



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**YNYSSANGHARAD WAR MEMORIAL PARK CABINET COMMITTEE**

**8<sup>TH</sup> MARCH 2018**

**PROPOSED PUBLIC SPACE PROTECTION ORDER (INTOXICATING  
SUBSTANCES INCLUDING ALCOHOL)**

**REPORT OF THE DIRECTOR PUBLIC HEALTH, PROTECTION AND  
COMMUNITY SERVICES IN DISCUSSIONS WITH THE RELEVANT  
PORTFOLIO HOLDER, COUNCILLOR RHYS LEWIS.**

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and Community Safety  
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**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of the report is to consult members of the Committee about the proposed Public Space Protection Order (Intoxicating Substances including Alcohol).

**2. RECOMMENDATIONS**

It is recommended that the Cabinet Committee:

- 2.1 Scrutinise the report and express their views on the Proposed Public Space Protection Order.

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 To obtain Committee views as part of a public consultation about a proposed Public Space Protection Order (PSPO). The proposal is to continue the current PSPO to designate the whole County Borough as a Controlled Drinking Zone and extend the PSPO to designate Aberdare Town Centre and Pontypridd Town Centre (including Ynysangharad War Memorial Park) as Exclusion Zones, prohibiting the ingestion of intoxicating substances in public places.

**4. BACKGROUND**

- 4.1 Rhondda Cynon Taf CBC approved a County wide Designated Public Place Order (DPPO) in 2011, which came into force in RCT on the 8<sup>th</sup> March 2012. The County wide DPPO set out to achieve a reduction in

alcohol related anti social behaviour (ASB) in all public places within the County Borough.

- 4.2 In October 2014 the Anti-Social Behaviour, Crime and Policing Act was enacted, introducing new powers including the use of PSPO. The new orders are more flexible and can be applied to a much broader 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 on the Anti Social Behaviour (ASB) tools and powers in the 2014 Act 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. Under this legislation, the County wide DPPO automatically became a PSPO on the 20<sup>th</sup> October 2017.
- 4.3 In order to comply with the requirements of the 2014 Act, a full review of the DPPO was conducted, and as a result a report went to Cabinet on the 19<sup>th</sup> December 2017, where they resolved to conduct a public consultation about continuing the current PSPO and extending that Order to include the addition of specific exclusion zones.

#### **Intoxicating Substance Issues in Cwm Taf**

- 4.4 Of the 22 local authorities in Wales, Rhondda Cynon Taf ranks second highest for the rate of alcohol use. In relation to drug use, Rhondda Cynon Taf ranked 11<sup>th</sup> (slightly below the Wales average). Alcohol accounts for 62% of referrals to substance use treatment services in Cwm Taf, with other drugs making up the remaining 38% of referrals.
- 4.5 Cwm Taf has the highest rate of alcohol related deaths in Wales. According to Public Health Wales (2015), Cwm Taf had the highest incidence of alcohol related deaths in both males and females and the second highest rate of hospital admissions in Wales due to alcoholic liver disease.
- 4.6 Safer Town Centres is one of the priorities for Rhondda Cynon Taf Community Safety Partnership. Over recent years the local authority and partners have run proactive operations designed to disrupt ASB and address perceived problems within the Town Centres of Pontypridd and Aberdare. A crime perception survey is carried out annually in Aberdare and Pontypridd Town Centre to assess the impact we are having in our towns. The 2016/17 Town Centre Survey was carried out in Aberdare and Pontypridd and of 326 responses, 89 (27%) of those saw alcohol as the single biggest cause of crime and disorder within the town centres.
- 4.7 Specific comments made by the Public during the Town Centre Survey 2016/17 indicate the perceived problem of alcohol related ASB:

*“It’s so normal it seems part of the normal working day. Little is done about it even when reported. It is good to see town centre bans being used, however it does appear that they are not strictly enough enforced”*

*“People walking through town drinking alcohol during the day are so commonplace I could be constantly complaining to the authorities! Also people sit in the park drinking and this never seems to be stopped.”*

*“Almost a daily issue in Pontypridd, youths who are drunk / substance misuse”*

*“It’s a regular occurrence to see drunk/drugged members of the public in the town, it’s not often that I see them causing any trouble; it’s just not appealing to see whilst using the town”*

*“It’s a general issue which I haven’t specifically reported. It is the case that groups of drunk/ intoxicated individuals persistently hang about in Town, near the Park entrance from Taff Street, so others including the Police would be aware of this. It’s a particular issue in the late afternoon/ early evening most days.”*

- 4.8 In terms of survey data, most people feel crime and antisocial behaviour has remained the same in the last 12 months. However, overall, ASB in the South Wales Police Northern BCU has seen a reduction (of on average 1% per year) since 2012/13 but with some variance by area. Specifically, the data for alcohol related ASB shows it has remained at over 5% of reported incidents in the last two years.

2015-16 5.5% of ASB incidents were alcohol related

2016-17 5.1% of ASB incidents were alcohol related

Appendix 1 shows recorded incidents of alcohol related crime and alcohol related ASB.

- 4.9 Public perception currently is that the 2012 DPPO was a ban on alcohol consumption in public places, which it was not. The original DPPO legislation did not permit the Council to adopt such a ban but did allow for greater control of drinking where it is of a problematic nature – e.g. large groups of drinkers intimidating residents/passers-by; and gave police additional powers within a designated area to tackle street-drinking where there is associated anti-social behaviour (ASB).
- 4.10 Public perception remains that alcohol consumption in public is a problem, particularly in the two principal town centres of Aberdare and Pontypridd, and misuse of other substances is also reported. The tables in Appendix 1 highlight the levels being experienced in Aberdare

and Pontypridd Town Centres and, along with our town centre perceptions surveys, the evidence supports the need for Pontypridd and Aberdare Town Centres to be subject to more stringent controls than the rest of the County Borough. The proposed areas to be subject to an Intoxicating Substance Exclusion Zone are defined in the maps in Appendix 2a and 2b. The proposed Pontypridd exclusion zone includes the lower part of The Graig and the whole of Ynysangharad War Memorial Park. Having regard to the pre-requisites for a PSPO, there is very limited evidence to support such additional, restrictive controls in other areas of RCT. The County-wide controls over alcohol use in public places will continue to provide reassurance to residents and powers to the Police and authorised officers to deal with any ASB displaced from the Exclusion Zones.

- 4.11 The proposed prohibitions of the varied PSPO will not apply to premises which are licensed for the supply of alcohol so would not impede these legitimate business functions; this would include any curtilage (e.g. a beer garden or permitted pavement seating area). The prohibition could also include a wavering option to allow for public drinking at organised events within these locations (e.g. The Big Bite, Christmas Markets) via applications made for temporary event notices through the Council's Licensing Team.
- 4.12 Failure to comply with a PSPO without a reasonable excuse is an offence liable on conviction to a maximum fine of level 3 on the standard scale (currently £1000). Police Constables and authorised officers will have discretion to deal with offences by way of issuing a fixed penalty notice of up to £100. Breach of the PSPO is an offence and upon conviction, individuals could be made subject to a Criminal Behaviour Order. This carries both tougher sanctions, along with the ability to implement positive conditions requiring support for substance misuse issues.

## **5 CONSULTATION**

- 5.1 On the 15<sup>th</sup> January 2018, the council started a comprehensive eight week consultation exercise with the public, relevant bodies and other interested parties. This has included mailings to residents and businesses in the proposed Exclusion Zones, online consultation documents and feedback forms and Town Centre engagement Events to capture the views of people using our towns.
- 5.2 The specific proposals are to retain the County wide PSPO to control alcohol related anti social behaviour in public spaces and to vary the order to introduce a prohibition on taking of intoxicating substances in public spaces in defined Exclusion Zones in Pontypridd and Aberdare Town Centres:

- a) County Wide Alcohol Control Area – applicable to all public places in the County Borough of Rhondda Cynon Taf. This does not ban or make it illegal to carry alcohol or to drink alcohol in a public place as long as drinking is done responsibly.
  - b) Intoxicating Substance Exclusion Zone – applicable in defined areas of Pontypridd and Aberdare Town Centre (refer to the Maps in Appendix 2 of this report). This prohibits persons within the Exclusion Zone from ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances in public places. The prohibition shall not have any effect in relation to an activity, premises or curtilage authorised to be used for the supply of alcohol by licence or club premises certificate or permission granted under section 115E of the Highways Act 1980.
- 5.3 **Intoxicating Substances** will be given the following definition (which includes alcohol and what are commonly referred to as “legal highs”): *substances with the capacity to stimulate or depress the central nervous system*. Exemptions shall apply where the substances are used for a valid and demonstrable medical use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by Food, Safety or Health legislation.
- 5.4 The **County-wide** alcohol controls **will not** make it an offence to drink alcohol in a public place however failure to comply with a request by a Police Constable or authorised officer in relation to public drinking or to surrender alcohol, without reasonable excuse, is an offence.
- 5.5 In relation to the Exclusion Zones proposed for **Pontypridd and Aberdare Town Centres**, where a Police Constable or authorised officer reasonably believes a person has been or intends to take intoxicating substances in breach of the prohibition they will be committing an offence.
- 5.6 A Police Constable or authorised officer may issue a fixed penalty notice to anyone believed to have committed an offence in relation to a PSPO. The Council, in varying the PSPO, may specify the amount of fixed penalty fine payable in respect of relevant offences at no more than £100.
- 5.7 The consultation exercise ends on the 12<sup>th</sup> March. A further report detailing the feedback from the consultation process will then be submitted to Cabinet for consideration.

## **6 EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 The Council must be able to demonstrate that a PSPO is a necessary and proportionate response to the problems caused by people under the influence of intoxicating substances in public places in the authorities 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 The Council is required to balance 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.
- 6.3 An Equality Impact Assessment will be required prior to making the Order. This will be included in a further report to Cabinet, taking into consideration the outcomes of the public consultation.

## **7 FINANCIAL IMPLICATIONS**

- 7.1 In order to enforce the prohibitions of the Exclusion Zones, the Council will provide signage to the main entry points to the boundary of the area where the prohibitions apply. This is estimated to cost less than £5000. To ensure the Order is monitored effectively there will be a need to ensure existing enforcement officers are duly authorised to monitor and enforce compliance alongside Police Constables. It is not anticipated that additional Council staff will be required to enforce the proposed PSPO.

## **8 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 8.1 Under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the 'Act'), a local authority may make or vary a PSPO if satisfied on reasonable grounds that defined conditions are met.
- 8.2 The Act requires that before it can make or vary a PSPO the Council must carry out the *necessary consultation*, the *necessary publicity* and the *necessary notification*.

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

- 9.1 The proposals relating to the PSPO are consistent with the priorities of the Council's Corporate Plan 2016-2020, 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.*

- 9.2 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.*

## **10 CONCLUSION**

- 10.1 There remains a problem in RCT with alcohol related anti social behaviour and crime and disorder and the reported perception of the public is that this is a significant issue that warrants specific controls. Having regard to the legal tests, there are reasonable grounds for the Council to retain the controls that transitioned from the previous DPPO into a PSPO and to vary that PSPO to include additional prohibitions on intoxicating substance use, including alcohol, in public places in the Town Centres of Aberdare and Pontypridd (including Ynysangharad War Memorial Park) only. The proposals are currently undergoing a comprehensive public consultation to ensure the views of all parties are properly considered.

**Appendix 1**

Rhondda Cynon Taf Incidence of Alcohol Related Crime 2015 – 17

**Appendix 2a**

Proposed Exclusion Zone for Intoxicating Substances – Pontypridd Zone

**Appendix 2b**

Proposed Exclusion Zone for Intoxicating Substances – Aberdare Zone

**Other Information:-**

***Relevant Scrutiny Committee-*** *Public Services, Communities & prosperity –  
crime & disorder scrutiny committee*

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**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

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

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**Item:**

**Background Papers**

- a) **Anti Social Behaviour, Crime and Policing Act 2014 – Chapter 12**
- b) **Anti Social Behaviour, Crime and Policing Act 2014: Reform of anti social behaviour powers: Statutory Guidance for Frontline Professionals (Home Office, July 2014)**
- c) **Public Space Protection Orders – Guidance for Councils (Local Government Association, May 2017)**

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