

## Sustainable Communities Executive Advisory Panel 26<sup>th</sup> April 2023

<b>Report Title</b>	<b>Public Spaces Protection Order – Dog Control</b>
<b>Report Author</b>	<b>George Candler, Executive Director for Place &amp; Economy and Deputy Chief Executive</b>
<b>Executive Member</b>	<b>Cllr David Brackenbury – Executive Member for Growth and Regeneration</b>

<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is the decision eligible for call-in by Scrutiny?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Are there public sector equality duty implications?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Does the report contain confidential or exempt information (whether in appendices or not)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972</b>	

### List of Appendices

- Appendix A – Draft Public Spaces Protection Order 2023 – Dog Control**
- Appendix B – Table of proposed areas for Corby**
- Appendix C – Equalities Screening Assessment**
- Appendix D – Proposed Consultation Questions**

#### 1. Purpose of Report

---

- 1.1. This report outlines the proposed North Northamptonshire Public Spaces Protection Order 2023 – Dog Control.

#### 2. Executive Summary

---

- 2.1. There are currently Public Spaces Protection Orders (PSPOs) relating to Dog Control in three of the four legacy authority areas. Corby is the only area that is not currently covered by any PSPO relating to dog control.
- 2.2. The existing three orders will end in November 2023. The Kettering order was due to end in August 2023, following legal advice, this order is being extended to end in line with the remaining orders and was subject to a short 2-week consultation. There were no concerns raised during the consultation in relation to extending the order until November 2023.

- 2.3.** In order to ensure consistency across North Northamptonshire, a new PSPO for dog control is proposed for the authority. The draft proposed order can be found in Appendix A. This order includes all areas previously covered by dog control PSPOs. Additional areas within Corby will need to be added once these have been agreed.
- 2.4.** Appendix B shows a table of proposed areas for inclusion within the legacy area of Corby. This table has been compiled in conjunction with internal colleagues with local knowledge and with functions surrounding parks, open spaces, public amenities, cemeteries etc and in line with the proposed measures within the draft order. The table provides information on enclosed play/amenity areas, access points and existing dog control signage.
- 2.5.** In producing the proposed PSPO we have also sought initial views from town and parish councils in relation to key locations with a deadline for response of 20<sup>th</sup> April 2023, paying particular attention to feedback relating to Corby as an area unfamiliar to these orders. As this deadline for response is after the final submission deadline for the EAP report, a verbal update will be provided at the EAP on 26<sup>th</sup> April 2023 to fully capture all of the responses received.
- 2.6.** The creation of a PSPO is a lengthy process and requires suitable public and wider statutory consultees to be involved in the consultations. This order will have a two-stage consultation period to ensure ample time to consider the views of the public on the areas to be included. To commence consultation and to implement the order, approval from the Executive will be required.

### **3. Recommendations**

---

- 3.1** It is recommended that the Executive Advisory Panel provides feedback on the draft Public Spaces Protection Order and the proposed two stage consultation process for Dog Control for North Northants Council.

### **4. Report Background**

---

- 4.1** The Anti-social Behaviour, Crime and Policing Act 2014 provides local authorities with powers to create a PSPO where they are satisfied that activities carried on in a public place:
- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
  - is, or is likely to be, persistent or continuing in nature;
  - is, or is likely to be, unreasonable; and
  - justifies the restrictions imposed.
- 4.2** There are currently three PSPOs in place from the legacy authorities in Wellingborough, Kettering and East Northants in relation to dog control. There

are no PSPOs for dog control covering Corby. The three orders will run out in November 2023 and therefore it is necessary to start preparing to replace these orders with a new PSPO for dog control covering North Northamptonshire.

- 4.3 This is a significant piece of work that requires a great deal of consultation and publicity. All existing areas that have controls in place are proposed to keep the majority of the outlined controls, unless as part of the consultation process suggestions to amend are made and accepted. Where new areas are identified for inclusion in the PSPO, these will be considered against the stated criteria.
- 4.4 It is proposed to remove the requirement from the Kettering PSPO that dogs must be kept on a lead no more than 1.5 m in length in prescribed areas as it is not deemed necessary or practical to enforce.
- 4.5 It is proposed to remove the wording from the Kettering PSPO that a person in charge of a dog must not take more than 6 dogs onto any land at any time. It is understood that DEFRA is currently reviewing issues around dog walkers and the numbers of dogs that they can safely walk, therefore it would not be appropriate to implement new requirements that may be contradictory to any new proposals. The only national guidance available by the dog walker's association recommends 4 at any one time: [https://www.rspca.org.uk/Dog\\_walking\\_guide](https://www.rspca.org.uk/Dog_walking_guide)
- 4.6 Since Corby Borough Council (CBC) did not have a PSPO in place, they previously undertook dog fouling enforcement under the provisions of the Dogs (Fouling of Land) Act 1996 by way of using Fixed Penalty Notices and/or prosecutions against dog owners that failed to pick up their dog faeces on designated areas of land. This applied to all public land within the Borough.
- 4.7 When the Dogs (Fouling of Land) Act 1996 was repealed by the Clean Neighbourhoods and Environment Act 2005 and Dog Control Orders were introduced, CBC adopted a Dogs Fouling of Land Act Order 2003 which allowed the local authority to continue using sections 3 and 4 of the Act until such time as a Dog Control Order was adopted. A report was taken to CBC Committee on 12<sup>th</sup> July 2011 and it was agreed that there was insufficient evidence at that time to implement such an order. Dog Control Orders have since been replaced with PSPO's.
- 4.8 There has never been an enforcement ability to request that dogs are kept on a lead or excluded from certain areas within the Corby area. Currently the only measure to address dog fouling and other forms of dog control is utilising Community Protection Warning Notices and Community Protection Notices under the Anti-social Behaviour, Crime and Policing Act 2014.
- 4.9 Since there is currently no order in place within Corby, it is proposed that elements of the existing orders are replicated to include dog exclusion from all enclosed or fenced off children's play areas and an area wide dog fouling control within Corby. Further to this, suggestions have been made relating to areas that should have dogs on leads requirements such as churches and cemeteries.

- 4.10 The key part of the process is to seek views from as many people and groups as possible to try and ensure that we have included the right areas with the right controls. It is also important to consider the associated enforcement requirements when making such an order.
- 4.11 As part of the consultation process we are required to consult with specific statutory consultees such as the Police, the public, town and parish councils etc and to also consult with relevant bodies such as the Kennel Club, RSPCA, National Dog Walkers Association, Dogs Trust etc.
- 4.12 A pre-consultation exercise has taken place with the Town and Parish Councils with a deadline for response of 20<sup>th</sup> April 2023. At the time of producing this report responses have been received from the following Town and Parish Councils:
- Broughton Parish Council
  - Denford Parish Council
  - Grendon Parish Council
  - Higham Ferrers Town Council
  - Irchester Parish Council
  - Loddington Parish Council
- 4.13 All agreed with the councils draft proposed PSPO and wish to retain all areas previously outlined with the schedules. Other comments included;
- Additional areas were highlighted for potential inclusion for dogs on leads areas;:  
Broughton Playing Fields  
High Street Park, Broughton  
Grendon Pocket Park, NN17 1JW  
Saffron Road, Recreation Ground, Higham Ferrers  
Saint Lawrence Church Yard, Stanwick  
Stanwick Cemetery
  - Areas highlighted to be of particular concern for dog fouling included public footpaths, areas in front of schools and school playing fields. It was raised that the exclusion of dogs from school playing fields would be useful if in agreement with education.

## **5. Issues and Choices**

---

- 5.1.1 There are several options in terms of the PSPO's for Dog Control within North Northamptonshire.

- 5.1.2 The existing PSPO's within the previous sovereign areas of Wellingborough, Kettering and East Northants can be extended, amended or revoked or left to expire in November 2023.
- 5.1.3 A separate PSPO can be introduced for the previous sovereign area of Corby, or this area can remain without standards and enforcement of dog control.
- 5.1.3 An NNC harmonised PSPO for Dog Control can be introduced following a period of consultation in line with guidance to include the previous sovereign area of Corby.
- 5.1.4 A proposed NNC wide PSPO for Dog Control is included within this report and this will be amended in line with responses from a 2-stage public consultation exercise if this process is approved.

## **6. Next Steps**

---

- 6.1 A report will be presented to the Executive on 8th June, requesting that they commence stage one of the consultation process. The public consultation will then commence for a period of 6 weeks. This will be open to the public and direct consultation will be undertaken with statutory consultees.
- 6.2 Once the first round of consultation closes, the Consultation and Engagement Team will assist in reviewing the responses. A stand-alone recommendations report from the team will be made based on the information provided. This may request areas to be added or removed or controls to be added or removed.
- 6.3 A revised draft PSPO will be made following the outcome of public consultations and will be fully reviewed and considered by officers. The second stage consultation process will then take place on the proposed final order for a period of 4 weeks.
- 6.4 The final proposed order and any amendments following the second public consultation will then be taken to Executive for formal sign off on 16<sup>th</sup> November 2023.
- 6.5 It is possible that due to the very tight timescales, ensuring sufficient public consultation and the authorities reporting cycles that the existing orders may lapse for a short period before the new order comes into force. Consideration is being given to extending these if felt to be required.

## **7. Implications (including financial implications)**

---

### **7.1. Resources and Financial**

- 7.1.1 Enforcement of the existing PSPO's is met within different service areas: Environmental Protection, Waste Enforcement and Environmental Wardens/Street Scene. Enforcement will continue to be met by existing resource provisions.
- 7.1.2 A verbal update will be provided at the EAP on the number of fines recently issued and the number of complaints pertaining to dog control received by the council.
- 7.1.3 Signage for additional areas will be required to be erected and existing signs will need to be replaced. These costs will be covered within the Environmental Health Budget. The presence of signage acts as a deterrent from behaviour occurring.
- 7.1.4 Self-adhesive dog fouling signs are posted in areas where dog fouling is deemed to be a problem. This is an ongoing cost currently met by Environmental Health.
- 7.1.5 The council retains any revenue from the payment of fines of £100 each.
- 7.1.6 Unknown costs would include the legal costs for unpaid fines and possible legal challenges about the validity of such an order being introduced.
- 7.1.7 It is not considered that the new measures will add significantly to the work undertaken by current officers, there are however no resources currently available to extend this enforcement.

## **7.2. Legal and Governance**

- 7.2.1 Chapter 2 of The Anti-Social Behaviour, Crime and Policing Act 2014 sets out the legislative framework around the creation of PSPOs and the offences for breaching a PSPO.
- 7.2.2 The authority to use these enforcement powers are delegated to officers to act under the scheme of delegation.

## **7.3. Relevant Policies and Plans**

- 7.3.1 Environment – An NNC PSPO for Dog Control will play an important part in promoting a '*Green sustainable environment*'.
- 7.3.2 It is anticipated that a reduction in dog fouling incidents and incidents associated with out of control dogs, will improve public amenity and have positive environmental benefits.
- 7.3.3 If as a result of the introduction of the new PSPO dog fouling and other forms of irresponsible dog ownership are reduced, this will have a beneficial impact on the protection and enhancement of the environment.

## 7.4. Risk

<b>Nature of risk</b>	<b>Consequences if realised</b>	<b>Likelihood of occurrence</b>	<b>Control measures</b>
Dog Control PSPOs are not renewed, amended or implemented.	Unable to enforce dog control measures  Certain areas requested by the public are not covered by the Order.	High	Introduce new PSPO prior to expiry of existing orders.
Additional Dog Control signage is not erected.	Unable to enforce dog fouling and other dog control measures	High	Introduce new PSPO prior to expiry of existing orders.
The council is challenged on the introduction of a new PSPO.	The order would not be valid. The council would incur court costs and reputational damage.	Low	Wide consultation with public and stakeholders

## 7.5. Consultation

- 7.5.1 Arrangements are in place to ensure that a full and meaningful consultation can take place and that we are ensuring that all relevant groups are consulted with. The consultation will be available in a number of different formats to enable as many people as possible to take part. This will include an online survey, paper versions available in libraries and council offices, access to the survey via social media and direct consultation mailings to key groups.
- 7.5.2 Due to the high levels of public interest this consultation is expected to generate, the Communications and Engagement Team will assist in reviewing, analysing and reporting on the consultation responses and will act as a semi-independent group who will report back on the findings of the consultation.
- 7.5.3 There will be a two-stage consultation process, the first stage being 6 weeks to gather all initial views and considerations on the draft proposals. The second consultation round will be for 4 weeks and will be to fine tune the final proposed order based on the consultation responses received.

## **7.6. Consideration by Executive Advisory Panel**

7.6.1 Feedback from the Executive Advisory Panel Sustainable Communities on the 26<sup>th</sup> April 2023 will be incorporated within the Executive report.

## **7.7. Consideration by Scrutiny**

7.7.1. This report is eligible for call in by the Scrutiny Commission, as part of their work programme.

## **7.8. Equality Implications**

7.8.1 An Equalities Screening Assessment has been completed and is provided in Appendix C. The screening assessment shows in general a neutral impact, which is typical of an enforcement-based decision. There is also a positive impact noted on the potential improvement to our green spaces by increasing responsible dog ownership.

7.8.2 The PSPO will have no significant implications for Convention rights. All of the proposed new measures are accompanied with the appropriate rights of appeal. The most controversial measure is requiring dogs to be kept on a lead in a specific place and this is a requirement which balances the freedom for dog owners to walk their dogs off leads with the rights of consumers to enjoy freedom from unreasonable exposure to dogs not under proper control.

7.8.3 The PSPO will not apply to the owners of assistance dogs used by the blind or by those who are unable as a result of a disability to comply with the legislation.

## **7.9. Climate Impact**

7.9.1 The enforcement of the new powers will lead to a safer and cleaner environment.

## **7.10. Community Impact**

7.10.1 The PSPO places controls and restrictions across North Northamptonshire. For Kettering, Wellingborough and East Northants these restrictions and controls have been in place for a number of years and have been welcomed. The restrictions were revised by the previous sovereign authorities to ensure new areas were included where evidence showed issues requiring control, and the controls were amended to ensure better enforcement and clarity.

7.10.2 Key restrictions include dog exclusion in all fenced children's play areas, county wide controls on dog fouling, dogs on leads orders in places such as cemeteries and the ability to request dogs to be placed on leads when required. The PSPO



process requires a high level of community engagement to ensure that the community impact is considered.

7.10.3 The overall aim of the PSPO is to make a positive impact on the community and the areas the public use. It must also take into account the controls proposed and the impact these will have on the community. We are seeking as widely as possible comments, suggestion and views on the areas suggested.

## **7.11. Crime and Disorder Impact**

7.11.1 Dog fouling is recognised as a rural crime indicator and repeatedly features as a major issue of concern for our residents. The use of these powers will have a positive impact on the council's ability to challenge anti-social behaviour associated with irresponsible dog ownership.

## **8. Background Papers**

---

- 8.1. The Public Spaces Protection Order (Kettering Borough Council) (Dog Control) Order 2020. <https://kettering.gov.uk/downloads/download/13502/pspo-orders>
- 8.2. Borough Council of Wellingborough (Dog Control) Public Spaces Protection Order 2020.  
[https://wellingborough.gov.uk/info/98/anti\\_social\\_behaviour\\_and\\_nuisance/1458/public\\_spaces\\_protection\\_orders\\_-\\_2020](https://wellingborough.gov.uk/info/98/anti_social_behaviour_and_nuisance/1458/public_spaces_protection_orders_-_2020)
- 8.3. East Northamptonshire Council Public Spaces Protection Order 2020.  
[https://www.east-northamptonshire.gov.uk/info/100006/environmentalhealth/1924/public\\_spaces\\_protection\\_orders\\_east\\_northamptonshire\\_area](https://www.east-northamptonshire.gov.uk/info/100006/environmentalhealth/1924/public_spaces_protection_orders_east_northamptonshire_area)