



Policy and Resources Committee – 4 September 2017

Public Spaces Protection Order (Dog Controls) The Anti-social Behaviour, Crime and Policing Act 2014

Purpose of report

The purpose of this report is to seek Members approval to replace the existing Dog Control Orders (DCO's) with Public Spaces Protection Order (PSPO) as required by the Anti- social Behaviour, Crime and Policing Act 2014, and in addition make new PSPO's for additional locations that have specific requirements.

Attachment

Appendix 1 - List of all proposed PSPO's at ward level

Appendix 2 - Public consultation Executive Summary

1.0 Background

1.1 In 2009, the Council made a number of Dog Control Orders (DCO's) under the Dog Control Orders Regulations 2006 which made the following actions an offence within the District:

- failing to remove dog faeces
- not keeping a dog on a lead
- not putting, and keeping, a dog on a lead when directed to do so by an authorised officer
- allowing a dog onto land from which dogs are excluded

1.2 In addition a number of specific areas were covered by additional DCO's which either excluded dogs or required owners to keep them on leads at all times.

The types of land that was covered by DCOs was as follows:

- land such as playgrounds/play areas, which are used by children;
- sports fields where organised sporting events take place on a regular basis.
- any land, which is open to the air (on at least one side and that remains open to the air at all times) that the public are entitled to have access to within the District.

1.3 Since the introduction of the DCO's in 2009 the council has issued 60 fixed penalty notices:

- 26 for dog fouling
- 34 for dogs off leads

1.4 In October 2014, the Government implemented most of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act). The purpose of the Act is to give local authorities and others more effective powers to tackle anti-social behaviour (ASB), providing better protection for victims and communities. The new powers brought together a number of other anti social behaviour powers into a single Act, including the Dog Control Orders Regulations 2006.

1.5 Amongst the powers are Public Spaces Protection Orders (PSPO's), which are designed to control use of public spaces. It is for each individual Council to determine

what behaviour(s) they want to make the subject of a Public Space Protection Order so long as the following two conditions are met.

- Activities carried out in a public space within the local 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 out in a public place within the area that will have such an effect.

and 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 activities unreasonable

and

- Justifies the restrictions imposed by the notice.

The PSPO will cease to have an effect after 3 years; however, that period can be extended for a further 3 years if it is deemed to be necessary.

Where new PSPO's are made these will supersede the existing DCO's

2.0 Public Spaces Protection Orders Proposal

2.1 This report seeks approval to create a PSPO for locations as described in Section 1.2. The proposed order has the following main elements:-

- A requirement that people clean up after their dog if it defecates on public land.
- A provision requiring people to place their dog on a lead.
- A provision prohibiting dogs from all outdoor enclosed children's play areas in the County.
- A requirement for dogs to remain on a lead at all times in certain locations.
- A limit to the number of animals one individual can walk in a public place.

2.2 As part of the process to make a new PSPO it is for the enforcing authority to ensure that it can demonstrate a need and that the order is in the public interest.

In order to ascertain public opinion regarding the proposed new order the Council undertook a public consultation process and this concluded on the 19th June 2017.

2.3 The Council received approximately 350 responses to the consultation and residents were in favour of the first four elements as described in section 2.1. However, there was an even response for and against for the proposal to limit the number of animals a single individual can walk and as such the revised proposal does not include this.

2.4 The executive summary for the residents consultation is attached at Appendix 2.

3.0 Important issues to consider

3.1 Offences are dealt with by the issue of a fixed penalty notice (FPN). Alternatively, and in cases of non-payment, the matter is taken to court where a fine of up to £500 may be imposed on summary conviction.

3.2 The Act also makes provision, for making PSPOs to tackle a range of other anti-social behaviours relevant to public spaces. Such things include (where appropriate): restricting the consumption of alcohol, restricting access to certain parts of a public space, begging and vagrancy and skateboarding. The Council's Community Partnerships Team will give consideration to making other PSPOs for areas where such behaviour and circumstances meets the test of the PSPO power. This includes reviewing current Designated Public Places Orders (DPPOs), originally put in place to tackle alcohol-related ASB in town centres.

4.0 Equality and Diversity Implications

- 4.1 An initial Equality Impact has been carried out and all equality and diversity implications are neutral. Neither a positive nor a negative impact has been identified. The Equality Impact Assessment can be accessed as a background document.

5.0 Legal Implications

- 5.1 The Council currently operates a zero tolerance policy with regard to matters of environmental crime, the introduction of additional areas which would be covered under a DCO may increase the numbers of enforcement actions and potentially the legal costs incurred by this Council in the prosecution of offenders who decline to pay a Fixed Penalty Notice.

Officers will seek legal advice with regard to the making of the order and appropriate signage for any agreed locations.

Officers sought legal advice regarding the current Dog Control Orders and the inclusion of transitional provisions. Section 75 of the Anti-social Behaviour, Crime and Policing Act 2014 provides for this.

- 5.2 The Councils existing enforcement policy already contains information on the use of PSPO's where it is appropriate to do so.

6.0 Risk Management

- 6.1 The recommendations contained within this report contribute to the controls contained within risk RM ENV 001 – Failure to protect environmental quality in open spaces.

7.0 Resource and Financial Implications

- 7.1 An impact of approving the recommendations contained within this report relates to officer time spent patrolling the locations. With the current level of resources the existing DCO locations are visited on average twice a month. When factoring in the additional locations that have been identified as part of this process with the current resource each location will be patrolled approximately once every 2 months.

- 7.2 There will be a requirement for new signage for each of the PSPO areas. It is envisaged that there will be an additional cost of £3000 to purchase new signs and posts where required. This will be met from existing budgets.

8.0 Constitutional Implications

- 8.1 Part 3.2 of our Constitution identifies the officers with delegated powers to apply and enforce each relevant power of the act. No amendments to this are required at present. The Council's Enforcement policy will require amending to reflect the new legislation.

9.0 Implications for our Customers

- 9.1 Customers will be advised where there are new PSPO's in place, by way of communications and signage installed at each location.

The Waste Team working with the Communications department will ensure that announcements will be made using ENCIRCLE and social media, as well as Members Briefing note and Press release. In addition the town and parish councils are aware that these changes are up and coming and are to publicise the changes through their own individual channels of communications (i.e. newsletters, websites etc)

There will be a 4 week pre-enforcement period when officers will aim to educate individuals on the new legislation. After this 4 week period enforcement will commence.

10.0 Corporate Outcomes

- 10.1
- Good Quality of Life – High standards of cleanliness are linked to quality of life of those in the locality.
 - Strong Community Leadership – does your proposal demonstrate or contribute to strong leadership by the council?
 - Knowledge of Customers and Communities – By undertaking consultation as part of this exercise the Council is able to incorporate the views of residents with regard to responsible dog ownership.

11.0 Recommendation

11.1 The Committee is recommended to

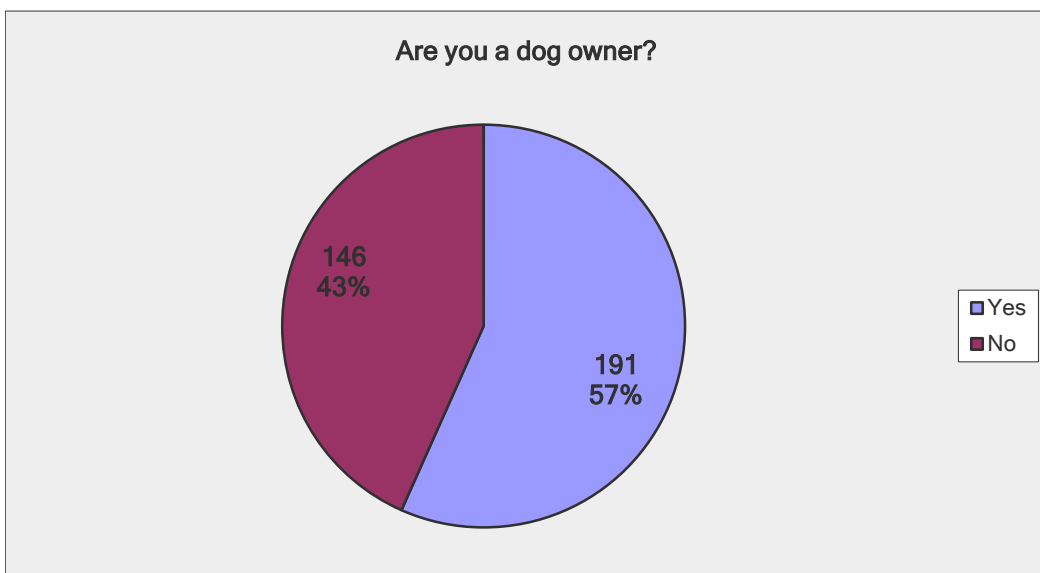
1. Consider the Equality Implications relating to this report as set out in section 3 above.
2. To consider and approve the publication of the dog related Public Space Protection Orders as listed in Appendix 1 to accord with legislation.
3. Approve the purchase or new signage and fixings.

Legal	Power: Anti-Social Behaviour Crime and Policing Act 2014
	Other considerations:
Background Papers:	<ul style="list-style-type: none"> • Policy & Resources Committee 10 November 2014 (minute 228) – implementation of the powers under the Anti-Social Behaviour, Crime and Policing Act 2014 and amendments to the Council's Scheme of Delegation http://www.east-northamptonshire.gov.uk/meetings/meeting/542/policy_and_resources_committee
Person Originating Report:	Charlotte Tompkins, Waste Services Manager ☎ 01832 742208 ✉ ctompkins@east-northamptonshire.gov.uk
Date: 25th August 2017	
CFO	MO
	CX

Location	Type of area	Type of PSPO	Reasoning for the application	Pre existing order?	Comments
Ashton	Village Green	On Lead Order	Dog fouling and dogs loose on the green. (pub and public access to the green) detrimental effect if dogs are allowed to roam freely.	Yes	
Barnwell	St Andrews Churchyard	On Lead Order	Dog fouling issues raised by PC, I witnessed two piles when I last visited (April 2017).	No	
Barnwell	Chancel Churchyard	On Lead Order	Dog fouling issues raised by PC, I witnessed one pile when I last visited (April 2017).	No	
Brigstock	Church Walk	On Lead Order	Dog fouling issue raised by PC, I witnessed 2 piles of dog waste when I walked through, the walkway is very short	No	
Collyweston	Playing field/pocket park, The Drift	On Lead Order	These two areas are linked and currently and should continue to be covered by the same order. Issues with fouling (I observed several piles) also the ar	Yes	
Higham Ferrers	Saffron Road Rec Ground	On Lead Order	History of issues, caught several people with dogs off lead and have noted fouling present on various occasions.	Yes	
Islip	Sports Field Toll Bar Road	On Lead Order	Used as a sports field so fouling and dogs that are loose have a detrimental effect on locality.	Yes	
Lowick	Pocket park/play area	On Lead Order	With childrens play equipment in the field it is in the childrens interest to ensure that all dogs are on lead at all times.	Yes	
Nassington	Village green and adjoining field	On Lead Order	This field serves as a cricket pitch in the summer. There is a newly completed childrens play area without a fence. The field houses a children's pre schc	No	
Rushden	Hall Park	On Lead Order	Hall Park has a history of dog related issues and this order has greatly improved the park	Yes	
Stanwick	Stanwick Lakes	On Lead Order	Stanwick Lakes have a few ongoing issues with dogs and therefore the on lead order helps to keep these issues under control.	Yes	need to ask Stanwick Lakes Rangers if they still need the order, almost certain they do
Warmington	Playing field	On Lead Order	currently an unofficial exclusion order due to the use as a sports field	No	originally a request for exclusion zone
Warmington	Warmington open sace	On Lead Order	This space has a fenced children's play area housed in it. When I visited I saw evidence of fouling.	No	
Woodnewton	Churchyard	On Lead Order	Reported dog fouling in the churchyard.	No	
Yarwell	Allotments	On Lead Order	Pre existing order, an area that cannot be used to exercise dogs	Yes	
Yarwell	Playing field/football field	On Lead Order	Unfenced children's play equipment in the field, dogs have been bothering children on this equipment, also fouling issues.	Yes	
Yarwell	Cemetery, Nassington Road, Yarwell	On Lead Order	Reports of fouling on graves. Dogs should be under control at all times in cemeteries.	Yes	
Yarwell	Locks Green, Main Street	On Lead Order	Small green that is situated by the road.	Yes	
Yarwell	St Mary Magdelene Church	On Lead Order	Reports of fouling on graves. Dogs should be under control at all times in cemeteries.	Yes	
Oundle	Cemetery and church yard	On Lead Order	TC wish to continue their current DCO's	Yes	
Oundle	Market Place	On Lead Order	TC wish to continue their current DCO's	Yes	
Oundle	Occupation Road and surrounding sports areas	On Lead Order	TC wish to continue their current DCO's	Yes	
Thrapston	St James Churchyard, Church Walk	On Lead Order	TC wish to continue their current DCO's	Yes	
Thrapston	The Peace Park, Huntigdon Road	On Lead Order	TC wish to continue their current DCO's	Yes	
Thrapston	The Spinney, Warwick Gardens	On Lead Order	TC wish to continue their current DCO's	Yes	
Irthingborough	Cemetery Church Street	On Lead Order	TC wish to continue their current DCO's	Yes	
Irthingborough	Cemetery, Wellingborough Road	On Lead Order	TC wish to continue their current DCO's	Yes	

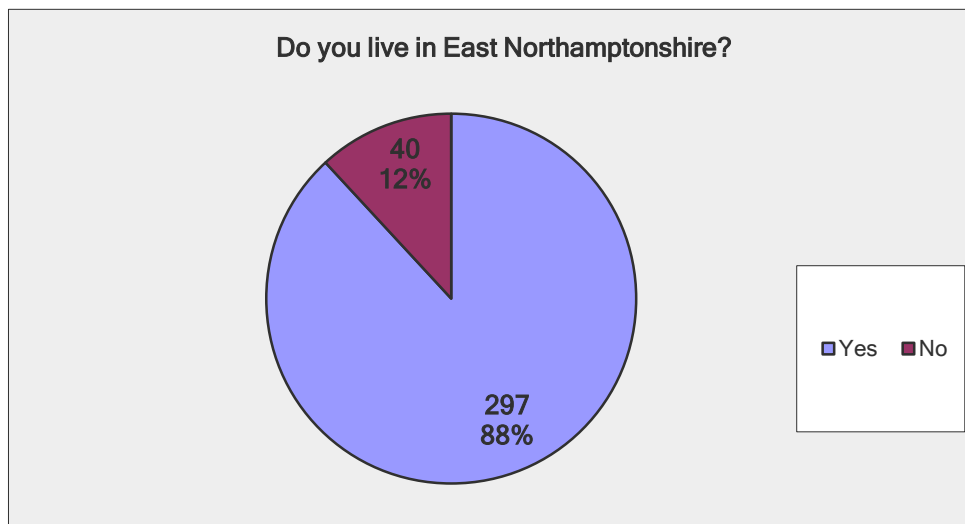
Public Spaces Protection Orders (PSPOs) Survey 2017

Are you a dog owner?		
Answer Options	Response Percent	Response Count
Yes	56.7%	191
No	43.3%	146
<i>answered question</i>		337
<i>skipped question</i>		0



Public Spaces Protection Orders (PSPOs) Survey 2017

Do you live in East Northamptonshire?		
Answer Options	Response Percent	Response Count
Yes	88.1%	297
No	11.9%	40
<i>answered question</i>		337
<i>skipped question</i>		0



Public Spaces Protection Orders (PSPOs) Survey 2017

In which Parish do you live?		
Answer Options	Response Percent	Response Count
Great Addington	0.0%	0
Little Addington	0.7%	2
Aldwincle	0.3%	1
Apethorpe	0.0%	0
Ashton	0.0%	0
Barnwell	0.7%	2
Benefield	0.0%	0
Blatherwyke	0.0%	0
Brigstock	1.4%	4
Bulwick	0.0%	0
Chelveston-cum-Caldecott	0.0%	0
Clopton	0.0%	0
Collyweston	1.7%	5
Cotterstock	0.0%	0
Deene & Deenethorpe	0.0%	0
Denford	0.7%	2
Duddington with Fineshade	0.3%	1
Easton on the Hill	0.7%	2
Fotheringhay	0.0%	0
Glaphthorn	0.3%	1
Hargrave	0.3%	1
Harringworth	0.0%	0
Hemmington/Luddington/Thurning	0.3%	1
Higham Ferrers	10.2%	30
Irthlingborough	5.5%	16
Islip	1.7%	5
King's Cliffe	0.7%	2
Laxton	0.0%	0
Lilford-cum-Wigsthorpe & Thorpe Achurch	0.7%	2
Lowick & Slipton	0.0%	0
Lutton	0.0%	0
Nassington	0.7%	2
Newton Bromswold	0.0%	0
Oundle	7.5%	22
Pilton/Stoke Doyle/Wadenhoe	0.7%	2
Polebrook	0.3%	1
Raunds	12.3%	36
Ringstead	4.4%	13
Rushden	29.4%	86
Southwick	0.0%	0
Stanwick	3.4%	10
Sudborough	0.0%	0
Tansor	0.3%	1
Thrapston	10.9%	32
Titchmarsh	0.3%	1
Twywell	0.3%	1
Wakerley	0.0%	0
Warmington	1.0%	3
Woodford	1.7%	5

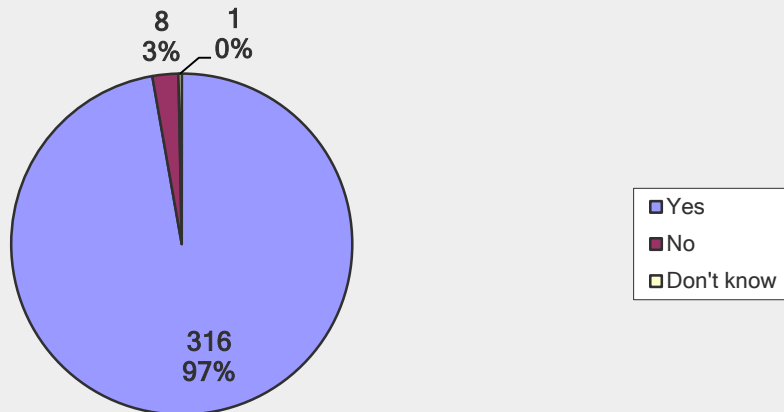
Woodnewton	0.0%	0	
Yarwell	0.3%	1	
	<i>answered question</i>		293
	<i>skipped question</i>		44

Public Spaces Protection Orders (PSPOs) Survey 2017

Do you agree with ENC's current Dog Control Order (DCO), concerning dog fouling: At any location to which the public has access and which is open to the air, it is an offence

Answer Options	Response Percent	Response Count
Yes	97.2%	316
No	2.5%	8
Don't know	0.3%	1
<i>answered question</i>		325
<i>skipped question</i>		12

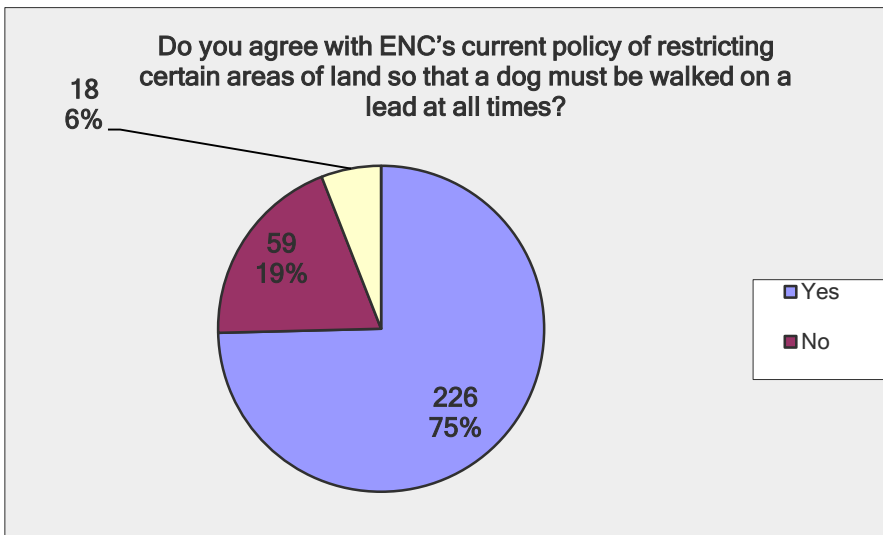
Do you agree with ENC's current Dog Control Order (DCO), concerning dog fouling: At any location to which the public has access and which is open to the air, it is an offence not to remove dog waste?



Public Spaces Protection Orders (PSPOs) Survey 2017

Do you agree with ENC's current policy of restricting certain areas of land so that a dog must be walked on a lead at all times?

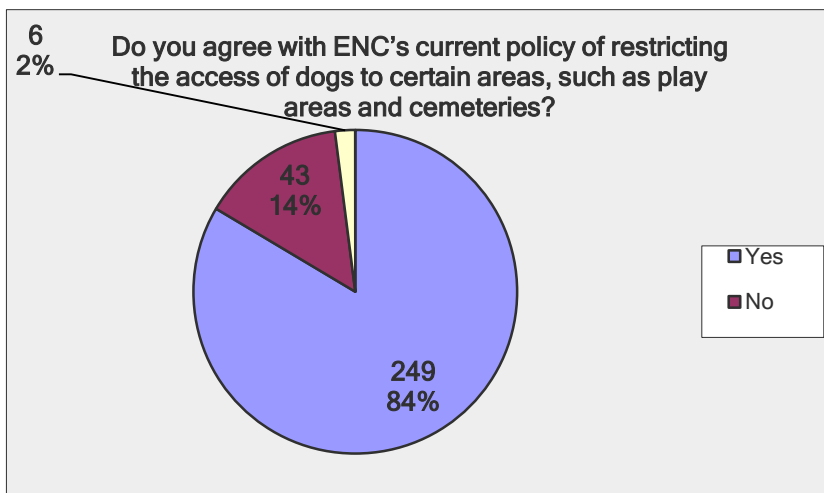
Answer Options	Response Percent	Response Count
Yes	74.6%	226
No	19.5%	59
Don't know	5.9%	18
<i>answered question</i>		303
<i>skipped question</i>		34



Public Spaces Protection Orders (PSPOs) Survey 2017

Do you agree with ENC's current policy of restricting the access of dogs to certain areas, such as play areas and cemeteries?

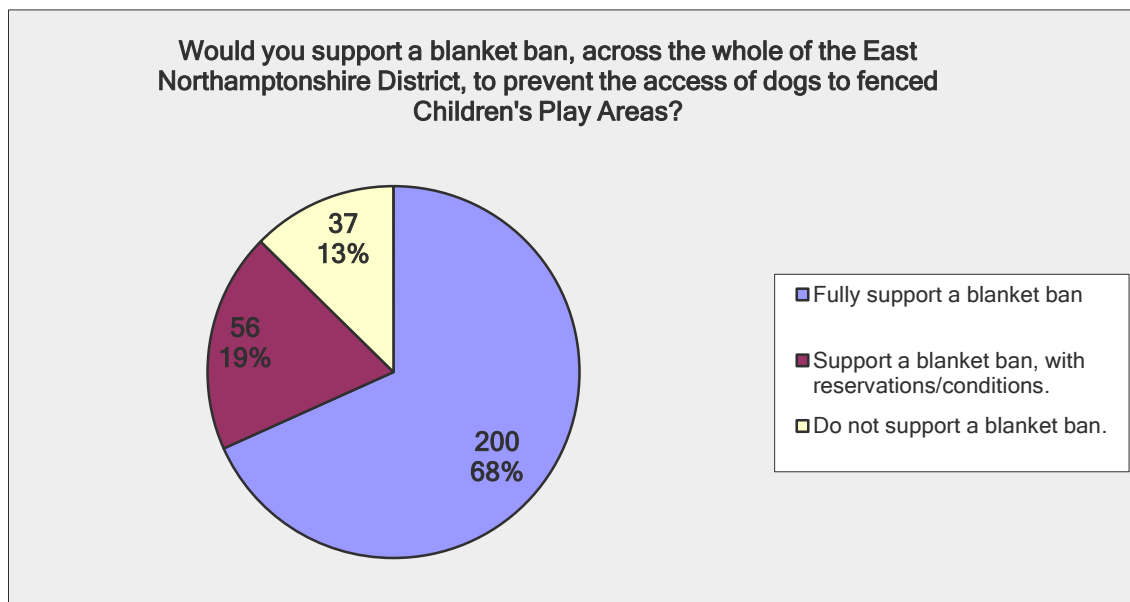
Answer Options	Response Percent	Response Count
Yes	83.6%	249
No	14.4%	43
Don't know	2.0%	6
<i>answered question</i>		298
<i>skipped question</i>		39



Public Spaces Protection Orders (PSPOs) Survey 2017

Would you support a blanket ban, across the whole of the East Northamptonshire District, to prevent the access of dogs to fenced Children's Play Areas?

Answer Options	Response Percent	Response Count
Fully support a blanket ban	68.3%	200
Support a blanket ban, with reservations/conditions.	19.1%	56
Do not support a blanket ban.	12.6%	37
<i>answered question</i>		293
<i>skipped question</i>		44



Public Spaces Protection Orders (PSPOs) Survey 2017

Do you feel ENC should enforce an order that restricts the number of dogs permitted to be walked by a single person?

Answer Options	Response Percent	Response Count
Yes	51.0%	151
No	41.6%	123
Don't know	7.4%	22
<i>answered question</i>		296
<i>skipped question</i>		41

