

# Minutes



## Overview and Scrutiny Management Committee

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Date: 30 July 2021

Time: 10.00 am

Present: Councillors L Lacey (Chair), G Berry, P Hourahine, M Al-Nuaimi, Y Forsey, C Ferris, M Evans and F Hussain

In Attendance: Joanne Gossage (Green Services Manager), Rhys Thomas (Regulatory Services Manager – Environment and Community), Connor Hall (Scrutiny Adviser), Neil Barnett (Scrutiny Adviser), Anne Jenkins (Governance Team Leader) and Samantha Schanzer

Apologies: Councillor C Evans

Gareth Price (Head of Law & Regulation), Michelle Tett (Community Protection Manager)

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### 1 Declarations of Interest

None.

### 2 Minutes of the Previous Meeting

The Minutes were accepted as a true and accurate record.

### 3 Parks PSPO

#### Invitees:

Joanne Gossage – Service Manager Environment and Leisure

Jennie Judd – Team Manager (Parks and Recreation)

The Service Manager Environment and Leisure thanked committee for reading the report and hearing the presentation. Prior to 2015 dog control orders were usually site-specific and there were also considerations made when creating these orders regarding the protection of wildlife and protection of livestock. These orders were combined with bylaws relating to formal parks, open space areas and commons etc.

The Service Manager told committee that all previous orders were repealed by the Anti-Social Criminal Behaviour Act and accumulated into one order and noted that this PSPO should be beneficial for all members of the community – dog owners and the wider public alike.

The Service Manager noted that they have previously looked at sites and a series of potential restrictions were proposed. She also commented that they had previously put together orders for countryside areas which were rejected by the Kennel Club.

The Service Manager felt it was crucial this report be put to committee and the motion put forward to go to wider consultation as it would ensure that everyone has a change to input as it is an emotive subject.

The Service Manager Environment and Leisure explained that the proposals with the report could be categorised as two restrictive proposals and two general proposals. She explained that the restrictive proposals called for the total exclusion of dogs within play areas (with the exception of assistance dogs) and secondly, that dogs must be kept on leads in certain circumstances such as in graveyards/cemeteries and areas where there are other interests to be considered, such as wildlife preserves. The Service Manager Environment and Leisure explained that the two general proposals applied across all Newport City Council undermanaged sites with the first being the removal of faeces from land, not just including open spaces but also public highway verges and access routes to open spaces, stating that they must also have the means to remove faeces on their person. Secondly, the Service Manager Environment and Leisure explained that the proposal instructed dog owners that dogs must be leashed when instructed to by relevant enforcers to ensure control of the pet.

The Service Manager Environment and Leisure expanded to note that one of the exclusion measures would be seasonal exclusions; during playing season for sports pitches, it was proposed to exclude dogs from those areas. She explained that it would not exclude dogs from a whole park or open space where these pitches may be, that it would only restrict the dog from being allowed onto the marked pitches.

The Service Manager Environment and Leisure presented the example of Lysaghts Park which presented examples of three measures – the complete exclusion of dogs from the on-site play area, the seasonal exclusion of dogs from the marked sports pitches and the inclusive area for properly controlled dogs. She felt that it evidenced the wish to not totally exclude dogs from spaces, just to clarify the rules regarding the areas. The report would properly show the public why and how they would be implementing this and felt it explained what they can do on the site.

The Service Manager presented another example to committee; Hartridge Wood, wherein the general order to put leads on and close control was primary, with no specific restrictions. Other examples included St Woolos cemetery, which the Service Manager Environment and Leisure advised dogs would have to be on leads at all times with no seasonal variation, and Allt-Yr-Yn, where dogs could just be under proper control. She advised that removal of faeces applied equally to all sites, regardless of different levels of exclusion.

The Service Manager Environment and Leisure commented that there is a desire to balance the health and wellbeing of public as well as the wellbeing of the animal, and acknowledged animals must be exercised. The point of the PSPO wouldn't be to overly restrict dog owners or the dogs themselves, but to ensure enjoyment for everyone in parks and open spaces.

The Service Manager Environment and Leisure informed committee that other authorities have also been looking at this issue citing Cardiff, Carmarthen, Rhondda Cynon Taff, Flintshire and Conwy. She advised that they were within the same timescale as others though would have liked the PSPO to have been considered earlier but acknowledged that the pandemic and other issues have preceded it.

The Service Manager Environment and Leisure then invited the Team Manager (Parks and Recreation) to present the questionnaire that would be part of the public consultation. The Team Manager (Parks and Recreation) assured committee that the questionnaire would be readily available online to members of the public. She also assured committee that it would be promoted stakeholders to contact members, where she gave the example of the Kennel Club. The Team Manager also explained that they would be writing to sports clubs and governing bodies for consultation. Further, the Muslim Council for Wales would be contacted regarding their concerns from the bereaved to broaden the opportunity for a minority community to be consulted. Additionally, the Team Manager confirmed there would

be arrangements for banners to be made to be displayed in prominent city parks to inform the public of the consultation as well as Public Relations sharing links on through routes such as social media to bring to attention of residents.

The floor was then opened to questions.

- A committee member commented to welcome the Parks PSPO but asked how it would be enforced and by whom.

The Service Manager Environment and Leisure responded that the understanding was that once the order is in place, it would be enforceable through anyone delegated to enforce including the Police, designated officers of council e.g. park rangers and dog wardens, and PSCOs. She noted that there is a limit on fines for officers empowered to do that and there would be a need to work with colleagues in Environmental Health to see how it should be managed were it to be an issue.

- A committee member asked whether the maps made available to committee would be put on noticeboards in parks for public knowledge.

The Service Manager Environment and Leisure assured committee that the intention was and is to be as clear to the public as possible, where available. She advised that plans and notices would be available online, and banners made for consultation links to website and where further information would be available.

- A committee member welcomed the proposals and felt that it was common sense that proper action be taken, hoping it is enforceable. The committee member raised concern regarding the potential issue of definition of 'close' or 'proper' control especially in open spaces. The committee member expressed that the standard of dogs' quality of life and ability to exercise and socialise appropriately be impacted. The committee member requested reassurances that this wouldn't be exploited with any impact on any dogs' quality of life. The committee member went on to question the inclusion of a question that related to disabilities or previous health issues.

The Service Manager Environment and Leisure directed committee to the report wherein there is a draft order (pages 35/36) where it states (section 6.2/3) that people must put and keep the dog on lead when directed to do by an appropriate enforcer, explaining that for those purposes it will only be asked when reasonably necessary as detailed in report. She stated that she wanted dogs to be able to socialise and have a quality of life in an acceptable manner, and the PSPO is about balance and she hoped that those clauses explained and reassured committee that they want to cover that base within the PSPO. The committee member appreciated the reassurance it but was still apprehensive when it came to the assumptions that would be made by those who didn't perhaps wholly understand or have access to reading the PSPO in full. The Service Manager Environment and Leisure responded to question relating to the inclusion of a question asking about disabilities/health issues to say its inclusion may have been in relation to assistance dogs and perhaps a rephrase might be needed or failing that, the removal of the question all together.

- The committee informed the Service Manager Environment and Leisure of receiving contact from constituents and the Muslim community who questioned her regarding rules and wished for dogs to be banned from cemeteries. The committee member questioned how dog fouling would be dealt with and whether someone would be appointed to specifically deal with that.

The Service Manager responded to explain that the issue with total exclusion is that there are designated rights of way that run through cemeteries and that in Christchurch specifically, there is a right of way that runs through more recent areas of burial. She explained that while people were encouraged to use side routes, if the issue becomes more persistent diversions of the right of way may occur. Further to this, the Service

Manager Environment and Leisure expanded on the wish to manage issues within the sight by citing that greater awareness of the need to lead your dog will help encourage members of the public, as well as putting in signage and using staff on site to enforce rules, finishing by stating that there is a complaints process can be utilised and followed up on. The Service Manager Environment and Leisure stated that there will not be people in the cemetery to manage the public use at all hours during a day but expressed a need to constantly review and try to manage right of way legislation and other powers. The committee member was also concerned regarding the headstones/gravestones and asked if they were broken or vandalised, where does responsibility fall to maintain them. The Service Manager Environment and Leisure noted that while this was off topic, the grave-owner is responsible for upkeep and safety on site. If there has been an issue where a stone has been upset, they can ask for assistance, but ultimately the responsibility lies with the grave-owner. The Service Manager Environment and Leisure acknowledged that the issue was something that is outside of this meeting, but asked the committee member to contact Team Manager (Parks and Recreation) and her team and get to the bottom of the issue.

- A committee member noted that every country has a way of dealing with the issue of dog fouling and open spaces but reminded committee of the importance owner responsibility. The committee member offers the information that in some countries a registry is in place to be able to track and prosecute appropriately when dog fouling occurs. The committee member asked how far does the PSPO go and how hard should it be pushed? The committee member comments that the owner is first port of call but questioned how they would be found. The committee member questions why alternatives, such as open spaces specifically for dogs, fenced areas or a registry that enabled offenders be found, not considered and if they were, were they applicable.

The Service Manager Environment and Leisure informed the committee that controlled exercise areas are available citing the main area available was located at the dog kennels near Coronation Park. The Service Manager Environment and Leisure commented that she didn't currently see a need for fencing areas off in larger parks as it would be too restrictive. The PSPO is reviewed every three years and it can be reviewed again using what they have learned and what will be learned during this PSPO, the main wish was to see whether this PSPO was a workable solution in the management of dogs on land. The committee member commented that he didn't disagree but encouraged the Service Manager Environment and Leisure to consider looking at other areas and countries to see whether any of their schemes could be applicable for this area. The Service Manager assured the committee member that this can be researched and potentially reviewed for application but reminds committee that they have already looked at other Local Authorities and have used these as a basis for this PSPO.

- A committee member welcomed this Parks PSPO. The committee member highlighted the importance that dogs be on leads in cemeteries and also the considerable health hazards that dogs faeces on children's playing field and pitches cause. The committee noted a wide and representative consultation should be had, not just consulting with the Kennel Club and suggested asking various sporting clubs for contributions. The Committee member supported active travel routes being protected for the importance of the safety of public and noted that there were errors and inaccuracies in appendix 1 that need to be rectified.

The Service Manager Environment and Leisure reassured the committee that the intent was to consult with clubs and member of the public as well as kennel club for a ranged and inclusive consultation as detailed by the Team Manager (Parks and Recreation).

- The Committee noted that there were mistakes in Appendix 1 regarding wards and park locations and asked whether the report would be fixed before going out to the

public as there were a number of inconsistencies.

- A committee member The Committee asked how would the areas of varying exclusion be defined in practice the Glebelands in particular, which features woodland and questioned whether this would be an area that required proper control. The committee added that by law, all dogs are required to be microchipped and similarly, could the idea of third-party pet insurance be explored as necessary.

The Service Manager Environment and Leisure apologised for all errors and assured committee it would be looked into, offering to send a corrected copy to committee. The Service Manager advised that pitches would be marked for easy identification of areas and while they might not be white-lined fully, she explained that they may be marked through burning or using weed killer. The Service Manager expressed confusion of reference to Glebelands, as it was not shown during the presentation. The committee member clarified that while not shown, it was used as an example. The Service Manager stated that an order of proper control would apply to all land owned, and further restrictions applied to the appropriate areas. The Service Manager Environment and Leisure responded to the question of requiring insurance and stated that it would have to be referred to Legal but she thought it would be unlikely to be enforceable. raising the question of the exclusion that could arise from pet insurance having the potential of being unaffordable, which would subsequently mean that dog would be excluded from using open spaces. The Service Manager summarised that an insistence on third party insurance for having use of open spaces would be very difficult to implement, restrictive to some people and difficult to police.

- The committee commented that a lot of complaints are received regarding dog fouling in St Woolos Cemetery. A committee member has spoken to cemetery workers who do their best to ensure this doesn't happen and the committee member believed that this arrangement is as good as they're going to be able to achieve. The Committee expressed concerns that the report did not name St Woolos Cemetery.

The Service Manager reassured the Committee that St Woolos Cemetery was included in the report.

- A committee member asked for clarification regarding the length of time dogs have been required to be on leads in Belle Vue Park.

The Service Manager Environment and Leisure acknowledged the committee member not being present for the beginning of the presentation and explained that the Parks PSPO would overtake all other existing bylaws and out-of-date dog control orders on some sites. The committee member apologised for his partial absence but asked for clarification on what would the case be for Belle Vue Park specifically. The Service Manager Environment and Leisure stated that, as set out in the PSPO, in city parks dogs must be under proper control, dependent on level of training the dog has or whether the dog needs to be controlled using a lead. Under the terms of the PSPO, dogs would have to be put on leads if compelled to do so by a warden or Parke employee.

- The committee member questioned whether park rangers are still present and available for members of the public.

The Service Manager Environment and Leisure advised that park rangers would be able to give direction, and an offender refused then the issue could be escalated to the police. She expanded to state that through the enactment of order, they could take other measures if necessary. The committee member understood her explanation but was not aware whether an active park ranger was available in Belle Vue Park and questioned what hours they could be expected to be present to enact the PSPO. The Service Manager Environment and Leisure advised that they have staff on site regularly, including rangers who visit to empty the bins and gardening staff. The committee member

asked to be notified of hours where service is available. The Team Manager (Parks and Recreation) confirmed that during the working week, gardening staff are on site between 7am-3pm in the Summer season while in Winter its 9am-5pm. The Team Manager (Parks and Recreation) added that during Summer, park rangers on site start at 1pm-8pm which alters in accordance with daylight hours going into the Winter months. The Team Manager (Parks and Recreation) also advised that park rangers are available during weekends in Winter. The committee member asked where the park rangers are based in the park. The Team Manager (Parks and Recreation) advised that the rangers do not have one place of availability as they work in entire park, though they do have on-site facilities for lunch and comfort breaks based on old nursery site. The Team Manager (Parks and Recreation) voiced her appreciation that the park is large. The committee member asked for confirmation that the park ranger available could be approached and the Team Manager (Parks and Recreation) reassures him that the purpose of them being there is to assist the public in all instances.

#### 4 City Centre PSPO

##### Invitees:

Gareth Price – Head of Law and Regulation

Rhys Thomas – Regulatory Services Manager

Michelle Tett – Community Protection Manager

Inspector Jodie Davies – Gwent Police

The Regulatory Services Manager thanked the committee for accommodating the movement of agenda items. He explained that the report presented asks for a continuation for the PSPO in place. He reminded committee that the PSPO expires on 23 August 2021 and this report still seeks to consult on the continued need of a PSPO and on whether the restrictions of the City PSPO are still relevant.

The City PSPO is a local order made by local authority and is an additional tool not only tool to combat the issues set out in the report; he advised that partners across the service board have various other processes that are also used.

The Regulatory Services Manager advised the committee that they could opt to renew without consultation but that public should be consulted before doing so. He stated the option to renew with same restrictions, to renew with added, varied or amended restrictions, or that committee may decide that there is no continued need for the City Centre PSPO and discharge it.

The Regulatory Services Manager noted that the Pillgwenlly PSPO was recently renewed and says that the “lessons learned” during that have been taken on board in relation to the current PSPO at hand. He recommended that consultation takes place over one month through August 2021, and noted the pre-meeting suggestion that business owners be included in the public consultation.

The Regulatory Services Manager said that PSPOs form a foundation for other work within an area and has been cited in processes used for wider anti-social issues.

The Chair then opens the floor for questions.

- The committee thanked the Regulatory Services Manager for his presentation and thanked him for inclusion business districts in the consultation. The committee member went on to question the numbers of incidents presented in appendix 2, specifically the anomaly of 25 in 2020 and queried whether the anomaly was related to or caused by Covid-19. The committee member acknowledged the effectiveness of the PSPO in and of itself but acknowledged also that when the numbers drop, it potentially has previously served to be effective as it was. The committee member went on to expand and ask specifically what happened in 2020 for the large increase in numbers and is there a potential that the pandemic has skewed numbers?

The Regulatory Services Manager responded to say he didn't know of any specific reason, but notes that from February 2020 onward as restrictions came into place, there was a trend of numbers lessening. He explained that the PSPO first came into place in 2018 and saw a phasing in period, during which they sought to advise and engage before

enforcing any complaints council received. He advised it was likely lower due to COVID. The Regulatory Services Manager added that it is a reactionary order and that may be a cause for the lower number. He also reminded committee members that trends were only reflected over 3 years which is a short reporting period.

- A committee member commented that as ward member, he supports the continuation of order. He acknowledged that the PSPO had made a difference in discontinuing reoccurring previous issues such as unauthorised drinking in the city centre and the resulting littering. The committee member observed that as a result of the order in the last three years, some changes in these issues were noticed. He reiterated his support for its continuation and commented that the report itself was well set out, though a summary at the beginning would be preferable. Finally, the committee member expressed concern as to why it had been left so late to review the need for the continuation of the City Centre PSPO and called on officers to confirm the period between end of current and the start of new PSPO. The committee member questioned what would be done in the interim.

The Regulatory Services Manager responded that it was purely down to timings and having to get to council to implement. The reason for the PSPO coming to Scrutiny Committee late is COVID pressures on the department. He reiterated that it is right to allow consultation period to go ahead and consideration to be allowed. The Regulatory Services Manager reassured the committee that between the Local Authority and the Police, there were powers to deal with any issues in the interim and reminded committee that the PSPO was not the only order. The committee member responded to this reassurance and was proud that the city centre had a “new look”, not wanting “bad habits” to return. The committee member reiterated that during the period between PSPO’s, the committee wanted to showcase the “new look” for the city and prove its confidence. The committee member finished by saying that hopefully the issues can be address during the consultation, and that Council decide on the continuation of the City Centre PSPO.

- The committee expressed concern regarding Fixed Penalty Notice numbers for begging as they seemed to greatly understate the number of complaints made by members of the public. The committee questioned the process of making complaints and expressed concern that potentially rather than having to make a complaint, members of the public instead just “put up” with the behaviour. The committee member questioned whether more awareness could be raised for members of the public should they need to raise an issue and/or make a complaint as the committee member felt it was an ongoing issue.

The Regulatory Services Manager explained that the process was that if Officers or Wardens didn’t immediately deal with an issue at the site, that members of the public could report issues either by telephone, via the website or in person. He advised that Officers do attend the location and to try and move on offenders and reminded committee that this PSPO was about preventing and combating aggressive behaviour. He expanded on the engagement between CCTV Team and Officers, who direct Officers on the ground if they are in the vicinity. Additionally, the Regulatory Services Manager advised that Gwent Police colleagues might do things in similar manner. Sergeant Butt added that regular surveys and surgeries were carried out in the city centre by local Police, advising that three a week were running in Friars Walk using a new building gifted to them where CSOs were visible, and members of the public were encouraged to report crime and anti-social behaviour. Sergeant Butt added that CSOs and Wardens have issued Fixed Penalty Notices where necessary to key offenders, as well as Community Protection Notices and Criminal Behavioural Orders which may be resulting in helping reduce numbers. He noted that these are only given to prolific offenders and make use of the conditions and map of the PSPO to restrict movement of such offenders. He advised

committee that thirteen Criminal Behaviour Orders are held, eight of which are specifically aggressive begging, but these orders ensure that offenders leave the city centre, which also reduced numbers.

- A committee member noted the issue of begging only being banned near cashpoints and called for a blanket ban on begging due to issues with begging in car parks and around the City Centre.

Sergeant Butt noted that a number of other measures have been put in place to discourage begging and that harassment can be dealt with by police outside the remit of the PSPO. Sergeant Butt also noted that there are ethical and public concerns in begging being totally banned. The Service Area Manager agreed to include a question on a blanket ban on begging within the public consultation.

- A member of committee raised the issue of e-bikes and e-scooters, stating that they were a nuisance in pedestrian areas, with emphasis more so on electric scooters. The committee member had hoped for a more definitive answer from the Head of Law and Regulation but noted that it seemed to him from a number of wards and reports that electric scooters were the favoured method of “small time drug dealers”. The committee member thanks the Chairperson and commented that it should be discussed what goes into consultation.

The Regulatory Services Manager advised that as explained in the report, e-scooters, cycling and skateboards have restrictions implemented. He furthered this to explain that to be included in the PSPO, it would have to be evidenced, and as such he has tried to provide this. He concludes that the best course of action would be to review the consultation before going forward. The Regulatory Services Manager added that in his review of some records, there had been a number of mentions to this in texts from members of the public associated with the report. He also advised that it is a possibility to restrict e-scooters, as there was precedent in an adjacent PSPO relating to Cardiff road, where wording used could be adopted to ensure consistency. The committee member asked Sergeant Butt to comment. Sergeant Butt commented to say that the Police does have powers relating to e-bikes/e-scooters under Section 59 of the Police Reform Act 2002. He reported that they have seized three e-scooters between Pillgwenlly and the city centre. He also advised that Section 165 of the Road Traffic Act held content as to whether insurance is required for e-scooters, and Sergeant Butt reported that e-scooters should have insurance, therefore seizure took place under that act. He advised committee that the biggest issue Police face is getting “hands on” due to the nature of the e-bike/scooter when Officers are on foot, but reassured committee that the Police and Wardens rely heavily on CCTV in these instances to identify and seize them.

- The Committee supported a question regarding e-scooters and e-bikes being raised in consultation.
- Committee raised a point regarding the blanket ban of begging wherein the degrading experience of homelessness/the need for begging was acknowledged. The committee member reminded committee that it was an issue that has been discussed full previously. The committee member acknowledged the potential for a lot of support in favour of banning begging altogether but argued that it would not be addressing the issue comprehensively as they had done previously, which had resulted in the current situation and order. The committee member went on to comment that looking at data in report, not much had changed regarding the validity of banning all together. The committee member expressed support in putting the question forward but acknowledges that this wouldn't consider all issues in relation to begging.



- A committee member commented that the city is in an odd situation wherein cars cannot be driven more than 20mph on road but 30mph could be reached by e-scooters on pavements, which was concerning.

The Regulatory Service Manager voiced his support of Sergeant Butt and the Police's view on e-scooters but also acknowledged it would be appropriate for the PSPO to be evidence-based and mindful that Newport City Council as a corporate body has responsibility to active travel and environmental protection. He added that the issue of e-scooters has been flagged and discussed within the Pillgwentilly PSPO and was happy to include a question regarding this as part of anti-social behaviour for the PSPO at hand but reminded committee that active travel could not be criminalised for legitimate travellers. The Regulatory Service Manager also reassured committee that Police make sensible and risk-based decisions, not targeting ordinary community members who use electric bikes and scooters legally.

A committee member voiced their contentment that the question of e-bikes/scooters would be raised as a question.

## 5 **Conclusion of Committee Reports**

- Committee noted that they were happy with content currently with contained with the PSPO's but would like to see bikes and scooters included, as well as wanting to ask question on blanket begging ban, and inviting businesses to be included in the consultation. The committee member asked the Scrutiny Adviser to confirm that these are the main matters which have arisen. The Scrutiny Adviser confirmed these and added the concern raised due to the lapse in PSPO from August to October.
- Committee enquired whether a hotline reporting for anti-social behaviour could be implemented to ensure ease for members of the public. The Scrutiny Adviser assured the committee that the contact centre can be contacted to report any issues. The committee member reiterated the desire for a hotline to be implemented.
- Committee noted that the Parks PSPO was poorly drafted and would like a further draft to rectify errors.
- Committee noted that they wished to have been provided with the reports in a timelier manner.
- Committee noted that they would like consultations advertised via social media.
- Committee requested that the hours of work for the park rangers be made public.

## 6 **Scrutiny Adviser Reports**

- Forward work plan – Scrutiny Adviser noted no changes going forward and PSPO would likely come back to committee around the 23<sup>rd</sup> September with the appropriate ward councillor(s) and Cabinet Members to be invited.

The meeting terminated at 12.50 pm