



Extension of the Public Spaces Protection Order

Corporate Priority:	P4: Protect our climate and enhance our rural, natural environment
Relevant Ward Member(s):	All
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No
Key Decision:	Yes c) Has significant impact on two or more wards in the Borough and on communities living or working in those areas
Subject to call-in:	Yes

1 Summary

- 1.1 To seek approval to go to formal consultation on the extension of a Public Spaces Protection Order (PSPO) relating to dogs and dog control (following initial consultation with the Police) in accordance with the Anti-social Behaviour, Crime and Policing Act 2014 (the Act).

2 Recommendation

That Cabinet:

- 2.1 Approves formal consultation for the extension of a Public Spaces Protection Order (PSPO).**

3 Reason for Recommendations

- 3.1 The Council understand well how anti-social behaviour can blight the lives of people in its local communities. The Council recognises that it has a key role to play in helping make local areas safe places to live, visit and work and tackling anti-social behaviour continues to be a high priority for the Council and its partners.

- 3.2 The Council has approved corporate priorities as part of its Corporate Strategy 2020-2024. One of the corporate priorities is 'protect our climate and enhance our rural, natural environment'. It was identified within the Corporate Strategy that one way of meeting this priority is to use education and enforcement to tackle issues which blight our communities.
- 3.3 The Council receives complaints about dog fouling on a regular basis. The extension of the PSPO would be a proactive way of ensuring that we try to prevent dog fouling issues and have the ability to take enforcement action against those persons who do not pick up after their dog(s).
- 3.4 The PSPO process will assist in supporting this priority. The overall aim of introducing a PSPO is to:
- create a clearer, simpler system thereby making it easier for the public to understand,
 - provide a more comprehensive and consistent approach to the control of dogs in the district,
 - provide a penalty for those committing offences,
 - balance the needs of dog owners and other members of the community.

The period of public consultation ensures the views of those affected are taken into account.

4 Background

- 4.1 A Public Spaces Protection Order (PSPO) is an Order which bans specific acts in a designated geographical area. Councils were given the power to introduce them in October 2014 under the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"). Paragraph Level 1
- 4.2 If a person contravenes a PSPO once implemented, they will be committing an offence and the Council can issue a Fixed Penalty Notice. If the Notice is not paid, the Council can prosecute and if found guilty, they may be subject to a fine.
- 4.3 PSPOs must identify a particular public place and either prohibit specified action or require specified action to be taken. Councils throughout the country have introduced them for acts such as banning alcohol consumption in the specified areas, banning groups of people gathering at specified places and requiring dog walkers to carry disposal bags.
- 4.4 The Council has identified that a PSPO may be a suitable response to particular dog related issues within the Borough.

5 Main Considerations

- 5.1 In December 2019, the Council approved a PSPO commencing on January 1st 2020 which has to be reviewed every three years.
- 5.2 The Council can make a PSPO if it is reasonably satisfied that the following tests are met:
- that activities carried out in a public place within the Borough have either had a detrimental effect on the quality of life of those in the locality or it is likely that activities carried out will have such an effect;
 - that the effect or likely effect of the activities is, or is likely to be of a persistent or continuing nature and;

- the effect is likely to be such as to make the activities unreasonable and justifies the restrictions imposed by the order.

5.3 The Council believes that it has evidence that has satisfied these tests. It is therefore proposed to extend the PSPO which would cover the entire Borough and would require;

- Dog faeces to be removed
- Persons to produce a device or other means for removing dog faeces on demand
- Dogs to be put and kept on a lead when directed to do so by an authorised officer
- Dogs to be excluded from enclosed children play areas

The draft extended PSPO is attached at Appendix One.

5.4 At this stage, Members are requested to consider only whether to authorise consultation to extend the PSPO. Once the consultation has concluded a further report would be considered by Cabinet. Members would therefore make a decision whether it is proportionate and appropriate to grant extension of the PSPO only once they had considered the following;

- the appropriate scope of the Order
- the area covered by the restrictions
- the potential impact of the proposals
- how each of the restrictions meets the legal test identified above

Members would do this by considering the evidence presented to them and the consultation responses.

5.5 The Governments “Public Space Protection Order Guidance” provides helpful guidance on consultation.

6 Options Considered

6.1 To refuse the request to go out to consultation. However, the PSPO is our only means of being able to deal with dog related issues and failure to extend the PSPO will leave the Council with no provision under which to enforce dog offences, e.g. fouling of land.

7 Consultation

7.1 By virtue of section 72 of the Act, before introducing a PSPO the Council should carry out consultation with the Chief Officer of Police, and the Police and Crime Commissioner, Parish Councils, the County Council as the highway authority, any community representatives the Council consider necessary, and owners/occupiers of land covered within the order. The consultation will be publicised through the Council’s website, but also include e-mailing parish councils, community groups, the Kennel Club, and by leaving copies for public perusal in the Council Offices.

7.2 It is intended that the consultation exercise will be carried out between the 15th July and 14th October 2022.

8 Next Steps – Implementation and Communication

- 8.1 To commence consultation on 15th July 2022.
- 8.2 Following the conclusion of the consultation period to present a report to Cabinet for them to agree that it goes to Council for approval of the PSPO.

9 Financial Implications

- 9.1 If the PSPO is extended through this process the existing signage will continue to be suitable, so there will not be any additional costs. The extended PSPO has to be publicised on the Council website (the original PSPO had to be published in a local newspaper).
- 9.2 Additionally there are costs associated in relation to staff resources required for the consultation process. These can be met from exiting budgets.

Financial Implications reviewed by: Director for Corporate Services

10 Legal and Governance Implications

- 10.1 Section 60 of the Anti Social Behaviour, Crime and Policing Act 2014 allows PSPOs to be extended.
- 10.2 Section 60 of the Act also provides that a PSPO shall not have effect for longer than 3 years unless extended under that section.
- 10.3 Section 72 details the requirements for convention rights, consultation, publicity and notification.
- 10.4 The maximum fine on summary conviction is level 3 on the standard scale. This is currently £1,000. The fixed penalty notice fine is currently set at £100.

Legal Implications reviewed by: Deputy Monitoring Officer 04.07.22

11 Equality and Safeguarding Implications

- 11.1 The PSPO aims to ensure a consistent approach to anti-social behaviour offences in the district. It does not disproportionately affect any particular group and is relevant to all those on whom the law places a duty and on those whom the law protects. An equalities assessment was undertaken to assess whether the proposed PSPO had disparate impact on groups with protected characteristics. This extension process will refresh this to help the Council to establish any negative impacts and consider how to mitigate against these. This exercise will also help to ensure transparency.

12 Community Safety Implications

- 12.1 Extension of PSPOs should continue to have a positive impact on Community Safety.

13 Environmental and Climate Change Implications

13.1 The PSPO will have a positive impact on the environment with the requirement to remove dog faeces and keep dogs out of enclosed children’s play areas.

14 Other Implications (where significant)

14.1 The PSPO addresses issues which affect the quality of life and public safety. These issues can affect both the physical and mental well-being of residents and therefore these proposals would have a significant impact on community well-being.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Failure to extend a PSPO would leave us with no powers to deal with dog fouling.	Significant	Marginal	Medium Risk
2	Failure to go through due process and consultation could lead to a legal challenge on the validity of the PSPO.	Low	Marginal	Low Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant		1		
	3 Low		2		
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	Extend the PSPO to give powers to deal with dog fouling.

2	Follow the due process including on consultation will remove the risk of a legal challenge on the validity of the PSPO.
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16 Background Papers

- 16.1 Anti-social Behaviour, Crime and Policing Act 2014
- 16.2 Public Space Protection Orders - Guidance for Councils

17 Appendices

- 17.1 Appendix 1 – Draft PSPO
- 17.2 Appendix 2 – Equality Impact Assessment (can be viewed at <https://www.melton.gov.uk/media/wbxpddb/public-space-protection-order-equality-impact-assessment.pdf>)

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