

## Notice of a public meeting of

### Decision Session - Executive Leader (incorporating Housing & Safer Neighbourhoods)

- To:** Councillor Carr (Executive Leader, incorporating Housing and Safer Neighbourhoods)
- Date:** Monday, 20 June 2016
- Time:** 3.00 pm
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

### AGENDA

#### **Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democratic Services by **4:00 pm on Wednesday 22 June 2016**.

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Policy and Scrutiny Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by at **5.00 pm on Thursday 16 June 2016**.

## 1. **Declarations of Interest**

At this point in the meeting, the Executive Leader, Housing and Safer Neighbourhoods, is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which he might have in respect of business on this agenda.

## 2. **Minutes**

(Pages 1 - 4)

To approve and sign the minutes of the Decision Session of the Executive Member for Housing and Safer Neighbourhoods held on 23 May 2016.

## 3. **Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so. The deadline for registering is at **5.00 pm on Friday 17 June 2016**.

Members of the public may register to speak on an item on the agenda or an issue within the Executive Leader's remit.

### **Filming, Recording or Webcasting Meetings**

Please note this meeting may be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting. The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at:

[https://www.york.gov.uk/downloads/file/6453/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_council\\_meetingspdf](https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_council_meetingspdf)

- 4. Acomb Green - Public Space Protection Order (PSPO) Consultation Outcome** (Pages 5 - 18)  
The purpose of this report is to consider the responses from the recent consultation process and determine whether to introduce a PSPO for Acomb Green.
- 5. West Bank Park - Public Space Protection Order (PSPO) Consultation Outcome** (Pages 19 - 46)  
The purpose of this report is to consider the responses from the recent consultation process and determine whether to introduce a PSPO for West Bank Park.
- 6. Proposed Changes to the Traveller Pitch Agreement** (Pages 47 - 78)  
This report seeks approval to consult on proposed changes to the existing Traveller Pitch agreement.
- 7. Granting of additional powers for the Neighbourhood Enforcement Team and changes to existing Fixed Penalty Notice Charges** (Pages 79 - 93)  
This report asks the Executive Leader, Housing and Safer Neighbourhoods, to consider granting additional enforcement powers to the Neighbourhood Enforcement team and to consider changes to two existing Fixed Penalty Notice charges issued by the Neighbourhood Enforcement team.
- 8. Urgent Business**  
Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officers:

Catherine Clarke and Louise Cook (job share)

Telephone No- 01904 551031

Email- [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk)/[louise.cook@york.gov.uk](mailto:louise.cook@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officers responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

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Meeting	Decision Session - Executive Member for Housing & Safer Neighbourhoods
Date	23 May 2016
Present	Councillor Carr

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#### **41. Declarations of Interest**

At this point in the meeting, the Executive Member was asked to declare any personal, prejudicial or pecuniary interests he may have in the business on the agenda. None were declared.

#### **42. Minutes**

Resolved: That the minutes of the Decision Sessions of the Executive Member for Housing and Safer Neighbourhoods held on 21 March 2016 and 4 April 2016 be approved and signed as correct records by the Executive Member.

#### **43. Public Participation**

It was reported that there were two registrations to speak under the Council's Public Participation Scheme.

Mr Rogers, a local resident, was in attendance to express his views on agenda item 5 Holgate Dock - Public Space Protection Order (PSPO) Consultation Outcome. He felt that option 3, to authorise the introduction of the PSPO to ensure that all dog fouling was picked up, should be introduced as the land was enjoyed by all users and he felt option 1, to authorise the introduction of the PSPO to ban dogs from Holgate Dock at all times, was criminalising responsible dog owners who were doing no harm. He stated that toxocariasis was extremely rare and to use this as a health scare was irresponsible and disproportionate. He stated that, following publicity and unreasonable public harassment, some local dog owners had already stopped using the area. He felt that option 3 would generate increased revenue and allow public awareness and social responsibility.

Cllr Cannon was in attendance as the Ward Member to express her own and local residents' views on agenda item 5. She confirmed that this area of land was a valuable space in the community and was used by many local residents, families and St Pauls Primary School including the after school club. She felt that option 1 should be enforced as this was the only green space accessible to the Primary School which they used often for play and sport games. She had received many complaints regarding the amount of dog faeces found and when visiting the site she witnessed aggressive behaviour from some dog owners. Although she acknowledged that some dog owners were responsible, she felt there were other large green spaces nearby that were more suitable for dog walking. She confirmed a petition supporting option 1 had received 209 signatories.

#### **44. Target Rent Policy**

The Executive Member considered a report that proposed to change the current Target Rent Policy and to increase the rent on a property when it becomes void.

Officers gave an update and confirmed that no existing tenancies would be affected by the change.

The Executive Member noted that the government had given social housing landlords the freedom to increase the rent on empty homes and, as part of the 2015 Summer Budget, rents in social housing would be reduced by 1% a year for four years resulting in a real term reduction of 12% in rental income. It was confirmed that the average distance to target rent was £1.05 per week with more than 90% of properties being less than £1.50 per week below target rent.

Resolved: That Option 1, to increase the rent payable to Target Rent on a property when it becomes void, be approved.

Reason: To maximise the council's income.

#### **45. Holgate Dock - Public Space Protection Order (PSPO) Consultation Outcome**

The Executive Member considered the responses from the recent consultation process to determine whether to introduce a Public Space Protection Order (PSPO) for the area of land known as Holgate Dock.

Officers gave an update and confirmed that the decision to undertake consultation was in response to complaints received from St Paul's Primary School and residents who had highlighted issues with dog fouling within Holgate Dock.

The Executive Member noted that as part of the process the Council sought views from local residents to determine whether they supported the PSPO and of the 182 survey responses received 57% said they would support a PSPO with 56% supporting an outright ban for dogs.

Officers stated that it was a small minority of individuals who did not clean up after their dogs and that the ban was not intended to criminalise dog owners.

The Executive Member confirmed he had considered all the consultation responses including residents' and ward councillors' concerns and the options available in the report. After much consideration he felt option 2 and 3 were unworkable and, due to the land being primarily used by St Pauls Primary School, option 1 should be introduced. He agreed that most dog walkers were responsible owners so he did not want his decision to stigmatise them or be seen as a precedent for any up and coming PSPO bans. He also felt that the problems related to toxocariasis should not be over stated.

Resolved: That option 1 be approved:

To introduce a Public Space Protection Order (PSPO) within Holgate Dock to ban dogs from the area and to set the amount of any Fixed Penalty Notice (FPN) at £100, which would be reduced to £75 if paid within the first 14 days.

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

Cllr Carr, Executive Member

[The meeting started at 3.00 pm and finished at 3.20 pm].

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**Decision Session – Executive Leader  
(incorporating Housing and Safer  
Neighbourhoods)**

**20 June 2016**

Report of Assistant Director – Housing & Community Safety

**Acomb Green - Public Space Protection Order (PSPO) Consultation  
Outcome**

**Summary**

1. The purpose of this report is to consider the responses from the recent consultation process and determine whether to introduce a PSPO for Acomb Green. The decision to undertake consultation regarding a potential PSPO was in response to concerns raised by North Yorkshire Police.

**Recommendations**

2. The Executive Leader, Housing and Safer Neighbourhoods, is asked to **approve option 1** – The introduction of a PSPO within Acomb Green to include:
  - Banning the drinking of alcohol
  - The ability to remove large groups of 3 or more people who are causing anti social behaviour (ASB)
  - Banning under 16's from the possession of lighters in the play area
  - Setting the amount of any Fixed Penalty Notice (FPN) at £100, which would be reduced to £75 if paid within the first 14 days.

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

**Background**

3. The Anti-Social Behaviour, Crime and Policing Act 2014 came into force on the 20<sup>th</sup> 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 a new power, a PSPO, which is granted by the Local Authority, but can be enforced by either the Local Authority or the Police.
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 can be 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. If any new prohibition is not adhered to, then the local authority or police have the ability to take formal enforcement action. This action can take one of two forms, to prosecute for the breach, or to issue a Fixed Penalty Notice (FPN). The Act allows for Local Authorities to set a local level for FPNs to a maximum of £100.
7. In Acomb Green in 2015 North Yorkshire Police were called to 49 incidents, 44 of which were ASB and there were 5 criminal incidents.

## **Consultation**

8. As part of the process the Council has sought views from local residents to determine whether they support the PSPO. People were asked to complete a short survey which was placed on the council's website, links to this were placed on the entrance to the area, and for residents who do not have access electronically, a phone number was provided, so that paper copies could be sent out.
9. The council received 45 responses to the survey.
10. In response to the question have you experienced ASB in Acomb Green in the past 12 months:
  - 54% replied that they had;
  - 47% said that they had not.
11. In response to the individual questions to find out whether people supported the introduction of the PSPO and the specific prohibitions, the answers were as detailed below:

<b>Questions</b>	<b>Yes</b>	<b>No</b>	<b>No Opinion</b>
A ban on drinking alcohol	40	3	0
The ability to remove large groups of 3 or more people who are causing anti social behaviour	37	3	3
A ban on the possession of lighters by under 16's in the play area	40	2	0

12. North Yorkshire Police and the Office of the Police & Crime Commissioner have been consulted on these proposals. North Yorkshire Police support the proposals and the Office of the Police and Crime Commissioner have advised that 'I have worked with local residents and business owners to try and resolve the issue of street drinking in parts of North Yorkshire, and its subsequent effects. Having seen first-hand the consequences street drinking and anti-social behaviour can have I believe this civil order is a big step forward in giving the police and the local authority the necessary powers to tackle those issues. Targeting the individuals who are causing these issues will allow for a more effective response, as well as assist in preventing issues before they escalate and effect the community.'
13. Both Ward Councillors and Public Realm have also been advised regarding these requests, and support the recommendation.

## Options

14. **Option 1** – Authorise the introduction of the PSPO for Acomb Green to include:
- Banning the drinking of alcohol
  - The ability to remove large groups of 3 or more people who are causing ASB
  - Banning under 16's from the possession of lighters in the play area
  - Setting the amount of any Fixed Penalty Notice (FPN) at £100, which would be reduced to £75 if paid within the first 14 days.
15. **Option 2** – Decline to introduce a PSPO for the area.

## Analysis

16. **Option 1** – The Council and North Yorkshire Police have experienced issues with groups of youths at Acomb Green, local residents in the area have complained about issues such as drinking and associated anti social behaviour. In the consultation this is reflected by 93% of the consultation responses been from local residents.

17. The questions asked as part of the consultation were based upon the issues that are being experienced.
18. With regard to the banning of drinking alcohol 43 of the 45 respondents answered this question and 40 (93%) were in support of introducing a ban on drinking alcohol.
19. When considering the ability to move large groups of 3 or more who are causing problems, where they are causing anti-social behaviour that would affect other people who may want to use this area, 43 of the 45 respondents again answered this question with 37 respondents (86%) in support of the proposal, 3 respondents (7%) against the proposal and 3 respondents (7%) stating that had no opinion.
20. The suggestion to ban lighters from under 16's within the play park is designed to reduce the number of incidents of damage to the play equipment, caused by people using lighters to damage the equipment through burning. The Council's Public Realm Team who manage the play park have confirmed that there have been several incidents, and that the damage has cost approximately £1k to repair. 42 of the 45 respondents answered this question with 40 (95%) respondents in support of the proposal. 2 respondents (5%) were not in support of the proposal.
21. When dealing with under 18's the council policy is to give them a written warning before considering taking more formal enforcement action, and this would continue to be the case with the PSPO. Officers would advise the young people about the breach and would write to advise them about the breach and its consequences.
22. **Option 2** – Deciding not to introduce PSPO's for this area will mean that the council and the police will not have all the available powers available to them to address the anti social behaviour issues that the local residents in this area are experiencing.

### **Council Plan**

23. The introduction of a PSPO in Acomb Green strongly supports the priority within the Council Plan of 'A focus on Frontline Services.' To ensure that residents are protected from harm, with a low risk of crime.
  - a. Residents are encouraged and supported to live healthily (aim)
  - b. Residents are protected from harm, with a low risk of crime (aim)

## Implications

24. The implications arising directly from this report are:

- a. **Financial** – There is a cost in terms of signage, but this can be contained within existing budgets.
- b. **Human Resources (HR)** – There are no HR implications.
- c. **Equalities** – The decision to enforce the PSPO powers will be the individual officer's decision and the equalities impact will be considered by these officers on a case by case basis.
- d. **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, and have assisted in the drafting of all of the paperwork required to deal with these powers.
- e. **Crime and Disorder** – The introduction of the PSPO will help reduce antisocial behaviour in the area.
- f. **Information Technology (IT)** – There are no IT implications.
- g. **Property** – There are no property implications.
- h. **Other** – There are no other implications.

## Risk Management

25. There are no high risks identified.

### Contact Details

**Author:**

Paul Morrison  
Community Safety Manager  
01904 555095

**Chief Officer:**

**Steve Waddington**  
Assistant Director of Housing & Community  
Safety  
01904 554016

Report  
Approved



Date

7<sup>th</sup> June 2016

**Wards Affected:** Westfield and Acomb Ward

**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes:**

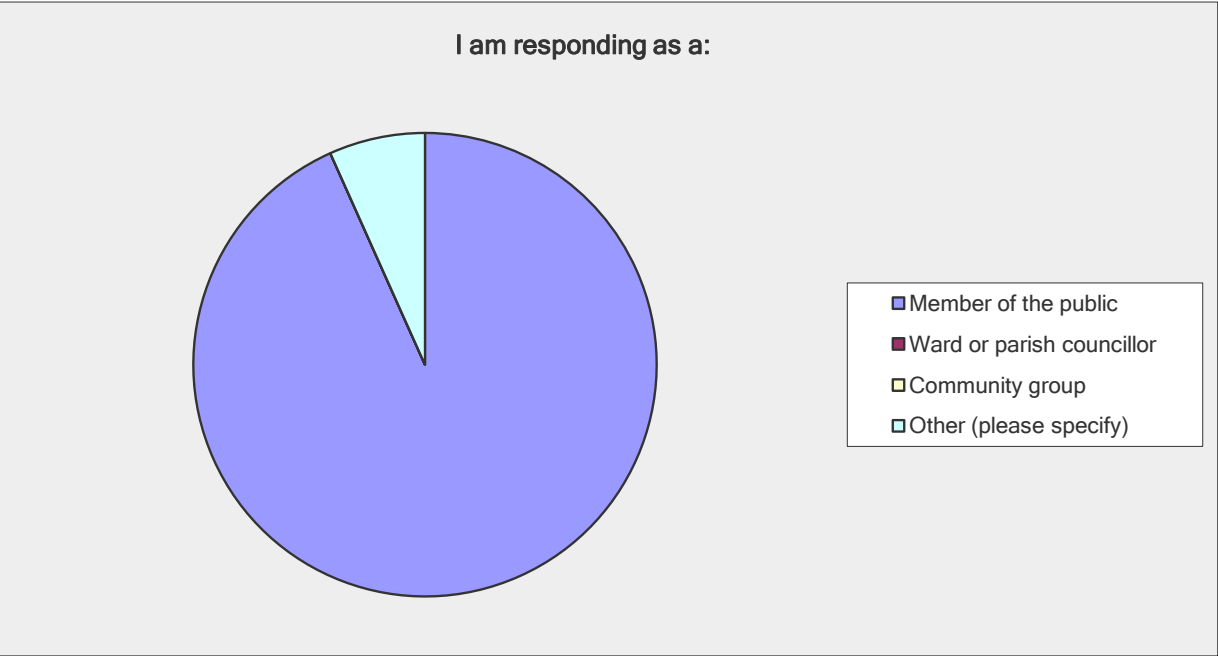
Annex 1 Public Consultation Feedback

**Abbreviations used in report:**

ASB	Anti Social Behaviour
FPN	Fixed Penalty Notice
PSPO	Public Space Protection Order

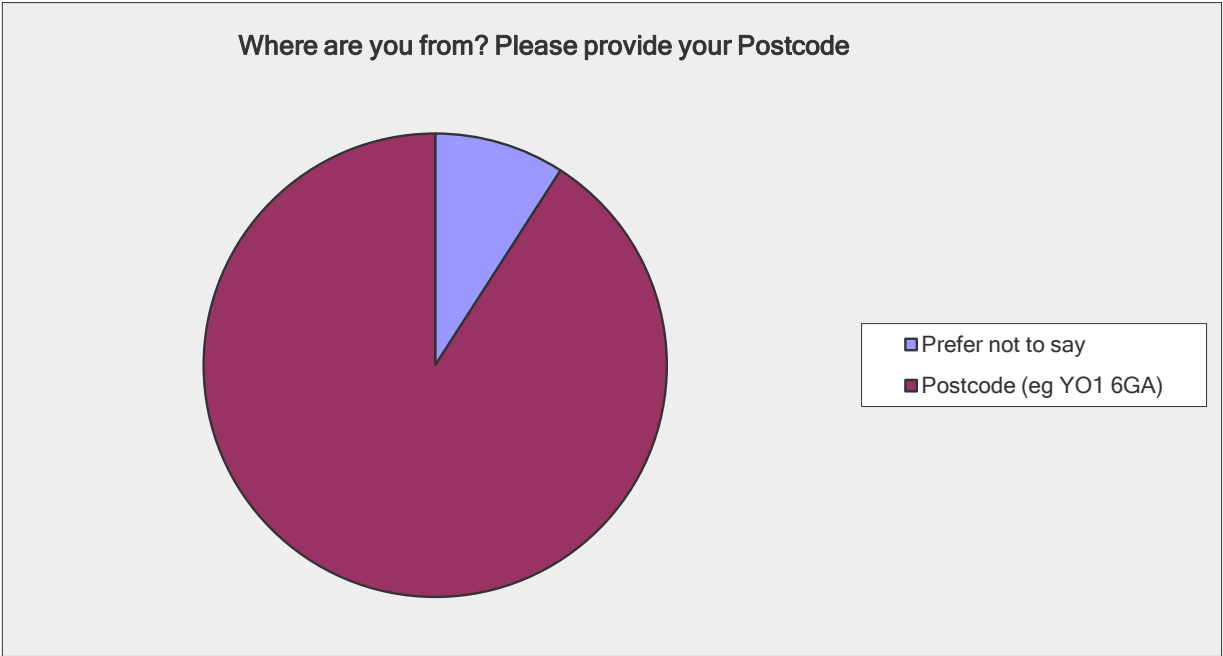
### Public Space Protection Order

I am responding as a:		
Answer Options	Response Percent	Response Count
Member of the public	93.3%	42
Ward or parish councillor	0.0%	0
Community group	0.0%	0
Other (please specify)	6.7%	3
<b>answered question</b>		<b>45</b>
<b>skipped question</b>		<b>0</b>



# Public Space Protection Order

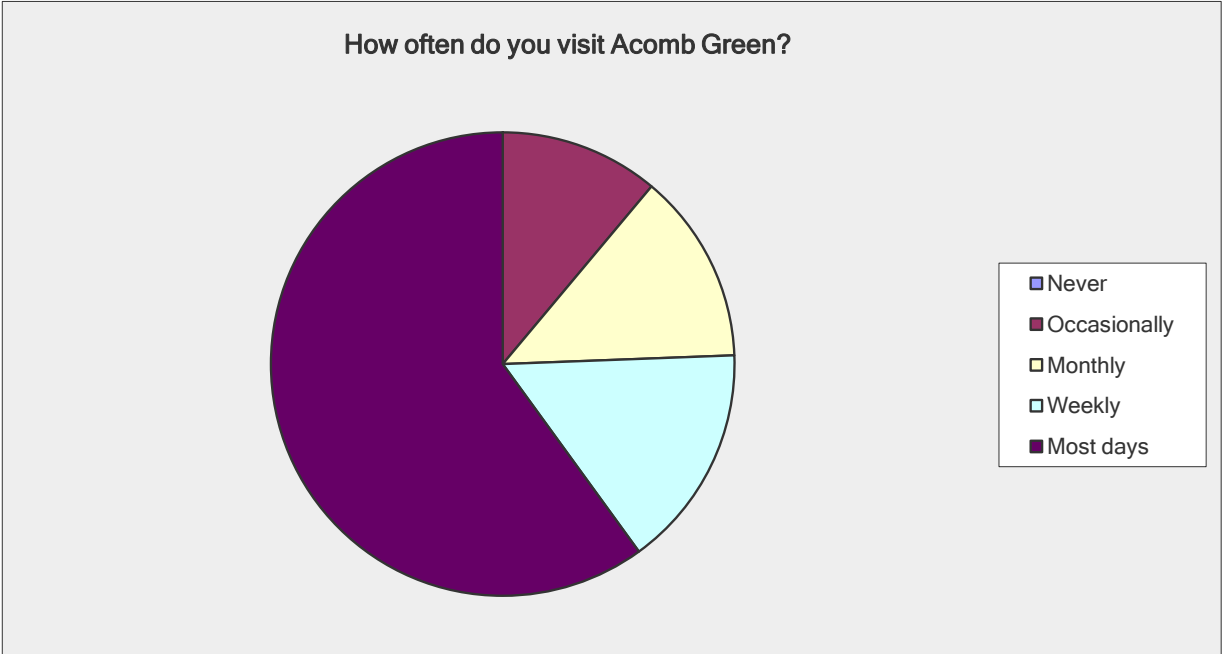
Where are you from? Please provide your Postcode		
Answer Options	Response Percent	Response Count
Prefer not to say	9.1%	4
Postcode (eg YO1 6GA)	90.9%	40
<i>answered question</i>		<b>44</b>
<i>skipped question</i>		<b>1</b>





### Public Space Protection Order

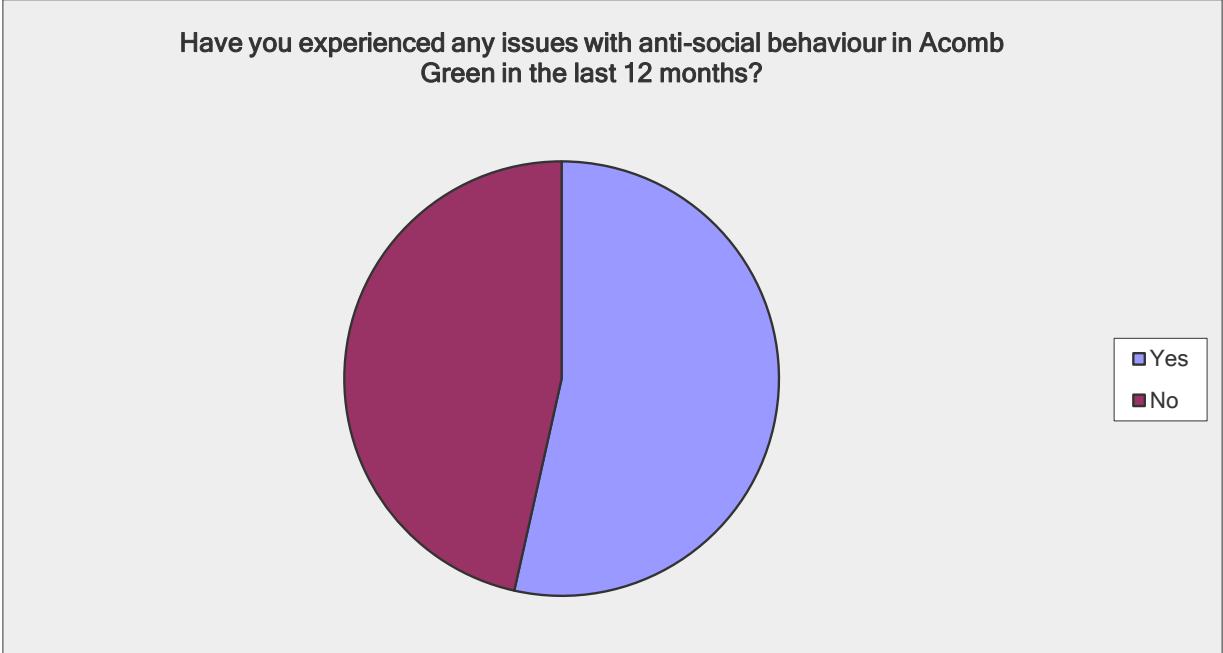
How often do you visit Acomb Green?		
Answer Options	Response Percent	Response Count
Never	0.0%	0
Occasionally	11.1%	5
Monthly	13.3%	6
Weekly	15.6%	7
Most days	60.0%	27
<i>answered question</i>		<b>45</b>
<i>skipped question</i>		<b>0</b>



### Public Space Protection Order

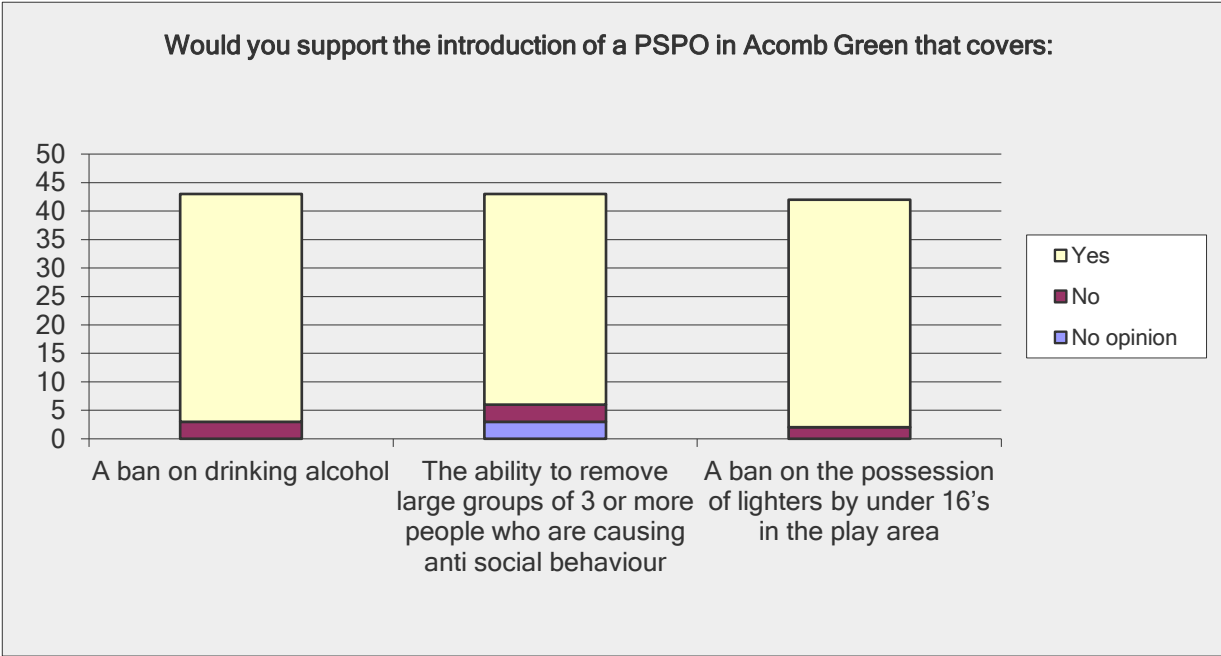
Have you experienced any issues with anti-social behaviour in Acomb Green in the last 12 months?

Answer Options	Response Percent	Response Count
Yes	53.5%	23
No	46.5%	20
<i>answered question</i>		<b>43</b>
<i>skipped question</i>		<b>2</b>



# Public Space Protection Order

Would you support the introduction of a PSPO in Acomb Green that covers:				
Answer Options	Yes	No	No opinion	Response Count
A ban on drinking alcohol	40	3	0	43
The ability to remove large groups of 3 or more people	37	3	3	43
A ban on the possession of lighters by under 16's in the	40	2	0	42
<i>answered question</i>				<b>43</b>
<i>skipped question</i>				<b>2</b>



**Public Space Protection Order**

**Is there anything else you would like to say about the potential PSPO at Acomb Green?**

Answer Options	Response Count
	25
<i>answered question</i>	25
<i>skipped question</i>	20

**Is there anything else you would like to say about the potential PSPO at Acomb Green?**

Open-Ended Response

I would also like to see a ban on groups of teenagers being on the war memorial part of Acomb Green. Is there a possibility of a time restriction for groups on the Green? As the lighter and warmer weather has come large groups are there on an evening and are very loud and noisy past 10pm which can be difficult for children trying to sleep. As a new resident to Acomb Green overlooking it (No xx) the issue is around large groups of teenagers who: 1. dominate the play area when younger children should still be able to use it 2. make excessive noise past a reasonable time, including abusive language 3. litter excessively As a parent and a Headteacher in a York school I appreciate the need for young people to be able to meet. However, I feel any groups who are intimidating to younger children or adults and are being anti-social in other ways should be moved on.

Whilst I have not personally experienced anti-social behaviour on the Green, my wife has sometimes returned home over the green with friends/ neighbours, and experienced groups of teenagers/ youths (mostly on the perimeter roads) which have been aggressive and threatening in their behaviour. This has only ever been verbally confrontational, but the numbers within a group and perceived potential for matters to escalate has given cause for anxiety on several occasions. I am not sure if the behaviour originates from boredom or alcohol or both, but the absence of respect for others is regretful, and might usefully be tackled by a PSPO if appropriately enforced.

As a resident you have to try to ignore it unless it directly affects you, but what you can't ignore is the noise. It would be nice to have peace and quiet in my bedroom. Moving on groups of 3 hopefully will stop the build up of extremely large groups gathering, and also the mopeds. Last summer there could be 8/9 mopeds bombing up and down with those ridiculous raspy exhausts, wheelie-ing up and down, it was awful. Big gangs of 16yr olds smoking, playing music on a bluetooth speaker, very intimidating, almost a no-go area; in fact I did once witness some mums with babies take a detour when they saw it. Sometimes last summer there were 100 kids there, it sounded like a noisy pub. People who the park is actually for don't go on after dusk, there is no reason for anyone to be on it after dusk.

I think it will give local residents more confidence in using and visiting the Green.

Yes, would welcome it, as long it is regularly enforced. .

Forcing dogs to be on leads would be a dat idea. The only unsocial thing going on is teenagers and they need to be somewhere. Bring back locking the park up at night and the problem goes away

Needs CCTV surveillance

Re. any potential restrictions on dog owners. Who is proposing this and why ? Is this due to a minority of dog walkers who don,t pick up dog excrement? Walking around the Green with my dog on a regular basis it is not, in my opinion, a major problem. Dogs having to be on leads would make little difference. Banning dogs altogether would be persecuting the majority of responsible dog owners. As a society are we not encouraging people to take regular exercise and dog ownership is a brilliant way to achieve this; a healthy dog also needs exercise and the opportunity to run and play. Acomb Green has always been an open area for everyone to enjoy and it would be a great shame to start excluding specific groups. Yes, dog owners need to be responsible and from what i have witnessed the majority There needs to be a larger sign on the children's gate denoting dogs are banned from the play area. There is no need to ban dogs generally from the field as there is not a problem with dog excrement. I use The Green to exercise my own dog on a daily basis and the vast majority of dog owners are very responsible and clean up. Acomb is limited in terms of open spaces and The Green is a much loved area, which should be accessible for all (including I live on the green and last year was horrific with kids swearing and screaming till all hours, drug taking, drinking etc. Police did very little until a number of people complained to the council. There us no point of a pspo if no one enforces it! Should you also not consider banning the riding of bicycles on the green We have nearly been run over a numerous times on the grassed area with bikes coming at full pelt across from the pedestrian entrances in the

It is a good idea but it needs someone to enforce it.

Something needs to be done as it's not very nice at times living in the area. We are fed up of the constant noise and vandalism, often late into the night!

we walk our dogs every day on the green ;and always pick up since we moved here ,August 1986. . most dog owners do ; unfortunately a small number must come late at night ;and sometimes don't bother Please note ;i have never been threatened or intimidated by large gangs in all this time . You would be better off putting a cctv up

Great idea. I live on the green and the kids are a nuisance. They are rude. Noisy and drink and be loud into the early hours. We have had lots of problems with them and have had to call the police before

I live on the green next to the park and the kids that hang out there are a nightmare. We are residents have had to call the police several times. The kids are rude, have been abusive to my wife and park scooters so we cannot

As a resident I have had both of my cars vandalised which I need for work. I've been abused by drunken youngster and told my house would be set on fire when I've challenged them. The area previously had an alcohol ban which when in place worked well. The large crowds and drinking have returned with the sunshine, I watched in horror one night while the park burned. I no longer take my grandchildren to the play area due to the glass and broken vodka bottles. The area is rapidly slipping out of control due to the inability to enforce the law.

I only use the green during the day with my dog, it is regularly used by dog walkers during the day as a space to allow dogs to play off the lead. No issues during the day, but I assume problems occur later in the evening.

The taking of drugs , bullying, intimidation, damage to adjacent properties, dogs on leads,

Stop anti social youths gathering in the memorial. Its incredibly disrespectful. Also they shouldn't be in the play area It seems to go in phases whether kids are causing trouble here or not, at the minute they are. If this red tape is needed to be able to move them along or stop them drinking, then I'm all for it!

I regularly use the green to exercise my dog and often witness teenagers congregating at the play area, by the amount of graffiti, fire damage and vandalism I have seen I believe that this needs to be addressed as it has a serious consequence for young children who wish to play on the equipment.

Ban on war memorial being used as a climbing frame and picnic table.

Gets very rowdy and my wife has felt intimidated at times by the behaviour of some. This has led to her not going to the green with our dog at all on her own. This behaviour is especially apparent during warm evenings and School No ta



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**Decision Session - Executive Leader** **20 June 2016**  
**(incorporating Housing & Safer Neighbourhoods)**

Report of Assistant Director – Housing & Community Safety

**West Bank Park - Public Space Protection Order (PSPO) Consultation Outcome**

**Summary**

1. The purpose of this report is to consider the responses from the recent consultation process and determine whether to introduce a PSPO for West Bank Park. The decision to undertake consultation regarding a potential PSPO was in response to concerns raised by North Yorkshire Police.

**Recommendations**

2. The Executive Leader, Housing and Safer Neighbourhoods, is asked to **approve option 1** – The introduction of a PSPO within West Bank Park to cover:
  - Banning motorised bikes
  - Banning drinking alcohol in the park
  - The ability to remove large groups of 3 or more people who are causing anti social behaviour (ASB)
  - A requirement that dogs are kept on a lead between 8.00am and 6.00pm
  - Setting the amount of any Fixed Penalty Notice (FPN) at £100, which would be reduced to £75 if paid within the first 14 days.

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

**Background**

3. The Anti-Social Behaviour, Crime and Policing Act 2014 came into force on the 20<sup>th</sup> 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 a new power, a Public Spaces Protection Order (PSPO), which is granted by the Local Authority, but can be enforced by either the Local Authority or the Police.
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 can be 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. If any new prohibition is not adhered to, then the local authority or police have the ability to take formal enforcement action. This action can take one of two forms, to prosecute for the breach, or to issue a Fixed Penalty Notice (FPN). The Act allows for Local Authorities to set a local level for FPNs to a maximum of £100.
7. At West Bank Park, in 2015, there were 34 ASB incidents that NYP were called to, of which 27 were classified as youth related. There were also a further 10 criminal incidents. The Neighbourhood Enforcement Officers (NEO's) have received two reports of dogs not being kept on a lead, and one of these resulted in a dog being attacked.

## **Consultation**

8. As part of the process the Council has sought views from local residents to determine whether they support the PSPO. People were asked to complete a short survey which was placed on the council's website, links to this were placed on the entrance to the area, and for residents who do not have access electronically, a phone number was provided, so that paper copies could be sent out.
9. The council received 155 responses to the survey for West Bank Park.
10. To the question have you experienced ASB in West Bank Park in the last 12 months:
  - 38% said that they had;
  - 62% replied that they had not.



11. In terms of the potential interventions presented that could be included within any PSPO responses are detailed in the table below.

Questions	Yes	No	No Opinion
A ban on people riding bicycles	42	86	17
A ban on people riding motorised bikes	136	8	7
A ban on drinking alcohol	119	23	10
The ability to remove large groups of 3 or more who are causing ASB	127	17	6
A requirement that dogs are kept on a lead at all times	33	106	7
A requirement that dogs are kept on a lead between 8.00am and 6.00pm	32	101	12

12. In addition to the questions, a lot of comments were received, and both the questions and comments are included as Annex 1.

13. The Council has also received feedback from the Friends of West Bank Park, who have confirmed that they support the order, but have some concerns about the order restricting groups from enjoying the park, see Annex 2 for the full letter.

14. North Yorkshire Police and the Office of the Police & Crime Commissioner have been consulted on these proposals. North Yorkshire Police support the introduction of the order. The Office of the Police and Crime Commissioner have said 'I have worked with local residents and business owners to try and resolve the issue of street drinking in parts of North Yorkshire, and its subsequent effects. Having seen first-hand the consequences street drinking and anti-social behaviour can have I believe this civil order is a big step forward in giving the police and the local authority the necessary powers to tackle those issues. Targeting the individuals who are causing these issues will allow for a more effective response, as well as assist in preventing issues before they escalate and effect the community.'

15. Both Ward Councillors and Public Realm have been consulted and support the recommendation also.

## Options

16. **Option 1** – Authorise the introduction of the PSPO for both West Bank Park to cover:
1. Banning motorised bikes
  2. Banning drinking alcohol in the park

3. The ability to remove large groups of 3 or more people who are causing ASB
4. A requirement that dogs are kept on a lead between 8.00am and 6.00pm
5. Setting the amount of any Fixed Penalty Notice (FPN) at £100, which would be reduced to £75 if paid within the first 14 days.

17. **Option 2** – Decide to not introduce a PSPO for the area.

## **Analysis**

18. **Option 1** – There have been incidents reported of mopeds and motorbikes being ridden in the park, which affects the quiet enjoyment of the other users. This new order will make it easier for the Police to take enforcement action where these problems occur in the future. Of the 155 respondents to the consultation 151 answered this question, 136 (90%) were in support of the proposal, 8 respondents (5%) were not in support and 7 respondents (5%) had no opinion.
19. With regards to problems caused people drinking alcohol within the park. The PSPO will introduce a two stage test when Officers consider taking enforcement action. The first stage is whether they are in breach of the prohibition, and the second stage is whether any ASB is occurring. The purpose of the PSPO is not to deter people from either meeting up with friends or family, or enjoying a quiet drink in the sun, but to reduce incidents of ASB within the park, and to allow all residents to be able to enjoy the park. Of the 155 respondents 152 responded to this question, 119 respondents (78%) were in support of the proposal, 23 respondents (15%) were not in support of the proposal and 10 respondents (7%) had no opinion.
20. When considering the ability to move large groups of 3 or more who are causing problems, where they are causing anti-social behaviour that would affect other people who may want to use this area, 150 of the 155 respondents answered this question with 127 respondents (85%) in support of the proposal, 17 respondents (11%) against the proposal and 6 respondents (4%) stating that had no opinion.
21. There is currently a By-law in force in West Bank Park to ensure that all dogs are kept on leads at all times. It is proposed to relax this to allow dogs to be able to be exercised off of the lead, between 6.00pm and 8.00am, when the park is quieter. The consultation showed that the majority of respondents did not support either the current position or a less restrictive option of allowing dogs to be let off the lead in the evenings and early mornings, when there is reduced usage from families

and individuals without dogs. However, because the current by-law which states that dogs need to be kept on leads at all times is not well known amongst members of the public, there is a risk that people thought that this was restricting rather than relaxing the rights for dog owners. Legal Services have confirmed that the PSPO would take precedence over the current by-law.

22. Some of the incidents have led to damage to Council buildings within the park. The Public Realm team have tried various initiatives such as anti vandal paint, and removing items which enable individuals to climb on top of the buildings, however problems still persist.
23. When dealing with under 18's the council policy is to give them a written warning before considering taking more formal enforcement action, and this would continue to be the case with the PSPO. Officers would advise the young people about the breach and would write to advise them about the breach and its consequences.
24. **Option 2** – Refusing to introduce PSPO's for this area will continue to ensure that anti social behaviour continues to occur in the park. The Police will continue to target resources to tackle these problems as and when they occur, however the PSPO will allow them to receive support from the Council's Neighbourhood Enforcement Officers to respond to issues and work with North Yorkshire Police (NYP) on targeted campaigns.

### **Council Plan**

25. The introduction of a PSPO in West Bank Park strongly supports the priority within the Council Plan of 'A focus on Frontline Services.' To ensure that residents are protected from harm, with a low risk of crime.
  - a. Residents are encouraged and supported to live healthily (aim)
  - b. Residents are protected from harm, with a low risk of crime (aim)

### **Implications**

26. The implications arising directly from this report are:
  - a. **Financial** –There is a cost in terms of signage, but this can be contained within existing budgets.
  - b. **Human Resources (HR)** – There are no HR implications.

- c. **Equalities** – The decision to enforce the PSPO powers will be the individual officer’s decision and the equalities impact will be considered by these officers on a case by case basis.
- d. **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, and have assisted in the drafting of all of the paperwork required to deal with these powers.
- e. **Crime and Disorder** – The introduction of the PSPO will help reduce antisocial behaviour in the area.
- f. **Information Technology (IT)** – There are no IT implications.
- g. **Property** – There are no property implications.
- h. **Other** – There are no other implications.

### **Risk Management**

27. There are no high risks identified.

### **Contact Details**

**Author:**

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**Steve Waddington**

Assistant Director of Housing & Community  
Safety  
01904 554016

**Report  
Approved**



**Date** 7<sup>th</sup> June 2016

**Wards Affected:** Holgate

**For further information please contact the author of the report**

### **Background Papers**

None

### **Annexes**

- Annex 1 PSPO Consultation Feedback
- Annex 2 Letter from West Bank Park

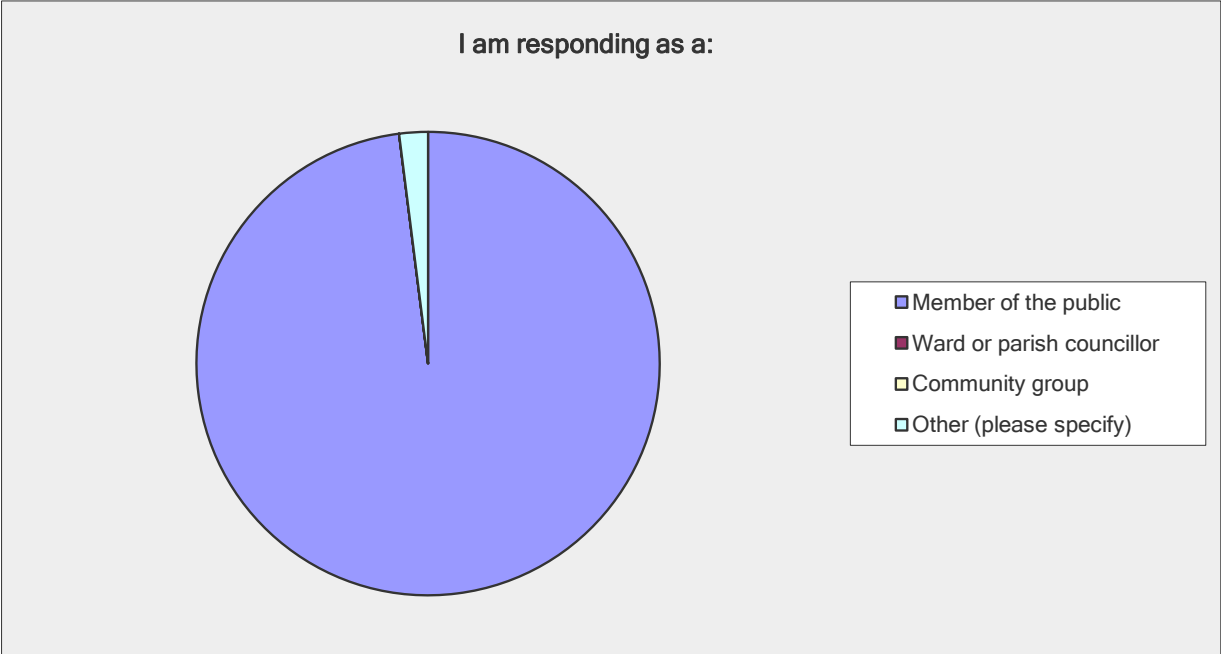
**Abbreviations used in report:**

ASB	Anti Social Behaviour
FPN	Fixed Penalty Notice
NEO	Neighbourhood Enforcement Officer
NYP	North Yorkshire Police
PSPO	Public Space Protection Order

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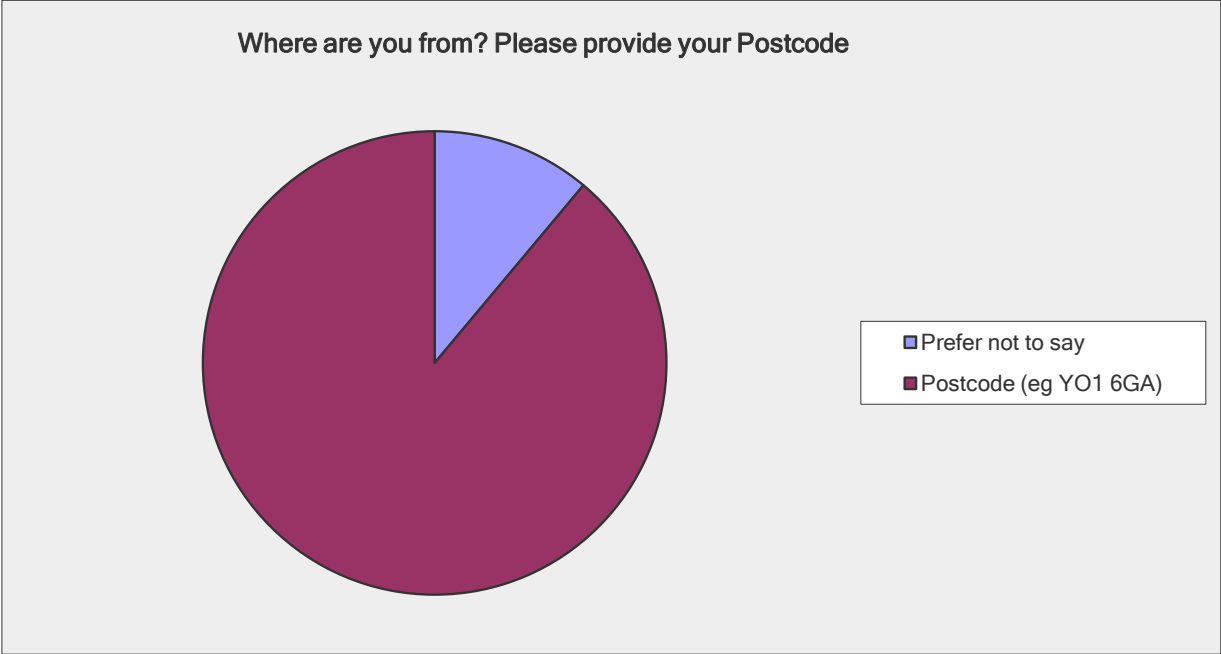
### Public Space Protection Order

I am responding as a:		
Answer Options	Response Percent	Response Count
Member of the public	98.0%	150
Ward or parish councillor	0.0%	0
Community group	0.0%	0
Other (please specify)	2.0%	3
<b>answered question</b>		<b>153</b>
<b>skipped question</b>		<b>2</b>



# Public Space Protection Order

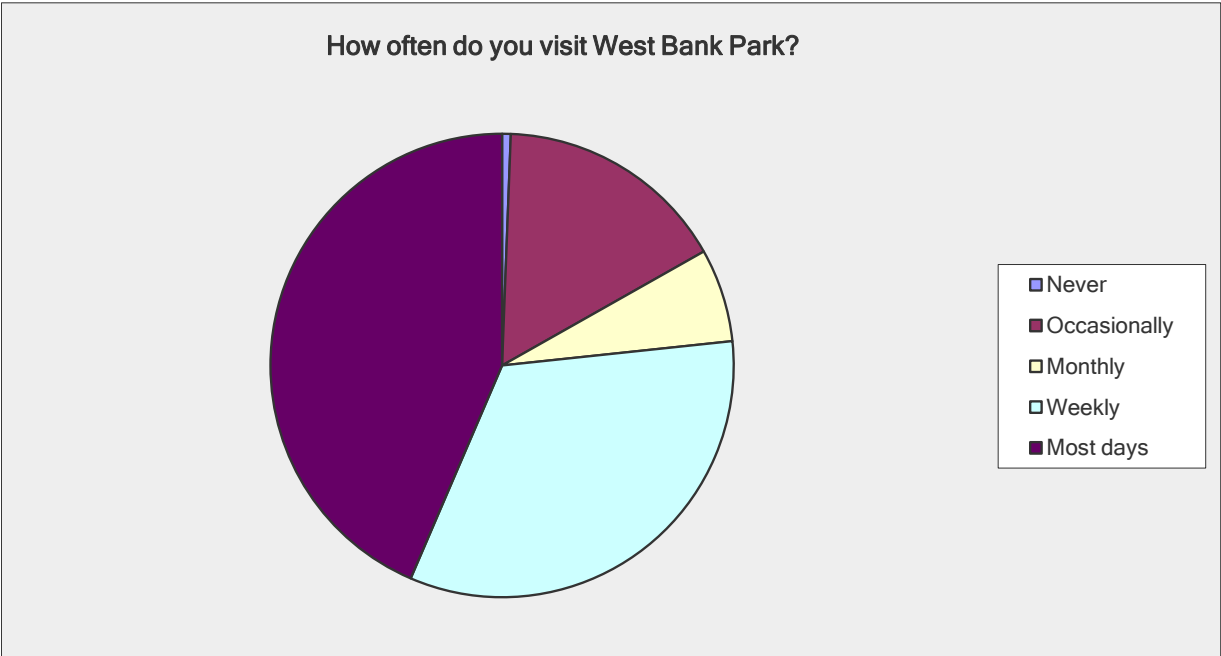
Where are you from? Please provide your Postcode		
Answer Options	Response Percent	Response Count
Prefer not to say	11.1%	17
Postcode (eg YO1 6GA)	88.9%	136
<i>answered question</i>		<b>153</b>
<i>skipped question</i>		<b>2</b>





### Public Space Protection Order

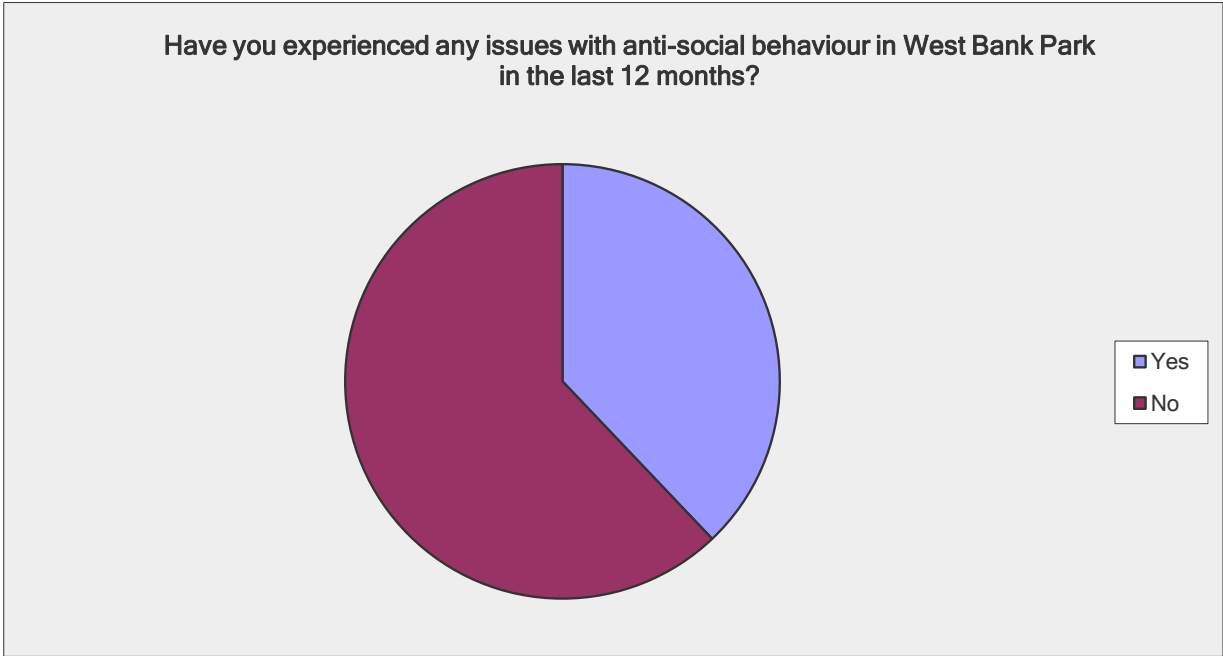
How often do you visit West Bank Park?		
Answer Options	Response Percent	Response Count
Never	0.6%	1
Occasionally	16.2%	25
Monthly	6.5%	10
Weekly	33.1%	51
Most days	43.5%	67
<i>answered question</i>		<b>154</b>
<i>skipped question</i>		<b>1</b>



### Public Space Protection Order

Have you experienced any issues with anti-social behaviour in West Bank Park in the last 12 months?

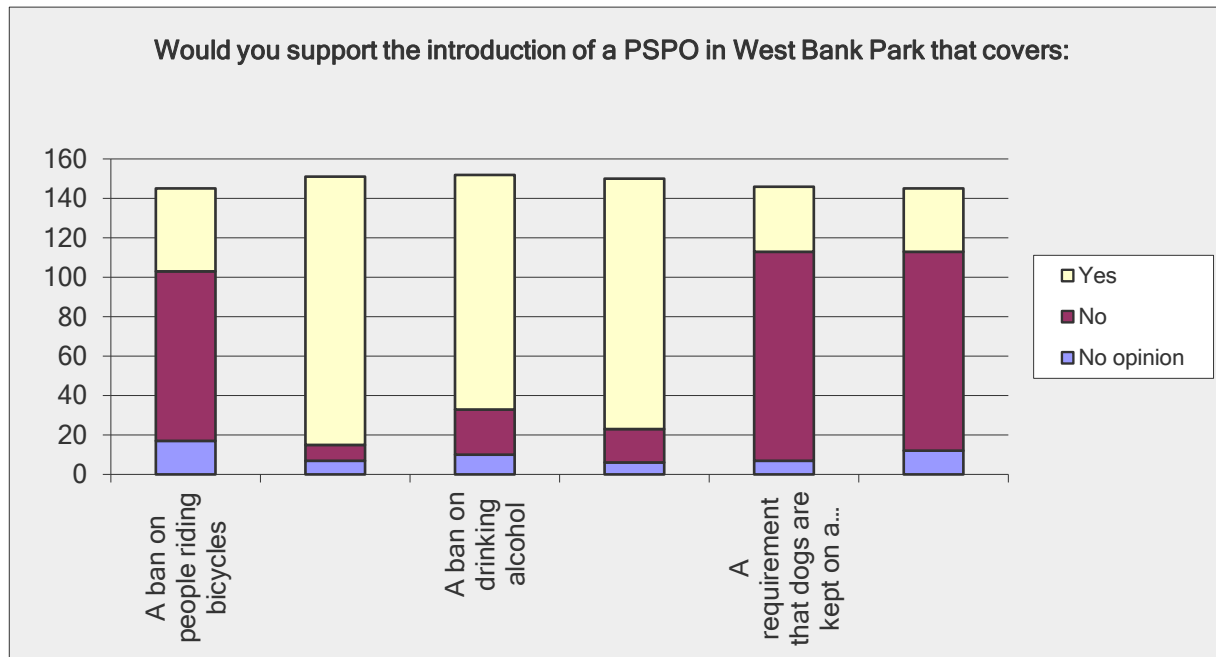
Answer Options	Response Percent	Response Count
Yes	37.9%	55
No	62.1%	90
<i>answered question</i>		<b>145</b>
<i>skipped question</i>		<b>10</b>



## Public Space Protection Order

Would you support the introduction of a PSPO in West Bank Park that covers:

Answer Options	Yes	No	No opinion	Response Count
A ban on people riding bicycles	42	86	17	145
A ban on people riding motorised bikes	136	8	7	151
A ban on drinking alcohol	119	23	10	152
The ability to remove large groups of 3 or more people	127	17	6	150
A requirement that dogs are kept on a lead at all times	33	106	7	146
A requirement that dogs are kept on a lead between 8am	32	101	12	145
<i>answered question</i>				<b>152</b>
<i>skipped question</i>				<b>3</b>



**Public Space Protection Order**

**Is there anything else you would like to say about the potential PSPO at West Bank Park?**

Answer Options	Response Count
	88
<i>answered question</i>	<b>88</b>
<i>skipped question</i>	<b>67</b>

**Is there anything else you would like to say about the potential PSPO at West Bank Park?**

I am a dog owner and I consider myself responsible, like the vast majority I meet when walking my dog in the park. I always pick up after my dog and so do the vast majority of other owners. I let my dog off the lead as I know that he is safe, with other dogs and with members of the public, particularly children. Over the past year I have picked up litter, reported one fire and put out another. Speaking to other responsible dog walkers, they have also picked up litter and our presence, whether early or late in the day or during the day, means that we can keep an unofficial eye on what's going on. If I had to keep my dog on a lead I would not use the park.

I have lived in the area for over 12 years. When my son was small we would use the play area frequently of Westbank park. In the last 2 years I have used the park all most daily as I have a small dog and walk her in the wooded area. Depending on whether there are children playing in that particular area is whether I let her off the lead or not. There is a huge problem with a particular man who sits in the park all day at the picnic tables drinking alcohol, urinating openly for all to see and litters terribly even though there is a litter bin right next to where he sits!! I have complained numerous times to the police about this gentleman I should not, nor anyone else particularly small children have to encounter a drunk man exposing himself openly to urinate!! I have found drug abuse parafamailar (syringes) empty alcohol containers and used condoms discarded on the ground of the wooded area of the park !!!! I have even come across a man sleeping over night in the park when I walked my dog early one morning!!!! I believe that since the gates of the park are not locked over night allows unsavory behaviour to happen! I also have only ever seen police presence twice in the park even though Acomb police department know that there is a problem with anti social behaviour occurring regular in

It is bizarre that dogs and dog walkers are being assumed to be as anti social as those riding cycles, motorbikes, alcohol drinks and groups causing anti social behaviour. Of course they are not. I have been walking my dog at least twice a week in West Bank Park for six years and have never, repeat never, encountered any trouble with any other dog walker.

This is a park for the public to enjoy and promotes health & wellbeing. Don't use a sledge hammer to crack a nut by making the park sterile i.e. deal with the problem of ASB which largely takes place from dusk and mainly in the summer months. As usual a small element of society prevents the rest from living a normal life - Don't let them spoil it!!

I am a responsible dog walker who attends West Bank Park three times a day come rain or shine and have done so every day over the last 45 years as a child and an adult. I love West Bank Park, it feels like an extended back garden to me and my dog. I clean up after him and keep him under control Over the years I have tended to sick animals from the park, carried water to the pond when it empties, fed the animals in winter time. I have brought my nieces and nephews up through life explaining about respecting nature and showing them trees and plants in the park throughout the seasons. During all of this time I have looked out for anti social (which is mainly from youths) reports it to the authorities or put a stop to it myself. The litter currently left in the park is terrible, including mothers who leave dirty nappies on the grass or in the woods. Bags, empty food items, copious amounts of alcohol cans laying around, also used condoms. I get so much enjoyment from this park, which again I have always done with my dogs but currently I feel that dog walkers and their dogs are being victimised by a select few who probably only attend the park when the sun shines or are frightened of dogs and instil this fear into their children. We never had any problems with dog walkers and their dogs in I think that on the whole a PSPO in this case would be divisive and make younger people in our community feel alienated. The use of the park by teenagers should be promoted and encouraged, they are as much a part of the community as anyone else but have very few places they can go.

I have seen little evidence of anti-social behaviour during the two years that I have lived next to West Bank Park. I frequently enter the park during the day or evening and have never seen anyone causing problems.

I regularly walk my dog in the park and he is put on the lead if I see frail-looking elderly people or children in the vicinity, he is under my control at all times. I and my friends all clear up after our dogs although not all dog walkers do. I live alone and have made several friends though dog walking the park and life would be very lonely without them. There is nowhere else locally where I can walk the dog - Hob Moor, although near enough, has cows on in the summer, and the dog loves to roll in the cow pats - not pleasant! I suffered from clinical depression a few years ago and without my friends I worry that loneliness may see a recurrence.

Banning the free walking of dogs in our local park will have a detrimental effect on my enjoyment of my local area. I am a member of the local community who uses the park daily with my family and dog and would be devastated to be forced out of the park. What is it for if families cannot use it? I am already a responsible owner and it is already the law that I must have my dog under control at all times in a public space. I am offended to think walking my dog has been lumped together with groups of drunken people being abusive and littering our beautiful park!

There aren't many places locally where people can walk dogs off the lead, so I would not support any requirement to keep dogs on a lead. As long as park users are aware of this then I think dogs should still be allowed off lead. They should, however, be kept out of the playground area.

I would be particularly anxious for dogs to be allowed to run free in the wooded area while accompanied by an Adult. A requirement to pick up faeces should of course be enforced. My particular interest is as a puppy-walker for Guide Dogs and the Park presently provides a good venue in which the puppies can socialise with other dogs. Three seems a low threshold to qualify as a large group. If the proposed Order comes about then I would suggest a higher figure (7?) be used. It is not clear how and by whom any such order is to be enforced.

Anti-social behaviour has been a problem in West Park for as long as I've been using it (circa 15 years). Mainly due to alcohol but also due to, mainly, younger people seeking refuge from cold/wet in the toilets and near the bowls club pavillion. It's putting two very opposed groups of people next to each other in a potentially combustible position. The bowlers who tend to be older are worried and disapproving about the way the younger people behave and the younger people do not understand the older people's concerns and enjoy winding them up. I would suggest that any physical presence in terms of a PCSO etc could be based in or near the Bowls pavillion to be on hand to disperse such incidents which are now all too common. A side point, I believe all dogs should be on leads in built up areas and this goes for every park in the city. To release a dog off the lead in West Park or Clarence Gardens (which I have most experience of) is to let loose an animal which is constantly only seconds away from an exit leading to busy roads. It's an accident waiting to happen. There is no need for animals to be off the lead.

I believe a PSPO could be avoided altogether, if the park gates were locked between dusk and daylight.

I am a local resident who uses the park every day of the year. I have a dog who I walk off the lead regularly. I wish to point out that it is the dog walkers who frequent the park most regularly and are the eyes of the park, they pick up rubbish, they report areas of concern and people misbehaving; they ask children to come off the bowling greens when they are playing football. dog walkers are unlike any other user group in that they use the park at all different times of the day, every day and come rain or shine. We are a considerate group of local residents who would happily put our dogs on leads if asked to do so but these are domesticated well trained animals who need exercising so off lead time is appropriate too. many thanks

The biggest issue at the park when I go there is dog owners not taking any responsibility for their dogs, which they allow to run around completely unchecked off their leads. Often there are dogs racing around with no sign of the owners. There are parts of the park (for instance, the wooded area) where dogs charge about and you don't see them coming until they virtually bump into you, and now my very young son is scared of dogs after several unwanted encounters. When and if the dog owners appear, they've generally muttered something about the dog being friendly, not offered an apology, and sped off after the dog who has usually run off. As a result, my son no longer feels safe in parts of the park. Groups of dogs and dog owners appear to regularly meet throughout the park, which means there are regular no-go areas as they are occupied with many dogs, all off their leads. It's a shame, as it's a lovely park and it's steadily being taken over by dog owners who have no regard for other park users.

We need a definition of the phrase 'anti-social behaviour'. What one person considers to be anti-social may not be deemed so by someone else. Groups of young people, socializing in the park, maybe listening to music, eating snacks and enjoying soft drinks, do not, in my opinion come under the umbrella of anti social behaviour. Noisy, maybe, but not anti-social. Clamping down on these sorts of groups will only succeed in alienating them from authority and probably pushing them to other places which are not as safe as the local park. We were all young once and we need to be more sympathetic to the needs of the young people in the area. Letting your dog run around off its lead, regardless of whether there are children playing or less confident dogs being walked on leads, is irresponsible ownership as well as anti social behaviour, especially when the dogs leave their 'calling cards' while out of view of their owners. An owner on a mobile phone with a dog or dogs chasing around ignoring commands to 'come here' is in no way in control of those dogs. No matter how friendly they are, those dogs are a nuisance and pose a threat to the cleanliness of the park, properly controlled dogs and to children. In short, irresponsible dog owners are far more anti-social as the park says it is closed for normal use between dusk and dawn. in winter months dog owners would be encouraged to use the park against these rules when it is more risky. i feel that to discouraging the use of the park as some of these might would only increase antisocial behavior as a less busy park is no park, if we encourage activitys people will respect it more and the anti social behaviour will go somewhere else as they dont want to be spotted or given problems. i personally have removed footballers from the bowling green many times and reported incidents use the park responsibly and stop the people who are not dont create rules that cant be enforced

Please lock the park at dusk. It is absolutely not cost saving to keep the park unlocked as the money which is saved by not locking the park is then spent twice over when youths break into the sheds and bowling club, drop litter, smoke cannabis and harass members of the public

I live across from Holgate Dock where a PSPO has also been announced as a possibility to ban dogs and/or keep dogs on leads, which stemmed from an issue that had little to do with dogs being off leads (it is ultimately down to the behaviour of one member of the community who was rude and set off a very similar response as this one!) - I think it is an underhanded way to go about blaming dogs when other altercations unrelated are taking place. Some people in the community just don't like dogs and any excuse that arises to involve dogs will be used and that's a shame. I use West Bank Park to meet one friend who has a dog also and neither of us have ever come across an unruly dog owner. We are aware a dog walk takes place in the forest area in the morning, as well, and it is unfair to stop them using the area when they use it very regularly and have always been responsible.

I am disappointed that the original issue of anti social behaviour and vandalism, as reported upon in the local media, has somehow turned into a hate campaign against dog owners. The original issue can be addressed by the park gates being locked again during the evenings, this will obviously prevent groups of youths causing vandalism and has only been an issue since the gates have been left open overnight. The issue with regard to keeping dogs on leads at all times/dog fouling etc seems to be the most prominent issue according to certain groups of parents and dog haters in York, a similar case being Holgate Dock. A group of dog owners meet regularly in the mornings at the back of the wooded area away from the main sections of the park. All dogs are friendly and well behaved and the owners are responsible. There are a number of areas in the park which are strictly for children/young adults only and dogs are not allowed on these areas which is not a problem at all. Unfortunately there are no areas where dogs and children are allowed to play together safely in a fenced off area nor is there anywhere specifically for dogs to be exercised off lead, hence why most owners use the back of the wood which is well away from the childrens areas. I take my dog to the park on a

I do feel dogs should be on leads in this small park. Hob Moor is close by if owners want to let them run free (when the cows are not grazing). I have a disabled children in a pushchair and so many dogs come bounding over and stick their heads in. She can't move away and is often alarmed. Dog owners tend to apologise while simultaneously laughing over their cute dog. I love dogs but I value the safety of my child more.

We are responsible owners of a dog who we walk at least three times a day, we let her off the lead in the woodland as she loves to chase ball! we also believe that when the park was locked on an evening there was a lot less trouble, would it not be more prudent to do this again rather than leave it open to bored youths and wasting police time who often patrol the area? surely by doing so it would cut down on repairs and damage to the park be it the bowling greens, play equipment, toilets and facilities in general. Why should we be penalized because of the few?!

The anti-social behaviour is a direct result of the park being unlocked all night. This provides a haven for local 'youths' (I presume) to drink, use drugs and deface benches, tables and trees. I do not use the park during the evening but I have a dog and walk him in the park two or three times a week. This is usually between 9.30 am and 11 am. During that time, the vast majority of people in the park are dog walkers. Occasionally, a member of the public is seen walking through the park. If dogs were banned, there would hardly be anyone using the park at all. Dogs are off lead and play together. I have never witnessed a worrying incident involving any of the dogs. I do understand that adults with very young children may be concerned about the dogs running around but in my experience they are happy for their child to talk to, and stroke, my dog. Every dog owner is a responsible adult. Dog poo is always picked up and we are very aware of people without dogs using the park. We tend to avoid the grass areas, preferring to stay in the wood. I genuinely believe that we have the right to be in the park with our dogs and a compromise may be that dogs are allowed off lead during certain times of the day. An outright ban would be awful.



I believe that keeping dogs on a lead will not solve out the problems that the park is facing. In fact the dogs that are kept on a lead are the most likely to show a more aggressive behaviour (hence kept on a lead). The problem appears when people don't pick up after their dog (as a responsible dog owner I've had to pick up other dogs' poo), or the amount of rubbish, food, cans and dirt in general that is thrown on a daily basis. By keeping the park without supervision, anti social behaviour thrives: children playing in the bowling green, motorbikes parked in the picnic areas, etc. I really hope that these issues get addressed soon as we are very lucky to have a park in the community.

Our family has used this wonderful park for many years both to walk our dog and use the play areas for the children. It is a great space which should be protected. However, issues around the use of the park only started when the council stopped locking it on an evening. Previously there were no issues of large groups of young people, rubbish and young kids using the bowling green as an extended football pitch. I object to dog walkers taking the brunt of this issue. The dog walkers in the park are responsible in picking up dog waste and I have never witnessed any dog being aggressive to children/adults nor causing a nuisance. If you ask any regular user the main complaint is kids smoking, drinking and dropping rubbish late on in the evening and staying in the park till the early hours of the morning and causing damage to the local properties. How many dog walkers have broken the windows of the park keepers hut or tried to remove slates from the roof or set fireworks off across the bowling green, or damaged the bowlers hut? The cost of vandalism to the council must outway the cost of someone locking the park. Please be sensible if you remove dog walkers you will remove a massive percentage of people who use the park and want to keep the park as a public space. I have Any trouble that I am aware of has been after dusk and only occurred after it was decided not to lock the gates on an evening. Dog walkers are not an issue - whether they are on or off the lead. I walk my dog twice a day in the park and have not seen an issue with dogs. In winter months, dog owners are very much the majority of users to the park. A very small majority of people seem to have led to the possible exclusion of many people who use the park every day. A simple answer to any anti social behaviour is to lock the gates at dusk as they were before.

I don't believe that a PSPO is a fair and democratic tool to use to control public spaces so I object to this plan

I am very concerned about this proposal. I think it is important that the park remains a place for all people. I am really concerned about stopping people congregate in groups of over 3. Presumably the Local Authority would not be seeking to prevent the very young friends group meeting (typically 2 year olds) and yet I can imagine how it would be used to prevent those same young people congregating ten or twelve years later. I can't see how this is not discrimination, and if we start discriminating young people how can we expect them to play a positive role in the community? Also is it likely that you will start to put off the more law abiding people from going to the park, thus making the park a place that only rule breakers go to. By reducing the number of people going to the park and using facilities, don't you just reduce the amount of natural, community surveillance happening in the park? It's important that the park is a welcoming and the people are encouraged to come to the park for picnics and parties etc. I'm also not sure how the Local Authority would enforce the order? If these problems have got worse since the gates have been unlocked, it would seem that the best Main issue that I am aware of is vandalism, which could be reduced by locking the park gates outside of opening hours

The anti social behaviour that has effected the park has happened since the park has not been locked at night. To stop any anti social behaviour and vandalism the park needs to be locked at night.

I have neither seen nor heard of persistent anti-social behaviour in West Bank Park. Not even with it being letter open at night and I walk through it after midnight a few times a week.

The problem with West Bank Park isn't dogs or bicycles, it's that the park is OPEN ALL NIGHT, because the park gates are NOT LOCKED . The park is plagued in summer evenings with gangs of youths taking drugs, vandalising the park, etc and WASTING POLICE TIME. Someone needs to count the money the Council has saved by not locking the Park versus the cost to the police in patrolling and policing the evenings and night in the Park. There have always been signs saying dogs should be on leads and preventing cycling in the Park and in any case these are not problems. The Park being OPEN AT NIGHT IS THE PROBLEM.

This park is a valuable public amenity in our area, serving a diverse group of people, including toddlers, older people, youths and dog walkers. Having lived close by and used the park for the past 15 years, I have appreciated it as a place to take my children, learn about local history and nature and to walk our dog. Ideally, all the groups who use the park should get along and accommodate their behaviour to other people's presence and safety, and I believe that this generally happens. Given the spending cuts both to the Council and the police, I find it difficult to see how a PSPO could be enforced, even if it were to be enacted. It needs to be locked up on a night. It is scary having it open and I don't feel safe walking past it at night

Needs locking at night to stop large groups of people gathering and climbing on buildings

As a daily dog walker, there is a great community of responsible dog walkers ,who like to see their dogs off the lead playing together. The park is well patrolled by these people as they get to know who is causing problems and what is happening and can call the appropriate authority. If it came to a point of dogs being kept on their leads could there not be a designated area ie:the woods being the only place they can be loose.

I don't think there is any hard evidence on a real issue in the Park at present (apart from the need to lock it at night to prevent vandalism). Moreover, I don't think any of the orders are practically enforceable. I would rather propose a positive approach of putting up signs (nice boards) of what things to do in the park and how to behave and suggest of what not to do and what is seen as inappropriate. It is vital that the Park offers a refuge for children and youngsters to play in and to meet up - there are so few places now to do so. There might be the occasional issue, but to put a ban in force seems disproportionate.

The park splits into 2 areas - suggest dogs on lead in lower area (with playground and bowling green) but allowed off-lead in woods at top. Surely anyone causing anti-social behaviour should be removed, whether in a group of 3+ or not?

Walking dogs off lead is not an anti social problem. Dog fouling not an issue and vast majority of dog owners are responsible with well behaved dogs who like to socialise with other dogs on daily walk

I have lived Opposite West bank park for 16 years and the only anti social behaviour I have encountered is after 10pm on a evening and only since the council have stopped locking the park up on a evening.the anti social behaviour as only been happening since the council in its wisdom decided to not lock West Bank park on a evening.also as a frequent visitor to West Bank park and dog walker and parent I believe stopping youths in groups is a step backwards everybody should have the right to use the park as long as they behave,it is after all a community park.

It is a good idea however is only going to work if someone ensures it is kept to.

Whilst a good idea in principle, the PSPO won't achieve the desired effect as some section of the community will use the "against the law" as a taunt. Groups of youths causing anti social behaviour will not be prevented by this order, without rigorous enforcement. There is simply not the police resources to enforce such an order effectively.

dogs not the problem, groups of youths can be intimidating kids climbing on the trellising is destructive and there excessive amount of litter in the mornings. the bowling greens take a hit every now and again

As a resident of New Lane and a Mum of teenage children who use the park and a dog owner whom we walk in there I would not want a order on the park. The only time there is anti social behaviour is after 10pm at night and this is now only a problem as the park is now not locked and I believe this order is not required just for the park to be locked again on a night. Why punish everyone for a minority. This is a special park that I have used since I was a child and I want to carry on taking my dog in there and for my children to meet friends without been moved on as it is deemed anti social. The money that has been spent policing the park late at night is s joke in comparison to just locking it! Please don't spoil this park by putting a order in place it is a community park for all that EVERYONE should be able to enjoy

Why on earth are dog walkers lumped in with anti social behaviour?

I think that locking the gates would help reduce issues. They seem to happen more in the evening/nights, so I am not sure how a PSPO will be controlled/enforced/policed.

We live opposite and the amount of youths vandalising and causing a nuisance has gone up massively since the gates stopped getting locked

Stop anti social behaviour but don't let our dogs suffer

I live across the road from there park entrance and have not witnessed any issues. There are occasionally teenagers gathered in the evening but they don't seem to be causing trouble. All dogs are on leads due to the current rules which I always found disappointing as it would be such a lovely space for them to run around with the children. Any dogs I've seen have been well behaved and we haven't seen any fouling. Given the plans to open cafe in the park, a ban on dogs would seriously reduce the number of visitors to the park.

I live on James back house place, I visit the park everyday with my children and my dog, I've never came across a bad behaved dog once, I always ring regarding incidents involving the teenagers causing problems it's not the dogs you want to ban it's the teenagers on a night time, lock the park again.

Dogs aren't the problem at all, it's the kids who go in on an evening and destroy the park!  
I walk my dog in there daily. Pick up his mess and bin it. I used to walk my dog on the moor but find it difficult as it's widely used by cyclists now so can not keep my dog off his lead.  
Granted some dogs may not be of a friendly nature which is why it's up to the owners to keep them under control. Police it as the streets should be policed.

All the details on what is being considered are not available in this survey - which should be -  
So I assume the previous question (no. 5) are items that are being considered for becoming banned under a PSPO. I don't agree that limiting dogs or bicycles would be beneficial as these are both associated with leisure activities in themselves, and any problems which arise can be dealt with via fines of dog owners, etc. However, I was surprised that motorised bikes were not already banned, as motorised vehicles such as segways are not allowed on public footpaths. I also thought that anyone causing anti-social behaviour could already be removed, irrelevant of the size of the group. I would be concerned on what 'anti-social' behaviour would be defined as - if it would be a group of young people gathering and talking, as sometimes intimidating as this can be, I think it should be allowed - where else are the young people going to go? As for alcohol drinking, it would ban someone having a picnic with a bottle of wine as much as a ban on someone with a can of lager, so I wouldn't support a ban on this. A ban on glass being brought to the park - whether a bottle of wine or otherwise, would be more beneficial, preventing anti-social glass-smashing.

It is a community space used by many, I believe in such a space dogs should be kept on a lead with young children been present in the grounds, hobmoor is only a short distance if someone wanted there dog not to be on a lead.

I walk my dog almost daily in the park and I have never encountered anyone who has had any problems with dogs, on or off leads. Generally people with dogs off leads stay in the woods area and would not let them off if they were likely to cause any trouble to anyone else. I have to say that I have at times taken my dog there after dark with a torch and even when there have been groups of teens there they have not done or said anything anti social to me. I would like to know where is an alternative local place both for people to let their dogs off the lead (especially now there are cows on hobb Moor) or indeed groups of teens to go. I'm unaware of either provision.

my grandad has worked on, in and with that park for over 40 years now and he loves nothing more than people enjoying themselves and people walking their dogs there!! (So long as they clean up after them) he stops to talk to them!! What he can't stand and as an 80 year old man who walks through that park every day without fail is the litter and rubbish that teens leave behind after being in there!! They've stopped locking it on a night and so this has got worse and worse and he's the one to clean it up!! **KEEP IT LOCKED AT NIGHT AND TAKE ACTION ON ANTISOCIAL TEENS**

There is a large need to keep vandals out of the park on evenings

Living next to tedder road park I am used to the effects of anti social behaviour. The current PCSO options for dispersal help a lot plus regular patrols. Locking the park at night may help but could also make it more of a hidden ghetto

I dont believe dogs are a problem at the park. I have been in on several ocasions and told groups of kids not to ride bikes on the bowling greens and flower beds and just get abuse hurled at me. I belive the gates need locking again

I would be very unhappy if any of the above restrictions were put in place, apart from the ban on motorised bikes. I would possibly support restrictions on where dogs can be off lead but a full ban would be cruel. If alcohol was banned I would be very angry

This is a well and respectfully used resource for local dog walkers, and in the summer for family get togethers. Please don't restrict it.

Don't bad dogs or bikes - this will affect the community Anti socia behaviour, groups of imposing kids, yes ban them Keep the park locked up at night and encourage a happier environment. It's such a lovely park, we are lucky to have it. Also, we need a cafe...

Let people enjoy the park, alcohol is not an issue among genuine picnic goers who want to relax. Look at the parks in London. Dogs are not a problem. Its a park... Let it be a park!

I have never experienced any dog related issues including dog mess and feel it would be unfair to restrict responsible dog owners from enjoying this space with their pets. There is already a petition for a potential dog restriction in Holgate Dock. There will be limited places to go in the area for dogs and their families to enjoy together where we can all benefit mentally and physically.

I find it anoying trying to walk through the park with my dog on a lead and constantly being acosted by off lead badly behaved dogs.

EVERY WHERE IN PUBLIC A MINORITY BEHAVING BADLY WILL SPOIL THINGS FOR OTHERS WHO BEHAVE RESPONSIBLY ,AS USUAL THOSE BEHAVING IN A REASONABLE WAY ARE PENALISED BECAUSE OF THE ACTIONS OF OTHERS

I feel that I use the park on a daily basis and sometimes twice a day to walk my dog. I have never experienced a problem with anti-social behaviour. The people who walk their dogs provide an oppportunity to monitor the park more often then any other intervention. The vast majority of dog walkers are very mindful of other users of the park and clear up after their dogs. Teenagers do use the park, but why not it is a public place for everyone after all. By moving them on when there are more then 3 is unacceptable, I would expect any group regardless of number of be challenged if behaviour is anti-social (this needs clarification of what would be regarded anti-social). Large groups of teenagers often just sit and chat in the park like the people who play bowls... why they get moved on?.....

There is a large wooded area at the back, I see no reason to keep dogs on the lead in that area, during the day 90% of people who make use of the park have dogs, I can't see the far side of the park getting much use if not from dog walkers. It is vital to provide dog owners a safe space away from roads in a residential area, and I don't see why they have been lumped in with other anti-social that is occuring.

Need locking at night

it's not dogs that are causing any problems just groups of yobs

Lovely space for families, dog owners. We exercise our dogs in the wooded area at rear of park and walk them on lead in other park areas. We clean up after them. We have never witnessed any problems with dogs or owners in the park. We feel it would be sensible to lock the park at night to prevent vandalism, and alcohol abuse in a public place which are unacceptable. We value the park as a community resource and treat it with respect.

I think it would be better to put railings around the kids play area and then dogs would be okay to be off lead without parents worrying.

It's a lovely place to go for a walk and a picnic, we always go as a family including children and dogs, our dogs are usually on leads in public places anyway, but it would be a shame to lose another lovely day out if we couldn't go out there as a family anymore, we would stop going West Bank Park is an 'urban wooded area', I have 2 dogs myself, I don't drive, so putting a PSPO on West Bank Park, where dogs are concerned, is going to 'highlight' dogs as being a nuisance. Just because a group 'meet up' most mornings, does not class them as a 'nuisance'. Maybe someone from the Council could 'meet up' with these people..if they can be bothered to see this 'problem' from our side..or do we just keep our dogs inside & away from others?

It is not the dogs or owners that are causing the problem but drunks and people on bikes. I think that dogs should be allowed in this open area to be exercised

The antisocial behaviour I have witnessed takes place in the early evening (between 5.30pm and 6.30pm). IT WOULD NOT OCCUR IF THE PARK WAS LOCKED AT NIGHT AS IT USED TO BE. PLEASE LOCK THE PARK AT NIGHT AGAIN. How does the cost of locking/unlocking the park compare to that of enforcing a PSBO? Or I know, how about a PSBO that says no one is to use the park between 8am and 6pm (ha ha). Is a notice with a list of things people will be fined for really going to deter ASB? I think not. The ASB I have witnessed (5.30-6.30) includes: 'groups of 3 or more people' a) dangerously letting off fireworks at dusk (in November) - b) sitting on the steps of the bowls club chatting and drinking (not that anti-social so long as others are not reporting that they are noisy), c) running, skidding and playing football on the bowling greens. I have also seen evidence of vandalism (but not the perpetrators - o yes, I expect they got to work after dark, when the park used to be locked) including damage to climbing roses and broken window in bowls club. Please don't let our park and the work of volunteers in our community be ruined when it can so easily be prevented. Ok there are funding cuts but for the 'big society' to work (or is that so yesterday)

All the anti social behaviour I have witnessed is caused by groups of older children and 17-20 year olds causing damage or being drunk and abusive. I have not witnessed any problems with dog owners or dogs. With regards to the riding of bicycles I would have voted yes if the question specifically referred to adults and teenagers but would not to ban children under 10 from being able to cycle in the park. I think this question could have been age specific or clarified that this would not apply to a 4 year old on their bike.

I think there needs to be a priority made to the scale of anti social behaviour i.e. what is the impact of youths drinking and smoking drugs, vandalism versus dogs off lead....there is no comparison. Most dog owners are responsible owners, has there been any incidents involving dogs off the lead in the park? Whereas the youths that gather make the park a hostile environment as well as littering, vandalism and break ins. I do believe the youths' behaviour needs to be addressed not the dog owners.

West Bank park is a vital resource for dog walkers and is used by a lot of responsible and community minded dog walkers. It would in my opinion be a tragedy and have a really negative impact on the local community if dogs were restricted. Most dog walkers stick largely to the wooded area which is not much used by other people. I fully support dealing with antisocial behaviour but I don't think that it is the dog walkers that cause any issues.

Please do not assume all dog owners are like those who vandalise facilities and abuse other users of the park. A ban on dogs would punish the vast majority that are responsible and careful owners.

The park would be very empty without the dog walkers the vast majority of us are responsible and clean up after our dogs, there are very few places within easy walking distance for me to socialise my dog with others, and I feel we are easy targets while the people that do cause a lot of problems, mostly at night get away with it.

the majority of people using the park daily are dog walkers and most are very responsible about their dogs behaviour it would be unfair to penalise the majority for the bad behaviour of the few. While walking their dogs most people pick up litter or report any problems so acting as another watching eye to prevent further trouble. If dogs were not welcome in the park it would be under used and without security, problems would escalate to an unacceptable level. This would increase the cost of maintaining the park and it would become infeasible.

We need to keep our parks for our children and dogs to have somewhere to play and enjoy themselves. Please keep the park. Thank you!

If a pspo does get issued on the park where dogs do have to be kept on lead, I think you will find the park deserted, as the vast majority of people that do use it are the dog walkers who wish to exercise their dogs off lead & enjoy the beautiful park at the same time.

This should not be about the dogs. We stay in the wood. Very little activity there. Dogs should have allocated off the leash space as agreed by Jackie Armitage and police when I spoke to them.

There are signs up saying dogs must be on leads. Ours always are but most others are not. One of our dogs was attacked by one not on a lead - bitten and required stitches, antibiotics etc. Rules are rules and people should abide but not sure how you'd police it!!

I know local residents are concerned about groups of young people in the park in the evening. I hope the issue of locking the park at night can be considered as part of the PSPO debate. There have been cases of vandalism to children's playground equipment. The park is extensively used by families and it is inappropriate to have dogs off their leads.

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# WEST BANK PARK - HOLGATE



TO: Executive Member for Housing and Community Safety,  
City of York Council

FROM: Friends of West Bank Park  
[www.westbankpark.org](http://www.westbankpark.org)

## **RE: Proposed Public Spaces Protection Order for West Bank Park**

As the organisation representing the local community's interest in the management of West Bank Park, we appreciate the opportunity to influence the decision as to whether the park should be made subject to a Public Spaces Protection Order. We have met with CYC's Paul Morrison and PC Antonelli to learn more about the case for the PSPO and discuss our concerns around it.

Vandalism has been one of our most significant concerns over recent years, particularly since the park gates have been left unlocked at nights. This is largely committed by young people aged under 18. We greatly value the police's role in monitoring antisocial behaviour and, when criminal acts can be verified, taking the necessary action to punish them. We appreciate that the current options available to the police limit their ability to prevent further incidents, and that a PSPO might make it easier to do this.

However, we remain very concerned about the proposal to restrict gatherings of three or more people in the park. We understand that this would only apply to groups behaving in an antisocial manner, and then only with police discretion. Nonetheless, 'antisocial behaviour' is a loosely defined concept, and pre-emptively dispersing young people because they look like they might commit criminal acts is a step we would be reluctant to take. Despite our faith in the judgment of most police, there is the potential to criminalise normal teenage socialising, and make young people feel unwelcome in the park. There are very few welcoming public spaces open to young people to spend their free time. Moreover, we suspect that groups dispersed from West Bank Park might be likely simply to move elsewhere.

We have sought to consult with the young people who would be affected themselves (as it is unlikely that any of them will have been aware of the council's consultation process), but have not been able to find any on recent evenings in the park. We urge the council to seek the support of local secondary schools in communicating with pupils to encourage them to enjoy and respect public spaces.

If the PSPO is indeed implemented, we ask to be consulted further on the wording of any signage that goes up in the park. We are very averse to any bald statement that groups of three or more people are not allowed. On the contrary, we want to encourage people to use the park for their meetings, sports, parties, gatherings, and socialising.

We have not been aware of any significant problems caused by either cycling or dogs off leashes and do not feel the need for any further regulations to be put in place to limit these activities. For children in particular, the park is a safe and traffic-free place to practise cycling, and the existing restrictions on dogs off leashes seem to be adequate to minimise inconsiderate behaviour. We would support a ban on alcohol on the basis that it, too, is enforced with discretion.

Yours sincerely,

Cath Heinemeyer

On behalf of  
Friends of West Bank Park



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**Decision Session - Executive Leader  
(incorporating Housing and Safer  
Neighbourhoods)**

**20 June 2016**

Report of the Assistant Director – Housing & Community Safety

**Proposed Changes to the Traveller Pitch Agreement**

**Summary**

1. To seek approval to consult on proposed changes to the existing Traveller Pitch agreement.

**Recommendations**

2. The Executive Leader, Housing and Safer Neighbourhoods, is asked to agree option one: to consult with the travellers who live on the City of York Council sites or who are on the waiting list with regards to the changes proposed to Traveller Pitch Agreement. The proposed changes include the following;
  - The introduction of flexible tenancy start dates.
  - Insert a section regarding Non payment of rent.
  - To add a paragraph with regards to the keeping of dogs on the travellers pitch in particular naming the Dangerous Dogs act 1991 and the Dangerous Wild Animals Act 1976
  - To add several minor changes to strengthen the Travellers Pitch agreement, these are listed on Annex 1 numbers 3.18 to 6.

Reason: To ensure consistency, as far as is practicable, across the different agreements that are issued in housing services.

**Background**

3. Following the implementation of changes to the council tenancy agreement, limited changes are proposed for the Travellers Pitch agreement.

4. A summary of all the changes can be found at Annex 1. This information will be used for the formal consultation.

## Consultation

5. A formal period of consultation will take place with all residents on the traveller's sites over a period of 6 weeks in June and July 2016.
6. All travellers will be written to outlining the proposed changes, the implications of these and given the opportunity to comment before final changes are agreed. All customers will be notified in writing of the changes. The Travellers Trust will be included in the consultation regarding the proposed changes.
7. A summary of the consultation and any further proposed changes as a result of this will be brought back to the Executive Member in September 2016 for decision. Subject to any changes been agreed 4 weeks statutory notice of change will be given to tenants, outlining the agreed changes and the implementation date.

## Options

8. **Option one** – To consultation on the proposed changes:

- The introduction of flexible tenancy start dates.
- Insert a section regarding Non payment of rent.
- To add a paragraph with regards to the keeping of dogs on the travellers pitch in particular naming the Dangerous Dogs act 1991 and the Dangerous Wild Animals Act 1976
- To add several minor changes to strengthen the Travellers Pitch agreement, these are listed on Annex 1 numbers 3.18 to 6.

9. **Option two** – To not consult and leave the Travellers Pitch agreement unchanged.

## Analysis

- 10 Option one - For the Travellers pitch agreements the additional income using a flexible start date is negligible due to the low turnover of voids (typically one per year) however, this change would bring it inline with the tenancy agreement for council houses. The other proposed amendments (see Annex 1) are proposed to strengthen the agreement in areas where problems have previously occurred.

11. There are significant issues with tenants on the Travellers sites, keeping pets, especially dogs. The number of dogs allowed on any travellers pitch is 2 on the current agreement, however further information with regard to the keeping of dogs has been added in line with the council tenancy agreement.
12. Option two – At present the current tenancy agreement only allows the council to start an agreement on a Monday. By introducing flexible start dates, tenancies could start from any day in the week and therefore reduce the period a property is empty and reduce the rent loss on the property.

### **Council Plan**

13. The proposed changes will contribute to the council plan by ensuring 'a focus on front line services' – ensuring the city centre, villages and neighbourhoods are clean and safe environments.

### **Implications**

14. The implications arising from this report are:
  - **Financial** – cost of consultation and issuing new tenancy agreements will be contained within existing budgets
  - **Human Resources (HR)** none
  - **Equalities** A community Impact assessment will be required following the completion of the consultation exercise. The amendments are in line with the changes to the council tenancy agreement to ensure consistency.
  - **Legal** – The changes have been advised and agreed with legal services
  - **Crime and Disorder** – none.
  - **Information Technology (IT)** Minimal changes to existing IT systems will be needed.
  - **Property** - none

## Risk Management

15. The risk in making these amendments is minimal

## Contact Details

### Author:

**Ann-Marie Douglas**  
Housing Temporary  
Accommodation Manager  
Supported Housing Services  
Tel No. 4122

### Chief Officer Responsible for the report:

**Steve Waddington**  
Assistant Director – Housing & Community  
Safety

**Report  
Approved**



**Date**

7<sup>th</sup> June 2016

## Specialist Implications Officer(s)

Implication: Legal  
Alison Hale  
Senior Legal assistant  
01904 551096

**Wards Affected:** Guildhall Ward, Rawcliffe and Clifton  
Without Ward and Osbaldwick and Derwent Ward

## Background Papers:

None

## Annexes:

Annex 1 Proposed changes to the Traveller Pitch Agreement and the  
Temporary Accommodation Agreement

Annex 2 Travellers Pitch Licence – proposed changes to agreement

## Proposed changes to the Traveller Pitch Agreement and the Temporary Accommodation Agreement.

### 1 Traveller Pitch Agreement.

#### Part 3 Express terms of the agreement.

##### Change to 3.1 to add in,

A Traveller pitch agreement may begin on any day of the week and the rent will be adjusted if this is not a Monday, a full weeks rent will be charged for every week following

##### Non Payment of Rent

If you do not pay your rent including any service charges or other charges due we may ask the court to make an order against you for the possession of the property. We may then take steps to evict you from the pitch. If we have to do this you will have to pay legal costs as well as the rent you owe.

##### Addition to 3.6

Any additional persons allowed to reside on your pitch must be added to your pitch agreement and declared on any Housing Benefit claim you make.

##### Addition to 3.8

and named on your Traveller Pitch agreement

##### Addition

- 3.12 You or anyone living at your property must not keep the following animals at your property;
- Any dog which the Dangerous Dogs Act 1991 applies to
  - Any animal the Dangerous Wild Animals Act 1976 applies to
  - Any other animal that poses a danger, or a threat of danger to your neighbours, the public or anyone living in the locality.
  - Any livestock not suitable for a domestic environment
  - Any animal which causes a health and safety risk in the area
  - Any animal which is not bred as a domestic pet or has been trained and used for purposes likely to cause harm to another animal or human.
- You must not breed animals on the site.

### Addition to 3.18

The Council will not repair anything fitted by the tenant

#### Additions

- 3.20 During inspections of the pitch and amenity block you must allow photos or video footage for evidential or identification purposes.
- 3.21 You may be charged if no one is at home when you have requested an emergency call out or where an appointment has been made.
- 3.22 You are responsible for decorating the inside of the amenity block..

#### Additions

- 5.4 You must return the keys for your pitch to Housing Services and not leave the keys with anyone else including friend, neighbour or relative unless they are legally entitled to act on your behalf. If you fail to return the keys you will be charged for the cost of any replacement keys, locks and any other work required to the doors/frame due to your failure to return the keys and for any rent loss incurred by your delay in returning the keys.
- 5.5 When you give notice you must leave a forwarding address even if this is a correspondence address
- 6 False Information and Housing Related (including benefit) fraud

You must give accurate information when applying for a traveller pitch and for the duration of your agreement whilst living on the pitch. We will take steps to repossess the property if you (or another person on your behalf) give false information to get the pitch agreement.

You and / or your household must not commit housing or benefit fraud which is linked to the Pitch agreement.



## **Written Statement under the Mobile Homes Act 1983 Required to be Given to a Proposed Occupier of a Pitch**

IMPORTANT – PLEASE READ THIS STATEMENT CAREFULLY AND KEEP IT IN A SAFE PLACE. IT SETS OUT THE TERMS ON WHICH YOU WILL BE ENTITLED TO KEEP YOUR MOBILE HOME ON A PROTECTED SITE AND TELLS YOU ABOUT THE RIGHTS WHICH WILL BE GIVEN TO YOU BY LAW. IF THERE IS ANYTHING YOU DO NOT UNDERSTAND YOU SHOULD GET ADVICE (FOR EXAMPLE FROM A SOLICITOR OR A CITIZENS ADVICE BUREAU).

Date Written Statement Received : .....

### **Part 1**

#### **Information About Your Rights**

##### **The Mobile Homes Act 1983**

1. You will be entering into an agreement with a site owner which will entitle you to keep your mobile home on the site owner's land and live in it as your home. You will automatically be protected and given certain rights under the Mobile Homes Act 1983 ("the 1983 Act"). These rights affect in particular your security of tenure, the sale of your home and the review of the pitch fee.

##### **Implied terms**

2. Part 1 of Schedule 1 to the 1983 Act contains sets of implied terms (Chapter 2 applies in relation to all pitches except those on local authority and county council Gypsy and Traveller sites; Chapter 3 applies to transit pitches on local authority and county council Gypsy and Traveller sites and Chapter 4 applies to permanent pitches on local authority and county council Gypsy and Traveller sites) one set of which will apply automatically to your agreement and cannot be overridden, so long as your agreement continues to be one to which the 1983 Act applies. Part 3 of Schedule 1 to the 1983 Act, if applicable, sets out provisions which supplement the implied terms. The terms that will apply to you are contained in the annex to Part 2 of this statement.

##### **Express terms**

3. The express terms that are set out in Part 3 of this statement will apply to you. If you are not happy with any of these express terms you should discuss them with the site owner, who may agree to change them.

##### **Additional terms**

(The following paragraph does not apply to an agreement for a transit pitch on a local authority or county council Gypsy and Traveller site)

4. There are additional terms set out in Part 2 of Schedule 1 to the 1983 Act which you can ask to be included in your agreement. These deal with the following matters:

(a) the sums payable by the occupier in pursuance of the agreement and the times at which they are to be paid;

- (b) the review at yearly intervals of the sums so payable;
- (c) the provision or improvement of services available on the protected site, and the use by the occupier of such services; and
- (d) the preservation of the amenity of the protected site.

### **Right to challenge express terms**

(The following paragraphs do not apply to an agreement for a transit pitch on a local authority or county council Gypsy and Traveller site)

5. If you enter into the agreement and subsequently become dissatisfied with the express terms of the agreement you can challenge them, but you must do so within six months of the date on which you enter into the agreement or the date you received the written statement, whichever is later. If you wish to challenge your agreement, you are advised to consult a solicitor or citizens advice bureau.
6. You can challenge the express terms by making an application to a residential property tribunal. You can ask for any express terms of the agreement (those set out in Part 3 of this statement) to be changed or deleted.
7. The site owner can also go to a residential property tribunal to ask for the agreement to be changed in these two ways.
8. The residential property tribunal must make an order on terms it considers just and equitable in the circumstances.

### **Six months time limit for challenging the terms**

(The following paragraph does not apply to an agreement for a transit pitch on a local authority or county council Gypsy and Traveller site)

9. You must act quickly if you want to challenge the terms. If you or the site owner make no application to a tribunal within six months of the date on which you entered into the agreement or the date you received the written statement, whichever is later, both you and the site owner will be bound by the terms of the agreement and will not be able to change them unless both parties agree.

### **Unfair terms**

10. If you consider that any of the express terms of the agreement (as set out in Part 3 of this statement) are unfair, you can, in accordance with the provisions of the Unfair Terms in Consumer Contracts Regulations 1999 1 complain to the Office of Fair Trading or any qualifying body under those Regulations.

### **Disputes**

11. If you have a disagreement with your site owner about rights or obligations under your agreement, or the 1983 Act more generally, and you are unable to resolve the matter between yourselves you can refer the matter to a Residential Property Tribunal. Sometimes there is a time limit for doing so. More information on applications to the tribunal can be found at [www.rpts.gov.uk](http://www.rpts.gov.uk) or from your local Residential Property Tribunal Office.

12. Your site owner can only terminate your agreement on the grounds specified in the implied terms. You cannot be evicted from the site without an order from the court. If you are notified of termination proceedings and you wish to take legal advice, you should do so promptly.

**Arbitration**

13. You can agree in writing with your site owner to refer a particular dispute to arbitration.
14. If the agreement to go to arbitration was made before the dispute arose the 1983 Act provides that such a term will have no effect. Instead such disputes may only be determined by a Residential Property Tribunal.

**PART 2**

**Particulars of the agreement**

1. The Mobile Homes Act 1983 (“the 1983 Act”) applies to the agreement.

Parties to the Agreement

2. The parties to the agreement are –

(name/s of person/s entitled to station a mobile home on the pitch) and  
The Council of the City of York of West Offices, Station Rise, York YO1 6GA  
(name and address of the local authority)

Start Date

3. The agreement began on (insert date)

Particulars of the pitch

4. The particulars of the land on which you are entitled to station your mobile home are:  
Plot on Caravan/Travellers Site, Water Lane, York,

Plan

5. A plan showing –
  - a. the size and location of the pitch
  - b. the size of the base on which the mobile home is stationed; and
  - c. measurements between identifiable fixed points on the site and the pitch and base is attached to this statement.

Local authority’s interest

- ~~6. The local authority’s estate or interest in the land will end on .....~~

~~(if this statement applies insert date); or~~

~~The local authority’s planning permission for the site will end on .....~~

~~(if this statement applies insert date)~~

~~This means that your right to stay on the site will not continue after either of these dates unless the local authority’s interest or planning permission is extended. (If only one of these statements applies, cross out the words which do not apply. If neither of these statements apply, delete this paragraph.)~~

Pitch fee

7. The pitch fee is payable weekly/monthly/quarterly/annually

(Cross out the words which do not apply)

The pitch fee is £71.26

The following services are included in the pitch fee –

~~Water~~

Sewerage

.....

.....

(Cross out the services which are not included and add any others which are included in the pitch fee)

Review of pitch fee

8. The pitch fee will be reviewed on 01/04/2015 .... (insert date). This date is the review date.

Additional charges

9. An additional charge is made for the following matters –

.....

.....

.....

(List the matters for which an additional charge is made)

## ANNEX TO PART 2

This Annex sets out the implied terms which automatically apply to the agreement.

### **Agreements relating to permanent pitches in England on a local authority gypsy and traveller site or a county council gypsy and traveller site**

#### Duration of agreement

1. Subject to paragraph 2, the right to station the mobile home on land forming part of the protected site subsists until the agreement is determined under paragraph 3, 4, 5 or 6.
2. (1) If the owner's estate or interest is insufficient to enable the owner to grant the right for an indefinite period, the period for which the right subsists does not extend beyond the date when the owner's estate or interest determines.  
  
(2) If planning permission for the use of the protected site as a site for mobile homes has been granted in terms such that it will expire at the end of a specified period, the period for which the right subsists does not extend beyond the date when the planning permission expires.  
  
(3) If before the end of a period determined by this paragraph there is a change in circumstances which allows a longer period, account is to be taken of that change.

#### Termination by occupier

3. The occupier is entitled to terminate the agreement by notice in writing given to the owner not less than four weeks before the date on which it is to take effect.

#### Termination by owner

4. The owner is entitled to terminate the agreement forthwith if, on the application of the owner, the [appropriate judicial body] —
  - (a) is satisfied that the occupier has breached a term of the agreement and, after service of a notice to remedy the breach, has not complied with the notice within a reasonable time; and
  - (b) considers it reasonable for the agreement to be terminated.
5. The owner is entitled to terminate the agreement forthwith if, on the application of the owner, the [appropriate judicial body]—
  - (a) is satisfied that the occupier is not occupying the mobile home as the occupier's only or main residence; and
  - (b) considers it reasonable for the agreement to be terminated.
6. (1) The owner is entitled to terminate the agreement forthwith if—

(a) on the application of the owner, [a tribunal] has determined that, having regard to its condition, the mobile home is having a detrimental effect on the amenity of the site, and

(b) then, on the application of the owner, the [appropriate judicial body] , having regard to [the tribunal's determination] and to any other circumstances, considers it reasonable for the agreement to be terminated.

(2) Sub-paragraphs (3) and (4) apply if, on an application to the [tribunal] under sub-paragraph (1)(a)—

(a) the [tribunal] considers that, having regard to the present condition of the mobile home, it is having a detrimental effect on the amenity of the site, but

(b) it also considers that it would be reasonably practicable for particular repairs to be carried out on the mobile home that would result in the mobile home not having that detrimental effect, and

(c) the occupier indicates to the [tribunal] that the occupier intends to carry out those repairs.

(3) In such a case the [tribunal] may make an interim order—

(a) specifying the repairs that must be carried out and the time within which they must be carried out, and

(b) adjourning the proceedings on the application for such period specified in the interim order as the [tribunal] considers reasonable to enable the repairs to be carried out.

(4) If the [tribunal] makes an interim order under sub-paragraph (3), it must not make a determination under sub-paragraph (1)(a) unless it is satisfied that the specified period has expired without the repairs having been carried out.

#### Recovery of overpayments by occupier

7. Where the agreement is terminated as mentioned in paragraph 3, 4, 5 or 6, the occupier is entitled to recover from the owner so much of any payment made by the occupier in pursuance of the agreement as is attributable to a period beginning after the termination.

#### Re-siting of mobile home

8. (1) The owner is entitled to require that the occupier's right to station the mobile home is exercisable for any period in relation to another pitch forming part of the protected site or a pitch forming part of another protected site ("the other pitch") if (and only if)—

(a) on the application of the owner, [a tribunal] is satisfied that the other pitch is broadly comparable to the occupier's original pitch and that it is reasonable for the mobile home to be stationed on the other pitch for that period; or

(b) the owner needs to carry out essential repair or emergency works that can only be carried out if the mobile home is moved to the other pitch for that period, and the other pitch is broadly comparable to the occupier's original pitch.

(2) If the owner requires the occupier to station the mobile home on the other pitch so that the owner can replace, or carry out repairs to, the base on which the mobile home is stationed, the owner must if the occupier so requires, or [a tribunal] on the application of the occupier so orders, secure that the mobile home is returned to the original pitch on the completion of the replacement or repairs.

(3) The owner must pay all the costs and expenses incurred by the occupier in connection with the mobile home being moved to and from the other pitch.

(4) In this paragraph and in paragraph 11, "essential repair or emergency works" means—

(a) repairs to the base on which the mobile home is stationed;

(b) repairs to any outhouses and facilities provided by the owner on the pitch and to any gas, electricity, water, sewerage or other services or other amenities provided by the owner in such outhouses;

(c) works or repairs needed to comply with any relevant legal requirements; or

(d) works or repairs in connection with restoration following flood, landslide or other natural disaster.

#### Quiet enjoyment of the mobile home

9. The occupier is entitled to quiet enjoyment of the mobile home together with the pitch during the continuance of the agreement, subject to paragraphs 8, 10, 11 and 12.

#### Owner's right of entry to the pitch

10. The owner may enter the pitch without prior notice between the hours of 9am and 6pm—

(a) to deliver written communications, including post and notices, to the occupier; and

(b) to read any meter for gas, electricity, water, sewerage or other services supplied by the owner.

11. The owner may enter the pitch to carry out essential repair or emergency works on giving as much notice to the occupier (whether in writing or otherwise) as is reasonably practicable in the circumstances.



12. Unless the occupier has agreed otherwise, the owner may enter the pitch for a reason other than one specified in paragraph 10 or 11 only if the owner has given the occupier at least 14 clear days' written notice of the date, time and reason for the owner's visit.

13. The rights conferred by paragraphs 10 to 12 do not extend to the mobile home.

#### The pitch fee

14. The pitch fee can only be changed in accordance with paragraph 15, either—

(a) with the agreement of the occupier, or

(b) if [a tribunal] , on the application of the owner or the occupier, considers it reasonable for the pitch fee to be changed and makes an order determining the amount of the new pitch fee.

15. (1) The pitch fee will be reviewed annually as at the review date.

(2) At least 28 clear days before the review date the owner must serve on the occupier a written notice setting out the owner's proposals in respect of the new pitch fee.

(3) If the occupier agrees to the proposed new pitch fee, it is payable as from the review date.

(4) If the occupier does not agree to the proposed new pitch fee—

(a) the owner may apply to [a tribunal] for an order under paragraph 14(b) determining the amount of the new pitch fee;

(b) the occupier must continue to pay the current pitch fee to the owner until such time as the new pitch fee is agreed by the occupier or an order determining the amount of the new pitch fee is made by [a tribunal] under paragraph 14(b); and

(c) the new pitch fee is payable as from the review date but the occupier is not to be treated as being in arrears until the 28th day after the date on which the new pitch fee is agreed or, as the case may be, the 28th day after the date of [a tribunal] <sup>2</sup> order determining the amount of the new pitch fee.

(5) An application under sub-paragraph (4)(a) may be made at any time after the end of the period of 28 days beginning with the review date but no later than three months after the review date.

(6) Sub-paragraphs (7) to (11) apply if the owner—

(a) has not served the notice required by sub-paragraph (2) by the time by which it was required to be served, but

(b) at any time thereafter serves on the occupier a written notice setting out the

owner's proposals in respect of a new pitch fee.

(7) If (at any time) the occupier agrees to the proposed pitch fee, it is payable as from the 28th day after the date on which the owner serves the notice under sub-paragraph (6)(b).

(8) If the occupier has not agreed to the proposed pitch fee—

(a) the owner may apply to [a tribunal] for an order under paragraph 14(b) determining the amount of the new pitch fee;

(b) the occupier must continue to pay the current pitch fee to the owner until such time as the new pitch fee is agreed by the occupier or an order determining the amount of the new pitch fee is made by [a tribunal] under paragraph 14(b); and

(c) if [a tribunal] makes such an order, the new pitch fee is payable as from the 28th day after the date on which the owner serves the notice under sub-paragraph (6)(b).

(9) An application under sub-paragraph (8) may be made at any time after the end of the period of 56 days beginning with the date on which the owner serves the notice under sub-paragraph (6)(b) but no later than four months after the date on which the owner serves that notice.

(10) [A tribunal] may permit an application under sub-paragraph (4)(a) or (8)(a) to be made to it outside the time limit specified in sub-paragraph (5) (in the case of an application under sub-paragraph (4)(a)) or in sub-paragraph (9) (in the case of an application under sub-paragraph (8)(a)) if it is satisfied that, in all the circumstances, there are good reasons for the failure to apply within the applicable time limit and for any delay since then in applying for permission to make the application out of time.

(11) The occupier is not to be treated as being in arrears—

(a) where sub-paragraph (7) applies, until the 28th day after the date on which the new pitch fee is agreed; or

(b) where sub-paragraph (8)(b) applies, until the 28th day after the date on which the new pitch fee is agreed or, as the case may be, the 28th day after the date of [a tribunal] order determining the amount of the new pitch fee.

16. (1) When determining the amount of the new pitch fee particular regard must be had to—

(a) any sums expended by the owner since the last review date on improvements—

(i) which are for the benefit of the occupiers of mobile homes on the

protected site;

(ii) which were the subject of consultation in accordance with paragraph 20(f) and (g); and

(iii) to which a majority of the occupiers have not disagreed in writing or which, in the case of such disagreement, [a tribunal] , on the application of the owner, has ordered should be taken into account when determining the amount of the new pitch fee;

(b) any decrease in the amenity of the protected site since the last review date; and

(c) the effect of any enactment which has come into force since the last review date.

(2) When calculating what constitutes a majority of the occupiers for the purposes of sub-paragraph (1)(a)(iii) each mobile home is to be taken to have only one occupier and, in the event of there being more than one occupier of a mobile home, its occupier is to be taken to be the occupier whose name first appears on the agreement.

(3) In a case where the pitch fee has not been previously reviewed, references in this paragraph to the last review date are to be read as references to the date when the agreement commenced.

17. When determining the amount of the new pitch fee no regard may be had to—

(a) any costs incurred by the owner in connection with expanding the protected site, or

(b) any costs incurred by the owner in relation to the conduct of proceedings under this Act or the agreement.

18. (1) There is a presumption that the pitch fee will increase or decrease by a percentage which is no more than any percentage increase or decrease in the retail prices index since the last review date, unless this would be unreasonable having regard to paragraph 16(1).

(2) Paragraph 16(3) applies for the purposes of this paragraph as it applies for the purposes of paragraph 16.

### Occupier's obligations

19. The occupier must—

(a) pay the pitch fee to the owner;

(b) pay to the owner all sums due under the agreement in respect of gas, electricity, water, sewerage or other services supplied by the owner;

- (c) keep the mobile home in a sound state of repair;
- (d) maintain—
  - (i) the outside of the mobile home, and
  - (ii) the pitch, including all fences and outbuildings belonging to, or enjoyed with, it and the mobile home,in a clean and tidy condition; and
- (e) if requested by the owner, provide the owner with documentary evidence of any costs or expenses in respect of which the occupier seeks reimbursement.

Owner's obligations

20. The owner must—

- (a) if requested by the occupier, and on payment by the occupier of a charge of not more than £30, provide accurate written details of—
  - (i) the size of the pitch and the base on which the mobile home is stationed; and
  - (ii) the location of the pitch and the base within the protected site;and such details must include measurements between identifiable fixed points on the protected site and the pitch and the base;
- (b) if requested by the occupier, provide (free of charge) documentary evidence in support and explanation of—
  - (i) any new pitch fee;
  - (ii) any charges for gas, electricity, water, sewerage or other services payable by the occupier to the owner under the agreement; and
  - (iii) any other charges, costs or expenses payable by the occupier to the owner under the agreement;
- (c) be responsible for repairing the base on which the mobile home is stationed and for maintaining any gas, electricity, water, sewerage or other services supplied by the owner to the pitch or to the mobile home;
- (d) be responsible for repairing other amenities provided by the owner on the pitch including any outhouses and facilities provided;
- (e) maintain in a clean and tidy condition those parts of the protected site, including access ways, site boundary fences and trees, which are not the responsibility of any occupier of a mobile home stationed on the protected site;

(f) consult the occupier about improvements to the protected site in general, and in particular about those which the owner wishes to be taken into account when determining the amount of any new pitch fee; and

(g) consult a qualifying residents' association, if there is one, about all matters which relate to the operation and management of, or improvements to, the protected site and may affect the occupiers either directly or indirectly.

21. The owner must not do or cause to be done anything which may adversely affect the ability of the occupier to perform the occupier's obligations under paragraph 19(c) and (d).

22. For the purposes of paragraph 20(f), to "consult" the occupier means—

(a) to give the occupier at least 28 clear days' notice in writing of the proposed improvements which—

(i) describes the proposed improvements and how they will benefit the occupier in the long and short term;

(ii) details how the pitch fee may be affected when it is next reviewed; and

(iii) states when and where the occupier can make representations about the proposed improvements; and

(b) to take into account any representations made by the occupier about the proposed improvements, in accordance with paragraph (a)(iii), before undertaking them.

23. For the purposes of paragraph 20(g), to "consult" a qualifying residents' association means—

(a) to give the association at least 28 clear days' notice in writing of the matters referred to in paragraph 20(g) which—

(i) describes the matters and how they may affect the occupiers either directly or indirectly in the long and short term; and

(ii) states when and where the association can make representations about the matters; and

(b) to take into account any representations made by the association, in accordance with paragraph (a)(ii), before proceeding with the matters.

Owner's name and address

24. (1) The owner must by notice inform the occupier and any qualifying residents' association of the address in England or Wales at which notices (including notices of proceedings) may be served on the owner by the occupier or a qualifying residents' association.

(2) If the owner fails to comply with sub-paragraph (1), then any amount otherwise due from the occupier to the owner in respect of the pitch fee is to be treated for all purposes as not being due from the occupier to the owner at any time before the owner does so comply.

(3) Where in accordance with the agreement the owner gives any written notice to the occupier or (as the case may be) a qualifying residents' association, the notice must contain the name and address of the owner.

(4) Where—

(a) the occupier or a qualifying residents' association receives such a notice, but

(b) it does not contain the information required to be contained in it by virtue of sub-paragraph (3),

the notice is to be treated as not having been given until such time as the owner gives the information to the occupier or (as the case may be) the association in respect of the notice.

(5) Nothing in sub-paragraphs (3) and (4) applies to any notice containing a demand to which paragraph 25(1) applies.

25. (1) Where the owner makes any demand for payment by the occupier of the pitch fee, or in respect of services supplied or other charges, the demand must contain the name and address of the owner.

(2) Where—

(a) the occupier receives such a demand, but

(b) it does not contain the information required to be contained in it by virtue of sub-paragraph (1),

the amount demanded is to be treated for all purposes as not being due from the occupier to the owner at any time before the owner gives that information to the occupier in respect of the demand.

Qualifying residents' association

26. (1) A residents' association is a qualifying residents' association in relation to a protected site if—

- (a) it is an association representing the occupiers of mobile homes on that site;
- (b) at least 50 per cent of the occupiers of the mobile homes on that site are members of the association;
- (c) it is independent from the owner, who together with any agent or employee of the owner is excluded from membership;
- (d) subject to paragraph (c), membership is open to all occupiers who own a mobile home on that site;
- (e) it maintains a list of members which is open to public inspection together with the rules and constitution of the residents' association;
- (f) it has a chair, secretary and treasurer who are elected by and from among the members;
- (g) with the exception of administrative decisions taken by the chair, secretary and treasurer acting in their official capacities, decisions are taken by voting and there is only one vote for each mobile home; and
- (h) the owner has acknowledged in writing to the secretary that the association is a qualifying residents' association, or, in default of this, [a tribunal] has so ordered.

(2) When calculating the percentage of occupiers for the purpose of sub-paragraph (1)(b), each mobile home is to be taken to have only one occupier and, in the event of there being more than one occupier of a mobile home, its occupier is to be taken to be the occupier whose name first appears on the agreement.

Interpretation

27. In this Chapter—

“pitch fee” means the amount which the occupier is required by the agreement to pay to the owner for the right to station the mobile home on the pitch and for use of the common areas of the protected site and their maintenance, but does not include amounts due in respect of gas, electricity, water, sewerage or other services, unless the agreement expressly provides that the pitch fee includes such amounts;

“retail prices index” means the general index (for all items) published by the Statistics Board or, if that index is not published for a relevant month, any substituted index or index figures published by the Board;

“review date” means the date specified in the written statement as the date on which the pitch fee will be reviewed in each year, or if no such date is specified, each anniversary of the date the agreement commenced; and

“written statement” means the written statement that the owner of the protected site is required to give to the occupier by section 1(2) of this Act.



**PART 3**  
**Express terms of the agreement**

This part of the written statement sets out other terms of the agreement which are agreed between you and the local authority in addition to the implied terms.

**1. Definitions**

In this agreement, the following words have the following meanings –

“written consent” – this means a letter from us agreeing to your proposal. You must obtain this **BEFORE** you take the action that you need permission for.

**2. Right to Occupy**

The Council grants you (and all the people who live with you) the right to –

- 2.1. Use the pitch for stationing up to 2 caravans for residential use
- 2.2. Use the amenity block
- 2.3. Use the roadways, pathways, communal areas and parking which are on the site

You have these rights until the end of this agreement.

**3. Your Obligations**

You are responsible for anything that you do in relation to the pitch or the site, and you are also responsible for anything your household, friends, relatives, including children, and any other person living in or visiting your home does in relation to the pitch or the site.

You agree that you will –

Pay the Pitch Fee

- 3.1. Pay the weekly charge for the pitch. This can be paid by using your Allpay card at any designated Allpay outlet (or by standing order, please see your support worker if you wish to do this). Your Allpay card will be issued to you once the rent account has been raised. The pitch fee is made up of one or more amounts:
  - Basic weekly charge
  - Service charges
  - Other charges

A Traveller pitch agreement may begin on any day of the week and the rent will be adjusted if this is not a Monday, a full weeks rent will be charged for every week following.

You may be able to claim Housing Benefit if you are on benefits or a low income. Please ask the support worker for more details.

### Non Payment of Rent

If you do not pay your rent including any service charges or other charges due we may ask the court to make an order against you for the possession of the property. We may then take steps to evict you from the pitch. If we have to do this you will have to pay legal costs as well as the rent you owe.

### Pay any Former Arrears

- 3.2. If you owe any rent arrears to the City of York Council from any permanent or temporary accommodation you will make a formal agreement to pay these arrears

### Live on the Pitch

- 3.3. Once you have signed your pitch agreement you must move onto the pitch. You must live at this pitch as your sole or main home. If you stop living on the pitch as your sole or main home, we may ask the court for a possession order against you. The court will make the order if it thinks it is reasonable to do so.

### Temporary Absences

- 3.4. If you expect to be away from your pitch for longer than one month, you should tell us. You must pay the pitch fee for any period when you are away.
- 3.5. The pitch must not be left vacant for more than 12 weeks in total in any 12 month period. You should notify us in writing if you intend to be absent for more than 4 weeks at any one time.

### Guests

- 3.6. You must not allow anyone to live on the pitch who is not named in this agreement without our written consent. Any additional persons allowed to reside on your pitch must be added to your pitch agreement and declared on any Housing Benefit claim you make.

### Sub-letting & Assignment

- 3.7. You must not sublet or give up possession of all or part of your pitch without our written permission. You must not give away or sign over your pitch to anyone without our written permission. We will give permission for the transfer in the following circumstances –
  - 3.7.1. there is a Court Order
  - 3.7.2. the new occupier qualifies as a successor (see below)
  - 3.7.3. you are making a mutual exchange (see below)

## Succession

- 3.8. If you die when you are occupying the pitch as your sole or main home, any person living with you at that time and named on your Traveller Pitch agreement will have the right to succeed to this agreement if they are your –
- 3.8.1. widow, widower or surviving civil partner; or
  - 3.8.2. in default of a widow, widower or surviving civil partner so residing, any member of your family. If there is more than 1 person who is qualified to succeed and it cannot be agreed between them who that will be, we will decide who is to succeed.

## Mutual Exchange

- 3.9. You may exchange your pitch with someone on another Gypsy or Traveller Site if you have our written consent. Our permission will only be refused if either you or the person you wish to exchange with –
- 3.9.1. owe arrears of your pitch fee; or
  - 3.9.2. are in breach of one of the other terms of the pitch agreement; or
  - 3.9.3. are under a Court Order to give up possession of the pitch; or
  - 3.9.4. possession proceedings have been begun or a notice to end the agreement has been served; or
  - 3.9.5. one of the pitches would be too large for the person who wishes to live there;  
or
  - 3.9.6. one of the pitches was let as a consequence of employment (i.e. a tied pitch);  
or
  - 3.9.7. the pitch is specially adapted for someone who is elderly or who is disabled or has special needs and there will be no such person in occupation

## Pets

- 3.10. You must not keep horses on the site and horses must not be brought onto the site at any time.
- 3.11. You must not keep more than 2 dogs and/or cats on the site. You must not keep any other animals on your pitch without our written consent.
- 3.12. You or anyone living at your property must not keep the following animals at your property;
- Any dog which the Dangerous Dogs Act 1991 applies to
  - Any animal the Dangerous Wild Animals Act 1976 applies to
  - Any other animal that poses a danger, or a threat of danger to your neighbours, the public or anyone living in the locality.
  - Any livestock not suitable for a domestic environment
  - Any animal which causes a health and safety risk in the area
  - Any animal which is not bred as a domestic pet or has been trained and used for purposes likely to cause harm to another animal or human.
- You must not breed animals on the site.

- 3.12. You must keep any pets you own or are responsible for under control. This also applies to any pets your visitors bring with them to the property. You must not allow any pets you own or are responsible for to cause annoyance or nuisance to neighbours and the public or anyone living in the locality, or to cause damage to the pitch or the site.
- 3.13. You must not allow your pitch to become unhygienic due to a build up of your pets faeces, and if any pet you own or are responsible for fouls the site, you are responsible for cleaning this up. You must dispose of any animal waste correctly.
- 3.14. You must ensure that you look after any pets properly. If you do not keep your pets under control or look after your pets properly, we will remove your permission to keep pets. If we do this, we will write to you explaining why and what this means.

### **Use of the Pitch**

#### Keep the Pitch Clean and Tidy

- 3.15. You are responsible for keeping the pitch and amenity block in a clean and tidy condition at all times. This includes maintenance of the garden area.
- 3.16. All household refuse should be placed in the bins provided. No trade or commercial waste shall be placed in the bins. All waste should be disposed of correctly and not left anywhere on the site or adjacent to the site.
- 3.17. You must not dispose of any waste or scrap on neighbouring land or on the highway.

#### Repairs and Alterations

- 3.18. The Council is responsible for carrying out general maintenance and repairs to the amenity block and the pitch, the facilities and the site. You must tell us if repairs are needed and allow us reasonable access to carry out repairs and inspections. We will usually give you notice when we wish to inspect or carry out repairs but sometimes we will not be able to do this when emergency repairs are needed. The Council will not repair anything fitted by the tenant.
- 3.19. You must not make any alterations or build any structure on the pitch without our written permission. You will be responsible for any damage caused by any alterations or building work that you have carried out. You will be re-charged the cost of any repairs if they are needed because of wilful damage, negligence or a failure to take care of the property.
- 3.20. During inspections of the pitch and amenity block you must allow photos or video footage for evidential or identification purposes.
- 3.21. You may be charged if no one is at home when you have requested an emergency call out or where an appointment has been made.
- 3.22. You are responsible for decorating the inside of the property.

## Vehicles

- 3.20. You may only park one private car and one lorry or similar vehicle on the pitch. Vehicles must not be parked on the road in such a way as to restrict access for other vehicles, particularly refuse lorries and emergency vehicles.
- 3.21. Any vehicle maintenance must be carried out on your pitch and nowhere else on the site.
- 3.22. All vehicles must be kept in a mobile condition so that they can be moved at any time.
- 3.23. There is a speed limit of 5 miles per hour on the site. You must observe this speed limit at all times.

## Trade or Business

- 3.24. You must use the pitch for private residential use only and must not carry out any trade or business on or adjacent to the site. Scrap metal brought within the site boundary must remain on the vehicle and must not be placed on to the pitches, or grassed areas or in any buildings. Any such items left anywhere on or adjacent to the site are liable to be removed without notice. You will be charged for the cost of this removal.

## Fires & Hazardous Materials

- 3.25. All caravans in separate occupation must be parked at a minimum of 6 metres apart. All caravans not in separate occupation must be parked at a minimum of 3 metres apart.
- 3.26. No fires are allowed on or adjacent to the site except in properly constructed stoves or grates inside caravans. The burning of noxious substances on or adjacent to the site is prohibited.
- 3.27. You must not interfere with any fire fighting equipment provided on the site. Hose reels (where provided) are for emergency use only and must not be used for any other purpose.
- 3.28. Gas containers must be kept outside the caravan in the open air or in a compartment within the caravan specifically designed for the storage of gas and no petrol or other inflammable materials shall be stored on the site.

## Nuisance and Anti-Social Behaviour

- 3.29. We are firmly opposed to anti-social behaviour. You must take all reasonable steps to prevent anyone living at or visiting the property, from carrying out any nuisance, annoyance, harassment or anti-social behaviour as detailed in this section. This includes any nuisance, annoyance, offence or harm to any:

- Neighbour
- Officer of City of York Council
- Businesses or services operating in the locality
- Other person living in or visiting the locality

3.30. We will take immediate steps to evict you where you or any other member of your household, or visitors to your pitch engages in any of the following activities:

- 3.30.1. Using your pitch or any other council property for illegal or immoral purposes. In particular the Council will not tolerate the pitch being used in connection with the possession, use, supply of, or dealing in illegal drugs or substances. You must not use the pitch, or supply from or in the neighbourhood of the pitch, any controlled drug or other substance that is illegal under the Misuse of Drugs Act 1971 or any part of the criminal law. You must make sure that no member of your household, or visitor carries out any such act. If they do, you will be responsible as if you had committed it yourself
- 3.30.2. Keeping a dangerous or illegal weapon on the pitch
- 3.30.3. Threatening behaviour at the pitch or in the locality with or without an offensive weapon
- 3.30.4. Drawing graffiti on or otherwise damaging public property on the site. You will be held responsible for the cost of repairing any malicious damage caused by anyone in your household, whether the damage is caused to the pitch which is the subject of this agreement, or any other property in the locality
- 3.30.5. Creating or permitting any noise which, in the opinion of the Council, causes a serious nuisance
- 3.30.6. Damaging or allowing an animal you own, or are responsible for, to damage any property or belongings of City of York Council, any neighbours, any tenant or licensee of ours, any other person living in the area near the pitch. If any member of your household commits any such act, you will be held responsible

3.31. You must not commit or allow members of or visitors to your household to commit any form of harassment on the grounds of race, colour, religion, sex, sexual orientation or disability which may interfere with the peace and comfort of, or cause offence to any others residing in, visiting or offering services in the locality.

3.32. You, members of your household, or any visitors to your home must not do anything or cause anything to be done which, in our opinion, is likely to cause nuisance, annoyance or harassment to others residing in, visiting or offering services in the locality. This includes the use of any words or the performance of any acts (including graffiti and damage to property), which are likely to be abusive or insulting on any grounds including colour, race, nationality, sexual orientation, gender, religion or disability.

- 3.33. The Council will not tolerate racial harassment. You must not cause racial harassment and must take all reasonable steps to prevent anyone living in or visiting the property from doing so. Discrimination, intimidation or harassment because of someone's race will include any act of verbal or physical abuse directed at individuals or groups because of their colour or origin, when the victim believes that the attack is of a racist nature or there is direct evidence of a racist motive. It is very different from other forms of harassment. Racial harassment is a crime and you will be breaking these conditions of tenancy if you are found guilty of it.
- 3.34. You must not inflict domestic violence or abuse, against your partner, ex-partner or another member of your family or household. Domestic violence or abuse means any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse: psychological, physical, sexual, financial and emotional. Where a member of the household is caused to leave your home through domestic abuse inflicted by another member of the household, we may seek possession of the pitch.
- 3.35. You must exercise control over children in your household and any children visiting your pitch to prevent them causing a nuisance or harassing neighbours and the public.
- 3.36. You must not physically or verbally abuse City of York Council employees or contractors, or intimidate them in any other way. Physical abuse includes any actual or threatened assault, attack, violent act or aggression directed towards any of our employees. You must make sure that no member of your household or visitor commits any such act. If they do you will be held responsible as if you had committed it yourself.
- 3.37. You must not physically or verbally abuse any person in the vicinity of the site, or intimidate them in any other way. Physical abuse includes any actual or threatened assault, attack, violent act or aggression directed towards any of our employees. You must make sure that no member of your household or visitor commits any such act. If they do you will be held responsible as if you had committed it yourself.

#### **4. Changing this Agreement**

- 4.1. The implied terms are fixed by law. If the law changes, we will write to you setting out the new implied terms.
- 4.2. The Council can only change the pitch fee in accordance with the implied terms.

- 4.3. We may change the other terms of this agreement but will only do so if we have followed this procedure –
- 4.3.1. We will write to you setting out the proposed changes and explaining them to you.
  - 4.3.2. We will give you a reasonable time to let us have your views. This will usually be at least 28 days.
  - 4.3.3. We will consider your views and write to you to let you know any resulting changes. We will tell you when the changes will take effect.

## 5. Ending this Agreement

- 5.1. You may end this agreement by giving us 28 days written notice. You can give this to a support worker on the site, at Ordnance Lane or by post to our address which is set out at the beginning of this agreement.
- 5.2. The Council can only end this agreement for one of the reasons set out in the implied terms at paragraphs 4, 5 or 6. These are that –
- 5.2.1. You are in arrears with the pitch fee; or
  - 5.2.2. You have broken one of the terms of this agreement; or
  - 5.2.3. You are not occupying the pitch as your sole or main home; or
  - 5.2.4. The condition of your caravan is such that it is having an effect on the rest of the site

We will seek a Court order against you and the Court must consider it reasonable to make the order before your agreement will end.

- 5.3. If we want to end your agreement, we will serve a written notice on you. This notice will give the reason why the notice is being served on you. If the notice is served because you have breached a term of this Agreement we will tell you what you can do to put that right and when that should be done by. If it is not possible for you to put things right, we will tell you why we think that is.

### Leaving the Site

- 5.4. However your agreement ends, we will tell you which date you need to leave the site by. You must leave the site by this date and you must make sure that everyone else who has been living with you leaves at the same time. You must take all your vehicles, animals and belongings with you. You must make sure that your pitch is clear of any rubbish and that it is left in a good condition. If you do not take all your belongings with you, we may dispose of them and charge you the cost of doing this. (If we sell them, we will return any profit to you once we have deducted any amounts that are due to us).
- 5.5. You must return the keys for your pitch to Housing Services and not leave the keys with anyone else including friend, neighbour or relative unless they are legally entitled to act on your behalf. If you fail to return the keys you will be charged for the cost of any replacement keys, locks and any other work required to the



doors/frame due to your failure to return the keys and for any rent loss incurred by your delay in returning the keys.

5.6 When you give notice you must leave a forwarding address even if this is a correspondence address

6 False Information and Housing Related (including benefit) fraud

You must give accurate information when applying for a traveller pitch and for the duration of your agreement whilst living on the pitch. We will take steps to repossess the property if you (or another person on your behalf) give false information to get the pitch agreement.

You and / or your household must not commit housing or benefit fraud which is linked to the Pitch agreement.

**CITY OF YORK COUNCIL  
COMMUNITIES AND NEIGHBOURHOODS  
Agreement to occupy a caravan pitch**

I/We, \_\_\_\_\_ accept the agreement to occupy the  
Pitch \_\_\_\_\_ on the \_\_\_\_\_ Travellers Site. I/We agree to comply with the conditions of the Pitch  
Agreement which have been fully explained and a copy of which has been handed to me/us.  
I/WE UNDERSTAND AND ACCEPT that this agreement is granted subject to those terms  
being fully observed at all times during the continuance of this agreement.

**DETAIL OF FAMILY/PERSONS WHO WILL BE RESIDING ON THE PITCH**

SURNAME	FIRST NAME(S)	SEX M/F	DOB	RELATIONSHIP TO APPLICANT
				Licensee

If there is a change in your family circumstances please advise staff immediately.

**I have read these conditions and I understand that if I break the terms of this agreement  
the Council may serve notice and apply for a court order to gain possession of the pitch**

1st Licensee's Signature: \_\_\_\_\_ Dated \_\_\_\_\_

2nd Licensee's Signature: \_\_\_\_\_ Dated \_\_\_\_\_

Guarantor \_\_\_\_\_ Dated \_\_\_\_\_  
(If under 18)

Witness Signature: \_\_\_\_\_ Dated \_\_\_\_\_

Position Held: \_\_\_\_\_



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**Decision Session - Executive Leader  
(incorporating Housing and Safer  
Neighbourhoods)**

**20 June 2016**

Report of the Assistant Director - Housing and Community Safety

**Granting of additional powers for the Neighbourhood Enforcement  
Team and changes to existing Fixed Penalty Notice Charges**

**Summary**

1. This report asks the Executive Leader, Housing and Safer Neighbourhoods to consider granting additional enforcement powers to the Neighbourhood Enforcement team. The requested powers are :
  - To issue a Fixed Penalty Notice (FPN) for low level fly-tipping.
  - To issue an FPN for advertising for sale or repairing vehicles on the public highway.
  - The power to enforce the Micro-chipping of Dogs (England) Regulations 2015 (when related to incidents of anti-social behaviour only).
2. In addition, this report asks the Executive Leader, Housing and Safer Neighbourhoods to consider changes to two existing FPN charges issued by the Neighbourhood Enforcement team. These are the FPNs issued for dog fouling and for breach of Community Protection Notice (CPN).
3. Additional powers have been requested as a result of a review of offences commonly reported to the Neighbourhood Enforcement team and the available enforcement powers, to ensure that the team have the relevant powers at their disposal.

**Recommendations**

4. The Executive Leader, Housing and Safer Neighbourhoods, is asked to approve Option 1, to:

- Grant the power for issue of an FPN for low level fly-tipping with a penalty of £400, reduced to £240 for early repayment.
- Grant the power to issue an FPN for advertising for sale two or more vehicles within 500m of each other or repairing vehicles on the public highway, with a penalty of £100, reduced to £75 for early repayment.
- Grant the power to enforce the Micro-chipping of Dogs (England) Regulations 2015 when related to incidents of anti-social behaviour.
- Raise the FPN charge for dog fouling to £75.
- Introduce an early repayment charge of £75 for breach of Community Protection Notice.

Reason: Additional powers have been requested as a result of a review of offences commonly reported to the team against the enforcement powers available to address them. This is to ensure the team have all the necessary enforcement powers at their disposal. The FPN for small scale flytipping is a new power, made available to local authorities from May 2016.

## **Background**

5. In considering the powers that the Neighbourhood Enforcement Team has at their disposal to effectively tackle ASB, the nature of the problem that our communities are facing is paramount. It is also important to consider the impact of the enforcement action has on individuals, its proportionality and its effectiveness in modifying behaviour.
6. The ability to issue Fixed Penalty Notices provides a swifter response to the issue and less costly alternative to prosecution and avoids a potential criminal record for the perpetrator. However, failing to comply with a Notice is a criminal offence and can lead to prosecution.
7. Additional FPN powers have been requested with the following rationale:

### Small-scale Fly-tipping

8. From 9<sup>th</sup> May 2016, under the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016, Local Authorities will be given the power to issue FPNs for small-scale fly-tipping/dumping of waste.
9. The definition of small scale fly-tipping to be adopted will be anything from a single bag to a small van load. Prosecution will continue to be sought for fly-tipping on a larger scale or of a hazardous nature. The

Environment Agency is responsible for enforcement of fly-tipping larger than a lorry-load.

10. Between April 2015 and January 2016, 1298 cases of fly-tipping were reported across York. This is an 11% increase on the reported 1164 cases of fly-tipping during the same period last year. This reflects the national trend. Local authorities across England dealt with 900 thousand cases of fly-tipping in 2014/15 ranging in size from an individual black bag to a small van load, at a cost of almost £50 million for clearance.<sup>1</sup>
11. Tackling fly-tipping is a priority area of work for the team. The Neighbourhood Enforcement Officers (NEOs) work closely with the Public Realm team who pass on any evidence they find before clearing away dumped rubbish, to allow further investigation and possible enforcement action. The team also work with North Yorkshire Police (NYP) Safer Neighbourhoods Officers to target known hotspots through covert patrols and operations.
12. The ability to issue an FPN will provide officers with a swifter response to this offence, avoiding the longer, more costly and resource intensive, prosecution route. This will hopefully lead to an increase in enforcement action and act as a deterrent to those who may consider committing this offence.
13. The maximum penalty charge available to local authorities for this offence is £400. In order to maximise the deterrent value it is proposed that this is level of charge adopted, with an early repayment reduction to £240. Public Realm report that average cost for clearance of fly-tips is in the region of £400 when the tipping charge, labour costs and removal of any hazardous waste is taken into account.
14. CYC Public Realm would be able to recharge the Community Safety Hub, to recover the cost of clearance from income received through payment of the FPN.

#### Advertising Vehicles for Sale/Repairing vehicles on the Public Highway.

15. The Executive Leader, Housing and Safer Neighbourhoods is asked to grant Neighbourhood Enforcement Officers with the power to enforce Sections 3 & 4 of the Clean Neighbourhoods and Environment Act 2005. This will enable the team to issue an FPN for the offence of carrying out restricted works to a vehicle on the highway (repair, maintenance, servicing, improvement or dismantling of the vehicle or any part of the

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<sup>1</sup> Flycapture 2014/15, DEFRA, 2015

vehicle, installation, replacement or renewal of parts) unless the repair is within 72 hours of a breakdown or accident.

16. In addition, to issue an FPN for the offence of exposing or advertising for sale, two or more vehicles parked within 500 metres of each other on a road or roads.
17. The proposed penalty charge for both the above offences is £100, with a reduction to £75 if paid within 10 days.
18. The team investigated 16 reports of this nature during 2015/16. Comparative data is only available for 2013/14 when 2 reports were investigated.

#### Micro-chipping of Dogs (England) Regulations 20165

19. The Executive Leader, Housing and Safer Neighbourhoods is asked to provide the Neighbourhood Enforcement team with the power to enforce the Micro-chipping of Dogs (England) Regulations 2015.
20. From 6<sup>th</sup> April 2016 every keeper of a dog must ensure that their dog is micro-chipped. The responsibility of dealing with non-compliance of this Regulation rests with the Local Authority.
21. The power will be restricted for use only in relation to incidents involving wider anti social behaviour (ASB) enforcement action involving a dog, such as action in respect to dog fouling, dog attack or breach of any Public Space Protection Order (PSPO) placing a restriction on dogs. The new power would allow the Neighbourhood Enforcement Officer to serve a Notice on the dog owner, requiring that they have the animal chipped in addition to other enforcement action.
22. Under the new regulations, details relating to all dogs and their keepers are required to be kept on one of UK's authorised micro-chipping databases. Details stored on the database include: full name and address of the keeper, if the keeper is also a breeder, original name of dog, contact telephone number of keeper, any new name given to the dog by the current keeper, sex of dog, estimated date of birth of dog, colour, and micro-chip number. When a dog is transferred to a new keeper, the new keeper must (unless the previous keeper has already done so) ensure that the database details are updated. It is possible to trace which database a dog's details are stored on, by undertaking an online search of the microchip number. The keeper is then able to register with the database and if necessary, download or print off the record relating to their dog.

23. The Neighbourhood Enforcement Team have access to scanners for detection of dog-chips. They will carry a scanner for all planned dog-related enforcement work (e.g. patrols of dog-related PSPOs, dog fouling hot-spot areas). A scanner will be routinely kept in each of the 3 NEO vehicles and dog owners may be required to accompany the NEO to the vehicle or office for the purpose of scanning the animal.
24. If the person in charge of the dog at the time of the incident is not the registered keeper, the registered keeper would be issued with the Notice to get the animal chipped. Depending of the nature of the associated anti-social behaviour, enforcement action is likely to be targeted at the person in charge of the dog at the time of the incident. However, action may also be taken against the keeper when related to more serious cases of ASB such as a dog attack or if they have left the dog in the care of someone who is not a fit and proper person (someone who cannot control the dog(s)).
25. In addition, the Council's contracted Dog Warden service, will request that the Neighbourhood Enforcement team serve a Notice to the owner of any un-chipped stray dogs they collect.
26. A number of animal welfare organisations, such as the RSPCA, PDSA and Dogs Trust provide free or discounted services for low income pet owners, including micro-chipping.

### Neighbourhood Enforcement Team - Existing & Proposed FPN powers and charges

27. The following table sets out the current and proposed FPN powers and charges.

OFFENCE	EXISTING CHARGE		PROPOSED CHARGE	
	Penalty	Early Repayment	Penalty	Early Repayment
Dog Fouling	£50	£50	<b>£75</b>	No change
Littering	£75	£50	No change	No change
Advertising or Repairing vehicles on public highway	No existing power	No existing power	<b>£100</b>	<b>£75</b>
Low Level fly-tipping	No existing power	No existing power	<b>£400</b>	<b>£240</b>
Graffiti	£75	£50	No change	No change
Flyposting	£75	£50	No change	No change
Breach of PSPO	£100	£75	No change	No change

OFFENCE	EXISTING CHARGE		PROPOSED CHARGE	
Breach of CPN	£100	No existing early repayment charge.	No change	<b>£75</b>
Failure to produce a waste transfer note	£300	£300	No change	No change

## Consultation

28. The request for the additional powers is a direct result of the nature of the problems that our communities are facing.

## Options

29. Option 1 – to:

- To grant the power for issue of an FPN for low level fly-tipping with a penalty of £400, reduced on £240 for early repayment.
- To grant the power to issue an FPN for advertising for sale two or more vehicles within 500m of each other or repairing vehicles on the public highway, with a penalty of £100, reduced to £75 for early repayment.
- To grant the power to enforce the Microchipping of Dogs (England) Regulations 2015 when related to incidents of anti-social behaviour.
- To raise the FPN charge for dog fouling to £75.
- To introduce an early repayment charge of £75 for breach of Community Protection Notice.

30. Option 2 – to:

- Not to grant the power for issue of FPN for low level flytipping.
- Not to grant the power for issue of FPN for advertising for sale two or more vehicles or repairing vehicles on the public highway.
- Not to grant the power to enforce the Microchipping of Dogs (England) Regulations 2015 when related to incidents of anti-social behaviour.
- Not to raise the FPN charge for dog fouling to £75.
- Not to introduce and early repayment charge of £75 for breach of Community Protection Notice.

## Analysis

31. Contained in the report.



## Council Plan

32. The adoption of additional powers for the Neighbourhood Enforcement Team strongly supports the priority within the Council Plan of 'A focus on Frontline Services.' To ensure that residents are protected from harm, with a low risk of crime.

## Implications

33. The implications arising from the report are:

- **Financial** In respect of FPNs, officers may choose to use this enforcement route rather than prosecute for the original offence where a consequence for offenders is a criminal record. Increasing the penalty for dog fouling would reflect the severity of this offence. In relation to breach of Community Protection Notice (CPN) the sum of £100 is the maximum amount that can be set via FPN. An introduction of an early repayment charge of £75 will align this penalty with that of breach of PSPO.
- **Human Resources (HR)** There are no HR implications.
- **Equalities** There are no Equalities implications.
- **Legal** The Council's Legal Services department have advised on the powers contained in this report and have also given training to officers in relation to use of the powers including issuing of FPNs. If these powers are readily available to officers of the Local Authority and are not utilised, this could give rise to challenge from individuals seeking solutions to problems concerning anti-social behaviour.
- **Crime and Disorder** The proposals in this report support Safer York Partnership's priorities to Reduce Crime and Anti-Social Behaviour and to Protect Vulnerable People.
- **Information Technology (IT)** There are no IT implications.
- **Property** There are no Property implications.
- **Other** There are no other implications.

## Risk Management

34. There are no known risks associated with this report.

**Contact Details**

**Author:**

Tanya Lyon  
Community Safety  
Manager  
Community Safety Hub  
01904 555741

**Chief Officer Responsible for the report:**

Steve Waddington  
AD Housing & Community Safety  
01904 554016

**Report  
Approved**



**Date** 6<sup>th</sup> June 2016

**Specialist Implications Officers:**

Legal: Rachel McKeivitt  
Senior Solicitor  
01904 551043

**Wards Affected:**

**All**

**Background Papers**

None

**Annexes**

Annex 1 – Community Impact Assessment

**Abbreviations used in report:**

- |       |   |
|-------|---|
| ASB   | Anti Social Behaviour   |
| CPN   | Community Protection Notice   |
| FPN   | Fixed Penalty Notice  |
| NEO   | Neighbourhood Enforcement Officer   |
| NYP   | North Yorkshire Police  |
| PDSA  | (a charity which provides free veterinary care to the sick and injured pets of people in need and promotes responsible pet ownership) |
| PSPO  | Public Space Protection Order   |
| RSPCA | Royal Society for the Prevention of Cruelty to Animals  |

## SECTION 1: CIA SUMMARY



## Community Impact Assessment: Summary

**1. Name of service, policy, function or criteria being assessed:**

New enforcement powers for the Neighbourhood Enforcement Team.

**2. What are the main objectives or aims of the service/policy/function/criteria?****Service overview:**

- To provide staff with additional enforcement powers in relation to: flytipping, vehicle repair and maintenance on the road-side and micro-chipping of dogs.

**3. Name and Job Title of person completing assessment:**

Tanya Lyon, Community Safety Manager

**4. Have any impacts been Identified? (Yes/No)**

NO

**Community of Identity affected:**

**Summary of impact:**

**5. Date CIA completed: 27/5/16**

**6. Signed off by:**

**7. I am satisfied that this service/policy/function has been successfully impact assessed.**

**Name: Jane Mowat**

**Position: Head of Community Safety**

**Date:**

**8. Decision-making body:**

**Date:**

**Decision Details:**

Send the completed signed off document to [ciasubmission@york.gov.uk](mailto:ciasubmission@york.gov.uk) It will be published on the intranet, as well as on the council website.

Actions arising from the Assessments will be logged on Verto and progress updates will be required

## Community Impact Assessment (CIA)

**Community Impact Assessment Title:**

Repositioning of Service Provision Peasholme Centre.

What evidence is available **to suggest that the proposed service, policy, function or criteria could have a negative (N), positive (P) or no (None) effect** on quality of life outcomes? (Refer to guidance for further details)

Can negative impacts be justified? **For example: improving community cohesion; complying with other legislation or enforcement duties; taking positive action to address imbalances or under-representation; needing to target a particular community or group e.g. older people.** NB. Lack of financial resources alone is NOT justification!

### Community of Identity: Age

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Powers relate to Over 18's only.			None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Carers of Older or Disabled People**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
			None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Disability**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
			None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Gender**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
None			None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Gender Reassignment**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
None			None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Marriage & Civil Partnership**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
None			None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

<b>Community of Identity: Pregnancy / Maternity</b>				
Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
None			None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

<b>Community of Identity: Race</b>				
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Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
None			None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Religion / Spirituality / Belief**

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
None			None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

**Community of Identity: Sexual Orientation**



Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
None			None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

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