

**RECORD OF DECISION TAKEN UNDER
DELEGATED AUTHORITY FROM
EXECUTIVE/COUNCIL/COMMITTEE
DELEGATED POWERS OUTLINED IN
THE CONSTITUTION**



DELEGATED OFFICER DECISION TAKEN BY:	Strategic Director of Environment & Operations
DELEGATED BY:	Council (date of delegation)
IN CONSULTATION WITH:	Executive Member
PORTFOLIO AREA:	Environment & Operations

SUBJECT: Decision to make a Public Space Protection Order for dog control

1. DECISION

To authorise the making of a Public Spaces Protection Order (PSPO) in relation to dog control under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

2. REASON FOR DECISION

I am satisfied on reasonable grounds that dog fouling and dog control failures of a persistent nature will continue in the Borough, that this behaviour is unreasonable and would have a detrimental effect on the area.

3. BACKGROUND

Under the Anti-Social Behaviour Crime and Policing Act 2014 section 59(1) a Public Spaces Protection Order can be created by a local authority where it is satisfied on reasonable grounds that activities carried out in a public place have had a detrimental effect on the area, or it is likely that activities will be carried on in a public area and that they will have such an effect. In addition, it must be shown that the effect or likely effect of the behaviour is or is likely to be persistent, unreasonable, and that provisions of the Order are justifiable.

Due to persistent levels of dog fouling, and poor control over domestic dogs by some owners in the Borough, a Public Spaces Protection Order to control dog fouling and behaviour was introduced on 18th January 2018.

It was renewed on 18th January 2021 and has now expired.

4. KEY ISSUES AND RISKS

Dog fouling continues to be a persistent issue within the Borough. In 2023-24 the Council received 80 complaints specifically about dog fouling (and dogs not being on leads) but dog fouling is reported to be a persistent and wide ranging problem, and elected members receive a significant number of complaints about it.

The proposed PSPO, in summary, states that a person in charge of a dog commits an offence if :

- the dog defecates on the areas of land specified and they fail to remove it forthwith, and
- commits an offence if they fail to keep the dog on a lead in the cemeteries and
- commits an offence if they take a dog onto, or permit the dog to remain on, the sports or play areas specified.

It is a balanced PSPO which allows adequate enforcement against anti-social behaviour relating to dogs but does not impinge unduly on the rights of dog owners or the welfare of dogs. Its provisions are consistent with the views of the RSPCA and Dogs Trust relating to dog fouling, dogs being excluded from certain areas, and dogs being on leads in others. Importantly, there is sufficient provision of areas in the Borough where dogs are allowed to be off lead and can therefore exhibit natural behaviours.

The proposed PSPO does not deal with dangerous or aggressive dogs, as other legislation is available to deal with this.

It is also to be noted that the PSPO is not of a type that is likely to prevent anyone from exercising their freedom of expression nor assembly.

2. FINANCIAL IMPLICATIONS

None. While a breach of PSPO can be dealt with by way of a fixed penalty notice (FPN) of £100 as an alternative to prosecution, the number of FPN's issued under the PSPO are not likely to be high and therefore minimal income will be derived from enforcement of the PSPO.

6. LEGAL IMPLICATIONS

The wording the proposed PSPO has been reviewed by Legal Services.

Numbers of prosecutions relating to breaches of the PSPO are not expected to be high, so demand on Legal Services in this respect are not anticipated to be high.

Section 72 of the ASBCP Act 2014 requires a local authority to have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention. In this case the PSPO is not of a type that is likely to prevent anyone from exercising their freedom of expression nor assembly.

7. RESOURCE IMPLICATIONS

It is anticipated that this PSPO will be enforced primarily via the Dog Fouling and Litter enforcement contract so no additional staffing resources will be required as a result of the PSPO.

8. OPTIONS CONSIDERED AND REJECTED

Not making a PSPO – this was rejected as there is no other way of controlling dog fouling.

9. CONSULTATIONS

A consultation exercise ran from 22nd January 24 to 22nd February 24. The results of the consultation are attached (see Appendix 2 – consultation report). The results were favourable and supported the making of this PSPO.

10. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and any Member who has been consulted, and note of any dispensation granted should be recorded below:

None

VERSION:	1
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CONTACT OFFICER:	Gary Johnston
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DATE:	15 th March 24
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BACKGROUND DOCUMENTS:	Appendix 1 – Draft PSPO Appendix 2 – Consultation report
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