



Tuesday, 10 September 2024

Report of Councillor Rhea Rayside
Cabinet Member for People and
Communities

Public Spaces Protection Orders

Report Author

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Purpose of Report

To give due consideration to the approval of Public Space Protection Orders (PSPOs) in South Kesteven, in relation to dog fouling, the requirement for dogs to be placed on leads, alcohol control in designated places of the district and the exclusion of dogs from enclosed children's play areas.

Recommendations

That Cabinet:

- 1. Notes the results of the public consultation on Public Spaces Protection Orders undertaken by the Council.**
- 2. Approves the Public Spaces Protection Order for the District of South Kesteven relating to dog fouling, for a 3-year period.**
- 3. Approves the Public Spaces Protection Order for the District of South Kesteven relating to the requirement for dogs to be placed on leads by order of an Officer, for a 3-year period.**
- 4. Approves the Public Spaces Protection Order relating to alcohol control in designated and specified areas, as outlined in the draft Order, for a 3-year period.**
- 5. Approves the Public Spaces Protection Order excluding dogs from enclosed children's play areas within the District of South Kesteven, for a 3-year period.**

Decision Information	
Is this a Key Decision?	Yes
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Connecting communities Sustainable South Kesteven
Which wards are impacted?	(All Wards)

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance

1.1 There are no budget implications related to the proposals outlined in this report.

Completed by: Paul Sutton, Deputy Section 151 Officer

Legal and Governance

1.2 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.

Completed by: Graham Watts, Monitoring Officer

Diversity and Inclusion

1.3 An Equality Impact Assessment was carried out prior to the consultation taking place to ensure it was performed in a fair and equitable manner. The Council's website has an accessibility function which provides alternative settings for people who experience difficulties in accessing information. Whilst it is accepted that some of these functions do not extend to the actual survey (for example, the survey will

not be translated into alternative languages) any requested reasonable adjustments to our consultation process are made to meet the needs of relevant protected characteristics.

Completed by: Carol Drury, Community Engagement Manager

2. **Background to the Report**

2.1 Public Spaces 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.

2.2 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.

2.3 In October 2023 Cabinet reviewed extensions to a number of PSPOs the Council had in place, together with the introduction of a new PSPO relating to vehicle nuisance in Stamford. However, due to clerical error there were issues in the making of the Orders which meant they were not legally compliant and unenforceable. The decision was therefore taken to commence the process of those PSPOs agreed for extension in October from the beginning, resulting in a new public consultation process and dealing with them as new Orders as opposed to extensions.

Proposed Orders

2.4 Table 1 lists the proposed Orders:

Table 1: PSPOs Proposed

Dog Fouling

It is an offence to fail to pick up dog faeces if a dog, which an individual is in charge of, defecates (district wide within publicly accessible land).

The proposed PSPO is in Appendix 1.

Dogs on Leads by Order

An authorised officer can request an individual in charge of a dog to put (and keep) a dog on a lead, if such restraint is considered reasonably necessary (district wide within publicly accessible land).

The proposed PSPO is in Appendix 2.

Dog Exclusion

Excludes dogs from specified enclosed recreational and children's play areas.

The proposed PSPO is in Appendix 3.

Alcohol Control

Anti-social behaviour caused by drinking alcohol in a designated public space (specified areas- Appendix 4 includes maps of the areas):

Grantham

Stamford

Bourne

The Deepings

The proposed PSPO is in Appendix 4.

Evidence (pre consultation)

2.5 Evidence to support the proposed PSPO has been gathered and reviewed and is provided within this report.

2.6 Table 2 shows data from Lincolnshire Police of the numbers of reported alcohol related anti-social behaviour incidents, broken down by year from 2020 to date.

Table 2: Lincolnshire Police Data

	2020 from Oct - Dec	2021	2022	2023	2024 from Jan to April	Grand Total
NC40 (21) Grantham Rural North	1	3	6	2		12
NC41 (21) Grantham Rural South	1	8	3	5		17
NC42 (21) Grantham Town West	4	27	15	8	7	61
NC43 (21) Grantham Town East	1	19	18	12	2	52
NC44 (21) Grantham Town Centre	13	48	53	36	10	160
NC45 (21) Bourne & Billingborough	2	20	16	17	5	60
NC46 (21) Witham on the Hill		2	5			7
NC47 (21) Market Deeping & Uffington	3	19	10	11		43
NC48 (21) Stamford Town	4	42	44	23	11	124
Grand Total	29	188	170	114	35	476

2.7 Dog fouling continues to prompt complaints. The number of dog fouling complaints received by SKDC is outlined in Table 3 below which demonstrates that numbers of complaints were dropping but have increased in 2023. The drop may have been attributable to the existence of the previous PSPO and signage, but the increase demonstrates that action is needed, which supports the need for a PSPO and associated patrols.

Table 3: SKDC Dog Fouling Complaints

Year	Number of Dog Fouling Complaints
2020	207
2021	150
2022	128
2023	216

3. Key Considerations

- 3.1 PSPOs are a useful tool in local authorities, working in partnership with the Police, being proactively able to tackle specific issues occurring in particular public spaces. The prohibition of certain activities acts as a deterrent and gives authorised officers the tools in which to tackle the behaviours which are affecting the wider community.
- 3.2 If the proposed PSPOs are not put in place, South Kesteven District Council and Lincolnshire Police will have a reduced ability in which to tackle these behaviours.
- 3.3 In October 2023 the PSPOs (Dog Fouling, Dogs on lead by Order, Dog Exclusion, Alcohol Control) that were in place 3 years prior, were agreed to be extended (with additional areas added to the enclosed areas PSPO) however due to an administrative oversight the Orders could not be extended. SKDC sought legal advice and was advised to consult on the proposed Orders before recommending to Cabinet that the new Orders be approved.
- 3.4 It has been agreed that the PSPO extension considered at Cabinet in October 2023 in relation to Dogs on Leads PSPO for Market Deeping Cemetery will be consulted on separately as it only relates to that local area, as a new PSPO. This consultation will commence in August 2024, the results of which will subsequently be reported to Cabinet.

4. Other Options Considered

- 4.1 Cabinet may agree not to put the new Orders in place; this would restrict the ability to enforce against the matters covered by the proposed Order.
- 4.2 Cabinet may determine that the legal test has not been met in some or all of the Orders. In this case the Order(s) should not be approved.
- 4.3 If changes to the draft orders are proposed, further consultation may be necessary.

Preferred Option:

- 4.4 The consultation has demonstrated broad support, from responders, for the implementation of the proposed PSPOs to ensure that effective enforceable mechanism are in place

5. Reasons for the Recommendations

5.1 To ensure an effective mechanism is available to deal with issues detailed in the Orders.

6. Consultation

6.1 Under Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014, a local authority must carry out the necessary consultation before extending, varying or making a PSPO. Necessary consultation means consulting with the Chief Officer of Police, the local policing body whatever community representatives the authority deems appropriate and the owner or occupier of land within any of the restricted area. For this consultation stakeholders consulted included:

- The Chief Constable of Lincolnshire Police;
- Neighbourhood Policing Teams within South Kesteven;
- The Office of the Police and Crime Commissioner;
- Lincolnshire County Council Highways,
- Town and Parish Councils (including the former Grantham Chartered Trustees):
- Substance Misuse Commissioned Services,
- Community and Voluntary Groups (see appendix 6)
- District and County Councillors.

6.2 A four-week public consultation was undertaken from 20th March 2024 to 17th April 2024. The draft Orders which were subject to consultation are at **Appendix 1, 2, 3 and 4**.

6.3 The consultation took the form of a questionnaire on the council's website. This was promoted through social media and press releases. Parish Councils were contacted directly and provided with the link to the questionnaire and a copy of the poster to display should they wish. Statutory consultees were contacted directly via email. The consultation was also sent to local voluntary and community groups.

6.4 Full details of the consultation, a list of consultees and breakdown of responses is at **Appendix 5**. In total, 91 responses were received. A summary of responses is detailed below.

6.5 Consultation Results

i. Dog Fouling

Eighty of the ninety-one responses agreed that dog fouling is an issue that concerns them, and 97.8% agreed with the proposal to have a PSPO for dog fouling.

ii. Dogs on Leads

Over 57.3% had experienced or were concerned about nuisance behaviour from dogs not being kept under control by their owners whilst being walked in a public space, and over 86% agreed with the proposed PSPO for dogs to be placed on a lead when requested to do so by an authorised Officer.

iii. Exclusion of Dogs from enclosed recreational or enclosed play areas

Around 38.6% asked had experienced or were concerned about dogs being permitted to enter and/or remain in enclosed children's play areas or enclosed recreational areas; over 84.9% agreed with the proposed PSPO excluding dogs from specific enclosed play areas and enclosed recreational areas.

iv. Alcohol Control

Over 52% had experienced or were concerned about problematic behaviour associated with drinking in public spaces; over 91% of respondents agreed with the proposed PSPO relating to alcohol control.

6.6 Additional Information from the consultation

Responses were received from various stakeholders including residents (86.7% of respondents) parish and town councils (25.3%) and other respondents including the Police and the Dogs Trust (18.1%).

Feedback from the consultation included the request for the controls proposed to be implemented (and areas patrolled). Information was also provided in relation to potential areas of concern and if the PSPOs are put in place, this information will be used to appropriately co-ordinate and plan patrols within the district.

Lincolnshire Police and the Police and Crime Commissioner were contacted directly for their comments. The following response was received from Neighbourhood Policing Inspector Mark Hillson:

'Lincolnshire Police fully support the renewal of existing and the implementation of new PSPOs in South Kesteven. They are an important part of our joint agency tool kit to enable us to deal effectively with anti-social behaviour in our communities'.

7. Background Papers

7.1 Cabinet Report 10th October 2023

8. Appendices

8.1 Appendix 1: Proposed PSPO for Dog Fouling

Appendix 2: Proposed PSPO for Dogs on Leads

Appendix 3: Proposed PSPO for Dog Exclusion

Appendix 3a: Maps associated with the Dog Exclusion PSPO

Appendix 4: Proposed PSPO for Alcohol Control

Appendix 5: Consultation Report.

Appendix 6: Community Group Consultation List