

**REPORT FROM: NEIGHBOURHOOD SERVICES MANAGER**

**TO: NELSON COMMITTEE**

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## **PUBLIC SPACES PROTECTION ORDER – SPORTS GROUNDS**

### **PURPOSE OF REPORT**

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

### **RECOMMENDATION**

That, having completed a period of public consultation, a Public Spaces Protection Order for sports grounds in Nelson 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. The proposals involve Swinden Cycle Hub; Swinden Playing Fields; Hodge House Playing Fields; Ringstone Crescent Playing Field and Edge End Playing Fields.
2. 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.
3. 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.
4. 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. This applies to Swinden Cycle Hub where no dogs will be permitted at any time on safety grounds.

5. 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.
6. The proposals also allowed for the inclusion in a PSPO of a number of the current by-laws where they are appropriate and enforceable (see Schedule 1).
7. 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; 68.7% disagreed with the proposal to restrict the number of dogs at sports grounds and 56.3% disagreed with the proposal to require those dogs to be on a lead. 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.
8. 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 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.

## **Schedule 1 – By-laws to be included**

- 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 ground to provide any service for which a charge is made, including selling ice cream 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 ground or operate across any part of the ground
- 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 ground or in the locality by way of 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 ground 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 ground
- 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 ground or one relating to a disability
- Leaving a motor vehicle; trailer; motorcycle; or any other motorised, wheeled vehicle whatsoever in a ground between the hours of 10pm and 6am

- Allowing any animal to graze in a ground 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; 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 ground
- Allowing or permitting any aircraft, including helicopters, hot air balloons and hang gliders, to land in or take off from a ground other than in an emergency or with the expressed consent of an authorised officer of the Council