

# Report to Health & Wellbeing Scrutiny Panel

Agenda  
Item:

**A.4**

Meeting Date: 14 January 2021  
Portfolio: Communities, Health and Wellbeing  
Key Decision: KD 27/20  
Within Policy and  
Budget Framework Yes  
Public / Private Public

Title: **REVIEW OF PUBLIC SPACE PROTECTION ORDERS**  
Report of: The Deputy Chief Executive  
Report Number: CS 05/21

## **Purpose / Summary:**

This report introduces the draft Local Environmental Crime, Action and Enforcement Strategy, the revised Public Space Protection Order to come into effect from March 2021, and the combined Public Space Protection Order for alley gates and invites comment from Scrutiny Panel.

## **Recommendations:**

That Health and Wellbeing Scrutiny Panel considers the content of the report and provides feedback to the Executive.

## **Tracking**

Executive:	14 December 2020 & 8 February 2021
Overview and Scrutiny:	Health and Wellbeing Panel 14 January 2021
Council:	N/A

## **Preface**

This report is presented in four parts:

Part A: The Local Environmental Crime, Action and Enforcement Strategy

Part B: Revised Public Space Protection Order for Carlisle

Part C: Consolidated Public Space Protection Order for alley gates.

Part D: Risks and recommendations

## **PART A: LOCAL ENVIRONMENTAL CRIME, ACTION AND ENFORCEMENT STRATEGY**

### **1.0 INTRODUCTION**

- 1.1 Carlisle City Council is committed to maintaining a clean and safe environment for everyone. This commitment recognises the Council's statutory responsibility to keep the streets and local environment clean and free of litter, dog fouling, fly-tipping and to deal with other local environmental quality issues including working with a range of partners to tackle anti-social behaviour. This as a shared responsibility that cannot be achieved without the support of the people of Carlisle, visitors and local business in taking responsibility for their own actions.
- 1.2 This report introduces the Local Environmental Crime, Action and Enforcement Strategy that sets out the Council's approach to maintaining clean streets and neighbourhoods across the district of Carlisle and highlights the wide ranging work and powers of the Civil Enforcement Officers in raising awareness of environmental crime, including challenging unacceptable behaviour and taking robust enforcement action, when necessary as the Council works to keep Carlisle clean.

### **2.0 THE LOCAL ENVIRONMENTAL CRIME, ACTION AND ENFORCEMENT STRATEGY**

- 2.1 This updates the existing strategy recognising the new powers available to the Council and highlighting the wide range of activities undertaken by our civil enforcement officers and operational teams. The activities and powers are outlined in the strategy (Appendix one) and are not detailed in this report.
- 2.2 The aim is to ensure Carlisle is a clean, safe, healthy and welcoming place to live, work and visit. Staff in Neighbourhood Services are responsible for keeping streets, town centres and residential areas clean and litter free. As the behaviour of a small minority of people falls short of acceptable standards, the Council employs a team of Civil Enforcement Officers to prevent, detect and deter enviro-crime...

**Prevent:** To prevent enviro-crime by raising awareness of the problem through education and local awareness campaigns targeted at changing people's behaviour.

**Detect:** To detect enviro-crime quickly and take swift and robust action with dedicated and responsive enforcement officers using modern technology and working in partnership with other enforcement bodies to ensure activities are intelligence led.

**Deter:** To deter enviro-crime by making sure that those who commit crimes are caught, that the action taken is proportionate and through promoting success, to deter others from committing such selfish behaviour / offences.

2.3 The strategy covers the work of the clean neighbourhoods and enforcement teams in relation to:

2.4 **Clean neighbourhoods:**

The Council's approach to maintaining streets and town centres through both a programmed and responsive service, including:

- Operational priorities
- Working in partnership with residents / shared responsibilities
- Community Payback
- Neat Streets Initiative
- Days of Action / community response
- Graffiti

2.5 **Action and Enforcement:**

The strategy 'introduces' the team of Civil Enforcement Officers and the powers available to support them in performing their role effectively:

- Awareness raising, campaigns, education and advice (**Prevent**)
- Authorised action / powers / legislation

It also outlines the resources available to improve effectiveness and mitigate health and safety risks:

- Training and competency
- Working with key partners and sharing intelligence
- Deploying CCTV at key locations / fly-tipping hot spots
- Use of body worn cameras – 'Respect our staff'
- And, for 2020 – the introduction of the enforcement camera vehicle to target littering from vehicles

2.7 **Enviro-crimes**

The strategy provides a definition of enviro-crime and outlines the steps the Council will take to tackle:

- Littering – including litter from businesses
- Fly-tipping of waste on public and private land
- Fly-tipping hot spots
- Waste dumped in un-adopted back streets.
- Fly-tipping at local recycling sites

The strategy also highlights other areas of concern to ensure residents and business owners are aware of and understand their responsibilities, and duty of care, in terms of managing household and commercial waste.

## **2.8 Responsible dog ownership:**

The work of the Enforcement Team in relation to encouraging responsible dog ownership and tackling issues of concern to residents is also outlined in the strategy:

- Dog Fouling
- Dogs on leads
- Dogs in restricted areas
- Stray dogs
- Identification / microchipping

## **2.9 Anti-social behaviour:**

Further information on the Public Space Protection Order is provided in part B. The strategy also highlights how the Council will work with residents to keep rear lanes clear of waste and where appropriate to install alley gates to provide safe, clean areas for residents, including children to enjoy.

## **2.10 Abandoned and nuisance vehicles**

Civil Enforcement Officers will also respond to concerns about abandoned or 'nuisance' vehicles including concerns arising from those selling or repairing vehicles on the street. The Council also has powers to challenge drivers of motor vehicles where they leave engines idling with the ability to issue fines where drivers refuse to switch off the engine after a request from an authorised officer. This is a positive step to tackle irresponsible driver behaviour and will help to reduce carbon emissions and improve local air quality.

## **2.11 Car parking enforcement**

Civil Enforcement Officers are based in the Parking and Enforcement Team, Neighbourhood Services, and work generically splitting their duties between patrolling car parks and dealing with environmental enforcement. This change was introduced in the last two years and has proved very effective in improving performance.

## **2.12 Enforcement options / actions available**

The strategy outlines the options available to the Council for dealing with enviro-crime or other issues including:

- Informal action and advice – written or oral (where appropriate)
- Anti-social Behaviour Contracts: Restorative Justice Options
- Simple Caution
- Formal statutory notice
- Execution of work in default i.e. required by a statutory notice where the recipient has not complied with a notice
- Fixed penalty notice for specific offences
- No action where there is insufficient evidence to pursue action, or where it may not be cost effective to continue of in the public interest
- Prosecution

In all cases the method of enforcement used should be balanced and proportionate to achieve the highest reasonable standards of compliance within the least time.

### **2.13 Children and young people**

The Anti-social Behaviour Crime and Policing Act 2014 introduced the Community Protection Notice process. Under this process if an individual's conduct is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and that this conduct is unreasonable, a warning letter can be served. Failure to comply with a warning letter can lead to the issuing of a Community Protection Notice, followed by a fixed penalty notice. This is the preferred process for dealing with young people aged 16 or 17 years for offences such as dog fouling and littering which ordinarily would attract an immediate fixed penalty. The expectation is that the formal warning process will encourage immediate and ongoing positive behaviour change.

### **2.14 Promotion and awareness raising (Prevent and deter)**

To further raise awareness of enviro-crime and to encourage positive and responsible behaviour by residents and business owners, the Council will continue to promote campaigns and key times of the year or in key locations to address emerging or ongoing issues / concerns. Successful enforcement action is also highlighted through press releases and on social media to deter others and to provide reassurance / confirmation that the Council is delivering on its priorities and holding people to account for their selfish behaviour. A summarised version will also be available on the Council's website.

## **3.0 MONITORING AND EVALUATION**

- 3.1 Standards of street cleaning are monitored constantly across the year, but in addition, officers carry out local environmental quality (LEQ) surveys in key areas and streets to assess and report on the standard of appearance / cleanliness using Keep Britain Tidy's ratings for cleanliness.
- 3.2 The Council receives and welcomes reports from residents and councillors regularly for example in relation to the standard of street cleanliness or incidence of fly-tipping or dog-fouling. Information is used to target intervention as appropriate.
- 3.3 The strategy has been written in a format to avoid the need for frequent updates should legislation and powers change or as the levels of fine / penalties are increased. Where there is a more fundamental change, the strategy will be revised accordingly.

## **PART B: REVISED PUBLIC SPACE PROTECTION ORDER FOR CARLISLE**

### **4.0 PUBLIC SPACE PROTECTION ORDER (2021 TO 2024)**

- 4.1 The existing Public Space Protection Order (PSPO) for Carlisle ends on 21 March 2021. A revised PSPO is proposed for the next three years subject to consultation.
- 4.2 The PSPO provides wide ranging and flexible powers to a local authority to help tackle anti-social and nuisance behaviour. The orders do not focus on individuals or properties; rather they focus on the identified problem behaviour in a specific location and impose restrictions on behaviour that apply to everyone in that locality. Breach of a PSPO without a reasonable excuse or exemption is an offence. For example, assistance dogs would be exempt from certain elements of a PSPO related to the control of dogs.
- 4.3 PSPOs allow local areas to challenge unreasonable and persistent behaviour that affect the quality of life of its residents and support local priorities. PSPOs are a clear and visible demonstration to residents that the Council is utilising all its powers, fully supporting its partners, and taking very seriously its commitment to challenge unacceptable and unreasonable behaviour.
- 4.4 A PSPO can last for up to three years after which time it must be reviewed. The PSPO can be renewed for a further three-year period should such a review support its extension.

### **5.0 CONSULTATION AND APPROVAL**

- 5.1 The PSPO is a vital tool to support our partners to respond swiftly and effectively to anti-social and nuisance behaviour and providing flexibility to tackle emerging problems and trends. The proposed content of the revised PSPO has been informed following discussion with the Portfolio Holder, officers and partners, such as the police. The content has also been revised following discussion at JMT in November 2020.
- 5.2 The revised PSPO will require formal consultation with stakeholders and key partners such as the Chief Constable, Police and Crime Commissioner, Community Safety Partnership and health partners. It is also good practice to extend the consultation to wider stakeholders such as residents, community groups, local business owners, landowners and occupiers. This helps form part of any defence should the Council be subsequently challenged on the Order. Any interested person can challenge the validity of a PSPO in the High Court, but the challenge must be made within six weeks. An 'interested person' is someone who lives in the restricted area or who regularly works or visits that area.

## 6.0 PROPOSED CONTENT

- 6.1 As mentioned above, the proposed content for the revised PSPO has been developed through discussion with key partners. Whilst many of the existing elements of the PSPO continue to be effective in supporting our partners such as the Police to deal swiftly with ASB issues, there are some areas where further clarification and enhancement is needed going forward. It is accepted that the existing PSPO is not clear or robust enough to tackle some of the issues faced for example in the city centre.
- 6.2 The PSPO is not targeted at any particular groups or individuals; rather it is focussed on behaviour which in some circumstances may not always appear to be overtly anti-social or aggressive. Indeed, some of the activities the revised PSPO will help address may initially appear passive, but which may support serious organised crime and / or introduce safeguarding and child sexual exploitation risks.
- 6.3 It is very important to recognise the need to respond differently to those individuals or groups for example travelling as part of an organised crime group from other cities to Carlisle, presenting as homeless to attract sympathy and donations from the public. And, to contrast this with those who are genuinely in need and for whom the City Council and our partners will continue to offer the appropriate level of support and intervention to protect their health and wellbeing as a priority. The revised PSPO will ensure that we can effectively target the first problem, but importantly it does not reduce our ability or desire, or that of our partners, to continue to support those in genuine need of support.
- 6.4 In reviewing the current PSPO, Health and Wellbeing Scrutiny will need to be satisfied that the following tests can be reasonably met:
- Activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or, it is likely that activities will take place and that they will have a detrimental effect
  - The effect or likely effect of the activities:
    - is, or is likely to be, persistent or continuing in nature
    - is, or is likely to be, unreasonable
    - justifies the restrictions being imposed



## 7.0 TIMETABLE

- 7.1 The proposed areas of the PSPO are summarised in appendix two. Subject to agreement, this will follow the timetable below:

18 December 20	Consultation started
14 January 21	Health and Wellbeing Scrutiny
22 January 21	Consultation ends
08 February 21	Executive - Approval of PSPO
21 March 21	New PSPO in place

## PART C: ALLEY GATES: COMBINED PUBLIC SPACE PROTECTION ORDER

### 8.0 PUBLIC SPACE PROTECTION ORDER (NO2) 2021-2024

- 8.1 The Council currently maintains a number of alley gates in Carlisle. Many of the gates were installed under separate gating orders and are now covered by separate Public Space Protection Orders. It is now proposed to consolidate all such orders under a single PSPO.
- 8.2 Alley-gates can be an effective in helping to improve the quality of life for residents by reducing both the incidence of crime and anti-social behaviour as well as reducing people's fear of crime. Alley gates can effectively reduce the incidence of burglaries, arson, fly-tipping and general nuisance behaviour.
- 8.3 Clean, gated lanes help to foster community spirit as neighbours get to know each other and enjoy the outdoor space together; traffic free lanes provide a safe space for children to play. There are also many examples where residents have worked together and installed planters introducing colour to the back-lanes and creating small nature corridors through urban areas.
- 8.4 The Council is required to consult with residents affected by the PSPO (gating order). The full list of lanes with gates is provided in appendix four.

## **PART D: RISKS AND RECOMMENDATIONS**

### **9.0 RISKS**

- 9.1 Public Space Protection Orders target anti-social and nuisance behaviour, not particular groups or individuals. An effective PSPO will send out a clear message about acceptable behaviour, helping to build public confidence that anti-social behaviour will not be tolerated and giving our partners the tools and powers to deal robustly and swiftly with emerging problems. But it is important to always balance this against the need to offer support for those genuinely in need of assistance where pursuing the enforcement route is perhaps not appropriate. In this regard, the revised content, which has been developed through discussion with our partners, provides the necessary clarity of message but reinforces the need to offer support and guidance where appropriate.
- 9.2 PSPOs should be evidenced based, tackling problems in the local area but it is also important that they provide flexibility going forward to tackle changing problems and emerging trends experienced for example in other cities to avoid Carlisle becoming an 'attractive destination' in this regard. It is also important to provide flexibility across the wider district of Carlisle, not just to limit the restrictions to say the city centre. The PSPO needs therefore to be able to deal effectively with stopping anti-social driving and gatherings in a city centre car park but should not simply move this behaviour to a car park in an industrial estate a few miles away. The PSPO therefore targets the behaviour, not the precise location.
- 9.3 Any interested person can challenge the validity of a PSPO in the High Court; the challenge must be made within six weeks. An 'interested person' is someone who lives in the restricted area or who regularly works or visits that area.

### **10.0 CONCLUSION AND RECOMMENDATIONS**

- 10.1 Health and Wellbeing Scrutiny is recommended to review and comment on the:
- Local Environmental Crime, Action and Enforcement Strategy
  - proposed content of the revised PSPO, subject to consultation in line with the timetable outlined in this report.
  - consolidated PSPO for alley gates.

## **11.0 CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 11.1 Maintaining clean, safe and attractive streets, neighbourhoods, villages and towns, cuts across a number of the priorities, as outlined in the strategy.

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**Ext:**

### **Appendices**

#### **attached to report:**

- Appendix 01: Local Environmental Crime, Action and Enforcement Strategy
- Appendix 02: Proposed content for the revised PSPO
- Appendix 03: Areas covered by the Order
- Appendix 04: PSPO - Alley gates

**Note:** in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- **None**

### **CORPORATE IMPLICATIONS:**

#### **LEGAL**

The proposed Strategy will help and inform the Council's officers in carrying out their duties and ensure that we deliver our enforcement activities in a transparent and consistent manner.

The Orders will be made under the powers conferred on the Council pursuant to sections 59-68 of the Anti-Social Behaviour, Crime and Policing Act 2014 and published in accordance with The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.

#### **FINANCE**

Any financial implications of implementing and monitoring this Local Environment Crime, Action and Enforcement Strategy and the new PSPO's can be met from within the existing base budgets under the control of the Community Services Directorate.

#### **EQUALITY**

This report raises no explicit issues relating to the Public Sector Equality Duty.

#### **INFORMATION GOVERNANCE**

#### **PROPERTY SERVICES**

**General ASB****Current PSPO**

Challenging anti-social behaviour by groups or individuals in the City Centre, open and public spaces and car parks in the district.

**Revised PSPO**

Challenging anti-social behaviour by groups or individuals in the City Centre, open and public spaces and car parks in the district.

**Reasons / supporting comments:**

- Whilst levels of reported ASB have fallen recently, this is largely felt to be related to the ‘lockdown’ restrictions in place and is not a trend that is expected to continue.
- Patterns of ASB tend to repeat and although it is only a small minority of people who are responsible, retaining this in the PSPO will give authorised officers the continued ability to tackle this.
- ASB is not restricted to the city centre and its car parks but is increasingly becoming a problem in our open public spaces. Incidents and reports of ASB have increased significantly in Hammonds Pond with regular reports of concerns in Bitts Park, Sheepmount and Talkin Tarn.

**Glossary:**

- ASB Anti-social behaviour
- CPW Community Protection Warning
- CPN Community Protection Notice
- FPN Fixed Penalty Notice (fine)
- PSPO Public Space Protection Order

## Alcohol related

### Current PSPO

Not specified within the PSPO.

### Revised PSPO

No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer in order to prevent public nuisance or disorder.

Where a Police Officer, Police Community Support Officer or a person duly authorised by the Council reasonably believes that a person has been consuming alcohol, or that a person intends to consume alcohol in circumstances in which doing so would be a breach of that prohibition, the person may be required:

- Not to consume alcohol or anything reasonably believed to be alcohol
- To surrender anything in that person's possession which is, or which may reasonably believe to be alcohol or a container for alcohol.

Anything surrendered to him or her as a result of a requirement imposed may be disposed of by the authorised officer in whatever way he or she thinks appropriate. A Police Officer or an authorised person who imposes such a requirement must tell the person that failing without reasonable excuse to comply with the requirement is an offence. A requirement imposed by an authorised person is not valid if the authorised person is asked to show evidence of his or her authorisation but fails to do so.

### Reasons / supporting comments:

- This was previously covered under a separate 'designated public space order' – now replaced by the PSPO.
- Alcohol related ASB can quickly escalate and have a significant and lasting impact upon communities. The street drinking PSPO would not be a ban on drinking alcohol in a public place but would provide the police with additional powers to tackle alcohol related ASB or disorder. For example, if a person was to drink beyond the legal boundary of a licensed premises and they refuse to stop drinking when asked to do so by a police officer due to ASB, then the PSPO comes into effect.
- Carlisle continues to experience ongoing issues with 'street drinkers' and currently uses the CPW / CPN process which does not always provide a swift and effective solution. The PSPO enables more timely intervention.
- Cumbria Constabulary is increasing the number of "Community Officers". Three officers have now been recruited at Brampton and a further three are expected to be available to assist with City issues. Such officers will be available to assist with enforcing this part of the legislation.

Begging / rough sleeping	
<b>Current PSPO</b>  Not specified.	<b>Revised PSPO</b>  No person shall beg.
<b>Reasons / supporting comments:</b> <ul style="list-style-type: none"> <li>• In 2019, Carlisle was hit by a number of organised crime groups who sent groups down to Carlisle usually via train to carry out begging.</li> <li>• This caused numerous issues and welfare concerns.</li> <li>• The Police continues to work through the 'Hub' with the Homelessness team and will continue to carry out checks to ascertain if such persons are officially homeless and to ascertain if any support has been offered before any consideration is given to taking action for begging (FPN).</li> <li>• There is a strong view that Carlisle has been targeted as the existing PSPO does not explicitly target begging in this way as in some other cities.</li> </ul>	
<b>Current PSPO</b>  Not specified.	<b>Revised PSPO</b>  No person shall camp or sleep overnight with or without a tent, where their behaviour, and / or the behaviour of their visitors or associates, causes or attracts anti-social behaviour and / or has a detrimental effect on the quality of life of those in the locality.
<b>Reasons / supporting comments:</b> <ul style="list-style-type: none"> <li>• This is strongly linked to begging and safeguarding issues.</li> <li>• Police will not consider issuing an FPN without carrying out due diligence work with partners and giving the person the opportunity to move on.</li> <li>• It is recognised that a financial penalty will not necessarily resolve the issue, but it would assist in obtaining injunctions or further action to remove the individual causing the concern.</li> <li>• It would also serve as a deterrent to others and reduce the incidence of associated ASB.</li> </ul>	

Busking	
<p><b>Current PSPO</b></p> <p>Not specified</p>	<p><b>Revised PSPO</b></p> <p>A code of conduct for Buskers is currently in place, therefore, no person shall breach this by causing a nuisance to nearby premises or members of the public. This includes obstructing the highway, pavement or shop entrances, or using street furniture including public seats, lamp posts and railings.</p>
<p><b>Reasons / supporting comments:</b></p> <ul style="list-style-type: none"> <li>• A number of complaints have been received from businesses and residents regarding the repetitiveness, noise and location of buskers.</li> <li>• The PSPO will enable action to be taken swiftly against those buskers who do not follow the code of conduct.</li> </ul>	
Trading / canvassing	
<p><b>Current PSPO</b></p> <p>Not specified</p>	<p><b>Revised PSPO</b></p> <p>No selling of goods, no canvassing of services or charities (without prior written consent from the Council, this must be presented to the authorised officer upon request, failure to do so will result in a breach of the PSPO.)</p>
<p><b>Reasons / supporting comments:</b></p> <ul style="list-style-type: none"> <li>• The City Council has received complaints relating to face to face fundraising and those selling goods.</li> <li>• Some behaviours can be intimidating to members of the public, particularly for more vulnerable members of our community who are more susceptible to pressurised 'selling' techniques engaged by some 'commission based' charity collectors.</li> <li>• The proposed PSPO will prohibit this for those without the express written approval of the City Council.</li> </ul>	

## Use of cycles / scooters / skateboards

### Current PSPO

Not specified

### Revised PSPO

Cyclists must dismount and push their bikes during the restricted period in the City Centre. At all other times, cyclists must ride responsibly giving consideration and priority to pedestrians.

The above restriction applies to riders of scooters / E-Scooters, Skateboards and Motor Propelled vehicles (mobility scooters are exempt) being used on footpaths so as to cause nuisance and annoyance.

### Reasons / supporting comments:

- The PSPO would only be used for persistent offenders who ride dangerously, recklessly with disregard for others' safety, eg raising the front wheel or at excessive speed etc.
- The PSPO will also provide flexibility to tackle emerging trends. For example, E-scooters represent a growing area of concern; at present they are classed as a motor propelled vehicle however the government are currently reviewing the legislation. This may have future consequences especially in built up areas such as the city centre with clear risks to others, particularly younger or older pedestrians.
- The ability to issue a FPN in relation to irresponsible behaviour would greatly assist.



## Vehicle related

### Current PSPO

A person shall be guilty of an offence if, at any time on any land within the City Centre or any car park within the District to which this Order applies if they are carrying out any of the following activities:

- behaviour that may be seen as intimidating or threatening to others;
- behaviour that could cause offence, distress, annoyance or harassment to others through shouting, swearing, and general anti-social behaviour;
- driving or permitting a vehicle to be used in a manner that causes or is likely to cause harassment, alarm, risk or distress to any person;
- running or revving of engines in such a manner as to cause a nuisance;
- racing or driving around the location at speed;
- sounding the horn;
- playing loud music;
- congregating in a car park for the purposes of socialisation without the express permission of the City Council; and or
- any variation of the above unless they have a reasonable excuse for doing so; or the owner, occupier or other person or authority having control of the land has consented (generally / specifically) to their doing so.

### Revised PSPO

A person shall be guilty of an offence if, at any time on any open space, park, pedestrianised area, car park within the District to which this Order applies if they are carrying out any of the following activities:

- driving or permitting a vehicle to be used in a manner that causes or is likely to cause harassment, alarm, risk or distress to any person;
- Running or revving of engines in such a manner as to cause a nuisance;
- Racing or driving around the location at speed;
- sounding the horn;
- playing loud music;
- congregating in a car park for the purposes of socialisation without permission; and or
- any variation of the above unless:
  - (i) they have a reasonable excuse for doing so; or
  - (ii) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their doing so

### Reasons / supporting comments:

- The barriers / early closing in place in some council car parks continues to prove effective in reducing this concern.
- Concerns are emerging in other locations which are now starting to see an increase in incidents.
- The previous order deals with the city centre and its car parks, the revised order extends the restriction to the Carlisle district.
- The PSPO allows for swift and timely action to be taken.

## Control of dogs

### Current PSPO

**Dogs on Lead:** A person in charge of a dog shall be guilty of an offence if, at any time on any land within the District to which this Order applies they do not keep the dog on a lead.

**Dogs on Leads by Direction :** A person in charge of a dog shall be guilty of an offence if, at any time on any land within the District to which this Order applies, they do not comply with a direction given to them by an authorised officer of the Authority to put and keep the dog on a lead.

**Dogs Excluded from enclosed play areas:** A person in charge of a dog shall be guilty of an offence if, they take the dog onto, or permits the dog to enter or remain on, any land within the District which has been designated as an enclosed play area (“enclosed play area”)

**Dog Defecation:** If a dog defecates at any time on land contained within the District to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith.

### Revised PSPO

Any person in charge of a dog within the restricted area shall be in breach of this Order if he/she:

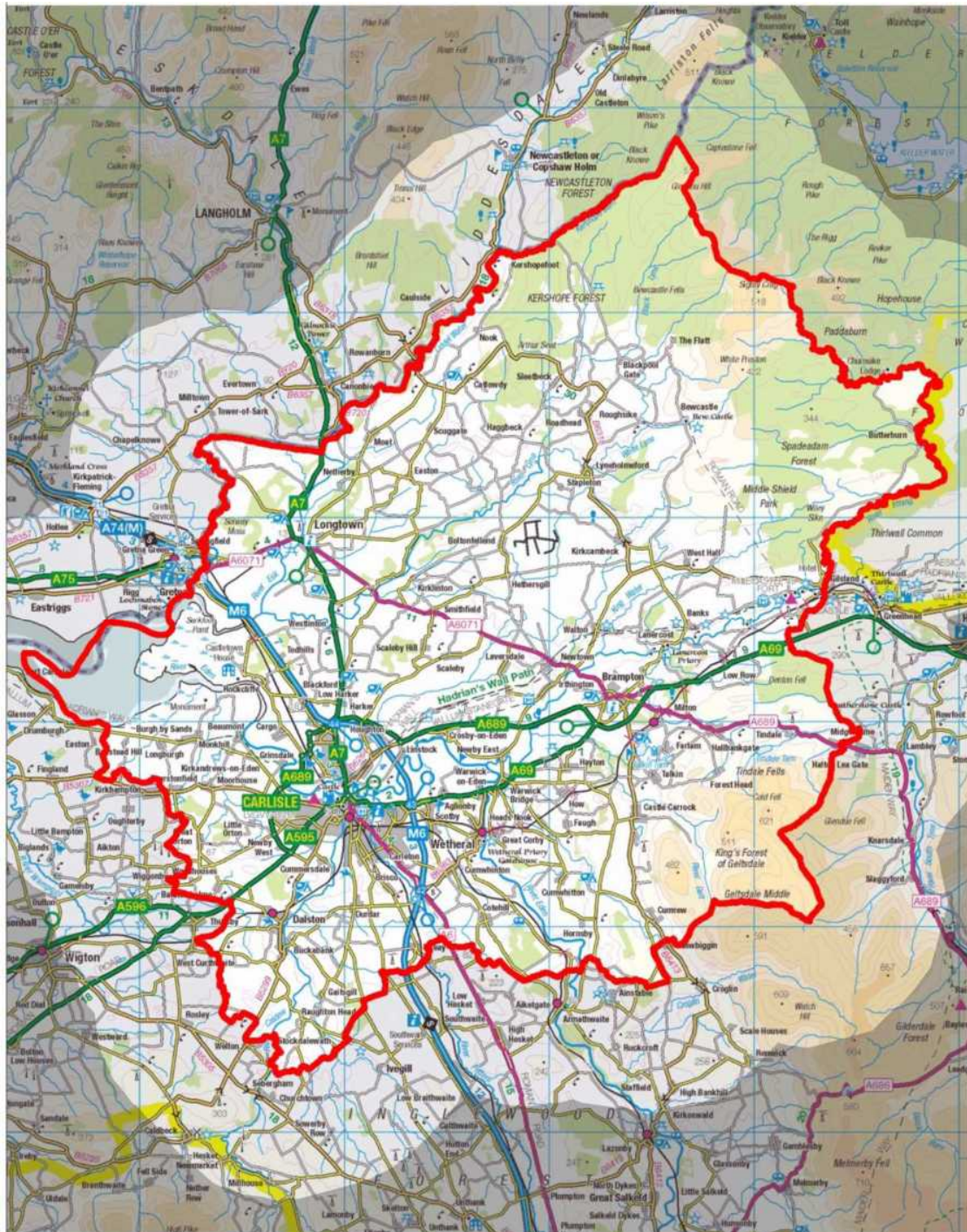
- fails to keep the dog on a lead and under physical control at all time on any land which has been designated as a dog on lead area,
- fails to put a dog on lead by direction
- allows the dog to foul in a public place and then fails to remove the waste and dispose of it in an appropriate receptacle.
- takes a dog onto, or permits the dog to enter or remain on, any land which has been designated as an enclosed play area (“enclosed play area”)

The provisions of this order relating to the control of dogs shall not apply to any person who is registered blind in accordance with section 29 of The National Assistance Act 1948, to any person and to any person suffering a disability and in sole charge of a dog trained to assist with his/her mobility, manual dexterity, physical coordination or ability to lift and carry everyday objects and the said dog has been trained by a prescribed charity.

### Reasons / supporting comments:

- There are no proposed changes to this element of the PSPO.
- The wording has been reviewed to improve clarity of message.
- The proposals are designed to encourage responsible dog ownership to ensure that everyone is able to enjoy our public spaces without any negative impacts associated with irresponsible dog ownership.

The Order applies to the public areas shown below (the Restricted Area):  
The District:





## TALKIN TARN COUNTRY PARK

### **Talkin Tarn Country Park:**

All that part of the land and buildings at Talkin Tarn Country Park, Brampton shown edged red on the plan annexed hereto and marked "Talkin Tarn Country Park".



### **Cemeteries:**

All those Cemeteries in the District known as:

- Carlisle Cemetery and Crematorium
- Stanwix Cemetery
- Upperby Cemetery

Carlisle Cemetery  
and Crematorium



Stanwix Cemetery



Upperby Cemetery



## **Appendix 04: Current lanes with gates**

### **Cathedral and Castle:**

- 1) 12- 30D Edward St 27-31 Grey St 1-23 Flower St 4a-6a Close St.
- 2) 2A – 16 Flower St 5-25 Grey St
- 3) 2-50a Sybil St 5-55 Linton St
- 4) 16-78 Brook St 2-4 Watson St 1a-69 Alexander St 85-95 London Rd
- 5) 27-57 Flower St 36-64 Edward St 18-24 Grey St 17-23 Orchard St
- 6) 35-79 Howe St 16-60 Bowman St 28-30 Grey St 49-51 Brook St
- 7) 33-51 Edward St 20-36 Howe St
- 8) 1-27 Orfeur St 1-12 South Henry St (Myddleton Terr') 2-14 Myddleton St
- 9) 1-2 Edward St (Roseville Terr') 38-54 Howe St Watt House/Flats Grey St

### **Newtown and Morton North**

- 1) 71-81 Wigton Rd 2-54 Crummock St 1-49 Bassenthwaite St
- 2) 71-99 Crummock St 29-47 Dowbeck Rd
- 3) 4-30 Bassenthwaite St 1-27 Derwent St

### **Currock and Upperby**

- 1) 1-41 Blackwell Rd 2-60 Gloucester Rd
- 2) 1-37 Clementina Terr' 60-98 Harrison St
- 3) 2a-40 Clementina Terr' 43-85a Blackwell Rd 1-5 Salisbury Rd
- 4) 1-19 Adelphi Terr' 40-60 Currock Rd 1-9 Coney St
- 5) 1-45 Esther St 1-47 Harrison St
- 6) 1-3 Robinson Ave 2-22 Tithebarn St 1-33 Boundary Rd 2-4 Salisbury Rd
- 7) 86-106 Mount Pleasant Rd 299-307 Blackwell Rd

### **Denton Holme and Morton South**

- 1) 1-25 Clifton St 51-65 Nelson St
- 2) 2-30 Clifton St 3-29 St James Rd 67-81 Nelson St
- 3) 83-99 Nelson St 1-15 Empire Rd 37-53 Dalston Rd 2-10 St James Rd
- 4) 50-84 Nelson S 25-31 Blencowe St 46-80 Trafalgar St
- 5) 1-35 North St 2-22 Bridge Terr'
- 6) 33-57 Norfolk St 1-35 Richardson St
- 7) 58-92 Westmorland Street 24-32 Dale Street
- 8) 34 – 52 Dalston Rd

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## **EXCERPT FROM THE MINUTES OF THE EXECUTIVE HELD ON 14 DECEMBER 2020**

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**EX.147/20    REVIEW OF PUBLIC SPACE PROTECTION ORDERS**  
(Key Decision – KD.27/20)

**Portfolio**      Communities, Health and Wellbeing

**Relevant Scrutiny Panel**              Health and Wellbeing

**Subject Matter**

The Communities, Health and Wellbeing Portfolio Holder reported (CS.36/20) that the City Council was committed to maintain a clean and safe environment for everyone.

This report introduced the Local Environmental Crime, Action and Enforcement Strategy that set out the Council's approach to maintaining clean streets and neighbourhoods across the district of Carlisle and highlighted the wide ranging work and powers of the Civil Enforcement Officers in raising awareness of environmental crime, including challenging unacceptable behaviour and taking robust enforcement action, when necessary as the Council worked to keep Carlisle clean.

The Portfolio Holder thanked officers and Local Police for their input into the document and moved the recommendation, which was duly seconded by the Leader.

**Summary of options rejected**    that the report should not be referred for scrutiny

**DECISION**

That the Executive had reviewed the content of Report CS.36/20 and referred it to the Health and Wellbeing Scrutiny Panel for their review and comment.

**Reasons for Decision** To seek the views of the Health and Wellbeing Scrutiny Panel