

APPENDIX 6 – Existing Provisions Dealing with Issues Consulted Upon

Proposed PSPO term consulted upon (consultation Jan-April 2018)	Legislation or partnership strategies already available, or work already being done	Lead agency	Additional information
1. Dogs			
a) Any person in charge of a dog, at any time, must keep the dog on a lead	Dangerous Dogs Act 1991 as amended by ASB, Crime and Policing Act 2014 (ASBCPA)	Police	This law applies to dogs dangerously out of control
b) Any person in charge of a dog, at any time, must not allow it to enter or remain in any children’s play park	Previously covered by Dog Control Orders (DCO)	Council	This was previously covered by a Dog Control Order The Clean Neighbourhoods and Environment Act 2005 and the Dogs (Fouling of Land) Act 1996 which provided for DCOs have now been repealed. A Public Space Protection Order or use of Community Protection Notices under the ASBCPA 2014 are the provisions now available to cover these issues.
c) Any person in charge of a dog, at any time, must clean up any faeces deposited by that dog			
2. Alcohol			
Any person shall stop drinking alcohol, or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder.	Previously covered by a Designated Public Place Order (DPPO)	Council Police	Section 13 of the Criminal Justice and Police Act 2001 has been repealed by the ASB, Crime and Policing Act 2014. A Public Space Protection Order or potentially Community Protection Notices are now the powers available to grant this provision.
	Confiscation of Alcohol (young persons) Act 1997		Applicable to those under 18
	Street Aware	Council, Police	The Street Aware approach adopts an “engage,

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		and partner agencies	support, enforce” process for working with those engaging in street based nuisance or anti-social behaviour. Engagement and support are the key parts of the process with enforcement being used as a last resort. More information on Street Aware is included in our Safe & Attractive Streets Policy.
3. Psychoactive Substances			
Any person shall hand over any containers (sealed or unsealed) which are believed to contain psychoactive substances, when required to do so by a constable or an authorised person in order to prevent public nuisance or disorder.	Psychoactive Substances Act 2016	Police	Prohibits the production, supply or possession with intent to supply of “legal highs”.
	Street Aware		The Street Aware process can be adopted for any street based nuisance. The Safe & Attractive Streets Policy specifically mentions psychoactive substances.
4. Begging			
Any person is prohibited from, at any time, placing himself in a position to receive alms.	Vagrancy Act 1824	Police	Specifies that begging is a criminal offence and may be dealt with by reporting to court, arrest or in persistent cases, criminal behaviour orders.
	ASB Crime and Policing Act 2014	Council & Police	The Act gives powers to implement PSPOs or use Community Protection Notices. For the more persistent beggars causing alarm, harassment and distress the Council or Police can obtain an injunction to try and deal with the behaviour
	Street Aware	Council	The Street Aware process has successfully engaged with over 40 people seen begging in the City since implementation in July 2016, with enforcement taken against a handful of persistent cases. The City council has committed to continuing to use the “engage, support, enforce”

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			approach for dealing with street based issues. The overarching Street Aware Review gives further information.
5. Peddling/Street Trading			
Any person is prohibited from, at any time, peddling/trading goods without the written permission of the authority, even if licensed.	Pedlars Act 1874	Council, Police	Anyone trading as a Pedlar must have, and be able to produce when requested, a valid Pedlars certificate issued by the Police.
	Street trading policy incorporating: Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 and Police, Factories etc (Miscellaneous Provisions) Act 1916.	Council	Anyone wishing to trade on the City streets should get prior consent from the Council
6. Aggressive Charity Collection			
Any person is prohibited from, at any time, engaging in assertive or aggressive (commercial or charity) collection or soliciting of money in the designated area.	Agreement with Public Fundraising Association/Institute of Fundraising	Council	Voluntary site agreement with the PRFA/IOF specifies numbers, frequency and location of charity collectors in the City centre.
	Charities Act 2006	Council	Requires all collectors to have a public collectors certificate from the Charity Commission, and a permit issued by the Local Authority. Those without permits can be prosecuted.
7. Littering			
Any person is prohibited from, at any time, littering.	Environmental Protection Act 1990	Council	Fixed Penalty Notices can be served for littering offences under the Environmental Protection Act.
8. Unattended Items			
Any person is prohibited from leaving items or belongings unattended within	Street Aware	Council	Under Street Aware, an informal process of storing unattended items has been established.

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the designated area. Unattended items will be removed at the direction of a constable or an authorised person.			Items left unattended will have a notice placed on them, and individuals identified as leaving items unattended will be spoken to. If the person persistently leaves items unattended in the street they may be removed and kept in storage, with the person having details of who to contact to retrieve their items. Suspicious items will be reported to the Police.
	Powers to remove suspicious unattended items	Police	Police have a protocol for dealing with suspicious unattended items.
9. Nuisance or anti-social behaviour (ASB)			
Any person shall not behave in a manner that causes or is likely to cause nuisance, harassment, alarm or distress to any other person.	Solace Anti-Social Behaviour policy	Solace	Solace is a multi-agency anti-social behaviour team funded by the Council and Police. Various partner agency approaches and a range of tools and powers, both voluntary and enforcement, are available to them to use in dealing with nuisance and anti-social behaviour.
	Anti-Social Behaviour Act 2003 Anti-Social Behaviour, Crime and Policing Act 2014	Council, Police	Both Acts give both Council and Police enforcement powers to deal with anti-social behaviour
	Numerous criminal legislation including: Criminal Justice and Police Act 2001 Public Order Act 1986 Criminal Damage Act 1971	Police	Legislation provides for a range of powers including on the spot penalties for disorderly behaviour, arrest for various offences, and restorative approaches. Referral to partner agencies, partner agency working, multi-agency support for victims and

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	Protection from Harassment Act 1997		offenders is standard practise between the Police and Council.
	Environmental legislation including: Environmental Protection Act 1990 Control of Pollution Act 1974		Statutory noise nuisance powers and environmental crime powers.
	Children First Strategy	Police, Youth Offending, partner agencies	An overarching strategy that aims to prevent criminalisation of children, instead focussing on successful interventions for young people in order to change behaviour.
10. Direction to Leave			
Any person, when directed to do so by a constable or authorised person in order to prevent public nuisance or disorder, shall leave the designated area.	Anti-Social Behaviour, Crime and Policing Act 2014	Police	A dispersal power for up to 48 hours can be authorised by a Police inspector and apply to a specified geographical area in response to specific issues.