

EXECUTIVE BOARD

21st MARCH 2016

Public Spaces Protection Order (Carmarthenshire Dog Controls)

Recommendations / key decisions required:

- To consider the responses from the formal Public Consultation exercise.
- To approve the Public Spaces Protection Order annexed to the detailed report (Appendix 1) to come into force on the 1st July 2016.
- To approve a fixed penalty of £100 to apply to breaches of the Public Spaces Protection Order, to be paid within 14 days (subject to the early repayment scheme);
- To approve an early repayment scheme where a reduced fixed penalty of £50 can be paid, if payment is made within 10 days.

Reasons:.

This report seeks approval to create a Public Space Protection Order (PSPO), under the Anti-social Behaviour, Crime and Policing Act 2014.

The proposed order has 3 main elements:-

- A requirement that people cleanup after their dog if it defecates on public land. This will apply to all publicly accessible land in the County.
- A provision requiring people to place their dog on a lead of not more than 2 metres in length, when directed to do so by an authorised officer of the Council. This will also apply on all publicly accessible land in the County
- A provision prohibiting dogs from all outdoor enclosed children's play areas in the County.

The responses from the consultation demonstrated significant public support for these additional controls.

When it comes in to force, the new Order will supersede the existing dog fouling controls imposed under Dogs (Fouling of land) Act1996.

The Environmental and Public Protection Scrutiny Committee was originally consulted on the 8th June 2015 with respect to the proposed PSPO set out in this report and made recommendations to Executive Board.

On 13th July 2015 the Executive Board resolved to commence the statutory order making process in respect of the proposed PSPO, subject to formal consultation. They also resolved that that the additional orders proposed by the Environmental and Public Protection Scrutiny Committee (as set out below) be considered in 6 months following the introduction of the PSPO as follows:

- An order for dogs to be kept on leads at all times on all sports pitches, parks and playgrounds
- An order for dogs to be kept on leads at all times on all public highways.

Scrutiny Committee: There's no requirement for further consultation with the Environmental and Public Protection Scrutiny Committee as the results from the public consultation exercise have not materially changed the proposals.

Exec Board Decision Required	YES – 21 st March 2016
Council Decision Required	NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr T J Jones

Directorate: Environment Department Street Scene Division	Designations: N/A	
Report Author: Michael Roberts Report Author: Michael Roberts	Environmental Enforcement Policy and Strategy Officer	Ext 5506 E Mail Addresses: MJRoberts@carmarthenshire.gov.uk

EXECUTIVE SUMMARY

1 INTRODUCTION

1.1 The issue of Dog Control Orders across Carmarthenshire has been considered at a number of meetings of the Executive Board. Proposals were previously considered under the provisions of the Clean Neighbourhoods Act 2005

1.2 The Dog Control Order provisions in the Clean Neighbourhoods Act 2005 have now been repealed and replaced with the new powers in the Anti-Social Behaviour, Crime and Policing Act 2014. The new act gives authorities power to deal with anti-social behaviour by issuing offenders with Community Protection Notices, or by making Public Spaces Protection Orders that apply to public spaces.

2 THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

2.1 The new legislation came in to force in October 2014. This means that we are no longer able to make any new dog control orders under the old legislation.

2.2 Under the Anti-Social Behaviour, Crime and Policing Act 2014 local authorities are able to introduce Public Spaces Protection Orders (PSPOs) instead. These new PSPOs can be used to introduce controls on dogs, as well as wider controls to deal with wider forms of anti-social behaviour on public land.

2.3 At the Executive Board meeting on 13th July 2015, it was resolved to progress with a consultation exercise as part of the formal order making process.

2.4 The proposed order has 3 main elements:-

- A requirement that people cleanup after their dog if it defecates on public land. This will apply to all publicly accessible land in the County.
- A provision requiring people to place their dog on a lead of not more than 2 metres in length, when directed to do so by an authorised officer of the Council. This will also apply on all publicly accessible land in the County.
- A provision prohibiting dogs from all outdoor enclosed children's play areas in the County.

Penalties

2.5 A person committing an offence under the order will be liable upon prosecution to a fine not exceeding level 3 on the Standard scale (currently £1,000).

2.6 Alternatively, a Fixed Penalty Notice may be issued to a person who breaches the order, thereby affording them the opportunity of discharging any liability to conviction for the offence by means of payment of a fixed penalty.

3. RESULTS OF CONSULTATION UNDERTAKEN

3.1 The Council consulted the general public and interested organisations from the 19th October to 14th December 2015.

3.2 The Council received 476 responses to this consultation and the vast majority of the respondents were in support of the authority's proposals. It was pleasing to note that 56% of the respondents were dog owners. The results are broadly summarised as follows:

- 98% of respondents either agreeing or strongly agreeing with the proposal for an Order to ensure dog owners clear up after their dogs.
- 89% of the respondents either agreeing or strongly agreeing with the proposal for the introduction of an order to direct the use of leads.
- 87% of the respondents either agreeing or strongly agreeing with the proposal for the introduction of an order to exclude dogs from all outdoor enclosed children's play areas within the county.

4. TIMETABLE FOR IMPLEMENTATION

- The Order will be need to be published on the Council's Website prior to implementation.
- Existing dog fouling signage will need to be removed and new dog fouling signage will need to be erected across the County.
- Prior to implementation we will undertake a program of education and awareness, to ensure that people are aware of the new orders.
- A three month lead-in period is required to give officers time to identify and inspect the children's play areas covered by the order and to erect the necessary signs.
- The new orders should come in to force on the 1st July 2016 at the earliest. In the meantime, we will still be able to continue enforcing the Dogs (Fouling of Land) Act 1996.
- The proposed PSPO will remain in force for a period of 3 years from the commencement date and will be subsequently reviewed.

5. RECOMMENDATIONS

5.1 It is recommended that:-

- The responses from the formal public consultation exercise be considered.
- The Public Spaces Protection Order annexed to the detailed report (Appendix 1) is adopted and brought into force on the 1st July 2016 at the earliest.
- To approve a fixed penalty of £100 to apply to breaches of the Public Spaces Protection Order, to be paid within 14 days (subject to the early repayment scheme);
- To approve an early repayment scheme where a reduced fixed penalty of £50 can be paid, if payment is made within 10 days.

DETAILED REPORT ATTACHED ?	YES
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: A Williams

Street Care Manager

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	NONE	NONE	NONE	NONE	NONE

1. Policy, Crime & Disorder and Equalities.

This matter falls within Community Safety and Public Health Policies and Initiatives. These proposals will support the Council's aims with regard to reducing environmental Crime and Safeguarding Public Health.

An Equality Impact Assessment in respect of the proposal is attached to the detailed report (Appendix 4).

2. Legal

Introduction of the PSPO (Dog Control Orders) is not a legal duty. However, there may be benefits from introducing the recommended orders, and this would be done in compliance with all the relevant legislation and in consultation with the Council's Legal Services Department.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: A Williams

Street Care Manager

1. Scrutiny Committee

The Environmental and Public Protection Scrutiny Committee was consulted on the 8th June 2015 with respect to the PSPO proposal set out in this report. It was recommended that the Executive Board to commence the order making process, which includes a formal consultation exercise that has now been completed.

Recommendations / Comments:

The original recommendation by Scrutiny Committee also requested that the Executive Board, consider the following additional aspects:

- An order for dogs to be kept on leads at all times on all sports pitches, parks and playgrounds
- An order for dogs to be kept on leads at all times on all public highways.

On 13th July 2015 the Executive Board resolved to commence the statutory order making process in respect of the proposed PSPO, subject to formal consultation: They also resolved that that the additional orders proposed by the Environmental and Public Protection Scrutiny Committee be considered 6 months after introduction of the currently proposed PSPO.

2. Local Member(s) - N/A; affects whole Authority area.

3. Community / Town Council – N/A; all Town / Community Council affected and included as part of consultation exercise.

4. Relevant Partners - Dyfed Powys Police Authority, Kennel Club, Dog's Trust, Local Access Groups, Neighbouring local authorities and other key stakeholders.

5. Staff Side Representatives and other Organisations - N/A

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
The Anti-Social Behaviour, Crime and Policing Act 2014 Statutory guidance for frontline professionals	Home Office	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf
2014 DEFRA Dealing Practitioner's Manual on dealing with irresponsible dog ownership	DEFRA	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/373429/dog-ownership-practitioners-manual-201411.pdf
The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014	Legislation.gov.uk	http://www.legislation.gov.uk/ukxi/2014/2591/pdfs/ukxi_20142591_en.pdf
Anti – Social Behaviour, Crime and Policing Act 2014. Commencement dates of the provisions of the Act.	Home Office	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/365417/asbcp-act-2014.pdf
The Dog's Trust – Being a Good Dog Owner	Dog's trust Website	http://www.dogstrust.org.uk/resources/resources/factsheets09/factsheetresponsible dogownership12.pdf
The Kennel Club - Responsible Dog Ownership	The Kennel Club Website	http://www.thekennelclub.org.uk/responsible dogownership