

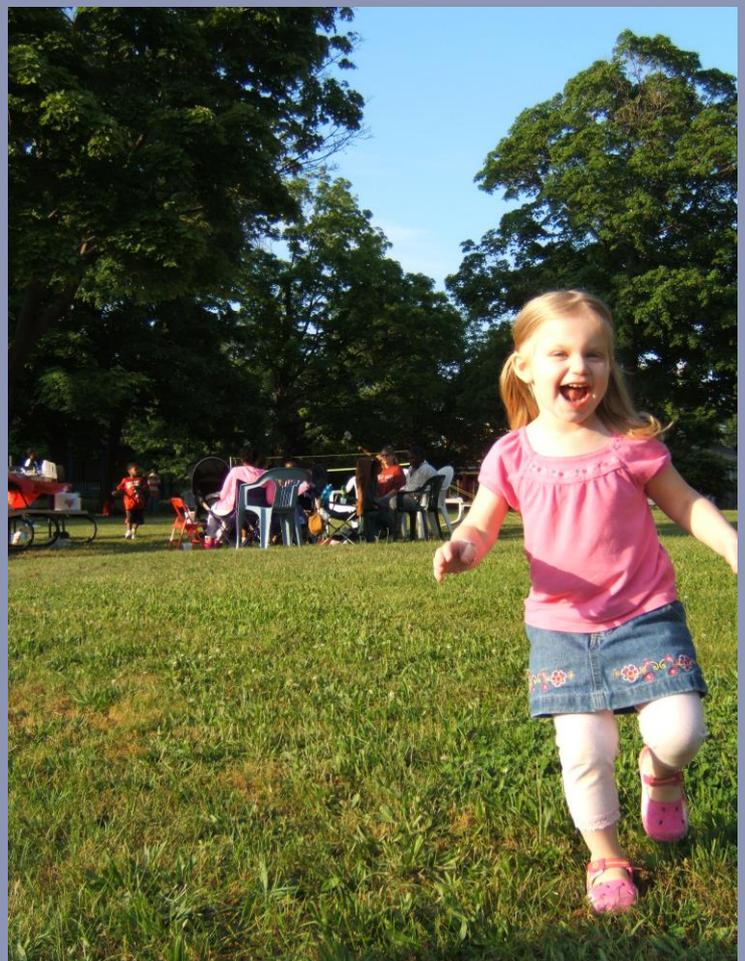


**South
Derbyshire**
District Council

SOUTH DERBYSHIRE PUBLIC SPACES PROTECTION ORDER

Phase 2 Consultation

June 2016



1. Introduction

A Public Spaces Protection Order (PSPO) is a new control measure, created by the 2014 Anti-Social Behaviour, Crime and Policing Act, which is intended to deal with specific nuisances or problems in a defined area that are "detrimental to the local community's quality of life".

PSPOs replace various other existing legal Orders which will automatically expire unless we keep them going within a PSPO.



The existing Orders which the PSPO will replace are;

- **Dog Control Orders.** These enabled specific controls to be imposed on the control of dogs on specified areas of land open to the public.
- **Litter Clearing Notices.** This enabled legal notices to be served on owners of land defaced by litter requiring them to to them to clean up the land and keep it clean..
- **Street Litter Control Notice.** This enabled a notice to be served on premises considered to be contributing to the defacement of streets due to litter.
- **Graffiti / Defacement Removal Notice.** This enabled a notice to be served requiring graffiti which is offensive or detrimental to local amenity to be removed.
- **Designated Public Place Order.** This gave Police Officers discretionary powers to require a person to stop drinking and confiscate alcohol or containers of alcohol in public places.
- **Gating Order.** This enabled Councils to restrict public access to public rights of way to assist in the reduction of crime or anti-social behaviour.

The purpose of this consultation is to seek your views on our proposals for the creation of a Public Spaces Protection Order(s) in South Derbyshire.

Section 3 of this consultation provides some of the evidence available to us which has led us to our current thinking.

Section 5 of this consultation outlines the questions we would like your views on and how to respond to this consultation.



2. What Existing Controls Are In Place?

Thankfully, levels of anti-social behaviour in South Derbyshire have historically been very low. Neither the District Council nor the Police have needed to make extensive use of the various powers that are being replaced by PSPOs.

The most extensive use we have made of the relevant powers are through the use of Dog Control Orders. Currently in South Derbyshire we have three Dog Control Orders which impose the following requirements;

1. If anyone allows their dog to foul on any land open to the public and doesn't pick up, they have committed an offence;

2. Dogs must be kept on leads in various parks and open spaces in South Derbyshire, namely;

- Badgers Hollow Recreation Ground, Coton Park
- Broomhills Recreation Ground, Repton
- Church Gresley Cemetery
- Eureka Park, Midway
- The Mease Football Pitch, Hilton
- Main Street Recreation Ground, Linton
- Maurice Lea Memorial Park, Church Gresley
- Newhall Cemetery
- Newhall Park
- Recreation Ground off Main Street, Rosliston
- Rosliston Primary School playing field
- Strawberry Lane Sports Field, Rosliston
- Swadlincote Woodlands Park
- Village Hall Picnic Area, Hilton
- Woodville Recreation Ground
- Hall Lane children's Play Area, Willington;
- Trent Avenue children's Play Area, Willington;
- Goseley Recreation Ground, Hartshorne;
- Main Street recreation ground, Hartshorne
- Scropton Road Sports Ground, Hatton
- Chestnut Avenue recreation ground, Midway
- Mount Pleasant Road children's Play Area, Castle Gresley;



3. Owners are not allowed to take dogs onto the following parks and open spaces;

- Multi-use Games Area and Play Area on Woodville Recreation Ground
- Play Area on Blueberry Way, Woodville
- Play Area on Excelsior Drive, Woodville
- Woodville Cricket Ground
- The Mitre Recreation Ground, Repton
- Chestnut Grove Play Area, Etwall
- Scropton Recreation Ground adjacent to St. Paul's Church
- Children's Play Area at the Village Hall, Hilton
- Children's Play Area at Avon Way, Hilton
- Children's Play Area off Main Street, Hilton
- Children's Play Area off Arthur Street, Castle Gresley
- Football pitch off Mount Pleasant Road, Castle Gresley
- Catherine Jonathan Playing Fields, Egginton
- Children's Play Area and Multi-use Games Area, Scropton Road Sports Ground, Hatton
- Multi-use Games Area and children's Play Area at Salisbury Drive, Lower Midway
- Multi-use Games Area at Goseley Recreation Ground, Hartshorne

South Derbyshire Public Spaces Protection Order Phase 2 Consultation

- Fenced children's Play Area on the King George V playing field, Etwall
- Children's Play Area, Swadlincote Woodlands Park

There is also an existing Designated Public Place Order (DPPO) in place at Eureka Park.

This Order was introduced in 2010. The Order gives Police Officers the power to confiscate alcohol from anyone thought to be consuming it within the Park (other than on Eureka Park Bowling Club).



The Dog Control Orders are enforced by the Councils small team of Safer Neighbourhood Wardens. The Wardens investigate complaints from members of the public about possible breaches of the Orders and historically they have been tasked with making at least 500 proactive foot patrols per year in the parks and open spaces named in the Order and in areas which are complaint 'hot-spots'.

The Designated Public Place Order is enforced by Derbyshire Constabulary. Officers visit Eureka Park based on local intelligence about activity there, and take appropriate steps as may be necessary to enforce the Order.

3. What Evidence is there to Retain or Extend the Existing Controls?

3.1 Local Environmental Quality Survey

In late 2014 we commissioned a snapshot report into local environmental conditions. The purpose of the report was to obtain some measureable evidence of the local environmental quality (LEQ) of the streets of South Derbyshire and to compare these results with the perceptions local residents have of their local environment.

We commissioned an independent company to carry out the work within part of the Swadlincote urban core.

Local environmental quality surveys were carried out on transects of over 100 streets and open spaces in November 2014 and April 2015

The headline findings were as follows;

90-92% of streets were found to be 'free' or 'predominantly free' of detritus (leaves, soil etc).

96-97% of streets were found to be 'free' or 'predominantly free' of litter.

99% of streets were found to be 'free' or 'predominantly free' of graffiti

99% of streets were found to be 'free' or 'predominantly free' of flyposting

84-96% of streets were found to be 'free' or 'predominantly free' of dog fouling

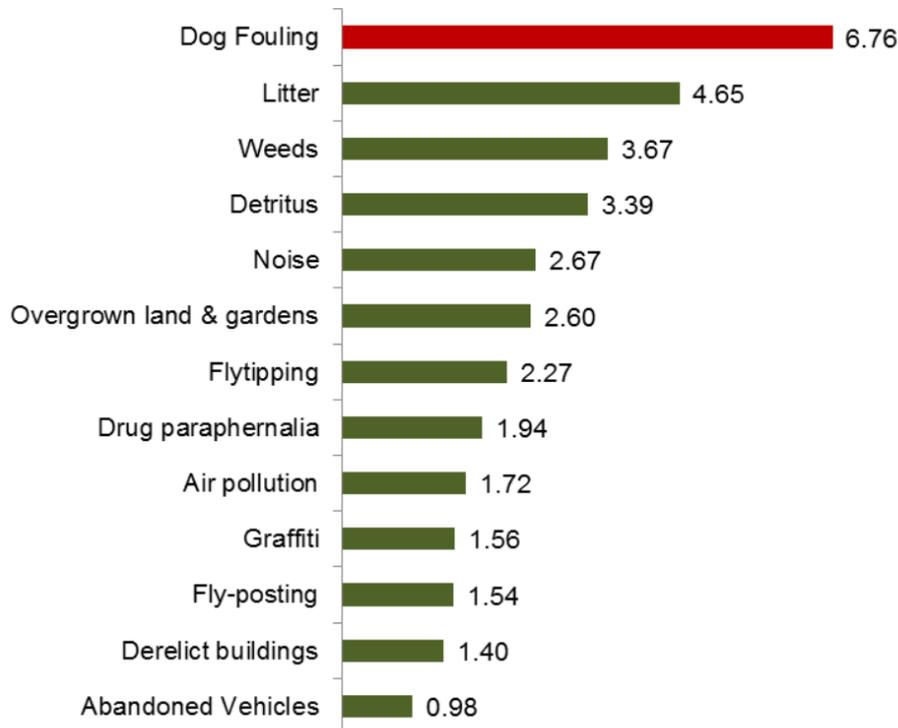
73-86% of streets were found to be 'free' or 'predominantly free' of weeds

The results indicate that the general condition of our streets and open spaces are comparatively good. However, levels of dog fouling and weeds varied a lot between different areas and between different survey dates.

The survey also asked 400 local residents what they thought about the relative seriousness of different sorts of environmental nuisance. The results are shown in the table below. The higher the score, the more serious the perception of the problem. We included in the survey questions about other environmental nuisances which we couldn't directly measure (such as noise, drug paraphernalia and

derelict buildings).

Rating of Relative Importance of Environmental Nuisance in South Derbyshire (Based on sample size of 400 residents)



Dog fouling was by far the matter of greatest concern to our residents, followed some distance behind by litter and weeds.

Encouragingly, none of the environmental nuisances which we didn't measure as part of the LEQ surveys featured highly in the issues of highest concern to residents. Of those nuisances which we didn't directly measure, 'noise' featured the highest followed by 'overgrown land and gardens' and then 'flytipping'.

We recognise that there are limitations to the results in that they reflect the conditions and perceptions in the geographical area surveyed and at the time the survey was made. However they do provide a reasonable evidence base on which to base any proposals.

3.2 Phase 1 Consultation

Between November 2015 and February 2016 we consulted with various local stakeholders during which we asked them five questions, namely;

1. Are there any forms of unreasonable behaviour occurring within specific areas of South Derbyshire which you think a PSPO should be used to control?
2. What controls would you like to see imposed in order to control the behaviour?
3. What evidence is there that the behaviour is having a detrimental effect on the quality of life of those in the locality?;
4. What evidence is there that the behaviour is persistent or continuing in nature?;
5. Why do you think the impact of the behaviour justifies the restrictions being proposed?

The stakeholders we consulted were Derbyshire County Council, Derbyshire Constabulary, Parish Councils, all SDDC Councillors and senior officers, the South Derbyshire Health and Wellbeing Action Group and the Safer South Derbyshire Partnership.

4. Our Proposals

The LEQ survey results and the feedback from the Phase 1 consultation have satisfied us that there are no big issues which our residents are concerned about which we are not already aware of. Our current proposals for the PSPO are;

Dog Fouling	<p>We intend to continue with the same existing controls on dog fouling; on requiring dogs to be kept on leads in some parks and on prohibiting dogs from some parks as described in Section 2 with some changes;</p> <p>We propose to make it an offence for someone, when in charge of a dog on land open to the public, to fail to show to an authorised officer that they have an appropriate means to pick up dog faeces when asked to do so.</p> <p>We have been asked to prohibit dogs from Church Gresley cemetery due to complaints about fouling on graves.</p> <p>We have been asked to require that dogs be kept on the lead when they use the sports pitches and public open space off Cockshut Lane in Melbourne.</p>
Littering	<p>We can issue Fixed Penalty Notices for littering offences, however when litter is seen to be thrown out of cars our officers often find it difficult to prove who the culprit is.</p> <p>We would like to make it an offence under the PSPO for any registered owner of a vehicle to allow litter to be discarded from their vehicle.</p>
Public drinking	<p>We propose to continue the DPPO in Eureka Park. We propose to extend the powers to require a person to stop drinking and to confiscate alcohol in Maurice Lea Park, Newhall Park, Hilton and Stenson.</p>

5. The Consultation

The Phase 2 consultation will be open until **1st September 2016**.

How to respond?

Please email your responses to environmental.health@south-derbys.gov.uk or write to us at

Environmental Health Department, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

Document Control

Version	Date	Author(s)	Brief Description of Change(s)
2	24.06.2016	MH	Revised Issue