

**Report for: Cabinet**

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Date of Meeting:	9 July 2024
<b>Subject:</b>	<b>Public Spaces Protection Order – Dog Control</b>
Cabinet Member:	Cllr Josh Wright, Cabinet Member for Service Delivery and Continuous Improvements.
Responsible Officer:	Luke Howard, Environment and Enforcement Manager  Matthew Page, Head of People, Performance and Waste
Exempt:	N/A
Wards Affected:	All
Enclosures:	<b>Appendix 1</b> – Plan of Recreation Ground, Cheriton Fitzpaine <b>Appendix 2</b> – Plan of Recreation Ground, Wood Lane, Morchard Bishop <b>Appendix 3</b> – Plan of Play Area, Recreation Ground, Oakford <b>Appendix 4</b> – Plan of Hardcourt, Playing Field, Play Area and BMX track – Amory Park, Tiverton

**Section 1 – Summary and Recommendation(s)**

To extend the period that the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 is in force for and to vary it as set out in this report.

**Recommendation(s):**

**That Cabinet approves, on the recommendation of the Service Delivery and Continuous Improvement PDG, the report and that the Cabinet make the following resolutions:**

- 1. On being satisfied that the statutory grounds for extending and varying the Mid Devon (Public Spaces Protection) (Dog Control) Order 2021 (“the Dog Control PSPO”) are met, as detailed in the Report, to allow Officers to commence statutory consultation for the following:**

- a) **To extend the period the Dog Control PSPO is in force by a further period of three years**
- b) **To vary the Dog Control PSPO by:**
  - **Designating the Playing Area known as Jacks Acre in Cheriton Fitzpaine (as shown on the plan at Appendix 1) as an area where dogs are not allowed;**
  - **Designating the Playing Field at the top of Wood Lane Morchard Bishop as an area where dogs must be on a lead (as shown on the plan at Appendix 2);**
  - **Removing from the Dog Control PSPO the existing plan of the Recreation Ground at Oakford as an area where dogs are not allowed and replacing it with a plan of a new Play Area at the said Recreation Ground to be subject to the prohibition of no dogs allowed (a plan of the new Play Area is shown at Appendix 3); and**
  - **Removing from the Dog Control PSPO the existing plan of the Play Area Amory Park Tiverton as an area where dogs are not allowed and replacing it with a plan of a new Play Area at the said Amory Park to be subject to the prohibition of no dogs allowed (a plan of the new Play Area is shown at Appendix 4).**
2. **Delegated Authority granted to the Director of Legal, HR & Governance (Monitoring Officer) to draft the Orders extending and varying the Dog Control PSPO to go out to consultation.**
3. **In the event that there are no material objections to the extension and variation as determined by the Operations Manager for Street Scene and Open Spaces, in consultation with the Cabinet Member for the Environment, to grant delegated authority to the Director of Legal, HR & Governance (Monitoring Officer) to make the Orders extending and varying the Dog Control PSPO as recommended in the Report.**
4. **In the event that the Operations Manager for Street Scene and Open Spaces, in consultation with the Cabinet Member for the Environment, determine that objections by the owners of any land which is subject to the Dog Control PSPO should be up held, to then grant delegated authority to the Director of Legal, HR & Governance (Monitoring Officer) to vary the Dog Control PSPO by removing any land for which an objection(s) has been upheld.**

## **Section 2 – Report**

### **1.0 Introduction**

- 1.1 The Council’s Dog Control PSPO was made on 07 October 2021. It will expire on the 06 October 2024 unless it is extended.
- 1.2 The Dog Control PSPO is an example of a Public Spaces Protection Order (PSPOs). It is a measure to tackle anti-social behaviour, introduced by the Anti-social Behaviour, Crime and Policing Act 2014 (“2014 Act”)
- 1.3 PSPOs require or prohibit certain activities from taking place in certain places (restricted areas) in order to prevent or reduce any detrimental effect caused by those activities to local people (section 59(4)) of the 2014 Act).
- 1.4 Failure to comply with a PSPO prohibition or requirement is an offence and a person (without reasonable excuse) will be liable on summary conviction to a fine currently set at up to £1,000.
- 1.5 A constable or a person authorised by the Council may decide in the case of a PSPO breach, that a fixed penalty notice is more appropriate than prosecution. In this case, once the penalty has been paid, any liability for conviction will be discharged.
- 1.6 The Dog Control PSPO can only be extended if the Council is satisfied on reasonable grounds that doing so is necessary to prevent:
  - a) An occurrence or recurrence of the activities identified in the Dog Control PSPO; or
  - b) An increase in the frequency or seriousness of the activities identified in the Dog Control PSPO, after the Dog Control PSPO would have expired.
- 1.7 The Dog Control PSPO can be extended for up to a further three years at a time, and can be extended more than once.
- 1.8 On the 21 March 2024, Cheriton Fitzpaine Parish Council responded to an informal consultation about the Dog Control PSPO. They requested that the Dog Control PSPO be amended to ensure no dog was allowed at Jacks Acre Playing Field. A copy of the plan of Jacks Acre Cheriton Fitzpaine is at Appendix 1.
- 1.9 On the 18 April 2024, Morchard Bishop Parish Council and the Morchard Bishop Playing Fields Association responded to the same informal consultation. They requested the Playing Fields at the top of Woods Lane Morchard Bishop be included in the Dog Control PSPO as an area where a dog must be kept on a lead. They reported they have a problem with dog owners letting their dogs run free and then not picking up their dog faeces. They commented that it is unpleasant for both adult and junior footballers. A

copy of the Plan of the Playing Field at the top of Woods Lane Morchard Bishop is at Appendix 2.

- 1.10 Oakford Parish Council requests that the Dog Control PSPO relating to the “Recreation Ground – Oakford” (aka “Community Area”) is amended to reflect the fact that the Children’s Play Area within the Recreation Ground has been fenced off. They would like the Dog Control PSPO’s ban on dogs to apply only to the fenced off Children’s Play Area, and the rest of the Recreation Ground should be available for owners to allow their dogs to run free. An updated plan of the area and photographs of the fenced off Children’s Play Area are attached for clarity. A plan of the Play Area is at Appendix 3.
- 1.11 Under the 2014 Act, the Dog Control PSPO may be varied by applying to a new area of public space to which it previously did not apply (only if certain conditions are met as regards activities in that new area).
- 1.12 The first condition is that:
- a) Activities carried on in the new area have had a detrimental effect on the quality of life of those in the locality; or
  - b) Is likely that activities will be carried on in the new area and that they will have such an effect.
- 1.13 The second condition is that the effect, or likely effect, of the activities:
- a) Is, or is likely to be, of a persistent or continuing nature;
  - b) Is, or is likely to be, such as to make the activities unreasonable; and
  - c) Justifies the restrictions imposed by the notice.

## **2.0 The Dog Control PSPO**

- 2.1 The Dog Control PSPO has the following prohibitions and requirements, breaches of which are deemed a criminal offence:
- 1. Prohibition of dog fouling
  - 2. A requirement of dogs to be on a lead:
    - a) In cemeteries or churchyards;
    - b) In certain parks; or
    - c) When requested by an authorised officer or police constable
  - 3. An exclusion of dogs from enclosed play areas.
  - 4. A limit on the number of dogs walked at a time by one person.

2.2 Prohibiting dog fouling

2.3 The Dog Control PSPO prohibits dog fouling in all areas within the district of Mid Devon defined as “Public Spaces”.

2.4 The term “Public Spaces” is defined in the Dog Control PSPO to mean land within the district of Mid Devon, which is open to the air including covered land which is open on at least one side and to which the public are entitled and permitted to have access, with or without payment, with the exception of Forestry Commission Land.

2.5 The Dog Control PSPO requires that, in any Public Space, if a dog defecates at any time the person in charge of the dog must remove the faeces from the land forthwith.

2.6 The Dog Control PSPO requires that a person in charge of a dog must have the appropriate means to pick up the faeces and must produce this if required to do so either by an authorised officer or a police constable.

2.7 Dog on Leads

2.8 The Dog Control PSPO requires that dogs must be on leads in the public cemeteries and churchyards, which are listed in the Dog Control PSPO. The public cemeteries and churchyards are:

All Saints Church Cemetery, Culmstock  
Cemetery, Black Dog  
Burial Ground, Cheriton Fitzpaine  
St Matthew’s Church, Cheriton Fitzpaine  
Methodist Cemetery, Coplestone  
St John the Baptist Church, Cove, Tiverton  
Cemetery, Crediton  
Cemetery, Cullompton  
Cemetery, Culmstock  
Cemetery, Halberton  
Cemetery, Hemyock  
St Andrew’s Church Cemetery, Colebrooke  
St Andrew’s Church Cemetery, Cullompton  
St George’s Church, Tiverton  
St Mary’s Church Cemetery, Hemyock  
St Mary’s Church Cemetery, Uffculme  
St Mary’s Church, Willand  
Cemetery, Tiverton  
Cemetery, Uffculme  
Cemetery, Wembworthy  
Cemetery, Willand

2.9 The Dog Control PSPO requires that dogs must be on leads in the public parks which are listed in the Dog control PSPO. These are:

Skate Park, Lords Meadow, Crediton  
Newcombes Meadow, Crediton  
Skate Park, Meadow Lane, Cullompton  
Ploudal Road Play Area, Cullompton  
Logan Way, Hemyock  
Amory Park, Tiverton  
Skate park, Bolham Road, Tiverton  
Marley Close, Tiverton  
People's Park, Tiverton  
Priory Road, Tiverton  
Westexe Recreation Ground, Tiverton  
Play Area, Westleigh  
Recreation Ground (Jubilee Field), Gables Road, Willand  
Victoria Close, Willand  
Recreation Ground Longmead, Hemyock  
Open Space Millhayes, Hemyock

- 2.10 The Dog Control PSPO requires that dogs must be on leads if requested by an authorised officer or a police constable where reasonably necessary, to prevent a nuisance or behaviour by the dog likely to cause alarm, distress or disturbance to any other person or animal or bird on the land.

2.11 Excluding Dogs from enclosed play areas

The Dog Control PSPO excludes dogs from enclosed play areas, which are listed in The Dog Control PSPO; these are:

Recreation Ground, Morebath Road, Bampton  
Play Area, Station Road, Bampton  
Play Area, Godfrey Gardens, Bow  
Play Area, Iter Park, Bow  
Play Area, St Martins Close, Bow  
Play Area, Village Hall, Bow  
Play Area, Barnes Close, Bradninch  
Play Area, Townlands, Bradninch  
Play Area, Bray Close, Burlescombe  
Play Area, Chawleigh  
Recreation Ground, Chawleigh  
Play Area, Glebelands, Cheriton Bishop  
Play Area, Landboat View, Cheriton Fitzpaine  
Play Area, Coleford  
Play Area, Fernworthy Park, Coplestone  
Play Area, Sunnymead, Coplestone  
Play Area, Barnfield, Crediton  
Play Area, Beacon Park, Crediton  
Play Area, Beech Park, Crediton  
Play Area, Cromwells Meadow, Crediton  
Play Area, Fulda Crescent, Crediton  
Play Area, Kirton Drive, Crediton  
Play Area, Lords Meadow, Crediton

Play Area, Monks Close, Crediton  
Play Area, Newcombes Meadow, Crediton  
Play Area, Queen Elizabeth Drive, Crediton  
Play Area, Spinning Path Gardens, Crediton  
Play Area, Tuckers Meadow, Crediton  
Play Area, Walnut Drive, Crediton  
Play Area, Ash Drive, Cullompton  
Play Area, Bockland Close, Cullompton  
Play Area, Bullfinch Close, Cullompton  
Play Area, Chaffinch Drive, Cullompton  
Play Area, Conifer Close, Cullompton  
Play Area, Crossparks, Cullompton  
Play Area, Dove Close, Cullompton  
Play Area, Hanover Gardens, Cullompton  
Play Area, Haymans Close, Cullompton  
Play Area, Haymans Green, Cullompton  
Play Area, Headweir Road, Cullompton  
Play Area, Knightswood, Cullompton  
Play Area, Linden Road, Cullompton  
Play Area, Linear Park, Cullompton  
Play Area, Rivermead, Cullompton  
Play Area, Saxon Close, Cullompton  
Play Area, Siskin Chase, Cullompton  
Play Area, Spindlebury, Cullompton  
Play Area, Starlings Roost, Cullompton  
Play Area, Stoneyford, Cullompton  
Play Area, Tufty Park, Cullompton  
Play Area, Water Meadow, Cullompton  
Play Area, Windsor Close, Cullompton  
Play Area, Hunter's Hill, Culmstock  
Play Area, Lower Town Halberton  
Play Area, Hollingarth Way, Hemyock  
Play Area, Logan Way, Hemyock  
Play Area, Longmead, Hemyock  
Play Area, Millhayes, Hemyock  
Play Area, Holcombe Rogus  
Play Area, Church Close, Lapford  
Play Area, Greenaway, Morchard Bishop  
Play Area, Wood Lane, Morchard Bishop  
Recreation Ground, Oakford  
Play Area, Puddington  
Play Area, Cornlands, Sampford Peverell  
Play Area, Mill Lane, Sandford  
Play Area, Newbuildings Sandford  
Play Area, Town Barton, Sandford  
Recreation Ground, School Close, Shobrooke  
Play Area, Silvertown  
Skate park, Silvertown  
Play Area, Ellerhayes, Silvertown  
Play Area, Amory Park, Tiverton

Play Area, Ashley Rise, Tiverton  
Play Area, Banskia Close, Tiverton  
Play Area, Coles Mead, Tiverton  
Play Area, Everett Place, Tiverton  
Play Area, Grand Western Canal, Canal Hill, Tiverton  
Play Area, Hawthorne Road, Tiverton  
Play Area, Orchard Leigh, Tiverton  
Play Area, Palmerston Park, Tiverton  
Play Area, Popham Close, Tiverton  
Play Area, Spencer Drive, Tiverton  
Play Area, Starkey Close, Tiverton  
Play Area, Trickey Close, Tiverton  
Play Area, Waylands Road, Tiverton  
Play Area, Westexe Recreation Ground, Tiverton  
Play Area, Wilcombe, Tiverton  
Play Area, Culm Valley Way, Uffculme  
Play Area, Recreation Ground, Highland Terrace, Uffculme  
Play Area, Pathfields, Uffculme  
Play Area, Pippins Field, Uffculme  
Play Area, Wembworthy  
Play Area, Buttercup Road, Willand  
Play Area, Chestnut Drive, Willand  
Play Area, Gables Lea, Willand  
Play Area, Harpitt Close, Willand  
Play Area, Mallow Court, Willand  
Play Area, South View, Willand  
Play Area, The Orchards, Willand  
Play Area, Worcester Crescent, Willand  
Play Area, Kentisbeare

2.12 Limit on the number of dogs

2.13 The Dog Control PSPO limits the number of dogs a person can be in control of in a Public Space to 6 dogs.

2.14 Exemptions

2.15 Offences will not be committed if:

- a) A person has a reasonable excuse
- b) A person has permission from the owner of the land
- c) A person is exempt under Clause 10 of the Dog Control PSPO. Clause 10 covers those needing assistance dogs, or with some form of disability, which might prevent them from complying with the Dog Control PSPO. There are also exemptions for certain working dogs i.e. those involved in law enforcement, military duties, statutory emergency services and search/rescue and those using a working dog for agricultural activities or exempt hunting as set out in Schedule 1 of the Hunting Act 2004.



### **3.0 Reasons for recommendations**

- 3.1 Dog fouling remains a significant concern for the Council. Despite considerable efforts to promote responsible dog ownership there remains a minority of dog owners who do not clean up after their dogs or keep them under control. Dog fouling is unpleasant and a risk to human health.
- 3.2 Responsible dog ownership enforcement via a PSPO will aid the reduction of risk to the general public of diseases such as toxocariasis from dog faeces; reduction in potential animal attacks; and safeguarding the public and wildlife via the 'dogs on a lead' enforcement.
- 3.3 Any requirements or prohibitions that are to be imposed must be both reasonable to impose and aimed at preventing or reducing the risk of the detrimental effect from continuing, occurring or recurring in the future.
- 3.4 The decision to extend the Dog Control PSPO is discretionary, but the consequence of not having a PSPO may lead to irresponsible dog owners allowing their dogs to run out of control and not picking up after them. This is likely to have an effect on the quality of life of others using the public spaces.
- 3.5 One of the advantages to having the Dog Control PSPO in place is that if there is an offence of failing to comply with a requirement or prohibition then the offender may be given a Fixed Penalty Notice (FPN); if the FPN is not paid then the offender may be prosecuted.
- 3.6 This can be contrasted with the alternative of using a Community Protection Notice ("CPN"). The purpose of a CPN, which was introduced under the 2014 Act is similar to a PSPO, which is to stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life. The use of a CPN can be considered problematic in the context of dog control.
- 3.7 Prior to the issue of a CPN a written warning must be issued to the individual concerned that if they do not stop the anti-social behaviour i.e. their dog fouling, they could be issued with a CPN. Only if the dog fouling happens again on a separate occasion can a CPN be issued. If the dog fouling then happens again on another separate occasion, in breach of the CPN, an offence is committed and a FPN can be issued. It is submitted that the public would be concerned if a FPN could only be issued on the third occasion of the dog fouling.
- 3.8 Similar issues apply in using the Dogs Act 1871 in relation to dangerous dogs. Civil proceedings that a dog is dangerous, and not kept under proper control can be brought at a Magistrates' Court and this can be done by the police, local authorities, or individual members of the public. If the Magistrates are satisfied that the complaint is justified, they can make any order they feel appropriate to require the owner to ensure that the dog is kept under proper control or, in extreme cases, destroyed. This type of

action is usually only appropriate for serious cases, and is time consuming involving court hearings, which can take considerable time to arrange.

- 3.9 There are other criminal offences that can be prosecuted under the Town Police Clauses Act 1847 and the Dangerous Dogs Act 1991 (as amended) in relation to dogs that are deemed out of control and dangerous. Such prosecutions would be time consuming and expensive.
- 3.10 A review of Devon district council websites, as well as the Plymouth City unitary council, reveal widespread adoption of the control of dogs by PSPOs.
- 3.11 In response to public consultation, which took place when the Council was first considering introducing the Dog Control PSPO, the Council reduced the proposed number of areas subject to the 'Dogs on Leads' requirement. This reduction in areas, subject to the dogs on leads requirement, has resulted in more localities being available in the District for dogs to be exercised freely off their leads.
- 3.12 Examples of where dogs can run freely are :
- Beacon Park, Crediton
  - Bluebell Avenue, Tiverton
  - Cottey Brook, Tiverton
  - Crow Bridge, Cullompton
  - Glebelands Road, Tiverton
  - The land at Moorhayes adjacent to Lea Road, Tiverton
  - Mountbatten Road, Tiverton
  - People's Park, Crediton
  - Railway Walk, Tiverton
  - River Exe Recreation Ground, Tiverton
  - The Oval, Tiverton
  - Knighthayes, Tiverton
  - CCA Fields, Cullompton
  - Oakford Recreation Ground
- 3.13 It was previously recognised that under the Animal Welfare Act 2006, dog owners are required to provide for the welfare needs of their dogs and that, in most cases, this will include off-lead exercise.
- 3.14 As summarised, the above Dog Control PSPO limits the number of dogs a person can be in control of in a Public Space to 6 dogs.
- 3.15 A previous draft PSPO, which was consulted on prior to the introduction of the Dog Control PSPO provided that only 4 dogs could be walked by any one person at a time. The Dog Control PSPO that was made allows for 6 dogs to be walked at any one time by one person. This revised figure took into account the feedback given by Members at both the Environment PDG and Cabinet meetings when considering introducing the Dog Control PSPO,

and also some of the responses to the public consultation, that professional dog walkers could be unduly prejudiced by the lower number.

- 3.16 DEFRA has stated in its official guidance (“Dealing with irresponsible dog ownership Practitioner’s manual”) that “when setting the maximum number of dogs able to be walked by one person, the most important factor for authorities to consider is the maximum number of dogs which a person can control; expert advice is that this should not exceed six”.
- 3.17 As summarised above the Dog Control PSPO protects enclosed play areas by prohibiting dogs. Officers consider that this approach is justified as children are more susceptible to diseases from exposure to dog faeces and urine. Similarly it is felt that young children are more at risk of injury from dogs. This is because young children will naturally be excited whilst playing which may provoke a reaction from dogs in the area. The consequences of a dog attack on a young child is likely to be more severe than on an adult.
- 3.18 Both Jacks Acre playing field and the playing field at Wood Lane are predominantly used for different types of sport and recreation. Local teams have reported issues in relation to dogs running freely and fouling on the pitch with irresponsible owners not clearing the mess up. This has created issues for both sport matches and training. It is therefore requested by Cheriton Bishop Parish Council that dogs are not permitted on Jacks Acre playing field to prevent this issue from occurring. Morchard Bishop Parish Council have requested that dogs be kept on a lead to prevent the issues highlighted for the playing field at Wood Lane.
- 3.19 Oakford Parish have added fencing to enclose the play area situated on the recreation ground. Due to this, the Parish have requested dogs to be excluded from the play area and have the current dogs on leads (as currently recorded) rescinded to allow dogs to access the recreation ground without restriction.
- 3.20 Amory Park play area was relocated in 2023, this requires the order to be amended to reflect this. This requires the implementation of dogs to be on leads on the remaining area of the park, due to the multi-use by different football clubs, children and BMX users.

#### **4.0 Consultation and publicity**

4.1 The Council before extending, and/ or varying the Dog Control PSPO must observe certain "necessary" consultation and publicity requirements.

#### **4.2 Consultation**

4.3 The Council is obliged to consult with the local Chief Officer of Police; the Police and Crime Commissioner; owners or occupiers of land within the affected area where reasonably practicable, and appropriate community representatives.

4.4 Community representatives' are defined broadly in the 2014 Act as 'any individual or body appearing to the authority to represent the views of people who live in, work in or visit the restricted area'. This gives the Council the freedom to determine who best to contact given local circumstances and the scope of the proposals.

4.5 It is proposed to consult with:

All Parish & Town Councils in Mid Devon  
MDDC Councillors  
Chief Constable of Devon Cornwall Police  
Police & Crime Commissioner  
The Kennel Club

4.6 Publicity and publication

4.7 The Council must publish the text of the proposed order varying the Dog Control PSPO, and for the proposed extension of the Dog Control PSPO, the Council must publicise the proposal.

## **5.0 Other Legal Considerations**

5.1 In deciding whether to extend and or vary the Dog Control PSPO, the 2014 Act says the Council must have particular regard to the rights of freedom of expression, and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights.

5.2 The need to "have particular regard" to Articles 10 and 11 suggests that Parliament in passing the Act has sought to give these rights an elevated status in relation to deciding whether to make a PSPO.

5.3 Article 10: freedom of expression reads as follows:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

5.4. Article 11: freedom of assembly and association reads as follows:

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

5.5 Although PSPOs are a robust remedy because they affect the behaviour of every person within a specified area rather than being targeted at individuals, Officers consider that the Dog Control PSPO does not unnecessarily interfere with lawful and legitimate activity.

5.6 It is submitted that in extending and varying the Dog Control PSPO the Council will have found the right balance in the need to tackle anti-social behaviour associated with dogs, against the desire and entitlement of the public to use a public space.

## **6.0 Conclusion**

6.1 Officers believe that there are reasonable grounds to suggest that incidents relating to dogs are of such a nature that they have had, and are likely to have, a detrimental effect on the quality of life of the public whilst enjoying the open spaces, parks and play areas in the District.

6.2 Unfortunately, even though the majority of people do not create the issues identified, the continuing nature of the irresponsible behaviour by a minority of dog owners, and the adverse impact they have on the public justify the imposing of restrictions as proposed in the new draft PSPO.

## **Financial Implications**

Whilst a consequence of enforcement may be an increase in Fixed Penalty Notices (FPN), income generation is not a reason for introducing a new PSPO.

## **Legal Implications**

The Dog Control PSPO is designed to curb anti-social behaviour arising from irresponsible control of dogs and dog fouling. The Dog Control PSPO will expire on the 7 October 2024 unless it is extended beforehand.

## **Risk Assessment**

The Council is at risk of not being able to enforce dog control infringements which could result in reputational damage for not taking appropriate action against offenders. The Council will also be at risk of not meeting statutory duties such as under Section 89 of the Environment Protection Act 1990 to ensure that land is clear of litter, which includes dog waste.

## **Impact on Climate Change**

A PSPO requires or prohibits certain activities from taking place in certain places (restricted areas) in order to prevent or reduce any detrimental effect caused by those activities to local surroundings and people. Further, reduced levels of dog related anti-social behaviour improve the desirability of our open spaces.

## **Equalities Impact Assessment**

An updated Equality Impact Assessment will be undertaken after the consultation proposed in the Report and prior to any decision whether to make the PSPO.

## **Relationship to Corporate Plan**

The Street Scene Enforcement Service is a frontline service, which works throughout the District ensuring cleanliness and attractiveness of our public realm through both education and enforcement.

## **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Andrew Jarrett

Agreed by or on behalf of the Section 151

**Date:** 13 June 2024

**Statutory Officer:** Maria de Leburne

Agreed on behalf of the Monitoring Officer

**Date:** 13 June 2024

**Chief Officer:** Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

**Date:** 13 June 2024

**Performance and risk:** Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

**Date:** 05 June 2024

**Cabinet member notified:** (yes)

## **Section 4 - Contact Details and Background Papers**

**Contact:** Luke Howard, Environment and Enforcement Manager

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**Background papers:** None