

SUBJECT:	<i>Introduction of Public Spaces Protection Orders (PSPOs)</i>
REPORT OF:	<i>Councillor Liz Walsh - Cabinet Member for Community, Health & Housing</i>
RESPONSIBLE OFFICER	<i>Martin Holt, Head of Healthy Communities</i>
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WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

To propose the introduction of a Public Spaces Protection Order (PSPO) for Chiltern.

The PAG is asked to advise the Portfolio Holder on the following recommendation(s):

RECOMMENDATIONS

1. **That the current designated dog fouling areas are kept as they currently are for now while further consultation takes place towards the introduction of a new Public Spaces Protection Order (PSPO).**
2. **That support is given to continue the process and gather further evidence to back the introduction of a PSPO including the following dog control measures across the whole district, whereby the following actions mean an offence is committed:**
 - a- **If a person in charge of a dog fails to clean up its faeces.**
 - b- **To fail to put a dog on a lead when directed to do so by an authorised officer.**
 - c- **To allow a dog into enclosed children's playgrounds.**
3. **To agree implementation of a new PSPO to include alcohol restrictions which provide Police with powers to require any person to stop drinking and surrender alcohol if they are causing or likely to cause anti-social behaviour (ASB) in the following areas:**
 - a- **Chesham Cemetery**
 - b- **Chesham Town Centre High Street and Meades Water Garden**
 - c- **Amersham-on-the-Hill and Old Amersham**
 - d- **Seer Green**
 - e- **Land at Roundwood Road and Station Forecourt, Amersham**
4. **To agree that the new PSPO will include restrictions on people and highways and vehicle misuse in the following carparks:**
 - a- **Multi-Storey Carpark on King George V Road, Amersham**
 - b- **Library Carpark on King George V Road, Amersham**
 - c- **Chiltern Pools carpark on Chiltern Avenue, Amersham**
 - d- **Sycamore Rd Carpark, Rickmansworth Road, Amersham**
 - e- **Watermeadow Carpark, Weylands Ct, Germain St, Chesham**
 - f- **Staryard Carpark, Chesham**
 - g- **Link Rd & Buryfields Carpark, Link Road, Great Missenden**
 - h- **Co-op carpark, High Street, Prestwood**

- 5. To set the Fixed Penalty Notice (FPN) fine at £100.**
- 6. That once this report has gone through this initial Cabinet cycle, that delegated authority be given to the Head of Healthy Communities in conjunction with the Head of Legal to publish appropriate PSPOs as a result of evidence being obtained and make amendments to any PSPOs as necessary.**

Cabinet to consider the advice of the Portfolio Holder and any comments arising from the PAG.

2. Executive Summary

Public Spaces Protection Orders (PSPOs) are one of a number of new powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They are designed to stop individuals or groups committing anti-social behaviour in a public space which is having or is likely to have a detrimental effect on the quality of life of people in the area.

There are currently a number of designated dog fouling areas across the district and five Designated Public Place Orders (DPPOs) with alcohol restrictions. It is proposed that the current designated dog fouling areas are kept as they currently are for now while further consultation takes place towards the introduction of a new PSPO. It is also proposed that the current DPPOs are replaced by the introduction of one new PSPO, which will also include restrictions on people and highways and vehicle misuse in a number of car parks.

3. Reasons for Recommendations

When Public Spaces Protection Orders (PSPOs) were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, Councils were granted three years to remove any current Designated Public Place Orders (DPPOs) or they will automatically become PSPOs in October 2017.

Using the new PSPO powers to replace current powers for dog fouling and alcohol restrictions will mean standardised fines of £100 can be introduced. Dog control measures will be made easier to understand as they will apply across the whole district. At present we only have the offence of dog fouling. Introducing a PSPO allows us to add new dog control measures against failing to put a dog on a lead when directed to do so by an authorised officer and allowing a dog into enclosed children's playgrounds. We can also use this opportunity to add anti-social behaviour restrictions to a number of car parks that were the location of a number of anti-social behaviour incidents.

4. Content of Report

Public Spaces Protection Orders (PSPOs) are one of a number of new powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They are designed to stop individuals or groups committing anti-social behaviour in a public space which is having or is likely to have a detrimental effect on the quality of life of people in the area.

A number of recommendations have been made as a result of the research into the proposed PSPO. The behaviour being restricted has to meet a test which is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the council if we are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are 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.

We have made recommendations that the current DPPOs are included and some new restrictions in car parks are added. At present we have broad support for all of the proposed dog control restrictions but in order to meet the above test, further evidence is required to support their introduction.

Current Orders

There are currently a number of designated dog fouling areas across the district that were put in place 13 or more years ago. Please see appendix 2 for the full list and all available orders and maps. The current restrictions fall under the Dogs Fouling of Land Act, under which restrictions do not apply to carriageways above 40mph, agricultural land, woodland or common land. The PSPO however, will apply to all land to which the public has access.

There are also currently five Designated Public Place Orders (DPPOs) with alcohol restrictions that were put in place 10 or more years ago. Please see appendix 3 for the orders and maps:

- a) Chesham Cemetery
- b) Chesham Town Centre High Street and Water Gardens
- c) Amersham-on-the-Hill and Old Amersham
- d) Seer Green
- e) Land at Roundwood Road and Station Forecourt, Amersham

It is proposed that the current designated dog fouling areas are kept as they currently are for now while further consultation takes place towards the introduction of a new PSPO to cover additional dog control measures. It is also proposed that the current DPPOs are replaced by the introduction of one new PSPO, which will also include restrictions on people and highways and vehicle misuse in a number of car parks.

Dog control measures

During consultation, broad support was given to including all of the proposed dog control measures across the whole district.

It is proposed that support is given to continue the process and gather further evidence to back the introduction of a PSPO including the following dog control measures across the whole district, whereby the following actions mean an offence is committed:

- a) If a person in charge of a dog fails to clean up its faeces.

- b) To fail to put a dog on a lead when directed to do so by an authorised officer.
- c) To allow a dog into enclosed children's playgrounds.

Alcohol restrictions

During consultation, support was given to including alcohol restrictions in all of the current Designated Public Place Order (DPPO) areas.

It is proposed to implement a new PSPO to include alcohol restrictions which provide Police with powers to require any person to stop drinking and surrender alcohol if they are causing or likely to cause anti-social behaviour (ASB) in the following areas:

- a) Chesham Cemetery
- b) Chesham Town Centre High Street and Meades Water Garden
- c) Amersham-on-the-Hill and Old Amersham
- d) Seer Green
- e) Land at Roundwood Road and Station Forecourt, Amersham

Carpark restrictions

A request was received from Thames Valley Police that the new PSPO includes restrictions on people and highways and vehicle misuse in the following carparks:

- a) Multi-Storey Carpark on King George V Road, Amersham
- b) Library Carpark on King George V Road, Amersham
- c) Chiltern Pools carpark on Chiltern Avenue, Amersham
- d) Sycamore Rd Carpark, Rickmansworth Road, Amersham
- e) Watermeadow Carpark, Weylands Ct, Germain St, Chesham
- f) Staryard Carpark, Chesham
- g) Link Rd & Buryfields Carpark, Link Road, Great Missenden
- h) Co-op carpark, High Street, Prestwood

Thames Valley Police are seeking the following restrictions in the above carparks:

Prohibition Highway and Vehicle misuse

A prohibition from performing the following activities, being a driver of, or being carried in (or on), a motor vehicle within the specified area and

- a) Revving of engine(s);
- b) Speeding;
- c) Sudden or rapid acceleration;
- d) Driving in convoy;
- e) Racing;
- f) Leaving the engine of a stationary motor vehicle to run idle (as to cause a public nuisance);
- g) Performing stunts;
- h) Sounding horns (as to cause a public nuisance);
- i) Playing music (as to cause a public nuisance);
- j) Causing obstruction on a public highway, whether moving or stationary,

Which causes or is capable of causing, any of the following consequences:

- i) Excessive noise;
- ii) Danger or risk of injury to road users (including pedestrians);
- iii) Damage or significant risk of damage to property;
- iv) Risk of harm;
- v) Public nuisance; or
- vi) Annoyance to the public.

Prohibitions Persons:

Prohibited from within the specified area and:

- a) Using threatening, intimidating behaviour towards another person
- b) Using foul and abusive language.
- c) Gathering / loitering in groups of two or more persons without reasonable purpose.

Which causes or is capable of causing, any of the following consequences:

- i) Excessive noise;
- ii) Risk of harm;
- iii) Public nuisance; or
- iv) Annoyance to the public.

Evidence was submitted in the form of police reports of anti-social behaviour from individuals and anti-social use of vehicles in the car parks mentioned above (please see appendix 4 for the evidence). The Community Safety Team is satisfied that the test has been successfully passed for us to consider these additional restrictions as part of the PSPO.

Fixed Penalty Notices (FPNs)

It is proposed to set the Fixed Penalty Notice (FPN) fine at the maximum amount of £100 for any offence committed under the PSPO.

5. Consultation

4 weeks of consultation were carried out across Chiltern between 17th April and 14th May 2017. An email was sent containing a link to a SmartSurvey consultation, inviting opinions on the proposed introduction of the PSPO. The email was sent out to all Town & Parish Councils, District and County Councillors, Community Associations, Sports Clubs, Animal Associations (RSPCA, Dogs Trust, Kennel Club) and other interested parties (Highways, City of London Corporation, Housing Associations, Country Parks, Friends of Chesham Cemetery, and relevant internal departments at Chiltern District Council). A link was also put on the main Chiltern website and Intranet. In total 171 responses were received with a mixture of multiple choice answers and free text, used to gain more understanding of the reasons behind respondents' answers.

The following results emerged from the consultation and have been taken into consideration in the recommendations:

- The current dog fouling measures were overwhelmingly supported by 98% of respondents, however although support was received there was not much evidence submitted to back it up.

- All additional proposed dog control measures were also supported with between 84% and 90% of respondents saying yes to them.
- These include district-wide powers for dealing with dog fouling (90%), putting a dog on a lead upon request (90%), exclusion from children's playgrounds (88%) and needing to be able to produce a means to pick up after your dog (84%).
- Comments received also gave suggested a desire for sports fields and pitches to also be areas where dog are excluded, which would make enforcement more difficult as they form part of other public open spaces and are often not enclosed. We would also have to ensure there are alternative areas for dogs to be exercised.
- Between 66% and 78% of respondents supported retaining all of the current DPPOs. The majority of the rest of respondents chose 'don't know', and cited that they were unfamiliar with the areas concerned.

We also received some advice from the Dogs Trust and the Kennel Club which supports the dog control options that we are proposing:

- The Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. This view was also given by the Kennel Club.
- The Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however they would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. This view was also given by the Kennel Club.
- The Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official). They consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. This view was also given by the Kennel Club.
- However, the Kennel Club has concerns over proposals to introduce an offence of not having the means to pick up. Responsible owners will usually have dog waste bags or other means to clear up after their pets but they do have some concerns, for example if dog owners are approached at the end of a walk and have already used the bags that they have taken out for their own dog, or given a spare bag to someone who has run out. If the Council proceeds to introduce such a measure it is essential it provides greater clarity to dog walkers on how to comply with the Order. The Dogs Trust did not comment on this proposal. We have removed this option from our proposals.

6. Options

The cabinet member could decide to implement the PSPO with alcohol and car park restrictions and to support keeping the current situation as regards to dog fouling and support further evidence being obtained towards the introductions of a new district-wide PSPO. . This is the preferred option as it allows us to transfer the current DPPOs and add all of the car park restriction. It also allows us to gather more evidence to support the test for the dog control measures and later if sufficient evidence is obtained, to replace the current measures with new district-wide measures. The fine for breach will be set at a universal amount of £100.

The cabinet member could decide to implement only some of the recommendations. However, it would mean that we would be unable to enforce the full range of anti-social behaviour identified.

The cabinet member could decide not to implement the PSPO. However, we would then need to officially remove the five current DPPOs, as they will automatically become PSPOs in October if we take no action. We would not be able to enforce any of the other types of anti-social behaviour identified. However, we would still be able to enforce dog fouling in the existing designated areas.

7. Corporate Implications

- 3.1 Financial: There are financial implications in setting up the PSPO, not expected to surpass £3,000 depending on the amount of signs required. Signs will have to be erected in areas with specific restrictions. We can make use of existing dog control signage as it is very general in nature. Costs will be met from existing resources. If FPNs are issued then there may be a small amount of income received.
- 3.2 Legal: We need ensure that the orders are written correctly and that they meet the rules.
- 3.3 Crime and Disorder: The PSPO should deter anti-social behaviour from taking place and will enable us to enforce the restrictions.
- 3.4 Environmental Issues: The PSPO should discourage dog fouling which will make the environment safer and more appealing.
- 3.5 Partnership: We have consulted with our partners and the recommendations have been supported and/or come from suggestions from our partners.

8. Links to Council Policy Objectives

We will deliver cost effective, customer focused services

Listen to our customers

- Consult with you on key issues and respond to results

We will work towards safe, healthy and cohesive communities

Improve community safety

- Work with partners to reduce crime and antisocial behaviour and to improve community safety

We will strive to conserve the environment and promote sustainability

Promote sustainability

- Promote a healthy, sustainable and safe built environment

9. Next Step

If authority is given we will start the process of further consultation with Town and Parish Councils and the Police to gather more evidence regarding dog fouling. We will also consult with the public about the alcohol and car park restrictions we have chosen to go ahead with and will start drafting that PSPO to be published before October 2017.

If sufficient evidence is gathered for our dog control measures, at a later date we will start drafting that PSPO.

Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue.

10. Appendices

Appendix 1 – Consultation and results

Appendix 2 – Current designated dog fouling areas list and all available orders and maps.

Appendix 3 – Current designated Public Place Orders (DPPOs) orders and map

Appendix 4 - Chiltern carparks evidence from Police