



REPORT TO:	POLICY DEVELOPMENT PANEL
DATE:	24 Sept 2024
SUBJECT:	PUBLIC SPACES PROTECTION ORDER (DOG CONTROLS) TO ENABLE ENFORCEMENT ACTIVITY AROUND DOG FOULING AND IRRESPONSIBLE DOG OWNERSHIP
PURPOSE:	
KEY DECISION:	NO
PORTFOLIO HOLDER:	CLLR A CASSON, PORTFOLIO HOLDER PUBLIC PROTECTION
REPORT OF:	CHRISTIAN ALLEN, ASSISTANT DIRECTOR REGULATORY
REPORT AUTHOR:	DONNA HALL, GROUP MANAGER PUBLIC PROTECTION
WARD(S) AFFECTED:	ALL
EXEMPT REPORT?	NO

SUMMARY

Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem, in a specific area, that is detrimental to the local community's quality of life. It does so by imposing conditions on the use of that area which apply to everyone.

Dog Fouling in South Holland is currently regulated through a designation under the Dogs (Fouling of Land) Act 1996, which applies to highways with a speed limit of less than 50mph and certain public open space. The proposed PSPO would replace this designation and extend powers across a wider range of land, as well as introduce more general powers to deal with irresponsible dog ownership.

RECOMMENDATIONS

That Policy Development Panel consider and feedback on the proposed PSPO attached as Appendix A.

REASONS FOR RECOMMENDATIONS

To consider the new measures being proposed, which are currently being shared for public consultation.

OTHER OPTIONS CONSIDERED

Do Nothing – whilst the existing legislation allows action to be taken in certain situations, it is limited in its scope and only relates to dog fouling.

1. BACKGROUND

- 1.1** The existing designation of land under the Dogs (Fouling of Land) Act 1996 allows action to be taken in certain situations, it is limited in its scope and only relates to dog fouling. It applies to highways with a speed limit of less than 50 mph, including the associated footways and certain public open spaces. Since this designation was made, there have been several changes in legislation around the control of dogs, with the current provisions contained within the Anti-social Behaviour, Crime and Policing Act 2014.
- 1.2** The current designation doesn't extend to the control of irresponsible dog ownership generally, for example being prevented from entering certain other areas such as children's play areas. It is therefore proposed to use a PSPO to improve and extend the controls available.
- 1.3** The Council receives a number of complaints relating to irresponsible dog ownership, particularly in relation to dog fouling in public places. Evidence from other local authorities, including Boston Borough Council and East Lindsey District Council, shows that a PSPO can be effective in reducing complaints about irresponsible dog ownership. Boston Borough Council have evidenced a significant reduction in the number of complaints received about dog fouling since it was first introduced in 2017.
- 1.4** The proposed PSPO also deals with anti-social behaviour associated with irresponsible dog ownership and it applies to the whole of the administrative area of South Holland District, where the public either have access on payment or otherwise, as of right or by virtue of express or implied permission (s67(1) of the act).

2. REPORT

- 2.1** Noting the background provided in section 1 of this report, a draft Public Space Protection Order, that focusses on dogs and is attached at Appendix A, has been developed which if ultimately adopted would apply to public open space within the administrative area of South Holland. It relates to dog fouling and having the means to pick up dog waste, and dog exclusion from enclosed play areas.
- 2.2** Fixed Penalty Notices will be issued to enforce the controls, the fine being £100 as prescribed within legislation. Failure to pay the fine may lead to prosecution and a summary conviction and fine not exceeding level 3 (£1,000) on the standard scale. The PSPO will be enforced by enviro-crime enforcement officers through the enforcement contract.

- 2.3** Exemptions are prescribed within the Order for a person who is registered as a blind person on a register compiled under section 29 or the National Assistance Act 1948; or has a disability that requires assistance from a dog trained by any member organisation of Assistance Dogs UK.
- 2.4** Signage relating to the Dog Controls PSPO would need to be installed throughout the District. Hot spot areas for dog fouling will be prioritised, as well as enclosed children’s play areas.
- 2.5** A consultation process needs to take place before the draft order is finalised for approval. We’re legally obliged to consult the Chief Officer of Police, the Police and Crime Commissioner, owners or occupiers of land within the affected area wherever practicable, appropriate community representatives, the County Council and Parish Councils. We are also holding a public consultation which is open to residents, visitors, businesses, dog owners and dog-related charities including the RSPCA.
- 2.6** If approved by Cabinet following consultation, the PSPO would be introduced from February 2025 and published on the Council website. A comprehensive communications and public awareness campaign would be deployed prior to implementation.

3. CONCLUSION

- 3.1** A comprehensive PSPO covering dog fouling and anti-social behaviour associated with irresponsible dog ownership would allow for consistent enforcement to be undertaken across the District, with the intention of reducing the negative impact on public open spaces.

EXPECTED BENEFITS TO THE PARTNERSHIP

Effective dog controls contribute to a safer, cleaner environment and provide a deterrent against irresponsible dog owners. A PSPO for dog control is in place at both East Lindsey District Council and Boston Borough Council.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

NONE

CORPORATE PRIORITIES

Sub-Regional Strategy – Environment

- Discourage fly-tipping and environmental crime through deterrence, education and enforcement;
- Maintain and seek to improve street cleanliness;
- Work with local communities to develop green spaces and play areas.
- Local Priority: Support improvements to the town centres in the District.

Partnership Alignment and Delivery Plan 2024/25

- Local Deliverables – Consult on and subject to the outcome, deliver a Dog Control PSPO

STAFFING

None, it will be enforced through existing contractual arrangements.

WORKFORCE CAPACITY IMPLICATIONS

None, it will be enforced through existing contractual arrangements.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

Prosecutions may be taken where offenders have failed to discharge their liability by paying the Fixed Penalty Notice.

Legal advice has been sought on the drafting of the Order.

DATA PROTECTION

All enforcement activity is carried out in line with Data Protection legislation. These provisions are also extensively covered in the Environmental Crime Enforcement contract.

FINANCIAL

There will be an additional cost to the Council for the installation of signage across the District. This is estimated to be an initial cost in the region of £1000.

RISK MANAGEMENT

None

STAKEHOLDER / CONSULTATION / TIMESCALES

The Council is legally obliged to consult the Chief Officer of Police, the Police and Crime Commissioner, owners or occupiers of land within the affected area wherever practicable, appropriate community representatives, the County Council and Parish / Community Councils. There is also a public consultation open to residents, visitors, businesses, dog owners and dog-related charities including the RSPCA.

REPUTATION

Failure to implement effective dog control measures could lead to reputational damage.

CONTRACTS

PSPO Dog Controls are enforced primarily under the South and East Lincolnshire Council Partnership contract for enviro-crime enforcement.

CRIME AND DISORDER

All breaches in relation to any of the controls within a PSPO are a criminal offence under the Anti-Social Behaviour Crime and Policing Act. Any action taken will be considered in line with the Council's Enforcement Policy.

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

The Environmental Crime Enforcement contract details compliance with Council policy in relation to Equality, Diversity, Human Rights and Safeguarding.

HEALTH AND WELL BEING

Maintaining a clean environment is known to contribute to the health and wellbeing of the community. There are also many known health hazards associated with dog fouling.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Dog fouling is detrimental to the natural environment. Encouraging the removal of dog fouling promotes a cleaner, safer environment for all.

LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

MISSIONS	
This paper contributes to the Missions outlined in the Government's Levelling Up White paper. See highlighted statements	
Health	By 2030, the gap in Healthy Life Expectancy (HLE) between local areas where it is highest and lowest will have narrowed, and by 2035 HLE will rise by 5 years.
Wellbeing	By 2030, well-being will have improved in every area of the UK, with the gap between top performing and other areas closing.
Pride in Place	By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing.
Crime	By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.

ACRONYMS

PSPO – Public Spaces Protection Order

APPENDICES	
Appendices are listed below and attached to the back of the report: -	
APPENDIX A	Draft Public Spaces Protection Order 2024

BACKGROUND PAPERS
No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT	
None	
Name of body	Date

REPORT APPROVAL	
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