Agenda Item 3

Licensing & Regulatory Committee
21st September 2020

Title: Public Space Protection Orders (Dog Controls)
Lead Officer: Marianne Rolfe
Portfolio Holder: Judith Falp
Public report ~~/ Confidential report~~
Wards of the District directly affected:

Contrary to the policy framework: NO
Contrary to the budgetary framework: NO
Key Decision:
Included within the Forward Plan: NO
Equality Impact Assessment Undertaken: NO
Consultation & Community Engagement: Pre Consultation with Stakeholders
Final Decision:

Officer/Councillor Approval

Officer Approval	**Date**	**Name**
Chief Executive/Deputy Chief Executive	16/9/20	Andrew Jones
Head of Service	16/9/20	Marianne Rolfe
CMT	16/9/20	Andrew Jones
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	16/9/20	Judith Falp

1. Summary

1.1. The report provides an update as to the pre consultation which has taken place to date and the impact of the suggestions being placed in the public domain prematurely.

2. Recommendation

2.1. That the Committee agree that a fair public consultation cannot be conducted at this time due to the placement of the suggestions included within the pre consultation with stakeholders being placed in the public domain.

2.2. That the Committee agree to formal consultation with existing stakeholders to extend the existing Public Space Protection Orders (PSPO) (formally known as Dog Control Orders).

3. Reasons for the Recommendation

3.1. On the 8th July 2020 the Licensing and Regulatory Committee reflecting on questions regarding the PSPO in relation to dog controls received prior to the Committee officers advised the Committee they would undertake a pre-consultation. The pre consultation, involved contacting the relevant stakeholders (Parish and Town Councils and relevant landowners) within the District in order to gain a better understanding of the specific issues affecting local areas, prior to formal proposals coming to Committee ahead of wider public consultation.

3.2. Members accepted this and disregarded the elements around the Dog Control PSPOs from the report and debate. It was determined that officers should bring a separate report to the Committee on this specific matter at a later date.

3.3. Officers contacted relevant stakeholders, in confidence, with a number of suggestions to request their thoughts and feedback in order to consider what measures would need to be included or indeed excluded from a proposed PSPO for dog controls.

3.4. Unfortunately, these suggestions were placed into the public forum without context or appropriate explanation against the instructions provided in the pre consultation correspondence.

3.5. In addition, a summary of decisions of the Licensing & Regulatory Committee was published to clarify the decisions taken in regard to the published report. Therefore, to understand the decision taken it relied on the public watching the video of the meeting.

3.6. The combination of these two factors has generated significant public misunderstanding and miscommunication in relation to the status of any proposals and the course of action being taken. This has resulted in large numbers quantities of negative feedback including Freedom of Information Requests, complaints to Officers and Councillors and received a 4000 signature petition stating disagreement with the petition stated alleged proposals.

3.7. The Council has provided correction statements to both local and national media requests.

3.8. Despite best efforts (including publishing the draft minutes of the 8th July Committee meeting, social media communications, direct email correspondence from Officers and Councillors) to mitigate and correct the misinterpretation has become the overwhelming narrative.

3.9. It is considered, at this time, almost impossible to conduct a fair public consultation into the PSPOs for Dog Controls in order to make any changes to the existing orders due to the current proliferation of incorrect information.

3.10. As outlined in the previous report, the legislation for PSPOs outlines that if orders are varied, extended or discharged, there are statutory requirements regarding publishing or publicising of this and that a consultation process is required.

3.11. The existing PSPOs must be reviewed by the date of the 21st October 2020 and due to significant risk of the lack of a fair consultation at this time, consideration must be given to extending or removing the existing orders and level of consultation required to meet the legislative requirement.

3.12. By extending the existing orders there will be no change to the contents of the orders which have been in place since 2014. Any alterations which have been suggested within the pre-consultation would not be included in the orders.

3.13. The report to Committee in October would include details of the stakeholder consultation, for maintaining the current orders, with a view to renewing them for a period of three years. However, the Council could undertake a wider review of the orders within this time at a point if it wished to.

4. Policy Framework

4.1. Fit for the Future (FFF)

4.1.1. The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found on the Council's website. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

4.2. FFF Strands

4.2.1 External impacts of proposal(s)

People - Health, Homes, Communities – Anti-social behaviour including dog related nuisance can significantly impact upon quality of life. The level of crime and disorder is cited as the top consideration when deciding on where to live

Services - Green, Clean, Safe - PSPOs enable a preventive and if necessary an enforcement approach resulting in reducing crime and disorder thus allowing communities to enjoy the district's public open spaces

Money- Infrastructure, Enterprise, Employment – no impact

4.2.2. **Internal impacts of the proposal(s)**

People - **Effective Staff** – no impact

Services - Maintain or Improve Services – no impact

Money - Firm Financial Footing over the Longer Term – no impact.

4.3. **Supporting Strategies**

4.3.1. This report does not directly impact on any of the supporting strategies of Fit for the Future

4.4. **Changes to Existing Policies**

4.4.1. The report does not bring forward any changes to any existing Council Policies.

4.5. **Impact Assessments**

4.5.1. There are no impacts identified as a result of this report.

5. Budgetary Framework

5.1. There are no costs associated with this report.

6. Risks

6.1. Not having valid PSPOs in place will have an impact on the officer's ability to educate, engage and enforce on dog-related nuisance across the district. This may have a detrimental effect on the reputation of the Council by:

a. An increase in dog fouling

b. Dogs walked off leads for example on highways and cemeteries

c. No method of controlling dogs which are causing nuisance

d. Dogs entering children play areas, sports areas and marked pitches.

6.2. By not continuing on to public consultation from the pre consultation with stakeholders prevents any alteration to the existing orders will leave any new children play areas, sports areas or marked pitches created within the district since the creation of the orders initially in 2014.

6.3. It is proposed that if the recommendations of the report are accepted, that whilst the orders would renew for a period of three years, the council can reserve the right to undertake a review of the orders within that period.

6.4. Therefore, at suitable time when a fair public consultation can be undertaken and taking on board the learning from the current situation a report will be brought forward.

7. Alternative Option(s) considered

7.1. The existing consultation could move on to a public consultation following a report to committee outlining the proposals for the PSPOs which are reflective of the stakeholder pre engagement activities. However, as outlined within the report it is not believed that a fair public consultation can be conducted at this time.

7.2. In addition to the above the timeline for such as consultation and report would still require the existing orders to be extended to allow the consolidation of the feedback from the pre consultation process, a suitable public consultation period and the preparation of reports to committee regarding the adoption and or amendments required to the revised PSPOs.

7.3. Alternatively, a decision could be taken to removal all of the existing orders in relation to dog control. This still requires a consultation with relevant stakeholders and feedback and collated information suggests that these orders remain valid in as far as the controls they enact.