Cabinet

St Edmundsbury
BOROUGH COUNCIL

Title of Report:	**Public Space Protection Orders**	
Report No:	**CAB/SE/17/026**	
Report to and date:	**Cabinet**	31 May 2017
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Purpose of report:	To provide an update on the outcome of public consultation concerning Public Space Protection Orders (PSPO) and to seek approval to formally adopt them.	
Recommendations:	**It is RECOMMENDED that, as set out in Report No: CAB/SE/17/026:** **(1) the results of the consultations associated with the proposed Public Space Protection Orders (PSPO), be noted;** **(2) the inclusion of street begging in the Bury St Edmunds alcohol related PSPO, be approved;** ***continued over.....***	

	(3) the PSPO relating to dog fouling, be approved; and **(4) the PSPO relating to banning dogs from certain specific children's play areas and certain specific fenced football pitch areas, be approved.**
Key Decision: *(Check the appropriate box and delete all those that **do not** apply.)*	*Is this a Key Decision and, if so, under which definition?* Yes, it is a Key Decision - ☒ No, it is not a Key Decision - ☐ (a) A key decision means an executive decision which, pending any further guidance from the Secretary of State, is likely to: (i) be significant in terms of its effects on communities living or working in an area in the Borough/District. (b) A decision taker may only make a key decision in accordance with the requirements of the Executive procedure rules set out in Part 4 of this [the] Constitution.

*The decisions made as a result of this report will usually be published within **48 hours** and cannot be actioned until **five clear working days of the publication of the decision** have elapsed. This item is included on the Decisions Plan.*

Consultation:	• Consultation has been completed and summarised in section three of this report. •
Alternative option(s):	• None
Implications:	
*Are there any **financial** implications? If yes, please give details*	Yes ☒ No ☐ • Purchase and erection of replacement signage. • Alcohol and street begging PSPO area will require approximately 30 signs for Bury St Edmunds at an estimated cost of £30 per sign (including erection on public furniture). • Funding has been identified from historic ASB Home Office funding within the Families and Communities budget. • Dog exclusion sites will require approximately 100 signs across 50 sites in St Edmundsbury. Working on a cost of £25 per sign, the total

<table>
<tr><td colspan="2"></td><td colspan="2">cost will be £2,500
• Funding has been identified from within existing Leisure and Culture budgets</td></tr>
<tr><td colspan="2">Are there any staffing implications? If yes, please give details</td><td colspan="2">Yes ☐ No ☒
• PSPOs can be enforced by Police officers, Police staff (PCSOs) and West Suffolk councils' enforcement officers
• There are no plans to increase the number of council enforcement officers</td></tr>
<tr><td colspan="2">Are there any ICT implications? If yes, please give details</td><td colspan="2">Yes ☐ No ☒
•</td></tr>
<tr><td colspan="2">Are there any legal and/or policy implications? If yes, please give details</td><td colspan="2">Yes ☒ No ☐
• The proposed orders have been drafted by the council's legal team.
• Copies attached at Appendix A.</td></tr>
<tr><td colspan="2">Are there any equality implications? If yes, please give details</td><td colspan="2">Yes ☐ No ☒
•</td></tr>
<tr><td colspan="2">Risk/opportunity assessment:</td><td colspan="2">(potential hazards or opportunities affecting corporate, service or project objectives)</td></tr>
<tr><td>Risk area</td><td>Inherent level of risk (before controls)</td><td>Controls</td><td>Residual risk (after controls)</td></tr>
<tr><td>Public perception – negative perception of the impact of the PSPO</td><td>High</td><td>Information provided
Consultation process completed</td><td>Low</td></tr>
<tr><td>Reputation- no enforcement activity taken</td><td>High</td><td>Work with the community. Encourage information and evidence to be provided of any breaches</td><td>Medium</td></tr>
<tr><td colspan="2">Ward(s) affected:</td><td colspan="2"><u>Alcohol/street begging PSPO – Bury St Edmunds</u> – Risbygate, Abbeygate, Eastgate and Westgate

<u>Dog Control PSPO</u>
Dog fouling condition - all wards in St Edmundsbury
Dog exclusion condition – those wards detailed in the proposed order</td></tr>
<tr><td colspan="2">Background papers:
(all background papers are to be published on the website and a link included)</td><td colspan="2">Report No: OAS/SE/17/002
Report No: CAB/SE/17/003
Report No: OAS/SE/15/011
Report No: OAS/SE/16/018</td></tr>
<tr><td colspan="2">Documents attached:</td><td colspan="2">Appendix A - Draft PSPO orders
Appendix B – Feedback from the Kennel Club.</td></tr>
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1. Key issues and reasons for recommendation(s)

1.1 Alcohol and street begging

1.1.1 A report was presented to the Overview and Scrutiny Committee, (Report No: OAS/SE/17/002 refers), proposing the continuation of the Bury St Edmunds alcohol related PSPO with the addition of a condition in relation to street begging. This proposed extension to the PSPO was as a direct request of the local Police as well as feedback from local businesses in the town.

1.1.2 At the Cabinet meeting on 7 February 2017, (Report No: CAB/SE/17/003), the Overview and Scrutiny Committee recommended that Cabinet approve the inclusion of street begging subject to a period of public consultation.

1.1.3 Cabinet was satisfied that, subject to the outcome of public consultation, the proposed changes were acceptable and proportionate to mitigate potential nuisance or problems in an area that may be detrimental to the local community's quality of life (Report No: CAB/SE/17/003).

1.2 Dog Control orders

1.2.1 A report was presented to the Overview and Scrutiny Committee, (Report No: OAS/SE/17/002 refers), proposing the adoption of certain dog controls across St Edmundsbury which include dog fouling and exclusion of dogs from certain specific children's play areas and certain specific fenced football pitch areas.

1.2.2 The Cabinet, at its meeting on 7 February 2017 (Report No: CAB/SE/17/003), was satisfied that, subject to the outcome of public consultation, the proposed changes were acceptable and proportionate to mitigate potential nuisance or problems in an area that maybe detrimental to the local community's quality of life.

2 Consultation

2.1 In line with Home Office guidance , a period of consultation was undertaken between 20 February 2017 and 17 March 2017.

2.2 Key stakeholders (Police, the Police and Crime Commissioner, Ourburystedmunds, Bury St Edmunds Town Council, Haverhill Town Council, The Kennel Club and St Edmundsbury elected Members) were consulted individually. In addition, the Kennel Club was consulted in relation to dog control orders.

2.3 Public consultation was made available via an online survey on the West Suffolk councils' website.

3. Results of the consultation

3.1 Consultation relating to the alcohol and street begging

3.1.1 Three responses were received to the online survey. In summary, all respondents were aware of begging in the town centre, one respondent was supportive and agreed that the proposal is proportionate, whilst the other two

respondents raised some concerns.

3.1.2 The concerns raised were that the additional condition of begging would:

i) displace the issue to another area for example car parks; and

ii) penalise vulnerable people who are homeless, and may have mental health or substance misuse issues.

3.1.3 In response to the concern raised around displacement, the proposed area for the order covers all the town centre public car parks, including and up to the train station.

3.1.4 In response to the concerns raised around penalising the vulnerable, it must be recognised that enforcement is the final option. Statutory and third sector organisations are working together to signpost and support vulnerable people who find themselves in difficult situations, including rough sleeping. Members of the public should be dissuaded from giving money and goods directly to those begging, and encouraged to assist by donating to organisations that can provide the support required.

3.1.5 Suffolk Police provided a written response to the consultation which reflected its support of the inclusion of street begging to the existing order.

3.2 Additional work to support vulnerable street homeless

3.2.1 As stated above, it should be noted that enforcement is seen as the last resort. West Suffolk councils work with partners to overcome and address issues surrounding rough sleeping in the area by:

i) liaising with organisations in the town to develop some winter provision, particularly emergency beds;

ii) encouraging people to donate/support charities directly so that their money can be used where it is most needed. Local/national support organisations include: https://community.crisis.org.uk/kits http://www.streetlink.org.uk and http://www.burydropin.org;

iii) appointing a Rough Sleeper Outreach Worker to work directly with individuals, supporting them to link with services that can help them;

iv) exploring other ways that members of the public can donate money, by investigating alternative options in operation across the country.

3.3 Consultation relating to the control of dogs and dog fouling

3.3.1 Three responses were received from members of the public to the online survey. Two of the responses were from non-residents of the Borough. In summary two of the respondents objected to the introduction of a dog related PSPO and one was supportive.

3.3.2 The council also received a response from the Kennel Club which is attached as Appendix B. The salient point from their response is that the Kennel Club does not normally oppose Orders to exclude dogs from playgrounds, or enclosed recreational facilities. They strongly promote responsible dog ownership, and believe that dog owners should always pick up after their dogs. They made a point that they would like the council to employ further proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect.

3.3.3 St Edmundsbury has been proactive in encouraging responsible dog ownership it has worked with a local veterinary surgery who have sponsored free dog poo bags at both Nowton Park and East Town Park.

3.3.4 The Borough's parks are well served with litter bins.

3.3.5 Nowton Park hosts an East Anglian Dog Training centre which provides local dog owners with access to professional dog training.

3.3.6 The Borough has also embarked on a number of successful campaigns to deter dog fouling in public open spaces.

3.3.7 A correspondence was emailed to each of the contacts responsible for Parish play areas advising them of the proposals and inviting them to include their play areas in the order which prohibits dogs from entering play areas. Those Parishes that have requested inclusion will be added to the schedule of sites included in the PSPO.

4. The Orders

4.1 Subject to the agreement of Cabinet to accept the Order, there are statutory requirements to:

i) formally notify the parish, town and county councils;
ii) publish the orders on the West Suffolk councils website; and
iii) place signs in and adjacent to the restricted areas.

4.2 Draft orders detailing conditions **for all proposed PSPOs** can be found at Appendix A.

5. Duration of the Orders

5.1 The PSPO relating to alcohol and begging will be reviewed after a period of two years and a decision will then be required with a view to continuation unchanged, variation if required or discharge if no longer required.

5.2 The PSPO relating to dog fouling and banning of dogs from certain locations will be reviewed at the end of two years with a view to continuation unchanged, variation if required or discharge if no longer required.

6. Recommendations

6.1 It is recommended that Cabinet approve the introduction of the Public Space Protection Orders as outlined in this report.