

**REPORT FROM: NEIGHBOURHOOD SERVICES MANAGER**

**TO: EXECUTIVE**

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**Report Author:** Tim Horsley  
**Tel. No:** 661280  
**E-mail:** tim.horsley@pendle.gov.uk

**PUBLIC SPACES PROTECTION ORDERS PROGRAMME 2016/18**

**PURPOSE OF REPORT**

To update the Executive on proposals and options for Public Spaces Protection Orders (PSPOs) in relation to parks, sports grounds, town centres and alleyways 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.

**REASONS FOR RECOMMENDATIONS**

To enable the Council and its partners to respond to concerns regarding behaviour that is detrimental to the quality of life in public spaces in Pendle 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 Spaces Protection Order; and
- 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. The PSPO referred to in Resolution (3) above will be in place from 1 April 2016 including the required signage.
4. The purpose of this report is to outline in more detail what is required to deliver the programme described in the July 2015 report and other PSPOs that will be required to replace the current Designated Public Place Orders (DPPOs) (alcohol control zones) in town centres and for gating schemes in residential areas. The intention is to complete this work during 2016-18 as follows:
  - During 2016, a single PSPO for all sports pitches within recreation grounds and the cycle hub.
  - During 2016 and 2017, a phased implementation of a PSPO for each of the 11 parks which will bring their play areas and MUGAs into line with the PSPO already agreed; bring relevant parts of the parks' by-laws into the PSPO and introduce any unique provisions which the Council can evidence are needed to prevent behaviour that is detrimental to the quality of life of park users and residents and which would be enforceable.
  - During 2017, a PSPO for each town centre that would replicate the DPPO and any relevant by-laws and unique provisions which the Council can evidence are needed to prevent behaviour that is detrimental to the quality of life of park users and residents and which would be enforceable.
  - During 2017 a single PSPO to cover all areas of the Borough with a gating scheme to rationalise the existing provision.
5. The process will include:
  - informal consultation with members; partners; community groups (including Friends groups); residents groups on preferred terms to include in the PSPOs and the evidence which supports their inclusion and enforcement;
  - reports to the Executive and Area Committees on the outcome of the consultation;
  - public consultation on the draft terms;
  - approval by Area Committees of the draft terms;
  - formal consultation with partners and community representatives on the draft orders; and
  - procurement of signage and implementation of the orders.

## IMPLICATIONS

**Policy:** The legislation reinforces the continuing role of the Council in responding to antisocial behaviour.

**Financial:** The opportunity the legislation provides and public expectation implies that these powers will be used by the Council and costs 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 at £10,000 per annum over a two-year period commencing from April 2016. The cost in 2016/17 will be funded within the approved revenue budget using the flexibility provided to officers under the Council's financial procedure rules relating to virement. The cost for 2017/18 will be addressed separately at the appropriate time.

**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**

None.

## **LIST OF BACKGROUND PAPERS**

None.