

# Dog Fouling and Stray Dogs: Public Space Protection Order (PSPO)

Consultation September/October 2023

## Introduction

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 a copy is attached under documents below.

The Equalities and Social Inclusion Health Impact Assessment 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 Councils web site 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. The survey will be available online, via the Council's website (see our Get Involved page).

We will provide other versions of questions on request such as large print and easy read versions. If you would like the survey in an alternative format, please use the email below to request a copy or telephone Shropshire Council's Customer Services on 0345 678 9000 and explain any support you need to allow you to respond.

You may also provide feedback via our email and postal options:

Email: [TellUs@shropshire.gov.uk](mailto:TellUs@shropshire.gov.uk)

Post: Tell Us, Feedback and Insight Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire SY2 6ND.

## What is the timescale?

We are consulting for 8 weeks starting on the 23<sup>rd</sup> October and closing on the 10<sup>th</sup> 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.

# Survey

## Have you read the introduction and explanation of the proposal to implement a Public Spaces Protection Order (PSPO)?

Yes, in full

Yes, in part

No

## To what extent do you agree or disagree with the following statements?

		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know or no opinion
a	The purpose of the consultation and proposal to implement the PSPO is clear.						
b	The Council's rationale for introducing the PSPO is explained.						
c	The way the PSPO will work is clearly explained.						

		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know or no opinion
a	The purpose of the consultation and proposal to implement the PSPO is clear.						
d	The process and next steps are clear.						

**To what extent do you agree or disagree with the following statements?**

		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know or no opinion
a	The prohibited actions the PSPO will relate to are clear.						
b	The proposed issuing of a Fixed Penalty Notice of up to £100 is fair.						
c	The proposal to launch a public information campaign to encourage more responsible pet ownership and communicate the impact of dog fouling on public health is appropriate.						

Please add any comments to explain your responses above, particularly if you disagree or strongly disagree with any of the proposals.

**The Public Spaces Protection Order covers the issues/activities listed below. Please indicate your view on each type to be covered by the Order.**

		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know or no opinion
a	Dog fouling in a public space						
b	Failure to appropriately remove and dispose of dog waste						
c	Dogs excluded from play areas and equipped and fenced off sports areas.						

d	Dogs on lead by direction (e.g. when not under control in a public area).						
e	Dogs on leads on the highway.						

**Have you been negatively impacted by any of the activities/issues listed above, in Shropshire?**

Yes

No (skip next question)

**If yes, have you previously reported concerns?**

Yes

No

Please include any comments below to describe any issues you may have raised.

**Overall, what is your opinion of the proposals set out within the consultation?**

Strongly support

Support

Neither support or oppose

Oppose

Strongly oppose

Don't know/Not applicable

**Please describe how the proposals are likely to impact on you as an individual or /your community/business if you will be impacted by the proposals in any other way.**

**Do you have any suggestions or alternative proposals to the ones set out within the consultation?**

Shropshire Council has undertaken an Equality, Social Inclusion and Health Impact Assessment (ESHIA) and will be updating this after the consultation. **If you have any comments on diversity, equality or social impact that you would like use to consider please describe them below.**

**If there is anything else you think we need to take into consideration before making a decision, please let us know:**

**About you**

We will use the information you provide here only for the purpose of this activity. We will store the information securely in line with data protection laws and will not share or publish any personal details.

**Which of the following describe you?** Please tick (✓) all that apply

- I am a member of the public living in Shropshire
- I represent or own a business
- I am a landowner or land occupier
- I represent a community or voluntary group
- I represent a town or parish council
- I am an elected representative of Shropshire Council
- I work for Shropshire Council
- I work for the Police or Police and Crime Commissioner's Office
- Other (please give details below.....)

If you are responding on behalf of an organisation and would like your response to be attributed to the organisation, please complete the box below:

Name of organisation:

**How did you find out about this consultation?** Please tick (✓) all that apply

Shropshire Council newsroom or website	<input type="checkbox"/>
Shropshire Council email or direct message contact	<input type="checkbox"/>
Local media e.g. local newspaper or radio	<input type="checkbox"/>
Local newsletter or via group membership	<input type="checkbox"/>
Social media – Shropshire Council (Facebook, Instagram, LinkedIn or Twitter)	<input type="checkbox"/>
Social media - Other	<input type="checkbox"/>
From my local councillor	<input type="checkbox"/>
Word of mouth	<input type="checkbox"/>

Other.....

**What is your gender?**

- Male
- Female
- Non-binary
- Prefer to self-describe
- Prefer not to say

**What age group are you?**

- 15 and under   16-19   20-29   30-44   45-59   60-84   85+   Prefer not to say

**What is your ethnic origin?**

<input type="checkbox"/>	White (British; Irish; Welsh)
<input type="checkbox"/>	White (Gypsy, Roma or Irish traveller)
<input type="checkbox"/>	Other white background e.g. Bulgarian, French, Lithuanian, Polish, Portuguese, White South African, etc.
<input type="checkbox"/>	Asian (Asian British; Bangladeshi Chinese; Indian; Japanese; Pakistani; any other Asian background).
<input type="checkbox"/>	Black (Black African; Black British; Black Caribbean; any other Black background).
<input type="checkbox"/>	Mixed (White and Asian; White and Black African; White and Black Caribbean; any other mixed background)
<input type="checkbox"/>	Arab
<input type="checkbox"/>	Other Ethnic Group
<input type="checkbox"/>	Prefer not to say or don't know

**Are you an informal or unpaid carer to a friend or family member who needs regular care and support?**

Yes  
No  
Prefer not to say

**Do you have any long-standing illness or disability that limits your daily activity?**

Yes   
No   
Prefer not to say

**Are you mainly..?**

At college/university/in further education	<input type="checkbox"/>
Working (employed or self-employed)	<input type="checkbox"/>
Unemployed	<input type="checkbox"/>
Full time carer or looking after the home	<input type="checkbox"/>
Retired	<input type="checkbox"/>
Other	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

**What is your postcode?** (This is not used to try and identify individuals, we ask this is so we can check people living across Shropshire have responded to the survey and see if answers vary in different parts of the county and to assess where services may need to be provided).

**How we will use your information**

This survey is anonymous and we should not be able to identify you from your responses. The information you have provided will be used for statistical purposes and to inform decision making. We will only publish anonymised responses, parts of responses, or a summarized version of responses and will ensure individual survey respondents cannot be identified. Your response will be stored and kept in line with Shropshire Council's Retention Schedule.

Your information will be used by Shropshire Council to inform the work of the Dog Warden Service and implementation of the Public Spaces Protection Order. We will not share your information with any other external third parties. Your information will be held securely, and if shared it will be shared securely. We comply with data protection laws concerning the protection of personal information, including the General Data Protection Regulation (GDPR). For more information on how information is held by Shropshire Council and your rights to gain access to the information we hold on you please see our corporate privacy policy at [www.shropshire.gov.uk/privacy](http://www.shropshire.gov.uk/privacy)

**Thank you for taking the time to complete this survey.**

If you have any additional comments to make in addition to your survey response, or any questions relating to the survey, please email [TellUs@shropshire.gov.uk](mailto:TellUs@shropshire.gov.uk) and quote the name of the survey within your email.