

REPORT FROM: Corporate Director
TO: Colne and District Committee
DATE: 6 January 2022

Report Author: Tim Horsley
Tel. No: 07969 885265
E-mail: tim.horsley@pendle.gov.uk

Public Spaces Protection Orders – Parks and Sports Grounds

PURPOSE OF REPORT

To update the Committee on proposals and options for renewal of the Public Spaces Protection Orders (PSPOs) in relation to Parks and to Sports Grounds.

RECOMMENDATIONS

- (1) To, having invited comments from the public, approve the renewal of Parks and Sports Grounds Public Spaces Protection Orders generally and to include Parks and Sports Grounds in Colne and District specifically.
- (2) To approve a new provision for both PSPOs that an offence is committed on failure to provide a name and address, or to give a false name and address, when requested by an authorised officer or agent of the Council on observation of another offence under the same Public Spaces Protection Order.
- (3) To amend Schedule 1 of the Sports Grounds PSPO to include the Cricket Ground and Playing Field at Foulridge at the request of Foulridge Parish Council.

REASON FOR RECOMMENDATIONS

- (1) 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. A Public Spaces Protection Order each for Parks and for Sports Grounds were signed and sealed on 29 January 2019 for a period of three years. During November members of the public were encouraged to comment on the renewal of the PSPOs.

2. The consultation included a proposed amendment, requested by the Council's Environmental Crime Team and their agents, to include a provision that would mean an offence is committed on failure to provide a name and address or to give a false name and address when requested by an authorised officer or agent of the Council on observation of another offence under the same Public Spaces Protection Order.
3. As a result of the consultation with Town and Parish Councils, Foulridge Parish Council proposes the Cricket Ground (no dogs allowed) and Playing Field (dogs on lead) are included in the Sports Grounds PSPO including all the prohibitions in Schedule 2.
4. The general and Colne and District specific comments from the public are attached as Appendix 1. Many of the general comments related to the proposal around names and addresses and many may not appreciate it relates only to situations where another offence under the PSPO has been observed.
5. The intention of the PSPOs and their renewal is to continue 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. Only where there is alternative provision or where there is a clear safety need do the PSPOs ban dogs altogether.

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) 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 high risk 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 1

General	<p>Having seen the changes to our open spaces imposed to appease other local communities that do not favour my own heritage/culture recreational pass times handed down by the actual persons responsible for our beautiful parks (Mill Owners) such as dog walking I find the imposition imposed by Pendle council in breach of my heritage rights . Sneaking in the back door restrictions to dog owners unacceptable as its the only British pass time we can enjoy and is a health beneficial to everyone who participates</p>
	<p>I support the proposals to maintain and extend the Public Spaces protection order outlined in your recent request for feedback publicity. The need to maintain clean and healthy open spaces is important to our collective well being, provide areas for outdoor activities for all generations and enable sporting facilities .</p>
	<p>Being a regular user of parks and recreation grounds for walking I believe the current regulations should be maintained. There is nothing worse than finding you had trodden in dog mess. My wife is also afraid of dogs and is much more comfortable when the dogs are on leads and under control. The biggest problem is that the rules seldom seem to be enforced. A greater level of enforcement will ensure that regulations are adhered to. There should be no reduction in the current regulations.</p>
	<p>I would like to say that over the years the parks have vastly improved, less litter, more open easy maintenance, and more people friendly.</p> <p>Your dog orders are working well, most poo is picked up, the parks seem a lot safer. But remember dog walkers are a large part of parks, and they are always about at all times keeping an eye on parks, and sensible dog owners should be encouraged.</p> <p>Also old trees should have more protection in your parks, less tidying them up, leaving grass longer around them, not cutting branches just careful maintenance.</p>
	<p>I feel current protection orders should remain in place. Dogs should not be allowed on football or rugby pitches at all</p>
	<p>I respond to the consultation request for users of the boroughs parks to comment on the current orders and also the proposal of exclusion of dogs from Blacko park. My response and concern majors on the issue of dog exercise.</p> <p>On reading the details of the existing orders I agree with the content as they stand.</p> <p>I feel that any responsible dog owner would also agree; ball parks, children's play areas, bowling greens, sports pitches, cycle tracks etc are not the place for dogs to be and especially untethered dogs. Personally I feel that the measures fall short, on the areas where dogs are allowed to be untethered, with regards to the control of dangerous or aggressive dogs that may affect the dogs that are more sociable.</p> <p>However, I feel that the orders appear to be, wrongly, using the tethering of dogs as a measure of controlling dog fouling. Dog fouling is and should be treated as a completely different issue. Dogs produce waste whether they tethered or not and wherever they are.</p> <p>I feel that any responsible person in charge of a dog would agree and not have issue with providing proof that they have the ability to clean up after the dog.</p>

	<p>I would like to close with my belief, parks are areas where health and wellbeing can be achieved by many different members of the community. I personally would not use my local park if it did not have the facility of exercising untethered dogs. I firmly believe that my health, and others would suffer if this facility was removed.</p> <p>My personal situation is, I walk with my tethered dog from my house to the park, quite a severe gradient, not only to exercise my dog but also myself, get fresh air and socialise with other park users. I know that people could say that I could do the same without a dog, but from previous experience, between dogs, this did not happen, a dog provides a reason for this activity. As was observed during the covid shutdowns, the value of parks and open spaces was widely recognised, these should be available to all including dog owners.</p> <p>I feel that more effort and resources should be employed to deal with the issues and not resort to unnecessary restrictions through Public Spaces Protection Orders.</p>
	<p>I feel the PSPO are unnecessary, money raising orders that do nothing to tackle the issues of dog fouling or keeping public spaces nice. Actually they penalise dog owners and make it difficult dog owners to train and exercise their dogs enough in public parks. They also take away the freedoms of common land from access by the people.</p>
	<p>Pendle Council wants to make it an offence to fail to provide a name and address or to give a false name and address when asked by an authorised officer or agent of Pendle Council.</p> <p>You are not obliged to give your details to the police, unless under arrest. This is an attempt to allow council employees to gain access to private information that officers of the law are not entitled to. Another step towards Orwell's 1984. These types of actions need to be stopped in their tracks.</p>
	<p>I generally support the principles of the PSPO's, however it seems strange that there is nothing relating to anti-social behaviour and littering which is surely more of an issue than dog walkers? Is this covered under different orders or legislation?</p>
	<p>I enjoy the local parks and open spaces. I am not a dog lover but accept I am in the minority so I am quite happy with the current regulations and would like them to remain in place.</p>
	<p>I don't have a dog, but I am fond of them and recognise that most dog owners treat them with care and respect. The two concerns of the general public will be that any dog in a public space will be properly supervised and controlled in respect of the physical safety of the animal and the general public, and the animal's natural need to piss and shit. I favour clear guidelines about both these matters, and especially in spaces which are used primarily by children. The details of the council's current policy seem appropriate and I strongly support their existence and enforcement. I think it would be a god idea to precede them with a statement of general principles underlying their purpose, as I have done so above.</p>
	<p>Fully in favour of all proposals but Enforcement Action must be taken effectively. Dog Walkers generally ignore my requests to put dogs of their leads and usually abusive. So they either aren't aware of the rules or just choose to ignore them.</p> <p>Better signage and publicity may help alongside the Enforcement Action.</p>
	<p>The controls seem very positive. An area of clarification might be where sports fields are not actually in use at the time of the dog walkers using them. They can still foul causing problems for when the facilities are subsequently used. Therefore maybe a comment needs including making it clear that these rules are effective even if the facility is not in use at the time dog walkers are using it.</p>

	<p>Also, are these rules in place for facilities open for official use by the public but not owned by the Council eg Barrowford Road Playing Fields? If it is good practice for the rules outlined to be in place for Council owned land, then it would seem sensible to apply to other land available for use by the public.</p>
	<p>What about people sitting on benches dumping all their rubbish near the bench. Drug dealing and smoking of weed in the parks are increasing. Quick to have a go at dog owners but some members of society are worse than dogs</p>
	<p>Everything in the parks and sports ground protection order seems sensible and correct and should continue.</p> <p>On a personal note I am aware of dog owners using the MUGA and grassed area around the park on Cemetery road Earby to exercise dogs off a lead. I have also seen individuals with dogs off a lead in the play area.</p> <p>Youths regularly smash glass on to the MUGA surface also.</p> <p>My children use the MUGA regularly for fun, football etc and have used the play area regularly when younger. I would like more done to ensure these areas are not vandalised and soiled by individuals who do not possess an ounce of public decency and clearly have no respect for others who enjoy using these amenities.</p>
	<p>To even suggest exploring the possibility of making it a legal obligation to provide your name and address shows a breathtaking arrogance and ignorance of British law. One of our most sacred inalienable rights in this country is our right to silence. Do you (Pendle borough) seriously aim to rewrite English law to make your "Agents" more powerful than warranted officers of the law ??.</p> <p>Please raise my enquiry at any consultation process.</p>
	<p>I am against restrictions on walking dogs in Pendle Parks.</p> <p>Any responsible dog owner knows you should not let your dog into play areas and to pick up after dog fouling.</p> <p>It is sad that sensible dog owners have to suffer for irresponsible ones.</p> <p>I have a large dog and the secure areas are not big enough or suitable for him to exercise.</p> <p>Please give this more sensible consideration.</p>
Alkincoates Park	<p>Thanks for providing the opportunity to comment on these proposals. I firmly support the proposals as I live in the Colne area and enjoy running through the park and along the canal. I do not own a dog and do not hate dogs but most recently I have stopped running through Alkincoates Park as there are too many dogs running loose where the owners have limited control. I am fed up of dogs jumping at me and being told 'they're only playing' ... when I just want to get on with my run. Last month, I was walking to meet a friend in the park and had newly laundered jeans on- when a muddy spaniel launched itself at me with its muddy paws all over my jean and coat. The dog owner could not care less and I asked her for her name and address but she refused to give it to me. She just told me to 'xxx off'.</p> <p>I know we don't have park rangers any longer so I guess my only question would be is who would police this and is there a real commitment to tackle breaches of the code? I would be interested in figures from this last year on how many dog owners have been issued with fixed penalty notices over this last twelve months.</p>
Ball Grove Park	<p>In relation to the renewal of the PSPO in Ball Grove Park (regarding dogs).</p> <p>My observations would be as follows:-</p>

The existing restrictions would probably be reasonable and sensible if they were adhered to.
Unfortunately there is a lack of notices around the car parks and access roads to inform dog owners that their dogs should be on a lead.
The maps showing the restrictions are part of the main notice boards and are quite small.
In any case the restrictions do not appear to be enforced - I walk my dog through the park each day and often see people arrive in the car park and after letting their dog/dogs out of the back just let them run around regardless of the rules.
Maybe the car parks could be randomly patrolled in order to educate dog owners and if required enforce the rules.

An additional rule is required restricting the number of dogs each person is allowed to bring into the park.....
I would suggest three per person if on a lead and two per person if off a lead. However, the rule that does appear to be adhered to is the one banning dogs from the childrens playground - this is probably because there is a large clear notice on each of the gates clearly showing that dogs are not allowed to enter.