

Cabinet

11 December 2023

Introduction of Public Spaces Protection Order (PSPO) – Llanelli Town Centre

Purpose:

To outline the proposed new PSPO to address alcohol and drug related crime, disorder and nuisance in the area identified in Llanelli.

Recommendations / key decisions required:

1. To approve the making of a new PSPO for Llanelli Town Centre.

Reasons:

PSPOs deal with a particular issue or issues in an identified area which is having a detrimental impact on the local community's quality of life. Conditions are imposed, within the Order, to restrict specific behaviour which is evidenced and must be proportionate to the detrimental effect that the behaviour is causing or can cause and are necessary to prevent it from continuing, occurring or recurring. Following consideration of the impact of the previous Order and engagement with local stakeholders it is considered appropriate to propose a new Order for the area.

Cabinet Decision Required YES – 11 December 2023

Council Decision Required NO

CABINET MEMBER PORTFOLIO HOLDER:-

Cllr Ann Davies, Cabinet Member for Rural Affairs, Community Cohesion and Planning Policy

Directorate: Chief Executive

Name of Head of Service:

Jason Jones

Report Author:

Gwyneth Ayers &
Kate Harrop

Designations:

Head of Regeneration,
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EXECUTIVE SUMMARY

Cabinet

11 December 2023

Introduction of Public Spaces Protection Order (PSPO) – Llanelli Town Centre

In 2020, Carmarthenshire County Council made a Public Spaces Protection Order (PSPO) under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 to address the alcohol-related nuisance and disorder in parts of Llanelli Town Centre (as noted in Appendix 3b). The Order came into force on 1 October 2020 and expired on 30 September 2023.

Carmarthenshire County Council is confident that the PSPO has been effective in reducing alcohol-related anti-social behaviour. However, the anti-social consumption of alcohol, controlled drugs and psychoactive substances in Llanelli Town Centre has had, and is likely to continue to have, a detrimental effect on the quality of life of people within the locality.

There are ongoing concerns amongst the community and the police regarding this issue, and in addition, drug-related concerns have been raised. These concerns are supported by crime and disorder data and evidence the need for a new PSPO to be implemented to give identified officers additional powers to deal with these issues. The background and key considerations in reviewing the current PSPO and future need is outlined in more detail in Appendix 1.

The Council is proposing to introduce a new Order (Appendix 2) for a further period of three years once the Order is formally approved by Cabinet and it will be enforced as soon as new signage confirming the arrangements of the new Order can be put in place. This Order, in addition to the current powers dealing with alcohol-related nuisance and disorder, will also give the police an additional power to reduce alcohol and drug-related anti-social behaviour caused by controlled drugs or psychoactive substances. This additional power will enable the police to require individuals to surrender drug paraphernalia.

Consideration was given to introducing a requirement for a person to disperse from an area if they are loitering if they are under the influence of alcohol or drugs and causing or are likely to cause anti-social behaviour. However, following seeking independent legal advice it is not clear whether local authorities can give the police additional dispersal powers within a PSPO. There is an ongoing case where this issue is being considered by the courts. Therefore, it has been decided not to include a dispersal power in the proposed Order at this stage, but this will be reviewed once the outcome of the court case is known.

The process of collating evidence to inform the advice sought on the proposed Order, then awaiting that advice and agreeing adjustments to the Order and supporting documentation based on the advice received has unfortunately resulted in a delay. This has resulted in a period from 30 September 2023 when no Order has been in place.

DETAILED REPORT ATTACHED?	YES
	Appendix 1 – PSPO report Appendix 2 – Draft Order Appendix 3a – Proposed new Order boundary & 3b - Previous Order boundary (for reference to view changes to area covered by Order) Appendix 4 – Equalities Impact Assessment Appendix 5 – Summary of consultation responses Appendix 6 – Human Rights and Equalities legislation Appendix 7 – Options Appraisal Appendix 8 – Map of Alcohol & Drug Related Crime, ASB & Public Safety Incidents Appendix 9 – Alcohol related Crime, ASB and Public Safety Incidents Appendix 10 – Drug related Crime, ASB and Public Safety Incidents

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: Jason Jones, Head of Regeneration, Policy and Digital

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

Policy, Crime & Disorder and Equalities

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

Consideration has been given to making certain Council officers ‘authorised officers’ who would be able to have the power relating to the confiscation of alcohol. It has been decided that this is not to be progressed at this time, but this can be undertaken at any time after the Order is established.

An Equality Impact Assessment in respect of the proposal is attached (Appendix 4).

Legal

Public Spaces Protection Orders can be challenged if they are not supported by sufficient evidence, or if the restrictions and requirements that they impose are considered to be a disproportionate response to the problems which are occurring.

Orders which can be used to require a person to surrender their possessions or stop drinking, are a significant interference with people’s human rights. Information on Human Rights and Equalities legislation is attached as Appendix 6. Orders should not be introduced lightly, and orders of this type can only be justified where the requirements are necessary and proportionate.

The draft PSPO has been shared with Dyfed Powys Police’s legal section and they are satisfied with the wording on the Order.

Finance

Approximate costs for the 65 signs are £3,135 including the installation to be paid for by the Council (Regeneration, Policy & Digital).

Physical Assets

New signs will be installed in multiple locations across the designated 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: Jason Jones, Head of Regeneration, Digital & Policy

1. Scrutiny Committee request for pre-determination	YES
If yes include the following information: -	
Scrutiny Committee	Place, Sustainability & Climate Change
Date the report was considered:-	23 November 2023
Scrutiny Committee Outcome/Recommendations:-	
Verbal feedback to be provided at Pre-Cabinet	

2. Local Member(s)

Local members in the area impacted have been consulted and are supportive of the proposed approach.

3. Community / Town Council

Llanelli Town Council and Llanelli Rural Council

4. Relevant Partners

Dyfed Powys Police and Dyfed Drug & Alcohol Service (DDAS). Supportive of the additional powers and extending the boundary. Agreed to review dispersal powers once findings of court case known

5. Staff Side Representatives and other Organisations

Llanelli Task Force, Safer Communities Action Group, Tyisha Crime and Disorder Steering Group, the Chair of Llanelli Community Partnership and Multi-cultural Network.

CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED <p style="text-align: center;">YES</p>	Cllr Ann Davies supports the proposed Order
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**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Public Spaces Protection Orders – Guidance for Councils 2018		Public Spaces Protection Orders: Guidance for councils Local Government Association