



## Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 30 January 2024

Wards affected: All

---

### Public Space Protection Order

---

Report of Director Corporate and Street Scene Services

#### **1. Purpose of report**

- 1.1 To seek endorsement for the new Public Space Protection Order (PSPO) for the borough of Hinckley and Bosworth.

#### **2. Recommendation**

- 2.1 That Council notes the contents of the report and agrees the proposed new order which will have 3 parts.
- i. Part 1: ban the use across the whole of the borough, of consuming intoxicating substances or new psychoactive substances (legal highs) on public land. A person will commit an offence if they fail to surrender any alcohol when ordered to do so by an authorised Officer on public land.
  - ii. Part 2: dog control issues on public land including a requirement to remove and correctly dispose of dog faeces, failing to put a dog on a lead when instructed to do so by an authorised officer, and the banning of dogs / requirement to have dogs on leads in specific locations detailed in 3.5 and 3.6 below.
  - iii. Part 3: green space issues relating to specific sites including the banning of fires and barbecues, restrict the use of remote controlled vehicles, aircraft and motorcycling, and failing to leave a park at closing time when requested to do so. Specific sites and restrictions are detailed in 3.9 and 3.10.
- 2.2 That Council delegates authority to the Head of Street Scene Services to implement the order in line with the consultation findings and the amendments set out in section 3 of the report.

### **3. Background to the report**

- 3.1 The Anti-Social Behaviour, Crime and Policing Act 2014 (c.12) permits HBBC to create PSPO's which are designed to stop individuals or groups committing Anti-Social behaviour in a public space and they are valid for 3 years. The current order was introduced in May 2020 and expired in May 2023. The Council may make a PSPO if satisfied that two conditions are met (Section 59 of the Act):
- i. That the activities have taken place, or that are they likely to be taking place, in a public place within the authority's area and have had, or are likely to have, a detrimental effect on the quality of life of those in the locality; and
  - ii. That the effect, or likely effect, of the activities:
    - i) Is, or is likely to be, of a persistent or continuing nature;
    - ii) Is, or is likely to be, such as to make the activities unreasonable; and
    - iii) Justifies the restrictions imposed by the order.
- 3.2 All parish councils were invited to add controls for their land into the Borough Council's PSPO and at their request ten are included: Bagworth & Thornton, Markfield, Groby, Newbold Verdon, Peckleton, Ratby, Sheepy, Stanton Under Bardon, Twycross and Witherley.
- 3.3 Before extending and amending the order the Council must consult with the local police, land owners / occupiers, and any community representative deemed appropriate. The Borough Council and relevant parish councils ran an 8 week public consultation for the period 25 May to 20 July. The consultation was advertised on all the affected sites, and included an on line questionnaire as well as face to face interviews with members of public on all the proposals. Given the consultation responses officers recommend the Borough Council replace the previous order with a new order with 3 parts, each covering a different issue.

The consultation responses showed overwhelming support for the controls proposed. Percentages of on line respondents supporting each control are given in brackets within the description of each order below.

#### Part 1: Intoxicating substances

- 3.4 This order will continue the controls in the 2019 order and ban the use across the whole of the borough, of consuming intoxicating substances or new psychoactive substances (legal highs) on public land. A person will commit an offence if they fail to surrender any alcohol when ordered to do so by an authorised Officer on public land. (94% support).

#### Part 2: Dog control issues

- 3.5 This order will continue the controls in the 2019 order:-

- Across the whole of the borough, to require dog faeces to be removed and correctly disposed of when in charge of a dog on public land (99% support)
- Across the whole of the borough, failing to put a dog on a lead in a public place when instructed to do so by a HBBC council officer (92% support)
- To require that dogs are kept on leads in the following areas
  - Ashby road cemetery Hinckley (92% support)
  - Hollycroft Park, bowling green, tennis courts, bandstand arena & park pitch and putt course (64% support)
  - Holy Rood church, Bagworth (84% support)
  - St Peters Church, Thornton (83% support)
  - Playing field, Foxes Covert, Fenny Drayton (74% support)
  - Playing fields, Ormes Lane, Radcliffe Culey (74% support)
  - Markfield community park, Mayflower close (68% support)
  - To prohibit dogs from the Memorial Playing field, Church road, Witherley (64% support)

3.6 The following new additions will be made:

- Across the whole of the borough, not allowing dogs within children's play areas or multi use games areas (except of medical exemptions (92% support)
- To prohibit dogs from the Beacon Field, Beacon Close, Groby (Not excluding dogs used for medical reasons) with the except for dogs being allowed on a lead on the surfaced footpath within the site (62% support)

3.7 Although supported by the public, the order will not include the requirement for dogs to be kept on leads in the following areas:

- All sports pitches but only when in use for officiated sporting matters (91% support)

3.8 These requirements are difficult to effectively define and the existing enforcement resources are insufficient to manage their enforcement, officers can enforce using the existing control of failing to put a dog on a lead in a public place when instructed to do so by a HBBC council officer (92% support).

### Part 3: Green spaces issues

3.9 This order will continue the controls from the 2019 order:

- To prohibit riding horses or the use of horse traps (carriages) in a park or open space managed by Bagworth & Thornton without the consent of the Parish council (76% support)
- To prohibit the playing or practising of golf in a park or open space managed by Peckleton without the consent of the council. (76% support)
- To prohibit horses from using a park or open space managed by Peckleton without the consent of the Parish (76% supportive)
- To prohibit parking of any type of vehicle on the green space on Mallory Close, Newbold Verdon (83% supportive)

- 3.10 The following new additions will be made:
- Across the whole of the borough, to prohibit the lighting of fires and barbecues in a park or open spaces (91% support)
  - Across the whole of the borough, to restrict use of remote controlled model vehicles, aircraft and motorcycling that are causing a nuisance in a park or open space (72% support)
  - Across the whole borough, failing to leave a park managed by HBBC at the closing time or when required to do so, by a council officer or a police officer (92% support)
  - To prohibit horses from using a park, open space and football pitches managed by Newbold Verdon Parish Council (77% support)

#### Enforcement

- 3.11 Those failing to comply with the PSPO can be issued with a fixed penalty notice of £100 which is reduced to £80 if paid within 14 days. For those who fail to pay then prosecution has a maximum fine of at level 3 (£1000) and this would be determined by the courts.
- 3.12 Fixed penalty notices can be issued by authorised HBBC officers in the clean neighbourhoods and antisocial behaviour team. Where required HBBC will authorise suitable parish council officers to issue fixed penalty notices. It will be for each parish council to provide the staff resources to enforce their PSPO restrictions but HBBC will support parishes where they have capacity to do so. This will be at the discretion of the Head of Street Scene Services.

#### **4. Exemptions in accordance with the Access to Information procedure rules**

- 4.1 This report can be taken in open session.

#### **5. Financial implications [AA]**

- 5.1 The cost of additional signage on HBBC owned sites is estimated at £100 and these costs will be met from existing resources.
- 5.2 The cost of signage on parish land will need to be covered by the relevant parish council.
- 5.3 Income from enforcement is difficult to predict and as such no increase is forecast at present.

#### **6. Legal implications (MR)**

- 6.1 The legal implications of the extension, addition and variation of PSPOs have been incorporated within the body of the report in section 3.

#### **7. Corporate Plan implications**

- 7.1 The PSPO supports the following corporate plan aims:

- People: take measure to reduce crime and antisocial behaviour and protect people from harm
- Places: Keep our borough clean and green, Make our neighbourhoods safer and Protect and improve our parks and open spaces for everyone
- Prosperity: Support our rural communities

## 8. Consultation

8.1 The following organisations were all consulted: where a response was received it is noted.

- Leicestershire Police
- PCC – Rupert Matthews
- Parish and Town Councils
- The Dogs Trust - supportive
- Residents in Hinckley & Bosworth Borough Council
- Borough Councillors at Hinckley & Bosworth Borough Council
- Face to face surveys on affected sites
- Parish and Town Councils
- The Kennel Club - supportive
- The BID
- VCS

8.2 618 people responded to the online consultation, this total includes people that completed face to face questionnaires.

## 9. Risk implications

9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

### Management of significant (Net Red) Risks

Risk Description	Mitigating actions	Owner
Incorrect drafting of the order	Ensure order correctly drafted	Legal services
Failure to enforce PSPO / manage expectations that all controls can be enforced	HBBC to be clear about what we can and cannot do to parishes, and where appropriate to authorise suitable parish council officers to enforce the PSPO	Caroline Roffey / Maddy Shellard

## **10. Knowing your community – equality and rural implications**

- 10.1 All parish councils were invited to add restrictions to the PSPO and ten did so. Those which are being added reflect the issues and concerns in those parishes and are supported by the residents of those parishes.
- 10.2 The restriction of dogs includes an exemption for dogs required on medical grounds e.g. guide dogs, hearing dogs etc.
- 10.3 Exemptions apply to the order for people who are blind, or have a disability which affects their ability to comply with the order.

## **11. Climate implications**

- 11.1 The PSPO is carbon neutral in that it neither increases nor reduces carbon emissions. It does however give council officers powers to enforce and take actions to reduce environmental harm

## **12. Corporate implications**

- 12.1 By submitting this report, the report author has taken the following into account:
- Community safety implications
  - Environmental implications
  - ICT implications
  - Asset management implications
  - Procurement implications
  - Human resources implications
  - Planning implications
  - Data protection implications
  - Voluntary sector

---

### Background papers:

Contact officer: Lisa Rees, Clean Neighbourhoods and Car Parks Manager  
Rachel Burgess Community Safety and Performance  
Manager

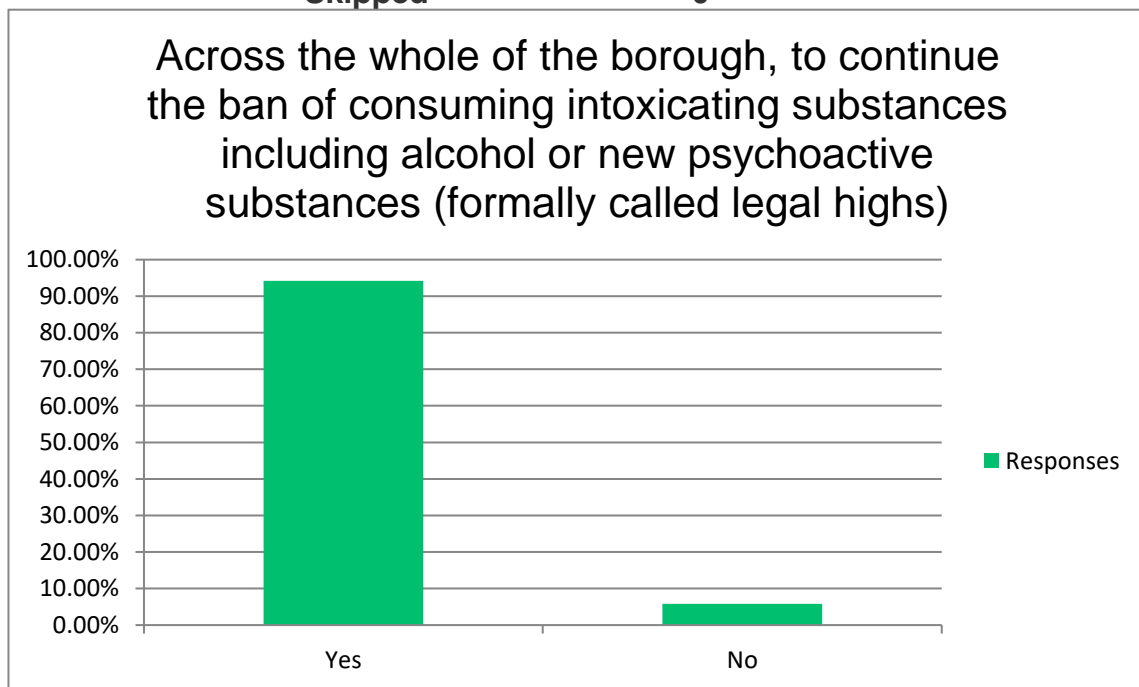
Executive member: Councillor L Hodgkins  
Councillor M Mullaney

Appendix 1

Have your say - PSPO (2023)

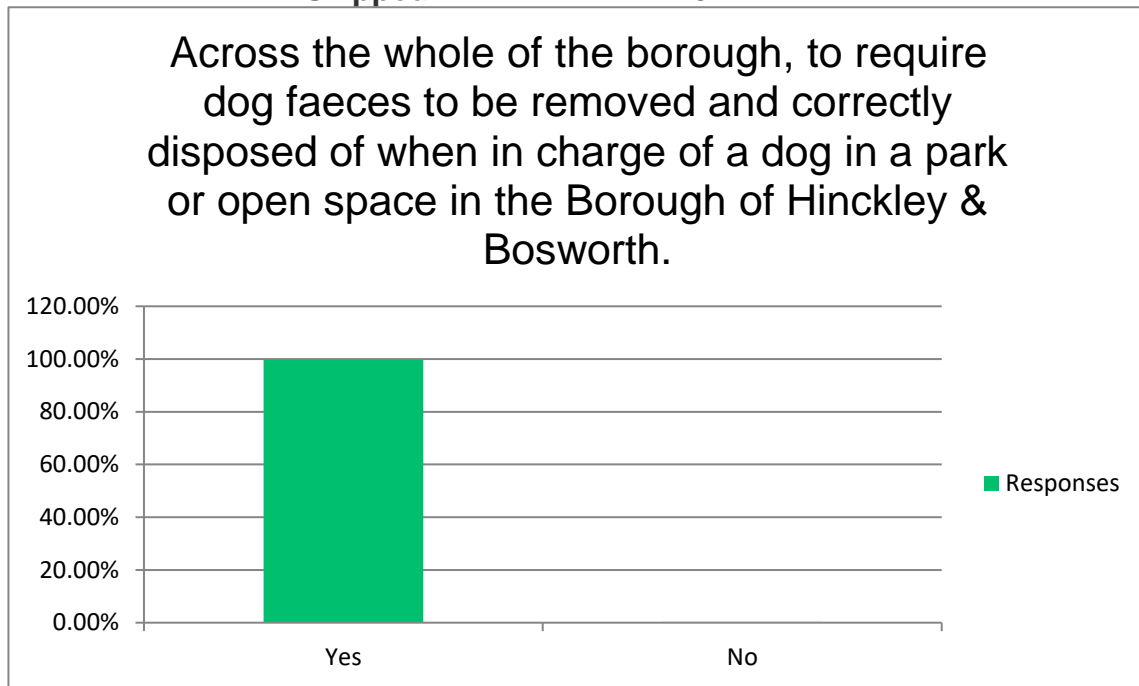
**Q1. Across the whole of the borough, to continue the ban of consuming intoxicating substances including alcohol or new psychoactive substances (formally called legal highs)**

Answer Choices	Responses	
Yes	94.17%	582
No	5.83%	36
Additional comments		80
	<b>Answered</b>	<b>618</b>
	<b>Skipped</b>	<b>0</b>



**Q2. Across the whole of the borough, to require dog faeces to be removed and correctly disposed of when in charge of a dog in a park or open space in the Borough of Hinckley & Bosworth.**

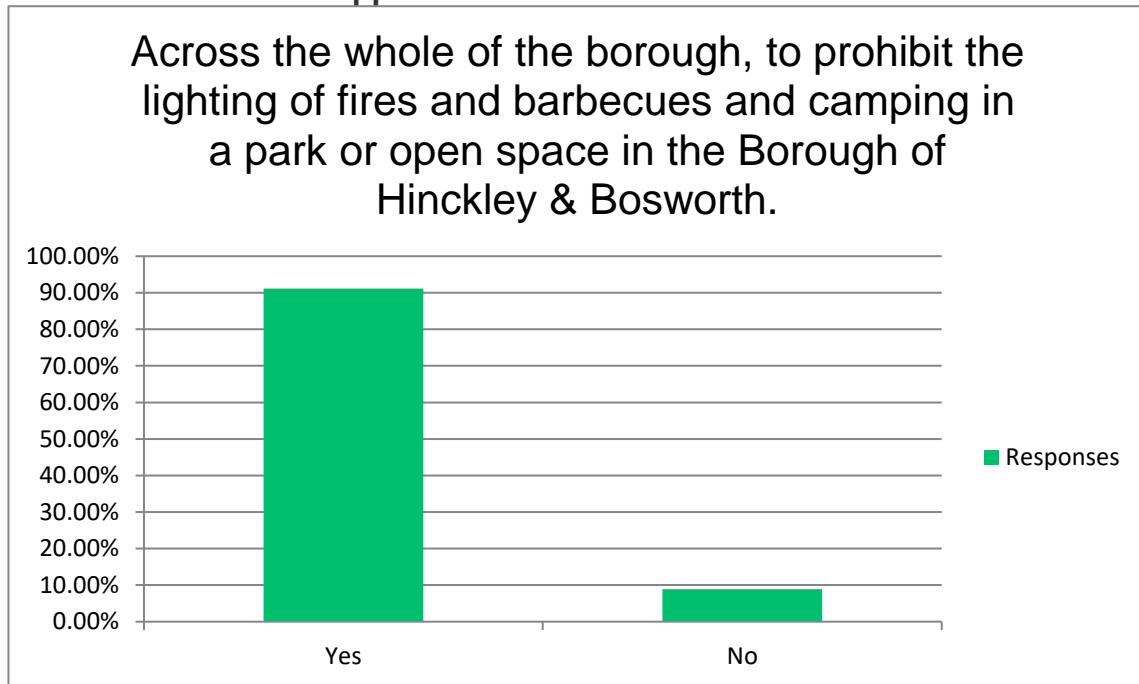
Answer Choices	Responses	
Yes	99.68%	616
No	0.32%	2
Additional comments		96
	<b>Answered</b>	<b>618</b>
	<b>Skipped</b>	<b>0</b>





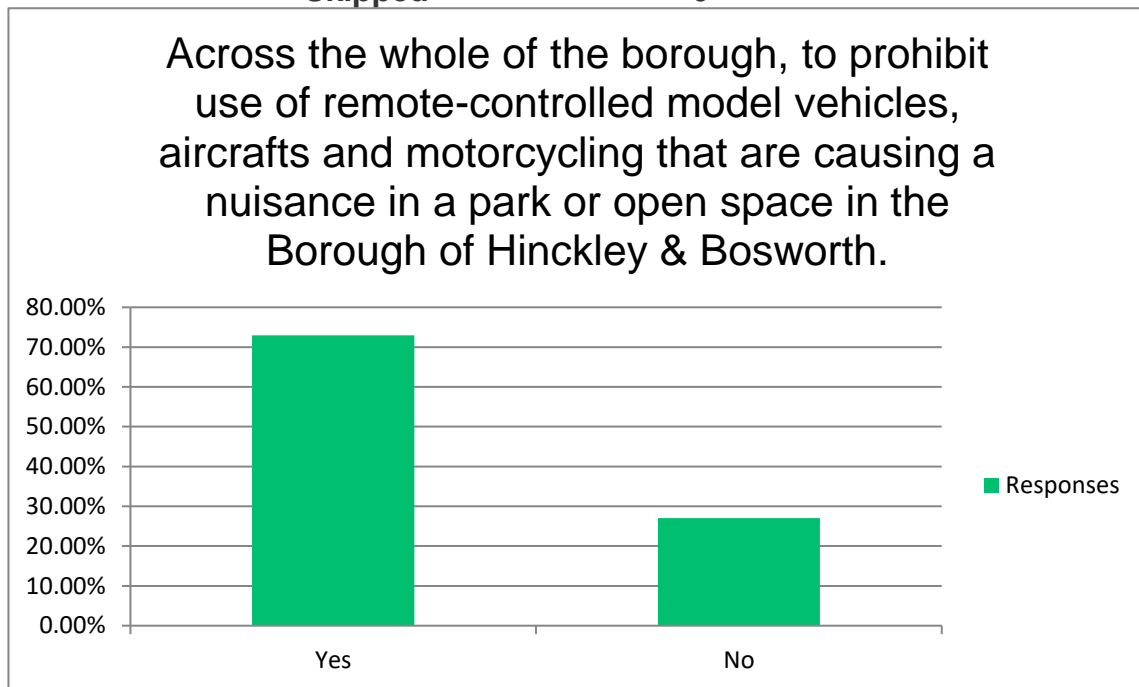
**Q3. Across the whole of the borough, to prohibit the lighting of fires and barbecues and camping in a park or open space in the Borough of Hinckley & Bosworth.**

Answer Choices	Responses	
Yes	91.10%	563
No	8.90%	55
Additional comments		60
<b>Answered</b>		<b>618</b>
<b>Skipped</b>		<b>0</b>



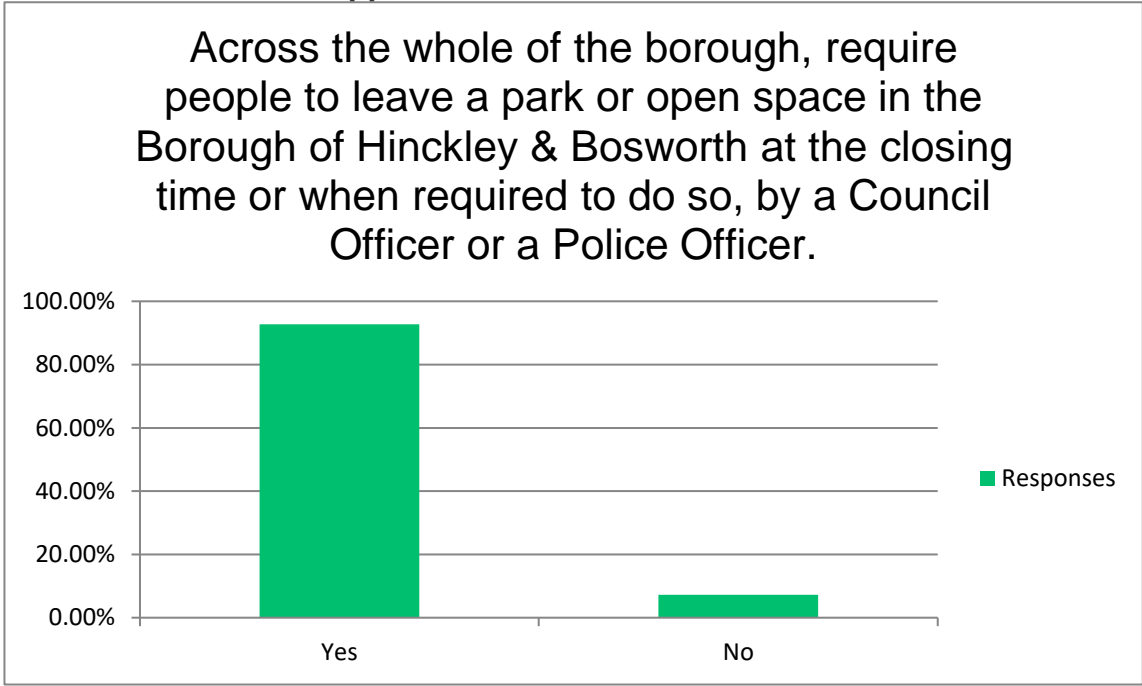
**Q4. Across the whole of the borough, to prohibit use of remote-controlled model vehicles, aircrafts and motorcycling that are causing a nuisance in a park or open space in the Borough of Hinckley & Bosworth.**

Answer Choices	Responses	
Yes	72.98%	451
No	27.02%	167
Additional comments		126
<b>Answered</b>		<b>618</b>
<b>Skipped</b>		<b>0</b>



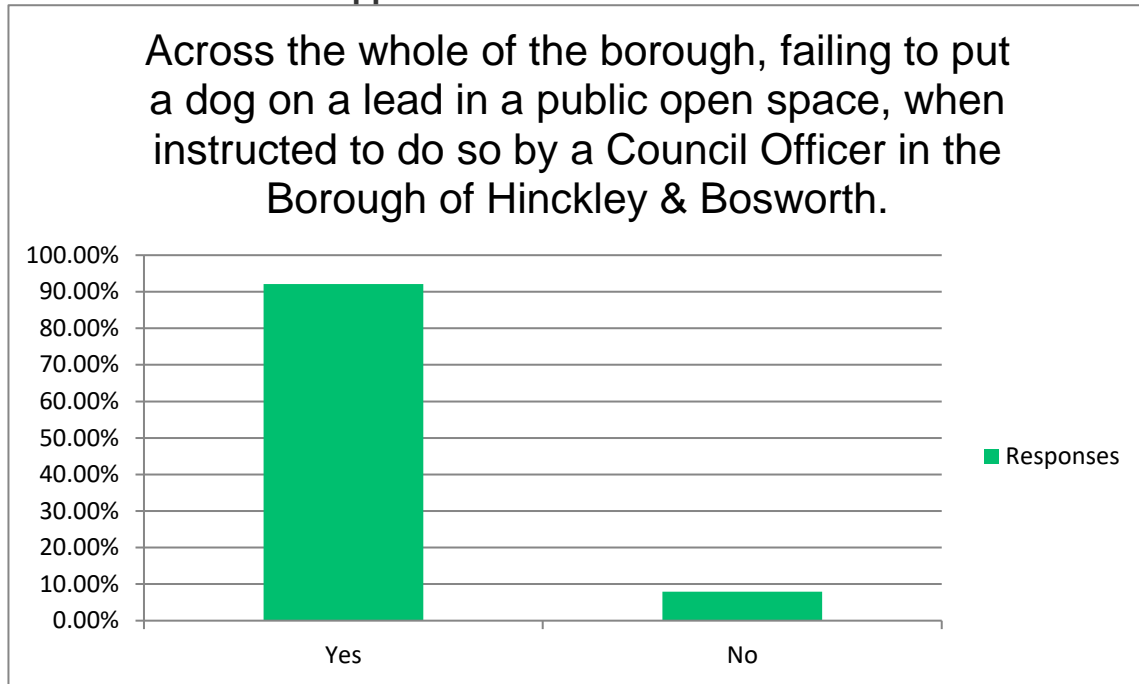
**Q5. Across the whole of the borough, require people to leave a park or open space in the Borough of Hinckley & Bosworth at the closing time or when required to do so, by a Council Officer or a Police Officer.**

Answer Choices	Responses	
Yes	92.72%	573
No	7.28%	45
Additional comments		49
<b>Answered</b>		<b>618</b>
<b>Skipped</b>		<b>0</b>



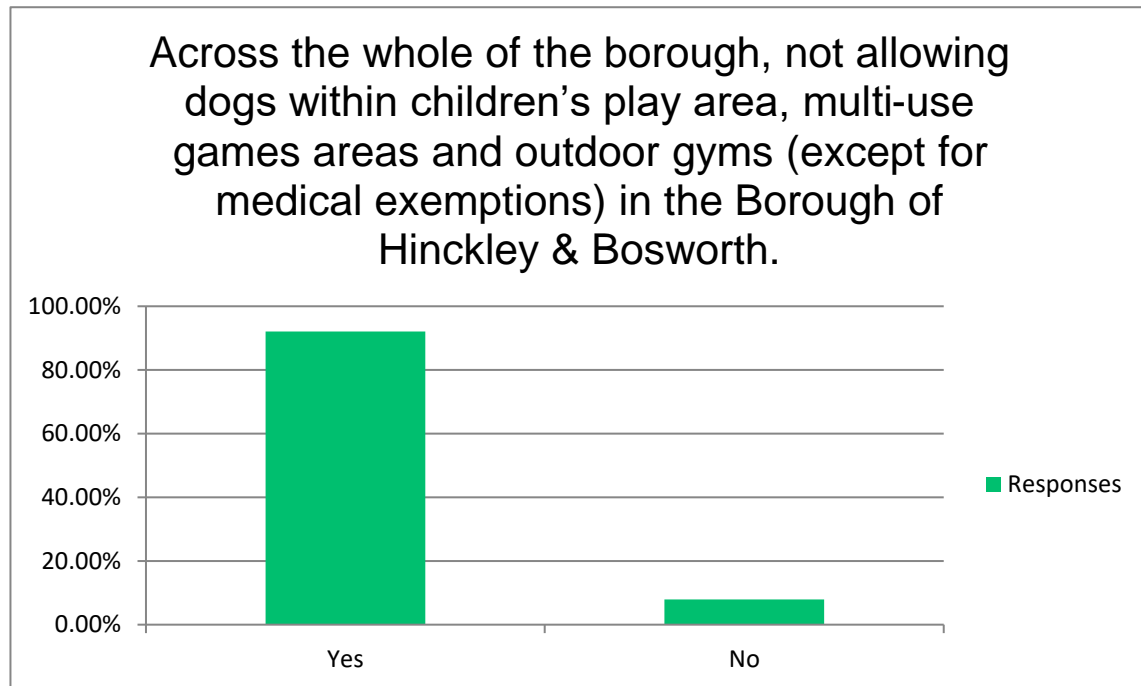
**Q6. Across the whole of the borough, failing to put a dog on a lead in a public open space, when instructed to do so by a Council Officer in the Borough of Hinckley & Bosworth.**

Answer Choices	Responses	
Yes	92.07%	569
No	7.93%	49
Additional comments		106
<b>Answered</b>		<b>618</b>
<b>Skipped</b>		<b>0</b>



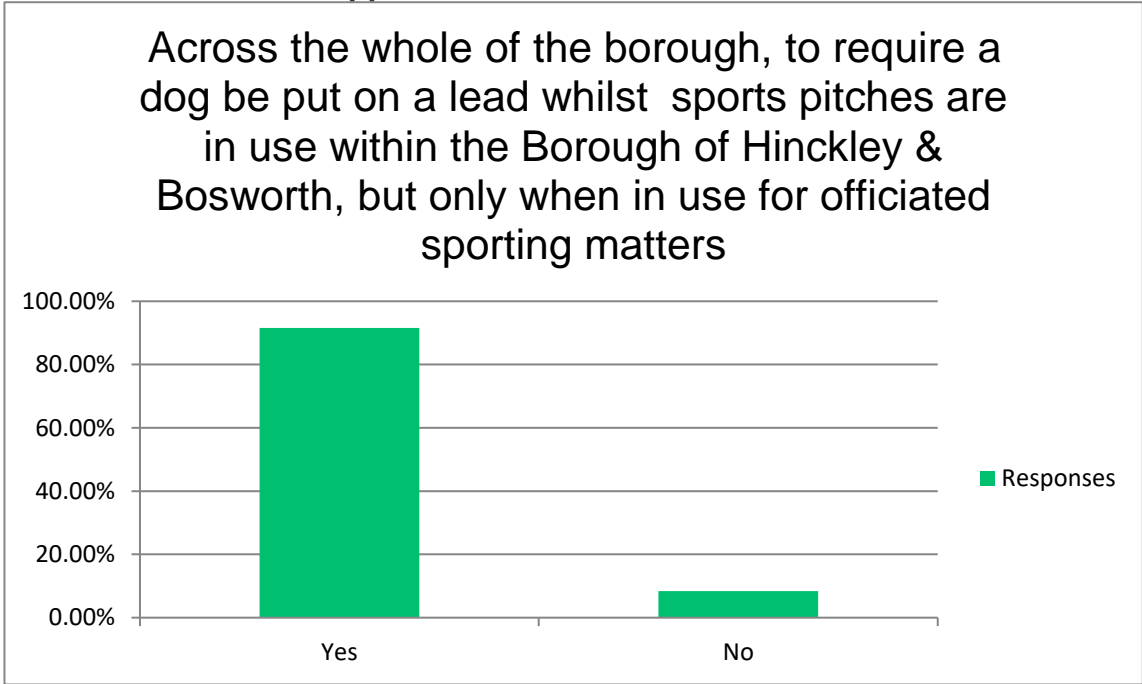
**Q7. Across the whole of the borough, not allowing dogs within children's play area, multi-use games areas and outdoor gyms (except for medical exemptions) in the Borough of Hinckley & Bosworth.**

Answer Choices	Responses	
Yes	92.07%	569
No	7.93%	49
Additional comments		72
<b>Answered</b>		<b>618</b>



**Q8. Across the whole of the borough, to require a dog be put on a lead whilst sports pitches are in use within the Borough of Hinckley & Bosworth, but only when in use for officiated sporting matters**

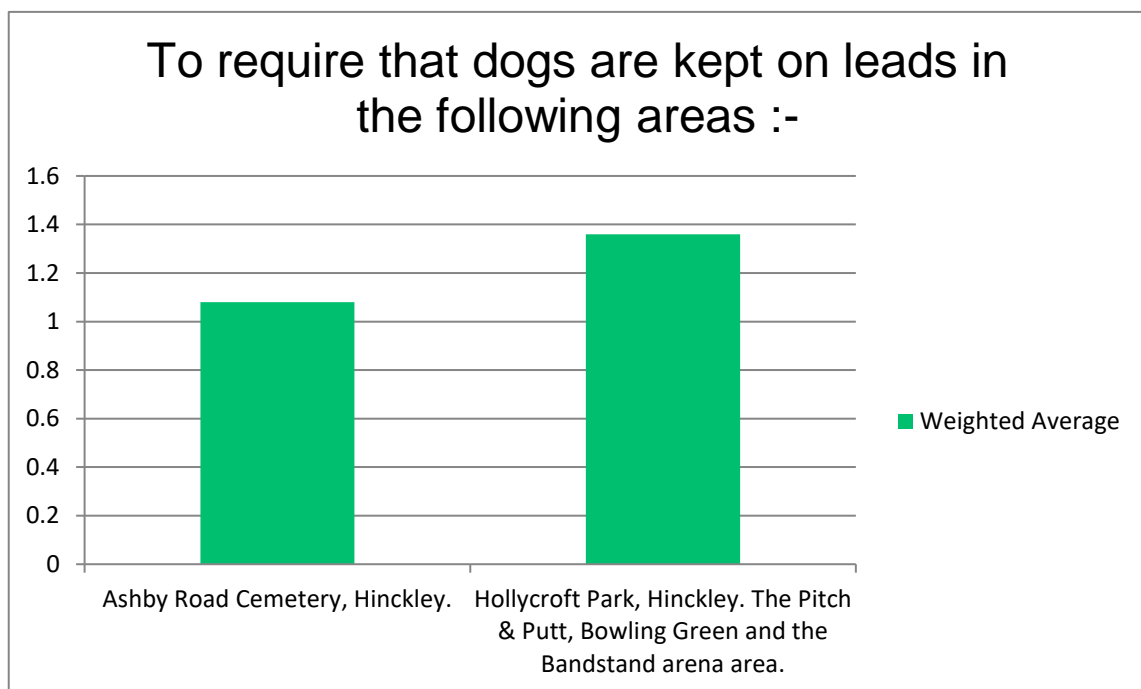
Answer Choices	Responses	
Yes	91.59%	566
No	8.41%	52
Additional comments		76
<b>Answered</b>		<b>618</b>
<b>Skipped</b>		<b>0</b>



**Q9. To require that dogs are kept on leads in the following areas :-**

	Yes (support)	No (don't support)	Total	Weighted Average
Ashby Road Cemetery, Hinckley.	92.34% (482)	7.66% (40)	522	1.08
Hollycroft Park, Hinckley. The Pitch & Putt, Bowling Green and the Bandstand arena area.	64.22% (341)	35.78% (190)	531	1.36
Additional comments			106	

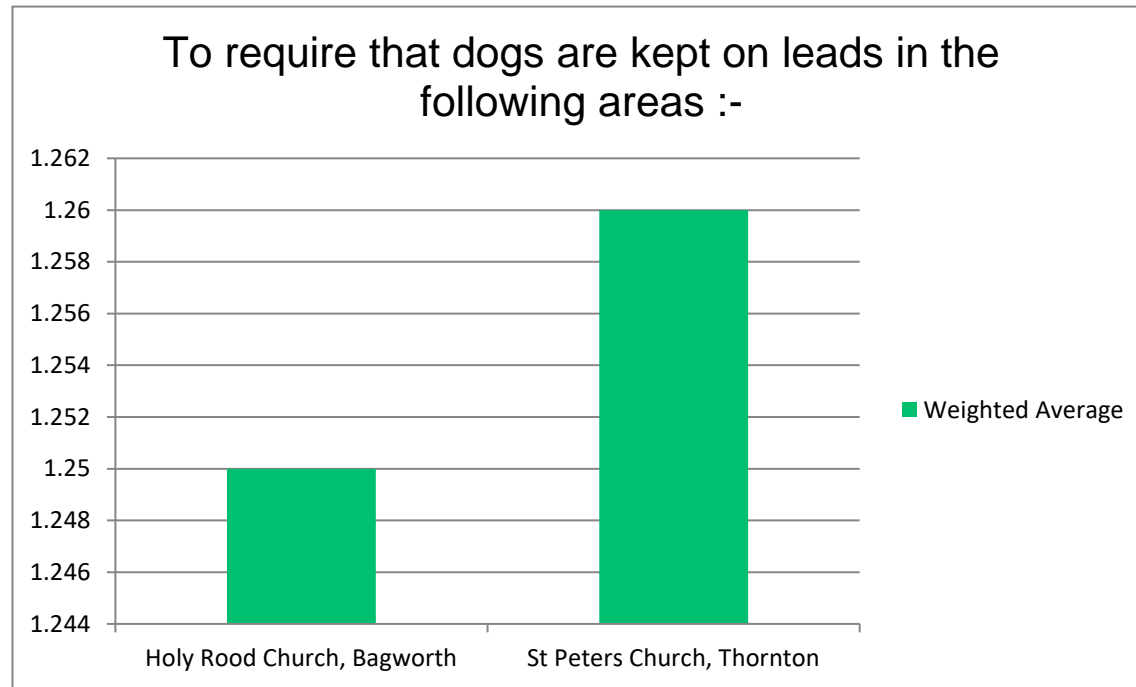
**Answered 535**  
**Skipped 83**



**Q10. To require that dogs are kept on leads in the following areas**

:-

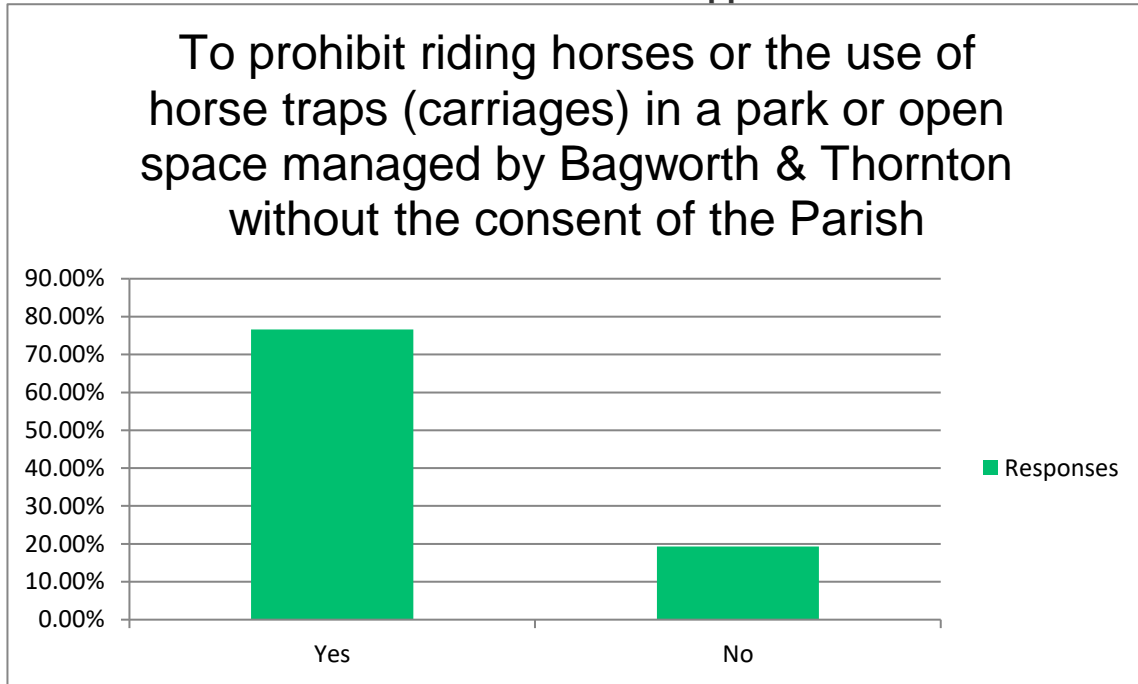
	Yes (support)	No (don't support)	3	4	5	Total	Weighted Average
Holy Rood Church, Bagworth	84.83% 179	11.37% 24	0.95% 2	0.00% 0	2.84% 6	211	1.25
St Peters Church, Thornton	83.87% 182	11.98% 26	1.38% 3	0.00% 0	2.76% 6	217	1.26
Additional comments						13	
						<b>Answered</b>	<b>219</b>
						<b>Skipped</b>	<b>399</b>





**Q11. To prohibit riding horses or the use of horse traps (carriages) in a park or open space managed by Bagworth & Thornton without the consent of the Parish**

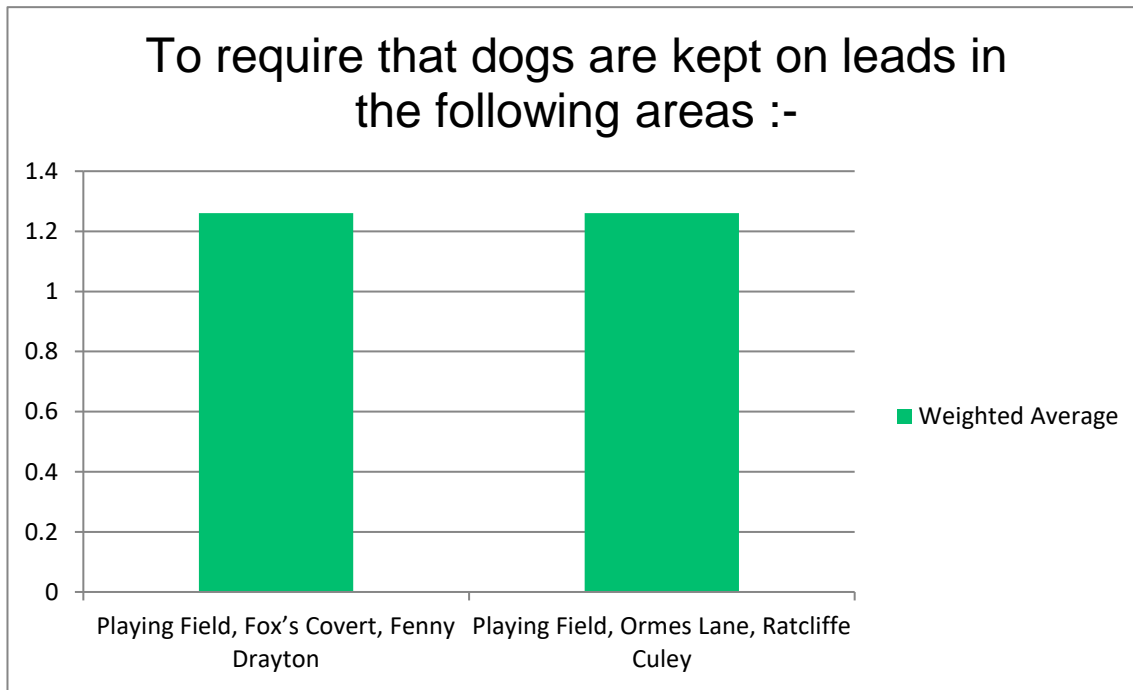
Answer Choices	Responses	
Yes	76.61%	190
No	19.35%	48
Additional comments		25
	<b>Answered</b>	<b>238</b>
	<b>Skipped</b>	<b>380</b>



**Q12. To require that dogs are kept on leads in the following areas :-**

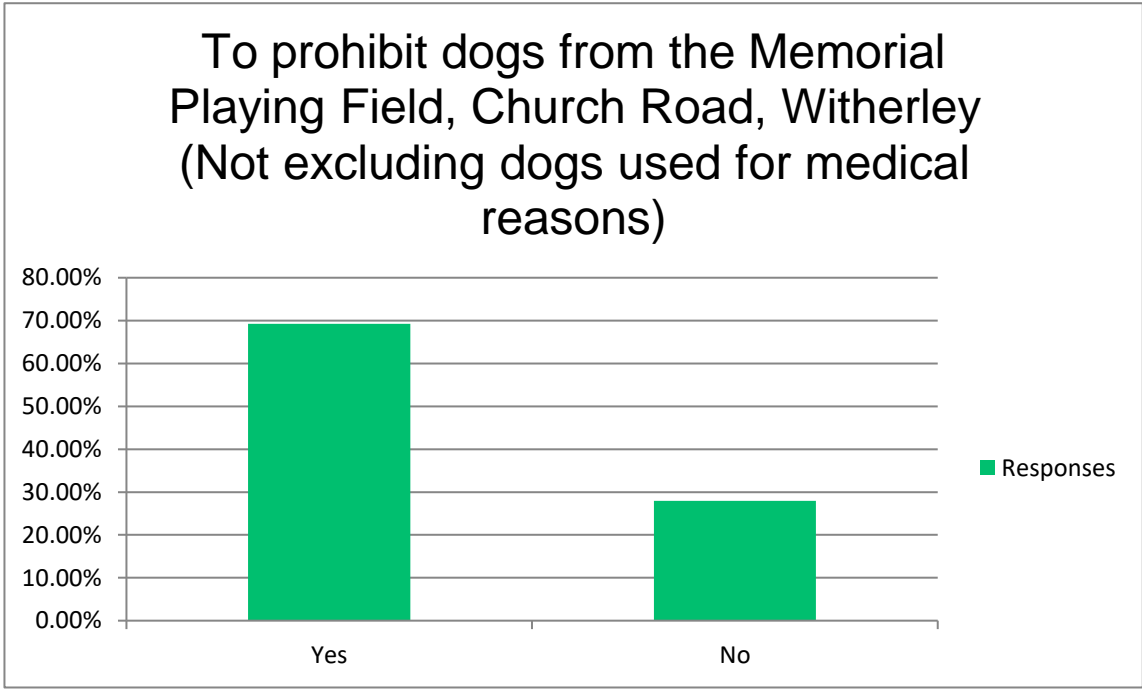
	Yes (support)	No (don't support)	Total	Weighted Average
Playing Field, Fox's Covert, Fenny Drayton	74.14% 129	25.86% 45	174	1.26
Playing Field, Ormes Lane, Ratcliffe Culey	74.30% 133	25.70% 46	179	1.26
Additional comments			12	

**Answered 183**  
**Skipped 435**



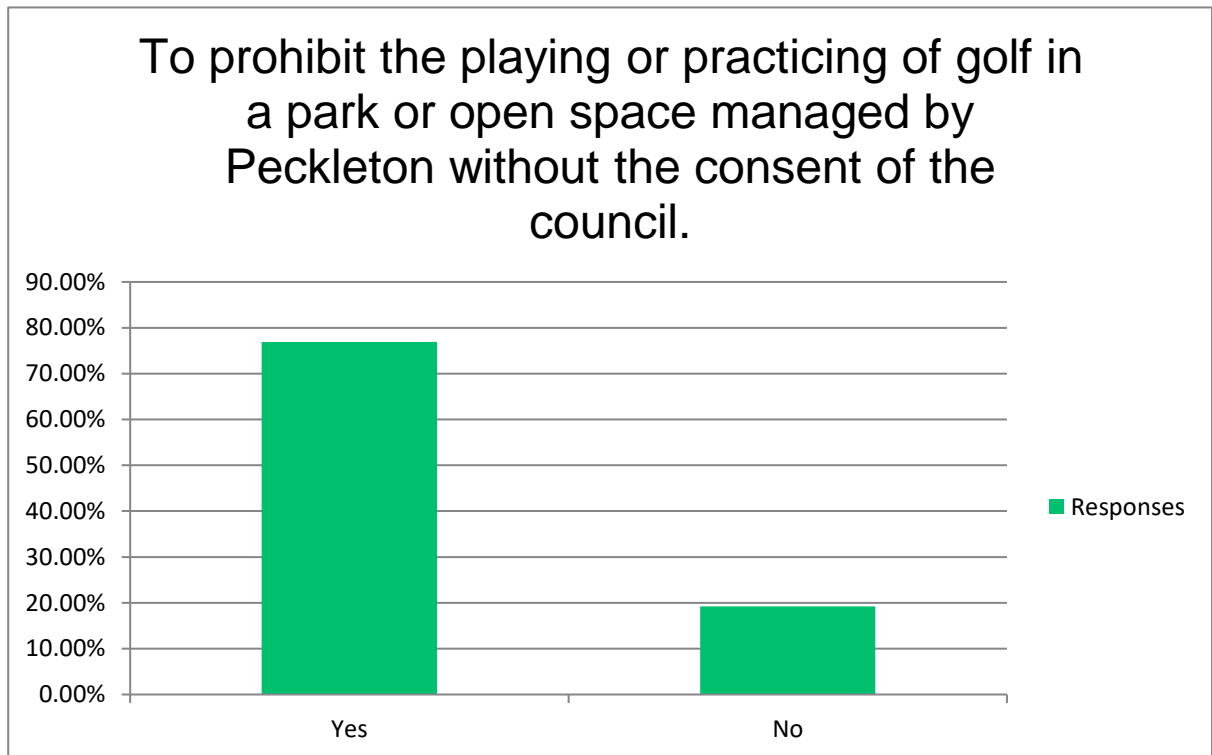
**Q13. To prohibit dogs from the Memorial Playing Field, Church Road, Witherley (Not excluding dogs used for medical reasons)**

Answer Choices	Responses	
Yes	69.27%	124
No	27.93%	50
Additional comments		10
<b>Answered</b>		<b>174</b>



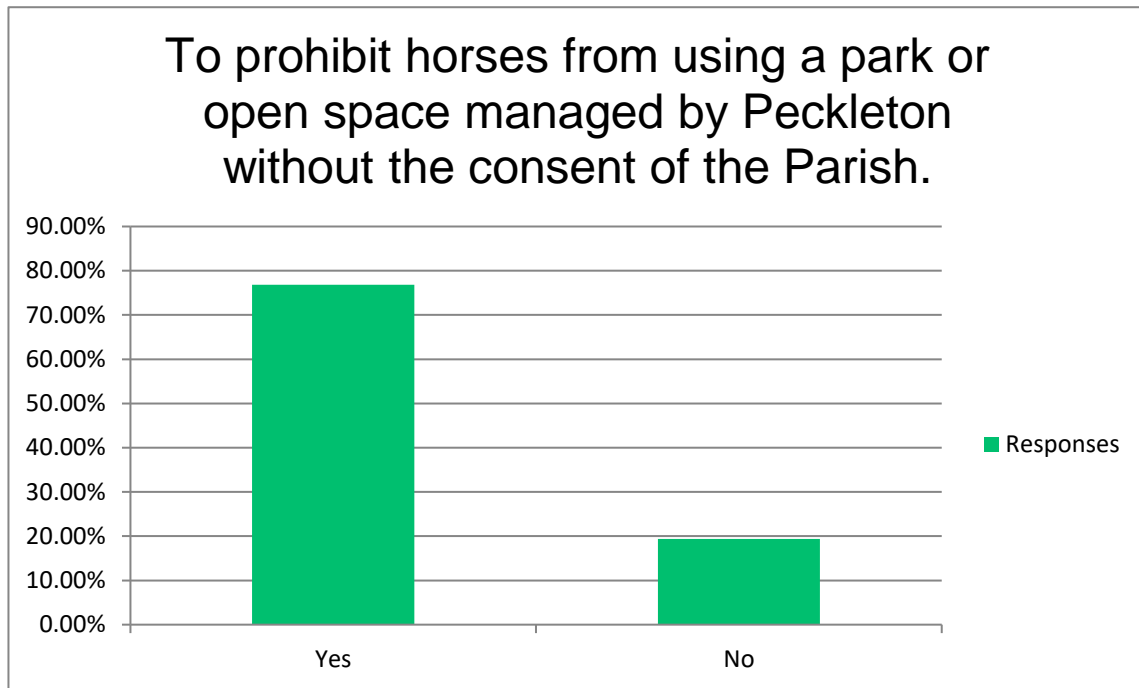
**Q14. To prohibit the playing or practicing of golf in a park or open space managed by Peckleton without the consent of the council.**

Answer Choices	Responses	
Yes	76.92%	140
No	19.23%	35
Additional comments		13
	<b>Answered</b>	<b>175</b>
	<b>Skipped</b>	<b>443</b>



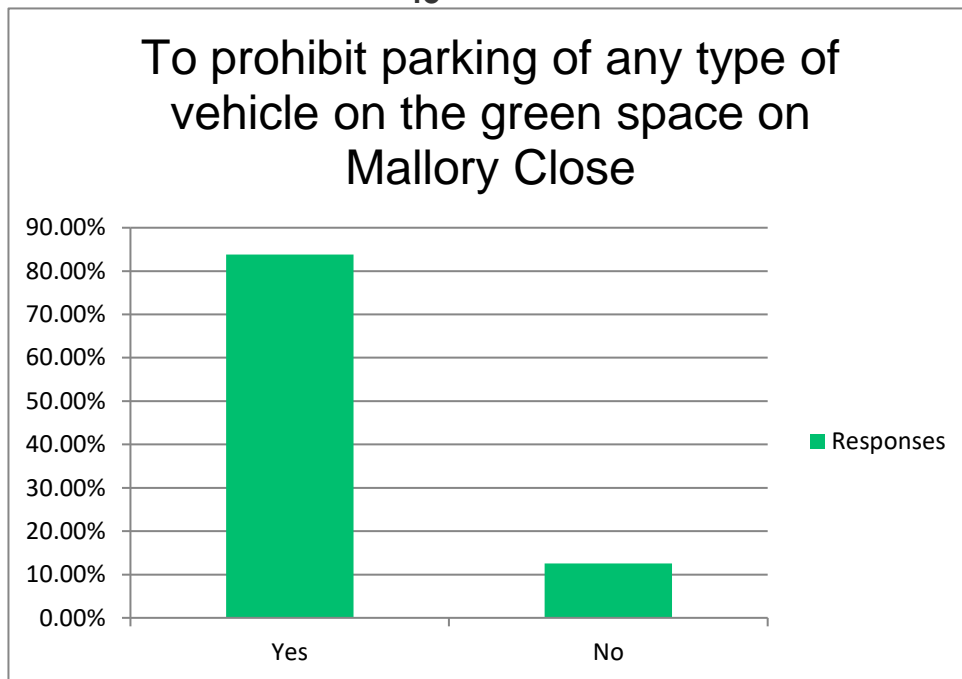
**Q15. To prohibit horses from using a park or open space managed by Peckleton without the consent of the Parish.**

Answer Choices	Responses	
Yes	76.80%	139
No	19.34%	35
Additional comments		11
	<b>Answered</b>	<b>174</b>



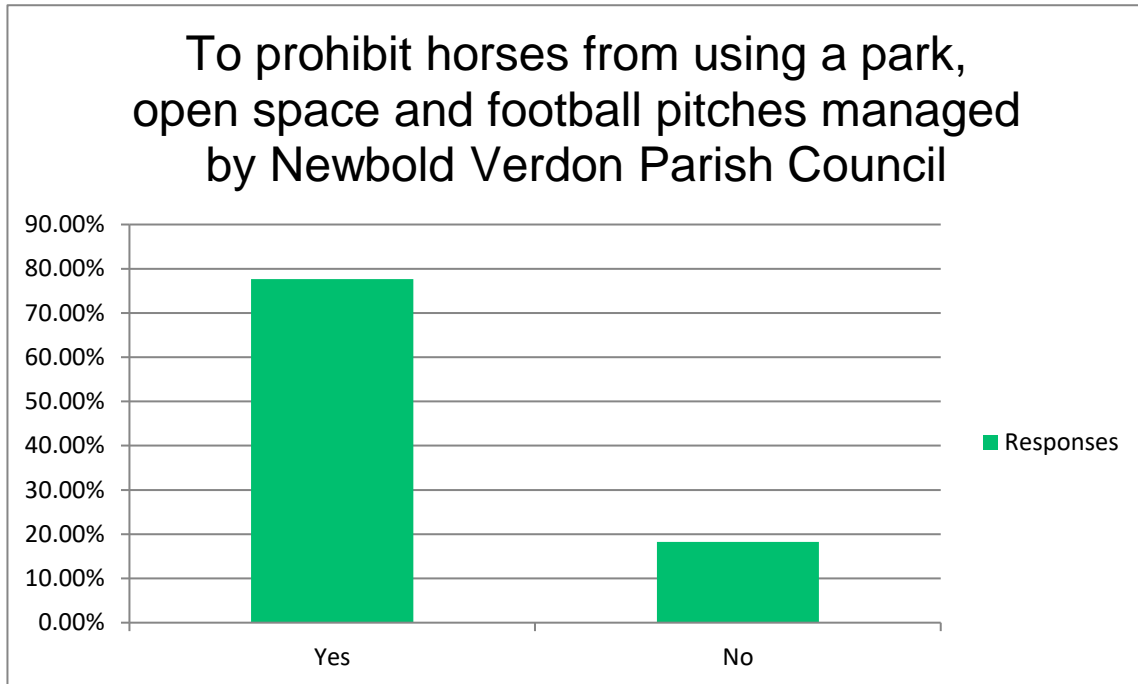
**Q16. To prohibit parking of any type of vehicle on the green space on Mallory Close**

Answer Choices	Responses	
		14
Yes	83.83%	0
No	12.57%	21
Additional comments		12
		<b>16</b>
<b>Answered</b>		<b>1</b>
		<b>45</b>



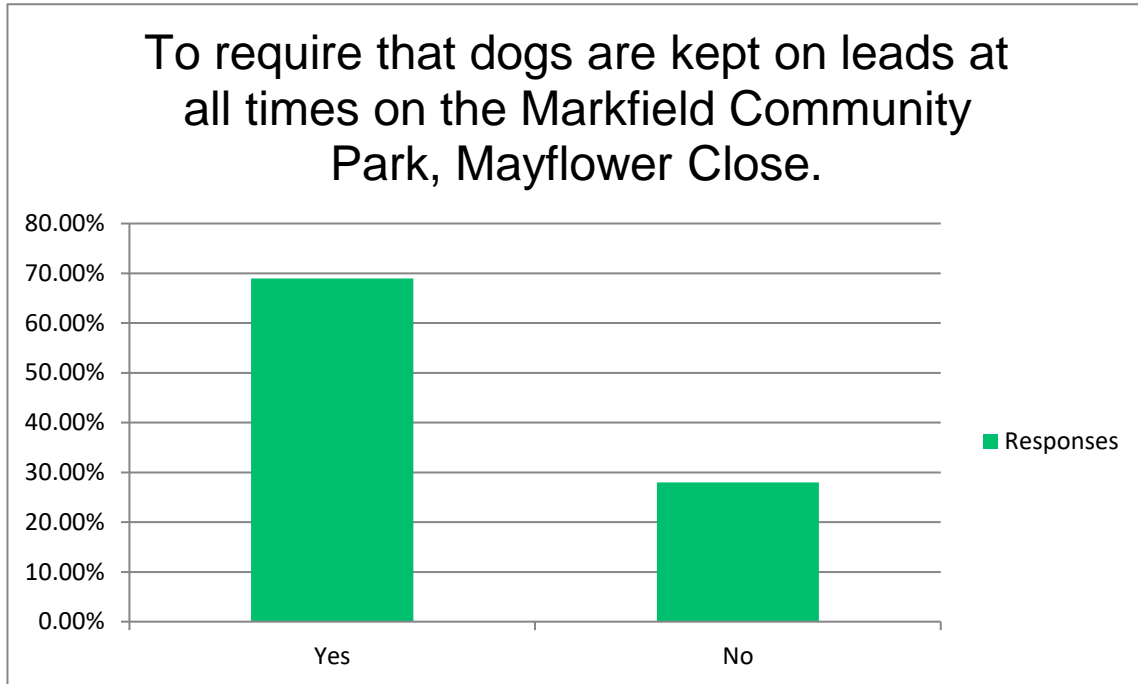
**Q17. To prohibit horses from using a park, open space and football pitches managed by Newbold Verdon Parish Council**

Answer Choices	Responses	
Yes	77.65%	132
No	18.24%	31
Additional comments		16
<b>Answered</b>		<b>163</b>



**Q18. To require that dogs are kept on leads at all times on the Markfield Community Park, Mayflower Close.**

Answer Choices	Responses	
Yes	68.94%	111
No	27.95%	45
Additional comments		7
	<b>Answered</b>	<b>156</b>





**Q19. To prohibit dogs from the Beacon Field, Beacon Close, Groby (Not excluding dogs used for medical reasons) with the exception of dogs being allowed on a lead on the surfaced footpath within the site**

Answer Choices	Responses	
Yes	62.80%	103
No	34.15%	56
Additional comments		15
	<b>Answered</b>	<b>159</b>
	<b>Skipped</b>	<b>459</b>

To prohibit dogs from the Beacon Field, Beacon Close, Groby (Not excluding dogs used for medical reasons) with the exception of dogs being allowed on a lead on the surfaced footpath within the site

