

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 to run for 3 years. The current order was introduced in December 2016 and expired in December 2019. The Council may make a PSPO if satisfied that two conditions are met (Section 59 of the Act):
1. 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
 2. 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 Councils PSPO and at their request nine are included: Bagworth & Thornton, Markfield, 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 a 6 week public consultation for the period 2nd September to 11th October. The consultation was advertised on all the affected sites, and included an on line questionnaire as well as face to face interviews 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 and are shown in full in Appendix 1. 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 2016 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. (95% support).

Part 2: Dog control issues

- 3.5 This order will continue the controls in the 2016 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)
 - Failing to put a dog on a lead in a public place when instructed to do so by a HBBC council officer (92% support)
 - Not allowing dogs within children's play areas or multi use games areas(except of medical exemptions, (HBBC land only) (94% support)
 - To require that dogs are kept on leads in the following areas
 - Ashby road cemetery Hinckley (96% support)

- Hollycroft Park bandstand arena (87% support)
- Hollycroft Park Pitch and Putt course (88% support)

3.6 The following new additions will be made:-

- Failing to put a dog on a lead in a public place when instructed to do so by a parish council officer in Bagworth & Thornton, Markfield, Newbold Verdon, Peckleton, Ratby, Sheepy, Stanton Under Bardon, Twycross and Witherley (support ranged from 86% to 94% in the different parishes).
- Not allowing dogs within children's play areas or multi use games areas(except of medical exemptions) in Bagworth & Thornton, Markfield, Peckleton, Ratby, Sheepy, Stanton Under Bardon (support ranged from 86% to 96% in the different parishes)
- To require that dogs are kept on leads in the following areas
 - Holy Rood church, Bagworth (93% support)
 - St Peters Church, Thornton (93% support)
 - Playing field, Foxes Covert, Fenny Drayton (74% support)
 - Playing fields, Ormes Lane, Radcliffe Culey (76% support)
 - Markfield community park, Mayflower close (60% support)
 - The bowling green, tennis courts and surrounding area at Hollycroft Park Hinckley (91% supportive)
 - To prohibit dogs from the Memorial Playing field, Church road, Witherley (excluding dogs used for medical reasons) (78% 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 public footpaths and highways in Hinckley (69%)
- All sports pitches but only when in use for officiated sporting matters (86-94% support)

3.8 These requirements are difficult to effectively define and the existing enforcement resources are insufficient to manage their enforcement. Where there are problems of this nature then 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). Officers will monitor this issue and if necessary in the future recommend amendments to the order.

Part 3: Green spaces issues (appendix 4)

3.9 This order will continue the controls from the 2016 order:

- To prohibit the lighting of fires and barbecues in a park or open space managed by HBBC without the consent of the council (91% supportive)
- To restrict use of remote controlled model vehicles, aircraft and motorcycling that are causing a nuisance in a park or open space managed by HBBC (92% supportive)
- 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 (95% supportive)

3.10 The following new additions will be made:-

- To prohibit the lighting of fires and barbecues and camping in a park or open space managed by following parish councils without the consent of the relevant Parish council: Bagworth & Thornton, Witherley, Twycross, Stanton under Bardon, Ratby, Peckleton, Sheepy and Markfield (support ranged from 83-90% in different parishes)

- To restrict use of remote controlled model vehicles, aircrafts and motorcycling that are causing a nuisance in a park or open space managed by the following parish councils Bagworth & Thornton, Witherley, Twycross, Stanton under Bardon, Ratby, Peckleton, Sheepy, Newbold Verdon and Markfield (support ranged from 80-98% in different parishes).
- Failing to leave a park managed by the following parish councils at the closing time or when required to do so, by a council officer or a police officer Bagworth & Thornton, Witherley, Twycross, Stanton under Bardon, Ratby, Peckleton, Sheepy and Markfield. (support ranged from 89-96%)
- 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 (87% supportive)
- To prohibit the playing or practicing of golf in a park or open space managed by Peckleton without the consent of the council. (82% supportive)
- To prohibit horses from using a park or open space managed by Peckleton without the consent of the Parish (79% supportive)
- To prohibit parking of any type of vehicle on the green space on Mallory Close, Newbold Verdon (91% supportive)

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 is to be heard in public session

5. FINANCIAL IMPLICATIONS [AG]

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 [ST]

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
- Parish and Town Councils
- The Kennel Club
- Residents in Hinckley & Bosworth Borough Council
- Borough Councillors at Hinckley & Bosworth Borough Council
- Face to face surveys on affected sites
- Hinckley & Bosworth Staff survey
- Friends of Hollycroft website and social media (800 followers)
- Hinckley BID members 1000+
- VCS Database

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- Leicestershire Police – Lord Bach “supported completely”
- Parish and Town Councils
- The Kennel Club - Supportive
- Residents in Hinckley & Bosworth Borough Council
- Borough Councillors at Hinckley & Bosworth Borough Council
- Face to face surveys on affected sites
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8.2 Nearly 400 people responded to the on line consultation, and over 300 people completed face to face questionnaires as detailed in 3.4. Full results are given in appendix 1.

8.3 Scrutiny commission considered the report on 19 December 2019 and resolved the proposed order be endorsed and recommended to Council.

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 nine 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. CORPORATE IMPLICATIONS

- 11.1 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: Appendix 1: consultation results

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