

NORTH LINCOLNSHIRE COUNCIL

**SAFER, STRONGER COMMUNITIES
CABINET MEMBER**

NORTH LINCOLNSHIRE PUBLIC SPACES PROTECTION ORDER 2021

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To seek Cabinet Member approval for the declaration of the North Lincolnshire Public Spaces Protection Order 2021 (PSPO).

2. BACKGROUND INFORMATION

- 2.1 North Lincolnshire Council is committed to ensuring that people who live, work and visit North Lincolnshire, enjoy good community wellbeing and prosperity.
- 2.2 The council declared its first Public Spaces Protection Order in October 2017 under the Anti-social Behaviour, Crime & Policing Act 2014. The powers within the PSPO 2017 enabled us to support the vulnerable and target those who continued to be a nuisance within our local communities.
- 2.3 The conditions included within the current PSPO 2020 will expire on 21st October 2021. The proposed new conditions are detailed below with relevant maps contained within Appendix 1. A copy of the draft Public Spaces Protection Order 2021 and relevant definitions is contained within Appendix 2. The legislation takes into account the principle of reasonable excuse in establishing whether an offence has been committed.
- a. A person must stop drinking and surrender alcohol when required to do so by duly authorised person (authorised person being a Police Officer or Police Community Support Officer) in the area outlined in red on Map B.
 - b. To prohibit a single person having more than four dogs in their sole charge in a public space in the area outlined in red on Map A.

- c. To exclude dogs within enclosed children's play areas (*1) and other designated sites (*2) such as schools in the area outlined in red on Map A.
- d. A person is required to immediately remove dog faeces left by any dog which at the time the person is in charge of or responsible for in the area outlined in red on Map A.
- e. A person in charge of a dog on land to which this order applies must have, and produce on request, the appropriate means to pick up dog faeces deposited by that dog in the area outlined in red on Map A.
- f. A person is prohibited from Loitering, lodging or begging in the street or asking persons whether known or not for any item including but not limited to money, cash, change or food, or sit directly outside or under any shop premises or cashpoint machine within the area outlined in red on Map B.
- g. A person is prohibited from riding a motor bike, quad bike or mini moto in a manner deemed by an authorised person to be anti-social and they reasonably suspect that person is causing or is likely to cause nuisance, harassment, alarm, or distress to any other person in the area outlined in red on Map A.
- h. A cyclist must dismount if requested to do so by an authorised officer if they are of the opinion that the cyclist is riding in a pedestrianised area or in an unsafe manner which is causing or is likely to cause harassment, alarm or distress within Scunthorpe and Brigg shown on Map C1 and C2.
- i. A person is prohibited from engaging in activities that relate to prostitution (e.g., kerb crawling, having sex in public etc.) at any time in the area outlined in red on Map A.
- j. A person must disperse from a group of three or more people if asked to do so by an authorised officer who deems the group to be acting in an anti-social, intimidating, or criminal way in the area outlined in red on Map A.
- k. A person is prohibited from selling, using or possessing intoxicating substances or paraphernalia associated with this in open spaces (this does not include tobacco products or prescribed medicines) Any items can be confiscated by an authorised officer in the area outlined in red on Map A.
- l. A person must not cause a noise disturbance in a public place which is deemed by an Authorised Officer to cause harassment, alarm or distress to any other person in the area outlined in red

on Map A.

- m. A person, including a driver or passenger is prohibited from gathering in vehicles or parking vehicles in groups of two or more for the purposes of congregating and that may result in causing harassment, alarm or distress in the area outlined in red on Map A.
- n. A person is prohibited from performing stunts using a motor vehicle causing or being likely to cause a nuisance and/or danger to persons in North Lincolnshire. Performing stunts includes but is not limited to doughnutting, drifting, handbrake turns, wheel spins or any other motor vehicle related activities in the area outlined in red on Map A.
- o. A person must stop diving, jumping or swimming in open water after having been requested to do so by an authorised person (authorised person being a Police Officer, Police Community Support Officer or a Council Officer) in the area outlined in red on Map A.
- p. Each Relevant Person (*3) is prohibited from depositing any household waste and recycling on any land to which the public has access other than in a wheeled bin or recycling box. All household waste and recycling must be stored and presented for collection in a wheeled bin or recycling box in the area outlined in red on Map D.
- q. Relevant Persons (3*) are prohibited without reasonable excuse from storing wheeled bins and recycling boxes outside the boundary of Relevant Premises (4*) other than between 6pm the night before collection is due and 9pm on the day of collection in the area outlined in red on Map D.
- r. Each Relevant Person (3*) must ensure bulky waste items awaiting removal remain within the Relevant Premises (4*) boundary in the area outlined in red on Map D.
- s. Anyone who has placed commercial or industrial waste, not correctly secured within a suitable waste container on land in the open air to which the public have access should immediately clear it if asked to do by an authorised officer in the area outlined in red on Map D.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1: Approve the new conditions as outlined in section 2.3.
- 3.2 Option 2: To not approve the new conditions outlined in section 2.3.

4. ANALYSIS OF OPTIONS

4.1 Option 1

This is the preferred option as the new PSPO will enhance the current well-established controls and enable the council to address new issues that have emerged since publication of earlier PSPO's. The new PSPO will support community safety in North Lincolnshire.

4.2 If the current PSPO 2020 expires the existing powers will no longer be available to delegated officers.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)

5.1 There will be a small financial cost associated with updating the signage, but this will be met from existing budgets.

5.2 There are no other implications associated with this report.

6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)

6.1 The legal responsibility for implementing a PSPO rests with the council. A PSPO contributes to the reduction of Crime and Disorder, Anti-Social Behaviour and assists with meeting the Councils Section 17 requirements.

6.2 There are environmental benefits associated with the declaration of a PSPO including dog control, anti-social use of motorbikes, street drinking and waste management.

6.3 Dealing with enforcement issues appropriately and consistently reduces the risk to the council's reputation and conflict with members of the public. The proposed PSPO 2021 will demonstrate to the public that a fair and reasonable approach is being taken by the council and other agencies.

6.4 When exercising the powers of the PSPO 2021 relevant legislation including the Equality Act 2010 and the Human Rights Act 1998 will be taken into consideration.

7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

7.1 A Stage one Integrated Impact Assessment (IIA) has been completed for this decision.

8. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

- 8.1 An online public consultation has been undertaken. Overwhelmingly the responses to the consultation were in favour of all the proposed conditions in the 2021 PSPO.
- 8.2 Humberside Police have been consulted and confirmed they are in support of the PSPO conditions.

9. **RECOMMENDATIONS**

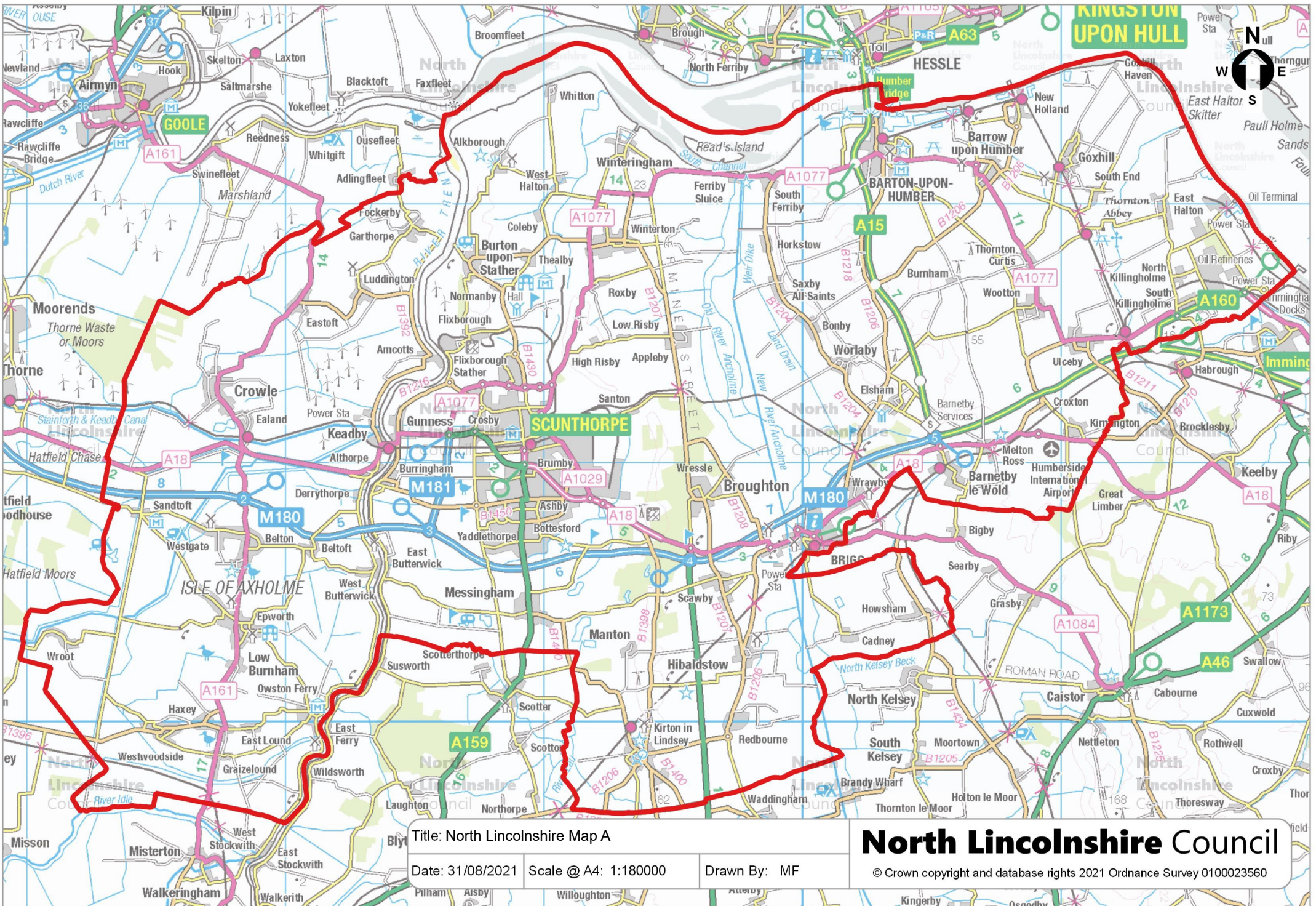
- 9.1 That the Cabinet Member approves the declaration of the North Lincolnshire Public Spaces Protection Order 2021.
- 9.2 The PSPO 2021 contains the conditions as set out in the report above at 2.3.
- 9.3 That enforcement of the controls within the PSPO is undertaken in a fair and proportionate manner in accordance with the Council's Enforcement Policy.

DIRECTOR: CHILDREN AND COMMUNITY RESILIENCE AND
DEPUTY CHIEF EXECUTIVE & EXECUTIVE DIRECTOR COMMERCIAL

Church Square House
SCUNTHORPE
North Lincolnshire

Author: Kath Jickells/Stuart Minto
Date: 29th September 2021

Background Papers used in the preparation of this report – Nil



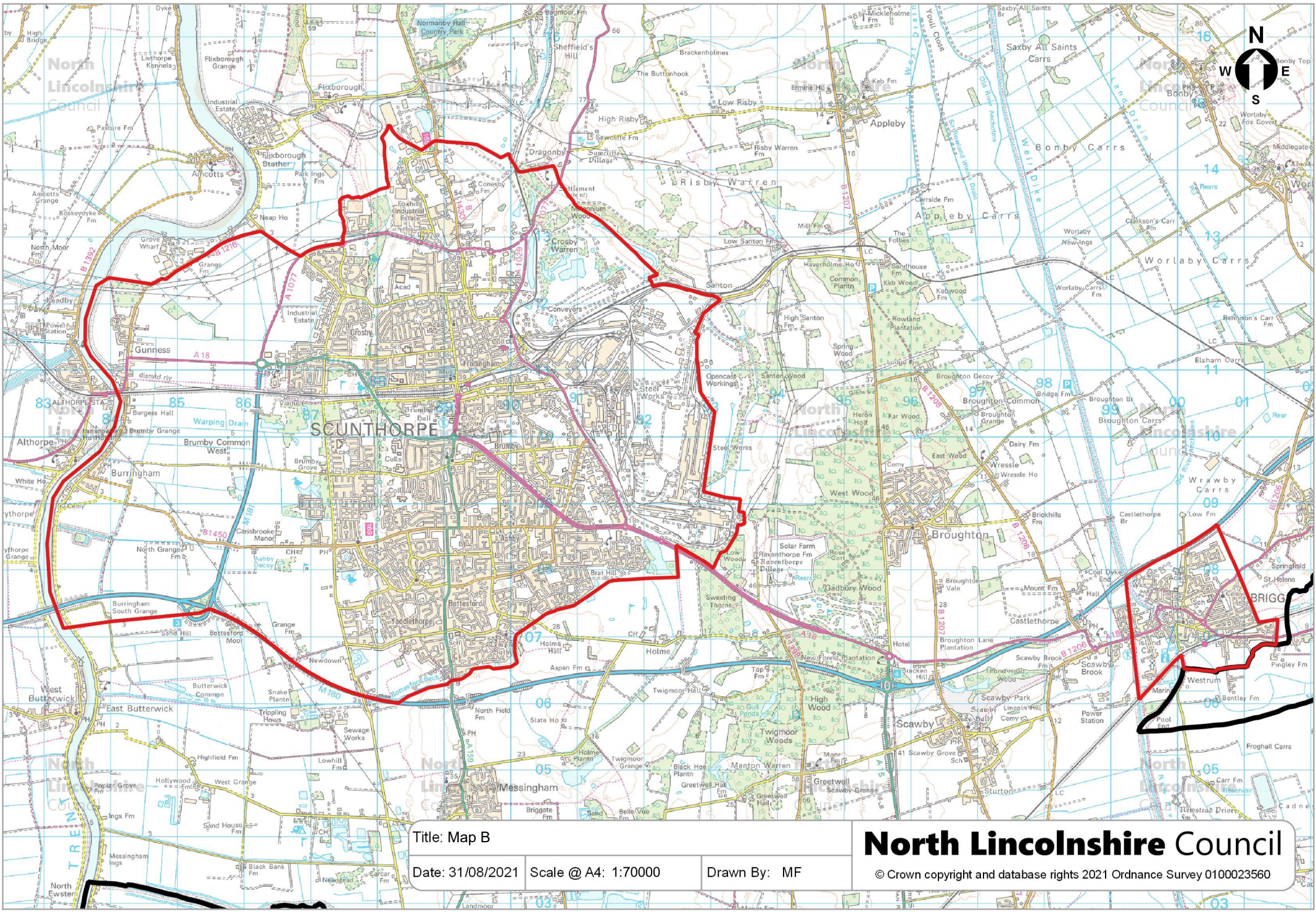
Title: North Lincolnshire Map A

Date: 31/08/2021 Scale @ A4: 1:180000

Drawn By: MF

North Lincolnshire Council

© Crown copyright and database rights 2021 Ordnance Survey 0100023560



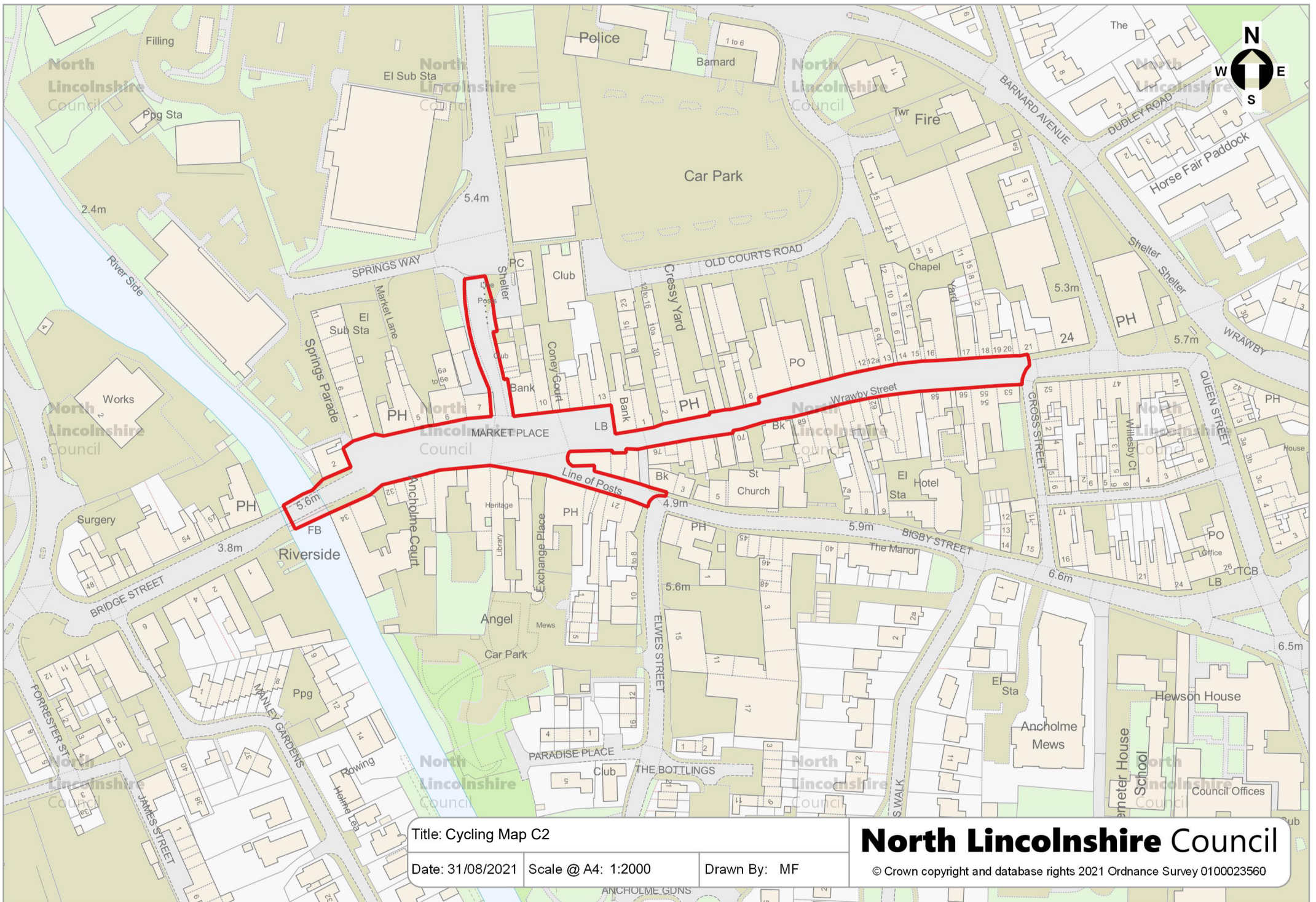
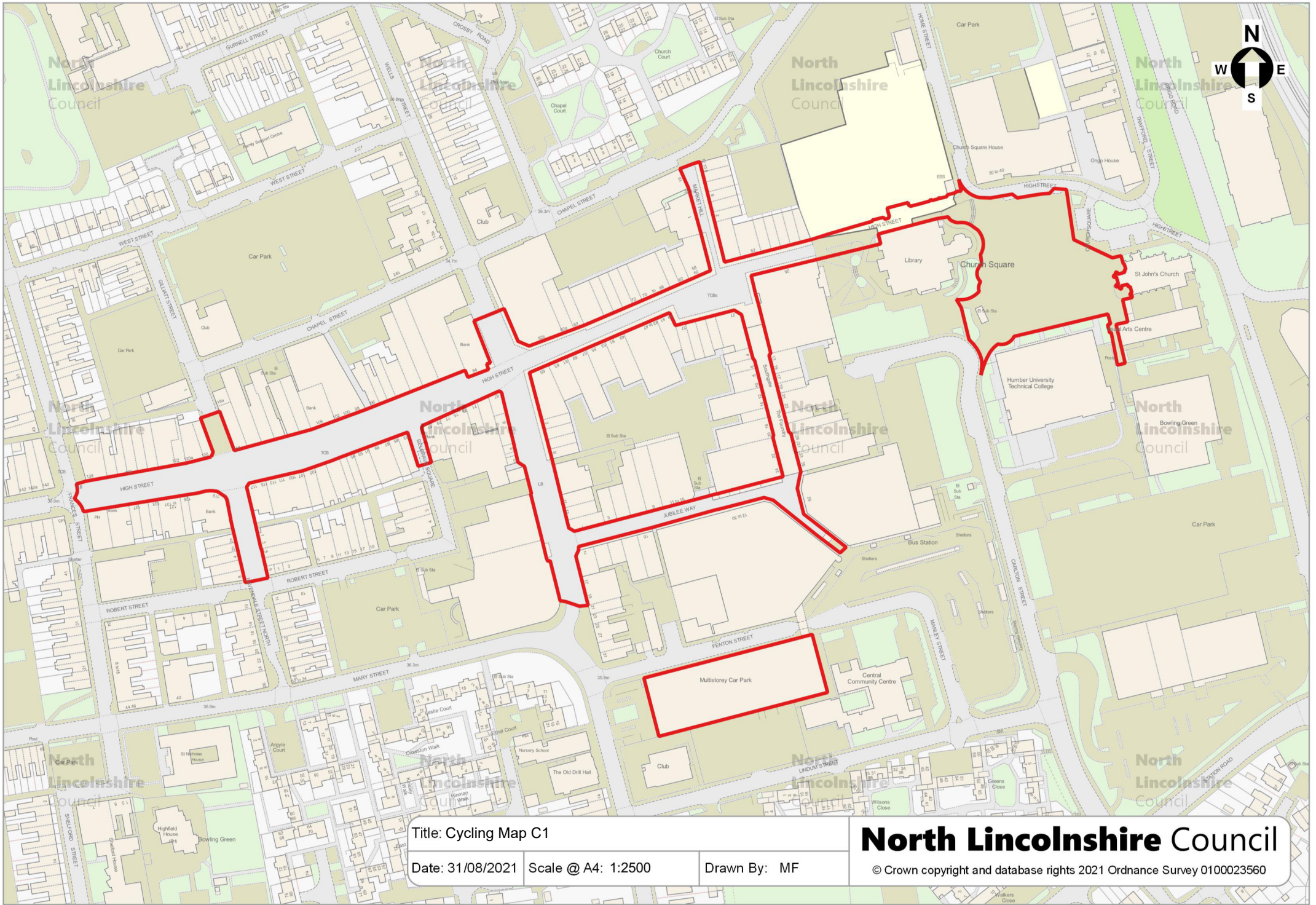
Title: Map B

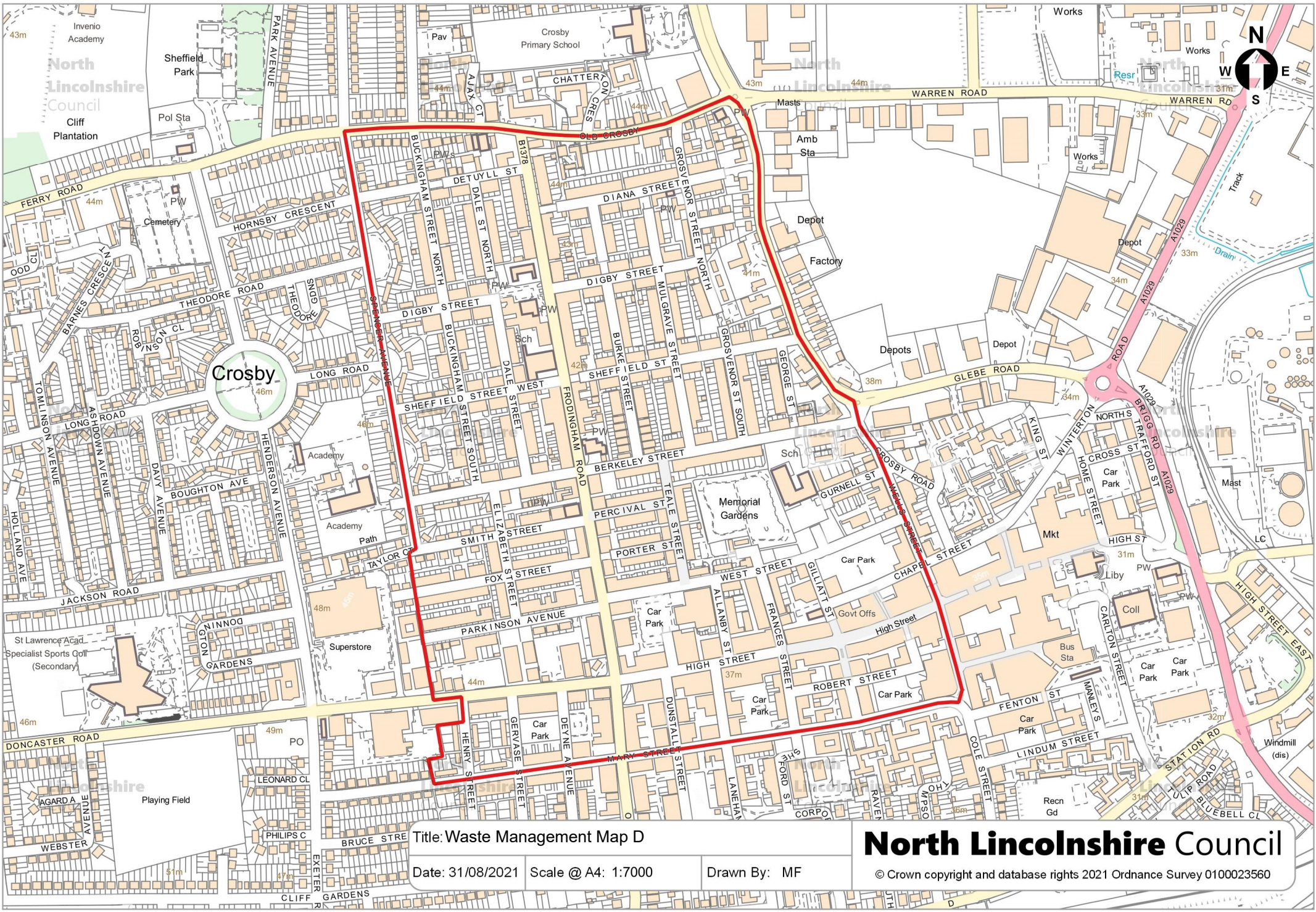
Date: 31/08/2021 Scale @ A4: 1:70000

Drawn By: MF

North Lincolnshire Council

© Crown copyright and database rights 2021 Ordnance Survey 0100023560





Title: Waste Management Map D

Date: 31/08/2021 Scale @ A4: 1:7000

Drawn By: MF

North Lincolnshire Council

© Crown copyright and database rights 2021 Ordnance Survey 0100023560

Appendix 2

ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

SECTION 59

DRAFT NORTH LINCOLNSHIRE PUBLIC SPACES

PROTECTION ORDER 2021

NORTH LINCOLNSHIRE COUNCIL (the Council) in exercise of its powers under Section 59 of the Anti-social Behaviour Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in Section 59 of the Act have been met, including being satisfied that the anti-social behaviour arising in the restricted areas has had a detrimental effect on the quality of life of those in the locality makes the following order:

- 1 This Order applies to the public spaces delineated in red annexed to this Order (Maps A, B, C1, C2 & D)
 - a. A person must stop drinking and surrender alcohol when required to do so by a duly authorised person (authorised person being a Police Officer or Police Community Support Officer) in the area outlined in red on Map B.
 - b. To prohibit a single person having more than four dogs in their sole charge in a public space in the area outlined in red on Map A.
 - c. To exclude dogs within enclosed children's play areas (*1) and other designated sites (*2) such as schools in the area outlined in red on Map A.
 - d. A person is required immediately remove dog faeces left by any dog which at the time the person is in charge of or responsible for in the area outlined in red on Map A.
 - e. A person in charge of a dog on land to which this order applies must have, and produce on request, the appropriate means to pick up dog faeces deposited by that dog in the area outlined in red on Map A.
 - f. A person is prohibited from Loitering, lodging or begging in the street or asking persons whether known or not for any item including but not limited to money, cash, change or food, or sit directly outside or under any shop premises or cashpoint machine within the area outlined in red on Map B.
 - g. A person is prohibited from riding a motor bike, quad bike or mini moto in a manner deemed by an authorised person to be anti-social and they reasonably suspect that person is causing or is likely to cause nuisance, harassment, alarm, or distress to any other person in the area outlined in red on Map A.
 - h. A cyclist must dismount if requested to do so by an authorised officer if they

are of the opinion that the cyclist is riding in a pedestrianised area or in an unsafe manner which is causing or is likely to cause harassment, alarm or distress within Scunthorpe and Brigg shown on Map C1 and C2.

- i. A person is prohibited from engaging in activities that relate to prostitution (e.g., kerb crawling, having sex in public etc.) at any time in the area outlined in red on Map A.
- j. A person must disperse from a group of three or more people if asked to do so by an authorised officer who deems the group to be acting in an anti-social, intimidating, or criminal way in the area outlined in red on Map A.
- k. A person is prohibited from selling, using or possessing intoxicating substances or paraphernalia associated with this in open spaces (this does not include tobacco products or prescribed medicines). Any items can be confiscated by an authorised officer in the area outlined in red on Map A.
- l. A person must not cause a noise disturbance in a public place which is deemed by an Authorised Officer to cause harassment, alarm or distress to any other person in the area outlined in red on Map A.
- m. A person, including a driver or passenger is prohibited from gathering in vehicles or parking vehicles in groups of two or more for the purposes of congregating and that may result in causing harassment, alarm or distress in the area outlined in red on Map A.
- n. A person is prohibited from performing stunts using a motor vehicle causing or being likely to cause a nuisance and/or danger to persons in North Lincolnshire. Performing stunts includes but is not limited to doughnutting, drifting, handbrake turns, wheel spins or any other motor vehicle related activities in the area outlined in red on Map A.
- o. A person must stop diving, jumping or swimming in open water after having been requested to do so by an authorised person (authorised person being a Police Officer, Police Community Support Officer or a Council Officer) in the area outlined in red on Map A.
- p. Each Relevant Person (3*) is prohibited from depositing any household waste and recycling on any land to which the public has access other than in a wheeled bin or recycling box. All household waste and recycling must be stored and presented for collection in a wheeled bin or recycling box in the area outlined in red on Map D.
- q. Relevant Persons (3*) are prohibited without a reasonable excuse from storing wheeled bins and recycling boxes outside the boundary of Relevant Premises (4*) other than between 6pm the night before collection is due and 9pm on the day of collection in the area outlined in red on Map D.
- r. Each Relevant Person (3*) must ensure bulky waste items awaiting removal remain within the Relevant Premises (4*) boundary in the area outlined in

red on Map D.

- s. Anyone who has placed commercial or industrial waste, not correctly secured within a suitable waste container on land in the open air to which the public have access should immediately clear it if asked to do by an authorised officer in the area outlined in red on Map D.

(*1) **‘Enclosed children’s play areas’** All land within the council’s administrative area comprising any fenced (and / or hedged and / or walled) children’s play area signed at its entrance(s) as a ‘dog exclusion area’ (whether the sign uses those particular words or words and / or symbols having like effect).

(*2) **‘Designated sites’** All land within the council’s administrative area comprising any fenced (and/or hedged and/ or walled) educational facility (school) signed at its entrance(s) as a ‘dog exclusion area’ (whether the sign uses those particular words or words and/or symbols having like effect).

(*3) **‘Relevant person’** means any person residing in, whether permanently, or temporarily, by legal right or simple occupation at any premises situated in the area outlined in red on Map D and includes any owner or managing agent of any premises let on a periodic tenancy and situated in the Restricted Area (Map D). Each **‘Relevant Person’** shall have an equal and separate responsibility in relation to the above requirement, whether physically present at the Relevant Premises at the relevant time or not.

(*4) **‘Relevant Premises’** refers to residential premises within the Restricted Area (Map D).

2. Any person who without reasonable excuse fails to comply with the requirements of the Order commits an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
3. Where a constable or authorised person has reason to believe an offence in relation to this Order has been committed, the person committing the offence shall be issued with a Fixed Penalty Notice. The payment of a Fixed Penalty Notice provides the opportunity of discharging any liability to conviction for the offence.
4. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within 6 weeks from the date on which this Order is made.
5. The Order shall come into force on 21st October 2021 and expire on 20 October 2024.

Date of the Order XXXXX