

REPORT FROM: CORPORATE DIRECTOR

TO: POLICY AND RESOURCES COMMITTEE

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PUBLIC SPACES PROTECTION ORDER FOR PARKS

PURPOSE OF REPORT

To update the Committee on the outcome of consultation with the relevant Town and Parish Councils on proposals and options for a Public Spaces Protection Orders (PSPOs) in relation to parks in Pendle.

RECOMMENDATIONS

That, having considered the outcome of the consultation, the proposals outlined in the report be agreed and the necessary legal steps, including the provision of signage, be taken to implement them.

REASON 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 its 24 May 2018 meeting the Policy and Resources Committee deferred a decision on a proposed PSPO for Parks to enable the relevant Town and Parish Councils to comment on the proposed recommendations with a further report be submitted.
2. Seven town and parish councils have been asked to consider a draft PSPO for Parks (copy attached). Brierfield Town Council; Barrowford Parish Council; Nelson Town Council; Colne Town Council and Trawden Forest Parish Council have approved the proposals.
3. Barnoldswick Town Council have suggested changes at Victory and Letcliff Parks and Valley Gardens and Kelbrook and Sough Parish Council and Earby Town Council have suggested changes at Sough Park. All suggestions have been included in the revised version.

4. 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 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. They will also enable officers to enforce the transferred bylaws by way of fixed penalty notice, when proportionate and reasonable to do so, rather than prosecution through the courts.
5. The starting point for the dog control proposals is to have no restriction. Dogs are only banned outright from areas where there is a specific use: children's play areas, multi-use games areas, bowling greens, tennis courts, ball courts, and skate parks.
6. Dogs will be required to be on a lead on most sports pitches, which is consistent with the Sports Grounds PSPO, and car parks which is in the interests of safety for dogs, pedestrians and drivers alike.
7. A dog walker will also be required to 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.
8. Officers consider that the Council can be satisfied that the proposals satisfy the legal tests i.e. the behaviour to be prevented is:
 - having or likely to have a detrimental effect on the quality of life of those in the locality
 - persistent or continuing in nature, and
 - unreasonable.

and that the PSPO is proportionate, reasonable and enforceable.

9. Once approved by Members, a draft PSPO will be publicised on the Council's website for a period of four weeks before being sealed and publicised on the website and by park specific signage at entrances to the parks.

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 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 proposals have been drafted to reflect the resources

The cost of publicising the Orders (i.e. signage at all entrances of an area covered by an Order per entrance) 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

Draft Order