

14 July 2020

Time 6.00 pm **Public Meeting?** YES **Type of meeting** Scrutiny

Venue Teams Meeting

Membership

Chair Cllr Paul Sweet (Lab)
Vice-chair Cllr Jonathan Crofts (Con)

Labour

Cllr Philip Bateman MBE
Cllr Alan Bolshaw
Cllr Greg Brackenridge
Cllr Val Evans
Cllr Phil Page
Cllr Rita Potter
Cllr Mak Singh
Cllr Rupinderjit Kaur
Cllr Bhupinder Gakhal

Conservative

Cllr Wendy Thompson

Quorum for this meeting is four Councillors.

Information for the Public

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Agenda

Part 1 – items open to the press and public

Item No. *Title*

MEETING BUSINESS ITEMS

- 1 **Apologies for absence**
- 2 **Declarations of interest**
- 3 **Minutes of the previous meeting held on 16 June 2020** (Pages 3 - 8)
[To approve the minutes of the previous meeting held on 16 June 2020.]
- 4 **Minutes of the meeting held on 10 March 2020** (Pages 9 - 12)
[To approve the minutes of the meeting held on 10 March 2020]
- 5 **Matters arising**

PRE-DECISION SCRUTINY ITEMS

- 6 **Renewal of the Public Space Protection Order - Drinking Restrictions** (Pages 13 - 30)

DISCUSSION ITEMS

- 7 **Project Relight - Recovery**
[To receive an update on Project Relight from Charlotte Johns, Director of Strategy].
- 8 **Scrutiny work programme**
[To consider the scrutiny work programme.]
- 9 **Scrutiny next steps**

Attendance

Members of the Scrutiny Board

Cllr Paul Sweet (Chair)
Cllr Jonathan Crofts (Vice-Chair)
Cllr Philip Bateman MBE
Cllr Alan Bolshaw
Cllr Greg Brackenridge
Cllr Val Evans
Cllr Phil Page
Cllr Rita Potter
Cllr Wendy Thompson
Cllr Rupinderjit Kaur
Cllr Bhupinder Gakhal

In Attendance

Cllr Ian Brookfield
Cllr Steve Evans
Cllr Michael Hardacre

Leader of the Council
Cabinet Member for City Environment
Cabinet Member for Education and Skills

Employees

Tim Johnson
Mark Taylor
John Denley
David Pattison
Claire Nye
Ross Cook
Ian Fegan
Charlotte Johns
Richard Lawrence
Denise Pearce
David Watts
Laura Phillips
Julia Cleary
Martin Stevens
Earl Piggott Smith

Chief Executive
Deputy Chief Executive
Director of Public Health
Director of Governance
Director of Finance
Director of City Environment
Director of Communications
Director of Strategy
Director of Regeneration
Head of Human Resources
Director of Adult Services
Head of Democratic and Support Services
Scrutiny and Systems Manager
Scrutiny Officer
Scrutiny Officer

Part 1 – items open to the press and public

Item No. *Title*

1 **Welcome and Introductions**

Cllr Paul Sweet, Chair, welcomed everyone to the virtual meeting and advised it was being live streamed to the press and public. A recording of the meeting would be available for viewing on the Council's website at the end.

Cllr Sweet advised that he was not expecting any exempt or restricted items on the agenda.

2 **Procedure to be followed**

Cllr Sweet advised that the planned agenda had been changed and other items listed would be deferred to a future date. The only item to be discussed will be the presentation on the Council's preparation and response to the Covid-19 crisis. Cllr Sweet explained the protocol to be followed during the meeting for asking questions and reminded everyone that microphones should be muted and cameras off, unless they have been invited to speak.

David Pattison, Director of Governance, invited all attendees to introduce themselves to confirm they were present at the meeting as required under regulations issued by Government on the management of council remote meetings.

3 **Apologies for absence**

There were no apologies for absence received.

4 **Declarations of interest**

There were no declarations of interest recorded.

5 **Update on the Council's response to the Covid-19 Crisis**

Cllr Sweet invited Cllr Ian Brookfield, Leader of the Council, to make some introductory remarks to members of the Board.

Cllr Brookfield thanked all attendees for participating in the meeting and commented on the important role of scrutiny councillors. Cllr Brookfield expressed his sympathies for local resident affected by coronavirus and highlighted the important role of the Council in supporting families.

Cllr Brookfield praised the work of many thousands of local volunteers who have helped people during the crisis.

Cllr Brookfield commented on the work done by John Denley, Director of Public Health, in leading the response in preparing plans based on previous disaster emergency scenarios. Cllr Brookfield outlined the range of support offered to residents and businesses, while acknowledging the economic challenges facing the City.

Cllr Brookfield stated that the Council will be looking at lessons learnt from the preparation of emergency response plans and members of scrutiny will have an important role in reviewing this work in future meetings. Cllr Brookfield added that as

the City moves to a recovery phase there will be an important role for local councils in supporting residents in recognition of the long-term impact of coronavirus.

Cllr Sweet invited Tim Johnson, Chief Executive, to make a few introductory remarks to the Board.

The Chief Executive wanted to formally place on record his sympathies to residents across the City that have been affected by the pandemic. The Chief Executive also praised the response from local residents and businesses to requests for help and donations of PPE.

The Chief Executive presented a slide which set out the timetable of the Council's preparation for the pandemic to protect the most vulnerable considered to be at high risk and also the changes made at senior management level to deliver key services to support residents and businesses across the City.

Cllr Sweet invited attendees listed below to brief the Board on work done in their respective areas of responsibilities to respond to the crisis. A summary of a comments and or questions from members of the Board in response to individual PowerPoint presentations is included in the relevant sections.

Supporting vulnerable people

- John Denley, Director of Public Health
- Ross Cook, Director of City Environment
- David Watts, Director of Adult Services

The Board invited Director of Public Health, John Denley, to give his prognosis of how the impact of coronavirus might impact on the City in the future and plans for managing the disease.

The Director of Public Health advised that five months ago it would not have been able to predict the epidemiology of the disease. The response at the time was based on previous plans for managing a flu pandemic but over time knowledge about treatment options has increased the options for managing disease. In the future, as knowledge about the disease increases so will new and more effective treatments for managing the condition will be developed that will allow for the better management of cases locally. This work will also be informed by a range of other local health indicators, such as hospital admission rates and analysis of calls to NHS 111 and other sources of intelligence to inform the approach taken.

The Board made a reference to recent data on Covid deaths on ward level for Wolverhampton published by Office of National Statistics (ONS) and queried the reason for not including this data in the presentation. The Director of Public Health explained the reasons for presenting the data on regional level at rate per 1000 of the population and the difficulty in presenting data without a good understanding of local factors which may explain differences in death rates between wards.

The Board commented on the value of having data presented over three-month period at the local ward level and communicating this to the public so that they have a clear understanding of the impact and risks linked to pandemic. The Director of

Public Health commented on the number of confounding factors which could impact on different wards in terms of death rates and this could lead to a misunderstanding among the public about how such differences should be read.

The Director of Public Health commented on the work done to engage with different local faith groups and raise awareness about the risk of transmission in high risk settings, particular among people who are vulnerable. This will involve working on how people can celebrate their faith in safe way. The Director of Public Health added that a list of faith groups has been created, which includes findings from an individual setting-based risk assessment that would allow venues to be able to open safely. The Director of Public Health agreed to update the Board about progress on this issue to a future meeting.

The Board asked what action was being taken to reassure people who are reluctant to attend hospital appointments due to fears about coronavirus. The Director of Public Health acknowledged the public concerns and that it would take time to build capacity and reintroduce health diagnostic services and other checks. The Director of Public Health outlined the different messages that will inform the strategies used to build public confidence that they could attend hospital safely, for example, by asking providers of services if they done a risk assessment and what will be done to respond to any future outbreak.

The Board queried the approach of Wolverhampton Homes to supporting victims of domestic violence and the support offered by Public Health when people need rehousing. The Director of Public Health offered reassurance that the service is working with Wolverhampton Homes to make services safe and to protect vulnerable people in need of rehousing.

The Board queried the effectiveness of the testing arrangements in a situation where people are reluctant to attend hospital. The Director of Public Health commented on the work done to develop and inform key public health messages, and also highlighting the significant reduction in the death rate since April. The Director of Public Health gave examples such as the number of Covid 19 cases, the preventative measures being taken and also how the disease develops over time.

Cllr Phil Page, Chair of Health Scrutiny Panel – Partnership Working Acknowledgement

Cllr Page advised the Board that members of Health Scrutiny Panel will be meeting on 23.7.2020.

Supporting our businesses

Richard Lawrence, Director of Regeneration

Dr Cllr Michael Hardacre, Cabinet Member for Education and Skills commented on the range of support offered to local businesses and specifically the help offered by Wolves at Work and the Adult Education Service as the City responds to expected changes in a post-Covid job market.

The Cabinet Member wanted to formally record his thanks for the work done by the Director of Regeneration to support local people and businesses during the pandemic.

The Board queried the likelihood of job losses as a result of the pandemic. The Director of Regeneration advised the Board that is an expectation of job losses as number of people have been furloughed. The Council is monitoring the situation and working with the LEP to support people affected.

Supporting our children and young people

Emma Bennett, Director of Children's Services

No comments from the Board

Delivering frontline services

Ross Cook, Director of City Environment

Cllr Steve Evans, Cabinet Member, Cabinet Member for City Environment, praised the work of employees who continued to provide a near normal service to the public during the lockdown, in comparison to other local authorities whose services, such as bin collection, were suspended. The Cabinet Member outlined the changes made to ensure services could continue to be done safely and meet social distance guidelines. The Cabinet Member commented on how the service managed the increased number of calls and emails from the public and the national recognition of the speed in setting up the food distribution hub. The Cabinet Member expressed his thanks to Ross Cook for the work done to support residents and businesses during the pandemic.

The Board queried the impact on residents who are not digitally connected and their ability to access Council services during the lockdown.

The Cabinet Member advised that the Council continue to receive a high number of calls and many emails daily but accepted it was important to find out if other groups had problems in contacting the Council during the lockdown and to look at how services can be transformed going forward to meet this need.

Communications and engagement

Ian Fegan, Director of Communications

The Board commented on the quality of the work done to keep the public informed during the lockdown and the good use of social media to reach new groups. The Director of Communication commented on the increased use of social media platforms and the success of Wolverhampton Today Facebook page which has reached 17,000 subscribers. There is potential opportunity to do targeted campaigns in the future as a result and also to work more closely with young people. The Director acknowledged the digital skills gap and highlighted the aim to increase the reach of the Council to different groups and to look at ideas at how to engage them as part of future campaign work. The Board commented on the need to capitalise and build on the progress made. Cllr Steve Evans, Cabinet Member, Cabinet Member for City Environment, commented on the how successful the Council has been in promoting the good work being done. Wolverhampton Today had 500,000

hits in response to articles in local and national media which has been picked up internationally and presents a good image of what the City can offer.

The financial impact of Covid-19

Claire Nye, Director of Finance

Supporting our workforce

Denise Pearce, Head of Human Resources

The Board welcomed the wellbeing support offered by HR and wanted to formally record their thanks for all the work done.

Supporting decision-making

David Pattison, Director of Governance

Moving to recovery

Charlotte Johns, Director of Strategy

Reimagining our city and council

Charlotte Johns, Director of Strategy

The Board discussed if the expectations of what the Council could achieve in the future should be less demanding as the City recovers from the challenges detailed in the presentation. The Director of Strategy advised the Board that the City should continue to be aspirational and build on our strengths.

The Leader of the Council supported this view and added the pandemic gives us the opportunity to look at how services can be reshaped and delivered differently in the future and help employees to have a better work life balance. The Chief Executive endorsed this view and added while efforts focus on managing the pandemic it was also important to consider the issues facing the City before the pandemic still but was confident about the plans for the future.

The meeting ended at 8.30pm

- 6 **Scrutiny - helping to shape the future and create new realities**
- 7 **Scrutiny work planning**
- 8 **Next Steps**
- 9 **Date of next meeting**

Attendance

Members of the Scrutiny Board

Cllr Paul Sweet (Chair)
Cllr Jonathan Crofts (Vice-Chair)
Cllr Philip Bateman MBE
Cllr Alan Bolshaw
Cllr Greg Brackenridge
Cllr Paula Brookfield
Cllr Val Evans
Cllr Phil Page
Cllr Rita Potter
Cllr Stephen Simkins
Cllr Jacqueline Sweetman
Cllr Wendy Thompson

In Attendance

Mark Taylor	Deputy Managing Director
David Pattison	Director of Governance
Charlotte Johns	Director of Strategy
Julia Cleary	Scrutiny and Systems Manager
Earl Piggott Smith	Scrutiny Officer
Martin Stevens	Scrutiny Officer

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
Apologies for absence were received from Cllr Mak Singh.
- 2 Declarations of interest**
There were no declarations of interest.
- 3 Minutes of the previous meeting**
Resolved:
That the minutes of the previous meeting be approved as a correct record and signed by the Chair.
- 4 Matters arising**
The Board received an update on the Towns Fund from Charlotte Johns, Director of Strategy.
 - Last year, the City of Wolverhampton was identified by government as one of 100 'towns deal' locations.

- As a result, the Council had been awarded £173k of capacity funding, to develop an investment plan in order to bid for up to £25m of government funding.
- One of the issues was that the geography that was given to the Council by government used the ONS built up area data set, which excluded Bilston and Wednesfield and included small parts of South Staffordshire.
- This issue had been raised several times with government, who had now confirmed that the Towns Fund boundary for Wolverhampton could be co-terminus with the local authority boundary.
- However, despite lobbying, the government would not change the funding arrangements, so whilst the new geography included a city centre and two towns, the Council would only get one lot of capacity funding and one opportunity to bid for up to £25m.
- This differed to other areas, such as Sandwell who had three separate towns identified, and so had three lots of capacity funding and could bid for up to £75m.
- Discussions had been held with the regional Cities and Local Growth Office, and it had been made clear that the Board now had two remaining options which they were considering:
 - I. Accept the revised boundary but under the same funding offer. Bilston and Wednesfield will not be able to apply for further rounds of funding.
 - II. Reject the revised boundary and lobby for Bilston and Wednesfield to be included in their own right in further rounds of the fund.
- The Towns Deal Board agreed in the last meeting that other funding stream work should be integrated into Board's work programme and oversight.

The Board considered that that as the Towns Board was still in the process of deciding on the matter, that it would be untimely to cut across and say something until that decision had been made.

The Board noted that in the Prospectus it stated that the Chairman should come from the business sector.

The Director for Strategy stated that the government had said they could change the boundaries to include Bilston and Wednesfield but that the money had to then be spread across the three areas. The other option was to go back to the original geography and request that Bilston and Wednesfield be included in later funding rounds.

5 **Quarter 3 Social Care, Public Health and Corporate Complaints Report**
David Pattison, Director of Governance presented the Quarter 3 Social Care, Public Health and Corporate Complaints Report.

It was stated that the most critical issue was to make sure that we were learning from the complaints.

The Board queried whether it should have an annual report to look at policies and to look at what mistakes had been made. The Director of Governance stated they the team could look at doing an annual report and providing that transparency in the future.

The Board considered that the report was so much better now and thanked officers for their hard work.

The Chair stated that he had been very impressed speaking to the Customer Engagement Manager at the pre-meeting how was pleased with how robust the data collection was, he stated that the report was very reassuring.

The Director of Governance stated that yes it was an exemplar and that there was a need to maintain a strategic approach. It was noted that the Board had received an annual report from the Ombudsman in the past to ensure that as a council we had good oversight of the issues. It was important to keep aiming to improve.

The Board queried how much money was saved by reports not going to the Ombudsman. It was noted that savings would be minimal at the early assessment stage as it was relatively easy to collate the required information but that yes, savings could certainly be made regarding any investigations as these could take a huge amount of time. There may not be any external cost but there was a large amount of officer time.

Resolved: That the update be noted.

6 **Update on the Fire Safety Scrutiny Review Group**

The Board received an update on the Fire Safety Scrutiny Review Group from the Deputy Chief Executive. It was confirmed that there was one final meeting scheduled for the Group. Oversight of Fire Safety would now be referred to the Our Council Scrutiny Panel.

The Chair of the Review Group, Cllr Brackenridge agreed that the work had gone on for longer than first anticipated but that it had been important after an incident like Grenfell where there had been a number of failings.

At the moment there was little work that could be carried out until the next phase of the Moore Bick enquiry and there was concern that the enquiry should have looked at the building issues first rather than the fire response. Cllr Brackenridge was confident that whatever legislation came forward, the Council would be above and beyond whatever was required.

The Board was proud of what the Review Group had achieved to date and agreed that it was not right to give any final recommendations until the legislation came out, at which point the Review Group would meet one final time to firm up recommendations and hand over to the Our Council Scrutiny Panel.

The Board sought to also recognise the tireless work of Peter Bilson in relation to the work carried out.

Resolved: That the update be noted.

7 **Work programme**

The Board considered updates from the Chairs of the Scrutiny Panels:

Our Council Scrutiny Panel

At the November meeting, the Panel had considered the draft budget and medium-term financial strategy along with Wolves at Work which had been extended into a 4th year.

The Panel had looked at partnership working in schools and a series of apprentices had attended the meeting to talk about their experiences of apprenticeships in the City.

Stronger City Economy Panel

The Panel had received a report into marketing and inward investment. There had been a number of strong points made and the minutes were available on the Council website. It was stated that this issue needed to be taken forward and that inward investment as a strategic tool was currently under resourced. It was also agreed that given the figures that had been provided that the research needed to be carried out again in a years' time and the outcomes brought back to scrutiny.

The Panel had also considered digital services and noted that fact that the Council had a lot of equipment now and could do remarkable things and that it was important to ensure that we were able to make our own in-house materials where appropriate. The Panel had been very pleased with the work being carried out.

The Panel praised the work being carried out by the Head of Assets, Julia Nock following an update on the Asset Disposal Programme.

The Board raised the issue of the Corona Virus. The Chair of Health Scrutiny, Cllr Page stated that his Panel had received an update that had included input from officers and every agency (Clinical Commissioning Group, NHS Trust, Healthwatch and at the National Level) and everything had been put on the table and communications were good.

The Deputy Managing Director gave assurance that the Director of Public Health was leading on this area for the City and as mentioned was working with all partners as well as doing a lot of work internally. All areas were updating their business continuity plans and testing agile working amongst other things.

The Board noted its sincere thanks to the Director of Public Health, John Denley who had been in constant communication with the Leader to keep him informed as well.

The Board also offered thanks to the cleaning staff in the council buildings who were using extra powerful cleaning products and cleaning the building twice a day, focusing on specific areas including lift buttons.

Resolved: That the updates be noted.

8 Forward Plan

Resolved: That the forward plan be noted.

CITY OF WOLVERHAMPTON COUNCIL	Cabinet Meeting 29 July 2020
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Report title	Renewal of the Public Space Protection Order – Drinking Restrictions	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Jasbir Jaspal Public Health and Wellbeing	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable Director	John Denley	
Originating service	Community safety, Public Health and Wellbeing	
Accountable employee	Lynsey Kelly Tel Email	Head of Community Safety 01902 550042 Lynsey.kelly@wolverhampton.gov.uk
Report to be/has been considered by	Directorate Leadership Team Strategic Executive Board Scrutiny Board	29.06.2020 30.06.2020 14.07.2020

Recommendation(s) for decision:

The Cabinet/Panel/Board is recommended to:

1. Approve the renewal of the Public Space Protection Order (PSPO) drinking restrictions
2. Approve the recommendations for a city-wide PSPO, subject to the mandatory six-week legal challenge period allowed, which includes the same proposals as the previous order. To extend prohibitions on public drinking within Park and St Peter's wards (to include the city centre)

1.0 Purpose

- 1.1 To present the findings from the review of the existing PSPO which was in force from April 2017 – April 2020.
- 1.2 To seek approval for the PSPO to be renewed with the same restrictions as the previous order, this order is sort due to the powers extended to Local Authorities from the Anti-social Behaviour, Police and Crime Act 2014.

2.0 Background

- 2.1 At a Cabinet meeting in February 2017, Cabinet authorisation was granted for the introduction of a city-wide PSPO which introduced drinking restrictions. The order gives Police the power to require a person or persons drinking in a public space to stop drinking and surrender their alcohol if they care causing or are likely to cause an anti-social behaviour (ASB).
- 2.2 Failure to comply with this request can lead to a fine/arrest or prosecution. The city-wide PSPO granted further restrictions for Park and St Peter's wards; in the boundaries of these wards there was an outright ban on public drinking. This requirement was included in the order due to the disproportionate number of community complaints and calls to service the Police attended.
- 2.3 The PSPO has been successful in reducing the number of complaints received from our communities and calls to service, more detailed information can be found in section 3 of this paper.
- 2.4 The proposals directly support the following Council plan priorities;
 - Strong, resilient and healthy communities – by reducing the prevalence of alcohol-associated litter in designated locations and using legislation to tackle nuisance and ASB
 - More goof jobs and investment in our city – improving the city image by targeting hotspot locations where public drinkers congregate

3.0 Review of the existing arrangements

- 3.1 The PSPO is not a public drinking ban, with the exception of Park and St Peter's Wards. Therefore, in the majority of the city it does not stop people from drinking alcohol in public spaces. It provides discretion for Police officers and officers identified by the Local Authority, such as Enforcement Officers to determine if ASB is being or is likely to be caused as a result of a person's consumption of alcohol.
- 3.2 During the period the PSPO has been in place Police records show that there have been over 2845 calls to service to alcohol related incidents (figures are recorded from 01.03.2017 – 29.2.2020). A breakdown of the annual figures is show below. The number of incidents has reduced year on year, in part to use of the PSPO legislation to prevent

public space drinking. Over the three-year period, there has been a 35% decrease in public space drinking where a nuisance or ASB has been caused.

- 2017-2018 – 1202 calls to service
- 2018-2019 – 862 calls to service
- 2019-2020 – 781 calls to service

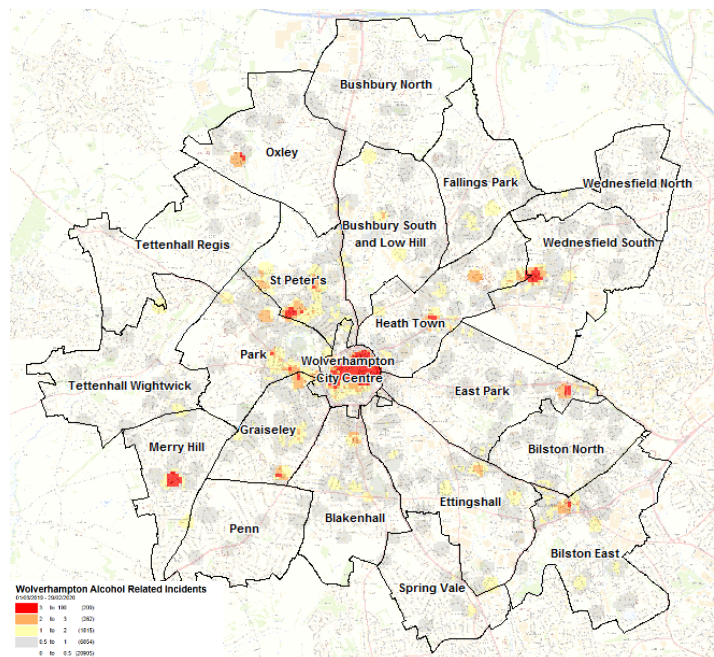
3.3 Data also shows that most complaints and calls to service are contained within Park and St Peter’s wards. City Centre falls within these wards, therefore it is understandably higher, and therefore appropriate for an outright drinking ban.

Year	Calls to service City Centre	St Peter’s and Park
2017 -2018	243 calls (20.2%)	176 (14.6%)
2018- 2019	150 calls (17.4%)	122 (14.1%)
2019-2020	147 calls (18.8%)	121 (15.5%)

Both locations account for the majority of calls from across the city and are disproportionately affected by street drinkers causing nuisance and ASB.

3.4 The reduction in calls to service does demonstrate that the PSPO is a valuable tool in tackling ASB and street drinking and has effectively been applied by officers to reduce incidents, using arrests and prosecution as a last resort.

Reviewing the success of the PSPO consideration was also given to ASB and nuisance caused as a result of street drinking in other locations across the city. The map below (2019-2020) shows that there are some other high service areas. Many of which link to areas where there is a night time economy. However, outside of these areas all neighbourhood policing teams report receiving complaints of ASB or nuisance relating to street drinking. This varies for example from 121 incidents in Park and St Peter’s wards, to 42 incidents in Wednesfield South, strongly related to the Bentley Bridge area and 5 in Tettenhall Regis and provides evidence of the need for the continuation of existing police powers to confiscate alcohol where alcohol related nuisance or ASB is occurring.



4.0 Multi-agency response to tackling alcohol-related ASB

4.1 A PSPO to restrict the nuisance caused by alcohol-related ASB will not on its own achieve the desired impact of curbing this nuisance behaviour. It will, however, be used in conjunction with a wide range of multi-agency initiatives, which together, are used to reduce the risk of this source of ASB occurring, provide the necessary powers for relevant agencies to act when it does occur and take a stronger enforcement line against perpetrators. A summary of supporting initiatives is detailed below:

A partnership response addresses reports of alcohol-related ASB which has included initial engagement/advice given to perpetrators including:

- Signposting to support agencies
- Advice/liaison with housing providers where perpetrators live
- Advice to off-licences selling alcohol
- Targeted outreach with Recovery Near You, the city's drug and alcohol provider
- Enforcement action against perpetrators including warning letters, and civil action such as civil injunctions and tenancy enforcement
- Restricting the sale of alcohol in areas deemed to be particularly vulnerable to alcohol related ASB
- Police adopt an early intervention approach whilst patrolling to prevent ASB occurring

5.0 Consultation

5.1 The process for seeking authorisation of a PSPO requires consultation to be undertaken with Police and with communities impacted by the order. Police are in support of the introduction of a PSPO to retain the existing city-wide discretion of officers to seek surrender of alcohol and for a public drinking ban to be applied to St Peter's and Park wards, in line with the proposals detailed in section 5 of this report.

5.2 West Midlands Police are lending full support to the inclusion of the City Centre within prohibitions for a public drinking ban, as this would aid ongoing positive working relations between Police and the business sector, supporting a range of joint initiatives such as Pubwatch, Facewatch and existing partnership working with the Business Improvement District.

5.3 A four-week public consultation on the proposals supported by the City Council's communications Team has been undertaken. The consultation ran from 27.05.2020 until 29.06.2020. The consultation has comprised direct communications to councillors, which includes briefings with ward councillors for St Peter's and Park wards, the business sector including the City Centre BID, designated service leads within the City Council and external partners such as Police and Wolverhampton Homes.

5.4 Opportunities to feed in to the consultation have been widely advertised through council communications, websites, via partner organisations, community networks and social media.

- 5.5 From the 537 responses received there was widespread support for continuation of the existing city-wide Police powers to confiscate alcohol where it was a feature of ASB; whilst there was also support and an understanding of the rationale for proposals to introduce an outright public drinking ban in St Peter's, Park and City Centre.
- 5.6 Respondents overwhelming let support to the renewal of the PSPO without any changes, and supported Police maintaining the Powers granted by the PSPO.
511 respondents were in support 95%
26 respondents did not support 5%
- 5.7 When asked about the outright ban in St Peters and Park wards (Inc. City Centre), respondents who lived or visited that area were again in support of continuation of the outright ban.
381 respondents were in support of the outright ban 71%
30 respondents did not support the outright ban 6%
126 respondents did not live or visit the area 23%
- 5.8 A full summary of feedback can be seen in **Appendix 2**

6.0 Evaluation of alternative options

- 6.1 **Option One**; The recommended proposal is for a continuation of the PSPO powers on a city-wide basis, with an outright drinking ban in St Peters and Park wards. This would allow the Police to require a person or persons to stop drinking and surrender their alcohol where ASB is occurring or likely to occur. The outright ban in St Peters and Park wards would allow police to require a person drinking to stop immediately regardless of any ASB being caused. Enabling swifter action to be taken by Police on the confiscation of alcohol where public drinking is occurring and for fixed penalty notices to be issued by Police or officers authorised by the Council where a breach of the PSPO has occurred.
- 6.2 The proposed prohibitions would include a waivering option to allow for public drinking at organised events within these locations, such as City Centre and West Park when applications are made for temporary event notices through the Council's Licensing Team. With the exception of this requirement to apply for a waiver, there would be an outright public drinking ban within these designated locations with no discretion applied regarding its enforcement. The designated geographic boundaries relating to the PSPO is detailed on **Appendix 1**
- 6.3 There are limitations within the legislation of using a PSPO to restrict the consumption of alcohol where a premises or its curtilage (a beer garden or pavement seating area) is licensed for the supply of alcohol or where licensing or Highways legislation already

exists to control alcohol-related ASB; the proposals within the PSPO would therefore not be used to impede legitimate business functions or to undermine existing safeguards in place to monitor and regulate licensed premises

- 6.4 Sergeant Sean Corrigan covers the City Centre. On 15th May 2020, he stated “*the PSPO has been invaluable in the policing of the night time economy.*”
- 6.5 Sergeant Lee Plant covers St Peters and Park wards. On 15th May 2020, he stated “his officers engage with drinkers on an almost daily basis (during the warmer months in St Peters and Park ward.” Sergeant Plant continues “Whitmore Reans, along Newhampton Road, the Avion Centre and West Park continues to have issues with ASB and nuisance drinking that’s unpleasant for the community having to walk past groups, of men generally drinking.”
- 6.6 **Option Two**; To renew the city wide PSPO, without the requirement for an outright drinking ban in St Peters and Park Ward. This option would still allow Police and other agreed enforcement operatives to require a person or persons to stop drinking and surrender their alcohol where ASB is occurring or likely to occur and confiscate alcohol if deemed necessary but would not stop people from drinking at all in the highest call to service areas.
- 6.7 A huge amount of multi-agency and partnership work has taken place in St Peter and Park wards over the last two years. This work has included reducing street drinking and drug use in the Ward areas, improving the physical look of the area, improving security and removing the fear of crime. Not enforcing the outright ban in these ward areas would allow people to drink opening on the streets without the Police being able to take any action (unless ASB was, or was likely to occur), removing a vital tool available to us. This may also harm the community trust and relationships which have been developed and cause some reputational damage.
- 6.8 **Option Three**: No renewal of the PSPO. The PSPO is an excellent deterrent and is tool used frequently by the Police to protect the public. It would reduce the preventative measures available to us as a Local Authority and the local Police and would likely lead to an increase in street drinking, particularly around the night time economy. The PSPO provides reassurance to members of the public visiting the city and allows for swift police action to address issues.

7.0 Reasons for decision(s)

- 7.1 It is recommended that the PSPO be renewed in full -a citywide drinking ban, including an outright ban in St Peter and Park wards. This would allow the Police to require a person or persons to stop drinking and surrender their alcohol where ASB is occurring or likely to occur. The outright ban in St Peters and Park wards would allow police to require a person drinking to stop immediately regardless of any ASB being caused. Enabling swifter action to be taken by Police on the confiscation of alcohol where public drinking is occurring and for fixed penalty notices to be issued by Police or officers authorised by the

Council where a breach of the PSPO has occurred. The recommendation has been supported by the consultation results highlighted in section 6 of the report and is welcomed by West Midlands Police.

8.0 Implementation

- 8.1 Subject to Cabinet authorisation of the PSPO, the proposals must be publicised and will be subject to a six-week period during which an appeal against the proposals can be made to the High Court before coming into force. This will include communications through partner and community networks, social media, the Council and SWP websites and an advertisement in the local press.
- 8.2 Subject to Cabinet approval and assuming no appeal against the proposals is lodged with the High Court within the six-week timeframe, the PSPO would come into force on Monday 14 September 2020.
- 8.3 The conditions of the PSPO would be in place for a period of three years; revisions to the drinking ban prohibitions relating to St Peter's and Park wards, including the City Centre can be incorporated following a 12-month review capturing the impact of the restriction and consideration for any variation of the order to include other specified locations. The impact of the order will be closely monitored. The PSPO will be subject to review before its expiry in September 2023.

9.0 Financial implications

- 9.1 The cost of the statutory notice, consultation and signage will be met from existing budgets within the Community Safety Team. Breach of PSPO prohibitions can result in fixed penalty notices being issued by authorised Council Officers or other persons designated by the Council. A penalty charge of £80 will be applicable in these circumstances, though it is not expected that the PSPO will generate any notable income as the main focus is to deter ASB or follow through with enforcement against perpetrators of ASB

[JB/06072020/V]

10.0 Legal implications

- 10.1 The Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") came into effect on 20 October 2014.
- 10.2 Section 59 of The Act gives local authorities the power to make PSPOs which are intended to deal with ASB and nuisance in a particular area that is detrimental to the local community's quality of life by imposing conditions on the use of that area.
- 10.3 The Act places limitations on how a PSPO can be used to restrict the consumption of alcohol in a public space where the test has been met. A PSPO cannot be used to restrict the consumption of alcohol where the premises or its curtilage (a beer garden or

pavement seating area) is licensed for the supply of alcohol. There are also limitations where either Part 5 of the Licensing Act 2003 or section 115E of the Highways Act 1980 applies, as these already provide safeguards against ASB.

- 10.4 Before making a PSPO, councils must consult with the local police (section 72(3) and 72(4) of the Act). Formal consultation was held with West Midlands Police on this matter on 20th May 2020, where support for these proposals were recorded.
- 10.5 The Act also stipulates that councils must consult with the local community on any proposed PSPO. Consultation opportunities have been widely publicised across the city, a survey was run on the consultation pages of the Council's Website (28 May to 29 June) within communities, councillors, business sector and partner agencies.
- 10.6 Anyone who lives in or regularly works or visits the area can appeal a PSPO in the High Court within six weeks of issue. The PSPO will be publicised locally. Signage will not be erected until after the six-week period or, if an appeal is lodged, after any High Court ruling.
- 10.7 Section 61 of the Act makes provision to review a PSPO which is in force and to vary the terms of the order which can be based upon the review findings. Furthermore, the maximum duration of a PSPO is three years, so proposals to undertake a full review prior to its expiry in September 2023 would be appropriate. The recommendations in section 10.1 (iii) and (iv) can therefore be accommodated within the legal framework.

[AS/02072020/A]

11.0 Equalities implications

- 11.1 An equalities screening has been carried out. There is no evidence to suggest that the proposal may be directly or indirectly discriminatory. Data relating to use of the existing DPPO and the proposed PSPO is reliant on Police recording systems which will not capture data concerning the individuals concerned unless a crime has been committed; anecdotal reports regarding the use of the existing DPPO indicate no identified disproportionality regarding its use.
- 11.2 The proposed public drinking ban covering St Peter's, Park Wards and the City Centre would be applied universally to avoid the potential for discriminatory practice.

12.0 Climate change and environmental implications

- 12.1 The proposals would have a positive environmental impact by reducing the litter associated with public drinking within City Centre, St Peter's and Park wards.

13.0 Human resources implications

- 14.0 There are no corporate landlord implications associated with this proposal.

15.0 Corporate landlord implications

- 16.0 There are no corporate landlord implications associated with this proposal.

17.0 Health and Wellbeing Implications

17.1 The PSPO will have a positive impact on alcohol related crime and along with other tools reduce the number of people drinking and alcohol dependency across the city. Positively impacting on both the health and wellbeing of individuals.

18.0 Covid Implications

18.1 The PSPO can be used along with a suite of other tools to deter people from drinking in park and green spaces. This is particularly pertinent during the Covid-19 restrictions and lockdown measures. There has been an increase in people enjoying parks and green spaces, including drinking in these areas as they are not able to frequent public houses. The prompt renewal of the PSPO will allow police to confiscate alcohol from those causing a nuisance and reduce the number of ASB complaints. This measure may also contribute to deterring people from gathering to drink.

19.0 Schedule of background papers

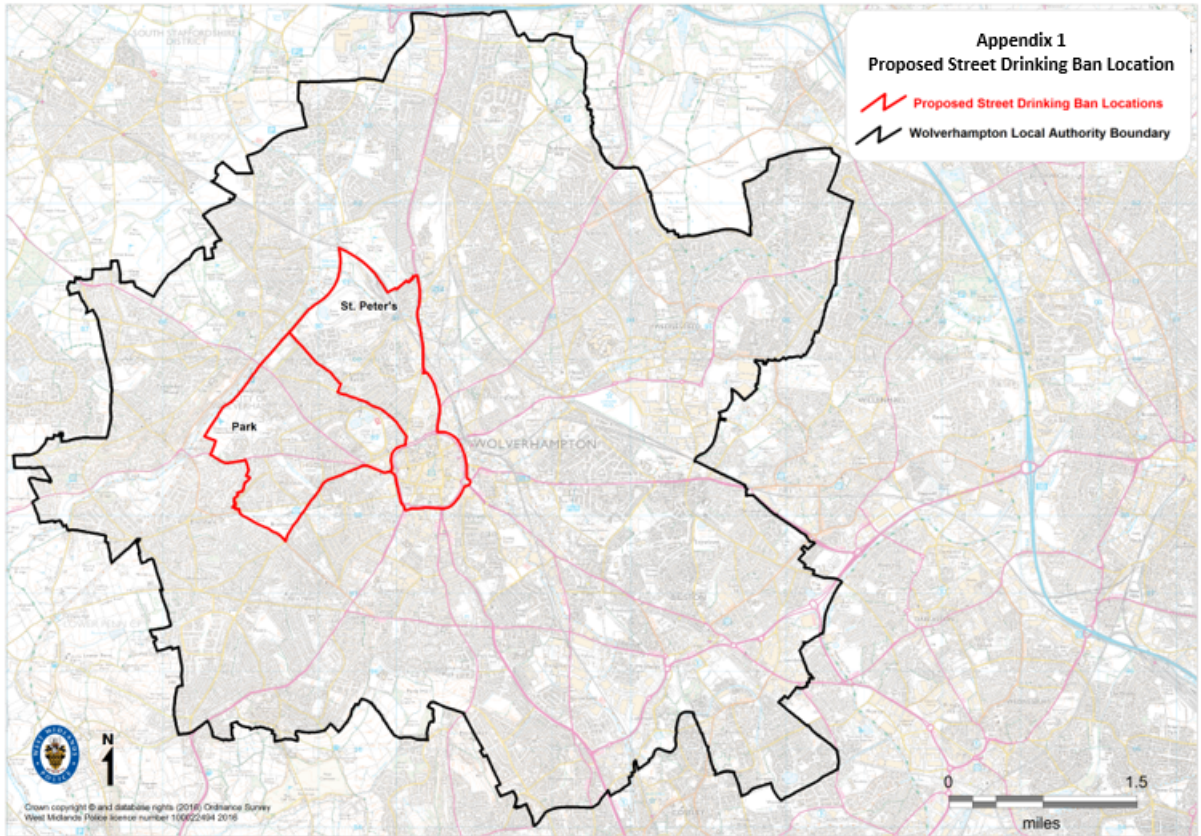
19.1 There are no background papers

20.0 Appendices

20.1 Appendix 1 – Proposed Ban Areas PSPO Renewal

20.2 Appendix 2 – Consultation outcomes PSPO Renewal

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Wolverhampton Citywide Public Space Protection Order

<https://consultation.wolverhampton.gov.uk/cwc/public-space-protection-order>

This report was created on Tuesday 30 June 2020 at 08:05

The consultation ran from 27/05/2020 to 29/06/2020

1: Please tell us which ward you live/work in:

Ward

Option	Total	Percent
Bilston East	18	3.35%
Bilston North	12	2.23%
Blakenhall	14	2.61%
Bushbury North	23	4.28%
Bushbury South and Low Hill	27	5.03%
East Park	13	2.42%
Ettingshall	17	3.17%
Fallings Park	14	2.61%
Graiseley	20	3.72%
Heath Town	11	2.05%
Merry Hill	24	4.47%
Oxley	27	5.03%
Park	59	10.99%
Penn	47	8.75%
Spring Vale	12	2.23%
St Peter's inc. City Centre	48	8.94%
Tettenhall Regis	45	8.38%
Tettenhall Wightwick	36	6.70%
Wednesfield North	26	4.84%
Wednesfield South	10	1.86%
None: Visitor to the city	6	1.12%
Other *	28	5.21%
Not Answered	0	0%

Other (please specify)

There were 33 responses to this part of the question.

2: Does this locality suffer from disorder, nuisance and/or annoyance associated with street drinking?

Y/N

Option	Total	Percent
Yes	262	48.79%
No	275	51.21%
Not Answered	0	0%

Detail

There were 258 responses to this part of the question.

3: The PSPO would provide a renewal of previous powers held by the Police to request the surrender of alcohol where anti-social behaviour is occurring or is likely to occur as a result of alcohol consumption.

Would you be in support of Police retaining this power?

Y/N

Option	Total	Percent
Yes	511	95.16%
No	26	4.84%
Not Answered	0	0%

4: The PSPO to include an outright street drinking ban in St Peter's and Park wards. The selection of these locations has been informed by data from the previous PSPO, and reports of alcohol related anti-social behaviour in these locations. This would not affect the activity of legitimate licenced premises or organised events within these areas.

If you live, work or visit these areas of the city would you support the introduction of a street drinking ban within these locations?

Y/N/NA

Option	Total	Percent
Yes	381	70.95%
No	30	5.59%
I do not live in this area	126	23.46%
Not Answered	0	0%

5: If you have any further comments to make please do so below:

If you have any further comments to make please do so below:

There were 157 responses to this part of the question.

6: What gender are you?

Gender

Option	Total	Percent
Female	311	57.91%
Male	188	35.01%
Gender fluid / Gender neutral / None gender	2	0.37%
Other	0	0%
Prefer not to say	31	5.77%
Not Answered	5	0.93%

7: Is your gender identity the same as the gender you were assigned at birth?

Gender identity

Option	Total	Percent
Yes	497	92.55%
No	1	0.19%
Prefer not to say	30	5.59%
Not Answered	9	1.68%

8: What is your ethnic origin?

Ethnic origin

Option	Total	Percent
Asian or Asian British – Indian	45	8.38%
Asian or Asian British – Pakistani	1	0.19%
Asian or Asian British – Bangladeshi	2	0.37%
Chinese	0	0%
Other Asian or Asian British	2	0.37%
White and Black African	0	0%
White and Black Caribbean	4	0.74%
White and Asian	2	0.37%
Other Mixed Background	1	0.19%
Black or Black British – African	2	0.37%
Black or Black British – Caribbean	7	1.30%
Other Black or Black British	1	0.19%
White - British	403	75.05%
White - Irish	5	0.93%
White Gypsy / Irish Traveller	0	0%
White - Other European	12	2.23%
Other White	8	1.49%
Arab	0	0%
Any Other	0	0%
Prefer not to say	36	6.70%
Not Answered	6	1.12%

9: Do you have a disability which affects your day to day activities, which has lasted, or you expect to last, at least a year?

Disability

Option	Total	Percent
Yes	80	14.90%
No	407	75.79%
Not sure	2	0.37%
Prefer not to say	40	7.45%
Not Answered	8	1.49%

10: What religion are you?

Religion

Option	Total	Percent
Buddhist	3	0.56%
Christian	282	52.51%
Hindu	6	1.12%
Jewish	1	0.19%
Muslim	4	0.74%
Sikh	25	4.66%
No Religion	145	27.00%
Any Other Religion	4	0.74%
Prefer not to say	60	11.17%
Not Answered	7	1.30%

11: Please indicate how old you are:

Age

Option	Total	Percent
Under 16	0	0%
16 - 24	21	3.91%
25 - 34	52	9.68%
35 - 44	91	16.95%
45 - 54	108	20.11%
55 - 64	120	22.35%
65 or Over	104	19.37%
Prefer not to say	34	6.33%
Not Answered	7	1.30%

12: What is your sexual orientation?

Sexual Orientation

Option	Total	Percent
Lesbian / Gay woman	1	0.19%
Bisexual	12	2.23%
Gay Man	6	1.12%
Heterosexual / Straight	439	81.75%
Unsure	0	0%
Other	2	0.37%
Prefer not to say	68	12.66%
Not Answered	9	1.68%