

## 1. PURPOSE OF THE REPORT

To provide information on the new legislation that will replace Gating Orders and Dog Control Orders

## 2. NEW LEGISLATION

The Anti-Social Behaviour, Crime and Policing Act 2014 comes into force on 20<sup>th</sup> October 2014.

The Act allows local authorities to make **Public Spaces Protection Orders (PSPO's)** which will replace Dog Control Orders, Gating Orders and designated Public Place Orders. PSPO's are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life by imposing conditions on the use of that area.

Currently Local Access Forums are a statutory consultee for both Gating Orders and Dog Control Orders. Under the new legislation however, that is not the case.

Tests for making a PSPO are that the Authority is satisfied on reasonable grounds that the;

- activities or behaviour in the public place have an “actual and likely” “detrimental effect on the local community's quality of life” and that;
- the impact of the Order justifies the restrictions being put in place and that;
- the activity or behaviour is “persistent and unreasonable”

PSPO's will last for up to 3 years before requiring a review and there is no longer a requirement to publish in the local newspaper.

The explanatory notes provided by the government say that;

- Where an order restricts access to a public right of way, the local authority should also consider the wider impact on those in the locality and the availability of other routes. (section 64(1)). For instance, an alleyway between houses and a key local amenity (shops, etc.) should not be closed where there is no other reasonable route for people to use.
- The local authority must also inform those in the locality of any proposed order (section 64(2)). Where an order would restrict a public right of way that crosses into another local authority area, that local authority must also be consulted where the issuing authority thinks it appropriate to do so (section 64(3)).