

## Appendix 3



# Public Spaces Protection Orders (PSPOs) Town and Parish Councils

This document sets out the respective responsibilities of Lewes District Council (LDC) and town and parish councils (TPC) when making a PSPO.

In addition to these high level matters, for each PSPO proposed by a town or parish council, an individual Memorandum of Understanding would be drawn up between LDC and the town / parish council concerned, governing the operational arrangements specific to that order.

## Legal

LDC will carry out the legal processes to introduce a PSPO, including the 'Legal Test' and the drafting and enacting of the order.

TPC will need to provide LDC with proposed options for the order. TPC will also need to provide supporting evidence (e.g. reports and statements).

LDC will manage any appeals made against the order. However, TPC may be required to support LDC (e.g. financially) depending on the appeal.

## Cabinet

LDC will draft the report which will seek the required approval from Cabinet. TPC may be required to support LDC in the drafting of the report.

## Equality and Fairness Analysis

LDC will carry out the Equality and Fairness Analysis of the order. TPC may be required to resource or deliver actions arising from the analysis.

TPC would be responsible for ensuring 'suitable alternatives' where the analysis shows alternatives are necessary.

## Consultation

Consultation on a proposed order will require close management. In the majority of cases, TPC will be responsible for carrying out the consultation. TPC must provide LDC with a consultation plan, including a list of who will be consulted and how.

TPC will also need to:

- develop the consultation pack
- resource and cover the costs of the consultation (e.g. leaflets and analysis of responses)
- respond to any queries or questions arising from the consultation

LDC will provide advice to TPC on running a consultation. LDC will also develop the consultation report and seek final approval from Cabinet.

LDC may carry out the consultation in full if deemed necessary (but may seek assistance with costs from TPC). However, TPC will be required to support LDC in this case (e.g. by identifying local interest groups).

## **Enforcement**

TPC is responsible for the enforcement of the PSPO on behalf of LDC. However, LDC must be consulted on any enforcement carried out by TPC in relation to the PSPO.

LDC will delegate TPC authority to enforce the PSPO. However, a Memorandum of Understanding (unique to the PSPO) between LDC and TPC must first be agreed. It will include:

- Policy and procedure
- Staff training
- Fixed Penalty Notices (FPNs) and Warrant Cards
- Managing defences and appeals to FPNs
- FPN receipts and costs incurred through enforcement
- Evidential requirements
- Information sharing
- Partnership working

LDC will also provide advice on enforcement.

LDC may carry out the enforcement of a PSPO. However, TPC will be required to cover the costs of the enforcement.

## **Signage and Mapping**

TPC is responsible for installing, managing and replacing relevant signage. TPC will also be required to cover the costs of the signage.

LDC will advise on the wording of the signage. LDC will also carry out the mapping of the PSPO boundary.

## **Project Management**

LDC will project manage the introduction of the order. A representative of TPC must form part of the project management group.

### **Ownership and Review**

Once introduced, LDC will maintain overall ownership of the PSPO whilst TPC will be responsible for enforcing and managing the order.

Lewes and Eastbourne Councils' PSPO review group will oversee the order – as per the review group's Terms of Reference – once in place. A representative of TPC must form part of the review group.

The review group will initiate the renewal of the order if required. The responsibilities of the renewal process will be as per this agreement.