

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

14 MARCH 2023

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

PUBLIC SPACE PROTECTION ORDER – DOG CONTROL CONSULTATION

1. Purpose of report

1.1 The purpose of this report is to:

- Seek Cabinet approval to consult with the Police, the Police and Crime Commissioner and other relevant bodies in relation to the creation of a Public Space Protection Order (PSPO) relating to Dog Control in Bridgend County, and;
- For Cabinet to note that the outcome of the consultation will be reported to Cabinet in due course.

2. Connection to corporate well-being objectives/other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:

- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

3.1 Anti-social behaviour is a broad term to describe the day to day incidents of crime, nuisance and disorder that make many people's lives a misery: from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and social landlords. The Home Office has reformed the anti-social behaviour powers to give professionals the increased flexibility they need to deal with certain situations.

- 3.2 The Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') makes provision about anti-social behaviour, crime and disorder. The Act sets out the following 6 new tools for responsible bodies and responsible authorities:
- i. Injunction
 - ii. Criminal Behaviour Order (CBO)
 - iii. Dispersal power's
 - iv. Community Protection Notice's (CPN)
 - v. Closure Power's
 - vi. Public Spaces Protection Orders (PSPO)
- 3.3 The previous PSPO in Bridgend County Borough was enacted on 18 June 2019 and related to the control of alcohol, restriction of access to public space and dog control. It expired on 18 June 2022.
- 3.4 A PSPO is an effective deterrent to deal with particular nuisance or problems in a specified area that is detrimental to the quality of life of the local community.
- 3.5 A PSPO works by imposing conditions on the use of a specified area, which applies to everyone. A PSPO is designed to ensure that residents and visitors can enjoy public spaces without experiencing anti-social behaviour.
- 3.6 In accordance with s60 (2) of the Anti-Social Behaviour Crime and Police Act 2014, ('the Act') a PSPO may not have effect for more than 3 years, unless extended under S60 (3) or S60 (4).
- 3.7 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.
- 3.8 The PSPO for Dog Control enabled officers from Bridgend County Borough Council (BCBC) to give direction in regards to dogs off lead and dogs causing nuisance in a public place. This includes dog fouling and other related issues.
- 3.9 The previous PSPO enabled the Council to take preventative enforcement action in public places. Detailed information is outlined below.

3.10 Dog Control Order

This relates to all public spaces throughout the borough and imposes the following conditions on the use of that land:-

- a) Person(s) within the Restricted Area will collect and dispose of the faeces of dogs within their control by removing it and depositing the dog faeces in a bag which should be left in a litter bin or taken home
- b) Person(s) within the Restricted Area who have dogs within their control must carry bags or other suitable means for the collection of dog faeces
- c) Person(s) within the Restricted Area must, when requested to do so by an Authorised Officer, must place dogs in their control on a lead. The Authorised

Officer must specify the location and duration covered by a direction given under Paragraph 6 (C) of this Order

For clarity, the PSPO relates to all public spaces. The PSPO does not restrict dogs from being off lead in specific areas but requires that, if requested by an Authorised Officer, dogs will be placed on a lead.

4. Current situation/proposal

4.1 Before the Council can make, extend or vary a PSPO there is a procedure set down by statute which must be followed. In particular, a Local Authority must carry out the necessary consultation, the necessary publication and the necessary notification (if any).

Necessary consultation means that a Local Authority must consult with:

- I. the chief officer of police and the local policing body for the police area that includes the restricted area (statutory guidance issued states that this should be done through the chief officer of and the Police and Crime Commissioner but details could be agreed by working level leads)
 - II. any community representatives the local authority thinks it is appropriate to consult (community representative means any individual or body appearing to the authority to represent the views of people who live in, work in, or visit the restricted area). Community representatives could include residents' groups or particular groups of individuals who use a local amenity (e.g. regular users of the park or specific activities such as busking or other types of street entertainment).;
 - III. the owner or occupier of land within the restricted area (this does not apply to land owned and occupied by the Local Authority and applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land).
- 4.2 If approved the statutory consultation will commence on 9 January 2023 and continue for 12 weeks.
- 4.3 The Consultation will seek views on the creation of a PSPO regarding dog control in Bridgend County.
- 4.4 The PSPO relating to dog control shall not apply to Disabled persons as defined by the Equality Act 2010 where the person suffers from a disability which would prevent them from collecting their dog faeces.
- 4.5 All Town and Community Councils in the areas covered by the PSPO will be notified.
- 4.6 Specific consultees outlined in the legislation will be contacted directly via letter. These are:
- Elected members as representatives of their constituents
 - The South Wales Police and Crime Commissioner
 - The South Wales Police Chief Superintendent for the area
 - All town and community councils

- Bridgend Community Safety Partnership
- South Wales Fire and Rescue Service
- Bridgend Association of Voluntary Associations (BAVO)
- Bridgend Business Against Crime (BBAC)
- Bridgend Dogs Trust
- The Kennel Club
- Rambers Cymru

4.7 An on line survey will be available on the BCBC website. This will be promoted via social media platforms to individuals who live in, work in, or visit Bridgend County.

5. Effect upon policy framework and procedure rules

5.1 None

6. Equality Act 2010 implications

6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

6.2 Full Equality Impact Assessments (EIA) were carried out when the PSPOs were created in 2018.

6.3 A new EIA screening will be carried out when the consultation is completed and the results of that screening reported to cabinet alongside the consultation report to inform whether a further full EIA is required.

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

7.1 The recommendations in this report demonstrate the sustainable development principle by ensuring that by meeting the needs of the present they do not compromise the ability of future generations to meet their own needs and this is evidenced through the 5 ways of working:

- Long term – the report seeks to address the long term problems associated with anti-social behaviour. These include addressing issues relating to control of dogs.
- Prevention – working with partners to prevent the negative effects of anti-social behaviour on those living, working or visiting Bridgend County Borough.
- Integration – the project contributes to the well-being goals: a healthier Wales, a Resilient Wales, and a Wales of Cohesive Communities and to the Well-being objective Supporting communities in Bridgend to be Safe and Cohesive.
- Collaboration – the initiative is a collaboration between Bridgend County Borough Council Communities Directorate, the Bridgend Community Safety Partnership, South Wales Police and South Wales Fire and Rescue Service.

- Involvement – the consultation with partners, stakeholders, local residents, communities and elected members will inform the decision of whether to extend the PSPOs.

8. Financial implications

- 8.1 There are no financial implications arising from this report. If the creation of the new PSPO is approved there will be costs associated with signage and promotion of the PSPO in local press. This will be funded through existing budgets.
- 8.2 The estimated costs for the dog control order which will be met from existing budgets within the Communities Directorate are:

Advertising and printing	£3,000
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9. Recommendation

- 9.1 Cabinet is recommended to give approval to commence a public consultation on the proposal to create a Public Space Protection Order as outlined in paragraph 4.3 of this report.
- 9.2 Cabinet is recommended to note that the outcome of the consultation will be reported to Cabinet in due course.

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Background Papers:
None