

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No. 5

meeting date: THURSDAY, 19 OCTOBER 2017  
title: PSPO ADOPTION  
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE  
principal author: HEATHER BARTON – HEAD OF ENVIRONMENTAL HEALTH SERVICES

## 1 PURPOSE

1.1 That Committee note the outcome of the public consultation and consider the adoption of Public Space Protection Orders (PSPO).

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – To make people's lives safer and healthier.
- Corporate Priorities – Promotes health and wellbeing through supporting healthier communities, businesses and improving personal safety of individuals.
- Other Considerations – To promote healthier environment and lifestyle.

## 2 BACKGROUND

2.1 On 20 May 2017, Committee considered 8 proposals to make a PSPO and approved the commencement of a public consultation upon these.

2.2 As Committee was informed on 20 May 2017, the Council currently has 5 Dog Control Orders made under the Clean Neighbourhoods Act 2005. As a result of changes made to legislation, these will lapse at the end of October 2017. Section 59 of the Anti-Social Behaviour Crime and Policing Act 2017 is replacement powers to make 8 PSPO's.

2.3 The consultation ran from 3 July to 4 September 2017, Appendix 1. Committee is asked to consider the consultation response.

## 3 ISSUES

### Consultation

3.1 The consultation included detailed correspondence with partners and groups, a press release and an on-line survey.

3.2 The Council were obliged to consult various bodies as part of the consultation process. Those bodies are set out below along with the responses received:

- Chief Constable – no response.
- Police and Crime Commissioner - no response.
- Lancashire County Council - no response.
- Parish/Town Councils – 13.
- Elected Members – 5.
- Residential groups – none.
- The Kennel Club.
- The Dogs Trust.

- RSPCA.
- Religious leaders – 3.
- Guide Dogs for the Blind.

3.3 A summary of consultation is set out in the table below. A summary of the public consultation is Appendix 2.

3.4 Although there was a large amount of public interest in the consultation it resulted in only 186 responses of which 31 were void due to incomplete information. This is in part due to an unofficial document circulated by a member of the public on social media which received 400 responses. For the avoidance of doubt these have been considered although not included in the table below.

3.5 The results obtained from the consultation are as follows:

Table 1 – Summary of Consultation Responses

PROPOSAL	SUPPORT	(%)	OBJECT	(%)	N/A	(%)
1	116	74	38	24	1	2
2	72	46	82	52	1	2
3	39	24	115	74	1	2
4	80	51	74	47	1	2
5	80	51	74	47	1	2
6	44	28	110	71	1	2
7	59	38	94	60	1	2
8	103	66	51	32	1	2

3.6 Dog Control Orders and the PSPO's remain to encourage responsible dog ownership and thereby:

- ensure a fair and a proportionate balance between the need of visitors so that they can equally enjoy the site of Ribble Valley;
- reduce the number of dog related incidents and complaints recorded each year;
- reduce the impact of dog control management on the resources.

### **The Proposals and Recommendations**

3.7 The Council has considered each of the 8 proposed PSPO's; the evidence previously presented in respect of each and the result of the consultation, recommendation made in respect of each is set out below.

3.8 Committee will note that the intention of the proposals was to strike a balance between the needs of groups, families and individuals using the sports grounds for recreation and leisure and those using them as public open space, in particular dog walkers.

3.9 Not adopting the PSPO would mean that the Council would not have restrictive powers to deal with dog fouling within the district and no means of enforcement against irresponsible dog ownership.

#### **Proposal 1 – Dog Fouling – PSPO01**

**Current position** – under The Fouling of Land by Dogs (Ribble Valley) Order 2014, if a dog defecates upon designated land and the owner fails to remove the deposit forthwith, that persons shall be guilty of an offence and a fixed penalty notice served.

The formal consultation held by Ribble Valley Borough Council showed a 74% support for this proposal.

The on-line copy of the PSPO public consultation showed a 94.4% support for this proposal.

The Council considers that the proposed PSPO satisfies the requirements of the Act.

It is therefore recommended that a PSPO be made replicating the terms of the existing Order.

#### Proposal 2 – Dogs on Leads – Public Highways – PSPO02

**Current position** – there is currently no legal requirement for dogs to be kept on leads on public highways in the Ribble Valley.

The Ribble Valley Borough Council consultation response provided a 46% support. The on-line copy of the PSPO public consultation was 53.1% support.

Due to the lack of support received from partner agencies and in light of the consultation results the Council recommends that the proposal for Dogs on Leads on Public Highways is not adopted.

#### Proposal 3 - Dogs on Leads – Council Land – PSPO03

**Current position** – the Dogs on Leads (Ribble Valley) Order 2014 came into effect in 2014; this made it an offence if the dog in your charge is not on a lead in a designated area. The designated area being Clitheroe Cemetery.

The Ribble Valley Borough Council proposal for Dogs on Leads on Council Land showed a 24% support for the proposal. The on-line copy of the PSPO public consultation showed a 25.7% support.

Due to the lack of support received from partner agencies and the lack of support from the public for the addition of Council owned land, the Council recommends that the Council adopt a PSPO which replicates the terms of the Order namely that it purely includes the Clitheroe Cemetery.

#### Proposal 4 - Dogs on Leads by Direction – PSPO04

**Current position** – Dogs on Leads by Direction (Ribble Valley) Order 2012 is that is an offence if a dog in your charge is not put and kept on a lead of more than 1 metre in length, when directed by an authorised officer.

The Ribble Valley Borough Council consultation response showed a 51% support for this proposal. The on-line copy of the PSPO public consultation showed a 48.1% support for this proposal.

The Council considers that the proposal satisfies the requirements of the Act and recommended that the PSPO be made as proposed.

#### Proposal 5 - Number of Dogs – PSPO05

**Current position** – currently it is an offence to take more than 4 dogs on to any land with the administrative area of the Ribble Valley under The Dogs (Specified Maximum) (Ribble Valley) Order 2014.

The Ribble Valley Borough Council consultation response showed 51% support. The on-line copy of the PSPO public consultation showed a 51.4% support for this.

The Council considers that the proposal satisfies the requirements of the Act and recommendation that the PSPO be made as proposed.

#### Proposal 6 – Dog Exclusion Zones – PSPO06

**Current position** – there is currently no requirement under the dog control orders for dogs to be excluded from churchyards.

The Ribble Valley Borough Council consultation response showed a 28% support. The on-line copy of the PSPO public consultation showed a 19.4% support.

There was a mixed response from religious organisations and limited evidence to support this proposal. It is therefore recommended that proposal 6 is not adopted.

#### Proposal 7 – Dog Exclusion Zones – PSPO07

**Current position** – the Dog Exclusion (Ribble Valley) Order 2014 is to make it an offence to allow a dog in your charge to enter a dog exclusion area. This Order applies to any enclosed children’s play area, skate park, tennis court, basketball court, bowling green or putting green, sports pitch(es) and/or any other recreational facility.

The dog exclusion zone proposal for the Ribble Valley consultation response showed 38% support. The on-line copy of the PSPO public consultation showed 49.4% support.

The Council considers that the proposal satisfies the requirements of the Act and recommendation that the PSPO be made as proposed.

#### Proposal 8 – Means to Pick Up – PSPO08

**Current position** – there is currently no requirement for a person in charge of a dog to have the appropriate means to pick up dog faeces.

The Ribble Valley Borough Council consultation response showed 66% support for this proposal. The on-line copy of the PSPO public consultation showed an 87.9% support for this proposal.

The Council considers that the proposal satisfies the requirements of the Act and recommendation that the PSPO be made as proposed.

#### Making the Order

- 3.10 The PSPO will cease to have effect after 3 years unless reviewed in 2020 by Health and Housing Committee. If choose to make will last for 3 years and then review.
- 3.11 Any order would not apply to registered blind people, deaf people or people with disabilities who require trained assistance dogs or lack the physical ability to comply with the requirements of the Order.
- 3.12 If the Order is made the requirements for publicity are set out within Anti-Social Behaviour, Crime and Policing Act 2014 (Public Space Protection Orders) Regulations. The regulations require that where a Local Authority has made a PSPO, they must publish it on its website and erect such notices as it considers

sufficient to inform Members of the public that the PSPO has been made and the effect of such an Order.

3.13 If adopted the Council will for a period of one month after the introduction of PSPO's officers use discretion and adopt an informal educative approach to the enforcement of the new legislation. During that period a campaign will run aimed at alerting people to the new laws and engage with parishes particularly on the issue of replacement signs and patrolling of hotspots.

3.14 Any challenge to the PSPO must be made in the High Court by an interested person, within six weeks of it being made. If a challenge is made, the High Court can suspend the PSPO pending the verdict in part, or in totality. The High Court has the ability to uphold the PSPO, quash or vary it. This does not preclude others (such as national bodies) from seeking Judicial Review.

#### 4 THE FUTURE

4.1 The maximum duration of a PSPO is three years. It is recommended that the PSPO's be in place for this period subject to any challenge.

4.2 There is provision that allows Councils to extend PSPO's by up to a further three years if they consider that it is necessary to prevent the original behaviour from occurring or reoccurring.

4.3 If new issues arise within the area where a PSPO is in force we may vary the terms of the Order at any time providing that we follow the procedures as set out in statutory guidance.

4.4 It is an offence for a person, without reasonable excuse to:

- do anything that is prohibited by a PSPO; or
- fail to comply with a requirement imposed under a PSPO.

4.5 Breaches may result in the service of a Fixed Penalty Notice (FPN); failure to pay the FPN may result in prosecution.

4.6 It is proposed that officers authorised to enforce these restrictions will include both Police and Council Officers and it is likely that we will be required to work closely with the Police to help to ensure appropriate controls.

4.7 Council Officers will have delegated authority from the Chief Executive at Ribble Valley Borough Council.

#### 5 RISK ASSESSMENT

5.1 The approval of this report may have the following implications:

- Resources – Will need to be informally reviewed 12 months after adoption of the PSPO to assess the impact of the new Order and of any further resources required for its enforcement. Town and Parish Councils will also be consulted with regard to assisting the Council in monitoring areas within the parish and erecting signs.
- Technical, Environmental and Legal - The Director of the Chief Executive's Department has delegated power to take action under the relevant parts of the Anti-Social Behaviour, Crime and Policing Act and to authorise such other relevant officers to take action under the Act. Authorised officers will proceed to

court proceedings where such action is considered proportionate and in line with the Council's Enforcement Policy.

- Political – None.
- Reputation – Improved public safety will enhance the Council's reputation.
- Equality & Diversity – No implications identified.

## **6 RECOMMENDED THAT COMMITTEE**

6.1 Having regard to the provision of Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 approve the adoption of the Public Space Protection Orders (PSPO) as set out in this report.

6.2 Authorise the Chief Executive to make the Order.

HEATHER BARTON  
HEAD OF ENVIRONMENTAL HEALTH SERVICES

MARSHAL SCOTT  
CHIEF EXECUTIVE

### **BACKGROUND PAPERS**

(If any).

Appendices:

For further information please ask for Heather Barton, extension 4466.

HC/EL/19101702/H&H

### DOG CONTROL PUBLIC SPACE PROTECTION ORDER CONSULTATION

There are currently a number of dog control orders covering parts of the borough that require dogs to be held on leads or excluded. The new legislation under the Anti-Social Behaviour, Crime and Policing Act 2014 allows for the introduction of public space protection orders PSPOs which offer a more effective way of enforcing dog control in the Ribble Valley.

As a result we seek your views on a number of draft proposals to implement PSPOs in areas across the borough to replace the existing dog control orders.

If PSPOs are implemented, the fixed penalty notice is recommended to be £ paid and reduced to £ if paid within 7 days. There are four types of order being proposed at various locations across the borough and we estimate the consultation should take 15-20 minutes of your time.

#### Proposal 1 – Dog Fouling

Current position – under Dogs (Fouling of Land) Act 1996, if a dog defecates upon designated land and the owner fails to remove the deposit forthwith, that persons shall be guilty of an offence and a fixed penalty notice served.

Proposal – A PSPO enabling enforcement via an FPN to be paid within 7 days.

Support or object

#### Proposal 2 – dogs on Leads – public highways

Current position – there is currently no legal requirement for dogs to be kept on leads on public highways in the Ribble Valley.

Proposal – a PSPO enabling enforcement via a FPN requiring dogs to be kept on leads on local highways at all time. The public highway is an open ‘main road or thoroughfare, such as street, boulevard or parkway available to the public for travel or transportation’.

Support or object

#### Proposal 3 – Dog Exclusion Zones - Clitheroe Cemetery

Current position – there is currently under the dog control order a requirement for dogs to be excluded from the Clitheroe Cemetery.

Proposal – PSPO, reiterating that dogs are excluded from Clitheroe Cemetery at all times.

Support/Object – no comment

#### Proposal 4 – Council Car Park

Current position – there is currently no legal requirement for dogs to be kept on leads on Council car parks.

Proposal – PSPO, enabling enforcement via a FPN, requiring dogs to be kept on leads in Council car parks at all times, as a result of health and safety concerns due to vehicle movement.

Support or object

Proposal 5 – Children’s Play Areas and Multi use Games Areas (does not include football pitches)

Current position – there are numerous signs around children’s play areas and multi use games areas such as tennis courts, basketball courts etc requiring dogs to be kept out and under the dog control order that is enforced.

Proposal – A PSPO, enabling enforcement via a FPN, excluding dogs from all children’s play areas and multi use games areas.

Support/Object – no comment

Proposal 6 – Number of Dogs

Current position – there is currently a dog control order in place requiring X number of dogs to be kept on leads if exercised by one person.

Proposal – a PSPO, enabling enforcement via a FPN, limiting the number of dogs under the control of one person to remain at £X, increase/decrease no limit, no enforcement taken.

Are you a Ribble Valley Resident? Yes/No

If you are not a Ribble Valley resident, do you regularly visit the area? Yes/No

Do you own a business in the Ribble Valley? Yes/No

Are you a professional dog walker? Yes/No

Do you own dogs? Yes/No

Please use the section below to provide sufficient feedback or comment on the draft proposals.

The screenshot shows a Google Forms interface in a web browser. The browser's address bar displays the URL: [https://docs.google.com/forms/d/1jllld\\_Xuc5AktbSkYBqICwOZEh7oEXQMvqJtbHm2CeY/edit#responses](https://docs.google.com/forms/d/1jllld_Xuc5AktbSkYBqICwOZEh7oEXQMvqJtbHm2CeY/edit#responses). The browser tabs include 'Inbox (7) - publicconsultation...', 'My Drive - Google Drive', and 'Dog Control Public Spaces ...'. The form's header is green and contains the title 'Dog Control Public Spaces Protection Order Public Consultation Q', a star icon, the text 'All changes saved in Drive', a 'SEND' button, and a user profile icon. Below the header, there are tabs for 'QUESTIONS' and 'RESPONSES 397'. A red banner at the top of the response area indicates 'Not accepting responses' with a toggle switch. Below this, a message for respondents states: 'This form is no longer accepting responses'. There are buttons for 'SUMMARY' and 'INDIVIDUAL'. The main content area is titled 'Ribble Valley Borough Council Dog Control PSPO Questionnaire' and features a section for 'Proposal 1 - Dog Fouling' with '395 responses'. A pie chart shows the distribution of responses: 94.4% in blue (SUPPORT) and 5.6% in red (OBJECT). A legend to the right of the chart identifies the colors: a blue dot for 'SUPPORT' and a red dot for 'OBJECT'. The Windows taskbar at the bottom shows icons for Internet Explorer, File Explorer, and Microsoft Word, along with system tray icons for network, volume, and battery, and the date/time '09:25 06/09/2017'.

























