

COMMUNITY SAFETY PARTNERSHIP

REPORT

Subject: Public Spaces Protection Order- Dog Fouling Control (Abbey Green, Barking Park & Mayesbrook Park)

Date: 01 June 2017

Author: Barry Agnew, LBBD, Parking Manager

Contact: Barry.agnew@lbbd.gov.uk tel: 020 8227 5586

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1. Public Spaces Protection Orders- The Legislation

1.1 The Antisocial Behaviour Crime and Policing Act 2014, set out several fundamental changes to the legislation related to antisocial behaviour.

1.2 In summary, the act aimed to simplify the legislation related to addressing antisocial behaviour, since the introduction of the Crime and Disorder Act 1998, by reducing the numbers of powers to just six: -

- Civil Injunctions
- Criminal Behaviour Orders
- Community Protection Notices
- Closure Orders
- Public Space Protection Orders
- Dispersal Powers

1.3 A local authority can make a Public Spaces Protection Order if it is satisfied that two conditions are met: -

- First condition – Activities carried out on a public place within the local authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and they will have such an effect.
- Second condition – That the effect of the specified activities is or is likely to be of a persistent or continuing nature, is or is likely to be unreasonable and justifies the restrictions imposed by the notice.

1.4 The order identifies the area that the restriction applies and prohibits specific things from being done, and/or requires specific things to be done by persons carrying out

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specified acts in that area. For example, a Public Space Protection order can include such activities as: -

- Drinking alcohol in a specified public place
- Control of dogs in a specified public place
- Playing loud music in a specified public place
- Parking inconsiderately near a school
- Persistent disturbance from motor vehicles driving inconsiderately to the detriment of local people

- 1.5 The breach of the order is an offence, discharged by the local authority through a fine. These will be issued through the Council's Enforcement Service and can also be issued by Police and Police Community Support Officers.
- 1.6 The order is for a period of no more than 3 years. However, there is provision to extend the order, both in terms of the time and the area that it covers.
- 1.7 Local Authorities across England and Wales have been introducing Public Spaces Protection Orders. One of the key challenges has come from human rights campaigners who argue that these types of controls impacts disproportionately on protected rights. These include Article 8, the right to a private and family life, Article 10 the right to freedom of expression and Article 11 the Freedom of assembly and association.

2. A Council Wide Framework

- 2.1 Barking and Dagenham is seeing significant changes socially, economically, and demographically. These changes both increase opportunity for our current and future residents and business, but also increase behaviour that can have a detrimental effect on the quality of live in our town centres and residential areas.
- 2.2 Public Space Protection Orders provide a valuable tool by placing a framework in an area which controls behaviour which has been evidenced as a significant nuisance to local people. As such, Public Space Protection Orders are a key part of our enforcement activity, as set out in our Enforcement Policy. They support our aim to change behaviour, increase civic pride, alongside an ability to deal with matters quickly.
- 2.3 Public Spaces Protection Orders are a useful tool that provide the Council with the ability to control activities that cause persistent antisocial behaviour to local communities.
- 2.4 Several council departments have been looking at the possibility of introducing these orders for a range of different issues, across different areas of the borough.
- 2.5 At present, there is no formalised council approach for the introduction of such an order. This could result in an inconsistency and challenges against the council. The Cabinet are being asked to consider whether to delegate the power to agree Public Spaces Protection Orders to a Strategic Director following discussion at the Safer

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Stronger Communities Select Committee and the agreement of the Community Safety Partnership. The Cabinet are going to consider this issue in November 2016.

- 3. The Evidence for a Public Spaces Protection Order for Dog Fouling in Abbey Green, Barking Park and Mayesbrook Park**
- 3.1 The area affected by this antisocial behaviour is shown on the map marked as appendix 1.
- 3.2 Between February and April 2016 the council undertook a pilot programme of dog DNA registration in the above three parks. Part of the programme included a twice weekly survey of un-collected dog faeces. During the pilot programme there was a 52% reduction in recorded incidents of un-collected dog fouling. This was partially due to the rise in educational awareness, but also additional patrols carried out by the council's Street Enforcement Officers. The pilot programme cost £8,400.
- 3.3 Whilst the reduction was significant the evidenced gathered indicated that dog fouling was a persistent problem within these areas, requiring a long-term intervention to maintain the behaviour change that has already been achieved.
- 3.4 In light of the above the council has gone out to consultation between 13 February 2017 and 31 March 2017. The consultation included
- Public notice in the Dagenham Post
 - Web based consultation
 - Direct communication industry professionals such as 'Kennel Club' local vets and rescue centres
- 3.5 The number of replies were limited to three. Two of the respondents fully supported the council's approach to a public spaces protection order. The specific responses to questions were as follows,
- Has dog fouling significantly affected these areas – 66.6% of respondents replied yes
 - Would you support LBBD imposing a PSPO in respect of dog fouling in these areas – 66.6% of respondents stated that they would support the council
 - Would you support LBBD making it an offence not to remove dog faeces immediately – 66.6% stated they would support the council
 - Do you support LBBD introducing a new offence of failing to have the means to collect dog faeces at all times – 66.6% of respondents supported this proposal.
- 3.6 The third response was received from the Kennel Club, setting out a number of suggestions specifically relating to assistance dogs. Their reply is attached in Appendix 2

4. Proposal and Issues

- 4.1 That the Safer Stronger Communities Select Committee consider the proposed Public Spaces Protection Order a draft of which can be found at appendix 3.
- 4.2 That comments on this proposed order are made to the Community Safety Partnership to assist the Community Safety Partnership decision on implementation of this Order.
- 4.3 There is an operational issue on the enforcement of PSPOs due to the resource intensive nature of patrolling such large areas. This responsibility will fall primarily with Street Enforcement Officers, supported by MPS officers. This will in part be mitigated through intelligence led tasking; which will enable the council to use its resources more productively.
- 4.4 In addition, Street Enforcement Officers are limited in their powers to stop and detain for this type of offence. To mitigate this the service is taking steps to adopt community safety accredited scheme (CSAS) powers, which would include the ability to ask for an offender's name and address.

5. Options Appraisal

- 5.1 Other work to tackle the issue of antisocial dog fouling use has been taken. This work includes:
 - Street Enforcement Service patrols of parks and open spaces advising the public on the public health issues associated to dog fouling.
 - The council has invested in the dog DNA registration scheme to encourage responsible dog owners to register their pets. The council has registered over 333 dogs in the last 12 months. However; it is estimated that this is about 2% of the dog population of the borough.
 - Consideration of the use of mobile CCTV to identify persistent offenders However, it would be impossible to cover the entire areas of the parks by this means and therefore this is not cost effective.

6. Consultation

- 6.1 The council has gone out to consultation between DATES. The consultation included

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6.2 The number of replies were limited to three. Two of the respondents fully supported the council's approach to a public spaces protection order. The specific responses to questions were as follows,

- Has dog fouling significantly affected these areas – 66.6% of respondents replied yes
- Would you support LBBB imposing a PSPO in respect of dog fouling in these areas – 66.6% of respondents stated that they would support the council
- Would you support LBBB making it an offence not to remove dog faeces immediately – 66.6% stated they would support the council
- Do you support LBBB introducing a new offence of failing to have the means to collect dog faeces at all times – 66.6% of respondents supported this proposal.

6.3 The third response was received from the Kennel Club, setting out a number of suggestions specifically relating to assistance dogs. Their reply is attached in Appendix 2

The Community Safety Partnership on the 14 September 2016 looked at the issue of Public Spaces Protection Orders.

7. Financial Issues

7.1 There are limited financial issues. The making of a Public Spaces Protection Order in this area would require the Council to erect signage to publicise the order. This work would have an approximate cost of 5,000.

8. Legal Issues

8.1 Details of the legislation under which Public Spaces Protection Orders are made are found in Section 1 of this report and the governance framework that the Council has adopted is found in Section 2.

9. Other Issues

Risk Management

9.1 The proposed Public Spaces Protection Order is to provide greater powers to deal with antisocial vehicle use and therefore limit this activity and the associated risks. The making of the order carries the risk of an individual or group taking the Council to judicial review, however this risk has been mitigated by the consultation on this proposal and the opportunity given to the public to challenge this order.

- 9.2 The risk of not putting in place a Public Spaces Protection Order to deal with this issue is that the activity continues, with the associated risks to public safety, of public nuisance and a loss of confidence from the community that we effectively deal with antisocial behaviour.

Contractual Issues

- 9.3 No contractual issues.

Staffing Issues

- 9.4 No staffing issues. The enforcement will be delivered by using existing resources.

Corporate Policy and Customer Impact

- 9.5 The Council has a clear vision of 'One borough; one community; London's growth opportunity'. Dealing effectively with antisocial behaviour is important part of creating a cohesive community. Therefore, the proposal of providing greater powers to deal with antisocial fits with the Council's vision and expectations of our communities.

Safeguarding Children

- 9.6 Safeguarding children is a priority throughout work to tackle crime and antisocial behaviour and has been considered throughout these proposals. Uncollected dog faeces affects the quality of life of all members of our community that use our parks and open spaces. It has had a detrimental impact on sporting activities and is a public health risk, particularly for children.

Health Issues

- 9.7 Dog faeces contains a number of health-related diseases, the most harmful is toxocariasis. This can cause blindness in young children, particularly in the age range of 1 to 4 years, who are most at risk.

Crime and Disorder Issues

- 9.8 The Community Safety Partnership (CSP) is the local partnership Board with responsibility for addressing crime and disorder issues in the borough and with delegated authority to make Public Spaces Protection Orders. The CSP will consider the views of the Safer Stronger Communities Select Committee during their decision making.
- 9.9 The wider crime and disorder issues in relation to this issue are contained in the body of this report.

Property / Asset Issues

- 9.10 No property/asset issues

List of appendices:

- 9.11 Appendix 1- Map of area
- 9.12 Appendix 2- Kennel Club reply to consultation
- 9.13 Appendix 3- Consultation Summary