



REPORT TO:	CABINET
DATE:	20 SEPTEMBER 2023
SUBJECT:	PUBLIC SPACES PROTECTION ORDER (DOG CONTROLS)
PURPOSE:	TO ENABLE ENFORCEMENT ACTIVITY AROUND DOG FOULING AND IRRESPONSIBLE DOG OWNERSHIP
KEY DECISION:	NO
PORTFOLIO HOLDER:	CLLR CALLUM BUTLER, PORTFOLIO HOLDER ENVIRONMENTAL
REPORT OF:	CHRISTIAN ALLEN, ASSISTANT DIRECTOR REGULATORY
REPORT AUTHOR:	JENNIFER MOORE, ENVIRONMENT SUPERVISOR
WARD(S) AFFECTED:	ADMINISTRATIVE AREA OF THE BOROUGH
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.

A PSPO has been in place in Boston in relation to Dog Controls since 2017, following extensive consultation. The PSPO expired in February 2023, and it is proposed that the same controls are adopted across the Borough to tackle irresponsible dog ownership.

RECOMMENDATIONS

That Cabinet consider and approve the draft PSPO attached as Appendix 1.

REASONS FOR RECOMMENDATIONS

During the last 3 years there has been a decrease in anti-social behaviour relating to irresponsible dog ownership and we believe this to be attributable to the PSPO.

If Cabinet determines not to renew the current dog controls for a further 3 years, the Council would be limited in its ability to take enforcement action.

OTHER OPTIONS CONSIDERED

Byelaws were considered but not recommended as they must be approved by Central Government and where the contravention is covered by existing general legislation that should be used instead. The PSPO is the most effective option for tackling irresponsible dog ownership and dog fouling.

1.0 BACKGROUND

- 1.1 The former Dog Control Orders were allowed to remain in place but needed to be reviewed three years after the coming into force of the Anti-social Behaviour, Crime and Policing Act 2014, in accordance with the new requirements of PSPOs. Any Dog Control Orders that remained should have automatically become PSPOs after those three years. Existing designations under the Dogs (Fouling of Land) Act 1996 are not affected by the introduction of PSPOs, however, as before, no new designations may be made under this repealed Act.
- 1.2 The recommendation was that local authorities adopted a PSPO to continue taking enforcement action against irresponsible dog owners.
- 1.3 In the year before the PSPO for Dog Controls was originally introduced, between January and December 2016 the council received 160 complaints relating to dog fouling and nuisance dogs, between January and December 2022 only 32 complaints were received.
- 1.4 A Public Spaces Protection Order (PSPO) relating to dog controls was introduced in 2017 under the Anti-social Behaviour Crime and Policing Act 2014. The PSPO deals with anti-social behaviour associated with irresponsible dog ownership, it applies to the whole of the administrative area of the Borough of Boston where the public have access by means of payment or implied permission.
- 1.5 Consultation took place prior to introducing the order in 2016/2017 with residents, visitors, veterinary surgeries, dog owners and dog-related charities including the RSPCA. This showed overwhelming support for the PSPO as shown in Appendix 2 and a post implementation survey in Appendix 3.
- 1.6 We consulted the public again in August 2023 and the results can be found in Appendix 4. This latest consultation demonstrates continued public support for the PSPO.
- 1.7 In the last three years 130 people have been approached and asked if they could produce evidence of the means to clean up after their dog, only 2 were unable to do so. They were issued with a Fixed Penalty Notice as were 8 other people who failed to clear up after their dog.

2.0 REPORT

- 2.1 The Order, attached at Appendix 1, applies to all land within the administrative area of Boston. It relates to dog fouling and having the means to pick up; dog exclusion from enclosed play areas and putting dogs on lead when directed by an authorised officer.
- 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.
- 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 of 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 is installed throughout the Borough.

3.0 CONCLUSION

Not implementing the PSPO would mean that Boston Borough Council could not carry out suitable enforcement action against irresponsible dog owners.

4.0 EXPECTED BENEFITS TO THE PARTNERSHIP

- 4.1 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 East Lindsey and is being considered in South Holland.

5.0 IMPLICATIONS

5.1 CORPORATE PRIORITIES

Supports the following aims within the 2020-2024 Corporate Strategy

A place where people want to live, work and visit.

Proactively educate and enforce against environmental crime.

5.2 STAFFING

There are no new staffing implications.

5.3 CONSTITUTIONAL AND LEGAL IMPLICATIONS

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

5.4 DATA PROTECTION

All enforcement activity is carried out in line with Data Protection legislation and our corporate enforcement policy. This is extensively detailed in the Environmental Crime Enforcement contract with Kingdom LA Support.

5.5 FINANCIAL

There are no new financial implications.

5.6 RISK MANAGEMENT

Not renewing the PSPO would mean that Boston Borough Council could not carry out enforcement action against irresponsible dog owners.

5.7 STAKEHOLDER / CONSULTATION / TIMESCALES

2016 Initial consultation carried out prior to the council adopting the PSPO - Appendix 2.

2017 Post PSPO implementation consultation – Appendix 3.

2023 consultation in August 2023 - Appendix 4.

5.8 REPUTATION

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

5.9 CONTRACTS

PSPO Dog Controls are enforced under the South and East Lincolnshire Council Partnership contract with Kingdom LA Support Services.

5.10 CRIME AND DISORDER

All breaches in relation to any of the controls within the PSPO are a criminal offence under the Anti-Social Behaviour Crime and Policing Act.

5.11 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.

All Enforcement Officers are trained in these matters and are required to undertake further training through the council's online training portal.

5.12 HEALTH AND WELLBEING

There are many health hazards associated with dog faeces, these include but are not limited to:-

Commonly known gastrointestinal parasites including roundworms (*toxocara canis*), hookworms, and whipworms.

Viral infections including norovirus and bacterial infections including *Pasteurella*, *Salmonella*, *Brucella*, *Yersinia enterocolitica*, *Campylobacter*, *Capnocytophaga*, *Bordetella bronchiseptica*, *Coxiella burnetii*, *Leptospira*, *Staphylococcus intermedius* and Methicillin resistance *staphylococcus aureus*.

5.13 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: -	
<i>APPENDIX 1</i>	Draft Public Space Protection Order 2023
<i>APPENDIX 2</i>	Initial consultation carried out prior to the council adopting the PSPO 2016
<i>APPENDIX 3</i>	Post PSPO implementation consultation 2017
<i>APPENDIX 4</i>	Consultation carried out August 2023

BACKGROUND PAPERS
None

CHRONOLOGICAL HISTORY OF THIS REPORT
None

REPORT APPROVAL	
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