



# Doncaster Council

## Agenda

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To all Members of the

# CABINET

Notice is given that a Meeting of the Cabinet is to be held as follows:

**Venue:** Room 007a and b - Civic Office, Waterdale, Doncaster, DN1 3BU

**Date:** Tuesday, 10th March, 2020

**Time:** 10.00 am

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### Items

1. Apologies for Absence.
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
3. Public Questions and Statements.

**(A period not exceeding 20 minutes for questions and statements from members of the public and Elected Members to the Mayor of Doncaster, Ros Jones. Questions/Statements should relate specifically to an item of business on the agenda and be limited to a maximum of 100 words. As stated within Executive Procedure Rule 3.3 each person will be allowed to submit one question/statement per meeting. A question may only be asked if notice has been given by delivering it in writing or by e-mail to the Governance Team no later than 5.00 p.m. on Thursday, 5th March, 2020. Each question or statement must give the name and address of the person submitting it. Questions/Statements should be sent to the Governance Team, Floor 2, Civic Office, Waterdale, Doncaster, DN1 3BU, or by email to [Democratic.Services@doncaster.gov.uk](mailto:Democratic.Services@doncaster.gov.uk)).**

**Damian Allen  
Chief Executive**

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Issued on: Monday, 2 March 2020

**Governance Services Officer for this meeting:**

Andrea Hedges  
01302 736716

**Doncaster Metropolitan Borough Council**

[www.doncaster.gov.uk](http://www.doncaster.gov.uk)

4. Declarations of Interest, if any.
5. Decision Record Forms from the meeting held on 25th February, 2020 for noting (previously circulated).

**A. Reports where the public and press may not be excluded**

**Key Decisions**

- |    |  |         |
|----|--|---------|
| 6. | Doncaster Growing Together - Living: Proposed Borough wide Dog Fouling and Control Public Spaces Protection Order Renewal. | 1 - 60  |
| 7. | Encouraging a Smoke Free Generation in Doncaster.  | 61 - 70 |
| 8. | Adult Sexual Health Services Retender.   | 71 - 80 |

**Cabinet Members**

**Cabinet Responsibility For:**

**Chair – Ros Jones, Mayor of Doncaster**

Budget and Policy Framework

**Vice-Chair – Deputy Mayor Councillor Glyn Jones**

Housing and Equalities

Councillor Nigel Ball

Portfolio Holder for Public Health, Leisure and Culture

Councillor Joe Blackham

Portfolio Holder for Highways, Street Scene and Trading Services

Councillor Rachael Blake

Portfolio Holder for Adult Social Care

Councillor Nuala Fennelly

Portfolio Holder for Children, Young People and Schools.

Councillor Chris McGuinness

Portfolio Holder for Communities, Voluntary Sector and the Environment.

Councillor Bill Mordue

Portfolio Holder for Business, Skills and Economic Development

Councillor Jane Nightingale

Portfolio Holder for Customer and Corporate Services.



## Doncaster Council

### Report

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Date: 10/03/2020

To the Chair and Members of the Cabinet

**Doncaster Growing Together – Living: Proposed Borough wide Dog Fouling and Control Public Spaces Protection Order renewal**

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Blackham Cllr McGuinness	Borough wide	Yes

#### EXECUTIVE SUMMARY

1. This report provides Cabinet with the outcome from a consultation on the proposed renewal of the Public Spaces Protection Order (PSPO) for Dog fouling and control. This has generated a response from the Doncaster public and key stakeholders that is strongly in favour of all of the proposed prohibitions. The consultation also confirmed support for action to ensure issues of dog fouling and irresponsible dog control are addressed.

The consultation responses evidence that residents have a clear desire to see the PSPO renewed, with a higher response rate seen (1439) from the original consultation held in 2016 (421) and in some cases with higher percentage rate agreement levels within each prohibition.

The subject is emotive, as it was originally, and has again set a platform for individual views around responsible dog ownership and expectations. However, from what we see day to day within our communities, not all dog owners are responsible, and the renewal of the PSPO will ensure the authority has further time to build on existing strategies but also learn from the previous 3 years of the order and identify new innovative approaches to managing the issues in the coming 3 years.

The report sets out the proposed prohibitions to be renewed. The report confirms that implementation will be strongly focused on supporting and educating people to be responsible dog owners, taking an enforcement line when deemed necessary and in answer to resident concerns and hotspot identification.

The report recommends that Cabinet approve the Public Spaces Protection Order for a further 3 years as set out in **Appendix 4** to this report.

## **EXEMPT REPORT**

2. This is not an exempt report

## **RECOMMENDATIONS**

3. That Cabinet
  - Note and consider the outcomes of a consultation on the renewal of the Public Spaces Protection Order for Dog fouling and control across the Doncaster borough;
  - Approve the Public Spaces Protection Order for Dog fouling and control as set out in **Appendix 4** to this report.

## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

4. The consideration of renewing the PSPO for Dog fouling and control for the Doncaster borough would ensure that residents continue to feel confident that the issue remains a key priority for the Authority. The recent Doncaster Talks analysis evidences that residents want to see their neighbourhoods clean and safe and the continuation of the PSPO will enable the Authority to show commitment to this end.

If the order is renewed, focus will be given to refresh plans of activity, which will include:

- Education
- Engagement
- Wider enforcement tactics linked to tackling issues outlined within the prohibitions. Such as identification of hot spot area's and acting on intelligence received from partners and the wider public.

This in turn will clearly contribute to the vision set out within the Doncaster Living element of the Doncaster Growing Together Borough Strategy.

## **BACKGROUND**

5. The original Dog fouling and control Public Space Protection Order (PSPO) was authorised in February 2017 following a boroughwide consultation process. The ability to utilise this order was introduced following the review of the Anti-social Behaviour, Crime and Policing Act 2014, where new powers such as the PSPO were introduced updating pre-existing legislation.
6. The prohibitions introduced at the time, purposefully considered both dog owners and non-dog owners. It was recognised that there are a number of responsible dog owners who have full control and also take responsibility to pick up after their dog, however, this is not the case across the board and this remains the case today. Consideration was

also given to 'place' and our communities, and how the impact of irresponsible dog control and the presence of dog fouling to our residents can create a negative feeling and dissatisfaction for where they live.

7. In fact, it was clear at the time of the introduction of the original order that dog fouling was one of the top causes of residents' dissatisfaction in terms of wanting to live in clean and safe communities, one of the visions outlined within the Doncaster Growing Together Borough Strategy document as a key deliverable under Doncaster Living. It is safe to say this is the case today. Residents' dissatisfaction is clearly borne, in the main, from what they see as soon as they step out of their front doors and therefore dog fouling in particular has always featured in community place based consultations.
8. The borough wide dog fouling and control PSPO consultation undertaken at the time of the original order carried out in 2016, enabled statutory partners and agencies, parish councils, friends of groups and networks alongside all residents to provide their views on the need for the order and any comments around the wording of the prohibitions. The results of this consultation from the replies received, overwhelmingly supported the implementation.
9. The results of the original consultation undertaken in **2016/2017** are set out below to highlight the strength of support at the time –

#### **Question 1**

Dog Fouling – a person in charge of a dog must remove the faeces from any public open land across Doncaster forthwith

**Yes – 99.51%**

No - 0.49%

#### **Question 2**

Dogs on lead by order – a person in charge of a dog must put the dog on a lead when requested to do so by an authorised officer

**Yes – 95.04%**

No – 4.96%

#### **Question 3**

Dogs on Leads – a person in charge of a dog on the land below must keep the dog on a lead in the following areas:

- Cemeteries and churchyards including green burial areas
- All footpaths around lakes and ponds
- All sports grounds, fields, parks and pitches but only when in use for officiated sporting matches

**Yes – 77.56%**

No – 22.44%

#### **Question 4**

Exclusion – a person in charge of a dog must not take it into or keep it within a fenced/ enclosed children's play area –

**Yes – 88.86%**

No – 11.14%

**Question 5**

Means to pick up – a person in charge of a dog must have and produce on request the appropriate means to pick up dog faeces deposited by that dog –

**Yes – 95.27%**

No – 4.73%

10. Following the consultation results, the original final Public Space Protection Order, authorised in 2017, was implemented. The details of the agreed prohibitions and requirements at that time are shown below

The following conditions are proposed to tackle the issue through a Public Spaces Protection Order:		
PROHIBITIONS	REQUIREMENTS	WHEN
<p><u>Dog Fouling</u></p> <p>If a dog defecates at any time on land to which this order applies, a person who is in charge of the dog at the time must remove the faeces from the land forthwith.</p> <p>This prohibition would be in force across the borough of Doncaster</p>		<p>At all times, unless the dog owner</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>
	<p><u>Leads must be worn</u></p> <p>A person in charge of a dog on the land below must keep the dog on a lead</p> <p>This requirement would be in force within the following areas</p> <ol style="list-style-type: none"> <li>1. All cemeteries and churchyards, including green burial areas;</li> <li>2. All footpaths around lakes and ponds;</li> <li>3. All sports grounds, fields, parks, and pitches, which are maintained by the local authority and are not subject to 'Dog Exclusion', but only when</li> </ol>	<p>At all times, unless the dog owner</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>

	<p>in use for organised authorised events. These include galas, fairs, sporting matches, charitable events (e.g. race for life).</p> <p>Clear signage will be erected in these locations</p>	
	<p><u>Leads by Order</u></p> <p>A person in charge of a dog on land to which this order applies must comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead.</p> <p>An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.</p> <p>This prohibition would be in force across the borough of Doncaster.</p>	<p>At all times, unless the dog owner</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>
<p><u>Dog exclusion areas</u></p> <p>A person in charge of a dog must not take it into, or keep it within a specified or signed area</p> <p>This includes fenced/enclosed children's play area and where there is a sign at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect)</p>		<p>At all times, unless the dog owner:</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>

<p>which is designated and marked for children’s play.</p> <p>In addition an existing recreational field already subjected to a dog control order (exclusion) in Branton has also been included within this prohibition – see map Appendix 1</p> <p>Clear signage will be erected in these locations</p>		
	<p><u>Means to pick up</u></p> <p>A person in charge of a dog on land to which this order applies must have and produce on request the appropriate means to pick up dog faeces deposited by that dog</p> <p>The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces. This prohibition would be in force across the borough of Doncaster</p>	<p>At all times, unless the dog owner:</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>
<p><u>Additional notes and definitions for the purpose of the Order</u></p> <ul style="list-style-type: none"> <li>• A person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;</li> <li>• Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;</li> <li>• Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces</li> <li>• “an authorised officer of the Authority” means an employee, partnership agency or contractor of Doncaster Council who is authorised in writing by Doncaster Council for the purposes of giving directions under the Order.</li> </ul>		

- ‘At all times, unless the dog owner: (a) has reasonable excuse for failing to do so – this will include guide dogs/assistance dogs – would consider incidents on a case by case basis if a disability would make it hard to comply and if it does, accept this as a reasonable excuse.

11. The detail above aimed to strike a balance for those responsible dog owners to continue to carry out their daily routine, but enabled officers to have the authority to engage with those less responsible and with less control in order to safeguard the wider community when it was felt necessary to do so.
12. Throughout the life of the existing order there has been both enforcement and engagement work undertaken. This has included media campaigns with young children included in poster design to highlight the issue, and targeted education around general waste and litter issues delivered by Waste and Recycling within schools and to community groups.
13. Educational work has also been undertaken through a multi-agency approach on the ground within localities through face to face engagement with dog owners around responsibility.
14. In addition there have been dedicated dog fouling patrols undertaken by LA support (previously Kingdom) within key locations focused solely on enforcement. This is managed through monthly contract meetings where LA support must provide evidence of patrols undertaken throughout the borough. However, it should be noted that evidencing dog fouling is more difficult than for example, littering. There has to be clear intent not to pick up, which requires an officer being in the right place at the right time, with enough visibility of the incident.
15. In relation to this work, below is a table detailing the number of complaints received over the last 3 years whilst the order has been in place and how the methods used have impacted on the number of reports received:

Dog fouling service requests	April	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	march	Total
2017/18	76	42	48	36	54	44	57	62	54	127	71	74	745
2018/19	65	49	21	30	41	37	39	42	42	128	93	62	649
2019/20	57	47	33	23	40	31	16	28	43				318

16. The data clearly identifies a downward trend in reporting of issues relating to the issues identified within the prohibitions and requirements of the order. Albeit there are clear spikes in activity and the data for the full year 2019/20 is not yet available, the overall picture is encouraging and supports the need for the order to continue to be in place and education and engagement strategies continued.
17. In addition, the following table details the level of enforcement action that has taken place, over the last 3 years:

Row Labels	Dog Fouling U18	PSPO Bags	PSPO Dog Fouling	PSPO Exclusion	Grand Total
2017	4		23	3	30
2018	1	2	51	3	57
2019	2		12		14
<b>Grand Total</b>	5	2	80	6	93

18. The figures above, although appear low, should not be considered in isolation. Enforcement, which the order enables, is part of the wider activity around addressing the concerns that residents have around dog fouling and control and evidences that officers do not immediately utilise the powers provided by the order alone. However, without the renewed order in place, the Council's enforcement abilities would be reduced and therefore would not continue to complement the wider reaching work being undertaken in respect of engagement and education.
19. In addition, South Yorkshire Police have supplied data, that has been calculated using a baseline month, with regards to reports of dangerous dogs/dogs not in control and this has been calculated for a full 12 month period. This equates to 132 reports and includes dogs running loose, dogs attacking other animals and young children walking dogs with no control of them. Where there is an offence linked to such incidents this is followed up separately by the police outside of the PSPO.
20. This PSPO would allow all officers to focus on prevention of such incidents, in particular where engagement with owners is required around their means of control, with the ability to enforce should the direction not be adhered to.

## CONSULTATION PROCESS

21. A PSPO consultation process started on 18 December 2019 with statutory and specific consultees, and 20 December 2019 with residents of Doncaster and it closed on 2 February 2020 – a total consultation period covering 6 weeks.
22. The Act sets out requirements for who should be consulted which includes the Police (as statutory consultees), community members with an interest and people who own or occupy land and property in the area.
23. The aim was for the consultation period to be established to enable as many residents and stakeholders the time to review the current prohibitions and consider the need for the renewal and secure their views and perspectives. There is no designated length of consultation period set out within the legal requirements for the Public Space Protection Order; however it was important that, given the time of year, that full opportunity was provided to those wanting to be involved.

The range of consultees included:-

- Statutory consultees –

- South Yorkshire Police,
- Police and Crime Commissioner
- DMBC Highways,
- DMBC Environmental Enforcement,
- DMBC Assets
- DMBC Bereavement Services
- DMBC Streetscene Services
- All Ward Members (boroughwide)
- St Leger Homes of Doncaster
- All Residents of Doncaster
- Parish Councils
- DMBC Communities – Allotments
- Green Space Network and Friends of Groups
- The Kennel Club

Residents of Doncaster received an open invitation to have their say via an online consultation format, responding to a notice published on the council website, promoted within Community Led Support Community Hubs and promoted in the press and on social media.

24. The details of the prohibitions contained in the proposed renewal of the PSPO and the consultation documents issued are attached at **Appendix 1**.

## OUTCOME OF CONSULTATION PROCESS

25. Over the consultation period for the renewal of the PSPO a total of **1439 responses** were recorded in an electronic online survey, this was in comparison to the original consultation from 2016/17 where the respondent level was 421.
26. Statutory responses were received from the Police, St Leger Homes, Doncaster Council Highways and Assets teams and more as outlined within **Appendix 3**. A number of Ward members also submitted responses to the consultation process.
27. Overall the consultation results demonstrated a very strong level of support for each of the proposed prohibitions. It is noted that, in the main, the percentage returned in favour of renewing the prohibition and requirements was in fact higher than from the original consultation previously held. The results are summarised in the table below and illustrated in a series of charts at **Appendix 2**.

<b>Proposed prohibition and requirements (summary)</b>	This should be prohibited	This should not be prohibited	Don't know/skipped
<u><b>Dog Fouling</b></u> If a dog defecates at any time on land to which this order applies, a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless: This prohibition would be in force across the borough of Doncaster	<b>98.26%</b> <b>(1413)</b>	<b>1.67%</b> <b>(24)</b>	<b>0.06%</b> <b>(1)</b>

<p><u>Leads must be worn</u></p> <p>A person in charge of a dog on the land below must keep the dog on a lead</p> <p>This requirement would be in force within the following areas</p> <ol style="list-style-type: none"> <li>1. All cemeteries and churchyards, including green burial areas;</li> <li>2. All footpaths around lakes and ponds;</li> <li>3. All sports grounds, fields, parks, and pitches, which are maintained by the local authority and are not subject to 'Dog Exclusion', but only when in use for officiated sporting matches.</li> </ol>	<p><b>82.66%</b> (1187)</p>	<p>17.13% (246)</p>	<p>0.21% (2)</p>
<p><u>Leads by Order</u></p> <p>A person in charge of a dog on land to which this order applies must comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead.</p> <p>An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal. This prohibition would be in force across the borough of Doncaster.</p>	<p><b>96.17%</b> (1382)</p>	<p>3.76% (54)</p>	<p>0.14% (2)</p>
<p><u>Dog exclusion areas</u></p> <p>A person in charge of a dog must not take it into, or keep it within a specified or signed area</p> <p>This includes fenced/enclosed children's play area and where there is a sign at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect) which is designated and marked for children's play.</p>	<p><b>92.32%</b> (1322)</p>	<p>7.54% (108)</p>	<p>0.49% (7)</p>
<p><u>Means to pick up</u></p> <p>A person in charge of a dog on land to which this order applies must have and produce on request the appropriate means to pick up dog faeces deposited by that dog</p> <p>The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.</p>	<p><b>95.55%</b> (1373)</p>	<p>4.45% (64)</p>	<p>0.14% (2)</p>

This prohibition would be in force across the borough of Doncaster			
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28. Many respondents took time to express specific views and justifications for their responses regarding the renewal of the order, whether in support of the prohibitions and requirements or otherwise. This has created a rich range of views and perspectives and also many helpful suggestions for future work and potential media campaigns. An overview and illustration of the nature and balance of these responses is provided, listed by proposed prohibition and including general comments in **Appendix 3** to this report.

29. Particularly strong and consistent themes within the responses were:

**Enforcement** - Strong views were expressed about the current level of resource available to enforce against the PSPO should it be renewed for example:

*‘absolutely agree, but I have never seen any council employee enforce this around Lakeside and I walk there 3 times a day, every day’*  
*‘when do DMBC intend to enforce this because I see precious little evidence of enforcement to date’*  
*‘But this is rarely enforced. More enforcement is needed.’*

Resources are a key part in the success of enforcement action regards to the PSPO, however the reporting and intelligence gathering around the need for such action is everybody’s responsibility. Within the last 3 years officers from LA Support (Kingdom) have been undertaking focused enforcement patrols within key locations, however, as previously mentioned, the ability to evidence dog fouling is more difficult than such as littering. That being said, not having the ability to undertake such enforcement should the PSPO not be renewed would see more of a negative impact on our communities. It is clear there is a refresh needed on tactics and awareness raising around responsibility to report, and this will be included in the Communications and forward plan being discussed should the PSPO be renewed.

**Provision of dog waste bins** – A high number of views related to residents wanting additional waste provision along all potential dog walking routes to aid disposal of waste.

*‘But more dog bins need to be placed in woods and open land we’re people walk there dogs. While I take my dogs toilet bags home we often see dumped bags in the woods that are unsafe for wildlife and take over a 100 years to decompose were as dog mess takes a week’*  
*‘But the council must provide and empty the bins! The bins on brodsworth estate park in rossington are over flowing and have been reported several times’*  
*‘But we need more bins to dispose of the poop after it’s been picked up’*  
*‘Ensure sufficient bins available that are regularly emptied’*

Whilst this appears to be a sensible approach it must be viewed in a balanced way as more bins require more emptying, and impacts on resource issues within streetscene, resulting in a negative impact on service delivery and further dissatisfaction from residents seeing overflowing bins.

What does need to be considered at known hotspots, is around what provision is available at those sites, are there clear gaps and could bins be relocated more appropriately where usage is less, rather than additional ones installed? If renewed, this review would be undertaken as a priority.

**Provision bags for the collection and disposal of dog faeces** – many comments were received from residents suggesting points in key locations for bag dispensers.

*'Bags could be made available in some areas'*

*'I would also like all council provided doggy bag stations to be filled as i've needed to use them in the past but they have been empty'*

*'In Oxfordshire the council Supply plenty of dog bins and free dog bags, nothing around here.'*

*'In public places such as parks and lakesides provision of bags at waste bins'*

30. Again, this suggestion is certainly one that will be included within the forward plan but with a view to it being a community led scheme alongside our parish and town councils, friends of groups, schools, junior and senior sporting groups and key community contacts who would be willing to be involved in monitoring such a scheme. The Authority's ability to manage such a scheme alone is unachievable.

**Dogs on leads at all times** – strong comments were received from a high number of residents stating that they wish to see dogs made to be on leads at all times within all localities.

*'ALL dogs at ALL times when out in public should be on leads. My dog dislikes strange dogs coming close to me and so is always on a lead, if a dog not on a lead approaches I have trouble keeping my dog from trying to protect me and himself from the perceived threat.'*

*'All dogs should be on a lead in all public areas'*

*'All dogs should be on a lead in all public areas.'*

With regards to this request, and as stated within the body of this report, a large majority of dog owners/handlers are extremely responsible, ensure they pick up after their dogs and make suitable judgements regarding the use of leads in particular circumstances. This is done to protect their own pets as well as the wider community. Therefore, it would seem unreasonable to implement such a far-reaching prohibition across the whole of the borough at this time, especially as the evidence levels would not support such a move.

31. Consultation responses were also requested of Parish Councils, Friends of Groups via the Green Space Network and The Kennel Club (it should be noted the Kennel Club were sent the consultation twice and did not respond). The response rate from these organisations were low, albeit those received did approve of the renewal of the order. These responses have been detailed within **Appendix 4** alongside the additional statutory responses received.

## **PSPO BOUNDARY**

32. The dog fouling and control public space protection order renewal, if authorised, would

continue to be a borough wide order.

## **NEXT STEPS – IMPLEMENTATION IF APPROVED**

33. If approved by Cabinet it is proposed that the renewed PSPO will be implemented immediately following conclusion of the necessary call in period for a further 3 years. This will mean there is a gap from the expiry of the current order and the introduction of this PSPO.
34. It is proposed that the initial stages of implementing the renewal will include a refreshed awareness raising campaign of the PSPO. A communications plan would support implementation, providing all Doncaster residents and stakeholders with a reminder of the prohibitions and requirements as set out in the order. The current frequently asked questions will be reviewed and continue to be available on the Authority's website to help inform people about the PSPO, what it means, what happens if the PSPO is breached and what should be done to direct people who have particular questions or wish to report incidents relating to the order. There would also be, agreed within the forward plan, a continued rolling programme of communications in order to keep the issue within residents minds.
35. Focus will be reinvigorated through a multi-agency locality based working perspective and will include a targeted approach to engagement and enforcement, where intelligence from our local communities clearly identifies a need. Implementation actions will include coordinated patrols and will focus on engagement to ensure that awareness of the order and its detail is shared. The clear message to dog owners will be around responsibility and ensuring they are fully prepared when exercising their dogs.
36. The clear engagement messages will include, but not limited to, a dog owners/handlers awareness of their surroundings and the potential consequences to the rest of the community linked to health concerns resulting from the presence of dog faeces. It will also emphasise the risk of serious injury to an individual or the dog itself, should the person responsible for the animal not be fully in control as required.
37. Enforcement action will include pre-planned regular hotspot patrols aswell as specific targeted operations where instances of fouling/control have been reported as a spike rather than a trend, through an intelligence led approach. The enforcement process is well established and designated officers, with the specific training and experience to utilise the powers provided by the Public Space Protection Order alongside LA support, a dedicated enforcement team working on behalf of the Authority. However, the use of these powers will continue to be based on witnessed and evidenced behaviour, ensuring that only irresponsible dog owners/handlers are appropriately challenged.
38. In addition, as the issue has been raised within the consultation process, we will work with our communities regarding the presence of bins, and again highlight any gaps where provision is required. We will look at where underutilised provision can be relocated and also consider activity to highlight the use of those already in place, including working with local schools on a community based campaign in order to promote use.
39. Wider engagement will include working closely with Parish and Town Councils,

community groups including those linked to the Green Space Network and key stakeholders to ensure the order continues to be effective. This engagement will also provide a platform for specific joint projects, the offer of training on how to report incidents linked to the order and the collection of intelligence that will enable the Authority to target operations and engagement as mentioned above.

## OPTIONS CONSIDERED

40. The option to renew the Dog Fouling and Control Public Space Protection Order for Doncaster has been carefully considered against other potential ways to approach the issues and concerns. The broad options considered have been:-

- Tackle the issues linked to dog fouling and control without specific legislation in place to support management of the behaviour. This is not recommended.
- Pursue the renewal of the PSPO as an isolated measure with an enforcement focus. This is not recommended.
- Consider the renewal of the boroughwide dog fouling and control PSPO as part of a multi-agency and community led approach to improve cleanliness and the feeling of safety for residents with a mixture of tools and powers ranging from educational activities, media campaigns, focused community action events through to the appropriate use of targeted hotspot patrols and enforcement. **This is the recommended option.**

## REASONS FOR RECOMMENDED OPTION

41. The recommended option will provide the comprehensive approach needed to effectively support the work around raising awareness and community responsibility to tackling an issue that is highly visible and emotive amongst residents and our localities. It is aimed at ultimately providing enough education to reduce the impact of dog fouling and control, but also targeted enforcement to ensure dog owners/handlers are clear on the message that irresponsible behaviour will not be tolerated by the local authority and the wider community.

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

	Outcomes	Implications
	<p><b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> <li>• Inward Investment</li> </ul>	<p>Having cleaner communities would ultimately improve the attractiveness for businesses to invest in local areas, potentially providing employment opportunities.</p>
	<p><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of</p>	<p>The renewal of this order</p>

	<p>opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</li> </ul>	<p>would support the vision of a vibrant Doncaster and also create the right environment within parks and open spaces to encourage healthy activities within these locations. Through education and enforcement, the order would aim to improve responsibility levels within residents, and target those clearly not behaving appropriately in order to keep Doncaster clean.</p>
	<p><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> <li>• Learning in Doncaster prepares young people for the world of work</li> </ul>	<p>The educational element of the order would support a child's general knowledge around responsibility out in the communities they live and how to take pride in their home and local area.</p>
	<p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own homes</li> </ul>	<p>The order, although not directly linked to Doncaster Caring, would support vulnerable people in living better within their communities, providing the encouragement and confidence to report issues which may affect their day-to-day lives.</p>
	<p><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and</li> </ul>	<p>The order would, as outlined within the consultation returns, support the aspirations of residents to live in dog foul free communities. The implementation of the order will allow for community involvement in educational</p>

	aspirations of residents <ul style="list-style-type: none"> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	methods and enforcement tactics and provide a level of ownership back to residents.
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## RISKS AND ASSUMPTIONS

42. The key risks and assumptions associated with the recommendations in this report are:

- Resource levels to enable the order to be effectively delivered boroughwide is identified as a key risk to renewing the PSPO. However, through ensuring that there is a clear and formulated forward plan of proactive activity focused on the intelligence provided by partners, stakeholders and the community, it is believed this will have the potential to reduce the level of reactive work required to help manage the risk.
- Enforcement driven by income targets – the order has been in place for 3 years and as can be seen by the number of FPNs issued, the enforcement tactics are based on required need out in the community. The main aim of the work linked to the order is to educate dog owners through an early intervention and prevention approach, with the use of this order in locations where, in the main, issues are at unacceptable levels.

## LEGAL IMPLICATIONS [HW 12/02/20]

43. Section 59 Anti-Social Behaviour Crime, and Policing Act 2014 (“the Act”) introduced the Public Space Protection Orders (“Order”). The Act gives Local Authorities the power to address a range of different issues that are causing a detriment to a locality. The Introduction of Public Space Protection Orders was intended to be a replacement to, amongst other anti-social behaviour remedies, Dog Control Orders.

Orders can be introduced in a specific public area where the local authority is satisfied, on reasonable grounds, that 2 conditions have been met:-

1. activities that have taken place have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will take place and that they will have a detrimental effect
2. the effect or likely effect of these activities:
  - i. is, or is likely to be, persistent or continuing in nature
  - ii. is, or is likely to be, unreasonable
  - iii. justifies the restrictions being imposed

The Act also requires a local authority to carry out a consultation exercise on any proposed Public Space Protection Order, and there are also publicity and notification requirements before an order can be made. The consultation and publicity should comply with the terms of the Act, which sets specific requirements as to the persons to be consulted, and the nature of the consultation. From the information provided in this

report, the consultation has been carried out as required by the Act. If the Order is approved the Act also sets out the requirements for its publication which must be complied with. The validity of the order may be challenged by application to the High Court.

In taking this decision, elected members are reminded of their obligations under section 149 Equality Act 2010. This section contains the Public Sector Equality Duty (PSED), which obliges public authorities, when exercising their functions, to have 'due regard' to the need to: -

- a) Eliminate discrimination, harassment and victimisation and other conduct which the Act prohibits;
- b) advance equality of opportunity between people who share relevant protected characteristics and those who do not; and
- c) foster good relations between people who share relevant protected characteristics and those who do not.

Protected characteristics are age, gender, disability, race, sex, sexual orientation, gender reassignment, religion or belief and pregnancy and maternity. Only the first aim of the PSED set out in paragraph (a) above applies to a further protected characteristic of marriage and civil partnership.

Having due regard to advancing equality involves: -

- removing or minimising disadvantages suffered by people due to their protected characteristic;
- taking steps to meet the needs of people from protected groups where they are different to the needs of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

#### **FINANCIAL IMPLICATIONS [DB 12/02/2020]**

44. The costs of renewing the boroughwide dog fouling and control PSPO for Doncaster will continue to be met from existing budgets. No additional staff will be required as a result of the renewed order as existing officers already have the required designated powers required. It is anticipated that any refresher training required will be delivered in-house and the signage required to inform the public that the PSPO is already in place, however will be reviewed to ensure remain intact and any replacements needed will be taken from stock or will be of low value (less than £1k) and can be met from existing budgets.

#### **HUMAN RESOURCES IMPLICATIONS [AT 12/02/2020]**

45. There are no direct HR implications arising from this report

#### **TECHNOLOGY IMPLICATIONS [PW 12/02/2020]**

46. There are no anticipated technology implications in relation to the renewal of the Public Spaces Protection Order for Dog fouling and control. Existing processes and systems

are in place to deal with the enforcement elements.

## **HEALTH IMPLICATIONS [KH 12/02/2020]**

47. Clean, vibrant and safe neighbourhoods with high quality public spaces promote public health and wellbeing. Healthy, safe and attractive public spaces can have positive effect on the physical and mental wellbeing of our residents. If public areas are perceived as clean, safe and attractive residents will be more likely to travel actively through them, enjoy them, and play and socialise in them.

Dog fouling can negatively affect the health and wellbeing of the public in several ways. It presents a risk of infection to those that come into contact with it, particularly to children playing near to the ground. In addition to this, it impacts upon perceptions and enjoyment of public places, potentially reducing the time that people spend socialising, actively travelling and being physically active in public spaces. Irresponsible dog control can pose direct health risk to other users of public space and can affect their perceptions of safety within these spaces, thus leading to reduced use and enjoyment of our public spaces. In addition to this, perceptions of public spaces can also affect how people view, value and take care of their own communities.

In addition to enforcement action, it is pleasing to see that preventative work, such as engagement, communication and education will also be taking place, and that community solutions to preventing this issue will form part of plans going forward. It is important that these approaches take into account any cultural differences within our local communities and aim to build community cohesion.

## **EQUALITY IMPLICATIONS [JE 11/02/2020]**

48. In carrying out consultation, the Council must be aware of its initial duties under the Equality Act. A 'protected characteristic' is defined in the Act as: age; disability; gender reassignment; pregnancy and maternity; race; (including ethnic or national origins, colour or nationality); religion or belief; sex; sexual orientation; marriage and civil partnership. The decision maker must ensure that adequate evidence, including that obtained from consultation has been considered to understand the effects of the decision to be made.
49. The consultation has given due regard to the Equalities Act 2010. Should the dog fouling and control PSPO be renewed, we will undertake an assessment of impacts. We will use the evidence from our consultation to identify the likely or actual effects on individuals, groups and communities in respect of the different protected characteristics. We look for opportunities to promote equality, as well as identifying any actual or potential adverse impact so that, where possible, it can be removed or mitigated
50. The Due Regard Statement is attached at **Appendix 6**.

## **CONSULTATION**

51. The consultation process involved has been described earlier in this report. This has complied with legal requirements and gone further to ensure opportunity to express a view and perspective has been widely offered.

## **CONCLUSION**

52. Overall, Cabinet can be content that the consultation has generated significant public and stakeholder interest in the subject of dog fouling and control, to a higher degree than the original consultation held in 2016/17. Cabinet can also be satisfied that the issues the proposed PSPO is seeking to address include aspects that have had, and would continue to have, a detrimental impact on the quality of life of those living and working within our communities. The consultation has demonstrated a strong and broad base of support for the renewal of the boroughwide PSPO.
53. This support clearly comes with a call for the order to be properly enforced and as outlined within risks it is key that proactive measures are put in place, as far as possible, to mitigate this element. It is clear that resource levels have the potential to impact on this, however there is confidence that with the correct planning and with a clear multi agency and community involvement approach that the order will be utilised to its full potential.
54. Cabinet can also be assured that the overall approach the Council and partners are taking, to include engagement and education as additional methods to reduce the irresponsible behaviours prohibited within this order, demonstrate a strong commitment to tackling the main issues residents within Doncaster see as a major priority within their communities.

## **BACKGROUND PAPERS**

Appendix 1 - Proposed Town Centre PSPO for consultation

Appendix 2 - Summary of consultation results charts

Appendix 3 - Overview and sample of consultation responses and comments

Appendix 4 – Proposed final PSPO prohibitions and requirements - recommended for approval

Appendix 5 – Due Regard Statement

## **GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

**PSPO – Public Space Protection Order**

**FPN – Fixed Penalty Notice**

**LA support – Local Authority Support**

## **REPORT AUTHOR & CONTRIBUTORS**

Joanne Evans

Stronger Communities and Families Manager – Communities

Rob Scarborough

Environmental Crime and Contracts Officer – Economy and Environment

**Peter Dale**  
**Director Economy and Environment**



18<sup>th</sup> December 2019

Dear stakeholder

**Ref: Public Space Protection Order consultation**

Doncaster Council is looking to renew the current Dog Fouling and Dog Control Public Space Protection Order (PSPO), which is due to expire in February 2020, for a further 3 years. When originally introduced, the aim was to create a more consistent approach across Doncaster and balance the needs of dog owners and other members of the community, and this aim remains the same.

As a reminder, Public Space Protection Orders are designed to stop individuals or groups of individuals committing anti-social behaviour in a public space. The order replaced outdated legislation relating to dog fouling and dog control. This behaviour that the council is looking to continue to restrict across the area has been identified as having, or is likely to have a detrimental effect on those in the locality, is (or is likely to be) of a persistent or continuing nature and is (or is likely to be) considered to be unreasonable.

On behalf of the Doncaster Council, I have enclosed details of the Public Space Protection Order renewal proposals as well as notice of the consultation that is currently taking place.

The council would value your comments on the proposed extension to the PSPO for a further 3 years, and invites you to contribute to the consultation process by using the enclosed form.

The council would be grateful if you could return your comments by 2<sup>nd</sup> February 2020, after which time the council will consider all comments received and determine whether to formally extend the Public Space Protection Order as outlined.

Yours sincerely

Rob Scarborough  
Environmental Crime and Contracts Officer – Enforcement Team  
Floor 4 Civic building  
Waterdale  
Doncaster  
DN1 3BU

**Proposed Public Spaces Protection Order Renewal  
Consultation Notice**

Highlighted Issue/s	Dog fouling and dog control
Area Affected (specific)	Boroughwide across Doncaster
Background to the issue	<p>In 2017 a Boroughwide Public Space Protection Order under the new powers replaced outdated legislation relating to dog fouling and dog control.</p> <p>As an authority, we recognise that the vast majority of dog owners are caring, responsible and respectful of their local communities, however complaints are received from residents about dog fouling and the behaviour of some dogs. Therefore to bring greater clarity and consistency to benefit all our residents we introduced the PSPO with clear prohibitions designed to be as simple as possible, clearly outlining expectations within our communities. It is using these same prohibitions that we now look to extend the order for a further 3 years from February 2020.</p> <p>It is proposed that with the renewal, the original prohibitions remain and will continue to include the following five key areas -</p> <ul style="list-style-type: none"> <li>• Failure to clear up your dog’s mess.</li> <li>• The keeping of dogs on leads in specified areas</li> <li>• Leads by order – this covers the need for people to put and keep a dog on a lead when directed to do so by an authorised officer.</li> <li>• Exclusion of dogs from certain areas - this includes enclosed children’s play areas</li> <li>• Carrying suitable means to remove dog fouling.</li> </ul> <p>Exemptions to the renewal of these prohibitions will also remain and would include the following –</p> <ul style="list-style-type: none"> <li>• Where a person is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 ; or</li> <li>• Where a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance</li> </ul>
<p>This issue is considered to be:</p> <ul style="list-style-type: none"> <li>• Having a detrimental effect on the quality of life in the area</li> <li>• Persistent and Ongoing</li> <li>• Unreasonable</li> </ul>	

The following conditions were implemented as part of the original Public Spaces Protection Order in 2017 and would remain in place as part of the proposed renewal:

PROHIBITIONS	REQUIREMENTS	WHEN
<p><u>Dog Fouling</u></p> <p>If a dog defecates at any time on land to which this order applies, a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless: This prohibition would be in force across the borough of Doncaster</p>		<p>At all times, unless the dog owner</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>
	<p><u>Leads must be worn</u></p> <p>A person in charge of a dog on the land below must keep the dog on a lead</p> <p>This requirement would be in force within the following areas</p> <ol style="list-style-type: none"> <li>1. All cemeteries and churchyards, including green burial areas;</li> <li>2. All footpaths around lakes and ponds;</li> <li>3. All sports grounds, fields, parks, and pitches, which are maintained by the local authority and are not subject to 'Dog Exclusion', but only when in use for officiated sporting matches.</li> </ol>	<p>At all times, unless the dog owner</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>

	<p><u>Leads by Order</u></p> <p>A person in charge of a dog on land to which this order applies must comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead.</p> <p>An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.</p> <p>This prohibition would be in force across the borough of Doncaster.</p>	<p>At all times, unless the dog owner</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>
<p><u>Dog exclusion areas</u></p> <p>A person in charge of a dog must not take it into, or keep it within a specified or signed area</p> <p>This includes fenced/ enclosed children’s play area and where there is a sign at its entrance(s) as a “dog exclusion area” (whether the sign uses those particular words or words and/or symbols having like effect) which is designated and marked for children’s play.</p>		<p>At all times, unless the dog owner:</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>
	<p><u>Means to pick up</u></p> <p>A person in charge of a dog on land to which this order applies must have and produce on request the appropriate means to</p>	<p>At all times, unless the dog owner:</p> <p>(a) has reasonable excuse for failing to do so; or</p>

	<p>pick up dog faeces deposited by that dog</p> <p>The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces. This prohibition would be in force across the borough of Doncaster</p>	<p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>
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Additional notes and definitions for the purpose of the Order

- A person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces
- “an authorised officer of the Authority” means an employee, partnership agency or contractor of Doncaster Council who is authorised in writing by Doncaster Council for the purposes of giving directions under the Order.

Please provide any comments on the proposed renewal of the Dog fouling and Dog control Public Spaces Protection Order Prohibitions in the space below:

Name

**Once completed please return to:**  
**Rob Scarborough**  
**Environmental Crime and Contracts Officer**  
**Enforcement Team**  
**Floor 4 Civic building**  
**Waterdale**  
**Doncaster**  
**DN1 3BU**

**By consultation end date: 2<sup>nd</sup> February 2020**

**Survey monkey consultation****Consultation on renewing the Public Space Protection Order for Dogs and Dog Control****What is this survey all about?**

Doncaster Council intends to renew an existing Public Spaces Protection Order (PSPO).

This will see the current PSPO relating to dog fouling and dog control extended for a further three years when it runs out in February 2020.

The existing PSPO has helped to reduce the number of dog related complaints and renewing the order would enable this work to continue.

To renew the order we need to consult with residents about the plans.

This consultation runs until midnight on Sunday 2nd February 2020.

The consultation covers five key areas:

- Failure to clear up your dog's mess.
- The keeping of dogs on leads in specified areas.
- Leads by order – this covers the need for people to put and keep a dog on a lead when directed to do so by an authorised officer.
- Exclusion of dogs from certain areas - this includes enclosed children's play areas.
- Carrying suitable means to remove dog fouling.

Any breach of the order could result in the issue of a fixed penalty fine of £100. If this remains unpaid then the matter will be referred to the Magistrates' Court where a fine of up to £1000 could be imposed plus the costs for bringing the action.

**Please take a couple of minutes to complete this short survey.**

Thank you for your contribution.

**1. Dog fouling**

**A person in charge of a dog must remove the faeces from any public open land across Doncaster forthwith.**

Do you agree with this? 

Yes

No

Comment

## 2. Dog on leads by order

A person in charge of a dog must put the dog on a lead when requested to do so by an authorised officer.

This doesn't mean you must have your dog on a lead at all times. It is simply a requirement that should an authorised officer ask you to place a dog in your control on a lead, you would be in breach of the order if you refused.

You would only be asked to do this if a dog was causing a nuisance/harassment or was a danger to another animal or person.

Do you agree with this? 

Yes

No

Comments

## 3. Dog on leads

A person in charge of a dog on the land below must keep the dog on a lead in the following areas:

1. All cemeteries and churchyards, including green burial areas.
2. All footpaths around lakes and ponds.
3. All sports grounds, fields, parks, and pitches, but only when in use for officiated sporting matches.

Do you agree with this? 

Yes

No

Comment

## 4. Exclusion

A person in charge of a dog must not take it into or keep it within a fenced/enclosed children's play area.

Do you agree with this? 

Yes

No

Comment

**5. Means to pick up**

**A person in charge of a dog must have and produce on request the appropriate means to pick up dog faeces deposited by that dog.**

**Do you agree with this?** 

- Yes
- No

Comment

In order to ensure that all groups with protected characteristics are represented in this consultation, it would help us greatly if you could complete the following equalities information. 

**6. Area of residence (e.g. Balby, Tickhill, Askern).**

**Please let us know which community you live in:** 

**Please click on the DONE button at the bottom of this form to submit your responses.**

**Thank you for your time, your views will now be considered.** 

**Other information about the proposed order**

Nothing in the proposed order shall apply to a person who:

- (a) is 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 who relies upon a dog trained by a prescribed charity for assistance.
- (c) has reasonable excuse for failing to do so.
- (d) if the owner, occupier of the land has consented (generally or specifically) to them failing to do so.

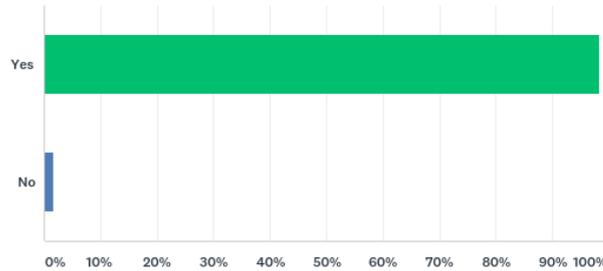
Other Information

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land.
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.
- "an authorised officer of the Authority" means an employee, partnership agency or contractor of Doncaster Council who is authorised in writing by Doncaster Council for the purposes of giving directions under the Order. 

**Done**

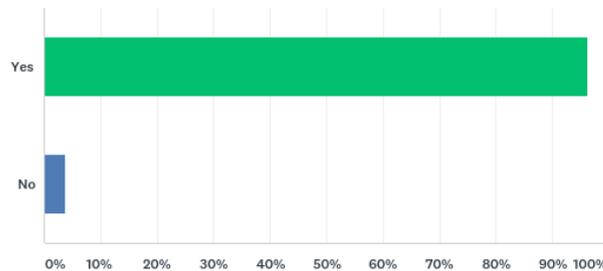
**Summary of consultation results**

Q1 A person in charge of a dog must remove the faeces from any public open land across Doncaster forthwith. Do you agree with this?



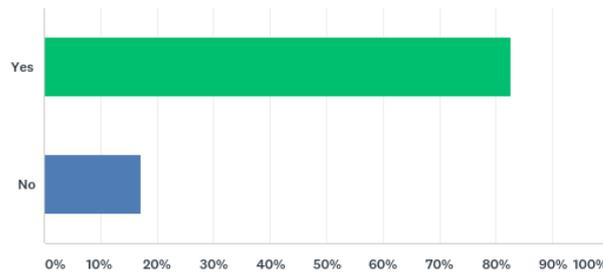
ANSWER CHOICES	RESPONSES	
Yes	98.26%	1,413
No	1.67%	24
<b>TOTAL</b>		<b>1,438</b>

Q2 A person in charge of a dog must put the dog on a lead when requested to do so by an authorised officer. This doesn't mean you must have your dog on a lead at all times. It is simply a requirement that should an authorised officer ask you to place a dog in your control on a lead, you would be in breach of the order if you refused. You would only be asked to do this if a dog was causing a nuisance/harassment or was a danger to another animal or person. Do you agree with this?



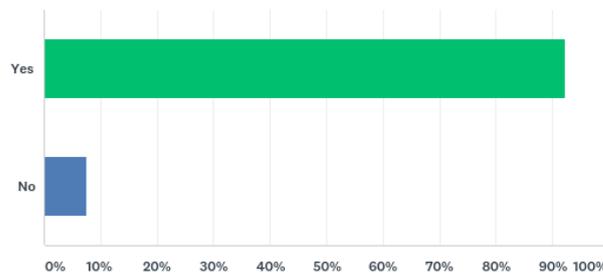
ANSWER CHOICES	RESPONSES	
Yes	96.17%	1,382
No	3.76%	54
<b>TOTAL</b>		<b>1,437</b>

Q3 A person in charge of a dog on the land below must keep the dog on a lead in the following areas: 1. All cemeteries and churchyards, including green burial areas. 2. All footpaths around lakes and ponds. 3. All sports grounds, fields, parks, and pitches, but only when in use for officiated sporting matches. Do you agree with this?



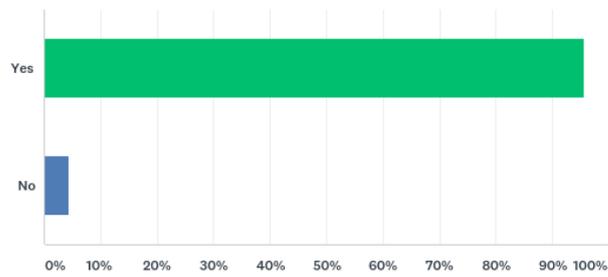
ANSWER CHOICES	RESPONSES
Yes	82.66% 1,187
No	17.13% 246
<b>TOTAL</b>	<b>1,436</b>

Q4 A person in charge of a dog must not take it into or keep it within a fenced/enclosed children's play area. Do you agree with this?



ANSWER CHOICES	RESPONSES
Yes	92.32% 1,322
No	7.54% 108
<b>TOTAL</b>	<b>1,432</b>

Q5 A person in charge of a dog must have and produce on request the appropriate means to pick up dog faeces deposited by that dog. Do you agree with this?



ANSWER CHOICES	RESPONSES	
▼ Yes	95.55%	1,373
▼ No	4.45%	64
<b>TOTAL</b>		<b>1,437</b>

- i) Responses received with comments from Statutory and invited consultees**
- ii) Overview and sample of consultation responses by prohibition**

Name and address of Consultee	Date consultation sent	Method of consultation i.e. Email, Letter, face to face	Date Returned	In Favour Yes or No	Comments made
<b>Local Elected members</b>	18.12.19 via members support (David Chorlton)	Email	Various – see below	Yes	Comments detailed below

**Comments –**

**Councillor Nikki McDonald – In favour – 20/12/2019** - I am more than happy for the PSPO renewal to go ahead with the changes to the document I raised below being considered.

**Response - These changes related to typeface and legal terminology elements within the consultation letter**

**Councillor Nigel Cannings – In favour – 19/12/2019** - I totally agree with the order currently in place as outlined above with the following: -

More enforcement officers available to do random patrols checking dog walkers means of picking up and actually picking up faeces. Never seen anyone checking in Tickhill and know our parish councils in our ward ask regularly for random enforcement patrols but are left disappointed.

As volunteer litter picker in Tickhill have during my 6 years plus picked up 2026 up bagged dog faeces and more actual bagged hanging in hedge rows or discarded on the ground.

**Councillor Pat Haith – In favour – 03/02/2020** - I am very supportive of this PSPO.

Could I ask for clarification on the issues around dogs being on a lead? Our local park , Barnsley Road Playing field is owned by DMBC but leased to Brodsworth Parish Council. The field is maintained by DMBC under a SLA. Does the PSPO therefore mean that dogs should be on a lead in this area? I know that quite a lot of dog owners in the area let their dogs off lead and this has caused a lot of problems with dog on dog attacks? If it is covered under PSPO is what would be the appropriate signage for this area as I'm not aware of any?

**Response - Under the PSPO it would depend on the area of land in terms of which prohibition it would fall under.**

**If the piece of land you refer to is a fenced off children's play area, then dogs are totally excluded.**

**If, however, it is an open space then it is certainly subject to 'dogs on lead by order' whereby a designated officer can request a dog be put on a lead. It would only change to the prohibition, 'dogs must be on leads' if the land is being used for an organised event/football matches etc or indeed where the park may have a footpath around a lake or pond.**

**Councillor Rachael Blake – In favour –** Could you take this email as support for the proposals

**Councillor Glyn Jones – In favour – 04/02/2020 – I am happy for this to continue**

**Councillor Neil Gethin – In favour – 03/02/2020 – I haven't commented but would like to see the PSPO as outlined.**

**Councillor Richard Jones – In favour – 03/02/2020 - There appears to be an anomaly in that as a councillor I am not an employee of the council, I receive an allowance, not a paid salary, and as such I do not have the authority to challenge anyone not observing the order? Clarity on this point? Otherwise no problem**

**Response - We are happy to accept evidence from any councillor who feels confident enough to challenge members of the public. I can provide training and also evidence books (blue books) that can be used to support this.**

**Councillor Mark Houlbrook – In favour – 06/02/2020 - I am happy for the continuation of the PSPO.**

<b>South Yorkshire Police</b> Inspector Mark Payling, Urban SNT	18.12.19	Email	23/01/2020	Yes	See below
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**Comments – I have read the above document and understand why the Council want to extend the PSPO.**  
On behalf of South Yorkshire Police, I can confirm that we fully support this proposal and think the PSPO with the conditions outlined is an essential tool in managing the issues of ASB. It is also an appropriate replacement for somewhat outdated legislation and gives the Council the opportunity and power to offer a proportionate response when managing the issues of dog fouling, dog control and areas in which dog walkers can exercise their animals.

<b>Police and Crime Commissioner</b> Via Inspector Mark Payling, Urban SNT	18.12.19	Letter via email sent from SYP Inspector Payling	11/02/2020	Yes	See below
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**Comments – Supported – Dr Alan Billings, PCC**

<b>DMBC Highways Enforcement</b> Darren Sides	18/12/2019	Letter via email	03/02/2020	Yes	See below
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**Comments – having looked the document I have no objections in relation to the proposals and any impact on the Public Highway**

<b>DMBC Enforcement</b>	18/12/2019	Letter via email	10/02/2020	Yes	See below
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<b>Team</b> Claire Bignell, Team Manager						
<b>Comments</b> – Having viewed the proposed PSPO consultation and I fully appreciate the need to continue with this PSPO due to the detrimental impact that the behaviour of dog fouling and lack of dog control in the Borough has on the quality of life of our residents. The role of the enforcement team in terms of officers on the ground, the issuing of fixed penalty notices and preparation of legal casefiles will continue to support the order, as such action is a vital element in the engagement, education and enforcement of this PSPO.						
<b>St Leger Homes of Doncaster</b>  Jane Davies Head of Service	18/12/2019	Letter email	via			
<b>Comments</b> – I have read the PSPO renewal proposal and don't have any feedback or concerns with this. My only comments are around enforcement, particularly on housing estates where we get high complaints about dog fouling on open plan land and how we can improve the enforcement side going forward? <b>Response - The enforcement element, I agree, has always been the question with regards to most PSPO's if I am honest, but as with all enforcement methods, every officer/service area has a part to play albeit even just providing intel that enables operations to be pulled together, so we would certainly be looking for your support with this, and if any refresher training is required to support this assistance I am sure we can set something up.</b>						
<b>DMBC Bereavement Services</b> Adrian Pickersgill Bereavement Service Manager	18/12/2019	Letter email	via	03/02/2020	Yes	See below
<b>Comments</b> – Bereavement Service are responsible for maintaining the Crematorium grounds, and 13 cemeteries across Doncaster. These are public spaces which can be highly sensitive as the bereaved families are often already distressed. As such, uncontrolled dogs and dog fouling is and continues to be a problem. This is even more upsetting for certain religious groups who have issue around animals/dogs. New signs have recently gone up in all our cemeteries which includes advice to keep dogs on leads and furthermore, not allow dogs onto memorials or graves. There are also signs going onto the bins saying these can be used for dog waste. We do have lots of people who want to visit the cemeteries with their dogs and there are also those who use the cemeteries as “walks” and recreational areas with dogs. We do not mind this as long as the areas are treated with respect and the rules adhered to. However, we still have instance of dog fouling, dog waste bags being left and dogs allowed to run free. We therefore fully support this move and would welcome more enforcement in cemeteries.						
<b>DMBC Assets team</b> David Stimpson Property Manager	18/12/2019	Letter email	via	03/02/2020	Yes	See below

<b>Comments</b> – With regard to the proposal to renew the Dog Fouling and control PSPO in so far as it relates to the Councils land and property holdings I confirm my support to its renewal on the basis of the information provided within the foregoing documentation. This is in my capacity as the Councils Property Manager with responsibility for general fund (non-highway & Streetscene controlled) land and property assets.						
<b>DMBC Streetscene</b> Ben Russell Green Spaces Officer	18/12/2019	Letter email	via	04/02/2020	Yes	See below
<b>Comments</b> – I am fully supportive of the extension of this PSPO as a temperate and proven method of protecting and enhancing the quality of Green Space across Doncaster.						
<b>Parish and Town Councils</b> The PSPO consultation document was sent out to all Parish and Town Councils via the relevant Communities area team contacts and the following responses and feedback has been received						
Sprotbrough and Cusworth Parish Council	18/12/2019	Letter email	via		Yes	See below
<b>Comments</b> – Sprotbrough and Cusworth Parish Council thank Doncaster Council for the opportunity to respond to the consultation regarding the renewal of the Dog Fouling and dog control Public Spaces Protection Order. The parish council welcome the extension of the order for a further three years. Irresponsible dog ownership and dog fouling is a common problem within the parish and of great concern to residents. We would however wish to see more emphasis on enforcement of these provisions throughout the period as without this the protection order prohibitions appear to be merely academic.						
Armthorpe Parish Council	18/12/2019	Letter email	via	20/02/2020	?	See below
<b>Comments</b> – I refer to the email below and document attached to the same, which were considered by Members of Armthorpe Parish Council at a meeting held on 7th January 2020. As a result, Members asked that DMBC give consideration to altering one of the conditions in the proposed Order, relating to where “Leads must be worn”. In requirement 3, it states: “All sports grounds, fields, parks and pitches, which are maintained by the local authority, etc.” In this respect, the Parish Council requests that the word “the” is replaced by “a”, so that it reads “.... maintained by a local authority, etc....” This would ensure that all Parish/Town Councils within the DMBC area may have the benefit of this condition In the circumstances, I trust you will give this request your formal consideration. <b>Response (taken from Local Government Association: Public Space Protection Order Guidance for Councils) - Where parish and town councils wish to deal with dog control issues, they are advised to approach the relevant authority, including whether a PSPO would provide the means to address the issues being experiencing by the local community. If the principal authority is satisfied that the legal tests for the use of the power are met and that it is a proportionate response to the level of harm and nuisance being caused it should consider consulting on putting in place a PSPO</b>						
Blaxton Parish Council	18/12/2019	Letter email	via	07/02/2020	Yes	See below
<b>Comments</b> – At its meeting on 16 January 2020 the Parish Council fully endorsed the renewal of the current Public Space Protection Order and asked if the following paragraph could be substituted for item 3 at the bottom of the second page of the draft document. “All sports grounds, fields, parks and pitches which are maintained by a local authority and are not subject to ‘Dog Exclusion’, but only when in use for organised events.”						

This reflects that it applies to all local authority grounds (not only DMBC) and that it should be in force when there is any organised activity, not just matches					
<b>Allotment Holders – via Allotment officer – Sam Lord</b> All allotment holders were written to and supplied with a copy of the PSPO consultation document and their views requested. Comments were received as follows -					
	18/12/2019	Letter via email		10/02/2020	Yes See below
<b>Comments –</b> <b>Sam Lord – Allotments Officer</b> - I would just add that I would be strongly in favour of the PSPO being renewed as it is a much needed tool to combat the anti-social behaviour of a minority of dog owners <b>David Oxley – Allotment holder</b> - I have read the policy. I would prefer that dogs were kept on a lead on all sports areas/pitches marked out whether in use or not. The whole policy fails if the Council do not erect sufficient numbers of receptacle bins in such areas. <b>Response – as detailed within the body of the report, there is a mindfulness to use appropriate use of the order to ensure that those who are responsible dog owners are not penalised unnecessarily, therefore this is why blanket restrictions throughout the borough have been minimised.</b> <b>In terms of additional receptacle bins, as again mentioned previously these need to be placed where there is a clear evidenced need as the emptying of bins has the potential to create a resource issue and cause tensions if bins are left full.</b>					
<b>Residents and community groups</b> Residents and community groups were consulted through a variety of methods, mainly through the use of the survey monkey, in addition targeted consultations were issued through the greenspace network and through area teams, however the majority of residents chose to respond via the survey monkey online consultation.					
Community Group Green Space Network	18/12/19	Letter via email			Yes See below
<b>Comments –</b> <b>Katrina O’Halloran - Friends of Quarry Park</b> - Thanks for your email re Dog Fouling. It all looks acceptable but I just have one question & suggestion please – Perhaps at the end under Notes & Definitions where it states “partnership agency” does this include Friends of Groups? & if so could there be examples of these stated?					
<b>Don Gorge Community Group</b>	18/12/2019	Letter via Email		04/02/2020	Yes See below
<b>Comments –</b> Thank you for seeking our opinion on this issue. On the whole we would agree with the order’s continuation. It is essential that dogs are controlled and cleaned up after in urban areas and rural villages. However, we feel it is detrimental to the countryside for faeces to be picked up in a plastic bag and then lobbed into trees and hedge bottoms where they would normally deteriorate naturally. We have experienced this to quite a high degree In the Don Gorge and other rural locations visited and this is more disgusting than faeces being left in the brash on the side of footpaths. Having said this, they should not be left on the footpaths themselves. Whether it is possible to include this in a succinct way in the Order is another matter, but we feel it should be given some thought.					

## Summary of consultation responses

In total 1439 residents and stakeholders responded to the consultation regarding the renewal of the public space protection order for a further 3 years. All respondents expressed a view against each individual prohibition as to their level of support and many respondents also took the time to provide detailed comments about individual prohibitions, to explain their reasoning, to express views, and to make suggestions and ideas. Each of the comments have been read and considered when making the renewal recommendations about the Public Spaces Protection Order to Cabinet.

There was strong support for each of the prohibitions but it was clear that there needs to be a renewed focus on enforcement and, in particular, the publicity around this. It is understood there needs to be improvements to reinforce to residents that as an Authority the issue around dog fouling and control is a priority.

Publicity plays a key part in this perception and if the order was renewed a communications plan will be included in the next steps to ensure regular educational messages are issued alongside outcomes of enforcement action and operations that have been targeted around key hotspots.

In addition there would be a clear programme of education and enforcement activity planned, utilising the intelligence received from officers on the ground and residents feeding in their concerns. Although this will not be widely shared in advance, the outcomes and achievements will be included in the communications plan mentioned above.

We have provided below a sample of the comments offered under each prohibition, and general comments. This sample reflects a balanced and fair view of the nature of the responses received and is offered for illustrative purposes.

Comments are included here as received – i.e. not edited.

### Proposed Prohibitions (summary)

#### 1. A person in charge of a dog must remove the faeces from any public open land across Doncaster forthwith. Do you agree with this?

##### Overview

98.26% of those who responded to the consultation agreed that this should continue to be prohibited. Many of the comments that were received detailed real-life experiences and fed back around their own level of responsibility and how this prohibition must be included.

However, comments were made around the provision of bins to support the disposal of dog related waste. Although it is accepted that the provision of waste containers is a tactic that can be used, especially within the most consistent hotspot locations within the borough, it is clear that installing waste containers in high numbers would heavily impact on streetscene officers. Therefore, if the order was renewed, provision would be reviewed, any gaps highlighted but in the main educational messages around all options to dispose of dog related waste.

A regular view with regard to disposal has been highlighted purely for within dense wooded areas with thick undergrowth where the feedback has stated that residents feel it is more environmentally friendly to ensure that dog waste is moved off walkways into non thoroughfare areas. This is known as the 'stick and flick' method however would theoretically be in contravention of 'means to dispose'. However, officers are trained to ensure that use of any of the prohibitions and requirements is undertaken where reasonableness and through evidence, wooded areas of this nature tend not to be 'hotspot' areas reported by residents, this tending to be public footpaths and regularly visited open spaces and parks. Therefore the need to enforce in such wooded locations would be considered as appropriate.

##### Sample of comments

- *A lot don't clean up after there dogs, outside your gates, on pathway not fair kids trample in it yuk*
- *Absolutely as this is a basic part of being a dog owner; more bins to put waste would be great as well*
- *All areas of Doncaster MUST be covered*
- *All dog owners should be instructed to take the faeces back to their homes and dispose of it there*
- *Although I approve of the stick and flick method in appropriate wooded areas*
- *Always but I have no idea how it can be enforced*
- *And not hang the bag on a tree like some alternative Christmas decoration*
- *Any responsible dog owner cleans up after their pet those that don't should face the consequences*
- *Any responsible dog owner would do this anyway. It is a health and safety hazard, not to mention being unpleasant to see lying around or to step in accidently.*

- *But bins are needed on the streets*
- *But more dog waste bins are needed around all public open space with bags available near the bins for a small charge (Eg 20p for 2) just in case the owner has none*
- *But this is rarely enforced. More enforcement is needed*
- *Can there be more notices put up and more officers to enforce?*
- *Doesn't really need a comment, if your dog poo's pick it up and take it home or put it in a bin, not on the floor at the side of the bin and not hanging off a branch of the nearest tree!!*
- *Dog fouling is horrendous and a massive hygiene and health risk so I am pleased you are tackling this*
- *Ensure sufficient bins available that are regularly emptied.*
- *Good idea only if the order or policy is policed*
- *Not just bag the poo but take it to a bin or take it home if a bin isn't provided*
- *On footpaths but not necessarily on fields not in woodlands*
- *Put up relevant signage to warn dog owners*
- *They should pick it up from anywhere apart from their own garden*

2. **A person in charge of a dog must put the dog on a lead when requested to do so by an authorised officer. This doesn't mean you must have your dog on a lead at all times. It is simply a requirement that should an authorised officer ask you to place a dog in your control on a lead, you would be in breach of the order if you refused. You would only be asked to do this if a dog was causing a nuisance/harassment or was a danger to another animal or person. Do you agree with this?**

## Overview

This prohibition was supported by 96.17% of respondents. Comments included concerns from residents who felt that all dogs should be on a lead at all times when in a public place. When the original order was made officers were conscious of wanting to make sure that dog owners did not feel discriminated against and that a "blanket dogs must be leads at all time" reduced the ability of owners to exercise their pets appropriately. As can be seen by the South Yorkshire Police figures, the number of reports made linked to loose dogs, or those not felt to be in control is low.

There are specific prohibitions within the order, which are covered later within this report, which protect some of the locations raised by residents within their comments, where dogs must be on a lead or where there is a total exclusion. Therefore it is felt keeping this prohibition as it is enables a balance for both dog and non-dog owners, and again specific targeted work can be undertaken for any reports made against regular perpetrators who continually do not appear to have control of their dogs when out within public spaces.

Comments from the Dogs Trust confirm their support for the order, stating they consider it to be useful as it allows enforcement officers the ability to target the irresponsible owners without restricting those responsible dog owners. We believe the majority of dog owners already make the decision to place their dogs on leads to protect their pet, themselves and other residents when walking within local communities, especially when walking along busy roads and footpaths. This prohibition, as already detailed enables those owners to

continue to have the freedom to make that decision themselves, however provides designated officers the option to control any situations where it is felt the level of control is not to an appropriate standard.

### **Sample of comments**

- *A person who owns a dog should always make sure that they can control them. And that if the dog is off the lead they have a good recall with the dog.....an owner should be in charge of the dog...not the dog in charge of the owner as we see many times.*
- *Again signage required, and also bring back dog licences*
- *Again this is a no brainer. Safety of people and the dogs are paramount*
- *Again, any responsible dog owner would surely do this*
- *All dogs should be on a lead when in a public area*
- *All dogs should be kept on leads on bridleways (danger to horses and riders) public footpaths (some members of the public may have a phobia of dogs), cycle paths (dogs may chase the cyclist) and council owned open spaces and parks where children play. It is too late to start asking members of the public to put their dog on a lead when it has already maimed or killed someone. The law should be firmly in place – dogs must be kept on leads.*
- *Any confrontation dog needs to go on lead*
- *All people including other dog walkers must feel safe when out and about*
- *Common sense – especially with children and other dogs around*
- *But I believe we should adopt the way Americans are and have secured dog parks in each village for free running.*
- *But only if a good reason*
- *Dogs on leads should be compulsory*
- *Dogs should always be on leads when there are other members of the public in the vicinity*
- *Dogs should also be on leads when walking down the street to prevent causing accidents by running into road.*
- *Good safety practice for owners and public*
- *Great I have my dogs off lead when no one is around, but always put the leads on the dogs in front of other dogs just in case. But yes if there is reason to put the dog on the lead when requested they should.*
- *However, discretion to be used along with common sense by officers*
- *I agree, but a warden needs to be fare*
- *I believe a dog should be put on the lead if requested by an authorised officer even if its not yet caused nuisance/harassment but has the potential to do so.*
- *I do agree, but the officer must have proof that the dog is out of control. All dogs should be removed from another persons/dogs space if requested to do so.*
- *I would go further and have all dogs on leads*
- *If a dog is harassing people children or others it should be reported to the police and quarantined.*
- *If anyone asks me to put my dog on a lead I would do so, dogs should always be under control or able to be recalled*
- *Not an unreasonable request, particularly in a restricted area, or, if the dog is misbehaving - which is different from an excited dog.*

- *Of the authorised person in question doesn't abuse this and only legitimate requests are made, I am concerned that responsible dog owners will be penalised for the actions of a minority.*
- *Owners should always be aware that even if their dogs are well behaved when off the lead, other dogs may not be, so keep control on the lead when other dogs or young children are running around.*
- *The authorised officer should have defined grounds to force dogs onto leads, if the dog is behaving reasonably I see no issue with it being off a lead.*
- *The safety of my dog, other dogs and above all people must come first.*

3. **A person in charge of a dog on the land below must keep the dog on a lead in the following areas; a) All cemeteries and churchyards, including green burial areas, b) All footpaths around lakes and ponds, c) All sports grounds, fields, parks, and pitches, but only when in use for officiated sporting matches. Do you agree with this?**

### Overview

82.66% of respondents stated their support for this prohibition. It is clear from the comments made that there are certain elements within this prohibition where some residents have mixed feelings with some feeling it is not necessary to restrict all points, in particular around lakes and ponds.

The prohibition locations were originally determined to ensure each location received a level of protection linked to respect, dignity, presence of natural wildlife and for the provision of large events or activities. This prohibition was originally introduced on the understanding that having loose dogs in these locations, with owners not in full control of their dog increased the risk of defecation in the area but also threats to wildlife, minor damage to property and risk to small children/older residents attending any large events. However it is noted that this type of restriction is seasonal in some locations, mainly parks, sports grounds and linked to sporting activities in the main.

Again, it is known that publicity around this prohibition needs to be increased, and in particular where the restriction would continue to be in place all year round, such as cemeteries and churchyards, and footpaths around lakes and ponds.

### Sample of comments

- *Point a) No problem agreeing, Point b) might be difficult to enforce and is too 'overarching' in its aims, Point c) agree because dogs off leads may foul pitches paths etc and the owner may not see this or choose to look the other way. So there is not an easy yes/no answer.*
- *A) Yes B) No not particularly, dogs often enjoy going in water and if it wont cause an issue then why not? C) yes*
- *B) only official public paths*
- *All footpaths around lakes and ponds – Agree when it's a busy park perhaps if its near a main road, but not if its like brodsworth pit tops where there's a footpath round/through a park near a dyke not phesable really plus its open country to a degree*

- *Absolutely, I live near Lakeside and often see dogs chasing and scaring the swans and ducklings while their owners do nothing*
- *Again a problem around Lakeside*
- *Again dogs should be on leads at all times*
- *Again I think this is a reasonable request. It would be nice if there were a designated off lead areas for exercising our dogs too*
- *Again it could be anyone it may attack*
- *Again no problem with this*
- *Again nobody around to enforce. Perhaps a campaign should run to tell general public so we feel confident to ask a dog owner to comply and if refuse, instructions on how to report them including taking photo as evidence. All while not allowing a possible violent incident to erupt.*
- *Again yes Total agree. Respect should be shown to the deceased. Plus, agree to all of them.*
- *A dog can be friendly (pugs) common sense again*
- *Agree on cemetery and officiated events. Don't agree for fields and parks or lakes and ponds (unless dog is being nuisance to animals i.e. geese at lakeside*
- *Agree with a) and c). I also agree with b) to a certain extent. If its lakes and ponds where there are kids and birds then yes, but I hope it would be clarified properly that's all. The mill piece as a stream running through it and everyone takes their dogs there for a walk off the lead there, it's the only place we can because they must be kept of the lead everywhere else around the castle.*
- *All dogs at ALL times should be on leads*
- *Agree with point a) and b), but a dog should always be on a lead at sports grounds even if no sport taking place.*
- *Burial areas yes, sports pitches when in use yes. No to lakes and ponds*
- *Common sense needs to play a part in this. I fully agree with cemeteries etc and sport venues, however many dogs (mine included) love to swim. If there are many birds and their young or the parks and footpaths around the water are very busy we would keep her on a lead.*
- *Do you want your child playing sport on a field covered in dog poo*
- *Don't agree with lakes and ponds unless there are wildlife in the near vicinity.*

**4. A person in charge of a dog must not take it into or keep it within a fenced/enclosed children's play area. Do you agree with this?**

**Overview**

92.32% of respondents supported the renewal of this prohibition. This clearly indicates a strong feeling around the meaning behind the prohibition which is to keep children safe from risk of harm, or contact with faeces. As with the whole PSPO it is understood that not all owners act irresponsibly and that for some, taking their pet into such an area whilst on a lead would not cause a problem. However, this cannot be said for all dog owners/handlers and therefore the renewal of the order will allow for continued protection to enable a safe environment for children.

Within the comments were suggestions raised regarding seating around the outside of the parks to ensure a dog is not left alone but that the parents can safely monitor their children playing. Although this solution is an option, each location would need to be considered in terms of wider anti social behaviour issues and it is widely understood that seating such as benches are sometimes magnets for groups of individuals who use them as a base for negative behaviours. However, this is a consideration for the forward plan should the PSPO be renewed.

### **Sample of comments**

- *'My dog is friendly, it loves kids' – maybe so but kids shouldn't have to watch where they are running and walking, in an area set aside from them. However, a bench or two just outside of the fenced in area would be nice, so those with dogs but supervising kids have somewhere to sit.*
- *100% certainly as my child is afraid of dogs*
- *A children's playground is not the place for a dog to be*
- *A child's safety is paramount even the most well behaved dog can turn. Also not all children are confident around dogs.*
- *A dog owner should be able to take a dog into the area on a lead and always clear up if the dog has a poo.*
- *Again a dog can get overwhelmed and go for anything*
- *Again, dog owners should use their discretion, and penalised harshly if they fail to appreciate the freedom of being responsible.*
- *Although most dogs can be trusted, children can be quite boisterous and excite dogs.*
- *As a parent and dog owner, this means that I cannot sit on the benches and supervise my children adequately, the dogs can simply sit/lay next to the bench whilst on the lead.*
- *As long as it is on a short lead there shouldn't be a problem.*
- *As long as they are kept on the lead dogs should be able to go into these areas*
- *But provide seating outside the area for parents who are supervising their children in the play area but also have a dog.*
- *Child safety is important and don't want dog urinating on kids play area where they touch it.*
- *Children need to be protected*
- *Dog mess is extremely harmful for children*
- *Dogs shouldn't be allowed in childrens play areas.*
- *But remove fenced/enclosed. There are areas where childrens play equipment exists that are not fenced/enclosed. If the 'reasonable man on the street' thinks it's a play area, that should suffice. Such areas include the play areas in Sandall Park (thorne Road/main ca park) – is partly fenced and the wooden play area no the old golf course – not fenced.*
- *If the dog is kept on a lead it should be ok. I often take the grandchildren into a play area in the park and walk at the same time.*
- *Like you state a child play area not animals*
- *There is no need for a dog to be in a play area*

**5. A person in charge of a dog must have and produce on request the appropriate means to pick up dog faeces deposited by that dog. Do you agree with this?**

**Overview**

95.55% of respondents supported the renewal of this prohibition, with comments clearly expressing agreement but again making reference to the need for suitable bins and rigorous enforcement. When the original PSPO was introduced, it was made clear that this prohibition would be carefully implemented so not to raise concerns within dog owners that they could be exploited by it.

Enforcement of this particular prohibition has always been targeted, with officers using their experienced judgement, and in line with community intelligence around irresponsible dog owners or locations where fouling is high. This will remain the case should the order be renewed.

In addition, the publicity campaign around the renewal would include an explanation around what this means and how dog owners can ensure they are prepared when walking their pets. The wording of the order states 'means to remove' and is not specific on how that would come about, there is no specific wording to focus on poo bags or an amount that an owner is expected to carry, as some residents have mentioned in comments they have at time used leaves or tissue and discarded appropriately.

**Sample of comments**

- *100% agree with this. with having a pushchair and a dog there are so many times when you end up with dog faeces on the pushchair because it is left. More dog bins need to be readily available though for everyone to use.*
- *A responsible dog owner would always have the means and dispose of said bagged faeces responsibly and legally*
- *Absolutely 100% agree*
- *Adequate means of disposal (bins) should be provided at regular intervals*
- *All public spaces must have a bin to dispose of the dog faeces with adequate signage*
- *Although if stopped you must consider that they may have used up their stash*
- *Although on a bad day my dog has gone through a lot of bags so could be caught out with this if it's the end of a walk. I think it is a good thing.*
- *Always*
- *And should have multiple bags*
- *As a dig owner I have poo bags in all cota pockets its habit*
- *Bags could be made available in some areas*
- *And good idea to provide poo bag stations at stat of parks in case people forget to bring them*
- *But please train your officers to use discretion and common sense when dealing with members of the public not all will necessarily have multiple bags on them if using out on a walk & the dog fouls more than they have set out with.*

- *But sometimes you forget when in a rush so I don't think its fair to receive a fine maybe a warning or points system as the council provide bags on our local field.*
- *Can use leaves*
- *Could not agree more*
- *Fined on the spot if have no bags*
- *However we have all at times forgotten our poop bags when in a rush or changed bags/coats and forgotten to change them over. I have lent poop bags to other walkers who have asked me for one and also had to use tissue or whatever I had to hand so shouldn't be a fine maybe just a make sure next time as a reminder*
- *I totally agree with this. If someone is stopped who doesn't have poo bags, even if they are on their way home, they clearly have not brought enough out with them.*

ii) **Consultation responses from the Dogs Trust**

**Q1 - A person in charge of a dog must remove the faeces from any public open land across Doncaster forthwith. Do you agree with this?**

Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance we urge the Council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place.

**Q2 - A person in charge of a dog must put the dog on a lead when requested to do so by an authorised officer. This doesn't mean you must have your dog on a lead at all times. It is simply a requirement that should an authorised officer ask you to place a dog in your control on a lead, you would be in breach of the order if you refused. You would only be asked to do this if a dog was causing a nuisance/harassment or was a danger to another animal or person. Do you agree with this?**

Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official). We consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order."

**Q3 - A person in charge of a dog on the land below must keep the dog on a lead in the following areas: 1. All cemeteries and churchyards, including green burial areas. 2. All footpaths around lakes and ponds. 3. All sports grounds, fields, parks, and pitches, but only when in use for officiated sporting matches. Do you agree with this?**

- We feel that exclusion zones should be kept to a minimum, and that excluding dogs from all sports pitches for long stretches of the year is unnecessary. In some cases sports pitches may account for a large part of the open space available in a public park, and therefore excluding dogs could significantly reduce available dog walking space for owners.
- We would urge the Council to consider focusing its efforts on reducing dog fouling in these areas, rather than excluding dogs entirely, with adequate provision of bins and provision of free disposal bags"

**Q4 - A person in charge of a dog must not take it into or keep it within a fenced/enclosed children's play area. Do you agree with this?**

Excluding dogs from areas that are not enclosed could pose enforcement problems - we would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.

**Q5 - A person in charge of a dog must have and produce on request the appropriate means to pick up dog faeces deposited by that dog. Do you agree with this?**

We question the effectiveness of issuing on-the-spot fines for not being in possession of a poo bag and whether this is practical to enforce. Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance we urge the Council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place."

Proposed final order with prohibitions and requirements following outcome of the consultation and discussion with Legal officers regarding clear designation of where the prohibitions and requirements cover:

**The following conditions were implemented as part of the original Public Spaces Protection Order in 2017 and would remain in place as part of the proposed renewal:**

PROHIBITIONS	REQUIREMENTS	WHEN	AREA AFFECTED
<p><b><u>Dog Fouling</u></b></p> <p>If a dog defecates at any time on land to which this order applies, a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless:</p>		<p>At all times, unless the dog owner</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>	<p>This prohibition would be in force across the borough of Doncaster</p>
	<p><b><u>Leads must be worn</u></b></p> <p>A person in charge of a dog on the land below must keep the dog on a lead</p> <p>This requirement would be in force within the following areas</p> <ol style="list-style-type: none"> <li>1. All cemeteries and churchyards, including green burial areas;</li> <li>2. All footpaths around lakes and ponds;</li> <li>3. All sports grounds, fields, parks, and pitches, which are maintained by the local authority and are</li> </ol>	<p>At all times, unless the dog owner</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>	<p>This requirement would be in force within the following areas</p> <ol style="list-style-type: none"> <li>1. All cemeteries and churchyards, including green burial areas;</li> <li>2. All footpaths around lakes and ponds;</li> <li>3. All sports grounds, fields, parks, and pitches, which</li> </ol>

	not subject to 'Dog Exclusion', but only when in use for officiated sporting matches.		are maintained by the local authority and are not subject to 'Dog Exclusion', but only when in use for officiated sporting matches.
	<p><b><u>Leads by Order</u></b></p> <p>A person in charge of a dog on land to which this order applies must comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead.</p> <p>An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.</p>	<p>At all times, unless the dog owner</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>	<p>This prohibition would be in force across the borough of Doncaster.</p>
<p><b><u>Dog exclusion areas</u></b></p> <p>A person in charge of a dog must not take it into, or keep it within a specified or signed area</p>		<p>At all times, unless the dog owner:</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having</p>	<p>This includes fenced/enclosed children's play area and where there is a sign at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words</p>

		control of the land has consented (generally or specifically) to his failing to do so.	and/or symbols having like effect) which is designated and marked for children's play.
	<p><b><u>Means to pick up</u></b></p> <p>A person in charge of a dog on land to which this order applies must have and produce on request the appropriate means to pick up dog faeces deposited by that dog</p> <p>The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.</p>	<p>At all times, unless the dog owner:</p> <p>(a) has reasonable excuse for failing to do so; or</p> <p>(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.</p>	<p>This prohibition would be in force across the borough of Doncaster</p>
<p><b>Additional notes and definitions for the purpose of the Order</b></p> <ul style="list-style-type: none"> <li>• <b>A person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;</b></li> <li>• <b>Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;</b></li> <li>• <b>Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces</b></li> <li>• <b>“an authorised officer of the Authority” means an employee, partnership agency or contractor of Doncaster Council who is authorised in writing by Doncaster Council for the purposes of giving directions under the Order.</b></li> </ul>			

# EQUALITY, DIVERSITY AND INCLUSION

## DONCASTER METROPLITAN BOROUGH COUNCIL

### Due Regard Statement

How to show due regard to the equality duty in how we develop our work and in our decision making.

#### Due Regard Statement

A **Due Regard Statement** (DRS) is the tool for capturing the evidence to demonstrate that due regard has been shown when the council plans and delivers its functions. A Due Regard Statement must be completed for all programmes, projects and changes to service delivery.

- A DRS should be initiated at the beginning of the programme, project or change to inform project planning
- The DRS runs adjacent to the programme, project or change and is reviewed and completed at the relevant points
- Any reports produced needs to reference “Due Regard” in the main body of the report and the DRS should be attached as an appendix
- The DRS cannot be fully completed until the programme, project or change is delivered.

<p><b>1 Name of the ‘policy’ and briefly describe the activity being considered including aims and expected outcomes. This will help to determine how relevant the ‘policy’ is to equality.</b></p>	<p><i>The project being considered is the renewal of a boroughwide Public Space Protection Order (Anti-Social Behaviour, Crime and Policing Act 2014) in relation to dog fouling and dog control measures for a further 3 years. The order has already been in place and effective from February 2017 and following full consultation the overwhelming response has been in favour of a renewal.</i></p> <p><i>This order includes a number of prohibitions and requirements in relation to responsible dog ownership and the subsequent community impact. The order sets out these prohibitions and requirements and clearly outlines what is expected by dog owners and those who have temporary control of dogs throughout the borough.</i></p> <p><i>This original order encompassed previous legislation held by the Authority in relation to dog fouling and updates historic byelaws in relation to dog control. This report sets out the grounds for renewal of the order for a further 3 years as is laid out within the Anti-social behaviour, Crime and Policing Act 2014. There is no limit to the number of times by which an order can be reviewed and renewed.</i></p> <p><i>The implementation of the PSPO links in the main to the Doncaster Living theme within Doncaster Growing Together strategy, although it also touches wider themes as detailed within the Cabinet report.</i></p> <p><b>The activity the renewed Public Space Protection Order will cover and prohibit is as follows –</b></p> <ul style="list-style-type: none"> <li>• <b>Dog Fouling</b> - <i>If a dog defecates at any time on land to which this order applies, a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless: This prohibition would be in force across the borough of Doncaster</i></li> <li>• <b>Leads must be worn</b> - <i>A person in charge of a dog on the land below must keep the dog on a lead</i></li> </ul>
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*This requirement would be in force within the following areas*

1. *All cemeteries and churchyards, including green burial areas;*
2. *All footpaths around lakes and ponds;*
3. *All sports grounds, fields, parks, and pitches, which are maintained by the local authority and are not subject to 'Dog Exclusion', but only when in use for officiated sporting matches.*

- **Leads by Order** - *A person in charge of a dog on land to which this order applies must comply with a direction given to him by an authorised officer of the Authority to put and keep the dog on a lead.*

*An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal. This prohibition would be in force across the borough of Doncaster.*

- **Dog exclusion areas** - *A person in charge of a dog must not take it into, or keep it within a specified or signed area*

*This includes fenced/enclosed children's play area and where there is a sign at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect) which is designated and marked for children's play.*

- **Means to pick up** - *A person in charge of a dog on land to which this order applies must have and produce on request the appropriate means to pick up dog faeces deposited by that dog*  
*The obligation is complied with if, after a request from an authorised officer, the person in charge of the dog produces an appropriate means to pick up dog faeces.*  
*This prohibition would be in force across the borough of Doncaster*

		<p><b><u>Additional notes and definitions for the purpose of the Order</u></b></p> <ul style="list-style-type: none"> <li>• A person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;</li> <li>• Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;</li> <li>• Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces</li> <li>• “an authorised officer of the Authority” means an employee, partnership agency or contractor of Doncaster Council who is authorised in writing by Doncaster Council for the purposes of giving directions under the Order.</li> </ul> <p>The order was introduced as part of a raft of measures to tackle issues around dog fouling and unacceptable levels of dog control. The consultation process undertaken as part of the renewal process has seen an increase from 491 back in 2016 to 1439 in the 2019 consultation. The consensus was a clear agreement for the order to be renewed and in most cases the percentage approval rate increased within the prohibitions and requirements.</p>
2	<b>Service area responsible for completing this statement.</b>	Enforcement Team, Economy and Environment Directorate Communities Team, Adults, Health and Wellbeing Directorate
3	<b>Summary of the information considered across the protected groups.</b>  <b>Service users/residents</b>  <b>Doncaster Workforce</b>	<p>Protected user groups as defined by the Equalities Act 2010 are : Age, Disability, Race, Gender, Sexual Orientation, Religion and Belief, Maternity and Pregnancy, Gender Reassignment, Marriage and Civil Partnership.</p> <p>A person in charge of a dog for the purposes of this order is a person who habitually has a dog in their possession and therefore shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog. Therefore this cohort could comprise individuals from any of the protected groups referenced here.</p>

*At Doncaster Council, promoting equality of opportunity, eliminating discrimination and building cohesive and inclusive communities is about making life better for our residents, service users, customers and employees.*

*Within the order it is clearly outlined when the prohibitions and requirements are to be used as follows –*

*At all times, unless the dog owner*

*(a) has reasonable excuse for failing to do so; or*

*(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.*

*In terms of part (a) the officer using the powers within the order will make the informed decision on a case by case situation through use of clear engagement. This will include that guide/ assistance dogs are mostly exempt and officers would consider incidents on a case by case basis if a disability would make it hard to comply and if it does, accept this as a reasonable excuse.*

*All designated officers with the responsibility to enforce the prohibitions and requirements within the order are trained in equality and diversity from induction and this is updated on a regular, if not annual basis. These include officers within Doncaster Council such as Enforcement Team, Communities Team, Neighbourhood Response Team, this also includes the Authority's contracted partner Local Authority support, and finally officers from South Yorkshire Police.*

*All officers are expected to take positive steps to contribute to an environment throughout the borough where all residents are treated in a way that encourages equality of opportunity. However, there is also a requirement to consider that those acting in an irresponsible manner, which affects the rest of the community at large, are dealt with accordingly through the appropriate use of the order.*

*One potential gap identified in the delivery of this order is linked to language barriers for those residents who do not speak English as a first language. This has been considered and upon authorisation and implementation of the order the signage which will continue to be used throughout the borough will include a mixture of wording and pictures to outline the requirements. In terms of further enforcement action, the Enforcement Team already have processes in place and use the 'big word' telephone translation as part of the legal requirement.*

*In addition, we will continue to work with our communications team to ensure the order is*

		<p><i>advertised via the Authority’s website where the ability to translate the information forms part of the core elements of the website.</i></p>
<p><b>4</b></p>	<p><b>Summary of the consultation/engagement activities</b></p>	<p><i>The consultation process is part of the making of a Public Space Protection Order. This includes statutory and non-statutory consultation. This took the form of targeted PSPO requirement documentation being issued to the following Consultees –</i></p> <ul style="list-style-type: none"> <li>• <i>Local elected members</i></li> <li>• <i>South Yorkshire Police</i></li> <li>• <i>Police and Crime commissioner</i></li> <li>• <i>DMBC Highways</i></li> <li>• <i>DMBC Enforcement Team</i></li> <li>• <i>St Leger Homes of Doncaster</i></li> <li>• <i>Parish and Town councils</i></li> <li>• <i>Allotment Holders</i></li> <li>• <i>Greenspace Network</i></li> <li>• <i>The Kennel Club</i></li> <li>• <i>The Dogs Trust</i></li> <li>• <i>Community Groups</i></li> </ul> <p><i>In addition, a borough wide consultation was carried out via a survey monkey, but widely promoted through media channels which enabled residents to have a say on the requirements and prohibitions put forward within the order. They had the opportunity to agree or disagree with the wording and inclusion and make comment accordingly. This was all reviewed and taken into consideration with amendments made to one particular prohibition.</i></p> <p><i>Throughout the process the cabinet member with the portfolio lead for Communities, Voluntary sector and Environment has been regularly updated and has briefed the Mayor of progress. In addition Parish and Town councils have also been updated on the progression.</i></p>

<p><b>5 Real Consideration:</b></p> <p><b>Summary of what the evidence shows and how has it been used</b></p>	<p><i>The introduction of Public Space Protection Orders is derived from Central Government legislation as part of the Anti Social Behaviour, Crime and Policing Act – this is not a local decision. This order replaced the Designated Public Place Order, Gating Orders, and Dog Control Orders. This particular order was originally implemented back in 2017 for an initial 3 years, whereby renewal, of the order is deemed still required, should be undertaken.</i></p> <p><i>As previously documented, Doncaster already enjoys a wealth of established and robust multi-agency processes, all of which are victim-centred. Partners locally are confident that existing partnership resources and structures are already suitable to accommodate all required activity in respect of Public Space Protection Orders.</i></p> <p><i>The framework to accommodate the process of implementing a renewed PSPO will operate within existing, robustly tested multi-agency mechanisms, which already take into account the individual requirements of victims, many of whom are vulnerable with complex needs, to ensure fair, accessible treatment and services.</i></p> <p><i>As stated, as part of the implementation process of renewing a PSPO clear and factual evidence of need must be outlined and not only includes the results of the consultation processes carried out, but also through the use of statistical information from sources such as South Yorkshire Police and DMBC Enforcement team in order to outline the issue in terms of numbers of reports. These reports are all linked to complaints regarding dog fouling, irresponsible dog control (including attacks on either people or other animals) and loose/wandering/stray dogs.</i></p> <p><i>These reports are usually made through reporting systems such as over the telephone, online or at times via Councillor, Mayoral or even MP enquiries. In addition there are local community meetings (PACT) where issues such as dog fouling continue to be a regularly raised issue for communities.</i></p> <p><i>In terms of consultation results all those statutory Consultees were in agreement with the prohibitions and requirements laid out.</i></p> <p><i>In terms of the boroughwide consultation 1439 responses were received with the results laid out below –</i></p>
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**Question 1**

*Dog Fouling – a person in charge of a dog must remove the faeces from any public open land across Doncaster forthwith*

Yes – 98.26%

No – 1.67%

**Question 2**

*Dogs on lead by order – a person in charge of a dog must put the dog on a lead when requested to do so by an authorised officer*

Yes – 96.17%

No – 3.76%

**Question 3**

*Dogs on Leads – a person in charge of a dog on the land below must keep the dog on a lead in the following areas –*

- *Cemeteries and churchyards including green burial areas*
- *All footpaths around lakes and ponds*
- *All sports grounds, fields, parks and pitches but only when in use for officiated sporting matches*

Yes – 82.66%

No – 17.13%

**Question 4**

*Exclusion – a person in charge of a dog must not take it into or keep it within a fenced/enclosed children’s play area –*

Yes – 92.32%

No – 7.54%

**Question 5**

*Means to pick up – a person in charge of a dog must have and produce on request the appropriate means to pick up dog faeces deposited by that dog –*

Yes – 95.55%

No – 4.45%

		<i>Within the figure, a large number of respondents were evidentially dog owners themselves and fed back that they too feel aggrieved by irresponsible owners and welcome the PSPO.</i>
<b>6</b>	<b>Decision Making</b>	<i>The portfolio holder and Mayor has been made aware of the request to renew the PSPO and considerations throughout through regular meetings and email updates accordingly.</i>
<b>7</b>	<b>Monitoring and Review</b>	<p><i>The PSPO has a review life of 3 years and hence why the request to renew is being made as it was implemented originally in 2017.</i></p> <p><i>PSPOs are monitored through the Communities Area team Neighbourhood Action Team meetings each month.</i></p> <p><i>The PSPO will also be monitored through a monthly contract meeting with our partners LA Support (previously Kingdom) to direct and task to hot spot areas across the borough. There will also be a quarterly review meeting undertaken to review the order and deliver any improvements required.</i></p>
<b>8</b>	<b>Sign off and approval for publication</b>	<i>*To be completed following the implementation of the PSPO*</i>

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## Doncaster Council

### Report

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**Date:** 10 March 2020

#### **To the Chair and Members of the Cabinet**

#### **Encouraging A Smoke-free Generation in Doncaster**

##### **1. EXECUTIVE SUMMARY**

- 1.1 This report outlines an approach to inspire a smoke-free generation in Doncaster. This includes initial proposals to trial some voluntary (not enforced) smoke-free spaces as part of our overall programme of work.
- 1.2 This is part of our comprehensive approach to Tobacco Control in Doncaster, led by the Tobacco Control Alliance (TCA). It supports the revised strategic approach, approved by the Health & Wellbeing Board on the 5<sup>th</sup> September 2019, which includes a goal for children and young people to grow up in a city where smoking is not visible and future generations are smoke-free. A smoke-free generation means smoking is no longer normalised in society and prevalence rates are 5% or less in all population groups.

##### **2. RECOMMENDATIONS**

We have identified a range of ways in which to inspire a smoke-free generation through de-normalising smoking and making it less visible, thereby reducing the number of children and young people who decide to start.

- 2.1 Develop a strong coordinated communications campaign to inspire a smoke-free generation in Doncaster.
- 2.2 Trial and develop smoke-free spaces in a staged way, beginning with those areas that already have strong public support (play parks and park events, schools and school gates, hospital grounds and family-friendly council events).

There will be a review at each stage of implementation.

The stages are:

**Ongoing:** develop and implement communications plan

**Stage 1:** play parks and park events, schools and school gates, hospital grounds and family-friendly council events

**Stage 2:** Outdoor eating and drinking areas, Pedestrianised areas in town centre, Parks – not just play areas, Smoke-free side-lines

**Stage 3:** Other council events

Other stages will be considered after undertaking the above three stages and carrying out due consultation. Future developments will come back to the Cabinet for approval.

- 2.3 Following learning from each stage and further public consultation, develop further proposals to cover other smoke-free spaces such as outdoor eating and drinking areas, pedestrianised areas in town centre, parks – not just play areas, children's sporting events, other council events, public realm connected to public transport (e.g. bus stops), high streets markets.

### **3. WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

- 3.1 This proposal will mean we request that people in Doncaster refrain from smoking in specific areas, initially focusing on spaces mainly used by families and for health services.
- 3.2 This is in line with public support for outdoor areas not covered by the legislation to become smoke-free and with our consultation with Doncaster residents.
- 3.3 This approach will support Doncaster to implement our revised strategic approach to Tobacco Control and reduce the ill-health, death and inequalities caused by tobacco.

### **4. BACKGROUND**

- 4.1 Around half of all life-long smokers will die prematurely<sup>1</sup>. Smoking is a major factor in illnesses that limit daily life such as COPD (chronic obstructive pulmonary disease), heart attacks and lung cancer<sup>2</sup>.
- 4.2 19.7% (48,000) of the Doncaster population smoke (CI: 17.1-22.4)<sup>3</sup>, this is the fourth highest within Yorkshire & Humber.
- 4.3 An estimated 1,300 children and young people start smoking every year in Doncaster<sup>4</sup>. Three-quarters of smokers aged 16-24 in 2014 said they began smoking before the age of 18. Children who live with parents or siblings who

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<sup>1</sup> Doll et al. Mortality in relation to smoking: 50 years' observations on male British doctors. *Bmj*. 2004 Jun 24;328(7455):1519.

<sup>2</sup> ASH, Facts at a Glance, 2018

<sup>3</sup> PHE Fingertips, 2017 data, accessed October 2018

<sup>4</sup> Hopkinson NS, Lester-George A, Ormiston-Smith N, et al Child uptake of smoking by area across the UK *Thorax* 2014;69:873-875

smoke are up to three times more likely to become smokers themselves than children of non-smoking households<sup>5</sup>.

- 4.4 Evidence suggests a population-wide approach is most effective, within a comprehensive tobacco control programme, to 'decrease tobacco use, reframe social norms and cultural acceptance, increase quit attempts and promote use of stop smoking tools and services'<sup>6</sup>
- 4.5 Since 2007, it has been against the law to smoke in most enclosed and substantially enclosed public places and workplaces. Our proposal is to introduce voluntary smoke free spaces. This was supported in our consultation.
- 4.6 This approach to inspire a smoke free generation aims to de-normalise smoking, thereby reducing the number of children and young people who start. A smoke free generation means the population level of prevalence of smoking is 5% or less in all groups.
- 4.7 In February 2020, Smokefree Action, produced Roadmap to a Smokefree 2030<sup>7</sup>, which sets out what the UK Government must do in order to achieve a Smokefree 2030. The proposed actions include the following:
- Legislate to require tobacco manufacturers to finance a smokefree 2030 Fund. This will initiatives such as multi-channel public education campaigns at national and regional levels; regional and local tobacco control programmes; and universal access to support for smokers to quit;
  - Commit the UK Government to consult on the policy proposals for strict regulation of tobacco, its sale, marketing and use;
  - Ensure the NHS Long Term Plan commitments to provide smoking cessation in the NHS in England;
  - Review the revise e-cigarette regulation;
  - Implement greater reductions in affordability through increased taxation;
  - Update the Tobacco Control Plan for England in line with the Smokefree 2030 ambition;
  - Renew and refresh the Government's strategy to control illicit trade in tobacco; and
  - Sustain Government commitment to support the World Health Organisation (WHO) Framework Convention on Tobacco control, both internationally and at home.

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<sup>5</sup> ASH, Young People & Smoking, 2015

<sup>6</sup> Towards a Smoke-free Generation, National Tobacco Control Strategy, 2017

<sup>7</sup> <http://smokefreeaction.org.uk/wp-content/uploads/2020/01/Roadmap-to-a-Smokefree-2030-FINAL.pdf>

## 5 PROPOSAL

### 5.1 Aims:

- i. **Reduce smoking prevalence** – in particular as part of the smoke-free generation – stopping starting.
- ii. **Decreasing the opportunity for children to see adults smoking around them** – children more likely to start smoking if they see smoking around them and tend to overestimate the proportion of people who smoke.
- iii. **Making smoke-free the social norm** - potentially reducing the likelihood for young people to start smoking and motivating smokers to cut down or to quit.
- iv. Protecting the environment and saving money by **reducing tobacco-related litter**.
- v. Provide opportunity for **public acceptance of voluntary smoke-free locations**.

### 5.2 Consultation

5.2.1 Doncaster's Smoke-free Task Group ran a consultation around people's attitudes towards smoking and smoking in public places. The consultation was launched on the 17th November 2018 at the "Count Down to Christmas" event, continuing into the remainder of November and closing in late December 2018.

5.2.2 Methods of consultation included:

- Inviting attendees at "Countdown to Christmas" to fill out the questionnaire (either on-line or a paper copy).
- Face to face consultations in eight different locations, supported by the Public Health Team.
- Questionnaires were also handed out to members of the community throughout Doncaster by the Stronger Community Officers of Doncaster Council.
- The online questionnaire was developed using Survey Monkey and was available to complete from week commencing 19 November 2018 for 4 weeks.

5.2.3 The full findings are available if requested. In summary:

- The majority of participants agreed with the proposal for designated voluntary smoke-free spaces especially areas where there are children present.
- People who smoke and vape were generally positive about the proposal. Nevertheless both smokers and non-smokers believe that there should be an alternative location for people who smoke or vape to go to either in the town centre/public places or at events.
- Regardless of this, there were people - both smokers and non-smokers - who thought that a ban in certain places would stop people from attending

events and going into Doncaster so therefore effecting businesses in the town.

### **5.3 Proposal**

5.3.1 We have identified a range of ways in which we could encourage smoke-free spaces to inspire a smoke-free generation through de-normalising smoking and making it less visible, thereby reducing the number of children and young people who decide to start.

5.3.2 Our proposal is based on experience from other local authorities, academic evidence and our local consultation. We propose to combine a strong coordinated communication campaigns with a big launch, followed by a staged approach to smoke-free spaces. We suggest that we start with trialling and developing smoke-free spaces in a staged way as follows:

- i. Ongoing: develop and implement communications plan
- ii. Stage 1: play parks and park events, schools and school gates, hospital grounds and family-friendly council events

5.3.3 Following learning from each stage and further public consultation, develop further proposals to cover other smoke-free spaces such as:

- iii. Stage 2: Outdoor eating and drinking areas, Pedestrianised areas in town centre, Parks – not just play areas, Smoke-free side-lines
- iv. Stage 3: Other council events

Other stages will be considered after undertaking the above three stages and carrying out due consultation. Future developments will come back to the Cabinet for approval.

5.3.4 This staged approach is based on experience from elsewhere and the following reasoning:

- To allow the campaign to develop over time so that we can continue to publicise the messages
- To work within the resources and capacity we have
- To learn as we go
- To start with the elements that are most likely to be acceptable to Doncaster residents and continue to consult and engage with them as we develop the work further

5.3.5 Throughout all stages, the communication campaigns will:

- Provide additional opportunities for getting the smoke-free messages across
- Support the specific stage by amplifying the messages for that space
- Get the offer of support to quit out to more of the population
- Change the social norms around smoking to support our aims for a smoke-free generation

## 6 OPTIONS CONSIDERED

- 6.1 Do nothing different – this will not help us to narrow health inequalities or reduce smoking-related harm and death to the extent we have set out in our strategy and targets.
- 6.2 To combine a strong coordinated communication campaigns with a big launch, followed by a staged approach to smoke-free spaces. (**Recommended Option**, as described above in Section 5.3)
- 6.2 Start with a different type of smoke-free space – the order has been suggested based on experience from other areas and levels of public support in Doncaster but could be altered.
- 6.3 Do the whole programme at once – we do not have the capacity to do all of this at once, we are likely not to get public support for too many changes at once. Also, by running a staged approach, the communications lasts longer and therefore has more impact.

## 7 REASONS FOR RECOMMENDED OPTION

- 7.1 Smoking is still the leading cause of preventable death: each year an estimated 675 people die early in Doncaster due to smoking – an average of 13 people per week<sup>8</sup>.
- 7.2 Smoking prevalence in Doncaster is flat-lining: after dropping steadily until 2015, for the last four years, smoking prevalence has stayed the same at around 19.5% - in other places smoking has continued to fall<sup>9</sup>.
- 7.3 Health Inequalities are widening: in 2017, prevalence was 31.6% for routine and manual workers, which was an increase on 2016<sup>10</sup>.
- 7.4 To reverse these worrying trends, we need to reduce the number of people who start smoking as well as helping existing smokers to quit.
- 7.4 Based on current research evidence, experience and consultation with stakeholders, this is an important part of our comprehensive evidence-based Tobacco Control Strategy. We will continue to review and make improvements as we go. The benefits expected are de-normalisation of smoking so that children and young people are less likely to start and their health is protected as well as an environment that supports people who have stopped smoking to stay smoke-free.

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<sup>8</sup> CLear Peer Assessment report for Doncaster 2019

<sup>9</sup> PHE Fingertips, 2017 data, accessed October 2018

<sup>10</sup> PHE Fingertips, 2017 data, accessed October 2018

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

	<b>Outcomes</b>	<b>Implications</b>
	<p><b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> <li>• Inward Investment</li> </ul>	<p>If the wider impacts of tobacco-related harm are considered, it is estimated that each year smoking costs Doncaster £50.7m in lost productivity.</p> <p>In addition, the local population in Doncaster spend £99.5m on tobacco related products. (Approximately £2,050 per smoker; and there are 48,000 smokers in Doncaster). As smoking is closely associated with economic deprivation this money will be disproportionately drawn from Doncaster's poorest citizens and communities. If this money was spent on other things instead of smoking the effect would be to create jobs in the local economy.</p> <p>Reducing smoking prevalence will support Doncaster Working ambitions through reducing this lost productivity.</p>
	<p><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</li> </ul>	<p>It is estimated that South Yorkshire Fire and Rescue Service will attend 11 smoking related house fires with a cost to the Borough of around £2m.</p> <p>Smokers in Doncaster consume around 396,660 cigarettes each day resulting in approximately 57kg of waste daily.</p> <p>Reducing smoking will contribute to a clean vibrant Doncaster.</p>
	<p><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p>	<p>Smoke free schools will protect the health of everyone in schools, especially initiatives at stage 1 related to schools and school</p>

	<ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> <li>• Learning in Doncaster prepares young people for the world of work</li> </ul>	<p>gates. Therefore, schools have an important role to play in the implementation of this initiative to realise a smoke free generation in Doncaster.</p>
	<p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own homes</li> </ul>	<p>Smoking is still the leading cause of preventable death: each year an estimated 675 people die early in Doncaster due to smoking – an average of 13 people per week.</p> <p>Health Inequalities are widening: in 2017, prevalence was 31.6% for routine and manual workers, which was an increase on 2016.</p> <p>If the wider impacts of tobacco-related harm are considered, it is estimated that each year smoking costs Doncaster £78m of which costs to the NHS contribute approximately £14.7m and Social Care £10.5m (of which £5.7m is attributable to the local authority social care budget).</p> <p>Reducing smoking prevalence will contribute to improved healthy life expectancy, giving children a great start in life and reducing health inequalities.</p>
	<p><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	

## **RISKS AND ASSUMPTIONS**

8. Doing nothing will see the smoking prevalence in Doncaster continuing to plateau, and possibly even increase. Smoking is one of the major public health challenges in Doncaster and in England. A risk management log will be developed for this project. All risks are considered low, especially when compared with the risk of not taking action.

## **LEGAL IMPLICATIONS [Officer Initials HMP Date...12.12.19.....]**

9. Under the Health and Social Care Act 2012, Local Authorities have, since 1 April 2013, been responsible for improving the health of their local population and for public health services.

Regulations brought a smoking ban into force in England in July 2007 including enclosed and substantially enclosed public places and workplaces, public transport and most work vehicles and company cars. Further regulations in 2015 prohibited smoking in a private vehicle when children are present. The proposals recommended in this report are legitimate steps for the Council to take in furtherance of its public health duties, but as set out in the report, they would not be legally enforceable and would rely on voluntary compliance.

## **FINANCIAL IMPLICATIONS HR 19/12/19**

10. There are no specific financial implications associated with this decision. Should any costs arise with regard to a communications campaign this will be met from within the Public Health budget.

## **HUMAN RESOURCES IMPLICATIONS [Officer Initials: EL 24/01/2020]**

11. There are no immediate and obvious HR implications associated with this Report.

## **TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 12/12/2019]**

12. There are no anticipated technology implications in relation to this report.

## **HEALTH IMPLICATIONS [Officer Initials: VJ.....Date: 09/12/2019]**

13. Smoking is the single largest cause of preventable deaths. The proposal outlined in this report is aimed at addressing smoking prevalence in Doncaster, drawing on lessons from a wide range of initiatives from public consultation on smoke-free environments. If implemented, the actions are likely to reduce smoking prevalence, thus improving the health of the people of Doncaster by normalising a smoke-free environment for children and young people to grow up.

## **EQUALITY IMPLICATIONS [Officer Initials: VJ... Date: 09/12/2019]**

14. Evidence shows that the impact of smoking is disproportionately high among people from low socio-economic backgrounds. The challenge of smoking can be found across age groups, sexes, race and disability although rates tend to vary from one group to the other. For example, adults with mental health illnesses have three times the smoking prevalence of adults in the general population.

### **15 CONSULTATION**

- 15.1 The Tobacco Control Alliance has been consulted and contributed to the proposals.
- 15.2 Consultation with the public has been undertaken for the SmokeFree Doncaster proposal and the findings are summarised in the proposal section above.

### **BACKGROUND PAPERS**

16. Summary of consultation responses
17. Doncaster Tobacco Control Strategy

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## Doncaster Council

### Report

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Date: 10/03/20

To the Chair and Members of the Cabinet

**Adult Sexual Health Services Retender**

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Councillor Nigel Ball, Cabinet Member for Public Health, Leisure and Culture	All	Yes

### EXECUTIVE SUMMARY

1. Local authorities are mandated to commission comprehensive open access sexual health services, including free sexually transmitted infections (STIs) testing and treatment, notification of sexual partners of infected persons, free provision of contraception, and sexual health aspects of psychosexual counselling.
2. Sexual Health service in Doncaster are currently provided by Doncaster and Bassetlaw Teaching Hospitals (DBTH) as primary provider. DBTH subcontract with Rotherham, Doncaster, and South Humber Trust (RDaSH) and some primary care providers to provide a range of contraception options. Psychosexual therapy services are currently provided by Leger Therapy Services Limited.
3. Whilst current sexual health services in Doncaster are rated highly by service users, the retender will offer opportunities to provide services with a stronger emphasis on access to provision in localities, and more choice on how and when people access sexual health care. To this end, we are proposing that the tender should be split into 3 'lots': specialist provision; community provision; and psychosexual therapy provision.
4. The new model will increase opportunities for individuals to self-manage their own health and well-being through an improved on line/digital offer; and better access locally based provision, utilising primary care and other community providers to greater effect.

5. The current contract to deliver adult sexual health services in Doncaster will end 31.03.2021. All contract extension options have been exhausted

## **EXEMPT REPORT**

6. There is no exempt information contained in the report

## **RECOMMENDATIONS**

7. Recommendation 1: Cabinet is asked to agree the proposed new sexual health service delivery model for adults
8. Recommendation 2: Cabinet is asked to agree to commencement of a tender process to find a suitable provider or providers to deliver adult sexual health services in Doncaster
9. Recommendation 3: That Cabinet APPROVE the delegation of the contract award to the Director of Public Health, after consultation with the portfolio holder and subject to compliance with the Council's Standing Orders.

## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

10. Doncaster citizens will be able to access quality sexual health services in a timely manner in a place that suits them, with greater opportunity to self-manage their own sexual health through community service provision and an increased online/digital offer.

## **BACKGROUND**

11. Local authorities are mandated to commission comprehensive open access sexual health services, including free sexually transmitted infections (STIs) testing and treatment, notification of sexual partners of infected persons, free provision of contraception, and sexual health aspects of psychosexual counselling.
12. Sexual health is an important and wide-ranging area of public health. Most of the adult population of England are sexually active, and having the correct sexual health interventions and services can have a positive effect on both individuals' and population health and wellbeing.
13. Sexual ill health is not equally distributed within the population. Strong links exist between deprivation and STIs, teenage conceptions and abortions with the highest burden borne by women, men who have sex with men (MSM), teenagers, young adults, and black and minority ethnic groups. HIV infection also has an unequal impact on some ethnic and other minority groups. Some groups at higher risk of poor sexual health face stigma and discrimination, which can influence their ability to access services.
14. Local data – key points
15. Young people aged between 15 and 24 years experience high rates of new STIs. This is reflected in Doncaster where 56% of diagnoses of new STIs made were in young people in this age-group. Young people are also more likely to become re-infected with STIs,

contributing to infection persistence and health service workload. In Doncaster, an estimated 8.6% of 15-19 year old women and 8.3% of 15-19 year old men presenting with a new STI at a SHS during the 5 year period from 2013 to 2017 became re-infected with an STI within 12 months.

16. Socio-economic deprivation is a known determinant of poor health outcomes and data shows a strong positive correlation between rates of new STIs and the index of multiple deprivation across England. In Doncaster, rates of new STI diagnosis are increased by approx. 40% in the most deprived than those of the least deprived area (636/100,000 population most deprived verses 367/100,000 population in the least deprived).
17. Doncaster currently has a good uptake of Long Acting Reversible Contraception (LARC) at 56.6 per 1,000 compared to England at 47.4/1,000. LARC are the most effective methods of contraception as they are not reliant on user action. Despite good uptake of LARC methods, Doncaster still sees a significant number of women with unintended pregnancies. Doncaster has an abortion rate of 20.0/1,000 compared to the national rate of 17.5/1,000. Doncaster has the highest abortion rate in Yorkshire and Humber.
18. National context
19. The 2013 Framework for Sexual Health Improvement in England highlights a commitment to work towards an integrated model of service delivery to allow easy access to confidential, non-judgemental integrated sexual health services. An integrated sexual health service model aims to improve sexual health by providing non-judgmental and confidential services through open access, where the majority of sexual health and contraceptive needs can be met at one site, often by one health professional, in services with extended opening hours and locations that are accessible by public transport.
20. The provision of integrated sexual health services is supported by current accredited training programmes and guidance from relevant professional bodies including Faculty of Sexual and Reproductive Health (FSRH), British Association for Sexual Health and HIV (BASHH), British HIV Association (BHIVA), Royal College of Obstetricians and Gynaecologists (RCOG) and National Institute for Health and Care Excellence (NICE) and relevant national policy and guidance issued by the Department of Health and Social Care (DHSC) and Public Health England (PHE).
21. Local context and proposed model
22. Sexual Health service in Doncaster are currently provided by Doncaster and Bassetlaw Teaching Hospitals (DBTH) as primary provider. DBTH subcontract with Rotherham, Doncaster, and South Humber Trust (RDaSH) and some primary care providers to provide a range of contraception options. Psychosexual therapy services are currently provided by Leger Therapy Services Limited.
23. Whilst current sexual health services in Doncaster are rated highly by service users, the tender will offer opportunities to provide services with a stronger emphasis on access to provision in localities, and more choice on how and when people access sexual health care.
24. Community based sexual health services are central to a well-functioning sexual health system. Access to services closer to where people live or work

ensure timely provision of essential care which is critical in particular for those people who may be more vulnerable and/or most at risk of poor sexual health.

25. Provider sites must represent coverage across Doncaster and pay particular attention to areas with high levels of need. The size of localities will vary, but will need to feel “right” to people living and working in the area: large enough to offer sufficient scope for service improvement, but small enough to feel local and “real”.
26. To this end, we are proposing that the tender should be split into 3 ‘lots’: specialist provision; community provision; and psychosexual therapy provision.
27. Lot 1 - Specialist provision, will deliver from a centrally located hub:
  - Confidential integrated sexual and reproductive health service where the majority of sexual health and contraceptive needs can be met on one site, usually within a single consultation.
  - A full range of open access, level 1-3 (all methods) contraception services including long acting reversible contraception (LARC) and emergency methods.
  - Full range of open access, level 1-3 STI testing and treatment
28. The service will provide level 1-2 care for adults aged 19 and over, and level 3/complex care to all, regardless of age. There will be some selected outreach provision for vulnerable groups.
29. Although a full range of contraception will be offered through the specialist service, the vast majority of non-LARC will be shifted into community provision, and specifically efforts will be made to increase access to primary care for all non-LARC contraceptive needs.
30. The specialist provision will be responsible for coordinating patient flow across the borough via a single point of access offer.
31. Lot 2 – Community provision, will deliver from community settings:
  - A full range contraception services including long acting reversible contraception (LARC) and emergency methods.
  - Testing for chlamydia, gonorrhoea, syphilis, and HIV.
  - Treatment for chlamydia infection.
32. The community provider will be expected to sub-contract with other health providers in the community where possible. Provision of LARC in GP and emergency contraception in pharmacy are examples where elements should be subcontracted.
33. The service provider to work with GP and community pharmacy providers to develop and implement robust care pathways which support patients to self-navigate and be navigated through services and give opportunity for communities and allied professionals to take an active role in, and provide leadership for, local planning of service provision.
34. There is an expectation both specialist and community provision will explore options for self-care and digital services which might include:
  - Online triage
  - Postal STI (including HIV) testing kits for self-declaring asymptomatic service users

- Condoms and lubricant
  - Online appointment booking
35. Lot 3 – Psychosexual Therapy services, will deliver:
    - A service to provide help for clients presenting with problems of sexual dysfunction including erectile dysfunction, performance anxiety, and pain with sexual intercourse.
    - An integrated therapeutic programme using a behavioural, systemic and psychodynamic model which openly explores sexual problems and emotional blocks.
  36. Providers cannot work in isolation and there will be a requirement to work with each other to address the needs of service users and manage patient flow across the borough. Providers will have shared joint outcomes, be required to develop joint referral pathways and a joint communications plan.
  37. The proposed model mirrors the vision described in Doncaster Council Corporate Plan 2020-2021 and principles set out in Doncaster Place Plan to increase opportunities to self-manage their own health and well-being through an improved on line/digital offer; and a greater emphasis on locality-based models of support utilising primary care and other community providers to greater effect.
  38. Based on previous activity and projected activity modelling, it is anticipated the block funding currently allocated to the single service contract will be split with approximately 40% of the available funding allocated to Lot 2 community services and 60% to Lot 1 specialist services.
  39. There will be no change to funding for Lot 3 Psychosexual therapy services.
  40. The proposed contract length for all lots is 5 years plus the option to extend for a further 2 years.
  41. The current contract to deliver adult sexual health services in Doncaster will end 31.03.2021. All contract extension options have been exhausted.

## **OPTIONS CONSIDERED**

42. Option 1 – To retender sexual health services for adults using current service delivery model
43. Option 2 – To retender sexual health services for adults using new service delivery model
44. Option 3 – Do nothing
45. Option 2 is the preferred option.

## **REASONS FOR RECOMMENDED OPTION**

46. The new service delivery model has a stronger emphasis on access to provision in localities, and more choice on how and when people access sexual health care.

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

47.

	Outcomes	Implications
	<p><b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> <li>• Inward Investment</li> </ul>	
	<p><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</li> </ul>	
	<p><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> <li>• Learning in Doncaster prepares young people for the world of work</li> </ul>	

	<p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own homes</li> </ul>	<p>Retendering effective sexual health services will support this priority.</p>
	<p><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	

## RISKS AND ASSUMPTIONS

48. Failure to commission or partially commission sexual health services and the council fails to fulfill its legal requirements under the health and social care act (2012).
49. Substantial change in size or status of ring-fenced public health grant. This option assumes that the public health grant continues to be ring fenced and is of a similar quantum. A reduction in the grant will require additional savings and if the ring fence is removed the Council may choose to use the grant differently and/or take money out of contracts.
50. Insufficient volume in contracts. As reductions in investment in any programme are almost entirely related to staff costs there is a possibility that clinic hours will be reduced and waiting lists will have to be introduced. Risks associated with this scenario include:
  - Increased time between referral and treatment thus there is potential for service users conditions to get worse thus requiring more intensive, costly treatment.
  - Increase in individuals who do not attend as the increased waiting time means they lose the courage to attend.
  - Potential for untreated individuals with STI to infect other individuals

- Potential for individuals requiring contraception to become pregnant with an unwanted pregnancy
- The reduced hours of provision may mean that staff are not able to adequately support clients with multiple and complex needs, this may mean costs in other areas.
- Council does not fulfil its legal requirement to provide open access sexual health services

#### **LEGAL IMPLICATIONS [Officer Initials NJD Date 13/02/2020.]**

43. Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do. Section 111 of the Local Government Act 1972 gives the Council the power to purchase goods and services.

Section 2B of the National Health Service Act 2006 (as amended by Section 12 of the Health and Social Care Act 2012) introduced a new duty on Councils in England to take appropriate steps to improve the health of the people who live in their area.

This contract will be tendered in compliance with the Public Contracts Regulations 2015 and is consistent with the Councils Contract Procedure Rules.

#### **FINANCIAL IMPLICATIONS [Officer Initials...HR...Date...11/02/2020]**

44. Sexual Health services are funded from the Public Health Grant. The financial envelope for the services outlined in this report is expected to remain the same as the current annual budget, £2,069,220 for Lots 1 & 2 and £76,000 for Lot 3.

Under the current contract arrangements Lots 1 & 2 were procured as one, the proposal to now separate the service elements into two Lots will mean that the budget of £2,069,220 will need to be split accordingly. Using data from TriHealth over a three-year period a financial modelling exercise is currently under way to consider the requirements of each Lot. Should either of Lots 1 & 2 have an element of payments by activity there could be a risk of an additional budget requirement, in this event any additional cost will be met from within the Public Health Grant.

#### **HUMAN RESOURCES IMPLICATIONS [Officer Initials EL Date 13/02/20]**

45. There are no Human Resource implications.

#### **TECHNOLOGY IMPLICATIONS [Officer Initials...PW Date...06/02/20]**

45. There are no technology implications in relation to this report.

#### **HEALTH IMPLICATIONS [Officer Initials CW. Date 06/02/2020]**

47. Poor sexual health may lead to infections some of which may be recurrent or chronic, fertility problems and unintended pregnancies. There is a clear link between poverty, social exclusion and poor sexual health with a

greater proportion of sexually transmitted infections affecting marginalized groups and higher rates of under 18 conceptions in more deprived areas.

Comprehensive, equitable sexual health services that are designed around the needs of the local population are vital to ensure residents have the information and means to make good choices that affect their sexual health.

## **EQUALITY IMPLICATIONS [Officer Initials CW Date 06/02/20..]**

48. This report outlines how services are being redesigned to ensure provision is available locally, with greater options to access services. The report acknowledges there are sexual health inequalities and these changes may go some way to reducing inequalities in sexual health and improve health outcomes for those who experience disadvantage and poorer health outcomes. Delivery of sexual health services in localities aims to reduce inequalities for groups with protected characteristics and to promote equitable access.

## **CONSULTATION**

49. Consultation has been undertaken with both service users and staff. While there were some concerns about how well the integrated service met the needs of some patients around appointment availability it is important to recognise that these concerns co-existed with a verdict that overall service quality was no worse following integration.

77% of respondents felt the service was 'very good'. Access was also felt to be 'very good' with only 23% of those consulted indicating that they sometimes had 'rare issues' receiving the service they required. 54% of surveyed patients identified that they 'no barriers' in accessing the services they required from TriHealth and the second most selected option highlighted that 'availability' was sometimes an issue for 21% of those completing the survey.

## **BACKGROUND PAPERS**

51. Doncaster Integrated Sexual Health Service evaluation.

### **GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

BASHH - British Association for Sexual Health and HIV

BHIVA - British HIV Association

DBTH - Doncaster and Bassetlaw Teaching Hospitals

DHSC - Department of Health and Social Care

FSRH - Faculty of Sexual and Reproductive Health

HIV - Human Immunodeficiency Virus

LARC - Long Acting Reversible Contraception

MSM - Men who have Sex with other Men

NICE - National Institute for Health and Care Excellence

PHE - Public Health England

RCOG - Royal College of Obstetricians and Gynaecologists

RDASH - Rotherham Doncaster and South Humber Trust

STI - Sexually Transmitted Infection

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