

 Licensing & Regulatory Committee 8 July 2020		Agenda Item No. 4
Title	Consultation on the revision and renewal of the district's Public Space Protection Orders – Restricted Drinking Zones & Dog Control Orders	
For further information about this report please contact	Liz Young Community Safety & Partnerships Manager liz.young@warwickdc.gov.uk 01926 456019	
Wards of the District directly affected	ALL	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	14 January 2014 Executive	
Background Papers	Anti-Social Behaviour, Crime and Policing Act (2014) Dog Control Orders (Executive 30/07/2014) Ranger Service (Executive 03/09/2014)	
Contrary to the policy framework:	No	
Contrary to the budgetary framework:	No	
Key Decision?	Yes	
Included within the Forward Plan? (If yes include reference number)	No	
Equality Impact Assessment Undertaken	No	
A full EIA will be carried out based on the outcomes of the consultation		

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		Andrew Jones
Regulatory Manager	30/06/2020	Lorna Hudson
CMT		
Section 151 Officer		
Deputy Monitoring Officer	30/06/2020	Graham Leach
Finance		Mike Snow
Portfolio Holder(s)		Judith Falp
Consultation & Community Engagement		
As detailed in the Background section of this report		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 The district's Public Space Protection Orders (PSPOs) expire on 21 October 2020. (See Appendix 2)
- 1.2 Before introducing, extending, varying or discharging a PSPO, there are requirements under the Anti-Social Behaviour, Crime and Policing Act 2014 Act regarding consultation, publicity and notification.
- 1.3 Approval is being sought to consult residents, businesses, partners and relevant stakeholders on the extension and variation of these orders.

2. **Recommendations**

- 2.1 The Licensing & Regulatory Committee authorise a statutory consultation, for 4 weeks on the proposals outlined below.
- 2.2 The Licensing & Regulatory Committee note that following the consultation a further report will be submitted to this committee for a decision on extending and varying the PSPOs.

3. **Reasons for the Recommendations**

- 3.1 Where PSPOs are varied, extended or discharged, there are statutory requirements regarding publishing or publicising this and councils are required to undertake a consultation process.
- 3.2 Local authorities are obliged to consult with the local chief officer of police; the police and crime commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives. Any county councils (where the Order is being made by a district), parish or community councils that are in the proposed area covered by the PSPO must also be notified. 'Community representatives' are defined broadly in the Act as 'any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area'.
- 3.3 It is proposed to discharge the Restricted Drinking Zone PSPO and replace it with an Intoxicating Substances PSPO, to include alcohol and making it an offence for a person 'without reasonable excuse' to breach the PSPO in terms of ingestion, inhalation, injection, smoking or otherwise use of an intoxicating substance. This approach has been informally discussed with Warwickshire Police who support this inclusion.
- 3.4 Since they were introduced in Warwick District, the various Dog Control Orders have proven to be successful, with accurate signage and dog owners generally adhering to the orders. The orders in place currently are:
 - Dog Fouling
 - Dogs on Lead
 - Dogs on Lead by Direction
 - Dog Exclusion

- 3.4.1 No changes to the Dog Fouling Order are proposed.
- 3.4.2 Dogs on Lead to be extended to include Warwick Racecourse (when crossing the track either way at the designated public access points).
- 3.4.3 No changes to the Dogs on Lead by Direction Order.
- 3.4.4 It is proposed to vary the Dog Exclusion with the addition of three new play areas that have been adopted since the Orders were last reviewed. These are:
Abbey Fields Children's Play Area
Guys Cliffe/Dragon Cottage
Burgundy Gardens Play Area, Whitnash

Some areas are to be removed as indicated on Appendix 2.

It is also proposed to extend the Dog Exclusion to include Newbold Common Golf course (except when using the public footpath as it crosses the golf course, in which case a dog must be kept on a lead).

- 3.4.5 The introduction of a maximum number of dogs that can be walked at any one time is also being proposed the maximum number considered at this moment is to be no more than 4 dogs and cover the same areas as dogs on lead.
- 3.5 The consultation is to encourage open discussion as part of the consultation process to help to identify how best to balance the interests of different groups – both those affected by an anti-social behaviour and those who will be restricted by the terms of an Order – and a chance to explore whether there may be any unintended consequences from the proposals; in particular, any adverse impacts on vulnerable people.
- 3.6 The consultation will take place during July/August 2020 lasting for a 4 week period, after which a further report, including a summary of any representations received, will be submitted to this committee for a final decision.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report shows the way forward for implementing a significant part of one of the Council's Key projects."

Work in tackling anti-social behaviour is a significant part of the Council's vision for Safer Communities of:

"Protecting our communities from harm with an emphasis on the prevention of incidents, whilst focusing on the most vulnerable to make them feel safer"

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Becoming a net-zero carbon organisation by 2025 Total carbon emissions within Warwick District are as close to zero as possible by 2030 Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
Tackling ASB impacts significantly on the quality of life of residents and level of crime and disorder is cited as the top consideration when deciding on where to live	PSPOs enable a preventive and if necessary an enforcement approach resulting in reducing crime and disorder thus allowing communities to enjoy the district's public open spaces	PSPOs help police and the Council to safely manage the night time economy and ensure people keep coming to enjoy the vibrancy of the town centres thus helping to boost the local economy
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
The Ranger Service provides additional authorised officers supporting police officers, PCSOs and	No impact	No impact

- 4.2 **Supporting Strategies** – This report does not directly impact on any of the supporting strategies of Fit for the Future.
- 4.3 **Changes to Existing Policies** – The report does not bring forward any changes to any existing Council Policies.
- 4.4 **Impact Assessments** - Equality IA - the government guidance on PSPO 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. A Equality Impact Assessment will be conducted after the consultation.
5. **Budgetary Framework**
- 5.1 There are no costs associated with this report but new signage would be required for any Public Space Protection Orders which would be funded from the appropriate Community Safety budget. This will be the subject of a further report following the consultation.
6. **Risks**
- 6.1 Not having valid PSPOs in place will have an impact on the Police and Council officers ability to enforce drinking and drug associated anti social behaviour 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
 - Dogs being walked off the lead for example on highways and in cemeteries
 - Any number of dogs being walked by one person
 - 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
7. **Alternative Option(s) considered**
- 7.1 Not to consult or renew the PSPOs. This option is not recommended for the reasons highlighted in 6.1. Allowing the PSPOs to lapse without extending them will result in a recurrence of the activities that are detrimental to the quality of life of people who live, visit or work in the district.
8. **Background**
- 8.1 The Anti-Social Behaviour, Crime and Policing Act 2014 automatically converted RDZs to PSPOs for three years with effect from 2017, then giving a further three years before requiring review. The revised PSPOs need to be in place by 21 October 2020.

8.2 PSPOs are intended to deal with nuisance or problems in a particular area that is detrimental to the local community's quality of life, by imposing conditions to the use of that area, which apply to everyone.

8.3 The Intoxicating substance PSPO do not make it an offence to drink in the restricted areas, but it would be an offence if any person failed without reasonable excuse to comply with a Police Officer's, designated council officer's or Street Marshall's request, if the Officer or Marshall believed that the continuation of drinking would lead to that person carrying out anti-social behaviour. This includes:

- A request not to consume in that anything which is intoxicating liquor, if requested to do so by the Officer/Marshall
- A request to surrender anything which the Officer/Marshall believes to be intoxicating liquor, if requested to do so by the Officer/Marshall

8.4 The district-wide Restricted Drinking Zone has proven effective, with Street Marshals in Leamington Spa able to confiscate alcohol from members of the public in the town centre and in doing so, reducing the possibility of public disorder. Below are the confiscation statistics for the last 12 months:

2019	Spring	938
	Summer	1259
	Autumn	1125
2020	Spring	58 (as of 12/02/2020).

No arrests have been made as a result of any breaches and only one fine has ever been issued and that was pre 2017.

8.5 As a result of the Covid-19 pandemic, when licensed premises return to trading we have been advised that the majority of businesses will be utilising additional outdoor spaces for customers to consume alcohol. This is likely to have an impact on the levels of alcohol related incidents across the district for the foreseeable future, and it is for this reason that we are proposing to maintain the current district-wide order for the next three years.

Appendix 1

DOG CONTROL ORDER – EXCLUSION ZONES

Kenilworth

- [Abbey Fields Childrens Play Area \(new site\)](#)
- Glendale Avenue Children's Play Area
- **Red Lane Play Area (Remove. No longer with WDC)**
- St John's Children's Play Area

Leamington

- Austen Court Play Area, Cubbington
- **Campion Hills BMX Track (Remove as it no longer fenced off)**
- Eagle Recreation Ground Children's Play Area and MUGA, Eagle Street
- Elizabeth Road Children's Play Area
- Fallow Hill Children's Play Area, Sydenham Road
- [Guys Cliffe/Dragon Cottage \(new site\)](#)
- Kennedy Square Play Area
- Mason Avenue Play Area (within tarmac path and fenced area)
- Midland Oak Children's Play Area, Lillington Road
- Mill Gardens Children's Play Area, Mill Road
- Newbold Comyn Children's Play Area (at end of roadway and pub playground)
- Rushmore Street Children's Play Area
- **Saxon Meadows Children's Play Area (Remove no longer there)**
- Shrublands Children's Play Area, Bury Road
- The Holt Children's Play Area
- Victoria Park Toddler Play Area
- Victoria Park Paddling Pool
- Villiers Street Toddler Play Area
- Windmill Road Children's Play Area
- Wych Elm Drive Children's Play Area
- [Burgundy Gardens Play Area \(Whitnash\) New site](#)

Warwick

- **Pattens Road Play Area (Remove no longer there)**
- Priory Pools Toddler Play Area & Children's Play Area within tarmac circular path, Lyttleton Road
- Saltisford Common Children's Play Area, St Michaels Road
- St Nicholas Park Paddling Pool
- The Marish Children's Play Area, Chase Meadow
- Warwick Gates (East) Children's Play Area, Othello Avenue
- Warwick Gates (West) Toddler Play Area, Ophelia Drive

Rural

- Francis Road Children's Play Area, Baginton
- The Meadow Toddler Play Area, Austen Court, Bishops Tachbrook
- Hatton Park Toddler Play Area, Barcheston Road
- Norton Lindsay Village Hall Children's Play Area
- Weston Under Wetherley Toddler Play Area, Sabin Drive

Appendix 2

Excel Spreadsheet – Overview of Existing PSPOs (June 2020) and Proposals