

Subject:	Public Spaces Protection Orders (Non Parks and Open Spaces)		
Date of Meeting:	24th September 2020		
Report of:	Interim Executive Director Housing Neighbourhoods and Communities		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in an area that is detrimental to the local community's quality of life by imposing conditions on the use of that area that apply to everyone. They are designed to ensure people can use and enjoy public spaces safe from anti-social behaviour.
- 1.2 In 2017 existing Dog control orders, and the Designated Public Place Order for addressing anti- social behaviour associated with alcohol use in a public space transitioned into Public Place Protection Orders. There was no requirement at this time to consult on the transition due to a change in legislation and the provisions of the orders stayed the same. However under the Anti-social Behaviour, Crime and Policing Act 2014, there is a requirement to consult on these continuing to be in place as they are due to expire in October 2020.
- 1.3 This report does not relate to PSPOs for parks and open spaces which this committee agreed to let lapse at the meeting in November 2019.

2. RECOMMENDATIONS:

- 2.1 That the committee endorses the continued use of the PSPOs relating to the existing gating orders, dog control orders and drinking in public places for three years until further review is required in 2023. The orders will be amended to reflect the new relevant dates.
- 2.2 That the committee agrees for officers to work with residents to consider amendments to the Oxford Court gating PSPO and to bring a proposed amended Order back to Committee for approval.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Under the Anti-social Behaviour, Crime and Policing Act 2014 existing Designated Public Place Order (DPPO), Gating Orders and Dog Control Orders

in place at the time the Act came into force continued for three years but were to be treated as Public Space Protection Orders (PSPOs) from October 2017.

From October 2017 those orders automatically transitioned into PSPOs with the same conditions as the original orders. The orders and the subsequent PSPOs have addressed and reduced ASB in relation to the areas that the gates have been installed. In relation to dog control, the PSPOs have meant that there has less risk of people and especially children being affected by diseases contained within dog faeces also a reduced risk of incidents concerning dogs not being on leads.

- 3.2 Brighton and Hove has a city wide PSPO in place relating to alcohol. This order allows police officers and police community support officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. This has been useful in tone setting in the city and police colleagues are supportive of this continuing.
- 3.3 Brighton and Hove has a number of dog control orders in place in a number of parks and open spaces including the seafront. They replaced former inconsistent and unenforced bylaws. There are four orders requiring:
- Removal of dog faeces
 - Dogs on leads
 - Requiring a dog to be put on a lead when requested by an authorised officer
 - Dog exclusion areas

The orders are attached at Appendix 1-4

- 3.4 Brighton and Hove had two original gating orders in place, one at Brunswick Row to manage drug use, dealing and street drinking. The other is at Farman Street Hove due to reports of night time disorder, drug use, street drinking and criminal damage. Both are night time orders with locking managed by residents. These are attached at Appendix 5 and 6.
- 3.5 Two further gating orders were granted by the Neighbourhood Inclusion Communities and Equalities Committee in March 2018. These are in Oxford Court and St James Court. These are also managed by local residents and were put in to address anti-social behaviour. These are attached at Appendices 7 and 8. Since the building of the medical centre close to Oxford Court, a request has been received to slightly amend this PSPO. Officers will work with residents to facilitate this with the agreement of committee.
- 3.6 Since 2019 staffing resource to implement further gating orders has been deleted due to savings requirements. It is not possible therefore for additional gating orders to be considered at this time unless additional resource is found. The existing ones are appreciated by the communities that they serve.

- 3.7 There is a requirement for the council to consult on the continuation of PSPOs. Consultation was carried out on the council's consultation portal between 15th July 2020 to 21st August 2020 in relation to the dog control orders and the alcohol PSPO. Residents were also invited to feed back in relation to the gating orders in their communities. Consultation was also carried out with specific communities/groups of interest as specified by the legislation. This included the police, the Police and Crime Commissioner, Seafront team, City Parks and the Brighton and Hove Green Spaces Forum, amongst others. Analysis of that consultation is attached at Appendix 9 and 10. The consultation shows that there is support for the dog control, alcohol in public places and the existing gating orders to continue.
- 3.8 41 responses were received in relation to the alcohol PSPO. Of these 79% strongly agreed that they should remain in place with 13% tending to agree that they should remain in place. 45 responses were received in relation to dog control orders, 72% of respondents strongly agreed that these should remain in place and 15% tended to agree that they should remain in place.
- 3.9 Whilst there were limited responses to the consultation regarding the four gating orders, all residents who did respond felt that having the gates in place had reduced incidents of ASB which they had been brought in to address.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 It would be possible to rescind these orders but they are helpful in managing the specific anti-social behaviour they were introduced to address.
- 4.2 PSPOs have proved an effective enforcement method because a separate Court application is not required for each new matter as would be the case for an injunction, for example, saving both time and resource. Unlike enforcement using byelaws, PSPOs enable a an immediate fine to be issued, again providing an immediate impact and more effective deterrent.
- 4.3 Residents and professionals have no desire to rescind them.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 In relation to the PSPO relating to alcohol, police and support services for the street community are of the view that the order should remain in force as a helpful tool acting as a deterrent and helping to manage ASB in the city. Local outreach services were contacted specifically to inform them of the consultation, in relation to the alcohol PSPO. The legislation requires that consultation regarding PSPOs is carried out and that groups that would have a specific interest in them are consulted with.
- 5.2 Regulatory Services at Brighton & Hove City Council have not received any requests for changes to the current Dog Control Orders and therefore consider them to be proportional and appropriately targeted.
- 5.3 PSPOs are not designed to target rough sleepers. In relation to the dog control orders, StreetVet has 40 volunteer vets and veterinary nurses delivering check-

ups to pets belong to rough sleepers.

- 5.4 Residents have been contacted in the locality of the four gating orders. Residents at all four sites felt the orders were still necessary as a community safety and crime reduction measure and had felt that the gates have reduced ASB and reduced incidents of ASB in the vicinity.

6. CONCLUSION

- 6.1 At any time, where there is evidence and strong public support these orders can be varied or rescinded. However there does not appear to be support for these orders to be rescinded at this time.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications arising from the recommendations made in this report.

Finance Officer Consulted: Michael Bentley

Date: 03/09/20

Legal Implications:

- 7.2 These are addressed in the body of the report.

Lawyer Consulted: Elizabeth Culbert

Date: 09/09/20

Crime & Disorder Implications:

- 7.3 These orders assist in the council discharging its duty under the Crime and Disorder Act 1998 and the Anti-social Behaviour, Crime and Policing Act 2014

Equalities Implications:

- 7.4 There are no equalities implications in relation to this report.

Sustainability Implications:

- 7.5 There are no sustainability implications in relation to this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Dog Control Order 1 Fouling of land
2. Dog Control Order 2 Dogs on leads
3. Dog Control Order 3 Putting on lead by direction
4. Dog Control Order 4 Exclusion from land
5. Farman Street gating order
6. Brunswick Row gating order
7. St James' Court gating order
8. Oxford Court gating order
9. Analysis of consultation

