



**TO COUNCILLOR:**

Miss A R Bond  
G A Boulter  
Mrs L M Broadley (Chair)  
Mrs K M Chalk

Miss M V Chamberlain (Vice-Chair)  
M H Charlesworth  
R F Eaton  
R E Fahey

J Kaufman  
Mrs H E Loydall

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **LICENSING AND REGULATORY COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **THURSDAY, 25 JANUARY 2018** at **6.30 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices  
Wigston  
**17 January 2018**

**Mrs Anne E Court**  
Chief Executive (Interim)

<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<b>Declarations of Interest</b>	
	Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.	
<b>3.</b>	<b>Minutes of the Previous Meeting held on 12 October 2017</b>	<b>1 - 4</b>
	To read, confirm and sign the minutes of the previous meeting in accordance with Rule 17 of Part 4 of the Constitution.	
<b>4.</b>	<b>Action List Arising from the Meeting held on 12 October 2017</b>	<b>5</b>
	To read, confirm and note the Action List arising from the previous meeting.	
<b>5.</b>	<b>Petitions and Deputations</b>	
	To receive any Petitions and, or, Deputations in accordance with Rule 24 of Part 4 of the Constitution.	
<b>6.</b>	<b>Corporate Enforcement Report</b>	<b>6 - 10</b>
	Report of the Head of Law & Governance / Monitoring Officer	



Report of the Head of Law & Governance / Monitoring Officer

**For more information, please contact:**

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**MINUTES OF THE MEETING OF THE LICENSING AND REGULATORY COMMITTEE HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON THURSDAY, 12 OCTOBER 2017 COMMENCING AT 6.42 PM**

**PRESENT**

Councillor Mrs L M Broadley (Chair)

**COUNCILLORS**

G A Boulter  
M H Charlesworth  
J Kaufman

**OFFICERS IN ATTENDANCE**

Mrs T Aldwinckle (Licensing Enforcement Officer)  
T Cawthorne (Environmental Health Officer)  
D Gill (Deputy Monitoring Officer)  
S Glazebrook (Interim Head of Communities)  
Ms S Lane (Democratic Services Officer / Compliance Officer)

**10. APOLOGIES FOR ABSENCE**

An apology for was received from Councillors Miss A R Bond, Mrs K M Chalk, Miss M V Chamberlain, R F Eaton and Mrs H W Loydall.

**11. DECLARATIONS OF INTEREST**

None.

**12. MINUTES OF THE PREVIOUS MEETING HELD ON 19 JULY 2017**

**RESOLVED THAT:**

**The minutes of the previous meeting of the Committee held on 19 July 2017 be taken as read, confirmed and signed.**

**13. ACTION LIST ARISING FROM THE MEETING HELD ON 19 JULY 2017**

The Interim Head of Communities advised the Committee that all items of business on the Action List had been duly completed.

**RESOLVED THAT:**

**The Action List be noted by Members.**

**14. PETITIONS AND DEPUTATIONS**

None.

**15. CORPORATE ENFORCEMENT REPORT**

The Committee gave consideration to the report (at pages 6 - 19) and the agenda update (at pages 1 - 8) as delivered and summarised by the Interim Head of Communities which

should be read together with these minutes as a composite document.

A debate thereon was had by Members who considered the following in turn.

### **Asbestos Case - Marstown Avenue, South Wigston**

The Committee was advised that residents could seek compensation from the perpetrator and the owners of the garages but that this would be a civil claim and that those affected residents had already been given this advice.

It was also advised that the specified date at paragraph 3.1 for failure to undertake works was 9 October 2017 and that an email response had been received from the owner of the garages who was not happy at the Councils' action.

Members' were advised that with asbestos there could be no shortcuts and therefore action would continue to be pursued.

### **Dog Fouling**

Members stated that they were still receiving many complaints in relation to dog fouling and believed that a prosecution of persistent offenders would help send out the right message.

By analogy, the Committee was advised that there had only been one prosecution since 2005 within the North West Leicestershire District Council area and that an on-looker's video evidence on their mobile telephone could be used in any prosecution.

### **Public Space Protection Orders (PSPO's)**

The Committee was advised that the PSPO's would first need to be considered by full Council for approval before coming into force.

### **Pest Control**

The Committee was advised that the Council had been liaising with a neighbouring authority to undertake some of their work in the area of sewer baiting. As the take up of services was slow since the expansion of the service into the commercial sector, it was agreed that the financials were to be reviewed again at the next meeting.

The Committee was advised that the timeframe relating to the table of pest control requests at paragraph 2.4 were those requests received since the last meeting.

The Committee were advised that the fees and charges were reviewed earlier this year and although the Council's costs had been significantly raised, they were still competitive against the larger more well known companies and all efforts were being made to make the service more commercially-viable.

### **Food**

The Committee was advised that an inspection for a newly opened food premises would take place as soon as possible but within two month timescale. Once the establishment has been rated, their rating would determine the timing of future inspections: if rated a 5, it would be two-yearly inspections, however, if rate a 1 or 2, it would be six-monthly inspections.

## **Licensing**

With reference to Members citing several news reports recently regarding UBER, the Committee were advised that UBER did not hold an operator's licence (OL) with this Council as they failed to meet its policy requirements. Drivers who had applied to this Council who had listed UBER as their operator had been rejected. It was said that UBER did however hold an OL with Leicester City Council and Blaby District Council.

The Committee heard that this issue of the same reports going before two different Committees had already been raised with Senior Management Team and required further clarification and liaison with the Senior Democratic Services Officer / Legal Officer. This matter was said to be reported back to the next meeting.

It was moved by the Chair, seconded by Councillor G A Boulter and

### **UNANIMOUSLY RESOLVED THAT:**

- (i) The contents of the report be noted by Member.**
- (ii) The final draft of the Public Space Protection Order be approved.**

## **16. LICENSING TEAM: CAPACITY AND OTHER ISSUES**

The Committee gave consideration to the report (at pages 20-25) and the agenda update (at pages 9-10) as delivered and summarised by the Interim Head of Communities which should be read together with these minutes as a composite document.

Members were advised that a routine internal audit would be carried in the Licensing Section later this month.

In relation to child sexual exploitation (CSE) training, the Committee were advised that existing licensed drivers were already deemed "fit and proper" and that CSE training would only be for new drivers.

The appointed trainer was said to be Ms Mega Arumugam who already delivered the course for Leicester City Council and North West Leicestershire District Council. It was said that £20.00 would be added to the licence fee in order to cover the training costs.

The Committee were advised that in relation to Hackney Carriages, the Council could specify the type and colour of vehicles to be used. It was requested that a joint report would be undertaken and brought back to a future meeting of the Committee.

It was moved by the Chair, seconded by Councillor G A Boulter and

### **UNANIMOUSLY RESOLVED THAT:**

- (i) The pass level for competency tests be raised to 45/50 in respect of driver's badges.**
- (ii) HPI checks for all new vehicle applications be introduced.**
- (iii) All new and renewal applications for vehicles be subject to a visual inspection prior to being tested by an authorised testing station.**
- (iv) Child sexual exploitation and disability training for all licensed drivers be introduced.**

**THE MEETING CLOSED AT 7.30 PM**



.....  
**Chair**  
.....

.....  
**Thursday, 25 January 2018**  
.....

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LICENSING AND REGULATORY COMMITTEE

**ACTION LIST**

Arising from the Meeting held on Thursday, 12 October 2017

<b>Min. Ref.</b>	<b>Item of Business</b>	<b>*Details of Action <i>Action Due Date</i></b>	<b>Responsible Officer(s)' Initials</b>	<b>Status / Update</b>
<b>15.</b>	<b>Corporate Enforcement Report</b>	The financials of the Pest Control Service be reviewed again at the next meeting of the Committee.  <i>Due by Jan-18</i>	<b>PS TC</b>	Report Update (Agenda Item 6)
<b>15.</b>	<b>Corporate Enforcement Report</b>	Clarification be sought on the duplication of reports before different Committees.  <i>Due by Nov-17</i>	<b>DG SJB</b>	Complete
<b>16.</b>	<b>Licensing Team: Capacity and Other Issues</b>	A joint report regarding the types and colours of Hackney Carriage vehicles be brought to a future meeting of the Committee.  <i>Due by Apr-18</i>	<b>PS JM TA</b>	Ongoing

\* | All actions listed are those which are informally raised by Members during the course of debate upon a given item of business which do not form part of - but may be additional, incidental or ancillary to - any motion(s) carried. These actions are for the attention of the responsible Officer(s).

# Agenda Item 6



<b>Licensing and Regulatory Committee</b>	<b>Thursday, 25 January 2018</b>	<b>Matter for Information</b>
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**Title:** Corporate Enforcement Report

**Author(s):** Dave Gill (Head of Law & Governance / Monitoring Officer)

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## 1. Introduction

There are a broad range of environmental standards and legislation enforced by Environmental Health and Licensing either independently or interdependently with other sections of the Council. This report seeks to inform the Committee of the responsibilities and the enforcement outcomes achieved in the last three months.

## 2. Recommendation(s)

Members are asked to note the contents of the report.

## 3. Information

### 3.1. Asbestos Case - Marstown Avenue (Update)

As reported previously, further sampling of the gardens of Marstown Avenue and Kenilworth Road was undertaken by the Council and identified 4 properties that were still contaminated with asbestos. As a result, Enforcement Notices were served on the owners of the site in August 2017 under section 33 of the Environmental Protection Act 1990 for the deposition of controlled waste.

The requirements of the Notice were not undertaken by the recipients and the Council therefore undertook the works in default. This remediation took place on the 10 October 2017. The Council is awaiting the laboratory analysis as required by Public Health England (PHE) to discharge their guidance not to use the rear gardens.

### 3.2. Dog Fouling

In the period October 2017 to January 2018, the ongoing focus of pro-active enforcement activity has been the provision of advice, stencilling and placing additional signage where necessary across the Borough.

Regular monitoring visits continue in the parks and open spaces across the Borough. In the 3 months being reported upon, 43 monitoring visits have been undertaken evenly across the Borough's parks and open spaces and are seemingly acting as an effective deterrent.

There were 8 dog related cases reported during the last quarter of 2017, with only 1 complaint being related to dog fouling on the streets. This led to advice being given to the complainant and stencilling and signage being placed in the locality of the incident. This is a reduction of nearly 75% on the previous reporting period, with the impact attributed in part to the colder, darker days and evenings.

5 stray dogs were reported via our out-of-hours stray dog service. Four were successfully reunited with their owners and the fifth was picked up and taken to



kennels. There were also 5 reported incidents where dogs were being aggressive to neighbouring households or other animals and the appropriate action was taken.

### 3.3. **Public Space Protection Orders (PSPO's)**

The amendments required by Full Council on 5 December 2017 to the PSPO have been made and the maps have been redrawn to show the changes. The revised PSPO is to be considered separately as a stand-alone report at agenda item 7.

### 3.4. **Pest Control**

86 initial requests regarding pests in domestic settings were received in that time and the breakdown is shown in the table below:

<b>Pest Type</b>	<b>Numbers</b>
Rats	31
Mice	11
Cockroaches	0
Squirrels	4
Fleas/bedbugs	7
Wasps	32
Bees	1
<b>TOTAL</b>	<b>86</b>

Whilst the previous report to Committee proposed a review of the financial status of the pest control service at the end of the fiscal year, an interim review comparing the 6 months from July to December 2017 has been made with the same period of time in 2016. The comparison has shown there has been an increase in income of 4%. The revised pest control charges as agreed by Members were increased from July 2017.

In April 2018, a more detailed review will be presented for review and discussion in the hope that we have identified a sustainable market to expand the delivery of our pest control service into for the foreseeable future.

### 3.5. **Enforcement of Litter, Fly-tipping and Accumulations**

Environmental Health received 24 reports of fly-tipping and 19 reports of accumulations during the period which were investigated and progressed within the stipulated response times. In addition to this, the Borough is regularly monitored for any nuisances in line with the requirements of the Environmental Protection Act.

Officers from the Environmental Health Team are attending meetings hosted by the Leicestershire District Partnership Environmental Enforcement Forum to devise a campaign across Leicestershire to target fly-tipping. Further updates will be provided once the Campaign goes 'live' in the next few months.

### 3.6. **Abandoned Vehicles**

There have been 13 reports received of abandoned vehicles in the period, all of which were investigated and progressed, where necessary.

Discussions are underway to improve the accuracy of referrals made to the Council by members of the public using the website as a widely accessible medium. This should reduce the number of cases reported where the vehicle does not meet the criteria for an abandoned vehicle.

### 3.7. **Food**

The Council has a duty to undertake inspections of Food Hygiene premises. During the inspection and under guidance from the Food Standards Agency the premises are rated accordingly. The Food Hygiene Ratings can be viewed at <http://ratings.food.gov.uk/>

As previously reported, there was a reduction in the number of Food Hygiene inspections in the previous quarter due to a shortage of staff. This has also been reviewed in December 2017 and additional resources have been brought in again which should ensure we are back on schedule by the end of February 2018.

Food Hygiene inspections by Month 2017:

September	3
October	18
November	2
December	3

15 new food businesses have been registered from 1 April 2017.

3 requests have been received from businesses for a revisit under the Food Hygiene Rating System.

### 3.8. **Service Requests**

Service requests are issues received from residents and businesses within the Borough in relation to Environmental, Housing and Commercial matters. The department has received 269 requests for service between 1 September and 31 December 2017. Three related to Welfare Funerals and seven related to bonfires.

### 3.9. **Infectious Diseases**

The Department undertakes investigations of infectious diseases in conjunction with Public Health England and in line with our Infectious Disease Standard Operating Procedures, to offer relevant advice on hand washing, exclusion or screening of infected individuals. 8 new cases of infectious diseases were investigated between 1 September and 31 December 2017.

### 3.10. **Departmental Update**

In addition to the Food Safety internal audit, a similar exercise has been undertaken in the Licensing service area.

All matters arising have been addressed and implemented. All amendments will be reviewed within ongoing operational monitoring and performance management.

Food Sampling Campaigns are a non-statutory function which we engage in periodically and help provide a national 'picture' of compliance or non-compliance so

Officers can focus enforcement and/or advice accordingly.

### 3.11. **Licensing**

#### **Intended Use Policy**

An interview is being arranged where a taxi driver operated in breach of this Policy, so the case file is in preparation.

#### **Child Sexual Exploitation Courses**

Further to the Members Training in November, this Course will commence with Taxi Drivers as from 7 February 2018.

#### **Joint Police Enforcement Operation - 8 and 9 December 2017**

There was very positive support and joint enforcement with the local police over these two nights from 22:00 to 02:00. Most of the vehicles stopped were compliant with the expected standards and those minor issues identified have been addressed (i.e. the re-issue of damaged badges).

One taxi registered with Wolverhampton was stopped, however all the relevant documentation was provided and found to be intact.

#### **Competency Tests**

Since the amended Policy standard was implemented from 1 January 2018, there have been 35 applicants who sat the test. Only 3 were successful.

### 3.12. **Licensed Premises**

#### **Pubwatch**

This initiative is driven by the Licensees and facilitated and supported by Licensing Enforcement and the Police. It is still awaiting clear support so this initiative for 'self-regulation' can be pushed forward.

#### **Background Documents:**

None.

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<b>Implications</b>   Corporate Enforcement Report	
<b>Finance</b>	There are no significant financial implications.
<b>Chris Raymakers</b> (Head of Finance, Revenues & Benefits)	
<b>Legal</b>	The report is satisfactory.
<b>Dave Gill</b> (Head of Law & Governance / Monitoring Officer)	
<b>Corporate Risk(s) (CR)</b>	<input checked="" type="checkbox"/> <b>Regulatory Governance (CR6)</b> Ensuring the Council has a coherent and transparent enforcement Policy across the Borough and across all tenures.  <input checked="" type="checkbox"/> <b>Other Corporate Risk(s)</b> Failure to implement the Policy will leave the Council in a position of being unable to defend actions taken by enforcement offices in pursuance of their required duties.
<b>Dave Gill</b> (Head of Law & Governance / Monitoring Officer)	
<b>Corporate Priorities (CP)</b>	<input checked="" type="checkbox"/> <b>An Inclusive and Engaged Borough (CP1)</b> The entire Borough will be covered by an all encompassing enforcement policy.  <input checked="" type="checkbox"/> <b>Effective Service Provision (CP2)</b> Provides direction and focus for enforcement decisions.
<b>Dave Gill</b> (Head of Law & Governance / Monitoring Officer)	
<b>Vision &amp; Values (V)</b>	<input checked="" type="checkbox"/> <b>Accountability (V1)</b> Policy makes all Enforcement Officers responsible for a course of action.  <input checked="" type="checkbox"/> <b>Respect (V2)</b> All persons that will meet enforcement and Licensing Officers will be provided with a respectful and transparent approach to dealing with the issues at hand.  <input checked="" type="checkbox"/> <b>Teamwork (V3)</b> Cross department methodology building teamwork within the departments.
<b>Dave Gill</b> (Head of Law & Governance / Monitoring Officer)	
<b>Equalities &amp; Equality Assessment(s) (EA)</b>	There are no significant equalities implications.
<b>Dave Gill</b> (Head of Law & Governance / Monitoring Officer)	<input checked="" type="checkbox"/> <b>Not Applicable (EA)</b>



<b>Licensing and Regulatory Committee</b>	<b>Thursday, 25 January 2018</b>	<b>Matter for Information and Decision</b>
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**Title:** **Proposed Public Space Protection Order  
(Regulation of Dogs in the Borough of Oadby and Wigston)**

**Author(s):** **Dave Gill (Head of Law & Governance / Monitoring Officer)**

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## 1. Introduction

It is proposed that the Borough and Oadby and Wigston’s Dogs (Fouling of Land) Act Designation Order 2004 (“the 2004 Order”) and its various Byelaws for the Regulation of Dogs (1995) (“the 1995 Byelaws”) be superseded by the enactment of a Public Space Protection Order (PSPO) for the Regulations of Dogs made under sections 59-75 of the Anti-Social Behaviour, Crime and Police Act 2014 as set out below.

## 2. Recommendation(s)

- 2.1. To note the contents of the report; and
- 2.2. To recommend to Full Council the revised Public Space Protection Order (Regulation of Dogs in the Borough of Oadby and Wigston) for enactment (as set out at Appendix 1).

## 3. Information

- 3.1. A Public Space Protection Order (PSPO) is a new provision created by the Anti-Social Behaviour, Crime and Policing Act 2014 which is intended to deal with any particular given nuisance or problem in any defined area that is detrimental to the local community’s quality of life by imposing conditions on the use(s) of that area.
- 3.2. The proposed enactment of the PSPO will effectively replace the 2004 Order made under the Dogs (Fouling of Land) Act 1996 and the 1995 Byelaws made under the Public Health Act 1875 and the Open Spaces Act 1906 relating to dog regulation. A copy of the final revised draft of the PSPO is attached at **Appendix 1** to the report.
- 3.3. The Council undertook a review of the existing 2004 Order and 1995 Byelaws with the Head of Operations Services and Street Scene and the Facilities and Administration Team Leader which identified a clear evidence base concerning spatial areas where issues had arisen in relation to dogs and the clearance of dog faeces.
- 3.4. The Council undertook extensive consultation with the residents of the Borough through a ‘survey monkey’ online questionnaire, hard copies of which were also made available at the Customer Service Centre. Concerned groups such as the Kennel Club and the Dogs Trust were also consulted. The consultation on the PSPO was subject to a media action plan and featured on the Council’s website, Facebook, Twitter and press releases through which individuals could access draft proposals on the PSPO.
- 3.5. In summary, the results of the PSPO consultation demonstrated support for the continued use of dog regulation controls with the five main objectives of the being:
  - i. **Fouling** - meaning it shall be an offence if a dog defecates at any time on land to which the public has access to, without it being removed;

- ii. **Dogs on leads by direction** - meaning it shall be an offence to fail to comply with a direction given by an Officer of the Council to place a dog on a lead;
- iii. **Keeping of dogs in leads** – meaning it shall be an offence to not keep a dog on a lead in certain designated areas (primarily in public open spaces);
- iv. **Exclusion of dogs** – it shall be an offence to allow a dog to enter or remain on certain designated areas (primarily enclosed play or sports areas); and
- v. **Means to pick up** – it shall be an offence if a person in control of a dog does not have the suitable means to be able to clean up after it.

A summary of the consultation results is provided at **Appendix 2** to this report.

- 3.6. The Police were formally consulted through the Commander for the South Leicester Neighbourhood Policing Area who addressed the issue with the Chief Constable for Police and the Police and Crime Commissioner for Leicestershire. No adverse comments were received back on the Council’s PSPO draft proposals in this respect.
- 3.7. The proposed PSPO was brought to the meeting of the Full Council on 5 December 2017. However, following comments being received by Members outside of that meeting as to the proposed regulatory controls in relation to the keeping of dogs on leads, it was resolved that it would be appropriate for the PSPO to be referred back to this meeting of the Licensing and Regulatory Committee for further consideration.
- 3.8. The amendments were requested to the proposed Schedule 2 of the PSPO which required dogs to be kept on leads at all times within designated public open space. The amended proposal is that dogs are required to be kept on leads in churchyards, cemeteries and allotments only – these are reflected in **Appendix 1**.

#### **4. Enforcement**

- 4.1. The Council will be required to put signage at all areas designated in the PSPO and to enforce the Order through actions by Authorised Officers. The Street Wardens are to be utilised in addition to Environmental Health Officers/Technicians and the Council’s Dog Warden, the latter of whom currently undertake parks assessments as part of his duties. Body cameras and CCTV may also be required to efficiently enforce the PSPO.
- 4.2. Where it established that an offence has taken place, the PSPO will be enforced through the provision of a Fixed Penalty Notices (FPN) issued by Authorised Officers of £100.00 to be paid within 14 days reduced to £70.00 if paid within 7 days.

#### **Background Documents:**

Report to the Licensing and Regulatory Committee held on 12 October 2017  
 Report to Full Council held on 05 December 2017

Appendix 1 – Public Space Protection Order (Regulation of Dogs) (Final)  
 Appendix 2 – PSPO (Regulation of Dogs) Consultation Results  
 Appendix 3 – Equality Assessment (Initial Screening)

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<b>Implications</b>   Proposed Public Space Protection Order (Regulation of Dogs)	
<b>Finance</b>	There are no significant financial implications.
<b>Chris Raymakers</b> (Head of Finance, Revenues and Benefits)	
<b>Legal</b>	The new PSPO will replace the existing 2004 Order and 1995 Byelaws. The report is satisfactory.
<b>Dave Gill</b> (Head of Law and Governance / Monitoring Officer)	
<b>Corporate Risk(s) (CR)</b>	<input checked="" type="checkbox"/> <b>Regulatory Governance (CR6)</b> Ensuring the Council adopts a coherent and transparent enforcement strategy across the Borough and all tenures in accordance with the 2014 Act.  <input checked="" type="checkbox"/> <b>Other Corporate Risk(s)</b> Failure to implement the PSPO will leave the Council in a position of being unable to defend actions taken by enforcement officers in pursuance of their duties.
<b>Stephen Glazebrook</b> (Interim Head of Communities)	
<b>Corporate Priorities (CP)</b>	<input checked="" type="checkbox"/> <b>An Inclusive and Engaged Borough (CP1)</b> The entire Borough will be covered by an all encompassing PSPO.  <input checked="" type="checkbox"/> <b>Effective Service Provision (CP2)</b> Provides direction and focus for enforcement decisions.  <input checked="" type="checkbox"/> <b>Green &amp; Safe Places (CP4)</b> Promotes safety and wellbeing in designated areas.
<b>Stephen Glazebrook</b> (Interim Head of Communities)	
<b>Vision &amp; Values (V)</b>	<input checked="" type="checkbox"/> <b>Accountability (V1)</b> The PSPO makes all authorised officers responsible for their actions and promotes responsible dog ownership.  <input checked="" type="checkbox"/> <b>Respect (V2)</b> All persons that will meet authorised offices will be provided with a respectful and transparent approach to dealing with the issues and suspected offences at hand.  <input checked="" type="checkbox"/> <b>Teamwork (V3)</b> Cross service methodology building teamwork within.
<b>Stephen Glazebrook</b> (Interim Head of Communities)	
<b>Equalities &amp; Equality Assessment(s) (EA)</b>	An Initial EA Screening has been completed.
<b>Stephen Glazebrook</b> (Interim Head of Communities)	<input checked="" type="checkbox"/> <b>Initial EA Screening</b> ( <i>Appendix 2</i> )

## **The Anti-Social Behaviour, Crime and Policing Act 2014 ss. 59-75**

### **Public Space Protection Order** **(Regulation of Dogs in the Borough of Oadby and Wigston)**

The Borough Council of Oadby and Wigston (hereafter "the Authority") hereby makes the following Public Space Protection Order (hereafter "the Order") under ss. 59-75 of the Anti-Social Behaviour, Crime and Police Act 2014 (hereafter "the Act").

This Order may be cited as 'The Public Space Protection Order (Regulation of Dogs in the Borough of Oadby and Wigston)' and shall come into force on the [ ] day of [ ] 20[ ] and remain in force for a period of three years.

#### **1. Dog fouling of land**

If within the administrative area of the Authority as detailed in Schedule 1 below, a dog defecates at any time on land which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:

- (a) that person has reasonable excuse for failing to do so;  
or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

#### **2. Dogs on leads by direction**

2.1. A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority as detailed in Schedule 1 below, that person does not comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead unless:

- (a) that person has reasonable excuse for failing to do so;  
or
- (b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2.2. An authorised officer may only give a direction under this Order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

#### **3. Keeping of dogs on leads**

A person in charge of a dog shall be guilty of an offence if, at any time, on land detailed in Schedule 2 below, that person does not keep the dog on a lead unless:

- (a) that person has reasonable excuse for failing to do so;  
or
- (b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.



#### **4. Exclusion of dogs**

A person in charge of a dog shall be guilty of an offence if, at any time, that person takes the dog onto, or permits the dog to enter or to remain on, any land detailed in Schedule 3 below unless:

- (a) that person has reasonable excuse for failing to do so;  
or
- (b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

#### **5. Means to pick up**

5.1. A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority as detailed in Schedule 1 below, that person does not have with him an appropriate means to pick up dog faeces deposited by that dog unless:

- (a) that person has reasonable excuse for failing to do so;  
or
- (b) The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

5.2. The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up the dog faeces.

#### **6. Exemptions**

Nothing in this order shall apply to a person who:

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or "severely sight impaired", or "sight impaired" under the Care Act 2014;  
or
- (b) has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry, or otherwise move everyday objects, in respect of a dog trained by a "prescribed charity" and upon which he relies for assistance.

#### **7. General Points**

For the purpose of this Order:

- (a) A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- (b) Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- (c) Being unaware of the defecation whether by reason of not being in the vicinity or otherwise or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;

(d) "An authorised officer of the Authority" means an employee, partnership agency or contractor of Oadby and Wigston Borough Council who is authorised in writing by the Authority for the purposes of giving directions under the Order.

(e) Each of the following is a "prescribed charity" –

- (i) Dogs for the Disabled (registered charity number 700454)
- (ii) Support Dogs Limited (registered charity number 1088281)
- (iii) Canine Partners for Independence (registered charity number 803680)
- (iv) Hearing Dogs for Deaf People (registered charity number 293358)
- (v) The Guide Dogs for the Blind Association (registered charity number 209617)

## **7. Penalty**

7.1. A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

7.2. A Fixed Penalty Notice of £100.00 will be issued to offenders to be paid within 14 days (reduced to £70.00 if paid within 7 days) which would discharge any liability to conviction for an offence under section 67(1) of the Act.

**The above Order was adopted by the Council  
at a meeting held on the 5th day of December 2017.**

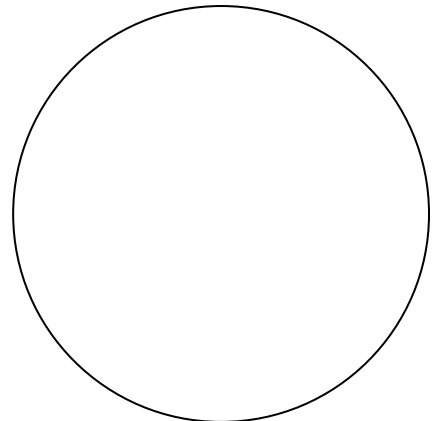
**In witness thereof the Common Seal of the Borough Council of  
Oadby and Wigston was hereunto affixed on  
the [ ] day of [ ] 20[ ].**

**Mayor**

Her Worship Councillor Mrs Samia Z Haq

**Chief Executive (Interim)**

Mrs Anne E Court

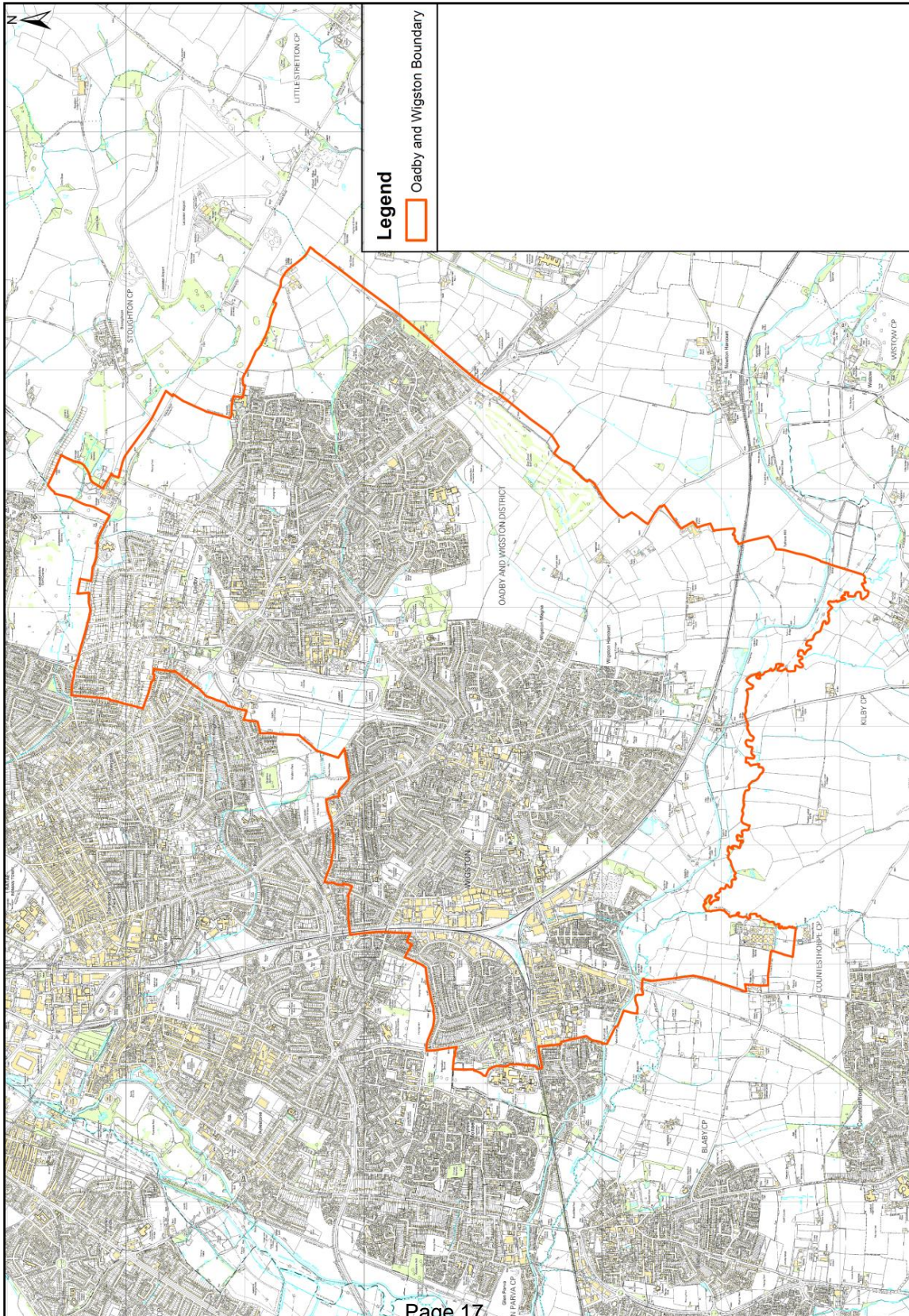


# Schedule One

## **Dog fouling of land Dogs on leads by direction Means to pick up**

This Order applies to the administrative area of the Authority edged-red below:

**Map No. 1**



## Schedule Two

### Keeping of dogs on leads

This Order applies to all the land described below:

<b>Map No.</b>	<b>Location</b>	<b>Area</b>	<b>Description of Land</b>
2	St Peter's Churchyard, Wigston Road, LE2 5QE	Oadby	Churchyard
3	5 - 15 London Road	Oadby	Blind Garden
4	Oadby Cemetery, Wigston Road, LE2 5QB	Oadby	Cemetery
5	Wigston Road Allotments, Wigston Road, LE2 5JE	Oadby	Allotments
6	Brabazon Road Allotments, Brabazon Road	Oadby	Allotments
7	Brocks Hill Country Park, Natural Play Area, Washbrook Lane, LE2 5JJ	Oadby	Park
8	All Saints Churchyard, Moat Stre LE18 2GD	Wigston	Churchyard
9	St Wistan Church, Church Nook, LE18 3RA	Wigston	Churchyard
10	Wigston Cemetery, Welford Road, LE18 3SN	Wigston	Cemetery
11	Aylestone Lane Allotments, Aylestone Lane	Wigston	Allotments
12	Manchester Gardens Allotments, Blunts Lane, LE18 2HA	Wigston	Allotments

### **Schedule Three**

#### **Exclusion of dogs**

This Order applies to all the land described below:

<b>Map No.</b>	<b>Location</b>	<b>Area</b>	<b>Description of Land</b>
7	Brocks Hill Country Park Small Play Area and Amphitheatre, Washbrook Lane, LE2 5JJ	Oadby	Play Area
13	Ellis Park Bowls Green, Ellis Park, Brabazon Road	Oadby	Bowls Green
13	Tennis Courts, Ellis Park, Brabazon Road	Oadby	Tennis Courts
13	Play Area, Ellis Park, Brabazon Road	Oadby	Play area
14	Illife Avenue Park	Oadby	Play area
15	Moorwood Play Area, London Road,	Oadby	Play area
16	Rosemead Park, Rosemead Road	Oadby	Play area
17	Uplands Playing Field Uplands Road, LE2 4	Oadby	Play area
18	Coombe Park, Coombe Rise, LE2 5TT	Oadby	Play area
19	Fox Hollow, LE2 4QY	Oadby	Play area
20	Hill Field park, Robert Wragg Way, LE2 4UU	Oadby	Play area
21	Blaby Road Park	South Wigston	Play area
22	South Wigston Bowls Green, Blaby Road Park	South Wigston	Bowls Green



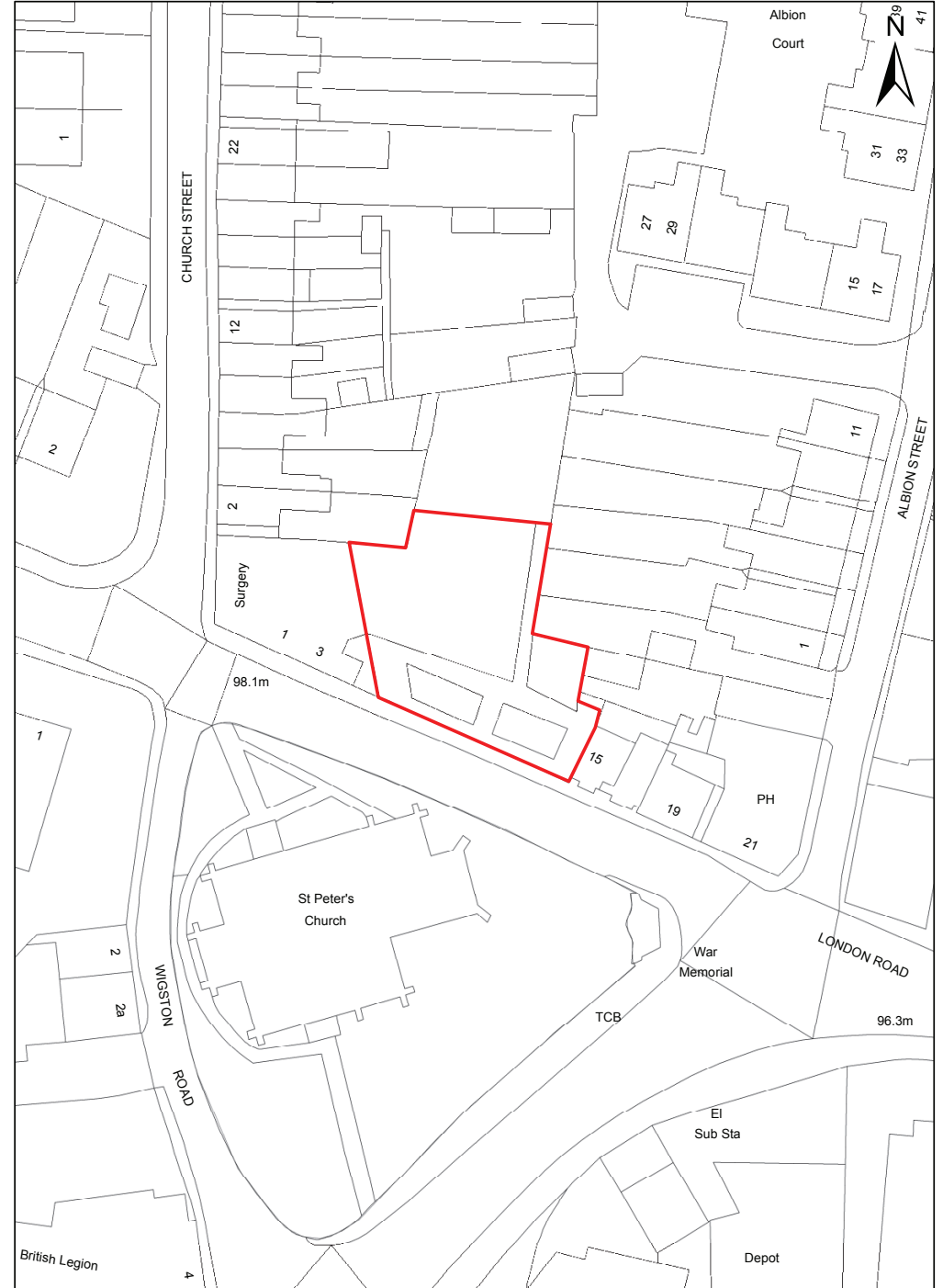
22	Multi use games area, Blaby Road Park	South Wigston	Multi use games area
22	Skate Park Blaby Road Park	South Wigston	Skate Park
23	William Gunning Park, Gloucester Crescent	South Wigston	Play area
24	Wigston Bowls Green Peace Memorial Park, Long Street	Wigston	Bowls Green
25	Tennis Courts, Peace Memorial Park, Long Street	Wigston	Tennis Court
26	Tennis Courts, Willow Park, Aylestone Lane.	Wigston	Tennis Court
26	Skate Park, Willow Park, Aylestone Lane	Wigston	Skate Park
26	Willow Park, Aylestone Lane.	Wigston	Play area
27	Meadows Park, Meadow Way, LE18	Wigston	Play area
28	Wigston Fields Community Centre, Carlton Drive, LE18 1DE	Wigston	Play area
29	Hayes Park, Thirlmere Road, LE18 3RS	Wigston	Play area
30	Attenborough Close, LE18 3PR	Wigston	Play area
31	Two Steeples Square, LE18 1DL	Wigston	Play area
32	Horsewell Lane Park, Horsewell Lane, LE18 2HR	Wigston	Play area

Map 2 St Peters Churchyard, Wigston Road, Oadby



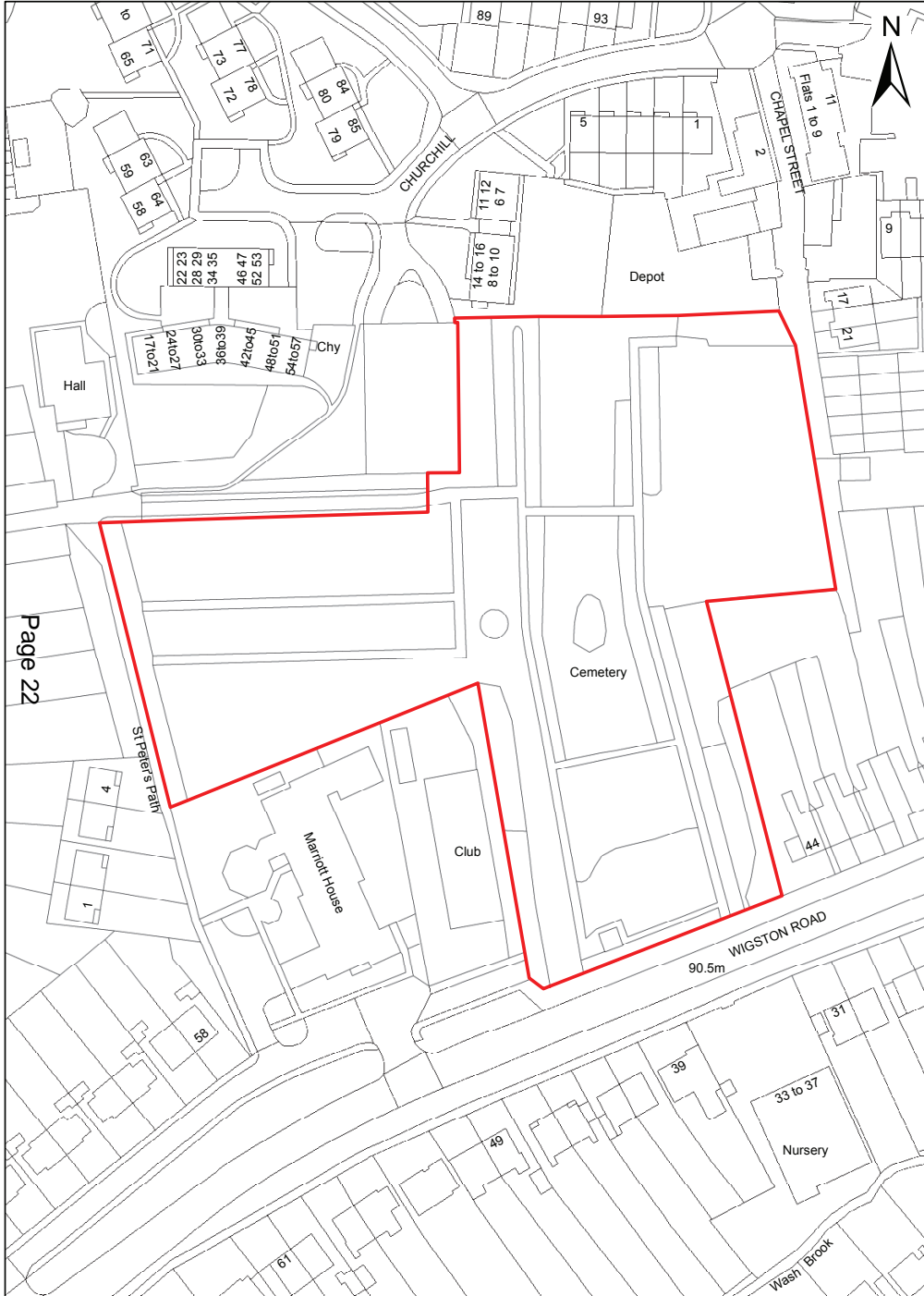
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Map 3 5 to 15 London Road, Oadby



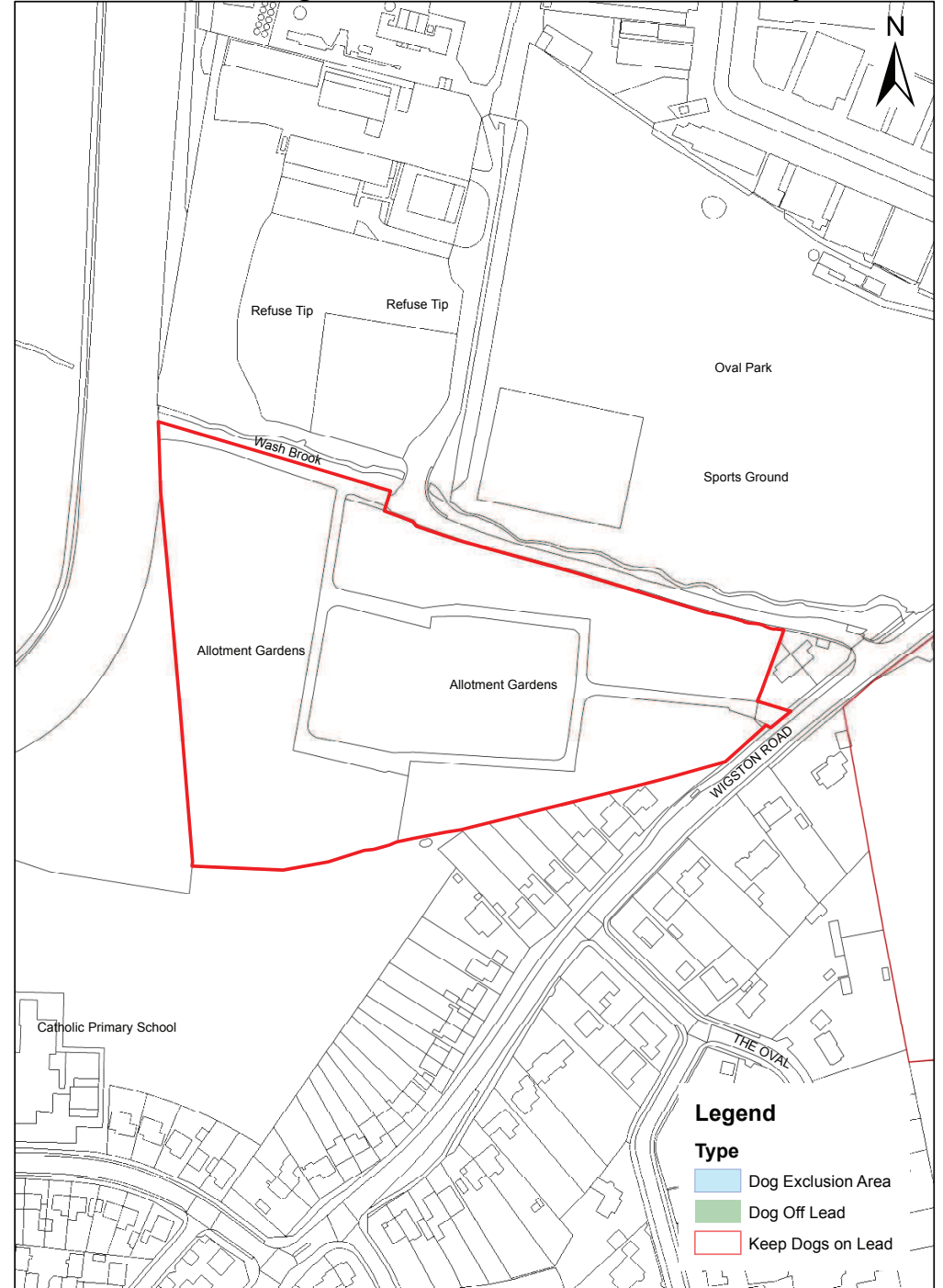
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Map 4 Oadby Cemetery, Wigston Road, Oadby



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Map 5 Wigston Road Allotments, Oadby



1:2,000

**Legend**

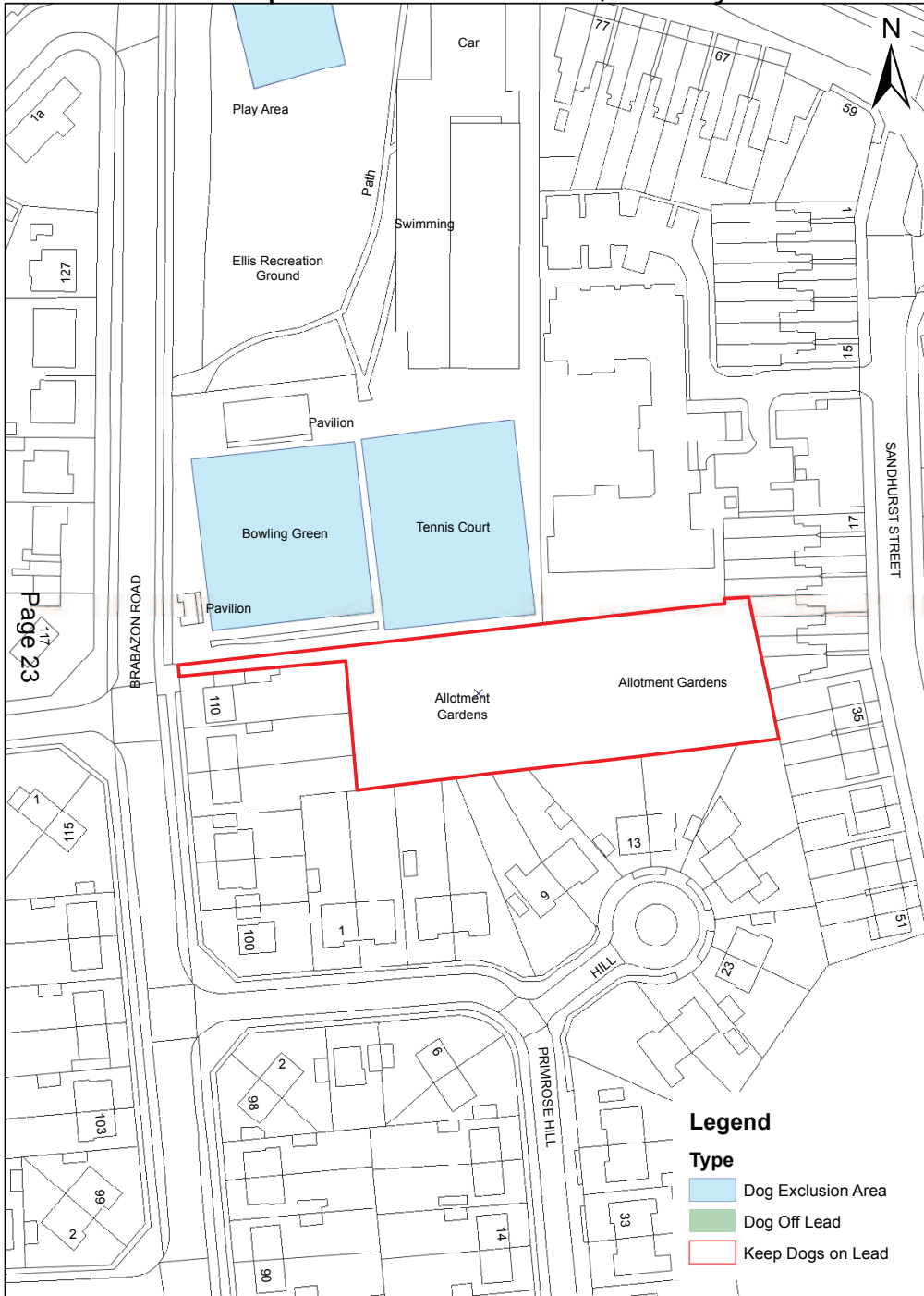
**Type**

- Dog Exclusion Area
- Dog Off Lead
- Keep Dogs on Lead

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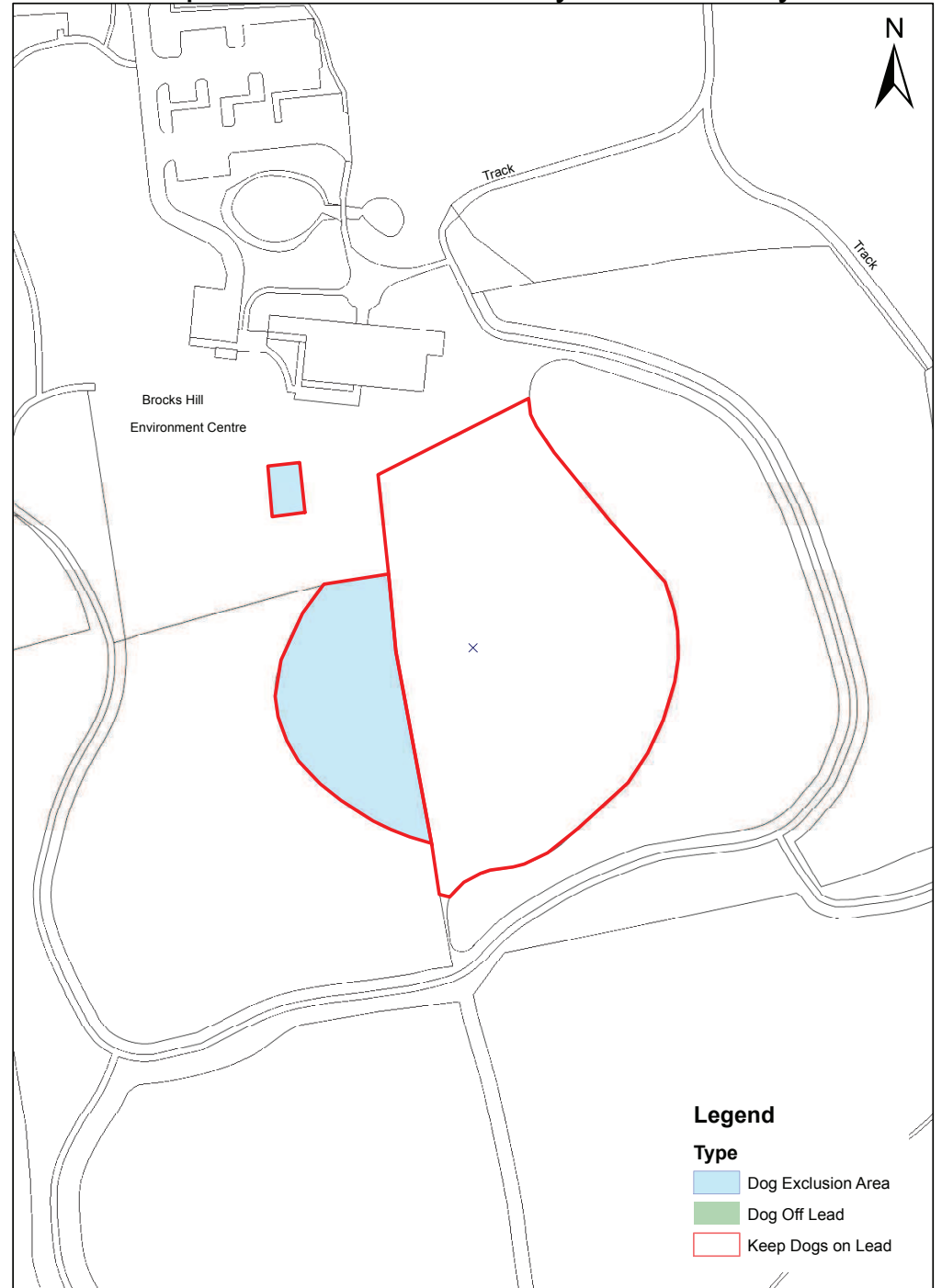
# Map 6 Brabazon Road, Oadby



- Legend**
- Type**
- Dog Exclusion Area
  - Dog Off Lead
  - Keep Dogs on Lead

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# Map 7 Brocks Hill Country Park, Oadby



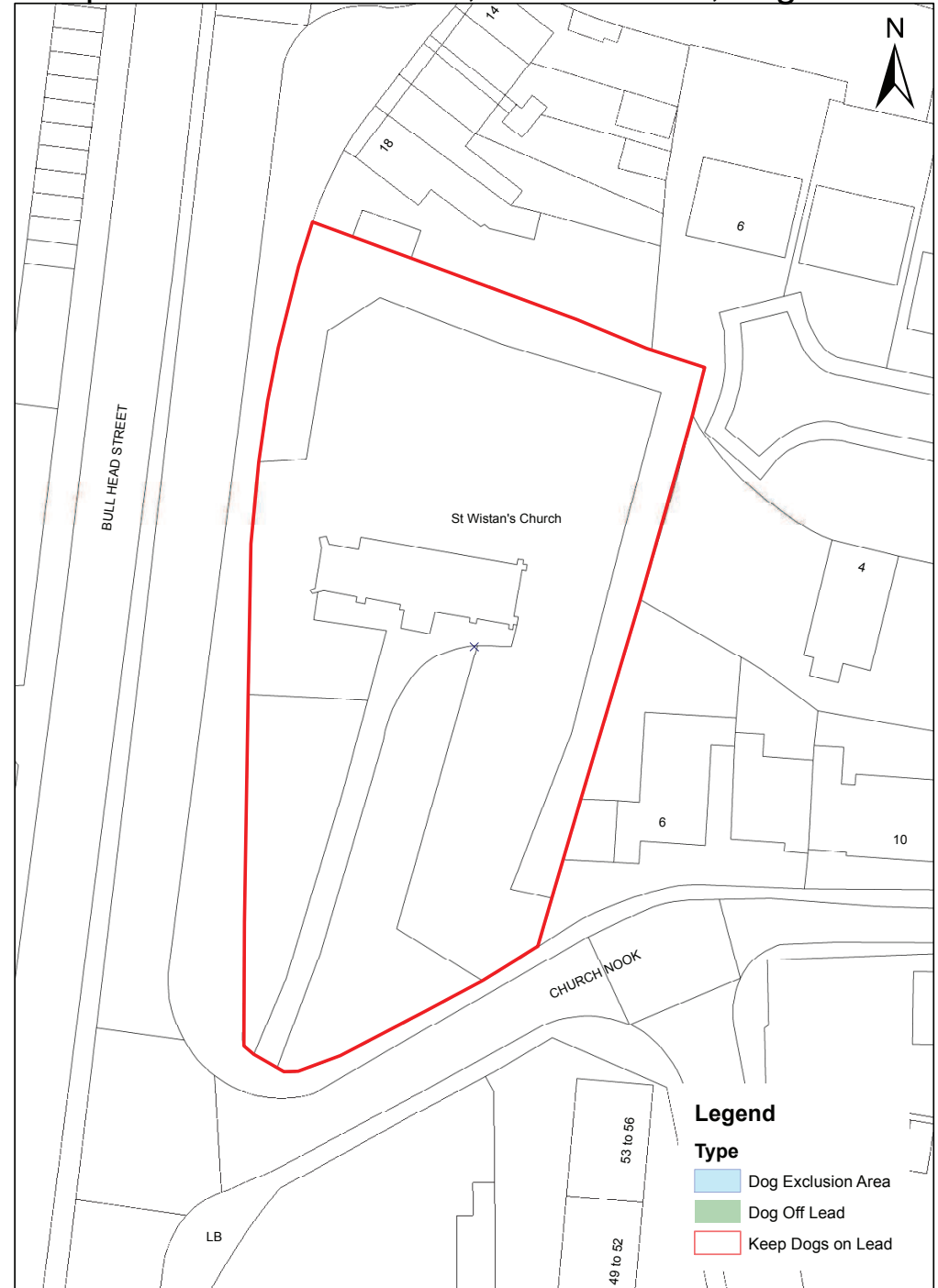
- Legend**
- Type**
- Dog Exclusion Area
  - Dog Off Lead
  - Keep Dogs on Lead

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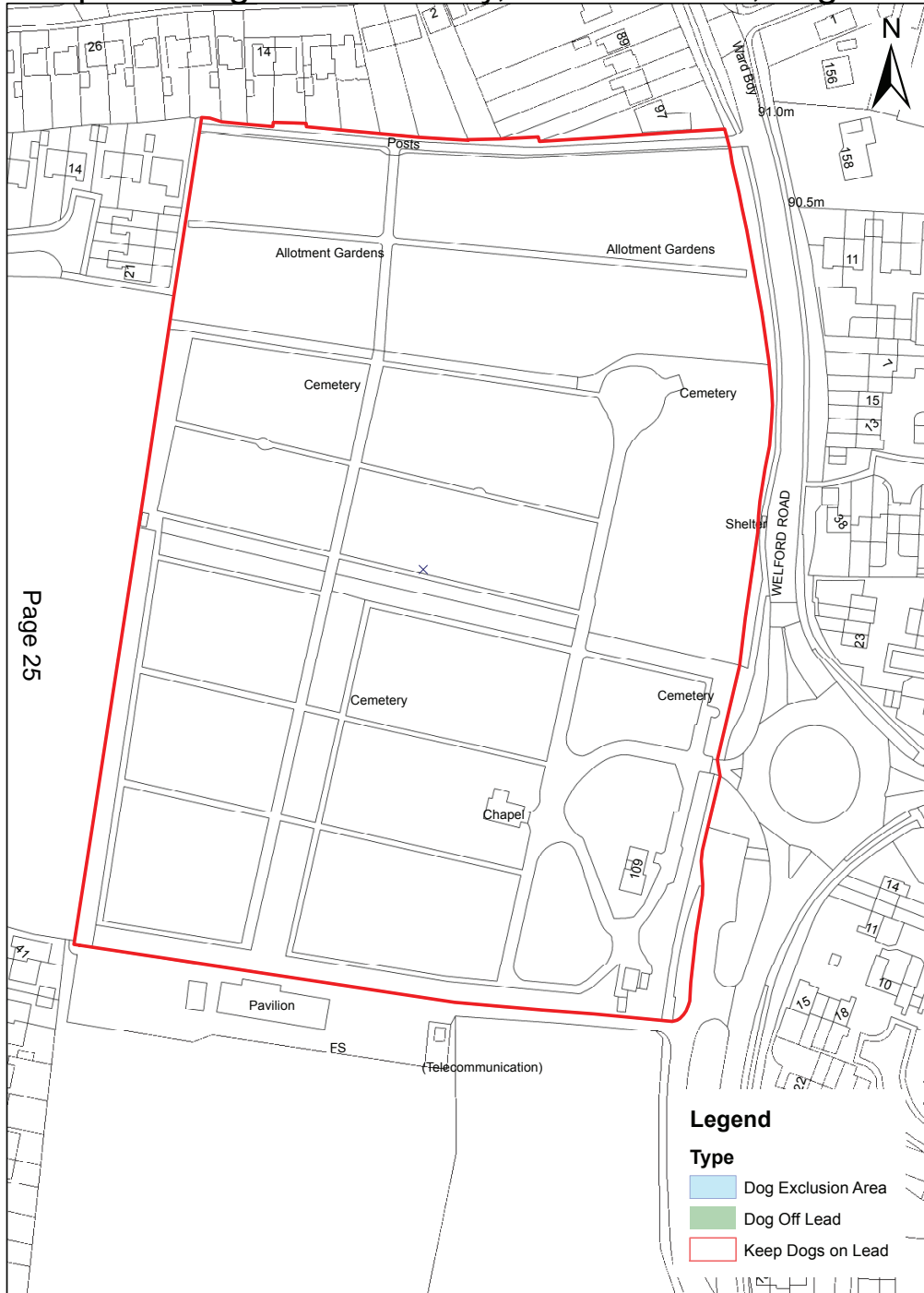
Map 8 All Saints Church Yard, Moat Street, Wigston



Map 9 St Wistan Church, Church Nook, Wigston

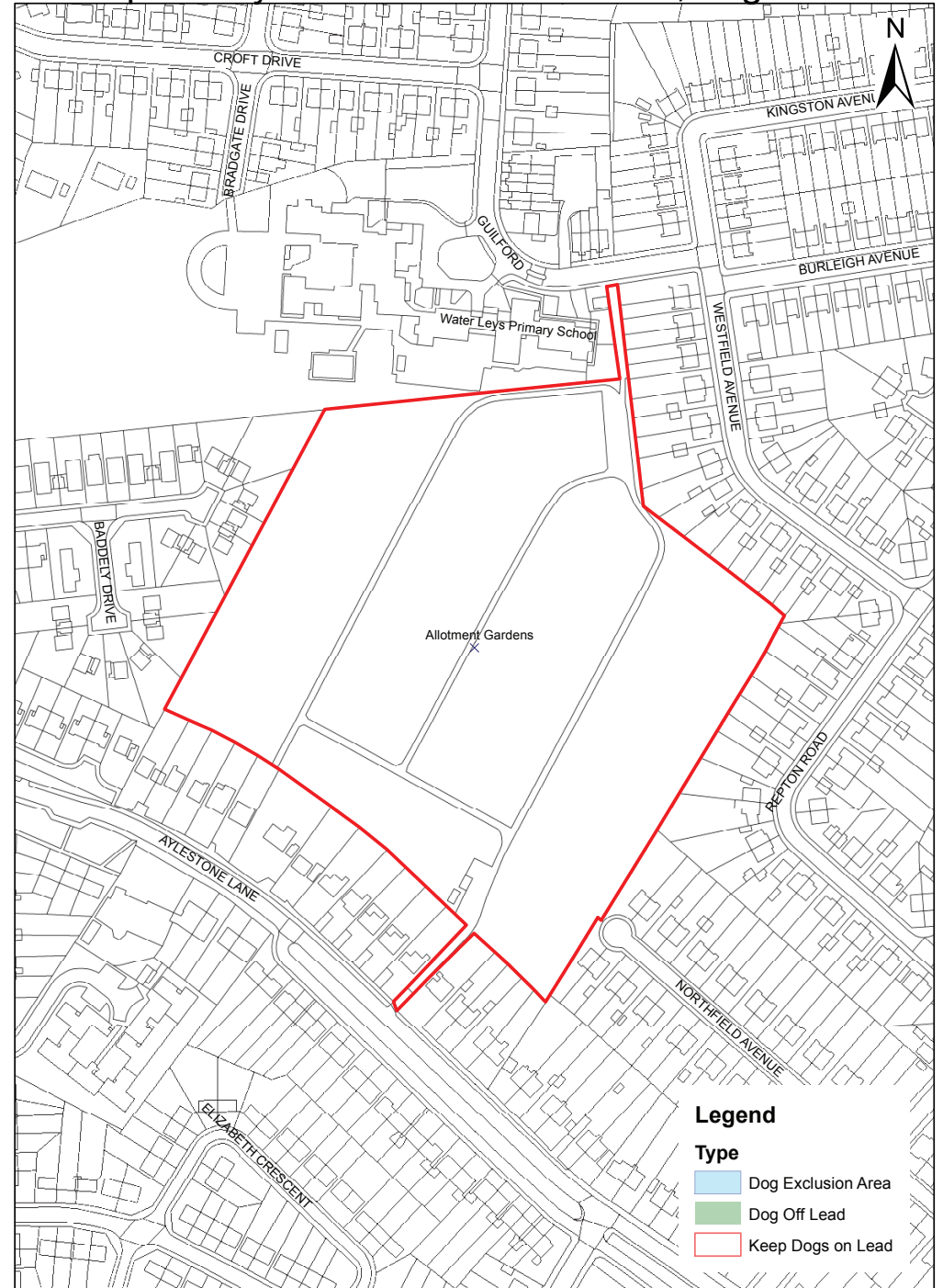


Map 10 Wigston Cemetery, Welford Road, Wigston

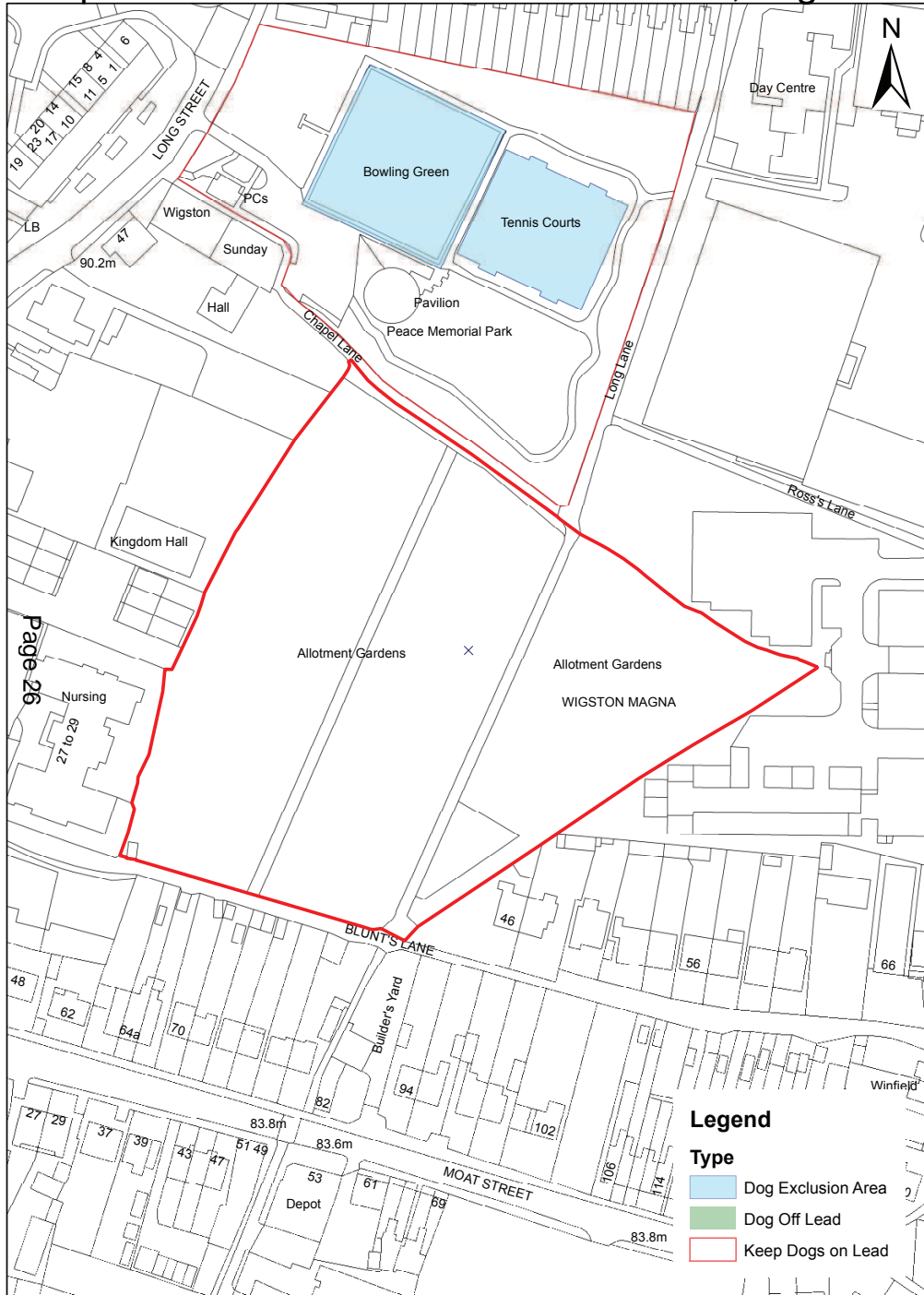


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Map 11 Aylestone Lane Allotments, Wigston

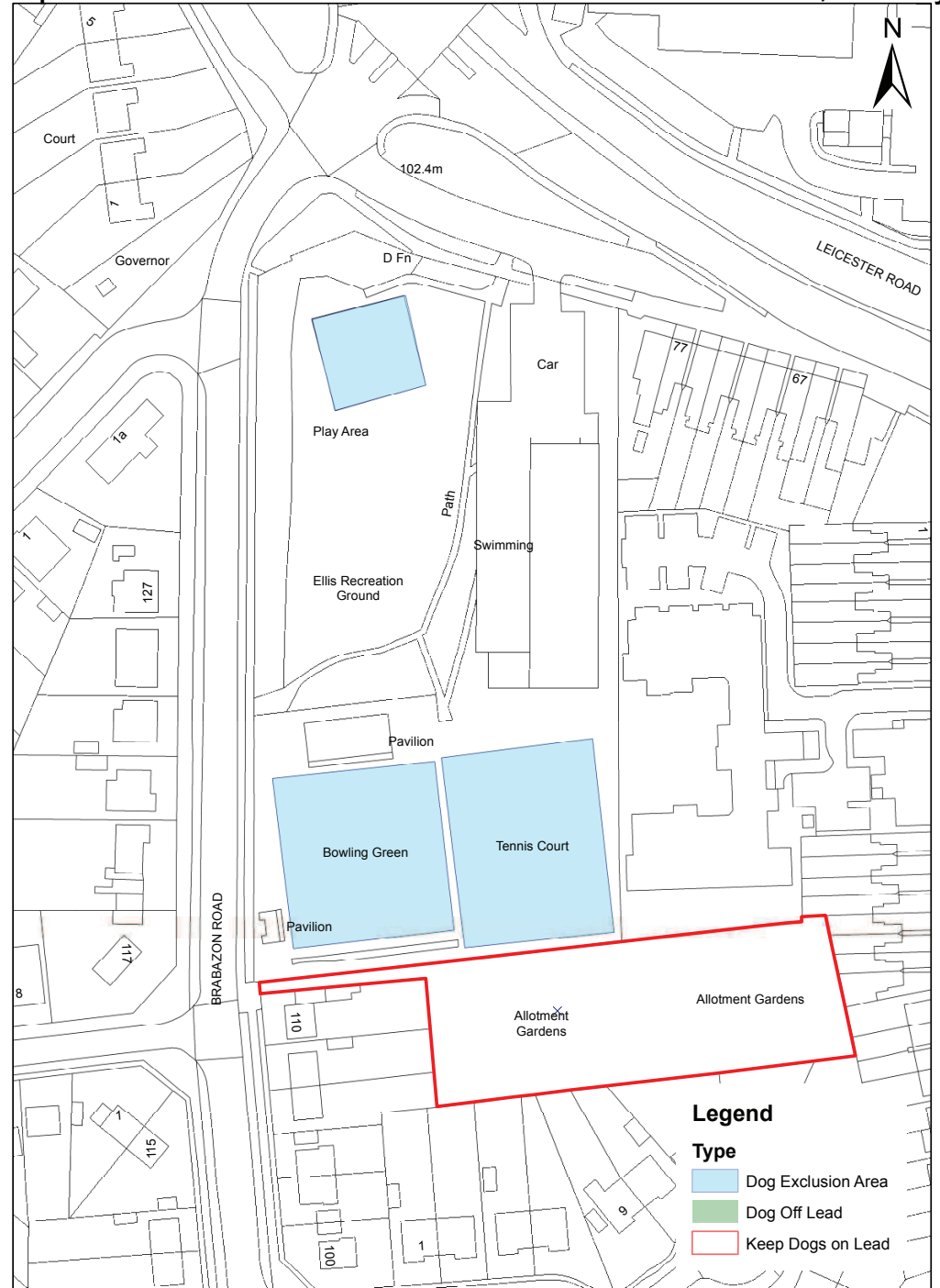


Map 12 Manchester Gardens Allotments, Wigston



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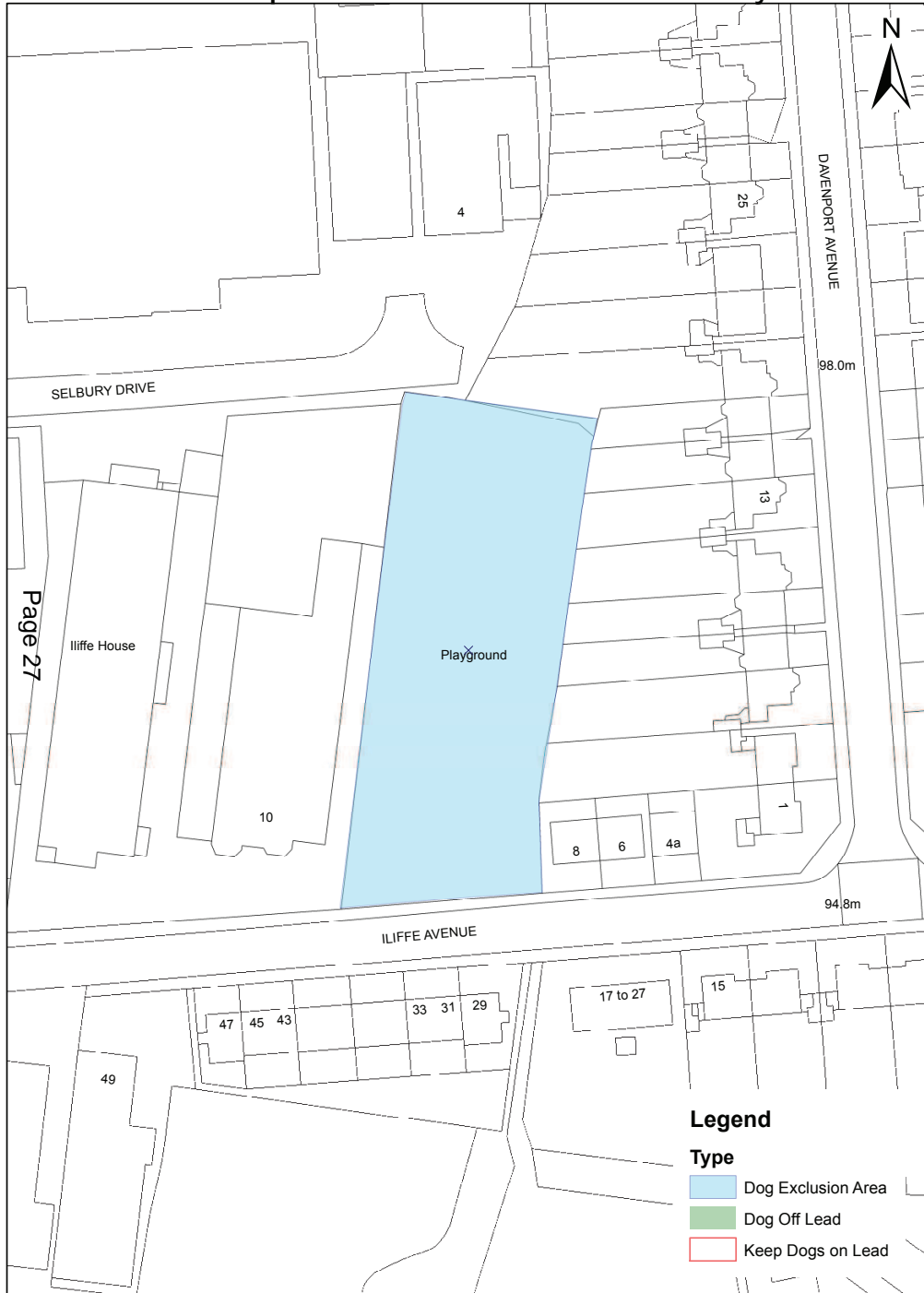
Map 13 Ellis Park Bowls Green and Tennis Court, Oadby



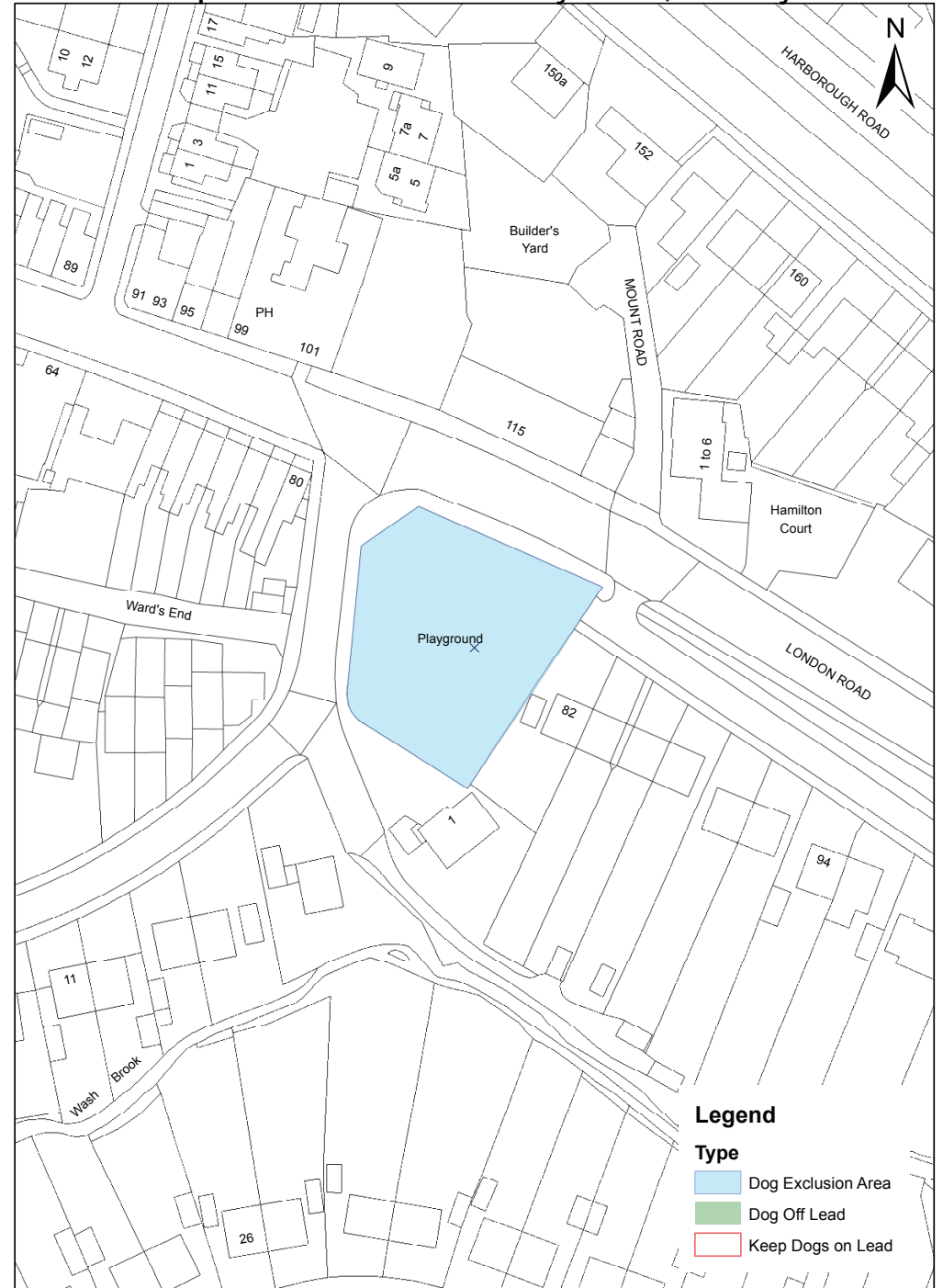
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Map 14 Illife Avenue Park Oadby



Map 15 Moorwoods Play Area, Oadby

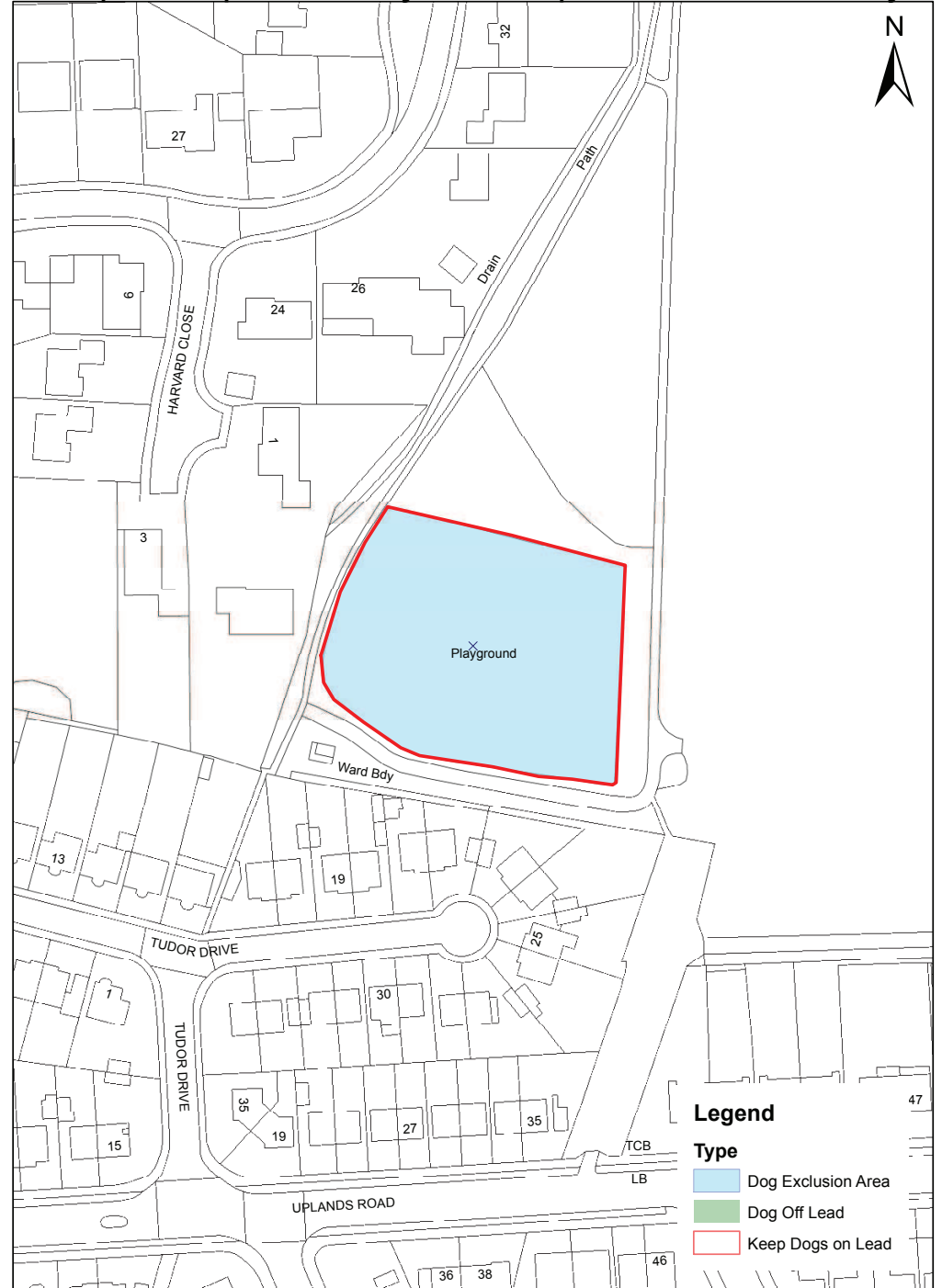


Map 16 Rosemead Park, Rosemead Road, Oadby



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Map 17 Uplands Play Area, Uplands Road, Oadby



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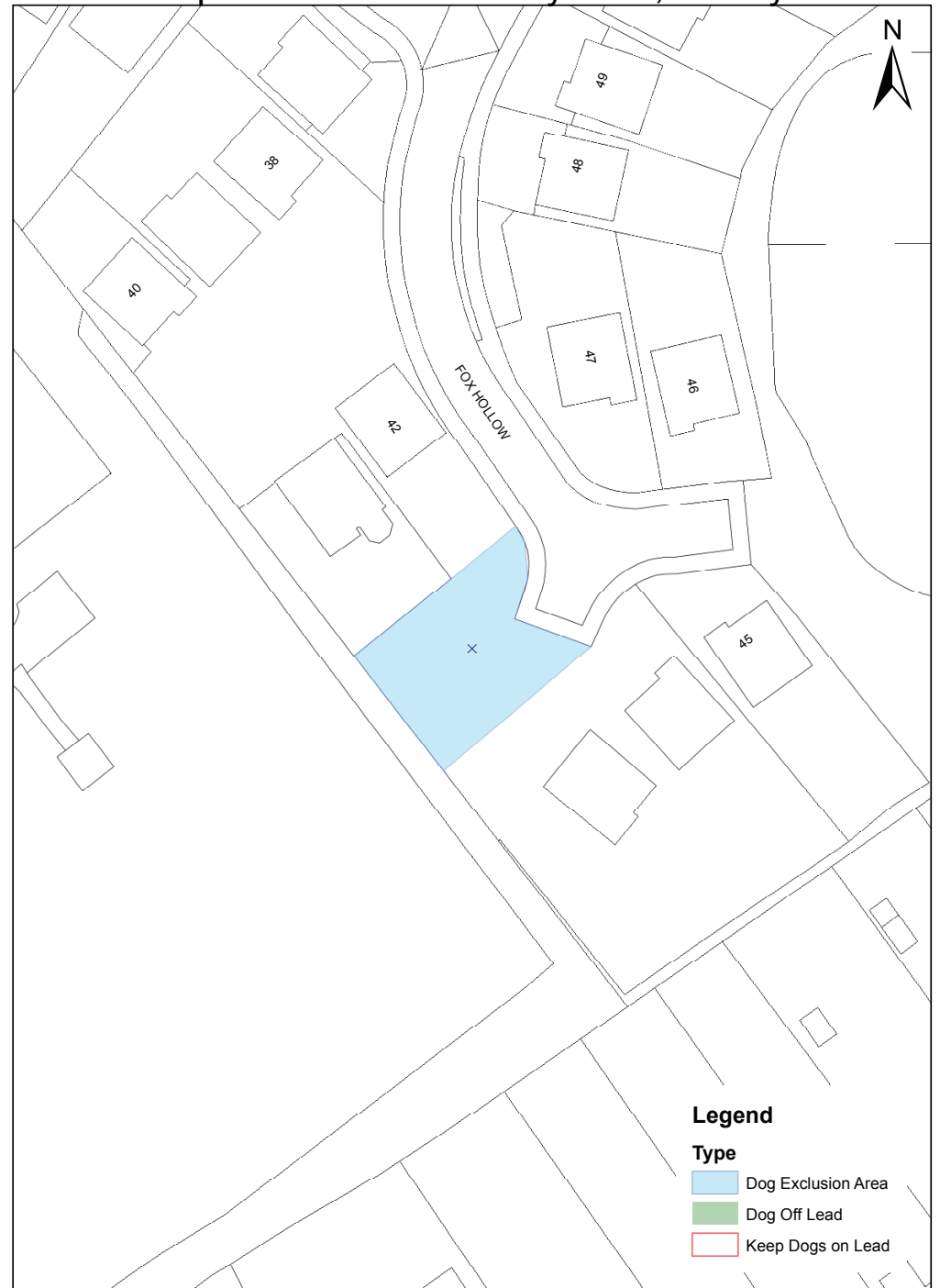
# Map 18 Coombe Park, Coombe Rise, Oadby



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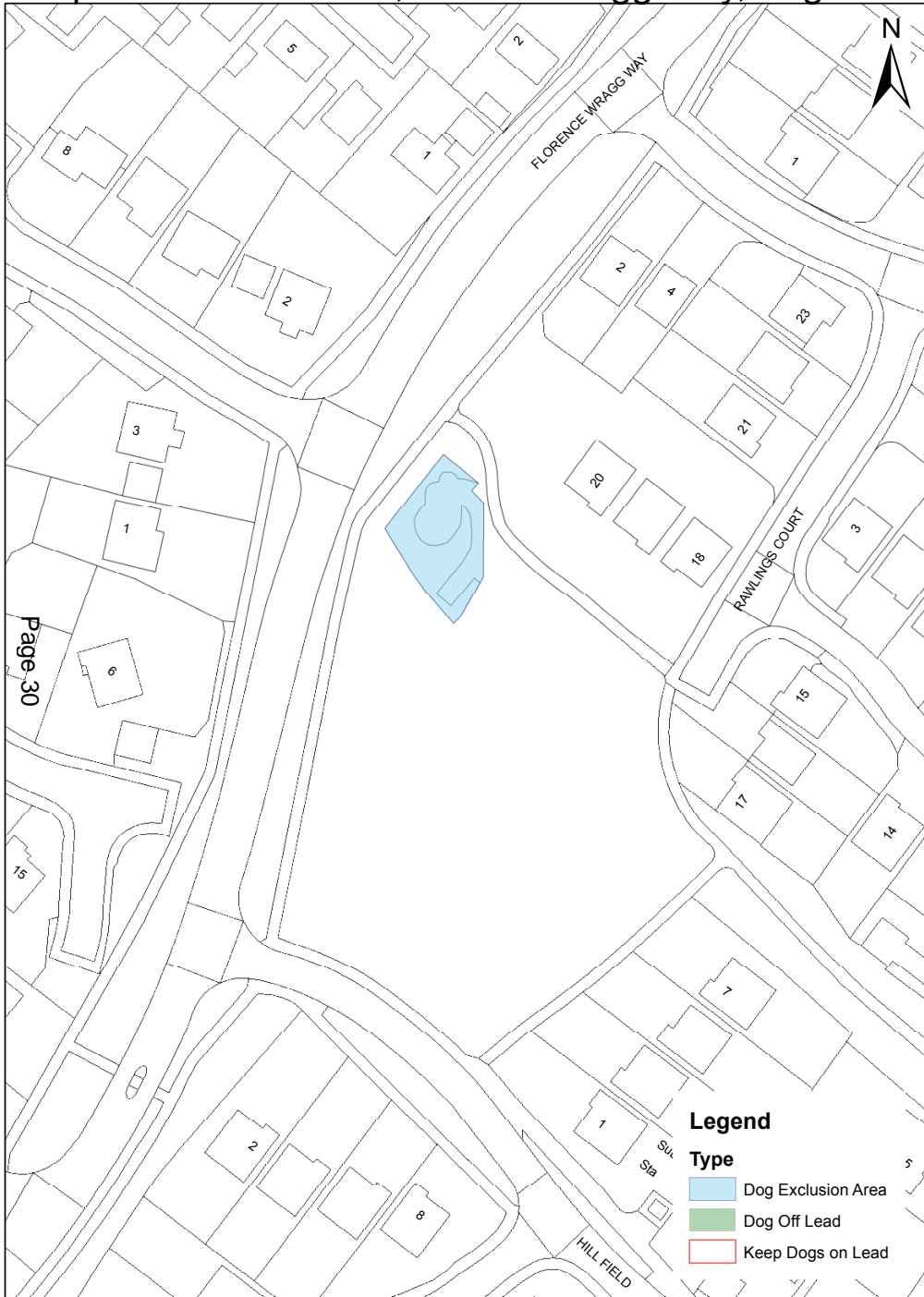
# Map 19 Fox Hollow Play Area, Oadby



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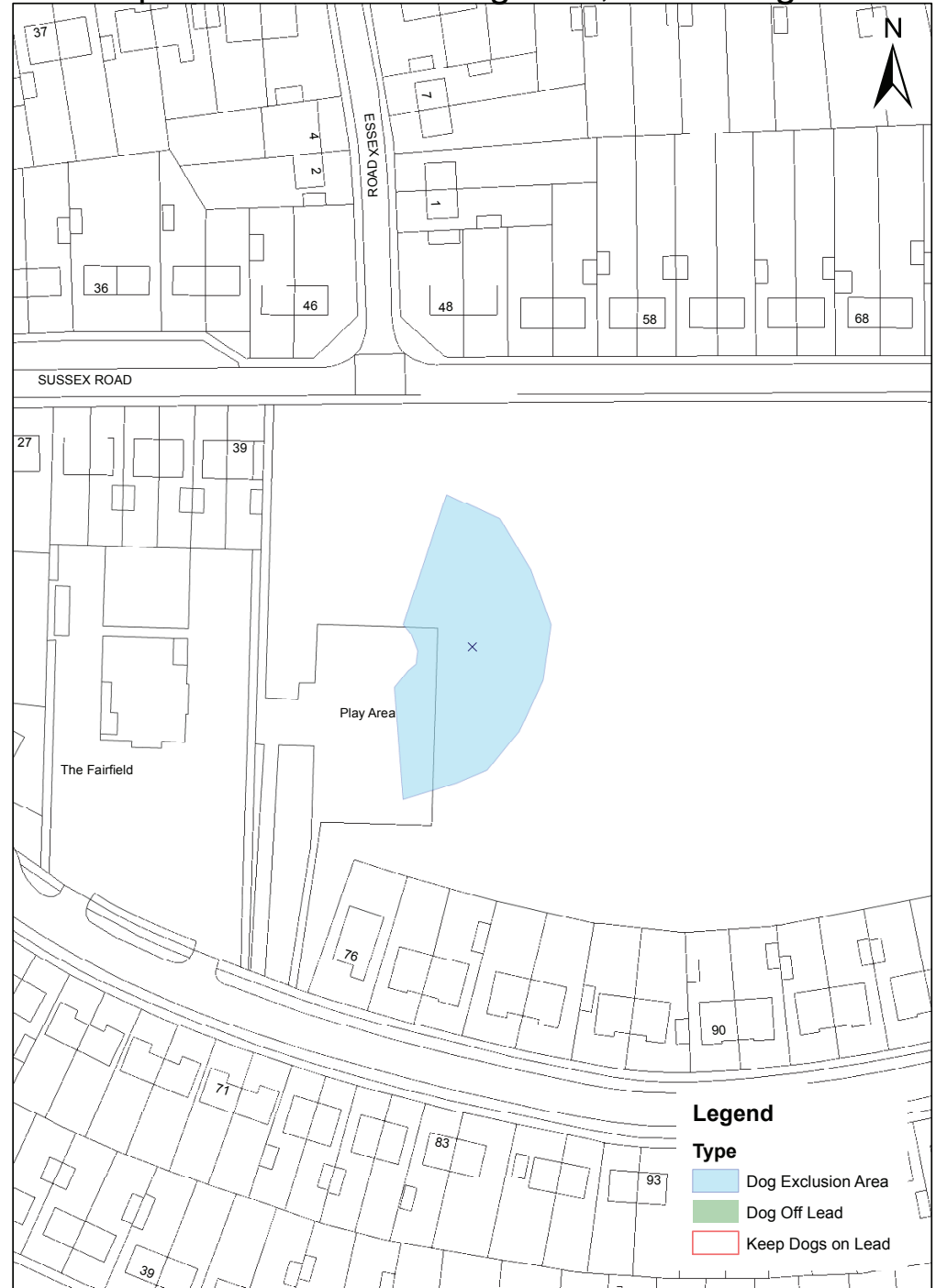
# Map 20 Hill Field Park, Robert Wragg Way, Wigston



- Legend**
- | Type                                 | Description        |
|--------------------------------------|--------------------|
| <span style="color: blue;">■</span>  | Dog Exclusion Area |
| <span style="color: green;">■</span> | Dog Off Lead       |
| <span style="color: red;">■</span>   | Keep Dogs on Lead  |

1:750

# Map 23 William Gunning Park, South Wigston

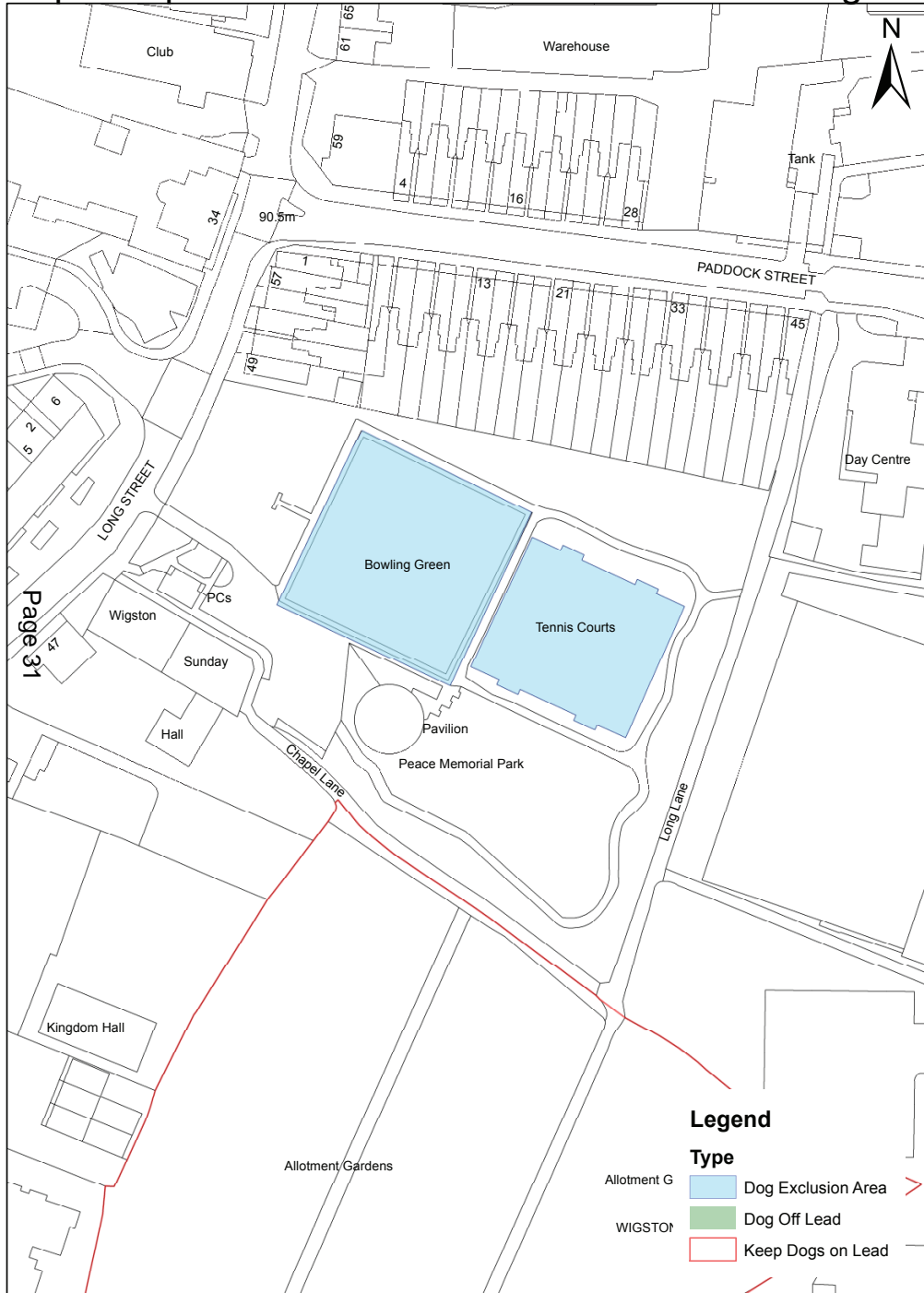


- Legend**
- | Type                                 | Description        |
|--------------------------------------|--------------------|
| <span style="color: blue;">■</span>  | Dog Exclusion Area |
| <span style="color: green;">■</span> | Dog Off Lead       |
| <span style="color: red;">■</span>   | Keep Dogs on Lead  |

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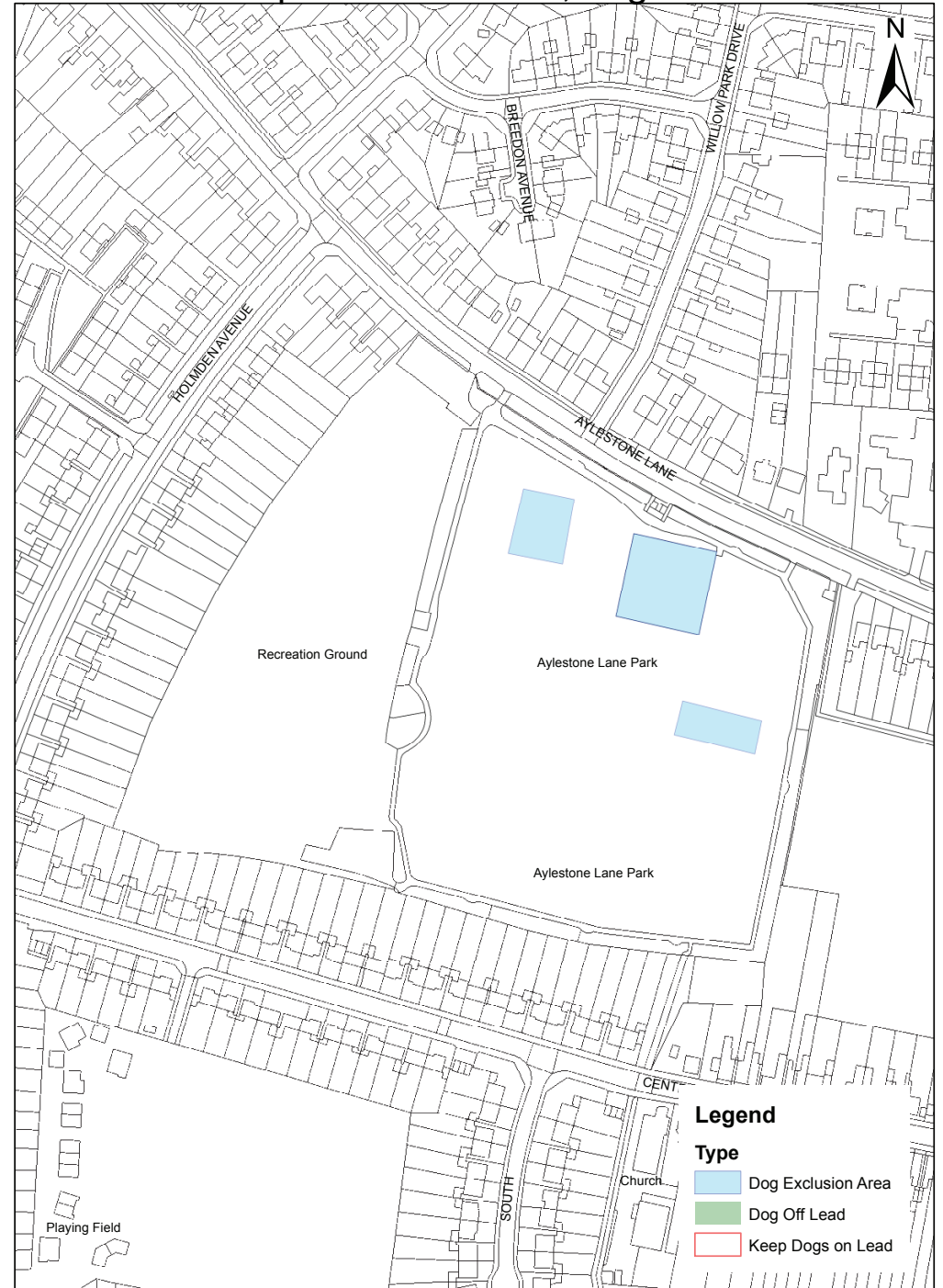


# Map 24 Sports Facilities Peace Memorial Park Wigston



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# Map 26 Willow Park, Wigston



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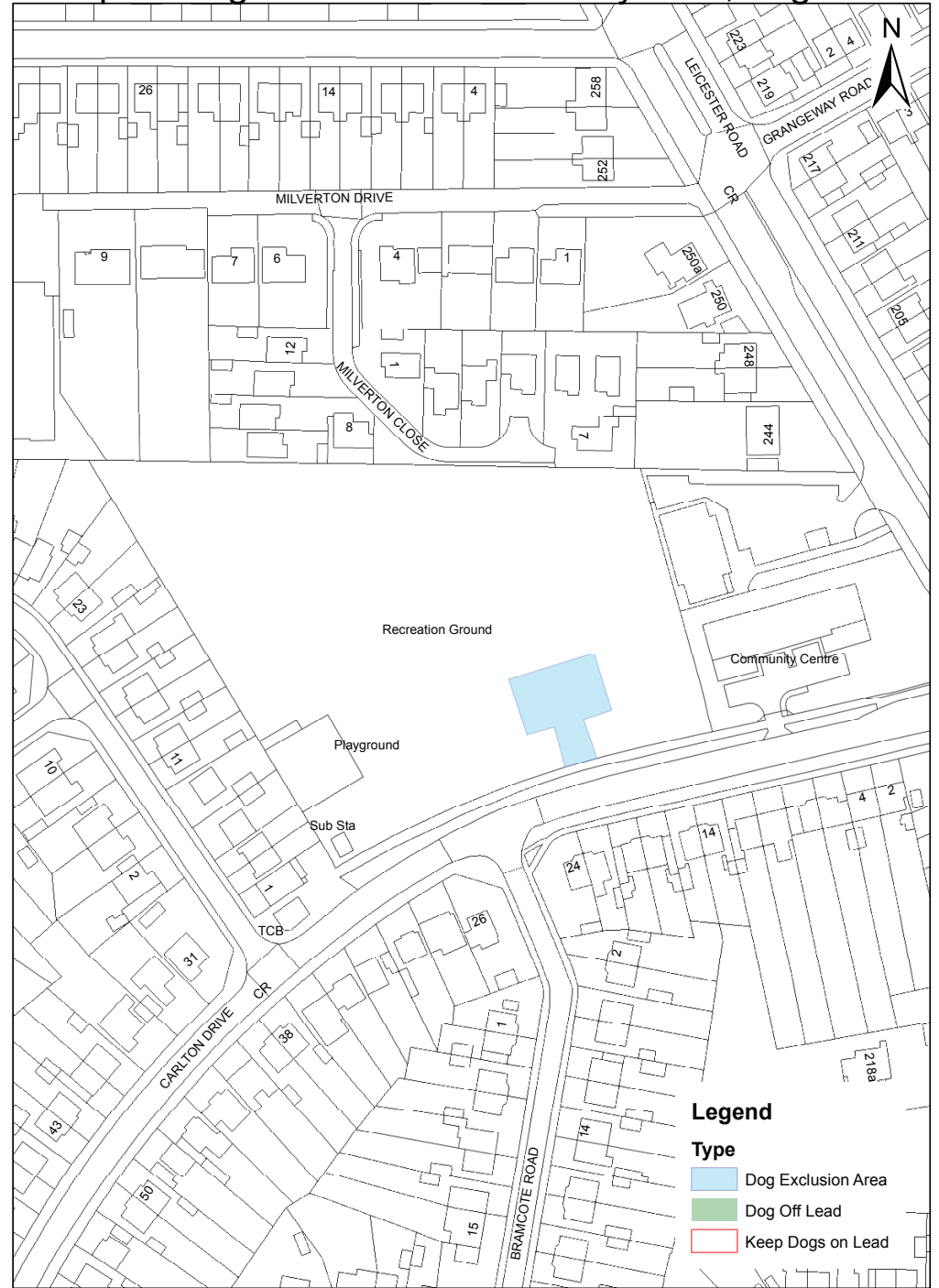
# Map 27 Meadows Play Area, Wigston



- Legend**
- Type**
- Dog Exclusion Area
  - Dog Off Lead
  - Keep Dogs on Lead

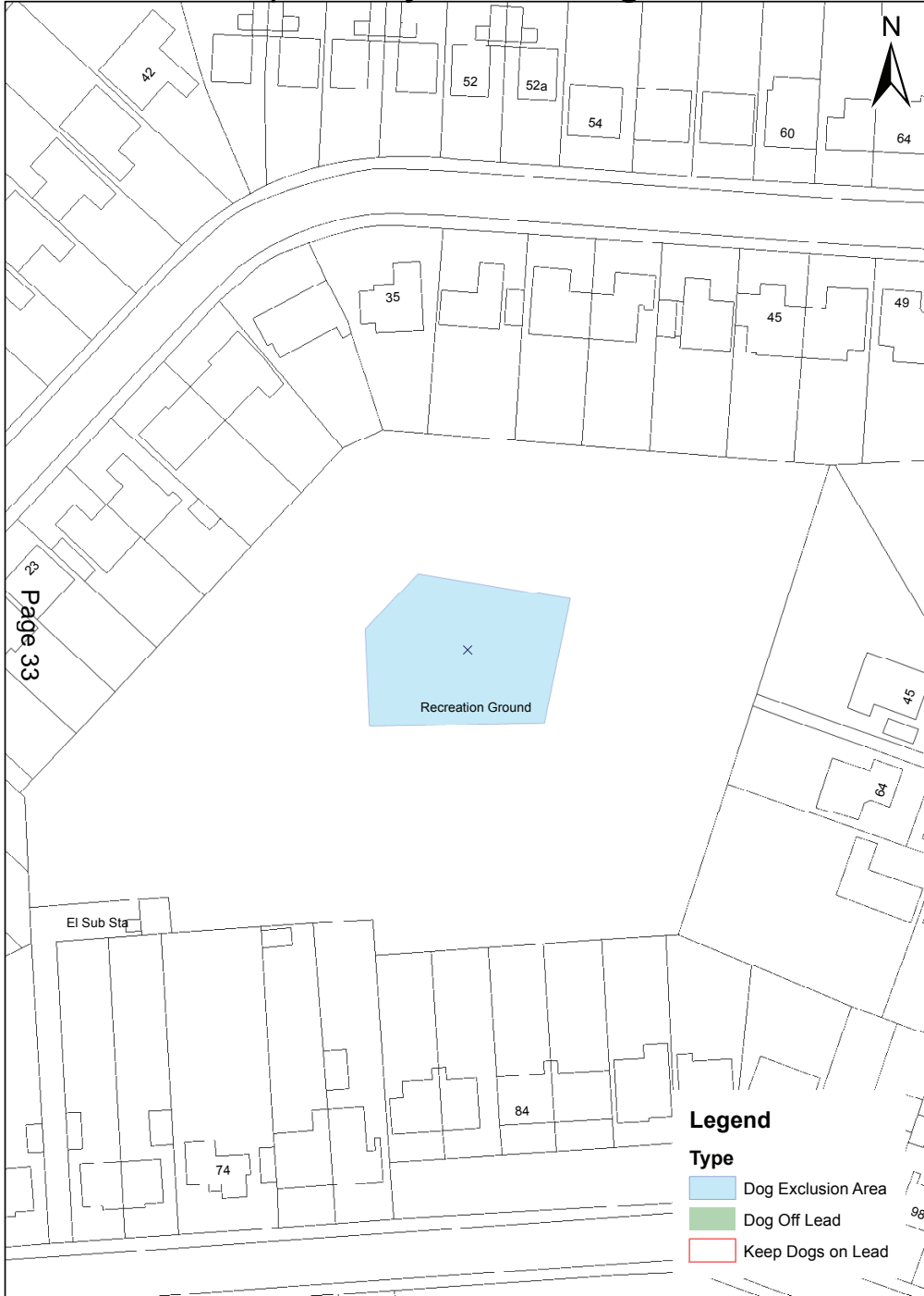
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# Map 28 Wigston Fields Community Park, Wigston



- Legend**
- Type**
- Dog Exclusion Area
  - Dog Off Lead
  - Keep Dogs on Lead

Map 29 Hayes Park, Wigston



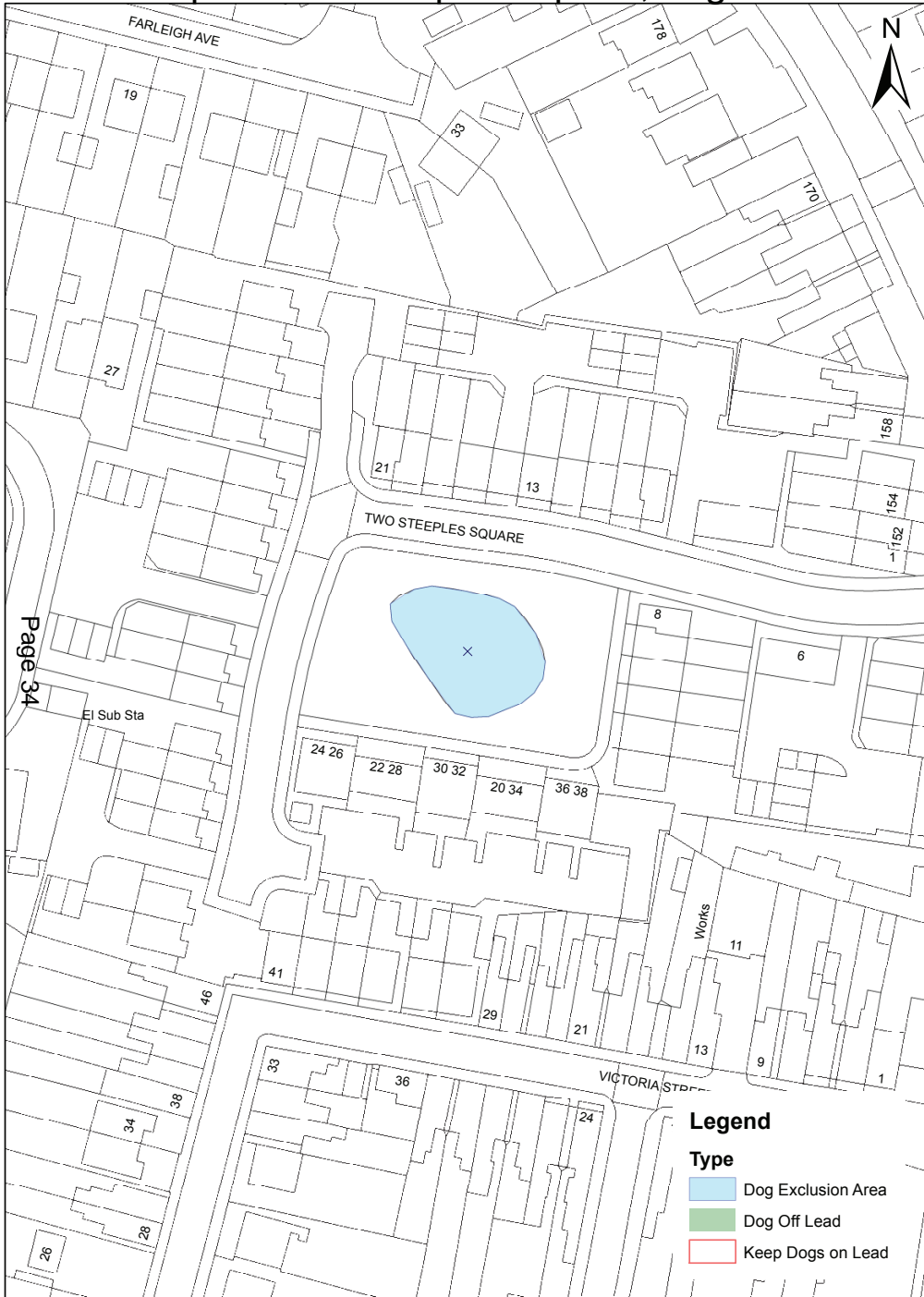
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Map 30 Attenborough Close, Wigston



1:600

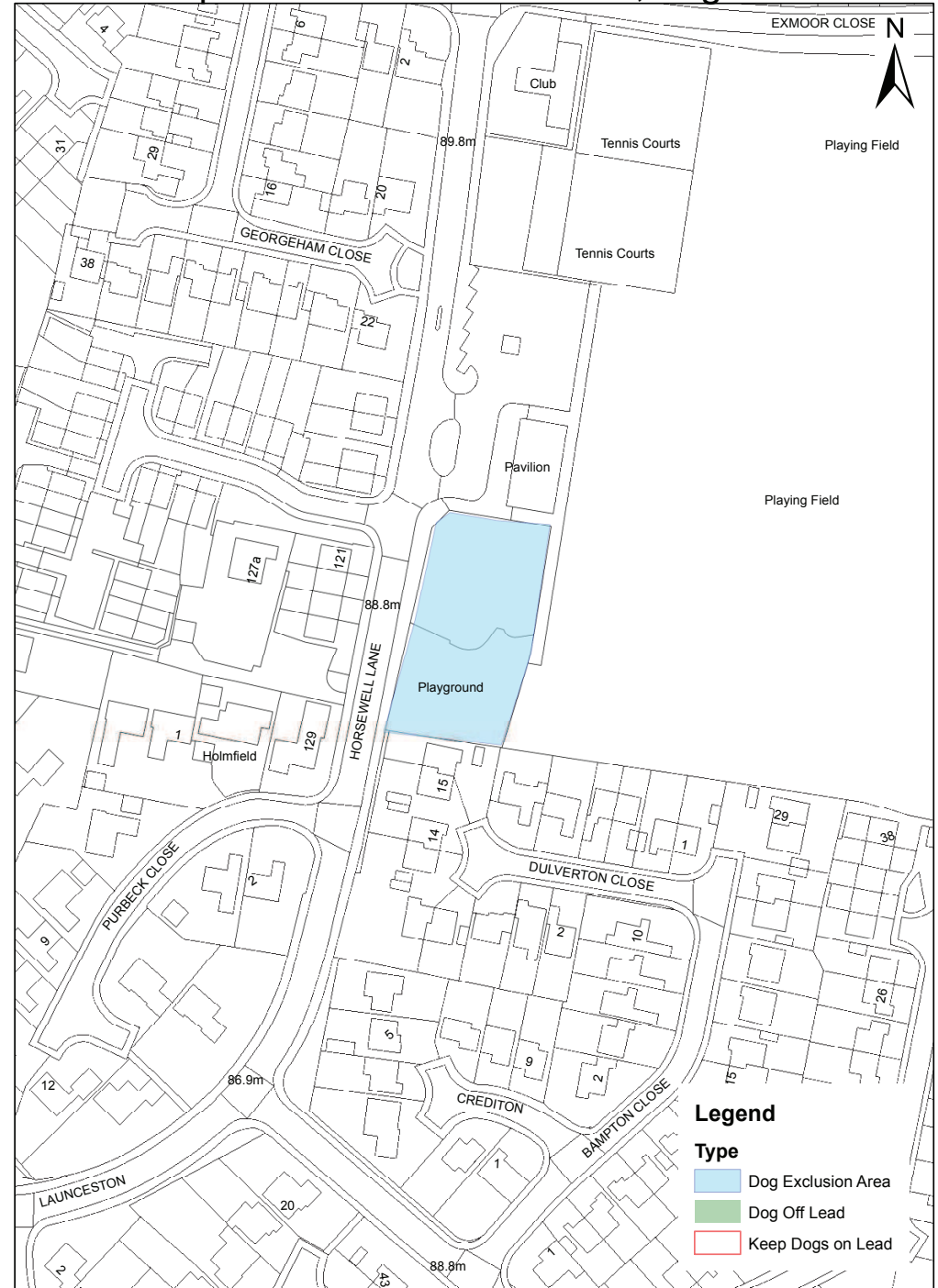
# Map 31 Two Steeples Square, Wigston



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1:750

# Map 32 Horsewell Lane Park, Wigston



1:1,250

**Results of Public Space Protection Order (Regulation of Dogs) Consultation**

- i.** 138 responses via the survey monkey, 9 responses by hard copy.
- ii.** % supporting continuing enforcement powers in: Parks 40%, Recreation Grounds 52%, Open Spaces 31%.
- iii.** Enforce keeping dogs out of enclosed play areas, 68%.
- iv.** Enforce having means to pick up, 84%.
- v.** Enforce dogs on leads in designated areas, 57%.
- vi.** 87 expressed an opinion on the areas to be included in the PSPO but no further areas would be added from the draft PSPO. However, 21 requested dogs be kept on leads at all times within the Borough being added.
- vii.** Sanctions to be imposed for failing to pick up after a dog - FPN 92%, Education 66%, Community Payback 51%.
- viii.** Sanction to be imposed for means of picking up after a dog – FPN 62%, Education 50%, Community Payback 33%.
- ix.** Sanctions for allowing dogs in excluded areas - FPN 50%, Education 32%, Community Payback 28%.
- x.** Sanctions for dogs on leads in designated areas – FPN 56%, Education 35%, Community Payback 33%.





**Oadby & Wigston**  
BOROUGH COUNCIL

## **EQUALITY ASSESSMENT**

### **PART 1 - INITIAL SCREENING**

<b>Name of Policy/Function:</b>  Proposed Public Space Protection Order (Regulation of Dogs in the Borough of Oadby and Wigston)	<input checked="" type="checkbox"/>	This is <b>new</b> policy or function.
	<input type="checkbox"/>	This is a <b>change</b> to an existing policy or function.
	<input type="checkbox"/>	This is an <b>existing</b> policy or function, not previously assessed.
	<input type="checkbox"/>	This is an existing policy or function for <b>review</b> .

<b>Date of screening</b>	10 October 2017
--------------------------	-----------------

#### **1. Briefly describe its aims & objectives**

To identify the effects on the community on the uses of public spaces within the Borough following the proposed introduction of Public Space Protection Order (PSPO) to supersede the Council's Dogs (Fouling of Land) Act Designation Order 2004 and its various Byelaws for the Regulation of Dogs (1995).

#### **2. Are there external considerations?**

*e.g. legislation/government directive etc.*

The Anti-Social Behaviour, Crime and Policing Act 2014 and statutory guidance for frontline professionals. Animal Welfare Act 2006

#### **3. Who are the stakeholders and what are their interests?**

Oadby and Wigston Borough Council ownership of Parks and public open spaces, sports facilities and memorial gardens. Church Cemeteries and grounds. The general rate paying public who pay for and expect access to a dog mess free public service. Dog owners who want to use the resources and not be fined, or want to contribute to a cleaner environment.

#### 4. What outcomes do we want to achieve and for whom?

PSPO are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

#### 5. Has any consultation/research been carried out?

Yes - Meetings with the Head of Operations Services and Street Scene and the Facilities and Administration Team Leader to establish the evidence base and requirement for the PSPO within the Borough. Full public consultation via survey monkey questionnaire, hard copies available through CSC, media action plan including the Council's website, Facebook, Twitter and press releases etc. Consultation with the Leicestershire police has also been undertaken.

#### 6. Are there any concerns at this stage which indicate the possibility of inequalities/negative impacts?

*Consider and identify any evidence you have -equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, issues raised at previous consultations, known inequalities) If so please provide details.*

PSPO would need to accommodate access to land without restriction under the Animal Welfare Act 2006. Excluded from the PSPO would also be:

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948, or "severely sight impaired", or "sight impaired" under the Care Act 2014; or
- (b) has a disability which affects his mobility, manual dexterity, physical coordination, or ability to lift, carry, or otherwise move everyday objects, in respect of a dog trained by a "prescribed charity" and upon which he relies for assistance.

#### 7. Could a particular group be affected differently in either a negative or positive way?

**Positive** – *It could benefit*

**Negative** – *It could disadvantage*

**Neutral** – *Neither positive nor negative impact or not sure.*

	Type of impact, reason & any evidence
Disability	Positive impact if dog is registered under one of the exceptions under section 6 of the PSPO.

Race (including Gypsy & Traveller)	Neutral
Age	Neutral
Gender Reassignment	Neutral
Sex	Neutral
Sexual Orientation	Neutral
Religion/Belief	Neutral
Marriage and Civil Partnership	Neutral
Pregnancy and Maternity	Neutral

**8. Could other socio-economic groups be affected?**

*e.g. carers, ex-offenders, low incomes, homeless?*

Yes - those on low incomes for being issued a £100 Fixed Penalty Notice or being taken to court and receiving a fine of up to £1000 for persistent behaviour.

**9. Are there any human rights implications?**

Derogation from the Human rights legislation due to the proportionate use of the legislation and interests of public safety.

**10. Is there an opportunity to promote equality and/or good community relations?**

The change can result in a positive impact on the residents and wider population in supporting a cleaner healthier environment to live, work and rest in and lead to a better quality of life. This would also promote responsible dog ownership.

**11. If you have indicated a negative impact for any group is that impact legal?**

*i.e. not discriminatory under anti-discrimination legislation*

The impact would be legal and non discriminatory.



**12. Is any part of this policy/service to be carried out wholly or partly by contractors?**

"An authorised officer of the Authority" can include any employee, partnership agency or contractor of Oadby and Wigston Borough Council who is authorised in writing by the Authority for the purposes of giving directions under the PSPO.

**13. Is a Part 2 full Equality Assessment required?**

No.

**14. Date by which a Part 2 full Equality Assessment is to be completed with actions.**

Not applicable.

**Please note that you should proceed to a Part 2, the full Equality Impact Assessment if you have identified actual, or the potential to cause, adverse impact or discrimination against different groups in the community.**

We are satisfied that an initial screening has been carried out and a full equality assessment **is not required\*** (please delete as appropriate).

Completed by Tony Cawthorne Date 10/10/2017  
(Policy/Function/Report written)

Countersigned by Stephen Glazebrook Date 10/10/2017  
(*Head of Service*)

Please forward an electronic copy to: [veronika.quintyne@oadby-wigston.gov.uk](mailto:veronika.quintyne@oadby-wigston.gov.uk)  
(*Community Engagement Officer*)

Equality Assessments shall be published on the Council website with the relevant and appropriate document upon which the equality assessment has been undertaken.