

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Public Spaces Protection Order- Dog Control
Meeting/Date:	Licensing and Protection Committee - 30 th September 2020
Executive Portfolio:	Executive Councillor for Community Resilience and Well-Being.
Report by:	Operational Manager (People).
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 previous Dog Control Orders were converted to a new single PSPO. As PSPOs last for a period of 3 years, authorisation is now required for this PSPO to remain in place for a further 3 years, to October 2023.

Although the vast majority of dogs cause no problems and the vast majority of dog owners look after their pets in a responsible manner, the control of dogs remains a significant issue to the public, consistently featuring as a significant complaints issue. A consultation exercise was undertaken as part of the renewal process and the responses were strongly in favour of the Council retaining the current dog control measures.

As such, this report recommends retaining the current PSPO 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 Public Protection Committee is recommended:-

- i. 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**

- ii. **to delegate authority to the Chief Operating Officer, in consultation with the relevant Executive Councillor 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 all the previous Dog Control Orders. As PSPOs last for a set period of 3 years, this 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 2023.

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 dangerous 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 It is considered that the current PSPO has been a valuable enforcement and prevention tool. The number of complaints related to dog control has fallen significantly since it came into force- although it is obviously difficult to definitively evidence “cause and effect” in this. In the 2 years prior to its introduction the Council received in excess of 1,000 complaints relating to various dog control issues. In the 3 years since its introduction there have been a total of 707 complaints, with only 8 requiring the issuing of fines via fixed penalty notices. Enforcement Officers have noted that the presence of the Order provides a robust footing for them to engage with members of the public who may benefit from words of advice and encouragement in assisting them to control their pets effectively.
- 2.3 Best practice dictates that proposed 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 takes place with those who may be affected.
- 2.4 This report provides feedback from the statutory consultation process which has recently been carried out and proposes retaining the existing principles and control measures in a new PSPO.

3. OPTIONS CONSIDERED

3.1 The current PSPO imposes the following conditions:-

- A requirement to place dogs on lead 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.

3.2 The current Dog Control PSPO will cease in October 2020, 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 expire. This is not considered desirable because of the potentially serious impact which a small number of irresponsible or 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 experiences with dog control issues, 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 Interim 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 the Police Chief Constable. Written responses were received from 6 Parish Councils, all of which were supportive of the retention of the PSPO.

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, that 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.
- 5.3 The proposed wording of the PSPO is attached as Appendix 1 to this report. This lists all locations to which specific controls apply, i.e. those over and above the general District-wide conditions.
- 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 a formal consultation. As previously, the PSPO lasts for a maximum of 3 years, so a full review will be required at that time, in October 2023.

6. KEY IMPACTS / RISKS

- 6.1 The key risk relating to this issue relates to the fact that, in the absence of such an Order, the proportionate control of dogs will be extremely problematic. The making of a new 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 have to be publicised for a period of 20 days before it comes into

force. As such, the proposed PSPO has been drafted to come into effect on 20th October 2020.

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

- 8.1 Placing effective controls on dogs and irresponsible dog owners links to the strategic priority of Enabling Communities, specifically to the work programme objectives of “ensuring that our streets and open spaces are clean and safe”, “working closely with partners to reduce crime and anti-social behaviour” and providing and protecting quality green space and community facilities within new developments”.

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 Police Authority as statutory consultees.
- 9.2 If a new 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 a new 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 sticker signs displayed on lamp columns under an ongoing agreement with Balfour Beatty. Existing stickers 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. Details of the consultation exercise.

14. BACKGROUND PAPERS

None.

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HUNTINGDONSHIRE DISTRICT COUNCIL

PUBLIC SPACES PROTECTION ORDER (Dog Control) 2020

The Order

Huntingdonshire District Council ('the Council') in exercise of its powers pursuant to Section 59 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') hereby makes the following Order ('the Order') :

1. This Order shall come into operation on **20 October 2020** and shall have effect for a period of 3 years from that date.

The areas to which the Public Spaces Protection Order (PSPO) applies:

2. This Order relates to the areas (land to which this Order applies) within the administrative District of Huntingdonshire, as shown on the attached maps, and applies to all the land which is open to the air and to which the public are entitled or permitted to have access (with or without payment).
3. For the purposes of this Order, any land which is covered is deemed to be land which is "open to the air" if it is open to the air on at least one side.

Persons who the order applies to

4. For the purposes of this Order a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
5. Nothing in this Order applies to a person who is in charge of:
 - a. an assistance dog which has been trained to guide a blind person;
 - b. an assistance dog which has been trained to assist a deaf person;
 - c. an assistance dog which has been trained to assist a person who has a disability who has a disability of epilepsy or otherwise affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects; or
 - d. an assistance dog which has been trained to assist a person who has a disability (other than one described above) of a prescribed kind.
6. For the purposes of the Order, a "disability" means a condition that qualifies as a disability for the purposes of the Equality Act 2010 and an "assistance dog" has the meaning given by the Equality Act 2010

Impact of the Order

7. The effect of this Order is to impose the following prohibitions and requirements on land to which this Order applies, specified as follows:

Dog faeces to be picked up and taken away or disposed of in a suitable bin

8. In all land to which this Order applies, specified in Schedule 1 to the Order, if a dog defecates at any time on any part of the land, a person who is in charge of the dog at that time and who fails to remove the faeces from the land forthwith, shall be guilty of an offence unless:
- a. he has a reasonable excuse for failing to do so; or
 - b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
9. For the purposes of this Order:
- a. placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
 - b. being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

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

10. In all land to which this Order applies, specified in Schedule 1, a person who is in charge of the dog shall, on instruction by a constable or authorised officer of the Council, demonstrate to the satisfaction of the constable or authorised officer that he has in his possession a device for or other suitable means of removing the dog's faeces.

Dogs to be placed on a lead upon request by any authorised officer

11. In all land to which this Order applies, specified in Schedule 1, a person in charge of a dog shall be guilty of an offence if, at any time, he does not comply with a direction given to him by a constable or authorised officer of the Council to put and keep the dog on a lead of not more than 2 metres in length unless:
- a. he has a reasonable excuse for failing to do so; or
 - b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

12. A constable or authorised officer of the Council may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.
13. In this Order 'an authorised officer of the Council' means any person authorised in writing for the purposes of this Order by Huntingdonshire District Council (the Council).

Dogs to be kept on a lead at all times in specified areas

14. In any land to which this Order applies, as specified in Schedule 2, a person in charge of a dog shall be guilty of an offence if, at any time, he does not keep the dog on a lead of not more than 2 metres in length, unless:
 - a. he has a reasonable excuse for doing so; or
 - b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

Dogs to be excluded at all times in specified areas

15. In any land to which this Order applies, as specified in Schedule 3, a person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on to any part of the land unless:
 - a. he has a reasonable excuse for doing so; or
 - b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

Enforcement of the conditions of this Order

16. It is an offence for a person without reasonable excuse to do anything prohibited by this Order, or to fail to comply with a prohibition or requirement to which a person is subject to pursuant to this Order.
17. A Police Constable, a Police Community Support Officer or an 'authorised person' may issue a Fixed Penalty Notice (FPN) to anyone he or she has reason to believe has committed an offence under this Order.
18. An 'authorised person' and 'an authorised officer of the Council' means any person authorised in writing for the purposes of this Order by Huntingdonshire District Council (the Council). A constable means a Police Constable in whatever capacity.

19. A person found to be in breach of this Order is liable upon summary conviction to a fine not exceeding level 3 on the standard scale (currently £1000.00); or to be made subject to a FPN of £100.00.
20. The Council is satisfied that the conditions set out in Sections 59 and 72 of 'the Act' have been met: that 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; and that 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 this notice. The Council believe that it is reasonable to impose the above prohibitions and requirements in order to prevent the detrimental effect from continuing, occurring or recurring, and to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
21. Any interested person (an individual who lives or regularly visits or works) in land to which this Order applies who desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, may apply to the High Court within six weeks from the date upon which this Order is made.

[Date] Sealed as Deed on behalf of Huntingdonshire District Council

the Common Seal being affixed in the presence of and signed by:

Authorised Signatory

Schedule 1 - the areas subject to the conditions: (1) Dog faeces to be picked up and taken away or disposed of in a suitable bin; (2) 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; (3) Dogs to be placed on a lead upon request by any authorised officer.

The entire administrative district of Huntingdonshire.

Schedule 2 - the areas subject to the Dogs On Leads condition

Land Designated by Description

All road carriageways with a speed limit of 40 mph or less and adjoining footpaths and verges.

AND

Land Designated Specifically

Eaton Ford- Riverside Park, St Neots Road, Eaton Ford, St Neots: That part of the lands situated to the south of St Neots Road and west of the River Great Ouse and excluding those fenced areas which contain children's play equipment.

Eaton Ford- Sudbury Meadow, Crosshall Road, Eaton Ford, St Neots: That part of the lands situated to the north of Cavendish Court which abuts Crosshall Road and with the north and west boundary being dense tree/fence lined.

Hartford- Hartford Meadow, Church Lane, Hartford, Huntingdon: That part of the lands known as Hartford Meadow situated between Church Lane and the River Great Ouse, Huntingdon.

Hartford- Marylands Avenue, Hartford, Huntingdon: The whole of the park excluding the area which is fenced and contains children's play equipment.

Houghton- Houghton and Wyton Playing Fields, Houghton. All of the area of land known as Houghton and Wyton Playing Fields, bounded by St Ives Road, Victoria Crescent, Laughtons Lane and the A1123.

Huntingdon- Riverside Park, Riverside Road, Huntingdon: That part of the lands situated to the south of the tree/fence line commencing from a point opposite East Street, leading from Hartford Road to the River Great Ouse and with the southern boundary being opposite the Bridge Hotel with the River Great Ouse to one side and River Road/Hartford Road to the north-west, excluding those fenced areas which contain children's play equipment.

Huntingdon- Hinchbrook Country Park, Hinchbrook Park Road, Huntingdon: That part of the park known as the Wildlife Area consisting of the western part of Bob's Wood and including the triangular plantation to the south of the area. This area lies to the west of a track running north-north-east from a

point 250 metres to the west of the Visitors Centre. It is bounded on the north by a housing estate and on the west by a fence.

St Ives- Wilhorn Meadow, London Road, St Ives: The land situated to the east of Bridge Terrace and west of the River Great Ouse, St Ives.

Little Paxton- Playing Fields, High Street, Little Paxton: The whole of the playing field including the access road and car park, excluding the area which is fenced and contains children's play equipment.

Schedule 3 - the areas subject to the Dogs Exclusion condition

Land Designated by Description

All lands within the Council's administrative area that is fenced and/or hedged and/or walled and signed at the entrance as a "dogs exclusion area" (whether the sign uses these particular words or words and/or symbols having like effect) and comprises of: children's play areas; bowling greens; croquet lawns; tennis courts; sporting or recreational facilities; skateboard parks; cycle enclosures; putting greens; or parks.

AND

Land Designated Specifically

Bluntisham- The Bluntisham Recreation Field:- All land within the area bounded by Colne Road and Mill lane, known as the Bluntisham Recreation Field but not including that part of the playing field which is fenced and contains children's play equipment or the fenced and/or hedged area designated as a dog walking area.

Eaton Ford- Playground, River Road, Eaton Ford, St Neots: That part of the park situated to the south of the Indoor Bowling Club, off River Road, which is fenced and contains children's play equipment.

Eaton Ford- Playground, Riverside Park, St Neots Road, Eaton Ford, St Neots: That part of the park adjoining the main St Neots Road which is fenced and contains children's play equipment.

Eynesbury- Playground, Coneygeare Park, Hardwick Road, Eynesbury, St Neots: That part of the park situated to the north east of the car park which is fenced and contains children's play equipment.

Hartford- Playground, Marylands Avenue, Hartford, Huntingdon: That part of the park which is fenced and contains children's play equipment.

Hartford- Playground, Sapley Road, Hartford, Huntingdon: That part of the park which is fenced and contains children's play equipment.

Huntingdon- Town Park, Brookside, Huntingdon.

Huntingdon - Playground, Nursery Road, Huntingdon: That part of the park which is fenced and contains children's play equipment.

Huntingdon – St John's Churchyard, High Street, Huntingdon.

Huntingdon - Playground, Riverside Park, Riverside Road, Huntingdon: That part of the park adjoining the main car park off Harford Road which is fenced and contains children's play equipment.

Somersham- The Millennium Sports Field, the Trundle, Somersham.

Somersham- Norwood Playing Field: All land within the area bounded by Parkhall Road, The Trundle, Ditchfields, The Green, Green End Walk and Coronation Avenue known as the Norwood Playing Field but not including that part of the playing field which is fenced and contains children's play equipment.

St Ives- Holt Island, Church Street, St Ives: That part of the island lying south of the Sea Scouts Headquarters facing towards the bridge, St Ives.

St Neots - Playground, Priory Hill Park, Priory Hill Road, St Neots: That part of the park adjoining the southern boundary of the park which is fenced and contains children's play equipment.

Warboys- Adam Lyons Playing Field, Church Road, Warboys

Huntingdonshire District Council Dog Control PSPO Survey

In what capacity are you replying to this consultation?

- Private individual
- Representing a business
- Representing an organisation

Are you a dog owner?

- Yes
- No

Are you any of the following?

- Veterinary professional (any capacity)
- Dog Walker
- Kennel owner
- None of these

Have you, or a member of your family, or someone you know had any problems regarding dog control in the past year?

- Yes (me)
- Yes (a member of my family)
- Yes (someone I know)
- No

If you answered Yes, was this related to any of the following?

- Dog fouling
- Dog running out of control
- Dog barking
- Dog off lead in a controlled area
- Dog attack on a dog or other pet animal
- Dog loose in children's play area
- Threatened by a dog's behaviour
- Stray dog
- Dog attack on a person
- Other

Do you think that Huntingdonshire should implement an order covering some aspects of dog control?

- Yes
- No

Do you think an order controlling dogs should cover the whole of Huntingdonshire or be limited to specific areas?

- All conditions to cover the whole of Huntingdonshire District
- Some conditions everywhere, others in specific areas
- Conditions only in specified areas
- No controls in any areas

Do you think that dog owners should be required to pick up and remove

their dog's faeces (poo)?

Yes, everywhere in Huntingdonshire

Only in specified areas

No

Do you think that dog owners should have to carry something with them to pick up their dog's faeces (poo) at all times?

Yes, everywhere in Huntingdonshire

Only in specified areas

No

Do you think that dogs should be on a lead at all times?

Yes, everywhere in Huntingdonshire

Only in specified places

No

Do you think that dogs should be banned from some places, like enclosed children's play areas?

Yes

No

Do you think that Council officers should be able to instruct dog owners to put their dog on a lead?

Yes, everywhere in Huntingdonshire

Only in specified places

No

Do you think that the Council should introduce any other dog control measures?

Yes

No