

Joint Report of: Executive Member for Community Development and Executive Member for Environment and Transport

Meeting of:	Date:	Ward(s):
Executive	15 October 2020	All

Delete as appropriate:		Non-exempt
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SUBJECT: Renewal of Public Space Protection Orders for Alcohol and Dog Controls**1. Synopsis**

- 1.1 This report seeks to extend the Public Space Protection Orders (PSPO) covering dog control and the drinking of alcohol in public places when associated with nuisance or anti-social behaviour.
- 1.2 These orders have been in place since 2017 and expire on the 19th October 2020. The report looks to extend the PSPOs for a further three year period.

2. Recommendations

- 2.1 To note the review of consultation responses in Appendix 3.
- 2.2 To agree to extend the PSPOs as set out in Appendix 1 and 2 for a three year period.

3. Background

- 3.1 The Council has two existing borough wide PSPOs which expire on 19th October 2020. The PSPOs were created in 2017 when the legislation relating to dog control and drinking in public places was replaced. The PSPOs mirrored the controls that were in place at that time.

- 3.2 The PSPO dealing with alcohol requires the stopping of drinking or handing over of alcohol when requested by an authorised officer in order to prevent public nuisance, ASB or disorder. It does not ban the drinking of alcohol in public. The areas where the PSPO is most frequently enforced with measurable results are:
- Pre and post loading around the night time economy areas and transport hubs
 - Emirates area on match days
 - Street drinking
- 3.3 The PSPO dealing with dog control covers three areas
- Excluding dogs from designated areas
 - Requiring dog faeces to be picked up by their owners
 - Requiring dogs to be kept on leads in specific circumstances
- These controls are enforced across Islington, largely by education and encouragement, although formal action is taken when required.
- 3.4 The enforcement of PSPOs is by the issuing of a fixed penalty notice. The maximum fine is currently £100.
- 3.5 The PSPOs proposed are largely unchanged other than the schedule of dog free areas where a number of new public spaces created since 2017 have been added.
- 3.6 A statutory consultation needs to be carried out before PSPOs can be recommended for approval. An on-line consultation has been carried out and the results are summarised in Appendix 3. For both PSPOs, the results are heavily in favour of approving the PSPOs.

4. Implications

4.1 Financial implications:

The only additional cost attached to these changes will be the maintenance cost of appropriate signage and this will be met from local budgets.

4.2 Legal Implications:

The Council is proposing to extend the PSPO currently in place for anti-social behaviour related to street drinking and to extend and vary the PSPO currently in place for dogs.

A PSPO can be extended where the Council is satisfied on reasonable grounds that doing so is necessary to prevent occurrence of or an increase in the activities identified in the order. The extension cannot be for a period longer than 3 years, although a PSPO can be extended more than once.

A PSPO can be varied so that it applies to areas to which it did not previously apply only if the following conditions are met as regards activities in that area. The first condition is that—

- (a) activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality, or
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is 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 unreasonable, and
- (c) justifies the restrictions imposed by the notice.

The Council must carry out a statutory consultation with the chief officer of police & the local policing body, the community representatives the Council thinks it appropriate to consult and the owner or occupier of land within the restricted areas (although this does not apply to land that is owned and occupied by the Council). There are no statutory requirements about the length of the consultation process although the LGA guidance provides that the duration of the consultation should ensure sufficient time for the Council, to meaningfully engage with all those who may be impacted by the PSPOs.

Draft proposals for a PSPO must be published as part of the consultation process. For varied orders the text must be published and for extended orders the proposal must be publicised.

When a PSPO is varied or extended the Council must publish it on its website. The Council must also put up notices on or adjacent to the public place to which the PSPO relates to draw the attention of any member of the public using that place to the fact that the PSPO has been extended or varied, and its effect.

4.3 Environmental Implications and contribution to achieving a net zero carbon Islington by 2030:

As the existing PSPOs are to be extended, there are no changes that would have new environmental implications. The PSPOs have a positive impact on the environment as they discourage dog fouling and littering associated with alcohol consumption.

4.4 Resident Impact Assessment:

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment was completed on 30 July 2020 and attached at Appendix 4. It found no negative equalities or safeguarding impacts.

5. Reason for recommendations

- 5.1 If the recommendations are not accepted, then the council's powers to deal with alcohol related disorder and ASB and issues relating to dog fouling and dog control will lapse with no other means of regulation. The consultations have shown responders to be in favour of extending the PSPOs and they are therefore recommended for approval.

Background papers - none

Appendices

- Appendix 1 – Proposed alcohol related PSPO
- Appendix 2 – Proposed dog related PSPO
- Appendix 3 – Summary results of Consultation
- Appendix 4 – Resident Impact Assessment (RIA)

Signed by:



22.9.20

Executive Member for Community
Development

Date



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Executive Member for Environment and
Transport

Date

Report

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