

Shropshire Council's Dog Warden Service has seen increased reports of dog fouling and there have been growing calls from communities across Shropshire to take enforcement action against pet owners who allow their animals to foul pavements and public amenity spaces.

An in-depth review of the Dog Warden Service was undertaken by Shropshire Council during the winter of 2022/23. The review highlighted the growing number of reports received by the service and concluded that action was required to address the issue.

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced Public Spaces Protection Orders (PSPOs) which are intended to provide the means of preventing individuals or groups committing anti-social behaviour in a public space. Section 59 of the Act sets out the test, which must be satisfied before a local authority make a PSPO, where the behaviour is having, or likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature; and be unreasonable.

PSPOs create a framework that either replaces or updates existing public space restrictions such as alcohol Designated Public Place Orders and Dog Control Orders and permits local authorities to introduce new regulations.

The power to make an Order rests with local authorities, in consultation with the police and other relevant bodies who may be affected. A local authority can make a PSPO in respect of any public space within its administrative boundary. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

A PSPO can be in force for any period up to a maximum of three years after which time the Local Authority must consider whether to put in place another PSPO.

Appeals against a draft PSPO can be lodged by anyone who lives in, or regularly works in or visits the area in the High Court within six weeks of issue. Further appeal can be made when a PSPO is varied by the local authority.

To ensure any concerns are understood in advance, and therefore minimise the risk of appeal, Shropshire Council is undertaking a public consultation and seeking the views of a range of stakeholders and key partners.

### The proposal

To implement a Public Spaces Protection Order for the prevention of dog fouling and the collection and disposal of dog waste by dog owners. This includes the following:

- The prohibition relates to:
  - **Allowing dog fouling in the public area**
  - **Failure to appropriately remove and dispose of dog waste if a dog has been allowed to foul**
  - **Dog exclusion from play areas, equipped and fenced sports areas:** Dogs are excluded from children's play areas, Multi-Use Games Areas (MUGAs) and tennis courts. For example, a children's play area that contains children's play equipment such as slides, swings, climbing frames and similar apparatus and that is enclosed on all sides by fences, gates, walls or other structures that mark the boundary of the play area. The clear boundaries of these areas make it easy for people to identify the extent of the area where dogs are not allowed
  - **Dogs on leads by direction:** This order gives authorised officers the power to ask for a dog to be put on a lead in situations where they are not under the appropriate control of their owner or where they are causing damage or acting aggressively towards other dogs or park users
  - **Dogs on leads on the highway:** Dogs must be kept on a fixed lead (which includes a fixed extendable lead), of no more than 1 metre in length, when on or adjacent to the public highway, a footway, footpath or cycle track
- There is an **exemption** to any exclusion requirement for registered assistance dogs
- Orders can be enforced by a police officer, a police community support officer authorised council officers and employees of other delegated organisations
- A breach of the PSPO can be dealt with through the issuing of a Fixed Penalty Notice of up to £100, or a level 3 fine (max £1000) on prosecution

- In establishing a PSPO, appropriate signage must be displayed in accordance with the requirements of the Act on entry points to the public area and within the said area

To support the enforcement action a proactive public information campaign will be launched, advising of health considerations, the impact of dog nuisance and the reasons for enforcement action. The campaign will aim to educate and encourage pet owners to act responsibly.

### **Why are we consulting?**

We want to ensure that the proposal to implement the Public Space Protection Order is supported by those who will be affected and those with an interest in the issue. It is important that views are collected from those who have raised concerns and that the proposed solution has support from the wider community. We are also conscious of the impact on our partners including West Mercia Police and we have been working closely with a number of Police Officers in the design of this consultation and the proposed PSPO.

### **Who are we consulting?**

We are seeing the views of a range of people including:

- Members of the public (including dog owners)
- Town and Parish Councils
- Elected Councillors
- Landowners
- Those occupying land or managing areas of land within Shropshire
- West Mercia Police
- The Police and Crime Commissioner (PCC)
- Officers of Shropshire Council working in other departments
- Local businesses e.g. dog walking services
- Voluntary and community groups
- Other public sector organisations
- ...and anyone else with an interest in this issue.

### **Has an Equalities Impact Assessment been completed?**

An Equalities and Social Inclusion Health Impact Assessment (ESHIA) has been completed and anticipates a positive impact across the Protected Characteristic groupings and across the

county, due to health and well-being benefits for everyone in the community, if there is less dog fouling as a result of this policy being implemented. There are specific positive impacts anticipated for children under five, and therefore, for all those associated with caring for this grouping, bringing in Pregnancy and Maternity and Sex. Young children are most likely to be exposed to dog fouling through their outside play activities and potential health impacts, if personal hygiene has not fully developed.

### **How are we consulting?**

The consultation will be published on the Council's website with notice provided to relevant bodies believed to have an interest. We are asking a number of questions in a survey about our proposals and for any other ideas, feedback and suggestions. Just click on the 'How to get involved' tab on this page to find the survey link.

### **What is the timescale?**

We are consulting for 8 weeks starting on the 26 October and closing at midnight on the 21 December 2023.

### **What happens at the end of the consultation?**

Following the consultation, the feedback received will be analysed and used to inform a report. The feedback will inform the policy recommendations to be presented to Cabinet for final approval of the PSPO in early 2024.