

**TEIGNBRIDGE DISTRICT COUNCIL
OVERVIEW AND SCRUTINY COMMITTEE 1
22 DECEMBER 2020
PART I**

Report Title	Report of the Public Spaces Protection Order (for Dog Control) Review Group
Purpose of Report	To consider the recommendations of the Group
Recommendation(s)	<p>The Committee RESOLVES that</p> <p>1. The number of dogs that any one individual can walk at any one time remain at six, because there is insufficient evidence and justification at present to reduce this number to less than six.</p> <p>2. The local licensing of dogs is not pursued because this would have significant resource implications and there is no provision for the Council to do this under current legislation.</p> <p>3. The Task Group reconvenes in April 2021 to progress a review of the Order so that any changes can be considered by this Committee, approved by Executive and implemented before the expiry of the existing PSPO in March 2022 to ensure continuity. This would enable consultation, and data to be collated for meaningful consideration, and feedback to Town and Parish Councils. The Group's terms of reference be approved nearer to the date.</p> <p>The Committee RECOMMENDS to Executive that: The existing PSPO is promoted within the District by:</p> <p>4. The Environmental Protection Manager requesting Town and Parish Councils to publicise the PSPO in their residents' newsletters, and circulating a guidance publicity tool kit to assist with this.</p> <p>5. A-boards, or similar for dog fouling hot spot areas being financed through the Councillors Community Fund scheme, and that Councillors advise their Town and Parish Councils accordingly so that Town and Parish Councils can locate the signs when and where necessary. As part of this initiative, the Environment Protection Manager, and Cllrs D Cox and Phipps have discussions with Teignmouth Town Council to support them in a publicity campaign and for them to arrange for appropriate signage for the Den in order to address concerns raised in relation this area.</p>
Financial Implications	See paragraph 3.1 below Chief Finance Officer Email: martin.flitcroft@teignbridge.gov.uk

<p>Legal Implications</p>	<p>It is understood that the review group has concluded that:</p> <ul style="list-style-type: none"> (a) <i>Recommendations 1 and 2:</i> There be no change to the PSPO; (b) <i>Recommendation 4 and 5:</i> In essence the existing PSPO be promoted within the district including: <ul style="list-style-type: none"> (i) Officers requesting that Town and Parish Councils publicise the PSPO in their residents' newsletters and locate relevant signage paid for by the District Council; (ii) By the Executive allocating funding from Councillors' Community Fund as a contribution towards the cost of such publicity within parishes; (iii) By the local ward members holding discussions with Teignmouth Town Council to address issues specific to their area. <p>and</p> <ul style="list-style-type: none"> (c) <i>Recommendation 3:</i> The Committee's review group reconvene to consider any overlap between existing byelaws and the PSPO; and promote public consultation on a new PSPO well in advance of the PSPO's expiration. <p>In respect to (a) as no changes are proposed to the PSPO, the Committee may resolve (rather than recommend to Executive) such matters.</p> <p>Regarding (b)(ii) which is one of the recommendations to the Executive, it should be noted that the existing Councillor Community Fund is part of approved budget and will depend upon relevant councillors (rather than the Executive) agreeing to allocate their funding allocation to such projects.</p> <p>The actions to which b(i) and (iii) refer do not need Executive approval and in the case of the proposed ward members' actions, such is a matter for them albeit it is understood that the discussions are aimed at addressing specific issues regarding the PSPO in the Teignmouth ward.</p> <p>Regarding (c) the Committee should set out the specific future terms of reference of the review group taking account of template terms of reference which have been developed in 2020 for all task and finish groups to help promote transparency, efficient and effective decision making.</p>
<p>Risk Assessment</p>	<p>This was considered as part of the original report to Executive 30/10/18 and there is no change.</p>
<p>Environmental/ Climate Change Implications</p>	<p>See paragraph 3.2 below Environmental Protection Manager and Climate Change Officer Email: David.Eaton@teignbridge.gov.uk</p>
<p>Report Author</p>	<p>Report of the Democratic Services Officer trish.corns@teignbridge.gov.uk and Environment Protection Manager david.eaton@teignbridge.gov.uk on behalf of the Review Group</p>

Executive Member	Cllr Alistair Dewhurst – Recycling, Household Waste and Environmental Health
Appendices / Background Papers	Nil

1. BACKGROUND

1.1. The terms of reference for the Review Group when it was set up in 2019 were as follows:

To monitor the PSPO particularly in relation to:-

1. The maximum number of dogs that can be walked at any one time;
2. The seasonal dog exclusion areas on beaches;
3. The use of body cameras by Community Enforcement Wardens;
4. Government Guidance;
5. Insurance regulations.
6. To identify volunteers to assist the Council wardens in engaging with offending and irresponsible dog owners/walkers to become more responsible.
7. Review the implementation of the PSPO in the first 12 months.

1.2 For the purposes of information, the decision of the Executive in November 2019 was as follows:

(1) In relation to the Public Space Protection Order (PSPO) for Responsible Dog Ownership under ss59 to 75 of the Anti-Social Crime and Policing Act 2014, the number of dogs that any one person can walk at any one time remain at 6, as agreed by Council on 14/1/19.
Justification There is insufficient evidence to reduce this number to less than 6.

(2) The seasonal dog exclusion areas on beaches remain as 1 April to 30 September, as agreed by Executive on 4 December 2018.

Justification: There is no evidence to suggest the date should be altered to 1 May; there are plenty of beaches that can be used all year round; and the restrictions relate to an area of most beaches but not all of them.

(3) The use of body cameras by Community Enforcement Wardens is not progressed.
Justification There is no evidence to suggest that body cameras would be beneficial. No member of staff has requested a body camera, they all have work mobiles with the capability to record footage, the additional expense cannot be justified and it would be better allocated towards publicity campaigns.

(4) In response to the DEFRA Animal Welfare Regulations consultation, the Council respond by suggesting that dog walking individuals who are walking other peoples' dogs (by collecting the dogs from their owners house and returning them) either voluntarily or for a fee should be licensed.

Justification Individuals who do not have a residence based business such as those who provide a dog walking service only should be licensed. District Councils currently administer animal welfare licences, and fees are retained by these Councils.

The review group also considered that an option was that all dogs should require a licence. This would be a new control.

Justification

It was considered that there was merit in all dogs being licenced. It was noted that all dogs were required to be microchipped and it was considered that while dogs were being

microchipped they could be licensed. The suggested increased licensing administration could also be undertaken by District Councils.

The following matters require further consideration by the Review Group.

(5) Insurance Regulations are the responsibility of businesses to ensure they are adequately insured for their business, and this issue be included in the issues to be reviewed by the Group in its 12 month review.

(6) The Council undertake a publicity campaign to encourage members of the public, Town and Parish Councils to engage with offending and irresponsible dog owners, and assist the Council in upholding the regulations of the Public Safety Protection Order.

(7) The Review Group continue to undertake a review of the PSPO following 12 months of its implementation as set out in the Group's terms of reference.

2. PSPO GROUP 12 MONTH REVIEW OCTOBER

2.1 The Review Group considered the following issues:

Service requests - number of dogs and beaches only -The number of complaints received in regard to the implementation of the PSPO was reviewed. Two complaints were received between 1 April 2019 and October 2020 in regard to maximum number of 6 dogs (one of which resulted in a Fixed Penalty Notice (FPN)). The FPN did not result in a prosecution. There were no complaints relating to dogs on beaches.

The Review Group considered that there was insufficient evidence and justification to reduce the number of dogs that one individual can walk at any one time to less than six.

Extra information relating to all services requests regarding the PSPO was presented to the Review Group for information only.

	Service Request Type	Count 01/04/2019 - 23/10/2020
EWDDIR	Dog on lead by direction PSPO	2
EWDFOD	Dog found	83
EWDFOU	Dog fouling pick up after your dog PSPO	86
EWDLEA	Dog on lead area PSPO	3
EWDLER	Dog on lead on highway PSPO	6
EWDLOS	Dog Lost	65
EWDOTH	Dogs - general	50
EWDSIX	Dog maximum number six PSPO	2
EWDSTR	Dog Stray	3

Dog Licensing – The Review Group considered the administrative expense and complications of this matter in the absence of a lack of national licensing requirement. It was considered that local licensing of dogs would have significant resource implications and that there is no provision for the Council to do this under current legislation, and therefore should not be pursued.

Publicity Campaign and Signage – The Review Group noted that resources had not been available to undertake a full publicity campaign due to resource redirection to deal with Covid. However, publicity levels previous to Covid were continuing. Signage was being updated within the confines of the budget. There was insufficient resources to locate signs at all of the District's cycle paths. Ward Councillors' concerns for *hot spots* could be dealt with by locating a large movable A-board, or similar on site advising that the area is a dog fouling hot spot and does anyone know which dog owner(s) are responsible.

The Review group considered that such A-boards, or similar should be financed through the Councillors Community Fund scheme, and located when necessary by Town and Parish Councils. As part of this initiative discussions be held with Teignmouth Town Council to support them in a publicity campaign and for them to arrange for appropriate signage for the Den. This was in response to concerns of increased dog fouling and an increased number of families sitting on the Den. Although dog faeces were being removed by owners, remaining faeces residue was an increasing concern.

The Review Group also considered that a low cost publicity tool kit should be circulated to Town and Parish Councils to enable additional publicity to be included in their residents newsletters.

PSPO - The current Order would expire in March 2022. The Review Group considered it should meet again in April 2021 to progress a review of the byelaws so that any changes can be approved and implemented before the expiry of the existing to ensure continuity of byelaws. This would enable consultation, and data to be collated for meaningful consideration, and feedback to Town and Parish Councils.

3. IMPLICATIONS, RISK MANAGEMENT & CLIMATE CHANGE IMPACT

3.1 Financial

Additional administration would be required in relation to licencing dog walking businesses but this can be managed from existing resources with the Council keeping the income received. The addition of a dog licence for all dogs within Teignbridge would create additional administration and enforcement and it is not clear that the level of fee would cover the implications on the revenue budget.

The publicity campaign would also be delivered within existing budgets.

3.2 Environmental/Climate Change Impact

The proposed policy would have a neutral impact on climate change.

4. CONCLUSION

The Group should meet in April 2021 to progress a review of the Order in readiness of the Order expiring in March 2022, so that any changes can be considered by this Committee, approved by Executive and implemented before the expiry of the existing to ensure continuity. This would enable consultation, and data to be collated for meaningful consideration, and feedback to Town and Parish Councils.

**Councillors Nutley (Chair), D Cox, Hocking,
L Petherick, Phipps and Peart**

