

Item No. 17a.	Classification: Open	Date: 9 March 2021	Meeting Name: Cabinet
Report title:		ADDENDUM: Public Space Protection Order Extension - to address dog related anti-social behaviour	
Ward(s) or groups affected:		All Wards	
Cabinet Member:		Councillor Evelyn Akoto, Public Health and Community Safety	

ADDENDUM

The amendments to the report on the agenda are listed below followed by the amended paragraphs:

- Paragraph 4 of the foreword relates to the statutory consultation
- Waste increase added at paragraph 38
- Changes to the director of law and governance comments paragraphs 57 – 62.

Paragraph 4 of foreword

Given the time constraints, a full public consultation has not been possible for this extension proposal. Statutory consultation with our partners in the Police and all the 'Friends of' groups for significant parks and open spaces has occurred. They have been informed of the proposal and are overwhelmingly in favour of the extension. Should any concerns be raised they will be considered during the full review process that this extension will give time for.

Paragraph 38

Since the Pandemic there has been an increase in dog fouling in the borough. This increase can be reversed once the PSPO has been extended, Pandemic restrictions have eased and the wardens and park liaison officers return full time to normal duties.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

57. Legal comments are substantially embodied within the report paragraphs 39 to 45 in that a PSPO is intended to deal with a particular nuisance or

problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area.

58. The Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 relating to PSPOs came into force on 20 October 2014 and repealed the law under which DCOs could be ordered with the proviso that existing DCOs would continue for three years and will then automatically lapse on 20 October 2017.
59. A PSPO, if made, will last for up to three years before requiring a review under section 60(1) of the Act; however, there is no limit on the number of times an order can be reviewed and renewed. The review requirements will be different depending on the prohibitions or requirements being applied. Under section 61(1) of the Act an order can be varied or discharged at any time by the authority that made it.
60. Section 60(4) allows a PSPO to be extended under this section more than once.
61. In deciding whether to make a PSPO the local authority must have regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights. These articles are not engaged and the proposed PSPO on dogs does not restrict these freedoms. The Council took these into consideration together with its equality duties under s149 of the Equality Act 2010 at the March 2019 Cabinet meeting. These have been reviewed once again and are detailed in paragraphs 48 - 53 of this report.
62. The equality and health analysis assessment is attached as Appendix A to this report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
As set out in the main report		

APPENDICES

No.	Title
Appendix A	Equality and health analysis assessment

AUDIT TRAIL

Cabinet Member	Councillor Evelyn Akoto, Community Safety and Public Health	
Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Hugh Folkes, Regulatory Services, Catherine Snell, Research & Development Officer and Tracy Umney, Unit Manager for Environment & Community Protection.	
Version	Final	
Dated	8 March 2021	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law & Governance	Yes	Yes
Strategic Director of Finance & Governance	As set out in main report	As set out in main report
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		8 March 2021