



RECORD OF CABINET PORTFOLIO HOLDER DECISION

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

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| Decision Ref. No. | PH072 |
| Decision made by | Portfolio Holder for Climate, Access, and Engagement |
| Decision Title | Public Spaces Protection Order Next Steps |
| Key decision? | Yes |
| Date of decision (same as date form signed) | 28 October 2022 |
| Name and job title of Officer requesting the decision | David Walker Community Safety Lead |
| Officer contact details | dwalker@melton.gov.uk |
| Decision | To approve the extension of the PSPO for 3 years until 31 st December 2025 |
| Background | <p>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</p> <p>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.</p> <p>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.</p> <p>The Council has identified that a PSPO may be suitable response to dog related issues within the Borough.</p> |

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| <p>Reason for Decision/Main Considerations</p> | <p>1.1 In December 2019, the Council approved a PSPO commencing on January 1st, 2020, which has to be reviewed every three years.</p> <p>1.2 The Council can make a PSPO if it is reasonably satisfied that the following tests are met:</p> <ul style="list-style-type: none"> • 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. <p>1.3 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.</p> <ul style="list-style-type: none"> • 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 <p>The draft extended PSPO is attached at Appendix One.</p> <p>1.4 The consultation has now concluded showing the following results:</p> <ul style="list-style-type: none"> • Power to tackle incidents of dog fouling -127 in support, 2 not in support and 3 other, giving us a 96.21% approval. • Power to request dog walkers to produce means of cleaning up after their dog – 124 in support, 4 not in support and 5 other, giving us 93.23% • Power to request that dog owners place their dog on a lead by direction– 117 in support, 9 not in support and 6 other, giving us 88.64% • Power to prohibit dogs from entering enclosed children's play areas– 123 in support, 5 not in support and 5 other, giving us 92.48% <p>1.5 Therefore, the Portfolio Holder can make a decision whether it is proportionate and appropriate to grant</p> |
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| | <p>extension of the PSPO only once they had considered the following;</p> <ul style="list-style-type: none"> • 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 <p>Members would do this by considering the evidence presented to them and the consultation responses.</p> |
| Alternative options rejected | <p>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.</p> |
| Legal implications | <p>Section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014 permits a PSPO to be extended for a period or not more than 3 years.</p> <p>Section 72 details the requirements for convention rights, consultation, publicity, and notification.</p> <p>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.</p> <p>Legal Implications reviewed by: Monitoring Officer</p> |
| Financial implications | <p>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).</p> <p>Additionally, there are costs associated in relation to staff resources required for the consultation process. These can be met from exiting budgets.</p> <p>Financial Implications reviewed by: Corporate Services Manager 13/10/22</p> |
| Other implications | <p>Equality and Safeguarding Implications</p> <p>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</p> |

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| | <p>Council to establish any negative impacts and consider how to mitigate against these. This exercise will also help to ensure transparency.</p> <p>Community Safety Implications</p> <p>Extension of PSPOs should continue to have a positive impact on Community Safety.</p> <p>Environmental and Climate Change Implications</p> <p>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.</p> <p>Other Implications</p> <p>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.</p> | | | |
| Background papers considered | <p>Anti-social Behaviour, Crime and Policing Act 2014</p> <p>Public Space Protection Orders - Guidance for Councils</p> | | | |
| List consultees (Where applicable) | | Name | Outcome | Date |
| | Ward Councillors | | | |
| | Human Resources | Sarah-Jane O’Connor | No HR Implications | 12/10/2022 |
| | Equalities | | | |
| | Communications | Sarah-Jane O’Connor | Publication of consultation results in hand and external comms plan in place for raising awareness of decision | 12/10/2022 |
| Confidential Decision? | N/A | | | |
| Call In Waived by Scrutiny Committee Chair? | N/A | | | |
| Has this been discussed by Cabinet Members? | Yes | | | |
| Cabinet Portfolio Holder Signature | <p>Email approval received</p> <p>Cllr Alison Freer</p> <p>Portfolio Holder for Climate, Access, and Engagement</p> | | | |

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

| a) FOR DEMOCRATIC SERVICES USE ONLY | | |
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| Form Received | 02 November 2022 | |
| Date published to all Councillors | 03 November 2022 | |
| Call In Deadline | 08 November 2022 | |