



**Title: Public Space Protection Orders (PSPO's)**

**Author(s): Stephen Glazebrook (Interim Head of Community Services)**

---

## **1. Introduction**

The purpose of this report is to inform members of changes in legislation in relation to dog control and anti social behaviour.

## **2. Recommendation(s)**

- 2.1 Members are asked to approve the implementation of Public Space Protection Orders in the Borough from 1 October 2017.
- 2.2 Members are asked to note the consultation survey which has been published on the Council's Website.

## **3. Information**

- 3.1 A PSPO is a new provision, created by the 2014 Anti-social Behaviour, Crime and Policing Act, which is intended to deal with a particular nuisance or problem in a defined area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.

The aim is to stop individuals or groups committing anti-social behaviour in public spaces. Restrictions and requirements can be placed on an area where activities have or are likely to have a detrimental effect on the quality of life of local people, is persistent or continuing in nature and is unreasonable. These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times.

The Guidance is not specific on what can be included in a PSPO. The potential for their use appears to be very broad and flexible to allow a Council to cover individual circumstances in its area. A PSPO can cover multiple restrictions so one order could prohibit such activities as the drinking of alcohol and keeping dogs on a lead. The PSPO can cover any publicly accessible space within the Council's area, including areas in private ownership to which the public have access.

Enforcement will be shared between the Council and the police. Breach of a requirement to desist in a particular activity is a criminal offence which can result in the issuing of a Fixed Penalty Notice (FPN) or a prosecution resulting in a fine of up to £1,000 on conviction. Enforcement can be undertaken by Council Officers, and other groups the Council may designate, but principally police officers and PCSOs. The police will additionally have the power of detention.

- 3.2 The Council have previously issued Bylaws and Orders in respect of dog controls which were signed off by the Secretary of State at the time and which are now superseded by PSPOs.

3.3 To satisfy that a PSPO is to be made, the Council must consider if they are satisfied on reasonable grounds that the activities carried out, or are likely to be carried out in a public space:

- Have had, or likely to have, a detrimental effect on the quality of life of those in the locality
- Is, or is likely to be, persistent or continuing in nature
- Is, or is likely to be, unreasonable and justifies the restrictions imposed.

3.4 In deciding to place restrictions on a particular public space the Council should consider the repercussions of that decision in that the problem may be dispersed elsewhere.

3.5 When placing restrictions on dogs and their owners the Council will need to consider that there are suitable alternatives for dogs to be exercised without restriction under the Animal Welfare Act 2006.

3.6 Before making a PSPO the Council must consult with the Police and Community representatives and the proposed consultation survey can be accessed by the following link <https://www.surveymonkey.co.uk/r/2ZLTBPD>

A copy of the draft order is attached at Appendix 1 together with a list of the proposed areas that the PSPO will apply to.

3.7 The PSPO, once in place, has to be reviewed every 3 years to ensure that they are still required.

#### **Background Documents:**

Bylaws and Orders

**E-mail:** stephen.glazebrook@oadby-wigston.gov.uk

**Tel:** (0116) 257 2674

<b>Implications   Public Space Protection Orders (PSPO's)</b>	
<b>Finance</b> <b>Chris Raymakers</b> Head of Finance and Accountancy	There are no significant financial implications.
<b>Legal</b> <b>Anne Court</b> Director of Services / Monitoring Officer	
<b>Corporate Risk(s) (CR)</b> <b>Stephen Glazebrook</b> Interim Head of Community Services	<input checked="" type="checkbox"/> <b>Reputation Damage (CR4)</b> Failure to implement PSPO's could damage the Council's reputation by not having the powers to carry out enforcement duties <input checked="" type="checkbox"/> <b>Regulatory Governance (CR6)</b> The policy and procedures must be in place to ensure compliance with the legislation <input checked="" type="checkbox"/> <b>Failure to Respond to a Significant Incident (CR7)</b> Without PSPOs in place the Council may not effectively respond to any significant incidents
<b>Corporate Priorities (CP)</b> <b>Stephen Glazebrook</b> Interim Head of Community Services	<input checked="" type="checkbox"/> <b>An Inclusive and Engaged Borough (CP1)</b> A clean and safe environment will contribute to an inclusive and engaged Borough <input checked="" type="checkbox"/> <b>Green &amp; Safe Places (CP4)</b> PSPOs will enable the Council to take action in respect of dog fouling and anti social behaviour
<b>Vision &amp; Values (V)</b> <b>Stephen Glazebrook</b> Interim Head of Community Services	<input checked="" type="checkbox"/> <b>Accountability (V1)</b> PSPOs will give the Council the power to take action and be fully accountable for its responsibilities <input checked="" type="checkbox"/> <b>Respect (V2)</b> PSPOs will contribute to residents having respect for their surroundings and other residents.
<b>Equalities &amp; Equality Assessment(s) (EA)</b>	See below.
<b>Stephen Glazebrook</b> Interim Head of Community Services	<input checked="" type="checkbox"/> <b>Initial EA Screening</b> ( <i>Appendix 1</i> ) <input type="checkbox"/> <b>Full EA Assessment</b> <input type="checkbox"/> <b>Not Applicable</b>