



## Report ABPC/23/011

**To: Aldington and Bonnington Parish Council.**

**Date: 8 April 2024**

**Status: Public Report**

**Subject: Public Space Protection Orders**

1. **SUMMARY:**

This report has been compiled as a result of the request at the March meeting of the Parish Council to consider a dogs on leads order for Reynolds Playing Field and Quarry Field.

2. **REASON FOR RECOMMENDATION.**

The Parish Council is asked to consider the process involved in obtaining a Public Space Protection Order and its possible consequences.

3. **RECOMMENDATIONS:**

1. **To receive and note Report ABPC/23/011.**
2. **To determine if the Parish Council wish to commence the necessary consultations prior to an application being submitted to Ashford Borough Council.**

4. **INTRODUCTION:**

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers for use by councils and their partners to address anti-social behaviour in their local areas. These tools, which replaced and streamlined a number of previous measures, were brought in as part of a Government commitment to put victims at the centre of approaches to tackling Anti-Social Behaviour, focussing on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable.

PSPOs are one of the tools available under the Act. These are wide-ranging and flexible powers for local authorities, which recognise that councils are often the best placed to identify the broad and cumulative impact that anti-social behaviour can have. The Act gives councils the authority to draft and implement PSPOs in response to the particular issues affecting their communities, provided certain criteria and legal tests are met.

Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.

Powers to create PSPOs came into force in October 2014. As well as enabling local authorities to address a range of different issues, the Orders replaced Dog Control Orders.

5. **OVERVIEW OF PUBLIC SPACES PROTECTION ORDERS.**

The Anti-Social Behaviour, Crime and Policing Act 2014 provides a broad legal framework

within which PSPOs can be implemented.

Orders can be introduced in a specific public area where the local authority is satisfied on reasonable grounds that certain conditions have been met. The first test concerns the nature of the anti-social behaviour, requiring that:

- Activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will take place and that they will have a detrimental effect
- The effect or likely effect of these activities:
  - Is, or is likely to be, persistent or continuing in nature
  - Is, or likely to be, unreasonable
  - Justifies the restrictions being imposed.

The Home Office Statutory Guidance reissued in December 2017 states that proposed restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.

As a minimum, each PSPO must set out:

- What the detrimental activities are
- What is being prohibited and/or required, including any exemptions
- The area covered
- The consequences for breach
- The period for which it has effect

The legislation sets out a number of additional requirements for consultation and communication before and Order is introduced, once it is implemented and where it is extended, varied or discharged. PSPOs can be legally challenged under the 2014 Act on certain grounds.

## 6. **INTRODUCING A PSPO.**

Where councils have identified that a PSPO may be a suitable response to a particular local issue, they will then need to consider how to ensure they meet the statutory criteria. This will include determining:

- The appropriate scope of the Order
- The area covered by the restrictions
- The potential impact of the proposals
- How each of the restrictions meets the legal test.
- Councils will also need to consider how best the Order should be worded and establish an evidence base to support the proposals, incorporating a consultation process. Other issues such as the practical implications around implementation and what is possible to enforce, will also need to be borne in mind.

## 7. **CONTROLLING THE PRESENCE OF DOGS.**

The Home Office guidance encourages councils to publish a list of alternative sites which dog walkers can use to exercise their dogs without restrictions. Councils should also consult dog law and welfare experts, for example, vets or animal welfare officers and organisations affected by restrictions before seeking a PSPO.

Where parish councils wish to deal with dog control issues, they are advised to approach the relevant authority, including whether a PSPO would provide the means to address the issues being experienced by the local community. If the principal authority is satisfied that

the legal tests for the use of the power are met and that it is a proportionate response to the level of harm and nuisance being caused it should consider consulting on putting in place a PSPO.

Practical issues, such as effective enforcement and erecting signs in (or near) an area subject to an Order – as required by the legislation – should also be borne in mind when determining how large an area the Order proposals might cover.

8. **SUPPORTING EVIDENCE AND CONSULTATION.**

Local areas will, of course, need to satisfy themselves 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 behaviour 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 authorities can determine whether or not it is appropriate to introduce a PSPO at all, and if so, whether the draft proposals are suitable.

9. **CONTACT OFFICER AND BACKGROUND DOCUMENTS.**

If you have any queries about this report please contact the Responsible Financial Officer of the Council Tel.: 07928453208 or email: [clerk@abpc.org.uk](mailto:clerk@abpc.org.uk) prior to the meeting.