

HAVANT BOROUGH COUNCIL

Decision by

Cabinet Lead for: Environment and Neighbourhood Services

The adoption of the Waterlooville Precinct Public Space Protection Order under the Anti-social Behaviour, Crime and Policing Act 2014

**Report by: Andrew Wheeler
Havant Transformation Lead**

Key Decision: No

1.0 Purpose of Report

The Portfolio Holder is requested to approve the use of a Public Space Protection Order (PSPO) – Waterlooville Precinct Public Space Protection Order.

Authority was delegated to the Cabinet Lead by the Leader of the Council to authorise the implementation of PSPOs on 27 September 2017.

2.0 Decision

That the Portfolio Holder:

- 2.1 authorises the making of the proposed Public Space Protection Order for a period of 34 months – Waterlooville Precinct Public Space Protection Order (Havant Borough Council) 2018 in relation to:

Exclusion of feeding pigeons in the area outlined in Section A of the Waterlooville Precinct Public Space Protection Order.

- 2.2 agrees to the use of an £80 fixed penalty notice to tackle offences disclosed

and

- 2.3 delegates authority to the Head of Neighbourhood Support to carry out all necessary publicity required by virtue of the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Order) Regulations.

3.0 Issue

Havant Borough Council (HBC) wishes to introduce a Public Space Protection Order to try and reduce the number of pigeons in the Waterlooville Precinct area. The reason HBC is considering these measures is because:

- Pigeons are roosting on balconies facing onto the pedestrian precinct; this prevents residents from using their balconies or opening their windows.
- Pigeons are roosting above café premises and defecating on tables and chairs of customers.
- Pigeon waste, feathers and faeces are being blown and walked into shops in the precinct.

- 3.1 When visiting residents whose homes face onto Waterlooville Precinct it is clear that pigeons are roosting on their balconies, causing a substantial amount of mess and preventing them from using their balconies and opening windows. Despite preventative measures the problem continues.

After speaking with business owners in Waterlooville precinct some are being negatively effected by pigeons especially those cafes/ restaurants that have outdoor seating areas.

- 3.2 It is known that individuals are distributing bird feed within Waterlooville Town Centre, frequently emptying large bags of bird feed at any one time.

HBC has spoken with an individual feeding pigeons in Waterlooville to explain the negative impact pigeons are having on residents and business. Furthermore signage has been used along with media campaign material to raise awareness to a wider audience that feeding pigeons encourages them to return to the area, contributing to the problem. Despite these efforts it is still evident that a number of individuals are continuing to feed pigeons in Waterlooville Precinct.

- 3.3 To test current public attitude to these issues consultation was carried out with residents and business located in Waterlooville Precinct between 25 September – 31 October. 38 businesses and 43 residents/visitors completed a questionnaire. There is overall support for the measures proposed which includes the Public Space Protection Order. A summary of the consultation is attached to this report, **see Appendix A.**

4.0 Implications

4.1 Resources:

The officer time needed to patrol the areas within the PSPO, although feedback received from the consultation has identified certain times that pigeons are predominantly being fed.

The back office processes for the enforcement of Fixed Penalty Notices (FPNs) already exist.

An implication to consider will be the signage required for the area covered by the PSPO. Costs for marketing materials and the required signage have been obtained and can be covered from existing budgets.

4.2 **Legal:**

Prosecutions for failure to pay any fixed penalty notice for the above offences will be pursued by the council's legal team and costs recouped via court processes. Powers in respect of Section 59, Anti-Social Behaviour, Crime and Policing Act 2014 & Section 2, Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations.

4.3 **Strategy:**

Improving and creating a better quality of place.

4.4 **Risks:**

An Integrated Impact Assessment has been completed and has predominantly identified positive impacts in relation to introducing the PSPO. It has also identified how negative impacts can be mitigated and how positive impacts can be enhanced.

5.0 **Local Government (Access to Information) Act 1985 – 'confidential' or Exempt' Information Indicator:**

This delegated decision contains neither confidential nor exempt information

6.0 **Is this an Urgent Decision?**

No

Agreed: Councillor Michael Wilson

Date 04/03/18

(The decision is subject to the usual 'call-in' process and, if not called in by the Scrutiny Board, will be effective five clear working days after the date of publication, ie If an urgent decision, this date will be the same as the date that this decision record was published)

Appendices:

- A. Consultation Summary Report, following consultation exercise undertaken between 25 September 2017 – 31 October 2017, attached

B. Waterlooville Precinct Public Space Protection Order, attached

Agreed and signed off by:

Legal Services: (Nick Leach 26/01/2018)

Executive Head for Finance: (Lydia Morrison 01/02/2018)

Relevant Executive Head: (James Hassett 27/02/2018)

Cabinet Lead (Cllr Michael Wilson 04/03/2018)

Communications Lead (Lydia Forbes-Manson 28/02/2018)

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