

Public Space Protection Orders (PSPO) Review of Existing Orders

Report number:	CAB/WS/23/042	
Report to and date:	Cabinet	19 September 2023
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Decisions Plan:

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.

Wards impacted:

- Alcohol-related PSPO Haverhill:** Central, South East, North, South and East
- Alcohol-related PSPO Brandon:** Brandon Central
- Alcohol-related PSPO Bury St Edmunds:** Abbeygate, Southgate, Eastgate and Tollgate
- Alcohol-related PSPO Newmarket:** Newmarket East and Newmarket West
- Anti-social use of motor vehicles PSPO:** Moreton Hall

Dog Control PSPO:

Dog fouling condition – all wards in West Suffolk

Dog exclusion condition – Brandon West, Brandon Central, Brandon East, Lakenheath, The Rows, Mildenhall Queensway, Mildenhall Kingsway and Market, Mildenhall Great Heath, Icen, Risby, Barningham, Abbeygate, Tollgate, Moreton Hall, Westgate, Minden, Southgate, St Olaves, Newmarket East, Newmarket West, Newmarket North, Kentford and Moulton, Exning, Horringer, The Fornhams and Great Barton, Stanton, Haverhill North, Haverhill West, Haverhill South West, Haverhill Central, Haverhill East, Haverhill South, Clare Hundon and Kedington and Withersfield

Recommendations: **It is recommended that Cabinet:**

- 1. Considers the outcomes of the review and agrees to continue with the existing PSPOs detailed in Appendices A and B to Report number: CAB/WS/23/042.**
- 2. Subject to the agreement of the owners, that the following three locations be added as facilities where dogs are to be excluded:**
 - i. Fornham St Martin play area.**
 - ii. Brandon Remembrance Playing Field – skate park area.**
 - iii. Brandon Remembrance Playing Field – main football pitch.**

1. Context to this report

- 1.1 Public Space Protection Orders (PSPOs) were introduced by the Anti-Social Behaviour Crime and Policing Act 2012 as a tool to tackle anti-social and nuisance behaviour which has a detrimental effect on communities. PSPOs replaced the Designated Public Protection Orders (DPPOs) that previously existed.
- 1.2 PSPOs enable the Council to prohibit certain behaviours in a defined geographical area and failure to comply with the requirements of an approved PSPO can result in a criminal offence being committed which is punishable with either a fixed penalty notice or a fine.
- 1.3 PSPOs expire after three years of implementation and the Council has a duty to conduct a review of all PSPOs within the three-year time frame and determine whether to amend, renew or discharge the orders.
- 1.4 West Suffolk currently has the following PSPOs in place:
1. Restricting the consumption of alcohol within specific areas (namely defined areas in Brandon, Bury St Edmunds, Haverhill and Newmarket)
 2. Banning of begging congregation and the anti-social use of vehicles in defined areas of Bury St Edmunds.
 3. Dog fouling across all public open spaces.
 4. Banning of dogs from certain specific areas including children's play areas, war memorial gardens and sport pitch areas.
- 1.5 A copy of all current PSPOs within West Suffolk can be found at Appendix A and maps identifying the geographical areas can be found at Appendix B. Given the proposal not to change any of the anti-social behaviour related PSPOs terms and conditions or geographical coverage, these will remain in place for a further three years (subject to any intervening review) until 2026. In terms of the dog fouling PSPOs these changes are set out in paragraph 3.4.2. below.

2. The review

- 2.1 West Suffolk Council has adopted the guidelines set out in the Local Government Association Public Space Protection Orders Guidance for councils to ensure the review is conducted in a timely and appropriate manner as well as adhering to the 2014 Act.
- 2.2 By virtue of the Act, the Council must undertake a review, communicate any intent to introduce changes to current PSPOs and undertake consultation with key stakeholders and communities affected by PSPOs to ensure that it can make an informed decision when determining the outcome of the review.

- 2.3 Key stakeholders that must be consulted with include the local constabulary, the Police and Crime Commissioner, owners and occupiers of land within the area as well as community representatives and certain interest groups the local authority deem appropriate.
- 2.4 Extension of existing orders can be granted under section 60 of the Act where it is shown that an extension is necessary to prevent activity occurring or there has been an increase in frequency or seriousness of activities.
- 2.5 An extension can only be granted following a review. If no review is undertaken there is no mechanism for automatic review. As a consequence, Cabinet is required to make a formal decision regarding the PSPOs by 30 September 2023 otherwise all PSPOs will expire with the exception of the Moreton Hall PSPO. Whilst it is not necessary to review the Moreton Hall PSPO until September 2024 it has been included to enable all PSPOs to be reviewed in the same timescales in the future.
- 2.6 Initial engagement with Suffolk Police and a number of key stakeholders was conducted between mid-April 2023 and May 2023. This allowed the Council to gauge initial feedback on the effectiveness of the PSPOs and whether amendments were required.
- 2.7 Further engagement took place between June and July 2023 with key stakeholders within the affected areas. This engagement took the form of letters, emails, publicity through social media channels and conversations to encourage responses and feedback to the public consultation, which was available online and in hard format, where requested. As well as stakeholders, all parish and town councils were contacted, together with district representatives. Feedback from this engagement is outlined in section three.

3. Engagement and feedback – PSPOs

- 3.1 **Police Response:** Feedback was received from all three inspectors covering the policing areas in West Suffolk.
- 3.1.1 Brandon, and Newmarket: The police inspector for the area fully supports the continuation of the PSPOs within Newmarket and Brandon. Although limited formal use of the powers in either town, the police feel that having the power to remove alcohol leads to positive responses from individuals. The PSPOs have been utilised within local policing plans as a power to combat anti-social behaviour associated with alcohol and street drinking.
- 3.1.2 Haverhill: Similar response received in relation to Haverhill, both the sergeant and town centre police constable provided feedback in relation to the positive effects the power has on individuals and is utilised as a warning mechanism.

3.1.3 Bury St Edmunds: The inspector for Bury St Edmunds requested the continuation of the PSPOs within the town centre and Moreton Hall ward.

3.1.4 Suffolk Police feel that PSPOs are an important tool to have especially when tackling night-time economy issues. Suffolk Police feel the removal of the PSPOs would have a negative effect on a means of effectively policing the area. In relation to the PSPO (Dog Fouling) Suffolk Police did not raise any objections to the continuation of the PSPO.

3.2 Stakeholder response – all PSPOs:

3.2.1 In addition to the initial feedback from Suffolk Police a range of stakeholders were consulted about all the PSPOs including parish and town councils, business groups, resident groups, places of worship, partners, business organisations and district councillors.

3.2.2 During the second phase of public consultation (June to July 2023), the Council sought the views of the wider community, in accordance with the guidelines set out in the Act. Awareness was raised via a number of social media sites including Facebook, Instagram and Twitter, as well as press releases. The public consultation was shared with a number of social media community groups and encouraged residents to share with their own contacts.

3.2.3 The results of the feedback are as follows (there is a degree of duplication depending on the role, and platform used to share the public consultation, particularly with councillors).

ASB PSPO	Newmarket	Brandon	Haverhill	Bury St Edmunds	Totals
Email/letters sent	30	21	26	40	117
Responses received	20	10	31	114	175

Dogs PSPO	District Wide	Totals
Email/letters sent	184	184
Responses received	141	141

Responses are sub divided as follows:

	Newmarket	Brandon	Haverhill	Bury St Edmunds	Dog PSPO
Remain	19	9	29	109	110
Amend	2		1		4

Remove	1		2	3	24
No comment		1		2	3

The amend category can be further sub-divided as:

	Newmarket	Haverhill	Dog PSPO
Additional areas to existing PSPO	1	1	4
Remove areas within existing PSPO		1	

3.3 Notwithstanding that there was a limited number of responses, it is clear that there is support for the continuation of the PSPOs. However, there was three requests through the online consultation to review additional areas within Newmarket and Haverhill in terms of PSPOs (restricting the consumption of alcohol within specific areas) and the addition of four open space/play areas in terms of the PSPOs (dog fouling and exclusion areas).

3.3.1 Representation has been made by two online consultees in Newmarket to vary the existing PSPO (restricting the consumption of alcohol within specific areas) and consider extending the current area to include the “Yellow Brick Road” area of Newmarket.

3.3.2 Representation has been made by one online consultee in Haverhill to vary the existing PSPO (restricting the consumption of alcohol within specific areas) and consider removal of Tudor Croft area but extending the current area. Six additional areas have been mentioned in their response including Leiston Road, Puddle Brook Playing Fields, West Town Flood Park, New Croft area, area west of Hales Barn Road and all public play areas.

3.3.3 Representations were received requesting that certain locations be added to the dog exclusion PSPO and these have been considered as follows:

Sites recommended for inclusion, subject to site owner approval, are:

- Fornham St Martin play area
- Brandon Remembrance Playing Field – skate park area
- Brandon Remembrance Playing Field – main football pitch

Rationale for recommended inclusion - These are all defined facilities which fit within larger pieces of Public Open Space. Their inclusion in the PSPO is in keeping with the type of facilities where dogs are excluded from elsewhere in the district.

Sites not considered suitable for inclusion:

- Red Lodge Heath
- The Haverhill Railway Walk

Rationale for non-inclusion: These are large expanses of Public Open Space which are already included in the PSPO requiring dog owners to clear up after their dogs. We would not recommend excluding dogs from these two popular dog walking routes.

3.4 **Next steps**

3.4 **Suggested stakeholder amendments to existing PSPOs:** As stated at section 3.3 above, suggestions have been raised as a result of the review process, in respect of the proposed changes to the existing PSPOs (restricting the consumption of alcohol in specific areas), it is proposed that these are not at this time. The places put forward as part of the review are predominately in residential areas and at this time limited evidence has been submitted as part of the consultation process.

3.4.1 Discussions with local police officers will continue to address any concerns raised as part of the consultation process within these areas. Any amendments can be considered, and the appropriate consultation process followed anytime within the three year timeframe of a PSPO and would be subject to Cabinet approval.

3.4.2 In respect of the requested additional site locations to be added to the existing dog exclusion areas, it is recommended the following three are included, subject to the landowners being supportive:

- i. Fornham St Martin play area
- ii. Brandon Remembrance Playing Field – skate park area
- iii. Brandon Remembrance Playing Field – main football pitch

4. **Consultation and engagement undertaken**

4.1 Initial consultation with stakeholders and proposed further consultation as outlined in section three of this report.

5. **Risks associated with the proposals**

5.1 Public perception: negative perception of the impact of the PSPO, which is controlled through information provided and consultation process.

5.2 Reputation: no visible enforcement activity taken, which is controlled through working with our partners and a clear enforcement plan agreed.

Understanding that the orders can be used as a way of encouraging people to change their behaviour without the need for formal enforcement.

- 5.3 Review timescales not met: all orders expire if timescales are not met, which is controlled through appropriate reporting and consultation.
- 5.4 Incomplete consultation: unable to conduct adequate consultation with partners and public which could lead to legal challenge, which is controlled through two stage consultation process as outline in section three.

6. Implications arising from the proposals

- 6.1 Financial: Costs associated with any additional/replacement signs will be met from existing budgets.
- 6.2 Legal compliance: Anti-Social Behaviour Crime and Policing Act 2014. Proposed orders will be drafted by the Council's legal team.
- 6.3 Personal data processing: Yes, in accordance with enforcement protocols.
- 6.4 Equalities: There are no equality impacts as it applies equally to all.
- 6.5 Crime and disorder: The PSPOs are a deterrent to anti-social behaviour.
- 6.6 Safeguarding: Safeguarding concerns may be identified as part of enforcement process, internal safeguarding procedures apply.
- 6.7 Environment or sustainability: Not applicable.
- 6.8 HR or staffing: Not applicable.
- 6.9 Changes to existing policies: Not applicable.
- 6.10 External organisations (such as businesses, community groups): Suffolk Police, Town Centre Business Districts, Suffolk FA, Parish and Town Councils and The Kennel Club.

7. Appendices referenced in this report

- 7.1 Appendix A – Current Public Space Protection Orders
- 7.2 Appendix B – Current Maps and data identifying where current orders are.

8. Background documents associated with this report

- 8.1 Report number: [CAB/WS/20/058](#)
- 8.2 Local Government Association Public Space Protection Orders Guidance for Councils. [Public spaces protection orders: guidance for councils \(local.gov.uk\)](#)