

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

17 JULY 2018

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

PUBLIC CONSULTATION PUBLIC SPACES PROTECTION ORDER CONTROL OF DOGS

1. Purpose of Report.

1.1 The purpose of the report is to seek authority to conduct an additional consultation in relation to Public Spaces Protection Orders (PSPO's), further to the consultation that occurred in July-Oct 2017. This consultation would specifically be to introduce dog fouling and other dog controls in Bridgend County Borough Council.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.

2.2 **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background.

3.1 In a report dated 27 June 2017 entitled Public Safety Protection Orders (PSPO), Cabinet approved a Consultation to seek views on the creation of PSPO's namely to:

- maintain the existing restrictions that were in place originally created by the Designated Public Place Orders in Caerau, Pencoed, Porthcawl and Maesteg which had been converted into PSPO's on 14th October 2017.
- Extend the area covered by the existing PSPO which replaced the Designated Public Place Order (DPPO) in Bridgend on the 14th October 2017 as described to include Coity Road, up to the entrance to the Princess of Wales Hospital
- Maintain the existing restrictions that were in place originally created by the Gating Orders outlined which had been converted into PSPO's on 14th October 2017. These cover the rear lane between Talbot Street and Plasnewydd Street, Maesteg and control access to Elder Lane at the rear of Adare Street and Caroline, Bridgend.

3.2 Whilst initially Orders that would relate to the control of dogs were not included in the PSPO consultation, following a number of member representations requesting greater steps be taken to combat the issues of irresponsible dog ownership, inclusion of a PSPO consultation to also address this area is now being proposed.

- 3.3 Dog fouling remains a significant concern for the Council. Despite considerable efforts to promote responsible dog ownership, there remain a minority of dog owners who do not clean up after their dogs or keep them under control. Dog fouling is unpleasant and a risk to human health, particularly amongst children.
- 3.4 A Public Spaces Protection Order will allow the Council to introduce a range of reasonable and proportionate restrictions on the use of publicly accessible land across the County Borough that would better control the harmful activities of irresponsible dog owners whilst allowing responsible dog owners to continue to exercise their dogs without undue restrictions.

4. Current situation / proposal.

- 4.1 Dog fouling is unsightly, unpleasant and can lead to toxocariasis in humans. Toxocariasis causes serious illness and even blindness. It is caused by a parasite that lives in dogs' digestive systems. Eggs are present in the faeces of infected animals. If infected material is ingested, the eggs hatch into larvae and can cause toxocariasis. The disease can be controlled if dog faeces are disposed of immediately in a responsible manner.
- 4.2 The majority of dog owners are responsible, clean up after their dogs, and keep them under control. However, a minority of irresponsible dog owners create significant problems. The Council receives many complaints each year about dog fouling in public places. In addition, some of our playing fields need to be checked for dog fouling before they can be used to remove any dog fouling that may be present.
- 4.3 In the main responsible dog owners will use suitable judgment as to when to keep their dog on a lead and when exercising the animal off the lead, supervise the animal and respond to dog fouling or other antisocial/aggressive behaviour accordingly, removing faeces or taking corrective action as required. In some instances however this responsible supervision does not take place.
- 4.4 The PSPO regime can impose certain restrictions, to correct irresponsible behaviour with this small minority of dog owners.
- 4.5 Members will recall from the June 17 report the outlined requirements that must be followed when consulting on a proposed PSPO.
- 4.6 The Council must carry out the necessary consultation, the necessary publicity, and the necessary notification as follows.

The "necessary consultation" means consulting with: -

- a) The Chief Officer of Police for the area;
- b) Whatever community representatives the local authority thinks it appropriate to consult;
- c) The owner or occupier of the land within a restricted area (this does not apply to land that is owned and occupied by the local authority).

The "necessary publicity" means

- a) In the case of a proposed order, publishing the text of it;

The “necessary notification” means notifying the following authorities of the proposed order:

- a) The parish council or community council (if any) for the area that includes a restricted area.

- 4.7 It is proposed that the Council undertake a comprehensive consultation exercise with the public, relevant bodies and other interested parties on proposals to introduce a PSPO, potentially introducing prohibitions and requirements in relation to the control of dogs including: -

- a) Dog Fouling – applicable to all public places in the county borough of Bridgend County Borough;

- b) Dogs on Leads by Direction - applicable to all public places in the county borough of Bridgend County Borough;

- 4.8 The definition of public space is wide and includes 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.

- 4.9 The proposed prohibition on dog fouling would make it an offence if a dog defecates on land to which a relevant PSPO applies, and the person in charge of the dog fails to remove the faeces from the land forthwith. This will include a requirement that the person in charge of the dog must have bags or other suitable means of removing the faeces with them.

- 4.10 The proposed dogs on leads by direction requirement will make it an offence if a person in charge of a dog fails to comply with a direction given to them by an authorised officer of the Council to put and keep the dog on a lead for such period/or in such circumstances as directed by the Officer.

- 4.11 The Council, in making a PSPO, may specify the amount of fixed penalty fine payable in respect of any of the above offences at no more than £100.

- 4.12 The Council must be able to demonstrate that a PSPO is a necessary and proportionate response to the problems caused by the activities of dogs and those in charge of them. The Council is required to balance the interests of those in charge of dogs against the interests of those affected by the activities of dogs. In the 12 month period prior to this report the Council received 351 complaints in relation to dog fouling incidents, This number whilst a significant problem in itself, the figure will not represent the totality of the actual number of instances which occur.

- 4.15 Consideration should be made on how any restrictions affect those who rely on assistance dogs. Should, following the conclusion of the consultation, the Council choose to make a PSPO, an exemption may be included within the Order for people with a disability. The Order should also not apply to the normal activities of working dogs, such as those used by the emergency services.

- 4.16 The proposed PSPO will introduce a range of reasonable and proportionate prohibitions and requirements on the use of publicly accessible land that would

better control the harmful activities of irresponsible dog owners whilst enabling responsible dog owners to continue to exercise their dogs without undue restrictions. The Order will be subject to a comprehensive public and statutory consultation so that the views of all parties are properly considered.

- 4.17 The further consultation exercise to include potential orders relating to dog control will delay Cabinet receiving the further report detailing the responses to the public consultation previously undertaken as per paragraph 3.1 and therefore delay the creation of any new PSPO's that Cabinet may decide to make in relation to restricting access via gates and the control of alcohol. During this period there are existing PSPO's in existence which will continue to have effect. The benefits of delaying will mean that if new PSPO's are created, they will all have the same commencement date and, if they are made for the same duration, the same renewal date. This may make the renewal process easier.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 If approved by Members the introduction of a Public Spaces Protection Order will need to be accompanied by a review of the Councils enforcement practices and procedures, which will need to be approved by Cabinet in due course.

6. Equality Impact Assessment

- 6.5 An Equality and Impact Assessment screening has been carried out a full Equality and Impact Assessment will be required prior to making the Order. This will be included in a further report to Cabinet, taking into consideration the outcomes of the public consultation particularly in regards to the impact to disabled groups.

7. Well-being of Future Generations (Wales) Act 2015 Assessment

- 7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment based on the 5 ways of working and any requisite mitigating measures will be required prior to making the Order. This will be included in a further report to Cabinet, taking into consideration the outcomes of the public consultation.

8. Financial Implications.

- 8.1 The Council must consider how it will enforce the prohibitions and requirements introduced under the PSPO, as failure to enforce the Order will undermine its effect.
- 8.2 It is envisaged that the authority will work with external contractors to undertake the enforcement activities associated with the proposed PSPO on a cost neutral basis as outlined in the Cabinet report 29 November 2016 Residual Waste Collection Public Awareness Information & Enforcement Proposals report.

9. Recommendation.

It is recommended that Cabinet: -

- 9.1 Undertake a public consultation exercise on the proposal to make a Public Spaces Protection Order (PSPO) to introduce dog controls in Bridgend County Borough as detailed in section 4 of this report, specifically:
- The prohibition of dog fouling in all public places,

- A requirement to carry bags or other suitable means for the disposal of dog faeces
- A requirement allowing authorised officers to give a direction that a dog be put and kept on a lead if necessary

9.2 Receive a further report detailing the responses to the public consultation previously undertaken as per paragraph 3.1 and the consultation proposed in this report, together with any recommendations for proposed PSPOs.

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Background documents

Cabinet Report - 27 June 2017 Public Safety Protection Orders

Cabinet report - 29 November 2016 Residual Waste Collection Public Awareness Information & Enforcement Proposals report

Anti-social Behaviour, Crime and Policing Act 2014 – Chapter 12

Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers: Statutory guidance for frontline professionals, Home Office July 2014