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| <b>Meeting of:</b>                                   | <b>CABINET</b>                                                                                                                                                                                                                                                                                                                                             |
| <b>Date of Meeting:</b>                              | <b>22 SEPTEMBER 2026</b>                                                                                                                                                                                                                                                                                                                                   |
| <b>Report Title:</b>                                 | <b>PUBLIC SPACE PROTECTION ORDER (PSPO)<br/>CONSULTATION OUTCOME</b>                                                                                                                                                                                                                                                                                       |
| <b>Report Owner /<br/>Corporate Director:</b>        | <b>CORPORATE DIRECTOR – COMMUNITIES<br/>CABINET MEMBER – COMMUNITIES AND ENVIRONMENT</b>                                                                                                                                                                                                                                                                   |
| <b>Responsible<br/>Officer:</b>                      | <b>JENNIFER SPARROW, CLEANER STREETS AND WASTE<br/>CONTRACT MANAGER</b>                                                                                                                                                                                                                                                                                    |
| <b>Policy Framework<br/>and Procedure<br/>Rules:</b> | <b>There is no impact on the policy framework or procedure<br/>rules.</b>                                                                                                                                                                                                                                                                                  |
| <b>Executive<br/>Summary:</b>                        | <b>For Cabinet to consider the outcomes of the Public Space<br/>Protection Order (PSPO) consultation and approve the<br/>creation of a Public Space Protection Order, for dog<br/>control.<br/><br/>It is also recommended that Cabinet consider a further<br/>consultation on prohibition of dogs from specified areas<br/>within the County Borough.</b> |

## **1. Purpose of Report**

1.1 The purpose of this report is to:

- Consider the results of the public consultation on the creation of a Public Space Protection Order (PSPO) for dog control;
- Consider creating a new PSPO as set out in **Appendix 1** (Dog Control) and detailed in paragraph 3.3.

## **2. Background**

2.1 Anti-social behaviour is ‘conduct that has caused or is likely to cause harassment, alarm or distress’.<sup>1</sup> This can include 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

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<sup>1</sup> S.2(1)(a) of the Anti-social Behaviour, Crime and Policing Act 2014

landlords. The Home Office has reformed the anti-social behaviour powers to give professionals the increased flexibility they need to deal with certain situations.

2.2 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 tools for responsible bodies and responsible authorities:

- i. Injunction
- ii. Criminal Behaviour Order (CBO)
- iii. Dispersal powers
- iv. Community Protection Notices (CPN)
- v. Closure Powers
- vi. Public Spaces Protection Orders (PSPO)

2.3 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. It 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.

2.4 A previous PSPO in Bridgend County Borough was enacted on 18<sup>th</sup> June 2019 and related to the control of alcohol, restriction of access to public space and dog control. It expired on 18<sup>th</sup> June 2022.

2.5 Section 59 (1) of the Act states that a local authority may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.

2.6 The first condition (detrimental effect) is that either:

(1) activities carried on in a public place within the authority's area *have had* a detrimental effect on the quality of life of those in the locality, **or**

(2) it is likely that activities *will be* carried on in a public place within that area and that they *will have* such an effect.

2.7 The second condition (persistent and unreasonable) is that the effect, or likely effect, of the activities:

(a) is, or is likely to be, of a persistent or continuing nature,

(b) or is or is likely to be, such as to make the activities unreasonable, **and**

(c) it justifies the restrictions imposed by the notice.

2.8 A public spaces protection order is an order that identifies the public place ie. "the restricted area" and prohibits specified things being done in the restricted area, or requires specified things to be done by persons carrying on specified activities in that area, or does both of those things.

- 2.9 The only prohibitions or requirements that may be imposed are ones that are justifiable to impose in order to prevent a detrimental effect from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- 2.10 A prohibition or requirement may be framed so as to apply to all persons, or only to persons in specified categories, or to all persons except those in specified categories; or, so as to apply at all times, or only at specified times, or at all times except those specified; or, so as to apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified.
- 2.11 The local authority must have regard to the guidance issued by the Secretary of State. The latest is guidance is contained in the *Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers – Statutory guidance for frontline professionals*. The guidance on PSPOs starts at pages 66. It emphasises putting victims first, stating:

In deciding to place restrictions on a particular public space, councils should consider the knock-on effects of that decision and ensure that this is a reasonable and proportionate response to incidents of anti-social behaviour in the area. Introducing a blanket ban on a particular activity may simply displace the behaviour and create victims elsewhere.

- 2.12 In accordance with Section 60 of the Act a PSPO may not have effect for a period of more than 3 years, unless extended under this section.
- 2.13 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. Current situation / proposal**

- 3.1 Before the Council can make 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).

3.2 The statutory consultation on the PSPO for Dog Control commenced on 2<sup>nd</sup> March 2026 and continued for 12 weeks ending on 25<sup>th</sup> May 2026. This is much longer than the 2 weeks recommended in the statutory guidance, page 67. The public consultation was promoted through a variety of means including:

- the Bridgend County Borough Council website;
- partner distribution networks;
- newsletters; and
- via social media.

3.3 The public consultation sought views on the following proposals:

- 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.

3.4 For clarity the proposed PSPO for Dog Control relates to all public spaces within the county borough, and this is what the 'Restricted Area' at 3.3 refers to. This is attached in **Appendix 4**. 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. With regards to dogs being requested to be put on lead, this would be requested only where the dog is deemed to be out of control or causing alarm or distress to members of the public.

3.5 During the twelve week consultation period, a range of marketing methods were used to create awareness of the consultation and encourage members of the public to engage with the council. The PSPO consultation was posted to the Council's Twitter, Facebook, Instagram and LinkedIn channels throughout the consultation period to raise awareness of the consultation and to encourage people to share their views on the proposals.

3.6 During the consultation period the local authority posted 18 times across its social media channels. The content reached 6,633 people. The response rate was divided into several areas including consultations survey responses, emails, letter and social media interactions:

- A total of 1273 survey responses.

- 12 Comments on social media channels.

- 3.7 The consultation was also promoted via GovDelivery. GovDelivery is a tool that is used by the Council to send messages directly to residents' and staff email inboxes. The consultation was promoted 4 times in the weekly resident's bulletin. This was sent to 31,787 English subscribers and 404 Welsh subscribers. This resulted in 675 clicks on the link to the English survey and 4 clicks to the Welsh survey.
- 3.8 To further build on the weekly bulletin messages, a standalone message promoting the consultation was also issued to subscribers of our residents' news bulletin. This message was sent to 32,184 English subscribers and 386 Welsh subscribers. This led to 788 visits to the consultation page.
- 3.9 The consultation was also promoted 3 times through the Waste and Recycling digital news bulletin with it being sent to 3,038 English subscribers and 419 Welsh subscribers. This generated 193 clicks on the link to the English survey and 1 click on the link to the Welsh survey.
- 3.10 the consultation was also highlighted in the Monthly Staff Bulletin which has 5,085 subscribers, resulting in 18 clicks on the link to the survey.
- 3.11 An email response was received from the Dogs Trust
- 3.12 A Copy of the PSPO Consultation Report is available as **Appendix 3**.
- 3.13 A copy of the Dog Control Order is attached as **Appendix 1**. The requirements for the PSPO were included in the consultation however details of the penalties for not complying with the order were not included.
- 3.14 For clarity any person guilty of an offence under this Order shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (on the date of this Order, this is set at £1,000)
- 3.15 A Fixed Penalty Notice may be issued by an Authorised Officer to anyone believed to have committed an offence under this Order. The Fixed Penalty shall be £100. Payment of the Fixed Penalty of £100 within 14 days from the date of the Fixed Penalty Notice will discharge the liability for prosecution.
- 3.16 In December 2021 Cabinet agreed an updated Enforcement Policy for dealing with Environmental Offences, attached as **Appendix 2**. This allows the authority to carry out enforcement action for failure to comply with a Public Space Protection Order under Section 67 and Section 68 of the Anti-social Behaviour, Crime and Policing Act 2014.
- 3.17 The PSPO for 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.
- 3.18 The following consultees as specifically outlined in the legislation were contacted directly via letter:

- The South Wales Police and Crime Commissioner
- The South Wales Police Chief Superintendent for the area
- All town and community councils
- Bridgend Dogs Trust
- The Kennel Club
- RSPCA

- 3.19 The consultation asked 'Do you agree that the PSPO for Dog Control should be implemented?' 1,145 responses were received to this question with 90.9% stating 'yes' and 9.1% stating 'no'.
- 3.20 Many respondents referred to dog fouling on sports pitches and playing fields, highlighting concerns around the safety of children, public health and use of these facilities for exercising of dogs.
- 3.21 There was strong support for measures to tackle dog fouling and irresponsible dog ownership and calls for enforcement activity around this issue. There were some concerns raised around how the Order would be enforced and whether sufficient resources would be available. Concerns around the effect of restrictions on responsible dog owners was also raised by some.
- 3.22 The majority (65%) of those who responded stated that they walked dogs with 35% being non dog walkers.
- 3.23 The Dogs Trust responded to the consultation and encouraged the local authority to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours. It also urged the authority to consider if adequate disposal points are provided for responsible dog owners to us. Dogs Trust questioned the effectiveness of issuing on-the-spot fines for not being in possession of means to pick up dog foul.
- 3.24 Whilst the Dog's Trust accepted that there are some areas where it is desirable for dogs to be kept on a lead, they noted that it was important to consider the Animal Welfare Act 2006 and the requirements that include a dog's need to exhibit normal behaviour patterns – including to be able to run off lead in appropriate areas. They advised that dog control orders should not restrict the ability of dog keepers to comply with the requirements of this act.
- 3.25 Dogs Trust supported dogs on lead direction orders for dogs that are considered to be out of control or causing alarm or distress to be put on a lead when requested by an authorised officer.
- 3.26 The enforcement of a PSPO is currently dealt with by authorised officers based in the Cleaner Streets team. It should be noted that this is a small team that deals with a variety of environmental enforcement issues. Capacity within this team is limited and should the PSPO be implemented, consideration needs to be given to resources needed to enforce this. Whilst the existing team is able to enforce on a PSPO this would effect their ability to enforce in other areas. This is a team that was subject to an Medium Term Financial Strategy saving in 2024/25 where the team faced a 50% reduction reducing resources from 8 to 4 officers.

#### **4. Equality implications (including Socio-economic Duty and Welsh Language)**

- 4.1 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.

#### **5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives**

- 5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives, as a result of this report.

#### **6. Climate Change and Nature Implications**

- 6.1 There are no climate change or nature implications from this report.

#### **7. Safeguarding and Corporate Parent Implications**

- 7.1 There are no safeguarding and corporate parent implications from this report.

#### **8. Financial Implications**

- 8.1 There are no direct 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 within the Communities Directorate.

- 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 |
|--------------------------|--------|

#### **9. Recommendation**

- 9.1 Cabinet is recommended to:-

- 9.1.1 Note the outcome of the PSPO consultations and the support for dog control as detailed.

- 9.1.2 Approve the creation of a Public Space Protection Order, for Dog Control, as outlined in paragraph 3.3 of this report.

- 9.1.3 Due to a number of concerns being raised regarding dog fouling on playing surfaces used by children and sports clubs, that Cabinet approve a further consultation to take

place on implementing a separate PSPO relating to prohibiting dogs from specified areas. This will include the mapping of suggested areas where dogs could be prohibited from if approved.

**Background documents:** None