



Gloucester City Council

CABINET

**Meeting: Wednesday, 11th July 2018 at 5.00 pm
in Civic Suite - North Warehouse, The Docks, Gloucester, GL1 2EP**

ADDENDUM

8.	PUBLIC SPACE PROTECTION ORDER (PAGES 5 - 8) Minutes of the proceedings of the Overview and Scrutiny Committee Meeting on 2 July 2018.
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Yours sincerely

Jon McGinty
Managing Director

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 (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
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) – (a) the landlord is the Council; and (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
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and

(b) either –

- i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- 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 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.

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For further details and enquiries about this meeting please contact Tanya Davies, 01452 396125, tanya.davies@gloucester.gov.uk.

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- 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.

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OVERVIEW AND SCRUTINY COMMITTEE

MEETING : Monday, 2nd July 2018

PRESENT : Cllrs. Ryall (Vice-Chair), Hawthorne (Spokesperson), Dee, Finnegan, Haigh, Hampson, Lewis, Morgan, Taylor, Walford and Wilson

Others in Attendance

Councillor David Brown

Councillor Andrew Gravells

Councillor Janet C. Lugg

Councillor Kevin Stephens

APOLOGIES : Cllrs. Coole, Hilton, Pullen and Toleman

70. DECLARATIONS OF INTEREST

70.2 Councillors Brown, Gravells and Haigh declared a personal interest in agenda item 9 – Shire Hall Accommodation Move – by virtue of their being Members of the County Council.

71. DECLARATION OF PARTY WHIPPING

71.1 There were no declarations of party whipping.

73. PUBLIC QUESTION TIME (15 MINUTES)

73.1 A Gloucester resident expressed concern that the PSPO proposal was for a minimal order and only dealt with a small number of behaviours. He asked why public consultation responses asking valid questions had been disregarded.

73.2 The Vice-Chair advised that the question would be put to the Cabinet Member for Communities and Neighbourhoods as part of her delivering the relevant report.

76. PUBLIC SPACE PROTECTION ORDER CONSULTATION REPORT AND PROPOSAL

76.1 Councillor Watkins, Cabinet Member for Communities and Neighbourhoods, provided an overview of the report and thanked the Community Wellbeing Officer for her endeavour in putting the proposal together. She stated that

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there had been a great deal of engagement with the consultation with regard to the proposed Public Spaces Protection Order (PSPO) through a number of media..

- 76.2 Councillor Watkins informed the Committee that, as part of the consultation process, the enforcement of existing provisions and its efficacy was examined. She further advised, in response to the question from a member of the public, that, in some matters raised during the consultation process such as littering and spitting, the Cabinet would be looking separately at more appropriate ways to tackle these types of environmental crime. She also stated that the digital survey was but one aspect of the consultation process. Councillor Watkins also noted that the inclusion of the alcohol free zone across the city had been met with a very positive response.
- 76.3 Councillor Wilson queried whether existing orders (which would be subsumed by the PSPO) would automatically expire unless they were under review and, if they were reviewed, who was this to be conducted by. Councillor Watkins advised that action would need to be taken prior to and that this was done on a case by case basis. The Community Wellbeing Officer stated that reviews would be scheduled over a period of a year.
- 76.4 Councillor Stephens welcomed much of the report but shared his view that the public's expectations had been raised and would be disappointed. He stated his belief that the public expected littering, Anti-Social Behaviour (ASB) and the abuse of psychoactive substances to be included in the PSPO. He also queried what existing legislation had been enforced to tackle these issues.
- 76.5 Councillor Watkins advised that littering, among other matters, would be addressed by separate proposals and that, while there may have been anecdotal accounts, there was insufficient evidence to show that the use of psychoactive substances was having a significantly detrimental effect in the City. She stated that a PSPO was appropriate for some matters but not for all.
- 76.6 In response to a query from the Vice-Chair regarding how responsive to the public the consultation had been, Councillor Watkins stated that one of the biggest issues raised during the consultation was alcohol harm which the Cabinet had responded to. She further stated that the consultation was about everyone having an input and that faith groups, by way of example, had had a good deal of input. In response to a query from Councillor Lewis regarding enforcement of the PSPO, Councillor Watkins advised that both the alcohol free zone and measures related to dogs would be enforced across the City and reiterated that environmental crime proposals were forthcoming. She stated that if Members were keen, enforcement could be examined.
- 76.7 Councillor Haigh queried whether the Equality Impact Assessment's focus had been limited to the impact of restrictions placed on people without considering the beneficial equality impact on the community by virtue of the controls being proposed She also stated that she was disappointed because

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she felt that people in the City had believed they could expect more from the PSPO proposals.

- 77.8 With regard to the use of psychoactive substances in the City, Councillor Lewis suggested that their prohibition be included in the PSPO as a message that their use was not acceptable. The Community Wellbeing Officer advised that such substances were previously legal but were not now and that there was not sufficient evidence that they had a detrimental impact on the City. Further, the Community Wellbeing Officer, in response to a query from the Vice-Chair regarding what could be classified as sufficient evidence, stated that whilst there may have been anecdotal evidence, there was no objective data.
- 77.9 Councillor Morgan suggested that the Cabinet Members for Communities and Neighbourhoods, and Environment should work jointly on environmental crime. Councillor Watkins stated that both approaches were joined up and that the reason the work was forthcoming was because of their inter-connectedness. .
- 77.11 Councillor Taylor queried whether the reason that some matters were not included in the draft PSPO was due to a lack of evidence. Councillor Watkins advised that there were also issue around the practicalities of enforcement and that the Council was attempting to address what the issues were and how best to do this. She further advised that the PSPO would always be reviewed. In response, Councillor Taylor suggested that the Committee examine the PSPO again in a year and identify any issues that arise. This was agreed by the Committee.
- 77.12 The Vice-Chair asked what provision there was for collecting data. Councillor Watkins advised that there was the day to day work of monitoring behaviours. She further advised that establishing a 'Day Safe' forum was being examined with a similar remit to that of Night Safe. Councillor Gravells stated that that the police should be thanked for their work and for their contribution during the consultation process.
- 77.13 Councillor Stephens proposed that the Committee recommend that Cabinet include provisions to deal with littering, nuisance and ASB and aggressive charity collection. This recommendation was put to a vote and was lost. And it was
- 77.15 **RESOLVED:** - That the Overview and Scrutiny Committee **RECOMMEND** (1) That the Cabinet reconsider providing for Aggressive Charity Collection, Littering and Nuisance and anti-social behaviour within the PSPO and (2) That the efficacy of the PSPO be reviewed in one year's time including as much data as possible from partner organisations and, based on evidence gathered as part of the review, that scope be permitted to add/or remove provisions contained within the PSPO.

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Time of commencement: 6.30 pm hours

Time of conclusion: 8.40 pm hours

Chair