

Scrutiny Report



Overview and Scrutiny Management Committee

Part 1

Date: 24th June 2021

Subject Parks PSPO

Author Overview and Scrutiny Officer

The following people have been invited to attend for this item:

Invitee:	Area / Role / Subject
Joanne Gossage	Service Manager Environment and Leisure
Jennie Judd	Team Manager – Parks and Recreation

Section A – Committee Guidance and Recommendations

1 Recommendations to the Committee

The Committee is asked

1. Agree or otherwise the restrictions proposed by the draft PSPO for Cemeteries, Parks, Open Spaces and Countryside sites Managed and or owned by Newport City Council.
2. Satisfy itself that the evidence provided is sufficient, or otherwise, to progress to consultation on the draft PSPO.
3. Consider the consultation plan and determine whether the proposed consultation is targeting the most appropriate people/organisations and whether the chosen medium of consultation will provide the necessary information for the process to proceed.
4. Agree to review the outcome of the consultation and consider the final draft of the PSPO at a future meeting.

2 Context

Background

2.1 What is a Public Spaces Protection Order?

2.2 Public Spaces Protection Orders (PSPO) specify areas where activities take place which are or may likely be detrimental to the local community's quality of life and public health. The order impose restrictions on how people may use specified areas.

2.3 The Anti-Social Behaviour, Crime and Policing Act 2014 which came in in October 2014, introduced the Public Spaces Protection Order (PSPO). The Act repeals Dog Control Orders, Gating Orders and alcohol Designated Public Places Orders. Newport has a number of dog control orders on sensitive sites in addition to by-laws on parks and open spaces. Many of these are now out of date and all need to be replaced under the new legislation.

2.4 There was a three year time limit for local authorities to replace these existing orders with one or more PSPO. We therefore propose to review all such orders which were in place in Newport and achieve consistency across all publically accessible sites owned and managed by the Council.

2.5 What is a Public Spaces Protection Order?

2.6 A PSPO is designed to prevent individuals or groups committing anti-social behaviour in a public space where the behaviour is having, or be likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing nature; and be unreasonable. The power to make an Order rests with local authorities, in consultation with the police, Police and Crime Commissioner and other relevant bodies who may be impacted.

2.7 The Council can make a PSPO on any public space within its own area. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre.

There are particular considerations for registered common land, town or village greens and open access land. The maximum length of a PSPO is three years.

2.8 When making a PSPO, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in the European Convention on Human Rights. Consideration of a Public Spaces Protection Order will take place where there is material evidence of anti-social behaviour. Assessments will commonly include reports to the police, and various Council teams and partner agencies.

2.9 Restrictions

2.10 Restrictions and requirements are set by the local authority and can be blanket restrictions or requirements, or can be targeted against certain behaviour by certain groups at certain times. They can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour.

2.11 Orders can be enforced by a police officer, police community support officer and council officers. A breach of the Order is a criminal offence and can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a prosecution via the courts which can result in a level 3 fine, £1000.

2.12 Appeals against the setting up of a PSPO

Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. Further appeal is available each time the PSPO is varied by the council.

3 Information Submitted to the Committee

3.1 Proposed PSPO?

3.2 Public Spaces Protection Orders (PSPO) specify areas where activities take place which are or may likely be detrimental to the local community's quality of life and public health. The order impose restrictions on how people may use specified areas.

3.3 This order will cover issues such as the control of dogs on public sites including dog fouling, keeping dogs on leads and excluding dogs from specified zones or sites.

3.4 In summary the order:

- **Excludes dogs from:**
 - enclosed children's play areas
 - specific coastal areas and beaches at certain times of year
 - specific sporting or recreational facilities at certain times of the year
- **Requires dogs to be kept under close control or on a leads within:**
 - City Council churchyards and cemeteries on a lead
 - Countryside or coastal sites as directed
 - Sites designated for nature conservation and protection as directed
 - Along cycleways and Active Travel routes as directed
- **Requires dog owners to remove dog faeces forthwith**
 - This applies to any land to which is open to air and to which the public have access
 - To carry a suitable receptacle to collect and dispose of dog faeces
- **Requires dog owners to put their dog on a lead when directed to do so by an authorised officer or by appropriate signage on site.**
 - This will apply to any public land where a dog is considered to be out of control or causing alarm and or distress

3.5 Proposed Consultation

3.6 We feel any PSPO ought to have the buy-in of those affected by it. In an ideal world, we would hope that such was the universal support for the measures it would become self-policing.

Accordingly, we propose to consult widely with:

- Parks Users: General Public, Sports Teams etc.
- The public via elected Members and via press releases and the website (with a questionnaire allowing the public to vote for what they would like to see in a PSP and to add other measures to the above list).
- Gwent Police, Police and Crime Commissioner

3.7 A list of the site where the POPO's will be applicable are detailed in **appendix 1**.

3.8 The online consultation will run for a period of four weeks, with a copy of the consultation document and all of the relevant maps being available to view online. Upon completion of the Public Consultation all data will be put into a report format and also used to help inform the fairness, equalities, impact assessment.

3.9 A copy of the proposed consultation questions are detailed in **appendix 2**.

4. Suggested Areas of Focus

4.1 The proposed content of the new PSPO is detailed below.

Section B – Supporting Information

5 Supporting Information

5.1 The necessary evidence to support Scrutiny Committee in making its decision is included in the appendices associated with this report.

Appendix 1	A list of the sites where the PSPO's will be applicable.
Appendix 2	A copy of the proposed consultation questions.
Appendix 3	A copy of complaints relating to dog faeces and dogs off leads.
Appendix 4	Examples of other Welsh Local Authorities PSPO's.
Appendix 5	Maps and plans

5.2 These can be summarised and included within the body of the report, or linked for background reading.

6 Links to Council Policies and Priorities

- Summarise how this report aligns with Council priorities – in particular the Corporate Plan and wellbeing objectives:

Well-being Objectives	Promote economic growth and regeneration whilst protecting the environment	Improve skills, educational outcomes & employment opportunities	Enable people to be healthy, independent & resilient	Build cohesive & sustainable communities
Corporate Plan Commitments	Thriving City	Aspirational People		Resilient Communities
Supporting Function	Modernised Council			

Ensuring that this work is completed as required will support the following Council Policies and Strategies:

Newport City Council's Corporate Plan "Standing Up for Newport" 2012-2017 (Relevant priorities: "A Greener & Healthier City"; "A Safer City").

Newport's Community Strategy 2010-2020 "Feeling Good About Newport" (Relevant themes: "To be a prosperous and thriving city"; "To have a better quality of life"; "To have vibrant and safe communities").

7 Wellbeing of Future Generation (Wales) Act

7.1 General questions

- How is this area / policy affected by the new legislation?
- How will this decision / policy / proposal impact upon future generations? What is the long term impact?
- What evidence is provided to demonstrate WFGA has been / is being considered?
- Evidence from Community Profiles / other data?
- (When published:) Evidence of links to Wellbeing Assessment / Objectives / Plan?

7.2 Wellbeing Goals

- How are the Wellbeing goals reflected in the policy / proposal / action?
 - *A prosperous Wales*
 - *A resilient Wales*
 - *A healthier Wales:* to provide an environment where people of all demographics can socialise, exercise and take part in formal and informal leisure activities, without the fear of coming into contact with dogs off a lead, and dog faeces which has not been appropriately collected and disposed of, thus discouraging people from exercising and potentially posing a serious health issue to facility users. To provide designated leisure facilities or spaces within Parks that facilitate dog owners and their pets to freely exercise, without the fear of being challenged.
 - *A more equal Wales:* to provide an outdoor environment where all individual needs are met and facilitated in a safe way, ensuring that no persons are excluded.
 - *A Wales of cohesive communities*
 - *A Wales of vibrant culture and thriving Welsh language*
 - *A globally responsible Wales*

7.3 Sustainable Development Principles

Does the report / proposal demonstrate how as an authority we are working in accordance with the sustainable development principles from the act when planning services?

Long term: The introduction of Public Space Protection Orders within Cemeteries, Parks and Countryside Facilities, brings Newport City Councils (NCC) provisions in line with other neighbouring Local Authorities. The introduction of the PSPOs will replace the now expired Dog Control Order. This will help to provide a safer environment for all demographics to take part in outdoor recreation including formal and informal play, without fear or unwanted contact with a dog that is being exercised off a lead. It also assists in reducing the danger of persons coming into contact with dog faeces that has failed to be appropriately disposed of. Although no such cases have been reported to the city Council, it has been widely reported upon throughout the UK that children and adults have suffered from gastrointestinal parasites and even blindness, when coming into contact with dog faeces when taking part in formal sports and informal play. The introduction of the Dog Control Orders will ensure that Newport City Council is continually striving to provide a safe and inclusive environment, for all people to take part in different forms of Leisure activities, whilst also providing suitably allocated locations and spaces where dog owners can freely be exercised, without the fear of being challenged.

Prevention: The Order would allow for Council Officers and Police Constables to demand a dog is placed on a lead if it is deemed as being a nuisance or could cause harm. It must be pointed out though that the wording of the legal order states that this will only take place if it is deemed necessary to do so. Signage will also be displayed to remind people of their responsibilities in area when officers are not present.

Integration: This report supports the following Well-being and Future Generations Goals and NCC Well-being Objective number three; to enable people to be healthy, independent and resilient.

A Healthier Wales – to provide an environment where people of all demographics can socialise, exercise and take part in formal and informal leisure activities, without the fear of coming into contact with dogs off a lead, and dog faeces which has not been appropriately collected and disposed of, thus discouraging people from exercising and potentially posing a serious health issue to facility users. To provide designated leisure facilities or spaces within Parks that facilitate dog owners and their pets to freely exercise, without the fear of being challenged.

A more equal Wales – to provide an outdoor environment where all individual needs are met and facilitated in a safe way, ensuring that no persons are excluded.

Collaboration: By Introducing the Public Space Protection Order we have measured our approach against other neighbouring local authorities of a similar size and demographic. We believe that this is fundamental to our tourism economy, as well as contributing to the education, health and well-being of our residents. It is imperative that the councils Parks & Outdoor Recreation and Countryside Services, and infrastructure is of the highest standard, to continue to provide physical activity and education opportunities, along with partnership working with key stakeholders such as Newport Live, Keep Wales Tidy, Gwent Wildlife Trust, Sport Wales, WRU, WFA, RSPB and volunteers and friends groups. This can only be achieved if there is continued and planned investment into such community and green infrastructure

Involvement: We will undertake a number of formal consultations and enter into direct discussions with representatives of the Kennel Club, and other stakeholders. In addition, there will be a period of public consultation regarding the Public Space Protection Orders which will be advertised in the South Wales Argus, objectors will be encouraged to submit their objections in writing to be considered as part of this Cabinet Report. We have also looked at the demographics of our City to ensure that our charges are pitched to a level that will continue to promote Newport as a suitable venue for physical activity and outdoor education, without discouraging those who are on fixed or low waged incomes.

8. Background Papers

Include all additional documents that are referenced in the report, and those that you have used as background reading. Hyperlink to online versions of them if available.

- [The Essentials - Wellbeing of Future Generation Act \(Wales\)](#)
- [Corporate Plan](#)

Report Completed: December 2017

Appendix 1: A list of the sites where the POPO's will be applicable

Ward	Site Name
Allt-Yr-Yn	Sorrell drive Fixed Play
	Sorrell Drive MUGA
	Sorrell Drive Skate Park
	Sorrell Drive Open Space Area
	Barrack hill Fixed Play
	Allt -Yr-Yn Open Space
	Allt-yr-yn Fixed Play
	Allt-yr-yn/Ridgeway/Double View
	St Woolos Cemetery
	Mon & Brec Canal (M4 Underpass to Barrack Hill)
	Barrack Hill Open Space
	Coed Melyn
	Allt-yr-yn Nature Reserve
	Alway
Mount Bax MUGA	
Penkin Hill Fixed Play	
Beechwood	Beechwood Park Fixed Play (Top)
	Beechwood Park MUGA
	Beechwood park Fixed Play (Bottom)
	Beechwood Park Open Spaces
	Beechwood Park Tennis Courts
	Christchurch Cemetery
	Woodland Park
	The Moorings
Bettws	Bettws lane Fixed Play
	Bettws MUGA
	Bettws Lane Playing Fields
	Ty Coed Playing Fields
	Tone road Fixed Play
	Livale walk Fixed Play
	Humber road Fixed Play
	Mon & Brec Canal (Gwastad Gate to Torfaen Boundary)
Caerleon	Coldbath road Fixed Play
	Caerleon Rugby
	Caerleon 'The Fosse' Playing Field
	Cold Bath Road Playing Fields
	Home Farm Fixed Play
	Roman way Fixed Play
Christchurch Viewing Oint	

	Caerleon Cemetery
	Caerleon Cycle Way
Dyffryn	Open Space adj Pencarn Lane
	Dyffryn Wods
Gaer	Stelvio park Fixed Play
	Gaer Park Fixed Play
	Gaer MUGA
	Gear Fort
Graig	Cow shed lane Fixed Play
	Fort view Fixed Play
	Rhiwderin Fixed Play
	Gloch wen Fixed Play
	Caernarfon drive Fixed Play
	Graig Wood
	Old Tredegar Park Golf Course
Langstone	Poppy Park Fixed Play
	Centenary Field Fixed Play
	Centenary Field Open Space
	Centenary Park MUGA
	Penyworld Woodland
	Foresters Oaks Meadow Site
Llanwern	Underwood Park Fixed Play
	Underwood MUGA
	Underwood Park Skate Park
	Waltwood park Fixed Play
	Underwood Cemetery
	Coed Rheddyn/Scotch Wood
	Birch Grove, Llanmartin
Lliswerry	Oliver road Fixed Play
	Coronation Park Playing Fields
	Thompson Ave Fixed Play
	Lliswerry rec Fixed Play
	Lysaghts Fixed Play
	Lysaghts MUGA
	NISV Fixed Play
	NISV MUGA
	Liswerry Rec Playing Field
	Somerton Park Fixed Play
	Coastal Path - Transporter Bridge
	Monkey Island
Malpas	Westfield Gym
	Westfield Playing Fields
	Westfield Fixed Play
	Penny crescent Fixed Play
	Grove park Fixed Play
	Grove Park MUGA

	Crindau Park Playing Field
	Crindau Park Tennis Courts
	Pilton Vale
	Grove Park Drive
Marshfield	Cambrian close Fixed Play
	Percoed Reen Cylce path and Fields
Pillgwenlly	Pill Playing Fields Fixed Play
	Ruperra Street Fixed Play
	Riverside Park
Ringland	Ringland park Fixed Play
	Ringland Park Playing Fields
	Ringland MUGA
	Playford crescent Fixed Play
	Edward german Fixed Play
	Ladyhill Wood
	Hartridge Wood
	Rignland Wood
	Land between Ringland Allotments & Hartridge Wood
	Farnaby Close
Rogerstone	Cefn wood Fixed Play
	Cefn Wood Playing Fields
	Afon village Fixed Play
	Rivermead MUGA
	Delphinium Way open space
	Delphinium way Fixed Play
	Woodland Area Afon Village
	14 Locks open Space
	Gwenn-y-Cefla Wood
	Mon & Brec Canal (Cearphilly boundary to M4 Underpass)
Shaftesbury	Shaftesbury Park Fixed Play
	Shaftesbury Park Playing Fields
	Pugsley Street MUGA
	Crindau Playing Fields
	Crindau Park Fixed Play
	Brynglas Woods
	Graig Wood
St Julians	Kelly rd Fixed Play
	Glebelands Fixed Play
	Glebelands Tennis Courts
	Glebelands Playing Fields
	Renoir MUGA
	St Woolos Cemetery
	St Julians Wood
Stow Hill	Clifton Park Fixed Play
	Baneswell Mouse Garden Fixed Play
	Belle Vue MUGA

	Belle Vue Park
	Belle Vue Fixed Play
Tredegar Park	Tredegar Park Fixed Play
	Tredegar Park Skate Park
	Tredegar Park Gym
	Tredegar Park MUGA
	Tredegar Park Tennis Courts
	Tredegar Park Playing Fields
	Duffryn park Fixed Play
	Light House Rd Fixed Play
	Duffryn Rebound Wall
	Duffryn Sandpiper Way Playing Field
	Cambrian Road Fixed Play
Victoria	Radnor Road Fixed Play
	Maindee MUGA

Appendix 2: A copy of the proposed consultation questions are detailed below.

Public Space Protection Order

Consultation

New Powers are available to local authorities under the Anti-Social Behaviour, Crime and Policing Act 2014 to tackle irresponsible dog ownership.

The Council propose to make a Public Spaces Protection Order, containing 4 proposed dog controls:

1. A provision requiring people to clean up after their dogs immediately, if it defecates on public land. This will apply on **ALL** publicly accessible land in the City of Newport.
2. A provision requiring people to place their dog on a lead when directed to do so by an authorised officer of the Council or Police Constable. This will also apply on ALL publicly accessible land in the City of Newport
3. A provision prohibiting dogs from all outdoor enclosed children's play areas and sports pitches within their respective seasons within the City of Newport.
4. Dogs are to be kept on leads at all times when within a cemetery.

When responding to this questionnaire you may wish to consider whether you agree that there is a need for the proposed controls, whether they are reasonable, whether they should be amended in some way, or whether there are other ways we could achieve our objectives. We would welcome any comments that you may wish to make.

Are you a dog owner?

Yes

No

If yes, on an average dog walk how many dogs do you have with you?

Are you a parent?

Yes

No

How old are you?

<16

16 – 24

25 – 34

35 – 44

45 – 54

55 – 64

65 – 74

>74

The following questions relate to specific elements of the proposed order, and would be applied to ALL publicly accessible land in the City of Newport, subject to the exemptions set out previously.

The Council is proposing to make an Order that will require people to clean up after their dog(s) immediately if it defecates on public land. How far do you agree with this proposal?

strongly agree agree neither agree /
disagree disagree strongly disagree

Are you aware you can dispose of dog faeces in any Council public waste bin in parks or on pavements?

Yes

No

A direction to put a dog on a lead can only be made where an authorised officer of the Council or Police Constable believes that such restraint is reasonably necessary to prevent a nuisance, or behavior by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal or bird.

The Council is proposing to make an Order that will require people to place their dog on a lead when directed to do so by an authorised officer. How far do you agree with this proposal?

strongly agree agree neither agree/
disagree disagree strongly disagree

The Council is proposing to make an Order that will prohibit dogs from all outdoor enclosed children's play areas, subject to the exceptions set out above. How far do you agree with this proposal?

strongly agree agree neither agree/
disagree disagree strongly disagree

The Council is proposing to make an Order that will prohibit dogs from all marked sports pitches (during their respective seasons). How far do you agree with this proposal?

strongly agree

agree

neither agree/
disagree

disagree

strongly disagree

The Council is proposing to make it a requirement that dogs are kept on leads within all cemeteries owned and / or maintained by Newport Council. How far do you agree with this?

strongly agree

agree

neither agree/
disagree

disagree

strongly disagree

The Council is proposing to make an Order that there is a requirement allowing authorised officers to give a direction that a dog(s) be put and kept on a lead if necessary. Do you agree with this?

Yes

No

Do you agree that enforcement measures should be put in place to ensure that dog owners / walkers carry bags or other suitable means for the disposal of dog faeces?

Yes

No

Are your day to day activities limited because of a physical or mental health condition, illness or disability which has lasted, or is expected to last 12 months or more?

Yes

No

Additional Comments

Once completed please return to insert email account City.Services@newport.gov.uk

On behalf of Newport City Council, I would like to take this opportunity to thank you for taking the time to complete this consultation form.

- Appendix 3 [A copy of complaints relating to dog faeces and dogs off leads.](#) (See file attached).
- Appendix 4 [Examples of other Local Authorities PSPO's.](#) (See file attached).
- Appendix 5 Maps and plans. (To follow).