

North Somerset Council

REPORT TO THE FULL EXECUTIVE

DATE OF MEETING: 20 JUNE 2017

SUBJECT OF REPORT: PUBLIC SPACE PROTECTION ORDERS

TOWN OR PARISH: ALL

OFFICER/MEMBER PRESENTING: EXECUTIVE MEMBER FOR WASTE AND RECYCLING, ENVIRONMENT AND BUILDING CONTROL

KEY DECISION: YES

RECOMMENDATIONS

The Executive:

- i. Notes and considers the outcome of the consultation;
- ii. Agrees to make Public Space Protection Orders as detailed in sections 4.1 to 4.7 below;
- iii. Agrees and authorises officers to undertake a secondary consultation exercise (if required) in relation to the matters outlined in section 4.8 and following further gathering of information in consultation with local communities;
- iv. Considers the content of the overall Equality Impact Assessment, attached as Appendix C.

1. SUMMARY OF REPORT

1.1 Public Space Protection Orders (PSPOs) were brought in under the provisions of the Anti-social Behaviour, Crime and Police Act 2014. The purpose of these orders is to control and/or support the reduction of anti-social-behaviour in public places. Before introducing an order the council must be satisfied that two conditions are fulfilled:

- that the activities carried on/will be carried on in a specific area and impact upon quality of life;
- that activities are persistent/unreasonable.

and as a result the PSPO restrictions are reasonable and proportionate.

1.2 Some of the PSPOs will replace our existing Dog Control and Designated Public Place Orders and update byelaw provisions. They also provide us with an opportunity to introduce new restrictions to address emergent forms of anti-social behaviour. In time, our existing Dog Control and Designated Public Place Orders will no longer be enforceable unless replaced by the new PSPOs. The PSPOs will give both council officers and police personnel the right to issue on-the-spot-fines. The use of these powers is intended to be proportionate. The decision as to whether or

not to take enforcement action will be retained by the officer(s) dealing with the incident in line with our approved enforcement procedures. It is intended that over 100 council and police personnel will be trained to enforce the orders, including:

- Civil Parking Staff
- Community Response
- Police Community Support Officers
- Police Constables
- And other accredited officers based in our regulatory teams

2. POLICY

- 2.1 The introduction of the orders will support the vision and ambition of the council to ***“build and sustain great places to live and visit that are vibrant, accessible and safe”***.
- 2.2 Attention is drawn to the following policy documents (full details of which can be found in the reference section of this report)
 - 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.
 - The council’s policy relating to the issue of Fixed Penalty Notices - explains the process that officers must take when considering enforcement action.
 - The Regulatory Services Enforcement Procedure – explains the council approach to enforcement in line with the Regulators Code (national guidance).

3. Consultation

- 3.1 Prior to going out to consultation officers liaised informally with communities to determine the nature and extent of anti-social-behaviour in their area. This valuable source of information was cross referenced with our own service data. The council then undertook a public consultation exercise on a number of proposals between the 1 February and 31 March 2017. The consultation was hosted on e-Consult. A dedicated email inbox was set up and was monitored daily and paper copies were sent out on request. Over 1000 signs were displayed across the district advertising the consultation and encouraging people to take part. Reference copies were placed at each of our 12 libraries and key stakeholders were identified & contacted individually.
- 3.2 Articles were placed in North Somerset Life magazine, Members Only and Your Patch and within the council’s own internal publications. The consultation was further promoted through press releases and social media coverage. The Community and Corporate Organisation Policy and Scrutiny Panel has been consulted and commented upon the proposals.
- 3.3 The council also consulted with Avon & Somerset Constabulary, including the Police and Crime Commissioner. The police and the council have shared information about the issues raised by our communities and will be working together to deliver training to over 100 authorised officers from within the council and police service.

- 3.4 A total of 357 consultation responses have been received and have been taken into account when writing this report. A full copy of the results are available from the Environmental Health Service Manager and Members are requested to acquaint themselves with the content. A summary of the consultation responses can be found in **Appendix A** of this report. The recommendations contained in section 4 below are based on the results of this extensive community consultation exercise. Members will also note that in some localities proposals were not supported and it is intended that there will be further engagement with these communities to discuss the nature and extent of any local issues and how we may best address them in the future. In addition, there are other types of anti-social-behaviour that have emerged since the consultation and require further consideration. For example, the use of drones and inconsiderate car parking around school sites.
- 3.5 Communities were also invited to provide free text comments as part of the consultation. The feedback was that communities want to see a strong and robust approach to enforcement of the orders.

4. DETAILS

The recommendations following consultation are as follows:

- 4.1 To introduce nine DISTRICT WIDE orders that will apply to **any land to which the public is entitled or permitted to have access with or without payment** so that from October 2017 officers can effectively take action on those who without reasonable excuse:
- Fail to remove dog faeces
 - Fail to produce a receptacle for picking up dog faeces when asked to do so
 - 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
 - Trade on public property without permission
 - Fail to remove a notice or sign on public property when asked to do so
 - Fail to stop consuming intoxicating substances when asked to do so (as defined in the order)
 - Fail to surrender intoxicating substances when asked to do so (as defined in order)
- 4.2 To introduce three restrictions to cover **any park, common, pleasure ground, grassed communal area and beach** so that from October 2017 officers can effectively take action on those who without reasonable excuse:
- Are riding horses where it is not permitted
 - Are parking or driving vehicles in places where it is not permitted
 - Are lighting fires in places where it is not permitted
- 4.3 To Introduce orders covering **all enclosed children's play areas** so that, from October 2017, officers can effectively take action on those who without reasonable excuse:
- Allow a dog in a children's play area
 - Smoke in a children's play area

- 4.4 To introduce an order to cover **any public library, museum, council building or public convenience** so that **officers can effectively take action on those who without reasonable excuse**
- Engage in behaviour as to cause annoyance and/or nuisance (as defined in the order)
- 4.5 To introduce three orders to cover **any off-street council managed parking areas** to impose restrictions so that from October 2017 officers can effectively take action on those who without reasonable excuse:
- Deposit or leave any vehicle, trailer with the purpose of abandoning it there
 - Act in a manner to cause nuisance and or annoyance to any parking place user, resident or other person (as defined in the order)
 - Distribute leaflets or other advertising material or promote any cause, event or any other matter in any council managed designated parking areas
- 4.6 To introduce a number of orders stipulating **new / amended** requirements in the following locations. The following restrictions will apply:
- Clevedon Marine Lake - no dogs allowed
 - Portishead Marina (East & West) – all dogs on leads
 - Weston-super-Mare High Street – all dogs on leads
 - Weston-super-Mare Princess Royal Square – no skateboarding, scootering, roller blading or inline skating
 - Weston-super-Mare Town Centre – no charitable collections without permission
- 4.7 To **replace the dog control orders that already exist** in the following towns and parishes with PSPOs (See **Appendix B** for further details):
- Banwell, Blagdon, Bleadon, Clevedon, Congresbury, Dundry, Hutton, Kewstoke, Locking, Long Ashton, Nailsea, Pill & Easton-in-Gordano, Portbury, Portishead, St Georges, Tickenham, Weston-super-Mare, Winford & Felton, Winscombe & Sandford, Wrington, Yatton & Claverham
- 4.8 It is also recommended that there is further engagement with communities to determine whether the council should make any more PSPOs to control and reduce anti-social-behaviour. A secondary consultation exercise will be undertaken if there is sufficient evidence and support from local communities. Further guidance will be sought on the following:
- District wide offences/restrictions:
- Fail to move on when requested to do so by an authorised officer
 - Restrictions on parking around school sites
 - Restrictions on the use of drones
- Parks, commons, pleasure grounds and beach - an offence to:
- Skateboard, riding scooters or roller blading as to cause annoyance and/or nuisance

Restrictions and offences in relation to specific localities, including:

- Clevedon Cricket Club – all dogs on leads
- Clevedon Conygar Quarry – no motorised vehicles
- Congresbury Kent Road Green – all dogs on leads
- Congresbury King George V Playing Fields – all dogs on leads / no dogs on pitch
- Congresbury Millennium Green Paddock – no dogs
- Long Ashton Community Centre – extension to cover Peel Park - dogs on leads
- Pill and Easton-in-Gordano – no motorised vehicles
- Portbury Nature Reserve – all dogs on designated paths
- Portishead Rodmoor Gardens – all dogs on leads
- Portishead Marine Lake – no fishing
- Weston-super-Mare Beach – extend the dog exclusion to include April
- Weston-super-Mare High Street – no cycling
- Weston-super-Mare Tip – no motorised vehicles
- Worle Recreation Ground – all dogs on leads / no dogs on the pitch
- Felton Common – no airport parking
- Wrington – Silver Street – no dogs
- Wrington – Glebe Field – dogs on leads
- Yatton – Strawberry line – no motorised vehicles

5. FINANCIAL IMPLICATIONS

- 5.1 Signage will be required at the locations affected by the orders. In places where existing dog control orders, designated place protection orders and bylaws are to be replaced with PSPOs existing signage will be altered to reflect this. In other areas new signage will be required. These costs will be met through existing revenue provision.
- 5.2 Officers will also need to be trained on the use of these orders, this training will be delivered jointly with the police, the cost of which will be met through existing revenue budget provision. It is intended that through cross-skilling and training that the enforcement of PSPOs will be delivered by existing staffing resources.
- 5.3 In addition, any appeals and/or judicial review of our actions would incur a cost. Whilst some work will be undertaken by our own legal service teams, there may be occasions when we have to buy in external legal advice. There is a limited revenue budget for these purposes.

6. RISK MANAGEMENT

- 6.1 There has been a lot of interest nationally over the introduction of PSPOs and some questions have been raised about the use of orders and whether they represent a reasonable approach to addressing anti-social-behaviour. We have undertaken informal discussions with our communities and looked at our service data prior to going out to formal consultation.
- 6.2 With regard to these proposals, risks currently revolve around our duty to consult. This risk is mitigated by our robust engagement process as outlined in section 3 of this report. The Executive is requested to consider the consultation responses as outlined in this report and the background full consultation document.

- 6.3 The timeline for implementation (October 2017) allows scope for reviewing the orders to ensure that they are enforceable.
- 6.4 The council must ensure that the needs of the community are considered under the provisions of the Equalities Act 2010. This is addressed through the impact assessment, please see section 7 below.

7. EQUALITY IMPLICATIONS

7.1 Equality issues have been considered as part of these proposals:

- An Equalities Impact Assessment has been completed and is attached as Appendix C;
- We have collated and reviewed data held by the service on usage and locality information;
- Throughout the informal and formal consultation respondents were prompted to include comments on equalities considerations that may impact upon them. 25 responses were received indicating that they thought the proposals disadvantaged certain groups. 21 individuals and organisations chose to comment further. The feedback is summarised below:
 - Concerns about criminalising young people
 - Concerns about older people with dogs having to walk further, ie where it is proposed to ban dogs in some village areas
 - Older people and the need to urinate more frequently
- We have identified a set of actions (see section 4 of Appendix C);
- We will be undertaking further consultation before introducing any more orders, in response to the feedback.

8. CORPORATE IMPLICATIONS

Legal Implications:

- 8.1 PSPOs were brought in under the Anti-social Behaviour, Crime and Policing Act in 2014, which came in to force on 20 October 2014. Before introducing the orders local authorities must be satisfied that the conditions outlined in section 1.1 have been fulfilled. The recommendations contained in this report have been produced following extensive analysis of our own data sets, informal discussions with communities and following formal consultation. It is also worth noting that many of the provisions are already in place and that these will cease to exist if not replaced with PSPOs. The Equalities Impact Assessment provides further information on service data (section 2.1).
- 8.2 As part of the consultation communities have been clear on their request for a robust approach to enforcement of the orders. The council has recently reviewed its' enforcement procedures to ensure that they reflect national guidance and support local community aspirations.

Health and Safety:

- 8.3 The responsibility for health and safety is delegated via the Chief Executive Officer and Directors. Service managers regularly review risk assessments. Mitigation measures are put in where it is not possible to eliminate hazards and to ensure

residual risks are as low as possible. Robust operational procedures are in place and regular training takes place to ensure that officers are able to deal with conflict and diffuse situations.

9. OPTIONS CONSIDERED

- 9.1 **To not introduce any PSPOs** – Our Dog Control Orders and Designated Public Place Orders will cease to continue to have effect if we do not transfer them into PSPOs. 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.
- 9.2 **To introduce PSPOs to replace 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 considered.
- 9.3 **To introduce all the orders contained within the original proposals** – We have undertaken a public consultation which has clearly identified areas which require further community engagement. We must use this as an opportunity to find a solution to the problems that best meet the needs of all those that use the area.

Preferred Option: To agree to the making of the orders as outlined in sections 4.1 – 4.7 inclusive and give further consideration to those matters detailed in section 4.8.

AUTHOR

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BACKGROUND PAPERS

Appendix A: -Consultation Responses
Appendix B – Dog Control
Appendix C – Equality Impact Assessment

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

Fixed Penalty Notices – an operational policy <http://www.n-somerset.gov.uk/wp-content/uploads/2017/01/fixed-penalty-notice-procedure.pdf>

The Regulatory Services Enforcement Procedure

<http://www.n-somerset.gov.uk/wp-content/uploads/2015/11/regulatory-services-enforcement-procedure-pdf.pdf>

Full Consultation Response Document

[Available from Dee Mawn, Environmental Health Service Manager](#)

Public Space Protection Orders

Appendix A – Summary of results



District wide

	Agree	Disagree	Indifferent	Agree	Disagree	Indifferent
Fouling	127	2	5	95%	1%	4%
Littering	80	2	10	87%	2%	11%
Means to pick up	80	26	17	65%	21%	14%
Put on a lead by direction	100	35	9	70%	24%	6%
Urination/defecation	57	2	6	88%	3%	9%
Move on	38	12	8	65%	21%	14%
Commercial activity	28	6	6	70%	15%	15%
Posting a notice	30	7	1	79%	18%	3%
consumption intoxicating substances	44	3	7	81%	6%	13%
Surrender intoxicating substances	35	1	8	80%	2%	18%

Parks

	Agree	Disagree	Indifferent	Agree	Disagree	Indifferent
Horse-riding	24	17	1	57%	41%	2%
Parking / Driving	33	8	5	72%	17%	11%
Skating / Scootering	38	17	0	69%	31%	0%
Fires	33	16	2	65%	31%	4%

Public space protection orders | www.n-somerset.gov.uk/pspo



Play areas

	Agree	Disagree	Indifferent	Agree	Disagree	Indifferent
No dogs	41	2	2	91%	5%	4%
No smoking	33	3	0	92%	8%	0%

Public space protection orders | www.n-somerset.gov.uk/pspo



Nuisance in public buildings

	Agree	Disagree	Indifferent	Agree	Disagree	Indifferent
Nuisance in public buildings	31	3	2	86%	8%	6%

Public space protection orders | www.n-somerset.gov.uk/pspo



Council managed car parks

	Agree	Disagree	Indifferent	Agree	Disagree	Indifferent
Abandoned vehicles	23	0	4	85%	0%	15%
Nuisance	27	3	4	79%	9%	12%
Distribution of leaflets	18	6	3	67%	22%	11%

Public space protection orders | www.n-somerset.gov.uk/pspo



Specific areas

= Further consideration

	Agree	Disagree	Indifferent	Agree	Disagree	Indifferent
Clevedon Cricket Club - Dogs on leads	3	42	2	4%	89%	7%
Clevedon Marine Lake - no dogs	16	8	1	64%	32%	4%
Clevedon Conygar Quarry - no motorised vehicles	3	0	1	75%	0%	25%
Congresbury Kent Road Green - Dogs on leads	0	2	0	0%	100%	0%
Congresbury King George V Playing Fields - dogs on leads / no dogs on pitch	3	3	1	43%	43%	14%
Congresbury Millennium Green Paddock - no dogs	2	9	1	17%	75%	8%
Pill Avon Close cycle path no motorised vehicles	3	1	0	75%	25%	0%
Portbury Nature Reserve - all dogs on designated paths	4	1	0	80%	20%	0%
Portishead Marina - all dogs on leads	13	2	3	72%	11%	17%
Portishead Rodmoor Gardens - All dogs on leads	8	2	1	67%	22%	11%
Portishead Marine Lake - no fishing	3	4	3	30%	40%	30%
WSM Beach - Extend dog exclusion to include April	12	19	8	31%	49%	20%
WSM High Street - Dogs on leads	19	1	1	90%	5%	5%
WSM High Street - no cycling	14	10	0	58%	42%	0%
WSM Town Centre - collect charitable donations without permission	16	2	2	80%	10%	10%
WSM Tip - no motorised vehicles	7	1	0	87%	13%	0%
Worle Rec - dogs on leads / no dogs on the pitch	10	9	1	50%	45%	5%
Felton Common - no airport parking	1	1	1	33.30%	33.30%	33.30%
Wrighton - Silver Street - no dogs	1	14	0	0%	93%	7%
Wrighton - Glebe Field - dogs on leads	3	7	0	30%	70%	0%
Yatton - Strawberry line	10	1	3	72%	7%	21%

Public Space Protection Orders

Appendix B – Dog Control Provisions



Implementation (specific areas)

Recommends that all existing DOG CONTROL ORDERS **REQUIRING DOGS ON LEADS** in the following locations are replaced with:

Public space protection orders – requiring dogs on leads

So that from **October 2017** officers can effectively take action on those who without reasonable excuse fail to keep a dog on a lead in the following locations

Area	Sites
Blagdon	The Clennon, The Mead, The Rocks
Bleadon	The Parish Allotment Site, The Village Cross Area, Jubilee Hall
Clevedon	Coleridge Vale Playing Field, Clevedon Promenade
Congresbury	Broadstones Playing Field, Riverside Gardens, King George V Playing Fields
Hutton	Phippen Park, Springwood Recreation Ground
Locking	Parish Allotment Site
Nailsea	Grove Playing Field
Pill & Easton-in-Gordano	Rudleigh Inn, Court Hay Football Field, Victoria Park, Lodway Cricket Club
Portishead	Promenade
St Georges	Village Play Area
Weston-super-Mare	Promenade, Clarence Park West, Grove Park



Implementation (specific areas)

Recommends that all existing DOG CONTROL ORDERS **EXCLUDING DOGS** in the following locations are replaced with:

Public space protection orders – excluding dogs

So that from **October 2017** officers can effectively take action on those who without reasonable excuse allow their dogs into the following areas

Area	Site
Banwell	Banwell Recreation Grounds, Banwell Scout Hut
Bleadon	Mulberry Lane
Clevedon	The beach (adjacent to the pier)
Dundry	Dundry Village Recreation Ground
Hutton	St Mary's Field
Kewstoke	Recreation Ground, Playground
Locking	The Village Park
Long Ashton	Birdwell Recreation Ground
Pill & Easton-in-Gordano	Brookside Playing Field, Hardwick Road Playing Field, Parish Pitch –Macrae Road, The Orchard
Portbury	Portbury Ponds
Portishead	Sports Field
St Georges	Community Centre, The Copse, Football Pitch
Tickenham	Village Hall Field
Weston-super-Mare	Marine Lake, Drove Road Recreation Ground, Baytree Recreation Field
Winford & Felton	Raglan Field, Vee Lane Playing Field
Winscombe & Sandford	Longfield, War Memorial Recreation Ground
Wrington	Christchurch Churchyard
Yatton & Claverham	Hangstones Playing Field, Rock Road Recreation Ground (former DCO)

Public space protection orders | www.n-somerset.gov.uk/pspo



APPENDIX C

Service area:	Public Space Protection Orders (PSPOs) (D&E)
Equality impact assessment owner:	Dee Mawn
Review date:	April 2018

Service User Impact (High, medium or low)	
Before mitigating actions	After mitigating actions
M	L

Staff Impact (High, medium or low)	
Before mitigating actions	After mitigating actions
L	L

Section 1 – The Proposal

1.1 Background to proposal

To replace some of our existing enforcement powers (or they will cease to exist) and introduce some new provisions. The aim of these orders is to support partnership working in the controlling/reduction of anti-social-behaviour

Summary of changes:

To Introduce nine DISTRICT WIDE orders that will apply to **any land to which the public is entitled or permitted to have access with or without payment** so that from October 2017 officers can effectively take action on those who without reasonable excuse:

- Fail to remove dog faeces
- Fail to produce a receptacle for picking up dog faeces when asked to do so
- 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
- Trade on public property without permission
- Fail to remove a notice or sign on public property when asked to do so
- Fail to stop consuming intoxicating substances when asked to do so
- Fail to surrender intoxicating substances when asked to do so

To introduce three restrictions to cover **any park, common, pleasure ground, grassed communal area and beach** so that from October 2017 officers can effectively take action on those who without reasonable excuse:

- Are riding horses where it is not permitted
- Are parking or driving vehicles in places where it is not permitted
- Are lighting fires in places where it is not permitted

North Somerset Council – Equality Impact Assessment Template

To introduce orders covering **all enclosed children's play areas** so that so that from October 2017 officers can effectively take action on those who without reasonable excuse:

- Allow a dog in a children's play area
- Smoke in a children's play area

To introduce an order to cover **any public library, museum, council building or public convenience** so that **officers can effectively take action on those who without reasonable excuse**

- Engage in behaviour as to cause annoyance and/or nuisance

To introduce three orders to cover **any off-street council managed parking areas** to impose restrictions so that from October 2017 officers can effectively take action on those who without reasonable excuse:

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

To introduce a number of orders stipulating **new / amended** requirements in the following locations. The following restrictions will apply:

- Clevedon Marine Lake - no dogs allowed
- Portishead Marina (East & West) – all dogs on leads
- Weston-super-Mare High Street – all dogs on leads
- Weston-super-Mare Princess Royal Square – no skateboarding, scootering, roller blading or inline skating
- Weston-super-Mare Town Centre – no charitable collections without permission

To **replace the dog control orders that already exist** in the following towns and parishes with PSPOs (See **Appendix B** for further details):

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

It is also recommended that there is further engagement with communities to determine whether the council should make any more PSPOs to control and reduce anti-social-behaviour. A secondary consultation exercise will be undertaken if there is sufficient evidence and support from local communities. Further guidance will be sought on the following:

District wide offences/restrictions:

- Fail to move on when requested to do so by an authorised officer
- Restrictions on parking around school sites
- Restrictions on the use of drones

Parks, commons, pleasure grounds and beach - an offence to:

- Skateboard, riding scooters or roller blading as to cause annoyance and/or nuisance

Restrictions and offences in relation to specific localities, including:

- Clevedon Cricket Club – all dogs on leads
- Clevedon Conygar Quarry – no motorised vehicles
- Congresbury Kent Road Green – all dogs on leads
- Congresbury King George V Playing Fields – all dogs on leads / no dogs on pitch
- Congresbury Millennium Green Paddock – no dogs
- Long Ashton Community Centre – extension to cover Peel Park - dogs on leads
- Pill and Easton-in-Gordano – no motorised vehicles
- Portbury Nature Reserve – all dogs on designated paths
- Portishead Rodmoor Gardens – all dogs on leads
- Portishead Marine Lake – no fishing
- Weston-super-Mare Beach – extend the dog exclusion to include April

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- Weston-super-Mare High Street – no cycling
- Weston-super-Mare Tip – no motorised vehicles
- Worle Recreation Ground – all dogs on leads / no dogs on the pitch
- Felton Common – no airport parking
- Wrington – Silver Street – no dogs
- Wrington – Glebe Field – dogs on leads
- Yatton – Strawberry line – no motorised vehicles

1.2 Is there a budget reduction associated with this proposal?

No.

1.3 Who is likely to be effected by these proposals?

People who live, visit and work in North Somerset are likely to be affected by these proposals. The intention is that these proposals will have mostly a positive impact in North Somerset by making our public places safer, cleaner and more enjoyable. However in doing so we need to ensure that certain users of a public place are not discriminated against by the introduction of PSPOs.

1.4 Please detail below how this proposal may impact on any other organisation and their customers

The introduction of PSPOs will support the council's vision and ambition of the council to ***“build and sustain great places to live and visit that are vibrant, accessible and safe”***. We have worked jointly with the police and other organisations to identify types of anti-social behaviour that frequently takes place within our North Somerset towns and villages that reduces our ability to achieve this ambition. The opportunity to introduce PSPOs enables us to deal with anti-social behaviour effectively and will therefore benefit not only our residents but our businesses and their customers as well by making north Somerset a desirable place to live, visit and work. It is equally important however to ensure that our proposals are reasonable and that we enforce the orders in a proportionate, fair and consistent manner.



Section 2 – What Do We Know?

2.1 Service Data:

Area Officers: 81.3% of reactive activity relates to Highways activity and 10.3% to fly-tipping.

Area Officer Highways Activity by area		
Gordano/Pill	1584	24%
Wrington/Brockley	1102	17%
Clevedon	900	14%
Milton; Worle	780	12%
C'bury/Yatton/C'hill	763	12%
Winscombe; Sandford;Banwell	645	10%
WsM UpHill; Hillside	540	8%
WsM Central	272	4%
Totals	6586	100%
WsM	1592	24%

Environmental Protection and Community Response:

Community Response: 68% of specific activity relates to nuisance, vulnerable adults and dog related issues

Environmental Protection:

- a. Focus of reactive activity is noise and dog related (45.8% and 19.8% respectively)
- b. Other complaints often associated with overgrown gardens, hoarding, publicly owned land or land where there is no clear owner etc

North Somerset Council – Equality Impact Assessment Template



Community Response	Enforcement; Investigation	Nuisance	50	32.0%
		Personal (vulnerable adults)	35	23.0%
		General Patrol	28	18.0%
		Dogs	20	13.0%
		<i>sub total</i>	<i>133</i>	<i>86.0%</i>
Environmental Protection	Enforcement; Investigation	Noise	1176	45.8%
		Dogs	509	19.8%
		Smoke	159	6.2%
		Odour	137	5.3%
		Rats	94	3.7%
		<i>sub total</i>	<i>2075</i>	<i>80.9%</i>

North Somerset Council – Equality Impact Assessment Template

Geographical Distribution of activity recorded on Flare	Weston super Mare	3210	45.8%
	Worle	243	3.5%
	Locking	98	1.4%
	St Georges	97	1.4%
	Kewstoke	88	1.3%
	Hutton	61	0.9%
	Uphill	42	0.6%
	Hewish	39	0.6%
	Milton	36	0.5%
	West Wick	32	0.5%
	<i>WsM Total</i>	<i>3946</i>	<i>56.3%</i>
	Portishead	545	7.8%
	Clevedon	561	8.0%
	Nailsea	315	4.5%
	Yatton	137	2.0%
	Long Ashton	138	2.0%
	Totals	5642	80.5%

2.2 What does the data or evidence tell us about the potential impact on diverse groups, and how is this supported by historic experience/data?

The data indicates where anti-social-behaviour is taking place and where we should be allocating our resources.

2.3 Are there any gaps in the data, for example across protected characteristics where information is limited or not available?

Yes, there are gaps in our data. We do not currently collect service data on protected characteristics, for those making a complaint about anti-social-behaviour or the alleged perpetrators. Our Enforcement Procedures are based on a graduated and proportionate approach. We ensure that when we need to take a more formal approach that that we are consistent and fair. We also have an equality statement included as part of our procedures.

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2.4 How have we involved those that could be affected?

The council made pre-consultation enquiries with all Town & Parish Councils to find out what types of anti-social behaviours were apparent in their districts that could potentially be addressed by PSPOs. Once a list had been drafted it was sent to local police teams for their input. The proposals were then discussed at a workshop for Councillors on 28th September 2016 and were then further discussed at a Scrutiny Working Group and Panel meetings.

Public consultation ran between the 1 February and 31 March 2017. The consultation included local interest groups and town and parish councils.

2.5 What has this told us?

Throughout the informal and formal consultation respondents were prompted to include comments on equalities considerations that may impact upon them. 25 responses were received indicating that they thought the proposals disadvantaged certain groups. 21 individuals and organisations chose to comment further. These comments can be grouped as follows:

- Concerns about criminalising young people
- Concerns about older people with dogs having to walk further, ie where it is proposed to ban dogs in some village areas
- Older people and the need to urinate more frequently

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2.6 Are there any gaps in our consultation, what are our plans for the future?

There are no gaps in our consultation, however, services need to put in place plans to collate service user equalities data – both for those complaining about anti-social-behaviour and perpetrators.

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Section 3 – Assessment of Impact

Will the proposals included in this assessment have an impact on any of the following?	Actual or potential impact				Is the actual or potential impact negative, positive or both?
	High	Medium	Low	None	
Disabled people	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Negative
People from different ethnic groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Negative
Men and women	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Negative
Lesbian, gay or bisexual people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None
People on a low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Both
People in particular age groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Both
People in particular faith groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None
Transgender people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None
People who are married or in a civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None
Women who are pregnant or on maternity leave	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Positive
Other specific impacts, for example carers, parents; please specify	People in particular age groups - both young and older age groups People with a disability People on low income				



	<p>Pregnant women/Young People</p>
<p>Please describe the impacts listed above</p>	<p>Dog Control:</p> <p>Disabled people – the order could have a negative impact on people with a disability, therefore to mitigate this the following exemption will apply. A person would not be expected to comply with this requirement if:</p> <ul style="list-style-type: none"> (i) the person is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948, or (ii) the person has a disability which affects their mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects in respect of a dog trained by a prescribed charity and upon which they rely for assistance <p>The order could also have a positive effect on disabled people because if it helps to support responsible dog ownership.</p> <p>People in particular age groups – Young people - Officers are mindful that these orders are focused on addressing anti-social-behaviour in public places. Often young people congregate in open spaces and we will ensure that we have a proportionate approach to addressing any issues raised by communities. The purpose of these orders is not to criminalise young people. Our consultation also indicates that a small number of older people with bladder illness are concerned that they may too be subject to formal action. Again, there is flexibility in our approach and the purpose of these orders is to address deliberate and persistent anti-social-behaviour, not individuals with a chronic illness. With regard to older people, some of the dog bans may necessitate dog owners walking/driving further to exercise their dog.</p> <p>Women who are pregnant or on maternity leave and parents in general the proposal would have a positive effect reducing health risks that dog fouling poses and will also reduce the likelihood of babies and toddlers coming into contact with dog faeces and the unpleasantness of having it on shoes, clothing and prams.</p> <p>Dog walkers/owners - Those that fail to pick up after their dogs would be fined, a zero tolerance approach is to be adopted in respect of dog fouling. This would however have a positive impact on responsible dog owners because if dog fouling is dealt with effectively it will reduce the likelihood of imposing further restrictions on where dogs can and cannot go. Communities are very clear on this matter, that they want us to address those dog owners that are not responsible.</p>



	<p>People on low income: We know that a significant proportion of our complaints about littering etc come from communities in south/central ward. These orders will provide us with additional powers to address anti-social behaviour in these localities. Conversely, perpetrators may well be residents on low incomes and may be served with a Fixed Penalty Notice.</p>
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Does this proposal have any potential Human Rights implications? If 'yes', please describe	No
Does this proposal have an impact on health inequalities? If 'yes', please describe	Yes, the proposal would reduce health inequalities. Tackling dog fouling also compliments the following corporate Health and Wellbeing outcomes of “Enabling residents to make healthy choices and promote active lifestyles which reduce ill health and increase independence” by improving our green spaces and making them more appealing; and “supporting families to give their children the best start in life”

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Section 4 – Action

This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment will be reviewed in the future.

1. How has the Equality Impact Assessment informed or changed the proposal?

Yes.

The assessment has highlighted the importance of applying discretion when dealing with these issues. Mitigations relating to each of the proposed behaviours are detailed in the preceding section. Prohibitions on behaviours that affect people with physical and mental needs are mitigated through appropriately worded exemptions and all cases will be dealt with on their individual merits and the PSPO has written into it the test of “reasonable excuse”, providing an exemption from the order if the excuse for the behaviour is reasonable.

Further community engagement and consultation will be necessary in some areas due to perceived adverse impact and gaps in the data available to us.

2. What course of action could we take/have we taken to mitigate the identified impact?

- Exemptions will be included in the orders as outlined
- We will allow for flexible payment methods for those on low income
- We will ensure that as part of the officer training that attention is drawn to the exemptions in the orders, the requirements of our enforcement procedures and our duties under the Equalities Act
- Further consultation will take place where there is gaps in evidence, feedback on equalities issues (see 2.5 above) and where communities have not supported the introduction or an order. For example, we will consult further on broader skateboarding restrictions and some of the local dog control provisions.

3. What are the plans to monitor the equality actual impact of this proposal?

- We will review enforcement action taken after 6 months and look to build in methods to collect customer feedback and equality data

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- We will review the arrangements with the council's equalities groups on a periodic basis

4. What are the plans to publish this Equality Impact Assessment?

As part of the report to be considered by the Executive on 20 June 2017

**Once complete please send a copy of this Equality Impact Assessment
to the Equality and Diversity Team**