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| **LONDON BOROUGH OF CAMDEN** | **DATE**: 15 July 2022 |
| **REPORT TITLE**  Public Space Protection Order (PSPO) Dog Control | |
| **REPORT AUTHOR**  Helen Michael | |
| **SUMMARY**  This paper provides an overview of the process to introduce Public Space Protection Order to address irresponsible dog ownership including the consultation and approach. | |
| **RECOMMENDATION**  That the Director of Environment and Sustainability   1. Notes the process to introduce a Public Space Protection Order to address irresponsible dog ownership and approves and approves an eight week consultation in line with appendix 1. | |
| Signed:  Helen Michael – Education and Enforcement Manager  Date: 15th July 2022  Approved by  Signed:  Richard Bradbury – Director of Environment and Sustainability  Date: | |

1. **Introduction** 
   1. In October 2014 the Anti-social, Crime and Policing Act came into force changing the powers the Police and Local Authorities had in tackling antisocial behaviour. Part of those provisions included the Public Space Protection Order which replaced the Dog Control Orders that had previously been used to tackle irresponsible dog ownership
   2. Camden introduced the Public Space Protection Order to address irresponsible dog ownership for 3 years in April 2017, expiring in April 2020. The service is now looking to reintroducing this order but with greater safeguards for those with disabilities (mobility and sight).
2. **The Law**
   1. The purpose of the Public Space Protection Order is to empower local authorities to deal with anti-social behaviour, that affects other people using a public space, and can prohibit or impose requirements that are reasonable to prevent or reduce the detrimental effect from anti-social behaviour continuing, occurring or recurring in a public space. The following 2 conditions need to be met.
3. Activities carried out in a public place within the authority’s area are having or have had a detrimental effect on the quality of life of those in the locality, or it is likely that the activities will be carried out in a public place within that area and will have such an effect

2. The effect or likely effect of the activity:

Is or is likely to be of a persistent or continuing nature

Is or is likely to be such as to make the activities unreasonable, and

Justifies the restrictions imposed by the notice

* 1. In the process of considering whether a PSPO is appropriate, we have complied data from residents/business and members of the Council listing complaints in relation to dog fouling and dangerous dogs within the Borough of Camden.
  2. To meet the 2 conditions outlined in section 2.1, the team have compiled information of over 1500 reports/actions demonstrating the impact of dog fouling and dog related damage, and 14 qualitative complaints from local residents and testimonials from Park Wardens and Community Safety relating to the impact of irresponsible dog ownership, including dog fouling and dogs off leads. Legal are satisfied that there is enough evidence to submit that the problem is persistent and continuous in nature and to warrant a PSPO, and the consultation (see appendix 1) is ready to be undertaken.
  3. Any challenge to the introduction of this Order must be made at the High Court by an interested person within 6 weeks of it being made. An interested person is someone who lives in, regularly works in or visits the restricted area. This means that only those who are directly affected by the restrictions have the right to challenge. The right to challenge also exists where an order is varied by the Council.
  4. Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.
  5. When an application is made the High Court can decide to suspend the operation of the order pending the Court’s decision, in part or in whole. The High Court can uphold, quash or vary the Order.

1. **Consultation**

3.3 A consultation is required prior to implementation and legal have advised to undertake an 8 week consultation to provide opportunity for all interested parties to input. Steps have been made to ensure we consult with every party that may be interested in the PSPO for our Borough. Details are in appendix 1.

1. **Public Space Protection Order (PSPO)**
   1. The PSPO will cover the Borough except Hampstead Heath, Primrose Hill, Regents Park which will be covered by Royal Park’s provisions. It provides the following requirements for dog owners

* A dog owner failing to clear up their dog faeces
* Failure to put a dog on a leash if requested by authorised officers
* dogs are kept on a lead in Hampstead Cemetery

4.2 The Order requires that dogs are not permitted in the following areas within Camden’s Parks and Greens Spaces

* 1. Children's play areas
  2. Fenced sports areas
  3. Multi Use Games Areas (MUGAs)
  4. Nature conservation areas
  5. Flower beds and planted beds
  6. Camden Square Gardens (North)
  7. Chalcot Square Gardens (all)
  8. Primrose Gardens (North)
  9. Fortune Green picnic area
  10. Outdoor Gyms
  11. Water features (which includes the person in charge failing to prevent their dog urinating or defecating into a water feature)
  12. Picnic and community food growing areas

4.3 The following are exempted from the PSPO restrictions

* Any person registered as blind
* Any person registered as deaf
* Has a disability effecting mobility, dexterity or coordination

1. **Public Space Protection Order enforcement** 
   1. Public Space Protection Order enforcement would be limited to designated authorised Council enforcement officers, Parks Officers, the police and PSPOs. All authorised officers would receive training on the issuing of fixed penalty notices. Details of the order are in appendix 2.
   2. The fixed penalty notice is £100 (£60 if paid within 14 days), and anybody that does not meet the exceptions and breaches the PSPO can be issued with a fixed penalty notice (on approved fees and charges).
   3. Failure to pay the fixed penalty within 28 days could mean the offender could face legal proceedings. This is a level 3 (standard scale) criminal offence with a maximum £1000 fine.
   4. The Dog Fouling enforcement process is:
2. Officers would witness the offence and approach the offender
3. Officers would take details of the offender and check for any exceptions that may be relevant
4. If no exception, a fixed penalty of £100 would be issued to the offender directly at the place of the offence
   1. The Failure to put on a leash if required by Authorised Officers enforcement process is:
5. Officers would witness aggressive, destructive or intimidating behaviour by a dog without a lead, or; a complaint would be made by the public about the behaviour of a dog, then witnessed by an Authorised Officer
6. Officers would ask that the dog put on a lead for the remainder of the time that the animal remained within the space
7. If the owner of the dog refused to put on the lead as requested then a fixed penalty notice of £100 could be issued
8. **Key considerations**
   1. Camden currently has no formal enforcement tools to deal with irresponsible dog ownership and alternatives have been considered. The Parks by-laws only cover parks and not the streets around the borough that are impacted, and do not have clear fixed penalty notice provision. Community Protection Notices are a lengthy process and do not provide a quick response that would be needed to address on the spot issues of dog fouling or irresponsible dog ownership.
   2. The PSPO will be used in conjunction with education and information campaigns to ensure that dog owners are aware of what the requirements are and have the information to change their behaviour before formal action.
   3. Public Space Protection Order has replaced the Dog Control Orders under the Clean Neighbourhood and Environment Act 2005 (CNEA). The Education and Enforcement Team previously issued FPNs under the CNEA but the number of FPNs issued was minimal due to compliance when asked to place a dog on a lead and owners picking up dog feaces when officers where present.
9. **Timeline for implementation** 
   1. To implement the PSPO the full structure of the Education and Enforcement team would be required. UP to date information is required to meet the 2 conditions outlined in section 2.1. this has been done but may need to be updated due to the delay in implementation.
   2. Once the service is able to proceed the implementation timeline outlined in table 1 is required.
   3. Table 1. Implementation timetable

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| **Week** | **Action** |
| 1 | Legal to have all docs/proof to support pspo/ update complaints data |
| 2 | Finalise consultation questions and send to legal to approve |
| 2 | Complete process |
| 3-11 | 8 week consultation period |
| 12-14 | assess survey/ update Equality Impact report/ Cabinet Report/ Arrange Cabinet Hearing |
| 14 | Training for Authorised Officers |
| TBC | Cabinet decision |
| TBC |  |

**Report End**

**Appendix 1.** Consultation approach

**Appendix 2.** Proposed Public Space Protection Order including map and excluded areas

**Public Space Protection Order:**

Anti-social Behaviour Crime and Policing Act 2014

Section 59

The London Borough of Camden (“the Council”) in exercise of their powers under section 59 of the Anti-Social Behaviour Crime and Policing Act 2014 (“the Act”) hereby makes the following Order:-

CITATION, COMMENCEMENT AND DURATION

1. This Order may be cited as the London Borough of Camden Public Spaces Protection Order No. 1 of 2022 (“the Order”)

2. The Order is made on / /2022 and shall have effect for a period of 3 years thereafter, unless extended, varied, or discharged by further order(s) under the Council’s statutory powers.

STATUTORY CONDITIONS

3. The Council is satisfied that on reasonable grounds that the activity(s) outlined below when carried on in public place;

a. Have had a detrimental effect on the quality of life of those living in the locality; and

b. The effect, or likely effect of the activity;

i. Are, or are likely to be, persistent or continuing in nature

ii. Are, or are likely to be, unreasonable; and

iii. Justify the restrictions imposed

4. The Council is satisfied that it is reasonable to impose the restriction outlined below to reduce the detrimental effect and to reduce the risk of its continence, occurrence or recurrence.

AREA TO WHICH THE ORDER APPLIES

5. The Order relates to the whole of the London Borough of Camden excluding Hampstead Heath, Primrose Hill and Regents Park as per the map attached, subject to the qualifications in 7.(3), 7.(4) and 7.(5).

ACTIVITY

6. Anti-social behaviour associated with irresponsible dog ownership

RESTRICTIONS

7.(1) Failing to clear up dog faeces by the person in charge of the dog on any land to which the Order applies.

7.(2) Failing to comply with a request to leash a dog, by an authorised officer on any land to which the Order applies.

7.(3) Failing to keep a dog on a lead by the person in charge of a dog on any public and Council housing land in the London Borough of Camden other than Camden’s parks and open spaces.

7.(4) Failing to keep a dog on a lead by the person in charge of a dog in any part of Hampstead Cemetery.

7.(5) The person in charge allowing their dog to enter land in parks or open spaces, whether leashed or not, to which the exclusion element applies. These **exclusion areas** include the following within the Borough:

* 1. Children's play areas;
  2. Fenced sports areas;
  3. Multi Use Games Areas (MUGAs);
  4. Nature conservation areas;
  5. Flower beds and planted beds;
  6. Camden Square Gardens (North);
  7. Chalcot Square Gardens (all);
  8. Primrose Gardens (North);
  9. Fortune Green picnic area;
  10. Outdoor Gyms;
  11. Water features (which includes the person in charge failing to prevent their dog urinating or defecating into a water feature);
  12. Picnic and community food growing areas.

EXCEPTIONS

8. (a) that person has a reasonable excuse to do so; or

(b) is subjected to restrictions listed in **Schedule 1.**

PENALTY

9. (a)    Any person who, without reasonable excuse, fails to comply with this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000)

9 (b)  The Council may serve that person a notice offering him the opportunity of discharging any liability to conviction for an offence under Article 8(a) above by payment of a fixed penalty in the amount of £100.

FIXED PENALTY

10. A Police Officer or other authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. A person committing an offence will have 28 days to pay the fixed penalty notice of £100, failing to do so could mean that they are prosecuted. If the fixed penalty notice is paid within 14 days there will be an alternative discounted amount of £60.

APPEALS

11. Any challenge to this Order must be made at the High Court by an interested person within 6 weeks of it being made. An interested person is someone who lives in, regularly works in or visits the restricted area. This means that only those who are directly affected by the restrictions have the right to challenge. The right to challenge also exists where an order is varied by the Council.

Interested persons can challenge the validity of the Order on two grounds: that the Council did not have the power to make the Order or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court’s decision, in part or in whole. The High Court can uphold, quash or vary the Order

This ORDER is herein made by the London Borough of Camden Executive.

THE COMMON SEAL of the

Council of the London Borough

Of Camden was affixed to

this ORDER in the presence of:

Signature

Authorised Signatory

Name of Authorised Signatory

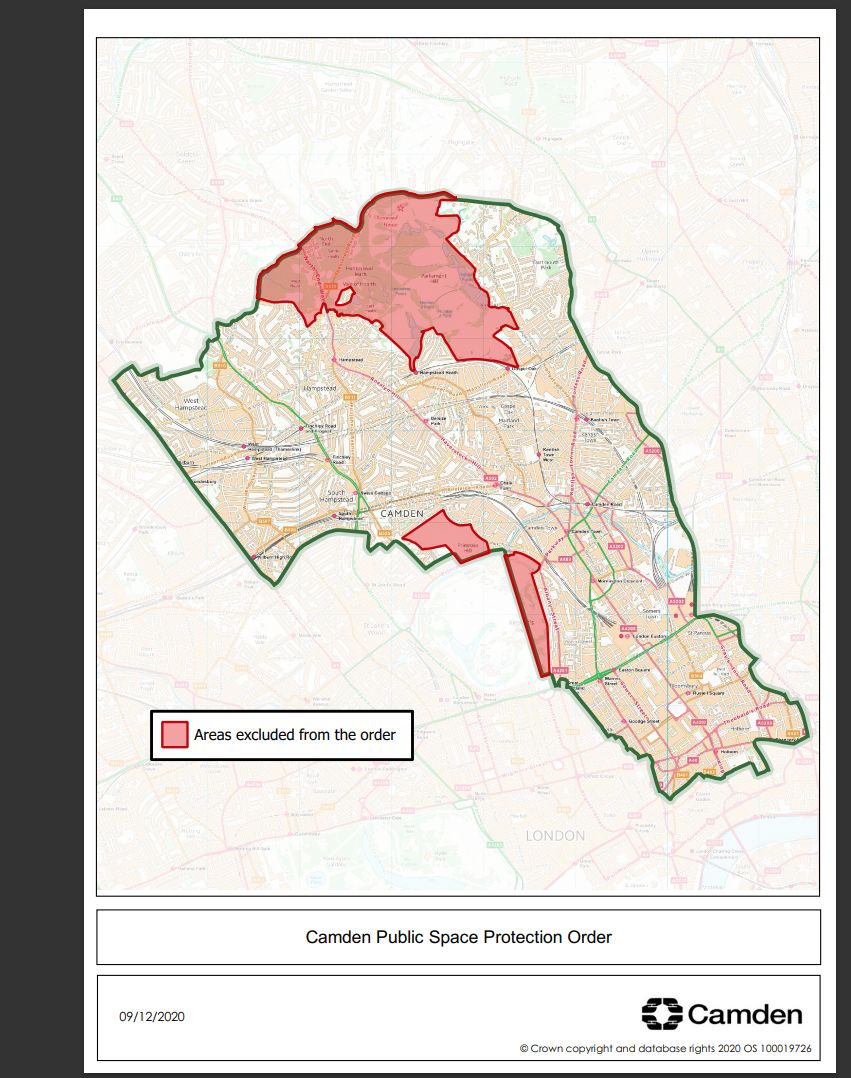
Date: ………………………………..………….2022

**SCHEDULE 1**

1. **Exemptions**

**Nothing in this Schedule applies to a person who –**

1. Is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or
2. Is deaf in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance;
3. Has a disability which effects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance
4. Each of the following is a “prescribed charity” –
5. Dogs for the disabled (registered charity number 700454)
6. Support Dogs (registered charity number 1088281)
7. Canine Partners for Independence (registered charity number 803680)

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