

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

Report to Licensing and Public Protection Committee
30th June 2026

Report Title: Renewal of Public Space Protection Order: Parks and Open Spaces

Submitted by: Service Director – Neighbourhood Delivery

Portfolios: Waste, Recycling and Green Spaces; Residents Services and Neighbourhoods

Ward(s) affected: ALL

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To advise members of options and to seek permission to consult residents on a renewal of the Public Space Protection Order (PSPO) for parks and open spaces in relation to dog control and anti-social behaviour.	
<u>Recommendation</u>	
That the committee: Approve a public consultation to be initiated for a 12 week period on the renewed PSPO, as detailed in Appendix A.	
<u>Reasons</u>	
The order is currently drafted to be as flexible as possible and to enable the local authority to effectively target enforcement. The proposed controls are considered suitable for current needs and for the next three years, after which they will be reviewed again.	

1. **Background**

1.1 There has been a dedicated Public Space Protection Order for the Council’s Parks and Open spaces since 2017. This Order has applied to a variety of locations across the Borough and has specific conditions in relation to dog controls and anti social behaviour. These conditions were reviewed in 2023 in line with legislative requirements and are now due for a further review in 2026. The current orders are due to expire in November 2026.

- 1.2 A PSPO is intended to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on the quality of life of those in the community, it must be persistent or continuing and it must be unreasonable. The PSPO can impose restrictions on the use of that area which apply to everyone who is carrying out that activity. The orders are designed to ensure that the law-abiding majority can enjoy public spaces, safe from anti-social behaviour.
- 1.3 The Council can make a PSPO on any public space within its own area but before doing so it must consult with the local Police. The Council must also consult whatever community representatives it thinks appropriate. This could relate to a specific group, (for instance a residents association), or an individual or group of individuals, (for instance, regular users of a park).
- 1.4 Before making a PSPO, the Council also has to publish the draft order in accordance with regulations made by the Secretary of State. An interested person can challenge the validity of a PSPO in the High Court on two grounds: (1) that the Council did not have the powers to make the order or to include prohibitions or requirements, or (2) that one of the requirements (for instance, consultation) had not been complied with. An 'interested person' means an individual who lives in the restricted area or who works or regularly visits that area.
- 1.5 If adopted a PSPO can operate for a maximum of three years. It may be refreshed for a further period, but only after a review and consultation exercise confirms there remains a need for the control.

2. **Issues**

2.1 Key considerations for this review include –

- The Evidence Base for making a PSPO
- Finance and Resources
- Resident's Expectations and Local authority priorities.

2.2 **The Evidence Base for making a PSPO**

The Authority is obliged to make proportionate and reasonable use of its powers and should reflect if there is the need to introduce a control. Our current evidence is that although there is generally a high level of compliance with present controls, dog related complaints still represent a considerable caseload for the authority with 42 dog fouling investigations being dealt with by the Council's Mobile Multi Functional Team. In addition to this Streetscene have had 84 reports in regards to the removal of dog fouling. We also know that there are ongoing concerns around anti-social behaviour in our parks and open spaces, including unauthorised encampments, underage drinking and other types of behaviours that are likely to cause alarm, harassment and distress to users of the park. The

proposed consultation will help clarify if our residents believe there is an issue which needs to be addressed.

2.3 Finance & Resources

Permanent signage cost is dependent upon which controls are adopted and where they are applied. Signage must contain the date the Order becomes effective, so would have a maximum life of three years. The typical cost of placing an A5 sized permanent sign is £30-£35 (excluding installation)¹. The cost of adding new signs purely relating to dog controls at each entrance to the key locations listed for exclusions or dogs on leads controls is to be scoped and options considered i.e.; permanent signs, temporary signs. There is an option for this information to be contained on other signage at these locations e.g. park notice boards, and officers will consider if there is a more cost effective way to promote controls at these locations, such as a QR code that directs people to the Council website which would have the specific conditions of the order.

2.4 Residents expectations and local authority priorities

Whenever any form of dog related control is considered the Authority receives considerable feedback from its residents and animal welfare charities and needs to balance the needs of its dog owning residents with the expectations of the broader community. As part of this review the PSPOs will also cover some community safety elements again taking into consideration complaints received from members of the public.

The implementation of an order to this effect links directly with the Council priorities as outlined in the Council Plan 2022-2026;

- One Council delivering for local people
- Healthy, Active and Safe Communities

3 Proposal and reasons for preferred solution

3.1 The Committee is asked to approve consultation to be undertaken on a renewal of the Public Space Protection Order for Parks and Open Spaces, as proposed in Appendix A.

3.2 If approval is given, the Committee will then be requested to consider an updated proposal, taking into consideration representations made through the consultation process, in Autumn 2026, with a view to new controls becoming operational from November 2026.

3.3 The proposals, as currently drafted, best match current dog controls and also include controls in relation to community safety. These controls are considered suitable for our current needs based on evidence received.

4 Recommendation

4.1 That the Licensing and Public Protection Committee:

Approve a public consultation to be initiated for a 12 week period on the renewed PSPO, as detailed in Appendix A.

5 Reasons

5.1 The order is currently drafted to be as flexible as possible and to enable the local authority to effectively target enforcement. The proposed controls are considered suitable for current needs and for the next three years, after which they will be reviewed again

6 Options Considered

6.1 Alternative options should be considered:

- Take No Action –

Allow the current Dog Control orders to cease in October 2023 and not be replaced. Remove all current dog restrictions and cease all dog related enforcement activity – e.g. fouling patrols, exclusions from children’s playgrounds, requirements for dogs to be on leads in cemeteries.

Removing controls would eliminate the need for complaint investigation and enforcement, with potential cost avoidance. However, removing the risk of enforcement may result in the standards of some public places reducing, increase conflict between dog owners and those not owning a dog, and potentially require more ‘clean-up’ resources.

- Request the proposed controls to be amended prior to consultation

Members may wish to change the proposed scope of the controls – for example omit specific controls such as requirement to carry bags, or limits to the number of dogs which may be walked in specific areas

Members may also wish to include other controls to tackle other behaviours that are not currently in scope for the order. These controls

would need to be proportionate to the location and be based on an evidential need for these controls to be put in place.

Members may wish to consider if the types of locations where the controls apply should be amended. Members are reminded that they can make representations in respect of specific locations in their ward, if approval is gained to further consult. Members will have further opportunity to amend proposals on receipt of a second report in Autumn 2026.

7 Legal and Statutory Implications

7.1 The Authority is not obliged to adopt a PSPO. If it chooses to do so it has full control over their scope. The Authority is obliged to consult on any proposals and needs to be able to defend its controls if challenged.

7.2 PSPOs can be challenged through the High Court if their creation is not in accordance with Statute and Regulation and due process has not been followed.

8 Equality Impact Assessment

8.1 The recommendations in this report do not adversely affect any protected groups.

Those needing an assistance dog are defined in the Anti-social Behaviour, Crime and Policing Act 2014 as exempted from PSPO requirements.

9 Financial and Resource Implications

9.1 The Authority is obliged to publicise controls and to ensure that appropriate signs are displayed. Signage would have a maximum life of 3 years. It is envisaged that signs in some locations may need regular replacement as a result of removal or vandalism.

9.2 The workload of initially adding signs would be considerable. If existing staff were used this would impact on their ability to deliver normal services and therefore sites may need to be prioritised on this basis.

9.3 Any changes to dog related controls are likely to generate considerable interest with an increased volume of calls, emails and visits requiring a response from staff. The initial customer contact would be dealt with by the Customer Hub.

9.4 There is an expectation that enhanced enforcement would follow the implementation of revised controls. This work will be undertaken under the

Mobile Multi-Functional Team although there would be support from Staffordshire Police in relation to the Alcohol Prohibition locations.

9.5 Financial implications need to be considered for the purchase and installation of signage to promote the PSPO. Options are being scoped as to what will work best including communications promotion, temporary signage and permanent signage.

10 Major Risks & Mitigation

10.1 There is a risk of legal challenge if the local authority does not follow the correct process to devise, consult and adopt a PSPO, with associated reputation damage.

10.2 Whilst the majority of residents are likely to support pragmatic and practical controls, there is a risk that some may choose to disregard controls if they feel they are unfair.

11 UN Sustainable Development Goals (UNSDG)

11.1 The proposal contributes towards the following UNSDGs:



12 Key Decision Information

12.1 It impacts on communities living or working in an area comprising of two or more electoral wards in the Borough.

13 Earlier Cabinet/Committee Resolutions

13.1 None.

14 List of Appendices

14.1 Draft PSPO for Parks and Open Spaces

14.2 List of Parks and Open Spaces in which this order will apply.

15 Background Papers

15.1 Guidance in respect of PSPOs

[Public spaces protection orders: guidance for councils](#)

