated in the Community. This in turn will help make our community cleaner, safer and healthier. We welcome the PSPO as does the whole community and would like to thank the Leader, the deputy leader, the Cabinet member and officers from Public Protection for their tireless work in bringing the PSPO to fruition.

Wellbeing of Future Generations (Wales) Act 2015

It will also assist the Council to meet its well-being objectives under the Well-being of Future Generations (Wales) Act 2015; in particular the objective "To build safe and cohesive communities" and the supporting step "Work with key partners to tackle antisocial behaviour and crime, and improve community cohesion and wellbeing in Pillgwenlly, and use this area focussed model to inform potential future programmes in other areas of Newport".

It contributes to the well-being goals of "A prosperous Wales" and "A Wales of Cohesive Communities".

The proposal is in line with the sustainable development principle. In particular, local people have been involved through a consultation exercise - the proposed restrictions seek to respond to their expressed concerns; the PSPO aims to prevent problems relating to anti-social behaviour in Pillgwenlly getting any worse; this is a collaborative activity in partnership with Gwent Police and forms part of an integrated programme of Public Services Board action in Pillgwenlly to improve the well-being of local people.

Crime and Disorder Act 1998

The introduction of the Pill PSPO will provide more/ readily useable enforcement tools to combat the prevalent antisocial behaviour that blights the area.

Consultation

See paragraph 3.2 above.

Background Papers

Scrutiny papers at

<https://democracy.newport.gov.uk/ieListDocuments.aspx?CId=138&MID=6658>

And <https://democracy.newport.gov.uk/ieListDocuments.aspx?CId=138&MID=6661>

Fairness and Equality Impact Assessment Pill PSPO
Dated:

Appendix

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59 PUBLIC SPACES PROTECTION ORDER 2017 PILGWENLLY, 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 PILGWENLLY 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 _____ 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 3 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.
 - c. 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” (commonly referred to as “legal highs” or 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:-)
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Annex- Map showing area to be covered by the PSPO.

