

**FORM 1**

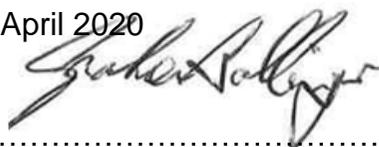
**NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER**

Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

I, Graham Ballinger, as Strong Leader, **delegate** the decision to commence a review of the district wide Dog Control PSPO and PSPOs restricting alcohol consumption in Bewdley and Stourport-on-Severn and to commence consultation on the PSPOs **to the Cabinet Member for Culture, Leisure and Community Protection.**

Dated: 30<sup>th</sup> April 2020

Signed:



.....  
Leader of the Council

## FORM 2

### NOTICE OF DECISION OF CABINET MEMBER

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me by the Leader, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Review of Public Space Protection Orders (PSPOs)	To commence a review of the district wide Dog Control PSPO and PSPOs restricting alcohol consumption in Bewdley and Stourport; and to give delegated authority to the Chief Executive, in consultation with the Cabinet Member for Culture, Leisure and Community Protection to commence a consultation period on the PSPOs, subject to the findings of the evidence-gathering exercises demonstrating that it is appropriate and proportionate to introduce a PSPO.	The Anti Social Behaviour, Crime and Policing Act 2014 requires that PSPOs are reviewed every three years (or earlier) to enable them to be extended or varied, providing the order remains necessary in order to prevent:  - further activities identified in the order from taking place or - the frequency of seriousness of those activities increasing after that time  In addition the transition arrangements for the PSPOs in Stourport and Bewdley end in October 2020 and the same review process must take place.	30 April 2020

**I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.**

Dated: 30<sup>th</sup> April 2020

Signed: .....

*H.E. Dyke*

Councillor: Helen Dyke

Cabinet Member for Culture, Leisure and Community Protection

**To:** Cabinet Member for Culture, Leisure and Community Protection

**From:** Ian Miller, Chief Executive

**Date:** 29 April 2020

## **Review of Public Space Protection Orders (PSPOs)**

### **1. PURPOSE**

- 1.1 To seek approval to commence a review of the district wide Dog Control PSPO and PSPOs restricting alcohol consumption in Bewdley and Stourport and subject to the findings of the evidence gathering exercise to begin a consultation period.

### **2. RECOMMENDATION**

That the Cabinet Member DECIDES that:

- 2.1 **A review of the district wide Dog Control PSPO and PSPOs restricting alcohol consumption in Bewdley and Stourport-on-Severn is commenced.**
- 2.2 **Delegated authority is given to the Chief Executive, in consultation with the Cabinet Member for Culture, Leisure and Community Protection to commence a consultation period on the PSPOs, subject to the findings of the evidence-gathering exercises demonstrating that it is appropriate and proportionate to introduce a PSPO.**

### **3. BACKGROUND**

- 3.1 In 2003 and 2005, as a result of the Criminal Justice and Police Act 2001, Designated Public Place Orders restricting the consumption of alcohol in Bewdley and Stourport-on-Severn were introduced. When the Anti Social Behaviour, Crime and Policing Act 2014 came into force these automatically transitioned to PSPOs. However these transition arrangements come to an end in October 2020 and they must be reviewed to ensure the legislative requirements have been met for continuation, variation or discharge.
- 3.2 On 2 October 2017, a PSPO in relation to dog controls came into force across the whole of the Wyre Forest district and applies to publicly accessible land, unless the land owners have stated otherwise. The requirements and restrictions are:
- Dog owners required to clean up after their dog
  - Dog owners required to produce a means to pick up when requested to do so by an authorised officer
  - Dog owners required to put their dog on a lead when directed to do so by an authorised officer

- Dogs required to be kept on a lead in certain areas
- Dogs excluded from certain areas

- 3.3 The review process is outlined in the Home Office's 'Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers statutory guidance for frontline professionals'. The guidance indicates that a PSPO must be reviewed by the local authority that made the order after three years to determine whether an extension is valid and reasonable, or whether the PSPO should be varied or discharged. The same process must be adhered to for PSPOs where the transition arrangements are coming to an end. It is possible for multiple restrictions and requirements to be included as part of one Order so this opportunity should also be considered. It should be noted that this option could have an impact on signage as existing signs would potentially need to be replaced.
- 3.4 As both orders must be reviewed by October 2020, following the same process, it is sensible to undertake the reviews at the same time.

#### **4. EVIDENCE GATHERING PROCESS**

- 4.1 The Council will need to be satisfied that the legislative requirements are met before an Order can be introduced and obtaining clear evidence to support this is important. Collating information about the nature and impact of the anti-social behaviour (ASB) subject to the PSPO are core elements of the evidence gathering and consultation process and will help inform the Council's view as to whether the requirements under section 59 of the Act have been fulfilled. The evidence will need to be weighed up before the authority can determine whether or not it is appropriate and proportionate to introduce a PSPO at all.
- 4.2 The most robust Orders will be supported by a solid evidence base and rationale that sets out how the statutory criteria for each of the proposed restrictions have been met and demonstrates a direct link between the ASB and the PSPO being proposed in response. The nature of this evidence and how it should be weighted is largely down to the Council to determine, although obtaining a range of data from different sources as part of this process will be particularly useful in informing decision making and may help to avoid challenge further down the line.
- 4.3 The North Worcestershire Community Safety Partnership is supporting the review of the PSPOs by tasking the Community Safety Partnership Analyst Team, based within West Mercia Police, to undertake the evidence gathering stage. As the PSPOs restricting the consumption of alcohol have been in place for a long period of time, the first step of the evidence gathering is to review all recorded ASB before defining the scope of a potential Order. The terms of reference for this piece of work are at Appendix One.
- 4.4 For the purposes of reviewing the dog control PSPO, evidence demonstrating the effectiveness of the Order over the last 3 years will need to be considered and analysed before undertaking the consultation period.

## **5. CONSULTATION PROCESS**

- 5.1 Once the evidence gathering processes have been completed and the draft wording of the order has been agreed by the Council, consultation will be carried out following the statutory guidance. A number of stakeholders will be contacted directly for their response to the consultation. The Council must consult with West Mercia Police and this should be done formally through the Chief Constable and the Police and Crime Commissioner. Owners or occupiers of the land should be consulted including Worcestershire County Council as the Highway Authority. The Council must consult with whatever community representatives it thinks is appropriate and a list has started to be drawn up which will include Ward Members, town and parish councils, local MP and businesses within the designated area.

The Council must also ensure that specific groups likely to have a particular interest are also consulted. The guidance leaves it to the Council to decide how best to identify and consult with interested parties. Consideration must also be given to ensure the views of those who will be directly affected by the prohibitions or will be opposed to the proposals are adequately captured.

Currently it is proposed that consultation is undertaken electronically for a period of at least one month during May and early June 2020 and it will be promoted on social media. This will be an on-line consultation only as it is not certain when the current restrictions on movement and gatherings of people will be lifted; and even if they were to be lifted during the consultation period, it would probably leave little time to make practical arrangements for any other means of consultation. This nevertheless meets the spirit of the Home Office Statutory Guidance as it strongly recommends that the Council engages in open and public consultation.

The consultation will seek views on the effectiveness of the present orders; whether the present controls should be maintained; and to test whether there is substantial demand for any extension of controls (for example, whether there should be any limit on the number of dogs that one person may have under their control at one time).

## **6. ENFORCEMENT**

- 6.1 Prior to the commencement of a PSPO an enforcement plan will be put in place. Depending on the restrictions and requirements which are implemented, enforcement will be undertaken by authorised officers from Wyre Forest District Council. Discussions are to be held with West Mercia Police concerning what enforcement action they could provide.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The evidence gathering and consultation stages do not incur any financial costs apart from officer time.
- 7.2 Once the consultation stage has been completed and the wording of the Orders has been agreed, the Orders must be published with a notice placed in the local newspaper, which has a cost. There will also be costs for new or additional signage to be produced and erected; these costs are to be met within existing budgets.

## **8. LEGAL AND POLICY IMPLICATIONS**

- 8.1 The Anti Social Behaviour, Crime and Policing Act 2014 requires that PSPOs are reviewed every three years (or earlier) to enable them to be extended or varied, providing the Order remains necessary in order to prevent:
- further activities identified in the order from taking place, or
  - the frequency or seriousness of those activities increasing after that time.
- 8.2 For a PSPO to be introduced, varied, or extended the Council has to be satisfied on reasonable grounds that the activities that are being carried out, or likely to be carried out in the identified 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
- 8.3 The Council must also have regard to Section 17 of the Crime and Disorder Act 1998 and consider the impact of their decisions and actions on crime and disorder in the local area.

## **9. CONCLUSION**

- 9.1 Reviewing the PSPOs is a statutory requirement and must be undertaken in order to meet the October 2020 deadline. PSPOs support the Council's Corporate Plan priority to keep the district a safe, clean and green living environment.

## **10. RISK MANAGEMENT**

- 10.1 If the PSPOs are not reviewed then they would lapse and important powers to keep the district a safe, clean and green living environment would be lost.

**11. IMPACT NEEDS ASSESSMENT**

11.1 At this stage an impact needs assessment is not required. This will be completed at the appropriate step in the review process.

**12. CONSULTEES**

12.1 Corporate Management Team

12.2 Principal Solicitor

12.3 Head of Community and Environment Services

12.4 Countryside and Parks Manager

12.5 Senior Community and Environmental Protection Officer

**13. APPENDICES**

13.1 None

**14. BACKGROUND PAPERS**

14.1 Home Office 'Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers statutory guidance for frontline professionals'.

[www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/823316/2019-08-05\\_ASB\\_Revised\\_Statutory\\_Guidance\\_V2.2.pdf](http://www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/823316/2019-08-05_ASB_Revised_Statutory_Guidance_V2.2.pdf)

14.2 Local Government Association 'Public Spaces Protection Orders Guidance for councils'

[www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance\\_06\\_1.pdf](http://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf)