

20 September 2016

## **PUBLIC SPACE PROTECTION ORDER TASK GROUP – 27 SEPTEMBER 2016**

A meeting of the Public Space Protection Order Task Group will be held at 5.30pm on Tuesday 27 September 2016 in Committee Room 1 at the Town Hall, Rugby.

Adam Norburn  
Executive Director

### **A G E N D A**

#### **PART 1 – PUBLIC BUSINESS**

1. Appointment of Chairman – to appoint a Chairman of the Task Group.
2. Apologies – to receive apologies for absence from the meeting.
3. Declarations of Interest  
To receive declarations of:
  - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
  - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
  - (c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

***Note: Members are reminded that they should declare the existence and nature of their interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest the Member must withdraw from the room unless one of the exceptions applies.***

***Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.***

4. Briefing Paper.
5. Dates of future meetings – please bring your diaries to the meeting.

## **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information.

### **Membership of the Task Group:**

Councillors Mrs Garcia, Mrs Nash, Mrs New, Mrs O'Rourke and Sandison

*If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic Services Officer (01788 533522 or e-mail [linn.ashmore@rugby.gov.uk](mailto:linn.ashmore@rugby.gov.uk)). Any specific queries concerning reports should be directed to the listed contact officer.*

*If you wish to attend the meeting and have any special requirements for access please contact the Democratic and Scrutiny Services Officer named above.*

# Public Space Protection Order Task Group

27th September 2016

## Briefing Paper

### 1. Membership

The members of the task group are Councillors: Mrs Garcia, Mrs Nash, Mrs New, Mrs O'Rourke and Sandison.

A chair needs to be selected for the task group.

The Environment and Public Realm Portfolio Holder has expressed a desire, wherever possible, to attend meetings of this task group.

### 2. Scope

On 13th June 2016, Whittle Scrutiny Group approved the one-page strategy at appendix 1 for this review.

Our existing 4 dog control orders all expire at the end of September 2017. These are attached as appendix 2.

If the Council wishes to have any future controls on topics such as dog fouling then we need to create one or more Public Space Protection Orders (PSPO's).

Information regarding what PSPO's are and how they can be used is available on the [www.gov.uk](http://www.gov.uk) website and a short presentation will be given to the meeting by the Head of Environment and Public Realm. The presentation will also detail the effectiveness of the current Town Centre PSPO on Intoxicating Substances.

In this first meeting, the task group members will learn about the factors that need to be considered when thinking about PSPO's for Dog Control and/or other behaviours that this group may wish to consider.

There is also a need during this review to consider the practicalities of enforcement of any PSPO that might be considered.

### 3. Community Engagement

It would be appropriate to consider if and/or how this task group may want to engage with our residents on these topics.

Some key stake holders are Parish Councils, as they will have land that they own which they may or may not wish to have covered by any PSPO's.

Sports clubs frequently comment/complain that the pitches that they use are frequently affected by dog fouling and as such their views may be especially relevant, particularly where these involve children's sports e.g. mini and juniors.

Dog owners will also have an opinion on this, although usually we only ever hear from responsible dog owners, who therefore never create the problems that we are seeking to address.

Users of public spaces that are not either dog owners or sports players.

#### **4. Business for future meetings**

The following headings are suggested for the agenda of future meetings. They will obviously be supplemented by additional business as the review progresses.

##### **Meeting 2**

Consideration of examples and experiences from other Councils, including Daventry DC and the London Borough of Barking and Dagenham, to share examples of innovation.

##### **Meeting 3**

To consider responses from any process of community engagement the group deem appropriate.

To consider which, if any, matters they wish to consider further for consideration as PSPO's

##### **Meeting 4**

To consider how any PSPO might be effectively enforced.

To agree a process for taking any outcomes or recommendations forward for consideration and implementation

## **SCRUTINY REVIEW OF DOG CONTROL ORDERS AND PUBLIC SPACES PROTECTION ORDERS**

### **ONE-PAGE STRATEGY**

#### **What is the broad topic area?**

How can we encourage a change of behaviour on the part of those dog owners who do not comply with the present dog control orders?

#### **What is the specific topic area?**

The creation of public spaces protection orders (PSPOs) to replace the dog control orders when or before they become invalid in September 2017.

The inclusion in the PSPOs of other categories of persistent or continuing behaviour that has a detrimental effect on quality of life.

The enforcement of the new PSPOs, including clarification of the roles of the various wardens and rangers.

#### **What is the ambition of the review?**

Creation of an environment for the enjoyment of open spaces by all.

#### **How well does the service perform at the moment?**

There is a wide variety of open spaces and these are used in different ways by a range of different people. Consequently, some conflict arises, leading to community tension and complaints. There is limited ability to modify behaviour or enforce change because of limitations in the legislation.

The task group will seek to learn from the experience of the existing PSPO for the control of the anti-social consumption of intoxicating substances in the town centre area.

#### **Who shall we consult about the current service and about how we can improve it?**

Parish councils, users of parks such as sports clubs, dog club, model engineers and the general public.

#### **What other help do we need?**

Information from other councils, Legal Services.

#### **How long should it take?**

Six months maximum.

#### **What will be the outcome?**

Establishment of need for regulation to encourage appropriate behaviour in public spaces and to control inappropriate behaviour. Recommendations for implementing and enforcing this.

**The Clean Neighbourhoods and Environment Act 2005  
The Dog Control Orders (Prescribed Offences and Penalties, etc.)  
Regulations 2006**

**The Fouling of Land by Dogs Borough of Rugby Order 2009  
The Rugby Borough Council make the following Order:**

1. This Order comes into force on 2008.
2. This Order applies to the land specified in the Schedule.

**Offence**

3. (1) If a dog defecates at any time on the land to which this Order applies and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –
  - (a) he has reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) Nothing in this article applies to a person who –
  - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon whom he relies for assistance.
- (3) For the purpose of this article –
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
  - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
  - (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
  - (d) each of the following is a "prescribed charity" –
    - (i) Dogs for the Disabled (registered charity number 700454)
    - (ii) Support Dogs (registered charity number 1088281)
    - (iii) Canine Partners for Independence (registered charity number 803 680)

**Penalty**

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Schedule**

1. This order will require people in control of a dog to immediately remove faeces deposited by their dog and applies to all land in the Borough of Rugby which is open to the air (which includes land that is covered but open to the air on at least one side); and to which the public are entitled or permitted to have access with or without payment.
- a) All streets and pavements throughout the Borough
  - b) All Borough Council owned land including parks, gardens, recreation and sports grounds, cemeteries, open spaces, car parks and parking places.
  - c) All land belonging to County and Parish Councils to which the public have access.
  - d) All rights of way that cross land owned by the County, Borough and Parish Councils.
  - e) All other land in the open air to which the public have access to with or without payment.
2. Exempted from the description in paragraph 1 above is -
- (i) land that is placed at the disposal of the Forestry Commissioners under section 39 (1) of the Forestry Act 1967

THE COMMON SEAL of )  
RUGBY BOROUGH COUNCIL )  
was hereinto affixed to the )  
day of 2009 )  
in the presence of: )

**Head of Democratic & Legal Services**

**The Clean Neighbourhoods and Environment Act 2005**  
**The Dog Control (Prescribed Offences and Penalties, etc. ) Regulations**  
**2006**  
**The Dogs on Leads Borough of Rugby Order 2009**

Rugby Borough Council hereby makes the following Order:

1. This Order comes into force on \_\_\_\_\_ 2009.
2. This Order applies to the land specified in the Schedule.

**Offence**

3. (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a lead unless –
  - (a) he has a reasonable excuse for failing to do so: or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purpose of this article a person who habitually has a dog in this possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

**Penalty**

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Schedule**

1. This order applies to all land which is within the administrative area of the Borough of Rugby and which is –
  - a) Caldecott Park
  - b) The following cemeteries



- i. Watts Lane Cemetery
- ii. Whinfield Cemetery
- iii. Clifton Road Cemetery
- iv. Croop Hill Cemetery

- c) This order applies to all public roads, pavements and footways, the pedestrianised roads and allotments within the Borough of Rugby, or any grass verge which is adjacent to the carriageway or footway and is maintainable at public expense.

THE COMMON SEAL of                    )  
RUGBY BOROUGH COUNCIL            )  
was hereinto affixed to the         )  
day of                                    2009 )  
in the presence of:                    )

**Head of Democratic & Legal Services**

**The Clean Neighbourhoods and Environment Act 2005  
The Dog Control (Prescribed Offences and Penalties, etc. ) Regulations  
2006**

**The Dogs on Leads by Direction Borough of Rugby Order 2009**

Rugby Borough Council (hereinafter called “the Council”) hereby makes the following Order:

1. This Order comes into force on \_\_\_\_\_ 2009.
2. This Order applies to the land specified in the Schedule.
3. In this Order “an authorised officer of the Council” (hereinafter called “an officer”) means an employee of the Council who is authorised in writing by the Council for the purpose of giving directions under this Order.

**Offence**

4. (1) A person in charge of a dog shall be guilty of an offence, if at any time, on any land to which this Order applies, he does not comply with a direction given by an officer to put and keep a dog on a lead unless -
  - (a) he has a reasonable excuse for failing to do so: or
  - (b) the owner, occupier or other person or authority having control of this land has consented (generally or specifically) to his failing to do so.(2) For the purpose of this article -
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
  - (b) an officer may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person [on any land to which this Order applies] or the worrying or disturbance of any animal or bird.

**Penalty**

5. A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Schedule**

This order applies to all land which is within the administrative area of the Borough of Rugby

THE COMMON SEAL of )  
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day of 2009 )  
in the presence of: )

**Head of Democratic & Legal Services**

This order will require people in control of a dog to keep it on a lead when told to do so by an authorised officer. It is proposed that the entire Borough be designated for this dog control order. This will apply to all land in the open air within Rugby to which the public has access either with or without payment. This will ensure that enforcement officers can immediately deal with dogs that are being exercised off the lead and are causing problems to other users of the land and dogs that are out of control and/or are a danger to the public.

**The Clean Neighbourhoods and Environment Act 2005**  
**The Dog Control (Prescribed Offences and Penalties, etc. ) Regulations**  
**2006**  
**The Dogs Exclusion Borough of Rugby Order 2009**

Rugby Borough Council (hereinafter called "the Council") hereby makes the following Order:

1. This Order comes into force on 2009
2. This Order applies to the land specified in the Schedule.

**Offence**

3. (1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless -
  - (a) he has a reasonable excuse for failing to do so: or
  - (b) the owner, occupier or other person or authority having control of this land has consented (generally or specifically) to his failing to do so.
- (2) Nothing in this article applies to a person who -
  - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - (b) is deaf, in respect of a dog trained by the Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
  - (c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purposes of this article -
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and
  - (b) each of the following is a prescribed charity -
    - (i) Dogs for the Disabled (registered charity number 700454);
    - (ii) Support Dogs (registered charity number 1088281);
    - (iii) Canine Partners for Independence (registered charity number 803680).

**Penalty**

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Schedule**

1. This order applies to all enclosed children's play areas which are within the administrative area of the Borough of Rugby.
2. All school land which is controlled by the Warwickshire County Council

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day of 2009 )  
in the presence of: )

**Head of Democratic & Legal Services**