

BOROUGH OF KETTERING

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Report Originator	Jon Hall (Environmental Services Manager)	<i>Fwd Plan Ref No:</i>	
Wards Affected	All	7 th June 2016	
Title	DOG CONTROL ORDERS / PSPO		

Portfolio Holder: Cllr Lesley Thurland

1. PURPOSE OF REPORT

To update Members on the plans to replace the existing Dog Control Orders with a Public Space Protection Order as required by the Anti-social Behaviour, Crime and Policing Act 2014.

2. INFORMATION

- 2.1 Kettering Borough Council currently has three separate Dog Control Orders in place, two of which have been in force since 2011 and one since 2013.
- 2.2 The three dog control orders are made under the Dog Control Orders (prescribed Offences and Penalties) Regulations 2006 and require dog owners to remove dog foul, for dogs to be kept on leads in eight designated cemeteries and for dog owners to keep their dogs on a lead if an authorised officer (warden) requests that they do so.
- 2.3 With the introduction of the Anti-social Behaviour, Crime and Policing Act 2014, Dog Control Orders must be phased out replaced by Public Space Protection Orders (PSPOs). The deadline for this transition is October 2017.
- 2.4 The Anti-social Behaviour, Crime and Policing Act 2014 provides local authorities with powers to create a PSPO where they are satisfied that activities carried on in a public place;
- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justifies the restrictions imposed.
- 2.5 Unless specifically identified, the PSPO will cover 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 (s 74(1) of the Act). This means that the measures will also apply to agricultural land.
- 2.6 With the PSPO in force, the Dog Control Orders applying to the same activity will cease to have effect. The PSPO will cease to have an effect after 3 years;

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however, that period can be extended for a further 3 years if it is deemed to be necessary.

- 2.7 Offences are dealt with by the issue of a fixed penalty notice (FPN). Alternatively, and in cases of non-payment, the matter is taken to court where a fine of up to £1000 may be imposed on summary conviction
- 2.8 All activities put forward within a PSPO must be justified. Work is now being undertaken to assess the information (through statistics, complaints and other intelligence) available to support the aspirations within the proposed PSPO. This information will form part of the final report.
- 2.9 At this time the proposed PSPO is likely to cover:
- A requirement for owners to pick up their dog foul
 - A blanket exclusion of dogs from fenced off (toddlers) play areas
 - Directions to put a dog on a lead when asked to by an authorised officer
 - A requirement for dogs to be on leads within specified areas (including the existing eight cemeteries, and additional memorial grounds - Manor Gardens, Garden of Rest, Parish Church Yard, Jubilee Gardens)
- 2.10 The measures do not apply to assistance dogs used by the blind or by persons who lack the physical ability to comply with the requirements of the PSPO.

3. CONSULTATION AND CUSTOMER IMPACT

- 3.1 Following on from internal consultations (legal, senior management team and councillors) the local authority must carry out external consultations and appropriate publicity. External consultations would include the police, general public, local parish and town councils. The purpose of these consultations is to establish whether the consultees are generally in favour of the proposals put forward, in addition to inviting potential suggestions that may be included in the order if considered appropriate.
- 3.2 It is likely that external consultations will begin in July 2016 and finish in August / September 2016. A final report is planned to go to Executive Committee shortly afterwards.
- 3.3 It is envisaged that the public will be in favour of the PSPO as the proposed Order will contain many of the controls that are already present within the existing Dog Control Orders, additional measures are also likely to be viewed positively.

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4. POLICY IMPLICATIONS

- 4.1 If as a result of the introduction of these new controls, dog fouling and other forms of irresponsible dog ownership are reduced this will have a beneficial impact on the protection and enhancement of the local environment.

5. USE OF RESOURCES

- 5.1 Appropriate signage will be erected advising of the new measures. This is likely to cost in the region of £2,000 – £3,000.

6. RECOMMENDATION

That Members note the report on the proposed dog control PSPO, and the associated consultation process.

Background Papers:

Title of Document:

Date:

Contact Officer: Jon Hall

Previous Reports/Minutes:

Ref:

Date: