Overview of Legislation – Public Spaces Protection Order

1. The ability to make a PSPO was introduced by section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 (this section came into force on 20th October 2014).

2. PSPOs are an order created in relation to areas within the local authority’s jurisdiction where activities are taking place that are or likely to be detrimental to the local community’s quality of life.

3. PSPOs impose conditions or restrictions on people within that area, such as dog control.

4. A breach of a PSPO is an offence punishable by a fixed penalty notice and/or prosecution in a magistrate’s Court.

5. PSPOs provide the local authority with a means by which to control specific activities such as dog control or dog fouling taking place within a specified area and by virtue of which anti-social behaviour has been causing a nuisance or annoyance to those living or visiting the area. The Police, Police Community Support Officers and Council Officers have power under the legislation to enforce the PSPOs and tackle such behaviour.

6. In order to establish a PSPO, local authorities are required to consult with the public, police and community representatives (as the local authority sees fit). The consultation process as a whole is based on statutory guidance.

7. A PSPO can last for up to 3 years. The local authority which made the Order may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent:

   a) Occurrence or reoccurrence after that time of the activities identified in the order.
   b) An increase in the frequency or seriousness of those activities after that time.

   Any extension of the PSPO cannot be for a period of more than 3 years (although there is no limit on the number of times that the PSPO can be renewed).

8. Where a PSPO is in force, the local authority that made the order may vary it by:

   a) Increasing or reducing the restricted area
   b) Altering or removing a prohibition or requirement included in the order or adding a new one.
Summary of Incidents and Enforcement Actions

Numbers of Incidents

1. Charnwood Borough Council receive a high number of reports of dog fouling every year. In the last three years the number of dog fouling reports is detailed in the table below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-14</td>
<td>145</td>
</tr>
<tr>
<td>2014-15</td>
<td>160</td>
</tr>
<tr>
<td>2015-16</td>
<td>208</td>
</tr>
</tbody>
</table>

2. Dog fouling enforcement is usually by means of a fixed penalty notice (FPN). An authorised Officer must see the owner allowing their dog to foul and not clearing away afterwards for an offence to occur. If the FPN is unpaid the Council can prosecute. The number of fixed penalty notices and prosecutions can be seen in the table below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of FPNs</th>
<th>Number of Prosecutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-14</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>2014-15</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>2015-16</td>
<td>6</td>
<td>1</td>
</tr>
</tbody>
</table>

3. Charnwood Borough Council also receives reports about issues with dog control. These reports include dog on dog attacks, dogs scaring and worrying people and owners not being on control of their dog. In the last three years the number of dog control reports is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-14</td>
<td>11</td>
</tr>
<tr>
<td>2014-15</td>
<td>29</td>
</tr>
<tr>
<td>2015-16*</td>
<td>79*</td>
</tr>
</tbody>
</table>

* The Anti-Social Behaviour Crime and Policing Act was introduced in October 2014 which gave Councils more powers to deal with dog control which could explain the spike in number.

4. The Council deal with many cases by contacting the individual concerned but the PSPO would offer a location based order to implement controls in public spaces to prevent dog control issues. There have been 79 warning letters and 26 Community Protection Notices issued.
Comments from consultation – Public Spaces Protection Order – Dog Control
Charnwood Borough Council

September to December 2015

*Taken from survey monkey (electronic) responses:*

1. In older unused cemeteries dogs on or off the lead at owner's discretion if dogs are well behaved. Dogs on the lead in newer used cemeteries.
   10/31/2015 4:00 PM View respondent's answers

2. If someone can't clear up after there dog in a cemetery then they should not have a dog. The lack of respect for everyone who vistits is unbelievable. Ban them even if it is the minority that allow this to happen. This is a place where you go to pay respect, not walk a dog.
   10/25/2015 9:05 PM View respondent's answers

3. I think dogs are fine as long as they are on leads!! I have two dogs myself, 1 of which is deaf. My dogs are friendly and have been startled recently by a dog running upto them in Glenmore park which scared the life out of them. This shouldn't just be about children and play areas it should also be about consideration of other dogs and their owners. Having a loose dog running at you from a distance not knowing if it is friendly or not is a pretty terrifying experience.
   10/25/2015 7:25 PM View respondent's answers

4. I do not think it is at all unreasonable to expect dogs to be kept on leads in cemeteries.
   10/25/2015 6:40 PM View respondent's answers

5. I would like to add another important issue that you have not raised is if the responsible owners pick up poop where are the poop bins ? There has to be bins
   10/24/2015 10:03 AM View respondent's answers

6. Since when do people choose to walk there dog in a cemetry!?
   10/23/2015 11:13 PM View respondent's answers

7. Changing from dog control orders to PSPOs will have only a marginal impact on dog control. The problem of dog mess in particular is caused by a small number of irresponsible owners who know that the likelihood of being caught is very low. It follows, therefore, that the nature of the legislation is - for them - irrelevant. Unless more resource is allocated to catching the offenders any change of regulation will be meaningless. I walk my dog twice a day, every day, and am always on the lookout for owners who do not pick up their dog mess, but I never see any, which suggests that a lot of the problem occurs after dark because there is invariably some that has not been picked up. I feel that the only real solution is education unless the chance of being caught is increased.
   10/19/2015 8:46 PM View respondent's answers
8.  X
10/6/2015 10:33 PM View respondent's answers

9.  I thought dogs already had to be kept on leads in cemeteries?
10/6/2015 6:16 PM View respondent's answers

10. Dogs on lead still poo and the owner can still leave it. No dogs No poo
10/6/2015 4:27 PM View respondent's answers

11. I am a dog owner. I clear up my dogs faeces in ALL public places. If there is no
    bin I take it home. I do not let my dog near play equipment, fenced in or not. But I
    am sick to death of hearing people calling for dogs to be kept on a lead at all
    times or banned from all public parks. Totally unnecessary if a dog is obedience
    trained. Dog owners pay council tax the same as everyone else. Most owners
    are responsible, just a minority that aren't. Kids do far more damage & cost
    councils far more money by vandalising......are you going to ban them from
    public places too?!
10/6/2015 4:02 PM View respondent's answers

12. Even on leads they can and will be allowed by certain people to foul people's
    resting places. ban altogether in cemeteries
10/6/2015 2:25 PM View respondent's answers

12. It's undemocratic to penalise responsible dog walkers because of those that fail
    to pick up dog faeces. Charnwood borough needs to provide a dog parks in all
    new developments and in existing parks.
10/6/2015 12:36 PM View respondent's answers

13. Shame to ban dogs from cemeteries, the owner may want to walk down and visit
    a loved ones grave and want their doggy companion with them.
10/6/2015 12:19 PM View respondent's answers

14. I think it's a matter of respect to keep a dog on a lead in a cemetery. I go to
    cemeteries sometimes to find fungi and take photos of them. I usually take my
    dog, on a lead, with me. I shall be unable to do this if dogs are banned from
    cemeteries.
10/6/2015 12:18 PM View respondent's answers
Equality Impact Assessment – Public Spaces Protection Orders

**Step 1 – Introductory information**

<table>
<thead>
<tr>
<th>Title of the policy</th>
<th>Public Spaces Protection Orders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of lead officer and others undertaking this assessment</td>
<td>Nicky Gibson</td>
</tr>
<tr>
<td>Date EIA started</td>
<td>22nd March 2016</td>
</tr>
<tr>
<td>Date EIA completed</td>
<td>7th January 2016</td>
</tr>
</tbody>
</table>

**Step 2 – Overview of policy/function being assessed:**

Outline: What is the purpose of this policy? (Specify aims and objectives)

These Orders are put in place to inform residents about dog control and requirements for dog owners in respect of:

- Dog fouling and not clearing up afterwards
- Dogs on leads
- Dogs on leads by Direction
- Dog exclusion zones

The Public Spaces Protection Orders (PSPO’s) replace the current Dog Control Orders put in place in 2007. The requirement for change came in with the Anti-Social Behaviour Crime and Policing Act 2014.

What specific group/s is the policy designed to affect/impact and what is the intended change or outcome for them?

The PSPO’s are relevant to all residents and visitors to Charnwood and affect anyone who is in control of a dog (s)

People who have a registered assistance dog are exempt from dog fouling controls – details will be included on Order

Which groups have been consulted as part of the creation or review of the policy?

Parish/Town/Ward Clerks and Councillors
Dog Organisations – Kennel Club and College Garth Kennels
Borough Councillors
All residents in Charnwood (article in Charnwood news)
**Step 3 – What we already know and where there are gaps**

List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation etc.

Data/information such as:
- Consultation
- Previous Equality Impact Assessments
- Demographic information
- Anecdotal and other evidence

Age – older people are often dog owners for company
Race – BME culturally do not tend to have dogs as pets.
Race – BME often have an inherent fear of dogs
There are 10 million dogs in the UK according to records which equates to 1 in 6 people in the population owning a dog
Incident recording – there is a mapping resource to identify areas where dog fouling is an issue based on reports from residents.
Young people – should be allowed to play and use green spaces without fear of dogs being out of control

What does this information / data tell you about diverse group? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (Please list)

The Parish Clerks in Birstall felt it was needed to add dogs on leads in parks due to consultation and previous requests from residents expressing a which to have green spaces where people’s dog are on leads and therefore more likely to be in proper control. This was evidenced by a number of incidents where grounds staff were bitten and two serous attacks on children where they both received serious injury.

**Step 4 – Do we need to seek the views of others? If so, who?**

In light of the answers you have given in Step 2, do you need to consult with specific groups to identify needs / issues? If not please explain why.

All residents have been consulted and all PSPO’s will be reviewed every 3 years. Amendments and revisions can be added before that time if evidence is received that there is a need for additional controls. The controls must meet the legal test and must be justified.
## Step 5 – Assessing the impact

In light of any data/consultation/information and your own knowledge and awareness, please identify whether the policy has a positive or negative impact on the individuals or community groups (including what barriers these individuals or groups may face) who identify with any ‘protected characteristics’ and provide an explanation for your decision (please refer to the general duties on the front page).

<table>
<thead>
<tr>
<th>Protected Group</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Age</strong></td>
<td>Positive – clearer Orders informing residents about dog control will have a positive impact on all ages.</td>
</tr>
<tr>
<td><strong>Disability</strong> (Physical, visual, hearing, learning disabilities, mental health)</td>
<td>There are exceptions to the Order for people with disabilities where their manual dexterity is affected. There are also exceptions in the Order for blind people. The Order makes it clear to all residents who are exempt which adds clarity for all residents.</td>
</tr>
<tr>
<td><strong>Gender Reassignment</strong> (Transgender)</td>
<td>Positive - neutral</td>
</tr>
<tr>
<td><strong>Race</strong></td>
<td>Positive – The Order adds clarity for people about requirements in respect of dog control. Additional measures have been implemented in cemeteries and green spaces for dog control. Anecdotal evidence suggests BME population have an inherent fear of dogs.</td>
</tr>
<tr>
<td><strong>Religion or Belief</strong> (Includes no belief)</td>
<td>Neutral</td>
</tr>
<tr>
<td><strong>Sex</strong> (Gender)</td>
<td>Neutral</td>
</tr>
<tr>
<td><strong>Sexual Orientation</strong></td>
<td>Neutral</td>
</tr>
<tr>
<td><strong>Other protected groups</strong> (Pregnancy &amp; maternity, marriage &amp; civil partnership)</td>
<td>Positive – if dogs are properly under control it would make pregnant women feel more secure.</td>
</tr>
<tr>
<td><strong>Other socially excluded groups</strong> (carers, low literacy, priority neighbourhoods, health inequalities, rural isolation, asylum seeker and refugee communities etc.)</td>
<td>Neutral</td>
</tr>
</tbody>
</table>
Where there are potential barriers, negative impacts identified and/or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.

Please note:
   a) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.
   b) Additionally, if you have identified adverse impact that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

No

Summarise your findings and give an overview as to whether the policy will meet Charnwood Borough Council’s responsibilities in relation to equality and diversity (please refer to the general duties on the front page).

This PSPO will meet Charnwood Borough Council’s equality and diversity requirements by adding clarity to dog control orders.

This PSPO will be publicised on social media, Charnwood website, Town and Parish Council websites and in paper format in the areas where they will be applicable. This will spread the strong message about dog control requirements which will make Charnwood a more relaxed place to be.

**Step 6 - Monitoring, evaluation and review**

| Are there processes in place to review the findings of this Assessment and make appropriate changes? In particular, how will you monitor potential barriers and any positive/negative impact? |
| The PSPO’s will be reviewed every 3 years and the EIA will be reviewed at the same time. |
| How will the recommendations of this assessment be built into wider planning and review processes? e.g. policy reviews, annual plans and use of performance management systems. |
| Consultation with interested groups, stronger understanding of how the Orders can be implemented and reviewed. |

**Step 7 - Action Plan**

Please include any identified concerns/actions/issues in this action plan:
The issues identified should inform your Service Plan and, if appropriate, your Consultation Plan

<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Action</th>
<th>Responsible Officer</th>
<th>Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Step 8 - Who needs to know about the outcomes of this assessment and how will they be informed?

<table>
<thead>
<tr>
<th>Who needs to know (Please tick)</th>
<th>How they will be informed (we have a legal duty to publish EIA’s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees</td>
<td>Published on intranet</td>
</tr>
<tr>
<td>Service users</td>
<td>Published with Cabinet report</td>
</tr>
<tr>
<td>Partners and stakeholders</td>
<td>Published with Cabinet report</td>
</tr>
<tr>
<td>Others</td>
<td>Published with Cabinet report</td>
</tr>
<tr>
<td>To ensure ease of access, what other communication needs/concerns are there?</td>
<td>Include in paper format in areas where controls will be renewed or altered.</td>
</tr>
</tbody>
</table>

Step 9 - Conclusion (to be completed and signed by the Service H)

Please delete as appropriate

I agree with this assessment

Signed (Service Head): Head of Regulatory Services

Date: