
Cabinet

15th June 2021

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor AS Khan

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

All

Title: Proposed Renewal of the City-Wide Public Space Protection Order

Is this a key decision?

Yes – this Order significantly affects residents or businesses in 2 or more electoral wards of the city

Executive Summary:

This report seeks permission to renew the Dog related Public Space Protection Order (PSPO) that was last approved in 2018.

The Order is required to assist with the enforcement of dog fouling offences, but also to specify: where dogs should be kept on leads, where dogs are prohibited, the maximum number of dogs that can be walked by one person and enabling officers to request that a dog be put on a lead if problems are ensuing.

Recommendations:

The Cabinet Member is recommended to:

- (1) Approve the renewal of the Public Space Protection Order for a further three years, and to make this order effective on the day before the existing order is due to expire, this will be 28th August 2021.

List of Appendices included:

Appendix 1 - Proposed Draft Order.

Appendix 2 – Maps of the relevant areas

Appendix 3 – Impact Statements

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: Proposed Renewal of the City-Wide Public Space Protection Order

1. Context (or background)

- 1.1 The renewal of the City-Wide Public Space Protection Order (PSPO), provides for the continued use of powers to address matters pertaining to the control and management of dogs in the City and with a particular focus within parks in the City.
- 1.2 The order in its current format was devised following extensive consultation and collaboration with a number of stakeholders in the City, a number of which have provided impact statements (Appendix 3 to the report)
- 1.3 The Council believes that the order is currently working very well, is fit for purpose and enables people to enjoy parks and public spaces whilst providing clear guidance as to when it is and isn't appropriate to allow dogs to exercise off leads or when they need to be under the direct control of their owner.
- 1.4 There is a high level of compliance with the order, this can be seen by reference to the relatively low levels of enforcement Council officers have had to use, this is referred to in the Impact Statement from the Pest Control and Animal Welfare manager, Phil Hibberd in Appendix 3 to the report.

2 Options considered and recommended proposal

- 2.1 Allow the current PSPO to expire. The Council could decide to let the order lapse, and then address any issues that may then occur in a reactive manner and in a localised fashion. This isn't recommended, we believe it would cause confusion and could lead to dog owners and other greenspace users coming into conflict and disagreements. It could also lead to inconsistencies as different officers may have differing views as to what is acceptable.
- 2.2 Renew the existing order. The Council could renew the existing PSPO under the Anti-Social Behaviour, Crime and Policing Act 2014 to control the management of dogs in parks and greenspaces. As the current order has been working well we cannot point to direct evidence as to how things would worsen if the order was not renewed, however, the legislation only requires us to be satisfied that without controls it is "likely" that issues would occur if the controls were not in place. We would therefore, recommend that these powers are renewed in the proposed new order.
- 2.3 Cabinet is therefore recommended to:
 - (1) Approve the renewal of the PSPO for a further three years, and to make this order effective on the day before the existing order is due to expire, this will be 28th August 2021.

3 Proposed Consultation

- 3.1 The existing order, drafted in 2018 was widely consulted, including seeking the views of the public and key stakeholders via a full consultation, which was strongly in favour of the order in its current format.
- 3.2 The legislation covering PSPO's states that where an order is being reviewed, and there are no changes to the original order it is only necessary to seek the views of key partners.

The key partners consulted were:

West Midlands Police
Representative groups for dogs and dog owners
Vets
“Friends of” groups for parks
Street Pride who manages our parks and greenspaces

These can be found in Appendix 3 to the report

4 Timetable for implementing this decision

- 4.1 Once approved the order will be implemented one day prior to the expiry of the existing order. The order can be implemented and operational immediately.

5 Comments from the Director of Finance and the Director of Law and Governance

5.1 Financial implications

The costs of enforcing this legislation will be met from within existing resources.

5.2 Legal implications

Under sections 59-75 of the Anti-social Behaviour, Crime and Policing Act 2014, local authorities have powers to make PSPOs.

The Council can only make a PSPO when it is satisfied on reasonable grounds that the activities carried out or likely to be carried out in a public place have a detrimental effect on the quality of life of those in the area and are persistent, continuing and unreasonable. The Council would also need to be satisfied that the restrictions imposed were justified.

Should anyone object to the granting of a PSPO they would have to make a High Court application within 6 weeks of the order being granted.

For that appeal to be successful they would have to show that the Council did not have the power to make the order, as the issue covered has not been demonstrated, usually by empirical evidence, to be a significant enough issue to justify the restriction. The other grounds for the appeal would be to demonstrate that the consultation process was inadequate.

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.

The Council must comply with the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 by publishing the extended order on its website and by erecting notices on or near the affected land sufficient to draw the attention of the public to the fact that the order has been extended and the effect of this.

The Council will decide whether it is appropriate to issue a fixed penalty notice for any breach of the PSPO witnessed by an enforcing officer. In line with other PSPOs in Coventry, any Fixed Penalty Notice for non-compliance with a PSPO will be set at £100 reduced to £60 if paid within 14 days. If the Fixed Penalty Notice is not paid, court proceedings can be initiated to prosecute for the offence of failing to comply with the PSPO

where the maximum fine is currently £1000 (level 3 on the standard scale). Following conviction, the Council could apply for a Criminal Behaviour Order which can contain both prohibitions and positive requirements.

6 Other implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Crime and Disorder

This Order is intrinsic to tackling crime and anti-social behaviour through partnership working in the city.

6.2 How is risk being managed?

Officers from several agencies continue to monitor the area.

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

N/A

6.5 Implications for (or impact on) climate change and the environment

The purpose of taking action to address adverse behaviours in the city should increase usage of public spaces for legitimate purposes, in an attempt to improve the environment and wellbeing of the community.

6.6 Implications for partner organisations?

The multi-agency action plan outlines the individual and collective commitments from agencies to respond to the issues raised.

Report author(s):**Name and job title:**

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