

Environmental Excellence Policy Development Panel

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Public Space Protection Order - Dog fouling

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Portfolio: Environmental Excellence

Ward(s) Affected: All Wards

Purpose of the Report:

This report presents for Cabinet approval a proposed new dog fouling and dog restrictions Public Space Protection Order under the Anti-social Behaviour, Crime & Policing Act 2014. This follows public consultation and would establish replacement of the existing Public Space Protection Order on a like-for-like basis.

Recommendations:

1. That Environmental Excellence Policy Development Panel recommends that Cabinet approves the Public Space Protection Order No. 3 as proposed in paragraph 4.5 and Appendix 1 over the geographical areas identified in Appendix 2 for a period of three years.

1. Summary

- 1.1 A Public Space Protection Order is the mechanism by which the Council can incentivise people to clean up after their dogs if they have fouled in a public place and can enforce non-compliance. Public Space Protection Orders have a maximum duration of three years, and a decision is now required whether to approve a new one, either as proposed or differently worded.

- 1.2 Dog fouling remains a significant environmental concern and nuisance for residents. This report presents recommendations for Cabinet approval to make a new Public Space Protection Order No.3 under the Anti-social Behaviour, Crime & Policing Act 2014 to apply to the whole Broadland District Council administrative area. This legal control would require persons in control of dogs to clear up after them if they foul in on any public/private land open to the air which the public have access with or without payment including but not limited to all public highways (to include verges, footways and footpaths), all public parks, pleasure grounds, sports grounds, playing fields and play.

2. Background

- 1.3 A Public Space Protection Order is the principal measure available to councils to combat dog fouling offending by irresponsible dog owners. Such orders are made routinely by councils across the country.
- 1.4 The previous Public Space Protection Order was extended in 2021 applying to the whole administrative area of Broadland and Required a person in control of a dog to clean up after it when it fouls in a public place, however they have a limited duration.
- 1.5 The Order made exemptions for people who are blind, deaf or have a disability that affects their mobility, manual dexterity, physical coordination, or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a registered charity and upon which they rely for assistance.
- 1.6 Before making a public space protection order the Council must be satisfied that the activity has a detrimental effect on the quality of life of those in the locality (or it is likely that activities will take place and have such an effect); is (or is likely to be) persistent or continuing in nature; is (or is likely to be) unreasonable and justifies the restrictions being imposed. The Council must formally consult with the local police and local communities on the proposal to introduce an order.

3. Current position/findings

- 1.7 The Broadland district enjoys relatively low levels of reports of dog fouling however routine contact with residents tells us that dog fouling remains an issue the public are concerned about.
- 1.8 Dog fouling is unpleasant where it occurs and contact on rare occasions with dog excrement can cause toxocariasis – an infection that can lead to dizziness, nausea, asthma and even blindness or seizures.
- 1.9 While most dog owners are caring, responsible individuals, there are still some people who do not clean up after their pets.
- 1.10 Over the past twelve months the Council has responded to seven complaints of dog fouling. In this period, no fixed penalty notices were issued because the offenders could not be identified. However, action was taken to inspect the local areas of concern and reassure local communities as to the council's robust

enforcement policy. When offenders are dealt with, a fixed penalty notice may be offered, or the council may decide to prosecute. Formal action tends to have the support of the majority of residents.

- 1.11 It should be noted that despite the low rate of fixed penalty notice service, public space protection order signage and bins act as a reminder to dog owners of the penalties of not complying with the order.
- 1.12 A public space protection order allows the council to post anti-fouling signage, place dog waste bins in public areas, to issue fixed penalty notices or prosecute dog owners who fail to clear up after their pets.

4. Proposed action

- 1.13 A public space protection order can run for a period of up to 3 years. The Public Spaces Protection Order No.3 has been drafted as presented in Appendix 1 is made, with a duration for a period of 3 years. The requirement for a further such Order will be then considered in good time to with a view to future decisions provided for under the Anti-social Behaviour, Crime & Policing Act 2014.
- 1.14 Prior to the production of this report a formal public consultation ran from 6th May 2022 until 17th June 2022. Parish and Town Councils were consulted with letters sent via emails. The Police, Police & Crime Commissioner and Norfolk Highways were consulted via posted letter. The public consultation was carried out via the Councils website.
- 1.15 No objections were received against the proposed Public Space Protection Order from any consultee or member of the public through the council website. Reepham Town council and Freethorpe Parish Council requested additional signage as part of the consultation.
- 1.16 No responses were received from the Police Crime & Commissioner, Norfolk Constabulary or Norfolk Highways.
- 1.17 Following the closure of the consultation period, and having considered the responses received, it is proposed that the Public Space Protection Order No.3 is made as set out in Appendix 1.
- 1.18 With the introduction of a new public space protection order, council officers will conduct patrols in areas where reports or intelligence are received that fouling is occurring. Officers will endeavour to inform and where necessary educate dog owners and will robustly investigate when individuals are identified as not clearing up after their dogs. Regulatory officers will work with environmental services to target heavily fouled areas with a view to reducing the amount of clean-up of public areas that is required.

5. Other options

- 1.19 The Council could decide to not to approve a new public space protection order. This would leave the council with limited sanctions or deterrents to deal with irresponsible dog owners who fail to clear up after their pets. This option is not recommended due to the scale of public concern about dog fouling, the importance of cleanliness of the open spaces of Broadland, and the fact that dog fouling left in such areas can present health issues to residents.

6. Issues and risks

- 1.20 **Resource Implications** –Signage is already in place and monitoring/enforcement is business as usual for the Community Protection Team.
- 1.21 **Legal Implications** –The legislation establishes a particular process for adoption of a Public Space Protection Order. The Public Spaces Protection Order No.3as proposed is a readily administered legal sanction available to local authorities to tackle irresponsible dog owners with a straightforward enforcement process.
- 1.22 **Equality Implications** –No equality implications have been identified. The order would have exemptions for people reliant on assistance dogs.
- 1.23 **Environmental Impact** – The proposed Public Space Protection Order would have a positive environmental impact by establishing clear regulatory offences and penalties, encouraging dog owners keep our open spaces clean and increase compliance, and contributing to cleaner neighbourhoods and environments.
- 1.24 **Crime and Disorder** - The proposed Public Space Protection Order will by provide an easily administered enforcement sanction for use in dealing with dog fouling and irresponsible dog owners.
- 1.25 **Risks** – Public Space Protection Orders are made under the Anti-social Behaviour, Crime & Policing Act 2014. Direct offences under the orders are difficult to witness, however dog fouling is an area where there is near universal agreement that public spaces and children’s play areas should be kept clear of dog fouling. Having the orders in place allows the council to advertise and promote compliance, spell out the penalties of a dog owner not clearing up after their animals to deter offending, and to legitimately raise the profile of the authority in the area by regular high visibility patrolling.

7. Conclusion

- 1.26 The adoption of the Public Space Protection Order No.3 as proposed will deter dog fouling offences by irresponsible dog owners and enable enforcement under specific legal requirements. This will protect the health and wellbeing of our residents and the quality and cleanliness of Broadland’s open spaces.

8. Recommendations

- 8.1 That Environmental Excellence Policy Development Panel recommends that Cabinet approves the Public Space Protection Order No. 3 as proposed in paragraph 4.5 and Appendix 1 over the geographical areas identified in Appendix 2 for a period of three years

Background papers

None

Appendices

Appendix One – Proposed Broadland DC Public Space Protection Order No.3.

Appendix Two – Area Map to which the Proposed Broadland DC Public Space Protection Order No. 3 would apply.