

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	Date	27 October 2020		
Title	To Seek Approval for the Adoption of Public Space Protection Orders (Dog Control)				
Report of	Director for Communities and the Environment				
Purpose of Report					
To seek approval for the adoption of four Public Space Protection Orders (Dog Controls) as attached for a period of 3 years.					
Key Decision (Y/)	Y	Date of Notice	28.9.20	Exempt (Y/N)	N

Report Summary

In 2012 Cabinet approved a number of Dog Control Orders. These have been reviewed including a public consultation in August 2020. Since 2012 the legislation has changed, so this report seeks approval for the original dog control orders to be adopted as Public Space Protection Orders (PSPOs) for a period of 3 years. The orders are attached to this report along with guidance on the purpose and scope of PSPOs.

Recommendations of Councillors

- (1) The four Public Space Protection Orders (Dog Control) be made, to include provisions set out in this report
- (2) Delegate authority to the Head of Public Protection to designate in writing authorised officers for the purposes of issuing fixed penalty fines.

Relationship to Policy Framework

Healthy and happy communities.

Keeping our district's neighbourhoods, parks, beaches and open space clean, well-maintained and safe.

Conclusion of Impact Assessment(s) where applicable

Climate-NA	Wellbeing & Social Value- as outlined in report
Digital-NA	Health & Safety- as outlined in the report
Equality-as outlined in the report	Community Safety- as outlined in the report

Details of Consultation

A public consultation was held between July and August 2020 in the form of an online questionnaire. 77 Responses were received. A summary of the responses is attached as Appendix 1.

Legal Implications

The draft PSPOs have been drafted in consultation with Legal Services and are appended to this report.

The adoption of PSPOs will allow officers to discharge offences with a Fixed Penalty Notice rather than prolonged legal proceedings.

Written authorisation will have to be given to the officers issuing Fixed Penalty Notices under the PSPOs.

Financial Implications

As this is a continuation of an existing service, any costs relating to the fixed penalty system including officer time can be managed from within existing budgets.

Any additional income raised as a consequence of the four orders is expected to be minimal but will be highlighted as part the Council's usual financial monitoring arrangements.

Other Resource or Risk Implications**Section 151 Officer's Comments**

The s151 Officer has been consulted and has no comments to make

Monitoring Officer's Comments

The Monitoring Officer has no further comments to make

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Links to Background Papers

LGA guidance on Public Space Protection Orders -

https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf

Map of Lancaster City Council district, referred to as Appendix A

<https://www.lancashire.gov.uk/media/897001/lancaster.jpg>

1.0 Introduction .

1.1 In November 2012 Cabinet approved a number of dog control orders that enabled the council to deal with issues such as dog fouling on our streets and parks, dogs and leads, and dogs out of control which can cause road traffic accidents, nuisance and aggression. These orders were originally introduced under the Clean Neighbourhoods and Environment Act 2005, but were converted to become Public Space Protection Orders (PSPOs) in 2017 following a change in legislation to the new Anti-social Behaviour, Crime and Policing Act 2014.

1.2 The Council now has to review these PSPOs and in order to implement them for a further 3 year period.

1.3 A public consultation was held between July and August 2020 in the form of an online questionnaire. 77 Responses were received. A summary of the responses is included as Appendix 1.

2.0 The Proposals subject to public consultation.

After taking into consideration the representations made during the public consultation, it is proposed that the council now adopts the PSPOs as detailed below. The draft orders are attached as Appendix 2.

2.1 Public Space Protection Order - Removal of dog faeces

This would make it an offence to fail to remove dog faeces on any land which is open to the air on at least one side and to which the public are entitled or permitted to have access. It is proposed to apply a blanket designation across the entire district.

97% of respondents were in favour of this proposal.

2.2 Public Space Protection Order – Dog Exclusion

There are certain places where dogs could present particular risks and where it is prudent to ban them completely for all or part of the year. These are termed ‘dog-exclusion areas’ for the purposes of this PSPO proposal.

This order would make it an offence to permit a dog to enter defined areas of land from which dogs are to be lawfully excluded, and would apply to

- enclosed children’s playgrounds, enclosed sports pitches, the splash-pool in Happy Mount Park and;
- Morecambe's North and South beaches between 1 May and 30 September each year.

83% of respondents were in favour of these proposals, but there were 5 objections to the exclusion of dogs from beaches, suggestions being to allow dogs on the beaches during off-peak times or in bad weather when the beaches are empty. However an equal number of respondents supported the exclusion, commenting that the exclusion should be extended to apply all year round, and to all beaches.

- It is proposed that dog exclusion on Morecambe's North and South beaches be continued as a seasonal control between 1 May and 30 September each year.

2.3 Public Space Protection order – Dogs on leads under Direction

This order would make it an offence not to put and keep a dog on a lead when directed to do so by an officer authorised in writing by the council. This is intended to be used under exceptional circumstances where a dog is causing a nuisance. It is proposed to apply a blanket designation throughout the district, enabling this power to be used as necessary, for example when a dog is running around out of control during a sporting event, or where lots of children are playing.

94% of respondents agreed with this proposal.

2.4 Public Space Protection Order – Dogs on Leads

This order would make it an offence not to keep a dog on a lead on defined areas of land. This would apply to :

- All public highways, footways and adjoining verges, including Morecambe Promenade, and pedestrianised areas
- Car parks and public vehicle parking areas maintained by the council:
- Cemeteries and churchyards
- Certain council parks and gardens.

It is not proposed to apply this to canal towpaths, off-road cycle ways, or to Williamson's Park.

89% of respondents supported these proposals. Two specific issues were raised and are addressed at 2.4.1 and 2.4.2 below. The remaining areas proposed in the public consultation are listed at 2.4.3.

2.4.1 Off-road 'cycle ways'

A petition with 20 signatures was received shortly after the consultation closed. This requested that dogs be kept on a short lead whilst on cycle tracks in the District. The petition was submitted from a regular cyclist who raised concerns about the potential for accidents from dogs being out of control on the tracks.

The consultation in 2012 generated a high volume of responses on this issue, relating specifically to the River Lune Millenium Park from Glasson to Caton. Over 700 letters were received against the proposal to rule that dogs should be kept on a lead on cycleways. The main points were that holding dogs on leads on cycle ways is unnecessary because most dog walkers, cyclists and other users are considerate and take steps to avoid obvious conflict with each other. A number of respondents made the observation that dogs on leads can be more hazardous to cyclists, particularly when extending type dog leads are used, because they are more likely to stretch across and block the path of cyclists, also they can be difficult for approaching cyclists to see.

Others concerns raised were that it could lead over time to such routes becoming viewed as cyclist-priority routes rather than multi-user routes, and that this could lead to a potential risk of cyclists travelling faster and less carefully. Some respondents were concerned that they would not be able to give dogs sufficient exercise if they were not allowed off leads, that dogs would then be less able to socialise, and that this could contribute to aggressive behaviour.

The Order implemented in 2012 did not require dogs to be held on a lead on off-road cycleways. Only a very small number of complaints have been received since the orders were introduced in 2012 relating to incidents involving dogs on the cycleway.

After careful consideration the proposal is to allow dogs to be walked off their lead on the Cycle Tracks.

2.4.2 Williamson’s Park.

In 2019 a public consultation was carried out on the proposal to introduce a new policy requiring dogs to be kept on leads in Williamson’s Park. After reflection on the responses from this consultation, the decision was made not to take it any further.

The proposal is to allow dogs to be walked off their lead in Williamson’s Park.

2.4.3 Other areas proposed for ‘dogs on leads’ control

The other proposed areas and public consultation responses are outlined

Car parks and public vehicle parking areas maintained by the council	No objections were received
pedestrianised areas of central Lancaster and central Morecambe	No objections were received
Cemeteries, graveyards and burial grounds, and the Lancaster and Morecambe Crematorium grounds	2 objections were received from people in support of dogs being allowed to be walked off their lead.
Certain public gardens: Dallas Road Gardens in Lancaster Regent Park, Happy Mount Park and Hall Park in Morecambe	2 objections were received from people in favour of dogs being allowed to be walked off their lead in public parks.
Public Highways, including the adjoining footways and verges	No objections were received

2.5 Taking these considerations into account, the proposed scope of the Dogs on Leads PSPO will remain the same as it has been since 2012.

3.0 Fixed Penalty Notice.

3.1 It is proposed that PSPO (Dog Control) Fixed Penalty Notices will carry a similar penalty to other offences under the Anti-social Behaviour, Crime and Policing Act 2014 which are already enforced by the Public Protection Team. A Fixed Penalty Notice will carry a £100 penalty reduced to £65 for early payment. A discount exists for early payment due to difficulties experienced in obtaining payments. There were no objections to the penalty level in the consultation, in fact a number of respondents wanted increased enforcement.

3.2 In accordance with the Act, fixed penalty notices may only be issued by “authorised officers”, and it is recommended that the Head of Public Protection is able to designate such authorised officers.

4.0 Options and Options Analysis (including risk assessment)

Option 1: Adopt the PSPOs as proposed in the consultation, with no amendments
<p>Advantages:</p> <ul style="list-style-type: none"> • Reflects the majority of representation made during the public consultation • Enables less able bodied people to continue to exercise dogs off leads on the flat hard surfaces of ‘cycle ways’ • More consistent and less confusing enforcement • More rapid, effective and efficient enforcement
<p>Disadvantages:</p> <ul style="list-style-type: none"> • None identified
<p>Risks: The decision concerning dogs on leads would not reflect the views of all consultees</p>
Option 2: Adopting the PSPO, but including dogs on leads for cycle ways
<p>Advantages: Supportive of a minority view of consultees</p>
<p>Disadvantages:</p> <ul style="list-style-type: none"> • Unpopularity with local communities of applying dogs on leads to cycle ways. • Reduced availability of off lead dog exercise areas, particularly in areas where there are few alternatives. • Need for more enforcement than option 1.
Risks:

The decision concerning dogs on leads would not reflect the views of all consultees. It would be difficult to enforce.

Option 3: Do not adopt the PSPOs (Dog Control)

Advantages:

- Saving on staff time to implement new Dog Control Orders, and advertising for signage costs.

Disadvantages:

- Confusion from discontinuation of existing enforcement.
- Going against majority of consultees
- Return to a system of enforcement which is unclear and inconsistent
- Unnecessary expense and complications in having to prosecute for offences instead of applying fixed penalty notices available under options 1 and 2 leading to delays and lower efficiency and cost-effectiveness
- The extent of land within the district on which regulatory dog controls apply would remain limited.

Risks:

The decision not to introduce available dog-related regulatory measures for public protection would lead to criticism, particularly given the strength of public feeling about aspects of irresponsible dog ownership.

5.0. Officer Preferred Option (and comments)

5.1 The officer preferred option is Option 1 to adopt the PSPOs (Dog Control) as consulted on. This option addresses needs for public protection, supports further enforcement and most closely reflects the majority of public comment arising from the consultation.

6.0 Conclusion.

6.1 Adoption of the original Dog Control Orders has led to more straightforward and effective dog control and enforcement in the district. There continues to be considerable public support for enforcement, and this was confirmed by comments received in the recent consultation, but balanced with a fair approach towards responsible dog owners.