

WEST NORTHAMPTONSHIRE COUNCIL CABINET

11th October 2022

Portfolio Holder for Community Safety and Engagement, and Regulatory Services: Councillor David Smith,

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| Report Title | New Public Spaces Protection Order (PSPO) for the former Daventry District and former South Northants administrative areas of West Northamptonshire Council. |
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1. Purpose of Report

- 1.1. This report is to provide feedback on the results of the public consultation for a proposed Public Space Protection Order (PSPO) for the former administrative areas of Daventry and South Northants which make up part of the West Northamptonshire Council Unitary Authority.
- 1.2. The report also seeks Cabinet approval of the draft proposed PSPO at Appendix A and a resolution delegating the formal making of that Order, as well as the necessary compliance with the remaining statutory requirements to bring it into force, to the Executive Director for Place and Economy.

2. Executive Summary

- 2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 gave powers to local authorities to introduce Public Spaces Protection Orders (PSPOs) to control a range of issues linked to anti-social behaviour, including the control of dogs. Although the vast majority of dogs cause no problems and the vast majority of owners look after their pets in a responsible manner, the control of dogs remains a significant issue to the public with dog fouling being a particular concern to many.
- 2.2 As part of the Councils commitment to the Public Health Northamptonshire plan and other statutory public health requirements, it needs to do all it can to reduce exposure to second-hand smoke, make smoking less visible to children and address the anti-social issue of smoking associated litter.
- 2.3 By introducing the proposed PSPO, WNC would introduce powers to require dog owners to comply with certain requirements across those parts of its administrative area which were formerly comprised of Daventry and South Northants Districts, in order to encourage more responsible dog ownership. In addition, there is a proposed requirement to prohibit smoking in certain public spaces - children's play areas, playgrounds, educational facilities, skateparks, tennis courts, multi-use games areas (MUGA), bowling greens, fenced or otherwise – across the same geographic areas. As well as reducing passive smoking in these areas, the prohibiting of smoking will help reduce littering of cigarettes and associated items and will help keep open spaces safer, cleaner and greener for all.
- 2.4 The nine proposed measures are:
 - Proposal 1 - Failure to clean up after your dog. Persons in control of a dog must clean up and remove its faeces from the area and place it in a bin or take it home for disposal.
 - Proposal 2 – Dog exclusion zones. Persons in control of a dog must not take it into or onto any of the following areas, fenced or otherwise: Children's play areas; Educational facilities; playgrounds; skateparks; tennis courts; multi-use games areas (MUGA); bowling greens.
 - Proposal 3 – Dogs on leads. Persons in control of a dog must ensure the dog is on a lead in cemeteries, burial sites, graveyards and/or memorial gardens, allotments, car parks to which the public have access and sports grounds, sports fields and pitches when in use for authorised sporting activity.

- Proposal 4 – Dogs on leads by direction. Persons in charge of a dog must put the dog on a lead if asked to do so by an authorised officer.
- Proposal 5 – Dogs on leads near schools. Persons in control of a dog must put their dogs on leads near school entrances or exits during school days.
- Proposal 6 – Appropriate means to pick up dog faeces. Persons in charge of a dog must carry a poop bag or other appropriate means for clearing up after their dog.
- Proposal 7 – Prohibition of smoking. All persons are prohibited from smoking tobacco, tobacco related products, smokeless tobacco products including electronic cigarettes, herbal cigarettes or any illegal substances within the following areas, whether fenced or not: children’s play areas, playgrounds, educational facilities, skateparks, tennis courts, multi-use games areas (MUGA) and bowling greens.
- Proposal 8 – Fixed Penalty Charge. The maximum fixed penalty charge for breaches of the PSPO shall be £100 as the maximum permitted by legislation.
- Proposal 9 – Maximum number of dogs. Persons in charge of multiple dogs shall not be allowed to walk any more than four at any one time.

2.5 A consultation exercise has taken place and responses were strongly in favour of the Council implementing all nine proposed measures.

2.6 Additional concern regarding dog fouling on sports pitches has been raised. Further evidence and consultation is needed to ascertain if additional measures may be required. The implementation of the PSPO should be progressed in the meantime to prevent further detriment from occurring in the locality.

2.7 This report recommends implementing a new PSPO across the former administrative areas of Daventry and South Northants Districts, which now form part of West Northamptonshire Council. It sets out the nine proposals which, if adopted, would be in place for a statutory maximum period of three years, unless reviewed and the subject of a further report to Cabinet to vary or replace.

3. Recommendations

3.1 It is recommended that the Cabinet:

- a) Approve the introduction of a new Public Spaces Protection Order (PSPO) across the former Daventry and South Northants District administrative areas of WNC with all nine proposed measures set out at paragraph 2.4 above to be included, to remain in force for a period of three years until September 2025.
- b) Resolve that the Draft PSPO at **Appendix A** shall be made by the Council as a result.
- c) Delegate the power to formally make the PSPO and to comply with the remaining statutory requirements to bring it into force (as set out in the legal implications at paragraph 7.2 below) to the Executive Director for Place and Economy.
- d) Agree to the gathering of further evidence take place between October and December 2022 and consultation to commence in January 2023 to determine if additional measures may be required regarding dog fouling on sports pitches. The consultation to be agreed with the Portfolio Holder prior to start.

4. Reason for Recommendations (NOTE: this section is **mandatory and must be completed**)

- 4.1 Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 provides local authorities with powers to create a Public Spaces Protection Order (PSPO) where they are satisfied that activities carried out in a public place:
- Have had, or likely to have, a detrimental effect on the quality of life of those in the locality.
 - Is, or is likely to be persistent or continuing in nature.
 - Is, or is likely to be unreasonable.
 - Justify the restrictions to be imposed.
- 4.2 Not having a PSPO currently in place makes it more difficult for the Council and Police Officers to control dog-related nuisance across the area or to enforce the prohibition of smoking in specific open spaces.
- 4.3 The proposed draft PSPO at **Appendix A** is considered to be an appropriate and proportionate response to dog control issues which are being experienced across the former administrative areas of Daventry and South Northants Districts. It is also deemed an appropriate way to attempt to reduce littering of cigarettes and associated items and to help support the Councils commitment to the Public Health Northamptonshire plan to reduce exposure to second-hand smoke and make smoking less visible to children.
- 4.4 All nine proposals have been strongly supported in the public consultation, as shown by the material included within **Appendix B**.
- 4.5 Introducing the proposed new PSPO across the area will bring consistency for residents who live, work and visit public open spaces in the former administrative areas of Daventry and South Northants Districts. It will also make consistent messaging easier.
- 4.6 It reinstates many of the proposals that were contained within Daventry District Councils Dog Control PSPO, which expired in 2021, so many residents and visitors to much of the area proposed to be covered are already familiar with the proposed requirements and prohibitions.
- 4.7 It will provide a degree of consistency across the whole of West Northamptonshire Council's administration area, as the former Northampton Borough currently has a PSPO which is due to expire on 18th September 2023, it contains similar measures to control dog related nuisance.
- 4.8 By implementing the proposed new PSPO until September 2025, it provides the opportunity to extend the PSPO across the former Northampton Borough area once it expires in September 2023. This will bring alignment and consistency to the whole of the WNC administrative area.
- 4.9 By approving the prohibition of smoking proposal, this will bring all children's play areas into alignment with the ban on smoking that is already in effect in West and North Northamptonshire Council Country Park play areas. In addition to children's play areas, by prohibiting smoking across playgrounds, educational facilities, skateparks, tennis courts, multi-use games areas (MUGA), bowling greens, fenced or otherwise, it will help make smoking less visible to children and residents can continue to use the facilities to help maintain and enjoy a healthy lifestyle without being negatively impacted by second-hand smoke and associated littering.

- 4.10 By approving and implementing this PSPO, West Northamptonshire Council will be taking steps towards achieving some of its Corporate Strategy priorities, specifically:
- **Clean and Green** – helping maintain our parks and green spaces to a high standard with accessible green space for all.
 - **Thriving Villages and Towns** - helping to raise standards in our communities, improve the towns and villages and reducing anti-social behaviour.
 - **Improved Life Chances** - The banning of smoking in specific open spaces and the Dog Control PSPO will take steps towards improving health of children, some adults and reduce pressure on the health service.

5. Report Background

- 5.1 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) introduced new powers to tackle anti-social behaviour (ASB). This legislation also replaced the Dog Control Orders made under the Clean Neighbourhoods and Environment Act 2005. The Police and Local Authorities are responsible for tackling anti-social behaviour.
- 5.2 Public Space Protection Orders (PSPOs) can be used to address particular nuisance or problems in public places that have a “detrimental effect” on the local community.
- 5.3 PSPOs may lawfully impose legally enforceable restrictions on certain activities or conduct of any person in the area to be covered. They may also lawfully impose legally enforceable specific restrictions on persons engaged in certain activities or conduct in the same area. A PSPO is designed to ensure that residents and visitors can use and enjoy public spaces without experiencing anti-social behaviour and suffering detrimental impact.
- 5.4 Following an extensive consultation exercise in 2015, the former Daventry District Council introduced a PSPO to tackle irresponsible dog ownership. This was further extended following subsequent consultation in 2018. Its extension saw a 36% decline in dog related complaints over 3 years (**see Appendix C**). Enforcement Officers noted that the presence of the Order across the former Daventry District area provided a robust footing for them to engage with members of the public who may benefit from words of advice and encouragement in assisting them to control their pets effectively and to refrain from smoking in children’s play areas. Due to the impact of Covid and the formation of the new unitary council, WNC, this PSPO has now expired but many residents are still familiar with its requirements as responsible dog owners and responsible citizens.

The problem

- 5.5 Research suggests that there are now estimated to be 12.5m dogs in the UK and that 33% of all households in the UK own a dog, with 3.2 million households in the UK having acquired a pet since the start of the pandemic in 2020. In further research conducted by The Dogs Trust, a quarter of owners also reported their dog has developed a new problem behaviour during the pandemic lockdown. It is estimated that dogs produce more than 1,000 tonnes of waste each day, with up to 31% of dog owners admitting to not cleaning up after their pets. 13% of owners nationally now use professional dog walking services.

- 5.6 In 2021, the former Councils of Daventry District and South Northants received more than 230 complaints about dog fouling and dog control issues and, whilst the majority of dog owners are caring, responsible individuals, there are still some who are irresponsible.
- 5.7 Dog mess is the most unacceptable and offensive type of litter on our streets. Whilst WNC receives many dog fouling complaints each year, it believes that the true number of incidents is far greater than the number reported.
- 5.8 Many specific public open spaces are also affected by dog fouling such as sports grounds and pitches but again, the true extent of the issue is not known as the evidence is lacking due to organisations and clubs clearing it away and not reporting to the Council.
- 5.9 Dog fouling is not only deeply unpleasant, but it can also be dangerous. Whilst rare, contact with dog excrement or contaminated soil can cause toxocariasis – a nasty infection that can lead to dizziness, nausea, asthma and even blindness and seizures. Dog faeces can also pass Neospora and Sarcocystosis to cattle and sheep respectively if left on land which is grazed by farm animals. Neospora can cause abortions in cattle or result in weak calves and Sarcocystosis can cause neurological disease and death in sheep.
- 5.10 In Northamptonshire there are approximately 96,000 smokers, with the County seeing more than 7,000 hospital admissions, 300,000 GP appointments and more than 1,000 smoking related deaths each year. As part of The Council's commitment to the Public Health Northamptonshire plan, we need to do all we can to reduce exposure to second-hand smoke and make smoking less visible to children. Children's play areas, playgrounds, educational facilities, skateparks, tennis courts, multi-use games areas, bowling greens, fenced or otherwise, are all public places for residents to go to maintain and enjoy a healthy lifestyle which can be supported with the banning of smoking in these specific areas. This no smoking policy has already been adopted across all Country Park play areas in West and North Northamptonshire (**Appendix D**).
- 5.11 Cigarette butts are the most prevalent form of litter in England and account for 66% of all littered items. The vast majority of cigarettes butts are single-use plastic and contain hundreds of toxic chemicals once smoked. Littered cigarette filters can persist in the environment for many years and release these chemicals into air, land and water, harming plant growth and wildlife. Littering is a separate criminal offence under section 87 of the Environmental Protection Act 1990, so the Council cannot lawfully prohibit littering of any kind within its area, but it can impose restrictions with a view to proactively preventing the littering of discarded cigarettes taking place in the first place within certain areas.
- 5.12 WNC is keen to take measures to combat these problems and is proposing to use a new PSPO to give its enforcement officers the power to deal with dog owners who fail to properly control their dogs in public open spaces across the former Daventry and South Northants District areas and to prohibit smoking in the specific public spaces outlined in 5.9.
- 5.13 WNC sought the views of members of the public and other interested parties by running a 6-week statutorily required consultation process from 21st February 2022, with the aim of

considering whether to make a new PSPO to encourage responsible dog ownership and to prohibit smoking in certain public open spaces across the former administrative areas of Daventry and South Northants Districts. Many of the proposals were in place in the former Daventry District until December 2021. The geographic scope of any new PSPO would cover a combined area of five hundred square miles with a population of 177,000. It is a largely rural area which includes 130 Parishes, three towns and 104 schools. The results of this consultation, the questionnaire and comments can be found at **Appendix B**.

- 5.14 Breach of any PSPO prohibition or failure to comply with a requirement is a criminal offence under the Act, punishable upon conviction in the Magistrates' Court by a maximum £1,000 fine. However, Council officers and other authorised persons and Police officers can issue a person with a fixed penalty notice (FPN) of no more than £100 for a breach as an alternative to being prosecuted. It is proposed that there is no reduction of the fine for early payment.
- 5.15 The proposal is for the Order to take effect for the maximum period of 3 years until September 2025. A PSPO currently covering the former Northampton Borough Council administrative area currently remains in force and is due to expire on 18th September 2023. It currently contains some dog control measures and can be viewed at **Appendix F**. When that Order expires in September 2023, the intention would be to review any PSPO made as a result of this report and explore extending it to cover the entire WNC area, subject to another public statutory consultation process, to be commenced in Spring 2023.
- 5.16 The original proposal was to make an Order to remain in force for a period of only 1 year. However, upon consideration of the consultation responses and the risk of reoccurrence of the conduct and activities proposed to be restricted and prohibited by the Order after one year, the proposal is now to make an Order for the statutory maximum term of 3 years. This change to the duration of the proposed Order has been taken after seeking legal advice and takes into account the strong public support received from the consultation exercise and the length of time taken to collate and analyse the results due to the high number of responses and comments received. It also provides more efficient use of Council resource.

6. Issues and Choices

- 6.1 *The Committee could choose not to approve a new PSPO covering the proposed area and designed to encourage more responsible dog ownership, as well as furthering the requirements of the Public Health Northamptonshire Plan.*
This is not recommended because of the potentially serious impact which a small number of irresponsible or inconsiderate dog owners and smokers could have on the wider community. Education and encouragement regarding responsible dog ownership and control would be made more difficult. Messaging of the requirements across different parts of the West Northamptonshire authority would also be more difficult to achieve. Over time, there is a concern that levels of anti-social behaviour regarding dog control and ownership would increase. The consultation exercise has demonstrated public support for the introduction of a PSPO in the proposed terms.
- 6.2 *Wait until the former Northampton Borough PSPO is due for renewal or extension in September 2023.*

This is not recommended. Implementation of a PSPO is a lengthy process and will leave authorised Council officers and Police officers in the former Daventry and South Northants District areas without any means to try and encourage responsible dog ownership. It is anticipated that there would be a greater risk of more people experiencing a greater detrimental impact on the wider community of those who live, work or visit the areas where the PSPO would be enforced.

6.3 *Approve the making of the proposed draft PSPO at Appendix A to cover the former Daventry and South Northants Districts administrative area until 18th September 2023 only.*

This is not recommended. As set out above at paragraph 6.2, implementation of a PSPO is a lengthy process. The large number of consultation responses received has taken longer to collate and analyse than anticipated. Once approved, PSPO signage needs to be printed and erected around the WNC area which covers approximately five hundred square miles, three towns and 130 parishes. The PSPO would only be in effect for a relatively short duration of time before the Council would be required to consider whether to extend the Order, which would involve undertaking another statutory consultation process again. This would be an inefficient use of resource, may damage the reputation of the Council and may not allow enough time for adequate education and enforcement before it expires. This may lead to an increased detrimental effect on the quality of life of those in the locality.

6.4 *Approve the making of the proposed draft PSPO at Appendix A to cover the former Daventry and South Northants Districts administrative area until September 2025.*

For the reasons outlined in paragraph 4 above, **this is the preferred recommendation.**

6.5 *Delegate authority to make the PSPO approved at either paragraph 6.3 or 6.4 above and to carry out the remaining necessary statutory processes to bring it into force, outlined at paragraph 7 below, on behalf of the Council, to the Executive Director for Place and Economy.*

This is recommended. Cabinet cannot in practice carry out the remaining necessary statutory processes set out in the legal implication comments below, which are required to be completed in order for any PSPO to be formally made and lawfully brought into force. These tasks will have to be completed by Council officers and so a formal delegation to do so is required once Cabinet approves the draft Order at **Appendix A.**

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 The consultation has been undertaken using existing resource and existing budgets.

7.1.2 Signage for the resulting PSPO will need to be printed and installed at each of the sites across the Parish and Town Councils. The cost will be covered from existing budgets.

7.1.3 Due to the formation of the new Unitary Authority of West Northamptonshire any existing signage will need to be replaced as it is old, not fit for purpose and no longer valid. This will take time due to the large geographical area.

- 7.1.4 The placing of signage will be undertaken by existing officers who work out in the community. Some signage may be supplied directly to schools, Town and Parish Councils for them to site.
- 7.1.5 It is proposed that the signage scheme will be supplemented by notices and public information to enhance public understanding of the requirements of the PSPO. This will be undertaken by WNC Communications Team and will use existing resource.
- 7.1.6 An indicative print cost for signage of £6,336 has been identified for the scheme; however, this is prior to tender for supply and subject to the PSPO measures decided upon.
- 7.1.7 Enforcement of the new PSPO will be undertaken within existing resources and budget. Kingdom LA Support, an Environmental Enforcement Contractor will also be used to support enforcement and help provide a visible presence across the former South Northants and Daventry District area. Kingdom is already working in the former Northampton Borough area; their contract is due to expire in January 2023.
- 7.1.8 Targeted, intelligence-led enforcement activity will continue to be carried out by Council officers and the Police where possible. Officers already deal with a wide range of environmental enforcement issues and are specifically trained in carrying out enforcement activities in a sensitive and proportionate manner.

7.2 Legal

- 7.2.1 The making of a PSPO is power available to the council under statute. In making an order, the local authority must be satisfied that what has been happening in the relevant area has had or will have a detrimental effect on the quality of life of those in the locality and that it has been persistent or is likely to continue. The provisions within the Order must then address that specific activity and take into account the matters required by statute and as set out in this report. Consultation and Publication is required before an Order can be made and the Order can be subject to appeal. There are therefore a number of risks associated with the making of a PSPO which Members should be aware of. Those risks are set out below alongside the mitigations that have been put in place to minimise those risks.

7.3 Risk

- 7.3.1 *Risk 1 – Appeal against the making of a PSPO.*

Risk mitigation - Is by ensuring that the Order is legally robust by consultation and is compliant with the legal requirements.

- 7.3.2 *Risk 2 – The PSPO and its measures cannot be enforced adequately.*

Risk mitigation – Ensuring that the PSPO is robust and its implementation is subject to a plan of execution, which will include the installation of signage, education and sufficient publicity of the Order, clear instruction to officers responsible for its enforcement and a proportionate response as those affected by the introduction of the PSPO become aware of its requirements.

7.3.3 *Risk 3 - Inadequately delivered public awareness and promotion campaign of the PSPO's implementation fails to raise public awareness.*

Risk mitigation – The Council will deliver a comprehensive promotion campaign once the Order is made and following its implementation and will ensure the publicity and notification of the Draft Order through August 2022 prior to any decision to make the Order.

7.3.4 *Risk 4 - Reputational damage to WNC if the PSPO is not introduced.*

Risk mitigation – The consultation has been undertaken with those likely to be impacted by introduction of the Order. There is strong support for all of the proposed restrictions and requirements. PSPOs are intended to prevent anti-social behaviour and other unreasonable conduct from detrimentally affecting the lives of people who live in areas affected by such things, as well as those who work in and visit them. Consulting the public and organisations in the proposal area has informed WNC that a PSPO is required to restrict the conduct and activities addressed by the proposed Order or introduce specific requirements to control them.

7.4 **Consultation**

7.4.1 In accordance with statutory guidelines and required by Section 72 of the Act, the Council has conducted a public consultation. The consultation ran for 6 weeks from 21st February 2022 to midnight, 4th April 2022. The results of the consultation have been crucial in developing the draft PSPO set out at **Appendix A**. The consultation results and comments are provided in **Appendix B**.

7.4.2 The consultation was carried out online through the West Northamptonshire Council Consultation Hub. It was supported by a West Northamptonshire Council communications campaign to raise awareness and encourage participation.

7.4.3 More than one hundred businesses were notified in the proposal area including vets, dog trainers, behaviour experts, groomers, WNC animal licensees – dog boarders, kennels, breeders and pet shops.

7.4.4 All Parish Councils and Town Councils in the proposal area were notified and asked to share with residents, clubs, organisations and groups in their area.

7.4.5 Over twenty different animal welfare and animal assistance charities and organisations were notified. These included The Kennel Club, The Dogs Trust, Hearing Dogs for Deaf People, Guide Dogs for the Blind, Assistance Dogs UK, Autism Dogs, Canine Partners, Dog Aid - Assistance in Disability, Dogs for Good, Medical Detection Dogs, Support Dogs, The Seeing Dogs Alliance, RSPCA, Association of Professional Dog Walkers and Sitters, National Association of Pet Sitters and Dog Walkers (NARPS UK), Canine and Feline Sector Group.

- 7.4.6 All primary and secondary schools in the former administrative areas of Daventry District and South Northants were notified and asked to share details of the consultation with parents and carers.
- 7.4.7 Libraries across West Northamptonshire were asked to support and promote the consultation and accessing of it for residents.
- 7.4.8 Notification of the consultation was sent to those on the WNC Consultation Register and the WNC Resident's Panel.
- 7.4.9 Statutory partners were notified including Northamptonshire Police Chief Constable and Police and Crime Commissioner along with other interested groups including Northamptonshire Football Association, Ramblers Association, Keep Britain Tidy, The Canal and Rivers Trust, National Trust, Northamptonshire Police Dog Legislation Officer, Community Safety partners. WNC staff including the Chief Executive, Senior Leadership Team, Assistant Directors, Environmental Health and Environmental Crime Officers, Neighbourhood Wardens, Dog Wardens, Rangers, Regulatory Services Lead Officers and the Portfolio Holder for Community Safety and Engagement and Regulatory Services. All were given the opportunity to comment on the consultation.
- 7.4.10 Results of this consultation have shown strong support for all nine proposals which were proposed for inclusion within a new PSPO. The full report, including the consultation questionnaire, can be found at **Appendix B**.
- 7.4.11 The Council received 1,275 responses to the consultation. 3% of all those that responded were organisations, Charities, Parish/Town Councils and businesses. 97% were individuals.
- 7.4.12 Consultees were asked to comment on nine specific proposals:

Proposal 1 - Failure to clean up after your dog. 74% of consultees responded to this proposal. 93% of responses strongly agreed or agreed that persons in control of a dog must clean up and remove its faeces from the area and place it in a bin or take it home for disposal. 58% stated that dog fouling was a very big or fairly big concern in their area. Of those that stated it was a very big or fairly big concern, 89 different villages and towns across the former administrative areas of Daventry and South Northants were identified and over 180 locations given. Dog fouling was the main concern (68%) with an additional 11% citing dumped dog poo bags and an additional 12% citing irresponsible dog owners as the concern.

Proposal 2 – Dog exclusion zones. Persons in control of a dog must not take it into or onto any of the following areas, fenced or otherwise: Children's play areas; Educational facilities; playgrounds; skateparks; tennis courts; multi-use games areas (MUGA); bowling greens. 889 people (70%) responded to this question, of those, 71% strongly agreed or agreed with this proposal with the worst affected areas being Children's play areas 38%, playgrounds 25% and multi-use game areas (MUGA) 19%, educational facilities 10%. However, these are also the most common facilities found within most villages and towns, skate parks were cited in 4% of cases, tennis courts in 2% and bowling greens 2%. Fouling, loose dogs and irresponsible owners were given as the most common reasons for this and accounted for 58% of responses.

Proposal 3 – Dogs on leads. 67% of people responded to this question with 83% of responses strongly agreeing or agreeing that persons in control of a dog must ensure the dog is on a lead in cemeteries, burial sites, graveyards and/or memorial gardens, allotments, car parks to which the public have access and sports grounds, sports fields and pitches when in use for authorised sporting activity. 62% of respondents stated that in their area, dogs not being under adequate control was a very big, fairly big or a small concern to them, although 33% stated this was not a concern in their area. Sports grounds (34%), car parks (18%) and all forms of burial sites (16%) accounted for 68% of responses where an issue with dogs off lead had been identified within the last 12 months with loose dogs accounting for 41% of problems faced and out of control dogs accounting for 33%.

Proposal 4 – Dogs on lead by direction 66% of people responded to this question with 80% strongly agreeing or agreeing that persons in charge of a dog must put the dog on a lead if asked to do so by an authorised officer. Although 65% of respondents have not had concerns about owners not putting dogs on leads in the past 12 months. Of the remaining 35%, those that did have concerns were relating to poor dog control issues 39%, loose dogs 21% and irresponsible owners 21%. There were an additional 181 comments about the proposal to put dogs on leads when asked, 50% of these were relating to enforcement.

Proposal 5 – Dogs on leads near schools. 65% of people responded to this question with 84% agreeing strongly or agreeing that persons in control of a dog must put their dogs on a lead near school entrances or exits during school days. Dogs not being kept under control near a school was considered a very big concern or fairly big concern for 20% of those that commented on this question. Of those residents that had concerns, loose dogs accounted for 30%, out of control dogs 18% and irresponsible owners accounting for 21%.

Proposal 6 – Appropriate means to pick up dog faeces. 65% of people responded to this proposal, of those that did respond, 95% strongly agreed or agreed that persons in charge of a dog must carry a poop bag or other appropriate means for clearing up after their dog. 67% of responses suggested that it was a very big concern or a fairly big concern. In excess of 40 different villages and towns across the former administrative areas of Daventry District and South Northants were identified as places where residents had a concern about dog owners not having the appropriate means to pick up dog faeces in the last 12 months.

Proposal 7 – Prohibition of smoking. 64% of people and organisations responded to this proposal, of those that did, 78% strongly agreed or agreed with the proposal to prohibit all persons from smoking tobacco, tobacco related products, smokeless tobacco products including electronic cigarettes, herbal cigarettes or any illegal substances within the following areas, whether fenced or not: children's play areas, playgrounds, educational facilities, skateparks, tennis courts, multi-use games areas (MUGA) and bowling greens. Smoking in these areas was considered a very big concern or fairly big concern or small concern for 57% of respondents with the remaining responders stating that they did not know or that it was not a concern for them. In the last 12 months, 32% of people stated that they had had concerns about smoking in a play area, 13% in an educational facility, 22% in a playground, 13% in a MUGA, 11% in a skatepark, 5% in a tennis court and 4% in a bowling green. Of those respondents 15% that stated that they had concerns, 185 comments were received, of those, 26% were concerns relating to smoking around children in play areas and schools, 6% of comments were concerns relating to second-hand smoke, 7% to illegal substances, 10% to litter and 8% related to teenagers smoking.

Proposal 8 – Fixed Penalty Charge. This proposal received a 63% response rate. The proposal states that the maximum fixed penalty charge for breaches of the PSPO permitted by The Act is £100. 70% strongly agreed or agreed with this proposal. 30% of people and organisations made 266 additional comments relating to the fixed penalty charge with 38% of comments relating to enforcement, 23% stated the fine was too low and 7% stating the fine was too high.

Proposal 9 – Maximum number of dogs. 63% of those that took part in this consultation responded to this question. 57% strongly agreed or agreed that persons in charge of multiple dogs should not be allowed to walk any more than four at any one time with 20% of responses neither agreeing or disagreeing or did not know. 50% of those that were concerned about a person walking too many dogs said it was either a very big concern (11%), a fairly big concern (13%) or a small concern (26%), however, 86% of people stated that they had not had any concerns in the last 12 months where a person was walking too many dogs for them to control well. Of those that did state they had problems with a person walking too many dogs, 129 comments were received, 46% of those related to issues surrounding dog control.

7.5 Consideration by Overview and Scrutiny

7.5.1 Not considered. None received.

7.6 Climate Impact

7.6.1 The Council has made a commitment in the Corporate Plan to use resources wisely to protect the environment, where everyone can live well and safely together and be a place where everyone thrives. It aspires to be an authority that puts the environment first and encourages and supports others to do the same to help shape a cleaner, greener West Northants. Although the proposed PSPO is not lawfully capable of being created and in order to assist the Council in achieving any of its environmental goals, it is anticipated that this will be a knock-on effect should the Order be brought into force.

7.6.2 The Order needs to be maintained at all times to ensure sufficient education and enforcement can take place if necessary.

7.7 Community Impact

7.7.1 The former administrative areas of Daventry District and South Northants are largely rural with 3 towns, 130 parishes and cover an area of approximately 500 square miles. There are miles of public footpaths, bridle paths and byways which cross fields and private land. Whilst the scope of a PSPO does not extend to private land to which the public do not have access, with or without a fee, including agricultural land, it does cover the public footpaths, bridle paths and byways that may cross that land. WNC will endeavour to support this message with a targeted communications education campaign to advise and remind owners about responsible dog ownership. Some of these requirements will fall outside of the scope of the PSPO i.e. dog identification, microchipping, livestock worrying etc. All are requirements of responsible dog ownership and are covered by their own legislation.

- 7.7.2 As a result of the consultation, a list of “areas of concern” for dog fouling have been gathered across the affected area, these will be used for targeted patrol, education, appropriate signage and enforcement.
- 7.7.3 Following concerns that the requirement to put dogs on leads on sports grounds, fields and pitches when in use for authorised sporting activity may not reduce the amount of dog fouling, it is intended that an additional consultation and evidence gathering will be undertaken to identify if there is a need for further restrictions to be brought in.
- 7.7.4 During the public consultation, the Council received a complaint advising that a telephone number was omitted, thereby making the Consultation inaccessible to them. The complainant was spoken with to capture their views, a Service telephone number was added, an internal review took place with the Equalities Officer and the Consultation and Engagement Team. The complaint has been shared with the Consultation and Engagement Service to make sure that their procedures are robust if future errors occur. The Local Government and Social Care Ombudsman Service (LGSCO) also released a focus report in May 2022. This pays reference to the way that Councils support customers with equal access and reasonable adjustments and this learning and best practise has been incorporated into the review of the complaint. A copy of the LGSCO report can be found at **Appendix E**.
- 7.7.5 Feedback was provided by the consultation to ensure that due regard was given to the Equality Act 2010. See **Appendix G** for the full Equality Screening Assessment for the impact of any resulting PSPO on protected groups, a summary is provided:
- **Age** - will be mitigated against by using Officer discretion or exemption from the requirements of the PSPO to pick up after their dog if affected.
 - **Disability** - nothing in the proposed PSPO shall apply to a person who is registered as a blind person on a register compiled under section 29 or the National Assistance Act 1948; or is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (register charity number 293358) and upon which the person relies for assistance; or has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out common day-to-day activities in respect of a dog trained by any current or future members of Assistance Dogs UK, or any other charity registered in the UK with a purpose of training assistance dogs and upon which the person relies for assistance. Has a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities and in the reasonable opinion of the Council that person relies upon the assistance of the dog in connection with their disability.
 - **Pregnancy and maternity** – will be mitigated against by using officer discretion or exemption from requirements of the PSPO to pick up after the dog if affected.

7.8 Communications

- 7.8.1 During August 2022, and prior to this Cabinet meeting, sufficient publicity and notification has been provided by the WNC Communications team to promote and inform those living, working or visiting the area that could potentially be affected by the introduction of the new Order. A press release supported by social media has been issued. Town and Parish Councils have also been supplied a copy of the Draft Order. The Draft Order has also been put on the WNC website.

- 7.8.2 The implementation of the PSPO will be fully supported by another Communications campaign once the new PSPO has been approved, this will be a mixture of press release, social media, Parish and Members briefing paper, posters, information on the WNC website including the Order and frequently asked questions (FAQs). Signage will also be printed and positioned across the affected area and in specific locations such as graveyards, near schools etc.
- 7.8.3 A Communications campaign will also be run to advise and remind owners about responsible dog ownership which fall outside the scope of a PSPO. i.e. dog identification, microchipping, livestock worrying etc.

8. Background Papers

- 8.1 West Northamptonshire Council Corporate Strategy: [Our strategy | West Northamptonshire Council \(westnorthants.gov.uk\)](https://www.westnorthants.gov.uk/our-strategy)
- 8.2 Anti-social Behaviour, Crime and Policing Act 2014 – Legislation.gov.uk: [Anti-social Behaviour, Crime and Policing Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/12)
- 8.3 Anti-Social Behaviour, Crime and Policing Act 2014, guidance: [Home Office Statutory Guidance for frontline Professionals](https://www.gov.uk/guidance/anti-social-behaviour-crime-and-policing-act-2014)
- 8.4 Local Government Association Guidance: [Public spaces protection orders: guidance for councils \(local.gov.uk\)](https://www.local.gov.uk/public-spaces-protection-orders)
- 8.5 Equality and Human Rights Commission - [Assistance dogs: a guide for all businesses | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/assistance-dogs)
- 8.6 Professional Dog Walkers' Guidelines: [dog walking guide online.pdf \(dogtrust.org.uk\)](https://www.dogtrust.org.uk/dog-walking-guide)
- 8.7 Daventry District PSPO (Expired December 2021): [Daventry District Council - Public Spaces Protection Order - Enhanced Dog Control Powers \(daventrydc.gov.uk\)](https://www.daventrydc.gov.uk/public-spaces-protection-order)
- 8.8 West Northamptonshire Council Northampton area PSPO: [PSPO - Variation March 2021 | West Northamptonshire Council - Northampton Area](https://www.westnorthants.gov.uk/pspo-variation-march-2021)
- 8.9 Keep Britain Tidy Report: [20200330 KBT Litter Composition Report - FINAL.pdf \(keepbritaintidy.org\)](https://www.keeptidymainland.org.uk/20200330-KBT-Litter-Composition-Report-FINAL.pdf)
- 8.10 Dog ownership statistics, Pet Food Manufacturing Association: [Pet Population 2021 | PFMA](https://www.pfma.co.uk/pet-population-2021)
- 8.11 Dog ownership statistics, The Dogs Trust: [How dogs helped us through the pandemic | Dogs Trust](https://www.dogs-trust.org.uk/how-dogs-helped-us-through-the-pandemic)
- 8.12 Dog problem behaviour, The Dogs Trust: [Dogs Trust Lockdown Behaviour | News | Dogs Trust](https://www.dogs-trust.org.uk/news/dogs-trust-lockdown-behaviour)
- 8.13 Dog waste statistics, Keep Britain Tidy: [Dog fouling & the law | Keep Britain Tidy](https://www.keeptidymainland.org.uk/dog-fouling-the-law)

- 8.14 PSPO Daventry and South ELT Report September 2021.
- 8.15 Action on Smoking and Health (ASH) Infographic for Northamptonshire: [ASH Ready Reckoner 2022 - Action on Smoking and Health](#)
- 8.16 Public Health call to Action for Tobacco: <https://www.northamptonshire.gov.uk/councilservices/health/Pages/smoking.aspx>