

## CABINET – 4TH JULY 2019

### Report of the Head of Regulatory Services Lead Member: Councillor Margaret Smidowicz

#### Part A

#### ITEM PUBLIC SPACES PROTECTION ORDER ('PSPO') – CHARNWOOD CONTROL OF DOGS 2020

##### Purpose of Report

To seek approval of the Notice of Intention and upon expiry of the 28-day notice period to approve the Public Spaces Protection Order (Charnwood Borough Council) Control of Dogs 2020 under the provisions of the Anti-Social Behaviour Crime and Policing Act 2014.

##### Recommendations

1. That the Notice of Intention, attached in Appendix A, be approved and issued.
2. That if there are no objections the draft Public Spaces Protection Order ('PSPO'), attached at Appendix B be approved as drafted after the expiry of the 28 days' notice period.
3. That the Head of Regulatory Services, in consultation with the Lead Member for Regulatory Services, be given delegated authority to amend and make the Order if there are only minor alterations required.
4. That the Head of Regulatory Services, in consultation with the Lead Member for Regulatory Services, be given delegated authority to make revisions and amendments to the Order in response to future requests for additional dog controls (for requests which cover no more than one ward).
5. That the Head of Regulatory Services, in consultation with the Lead Member for Regulatory Services, be given delegated authority to extend the Order if there are no major changes required to the Order at the renewal time (January 2023).
6. That the Head of Regulatory Services, in consultation with the Lead Member for Regulatory Services, be given delegated authority to authorise staff at Parish/Town Councils or other organisations, as deemed appropriate, to issue fixed penalty notices for dog control offences.

##### Reasons

1. To inform the public about the content of the proposed PSPO and give a formal opportunity for them to raise objections and comments.

- 2.&3. To vary the PSPO under the provisions of the Anti-Social Behaviour Crime and Policing Act 2014, to address anti-social behaviour issues relating to dog control and to ensure the law-abiding majority can use and enjoy public spaces.
4. To enable relevant revisions to the PSPO subject to evidence of dog control issues in an area (revisions impacting on more than one Ward will require Cabinet approval).
5. To enable renewal of the PSPO if there are no major changes required.
6. To assist Town/Parish Councils and other suitable organisations in the ability to offer an enhanced enforcement service in addition to the provision from the Council.

### Policy Justification and Previous Decisions

This action meets with the Council's value for working together: 'We work together as one council and in partnership with openness and integrity'. It also meets with the Council's value 'Pride in Charnwood': 'We take pride in our work and Borough always striving for improvement'.

The PSPO also contributes to achieving the main objectives within the Corporate Plan 2016-2020 'Every Resident Matters' and 'Delivering Excellent Services'.

The Anti-Social Behaviour Crime and Policing Act 2014 was introduced in October 2014. The Act introduced Public Spaces Protection Orders to last for up to 3 years.

The Council currently has a PSPO which started in January 2017. The PSPO can last for up to 3 years so a consultation was undertaken so that following a review of the feedback a decision could be made whether to extend or vary the existing PSPO.

There were a few locations which needed to be included on the schedule. Taking this into consideration it was decided to opt for a variation to the existing order rather than an extension.

### Implementation Timetable including Future Decisions and Scrutiny

If Cabinet approval is granted and following the call-in period, the timetable will be as follows:

- A Notice to make an Order and draft PSPO will be published with a 28-day notice period to allow for objections and comments on the proposed PSPO.
- Review of comments and decision made on terms of PSPO.
- If no objections are received, then the Order will be made as drafted.
- If there are minor objections or need for alterations, the Head of Regulatory Services will amend and make the Order.
- If there are major objections a further Cabinet report will be written for a decision at Cabinet to revise or not and progress with the PSPO.

After this point, the PSPO will be published on the Council website and in paper format with an implementation date.

## Report Implications

The following implications have been identified for this report.

### *Financial Implications*

The financial implications of the PSPO will involve additional signage for new areas outlined during the consultation. These are estimated to be £500 for metal signs and attachments. These costs will be met within the existing budgets.

### *Risk Management*

No specific risks identified.

### *Equality and Diversity*

An Equalities Impact Assessment has been carried out in relation to the PSPO. The findings of the equality impact assessment have been taken into consideration and have been incorporated into the PSPO. The Equality Impact Assessment can be seen in Appendix C.

### *Crime and Disorder*

PSPOs are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.

The PSPO will add clarity to people living and visiting the Borough about expectations in relation to dog control.

Enforcement of the PSPO will also send out a strong message to people that allowing a dog to foul and not clearing away afterwards or not keeping a dog under control is unacceptable and anti-social.

Key Decision:	Yes
Background Papers:	Overview of legislation Number of Incidents and enforcement actions Summary of consultation responses
Officers to contact:	Nicola Gibson Enviro Crime and Dog Control Manager Tel: 01509 634576 <a href="mailto:Nicola.gibson@charnwood.gov.uk">Nicola.gibson@charnwood.gov.uk</a>

Alan Twells  
Head of Regulatory Services  
Tel: 01509 634650  
[alan.twells@charnwood.gov.uk](mailto:alan.twells@charnwood.gov.uk)

## Part B

### Background

1. The Anti-social Behaviour Crime and Policing Act 2014 brought in Public Spaces Protection Orders (PSPOs) for the control of a range of ASB issues, including problems relating to dog control.
2. The existing PSPO was introduced on 7<sup>th</sup> January 2017 and will expire on 6<sup>th</sup> January 2020. There are four main areas within the order:
  - 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 lead – Dogs should always be on lead 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.

### Development of PSPOs

3. The main proposals for the variation of the PSPO is to replace the existing controls for dog fouling, dogs on leads and dog’s exclusion with similar provisions and to include the following additional requirements:
  - a) Add the requirement for dogs on leads by direction at the following areas following evidence of dogs which are not in full control worrying wild fowl:
    - I. Dishley Pool
    - II. Stonebow Washlands
  - b) Add two new locations to the schedule for dog exclusion zones:
    - (i) Lilac Way Playing Fields, East Goscote
    - (ii) Weavers Wynd, East Goscote
  - c) Add a new location to the schedule for dogs on leads:
    - (i) The Peace Garden, Loughborough Road, Mountsorrel
4. In establishing which restrictions or requirements should be included in the PSPO, the Council needs to ensure that the measures are necessary to prevent a detrimental effect for those in the locality or reduce the likelihood of the detrimental effect continuing or recurring.

5. A Notice of Intention is the final stage of the formal consultation process to offer a chance for the residents and interested parties to make comment or object to the proposals outlined on the draft PSPO.
6. Following review of the comments from the consultation at notice stage, the final set of measures is agreed. The PSPO will be published in accordance with the regulations made by the Secretary of State and must:
  - identify the activities having the detrimental effect;
  - explain the potential sanctions available on breach; and
  - specify the period for which the PSPO has effect.
7. The PSPO applies to the whole of the Borough of Charnwood. Detail about specific areas will be outlined in the PSPO Schedule; a draft copy is included within Appendix B.
8. The PSPO is required to enable enforcement to take place to deal with on-going problems of dog fouling and dog control incidents across the Borough, which has increased in number over the last 3 years.

#### Consultation

9. At the start of the process it is a requirement to consult with the local Police and the Police and Crime Commissioner to share information about the area and the problems being caused.
10. It is also a requirement to consult with residents and organisations. A public consultation started in March 2019 to May 2019: the following groups were consulted using the methods outlined:
  - a) All residents – website and social media.
  - b) All parish and town Councils – in writing.
  - c) Police and Crime Commissioner and Local Policing Body – in writing.
  - d) Borough Councillors via briefing notes and Digital Democracy
11. The consultation results are summarised in the background papers. There were no significant issues raised as part of this initial consultation. Any specific areas identified for inclusion in the PSPO have been incorporated where suitable evidence has been collated.
12. The Notice of Intention offers a further opportunity for consultation where the public can make comments and raise objections. The Notice will be published on the Council website and in paper format at various points across the Borough where changes have been proposed.

#### Enforcement, Education and Campaigns

13. Any enforcement of legislation should be balanced with the need to educate people about the potential sanctions they may encounter if they do not comply

with the law. The Don't Muck Around campaign is run annually to make people aware of the various legislation in relation to environmental crime.

14. To enforce the PSPO in line with the relevant legal requirements and guidance, all officers will need to be fully trained and authorised. It will be enforced by the following:
  - a) Street Wardens (Charnwood Borough Council)
  - b) Enviro Crime Enforcement Officers (Charnwood Borough Council)
  - c) Regulatory Services Enforcement Officers (Charnwood Borough Council)
  - d) Dog Warden(s) (Contractors for Charnwood Borough Council)
  - e) Groundsman and Enforcement Officer (Birstall Parish Council)
15. It is also proposed, subject to Cabinet approval to work with Parish and Town Councils and other services within Charnwood Borough Council to authorise officers so they can help with enforcement of dog control in their area. This would apply where agreement has been reached with the Council and subject to training, vetting and authorisation.
16. Fixed penalty notices of £100 will be issued by authorised officers. A fixed penalty notice is a way of discharging liability and if paid will ensure closure of the matter. The fee can be reduced to £50 if paid within 10 days. Failure to pay the fixed penalty notice may result in prosecution.

#### Timetable and future stages

17. The timetable for completing the Public Spaces Protection Notice for Charnwood Borough Council is set out in the table below:

<b>Event</b>	<b>Date</b>	<b>Stage</b>
Cabinet meeting	4 <sup>th</sup> July 2019	Notice of intention to 'Vary an Order' and Draft PSPO to be presented to Cabinet for approval.
Publication of Notice of Intention	Following Cabinet meeting on 4 <sup>th</sup> July 2019 and call in period	28-day notice period to allow for objections and comments on the proposed variation to the PSPO. Published on Charnwood Borough Council website page and in paper format at appropriate places.
End of formal consultation period for Notice of Intention	After 28-day period	<p>Review of comments and decision made on terms of PSPO.</p> <ul style="list-style-type: none"> <li>• If no major objections are received, then the Order will be made as drafted.</li> <li>• If there is a need for minor alterations: The Head of Regulatory Services will redraft and make the Order and make the Order.</li> <li>• If there are major objections, then a further Cabinet report will be written for a decision at Cabinet to revise or amend the PSPO. Alternatively, Cabinet could decide not to proceed with the PSPO.</li> </ul> <p>Followed by signing of PSPO and publishing on website if decision to make</p>

### Appendices

Appendix A	Notice of Intention – Charnwood Borough Council Dog Control
Appendix B	Draft Public Spaces Protection Order – Charnwood Borough Council Dog Control 2020
Appendix C	Equality Impact Assessment

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014  
CHARNWOOD BOROUGH COUNCIL**

**DATED**

**NOTICE OF INTENTION TO MAKE A PUBLIC SPACES PROTECTION ORDER  
DOG CONTROL – CHARNWOOD BOROUGH COUNCIL**

Notice is hereby given that Charnwood Borough Council ('the Council') proposes for the purposes of reducing antisocial behaviour in relation to dog control to vary a Public Spaces Protection Order under Section 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 and of all other enabling powers.

**The Council would like to seek your views on the proposed Notice of Intention to vary an order. This Notice outlines the details of the proposed variations to the Order in red ink in the schedules on page 2 and 3. Any comments and/or objections should be sent in writing or by email to the correspondence address below.**

At the closure of the formal consultation period, Charnwood Borough Council will review all comments/objections and will decide on whether to vary the order or an alternative in part or in full.

The Public Spaces Protection Order will seek to address anti-social behaviour issues relating to dog control across the Borough of Charnwood.

The majority of dog owners are responsible and display effective dog control but there are some occasions where additional controls are necessary to ensure all people in control of dogs are acting responsibly.

The Council takes the health and well-being of the residents very seriously, and seeks to promote a healthy, safe environment for all residents, protecting them from anti-social behaviour in the form of dog control issues. These issues include:

- Owners allowing dogs to foul and not clearing away afterwards
- Dogs defecating on graves at cemeteries/graveyards
- Dogs in dog exclusion zones where small children are playing
- Dogs not being kept under control on a lead near wildfowl and other animals causing distress and sometimes fatalities
- Dogs out of control in public areas

The effect of the Order will be to apply conditions to dog owners by:

- Insisting they clear up after their dogs if they foul forthwith
- Insisting all dogs are kept on leads in cemeteries which are owned/managed by Charnwood Borough Council or the Parish/town Councils
- Insisting dogs are not to be taken into fenced children's' play areas

- Insisting dogs are put on lead if directed by an authorised officer in areas outlined in schedule below.

This Order applies to the public places described in the Schedule to this Order (“the restricted area”)

### SCHEDULE

Condition	Location
Dogs on leads at all times Fixed penalty notice £100	All cemeteries within Charnwood Borough Council which are owned/managed by the Borough Council or the parish or Town Council  <b>Variation to apply from January 2020: Peace Garden, Loughborough Road, Mountsorrel</b>
Dogs on lead by direction Fixed penalty notice £100	Booth Wood Shelthorpe Pitch and Putt Charnwood Water Kelcey Lake (Quorn)  <b>Variation to apply from January 2020: Dishley Pool Stonebow Washlands</b>
Dog exclusion zones Fixed penalty notice £100	All fenced children’s play areas which display a sign stating “dog exclusion zone) whether the sign uses those particular words or words and/or symbols having like effect)  <b>Variation to apply from January 2020: Lilac Way, East Goscote Weavers Wynd, East Goscote</b>
Clearance of dog faeces Fixed penalty notice £100	Borough wide on any land which is open to the air and has access to the public whether by payment of not
Dogs on leads at all times Fixed penalty notice £100	Birstall Parks: 1.School Lane Playing Fields, Birstall 2. Meadow Lane Playing Fields/Worcester Avenue fields, Birstall 3.Harrowgate Drive Playing Fields, Birstall

A draft of the proposed Order is available for inspection on the Council’s website Reference: CBC/07/19).

More details about the Proposed PSPO can be found on the Charnwood Borough Council website at: <http://www.charnwood.gov.uk/pages/currentconsultations>

Any representation or objection to the proposed Public Spaces Protection Order must be in writing addressed to:

Head of Regulatory Services,  
Charnwood Borough Council,  
Southfield Road,  
Loughborough,

Leicestershire  
LE11 2TR

Stating the reference number to which they relate and the grounds for making them before (insert date (28 days). Alternatively, you can email [cleaner.greener@charnwood.gov.uk](mailto:cleaner.greener@charnwood.gov.uk) quoting reference CBC/07/19.

APPENDIX B – Proposed Public Spaces Protection Order

**The Anti-Social Behaviour, Crime and Policing Act 2014**

**DATED**

**The Public Spaces Protection Order – Dog Control Charnwood Borough Council 2020**

Charnwood Borough Council (“the Council”) in exercise of its power under section 61 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and of all other enabling powers being satisfied that that the conditions set out in section 61 of the Act have been met varies the existing Public Spaces Protection Order – Dog Control Charnwood Borough Council 2016:

**1. Fouling**

If within the administrative area of the Council a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:

- (a) he has 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.

**2. Leads by Order**

A person in charge of a dog shall be guilty of an offence if, at any time, on land detailed in Schedule 1 does not comply with a direction given to him by an officer authorised by the Council to put and keep the dog on a lead (no more than 1.5 metres in length) unless:

- (a) he has 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.

**3. Leads**

A person in charge of a dog shall be guilty of an offence if, at any time, on land detailed in Schedule 2 below he does not keep the dog on a lead no more than 1.5 metres in length unless:

- (a) he has 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.

**4. Exclusion**

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 remain on, any land detailed in Schedule 3 below unless:

- (a) he has 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.

## **5. Exemptions**

Nothing in this Order shall apply to a person who –

- (a) Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance;
- (c) Is a member of Assistance Dogs UK; or
- (d) Has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

For the purpose 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;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or the disposal of waste, shall be sufficient removal from the land;
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.
- “An authorised officer of the Council” means an employee, partnership agency or contractor of Charnwood Borough Council who is authorised in writing by Charnwood Borough Council for the purposes of giving directions under the Order.
- Each of the following is a “prescribed charity” –
  - Dogs for the Disabled (registered charity number 700454)
  - Support Dogs Limited (registered charity 1088281)
  - Canine Partners for Independence (registered charity number 803680)

## **6. Penalty**

A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A person may be offered a Fixed Penalty Notice of £100 by way of discharging liability for the offence. The Fixed Penalty Notice is reduced to £50 if paid within 10 days of issue.

## Schedule One

Variations to the existing PSPO are shown in red (bold)

### Dogs on Lead by Direction

Map No.	Location	Geographical Area	Ward/Parish/Town
1.	Charnwood Water	Loughborough	Hastings
1.	Booth Wood	Loughborough	Garendon
1.	Shelthorpe Pitch and Putt	Loughborough	Shelthorpe
14.	Springfield Lake, Kelcey Road	Quorn	Quorn/Mountsorrel
<b>1.</b>	<b>Dishley Poole</b>	<b>Loughborough</b>	
<b>1.</b>	<b>Stonebow Washlands</b>	<b>Loughborough</b>	

## Schedule Two - The Keeping of Dogs on Leads

Map No.	Location	Geographical Area	Ward/Parish/Town
1.	Cemetery – Leicester Road	Loughborough	Shelthorpe
6.	Cemetery – Groby Lane	Anstey	Anstey
7.	Cemetery – Cotes Road	Barrow Upon Soar	Barrow Upon Soar
8.	Cemetery – Greengate Lane	Birstall	Birstall
8.	School Lane Playing Fields Meadow Lane Playing Fields Harrowgate Fields - Playing Fields	Birstall	Birstall
9.	Cemetery – Melton Road	Burton on the Wolds	Burton on the Wolds, Cotes and Prestwold
10.	Cemetery – Wymeswold Lane	Corner of Wymeswold Lane and Rempstone Road	Hoton
11.	Cemetery – Groby Lane	Newtown Linford	Newtown Linford

12.	Cemetery – South Croxton Road	Queniborough	Queniborough
14.	Cemetery – Church Lane	Off the High Street and Station Road	Quorn
14.	Closed Churchyard – St Bartholomew’s Church	Church Lane	Quorn
15.	Cemetery – Mountsorrel Lane	Rothley	Rothley
16.	Cemetery - Charnwood Road	Shepshed	Shepshed
16.	Closed Churchyard – St Botolphs	Shepshed	Shepshed
18.	Cemetery – Barkby Road	System	System
19.	Cemetery – Leicester Road, Cropston	Cropston	Thurcaston and Cropston
21.	Cemetery – Rempstone Road	Wymeswold	Wymeswold
22.	Cemetery – Cemetery Road	Sileby	Sileby
23.	Cemetery – Green Hill Rise	Hathern	Hathern
23.	Cemetery – Church Street	Hathern	Hathern
23.	Closed Cemetery – St Peter and Paul Church	Church Street	Hathern
24.	Cemetery – off A607	Thurmaston	Thurmaston
25.	Cemetery – Loughborough Road	Mountsorrel	Mountsorrel
<b>25.</b>	<b>Peace Garden – Leicester Road</b>	<b>Mountsorrel</b>	<b>Mountsorrel</b>

### Schedule Three - Dogs Exclusion

Map No.	Location	Geographical Area	Ward/Parish/Town
6.	Children's Play Area,	Stadon Road	Anstey
7.	Children's play area	Hollow Road	Anstey
8.	Toddler Play Area	Wycliffe Avenue	Barrow Upon Soar
9.	Children's Play Area	Meadow Lane Harrowgate Drive School Lane Playing Fields Hallam Fields Tithe Close	Birstall
10.	Children's Play Area	Towles Fields Hubbard Road	Burton on the Wolds
11.	Children's Play Area	Jubilee Playing Fields, Long Furrow	East Goscote
12.	Children's Play Area	Old Parsonage Lane	Hoton
15.	Children's Play Area	King George V Playing Fields, Coppice Lane	Queniborough
16.	Children's Play Area	Stafford Orchard, Station Road	Quorn
17.	Children's Play Area	Town Green Street Play Area	Rothley
18.	Children's Play Area	Oakley Road, Glenmore Park	Shepshed
18.	Children's Play Area	King George V Playing Field	South Croxton
19.	Skate Park, Central Park	Melton Road	Syston
20.	Children's Play Area	Jubilee Park, Latimer Road, Cropston	Thurcaston and Cropston
21.	Toddler Play Area	Memorial Hall Playground, Clay Street	Wymeswold
22.	Children's Play Area, Memorial Park	Seagrave Road	Sileby
23.	Children's Play Area Hathern Park	Pasture Lane	Hathern
24.	Children's Play Area	Garden Street Recreation Ground and Elizabeth Park	Thurmaston
25.	Children's Play Area	Loughborough Road Play Area and Leicester Road Playing Fields	Mountsorrel
<b>11.</b>	<b>Children's Play Area</b>	<b>Weaver's Wynd</b>	<b>East Goscote</b>

<b>11.</b>	<b>Children's Play Area</b>	<b>Lilac Way</b>	<b>East Goscote</b>
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### Dogs Exclusion – Loughborough

Map No.	Location	Geographical Area
1.	Children's Play Area: <ul style="list-style-type: none"> <li>• Braddon Road</li> <li>• Brush Drive</li> <li>• Cumberland Road</li> <li>• Garendon Road</li> <li>• Great Central Road</li> <li>• Hartington Street</li> <li>• Holt Drive</li> <li>• Jubilee Park (children and toddlers play areas)</li> <li>• Kirkstone Drive</li> <li>• Moat Road</li> <li>• Newstead way</li> <li>• Queens Park</li> <li>• Radmoor Road</li> <li>• Rendell Street</li> <li>• Shortcliff Park</li> <li>• Sidings Park</li> <li>• Epinal Court</li> <li>• Farnham Road</li> <li>• Matthew Arnold Court</li> <li>• Meadow Avenue</li> <li>• Warwick Court</li> </ul>	Loughborough

## **Charnwood Borough Council**

### **Equality Impact Assessment 'Knowing the needs of your customers and employees'**

#### **■ Background**

An Equality Impact Assessment is an improvement tool. It will assist you in ensuring that you have thought about the needs and impacts of your service/policy/function in relation to the protected characteristics. It enables a systematic approach to identify and recording gaps and actions.

#### **■ Legislation- Equality Duty**

As a local authority that provides services to the public, Charnwood Borough Council has a legal responsibility to ensure that we can demonstrate having paid due regard to the need to:

- ✓ Eliminate discrimination, harassment and victimisation
- ✓ Advance Equality of Opportunity
- ✓ Foster good relations

For the following protected characteristics:

1. Age
2. Disability
3. Gender reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race
7. Religion and belief
8. Sex (Gender)
9. Sexual orientation

What is prohibited?

1. Direct Discrimination
2. Indirect Discrimination
3. Harassment
4. Victimisation
5. Discrimination by association
6. Discrimination by perception
7. Pregnancy and maternity discrimination
8. Discrimination arising from disability
9. Failing to make reasonable adjustments

**Note: Complete the action plan as you go through the questions**

## Equality Impact Assessment – Public Spaces Protection Orders

### Step 1 – Introductory information

Title of the policy	Public Spaces Protection Orders
Name of lead officer and others undertaking this assessment	Nicky Gibson
Date EIA started	22 <sup>nd</sup> March 2016
Date EIA completed	7 <sup>th</sup> January 2017
Date EIA reviewed	31 <sup>st</sup> May 2019

### Step 2 – Overview of policy/function being assessed

Outline: What is the purpose of this policy? (Specify aims and objectives)
<p>These Orders are put in place to inform residents about dog control and requirements for dog owners in respect of:</p> <ul style="list-style-type: none"> <li>Dog fouling and not clearing up afterwards</li> <li>Dogs on leads</li> <li>Dogs on leads by Direction</li> <li>Dog exclusion zones</li> </ul> <p>The Public Spaces Protection Orders (PSPO's) was first put in place in January 2017 and lasts for 3 years. It will be varied and the varied order will be in place in January 2020. This variation is undertaken in line with the Anti-Social Behaviour Crime and Policing Act 2014.</p>
What specific group/s is the policy designed to affect/impact and what is the intended change or outcome for them?
<p>The PSPO's are relevant to all residents and visitors to Charnwood and affect anyone who is in control of a dog (s)</p> <p>People who have a registered assistance dog are exempt from dog controls – details are included in the exemptions on the Order.</p>
Which groups have been consulted as part of the creation or review of the policy?
<p>Parish/Town/Ward Clerks and Councillors</p> <p>Dog Organisations – Kennel Club and College Garth Kennels</p> <p>Borough Councillors</p> <p>All residents in Charnwood</p>

**Step 3 – What we already know and where there are gaps**

<p>List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy &amp; maternity, race, religion or belief, sex, sexual orientation etc.</p> <p>Data/information such as:</p> <ul style="list-style-type: none"> <li>Consultation</li> <li>Previous Equality Impact Assessments</li> <li>Demographic information</li> <li>Anecdotal and other evidence</li> </ul>
<p>Age – older people are often dog owners for company</p> <p>Race – BME culturally do not tend to have dogs as pets.</p> <p>Race – BME often have an inherent fear of dogs</p> <p>There are 10 million dogs in the UK according to records which equates to 1 in 6 people in the population owning a dog</p> <p>Incident recording – there is a mapping resource to identify areas where dog fouling is an issue based on reports from residents.</p> <p>Young people – should be allowed to play and use green spaces without fear of dogs being out of control</p>
<p>What does this information / data tell you about diverse group? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (Please list)</p>
<p>Residents feel more secure in the knowledge that dogs will be under better control so they can enjoy their community environment.</p>

**Step 4 – Do we need to seek the views of others? If so, who?**

<p>In light of the answers you have given in Step 2, do you need to consult with specific groups to identify needs / issues? If not please explain why.</p>
<p>All residents have been consulted and the PSPO will be reviewed every 3 years. Amendments and revisions can be added before that time if evidence is received that there is a need for additional controls. The controls must meet the legal test and must be justified.</p>

**Step 5 – Assessing the impact**

<p>In light of any data/consultation/information and your own knowledge and awareness, please identify whether the policy has a positive or negative impact on the individuals or community groups (including what barriers these individuals or groups may face) who identify with any 'protected characteristics' and provide an explanation for your decision (please refer to the general duties on the front page).</p>	
	<b>Comments</b>
<b>Age</b>	<p>Positive – clearer Orders informing residents about dog control will have a positive impact on all ages.</p>
<b>Disability (Physical, visual, hearing, learning disabilities, mental health)</b>	<p>There are exceptions to the Order for people with disabilities where their manual dexterity is affected.</p> <p>There are also exceptions in the Order for people with sight</p>

	difficulties. The Order makes it clear to all residents who are exempt which adds clarity for all residents.
<b>Gender Reassignment (Transgender)</b>	Positive - neutral
<b>Race</b>	Positive – The Order adds clarity for people about requirements in respect of dog control. Additional measures have been implemented in cemeteries and green spaces for dog control. Anecdotal evidence suggests BME population have an inherent fear of dogs.
<b>Religion or Belief (Includes no belief)</b>	Neutral
<b>Sex (Gender)</b>	Neutral
<b>Sexual Orientation</b>	Neutral
<b>Other protected groups (Pregnancy &amp; maternity, marriage &amp; civil partnership)</b>	Positive – if dogs are properly under control it would make pregnant women feel more secure.
<b>Other socially excluded groups (carers, low literacy, priority neighbourhoods, health inequalities, rural isolation, asylum seeker and refugee communities etc.)</b>	Neutral

Where there are potential barriers, negative impacts identified and/ or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.

Please note:

- If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.
- Additionally, if you have identified adverse impact that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

No

Summarise your findings and give an overview as to whether the policy will meet Charnwood Borough Council's responsibilities in relation to equality and diversity (please refer to the general duties on the front page).

This PSPO will meet Charnwood Borough Council's equality and diversity requirements by adding clarity to dog control orders.

This PSPO will be publicised on social media, Charnwood website, Town and Parish Council websites and in paper format in the areas where they will be applicable. This will spread the strong message about dog control requirements which will make Charnwood a more relaxed place to be.

**Step 6- Monitoring, evaluation and review**

Are there processes in place to review the findings of this Assessment and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?

**The PSPO's will be reviewed every 3 years and the EIA will be reviewed at the same time.**

How will the recommendations of this assessment be built into wider planning and review processes? e.g. policy reviews, annual plans and use of performance management systems.

Consultation with interested groups, stronger understanding of how the Orders can be implemented and reviewed.

**Step 7- Action Plan**

**Please include any identified concerns/actions/issues in this action plan:**

**The issues identified should inform your Service Plan and, if appropriate, your Consultation Plan**

Reference Number	Action	Responsible Officer	Target Date

**Step 8- Who needs to know about the outcomes of this assessment and how will they be informed?**

	Who needs to know (Please tick)	How they will be informed (we have a legal duty to publish EIA's)
<b>Employees</b>		Published on intranet
<b>Service users</b>		Published with Cabinet report
<b>Partners and stakeholders</b>		Published with Cabinet report
<b>Others</b>		Published with Cabinet report
<b>To ensure ease of access, what other communication needs/concerns are there?</b>		Include in paper format in areas where controls will be renewed or altered.

**Step 9- Conclusion**

<b>I agree with this assessment</b>
<b>Signed:</b> <b>Alan Twells</b> <b>(Service Head): Head of Regulatory Services</b>
<b>Date: 18<sup>th</sup> June 2019</b>