

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Public Space Protection Order- Consultation

Meeting/Date: Licensing and Protection Committee
5th July 2017

Executive Portfolio: Executive Councillor for Housing and Regulatory Services,
Cllr Ryan Fuller

Report by: Head of Community, Chris Stopford

Ward(s) affected: All

Executive Summary:

The Anti-Social Behaviour, Crime and Policing Act 2014 gave powers to local authorities to introduce Public Space Protection Orders (PSPOs) to control a range of issues linked to anti-social behaviour, including the control of dogs. The transitional arrangements for the Act mean that all current Dog Control Orders will lapse in October 2017, unless replaced by a new PSPO.

The control of dogs remains a significant issue to the public, consistently featuring as a significant complaints issue.

This report suggests replacing the current Dog Control Orders with a single, District-Wide PSPO which sets out a standard set of proportionate controls which apply across the whole District and a set of additional controls which only apply to specified locations.

The report notes that implementing a new PSPO requires consultation with affected parties and seeks authority to undertake such a consultation exercise. The reports sets out the areas which it is intended to consult upon.

A further report outlining the results of the consultation and, if appropriate, seeking authority to implement a new PSPO will be taken to this Committee at its meeting on 20th September 2017.

Recommendation(s):

The Licensing and Public Protection Committee is recommended to authorise undertaking a consultation exercise on the principles and content of a proposed new Public Spaces Protection Order covering the control of dogs and to receive the results of this consultation at its meeting on 20th September 2017.

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 with a new Public Space Protection Order (PSPO). Among the Orders replaced by the Act are Dog Control Orders.
- 1.2 The transitional arrangements for implementing the 2014 Act allowed existing Dog Control Orders to remain in place for a period of 3 years (i.e. to October 2017) after which time they have to be replaced by PSPOs if local authorities wish to retain the powers to control dogs.
- 1.3 In developing new PSPOs, it is good practice for local authorities to ensure that the control measures proposed are effective, transparent and proportionate and do not place undue restrictions on individuals without good reason. It is also good practice to consult individuals and bodies who may be affected by proposed PSPOs.
- 1.4 This report seeks authority to proceed with a consultation exercise which can be used to inform the principles and detail of a new Public Spaces Protection Order for the control of dogs.

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 has received over 1,000 complaints related to dog control over the past 2 years. These have included reports of stray dogs, dogs off leads, dog fouling 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 As noted above, good 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 without causing concern or anti-social behaviour. Good practice also dictates that appropriate consultation takes place with those who may be affected.
- 2.3 This report sets out a draft set of principles for a new PSPO, outlines a series of potential control measures which could be included in a new PSPO and describes the consultation process which will be followed in allowing the Committee to determine whether a PSPO is appropriate and, if so, what dog controls it should contain.

3. OPTIONS CONSIDERED

- 3.1 There are currently 4 separate Dog Control Orders in place across the District, developed to address specific concerns and including specific control conditions in specified locations. The current orders only apply to the areas for which they are specified. The current Orders impose conditions as follows:-
 - 3.1.1 A requirement to place dogs on lead upon request by an authorised officer. This applies District-wide;
 - 3.1.2 A requirement to pick up and remove dog faeces. This applies to road carriageways and verges with speed limits of 40mph or less, footpaths and verges, parks and open spaces maintained by any

local authority, burial grounds, school land and a list of specifically designated locations;

- 3.1.3 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 7 specifically designated locations; and
 - 3.1.4 A dog exclusion requirement. This applies to all fenced-in children's play areas and a list of specifically designated locations.
 - 3.1.5 Full details of the current controls and the areas to which they apply are on the Council's website at <http://www.huntingdonshire.gov.uk/environmental-issues/dogs-and-animal-welfare/#orders>.
- 3.2 All current Dog Control orders will lapse in October 2017, unless replaced by a PSPO. It would be possible for the Council to adopt a "do nothing" position and allow its powers to impose dog controls to cease. This is not considered appropriate due to the widespread public concern about the conduct of the small minority of irresponsible dog owners and the impact upon the general public of the lack of control which these individuals have upon their dogs.
- 3.3 It is possible to implement a District-wide Order or to adopt a more limited approach, only placing restrictions on specifically designated areas. Given the fact that some of the controls currently in place in specified locations are very restrictive, it would not be proportionate to replicate these across the whole District. However, it would be proportionate to have some of the less restrictive conditions applied in a consistent manner across the District and have stronger controls in place in areas where these are appropriate. It is proposed that a consultation be undertaken with this as the preferred approach.
- 3.4 In order to be transparent and proportionate and, crucially, not to interfere unduly with the legitimate activities of responsible dog owners, it is suggested that consultation be undertaken with a view to the following conditions being applied under a new PSPO:-
- The PSPO would apply to the whole of Huntingdonshire, with general conditions covering the whole District and additional conditions which would only apply in specified locations, similar to the arrangements under the current Dog Control Orders;
 - The conditions of the PSPO would not apply to guide dogs or assistance dogs, within defined criteria (this is the same as the current situation);
 - A District-wide condition requiring dog faeces to be picked up and taken away or disposed of in a suitable bin (this is more restrictive than the current arrangement, as some parts of the District are not currently covered);
 - 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 (this is an additional condition);
 - A District-wide condition requiring dogs to be placed on a lead upon request by any authorised officer (this is the same as the current situation);

- A condition requiring dogs to be kept on a lead at all times in specified locations (this is the same as the current situation- no change is proposed to the specified locations); and
 - A condition stating that dogs are not allowed in specified locations (this is the same as the current situation- no change is proposed to the specified locations).
- 3.5 If necessary, this approach could be supplemented at a later time by placing additional conditions on specified areas, should these be required in response to locally evidenced issues.

4. KEY IMPACTS / RISKS

- 4.1 The key risk relating to this issue relates to the fact that, under the transitional arrangements for the implementation of the Anti-Social Behaviour, Crime and Policing Act 2014, all existing Dog Control Orders will lapse in October 2017 unless replaced by an appropriate PSPO. The development of a new PSPO will mitigate this risk.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 As required under the Anti-Social Behaviour, Crime and Policing Act 2014, a consultation exercise will be required prior to implementing a new PSPO. It is proposed that this be started immediately upon receiving Committee authorisation and lasting until the 15th August. The results will be reported back to this Committee at its meeting on 20th September. If the Committee agrees to the implementation of a new PSPO, it will then have to be publicised for a period of 20 days before it comes into force.

6. CONSULTATION

- 6.1 In order to ensure that the proposed PSPO is appropriately balanced and addressing the issues which are considered important, a consultation exercise will be undertaken. This exercise will be conducted on-line and will be widely publicised in the local media, on-line and by writing to appropriate local bodies and interest groups.
- 6.2 Specific comments will be sought from the Police and Crime Commissioner, the Police, Town Councils and Parish Councils.
- 6.3 Views will be sought on the following specific issues:-
- Whether the Council should implement a new PSPO;
 - Whether a new PSPO should cover the whole of the District or be limited to specified areas;
 - Whether the Council should require that dog faeces to be picked up and taken away or disposed of in a suitable bin across the whole District;
 - Whether persons in control of dogs should 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;

- Whether the Council should require that dogs to be placed on a lead upon request by any authorised officer in specified locations, as per the current designation;
- Whether dogs should be excluded from specified locations, as per the current designation;
- Whether dogs should be excluded; and
- Whether there are any other dog controls which the Council should introduce under a PSPO.

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

- 7.1 Placing effective controls on dogs an 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”.

8. LEGAL IMPLICATIONS

- 8.1 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.
- 8.2 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.

9. RESOURCE IMPLICATIONS

- 9.1 There are no significant resource implications at this stage. Any impact of implementing a PSPO will be reported to the Committee in September 2017.

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 As noted, consultation with appropriate parties is required in order to implement a PSPO. Approval from the Committee is required prior to implementation of a new PSPO and this will be sought at the Committee’s meeting on 20th September, in the light of the consultation results.

11. LIST OF APPENDICES INCLUDED

None.

BACKGROUND PAPERS

None.

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