

FOR PUBLICATION

Public Space Protection Orders and a Review of Dog Control Orders

MEETING:	Overview and Performance Scrutiny Forum
DATE:	12 th January 2016
REPORT BY:	Senior Environmental Health Officer (Environmental Protection)
WARD:	ALL
COMMUNITY ASSEMBLY:	ALL

1.0 Purpose of the Report

- 1.1 To provide information on Public Space Protection Orders (PSPO's).
- 1.2 To consider the current Dog Control Orders (DCO's) in place across the Borough.
- 1.3 Set out the legal context of PSPO's and DCO's.

2.0 Information on Public Space Protection Orders

- 2.1 The Public Space Protection Order (PSPO) is a new power under the Anti – Social Behaviour, Crime and Policing Act 2014 (The Act)
- 2.2 PSPO's are intended to deal with a particular nuisance or problem in a particular geographical area that is detrimental to the local communities quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.
- 2.3 Local Authorities are responsible for making new PSPO's; although enforcement powers can be much broader (i.e. can include the Police). This new power is not available to parish and town councils.
- 2.4 The legal test is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the local authority if they are satisfied on reasonable grounds that the activities carried out or likely to be carried out, in a public space:
 - Have had, or is likely to have a detrimental effect on the quality of life of those in the locality
 - Is, or likely to be of a persistent or continuing in nature
 - Is, or is likely to be unreasonable

➤ Justifies the restrictions imposed.

- 2.4 Local Authorities can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access.
- 2.5 A PSPO can contain both restrictions and requirements which will be determined by the Council after consultation with the Police and other relevant agencies, partners or communities. These can be targeted against particular behaviours, by particular groups at specific times with more than one restriction being included within the PSPO. This means the Order can deal with a wider range of behaviours than the orders and by-laws it replaces.
- 2.6 Breaching a PSPO is a criminal offence and enforcement officers can issue Fixed Penalty Notices if appropriate to do so.
- 2.7 The PSPO's can be in place for a maximum of three years and are designed to be flexible and responsive to need. There is no limit on the number of times that orders can be renewed, as long as the need is still present. Variation of PSPO's can be done at any time to respond to the changing needs of public spaces.

3.0 Existing Dog Control Orders

- 3.1 A list of existing Dog Control Orders is contained in Appendix 1.
- 3.2 It should be noted that if there are no changes to be made to the existing list of Dog Control Orders, these would automatically transfer to PSPO's within three years (i.e. October 2017).
- 3.3 Any amendments to the existing list of Dog Control Orders would require consultation with the Police, other relevant agencies, partners and local communities.

4.0 Implications for Chesterfield Borough Council

- 4.1 Legal – should any changes be made to the existing list of Dog Control Orders, the implementation of the PSPO can be challenged by any Interested person within 6 weeks of the making of the Order; the challenge is made at the High Court. Anyone who is directly affected by the making of the PSPO can challenge the order. A challenge can be made on the basis that the Council does not have the power to make the Order, or that the particular prohibitions or requirements are unnecessary or that procedurally the order is defective.
- 4.2 Financial – there is a financial implication in that the control zones will need to be signed to allow enforcement. The more restrictions in place, the more signage that needs to be displayed.

- 4.3 Human resources – breaching a PSPO is a criminal offence and enforcement officers can issue Fixed Penalty Notices. It would be advisable to put in place a review across the whole Council as to which staff has enforcement powers. Some staff may need refresher training.

5.0 Summary

- 5.1 Under the Anti-Social Behaviour Crime and Policing Act 2014, there is provision for local authorities to introduce measures to address anti-social behaviour in public spaces. As relevant to this report – the Public Space Protection Order.

- 5.2 The new Orders are more flexible and can be applied to a much broader range of issues, with local authorities having the ability to design and implement their own prohibitions or requirements where certain conditions are met, these being that the Council must be satisfied on reasonable grounds that activities carried out in a public space will have or are likely to have:

- A detrimental effect on the quality of life of those in the locality
- Is, or likely to be of a persistent or continuing in nature
- Is, or is likely to be unreasonable
- Justifies the restrictions imposed.

6.0 Considerations and Recommendations

- 6.1 Does the Scrutiny Forum wish to make any amendments to the existing list of Dog Control Orders?
- 6.2 The Scrutiny Forum is advised that all amendments must be supported by evidence.
- 6.3 Does the Scrutiny Forum wish to include any other public open spaces with a specific PSPO for 'dog control/responsible dog ownership'? (for example, Queens Park and Holmebrook Valley Park currently covered by local by-laws).
- 6.3 Does the Scrutiny Forum wish to carry out a holistic review of PSPO's (i.e. to include other aspects of anti-social behaviour for example littering and drinking alcohol); of which, Dog Control Orders would be one particular issue?
- 6.4 Recommend that Scrutiny Forum consider commissioning a Council wide staffing review regarding enforcement powers.
- 6.5 Recommend that Scrutiny Forum consider what staffing options could be put in place for 'out-of-hours' enforcement; i.e. evening and weekend patrols.
- 6.5 Consider whether future variation, renewal or introduction of future PSPO's is delegated to Officers, with Scrutiny Forum being informed.

Appendix 1 – List of current Dog Control Orders

DC01 Fouling in cemeteries (Boythorpe, Brimington, Spital and Staveley)

DC02 Dogs on leads at cemeteries (Boythorpe, Brimington, Spital and Staveley)

DC03 Fouling of land – all public open spaces

DC04 Dog exclusion zone at Eastwood Park, Hasland

It is an offence for any person in charge of a dog at any time if he takes the dog onto, or if he permits it to enter or to remain on the land which applies to the Order unless he has a reasonable excuse for failing to do so or the owner, occupier or other person or authority having control of the land has consented generally or specifically to his failing to do so.

The offence does not apply to a person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or to a deaf person in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358), or to a person who has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by Dogs for the Disabled (registered charity number 700454), Support Dogs (registered charity number 1088281) or Canine Partners for Independence (registered charity number 803680) and upon which he relies for assistance.

This Dog Control Order applies only to the children's play area in Eastwood Park. See map below.

DC05 Dogs on leads at Eastwood Park, Hasland

It is an offence for any person in charge of a dog to fail to keep the dog on a lead at any time unless he has a reasonable excuse for failing to do so or the owner, occupier or other person or authority having control of the land has consented generally or specifically to his failing to do so.

This Dog Control Order applies to the northern part of Eastwood Park only, including the service road, car parks, gardens, courts and bowling green (but excluding Eastwood Park Lodge and Hasland Village Hall). See map below.

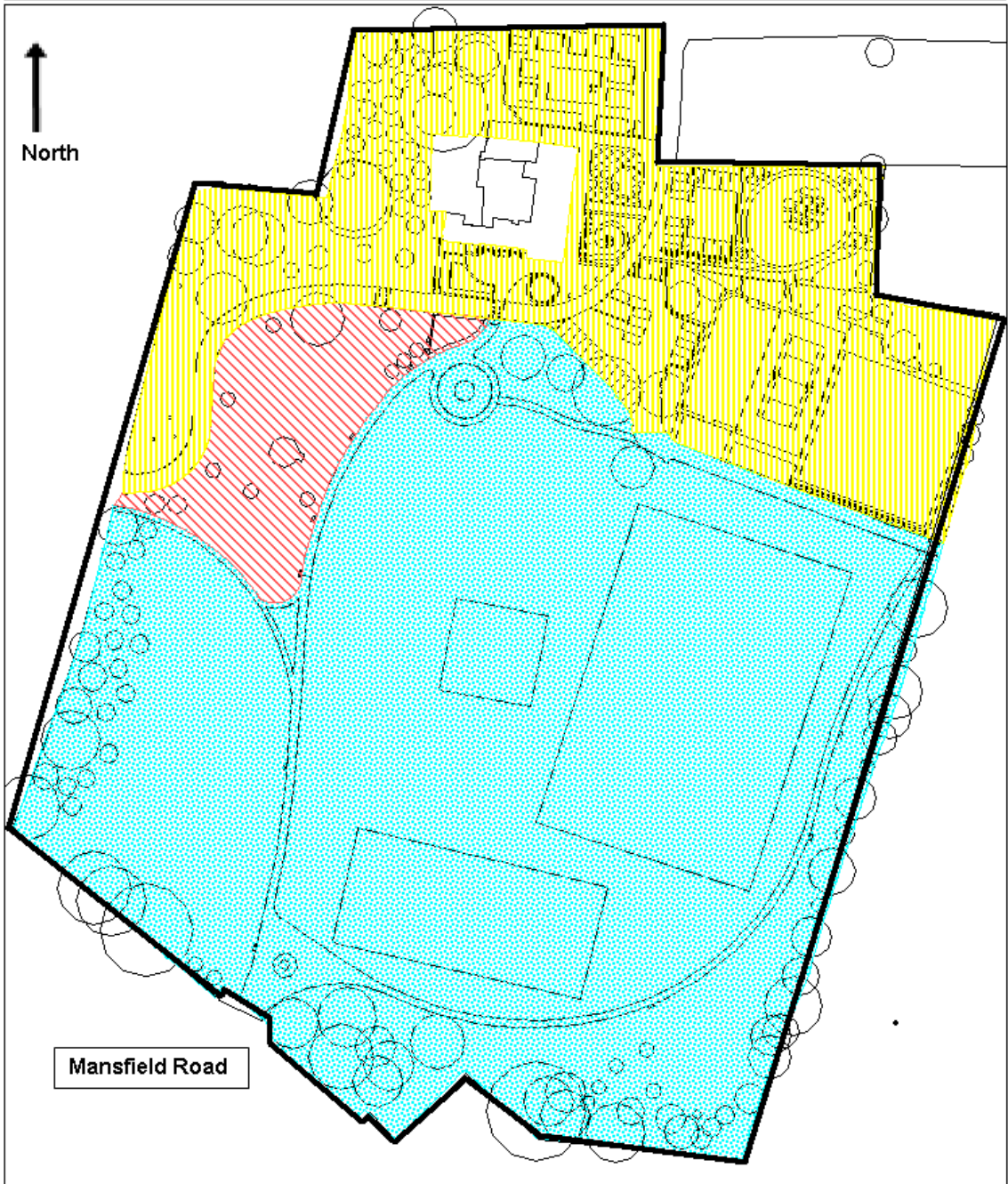
DC06 Dogs on leads by direction at Eastwood Park, Hasland




It is an offence for any person in charge of a dog at any time if he does not comply with a direction given to him by an authorised officer of the Council

to put and keep the dog on a lead unless he has a reasonable excuse for failing to do so or the owner, occupier or other person or authority having control of the land has consented generally or specifically to his failing to do so.

This Dog Control Order applies to Eastwood Park (excluding the northern part of the park and the children's play area). See map below.

EASTWOOD PARK - DOG CONTROL ORDERS 2013



KEY	ORDER
	DOGS ON LEADS
	DOGS EXCLUDED
	DOGS ON LEAD BY DIRECTION (OF AN AUTHORISED OFFICER)

Park Boundary



END OF REPORT