



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Cabinet

Tuesday, 5 November 2024

Report of Councillor Rhea Rayside,
Cabinet Member for People &
Communities

Market Deeping Cemetery Public Spaces Protection Order

Report Author

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Purpose of Report

To give due consideration to the approval of a proposed Public Spaces Protection Order (PSPO) at The Spinney, Market Deeping Cemetery in South Kesteven with the requirement for people to always keep their dog on a fixed length lead whilst in the Spinney, Market Deeping Cemetery.

Recommendations

That Cabinet:

- 1. Notes the results of the public consultation undertaken with regard to this Public Spaces Protection Orders.**
- 2. Approves the Public Spaces Protection Order for The Spinney, Market Deeping in the District of South Kesteven for up to a 3-year period, unless the Council extends or varies this Order.**
- 3. Decides and confirms whether the length of lead referred to in the Order should be 1 metre in length.**

Decision Information

Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Connecting communities Effective council
Which wards are impacted?	Market & West Deeping;

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 and Procurement

1.1 There are no budget implications related to the proposed consultation.

Completed by: Paul Sutton Interim Head of Finance (Deputy 151)

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, 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

2. Background to the Report

2.1 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.

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. The proposed Order is attached to this report at Appendices 1 and 2.
- 3.3. Evidence to support the proposed PSPO has been gathered and reviewed and is provided within this report at Appendix 3.

4. Other Options Considered

- 4.1. Cabinet may agree not to put the new Order 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 this case the Order should not be approved.

5. Reasons for the Recommendations

- 5.1. To ensure an effective mechanism is available to deal with issues detailed in the Order.
- 5.2. It is recommended that the length of lead referred to in the order is 1 metre as this will enable the owner to prevent the dog(s) going on the internment area.

6. Consultation

- 6.1. Under s72 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:
 - Any individual or body who visits, lives or works near the area referred to in the PSPO, or has an opinion on the proposed PSPO, who wanted to make a representation
 - The Police; to include the Chief Officer of Lincolnshire Police and the Neighbourhood Policing Team for the Deepings area
 - The Police and Crime Commissioner for Lincolnshire
 - Parish, town, district and county councillors for Market Deeping

- 6.2. The primary objective of the consultation was to ensure that various stakeholders were given the opportunity to comment on this proposal. The secondary objectives of the consultation were to:
- Demonstrate SKDC have met the requirements as set out in s72 of the Anti-Social Behaviour Crime, Policing Act 2014. These are to carry out the necessary consultation, publicity, and notification before making, varying or extending a PSPO
 - Inform the decision that will be taken by SKDC in respect of the proposal to re-introduce the PSPO
 - Measure the degree of support or otherwise for the proposal
 - Understand and be aware of the impact taking this decision may have on specific stakeholders
 - Assess any potential impact of the PSPO on the community including demonstrating that the Council has had due regard to compliance with the Equality Act 2010
- 6.3. A four-week public consultation was undertaken from 31st July 2024- 28th August 2024. The draft Orders which were subject to consultation are at Appendix 1, with the associated plan in Appendix 2.
- 6.4. The consultation took the form of a questionnaire on the council's website. Full details of the consultation methodology can be found on Pages 4-5 of Appendix 3.
- 6.5. Full details of the consultation, a list of consultees and breakdown of responses is at Appendix 3. In total, 33 responses were received. A summary of responses is detailed below.

Consultation Results

- 6.6. Those participating in the consultation were asked if they agreed or disagreed with the proposal to re-instate a Public Spaces Protection Order (PSPO) which, if approved, will require people to always keep their dog on a fixed length lead whilst in the Spinney, Market Deeping Cemetery. **Three quarters of them (25 or 75.8%) supported the proposal. A quarter of them (8 or 24.2%) did not.**
- 6.7. The third question on the survey asked respondents if implementing the Public Spaces Protection Order would have a negative impact on them. If approved, the PSPO would require a person in charge of a dog to put and keep that dog on a lead of no more than 1 metre in length whilst walking in the Spinney, Market Deeping Cemetery. **Three quarters of those responding (21 or 75.0%) did not think the implementation of the PSPO would have a negative impact on them.** The Neighbourhoods Team were contacted separately by one of the individuals responding to the consultation. The respondent did not support the proposed Public Spaces Protection Order for the area known as the Spinney in Market Deeping Cemetery, because he had concerns about the length of the lead referred to in the

order. He has requested that the lead length referred to in the draft PSPO be amended from one metre in length to two metres, on animal welfare grounds. He attached two documents to substantiate his request, one being an article written by the RSPCA, and the other an extract from legislation – Schedule 2 of The Countryside and Rights of Way Act 2000.

7. Background Papers

7.1 [Cabinet Report 10th October 2023](#)

8. Appendices

8.1. Appendix 1: Proposed PSPO

8.2. Appendix 2: Map associated with the proposed PSPO

8.3. Appendix 3: Consultation Report.