**Westmorland and Furness Council**

***Public Space Protection Order***

***Frequently Asked Questions***

**What does PSPO mean?**

PSPO is an abbreviation for Public Space Protection Order. A PSPO is a tool available to Councils under the Anti-Social Behaviour, Crime and Policing Act 2014 and are intended to be used to deal with a particular nuisance or problem in a specific area that is having a detrimental effect to the local community’s quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law- abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

**Why is an order restricted to a particular area?**

The Anti-Social Behaviour, Crime and Policing Act 2014 states that proposals to introduce a PSPO need to focus on the impact that anti-social behaviour is having on victims and communities and meet defined legal tests.

A Public Spaces Protection Order can be made by the Council if they are satisfied on reasonable grounds that the activity or behaviour concerned, is carried out, or likely to be carried out, in a public space, and:

• has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;

• is, or is likely to be, persistent or continuing in nature;

• is, or is likely to be, unreasonable; and

• justifies the restrictions imposed.

A range of information has been assessed and those areas which are deemed to meet the legal threshold are, subject to consultation, considered appropriate to be included in the PSPO. Areas within the Westmorland and Furness Council are that not included have been assessed as not meeting the required legal threshold at this time.

**Are there time restrictions on a PSPO?**

Restrictions set out within the PSPO will apply all day every day of each year the order is in force. The PSPO will last for three years and can be extended, amended or discharged, following a review.

**What are the benefits to the community of a PSPO?**

The main benefits of a PSPO are to help tackle the anti-social behaviours that are highlighted in the order. They are all aimed at making Westmorland and Furness Council area a safer and more pleasant place to inhabit as a resident or visitor.

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| Proposed Part of the Protection Order | Why is this being suggested |
| Dog Fouling | To encourage responsible dog ownership and help prevent dog fouling, also allow action to be taken against irresponsible owners who don’t pick up fouling. |
| Dogs on Leads on roads that has a speed limit of 20 mph (also footpaths, pavements, footway, alleyway, yard or verge which are within 10 metres of such road). | To ensure safety of dogs and other road users. |
| Dogs on leads in specific areas. | To ensure safety and respect in some specific places, as well as the safety of wildlife and farm animals. |
| Dog on lead by direction. | To ensure safety of dogs, other animals and the public as above. |
| Dog Exclusion Area. | To ensure certain areas (children’s play area/sports pitches, etc.) are safe for users and remain free from fouling. |
| Not to walk more than 6 dogs at any one time. | To ensure the welfare of the dogs, control for public safety and to restrict fouling. |
| No unauthorised fires or barbeques in all parks and open spaces owned by Westmorland and Furness Council. | To reduce the risk of wild-fires and damage to property and land, as well as reducing the risk of harm and inconvenience to others. |
| No drinking when asked to stop by an Authorised Officer. | To discourage or prevent people under the influence of alcohol from being anti-social and cause harm, alarm, distress or inconvenience to other members of the public or harm to themselves. |
| Anti-social behaviour by individuals or groups. | To prevent intimidation to others and undertaking of anti-social behaviour that impacts on others. This allows us to tackle this behaviour and help develop and maintain safer communities. |
| Driving or permitting a vehicle to be used in a manner that causes or is likely to cause harm, alarm and distress and/or danger. | This will help us to tackle a variety of issues, from vehicles/bikes/e-scooters being driven on council land without permission to vehicles being used in the community in a way that is causing or risks harm, alarm or distress, or risks of harm to persons or property. |
| No overnight camping/unauthorised encampments | This is to prevent harm or inconvenience to others, anti-social behaviour and damage (including environmental harm) and the tipping of waste. This order will help to control these issues, promote the use of authorised sites, and protect our landscape and the environment. |

Westmorland and Furness Council

[DATE]

**Anti-Social Behaviour Order in Practice**

**Would it be illegal to drink on the streets?**

It would continue to be lawful to drink alcohol responsibly in a public place, subject to any other statute, by-laws or associated behaviours.

**Can I be stopped or arrested for carrying alcohol on the streets?**

This PSPO does not make it illegal to carry alcohol and is intended to be used to tackle alcohol-related anti-social behaviour or disorder.

Under these circumstances Police Officers, or any authorised persons, will have the power to stop people who they believe are drinking alcohol and acting, or likely to act, in an anti-social manner and seize or confiscate alcohol within the area covered by the PSPO. Failure to comply with an officer’s request to stop drinking and/or dispose of alcohol could result in receipt a Fixed Penalty Notice or a criminal prosecution.

**Will the PSPO stop me from having an alcoholic drink with a family picnic?**

No, the aim of the PSPO is to stop anyone who is committing anti-social behaviour through drinking alcohol. If someone is having a glass of wine with a picnic and this is not causing any anti-social behaviour then they will not be affected by this order.

The order is proposed at helping to deal with behaviours such as public intoxication, being rowdy and inconsiderate, swearing and shouting, urinating in the street and other behaviour which is considered to be detrimental to other users of public spaces and that, in the opinion of the enforcement officers, would make those people them feel uncomfortable or unsafe or otherwise have a detrimental effect on their use of that public space.

**What about street parties and events in parks?**

Events within a public place, which have an authorised premises licence, or a Temporary Event Notice (TEN) will be excluded from the PSPO powers during the time and in the place(s) for which the licence is approved.

**Will there be any extra policing to enforce a PSPO?**

The police and PCSOs will continue to patrol and respond to incidents as part of their community response, unless circumstances dictate otherwise. Authorised Officers will enforce the PSPO when required to do so.

**Dogs**

**Where does the requirement to pick up after my dog apply?**

The PSPO states that a person in charge of a dog must ‘remove dog faeces from any land to which is open to the air and to which the public have access’.

It means that you must pick up your dog fouls/waste outdoors in parks and open spaces (including beaches), on the footpath, highway, bridleways and any other area which could be reasonably be expected to be accessed by the public. The order covers the whole of Westmorland and Furness Council area, although enforcement of the order will be predominately within areas where the impact is likely to be high, such as within the towns and in the parks and open spaces unless circumstances dictate otherwise.

**Why might I be asked to put my dog on a lead?**

Some dogs are generally safe and under control without a lead/leash. If an ‘Authorised Officer’ has formed the opinion that a dog has the potential to cause danger or a nuisance to other persons (or their dogs), the owner will be required to bring it under control by placing it on a lead. All dogs will be required to be placed on a lead in the Restricted Areas and there are some areas where dogs are generally forbidden to enter.