



Regulatory Committee

Thursday 11th March 2021

Subject: Public Space Protection Orders - General Update

Report by:

Chief Executive

Contact Officer:

Andy Gray
Housing and Enforcement Manager

andy.gray@west-lindsey.gov.uk

Purpose / Summary:

To provide committee with an update on the work undertaken in relation to Public Space Protection Orders

RECOMMENDATION(S):

Regulatory Committee are asked to:

- a) Note the content of this report and the updates it provides.
- b) Approve that the findings in relation to the future PSPO proposals are brought back to Committee within 12 months for a decision to be made on whether or not to pursue them.

IMPLICATIONS

Legal:

PSPOs are made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. A minimum 30 day consultation period is required by Legislation. The Council intends to consult for its minimum 6 week period.

The Council can vary, extend or discharge a PSPO in line with section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014.

Breach of a PSPO may be dealt with by a fixed penalty notice or prosecution. Delegated powers are in place for service of fixed penalty notices.

Appeals against the making of a PSPO can be made in the High Court within 5 weeks of the PSPO being made, on the grounds that the process has not been followed, or that the council did not have the authority to make the Order or put certain restrictions in the Order.

Financial : FIN/143/21/SSc

There are no financial implications arising from this report.

Staffing :

The current PSPOs are managed within the existing staffing resource available. Any further PSPO proposals would consider whether any additional resource was required.

Equality and Diversity including Human Rights :

Nothing to note at this stage

Data Protection Implications :

Nothing to note at this stage

Climate Related Risks and Opportunities :

PSPOs, depending on the matters they address can have a positive impact on climate related risks.

Section 17 Crime and Disorder Considerations :

To make an order the local authority needs to be satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- Have had, or are 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
- Justifies the restrictions imposed

Health Implications:

Within any PSPO there are generally health benefits to be gained in addressing the issues that are prevalent. For example, a PSPO seeking to address dog fouling presents a clear benefit in regards to reducing the risk presented by the presence of dog fouling. Likewise, a PSPO aimed at addressing issues that impact a broader community are likely to have a positive impact on matters such as mental health. These are not the primary aims of the PSPO, but should be seen as additional benefits.

Title and Location of any Background Papers used in the preparation of this report:

Information relating to all of the active PSPOs in place can be found here:

<https://www.west-lindsey.gov.uk/my-services/my-community/community-safety/public-space-protection-orders-pspos/>

Guidance on PSPOs can be found here :

https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf

Risk Assessment :**Call in and Urgency:**

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 Introduction

- 1.1 The Council's Regulatory Committee are being provided with a general update in regards to Public Space Protection Orders that are in place across the District. This paper provides the general update and outlines the timeline for the review of PSPOs in place along with a schedule of work relating to further PSPOs.

2 Current PSPOs

- 2.1 There are currently 3 active PSPOs in place within the District. The details of these are as follows and the details of each can be found here: <https://www.west-lindsey.gov.uk/my-services/my-community/community-safety/public-space-protection-orders-pspos/>

PSPO	Expires	Requirements
District Wide Dog Fouling	June 2023	-removal and disposal of dog fouling -carry means to remove dog fouling
Gainsborough Cemeteries	October 2022	-dogs on leads -no motorised vehicles
Hemswell Cliff	June 2020	-no structures on green spaces -restrictions on parking and where vehicles can be -no animal grazing -no burning or bonfires

- 2.2 There has also been one PSPO that has been expired during the time period which is detailed below

PSPO	Expired	Requirements
Trinity Arts Centre	June 2020	-dogs on leads -no consumption of alcohol

- 2.3 The Regulatory Committee receive a detailed report as part of the process for approving, extending, varying or revoking any of the PSPOs. These reports provide information and evidence in relation to the specific decision that is being sought. The reports also provide an overview of the evidence relating to that particular PSPO.

- 2.4 The latest PSPO review is being presented to Regulatory Committee on the 11th of March in relation to Hemswell Cliff. During 2020 decisions were made in relation to the District Wide Dog Fouling and the Trinity Arts Centre PSPOs.

3 PSPO Process

- 3.1 The Council is obligated to consider any requests from other parties for PSPOs to be put in place and is also able to consider whether a PSPO is an appropriate tool for issues that are arising within its area.

- 3.2 Where requests for PSPOs are made, this is considered by an officer group and work undertaken to establish the evidence in relation to the issue and whether there are any existing tools that can be used to address it. For example, where the issue relates to individuals causing ASB, other appropriate powers are available to deal with this.
- 3.3 Where a PSPO is considered necessary, a report would be presented to the Regulatory Committee for consideration asking them to determine whether or not consultation should be undertaken on the matter.
- 3.4 If approved, the consultation then takes place and the outcomes of this are presented to the Regulatory Committee along with a recommendation in regards to the PSPO.
- 3.5 Once active, an update from time to time may be brought to the Regulatory Committee to inform them of whether it has had an impact in relation to the issue/s it seeks to address.

4 Future Proposals for PSPOs

- 4.1 There are currently no plans in place for any further PSPOs to be introduced within the District. Initial discussions have been undertaken in relation to the following issues, in order to establish whether a PSPO may be an appropriate tool in order to address them.

District Wide Dog Control PSPO: To place restrictions on certain spaces (i.e. town centres, retail areas, playing fields and parks) to ensure that dogs are kept on leads. This would consider land owned by Town and Parish Councils.

Household Waste PSPO: To provide a more effective tool for managing early presentation of waste in bagged collection areas of Gainsborough.

Town Centre based PSPO: To place restrictions on issues such as street drinking

5 Recommendations

Regulatory Committee are asked to:

- c) Note the content of this report and the updates it provides.
- d) Approve that the findings in relation to the future PSPO proposals are brought back to Committee within 12 months for a decision to be made on whether or not to pursue them.