

## **Time Extensions to Public Space Protection Orders for dog fouling, dogs on leads and dog exclusion area**

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### **Purpose of the Report**

1. For members to agree to the approval the time extension of two Public Space Protection Orders; one for dog fouling and dogs on leads across the district and one for dog exclusion at the fenced area at Yeovil Country Park

### **Forward Plan**

2. This report appeared on the District Executive Forward Plan with an anticipated Committee date of 6<sup>th</sup> February 2020

### **Public Interest**

3. In May 2011 the Council introduced a Dog Control Order to allow it to deal with dog fouling. The order made it an offence to not pick up dog foul on designated land across the district. A second Order created an offence if a person did not comply with a request from an authorised officer to put and keep their dog on a lead. A third Order excluded dogs from designated land around the play area at Yeovil Country Park. Without these orders in place Council officers would not be able to take action against persons not clearing up after their dogs.
4. In March 2014 a new piece of legislation came into force called the Anti-Social Behaviour Crime and Policing Act 2014. Under this Act Councils are required to replace any Dog Control Orders with a new order called a Public Space Protection Order (PSPO) if they still want the control to continue. In February 2017 the District Executive approved the creation of two PSPOs to address these matters. The duration of the order was for three years and the PSPOs are due to expire on the 8<sup>th</sup> March 2020.
5. As it is still believed there is a need for the controls to remain in place, this report is seeking the authority to extend the existing PSPOs for a further three years as allowed by the legislation.

### **Recommendations**

6. That District Executive agree to extend the two existing Public Space Protection Orders as set out in Annex 1 and Annex 2

### **Background**

7. In November 2010 Full Council considered a report on the introduction of three Dog Control Orders (DCO) under part six of The Clean Neighbourhoods and Environment Act 2005 (CNEA). The DCOs were modelled on (but extended) the provisions of the Dogs

(Fouling of Land) Act 1996. The CNEA gave powers to the Council to deal with dog fouling and other dog control matters across the District. The Dog Control Orders were agreed and introduced in May 2011.

8. The DCOs allow Council Officers to take action against persons who do not clear up after their dogs if they have fouled on any designated land. This is usually done by way of a fixed penalty notice. Officers will patrol known hot spots to help prevent problems arising and most people are now aware that allowing dogs to foul is an offence. In addition the DCOs allow our enforcement officers to require dog owners to put their dog on a lead if they feel it is necessary for keeping the dog under control. The area around Yeovil Country Park is also designated as a dog exclusion area.
9. In March 2014, the Anti-Social Behaviour Crime and Policing Act 2014 (The Act) was introduced. This Act introduced a range of new powers to deal with anti-social behaviour. One of the new provisions introduced was the ability to use Public Space Protection Orders (PSPO). These are intended to deal with a particular problem in a particular area and to ensure that the majority of the public can use and enjoy public spaces safe from anti-social behaviour.
10. The Act also repealed the ability to make Dog Control Orders and required that where any existed, and were still required, that they be replaced by a PSPO.

### **PSPO process**

11. In order to introduce a PSPO the Council must be satisfied that three tests are met, namely;
  - a) the behaviour to be restricted is having, or is likely to have, a detrimental effect on the quality of life of those in the locality
  - b) the behaviour is continuing or persistent, and
  - c) the behaviour is unreasonable
12. The existence of dog foul in an area is commonly regarded as being detrimental, both in terms of the unpleasantness of its visual appearance, its odour and the disgust if one is unfortunate enough to step in it, but more importantly its health impacts and the transmission of disease. The PSPOs are still required since the Council continues to receive regular complaints regarding dog fouling.
13. Whilst the vast majority of dog owners are responsible and clear up after their dogs, but there remain a minority who disregard the law. Whilst it is acknowledged that enforcement of the provisions is difficult, if the PSPOs did not exist at all we believe it would send out the wrong message that we do not take this kind of irresponsible and anti-social behaviour seriously, and the situation would gradually deteriorate.
14. It is recognised that allowing people and dogs to socialise together can be rewarding for all, however, it is also known that where dogs are not under proper control this can be alarming and intimidating for both adults and children. We receive 50 to 100 complaint a year regarding dog behaviour that has caused such alarm or distress, again providing evidence that this order is still required. The ability to require dogs to be put on a leads allows a targeted approach to tackle individuals who allow their dogs to run out of control, without impacting on the vast majority of responsible dog owners.
15. With regard to the exclusion area at Yeovil Country Park this has allowed safe management of a particularly sensitive area of the site. Wildfowl on the lake area have

been able to flourish, with greatly reduced numbers of dog attacks. With dogs excluded the issue of fouling is almost removed, and definitely greatly reduced, thus enabling safe and clean access for people with young children, and those visitors using wheeled mobility vehicles and wheel chairs that visit this particular area of site. There are alternative routes around the exclusion area and it is believed a continued exclusion area is justified.

## Consultation

16. Other than publishing the extension, no consultation is required for the extension.

## Offences

17. Non compliance with the requirements of a PSPO is an offence. The penalty, on conviction in a Magistrates Court, for committing an offence is a maximum fine of level 3 on the standard scale (currently £1000). The opportunity to pay a fixed penalty notice can be offered as an alternative to prosecution. The fixed penalty notice for DCO offences is currently set at £80, reduced to £50 if paid within 10 days. The statutory maximum amount that a fixed penalty can be set at, for an offence of contravening the PSPOs, is £100. It is proposed to leave the penalty at £80 reduced to £50 for early payment, as this is believed to be proportionate and reasonable.

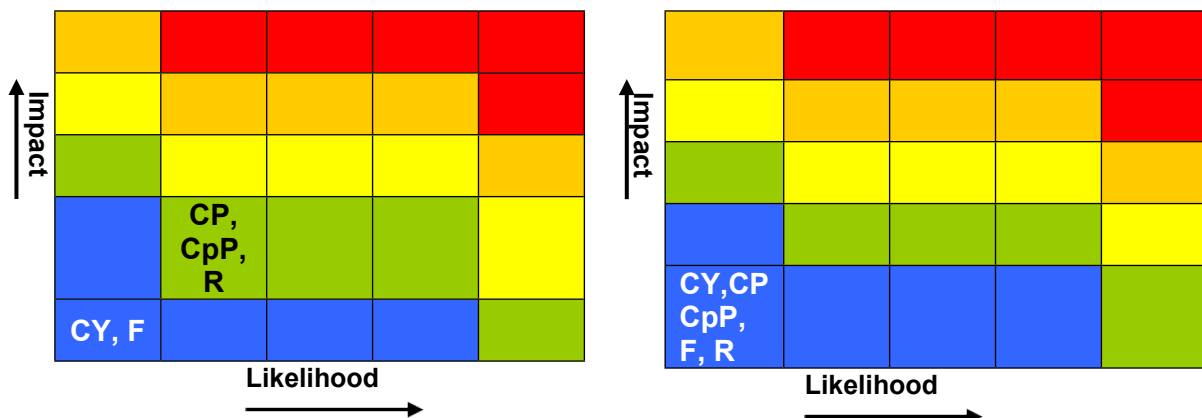
## Financial Implications

18. As the enforcement of the PSPOs would not change, there are no financial implications to the Council.

## Risk Matrix

19. The risk matrix shows risk relating to the Corporate Plan headings.

**Risk Profile before officer recommendations      Risk Profile after officer recommendations**



## Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	

CY = Capacity	Yellow = Moderate impact and moderate probability
F = Financial	Green = Minor impact and minor probability
	Blue = Insignificant impact and insignificant probability

## Council Plan Implications

The proposals in this report support the Councils Aims :

- To protect and enhance the quality of our environment

It also supports the Councils priorities to:

- Maintain Country parks and open spaces to promote good mental and physical health
- Keep streets and neighbourhoods clean and attractive

## Carbon Emissions and Climate Change Implications

No implications for carbon emissions or climate change have been identified

## Equality and Diversity Implications

An equality impact assessment has been completed. This is attached at Annex 3.

## Privacy Impact Assessment

No privacy implications have been identified.

## Background Papers

- Annex 1: The Fouling of Land by Dogs, and Dogs on Leads by Direction Public Spaces Protection Order
  - Annex 2: The Dogs Exclusion (Land at the fenced lower lake area at Ninesprings in Yeovil Country Park) Public Spaces Protection Order
  - Annex 3: Equality impact assessment (to be completed)
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