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Scrutiny Co-ordination Committee  
Cabinet

21 August 2024  
27 August 2024

**Name of Cabinet Member:**

Cabinet Member for Policing and Equalities - Councillor AS Khan

**Director approving submission of the report:**

Director of City Services and Commercial

**Ward(s) affected:**

All

**Title:**

Proposed Renewal of the City-Wide Public Space Protection Order – Dog Control 2024-2027

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**Is this a key decision?**

Yes - The proposals are likely to have a significant impact on residents or businesses in two or more electoral wards in the city.

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**Executive summary:**

This report seeks permission to renew the Dog related Public Space Protection Order (PSPO) that was last approved in 2021.

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:**

Scrutiny Co-ordination Committee is recommended to consider the report and make any comments/recommendations to Cabinet for consideration at their meeting on 27 August 2024

Cabinet is recommended to:

1. Consider any comments/recommendations received from Scrutiny Co-ordination Committee
2. Approve the renewal of the Public Space Protection Order – Dog Control for a further three years and to make this order effective on 28th August 2024.

**List of Appendices included:**

The following appendices are attached to the report:

Appendix 1 – PSPO Dog Control Order  
Appendix 2 – Maps of the relevant areas.  
Appendix 3 - Impact statements.  
Appendix 4 - EIA

**Background papers:**

None

**Other useful documents**

None

**Has it or will it be considered by Scrutiny?**

Yes, Scrutiny Co-ordination Committee – 21 August 2024

**Has it 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 – Dog Control 2024-2027**

### **1. Context (or background)**

- 1.1 The renewal of the City-Wide Public Space Protection Order (PSPO) was first introduced in 2016 and 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.
- 1.2 The Order in its current format was devised following extensive consultation and collaboration with a number of stakeholders in the City.
- 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.

### **2. Options considered and recommended proposal**

#### 2.1 Option 1 (Not recommended)

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, as 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 Option 2 (Recommended)

Renew the existing Order. It is recommended that the Council renews 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, it is not possible to point to direct evidence as to how things would worsen if the Order was not renewed, however, the legislation only requires the Council to be satisfied that without controls it is "likely" that issues would occur if the controls were not in place. It is therefore recommended that these powers are renewed in the proposed new Order.

#### 2.3 Cabinet is therefore recommended to

1. Consider any comments/recommendations received from Scrutiny Co-ordination Committee

2. Approve the renewal of the Public Space Protection Order – Dog Control for a further three years and to make this order effective on 28th August 2024.

### **3. Results of consultation undertaken**

- 3.1 We have consulted with our key partners, Police, friends of parks, dog in Coventry Group, Vets, Parks all of those who responded supported the renewal of the existing Order.

### **4. Timetable for implementing this decision.**

- 4.1 Once approved the Order it is proposed that the Order will be renewed immediately

### **5. Results of consultation undertaken**

- 5.1. We consulted with all our key partners, the Police, Friends of the Memorial Park, Friends of Allesley Park, Vets, Dogs in Coventry Group, Parks Staff, these are all groups that have a lot of dealings with dogs in our public spaces, all were in agreement with the renewal of the current PSPO with no amendments.

### **6. Comments from Director of Finance and Resources and Director of Law and Governance**

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

#### **6.2. 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 extend a PSPO when it is satisfied on reasonable grounds that doing so is necessary to prevent the occurrence or recurrence of activities identified in the order or an increase in the frequency and seriousness of those activities.

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.

## **7. Other implications**

### **7.1. How will this contribute to the One Coventry Plan?**

<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>

This will help bring the park users, parks staff and our enforcement officers working together to tackle any dog related issues in the designated areas and make our parks and open spaces a more enjoyable place to visit.

### **7.2. How is risk being managed?**

No risks identified.

### **7.3. What is the impact on the organisation?**

N/A

### **7.4. Equalities / EIA?**

EIA is completed ref number 633321040.

### **7.5. 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, to improve the environment and wellbeing of the community.

### **7.6. Implications for partner organisations?**

None

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