

# Proposals for consultation on the Public Space Protection Order for Dogs

Richard Cox, Cabinet Member for Community Engagement

Date: 25<sup>th</sup> September 2023

Agenda Item: 6

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Key Decision? YES/NO (delete as appropriate)

Local Ward Members Affects all Wards



## REGULATORY & LICENSING COMMITTEE

### 1. Executive Summary

- 1.1 Public Space Protection Orders (created under the Anti-social Behaviour, Crime and Policing Act 2014) can cover a range of anti-social behaviours.
- 1.2 The Council's current dog related Public Space Protection Order (PSPO) is due for review, with any decision on renewal or amendment to the PSPO having to be completed by August 2024, which is when the current PSPO expires.
- 1.3 The report proposes a way forward in ensuring relevant stakeholders are consulted on what might reasonably be included in the renewed PSPO, prior to the proposals going to formal public consultation.

### 2. Recommendations

- 2.1 That the Committee agrees that a non-statutory general consultation exercise takes place with Parish Councils in order to obtain views on the various possible dog related Public Space Protection Orders (PSPOs), prior to those views being brought back to this Committee with recommendations or options on how we might proceed.

### 3. Background

- 3.1 Public Space Protection Orders (PSPOs) were created by the Anti-social Behaviour, Crime and Policing Act 2014 as a replacement for various powers, including Dog Control Orders.
- 3.2 The Council's current PSPO creates offences relating to dog fouling and the requirement to pick up dog faeces and carry a suitable receptacle (bag) to pick up fouling. It also bans dogs from specified fenced off children's play areas in the district.
- 3.3 PSPOs are in force for a maximum of three years, after which they should be reviewed and renewed or dropped as necessary. The review also gives us an opportunity to add elements to the PSPO which have previously not been included, should this be deemed appropriate.
- 3.4 In the period since the last PSPO was created it has become clear that some Parish Councils have concerns in relation to dogs on land which they control. In one case, for example, there is a children's play area which was not included in the ban on dogs from such areas but might reasonably be.

- 3.5 Because Parish Councils perhaps have a greater understanding of these local issues, it is proposed that the consultation with them will allow for any further areas that might be included in a PSPO to be considered. This consultation will take the form of a letter to Parish Councils as well as visits to any Parish Council meetings as necessary by the Environmental Protection and Housing Manager, to explain the law around PSPOs in more detail.
- 3.6 As part of any statutory consultation on the introduction of a new PSPO, the Council is required to consult with the Police and other stakeholders, as well as the public. Once proposals on the potential renewal of the current PSPO and any additional aspects have been considered, a further report will be brought to the Regulatory and Licensing Committee for a decision before pressing on with the statutory public and stakeholder consultation.
- 3.7 PSPOs should be created in response to a problem that needs addressing, such as dog fouling. We must balance the rights of the public to use facilities such as parks and public spaces without hindrance from dogs against the rights of dog owners to have the freedom to walk and exercise their dogs without unjustified restrictions. As a result there may be proposals put forward that are not considered to be justified.

Alternative Options	<ol style="list-style-type: none"> <li>1. We could press ahead with a simple renewal of the current PSPO, but this misses an opportunity to review and amend the Order.</li> <li>2. We could move to propose a new PSPO with amendments, but this prevents input from parties who may have information on aspects which we ought to consider. Starting the process well in advance of the August 2024 deadline enables more consultation and more robustly thought out proposals as a result.</li> </ol>
Consultation	<ol style="list-style-type: none"> <li>1. This is a pre-statutory consultation stage at which point we are informally looking for ideas on potential proposals to deal with aspects associated with dog control within the District. Any firm proposals <i>must</i> subsequently go through a statutory public consultation exercise and this will follow a further report to this Committee early in the new year.</li> </ol>
Financial Implications	<ol style="list-style-type: none"> <li>1. Enforcement of any new PSPO will be undertaken within current resources and budgets.</li> <li>2. Income from fixed penalties is not predicted to be significant enough to warrant consideration.</li> </ol>
Approved by Section 151 Officer	Yes/no*
Legal Implications	<ol style="list-style-type: none"> <li>1. As this report relates to a non-statutory consultation and is merely requesting proposals to be put forward for consideration, there are no legal implications from it.</li> <li>2. There <i>will</i> be legal implications from the report following this, which will outline the proposals before a statutory consultation exercise.</li> </ol>
Approved by Monitoring Officer	Yes/no*
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> <li>1. Enabling people: to collaborate and engage with us</li> <li>2. Shaping Place: to keep it clean, green and safe</li> </ol>

Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> <li>1. We must consider the rights and freedoms set out in Articles 10 and 11 of the Convention on Human Rights and whether the restrictions on these rights and freedoms an Order would introduce are lawful, necessary and proportionate.</li> <li>2. Exceptions are made in relation to assistance dogs and some with physical or mental impairments.</li> </ol>
EIA logged by Equalities Officer	Yes/no* Equalities Officer confirmed not required.
Crime & Safety Issues	<ol style="list-style-type: none"> <li>1. It is considered that the proposal will positively impact on our duty to prevent crime and disorder within the District (Section 17 of the Crime and Disorder Act, 1988). Failure to comply with a PSPO is a criminal offence.</li> </ol>
Environmental Impact (including Climate Change and Biodiversity).	<ol style="list-style-type: none"> <li>1. Dog fouling aspects of an PSPO have in impact on local environmental quality.</li> </ol>
GDPR / Privacy Impact Assessment	<ol style="list-style-type: none"> <li>1. Not considered necessary.</li> </ol>

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Environment		Maintain an Order in place at all times to ensure enforcement can take place	Green (tolerable)
B	Legal - Appeal to the implementation of a PSPO		Ensure that the Order is legally robust by consultation with the Council's Legal team.	Green (tolerable)
C				
D				
E				
		<b>Background documents</b> Current PSPO (appendix)		

	<b>Relevant web links</b> Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers - Statutory guidance for frontline professionals  Local Government Association: Public Space Protection Orders – Guidance for Councils  (both available online)
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