

Report for: Cabinet Member Signing

Title: The extension of the Council's Boroughwide Dog Control PSPO (Public Space Protection Order)

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.
2. On 11th of September 2023 the Lead Member for Community Safety and Cohesion ratified the approval made by the Director of Environment and Resident Experience on the 8th of August 2023 decision to consult on the extension of the existing PSPOs and the purpose of this report is to present the outcome of the consultation and to seek approval for the extension of the PSPO to 30 April 2025.

2. Cabinet Member Introduction

- 2.1 I am happy to bring forward this report to extend the current PSPO for the control of dogs until 30 April 2025. It is important that we use all the tools available to us to ensure our public amenities are clean and safe to use. Many people who have dogs in their care take this responsibility seriously, however, there are some who do not. The Dog Control PSPO provides an opportunity to remind those individuals and educate them about their responsibilities, and if necessary take enforcement action. It is important that we use the time provided by this extension to ensure the PSPO remains effective in tackling the issues that are most important to our community.
- 2.2 As the Cabinet Member for Community Safety and Cohesion, I am supportive of the proposals contained in this report.

3. Recommendations

- 3.1 The Cabinet Member for Community Safety and Cohesion is being asked to;
 - a) Approve the extension of the borough-wide dog control PSPO until 30 April 2025.

4. Reasons for decision

- 4.1 PSPOs are intended to help ensure that the law-abiding majority can safely use and enjoy public spaces. They 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 everyone using the area, subject to limited exemptions.
- 4.2 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.
- 4.3 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.
- 4.4 Residents make reports to the Council through several different Mechanisms. It could be direct to our cleansing contractors Veolia, or through frontline services to the ASB Waste Enforcement, or through an online ASB report to the ASB Enforcement Team
- 4.5 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 the streets within the borough during the period of August 2021 – July 2022.
- 4.6 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 team for dog related issues, these include dog fouling, dogs out of control and dogs off lead
- 4.7 Initial discussion with the Police, Councillors and other community representatives have indicated that there is an appetite to consider varying and possibly expanding the conditions of the PSPO to address wider community concerns. To enable full, meaningful consultation and co-production of future conditions, the views of the public on extending the current PSPO were sought and 93%, 39 out of 42, of respondents agreed with this approach.
- 4.8 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. It is therefore proposed to extend the current PSPO to 30 April 2025.
- 4.9 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 whilst they are responsible for a dog, or dogs, and consider any reasonable excuses or exemptions that may apply to the individuals, and take action, such as issuing a Fixed Penalty Notice (FPN), if appropriate.

4.10 This is an important tool for the local authority to ensure that public spaces and amenities are clean and can be used safely.

5. Alternative options considered

5.1 Not to extend the PSPO.

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.

5.2 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.

5.3 Allowing the PSPO to expire is not recommended.

6. Background information

6.1 The PSPO sets clear conditions for people who have a dog or dogs in their care whilst they are using public areas, subject to limited exemptions. Signs are strategically placed around the area in which the PSPO is effective ensuring those using the public space are aware of their responsibilities.

6.2 The conditions of the PSPO are;

- disposing of the waste of any dog that is in their care at the time and have an appropriate way to do this;
- keeping a dog under control, and on lead no more than 2 meters long, in some areas, such as highways and in cemeteries, or when asked to do so;
- 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.

6.3 The PSPO enables officers authorised by the Council and Police Officers to engage with people and educate them about their responsibilities, consider any reasonable action or exemption, and take action, such as issuing a Fixed Penalty Notice (FPN) if appropriate.

6.4 If an individual fails to comply with the request without exemption or reasonable excuse they commit an offence and are liable on summary conviction to a fine of up to £500, or they have the opportunity to discharge their liability for prosecution by accepting a Fixed Penalty Notice of £100.

6.5 The following exemptions to the conditions of the PSPO apply to people who:

- Is registered as a blind person.

- Has a disability which affects mobility, physical coordination, ability to use their hands or lift, carry or otherwise move everyday objects.
- Have a registered assistance dog.

6.6 As the current PSPO has been in place for 6 years and there were no changes proposed to the existing conditions or coverage, necessary consultation was undertaken in accordance with section 73(4).

6.7 Consultation was undertaken online with key stakeholders being advised that it was taking place. The consultation asked if the respondent agreed to extending the current control of dogs PSPO for up to 18 months. Respondents were encouraged to explain their responses and to provide any information to help the local authority understand if there were any things that should be considered in the future with equalities considerations in mind.

6.8 There were 42 respondents and 93% (no.39) supported the extension. The comments provided by respondents are largely supportive and are summarised below, the full responses are provided in Appendix A.

- 12 Respondents raised concerns about dog fouling.
- 4 Respondents emphasised the need for enforcement.
- 1 Respondent expressed they did not want to see the PSPO expire.
- 3 Respondents stated the PSPO conditions are reasonable and encourage proper dog care.
- 1 respondent expressed they were not aware of dogs being an issue

6.9 The respondents who did not support the extension did not provide any details for their reasons.

6.10 No issues were raised by respondents in relation to any equalities impact.

6.11 Required consultation was also undertaken with the Metropolitan Police Service and confirmed their support of the extension.

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

7.1 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.

8. Carbon and Climate Change

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

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

9.1 Finance

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

The costs associated with manufacturing and installing temporary Dog Control PSPO warning signage are expected to be around £1,000 and will be met through existing budgets

9.2 Procurement

Procurement notes the contents of this report and confirm there are no procurement related matters preventing the Cabinet Member for Community Safety and Cohesion agreeing the recommendations in paragraph 3 above.

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

Head of Legal & Governance [Michelle Williams)

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 Consultation that was conducted has complied with these legal principles and the Government Code of Practice on Consultation.

The Lead Member must take account of the representations made during the consultation period and the objections received, in deciding whether to extend the PSPO.

9.4 Equality

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

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.

The Dog Control PSPO has been in place for 6 years and no equalities issues have been raised during that time or through the consultation process therefore no further equalities impact assessment is required.

10. Use of Appendices

Appendix A –Boroughwide Dog Control consultation PSPO Report
Appendix B - Equality Impact Assessment Screening Tool
Appendix C –Boroughwide Dog Control PSPO

11. **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