

Executive functions:

Record of decision



(a) Record of decision:

Name and title of officer making decision:	Tim Whelan, Director of Service Delivery
Service/division/department:	Service Delivery
Date decision made:	9 November 2020
Subject matter :	Renewal of Public Spaces Protection Orders
Decision taken: <ol style="list-style-type: none">1. To extend by three years, commencing on 26 November 2020, the period for which the Eastbourne Public Spaces Protection Order (Consumption of Alcohol) 2017 has effect.2. To extend by three years, commencing on 26 November 2020, the period for which the Eastbourne Public Spaces Protection Order (Dog Ban) 2017 has effect.3. To extend by three years, commencing on 26 November 2020, the period for which the Eastbourne Public Spaces Protection Order (Dog Fouling) 2017 has effect.4. To extend by three years, commencing on 26 November 2020, the period for which the Eastbourne Public Spaces Protection Order (Dogs on Leads) 2017 has effect.	

(b) Reasons for decision:

Under section 60(2) of the Anti-social Behaviour, Crime and Policing Act 2014 ('the 2014 Act'), the Council may, before a Public Spaces Protection Order (PSPO) expires, renew the order for up to three years if satisfied on reasonable grounds that doing so is necessary to prevent—
(a) occurrence or recurrence after that time of the activities identified in the order, or
(b) an increase in the frequency or seriousness of those activities after that time.

In light of (a) communications from the police and the public during the period when the four existing PSPOs have been in force, and (b) the outcome of the consultation during September and October 2020 into the proposed extension of the PSPOs, the Director is satisfied that the

section 60(2) criteria above are satisfied in respect of all four PSPOs, and that in each case the extension should last three years.

(c) Details of any alternative options considered and rejected when making decision:

It was open to the Director not to extend the duration of the Council's four existing PSPOs at all, or to extend them for less than three years. However, it was considered that the nature of the nuisance behaviour (i.e. street drinking and inadequate dog control) and its detrimental effect on those in the locality was such as to justify extending the orders and doing so for the longest period permitted, namely three years.

In accordance with section 72(1) of the 2014 Act, the Director has, in deciding whether to extend the two PSPOs and for what period, had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.

(d) Details of any consultations undertaken:

In accordance with section 72(3) of the 2014 Act, the Council conducted a formal consultation over its proposal to extend the period for which its four existing PSPOs would have effect. The consultation ran from 1.09.20 to 13.10.20.

In further compliance with section 72(3), the Council directed its consultation at:

- The Police and Crime Commissioner for Sussex
- Sussex Police
- All town and parish councils in the Lewes district
- The general public

A report on the consultation, which showed consultees to be overwhelmingly in favour of the four existing PSPOs being extended by three years, was submitted to the Director for consideration, who in turn shared it with Cllr Swansborough, the Cabinet Member for Place Services and Special Projects. In light of the report and Cllr Swansborough's views on it, the Director decided to extend the four PSPOs for three years.

(e) Source of authority to make decision:

Cabinet decision date

12 July 2017

(f) Record of any conflict of interest declared by any Cabinet member who was consulted which relates to the decision (if none, state “none”):

None

(g) In respect of any declared conflict of interest recorded above, a note of the dispensation granted by the Monitoring Officer (if none, state “none”).

N/a

Record of decision compiled by Oliver Dixon on date 9 November 2020