

THE VALE OF GLAMORGAN COUNCIL

COUNCIL: 21ST SEPTEMBER, 2020

REFERENCE FROM CABINET: 27TH JULY, 2020

**“C313 PREVENTION OF ALCOHOL RELATED ANTI-SOCIAL BEHAVIOUR
– RESORTS, TOWN CENTRES AND PUBLIC OPEN SPACES (NST) (SCRUTINY
– ENVIRONMENT AND REGENERATION) –**

Councillor King presented the report, which sought approval to vary the existing Public Space Protection Order (PSPO), by increasing the restricted areas covered by it, in respect of alcohol related Anti-Social Behaviour (ASB) that expired in October 2020.

As the Council did not tolerate Anti-Social Behaviour on its Resorts and Public Spaces, it would be necessary to add Cosmeston Country Park, Porthkerry Country Park, Penarth Pier and Esplanade and Ogmore beach and surrounds to include those areas as part of the restricted areas covered by the existing Order, where there had been incidents over the summer and where Council Officers and the Police had limited ability to manage anti-social behaviour as a result of alcohol consumption within these areas. This would enable the Council and the Police to provide a proportionate and robust response to addressing areas of alcohol related anti-social behaviour across all areas of the Vale of Glamorgan.

It would be necessary to undertake a 6-week consultation process over the summer on the existing areas covered by the Order in place, in addition to the proposal to vary it by increasing the number of restricted areas covered under it and prepare a report for the next Council meeting for consideration

The existing Order, attached at Appendix A to the report, included the details of the list of current locations that were included within the Order as were appended in the Schedule.

The report also sought approval to undertake a Consultation as required by the Act, to prepare a future report to extend the existing Orders that were due to expire and to vary the Order to include additional restricted areas by increasing the number of PSPOs to address a range of ASB experienced in certain areas across the Vale of Glamorgan.

For information purposes and to note, before an Order could be made, there was a legal test before a PSPO could be made. The test required that the behaviour being restricted must:

- Be having, or likely to have, a detrimental effect on the quality of life of those in the locality; or

- It was likely that activities would be carried on in a public place within that area and that they would have such an effect.

The second condition was that;

- Was, or was likely to be, of a persistent or continuing nature,
- Was, or was likely to be, such as to make the activities unreasonable, and
- Justified the restrictions imposed by the notice.

In this case the behaviour to be restricted in the existing Orders and the proposal to increase the restricted areas covered by the Orders in place, in respect of alcohol related ASB only and the Orders were designed to ensure that the majority of law-abiding citizens could use and enjoy public spaces, safe from ASB.

At present, the existing PSPOs provided an effective means to manage land to prevent any ASB escalating by providing additional powers to issue warnings, seize and confiscate alcohol and to stop the consumption of alcohol if necessary.

In the restricted areas a person committed an offence if without reasonable excuse he or she continued to carry out activities from which he or she was prohibited, namely;

- Continuing to drink alcohol when required to stop doing so by an Authorised Officer;
- Not surrendering any alcohol in his or her possession when required to do so by an Authorised Officer;
- Refusal to hand over any containers (sealed or unsealed) which were believed to contain alcohol, when required to do so by an Authorised Officer.

This allowed the Police and designated Council Officers to effectively manage and deal with situations that were alcohol related when it was consumed in a public space.

The Council had been restricted in its ability to robustly manage ASB in certain areas over the spring / summer 2020 as a result of increased alcohol consumption and in the absence of PSPOs.

Since the relaxation of COVID-19 measures, an increase in visitor numbers to coastal areas and a reduction of licenced premises operating, had seen an increase in the consumption of take away alcohol in public spaces where this had been facilitated and this had occasionally resulted in associated ASB.

The Council would not tolerate ASB on public spaces and the report aimed to capture recent areas of concern as well as the future arrangements for the existing Orders that were due to expire in October 2020. This would allow the Council to robustly manage all its Resorts, Town Centres and Open Spaces.

As a result, it was proposed that the following areas be added to the existing schedule for consultation:

- Cosmeston Country Park
- Porthkerry Country Park
- Penarth Pier and Esplanade
- Ogmores beach and surrounding common land
- Llantwit Major – Cwm Col-Huw
- Rhose Point.

The Council had a statutory duty to consult when proposing to introduce PSPOs. Section 72 of 'the Act' did not determine the length of a consultation period, the Council previously when consulting on the making of the PSPO in October 2017 preceded its decision by undertaking for a 6-week Consultation which was deemed reasonable.

The existing Orders expire in October 2020 and therefore it was proposed that consultation was undertaken over the summer and the outcome presented in a report to Full Council at the end of September 2020 or at the earliest opportunity subject to any further relaxation of COVID-19 measures. This would include a proposal to extend the existing Orders for a further period of 3 years and vary it by increasing the number of restricted areas to be included within it.

If the Order was not extended and the proposal implemented to vary the Order by increasing the number of restricted areas within it, then the existing PSPOs in their current form would cease to exist from October 2020. This was likely to prevent the Council from achieving its Corporate commitments and the Council and Police would have greater difficulty preventing or stopping ASB associated with the consumption of alcohol in designated areas.

It would not be an offence to drink alcohol in a controlled drinking zone. However, it would be an offence to fail to comply with the request to cease drinking by an officer or surrender alcohol, in a controlled drinking zone. Possible sanctions included a Fixed Penalty Notice (FPN) or a fine of up to level 2 upon conviction.

The renewal of PSPOs was designed to make public spaces more welcoming to the majority of law-abiding citizens and communities and not simply restrict activities.

Councillor King drew attention to Recommendation (4) which sought the use of article 14.14 (the urgency procedure) to implement Recommendations (1), (2) and (3) as implementation needed to begin as soon as practicable.

The Leader added that was important to note some of the issues that had come forward as a result of lockdown and the subsequent easing of restrictions that had to be addressed using PSPOs, both supporting previous Orders as well addressing the additional areas listed in paragraph 2.11.

Councillor Gray noted the numbers of residents who had contacted him who were concerned about the environment along Penarth Esplanade. Along with the Orders, the public also had to take personal responsibility for their actions. Constituents would be able to contact the Council to suggest further areas that may require

attention as part of the consultation process. The Council had extended the opening times of the toilets on the Esplanade, had increased frequency of emptying of bins and had written to licence holders to remind them of their obligations.

Councillor Burnett referred to examples of unacceptable behaviour in a number of areas of across the Vale which would not usually be expected. Some PSPOs, e.g. at Barry Island, had been in place for years but had not had to be used as people were acting responsibly. The Council would not expect the Orders to be used in everyday circumstances but there needed to be tools that the Council were able to enforce if necessary, in partnership with the Police, and keep public spaces safe and enjoyable for local residents.

The Leader and Managing Director had also written to local licensees on Barry Island and Penarth Esplanade to remind them of their responsibilities, especially as restrictions were eased following lockdown. There was a PSPO from 2017, listed as Appendix A, which covered a number of areas, but the report looked to extend coverage to the additional areas listed in paragraph 2.11 as those areas had come forward since the easing of lockdown restrictions.

Recommendation (3) recommended that the outcome of the consultation be referred to the next Council meeting, which would be the 21st September Council meeting, and could include any further recommendations for consideration that would sit alongside the areas already in existence as listed in Appendix A.

Councillor King added that there had been good support from licenced traders, but the most significant issue was visitors bringing their own alcohol to certain areas.

The Managing Director added that the areas listed in paragraph 2.11 were predominantly coastal areas as visitors looked to use the coastline as a result of the easing of lockdown restrictions. It was also noted that Recommendation (4) referred to 'Recommendations 1.1, 1.2 and 1.3' which should have read as 'Recommendations 1, 2 and 3'. It was agreed to amend the wording of Recommendation (4) accordingly.

The Director of Environment and Housing added that he was grateful for Cabinet support and that some behaviour as a result of alcohol had had an effect on residents and resorts would suffer without prompt action being taken. Alcohol had been confiscated from people arriving at Barry Island and areas would continue to be policed to ensure that the resorts and parks remain attractive places to visit.

The Head of Regeneration and Planning added that similar issues had been experienced at country parks and people should be able to enjoy the country parks and coastal locations for what they are rather than places to consume and abuse alcohol.

This was a matter for Executive decision.
Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T the proposal to vary the existing Public Spaces Protection Order (“PSPO”) by increasing the restricted areas covered by it as detailed within the report and which will be presented to Full Council for future consideration be agreed.
- (2) T H A T the commencement of a 6-week Consultation on all restricted areas proposed to be included in the existing Public Space Protection Order and current restricted areas included within it, in respect of Alcohol related Anti-Social Behaviour be endorsed.
- (3) T H A T the outcome of the Consultation and any proposed Public Space Protection Orders, to be varied and increased be reported to Council including any further recommendations for consideration be approved.
- (4) T H A T the use of Article 14:14 (urgency procedure) in respect of Resolutions (1) – (3) above be agreed.**

Reasons for decisions

- (1) To assist the Council robustly manage alcohol related Anti-Social Behaviour at its Resorts, Town Centres and Public Open Spaces.
- (2) To ensure the Council complies with its duty to carry out a necessary consultation under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”)
- (3) To ensure the Council and South Wales Police have the appropriate powers to protect the quality of lives of those who live, work and visit restricted areas and to permit the majority of the law-abiding citizens to use and enjoy public spaces, safe from anti-social behaviour.
- (4) To ensure the Council carries out the necessary consultation required under the Act on the proposal to vary and consult on the existing restricted areas covered by the Order in place, and increasing the existing Order before they expire, to provide Council Officers and the Police the appropriate powers to manage activities of alcohol related Anti-Social Behaviour.”**