



COUNCIL: 14 December 2022

Report of: Director of Place and Community

Relevant Portfolio Holder: Councillor J. Wilkie

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SUBJECT: PUBLIC SPACE PROTECTION ORDER RENEWAL 2023- 2026

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1** To seek approval to undertake a consultation exercise in relation to renewing and amending the Council's existing Public Space Protection Order 2023 – 2026 which details numerous Dog Control provisions for locations across the Borough.

2.0 RECOMMENDATIONS TO COUNCIL

- 2.1** That the proposed amendments to the Public Space Protection Order are approved for public consultation.
- 2.2** That the results of the consultation be reported back to Council in February 2023 and consideration be given to the approval of a final Order.
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3.0 BACKGROUND

- 3.1** On the 1st April 2017, WLBC created a Public Space Protection Order (PSPO) under the Anti-social Behaviour, Crime and Policing Act 2014 (Appendix 1). Further details can be found via <https://www.westlancs.gov.uk/environment/dogs/dog-control.aspx>.

The order details restrictions that are in place relating to:

- dog fouling,
- dogs' exclusion areas
- areas where dogs should be on a lead, and
- the number of dogs that can be walked by one person.

3.2 There are currently 69 enclosed play areas where dogs are excluded and 5 areas where dogs are required to be kept on leads. The order consolidated numerous pieces of old legislation and has been successful in minimising dog related issues in the areas concerned.

3.3 All PSPO's are valid for a period of 3 years unless they are extended before the expiry date. A local authority can extend the lifetime of the Order for a maximum further period of 3 years if satisfied on reasonable grounds that doing so is necessary to prevent an occurrence or reoccurrence of the activities or an increase in frequency or seriousness of those activities. An Order can be extended for up to a further 3 years and there are publication requirements as set down by the Secretary of State. The original order was extended on the 17th July 2020 and expires 31st March 2023.

3.4 In addition, a local authority has the power to amend an Order if it satisfies two conditions.

Condition 1: It believes:

- a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect

Condition 2 is that the effect, or likely effect, of the activities:

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) justifies the restrictions imposed by the notice.

3.5 As the lifetime of the current Order requires renewing to cover the existing play areas, there has also been two new additional play areas created in the Borough during the lifetime of the Order Council is asked to approve the proposed public consultation exercise which relates to the suggested renewal and amendment of the existing Public Space Protection Order (PSPO).

4.0 PROPOSAL

4.1 Since the introduction of the current Order, a further two new play areas have been created in the Borough. It is proposed that they are added to the current Order to show continuity across the Borough.

4.2 It is noted that there are no further amendments intended to the current existing locations. It is simply proposed that the existing PSPO be amended to include the following new restrictions and locations:-

- Tawd Valley – Queen Elizabeth II Diamond Jubilee Park – dogs to be kept on leads around the play equipment as indicated in the map and dogs to be excluded from the gated Children's Play Area.
- Thompson Avenue Children's Play Park – dogs to be excluded.

- 4.3** It is worth noting that where restrictions are proposed relating to keeping dogs on a lead, alternative areas must be available nearby to allow dogs to be exercised off a lead. Officers are satisfied that this is the case.
- 4.4** The Council is required to consult on the additional new proposed restrictions (i.e. Appendices 2 and 3). The requirement is that as well as consulting the community, Parish Councils, the Police and Crime Commissioner are consulted, as the Police potentially have a role in enforcing the Order. The Council's website will contain an on-line questionnaire in relation to the proposals which will allow respondents to support or object the proposals and add any comments they have. The consultation is set to be undertaken for around 6 weeks, commencing on Monday 19th December and closing on Monday 30th January and will be promoted via local press, the Council's website and using social media. Officers will also reach out to local interest groups to ensure residents and those likely to use the areas are aware of the proposals and their ability to comment.
- 4.5** In addition to the statistical analysis, any comments received will be collated and brought before a meeting of Council in February 2023 for a final decision on whether the new restrictions are to be included within the PSPO.
- 4.6** Should the amendments to the Order be approved, signage will be installed at sites to notify the public of the PSPO requirements on site. If residents are found in contravention of the order, they may receive a Fixed Penalty Notice for £75.

5.0 SUSTAINABILITY IMPLICATIONS

- 5.1** There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1** The resource implications from this report can be met within existing resources.

7.0 RISK ASSESSMENT

- 7.1** Including the proposed restrictions on the new play areas will demonstrate consistency with previous work and assist in the reduction of anti-social behaviour.

8.0 HEALTH AND WELLBEING IMPLICATIONS

- 8.1** The health and wellbeing implications arising from this report will be dependent on the budget proposals put forward at the Council meeting. Details of any significant implications will be provided at the Council meeting if required.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local

Government Act 1972) to this Report.

Equality Impact Assessment

The decision to consult does have direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required and available in Appendix 5.

Appendices

Appendix 1 – Existing PSPO 2020

Appendix 2 – PSPO Dog Control Public Consultation Questionnaire

Appendix 3 – Tawd Valley – Queen Elizabeth II Diamond Jubilee Park map
Proposed new areas where dogs will be required to be kept on leads and be excluded from the play area.

Appendix 4 – Thompson Avenue Park map
Proposed new area where dogs will be excluded.

Appendix 5 – Equality Impact Assessment Form

Appendix 1 – Existing Public Space Protection Order 2020



WEST LANCASHIRE BOROUGH COUNCIL ANTISOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER - (WEST LANCASHIRE BOROUGH COUNCIL) 2020

West Lancashire Borough Council in exercise of its powers under S59 of the Anti- Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in S59 of the Act have been met hereby makes the following Order:

This Order comes into force on 1st April 2020 for a period of 3 years.

This Order supersedes the following:

- The Fouling of Land by Dogs (West Lancashire) Order 2008
- The Dogs Exclusion Order 2009
- The Dogs off Leads Order 2009
- The Dogs (Specified Maximum) Order 2009 The Dog on Leads by Direction Order 2009
- Public Space Protection Order 2017

The Order applies to the land specified in the attached Schedules and maps (where relevant) and should be read in conjunction with the same.

Section 1 - General Provisions

- 1.1 Where specified, in this Order, "the Council" means West Lancashire Borough Council.
- 1.2 A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog
- 1.3 In relation to Section 2 & 6 of this Order the offence does not apply to a person who:
 - 1.3.1 is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or
 - 1.3.2 has a disability which affects his hearing, mobility, manual dexterity, physical co-ordination, or ability to lift, -carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
 - 1.3.3 each of the following is a "prescribed charity" for the purposes of this Order-
 - (i) Dogs for the Disabled (registered charity number 700454);

- (ii) Support Dogs (registered charity number 1088281);
- (iii) Canine Partners for Independence (registered charity number 803680)
- (iv) Hearing Dogs for Deaf People (registered charity number 293358)

1.4 An "authorised officer of the Council" means an employee of the Authority who is authorised in writing by the Council for the purposes of giving directions under this Order.

Section 2 - Dog Fouling

2.1 This Section applies to the land specified in Schedule 1

2.2 If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless -

- (a) he has reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2.3 For the purposes of this section -

- (a) placing of faeces in a receptacle on the land, which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
- (b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

Section 3 - Specified Maximum Number of Dogs

3.1 This Section applies to the land specified in Schedule 1

3.2 A person will be guilty of an offence if, at any time, he takes onto any land in respect of which this Order applies more than six dogs per person, unless

- (a) he has reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

Section 4 - Dogs to Be Kept on Leads in Identified Areas

4.1 This Section applies to the land specified in Schedule 2

4.2 A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a lead, unless -

- (a) he has reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Section 5 - Dogs to Be Kept on Leads When Directed to Do So by An Authorised Officer

5.1 This Section applies to the land specified in Schedule 1

5.2 A person in charge of a dog shall be guilty of an offence if, at any time on any land to which this Order applies, he does not comply with a direction given to him by an Authorised Officer of the Council to put and keep the dog on a lead unless -

- (a) he has reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

5.3 an Authorised Officer of the Council may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog causes or is likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.

Section 6 - Dogs to Be Excluded from Designated Areas

6.1 This Section applies to the land specified in 3

6.2 A person in charge of a dog shall be guilty of an offence if at any time he takes a dog onto, or permits a dog to enter or to remain on, any land to which this Order applies unless -

- (a) he has reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Section 7 - Penalty

A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1) of the Act and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

Fixed Penalty Notices

In accordance with S68 of the Act an Authorised Officer may issue a fixed penalty notice (the Notice) of £75.00 to anyone he has reason to believe has committed an offence under this Order.



**WEST LANCASHIRE BOROUGH COUNCIL ANTISOCIAL BEHAVIOUR CRIME AND
POLICING ACT 2014**

**PUBLIC SPACE PROTECTION ORDER -
(WEST LANCASHIRE BOROUGH COUNCIL) 2020**

SCHEDULE 1

This Order applies to all land which is within the administrative area of the Borough of West Lancashire and which the public are entitled or permitted to have access with or without payment. The order will also apply to all Access Land within the Borough of West Lancashire within the meaning of S1(1) Countryside and Rights of Way Act 2000.

**WEST LANCASHIRE BOROUGH COUNCIL ANTISOCIAL BEHAVIOUR
CRIME AND POLICING ACT 2014**

**PUBLIC SPACE PROTECTION ORDER -
(WEST LANCASHIRE BOROUGH COUNCIL) 2020**

SCHEDULE 2

This Order applies to -

- (a) all carriageways in the West Lancashire Borough Council Area (either public or to which the public have access with or without payment) with a speed limit of 40 miles per hour or greater and the adjoining footways, cycle tracks and verges (either public or to which the public have access with or without payment); and
- (b) the areas outlined below and identified in the attached plans:
- Part of Beacon Country Park
 - Part of Coronation Park, Ormskirk
 - Coronation Park, Skelmersdale
 - St Helens Road Park, Ormskirk
 - Alder Lane playing fields, Parbold
 - Ormskirk Rugby Club, Ormskirk
 - Tarleton Cricket Club, Tarleton
 - Tarleton Rugby Club, Tarleton

WEST LANCASHIRE BOROUGH COUNCIL ANTISOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER - (WEST LANCASHIRE BOROUGH COUNCIL) 2020

SCHEDULE 3

The areas outlined below and identified in the attached

plans: Schedule of Borough Council "enclosed play areas"

at:

- Coronation Park, Park Road, Ormskirk, West Lancs
- Ennerdale Tanhouse Park, Skelmersdale, West Lancs
- Cascades, Ormskirk Road, Skelmersdale, West Lancs
- Bracknel Way, Aughton, Ormskirk, West Lancs
- Abrams Fold/Lancaster Gate, Banks, West Lancs
- Appley Playing Fields, Appley Lane South, Appley Bridge, West Lancs
- Banksbarn, Digmaor, Skelmersdale, West Lancs
- Abbeystead, Gillibrands Road, Little Digmaor, Skelmersdale, West Lancs
- Fairhaven, Skelmersdale, West Lancs
- Banks Leisure Centre, Greaves Hall Avenue, Banks, West Lancs
- Hawksclough, Skelmersdale, West Lancs
- Holland Moor, Digmaor, Skelmersdale, West Lancs
- Priors Close Vicarage Gardens, Burscough, West Lancs
- Rees Park, Burscough, West Lancs
- Richmond Park, Burscough, West Lancs
- School Lane, Westhead, Ormskirk, West Lancs
- Stanley, Coronation Park, Skelmersdale, West Lancs
- Firbeck, Skelmersdale Town Centre, Skelmersdale, West Lancs
- Trinity Walks, Tarleton, West Lancs
- Broadacre, Upholland, Skelmersdale, West Lancs
- Dewberry Fields, Upholland, Skelmersdale, West Lancs
- Moy Park, Scarisbrick, West Lancs
- Willows, Victoria Park, Skelmersdale, West Lancs
- Southport Road, Scarisbrick, West Lancs
- Poppyfields, Hesketh Bank, West Lancs
- Eavesdale/Edenhurst, Skelmersdale, West Lancs
- White Moss Road, Skelmersdale, West Lancs
- Westhead (School Lane)
- Coronation Park, Ormskirk
- Halsall Lane, Ormskirk
- Westend, Ormskirk

- Mawdesley Terrace, Ormskirk
- Pickles Drive, Burscough
- Rees Park, Burscough
- Richmond Park, Burscough
- Banksbarn, Digmoor
- Beacon Country Park, Up Holland
- Alderley, Little Digmoor
- Belvedere Way, Aughton
- Fairhaven, Birch Green
- Helmsdale, Birch Green
- Inglewhite, Birch Green
- Stanley Coronation Park, Old Skelmersdale
- Tanfields, New Church Farm
- Evington, Tanhouse
- Ennerdale, Tanhouse
- Abbeystead, Little Digmoor
- Daisy Way, Scarisbrick
- Greenhill, Old Skelmersdale
- Chequerlane
- Beacon Park
- Hilldale Playing Field
- Bickerstaffe Playing Field
- Evermore Hub, Digmoor

Schedule of Parish Council "enclosed play areas" at:

- Winifred Lane, Aughton, West Lancs
- Redsands, Aughton, West Lancs
- Holt Green, Aughton, West Lancs
- Mere Avenue, Burscough, West Lancs
- Engine Lane, Great Altcar, West Lancs
- Memorial Hall, Halsall Road, Halsall, West Lancs
- Shore Road, Hesketh with Beconsall, West Lancs
- Glen Park Drive, Hesketh with Beconsall, West Lancs
- Schwartzmans Drive, North Meals, West Lancs
- Village Hall, The Green, Parbold, West Lancs
- Burnside, Parbold, West Lancs
- Village Hall, Smithy Lane, Scarisbrick, West Lancs
- Carr Lane, Tarleton, West Lancs
- Mill Lane, Up Holland, West Lancs
- Lawns Ave, Up Holland, West Lancs
- Station Road, Hesketh Bank

The fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

When a Notice is issued, no proceedings will be taken in respect of the offence before the end of the period of 14 days following the date of the Notice. If the person issued with the Notice pays the amount due within the 14-day period, he may not be convicted of the offence.

Section 8-Appeal

If any interested person desires to question the validity of this Order on the grounds that the Council has no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he may apply to the High Court within six weeks from the date on which this Order is made.

Dated this 17 day of July 2020

The COMMON SEAL of WEST)
LANCASHIRE BOROUGH)
COUNCIL was hereunto affixed)
in the presence of:)



Authorised Officer