

TELFORD & WREKIN COUNCIL

DECISION NOTICE OF OFFICER KEY

DECISION TAKEN ON 23 JUNE 2022

PUBLISHED ON 23 JUNE 2022

DEADLINE FOR CALL-IN 28 JUNE 2022

This **Key Decision** was taken by DEAN SARGEANT being the appropriate Officer under Delegated Powers in compliance with the Council's Constitution

The **Key Decision** related to the following identified item contained within the Council's **Notice of Key Decisions** as published on 25 MAY 2022

**BOROUGH OF TELFORD & WREKIN DOG CONTROL
PUBLIC SPACES PROTECTION ORDER 2022**

INFORMATION

This decision relates to the implementation of a borough wide Dog Control Public Space Protection Order (PSPO) on public land to tackle recurring dog fouling issues and inadequate control by some dog walkers. A copy of the PSPO is attached as Appendix 1.

Consultation on this matter took place between 4th October and 12th November 2021, primarily online, with paper copies available on request. Stakeholders including West Mercia Police, The Kennel Club and The Dogs Trust were contacted directly, a press release was issued to a local newspaper and regular social media posts were published by the Council throughout the consultation period.

1464 responses to the consultation were received, including 11 responses from relevant organisations. All responses were supportive of the proposed PSPO. Comments received have been noted and have been taken into consideration.

The PSPO will be implemented in all public areas across the borough.

Legal Implications

The Anti-Social Behaviour, Crime and Policing 2014 provides the Council with power to make PSPOs in areas where a nuisance or problem occurs which is detrimental to local community's quality of life. The Order imposes conditions on the use of those areas. In order to issue a PSPO, the Council must be satisfied on reasonable grounds that the two statutory criteria set out in s.59 (2) and s.59 (3) of the Act are met and that it is reasonable and proportionate for the restrictions to be made.

Following extensive public consultation, the Council is satisfied that the statutory criteria have been met and further that the effect or likely effect of the current nuisance/problem behaviour justifies the restrictions which will be imposed by the Order.

The Council has given regard to The Human Rights Act 1998. The rights and freedoms provided for in the Human Rights Act are qualified rights which means they can lawfully be restricted providing it is a proportionate and necessary means of achieving a legitimate aim. In considering the Human Rights Act the council must balance the rights and freedoms of individuals, in relation to the proposed restrictions imposed, against the needs of the wider community.

The implementation and policing of the PSPO will be in accordance with the Equality Act 2010. There will be no discriminatory policing of this proposed order in line with our Public Sector Equality Duty. The Public Sector Equality Duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

In accordance with the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 (SI 2014/2591), when a local authority has makes (or extends or varies) a PSPO, that local authority must publish the order and erect notices publicising the fact that an Order has been made and the effect that it has.

Financial Implications

Safer and Stronger funding has been identified to support the production and installation of metal signs to all relevant and identified children’s gated play areas, along with stickers to dog/waste bins in priority areas.

The signs will display that the PSPO is enforceable, along with confirmation of the Fixed Penalty Notice (FPN) for non-compliance (£100).

All income from FPN’s will support ongoing environmental crime projects.

DECISION –

Having considered the statement of reasons and consultation responses, The Director of Neighbourhood & Enforcement Services approves the making of a borough wide Dog Control Public Space Protection Order, in accordance with the authority granted to Chief Officers in the Constitution of the Council. The Executive Director is aware of this decision being made.

Further Information/Contact –

Paul Fenn

Neighbourhood Enforcement Manager

Neighbourhood and Enforcement

Telford and Wrekin Council

Signed:

Dean Sargeant

Director of Neighbourhood and Enforcement Services

Dated: 23 JUNE 2022

BOROUGH OF TELFORD & WREKIN DOG CONTROL PUBLIC SPACES PROTECTION ORDER 2022

Introductions

The Council makes the Borough of Telford & Wrekin Dog Control Public Spaces Protection Order 2022 (“the Order”) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”).

The Activities

The Borough of Telford & Wrekin Dog Control Public Spaces Protection Order 2022 is designed to prevent, manage and tackle recurring dog fouling issues and unreasonable behaviour by dog owners across the Borough. The PSPO enables Council authorised Officers, Police Constables and Police Community Support Officers to request a number of actions to be undertaken by the dog walker / owner.

The Activities to which this Order relate are:

1. Dog fouling and owners picking up dog faeces;
2. Dog owners having the requisite means (bags) to pick up dog faeces; and
3. Prohibiting dogs from entering children’s gated play areas

The Prohibitions

Subject to the Exemptions specified below, the Order will impose the following controls (“the Prohibitions”).

- A person in charge of a dog is prohibited from allowing the dog to enter a public fenced/ enclosed area situated within the area of the Borough of Telford & Wrekin which is signed at its entrance(s) as a “dog exclusion area”
- A person in charge of a dog is prohibited from allowing the dog to enter any public fenced/ enclosed children’s play area, adventure playground or similarly used enclosed area situated within the area of the Borough of Telford & Wrekin.

The area covered by this Order, the Borough of Telford and Wrekin is the area marked pink in Appendix 1.

The Order is in force for 3 years, subject to any variation or extension of its duration and will be reviewed after a period of three years.

The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights and has concluded that the Prohibitions proposed to be contained in the Order are lawful, necessary and proportionate.

Exemptions

The Exemptions to the Order are as follows and apply to

- a. persons registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b. a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and also who relies upon a dog trained by a Prescribed Charity for assistance.

Contravention

Any failure to comply with the Order may result in the issuing of a Fixed Penalty Notice of up to £100 or criminal prosecution and on conviction a fine of up to £1000.

View the Statement of Reasons

https://www.telford.gov.uk/info/20770/enforcement/5216/public_space_protection_orders_pspos/2

Appendix 2

The Area of the Borough of Telford and Wrekin

