

<b>SUBJECT:</b>	<b>Update on Dog Fouling Project and Future Controls</b>
<b>REPORT OF:</b>	<b>Cabinet Member for Health and Housing</b>
<b>RESPONSIBLE OFFICER</b>	<b>Martin Holt Head of Healthy Communities</b>
<b>REPORT AUTHOR</b>	<b>David Gilmour, Environmental Health Manager Xt1327</b>
<b>WARD/S AFFECTED</b>	<b>All</b>

## 1. Purpose of Report

To provide an update on the progress of the current publicity campaign in relation to dog fouling in public parks and open spaces and to outline options available to the Council for future controls.

### RECOMMENDATION

Members are asked to support the current publicity campaign and to debate the benefits of introducing additional controls in relation to dog control.

Members are asked to comment specifically on the following areas and recommend the approach to be adopted going forward:

- Introduction of Public Space Protection Orders for South Bucks.
- If introduced the range and extent of the controls to be adopted.
- A view on the approach to enforcement now and in the future.
- A view on the range of bodies to be considered for enforcement purposes.

## 2. Executive Summary

N/A

## 3. Reasons for Recommendations

In a report submitted to the Health and Housing PAG in 2013 following a request from members for options relating to dog control it was highlighted that there was an impending change in the legislation around antisocial behaviour including dog control. The law has now changed following the enactment of the Anti-social Behaviour Police and Crime Act 2014, the current publicity campaign is designed to highlight the unpleasant and unacceptable nature of dog fouling and prepare the way for a consultation around Public Spaces Protection Orders, Members are asked to provide the policy aims to be included in that consultation.

## 4. Content of Report

Following the request from members to review and step up regulation around dog controls an awareness campaign has been commenced and will be rolled out further

over the summer. There have also been significant changes in national regulation and guidance through the introduction of Public Spaces Protection Orders.

A Public Spaces Protection Order (PSPO) is a new power introduced under the Anti-social Behaviour, Crime and Policing Act 2014, which identifies the public place and prohibits specified things being done in the restricted area and/or requires specified things to be done by persons carrying on specified activities in that area.

If adopted PSPO's will replace areas previously designated under the Dogs Fouling of Land Act 1996 and a number of out of date by-laws and will set the framework for a comprehensive and consistent approach to dealing with issues around dog control including :

- Fouling
- Keeping dogs on leads in specified areas
- Excluding dogs from specified areas.

A Public Spaces Protection Order is designed to control anti-social behaviour in a public space where it is or is likely to effect on the quality of life of those in or using the area.

Orders are made by the local authority following consultation with the police and stakeholders and on the basis of the nature and risk of the behaviour to be controlled. They can last up to 3 years before being reviewed and can be made for any public space within the district, with some restrictions this can mean any land which is wholly or partly open to the public.

Whilst a PSPO can cover the entire area it should not be considered purely as a blanket control, it is possible to specify certain areas, groups, behaviours and times of day but each restriction needs to be backed by evidence on which to base the order and to balance the rights and needs of the wider community, this evidence then needs to be kept under review.

In addition to controlling activity they can restrict access to public spaces through bans or gating requirements where that route is being used to commit anti-social behaviour.

Enforcement for a breach of the conditions of a PSPO can be by Fixed Penalty Notice (FPN) of up to £100 or via the courts a fine of up to £1000. FPN's can be served by a police officer, police community support officer or an officer authorised to serve them by the council, which enables authorisation of contracted staff and if desired community wardens or parish council staff.

There is still the option to leave the current controls in place without change, existing designations under the Dogs (Fouling of Land) Act 1996 are not affected by the introduction of this Act, but we are unable to designate new areas therefore no additional control is possible. If this option is chosen it is important that we keep these designations under review and consider including them in a PSPOs where appropriate.

## **5. Consultation**

Should the introduction of PSPO's be considered then a full consultation with the police, local communities and a range of interested parties and representative bodies is required.

**6. Options**

Members are asked to note and continue in support of the current publicity campaign and the awareness building project.

There is an option not to change the mechanism for enforcement of dog fouling, however there is an opportunity to develop a policy based on the needs and impact on local communities.

The recommended option is to agree to commence the work to identify appropriate Dog Controls and set the policy around the controls to be included and the mechanism for enforcement.

**7. Corporate Implications**

*Reports must include specific comments addressing the following implications;*

Financial - No additional resources are sought directly with this report, if agreed a further report will follow outlining the full impact and cost assessment associated with introducing PSPO's

Legal - There is a need to review the current arrangements for dog control and ensure that they are proportionate and appropriate. Not to do so would mean that the existing controls continue, however these controls are out of date and cannot be added to.

Dog fouling is anti-social and can be environmentally damaging, consideration of improving the controls in place will have a benefit to both communities and the environment.

**8. Links to Council Policy Objectives**

Links to Council Aim to conserve the environment and promote sustainability.

**9. Next Step**

Following the decision the publicity and information campaign will be stepped up and research will be carried out across the district to identify the scale of the dog control issue. Wider consultation will be held to identify the most appropriate mix for PSPO's and the policy/process will be developed and implemented over a period of 12-18 months. Further reports and updates will be submitted to Members outlining the proposals and seeking confirmation.

<p><b>Background Papers:</b></p>	<p><b>Dealing with irresponsible dog ownership a practitioner's manual</b></p>
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