

Report for: Cabinet Member Signing

Title: Ratification of the decision to go out to consultation on the extension of the Haringey Dog Control PSPO

Report authorised by : Barry Francis, Director of Environment and Resident Experience

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Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key

1. Describe the issue under consideration

- 1.1 The Council's existing borough-wide Public Space Protection Orders (PSPO) for the control of dogs expires on 18 October 2023. Initial indications from the Police, Councillors and other community representatives are that there is an appetite to consider varying and possibly expanding the conditions of the PSPO to address wider community concerns.
- 1.2 It is expected it will take approximately 12 months to fully investigate the issues that have been raised and undertake full, meaningful consultation and co-production of any future PSPO prohibitions.
- 1.3 To ensure that the community does not lose the protection afforded by the existing PSPO conditions whilst this process is undertaken, it is proposed to extend the existing PSPO for a period 18 months, to 30 April 2025.
- 1.4 The consultation for the extension of an existing PSPO is simplified as it seeks to capture whether the extension is supported by the community and partner agencies, or not.
- 1.5 On the 11th August 2023 the Director of Environment and Resident Experience took the decision to go out to consultation on the extension of the PSPO for a 5 week period, from the 16th of August to the 20th August 2023 Ratification of that decision is now required. The consultation will be available online and subject to targeted promotion to partner agencies, key community representatives, groups and forums.

2. Recommendations

- 2.1 The Cabinet Member for Community Safety and Cohesion is being asked to:
 - a) Ratify the decision of the Director of Environment and Resident Experience to consult on the extension of the Haringey Dog control PSPO as set out in Appendix A.

- b) Note that following the consultation a further report will be submitted to Cabinet Member for a decision on extending the PSPO.

3. Reasons for decision

- 3.1 A Public Spaces Protection Orders (PSPO) sets clear conditions for the use of public areas and enables officers authorised by the Council and Police Officers to engage individuals and educate them about their responsibilities taking action, such as issuing a Fixed Penalty Notice (FPN), if appropriate.
- 3.2 The publication of the conditions of the PSPO by strategically placed signs around the area in which it is effective ensures those using the public space are aware of their responsibilities for:
- disposing of the waste of any dog that is in their care at the time;
 - keeping a dog under their control, and on lead in some areas, such as highways and in cemeteries;
 - preventing their dog from entering areas where they are not permitted, such as children's play areas.
 - Walking no more than 6 dogs at the same time.
- 3.3 If the PSPO conditions were to expire it would be necessary to remove all related signage and it is likely that the issues it was introduced to address will recur.
- 3.4 The expiration of the PSPO would also limit the options for Council and Police officers to take action to address behaviours that have a detrimental effect on the local community.

4. Alternative options considered

- 4.1 Not to consult or extend the PSPO.
This option is not recommended as it is likely the behaviours that it was originally introduced to deter will recur, as outlined in 3.1 to 3.4 above, having a detrimental effect on the local community.

5. Background information

- 5.1 PSPOs were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 and are intended to deal with behaviours that are detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the law-abiding majority can safely use and enjoy public spaces. A PSPO remains in place for three years unless extended or discharged.
- 5.2 On 20th October 2017 Haringey replaced its Dog Control Orders with a PSPO, with requirements and prohibitions mirroring the previous conditions. Following

an extensive consultation process in 2020 the PSPO was varied and extended to 19 October 2023.

- 5.3 The PSPO may be extended more than once if the local authority is satisfied on reasonable grounds that doing so is necessary to prevent:
- (a) occurrence or recurrence after that time of the activities identified in the order, or
 - (b) an increase in the frequency or seriousness of those activities after that time.
- 5.4 The PSPO sets clear conditions for everybody using public areas. The publication of the conditions of the PSPO conditions on signs strategically placed around the area in which it is effective ensures those using the public space are aware of their responsibilities for:
- disposing of the waste of any dog that is in their care at the time;
 - keeping a dog under their control, and on lead in some areas, such as highways and in cemeteries;
 - preventing their dog from entering areas where they are not permitted, such as children's play areas;
 - Walking no more than 6 dogs at the same time.
- 5.5 The PSPO enables officers authorised by the Council and Police Officers to engage with people and educate them about their responsibilities, taking action, such as issuing a Fixed Penalty Notice (FPN) if appropriate.
- 5.6 The purpose of the PSPO is to encourage compliance with the conditions and reduce the number of incidents that occur, providing a cleaner and safer public space.
- 5.7 Haringey benefits from a large number of parks and open spaces which are used by both residents and visitors. Therefore, it is important to ensure that it is clear to everybody that the PSPO is valid and current to prevent the original problem behaviours from recurring.
- 5.8 Residents make reports to the Council through a number of different mechanisms. It could be direct to our cleansing contractors Veolia, or through frontline services to the ASB Waste Enforcement or through an on line ASB report to the ASB Enforcement team.

The Council's contractor Veolia is responsible for clearing dog faeces from Haringey streets. Residents made 1041 reports to Veolia requesting the removal of dog faeces from streets within the borough during the period August 2021- July 2022.

During the period of Oct 2020 - July 2023, the Council's frontline services received 108 complaints about dog fouling and 8 of dogs not on a lead. In addition, in the period April 2021 to December 103 ASB reports were made to the Anti-Social Behaviour Enforcement team for dog related issues, this included, dog fouling, dogs out of control, dogs off lead.

5.9 Statutory consultation will be undertaken with the Metropolitan Police and Mayors Office for Policing and Crime, as set out in the Anti-Social Behaviour, Crime and Policing Act Statutory Guidance.

5.10 Engagement will be carried out using the principles contained in the Governments Code of Practice on Consultations (published in 2012 and updated in 2018). This includes that Consultation must be:

- Clear and concise
- Have a purpose
- Should be informative
- Only part of a process of engagement
- Last for a proportionate amount of time
- Targeted
- Take into account of the groups being consulted
- Agreed before publication
- Facilitate security
- Results published in a timely fashion
- Not launched during a local or national election period.

5.11 As the PSPO is already in place it is considered that proportionate engagement will consist of an on-line self-completion survey. The survey will be available online to everybody; however, targeted promotion of the survey will be undertaken to existing community representatives, groups and forums and associations or charities with a specialist interest in dogs. All responses will be considered.

5.12 The consultation will take place between 16 August and 13 September 2023.

6. Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes

6.1 The Dog Control PSPO contributes to the strategic themes of a Safer borough and Place and economy by helping to maintain clean public spaces that are welcome and safe for residents and visitors to enjoy.

7. Carbon and Climate Change

7.1 There are no direct carbon or climate decisions arising from this consultation or the proposed PSPO extension.

8. Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)

8.1 Finance

8.1.1 This report is for Cabinet to approve the recommendations as set out in para 3 of this report.

8.1.2 The costs associated to undertaking the survey and analysing the responses are expected to be around £1,000 and will be met through existing budgets.

8.2 Procurement

8.2.1 Strategic Procurement note the contents of this report and confirm there are no procurement related matters preventing Cabinet from approving the recommendations in paragraph 3 above.

8.3 Head of Legal & Governance [Name and title of Officer completing these comments]

8.3.1 The Head of Legal and Governance has been consulted in the preparation of this report and comments as follows.
The existing PSPO will be 3 years old on 18 October 2023. It cannot have effect beyond that date because s60 of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") Limits the duration of a PSPO to 3 years unless extended. However, there can be more than one extension.

Section 60(2) of the Act requires the Council to give effect to the extension before the existing PSPO expires. Before extending the Council must be 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 or
- b) an increase in the frequency or seriousness of those activities after that time

Section 72 (3) of the Act requires the Council to conduct the necessary consultation before extending this PSPO. This means consulting with:

- a) the Chief Officer of police and the local policing body
- b) whatever community representatives the local authority thinks appropriate to consult with
- c) the owner or occupier of land within the restricted area where practicable.

The following principles of consultation that were set out in the Supreme Court case of R (on the application of Mosely) v London Borough of Haringey must be followed. First, a consultation has to be at a time when proposals are still at a formative state. Secondly, the proposer has to give sufficient reasons for any proposal to permit intelligent consideration and response. Thirdly, adequate time has to be given for consideration and response, and finally, the product of consultation had to be conscientiously taken into account in finalising any statutory proposal or reaching a decision. The process of consultation has to be effective and looked at as a whole, it has to be fair. The proposed consultation complies with these legal principles and the Government Code of Practice on Consultation set out in paragraph 6.10 of the report.

Following the consultation, the Council is obliged to take account of any representations made during the consultation period and all objections received must be properly considered by the Lead Member before any order is made final.

8.4 Equality

8.4.1 The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not

8.4.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

8.4.3 The consultation in relation to this extension will contain a limited number of questions to establish if the extension of the PSPO is supported, or not. Whilst the online survey will be available online, contact will be made with existing community organisations, charities, groups and forums to encourage involvement by their members.

8.4.4 An Equality Impact Assessment Screening Tool has been completed in respect of this decision and concluded that a full Equality Impact Assessment is not required at this time as:

- This proposal is for approval to consult on the extension of an existing PSPO, which has been in place for 6 years.
- In the time the PSPO has been in place, no further equality issues or concerns have been raised.
- Should the consultation give rise to any issues of inequality not yet identified then a full EQIA can be completed in advance of seeking approval for the extension of the PSPO.

A copy of the completed Equality Impact Assessment Screening Tool can be found at Appendix B

9. Use of Appendices

Appendix A – Draft Dog Control PSPO

Appendix B - Equality Impact Assessment Screening Tool

10. Background papers

Anti-Social Crime & Policing Act 2014 - legislation

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted>

Anti-Social Behaviour, Crime and Policing Act 2014, guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/823316/2019-08-05_ASB_Revised_Statutory_Guidance_V2.2.pdf

DEFRA Practitioners Manual on dealing with irresponsible dog ownership

<https://www.gov.uk/government/publications/dealing-with-irresponsible-dog-ownership-practitioners-manual>