

Cabinet 12 December 2022

Subject: Consideration of Additional Public Space Protection Order (PSPO) for Carmarthenshire Dog Orders

Purpose: To present and consider the results of a recent engagement survey in relation to the potential to introduce supplementary dog controls by means of an additional PSPO where evidence supports the need for additional orders.

Recommendations / key decisions required:

It is RECOMMENDED that:

1. Cabinet consider and review the responses received from the engagement survey undertaken in early 2022
2. Approve the approach that additional Orders are considered on a site-specific basis, with detailed evidence gathered to support any additional controls that may be necessary
3. Consider an additional order to require the means to pick up dog faeces to be carried
4. The Authority to draft a standard proforma and toolkit for sports groups / town and community councils etc for information and support for community action in relation to dog fouling and provide evidence template to capture the nature and extent of the problem to support any additional orders that may be appropriate.
5. Progress report to be completed to evaluate the evidence to support any additional orders

Reasons:

With the current baseline Public Spaces Protection Orders (Dog Orders) in place, Carmarthenshire County Council continues to receive complaints of Dog related Anti-Social Behaviour in the County. It was agreed with Members to conduct an engagement survey to identify areas / issues being experienced that may require additional orders over and above the current base line. This report presents the results of that survey and presents options for future consideration.

Cabinet Decision Required	YES
Council Decision Required	NO

CABINET MEMBER PORTFOLIO HOLDER: Aled Vaughan-Owen Member for Climate Change, Decarbonisation and Sustainability

Directorate: Name of Head of Service: Daniel W John Report Author: Michael Roberts	Designations: Interim Head of Waste & Environmental Services. Local Environmental Quality Policy Officer	01267 224531 DWJohn@carmarthenshire.gov.uk 01267 225806 MJRoberts@carmarthenshire.gov.uk
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EXECUTIVE SUMMARY

Public Space Protection Order (PSPO) for Carmarthenshire Dog Orders

1. SUMMARY REPORT.

1.1 Public Spaces Protection Orders (PSPOs) are a tool to help deal with a particular nuisance or problem in a particular area that is damaging to the local community's quality of life. They are designed to ensure that Carmarthenshire residents and visitors can use and enjoy public spaces without experiencing anti-social behaviour.

1.2 In 2016, the Council made the Carmarthenshire County Council (Dog Control) Public Spaces Protection Order 2016 (baseline order) to address antisocial dog behaviour and dog fouling on the basis that it had and was likely to continue to have, a detrimental effect on the quality of life of people within Carmarthenshire. In 2019 and 2022 the order was extended for further three years. The current baseline order relating to the specific dog controls/restrictions set out in the bullet points below will expire on the 30th of June 2025.

1.3 The order sought to prevent or reduce the detrimental effects referred to above, by imposing reasonable restrictions, the order required people: -

2. To clean up after their dogs on all public land in the county.
3. To put and keep 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, where such restraint is reasonably necessary to prevent a nuisance, or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or the worrying or disturbance of any animal.
4. Not to take their dog onto or permits their dog to enter or remain on any enclosed children's play areas in the county.

4.1 Any additional dog restriction or control orders sought would have to be evidence based and reflect local circumstances and needs as prescribed in section 59 of the Anti-Social Behaviour Crime and Policing Act 2014. The Authority has to be satisfied on reasonable grounds that in introducing so is to prevent:

5. Occurrence or reoccurrence after that time of the activities identified in the order; or
6. An increase in the frequency or seriousness of those activities after that time.

6.1 Since the 2016 order came into force there have been 3,354 Complaints in relation to Dog related Anti-Social Behaviour including Dog fouling. During the same period 108 fixed penalty notices have been issued and 6 prosecutions have been implemented for offenders who have failed to pay the fixed penalty notice.

6.2 To address ongoing concerns of on-going dog related Anti-Social Behaviour within the community, it was agreed that an engagement survey would be conducted to capture the views on the current order, identify areas or issues being experienced that may require additional orders above the current baseline Public Spaces Protection Orders.

6.3 The Engagement Survey was conducted over an eight-week period between the 10th January to 11th March 2022. This was sent to all Members of Carmarthenshire County Council, all Town & Community Councils and nine Sports Groups/ Clubs that have an asset transfer agreement with Carmarthenshire County Council see Appendix A : Copy of Engagement Survey.

- 6.4 The engagement survey was not a full public consultation. It was a targeted survey, undertaken with key stakeholders affected by dog related anti-social behaviour.
- 6.5 The results of this survey showed that 54% of respondents thought that in their view our current orders are not sufficient to deal with dog related anti-social behaviour.
- 6.6 As a result, a number of options of additional orders for consideration are:
7. Exclusion of dogs from Sports Pitches (site by site or countywide)
 8. Dogs to be kept on Leads in all public spaces.
 9. Means to pick up dog faeces
- 9.1 The result of the survey shows there is support for increasing our powers by means of additional PSPOs to deal with dog related anti-social behaviour. Increased controls will have to be balanced against the ability to enforce, the scale of the issue and the benefit from implementation. The options available are presented below for consideration
- 9.2 There are other means in which to address dog related anti-social behaviour through Community Protection Notices (CPN) and community action plans.
- 9.3 Community Protection Notices can be issued by the local authority to tackle ongoing problems or nuisances which negatively affect the community's quality of life, by targeting the individual who is responsible for it.
- 9.4 Community led initiatives can also support the reduction in this issue through direct engagement with the local residents and creating a shared ideology to encourage themselves and other owners to act responsibly.
- 9.5 For any increase in PSPO's to be successful there would need to be enforcement activity undertaken to act as a deterrent. At present we have a team of 8 Enforcement Officers to cover the county. This team have enforcement functions across the county to enforce breeches of Environmental Law (litter and fly-tipping), Public Space Protection Orders, Abandoned vehicles and Anti-Social behaviour.
- 9.6 If the suite of PSPO's were to be expanded in Carmarthenshire this would have an impact on the availability and capacity of officers to tackle the other priority functions. There would need to be a review of the priorities of this team and whether current resources were sufficient to manage increased expectations relating to enforcement of any new PSPOs.
- 9.7 Given the level of enforcement capacity to tackle this problem it is recommended that we undertake the development of a community toolkit to support local activities in the tackling of dog related anti-social behaviour.

9.8 We would seek to develop several progressive stages for communities to follow in the process of reducing dog fouling and these could be followed in order, or by selecting those that are most appropriate to the particular local situation.

9.9 These actions can be undertaken while evidence is gathered to support the rationale for additional controls to be put in place.

2. RECCOMENDATIONS

1. Cabinet consider and review the responses received from the engagement survey undertaken in early 2022.
2. Approve the approach that additional Orders are considered on a site-specific basis, with detailed evidence gathered to support any additional controls that may be necessary.#
3. Consider an additional order to require the means to pick up dog faeces to be carried
4. The Authority to draft a standard proforma and toolkit for sports groups / town and community councils etc for information and support for community action in relation to dog fouling and provide an evidence template to capture the nature and extent of the problem to support any additional orders that may be appropriate
5. Progress report to be completed to evaluate the evidence to support any additional orders

DETAILED REPORT ATTACHED?

YES

1. Detailed Report
2. Appendix A Copy of Engagement Survey
3. Appendix B Summary of Survey Responses.
4. Appendix C Translated Welsh Responses.

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: D John

Head of Waste and Environmental Services (Interim)

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.

2. Legal

Expansion of the PSPO (Dog Control Orders) is not a legal duty but is a discretionary power. However, where appropriate and there are benefits in extending the current order, then 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: D John

Head of Waste and Environmental Services (Interim)

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee request for pre-determination

YES

If yes include the following information: -

Scrutiny Committee	Place, Sustainability and Climate Change Scrutiny Committee
Date the report will be considered:-	27.11.2022

Scrutiny Committee Outcome/Recommendations:-

UNANIMOUSLY RESOLVED that the report on the Consideration of Additional Public Space Protection Order (PSPO) for Carmarthenshire Dog Orders be received.

UNANIMOUSLY RESOLVED TO RECOMMEND TO CABINET that an additional Public Space Protection Order be introduced to ban dogs from defined sports fields located within the County.

2. Local Member(s)

YES

3. Community / Town Council

YES

4. Relevant Partners

YES

5. Staff Side Representatives and other Organisations

YES

<p>CABINET MEMBER PORTFOLIO HOLDER(S) AWARE/CONSULTED</p> <p style="text-align: center;">YES</p>	<p>The recent survey on our suite of Public Space Protection Orders shows that there is an appetite to develop increased powers to deal with dog related anti-social behaviour. The recommendations of this report set out a balanced approach in supporting greater activity and community action on tackling the issue whilst respecting the needs of the responsible dog owners in Carmarthenshire</p>
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Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

Title of Document	Title of Document	Title of Document
The Anti-Social Behaviour, Crime and Policing Act 2014 Statutory guidance for frontline professionals (Updated 2017)	The Anti-Social Behaviour, Crime and Policing Act 2014 Statutory guidance for frontline professionals (Updated 2017)	The Anti-Social Behaviour, Crime and Policing Act 2014 Statutory guidance for frontline professionals (Updated 2017)
2014 DEFRA Dealing Practitioner’s Manual on dealing with irresponsible dog ownership	2014 DEFRA Dealing Practitioner’s Manual on dealing with irresponsible dog ownership	2014 DEFRA Dealing Practitioner’s Manual on dealing with irresponsible dog ownership
The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014	The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014	The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014