

# **HIGH PEAK BOROUGH COUNCIL**

## **Individual Executive Decision**

**20 October 2023**

|                              |   |
|------------------------------|---|
| <b>TITLE:</b>                | <b>Public Space Protection Order Extension</b>                                    |
| <b>EXECUTIVE COUNCILLOR:</b> | <b>Councillor Jean Todd – Executive Member for Climate Change and Environment</b> |
| <b>CONTACT OFFICER:</b>      | <b>David Smith – Head of Communities Culture and Climate Change</b>               |
| <b>WARDS INVOLVED:</b>       | <b>All</b>  |

### **Appendices Attached – Appendix A: Draft Order.**

#### **1. Reason for the Report**

- 1.1 The current Public Spaces Protection Order (Dog Fouling and Nuisance) 2020 expires on 19 October 2023 and need to be extended or replaced if the Council wishes to continue to have the power to take enforcement action in response to dog fouling and nuisance behaviour.

#### **2. Recommendation**

- 2.1 That the Executive Councillor notes the comments submitted about the draft Order.
- 2.2 That the Executive Councillor approves the extends the current Public Spaces Protection Order so that it remains effective until 19<sup>th</sup> October 2026, unless varied, or discharged prior to this date.

#### **3. Executive Summary**

- 3.1 The Borough Council exercised its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) to make a Public Spaces Protection order to help stop or reduce the detrimental effect on the quality of life of those in the locality caused by (i) failure to remove dog faeces from land and (ii) nuisance behaviour caused by dogs in public areas.
- 3.2 The Order came into force on 19 October 2020 and lasts for a period of three years. A copy of the Order was published on the Council's website

([www.highpeak.gov.uk/pspo](http://www.highpeak.gov.uk/pspo)) and a copy of the Order, which outlines the prohibitions and coverage of the Order, can be found at Appendix A.

- 3.3 Following approval by the Executive Member, the Council carried out the necessary consultation, publicity and notification that it is required to conduct prior to deciding whether to extend the order.
- 3.4 It is suggested that none of the responses necessitate material changes to the draft Order and that the new Order can now be introduced by way of Individual Executive Decision.
- 3.5 In accordance with Select Committee Procedure Rules this decision has been made exempt from call-in with the agreement of the Chair of the Community Select Committee.

#### 4. **How this report links to Corporate Priorities**

- 4.1 The proposed Order would support Aim 1: Supporting our communities to create a healthier, safer, cleaner High Peak.

#### 5. **Alternative Options**

- 5.1 None.

#### 6. **Implications**

##### 6.1 Community Safety - (Crime and Disorder Act 1998)

The introduction of the Order would assist in preventing nuisance and environmental crime (dog fouling).

##### 6.2 Workforce

None – the current officers already enforce under the existing Orders.

##### 6.3 Equality and Diversity/Equality Impact Assessment

It is recognised that some groups may find it difficult to comply with the Order and hence exemptions are provided for people who are (i) registered blind or (ii) have a disability that affects their mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which they rely for assistance.

##### 6.4 Financial Considerations

None, enforcement of the Orders would be delivered within current budgets.

## 6.5 Legal

A PSPO can be made if, on reasonable grounds, the local authority is satisfied that the required conditions are met. The first consideration is 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 is likely to be, unreasonable
  - justifies the restrictions being imposed.

The Anti-Social Behaviour, Crime and Policing Act 2014 sets out the requirements for consultation. As stated in the report, PSPOs can last for up to three years once approved and can be varied or extended more than once.

## 6.6 Sustainability

None.

## 6.7 Consultation

A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before extending the period for which a public spaces protection order has effect. The responses are outlined in the report.

## 6.8 Risk Assessment

None

Neil Rodgers  
**Cabinet Director (Place)**

### **Web Links and Background Papers**

[www.highpeak.gov.uk/pspo](http://www.highpeak.gov.uk/pspo)

### **Contact details**

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Change  
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## 6. **Detail**

- 6.1 The Borough Council exercised its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) to make a Public Spaces Protection order to help stop or reduce the detrimental effect on the quality of life of those in the locality caused by (i) failure to remove dog faeces from land and (ii) nuisance behaviour caused by dogs in public areas.
- 6.2 The Order came into force on 19 October 2020 and lasts for a period of three years. A copy of the Order was published on the Council's website ([www.highpeak.gov.uk/pspo](http://www.highpeak.gov.uk/pspo)) and a copy of the Order, which outlines the prohibitions and coverage of the Order, can be found at Appendix A.
- 6.3 A local authority may extend the period for which an Order has effect prior to its expiry. Before deciding to extend an Order, the relevant local authority must carry out the necessary consultation, publicity and notification. Following agreement by the Executive Member, the Council carried out the necessary requirements. These requirements, and the way in which the Council has met them, are set out in the table below.

| <b>Requirements under Section 72 Anti-Social Behaviour, Crime and Policing Act 2014</b> | <b>What we must do</b>  | <b>What we did</b>   |
|---|---|--|
| "Necessary Consultation"  | Consult with: <ul style="list-style-type: none"> <li>a) the chief officer of police, and the local policing body, for the police area that includes the restricted area'</li> <li>b) whatever community representatives the local authority thinks it appropriate to consult; and</li> <li>c) the owner or occupier of land within the restricted area (where reasonably practicable).</li> </ul> | Letters were sent to the Chief Constable of Derbyshire Constabulary; the Police and Crime Commissioner for Derbyshire; and the Chief Executive of the Peak District National Park Authority on 6 September 2023. Consultees were asked to provide any comments that they have by 5 October 2023. |
| "Necessary Publicity"   | Publish the text of the proposed order.   | The text of the proposed order was published on the Council's website.   |
| "Necessary Notification"  | Notifying any parish councils and the County Council of the proposed order.   | A copy of the proposed Order was sent to all town and parish councils on 6 September 2023.<br><br>A copy was also sent to Derbyshire County Council on 6 September 2023.   |

### *Responses Received*

6.2 Derbyshire Constabulary provided the following comment:

*“I can confirm we are happy with the proposed extension to the Dog nuisance PSPO”*

6.3 No other responses have been received.

### *Conclusion*

6.3 The local authority is satisfied on reasonable grounds that it is necessary to extend the order for a further three years to prevent—

- (a) occurrence or recurrence after that time of the activities identified in the order, or
- (b) an increase in the frequency or seriousness of those activities after that time.