

**Wednesday, 13 September 2023**

**Report of the Portfolio Holder for Environmental Health and Community Partnerships /  
Assistant Director - Partnerships**

**Extension of PSPO Tamworth Dog Control and Alcohol Restricted Zones**

**Exempt Information**

None

**Purpose**

To consider extension of the public space protection order (Tamworth Dog Control) and Public Space Protection Order (Alcohol Control in a Public Space)

**Recommendations**

It is recommended that the Committee:

1. Approve the delegation to the Portfolio Holder Environmental Health and Community Partnerships for the extension of the Public Space Protection Order (Dog Control) until October 2026
2. Cease the restriction of alcohol in a public place – Amington Alcohol Restricted Zone
3. Approve the delegation to the Portfolio Holder Environmental Health and Community Partnerships for the extension of the Public Space Protection Order (Alcohol in a Restricted Zone) to include the Town Centre Zone only until October 2026

**Executive Summary**

Processes for the consideration of the Public Space Protection Order (PSPO) implemented under the Anti social behaviour crime and Policing Act 2014, were approved at Cabinet on [18 June 2015](#), delegating authority to the Infrastructure Safety and Growth Scrutiny Committee to consider public consultation for new PSPOs, extension or cessation to existing PSPOs and to delegate implementation to the relevant Portfolio Holder.

**The following conditions must be met before making the order:**

- Activities carried on in a public place within the local authority have a detrimental effect on the quality of life of those living in the locality or
- It is likely that activities will be carried out in a public place within the area that will have such an effect

**The Effect, or likely effect of the activities:**

- Is, or is likely to be, of a persistent or continuing nature OR
- Is, or is likely to be such as to make the activities unreasonable and justifies the restrictions imposed by the order

**All PSPO's can be imposed for a maximum 3 year period with options to:**

- Extend for a further specified period of time upon expiry of the current order if it continues to meet the criteria
- To discharge the order as it is no longer required.

Public Space Protection Orders can be made with varying timescales, extended or ceased to assist resolution of community concerns.

A breach of a PSPO carries a fixed penalty of £100 and failure to pay can lead to prosecution.

### **Public Space Protection Order (Dog Control)**

The current order expires 20 October 2023 and is proposed to extend for a 3 year period.

Without further renewal it will not be possible for nominated officers to issue fixed penalties for dog fouling, dogs off lead where they are required, dog considered to be out of control and where they are prohibited eg play areas.

The PSPO continues to be an excellent tool to promote and ensure responsible dog ownership and encourage good behaviours.

Further public consultation has not been fully undertaken because of the extension as dog fouling and inconsiderate owner behaviour is a health hazard, unpleasant and dangerous, thereby making the order reasonable to prevent alarm, harassment, and distress.

Following some representation from Street Scene staff about dogs off lead and fouling in Wigginton Cemetery the matter has been considered. It is not felt at this time that dogs should be banned from cemeteries as they provide pleasant walking areas, peaceful places, and consolation for members of the public who may wish to visit graves with family pets. To ensure that the situation is managed, additional signage will be place in Wigginton Cemetery, appropriate signage given to staff digging graves and patrols as necessary as resources permit within the Neighbourhood Impact Team.

The updated PSPO (Dog Control) is attached as Appendix 1.

### **Public Space Protection Order (Alcohol in a Public Place)**

The current PSPO (Alcohol in a Public Place) expires at the end of October 2023 .

The current order covers the town centre and Castle Grounds (Appendix 2) and Amington Village (Appendix 3).

#### **Amington**

The Amington Zone was implemented and further extended prior to the development of the area and Police report very little concerns around the public drinking of alcohol and associated ASB in this area. It is proposed that this part of the PSPO not be extended at this time. This will be kept under review by Community Safety partners.

#### **Town Centre**

There has been one fixed penalty issued in the Town Centre Zone in 2022.

As the prime hospitality, social and Castle Grounds event space, it is considered that the order acts as a deterrent, promotes public confidence and meets all criteria for extension.

The PSPO does not prevent alcohol being drank in the areas concerned but allows for designated officers to request cessation and removal of drink where it is considered that the

consumption of alcohol and associated behaviour is causing (or likely to cause) alarm harassment or distress. It does not prevent the use of the Castle Grounds for social drinking eg family picnics or for other events where the licence is invoked.

Police and Council officers can consider the use of a fixed penalty with other powers available under the ASB Crime and Policing Act 2014.

The updated order is included as Appendix 4

### **Options Considered**

Dog Control – cessation of the order would not give any deterrent for dogs fouling, off lead or out of control.

Alcohol Restrictions – continuation of Amington Zone which is not considered proportionate at this time but will remain under review.

Town Centre – cessation of the order would not provide delegated officers with powers as necessary and where proportionate to prevent anti-social drinking.

### **Resource Implications**

Delegated authority is available to Partnerships and Neighbourhood Impact Officers for witnessed events.

Police can provide witness statements and act on the order as necessary.

### **Legal/Risk Implications Background**

Public Space Protection order can be implemented by the Council as proportionate under the ASB Crime and Policing Act 2014. All orders can be appealed within 6 weeks to the High Court as necessary by the public.

### **Equalities Implications**

The PSPO (Dog Control) provides exemptions to disabled persons (within the meaning of the Equality Act 2010) whose disability restricts their ability to comply with the Order and the dog is their guide dog or assistance dog.

### **Environment and Sustainability Implications (including climate change)**

Reviews of PSPOs are undertaken every 3 years or sooner as circumstance dictate.

### **Background Information**

All information included in report.

### **Report Author**

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### **List of Background Papers**

[Statutory Guidance ASB, Crime and Policing Act 2014](#)

### **Appendices**

Appendix 1 – PSPO (Dog Control)  
Appendix 2 – Town Centre Alcohol Restricted Zone  
Appendix 3 – Amington Alcohol Restricted Zone  
Appendix 4 – PSPO (Alcohol in a Public Space)

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