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EXECUTIVE DECISION RECORD

A1 Service Area	Regulatory Services
A2 Title	The renewal of Public Space Protection Orders for the Control of Dogs and Control of Alcohol in Public Places
A3 Decision Taken By	Deputy Leader
A4 Chief Officer	Please print name: Mark Rizk Please sign name: Approval by email 271022
A5 Leader / Deputy Leader	Please print name: Cllr Bernard Peters Please sign name: Approval by email 261022
A6 Date of Decision	27 th October 2022

Confidentiality

A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?	No
A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.	N/A

Scrutiny

A8 Which Scrutiny Committee should this decision be submitted to?	<i>(Please tick as appropriate)</i> ✓	
Scrutiny (Audit & Value for Money Council Services) Committee	<input type="checkbox"/>	
Scrutiny (Community Regeneration, Environment and Health and Well Being) Committee	<input checked="" type="checkbox"/>	

<p>B1 What is the Decision?</p>	<p>To make Public Space Protection Orders for the control of dogs and the control of alcohol in public places. (The amendments are shown in the attached appendix).</p>
<p>B2 What are the reasons for the Decision?</p>	<p>The Councils current Public Space Protection Orders commenced in October 2019 and are required to be reviewed every 3 years therefore the council commenced a review of the current Orders in January 2022.</p> <p>A comprehensive consultation exercise was undertaken regarding existing public space protection orders. Some additional and extensions for the control of dogs and the consumption of alcohol and other orders were included.</p> <p>Under Section 59 of the Act, the council can make a Public Space Protection Order if it is satisfied on reasonable grounds that two conditions are met.</p> <p>The two conditions are as follows:</p> <p>(a) activities carried on in a public place within the authorities area have had a detrimental effect on the quality of life of those in the locality, or</p> <p>(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.</p> <p>The second condition is that the effect, or likely effect, of the activities:</p> <p>(a) is, or is likely to be, of a persistent or continuing nature ,</p> <p>(b) is, or likely to be, such as to make the activities unreasonable, and</p> <p>(c) Justifies the restrictions imposed by the notice.</p> <p>The prohibitions and requirements to be imposed by the Public Space Protection Order are reasonable to include in the Order –</p> <p>(a) to prevent the detrimental effect referred to in subsection (2) from continuing , occurring or recurrence, or</p> <p>(b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.</p>

B3 What are the contributions to Corporate Priorities?	Environment and Health and Wellbeing
B4 What are the Human Rights considerations?	There are no Human Rights issues arising from this decision.

Financial Implications

B5 What are the financial implications?	<p>The main financial issues arising from this decision are as follows:</p> <p>The cost (estimated at £1k) will be met from existing licensing enforcement resources allocated for the purpose.</p>
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The finance section has been approved by the following member of the Financial Management Unit:	<p>Please print name: Anya Murray</p> <p>Please sign name: Approval by email 261022</p>
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Policy Framework

B6 Is the Decision wholly in accordance with the Council's policy framework?	Yes
B6.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B6.2 Has it got the appropriate approvals under those provisions?	N/A
B7 Is the Decision wholly in accordance with the Council's budget?	Yes
B7.1 If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
B7.2 Has it got the appropriate approvals under those provisions?	N/A

Equalities Implications

B8 What are the Equalities implications: NA
B8.1 Positive (Opportunities/Benefits):
B8.2 Negative (Threats):
B8.3 The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.
B8.4 [The equality impact assessment identified the following actions to be carried out:]

Risk Assessment

B9 What are the Risk Assessment implications:
B9.1 Positive (Opportunities/Benefits): PSPO's in designated areas will assist in reducing the anti-social behaviour in the areas where it is a known problem. The PSPO's will assist and support responsible dog ownership across the Borough.
B9.2 Negative (Threats): Designated areas may have the effect of moving the problem somewhere else in the Borough.
B9.3 The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

Legal Considerations

B10 What are the Legal Considerations:

B10.1 The main legal issues arising from this decision are as follows:

The power to make Public Space Protection Orders is derived from the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”). Public Space Protection Orders have effect for a period of three years. There is provision for a Public Space Protection Order to be extended for a further three years, and on more than one occasion.

The Council has satisfied itself that the conditions stipulated at section 59(2) and section 59 (3) of the Act are met and has consulted with the Police, the Police and Crime Commissioner and other bodies. The Council is also satisfied that the prohibitions and requirements imposed by the Public Space Protection Orders reasonable measures to deal with the anti-social behaviour identified.

This section has been approved by the following member of the Legal Team:

Please print name: Glen McCusker –
Locum Solicitor

Please sign name: [Approval by email
271022](#)

Sustainability Implications

B11 What are the Sustainability implications: N/A
B11.1 The proposal [would/would not] result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures). The positive/negative impacts are set out below (please refer to guidance notes).
B11.2 Positive (Opportunities/Benefits):
B11.3 Negative (Threats):

Health & Safety Implications

B12 What are the Health & Safety implications: N/A
B12.1 [A Risk Assessment has been carried out and entered into Safety Media for all significant hazards and risks.] [A Risk Assessment has not been carried out and entered into Safety Media for all significant hazards and risks because there are no significant hazards or risks arising from this decision.]
B12.2 [The significant hazards and risks have been identified in the Safety Media Risk Assessment numbered []. Any financial implications to mitigate against these hazards and risks are considered above.]
B12.3 [Control measures and an action plan have been identified for any significant hazards and risks identified in the risk assessment. The positive/negative impacts are set out below]
B12.3.1 Positive (Benefits)
B12.3.2 Negative (Threats)

Key Decision

B13 Is this a Key Decision?	No
<p>Note: A Key Executive Decision is one where:</p> <ol style="list-style-type: none"> 1. REVENUE – Any contract or proposal with an annual payment or saving of more than £100,000 2. CAPITAL – Any capital project with a value in excess of £150,000 3. A decision which significantly affects communities living or working in an area comprising two or more wards. 	
B13.1 If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	NA
B13.2 If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	NA

NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.

Please send the original signed document to andrea.davies@eaststaffsbc.gov.uk