

Title: Public Spaces Protection Orders (PSPOs) - 2024 Review

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Portfolio Holder: Councillor Jim Sinnott

Wards of the District directly affected: All

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>		Jim Sinnott
<b>Finance</b>		Andrew Rollins
<b>Legal Services</b>	17.05.24	Sue Mullins
<b>Chief Executive</b>	18.05.24	Chris Elliott/Darren Knight
<b>Director of Climate Change</b>	17.05.24	Dave Barber
<b>Head of Service(s)</b>	15.05.24	Marianne Rolfe
<b>Section 151 Officer</b>		Andrew Rollins
<b>Monitoring Officer</b>	17.05.24	Graham Leach
<b>Leadership Co-ordination Group</b>		
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	Yes – (Final decision to consult, but not a final decision re the WDC PSPOs)	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	No	
<b>Accessibility Checked?</b>	Yes	

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## Summary

The District's Public Space Protection Orders (PSPOs) are due for review and this report seeks approval to consult with relevant stakeholders and the wider community regarding the next generation of PSPOs, which will be in force for a further three-year period thereafter.

In 2023 Licensing & Regulatory Committee resolved that the existing PSPOs would be subject to a full review in 2024.

## Recommendations

- (1) Approve consultation for the Warwick District Council PSPOs
  - (2) Note the proposed consultation process, allowing initially for a strategic consultation (Phase 1) with key stakeholders, once initial responses from stakeholders have been received and examined, and evidential tests satisfied, a more specific public consultation (Phase 2) will be carried out.
  - (3) Note the timetable contained in the body of the report and the Communications Plan in Appendix 1.
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## 1 Reasons for the Recommendation

- 1.1 Public Spaces Protection Orders (PSPOs) are intended to deal with nuisance or problems that are detrimental to the local community's quality of life by imposing conditions on the use of an area, enabling residents and visitors to use and enjoy public spaces, safe from anti-social behaviour.

Existing WDC PSPOs

1. [Dog Fouling](#)
2. [Dog on Lead](#)
3. [Dog on Lead by Direction](#)
4. [Dog Exclusion](#)
5. [Intoxicating Substances](#)

PSPOs provides local authorities with the necessary powers to introduce restrictions and prohibitions within a designated area. The implementation of a PSPO is applied to everyone within the designated area. Whilst designed to prohibit certain activities, PSPOs are also intended to enable people to feel that their area, such as Warwick District, is a safe and welcoming place for all.

## 1.2 Supporting Evidence and Consultation

The Antisocial Behaviour Crime and Policing Act 2014 provides the legal framework for the implementation and administration of PSPOs. Orders can be introduced in specific public areas<sup>1</sup> where the local authority is satisfied, on reasonable grounds, that certain conditions have been met.

The conditions that the local authority has to be satisfied are met are that:

- Activities that have taken place have or are likely to take place have a detrimental effect on the quality of life of those in the locality;

- The effect or likely effect of such behaviours is or is likely to be persistent or continuing or is likely to be unreasonable; and
- The effects justify the restrictions being imposed.

<sup>1</sup>Definition of a public area – any place where the public or any section of the public has access to, whether this is by payment, by right or by express or implied permission (e.g. can include certain private or common land).

The Council needs to be satisfied that the legislative requirements are met before an Order can be introduced, and obtaining clear evidence to support this is important.

- 1.3 Collating information about the nature and impact of the behaviour subject to the PSPO is a core element of the evidence gathering and the consultation process and will help inform the Council's view as to whether the evidential requirements have been fulfilled. The evidence will also need to be weighed before the Council can determine whether it is appropriate and proportionate to introduce a PSPO at all, and if so, whether a draft proposal is suitable.
- 1.4 Police, Council officers and officers authorised by the Council can enforce the conditions of PSPOs and may issue Fixed Penalty Notices for non-compliance. Failure to comply with a PSPO is an offence which could result in a fine of up to £1,000 in a Magistrates' court.
- 1.5 PSPOs must be reviewed at least every 3 years, and they can be discharged/expire, or the conditions can be varied.
- 1.6 An officer working group has been set up including officers from - Community Safety, Environmental Health, Green Spaces, Media, Police, Warwickshire County Council, Parking, Neighborhood Services, Climate Change.
- 1.7 The Home Office published statutory guidance in July 2014 to support the effective use of PSPOs to tackle anti-social behaviour, introduced through the Anti-social Behaviour, Crime and Policing Act 2014. The powers introduced by the 2014 Act were deliberately local in nature.

The Council is following the guidance produced by the Local Government Association, which sets out the process for Councils with the aim of setting out the issues that need to be considered.

[LGO PSPO 2018 Guidance for Councils](#)

- 1.8 Before introducing, extending, or varying PSPOs, the Council is required to consult with statutory consultees as well as the public. Statutory consultees include:
  - Chief Officer of Police for the area
  - Police & Crime Commissioner
  - Owners/occupiers of land affected by the PSPO (where practicable)
  - Community representatives

This report seeks approval to launch the consultation exercise for the District's PSPOs.

**Phase 1** - which will run for a minimum of six weeks and will cover a review of the PSPOs. Consultees will also be asked for their views (and evidence) for consulting on any potential new PSPOs.

**Phase 2** - which will run for a minimum of six weeks and will involve a wider consultation with the public and include consulting on the findings following Phase 1. (NB The questions for this survey will be subject to the findings in Phase 1).

The proposed timetable for consultation and subsequent implementation of PSPOs is:

June 2024	Phase 1 - Strategic stakeholder consultation begins.
July 2024	Phase 1 - Strategic stakeholder consultation ends.
Aug 2024	Consideration of Phase 1 consultation responses and evidence, by the PSPO working group.
Oct 2024	L&R Committee Report - Proposed draft PSPOs to Committee, based on responses received and evidential tests satisfied.
Nov 2024	Phase 2 – Public consultation on draft PSPOs begins.
Dec 2024	Phase 2 - Public consultation on draft PSPOs ends.
Jan 2025	Consideration of Phase 2 public consultation responses, by PSPO working group.
April 2025	Committee Report - for final approval and adoption of PSPOs. (Six-week period for legal challenge)
June 2025	Adoption of reviewed/new PSPOs.

## **2 Alternative Options**

Alternative options for the Council's officers to manage anti-social behaviour in public spaces are limited due to available enforcement legislation.

Police officers have additional legislative powers to manage criminal activities and offences, however, their resources are limited and ability to tackle this type of anti-social behaviour can be restricted.

## **3 Legal Implications**

The Council must consider the impact a PSPO may have on the vulnerable and should ensure that it is not aimed at specific groups of people but at specific activity and behaviour.

An interested person can challenge the validity of a PSPO in the High Court within six weeks of the PSPO (or variation) being made, but only on the basis that the Council did not have the power to make the order or variation or that a requirement of the legislation was not complied with. The decision to make or vary a PSPO may also be challenged by judicial review on public law grounds within three months of the decision to make the or vary the PSPO.

## **4 Financial Services**

There are no costs associated with this report, but new signage would be required for any new PSPOs which would be funded from the appropriate Community Safety budget.

## **5 Corporate Strategy**

5.1 Warwick District Council has adopted a Corporate Strategy which sets out three

strategic aims for the organisation. Each proposed decision should set out how the report contributes to the delivery of these strategic aims. If it does not contribute to these aims or has a negative effect on them the report should explain why that is the case.

## **5.2 Delivering valued, sustainable services**

In order that the Council can continue to focus its efforts and activities on the needs of its residents, communities and businesses, this priority will be further reviewed in Phase 2.

## **5.3 Low cost, low carbon energy across the district**

No contribution identified by these recommendations of the report.

## **5.4 Creating vibrant, safe, and healthy communities of the future**

5.4.1 PSPOs have the potential to foster vibrant, safe, and healthy communities of the future in several ways:

5.4.2 Enhancing safety by regulating activities that pose safety risks or create public nuisances such as drug dealing or antisocial behaviour, PSPOs will contribute to creating safer environments for residents and visitors. This fosters a sense of security and encourages community members to engage more freely in public spaces.

5.4.3 PSPOs can play a role in promoting public health and well-being by regulating activities that have negative health impacts such as consuming alcohol and other intoxicating substances in public spaces. By creating environments that support healthy lifestyles, PSPOs contribute to improving overall community health outcomes.

5.4.4 PSPOs can protect and preserve green spaces, parks and recreational areas from activities that may cause environmental degradation or damage by ensuring the sustainability of these spaces.

5.4.5 PSPOs promote opportunities for outdoor recreation exercise and relaxation, which are essential for physical and mental well-being.

5.4.6 By empowering communities to participate in the development and enforcement of PSPOs, local authorities can promote civic engagement and ownership of public spaces. This collaborative approach fosters a sense of responsibility among residents and encourages active participation in shaping the future of communities.

5.4.7 Well managed public spaces can attract visitors, support local businesses, and stimulate economic activity by creating attractive and welcoming environments. PSPOs contribute to the vitality in commercial areas and support sustainable economic development.

5.4.8 Overall PSPOs have the potential to create vibrant safe and healthy communities by fostering inclusive, accessible, and well-maintained public spaces that support the well-being and quality of life of all residents.

## **6 Environmental/Climate Change Implications**

PSPOs may promote sustainable behaviour by prohibiting activities that harm the environment. This can lead to increased awareness and adoption of eco-friendly practices among the public.

## **7 Analysis of the effects on Equality**

- 7.1 PSPOs can help create inclusive communities by ensuring that public spaces are accessible and welcoming to all individuals, regardless of background or socio-economic status. By prohibiting discriminatory behaviour or actions that exclude certain groups PSPOs promote equity and social cohesion.
- 7.2 The government guidance on PSPOs states that the restrictions of a PSPO can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. The PSPOs will apply to all individuals committing anti-social behaviour within the designated areas, without discrimination. No particular group should be disadvantaged through publicity or enforcement of the PSPOs. Therefore, a full Equality Impact Assessment is not deemed necessary.

## **8 Data Protection**

The personal details of contributors to the survey will be confidential and held in accordance with the Council's standard privacy process. A privacy impact Statement will be published with the survey.

## **9 Health and Wellbeing**

Anti-social behaviour can have a significant effect on mental health. The Orders seek to reduce ASB and are a positive contribution to community and individual well-being.

## **10 Risk Assessment**

- 10.1 Not having valid PSPOs in place can impact negatively on the Police and Council officers' ability to enforce problem drinking, use of intoxicating substances and dog-related nuisance across the district. This may have a detrimental effect on the reputation of the Council by:
  - People drinking alcohol and taking intoxicating substances and engaging in anti-social behaviour as a result.
  - An increase in dog fouling.
  - No way to control dogs causing nuisance, (i.e. requirement to place a dog on a lead).
  - Dogs entering children's play areas, sports areas, and marked pitches.
  - Potential for increase in crime and disorder.
- 10.2 There will be risks associated with Council enforcement officers who will be tasked with enforcing a PSPO and appropriate training is provided and will be maintained.
- 10.3 There are also reputational risks in terms of the Council being perceived as enforcing against vulnerable persons and seeking to criminalise certain behaviours which wouldn't normally attract fixed penalty notices or prosecution for non-payment.

10.4 PSPOs may raise expectations that prohibited behaviours will be eliminated entirely; however, due to difficulties in identifying some of the contraventions and taking a proportionate approach to enforcement, there will not always be immediate results which may be noticeable to the public.

**11 Background papers:**

[L&R Committee 20 February 2023](#)

**12 Supporting documents:**

[LGO PSPO Guidance for Councils](#)

## **Communications Plan – Public Space Protection Orders (PSPOs)**

### **Aims/Objectives**

1. Ensure the right groups are engaged with at the right time.
2. Ensure that each group is clear about what is required of them at each phase.
3. Councillors and stakeholders are informed so they can support the process.
4. Ensure the public know the timescales and the process involved.

### **Key Milestones**

1. Phase 1 – June 2024
  - a. Report to May Committee
  - b. A 6-week strategic consultation to key stakeholders.
  - c. Statement on the website – clear milestones and process of decision making.
  - d. Website page with FAQs
  - e. Report to October Committee
2. Phase II – Nov/Dec 2024
  - a. A formal 6-week consultation for the public, using insight from Phase 1
  - b. Updated narrative for stakeholders
  - c. Update website and FAQs
  - d. Report to April 2025 Committee
3. May 2025 Adoption of reviewed/new PSPOs

### **Key Narrative/comms lines**

1. What do you think about our current orders and what would you change?
2. Additional areas include vehicles, car parks, Pump Room Gardens, BBQs, and anything that comes out of the survey.
3. Draft Website statement

Warwick District Council is beginning the process of reviewing its PSPOs (Public Spaces Protection Orders). There are two stages to this process, which will review our current PSPOs and investigate whether there is a requirement for additional ones. There will be the opportunity to share your thoughts and help shape our community in phase II. We'll keep you updated."

### **Background – issues/context**



1. Process needs to be transparent and collaborative and not predetermined.
2. Newbold Comyn – dog walkers have become a vocal group and quick to share information from their perspective.
3. During the 2020 review information was inadvertently released to the public and created some negative publicity, this is the main reason why the consultation has been divided into two clear phases for this review.

## **Stakeholder mapping**

Phase 1 (stakeholder list to be finalised)

Police, WCC, Parish Councils, Dogs Trust, Kennel Club, Vets, Canal River Trust, Leamington BID, Youth Organisations, Churches, Crem, Green Spaces team, Licensed premises, Licensing team, Forestry Commission, Parks & Gardens Trust, Warwickshire Wildlife Trust, RSPB, Warwick Racecourse, Sport England (football pitches), Fire Service, English Heritage, EA, schools, Warwick Uni – union, Network Rail, Stagecoach, CGL, Ward Cllrs, Neighbourhood Services, Housing, Pub Watch, CJ Events

Briefing to group leaders at appropriate times during the process.

## Action Plan – key dates

Date	Action	Notes
May 2024	Prepare the website – statement/timescales/process Prepare the FAQs Finalise the phase 1 consultation	Media
May 2024	Committee report	LH/LY
June 2024	Launch phase 1 consultation. Prepare a reactive statement for and media enquiries (as this one is not a public consultation) Update FAQs as enquiries come in.	Media LY/JB
After 6-week period	Survey results – where do they go? Who are they shared with?	All
October 2024	Committee report Press Release – updated recommendations/next steps Update website/FAQs Update phase 1 consultation group to ensure they know outcome.	LH/LY Media
November 2024	Launch public consultation – phase II Update the website statement for public involvement/timescales. Use platforms to reach all hard-to-reach groups. Use social media to target groups. Ensure paper versions are available at key places (tbc) Consider whether in-person engagement is required – media to monitor and recommend, depending on feedback.	
April 2025	Committee report Press Release – next steps in the decision-making process	
June 2025	Launch the “new” PSPOs. Press Release – target all relevant groups. Website update – new statement of thanks/confirm process and timescales Update all FAQs	