

Public Document Pack



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15 September 2021

Dear Councillor

NOTICE OF DELEGATED DECISION – (DD12 21) EXTENSION OF DURATION OF PUBLIC SPACES PROTECTION ORDER (DOVER DISTRICT COUNCIL) 2018

Please find attached details of a decision taken by Mrs Diane Croucher, Head of Regulatory Services, to extend the Public Spaces Protection Order (Dover District Council) 2018.

As a non-Key Officer decision, call-in does not apply (paragraph 18(a) of Part 4 (Rules of Procedure) of the Constitution).

Members of the public who require further information are asked to contact Kate Batty-Smith, Democratic Services Officer on 01304 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink that reads "Kate Batty-Smith". The signature is written in a cursive style and is positioned above a short horizontal line.

Democratic Services Officer

ENCL

1 **NOTICE OF DELEGATED DECISION - (DD12 21) EXTENSION OF DURATION OF PUBLIC SPACES PROTECTION ORDER (DOVER DISTRICT COUNCIL) 2018**
(Pages 2-5)

Decision Notice

Delegated Decision

Decision No:	DD12
Subject:	EXTENSION OF DURATION OF PUBLIC SPACES PROTECTION ORDER (DOVER DISTRICT COUNCIL) 2018
Notification Date:	15 September 2021
Decision taken by:	Diane Croucher, Head of Regulatory Services
Delegated Authority:	Delegation 161 of the Scheme of Officer Delegations (Section 6) of Part 3 (Responsibility for Functions) of the Constitution
Decision Type:	Executive Non-Key Decision
Call-In to Apply?	No (<i>Call-in does not apply to Non-Key Officer Decisions</i>)
Classification:	Unrestricted
Reason for the Decision:	To extend the duration of the Public Spaces Protection Order (Dover District Council) 2018.
Decision:	In accordance with Section 60(2) of the Anti-Social Behaviour Crime and Policing Act 2014, to extend the duration of the current Public Spaces Protection Order (Dover District Council) 2018 for a period of one year until 26 July 2022.

1. **Consideration and Alternatives** (*if applicable*)
 - 1.1 See below report.
2. **Any Conflicts of Interest Declared?**
 - 2.1 None.
3. **Summary**
 - 3.1 The Anti-Social Behaviour Crime and Policing Act 2014 (the 2014 Act) provides local authorities with the powers to make Public Spaces Protection Orders (PSPOs). These orders are intended to address activities carried out in public places which have a detrimental effect on the quality of life of those in the locality. Under the 2014 Act a PSPO runs for 3 years unless extended or varied.
 - 3.2 There are currently two PSPOs in place across the Dover District. One relating to dog control and the other relating to alcohol consumption in public places. The PSPO relating to dog control was due to expire on the 26th of July 2021 and the PSPO relating to alcohol consumption was extended in October 2020.
 - 3.3 It is DDCs intention to merge these two PSPOs into one order together with putting formal proposals to tackle new and emerging forms anti-social behaviour, subject to public consultation as per the requirements of the 2014 Act.
 - 3.4 In order to give sufficient time to carry out a full and detailed public consultation on a renewed combined order together with an equalities impact assessment, it was considered best to extend the 2018 PSPO in relation to dog control for a period of one year, under delegated authority.

4. **Background**

4.1 A local authority can make a PSPO if reasonably satisfied that two conditions are met:

(a) that activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality or that it is likely that activities carried out will have such an effect.

and

(b) the effect or likely effect of the activities is, or is likely to be of a persistent or continuing nature; is or is likely to be such as to make the activities unreasonable and justifies the restrictions imposed by the order

It is considered that these conditions remain met in respect of the dog control PSPO.

4.2 A PSPO in relation to dogs was implemented in July 2015, renewed in July 2018 and varied in 2019. Our PSPO lists the 4 offences:

(a) Failing to remove dog faeces (covering the whole District)

(b) Not keeping a dog on a lead in specified places

(c) Not putting and keeping a dog on a lead when directed to do so by an authorised officer (covering the whole District)

(d) Permitting a dog to enter specified land from which dogs are excluded

Detail of the current areas covered can be viewed at

<https://www.dover.gov.uk/Environment/Environmental-Crime/Public-Spaces-Protection-Order/Public-Spaces-Protection-Order.aspx>

4.3 Breach of the PSPO can be dealt with through the issue of a fixed penalty notice or prosecution. An FPN discharges the offender's liability to prosecution and is intended for low level offences so court time can focus on for more serious matters. The level of FPN is currently £100 reduced to £75 if paid within 10 days.

4.4 Section 72 of the Anti-Social Behaviour Crime & Policing Act 2014 requires the local authority to consult with following parties before the duration of a PSPO can be extended:

(a) the chief of police and local policing body

(b) whatever community representatives the local authority thinks to be appropriate

(c) The owner or occupiers of land within a restricted area.

4.5 Prior to the decision to extend the current PSPO in relation to dog control a period of consultation in which the above parties were invited to comment was provided and no objections were received.

5. **Statistics**

5.1 Dog control continues to be an issue for our communities and the below statistics demonstrate the necessity for the requirements of the PSPOs extension:

Financial year	No. Reports received				No. FPNs issued			No. Warnings issued
	Dog fouling	Dogs off lead	Dogs in exclusion areas	Dangerous dogs/ dog attacks	Dog fouling	Dogs off lead	Dog exclusion	Dogs on lead/ exclusion

2018-2019	238	5	14	75	6	17	15	27
2019-2020	260	4	11	66	3	13	5	27
2020-2021	182	9	14	56	2	4	8	4

(Please note that DDC has a zero tolerance policy in respect to dog fouling where a FPN will be issued in the first instance of an offence being witnessed)

6. Resource Implications

- 6.1 Current signage will need additional stickers affixed to them to detail the extension of the 2018 PSPO as per Regulation 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014. The maintenance of PSPO signage is one of the responsibilities of the Council's Dog Warden.
- 6.2 Upon the introduction of a new PSPO new signage will be procured and installed across the district.

7. Financial Implications

- 7.1 There is no financial implication to this decision. Signage is already in place and enforcement is carried out by authorised DDC officers. There are no costs to affixing stickers to existing notices. Furthermore, there are no additional officer costs to enforce the PSPO. Annual income generated from fixed penalty notices for breach of the PSPO will also need to be considered.

8. Climate Change and Environmental Implications

- 8.1 The continuation of current controls and implementation of new ones contributes to the Council's corporate priority of a "*cleaner sustainable environment*" and "*protection of our environment and open spaces*"

9. Corporate Implications

- 9.1 Comment from the Section 151 Officer: Accountancy Section have been consulted and have no further comments to add.
- 9.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this decision notice and has no further comments to make.
- 9.3 Comment from the Equalities Officer: The current proposal does not specifically highlight any equality implications however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/section/149>. It is noted that an equalities impact assessment will be undertaken on the proposed combined order.

10. Supporting Information

Appendix 1 – The Public Spaces Protection Order (Dover District Council) 2021

The appendix is too large to attach but can be found here:

<https://www.dover.gov.uk/Environment/Environmental-Crime/Public-Spaces-Protection-Order/PSPO-2021.pdf>

Contact Officer: Andrzej Kluczynski, Environmental Protection & Crime Manager

