

To: Cabinet
Date: 13 December 2023
Report of: Executive Director (Communities and People)
Title of Report: Alcohol Control and Dog Control Public Spaces Protection Orders

Summary and recommendations	
Purpose of report:	To seek approval for the implementation of the draft Dog Control Public Spaces Protection Order 2023 and the Alcohol Disorder Public Spaces Protection Order 2023
Key decision:	Yes
Cabinet Member:	Councillor Mark Lygo, Cabinet Member for Safer Communities
Corporate Priority:	Support Thriving Communities
Policy Framework:	Council Strategy 2020-24
Recommendations:	That Cabinet resolves to:
	<ol style="list-style-type: none"> 1. Approve the implementation of a Dog Control Public Spaces Protection Order as set out in Appendix 1; 2. Approve the implementation of an Alcohol Control Public Spaces Protection Order as set out in Appendix 6.

Appendices	
Appendix 1	Proposed Dog Control Public Spaces Protection Order 2023
Appendix 2	Dog Control PSPO 2023 questionnaire results
Appendix 3	Dog Control data summary
Appendix 4	Dog Control PSPO Equalities Impact Assessment
Appendix 5	Dog Control PSPO 2020
Appendix 6	Proposed Alcohol Disorder Public Spaces Protection Order 2023
Appendix 7	Alcohol Disorder PSPO questionnaire results
Appendix 8	Alcohol Disorder data summary

Appendix 9	Alcohol Disorder PSPO Equalities Impact Assessment
Appendix 10	Alcohol Control PSPO 2020
Appendix 11	Legal considerations when making an Order
Appendix 12	Risk register

Introduction and background

1. Public Spaces Protection Orders (PSPOs), as defined by the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), set out standards of acceptable behaviour in an area to deter those behaviours that have been, or are likely to be, detrimental, persistent, and unreasonable to those in the area. Similar to a byelaw, a PSPO's purpose is to prevent anti-social behaviour from occurring and reduce the detrimental effect on those living in the area.
2. Oxford City Council has PSPOs that regulate dog control and alcohol consumption. The Dog Control PSPO (Appendix 5) is applicable in all eligible areas within the Oxford City Council local authority boundary. The Alcohol Control PSPO (Appendix 10) applies to the specific areas of the city centre, East Oxford and Blackbird Leys Road.
3. Both PSPOs expired on the 27 November 2023.
4. Cabinet is asked to consider the implementation of a new draft Dog Control Public Spaces Protection Order 2023 and an Alcohol Disorder Public Spaces Protection Order 2023. Both will apply to eligible and relevant areas within the whole of the Oxford City Council local authority boundary.

Overview of PSPOs

5. The Anti-Social Behaviour, Crime and Policing Act 2014 ('the Act') gained Royal Assent in April 2014 and gives the power to make an Order to local authorities, in consultation with the police and other relevant bodies who may be affected.
6. A local authority can make a PSPO in respect of any public space within its administrative boundary. A public space is defined as any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
7. A PSPO can be in force for any period up to a maximum of three years. The legal requirements for implementing a PSPO are described in Appendix 11.
8. Appeals against a draft PSPO can be made in the High Court within six weeks of issue by anyone who lives in, or regularly works in or visits the area.
9. The PSPOs are enforced by authorised persons or police officers. Oxford City Council is the prosecuting authority.
10. A breach of the Dog Control PSPO can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a level 3 fine of up to £1000 on conviction following prosecution.
11. A breach of the Alcohol Disorder PSPO can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a level 2 fine of up to £500 on conviction following prosecution.

12. The Council has a graduated approach to enforcement that is set out in the Anti-social Behaviour Enforcement Policy. This requires officers to operate the lowest possible level of intervention that is suitable to the case, most often involving a process of engagement and words of advice.
13. The Authority is also bound by the terms of the Human Rights Act 1998 and must not act in a way which is incompatible with a Convention right. Human rights are enforced through existing rights of review and may therefore be taken as points in any challenge to the validity of any Order made by the Authority.

Current Dog Control PSPO

14. The current Dog Control PSPO makes it an offence for persons in charge of a dog to breach four requirements within the Oxford City Council local authority boundary, without a reasonable excuse. These are:
 - a. A person must put their dog on a lead if required to do so by an authorised officer.
 - b. A person may not be in charge of any more than four dogs in a public place.
 - c. A person in charge of a dog must pick up their dog's faeces.
 - d. A person in charge of a dog must not let it enter a children's play park.
15. There are exemptions for people who need the help of assistance dogs.
16. Consultation responses can be found in Appendix 2. In summary:
 - 85% of respondents disagree with allowing dogs into children's play parks.
 - 92% of respondents felt that owners should pick up their dog mess anywhere in the city.
 - 69% of respondents disagreed or strongly disagreed with the statement that dog owners should not be restricted on the number of dogs under their control at any one time.
 - 85% of respondents said that owners should put their dog on a lead if asked by a Council or Police Officer.
 - 77% of respondents agreed that dogs should be kept on leads at all times in the city centre.
17. Evidence relating to dog control can be found in more detail in Appendix 3. Police data illustrates the involvement of dogs in assaults and reports of dangerous dogs. Information from the Dog Warden and officers working in the city's parks and green spaces supports the continuation of the PSPO. The use of the Dog Control PSPO fixed penalty notices is low indicating the level of compliance when asked to adhere to its provisions.

Current Alcohol Disorder PSPO

18. The current Alcohol Disorder PSPO makes it an offence for any person to refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by a police officer or authorised officer in order to prevent public nuisance or disorder.
19. This restriction does not apply within the curtilage of a licensed premise.

20. Consultation responses can be found in Appendix 7. There was a low response rate to the consultation with 37 contributions from 218 visitors to the consultation site. In summary:

- The majority of the respondents stated that alcohol-related disorder concerns them.
- Over half the respondents said seeing people drinking in public worries them and were concerned when seeing people drinking in public.
- Over half of the respondents would avoid areas where people were drinking in public.
- There were an equal number of respondents who agreed or disagreed with the statement that people have a right to drink in public if they are behaving considerately. The highest response to this question was neutral.
- There were an equal number of respondents who agreed or disagreed with the statement that there should be a complete ban on drinking alcohol in any area of Oxford.
- 90% of respondents supported a PSPO that authorised police and council officers to confiscate alcohol from those engaged in anti-social behaviour.

21. Data relating to alcohol disorder can be found in more detail in Appendix 8. Police information on alcohol-related disorder illustrates that there are concentrations in high footfall areas and an established night-time economy. There are also significant numbers of offences in the city's neighbourhoods, both in domestic settings, parks, green spaces and in local shopping areas.

22. The Oxford Local Police Area Deputy Commander supports the renewal and extension of an Alcohol Control PSPO:

“The Neighbourhood team have had notable PSPO successes over the years within various areas of the order. The evidence now dictates that this power would be of great benefit to the wider area of Oxford. Allowing us in partnership to deal robustly with any alcohol lead ASB in a wider footprint for the benefit of all within Oxford city. It will allow us to pursue orders as mentioned above against incidents outside the main city area thus protecting a larger proportion of the community. As such Oxford LPA are therefore strong advocates of the PSPO renewal and expansion. We look forward to partnering further with your team in the continuing work of tackling ASB city wide.”

Financial implications

23. Signage and enforcement costs are covered by existing budgets.

Legal implications

24. The Council relies upon Section 59 of the 2014 Act. This gives the Council the power to draft and implement PSPOs in response to the issues which are affecting the community if the statutory tests are met. Section 59 of the Act is set out in Appendix 11.

25. The Council must be satisfied on reasonable grounds that activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or that it is likely that activities that will take place will have a detrimental effect. The Council must also be satisfied that the detrimental effect is persistent or continuing

and is, or is likely to be, unreasonable. Statutory guidance states restrictions should be proportionate to the detrimental effect and necessary to prevent it.

Level of risk

26. Risks and mitigations are contained in the Risk Register, Appendix 12.

Equalities impact

27. The Cabinet must have regard to the public sector equality duty at s149 of the Equality Act 2010 as set out in the Equality Impact Assessments (Appendices 4 and 9).

Carbon and environmental considerations

28. There are no carbon or environmental issues to be considered.

Report author	Richard Adams
Job title	Community Safety Service Manager
Service area or department	Community Safety Service
Telephone	01865 252283
e-mail	rjadams@oxford.gov.uk

This page is intentionally left blank