

**Committee: Council**

Date of Meeting: **10<sup>th</sup> October, 2019**

Report Subject: **Renewal of Public Space Protection Orders for Dog Control Offences - Results of Statutory Consultation**

Portfolio Holder: **Councillor Garth Collier – Executive Member – Environment**

Report Submitted by: **David Thompson – Service Manager, Public Protection**

Report Written by: **Tim Griffin – Specialist EHO**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
15.8.19	20.8.19				12.9.19		10.10.19	

## 1. Purpose of the Report

1.1 To inform Council of the findings of the public consultation on the proposed new Public Space Protection Order for dog control offences and to seek Council Approval of the new Order for commencement on 1<sup>st</sup> November 2019.

## 2. Scope and Background

2.1 On the 1<sup>st</sup> November 2016, Blaenau Gwent CBC introduced a public space protection order (PSPO) for dog control offences. This PSPO replaced the previous dog control orders that were introduced in 2012.

2.2 The PSPO for dog control offences re-introduced dog exclusion areas, dogs on lead areas and created the offence of failing to remove dog faeces from public areas. PSPO's can remain in force for up to 3 years upon when they must be renewed or removed.

2.3 The sites covered by the dog exclusion areas and dog on lead areas include schools, sports pitches and playgrounds with the aim of protecting public health. A full list of all of the sites covered by the proposed new PSPO for dog controls can be found in the draft order attached as an appendix to this report.

2.4 As part of the PSPO renewal process the Authority is required to carry out a public consultation. The public consultation started on the 6<sup>th</sup> June 2019 and ended on the 5<sup>th</sup> July 2019 and utilised existing website and social media platforms in addition to written communication to all elected members and relevant partner organisations and interest groups (Police, Registered Social Landlords, Town Councils and relevant interest groups).

2.5 Officers received 20 written responses in total from members of the public, the Dogs Trust and Abertillery and Llanhilleth Community Council. The general themes of the responses were supportive of the dog fouling aspect of the PSPO whilst also requesting for additional dog fouling bins to be put up at specific locations within the Borough and also the possibility of providing free dog fouling bags. Other general themes included requests for areas for dogs to be able to run off lead and a list of such places are made available to members of the public. (These do not fall within the remit of PSPOs.) There were no comments received relating to the amount of the fixed penalty notice fines (currently £100, which is the statutory maximum).

2.6 Specific responses/requests were received relating to the following-

- PSPO-DC-009- A review of the dog exclusion area at a playground at Aberbeeg, Abertillery. This request was reviewed and an amendment is proposed below.
- PSPO-DC-058- A request for the removal of part of the dog exclusion area at Brynmawr Welfare Ground, Warwick Road, Brynmawr. This request was reviewed and an amendment is proposed below.
- PSPO-DC-083- A request for the removal of the dog exclusion area at the recreation ground at Pennant Street, Ebbw Vale. This request was reviewed and an amendment is proposed below.
- A request was received from the Beaufort Hill Ponds & Woodlands Preservation Society for enforcement officers to patrol the site because of problems with dog fouling. They also requested a new PSPO be created to limit the number of dogs that can be exercised by a single person at any time. Officers have agreed for the site to be patrolled by enforcement officers to tackle the issue of dog fouling and the site will receive ongoing monitoring in relation to additional fouling issues due to people exercising multiple dogs at the same time to determine if any future additional PSPO's are needed at the next review.
- A request was received from a member of the public for Cwmtillery Lakes, Abertillery to become a dog on lead area. This request was reviewed and the site was compared to other similar sites throughout the borough and the type of dog controls in operation at these sites. Other similar sites across the borough have not been declared as dog on lead areas and so to ensure a consistent approach throughout the borough it is not recommended that this request is supported.

2.7 Following the public consultation responses the following amendments are proposed -

- PSPO-DC-009- A playground at Aberbeeg, Abertillery which is a dog exclusion area. The council has recently built a new bridge over the Ebbw River to increase access to local community facilities. As a result

Officers are recommending an amendment to the dog exclusion area to ensure access to the area is not restricted for members of the public.

- PSPO-DC-058- Brynmawr Welfare Ground, Warwick Road, Brynmawr which is a dog exclusion area. Since the introduction of the existing PSPO the former park warden property on the site has been sold to a private resident. As a result, the dog exclusion area at the welfare ground has been amended so that it does not include the privately owned residential property.
- PSPO-DC-083- Recreation Ground at Pennant Street, Ebbw Vale which is a dog exclusion area. A request from local elected members was received for an area at the site to be made available for people to exercise their dogs on. This request was reviewed with officers from grounds maintenance who also visited the site to explore possible options. As a result, changes are recommended to the dog exclusion area at the site. The playground and sports pitch area will remain as a dog exclusion area and an area will be made available for members of the public to exercise their dogs off lead.

2.8 The proposed PSPO for dog controls and above consultation outcomes were supported by Community Services Scrutiny Committee on the 12<sup>th</sup> September 2019.

### **3. Options for Recommendation**

3.1 Option 1: That Council approves the new Public Space Protection Order for dog controls (as set out in Appendix 1) for commencement on the 1<sup>st</sup> November 2019.

In approving the above, the current Public Space Protection Order for dog controls will be repealed at midnight on 31<sup>st</sup> October 2019.

That the fine for committing an offence in relation to a Public Space Protection Order will continue to be £100 (statutory maximum) with no early repayment reduction.

3.2 Option 2: That Council does not approve the draft Public Space Protection Order for dog controls.

### **4. Evidence of how this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 This topic supports the achievement of the Blaenau Gwent Well-being plan to encourage and enable people to make healthy lifestyle choices in the places they live, learn, work and play by ensuring dogs are controlled and that dog faeces are removed it will encourage people to use clean public open spaces.

## **5. Implications Against Each Option**

### **5.1 *Impact on Budget***

Implementation costs will be met within existing revenue budget levels.

### **5.2 *Risk***

Failure to renew the PSPO for dog control offences puts the public at increased health risks associated with exposure to dog faeces that have not been removed by the owner of the dog.

### **5.3 *Legal***

It is important that the correct procedure is followed to ensure the PSPO for dog controls meets the legal criteria for review and re-introduction.

### **5.4 *Human Resources***

All work relating to the renewal of the PSPO for dog control offences will continue to be undertaken by existing Officers within the Environmental Health Section and officers from other sections of Blaenau Gwent CBC that are responsible for individual sites.

## **6. Supporting Evidence**

### **6.1 *Performance Information and Data***

Under the Anti-Social Behaviour, Crime and Policing Act 2014 we are required to justify the need to introduce the PSPO for dog controls. Since the introduction of the PSPO for dog controls in 2016 we have continued to receive high levels of complaints from members of the public relating to dog fouling in public areas. In 2016/17 we received 348 complaints, in 2017/18 we received 635 complaints and in 2018/19 we received 352 complaints. The below table shows we are also continuing to identify offending behaviour and to issue fixed penalty notices for offences contained within the existing PSPO for dog controls. The adverse public health impacts associated with dog faeces are well documented and therefore the need to continue to have the legal controls in place to prohibit this type of offending behaviour is felt justified.

Table 1

	2016/17	2017/18	2018/19
<b>FPN Type</b>			
<b>PSPO Offence-dog Fouling</b>	11	17	14
<b>PSPO Offence-Dog Exclusion Area</b>	4	8	5
<b>PSPO Offence Dog on Lead Area</b>	14	10	22
<b>Total</b>	<b>29</b>	<b>35</b>	<b>41</b>

## 6.2 *Expected outcome for the public*

The renewal of the PSPO for dog control order offences will allow Blaenau Gwent CBC to continue to protect members of the public from the health risks posed by people not picking up their dog faeces. It will also give members of the public confidence that they can play at and use clean public open spaces.

## 6.3 *Involvement (consultation, engagement, participation)*

As part of the PSPO renewal process we have carried out a public consultation on our proposals.

## 6.4 *Thinking for the Long term (forward planning)*

The PSPO for dog control offences will last for 3 years, so it will need to be renewed or revoked again in November 2022.

## 6.5 *Preventative focus*

The renewal of the PSPO for dog control offences aims to prevent occurrences of dog fouling at specific sensitive locations such as schools, playgrounds and sports pitches. It also prevents exposure to sensitive receptors such as young children who are more likely to be at these types of locations.

## 6.6 *Collaboration / partnership working*

This piece of work is carried out by a number of council departments working together such as Environmental Health, Estates, Education, Grounds Maintenance, Technical Services and also the Aneurin Bevan Leisure Trust to deliver a PSPO for dog controls at a number of sites within Blaenau Gwent.

## 6.7 *Integration (across service areas)*

This report does not impact on other service areas. Public Protection is the

lead section for the implementation and enforcement of this project, having worked closely with other internal sections as mentioned in section 6.6.

6.8 *EqlA (screening and identifying if full impact assessment is needed)*

*No negative effects for protected characteristics.*

7. **Monitoring Arrangements**

7.1 This work will continue to be monitored by the Environmental Health section and routinely reported to scrutiny and executive committee.

8. **Background Documents / Electronic Links**

All of the locations that are proposed to be either dog exclusion areas or dog on lead areas are listed (including plans) on the council website and are available using the web link below.

<https://www.blaenau-gwent.gov.uk/en/resident/environmental-health/public-spaces-protection-orders/>

REF: