



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017/18

**PUBLIC SERVICE DELIVERY,
COMMUNITIES & PROSPERITY - CRIME
& DISORDER SCRUTINY COMMITTEE**

22nd FEBRUARY 2018

**REPORT OF THE DIRECTOR OF
PUBLIC HEALTH, PROTECTION AND
COMMUNITY SERVICES**

Agenda Item No.4

**Public
Space Protection Order
(Intoxicating Substances
Including Alcohol)**

Author: Gary Black, Community Safety and Licensing Manager

1. PURPOSE OF THE REPORT

To update elected members about the proposed Public Space Protection Order (Intoxicating Substances Including Alcohol)

2. RECOMMENDATIONS

It is recommended that members:

- 2.1 Scrutinise the proposed Public Space Protection Order currently under consultation.

3. BACKGROUND

- 3.1 Rhondda Cynon Taf CBC approved a County wide Designated Public Place Order (DPPO) in 2011, which came into force in RCT on the 8th March 2012. The County wide DPPO set out to achieve a reduction in alcohol related anti social behaviour in all public places within the County Borough. In October 2014 the Anti-Social Behaviour, Crime and Policing Act was enacted, introducing new powers including the use of Public Space Protection Orders (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 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 20th October 2017.

A full review of the DPPO was conducted, and as a result a report went to Cabinet on the 19th December 2017, where they resolved to conduct a public consultation about introducing a new PSPO, to include the addition of specific exclusion zones.

Intoxicating Substance issues in Cwm Taf

- 3.2 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 11th (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.
- 3.3 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.
- 3.4 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, detect licensing offences, deter environmental criminal activity, enforce parking restrictions 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.
- 3.5 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.”

Public Perception of Anti Social Behaviour

- 3.6 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 across Rhondda Cynon Taf

- 3.7 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 does allow for greater control of drinking where it is of a problematic nature – e.g. large groups of drinkers intimidating residents/passers-by; and gives police additional powers within a designated area to tackle street-drinking where there is associated anti-social behaviour.
- 3.8 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. 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.

- 3.9 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.
- 3.10 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. The suite of new powers available in the 2014 Act also allow officers to utilise a range of measures for those identified as persistently breaching the order, for example, a Civil Injunction could be sought from the Courts. 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.

4. **CONSULTATION**

- 4.1 On the 15th 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 on people using our towns.
- 4.2 The specific proposals are to retain the County wide PSPO to control alcohol related anti social behaviour in public places, and to vary the order to introduce a prohibition on the taking of intoxicating substances in public spaces in defined Exclusion Zones in Pontypridd and Aberdare Town Centres, as follows:
 - 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 1 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.

4.2 **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.

4.3 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.

4.4 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.

4.5 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.

4.6 The consultation exercise ends on the 12th March. A further report detailing the feedback from the consultation process will then be submitted to Cabinet for consideration.

5. Financial Implications

5.1 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.

6. Conclusion

- 6.1 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 Pontypridd and Aberdare 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 – Aberdare Zone

Appendix 2b

Proposed Exclusion Zone for Intoxicating Substances – Pontypridd Zone

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

COMMUNITIES & PROSPERITY – CRIME & DISORDER SCRUTINY COMMITTEE

22nd FEBRUARY 2018

**REPORT OF THE DIRECTOR OF PUBLIC HEALTH, PROTECTION AND
COMMUNITY SERVICES.**

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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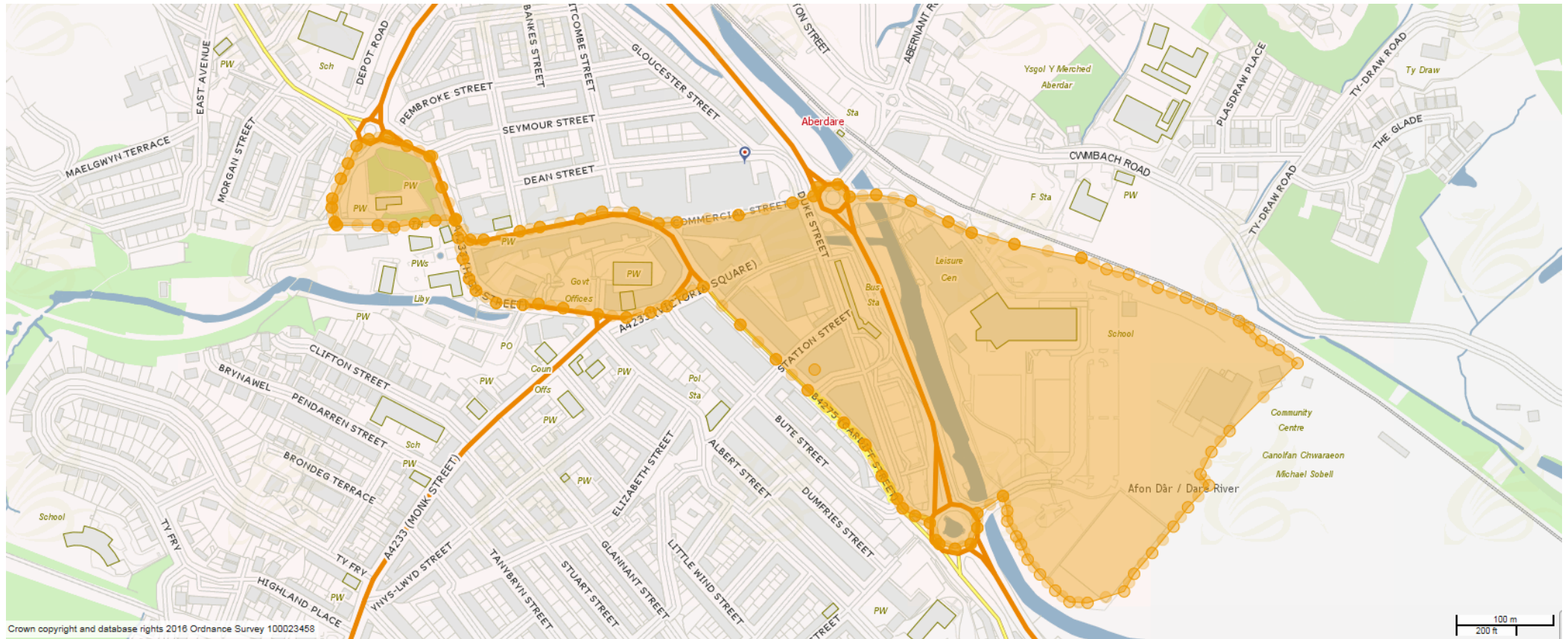
Appendix 1- Rhondda Cynon Taf Incidence of Alcohol Related ASB and Crime
2015-2017

Sector	Beat Name						
		2015-16 Total			2016-17 Total		
		All Crime	Alcohol Crime	Alcohol Crime %	All Crime	Alcohol Crime	Alcohol Crime %
Cynon North	Aberdare East	846	166	19.6%	897	122	13.6%
	Aberdare West	405	39	9.6%	426	27	6.3%
	Aberman North	397	66	16.6%	406	40	9.9%
	Hirwaun	224	27	12.1%	175	25	14.3%
	Penywaun	199	24	12.1%	210	7	3.3%
	Rhigos	138	9	6.5%	120	6	5.0%
	Cynon North Total	2209	331	15.0%	2234	227	10.2%
Cynon South	Aberaman South	318	27	8.5%	311	20	6.4%
	Abercynon	347	25	7.2%	502	42	8.4%
	Cwmbach	392	28	7.1%	375	18	4.8%
	Mountain Ash East	227	19	8.4%	219	21	9.6%
	Mountain Ash West	328	43	13.1%	399	35	8.8%
	Penrhiwceiber	306	41	13.4%	348	41	11.8%
	Cynon South Total	1918	183	9.5%	2154	177	8.2%
Pontypridd	Cilfynydd	149	13	8.7%	162	8	4.9%
	Glyncoch	189	12	6.3%	235	18	7.7%
	Graig	365	86	23.6%	424	102	24.1%
	Hawthorn	130	10	7.7%	171	12	7.0%
	Pontypridd	495	58	11.7%	553	56	10.1%
	Rhondda (Pwllgwaun)	227	36	15.9%	252	28	11.1%
	Rhydyfelin	509	47	9.2%	510	27	5.3%
	Taffs Well	204	31	15.2%	213	11	5.2%
	Trallwn	257	31	12.1%	291	32	11.0%
	Treforest	347	40	11.5%	468	42	9.0%
	Ynysybwl	200	16	8.0%	232	23	9.9%
	Pontypridd Total	3072	380	12.4%	3511	359	10.2%
Rhondda Fach	Cymmer (BE)	308	39	12.7%	406	53	13.1%
	Ferndale	217	16	7.4%	236	16	6.8%
	Gilfach	179	24	13.4%	217	14	6.5%
	Maerdy	265	24	9.1%	287	25	8.7%
	Porth	448	57	12.7%	438	60	13.7%
	Tonyrefail East	306	29	9.5%	353	27	7.6%
	Tonyrefail West	300	25	8.3%	296	21	7.1%
	Tylorstown	370	34	9.2%	393	31	7.9%
	Ynysybir	150	15	10.0%	207	25	12.1%
	Rhondda Fach Total	2543	263	10.3%	2833	272	9.6%

Appendix 1- Rhondda Cynon Taf Incidence of Alcohol Related ASB and Crime 2015-2017

Sector	Beat Name						
		2015-16 Total			2016-17 Total		
		All Crime	Alcohol Crime	Alcohol Crime %	All Crime	Alcohol Crime	Alcohol Crime %
Rhondda Fawr	Cwm Clydach	144	13	9.0%	190	9	4.7%
	Llwynypia	245	24	9.8%	230	15	6.5%
	Pentre	353	61	17.3%	386	58	15.0%
	Penygraig	383	38	9.9%	378	22	5.8%
	Tonypandy	291	42	14.4%	272	24	8.8%
	Trealaw	210	24	11.4%	309	40	12.9%
	Treherbert	336	61	18.2%	385	52	13.5%
	Treorchy	377	54	14.3%	436	39	8.9%
	Ystrad	285	29	10.2%	366	29	7.9%
	Rhondda Fawr Total	2624	346	13.2%	2952	288	9.8%
Talbot Green	Beddau	215	10	4.7%	266	11	4.1%
	Brynna	135	10	7.4%	151	10	6.6%
	Church Village	247	20	8.1%	344	15	4.4%
	Llanharan	183	13	7.1%	184	8	4.3%
	Llanharry	82	9	11.0%	106	8	7.5%
	Llantrisant	123	12	9.8%	142	8	5.6%
	Llantwit Fardre	117	13	11.1%	153	9	5.9%
	Pontyclun	178	6	3.4%	251	10	4.0%
	Talbot Green	447	24	5.4%	552	24	4.3%
	Tonteg	240	7	2.9%	311	11	3.5%
	Tyn y Nant	194	14	7.2%	190	5	2.6%
	Talbot Green Total	2161	138	6.4%	2650	119	4.5%
Total		14527	1641	11.3%	16334	1442	8.8%

Appendix 2a- Proposed Exclusion Zone for Intoxicating Substances – Aberdare Zone



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Appendix 2b- Proposed Exclusion Zone for Intoxicating Substances – Pontypridd Zone

