

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 2 MARCH 2021



<b>Title of Report</b>	<b>Renewal of Public Spaces Protection Order in relation to Dog Control (PSPO)</b>	
<b>Presented by</b>	Councillor Andrew Woodman Community Services Portfolio Holder	
<b>Background Papers</b>	<a href="#">Introduction of Public Space Protection Order in Relation to Dog Control (PSPO) – Cabinet 6 February 2018</a>	<b>Public Report:</b> Yes
		<b>Key Decision:</b> Yes
<b>Financial Implications</b>	The proposals will be managed within the existing budget.	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	Legal advice has been provided by the Legal Team on the process for making the Order and will be sealed once approved by Cabinet.	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	None	
	<b>Signed off by the Deputy Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	To seek Cabinet's approval to renew the PSPO in relation to Dog Control across the district	
<b>Reason for Decision</b>	<i>To enable a renewal and continuation of the existing PSPO for dog control across the administrative area of North West Leicestershire District Council.</i>	
<b>Recommendations</b>	<p><b>THAT CABINET:</b></p> <ol style="list-style-type: none"> <li><b>1. APPROVES THE RENEWAL OF AN EXISTING PSPO IN RELATION TO DOG CONTROL ACROSS THE ADMINISTRATIVE AREA OF NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL</b></li> <li><b>2. AGREE TO DELEGATE THE RENEWAL OF ANY FUTURE PSPO'S THAT DO NOT REQUIRE ANY AMENDMENTS FOLLOWING CONSULTATION, TO THE RELEVANT DIRECTOR.</b></li> </ol>	

## **1.0 BACKGROUND**

- 1.1** In February 2018 Cabinet approved the introduction of a Public Spaces Protection Order (PSPO) in relation to dog control across the district. The Anti-Social Behaviour, Crime and Policing Act 2014 provides that PSPO's can only have effect for 3 years, unless extended (or renewed).
- 1.2** The current order applies to all publicly accessible areas within the administrative area of North West Leicestershire District Council.
- 1.3** Since the approval of the current order there have been 9 fines issued for non-compliance and no prosecutions.
- 1.4** Compliance with the PSPO is undertaken by the Environmental Protection Team. There are 3 generic Enforcement Officer's and 2 Senior Enforcement Officer's.
- 1.5** The review included a period of consultation and the results of the consultation are summarised as below
  - 1.5.1** Leicestershire Police support the renewal of the Order.
  - 1.5.2** Leicestershire County Council did not respond.
  - 1.5.3** All parish and town councils were consulted with and no objections were received.
  - 1.5.4** Ashby Town Council suggested that dog exclusion should be extended to cemeteries, burial grounds and enclosed church yards.

Officers have not received complaints regarding dogs being present in cemeteries etc. and therefore there is no evidence to support the exclusion of dogs from these areas.

- 1.5.5** Measham Parish Council asked for dogs to be kept on a lead on all pavements and highways.

Again officers have not received complaints of this nature. Part of the PSPO does give the power to authorised offices to instruct a dog owner to put a dog on a lead if the officer considers that the dog is out of control and causing a nuisance. It is not believed that there is any justification to include this as part of the PSPO.

- 1.5.6** The Kennel Club, whilst supporting the majority of the PSPO, did question the section regarding "means to pick up." They suggested that this element should be fair and proportionate and may target responsible dog owners who may run out of bags or may hand out their spare bags to help others.

Issuing a Fixed Penalty or prosecution is always a last resort in enforcement. Each case would be dealt with on the circumstances present at the time. Dog fouling is one of the highest complaints the Council receives and it is notoriously difficult to identify offenders (being in the right place at the right time) Officers rely heavily on information from the public and when dealing with "hotspot" areas to speak to dog walkers and ensure that they have a means to pick up has proved valuable. Responsible dog owners in the experience of officers are more than happy to show that they are fully prepared when their dog fouls.

1.5.7 There were no objections received from the general public.

1.5.8 As a result of the consultation and review process no amendments are required to the current Dog Control PSPO.

## 2.0 THE EXISTING ORDER DUE FOR RENEWAL

2.1 Cabinet are asked to consider the consultation responses above and approve the renewal of the PSPO at appendix A.

## 3.0 DELEGATION

3.1 It is proposed that, in the future, if, after having been out to consultation, the PSPO does not require any amendments, that authority to make the PSPO is delegated to the relevant Director. This will streamline the process and improve efficiency of renewing the PSPO. In the event amendments are required, a report will be brought to Cabinet, thus still allowing Cabinet to scrutinise any proposed amendments.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	<ul style="list-style-type: none"> <li>- Developing a clean and green district</li> <li>- Our communities are safe, healthy and connected</li> </ul>
Policy Considerations:	N/A
Safeguarding:	N/A
Equalities/Diversity:	The Order includes exemptions for persons with trained assistance dogs from prescribed charities.
Customer Impact:	The PSPO places a legal requirement on dog owners
Economic and Social Impact:	Nil
Environment and Climate Change:	PSPO required to help towards a cleaner environment
Consultation/Community Engagement:	As outlined within 1.3 of this report
Risks:	<p>The PSPO allows enforcement officers to carry out their duties with regard to dog control.</p> <p>The PSPO has to be reviewed at least once every three years.</p> <p>The PSPO can be amended or cancelled at any time.</p>
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