

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 6 FEBRUARY 2018

Title of report	INTRODUCTION OF PUBLIC SPACE PROTECTION ORDER IN RELATION TO DOG CONTROL (PSPO)
Key Decision	a) Financial Yes b) Community Yes
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Purpose of report	Cabinet to note the conversion of the existing Dog Control Orders to Public Space Protection Order (PSPO) following public consultation. To approve the introduction of an additional measure “Means to Pick Up” to the Public Space Protection Order following the public consultation.
Reason for Decision	A change in National Legislation
Council Priorities	Value for Money Homes and Communities
Implications: Financial/Staff Link to relevant CAT Risk Management Equalities Impact Screening Human Rights Transformational Government	N/A N/A See below See below N/A N/A

Comments of Head of Paid Service	Report is satisfactory
Comments of Deputy Section 151 Officer	Report is satisfactory
Comments of Monitoring Officer	Report is satisfactory
Consultees	General public Chief Constable of Leicestershire Police Police and Prime Commissioner
Background papers	Anti-Social Behaviour, Crime and Policing Act 2014
Recommendations	THAT CABINET APPROVES THE INTRODUCTION OF A PUBLIC SPACE PROTECTION ORDER IN RELATION TO DOG CONTROL ACROSS THE ADMINISTRATIVE AREA OF NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

1.0 BACKGROUND

- 1.1 In 2014 the Government introduced new legislation called the Anti-Social Behaviour, Crime and Policing Act. This Act removed some existing legislation in this particular case, Dog Control Orders which relate to dog fouling and other matters relating to dog control. The replacement legislation created by the Act is called a Public Space Protection Order (PSPO).
- 1.2 These orders allow Local authorities to put controls in place on public spaces if satisfied on reasonable grounds that two conditions are met:
1. Activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such effect.
 2. The effect, or likely effect, of the activities – is, or is likely to be, of a persistent or continuing nature, is or is likely to be such as to make the activities unreasonable and justifies the restrictions imposed by the notice.
- 1.3 Under the Clean Neighbourhoods & Environment Act 2005 North West Leicestershire District Council implemented Dog Control Orders as set out in appendix 1. We have decided to not continue with 4 – not keeping a dog on a lead, as on reviewing our records we have not needed to use our powers in relation to this order and do not see that they will be required going forward. Orders 1-3 have automatically converted to PSPO's under the new legislation.

- 1.4 Also, as a result of the consultation exercise, the Council has identified that an additional measure was required as detailed in appendix 2. "This is to introduce as a PSPO means to pick up".
- 1.5 The Act requires a period of public consultation via the Council's website together with Consultation with the Chief Constable of the Leicestershire Police and the Police Crime Commissioner for Leicestershire.

The consultation has taken place and the results are as follows, (It should be noted that there were only 7 responses to the consultation which were mainly by Parish Councils).

- Dog Fouling – 100% in favour
- Failing to put dog on lead by order – 86% in favour
- Offence of taking or keeping a dog in a fenced children's play area and the playing service of any designated or marked out sports pitch or athletic area – 100% in favour.
- Offence to require persons to carry a "poop" bag or other means for clearing up after their dog has fouled – 86% in favour.
- The Chief Constable of Leicestershire Police did not respond.
- The Police and Crime Commissioner for Leicestershire responded but had no comment to make on the matter.

2.0 LEGAL ISSUES

- 2.1. The District Council receives many complaints regarding dog control particularly fouling. Whilst ongoing campaigns and education regarding this issue have been and continue to be carried out the enforcement sanction is required in order to deal with those persons who continue to allow their dogs have a detrimental effect on the community.
- 2.2. The penalty for a breach of a PSPO is a Fixed Penalty fine of £100 (Reduced to £60 if paid within 10 days).
- 2.3. Should the matter proceed to the Magistrates Court then the maximum fine upon conviction is £1,000.

3.0 RESOURCE ISSUES

- 3.1 The legislation requires appropriate signage outlining the PSPO to be displayed at identified locations across the District. A budget of £3,000 has been allocated in 2017/18 Public Protection operational equipment.
- 3.2 The legislation is a replacement to existing powers and available to authorised enforcement officers.

4.0 EQUALITY ANALYSIS IMPLICATIONS/OUTCOMES

- 4.1 The Council's equality duties have been taken into account and relevant exemptions put in place for people with particular characteristics. Further information can be found in appendix 2.

5.0 RISK MANAGEMENT IMPLICATIONS

- 5.1 The PSPO allows authorised officers to carry out their duties in relation to the enforcement of dog control.
- 5.2 The order has to be reviewed by the Authority after three years when it can be renewed, altered, or cancelled.

6.0 RECOMMENDATION

- 6.1 Cabinet to note the conversion of the existing Dog Control Orders to Public Space Protection Orders at appendix 1 following public consultation. To approve the introduction of “Means to Pick Up” at appendix 2 to a Public Space Protection Order following Public Consultation.