



Licensing and Regulatory Committee	Thursday, 25 January 2018	Matter for Information and Decision
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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)**

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Order 2004 ("the 2004 Order") and its various Byelaws for the Regulation of Dogs (1995) ("the 1995 Byelaws") be superseded by the enactment of a Public Space Protection Order (PSPO) for the Regulations of Dogs made under sections 59-75 of the Anti-Social Behaviour, Crime and Police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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Implications Proposed Public Space Protection Order (Regulation of Dogs)	
Finance	There are no significant financial implications.
Chris Raymakers (Head of Finance, Revenues and Benefits)	
Legal	The new PSPO will replace the existing 2004 Order and 1995 Byelaws. The report is satisfactory.
Dave Gill (Head of Law and Governance / Monitoring Officer)	
Corporate Risk(s) (CR)	<input checked="" type="checkbox"/> Regulatory Governance (CR6) 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"/> Other Corporate Risk(s) 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.
Stephen Glazebrook (Interim Head of Communities)	
Corporate Priorities (CP)	<input checked="" type="checkbox"/> An Inclusive and Engaged Borough (CP1) The entire Borough will be covered by an all encompassing PSPO. <input checked="" type="checkbox"/> Effective Service Provision (CP2) Provides direction and focus for enforcement decisions. <input checked="" type="checkbox"/> Green & Safe Places (CP4) Promotes safety and wellbeing in designated areas.
Stephen Glazebrook (Interim Head of Communities)	
Vision & Values (V)	<input checked="" type="checkbox"/> Accountability (V1) The PSPO makes all authorised officers responsible for their actions and promotes responsible dog ownership. <input checked="" type="checkbox"/> Respect (V2) 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"/> Teamwork (V3) Cross service methodology building teamwork within.
Stephen Glazebrook (Interim Head of Communities)	
Equalities & Equality Assessment(s) (EA)	An Initial EA Screening has been completed.
Stephen Glazebrook (Interim Head of Communities)	<input checked="" type="checkbox"/> Initial EA Screening (<i>Appendix 2</i>)