



Licensing and Regulatory Committee	Thursday, 11 March 2021	Matter for Information and Decision
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Report Title: **Review of Public Space Protection Order
(Regulation of Dogs) 2021 (PSPO)**

Report Author(s): **Tony Cawthorne (Regulatory Services Manager)**

Purpose of Report:	The PSPO was formally brought into force on 24 September 2018 for a period of three years and requires to be renewed to allow for the control and regulation of dogs across the Borough.
Report Summary:	<p>The bylaws in relation to Dogs (Fouling of Land) Act 1996 and byelaws made by the Council of the Borough and Oadby and Wigston under section 164 of the Public Health Act 1875, sections 12 and 15 of the Open Spaces Act 1906 and section 15 of the Open Spaces Act 1906 with respect to public walks / pleasure grounds / open spaces were revoked by the Anti-Social, Police and Crime Act 2014.</p> <p>It was resolved at Full Council on 22 February 2018 to enact the PSPO across the whole Borough. The PSPO was formally brought into force on 24 September 2018 for a period of three years.</p> <p>Prior to the expected expiry of the PSPO, a 10 weeks consultation to review the PSPO was undertaken to ensure the reasons for the PSPO are still valid and the report recommends that the PPS is extended for a further three years under section 60(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 and other enabling powers.</p>
Recommendation(s):	That the Public Space Protection Order (Regulation of Dogs) 2021 (as set out at Appendix 2 to this report) is considered and recommended to Full Council for approval.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>David Gill (Head of Law and Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p> <p>Tony Cawthorne (Regulatory Services Manager) (0116) 257 2670 tony.cawthorne@oadby-wigston.gov.uk</p>
Corporate Objectives:	Building, Protecting and Empowering Communities (CO1) Providing Excellent Services (CO3)
Vision and Values:	"A Stronger Borough Together" (Vision) Accountability (V1) Respect (V2) Teamwork (V3) Customer Focus (V5)
Report Implications:-	
Legal:	In accordance with section 60 of Anti-Social Behaviour, Crime and

	Policing Act 2014, a PSPO cannot have effect for more than three years, unless extended under section 60(2) of the same 2014 Act. This section permits a local authority to extend a PSPO where it is satisfied on reasonable grounds that doing so is necessary to prevent an occurrence or recurrence of the activities identified in the PSPO.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Key Supplier / Partnership Failure (CR2) Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	<ul style="list-style-type: none"> • Leicestershire Police • Animal Care Services • Dogs Trust • Kennel Club • General Public
Background Papers:	<ul style="list-style-type: none"> • Report entitled 'Proposed Public Space Protection Order (Regulation of Dogs in the Borough)' to Full Council on 22 February 2018
Appendices:	<ol style="list-style-type: none"> 1. Response from The Kennel Club 2. Proposed Public Space Protection Order (Regulation of Dogs)

1. Background

- 1.1 The 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") were 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.
- 1.2 It was resolved at Full Council on 22 February 2018 following consultation with residents, Police and other interested parties to enact the PSPO across the whole Borough. The PSPO was formally brought into force on 24 September 2018 for a period of three years. New designated signage was procured and erected in the designated areas across the Borough to highlight the key regulatory issues.
- 1.3 The PSPO under the Anti-Social Behaviour, Crime and Police Act 2014 must be renewed every three years to ensure the issue is still relevant and controls are still required.

- 1.4 The Order identified areas and included maps of the designated areas to be controlled and a whole Borough requirement that Dog fouling of land, Dogs on leads by direction and Means to pick up was enforced.
- 1.5 Without the PSPO, there would be no controls over the responsible ownership of dogs within the Borough.

2. Consultation

- 2.1 The Council undertook a 10 weeks consultation through social media and direct contact with relevant authorities and interested parties.
- 2.2 It has been advised by the Police that signage for the exclusion of dogs has been removed from Willow Park. A survey will be undertaken by the Council Dog Warden Contractor as part of their duties to ensure the correct signage is in place at all times.
- 2.3 Only two responses were received:
 - 2.3.1. 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 and it was advised that officers were aware of the order.
 - 2.3.2. The Kennel Club response in support of the order in promoting responsible dog ownership as set out at **Appendix 1** to this report.

3. Content of the PSPO

- 3.1 **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;
- 3.2 **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;
- 3.3 **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);
- 3.4 **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
- 3.5 **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.

4. Enforcement of the PSPO

- 4.1 The enforcement of the PSPO has been undertaken by Animal Care Services Limited (formerly College Garth Limited).
- 4.2 Inspections of the areas covered by the PSPO have been undertaken for 15 hrs per week by Animal Care Services, which has resulted in engagement with residents and visitors to the Borough and promoted responsible dog ownership.
- 4.3 One enforcement Fixed Penalty Notice has been served for breach of the order for a dog being in a children's play area and the offender refused to remove the dog.

- 4.4 The Council is required to put signage at all areas designated in the PSPO and to enforce the Order through actions by Authorised Officers. The Council's Dog Warden contractor has been duly authorised. Body cameras and CCTV have also been purchased to efficiently enforce the PSPO.
- 4.5 Where it established that an offence has taken place, the PSPO is 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.

5. Extension to the PSPO

- 5.1. It is proposed that the PSPO be extended for a further three years as in accordance with section 60(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 and other enabling powers. A copy of the proposed PSPO is as set out at **Appendix 2** to this report.