



**REPORT FROM:** CORPORATE DIRECTOR

**TO:** POLICY AND RESOURCES COMMITTEE

**DATE:** 22<sup>nd</sup> AUGUST, 2019

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## **PUBLIC SPACES PROTECTION ORDER**

### **PURPOSE OF REPORT**

To seek Committee approval to extend the Council's dog control PSPO for a further three years; add new sites to the Order and add a provision relating to providing a name and address.

### **RECOMMENDATION**

That the current PSPO relating to dog control in Pendle is renewed for a further three years, the new sites detailed in this report are added and provision to make it an offence to refuse to give a name and address is added.

### **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. In September 2016 the provisions in the Council's then Dog Control Orders were included in a Public Spaces Protection Order which has operated successfully since. The provisions are:
  - Borough-wide offences relating to dog fouling in space accessible to the public
  - Dog control in cemeteries and war memorials

- Dog control and no smoking in multi-use games areas and children's play areas.
2. The Public Spaces Protection Order agreed in 2016 was for the maximum period for a PSPO of three years. The Order can now be renewed for a further three years and can be varied to include new sites and new offences.
  3. During the lifetime of the current Order a number of sites have been put forward to be included or varied. These are:
    - Children's play areas at Higham, Barley and Salterforth
    - The War Memorial and the Memorial Gardens at Barnoldswick
    - Extending the area covered at Colne Cemetery to include the public burial area
  4. It has also come to light that enforcement officers have had difficulty, in some cases, in obtaining names and addresses of offenders.
  5. As a result of 3 and 4 above provisions is made in the draft 2019 Order to include the new sites and a new offence of failing to provide or providing a false name and address.
  6. Town and Parish Councils, the Police, the County Council, East Lancashire Clinical Commission Group, and Lancashire Fire and Rescue Service have all been asked to comment on the draft 2019 Order. To date no adverse reaction has been received. The draft has also been posted on the Council's website with a phone number and email address to respond to and, again, with no adverse reaction to date.
  7. A copy of the Draft 2019 Order is attached as Appendix 1.

## **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 available.

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 (e.g. 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.