

HARBOROUGH DISTRICT COUNCIL

REPORT TO THE CABINET MEETING OF 2nd SEPTEMBER 2019

Report Title	Extension and Variation of Public Space Protection Order on Dog Controls
KEY DECISION	No
Report Author	Russell Smith Environmental Services Manager
Purpose of Report	To seek Executive agreement to undertake a period of 6 weeks consultation to extend and vary the Public Space Protection Order ('PSPO') made in June 2016 relating to dog controls, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014. To then come back to Cabinet for consideration after the consultation has taken place.
Reason for Decision	The current PSPO expired on the 31st May 2019. Should consultation not be agreed an extension or/and variation of the PSPO cannot be considered further. As the extant PSPO lapsed on the 31 May 2019 the various requirements the extant order contains, including the requirements to clear up fouling; carry a means to pick up; and putting dogs on leads by order will not be enforceable.
Portfolio (holder)	Councillor Bateman
Corporate Priorities	CO1 Keeping the District a great place to live
Financial Implications	Immediate costs for consultation
Risk Management Implications	Not having a valid PSPO in place will have an impact on the Council's ability to deal with dog fouling within its District and no means to enforce against irresponsible dog owners, affecting the reputation of the Council.
Environmental Implications	See section 2 of this report
Legal Implications	Depending on the outcome of the consultation, if the PSPO is extended (and varied), authorised officers will issue fixed penalty notices where an offence

	under the PSPO is witnessed by authorised officers, and proceed to court proceedings where such action is considered proportionate and in line with the Council's Enforcement Policy.
Equality Implications	<p>The PSPO will have no significant implications on human rights. All of the proposed new measures are accompanied with the appropriate rights of appeal.</p> <p>The PSPO will not apply to the owners of assistance dogs used by the blind or the deaf or by those who are unable as a result of a disability to comply with the legislation.</p>
Data Protection Implications	There are no data protection impacts as a result of this report
Consultation	Necessary consultation to be undertaken on the extension and variation of the current PSPO relating to dog control within the District in accordance with Section 72 of the Anti-social Behaviour Crime and Policing Act 2014 (the Act).
Options	Options available to the Executive are to: <ul style="list-style-type: none"> a. Agree consultation on the extension of the PSPO without variation.
Background Papers	<ul style="list-style-type: none"> • Anti-social Behaviour, Crime and Policing Act 2014 • Anti-social Behaviour, Crime and Policing Act 2014: reform of Anti-social behaviours. Statutory Guidance for front line professionals; Home Office, July 2014, updated December 2017. • Dealing with irresponsible dog ownership, Practitioners Manual and Annexes – D, DEFRA, October 2014 • Dog related Public Spaces Protection Orders can be found on the Harborough District website • Report to the Executive meeting of 9th May 2016, where it was agreed to proceed with adoption of PSPO (adopted 1 June 2016)
Recommendation	1. That the Council undertake a period of 6 weeks consultation to extend the Public Spaces Protection Order ('PSPO') made in

	June 2016 relating to dog controls, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014, with no additional variations.
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1. Introduction

1.1 Prior to 27 July 2015 dog controls, including dog fouling and dogs on leads was addressed through use of the use of the Dogs (Fouling of Land) Act 1996. The Anti-social Behaviour Crime and Policing Act 2014 enabled local authorities to create Public Space Protection Orders (PSPO) in their areas.

1.2 The current PSPO came into force on the 1 June 2016 covering the whole district. It created 3 offences which covered:

- Failing to remove dog faeces
- Failing to put a dog on a lead after a request by an authorised officer
- Failing to have an appropriate means to pick up dog faeces

1.3 In accordance with s.60 of the Act, a PSPO cannot have effect for more than 3 years, unless extended under s.60(2). 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 Order.

1.4 The introduction of the Order has not led to any fixed penalty notices being issued, however the Council still receives complaints predominantly in relation to dog fouling in its district (see Table 1 below), which illustrates the need for the extension of the PSPO for a further 3 years. Given that fouling and dog control is an ongoing issue it is felt this extension is warranted. The Order may also be varied within this 3 year period.

Table 1: Dog fouling complaints received

Year	Dog Fouling complaints received
2013	49
2014/15	97
2015/16	85
2016/17	87
2018/19	127

2. Key Facts

2.1 Environmental

2.2 Keeping land free from dog fouling is a high district priority, as is the safe use of parks and open spaces by all. Dog faeces can carry the disease toxicaris which can lead to permanent blindness in children if accidentally consumed, as well as being odourous and unpleasant when picked up on shoes, clothing or bike/pushchair wheels.

2.3 Having adequate control over a dog by placing it on a lead in a designated area will help ensure that the owner can see the dog foul as well as control its activities in particular environments for example in the recreation area suggested (Great Bowden Recreation Ground) where a number of children play.

2.4 However, for animal welfare reasons as well as the lifestyle choice and well-being of dog owners it is equally as important to provide exercise areas for dogs off the lead.

2.5 Risk Management (including Health & Safety)

2.6 Failure to clear up dog fouling is considered particularly unpleasant and the inability to enforce against this anti-social activity would be poorly perceived by the wider public.

2.7 Consultation and Engagement

2.8 Key internal and external Stakeholders to be consulted as stipulated in the statutory guidance, along with a full consultation exercise as carried out in November 2015 for the adoption of the extant PSPO (adopted 1 June 2016).

2.9 To review the questions attached in Appendix A which will be sent to the Parish Councils and offered out to the wider communities for consultation. Based on the responses received, these will formulate if there is a requirement for further aspects of the protection order.

Ward Members Notified: No

Appendices:

- A. Questions for the consultation**
- B. The PSPO order from 2016**
- C. EIA - PSPO**