

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Public Spaces Protection Order- Dog Control

Meeting/Date: Licensing and Protection Committee- 27th September 2023

Executive Portfolio: Councillor Stephen Ferguson, Executive Councillor for Customer Services

Report by: Community Resilience Manager

Ward(s) affected: All

Executive Summary:

The Anti-Social Behaviour, Crime and Policing Act 2014 gave powers to local authorities to introduce Public Spaces Protection Orders (PSPOs) to control a range of issues linked to anti-social behaviour, including the control of dogs. As a result, in 2017 all pre-existing Dog Control Orders were converted to a new single PSPO. The PSPO was extended in 2020 until October 2023. The maximum period that a PSPO can be in operation for is 3 years, meaning that authorisation is now required for the PSPO to be reinstated for a further 3 years, this being to October 2026.

We are fortunate that the vast majority of dogs do not cause a problem and their owners look after them in a responsible manner. But it must be acknowledged that the control of dogs continues to cause significant concern for our residents and regularly features as a subject of complaint within the teams' service requests. Recognising that the current PSPO is soon to expire, a consultation exercise was undertaken to establish whether residents wished for the order to be renewed, the responses were strongly in favour of the Council retaining the current dog control measures.

As such, this report recommends recommencing the PSPO with some minor amendments, which sets out a number of proportionate controls which apply across the whole District and a set of additional controls which only apply to specified locations, as detailed in the report.

Recommendations:

The Licensing and Protection Committee is

RECOMMENDED

1. to approve the making of a new Public Spaces Protection Order covering the control of dogs, as detailed in Appendix 1 to this report; and
2. to delegate authority to the Community Services Officer, in consultation with the Portfolio Holder with responsibility for Community Services, to make minor amendments to the conditions and scope of the PSPO.

1. PURPOSE OF THE REPORT

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 came into effect in October 2014. Among its provisions was the replacement of a series of previously enacted Orders, including Dog Control Orders, with a new wide-reaching order, the Public Spaces Protection Order (PSPO).
- 1.2 In 2017, a Dog Control PSPO was introduced in Huntingdonshire, replacing the previous Dog Control Orders. As PSPOs last for a set period of 3 years, the current PSPO must now be either authorised for a further 3-year period or allowed to expire. This report seeks authorisation to renew the PSPO for 3 years to October 2026.

2. WHY THIS REPORT IS NECESSARY

- 2.1 Although it is recognised that the vast majority of dog owners are responsible and control their pets appropriately, the control of dogs remains an issue of concern to the public. The Council receives a significant number of complaints related to dog control, including reports of dog fouling, stray dogs, dogs off leads and out of control dogs. This indicates that the Council requires the means to control these issues and to take appropriate enforcement action should this be necessary.
- 2.2 Best practice dictates that PSPOs are proportionate to the problems being experienced and contain conditions which are likely to be effective without placing undue restrictions on the general public who are going about their legitimate business and are not causing concern or anti-social behaviour. Best practice also dictates that appropriate consultation must take place with those who may be affected.
- 2.3 This report details the feedback from the statutory consultation process which has recently been carried out and proposes retaining the existing principles and control measures within a new PSPO.
- 2.4 It is considered that the current PSPO has been a valuable enforcement tool. The number of complaints related to dog control have increased since the previous year (detail in 2.5), although it is obviously difficult to definitively evidence “cause and effect” of this. This could be linked to the post covid period and vast changes of circumstances including the “cost of living crisis”.
- 2.5 In the financial year 2022/23, the District Council received 63 service requests that related to dog control incidents and 29 reports of heavily fouled areas (dog faeces). This is an increase on the financial year 2021/22, which saw 48 service requests for dog control issues and 17 reports of heavily fouled areas. Recorded as a separate figure, in the financial year 2022/23, 103 reports of stray dogs were received. During the financial year 2021/22, the number of stray dogs reported to HDC was 83.

3. OPTIONS CONSIDERED

3.1 Options to consider are:

- 3.1.1 Reinststate the PSPO with the addition of the new conditions on 12th October 2023 (detail in 5.2)
- 3.1.2 Renew the PSPO with no changes and launch on the 12th October 2023 (detail 3.2)
- 3.1.3 Allow the PSPO to lapse as of October 2023 – Do not renew (Detail 3.3)

3.2 The 2020-2023 PSPO imposed the following conditions:-

- A requirement to place dogs on leads upon request by an authorised officer. This applies to the whole District;
- A requirement to keep dogs on leads at all times. This only applies to road carriageways and verges with speed limits of 40mph or less and a list of specifically designated locations;
- A dog exclusion requirement. This applies to enclosed areas designated by description, including all fenced-in children’s play areas, bowling greens, croquet lawns, tennis courts, sporting or recreational facilities which are signed as dog exclusion areas and a list of specifically designated locations;
- A requirement for dog faeces to be picked up and taken away or disposed of in a suitable bin. This applies to the whole district; and
- A requirement on persons in control of dogs to carry a suitable receptacle for picking up and disposing of dog faeces, and to demonstrate this on request by an authorised officer. This applies to the whole District.

3.3 The current Dog Control PSPO expires in October 2023, having been in place for 3 years. It would be possible for the Council to adopt a “do nothing” position and allow the PSPO to lapse. This is not recommended, because of the potentially serious impact which a small number of irresponsible and inconsiderate dog owners could have on the wider community.

4. CONSULTATION ON DOG CONTROLS

4.1 In order to implement a PSPO, the Council is required to carry out a consultation exercise giving a group of statutory consultees as well as individuals who may be affected, the opportunity to make representations.

4.2 As such, a consultation exercise has been undertaken, largely by means of an on-line survey which asked questions about the underpinning principles of the proposed PSPO and the detail of the proposed controls. The survey was publicised on local social media and on the Council’s web site. In addition to the on-line survey, the statutory consultees (the Police and Crime Commissioner and the Police Chief Constable) and all Town and Parish Councils in the District were contacted and offered the opportunity to comment.

- 4.3 Results of this survey have shown strong support for the controls included in the PSPO. A presentation to the Committee meeting will outline the final results of the on-line survey. The questions asked in the survey are attached at Appendix 2, for information.
- 4.4 The proposed PSPO was fully endorsed by both the Police and Crime Commissioner and Cambridgeshire Constabulary. Written responses were received from the Leader of the Council and a few Councillors, all of which were strongly supportive of the reinstatement of the PSPO. A positive response has also been received from the Dogs Trust.

5. PROPOSED PUBLIC SPACES PROTECTION ORDER

- 5.1 It is evident that the vast majority of dog owners are responsible individuals who control their pets and behave in a law abiding manner. It is essential that, in developing dog controls, the impact upon the majority is minimised and that the irresponsible minority are targeted in a fair and proportionate manner.
- 5.2 As such, in light of the consultation exercise and considering the history of dog controls already in place in the District, it is recommended that the following conditions be retained under a new PSPO:-
- The PSPO applies to the whole of Huntingdonshire, with general conditions covering the whole District and additional conditions to apply only in specified locations;
 - The conditions of the PSPO will not apply to guide dogs or assistance dogs, within defined criteria;
 - A District-wide condition requiring dog faeces to be picked up and taken away or disposed of in a suitable bin;
 - A District-wide condition requiring persons in control of dogs to be required to carry a suitable receptacle for picking up and disposing of dog faeces, and to demonstrate this on request by an authorised officer;
 - A District-wide condition requiring dogs to be placed on a lead upon request by any authorised officer;
 - A condition requiring dogs to be kept on a lead at all times in specified locations - no change is proposed to the specified locations; and
 - A condition stating that dogs are not allowed in specified locations - no change is proposed to the specified locations.

New proposals

- A condition requiring a person responsible for the dog(s) to ensure the dog is not out of control or damaging or destroying another animal.
- That the person responsible for the dog are not allowing the dog in their charge to cause alarm and/or distress
- The order will also introduce the conditions to allow action against person responsible for the dog who allow their dog(s) to repeatedly stray.
- Change to the condition; requiring dogs to be kept on a lead; HDC have removed the requirement for the lead length to be 1.5 meters.

- 5.3 The proposed wording of the PSPO is attached as Appendix 1 to this report. This lists all definitions, conditions and locations to which specific controls apply.
- 5.4 If deemed necessary, this order can be supplemented at a later time by placing additional conditions on specified areas or by adding new designated areas, should these be required in response to locally evidenced issues, subject to an appropriate consultation. As previously, the PSPO lasts for a maximum of 3 years, so a full review will be required at that time, in October 2026.

6. KEY IMPACTS / RISKS

- 6.1 The absence of a Dog Control PSPO would significantly reduce the effective response and enforcement against Dog control issues across the district. The implementation of the proposed PSPO will mitigate this risk.

7. TIMETABLE FOR IMPLEMENTATION

- 7.1 As required under the Anti-Social Behaviour, Crime and Policing Act 2014, if the Committee agrees to the implementation of a new PSPO, it will be ratified by the District Council before it comes into force. As such, the proposed PSPO has been drafted and will be publicised to come into effect on 01st October 2023

8. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 8.1 Placing effective controls on irresponsible dog owners and dog related issues links to HDC's Corporate Plan 2023-2028 aims to improve the quality of life for local people by preserving the District of Huntingdonshire, as a place which attracts employers and visitors and that residents are proud to call home. To support the Corporate Plan, HDC's Dog Control PSPO (2023) will act as a tool alongside other statutory provisions in relation to dog-related anti-social behaviour.

9. LEGAL IMPLICATIONS

- 9.1 The power to issue PSPOs is contained in the Anti-Social Behaviour, Crime and Policing Act 2014. The Act requires consultation with parties likely to be affected by a new PSPO. The Act includes the Police and the Office of the Police & Crime Commissioner as statutory consultees.
- 9.2 If the PSPO is enacted, it will remain in place for a period of up to three years, after which time it will lapse unless renewed. There is no limit to the number of times a PSPO can be renewed. Each renewal will require consultation and formal approval.
- 9.3 If the PSPO is not enacted it will lapse if not formally renewed at that time.

10. RESOURCE IMPLICATIONS

- 10.1 The District-wide restrictions can be advertised, as they are currently, by the use of metal signs and sticker signs displayed on HDC owned furniture and lamp columns under an ongoing agreement with Balfour Beatty. Existing signage are in stock that advertise the requirement to remove faeces, the requirement to have dogs on leads and the exclusion of dogs. Stocks of these will continue to be maintained from existing Community budgets.
- 10.2 Targeted, intelligence-led enforcement activity will continue to be carried out by officers from the Community Protection and Enforcement team, which deals with a wide range of environmental enforcement issues. The officers in this team are specifically trained in carrying out enforcement activities in a sensitive and proportionate manner and are fully briefed on the need to enforce against wilful anti-social behaviour rather than accidental or justifiable breaches.

11. EQUALITIES IMPACT ASSESSMENT

- 11.1 In drafting the proposed PSPO, equalities issues have been considered and the existing Equalities Impact Assessment reviewed. No data exists on the proportion of dog owning residents locally who fall within the protected characteristics of the Equality Act 2010. However, it is considered that the PSPO will have no negative impact on all but one of the protected characteristics. It is considered possible that the PSPO conditions have the possibility to impact adversely on people with disabilities who rely upon assistance dogs. This possibility has been mitigated by the specific exclusion of persons in control of assistance dogs from the scope of the order.

12. REASONS FOR THE RECOMMENDED DECISIONS

- 12.1 The proposed PSPO is considered to be an appropriate and proportionate response to the dog control issues which are being experienced in the District. The proposals have been strongly supported in the statutory consultation. Implementing this PSPO will give a robust framework for future enforcement in this priority area.

13. LIST OF APPENDICES INCLUDED

1. Proposed Dog Control Public Spaces Protection Order.
2. Information of the consultation exercise.

14. BACKGROUND PAPERS

None

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