

<b>Name of Committee:</b>	Cabinet		
<b>Committee Date:</b>	6 March 2024		
<b>Report Title:</b>	Public Spaces Protection Order (Exclusion of Feeding Pigeons in Waterlooville Precinct) Renewal		
<b>Responsible Officer:</b>	Wayne Layton, Executive Head of Regeneration, Economic Development and Preventative Services		
<b>Cabinet Lead:</b>	Councillor Gwen Robinson - Cabinet Lead for Communities and Housing		
<b>Status:</b>	Non-Exempt		
<b>Urgent Decision:</b>	No	<b>Key Decision:</b>	No
<b>Appendices:</b>	Appendix 1 – PSPO Appendix 2 - Results of the Statutory Consultation Exercise		
<b>Background Papers:</b>	None		
<b>Officer Contact:</b>	Name: Gary Morton, Public Space Protection Officer Email: <a href="mailto:gary.morton@havant.gov.uk">gary.morton@havant.gov.uk</a>		
<b>Report Number:</b>	HBC/		

### Corporate Priorities:

The renewal of the Public Spaces Protection Order will help towards the aim of the Council to improve our public spaces, town centres and villages in the Borough.

### Executive Summary:

Cabinet is recommended to approve the renewal of the Public Spaces Protection Order - (relating to the exclusion of the feeding of pigeons) for three years (to expire at 11.59pm on 30 April 2027).

The current measures relate to preventing the feeding of pigeons in Waterlooville Town Centre. The nature of the area means that high numbers of feral pigeons roost on rooves and ledges. This was exacerbated by large amounts of seed being left by some well-meaning individuals.

This also meant that feral pigeon population increased exponentially, leading to residents and business in and around the precinct could not leave windows open in the summer as birds would gain access. A PSPO was introduced in 2018, and numbers of pigeons was noted to have reduced as did complaints from residents and businesses.

In line with legislation, a statutory consultation was undertaken to understand public views on renewing, changing or discharging the PSPO. This exercise was undertaken between September and October 2023 and provided a clear indication in favour of renewing the current measures for three years. This, alongside data and officer consideration, has informed the recommendation to extend the current PSPO.

**Recommendations:**

Cabinet approves the renewal of the Public Spaces Protection Order (relating to the exclusion of the feeding of pigeons in Waterlooville Precinct) for three years (to expire at 11.59pm on 30 April 2027).

## 1.0 Introduction

- 1.1 The existing Public Space Protection Order (Exclusion of Feeding Pigeons In Waterlooville Precinct) (“PSPO”) which was originally made in April 2017 and subsequently extended ends on 30 April 2024. A PSPO is designed to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community.
- 1.2 Public Space Protection Orders, which replaced previous legislation, are made by the Council under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”), which determines that orders be made for up to three years after which they can be extended for further periods of up to three years. There is no limit on the number of times a PSPO can be reviewed and renewed.

## 2.0 Background

- 2.1 Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014, requires a local authority to carry out the necessary consultation and the necessary publicity when deciding on the future course of action in relation to a PSPO.
- 2.2 The findings of a consultation exercise (Appendix 2) indicated support for the renewal of the PSPO.
- 2.3 The feedback from the consultation relating to the Waterlooville Precinct PSPO provided the following evidence:
  - a) The need for the PSPO remains proportionate and necessary in the Borough of Havant due to the ongoing nature of the original issue and the consultation provided evidence for the continuing need for the PSPO;
  - b) There was no strong feedback that the areas or terms of the PSPO should be varied and therefore varying the PSPO is not appropriate.
  - c) The consultation indicated a continuing need for the PSPO and therefore the findings do not support a discharge of the PSPO.
- 2.4 In addition, evidence from officers supports the renewal of the PSPO, and therefore this is the decided course of action.
- 2.5 The wording of the PSPO and schedule can be found at Appendix 1. There are no proposed amendments to content of the PSPO.

## 3.0 Options

- 3.1 Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014, a local authority must decide on one of the following options when considering the future course of action for a PSPO:

- a) Extend the period for which a Public Spaces Protection Order has effect and if so for how long
- b) Vary a Public Spaces Protection Order and if so how
- c) Discharge (cease) a Public Spaces Protection Order

3.2 Alternative options for the Council's officers to manage this type of anti-social behaviour in public spaces are limited due to available enforcement legislation. It is recommended that the Council extends the PSPO for a further three year period.

#### **4.0 Relationship to the Corporate Strategy**

4.1 The extension of the PSPO will be in accordance with the aims of the Council to improve our public spaces in particular our seafront, towns and village centres across the borough (People First)

#### **5.0 Conclusion**

5.1 The current PSPO has proved successful since its introduction and its extension is supported by feedback from public consultation and ongoing issues in this area. .

#### **6.0 Implications and Comments**

6.1 S151 Comments

Members can be assured that the financial implications arising from this report, and its recommendations, are not significant and to be met from existing budgets.

6.2 Financial Implications

There are no significant financial implications to the recommendation and no additional funds are being sought.

The costs of implementation of a renewed PSPO is minimal, given the primary costs are in relation to ensuring the order continues to be widely publicised and understood by all residents, businesses and visitors to the borough via existing pathways and signage.

6.3 As with almost any decision made by the council, the risk exists that a decision to renew the PSPO may be challenged by an interested party. Havant's experience indicates the likelihood of such challenge is low and that our PSPO has been through a rigorous process of investigation, consultation and review. Should the decision to renew the order be challenged, such a challenge would be heard in the High Court and resisting such a challenge may involve associated costs.

## 6.4 Monitoring Officer Comments.

The Council must decide to renew the PSPO before it expires at the end of April. A decision to do so is a matter to be determined by Cabinet. The legal provisions and implications are outlined in the below section.

## 6.5 Legal Implications

Under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 the Council is able to make a PSPO if two conditions are met. The first is that the Council is satisfied that activities carried on in a public place have had or are likely to have a detrimental effect on the quality of life of those in the locality. The second condition is that the effect or likely effect of the activities are persistent or continuing in nature and are unreasonable and also that the effect of the activities justifies the restrictions imposed by the PSPO.

6.6 The Council has carried out the consultation under section 72 of the Act and there are no legal impediments to Cabinet renew the PSPO.

## 6.7 Equality and Diversity

Impact on those with disabilities are considered and included within the order. Officers will obviously be able to apply common sense when enforcing the PSPO involving residents with disabilities or other impairments.

## 6.8 Human Resources

There are no specific resource implications arising directly from the renewal of the PSPO.

## 6.9 Information Governance

There are no specific implications arising directly from the renewal of the PSPO. Climate and Environment

## 7.0 Risks

7.1 There are no specific risks identified as part of this proposal, beyond the potential for the decision to renew the order being challenged. However, these risks have been mitigated and the recommendations are considered robust as the consultation response provided a strong indication of resident views, while the implementation of a PSPO for this issue is deemed to be legal, appropriate and proportionate.

7.2 If the PSPO is not renewed, the council will have no powers to control the nuisance created by feral pigeons in Waterlooville Town Centre and will impact on local residents and businesses.

## 8.0 Consultation

8.1 A consultation exercise was conducted between Wednesday 13 September and Wednesday 25 October 2023, with the results indicating support for the renewal of the PSPO.

## 9.0 Communications

9.1 The Public Relations Team have been working closely with the Prevention and Enforcement Team through the process. Details of the final decision will be made available on the council's website and via signage in the location.

<b>Agreed and signed off by:</b>		<b>Date:</b>
<b>Cabinet Lead:</b>	Councillor Gwen Robinson	27 February 2024
<b>Executive Head:</b>	Wayne Layton	27 February 2024
<b>Monitoring Officer:</b>	Jo McIntosh	27 February 2024
<b>Section151 Officer:</b>	Steven Pink	27 February 2024