

<b>Report to:</b>	Licensing and Regulatory (Urgent Referrals) Committee	<b>Date of Meeting:</b>	Thursday 28 March 2019
<b>Subject:</b>	Public Space Protection (Ticket Touting Grand National Aintree) Order 2019		
<b>Report of:</b>	Head of Highways and Public Protection	<b>Wards Affected:</b>	Molyneux; Netherton and Orrell;
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

**Summary:**

To present for consideration the draft Public Space Protection (Ticket Touting Grand National Aintree) Order 2019 under the Anti-Social Behaviour Crime and Policing Act 2014.

**Recommendation:**

(1) That Members consider and approve the implementation of the proposed Public Space Protection (Ticket Touting Grand National Aintree) Order 2019 as drafted and contained in appendix 1.

**Reasons for the Recommendation:**

The proposals are intended to address ticket touting in the location surrounding the Grand National Horse Racing meeting, Aintree 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 that ticket touting is an ongoing problem at the Grand National event. Not proceeding with the proposed order would reduce the powers available to the Police and Local Authority to address this problem.

## What will it cost and how will it be financed?

### (A) Revenue Costs

A small cost will be associated with undertaking the consultation process and if the order is approved in 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:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b>
<b>Legal Implications:</b> If approved the making of a PSPO will enable Merseyside Police and Council Officer to require Ticket Touts to disperse from the protected area and 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
<b>Equality Implications:</b>  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: The 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 (FD5598/19) and the Chief Legal and Democratic Officer (LD4722/19) have been consulted and have no comments on the report.

### **(B) External Consultations**

Merseyside Police, The Police & Crime Commissioner, The Jockey Club, Ward Councillors, Aintree Parish Council and all residents and businesses within the protected area.

### **Implementation Date for the Decision**

Immediately following the Committee meeting.

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### **Appendices:**

The following appendices are attached to this report:

Appendix 1: Draft Public Space Protection (Ticket Touting Grand National Aintree) Order 2019

### **Background Papers:**

There are no background papers available for inspect.

## **1. Introduction/Background**

1.1 Ticket touting at The Grand National Aintree has been Identified as an issue, with both Merseyside Police and The Jockey Club expressing concerns to the Council regarding the activities and number of touts present during the three days of race meeting. Such activity can result in intimidation, harassment, alarm or distress to members of the public.

1.2 A Public Space Protection Order (PSPO) is designed to prevent individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or is likely to have, a detrimental effect on the quality of life of those in the locality and the behaviour is, or is likely to be, persistent or continuing in nature and is unreasonable

1.3 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.

1.4 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.

1.5 A PSPO can require any individual or group in breach of the provisions of an order to disperse and leave a protected area for not greater than 24 hours. A person guilty of an offence under conditions set out in an order, can also be issued with a fixed penalty notice (FPN) of maximum £100 or prosecuted and are liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000). A FPN level set at £75 reduced to £50 if paid within 10 days would be consistent with fines set for other offences enforced by the Council e.g. littering

1.6 The Council's powers to control ticket touts at the Grand National are restricted. The Council does have in place a designated Street Order under the County of Merseyside Act 1980 in number of streets around the racecourse, where it is an offence to hawk, sell, offer or expose items for sale. This gives both the Police and Council powers should problems of street trading (ticket touting) arise, however the only sanction is prosecution. There are no dispersal powers and no powers to issue FPNs.

1.7 Merseyside Police have indicated that they consider the use of a PSPO as the preferred route to enforce the problems associated with ticket touting.

## **2. Public Consultation**

2.1 Following Cabinet Member Regulatory Compliance and Corporate Services support and consideration by the Public Engagement & Consultation Panel a public consultation

regarding the introduction of a PSPO to control anti-social behaviour by ticket touts during the Grand National was undertaken.

The Consultation lasted for a period 18<sup>th</sup> February - 10<sup>th</sup> March.

2.2 The target audience included Merseyside Police, The Police & Crime Commissioner, The Jockey Club, Ward and parish Councillors, members of the public and local businesses. The consultation was publicised through Sefton website and social Media, email and letter to local Councillors and businesses and a drop-in session for members of the public. It received widespread coverage in local and National media, including; ITV & BBC regional news, Liverpool echo, Daily mail, Horseracing Post, Capital FM and Good Morning Britain.

2.3 The Consultation sought views on the proposed order its suitability and intended content.

2.4 The proposed order would make it an offence in the restricted area during the period of the Grand national event to; offer to sell; expose for sale; make available for sale; advertise that tickets are available to purchase and or give tickets to a person who pays or agrees to pay for some other goods.

2.5 It would also allow an authorised officer to require any individual or member of a group to disperse, leave the restricted area and not return for up to a maximum of twenty-four hour.

### **3. Consultation Outcome**

3.1 Merseyside Police, The Police & Crime Commissioner and The Jockey Club have indicated support to see a PSPO introduced and provide their responses as follows.

### **3.2 Andy Cooke, Chief Constable, Merseyside Police**

As you know, the Aintree Grand National Festival takes place between 4<sup>th</sup> and 6<sup>th</sup> April 2019. This event helps portray Merseyside in a positive light. People attend from all over the world to experience the atmosphere and enjoy the excellent hospitality that Merseyside has to offer.

As Chief Constable of Merseyside Police I am writing to formally record my support to Sefton Metropolitan Borough Council, in their application for a Public Space Protection Order (PSPO) for the Aintree Festival 2019.

All the agencies that contribute to the delivery of this event work hard to ensure that people attending receive the best experience and leave with a positive impression of their visit to Merseyside. The event makes a significant contribution to the local economy.

Over recent years the Aintree Festival has been heavily targeted by professional ticket touts. The event has experienced an increase in this activity year on year from a group of individuals who are intent on exploiting spectators who attend the races. These individuals have become more organised over the last three years and teams of ticket touts travel from all over the UK in order to conduct their trade on areas of the public highway around the racecourse.

During the 2018 Aintree Festival, Merseyside Police dedicated a number of resources to gather evidence as to the impact of ticket touting around the event. This information has been shared with Sefton Council to support them in successfully obtaining a PSPO and so tackle the issues that ticket touts cause.

Although the problem of ticket touts has been increasing steadily over the past three years, last year's Aintree Festival experienced a particular spike in this activity. On the opening day of the Festival, there were over 100 reported incidents in comparison with the 35 incidents reported in 2015.

The ticket touts operating around the area of the Aintree Festival are selling tickets at highly inflated prices and their behaviour is often considered anti-social, persistent, unreasonable and intimidating towards people attending the event and local residents going about their daily business.

The proposed order would make it an offence for ticket touts to operate within an identified restricted area of the festival, to sell, expose for sale, make available for sale, advertise ticket availability and / or give tickets to a person who pays or agrees to pay for some other goods.

It would also allow an authorised officer to require any individual or member of a group to disperse, leave the restricted area and not return for up to a maximum of twenty-four hours.

Merseyside Police fully support the view that the introduction of a PSPO would increase the ability of all partners to protect the public from anti-social behaviour arising from ticket touting during the Aintree Festival. This would reduce the detrimental effect ticket touts have on the experience of people attending the event, the quality of life for those who live nearby and secure the excellent reputation that Merseyside has built up from years of hosting the event.

### **3.3 Jane Kennedy – Police and Crime Commissioner for Merseyside**

Further to your correspondence regarding Sefton Council's plans to issue a Public Spaces Protection Order in the Netherton & Orrell, Molyneux wards, 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, Crime and 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 the negative impact on the community and the resulting anti-social behaviour you have outlined in your correspondence.

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

### **3.4 Dickon White, Jockey Club Racecourses NW Regional Director**

We would very much welcome the introduction of a Public Space Protection Order for ticket touting by Sefton Council which would make it an offence to sell, offer for sale or advertise tickets for the Radox Health Grand National outside the racecourse. At Aintree we pride ourselves on providing first class customer service and that starts at the

perimeter of our racecourse. We are grateful for the support of Sefton Council on trying to eradicate these unpleasant, and often criminal, activities of touts and look forward to continuing to work closely with the Council

3.5 The consultation asked three questions to which the following responses were received

1. Do you agree that the proposed Public Space Protection (Ticket Touting Grand National, Aintree) Order should be introduced to restrict ticket touting at the Grand National Horse Racing Meeting? If no please explain why?

YES 19

NO 3

Comments:

- In general, we would prefer to see alternative approaches used to regulate behaviour and that a PSPO should be a measure of last resort. The significant increase in the number of on-street touts operating during the Grand National Racing Meeting, however, indicates that current approaches are not working. A PSPO in these terms mirrors the one in place at the Cheltenham Racecourse is a novel approach to an ongoing problem around major venues.
- I'm fully supportive of this proposal, however would like reassurance a similar order is in place across the boundary in Liverpool as touts may take the view they can step across the Boundary and continue with impunity leaving our enforcement teams powerless.
- Glad you intend to stop the touts. I live within ear shot of the Aintree tanoy system... even in my house, I have trouble getting in and out of where I live on the affected days, I don't like seeing people peeing in the bushes close to where I live, the area is crawling with aggressive police and stewards/ marshals, result i go to Manchester for the duration of the event.

2. Do you agree that the protected area defined within the proposed Public Space Protection (Ticket Touting Grand National, Aintree) Order is Correct? If no please explain why?

YES 14

NO 3

Comments:

- The area needs to be extended to include Warbreck Moor, up to the junction with Melling Road. Previous years touts have been outside the funeral directors and the restaurant next door, causing upset especially to families visiting the funeral directors.
- The area should be increased to include residential streets and areas that are used by local organisations to provide temporary parking facilities for public attending the races. Areas such as Asda Aintree carpark, Old Roan Baptist Church provide parking. The area should include these areas. Also access routes



to the Steeplechase enclosures should also be included. Liverpool Council should be engaged to provide a similar order to extend the area into their boundary

- I think the area should be made bigger
- The protected area appears to cover the channel between Aintree and Old Roan stations. This is very much in line with the approaches taken for imposing restriction zones for advertising and trading at events such as London 2012 and is clearly designed to deal with the most likely places for such activity to occur. If the PSPO is adopted in its proposed form, and with reference to the area covered by the Cheltenham Racecourse PSPO, it appears to be both appropriate and proportionate.

3. Do you agree that the proposed Public Space Protection (Ticket Touting Grand National, Aintree) Order should give authorised officers the power to disperse individuals and groups, to leave the protected area and not return for up to a maximum of twenty-four hours? If no please explain why?

YES 16

NO 1

Comments:

- No, the time should be extended to 72 hours, so if they were dealt with on the Thursday, they then couldn't return until the event on the Saturday is concluded.
- A power of dispersal is an appropriate intermediary power and avoids the need to resort only to prosecution

Two responses were received without the questions being completed. There comments are included above.

#### **4 Proposal**

4.1 This year's Grand National Horse Racing Meeting occurs before the next scheduled Licensing & Regulatory Committee on the 17<sup>th</sup> June therefore to be able to proceed with this matter prior to the event it is necessary to bring the report to a Licensing & Regulatory Urgent Referrals Committee.

4.2 The order would come into effect before this year's Grand National 4-6<sup>th</sup> April and, subject to appropriate review, would remain in force for any subsequent Grand National Meetings whilst the PSPO remains in force.

4.3 The order would make it an offence in the restricted area during the period of the Grand national event to; offer to sell; expose for sale; make available for sale; advertise that tickets are available to purchase and or give tickets to a person who pays or agrees to pay for some other goods.

4.4 It would also allow an authorised officer to require any individual or member of a group to disperse, leave the protected area and not return for up to a maximum of twenty-four hour.

4.5 The Protected area is highlighted on the map within the draft PSPO. This area covers the main routes within the immediate locality of the event and covers drop off points and the pedestrian walking routes from both Aintree and Old Road Stations.

## **5 Conclusion**

5.1 The proposed order takes on board both the views and desire of Merseyside Police, Police & Crime Commissionaire for Merseyside, The Jockey Club and other respondents to consultation too 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 – (Ticket Touting Grand National Aintree) Order 2019 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"):

#### **Public Space Protection – (Ticket Touting Grand National Aintree) Order 2019**

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 Public Spaces Protection – (Ticket Touting Grand National Aintree) Order and came into force on 28<sup>th</sup> March 2019 for the duration of three years.

3. The following activities have caused a detrimental effect to the quality of life of those in the locality: -

- a) Persons offering to sell tickets for restricted events
- b) Persons exposing for sale tickets for restricted events
- c) Persons making available for sale by another tickets for restricted events

- d) Persons advertising tickets for purchase for restricted events
- e) Persons giving away or offers tickets for restricted events in exchange for the purchase of some goods or services

4. The effect of the Order is to impose the following conditions on the use of the protected area during restricted events: Any person, other than the official organiser of any of the restricted events, who (i) Offers to sell tickets for any restricted event; (ii) Exposes for sale tickets for any restricted event; (iii) Makes available for sale by another tickets for any restricted event; (iv) Advertises that tickets for any restricted event are available for purchase; and / or (v) Gives tickets for any restricted event to a person who pays or agrees to pay for some other goods or services or offering to do so commits an offence.

5. Restricted Events referred to are: (a) The Grand National Race Meeting, Aintree

6. 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) In this area, any person who continues to carryout activities from which they are prohibited commits an offence.

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

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

A person guilty of an offence under conditions 4 and 6 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.

## **(7) 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 shaded on the attached plan

**Duration of Order**

(1) This Order will remain in force for the period of three years 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 7(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 -



Public Space Protection – (Ticket Touting Grand National Aintree) Order 2019

