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**TITLE: Public Space Protection Order (PSPO) for Dog Fouling**

Committee: Regulatory Services Committee

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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, including the control of dogs.

2.0 RECOMMENDATION(S)

2.1 Members are requested to:

1. Approve the principles and content of a proposed new PSPO covering the control of dog fouling.
2. Agree a consultation period of 4 weeks commencing from 15<sup>th</sup> June 2018.
3. Agree the Fixed Penalty Notice (FPN) charge for breaches of dog fouling rules under the PSPO are set at £80.

3.0 BACKGROUND/OPTIONS

3.1 Dog mess causes many problems if not cleaned up. If left in parks and open spaces, it can be both unpleasant and a health hazard. It particularly causes problems to users of parks, play areas and sports grounds. Faeces can carry and transmit diseases, most severely toxocariasis which can cause blindness.

3.2 The majority of 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 Council receives over 150 complaints of dog fouling each year and in the last 6 months 25 new areas of the district have been reported as potential hot spots for dog fouling. It is important therefore that the Council retains a means to control such issues which involves educating dog owners but also taking appropriate enforcement action where necessary.

3.3 The issue of dog fouling within the District is currently addressed through the Dogs (Fouling of Land) Act 1996 and its associated bylaws. This process is dated and only covers certain designated land, as shown in the Order attached in Appendix 1. The PSPO for dog fouling will cover more areas of land, reduce inconsistencies and will help to provide a clearer, simpler system for the public to understand as it will cover, 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.”

3.4 It is suggested that consultation is undertaken with a view to the following conditions being applied under the new PSPO:-

- The PSPO would apply to the whole of East Cambridgeshire;
- The conditions of the PSPO would not apply to guide dogs or assistance dogs;
- A district wide condition requiring dog faeces to be picked up and appropriately taken away or disposed of in a suitable bin;

3.5 A PSPO can last for up to 3 years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further 3 years. There is no limit on the number of times an Order may be reviewed and renewed.

3.6 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.

3.7 The FPN charge for dog fouling offences is currently set at £75. The Environmental Offences (Fixed Penalties) (England) Regulations 2017 came into force on the 1<sup>st</sup> April 2018 and allows for the charge to be increased to £80.

#### 4.0 ARGUMENTS/CONCLUSIONS

4.1 Good practice dictates that PSCO'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. It should be ensured that the duration of the consultation allows sufficient time to meaningfully engage with all those who may be impacted by the Order. To avoid the summer holiday period it is proposed that consultation will be for a period of 4 weeks, finishing on 16<sup>th</sup> July 2018.

4.3 The conditions of the PSPO to be consulted upon are provided in para 3.4 of the report. The results of the consultation will be brought back before Members on 23<sup>rd</sup> July 2018, with the aim being full adoption and an advertising and awareness raising exercise of the introduction of the PSPO within East Cambridgeshire by 31<sup>st</sup> August 2018.

4.4 If necessary additional conditions can be included when the PSPO needs to be reviewed or renewed, should locally evidenced issues of concern emerge.

#### 5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 Publication of consultation in local media (approximately £1000) and cost to provide additional signs informing dog owners of the Order (estimated at £25 per sign) in specific areas such as the Pocket Park etc.

5.2 Equality Impact Assessment (INRA) not required.

#### 6.0 APPENDICES

6.1 Appendix 1 – Copy of the Dogs (Fouling of Land in East Cambridgeshire) Order 1997.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Anti-Social Behaviour, Crime and Policing Act 2014. Home Office Guidance – Anti-social, Crime and Policing Act 2014, Statutory Guidance for frontline professionals – Dec 2017	Room SF203 (Location: The Grange, Ely	Karen See Senior EHO (01353) 616358 E-mail: karen.see@eastcambs.gov.uk