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<b>Subject:</b>	<b>PUBLIC SPACES PROTECTION ORDER CONSULTATION</b>
<b>Meeting and Date:</b>	<b>Cabinet – 4 September 2023</b>
<b>Report of:</b>	<b>Brinley Hill, Head of Transformation and Paul Neagle, Port Health and Public Protection Manager</b>
<b>Portfolio Holder:</b>	<b>Councillor Charlotte Zosseder, Portfolio Holder for Community and Corporate Property and Councillor Jamie Pout, Portfolio Holder for Transport, Licensing and Environmental Services</b>
<b>Decision Type:</b>	<b>Key</b>
<b>Classification:</b>	<b>Unrestricted</b>

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**Purpose of the report:** To seek Cabinet authorisation to conduct a consultation process on the existing Public Space Protection Order for the variations proposed and detailed within this report, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014.

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**Recommendation:** That, having regard to the conditions within sections 61 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014, Cabinet authorises the Council to conduct an effective consultation process to seek comments and views from a range of stakeholders and members of the public on the proposed variations to the existing Public Space Protection Order as detailed within this report.

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## 1. Summary

- 1.1 On 26 July 2022 the Public Spaces Protection Order (PSPO) came into force for a period of 3 years which covers issues surrounding anti-social behaviour and dog control in public spaces.
- 1.2 Where a PSPO is in force, the local authority that made the order may vary it by increasing or reducing the restricted area or by altering, removing or adding a prohibition or requirement.
- 1.3 A local authority must carry out the necessary consultation (and the necessary publicity, and the necessary notification (if any)) before varying a PSPO. It is requested that authority be provided for a public consultation to vary the existing order.

## 2. Introduction and Background

- 2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 (the 2014 Act) provides local authorities with powers to make PSPOs. These orders are intended to address activities carried out in public spaces which have a detrimental effect on the quality of life of those in the locality.
- 2.2 A local authority can make a PSPO if reasonably satisfied that two conditions are met:
  - that activities carried on 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 on will have such an effect; and

- 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.

2.3 The current PSPO controls 6 activities:

- Dog fouling (covering the whole district)
- Dogs on lead by order (covering the whole district)
- Dogs on lead (in specified places)
- Dog exclusion (in specified places)
- Consumption of alcohol in public places
- Unauthorised camping (covering the whole district)

2.4 Following the introduction of this PSPO, implementing its requirements and consulting with the Environmental Crime team, it has been identified that a variation is required in the following areas:

- Rewording of Part 5 – “Consumption of Alcohol in Public Places” to clarify where the restrictions apply.
- Removal of children’s play area at Children’s Playing Field, Cowdray Square, Deal, Kent from Schedule 2 and extensions of area where dogs on lead restrictions apply at Children’s Playing Field, Cowdray Square, Deal, Kent in Schedule 1 to mirror approach of unfenced children’s play areas such as Russell Gardens in Temple Ewell.
- Addition of a dog exclusion area within the enclosed children’s play area to schedule 2 at Woodnesborough Village Hall Green, Elmwood Park, Woodnesborough, Kent

2.5 These amendments are requested to eliminate issues with effective enforcement of the PSPO and insert an enclosed children’s play area previously omitted from the order.

2.6 By virtue of section 72 of the Act, before varying a PSPO the Council is obliged to carry out consultation with the Chief Officer of Police, the local policing body, community representatives and owners/occupiers of land covered within the order.

2.7 If Cabinet is minded to authorise the Council to conduct a consultation process on the variations requested and listed within this report, we would aim to carry out a public consultation for a period not exceeding 6 weeks.

2.8 The consultation will be publicised widely through the Council’s website, Twitter, Facebook, via press releases to local media, e-mailing parish, town councils and community groups and leaving copies for public perusal in libraries and Council offices. Notices will also be put up in areas the order relates to, where appropriate.

2.9 Once the findings have been obtained from stakeholders and through feedback from members of the public, it is proposed that they are returned to a later Cabinet meeting to seek approval for the final variations proposed, along with feedback from the consultation phase taking into account the responses.

### 3. Identification of Options

- 3.1 Option 1 - Authorise the consultation process to seek views from stakeholders and members of the public on variations proposed.

- 3.2 Option 2 - Reject the proposal to go to consultation on the variations and maintain the PSPO until its expiry in July 2025.

#### 4. **Evaluation of Options**

- 4.1 Option 1 – The recommended option. The aim of consulting is to vary the PSPO. It also aids in
- Providing clarity to where part 5 of the PSPO applies and ensuring enforcement can take place where appropriate.
  - Maintaining a consistent approach to dog restrictions across the Dover District.

A period of public consultation ensures the views of those affected by these proposed variations are considered.

- 4.2 Option 2 – To not approve a consultation process and therefore make no changes to the PSPO which came into force on 26 July 2022.
- Legal challenge to enforcement activities taken under Part 5 of the PSPO as it does not make it clear that the order refers to the entire Dover District Area.
  - Leave an inconsistency in the Council’s approach to dog restrictions across the district.

#### 5. **Resource Implications**

- 5.1 There are minimal costs associated with going out to consultation other than officer time. There will be a cost for signage relating to changes once a PSPO is made. This is already budgeted for.

#### 6. **Corporate Implications**

- 6.1 Comment from the Section 151 Officer: Section 151 Officer has been consulted - MD
- 6.2 Comment from the Solicitor to the Council: The Principal Lawyer – Litigation & Regulatory has been consulted during the preparation of this report and has no further comments to make.
- 6.3 Comment from the Equalities Officer: ‘This report regarding the authorisation to conduct a consultation process on the existing Public Space Protection Order for variations proposed within, 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 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>’

#### 7. **Appendices**

Appendix 1 – The Proposed Public Spaces Protection Order (Dover District Council) 2022

Appendix 2 – Summary of proposed changes to existing PSPO

#### 8. **Background Papers**

Public Spaces Protection Orders – Guidance for Councils – LGA Paper