

Subject:	Designated Public Place, Dog Control and Gating Orders transitioning to Public Spaces Protection Orders		
Date of Meeting:	9th October 2017		
Report of:	Executive Director for Neighbourhoods, Communities and Housing		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The purpose of this report is to advise committee that under the Anti-Social Behaviour (ASB), Crime and Policing Act 2014 the existing Designated Public Place Order, Gating Orders and Dog Control Orders will be treated as Public Space Protection Orders from October 2017.

2. RECOMMENDATIONS:

- 2.1 That the committee notes the transition of the existing orders into Public Space Protection Orders.
- 2.2 That the committee notes and welcomes a future report on the six month review of the current PSPO in the city which will be carried in October 2017.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Under the Anti-social Behaviour, Crime and Policing Act 2014 the existing Designated Public Place Order (DPPO), Gating Orders and Dog Control Orders in place at the time the Act came into force (October 2013) continued for three years. From October 2017 the new Act states they will be treated as PSPOs.
- 3.2 There is no requirement for the council to do anything, the existing orders will automatically transition into three new PSPOs.
- 3.3 From October 2017 these orders will automatically transition into PSPOs with the same conditions as the original orders.
- 3.4 It has been possible at any time to rescind these orders if the need arose. The new Act changes nothing in this respect.

- 3.5 The orders were implemented to manage specific anti-social behaviour and officers and those impacted upon are of the view that they remain an effective option to manage such behaviour.
- 3.6 Brighton and Hove has a city wide DPPO in place. This order allows police officers and police community support officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB.
- 3.7 Brighton and Hove has a number of dog control orders in place in a number of parks and open spaces including the seafront. They replaced former inconsistent and unenforced bylaws. There are four orders requiring:
- Removal of dog faeces
 - Dogs on leads
 - Requiring a dog to be put on a lead when requested by an authorised officer
 - Dog exclusion areas
- 3.8 Brighton and Hove has two gating orders in place, one at Brunswick Row Brighton to manage drug use, dealing and street drinking. The other is at Farman Street. Hove due to reports of night time disorder, drug use, street drinking and criminal damage. Both are night time orders with locking managed by residents.
- 3.9 There is no requirement for the council to consult on the transition of these orders. In April 2017 a new PSPO was implemented to manage ASB in parks and open spaces. This was well evidenced and fully consulted on but was considered controversial by some. The new order will be reviewed over the winter of 2017.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 It would be possible to rescind these orders but they are helpful in managing the specific anti-social behaviour they were introduced to address.
- 4.2 Residents and professionals have no desire to rescind them.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 There is no requirement to consult in relation to the transitioning of these orders. However, work has been undertaken to consult with those impacted on by these orders.
- 5.2 In relation to the DPPO police and support services for the street community have been consulted and are strongly of the view that the DPPO should transition to a PSPO and remain in place Their rationale is that the DPPO sets the tone for the city and acts as a deterrent to potential offenders. The police are

of the view that it is helpful to have in place a process whereby those persons drinking in public places and causing ASB can have their alcohol removed allowing effective management of ASB, events and the street community where necessary.

- 5.3 Regulatory Services at Brighton & Hove City Council have been consulted on Dog Control Orders. They have not received any requests for changes to the current Dog Control Orders and therefore consider them to be proportional and appropriately targeted.
- 5.4 Residents and elected members have been contacted in the locality of the two gating orders. Residents at Brunswick Row felt the order was still necessary as a community safety and crime reduction measure. There have been no responses in relation to Farman Street so far.

6. CONCLUSION

- 6.1 This is a relatively straightforward process that will enable the existing orders to continue to be effective.
- 6.2 At any time, where there is evidence and strong public support these orders can be varied or rescinded.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Existing signage will need to be replaced at an estimated cost of £2500. This will be managed within the current budgets for Community Safety, Regulatory Services, Cityparks and the Seafront Team.

Finance Officer Consulted: Monica Brooks

Date: 01/09/17

Legal Implications:

The text of the report summarises the law. Section 75 Of The Anti-Social Behaviour Crime and Policing Act 2014 is relevant and confirms that as part of the transitional arrangements gating orders, DPPO's and dog control order were not repealed and remained in force. As of 20th October 2017 they will be treated as if they were a PSPO. As they have 'changed' to PSPO's there is in our view an obligation to meet the regulatory requirements of a PSPO and in particular ensuring that the signage is correct, otherwise they would not be enforceable.

Lawyer Consulted: Simon Court

Date: 4/09/17

Crime & Disorder Implications:

- 7.3 These orders assist in the council discharging its duty under the Crime and Disorder Act 1998

Equalities Implications:

7.4 There are no equalities implications in relation to this report.

Sustainability Implications:

7.5 There are no sustainability implications in relation to this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Dog Control Order 1 Fouling of land
2. Dog Control Order 2 Dogs on leads
3. Dog Control Order 3 Putting on lead by direction
4. Dog Control Order 4 Exclusion from land
5. Farman Street gating order
6. Brunswick Row gating order