



<b>Council</b>	<b>Tuesday, 05 December 2017</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):** **Stephen Glazebrook (Interim Head of Communities)**

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## **1. Introduction**

It is proposed that the Borough of 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Order 2004 ("the 2004 Order") and its various Byelaws for the Regulation of Dogs (1995) ("the 1995 Byelaws") be superseded by the enactment of a Public Space Protection Order (PSPO) for the Regulations of Dogs made under sections 59-75 of the Anti-Social Behaviour, Crime and Police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 approve the Public Space Protection Order (Regulation of Dogs in the Borough of Oadby and Wigston) for enactment (as set out at Appendix 1).
- 2.2. To delegate authority to the Chief Executive, following consultation with the Chair and Vice-Chair of the Licensing and Regulatory Committee, to determine the date upon which the Public Space Protection Order will come into effect.

## **3. Public Space Protection Order (PSPO)**

- 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 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. The five main controls supported were:

- 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 on 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 draft PSPO was brought to the meeting of the Licensing and Regulatory Committee on 12 October as part of its Corporate Enforcement Update whereby Members resolved that it be recommended to Council for approval and enactment. Since this meeting, the draft PSPO has been reconfigured to make it more robust and less susceptible to challenge but, nevertheless, retains its core regulatory controls.

#### **4. Implementation and Enforcement**

- 4.1. If approved and enacted, an important part the PSPO's implementation process is for the Council to adopt an effective communication strategy to raise awareness.
- 4.2. This strategy will involve at a minimum, firstly, publicising the PSPO on the Council's website and via other communication channels and, secondly, erecting on, or adjacent to, the areas the PSPO relates signage setting out its effects. To enable sufficient time to achieve the strategy's outcome, it is therefore recommended that the decision to determine the date on which the PSPO will come into effect be delegated accordingly.
- 4.3. To enforce the PSPO, the Borough's 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 their duties. It may also become necessary for body cameras and CCTV to be used for enforcement purposes.
- 4.2. Where it is established that an offence has taken place, the PSPO will be enforced through the provision of a Fixed Penalty Notice (FPN) issued by Authorised Officers. The FPN is £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.

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> )