



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Environment Overview and Scrutiny Committee

21 July 2020

Report of: Councillor Dr Peter Moseley

Cabinet Member for Commercial and Operations



Review of Public Space Protection Orders

The Council is required to review the Public Space Protection Orders which apply in the district every three years. This report considers whether the existing Orders should be extended and amended where necessary, and an additional Order implemented.

Report Author

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Corporate Priority:	Decision type:	Wards:
Competitiveness	Regulatory	All Wards

Reviewed by:	Ian Yates, Assistant Director, Commercial and Operations	29 June 2020
Approved by:	Gary Smith, Strategic Director, Commercial and Operations	1 July 2020
Signed off by:	Councillor Dr Peter Moseley, Cabinet Member for Commercial and Operations	2 July 2020

Recommendation (s) to the decision maker (s)

1. Considers the existing Public Space Protection Orders and agrees them, with or without amendments, as a basis for public consultation.
2. Considers and gives a view on the request from Market Deeping Town Council to implement a Public Space Protection Order to control dogs at The Spinney, Market Deeping Cemetery.
3. Recommends to the Cabinet Member for Commercial and Operations that public consultation is undertaken in respect of the extension of the existing Orders and proposed new Public Space Protection Order.

1 The Background to the Report

1.1 Public Space Protection Orders (PSPOs) were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 to deal with nuisance or problems in specific areas that are detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. They can apply to any public space. The definition of public space is wide and includes any place to which the public or any section of the public has access.

Existing Orders

1.2 In October 2017, the Council's existing Dog Control Orders and Designated Public Space Order automatically transitioned into PSPOs. A PSPO can last for a maximum of 3 years. At any point before expiry, the Council can extend a Public Spaces Protection Order by up to three years if they consider it is necessary to prevent the original behaviour from occurring or recurring. Consultation with the police, public and other interested parties must take place prior to making, extending or varying a PSPO. The power to grant PSPOs is only available to district councils and county councils (in areas where there is no district council). The current Orders are at Appendices 1, 2 and 3.

1.3 The current PSPOs cover the following:

- Dog Control
 - Fouling of land by dogs. This applies to any public space within the district and makes it an offence to fail to pick up dog faeces if a dog, which an individual is in charge of, defecates.
 - The requirement for a dog to be put on a lead at the direction of an authorised officer. An authorised officer can request an individual in charge of a dog in any public space within the district, to put (and keep) the dog on a lead, if such restraint is considered reasonably necessary.
 - The exclusion of dogs from specified areas. An offence is committed if a person in charge of a dog takes it onto or permits it to enter or remain in an enclosed children's play area covered by the Order.
- Anti-social behaviour caused by drinking alcohol in a designated public space
 - It is an offence for a person to continue to drink alcohol in a designated place after being asked not to do so by a police officer or other designated person. The police also have the power to require the surrender of opened alcohol containers. Those who fail to comply with the confiscation are liable to arrest and may be fined £500 if convicted. The PSPO does not prohibit responsible drinking in public spaces, only problematic drinking causing a nuisance to others.

1.4 In considering whether the requirements should continue, the Council should be satisfied on reasonable grounds that the measures continue to be necessary to prevent the detrimental effect on those in the locality or reduce the likelihood of the detrimental effect continuing, occurring or recurring. If the Order for alcohol control is extended it will require amending to reflect recent changes to Ward boundaries.

1.5 The appearance of the district is important to residents and the Council's commitment to a higher street standard enforces this. Dog fouling in particular, continues to prompt complaints and patrols are carried out in hotspot areas. The presence of officer's and signage does act as a deterrent and as a result no breaches of the PSPO have been

identified, although existing fouling is observed. The number of dog fouling complaints received by South Kesteven District Council are shown below.

Year	Number of fouling complaints
2016	312
2017	197
2018	188
2019	211

- 1.6 In respect of alcohol control, from April 2019 to May 2020, high level data from Lincolnshire Police shows they received 162 reports of drunken behaviour and 12 reports of street drinking across the district.

Proposed new Order

- 1.7 A request has been received from Market Deeping Town Council to consider the implementation of a new PSPO to require dogs to be kept on leads in an enclosed area of Market Deeping Cemetery known as The Spinney. This area is used for the scattering of cremated remains which are covered with a thin layer of soil. The letter requesting this is at Appendix 4.
- 1.8 A PSPO can be made by the Council if it is satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:
- has had, or is 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

Consultation Requirements

- 1.9 Before extending or implementing a new PSPO there is a requirement to consult the public, police, landowners and any other community representatives that are considered appropriate. There is no statutory consultation period, however, a period of 4 weeks is proposed.

2 Consultation and Feedback Received, Including Overview and Scrutiny

- 2.1 When the consultation is complete the results will be analysed and presented to Cabinet.

3 Available Options Considered

- 3.1 The existing Orders could be allowed to expire. This would remove the ability to enforce against the matters covered by the Orders.

4 Preferred Option

- 4.1 That consultation is undertaken and following analysis of the responses, the continuation of the existing Orders and necessity to implement a further Order be considered.

5 Reasons for the Recommendation (s)

- 5.1 The existing Public Space Protection Orders are due to expire, and a request has been received to consider an additional new Order. Proceeding to consultation will help inform whether there is a need to extend the existing Orders and introduce an additional Order.

6 Next Steps – Communication and Implementation of the Decision

- 6.1 Following agreement by the Cabinet Member for Commercial and Operations, the existing Orders and proposed new draft Order will be subject to a 4 week public consultation. Following consideration of the responses, a report will be presented to Cabinet for consideration.

7 Financial Implications

- 7.1 There are no budget implications related to the proposed consultation. However, there will be budget implications in enforcing any extension of existing and new Orders. A new Order will require signage and signage for the existing areas will need to be refreshed and reviewed. It is anticipated that some addition budget, in the region of £500 will be required for the signage. This will be identified from existing budgets and therefore does not require additional financing being sought.

Financial Implications reviewed by: Richard Wyles, Interim Director of Finance.

8 Legal and Governance Implications

- 8.1 The Anti-Social Behaviour, Crime and Policing Act 2014 sets out the requirements for consultation. A PSPO can be made if, on reasonable grounds, the local authority is satisfied that the required conditions are met. As stated in the report, the PSPOs can last for up to three years once approved and can be varied or extended more than once.

Legal Implications reviewed by: Mandy Braithwaite, Legal Executive

9 Equality and Safeguarding Implications

- 9.1 An initial equality impact assessment has been completed for the consultation process and is at Appendix 5.

10 Risk and Mitigation

- 10.1 No significant risks associated with this report have been identified.

11 Community Safety Implications

- 11.1 Given that these Orders can restrict what people can do and how they behave in public spaces, it is important that the restrictions imposed are focused on specific behaviours and are proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

12 How will the recommendations support South Kesteven District Council's declaration of a climate emergency?

12.1 The existence of Public Spaces Protection Orders means it is likely that Officers will need to visit these areas for educational and enforcement purposes. Officers have access to electric pool car vehicles and where possible will travel on foot to undertake this work, reducing reliance on petrol/diesel vehicles.

13 Other Implications (where significant)

13.1 No other significant implications have been identified.

14 Background Papers

14.1 None

15 Appendices

15.1 Appendix 1 – Existing Orders

15.2 Appendix 2 – Enclosed children's play areas subject to the Order requiring the exclusion of dogs.

15.3 Appendix 3 – Wards included in the Public Space Protection Order for the Control of Alcohol

15.4 Appendix 4 – Letter from Market Deeping Town Council

15.5 Appendix 5 – Initial Equality Impact Assessment

Report Timeline:	Date of Publication on Forward Plan (if required)	20 July 2020
	Final Decision date	To be confirmed