



**Regulatory Committee**

**Thursday, 6 June 2019**

**Subject: Gainsborough Town Council - Public Space Protection Orders (PSPO)**

Report by:

Executive Director of Operations

Contact Officer:

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Purpose / Summary:

To provide elected members with information relating to proposals for Public Space Protection Orders on land owned by Gainsborough Town Council

**RECOMMENDATION(S):**

**Elected Members are asked to approve that:**

- a) The Council consults upon a PSPO to cover the general cemetery and North Warren Cemetery within the next 3 months;**
- b) Officers liaise with Gainsborough Town Council and the Police to review the evidence relating to the other sites proposed in order to determine whether any further PSPOs should be consulted upon. This should include liaison on any resource implications.**

## IMPLICATIONS

### **Legal:**

These Orders can be made under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. A minimum 30 day consultation period is required by Legislation.

Power to make a PSPO is with the Terms of Reference of the Regulatory Committee. In relation to PSPOs the committee must first approve that consultation can take place, then once the consultation is completed the committee will receive an additional report which will determine whether an order is made or not.

Breach of a PSPO may be dealt with by a fixed penalty notice or prosecution. Delegated powers are in place for service of fixed penalty notices to the relevant officers.

Appeals against the making of a PSPO can be made in the High Court within 5 weeks of the PSPO being made, on the grounds that the process has not been followed, or that the council did not have the authority to make the Order or put certain restrictions in the Order.

### **Financial : FIN/31/20**

There is a small financial implication in relation to any consultation that is required. These costs will be minimal as the consultation will be carried out online mainly.

There will also be an additional cost (approx. £1k) for any related signage and public notifications, which can be met from the £5k Equipment revenue budget in Community Safety (CS02/3003) subject to the number of PSPOs that are required.

Fixed penalty notices for breach of a PSPO are set at £100 with a £75 early payment incentive if paid within 10 days of issue.

### **Staffing :**

The existing enforcement officer role is a 2 year fixed term contract, due to end in June 2020. A paper is being developed to seek an extension for this role and alongside this it is suggested that Gainsborough Town Council make a contribution to this post in order to assist with the enforcement of the PSPOs on their land.

### **Equality and Diversity including Human Rights :**

The approach to issuing fixed penalty notices in relation to PSPOs is covered within the relevant regulations. The Councils corporate enforcement policy sets out the general approach to enforcement.

**Data Protection Implications :**

None noted

**Climate Related Risks and Opportunities :**

**Section 17 Crime and Disorder Considerations :**

**Health Implications:**

**Title and Location of any Background Papers used in the preparation of this report:**

**Risk Assessment :**

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

*i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)*

**Yes**

**No**

**Key Decision:**

*A matter which affects two or more wards, or has significant financial implications*

**Yes**

**No**

## **1. Introduction**

- 1.1. PSPOs can be made on any land open to the air that the public have a right or entitlement of access to. This means that the legislation can apply to land belonging to local authorities, as well as, for example, Church grounds and land belonging to a resident owned management company.
- 1.2. To make an Order, the local authority needs to be satisfied on reasonable grounds that the activities carried out, or likely to be carried out, 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
  - Justifies the restrictions imposed
- 1.3. A PSPO can require something to happen e.g. requirement to keep dogs on a lead, or ban something from happening e.g. banning drinking alcohol in a public space.
- 1.4. A PSPO lasts for three years, after which it can be removed or extended. A PSPO can be removed or varied within the three year period if no longer needed. Breach of a PSPO is a criminal offence, punishable by a fixed penalty notice or prosecution.
- 1.5. PSPOs, while a versatile and effective tool, have attracted some negativity nationally due to how they have been applied in some authority areas. It is therefore important to consider what activities the PSPO is aimed at stopping, whether those activities are deemed unreasonable, and whether the requirement or prohibition under the proposed PSPO is justifiable and enforceable.
- 1.6. The legislation requires that a minimum 30 days consultation is carried out prior to a decision being made to make a PSPO or not.

## **2. Background**

- 2.1. Gainsborough Town Council (GTC) have presented information to the Council and requested that the introduction of PSPOs be considered across 13 sites which are in their ownership. In 2017 these sites were previously considered within a consultation process and the lack of response to the consultation resulted in the Council not progressing PSPO designations on GTC land. There were 12 responses to the initial consultation.
- 2.2. Information relating to the proposals is shown in the following appendices:

### **Appendix 1: Scope of Proposed Sites**

- This appendix lists out the proposed sites and the restrictions that would be in place on them. Dog fouling is not included as a restriction as there is already a district wide PSPO in place for this.

### **Appendix 2: Evidence of need presented by GTC**

- This includes the evidence submitted by GTC in relation to the sites

### **Appendix 3: Locations of Proposed Sites**

- This includes details of the proposed sites in map for along with the restrictions proposed

2.3. The Council has proactively worked with GTC to seek to address the current issues relating to the general cemetery. These issues relating to dogs being walked within the cemetery grounds and causing damage to burial areas have been highlighted in the local media and also have resulted in communication from the local ward members and local MP.

## **3. Considerations**

3.1. The Council must consider, in line with section 1.2 that it has sufficient grounds and evidence to put a PSPO in place. It should also consider enforcement, expectation of the public and resource implications in any decision that it makes.

3.2. Evidence from GTC has been provided in appendix 2. Additional evidence produce by the Council is shown in section 4.

3.3. Any enforcement of a PSPO should be done so in line with the Authority's Corporate Enforcement Policy. The current approach to enforcing PSPOs is in line with the level of issues that are currently being experienced within the designated area. For example, in relation to dog fouling the Council respond to complaints from the public to deal with hotspot areas, we do not generally patrol for this issue. If there is a specific ongoing issue, which can be dealt with by a fixed penalty, such as early presentation of waste, regular patrols are in place to tackle this. The response provided is proportionate to the issue which is being experienced.

3.4. Expectations from the public can be understood within the public consultation process. This process will enable general comments to be submitted and will also ask explicit questions as to whether a specific order should be put in place.

3.5. There are limited resources available in regards to the enforcement of PSPOs and the designation of an additional 13 sites would present a challenge in regards to this. Initial discussions with GTC have taken place in regards to how the PSPOs could be enforced, however these have not been finalised as yet.

3.6. In specific relation to cemeteries, the restrictions currently proposed are that dogs are excluded, however it is proposed that any consultation will suggest that dogs should be kept on a lead and under control. This will ensure that any persons who visits the cemetery and may wish to have a dog present can do so without fear of penalty.

#### **4. Additional Evidence**

4.1. The Council has no evidence of any issues that relate to the sites with the exception of the general cemetery.

4.2. Information has been requested from the Police but it has not been able to be provided prior to the report being distributed. If the information becomes available prior to the Committee meeting it will be tabled on the evening.

## Appendix 1 – Scope of Proposed Sites

Site Name/Description	Address	Postcode	B1 Dog Fouling	B2 Dogs on lead	B3 No dogs	B4 No alcohol	B5 No Quadbikes, motorbikes, unauthorised vehicles
Aisby Walk Playing Fields/Play Areas	off Middlefield Lane, Gainsborough, Lincolnshire	DN21 1UL	Yes	Yes	No	Yes	Yes
Danes Road Play Park	Danes, Road, Gainsborough, Lincolnshire	DN21 1RX	Yes	N/A	Yes	Yes	Yes
General Cemetery	Coxs Hill Gainsborough Lincolnshire	DN21 1HH	Yes	No	Yes	Yes	Yes
Hickman Bacon Memorial Park (commonly known as Levellings)	Love Lane, Gainsborough, Lincolnshire	DN21 2SG	Yes	Yes	Yes (in certain areas)	Yes	Yes
Marshalls Sports Ground	Middlefield Lane, Gainsborough, Lincolnshire	DN21 1XR	Yes	Yes	No	Yes	Yes
Mayflower Close Play Park	Mayflower Close, Gainsborough, Lincolnshire	DN21 1AX	Yes	N/A	Yes	Yes	Yes
North Warren Cemetery	Ropery Road, Gainsborough, Lincolnshire	DN21 2NT	Yes	No	Yes	Yes	Yes
Richmond Park Gardens and Play Park	Richmond House, Richmond Park, Morton Terrace, Gainsborough, Lincolnshire	DN21 2RJ	Yes	Yes	Yes (in certain areas)	Yes	Yes
Roses Sports Ground	North Warren Road, Gainsborough, Lincolnshire	DN21 2TU	Yes	Yes	No	Yes	Yes
Sandsfield Lane North Play Park	behind Enderby Crescent, Gainsborough, Lincolnshire	DN21 1DA	Yes	Yes	No	Yes	Yes
Sandsfield Lane South former Play Park Site	Scouts Hill, Gainsborough, Lincolnshire	DN21 1XQ	Yes	Yes	No	Yes	Yes
South Parade former Play Park Site	South Parade, Gainsborough, Lincolnshire	DN21 1UQ	Yes	Yes	No	Yes	Yes
St Georges Play Park	Lindsey Close, Gainsborough, Lincolnshire	DN21 1YN	Yes	N/A	Yes	Yes	Yes

## **Appendix 2 – Evidence of Need presented by GTC**

Since December 2018 the Council have received 122 complaints regards dogs off leads and dog fouling within the general cemetery, there is also an online petition supporting measures to control dogs in this area at the time of drafting this is at 403 signatures. [https://www.change.org/p/gainsborough-town-council-dogs-in-cemetery?recruiter=false&utm\\_source=share\\_petition&utm\\_medium=facebook&utm\\_campaign=psf\\_combo\\_share\\_initial&utm\\_term=psf\\_combo\\_share\\_initial&recruited\\_by\\_id=4001d260-7c06-11e9-9e6e-27a25fe9e91a&utm\\_content=fht-14295198-en-gb%3Av5&sfns=mo](https://www.change.org/p/gainsborough-town-council-dogs-in-cemetery?recruiter=false&utm_source=share_petition&utm_medium=facebook&utm_campaign=psf_combo_share_initial&utm_term=psf_combo_share_initial&recruited_by_id=4001d260-7c06-11e9-9e6e-27a25fe9e91a&utm_content=fht-14295198-en-gb%3Av5&sfns=mo)

A further hard copy petition with 631 signatures was presented to Council on 21 May.

Council have received numerous complaints both historically and more recently regards dogs off leads and dog fouling on the green spaces and sports grounds. The Council's own grounds maintenance team are grass cutting weekly at Roses, Marshalls and Hickman Bacon and each week report a significant amount of dog faeces on the grass areas.

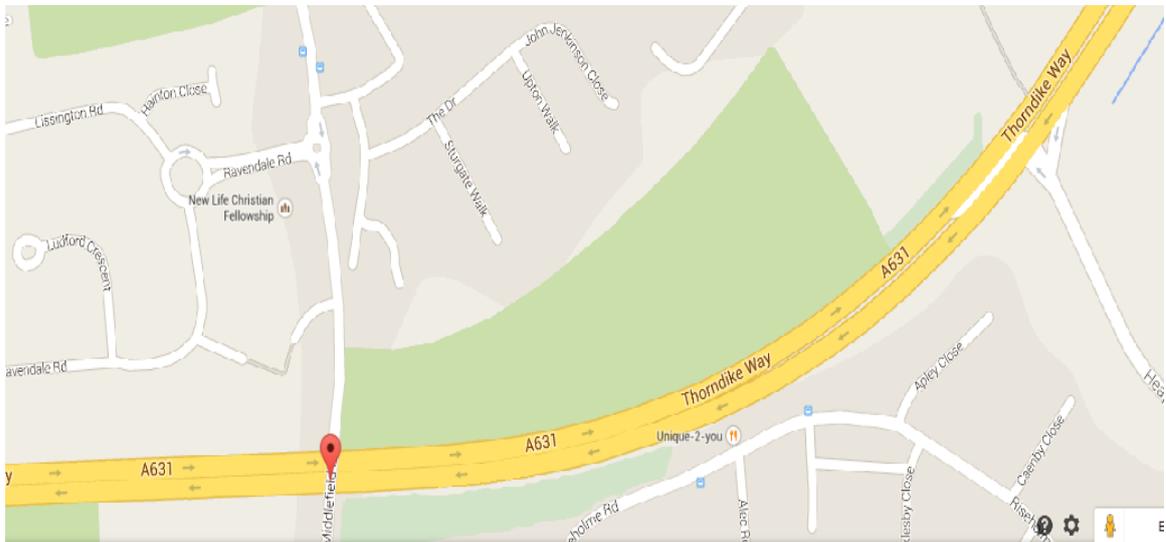
Several of the park spaces are subject to significant anti-social behaviour and vandalism – evidence of alcohol use on the sites is apparent with cans and bottles littering areas on the sites. There is a noise nuisance caused to neighbouring properties from those gathering and drinking alcohol particularly through the summer months on Richmond Park.

Hickman Bacon Memorial Park is subject to motor cycles and quad bikes being driven across it.

As part of the activity undertaken by the Town Council to address the nuisance behaviour highlighted in the general cemetery there has been temporary fencing erected and support from WLDC in relation to enforcement resource along with a significant amount of local awareness raising, social media reporting and press coverage. This has been ongoing since the start of the year but has not stopped the anti-social behaviour.

## Appendix 3 – Site Locations

### AISBY WALK



B1 – Dog fouling (already in place)

**B2 – Requirement for dogs to be kept on leads**

B3 – Exclude dogs (not selected)

**B4 – Restricted consumption of alcohol**

**B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles**

## DANES ROAD



B1 – Dog fouling (already in place)

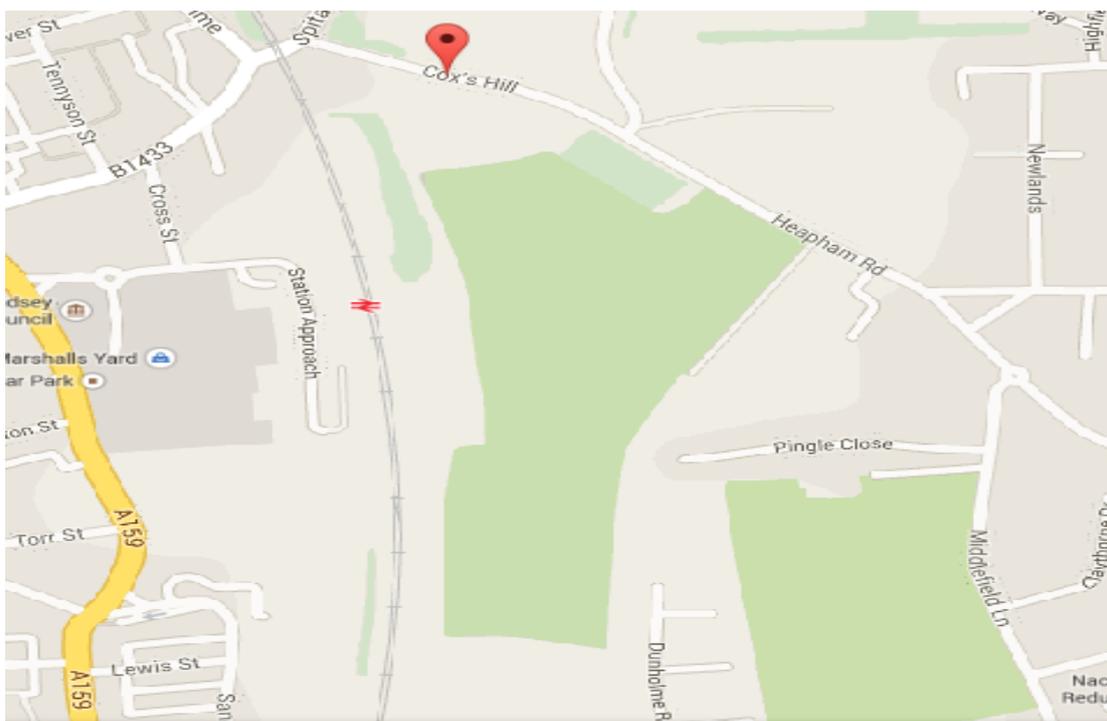
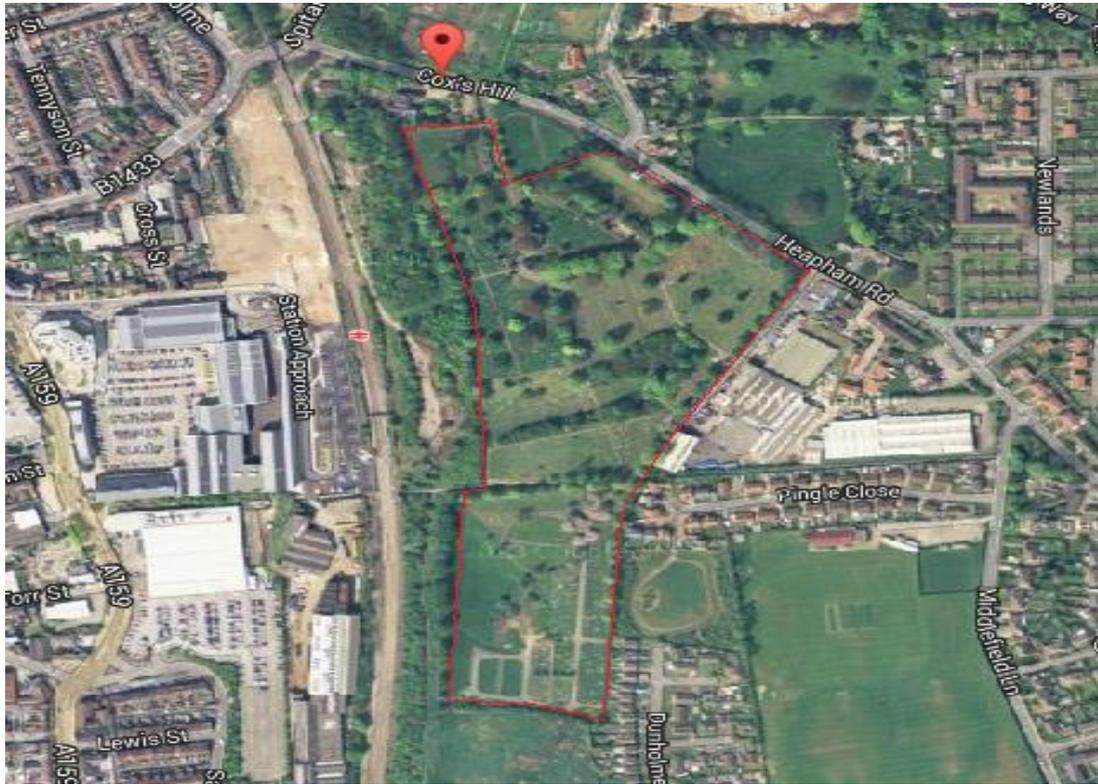
B2 – Requirement for dogs to be kept on a lead (not selected)

**B3 – Exclusion of dogs from area**

**B4 – Restricted consumption of alcohol**

## B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles

### GENERAL CEMETERY



B1 – Requirement to pick up dog fouling (already in place)

B2 – Requirement for dogs to be kept on leads (not selected)

**B3 – Exclusion of dogs from area**

**B4 – Restricted consumption of alcohol**

**B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles**

**HICKMAN BACON MEMORIAL PARK**



**B3 – Exclusion of dogs from area within blue edged enclosed play areas.**



B1 – Requirement to pick up dog fouling (already in place)

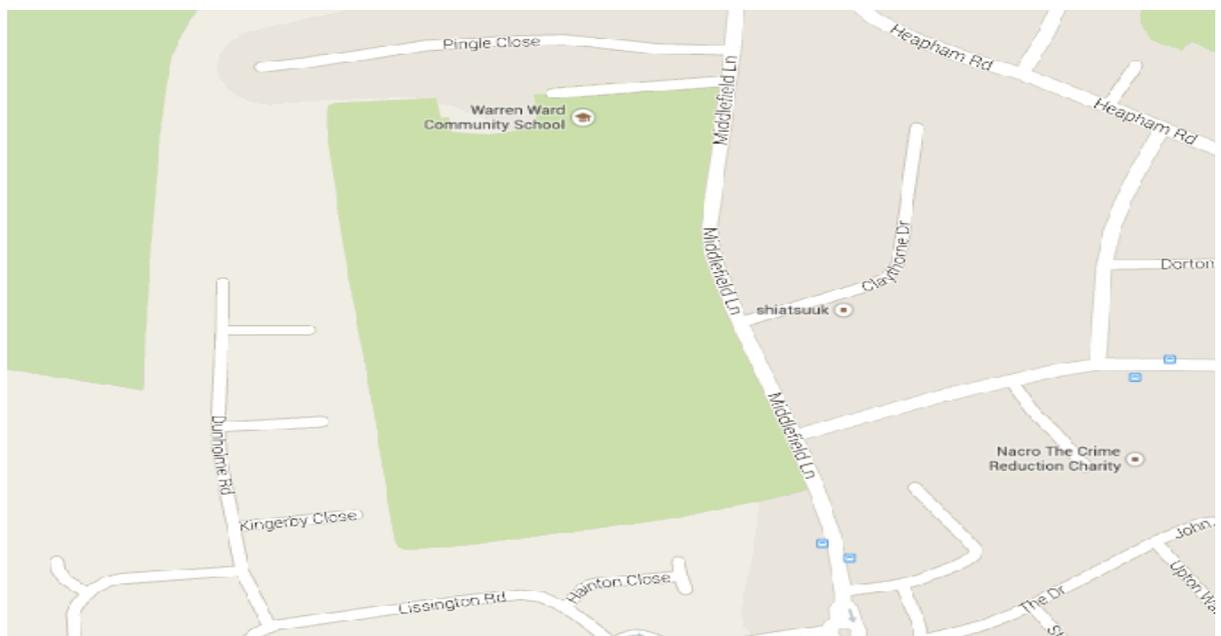
**B2 – Requirement for dogs to be kept on leads**

**B3 – Exclusion of dogs from children’s play areas indicated in blue**

**B4 – Restricted consumption of alcohol**

**B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles**

## MARSHALLS' SPORTS GROUND



B1 – Requirement to pick up dog fouling (already in place)

**B2 – Requirement for dogs to be kept on leads**

B3 – Exclusion of dogs from area (not selected)

**B4 – Restricted consumption of alcohol**

**B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles**  
**MAYFLOWER CLOSE**



B1 – Requirement to pick up dog fouling (already in place)

B2 – Requirement for dogs to be kept on leads (not selected)

**B3 – Exclusion of dogs from area**

**B4 – Restricted consumption of alcohol**

**B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles**

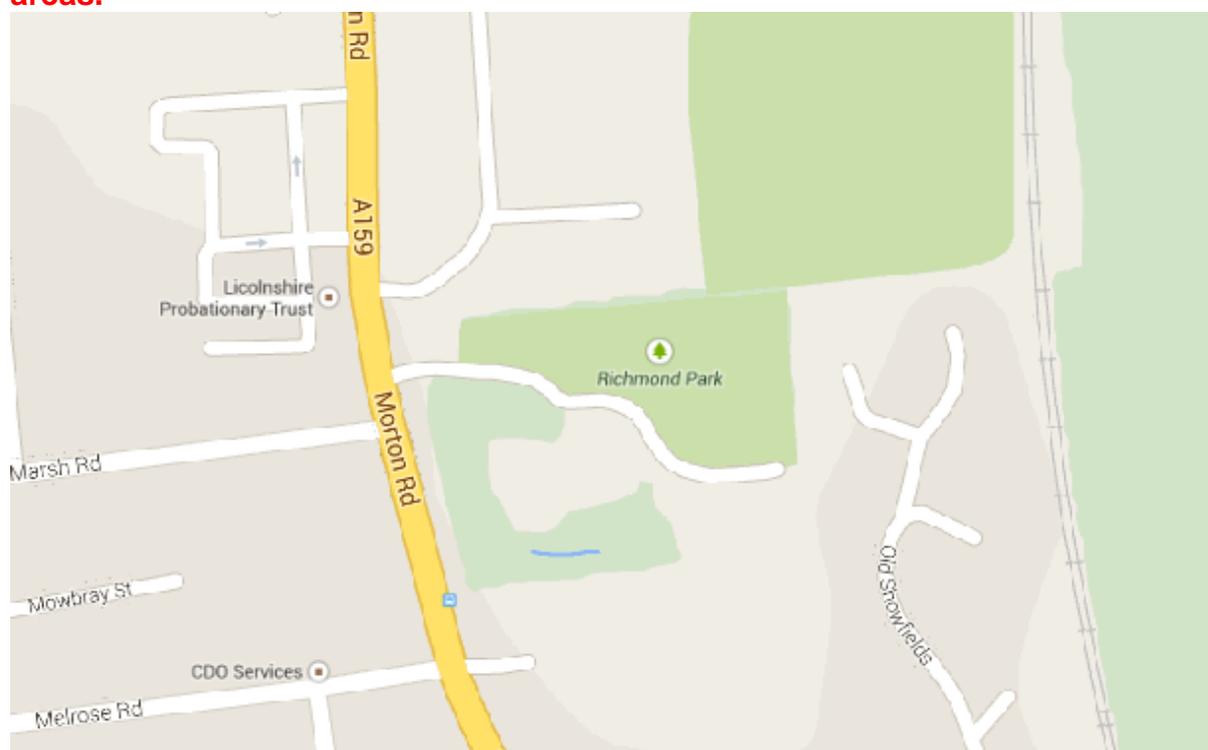


## **B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles**

### **RICHMOND PARK GARDENS AND PLAY PARK**



**B3 – Exclusion of dogs from area within blue edged enclosed play areas.**



B1 – Requirement to pick up dog fouling (already in place)

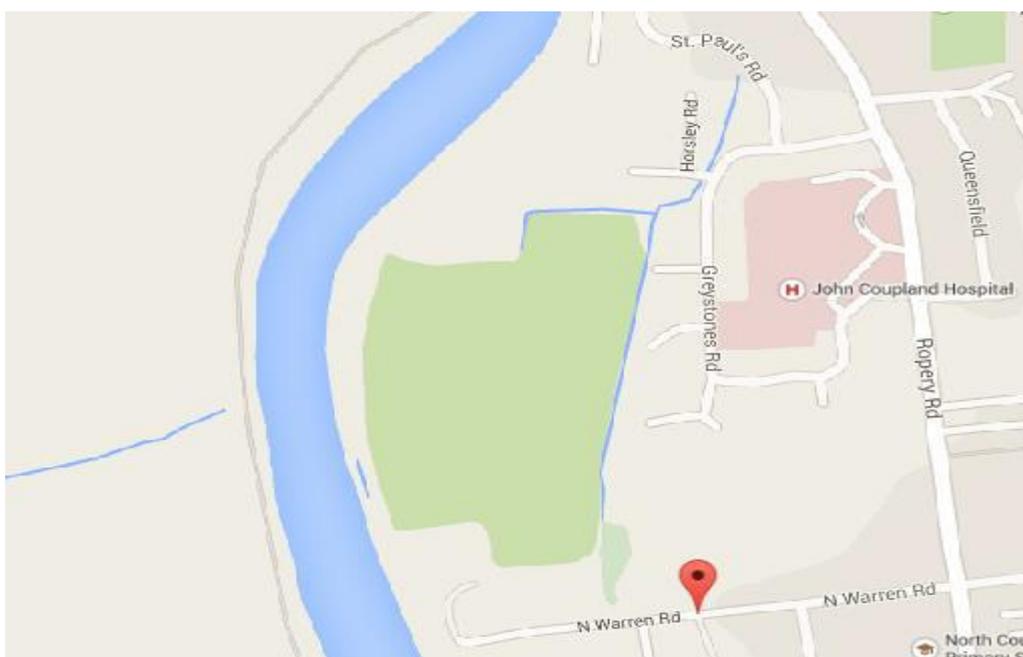
**B2 – Requirement for dogs to be kept on leads**

**B3 – Exclusion of dogs from children’s play areas indicated in blue**

**B4 – Restricted consumption of alcohol**

**B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles**

## ROSES’ SPORTS GROUND



**B1 – Requirement to pick up dog fouling (already in place)**

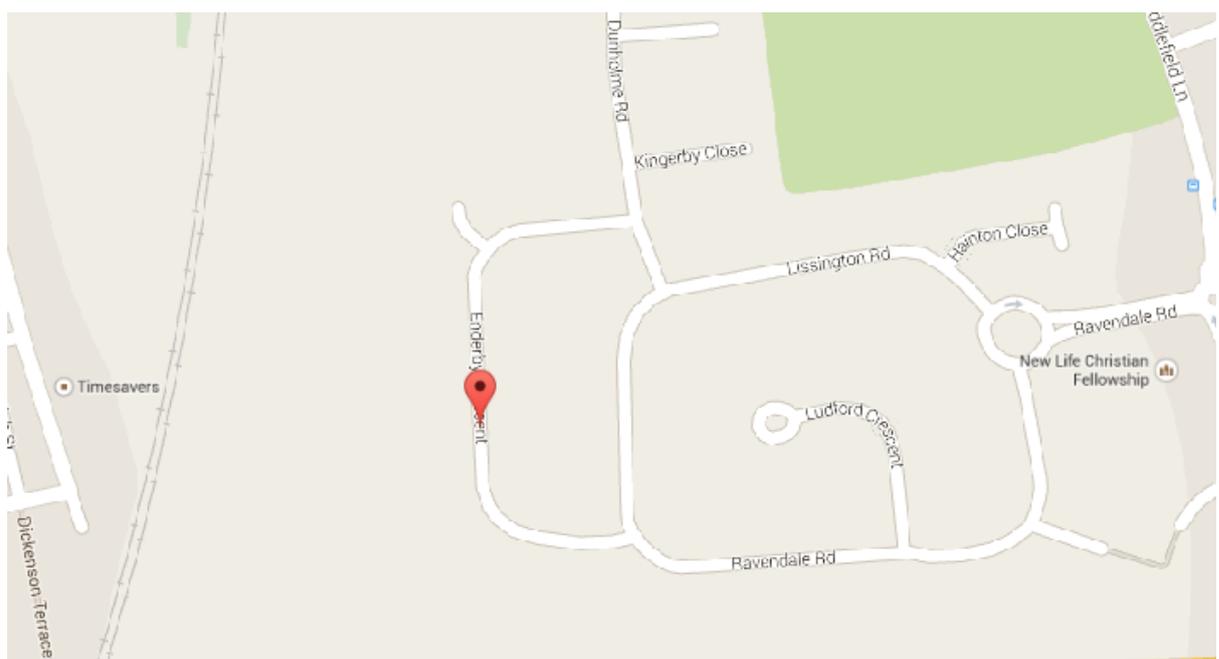
**B2 – Requirement for dogs to be kept on leads**

B3 – Exclusion of dogs (not selected)

**B4 – Restricted consumption of alcohol**

**B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles**

## SANDSFIELD LANE NORTH



B1 – Requirement to pick up dog fouling (already in place)

**B2 – Requirement for dogs to be kept on leads**

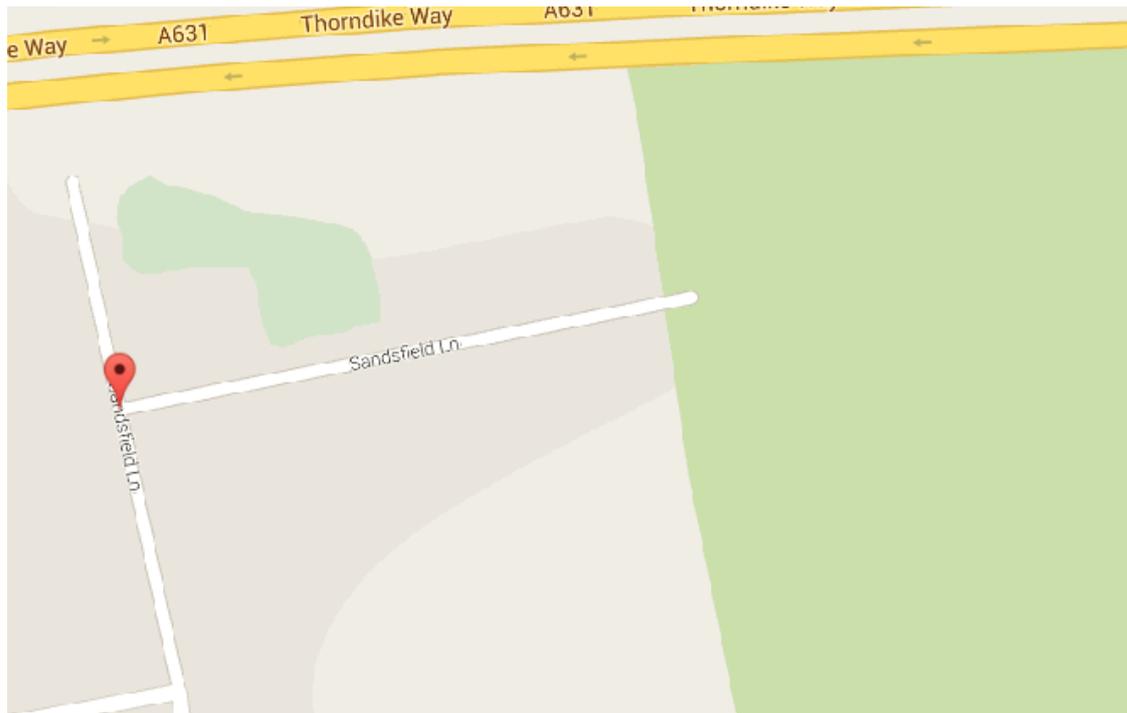
B3 – Exclusion of dogs (not selected)

**B4 – Restricted consumption of alcohol**

**B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles**

## SANDSFIELD LANE SOUTH





B1 – Requirement to pick up dog fouling (already in place)

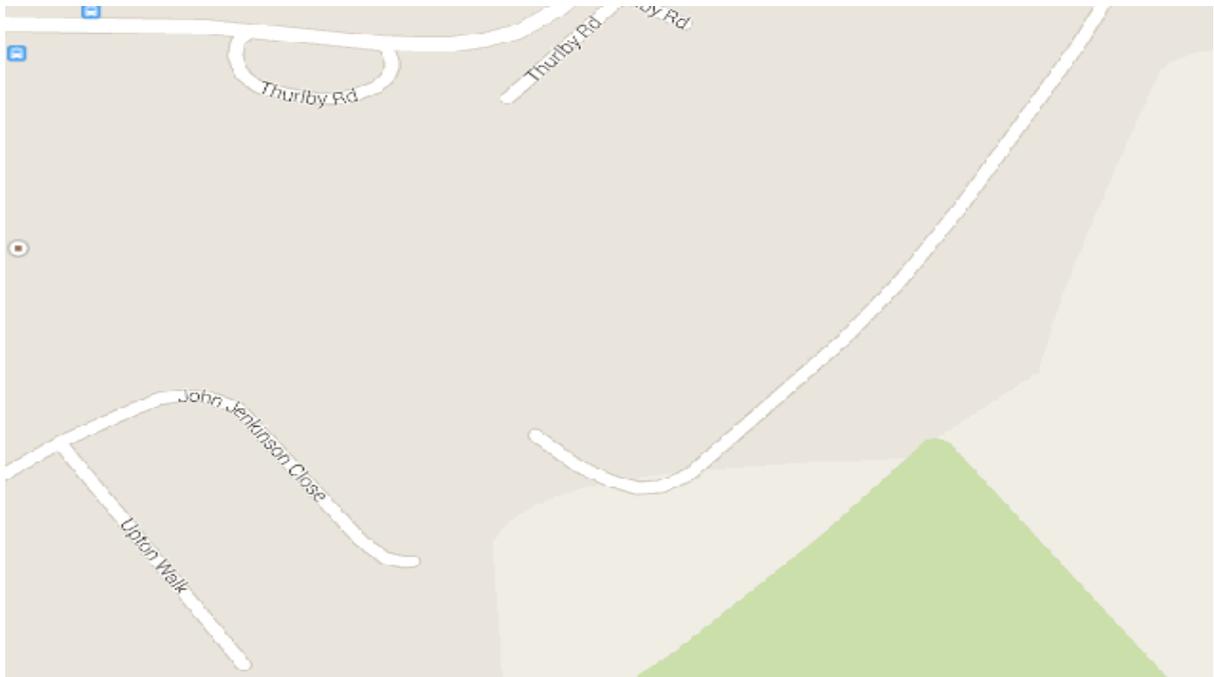
**B2 – Requirement for dogs to be kept on leads**

B3 – Exclusion of dogs (not selected)

**B4 – Restricted consumption of alcohol**

**B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles**

## SOUTH PARADE



B1 – Requirement to pick up dog fouling (already in place)

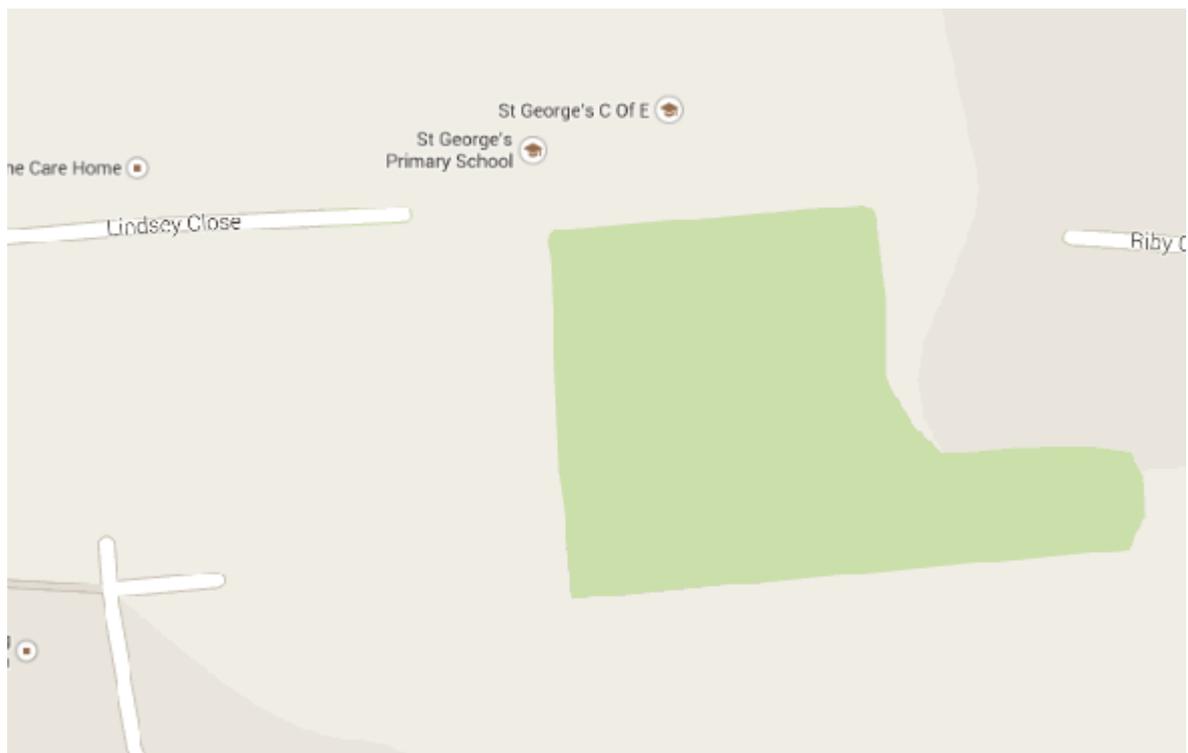
**B2 – Requirement for dogs to be kept on leads**

B3 – Exclusion of dogs (not selected)

**B4 – Restricted consumption of alcohol**

## **B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles**

### **ST GEORGES**



B1 – Requirement to pick up dog fouling

B2 – Requirement for dogs to be kept on leads (not selected)

**B3 – Exclusion of dogs from area**

**B4 – Restricted consumption of alcohol**

**B5 - Riding of Quad Bikes, Motorcycles and Unauthorised Vehicles**