

SUBJECT:	<i>Introduction of Public Spaces Protection Orders (PSPOs)</i>
REPORT OF:	<i>Councillor Paul Kelly – Cabinet Member for Healthy Communities</i>
RESPONSIBLE OFFICER	<i>Martin Holt, Head of Healthy Communities</i>
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WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

To propose the introduction of a Public Spaces Protection Order (PSPO) for South Bucks.

The PAG is asked to advise the Portfolio Holder on the following recommendation(s):

RECOMMENDATIONS to Cabinet

1. **To retain the current designated dog fouling areas and undertake further consultation in relation to the introduction of any Public Spaces Protection Order (PSPO).**
2. **To further consult on the introduction of a district wide PSPO to include the following dog control measures across the whole district, whereby the following actions mean an offence is committed:**
 - a- If a person in charge of a dog fails to clean up its faeces.
 - b- To fail to put a dog on a lead when directed to do so by an authorised officer.
 - c- To allow a dog into enclosed children's playgrounds.
3. **To support the proposed Fixed Penalty Notice (FPN) fine at £100.**
4. **That once this report has gone through this initial Cabinet cycle, that delegated authority be given to the Head of Healthy Communities in conjunction with the Head of Legal to publish appropriate PSPOs as a result of evidence being obtained and make amendments to any PSPOs as necessary.**

Cabinet to consider the advice of the Portfolio Holder and any comments arising from the PAG.

2. Reasons for Recommendations

Public Spaces Protection Orders (PSPOs) are one of a number of new powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014.

Using the new PSPO powers to replace current powers for dog fouling will mean standardised fines of £100 can be introduced. Dog control measures will be made easier to understand as they will apply across the whole district. At present the offence of dog fouling is restricted to certain areas and controls are not in place to address other antisocial issues relating to

responsible dog ownership. Introducing a PSPO allows new dog control measures e.g. failing to put a dog on a lead when directed to do so by an authorised officer and allowing a dog into enclosed children's playgrounds or sports fields.

3. Content of Report

Public Spaces Protection Orders (PSPOs) are one of a number of new powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They are designed to stop individuals or groups committing anti-social behaviour in a public space which is having or is likely to have a detrimental effect on the quality of life of people in the area.

A number of recommendations have been made as a result of the research into the proposed PSPO. The behaviour being restricted has to meet a test which is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the council if we are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

At present there is broad support for all of the proposed dog control restrictions but in order to meet the above test, further evidence is required to support their introduction.

Current Orders

There are currently a number of designated dog fouling areas across the district that were put in place 13 or more years ago. Please see appendix 2 for the full list and all available orders and maps. The current restrictions fall under the Dogs Fouling of Land Act, under which restrictions **do not** apply to carriageways above 40mph, agricultural land, woodland or common land. The PSPO however, will apply to all land to which the public has access.

It is proposed that the current designated dog fouling areas are kept as they currently are for now while further consultation takes place towards the introduction of a new Public Spaces Protection Order (PSPO) to cover additional dog control measures.

Dog control measures

During consultation, broad support was given to including all of the proposed dog control measures across the whole district.

It is proposed that support is given to continue the process and gather further evidence to back the introduction of a PSPO including the following dog control measures across the whole district, whereby the following actions mean an offence is committed:

- a) If a person in charge of a dog fails to clean up its faeces.
- b) To fail to put a dog on a lead when directed to do so by an authorised officer.
- c) To allow a dog into enclosed children's playgrounds.

Alcohol restrictions

Councils were granted three years from the introduction of PSPOs to remove any current Designated Public Place Orders (DPPOs) with alcohol restrictions or they will automatically become PSPOs. If no action is taken the current DPPOs will automatically become PSPOs in October 2017. There are no such areas in South Bucks.

Fixed Penalty Notices (FPNs)

It is proposed to support setting the Fixed Penalty Notice (FPN) fine at the maximum amount of £100 for any offence committed under the PSPO.

4. Consultation

4 weeks of consultation were carried out across South Bucks between 17th April and 14th May 2017. An email was sent containing a link to a SmartSurvey consultation, inviting opinions on the proposed introduction of the PSPO. The email was sent out to all Town & Parish Councils, District and County Councillors, Community Associations, Sports Clubs, Animal Associations (RSPCA, Dogs Trust, Kennel Club) and other interested parties (Highways, City of London Corporation, Housing Associations, Country Parks, Friends of Chesham Cemetery, and relevant internal departments at South Bucks District Council). A link was also put on the main South Bucks website and Intranet. In total 171 responses were received with a mixture of multiple choice answers and free text, used to gain more understanding of the reasons behind respondents' answers.

The following results emerged from the consultation and have been taken into consideration in the recommendations:

- The current dog fouling measures were overwhelmingly supported by 98% of respondents, however although support was received additional evidence is required to demonstrate the test.
- All additional proposed dog control measures were supported with between 84% and 90% of respondents agreeing to them.
- These include district-wide powers for dealing with dog fouling (90%), putting a dog on a lead upon request (90%), exclusion from children's playgrounds (88%) and needing to be able to produce a means to pick up after your dog (84%).
- Comments received also gave suggested a desire for sports fields and pitches to also be areas where dog are excluded, which would make enforcement more difficult as they form part of other public open spaces and are often not enclosed.
- Between 66% and 78% of respondents supported retaining all of the current DPPOs. The majority of the rest of respondents chose 'don't know', and cited that they were unfamiliar with the areas concerned.
- There seems to be a call for alcohol restrictions in some additional areas e.g. Burnham, further evidence for their introduction will be sought from the Parish Council and the Police to identify if there is sufficient evidence to pass the test for introducing additional restrictions.

The Dogs Trust and the Kennel Club commented on the proposed dog control options:

- The Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. This view was also given by the Kennel Club.

- The Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however they would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. This view was also given by the Kennel Club.
- The Dogs Trust supports Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official). They consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. This view was also given by the Kennel Club.
- However, the Kennel Club has concerns over proposals to introduce an offence of not having the means to pick up. Responsible owners will usually have dog waste bags or other means to clear up after their pets but they have some concerns, for example if dog owners are approached at the end of a walk and have already used the bags that they have taken out for their own dog, or given a spare bag to someone who has run out. If the Council proceeds to introduce such a measure it is essential it provides greater clarity to dog walkers on how to comply with the Order, such as ensuring bags are provided adjacent to waste bins. The Dogs Trust did not comment on this proposal. This option has currently been removed from the Council's proposals.

5. Options

- 1) To keep the current situation as regards to dog fouling and gather further evidence towards the introduction of a new district-wide PSPO. The fine for breach will be set at a universal amount of £100.
- 2) To decide not to continue with the introduction of the PSPO restricting enforcement in relation to dog fouling to the existing designated areas.

6. Corporate Implications

- 3.1 Financial: There are financial implications in setting up the PSPO, estimated at £3,000 dependant on the number and type of signs required. Signs will have to be erected in areas with specific restrictions. Costs will be met from existing resources. If FPNs are issued then there may be a small amount of income received.
- 3.2 Legal: The Anti-Social Behaviour, Crime and Policing Act 2014 enables the Council to issue PSPO providing compliance with the cyurrent guidance is followed. The order would exclude Burnham Beeches which is the subject of the City of London Corporation.
- 3.3 Crime and Disorder: The PSPO should deter dog related anti-social behaviour from taking place and will enable us to enforce the restrictions.
- 3.4 Environmental Issues: The PSPO should discourage dog fouling which will make the environment safer and more appealing.
- 3.5 Partnership: the recommendations follow consultation with partners.

7. Links to Council Policy Objectives

We will deliver cost-effective, customer-focused services
Listen to our customers

- Consult with you on key issues and respond to results

We will work towards safer and healthier local communities

Improve community safety

- Work with partners to reduce crime, fear of crime and antisocial behaviour

We will strive to conserve the environment and promote sustainability

Conserve the environment

8. Next Step

If authority is given we will start the process of further consultation with Town and Parish Councils and the Police to gather more evidence.

If sufficient evidence is gathered, we will then consult with the public about the restrictions we have chosen to go ahead with and will start drafting the PSPO to be published at a later date.

Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue.

9. Appendices

Private Appendix 1 – Consultation and results

Appendix 2 – Current designated dog fouling areas list and all available orders and maps.