

BOROUGH OF KETTERING

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Report Originator	Shirley Plenderleith (Head of Public Services)	<i>Fwd Plan Ref No:</i> A16/016	
Wards Affected	All	16 November 2016	
Title	DOG CONTROL PUBLIC SPACE PROTECTION ORDER		

Portfolio Holder: Councillors Mark Dearing and Mark Rowley

1. PURPOSE OF REPORT

- 1.1 To seek Member approval on the proposed Dog Control Public Spaces Protection Order, as permitted by the Anti-Social Behaviour, Crime and Policing Act 2014, and set out in section 8.

2. BACKGROUND

- 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 With the introduction of the Anti-social Behaviour, Crime and Policing Act 2014, Dog Control Orders must be phased out and replaced by Public Space Protection Orders (PSPOs). The deadline for this transition is October 2017.
- 2.3 The PSPO will need to specify the public places it will cover. It is proposed that it should apply to all such places unless otherwise specified in the order. A public place is 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 (section 74(1) of the Act). This means that unless the order otherwise specifies the measures will apply to all unfenced agricultural land and open spaces in the Borough.
- 2.4 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; however, that period can be extended for a further 3 years if it is deemed to be necessary.
- 2.5 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.

INFORMATION

- 2.6 As part of the process of changing from one set of legislation to another a consultation process has been carried out. This included writing to the parish and town councils, all borough council members, a web based questionnaire, promotion on the Council's website, libraries, the police, publicised on BBC Radio Northampton, and on the screens in customer services as well as two reports to Research and Development Committee.

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2.7 The proposed items for inclusion in the Order are a mix of items already within the existing dog control orders as well as new measures discussed at the Research and Development Committee on the 7th June 2016. As a result of the discussions at this Committee the Market Place was added to the list of areas where dogs would be kept on a lead. Members of the Committee considered that the exclusion of dogs in enclosed playgrounds would be a welcome addition.

2.8 The proposed measures, as consulted upon, are set out below:-

- **Continue** with existing powers that make it an offence if a person in charge of a dog fails to clean up its faeces.
- **Continue** with existing powers that make it an offence to allow a dog into any of the Council's eight cemeteries', without being on a lead.
- **Continue** with existing powers making it a requirement for owners to put their dog(s) on a lead(s), when asked to do so by an authorised officer.
- Introduce a **new offence** prohibiting dogs being allowed into fenced-in or enclosed play areas.
- Introduce a **new offence** requiring dogs to be kept on leads in additional areas. (These are: Manor House Gardens, Garden of Rest, Parish Church Yard, Jubilee Gardens, Market Place and Municipal Gardens as marked on the map at Appendix A).
- Introduce a **new offence** prohibiting any one person walking six dogs at any one time.

2.9 The measures would not apply to assistance dogs, for example, used by the blind, or by persons who lack the physical ability to comply with the requirements of the PSPO.

2.10 After the consultation period ended the results were taken back to the Research and Development Committee on the 27th October. At this meeting members were supportive of all the measure proposed items except for the areas where dogs should be kept on leads, as the extract from the draft minutes illustrate. Representations had been made to the meeting by two members of the public that this was an un-necessary restrain on responsible dog owners and would make no difference to the behaviour of irresponsible dog owners.

Research and Development draft minutes:

Members were unpersuaded in relation to the introduction of a new offence requiring dogs to be kept on leads in additional areas as outlined in Question 5. It was requested that this proposed new offence be given further consideration prior to being presented to the Executive Committee and that the Executive Committee be provided more fully with information about the problems that had been caused by uncontrolled dogs in those areas.

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Members noted that their recommendations would be presented to the Executive Committee on 16th November for approval, subject to further consideration of the proposal for a new offence requiring dogs to be kept on leads in additional areas.

Following discussion it was

RESOLVED that:-

- i) Questions 1-4 and Question 6 as outlined above be recommended to the Executive Committee to form part of the Dog Control PSPO*
- ii) That further consideration be given to the detail and practicalities of the proposal to introduce a new offence requiring dogs to be kept on leads in additional areas of Kettering*

2.12 Members should be aware that grounds maintenance officers have reported horticultural damage by dogs specifically in the Gardens of Rest (which were previously a graveyard), Manor Gardens and Jubilee Gardens; and at least one incidence of a member of staff being bitten.

2.13 Members should note that the Kennel Club were supportive of the measures proposed. Their guidance does allow for the walking of six dogs by one person. This is also the maximum number recommended by the Department for Environment and Rural Affairs (DEFRA), therefore it is proposed that the *maximum* number of dogs any one person be allowed to walk is limited to six.

3. CONSULTATION AND CUSTOMER IMPACT

3.1 The public consultation started at the beginning of July 2016 and ended on 30 September 2016. There were a total of 163 responses received, which have been collated and taken into consideration.

3.2 The purpose of the consultation was 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.

3.3 A summary of the consultation responses is found in the table below. Not all responders made comments against every question. Members will note that the majority of people who responded to the consultation questions supported all of the proposed measures. There was no overall support for other dog control measures identified from the responses.

Consultation Question	Response	Recommendation
Q1. Carry on with the current powers that make it an offence for a person in charge of a dog to fail to clean up its faeces.	99% Yes	To continue with this existing power.
Q2. Carry on with the current powers that make it an offence to allow a dog into the Council's 8 cemeteries'	85% Yes	To continue with this existing power.
Q3. Carry on with the current powers that make it a requirement for owners to put their dog(s) on	89% Yes	To continue with this existing power.

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a lead(s) when asked to do so by an authorised officer		
Q4. Introduce a new offence prohibiting dogs being allowed into fenced-in or enclosed play areas.	72% Yes	Introduce this new offence
Q5. Introduce a new offence requiring dogs to be kept on leads in additional areas (Market Place, Parish Church Yard, Manor House Gardens, Garden of Rest, Municipal Gardens, and Jubilee Gardens).	68% Yes	Introduce this new offence
Q6. Introduce a new offence prohibiting any one person walking six dogs at any one time.	64% Yes	Introduce this new offence

4. POLICY IMPLICATIONS

- 4.1 The introduction of these new controls enable dog fouling and other forms of irresponsible dog ownership to be better managed. This will have a beneficial impact on the protection and enhancement of the local environment.

5. FINANCIAL RESOURCE IMPLICATIONS

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

6. HUMAN RESOURCE IMPLICATIONS

- 6.1 None

7. LEGAL IMPLICATIONS

- 7.1 Should members approve the controls recommended in section 8, the wording and content of the order will be as set out in Appendix B, subject to any amendments which may be required as a result of the discussion by the Executive. It is requested that delegated authority be given to the Head of Legal and Democratic Services approve the final wording of the Order including signature and the commencement date in accordance with the legal requirements.

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8. RECOMMENDATION

8.1 That Member's agree that the following control measures are included in the proposed Public Space Protection Order relating to dog control:

1. Continue with existing powers that make it an offence if a person in charge of a dog fails to clean up its faeces.
2. Continue with existing powers that make it an offence to allow a dog into any of the Council's eight cemeteries', without being on a lead.
3. Continue with existing powers making it a requirement for owners to put their dog(s) on a lead(s), when asked to do so by an authorised officer.
4. Introduce a new offence prohibiting dogs being allowed into fenced-in or enclosed play areas.
5. Introduce a new offence requiring dogs to be kept on leads in additional areas, as shown on the map at Appendix A. (Manor House Gardens, Garden of Rest, Parish Church Yard, Jubilee Gardens, Market Place and Municipal Gardens).
6. Introduce a new offence prohibiting any one person walking more than six dogs at any one time.

8.2. To authorise the Head of Democratic & Legal Services to make any necessary amendments to the draft Dog Control Public Space Protection Order as set out at Appendix B and to sign the Order and agree the commencement date.

Background Papers: Consultation papers and responses to consultation
Title
Date July - September 2016

Previous Minutes/Reports: Item A2 Report
Ref: Research & Development Committee
Date: 27 October 2016

Previous Minutes/Reports: Item A3 Report
Ref: Research & Development Committee
Date: 7th June 2016