

REPORT TO:		Cabinet	
DATE:		05 December 2018	
PORTFOLIO:		Cllr Paul Cox - Deputy Leader - Environmental Services	
REPORT AUTHOR:		Craig Haraben (Deputy Head of Environmental Services)	
TITLE OF REPORT:		Public Space Protection Order relating to Dog Control	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	Yes	If yes, date of publication:	6 November 2018

1. Purpose of Report

- 1.1 To seek authority from Cabinet to make a Public Spaces Protection Order (PSPO) pursuant to sections 60 (2) and 61 (1) (a) of the Anti-Social Behaviour, Crime and Policing Act 2014 ("The Act") which varies the Borough of Hyndburn (Control of Dogs) Public Spaces Protection Order (No 2 of 2015) by adding the grounds of Churchfield House in Great Harwood and the extension to Great Harwood Cemetery to the areas which will be governed by the proposed order in so far as it requires dogs to be held on leads and extends the period during which the said order has effect by a period of three years.

2. Recommendations

- 2.1 That Cabinet agrees to make a PSPO having taken in consideration the outcome of the consultation exercise and all other relevant matters is satisfied that the conditions in section 59 (2) and (3) of the Act are satisfied in respect of the grounds of Churchfield House and the extension to Great Harwood Cemetery by reason of dogs being allowed by their owners to roam in those areas without being held on leads; and is further satisfied having given due consideration to the above mentioned consultation exercise and other relevant matters that the conditions in section 60(2) are satisfied to the extent that the period during which the Borough of Hyndburn (Control of Dogs) Public Spaces Protection Order (No 2 of 2015) applies should be extended
- 2.2 That Cabinet agrees to make a PSPO which imposes the following requirements:
- i. The exclusion of dogs from Council owned children's play facilities.
 - ii. The requirement for dogs to be kept on leads within Hyndburn's main townships.

- iii. The continuation of the requirement for dogs to be kept on leads in the Borough's cemeteries.
- iv. The exclusion of dogs from designated Council owned bowling greens.
- v. The requirement for dogs to be kept on leads within the grounds of Churchfield House in Great Harwood

2.3 That Cabinet considers the results of the consultation exercise and agrees not to include the proposed exclusion of dogs from designated areas of Council owned sports pitches and the proposal requiring dogs to be kept on leads within Foxhill Local Nature Reserve within the PSPO.

2.4 That cabinet agree on the level of any Fixed Penalty Notices (FPN) issued for contravening a PSPO (recommended at £80 with no discount) and delegate authority to the Head of Environmental Services to amend the level of FPN in the future in consultation with the relevant portfolio holder and the Executive Director Legal and Democratic Services.

3. Reasons for Recommendations and Background

3.1 Legislation relating to Dog Control changed in 2014 with the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014. The Act superseded The Clean Neighbourhoods and Environment Act 2005 in relation to dog control.

3.2 The Act required local authorities to use PSPOs instead of dog control orders. To make a PSPO a local authority had to be satisfied that activities carried on in a public place had or were likely to have a detrimental effect on the quality of life of those in the locality (s 59 (2) of the Act) and that those activities were unreasonable, likely to persist or continue and justified the making of the PSPO. Similar considerations have to be taken into account if the local authority wished to extend the area governed by an existing PSPO (s 61(1) (a) and 61(2) of the Act.

3.3 Section 60 (2) of the Act permits local authorities to extend the period during which an existing PSPO has effect if it is satisfied on reasonable grounds that the restrictions in that PSPO are still required.

3.4 Prior to the making of the Borough of Hyndburn (Control of Dogs) Public Space Protection Order in 2015 a consultation exercise was undertaken which resulted in a PSPO being introduced in December 2015.

3.5 PSPO's are live for a maximum of three years and at that point have to be extended and varied if necessary, for them to remain in force. To extend and/or vary a PSPO a consultation exercise needs to be undertaken and a decision taken by Cabinet.

3.6 A consultation exercise was undertaken during September and October 2018. Key stakeholders such as the Police & Dogs Trust and user groups such as Sports Teams & local 'Friends Of' groups were consulted to ensure those most invested had a chance to comment.

- 3.7 As part of the consultation an online survey was available for Borough residents to indicate which of the proposals for inclusion within the PSPO they were for or against. A total of 339 responses were received via the on-line survey. The results are available in Appendix 1 of this report.
- 3.8 As part of the consultation an email address (pspo@hyndburnbc.gov.uk) was available for anyone wishing to make a specific point or comment about the proposals. Nine responses were received in total relevant to the consultation exercise. Eight responses were received from Borough residents, all of which objected to the proposal to exclude dogs from designated areas of Council owned sports pitches. One response was received from the Dogs Trust, this response commented on a more broad range of issues (refer to Appendix 2).

4. Alternative Options considered and Reasons for Rejection

- 4.1 Do not extend and vary the current Borough of Hyndburn (Control of Dogs) PSPO (No 2 of 2015). This has been rejected as evidence and experience has shown that practical measures, like the current PSPO help balance the needs of dog owners with the wider use of public spaces.

5. Consultations

- 5.1 A public consultation exercise took place for four weeks between 5 September 2018 and 5 October 2018. The consultation was open to all residents of Hyndburn. In addition certain parties were contacted directly about the consultation which included District and County Councillors representing Hyndburn wards, Police & Crime Commissioners Office, The Dogs Trust, Lancashire County Council, all 'Friends of' and other community groups with an interest in green spaces and users of Council sports facilities such as football teams, rugby teams and bowling clubs.

6. Implications

Financial implications (including any future financial commitments for the Council)	There will be a cost to the purchase and installation of signage relevant to the Public Space Protection Orders. The cost is estimated at £4,000
Legal and human rights implications	Extending or Varying any Public Space Protection Order must be undertaken as per guidelines and in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014
Assessment of risk	No specific risks have been identified. However not continuing with the PSPO as outlined above could lead to an imbalance between the needs of dog owners and the wider use of public spaces

Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	N/A
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**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

- 7.1 Report to Cabinet dated 2 December 2015 titled Public Space Protection Orders
- 7.2 Report to Cabinet dated 29 July 2015 titled Public Space Protection Orders