



Regulatory Committee

Date 19 June 2017

**Subject: Public Space Protection Orders for Gainsborough Town
Council land – recommendations following consultation**

Report by:

Contact Officer:

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Purpose / Summary:

To present the results of public consultation on the proposed order, and make a recommendation to members

RECOMMENDATION(S):

Elected members are asked to:

- 1. Note the results of the public consultation**
- 2. Agree that the report should return to the Sept 2017 Committee meeting following further consultation**

IMPLICATIONS

Legal: These Orders are made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. The legislative consultation requirement has been met.

Power to make a PSPO has been added to the Terms of Reference of this Committee

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 Ref:FIN/109/17

There will be publicity and resource costs involved in the making and enforcement of the PSPO. These should be relatively low and met from within existing budget provision.

Fixed penalty notices for breach of a PSPO are set at £75 with a £50 early payment incentive in fees and charges. Income from fixed penalty notices may be used to support the Community Safety service.

Staffing :

Staff time will be required to deal with breaches to support the PSPOs. It is intended that multi-skilling enforcement staff will enable this with minimal impact on individual officers by sharing the load.

Equality and Diversity including Human Rights :

The PSPOs will not disadvantage any social groups over another, and the process will be applied fairly. Exemptions for fixed penalty notices for reasons of physical or mental impairment are detailed in the Fixed Penalty Enforcement Strategy.

Risk Assessment :

Challenge in the High Court – reduced by following process and considering reasonableness throughout process

Climate Related Risks and Opportunities :

Nil

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

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

x

Key Decision:

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

Yes

No

x

1 Introduction

West Lindsey District Council has held consultation on a proposal to make a Public Space Protection Order.

These Orders can be made on any land open to the air that the public have a right or entitlement of access to. This means that the legislation can apply to land belonging to local authorities, as well as, for example, Church grounds and land belonging to a resident owned management company.

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

2 Scope of the PSPO proposed

Replacing Dog Control Orders on Gainsborough Town Council (GTC) land, with PSPOs on all GTC land, to encompass restrictions on dogs, drinking of alcohol and recreational use of motor vehicles. The consultation was based on a request by GTC following reports by GTC staff and local residents about anti-social behaviour and environmental issues.

3 Consultation

Public consultation was held from 10th April 2017 to 15th May 2017. This exceeded the statutory minimum consultation period of 30 days, and met the standard council consultation period of 6 weeks.

A Public Notice, as required in legislation, was placed in the local media on Thursday 6th April 2017.

Articles on the consultation were placed in local newspapers covering Gainsborough, on social media and on the West Lindsey website.

Consultation documents were available on the website, including the proposed order and the electronic consultation questionnaire, and paper copies were made available in West Lindsey offices in Gainsborough, Gainsborough Town Council Offices and the Trinity Arts Centre box office.

Statutory consultees were notified by direct email, including a link to the website consultation page. Those notified in this way were:

- Police and Crime Commissioner
- Local police Inspector
- Lincolnshire County Council highways

- Gainsborough Town Council
- Elected members of the Council

4 Outcome

12 responses were received

While the responses received showed support for the PSPO, we do not believe that 12 responses is sufficient to make a recommendation. To do so may leave the council open to a legal challenge that the restrictions imposed are not justified.

It has been agreed with the Team Manager for Housing and Communities that this consultation should be reopened for a further 6 weeks, with additional promotion and publicity to try to engage a wider response. Gainsborough Town Council have been informed of this and advised to promote the consultation amongst its network.

It is proposed that this proposal return to the Regulatory Committee in September 2017 for a recommendation following the further consultation.

4 Recommendation

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