
Cabinet Member (Policing & Equalities)

18 December 2014

Name of Cabinet Member:

Policing and Equalities - Councillor Townshend

Director Approving Submission of the report:

Executive Director – People

Ward(s) affected:

All

Title:

Public Space Protection Order (Coventry Dog Control)

Is this a key decision?

No

Executive Summary:

In accordance with a Cabinet Member request, Officers recently consulted the public and other interested parties on whether the City should adopt additional dog controls. These controls would assist Officers in dealing with a minority of dog owners who do not adequately supervise their dogs.

The responses from the consultation demonstrated significant support for these additional controls and this report seeks permission to create a Public Space Protection Order, under the new Anti-social Behaviour, Crime and Policing Act 2014, which would incorporate the existing Dog Control Order (Fouling of land) and the proposed additional controls upon which, the City Council consulted.

Recommendations:

The Cabinet Member is requested to instruct Officers to:

- (1) Create a Public Space Protection Order (Coventry Dog Control), to cover all of the City and incorporating the following controls: Fouling of land by dogs, dogs on leads, dogs on leads by direction, dogs exclusion and Dogs (specified maximum).

- (2) Discuss with park friends groups concerning the proposed areas to be covered by the PSPO prior to its implementation and amend plans as appropriate.
- (3) Set the level of the fixed penalty notice (FPN) payable for breaches of the PSPO at £100, but reduced to £60 if paid within 14 days.
- (4) Launch and education campaign prior to the launch of the PSPO and operate an 'advisory notice' system in place of FPNs for the new offences under the PSPO for a three month period. However, Dog fouling offences will continue to receive an FPN, from the PSPO implementation date at the new proposed rate.

List of Appendices included:

Appendix One: Dog Control Orders in Coventry Final Report: Findings from the Public Consultation – November 2014

Appendix Two: Proposed Dog Control Orders in Coventry: Responses to Specific Questions

Appendix Three: Evidence to support the proposed dog controls

Appendix Four: Public Space Protection Order (Coventry Dog Control)

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title:

Public Space Protection Order (Coventry Dog Control)

1. Context (or background)

1.1 Currently the City only has one Dog Control Order (DCO), which governs dog 'fouling on land' and has been in force since 2007. This particular Order was created under the Clean Neighbourhood & Environment Act 2005. The power to create further Orders under this specific piece of legislation was replaced on 20th October 2014 by the Anti-social Behaviour, Crime and Policing Act 2014. Therefore any new DCOs will now have to be introduced as a Public Space Protection Order (PSPO). This single PSPO would replace the need for multiple DCOs.

1.2 At the Cabinet Member meeting on 4th September 2014 officers were requested to consult the general public and other interested organisations on extending the remit of current dog control in the City. The Council conducted a public consultation from 8th September–12th October 2014 to consider proposals to:

- Keep dogs on a lead, in specified areas.
- Put dogs on a lead if instructed to do so by an Authorised Officer from the Council.
- Restrict dogs from going into certain places i.e. children's play areas.
- To limit the number of dogs a person has with them at any one time (which would include professional dog walkers).

1.3 The Council received 1,080 responses to this consultation and the vast majority of the respondents were in support of extending the remit of dog control in the City. It was pleasing to note that just over two thirds of the respondents were dog owners. The specific findings of the consultation can be seen in Appendix 1, but in summary:

- 81% supported the idea that dogs should be kept on leads in specific areas of the city i.e. pavements, precincts/ shopping centres, car parks and burial grounds.
- 78.9% of respondents believed that Authorised Council Officers should be empowered to insist that a dog is placed on a lead. This power would be used in instances where the owner was permitting the dog to cause a nuisance.
- 80.6% of respondents believed that the Council should be able to restrict owners from taking their dogs into certain places which are clearly signed i.e. children's play areas and schools.
- 68.3% of respondents believed that the Council should be able to insist that a person should not be walking more than four dogs at any one time.

1.4 A number of specific questions were raised in the consultation by respondents. The answer to these can be seen in Appendix 2.

2. Options considered and recommended proposal

2.1 In making a PSPO the local authority must be satisfied on reasonable grounds that:

- Activities carried out in a public place within the City are having a detrimental effect on the quality of life of those in the locality, and
- The effect, or likely effect of the activities, is likely to be persistent, unreasonable and therefore justifies the restrictions.

2.2 Orders are currently in force in the following neighbouring local authorities: Birmingham City Council; Nuneaton & Bedworth Borough Council; Rugby Borough Council; and

Warwick District Council. Unlike our neighbours, Coventry City Council is not able to respond to many of the issues raised by our customers. It is believed that this PSPO will enable the local authority to address these issues more effectively. However, resources are such that our Officers will only be able to respond to specific and recurring problems reported by the public, unless they are encountered, first hand, by our officers whilst on patrol. Details of data collated can be found in Appendix 3.

2.3 The proposed PSPO. It is proposed that the City Council introduce a PSPO. The proposed Order can be seen in Appendix 4. However, in summary, it would cover the following areas:

2.3.1 Fouling of Land by Dogs. This relates to dog foul offences on any land in the area of the Council, which is open to the air, and to which the public are entitled or permitted to have access. The Council currently has powers under the existing DCO and has been enforcing this piece of legislation since 2007. It is proposed that this power is incorporated into the new PSPO.

2.3.2 Dogs on Leads. It is proposed that the Council incorporate into the PSPO powers to insist that dogs are kept on leads at all times in the following areas:

- a. A highway, carriageway, cycle lane, footway or footpath, maintainable at the public expense, any grass verge managed by the local authority and which is adjacent to the carriageway or footway of a highway, including gutters and adjoining footpaths;
- b. clearly specified and signed areas in the city's parks (see 2.8);
- c. all churchyards and graveyards (but not green burial areas);
- d. all car park areas, shopping centres and precincts that are:
 - o open to the air (which includes land that is covered but open to the air on at least one side); and
 - o to which the public are entitled or permitted to have access (with or without payment), irrespective of ownership
- e. all sports grounds, fields, parks, and pitches, which are maintained by the local authority and are not subject to 'Dog Exclusion', but only when in use for officiated sporting matches;

2.3.3 Dogs on Leads by Request. In some cases an irresponsible owner may be allowing their dog to cause a nuisance. It is proposed that a power be granted within the PSPO, which would require the owner to keep their dog on a lead when told to do so by an Authorised Council Officer, on any land to which the public have access within the City boundary and which is open to the air (including land which is covered but open to the air on at least one side).

2.3.4 Dogs Exclusion. There are parts of the City where the public would expect dogs to be excluded for public health and other specific reasons. It is proposed that powers be granted in the PSPO to prohibit dogs from the following specific areas:

- a. children's play areas (which are clearly signed);
- b. multi-use games areas (which are clearly signed);
- c. sport and recreational facilities i.e. courts and pitches (which are enclosed and clearly signed);
- d. sensitive nature areas, or specific horticultural areas within parks (which are enclosed and clearly signed)(see 2.8)

The powers mentioned in paragraphs 2.3.1-2.3.4 would not apply to those who are Registered Blind or, who utilise an Assistance Dog from Dogs for the Disabled, Support Dogs, Canine Partners for Independence, or Hearing Dogs for Deaf People.

2.3.5 **Dogs (Specified Maximum).** It is proposed that powers are incorporated into the PSPO to restrict the number of dogs a person has under their control to six, on any land to which the public have access within the City boundary and which is open to the air (including land which is covered but open to the air on at least one side). Government guidance specifies that six should be the maximum number of dogs.

2.4 **PSPO and Parks.** It is recognised that the most contentious part of the proposed PSPO is where it directly impacts on the City's parks. These are important public areas and it is important that the correct balance of uses is obtained for all park users; this includes suitable and sufficient areas where dogs can safely be exercised 'off lead'. It is therefore proposed that the PSPO, should on the whole, consolidate and reinforce the existing areas which are currently designated and signed as dogs on leads, or dogs prohibited areas. Most of these areas have already been agreed with 'park friends groups' where they exist and it is believed that this is a common sense approach to the matter and will receive the public support. However, the City Council will liaise and discuss these 'specified areas' with 'park friends of groups' before any Order is implemented. Maps detailing these areas will be made available to these specific groups for their comment.

2.5 **Penalties.** Under the current DCO failure by an owner to clear up their dog's foul can result in the person being issued with a £75 Fixed Penalty Notice (FPN), which is reduced to £50 if paid within ten days of issue. The PSPO enables local authorities to issue FPNs of up to £100, with an option to reduce the amount if the charge is paid within 14 days. It is proposed that the amount of the FPN for non-compliance with a PSPO be set at £100 reduced to £60 if paid within 14 days. If the Fixed Penalty Notice is not paid, it is the Council's policy to prosecute the offender in the Magistrates' Court, where the maximum fine is currently £1000 (level 3 on the standard scale).

2.6 **Implementation.** Officers have been issuing FPNs for dog fouling for many years and in the last financial year 363 notices were served. However, the proposed new dog control measures will be new to the City. It is therefore proposed that for a 3 month period, identified offenders, for the proposed new offences (not including dog fouling) are issued with an advisory notice of their offence and not issued with an FPN. This will raise the profile of the new proposed PSPO and will form part of a programme in which we seek to educate dog owners regarding their obligations under the proposed PSPO.

2.7 **Recommendation.** It is recommended that the Cabinet Member instructs Officers to:

- Create a Public Space Protection Order (Coventry Dog Control), to cover all of the City and incorporating the following controls: Fouling of land by dogs, dogs on leads, dogs on leads by direction, dogs exclusion and Dogs (specified maximum).
- Discuss with park friends groups concerning the proposed areas to be covered by the PSPO prior to its implementation and amend plans as appropriate.
- Set the level of the fixed penalty notice (FPN) payable for breaches of the PSPO at £100, but reduced to £60 if paid within 14 days.
- Launch an education campaign prior to the launch of the PSPO and operate an 'advisory notice' system in place of FPNs for the new offences under the PSPO for a three month period. However, Dog fouling offences will continue to receive an FPN, from the PSPO implementation date at the new proposed rate.

3. Results of consultation undertaken

The Council consulted the general public and interested organisations from 8th September–12th October 2014 and received a total of 1,080 responses. During this period Officers also met with the Friends of the War Memorial Park and dog walking and dog home boarding businesses. Officers also consulted with Coventry's Chief Police Officer and Coventry's

Local Policing Body. The proposed dog control measures also featured twice in articles in the Coventry Telegraph and twice on CWR. The finding of the consultation exercise can be seen in Appendix 1.

4. Timetable for implementing this decision

If Cabinet Member decides to proceed with a PSPO, the Order will be published in a local newspaper and implemented 28 days later. Suitable signage will need to be erected prior to the implementation of the PSPO. The PSPO will be for a three year period. Following the three years, the PSPO must be reviewed to ensure that it is still necessary.

5. Comments from the Executive Director, Resources

Finance: No additional resource will be required to implement the proposed PSPO. Any additional income generated by the introduction of a PSPO will contribute towards Council resources.

Legal: Under sections 59-75 of the Anti-social Behaviour, Crime and Policing Act 2104, local authorities have powers to make PSPOs.

PSPOs can only apply to public places. This means any place to which the public, or and sections of the public, on payment or otherwise, have access to as of right or by virtue of express or implied permission.

6. Other implications

None

6.1.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

6.1.2 There are clear research findings that show that the local environmental quality in a person's living environment has a significant impact on their health and well-being. Residents in areas which have a low environmental quality often have an increased "fear of crime". This particular tool will contribute to the Council's key objectives to 'create an attractive, cleaner and greener city' and 'make communities safer together with the police, to reduce crime and anti-social behaviour'.

6.2 How is risk being managed?

None

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

None

6.5 Implications for (or impact on) the environment

See 6.1.1

6.6 Implications for partner organisations?

None.

Report author(s): Craig Hickin

Name and job title: Head of Environmental Services
Directorate: People Directorate

Tel and email contact: 024 76 83 2585
craig.hickin@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Simon Brake	Assistant Director Communities & Health	People Directorate	18.12.2014	
Phil Hibberd	Pest Control and Animal Welfare Officer	People Directorate	18.12.2014	19.12.2014
Mandie Watson	Head of Community Safety	People Directorate	18.12.2014	
Graham Hood	Head of Street Scene & Green Spaces	Place Directorate	18.12.2014	
Ces Edwards	Head of Parks & Open Spaces	Place Directorate	18.12.2014	
Usha Patel	Governance Services Officer	Resources Directorate	18.12.2014	
Names of approvers for submission: (officers and members)				
Finance: Diane Jones	Lead Accountant	Resources Directorate	18.12.2014	
Legal: Andrew Burton	Solicitor	Resources Directorate	18.12.2014	
Sara Roach for Brian Walsh	Deputy Director	People Directorate		
Members: Councillor Phillip Townshend	Deputy Leader	Policing and Equalities		

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