

LOUGHBOROUGH AREA COMMITTEE – 19TH JUNE 2019

Report of the Head of Regulatory Services

ITEM 8 DOG CONTROL PUBLIC SPACES PROTECTION ORDERS CHARNWOOD BOROUGH COUNCIL

Purpose of the Report

To enable the Committee to be consulted on the review of the Public Spaces Protection Order for Charnwood Borough Council for dog control prior to the formal notification and consultation process.

To provide the Committee with a summary of the consultation responses that have been received and the likely future stages of varying the Order.

Action Requested

That the Committee provides its comments on the review of the Public Spaces Protection Order for Charnwood Borough Council for dog control as they relate to Loughborough.

Reason

To perform the Committee's function to be consulted on matters of policy and strategic direction which relate to or affect the Loughborough town area.

Background

1. PSPOs were introduced by section 59 of the Anti-Social Behaviour Crime and Policing Act 2014. PSPOs can be varied under section 61 of the Anti-Social Behaviour Crime and Policing Act 2014.
2. PSPOs are an order created in relation to areas within the local authority's jurisdiction where activities are taking place that are or likely to be detrimental to the local community's quality of life. Charnwood Borough Council is the local authority which has the power to make/vary and extend Public Spaces Protection Orders for any land which is within the Charnwood boundary.
3. PSPOs impose conditions or restrictions on people within that area, such as dog control or drinking alcohol.
4. A breach of a PSPO is an offence punishable by a fixed penalty notice and/or prosecution in a Magistrate's Court.
5. PSPOs provide the local authority with a means by which to control specific activities such as dog control or dog fouling taking place within a specified area and by which anti-social behaviour has been causing a nuisance or annoyance to those living or visiting the area. The Police, Police Community

Support Officers and Council Officers have powers under the legislation to enforce the PSPOs and tackle such behaviour.

6. In order to vary a PSPO, local authorities are required to consult with the public, Police and community representatives. The consultation process as a whole is based on statutory guidance.
7. A PSPO can last for up to three years. The local authority which made the Order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent:
 - a) Occurrence or reoccurrence after that time of the activities identified in the order.
 - b) An increase in the frequency or seriousness of those activities after that time.

Any extension of the PSPO cannot be for a period of more than three years (although there is no limit on the number of times that the PSPO can be renewed).

8. Where a PSPO is in force, the local authority that made the order may vary it by:
 - a) Increasing or reducing the restricted area.
 - b) Altering or removing a prohibition or requirement included in the order or adding a new one.
9. The existing Charnwood PSPO relating to dog control was introduced in 2017 under the Anti-Social Behaviour Crime and Policing Act 2014 and will expire in January 2020. There are four main areas covered:
 - Dog fouling – this covers dog fouling offences on areas of land within the Borough which are open to the air and to which the public have access whether by payment or not.
 - Dogs on leads – dogs should be on lead at all times within specified areas.
 - Dogs on leads by direction – this applies to specific areas of land where it makes it an offence not to put a dog on a lead if directed by an Authorised Officer.
 - Dogs Exclusion - this applies to fenced children's play areas where there is a sign in place where it makes it an offence to allow your dog into these areas.
10. In relation to Loughborough the existing PSPO applies the dogs on leads and dogs on leads by direction requirements in the following locations:
 - Dogs on leads – Loughborough Cemetery
 - Dogs on lead by direction - Charnwood Water, Booth Wood and Shelthorpe Pitch and Putt.

11. Under the provisions of the statutory guidance, new requirements can only be introduced where there has been clear evidence of complaints and problems in a specific area. If possible new requirements are proposed then officers would need to consider whether sufficient evidence exists to include the new requirements as part of the formal consultation stage.

Progress

12. A public consultation started on 20th March 2019 and finished on May 24th 2019. The following groups were consulted using the following methods:
 - a) All residents – via parish and town councils, Charnwood Borough Council website and social media
 - b) All parish and town councils – via email
 - c) Police and Crime Commissioner and Policing Body- certificate of consultation
 - d) Borough Councillors via briefing papers on email and electronic newsletter.
13. In total, 322 people responded to the consultation in total (none of the questions were mandatory so some people did not answer all the questions). There were also responses from organisations.
14. There were no specific comments from organisations in relation to Loughborough. In terms of the Borough as a whole the Local Policing Body agreed that they were fully consulted with and said that the PSPO seemed to be necessary and proportionate and the Police and Crime Commissioner signed the certificate of consultation and had no comment.
15. Responses from the consultation for all residents are summarised as follows:
 - Q1: To insist on people picking up dog faeces when in charge of a dog (This will be Borough wide excluding private and agricultural land)
 - 319 (99.07%) agreed
 - 1 (0.31%) was neutral
 - 2 (0.62%) disagreed
 - Q2: To not allow dogs within a fenced children's playing area *currently all fenced children's play areas with a sign at the entrance "dogs exclusion area" are included in the Dog Control Order
 - 294 (91.59%) agreed
 - 11 (3.43%) were neutral
 - 16 (4.98%) disagreed with the proposal
 - Q3: To insist that dogs are always kept on leads in cemeteries and graveyards
 - 274 (85.09%) agreed
 - 34 (10.56%) were neutral
 - 14 (4.35%) disagreed

Q4: To limit the number of dogs being walked at any one time to ensure they are being kept under proper control

- 156 (48.45%) agreed
- 78 (24.22%) were neutral
- 88 (27.33%) disagreed

Timetable and future stages

16. There is a formal process for making changes to PSPOS and the timetable for completing the process is set out in the table below:

Event	Date	Stage
Cabinet meeting	4th July 2019	Notice of Intention to 'Make an Order' to be presented to Cabinet for approval.
Formal Consultation period	Following Cabinet meeting on 4th July 2019	28-day notice period to allow for objections and comments on the proposed PSPO. Published on Charnwood Borough Council website page and in paper format at appropriate places.
End of formal consultation period	After 13th September 2019	Review of comments and decision made on terms of PSPO. Signing of PSPO and publishing on website and in paper format that order is in place.

Process for reviewing comments and objections during the Notice period

17. The Notice will allow interested parties an opportunity to make comments and/or objections to the proposed Order. The Notice will be displayed in paper format in locations where additional controls have been added, on noticeboards by parish and town councils and on the Charnwood Borough Council website.
18. The notice period is 28 days which will commence following the Cabinet meeting and the call-in period (subject to approval). During the notice period all responses will receive an acknowledgement of receipt. Objections will be reviewed, and the relevant party will be contacted. Comments will also be reviewed and considered.
19. After the closing date a full review of comments will take place and a decision made on the terms of the PSPO.

Enforcement

20. Authorisation to enforce the requirements of the PSPO is delegated to the Head of Regulatory Services under section 8 of the Council's Constitution. The Head of Regulatory Services can in turn sub-delegate that authority to other officers.
21. Once the PSPO is in place it will be enforced by the following:
 - a) Street Wardens
 - b) Enviro Crime Enforcement Officers/Regulatory Services Enforcement Officers
 - c) Dog Warden
 - d) Suitably trained and qualified Enforcement Officers employed by parish and town councils. Currently the Groundsman and Enforcement Officer at Birstall Parish Council fulfils this criterion and is has been authorised to enforce dog control at three Birstall parks since the implementation of the PSPO in January 2017.

Background Papers: [Public Spaces Protection Order \(Dog Control\) Charnwood Borough Council 2017](#)

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