

Y BWRDD GWEITHREDOL 7 MEDI 2020

Cyflwyno Gorchymyn Diogelu Mannau Agored Cyhoeddus - Gorchymyn Cyngor Sir Caerfyrddin (Yfed Alcohol yng nghanol Tref Llanelli) 2020

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

1. Cymeradwyo cyflwyno Gorchymyn Diogelu Mannau Agored Cyhoeddus i fynd i'r afael â throseddau, anhrefn a niwsans sy'n gysylltiedig ag alcohol yn yr ardal a nodwyd yn Llanelli
2. Cadarnhau mai £100 fydd y swm sy'n daladwy pan roddir Hysbysiad Cosb Benodedig
3. Cytuno i gynnal adolygiad o ffin y Gorchymyn o fewn chwe mis.

Y Rhesymau:

Cefnogir pryderon parhaus sy'n ymwneud ag alcohol ymhlith y gymuned a'r heddlu lleol gan ddata ar droseddau ac anhrefn sy'n gysylltiedig ag alcohol, ac mae'r data yn dystiolaeth o'r angen am Orchymyn Diogelu Mannau Agored Cyhoeddus i roi pwerau ychwanegol i swyddogion a nodwyd i ddelio â'r mater hwn.

Angen ymgynghori â'r Pwyllgor Craffu perthnasol Nac Oes

Angen i'r Bwrdd Gweithredol wneud penderfyniad OES

Angen i'r Cyngor wneud penderfyniad NAC OES

Yr Aelod o'r Bwrdd Gweithredol sy'n dal y Portffolio: Y Cynghorydd Cefin Campbell

Y Gyfarwyddiaeth: Prif
Weithredwr

Enw Pennaeth y Gwasanaeth:

Noelwyn Daniel

Awdur yr Adroddiad:
Kate Harrop

Swyddi:

Pennaeth TGCh a Pholisi
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**EXECUTIVE SUMMARY
EXECUTIVE BOARD
7 SEPTEMBER 2020**

**Introduction of Public Spaces Protection Order (PSPO) -
Carmarthenshire County Council
(Consumption of Alcohol in Llanelli Town Centre) Order 2020**

Background

An application for a Designated Public Places Order to control alcohol-related crime and disorder in an area in Llanelli Town Centre was approved by the Council's Executive Board in November 2012 and Full Council in December 2012. This then transitioned to become a Public Spaces Protection Order in October 2017, as a result of new legislation, the Anti-Social Behaviour, Crime and Policing Act 2014, and a period of review and evaluation.

However, as work commenced on reviewing and extending the Order by October 2020, it became clear that the 2013 order could not be located and there is no record of the order being sealed at this time. On that basis, we believe that the arrangements to seal and make the Order were not properly completed in 2013, due to an administrative oversight. This administrative error has meant that there is no formal Order in place currently and it is therefore no longer being enforced by the Police. Local councillors and other key stakeholders were notified and advised that the process to consider the introduction of a PSPO had begun. It was evident from these discussions that there was significant local support for having a PSPO in place.

Discussions have taken place with the Police in considering alternative ways to deal with the alcohol-related crime and disorder being experienced and it is felt that a PSPO is a proportionate response.

Powers under the PSPO

The Order will give police officers, Police Community Support Officers (PCSOs) and other people authorised by the Council, additional powers where they believe that a person is, or has been, consuming alcohol in the designated area of the town centre or intends to consume alcohol in this area.

While the Order prohibits the consumption of alcohol on the land to which it applies, it is not an offence to drink alcohol in the designated area. However, it is an offence to fail to comply with a request made by the police or other authorised people to cease drinking or surrender alcohol, without reasonable excuse. Failure to comply with such requests will amount to a breach of the Order and individuals will either be issued with a Fixed Penalty Notice (FPN) of up to £100 or arrested which can result in a fine of up to £500.

Discussions are ongoing regarding authorising council officers to also have the powers to request that drinking cease, alcohol be surrendered or to issue a FPN.

Enforcement of the Order is a discretionary power and will continue to be used to target anti-social drinking.

The Order would not apply to public places where the sale and consumption of alcohol is authorised under other legislation, for example in clubs and licensed premises.

The Order would remain in place for three years and be regularly reviewed.

Process

A number of stages have been completed to inform the Council's decision regarding the introduction of a PSPO:

1. Consideration of a PSPO

Initial discussions have been held with the Police regarding tackling local alcohol-related crime and disorder in Llanelli. The Police strongly support having an Order to cover an area of Llanelli to address this matter and, if the Order is introduced, will begin issuing FPNs for breaches of the Order.

2. Analysis of data

Analysis was undertaken of alcohol-related crime and disorder incidents reported to the Police from April 2019-March 2020 in the locality. Based on the evidence provided, a revised boundary for the area proposed to be covered by the Order was drawn up and discussed with police colleagues. Following further consideration, a case was put forward by the Police for the inclusion of the Sandy Water Park Wood area due to significant issues in the locality and the map was amended (Appendix 1).

3. Equality Impact Assessment

An Equality Impact Assessment was completed (Appendix 2). Consideration has been given to the signs which will need to be installed to indicate the boundary and the engagement with the community to raise awareness of the Order.

4. Consultation process

Between 13 July and 3 August 2020, the Council undertook a consultation exercise to gather the views of key stakeholders on the authority's proposal to introduce a PSPO. Consultees were asked whether they supported the introduction of such an Order, with a section where comments could be made by the consultees.

We consulted with the following statutory consultees, as indicated, and community representatives:

- The Chief Constable – statutory consultee
- The Divisional Superintendent (as representative of the local policing body for the area) – statutory consultee
- Police and Crime Commissioner – statutory consultee
- County Councillors for the affected wards
- Llanelli Town Council

- Llanelli Task Force
- Ymlaen, Llanelli Business Improvement District
- Safer Communities Action Group.

Fifteen responses were received, and all supported the introduction of a PSPO. A summary of responses is attached at Appendix 3.

A small number of additional areas have been suggested for inclusion within the boundary of the PSPO. Any changes made to the boundary which has been consulted upon will require a further consultation exercise. Therefore, as it is important to establish the PSPO as soon as possible, it is recommended that the Order be approved based on the proposed boundary but that the additional areas for consideration identified during the consultation be reviewed within six months of the PSPO commencing. This is considered to be the most appropriate approach to prevent any delay in making the Order.

5. Community engagement

Engagement will be arranged with the local community including with licensees to raise awareness of the Order, the area it covers and the implications of breaching it.

Procedure

For the Order to be established, the Council must be satisfied on 'reasonable grounds' that the behaviour to be restricted:

- Is having or is likely to have a detrimental effect on the quality of life or those in the locality
- Is, or is likely to be, persistent or continuing in nature
- Is, or is likely to be, unreasonable and
- Justifies the restrictions imposed.

A draft Order can be found at Appendix 4.

Recommendations

It is recommended:

1. To approve the introduction of a PSPO to address alcohol-related crime, disorder and nuisance in the area identified in Llanelli
2. To confirm that the amount payable when a fixed penalty notice is issued shall be £100
3. To agree to undertake a review of the Order's boundary within six months.

DETAILED REPORT ATTACHED?	YES
	Appendix 1 –Proposed boundary Appendix 2 – Equalities Impact Assessment Appendix 3 – Summary of consultation responses Appendix 4 – Draft Order

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Noelwyn Daniel

Head of ICT and Corporate Policy

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	NONE	NONE	YES

1. Policy, Crime & Disorder and Equalities

Alcohol-related crime and disorder is a concern in the identified area in Llanelli and through the Anti-Social Behaviour, Crime and Policing Act 2014, the introduction of a PSPO to cover this geographic area will give police additional powers to deal with this matter.

Consideration needs to be given to authorising Council officers to have powers under the Order but this can be undertaken after the Order is established.

An Equality Impact Assessment in respect of the proposal is attached to the detailed report (Appendix 2).

2. Legal

The introduction of a PSPO is not a legal duty but is a discretionary power. The work in preparation for the proposed Order has been undertaken in consultation with the Council's Legal Services Department and the introduction of a PSPO would be done in compliance with all the relevant legislation.

3. Finance

Income from any Fixed Penalty Notices issued will be received by the Council and it is proposed that this be spent on community safety initiatives.

6. Physical Assets

Signs will be installed around the area to raise awareness of the Order and to indicate the boundary covered by the Order.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Noelwyn Daniel

Head of ICT and Corporate Policy

1. Scrutiny Committee – N/A

2. Local Member(s)

Cllr John Prosser
Cllr Louvain Roberts
Cllr Andre McPherson
Cllr Suzy Curry
Cllr Eryl Morgan
Cllr Jeff Edmunds
Cllr Shahana Najmi
Cllr Rob James
Cllr John Jenkins
Cllr Penny Edwards
Cllr Susan Phillips

3. Community / Town Council

Llanelli Town Council

4. Relevant Partners

Chief Constable
Superintendent – Carmarthenshire
Police and Crime Commissioner
Llanelli Task Force
Ymlaen, Llanelli Business Improvement District
Safer Communities Action Group

5. Staff Side Representatives and other Organisations – N/A

**EXECUTIVE BOARD PORTFOLIO
HOLDER AWARE/CONSULTED**

YES

Include any observations here

Supportive of the proposed PSPO to help address alcohol-related crime and disorder in the area.

Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
The Anti-Social Behaviour, Crime and Policing Act 2014 Statutory guidance for frontline professionals (Updated 2017)	Home Office	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/679712/2017-12-13_ASB_Revised_Statutory_Guidance_V2.1_Final.pdf
The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014	Legislation.gov.uk	http://www.legislation.gov.uk/ukpga/2014/12/contents
Anti – Social Behaviour, Crime and Policing Act 2014. (Statutory Instruments).	Home Office	https://www.legislation.gov.uk/uksi/2014/2591/pdfs/uksi_20142591_en.pdf