


Dog Control Public Space Protection Order

REPORT TO EXECUTIVE

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|  | DATE | 21/10/2022 |
| | PORTFOLIO | Community & Environmental Services |
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PURPOSE:

To seek approval to extend the Public Spaces Protection Order Dog Control (PSPO) in accordance with the current legislation (s60 Anti-Social Behaviour, Crime and Policing Act 2014).

RECOMMENDATION:

The Executive is recommended to:

continue with the consultation regarding the renewal of the PSPO;

grant authority to the Head of Streetscene to agree whether to renew the PSPO and the final content of the PSPO,

grant authority to the Head of Legal & Democratic Services, in consultation with the Head of Streetscene, to execute the extension of the Dog Control Public Space Protection Order for a further 3 years, if considered appropriate to do so.

REASONS FOR RECOMMENDATION:

The existing Order has been in place since 19th December 2019 and, as stated in the Act, has a duration of 3 years. At this point it must be extended for it to remain enforceable. There are no proposed amendments to the existing Public Spaces Protection Order.

Issues relating to the control of dogs in public areas and the immediate removal

of dog faeces are still of concern to residents and, if not addressed, have the potential to have a detrimental effect on the quality of lives of those in the locality.

SUMMARY OF KEY POINTS

3 Background:

The failure to immediately remove dog faeces has a detrimental effect on the quality of life of those living and working within the Borough of Burnley. This detrimental effect can also be experienced by members of the public when confronted by dogs that are causing a nuisance, aren't under proper control or are in areas from which they should be excluded.

The Council has undertaken enforcement against dog fouling using fixed penalty notices since 2001, when it implemented the powers made available through the Dogs (Fouling of Land) Act. The Anti-Social Behaviour, Crime and Policing Act 2014 replaced existing legislation and granted Local Authorities the power to tackle dog behaviour and the removal of dog faeces using Public Spaces Protection Orders.

On 19th December 2019, following extensive consultation with members of the public and interested parties, Burnley Council established a Dog Control Public Spaces Protection Order to tackle these issues. Under the conditions of this Order the following areas were addressed:

- The immediate removal of dog faeces
- Areas where dogs must be on leads.
- Areas where dogs must be on leads if directed
- Areas from which dogs were excluded

Under the terms of the legislation the duration of an Order is 3 years, after which point it must be extended.

4 Use and Enforcement

The Order has been used by both the Environmental Enforcement Team and the Park Rangers to improve the quality and enjoyment experienced within the Green Space areas and to enforce the legislation regarding the removal of dog faeces and dog behaviour. Since 2016 there have been 452 Fixed Penalty Notices issued for breach of the requirements, which is amongst the highest number issued by any Local Authority.

5 Prohibitions and requirements to be renewed:

- A) The immediate removal of dog faeces from any public place
- B) That dogs be kept on leads in certain named areas
- C) That, if required to do so because a dog is causing a nuisance, that dog is put on a lead

D) That dogs be excluded from certain named areas

6 Consultation

As part of the process to extend the Dog Control Public Space Protection Order, Burnley Council will continue to consult with members of the public and the Police to confirm both the need and the necessity to extend the existing Order.

7 Future Use

If renewed, the Order will continue to provide the legal structure to allow authorised officers to enforce the removal of dog faeces and tackle irresponsible dog owners.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION:

Both the Council and the Police can enforce these powers within existing resources. Where necessary existing signage will be replaced to reflect updated order.

POLICY IMPLICATIONS

N/A

DETAILS OF PROPOSED CONSULTATION:

Details of consultees:

- Members of the public via the Council Website
- The Police via the Community Safety Partnership
- The Office of the Police and Crime Commissioner.

BACKGROUND PAPERS

N/A

FURTHER INFORMATION

PLEASE CONTACT:

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ALSO:

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