

Place and Resources Overview Committee

7 March 2022

Consultation Report for Anti-social Behaviour related Public Spaces Protection Orders

For Recommendation to Cabinet

Portfolio Holder: Cllr L Miller, Customer and Community Services

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

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Report Status: Public

Recommendations:

- 1) To consider the results of the consultation for the proposed Anti-social Behaviour related Public Spaces Protection Orders for parts of the Dorset Council area.
- 2) To make any changes to the draft Orders and recommend them to Cabinet for approval.

Reasons for Recommendations:

- 1) To comply with legislative requirements for the making of Public Spaces Protection Orders.
- 2) To ensure openness and transparency in the Council's decision making by taking appropriate account of the results of the consultation.
- 3) To ensure that those persons affected by anti-social behaviour are afforded the protection provided by such Orders.

1. Executive Summary

The existing Anti-social Behaviour Related Public Spaces Protection Order (PSPO) for West Dorset (covering Dorchester, Bridport, West Bay and Lyme Regis) and the Weymouth & Portland Order are currently due to expire in August 2022. Officers have reviewed the existing Orders in consultation with statutory consultees and prepared

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revised draft Orders. Additional provisions were also proposed in certain areas of Dorset and together the draft Orders were published for public consultation. This report gives the results of the public consultation and the revised draft Orders for consideration.

2. Financial Implications

The cost of preparation and consultation of the PSPO's will be met from existing budgets. New Orders will require appropriate signage and costs will generally be met from existing budgets with contributions from partners to this work. Enforcement will be undertaken by council officers and authorised officers of partner organisations.

3. Health and Well-being Implications

Anti-social behaviour can have a significant effect on mental health. The Orders seek to reduce ASB and are a positive contribution to community and individual well-being.

4. Climate implications

The prevention of fires on open land can have a positive effect on climate change.

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, businesses and visitors to Dorset.

7. Equalities Impact Assessment

An Equalities Impact Assessment is included in the report.

8. Appendices – please click on the links below to view the appendices in each section

[Appendix A and B](#)

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Appendix A - The Bridport Anti-social Behaviour Related Public Spaces Protection Order 2022 (Draft)

Appendix B – The Dorchester Anti-social Behaviour Related Public Spaces Protection Order 2022 (Draft)

[Appendix C, D and E](#)

Appendix C – The Lyme Regis Anti-social Behaviour Related Public Spaces Protection Order 2022 (Draft)

Appendix D – The Portland Anti-social Behaviour Related Public Spaces Protection Order 2022 (Draft)

Appendix E – The West Bay Anti-social Behaviour Related Public Spaces Protection Order 2022 (Draft)

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Appendix F – The Weymouth Anti-social Behaviour Related Public Spaces Protection Order 2022 (Draft)

[Appendix G and H](#)

Appendix G – The Dorset Beaches Anti-social Behaviour Related Public Spaces Protection Order 2022 (Draft)

Appendix H – The Dorset Open Land Anti-social Behaviour Related Public Spaces Protection Order 2022 (Draft)

[Appendix I – Supporting Evidence](#)

[Appendix J – Consultation Reports](#)

[Appendix K – Equalities Impact Assessment](#)

[Appendix L – Consultation response from Liberty](#)

[Appendix M – Case law article relating to begging](#)

9. Background Papers

The Anti-social Behaviour, Crime and Policing Act 2014, sections 59 – 75.

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 2104: Anti-social Behaviour Powers Statutory Guidance Jan 2021.

Local Government Association – Public Spaces Protection Orders; Guidance for Councils.

Place & Resources Overview Committee Report – Public Spaces Protection Orders, 10 November 2021.

10. Background

- 10.1 PSPO's were introduced by the Anti-social Behaviour, Crime and Policing Act 2014. They 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

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the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

10.2 PSPO's are made by the relevant council for the area and are 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 a PSPO is a criminal offence dealt with 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 A PSPO cannot have effect for more than 3 years, unless extended under s.60(2). The current West Dorset and Weymouth Orders have previously been extended and need consideration for renewal. Other sources of relevant ASB have been identified and were included in the proposed draft Orders.

10.5 A report containing the current Orders and proposed draft Orders was brought to your committee on 10 November 2021 where it was agreed that the proposed draft Orders should be published for public consultation. This report gives the results of the public consultation and recommends any changes to the draft Orders. A brief summary of issues raised are given and the consultation reports are included as Appendix J. For a number of provisions, additional areas were suggested however, these would require separate consultation and so cannot be considered for inclusion in this round of Orders. Areas also need to have a sufficient evidence base to be considered. Officers will be looking at these suggested areas to determine suitability for future inclusion and/or other measures to address specific issues.

10.6 Your committee is asked to consider the draft Orders and recommend them to Cabinet for approval with any further changes considered appropriate.

11. Draft Orders and Provisions

The provisions included in the draft Orders are as follows;

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11.1 The Consumption of Alcohol

The excessive consumption of alcohol in public places can lead to harm; property damage and anti-social/offensive behaviour. It places additional strain on Police; NHS and council resources and if repetitious in an area can lead to blight and reputational damage. It is more likely to occur in town centres where there are higher concentrations of licensed premises, entertainment and people. PSPO's replace Designated Public Place Orders which were previously used to address such behaviour. The areas included within the draft Orders are all in town centres and are supported by information in Appendix I. The provision enables a Police Officer or Authorised Officer to prohibit the consumption of alcohol by an individual in certain circumstances.

11.2 Anti-Social Behaviour

Behaving in an anti-social manner causes alarm, anxiety and annoyance to people. It can lead to harm, property damage and criminal offences. ASB can cause blight of an area and reputational damage affecting both residents and businesses. It is more likely to repetitiously occur in locations where people gather such as town centres. The areas included in the draft Orders are supported by information in Appendix I. The provision enables a Police Officer or Authorised Officer to instruct an individual to leave the controlled zone if acting in an anti-social or disorderly manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person.

11.3 Intentional Feeding of Gulls

The feeding of gulls in certain public areas can result in gulls becoming aggressive around people seeking further food. This can cause harassment, alarm, distress and on occasion result in injury to people and gulls. Often, gulls in flight swoop down to grab food being consumed by people which is particularly distressing especially to young children. The intentional feeding of gulls in susceptible areas such as seaside resorts and towns can lead to gull behaviour that discourages people from visiting and affects food businesses and outside dining. The RSPB warn against the feeding of gulls for both the welfare of people and gulls. The provision requires that no person at any time shall intentionally provide or deposit food for consumption by gulls within the controlled zone.

11.4 Aggressive Begging

Aggressive begging is characterised by repeated requests for money from a member of the public; following a person and making requests/demands; shouting and using abusive language; positioning themselves near to banks, post offices and cash withdrawal machines for the purpose of obtaining money from customers. This behaviour can cause anxiety and distress and make people feel unsafe in the

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locality. Such behaviour is commonly complained about to the Council with 12 complaints received between March and November 2021 relating to begging in Weymouth. The act of begging in its typically accepted manner is not intended to be restricted by this provision. The provision enables a Police Officer or Authorised Officer to prohibit the making of any aggressive verbal, non-verbal or written requests for goods, money or donations within the controlled zone. Relevant case law is at Appendix M for consideration of this provision.

11.5 Cycling on the Promenade (Weymouth)

During the daytime of the spring and summer months, this area can be particularly busy with pedestrians including many seasonal visitors. Cycling at these times presents a risk to cyclists and pedestrians alike. Prior to the current PSPO provision, the activity was restricted by a Byelaw which was however, difficult to enforce. The restriction applies between 1 May – 30 September between the hours of 10am – 5.30pm. It does not apply to children aged 12 years or under and specific exemption can be sought in some circumstances.

11.6 Trinity Passage Gating (Weymouth)

The Trinity Passage gating provision is intended to restrict anti-social behaviour taking place in this area. Subject to any further permissions and funding agreement, the Order allows the re-instatement of a pair of gates to restrict public access. The area has been blighted by anti-social behaviour issues arising from drug dealing, graffiti, sexual activity, rough sleeping, littering, fly tipping and public urination/defecation and is consequently having a detrimental effect on the use of Holy Trinity Church and on local residents. There are 56 separate entries relating to issues at this location which have been processed by officers between March 2021 and Feb 2022. There is an alternative pedestrian footpath alongside Trinity Passage.

11.7 Unauthorised Camping on Beaches

Dorset beaches are a wonderful feature of our natural environment and provide excellent opportunity for recreation and relaxation. The incidence of unauthorised camping on certain beaches has increased over recent years and has been exacerbated by Covid-19 travel restrictions and more visitors to Dorset. Anti-social behaviour, littering, inappropriate disposal of waste and damage to facilities and the natural environment has occurred. Information is contained in Appendix I. In preparation of the draft Order, consultation has taken place with landowners including The Lulworth and Ilchester Estates, The National Trust and town councils, The provision prohibits overnight camping on certain beaches unless permission of the landowner has been obtained.

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11.8 Lighting of Fires on Certain Open Land

Following the disastrous fire at Wareham Forest in May 2020, the Council and other agencies looked at what further measures could be taken to reduce the likelihood of such events. Such fires can contribute to climate change and result in risk to life; damage to biodiversity, habitats and property; and loss of income from tourism and other land uses. Forestry England and Dorset & Wiltshire Fire & Rescue Service (DWFRS) report fires and evidence of fires (disposable barbeques are most common) at these locations. DWFRS has attended 61 incidents between January 2018 and September 2021. The issue was considered by Cabinet and the use of a PSPO was supported. It is a less common use of PSPO provisions but is in use in certain council areas where fires have been experienced. The approach to enforcement requires consideration and partnership between the Council and landowners/operators. Officers are working with Forestry England to develop an approach which may then be subsequently adopted elsewhere. The provision prohibits the placing, throwing or dropping of items likely to cause a fire, lighting fires, barbeques (including disposable barbeques), Chinese lanterns or fireworks, or using items which either (i) cause a naked flame or (ii) pose a risk of fire.

- 11.9 Supporting evidence used in the preparation of the renewed and additional provisions is included at Appendix I. Where existing provisions exist, for example in the feeding of gulls provisions, it can prove difficult to establish a significant evidence base due to the ongoing effectiveness of the those provisions.

12. Draft Orders and Consultation Responses

- 12.1 A number of changes have been made to the draft Orders as a result of consideration of responses received during consultation.
- 12.2 Concerns were raised regarding the interpretation of Anti-social behaviour by Authorised Officers and a list of the types of behaviours covered by the Orders in this respect is included below. The types of behaviour covered by the Orders will be included within the training programme for Authorised Officers and where existing provisions exist that are capable of effectively dealing with those behaviours, they will be utilised in preference to use of the PSPO powers.
- 12.3 Concerns were also raised in relation to the use of dispersal powers within the Orders and an amendment has been made to applicable Orders linking the direction to leave to the previous use of a warning relating to anti-social behaviour.
- 12.4 Concerns were also raised relating to the types and number of Officers authorised to take enforcement action under the provisions of the Orders and the draft Orders have been amended where applicable to limit the number of Officers authorised to Police

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Constables and properly Authorised Officers who have been accredited and trained by the Council to use the powers contained within the Orders.

- 12.5 One of the responses received was from Liberty (The National Council for Civil Liberties) who raised a number of concerns regarding the proposed Orders in relation to the provisions around Anti-social behaviour and camping on beaches. Liberty has requested that all provisions relating to anti-social behaviour be dropped as they are “unreasonable; they target vulnerable individuals and unduly restrict civil liberties.” A copy of Liberty’s response to the consultation is included at appendix L. Members may wish to consider whether the proposals are a fair and proportionate response to issues of anti-social behaviour and whether the continuation of existing, and creation of new provisions, is justified and necessary.
- 12.6 A further concern is made in relation to the lack of available evidence, however Members will be aware that a considerable amount of evidence was submitted for review as part of the previous report pack which came to the committee on 10 Nov 2021 and which is included again at Appendix I.
- 12.7 Liberty also raised concerns over a completion of an Equalities Impact Assessment (EqIA) in relation to the proposed Orders and highlights a number of concerns around the links between poverty, homelessness, trauma and disability. Members may wish to review the EqIA at Appendix K.
- 12.8 The Council recognises that there are issues with homelessness in areas of Dorset and has made a sustained and robust effort to assist those persons who are affected. In addition, Operation Luscombe which has been piloted in Weymouth over the last year, has had a considerable impact in helping those with housing needs get into safe and secure accommodation and the Council has been working with partners to try and assist wherever possible. The Orders are not designed to meter out punishment to the vulnerable but instead designed to give powers to duly authorised officers to be able to deal with offending behaviour when identified.
- 12.9 With regard to questions raised over the types of anti-social behaviour covered, officers do not feel that it is necessary to list every type of behaviour that could potentially be deemed to be likely to cause harassment, alarm or distress within each of the Orders however, the National Standards for Incident Recording 2011 definition of 1) Personal, 2) Nuisance and 3) Environmental will be the adopted standard. Examples of anti-social behaviour include;
- Drug dealing / substance misuse along with discarded paraphernalia.
 - Street Drinking / Aggressive Begging.

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- Prostitution / Sexual related activity.
- Abandoned vehicles / fixing vehicles in the street.
- Littering / Fly tipping or fouling public areas.
- Cycling / skateboarding on footpaths or in public areas.
- Criminal Damage / Vandalism.
- Threats / Abuse / Bullying
- Congregating groups in public areas / intimidating behaviour.
- Nuisance / Noisy Neighbours.
- Inconvenient / Illegal Parking / Inappropriate vehicle use / off road motorcycles.
- Fighting / Abusive or offensive language.
- Drunken behaviour / underage drinking / urinating.
- Firework Offences.
- Animal related problems.
- Malicious / Hoax calls to emergency services.
- Nuisance / Obscene phone calls.

12.10 Officers are aware that there are a number of existing provisions which could potentially be utilised to tackle some of the above example behaviours and these will always be the preferred mechanism if available to Officers. Officers are also concerned that by identifying a specific behaviour within the orders would potentially lead to alleged offenders acting in a purposefully different manner which is not specifically listed in order to circumvent the provisions of the Order albeit in a manner that is still likely to cause harassment, alarm or distress.

12.11 Likewise, the concerns raised regarding the provisions relating to requests for persons to leave a specific area will be required to be linked to the specified behaviour that has been identified as being likely to cause harassment, alarm or distress and will only be enforced by Police Constable or duly Authorised Officer.

12.12 The concerns raised by Liberty in relation to the camping on beaches provisions relate to the potential impact on homeless persons or persons exercising a right to peaceful protest, as well as any potential impact on the rights of Gypsies and Travellers.

12.13 Members will be aware however that the provisions relating to Camping on Beaches are designed to prevent anti-social behaviour from occurring as a direct result of unauthorised overnight camping and as such Officers recommend that the wording of the Order is adjusted to reflect this;

“No groups of more than one person shall erect a tent, gazebo, marquee or other temporary structure that is designed or intended to

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provide shelter or accommodation with the intention of camping overnight, within “the Controlled Zone” without the express prior written permission of the landowner.”

- 12.14 This amendment would also seek to offer assurances to those persons who are using such structures during the day for the purposes of shelter or shade from the sun from inclusion within the provisions of the Order and for those persons conducting bona-fide fishing activities within the controlled zone. The exemption provision within the order is amended thus;

“The prohibition contained within this order does not apply to single individuals who are conducting bona-fide fishing activities, with appropriate equipment on the beach utilising a-bona-fide fishing shelter-or person(s) who have express prior written permission of the landowner.”

- 12.15 It is not envisaged that enforcement action would be taken against anyone who is exercising their right to protest about a matter at that specific location or someone who is genuinely homeless where in such circumstances officers would seek to offer assistance to such persons via signposting to the relative partner agencies who would be able to assist.
- 12.16 Officers advise that the provisions contained within the Order do not apply to the occupation of vehicles or caravans and thus unlikely to affect Gypsies or Travellers.
- 12.17 **The Bridport Anti-social Behaviour related Public Spaces Protection Order 2022 (Draft)** includes the following provisions;

- The Consumption of Alcohol
- Anti-Social Behaviour

The draft Order retains the activities and areas identified within the existing West Dorset Anti-social Behaviour Related Public Spaces Protection Order 2018 (as extended) and the addition of the Anti-social Behaviour provision with additional areas including Jubilee Green, Community Orchard, St Mary’s Church and Foundry Lane. The revisions have been made in consultation with Bridport Town Council and Dorset Police and supporting information is contained in Appendix I. The draft Order is attached at Appendix A.

- 12.18 The response from the consultation has been strongly supportive with 78.5% in support of the alcohol provision and 82.3% in support of the ASB provision. Of those respondents who were not sure or unresponsive of the alcohol provision, the majority were concerned about the negative effect on well behaved social gatherings, with concerns also raised around the unfair treatment of young people and

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provision of facilities/activities for them in the town as well as support/prevention methods as an alternative measure. An additional area of Asker Meadows next to Morrison's was also proposed and questions about additional resources to enforce the PSPO.

- 12.19 Officers are not concerned that those drinking responsibly in the controlled zone will be adversely affected by the provision as the PSPO will only be enforced where anti-social behaviour is taking place. PSPO provisions apply to persons aged 18 and over and should not affect young people's activities. Issues relating to enforcement are discussed later in this report.
- 12.20 Of those respondents who were not sure or unsupportive of the ASB provision, concerns were raised regarding displacement to other areas, infringement on civil liberties, intolerance of young people, a lack of resources to enforce the provisions and the right to protest. A number of additional areas were also identified including Jellyfields, Bothenhampton and Jessops. Other additional comments were received around noisy car exhausts, car racing and scooters/bicycles riding dangerously on pavements however, these are not issues which fall within scope of the current PSPO proposals.
- 12.21 It is considered that the relevant criteria are met and that the draft Order is recommended to Cabinet for approval subject to the highlighted amendments contained within.
- 12.22 **The Dorchester Anti-social Behaviour related Public Spaces Protection Order 2022 (Draft)** includes the following provisions;
- The Consumption of Alcohol
 - Intentional feeding of gulls
 - Anti-Social Behaviour

The draft Order retains the activities and areas identified within the existing West Dorset Anti-social Behaviour Related Public Spaces Protection Order 2018 (as extended) and includes additional provisions covering the intentional feeding of gulls, general Anti-social Behaviour and dispersal powers with an updated plan. The revisions have been made in consultation with Dorchester Town Council, who asked for the additional provisions relating to gulls to be added, and Dorset Police. The draft Order is attached at Appendix B.

- 12.23 The response from the consultation has been strongly supportive with 83.3% in support of the alcohol provisions, 84.4% in support of the feeding of gulls provisions and 88.9% in support of the ASB provisions. Of those respondents who were not sure or unsupportive of the alcohol provisions, the majority were concerned about the negative effect on well behaved social gatherings. Additional areas of High West Street and Poundbury were also proposed as well as questions around additional resources to enforce the PSPO provisions.

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- 12.24 Officers are not concerned that those drinking responsibly in the controlled zone will be adversely affected by the order as the PSPO will only be enforced where anti-social behaviour is taking place.
- 12.25 Of those respondents who were not sure or unsupportive of the feeding of gulls provisions, a number of concerns were raised regarding the types of birds covered and injured birds. Of those respondents who were not sure or unsupportive of the ASB provisions concerns were raised about displacement of problems to other areas, enforcement resource and the potential impact on civil liberties. An additional area of High West Street was also proposed.
- 12.26 Other additional comments were received around police patrols, cycle lanes, noisy car exhausts and car racing, unemployment, substance misuse, parental responsibility, education, begging and youth boredom however, these are not issues which fall within scope of PSPO proposals.
- 12.27 It is considered that the relevant criteria are met and that the draft Order is recommended to Cabinet for approval subject to the highlighted amendments contained within.

12.28 **The Lyme Regis Anti-social Behaviour related Public Spaces Protection Order 2022 (Draft)** includes the following provisions;

- The Consumption of Alcohol
- Intentional feeding of gulls
- Anti-Social Behaviour

The draft Order retains the activities and areas identified within the existing West Dorset Anti-social Behaviour Related Public Spaces Protection Order 2018 (as extended) and includes an additional provision covering consumption of alcohol, general Anti-social Behaviour and dispersal powers with a revised plan. The revisions have been made in consultation with Lyme Regis Town Council and Dorset Police. The draft Order is attached at Appendix C.

- 12.29 The response from the consultation has been supportive with 64.5% in support of the alcohol provisions, 85.2% in support of the feeding of gulls provisions and 66.1% in support of the ASB provisions. Of those respondents who were not sure or unsupportive of the alcohol provisions, the majority were concerned about the negative effect on well behaved social gatherings and approaches to enforcement. Additional areas including the Promenade including the Marine Theatre, Church Cliff Walk, Anning Rd Playing Field, Woodmead Car Park and Gun Cliff pedestrian area were also proposed as well as questions around additional resources to enforce the PSPO provisions.
- 12.30 Officers are not concerned that those drinking responsibly in the controlled zone will be adversely affected by the order as the PSPO will

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only be enforced where anti-social behaviour is taking place. The issue of adequate resources to enforce the PSPO is considered later in this report.

- 12.31 Of those respondents who were not sure or unsupportive of the feeding of gulls provisions, a number of concerns were raised regarding the levels of enforcement, education, signage and number of litter bins. Additional areas of Anning Rd Playing Field, Woodmead Car Park, Marine Theatre Square and Gun Cliff pedestrian area were also proposed.
- 12.32 Of those respondents who were not sure or unsupportive of the ASB provisions concerns were raised about displacement of problems to other areas, the number of personnel authorised under the powers, the potential impact on civil liberties, levels of enforcement and engagement with perpetrators. Additional areas of Anning Rd Playing Field, Woodmead Car Park, Marine Theatre Square and Gun Cliff pedestrian area as well as Broad Street and the steps to Town Mill and the car park opposite Cobb Gate were also proposed.
- 12.33 Other additional comments were received around police patrols, provision of youth services and traffic calming however these are not issues which fall within scope of the PSPO proposals.
- 12.34 It is considered that the relevant criteria are met and that the draft Order is recommended to Cabinet for approval subject to the highlighted amendments contained within.
- 12.35 **The Portland Anti-social Behaviour related Public Spaces Protection Order 2022 (Draft)** includes the following provisions;

- The Consumption of Alcohol
- Anti-Social Behaviour

The draft Order retains the activities and areas identified within the existing Weymouth & Portland Anti-social Behaviour Related Public Spaces Protection Order 2018 (as extended) and includes general Anti-social Behaviour and dispersal powers with a revised plan. The revisions have been made in consultation with Portland Town Council and Dorset Police. The draft Order is attached at Appendix D.

- 12.36 The response from the consultation has been strongly supportive with 84.9% in support of the alcohol provisions and 83.7% in support of the ASB provisions. Of those respondents who were not sure or unsupportive of the alcohol provisions, the majority were concerned about the negative effect on well behaved social gatherings. Additional areas of Fortuneswell and Portland Bill Car Park were also proposed as well as questions around additional resources to enforce PSPO provisions.

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- 12.37 Officers are not concerned that those drinking responsibly in the controlled zone will be adversely affected by the order as the PSPO will only be enforced where anti-social behaviour is taking place.
- 12.38 Of those respondents who were not sure or unsupportive of the ASB provisions, a number of concerns were raised regarding displacement to other areas and a lack of activities for young people in the area. A number of additional areas were also identified including Castletown and Fortuneswell.
- 12.39 Other additional comments were received about Police patrols, Police Community Support Officers, house building proposals and schools education programmes however these are not issues which fall within scope of the PSPO proposals.
- 12.40 It is considered that the relevant criteria are met and that the draft Order is recommended to Cabinet for approval subject to the highlighted amendments contained within.
- 12.41 **The West Bay Anti-social Behaviour related Public Spaces Protection Order 2022 (Draft)** includes the following provisions;
- The Consumption of Alcohol
 - Intentional feeding of gulls
 - Anti-Social Behaviour

The draft Order retains the activities and areas identified within the existing West Dorset Anti-social Behaviour Related Public Spaces Protection Order 2018 (as extended) as well as an additional provision covering general Anti-social Behaviour and dispersal powers with an updated plan. The revisions have been made in consultation with Bridport Town Council and Dorset Police. The draft Order is attached at Appendix E.

- 12.42 The response from the consultation has been supportive with 75.7% in support of the alcohol provisions, 85.1% in support of the feeding of gulls provisions and 87.8% in support of the ASB provisions. Of those respondents who were not sure or unsupportive of the alcohol provisions, the majority were concerned about the negative effect on well behaved social gatherings, effect on charitable events and approaches to enforcement. Additional areas of East Cliff, the children's play area adjoining Parkdean, the Promenade and the field between the river and West Bay Road were also proposed as well as questions around additional resources to enforce PSPO provisions.
- 12.43 Officers are not concerned that those drinking responsibly in the controlled zone will be adversely affected by the order as the PSPO will only be enforced where anti-social behaviour is taking place. The issue of adequate resources to enforce PSPO provisions is discussed later in this report.

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12.44 Of those respondents who were not sure or unsupportive of the feeding of gulls provisions, a number of concerns were raised regarding the levels of enforcement, education, signage and covering/emptying of litter bins. Of those respondents who were not sure or unsupportive of the ASB provisions concerns were raised about what constituted anti-social behaviour, duplication of existing powers. Additional areas of to the end of the Promenade and the field between the river and West Bay Road also proposed.

12.45 Additional comments were received about car and motorcycle noise and car racing which are not matters within the scope of PSPO proposals.

12.46 It is considered that the relevant criteria are met and that the draft Order is recommended to Cabinet for approval subject to the highlighted amendments contained within.

12.47 **The Weymouth Anti-social Behaviour related Public Spaces Protection Order 2022 (Draft)** includes the following provisions;

- The Consumption of Alcohol
- Intentional feeding of gulls
- Aggressive Begging
- Cycling on the Promenade
- Trinity Passage Gating
- Anti-Social Behaviour

The draft Order retains the activities and areas identified within the existing Weymouth & Portland Anti-social Behaviour Related Public Spaces Protection Order 2018 (as extended) with minor amendments to the Cycling provision and inclusion of additional areas within the Controlled Alcohol Zone as well as an additional provision covering general Anti-social Behaviour and dispersal powers with a revised plan. The revisions have been made in consultation with Weymouth Town Council and Dorset Police. The draft Order is attached at Appendix F.

12.48 The response from the consultation has been strongly supportive with 78.9% in support of the alcohol provisions, 88.3% in support of the feeding of gulls provisions, 81.2% in support of the aggressive begging proposals, 84.3% in support of the ASB provisions and 74.8% in support of the Trinity Passage gating proposals. A mixed response was received in relation to the retention of the provisions relating to cycling on the promenade with no overall majority for or against the proposal.

12.49 Of those respondents who were not sure or unsupportive of the alcohol provisions, the majority were concerned about the negative effect on well behaved social gatherings and the lack of resources required to enforce the proposed provisions. Some respondents felt that the provisions did not go far enough and that a total ban on drinking in public places should be introduced, other than in licensed areas. Proposed additional areas included the beach adjacent to Café Oasis,

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Nothe Parade, Cove Row and Trinity Street, St. John's Park and opposite Wessex Pharmacy. Subway's between Westham Bridge & Rodwell Trail, South Harbourside & Stone Pier. Hope Square, Marsh Playing fields, Hope Street and Cove Road. Weymouth Town Council made a number of suggested amendments to the proposed Order in relation to additional areas however it is felt that the addition of new areas should be subject to further consultation and it is proposed that Officers research the relevant areas proposed and present a further report for consideration at a later meeting of the Committee, along with any supporting evidence.

- 12.50 Other comments were received concerning robust sentencing by the Courts, partying on the beach and Police resources.
- 12.51 Officers are not concerned that those drinking responsibly in the controlled zone will be adversely affected by the order as the PSPO will only be enforced where anti-social behaviour is taking place. The issue of adequate resources to enforce PSPO provisions is discussed later in this report.
- 12.52 Of those respondents who were not sure or unsupportive of the feeding of gulls provisions, several concerns were raised regarding the levels of enforcement, education, signage and provision of litter bins.
- 12.53 Of those respondents who were not sure or unsupportive of the aggressive begging provisions several concerns were raised regarding the definition of aggressive and tackling the root causes of begging. Additional areas of Cove Row and the length of the promenade, beach, harbour clock tower and pavilion. King's statue and railway station.
- 12.54 Of those respondents who were not sure or unsupportive of the cycling provisions, concerns were raised regarding a lack of current enforcement, the dates and timings of the restrictions and the areas covered. The number of respondents therefore who did not want the provisions included at all, who would prefer cycle access all year round or a clearly defined area for cycling was significantly lower. Concerns were also raised about scooters, rollerblades and skateboards, mobility scooters etc. and a lack of consistency, insufficient signage, the period that the provisions apply to, the age limit of 12 years being too high and a proposed exemption for children who are accompanied by their parents. Additional areas proposed included the beach wall to Overcome as well as requests for a dedicated cycle lane.
- 12.55 Of those respondents who were not sure or unsupportive of the ASB provisions concerns were raised about the levels of enforcement, the definition of ASB/nuisance being too vague and 'over-zealous' enforcement. Additional areas of the beach adjacent to café oasis, Nothe Parade, Cove Row and Trinity St. Trinity Road, St. John's Park and opposite Wessex pharmacy. Subway's between Westham Bridge & Rodwell Trail, South Harbourside & Stone Pier. Hope Square, Marsh Playing fields, Hope Street, Cove Road.

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- 12.56 Other issues raised included car racing along Preston Road and Bowleaze Coveaway, camping in vehicles, use of CCTV, late night licensing, policing and Court sentencing.
- 12.57 With respect to the Trinity Passage gating provision, the consultation responses were generally supportive (74.8%). Comments included gating being necessary elsewhere to not being necessary at this location and if gated, who would have access and at what times. In relation to the latter point, further consultation would take place about the type of gates and access/egress arrangements including the emergency services. As there is an exit from the Church within the proposed enclosed area, the gates would be readily openable from the enclosed area outwards into the unrestricted areas of the passage.
- 12.58 It is considered that the relevant criteria are met and that the draft Order is recommended to Cabinet for approval subject to the highlighted amendments contained within. Implementation of the Trinity Passage gating provision is subject to any further permissions and funding agreement.
- 12.59 **The Dorset Beaches Anti-social Behaviour related Public Spaces Protection Order 2022 (Draft)** is a new provision which is intended to tackle issues of Anti-social Behaviour arising from camping on beaches in several locations including Chesil Beach, Weymouth Beach and Lulworth.
The draft Order is attached at Appendix G.
- 12.60 The response from the consultation has been supportive with 67.7% in support of the camping provisions and 77.2% in support of the ASB provisions. Of those respondents who were not sure or unsupportive of the camping provisions, respondents raised concerns over the potential impact on persons using shelters during the day, impact on overnight fishing, size of a group that the provision applies to, the impact on responsible campers and a lack of authorised areas where camping is permitted. Other concerns were raised about the erosion of civil liberties, available resources to enforce the provisions, displacement to other areas and provision of toilet facilities. As a response to the consultation the draft Order has been amended to ensure that the provisions only apply to groups of persons overnight camping or where anti-social behaviour is occurring.
- 12.61 Additional areas of Studland, Swanage, Purbeck, Overcombe and Bowleaze beaches were proposed and requests to include camper vans and other vehicles within the provisions. The issue of adequate resources to enforce the PSPO is discussed later in this report. The National Trust made a number of suggested amendments to the proposed Order in relation to additional areas however it is felt that the addition of new areas should be subject to further consultation and it is proposed that Officers research the relevant areas proposed and

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present a further report for consideration at a later meeting of the Committee, along with any supporting evidence.

- 12.62 Of those respondents who were not sure or unsupportive of the ASB provisions concerns were raised about enforcement and infringement on civil liberties as well as a lack of enforcement of existing provisions, that the provisions should be limited to areas where residential properties are affected. Additional areas of Studland and Hive Beach Car Park were also proposed.
- 12.63 Other comments were raised regarding resources to enforce the provisions, drunken behaviour, that the provisions should only apply at peak seasonal times, the provisions should be extended to include fishermen who leave rubbish, that the term anti-social is subjective and hard to quantify and questions over who will enforce the provisions.
- 12.64 It is considered that the relevant criteria are met and that the draft Order is recommended to Cabinet for approval subject to the highlighted amendments contained within.
- 12.65 **The Dorset Open Land Anti-social Behaviour related Public Spaces Protection Order 2022 (Draft)** is a new Order which is intended to tackle issues of Anti-social Behaviour arising from the starting of fires in grass, moorland and forest areas. The draft Order covers areas of forest and heathland in various locations around Ferndown, St Leonards, West Moors, Wareham, Purbeck, Puddletown, Affpuddle and Moreton and is attached at Appendix H.
- 12.66 Consultation responses were strongly supportive of the draft Order (94.5%), the main issue raised concerned the inclusion of further open land. The Urban Heaths Partnership have proposed additional areas which they believe would benefit from the restriction. Also, they are concerned that including some open land (in this case Forestry England managed land) but not other land e.g. heathland, may lead to a displacement effect. The National Trust has also asked for Studland Beach to be included. The proposed additional areas would require consultation in their own right and therefore cannot be considered for inclusion in this Order. However, the issues raised are appreciated and if this Order is successful in reducing the risk of fire on open land, a further Order may be appropriate. With respect to displacement, the concern is acknowledged. Landowners/operators may still warn against the lighting of open fires etc. as a matter of common sense and incorporate in conditions of use.
- 12.67 It is considered that the relevant criteria are met and that the draft Order is recommended to Cabinet for approval subject to the highlighted amendments contained within.

13. Legal Considerations

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- 13.1 The European Court of Human Rights has recently issued a judgment which may cast doubt on the legality of Public Spaces Protection Orders and injunctions which seek to restrict begging. In its judgment in *Lăcătuș v. Switzerland* (19 January 2021) the European Court of Human Rights has found that a Swiss ban on begging violated human rights.
- 13.2 Whilst the PSPO does not carry the weight of an injunction and therefore would not involve a custodial sentence, it is still relevant to the proposed Order and as a result of this recent ruling the Council proposes to only seek to enforce the begging provision of the PSPO where begging of an aggressive nature takes place.
- 13.3 A summary of the ruling and its implications to the extensions to the PSPO's is attached at Appendix M to this report.

14. Publication

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

15. Signage

- 15.1 Signs informing of the existing PSPOs are currently in place in all of the areas where current PSPOs are in force. Existing signage will need to be reviewed to ensure it is still compliant and areas where new Orders are to come into force will require signage. The Council will work with landowners; land managers and lessees to provide appropriate signage.

16. Enforcement

- 16.1 In Weymouth and Portland there is a partnership agreement in place which funds a Community Safety Patrol Service. The service consists of four full-time Patrol Officers who are accredited by Dorset Police through the Community Safety Accreditation Scheme. The scheme is funded by Dorset Council, Weymouth Town Council, British Transport Police, Weymouth BID and Dorset Police & Crime Commissioner.
- 16.2 None of the other areas covered by existing PSPO's have similar enforcement arrangements and enforcement activity has generally been less. Where PSPO provisions have been enforced it has mainly been undertaken by Dorset Police or Town Council employees, where the Council has authorised competent officers.
- 16.3 At this time, there are no additional council resources and officers are working with relevant organisations to identify where we may authorise

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further employees to assist in enforcement. It should be noted that the Orders in themselves can have a deterrent effect when effectively publicised and signed. It is suggested that enforcement arrangements should be reviewed after a period to assess effectiveness.

17. Supporting Information

- 17.1 Supporting information relating to incidents of anti-social behaviour in the relevant areas was included in the report to your committee on 10 November 2021. Information relating to additional areas raised during the consultation is available on request.

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.