

STROUD DISTRICT COUNCIL
ENVIRONMENT COMMITTEE

**AGENDA
ITEM NO**

3 SEPTEMBER 2020

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|--|---|-------|----------|---------------|
| Report Title | EXTENSION OF PUBLIC SPACES PROTECTION ORDERS RELATED TO CONTROL OF DOGS | | | |
| Purpose of Report | To set out the position regarding the extension of Public Spaces Protection Orders for a further 3-year period following formal consultation. | | | |
| Decision(s) | The Committee RESOLVES to endorse the proposal for the four existing Public Spaces Protection Orders relating to dog control to be extended for a further period of 3 years from 20th October 2020. | | | |
| Consultation and Feedback | Consultation summarised in Report | | | |
| Report Author | David Jackson, Environmental Protection Manager Tel: 01453 754487 Email: dave.jackson@stroud.gov.uk | | | |
| Options | One option consulted upon detailed within report | | | |
| Background Papers | N/A | | | |
| Appendices | Appendix A: Environment Committee Report (5th December 2019) Appendix B: List of Formal Consultees | | | |
| Implications (further details at the end of the report) | Financial | Legal | Equality | Environmental |
| | No | Yes | No | No |

1. BACKGROUND

- 1.1** On 5th December 2019, this Committee resolved to endorse a proposal for the extension of the four existing Public Spaces Protection Orders (hereafter PSPOs) relating to dog control for a further period of 3 years from 20th October 2020 and to authorise officers to undertake a formal consultation prior to a final report to be submitted to the Committee for consideration post-consultation. The Report to that Committee is attached as Appendix A and sets out the background in greater detail.
- 1.2** Stroud District Council currently operates 4 PSPOs relating to control of dogs:-
1. Failing to remove the faeces when a dog under the person's control has defecated on any land within the District which is open to the air and to which the public has a right of access.

2. Not putting a dog on a lead when directed to do so by an authorised officer of the Council if such restraint is necessary to prevent a nuisance, behaviour likely to cause annoyance or disturbance to a person or the worrying or disturbance of any animal or bird. This also applies to all land within the District which is open to the air and to which the public has a right of access.
 3. Permitting a dog to enter land from which dogs are excluded which applies, where signed at the entrance, to any fenced, hedged or walled children's play area, bowling green, croquet lawn, tennis court, skateboard park, cycle enclosure, putting green or other sporting or recreational facility.
 4. Not keeping a dog on a lead in a designated area. This applies to all allotments, cemeteries, car parks, canal towpaths and designated cycle tracks as well as specified footpaths routinely used to access any primary, secondary or high school or college.
- 1.3** The PSPOs can apply for a maximum of 3 years, at which time a process of review and consultation must be undertaken to assess the need for the Order to be extended by up to a further 3 years. The current PSPOs expire on 20th October 2020.

2. CONSULTATION

- 2.1** Prior to amending/extending a PSPO, the Council is obliged to undertake a formal consultation with the Chief Officer of Police, the local policing body, community representatives and owners/occupiers of land covered in the Order.
- 2.2** A formal consultation was undertaken between 15th May and 13th July 2020 (over 8 weeks). The consultation was publicised *via* the Council's website, Facebook, Twitter, a press release to local media, direct e-mails to Town and Parish Councils and contact with other organisations. A list of formal consultees is attached as Appendix B.
- 2.3** The consultation sought responses in respect of the extension of the PSPOs and, in particular, whether PSPO4 should be amended to remove canal towpaths and cycle tracks from the specified areas where dogs should be kept on leads.

3. CONSULTATION RESULTS

- 3.1** 71 organisations were formally consulted – 20 of them (28%) responded.

108 responses were received from members of the public.

- 3.2** The following table sets out the percentages of those in favour of the various options.

The percentages are of those respondees that chose to comment on the specific Order proposal.

| | Formal Consultees | General Public | Overall |
|------------------------|--------------------------|-----------------------|------------------|
| Order | In Favour | In Favour | In Favour |
| PSPO1 Unchanged | 95% | 96% | 96% |
| PSPO2 Unchanged | 95% | 100% | 99% |
| PSPO3 Unchanged | 95% | 99% | 98% |
| PSPO4 Unchanged | 53% | 71% | 69% |
| PSPO4 Amended | 47% | 29% | 31% |

3.3 It is clear from the results of the consultation that the recommendations to extend PSPO1 (96%), PSPO2 (99%) and PSPO3 (98%) are very much supported by all of those who expressed an opinion.

3.4 For PSPO4, the options put forward in the consultation were to amend it to remove canal towpaths and cycle tracks from the specified areas where dogs should be kept on leads or to retain it unchanged.

As can be seen from the table above, whereas formal consultees were slightly in favour of retaining the Order unchanged (53% vs 47%), general public respondents were much more conclusively in favour of retaining the Order unchanged (71% vs 29%). Overall, 69% of commenting respondents were in favour of not amending the Order.

3.5 The major reasons stated for opposing to the amendment centred on safety concerns, namely the dangers of uncontrolled dogs in areas frequented by sometimes fast-moving cyclists. The narrowness of towpaths was also regularly cited as a factor in making it difficult to avoid conflict between uncontrolled dogs and other users. Many of the public responses provided anecdotal examples of such problems. The other regular comment related to it being easier for dog owners to recognise when a dog on a lead has defecated and thus ensuring that fouling was under increased control.

4. CONCLUSION

Following a public consultation process, it is proposed to extend all four PSPOs unchanged for a further three years from 20th October 2020 to prevent an increase in the frequency or seriousness of the controlled activities.

4. IMPLICATIONS

4.1 Financial Implications

There are no direct financial implications arising from this report.

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4.2 Legal Implications

The legal grounds for extending a Public Spaces Protection Order (PSPO) are set out in section 3.1 of the Report to Environment Committee dated 5th December 2019 (Appendix A).

Any extension of a transitioned PSPO would mean that the Council would need to carry out the necessary consultation, publicity and notification as required under section 72 (3) of the Anti-social Behaviour, Crime and Policing Act 2014. In essence, this means consulting with the required consultees identified in section 2 of this Report, publicising the proposals for the four PSPOs and notifying the Parish and Town Councils for the area. That consultation should be meaningful and afford sufficient time for consideration of responses received.

In deciding to extend the four PSPOs, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights. Consideration must also be given on how any dog walking restrictions being proposed would affect those who rely on assistance dogs, ensuring any prohibition or requirement is compliant with the provisions of Equality Act 2010 or considering what exemptions should apply for assistance dogs.

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4.3 Equality Implications

There are no specific changes to service delivery proposed within this decision

4.4 Environmental Implications

There are no significant implications within this category.