MINUTES OF PUBLIC SPACES PROTECTION ORDER SCRUTINY SUB-GROUP

10 OCTOBER 2017

PRESENT:

Councillors Douglas, Lowe, Mrs New and Sandison

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

1. APPOINTMENT OF CHAIRMAN

RESOLVED THAT – Councillor Sandison be appointed as chair of the scrutiny sub-group.

2. INTRODUCTORY PRESENTATION

The Group received an introductory presentation from the Regulatory Services Manager on the overall aims of the review and the current position in relation to Public Spaces Protection Orders (PSPO). A copy of the presentation is attached to the minutes.

The Principal Environmental Health Officer and the Warden Supervisor were present and answered questions and gave evidence on raised points during the subsequent discussion.

Further to the presentation the following points were made:

The two current PSPO's relate to intoxicating substances (anti-social drinking and drug abuse) and dog control matters.

The PSPO aimed at tackling anti-social drinking and drug abuse covers a specific area of the town centre only.

The restrictions of the PSPO aimed at dog control covers:

- Dog fouling
- Dogs on leads
- Dogs on leads by direction
- Dogs exclusion

The town centre was the main area where issues relating to intoxicating substances and alcohol occurred, and in particular St Andrew's Church Gardens.

The wardens have a challenging job. They patrol the town and will react to any intelligence received. However, dealing with PSPO issues was just one aspect of their wide ranging role.

The team of wardens was currently made up of ten officers and some support was available through four/five volunteer dog walkers.

Wardens wear uniforms and were a visible presence in the town. Being seen out on patrol was a clear deterrent, but it was difficult to enforce PSPO's. The legal process could only be successfully followed if accurate personal details could be obtained.

The wardens have some powers and a number of strategies in place to deal with dog fouling on a phased approach. Dealing with the enforcement and behaviours relating to PSPO's was just one aspect of their role. The current strategy and phased approach included:

- Signage – simple signs or posters placed at hotspots can make a difference
- Monitoring period to assess success
- Stencils or spraying of dog fouling
- Warden patrols – to react to intelligence
- Further longer monitoring periods
- Reducing patrols

Once improvement has been seen the wardens will back off, but if problems recur then appropriate action was re-introduced.

This approach has been highly successful. The Cornwallis Road saw a reduction in faecal counts of 83 per cent.

It was not possible to measure the effects if wardens did not carry out work relating to PSPO's. However other local authorities that do not carry out similar work do have a significant problem and evidence demonstrates that when patrols were reduced problems soon begin to recur.

More education was needed for the community as a whole to help change behaviours.

Individuals found to be abusing alcohol or drugs were offered information and guidance on seeking help and support and signposted to appropriate agencies.

Wardens attend regular meetings with Rugby BID and the police. A working triangle was set up between the three partners.

Large groups of people were no longer a big issue and it was more likely for people to congregate in two's or three's.

A PSPO can only be issued if an individual refuses to surrender their alcohol. In the past this was a real issue as large groups were difficult to deal with. Only a few would hand the alcohol over and others would quickly drink it. Picking out a few leaders from the group was found to have better results.

For a while groups moved from St Andrew's Gardens to Millennium Green, which is outside of the PSPO area. Wardens patrolling the area as a visible presence became enough of a deterrent.

PSPO's could be issued for shorter periods as a reactive solution to a short term issue. They are usually issued for a period of two years so could be reviewed on a regular basis.

Patrols can be targeted to where hotspots exist.

Enforcement must be intelligence lead and introducing ways of engaging with people and getting messages across was key.

Responsible dog owners and walkers were supportive of the approach and would look out for inconsiderate dog owners and report back to officers, though members of the public were less likely to come forward and share information for fear of retribution.

Other means of gathering information was via parks staff, refuse collectors, street cleaners and BID Rangers. The BID Rangers have no powers but they actively report issues and help by identifying trouble spots and the movement of targeted groups or individuals.

CCTV can also be used as an evidence base and provides real time feedback.

The problems at St Andrew's Gardens had a significant impact on local residents. The residents at Trinity Court welcomed the cutting back of trees and bushes and the lifting of tree crowns to open up the area, once this had been cleared of needles etc.

The key role of members was to agree on whether additional PSPO's were required and what behaviours or actions required control.

Care would be needed on the wording of PSPO's to ensure they are enforceable and clear on how nuisance was defined. One option was to target the less obvious such as dog walkers that do not have bags with them, making that the point at when the offence occurs. That would be easier to enforce than catching dog walkers that had not cleaned up after their dogs.

Members reviewed the list of examples for additional PSPO's and commented that the use of substances and legal highs such as nitrous oxide could be included. The nuisance linked to this would need to identified, whether this was anti-social behaviour or litter.

It was possible for users to inhale several doses over the period of an evening. They have little or no smell and the cartridges can easily be concealed.

The abandoned cartridges are a cause of litter, particularly along the Great Central Way.

PSPO's should be used responsibility and should not affect any individuals' human rights.

The direct transfer of the old Dog Control Orders to PSPO's caused some concerns with members of the public and created a lot of feedback. Some of the comments received related to play areas and parks and questioned whether they should be enclosed.

There were some play areas within parks that were enclosed but other newer facilities were in open spaces and members need to consider, if any, or what course of action would be reasonable. One suggestion was to have dog free boundaries or zones. Any reference to enclosed areas would need to be clearly defined.

The PSPO penalty charge is £100 which is reduced to £75 if it is paid within 10 days. Failure to pay leads to a statutory process and breaches can reach a maximum fine of £5,000.

Responsibility could be delegated to parish councils who could decide on their own approaches to enforcement.

Members asked whether dogs exclusion where it applies to all Warwickshire County Council-controlled schools also applied to local schools run as academies.

Some form of dog registration scheme could be useful. Owners have a legal duty to microchip their dogs and this could form be used as part of the enforcement process.

Litter and dog fouling were two of the biggest issues of local concern. The provision of bins and schedule for emptying them should form part of the strategy.

PSPO's – what to include?

Illegal encampments were a significant issue. Officers dealt with 65 incidents last year and the cost of clearing up came to around £40,000. This work was incredibly resource heavy and involved a number of officers and teams across the council. The council has a legal right to evict travellers but not to charge them costs.

Officers were exploring ways of dealing with these more effectively and were working in conjunction with other local authorities.

The travelling community would not pay PSPO fines but the threat may be enough to deter them from returning.

Newbold Quarry was an area of concern and action was being demanded at county, borough and parish levels. There were a number of prohibitions that could be considered to create a PSPO including camping, fishing, swimming, barbeques, bonfires, parties etc. Another option would be to stop public access to the site but it was popular nature reserve used by families on a regular basis. It was important to protect the wildlife.

Other points of concern included:

- Drones, which were rapidly becoming a problem
- Heavy goods vehicles parked overnight
- Horse riding
- Ball games
- Mobile trespass
- Cycling in the town centre/pedestrianised areas

Changing behaviour was the preferred approach in the first instance.

Rugby Youth Council or the council's On-Track team could be engaged to work with young people and challenge behaviours.

Some proposed review recommendations included:

Include all open spaces and parks in a PSPO, though there could be some exceptions such as Whitehall Recreation Ground where community events were held.

Use of social media as a means of communication to educate people. Adverts could be created and used to target specific problem areas. It was noted Instagram and Snapchat were widely used by young people.

McDonalds chain could be approached to request permission for enforcement in the immediate area, or to sponsor waste bins.

Members of the Group viewed information from the Manifesto Club website. The website was a tool to monitor the approach of local authorities and Government agencies to PSPO's. It also included wording examples of PSPO's.

Members were encouraged to explore the Manifesto Club website further prior to the next the meeting. Guidance produced by the LGA could also be of interest.

It was agreed the review should be published and members of the public consulted for their comments. The Chair undertook to liaise with the Communication, Consultation and Information Manager to progress this. All councillors should be invited to engage with people in their own wards.

There was an opportunity for scrutiny members to book a stall at the Community Forum due to be held on 4th November in the Benn Hall. This would be an opportunity to engage with members of the public and other agencies.

A further option would be to hire a pod within the Clock Towers shopping centre.

3. REVIEW OF THE ONE-PAGE STRATEGY

The task group agreed the one-page strategy which had been circulated with the agenda.

4. PROGRAMME OF WORK

It was agreed the next meeting would focus on:

- Gathering evidence from external witnesses and partners
- The consultation and any feedback or responses received

Invitations to attend the next meeting should be extended to Rugby First Limited, a police representative, dog training groups and sports clubs that use relevant parks and open spaces.

5. DATE OF NEXT MEETING

It was agreed that the task group's next meeting be held at 5.30pm on Tuesday 21 November.

CHAIRMAN