

REPORT FROM: Chief Executive

TO: Barrowford and Western Parishes Committee

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Public Spaces Protection Orders: Dog Control

PURPOSE OF REPORT

To seek authority to add a children's play area in Newchurch to a current Public Spaces Protection Order.

RECOMMENDATION

That the Committee considers a request from Goldshaw Booth Parish Council to include a children's play area in Newchurch as a variation to the Council's Dog Control Public Spaces Protection Order.

REASON FOR RECOMMENDATION

To address the concerns of local residents and the Parish Council about dog control in the play area.

ISSUE

1. In August 2019, Policy and Resources Committee agreed an extension and variations to the Council's Dog Control Public Spaces Protection Order. The Order bans dogs and smoking in over forty children's play areas in Pendle.
2. When the first Dog Control Order was being considered in 2016 it was agreed not to include the play area in Newchurch (shown in the attached plan) because it is also a picnic site and users would want to be able to bring their dogs.

However, over the last five years dogs have increasingly been allowed to roam the area unsupervised by their owners.

3. Although fouling is covered by the borough-wide provisions in the order it is now felt necessary to ban dogs altogether and to ban smoking in line with the other children's play areas in Pendle.
4. Consultation was carried out by the Parish Council earlier in the year. The consultation attracted 19 responses; 14 in favour of a total ban including six saying that even if dog owners pick up, the area is still contaminated and they would not take their children/grandchildren. Four were against a total ban and one suggested that the area is completely fenced off, with dog owners allowed to walk around the fenced area, however it is already an enclosed space with gates on the entrances.
5. All six Parish Councillors are in favour of a total ban to bring the play area in line with other areas in Pendle.

IMPLICATIONS

Policy: The legislation and its use reinforces the continuing role of the Council in responding to anti-social behaviour and helping to create and sustain resilient communities

Financial: The cost of signage for the scheme can be met from existing resources.

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 Strategic Plan 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.