



## Public Space Protection Orders: Yeovil

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## Purpose of the Report

1. For members to agree to the approval of a time extension to two existing Public Space Protection Orders; one for dog fouling and dogs on leads across the district and one for dog exclusion at the fenced area at Yeovil Country Park

## Forward Plan

2. This report appeared on the District Executive Forward Plan with an anticipated Committee date of 12<sup>th</sup> May 2022.

## Public Interest

3. The report is about extending three public space protection order (PSPO) regarding:-
  - Dog fouling
  - Failure to comply with a request from an authorised officer to put and keep their dog on a lead
  - Exclude dogs from designated land around the pond and play area at Yeovil Country Park.

## Recommendations

4. That District Executive recommend that the Chief Executive agrees to the time extension of two existing Public Space Protection Orders in Yeovil as set out in Annex 1 and Annex 2.

## Background

5. In November 2010 Full Council considered a report on the introduction of three Dog Control Orders (DCO) under part six of The Clean Neighbourhoods and Environment Act 2005 (CNEA). The DCOs were modelled on (but extended) the provisions of the Dogs (Fouling of Land) Act 1996. The CNEA gave powers to the Council to deal with dog fouling and other dog control matters across the District. The Dog Control Orders were agreed and introduced in May 2011.



## South Somerset District Council

6. The DCOs allowed Council Officers to take action against persons who do not clear up after their dogs if they have fouled on any designated land. This is usually done by way of a fixed penalty notice. Officers will patrol known hot spots to help prevent problems arising and most people are now aware that allowing dogs to foul is an offence. In addition the DCOs allowed our enforcement officers to require dog owners to put their dog on a lead if they feel it is necessary for keeping the dog under control. The area around Yeovil Country Park is also designated as a dog exclusion area.
7. In March 2014, the Anti-Social Behaviour Crime and Policing Act 2014 (The Act) was introduced. This Act introduced a range of new powers to deal with anti-social behaviour. One of the new provisions introduced was the ability to use Public Space Protection Orders (PSPO). These are intended to deal with a particular problem in a particular area and to ensure that the majority of the public can use and enjoy public spaces safe from anti-social behaviour.
8. The Act also repealed the ability to make Dog Control Orders and required that where any existed, and were still required, that they be replaced by a PSPO.
9. In order to introduce a PSPO the Council must be satisfied that three tests are met, namely;
  - a) the behaviour to be restricted is having, or is likely to have, a detrimental effect on the quality of life of those in the locality
  - b) the behaviour is continuing or persistent, and
  - c) the behaviour is unreasonable
10. Whilst the vast majority of dog owners are responsible and clear up after their dogs, there remain a minority who disregard the law. Whilst it is acknowledged that enforcement of the provisions is difficult, if the PSPOs did not exist at all it would send out the wrong message that we do not take this kind of irresponsible and anti-social behaviour seriously, and the situation would gradually deteriorate.
11. It is recognised that allowing people and dogs to socialise together can be rewarding for all, however, it is also known that where dogs are not under proper control this can be alarming and intimidating for both adults and children. We receive 50 to 100 complaint a year regarding dog behaviour that has caused such alarm or distress, again providing evidence that this order is still required. The ability to require dogs to be put on a leads allows a targeted approach to tackle individuals who allow their dogs to run out of control, without impacting on the vast majority of responsible dog owners.
12. With regard to the exclusion area at Yeovil Country Park this has allowed safe management of a particularly sensitive area of the site. Wildfowl on the lake area have been able to flourish, with greatly reduced numbers of dog attacks. With dogs excluded the issue of fouling is almost removed, and definitely greatly reduced, thus enabling safe and clean access for people with young children, and those visitors using wheeled mobility vehicles and wheel chairs that visit this particular area of site. There are alternative routes around the exclusion area and it is believed a continued exclusion area is justified.

## Consultation

13. Other than publishing the extension, no consultation is required for the extension.

## Offences

14. Non-compliance with the requirements of a PSPO is an offence. The penalty, on conviction in a Magistrates Court, for committing an offence is a maximum fine of level 3 on the standard scale (currently £1000). The opportunity to pay a fixed penalty notice can be offered as an alternative to prosecution. The fixed penalty notice for DCO offences is currently set at £80, reduced to £50 if paid within 10 days. The statutory maximum amount that a fixed penalty can be set at, for an offence of contravening the PSPOs, is £100. It is proposed to leave the penalty at £80 reduced to £50 for early payment, as this is believed to be proportionate and reasonable.

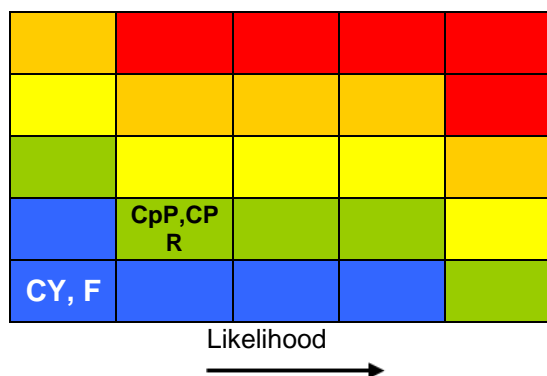
## Financial Implications

15. As the enforcement of the PSPOs would not change, there are no financial implications to the Council.

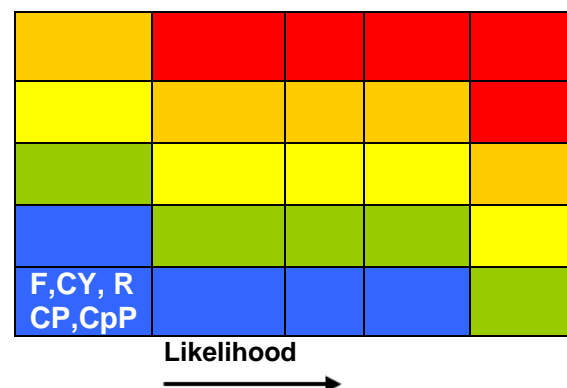
## Risk Matrix

16. The risk matrix shows risk relating to the Corporate Plan headings.

**Risk Profile before officer recommendations**



**Risk Profile after officer recommendations**



### Key

Categories	Colours (for further detail please refer to Risk management strategy)
R - Reputation	High impact and high probability
CpP - Corporate Plan Priorities	Major impact and major probability
CP - Community Priorities	Moderate impact and moderate probability
CY - Capacity	Minor impact and minor probability
F - Financial	Insignificant impact and insignificant probability



## **Council Plan Implications**

17. The proposals in this report support the Council's Aims :

- To protect and enhance the quality of our environment

It also supports the Council's priorities to:

- Maintain Country parks and open spaces to promote good mental and physical health
- Keep streets and neighbourhoods clean and attractive

## **Carbon Emissions and Climate Change Implications**

18. There are no carbon emission or climate change implications with regard to this recommendation.

## **Equality and Diversity Implications**

19. An equality impact assessment has been completed. This is attached at Annex 3.

## **Data Protection Impact Assessment**

20. No privacy implications have been identified.

## **Background Papers**

- Annex 1: The Fouling of Land by Dogs, and Dogs on Leads by Direction Public Spaces Protection Order
- Annex 2: The Dogs Exclusion (Land at the fenced lower lake area at Ninesprings in Yeovil Country Park) Public Spaces Protection Order
- Annex 3: Equality impact assessment