

Decision under Delegated Powers

Officer Requesting Decision

Enviro Crime and Dog Control Manager

Officer Making the Decision

Head of Regulatory Services

Recommendation

That the Groundsman/Enforcement Officer at Birstall Parish Council be authorised by the Head of Regulatory Services to enforce dog control at five parks/green spaces in Birstall for the period of January 2018 to January 2019 in line with the Public Spaces Protection Order – Charnwood Borough Council Dog Control 2016.

Reason

To enforce dog control in Birstall to reduce the number of dog control incidents at the following parks:

- Harrowgate Road
- Meadow Lane Playing Fields
- School Lane Playing Fields
- Tithe Close
- Hallam Fields

Authority for Decision

Cabinet Report of 20th October 2016 – Part 52 (6):

Gave authority for the Head of Regulatory Services, in consultation with the Lead Member for Regulatory Services to be given delegated authority to authorise staff at Parish/Town Councils or other organisations, as deemed appropriate, to issue fixed penalty notices for dog control offences.

Decision and Date

Background

Birstall Parish Council has additional controls across 5 parks to enforce dogs on leads under the Public Spaces Protection Order (PSPO). This followed a large number of dog control issues over the previous few years.

The PSPO also covers dog fouling across the whole of the Borough, dogs on leads in the cemeteries and dog ban in fenced children's play areas.

The Groundsman/Enforcement Officer has been employed as a dual role as a groundsman but can also enforce dog control across the five parks in Birstall.

In line with the Anti-Social Behaviour Crime and Policing Act 2014 Section 68 (1). The Local Authority can authorise other agencies to enforce Public Spaces Protection Orders.

Charnwood Borough Council authorised the Groundsman/Enforcement Officer who works for Birstall Parish Council to enforce dog control across five parks in Birstall.

The authorisation was originally put in place for one year to allow a review period as this was the first time a partnership arrangement of this kind had taken place.

The review was completed and found that the arrangement had been successful in all areas.

The enforcement statistics are: 32 fixed penalty notices for dog control. (31 for dogs off leads and 1 for dog fouling).

The Lead Member for Regulatory Services has confirmed she is happy for this to continue and for the authorisation to be given for another 12 months.

Financial Implications

None

Risk Management

No specific risks have been identified with this report

Key Decision: No

Background Papers: Report on first year of enforcement of Public Spaces Protection Order (PSPO) in Birstall by Groundsman/Enforcement Officer

Appendix A

Report on first year of enforcement of Public Spaces Protection Order (PSPO) in Birstall by Groundsman/Enforcement Officer

January 2018

Background

In 2015 Charnwood Borough Council commenced a consultation on a proposed PSPO to cover the whole Borough. Birstall Parish Council requested additional dog controls at three of their parks. The additional controls were to replace a bye law from 1991 and included:

- Dogs on leads at the following parks:
 - School Lane Playing Fields
 - Meadow Lane Playing Fields
 - Harrowgate Drive Playing Fields

The Parish Council provided evidence of various dog control issues which had occurred over the past few years including:

- Dog attacks on staff working on the park
- Dog attacks on two young children
- Numerous dog on dog attacks

Charnwood Borough Council completed the consultation with the residents of Charnwood and then published a notice of intention which outlined the proposed conditions on the intended PSPO. These included the dogs on lead controls at the three parks in Birstall.

6 months of warnings were completed by the Enforcement Officer prior to the Order being in place.

Recruitment and selection

In order to ensure the right person was employed to best represent the Parish and Borough Council the Enviro Crime and Dog Control Manager from Charnwood Borough Council was involved in all stages of the recruitment process.

The new Groundsman/Enforcement Officer has had training and will continue to have refresher training to ensure the approach is consistent with the Borough Council employees and to ensure competency.

The Officer was selected, trained and then given authority to issue fixed penalty notices for:

- Dogs off leads
- Dog fouling (failing to clear away afterwards)
- Dogs in exclusion zones

Across the 3 parks which are owned and managed by Birstall Parish Council. An agreement was put in place to agree management terms and the enforcement strategy between partners.

Enforcement statistics over the last year

The Officer has issued 32 fixed penalty notices for dog control, 31 for dogs off leads and 1 for dog fouling.

27 of the fixed penalty notices have been paid.

3 of the fixed penalty notices were cancelled

11 appealed against the ticket of which 3 were successful*.

2 are still outstanding; one has been sent to legal for prosecution and the other is still within the eligible payment period.

The 3 successful appeals all gave supplementary evidence to demonstrate they had a mental impairment. 1 had dementia and 2 had schizophrenia

Defra guidance advises that you should not issue fixed penalty notices to anyone with a mental impairment but also recognises that these impairments may not always be visible. So in these cases the fixed penalty notices were cancelled upon appeal.

Publicity and Public Messages

There have been a number of articles in the Birstall Post and other local magazines for the area and in the Leicester Mercury to tell people about the dog controls.

Birstall Parish Council and Charnwood Borough Council have full details of the PSPO and advice for dog owners about the controls in Birstall.

Dog walkers have also been given advice about alternate locations in Birstall where dog owners can walk their dogs off lead.

Complaints

There has been 1 complaint made in respect of the enforcement policy at the park stating that there is insufficient signage and a question about the legality of the fixed penalty notice stationary.

The complaint was answered at stage 0 by the Enviro Crime and Dog Control Manager and has not proceeded further.

The signage at the park is more than adequate and is present at every entrance to all of the parks and on the parks.

Legal advice was sought about the fixed penalty notice books and they confirmed that there were no legal issues with the format of the book.

Review and updates

The Enviro Crime Enforcement Manager has carried out a review of this service every quarter and has amended the agreement for 2018 so that the Clerk at Birstall Parish Council answers appeals and complaints about the Groundsman/Enforcement Officer as this seems the best approach. The Clerk has the local knowledge and immediate access to the Groundsman/Enforcement Officer.

The fixed penalty notice stationary has been amended to add the Birstall Parish Council logo and to list only dog control offences for clarity.

Recommendation

It is recommended to authorise the Groundsman/Enforcement Officer as the Groundsman/Enforcement Officer for a further year to enforce dog control at the 3 parks in Birstall in line with the partnership agreement.

After the year, a further review will be undertaken to decide if the authorisation for enforcement should continue.