



REPORT FROM: CORPORATE DIRECTOR
TO: POLICY AND RESOURCES COMMITTEE
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PARKS AND SPORTS GROUNDS PUBLIC SPACES PROTECTION ORDERS

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) Having invited comments from the public, to approve the renewal of the Parks and Sports Grounds Public Spaces Protection Orders (PSPO).
- (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 PSPO.
- (3) To note the amendments to Schedule 1 of the Parks PSPO to include Blacko Park at the request of Blacko Parish Council, Higham Park at the request of Higham Parish Council as approved by the Barrowford and Western Parishes Area Committee.
- (4) To note the amendments to Schedule 1 of the Sports Grounds PSPO to include the Cricket Ground and Playing Field at Foulridge at the request of Foulridge Parish Council as approved by Colne Area Committee.

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. A PSPO 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 PSPO.
3. Policy & Resources Committee is strongly advised to include this provision as this is essential for effective enforcement action. Such a provision is commonplace in enforcement regimes across the country.
4. As a result of the consultation with Town and Parish Councils, Blacko Parish Council proposed Blacko Park is included in the Parks PSPO to include all the prohibitions in Schedule 2 and no dogs allowed which is consistent with the current signage and an open children's play area within the park.
5. Higham Parish Council proposed Higham Park is included in the Parks PSPO to include all the prohibitions in Schedule 2.
6. Foulridge Parish Council proposed 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.
7. All these local proposals have been approved by the relevant Area Committee (*Appendix 1 – Area Committee Recommendations – January 2022*).
8. As regards the queries raised by Barrowford and Western Parishes Committee, authorised officers are Pendle Council employees or District Enforcement staff. Members of parish councils have not been authorised. All authorised officers are trained in line with the Police and Criminal Evidence Act 1984 and its codes of practice, and also in line with GDPR requirements.
9. False names or addresses are frequently given. The name and address of the offender is essential information for the issue of a fixed penalty notice or prosecution along with details such as time and date, location, enforcement officer's identification number etc.

10. If any response is received from Earby Town Council regarding their request to amend Schedule 1 of the Sports Grounds PSPO to include Birley Playing Fields, Earby, this will be reported at this meeting.
11. The general and park and sports grounds specific comments from the public are attached as Appendix 2. 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. The majority of the location specific comments relate to Victory Park Barnoldswick.
12. 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.

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 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.

Appendices

- Appendix 1 - Parks and Sports Grounds PSPO's – Area Committee recommendations
- Appendix 2 - Parks and Sports Grounds PSPO's – specific comments received