



## Overview and Scrutiny Committee

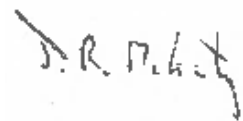
**Meeting: Monday, 2nd July 2018 at 6.30 pm in Civic Suite - North Warehouse, The Docks, Gloucester, GL1 2EP**

<b>Membership:</b>	Cllrs. Coole (Chair), Ryall (Vice-Chair), Hawthorne (Spokesperson), Dee, Finnegan, Haigh, Hampson, Hilton, Lewis, Morgan, Pullen, Taylor, Toleman, Walford and Wilson
<b>Contact:</b>	Democratic and Electoral Services 01452 396126 <a href="mailto:democratic.services@gloucester.gov.uk">democratic.services@gloucester.gov.uk</a>

## AGENDA

<b>1.</b>	<b>APOLOGIES</b>  To receive any apologies for absence.
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>  To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.
<b>3.</b>	<b>DECLARATION OF PARTY WHIPPING</b>  To declare if any issues to be covered in the Agenda are under party whip.
<b>4.</b>	<b>MINUTES</b> (Pages 5 - 12)  To approve as a correct record the minutes of the meeting held on 4 <sup>th</sup> June 2018.
<b>5.</b>	<b>PUBLIC QUESTION TIME (15 MINUTES)</b>  To receive any questions from members of the public provided that a question does not relate to: <ul style="list-style-type: none"><li>• Matters which are the subject of current or pending legal proceedings, or</li><li>• Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers</li></ul>
<b>6.</b>	<b>PETITIONS AND DEPUTATIONS (15 MINUTES)</b>  To receive any petitions and deputations provided that no such petition or deputation is in relation to: <ul style="list-style-type: none"><li>• Matters relating to individual Council Officers, or</li><li>• Matters relating to current or pending legal proceedings</li></ul>

<b>7.</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME AND COUNCIL FORWARD PLAN</b> (Pages 13 - 34)  To receive the latest version of the Committee's work programme and the Council's Forward Plan.
<b>8.</b>	<b>PUBLIC SPACE PROTECTION ORDER CONSULTATION REPORT AND PROPOSAL</b> (Pages 35 - 100)  To consider the report of the Cabinet Member for Communities and Neighbourhoods on the feedback received from the Public Spaces Protection Order (PSPO) public consultation and on a revised PSPO.
<b>9.</b>	<b>SHIRE HALL ACCOMMODATION MOVE</b>  To consider the report of the Cabinet Member for Performance and Resources seeking to establish the outline business case for the Council moving to Shire Hall.
<b>10.</b>	<b>DATE OF NEXT MEETING</b>



**Jon McGinty**  
**Managing Director**

**Date of Publication: Friday, 22 June 2018**

## NOTES

### **Disclosable Pecuniary Interests**

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council <ul style="list-style-type: none"> <li>(a) under which goods or services are to be provided or works are to be executed; and</li> <li>(b) which has not been fully discharged</li> </ul>
Land	Any beneficial interest in land which is within the Council's area.  For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – <ul style="list-style-type: none"> <li>(a) the landlord is the Council; and</li> <li>(b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest</li> </ul>
Securities	Any beneficial interest in securities of a body where – <ul style="list-style-type: none"> <li>(a) that body (to your knowledge) has a place of business or land in the Council's area and</li> <li>(b) either –               <ul style="list-style-type: none"> <li>i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with</li> </ul> </li> </ul>

whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

### **Access to Information**

Agendas and reports can be viewed on the Gloucester City Council website: [www.gloucester.gov.uk](http://www.gloucester.gov.uk) and are available to view five working days prior to the meeting date.

For enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk).

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

### **Recording of meetings**

Please be aware that meetings may be recorded. There is no requirement for those wishing to record proceedings to notify the Council in advance; however, as a courtesy, anyone wishing to do so is advised to make the Chair aware before the meeting starts.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

### **FIRE / EMERGENCY EVACUATION PROCEDURE**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.



## OVERVIEW AND SCRUTINY COMMITTEE

**MEETING** : Monday, 4th June 2018

**PRESENT** : Cllrs. Coole (Chair), Hawthorne (Spokesperson), Dee, Haigh, Hampson, Hilton, Morgan, Pullen, Taylor, Toleman, Walford and Wilson

### **Others in Attendance**

Councillor David Norman, Cabinet Member for Performance and Resources

Councillor Richard Cook, Cabinet Member for Environment

Councillor Leslie Noakes, Cabinet Member for Culture and Leisure  
Corporate Director

Head of Policy and Resources

Accountancy Manager

Head of Culture and Trading Services

Director of the Gloucester Culture Trust

Democratic and Electoral Services Team Leader

Democratic and Electoral Services Officer

**APOLOGIES** : Cllrs. Ryall, Finnegan and Lewis

### **60. DECLARATIONS OF INTEREST**

60.1 There were no declarations of interest.

### **61. DECLARATION OF PARTY WHIPPING**

61.1 There were no declarations of party whipping.

### **62. MINUTES**

62.1 The minutes of the meeting held on 30<sup>th</sup> April 2018 were approved and signed by the Chair as a correct record.

### **63. PUBLIC QUESTION TIME (15 MINUTES)**

63.1 There were no public questions.

**OVERVIEW AND SCRUTINY COMMITTEE**  
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**64. PETITIONS AND DEPUTATIONS (15 MINUTES)**

64.1 There were no petitions or deputations.

**65. OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME AND COUNCIL FORWARD PLAN**

65.1 The Committee considered the Work Programme and the Council Forward Plan.

65.2 The Chair noted the items scheduled for the next Overview and Scrutiny Committee. He commented that it would be useful for the Committee to revisit the Public Space Protection Order (PSPO) report. He also stated it would be beneficial for the Committee to scrutinise the Shire Hall Accommodation Move report at the next Committee meeting.

65.3 Councillor Haigh noted the Social Enterprise Grounds Maintenance Pilot decision affects all wards so would be beneficial for Overview and Scrutiny to discuss this in the future.

65.4 Councillor Haigh also stated the Social Impact Bond Mid-term update should be brought before Overview and Scrutiny along with the Gloucestershire 2050 Vision Consultation.

65.5 It was agreed by the Committee that the Social Impact Bond Mid-term update and the Gloucestershire 2050 Vision Consultation would be added to the Committee's Work Programme and discussed at the next Committee meeting.

65.6 The Chair reminded Members that there is a Member Development session regarding Overview and Scrutiny held by the Centre for Public Scrutiny in the next month, which would be beneficial for Members of the Committee to attend.

65.7 Councillor Haigh raised the point that as the High Strength Alcohol Task and Finish Group has finished there is now capacity for another Task and Finish Group.

65.8 The Chair noted this and asked the Committee to consult with Members and Officers for suggestions for a new Task and Finish Group.

**RESOLVED:** - (1) That the Social Impact Bond Mid Term Report and the Gloucestershire 2050 Vision Consultation are added to the Committee's Work Programme for July and, (2) That the Work Programme be noted.

**66. 2017-18 FINANCIAL OUTTURN REPORT**

66.1 The Chair welcomed Councillor Norman, Cabinet Member for Performance and Resources, the Head of Policy and Resources and the Accountancy Manager.

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- 66.2 Councillor Norman provided an overview of the Financial Outturn report for 2017/18. The Committee were informed that the figures show an in year improvement quarter on quarter, with an improvement of £300,000 from quarter one.
- 66.3 Councillor Norman advised that £1.8m of savings were achieved in 2017/18 and those savings that had not been achieved would be added to the current year's target. He commended the Finance Team for their advice and guidance which has ensured the Council's financial situation continues to improve.
- 66.4 Councillor Hilton noted that there had been a slight improvement in Outturn for the year. However it appeared this was mainly due to corporate funding received from Kings Walk. He asked whether without this money the Council financials would be in worse position.
- 66.5 Councillor Norman replied that the Council was not solely funded by corporate income and the Council use all revenue streams wisely.
- 66.6 The Accountancy Manager stated the £15 million from Kings Walk was not being used to replenish this year's accounts and has resulted in £250,000 income from interest. This money meant that the Council was able to safely invest which is beneficial in the long term.
- 66.7 Councillor Wilson enquired whether all staff are charged in full to the service area they predominately work in. He noted a previous statement from Councillor Noakes who stated that staff were being charged to her portfolio when they only carry out a small amount of work for Culture and Leisure.
- 66.8 The Accountancy Manager replied that a section was included in the report that stated staff times are not split across areas, that some Officers will carry out work for other sectors within the Council and the Budget reflects this.
- 66.9 Councillor Wilson noted that the cost for providing the Housing Subsidy had resulted in an overspend of £252,000 in the last quarter. He queried whether this would mean there would be an overspend of excess of £1 million in the coming year. He also stated that all of the portfolios have seen an increase in bad debt.
- 66.10 The Head of Policy and Resources replied that the increase in Housing Subsidy had resulted from the change to Universal Credit and the 2018/19 Budget would reflect this change. It was only a small negative swing in the last quarter therefore it only differed slightly from the year-end target.
- 66.11 The Accountancy Manager stated that there had not been an increase in bad debt, simply some debt had aged without collection.
- 66.12 Councillor Pullen thanked Councillor Norman for his report and honesty. He questioned whether it was beneficial to keep rolling over the debt from previous years and if there was a better solution.

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- 66.13 In reply Councillor Norman agreed with Councillor Pullen and stated that the Cabinet were planning to introduce long term portfolio budgets in the coming year to rectify this problem.
- 66.14 The Head of Policy and Resources stated that detailed work is taking place with Services Heads regarding this issue and that he will have more information in the coming months.
- 66.15 In response to Councillor Haigh regarding Aspire repairs costs not being charged to the Capital Budget, the Accountancy Manager stated that repairs cannot be capitalised.
- 66.16 Councillor Haigh further questioned why the planning income had fallen short of forecast levels.
- 66.17 The Head of Policy and Resources replied that planning had substantial temporary staff this year which affected the budget and that detailed work is being carried out in this area to ensure this shortfall does not reoccur. The Accountancy Manager added that planning was a difficult area to forecast due to the variation in frequency of planning applications.
- 66.18 In response from a query from Councillor Morgan regarding how the Council is going to maximise planning income, the Head of Policy and Resources stated that the planning department's new structure would ensure costs would be reduced for staffing and the department are carrying out work in relation to realistic income targets.
- 66.19 The Chair welcomed Councillor Cook, Cabinet Member for Environment and the Corporate Director.
- 66.20 Councillor Cook presented a briefing regarding the year outturn for his portfolio. It was noted that the income from the recycling service was down from the amount previously forecast. He stated this was due to Amey's failure to obtain market average prices and a portion of the incoming recycling not being sold on by Amey.
- 66.21 The Committee was informed that the quarterly report regarding recycling stated that the recycling markets were good despite concerns relating to the Chinese market as the majority of Gloucester's recycling is sold within the UK and Europe.
- 66.22 The Members welcomed the report from Councillor Cook.
- 66.23 The Spokesperson thanked Councillor Cook for his report. He stated that this was an issue that should be brought back to the Committee when there is more information available.
- 66.24 The Chair welcomed Councillor Noakes, Cabinet Member for Culture and Leisure, the Corporate Director and the Head of Culture and Trading Service.



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- 66.25 In relation to the overspend in this portfolio, the Committee were informed that two of the museums and the Guildhall operate from elderly buildings that are expensive to maintain. The building work outside of Blackfriars had an impact on the income from this venue and The Tourist Information Centre has seen a decrease in income due to coach and tour operators are selling tickets through online stores.
- 66.26 Councillor Noakes stated new staff appointments will provide guidance and leadership for the coming year. However, the impact of these appointments on the budget had not been as quick as expected.
- 66.27 It was noted there are new projects in the forthcoming year that will save resources. In particular, the proposed TIC move, the transfer of the ownership of the Gloucester Life Museum building and new food and drink project regarding the Arbour. Councillor Noakes stated the bid for Gloucester to become City of Culture 2025 is still a main objective.
- 66.28 Councillor Hilton thanked the Cabinet Member for her report. He noted that the Culture and Leisure portfolio had significant overspend compared to other portfolios. He enquired whether the budget for this portfolio was unrealistic.
- 66.29 Councillor Noakes replied that throughout the portfolio everything was being done to create realistic targets. She commented that staff met regularly to investigate where they could make improvements and that the figures would be better in the coming year.
- 66.30 The Corporate Director stated that Culture and Leisure is a difficult area to predict figures and there have been circumstances out of the Council's control which had resulted in an overspend. He noted that it was not necessarily a service overspend, rather a decrease in income in some areas.
- 66.31 It was noted that the targets for Culture and Leisure had been set in exceptionally good years for the portfolio which were hard to reach in years when there were no large events taking place.
- 66.32 In response to a query from Councillor Pullen regarding the benefits of moving the TIC to another venue, the Head of Culture and Trading Services stated that they were currently looking to both the Museum and Guildhall as possible venues. It would be beneficial for the Guildhall to incorporate the TIC as it would increase footfall to the Café and would be able to have the same staff promoting both TIC and Guildhall events.
- 66.33 Councillor Morgan shared his view that it would be beneficial for a third party to take on the Life Museum to save money.
- 66.34 In response Councillor Noakes shared the proposal for the Gloucester Historic Buildings Company Limited to take control of the Life Museum. This would ensure the collection is kept. She stated that there were upcoming talks regarding the transfer.

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66.35 Councillor Haigh shared her view that the low TIC footfall is a reoccurring problem that will not be solved by moving to the Guildhall. She also stated that the Guildhall has accessibility issues that would need to be rectified before the move could take place.

66.36 The Chair noted that it would be beneficial for the TIC move proposals to be brought before the Committee.

**RESOLVED:** - (1) That the proposals for the TIC move be brought before the Committee and, (2) the Financial Outturn 2017/18 report be noted.

**67. 2017-18 YEAR END PERFORMANCE REPORT**

67.1 The Chair welcomed Councillor Norman, Cabinet Member for Performance and Resources and the Policy and Governance Manager.

67.2 Councillor Norman stated that this is the first performance report since 2016. He was pleased to note that the Council had invested in a Performance Management System that would enable the Council to provide continuous oversight of performance.

67.3 The Committee were informed that with the new system in place the Corporate Performance would be reported quarterly with an Annual Report at year end. He further commented that the performance report was a work in progress but was hopeful the new system would provide clearer analysis of the Council's performance.

67.4 Councillor Hilton noted the 12 downward trend areas, stating the Council needs to do better in terms of performance and that the report had 11 areas where the trend is unknown or there was no data available. He queried when the dataset for waiting times on the telephone would be available. He further questioned whether the complaints regarding Amey would increase in the following year.

67.5 Councillor Norman replied the performance report was a step in the right direction however it was a new process of collecting performance data and next year there would be more datasets. In reference to the specific performance questions, the Cabinet Member stated he would pass the questions on to the relevant officers.

67.6 In response from a query from Councillor Haigh regarding the formatting of the report, the Policy and Governance Manager clarified that the symbols are inherent within the system however she would review the formatting options.

67.7 Councillor Pullen shared his view that it would be beneficial to have qualitative data to support the existing data.

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- 67.8 Councillor Hampson agreed and stated that more information is needed to support the datasets, especially in reference to footfall at the TIC and museums.
- 67.9 Councillor Toleman enquired whether there are any other key performance indicators are being looked at for reception.
- 67.10 The Spokesperson noted that the increase in staff absence had been contributed to the restructure and questioned what evidence the Council had for this correlation. He enquired if the Cabinet Member had any additional information regarding staff views towards Together Gloucester.
- 67.11 Councillor Norman responded that he would ask the Human Resources team for more information regarding the reason for staff absences, within the limits of data protection.

**RESOLVED:** - That the Committee note the Year End Performance Report.

**68. GLOUCESTER CULTURE TRUST ANNUAL REPORT**

- 68.1 The Chair welcomed back the Cabinet Member for Culture and Leisure, Councillor Noakes, the Head of Culture and Trading Services and the Director of the Gloucester Culture Trust.
- 68.2 The Director of the Gloucester Culture Trust gave a presentation on the strategy and achievements of the Culture Trust thus far.
- 68.3 The Committee were informed that the Culture Trust were awarded £1.49 million from the Great Place scheme to deliver their vision of Gloucester and to develop Gloucester's cultural offering.
- 68.4 The Director of the Gloucester Culture Trust gave an overview of their current achievements and projects, including the Gloucester Roundhouse Exchange, the Kings Quarter regeneration project and upcoming festivals.
- 68.5 With regards to the impact of the Culture Trust, the Committee were informed that they provide the strategic guidance for culture throughout the City. The Trust's events increased footfall for local businesses and ensured the people of Gloucester have a say in shaping the cultural message for the City. The Trust also enables the youth of Gloucester to participate in events that have cultural impact on the City.
- 68.6 Councillor Hampson asked for clarification between the Culture Trust's aims and Marketing Gloucester.
- 68.7 The Director of the Culture Trust stated that the Trust provide a cultural strategy for the City with a long-term aim, whereas Marketing Gloucester provided the branding of the city and organise specific events.
- 68.8 In response to a query from Councillor Pullen regarding the success of the Trust in reaching young people, the Director stated that the Trust worked

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closely with partner organising to increase the involvement of young people in projects. She stated there has been targeted investment in the Culture Matson project to encourage youth participation. She further noted that 60 education packs were distributed to schools and libraries in Gloucestershire regarding the anniversary of Aethelflaed.

68.9 Councillor Hilton questioned what conditions would be needed to enable Gloucester to bid for City of Culture 2025.

68.10 In response the Director of the Culture Trust stated that it wasn't necessarily about creating the correct conditions over time, more about showing Gloucester has the drive and determination to continue to put Culture at the heart of the City.

**RESOLVED:** - That the Committee note the contents of the Culture Trust Annual Report.

**69. DATE OF NEXT MEETING**

69.1 2<sup>nd</sup> July 2018 at 6:30pm in the Civic Suite, North Warehouse.

**Time of commencement: 6.30 pm hours**

**Time of conclusion: 8.34 pm hours**

**Chair**

# Gloucester City Council

## Overview and Scrutiny Committee Work Programme

### Updated 22 June 2018

Item	Format	Lead Member (if applicable)/Lead Officer	Comments
<b>2 July 2018</b>			
Public Spaces Protection Orders	Written Report	Cabinet Member for Communities and Neighbourhoods	
Shire Hall Accommodation Move	Written Report	Cabinet Member for Performance and Resources/Corporate Director (Service Transformation)	
<b>3 September 2018</b>			
Social Impact Bond- Mid Term Update	Written Report	Cabinet Member for Communities and Neighbourhoods/Housing Manager	
Performance Monitoring Quarter 1 Report	Written Report	Cabinet Member for Performance and Resources	
<b>29 October 2018</b>			
Festival and Events Programme	Report	Cabinet Member for Culture and Leisure	For input
<b>NO DATE YET SET</b>			
Regeneration of the Former Fleece Hotel Site	Written Report	Cabinet Member for Regeneration and Economy/Head of Place	Requested by Committee
Review of the Implementation of Universal Credit	Written Report	Cabinet Member for Performance and Resources	Requested by Committee for January 2019

**NOTE: The work programme is agreed by the Chair, Vice-Chair and Spokesperson of the Overview and Scrutiny Committee**

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# FORWARD PLAN

## FROM JULY 2018 TO JUNE 2019

This Forward Plan contains details of all the matters which the Leader believes will be the subject of a Key Decision by the Cabinet or an individual Cabinet Member in the period covered by the Plan (the subsequent 12 months). A Key Decision is one that is:

- a decision in relation to a Cabinet function which results in the Local Authority incurring expenditure or making of a saving which is significant having regard to the budget for the service or function to which the decision relates; or
- a decision that is likely to have a significant impact on two or more wards within the Local Authority; or
- a decision in relation to expenditure in excess of £100,000 or significant savings; or
- a decision in relation to any contract valued in excess of £500,000

A decision maker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of the Constitution.

### Cabinet Members

Portfolio	Name	Contact Details
<b>Leader and Regeneration &amp; Economy (LRE)</b>	Councillor Paul James	6 Mainard Square, Longlevens, Gloucester GL2 0EU Tel: 396151 <a href="mailto:paul.james@gloucester.gov.uk">paul.james@gloucester.gov.uk</a>
<b>Deputy Leader and Communities &amp; Neighbourhoods (C&amp;N)</b>	Councillor Jennie Watkins	14 Topcliffe Street, Kingsway, Gloucester, GL2 2ES Tel: 07912450049 <a href="mailto:jennie.watkins@gloucester.gov.uk">jennie.watkins@gloucester.gov.uk</a>
<b>Culture &amp; Leisure (C&amp;L)</b>	Councillor Lise Noakes	14 Middle Croft, Abbeymead, Gloucester GL4 4RL Tel: 01452 610702 <a href="mailto:lise.noakes@gloucester.gov.uk">lise.noakes@gloucester.gov.uk</a>
<b>Performance &amp; Resources (P&amp;R)</b>	Councillor David Norman MBE	50 Coltishall Close, Quedgeley, Gloucester GL2 4RQ Tel: 07970593780 <a href="mailto:david.norman@gloucester.gov.uk">david.norman@gloucester.gov.uk</a>
<b>Housing &amp; Planning (H&amp;P)</b>	Councillor Colin Organ	337 Stroud Road, Gloucester GL4 0BA Tel: 07767350003 <a href="mailto:colin.organ@gloucester.gov.uk">colin.organ@gloucester.gov.uk</a>
<b>Environment (E)</b>	Councillor Richard Cook	101 Woodvale, Kingsway, Gloucester GL2 2BU Tel: 07889534944 <a href="mailto:richard.cook@gloucester.gov.uk">richard.cook@gloucester.gov.uk</a>

The Forward Plan also includes Budget and Policy Framework items; these proposals are subject to a period of consultation and the Overview and Scrutiny Committee has the opportunity to respond in relation to the consultation process.

A Budgetary and Policy Framework item is an item to be approved by the full City Council and, following consultation, will form the budgetary and policy framework within which the Cabinet will make decisions.

For each decision included on the Plan the following information is provided:

- (a) the matter in respect of which a decision is to be made;
  - (b) where the decision maker is an individual, his/her name and title if any and, where the decision maker is a body, its name and details of membership;
  - (c) the date on which, or the period within which, the decision is to be made;
  - (d) if applicable, notice of any intention to make a decision in private and the reasons for doing so;
  - (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made;
  - (f) the procedure for requesting details of those documents (if any) as they become available
- (the documents referred to in (e) and (f) above and listed in the Forward Plan are available on request from the Council's main offices at Herbert Warehouse, The Docks, Gloucester GL1 2EQ. Contact the relevant Lead Officer for more information).

The Forward Plan is updated and published on Council's website at least once a month.

KEY	= Key Decision	CM KEY	= Individual Cabinet Member Key Decisions
NON	= Non-Key Decision	CM NON	= Individual Cabinet Member Non-Key Decision
BPF	= Budget and Policy Framework		

## CONTACT:

For further detailed information regarding specific issues to be considered by the Cabinet/Individual Cabinet Member please contact the named contact officer for the item concerned. To make your views known on any of the items please also contact the Officer shown or the portfolio holder.

Copies of agendas and reports for meetings are available on the web site in advance of meetings.

For further details on the time of meetings and general information about the Plan please contact:

Democratic and Electoral Services on 01452 396126 or send an email to [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk).



SUBJECT (and summary of decision to be taken)		PLANNED DATES	DECISION MAKER & PORTFOLIO	NOTICE OF PRIVATE BUSINESS (if applicable)	RELATED DOCUMENTS (available on request, subject to restrictions on disclosure)	LEAD OFFICER (to whom Representations should be made)
<b>JULY 2018</b>						
Page 17	NON	<b>City Centre Investment Fund Allocations and Update</b>	11/07/18	Cabinet Cabinet Member for Regeneration and Economy		Ian Edwards, Head of Place ian.edwards@gloucester.gov.uk
		<u>Summary of decision:</u> To update Members on the progress towards the delivery of the City Centre Investment Fund  <i>Wards affected: Westgate</i>				
	NON	<b>Car Park Strategy</b>	11/07/18	Cabinet Cabinet Member for Regeneration and Economy		Ian Edwards, Head of Place ian.edwards@gloucester.gov.uk
		<u>Summary of decision:</u> to adopt the Gloucester City Car Parking Strategy  <i>Wards affected: Westgate</i>				

NON	<p><b>Together Gloucester</b></p> <p><u>Summary of decision:</u> To consider an implementation plan to support ongoing service transformation</p> <p><i>Wards affected: All Wards</i></p>	11/07/18	Cabinet Cabinet Member for Performance and Resources			Jonathan Lund, Corporate Director jonathan.lund@gloucester.gov.uk
NON	<p><b>Alternative Environmental Enforcement Trial</b></p> <p><u>Summary of decision:</u> To advise Members on a proposal to enter into a 12 month pilot of a new environmental enforcement partnership with 3GS (UK) Limited and to approve an increase in penalty charges</p> <p><i>Wards affected: All Wards</i></p>	11/07/18	Cabinet Cabinet Member for Environment			Matt Cloke, Planning Enforcement City Centre Improvement Officer

NON	<p><b>Economic Growth Strategy</b></p> <p><u>Summary of decision:</u> To conduct a review of the current Economic Development Strategy and update Members on plans to ensure a positive impact of regeneration and economic growth for disadvantaged communities within the City.</p> <p><i>Wards affected: All Wards</i></p>	11/07/18	Cabinet Cabinet Member for Regeneration and Economy			Ian Edwards, Head of Place ian.edwards@gloucester.gov.uk
NON	<p><b>Options for the Delivery of Affordable Housing</b></p> <p><u>Summary of decision:</u> To review options for the delivery of affordable housing.</p> <p><i>Wards affected: All Wards</i></p>	11/07/18	Cabinet Cabinet Member for Planning and Housing Strategy			Ian Edwards, Head of Place ian.edwards@gloucester.gov.uk

NON	<p><b>Public Space Protection Order Consultation Report and Proposal</b></p> <p><u>Summary of decision:</u> To decide on the necessity of a Public Space Protection Order</p> <p><i>Wards affected: All Wards</i></p>	<p>2/07/18</p> <p>11/07/18</p> <p>12/07/18</p>	<p>Overview and Scrutiny Committee</p> <p>Cabinet</p> <p>Council Cabinet Member for Communities and Neighbourhoods</p>			<p>Emily Jones, Community Engagement Officer emily.jones@gloucester.gov.uk</p>
NON	<p><b>Public Art Principles</b></p> <p><u>Summary of decision:</u> To update Cabinet on progress made with public art to date and to seek approval from Cabinet to produce an updated public art strategy.</p> <p><i>Wards affected: All Wards</i></p>	<p>11/07/18</p>	<p>Cabinet Cabinet Member for Culture and Leisure</p>			<p>David Evans, City Growth and Delivery Manager david.evans@gloucester.gov.uk</p>

NON	<p><b>Shire Hall Accommodation Move</b></p> <p><u>Summary of decision:</u> To establish the outline business case for the Council moving to Shire Hall</p> <p><i>Wards affected: All Wards</i></p>	<p>2/07/18</p> <p>11/07/18</p>	<p>Overview and Scrutiny Committee</p> <p>Cabinet Cabinet Member for Performance and Resources</p>			<p>Jonathan Lund, Corporate Director jonathan.lund@gloucester.gov.uk</p>
NON	<p><b>Consideration of Webcasting Council Meetings</b></p> <p><u>Summary of decision:</u> To consider the possibility of introducing webcasting for council meetings</p> <p><i>Wards affected: All Wards</i></p>	<p>11/07/18</p>	<p>Cabinet Cabinet Member for Performance and Resources</p>			<p>Tanya Davies, Policy and Governance Manager Tel: 39-6125 tanya.davies@gloucester.gov.uk</p>
CM NON	<p><b>Gloucestershire 2050 Vision Consultation</b></p> <p><u>Summary of decision:</u> To consider submitting a response to the Gloucestershire 2050 consultation</p> <p><i>Wards affected: All Wards</i></p>	<p>12/07/18</p> <p>13/07/18</p>	<p>Council</p> <p>Leader of the Council Leader of the Council</p>			<p>Jon McGinty, Managing Director jon.mcginty@gloucester.gov.uk</p>

**AUGUST 2018- No meetings****SEPTEMBER 2018**

NON	<b>Financial Monitoring Quarter 1 Report</b>  <u>Summary of decision:</u> To receive an update on financial monitoring information for the first quarter 2018/19  <i>Wards affected: All Wards</i>	3/09/18  12/09/18	Overview and Scrutiny Committee  Cabinet Cabinet Member for Performance and Resources			Jon Topping, Head of Policy and Resources Tel: 01452 396242 jon.topping@gloucester.gov.uk
NON Page 22	<b>Performance Monitoring Quarter 1 Report</b>  <u>Summary of decision:</u> To note the Council's performance in quarter 1 across a set of key performance indicators.  <i>Wards affected: All Wards</i>	3/09/18  12/09/18	Overview and Scrutiny Committee  Cabinet Cabinet Member for Performance and Resources			Tanya Davies, Policy and Governance Manager Tel: 39-6125 tanya.davies@gloucester.gov.uk

NON	<p><b>Social Impact Bond- Mid Term Update</b></p> <p><u>Summary of decision:</u> To receive an mid- term update on the Gloucestershire Social Impact Bond/.</p> <p><i>Wards affected: All Wards</i></p>	12/09/18	Cabinet Cabinet Member for Communities and Neighbourhoods			Helen Chard, Housing Manager Tel: 01452 396534 helen.chard@gloucester.gov.uk
<b>OCTOBER 2018</b>						
NON	<p><b>Local Government Association Corporate Peer Challenge</b></p> <p><u>Summary of decision:</u> To review progress within the LGA Peer Challenge action plan</p> <p><i>Wards affected: All Wards</i></p>	10/10/18	Cabinet Cabinet Member for Regeneration and Economy			Anne Brinkhoff, Corporate Director anne.brinkhoff@gloucester.gov.uk

NON	<p><b>Energy Costs and Reduction Projects Annual Report</b></p> <p><u>Summary of decision:</u> To update Cabinet on the City Council Energy Costs and Reduction Projects</p> <p><i>Wards affected: All Wards</i></p>	10/10/18	Cabinet Cabinet Member for Environment			Mark Foyn, Property Commissioning Manager mark.foyn@gloucester.gov.uk
NON  Page 24	<p><b>Armed Forces Community Covenant Update</b></p> <p><u>Summary of decision:</u> To update Cabinet on the work done by Gloucester City Council to support current and ex-service personnel as part of the Gloucestershire Armed Forces Community Covenant.</p> <p><i>Wards affected: All Wards</i></p>	10/10/18	Cabinet Cabinet Member for Communities and Neighbourhoods			Lloyd Griffiths, Head of Communities lloyd.griffiths@gloucester.gov.uk



**NOVEMBER 2018**

NON	<b>Regulation of Investigatory Powers Act 2000 (RIPA) - Review of Procedural Guide</b>  <u>Summary of decision:</u> To request that Members review and update the Council's procedural guidance on RIPA.  <i>Wards affected: All Wards</i>	Meeting Date  7/11/18	Council  Cabinet Cabinet Member for Performance and Resources			Jon Topping, Head of Policy and Resources Tel: 01452 396242 jon.topping@gloucester.gov.uk
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**DECEMBER 2018**

NON	<b>Strategic Risk Register</b>  <u>Summary of decision:</u> To update Members on the Council's Strategic Risk Register  <i>Wards affected: All Wards</i>	5/12/18	Audit and Governance Committee  Cabinet Cabinet Member for Performance and Resources			Stephanie Payne, Group Manager, Audit, Risk and Assurance Tel: 01452 396432 stephanie.payne@gloucester.gov.uk
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NON	<p><b>Draft Budget Proposals (including Money Plan and Capital Programme)</b></p> <p><u>Summary of decision:</u> To update Cabinet on the draft budget proposals</p> <p><i>Wards affected: All Wards</i></p>	5/12/18	<p>Overview and Scrutiny Committee</p> <p>Cabinet Cabinet Member for Performance and Resources</p>			<p>Jon Topping, Head of Policy and Resources Tel: 01452 396242 jon.topping@gloucester.gov.uk</p>
NON	<p><b>Treasury Management Six Monthly Update 2017/18</b></p> <p><u>Summary of decision:</u> To update Cabinet on treasury management activities.</p> <p><i>Wards affected: All Wards</i></p>	5/12/18	<p>Cabinet Cabinet Member for Performance and Resources</p>			<p>Jon Topping, Head of Policy and Resources Tel: 01452 396242 jon.topping@gloucester.gov.uk</p>
NON	<p><b>Financial Monitoring Quarter 2 Report</b></p> <p><u>Summary of decision:</u> To receive an update on financial monitoring information for the third quarter 2018/19</p> <p><i>Wards affected: All Wards</i></p>	<p>3/12/18</p> <p>5/12/18</p>	<p>Overview and Scrutiny Committee</p> <p>Cabinet Cabinet Member for Performance and Resources</p>			<p>Jon Topping, Head of Policy and Resources Tel: 01452 396242 jon.topping@gloucester.gov.uk</p>

NON	<p><b>Performance Monitoring Quarter 2 Report</b></p> <p><u>Summary of decision:</u> To note the Council's performance across a set of key performance indicators.</p> <p><i>Wards affected: All Wards</i></p>	<p>3/12/18</p> <p>5/12/18</p>	<p>Overview and Scrutiny Committee</p> <p>Cabinet Cabinet Member for Performance and Resources</p>			<p>Tanya Davies, Policy and Governance Manager Tel: 39-6125 tanya.davies@gloucester.gov.uk</p>
BPF	<p><b>Local Council Tax Support Scheme</b></p> <p><u>Summary of decision:</u> To advise members of the requirement to review the Local Council Tax Support Scheme (LCTS)</p> <p><i>Wards affected: All Wards</i></p>	<p>5/12/18</p>	<p>Council</p> <p>Cabinet Cabinet Member for Performance and Resources</p>			<p>Jon Topping, Head of Policy and Resources Tel: 01452 396242 jon.topping@gloucester.gov.uk</p>
<b>JANUARY 2019</b>						
KEY	<p><b>Festivals and Events Programme</b></p> <p><u>Summary of decision:</u> To seek approval for the 2019-20 Festival and Events Programme.</p> <p><i>Wards affected: All Wards</i></p>	<p>9/01/19</p>	<p>Cabinet Cabinet Member for Culture and Leisure</p>			<p>Jill Riggs, Head of Cultural and Trading Services jill.riggs@gloucester.gov.uk</p>

NON	<p><b>Green Travel Plan Progress Report 2018 and Update</b></p> <p><u>Summary of decision:</u> Annual update on initiatives in the Green Travel Plan</p> <p><i>Wards affected: All Wards</i></p>	9/01/19	Cabinet Cabinet Member for Environment			Lloyd Griffiths, Head of Communities lloyd.griffiths@gloucester.gov.uk
<b>FEBRUARY 2019</b>						
BPF Page 28	<p><b>Final Budget Proposals (including Money Plan and Capital Programme)</b></p> <p><u>Summary of decision:</u> To seek approval for the final Budget Proposals for 2019/20, including the Money Plan and Capital programme.</p> <p><i>Wards affected: All Wards</i></p>	6/02/19 28/02/19	Cabinet  Council Cabinet Member for Performance and Resources			Jon Topping, Head of Policy and Resources Tel: 01452 396242 jon.topping@gloucester.gov.uk

NON	<p><b>Growing Gloucester's Visitor Economy</b></p> <p><u>Summary of decision:</u> To provide Cabinet with an update on the annual review of the Visitor Economy Strategy.</p> <p><i>Wards affected: All Wards</i></p>	5/12/18	Cabinet Cabinet Member for Culture and Leisure			Jill Riggs, Head of Cultural and Trading Services jill.riggs@gloucester.gov.uk
<b>MARCH 2019</b>						
NON Page 29	<p><b>Financial Monitoring Quarter 3 Report</b></p> <p><u>Summary of decision:</u> To receive an update on financial monitoring information for the third quarter 2018/19</p> <p><i>Wards affected: All Wards</i></p>	25/02/19 6/03/19	Overview and Scrutiny Committee  Cabinet Cabinet Member for Performance and Resources			Jon Topping, Head of Policy and Resources Tel: 01452 396242 jon.topping@gloucester.gov.uk

NON	<p><b>Performance Monitoring Quarter 3 Report</b></p> <p><u>Summary of decision:</u> To note the Council's performance in quarter 1 across a set of key performance indicators.</p> <p><i>Wards affected: All Wards</i></p>	<p>26/02/18</p> <p>6/03/19</p>	<p>Overview and Scrutiny Committee</p> <p>Cabinet Cabinet Member for Performance and Resources</p>			<p>Tanya Davies, Policy and Governance Manager Tel: 39-6125 tanya.davies@gloucester.gov.uk</p>
NON	<p><b>Risk Based Verification Policy Review</b></p> <p><u>Summary of decision:</u> To seek approval to continue with risk based verification policy.</p> <p><i>Wards affected: All Wards</i></p>	<p>6/03/19</p>	<p>Cabinet Cabinet Member for Performance and Resources</p>			<p>Jon Topping, Head of Policy and Resources Tel: 01452 396242 jon.topping@gloucester.gov.uk</p>
NON	<p><b>Cultural Strategy Update</b></p> <p><u>Summary of decision:</u> To provide Cabinet with a 6 monthly update in relation to the Cultural Strategy Action Plan</p> <p><i>Wards affected: All Wards</i></p>	<p>6/03/19</p>	<p>Cabinet Cabinet Member for Culture and Leisure</p>			<p>Jill Riggs, Head of Cultural and Trading Services jill.riggs@gloucester.gov.uk</p>

NON	<p><b>Annual Report on the Grant Funding provided to the Voluntary Community Sector</b></p> <p><u>Summary of decision:</u> To update Members on the impact of grant funding on the Voluntary and Community Sector (VCS) and value for money that has been achieved.</p> <p><i>Wards affected: All Wards</i></p>	6/03/19	Cabinet Cabinet Member for Communities and Neighbourhoods			<p>Anne Brinkhoff, Corporate Director anne.brinkhoff@gloucester.gov.uk</p>
<p><b>APRIL 2019</b></p> <p><b>MAY 2019</b></p> <p><b>JUNE 2019</b></p>						
NON	<p><b>2018-19 Financial Outturn Report</b></p> <p><u>Summary of decision:</u> To update Cabinet on the Financial Outturn Report 2018-19</p> <p><i>Wards affected: All Wards</i></p>	12/06/19	Cabinet Cabinet Member for Performance and Resources			<p>Jon Topping, Head of Policy and Resources Tel: 01452 396242 jon.topping@gloucester.gov.uk</p>

NON	<p><b>Treasury Management Six Monthly Update 2018-19</b></p> <p><u>Summary of decision:</u> To update Cabinet on treasury management activities</p> <p><i>Wards affected: All Wards</i></p>	12/06/19	Cabinet Cabinet Member for Performance and Resources			<p>Jon Topping, Head of Policy and Resources Tel: 01452 396242 jon.topping@gloucester.gov.uk</p>
NON	<p><b>2018-19 Year End Performance Report</b></p> <p><u>Summary of decision:</u> To consider the Council's performance in 2018-19 across a set of key performance indicators</p> <p><i>Wards affected: All Wards</i></p>	12/06/19	Cabinet Cabinet Member for Performance and Resources			<p>Tanya Davies, Policy and Governance Manager Tel: 39-6125 tanya.davies@gloucester.gov.uk</p>
NON	<p><b>Strategic Risk Register</b></p> <p><u>Summary of decision:</u> To update Members on the Council's Strategic Risk Register</p> <p><i>Wards affected: All Wards</i></p>	12/06/19	Cabinet Cabinet Member for Performance and Resources			<p>Stephanie Payne, Group Manager, Audit, Risk and Assurance Tel: 01452 396432 stephanie.payne@gloucester.gov.uk</p>



NON	<p><b>Gloucester Culture Trust Annual Report</b></p> <p><u>Summary of decision:</u> To provide members with an update on the work undertaken by the Gloucester Culture Trust</p> <p><i>Wards affected: All Wards</i></p>	12/06/19	Cabinet Cabinet Member for Culture and Leisure			Jill Riggs, Head of Cultural and Trading Services jill.riggs@gloucester.gov.uk
<b>ITEMS DEFERRED- Dates to be confirmed</b>						
NON	<p><b>Regeneration of the Former Fleece Hotel Site</b></p> <p><u>Summary of decision:</u> To consider the proposals received and identify a preferred partner.</p> <p><i>Wards affected: Westgate</i></p>		Cabinet Cabinet Member for Regeneration and Economy			Ian Edwards, Head of Place ian.edwards@gloucester.gov.uk
KEY	<p><b>Disposal of HKP Warehouses</b></p> <p><u>Summary of decision:</u> To seek approval to dispose of the HKP Warehouses for alternate use.</p> <p><i>Wards affected: Westgate</i></p>		Cabinet Cabinet Member for Regeneration and Economy			Jonathan Lund, Corporate Director jonathan.lund@gloucester.gov.uk





<b>Meeting:</b>	<b>Cabinet Briefing</b>	<b>Date:</b>	<b>20<sup>th</sup> June 2018</b>
	<b>Overview &amp; Scrutiny</b>		<b>2<sup>nd</sup> July 2018</b>
	<b>Cabinet</b>		<b>11<sup>th</sup> July 2018</b>
	<b>Council</b>		<b>12<sup>th</sup> July 2018</b>
<b>Subject:</b>	<b>Public Spaces Protection Order</b>		
<b>Report Of:</b>	<b>Cabinet Member for Communities</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Emily Jones, Community Wellbeing Officer</b>		
	<b>Email: <a href="mailto:emily.jones@gloucester.gov.uk">emily.jones@gloucester.gov.uk</a></b>		<b>Tel: 39-6268</b>
<b>Appendices:</b>	<b>1. Consultation survey result and feedback summary table</b> <b>2. PSPO Options appraisal</b> <b>3. Draft PSPOs</b> <b>4. Equality Impact Assessment</b> <b>5. Safe and Attractive Streets Policy</b> <b>6. Table of existing provisions addressing issues consulted upon</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 To update Cabinet on the feedback received from the Public Spaces Protection Order (PSPO) public consultation, to seek approval on a revised PSPO and future work, having regard to that feedback.

### 2.0 Recommendations

- 2.1 Overview and Scrutiny are asked to consider the draft PSPO proposals and make recommendations to Cabinet.

- 2.2 Cabinet is asked to **RESOLVE:**

- (1) The results of the PSPO consultation be noted;
- (2) To note that previous delegation, provided by Cabinet to the Head of Communities in consultation with the Cabinet Member for Communities and Neighbourhoods, for the authorisation of Public Space Protection Orders remains in place for all future PSPO proposals.

- (3) Delegated authority remains as above to implement the recommended Public Space Protection Orders contained in this report and drafted in **Appendix 3**, those being:
  - a) PSPO for Gloucester City relating to dog and alcohol nuisance provisions
  - b) PSPO to supersede the Gating Order for Organs Alley
  - c) PSPO to implement an Alcohol Free Zone for Gloucester City centre Taking in to account the views of Overview and Scrutiny and Council.
- (4) The PSPO creating an alcohol free zone for the City Centre/BID area is implemented at a future date, following further consultation with partner agencies.
- (5) Further consultation be undertaken in Barton and Tredworth to explore the appropriateness of implementing PSPO(s) there, following requests from residents, partner agencies and ward councillors.
- (6) Gating Orders that are currently in place are scheduled for individual reviews, with all being completed by the end of 2019.
- (7) A review and update of the Safe & Attractive Streets Policy and PSPO guidance takes place.
- (8) A Memorandum of Understanding is drawn up for both the night time and day time economies, between partner agencies who work within the City Centre and a "DaySafe" type meeting, to mirror NightSafe, is established.

2.3 Council is asked to endorse the PSPO proposals

### **3.0 Background**

- 3.1 Councils have a key role to play in helping make local areas safe places to live, work in and visit. Tackling nuisance and anti-social behaviour (ASB) continues to be a corporate priority for Gloucester City Council and our partner agencies.
- 3.2 In December 2017 Cabinet approved a public consultation for the potential use of Public Spaces Protection Orders (PSPOs) in Gloucester following a change in legislation and requests made by stakeholders to explore the benefits of such an order. Overview and Scrutiny committee received a briefing in October 2016 and further had endorsed exploration of PSPOs.
- 3.3 A PSPO can be made by the council if they are satisfied that the activities specified within them:
  - have had, or are likely to have, a detrimental effect on the quality of life of those in the locality
  - are, or are likely to be, persistent or continuing in nature
  - are, or are likely to be, unreasonable
  - justify the restrictions imposed.

- 3.4 From October 2017, all current Dog Control Orders (DCOs), Designated Public Place Orders (DPPO's) and Gating Orders automatically became PSPOs. These PSPOs will remain in force for up to a maximum of three years and if not reviewed beforehand, will expire in 2020
- 3.5 Gloucester has the following existing orders in place:
- **DPPO** for Barnwood, Coney Hill and Hucclecote introduced 22.06.2009 and varied to include additional areas in 08 August 2011
  - **DPPO** for City Centre introduced 05.09.2002
  - **Gating Orders** Saffron Close Tuffley and Badger Close, Tuffley adopted on 27.10.2006
  - **Gating Order** Fielden , Abbeydale adopted on 22.04.2008
  - **Gating Order** Chadwick Close/Windrush, Tuffley adopted on 05.03.2008
  - **Gating Order** Organs Alley gating adopted on 08.04.2014
  - **Dog Control Orders** covering Citywide parks and open spaces, relating to dog fouling, dogs in children's play parks and dogs being on leads when requested, introduced on 23.02.2007
- 3.6 The December 2017 Cabinet approved delegated powers to sign off PSPOs go to the Head of Communities in consultation with the Cabinet Member for Communities and Neighbourhoods. However, due to public concerns and the level of interest, the Cabinet Member for Communities and Neighbourhoods took the decision bring these proposals through the full democratic process in order to demonstrate transparency.
- 3.7 The Council took a proactive approach to consultation and the survey was widely publicised. Public consultation took place from January to April 2018 via an online survey and on-street surveying. In addition, two working groups were convened; one with council officers and one with key stakeholders. Both working groups offered a variety of responses to how the Council should implement PSPOs. The Director of the Manifesto Club commended the consultation process, stating they were "pleased that [the Council] are undertaking such a thorough process before passing any order".
- 3.8 The online survey included free text options for every question, giving respondents the opportunity to clearly share their views. Detailed responses were received from residents, the Faith Forum, Office of the Police and Crime Commissioner, the Institute of Fundraising, Project Pilgrim, Pedlars association, Gloucester BID, the LVA, Liberty, the Manifesto Club, political parties and via a petition presented to Council.
- 3.9 During the consultation, a review was conducted of the work that the Council and partners already do to address issues raised in the draft PSPO. This highlighted existing effective work that is already being undertaken by the Council and partner agencies, details of which are included in **Appendix 6**. Consideration has also been given to the High Strength Alcohol report written by the Overview & Scrutiny Task and Finish Group which looks to address the impact of high strength alcohol on our communities.
- 3.10 This report sets out the results of the public consultation and evidence gathering process, and gives recommendations for the future implementation of PSPOs in Gloucester. The proposals made in this report have been shaped

by consultation feedback, Council and Police data, input from officer and stakeholder working groups, consideration of the work the Council and our partners already undertake including our Safe & Attractive Streets Policy and consideration of the practicalities of whether a PSPO would work as intended to address the issues raised.

- 3.11 192 online survey responses were completed, with several more received directly by email and through consultation meetings with various partners. In total, over 1300 individual comments relating to the PSPO have been reviewed.

- 3.12 Respondents to the online survey identified as follows:

<b>Demographic</b>	<b>Number of individuals</b>	
Resident living in City centre	63	33.5%
Resident living in wider city	81	43.09%
Person who works in City	55	29.26%
Business owner/manager	15	7.98%
Visitor to City	15	7.98%
Local Councillor	3	1.6%
Representative of VCS	6	3.19%
Local organisation	5	2.66%
Other	10	5.32%

*\*numbers do not total 100% as respondents ticked all boxes that apply to them. 4 respondents skipped this question.*

- 3.13 The consultation survey initially asked respondents to tell us how big a problem they felt a particular behaviour was. Later in the survey, each specific proposed PSPO term was given and respondents were asked whether they agreed with each provision, offering a free text area for them to give their reasons why, if they wished to. Further, it asked whether respondents felt that particular provision should apply only to the area proposed (the City centre) and again offered free text space, this time for them to propose other areas that should be covered by that provision. At the end of the questionnaire, another free text input was available for respondents to detail any issues they felt should be covered by a PSPO, which were not already proposed.
- 3.14 Ongoing consultation continued after the initial timescales via the working groups which included key partners; the Police, Business Improvement District (BID), Faith Forum, CitySafe, the Office of the Police and Crime Commissioner (OPCC), Gloucester City Homes (GCH), the Licensed Victuallers Association (LVA) and various teams within the Council after the online survey ended, in order to discuss the survey feedback, the workings of a potential PSPO and it's enforcement and look at alternative options. It is intended that key respondents will be updated of the final PSPO proposals ahead of Overview & Scrutiny.
- 3.15 It should be noted that existing Gating Orders were not included in this consultation. This is because Gating Orders have historically been put in place to address particular issues of anti-social behaviour in specific areas. It is more appropriate to re-visit these areas and conduct a more targeted consultation with the local community and residents who live in the immediate

vicinity so that these specific issues can be re-assessed. The Organs Alley Gating Order was assessed as part of this consultation as it sits within the proposed designated area. A schedule to review all other current Gating Orders is included in the recommendations of this report.

- 3.16 A number of individual issues of ASB were raised by residents via the comments sections on the online survey. A list of these issues has been collated to be shared with Solace and other relevant partner agencies to address.

### **Results**

- 3.17 Consultation survey results and individual responses gave a good variety of feedback in response to PSPO proposals. The table in **Appendix 1** details consultation feedback alongside the Council's response with rationale included. This table will be publicised on the Council website.
- 3.18 The table below gives headlines of the consultation feedback:

Question/issue	% respondents who said it <u>is</u> a problem (very big problem & fairly big problem combined)	% respondents who said it <u>is not</u> a problem (not a big problem & not a problem at all combined)	Proposed PSPO Term	% Agree with inclusion in PSPO (strongly agree & agree combined)	% Disagree with inclusion in PSPO (disagree and strongly disagree combined)	Other information available on this issue	Conclusion
Dogs not being on leads	19.68	75.0	Dogs to be <ul style="list-style-type: none"> <li>kept under control (on leads if requested)</li> <li>out of children's play parks</li> <li>dog fouling to be cleared up</li> </ul>	86.75	13.26	Existing powers are in place Citywide under Dog Control Orders but these powers will cease if not reviewed.	Without superseding these with a PSPO we are extremely limited in how we can deal with these issues.
Dogs in children's play parks	27.27	45.45					
Dog fouling	57.61	35.85					
Alcohol related nuisance	65.60	31.19	Alcohol to be surrendered if nuisance related	74.38	25.63	Two Designated Public Place Orders are currently in place but will cease if not reviewed. Almost 2300 alcohol related Police incidents in City centre & Kingsholm in last 2 years, with other hotspot areas reported.	Without superseding current DPPO with a PSPO we are limited in powers to deal proactively with alcohol related nuisance.
Psychoactive substances	45.45	36.9	Psychoactive substances to be surrendered if nuisance related	77.18	22.81	Street Aware can address this. No data held on how prevalent this issue is.	Limited data presents lack of evidence for including this in a PSPO.
Begging	61.5	34.22	Begging not permitted	64.91	35.1	Street Aware has successfully addressed this over the past 2 years. Begging already a criminal offence.	A PSPO could not offer any enhancement on the powers and procedures already in place.



Peddling/street trading	28.11	63.24	Peddling/street trading must have written consent from Council	62.83	37.17	No complaints data held. Pedlars Act provides legislation for licenses. Council Street Trading policy in place.	Legislation and current work already available to address any issues.
Aggressive charity collection	51.06	41.19	No aggressive charity collectors	76.67	23.33	No complaints data held. Existing legislation available to regulate charity collections, and agreement with Institute of Fundraising in place.	Regulation already in place via various legislation. Procedure for dealing with "fake" charity collectors to be clarified in reviewed Safe & Attractive Streets Policy.
Littering	71.03	26.78	Littering not permitted	86.02	13.98	Littering is already an offence under the Environmental Protection Act	Measures for enforcement already available. Not appropriate to duplicate in a PSPO.
Unattended items	31.55	56.69	Unattended items can be removed	66.19	33.82	Police procedures in place regarding suspicious items left unattended. An informal partnership process already in place regarding non-suspicious items left unattended on the street.	Procedures are already in place and have support of partner agencies. Can be further clarified in the updated Safe & Attractive Streets Policy.
Nuisance or ASB	60.69	34.76	Nuisance or ASB not permitted	75	25	Numerous pieces of legislation already exist to tackle various nuisance and anti-social behaviour.	PSPO unlikely to enhance existing powers, and would go against Council commitments to prevention and intervention work.
Direction to leave	32.06	36.41	Person must leave designated area	67.16	32.85	Some dispersal powers already available to Police	Existing powers available to use

			when requested				where specific issues are present
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### Dog Control Orders

- 3.19 Existing Dog Control Orders are in place City-wide and 86.7% of respondents to the consultation agreed that these provisions should remain.

### DPPOs

- 3.20 Existing Designated Public Place Orders remain in force in the City centre and Barnwood, Coney Hill and Hucclecote, giving powers to deal with alcohol related nuisance. 65% of respondents said that alcohol related nuisance is a problem, and 74% agreed that this term should be included in a PSPO.
- 3.21 Data received from Police shows that in the last 2 years there have been almost 2300 alcohol related incidents reported to Police in the City centre and Kingsholm & Wotton wards alone. Many comments from respondents requested that drinking in the street be prevented altogether.
- 3.22 Kingsholm was included in the original proposed PSPO due to ongoing issues occurring there and requests from elected members. On-street drinking in certain areas of the City centre and Kingsholm has a reoccurring detrimental impact on the community, with respondents saying that they feel threatened and intimidated, and some residents experiencing additional harassment, alarm or distress ranging from noise nuisance to drinkers using their gardens as toilets.
- 3.23 Compared to the night time economy, where Police use specific dispersal powers regularly in response to alcohol related nuisance, the Council and its partners have difficulty addressing the culture and impact of daytime street drinking. A PSPO would give powers to tackle this issue more effectively through use of a proposed alcohol free zone in the BID area of the City.
- 3.24 Comments opposing the inclusion of an alcohol provision in a PSPO focussed on the support available to “street drinkers”. In the first instance when dealing with the issue of street drinking, the council would use the existing “engage, support and enforce” model through Street Aware, our approach detailed in the Safe and Attractive Streets Policy, which seeks to engage with people to change individual behaviours and prevent the need for enforcement action by connecting people with the help and support they need. Additionally, commissioned drug and alcohol support services conduct outreach in the City centre on a regular basis. Therefore proposals include an update of the policy to increase focus on this cohort. The Safe and Attractive Streets Policy is included for reference in **Appendix 5**.
- 3.25 Stricter guidelines on alcohol consumption in the designated area would support the vision for our City centre and build on the recent Purple Flag accreditation and High Strength Alcohol report from the Overview & Scrutiny Task and Finish group, encouraging a safer and cleaner environment for all and preventing further detrimental impact to those who live, work in and visit the City. This is especially pertinent when the City has an ambition to focus on culture and heritage, a strong tourism trade and will shortly be welcoming an influx of students, joining residents who want to feel safe when using the city centre.

### Begging & Unattended items

- 3.26 Proposals relating to Begging and Unattended Items in the original draft PSPO caused public concern, with suggestions from some organisations that these terms would be used by stealth to target rough sleepers. The Council has reiterated continuously, and continues to commit, that rough sleeping has never been included in any PSPO proposals for the City.
- 3.27 61.5% of respondents said that begging is an issue in the City, with 64.9% agreeing with its inclusion in a PSPO. Begging is currently addressed by strong partnership working through the “Street Aware” work of the Safe and Attractive Streets Policy which sees input from support, enforcement and advocacy partners and has helped create sustainable change within our City. A PSPO could not enhance this approach therefore it is proposed that begging is not included in any proposed PSPO.
- 3.28 56.6% said that unattended items are *not* an issue, however 66.1% felt that this term should be included in a PSPO. The term “unattended items” can be considered subjective and may refer to personal items associated with rough sleeping or to terrorism. Existing processes address both issues, therefore it is proposed that a proposed PSPO does not include unattended items.

#### Nuisance or anti-social behaviour (ASB) and Direction to Leave

- 3.29 60.69% of respondents felt that nuisance or anti-social behaviour in the city centre is a problem. 75% agreed that this term should be included in a PSPO.
- 3.30 Only 32% of respondents felt that “people causing a nuisance, not leaving the area when asked to do so” was a problem. 36% said this was not a problem, and the remaining 32% said they did not know. However, 67% of respondents felt a direction to leave should be included in a PSPO.
- 3.31 For these two issues, many responses focussed on groups of young people. Gloucester City Council and partner agencies have committed to the Children First strategy which aims to work with young people to change their behaviour through engagement and intervention, with enforcement as a last resort. This is in line with our Street Aware approach of “engage, support, enforce” and it is recommended that we endorse Children First in the reviewed Safe and Attractive Streets Policy rather than implement additional enforcement against young people.
- 3.32 There are already numerous pieces of legislation and work streams in place to tackle nuisance and anti-social behaviour, available to both the Council and Police, which range from informal interventions to legal action. Specifically relating to a direction to leave, Police can already implement a Dispersal Power for up to 48 hours where there are issues of ASB occurring in an area. For these reasons it is not proposed that Nuisance/ASB or Direction to Leave are included in a PSPO.
- 3.33 Psychoactive Substances, Peddling/ Street Trading, Aggressive Charity Collection and Littering were also consulted upon. It is not recommended that these are included in a PSPO, because there are already powers and processes in place to address these. Further information can be found in the table in **Appendix 1**.

### **Recommendations**

- 3.34 As a result of consultation feedback and the review of work already undertaken by the Council, it is recommended that we use the proposed PSPO to focus only on the issues that are important to residents and where the Council are most limited in powers to deal with these. In working with partners to explore existing provision, the consultation found that the majority of issues raised in the draft PSPO are being sufficiently addressed through Council and/or partnership working and that a PSPO would not enhance these particular issues further.
- 3.35 It is recommended that the following original proposed terms are implemented in a PSPO:
- Dogs under control, and to be put on leads when requested
  - Dogs not to be permitted in children's play parks
  - Those in charge of dogs to clear up dog fouling
  - Alcohol related nuisance
- It is further recommended that an alcohol free zone is implemented in the City centre/BID area to address the enhanced detrimental effect of drinking in this area.
- 3.36 It has been identified that the following terms included in the original draft PSPO are sufficiently covered by existing work or legislation available to the council and partner agencies, or that there is insufficient evidence to demonstrate a detrimental effect on the community, therefore it is *not* proposed that these terms are included in the final PSPO proposal:
- Psychoactive substances
  - Begging
  - Peddling/Street Trading
  - Aggressive charity collection
  - Littering
  - Unattended items
  - Nuisance or anti-social behaviour
  - Direction to leave
- 3.37 An appraisal of PSPO options is attached in **Appendix 2**. The recommended option is for:
- A City-wide PSPO to supersede existing Dog Control Orders and Designated Public Place Orders. This means that these provisions would remain in place in all areas within the City boundary.
  - An alcohol free zone for the original proposed designated area, which consists of the BID area and part of Kingsholm.
  - The Gating Order at Organs Alley to be superseded by a PSPO
- 3.38 **Appendix 3** shows draft copies the recommended Public Spaces Protection Orders and designated areas.
- 3.39 An alcohol free zone for the designated area would mean that on-street drinking is not permitted. Exceptions to this prohibition apply to the curtilage of licensed premises and events that have received a license or authorisation from the City Council. An alcohol free zone would not prevent events in the

designated area being able to serve alcohol, for example Christmas markets serving mulled wine.

- 3.40 An Equality Impact Assessment (also known as a People Impact Assessment) has been completed in relation to the proposed orders. A copy of this is attached in **Appendix 4**. The assessment found this proposal to be 'neutral' in impact. Equality Impact Assessments are designed to focus on the impact of a proposal on groups with protected characteristics under the Equality Act. However, the assessment is comprehensive and in addition it explores any potential impact on groups that are not classed as protected characteristics but may be affected by the proposed PSPOs, namely dog walkers and those consuming alcohol in public places, including street drinkers. The impact on dog walkers and people drinking alcohol is neutral as the proposals simply replace orders that are already in place. In relation to specific "street drinkers", i.e. individuals who regularly congregate and consume alcohol in the City centre area, an alcohol free zone will prevent this from occurring and it should be noted that any *potential* impact of this upon this group may occur to a very small number of people, and that the detrimental impact caused to the wider community by this activity outweighs the proportionality of changing the PSPO proposal.
- 3.41 Existing Gating Orders remain in place due to the automatic supersession of legislation. A recommendation of this report is that these orders are scheduled for review, which should be completed by the end of 2019.
- 3.42 In relation to future PSPOs proposed to tackle specific ASB issues in our communities, the initial responsibility for investigation and interventions will lie with Solace, the City Council and Police funded ASB Team. If a PSPO is identified as a potential option by Project Solace, the Community Wellbeing Team will support with scoping, consultation and implementation. In these cases, legal advice is that a consultation period of 6 weeks is deemed sufficient. It is recommended consultation can take place following notification being given to the Head of Communities and that the power to approve orders remains with the Head of Communities in consultation with the Cabinet Member for Communities and local ward Councillors.

#### **4.0 Asset Based Community Development (ABCD) Considerations**

- 4.1 The recommendations contained in this report are made with due regard given to the City Council's ethos of Asset Based Community Development and community cohesion. These recommendations are made with the intention of minimal disruption to the community and a focus on strengthening partnership working to achieve the shared positive vision for the City.
- 4.2 Future work listed below will be overseen by the Community Wellbeing Team. This will ensure ABCD considerations are made and that the work is community-focussed.

#### **5.0 Future Work and Conclusions**

- 5.1 Enforcement arrangements and resourcing:
- A procedure for the enforcement of the PSPO should be drawn up

- Update the relevant legal paperwork e.g. Fixed Penalty Notice pads
  - Identify the “authorised persons” to enforce the PSPO
- 5.2 It is proposed that Council and Police officers enforce the alcohol related provision, which would be no change to how the Designated Public Place Order was enforced.
- 5.3 Future enforcement strategies led by the City Improvement and Environment Team to address environmental crime including littering, will be looked at separately. Working in partnership with the Community Wellbeing Team, this separate work will also address the dog related provisions of the PSPO proposal.
- 5.4 Further consultation takes place with the Police around the procedures for enforcement of an Alcohol Free Zone for the City centre area.
- 5.5 Work be undertaken in Barton and Tredworth to explore the appropriateness of implementing PSPO(s) there, following requests from residents, partner agencies and ward councillors.
- 5.6 Publicity and communication:
- publicise any PSPO sufficiently and give members of the public enough time to be aware of the order coming in to effect
  - Signage should be erected in prominent places that are affected
  - A communications plan specifically relating to the PSPO should be drawn up
  - A communications plan is drawn up to raise public awareness on the various strands of work already in place by which Council and partners address the issues raised in the PSPO consultation.
- 5.7 Review:
- Work with partners to review, update and explore new options as part of the Safe & Attractive Streets Policy, considering a “Making Every Adult Matter” approach
  - The PSPO Guidance is updated to enhance guidance around PSPOs for specific ASB issues.
  - Schedule of reviews of current Gating Orders

## 6.0 Alternative Options Considered

- 6.1 Implementing a PSPO with all 10 proposed terms as per the original example Order used for the consultation, would present various issues including; the viability of a PSPO successfully addressing some of the specified behaviours, the appropriateness of having a PSPO for certain issues where evidence doesn’t sufficiently justify imposing an Order, and in terms of negative publicity and prospect of legal challenge. Conflict would also arise with regards to the City Council’s existing commitments to support and intervention, particularly around young and vulnerable people, such as the Children First Strategy and the Safe and Attractive Streets Policy. The PSPO options appraisal in **Appendix 2** clearly states that this alternative is not recommended.

- 6.2 Another alternative to the proposed recommendations would be to not implement a PSPO at all in the City. However, this would leave the Council and partners unable to address certain behaviours, in particular the provisions for dog and alcohol related nuisance, as the legislation providing previous powers for these has been repealed and the only available alternative is now to implement PSPOs.

## **7.0 Reasons for Recommendations**

- 7.1 Legislative changes mean that we must review the appropriateness of existing public place orders and decide whether to supersede these with PSPOs. Additionally, residents, businesses and partner agencies in the City have made requests for certain behaviours that detrimentally impact our communities to be addressed.
- 7.2 The recommendations in this report have been made following widespread consultation and shaped by consultation feedback, Council and Police data, input from officer and stakeholder working groups, consideration of the work the Council and our partners already undertake and consideration of the practicalities of whether a PSPO would work as intended to address the issues raised.
- 7.3 Councils have a key role to play in helping make local areas safe places to live, work in and visit. Tackling nuisance and ASB continues to be a corporate priority for Gloucester City Council and our partner agencies. The recommendations made in this report are done so with the intention of ensuring that our public places can be enjoyed free from nuisance and anti-social behaviour.
- 7.4 The recommendations in this report compliment strands of work from various partnerships and initiatives including NightSafe, the Stronger Safer Gloucester Partnership, Street Aware, Purple Flag and the Overview and Scrutiny Task and Finish Group for high strength alcohol.

## **8.0 Financial Implications**

- 8.1 There will be a financial cost to:
- a) Signage and publicity of the PSPOs. This is estimated at around £15 per sign. Costs may include a publicity campaign but this is to be advised by the Comms Team.
  - b) Training and updating of enforcement documents such as Fixed Penalty Notice pads.

(Financial Services have been consulted in the preparation of this report)

## **9.0 Legal Implications**

- 9.1 PSPOs must be lawfully implemented in line with legislation and with due consideration to Human Rights. The recommendations made in this report have been done so with guidance from One Legal.

(One Legal have been consulted in the preparation of this report)



## **10.0 Risk & Opportunity Management Implications**

- 10.1 Having regard to the consultation feedback, the recommended PSPO option mitigates risk by proposing that only existing orders are superseded, with one variation to consider stricter rules on alcohol in the City centre.
- 10.2 The results of this consultation offer an opportunity for the Council to promote the existing work that we do to tackle the issues raised in the original draft PSPO.

## **11.0 People Impact Assessment (PIA):**

- 11.1 A full People Impact Assessment has been completed and is included in **Appendix 4**.

## **12.0 Other Corporate Implications**

### Community Safety

- 12.1 Keeping Gloucester a safe and enjoyable place to live, work and visit is the basis of the Stronger Safer Gloucester Partnership and strategy. All of the information and evidence considered as part of this consultation process indicates that the implementation of a PSPO will give enhanced powers to delegated officers to ensure this.

### Sustainability

- 12.2 The implementation of any PSPO should be in partnership with the Police and relevant partner agencies to ensure that PSPOs can be sustainably resourced. The implementation process will be overseen by Community Wellbeing.

### Staffing & Trade Union

- 12.3 None identified.

### Safeguarding

- 12.4 None identified

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Proposed PSPO term	Feedback summary from consultation		Council Response
<b>1. Dogs</b>			
a) Any person in charge of a dog, at any time, must keep the dog on a lead	In Favour	<p>19.6% of respondents* said that dogs not being on leads <b>is</b> a problem</p> <p>Dogs in a built up or public area should be kept under control to ensure that all users of a public space can enjoy it. Many people are scared of or bothered by dogs (including other dog owners themselves) and keeping dogs on a lead is necessary to avoid nuisance and ensure the health and safety of the public.</p>	<p>It is not reasonable for all dogs to be kept on a lead at all times, some dogs need more exercise than others and being off the lead enables this. Taking in to account animal welfare we propose this should be amended to state that dogs should be under control rather than on a lead at all times.</p> <p>Old Dog Control Orders (which are now superseded by PSPOs) covering the city stated that owners should put their dog on a lead when requested to do so by an authorised person, we propose that this PSPO replicate the old Dog Control Order for this part of the dog provisions.</p> <p>This provision is in no way relating to rough sleepers, it is directed at the control of dogs to keep the general public safe and prevent nuisance.</p>
	Against	<p>75% said that dogs not being on leads <b>is not</b> a problem</p> <p>It is necessary to be able to have some open space where dogs can be exercised off the lead. Dogs should be allowed to run free in certain areas if owners are responsible. Responsible users of parks and green spaces would be penalised by a complete “dogs on leads” restriction.</p> <p>Some comments referred to this restriction being proposed in order to target rough sleepers who have dogs.</p>	
b) Any person in charge of a dog, at any time, must not allow it to enter or remain in any children’s play park	In Favour	<p>27% said dogs in childrens play parks <b>is</b> a problem</p> <p>Children’s play parks should be a safe place for children to enjoy. Again some children are scared of dogs and dogs can pose a potential safety issue around small children, as well as dog mess being hazardous. Dogs and their owners have full use of the wider parks and open spaces; therefore a restriction on the smaller areas of children’s play parks is not unreasonable.</p>	<p>Whilst it is important for dog owners to have sufficient space to exercise their pets, it is also important for children to have a safe and clean area to play. Children’s play parks are usually a small area of larger parks. We propose that this provision stands and that dogs should not be allowed in play parks where the play park is a fenced off area. This provision is already in place under old Dog Control Orders and signage already exists on most of these parks, therefore this PSPO</p>

APPENDIX 1 – PSPO consultation results and feedback summary table

	Against	<p>45% said dogs in childrens play parks <b>is not</b> a problem</p> <p>One respondent commented on dogs being family pets and that a single parent taking their child to a park should be allowed to take the dog in to a children's play area and that dogs should be under control, not banned. There was some query on whether this applies to all parks which include children's play equipment. Some parks are fenced off where the play equipment is but others are not.</p>	will simply continue the current rule.
c) Any person in charge of a dog, at any time, must clean up any faeces deposited by that dog	In Favour	<p>57% said dog fouling is a problem</p> <p>Dog fouling is the biggest dog related, but preventable, problem. The city a safe and clean place for everyone to use. Dog mess presents a health hazard.</p> <p>Many comments suggested that unless action is taken against irresponsible dog owners this issue will continue and that dog fouling continues to be a problem despite everyone knowing it should be cleared up.</p>	Dog fouling continues to be an issue and is one of the top reported issues in feedback from residents. In order to keep the city a safe and clean place, we propose to include the dog fouling provision in this PSPO, again to continue the rules already in place under old Dog Control Orders.
	Against	<p>35% said dog fouling <b>is not</b> a problem</p> <p>Responsible dog owners who clean up after their pets commented that irresponsible owners are the problem. Comments against this proposal stated that most dog owners are responsible and that people already know that they should pick up after their dog; therefore enforcement should be targeted to those who do not.</p>	
<p><b><u>Additional comments</u></b></p> <p>Many comments in relation to the dog restrictions state that they are “common sense” and “reasonable” to ensure the safety and enjoyment of all in a public space.</p> <p>Some disagreed with these proposals, stating that there are already provisions for dogs in place. Several comments that dogs being on leads should apply to built-up areas such as the city streets but not to green open spaces.</p> <p>Some comments that on the spot fines would be the only way to encourage people to be more responsible.</p>			<p>Dog Control Orders, which provided for current rules relating to dog nuisance to be put in place, have been repealed and are superseded by PSPOs.</p> <p>Taking in to account all of the comments received, we propose to keep the current provisions of Dog Control Orders as part of this PSPO.</p>

## APPENDIX 1 – PSPO consultation results and feedback summary table

<b>Proposed Area</b> 86.75% of respondents to the online consultation felt that the dog provisions should be included in a PSPO. 50% felt it should cover a wider area than the city centre.		We propose that this provision will apply to the entire city.	
<b>2. Alcohol</b>			
Any person shall stop drinking alcohol, or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder	In Favour	<p>65% of respondents said that alcohol related nuisance is a problem</p> <p>Drinking in the streets has numerous associated issues which cause a nuisance, often including noise, littering and anti-social behaviour, sometimes escalating to violence or disorder. These issues prevent the general public from feeling safe in our city centre and fail to provide a welcoming environment for residents and visitors alike.</p> <p>A restriction in order to prevent or tackle nuisance will make the city a safer and more enjoyable place to be. Many respondents were in favour of this to create a more pleasant, less threatening environment for the general public, saying that it is unnecessary to drink alcohol in a public place, especially the city centre when there are many licensed premises, and that residents and visitors will feel safer knowing that issues are being addressed.</p> <p>Several commented that street drinking in the city is a big problem but that powers should be discretionary and only used when nuisance is caused or likely to occur.</p> <p>One comment from a licensee stated “there is no place for alcohol as people walk the streets, [sensible consumption] can’t be controlled outside licensed premises”.</p>	<p>65% of respondents said that this is a problem and figures from the Police show that rates of alcohol related nuisance is high, with almost 2,300 alcohol related incidents occurring in the proposed PSPO area in the last 2 years. From consultation feedback, many respondents named locations outside of the city centre too for hotspots of alcohol related issues in public spaces</p> <p>In relation to offering support to groups of “street drinkers”, Change Grow Live are Gloucester’s providers of drug and alcohol support and they conduct regular outreach across the city and specifically the city centre to offer support, and work with those willing to engage with services. Street Aware, a partnership between the council, police and support agencies, also operates across the city centre and engages with people seen on our streets on a daily basis.</p> <p>Most respondents felt that an alcohol provision should apply to the entire city as enforcement would only take place when nuisance occurs.</p> <p>An existing Designated Public Place Order (DPPO) applies to the city centre and other specific locations in the wider city. DPPOs have now been</p>

## APPENDIX 1 – PSPO consultation results and feedback summary table

	Against	<p>31% said that alcohol related nuisance <b>is not</b> a problem</p> <p>Comments against this restriction focussed on objection to a complete alcohol free zone, stating that the city centre is a social area and this should be taken in to consideration and that a restriction on alcohol should be targeted towards people causing a disturbance rather than all drinkers.</p> <p>One comment mentioned that rugby attendees are probably the biggest on street drinkers and are generally pleasant.</p> <p>Other respondents focussed on “street drinkers” as a group and felt that this restriction would victimise a group who should instead be offered support to address the root causes of alcohol misuse.</p> <p>Some comments also stated that there are laws in place already covering this issue.</p>	<p>superseded by PSPOs so if we want this provision to continue then it must be implemented in a PSPO.</p> <p>Weighing up the responses both for and against an alcohol provision, we propose that this provision is included citywide in a PSPO and that an alcohol free zone be considered for the city centre streets where higher rates of alcohol related nuisance are evidenced.</p>
<p><b><u>Additional comments</u></b></p> <p>There were comments relating to events in the city centre and that these should still be allowed to continue to serve alcohol e.g. the Christmas market serving mulled wine. There was query over whether an alcohol restriction would apply to events in the PSPO area.</p> <p>Most commented that this restriction should apply to all parks and open spaces because the restriction as proposed would not prevent people having a quiet responsible drink and enforcement could only be taken in relation to nuisance.</p>		<p>An alcohol free zone would not apply to specific events held in the designated area, providing that the organisers have been granted a license or authorisation by the licensing team at Gloucester City Council.</p> <p>A wider provision to deal with alcohol related nuisance can be put in place across the whole city.</p>	
<p><b><u>Proposed area</u></b></p> <p>74% of respondents agreed that alcohol related nuisance should be included in a PSPO.</p> <p>39.6% felt it should cover an area wider than the city centre</p>		<p>We propose that a provision to tackle alcohol related nuisance applies to the whole city, with stricter rules (an alcohol free zone) to be considered for the city centre.</p>	
<b>3. Psychoactive</b>			

# APPENDIX 1 – PSPO consultation results and feedback summary table

<b>Substances</b>		
Any person shall hand over any containers (sealed or unsealed) which are believed to contain psychoactive substances, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder.	In Favour	<p>45% of respondents said that this <b>is</b> a problem</p> <p>Most respondents in favour agreed with this as a general term, similar to the alcohol restriction proposal, to prevent issues from occurring.</p> <p>A few specific locations were reported via the comments section.</p>
	Against	<p>36% of respondents said this <b>is not</b> a problem</p> <p>Most respondents against this proposal commented that psychoactive substances are now illegal and covered by existing laws, stating that they felt that current powers are sufficient.</p> <p>Other comments centred around addressing the reasons people are using drugs rather than enforce against them</p>
<b>Additional comments</b>		
Many comments focussed on drugs in general, rather than specifically on psychoactive substances		Drug issues should be reported to the police who can address this using existing legislation.
<b>Proposed area</b>		
<p>77% of respondents felt this should be included in a PSPO.</p> <p>60% said this should <b>not</b> cover an area wider than the city centre</p>		Psychoactive Substances are now illegal so this issue is covered by existing legislation and the scale of the issue in our city does not warrant it's inclusion in a PSPO.
<b>4. Begging</b>		

# APPENDIX 1 – PSPO consultation results and feedback summary table

Any person is prohibited from, at any time, placing himself in a position to receive alms.	In Favour	<p>61% of respondents said this <b>is</b> a problem</p> <p>Begging has become a more prevalent and visible issue in the city, as it has nationally. Most respondents commented on the fact that begging most often occurs to feed drug and alcohol dependency and that giving money to the individual is not the best way to help.</p> <p>Several comments from people who said they feel scared to come in to the city centre or avoid the city centre altogether because they find begging is intimidating.</p>	<p>The City Council adopted the Street Aware approach of “engage, support, enforce” in 2016 to address this issue among other street based nuisance in the city centre. Since this we have seen a great reduction in the number of people seen begging in the city centre and we remain committed to supporting people who need it. In this complex issue this means both those who are affected by begging (e.g. feel intimidated) as well as those who are begging. Street Aware only take enforcement action as a last resort where anti-social behaviour is persistent.</p> <p>This provision was not proposed to “target” the homeless. An array of evidence from members of the public and agencies has shown that begging has caused harassment, alarm and distress to the wider community therefore this provision was proposed to address the anti-social behaviour.</p> <p>We propose to continue with Street Aware and use the existing legislation already available. It would be excessive to include begging as a provision in a PSPO on top of this; therefore we propose not to do so.</p>
	Against	<p>34% said this <b>is not</b> a problem</p> <p>Existing measures are already in place to tackle begging issues in the city and have seen a reduction in the number of people seen begging on the street, as well as offering support to individuals.</p> <p>Some respondents were concerned that this prohibition would displace the problem. Most respondents against this proposed term commented that it is proposed in order to criminalise the homeless. One comment that begging in itself is not an activity that “causes harm”.</p>	
<p><b><u>Additional comments</u></b></p> <p>Rather than give money, work together and offer support to people in need</p> <p>Routes of offering support to people?</p> <p>Address causes of homelessness, not the symptom</p> <p>Begging is driven by substance misuse</p>			<p>The City Council remains committed to helping those in need. We continually work with partners in all sectors to co-ordinate joint efforts to support those who need it.</p> <p>Street Aware has found that the vast majority of people seen begging in the city are already</p>



# APPENDIX 1 – PSPO consultation results and feedback summary table

		housed and that in 100% of cases begging has occurred to fund substance misuse problems. Trends identified through our operational work help to shape our services to be more effective. More information on Street Aware can be found in our Safe & Attractive Streets Policy.
<b>Proposed area</b> 64.9% of respondents said this should be included in a PSPO. 79% felt it should only cover the city centre		We do not propose to include this provision in a PSPO.
<b>5. Peddling/Street Trading</b>		
Any person is prohibited from, at any time, peddling/trading goods without the written permission of the authority, even if licensed.	In Favour	28% said that issues with street trading or peddling <b>are</b> a problem.  The necessity of permission having to be given by an authority offers reassurance to customers.  There were comments about street traders who descend on the city when a large event is held, and the fact that too many street traders or pedlars can cause a nuisance to shoppers.
	Against	63% said that this <b>is not</b> a problem.  The Pedlars Act is in place to ensure that anyone peddling goods must have a license, which is effectively a written permission to trade.  Several comments that street trading adds vibrancy to the city centre shopping offer.
<b>Additional comments</b> Properly managed street trading adds charm to the city centre Should be encouraged to make the city centre vibrant and interesting		The Pedlars Act provides for licensing of Pedlars. The City Council has a street trading policy in place for the city centre and enforcement is available under various legislation if rogue traders are identified.  The City Council agrees that well managed street trading can add vibrancy to the city. Being mindful of the primary legislation and various policies that are already in place, we do not propose to include this provision in a PSPO.

APPENDIX 1 – PSPO consultation results and feedback summary table

<b>Proposed area</b> 62.8% of respondent felt this term should be included in a PSPO. 79.8% said it should only cover the city centre			We do not propose to include this provision in a PSPO.
<b>6. Aggressive Charity Collection</b>  Any person is prohibited from, at any time, engaging in assertive or aggressive (commercial or charity) collection or soliciting of money in the designated area.	In Favour	51% said that aggressive charity collection <b>is</b> an issue.  Most respondents in favour of this commented that charity collectors are annoying, but not aggressive.  Several respondents commented that authorised charity collectors are not such a problem but unlicensed collectors collecting for “fake” charities are exploiting loopholes in enforcement, and thus impact on the genuine charity donations.	The City Council has an agreement in place with the Institute of Fundraising (IOF) in relation to charity collections in the city centre. We were not able to quantify data on complaints about charity collectors but know anecdotally that they have focussed on “fake charity collectors” rather than those regulated by the IOF.  The Police have powers to deal with fraudulent charity collectors. The Charity Act requires all street charity collectors to have a public collectors certificate from the Charity Commission, and a permit issued by the Local Authority. Those without permits can be prosecuted.  Bearing in mind the primary legislation and inter-agency agreements already in place, and the fact that most respondents in favour of this provision stated annoyance rather than aggression, we propose not to include this in a PSPO for the city.
		Against	
	<b>Proposed area</b> 76% of respondent felt that restrictions on charity collection should be included in a PSPO. 78% felt it should only apply to the city centre.		

<b>7. Littering</b>			
Any person is prohibited from, at any time, littering.	In Favour	<p>71% said that littering <b>is</b> a problem.</p> <p>Chewing gum, cigarette butts and litter are a persistent problem in the city centre. Welcoming and well-kept public spaces are essential to encourage the use of them. We want a clean and inviting city for our residents and visitors.</p> <p>Litter can attract vermin and is a health issue.</p> <p>Many respondents in favour of this commented that it is well known that littering is not permitted and on the spot fines for doing so would seem to be the only way to deal with those who do litter.</p>	<p>Littering is already an offence under the Environmental Protection Act.</p> <p>Subject to approval of Cabinet, a partnership with private company 3GS is to be established to tackle environmental crime including littering. The partnership will incorporate strands of education, community outreach and enforcement where necessary. Littering is regularly one of the biggest issues raised by residents and 71% of respondents to this consultation confirm that they feel some enforcement is necessary to tackle the problem.</p>
		<p>26.7% said littering <b>is not</b> a problem.</p> <p>Respondents against this proposal stated that littering is already an offence and that education would be more effective than enforcement.</p>	
	Against		<p>A PSPO would duplicate existing primary legislation as well as the potential partnership with 3GS, therefore we do not propose to include littering in a PSPO as it can already be enforced against.</p>
<p><b><u>Proposed area</u></b></p> <p>86% felt a provision to address littering should be included.</p> <p>57% felt this should apply to the whole city.</p>			<p>We do not propose to include this in a PSPO.</p> <p>Littering will be tackled by another strand of work within the City Council.</p>

8. Unattended Items		
Any person is prohibited from leaving items or belongings unattended within the designated area. Unattended items will be removed at the direction of a constable or an authorised person.	In Favour	<p>31% said unattended items in the city centre <b>are</b> a problem.</p> <p>Most respondents commented on potential security risks, with the current terrorism threat meaning that any unattended items would cause panic to the public. Members of the public using the city centre have a right to feel safe when doing so.</p> <p>One comment that if items are left by someone begging then they should be removed but if that person is also homeless then discretion is needed.</p>
	Against	<p>56.6% said this <b>is not</b> a problem.</p> <p>Most respondents against this term felt that it was proposed in order to penalise the homeless.</p> <p>Unattended items was included in the consultation due to security threat levels and the amount of items left on the streets which pose a health and safety risk to the wider public, for example items containing used needles, discarded on the street.</p> <p>Police have a process in place for dealing with unattended items that may be suspicious packages.</p> <p>There is also already a process in place under Street Aware to store persistently left unattended items that are not suspicious packages. Items are not disposed of until 7 days has elapsed with no claim made to them. To date in the 2 years since this process began only one person who has left their items unattended has requested them back.</p> <p>Bearing this in mind, we do not propose to carry this provision forward in a PSPO.</p>
<p><b><u>Additional comments</u></b></p> <p>Unattended items can pose a risk but it is important that unattended belongings linked to sleep sites are not automatically disposed of</p>		<p>As above, items are stored and not automatically disposed of. We propose to refine the unattended items process used under Street Aware and include it in its own right in our Safe &amp; Attractive Streets Policy.</p>
<p><b><u>Proposed area</u></b></p> <p>66% felt this should be included in a PSPO.</p> <p>73% felt it should only apply to the city centre.</p>		<p>We do not propose to include this provision in a PSPO.</p>

9. Nuisance or anti-social behaviour (ASB)			
Any person shall not behave in a manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person.	In Favour	60.6% said nuisance or ASB <b>is</b> a problem in the city centre.  It is essential that our city is a safe environment for everyone to enjoy. Respondents in favour of this commented that this provision would be a good way to prevent behaviour from escalating and could free the police up to deal with more serious matters.	There are already several pieces of legislation in place that can address anti-social behaviour, with powers available to both police and the council.  We know that many incidents of ASB are attributable to repeat perpetrators and there are already pathways available to address this, with powers available to council and police as well as partner agencies; most notably the Street Aware process.  A memorandum of understanding is currently being developed between all partner agencies that operate in the city centre, in relation to creating a safer city centre.  Taking in to consideration the various pieces of primary legislation in place , the presence of Solace, Street Aware, the Children First strategy and the city memorandum of understanding, we find that this provision would be a duplication of existing work and therefore do not propose to include it in a PSPO.
	Against	34.7% said nuisance or ASB <b>is not</b> a problem in the city centre.  There are already several criminal powers in place that can address criminal and anti-social behaviour, as well as civil powers that the council can use for persistent cases of ASB.	
<b>Additional Comments</b> Some were concerned that this could be used to suppress freedom of speech and freedom of assembly			The ASB, Crime and Policing Act which gives provision for PSPOS specifically states that the City Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Human Rights Convention.

APPENDIX 1 – PSPO consultation results and feedback summary table

<b>Proposed area</b> 75% agree that this provision should be included in a PSPO. 56% felt that this should only apply to the city centre.			We do not propose to incorporate this in to a PSPO.
<b>10. Direction to Leave</b>			
Any person, when directed to do so by a constable or authorised person in order to prevent public nuisance or disorder, shall leave the designated area.	In Favour	32% said that people not leaving the city centre when directed to, <b>is</b> a problem.  Most in favour of this commented that it will help the Police to disperse people who are causing a problem, and that a direction to leave power is necessary to help keep the peace.	32% of respondents answered this question “don’t know/not applicable” or did not answer it at all. There was a real mixture of responses to this consultation question, with no clear answer.  Dispersal powers are already available to the police and are used regularly as part of the policing of the night time economy. The same powers can also be put in place at any other time of the day when deemed necessary.  Given that these powers are already available, the inclusion in a PSPO would be duplication therefore we do not propose to carry this forward.
	Against	36% said that people not leaving the city centre when directed to, <b>is not</b> a problem.  Dispersal powers are available to the Police to tackle specific issues if authorised by a senior officer.  Most responses against this proposal focussed on the potential displacement of issues, and concerns that this power may be used to move on ‘undesirable’ people without reason. One comment said “the streets belong to everyone, it is not for anyone other than the police to decide whether a person should be allowed to use them”	
<b>Proposed area</b> 67% felt that this should be included in a PSPO. 66% felt it should only apply to the city centre.			We do not propose to include this in a PSPO.

\*Percentages given are that of respondents to the online consultation survey

Option	Rationale in favour	Rationale against	Recommendation
<b>1. Full PSPO as specified in draft order</b>	<ol style="list-style-type: none"> <li>1. Greater powers in dealing with issues across the city</li> <li>2. Will bring together various strands of work</li> <li>3. Replaces and enhances existing orders which will expire in 2020</li> </ol>	<ol style="list-style-type: none"> <li>1. Primary focus is enforcement</li> <li>2. Duplicating existing legislation</li> <li>3. Some provisions of the Order will be either be in contradiction to or will duplicate already existing work streams, which can be brought together in a policy rather than an enforcement order.</li> <li>4. Resourcing implications of enforcement of full Order</li> <li>5. Will require full process maps for all of the individual provisions of the Order.</li> <li>6. Staffing, training and court costs for enforcement</li> <li>7. In reality some of the proposed provisions are not practicable to deal with the issues they were intended to address (e.g. dealing with young people v. Children First strategy)</li> <li>8. High possibility of negative publicity</li> <li>9. Potential of legal challenge</li> <li>10. Enforceability of the order depends on authorised persons being present to witness offences</li> </ol>	<b>This option is not recommended</b>
<b>2. Focussed PSPO for the wider City</b>	<ol style="list-style-type: none"> <li>1. There is sufficient work already being carried out, or legislation already available, to address most of the issues raised in the</li> </ol>	<ol style="list-style-type: none"> <li>1. Local authorities can attract negative publicity simply for implementing PSPOs. However, this proposal is for a minimal order</li> </ol>	<b>This is the recommended option</b>

<p><b>with individual gating orders for specific locations</b></p> <p>Alcohol and Dogs to be kept in a PSPO that covers the entire City in order to incorporate the existing powers that have been superseded by PSPOs</p> <p>To also incorporate the current Gating Order in place in the city centre</p>	<p>draft PSPO. We should not be duplicating existing legislation.</p> <ol style="list-style-type: none"> <li>2. Government guidance states that we should look to address root causes of issues. Using existing work streams ensures this (e.g. Street Aware)</li> <li>3. However, the options are fewer for Dogs and Alcohol related nuisance. A minimal PSPO will address this.</li> <li>4. This option addresses issues reported in the wider city.</li> <li>5. Responds to the feedback given in Consultation</li> <li>6. Enhanced provision is possible for a potential Alcohol Free Zone in the city centre.</li> <li>7. City protection officers are already in post and offer an enhanced service within the city centre</li> <li>8. 3GS partnership being commissioned for environmental offences</li> <li>9. Minimal complaints received by Council and Police about several of the issues raised in PSPO. This could be due to underreporting. The City Council can reassess the need for a more wide ranging PSPO after 6 months if it becomes apparent that issues</li> </ol>	<p>which bucks the trend nationally for more prescriptive PSPOs.</p> <ol style="list-style-type: none"> <li>2. Enforceability of the order depends on authorised persons being present to witness offences</li> </ol>	
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	are occurring.		
<b>3. No PSPO for the City</b>	<ol style="list-style-type: none"> <li>1. A number of areas in the original proposal are addressed without the need for a PSPO, however see point 1 opposite.</li> <li>2. City protection officers are already in post and offer an enhanced service within the city centre</li> <li>3. 3GS partnership being commissioned for environmental offences therefore a PSPO for this is not necessary</li> <li>4. Council and Police complaints data is limited and relies on reporting from members of the public. This could be due to underreporting. The City Council can reassess the need for a more wide ranging PSPO after 6 months if issues reported.</li> </ol>	<ol style="list-style-type: none"> <li>1. A number of issues would not be covered if existing Orders are not superseded, including:</li> <li>2. Dog Control Orders have been superseded by PSPOs therefore a PSPO is necessary to continue with these provisions.</li> <li>3. Designated Public Place Orders have also been superseded by PSPOs.</li> <li>4. Gating Orders have been superseded by PSPOs.</li> </ol>	

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### **APPENDIX 3 – Draft Public Spaces Protection Orders**

- Draft Order for Gloucester City
- Draft PSPO replacing Gating Order for Organs Alley
- Draft PSPO for Alcohol Free Zone

**PUBLIC SPACES PROTECTION ORDER 2018**  
**GLOUCESTER CITY**  
**Section 59, the Anti-Social Behaviour, Crime and Policing Act 2014**

Gloucester City Council (referred to hereafter as 'the Council') hereby makes the following Public Spaces Protection Order. The land described in Appendix Two being land in the area of the Council is land to which the Act applies and is protected by the Order ("Designated Area")

**This Public Spaces Protection Order shall come in to force on **\*\*date\*\*** and remain in place for a period of three years**

**The following prohibitions are imposed on the use of the Designated Area:**

**For the entire City, as specified in the map in Appendix Two:**

**1. Dogs on leads**

- a) Dogs must be kept under control at all times. Any person in charge of a dog, at any time, must put the dog on a lead if requested to do so by an authorised person.
- b) Any person in charge of a dog, at any time, must not allow it to enter or remain in any children's play park
- c) Any person in charge of a dog, at any time, must clean up any faeces deposited by that dog

Unless subject to exemptions listed in Appendix One below.

**2. Alcohol**

Any person shall stop drinking alcohol, or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder.

**GENERAL PROVISIONS**

**1. A person who fails without reasonable excuse to comply with a requirement imposed on them by this Order will be guilty of an offence** and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of a maximum of £80.

**2. "Authorised Person"** means a person authorised for the purposes of section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 by the local authority that made this order.

**In issuing the order the authority is satisfied that:**

1. (a) The named activities carried out 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 the named activities will be carried out in a public place within that area and that they will have such an effect
2. The effect, or likely effect, of the named activities:  
(a) is, or is likely to be, of a persistent and 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
3. It has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.
4. If an interested person wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.

Executed as a Deed by THE COMMON SEAL of GLOUCESTER )  
CITY COUNCIL being affixed hereto and authenticated by the )  
undermentioned person authorised by the Council to act for )  
that purpose: )  
 )  
 )

Authorised Signatory

Date: ..... 2018

The Order can be seen at .....website.....

## **Appendix 1**

### **OBLIGATIONS ON PERSONS WITH DOGS**

#### **1. Fouling**

If a dog defecates at any time on land to which this Order applies, a person who is in charge of the dog at the time must remove the faeces from the land immediately unless:

- a) they have reasonable excuse for failing to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

The offence does not apply to a person who:

- a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

This applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

#### **2. Dogs on leads when directed**

A person in charge of a dog on land to which this Order applies must comply with a direction given to him by an Authorised Person of the Authority to put and keep the dog on a lead unless:

- a) they have reasonable excuse for failing to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An Authorised Person may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

This applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

#### **3. Dog exclusion in specified areas**

The offence does not apply to a person who:

- a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects who relies upon a dog trained by a prescribed charity for assistance.

#### **4. Prohibition of alcohol consumption**

Where a constable or an authorised person reasonably believes that a person:

- a) is or has been consuming alcohol in breach of the Order; or
- b) intends to consume alcohol in circumstances in which doing so would be a breach of the Order;

The constable or authorised person may require that person:

- a) not to consume alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- b) to surrender anything in their possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

**5. Premises etc. to which alcohol prohibition does not apply**

(1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—

- (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
- (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- (c) a place within the curtilage of premises within paragraph (a) or (b);
- (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
- (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).

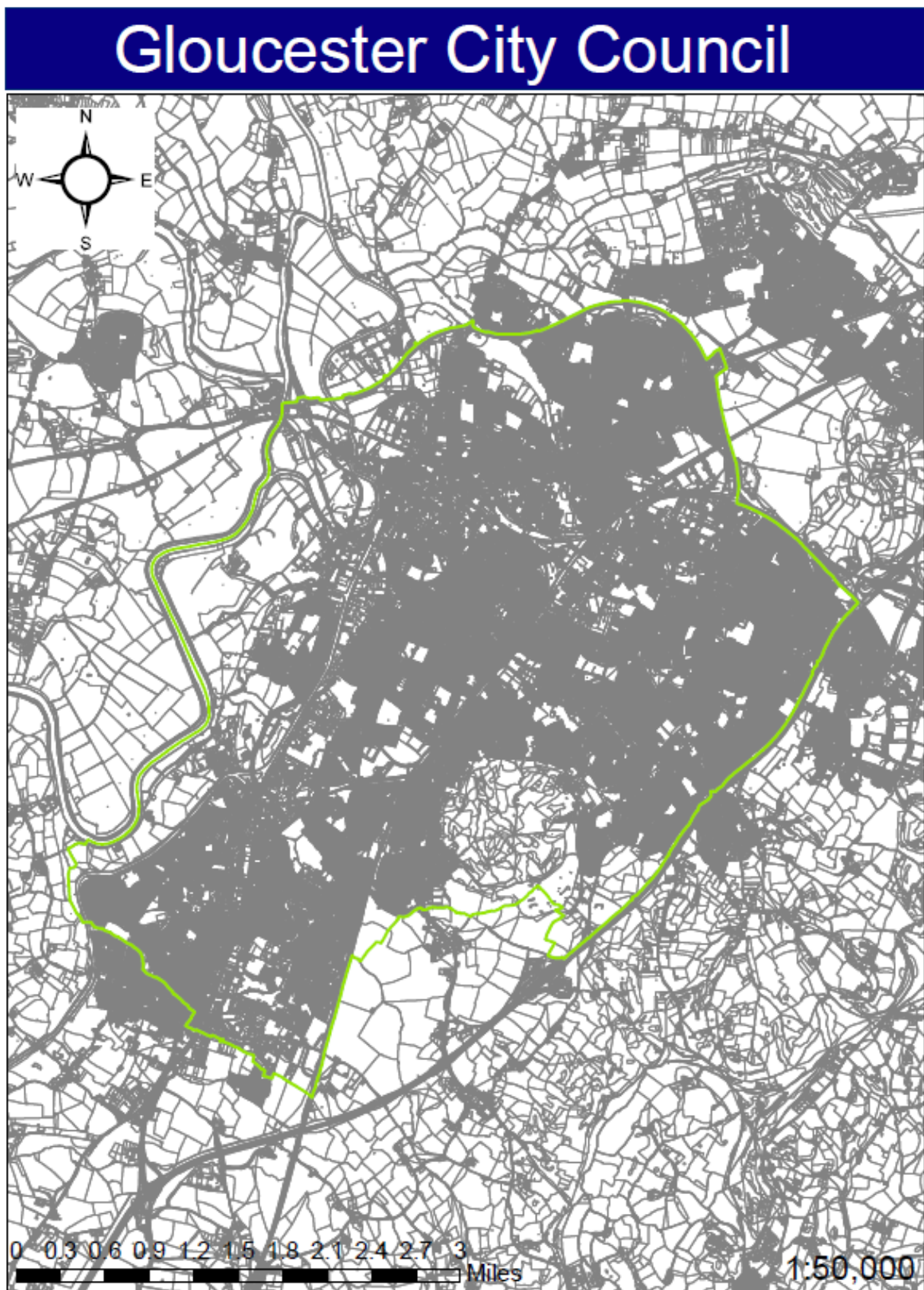
(2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises—

- (a) when the premises are being used for the supply of alcohol, or
- (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

(4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and—

- (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
- (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

**Appendix 2**  
**Map of Gloucester City boundary**



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**PUBLIC SPACES PROTECTION ORDER 2018**  
**GLOUCESTER CITY**  
**Section 59, the Anti-Social Behaviour, Crime and Policing Act 2014**

Gloucester City Council (referred to hereafter as 'the Council') hereby makes the following Public Spaces Protection Order. The land described in Appendix Two being land in the area of the Council is land to which the Act applies and is protected by the Order ("Designated Area")

**This Public Spaces Protection Order shall come in to force on \*\*date\*\* and remain in place for a period of three years** unless extended by further orders under the council's statutory powers.

This order relates to the footpath known as Organs Alley, (the alleyway between 97 and 99 Eastgate Street and 20 and 24 Russell Street) Gloucester.

**The following prohibitions are imposed on the use of the Designated Area:**

The public right of way over the highway shall be restricted at all times except for those persons listed in Appendix 1.

**GENERAL PROVISIONS**

1. **A person who fails without reasonable excuse to comply with a requirement imposed on them by this Order will be guilty of an offence** and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of a maximum of £80.

2. "Authorised Person" means a person authorised for the purposes of section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 by the local authority that made this order.

3. This order authorises the retention of lockable gates at the affected highway to enforce the restriction of the public right of way.

4. Responsibility for the maintenance and operation of the gates will lie with Gloucester City Council at Herbert Warehouse, the Docks, Gloucester GL1 2EQ (contact Community Wellbeing Team on 01452 396396)

**In issuing the order the authority is satisfied that:**

1. (a) The named activities carried out 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 the named activities will be carried out in a public place within that area and that they will have such an effect

2. The effect, or likely effect, of the named activities:

- (a) is, or is likely to be, of a persistent and 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

3. It has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

4. If an interested person wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.

Executed as a Deed by THE COMMON SEAL of GLOUCESTER CITY )  
COUNCIL being affixed hereto and authenticated by the )  
undermentioned person authorised by the Council to act for that )  
purpose: )

Authorised Signatory

Date: ..... 2018

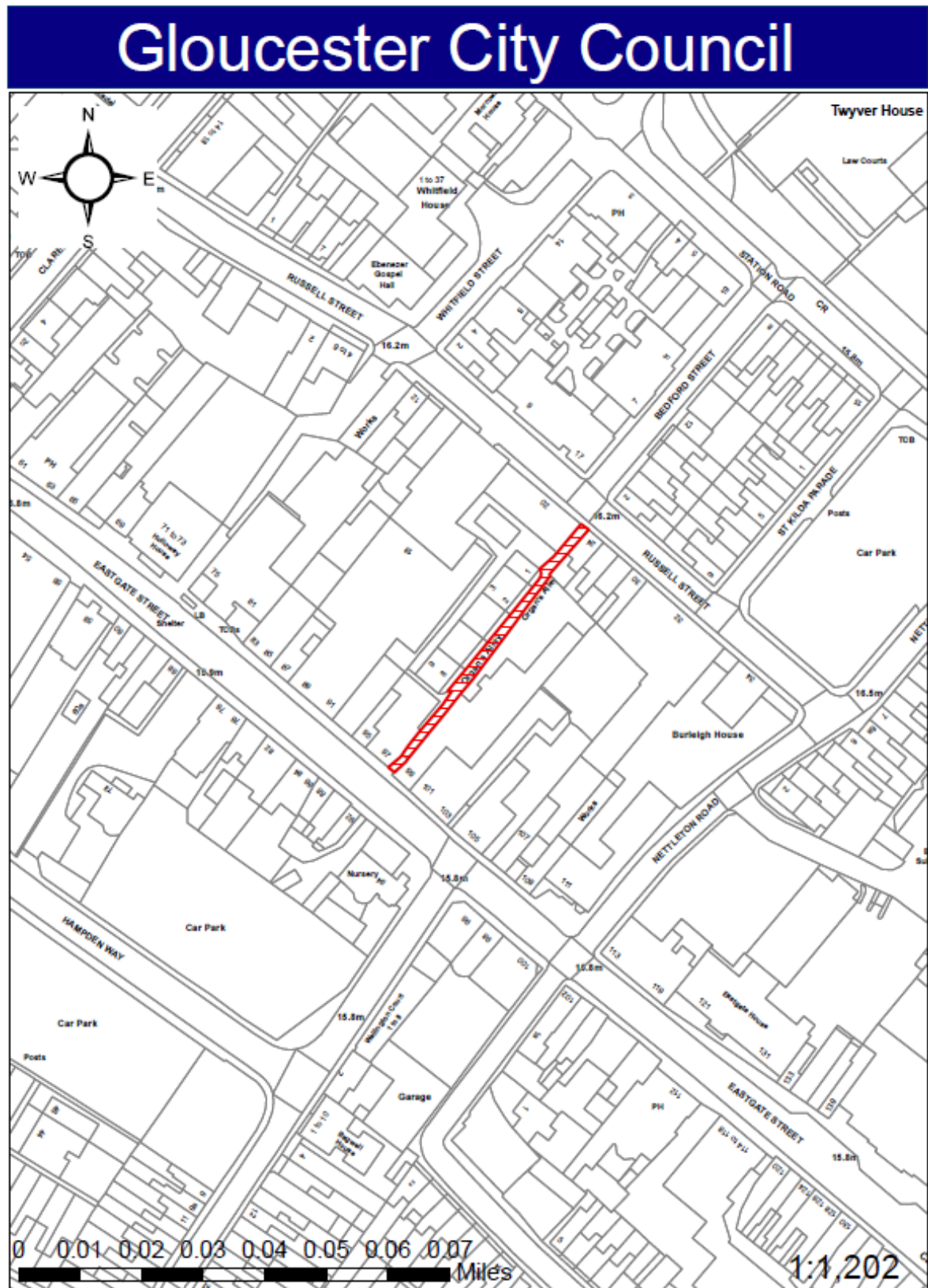
The Order can be seen at .....website.....

## Appendix 1

The public right of way over the highway shown in the attached plan shall be restricted at all times except for those persons listed below:

- a) Owners or occupiers of premises adjacent to or adjoining the highway affected by this order and who have been provided with a key by the Council.
- b) Fire brigade, Police or NHS staff when in the exercise of their duties.
- c) Employees, contractors or agents of statutory undertakers in relation to gas, electricity or water or telecommunications apparatus as defined in the Telecommunications Act 1994 situated in the relevant highway in connection with the laying, erecting, inspection, maintenance, alteration, repair, renewal or removal of any relevant apparatus.
- d) Council staff and authorised contractors when in the exercise of their duties.
- e) Persons using the highway with the permission of or on the direction of a duly authorised Council officer in this regard.

Appendix 2  
Map of Organs Alley



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**PUBLIC SPACES PROTECTION ORDER 2018**  
**GLOUCESTER CITY**  
**Section 59, the Anti-Social Behaviour, Crime and Policing Act 2014**

Gloucester City Council (referred to hereafter as ‘the Council’) hereby makes the following Public Spaces Protection Order. The land described in Appendix Two being land in the area of the Council is land to which the Act applies and is protected by the Order (“Designated Area”)

**This Public Spaces Protection Order shall come in to force on **\*\*date\*\*** and remain in place for a period of three years**

**The following prohibitions are imposed on the use of the Designated Area:**

**For the City Centre area, as specified in the map in Appendix Two:**

**1. Alcohol Free Zone**

No person shall consume alcohol in the restricted area

Unless subject to the exemptions listed in Appendix One below.

**GENERAL PROVISIONS**

**1. A person who fails without reasonable excuse to comply with a requirement imposed on them by this Order will be guilty of an offence** and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale or a fixed penalty notice of a maximum of £80.

**2. “Authorised Person”** means a person authorised for the purposes of section 63 of the Anti-social Behaviour, Crime and Policing Act 2014 by the local authority that made this order.

**In issuing the order the authority is satisfied that:**

1. (a) The named activities carried out 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 the named activities will be carried out in a public place within that area and that they will have such an effect
2. The effect, or likely effect, of the named activities:  
(a) is, or is likely to be, of a persistent and 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
3. It has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.
4. If an interested person wishes to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.

Executed as a Deed by THE COMMON SEAL of GLOUCESTER CITY )  
COUNCIL being affixed hereto and authenticated by the )  
undermentioned person authorised by the Council to act for that )  
purpose: )

Authorised Signatory

Date: ..... 2018

The Order can be seen at .....website.....

## **Appendix 1**

### **1. Prohibition of alcohol consumption**

Where a constable or an authorised person reasonably believes that a person:

- a) is or has been consuming alcohol in breach of the Order; or
- b) intends to consume alcohol in circumstances in which doing so would be a breach of the Order;

The constable or authorised person may require that person:

- a) not to consume alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- b) to surrender anything in their possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

### **2. Premises etc. to which alcohol prohibition does not apply**

(1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—

- (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
- (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- (c) a place within the curtilage of premises within paragraph (a) or (b);
- (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
- (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).

(2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises—

- (a) when the premises are being used for the supply of alcohol, or
- (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

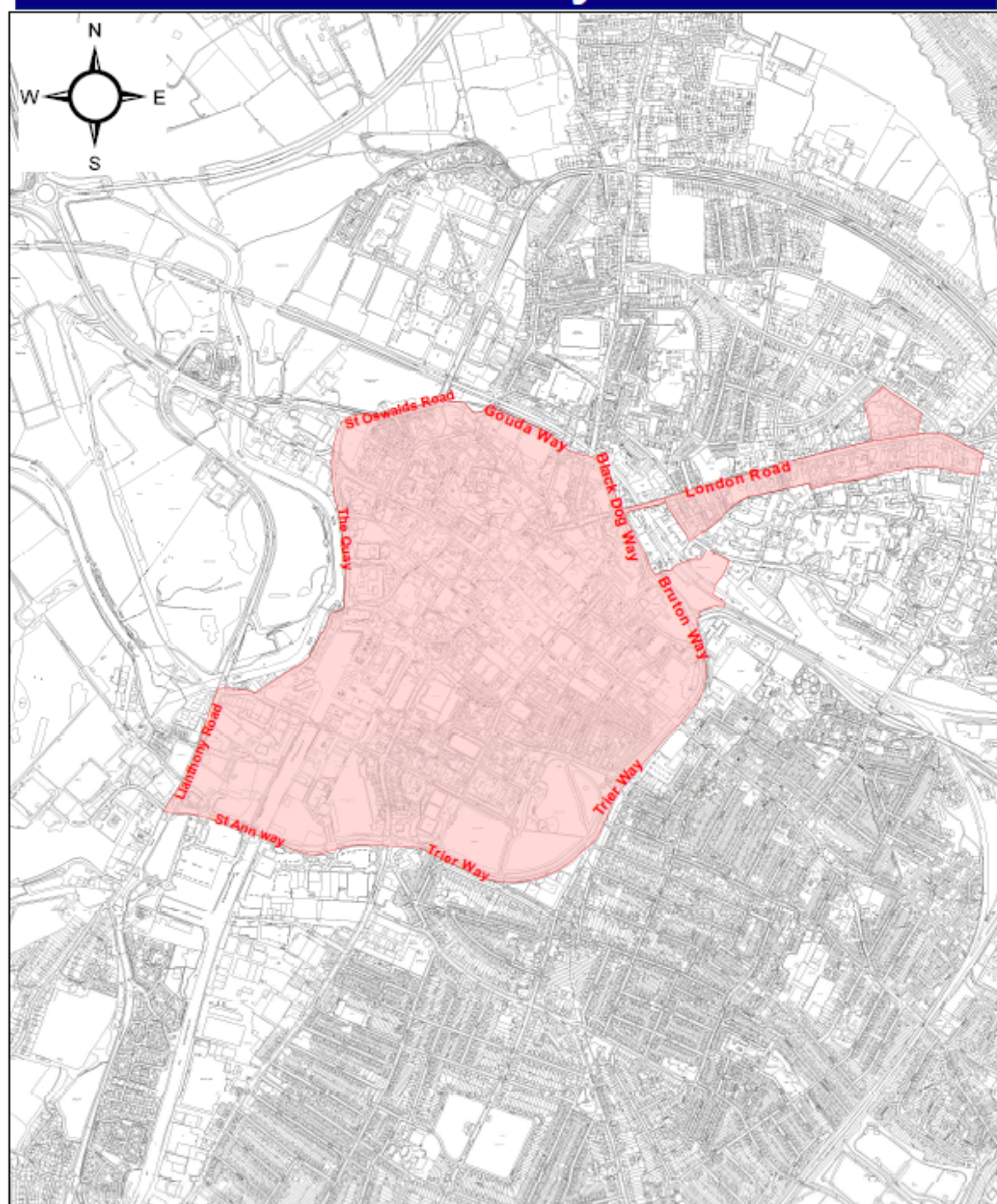
(4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and—

- (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
- (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.



## Appendix 2

# Gloucester City Council



PSPO Consultation map

Created 24.05.2018

0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 1 1.1 1.2 Mile

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## People Impact Assessment Template

*For help in completing this assessment see the guidance notes at the end of these forms*

**Directorate:** Communities

**Service:** Community Wellbeing

**Accountable Officer:** Emily Jones

**Telephone & e-mail:** 01452 396268  
[emily.jones@gloucester.gov.uk](mailto:emily.jones@gloucester.gov.uk)

**Date of assessment:**  
 29/05/2018

**Who was involved in completing this assessment?** Emily Jones

**Name of service/function/policy/strategy or process:** Public Space Protection Order

**Is this new or existing?** New (superseding existing legislation)

### Part 1 – Screening

**1. Please provide an Executive Summary of this service/function/policy/strategy or process, including the reasons behind the proposed change and who will deliver this service. Remember to demonstrate how you have shown due regard to both negative and positive aspects, for example:**

#### Negative

- Discrimination, harassment, victimisation and any other prohibited conduct (state how you will eliminate this)
- Prejudice and lack of understanding (how will you foster good relations between people to tackle prejudice and promote good understanding?)
- Which protected characteristics could be negatively affected by this change? Use the table in question 2 to explain these fully

#### Positive

- Who is to benefit from this change, and what positive opportunities does this offer to Gloucester (residents, GCC and partner agencies)
- Advance equality of opportunity: (remove or minimise disadvantage; meet people's needs; take account of disabilities; encourage participation in public life). (Does not apply to marriage and civil partnership or pregnancy and maternity)
- How might ABCD approaches be implemented?

The City Council proposes to implement a Public Spaces Protection Order for the City, which will incorporate provisions relating to dogs and alcohol. This PSPO would largely simply supersede existing orders, but there is recommendation that an alcohol free zone is implemented for the City centre which would mean that on-street drinking is not permitted.

The proposed change is required due to changes in legislation and following calls from residents of Gloucester and the business community to consider the implementation of a PSPO. Designated Public Place Orders and Dog Control Orders are now to be superseded by Public Spaces Protection Orders. This means it has been necessary to review existing orders and alongside this consider the detrimental impact of other behaviours on our communities. An enhanced Alcohol Free Zone would be a change to existing provision and is proposed due to the detrimental effect of street drinking on our communities.

The City Council and Police will be responsible for enforcement of the alcohol provision of proposal. It should be noted that City Council and Police were the responsible agencies for enforcing the previous Designated Public Place Order and so there would in effect be no change to this process.

An in-depth Equality Impact Assessment has been undertaken to understand the potential impact on protected characteristics and further explore potential impact on other socio-economic groups that are not protected groups but may be affected by the proposals. It should be noted that *potential* impact of prohibiting street drinking may occur to a very small number of people, and that the detrimental impact caused to the wider community by this group outweighs the proportionality of changing the PSPO proposal.

## 2. Which groups could be affected by this change, in either a negative or positive way?

Please include the evidence (i.e. consultation/research) as to how you reached this decision.

**(Positive** – it could benefit, **Negative** – it could disadvantage, **Neutral** – neither positive nor negative impact or **Not sure?**)

'Protected Characteristic'	Type of impact, reason & evidence base for decision
Age	Neutral
Disability	Neutral
Gender	Neutral
Marriage and Civil Partnerships	Neutral
Pregnancy and Maternity	Neutral
Race (including Gypsy & Traveller)	Neutral
Religion/Belief	Neutral
Sexual Orientation	Neutral
Transgender	Neutral
Community Cohesion	<p>Positive – the PSPO will mean that council and partner agencies will be addressing issues reported by the community, who will see positive action taken.</p> <p>A recent Overview &amp; Scrutiny Task and Finish Group report cited how high strength alcohol is impactful on the health of individuals and the community , and that measures should be taken to address this.</p>
Other Socio-economic Groups (i.e. Single Parents)	<p><b>Dog Owners</b> – Neutral. This proposal simply duplicates legislation already in place that has been superseded by Public Space Protection Orders, therefore there is no change in this respect.</p> <p><b>People drinking in public spaces</b> – Neutral. Existing legislation relating to alcohol related nuisance is simply superseded by the PSPO. If an alcohol free zone is implemented this is seen as positive as it reduces the opportunities for problem drinking.</p> <p><b>Street Drinkers</b> – this is included in this assessment as a specific sub-group to comprehensively explore any potential impact. There may be potential implications for a very small group of entrenched “street drinkers” who may be displaced if they drink in the designated area or enforced against if they continue to do so. However this is mitigated by the fact that proportionately more residents are impacted by anti-social behaviour associated with street drinking in the designated area. We acknowledge that there may be some displacement of “street drinkers” however through the Street Aware process Council and partner agency staff will engage with individuals to offer support and referrals to agencies who can help with addictions or other root causes. The Council continues to work with commissioned services to address issues of substance misuse and to feedback operational learning to inform future strategies. It is the Council's priority to engage and support where practicable, before enforcement is considered and this approach will continue alongside any PSPO.</p>
<b>Any Human Rights implications?</b>	<p>Regard has been given to the Human Rights Act, specifically the right to freedom of expression and right to assembly, as specifically directed in the Anti-Social Behaviour, Crime and Policing Act 2014 as part of decision making for Public Space Protection Orders.</p>

**3. Is any part of this policy/service to be carried out wholly or partly by contractors?**


If yes, please consider equalities impact through procurement.

- ☐ Yes      The dog related provisions (already existing but superseded by the PSPO) may be enforced by a contractor. There is neutral impact to this as the process would remain the same as if Council staff were enforcing it.

**4. Is a Full People Impact Assessment required?** If you have identified any potential or actual negative impact you will need to complete a Full People Impact Assessment.

- ☐ No

## I AM SATISFIED A FULL PEOPLE IMPACT ASSESSMENT IS NOT REQUIRED

<b>Author of People Impact Assessment to complete:</b>	
Assessment completed by: Emily Jones Role: Community Wellbeing Officer	Date: 29/05/2018
<b>GM/ Director to Complete</b>	
Countersigned by: Lloyd Griffiths Role: Head of Communities	Date: 30/05/2018
<b>Date Reviewed at SMT</b>	
	Date: 05/06/2018
<b>Cabinet Member to complete:</b>	
Signature:   Jennie Watkins  Post: Cabinet Member for Communities and Neighbourhoods	Date: 22/06/2018



## **SAFE & ATTRACTIVE STREETS POLICY**

**July 2016**

## **SAFE & ATTRACTIVE STREETS Policy**

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## 1. Introduction

Gloucester is a vibrant multicultural city that combines historic architecture with a unique blend of visitor attractions. Our city centre boasts a mixture of major stores and independent and regional retailers, many of which are unique to Gloucester and make the city an ideal place to shop. Gloucester also offers a selection of restaurants, pubs and bars, between Gloucester Quays and the city centre offering something for everyone. Key to the success of the docks and the City Centre is the linkage between the two, and the overall ambience of the main city centre streets is critical to maintaining a good reputation for the general benefit of residents, businesses and visitors. As a City Council, in partnership with local businesses, residents and partner organisations, we are committed to making Gloucester a better place to live, work and play.

While it is important to encourage a vibrant and welcoming street environment, a number of factors may occur at any time and have a negative effect on the overall atmosphere within Gloucester city centre. These factors may be loosely grouped together as “negative behaviours” that impact on other people and may include:

- Begging
- Rough Sleeping
- The consumption of so-called “legal highs”
- Street Drinking

There has been increasing demand from city centre businesses and partner agencies for a clear policy on negative behaviours, as expressed through Gloucester City Safe, the Licensed Victuallers Association, Gloucestershire Constabulary and individual complaints submitted directly to the Council. However, as these issues can mostly be categorised as “negative behaviours”, rather than a threat to public health and safety, or criminal activity, there are limited enforcement resources/powers available.

The purpose of this policy is to clarify the legal position of each of these issues, and to outline potential resolutions. In relation to some issues, it is not recommended that specific action be taken other than regular review of the issue, a wider publication of the Council’s policy towards said issue and/or awareness campaigns. Some will benefit from further consultation both internal and external, and inter-agency working to tackle the issues as trends in our City change. Overall, this policy aims to provide clarity for businesses, visitors, and other stakeholders of the city centre.

Appropriate awareness campaigns will be implemented and may take the form of leaflets, flyers, posters, online, on social media and press releases where appropriate. In order to tackle issues as soon as possible, it is essential that information is shared with partner organisations and the general public, for example regarding how to report.

## 2. Our Policy Position

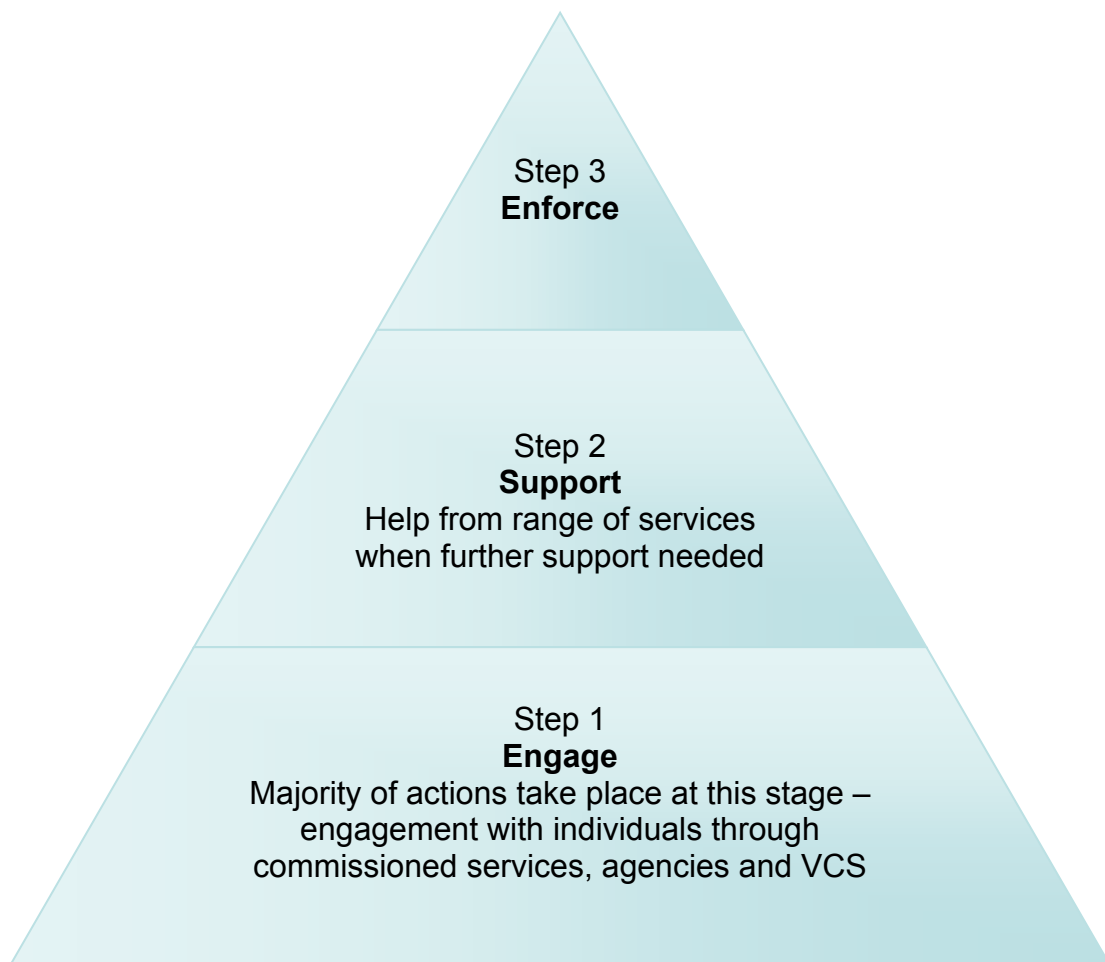
Gloucester City Council is committed to keeping Gloucester a safe place to live, work and play. We recognise that negative behaviours, such as begging and street drinking, may fluctuate at times and impact on our residents and visitors. We will work in partnership to tackle and prevent this.

We recognise that issues like begging and rough sleeping are complex and the root causes can be varied. As a local authority we will support those with genuine needs, such as the need for housing or for access to services and ensure, through inter-agency working, that outreach work takes place to help people live, or work towards living, independently without impacting negatively on others.

We do, however, recognise that small numbers of people may already be accessing all of the services they are entitled to, but still engaging in behaviours that are impacting negatively on others. Likewise, there may also be cases where people refuse to engage with support services and choose to engage in behaviours that cause a nuisance to others. In these instances, enforcement action will be taken against individuals where it is appropriate to do so.

Gloucester City Council, along with our partner agencies, will adopt a shared model of **Engage, Support, and Enforce** to address these complex street issues where they may occur in our City. We believe that where engagement is effective it leads to successful support, and where engagement and support succeed, enforcement is not required. Enforcement is included in this approach for the cases where individuals themselves refuse to engage with community led work, outreach or support and continue to behave in a way that impacts negatively on others. We will enforce only where we cannot resolve issues through appropriate engagement and support.





### **2.1. Engage**

In many cases there are underlying issues that have caused a person to engage in behaviours such as begging, street drinking or rough sleeping. We consider it important to understand reasons for behaviours as opposed to criminalising individuals at the first opportunity. Engagement with individuals through commissioned outreach services and support agencies will take place initially to understand issues and resolve them where possible, then signpost and assess what assistance they are able to access and introduce them to support.

### **2.2. Support**

There can be many support needs identified for one individual and sometimes complex issues can be present which require help from varied range of services. This often takes time to do, during which outreach services may continue working with individuals and encourage their engagement. Once the appropriate support has been identified, it may be provided through statutory means such as Gloucester City Council's homelessness team. Other support may be accessed, for example through supported housing or tenancy

support, health services and charitable organisations including the faith sector. The services available to a person vary depending on their needs.

### **2.3. Enforce**

We do recognise that some individuals categorised in this policy may behave inappropriately and if this is the case then, as with any other person doing so in our City, firm action should be taken to prevent a negative impact on the wider community.

In most cases, where an offence is committed it is the Police who would generally enforce the relevant legislation.

Enforcement powers under the Anti-Social Behaviour, Crime and Policing Act 2014 may be implemented to deal with street nuisance. This could include the use of Public Space Protection Orders and Community Protection Notices, for example. Such orders relate to specific nuisance behaviours and are ultimately enforced by the local authority and through the Magistrates Court.

Gloucester City Council's statutory function for dealing with anti-social behaviour (ASB) is met by Project Solace, the City's ASB team which investigates cases of ASB occurring in non-housing association properties and public spaces including the city centre. Through Project Solace, multi-agency approaches are co-ordinated to resolve negative issues, and enforcement through civil injunctions may be sought where necessary and appropriate.

Gloucester City Safe is a not for profit Business Crime Reduction Partnership (BCRP) formed by members of the Business Community with the sole intention of facilitating the reduction of crime, disorder and anti-social behaviour. City Safe is representative of both the day and night time economies, who work together to reduce shoplifting, theft, anti-social behaviour, alcohol related disorder, street drinking and begging which affect all businesses throughout Gloucester. City Safe operates a yellow and red card scheme for individuals causing nuisance in member premises, which ultimately ban the perpetrators from entering any premises in the City Safe scheme. If breached, a Criminal Behaviour Order may be sought and can impose tougher restrictions. City Safe will work closely with Project Solace in these cases.

## **3. Types of issue and resolutions**

### **3.1. Begging**

Complaints focus on beggars occupying doorways, sitting next to cash points and interfering with business trade, occasional aggressive begging, beggars approaching members of the public and causing concern to passers-by.

#### **Legal Position**

Passive begging is not prohibited. Aggressive begging is potentially a breach of the peace and may be dealt with by the Police.

The Vagrancy Act 1824 may be imposed by Police.

Enforcement orders could be implemented through powers under the Anti-Social Behaviour, Crime and Policing Act 2014 or other appropriate legislation.

Action against persistent perpetrators may be sought through Project Solace.

### **Resolution(s)**

Project Solace, the City's anti-social behaviour team, have worked in partnership with Street Link, Gloucester City Council, Police and support agencies to establish a multi-agency model for engaging with street beggars in the City. The model focuses on "Engage, Support, Enforce" in order to offer assertive outreach and support to individuals, but taking the necessary enforcement action against those who persistently beg whilst receiving support or whilst refusing to engage.

Project Solace's multi-agency model has commitment from key support agencies including the Outreach Service via Street Link, Turning Point and faith groups as well as Police and Gloucester City Council to work together to proactively tackle the issue of begging in our City.

Enforcement actions under the ASB, Crime and Policing Act, where needed, are likely to be implemented by Project Solace. Civil actions such as injunctions may be sought.

Awareness campaigns will take place to inform members of the public about how best to help beggars and rough sleepers – by donating to Street Link to provide a responsive, local outreach support service, rather than giving money directly to the individual.

### **3.2. Rough Sleeping**

Rough sleepers cause concern and the Council frequently receive calls from members of the public that someone is rough sleeping and needs support.

Rough sleeping has significant implications for individual's wellbeing, including physical safety and reduction of healthy life expectancy. To minimise these effects and reduce the fear of crime or perception of safeness on the streets, we commission an assertive outreach programme which works to ensure clients are diverted away from the streets as quickly as possible.

Gloucester City sometimes sees an increase in rough sleeping as some people come here with the assumption that the night shelter is still open.

### **Legal Position**

The Vagrancy Act may be imposed by Police

Under the Vagrancy Act 1824, “Dossing & Sleeping Rough” are criminal offences, if a person who is wandering about or lodging in the open air & is not able to give a good reason why. Whether they have applied for accommodation or refused an offer is not relevant, but may become so if they claim to be homeless. However, this would be for the court to decide, not officers.

## **Resolution(s)**

Gloucester City Council adheres to the “No Second Night Out Policy” which strives to ensure that rough sleepers receive outreach support as possible to prevent further nights sleeping on the streets.

Gloucester City Council commission an Outreach Service, currently through St Mungo’s, who receive referrals by the Street Link service to provide a proactive service that links in with partner agencies to help rough sleepers access the support they require and are entitled to. A recognised ‘homeless pathway’ provides a range of options, appropriate to the needs of the individual and for those with complex or uncertain support needs Assessment Centres and high support provision exists to assist with enabling for independent living. This is in addition to advice and assistance that is offered through the City Council’s homelessness team.

Awareness campaigns to promote referrals to the Street Link service will be undertaken on a regular basis to ensure that access to support is widely recognised.

Generally the City Council will not encourage enforcement against people sleeping rough, and will ensure that support and advice are offered in accordance with our homelessness policy. Where nuisance behaviour and rough sleeping are linked, enforcement action may still be taken. The Vagrancy Act, or other appropriate legislation, may be imposed where engagement and offers of support have been refused; for example, if the individual concerned has refused to apply for accommodation or has refused to accept offers of accommodation that have been made to them.

### **3.3. Psychoactive Substances (so-called “legal highs”)**

The Psychoactive Substances Act came in to force on 26<sup>th</sup> May 2016. Use of these drugs is a national concern, and increasing numbers of small carbon dioxide canisters are found throughout the City. These drugs are not only highly dangerous to use, the paraphernalia that is often blatantly discarded is alarming to see. Associated nuisance includes the litter, and congregating groups.

## **Legal Position**

Psychoactive substances are often not manufactured for human consumption, and so some can still be bought legally from shops. The new law makes it illegal to produce, supply, or import (even for personal use) so-called “legal highs” for human consumption.

## **Resolution(s)**

We will carry out work in partnership with Trading Standards and other agencies to educate retail outlets and carry out enforcement where necessary. Enforcement actions under the Anti-Social Behaviour, Crime and Policing Act 2014 where appropriate.

### **3.4. Street Drinking**

Antisocial behaviour associated with street drinking has been recognised as a concern. Associated problems can include; litter, noise, human waste and intimidation all of which have a detrimental impact to the quality of life for residents, visitors and local businesses.

## **Legal Position**

Only people over 18 are permitted to drink in public, except in areas of towns where Public Space Protection Orders are in place. A PSPO can stop people from drinking in a certain area. PSPOs replace Designated Public Space Protection Orders (DPPOs) to give police officers special powers to order a person to stop drinking alcohol in public and confiscate it from them.

Where a DPPO is already in place, it will remain so until September 2017, after which it will be converted to a PSPO. A new PSPO may be brought in at any time to replace an old DPPO and attach further restrictions, if necessary. A current DPPO covers Gloucester City centre and breach of this order can be enforced through Fixed Penalty Notices by Police officers or Gloucester City Council staff who hold delegated powers.

Even outside of these areas, the police can take away alcohol or move on under 18s if they have been drinking. The police can also fine or arrest under 18s drinking in public places

## **Resolution(s)**

The current DPPO remains in place.

The Council will take enforcement actions under the Anti-Social Behaviour, Crime and Policing Act 2014 where appropriate.

## 4. Consultation Process

This policy has been written following feedback and informal consultation with Gloucestershire Constabulary, Project Solace, Gloucester City Safe, the Licensed Victuallers Association, Nightsafe, St Mungos (who fulfil the Street Link service), support services, and members of the Faith Forum.

## 5. Reporting Issues

This Policy covers a wide range of issues which may occur in the city centre and as such may be dealt with by one of several departments within Gloucester City Council, depending on the nature of the complaint. Complainants should report to the City Council Customer Services Team who will direct the report to the most appropriate department:

*Telephone:* 01452 396396

*Text telephone:* 01452 396161

*Email:* [heretohelp@gloucester.gov.uk](mailto:heretohelp@gloucester.gov.uk)

*Online:* [www.gloucester.gov.uk](http://www.gloucester.gov.uk)

*By post or in person:* Gloucester City Council Herbert Warehouse, The Docks  
Gloucester GL1 2EQ

**Concerns regarding somebody sleeping rough** should be reported to Streetlink by calling 0300 500 0914, or by accessing their website at <http://www.streetlink.org.uk/>

Streetlink also have a smartphone app, where reports can be made directly. Search for “Street Link” in the app store.

**Where a crime occurs**, it should be reported to Gloucestershire Constabulary by calling 101 if a non-emergency or 999 in an emergency.

**Instances of anti-social behaviour** should be reported to Project Solace

*By phone:* on 01452 424344

*Email:* [asb.referrals@gch.co.uk](mailto:asb.referrals@gch.co.uk)

*Online:* [www.gch.co.uk](http://www.gch.co.uk)

*By post or in person:* Gloucester City Homes, Railway House, Bruton Way,  
Gloucester GL1 1DG

Proposed PSPO term consulted upon (consultation Jan-April 2018)	Legislation or partnership strategies already available, or work already being done	Lead agency	Additional information
<b>1. Dogs</b>			
a) Any person in charge of a dog, at any time, must keep the dog on a lead	<a href="#">Dangerous Dogs Act 1991</a> as amended by ASB, Crime and Policing Act 2014 (ASBCPA)	Police	This law applies to dogs dangerously out of control
b) Any person in charge of a dog, at any time, must not allow it to enter or remain in any children's play park	Previously covered by Dog Control Orders (DCO)	Council	This was previously covered by a Dog Control Order The Clean Neighbourhoods and Environment Act 2005 and the Dogs (Fouling of Land) Act 1996 which provided for DCOs have now been repealed. A Public Space Protection Order or use of Community Protection Notices under the ASBCPA 2014 are the provisions now available to cover these issues.
c) Any person in charge of a dog, at any time, must clean up any faeces deposited by that dog			
<b>2. Alcohol</b>			
Any person shall stop drinking alcohol, or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder.	Previously covered by a Designated Public Place Order (DPPO)	Council Police	Section 13 of the Criminal Justice and Police Act 2001 has been repealed by the ASB, Crime and Policing Act 2014. A Public Space Protection Order or potentially Community Protection Notices are now the powers available to grant this provision.
	<a href="#">Confiscation of Alcohol (young persons) Act 1997</a>		Applicable to those under 18
	Street Aware	Council, Police	The Street Aware approach adopts an “engage,

		and partner agencies	support, enforce” process for working with those engaging in street based nuisance or anti-social behaviour. Engagement and support are the key parts of the process with enforcement being used as a last resort. More information on Street Aware is included in our Safe & Attractive Streets Policy.
<b>3. Psychoactive Substances</b>			
Any person shall hand over any containers (sealed or unsealed) which are believed to contain psychoactive substances, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder.	<a href="#">Psychoactive Substances Act 2016</a>	Police	Prohibits the production, supply or possession with intent to supply of “legal highs”.
	Street Aware		The Street Aware process can be adopted for any street based nuisance. The <a href="#">Safe &amp; Attractive Streets Policy</a> specifically mentions psychoactive substances.
<b>4. Begging</b>			
Any person is prohibited from, at any time, placing himself in a position to receive alms.	<a href="#">Vagrancy Act 1824</a>	Police	Specifies that begging is a criminal offence and may be dealt with by reporting to court, arrest or in persistent cases, criminal behaviour orders.
	<a href="#">ASB Crime and Policing Act 2014</a>	Council & Police	The Act gives powers to implement PSPOs or use Community Protection Notices. For the more persistent beggars causing alarm, harassment and distress the Council or Police can obtain an injunction to try and deal with the behaviour
	Street Aware	Council	The Street Aware process has successfully engaged with over 40 people seen begging in the City since implementation in July 2016, with enforcement taken against a handful of persistent cases. The City council has committed to continuing to use the “engage, support, enforce”



			approach for dealing with street based issues. The overarching <a href="#">Street Aware Review</a> gives further information.
<b>5. Peddling/Street Trading</b>			
Any person is prohibited from, at any time, peddling/trading goods without the written permission of the authority, even if licensed.	<a href="#">Pedlars Act 1874</a>	Council, Police	Anyone trading as a Pedlar must have, and be able to produce when requested, a valid Pedlars certificate issued by the Police.
	<a href="#">Street trading policy</a> incorporating: Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 and Police, Factories etc (Miscellaneous Provisions) Act 1916.	Council	Anyone wishing to trade on the City streets should get prior consent from the Council
<b>6. Aggressive Charity Collection</b>			
Any person is prohibited from, at any time, engaging in assertive or aggressive (commercial or charity) collection or soliciting of money in the designated area.	Agreement with Public Fundraising Association/Institute of Fundraising	Council	<a href="#">Voluntary site agreement</a> with the PRFA/IOF specifies numbers, frequency and location of charity collectors in the City centre.
	<a href="#">Charities Act 2006</a>	Council	Requires all collectors to have a public collectors certificate from the Charity Commission, and a permit issued by the Local Authority. Those without permits can be prosecuted.
<b>7. Littering</b>			
Any person is prohibited from, at any time, littering.	<a href="#">Environmental Protection Act 1990</a>	Council	Fixed Penalty Notices can be served for littering offences under the Environmental Protection Act.
<b>8. Unattended Items</b>			
Any person is prohibited from leaving items or belongings unattended within	Street Aware	Council	Under Street Aware, an informal process of storing unattended items has been established.

the designated area. Unattended items will be removed at the direction of a constable or an authorised person.			Items left unattended will have a notice placed on them, and individuals identified as leaving items unattended will be spoken to. If the person persistently leaves items unattended in the street they may be removed and kept in storage, with the person having details of who to contact to retrieve their items. Suspicious items will be reported to the Police.
	Powers to remove suspicious unattended items	Police	Police have a protocol for dealing with suspicious unattended items.
<b>9. Nuisance or anti-social behaviour (ASB)</b>			
Any person shall not behave in a manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person.	Solace Anti-Social Behaviour policy	Solace	Solace is a multi-agency anti-social behaviour team funded by the Council and Police. Various partner agency approaches and a range of tools and powers, both voluntary and enforcement, are available to them to use in dealing with nuisance and anti-social behaviour.
	<a href="#">Anti-Social Behaviour Act 2003</a> <a href="#">Anti-Social Behaviour, Crime and Policing Act 2014</a>	Council, Police	Both Acts give both Council and Police enforcement powers to deal with anti-social behaviour
	Numerous criminal legislation including: Criminal Justice and Police Act 2001 Public Order Act 1986 Criminal Damage Act 1971	Police	Legislation provides for a range of powers including on the spot penalties for disorderly behaviour, arrest for various offences, and restorative approaches. Referral to partner agencies, partner agency working, multi-agency support for victims and

APPENDIX 6 – Existing Provisions Dealing with Issues Consulted Upon

	Protection from Harassment Act 1997		offenders is standard practise between the Police and Council.
	Environmental legislation including: Environmental Protection Act 1990 Control of Pollution Act 1974		Statutory noise nuisance powers and environmental crime powers.
	Children First Strategy	Police, Youth Offending, partner agencies	An overarching strategy that aims to prevent criminalisation of children, instead focussing on successful interventions for young people in order to change behaviour.
<b>10. Direction to Leave</b>			
Any person, when directed to do so by a constable or authorised person in order to prevent public nuisance or disorder, shall leave the designated area.	Anti-Social Behaviour, Crime and Policing Act 2014	Police	A dispersal power for up to 48 hours can be authorised by a Police inspector and apply to a specified geographical area in response to specific issues.

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# Gloucester City Council

<b>Meeting:</b>	<b>Cabinet Briefing</b>	<b>Date:</b>	<b>20 June 2018</b>
	<b>Overview and Scrutiny Committee</b>		<b>2 July 2018</b>
	<b>Cabinet</b>		<b>11 July 2018</b>
<b>Subject:</b>	<b>Gloucester City Council Office Accommodation</b>		
<b>Report Of:</b>	<b>Cabinet Member for Performance and Resources</b>		
<b>Wards Affected:</b>	<b>Westgate</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Jonathan Lund, Corporate Director</b>		
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<b>Appendices:</b>	<b>None</b>		

## FOR GENERAL RELEASE/ EXEMPTIONS

### 1.0 Purpose of Report

- 1.1 To provide an update report on plans to relocate the City Council's operational offices from the Herbert, Kimberly and Phillpotts Warehouses (HKP) at Gloucester Docks to Shire Hall and 92-96 Westgate Street, Gloucester
- 1.2 To present to budget costs and savings likely to arise as a result of the move.

### 2.0 Recommendations

- 2.1 Overview and Scrutiny Committee is asked to consider the information contained in the report and make any recommendations to the Cabinet.
- 2.2 Cabinet is asked to **RESOLVE** that
  - 2.2.1 The business case and annual savings arising from the proposals to relocate the City Council are accepted and endorsed
  - 2.2.2 That the Corporate Director is authorised to sign the Heads of Terms; and
  - 2.2.3 That work continues to implement the relocation plans.

### 3.0 Background and Key Issues

- 1.1 Twelve months ago (21 June 2017) Cabinet considered a report on options to meet the future accommodation needs of the City Council. Cabinet supported plans to vacate the HKP Warehouses and to open discussions with the County Council to occupy available accommodation in Shire Hall and the City Council's own property at 92-96 Westgate Street.

## **Shire Hall**

- 1.2 Officers from the two Councils have now agreed Heads of Terms for the relocation on the following basis (and subject to contract)
  - 1.2.1 The City Council will occupy the 5th Floor Block 4 (Bridge) and meeting rooms on the 1st floor block 3 Shire Hall Westgate Street Gloucester for a term of 3 years from 1 April 2019. Earlier occupation from February 2019 under licence and for a nominal fee of £1.
  - 1.2.2 Annual rent reviews based upon RPI from 1 April 2020.
  - 1.2.3 Initial rent will be £202,600 per annum for the 725 square metres internal area to include repair, maintenance, and cleaning of the space, business rates, insurance, heat, lighting, custodian service at Shire Hall, capital replacements.
  - 1.2.4 The space will be fitted out by the County Council for office use with ancillary kitchen and meeting room space.
  - 1.2.5 The County Council has offered to supply desks. The City Council will be responsible for other furniture, IT and telephony.
  - 1.2.6 Sub letting will be prohibited except to partner organisations approved by the County Council. The approval of which will not be withheld unreasonably.
  - 1.2.7 The City Council will have exclusive use of three meeting rooms plus access to other rooms via the County centralised booking system and reasonable use of meeting rooms will be free of charge.
  - 1.2.8 The premises will be open 7am to 7pm Monday to Friday but pre agreed occasional late/weekend working will be allowed
  - 1.2.9 Each party will be responsible for their own legal costs.
- 1.3 The City Council's space in Shire Hall will be open plan and County Council staff and partner organisations will have the ability to pass through the space to access other parts of the buildings.
- 1.4 Provision is being made for the Leader of the City Council to have an office on the 5<sup>th</sup> Floor Bridge which will, as is the case at the moment, be used as a meeting room when the Leader is not in the office. In addition the City Council will have exclusive use of a room provided for the shared use of the Cabinet and another room for shared use by City Councillors.
- 1.5 It is intended that by effective use of mobile technologies, flexible working, and hot desking etc. the 5<sup>th</sup> Floor Bridge accommodation will accommodate all of the City Council's existing operations except the Customer Contact Centre.

- 1.6 The Customer Contact Centre and accommodation for Civica ITO (IT Services) and Civica BPO (Revenues and Benefits Services and the Severn Centre) will be provided in 92 -96 Westgate Street.
- 1.7 There is no car parking as part of the agreement but discussions are ongoing about the use of existing disabled parking facilities at Shire Hall for blue badge holders.

### **92-96 Westgate Street**

- 1.8 The City Council owns 92-96 Westgate Street. The building is a three storey property which was occupied by elements of the County Youth Service until recently.
- 1.9 The property will be remodelled and partially upgraded to provide an accessible, city centre customer service centre on the ground floor. The intention is that the layout will be designed to be open, friendly and accommodating whilst also ensuring the safety of staff and customers. The new accommodation will be smaller than the existing space in Herbert Warehouse but the Council's approach to improving on-line services and shifting towards appointments only should ensure that the smaller space is able to provide a better service to users.
- 1.10 The first and second floors will be used to house Civica's ICT and revenues and benefits teams.

### **HKP Warehouses**

- 1.11 In October 2017 authority was given to officers, after consultation with the Cabinet Members for Regeneration and Economy and Performance and Resources, to market the Council's interest in the HKP Warehouses and report back to Cabinet with the outcome of the marketing exercise.

### **Costs and Savings**

- 1.12 The Council's Money Plan anticipates an annual saving of £200,000 from the changes to the Council's accommodation moves. The proposals outlined above are likely to result in the following revenue costs and savings

<b>Savings</b>		<b>£</b>
1	HKP Business Rates	173,606
2	Insurance	11,000
3	Docks Service Charge	53,600
4	Electricity	88,000
5	Gas	12,000
6	Repairs and Maintenance	50,161
7	Staffing	7,725
	<b>Total Savings</b>	<b>402,954</b>
<b>Costs</b>		
1	Shire Hall (inclusive)	202,600
2	92-96 Westgate Street (Rental opportunity cost)	37,500
	Insurance	2,000
	Business Rates	15,000
	Utilities	33,000

	Repairs and Maintenance	10,000
	<b>Total Cost</b>	<b>300,100</b>
	<b>Net Savings</b>	<b>102,854</b>

- 1.13 The revenue savings, on their own, do not meet the £200,000 savings target. However, the shortfall could be covered if the Council chose to use an element of the capital receipt from the sale of HKP to realise a revenue saving (for example through investment or debt repayment or a deal that was structured to provide an ongoing income stream rather than a capital receipt).
- 1.14 In addition to the accommodation costs there will be necessary and related transitional expenditure:
- 1.14.1 IT and Telephony (hardware and software) (£600,000) – Investment in new IT and Telephony would be essential even if the Council remained in HKP in the long or medium term.
- 1.14.2 Refurbishment of 92-96 Westgate Street and the provision of a server room and platform lift (c£300,000). This represents an investment in a council owned property which will be partially funded by the dilapidations provisions claimed against the previous occupier. In addition some of the works would have been required prior to re-letting even if the Council was not intending to move in (to ensure compliance with energy standards and DDA for example).
- 1.14.3 Refurnishing costs and removals (£100,000).
- 1.15 The funds to cover these transitional costs will come from a variety of sources. The IT and telephony requirements are part of the Council's existing ICT strategic plans and would be necessary even if the Council was not due to relocate. The funding will come from existing ICT investment funds and from proposals to implement a number of the recommendations coming from the Ignite work (this will be the subject of further reports). The accommodation works at 92-96 Westgate Street can be funded from dilapidations payments, the Council's Asset Management reserve, though it should be noted that this will be a significant draw on the £400,000 in that fund, which is topped up by £50,000 each year; or could be met from other appropriate funds. The remaining costs could be met from the additional income realised by the business rates pilot.

#### 4.0 Asset Based Community Development (ABCD) Considerations

- 4.1 None.

#### 5.0 Alternative Options Considered

- 5.1 Cabinet considered a report on 21 June 2017 setting out a number of alternative options including
- a full relocation into **North Warehouse** (discounted on the basis of the existing lease with Regus or a delay waiting for the lease to end);
  - relocation to **Kings House** (discounted because of the substantial cost of refurbishment and running costs and the opportunity costs in potentially limiting development opportunities in this part of Kings Quarter);
  - new build on the existing **County Council estate** (discounted because of development costs and risk, complexity and timescales);



- repurposing of the **Gloucester Language Immersion Centre** (GLIC) (discounted because of the ongoing obligations arising from previous grant funding for the centre)
- relocation to existing **vacant office accommodation** in the city (discounted because of the need for extensive floor space and likely rental costs)
- new office accommodation in **Kings Quarter** (discounted in the short term on the basis of development risk and cost and timescales which would have delayed vacation of HKP).

## **6.0 Reasons for Recommendations**

- 6.1 This report provides an update on plans to secure accommodation for the City Council and an indication of the likely savings arising from the proposals.

## **7.0 Future Work and Conclusions**

- 7.1 Work is continuing to finalise floor plans and layouts for both Shire Hall and 92-96 Westgate Street. In due course the Council will engage with a professional removals company.
- 7.2 Work has also commenced to reduce the volume of paper and other items stored or accumulated by the Council at the HKP Warehouses to ensure that the organisation is minimising waste and maximising operational space in our new accommodation.
- 7.3 Works to refurbish 92-96 Westgate Street will ensure that the property provides suitable accommodation in the short term and an investment in the sustainability of the Council's asset in the longer term.

## **8.0 Financial Implications**

- 8.1 The table at 3.12 highlights the potential savings and cost as a result of the proposed disposal of HKP and subsequent move of the Council. Comparisons with commercial serviced office accommodation show that the rental being charged by the County Council is both inclusive and competitive. Further savings may be achievable as identified at 3.13; however this will prevent any capital receipts used this way to support the capital programme.

- 8.2 Any shortfall will require additional savings to be identified within the money plan.

(Financial Services have been consulted in the preparation this report.)

## **9.0 Legal Implications**

- 9.1 As a business operation, the City Council would normally enjoy the statutory rights of renewal contained in Part II of the Landlord & Tenant Act 1954. This would mean that the City Council could require the County to grant a new lease, upon broadly the same terms, unless the County could prove certain grounds. The City could challenge the grounds for possession, or the proposed terms of a new lease, in court.
- 9.2 Particularly as the proposed premises form part of a building occupied by the County Council, it is likely that the County will require the lease to be excluded from

these rights. In these circumstances, at the end of the 3 year period the City Council would either have to enter into a new lease (on whatever terms, if any, the County would be prepared to agree), or vacate the premises.

- 9.3 The City Council would have to consider the implications of the above two paragraphs from a landlord perspective in respect of Civica's occupation of 92-96 Westgate Street. It may be appropriate to grant Civica a lease excluding the ability to renew the lease.
- 9.4 Data Protection Act 2018 and General Data Protection Regulation 2016 requirements would have to be considered where there is the possibility of sharing space, or third parties have access to or through the City's working areas.

(One Legal have been consulted in the preparation this report.)

## **10.0 Risk & Opportunity Management Implications**

- 10.1 This report presents a progress update and financial analysis. There are no new or additional risks arising from the content of the report.

## **11.0 People Impact Assessment (PIA) and Safeguarding:**

- 11.1 A verbal update will be provided to Overview and Scrutiny Committee and will be incorporated into the final report for Cabinet.

## **12.0 Other Corporate Implications**

### Community Safety

- 12.1 None

### Sustainability

- 12.2 None

### Staffing & Trade Union

- 12.3 Ongoing communications with staff and the Trades Unions is part of the project plan.

**Background Documents:** None