

Title: Public Space Protection Order (PSPO) for Dog Fouling

Committee: Operational Services

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1.0 Issue

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 gave powers to local authorities to introduce Public Space Protection Orders (PSPO's) to control a range of issues linked to anti-social behaviour
- 1.2 In 2018 East Cambridgeshire introduced a district wide PSPO requiring owners to pick up after their dogs and to appropriately take away or dispose of the waste.
- 1.3 The PSPO is only able to cover a 3-year period. The original PSPO was extended for a further 3 years in 2022. It is due for renewal in January 2025.

2.0 Recommendations

- 2.1 Members are requested to:

Approve a further extension to the PSPO covering the control of dog fouling, increasing the Fixed Penalty Notice (FPN) charges for breaches of dog fouling rules under the PSPO to £100.

3.0 Background/Options

- 3.1. Most dog owners are responsible and appropriately clear up after their pets. However, the fact remains that a small minority of people still allow their dogs to foul and do not remove it. The PSPO for dog fouling provides a clear and straightforward system for the public to understand. It covers, as stated in section 74(1) of the Act, "any place 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."
- 3.2 Failure to comply with the requirements of the PSPO will (on satisfactory evidence) result in the service of a Fixed Penalty Notice (FPN). Alternatively, and in cases of non-payment the matter can be taken to Court where the maximum fine on summary conviction is Level 3 on the standard scale. This is currently £1000.

3.3 Maximum FPN charges for different offences are set down by Regulations. Recent changes under the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 significantly increased the FPN charges that Councils could apply to fly tipping, littering offences etc, with levels of up to £1000 being adopted. The 2023 Regulations do not apply to dog fouling offences. The current FPN charge for dog fouling in this District is £80. The maximum FPN charge allowed for by the ASB, Crime and Policing Act 2014 for dog fouling is £100.

4.0 Arguments/Conclusions

4.1 Good practice dictates that PSPO's are proportionate to the problems being experienced and contain conditions that are likely to be effective and that can be easily monitored and controlled.

4.2 Good practice also dictates that appropriate consultation takes place with all those who may be affected. A consultation exercise was undertaken and promoted through the council website, our media pages and paper copies were made available in Reception. The consultation ended on 1st November 2024 with a total of 27 responses submitted.

4.3 All responders supported a renewal of the PSPO. 93% supported a fixed penalty charge increase to £100. One view expressed was that the £100 penalty was too low. The legislation does not allow councils to charge any more than £100. All consultation comments are contained in Appendix 2.

4.4 Although the maximum level of FPN councils can charge for dog fouling offences remains less than that for other environmental crimes, this increase will bring the offence of failing to clear up after a dog closer in line with the new fixed penalty charges for littering and other environmental crime offences, which were adopted in January 2024.

5.0 Additional Implications Assessment

5.1 In the table below, please put Yes or No in each box:

Financial Implications No	Legal Implications No	Human Resources (HR) Implications No
Equality Impact Assessment (EIA) No	Carbon Impact Assessment (CIA) No	Data Protection Impact Assessment (DPIA) No

6.0 Appendices

Appendix 1 – 2025 PSPO

Appendix 2 - Consultation comments

7.0 Background documents

2022 PSPO <https://www.eastcambs.gov.uk/sites/default/files/2022.01.14%20-%20signed%20PSPO.pdf>

Environmental Crime Enforcement Policy 2023
https://www.eastcambs.gov.uk/sites/default/files/Environment%20crime%20enforcement%20policy%20booklet%20view%20for%20web_1.pdf

The Anti-Social Behaviour, Crime and Policing Act 2014, Part 4, Chapter 2 -
<https://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2>