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Date: 13 July 2017

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Dear Councillor

LICENSING AND REGULATORY (URGENT REFERRALS) COMMITTEE - THURSDAY 13TH JULY, 2017

I refer to the agenda for the above meeting and now enclose the following report which was unavailable when the agenda was printed.

Agenda No.	Item
4	Proposed Public Space Protection Order – Ticket Touting (Pages 3 - 14) Report of the Head of Regulation and Compliance

Yours faithfully,

Ruth Appleby

Democratic Services

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Report to:	Licensing and Regulatory (Urgent Referrals) Committee	Date of Meeting:	10:00 am Thursday 13 th July 2017
Subject:	Public Space Protection Order – Ticket Touting		
Report of:	Head of Regulation and Compliance	Wards Affected:	Birkdale; Dukes;
Portfolio:	Regulation & Compliance		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To present for consideration the draft Public Space Protection Order –Ticket Touting, under the Anti –Social Behaviour Crime and Policing Act 2014.

Recommendation(s):

That Members consider the implementation of the Proposed Public Space Protection Order –Prevention of Ticket Touting as drafted and contained in Appendix 1 for the time period two weeks from the 16 July 2017 to 30th July 2017

Reasons for the Recommendation(s):

The proposals are intended to address ticket touting in the location surrounding the 2017 Open Golf Championship and protect the public from anti-social behaviour that is having or likely to have a detrimental effect on the quality life of those in the locality.

Alternative Options Considered and Rejected: (including any Risk Implications)

Consideration has been given to taking no action however it is the view of Merseyside Police & the Royal & Ancient Golf Club (The R&A) that ticket touting may be a problem at this year's event. Not proceeding with the proposed order would reduce the powers available to the Police and Local Authority to address this problem.

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What will it cost and how will it be financed?

(A) Revenue Costs

A small cost will be associated with ensuring that the designated area and restrictions are publicised including the use of relevant signage where appropriate. This will be met from Services existing budgets.

(B) Capital Costs

none

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):
Legal Implications: - the making of a PSPO will enable Police Officers and PCSO's to issue Fixed Penalty Notices to persons breaching the Order The Anti-social Behaviour, Crime and Policing Act 2014 The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014
Equality Implications: There are no equality implications

Contribution to the Council's Core Purpose:

Protect the most vulnerable: This order seeks to minimise the likely detrimental effect that ticket touting may have on the quality of life of those in the locality.
Facilitate confident and resilient communities: Not applicable
Commission, broker and provide core services: Not applicable
Place – leadership and influencer: Not applicable
Drivers of change and reform: This order will encourage responsible behaviour and discourage ticket touting in the locality.
Facilitate sustainable economic prosperity: Not applicable

Greater income for social investment: Not applicable
Cleaner Greener Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources (FD4754 /17) has been consulted and notes the report indicates the costs of publicity and signage can be met from existing budgets. The Head of Regulation and Compliance (LD4038/17) is the author of the report.

(B) External Consultations

Merseyside Police, The Police & Crime Commissioner and the Royal & Ancient Golf Club have been consulted over this proposal.

Implementation Date for the Decision

Immediately following the Committee meeting.

(Please delete as appropriate and remove this text)

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Appendices:

The following appendices are attached to this report:

Appendix 1 – Draft Sefton Metropolitan Borough Council Public Space Protection Order (Ticket Touting) 2017

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

A Public Space Protection Order (PSPO) is an official measure that is an enforceable part of the Anti – Social Behaviour Crime and Policing Act 2014.

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PSPOs can be used to protect the public from behaviour that is having or is likely to have a detrimental effect on the quality of life of those in the locality and is persistent and unreasonable or likely to be.

The Anti-social Behaviour Crime & Policing Act 2014 requires that Local Authorities conduct necessary consultation and publicity before any order is made, varied or revoked. The necessary consultation is defined as consulting with:-

- The Chief of Police and local policing body.
- Community representatives the local authority thinks is appropriate to consult with.
- The owners or occupiers of land within the designated area to which the order will apply.

PSPOs last for a varying degree of time up to 3 years once approved and are enforced by delegated council officers, police officers and police community support officers. At the end of this period the order can be amended or extended for a further period of up to 3 years.

A person guilty of an offence under conditions set out in the order, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000) or fixed penalty notice(FPN) of a maximum £100. A level set at £75 reduced to £50 if paid within 10 days would be consistent with fines set for other environmental offences enforced by the Council e.g. littering.

The Council's powers to control ticket touts at the forthcoming Open Golf Championship are restricted. The Council does not have in place a byelaw to control touts and the designated streets order does not cover the area concerned.

The Local Government Association's guidance on public spaces protection orders states that choosing the right approaches for responding to the anti-social behaviour should start with identifying the specific issue or issues of concern, and considering what is likely to be the most targeted and effective response in the circumstances.

Current Powers that are available include:

S.137 Highways Act 1980 – obstruction of the highway. However this would only allow officers to gather evidence of any obstruction with a view to subsequently prosecuting. Council officers would not be able to move ticket touts along

S.147A Highways Act – use of stalls, structure, container of vehicle for the purpose of road side sales. Again this would only allow officers to obtain evidence of an offence to subsequently prosecute.

Neither of the above would enable Council officers to move touts along.

Anti- Social Behaviour Crime and Policing Act 2014 –could be used to deal with ticket touts. Part 3 of the Act provides the police with dispersal powers for “the purpose of removing or reducing the likelihood of members of the public in the locality being harassed, alarmed or distressed or the occurrence in the locality of crime or disorder”.

Whilst the power does not provide Council officers with the power to move ticket touts along, it does provide this power to the Police in addition to their existing police powers under this and other legislation.

An inspector may authorise use of the power in the locality during a specified period of not more than 48 hours, it would allow a police officer to direct a person to leave the locality and not return for up to 48 hours. A police officer may also direct the person to surrender any item in the person possession or control any item that the officer reasonably believes has been used in behaviour that harasses alarms or distresses members of the public. The surrendered item must not be returned to the person before the end of the exclusion period. A person who fails to comply is guilty of an offence.

Merseyside Police have indicated that they consider the use of a PSPO rather than Part 3 of the Act would be preferable.

By introducing the proposed offences on ticket touting within the framework of a PSPO it is believed that it will strengthen powers and enable Police & Council Officers to deal with offences in a timely manner to the benefit of local communities across Sefton.

Previous History

Council Trading Standards Officers attended the event when it was last held at Royal Birkdale in 2008 and found no evidence of ticket touting. Officers have also contacted Trading Standards in Wirral Council and South Ayrshire where the event was held in 2014 & 2016 respectively both have confirmed that they were not aware of a touting issue when the event was held in their boroughs. However The R&A have indicated that the resale of tickets and the copying or counterfeiting of tickets has grown in recent years with organised gangs having targeted the last two championships. Merseyside Police also add that in 2014 , whilst trading standards intelligence did not confirm that touting was an issue, it was an extensive issue with touts causing a nuisance to residents and event goers.

Public Consultation

Merseyside Police, The R& A and the Police & Crime Commissioner have indicated a desire to see a PSPO introduced and provided their responses as follows.

The R&A, Executive Director – Championships

“There has been a growing trend for organised criminal gangs to target large -scale sporting and music events where they engage in three types of ticket touting activity. These are;

The re-sale of tickets purchased legitimately online significantly above face value; the copying or counterfeiting of genuine tickets resold near the venue to unsuspecting

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members of the public amounting to fraud; and the re-sale of worthless tickets already used from members of the public who have left the venue for the day.

The second and third forms of activity were witnessed when The Open last visited Royal Birkdale in 2008. In recent years this has grown and is now a significant issue.

My Security Consultants advise me that at the last two Championships organised gangs of 30+ have targeted The Open. The individuals involved are usually from the Merseyside and Greater Manchester areas and allegedly have links to serious organised crime. Our consultants have information that many of these people have been found to have Football Banning Orders in place for analogous offences and that dealing with their activities will impact adversely on the security resources around the venue if there are not effective measures in place to disrupt their activity.

Not only are members of the public defrauded by the sale of used or copied tickets but police and security resources are diverted from their main task, that of public safety.

This activity is likely to continue throughout the Championship and unsuspecting members of the public who purchased tickets from touts will not be admitted to The Open. This will have an obvious negative impact if Sefton Council decline to act.

There have been numerous reports on the impact of touting on the public and at a more strategic level the economy. I have attached a copy of the Executive Summary of The Podium Report published in 2013 that you may find helpful in this regard.

I would suggest that given the current threat from terrorism any measures that allow our security response to focus on that threat must enhance public safety. We can certainly do without this time consuming distraction.

I hope that Sefton Council can take measures, even at this late stage, to promote public safety deal with the highlighted anti-social behaviour issues and work in partnership with The R&A, Merseyside Police and its partners to effectively, deter, detect and dilute the impact on communities of such criminal activity.”

[Included with the R&A response was a document entitled Ticket Crime Problem Profile February 2013

Precis of Merseyside Police response:

“Ticket touting of legitimate tickets

The Open Golf tournament is a unique sporting event which travels around a number of golf courses and returns about every 8-9yrs to that site. The time span causes a number of difficulties in that it is difficult to problem solve some issues as we do not have the year on year evidence similar to other events.

Therefore we can only use anecdotal evidence related to large sporting events across Merseyside.

Royal Liverpool – there was ticket touting and the use of forged tickets at this event in 2014 – forged tickets is a police issue as this is a crime.

Merseyside Police will be deploying Football Spotters out on Championship days to see if they can recognise Touts from football events as further evidence for them.

We will seek to support the council re any PSPO they apply for and can if required obtain some further evidence from previous years,

“During 2014 there were extensive issues with touts who were present in large numbers, causing a nuisance to residents and event-goers. Whilst the measures adopted by Trading Standards and ourselves had some impact they were not deterred and myself, the SECCO and Silver commander had each, at various times, to intervene to disrupt them. Our tactics were of course of little value.

We can expect the same ASB at Royal Birkdale – perhaps greater given the proliferation of ‘print at home’ tickets “

Response; Police and Crime Commissioner for Merseyside – Jane Kennedy

“Further to your correspondence regarding Sefton Council’s and Merseyside Police’s plan to issue a Public Space Protection Order at 146th Open Golf Championship at Royal Birkdale. I can confirm I have received a copy of your proposal in line with the legislative requirements of Chapter 2 section 59 of the Anti-Social Behaviour Policing Act 2014.

Having considered the proposal and following liaison with Merseyside Police, I would like to highlight the necessity for a multi- agency approach to tackle illegal and illegitimate ticket tout activity. I am confident that the order will enable a proactive and effective response from all partners, and result in another successful hosting of a large sporting event within the Merseyside region.

I look forward with interest to the outcomes of the Order and the positive impact it has on the communities it covers”.

Proposal

The Open Golf Championship occurs before the next scheduled Licensing & Regulatory Committee on the 11th September therefore to be able to proceed with this matter prior to

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the event it is necessary to bring the report to a Licensing & Regulatory Urgent Referrals Committee.

The order would come into effect on the 16th July and last for a period of two weeks.

The order would make it an offence to approach another person either in person or verbally in order to make an unauthorised sale of tickets for the Royal Open Championship (either by asking, implying, including a sign) in a public place to people they do not know.

Within the Protected Area if a person(s) behaves in a in a manner that has resulted in or is likely to result in any member of the public being intimidated, harassed, alarmed or distressed by that behaviour they may be ordered to disperse and leave the designated area and not return until a specified time (not exceeding 24 hours)

The Protected area is shown within the draft PSPO and highlighted in red. This area covers the main routes within the immediate locality of the event and covers pedestrian walking routes from both Hillside & Birkdale Stations.

Conclusion

The proposed order takes on board both the views and desire of Merseyside Police, PCC and The R&A to see the introduction of a PSPO and seeks to maintain a balance between necessary control to address unreasonable anti-social behaviour that is or is likely to have a detrimental effect on the quality of life of those in the locality.

Appendix 1
**Sefton Metropolitan Borough Council
Public Spaces Protection Order
Ticket Touting
Anti-social Behaviour, Crime and Policing Act 2014, Part 4**

Notice is hereby given that Sefton Metropolitan Borough Council ("the Council") has made the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"):

1. The land described by the map(s) below being land in the area of the Council is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by the making of this Order.

2. The Order may be cited as the Prevention of Ticket Touting Public Spaces Protection Order and came into force on 16 July 2017 for the duration of two weeks.

3. The effect of the Order is to impose the following conditions on the use of the land: In this area any person who continues to carry out activities from which they are prohibited commits an offence namely;

Approaching another person either in person or verbally in order to make an unauthorised sale of tickets for the Royal Birkdale 2017 Open Championship (either by asking, implying, including a sign) in a public place to people they do not know.

4. All persons within the Protected Area are not to behave either individually or in a group of two or more people in a manner that has resulted in or is likely to result in any member of the public being intimidated, harassed, alarmed or distressed by that behaviour.

a) If any person is deemed to breach this provision of the Order, an authorised officer may:

i. Order any individual or all members of a group to disperse;

ii. Order any individual or all members of a group to disperse and leave the designated area if they live outside of it;

iii. Order any individual or all members of a group to disperse and leave the designated area if they live outside of it and not return until a specified time. The specified time will not exceed 24 hours.

b) For those persons who live within the designated area the authorised officer may order any individual or all members of a group to disperse.

A person guilty of an offence under conditions 3 above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £100.

Any person who fails without reasonable excuse to comply with this requirement is liable on summary conviction to a fine not exceeding level 2 on the standard scale or fixed penalty notice of a maximum £100.

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Definitions

Authorised Person – An authorised person is a Police Constable, Police Community Support Officer or Sefton MBC Council Officer, who must be able to produce their authority if it is requested.

The Act – The Anti-Social Behaviour, Crime and Policing Act 2014

The Protected Area – That part of the Borough of Sefton as shown in red on the attached plan

Duration of Order

- (1) This Order will remain in force for the period of two weeks from the date that it comes into force specified in paragraph 2.
- (2) Before the time when this Order is due to expire, the Council may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent —
 - (a) an occurrence or recurrence after that time of the Activities, or
 - (b) an increase in the frequency or seriousness of the Activities after that time.
- (3) The Order may be so extended more than once.

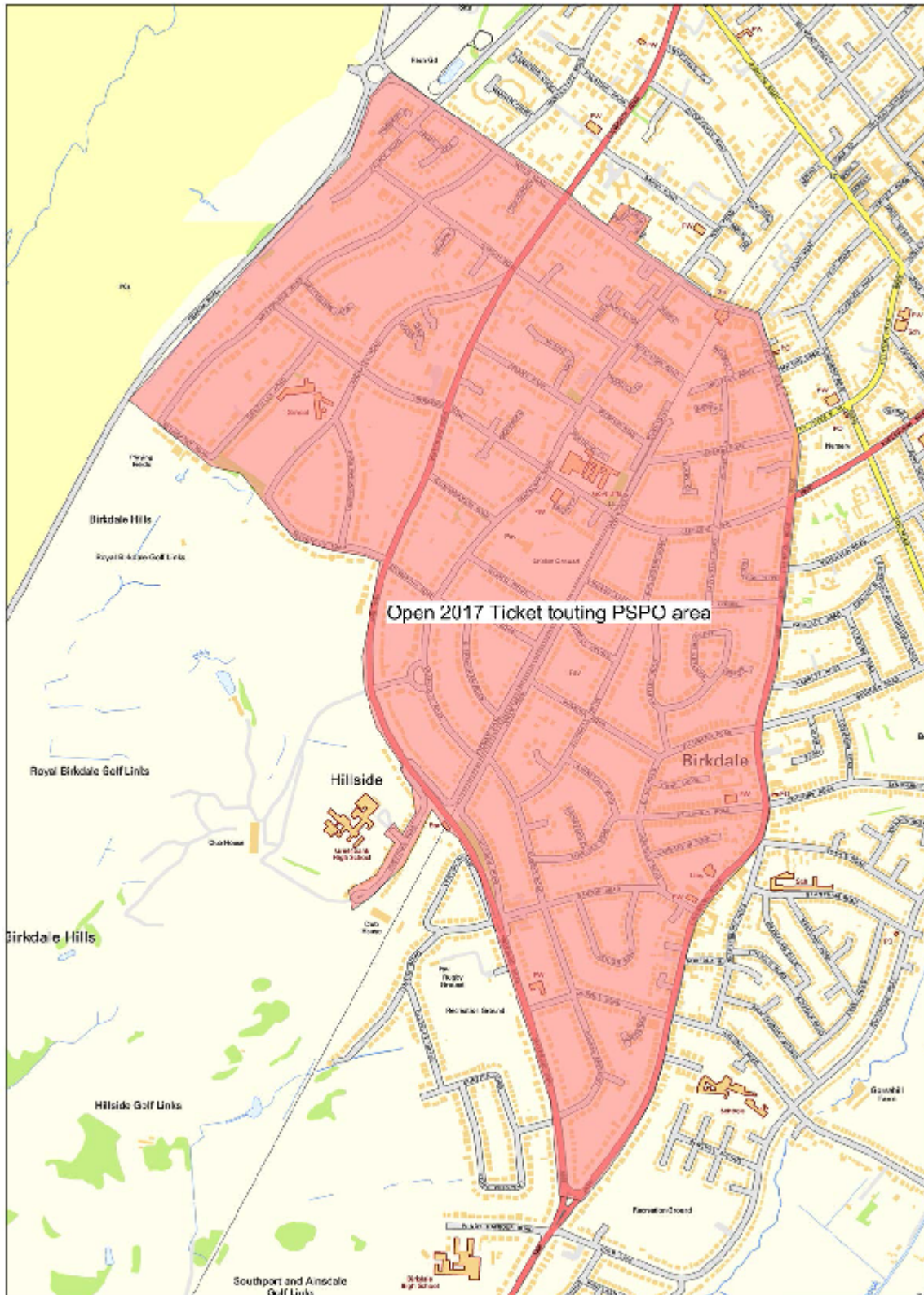
Variation and discharge of the Order

- (1) The Council may vary this Order —
 - (a) by increasing or reducing the Restricted Areas;
 - (b) by altering or removing a prohibition or requirement included in the Order, or adding a new one.
- (2) Where the Council considers it appropriate to do so the Order may be discharged by the Council before the end of the period that the Order may remain in force specified in paragraph 5(1).

Challenging the validity of the Order

- (1) Under the provisions of section 66 of the Act an interested person may within 6 weeks of the making of this Order apply to the High Court to question its validity or the validity of any variation of this Order on the grounds specified in section 66(2) of the Act, namely —
 - (a) that the Council did not have power to make the Order or variation, or to include particular prohibitions or requirements imposed by the Order (or by the Order as varied);
 - (b) that a requirement under Chapter 2 of Part 4 of the Act was not complied with in relation to the Order of variation.

Dated this day of
The Common Seal of the **Sefton Metropolitan Borough Council**
was hereunto affixed in the presence of -



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