

Cabinet



Forest Heath
District Council

Title of Report:	Recommendations of the Overview and Scrutiny Committee: Public Space Protection Orders (PSPOs) - Changes to Anti-Social Behaviour Legislation	
Report No:	CAB/FH/17/002	
Report to and date:	Cabinet	14 February 2017
Portfolio holders:	<p>Councillor David Bowman Portfolio Holder for Operations Tel: 07711 593737 Email: david.bowman@forest-heath.gov.uk</p> <p>Councillor Andy Drummond Portfolio Holder for Leisure and Culture Tel: 01638 751411 Email: andy.drummond@forest-heath.gov.uk</p> <p>Councillor Robin Millar Portfolio Holder for Families and Communities Tel: 07545 423782 Email: robin.millar@forest-heath.gov.uk</p>	
Chairman of the Committee:	<p>Simon Cole Chairman of the Overview and Scrutiny Committee Tel: 07974 443762 Email: simon.cole@forest-heath.gov.uk</p>	
Lead officers:	<p>Damien Parker Service Manager (Operations, Leisure and Culture) Tel: 01284 757090 Email: damien.parker@westsuffolk.gov.uk</p>	

	<p>Mark Christie Service Manager (Business Waste Management) Tel: 01638 719220 Email: mark.christie@westsuffolk.gov.uk</p> <p>Helen Lindfield Families and Communities officer Tel: 01284 757620 Email: helen.lindfield@westsuffolk.gov.uk</p>
Purpose of report:	<p>This report asks the Cabinet to consider the recommendations from the Overview and Scrutiny Committee in relation to legislation relating to Public Space Protection Orders (PSPOs) and to propose changes prior to public consultation.</p>
Recommendations:	<p>It is <u>RECOMMENDED</u> that:</p> <ol style="list-style-type: none"> 1) The Public Space Protection Orders relating to dog control across Forest Heath, be approved, subject to public consultation. 2) Subject to receiving confirmation from Legal Services that this is possible under the legislation: <ol style="list-style-type: none"> i) The Service Manager (Operations, Leisure and Culture), in consultation with the Portfolio Holder informs the local Town and Parish Councils of the District Council’s proposal to introduce PSPO’s which: <ul style="list-style-type: none"> • Requires dog walkers to clear up after their dogs whilst in public open space in the District (regardless of who owns the public open space) • Excludes dogs from certain specific play areas (Currently just those owned/managed by FHDC and listed in a schedule) and; ii) Invite Town and Parish Councils (at cost) to include their play areas in the proposed PSPO schedule of sites which excludes dogs.
Key Decision: (Check the appropriate box and delete all those that do not apply.)	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>

Consultation:	<ul style="list-style-type: none"> See Report OAS/FH/17/003 		
Alternative option(s):	<ul style="list-style-type: none"> See Report OAS/FH/17/003 		
Implications:			
Are there any financial implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> See Report OAS/FH/17/003 	
Are there any staffing implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> See Report OAS/FH/17/003 	
Are there any ICT implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> See Report OAS/FH/17/003 	
Are there any legal and/or policy implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> See Report OAS/FH/17/003 	
Are there any equality implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> See Report OAS/FH/17/003 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
See Report OAS/FH/17/003			
Ward(s) affected:	Newmarket alcohol-related PSPO – All Saints, St Marys and Severals. Brandon alcohol-related PSPO – Brandon East, Brandon South, Brandon West. Dog Control PSPO: <ul style="list-style-type: none"> dog fouling condition – all wards in Forest Heath; dog exclusion condition – those wards detailed in the proposed order.		
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	Overview and Scrutiny Committee – 12 January 2017 Report No: OAS/FH/17/003 ; Appendix A (Draft PSPO - Brandon) Appendix A (Brandon: Draft PSPO Restricted Area Map) Appendix A (Draft PSPO - Newmarket) Appendix A (Newmarket: Draft PSPO Restricted Area Map) Appendix B (Draft PSPO - Dogs) Appendix B (Schedule One: Dog Exclusion Areas)		
Documents attached:	None		

1. Key issues and reasons for recommendations

- 1.1 On 12 January 2017, the Committee considered Report No: OAS/FH/17/003, which updated Councillors on legislative changes regarding certain powers to control Anti-social behaviour.
- 1.2 The report set out the details of the Public Space Protection Orders (PSPOs) the District proposed to adopt, subject to public consultation. The report also set out the transition arrangements for the Newmarket and Brandon Designated Public Place Orders (DPPOs) to PSPOs; the proposed transition from Dog Fouling Orders, originally adopted under the Dogs Fouling of Land Act 1996 and the Clean Neighbourhoods and Environment Act 2005 to a PSPO Dog Control Order; the adoption of a Dog Control Order which excludes dogs from specific sites listed in Scheduled 1. The details included consultation requirements; publication; signage; enforcement; and future reviews periods for PSPOs.
- 1.3 The Committee considered the report in detail and asked a number of questions of the Cabinet for Leisure and Culture and officers, to which comprehensive responses were provided.
- 1.4 In particular detailed discussions were held on the proposed Orders relating to dogs. It was noted that the proposed Order relating to dog fouling included all public open space in the District, regardless of ownership, but that the proposed Dog Exclusion Orders (list of current sites included in Schedule 1) had to be for specifically designated areas, with the land owners consent.
- 1.5 Some councillors felt that the District Council should invite the Parish and Town Councils to include their play areas in the Dog excluded sites order.
- 1.6 The Committee noted that the conditions included in the proposed Newmarket and Brandon alcohol-related PSPOs would remain the same as was included in the earlier DPPO's.
- 1.7 The Overview and Scrutiny Committee has put forward recommendations as set out on page 2 of the Report.