

# **Calderdale Public Spaces Protection Orders (PSPO)**

**Working together to keep communities safe and to protect the environment  
– everyone has a part to play**

## **Frequently Asked Questions (FAQs)**

### **1. What is a Public Space Protection Order (PSPO)?**

A Public Space Protection Order is intended to deal with a particular nuisance or problem in a specific area by imposing conditions on the use of that area to ensure that people can use and enjoy public spaces safely.

### **2. What is the law?**

It is contained in Sections 59 to 75 of the [Anti-social Behaviour, Crime and Policing Act 2014](#).

### **3. When do PSPOs apply?**

Activities can be controlled in the Restricted Area if two conditions are met:

That the activities have had, or are likely to have, a detrimental effect on the quality of life of those in the locality

That the effect of the activities is, or is likely to be, of a persistent or continuing nature and is, or is likely to be, such as to make those activities unreasonable and that the restrictions imposed by the Order are justified.

### **4. What is the penalty for breaching a PSPO?**

Breaching a PSPO is a criminal offence.

Enforcement officers can issue a fixed penalty notice of £100, if appropriate.

Or a fine of up to level 3 on prosecution.

### **5. Who can appeal?**

Anyone who lives in or visits the area can appeal a PSPO in the High Court within six weeks of issue. Further appeal is available each time the PSPO is varied by the Council.

### **6. How long does a Public Space Protection Order last?**

A PSPO can last no longer than 3 years but can be renewed if necessary.

Should the grounds for an order are no longer exist then the order will be discharged by the Council.

## **7. Can a Public Space Protection Order be changed?**

A PSPO can be varied by the Council should there be reasonable grounds to justify why this was needed.

## **8. Does the Council have support from other organisations and the emergency services?**

The existing orders have full support of Calderdale's Community Safety Partnership which is a statutory partnership of organisations such as Police, Fire, Health, Council and Probation Services, who have a responsibility to ensure Calderdale is a safe place to live and visit.

Elected members, MPs, communities, stakeholders such as land-owners and businesses, as well as groups of interest, have all been engaged with and consulted on the current orders – this is part of the evidence gathering that the Council must undertake to introduce public space protection orders.

Any new proposal, variation and/or extension as to also follow the same consultation route.

## **9. How many Public Space Protection Orders are in place in Calderdale?**

Calderdale has 7 PSPOs. There are 5 Dog Control PSPOs, a Moorland Prevention of Fire PSPO and an Alcohol Consumption PSPO.

These PSPOs are as follows:

### **PSPO: Dog Control Orders**

## **10. Why are there 5 separate orders relating to Dogs?**

Calderdale introduced Dog Control Orders in 2012 and these 5 orders automatically became Public Space Protection Orders in 2015 when the legislation changed. Communities are very familiar with these orders so it was seen as no need to change.

The 5 orders relate to:

- Dog fouling: Failing to clean up after a dog they are in charge of
- Dog exclusion: Allowing a dog to enter an area where children are playing or where sports are being played,
- Dog on lead: Allowing a dog to be off lead along a highway
- Dog on lead by Direction: Failing to put a dog on a lead when the person in charge of it is allowing it to cause nuisance,
- Dog walking of a specified maximum number

More detail Information on these orders can be found on the Council's website [Public Space Protection Orders | Calderdale Council](#) including the areas covered by the Orders.

### **11. How long are these orders in place for?**

The 5 orders expire on 16<sup>th</sup> June 2022 as do the other two PSPOs (Fire Prevention and Alcohol Consumption). The Council is currently reviewing the 7 PSPOs to ensure that there are still reasonable grounds to extend them for a further three years.

In addition the Council is also proposing to vary the Dog Fouling PSPO.

### **12. What variation is the Council proposing?**

The Council is proposing two variations to the existing order:

A requirement for a person in charge of a dog/s to have in their possession the means to pick up dog excrement from a dog in their charge and then lawfully dispose of it.

A requirement for a person in charge of a dog/s to produce at the request of an authorised officer the means to pick up dog excrement from a dog in their charge.

### **13. Why is the Council wanting to make these changes?**

Although most dog owners and dog walkers are very responsible there are still a minority of individuals who are not and don't care so will not pick up after their dog. These individuals will not bother to carry the means to pick up so this measure is seen as a deterrent and will hopefully change behaviour.

### **14. What is meant by “having the means to pick up”?**

There is no finite list but whatever is produced as “the means to pick up” by the person in charge of the dog needs to be suitable and practical for the task. Common sense would say a dog poo bag or something similar, but certainly not “hands”. This will be something that the authorised officer will have to assess at the time and make a decision as to its suitability and practicality for the task i.e. an objective test

### **15. Can I comment on the orders and the proposed changes**

Yes, please see the section at the end of this document.

### **PSPO: Prevention of Moorland Fires**

### **16. Why was this order introduced?**

Grass and moorland fires have had a major impact on areas neighbouring Calderdale, destroying many acres of natural beauty. In Calderdale we have had in recent years of several long and dry periods of weather, which has increased the risk of the fires within our borough.

Moorland is critical to the biodiversity of Calderdale. The uplands of Calderdale are of great value for their wildlife, with most land being designated because of the international importance of vulnerable wildlife habitats. Wildfires can result in the direct loss of wildlife resulting in damage to fragile ecosystems which can be costly and time consuming to reverse.

Moorland also plays a key role in flood prevention by acting as a sponge and 'slowing the flow' of heavy rainfall entering the river catchment.

#### **17. Where can I find more information about this order?**

Please visit our website [Moorland Fires | Calderdale Council](#)

#### **18. How long are these orders in place for?**

The order expires on 16<sup>th</sup> June 2022 as do the 5 PSPOs relating to Dog Control and the 1 Alcohol Consumption PSPO.

The Council is currently reviewing the 7 PSPOs to ensure that there are still reasonable grounds to extend them for a further three years.

In addition, the Council is also proposing to vary (amend) the existing order.

#### **19. What variation/s are the Council proposing?**

The Council is proposing two variations – the first in respect of the area that the Order currently covers, and the second (other) variation to protect the moorland area from off-road leisure activity – see below.

#### **20. Why are the Council proposing to change the area covered by the order?**

Experience and evidence gathered over the last 3 years has shown that certain locations adjacent to the restricted area have been impacted by incidents of anti-social behaviour and unless stopped there will be a loss of amenity to those who live in or visit the area as well as significant harm to the environment.

We are proposing to make these minor adjustments to the restricted area and are currently engaging with the landowner, other key stakeholders and the community to seek their views. The additional areas proposed can be seen on our website [Public Space Protection Orders | Calderdale Council](#)

#### **21. Why is Calderdale Council adding a new prohibition to prohibit the unlawful use of motor vehicles off road in the restricted area?**

Calderdale Council and its partners such as the Police and Fire Service has listened to residents and landowners, interest groups and visitors to our Moorland and Upland Area

who all have expressed concern or reported incidents of motor vehicles being used illegally off-road.

## **22. Why is this necessary?**

The nuisance and impact caused by motor vehicles unlawfully used off-road is a significant issue not just across Calderdale but nationally. Calderdale Council and its partners are committed to tackling the harm caused by anti-social behaviour.

A motor vehicle used unlawfully off road is also a clear fire risk and the damage this activity causes to the environment and wildlife can often be extensive and the land/habitat can take considerable time to recover and on some occasions the impact is so severe that the land never recovers.

The dangers of using a motor vehicle in an area which is not intended for such use is clear for all to see. It's not just the risk but also the loss of amenity to those who live, work or visit the upland areas of Calderdale.

As part of the Vision 2024 for Calderdale, the Council is committed to working with partners, landowners and the public to protect the landscape which makes Calderdale a unique place to live, work and visit.

## **23. Can motor vehicles be used lawfully off-road within the restricted area?**

Yes if the use of a motor vehicle is by the emergency services or an authorised officer under this order.

Yes, if you are the landowner or have **written consent** from the landowner **HOWEVER** you can still not use a motor vehicle on bridlepath or footpath

## **24. Can I comment on the orders and the proposed changes?**

Yes, please see the section at the end of this document

## **PSPO - Alcohol consumption**

## **25. When was this order introduced?**

This PSPO was first introduced in 2006 under different legislation (similar to Dog Control Orders) and refer to as a Designated Public Place Order (DPPO). In 2015 the DPPO automatically became a Public Space Protection Orders when the Anti-social Behaviour, Crime and Policing Act 2014 was enacted

More detail Information on these orders can be found on the Council's website [Public Space Protection Orders | Calderdale Council](#) including the areas covered by the orders.

**26. What does the order seek to do?**

The order is intended to prevent anti-social behaviour by giving authorised officers such as the Police and the Council Community Safety Wardens the power to ask an individual to stop consuming alcohol. The order also gives officers confiscation powers which is often a good way to prevent behaviour from escalating.

**27. How long is the order in place for?**

The Orders expire on 16th June 2022 as do the other 6 PSPOs.

The Council is currently reviewing the 7 PSPOs to ensure that there are still reasonable grounds to extend them for a further three years.

In addition, the Council is also proposing to vary the existing order.

**28. What is the Council proposing to vary?**

The current order only applies to public places in non-rural areas and in parks. The proposed variation is to extend the designated area to all public spaces across Calderdale so it will be a borough wide order.

**29. Why is this necessary?**

Experience and evidence gathered over the last 3 years has shown that certain rural areas including well known beauty spots in Calderdale have suffered from alcohol related incidents of anti-social behaviour. This has created issues and loss of amenity for residents who live in more rural settings. It has also impacted on the enjoyment of visitors to our countryside who understandably expect a peaceful and rewarding environment. This variation will allow officers to intervene early to prevent inappropriate behaviour from happening and/or escalating.

In addition to the above the current designated area is confusing for the public and officers, this simplifies the issues for all as well as delivering the outcome as mentioned above.

**30. Does this mean I can't enjoy a drink with a picnic in a park or in the countryside?**

No, this is not aimed at responsible drinking. Officers will only use this power to prevent anti-social behaviour or stop behaviour from escalating. This order has been in place since 2006 and the Council has had no adverse feedback on how it has been applied by officers.

**31. Can I comment on the orders and the proposed changes?**

Yes, please the section below

## **Your views and Comments**

**Calderdale is currently undertaking a review of its current Public Space Protection Orders and will commence a consultation period of 4 weeks starting Wednesday 11<sup>th</sup> May 2022 and ending Tuesday 7<sup>th</sup> June 2022.**

**The need to consult is a legal requirement and any comments or views will be taken into consideration by the Council as part of its decision making.**

**We will once again seek support from the Community Safety Partnership which includes partners such as the Police, Fire & Rescue Service and Health Colleagues.**

**We will also seek support form Mayor of West Yorkshire.**

### **32. Who will the Council be engaging with?**

We will be engaging with:

- Local Communities
- Elected Members of Calderdale Council and Calderdale's Town and Parish Councils to seek their support.
- Our two MPs
- Stakeholders such as landlords and businesses
- Groups who have a vested interest in Calderdale has a place
- Leisure and sports Groups

### **33. How will you be engaging?**

We are using our existing links with communities, members and stakeholders to publicise the consultation and there is a link on our webpage [Public Space Protection Orders | Calderdale Council](#) where a form can be completed and sent to a dedicated mailbox [communitysafetyconsultation@calderdale.gov.uk](mailto:communitysafetyconsultation@calderdale.gov.uk)

We will also be hosting drop in sessions (some of these will be online) across the borough and information will be posted on our website.

We will collate all feedback and ensure that a response is posted on our website [Public Space Protection Orders | Calderdale Council](#) following the consultation along with the decision that Calderdale Council takes in respect to the PSPOs.

### **34. Can I still comment after the consultation period as ended?**

The Council is required to continually review the effectiveness and relevance of any PSPO so we will be grateful of any comments during the duration of an order. The

website [Public Space Protection Orders | Calderdale Council](#) will include information on how to feedback once the consultation period has ended.