

Public Space Protection Orders (PSPOs) Review & Consultation: Dog Restrictions on Beaches, Promenades and Wider District.

Summary:

On the 8 February 2016, Cabinet resolved that reviews of existing and requests for new Public Space Protection Orders (PSPOs) will be considered by Cabinet after appropriate consultation has been completed.

In April 2017 following a wide consultation, Cabinet approved officer recommendations to authorise a number of PSPOs, including 8 orders regarding beaches and proms and a single order to prohibit dog fouling on public land across the North Norfolk District Council area.

These specific orders officially became live on May 1st 2018 and are due to expire on the 1st May 2021. In view of the importance of these orders the Council is recommending a continuation of the orders for a further 3 years.

Options considered:

- Cabinet to approve officer recommendations with no changes or amendments.
- Cabinet to amend officer recommendations based on consultation comments.

Conclusions:

All the PSPOs identified in this report are due to expire on the 1st of May 2021. These orders are of fundamental importance to allow the continuation of dog enforcement activities along our beaches and proms, together with preventing and enforcing dog fouling on all public land in the District. Without these orders in place the Council has no authority to legally enforce.

Recommendations:

That Cabinet approve the renewal of all those PSPO's within this report.

Reasons for Recommendations:

- Without these orders in place the Council has no authority to legally enforce in these areas. All the areas specified in this report are fundamental to the protection and enjoyment of the districts public spaces, specifically the beach and promenade areas.
- The PSPOs are instrumental in maintaining the

recognised quality of the district’s bathing areas, this includes supporting the Blue Flag designations. The criteria for awarding a Blue Flag states that “Dogs must be excluded from the award area of the beach during bathing season”.

- Although we have a legal duty under the regulations to consult, our decision to continue with the order does not represent a change, and thus the consultation responses identified in the 2017 Cabinet report still have relevance. On these grounds and in view of their importance, it would be prudent to approve the continuation of the orders.

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(Papers relied on to write the report, which do not contain exempt information and which are not published elsewhere)

Anti-social Behaviour, Crime and Policing Act 2014 – Part 4, Chapter 2, sections 59- 75
Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers: Statutory guidance for frontline professionals – Home Office July 2014
Dealing with irresponsible dog ownership: Practitioner’s manual – DEFRA October 2014
Antisocial Behaviour Crime and Policing Act - Powers and Duties – NNDC Cabinet report January 2015
Public Space Protection Orders – NNDC Cabinet report February 2016
Public Space Protection Orders - NNDC Cabinet Report April 2017

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1. Introduction

- 1.1 In October 2014 the Anti-Social Behaviour, Crime and Policing Act 2014 came into force giving the Council new powers to implement Public Space Protection Orders (PSPOs) to deal with a nuisance or an anti-social behaviour issue that is detrimental to the local community’s life by imposing conditions on the use of a specific area of land.

- 1.2 In January 2015, a Cabinet report highlighted the changes in the legislation with the introduction of the new Act, this report asks for a Scheme of Delegation to move forward the designation of PSPOs across North Norfolk where there is a need for them and then review them once every 3 years as required in the legislation.
- 1.3 In April 2017 cabinet approval was granted regarding the creation of a number of PSPOs across the district, following a wide consultation process. Included in these proposals were 8 orders regarding the prohibition of dogs off leads and bans on beaches in all of our main beach and promenade areas. In addition, a single order was granted to prohibit dog fouling on all public land in North Norfolk.
- 1.4 The 9 orders identified in section 1.3 became live on May 1st 2018 and are due to expire on the 1st May 2021. In accordance with section 60 of the Anti-social Behaviour, Crime and Policing Act 2014 the Council can continue and renew orders for a further 3 years if sufficient justification exists to do so. Included in this is a requirement to consult on the Councils intentions

2. Public Space Protection Orders

- 2.1 The Public Space Protection Order is intended to deal with a particular nuisance in a particular area which negatively affects the community's quality of life. They apply to everyone and will impose conditions on the use of a particular area (e.g. restricting the use of a highway late at night by groups of people, the drinking of alcohol in a public space or banning dogs from a location).
- 2.2 Only local authorities may issue these orders. The authority must reasonably believe that the behaviour is detrimental to the local community's quality of life and that the impact of the behaviour warrants restrictions being implemented. The behaviour must be on-going or persistent (or there must be a reasonable belief that future behaviour will be on-going or persistent).
- 2.3 Orders may last for up to three years and may be extended. The breach of an Order will be a criminal offence subject to prosecution or a fixed penalty notice. The amount for these was agreed by Cabinet in January 2015 as £80 with a reduced fee of £60 if paid within 10 days.
- 2.4 The Council currently has 46 PSPOs which are active. These orders have a maximum duration of 3 years, after which the Council can either discontinue the order or continue with them for a further 3 years' subject to there being sufficient justification to do so.
- 2.5 Of the 46 PSPOs, 9 orders which were created in 2018 are due to expire on the 1st May 2021 (see table below)

PSPO Area	Created	Renewal Date
Bacton Promenade and Beach	1st May 2018	1st May 2021

Cromer Promenade and Beach	1 st May 2018	1 st May 2021
Mundesley Promenade and Beach	1 st May 2018	1 st May 2021
Overstrand Promenade and Beach	1 st May 2018	1 st May 2021
Sea Palling Promenade and Beach	1 st May 2018	1 st May 2021
Sheringham Promenade and Beach	1 st May 2018	1 st May 2021
Walcott Promenade and Beach	1 st May 2018	1 st May 2021
West Runton Promenade and Beach	1 st May 2018	1 st May 2021
Dog Fouling District Wide (Public Land)	1 st May 2018	1 st May 2021

North Norfolk District Council intends to extend all of the PSPOs specified in the above table for a further 3 years. The justification for this action is that the Council believes that continuation of the orders will prevent the continued occurrence and re-occurrence of unlawful activity.

2.6 In regards to section 2.5, we believe that there is sufficient justification to renew these orders on the following basis:

- Without these orders in place the Council has no authority to legally enforce in these areas.
- 8 orders identified for renewal relate to beaches and promenades and are instrumental in maintaining the recognised quality of the district's bathing areas, this includes supporting the Blue Flag designations. The criteria for awarding a Blue Flag states that "Dogs must be excluded from the award area of the beach during bathing season".
- Annually the Environmental Protection team receives a continuous flow of dog related complaints in those areas specified above.

2.7 In regards to our recommendations there is a requirement under the 2014 Act to undertake a consultation with our Statutory Consultees regarding the decision to renew and continue with these orders. This Consultation will occur between 29th March 2021 and 18th of April 2021. The consultation is open to all the public, local Town and Parish Councils, NNDC members, Local MPs, and relevant County Councillors.

2.8 It is anticipated that the results of the consultation will be known by the time this report reaches the point of cabinet and full council approval. However, it is our view that the importance of these orders is such that approval should be given irrespective of consultation responses, unless suggestions can contribute to improving the nature of each order. In addition, it is important to emphasise that in effect we are not proposing to change our position regarding these orders, as such, the consultation response regarding the 2017 Cabinet report are still relevant and can be drawn upon in this instance.

In respect to the 2017 consultation, the Council did not receive any comments regarding the creation of the orders specified in this report.

3. Corporate Plan Objectives

- 3.1 The purpose of the dog restrictions on beaches and promenades is to maintain the environmental quality of these areas for all to enjoy. Essentially the education and enforcement work surrounding the PSPOs relating to dog control feed directly into two corporate objectives namely, Quality of Life and Climate, Coast and Environment.

4. Medium Term Financial Strategy

In this instance there is no requirement to consider these aspects. The operation of these orders will be undertaken within existing budgetary constraints of the service area.

5. Financial and Resource Implications

The implementation of the renewal of these orders has no significant financial implications to the authority with the cost and resources of the consultation process and any new signage required being met from the existing budget and staffing for this service area.

6. Legal Implications

The renewal of these orders in these areas is essential to allow enforcement to continue. Failure to approve the recommendations of the report could result in criticism of the Authorities ability to actively enforce against antisocial activities in key areas.

7. Risks

As above, there are no significant risks associated with the implementation of this process, as long as all delegated decisions are recorded in detail with options considered rejected/excepted, advice taken and results of any consultations undertaken.

The only other risk is associated with an expectation of the local community around enforcement of these Orders and it needs to be made clear early that enforcement will be in line with the Council's Enforcement Policy.

8. Sustainability

There have been no sustainability issues identified with the recommendations of the report

9. Climate / Carbon impact

We do not believe there to be any climate or carbon implications regarding this area of work

10. Equality and Diversity

This report does not raise any issues relating to Equality and Diversity.

11. Section 17 Crime and Disorder considerations

These orders have a crime and disorder focus and the proposals in this report will positively contribute to meeting Section 17 responsibilities. The ability for Council officers to continue to use the controls provided by the PSPO's will enable them to deal with anti-social behaviour across the district which are of concern to local communities.

12. Conclusion and Recommendations

In conclusion of this report it is the recommendation that the 9 orders specified within this report should be renewed and endorsed by cabinet approval before expiry on the 1st May 2021.