

<b>REPORT TO:</b>		<b>CABINET</b>	
<b>DATE:</b>		29 July 2015	
<b>PORTFOLIO:</b>		<b>Cllr Ken Moss - Education, Leisure &amp; Arts</b>	
<b>REPORT AUTHOR:</b>		<b>Tony Akrigg – Head of Environmental Partnerships.</b>	
<b>TITLE OF REPORT:</b>		Public Space Protection Orders.	
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>No</b>	Not applicable	
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:	

**1. Purpose of Report**

1.1 To consider whether there is any merit in conducting a consultation exercise that would highlight any potential need for additional controls on dogs at various locations in the Borough by the making of a Public Spaces Protection Order under Part 4 Chapter 2 of the Anti- Social Behaviour, Crime, and Policing Act 2014.

**2. Recommendations**

2.1 That the Council conduct a consultation exercise in accordance with section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 to assess whether after having due regard to the relevant statutory criteria it would be appropriate to make a Public Spaces Protection Order (PSPO);

- That continues to exclude dogs from entering children’s play facilities owned by the Council;
- That introduces the exclusion of dogs from sports pitches owned by the Council;
- That requires dogs to be kept on leads in designated town centre areas of Accrington and each of the other townships in Hyndburn;

- That continues the requirement for dogs to be kept on leads in the three borough cemeteries.

2.2 That the Head of Environmental Partnerships report the results of the consultation exercise to a future meeting of the Cabinet

### **3. Reasons for Recommendations and Background**

- 3.1 On the 4<sup>th</sup> February 2008, The Borough of Hyndburn Dog Control, (Fouling of Land) Order 2007 came into force. This Order, which was made pursuant to The Clean Neighbourhoods and Environment Act 2005, made it an offence for any person, (with exceptions for blind and disabled dog owners) in charge of a dog, to fail to remove any faeces that it had deposited on open land in the Borough. There have been a number of prosecutions under this Order which is considered to be a valuable enforcement tool.
- 3.2 This Order remains in force and on the 20<sup>th</sup> October 2017 will automatically become a Public Spaces Protection Order under the Anti-Social Behaviour, Crime and Policing Act 2014.
- 3.3 Despite the effectiveness of the Dog Fouling Order, there are inherent health issues associated with dog fouling including Toxocara, which can cause high temperature, headaches, stomach pains, coughs and can lead to vision loss if infected in the eyes.
- 3.4 Therefore, the Council has already deemed it appropriate to exclude dogs from play facilities due to the greater risk for children and young people.
- 3.5 The Council's outdoor sports pitches are used by children, young people and adults for sports such as football, rugby league, crown green bowls and cricket. All four of these sports require participants to handle equipment which comes into contact with the playing surface, or slide, dive and tackle in contact with the playing surface as an integral part of the game.

- 3.6 It is foreseeable that a child or young person could come into contact with dog fouling during a sporting fixture, recreational game or training session, due to their attention being focussed on the game they are participating in.
- 3.7 The Council understands that family pets, such as dogs, act as companions and can lead to indirect health benefits from going on walks and improved emotional well-being.
- 3.8 Therefore, proposals to exclude dogs are focussed on areas of highest potential risk, those being play facilities and sport pitches, as outlined in Appendix 1. There are many other parks and green spaces throughout the Borough which are suitable for exercising dogs which minimises the potential health risks to users.
- 3.9 The locations proposed to be designated as areas requiring owners to keep their dogs on leads are in cemeteries. This is so dogs do not exercise over or foul graves; and in certain areas of the towns that are related to dog owners failing to exercise adequate control over their animals. The Council regularly receives complaints from members of the public regarding dogs off leads in town centres, with the assumption that this is required by law already. Introducing a requirement for owners to have dogs on leads in designated town centres will remove this community complaint and allow enforcement to be carried out. Currently this is only via informal means. These areas are outlined in Appendix 2
- 3.10 The Anti- Social Behaviour, Crime and Policing Act 2014 conferred on Local Authorities the power to make PSPO's in order to combat anti-social behaviour in public areas which has a demonstrably adverse impact on other users of that public space. The new PSPO replaces a number of specific orders, and can be made using a more streamlined process.
- 3.11 Before it can make a PSPO, the Council must be satisfied on reasonable grounds that activities in a public space;
- Have had or are likely to have, a detrimental effect on the quality of life of those in the locality;

- Is, or is likely to be persistent or continuing in nature;
- Is or is likely to be unreasonable and
- Justifies the restrictions imposed.

- 3.12 The Council is also expressly required by section 72 of the 2014 Act, to have regard to the freedom of expression and freedom of assembly rights contained in the European Convention on Human Rights and Fundamental Freedoms.
- 3.13 Section 60 of the Act provides that a PSPO can only have effect for a period of three years, although this can be extended upon the expiry of the initial term.
- 3.14 In order to determine whether the statutory test for making a PSPO has been satisfied the Council will have to carry out consultation. The Act stipulates that the Council must consult the police the local policing body and “*whatever community representatives the local authority thinks it appropriate to consult.*” It must therefore exercise its own judgment as to which interested parties it includes in any consultation.
- 3.15 Although there is no statutory requirement to publish details of a proposal to make a PSPO in the local press, it would be good practice to do so in order to engage with as many residents as possible.
- 3.16 The advice from the Department for Environment and Rural Affairs is that when a prospective PSPO will affect dog owners, the local authority should consult them. “*This can be done by engaging with working groups, as well as locally organised pet groups and national organisations such as the kennel club who will have a network of contacts*”
- 3.17 Other consultees could include Members of the Council, Local Members of Lancashire County Council, local residents groups, the Council’s Dog Warden, Local Dog Societies, local animal welfare organisations, local veterinary practices, local sports leagues, individual clubs, regional & national governing bodies (such as Lancashire Football Association) etc.

3.18 Breaching a PSPO without reasonable excuse is an offence punishable by a fine on summary conviction of up to £1,000. Alternatively a fixed penalty can be issued. The fixed penalty can be set by the Council in accordance with section 68 of the Act up to a maximum of £100. A lower amount can be specified for early payment

#### **4. Alternative Options considered and Reasons for Rejection**

4.1 The problems identified in the report are such as to require the investigation of practical measures to eliminate or reduce the risk associated with dog fouling.

#### **5. Consultations**

5.1 Discussion has taken place with senior officers of the Council and the portfolio holders for Parks and Open Spaces and Community Services, to develop which PSPO's the Council wishes to introduce.

#### **6. Implications**

<b>Financial implications (including any future financial commitments for the Council)</b>	Costs of publishing a consultation notice in the press are estimated to be £250. There will be additional costs associated with sign posting the new orders.
<b>Legal and human rights implications</b>	N/A
<b>Assessment of risk</b>	N/A
<b>Equality and diversity implications</b> <i>A <a href="#">Customer First Analysis</a> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	N/A

#### **7. Local Government (Access to Information) Act 1985: List of Background Papers**

7.1 N/A

**8. Freedom of Information**

- 8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

## List of Play Facilities relevant to the report

## APPENDIX 1

### Play Areas in Accrington/Baxenen/Church/Huncoat

Gatty Park play area  
Milnshaw Park play area  
Bullough Park play area  
Springhill Play Area  
Park Road play area  
Highams play area  
Bolton Avenue Recreation Ground play area  
Station Road Recreation Ground play area  
Peel Park play area  
Peel Park tennis courts  
Oakhill Park play area  
Church Street play area  
Baxenden Recreation Ground play area  
Back Lane play area

### Play Areas in Great Harwood/Rishton/Clayton

Lowerfold Park play area  
Lowerfold Park tennis court  
Lyndon House play area  
Windsor Road Recreation Ground play area  
Milton Close play area  
Cutwood Park play area  
Harwood Road Recreation ground play area  
Mercer Park play area  
Burnley Road Recreation Ground play area

### Play Areas in Oswaldtwistle/Knuzden/Belthorn

Rhyddings Park play areas  
West End play area  
Brookside View play area  
Rhoden Road play area  
Knuzden Recreation ground play area  
Belthorn Recreation ground play area

### Skate Park Areas

St James Street skate park in Accrington  
Mercer Park skate park in Clayton le Moors  
Game Street skate park in Great Harwood  
Harwood Road skate park in Rishton

Multi Use Games Areas

Bullough Park Multi Use Games Area in Accrington

Peel Park Multi Use Games Area in Accrington

Baxenden Recreation Ground Multi Use Games Area

Church Street Multi Use Games Area in Accrington

Holt Street Recreation Ground Multi Use Games Area in Rishton

Burnley Road Recreation Ground Multi Use Games Area in Clayton le Moors

Mercer Park Multi Use Games Area in Clayton le Moors

Rhyddings Park Multi Use Games Area in Oswaldtwistle

Game Street Multi Use Games Area in Great Harwood

## List of Sports Pitches relevant to the report

## APPENDIX 2

### Outdoor Sports Pitches located at:

Highams Playing Fields in Accrington  
Bullough Park Playing Fields in Accrington  
King George V Playing Fields in Accrington  
Wilson's Playing Fields in Clayton le Moors  
Memorial Park Playing Fields in Great Harwood  
Norden Playing Fields in Rishton  
Foxhill/Whiteash Playing Fields in Oswaldtwistle

### Bowling Greens Located at:

Milnshaw Park bowling greens (two)  
Oakhill Park bowling greens (two)  
Gatty Park bowling green (one)  
Mercer Park bowling green (one)  
Lowerfold bowling green (one)  
Peel Park bowling green (one)  
Parker Street bowling green (one)  
Bullough Park bowling green (one)  
Rhyddings Park bowling green (one)