

REPORT FROM: NEIGHBOURHOOD SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 12 JUNE, 2017

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

**PUBLIC SPACES PROTECTION ORDER – MARSDEN, VICTORIA
AND WALVERDEN PARKS AND THE HARD PLATTS**

PURPOSE OF REPORT

To update the Committee on proposals and options for a Public Spaces Protection Orders (PSPOs) in relation to Marsden, Victoria and Walverden Parks and the Hard Platts

RECOMMENDATION

That proposals for public and partner consultation for a Public Spaces Protection Order Marsden, Victoria and Walverden Parks and the Hard Platts be agreed in relation to the control of dogs and to incorporate the relevant parts of the existing Parks by-laws

REASON FOR RECOMMENDATION

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 its 30 June 2016 meeting the Executive agreed a detailed timetable to develop Public Spaces Protection Orders for parks; sports pitches; local nature reserves; town centres and back streets with alley gates.
2. Attached as Appendix 1 are proposals for consultation on a PSPO for Marsden, Victoria and Walverden Parks and the Hard Platts. The consultation will include notices at Park entrances with details on how to participate in an on-line survey; detailed correspondence with partners, including the Town and parish Councils, and groups that use Parks; a press release and an on-line survey.

3. The intention of the proposals is to strike a balance between the use of those areas of a Park set out for a specific use or visual enjoyment and those areas which are public open space. The proposals seek to minimize restrictions on dog walkers while maintaining the enjoyment of other Park users.
4. The proposals enable Council and Police officers to require dog walkers to put their dogs on a lead if they have concerns for other Park users. They also enable those officers to enforce what are currently by-laws through a fixed penalty notice rather than prosecution.
5. Members are invited to comment on the proposals. In doing so it should be kept in mind the Council will need to evidence the behaviour to be prevented is:
 - having or be likely to have a detrimental effect on the quality of life of those in the locality
 - persistent or continuing in nature, and
 - unreasonable:

The Council will also need to show that what is included in a PSPO is reasonable and enforceable as there is a right of appeal against a PSPO being implemented.

IMPLICATIONS

Policy: The legislation reinforces the continuing role of the Council in responding to anti-social behaviour

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 (i.e. signage at all entrances of an area covered by an order per entrance) is estimated at £10,000 per annum over a 2 year period commencing from April 2016. The costs in 2017/18 will be managed within approved 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.

Appendix 1

1. Conditions applicable in all Parks:

- A dog walker must not allow their dog(s) to engage in behaviour likely to cause a nuisance or annoyance to other Park users
- A dog walker must put their dog(s) on a lead at the request of an officer of the relevant Town or Parish Council; an officer of the District Council; a Police Officer or a Police Community Support Officer
- No smoking in Children's Play Areas; MUGAs; Tennis Courts and Ball Courts
- Using fireworks of any description at any time
- Removing, displacing or tampering with, other than in the case of an emergency, any lifesaving appliance, including defibrillators, provided or authorised by the Council
- Providing; offering to provide or using the park to provide any service for which a charge is made, including but not limited to, selling ice cream, paid for fitness camps/sessions and paid for dog walking services, without the expressed consent of an authorised officer of the Council
- Throwing or propelling any object liable to cause injury to anyone else
- Erecting or occupying a tent, vehicle, caravan or any other structure for the purpose of camping for any period whatsoever without the expressed consent of an authorised officer of the Council
- Lighting a camp or any other type of fire without the expressed consent of an authorised officer of the Council
- Allowing or permitting any radio or wireless controlled aircraft or vehicle, including model aircraft and drones and radio controlled cars, to take off from; land within or fly over a park or operate across any part of the park
- Bringing on to or riding a horse except on authorised bridleways
- Causing or likely to cause a nuisance or annoyance to anyone else in the park or in the locality by way of (including but not limited to) shouting or singing; use of a musical instrument or use of a radio; smartphone; tablet or any other device capable of playing amplified music other than as part of an event which has the expressed consent of an authorised officer of the Council
- Engaging in the sport of archery; golf or field sports such as javelin, discus, shot put or hammer unless a sport of an organised event which has the expressed consent of an authorised officer of the Council
- Taking part in or permitting a public performance or show without the expressed consent of an authorised officer of the Council
- Climbing any wall or fence in or enclosing a park or any tree, or any barrier, railing, post or other structure
- Removing or displacing any barrier, post, seat or implement, or any part of any structure provided for use in the laying out or maintenance of the park
- Removing or displacing any stone, soil, or turf or the whole of any plant, shrub or tree

- Erecting any post; ride or swing; or building or other structure without the prior expressed consent of an authorised officer of the Council
- Bringing on to or driving a motor vehicle; trailer; motorcycle; mini-moto; quad bike; Segway or any other motorised, wheeled vehicle whatsoever other than on an approved roadway or in an approved parking area of the park or one relating to a disability
- Leaving a motor vehicle; trailer; motorcycle; or any other motorised, wheeled vehicle whatsoever in a park between the hours of 10pm and 6am
- Allowing any animal to graze in a park without the expressed consent of an authorised officer of the Council
- Killing, injuring, taking or disturbing any animal, or engaging in hunting, shooting, or the setting of traps or the laying of snares
- Bathing or swimming in (include jumping from structures in to waterways, e.g. Barrowford Park); fouling or polluting; or obstructing or diverting, any waterway or opening or shutting or otherwise moving or operating any sluice or similar apparatus within a park
- Allowing or permitting any aircraft, including helicopters, hot air balloons and hang gliders, to land in or take off from a park other than in an emergency or with the expressed consent of an authorised officer of the Council
- No person shall step on to or otherwise place their weight upon any frozen waterway.
- No person shall operate a power-driven model boat on any waterway.
- No person shall sail or operate any boat, dinghy, canoe, sailboard or inflatable on any waterway without the consent of the Council.
- No person shall in any waterway cast a net or line for the purpose of catching fish or other animals except in a designated area for fishing.
- BBQ's are only allowed in designated areas of the Park

2. Further options for consideration:

- At the request of an officer of the relevant Town or Parish Council; an officer of the District Council; a Police Officer or a Police Community Support Officer dog walker must be able to show they have a receptacle to pick up, contain and properly dispose of the fouling their dog may produce

3. Park specific options

Park	No Restriction	Dogs on lead	No dogs
Hard Platts	All		
Marsden	All except	<ul style="list-style-type: none"> • Paths around the Bowling Greens • Car Park • Ornamental area including the ladies Garden • Marsh area including the boardwalk 	<ul style="list-style-type: none"> • Children's Play Area • Bowling Greens • Tennis Courts

Victoria	All except	<ul style="list-style-type: none"> • Car Park • Pavilion and fenced area behind 	<ul style="list-style-type: none"> • Children's Play Area • Ball court and surrounding area • RC Track
Walverden	All except	None	<ul style="list-style-type: none"> • All hard surface play facilities