

REPORT TO THE COMMUNITY AND CORPORATE ORGANISATION POLICY AND SCRUTINY PANEL

DATE OF MEETING: 1ST NOVEMBER 2016

SUBJECT OF REPORT: PUBLIC SPACE PROTECTION ORDERS

TOWN OR PARISH: ALL

**OFFICER/MEMBER PRESENTING: COUNCILLOR PETER CREW, CHAIRMAN
OF THE COMMUNITY RESPONSE WORKING GROUP**

KEY DECISION: NO

RECOMMENDATIONS

To comment on and support the undertaking of a formal public consultation on the proposals listed in Appendix A of this report.

1. SUMMARY OF REPORT

Under the Anti-Social Behaviour, Crime and Policing Act 2014, the Council has an opportunity to introduce Public Space Protection Orders (PSPOs), which are intended to replace existing Dog Control Orders, Designated Public Protection Orders and, where appropriate, local byelaws. In real terms, this means that the Council will be able to make orders to deal with a particular nuisance or problem that is detrimental to the local community by imposing conditions on the use of an area which apply to everyone.

The proposals were discussed at a workshop for Councillors on Wednesday, 28th September 2016 and were then further discussed at a Scrutiny Working Group meeting on the Monday, 10th October 2016. A summary of the proposals can be found in section 3 of this report and a full list can be found in Appendix A.

2. POLICY

The Anti-social Behaviour, Crime and Policing Act 2014: Statutory guidance for frontline professionals provides guidance to local authorities on the steps it must take before introducing a PSPO.

3. DETAILS

In summary the proposals are as follows: -

3.1 A proposal to introduce ten orders that will apply to **any land to which the public is entitled or permitted to have access with or without payment** making it an offence to: -

- Fail to remove dog faeces

- Fail to produce a receptacle for picking up dog faeces
- Fail to put a dog on a lead when required to do so
- Deposit litter
- Urinate or defecate in any place other than a public convenience
- Fail to move on when requested to do so by an authorised officer
- Undertake any form of commercial activity on public property without the written permission of the Council
- Post a notice or sign on public property without the written permission of the Council
- Fail to stop consuming intoxicating substances when asked to do so
- Fail to surrender intoxicating substances when asked to do so

3.2 A proposal to introduce four restrictions to cover **any park, common, pleasure ground, grassed communal areas and beach** to impose restrictions on

- Riding a horse (unless on a public bridleway/highway) with the exception of beaches
- Parking or driving vehicles (without permission)
- Skateboarding, riding scooters or roller blading as to cause damage annoyance and/or nuisance
- Lighting fires (without permission)

3.3 A proposal covering **all enclosed children's play areas** to ensure

- No dogs
- No smoking

3.4 A proposal to introduce three orders to cover **any council managed designated parking areas** to impose restrictions on

- Depositing or leaving any vehicle, trailer with the purpose of abandoning it there
- Acting in a manner to cause nuisance and or annoyance to any parking place user, resident or other person
- Distributing leaflets or other advertising material or promote any cause, event or any other matter in any council managed designated parking areas

3.5 A proposal to introduce a number of **other orders** mainly replacing dog control orders with PSPOs in the following **towns and parishes**

Banwell, Blagdon, Bleadon, Clevedon, Congresbury, Dundry, Hutton, Kewstoke, Locking, Long Ashton, Nailsea, Pill & Easton-in-Gordano, Portbury, Portishead, St Georges, Tickenham, Weston-in-Gordano, Weston-super-Mare, Winford & Felton, Winscombe & Sandford, Wrington, Yatton & Claverham, Weston-in-Gordano.

4. CONSULTATION

Before making a PSPO, the council must consult with the local police. This should be done formally through the chief officer of police and the Police and Crime Commissioner, but details could be agreed by working level leads. This is an opportunity for the police and council to share information about the area and the problems being caused as well as discuss the practicalities of enforcement. In addition, the owner or occupier of the land should be consulted. This should include the County Council (if the PSPO application is not being led by them) where they are the Highway Authority.

The council must also consult whatever community representatives they think appropriate. This could relate to a specific group, for instance the residents association, or an individual or group of individuals, for instance, regular users of a park or specific activities such as

busking or other types of street entertainment. Before the PSPO is made, the council also has to publish the draft order in accordance with regulations published by the Secretary of State.

5. FINANCIAL IMPLICATIONS

Interested persons must be informed about how they can view a copy of the proposed order, and be given details of how they can make representations and by when. The council's website, publications and social media will be used to publicise the consultation. Where issues are more localised temporary notices will be put up. These costs will be met through existing budgetary provision.

6. RISK MANAGEMENT

There has been a lot of interest nationally over the introduction of Public Space Protection Orders, the expectation is that our proposals will also generate some interest from the local and national media. A press release will be put together to ensure that a clear and consistent message is given.

7. EQUALITY IMPLICATIONS

The consultation process will gather an adequate evidence base for an equality impact assessment leading to informed decision-making in respect of these proposals

8. CORPORATE IMPLICATIONS

The introduction of PSPOs is an example of a one council approach to tackling anti-social behaviour in North Somerset.

9. OPTIONS CONSIDERED

To not undertake a consultation – failure to undertake a consultation at this time will effectively mean all our Dog Control Orders and Designated Public Place Orders will cease to have effect post Oct 2017. Meaning that we will have no powers to request people to pick up after their dogs and the police will have reduced powers to tackle alcohol related issues in our town centres.

To consult on the replacement of Dog Control Orders and Designated Public Place Orders only – This would be a very piecemeal approach to the process. We should be using the best of our time and resources in ensuring that the scope of these orders are fully instigated

AUTHOR

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APPENDICES

Appendix A: Full list of areas and offences

BACKGROUND PAPERS

References -

Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers Statutory guidance for frontline professionals – Home Office (July 2014)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2.pdf