

**Decision Session – Executive Member for
Housing & Safer Neighbourhoods**

15 February 2016

Report of Assistant Director – Housing & Community Safety

**Determination of whether to consult on the possible introduction of
a Public Space Protection Order at Holgate Dock**

Summary

1. The purpose of this report is to agree in principle to proceed with public consultation on the potential implementation of a Public Space Protection Order (PSPO) to restrict or ban dogs from the Holgate Dock site, (see appendix 1).

Recommendation

2. The Executive Member is asked to approve:

Option 1 – To agree that the council will undertake a 6 week consultation process with local residents and interested stakeholders to determine whether to introduce a PSPO for Holgate Dock.

Reason: To ensure that the council actively addresses the issue of anti-social behaviour in our communities.

Background

3. The Anti-Social Behaviour (ASB), Crime and Policing Act 2014 came into force on the 20th October 2014 and changed the powers available to local authorities and the police to deal with anti-social behaviour in our communities.
4. The Act introduced new powers, including, a Public Spaces Protection Order, which is granted by the Local Authority, but can be enforced by either the Local Authority or the Police. A PSPO will allow the council to stop individuals or groups from carrying out acts of anti social behaviour.

5. The PSPO serves to protect a public space from persistent or continuing anti-social activity by individuals or groups that is having a detrimental effect on the quality of life of those in the locality. Such an order lasts for a period of up to 3 years, with provision for extensions for up to 3 years at a time. The process starts by way of consultation, and after this time, a decision is taken by a Local Authority to grant a PSPO. This new power replaces the previous gating orders, designated public place orders (relating to restrictions on alcohol consumption) and dog control orders.
6. Breaching the conditions of a PSPO is a criminal offence with the option open to officers to issue a Fixed Penalty Notice (FPN) or to prosecute the breach in the Magistrates Court. Again Association of Chief Police Officers guidance indicates that all breaches of PSPO and non payment of FPN rests with the Local Authority. Failure to pay a FPN within a given period is likely to lead to prosecution for the original offence.
7. Holgate Dock is a parcel of land situated behind St Pauls Church on Watson Terrace, York. There is an informal agreement between City of York Council and St Pauls Primary School that they may have priority use of the field between 9am and 5pm on school days, and this is the only access that the school have to a grassed area for sports and PE. This is a public health risk, as younger children like those who attend St Pauls are at greater risk of contracting Toxocariasis, (because they are more likely to put things in their mouths) which can cause permanent loss of vision.
8. It measures approximately 100mx50m and was established under a Section 106 agreement under the Town & Country Planning Act 1990 as part of the Barratt homes development at Holgate Mews.
9. Possible options that the council could look at introducing through a PSPO include
 - A complete ban on dogs all year round
 - A ban on dogs during term time only
 - A restriction to use of the Dock by dogs outside the hours between 0900 and 1700hrs
 - Dogs on Leads
 - No dog fouling (current position)

Options

10. **Option 1** – To consult on the introduction of the PSPO which would mean that the Council would have greater powers to deal with anti-social behaviour in those areas.
11. **Option 2** – Not to consult on the introduction of a PSPO which would restrict the Council's ability to tackle anti-social behaviour in the area

Analysis

12. Option 1~ Since May 2015, the Community Safety Hub, have received ten complaints about the use of this land by dog owners.
13. The complainants include local residents/parents of children at St Pauls School, the school and the School PTA and a local councillor, who has also received complaints. The complaints highlighted different issues which can be summarised as follows (the number of times that the issue was mentioned by the different complainants are recorded in the brackets):-
 - Dog fouling left by irresponsible dog owners (10)
 - Use of the field by dog owners between 9:00 and 17:00 hrs on school days (6)
 - Dogs off the lead bounding and knocking over small children and causing intimidation (6)
 - Trip hazards created from dogs digging (1)
14. Further investigation with St Pauls School has established that clearance of dog mess is a daily task for PE teaching staff. Also, parents using the field after school have also been subject to dog mess getting onto clothing. The boundary of the field has vegetation that children like to play in, however dogs are also prone to fouling in these areas, where their owners struggle to access to clean up after them. By tackling this issue it will reduce the likelihood of any child contracting Toxocariasis.
15. The nearest dog walking area is at Upper St Pauls Terrace, which is a small open space which has a dog ban within the children's play area. There is a stretch of grass behind The Fox Public House, Holgate Road, which is only a short walk away. Hob Moor is also within a half mile radius, (see appendix 1).

16. The school have previously written to parents and raised this issue in school to try to stop this problem, and the Neighbourhood Enforcement Officer's have also carried out patrols in the area, but have not been able to catch anybody fouling.
17. Option 2 ~ this will restrict the options available to challenge ASB in this area, and will reduce the levels of additional revenue that can be raised to continue to tackle ASB across the city.

Council Plan

18. The potential introduction of a PSPO in Holgate Dock, supports the priority within the new Draft Council Plan of 'A focus on Frontline Services.' To ensure that residents are protected from harm, with a low risk of crime.

Implications

19. The implications arising directly from this report are:
 - **Financial** – The additional costs incurred in setting up the consultation process would be met from within existing budgets.
 - **Human Resources (HR)** – None
 - **Equalities** – The decision to enforce the PSPO would be the individual officers' decision and the equalities impact will be considered by these officers on a case by case basis.
 - **Legal** – The Council's Legal Services Department have given advice and training to officers in relation to the Act and in relation to the new PSPO powers, have assisted in the drafting of all of the paperwork required to deal with these powers.
 - **Crime and Disorder** – If the consultation recommends considering implementing a PSPO this will support the council in tackling ASB in the area.
 - **Information Technology (IT)** – There are no IT implications.
 - **Property** – There are no property implications.

Other – There are no other implications.

Risk Management

20. There are no high risks identified.

Contact Details

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Report Approved Date

Wards Affected: *List wards or tick box to indicate all* **All**

Holgate

For further information please contact the author of the report

Appendix 1

Map showing alternative exercise areas

Abbreviations

PSPO- Public Spaces Protection Order

FPN - Fixed Penalty Notice

ASB - Anti Social Behaviour

PE – Physical Education

PTA – Parent-Teacher Association