REPORT FROM:	**NEIGHBOURHOOD SERVICES MANAGER**
TO:	**SPECIAL BUDGET EXECUTIVE**
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PUBLIC SPACES PROTECTION ORDER SPORTS GROUNDS

PURPOSE OF REPORT

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

RECOMMENDATION

That, following public consultation, a Public Spaces Protection Order for sports grounds be agreed in relation to the control of dogs and to incorporate the relevant parts of the existing 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 22 September 2016 meeting the Executive agreed to public consultation on the proposals for the Council's Sports Grounds.

2. The proposals affect:

   - Bullholme (including the Barrowford Cricket Club)
   - Swinden Cycle Hub and Bullholme Bike Trail
   - Holt House (including Colne Football Club and Colne and Nelson Rugby Club)
   - John Bradley
   - Earby Rec
   - Trawden Rec
   - Springfield

- Hodge House
- Edge End
- Emmott Lane Playing Fields
- Reedley Sports Ground

3. The consultation included detailed correspondence with partners and groups that use the sports grounds; a press release and an on-line survey. A number of sports ground users as well as members of the public used the latter.

4. The intention of the proposals was to strike a balance between the needs of groups; families and individuals using the sports grounds for recreation and leisure and those using them as public open space; in particular dog walkers.

5. Only where there is alternative provision or where there is a clear safety need was it proposed to ban dogs altogether. The Council had previously adopted this approach in banning dogs and smoking from children's play areas and multi-use games areas. The areas where this applies to are:

    - **Earby Recreation Ground** – no dogs permitted at any time other than in the designated dog exercise area
    - **Swinden Cycle Hub and Bullholme Bike Trail** – no dogs permitted at any time

6. The intention in **all other sports grounds including the areas surrounding designated pitches** was to allow no more than two dogs per person and for the dogs to be kept on a lead at all times. This would make it less likely for dogs to foul out of the view of their walkers and make the process of enforcement less ambiguous.

7. The proposals also allowed for the inclusion in a PSPO of a number of the current by-laws where they are appropriate and enforceable.

8. The survey attracted 198 responses. Of these:

    - 60.1% disagreed with the proposal to ban dogs from Swinden Cycle Hub and Bullholme Bike Trail on safety grounds
    - 53.6% disagreed with the proposal to ban dogs from Earby Recreation Ground where a separate area has already been made available for exercising dogs
    - 68.7% disagreed with the proposal to restrict the number of dogs at all other sports grounds
    - 56.3% disagreed with the proposal to require those dogs to be on a lead

9. The figures together with the additional comments made reflect the concern the proposals were trying to achieve; recreational users favour the proposals and dog walkers tended to be against but were not unanimous in their opposition.

10. Although the majority were against dogs on leads some dog walkers did express support and this requirement, including a maximum length of lead of 2 metres, is considered by officers to be essential to achieving the balance between the uses of these open spaces.

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 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 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.