



CABINET REPORT

Date Written	17 th July 2020*
Report Author	Simon Jones
Service Area	Legal & Democratic
Committee Division	Strategic
Exempt/Non Exempt	Non Exempt
Committee Date	7 th October 2020

To: Chair, Ladies and Gentlemen

Dog Fouling Public Spaces Protection Order

1.0 SUMMARY OF THE REPORT

- 1.1 To seek Cabinet approval to consult on a proposal to introduce a borough wide Dog Fouling Public Spaces Protection Order (PSPO). The purpose of the order is to improve measures across the County Borough to combat dog fouling in public spaces.

2.0 RECOMMENDATION(S) that

- 2.1 Statutory and public consultation be undertaken on the proposal to introduce a Borough Wide PSPO requiring a person in charge of a dog in a public space to remove all faeces deposited by the dog forthwith be approved.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 In England and Wales, local authorities may introduce PSPOs, making it an offence not to clean up dog mess in areas covered by a PSPO. Under such orders, a person who fails to clean up after their dog has defecated may face a Fixed Penalty of up to £100. Breach of the PSPO also allows the Council to prosecute an offender at the Magistrates Court for the dog fouling offence where a person found guilty could be fined up to £1,000. PSPOs run for a period of three years but if evidence exists of a continuing problem they may be extended for longer periods.
- 3.2 The system of controlling dog fouling under PSPOs was introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. It replaced the old system of dog

control orders under the Clean Neighbourhoods and Environment Act 2005, which in turn replaced the previous dog fouling legislation namely the Dogs Fouling of Land Act 1996.

- 3.3 The Council currently has no specific dog fouling orders in place and as such dog fouling in the County Borough is to the greater extent unregulated.
- 3.4 PSPOs can be made where the Council is satisfied on reasonable grounds that the activities which are the subject of the PSPO (dog fouling) are carried out, or likely to be carried out, in a public place. A PSPO is designed to deal with a particular nuisance or problem in an area. The behaviour must also be having a detrimental effect on the quality of life of those in the community, it must be persistent or continuing and it must be unreasonable.
- 3.5 PSPOs are designed to ensure that the law-abiding majority can enjoy public spaces, safe from anti-social behaviour. Dog fouling is both unpleasant and a danger to health, and the Council is committed to tackling it in all public places across the County Borough. While the majority of dog owners behave responsibly and pick up after their dogs, there remains a minority of dog owners who do not and it is these people who the Council aims to target through enforcement and awareness initiatives.
- 3.6 Controls can only be imposed where there is evidence of a specific problem. They cannot be imposed simply on a precautionary basis. However, the Council receives many complaints each year about dog fouling in public places. In the two years up to June 2020 the Council had 188 incidents of dog fouling logged on its Tascomi system. With the reports of dog fouling covering all 11 Council Wards. To demonstrate that this is a continuing persistent problem in the 6 months preceding June 2020 there were 58 reported incidents of dog fouling in the County Borough. Anecdotal evidence would however suggest that the majority of dog fouling instances go unreported.

4.0 CONSULTATION WITH STAKEHOLDERS AND THE PUBLIC ON THE IMPLEMENTATION OF DOG FOULING PSPO

- 4.1 Before making a PSPO, the council must consult with the Police, the Police and Crime Commissioner, Community Councils, and community representatives they think appropriate. The council will also engage in an open and public consultation to give the users of the public spaces the opportunity to comment on whether the proposed restriction or restrictions are appropriate, proportionate or needed at all. The council will also ensure that specific groups likely to have a particular interest are consulted eg the Dogs Trust, Kennel Club.
- 4.2 At the conclusion of the consultation period, responses will be considered, and a further report put to Cabinet to consider whether or not to impose a PSPO. This final report will address detailed issues such as the practical arrangement of implementation and enforcement.
- 4.3 The proposed Dog Fouling Public Spaces Protection Order to be consulted on will include the following restrictions:

- a. It will be County Borough Wide (any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission);
- b. Persons in charge of a dog must have with them appropriate means to pick up dog faeces deposited by that dog; and
- c. Persons in charge of a dog must remove the faeces and for it to be disposed of in an appropriate receptacle.

5.0 NEXT STEPS

5.1 The next steps in preparing the Dog Fouling PSPO are:

Tasks Dates

- Prepare Draft Order and consultation documents: **October 2020**
- Undertake formal public consultation on the Draft Order: **October – December 2020**
- Review consultation responses: **December 2020**
- Report to Cabinet to determine whether to make the PSPO: **December /January 2020/1**

6.0 FINANCIAL IMPLICATIONS

6.1 There will inevitably be a budgetary impact on the implementation of a dog fouling PSPO as there will be a requirement for publication, promotion and signage in appropriate locations eg dog fouling hotspots and public parks. The costs for this is estimated at between £2000 and £5000 but a full costs position will be obtained when the next report is brought before Cabinet.

6.2 It should be noted that should a PSPO be made then any revenue generated through Fixed Penalty Notices will be retained by the Council.

7.0 INTEGRATED IMPACT ASSESSMENT

	Positive Impacts	Negative Impacts	Not Applicable
1. Merthyr Tydfil Well-being Objectives	2 of 4	0 of 4	2 of 4
2. Sustainable Development Principles - How have you considered the five ways of working: <ul style="list-style-type: none"> • Long term 	4 of 5	0 of 5	1 of 5

<ul style="list-style-type: none"> • Prevention • Integration • Collaboration • Involvement 			
3. Protected Characteristics <i>(including Welsh Language)</i>	10 of 10	0 of 10	0 of 10
4. Biodiversity	0 of 1	0 of 1	1 of 1
<p><u>Summary:</u></p> <p>The main positive impact is that introduction of a PSPO will help reduce dog fouling within the County Borough.</p> <p>There are no negative impacts.</p>			

ELLIS COOPER
CHIEF EXECUTIVE

COUNCILLOR ANDREW BARRY
CABINET MEMBER FOR GOVERNANCE
AND CORPORATE SERVICES

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
None	None	None
Does the report contain any issue that may impact the Council's Constitution?		No

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.