

Cabinet

1 March 2022

Extension of West Dorset ASB-Related Public Spaces Protection Order (PSPO)

For Decision

Portfolio Holder: Cllr Laura Miller, Customer and Community Services

Local Councillor(s): Relevant to all Dorset Council Members

Executive Director: John Sellgren, Executive Director of Place

Report Author: John Newcombe
Title: Service Manager Licensing & Community Safety
Tel: 01305 838027
Email: john.newcombe@dorsetcouncil.gov.uk

Report Status: Public

Recommendations:

- 1) To approve the extension of the West Dorset ASB-Related Public Spaces Protection Order (PSPO) to 19 August 2022.

Reasons for Recommendations:

- 1) To comply with legislative requirements,
- 2) To ensure openness and transparency in the Council's decision making, and
- 3) To ensure that those persons affected by ASB continue to be afforded the protection provided by the Orders.

1. Executive Summary

The existing ASB-Related Public Spaces Protection Order (PSPO) for West Dorset (covering Dorchester, Bridport, West Bay and Lyme Regis) is due to expire on 22 April 2022. A 4-month extension to the order is being sought to enable appropriate consideration of the consultation responses received during the review of PSPO's covering the Dorset Council area. The extension proposal has the support of the statutory consultees including the Police and Crime Commissioner, Dorset Police and relevant Town Councils.

2. Financial Implications

The cost of enforcing the Orders that are proposed to be extended will be met from within existing budget provision. There are no further financial implications arising from the recommendations of this report.

3. Well-being and Health Implications

Certain types of ASB can have a significant effect on mental health. The Orders seek to reduce ASB and are a positive contribution to well-being.

4. Climate implications

There are no implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

5. Other Implications

There are no other implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

6. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low – however, not having valid PSPO's in place will have an impact on the Council and Dorset Police's ability to deal with Anti-Social Behaviour which may have a detrimental effect on residents and businesses within the Dorset Council area.

7. Equalities Impact Assessment

An Equalities Impact Assessment has not been prepared as the recommendation seeks to extend provisions already in effect. However, an EIA has been completed as part of the full review of the PSPO's.

8. Appendices

Appendix A –The West Dorset Anti-social Behaviour Related Public Spaces Protection Order 2018

Appendix B - The West Dorset Anti-social Behaviour Related Public Spaces Protection Extension Order 2021

9. Background Papers

Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014.
The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.

Home Office – Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory Guidance Jan 2021

10. Background

10.1 Public Spaces Protection Orders (PSPO's) were introduced in Sections 59 to 75 of the Anti-social Behaviour, Crime and Policing Act 2014. PSPO's are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

10.2 PSPOs are made by the Local Authority for the area and subject to a legal test that focusses on the impact that anti-social behaviour is having on victims and communities. A PSPO can be made by the council if they are satisfied on reasonable grounds that the activity or behaviour concerned, carried out, or likely to be carried out, in a public space:

- Has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- Is, or is likely to be, persistent or continuing in nature;
- Is, or is likely to be, unreasonable; and;
- Justifies the restrictions imposed.

10.3 Breach of the PSPO is a criminal offence discharged by a Fixed Penalty Notice (FPN) of £100 or prosecution in the Magistrates Court. Persistent offenders may have a Criminal Behaviour Order (CBO) attached to a guilty verdict in court. PSPO's are not intended to tackle youth nuisance as FPN's cannot be issued to persons under the age of 18.

10.4 In accordance with s.60 of the Act, a PSPO cannot have effect for more than 3 years, unless extended under s.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.

10.5 The Community Safety Partnership (partners) considers that the current PSPO's have been an effective deterrent to ASB issues since they were introduced in 2018.

11. Current Orders

11.1 West Dorset District Council introduced a PSPO covering four areas on 23 April 2018. The PSPO was introduced after wide consultation with residents, partners and Councillors. The Order is known as the West Dorset Anti-social Behaviour Related Public Spaces Protection Order 2018 and covers the towns of Bridport, West Bay, Lyme Regis and Dorchester.

11.2 The Order covers the consumption of alcohol in Dorchester, Bridport and West Bay and the intentional feeding of gulls in West Bay and Lyme Regis and is attached at Appendix A.

11.3 The West Dorset Anti-social Behaviour Related Public Spaces Protection Order 2018 was extended by a period of 12 months in 2021 and is due to end on 22 April 2022. A copy of the extension order which was previously approved by Cabinet on 6 April 2021 is attached at Appendix B.

12 Order Extension and Consultation

12.1 An extension to the existing Order is being sought in order to enable full consideration of the responses received as part of the consultation which took place from 18 November 2021 to 13 January 2022.

12.2 A full report is being prepared in relation to the revision on the PSPO's for the Dorset Council area and will be taken to a future meeting of the Place and Resources Overview Committee and Cabinet over the next few months.

12.3 In deciding whether to extend the period for which a public spaces protection order has effect, the Council is required to consult with Dorset Police, Dorset Police & Crime Commissioner, relevant landowners and Town Councils.

12.4 The views of each of the statutory consultees have been sought and the response has been in support of retention of the existing PSPO whilst consideration of the responses to the consultation and implementation of the new PSPO's takes place.

13 Legal Considerations

- 11.4 In accordance with s.60 of the Act, a PSPO cannot have effect for more than 3 years, unless extended under s.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. A Council may extend an Order more than once for a maximum of 3 years at a time.

14 Publication

- 14.1 Before making, varying, extending or discharging a PSPO, the council must carry out the necessary publicity and necessary notification in accordance with section 72(3) of the Anti-social Behaviour, Crime and Policing Act 2014 – this includes publishing the proposal for an extension on its website and the erection of suitable signage adjacent to the public place(s) to which the order relates, which will be completed once the extension is approved.

15 Signage

- 15.1 Signs promoting the current PSPOs are currently in place in all the towns where PSPOs remain in force. Existing signage will need to be reviewed to ensure it is still compliant.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.