

Report of	Meeting	Date
Director of Early Intervention and Support (Introduced by the Executive Member (Public Protection))	Executive Cabinet	5 October 2017

PUBLIC SPACES PROTECTION ORDERS

PURPOSE OF REPORT

1. Chorley Council is required to replace the current Dog Control Orders (DCO's) and Designated Public Place Order (DPPO's) with Public Spaces Protection Order (PSPO's). This report outlines the process that will be followed by the Intervention and Prevention Officers. The report also presents the results from the public consultation.

RECOMMENDATION(S)

2. The report recommends that Executive Cabinet support PSPO's to replace Dog Control Orders and Designated Public Place Orders with delegate power to the head of Legal, Democratic and HR Services to amend as appropriate the wording of the orders.

EXECUTIVE SUMMARY OF REPORT

3. Following the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014, the Council's current DCO's and DPPO's are required to be replaced by PSPO's by October 2017.
4. Chorley Council currently has 3 DCO's and 2 DPPO's, therefore this report establishes the process that will be completed in order to replace the current orders.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. To update the existing orders to Public Spaces Protection Orders and introduce new provisions for the Town Centre and Coppull PSPO's allowing more flexibility for authorised officers.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

6. That the Town Centre and Coppull PSPO be extended to include other areas outside the current PSPO zone

CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	X	A strong local economy	
Clean, safe and healthy communities	x	An ambitious council that does more to meet the needs of residents and the local area	x

BACKGROUND

8. Following the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014, the Council's current DCO's and DPPO's are required to be replaced by PSPO's

Public Spaces Protection Orders – replacing the current Dog Control Orders

9. There are 4 new orders to come into force (draft orders enclosed within the Appendix for comments). These being Dog Exclusion, Dog Fouling, Dog on Lead and Dog on Lead by Direction. The expectations and prohibitions within the Orders are similar to the existing orders; however the Fixed Penalty Notice (FPN) fine for a PSPO is £100, which is an increase from the current fine (£75).
10. An online consultation took place between 10th May 2017 and 21st June 2017. There were 764 responses to the consultation.
11. Summary of consultation responses: 73% owned or walked a dog, 90% agreed to the introduction of the PSPO for dog fouling, 72% agreed to a PSPO for dogs on a lead by direction, 79% agree to a PSPO for dogs on a lead in designated areas and 60% did not think the current signage for Dog Control Orders was clear and visible.
12. Following Executive Cabinet on 5th October 2017, if all four Orders are approved the signage, new Fixed Penalty Notice (FPN) books, Communications and training for staff will be completed.

Signage

13. It has been suggested that due to there being no changes to the prohibitions / behaviours and the changes being to the FPN fine, that the current signage will remain the same, but the FPN fine amount being changed via a sticker. Taking into consideration the consultation and high percentage of residents indicating the signage not being visible a number of new signs will be ordered and distributed around the borough at appropriate areas including play areas, parks and open spaces.

FPN Books

14. New books are currently being designed to incorporate the changes in legislation and fine amount. The design will be similar to previous books and will incorporate the other legislation that Neighbourhood Officers and Police Community Support Officers are authorised to issue on behalf of Chorley Council.

Training

15. Awareness training for authorised officers will be completed by Intervention & Prevention Officers to make them aware of the changes in legislation.

Communications

16. Comms will run a campaign leading up to the PSPO's going live to inform the general public about the changes in relation to the Dog Control Orders. Chorley Council will use social media tools and the local press to support the campaign to explain how the new powers replace Dog Control Orders enabling a more comprehensive and consistent approach. We will use The Loop and In the Know to inform Council Employees of the changes also. As the campaign gathers momentum the focus will be on the 4 dog orders and what they actually mean to Chorley residents. There will also be a focus on signage, fines and reporting incidents. The campaign would be launched at the beginning of October giving enough time for the campaign to travel across the Borough.

Public Spaces Protection Orders – replacing the current DPPO's – Town Centre & Coppull

17. The two areas currently have DPPO's in place that cover alcohol consumption in the designated areas. With the new orders we have proposed additional prohibitions (also see attached draft orders in Appendix for specific wording):

Town Centre

- stop and shall not refuse to stop drinking or refuse to hand over any containers which are believed to contain alcohol
- shout, swear or act in a manner as to cause annoyance, harassment, alarm or distress
- begging

Coppull

- stop and shall not refuse to stop drinking or refuse to hand over any containers which are believed to contain alcohol
- shout, swear or act in a manner as to cause annoyance, harassment, alarm or distress

18. **Summary of consultation responses for Coppull:** An online consultation took place between 3rd July 2017 and 13th September 2017. 93% of the respondents were connected to the area, 100% agreed the PSPO was a good idea, 66% agreed Anti-Social Behaviour (ASB) in Coppull had stayed the same, and 60% did not think that the Police had sufficient powers to deal with ASB.
19. **Summary of consultation responses for Town Centre:** 73% lived in the area and 39% worked in the area, 100% agreed that the PSPO was a good idea, 47% said that ASB in the Town Centre had increased and 39% agreed ASB had stayed the same, 52% disagreed that the Police had sufficient powers to deal with ASB, 56% agreed begging is a problem in the Town Centre.

Signage

20. A refresh of signage for both Town Centre and Coppull is currently being designed in order to incorporate the additional prohibitions and to bring the signage in line with corporate design. The designs will be shared with appropriate management and staff for approval when

completed. Increased amount of signs will be displayed in the town centre due to the additional prohibitions of ASB and begging.

FPN Books and Training

21. The new FPN books that are being designed will include the penalty for breach of the PSPO for both Town Centre and Coppull and authorised officers will be trained in relation to the new legislation in order for them to appropriately issue the FPN's.

Communications

22. Chorley Council Comms will use social media tools and the local press to advertise the implementation of the new PSPO's, prohibitions and penalties. We will use The Loop and In the Know to inform Council Employees of the changes.

IMPLICATIONS OF REPORT

23. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	X
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

24. There are financial implications resulting from the recommendations set out above with regards to additional signage and FPN books that will be required. A budget of £20k to fund these works has already been approved as part of the 2015/16 budget setting process and it is anticipated that the costs will be accommodated within the existing budgetary resource.

COMMENTS OF THE MONITORING OFFICER

25. The Council may make a PSPO if activities carried on in a public place have had a detrimental effect on quality of life or it is likely that they will be carried out. The effect of the activities must be persistent or continuing, be unreasonable and justify the restrictions imposed. A PSPO must be published on the Council's website and by notice on land affected by the PSPO.
26. Before making a PSPO the Council must consult with the police, community representatives and the owners of land affected by the PSPO. Any relevant parish council and Lancashire County Council must be notified
27. Orders last for up to three years before requiring a review, although they can be reviewed sooner. Orders may be extended on more than one occasion for up to another three years
28. Breach of an order is punishable by a fixed penalty of £100 issued by a constable, PCSO or an authorised officer or prosecution with a fine of up to £1,000. The maximum fine for failing to comply with a request to cease drinking is £500. The alcohol may also be confiscated by an authorised officer, constable or PCSO.
29. Once made a PSPO may be varied by increasing or reducing the restricted area to which it applies or by altering or removing or adding a prohibition.

30. Prohibitions on consumption of alcohol do not apply to licensed premises, other than to council operated licensed premises when the latter are not being used for the supply of alcohol.
31. A person who lives in or regularly works or visits the restricted area may challenge in the High Court the validity of a PSPO when it is made or varied on the grounds that the Council lacked the power to make the order or lacked the power to include prohibitions or requirements or if there was a failure to follow procedure required when introducing or varying the order. Such a challenge must be made within six weeks of the date of the order or variation.
32. When making a PSPO the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in Article 10 and 11 of the European Convention on Human Rights.

CHRIS SINNOTT
DIRECTOR OF EARLY INTERVENTION AND SUPPORT

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Rachel Austen	5756	18 September 2017	PSPO2017