

CABINET	
Date of Meeting	Tuesday, 17th October 2023
Report Subject	Renewal of Public Space Protection Orders
Cabinet Member	Cabinet Member for Planning, Public Health and Public Protection & Cabinet Member for Streetscene and the Regional Transport Strategy
Report Author	Chief Officer (Planning, Economy and Environment) Chief Officer (Streetscene and Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

Public Spaces Protection Orders (PSPOs) are an intervention to prevent individuals or groups committing anti-social behaviour in a public space. They are part of the Anti-social Behaviour, Crime and Policing Act 2014.

Councils may make a PSPO after consultation with the Police, the Police and Crime Commissioner and appropriate community representatives. They can be enforced by Council Officers, Police Officers or Police Community Support Officers if they are designated.

PSPOs can last for a maximum of three years before a review is required.

Active from 19th October 2017, Cabinet approved the making of a dog control Public Space Protection Order following a period of consultation and other requirements under the Anti-social Behaviour, Crime and Policing Act 2014. The PSPO requires dog owners to:

1. Remove their dogs' waste from all public places within Flintshire,
2. Have a means on their person to pick up dog waste,
3. Place their dog on a lead when asked by an authorised officer, if the dog was causing a nuisance.
4. Prohibit dogs from entering the playing areas of public marked sports pitches, formal recreation areas including but not exclusively bowling greens and tennis courts, fenced equipped children's play areas and all areas within school grounds,
5. Keep their dog on a lead in cemeteries.

Under provisions of the Anti-social Behaviour, Crime and Behaviour Act 2014, Flintshire's Alcohol Designated Public Place Order transitioned into a Public Space Protection Order on the same date. This order allows Police Officers the power to

ask members of the public to surrender alcohol if a member of the public is believed to be causing a nuisance in a public place. This is not a total alcohol ban in public areas, and is not applicable to licensed premises, but encouragement of sensible drinking.

Both Orders were renewed in 2020 and are now up for review and renewal or they will expire on 29th October 2023.

Any local authority that made a PSPO may extend the period for which it has effect if it is satisfied, on reasonable grounds, that doing so is necessary to prevent an occurrence or recurrence of the activities identified in the order, or an increase in the frequency or seriousness of those activities, after that time.

In addition to this, the Council has been approached by both Mold Town Council and Connah's Quay and District Angling Club to request that variations are made to the Dog Control PSPO to exclude dogs from Mold Memorial Gardens, Maes Bodlonfa, Mold and Rosie Waters, Wepre Park, Connah's Quay.

Consultation on the current prohibitions and the proposed variations took place in accordance with legal requirements for 6 weeks between June 5th and 14th July 2023. In total 881 responses were received. There was strong support to renew both PSPOs, as is detailed in section 2 of this report.

RECOMMENDATIONS

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| 1. | <p>Cabinet approves the extension of a Public Space Protection Orders (PSPOs) to cover dog control and alcohol control in Flintshire, as outlined below:</p> <p>The dog control PSPO will require a person in charge of a dog to:</p> <ul style="list-style-type: none">(i) Remove their dogs' waste from all public places within Flintshire.(ii) Prohibit taking, or permitting the dog to enter or remain in(iii) All areas within school grounds,<ul style="list-style-type: none">- The playing areas of marked sports pitches- The playing areas of formal recreational areas including but not exclusively bowling greens and tennis courts- Fenced enclosed children's play areas.- The fenced footpath around The Rosie, Wepre Park, Connah's Quay as marked on Map 1 (Appendix 3)- Mold Memorial Park, Maes Bodlonfa, Mold as marked on Map 2 (Appendix 4)(iv) Keep their dogs on a lead within a cemetery.(v) Have appropriate means on their person, at all times, to pick up their dogs' waste from all public places in Flintshire. |
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	<p>(vi) Put their dog on a lead, when directed by an authorised officer, if the dog is loose and causing a nuisance or annoyance to any other person, bird or animal.</p> <p>The alcohol control PSPO will impose the following prohibitions and/or requirements in public spaces in Flintshire, at all times:</p> <ol style="list-style-type: none"> i. Any person who, without reasonable excuse, continues drinking intoxicating liquor in a public area within the Restricted Area when asked to stop by an authorised officer, commits an offence. ii. Any person who whilst in a public area within the Restricted Area, without reasonable excuse, fails to surrender any intoxicating liquor in their possession when asked to do so by an authorised officer, commits an offence. iii. An authorised officer who imposes a requirement under Article 4(a) and/or 4(b) must tell the person that failing, without reasonable excuse, to comply with the prohibition and/or requirement is an offence.
2.	<p>Subject to final Cabinet determination, the agreed Public Space Protection Orders covering dog control and alcohol control commence on 29th October 2023 following a notice period and publicity of the upcoming order.</p>

REPORT DETAILS

1.00	EXPLAINING THE BACKGROUND TO THE PROPOSALS
1.01	<p>PSPOs are designed to stop individuals or groups committing Anti-social behaviour in a public place. PSPOs may not be made for a period of more than three years but can be extended or varied if legal requirements are met.</p>
1.02	<p>A constable or authorised person of the Council may issue a Fixed Penalty Notice of £75 to anyone he or she believes to be guilty of an offence, which would be required to be paid within 14 days. Failure to do so may lead to a fine on summary conviction not exceeding level 3 (currently £1000) on the standard scale.</p>
1.02	<p>Flintshire currently has two PSPOs in place covering dog control and alcohol control. They have the same restrictions as those we have consulted on but in the case of the Dog Control PSPO we have consulted on added restrictions in Mold and Connah's Quay. We are seeking to extend these PSPO's for the current maximum period of 3 years to October 2026.</p>
1.03	<p>The consultation on the PSPO prohibitions was conducted between 5th June and 14th July 2023. Information regarding the consultation and how to take part was sent to each County Councillor, Town & Community Council, Head Teacher, Bowling club secretary, North Wales Police, The Police and Crime Commissioner and dog representative groups.</p>

	<p>A press release explaining the proposals and how the public could take part was also released in print and online. The consultations were undertaken via an online survey which included maps of potentially affected areas, a frequently asked questions and answers documents. Printed copies of the documents were also made available from all Flintshire Connects offices.</p>
<p>2.00</p>	<p>CONSULTATION RESULTS</p>
<p>2.01</p>	<p>The results of the consultation on the proposed PSPOs were as follows. For the dog control PSPO there were 881 responses, 539 survey responses were online and 342 responses were paper response. 63% of responders were dog owners.</p> <p>There was strong support for:</p> <ol style="list-style-type: none"> 1. Dog owners to be made to put their dogs on a lead, when requested by an authorised officer, ONLY if the dog is loose and causing a nuisance or annoyance to any other person bird or animal (98% agreed with the proposal). 2. That dog owners are to remove their dogs waste from public land (99% agreed with the proposal) 3. Dog owners to ensure they have on their person a means to collect dog waste at all times (99% agreed with the proposal) 4. That dogs are to be kept on a lead in Cemeteries (98% agreed with the proposal) 5. Dogs should be excluded from fenced, equipped children’s play areas (98% agreed with the proposal) 6. Dogs should be excluded from the playing areas of formal recreation areas (Bowling greens/tennis courts) (98% agreed with the proposal) 7. Dogs should be excluded from all areas within school grounds (96% agreed with the proposal) 8. Dogs should be excluded from within the boundary of Marked sports pitches (96% agreed with the proposal). 9. Dogs should be excluded from the footpath around The Rosie, Wepre Park, Connah’s Quay (75% agreed with the proposal) 10. If dogs were not excluded from the footpath around Rosie Pond, Wepre Park, Connah’s Quay they should be always kept on a lead whilst on that footpath (40% agreed with the proposal) 11. Dogs should be excluded from Mold Memorial Gardens, Maes Bodlonfa, Mold (61% agreed with the proposal)

	<p>12. If dogs were not excluded from Mold Memorial Gardens, Maes Bodlonfa, Mold they should be always kept on a lead whilst in the Memorial Gardens (43% agreed with the proposal)</p> <p>95% of respondents agreed that the above steps are proportionate to achieve the aim of controlling dog fouling in Flintshire?</p> <p>For the alcohol control PSPO there were 26 responses.</p> <p>There was strong support for FCC to:</p> <ol style="list-style-type: none"> 1. Continue with the measures adopted in current alcohol Designated Public Space Order should continue under a Public Space Protection Order? (88%) <p>88% of respondents agreed that this is a proportionate action to help control alcohol fuelled anti-social behaviour in Flintshire?</p>
2.02	<p>Consultees were not able to make further representations or comments on the survey, but we had 15 representations by email. These are attached as appendix 5 to this report. The common themes from these responses were the availability of access to open spaces for walking dogs and enforcement considerations.</p>
2.03	<p>The Animal Welfare Act 2006 states that owners of dogs are required to provide for the welfare needs of their animals and this includes providing the necessary amount of exercise each day. The Home Office guidance states Councils should be aware of the publicly accessible parks and other public places in their area which dog walkers can use to exercise their dogs without restrictions. Under the proposals for the extension of the dog control PSPO dogs would not be excluded from entering public playing fields in their entirety, only from within the marked boundary of marked sports pitches. There is a complete exclusion proposed for school grounds, Mold Memorial Gardens and parts of the path around The Rosie Pool, Wepre Park.</p>
2.04	<p>Members are advised of their duty to consider the Equality's Act. The Equality and Welsh Language Assessment completed has been reviewed following the public consultation (Summary included as Appendix 2). The assessment found some disabled people may be affected by the proposal. It is reasonable that some disabled people may not be able to pick up dog waste and that a reasonable approach to be taken for assistance dogs.</p>
2.05	<p>A report on this matter was also considered by the Environment and Economy Overview and Scrutiny Committee at its meeting of 12 September 2023. Members supported the renewal of the PSPOs in accordance with the recommendation to Cabinet.</p>

3.00	RESOURCE IMPLICATIONS
3.01	Budget – There will be costs associated with any signage for the new PSPOs in any areas where they may need to be displayed. These costs will be funded from current budgets.
3.02	Legal – Notice and publicity of the PSPO will need to be made prior to an Order being made.
3.03	Staffing – The dog control PSPO is already enforced by Streetscene and Transportation Enforcement staff, the alcohol control PSPO is enforced by North Wales Police.

4.00	CONSULTATIONS REQUIRED / CARRIED OUT
4.01	As required by the statutory guidance a public consultation has been undertaken. The final Orders will need to be publicised prior to final publication.

5.00	RISK MANAGEMENT
5.01	If the current Dog Control PSPO is not extended by 29th October 2023, the enforcement against owners that allow their dogs to foul in public areas would not be able to continue beyond this date. If the Alcohol Control PSPO is not extended enforcement against those who refuse to comply with a request to stop drinking alcohol in a public place will not be able to continue.

6.00	APPENDICES
6.01	Appendix 1 – ASB, C&P Act 2014 & FCC implementation process Appendix 2 – Summary of Equality Impact Assessment Appendix 3 – Map of Dog exclusion area around The Rosie, Wepre Park Appendix 4 – Map of Mold Memorial Gardens, Maes Bodlonfa, Mold Appendix 5- Written Representations

7.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
7.01	Contact Officer: Richard Powell Trading Standards Investigations & Community Safety Manager Telephone: 01352 703198

8.00	GLOSSARY OF TERMS
8.01	<p data-bbox="320 197 1102 235"><u>Definition of Public Space Protection Order (PSPO)</u></p> <p data-bbox="320 257 1366 477">Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Anti-Social Behaviour, Crime and Policing Act 2014 as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.</p> <p data-bbox="320 517 1356 658">The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without a reasonable excuse is an offence. Powers to create PSPOs came into force in October 2014.</p>