

North Tyneside Council
Report to Stephen Ballantyne,
Head of Law and Monitoring Officer

Officer Delegated Power Report

Title of Report:
Public Spaces Protection Orders

Head of Law

Date: 2 October 2023

Report from Service Area: **Resources (Law)**

Responsible Officer: **John Barton**

Tel: (0191)
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Wards affected: **All**

PART 1

1.1 Purpose:

At its meeting on 18 September 2023 Cabinet agreed to extend for a further period of 3 year the Public Spaces Protection Orders (“the PSPOs”) made by the Authority in 2017, namely, The Council of the Borough of North Tyneside (Dog Fouling of Land) Public Spaces Protection Order 2017; The Council of the Borough of North Tyneside (Dog Control) Public Spaces Protection Order 2017 and The Council of the Borough of North Tyneside (Consumption of Alcohol) Public Spaces Protection Order 2017 (“the original Orders”). Cabinet also agreed at that meeting to authorise the Head of Law in consultation with the Director of Environment and Cabinet member for Environment to make and sign the Extension Orders.

Without a further extension, the original Orders will expire at midnight on 19 October 2023.

This report requests the Head of Law to make and sign The Public Spaces Protection Order Extension No 1 of 2023 relating to the extension of The Council of the Borough of North Tyneside (Dog Fouling of Land) Public Spaces

Protection Order 2017; The Public Spaces Protection Order Extension No 2 of 2023 relating to the extension of The Council of the Borough of North Tyneside (Dog Control) Public Spaces Protection Order 2017 and The Public Spaces Protection Order Extension No 3 of 2023 relating to the extension of The Council of the Borough of North Tyneside (Consumption of Alcohol) Public Spaces Protection Order 2017.

The Extension Orders are attached to this report at Appendix A of this report.

1.2 Recommendation(s):

It is recommended that:

- (1) The Head of Law make and sign The Public Spaces Protection Order Extension No 1 of 2023; The Public Spaces Protection Order Extension No 2 of 2023 and The Public Spaces Protection Order Extension No 3 of 2023.

1.3 Council Plan and Policy Framework

This report relates to the following in the Council Plan – Our North Tyneside 2021-25

A secure North Tyneside

“Council wardens will work in partnership with Northumbria Police to prevent and tackle all forms of antisocial behaviour”.

1.4 Information:

1.4.1 Background

1.4.2 Public Spaces Protection Orders (PSPOs) were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 (the ‘2014 Act’) and provided local authorities with powers to make PSPOs to deal with any particular activities having a detrimental effect on the quality of life of those in the community or any likely activity that would have such an effect.

1.4.3 A PSPO effectively prohibits specified things from being done or requires certain things to be done in an area covered by the PSPO, whilst ensuring that law-abiding members of the public can use and enjoy that area.

1.4.4 A PSPO can be made by the Authority where it is satisfied on reasonable grounds that two conditions are met as set out in section 59 of the 2014 Act, namely: -

1) Activities carried on in a public place within the borough have had a detrimental effect on the quality of life of those in the locality or it is likely that activities will be carried out in the area that will have such an effect; and

2) That the effect, or likely effect, of the activities:

a) is, or is likely to be, of a persistent or continuing nature;

b) is, or is likely to be, such as to make the activities

1.4.5 In October 2017 after the Authority undertook statutory consultation on the proposed making of the PSPOs Cabinet agreed to the making of the Orders which took effect on 20 October 2017 for a period of 3 years. 3 years is the maximum period that a PSPO can have effect unless, before the expiry of a PSPO, it is extended under section 60 of the 2014 Act. In September 2020 Cabinet agreed that the original PSPOs made by the Authority be extended for a period of 3 years from 20 October 2020 until midnight on 19 October 2023. Without further extension, the original PSPOs will therefore cease to have effect immediately after midnight on 19 October 2023.

1.4.6 On 22 May 2023 Cabinet agreed to the commencement of a 4-week consultation on a potential extension of the PSPOs for a further 3-year period. Such consultation took place over a 4-week period from Monday 5 June 2023 to Monday 3 July 2023. There is a need to undertake such consultation in accordance with section 72 of the 2014 Act before any extension of the Orders takes place.

1.4.7 There were 107 responses to the consultation with strong support shown for the proposed extension of the PSPOs for 3 years. Northumbria Police also support the extension of the original Orders.

1.4.8 Having regard to the consultation responses and all other relevant matters, Cabinet was satisfied that it had reasonable grounds to extend the PSPOs for a further 3-year period on the basis that doing so was necessary to prevent the: -

a) occurrence or recurrence of the activities identified in the PSPOs after the expiry of the PSPOs; or

b) an increase in the frequency or seriousness of those activities after the expiry of the PSPOs.

1.4.9 Cabinet authorised the Head of Law to make the Orders following appropriate consultation with the Director of Environment as well as the Cabinet Member for Environment. Such consultation has taken place and the Head of Environment, and the Cabinet Member are content for the Extension Orders to be made and signed in accordance with the wishes of Cabinet.

1.5 Decision options:

The following decision options are available for consideration:

Option 1

To agree to sign the Extension Orders in accordance with the decision of Cabinet.

Option 2

Not to agree to sign the Extension Orders.

1.6 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The signing of the Extension Orders will implement the decision taken by Cabinet on 18 September 2023. That decision was taken following a consultation exercise in which the views of the public and statutory consultees was sought, and which shows support for the extension of the PSPOs for 3 years.

1.7 Appendices:

Appendix A – Extension Orders

1.8 Contact officers:

Kimberley Pye, Head of Environment and Safer Neighbourhoods Tel 643 3442
Richard Mitchell, Community and Public Space Protection Manager,
Tel 643 7710
David Dunford, Senior Business Partner, Strategic Finance, Tel 643 7027
John Barton, Manager, Regulatory Team, Legal Services, Tel 643 5354

1.9 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- a) Cabinet Report of 18 September 2023
- b) Minutes of the Cabinet meeting of 18 September 2023
- c) Anti-social Behaviour, Crime and Policing Act 2014
- d) The Anti-social Behaviour Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The cost of extending the PSPOs already in place within the borough for a period of 3 years can be managed within existing revenue budgets within Environment.

2.2 Legal

The Authority can extend a PSPO for a period of up to 3 years if the Authority is satisfied that it has reasonable grounds for doing so in accordance with section 60(2) of the 2014 Act. Before any extension of a PSPO can be made “necessary consultation” has to take place with those set out in in section 72(4) of the 2014 Act. Such consultation has taken place as well as the necessary publicity about the effect of the extension of the PSPOs.

Section 60 of the 2014 Act permits a PSPO to be extended more than once.

The decision on whether or not to extend the PSPO is a Cabinet function because there is nothing in the 2014 Act that specifies that such a decision has to be taken by full Council and there is nothing in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 that indicates that the making of a PSPO is a function that is not the responsibility of Cabinet.

Once the Extension Orders are made, the Authority must publish the Extension Orders and the original PSPOs on its website and cause to be erected adjacent to the public places where the PSPOs have effect, notices drawing to the attention of the public to the fact that the original PSPOs have been extended and the effect of such an extension in accordance with the Anti-social

Behaviour Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

This has taken place as set out above, including the required consultation with the Director of Environment, and the Cabinet Member for Environment.

2.3.2 External Consultation/Engagement

This has taken place as set out above and complied with the statutory requirements in that regard.

2.4 Human rights

Particular regard to the rights of freedom of expression and freedom of assembly as set out Articles 10 and 11 of the European Convention on Human Rights was considered when the decision was taken to extend the PSPOs which was considered to be a reasonable and proportionate step to take.

2.5 Equalities and diversity

An Equality Impact Assessment (EIA) was undertaken prior to commencement of the consultation exercise. This has been reviewed and no further changes have been identified at this point. Equality monitoring was undertaken during the consultation, and this highlighted that there was strong participation from those identified within the borough as having a protected characteristic. The EIA will continue to be reviewed during the implementation period.

2.6 Risk management

There are no risk management implications arising directly from this report. Risks are managed via the established risk management arrangements in place within Environment which form part of the corporate risk management framework.

2.7 Crime and disorder

The purpose of a PSPO is to provide the Authority and Police with the ability to effectively tackle anti-social behaviour, which can amount to crime and disorder.

2.8 Environment and sustainability

The existence of PSPOs can improve the environment for the community by preventing behaviour that has a detrimental effect on the community from occurring or recurring.