

REPORT FROM: NEIGHBOURHOOD SERVICES MANAGER

TO: EXECUTIVE

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**PUBLIC SPACES PROTECTION ORDERS FOR CEMETERIES,
PLAY AREAS AND MULTI-USE GAMES AREAS**

PURPOSE OF REPORT

To update the Executive on proposals and options for Public Spaces Protection Orders (PSPOs) in relation to cemeteries, play areas and multi-use games areas (MUGAs) in Pendle.

RECOMMENDATIONS

- (1) That the report and commencement of the consultation process be noted.
- (2) That regular reports be submitted to the Executive to enable it to monitor progress.

REASON FOR RECOMMENDATIONS

To enable the Council and its partners to respond to concerns regarding dogs in play areas and MUGAs including enforcement action.

ISSUE

1. At the 23 July 2015 meeting of the Executive a report was submitted on Public Space Protection Orders and Dogs.

The report included:

- the legal background (the Antisocial Behaviour, Crime and Policing Act 2014);
- the Conduct Test to be applied before implementing a Public Space Protection Order;
- the statutory consultation process (see below).

2. It was resolved:

- (1) That the plan and timetable, as set out in the report, be agreed.

- (2) That a report detailing cost implications for the erection of signs, etc be submitted to a future meeting and that regular reports be submitted to the Executive to enable it to monitor progress.
 - (3) That a report be sent to the Area Committees in relation to the conversion of the Borough-wide dog fouling orders to PSPOs and to consider making PSPOs banning dogs from play areas and MUGAs outside parks to the September round of meetings.
3. Following the round of reports to Area Committees in September (responses in the Appendix to this report), it has been identified that one or more PSPOs are required to:
 - replace the Borough-wide order requiring people in control of dogs to pick up and remove dog fouling in public places forthwith;
 - replace the dog control orders for cemeteries within the Borough requiring people in control of dogs to have the dogs on a lead at all times. Some of these orders limit the number of dogs allowed per person;
 - replace the dog banning order on the Remembrance Garden in Barrowford Park; and
 - ban dogs and smoking within the 31 play areas and 15 multi-use games areas located outside of parks.
 4. The proposal for play areas and MUGAs outside the 11 formal parks currently under consideration for possible transfer to town and parish councils is with a view to the PSPOs being in place ahead of any agreed transfer as the town and parish councils will not have the authority to introduce PSPOs themselves.
 5. The public consultation carried out by the Dogs Working Group highlighted the continuing very high level of concern about dog fouling. There was also a high level of concern about the lack of restrictions on dogs in children's play areas and multi-use games areas along with sports areas and parks generally.
 6. There is also concern that smoking in areas designated for exercise and play is not compatible with the Council's role in promoting health and wellbeing and the Council's no smoking policy. Including no smoking in the PSPO is consistent with the no smoking signage already in place on all play areas and MUGAs.
 7. The intention is to consult on a single, Borough-wide PSPO that would:
 - replicate the wording in the current Dog Control Orders;
 - prevent people in control of dogs from taking them into or allowing them to enter any of the 31 play areas or 15 MUGAs identified in the PSPO;
 - prevent anyone using, visiting or accompanying a child or young person who is using or visiting any one of the 31 play areas or 15 MUGAs identified in the PSPO smoking at any time whatsoever including the use of electronic cigarettes.
 8. Consultation is a requirement of the legislation. Although the requirement is around the Council's statutory partners and appropriate community representatives, best practice from around the country shows an increasing tendency towards public consultation through the press, social media and online surveys.
 9. The proposed consultation plan for this PSPO involves:
 - consultation with statutory partners and community representatives, in particular the town and parish councils, around the final draft wording of the full PSPO;

- press and social media publicity around the inclusion of the current dog control orders in a PSPO and inviting comments to a single point of contact within the Neighbourhood Services Team; and
 - press and social media publicity around the proposals for the play areas and MUGAs inviting the public to participate in an online survey on the proposals.
10. The consultation process has begun. The outcome of the consultation together with a final draft PSPO will be reported to the Executive in January and the Area Committees in February for them to authorise the making of the necessary Orders.
 11. The statutory requirement for publicising a PSPO once agreed is appropriate signage at the sites to be included and advice on the Council's website. Estimates have been obtained for the signage required to implement this PSPO at a cost of approximately £6,000.
 12. On 28 May 2015 the Executive considered a report from the Dogs Working Group. It was resolved, inter alia:
 - “(2) That the Keep Britain Tidy’s ‘We’re Watching You’ campaign be adopted in selected parks, play areas and cemeteries throughout the Borough.
 - (3) That the Neighbourhood Services Manager be asked to produce information for residents and visitors to the Borough advising them of the Council’s and other agencies’ responsibility in relation to dog issues.”
 13. A fund of £1,500 has been put aside for the “We’re Watching You” campaign and officers are highlighting potential hotspot areas where the signage can be used. The application to Keep Britain Tidy is due to be made soon with a view to implementation alongside the PSPO signage from April 2016.
 14. The information for residents and visitors has been produced, printed and is ready for distribution to all Council offices and will be available in all libraries, veterinary practices, pet shops and community halls and will be publicised through a press release.

IMPLICATIONS

Policy: The legislation reinforces the continuing role of the Council in relation to the control of dogs throughout the Borough and responding to any antisocial behaviour related to dogs through the actions of the Environmental Crime and Community Protection Teams.

Financial: The opportunity the legislation provides and public expectation imply that these powers will be used by the Council and cost will be incurred. It is anticipated that the implementation and the enforcement of the powers described above can be dealt with within existing staffing resources.

The cost of publicising the Orders (ie signage at all entrances of an area covered by an order per entrance) is estimated to be £6,000. This will be met from existing revenue budgets.

Legal: The Council has the lead role on the use of PSPOs. Members of the public have a right of appeal on the basis the Council did not have the power to make the order or to include particular prohibitions or requirements or that one or more of the preliminaries has not been complied with (eg consultation). Appeals are heard in the High Court.

Risk Management: The legislation supports those elements of the Risk Management Plan relating to community safety; environmental crime and environmental protection.

Health and Safety: Direct intervention in the enforcement of breaches poses a risk for the staff involved which is mitigated through the Council's risk assessments, lone working policy, use of the Volcano database and working in partnership with other agencies.

Sustainability: The legislation supports those elements of the Sustainable Communities Strategy relating to community safety; environmental crime and environmental protection.

Community Safety: The legislation re-enforces the continuing role of the Community Safety Partnership; the Partnership Plan and local delivery on community safety within an area and county based strategic landscape.

Equality and Diversity: The legislation was subject to a detailed government impact assessment.

APPENDICES

Appendix: Area Committee Responses.

LIST OF BACKGROUND PAPERS

None.

**MINUTES OF A MEETING OF NELSON COMMITTEE
HELD AT NELSON TOWN HALL
ON 7TH SEPTEMBER, 2015**

51. PUBLIC SPACE PROTECTION ORDERS (PSPOs) AND DOGS

(a) Proposals and options for PSPOs in relation to dogs

The Executive at its meeting on 23rd July approved a plan and timetable for introducing Public Space Protection Orders in relation to the control of dogs in Pendle. Area Committees were being asked to endorse the proposals for new PSPOs in the current year so that work could begin on implementing them. This Committee would be asked again in 2016/17 on the other suggestions for PSPOs set out in the report.

RESOLVED

That the proposals to convert the existing Borough wide dog fouling orders and the dogs on leads in cemeteries orders to Public Space Protection Orders; and the proposal to make new PSPOs to ban dogs from play areas and MUGAs outside parks be endorsed.

**MINUTES OF A MEETING OF THE
BRIERFIELD AND REEDLEY COMMITTEE
HELD AT BRIERFIELD TOWN HALL
ON 8TH SEPTEMBER, 2015**

64. PUBLIC SPACE PROTECTION ORDERS AND DOGS

The Neighbourhood Services Manager submitted a report that had been considered by the Executive at its meeting on 23rd July. The Executive had approved the plan and timetable for the review of controls and the introduction of Public Space Protection Orders (PSPOs) relating to the control of dogs in public spaces in Pendle and had requested that the report be sent to all Area Committees.

Members' attention was drawn in particular to paragraph 7 of the report which set out the proposals for the new PSPOs in the current year. The Committee was asked to endorse the proposals so that work could begin on implementing them.

Area Committees would be consulted again in 2016/17 on the other suggestions for PSPOs in paragraph 8 of the report.

RESOLVED

That the proposal to convert the existing Borough-wide dog fouling orders and the dogs on leads in cemeteries orders to Public Space Protection Orders and the proposal to make new Public Space Protection Orders to ban dogs from play areas and MUGAs outside parks be endorsed by this Committee.

REASON

To enable the Council and its partners to respond to concerns regarding dogs in public places including enforcement action.

MINUTES OF A MEETING OF THE WEST CRAVEN COMMITTEE HELD AT THE RAINHALL CENTRE, BARNOLDSWICK ON 8TH SEPTEMBER 2015

65. PUBLIC SPACE PROTECTION ORDERS AND DOGS

(a) Proposals and options for PSPOs in relation to dogs

The Neighbourhood Services Manager submitted a report that had been considered by the Executive at its meeting on 23rd July. The Executive had approved the plan and timetable for the review of controls and the introduction of Public Space Protection Orders (PSPOs) relating to the control of dogs in public spaces in Pendle and had requested that the report be sent to all Area Committees.

Members' attention was drawn in particular to paragraph 7 of the report which set out the proposals for the new PSPOs in the current year. The Committee was asked to endorse the proposals so that work could begin on implementing them.

Area Committees would be consulted again in 2016/17 on the other suggestions for PSPOs in paragraph 8 of the report.

RESOLVED

That the proposal to convert the existing Borough-wide dog fouling orders and the dogs on leads in cemeteries orders to Public Space Protection Orders, and the proposal to make new PSPOs and to ban dogs from play areas and MUGAs outside parks, be endorsed by this Committee.

(b) Hill Top Recreation Ground, Earby

Earby Town Council had asked for the Committee's support in making Hill Top Recreation Ground, Earby a PSPO.

RESOLVED

That Hill Top Recreation Ground be considered for further dog controls in 2016/17.

REASON

To enable the Council and its partners to respond to concerns regarding dogs in public places including enforcement action.

**MINUTES OF A MEETING OF
BARROWFORD AND WESTERN PARISHES COMMITTEE
HELD AT HOLMEFIELD HOUSE, BARROWFORD
ON 10TH SEPTEMBER, 2015**

50. PUBLIC SPACE PROTECTION ORDERS AND DOGS

The Neighbourhood Services Manager submitted a report that had been considered by the Executive at its meeting on 23rd July. The Executive had approved the plan and timetable for the review of controls and the introduction of Public Space Protection Orders (PSPOs) relating to the control of dogs in public spaces in Pendle and had requested that the report be sent to all Area Committees.

Members' attention was drawn in particular to paragraph 7 of the report which set out the proposals for the new PSPOs in the current year. The Committee was asked to endorse the proposals so that work could begin on implementing them.

Area Committees would be consulted again in 2016/17 on the other suggestions for PSPOs in paragraph 8 of the report.

RESOLVED

- (1) That the proposal to convert the existing Borough-wide dog fouling orders and the dogs on leads in cemeteries orders to Public Space Protection Orders, and the proposal to make new PSPOs and to ban dogs from play areas and MUGAs outside parks, be endorsed by this Committee.
- (2) That the Neighbourhood Services Manager be asked to consider publicising the recruitment of two additional Enforcement Officers with powers to issue fixed penalty notices for dog waste and litter offences.

**MINUTES OF A MEETING OF THE
COLNE AND DISTRICT COMMITTEE
HELD AT COLNE TOWN HALL
ON 10th SEPTEMBER, 2015**

71. PUBLIC SPACE PROTECTION ORDERS AND DOGS

The Neighbourhood Services Manager submitted a report that had been considered by the Executive at its meeting on 23rd July. The Executive had approved the plan and timetable for the review of controls and the introduction of Public Space Protection Orders (PSPOs) relating to the control of dogs in public spaces in Pendle and had requested that the report be sent to all Area Committees.

Members' attention was drawn in particular to paragraph 7 of the report which set out the proposals for the new PSPOs in the current year. The Committee was asked to endorse the proposals so that work could begin on implementing them.

Area Committees would be consulted again in 2016/17 on the other suggestions for PSPOs in paragraph 8 of the report.

RESOLVED

- (1) That the proposal to convert the existing Borough-wide dog fouling orders and the dogs on Leads in cemeteries orders to Public Space Protection Orders, and the proposal to make new PSPOs and to ban dogs from play areas and MUGAs outside parks, be endorsed by this Committee.
- (2) That during 2016 to 2018 consideration be given to dog restrictions, i.e., keeping dogs on a lead on main roads from Primet Hill through to Skipton Road and on other main roads through Colne.
- (3) That this Committee notes that the existing Borough wide by-laws in relation to dogs could expire prior to 2017/2018 and asks the Neighbourhood Services Manager to ensure that these by-laws don't expire prior to them being replaced by the PSPOs.

REASON

To enable the Council and its partners to respond to concerns regarding dogs in public places including enforcement action.