

MINUTES OF PUBLIC SPACES PROTECTION ORDER SCRUTINY SUB-GROUP

7 FEBRUARY 2018

PRESENT:

Members of the Task Group:

Councillors Sandison (Chair), Douglas, Mrs New and Mrs O'Rourke

Also in attendance:

Councillor Lewis

Officers:

David Burrows (Regulatory Services Manager), Verna Zinclair (Principal Environmental Health Officer), Claire Baldwin (Warden Supervisor) and Linn Ashmore (Democratic Services Officer)

10. MINUTES

The minutes of the meeting held on 21 November 2017 were approved and signed by the chair.

11. APOLOGIES

Apologies for absence from the meeting were received from Councillor Lowe.

12. REVISED ONE-PAGE STRATEGY

The last meeting of the sub-group was postponed due to unforeseen circumstances and the review topic was included on the agenda of the last meeting of Whittle Overview and Scrutiny Committee on 12 March.

At that meeting of Whittle decided to amend the one-page strategy to reflect the Home Office guidance that was updated in December 2017.

One of the key changes made clear in the Home Office guidance was that the use of anti-social behaviour powers should focus on the impact on victims.

Complaints about nuisance behaviour should relate to an affected group rather than an individual, such as a group of local residents, and must be supported by evidence of a sustained affect. This would avoid malicious or vexatious complaints.

There were other types of legislation available to deal with incidents affecting individuals, such as Community Protection Notices.

The group reviewed and approved the revised one-page strategy attached to the agenda that included the following new paragraph:

“To comply with Home Office Guidance, the impact on the victims must be considered in determining if to use specific PSPOs.”

13. RESPONSES TO THE CONSULTATION QUESTIONNAIRE

At the request of the Chair the questionnaire responses had been summarised and presented as bar graphs. Copies of the summary were circulated to members of the group.

The Principal Environmental Health Officer presented the summary and during discussion the following points were made:

The results showed that the nuisance behaviours identified by highest number of people questioned were:

- Dog fouling
- Dogs off leads in open spaces and cemeteries
- Motorbikes or hacking/horse riding in open spaces
- Camping, caravans or trailers in public spaces
- Smoking, drinking or drug use at or near children's play areas
- Destruction or vandalism of trees, nature areas or public space equipment

Dogs on leads in open spaces and dog fouling

There were different types of play areas; those with enclosed play equipment, those with open play areas, and other parks where the play equipment and park space were enclosed.

The action needed was dependent on the nature of the play area. There was no evidence to suggest that this was a particular issue in parks with wider open areas. It was agreed that zoning was a more sensible option to issuing a blanket ban.

Not all parks allow dogs off leads. The wardens use the 'on lead by direction' powers in parks where dogs are permitted to be off leads and this has been found to be a useful tool.

A balanced view was needed. The needs of all users should be considered including dog walkers, the safety of children and disabled people with children exercising their dogs. A sympathetic approach would be taken as required.

Evidence suggests people are not happy with dogs off leads in cemeteries and PSPOs could be used to control this.

A question was asked about property owned by Warwickshire County Council and education sites. In theory, there was potential to enforce. A PSPO can be applied to any land with public access but there may be specific by-laws in place.

Whitehall Recreation Ground had an area demarked by a footpath that could be dedicated as a dog zone (A PSPO could specify an area in a park where dogs could be off their leads, and this could be delegated to the Head of Environment and Public Realm).

A published list of parks where owners could walk their dogs would be useful.

Dog fouling was also a big issue on public highways and WCC would be included in the consultation process.

Motorbikes or hacking/horse riding in open spaces

Issues relating to horse riding and hacking were only a problem in a few specific locations and caused by one or two individuals. A blanket ban was not necessary and the criminal damage caused could be dealt with by other separate means.

The Home Office Guidance was clear that if alternative and more appropriate legislation was available, then PSPOs should not be used.

The council has worked with the British Horse Society on the provision of Bridle Ways to provide an alternative to the use of cycle ways.

Mobile trespass

Mobile trespass, including the use of mini motorbikes, caravans and trailers result in regular complaints across the Borough. Vehicles entering onto council owned land without permission could be dealt with by some form of written order created in collaboration with the council's partners.

Ball games near housing

Although ball games near housing was identified as a nuisance behaviour, it was not selected as a behaviour that should be restricted in a public place. The council's housing officers dealt with a number of complaints but compared to the range of housing types it was not a particular issue.

Where there was a specific anti-social behaviour nuisance or victimisation a Community Protection Notice could be considered. If there was an issue in an area of mixed housing that affected a group of residents officers could explore the use of appropriate powers. This would need the support of local residents and PCSO's to gather evidence.

The removal of the 'no ball games' signs upset local residents. There were no powers to take any enforcement action and CPN's could be used to target particular issues.

Cyclists in pedestrianised areas

Complaints had been received from the public about cyclists in the town centre pedestrianised area putting people at risk.

Technically the area is a highway but the signage installed by WCC was confusing.

It can be difficult to catch them, but although BID Rangers do not want additional responsibility, they could assist by gathering evidence, such as photographs.

Further consultation would be required with WCC and police.

Litter

Litter and fly tipping were endemic.

The approach taken by other councils on positive reinforcement could be copied and encourage behaviour change, particularly with children who will respond to praise. An example was that the wardens praise children for putting their litter in the bin.

A suggestion was made that signs telling the public how much it costs to deal with street cleaning, litter and fly tipping, and the impact this would have on their council tax bill would discourage the dropping of litter. Officers had begun putting figures together which was around £250,000 per annum, but this did not include the costs involved in enforcement action.

Additional points raised included:

There were limited council warden resources and any PSPOs created would only be deliverable through collaboration with other agencies such as Rugby BID Rangers and CCTV operators who act as eyes and ears. The use of technology and cameras as means of gathering evidence could be considered.

It was acknowledged that cuts in local police support were expected to be announced in the near future and it would be useful to have an update on these resources.

The role of members was to set the outline and strategy for the issue of PSPOs.

Community Protection Notices (CPN) can be used for a range of issues and the process was simple. The first stage was the issue of a formal warning letter setting out the allegation and the consequences if the nuisance behaviour continues. If it does not stop then a CPN can be issued. It would be necessary to gather evidence beforehand.

CPNs can be issued to anyone over 16, or they can be served to parents.

Drug taking in the town centre was becoming a problem and could be tackled by extending the current PSPO issued to tackle intoxicating substances in the town centre. The use of needles could be incorporated if carefully worded.

The problem drinkers were moving to other areas including Millennium Green and the area covered by the current PSPO could be reviewed.

Some form of enforcement was required at Newbold Quarry. There were a number of issues including swimming, fishing and barbeques. The site is a nature reserve and fishing was a particular issue as the water and local wildlife were being affected. It was noted there was no requirement for the council to provide an alternative site for barbeques.

Aggressive begging was another issue of concern to local people. These individuals should not be confused with genuine homeless people. They are housed and use this as a form of income. A specific 'patch' is selected and they can make up to £150 per day. It is a sensitive topic as there is often a public backlash against action that is taken. There are related drug taking issues and officers reported that recently 150 needles had been collected. Police can issue CPN's but they need people to come forward and report incidents.

It is important that a genuine problem is dealt with and the powers are not used to penalise people.

Other nuisance behaviours raised included:

Damage caused by vehicles being parked on grass verges.

Vehicles being driven across council owned grassed areas and land. The damage caused by vehicles at Whinfield Recreation Ground could be dealt by enforcement action.

The situation was complicated by whether there were double yellow lines in place. Vehicles often park on the verges alongside Bruce Williams Way but were bound by the restrictions imposed by the road markings.

Chuggers were also a problem in the town centre but BID Rangers had no controls. They booked pitches under a voluntary agreement.

The training of Rugby BID Rangers and Parish Council officers on PSPOs was identified as a review recommendation.

A suggestion was made that some form of presentation should form part of submitting the final draft review report to support its consideration by Cabinet.

14. SHORTLISTING OF PUBLIC SPACES PROTECTION ORDERS

The following topics were selected:

- (1) Current PSPO Dog Control Orders should be reviewed to include:
 - Clarity around what constitutes an enclosed play area
 - Analysis of parks on a site-by site basis
 - Consider whether designated areas for dogs should be introduced
 - Signage at park entrances should be considered, and the type of wording
 - Dog fouling, which was the issue of most concern
- (2) Consider whether to extend the current PSPO issued to tackle anti-social drinking in the town centre to include other substance abuse and whether to extend this to cover a wider area, or other town centre locations.
- (3) Newbold Quarry
- (4) Cycling in the town centre pedestrianised area
- (5) Mobile/vehicle trespass

15. PROGRAMME OF WORK AND DATES OF FUTURE MEETINGS

The next stage would be for officers to draw up a draft list of possible PSPOs with appropriate wording which would be reported back to the group for consideration.

Rugby First and the police should be consulted.

It was agreed the next meeting would be held in early March and the date would be arranged by email.

CHAIR