

Report to: Cabinet

Date of Meeting: 15 May 2017

Report Title: Review of Consultation and Implementation of Public Space Protection Orders(PSPOs) for Hastings

Report By: Mike Hepworth, Assistant Director, Environment and Place

Purpose of Report

To summarise the consultation feedback on the draft Public Spaces Protection Orders (PSPOs) relating to antisocial behaviour and dog controls, agree changes to the draft PSPOs, and to seek approval for the Chief Legal Officer to make the Orders in accordance with regulations published by the Secretary of State.

Recommendation(s)

Agree the proposed amendments to the draft Dog Control and Anti-Social Behaviour PSPOs to reflect feedback received during the consultation, and authorise the Chief Legal Officer to make the Orders on 16 May to take effect on 12 June, in accordance with regulations published by the Secretary of State.

Authorise the Chief Legal Officer to correct any minor drafting errors that may be identified, and make minor amendments including deletions and insertions that may be necessary to ensure the PSPOs are accurate.

Reasons for Recommendations

PSPOs replace existing controls such as those relating to dog fouling, under the provisions of the Anti-social Behaviour, Crime and Policing Act 2014. The existing provisions are superseded in October 2017.

They also enable local authorities and their partners such as the Police to address serious anti-social behaviour in public places.

The deterrent effect of PSPOs and enforcement where appropriate, will contribute to the Council's vision for a safer cleaner town.

Background

1. On 6 March Cabinet considered a report setting out the rationale for making 2 Public Spaces Protection Orders (PSPOs) relating to anti-social behaviour and dog control. The report recommended that the Council should carry out a 4 week consultation on the draft PSPOs. Cabinet agreed and the consultation started on 24 March and ended on 21 April.
2. Before submitting the finalised PSPOs to Cabinet seeking approval for the Chief Legal Officer to make the Orders, Cabinet also agreed that the Assistant Director for Environment and Place, in consultation with the Director of Operational Services, the Chief Legal Officer, and the Lead Member for Environment and Place should review the feedback from the consultation and amend the draft PSPOs as appropriate.
3. This report summarises the feedback from the consultation, and explains how and why the draft PSPOs have been amended to reflect the feedback, and in some cases why they haven't been amended.
4. This report does not repeat the review of PSPOs that was presented to Cabinet on 6 March, which summarised the legal background to the Orders and the need for introducing them within the borough of Hastings.
5. The report explains how the consultation was carried out and then considers the feedback received in 2 parts. Firstly that which relates to the proposed dog control PSPO, and secondly that relating to general anti-social behaviour associated with some of the wider street community.

The consultation process

6. The Council notified a wide range of people and organisations of the consultation, including all of those that have to be consulted by law. But also many community groups, local dog clubs and business representatives. It also consulted local statutory and voluntary organisations working with the wider street community.
7. The consultation was also reported to the Local Strategic Partnership, and brought to the attention of groups such as Hastings Voluntary Action, the Youth Council, Seniors Forum, and the Hastings and Rother Disability Forum.
8. The consultation was primarily carried out through emails referring people to the Council's consultation portal on our website. However, full details were also made available for viewing at the Community Contact Centre at the town hall, and the Tourist Information Centre at Muriel Matters House.
9. The Council received over a hundred responses. They have proved very helpful in assessing the need for the PSPOs, the scope of the areas covered, the potential for simplifying them, and forming a better understanding of public views on the draft PSPOs.

10. It is gratifying to have received such a high level of response to the consultation, with a range of views being expressed. From support to suggestions for amendments. This will enable Members to consider this report in the confidence that they have a clear understanding of the views expressed.

Feedback relating to the proposed dog control PSPO

11. The PSPO statutory provisions arising from the Anti-social Behaviour, Crime and Policing Act 2014, mean that the Council's existing powers for dealing with irresponsible dog ownership issues need to be reviewed and updated. The Act requires that the Council move from The Dogs on Leads (Borough of Hastings) Order 2008 and other Dog Control Orders in respect of fouling, exclusion zones and dog on lead by direction, to a PSPO. Otherwise the current dog control orders will automatically become a PSPO in October 2017. But by 2020 the Council will be expected to have drafted new Orders.
12. More responses were received about the proposed dog control PSPO than the ASB PSPO. Whilst many were supportive in relation to enforcing dog control restrictions on the minority of dog owners who don't clear up after their dogs or keep them under proper control, many of the respondents were unhappy about the proposals relating to keeping dogs on leads. The dog control feedback can be summarised as follows:-
- Dog walkers are generally very responsible and do not have a negative impact on our parks and open spaces. Whereas groups such as street drinkers, drug abusers, and some young people were cited as having a major negative impact on parks and open spaces such as Linton Gardens, and the West Hill.
 - Dogs need to be exercised off leads to remain healthy and to be able to socialise with other dogs.
 - The anti-social minority of dog owners who flaunt the law and cause the problems won't take any notice of the restrictions, such as dogs on leads, and therefore the only people they will affect are the responsible dog walkers who form the majority of dog owners.
 - There are already too few places that dogs can be exercised off a lead and extending this restriction by applying to additional parks and open spaces, and/or extending the times the restrictions already apply will make it very hard for dog owners to keep their dogs healthy.
 - Dog owners generally exercise their dogs in parks and open spaces at times when other park users are not around, such as before 9.00 am and after 6.00 pm, so there is unlikely to be conflict with other park users.
 - Some parks and open spaces are barely used except by people exercising their dogs, and to further restrict this would result in even fewer people using them.
 - The dog control restrictions will be unenforceable as not enough Council staff available to do this.
 - There is no correlation between people exercising their dogs off leads and increased dog fouling as the owners clear up after their dogs. Some suggested that it was the other way round, and that more fouling was caused by people who kept their dogs on a lead.

- The Council should target the enforcement against the anti-social minority not the responsible majority.
- Not everyone has transport so they need somewhere relatively local to go and exercise their dog.
- Restricting dog walkers to exercising their dogs off leads before 8.00 am and after 6.00 pm is very restrictive during the winter as the parks and open spaces are not well lit and people expressed concerns about personal safety, in some cases citing the presence of people causing ASB in the parks at night.
- Dog walkers contribute to community cohesion as they form relationships with other dog walkers and park users who they see on a regular basis.
- The measures are draconian.
- The restrictions discriminate against the elderly, disabled, and those without transport.
- The Council should allow dogs to be exercised in more locations.
- If restrictions are to be applied in relation to dogs off leads they should be for specific time periods and/or seasonal.
- Need clear signage of the restrictions.
- The requirement to use leads by direction, may be a better way of ensuring dogs are under proper control than the dogs on leads during specified times/seasons at specified locations.
- Under the Animal Welfare Act 2006 dog owners have a statutory duty to exercise their dogs to keep them healthy.
- The Council should promote responsible dog ownership in addition to introducing restrictions.
- The Council should consider providing more dog bins and free dog bags to encourage responsible dog ownership.
- Restrictions covering playgrounds and enclosed recreational areas such as skate parks is reasonable.
- The Dogs Trust and Kennel Club both suggested a more flexible approach should be taken to the maximum number of dogs a person can take onto land covered by the PSPO. The limit proposed in the draft PSPO is 6. They suggested this should be reconsidered primarily because they felt that experienced commercial dog walkers could manage more dogs, and that if several dog owners with 2 or 3 dogs each decided to walk their dogs at the same time as a group there would be more than 6 anyway. But also because a limit could lead to some dog walkers leaving excess dogs in their vehicle whilst walking the others and this could lead to welfare issues.

Feedback relating to the proposed dog control PSPO so far as it relates to St Leonards Gardens

13. On 6 December 2016 the Environment and Natural Resources Manager presented a report in response to a petition the council had received calling for a change in the times that dogs can be exercised off leads in St Leonards Gardens. The

petition was supported by 56 signatures. The lead petitioner, Mr Andy Culliss, presented the petition to Cabinet. He explained that the petitioners were seeking for the council to allow dogs to be exercised off leads in St Leonards Gardens throughout the day from 1 October to 1 May. Under the current framework, the Dogs on Leads (Borough of Hastings) Order 2008, dogs must be kept on leads in St Leonards Gardens between 9.00 am and 6.00 pm every day.

14. At that time Cabinet resolved not to make any changes to the dog control restrictions at St Leonards Gardens as they would be subject to the PSPO consultation during 2017.
15. The Assistant Director Environment and Place has corresponded with Mr Culliss during the PSPO consultation and discussed his concerns about the dog control restrictions and his proposals. Mr Culliss has restated his desire for the dogs on leads restriction to be removed from October to May each year, and he has objected to the proposal to extend the existing dogs on lead requirement by another hour from 09.00 am - 6.00 pm to 8.00 am - 6.00 pm. Similar objections were received from other dog walkers who use St Leonards Gardens.
16. Those objecting to the specific PSPO proposals for St Leonards Gardens cited many of the matters listed in paragraph 12 above, and therefore their views appear to be well aligned with many of the other dog owners who responded to the dog control PSPO proposals. In addition they say that there is actually little evidence of fouling within St Leonards Gardens, and that it probably appears overnight rather than through the day. Mr Culliss also states that “as a regular dog walker I am very clear that the gardens are minimally used other than by dog walkers before 9.00 am and in the winter throughout the day is also very quiet”.

Feedback from the Council’s Parks and Open Spaces Service

17. The Council’s parks and open spaces service have advised that the rationale for retaining all of the existing dog controls in the new dog control PSPO, and for extending some of the controls is that as well as being a great place for people to walk their dogs, they provide areas where children and families can visit to enjoy outdoor spaces and play in safety, and people can come and relax and enjoy the fresh air and tranquillity.
18. The parks and open spaces service believe that comprehensive dog controls throughout the parks and open spaces play an important part in maintaining them as safe and clean spaces, and believe that extending the dogs on leads restrictions will result in more people starting to use the parks and open spaces, in addition to dog walkers.
19. They have summarised these issues as follows:-
 - **Play** - dogs sharing public green spaces where children play has been frequently cited by children and families as a barrier to play.
 - **Health** - the Council’s play development team and the Hastings and St Leonards Play Forum support the exclusion and control of dogs from certain sites and agree it is important in ensuring the health of children; in what they consider to be a safe and welcoming environment in which children play, sit and picnic. Children should

be free to play in community green spaces without the fear of treading in or coming into contact with dog faeces.

- **Safety** – in the past families have expressed concern about dogs running off lead into areas where children play and sometimes becoming aggressive if startled, and from time to time in extreme cases, other dog walkers complain when their dogs are attacked by other dogs.
20. Although the views of the parks and open spaces service are clearly well intentioned, the Council needs to consider whether applying additional dog controls to some of our parks is reasonable and proportionate. As some of the respondents have stated, most people agree that additional restrictions are appropriate for places such as dedicated children's play areas, sports pitches etc. But many have argued that they are not appropriate or indeed necessary throughout areas where there are no such dedicated facilities.
 21. Interestingly, the consultation on the proposed Dog PSPO has provided us with more valuable evidence from dog walkers that some of the parks and open spaces are suffering from anti-social behaviour, and crime associated with the wider street community. The problems cited included drug dealing and abuse and the associated litter and paraphernalia, anti-social behaviour associated with street drinkers, dogs being trained to be aggressive for fighting, and rubbish and litter left by groups of young people. As a result the Council is now proposing amendments to the anti-social behaviour PSPO to encompass St Leonards Gardens, Gensing Gardens, Linton Gardens and parts of the West Hill.
 22. Essentially the main area of objection to the draft dog control PSPO relates to the requirement for dogs to be on leads, particularly in certain specified parks and open spaces. However, what many people probably don't know is that there is also a set of local byelaws from 1966 that relate to what are termed "pleasure grounds" and they include dog controls.
 23. For the purposes of the byelaws, "pleasure grounds" means, except when inconsistent with the context, each of the pleasure grounds known as Alexandra Park (including Old Roar Ghyll Thorpes Wood and Coronation Wood) Gensing Gardens, Linton Gardens, Lower Warrior Square Gardens, St. Leonards Gardens, Upper Warrior Square Gardens, West Marina Gardens and the White Rock Pleasure Grounds (including The Oval).
 24. Furthermore, the byelaws state that "a person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in the pleasure ground, unless such dog be and continue to be under proper control and effectually restrained from causing annoyance to any person and from worrying or disturbing any animal or waterfowl and from entering any ornamental water".
 25. So in fact there are already strict controls regarding "effectually restraining" dogs in a number of our parks and gardens, including West Marina Gardens, Warrior Square, Gensing, Linton and St Leonards Gardens. However, enforcement of these byelaws is only through a criminal prosecution and this is now seen as a rather draconian measure. Compared with issuing a fixed penalty notice under the provisions of modern enforcement legislation, such as the existing dog control orders and the proposed Dog PSPO. Payment of a fixed penalty notice also has

the advantage of discharging the offence, and thereby not leading to a criminal record. Consequently they are considered to be a far more proportionate sanction, and are therefore a useful enforcement tool enabling a more reasonable approach to ensuring dogs are kept under control in our parks and open spaces. Statutory guidance also states that from a legal hierarchy perspective, PSPOs are a superior legal instrument to byelaws. The Byelaws will also be reviewed in due course.

26. The main specific dogs on leads objections relate to Linton Gardens, the West Hill, and St Leonards Gardens. Whereas there appears to be little if any objection to the proposals for Grosvenor Gardens, the Stade Open Space, Warrior Square Gardens, and West Marina Gardens. Given the proximity of these areas to busy roads and the nature of sites such as the Stade Open Space, it is considered reasonable to implement the Dog PSPO as originally drafted in these locations.

West Hill Green Space (children's play space area)

27. The specific feedback about the West Hill green space where the children's play area and associated kick around areas are located, can be summarised as:-
- They do not agree with the need for dogs on leads restrictions;
 - Most of the time the area is only frequented by dog walkers, and families often only visit on sunny weekends;
 - 9.00 am till 6.00 pm would be more appropriate;
 - There is a lot of anti-social behaviour associated with the wider street community and drug abuse.
28. Whilst officers agree in relation to the ASB and will amend the ASB PSPO accordingly to encompass this area, officers believe that the other feedback is harder to justify. Given that there is a very large area of open space immediately across the road on the East side of the West Hill and the Ladies Parlour, it is considered reasonable to implement the Dog PSPO as originally drafted for the West Hill. With the minor exception of an area of woodland between Milward Crescent and the West Hill, which is enclosed and inaccessible, and will be removed from the map for this restriction.
29. The Council also received a request to consider introducing additional dogs on lead restrictions in the vicinity of the West of Haven chalets. This area has suffered with ASB including dog control issues, particularly last year. However, on the basis that the dog walkers argue that there are already not enough areas where dogs can be exercised off leads, it isn't considered appropriate to introduce more restrictions in this area of the foreshore. But the Council will continue to target enforcement to combat fouling in the area, including deploying the specialist enforcement contractor's dedicated team when they start the pilot later this year. If this doesn't address the problem satisfactorily the Council will consider amending the dog control PSPO in the future.
30. However, given the persuasive arguments expressed by some dog walkers responding to the consultation, it is considered appropriate to amend other parts of the draft dog control PSPO as follows:-

St Leonards Gardens

- Change the dogs on lead restriction from the proposed 8.00 am to 6.00 pm, to 9.00 am to 5.00 pm. Thereby allowing dogs to be exercised off leads for a slightly longer period than originally proposed.
- Pilot of seasonal changes in St Leonard's Gardens between the 1st November and 31st March, where dogs on leads restrictions will be relaxed and only apply at weekends from 10.00 am until 4.00 pm. The rationale for retaining some weekend restrictions is that other park users are more likely to use the park during these periods. Plus the later start and earlier finish will still allow time for dog walkers to exercise their dogs during daylight hours for much of the winter. We will look at the feedback from this pilot to inform future plans in this area, and if the results indicate that further changes are needed to the dog control PSPO, they will be consulted upon.

Linton Gardens

- Introduce the dogs on leads restriction, but on the same basis as in St Leonards Gardens, and include the same seasonal pilot.

Guide Dog and Assistance Dogs

31. The Council agrees to extend the exemption against enforcement for all people with accredited guide dogs and assistance dogs as suggested by the Kennel Club.

Dogs on leads in the vicinity of traffic

32. The Kennel Club response notes the proposed requirement for dogs to be kept on a lead on all roads as defined in section 142 of the Road Traffic Regulation Act 1984 in proposal 3(b). They suggest that this definition of highway would result in the restriction being applied to paths and tracks where dog walkers are not going to encounter motor vehicles, or indeed potentially other pedestrians. For instance, it would include paths running through parks and open spaces where dogs are otherwise allowed to be exercised off lead. A good example of this is the Eastern part of the West Hill open space. They suggest the definition is modified to be less restrictive where safe to do so.
33. This appears to be a sensible and proportionate approach and the Dog Control PSPO has been modified to account for this.

Signage and Awareness Raising

34. Prior to the Orders taking effect on 12 June 2017 appropriate signage will be erected. This will include parks and open spaces.
35. Immediately prior to the implementation of the Orders and over the next month or so the Council will seek to raise awareness of the dog control restrictions through media releases and social media channels. It will also publicise enforcement activity in the hope that this will act as a deterrent to potential offenders.

Enforcement

36. As reported to Cabinet in March, a 6 to 12 month pilot is planned with a specialist enforcement contractor to provide a small dedicated team of Wardens to enforce litter and dog control laws across the borough. This 5 person team will primarily be enforcing against littering and dog fouling, and it is hoped that this will have a positive impact on street scene and parks and open spaces across the borough. As well as helping to drive behaviour change amongst the anti-social minority.
37. It is also worth noting that the draft proposals included the removal of dogs on leads restrictions to the area of foreshore and beach between groynes 1 and 3, which is South of the small Rock a Nore car park and the Hastings motor boat and yacht club. Thereby making another area accessible to people wanting to exercise their dogs off leads.
38. The amended Dog Control PSPO and associated maps are attached at Appendix A.

Feedback relating to the proposed Anti-Social Behaviour PSPO

39. The Council received less feedback on the draft ASB PSPO proposals than the draft Dog Control PSPO. Also as mentioned above, quite a few of the dog walkers who responded also cited ASB in some of the parks and open spaces, and this has provided useful evidence to justify expanding the ASB PSPO restrictions to encompass some parks and open spaces such as St Leonards Gardens, Gensing Gardens, Linton Gardens, and parts of the West Hill. This will hopefully contribute to these areas becoming more attractive to more people.
40. Officers discussed the proposals with Chief Police Inspector Steve Curry, the Borough Commander for Hastings and Rother, and received feedback from him and the Sussex Police and Crime Commissioner. Whilst the feedback was very supportive, they did make several suggestions. These included:-
 1. Reviewing the wording of the psychoactive substances restrictions to ensure they were aligned with legislation associated with them;
 2. Considering what would constitute aggressive begging from an enforcement perspective, and the clarity of the proposed wording of this clause;
 3. Considering simplifying the scope of some of the restrictions to promote a clearer understanding of exactly what was restricted where. The concern was that in some areas it would be hard to know what sort of behaviour was acceptable from one street to the next, and therefore also harder for enforcement officers to deal with;
 4. Reviewing the boundaries for some of the ASB restrictions to account for potential displacement.
41. All 4 matters raised by Sussex Police have been considered and have been addressed through amendments to the draft PSPO and associated maps. Our Chief Legal Officer has reviewed the wording of the psychoactive substances restriction and amended it as necessary. Likewise, we will develop some common sense guidance on what constitutes aggressive begging for our local enforcement policy, as well amending the ASB PSPO to make it clear that loitering around shop

entrances and cash machines, is just one possible element of what can be deemed “aggressive begging”.

42. The Hastings Community Network (HCN) submitted comprehensive feedback and it is attached at Appendix B. Hastings Community Network brings together voluntary and community groups working for the benefit of the residents in Hastings and St Leonards as a Board and elects key representatives to speak on behalf of groups at strategic partnerships. Essentially HCN provides a formal voice for the sector in Hastings. Currently nearly 100 organisations are members of HCN. The Council understand their concerns and will consider their views in relation to monitoring the implementation of the PSPOs.
43. It’s worth noting that the Council already has an excellent record of multi-agency working with the voluntary and statutory sectors in relation to the issues associated with anti-social behaviour and crime and disorder generally. We are keen to continue this approach in relation to enforcement matters including the implementation of the PSPOs. With this in mind, Steve Manwaring the director of Hastings Voluntary Action is part of the multi-agency task force brought together last autumn, to develop strategies for addressing the issues associated with the wider street community, which includes development of the PSPOs.
44. A good recent example of this multi-agency approach was the very successful “Rough Sleeping and Street Activity in Hastings” workshop for local partners. It was organised by the Council’s Housing Options and Community Safety Managers. 50 representatives from over 25 different agencies and voluntary groups attended the event in March at the White Rock Hotel, to examine how improvements could be made to better manage recent rises in rough sleeping and street related activity.
45. We note HCN’s concern about rough sleeping but don’t think it is justified. Unlike some other local authorities, this Council has not proposed introducing restrictions relating to rough sleeping, with the exception of Cinque Ports Way. Where the local community suffered serious ASB for much of last year, caused by people illegally camping in vehicles adjacent to the chalets. The ASB and nuisance caused by this included aggressive and threatening behaviour, drug abuse and the associated paraphernalia dumped by the chalets and on the foreshore, human and animal waste, rubbish and fly tipping.
46. Although the HCN’s feedback states that “No one suggested that these measures, including the dog orders, needed to be stronger”, whilst this may be true for the HCN members, this is clearly not the case for others such as the local business community and the Police, and indeed some of the dog walkers who responded to the PSPO consultation.
47. Enforcement will be informed by developing best practice from across the country, and by the Council’s enforcement policy and operational guidance, which will be reviewed and updated as we develop our experience of dealing with the anti-social behaviour that the PSPOs seek to restrict.
48. The HCN concern about the use of fixed penalty notices (FPNs) was shared by several other respondents. However, FPNs are likely to be used as a last resort in relation to the ASB PSPO, and will follow a process of warning the offender. It is suggested that most members of the public would think the PSPOs were

meaningless, without some form of tangible sanction. It is accepted that some may be unable or unwilling to pay FPNs, but where the problem is persistent and serious this is likely to be the precursor to consideration of other legal tools, such as civil injunctions requiring the recipient to positively engage with support services.

49. Colin Dormer, the Chairman of Love Hastings Ltd (Hastings Business Improvement District), has submitted overwhelmingly positive feedback in support of the draft PSPOs. It is attached at Appendix C. Love Hastings Ltd represents 450 businesses in the Hastings Town Centre area and an estimated 3000 employees in retail, catering, hospitality, education and service sectors. They point to significantly reduced footfall which they clearly associate with increased ASB in the town centre. This point is well made as in the last 2 years, like many other seaside towns, Hastings has experienced an escalation of ASB associated with the street community. Perhaps the most obvious example being the significant increase in the number of people congregating in the town centre drinking alcohol in Wellington Place outside Sports Direct, McDonalds and Pound Stretcher. Last Summer on a daily basis the public seating area in Wellington Place was the venue for large groups of street drinkers, but also later in the day for groups of younger people, some of school age.
50. As a result, the Council's Director of Operational Services convened meetings with senior managers of all of the authorities responsible for commissioning and delivering services associated with the wider street community. The group includes representation from the Council, the Police, East Sussex County Council youth services and social and caring services, the Clinical Commissioning Group, and Hastings Voluntary Action. This task force approach has resulted in closer liaison between enforcement and support services, and changes to the physical environment in the York Gardens roundels, where temporary trading opportunities are being piloted to make the area more attractive to shoppers and visitors.

Proposed amendments to the Anti-Social Behaviour PSPO proposals arising from the consultation feedback

51. Apart from the Cinque Ports Way overnight camping restrictions, and the borough wide aggressive begging and surrender of alcohol upon request restrictions, the draft ASB PSPO essentially comprised of 3 geographical areas where we were proposing a range of restrictions, some of which will only apply to parts of each of the 3 areas. We can see that the restrictions within these 3 main areas may be a little confusing and cause difficulties from an enforcement perspective. The 3 areas are essentially:-
- i. The wider town centre;
 - ii. George Street in the Old Town; and
 - iii. A largely commercial part of Central St Leonards.
52. So for example in the wider town centre area under the current proposals there is a patchwork of restrictions, some covering the whole of this wider town centre area, and others only part of it. They include a prohibition on alcohol in part of the area, a prohibition on psychoactive substances in part of the area, a requirement to surrender alcohol in part of the area, a ban on aggressive begging in the whole of

the area, a ban on ASB such as shouting and swearing in the whole of the area, and assorted dog controls.

53. The Council can see that this might make it hard for the public to understand exactly where and what is restricted under the PSPOs associated with these 3 areas of the borough, and also the implications for enforcement. The Council has therefore rationalised the situation by amalgamating all 3 areas to make one larger area within which all of the ASB PSPO restrictions will apply throughout the whole of the larger area, except for the prohibition on alcohol restriction. This also takes account of the scope for displacement, which was also raised by several respondents.
54. The Council doesn't think the evidence justified extending the 3 prohibition of alcohol in public places restriction areas to the whole of this wider area. Especially as under these proposals, the surrender of alcohol upon request provision will be available borough wide. This seems a proportionate approach to the issue of street drinking, and if there is serious persistent displacement the PSPO can be reviewed and amended in the future.
55. This will hopefully make it far easier to understand, enforce, and to sign the provisions of the ASB PSPO. The amalgamated zones for the ASB PSPO are shown in the map at Appendix D, and a map showing the areas added to the ASB PSPO is attached at Appendix E. The amended draft ASB PSPO and associated maps is attached at Appendix F.
56. The Hastings Museum and Leisure Centre were added as a result of feedback from colleagues regarding ASB associated with those premises.

Process for implementing the Council's PSPO proposals

57. This report seeks approval for the proposed amendments to the draft Dog Control and Anti-Social Behaviour PSPOs to reflect feedback received during the consultation, and for authorisation for the Chief Legal Officer to make the Orders in accordance with regulations published by the Secretary of State.
58. The PSPOs cannot be enforced until adequate signage has been made and erected, and it is also recommended that a short period of awareness raising is carried out to ensure that the new restrictions are publicised as effectively as reasonably practicable. It is therefore recommended that the PSPOs should be made on 16 May and come into effect on 12 June.
59. Any challenge to the PSPO must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. This right to challenge also exists where an order is varied by a Council.
60. Interested persons can challenge the validity of a PSPO on two grounds. They could argue that the Council did not have power to make the Order, or to include particular prohibitions or requirements, perhaps because there was insufficient evidence of a particular problem. In addition, the interested person could argue that one of the requirements (for instance consultation) had not been complied with.

61. When the application is made, the High Court can decide to suspend the operation of the PSPO pending the verdict in part or in totality. The High Court has the ability to uphold the PSPO, quash it, or vary it.
62. The maximum duration of a PSPO is 3 years. At any point before the expiry, the Council can extend a PSPO by up to 3 years if they consider that it is necessary to prevent the original behaviour from occurring and recurring. However, they should first consult with the local police and any other community representatives they think appropriate. If a new issue arises in an area where a PSPO is in force, the Council can vary the terms at any time.
63. This means that the Council can essentially review and potentially extend and/or amend, or discharge the 2 PSPOs at any time within a 3 year period of them being made.

Enforcement of the new PSPOs

64. Enforcement of the new PSPOs will involve a partnership approach primarily between the Council and the Police. As reported to Cabinet in March in order to provide effective enforcement of the new ASB powers our Wardens will need to achieve community safety scheme accreditation from Sussex Police. This will enable them to be authorised to use additional powers which are otherwise only available to the Police. For example requiring the surrender of alcohol, and requiring a person suspected of committing an offence to provide their name and address. Sussex police have advised that obtaining accreditation will take up to 6 months, in the meantime the Police are working closely with the Council to manage ASB issues associated with the street community.
65. This change in emphasis for our Wardens will clearly require new management systems, risk assessments, and standard operating procedures, as well as some retraining in relation to the new enforcement powers, and operational equipment such as body worn cameras. The Police have committed to supporting us through this period of change.
66. The Hastings Business Improvement District partnership is also employing a small Warden resource, and they will be working closely with the Council's Wardens, and in time they are likely to be authorised by the Council to enforce some provisions of the new ASB PSPO. Similarly in time there may also be some scope for the specialist street scene enforcement contractor pilot project to include some enforcement of the ASB PSPO, in addition to the littering and dog fouling enforcement they will be focussed on.

Financial Implications

67. There are additional costs associated with the introduction and enforcement of the PSPOs. For example in relation to:-
 - Enforcing the dog control and ASB PSPOs;
 - New signage notifying the general public that certain behaviours are restricted in specified areas of the borough.
68. It's anticipated that the costs can be met from within existing budgets.

Other Policy Implications

69. The 2 PSPOs should have a positive impact on the local environment, crime and fear of crime, and local people's views. As they should result in less ASB in public places such as the town centre, and less ASB arising from irresponsible dog ownership issues, and therefore a better quality of life for residents, and possibly also for the street community.
70. From an equalities and community cohesiveness perspective, the ASB issues associated with the wider street community have generated a lot of complaints and probably undermined community cohesiveness. It is hoped that if the ASB PSPO is implemented community cohesiveness will improve, and enforcement linked with assertive outreach support will help vulnerable members of the street community to address their health and wellbeing issues, and improve their quality of life.
71. The Council has carried out equalities impact screening in relation to the proposed introduction of the 2 PSPOs. This did identify the fact that enforcement of the PSPOs is likely to involve work with vulnerable people such as the street community through the ASB PSPO, and disabled people through the dog control PSPO. However, this should not result in any group being discriminated against. For example the multi-agency approach to addressing issues associated with the street community should result in greater access to support services, and the dog control PSPO includes exemptions for people with accredited guide dogs and assistance dogs.
72. All of the agencies that will be involved with the PSPOs are aware of the need to ensure that the people they are working with are not discriminated against. Whether they are offenders or potential victims of crime, or both. The purpose of the PSPOs is to address unacceptable anti-social behaviours displayed by an individual and not targeting any specific group or type of person based upon their race, gender, religion etc. The welfare and safeguarding of vulnerable people will be considered by the officers enforcing the PSPOs, for example in relation to mental health.
73. As described earlier in this report, there are organisational implications for the Council's Warden Team, as we need to develop their role to help address the emerging ASB issues and enforce the PSPOs. Management will liaise with the Executive Manager of People, Customer and Business Support in this respect, as well as the staff and their representatives.
74. There are also likely to be increased demands on our Legal Services, particularly in relation to the ASB PSPO when enforcement action is required. For example drafting Community Protection Notices and Civil Injunctions.

Wards Affected

All Wards

Policy Implications

Please identify if this report contains any implications for the following:

Report Template v29.0



Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	Yes
Risk Management	No
Environmental Issues	Yes
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	Yes
Local People's Views	Yes
Anti-Poverty	No

Additional Information

Hastings Borough Council Cabinet Report dated 6 March 2017 – Public Space Protection Orders for Hastings.

Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers - Statutory guidance for frontline professionals published by the Home Office July 2014

Tackling Street Drinking - Police and Crime Commissioner Guidance on Best Practice - published by the National Consortium of Police and Crime Commissioners November 2016

Supporting evidence of the nature and scale of the anti-social behaviour associated with the wider street community in Hastings, prepared by the Council's Community Safety Manager during 2016 and 2017. Including reports and statements from Sussex Police, local Councillors and members of the public.

Summary of feedback received during the consultation.

Equalities Impact Screening Assessment.

Appendices

Appendix A – Amended Draft Dog Control Public Spaces Protection Order (No 1) - Hastings Borough Council 2017

Appendix B – Hastings Community Network Consultation Feedback

Appendix C – Love Hastings Ltd Consultation Feedback

Appendix D – Map illustrating the amalgamated zones to simplify the draft ASB PSPO

Appendix E – Map showing areas added to the ASB PSPO following consultation

Appendix F – Amended Draft ASB Public Spaces Protection Order (No 2) - Hastings Borough Council 2017

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