

North Somerset Council

Report to the Executive

Date of Meeting: 27 April 2022

Subject of Report: Public Space Protection Orders

Town or Parish: All

**Officer/Member Presenting: Cllr Mike Bell - Deputy Leader of the Council
Executive Member for Adult Services, Health and Housing**

Key Decision: Yes

Reason:

This is a key decision as it is significant in terms of its effects on communities living or working in an area comprising two or more wards of the Local Authority.

Recommendations

To consider the approval of the proposed North Somerset Public Space Protection Orders as set out in Section 3 of this report.

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 wide 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 matters such as

- Aggressive begging
- Broadcroft Play Area, Yatton & Claverham - no dogs allowed
- Hutton Moor Playing Fields, Weston-super-Mare – 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 following a report to the Partnerships Corporate Organisation and Overview Management Policy and Scrutiny Panel (PCOM), the council has consulted on a number of proposals as set out in Section 3.

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

The details of the proposed amendments to the Public Space Protection Orders are set out below

3.1 AREA WIDE ORDER that applies to any land to which the public is entitled or permitted to have access with or without payment

The following existing provisions of the AREA WIDE ORDER are not subject to change

No person shall -

- *Fail to remove dog faeces*
- *Fail to produce a receptacle for picking up dog faeces when asked to do so*
- *Fail to put a dog on a lead when required to do so*
- *Deposit litter*
- *Urinate or defecate in any place other than a public convenience*
- *Trade on public property without a pedlars licence or street trading consent*
- *Fail to stop consuming intoxicating substances when asked to do so*
- *Fail to surrender intoxicating substances when asked to do so*
- *Fail to stop playing music or instruments when requested to do so by an Authorised Officer*
- *Use or drive a vehicle in a manner likely to cause alarm, harassment, distress or public nuisance (includes bicycles and e-scooters)*

The following NEW AREA WIDE provisions are the subject of this report and are to be considered for approval.

3.1.1 Aggressive Begging

Consideration is to be given to adding the following provision within the area wide order

No person 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

Our default position is to always provide support to those who need it and we do everything we can to ensure that individuals are signposted to services that can help. There are some instances where people, for various reasons, do not accept the support that is provided to them. Sometimes begging can perpetuate harmful habits and can push an individual away from the support that is available. Aggressive begging can be intimidating to others and there have been cases where it leads to altercation with others. We have sought views on whether to add a provision in the order which would allow officers to tackle aggressive begging. Begging will only be considered as "aggressive" in instances where the behaviour is escalating and has got to the point where harassment, alarm or distress is being caused. This is not about issuing fines to the individual for their behaviour, instead it's a means to ensure that appropriate intervention can be sought to address the behaviour.

The overriding objective of enforcement action against offences is to educate the offender and change their behaviour, and to deter others from committing the same offence. It may be enough to simply move a person away from an area for up to 48 hours using the proposed Anti-Social Behaviour powers set out in sections 3.2.1, 3.3.1 and 3.4.1 below. However if this is not suitable then some enforcing authorities have successfully offered restorative justice as an alternative to formal enforcement action. Restorative justice can be offered as an alternative to a fine or a sentence. Restorative justice brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward. More information on restorative justice can be found in background papers.

3.1.2 Defining the receptacle for picking up dog faeces as "a bag"

Consideration is to be given to amending the area wide order to define the term receptacle. The order currently in force requires anyone in charge of a dog to carry a receptacle for picking up dog faeces. The term "receptacle" is not currently defined in the order. If approved the order will be updated so that it defines receptacle as "a bag". The definition will help the officer to explain what the minimum standard of a "receptacle" should be, this does not however preclude someone from offering an alternative means to pick up, but it would be at the officer's discretion as to whether to accept the alternative as being suitable to pick up dog faeces. The simple test would be whether the officer reasonably believes that the article produced would have been used if the officer had been there or not, for example would it be reasonable to believe that someone would ordinarily use their "hat" to pick up dog faeces or is it more likely that it wouldn't have been picked up at all.

It is important to note however that the authority does recognise the harm that discarded bags can have on the environment, including livestock. Any discarded dog bag, whether biodegradable or not will be classed as litter and anyone found discarding them will be fined for littering.

3.1.3 Making it a requirement to provide your name and address to an authorised officer if they believe you are acting contrary to the order

Consideration is to be given to amending the area wide order so that if a Police Constable or Authorised Person reasonably believes that a person has acted contrary to the restrictions placed upon them by a Public Space Protection Order, then a person must provide their name and address when required to do so.

Many pieces of legislation that deal with enviro-crime legislation such as the Environmental Protection Act 1990 have this requirement inserted as standard so that in the event that a person fails to give their name and address, they commit a further offence. This should help to deter individuals from not giving their details at the scene. Whilst it is expected that some may still not provide their details, if we can identify the individual by other means, then they can be charged with the offence they committed in the first place and also the failure to provide their name and address at the scene.

It should be noted that if approved the draft order will be amended to request name and address only when a person has acted contrary to the orders not if they are "likely to act" contrary to the orders.

3.2 NEW TOWN CENTRE AND RETAIL AREAS PSPO

Consideration is to be given to creating a new Town Centre and Retail Areas Order to introduce the following requirements to public spaces that are in the open air, including covered land which is open on at least one side and to which the public is entitled or permitted to have access.

3.2.1 Anti-Social Behaviour

It is proposed that "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"

It is also proposed that "No person shall refuse to leave any public place within "the Controlled Zone" when requested to do so by a Police Constable or an Authorised Person".

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

In addition, "If a Police Constable or Authorised Person reasonably believes that a person has acted 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".

("Controlled zone" in this context is the marked boundary as shown on the maps within the draft order - see appendices).

As mentioned in section 3.1.1, the overriding objective of enforcement action against offences is to educate the offender and change their behaviour, and to deter others from committing the same offence. It may be enough therefore to simply move a person away from an area for 48 hours using the proposed powers outlined above. The police already have similar powers under s.35 of the Anti-Social, Behaviour, Crime and Policing Act 2014, however extending the provision within our Public

Space Protection Orders would provide any authorised officer working on behalf of the council with the power to disperse individuals acting in an anti-social or disorderly manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person in the town centres and retail areas as detailed within the order (see appendices for details)

It should be noted that if approved the draft order will be amended to request name and address only when a person has acted contrary to the orders not if they are "likely to act" contrary to the orders.

3.2.2 Unauthorised encampments

It is proposed that "No person shall erect a tent, gazebo, marquee or other temporary structure that is designed or intended to provide shelter or accommodation within "the Controlled Zone" without the express prior written permission of the landowner".

It is also proposed that "If instructed to do so by a police officer or an authorised officer a person shall clear away any temporary structure and associated equipment without delay."

("Controlled zone" in this context the marked boundary as shown on the maps within the draft order – see appendices)

The council is satisfied that unauthorised camping is being carried out within our town centre areas and the activity is having a detrimental effect on the quality of life of those in the locality. People camping in these areas have been known to set fires; leave rubbish and drug paraphernalia which can cause alarm or distress to others.

As mentioned in 3.1.1 above this is not about issuing fines to the individual for their behaviour, instead it's a means to ensure that appropriate intervention can be sought to address the behaviour. Again, restorative justice can be used as an alternative to formal action. Restorative justice brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward. More information on restorative justice can be found in background papers.

This provision if approved is not intended to deal with beach shelters, windbreaks, parasols etc used generally by visitors to the seaside.

3.2.3 Fires and barbecues

It is proposed that "No person shall light a fire, barbecue (including a disposable barbecue), sky lantern (also known as Chinese lantern) or firework within the Controlled Zone"

("Controlled zone" in this context is the marked boundary as shown on the maps within the draft order – see appendices)

These activities in our Town Centres do happen, North Somerset Council has received a number of complaints from the public about fires, BBQs, sky lanterns and fireworks causing damage to the local natural and built environment. Disposable barbecues left on the ground are dangerous and have also been known to be placed in bins causing them to burn out.

This provision is only relevant in public open spaces and does not apply to private property and residences. It would not apply to those who have authority to have a fire, barbecue, or firework in relation to an event or authorised activity.

Reference should also be made to the council's sky lantern policy, details of which can be found in background papers.

3.3 NEW MANAGED PARKS AND OPEN SPACES PSPO

Consideration is to be given to creating a new managed parks and open spaces order to introduce the following requirements to public spaces that are in the open air, including covered land which is open on at least one side and to which the public is entitled or permitted to have access

3.3.1 Anti-Social Behaviour

It is proposed that "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"

It is also proposed that "No person shall obstruct:

- (a) any officer of the Council in the proper execution of their duties;
- (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council"

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

In addition, "If a Police Constable or Authorised Person reasonably believes that a person has acted 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"

("Controlled zone" in this context is the marked boundary as shown on the maps within the draft order – see appendices)

As mentioned in sections 3.1.1 and 3.2.1 above, the overriding objective of enforcement action against offences is to educate the offender and change their behaviour, and to deter others from committing the same offence. It may be enough therefore to simply move a person away from an area for up to 48 hours. The police already have similar powers under s.35 of the Anti-Social, Behaviour, Crime and Policing Act 2014, however extending the provision within our Public Space Protection Orders would provide any authorised officer working on behalf of the council with powers to disperse individuals acting in an anti-social or disorderly manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person in our managed parks and open spaces as detailed within the order (see appendices for details)

It should be noted that if approved the draft order will be amended to request name and address only when a person has acted contrary to the orders not if they are "likely to act" contrary to the orders.

3.3.2 Unauthorised encampments

It is proposed that "No person shall erect a tent, gazebo, marquee or other temporary structure that is designed or intended to provide shelter, or accommodation within "the Controlled Zone" without the express prior written permission of the landowner".

It is also proposed that "If instructed to do so by a police officer or an authorised officer a person shall clear away any temporary structure and associated equipment without delay."

("Controlled zone" in this context is the marked boundary as shown on the maps within the draft order – see appendices)

As mentioned in section 3.2.2 above this is not about issuing fines to the individual for their behaviour, instead it's a means to ensure that appropriate intervention can be sought to address the behaviour. Again, restorative justice can be used as an alternative to formal action. Restorative justice brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward. More information on restorative justice can be found in background papers.

This provision if approved is not intended to deal with beach shelters, windbreaks, parasols and other paraphernalia used generally by visitors to the seaside.

3.3.3 Fires and barbecues

It is proposed that "No person shall light a fire, barbecue (including a disposable barbecue), sky lantern (also known as Chinese lantern) or firework within the Controlled Zone"

("Controlled zone" in this context is the marked boundary as shown on the maps within the draft order – see appendices)

These activities in our managed parks and open spaces happen frequently. North Somerset Council has received a number of complaints from the public about fires, BBQs. Sky lanterns and fireworks causing damage to the local natural and built environment, livestock and wildlife. Disposable barbecues left on the ground are dangerous and have also been known to be placed in bins causing them to burn out.

This provision is only relevant in public open spaces and does not apply to private property and residences. It also would not apply to those who have authority to have a fire or barbecue in relation to an event or authorised activity.

Reference should also be made to the council's sky lantern policy, details of which can be found in background papers.

3.4 NEW WESTON-SUPER-MARE SEAFRONT PSPO

Consideration is to be given to creating a new Weston-super-Mare seafront order to introduce the following requirements to public spaces that are in the open air, including covered land which is open on at least one side and to which the public is entitled or permitted to have access

3.4.1 Anti-Social Behaviour

It is proposed that "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"

It is also proposed that "No person shall obstruct:

- (a) any officer of the Council in the proper execution of their duties;
- (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council"

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

In addition, "If a Police Constable or Authorised Person reasonably believes that a person has acted 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"

("Controlled zone" in this context is the marked boundary as shown on the maps within the draft order – see appendices).

As mentioned in sections 3.1.1, 3.2.1 and 3.3.1 above, the overriding objective of enforcement action against offences is to educate the offender and change their behaviour, and to deter others from committing the same offence. It may be enough therefore to simply move a person away from an area for up to 48 hours. The police already have similar powers under s.35 of the Anti-Social, Behaviour, Crime and Policing Act 2014, however extending the provision within our Public Space Protection Orders would provide any authorised officer working on behalf of the council to disperse individuals acting in an anti-social or disorderly manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person in our managed parks and open spaces as detailed within the order (see appendices for details)

It should be noted that if approved the draft order will be amended to request name and address only when a person has acted contrary to the orders not if they are "likely to act" contrary to the orders.

3.4.2 Fires

It is proposed that "No person shall light a fire or sky lantern within "the Controlled Zone"

("Controlled zone" in this context is the red line boundary as shown on the map within the draft order - see appendices)

Unlike previous sections that deal with fires and barbecues, this provision is slightly different as it doesn't apply to barbecues on the beach.

Barbecues are allowed on the beach: as long as they are raised off the ground, do not take place under any building or near anything that may be damaged by the fire and must be extinguished and removed from the beach after use along with any litter. Disposable barbecues and charcoal must not be placed in bins or buried in the sand.

In line with previous section fires and sky lanterns will not be permitted. Fireworks will only be permitted with authorisation to do so.

3.4.3 Unauthorised encampments

It is proposed that "If instructed to do so by a police officer or an authorised officer a person shall clear away any tent, gazebo, marquee or other temporary structure and associated equipment without delay."

("Controlled zone" in this context is the marked boundary as shown on the map within the draft order.

As mentioned in section 3.2.2 and 3.3.2 above this is not about issuing fines to the individual for their behaviour, instead it's a means to ensure that appropriate intervention can be sought to address the behaviour. Again, restorative justice can be used as an alternative to formal action. Restorative justice brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward. More information on restorative justice can be found in background papers.

This provision if approved is not intended to deal with beach shelters, windbreaks, parasols and other paraphernalia used generally by visitors to the seaside.

3.4.4 Feeding birds

We have identified a potential link between poor bathing water quality and the increased prevalence of gulls. Incessant feeding of birds also attracts rats.

It is proposed that "No person at any time shall provide or deposit food for consumption by birds within "the Controlled Zone"

("Controlled zone" in this context is the marked boundary as shown on the map within the draft order – see appendices)

The provision is not intended to issue fines to every individual feeding birds, instead warnings will be given in the first instance. If an individual persists in feeding birds when asked to stop, then a fine will be issued.

3.4.5 Anti-Social use of watercraft and other vehicles

The draft order stipulates that "Person(s) (by definition includes the driver or registered keeper of the vehicle if the driver cannot be identified who at the time of the offence was in control of the vehicle or in a position to control its use within the area) are prohibited from:

- (a) Launching any personal watercraft or sailing vessels within the "controlled zone" other than from Knightstone Slipway.
- (b) Entering any marked exclusion zones with a powered watercraft
- (c) Using, driving or sailing watercraft or a vehicle in a manner likely to cause alarm, harassment, distress or public nuisance
- (d) Parking a vehicle on the Knightstone Slipway, Promenade or Marine Lake Plaza without prior permission.

(e) Causing an obstruction on the Knightstone Slipway, Promenade, public highway or publicly accessible place within the "Controlled Zone".

("Controlled zone" in this context is the marked boundary as shown on the map within the draft order – see appendices)

The provisions if approved would effectively provide officers with the means by which to enforce the Knightstone Slipway User Regulations and the management of non-permit holders. Further detail on the permit scheme can be found in background papers. However the order should be amended to make it clear that the provisions do not affect the River Axe launching site and the wording should be reviewed to consider access at Royal Sands for windsurfers, kites and other small watercraft.

3.5 AREA SPECIFIC PSPOs

Consideration is to be given to creating new areas specific orders to introduce the following

3.5.1 Portishead Marina PSPO

The marina is a popular place for people to gather and swim in the summer months, it is reported that this causes some disruption to local residents, but moreover the marina is an active harbour and there are water safety concerns about whether it is a safe place to swim.

The City of Bristol (Portishead Docks) Act 1992 closed Portishead Docks to commercial shipping so the byelaws that prohibited swimming in the harbour ceased at that time.

There are "no swimming" signs at the marina which are advisory only, an example can be seen in Appendix E. The signs are currently unenforceable as there is no legal statute for them.

The Health and Safety Guidelines for Berth Holders, Visitors and Contractors in marinas states that swimming and diving should only be allowed with signed authority from the Harbour Master and approval from the marina office. A copy of these guidelines can be found in background papers.

RNLI bosses have had to write to schools across the town urging parents to warn their children of the dangers of the water. More information on this can be found in background papers.

It is proposed that "No person shall enter the water unless participating in an authorised water activity".

As the activity is mostly carried out by juveniles, it is important to note that any enforcement action will be undertaken in line with our procedures relating to young people. Engagement will always take place with the person's parent or guardian first before any enforcement action is agreed and always in liaison with the Youth Offending Service. Alternative options to enforcement can be considered as an effective remedy such as litter picking activities.

It may also be enough to simply move a person away from an area for 48 hours using the more general Anti-Social Behaviour powers proposed in sections 3.2.1 and 3.3.1.

3.5.2 Worle Recreational Ground, Worle PSPO

This is a popular dog walking area. Current data shows that the area suffers greatly from dog mess and dogs being out of control. The area is also well used for sports.

It is proposed that "All dogs are required to be kept on a lead and all dogs are to be kept off of games pitches".

3.5.3 Weston-super-Mare Beach PSPO

At the moment dogs are not allowed on the beach between Royal Sands and The Pier during the months of May to September, this is because this period coincides with the bathing water season.

It is proposed that the current order is modified to "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 09:00 and 19:00.

If approved, the changes will need to be communicated well, the signs including the large display boards will need to be updated. There may be confusion as the current rules have been in place for a very long time. If approved it should be done so in the knowledge that dogs or pets, other than assistance dogs are not allowed on Blue Flag beaches or in Blue Flag Areas and even though Weston-super-Mare is not a Blue Flag Beach and doesn't have any Blue Flag areas the decision would need to be reversed if we ever wanted to apply. Our bathing Water Action Plan seeks to improve the bathing water quality at Weston Main Beach and any changes to the summer beach ban may lead to deterioration of the water if there is an increase in dog fouling as a result.

More information on the criteria for Blue Flag Beaches can be found in background documents.

3.5.4 Hutton Moor, Weston-super-Mare PSPO

This is a popular area for dog walking. Current data shows that the area suffers greatly from dog mess and dogs being out of control. The area is also well used for sports.

It is proposed that "all dogs are required to be on a lead" within the area known as Hutton Moor Playing Fields as shown on the plan (see appendices)

3.5.5 Broadcroft, Yatton and Claverham PSPO

This is a play area that has a public right of way running through it, where dogs can freely roam.

It is proposed that "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, unless on a lead when passing and repassing along the footpath.

4. Consultation

The council undertook a public consultation between the 11 March 2022 and 08 April 2022. The consultation was hosted on the council's consultation system e-Consult.

A dedicated email inbox was set up and was monitored daily and paper copies were sent out on request. Signs were displayed across the district advertising the consultation and encouraging people to take part.

The consultation was further promoted through press releases and social media coverage and through the council's own internal publication methods.

The council also consulted with Avon & Somerset Constabulary, including the Police and Crime Commissioner. The police and the council have shared information about the issues raised by our communities and will be working together through a Memorandum of Understanding (MoU) to enforce the PSPOs.

Over 440 people accessed the consultation and 317 people completed the questionnaire. The full details of the results are retained by the Environmental Protection Service Leader and a summary can be found in the Appendices of this report.

5. Financial Implications

Signage will be required at the locations affected by the orders. In places where there are existing dog control orders, designated place protection orders and bylaws these are to be replaced with PSPO signage. In other areas new signage will be required.

The fine level for fixed penalty notices under the PSPOs is currently set at £75

Regular benchmarking exercises will be undertaken with other local authorities and the fine level will be reviewed if inconsistencies are identified.

Costs

The costs of signage will be met through existing budget provision.

Funding

N/A

6. Legal Powers and Implications

PSPOs were brought in under the Anti-Social Behaviour, Crime and Policing Act in 2014. They were first introduced in North Somerset in 2017 and then renewed for a further three years in 2020. The next full review is due in October 2023. Any new PSPOs can be challenged in the high court within a period of six weeks following introduction.

North Somerset Council has not been challenged on any of the orders that have been introduced to date. However, these new or amended PSPOs that the council propose 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.

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.

Any proposals considered for approval will be subject to legal review and approval before coming into force, any changes to wording which substantially alters the meaning of a provision will be subject to further consultation.

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 by tackling low level environmental crime.

8. Risk Management

Failure to introduce the changes in line with the recommendations will limit our ability to effectively deal with the issues that officers are facing. The proposals that have been put forward are based on first-hand experience of officers having to handle ASB issues within our communities.

The risks around non-compliance with the orders are mitigated by proportionate enforcement action. Our Enforcement Procedures are based on a graduated approach. We ensure that when we need to take a more formal approach that that we are consistent and fair, we may take a zero-tolerance approach with regards to offences such as littering, human urination/defecation in public, failure to pick up dog faeces, failure to produce a receptacle for picking up dog faeces, dogs on leads and dog exclusion requirements. Prohibitions on behaviours that affect people with physical and mental needs are mitigated through appropriately worded exemptions and all cases will be dealt with on their individual merits and the PSPO has written into it the test of "reasonable excuse", providing an exemption from the order if the excuse for the behaviour is reasonable.

As stated in section 6 above any proposals considered for approval will be subject to legal review and approval before coming into force, any changes to wording which substantially alters the meaning of a provision will be subject to further consultation.

9. Equality Implications

A full equality impact assessment has been carried out and is contained in the appendices to this report.

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.

The success of the PSPOs depends on robust enforcement and this is something that has come out strongly within the consultation. There are a number of officers trained across council directorates to enforce the PSPOs and the council authorises external contractors as required.

11. Options Considered

The recommendation is to consider the amendments to the North Somerset's Public Space Protection Orders as set out in Section 3 of this report.

Other options considered would be to

To not introduce any new or amended PSPOs and maintain what we already have.

We have been working with councillors and officers from across council departments (including, for example, community safety, environmental health, parks, equalities, legal), police colleagues, external agencies and other key stakeholders to help draft the Public Space Protection Orders (PSPOs) based on first-hand experience of having to handle anti-social behaviour issues within our communities. Failure to consider the changes will limit our ability to effectively deal with the issues.

To introduce some of the orders and not others This will limit our ability to deal with some of the issues detailed in the report but will allow for partial implementation.

Defer the introduction of some or all of the proposals in favour of more engagement and consultation. Decisions can be deferred to a later meeting of the Executive; deferment will allow for further consultation and engagement to take place but may limit our ability to deal with issues that tend to be seasonal in nature.

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Appendices:

Appendix A – Summary of the consultation results (a full copy is available upon request)
Appendix B – Equality Impact Assessment
Appendix C – Draft orders for consideration
Appendix D – Example sign at Portishead Marina

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

Report to Full Executive including Full Equality Impact Assessment– June 2017
<https://n-somerset.moderngov.co.uk/Data/Executive/201706201430/Agenda/09%20PSPOs.pdf>

The Regulatory Services Enforcement Procedure
<https://www.n-somerset.gov.uk/sites/default/files/2022-04/Regulatory%20Services%20%20Enforcement%20Policy.pdf>

North Somerset Council's Public Space Protection Orders
<https://www.n-somerset.gov.uk/my-services/community-safety-crime/public-space-protection-orders/about-public-space-protection-orders>

Report to the Community and Corporate Organisation Policy and Scrutiny Panel – Nov 2019
<https://n-somerset.moderngov.co.uk/Data/Community%20and%20Corporate%20Organisation%20Policy%20and%20Scrutiny%20Panel/201911051430/Agenda/07%20Review%20of%20Public%20Space%20Protection%20Orders.pdf>

Report to the Community and Corporate Organisation Policy and Scrutiny Panel – 16 July 2020
<https://n-somerset.moderngov.co.uk/Data/Community%20and%20Corporate%20Organisation%20Policy%20and%20Scrutiny%20Panel/202007161400/Agenda/06%20Review%20of%20Public%20Space%20Protection%20Orders.pdf>

Report to Executive – 9 September 2020
<https://n-somerset.moderngov.co.uk/Data/Executive/202009091430/Agenda/13%20Renewal%20of%20Existing%20Public%20Space%20Protection%20Orders.pdf>

Report to Executive – 11 February 2021
<https://n-somerset.moderngov.co.uk/documents/g647/Public%20reports%20pack%2011th-Feb-2021%2015.00%20Executive.pdf?T=10>

Minutes of Executive – 11 February 2021 – EXE 75
<https://n-somerset.moderngov.co.uk/documents/g647/Printed%20minutes%2011th-Feb-2021%2015.00%20Executive.pdf?T=1>

Report to Partnerships Corporate Organisation and Overview Management Policy and Scrutiny Panel (PCOM) – 03 March 2022

<https://n-somerset.moderngov.co.uk/documents/s3176/11%20Public%20Space%20Protection%20Orders.pdf>

Restorative Justice

<https://restorativejustice.org.uk/what-restorative-justice>

https://vimeo.com/649588810/689c525066?embedded=true&source=video_title&owner=7151651

Sky Lanterns Policy

<https://n-somerset.moderngov.co.uk/Data/Community%20and%20Corporate%20Organisation%20Policy%20and%20Scrutiny%20Panel/201911051430/Agenda/05.1.1%20Sky%20Lanterns%20and%20Balloon%20Release%20Policy.pdf>

Knightstone Slipway Permit Scheme User Regulations – 2022/2023

<https://www.n-somerset.gov.uk/sites/default/files/2022-03/User%20Regulations%202022-2023.pdf>

The Health and Safety Guidelines for Berth Holders, Visitors and Contractors of Marinas

<https://www.boatfolk.co.uk/assets/files/uploads/Health & Safety Guidelines.pdf>

RNLI bosses warn children of the dangers of the water

<https://www.bristolpost.co.uk/news/bristol-news/tombstoning-teenagers-putting-lives-risk-4321267>

Blue Flag Beaches

<https://static1.squarespace.com/static/55371ebde4b0e49a1e2ee9f6/t/5fbf70eee18c5c478ef4edfc/1606381808548/Beach+Criteria+and+Explanatory+Notes+2021.pdf>

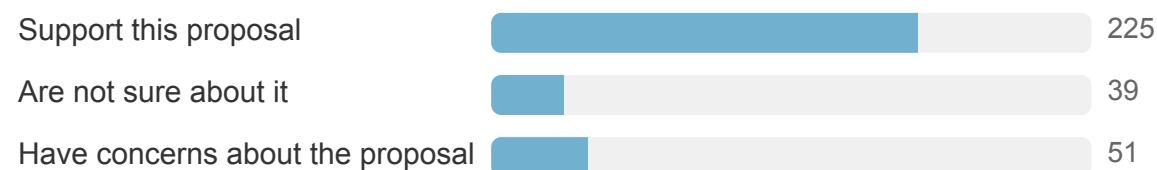
Summary of Responses

Aggressive begging

Our default position is to always provide support to those who need it and we do everything we can to ensure that individuals are signposted to services that can help. There are some instances where people, for various reasons, do not accept the support that is provided to them. Sometimes begging can perpetuate harmful habits and can push an individual away from the support that is available. Aggressive begging can be intimidating to others and there have been cases where it leads to altercation with others. We are seeking views on whether to add a provision in the order which would allow officers to tackle aggressive begging. Begging will only be considered as "aggressive" in instances where the behaviour is escalating and has got to the point where harassment, alarm or distress is being caused. This is not about issuing fines to the individual for their behaviour, instead it's a means to ensure that appropriate intervention can be sought to address the behaviour.

It is proposed that "No person 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".

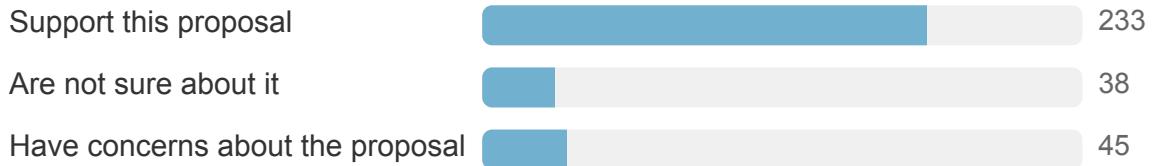
Aggressive begging proposal - Do you...?



Defining the receptacle for picking up dog faeces as "a bag appropriate for picking up and disposing of dog faeces".

The order currently in force requires anyone in charge of a dog to carry a receptacle for picking up dog faeces. The term "receptacle" is not currently defined in the order. We therefore seek your views on updating the order so that it defines receptacle as "a bag".

Defining the receptacle for picking up dog faeces proposal - do you...?

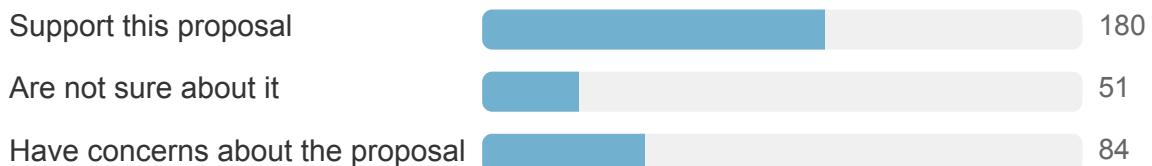


Requirement to provide name and address

It is proposed that "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."

Many pieces of legislation that deal with enviro-crime legislation such as the Environmental Protection Act 1990 have this requirement inserted as standard. We are seeking your views as to whether this should be inserted into the Public Space Protection Order to ensure consistency with other legislation.

Requirement to provide name and address proposal - Do you...?



Anti-Social Behaviour

It is proposed that "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"

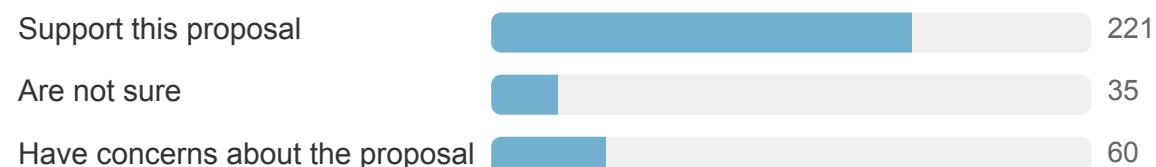
It is also proposed that "No person shall refuse to leave any public place within "the Controlled Zone" when requested to do so by a Police Constable or an Authorised Person".

and "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."

In addition, "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"

"Controlled zone" in this context is the marked boundary as shown on the maps within the draft order.

Anti-Social Behaviour proposals - Do you...?



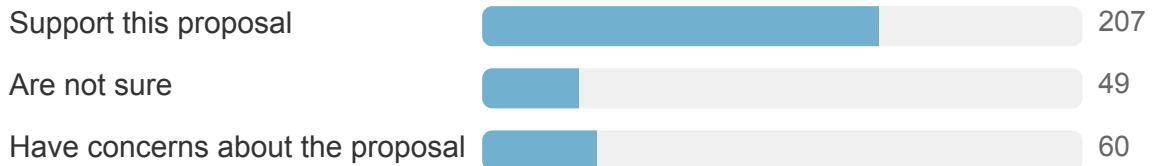
Unauthorised encampments

It is proposed that "No person shall erect a tent, gazebo, marquee or other temporary structure that is designed or intended to provide shelter or accommodation within "the Controlled Zone" without the express prior written permission of the landowner".

It is also proposed that "If instructed to do so by a police officer or an authorised officer a person shall clear away any temporary structure and associated equipment without delay."

"Controlled zone" in this context the marked boundary as shown on the maps within the draft order.

Unauthorised encampment proposal - Do you...?

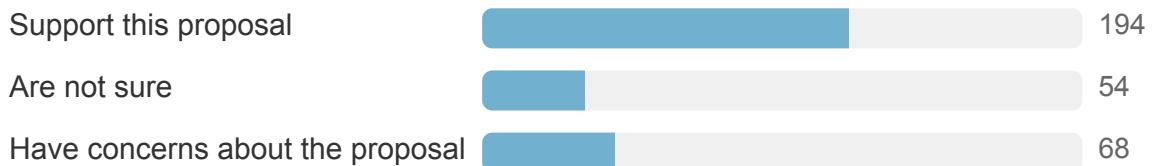


Fires and barbeques

It is proposed that "No person shall light a fire, barbecue (including a disposable barbecue), Chinese lantern or firework within the Controlled Zone"

"Controlled zone" in this context is the marked boundary as shown on the maps within the draft order.

Fires and barbeques proposal - Do you...?



Anti-Social Behaviour

It is proposed that "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"

It is also proposed that "No person shall obstruct:

- (a) any officer of the Council in the proper execution of their duties;
- (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council"

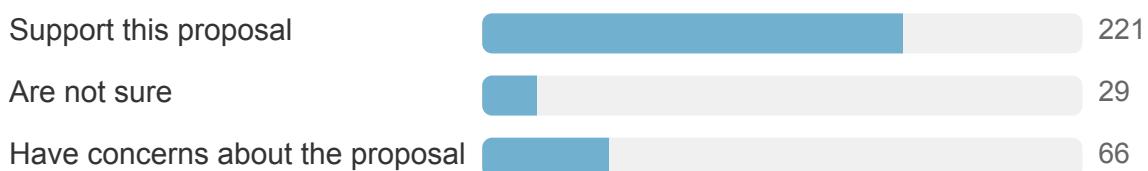
and "If a Police Constable or Authorised Person reasonably believes that a person has acted, or likely to act, contrary to the restrictions placed upon them by this Order, they must

provide their name and address when required to do so."

In addition, "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"

"Controlled zone" in this context is the marked boundary as shown on the maps within the draft order.

Anti-Social Behaviour proposals - Do you...?



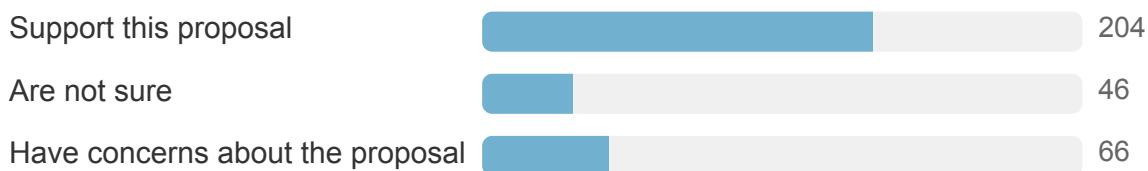
Unauthorised encampments

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It is also proposed that "If instructed to do so by a police officer or an authorised officer a person shall clear away any temporary structure and associated equipment without delay."

"Controlled zone" in this context is marked boundary as shown on the maps within the draft order.

Unauthorised encampment proposal - Do you...?

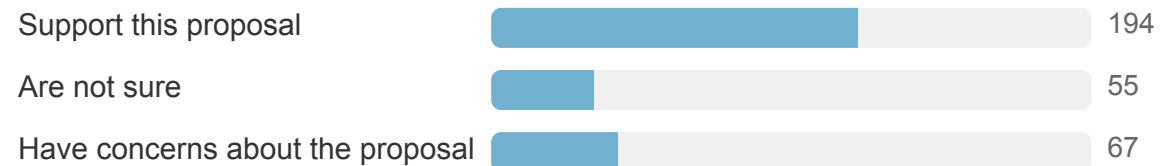


Fires and barbeques

It is proposed that "No person shall light a fire, barbeque (including a disposable barbecue), Chinese lantern or firework within the Controlled Zone"

"Controlled zone" in this context is the marked boundary as shown on the maps within the draft order.

Fires and barbeques proposal - Do you...?



Anti-Social Behaviour

It is proposed that "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"

It is also proposed that "No person shall obstruct:

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- (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council"

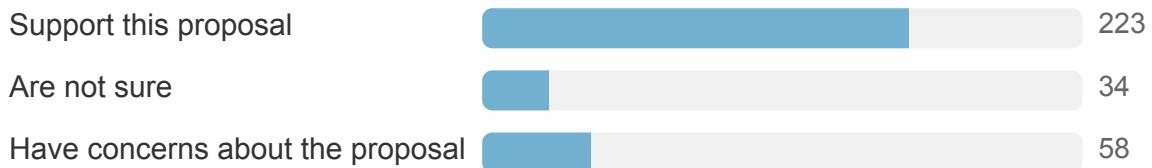
and "If a Police Constable or Authorised Person reasonably believes that a person has acted, or likely to act, contrary to the restrictions placed upon them by this Order, they must provide their name and address when required to do so."

In addition, "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"

"Controlled zone" in this context is the marked boundary as shown on the maps within the

draft order.

Anti-Social Behaviour proposals - Do you...?

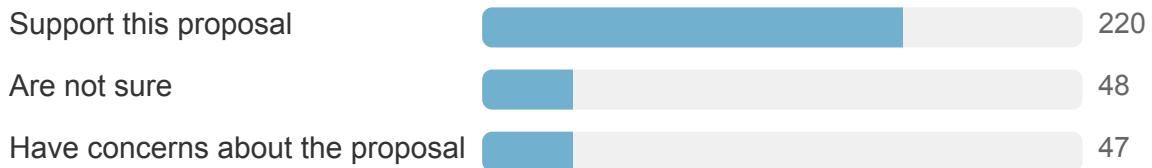


Fires

It is proposed that "No person shall light a fire or Chinese lantern within "the Controlled Zone"

"Controlled zone" in this context is the red line boundary as shown on the map within the draft order.

No Fires proposal - Do you...?

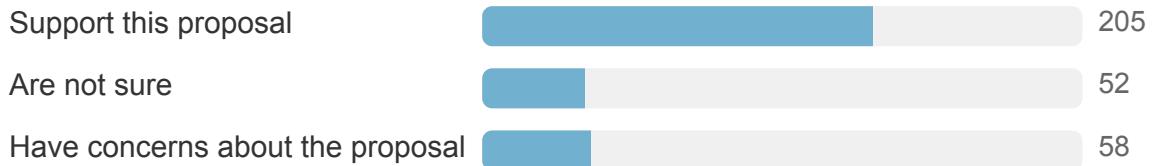


Unauthorised encampments

It is proposed that "If instructed to do so by a police officer or an authorised officer a person shall clear away any tent, gazebo, marquee or other temporary structure and associated equipment without delay."

"Controlled zone" in this context is the marked boundary as shown on the map within the draft order.

Unauthorised encampment proposal - Do you...?

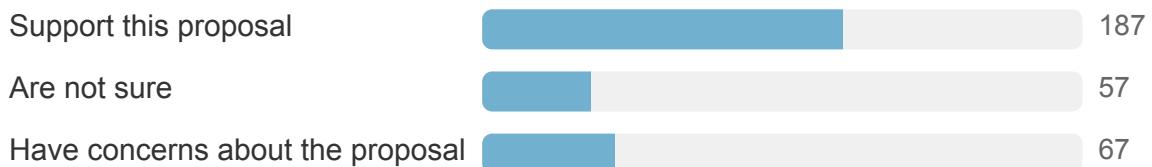


Feeding birds

We have identified a potential link between poor bathing water quality and the increased prevalence of gulls.

It is proposed that "No person at any time shall provide or deposit food for consumption by birds within "the Controlled Zone"

No feeding birds proposal - Do you...?



Anti-Social use of watercraft and other vehicles

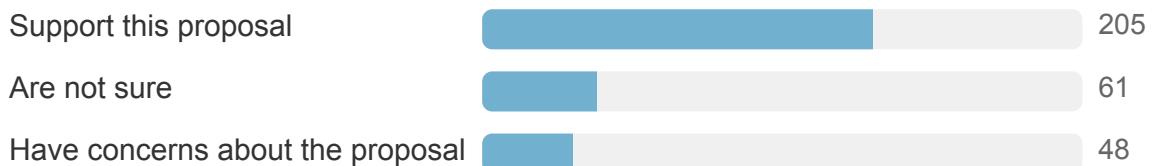
It is proposed that "Person(s) (by definition includes the driver or registered keeper of the vehicle if the driver cannot be identified who at the time of the offence was in control of the vehicle or in a position to control its use within the area) are prohibited from:

- (a) Launching any personal watercraft or sailing vessels within the "controlled zone" other than from Knightstone Slipway.
- (b) Entering any marked exclusion zones with a powered watercraft
- (c) Using, driving or sailing watercraft or a vehicle in a manner likely to cause alarm, harassment, distress or public nuisance
- (d) Parking a vehicle on the Knightstone Slipway, Promenade or Marine Lake Plaza without

prior permission.

(e) Causing an obstruction on the Knightstone Slipway, Promenade, public highway or publicly accessible place within the “Controlled Zone”.

Anti-Social use of Watercraft and other vehicles proposal - Do you...?



Portishead Marina PSPO

The marina is a popular place for people to gather and swim in the summer months, this has caused disruption to local residents, it is an active harbour and there are water safety concerns about whether it is a safe place to swim.

It is proposed that "No person shall enter the water unless participating in an authorised water activity".

Portishead Marina no swimming proposal - Do you...?

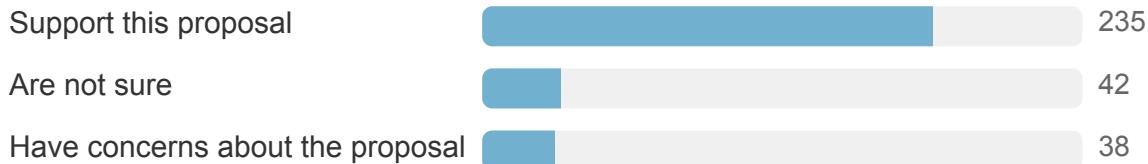


Worle Recreational Ground, Worle PSPO

This is a popular dog walking area. Current data shows that the area suffers greatly from dog mess and dogs being out of control. The area is also well used for sports.

It is proposed that "All dogs are required to be kept on a lead and all dogs are to be kept off of games pitches".

Worle Recreation Ground proposal - Do you...?



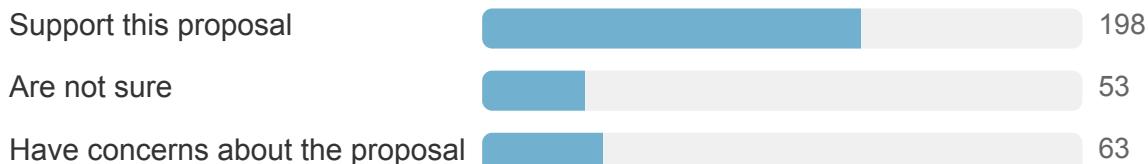
Weston-super-Mare Beach PSPO Dog Control

At the moment dogs are not allowed on the beach between Royal Sands and The Pier during the months of May to September, this is because this period coincides with the bathing water season.

We are seeking your views on the following modification to this order

It is proposed that "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 09:00 and 19:00.

Weston-super-Mare Beach Dog Control proposal - Do you...?



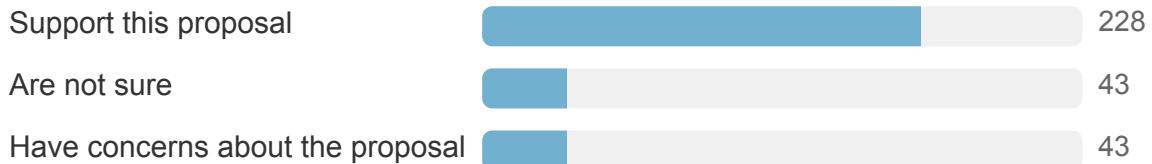
Hutton Moor, Weston-super-Mare PSPO

This is a popular area for dog walking.

Current data shows that the area suffers greatly from dog mess and dogs being out of control. The area is also well used for sports.

It is proposed that "all dogs are required to be on a lead" within the area known as Hutton Moor Playing Fields as shown on the plan

Hutton Moor dogs on lead proposal - Do you...?

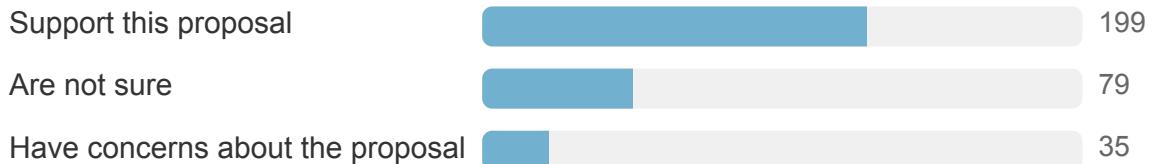


Broadcroft, Yatton and Claverham PSPO

This is a play area that has a public right of way running through it, where dogs can freely roam.

It is proposed that "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, unless on a lead when passing and repassing along the footpath.

Broadcroft, Yatton and Claverham no dogs proposal - Do you...?



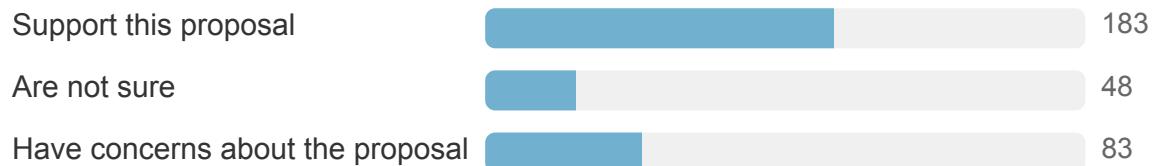
To add a requirement to provide name and address on all area specific PSPOs

It is proposed that "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."

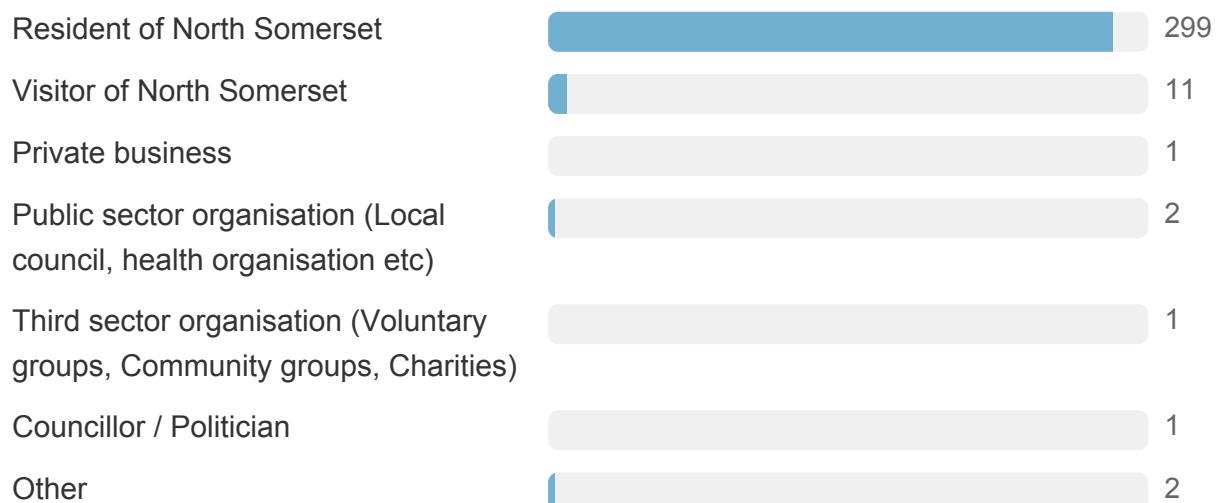
Many pieces of legislation that deal with enviro-crime legislation such as the Environmental Protection Act 1990 have this requirement inserted as standard. We are seeking your

views as to whether this should be inserted into the Public Space Protection Order to ensure consistency with other legislation.

Requirement to provide name and address proposal - Do you...?



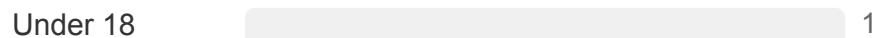
Are you responding as a...?

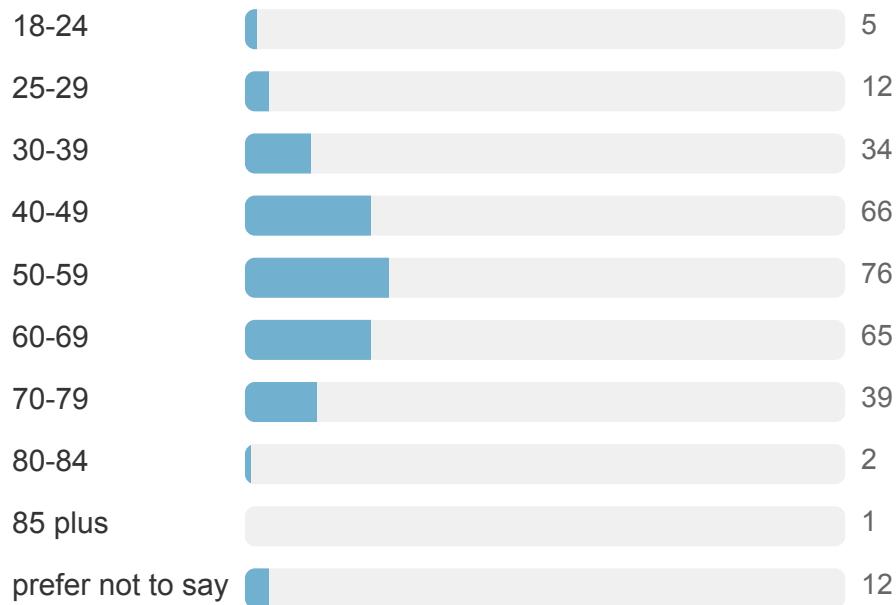


What is your postcode?

This question has been answered 317 times.

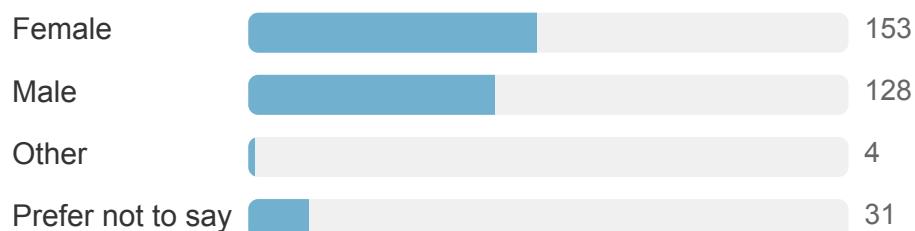
Which age range do you fall into?



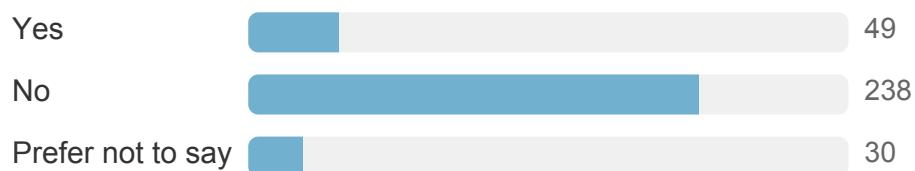


What is your gender?

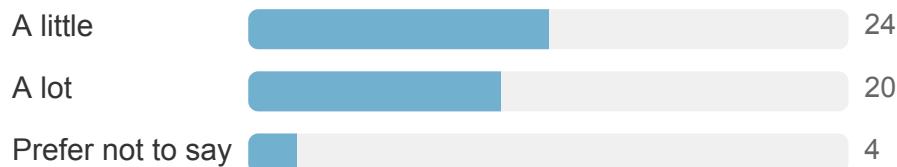
If your gender is not the same as the sex recorded on your birth certificate when you were born (for example, if you are non-binary or intersex), tick “Other”.



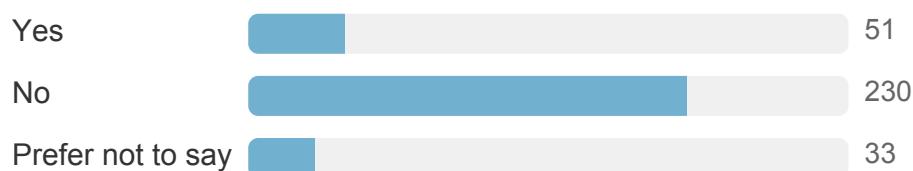
Do you have a long-term health problem or disability that limits your day-to-day activities, and has lasted, or is expected to last, at least 12 months?



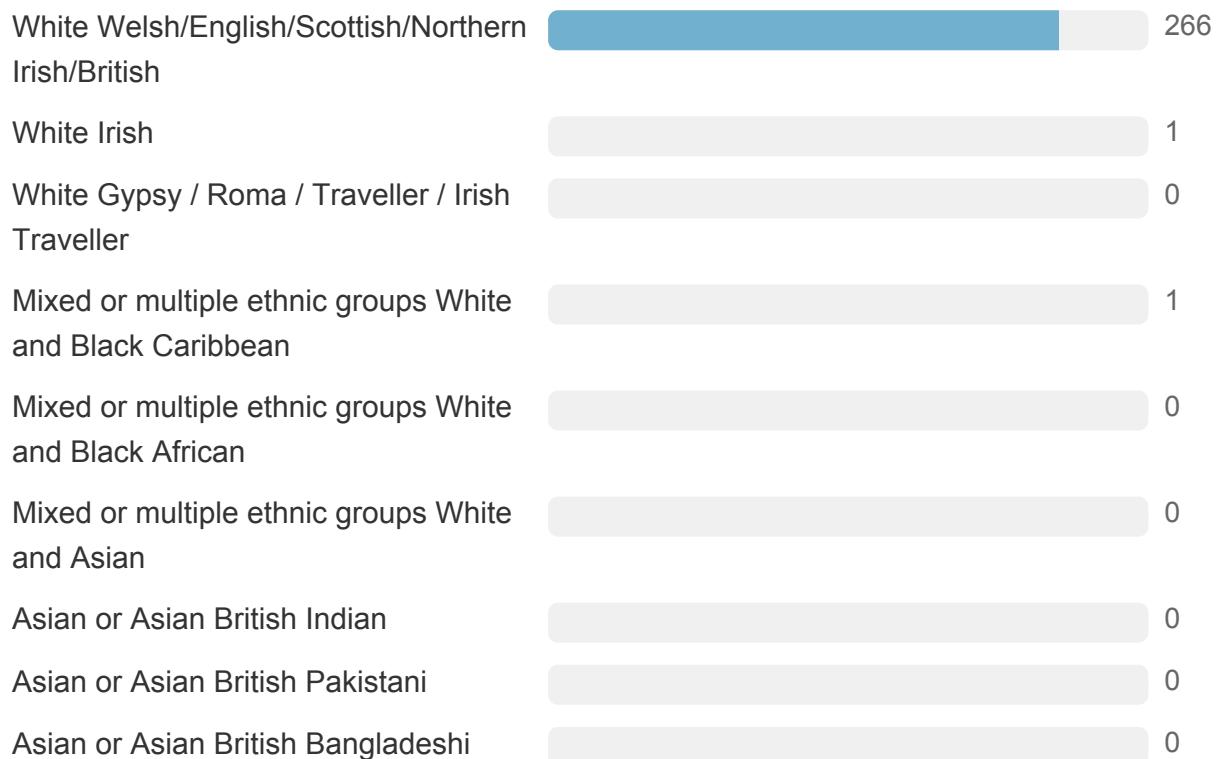
Does this disability limit your activities a little or a lot?

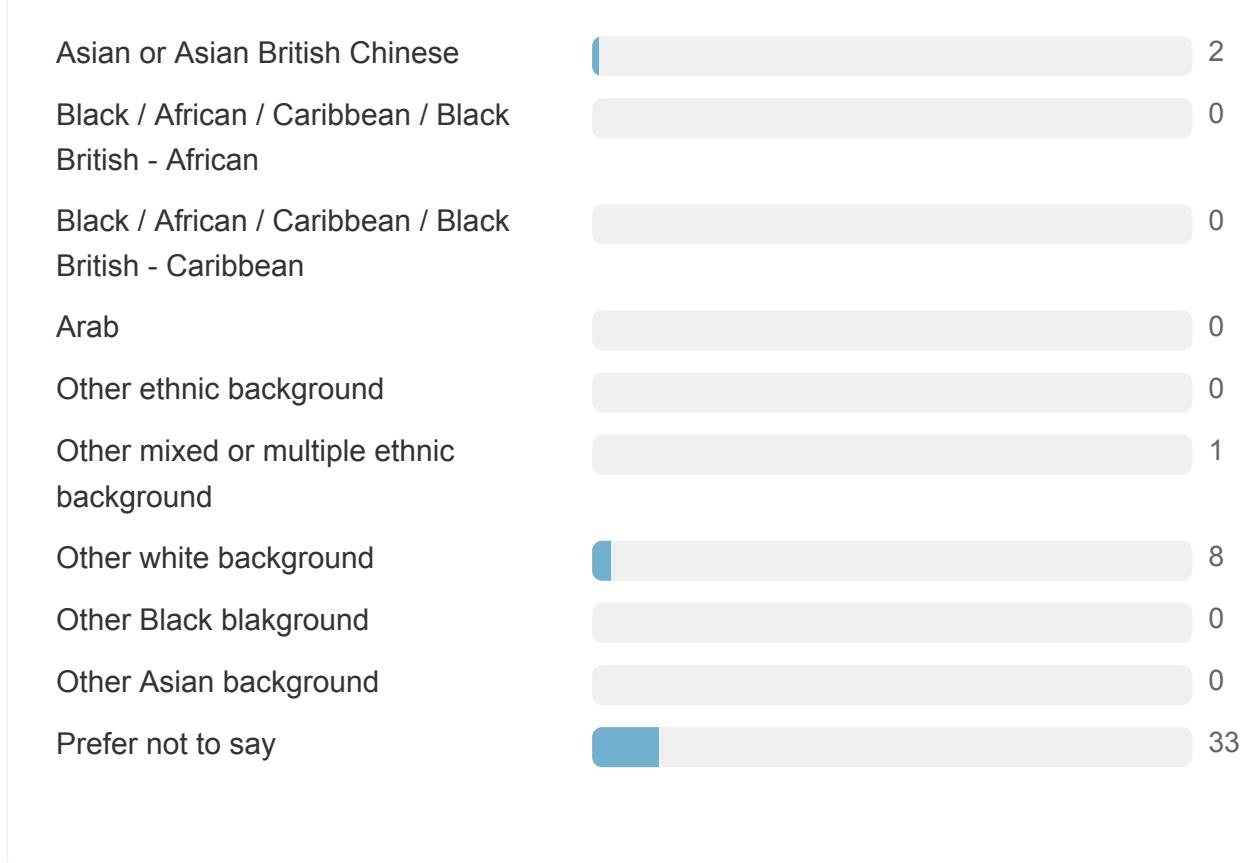


Do you provide unpaid care by looking after or giving help or support to family members, friends, neighbours or others because of a long-term illness or disability, or problems related to old age?



Which of these ethnic groups do you consider you belong to?





Do you think that any of our proposals will have a negative impact on you?

Please include any impacts due to age, sex, ethnicity, disability, other protected characteristic as defined in the [Equality Act 2010](#), or indeed any aspect of your lifestyle or identity

This question has been answered 180 times.

Do you think that any of our proposals will have a positive impact on you?

Please include any impacts due to age, sex, ethnicity, disability, other protected characteristic as defined in the [Equality Act 2010](#), or indeed any aspect of your lifestyle or identity

This question has been answered 174 times.

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Appendix B - Equality Impact Assessment

Service area: Public Space Protection Orders

Does the topic of this assessment link

to a budget reduction proposal: No

Equality impact assessment owner: Dee Mawn

Assistant Director/Director sign off: Matt Lenny

Review date: Oct 2023

1. Equality Impacts

Please make High, Medium or Low bold as appropriate

Service User Impact

Before mitigating actions	High	Medium	Low
After mitigating actions	High	Medium	Low

Staff Impact

Before mitigating actions	High	Medium	Low
After mitigating actions	High	Medium	Low

2. The Proposal

2.1 Background to proposal

PSPOs were first introduced by the council in 2017 to deter individuals or groups of individuals committing anti-social behaviour in public places.

We have been working with councillors, officers from across council departments (including, for example, community safety, environmental health, parks, equalities, legal), police colleagues, external agencies and other key stakeholders to identify changes to North Somerset's Public Space Protection Orders (PSPOs) based on first-hand experience of having to handle ASB issues within our communities.

The review process has identified some additional PSPO requirements which are as follows.

North Somerset Wide

In addition to the requirements already in the existing area wide PSPO, the new area wide order includes a number of new provisions:

- Prohibiting aggressive begging
- Defining the receptacle for picking up dog faeces as "a bag appropriate for picking up and disposing of dog faeces"
- Adding a requirement to provide name and address for breach of PSPO

Town Centre & Retail Areas PSPO

This is a new PSPO introduce the following provisions:

- Prohibit acting in an anti-social or disorderly manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person within the controlled zone
- Adding a requirement for a person to leave a public place within the controlled zone when requested to do so by a Police Constable or an Authorised Person
- Prohibit unauthorised encampments including tents within the controlled zone.
- Prohibit fires and BBQs within the controlled zone.

Managed Parks & Open Spaces

This is a new PSPO to introduce the following provisions:

- Prohibit acting in an anti-social or disorderly manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person within the controlled zone
- Prohibit obstructing a council officer in exercising their duties

- Adding a requirement for a person to leave the controlled zone when requested to do so by a Police Constable or an Authorised Person
- Prohibit unauthorised encampments including tents within the controlled zone.
- Prohibit fires and BBQs within the controlled zone

Weston Seafront

This is a new PSPO introduce the following provisions:

- Prohibit acting in an anti-social or disorderly manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person within the controlled zone
- Prohibit obstructing a council officer in exercising their duties
- Adding a requirement for a person to leave the controlled zone when requested to do so by a Police Constable or an Authorised Person
- Requirement to clear an unauthorised encampment including tents within the controlled zone when requested to do so
- Prohibit fires within the controlled zone
- Prohibit anti-social use of watercraft within the controlled zone
- Prohibit the feeding of birds within the controlled zone

Local Orders

There are also several local orders for no swimming in Portishead Marina and dog control orders in Weston-super-Mare, Worle and in the parish of Yatton & Claverham.

2.2 Please detail below how this proposal may impact on any other organisation and their customers

The introduction of these changes to PSPOs will support the council's priorities to be

- A great place for people to live, work and visit.
- Welcoming, safe and clean

We have worked jointly with the police and other organisations to identify types of anti-social behaviour that frequently takes place within our North Somerset towns and villages that reduces our ability to achieve these priorities.

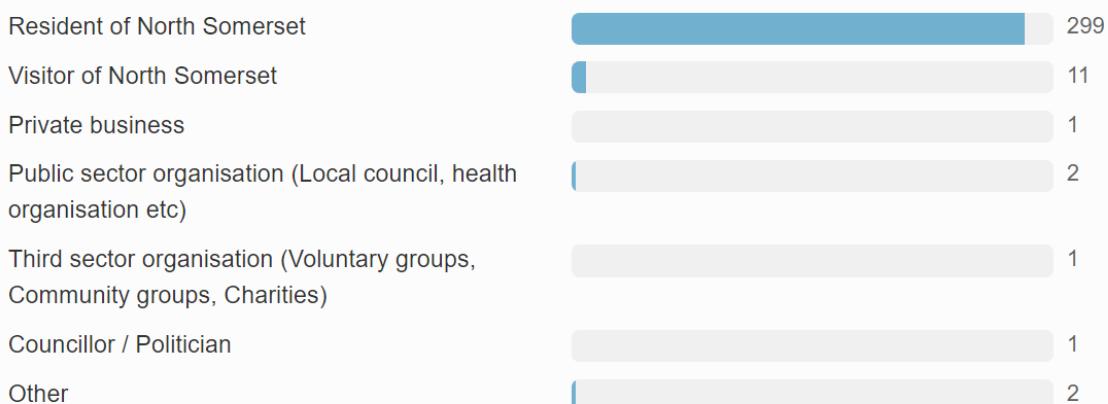
The opportunity to introduce these changes to PSPOs enables us to deal with anti-social behaviour effectively and will therefore benefit not only our residents but our businesses and their customers as well by making North Somerset a desirable place to live, visit and work. It is equally important however to ensure that our proposals are reasonable and that we enforce the orders in a proportionate, fair and consistent manner.

Section 3 – What Do We Know?

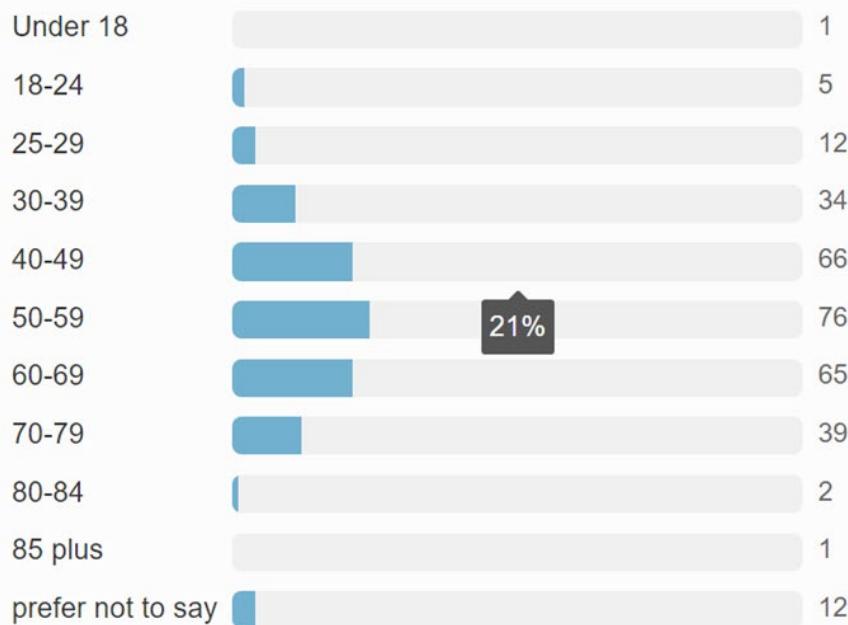
3.1 Customer profile details – what data or evidence is there which tells us who is, or could be, affected?

Our data gives us the following profile details of the 317 people surveyed, (Please note that some people may not have provided an answer to every question and may have selected more than one answer).

Are you responding as a...?

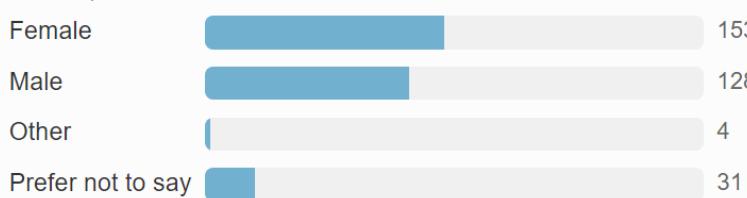


Which age range do you fall into?

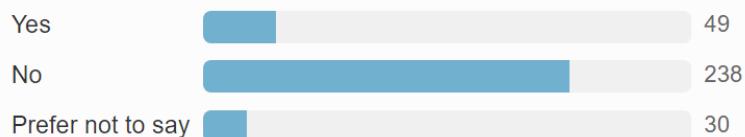


What is your gender?

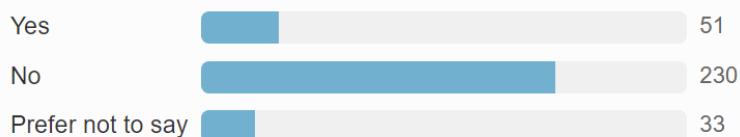
If your gender is not the same as the sex recorded on your birth certificate when you were born (for example, if you are non-binary or intersex), tick “Other”.



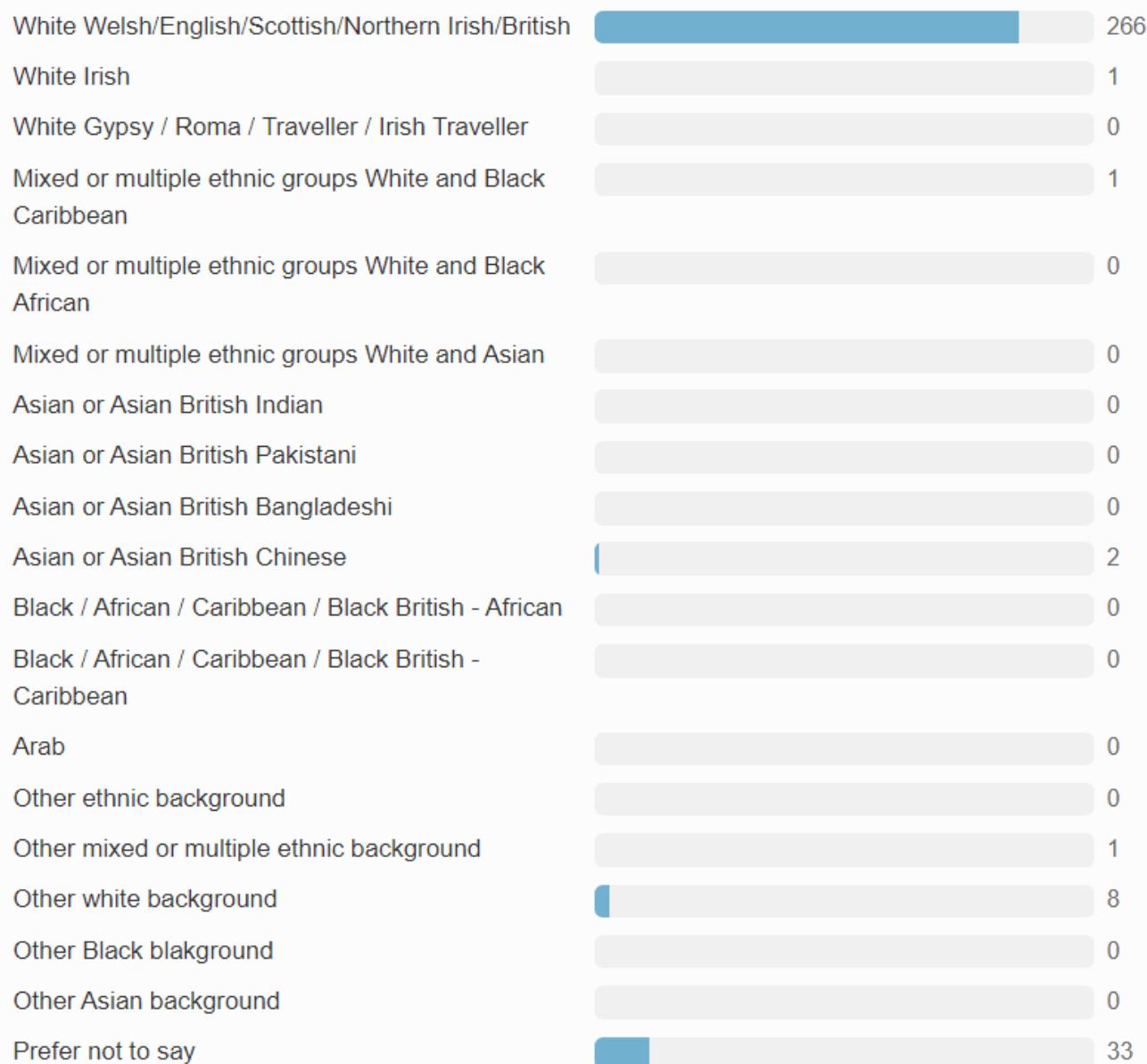
Do you have a long-term health problem or disability that limits your day-to-day activities, and has lasted, or is expected to last, at least 12 months?



Do you provide unpaid care by looking after or giving help or support to family members, friends, neighbours or others because of a long-term illness or disability, or problems related to old age?



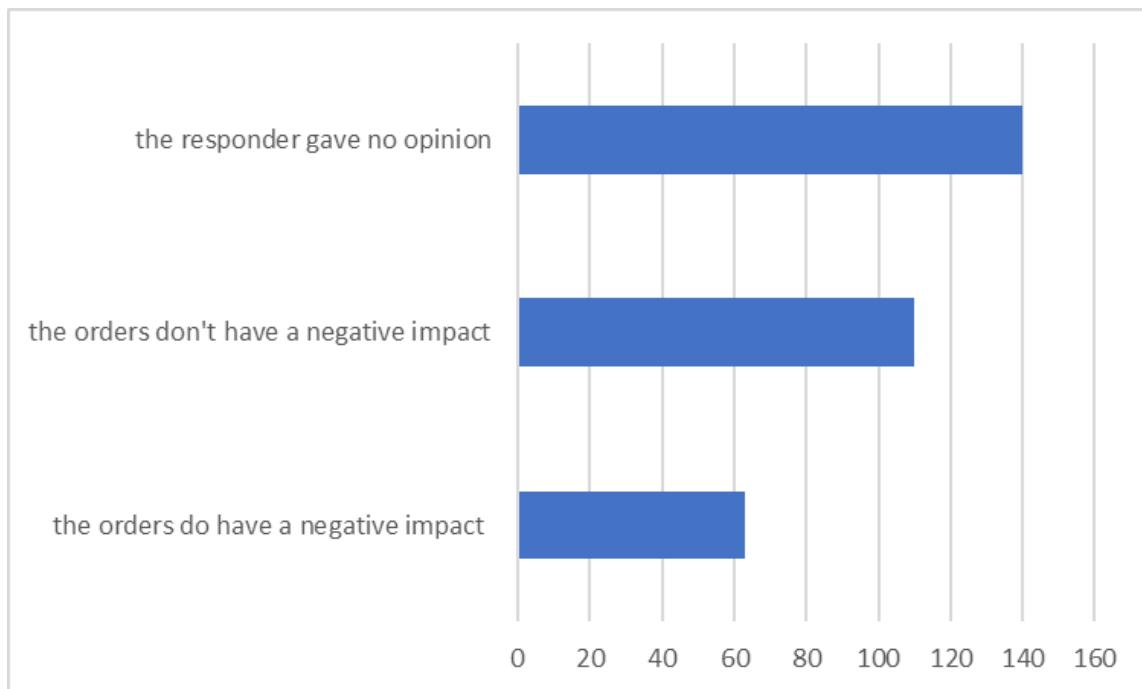
Which of these ethnic groups do you consider you belong to?



3.2 What does the data or evidence tell us about the potential impact on diverse groups, and how is this supported by historic experience/data?

Consultation respondents were prompted to include comments about whether the orders had a negative impact on them. They were asked to include any impacts due to age, sex, ethnicity, disability, or any other protected characteristic, or indeed any aspect of their lifestyle or identity.

Of the 313 respondents that considered this question, here is the breakdown of their responses



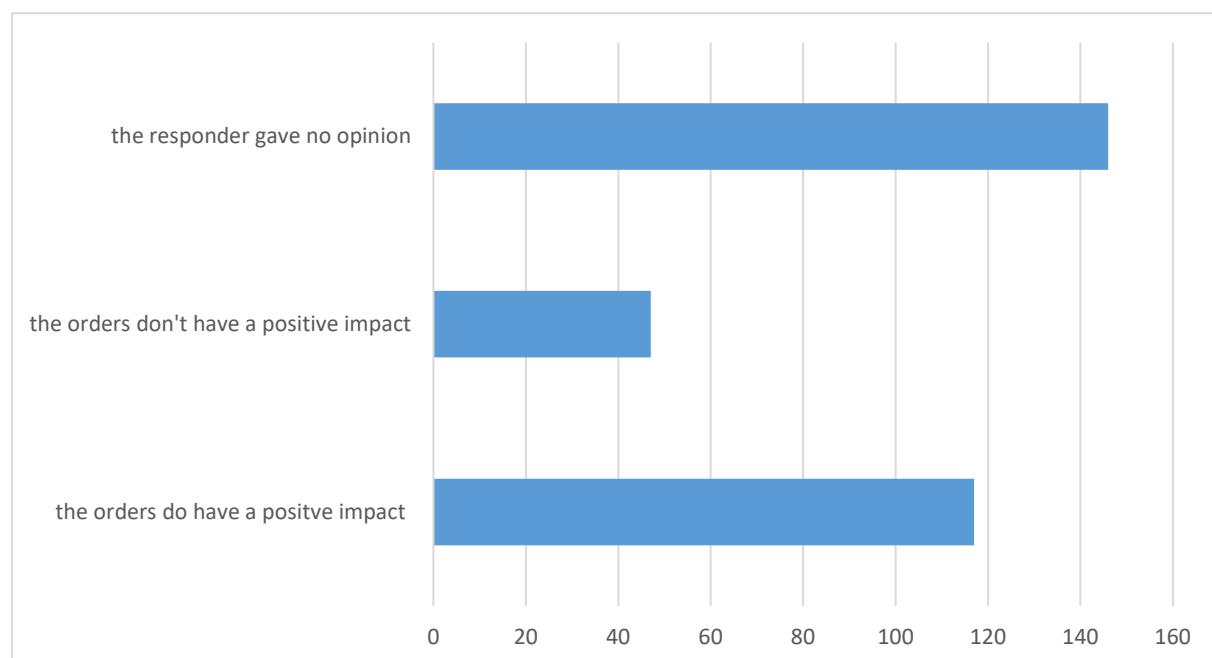
The comments that were made around negative impact can be grouped as follows:

- Spoiling enjoyment and fun, limits freedom, civil liberties, and rights
- Feeling of being under scrutiny or surveillance
- Negative impacts on mental health
- Feeling of being intimidated, distressed or anxious
- Concerns about giving personal details, feeling vulnerable, potentially exploited
- Orders were too authoritarian / draconian
- Negative impacts on young people
- Society should be based on common sense and respect not rules and regulations
- Unfairly targets dog owners
- Discourages visitors
- Negative impacts on scout groups and other similar organisations
- Criminalises busking
- Penalises the homeless and the poor

- Fear of racism, xenophobia
- Concerns around age and sex discrimination
- Effects on health and lifestyle
- Impacts on disability
- Impacts on windsurfers, kiters, wing foilers and other watercraft users

Consultation respondents were prompted to include comments about whether the orders had a positive impact on them. They were asked to include any impacts due to age, sex, ethnicity, disability, or any other protected characteristic, or indeed any aspect of their lifestyle or identity.

Of the 310 respondents that considered this question, here is the breakdown of their responses.



The comments that were made around positive impact can be grouped as follows:

- better mental health
- Improvements to the environment, cleaner beaches and towns
- Reduction in stress and intimidation,
- Improving the community in general
- Positive impacts on disabled people
- Improving the health of children and young people
- Reducing dog fouling, encouraging responsible dog ownership, less dog attacks
- Making areas safer, reduces anti-social behaviour, increasing self-confidence, less bullying threatening behaviours
- Makes visiting more pleasant, enjoyable, more accessible places to go
- Helps to reduce drug-taking and alcohol use
- Improves quality of life
- Positive impact on wildlife
- Positive impact on older people

- Benefits to walking, running, and cycling by making open spaces more accessible.

3.3 Are there any gaps in the data, for example across protected characteristics where information is limited or not available

Yes, there are gaps in our data, we have only sampled a small proportion of the overall population.

3.4 How have we involved or considered the views of the people that could be affected?

Consultation respondents were prompted to tell us their opinions in relation to the positive and negative effects of the proposals on protected characteristics.

3.5 What has this told us?

That the PSPOs have positive and negative impacts on the following protected characteristics

- Disabled people
- People from different ethnic groups
- Women
- People on a low income
- People in particular age groups
- Other characteristics

3.6 Are there any gaps in our consultation, what are our plans for the future?

Further community engagement and consultation will be necessary on some of the orders if it is felt that opinion is too divided to make a decision.

Section 4 – Assessment of Impact

Will the proposal have a disproportionate impact on any of these groups?

Insert X into one box per row, for impact level and type.

H = High, M = Medium, L = Low, N = None | + = Positive, = = Neutral, - = Negative

Impact Level	Impact type	Summary of Impact
--------------	-------------	-------------------

	H	M	L	N	+	=	-	
Disabled people		x			x		x	If the person has a disability which affects their ability to comply with an order there may be a disproportionate impact unless mitigating measures are applied. The impact of the orders on mental health can be seen as both negative and positive Respondents have also said that the orders will have a positive impact on people with disabilities as they feel that areas will be more accessible and safe
People from different ethnic groups			x				x	The consultation has indicated that there is some concern that the enforcement of the orders may negatively impact ethnic groups
Men or women (including pregnant women or those on maternity leave)		x			x		x	Some women were concerned that the enforcement of the orders may make them feel intimidated and/or vulnerable. The proposals are considered to have a positive effect reducing health risks that dog fouling poses and will also reduce the likelihood of babies and toddlers coming into contact with dog faeces and the unpleasantness of having it on shoes, clothing and prams
Lesbian, gay or bisexual people			x			=		

People on a low income	x			x	Offenders may well be residents on low incomes and may be served with a Fixed Penalty Notice
People in particular age groups	x	x		x	<p>Young people - Officers are mindful that these orders are focused on addressing anti-social-behaviour in many places where young people congregate. On the other hand the consultation has indicated that the orders may also have positive impact on young people in accessing outdoor play areas / sports facilities free from dogs and dog fouling.</p> <p>Older people - The consultation also suggests the orders have both a positive and a negative effect. On the one hand people feel that areas will be more accessible and safe but on the other they feel that their age either young or old may make them an easy target.</p>
People in particular faith groups	x		=		
People who are married or in a civil partnership	x		=		
Transgender people	x		=		

Impact Level	Impact type							Summary of Impact
	H	M	L	N	+	=	-	
Other specific impacts, for example: carers, parents, impact on health and wellbeing, Armed Forces Community etc. Please specify:	x				x		x	In most cases the PSPOs will generally have a positive impact on residents and communities of North Somerset and have a positive impact on health and wellbeing. But consultation also identified some negative impacts on mental health and there are certain groups to consider such as homeless people, dog walkers, organisation such as scouting groups and users of small watercraft such as windsurfers.

Does this proposal have any potential Human Rights implications? No

Consultation responses have indicated concern around some of the orders , particularly around the requirement of name and address. The authority will in all cases follow the principles of the Regulators Code which applies to all enforcement action carried out by local authorities, this ensures that our regulatory activities are carried out in a way which is transparent, accountable, proportionate and consistent; and fully complaint with Human Rights legislation

Could this proposal have a Cumulative Impact with any other budget savings? No

This is an impact that appears when you consider services or activities together; a change or activity in one area may create an additional impact somewhere else

If 'yes', please describe?

Section 5 – Action Plan

Where you have listed that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken

Exemptions will be included in the orders to protect people with protected characteristics from being disproportionately impacted

We will allow for extended payment methods for those on low income

We will ensure that as part of the officer training that attention is drawn to the exemptions in the orders, the requirements of our enforcement procedures and our duties under the Equalities Act

We will follow our procedures in relation to enforcement action against young people.

We will seek restorative justice as an alternative to formal action on particularly vulnerable groups such as the homeless

How will it be monitored?

We will review enforcement action taken after 6 months and look to build in methods to collect customer feedback and equality data

We will review the arrangements with the council's equalities groups on a periodic basis

We will review the orders to ensure that as far as possible plain English is used.

We will ensure that enforcement is carried out in a way which is transparent, accountable, proportionate, and consistent.

If negative impacts remain, please provide an explanation below.

Appendix C

Area Wide PSPO

<https://n-somerset.inconsult.uk/PSPO2022/view?objectID=127985733>

Town Centre & Retail Areas PSPO

<https://n-somerset.inconsult.uk/PSPO2022/view?objectID=127947397>

Managed Parks & Open Spaces PSPO

<https://n-somerset.inconsult.uk/PSPO2022/view?objectID=127947429>

Weston-super-Mare Seafront PSPO

<https://n-somerset.inconsult.uk/PSPO2022/view?objectID=127947589>

Portishead Marina PSPO

<https://n-somerset.inconsult.uk/PSPO2022/view?objectID=128673541>

Worle Recreational Ground, Worle PSPO

<https://n-somerset.inconsult.uk/PSPO2022/view?objectID=127987781>

Weston-super-Mare Beach PSPO

<https://n-somerset.inconsult.uk/PSPO2022/view?objectID=127987365>

Hutton Moor, Weston-super-Mare PSPO

<https://n-somerset.inconsult.uk/PSPO2022/view?objectID=127987429>

Broadcroft, Yatton and Claverham PSPO

<https://n-somerset.inconsult.uk/PSPO2022/view?objectID=127987493>

Appendix D

NST 43 Parish Wharf slipway



No public access beyond the slipway gate.

For safety reasons, access to this slipway is by prior arrangement only (see latest contact information).

A hoist is also available by prior arrangement.

Users must obey the terms of use posted and the following standard conditions apply at all times:



No swimming (except organised events)



No vehicles



No motorised craft (except safety support)



No personal motorised water craft



Beware of unprotected edges



Beware of varying water depth



Beware of deep water

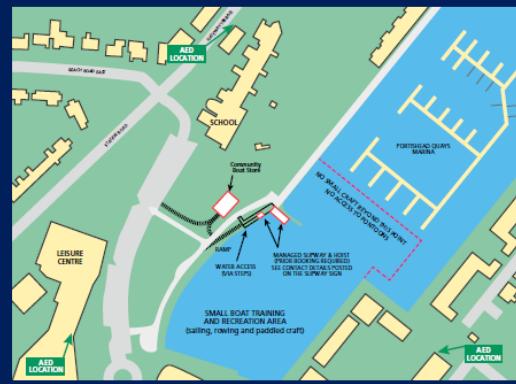


Personal buoyancy aids must be worn at all times when on the water

Caution –
No lifeguard patrols in this area

In case of emergency
Call 999 for emergency services

Advise Marina Control
01275 841 941



Contact information and slipway usage