

STROUD DISTRICT COUNCIL
ENVIRONMENT COMMITTEE

**AGENDA
ITEM NO**

5 DECEMBER 2019

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Report Title	EXTENSION OF PUBLIC SPACES PROTECTION ORDERS RELATED TO CONTROL OF DOGS
Purpose of Report	To set out the position regarding existing Public Spaces Protection Orders and the arrangements for proposing their extension for a further 3-year period.
Decision(s)	<p>The Committee RESOLVES:</p> <p>1. To endorse the proposal for the extension of the existing four Public Spaces Protection Orders relating to dog control for a further period of 3 years from 20th October 2020; and</p> <p>2. To authorise officers to undertake the necessary consultation in respect of the proposal prior to a final report to be submitted to the Committee for consideration post-consultation.</p>
Consultation and Feedback	Proposed in Report
Financial Implications and Risk Assessment	<p>There are no direct financial implications arising from this report.</p> <p>Adele Rudkin, Accountant Tel: (01453) 754109 Email: adele.rudkin@stroud.gov.uk</p>
Legal Implications	<p>All legal implications are set out in the body of the report.</p> <p>Patrick Arran, Interim Head of Legal Services & Monitoring Officer. Tel: (01435) 754369 Email: patrick.arran@stroud.gov.uk</p>
Report Author	<p>David Jackson, Environmental Protection Manager Tel: (01453) 754487 Email: dave.jackson@stroud.gov.uk</p>
Performance Management Follow Up	Ongoing monitoring of progress <i>via</i> performance management structure
Background Papers/ Appendices	None

1. Background:

1.1 In 2012, Stroud District Council made four Dog Control Orders (hereafter DCOs). In broad summary, the four Orders relate to the following:-

1. Failing to remove the faeces when a dog under the person's control has defecated on any land within the District which is open to the air and to which the public has a right of access.

2. Not putting a dog on a lead when directed to do so by an authorised officer of the Council if such restraint is necessary to prevent a nuisance, behaviour likely to cause annoyance or disturbance to a person or the worrying or disturbance of any animal or bird. This also applies to all land within the District which is open to the air and to which the public has a right of access.
 3. Permitting a dog to enter land from which dogs are excluded which applies, where signed at the entrance, to any fenced, hedged or walled children's play area, bowling green, croquet lawn, tennis court, skateboard park, cycle enclosure, putting green or other sporting or recreational facility.
 4. Not keeping a dog on a lead in a designated area. This applies to all allotments, cemeteries, car parks, canal towpaths and designated cycle tracks as well as specified footpaths routinely used to access any primary, secondary or high school or college.
- 1.2 On 20th October 2017, these four DCOs automatically transitioned to become Public Spaces Protection Orders (hereafter PSPOs) via a mechanism introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. The PSPOs lasted for up to 3 years, i.e. until 20th October 2020.

2. Public Spaces Protection Orders (PSPOs):

- 2.1 A PSPO is an Order that identifies the space to which it applies and can make requirements, or prohibitions, within that area where it is believed that they are reasonable in order to prevent or reduce a detrimental impact.
- 2.2 The PSPO can apply for a maximum of 3 years, at which time a process of review and consultation must be undertaken to assess the need for the Order to be extended by up to a further 3 years. There is no limit on the number of times that a PSPO may be extended.
- 2.3 Non-compliance with a PSPO represents an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014. On conviction, the maximum fine is set at Level 3 (£1,000). An authorised officer may issue a Fixed Penalty Notice for offences which, if accepted as an alternative to prosecution, will discharge any liability for the offence. The Fixed Penalty Notice amount must not exceed £100 and is payable to the Local Authority. Currently, Stroud District Council's charge is £75, reduced to £50 if paid within 10 days and it is proposed to retain that level of penalty as it is believed to be both proportionate and reasonable.

3. The Current Position in Respect of PSPOs:

- 3.1 In order to extend a PSPO, a local authority must be satisfied on reasonable grounds that doing so is necessary to prevent:-
 - a) the occurrence or recurrence after that time of the activities in the Order; or
 - b) an increase in the frequency or seriousness of those activities after that time.

Any extension may not be for a period exceeding 3 years.

- 3.2 With respect to the need to require the removal of dog faeces, fouling in an area is clearly detrimental, both in terms of the unpleasantness of its appearance, its odour and its health impact and disease transmission potential. Dog fouling remains a significant problem across the whole District and was the subject of 204 complaints from members of the public in 2018/19. While the great majority of dog owners are responsible and clear up after their dogs, there remains a significant minority who disregard the law. The power to serve Fixed Penalty Notices and/or prosecute identified offenders is vital in seeking to address the issue alongside a toolkit of more educational approaches. To not retain these powers would send out entirely the wrong message in respect of how the Council views this irresponsible, anti-social behaviour and, were that the case, one would expect the situation to deteriorate further. Thus, there appears no doubt for the need to retain the powers contained in this PSPO for a further 3 years.
- 3.3 The second PSPO relates to persons being required to put a dog on a lead when directed to do so by an authorised officer of the Council, where this is required to prevent nuisance, disturbance or animal worrying. It is clear that dogs that are not under proper control can prove alarming and intimidating to both adults and children. The ability to require dogs to be put on a lead allows a targeted approach to tackle individuals that allow their dogs to run out of control, without negatively impacting on the vast majority of dog owners. Officers on the ground report that this power is a useful backstop to ensure compliance with such interventions. Thus, it is proposed to retain the powers contained in this PSPO for a further 3 years.
- 3.4 The third PSPO relates to the exclusion of dogs from designated signed areas, for example fenced, hedged or walled children's play areas, bowling greens, croquet lawns, tennis courts, skateboard parks, cycle enclosures, putting greens or other sporting or recreational facilities. Once again there is a clear need for this provision to ensure that dogs do not enter areas where there is a clear conflict between their presence and that of other users. Their exclusion also greatly reduces the potential issue of fouling, thus enabling safe and clean access for people, especially those with young children. Compliance is reported as excellent as the rationale for the exclusion appears to be widely understood and supported and clear signage has proven effective in highlighting the requirement. However, any loss of the exclusionary powers could reasonably be expected to lead to an increase in problems to users of the areas. Consequently, it is proposed to retain the powers contained in this PSPO for a further 3 years.
- 3.5 The fourth DCO relates to a requirement to keep dogs on a lead in designated areas such as allotments, cemeteries, car parks, canal towpaths and designated cycle tracks. Complaints from the public in respect of these matters are relatively rare. Additionally, officers report that enforcement of this PSPO in relation solely to the canal towpaths and cycle tracks has proven to be very difficult and has led to obstruction of officers in the form of refusing to provide details as well as threats to officers. This resistance appears to stem from a perceived unfairness among dog owners in respect of having to put dogs on leads in what is regarded as a "shared space" when they may be clearly walking to heel and, as such, are largely under control.

- 3.6 Given that uncontrolled behaviour, where identified, may be addressed by utilising the other PSPOs, for example by directing that the dog be put on a lead, it is proposed to remove cycle tracks and canal towpaths from this Order. However it is proposed to retain the other areas, for example cemeteries, in a slightly amended Order for a further 3 years.

4. Consultation:

Prior to amending/extending a PSPO, the Council is obliged to undertake consultation with the Chief Officer of Police, the local policing body, community representatives and owner/occupiers of land covered in the Order. Such a consultation will be publicised widely through the Council's website, Facebook, Twitter, press releases to local media, direct e-mails to Town and Parish Councils and contact with community groups. The results of the consultation would obviously then need to be thoroughly analysed prior to any final decision on the matter.

5. Conclusion:

In summary, the current PSPOs in respect of dog control expire on 20th October 2020. Without action that would leave the matters currently covered by the Orders uncontrolled. It is felt that this would not be an acceptable situation and thus it is proposed to extend all four PSPOs for a further period of 3 years with a minor amendment to one of the Orders.

A formal consultation exercise is required to be undertaken in respect of these proposals.