



Title:	Extension of Public Space Protection Order for Alcohol Related Anti-Social Behaviour and Dog Controls
Status:	Public.
Key Decision:	Yes
Report Author:	Russell Smith Environmental Services Manager. Sarah Pickering Community Safety Manager
Portfolio:	Cllr Simon Whelband Wellbeing, Communities and Housing Cllr Johnathan Bateman Planning, Environment and Waste
Appendices:	1. Draft PSPO 2022 – Alcohol 2. Draft PSPO 2022 – Dog Control 3. Public Consultation Results October 2022 4. PSPO EIA - Alcohol 5. PSOP EIA – Dog Control 6. Police Statement

Executive Summary

Both the Police and the Local Authority are responsible for tackling anti-social behaviour. Designated Public Places Orders (DPPOs), which previously controlled drinking in public places since 2011, were replaced with Public Space Protection Order (PSPO) in 2016. Legislation now requires a review to be completed prior to extending the duration of existing orders.

This report requests the extension of existing PSPOs within the district (confirmed in 2019) to address the control of alcohol and dogs. The extension sought is for the maximum permissible extension period of 3 years. This decision is supported by the outcome of statutory consultation. Consultation has been completed as required by statute.

The Alcohol Control PSPO covers Market Harborough Town Centre and Lutterworth Town Centre. The PSPO does not make it illegal to carry alcohol or to drink alcohol in a public place so long as drinking is done responsibly. A PSPO will only be used to tackle potential alcohol related anti-social behaviour (ASB) and allows the Police and authorised Council Officers to stop people drinking alcohol and seize or confiscate alcohol within the controlled area. Failure to comply with the request of an authorised officer stop drinking and/or dispose of alcohol makes an individual liable to a Fixed Penalty Notice (FPN) or prosecution.

The current Dog Control PSPO covers the whole District. It created three offences:

- Failing to remove dog faeces
- Failing to put a dog on a lead after a request by an authorised officer
- Failing to have an appropriate means to pick up dog faeces

Keeping land free from dog fouling is a high priority for the District, as is the safe use of parks and open spaces by all. Dog faeces can carry the disease toxocariasis which can lead to permanent blindness in children if accidentally consumed, as well as being odorous and unpleasant when picked up on shoes, clothing, or bike/pushchair wheels.

Having adequate control over a dog by placing it on a lead in a designated area will help ensure that the owner can see the dog foul as well as control its activities in particular environments, for example in the recreation area suggested (Great Bowden Recreation Ground) where a number of children play. However, for animal welfare reasons as well as lifestyle choice and the well-being of dog owners, it is equally as important to provide exercise areas for dogs off the lead.

Recommendations

It is recommended that Cabinet:

- 1. Confirm and extend, for a period of 3 years, the Public Spaces Protection Order to address alcohol related anti-social behaviour without variation; See Appendix 1 – draft order.**
- 2. Confirm and extend, for a period of 3 years, the Public Spaces Protection Order to address dog control related anti-social behaviour without variation; See appendix 2 – draft order.**
- 3. Delegate to the Director, Communities and Wellbeing, authority to take such steps as are required to give effect to the extension of the orders.**

Reasons for Recommendations

Alcohol Control PSPO

Should the PSPO not be extended there would be a lapse on the enforcement of anti-social drinking within the currently specified area. Not having a valid PSPO in place will have an impact on the Council and Local Policing's ability to deal with anti-social drinking within the designated areas. This may have a detrimental effect on the reputation of the Council.

Dog Control PSPO

The current PSPO expires in December 2022. Not having a valid PSPO in place will have an impact on the Council's ability to deal with dog related anti-social behaviour in the District, thus affecting the reputation of the Council.

Purpose of Report

1. To request that Cabinet extend the existing PSPOs for alcohol related anti-social behaviour and dog related anti-social behaviour for a further three years. This will extend but not vary the Public Space Protection Orders in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act").

Background

2. Both the Police and the Local Authority are responsible for tackling anti-social behaviour. Designated Public Places Orders (DPPOs), which previously controlled drinking in public

places, were replaced with a Public Space Protection Orders (PSPO) in 2016, and the Act now requires the Council to review the order prior to it being extended.

3. The Harborough District Community Safety Partnership, which covers Harborough District, supports the extension of the current PSPO to address alcohol related anti-social behaviour. The existing alcohol PSPO was extended on 6 November 2019 for 3 years until 5 November 2022. It covers two areas, one in Market Harborough and the other in Lutterworth.
4. Prior to 27 July 2015 dog control, including dog fouling and dogs on leads, was addressed through use of the Dogs (Fouling of Land) Act 1996. The Anti-social Behaviour Crime and Policing Act 2014 subsequently enabled local authorities to create Public Space Protection Orders (PSPO) in their areas to address current anti-social behaviour issues. The current PSPO for dog control came into force on 1 June 2016. A three year extension was agreed in December 2019 covering the whole district.
5. By virtue of section 60 of the Act, a PSPO cannot have effect for more than 3 years, unless extended under section 60(2). This section permits a local authority to extend a PSPO where it is satisfied, on reasonable grounds, that doing so is necessary to prevent an occurrence or recurrence of the activities identified in the Order.
6. At any point before expiry, the Council can extend a PSPO by up to three years if it considers this is necessary to prevent the original behaviour from occurring or recurring. It should also consult with the local police and any other community representatives it thinks appropriate before doing so.

Details

Alcohol Control

7. The ability to designate an area as subject to a PSPO was introduced under the Anti-Social Behaviour, Crime and Policing Act 2014 to help local authorities to address anti-social behaviour in public spaces.
8. A PSPO does not make it illegal to carry alcohol or to drink alcohol in a public place so long as drinking is done responsibly. A PSPO will only be used to tackle potential alcohol related anti-social behaviour. Under these circumstances Police and Council Officers (where designated) will have the power to stop people drinking alcohol and seize or confiscate alcohol within the controlled area. If a member of the public fails to comply with an officer's request to stop drinking and/or dispose of alcohol, they could face a Fixed Penalty Notice (FPN) or being taken to court and receiving a fine on conviction of up to level 2 on the standard scale. Enforcement will be primarily carried out by Leicestershire Police, who will arrest perpetrators on breach should it be required.
9. A PSPO cannot be used to restrict the consumption of alcohol where the premises or its curtilage (e.g. a beer garden or pavement seating area) is licensed for the supply of alcohol. There are also limitations where either Part 5 of the Licensing Act 2003 or section 115E of the Highways Act 1980 applies. This is because the licensing system already includes safeguards against premises becoming centres for anti-social behaviour.

10. The PSPO will cease to have effect after 3 years; however, that can be extended if it continues to be necessary.
11. The results of a desktop review and consultation with key stakeholders, including Leicestershire Police have been taken into account in bringing forward the request to extend the existing alcohol PSPO. Feedback from local frontline Police Officers is that the restriction on drinking continues to be a deterrent and an effective tool and has contributed to reduced alcohol related crime and anti-social behaviour. For these reasons the Harborough District Community Safety Partnership recommends that the current PSPO be extended.
12. If the order is extended, the Council is required to comply with the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations, which require the order to be published on the Council's website and erect such notices as it considers sufficient to advise members of the public that the PSPO has been made, together with the effect of such an order.

Dog Control

13. The current dog control PSPO came into force on 1 June 2016 and was extended in December 2019. It covers the whole district and creates 3 criminal offences:
 1. Failing to remove dog faeces;
 2. Failing to put a dog on a lead after a request by an authorised officer;
 3. Failing to have an appropriate means to pick up dog faeces;
14. The introduction of the Order has not led to any fixed penalty notices being issued; and with the order covering any public open space whether council owned or private. However, the Council still receives complaints predominantly in relation to dog fouling in its district (see Table 1 below), which illustrates the need for the extension of the PSPO for a further 3 years. Given that fouling and dog control is an ongoing issue it is felt this extension is warranted. The Order may also be varied within this 3-year period.

Table 1: Dog fouling complaints received

2018/19	76
2019/20	63
2020/21	68
2021/22	56

Implications of Decisions

Corporate Priorities

15. The implementation of these PSPOs supports priority CO13: Keeping the District a great place to live. Environmental crime will be reduced and incidents of alcohol related anti-social behaviour will be reduced Supporting Key Activities KA.03.01: To Reduce environmental crime through promoting a cleaner, greener environment using education

and enforcement and KA.01.05: To prevent crime, tackle anti-social behaviour and support vulnerable victims.

Financial

16. The financial implications associated with this report are:

- a. The renewal of signage for dog fouling and alcohol control. Existing signage will be used but occasionally extra signs are required or replacements. Signage cost around £10-£20 per sign depending on size and quantity ordered.
- b. Continuation of costs of enforcement by Leicestershire Police for Alcohol Control. There is no cost to the Council.
- c. Having cleaner streets enables the service to concentrate on other priorities such as litter picking, fly tipping and leaf clearance, reducing costs elsewhere.

Legal

17. Authorised officers will issue FPN's where an offence under the PSPO is identified in accordance with the Council's Enforcement Policy.

Policy

18. As this is an extension of the original PSPO there will be no impact on policy or strategies already in place. Use of PSPOs is in line with our ASB Policy 2019.

Environmental Implications including contributions to achieving a net zero carbon Council by 2030

19. There is no direct impact on achieving net zero.

20. Keeping land free from dog fouling is a high district priority, as is the safe use of parks and open spaces by all. Dog faeces can carry the disease toxocariasis which can lead to permanent blindness in children if accidentally consumed, as well as being odorous and unpleasant when picked up on shoes, clothing, or bike/pushchair wheels.

Risk Management

Alcohol Control PSPO:

21. Not having a valid PSPO in place will have an impact on the Council and Local Policing's ability to deal with anti-social drinking within the designated areas. This may have a detrimental effect on the reputation of the Council.

Dog Control PSPO:

22. Not having a valid PSPO in place will have an impact on the Council's ability to deal with dog fouling within its District and no means to enforce against irresponsible dog owners, affecting the reputation of the Council.

Equalities Impact

23. The PSPOs will have no significant implications on human rights. All of the proposed measures are accompanied with the appropriate rights of appeal.

24. The PSPO will not apply to the owners of assistance dogs used by the blind or the deaf or by those who are unable as a result of a disability to comply with the legislation.

25. Please see Appendix 4 EIA for Alcohol Control & Appendix 5 EIA for Dog Control provided with the report.

Data Protection

26. There are no data protection implications as a result of this report or PSPO. The Council wide enforcement policy is adhered to, along with all GDPR requirements.

Summary of Consultation and Outcome

27. Necessary consultation has been undertaken regarding the extension of the current PSPOs for within the district, in accordance with Section 72 of the Anti-social Behaviour Crime and Policing Act 2014 (the Act). This was in the form of an online survey, available to the general public and also sent to all Parish Councils.

28. The results were in favour of continuing both the Alcohol Control and Dog Control PSPOs with between 96.67% - 97.99% agreed with the powers continuing. The results of the consultation are at Appendix 3 and statement from the Police at Appendix 6

Alternative Options Considered

29. To discharge one or both PSPOs. However this may lead to an increase in incidents of the associated anti-social behaviour, and there will be a reduction of powers to deal with such incidents. By not to renewing the PSPO's would not allow the council to enforce should they need to do so. It also acts as a deterrent, having the PSPO in place with relevant signage.

Background papers

- Anti-social Behaviour, Crime and Policing Act 2014
- Anti-social Behaviour, Crime and Policing Act 2014: reform of Anti-social behaviours. Statutory Guidance for front line professionals; Home Office, July 2014, updated December 2017.
- Dealing with irresponsible dog ownership, Practitioners Manual and Annexes – D, DEFRA, October 2014
- Report to the Cabinet meeting of 2nd December 2019, where it was agreed to proceed with the extension of PSPO (adopted 1 June 2016)