

## **Appendix 1:**

The following is the section in law relating to Local Authorities duties with regard to consultation, publicity and notification before a Public Space Protection Order can be made. Also included is the process FCC officers followed to undertake the consultation.

### **Anti Social Behaviour, Crime and Policing Act 2014: Part 4 Chapter 2**

#### **Section 72: Convention Rights, consultation, publicity and notification**

- (1) A local authority, in deciding—
  - (a) whether to make a public spaces protection order (under section 59) and if so what it should include,
  - (b) whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,
  - (c) whether to vary a public spaces protection order (under section 61) and if so how, or
  - (d) whether to discharge a public spaces protection order (under section 61),must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.
- (2) In subsection [\(1\)](#) “Convention” has the meaning given by section 21(1) of the Human Rights Act 1998.
- (3) A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—
  - (a) making a public spaces protection order,
  - (b) extending the period for which a public spaces protection order has effect, or
  - (c) varying or discharging a public spaces protection order.
- (4) In subsection [\(3\)](#)—

“the necessary consultation” means consulting with—

  - (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
  - (b) whatever community representatives the local authority thinks it appropriate to consult;
  - (c) the owner or occupier of land within the restricted area;

“the necessary publicity” means—

  - (a) in the case of a proposed order or variation, publishing the text of it;
  - (b) in the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension, variation or discharge—

- (a) the parish council or community council (if any) for the area that includes the restricted area;
  - (b) in the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area.
- (5) The requirement to consult with the owner or occupier of land within the restricted area—
  - (a) does not apply to land that is owned and occupied by the local authority;
  - (b) applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.

### **FCC PSPO Stages**

- (1) Dog Control Workshop Held with Members – 5<sup>th</sup> January 2017
- (2) Dog Control Public Space Protection Order (PSPO) proposals discussed at Environment Overview and Scrutiny committee - 11<sup>th</sup> January 2017
- (3) PSPO proposals agreed at cabinet subject to formal consultation – 14<sup>th</sup> February 2017
- (4) Town and Community Councils asked to provide areas within their ownership they would like included within the consultation in line with the proposals of the PSPO. – May 2017
- (5) Consultation live from June 1 -29<sup>th</sup> 2017. Prior to this date.
  - (i) The consultation on the Dog Control Public Space Protection Order went live on the home page of the FCC website which included a Frequently Asked Question document highlighting the proposals, a copy of the proposed Draft Public Space Protection Order, maps of affected exclusion areas within the County and an online survey to complete.
  - (ii) Details of the consultation were released to the press including the proposals and how members of the public could take part. Also distributed via the Online Watch Link (OWL), and copies of documents left at each Flintshire Connects Office.
  - (iii) Letters informing of the consultation and how to take part sent to each Council Member, Town and Community Council, North Wales Police, The Police and Crime Commissioner, All primary and secondary school head teachers, bowling club secretaries, the Dogs Trust, Kennel Club and RSPCA.