

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO LICENSING & PUBLIC PROTECTION**

04 August 2020

Report Title: Dog Controls PSPO Review

Submitted by: Head of Environmental Health Services

Portfolios: Environment & Recycling

Ward(s) affected: ALL

Purpose of the Report

To request Members approval to seek public views on the planned extension current Dog Controls Public Spaces Protection Order for a period of a further three years, commencing 21st October 2020

Recommendation

To approve a six week consultation period, and agree to receive a future report summarising feedback and recommending whether orders should be extended, varied or discharged

Reasons

Public Spaces Protection Orders are limited to a maximum term of three years, after which they must be reviewed to confirm they remain fit for purpose.

1. **Background**

1.1 The council has previously adopted a Public Spaces Protection Order which came into force on 21st October 2017

1.2 The order covers

- Requirement to remove dog fouling
- Obligation to have a bag available for fouling removal when walking a dog
- Locations where dog are not permitted
- Sites where dogs must be on a lead
- Locations where one person may exercise no more than six dogs
- Requirement to place a dog on a lead when instructed to do so by an authorised officer

1.3 Full details of the current controls are explained on the council's web page at <https://www.newcastle-staffs.gov.uk/all-services/environment/dog-wardens/dog-control-orders> the current order is published at <https://www.newcastle-staffs.gov.uk/sites/default/files/IMCE/Environment/DogWarden/DogControlOrder2017.pdf>

2. **Issues**

2.1 To ensure that Orders remain valid they can only have a maximum term of three years. There is a prescribed process to extend or vary an Order, and a requirement that they be published and promoted so that those who are effected by them are aware of their obligations.

2.2 To extend an Order the council must be satisfied that the Order remains necessary, and that without it there is likely to be an occurrence or recurrence of the activities the Order seeks to address, or an increase in the frequency or seriousness of those activities.

2.3 Officers consider that the current Order remain valid to ensure that we can all enjoy clean and safe public places by balancing the needs of dog owners with those of other residents. Previously residents have agreed that they are simple, fair rules, which should be easy to follow.

2.4 It is likely that, when invited to comment, there will be a range of views expressed which may be conflicting. A future report will summarise feedback received for Members further consideration.

3. **Proposal**

3.1 Members are requested to approve a six week consultation period, during which residents and key stakeholders will be advised that the council is minded to extend the current Dog Controls Order, without revision. Feedback will be encouraged via the council's website, following the advice of the Communication Team's Research Officer.

3.2 A further report will then be brought to Members summarising feedback and recommending whether orders should be extended, varied or discharged.

4. **Reasons for Proposed Solution**

4.1 It is considered that a six week period for comments is considered sufficient.

5. **Options Considered**

There are two potential options:

- a) Invite comments and review
 - Order can be extended or varied or discharged if there is evidence to support.
- b) Take no action
 - Allow Order to laps on expiry

6. **Legal and Statutory Implications**

6.1 Public Spaces Protection Orders must be made, extended, varied or discharged in accordance with the Anti-social Behaviour, Crime and Policing Act 2014

6.2 Details a PSPO that is made, extended, varied or discharged must be published in accordance with The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014. The Act sets lighter touch consultation requirements to save costs (for example, there is no duty to advertise in local newspapers).

6.3 An appeal to the High Court can be made by someone who lives in the area or regularly visits the area and must be made within six weeks of the order or variation of the order being applied for. However, this does not preclude others (such as national bodies) from seeking judicial review.

7. **Equality Impact Assessment**

Not applicable

8. **Financial and Resource Implications**

9. **Major Risks**

Not applicable

10. **Sustainability and Climate Change Implications**

Not Applicable

11. **Key Decision Information**

Not Applicable

12. **Earlier Cabinet/Committee Resolutions**

Members previously approved consultation of this matter on 14th March 2017, and agreed the current controls on 21st September 2017

13. **List of Appendices**

None

14. **Background Papers**

None