

North Somerset Council

REPORT TO THE PARTNERSHIPS, CORPORATE ORGANISATION AND OVERVIEW MANAGEMENT POLICY AND SCRUTINY PANEL

DATE OF MEETING: 03 MARCH 2022

SUBJECT OF REPORT: PUBLIC SPACE PROTECTION ORDERS

TOWN OR PARISH: ALL

OFFICER/MEMBER PRESENTING: DEE MAWN

KEY DECISION: NO

REASON:

This is not a key decision because it will not result in the authority incurring expenditure or making savings in excess of £500,000 and will not be significant in terms of its effect on communities living or working in more than one ward in the area.

RECOMMENDATIONS

- To commence public consultation on the Public Space Protection Orders that were recommended for further consultation at the meeting of the Executive dated 11 February 2021 as set out in **Section 3.1**
- To commence public consultation on amendments to existing Public Space Protection Orders to facilitate improved operational performance as set out in **Section 3.2**.
- To commence public consultation on new Public Space Protection Orders where we have identified an urgent public safety reason to do so, as set out in **Section 3.3**.
- To commence member engagement on several new proposals that have been put forward for review as set out in **Section 3.4**.

1. SUMMARY OF REPORT

Public Space Protection Orders (PSPOs) were first introduced across the district by North Somerset Council on the 20 October 2017 to deter individuals or groups of individuals committing anti-social behaviour in public places. Subsequent reviews conducted in 2020 and 2021 saw additional provisions added to the area wider order and new orders were introduced such as “no swimming” at Abbots Pool in Abbots Leigh and “no dogs” at Court Hay in Pill and Easton-in-Gordano.

At a meeting of the Executive dated 11 February 2021 it was agreed that further consultation would take place on the following matters. A commitment was made by officers to progress this during the financial year 2021/22, so it is now expedient to do so, more detail on them can be found in **Section 3.1**

- Aggressive begging
- Broadcroft Play Area, Claverham - no dogs allowed

- Hutton Moor Playing Fields – all dogs on leads
- Worle Recreation Ground – all dogs on leads
- Weston-super-Mare Beach – amending the Summer Beach Ban restrictions to allow dogs on the beach between Royal Sands and The Pier between the hours of 18:00 to 08:00.

Since then and as a direct result of the recent success in the enforcement of PSPOs some minor amendments to the area wide order are proposed to facilitate improved operational performance in enforcement. These amendments are listed in **Section 3.2**, and it is recommended that these are added to the list above for expedient consultation.

In addition, it is also recommended that we commence expedient consultation on an order for Portishead Marina where it has become known that the former Portishead Dock byelaws are no longer in force in respect of controls needed around swimming in the harbour. More detail on this can be found in **Section 3.3**.

Engagement with members is required in respect of new and amended orders listed in **Section 3.4**. Councillors, NSC staff and other stakeholders including the police have provided officers with a list of proposals to address concerning issues occurring in local communities and how best to respond to them.

2. POLICY

Attention is drawn to the following policy documents (full details of which can be found in the reference section of this report)

- The Anti-social Behaviour, Crime and Policing Act 2014: Statutory guidance for frontline professionals - provides guidance to local authorities on the steps it must take before introducing a PSPO.
- The Regulatory Services Enforcement Procedure – explains the council approach to enforcement in line with the Regulators Code.

Tackling anti-social behaviour supports the vision and ambition of the council to “build and sustain great places to live and visit that are vibrant, accessible and safe”.

3. DETAILS

3.1 Matters deferred for further consultation following Executive meeting 11 February 2021

- **New AREA WIDE provision relating to aggressive begging** that will apply to **any land to which the public is entitled or permitted to have access with or without payment** to be subject of immediate consultation (exact wording subject to change)

No person without reasonable excuse shall approach people for money or goods, or be stationary and directly asking for money or goods, or be positioned on the floor to invite the offer of money or goods within 10 metres of a cash or payment machine or in a manner which is aggressive or intimidating or is likely to cause someone to feel harassed, alarmed or distressed

- **New DOG CONTROL PSPO** relating to **Broadcroft Play Area in Claverham** to be subject to immediate consultation (exact wording subject to change)

No person shall take a dog onto, or permit a dog to enter, or allow a dog to remain on any land within the boundary of Broadcroft Play Area, save for when passing and re-passing along footpath, unless

(i) the person is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948, or

(ii) the person is deaf, in respect of a dog trained by the Hearing Dogs for Deaf People and upon which he relies for assistance, or

(iii) the person 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 a prescribed charity and upon which he relies for assistance, provided that the dog is on a lead.

- **New DOG CONTROL PSPO** relating to **Hutton Moor Playing Fields** in Weston-super-Mare (exact wording subject to change)

All dogs are required to be kept on a lead

- **New DOG CONTROL PSPO** relating to **Worle Recreation Ground** in Weston-super-Mare (exact wording subject to change)

All dogs are required to be kept on a lead

All dogs are to be kept off games pitches unless

(i) the person is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948, or

(ii) the person is deaf, in respect of a dog trained by the Hearing Dogs for Deaf People and upon which he relies for assistance, or

(iii) the person 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 a prescribed charity and upon which he relies for assistance, provided that the dog is on a lead.

- **New DOG CONTROL PSPO** relating to **Weston Main Beach** in Weston-super-Mare (exact wording subject to change)

No person shall take a dog onto, or permit a dog to enter, or allow a dog to remain on the beach within the area shown on the plan between 01 May and 30 September, between the hours of 08:00 and 18:00 unless

(i) the person is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948, or

(ii) the person is deaf, in respect of a dog trained by the Hearing Dogs for Deaf People and upon which he relies for assistance, or

(iii) the person 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 a prescribed charity and upon which he relies for assistance, provided that the dog is on a lead

- 3.2 Consultation is recommended to commence consultation regarding the inclusion of the following provisions into existing Public Space Protection Orders to aid improvements in operational enforcement.

- *If a Police Constable or Authorised Person reasonably believes that a person has acted, or likely to act, contrary to the restrictions placed upon them by this Order, they must provide their name and address when required to do so.*
- *A definition of what is a “receptacle” for picking up dog faeces*

3.3 Consultation is recommended to commence on a new Public Space Protection Order where we have identified an urgent public safety reason to do so,

- **NEW WATER SAFETY PSPO** relating to the **Marina** in Portishead (exact wording subject to change)

No person shall enter the water unless participating in an authorised water activity.

(No person without a reasonable excuse shall act in an anti-social or disorderly manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person.

If a Police Constable or Authorised Person reasonably believes that a person has acted, or likely to act, contrary to the restrictions placed upon them by this Order, they must provide their name and address when required to do so.

If a Police Constable or Authorised Person reasonably believes that a person has acted, or likely to act, contrary to the restrictions placed upon them by this Order, they must leave “the Controlled Zone” or specified location forthwith and not return within a specified period up to a maximum of 48 hours when instructed to do so by a Police Constable or Authorised Person.

3.4 Engagement with members is required in respect of several newly proposed provisions for:

- Weston-super-Mare seafront
- New dog control orders at Ashton Court, Long Ashton Community Centre and the Putting Green, Beach Lawns, Weston-super-Mare (formerly the site of Miniature Railway)
- A new Town Centre, Retail and Managed Parks Order; and
- A new gating order at Worthy Place Weston-super-Mare to restrict general access because the route is being used to commit anti-social behaviour.

4. CONSULTATION

Before making or amending a PSPO, the council must consult with the local police. This should be done formally through the chief officer of police and the Police and Crime Commissioner, but details could be agreed by working level leads. This is an opportunity for the police and the council to share information about the area and the problems being caused as well as discuss the practicalities of enforcement. In addition, the owner or occupier of the land should be consulted.

The council must also consult whatever community representatives they think appropriate. This could relate to a specific group, for instance the resident's association, or an individual or group of individuals, for instance, regular users of a park. The creation, extension, variation or discharge of a PSPO must be published in accordance with regulations made by the Secretary of State.

5. FINANCIAL IMPLICATIONS

None to be considered at this stage

Costs

N/A

Funding

N/A

6. LEGAL POWERS AND IMPLICATIONS

PSPOs were brought in under the Anti-Social Behaviour, Crime and Policing Act in 2014, which came in to force on 20 October 2017. PSPOs can be challenged in the high court within a period of six weeks following introduction.

North Somerset Council has not been challenged on the orders that have been introduced so far. Any new or amended PSPOs that the council proposes to introduce will be open to challenge within the first six weeks of adoption. Any district wide controls will come under particular scrutiny.

Revised guidance issued in August 2019 helps police and councils to continue to take appropriate action against nuisance behaviours while ensuring the most vulnerable, including the homeless, are not disproportionately targeted.

This guidance follows feedback from charities and other groups who raised concerns nationally that the orders were being used in some cases to disproportionately target certain groups in some areas rather than focusing on behaviour that is genuinely anti-social and causing others distress or alarm.

Particular concerns were raised around the use of the orders against the homeless, buskers, dog walkers and, in some cases, people simply gathering together in small groups in town centres who were not engaged in anti-social behaviour.

The guidance puts greater emphasis on the need to ensure the powers are used to target specific nuisance behaviours and are not applied in a blanket way against specific groups or behaviour that is not in itself anti-social. It reminds councils that powers should not, for example, target normal everyday behaviour that is not having a detrimental effect on the community's quality of life, such as skateboarding.

Where young people are concerned, councils should think carefully about restricting activities that they are most likely to engage in. Restrictions that are too broad or general in nature may force the young people into out-of-the-way spaces and put them at risk. In such circumstances, councils should consider whether there are alternative spaces that they can use.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

The orders, whilst introduced mainly to tackle Anti-social Behaviour issues in our communities, they do also offer considerable benefit to the environment, i.e tackling litter and dog fouling.

8. RISK MANAGEMENT

There has been a lot of interest nationally over the introduction of Public Space Protection Orders. Our previous consultation generated interest from the local and national media.

The timeline for implementation allows scope for reviewing the wording of the orders to ensure that they have sound legal basis to protect them from challenge.

9. EQUALITY IMPLICATIONS

Have you undertaken an Equality Impact Assessment? No

A full Equality Impact Assessment will be carried out as part of the consultation process on any new, extended, varied or discharged PSPOs.

10. CORPORATE IMPLICATIONS

The wide scope of this PSPO review is an example of a one council approach to tackling anti-social behaviour in North Somerset.

11. OPTIONS CONSIDERED

The recommendation is to

- To undertake a public consultation on any new and amended Public Space Protection Orders in accordance with section 72 of the Anti-social Behaviour Crime and Policing Act 2014.

Options considered would be

- To **not** undertake a public consultation on any new and amended Public Space Protection Orders in accordance with section 72 of the Anti-social Behaviour Crime and Policing Act 2014. The consequences of such would mean that any new orders put forward to deter individuals or groups of individuals committing anti-social behaviour in public places could not be brought into force.

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BACKGROUND PAPERS

Anti-Social Behaviour Crime and Policing Act 2014

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

Revised Statutory Guidance for frontline professionals

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/823316/2019-08-05_ASB_Revised_Statutory_Guidance_V2.2.pdf

Local Government Public Space Protection Orders Guidance for Councils

https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf

Information Note on Public Space Protection Orders

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364851/Public_and_open_spaces_information_note.pdf

Report to the Community and Corporate Organisation Policy and Scrutiny Panel – Nov 2016 <http://apps.n-somerset.gov.uk/cairo/docs/doc27670.pdf>

Report to Full Executive – June 2017

<http://apps.n-somerset.gov.uk/cairo/docs/doc28128.pdf>

FPN Policy and Associated Papers

<http://apps.n-somerset.gov.uk/cairo/committees/comidx219-2017.asp>

The Regulatory Services Enforcement Procedure

<https://www.n-somerset.gov.uk/wp-content/uploads/2015/11/regulatory-services-enforcement-procedure-pdf.pdf>

North Somerset Council's Public Space Protection Orders

<https://www.n-somerset.gov.uk/my-services/community-safety-crime/public-space-protection-orders/public-space-protection-orders/>

Report to the Community and Corporate Organisation Policy and Scrutiny Panel – Nov 2019

<https://apps.n-somerset.gov.uk/Meetings/document/report/NSCPM-117-144>

<https://apps.n-somerset.gov.uk/Meetings/document/report/NSCPM-117-143>

Report to Full Executive – 11 Feb 2021

<https://n-somerset.moderngov.co.uk/documents/g647/Public%20reports%20pack%2011th-Feb-2021%2015.00%20Executive.pdf?T=10>