

# Cabinet



Forest Heath  
District Council

<b>Title of Report:</b>	<b>Adoption of Public Space Protection Orders</b>	
<b>Report No:</b>	<b>CAB/FH/17/032</b>	
<b>Report to and date:</b>	Cabinet	20 June 2017
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<b>Purpose of report:</b>	To provide an update on the outcome of public consultation concerning Public Space Protection Order (PSPO) and to seek approval to formally adopt them.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that:</b>  (1) <b>Members <u>note</u> the results of the consultations associated with the proposed Public Space Protection Order (PSPO).</b>  (2) <b>Cabinet approve the proposed new Public Space Protection Order (PSPO) included in this report as appendix A to Report No: CAB/FH/17/032 relating to:</b> <ul style="list-style-type: none"><li>• <b>Dog Fouling</b></li><li>• <b>Banning of dogs from certain specific children's play areas and certain specific fenced football pitch areas.</b></li></ul>	

<p><b>Key Decision:</b></p> <p><i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input checked="" type="checkbox"/></p> <p>No, it is not a Key Decision - <input type="checkbox"/></p> <p>(a) A key decision means an executive decision which, pending any further guidance from the Secretary of State, is likely to:</p> <p>(i) be significant in terms of its effects on communities living or working in an area in the District.</p>
<p><i>The decisions made as a result of this report will usually be published within <b>48 hours</b> and cannot be actioned until <b>five clear working days of the publication of the decision</b> have elapsed. This item is included on the Decisions Plan.</i></p>	
<p><b>Consultation:</b></p>	<ul style="list-style-type: none"> <li>• Consultation has been completed and summarised in section 3 of this report.</li> </ul>
<p><b>Alternative option(s):</b></p>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<p><b>Implications:</b></p>	
<p><i>Are there any <b>financial</b> implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>• Purchase and erection of replacement signage.</li> <li>• Dog exclusion sites will require approx. 100 signs across 50 sites in Forest Heath. Working on a cost of £25 per sign, the total cost will be £2500</li> <li>• Funding has been identified from with existing Leisure and Culture budgets</li> <li>• Updating/replacing of current dog fouling signs to be funded from current budgets.</li> </ul>
<p><i>Are there any <b>staffing</b> implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>• PSPOs can be enforced by Police officers, Police staff (PCSOs) and West Suffolk councils' enforcement officers</li> <li>• There are no plans to increase the number of council enforcement officers</li> </ul>
<p><i>Are there any <b>ICT</b> implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>• The proposed order has been drafted by the council's legal team.</li> <li>• Copies attached at Appendix A.</li> </ul>
<p><i>Are there any <b>equality</b> implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>

<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk (before controls)</b>	<b>Controls</b>	<b>Residual risk (after controls)</b>
	Low/Medium/ High*		Low/Medium/ High*
Public perception – negative perception of the impact of the PSPO	High	Information provided Consultation process completed	Low
Reputation- no enforcement activity taken	High	Work with the community. Encourage information and evidence to be provided of any breaches	Medium
<b>Ward(s) affected:</b>	Dog fouling condition - all wards in Forest Heath. Dog exclusion condition – those wards detailed in the proposed order.		
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>	<a href="#">Report No: OAS/FH/17/003 (Overview and Scrutiny Committee: 12 January 2017)</a>  <a href="#">Report No: CAB/FH/17/002 (Cabinet: 14 February 2017)</a>		
<b>Documents attached:</b>	<i>(Please list any appendices.)</i> <b>Appendix A</b> - Draft PSPO orders <b>Appendix B</b> - Feedback from the Kennel Club.		

## **Key issues and reasons for recommendation(s)**

### **1 Background**

- 1.1 A report was presented to the Overview and Scrutiny Committee (Report No: OAS/FH/17/003 refers) on 12 January 2017, which provided an update to legislative changes relating to Public Space Protection Orders (PSPO). The report also sought views on the proposed adoption of the new PSPO relating to dog control and fouling.
- 1.2 At the above Overview and Scrutiny Committee meeting Members noted that, subject to public consultation and Cabinet approval, a PSPO in respect of certain dog controls across Forest Heath should be adopted.
- 1.3 At its meeting on 14 February 2017 (Report No: CAB/FH/17/002 refers) Cabinet received and supported the recommendations made by Overview and Scrutiny Committee concerning the proposed PSPO on the basis that it was satisfied that, subject to the outcome of the public consultation, the proposed changes were acceptable and proportionate to mitigate potential nuisance or problems in an area that may be detrimental to the local community's quality of life.
- 1.4 Town and Parish Councils were informed of the Council's proposal to introduce the PSPO and were invited (at cost) to include their play areas in the proposed PSPO schedule of sites to excludes dogs.

### **2 Consultation**

- 2.1 In line with Home Office guidance a period of consultation was undertaken between 20 February 2017 and 17 March 2017.
- 2.2 Key stakeholders (Police, the Police and Crime Commissioner, Parish Councils, The Kennel Club, RSPCA and Forest Heath elected members) were consulted individually.
- 2.3 Public consultation was made available via an online survey on the West Suffolk councils' website.

### **3. Results of the consultation**

#### **3.1 Consultation relating to the control of dogs and dog fouling**

- 3.2 Seven responses were received from members of the public to the online survey. Of these, one response was from a resident of Forest Heath and six were listed as visitors. In summary:
  - One of the respondents objected to the introduction of a dog related PSPO to increase the amount of the FPN and six were supportive.
  - Respondents were split on excluding dogs from play areas with three in favour, three against and one unsure. They were also only slightly opposed to the banning of dogs from fenced football pitches with four respondents against, two for and one unsure.

- 3.3 The Council also received a response from the Kennel Club which is attached as Appendix B. The salient points from their response states that the Kennel Club does not normally oppose Orders to exclude dogs from playgrounds, or enclosed recreational facilities. They strongly promote responsible dog ownership, and believe that dog owners should always pick up after their dogs. They made a point that they'd like us to employ further proactive measures to help promote responsible dog ownership throughout the local area in addition to introducing Orders in this respect.
- 3.4 A correspondence was emailed to each of the contacts responsible for Parish play areas advising them of the proposals and inviting them to include their play areas in the order which prohibits dogs from entering play areas. Those Parishes that have requested inclusion will be added to the schedule of sites included in the PSPO.

#### **4. The Order**

- 4.1 The full Order can be found at Appendix A.
- 4.2 Subject to the agreement of Cabinet to accept the Order , there are statutory requirements to;
- i) formally notify the Parish, Town and County councils;
  - ii) publish the order on the West Suffolk councils website; and
  - iii) Install the required signage in the appropriate locations.

#### **5 Duration of the Orders**

- 5.1 The PSPO will be reviewed after a period of two years and a decision will then be required to either continue unchanged, vary if required, or discharge if no longer required.

#### **6. Recommendation**

- 6.1 Given the results of the public feedback, including the Police and Kennel Club it is recommended that Cabinet agree to adopt the proposed new PSPO as set out in Appendix A.