

Report To:	CABINET	Date:	20th SEPTEMBER 2021
Heading:	PUBLIC SPACES PROTECTION ORDER 2021 EXTENSION & VARIATION		
Portfolio Holder:	CLLR HELEN ANN SMITH, DEPUTY LEADER AND PORTFOLIO HOLDER FOR COMMUNITY SAFETY AND CRIME REDUCTION		
Ward/s:	ALL		
Key Decision:	YES		
Subject to Call-In:	YES		

Purpose of Report

Tackling anti-social behaviour and environmental crime are key priorities for the Council, extending the Council's Public Spaces Protection Order (PSPO) for a further 3 years and varying it to include additional prohibitions will contribute to these priorities enabling additional powers for the Council and Police to tackle localised problems.

At its meeting on 29 June 2021, Cabinet approved a 6-week public consultation exercise on proposals to extend the PSPO for a further 3 years and to vary the PSPO to include prohibitions relating to Junction 27 M1 car cruising and to restrict the public right of way on the strip of land between Bentinck Street and Welbeck Street, Sutton-in-Ashfield. Cabinet agreed to receive a further report following the conclusion of the consultation exercise to determine if it was satisfied that the provisions of sections 59 to 65 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) have been met.

This report presents to Cabinet the outcome of the consultation and invites Cabinet to recommend to Full Council that the PSPO be extended for a further 3 years and is varied to include the specified additional prohibitions.

Recommendation(s)

1. Note that the consultation exercise has been undertaken on the proposed 3 year extension and variation of the Public Spaces Protection Order, and acknowledgement of the consultation responses as outlined in this report which largely support the proposed Order.
2. Recommend that Full Council approves the extension, variation and associated budget for the existing Public Spaces Protection Order as set out in the draft order to commence on 1st October 2021.

Reasons for Recommendation(s)

In line with Section 60, Anti-Social Behaviour, Crime and Policing Act 2014, a PSPO may not have effect for a period of more than 3 years unless extended. The existing PSPO enacted on 1 October 2018, relating to a number of dog-related issues, alcohol and urinating will expire on 30 September 2021 unless the PSPO is formally extended following due process.

Evidence has been gathered to support the continued need for the order and public consultation largely supports the Order. Extending the PSPO ensures that the Council and Police can take suitable action including issuing Fixed Penalty Notices for these types of issues.

Alternative Options Considered

That the Council does not extend (and vary) the existing PSPO which would cease on 30 September 2021. The PSPO would need to be formally discharged and published in accordance with regulations made by Secretary of State. This would mean that officers could not continue to take action and may lead to an operational gap in addressing dog fouling, dog control, alcohol related street drinking, urinating in public places or be able to move people on, and addressing localised problems set out within the proposed order. This is not recommended.

The Consultation

Following approval at Cabinet to proceed with the consultation process, an engagement programme was implemented between 12th July and 23rd August 2021.

The main method of engagement was internet-driven using information published on the Council's website where users were invited to complete an online survey.

To ensure the PSPO extension proposal was publicised widely the following was undertaken:

- A press release and posting on social media publicising the proposal to extend and vary the PSPO;
- Raising awareness in town centres where residents were invited to complete surveys;
- Information displayed on noticeboards in the Council's reception; and
- Publication in the local papers Chad (25th June 2021) and Dispatch (14th July 2021).

In accordance with statutory guidelines detailed under Section 72, Anti-Social Behaviour, Crime and Policing Act 2014 the Council must undertake consultation with the affected parties.

The Council consulted directly with the statutory consultees including the Chief Constable of Nottinghamshire Police and the Police and Crime Commissioner who both approved the extension and variation of the order.

The Council also notified:

- Annesley Parish Council
- Selston Parish Council
- MP for Ashfield
- MP for Sherwood
- Nottinghamshire County Council Chief Executive and Leader
- Nottinghamshire County Council

- Highways Authority
- Council employees
- District Councillors
- Ashfield Neighbourhood Policing Team
- RSPCA
- Kennel Club
- Probation Service
- Nottinghamshire Fire and Rescue Service
- Change Grow Live
- Ramblers Association

During the consultation period the Council received 128 responses from members of the public via the Council internet link, surveys collected from reception and town centre surgeries. The outcome of the survey is highlighted below:

Question	Yes Responses	No Responses
Do you want the Council to issue fixed penalty notices to people who do not pick up after their dog?	126	2
Do you want the Council to issue fixed penalty notices to people who do not carry a suitable receptacle so they can pick up after their dog?	117	11
Do you want the Council to have authorisation to ask a dog owner to put their dog on a lead when the officer believes the dog is out of control and issue a fixed penalty notice if they don't comply?	119	9
Do you think dogs should be excluded from entering enclosed children's play areas or sporting areas. i.e. tennis courts on parks and issue a fixed penalty notice to the owner if they don't comply?	120	8
Do you think there should be restrictions in place that no more than 6 dogs should be walked at any one time by one person and a fixed penalty notice issued if the owner won't comply?	103	15
Do you think dogs should be on a lead in pedestrian areas including, town centres, pavements and in cemeteries and a fixed penalty notice issued if the owner won't comply?	120	8
Do you think the Council should be able to confiscate alcohol from street drinkers and issue a fixed penalty if they won't hand it over?	125	3

Do you think the Council should be able to issue a fixed penalty notice to someone who urinates or defecates in the street? (excluding young children for instance)	126	2
Do you think the Council should be able to ask someone to leave an area who is causing a nuisance and annoyance and issue a fixed penalty notice if they don't comply?	124	4
Do you think the Council and Police should be provided with additional powers to tackle car cruising within the vicinity of Junction 27?	123	5

Themes that emerged from the consultation were:

- Requests for additional bins across parks, town centres and estates.
- Increased visible signage
- Levels of enforcement
- Amendments to dog control provisions i.e. removal of restrictions
- Extending the scope to cover wider areas i.e. closing of land in additional areas.

Nottinghamshire Fire and Rescue Service, Ashfield Policing Inspector and Probation responded in full support of the extension and variation of the order. A number of agencies did not respond, and two agencies highlighted their reservations on authorising powers to issue Fixed Penalty Notices to residents who do not carry suitable receptacles and who walk more than 6 dogs; however, considering that these powers have been approved previously with no significant concerns highlighted, the Council does not consider this as a justification for removing these powers.

In relation to the proposed closure of the strip of land between Bentinck Street and Welbeck Street, Sutton-in-Ashfield, letters were delivered to every property on both streets notifying them of the draft order. No objections were received, and 21 residents responded supporting the closure of the land due to the difficulties encountered by anti-social behaviour and criminality within the area. Confirmation was also received by the appointed Rights of Way Officer of the Countryside Access Team at Nottinghamshire County Council who did not highlight any objections to the proposal.

Given the outcome of the public consultation detailed above and the evidence provided as part of Cabinet report dated 29th June 2021, it is recommended, in accordance with the Anti-Social Behaviour, Crime and Policing 2014 Act, that the Council can be satisfied on reasonable grounds that extending the current PSPO is necessary to prevent:

- a) occurrence or recurrence of the activities identified in the PSPO after the expiry of the current PSPO; and
- b) an increase in the frequency or seriousness of those activities after the expiry of the PSPO.

It is also recommended that it is reasonable to vary the PSPO to add new prohibitions to prevent, reduce or reduce the risk of the continuance, occurrence or recurrence of the detrimental effect that those activities specified in the new prohibitions have had, or are likely to have, on the quality of life of those in the locality.

Communications

The draft Order is attached to the report and upon Full Council approval will enable the extension (with variation) of the current PSPO provisions. If approved the Council will undertake a period of publicity and ensure awareness is raised.

Additional appropriate signage and other materials will be purchased and erected across the district to publicise the Order.

Cost:

As highlighted in the previous Cabinet report, a budget will need establishing for the purchase of gates, signage, and general maintenance in relation to the strip of land between Bentinck Street and Welbeck Street, Sutton-in-Ashfield.

Costs have been established for these works as detailed below:

- Publication costs £1,000
- Signage costs £3,000
- Gating costs £5,000
- Ongoing annual maintenance costs £1,000

Total: £10,000

Corporate Plan:

The PSPO will help support place enhancement and the Safer and Stronger priorities within the Council's corporate plan and commitments under the renewed Environmental Charter in order to improve the quality of life for residents within Ashfield. Tools and powers provided as part of the PSPO provisions will assist in enabling an effective response to tackling anti-social behaviour and environmental crime across the District.

Legal:

Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") provides the authority with the power to make a PSPO if satisfied on reasonable grounds that two conditions are met. Section 60 of the Act provides that a PSPO shall not have effect for longer than 3 years unless extended under this section. Section 61 provides a power to vary a PSPO by increasing or reducing the restricted area; or by altering or removing a prohibition or requirement included in the order, or adding a new one.

Section 72 details the requirements for convention rights, consultation, publicity, and notification. The authority must have taken into account articles 10 and 11 of the Convention, carried out the necessary consultation and publicity and notification before making, extending or varying or discharging a PSPO.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	A one-off budget approval of approximately £10,000 will be required to meet the costs identified, if it cannot be contained within the Directorate Budget and

	maintenance costs of £1,000 per annum thereafter. The additional £1,000 recurrent cost to be included in the refresh of the Medium-Term Financial Strategy.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Without a PSPO in place, there is a risk that anti-social behaviour could potentially escalate which would have a detrimental impact on the local community.

Given the positive feedback received from both stakeholders and the public about the proposed Order, there is a risk to the reputation of the Council if the Order is not progressed as we may be seen to be disengaged from the needs of the community and not proactively delivering against our commitment to reducing crime and anti-social behaviour.

Human Resources:

No direct implications.

Equalities:

In recommending the proposed PSPO, consideration has also been given to Articles 10 and 11 of the European Convention on Human Rights which provide for the rights of freedom of expression and assembly. The proposals set out for the PSPO are intended to ensure that the anti-social behaviours caused by the activities are addressed so that public spaces can be enjoyed without fear or intimidation by the law-abiding majority of the community.

Other Implications:

The PSPO is seeking to address issues which impact on quality of life and public safety. These issues can affect both the physical and mental wellbeing of residents and therefore these proposals would have a significant impact on community wellbeing.

Communications: a press statement will be published, and social media will be regularly updated on progress.

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

PSPO 2021 29th June 2021– Cabinet Report
 PSPO 2021 Final Draft Order

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