



## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **CABINET**

**23<sup>rd</sup> SEPTEMBER 2021**

#### **RCT INTOXICATING SUBSTANCES (INCLUDING ALCOHOL) PUBLIC SPACES PROTECTION ORDER REVIEW**

#### **REPORT OF THE DIRECTOR OF PUBLIC HEALTH, PROTECTION AND COMMUNITY SERVICES IN DISCUSSION WITH CLLR RHYS LEWIS, CABINET MEMBER FOR STRONGER COMMUNITIES, WELL-BEING AND CULTURAL HERITAGE**

**Author(s): Laura Dando, Acting Senior Community Safety Officer**

#### **1. PURPOSE OF THE REPORT**

- 1.1 The purpose of the report is to seek Cabinet approval for a new Public Space Protection Order (PSPO) for Rhondda Cynon Taf. In addition, to inform Members of the outcomes of the public consultation exercise undertaken to review the 2018 PSPO and establish public and stakeholder support for a new PSPO which controls alcohol and intoxicating substance related anti-social behaviour in Rhondda Cynon Taf, including two defined exclusion zones to control intoxicating substance use (including alcohol) within Pontypridd and Aberdare Town Centres.

#### **2. RECOMMENDATIONS**

It is recommended that the Cabinet:

- 2.1 Note the findings of the review of the PSPO established in 2018 and the public and key stakeholder feedback in relation to the establishment of a Public Spaces Protection Order (PSPO) to include prohibitions and requirements to control alcohol and intoxicating substances related anti-social behaviour.
- 2.2 Subject to recommendation 2.1, approve a new PSPO for the whole County Borough to control alcohol and intoxicating substance related anti-social behaviour which includes two defined exclusion zones to control intoxicating substance use (including alcohol) in public places within Aberdare and Pontypridd Town Centres.

- 2.3 Approve alterations to the boundary of the 2018 Intoxicating Substances Zone (Appendix 2) in Pontypridd to include the area around Taff Vale Flats in Lower Graig, the area outside Ty Pennant, Pontypridd and the underpass area adjacent to Pontypridd Bus Station.
- 2.4 Approve a new Public Spaces Protection Order (PSPO) for a 3 year period to include the same conditions as the 2018 PSPO and give delegated authority to the Director, Public Health, Protection and Community Services to produce the final PSPO relating to Intoxicating Substances including Alcohol and ensure its publication on the Council's website.
- 2.5 Agree to retain the fine for fixed penalties issued for contraventions of the PSPO at £100.

### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 To continue to provide an additional tool for the Community Safety Partners including South Wales Police to manage and address issues of alcohol and intoxicating substance related anti-social behaviour across Rhondda Cynon Taf with particular controls in place for the Pontypridd and Aberdare Town Centres.

### **4. BACKGROUND**

#### **LEGAL CONTEXT**

- 4.1 In October 2014 the [Anti-Social Behaviour, Crime and Policing Act](#) was enacted, introducing new powers including the use of Public Space Protection Orders (PSPOs). These orders are flexible and can be applied to a broad range of issues, with Local Authorities having the ability to design and implement their own prohibitions or requirements where certain conditions are met. The Home Office's statutory guidance states that PSPOs should be used responsibly and proportionately, only in response to issues that cause ASB and only where necessary to protect the public.
- 4.2 A PSPO is intended to protect a designated public space from persistent or continuing anti-social behaviour which is having a detrimental effect on quality of life. For a Local Authority to make a PSPO it must be satisfied on reasonable grounds that two conditions are met.
  - a) That 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 the area and that they will have such an effect.

And 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.

4.3 In 2018, following a consultation period, Cabinet approved the Intoxicating Substances (Including Alcohol) PSPO which designated the whole of Rhondda Cynon Taf as a “Controlled Drinking Zone” and the areas of Aberdare and Pontypridd Town Centres as designated “Intoxicating Substances Exclusion Zones” (Please see a full copy of the 2018 PSPO at Appendix 1 and Exclusion Zone maps at Appendix 2 & 3).

4.4 The order took effect from September 2018 with the following conditions, breach of which constitutes an offence.

4.5 Within the “Controlled Drinking Zone” which consists of the entire Borough of Rhondda Cynon Taf, it is;

- (i) A prohibition at any time on any person(s) in a public place consuming alcohol or having an alcohol container, who without reasonable excuse continues drinking, or fails to surrender intoxicating alcohol when asked to stop by an Authorised Officer unless an exemption listed in 7. below to this Order applies.

Within the designated “Intoxicating Substance Exclusion Zones” of Aberdare Town Centre and Pontypridd Town Centre, denoted in the maps (Appendix 2 & 3);

- (ii) A prohibition at any time on any person(s) to consume, ingest, inhale, inject, smoke or otherwise use Intoxicating Substances in a public place unless an exemption listed in 6(iii) or 7 to this Order applies.

4.6 It was agreed that the maximum fixed penalty notice (FPN) of £100 shall be issued by an authorised Officer for any breach of the above prohibitions.

4.7 The 2018 Order was authorised for the maximum 3 year period.

4.8 The current Intoxicating Substances (Including Alcohol) PSPO has been in place since September 2018 and as such came to an end on 1<sup>st</sup> September 2021. The Local Authority was therefore required to

undertake a consultation period in order to ascertain whether a new order is warranted.

### ASSESSMENT

- 4.9 The proposals in this report need to be considered as part of a wide range of measures to tackle complex problems such as anti-social behaviour and street drinking. The PSPO is a useful tool but on its own, it is not a solution to resolve issues.
- 4.10 The Council have well established and strong partnership links with South Wales Police and other support agencies and we will continue to strengthen these relationships to ensure that we use the most appropriate tools available to tackle such behaviour on a case by case basis.
- 4.11 The RCT Community Safety Team are currently in discussions with South Wales Police in order to develop more streamlined reporting processes to make it easier for members of the public to report incidents of street drinking and additional enforcement procedures to ensure that repeat offenders are dealt with in a more robust manner.
- 4.12 One of the benefits of a PSPO is to prevent and disrupt anti-social behaviour by enabling Enforcement Officers to remove alcohol from a situation where disorder is likely to occur. The PSPO prohibits the consumption of alcohol and intoxicating substances within the Town Centre areas and enables Enforcement Officers to issue Fixed Penalty Notices for breaches of the PSPO powers. If an individual complies with the request, then no offence is committed and no Fixed Penalty Notice is issued.
- 4.13 The vast majority of individuals who are approached by an Enforcement Officer comply with an Officer's request to cease drinking and dispose of or hand over intoxicating substances like alcohol. As a result, the Local Authority have only been required to issue 21 FPNs for breach of the PSPO since 2019, which is quite a low number.
- 4.14 In addition to FPNs, other complimentary powers can also be utilised alongside the PSPO to tackle anti-social behaviour and street drinking i.e. Anti-Social Behaviour Warnings, Civil Injunctions and Community Protection Notices for individuals who continually consume alcohol within the prohibited areas, as well as the Police's Dispersal Orders and Public Order legislation.
- 4.15 In 2018, the original PSPO, designated Aberdare and Pontypridd Town Centres as 'Intoxicating Substances (Including Alcohol) Zones and provided heightened enforcement opportunities by making the 'consumption, injection, inhalation, ingestion, smoking or use' of

intoxicating substances or alcohol prohibited. These areas were chosen because the data analysis indicated higher than average levels of alcohol related Anti-Social Behaviour in these wards compared to other areas of RCT.

- 4.16 This is still the case in RCT, with Aberdare and Pontypridd Town Centres having the highest number of alcohol related ASB overall between the financial years of 2017/18 and 2020/21. This can be seen in Fig 1 below which shows the top 10 highest ranked Wards for Alcohol Related ASB Occurrences logged by South Wales Police. (For the complete data set see Appendix 4).

*Fig 1*

*Alcohol Related ASB in RCT - Highest 10 Wards 2017-2021*

<b>Ward</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>TOTAL</b>
Aberdare East	35	24	19	17	95
Pontypridd	17	10	16	12	55
Treforest	9	6	5	29	49
Trallwng	16	7	10	3	36
Porth	11	3	7	13	34
Pentre	8	9	7	9	33
Graig	7	10	6	5	28
Tylorstown	5	6	2	15	28
Maerdy	10	2	1	14	27

- 4.17 The data shows the Aberdare East and Pontypridd wards ranked as 1<sup>st</sup> and 2<sup>nd</sup> highest wards for alcohol related ASB in 2017/18, 18/19 and 19/20 with an anomaly in 20/21 where they are ranked as 2<sup>nd</sup> and 10<sup>th</sup>. However, this inconsistency is likely to be COVID-19 related and a reflection of Town Centres being unusually quiet due to extended periods of lockdown restrictions which reduced footfall in these areas.
- 4.18 The Treforest data shows that it has the 3<sup>rd</sup> highest level of Alcohol Related ASB by ward in total, however this figure was distorted during 2020/21 by the behaviour of a single resident of Treforest who continually breached COVID regulations by holding gatherings at his property. This individual has since been moved on and the figures should therefore return to a more typical rate in the 2021/22 financial year.
- 4.19 Whilst the original 2018 Intoxicating Substances (Including Alcohol) PSPO has been active, it has been noted by South Wales Police Officers and Local Elected Members that although the Pontypridd Intoxicating Substances Exclusion Zone encompasses the majority of

the Town Centre area, there are locations on the boundaries of the map which have been identified as hot spots for street drinking and substance misuse and would benefit from inclusion in the 'zone'. These areas include the lower Graig area, the area around Ty Pennant and the green spaces leading from Pontypridd Bus Station to Tyfica Road via the underpass.

- 4.20 The Graig area which borders Pontypridd Town Centre is ranked highly in the Alcohol Related ASB figures during the 2017/18, 18/19, 19/20 timeframes and is within the top 10 figures in total. Anecdotal evidence from the Ward Member suggests that alcohol related ASB often crosses the ward boundaries and takes place in the Lower Graig area, as such the elected member has requested that this area is included in the Pontypridd Exclusion Zone (See Appendix 13).
- 4.21 The area leading from Mill Street, past the Ty Pennant building has also been included in the proposal to extend the boundary of the Pontypridd Exclusion Zone. This suggestion mirrors the area designated by the South Wales Police Section 35 Direction to Leave Map. This area is used regularly by members of the public as one of the main routes of access into Pontypridd Town Centre and the local Neighbourhood Policing Team have made informal representations to request that this area is included to aid enforcement of the PSPO.
- 4.22 It is proposed that the green spaces leading from Pontypridd Bus Station to Tyfica Road via the underpass are included into the mapped Intoxicated Substances Exclusion Zone because the area has been linked to alcohol related anti-social behaviour occurrences in the past and there is a recent history of drug paraphernalia being found at this location.
- 4.23 During the consultation period, consideration was given to including Coedpenmaen Common, Berw Road Fields and Taff Meadow in Treforest into the Pontypridd Intoxicating Substances Exclusion Zones as requested by Pontypridd Town Council. However, after consultation with South Wales Police, it was decided that whilst we acknowledge that there have been isolated incidents of alcohol related anti-social behaviour at these locations, the number and frequency of occurrences can be managed by utilising the County Wide PSPO powers.
- 4.24 The impact of the PSPO on alcohol related ASB incidents to date is difficult to pinpoint. The tables below (Fig 2 and 3) show the number of anti-social behaviour incidents in Aberdare and Pontypridd Town Centres for the financial years from April 2017- April 2021. The figures are split into 'All ASB' and 'Alcohol Related ASB'.

- 4.25 Alcohol related ASB data has been extracted from Police data and includes the number of ASB occurrences with an alcohol flag attached on the crime recording system.
- 4.26 The number of 'All ASB' incidents in both Town Centres did begin to decline steadily from the implementation of the PSPO in 2018, however in 2020-2021 penalties for breaching COVID regulations were introduced and these were counted in with the ASB figures, this inclusion has skewed the data somewhat.

*Fig 2.*

*All ASB in Aberdare East and Pontypridd Wards 2017 - 2021*

Financial Year	Aberdare East	Pontypridd	Total
2017-2018	459	176	635
2018-2019	393	142	535
2019-2020	320	136	456
2020-2021	550	167	717

- 4.27 The number of 'Alcohol Related ASB' incidents in both Town Centres have reduced overall since the implementation of the PSPO in 2018, from a total of 52 incidents to 29 incidents.

*Fig 3.*

*Alcohol Related ASB in Aberdare East and Pontypridd Wards 2017 – 2021*

Financial Year	Aberdare East	Pontypridd	Total
2017/18	35	17	52
2018/19	24	10	34
2019/20	19	16	35
2020/21	17	12	29

## **5. CONSULTATION**

- 5.1 The full consultation report is available at Appendix 5. The public consultation took place between the 2<sup>nd</sup> October 2020 and 30<sup>th</sup> October 2020. The consultation period was unfortunately interrupted by the COVID-19 pandemic and face to face consultation was therefore replaced by online data collection to ensure the safety of all involved.
- 5.2 The methodology adopted included an online questionnaire, a webpage outlining the proposals and a "what you need to know" fact sheet. Promotion of the questionnaire was undertaken via social media and the press.

- 5.3 Key stakeholders were contacted via email and asked to provide open responses regarding the proposed PSPO extension.
- 5.4 The key findings arising from the 134 questionnaire responses to the public consultation can be summarised as follows:
- 86% of respondents said that they saw alcohol related anti-social behaviour as a problem in their area. (88% in the Pontypridd area, 82% in the Aberdare area);
  - 69% of respondents said that they were aware that there is a PSPO in place within RCT, in Pontypridd and Aberdare Town Centres;
  - 28% of respondents said that they have seen a decrease in the levels of alcohol related anti-social behaviour in Aberdare Town Centre with 64% saying that they had not seen a decrease within the area;
  - 21% of respondents said that they have seen a decrease in the levels of alcohol related anti-social behaviour in Pontypridd Town Centre with 64% of respondents saying that they have not seen a decrease within the area;
  - 54% of respondents agreed that the PSPO has or is likely to have a positive impact on the quality of life in RCT (57% in Aberdare, 51% in Pontypridd);
  - 34% thought that the PSPO is unlikely to have a positive impact (27% in Aberdare, 40% in Pontypridd).
- 5.5 Public perception remains that alcohol consumption in public spaces within RCT is a problem, particularly in the two principal town centres of Aberdare and Pontypridd. Misuse of other substances is also reported.
- 5.6 There is public support for retaining PSPO restrictions within the Borough and in the town centres of Aberdare and Pontypridd with the majority of respondents agreeing that the PSPO will have a positive impact on both town centres.
- 5.7 In addition to the online consultation and engagement events, key stakeholders were notified of the Local Authority's intention to review the PSPO by email. They were invited to provide open responses to the consultation by expressing their thoughts on the current PSPO, the proposed extension and inviting suggestions about how the PSPO could be improved.

These included:

- All Community & Town Councils in Rhondda Cynon Taf;
- South Wales Police;
- Police & Crime Commissioner for SW Police;
- All neighbouring Local Authorities;

- The Assembly Members and Members of Parliament for Rhondda Cynon Taf;
- Unison, Unite & GMB;
- All County Borough Councillors for Rhondda Cynon Taf;
- Youth Council;
- Older Persons Advisory Group.

8 email responses were received from key stakeholders. Responses were received from the following organisations:

- South Wales Police;
- Pontypridd Town Council;
- Cllr Heledd Fychan MS representing Pontypridd Town Ward;
- Vikki Howells MS representing the Cynon Valley;
- Hirwaun and Penderyn Community Council;
- Caerphilly County Borough Council;
- Cllr Jayne Brencher representing the Graig Ward.

- 5.8 3 responses were obtained from Officers of South Wales Police (SWP).
- 5.9 The SWP Superintendent for Communities and Partnerships stated that she lends her support to the extension of the current PSPO for a further 3 years and has suggested improvements that could be made to the enforcement opportunities currently available to the Police and Local Authority (See Appendix 6).
- 5.10 The SWP Taff Sector Local Policing Inspector fully supports the extension of the Exclusion Zones for a further 3 years (See Appendix 7).
- 5.11 The SWP Cynon Sector Local Policing Inspector has expressed firm support for the proposed 3 year extension of the Borough Wide Controlled Drinking Zone along with the classification of Aberdare Town Centre as an 'Intoxicating Substances Exclusion Zone' (See Appendix 8).
- 5.12 Vikki Howells, MS representing the Cynon Valley agreed with the proposal and offered her full support to the extension of the PSPO in Aberdare Town Centre (See Appendix 9).
- 5.13 Pontypridd Town Council supports a Borough wide extension of the PSPO, however they had some reservations regarding the current enforcement processes and they have made suggestions for improvements that could be made if the PSPO is extended.

- 5.14 Members of Pontypridd Town Council also suggested an extension of the Intoxicating Substances (Including Alcohol) Zone to cover areas owned/maintained by the Town Council including Coedpenmaen Common, Berw Road Fields and Taff Meadow in Treforest (See Appendix 10).
- 5.15 Cllr. Heledd Fychan, MS of Pontypridd Town ward, although in agreement with the extension of the PSPO expressed that she would like to see the Local Authority increasing their resourcing of the PSPO enforcement and an extension of the Intoxicating Substances (Including Alcohol) Zone into the neighbouring streets (See Appendix 11).
- 5.16 Hirwaun and Penderyn Community Council have indicated that they agree to the extension of the PSPO in its current form (See Appendix 12).
- 5.17 Cllr Brencher representing the Graig Ward fully supports the extension of the PSPO as a vital tool in the efforts to ensure that Pontypridd is a safe place for families. However, she has concerns about current reporting processes being challenging to use and has made a request to widen the Pontypridd Exclusion Zone to include the Taff Vale Flats area in the prohibited area because she sees alcohol related anti-social behaviour crossing the town centre boundaries into the Lower Graig area (See Appendix 13).
- 5.18 Caerphilly County Borough Council state that they have no objection to the extension of the PSPO for a further 3 years (See Appendix 14).
- 5.19 Overall, the stakeholders were in agreement with the proposals, with concerns raised by some as outlined above and improvement measures suggested regarding the enforcement of the PSPO.
- 5.20 Other observations arising from the consultation process can be summarised as follows:
- (i) Concerns were raised by both Pontypridd Town Council and Cllr Heledd Fychan MS regarding the concentration of support services located in Pontypridd Town Centre. Both suggested that a review of the location of these services is needed (See Appendix 10 & 11).
- 5.21 Given the evidence and public support for the existing prohibitions and restrictions and the supportive responses from SW Police along with the majority of other stakeholders, the Council can confidently proceed with the necessary arrangements to establish a new PSPO, subject to any amendments that Members may wish to consider following the consultation.

5.22 Members may also wish to consider undertaking the need for a new high profile awareness campaign to ensure that the requirements and prohibitions of the PSPO are publicised and fully understood by residents and businesses.

5.23 Members are requested to consider a proposed commencement date of 1<sup>st</sup> October 2021.

## **6. EQUALITY AND DIVERSITY IMPLICATIONS / SOCIO-ECONOMIC DUTY**

6.1 The Council must be able to demonstrate that a PSPO is a necessary and proportionate response to the problems caused by persons under the influence of intoxicating substances including alcohol in public places in the Authority's area and that those activities have had or are likely to have a detrimental effect on the quality of life of those in the locality.

6.2 An Equality Impact Assessment screening was undertaken when the 2018 Intoxicating Substances (Including Alcohol) PSPO was initially proposed and following a recent review, the findings remain as below.

6.3 The Council balances the interests of the population which is adversely affected by the anti-social behaviour of people under the influence of substances in our communities with the reasonable expectation of those who wish to take intoxicating substances or enjoy alcohol responsibly without undue controls. As a population level intervention, the equality impact assessment conducted does not indicate that any group of individuals will be disproportionately affected due to a protected characteristic. With regard to the concerns of young people, the age limit to purchase alcohol is 18 and it is already an offence for a person aged 18 or over to purchase alcohol on behalf of an underage person. To that end, the PSPO does not place any further adverse impact on the rights of young people.

6.4 The Council is required to balance the interests of those who chose to ingest intoxicating substances and the interests of the wider population and business proprietors in Aberdare and Pontypridd Town Centre who are adversely affected by crime and disorder that may arise. The approach of the wider Cwm Taf Substance Misuse Strategy is for all agencies to encourage people with substance misuse issues to engage with services where appropriate. Appropriate substance misuse training for authorised officers has been undertaken as part of the lead in period for commencement of the original Order and will be refreshed for officers as part of any decision to designate a PSPO. This would accompany specific enforcement guidance to ensure that an appropriate range of actions and interventions, not merely the issue of

fixed penalty fines, are available to officers who identify people with substance misuse issues.

- 6.5 The consultation responses support the legal test that the proposed PSPO is a proportionate and necessary action. However, in order to balance the wider needs of the population, the provisions of the proposed Order would not apply to a person in a public place who:
- (i) Ingests a substance capable of stimulating or depressing the central nervous system for a valid and demonstrable medical purpose e.g. prescribed medication;
  - (ii) Ingests tobacco products (e.g. cigarettes) or vaporisers;
  - (iii) Ingests alcohol within the curtilage of a premises licensed for the sale or supply of alcohol.

## **7. WELSH LANGUAGE IMPLICATIONS**

- 7.1 A Welsh Language Impact Assessment has been completed and the main findings are listed below.
- 7.2 The impact of the proposal to introduce a new Intoxicating Substances (Including Alcohol) PSPO is neutral.
- 7.3 As is standard, all signage, posters and promotional material regarding the PSPO will be produced in both Welsh and English and checked with the RCTCBC Translation Department before being published.
- 7.4 Opportunities to speak to Welsh speaking members of staff from RCTCBC and South Wales Police will be provided if requested. Both RCTCBC and SWP have identified officers who speak Welsh fluently and will be able to converse with members of the public if they chose Welsh as their medium.

## **8. CONSULTATION / INVOLVEMENT**

- 8.1 A public consultation was undertaken between the 2<sup>nd</sup> October 2020 and 30<sup>th</sup> October 2020. The consultation period was unfortunately interrupted by the COVID-19 pandemic restrictions and face to face consultation was therefore replaced by online data collection to ensure the safety of all involved.
- 8.2 The methodology adopted included an online questionnaire, a webpage outlining the proposals and a “what you need to know” fact sheet. Promotion of the questionnaire was undertaken via social media and the press.
- 8.3 Key stakeholders (including RCT Community and Town Councils, SWP, SWP PCC’s Office, Neighbouring Local Authorities, Assembly

Members and Members of Parliament for RCT, Relevant Unions, All County Borough Councillors of RCT and the Older Person's Advisory Group) were contacted via email and asked to provide open responses regarding the proposed PSPO extension (See Appendix 15).

- 8.4 All responses to the consultation have been referred to in the above document and a full report of the public consultation along with all key stakeholder replies have been included in the appendices attached.

## **9. FINANCIAL IMPLICATION(S)**

- 9.1 The Council must consider how it will enforce the prohibitions and requirements introduced under the PSPO, as the failure to enforce the Order will undermine its effect. This is particularly the case for the town centres subject to Intoxicating Substance Exclusion Zone controls.

- 9.2 In order to enforce the prohibitions of the Exclusion Zones, the Council have already erected signage throughout Pontypridd and Aberdare town centres which is adequate and will not need replacing. However, new signage will need to be produced to reflect the extended Intoxicating Substances Exclusion Zone boundary in Pontypridd town centre if agreed. The original 4 signs will be replaced and 3 additional signs will be erected at entry points to the boundary of the area where the prohibitions apply at a cost of approximately £30 per sign.

- 9.3 To ensure the Order is monitored effectively, there will be a need to ensure Enforcement Officers funded through existing resources continue to be duly authorised to monitor and enforce compliance alongside Police Constables.

## **10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 10.1 Under section 59 of the [Anti-Social Behaviour, Crime and Policing Act 2014](#) (the 'Act'), a local authority may make a PSPO if satisfied on reasonable grounds that two conditions are met.

- 10.2 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.

- 10.3 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.
- 10.4 A PSPO is an order that identifies the public place referred to in 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.
- 10.5 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 above from continuing, occurring or recurring, or;
  - b) To reduce the detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- 10.6 A PSPO order must identify the activities referred to above, detail the offence of non-compliance with it and specify the period for which it has effect. It may not have effect for a period of more than 3 years.
- 10.7 The Act requires that before it can make a PSPO the Council must carry out the *necessary consultation*, the *necessary publicity* and the *necessary notification*. The consultation process described in this report has discharged these duties in respect of consultation, publicity and notification. In addition, the Council has consulted with SW Police and other stakeholders and notified the Community Councils across Rhondda Cynon Taf. The Council, having fulfilled these obligations under the Act is therefore able to proceed to making the PSPO should it wish to do so.

## **11. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.**

- 11.1 The proposals in this report are consistent with the priorities of the Council's Corporate Plan, in particular "*Place – creating neighbourhoods where people are proud to live and work*":
- *Rhondda Cynon Taf will be amongst the safest places in Wales, with high levels of community cohesion, and residents feeling safe.*
- 11.2 These proposals are also consistent with the Well-being Goals under the Wellbeing of Future Generations (Wales) Act 2015:

- *A healthier Wales – a society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood;*
- *A Wales of cohesive communities – attractive, viable, safe and well connected communities.*

## **12. CONCLUSION**

- 12.1 There remains a problem in RCT with alcohol related anti-social behaviour, crime and disorder and the reported perception of the public is that this is a significant issue that warrants specific controls.
- 12.2 Having regard to the legal tests, there are reasonable grounds for the Council to establish a new PSPO which makes the whole Borough of RCT a ‘Controlled Drinking Zone’ and includes prohibitions on intoxicating substance use, including alcohol, in public places in the ‘Intoxicating Substances Exclusion Zones’ within the town centres of Pontypridd (including the Lower Graig area, the area around Ty Pennant, and the green spaces leading from Pontypridd Bus Station to Tyfica Road via the underpass) and Aberdare only.
- 12.3 Cabinet is now asked to consider the responses to the public consultation and make a decision in relation to creating a new Borough Wide PSPO with two Exclusion Zones in Aberdare and Pontypridd Town Centres (including the Lower Graig area, the area around Ty Pennant, and the green spaces leading from Pontypridd Bus Station to Tyfica Road via the underpass) accounting for any amendments required following consideration of the consultation response.

### **Other Information:-**

#### **[2018 Intoxicating Substances \(Including Alcohol\) PSPO Cabinet Report](#)**

### **Relevant Scrutiny Committee**

Public Service Delivery, Communities & Prosperity Scrutiny Committee (Crime and Disorder);  
Health and Well-being Scrutiny Committee.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CABINET**

**23rd SEPTEMBER 2021**

**REPORT OF DIRECTOR OF PUBLIC HEALTH, PROTECTION AND COMMUNITY SERVICES IN DISCUSSION WITH THE RELEVANT PORTFOLIO HOLDER, COUNCILLOR RHYS LEWIS, CABINET MEMBER FOR STRONGER COMMUNITIES, WELL-BEING AND CULTURAL HERITAGE**

**PUBLIC SPACES PROTECTION ORDER  
(INTOXICATING SUBSTANCES INCLUDING ALCOHOL)**

**Background Papers**

- a) Public Spaces Protection Orders (Intoxicating Substances including Alcohol) – Report of Director of Public Health, Protection and Community Services in discussion with the relevant Portfolio Holder, Councillor Rhys Lewis: 19<sup>th</sup> December 2017
- b) Anti-social Behaviour, Crime and Policing Act 2014 – Chapter 12
- c) Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers: statutory guidance for frontline professionals. Home Office: July 2014
- d) Public Spaces Protection Orders- Guidance for Councils (Local Government Association, May 2017)

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