

Newcastle City Council
May 2020

Proposal for Public Space Protection Order

Background Information

Newcastle upon Tyne: Public Spaces Protection Order Background Information

Introduction

Newcastle City Council (the Council) faces quite complex challenges around anti-social behaviour and a number of issues have been raised by the public and businesses that need to be addressed. The Council wants to ensure that the city remains a great place to live, work and visit. To help us achieve this we want to put measures in place to deter anti-social behaviour whilst continuing to ensure that appropriate support is in place to protect some of the most vulnerable people in our city.

The existing PSPO places controls on the consumption of alcohol in public places and the behaviour of dogs and their owners. The proposed PSPO will keep these controls in place. A brief description of each type of behaviour which will be controlled is set out in this document.

Please note, PSPO's are used to regulate specific activities in identified public places that can have a detrimental effect on the quality of life of those in the locality. This specific order is in relation to dog control and alcohol in public places only, and the order will last for 3 years. Any current measures in place in relation to COVID-19 are dealt with over and above this legislation.

We are consulting to provide you with the opportunity to tell us what you think of the proposal. There are a number of ways you can tell us your views and these are set out in the 'What happens next?' section at the end of this document.

What is a Public Space Protection Order (PSPO)?

Public Space Protection Orders ('PSPOs') were created by the Anti-Social Behaviour, Crime and Policing Act 2014, Chapter 2, Part 4 which came into force on 20 October 2014. PSPO's can be used to regulate activities in identified public places that can have a detrimental effect on the quality of life of those in the locality. They are designed to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. Further information can be found on the following links.

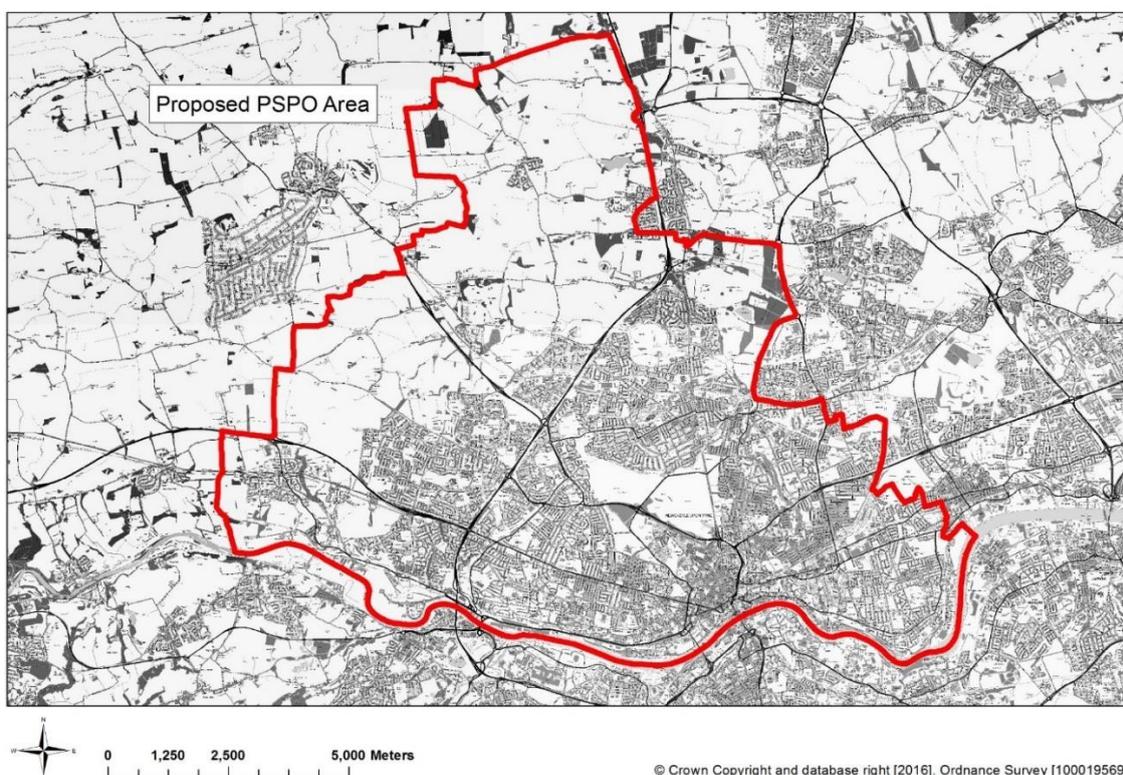
<http://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2/enacted>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final__2_.pdf

Local authorities have the power to implement these orders to help in tackling anti-social behaviour. The order works by imposing conditions on the use of that area which apply to everyone. It is an offence for a person to fail without reasonable excuse to comply with the order. The orders have effect for up to three years and can be extended.

Proposed area to be covered by the PSPO

It is proposed that this PSPO will cover the full Newcastle upon Tyne local authority area as shown on the map below. This area is known as the 'Restricted Area'.



This area has been proposed in order to allow the greatest flexibility for the authority to deploy measures to tackle Anti-Social behaviour across the city.

What will be included in the PSPO for Newcastle?

The Council's proposed PSPO would continue the existing PSPO powers in relation to consumption of alcohol in public places and the requirements relating to persons with dogs. The activities are detailed below:

Consuming alcohol in public places

At present there is a PSPO in place which covers the local authority area. This order has been in place since 2017. The restrictions compel any person to surrender alcohol upon instruction by an Authorised Officer. These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park whilst enjoying an alcoholic drink. While officers have the discretion to require an individual to refrain from drinking regardless of behaviour, the advice is that it is not appropriate to challenge an individual consuming alcohol where that individual is not causing a problem.

Section 13 of the Criminal Justice and Police Act 2001 makes it clear that the power is to be used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place. The inclusion of drinking alcohol in a public place within this PSPO would enable authorised officers to continue to take action to tackle alcohol related disorder or nuisance behaviour.

Dog Control Orders

At present there is a PSPO in place which covers the whole of the local authority area.

The order has been in place since 2017, it regulates a number of offences including the control of dogs on leads, permitting a dog to enter land from which dogs are excluded and fouling of land by dogs. Enforcement action is taken by the Council against persons seen to contravene the Order either by prosecution or by means of a fixed penalty notice. The proposed PSPO would allow the continuation of these enforcement actions.

What happens next?

To help us decide whether to have a PSPO, we are consulting to provide you with the opportunity to tell us what you think of the proposal. There are a number of ways you can tell us your views.

This leaflet gives some detailed background to the proposals. This information can be found online together with the questionnaire at the link shown below.

- Complete an online questionnaire at <https://www.letstalknewcastle.co.uk/consultations/info/328>
- Complete a paper questionnaire: copies are available upon request and can be sent to:

Safe Newcastle Unit
Newcastle City Council
Civic Centre
Newcastle upon Tyne
NE1 8QH
- Write to us at the address above (please mark it 'Public Space Protection Order consultation').

This consultation will close on Friday 5th June 2020

The Council's Cabinet will make the final decision about the Public Space Protection Order. Details of the Cabinet meeting and subsequent decisions will be published on the Council's website.

If you need this information in another format or language, please contact:

Deborah Peel on 0191 211 6407 or email: deborah.peel@newcastle.gov.uk