

RENEWAL OF PUBLIC SPACE PROTECTION ORDER TO PROMOTE RESPONSIBLE DOG OWNERSHIP

Report of the Director of Place Management

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 Under the Anti-Social Behaviour, Crime and Policing Act 2014, local authorities can introduce Public Space Protection Orders (PSPOs) to deal with particular nuisance or problems in a designated area that has become detrimental to the local community and is interfering with the right to a decent quality of life.
- 1.2 This effectively imposes restrictions on activities and behaviour in the designated area which apply to everyone who wishes to enter and use that area. It provides additional powers and options to officers and police when faced with problems such as drunkenness, the use of intoxicating substances, intimidation, aggressive begging and use of vehicles in an anti-social manner.
- 1.3 Orders can be enforced by both the police and officers of SMBC. Enforcement is by way of penalty notices for a minimum fine of £100 per offence. A fine can also be imposed by a Magistrates court to a maximum of £1000. It is intended that all failures to pay fixed penalty notices will be prosecuted by SMBC and not the police.
- 1.4 A PSPO was introduced in September 2018 following a previous consultation. The measures introduced were intended to promote responsible dog ownership in the following ways
 - prevention of fouling on public land. The PSPO allowed the fine for dog fouling to be increased from £50 to £100
 - dogs to be excluded from children's play areas and other enclosed sports areas
 - limit of four dogs to be under the control of one person on parks and other public open areas
 - dogs to be kept on leads in cemeteries
 - requiring people to have dog bags or the means to pick up after their dog
 - require people to put dogs that are causing a nuisance or are out of control on a lead when requested by an authorised officer
- 1.5 The previous PSPO brought about improvements in particular with excluding dogs from children's play area and limiting the number of dogs walked by one person.
- 1.6 Previously the Council regularly received complaints about these issues. Having the PSPO in place enabled staff to challenge these problems. Commercial dog walking companies were discouraged from walking large numbers of dogs without having sufficient staff on site.
- 1.7 While the number of FPNs issued for dog fouling remains low the publicity and signage accompanying the order continue to have a deterrent effect especially in

parks. There are now far fewer complaints about multiple dogs being off leads in parks and it's a similar position with dogs in children's play areas.

- 1.8 It is difficult to assess the effectiveness of a PSPO based solely on FPNs issued. The Council also has a PSPO to deter car cruising in the Borough. This has been very successful over the years as Stockport is now no longer an attractive location for car cruisers. Very few FPNs are issued but the presence of the SPO is an active deterrent.
- 1.9 The Council continues to receive high numbers of complaints about dog fouling in general. The experience of the Dog Warden Service is that the vast majority of dog owners are responsible and in particular will pick up after their dogs. This makes the activities of those irresponsible dog owners far more visible and noticeable.
- 1.10 The previous order is felt to have had a significant impact in terms of multiple dog walkers and dogs in children's play areas.
- 1.11 The Council carried out a consultation exercise on renewal of the previous PSPO. This consultation ran from 28/07/2021 to 07/09/2021.
- 1.12 This paper sets out the consultation undertaken so far, issues identified around enforcement of a PSPO, alternative options for addressing the problems Stockport and the legal basis for a PSPO.
- 1.13 A copy of the proposed PSPO is attached at Appendix 1.

2. Existing Consultation

- 2.1 An on-line consultation survey was undertaken in during the period from 28/07/2021 to 07/09/2021. The online consultation was on the Council's "Have Your Say" page on the Council website. The consultation was promoted on the Council's social media pages.
- 2.2 Copies of the consultation were sent to The Dogs Trust and Kennel Club.
- 2.3 Three hundred and seventy one responses were received to the consultation.
- 2.4 Key topics identified in the comments were as follows
 - Majority either support or strongly support the renewal of the PSPO
 - Additional measures should be included to protect nesting birds and other wild life.
 - Areas around ponds and lakes should be included.
 - Penalty for dog fouling should be increased from £100
 - Greater resources should be put into enforcement.
 - Dogs should be kept on footpaths
 - Dogs should be kept on leads when in public.
 - Limits on dog numbers being walked are unfair

- Designated dog walking areas should be in place with dogs excluded from other areas.
- Law should be clearer on aggressive dogs
- Discarded dog poo bags in the street and hung on trees.
- 4 dogs are too many for one owner to walk
- Dogs should be muzzled in public
- Better publicity is needed.

2.5 The comments received as part of the consultation are attached as appendix 2

2.6 Responses to the points raised are attached as appendix 3.

3. Context for PSPOs

3.1 Since their introduction in 2014, there has been a mixed public and media reaction to PSPOs. Whilst some have proved popular, a number of the more controversial orders have garnered significant local and often national media attention, and have resulted in concerted campaigns opposing their introduction, mainly on civil liberties grounds. Highly localised PSPOs have been used successfully in Stockport as an alternative to Alley-gating Orders.

3.2 Campaigns have been launched against the orders by the Manifesto Club, Big Issue and Liberty amongst others, following the perceived targeting of rough sleeping, begging and street drinking. The orders targeted at specific groups have been criticised for being used as an 'easy fix' for more difficult issues such as homelessness, rather than tackling the root causes, and for criminalising groups who are already marginalised.

3.3 In this case the order doesn't affect any marginalised groups as described above.

4. Enforcement Plan and Financial Considerations

4.1 The comments provided by the public recognised one of the key difficulties in enforcing legislation in this area. This is that the vast majority of owners comply with the legislation and those who don't pick up after their dogs will only do this if they feel that they can get away with it.

4.2 The Council currently employs one dog warden. There are however a number of officers in the Place Directorate who could be authorised to issue either a Community Protection Warning (CPW) or Community Protection Notice (CPN) for a breach. This would include officers in Public Safety and Protection, Public Realm Officers and the Greenspace Team.

4.3 Officers from GMP and Stockport Homes are similarly authorised to enforce the relevant legislation. Use of these officers would depend on other priorities.

5. Alternative options

- 5.1 While dog fouling still remains a concern the previous PSPO continues to address some of the previous problems raised. In particular the number of commercial companies walking large numbers of dogs has reduced dramatically. In addition there are now very few complaints about dogs in children's play areas

6. Legal Basis for Introducing a PSPO

- 6.1 As part of the consultation the Council has published the draft Order and rights of appeal. This explained the judgements that have been made in meeting conditions for a PSPO, along with specifying activities which are to be prohibited within the area, and the duration of the Order.
- 6.2 The Council can clearly demonstrate the level of dissatisfaction with the current situation. 87% of respondents either strongly agreed or tended to agree that there was a problem with dog fouling in Stockport.
- 6.3 Wider publicity will also be needed around any proposed Order, linking in to information on the Council, GMP and Safer Stockport Partnership websites.

7 Changes to previous PSPO

- 7.1 The report proposes only minor changes to the previous PSPO based on the successful implementation in 2018 and continued good levels of compliance.
- 7.2 The PSPO has provided a good framework that continues to promote responsible dog ownership while providing a set of proportionate enforcement measures which can be called on if needed

8. Recommendations

- 8.1 The Cabinet is asked to approve the PSPO for renewal at a meeting of the Full Council as required by the legislation.

Appendix 1 Draft PSPO

Appendix 2 Responses received to consultation.

Appendix 3 Comments on responses made during consultation.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Ian O'Donnell on ext. 4175 or by email on ian.odonnell@stockport.gov.uk