

**Report to** Cabinet  
14 April 2021  
**Report of** Interim Director of People and Neighbourhoods  
**Subject** Public Space Protection Orders (PSPO)

**Item**

10

## KEY DECISION

---

### Purpose

This report is seeking approval to make 2 Public Space Protection Orders for the management of alcohol in public spaces within the city centre: and the management of dog fouling within the city boundary

### Recommendation

The recommendation is that Cabinet approves:

- 1) the making of both Public Spaces Protection Orders for the management of alcohol in public spaces within the city centre and the management of dog fouling within the city boundary; and
- 2) the advertising in the media that two Public Space Protection Orders have been made.

### Corporate and service priorities

The report helps to meet the corporate priority People living well

### Financial implications

To be funded from existing budgets.

**Ward/s:** All Wards

**Cabinet member:** Councillor Maguire - Safe and sustainable city environment

### Contact officers

Louise Rawsthorne: Interim Director of People and Neighbourhoods 01603 987754

Michael Stephenson: environmental health and public protection manager 01603 989586

## **Background documents**

None

# **Cabinet Report: Renewal of Public Space Protection Orders for the management of alcohol in public spaces within the city centre and the management of dog fouling within the city boundary**

## **Background**

1. Public Spaces Protection Orders (PSPOs) were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (the '2014 Act') and provided local authorities with powers to introduce PSPOs to deal with any particular activities having a detrimental effect on the quality of life of those in the community or any likely activity that would have such an effect.
2. A PSPO effectively prohibits specified things from being done or requires certain things to be done in an area covered by it, whilst ensuring that law-abiding members of the public can use and enjoy that area.
3. A PSPO may be made if the council is satisfied on reasonable grounds that three conditions are met:
  - (i) Activities carried on in a public place within the City either have had, or it is likely that they will have, a detrimental effect on the quality of life of those in the locality;
  - (ii) It is likely that the detrimental effect will be persistent, and such as to make the activities unreasonable;
  - (iii) The effect, or likely effect, is such as to justify the restrictions imposed by the proposed PSPO.
4. The restrictions and requirements set by the council may:
  - (i) Be blanket or targeted restrictions against certain behaviours by certain groups at certain times;
  - (ii) Restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour;
  - (iii) Be enforced by a police officer, police community support officer and council officers.
5. The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order:
  - (i) To prevent the detrimental effect referred to in 3(i) above;
  - (ii) To reduce the detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
6. If the two PSPO's are not made, it will result in the council having no controls in place to tackle anti-social behaviour relating to the consumption of alcohol in public spaces and dog fouling in public spaces and the detrimental effect that such behaviour can have on the quality of life of those in the community.
7. Given the outcome of the public consultation exercises, supported by Police statistics in relation to their interventions to manage alcohol in the city centre and council statistics in relation to dog fouling complaints received from 2017 to 2020, Cabinet

can be reasonably satisfied that making the PSPO's is necessary to prevent the occurrence or recurrence of the activities identified in the PSPO's, or an increase in the frequency or seriousness of those activities.

8. The council can make a PSPO after 'necessary consultation, publicity and notification' as defined in section 72 of the 2014 Act. This means consulting with the police, the PCC, community representatives and the owners or occupiers of land within the restricted area (to the extent that it is reasonably practicable); publishing the text of the proposed PSPO; and notifying Norfolk County Council.
9. Failure to comply with a PSPO is a criminal offence and can lead to a summary conviction and fine not exceeding level 2 on the standard scale (£500). A person authorised by the Council, a Police Officer and / or a Police Community Support Officer (PCSO) if authorised can enforce the PSPO.
10. When a PSPO is made, the 2014 Act specifies that it cannot last for more than 3 years unless formally extended before it expires by the council that made the PSPO. The effect of this is that the alcohol management PSPO and the dog fouling PSPO made by the council on 1 October 2017 both expired at midnight on 1 October 2020. The 2014 Act provides that the council may extend those PSPOs for a further period of not more than 3 years. However, as a result of Covid 19 priorities, it was not possible to extend these PSPO's earlier but the proposed PSPO's in this report are effectively a renewal of them.

## **Public Consultation process**

11. The creation or extension of a PSPO cannot take place until the necessary consultation, publicity and notification has taken place in accordance with section 72 of the 2014 Act and Home Office statutory guidance<sup>1</sup>. This means consulting with the police, PCC, community representatives and the owners or occupiers of land within the restricted area (to the extent that it is reasonably practicable); publishing the text of the proposed PSPO; and notifying Norfolk County Council.
12. In addition to the above, the council has uploaded on to its website:
  - (i) detailed information regarding the consultation process and frequently asked questions;
  - (ii) a link to the consultations to enable them to be completed and submitted by consultees, businesses and members of the public;
  - (iii) a copy of the two draft PSPO's for the management of alcohol within the city centre and the management of dog fouling within the city boundary;
  - (iv) issued a media release.
13. Appendices 3 and 4 detail the full consultee list for each PSPO.

14. The consultation process needed to take account of the on-going restrictions imposed by the Covid-19 pandemic. It ran from Wednesday 24 March until 23:59 on Monday 5 April 2021.
15. The consultees and the public were able to respond online to the consultations via the council website, although all responses received are considered before a recommendation is made to Cabinet.
16. In addition, when considering any proposed PSPOs, the council must consider any equality issues pursuant to its duty under section 149 of the Equality Act 2010. In line with this, an initial Equalities Impact Assessment (EqIA) was undertaken but did not find that a full EqIA was required for either PSPO as no potential adverse impacts in relation to the decision for this report were considered likely.

### **Responses to the consultation: Management of alcohol within the city centre**

17. The consultation had 45 respondents.
18. There were 3 business respondents and 42 members of the public
19. The outcome of the consultation is as follows:
  - i. 36 respondents supported the making of this PSPO
  - ii. 3 respondents did not support the making of this PSPO
  - iii. 6 respondents did not specify a preference regarding the PSPO

### **Responses to the consultation: Management of dog fouling within the city boundary**

20. The consultation had 82 respondents.
21. There were 2 business respondents and 80 members of the public
22. The outcome of the consultation is as follows:
  - (i) 76 respondents supported the making of this PSPO
  - (ii) 6 respondents did not specify a preference regarding the PSPO

### **Recommendation following the consultation process**

23. The recommendation is that the council makes the Public Spaces Protection Order for the management of alcohol within the city centre and the management of dog fouling within the city boundary.

## **Next stages**

24. The approved PSPO's will be published in a local newspaper. Information will also go on the council's website, be published on social media and signage will be erected in relevant areas to maximise publicity of the PSPO's.
25. Upon publishing there is a 6 week period when the council's decision can be challenged by application to the High Court. The PSPO's remains operative during the appeal unless the High Court suspends it.
26. Additionally, the orders can be reviewed by Judicial Review within 3 months of it being made.

## **Appendix 1: Draft Public Space Protection Order – management of alcohol in public spaces**

### **THE NORWICH CITY COUNCIL (CONTROL OF ALCOHOL) PUBLIC SPACES PROTECTION ORDER NO. 1 of 2021**

1. This Public Spaces Protection Order is made by Norwich City Council of City Hall, St Peters Street, Norwich, Norfolk (hereinafter called “the Council”). The Council makes this Order pursuant to section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 which Act is hereafter referred to as “the Act”.
2. In this Order “authorised person” means a person authorised for the purposes of section 63 of the Act by the Council.
3. The Council makes this Order as the Council is satisfied upon reasonable grounds firstly that anti-social behaviour associated with drinking alcohol in public places has been carried on or is likely to be carried on within the public places identified in this Order and that these activities have had or are likely to have a detrimental effect on the quality of life of those living in the locality and further that the effect or likely effect of this activity is or is likely to be of a persistent or continuing nature and is or is likely to be such as to make the activity unreasonable and justifies the restrictions imposed by this Order.
4. No person shall at any place to which this Order applies consume alcohol after being warned not to consume alcohol by a constable or an authorised person.
5. A warning given under paragraph 4 of this Order may be given verbally or in writing and in either case a warning shall be in effect for a period of one week from the date and time the warning was given.
6. The prohibition obtained in paragraph 4 of this Order does not apply to any place specified in section 62 of the Act as a place where a prohibition in a Public Spaces Protection Order on consuming alcohol does not apply.
7. The public places within the City of Norwich identified specifically in Schedule 1 of this Order and the public places within the City of Norwich identified by

description in Schedules 2A and 2B of this Order are the places to which this Order applies, subject to the exclusions contained in section 62 of the Act.

8. Pursuant to section 75 of the Act this Order is in effect on 1<sup>st</sup> May 2021 and continues in force for a period of three years from that date unless it is extended under section 60 of the Act, or varied or discharged under section 61 of the Act.
9. Under section 63 of the Act where a constable or an authorised person reasonably believes that a person is or has been consuming alcohol in breach of a prohibition in a Public Spaces Protection Order or intends to consume alcohol in circumstances in which doing so would be a breach of a prohibition in a Public Spaces Protection Order then the constable or authorised person may require that person not to consume in breach of the Order alcohol or anything which the constable or authorised person reasonably believes to be alcohol and under section 63(2)(b) of the Act a constable or an authorised person may require that person to surrender to the constable or authorised person anything in their possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.
10. A constable or an authorised person who imposes a requirement on a person under section 63 of the Act must tell the person that failing without reasonable excuse to comply with the requirement is an offence. A requirement imposed is not valid if the constable or authorised person fails to show to the person receiving the requirement evidence of his or her authorisation if they are asked to do so by that person.
11. A constable or an authorised person may dispose of anything surrendered under sub-section (2)(b) of section 63 of the Act in whatever way he or she thinks appropriate.
12. A person who fails without reasonable excuse to comply with a requirement imposed on him or her under section 63 of the Act commits an offence and is liable under summary conviction to a fine not exceeding level 2 on the standard scale.
13. Under section 67 of the Act it is an offence for a person without reasonable excuse to do anything that the person is prohibited from doing by a Public Spaces Protection Order, or to fail to comply with a requirement to which the person is subject under a Public Spaces Protection Order. A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale. However, a person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the Council did not have power to include in a Public Spaces Protection Order.



14. Consuming alcohol in breach of this Order is not an offence under section 67 of the Act but reference should be made to section 63 of the Act.
15. This Order may be cited as the Norwich City Council (Control of Alcohol) Public Spaces Protection Order No. 1 of 2021.

## Schedule 1 - Designated public places identified specifically -

### Public Highway

Abbey Lane	Bracondale	Colegate
Agricultural Hall	(between its	Copeman
Plain Alan Road	junctions with King	Street
Albion Way	St and Queens	Corncutters
Alderson	Road) Brigg Street	Close
Place All	Broadsman Close	Corporation
Saints Green	Brooke Place	Quay Coslany
Alms Lane	Bull Close	Square
Anchor Quay	Bull Close Road	Coslany Street
Arcade Street	(between its	Cotman Fields
Argyle Street	junctions with	Cow Hill
Back of the	Magpie Road and	Cowgate
Inns Bakers	Charlton Road)	Cross
Road	Bull Lane	Lane
Balderston	Calvert Street	Cross
Court Bank	Canary Way	Street
Plain	Carrow Hill	Crown
Bank Street	Carrow Road	Road
Barn Road	Castle	Davey
Barnards	Meadow	Place
Yard Barnes	Castle Street	Dove
Yard Barwells	Cathedral	Street
Court	Street	Duke
Bedding Lane	Catherine	Street
Bedford	Wheel	Eastbourne
Street Ber	Opening	Place
Street Bethel	Cattle Market	Ebenezer
Street	Street Chantry	Place Edwards
Bishopbridge	Road Chapel	Street Elm Hill
Road Bishopgate	Lake Chapelfield	Esdelle Street
Blackfriars Street	Road Charing	Exchange
Botolph Street	Cross Chatham	Street Farmers
Boulton Street	Street Clarence	Avenue
Bridewell Alley	Road Cleveland	Finklegate
	Road Coburg	Fishergate
	Street	Fishers Lane
		Foulgers
		Opening Friars
		Quay

Fye Bridge Street

Gaol Hill

Garden Place

Garden Street	Street	
Gas Hill	Little	New Mills Yard
Gentlemans	Bull	Ninhams Court
Walk	Close	Norman
Gildencroft	Little	Buildings Oak
Gillings Yard	London	Street
Golden Ball	Street	One Post
Street	Lobster	Alley Opie
Governors	Lane	Street Orford
Court Golden	London	Hill Orford
Dog Lane	Street	Place Orford
Grapes Hill	Lower	Street Palace
Greyfriars Road	Clarence	Street
Grouts	Road	Paradise
Thoroughfare	Lower	Place
Guildhall Hill	Goat	Parsonage
Gurney Road	Lane	Square Peacock
(between its	Magdale	Street Pigg Lane
junctions with	n Close	Pitt Street
Cannell Green and	Magdale	Plough Lane
Ketts Hill)	n Street	Plough Yard
Hansard	Magpie	Plumbers Arms
Lane Hay Hill	Road	Alley Pottergate
Haymarket	Maidston	Prince of Wales
Halls Lane	e Road	Road Prince of
Horns Lane	Malthous	Wales Yard Princes
Ice House Lane	e Road	Street
Jenkins Lane	Mandela	Pyes Yard
Ketts Hill (between	Close	Quakers
its junctions with	Mariners	Lane
Gurney Road and	Lane	Quayside
Ladbroke Place)	Market	Queen of Hungary
King Street	Avenue	Yard Queen Street
Koblenz	Marquis of	Queens Road
Avenue	Granby	Rampant Horse
Ladbroke	Row	Street Recorder
Place	Mounterga	Road
Leonards	te	Red Lion
Street Leopard	Music	Street Redwell
Court Lily	House	Street Rigsbys
Terrace	Lane	Court River
Lion and Castle	Musp	Lane Riverside
Yard Little Bethel	ole	
	Street	

Riverside Road  
Robert Gybson Way Rose  
Avenue  
Rose Lane Rose Yard  
Rosemary Lane Rouen  
Road School Lane  
Scotts Yard  
Sherbourne Place  
Southgate Lane St  
Andrews Hill  
St Andrews Street St  
Anns Lane  
St Augustines Street St  
Benedicts Street St  
Catherines Plain St  
Clements Alley

St Crispins Road,  
inc. subway  
St Faiths  
Lane St  
Georges  
Alley St  
Georges  
Plain  
St Georges Street  
St Gregorys Back  
Alley St Gregorys  
Alley  
St James Close  
(between its  
junctions with  
Cannell Green and  
Barrack Street)  
St John  
Maddermarket St  
Johns Alley  
St Julians Alley  
St Lawrence Lane  
St Lawrence Little  
Steps St Lawrence  
Steps  
St Leonards  
Road (between  
its junctions with  
Ladbroke Place  
and Gas Hill)  
St Margarets  
Alley St  
Margarets  
Street  
St Martin at Oak  
Wall Lane  
St Martin at  
Palace Plain  
St Martins  
Lane St  
Marys Alley  
St Marys  
Plain St  
Miles Alley  
St Miles  
Lane  
St Pauls  
Opening St

Pauls Square  
St Peters  
Street St  
Saviours Alley  
St Saviours  
Lane St  
Stephens Plain  
St Stephens  
Street St  
Swithins Alley St  
Swithins Road  
St Swithins  
Terrace St  
Vedast Street  
Stamp Office  
Yard Stepping  
Lane Stracey  
Road Stuart  
Gardens Stuart  
Road  
Surrey  
Grove  
Surrey  
Street  
Sussex  
Street Swan  
Lane

Swan Yard  
Talbot Square  
Ten Bell Lane  
The Lathes  
Theatre Street  
Thompsons  
Yard Thorn  
Lane  
  
Thoroughfare Yard  
Thorpe Road  
(between its junctions  
with Riverside Road  
and Clarence Road)  
Three Kings Lane  
Timberhill  
Tombland

**Public Highway**

Tombland Alley  
Turners Square  
Upper Goat Lane  
Upper Green Lane  
Upper King Street  
Upper St Giles  
Street  
  
Waggon and Horses  
Lane Wall Lane  
  
Waterside  
Watlings  
Court Watts  
Court  
Weavers  
Lane  
Wellington  
Lane  
Wensum  
Street

Westlegate  
Westwick  
Street Wherry  
Road White  
Lion Street  
Whitefriars  
Whittings Court  
  
William Booth  
Street Willis  
Street  
  
Willow Lane  
Winterton  
Lane Wrights  
Court York  
Alley Zipfels  
Court

Bagleys Court  
Blickling  
Court  
Clement  
Court Gurney  
Court  
Kingsgate  
Court Malzy  
Court Mayes  
Court Old  
Barge Yard

Pipe Burners  
Yard Ravens  
Yard

St Lawrence  
Close Stuart  
Court Wades  
Court Winkles  
Row

Barwells Court  
Carleton  
Gardens  
Cokes Court  
Hobrough Lane  
Lanes Yard  
Mandells Court  
Norris Court

Old Meeting House  
Alley Post Office Yard  
Sackville Place

St Michael at Pleas  
Three Tuns Court  
Water Lane

Wrights Foundry Yard

Beckham  
Place Chestnut  
Court Gaffers  
Court Kings  
Head Lane  
Lowes Yard  
  
Mary Chapman Court  
  
Old Bank of England Court  
Orford Yard  
  
Queen Elizabeth  
Close St Giles  
Terrace Strangers  
Court Throckmorton  
Yard Websdales  
Court

**Public Open Space**

Argyle Street Open  
space Becketts Chapel

Black Tower, Carrow  
Hill Chapelfield  
Gardens City Hall  
Open Space Elm Hill  
Gardens Gildencroft

Open Space Hay Hill Open  
Space James Stuart Gardens  
Ketts Heights

Leonards Street Open Space Market  
Avenue Open Space Memorial  
Gardens

Oasis Site Fishergate  
Riverside Walk  
(between the Bridges  
over the River Wensum  
at Carrow Road and St  
Crispins Road  
St Andrews Garth

St Andrews Hall Open  
Space St Georges Street  
Open Space St Gregorys  
Alley Open Space  
St Margarets Churchyard Play  
Area St Pauls Open Space  
Wellington  
Green Yacht  
Station

**Other Places to which the Public have access**

Paved area in front of the Advice Arcade, 4 Guildhall Hill Anglia Square	Castle Green	
Norwich Cathedral Close	Provision Market	Castle Mall Royal Arcade

Riverside Entertainment Centre

The Chantry

Forum Open Space / Piazza

Churchyard of St Andrews Church, Bridewell  
Alley Churchyard of the Church of St  
Augustine Churchyard of the Church of St  
George, Colegate

Churchyard of the Parish Church of St George,  
Tombland Churchyard of the Church of St Giles, St  
Giles Street Churchyard of the Church of St John the  
Baptist, Timberhill Churchyard and Garden of St Julians  
Church, St Julians Alley Churchyard of St Peter  
Mancroft Church

Churchyard of St Stephens Church, Rampant Horse Street

Barn Road Car  
Park Bull Lane Car  
Park Chantry Car  
Park City Hall Car  
Park Colegate Car  
Park

Mariners Lane Car Park  
Magdalen Street Car  
Park Monastery Court  
Car Park Pottergate Car  
Park

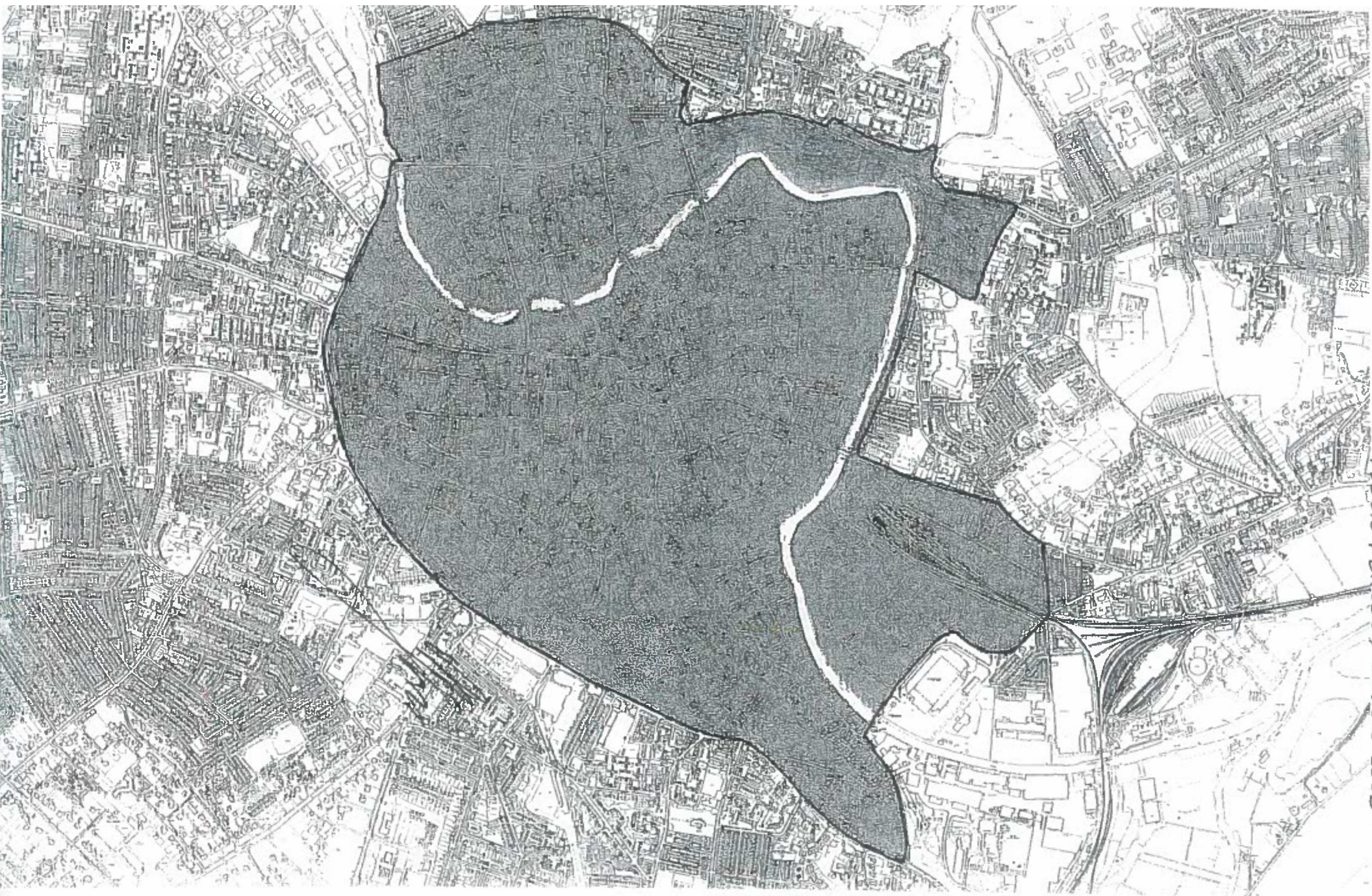
Queens Road Car  
Park Rouen Road  
Car Park St Andrews  
Car Park St Crispins  
Car Park

St Giles Multi-Storey Car  
Park St Helens Wharf Car  
Park

St Peters Street Motorcycle  
Park Westwick Street Car  
Park



ATTACHED TO THE "NORWICH CITY COUNCIL (CONTROL OF ALCOHOL IN  
PUBLIC PLACES) ORDER 2003"





**Schedule 1 ( continued ) designated public places identified**  
**specifically - Public Highway**

Allens Lane  
Amphill Street  
Arlington Lane  
Bathurst Road  
Beaumont Place

Benjamin Gooch Way  
Browne Street  
Brunswick Road  
Cambridge Street  
Canterbury Place  
Cardigan Place  
Causeway Close  
Chapel Walk

Charles Square  
Chester Place  
Chester Street  
Clarendon Road  
Clarendon Steps  
Clifton Close  
Clifton Street

Coach and Horses Row  
Convent Road

Crooks Place  
Derby Street

Dereham Road (between its junctions with Barn Road and Old Palace Road)  
Devonshire Street

Distillery Square  
Douro Place  
Eagle Walk

Earlham Road (between its junctions with Heigham Road and Unthank Road)  
Edward Jodrell Plain

Ely Street  
Essex Street  
Exeter Street

Freeman Square  
Globe Place  
Gloucester Street  
Golding Place  
Goldsmith Street  
Goodman Square  
Greyhound Opening

Grosvenor Road  
Hanover Road  
Haslips Close  
Heigham Grove  
Heigham Road

Heigham Street (between its junctions with Barn Road and Old Palace Road)  
Johnson Place

Kenneth McKee Plain  
Kimberley Street  
Langley Walk  
Launceston Terrace  
Leicester Street  
Lothian Street  
Manchester Place  
Mancroft Walk  
Midland Street  
Midland Walk

Mill Hill Road

Mount Pleasant (between its junctions with Newmarket Street and Newmarket Road)

Napier Place  
Neville Street

Newmarket Road (between its junctions with Mount Pleasant and St Stephens Road)

Newmarket Street  
Norfolk Street

Old Palace Road  
Orchard Street  
Oxford Street  
Paragon Place

Park Lane (between its junctions with Mill Hill Road and Unthank Road)  
Paxton Place

Philippa Flowerday Plain  
Partway Place

Partway Square

Raglan Street  
Rupert Street  
Russell Street  
Rutland Street  
Sarah West Close  
Sayers Street  
Shrublands, The

Somerleyton Gardens  
Somerleyton Street  
St Stephens Road

St Stephens Square  
Suffolk Square  
Thomas Wyatt Close  
Trinity Street

Trix Road  
Trory Street  
Union Street

Unthank Road (between its junctions with Earlham Road and Gloucester Street)

Valentine Street  
Vauxhall Street  
Walpole Gardens  
Walpole Street  
Wessex Street  
West Pottergate  
Woburn Street  
Wymer Street  
York Street

## **Public Open Space**

### **Open Space Name**

### **Street/Location**

Jenny Lind  
The Dell

Midland Street Open Space/Mancroft Walk  
Eagle Walk Play Area and Open Space  
The Dingle

Douro Place

Heigham Street Play Area  
Clarendon Steps Play Area  
Ely Street Games Court  
Rose Walk Play Area

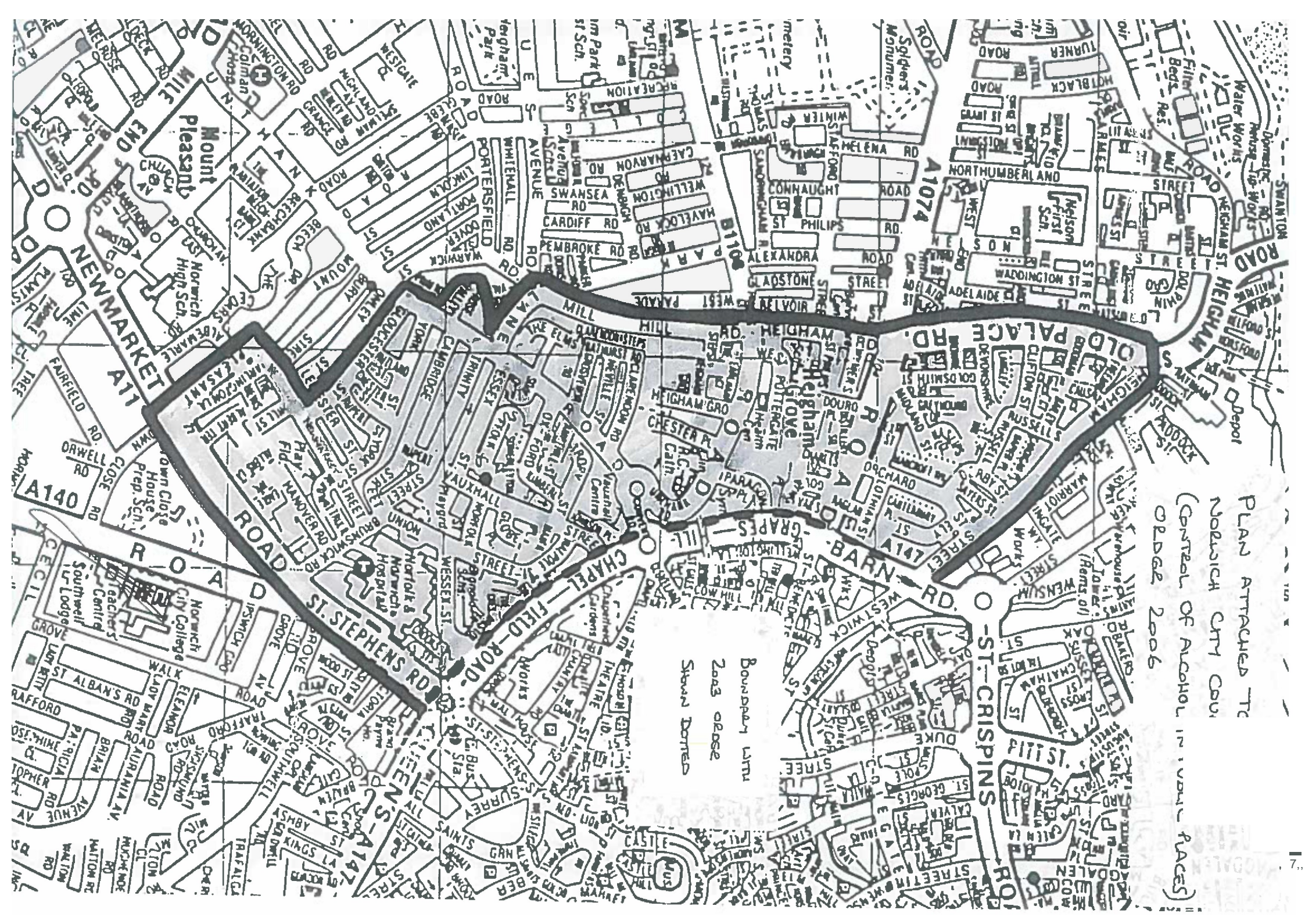
Rose Valley Play Area

Vauxhall Street  
Earlham Road  
Midland Street  
Eagle Walk  
Earlham Road  
Douro Place  
Heigham Street  
Clarendon Steps  
Ely Street  
Unthank Road  
Unthank Road



PLAN ATTACHED TO  
NORWICH CITY COUNCIL  
(CENTRE OF ALCOHOL IN RED LINES)  
2006

Boundary with  
2003 ODE  
Shown Dotted





'''  
G  
,  
r

I  
- s

•

!

▼

▬

”

11\

c  
)

.1  
..

2

c

## Other spaces to which the public have access

Plantation Garden  
Winchester Tower

### Place of Worship

### Street

Holy Trinity

Trinity Street

Elam Pentecostal

Trory Street

Synagogue

Earlham Road

Cathedral of St. John

Earlham Road

Trinity Church

Unthank Road

Douro Place Chapel

Dtt'ero Place

Dereham Road

Dereham Road Baptist Church

Derby Street

St. Barnabas

## **Schedule 2A - Designated public places identified by description**

All places (other than places identified specifically in Schedule 1) which fall within the area shaded on the attached plan marked Plan A whose boundaries are Barn Road, River Wensum, southern boundary of St. Martins Close, Bakers Road, Magpie Road, Bull Close Road, Charlton Road, Barrack Street, St. James Close, Cannell Green, Gurney Road, Ketts Hill, Ladbroke Place, St. Leonards Road, Gas Hill, Riverside Road, Thorpe Road, Clarence Road, Carrow Road, Canary Way, Koblenz Avenue, King Street, Bracondale, Queens Road, Chapelfield Road and Grapes Hill and which are within one or more of the categories (a) to (e) as follows:

- (a) public highway
- (b) public open space
- (c) a car park or motorcycle park open to the public
- (d) a churchyard or an open space attached to a place of worship and open to the public.
- (e) a communal open space owned by Norwich City Council

## **Schedule 2B - designated public places identified by description**

All places (other than places identified specifically in Schedule 1) which fall within the area shaded on the attached plan marked Plan B whose boundaries are Chapelfield Road, Grapes Hill, Barn Road, Heigham Street (part), Old Palace Road, Heigham Road, Mill Hill Road, Park Lane (part), Unthank Road (part), Gloucester Street, Newmarket Street, Mount Pleasant (part), Newmarket Road (part) and St. Stephens Road and which are within one or more of the categories (a) - (e) as follows:

- (a) public highway.
- (b) public open space.
- (c) a car park or motorcycle park open to the public.
- (d) a churchyard or an open space attached to a place of worship and open to the public.
- (e) a communal open space owned by Norwich City Council.



The Corporate Seal of the City Council of Norwich was hereunto affixed this ..... day of ..... 2021

.....Authorised signatory

C.S.

An interested person may apply to the High Court to question the validity of this Order and an interested person means an individual who lives in the restricted area or who regularly works or visits that area. Any such interested person may apply to the High court within six weeks from the date on which this Order was made on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by the Order or that a requirement of the Act was not complied with in relation to the Order.

## **Appendix 2: Draft Public Space Protection Order – management of dog fouling within the city boundary**

### **Norwich City Council (Fouling of Land by Dogs) Public Spaces Protection Order No. 2 of 2021**

1. This Public Spaces Protection Order is made by Norwich City Council of City Hall, St Peter's Street, Norwich, Norfolk (hereinafter called "the Council") in accordance with section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, (hereinafter called "the Act").
2. The Council is satisfied upon reasonable grounds that anti-social behaviour where a person who is in charge of a dog fails to remove the dog's faeces forthwith from land has been carried on or is likely to be carried on within the public places mentioned in this Order, that this activity has had or is likely to have a detrimental effect on the quality of life of those in the locality and further, that the effect or likely effect of this activity is or is likely to be of a persistent or continuing nature and is or is likely to be such as to make the activity unreasonable and justifies the restrictions imposed by this Public Spaces Protection Order (hereinafter called "the order").
3. This Order is made by the Council in exercise of its powers under section 59 of the Act.
4. This Order applies to the land as specified in the Schedule to this Order.
5. Subject to paragraph 6 below, it is a requirement of this Order that if a dog defecates at any time on land to which this Order applies then the person in charge of the dog at that time shall remove the faeces from the land forthwith. If the person in charge of the dog fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:
  - (a) they have a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (either generally or specifically) to their failing to do so.
6. Nothing in paragraph 5 above shall apply to a person who:-
  - (a) is a registered blind person; or

(b) has a disability which affects their mobility, manual dexterity, physical co-ordination or ability to lift or carry or otherwise move every-day objects in respect of a dog trained by a prescribed charity and upon which he or she relies for assistance.

7. For the purposes of this Order:-

- (a) a person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time another person is in charge of the dog;
- (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- (c) being unaware of the defecation (either by means of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- (d) a member of Assistance Dogs UK is a prescribed charity.

8. This Order is in effect on 1<sup>st</sup> May 2021 and continues for a period of three years from that date unless extended under section 60 of the Act.

9. Under section 67 of the Act it is an offence for a person without reasonable excuse to do anything that the person is prohibited from doing by a public spaces protection order, or to fail to comply with a requirement to which the person is subject under a public spaces protection order. A person guilty of an offence under section 67 of the Act is liable on summary conviction to a fine not exceeding level three on the standard scale.

10. A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition or requirement that the Council does not have power to include in the public spaces protection order.

11. This Order may be cited as the Norwich City Council (Fouling of Land by Dogs) Public Spaces Protection Order No.2 of 2021.

#### **Schedule:**

This Order applies to the following public places:

- (i) Any land within the administrative area of Norwich City Council which is open to the air on at least one side and to which the public are entitled or permitted to have access with or without payment, and includes all footpaths, byways, carriageways and adjoining footways and verges, and public open spaces, parks and public recreation grounds.

### **Challenging the Validity of Orders:**

An interested person may apply to the High Court to question the validity of this Order or a future variation of this Order.

“Interested Person” means an individual who lives in the restricted area or who regularly works or visits that area.

An interested person may apply to the High Court within 6 weeks from the date on which the order is made, on the grounds that:-

- (a) the Council did not have the power to make the order or variation, or to include particular prohibition requirements imposed by the order (or by the order as varied);
- (b) a requirement under chapter 2 of the Act was not complied with in relation to the order or variation.

**The Corporate Seal of The City of Norwich** was hereunto affixed this .....day of .....2021

Before me ..... (signature)

**Authorised Signatory**

## Appendix 3 Consultees

### PSPO Consultations (March 2021)

#### Management of alcohol in public spaces

#### Consultee Lists

1. Police

Contact
Local Chief of Police: Chief Constable,
Police & Crime Commissioner
District Commander for Norwich:

2. Norfolk County Council:

Contact
Norfolk County Highways:
Adult social services
Health & Wellbeing
Cllr Proctor's Assistant (recommended by Norfolk County)

3. County Councillors for following wards:

Ward
Bowthorpe
Catton Grove
Crome
Eaton
Lakenham
Mancroft
Mile Cross

Nelson
Sewell
Thorpe Hamlet
Town Close
University
Wensum

4. Others to be contacted directly:

Contact
Norwich Business Improvement District (Norwich BID)

5. Norwich City Council Councillors

6. Owners & Occupiers of land (where feasibly practicable) - carried out by a public consultation.

Advertised through the media

7. Community representatives- carried out by public consultation

Advertised through the media

8. Norwich city council communications team to help reach owners and occupiers of land:

Use of social media to advertise the consultation

Press release

## Appendix 4 - Consultees

### PSPO Consultations (March 2021)

#### Management of dog fouling within the city boundary

#### Consultee Lists

1. Police Contacts

Contact
Local Chief of Police: Chief Constable,
Police & Crime Commissioner
District Commander for Norwich:

2. Norfolk County Council:

Contact
Norfolk County Highways:
Adult social services
Health & Wellbeing
Cllr Proctor's Assistant (recommended by Norfolk County)

3. County Councillors for following wards:

Ward
Bowthorpe
Catton Grove
Crome
Eaton
Lakenham
Mancroft
Mile Cross
Nelson

Sewell
Thorpe Hamlet
Town Close
University
Wensum

4 Dog Fouling:

Contact
Dogs Trust
The Kennel Club

5 Others to be contacted directly:

Contact
Norwich Business Improvement District (Norwich BID)

6 Norwich City Council Councillors

7 Owners & Occupiers of land (where feasibly practicable) - carried out by a public consultation.

Advertised through the media

8 Community representatives- carried out by public consultation

Advertised through the media

9 Norwich city council communications team to help reach owners and occupiers of land:

Use of social media to advertise the consultation

Press release



## Appendix 5

### Integrated impact assessment: Management of Alcohol in public spaces



**NORWICH**  
City Council

The IIA should assess **the impact of the recommendation** being made by the report

Report author to complete	
Committee:	Cabinet
Committee date:	14 April 2021
Director	Louise Rawsthorne
Report subject:	The making of a Public Space Protection Order for the management of alcohol in public spaces
Date assessed:	07/04/2021

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other departments and services e.g. office facilities, customer contact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ICT services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Economic development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Financial inclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Allows underage alcohol consumption in a public place to be addressed
<u>S17 crime and disorder act 1998</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Supports the aims of Section 17 in relation preventing misuse of alcohol
Human Rights Act 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Health and well being	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Allow excess alcohol consumption in a public place to be addresses

	Impact			
Equality and diversity (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Relations between groups (cohesion)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Allows issues in a public place involving alcohol to be addressed
Eliminating discrimination & harassment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Allows issues in a public place involving alcohol to be addressed
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Natural and built environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Waste minimisation & resource use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pollution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Energy and climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Risk management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Allows issues in a public place involving alcohol to be addressed

Recommendations from impact assessment
<b>Positive</b>
It is recommended that the PSPO for the management of alcohol in public spaces is renewed
<b>Negative</b>
<b>Neutral</b>
<b>Issues</b>

## Appendix 6

### Integrated impact assessment: Management of dog fouling in public spaces



**NORWICH**  
City Council

The IIA should assess **the impact of the recommendation** being made by the report

#### Report author to complete

<b>Committee:</b>	Cabinet
<b>Committee date:</b>	14 April 2021
<b>Director</b>	Louise Rawsthorne
<b>Report subject:</b>	The making of a Public Space Protection Order for the management of dog fouling within the city boundary
<b>Date assessed:</b>	07/04/2021

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Other departments and services e.g. office facilities, customer contact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ICT services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Economic development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Financial inclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>S17 crime and disorder act 1998</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The PSPO give a legal structure for the council's statutory role in addressing dog fouling issues within its boundary
Human Rights Act 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Health and well being	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Removal of dog excreta prevents the spread of disease: specifically, the excreta carries known bacteria that are pathogens for the intestinal tract and causes diarrhoea as well as being a source of roundworms such as Toxocara canis.

	Impact			
Equality and diversity (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Relations between groups (cohesion)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Eliminating discrimination & harassment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Natural and built environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Waste minimisation & resource use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pollution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Energy and climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments

	Impact			
Risk management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Recommendations from impact assessment	
Positive	
	The management of dog fouling in the city prevents the spread of disease.
Negative	
Neutral	
Issues	

\_\_\_\_\_