



Public Space Protection Order – Dog Fouling and Constraints

Responsible Officer:	Mark Barrow		
email:	mark.barrow@shropshire.gov.uk	Tel:	01743 258919
Cabinet Member (Portfolio Holder):	Dan Morris		

1. Synopsis

The purpose of this report is to seek Cabinet Approval to consult on a Public Space Protection Order for Shropshire to control dog fouling and to help control the risk of harm from stray dogs.

2. Executive Summary

Following a series of routine audits into the Dog Warden service, a public complaint and an increasing nuisance from dog fouling, a management review concluded that the service can be improved with the introduction of a county wide Public Space Protection Order (PSPO).

The review also considered that enforcement on its own would be insufficient to secure a change in attitudes and the behavioural change needed to address the volume of complaints about dog fouling in public areas. To meet this challenge, it was considered that a proactive public information campaign advising of health considerations, the impact of dog nuisance and the reasons for subsequent enforcement action would be needed.

It is therefore proposed initially to consult on the introduction of a Public Space Protection Order for the council's administrative area to strengthen the Council's enforcement powers.

This will allow the service to address public perception and complaints and provide the legal framework for the council to take enforcement action against pet owners who allow their animals to foul pavements and in public amenity spaces. The report therefore seeks Cabinet approvals to consult on proposals to introduce a PSPO which will allow the issue of fixed penalty notices for dog fouling. Details and purpose of the PSPO are contained in Appendix A.

2.1. The Shropshire Plan - Implications

- 2.2. Healthy Living – supporting residents to take responsibility for their dogs and the health of others, and preventing ill health
- 2.3. Healthy Economy – ensuring that Shropshire is a healthy destination for tourists
- 2.4. Healthy Environment – enabling safer communities by reducing anti-social behaviours and risk of harm from stray dogs
- 2.5. Healthy Organisation – ensuring Shropshire’s internal capacity and capability is complemented effectively and that internal resources are organised efficiently and effectively to take the necessary enforcement to encourage responsible behaviour.

3. Recommendations

- 3.1. That Cabinet approves an eight-week consultation exercise to introduce a Public Space Protection Order for the administrative area of Shropshire Council. Details and purpose of the PSPO are contained in Appendix A and consultation materials in Appendix B.
- 3.2. Following the conclusion of the consultation a further report will be presented to Cabinet for final approval of the PSPO and relevant publicity materials.

Report

4. Risk Assessment and Opportunities Appraisal

- 4.1. The service is minded to implement legal powers to take enforcement action when required to encourage responsible pet ownership. Currently the council is vulnerable to challenge about the lack of enforcement as it has no legal power to do so and indeed has been criticised by the public that enforcement action hasn’t been taken. There is therefore considerable reputational risk for the council if it does not respond to this criticism and fails to consult on the necessary powers to take enforcement action.
- 4.2. An initial screening Equality, Social Inclusion and Health Impact Assessment (ESHIA) has also been undertaken ahead of the proposed consultation period: this is attached as Appendix D. The overall equality impact is anticipated to be positive across the nine Protected Characteristic groupings set out in the Equality Act 2010

and across the whole 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.

- 4.3. There is potential for positive equality impact for the groupings of Age, Disability, Pregnancy and Maternity, and Sex, in particular. As with other policies in relation to the public realm, this is in terms of mental well-being opportunities arising for people in these groupings to feel safer when outdoors for health benefits, education, work or leisure, or simply walking to their local shops and amenities. This is particularly so for families with young children, wheelchair users, and older people who may consider themselves to be vulnerable and less likely to venture out without pavements that can be navigated safely by them and their carers, and that are clear of detritus and dog faeces.
- 4.4. The grouping for whom there are positive health and well-being impacts is Age, specifically children under 5 but also children who are being encouraged to walk to school or to leisure activities and are put off from doing so due to dog fouling. For the grouping of Disability, there may also be particular distress for those with neurodiverse conditions or attachment disorder, for whom the presence of dog fouling can cause visible and physical distress. Children (Under 5) will have less potential to be harmed by un-cleared faeces or distressed by coming into contact with it. 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.
- 4.5. Mitigation of negative impacts is also anticipated to be necessary, as for some groupings, removing dog fouling presents as a challenge. These are the groupings of Age, Disability, Pregnancy and Maternity, and people in these and other groupings who have caring responsibilities. For example, wheelchair users and mobility scooter users could be particularly affected by dog fouling on streets and pathways, due either to difficulty picking up dog faeces if it has been caused by their own dog, or to difficulty dealing with dog fouling that they encounter which may go onto the wheels of their wheelchair or mobility scooter.

5. Financial Implications

- 5.1. There are no revenue implications expected as extra signage and staff time associated with the initiative will be contained in existing budgets and is anticipated to be offset by the positive results of behavioural change and less demand for service.
- 5.2. Where enforcement is required there may be costs associated with legal action, but it is hoped with targeted action and preceding publicity that these costs will be kept to a minimum and within service budgets.

6. Climate Change Appraisal

- 6.1. The introduction of a county wide Public Space Protection Order to encourage responsible dog ownership is not expected to generate any direct impacts for the generation or capture of carbon emissions, the generation of renewable energy, or for adaptation to the impacts of climate change. There may be some indirect

positive effects for carbon reduction if the mitigation of the existing negative impact of dog fouling leads to more extensive use of local open space.

7. Background

- 7.1. A full management review of the dog warden service was prompted during the winter 2022/23, partly in response to several audits recommending improvement but also a body of persistent complaint from the public. The review acknowledged that many of the audit recommendations had been implemented but there was opportunity to improve the service and in response to increasing numbers of complaints regarding specifically dog fouling and the Council's apparent inability to address the issue. The body of evidence which supports the introduction of a PSPO is contained in Appendix C.
- 7.2. In response to the management review, customer enquiries and accusations that the Council was not taking sufficient enforcement against dog fouling a review of legislative powers was also completed. The conclusions of review are also contained below in the body of the report, but importantly that both public education and enforcement are required to encourage responsible dog ownership to ensure residents who use public open space are kept safe.

8. Additional Information

- 8.1. To address the audit findings a full management review was undertaken and amongst other things reached the following conclusions
- 8.2. That the council's legislative powers be reviewed, and measures implemented to enable enforcement for the control of dogs and addressing dog fouling
- ~~8.3.~~ The review also considered that enforcement on its own wouldn't be sufficient to secure a change in attitudes and the behavioural change needed to address the volume of complaints about dog fouling in public areas. To meet this challenge, it was considered that a proactive public information campaign advising of health considerations, the impact of dog nuisance and the reasons for subsequent enforcement action would be more effective. Subject to Cabinet's approval to consult and the consultation results further details will be presented for consideration at a subsequent meeting. .
- 8.4. An Equality, Social Inclusion and Health Impact Assessment (ESHIA) has also been undertaken the results of which are shown in Appendix D

9. Conclusions

- 9.1. It has been concluded that both a public information campaign together with enforcement is likely to achieve the best results in terms of encouraging pet owners to act responsibly. This will help to protect those members of the public

who use the Council's open recreation areas and their health from the adverse effects of dog nuisance.

- 9.2. The service development will enhance the Dog Warden service and provide strategic direction for the control of dogs and enforcement of nuisance behaviours
- 9.3. The conclusions reached are also considered to be ones that will best meet the themed aspirations of the Strategic Plan and align the service with the Plan.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Local Member: N/A

Appendices

Appendix A – Details and Purpose of the PSPO

Appendix B – Consultation Details

Appendix C – Body of Evidence to Support PSPO

Appendix D – Equality, Social Inclusion, Health Impact Assessment