

North Somerset Council

Report to the Partnerships, Corporate Organisation and Overview Management Policy and Scrutiny Panel

Date of Meeting: 02 March 2023

Subject of Report: Review of Public Space Protection Orders 2023

Town or Parish: ALL

Officer/Member Presenting: Dee Mawn

Key Decision: No

Reason:

This paper is not considered to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Local Authority.

Recommendations

To inform scrutiny that a full review of Public Space Protection Orders (PSPOs) is due and is required to take place by 15 Oct 2023. This paper lists the current PSPOs and makes recommendations on which PSPOs to renew and puts forward suggestions for any additions / amendments that are needed as part of the review.

1. Summary of Report

Public Space Protection Orders (PSPOs) were 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. Every three years, legislation dictates that these orders must be reviewed.

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 statutory guidance states that; given that the effect of Public Spaces Protection Orders is to restrict the behaviour of everybody using the public place, the close or direct involvement of elected members will help to ensure openness and accountability.

- Public Spaces Protection Orders - Guidance for Councils – Local Government Association

The LGA guidance states that close involvement of councillors and ensuring political buy-in throughout the implementation process is key. This provides political accountability for decisions taken – which is particularly important if the proposals may attract some opposition, and where insufficient member involvement may lead to challenge. Political

support is also important to ensure that sufficient resources will be made available to implement and enforce the PSPO throughout its duration.

In North Somerset the process by which PSPOs can be renewed is through consideration at scrutiny followed by formal decision at Executive.

In North Somerset the process by which Area Wide PSPOs can be created or amended is by consideration at scrutiny followed by public consultation, followed by formal decision at Executive.

In North Somerset the process by which Area Specific PSPOs can be created or amended is by consideration at scrutiny followed by public consultation, followed by decision by the Executive Member for Neighbourhoods and Community Services.

3. Details

In summary it is recommended that the following PSPOs are renewed.

- 3.1 The Area Wide Order that applies to **any land to which the public is entitled or permitted to have access with or without payment**

More information on the Area Wide Order can be found here <https://www.n-somerset.gov.uk/my-services/community-safety-crime/public-space-protection-orders/area-wide-orders>

- 3.2 The Area Wide Children's Play Area Order which applies to **all enclosed children's play areas and skate parks**

More information on the Children's Play Area order can be found here <https://www.n-somerset.gov.uk/my-services/community-safety-crime/public-space-protection-orders/childrens-play-areas-skate-parks>

- 3.3 The Area Wide Council Premises Orders that cover **public libraries, the museum, council buildings, public conveniences and recycling centres**

More information on the Council building Order can be found here <https://www.n-somerset.gov.uk/my-services/community-safety-crime/public-space-protection-orders/council-premises>

More information on the Public Conveniences Order can be found here <https://www.n-somerset.gov.uk/my-services/community-safety-crime/public-space-protection-orders/public-toilets>

More information on the Museum Order can be found here <https://www.n-somerset.gov.uk/sites/default/files/2022-04/NSC-06%20-%20Public%20Museum.pdf>

- 3.4 The Area Wide Car Parks Order that covers **any off-street council managed parking areas**

More information on the car parks orders can be found here <https://www.n-somerset.gov.uk/my-services/community-safety-crime/public-space-protection-orders/car-parks>

- 3.5 The Area Wide Managed Parks Order that covers the following **parks** in North Somerset

- Ecology Park and Portbury Wharf Nature Reserve, Portishead
- Dial Hill, Clevedon

- Hazell Close, Clevedon
- Salthouse Fields, Poets Walk, Marshalls Field, Clevedon
- Trendlewood Community Park, Nailsea
- Lake Grounds, Portishead
- Ellenborough Park, Weston-super-Mare
- Walford Avenue, Weston-super-Mare
- Castlebatch, Weston-super-Mare
- Lynch Farm, Weston-super-Mare
- Worle Rec, Weston-super-Mare
- Ashcombe Park, Weston-super-Mare
- Grove Park, Weston-super-Mare
- Prince Consort Gardens, Weston-super-Mare
- Maderia Cove, Weston-super-Mare
- Clarence Park, Weston-super-Mare
- Uphill Nature Reserve, Weston-super-Mare

More information on the Managed Parks Order can be found here <https://www.n-somerset.gov.uk/my-services/community-safety-crime/public-space-protection-orders/managed-parks-open-space-orders>

3.6 The Area Wide Town Centre and Retail Areas Order that covers the following **town centres and retail areas** in North Somerset

- Weston Town Centre
- Clevedon Town Centre
- Nailsea Town Centre
- Portishead Town Centre and Lake Grounds
- North Worle Retail Park
- Worle High Street
- Yatton Precinct
- Congresbury Precinct

More information on the Town Centre and Retail Area Order can be found here <https://www.n-somerset.gov.uk/my-services/community-safety-crime/public-space-protection-orders/town-centres-retail-areas-orders>

3.7 Several Area Specific Orders in the following **towns and parishes**

Abbots Leigh, Banwell, Blagdon, Bleadon, Clevedon, Congresbury, Dundry, Hutton, Kewstoke, Locking, Long Ashton, Nailsea, Pill & Easton-in-Gordano, Portbury, Portishead, St Georges, Tickenham, Weston-super-Mare, Winford & Felton, Winscombe & Sandford, Wrington, Yatton & Claverham

More information on Area Specific orders can be found here <https://www.n-somerset.gov.uk/my-services/community-safety-crime/public-space-protection-orders/area-specific-orders>

4. Consultation

The following suggestions have been put forward for the creation or amendments to PSPOs for which consultation will be required.

4.1 **Dundry - Hill Road Gating Order** - A PSPO can be used to restrict access to a public right of way where the behaviour of some has been anti-social. It is recommended that we consult on the proposal to introduce a PSPO in Dundry in order to restrict access to

Hill Road where anti-social behaviour is regularly being committed. This additional order will be subject to consultation followed by Executive Member decision.

4.2 **Hutton – Springwood Recreation Grounds** – Hutton Parish Council have requested a change to the area covered by a “dogs on leads” requirement at Springwood Recreation Grounds, this change will be subject to consultation followed by Executive Member decision.

4.3 **Hutton – St Mary’s Field** – Hutton Parish Council have requested that this area and adjoining land be subject to a “No dogs” restriction. This additional PSPO will be subject to consultation followed by Executive Member decision.

4.4 **Portishead - Marina** – Further consultation is required on how to best to prevent Anti-social behaviour associated with swimming at Portishead Marina. This consultation will be followed by Executive Member decision.

4.5 **Portishead – Lockside Square** – a request has been made from residents at Lockside Square for a “dogs on leads” PSPO on the small communal grassed area at Lockside Square. This additional PSPO will be subject to consultation followed by Executive Member Decision.

4.6 **St Georges – Community Centre** – St Georges Parish Council have requested that the order at St Georges Community Centre is changed from a “no dogs” order to a “dogs on leads” order. This amendment will be subject to consultation followed by Executive Member decision.

4.7 **Weston-super-Mare – Marine Lake** – a request has been received from our Seafront and Events Team to modify the area covered by the “no dogs” order at Marine Lake so that it covers all of the lower walkway. This amendment will be subject to consultation followed by Executive Member decision.

4.8 **Wrington – Silverstreet Recreation Ground** – a request has been received from Wrington Parish Council to update a previous Dog Control Order for “dogs on leads” to a PSPO. This request will be subject to consultation followed by Executive Member decision.

4.9 **Car Parks** – a request has been made from our Parking Management Team that the Area Wide Managed Car Parks Order be amended to include a provision to keep “dogs on leads” in all our managed car parks. This request will be subject to consultation followed by Executive decision.

4.10 **Area Wide Order** – requests have been made from numerous members of the public to introduce a provision into the Area Wide Order to restrict the number of dogs that a person can walk at any one time. This request will be subject to consultation followed by Executive decision.

4.11 **Area Wide Order** – Amendment to the wording around the substance misuse provision to clarify substances and paraphernalia covered under schedule 2 section 7 and 8. This request will be subject to consultation followed by Executive decision.

5. Financial Implications

There are no direct financial implications of this decision

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. 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. We consider that it is appropriate for the renewal of PSPOs as laid out in section 3 of this report to be considered at this meeting of the Partnerships, Corporate Organisation and Overview Management Policy and Scrutiny Panel before the decision is made to renew at Executive.

Any requests for new PSPOs or amendments to existing PSPOs as laid out in section 4 of this report are subject to consultation and then decision by Executive Member or Executive as appropriate.

7. Climate Change and Environmental Implications

Whilst mainly introduced to tackle anti-social behaviour issues in our communities, PSPOs do also offer considerable benefit to the environment by tackling low level environmental crime.

8. Risk Management

Any proposals considered for approval, whether by Executive Member Level or at Executive meeting, 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. These measures will help to protect the authority from challenge in the high court or judicial review.

9. Equality Implications

Full equality impact assessments are carried out for each and every PSPO that is introduced in North Somerset as part of the decision-making process.

10. Corporate Implications

Communities can be clear on how renewals and requests for PSPOs will be handled within the Local Authority. Communities can be assured that the council will take a robust approach to enforcement of the orders. The council has recently reviewed its enforcement procedures to ensure that they reflect national guidance and support local community aspirations.

11. Options Considered

The recommendation is to

- To renew all unchanged and existing Public Space Protection Orders in accordance with section 60 of the Anti-social Behaviour Crime and Policing Act 2014 as set out in Section 3.

- 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 as set out in Section 4.

Options considered would be

- To not renew all unchanged and existing Public Space Protection Orders in accordance with section 60 of the Anti-social Behaviour Crime and Policing Act 2014 as set out in Section 3. The consequences of such would mean that the orders will cease to have effect after the 15 October 2020.
- 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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Appendices:

None

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