City of Doncaster Council

Report

Date: 15/02/2023

To the Chair and Members of the Cabinet

Proposed Borough wide Dog Fouling and Control Public Spaces Protection Order renewal

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Blackham	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 (1532) from the consultation held in 2019/20 (1439).

   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. 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 great eight-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. The PSPO was renewed in March 2020 following a further public consultation.

6. The prohibitions introduced, 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 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 carried out in 2020, 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 consultation undertaken in **2020** 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 – 98.26%
No - 1.67%
Don't know 0.06%

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%
Don't Know 0.14%

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%
Don't Know 0.21%

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%
Don't know 0.49%

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%
Don't know 0.14%

10. Following the consultation results, the Public Space Protection Order, authorised in 2020, 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
Dog Fouling 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. This prohibition would be in force across the borough of Doncaster		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.
	Leads must be worn A person in charge of a dog on the land below must keep the dog on a lead 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;	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.

	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 organised authorised events. These include galas, fairs, sporting matches, charitable events (e.g. race for life). Clear signage will be erected in these locations	
	<u>Leads by Order</u> 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.	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.
<u>Dog exclusion areas</u> A person in charge of a dog must not take it into, or keep it within a specified or signed area		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

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. 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 Clear signage will be erected in these locations		has consented (generally or specifically) to his failing to do so.
	<u>Means to pick up</u> 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	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.
<u>Additional notes and definitions for the purpose of the Order</u> • 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.
- '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. However the Covid-19 pandemic has had an impact on this work with movement restricted and officers tasked with dealing with the pandemic. This has reduced the amount of patrols that were undertaken and therefore reduced the number of offences witnessed.

13. Some educational work has been undertaken through a multi–agency approach on the ground within localities through face to face engagement with dog owners around responsibility. Once again, this work has also been effected by the Covid-19 pandemic over the past 2 years which has limited officers ability to focus on this work.

14. There have been dedicated dog-fouling patrols undertaken by our enforcement partners Local Authority support (LA support) 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.

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:

Financial Year	Number of Dog Fouling Complaints
2022/2023	182
2021/2022	420
2020/2021	432

16. The data clearly identifies a downward trend in reporting of issues relating dog fouling.

Albeit there are clear spikes in activity and the data for the full year 2022/23 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:

2020/21	FPNs Issued	Prosecutions
Dog Fouling	16	2
Dog Exclusion Area	3	0
Dogs must be on leads	0	0
Dogs on leads by order	0	0
Means to Pick up	1	0
Total	20	2

2021/22	FPNs Issued	Prosecutions
Dog Fouling	6	0
Dog exclusion Area	4	0
Dogs must be on Leads	0	0
Dogs on leads by order	0	0
Means to Pick up	2	0
Total	12	0

2022/23	FPNs Issued	Prosecutions
Dog Fouling	5	0
Dog exclusion area	2	0
Dogs must be on leads	1	0
Dogs on leads by order	0	0
Means to Pick up	1	0
Total	9	0

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, showing a breakdown of incidents in the Doncaster area relating to out of control dogs. This covers the financial year 2020/21 and 2021/22 . This data displays an increase year on year and

demonstrates the need for education and enforcement and for proposed control measures to be in place.

Full Offence Title	Previous period 01/04/2020 – 31/03/2021	Current period 01/04/2021 – 31/03/2022	Totals	Change (Previous v Current)
Attempted Owner or person in charge allowing dog to be dangerously out of control in any place in Doncaster (whether or not a public place) injuring any person or assistance dog	1	0	1	-1
Owner or person in charge allowing dog to be dangerously out of control in any place in Doncaster (whether or not a public place) injuring any person or assistance dog	162	189	351	+27
All Dog Crimes	163	189	352	+26

Ward	Previous Period 01/04/2020 – 31/03/2021	Current Period 01/04/2021 – 31/03/2022	Change (previous v Current)
Bentley	17	16	-1
Armthorpe	5	15	+10
Conisbrough	10	15	+5
Adwick-le street & Carcroft	8	13	+5
Thorne and Moorends	6	13	+7
Hexthorpe & Balby North	11	11	-
Balby South	8	9	+1
Bessacarr	9	9	-
Stainforth & Barnby Dun	9	9	-
Edlington and Warmsworth	10	8	-2

Finningley	6	8	+2
Town	9	8	-1
Mexborough	6	7	+1
Norton & Askern	7	7	-
Tickhill & Warmsworth	3	6	+3
Hatfield	11	5	-6
Rossington & Bawtry	6	5	-1
Sprotborough	3	5	+2
Roman Ridge	5	4	-1
Edenthorpe & Kirk Sandall	3	3	-

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 full public consultation process on the future of the PSPO started on 14th September 2022 with statutory consultees and residents of Doncaster closing on the 16th November 2022 – a total consultation period covering 10 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.

    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 and 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 **1532 responses** were recorded in an electronic online survey, this was in comparison to the consultation in 2019/20 where the respondent level was 1439.

26. Statutory responses were received from the Police, St Leger Homes, Doncaster Council Highways 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. The results are summarised in the table below and illustrated in a series of charts at **Appendix 2**.

Proposed prohibition and requirements (summary)	This should be prohibited	This should not be prohibited	No Opinion
Do you agree it is necessary for a dog control Public Spaces Control Order to be in place for the maximum permitted 3 year period following the expiry of the existing order?	**88%** (1331	5% (75)	7% (101)
<u>Dog Fouling</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	**97%** (1475)	2% (31)	0.45% (7)
<u>Leads must be worn</u> A person in charge of a dog on the land below must keep the dog on a lead 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;	90.4% (1385) 80.0% (1226) 84.92%	9.6% (147) 20% (306) 15.08%	N/A

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.	(1301)	(231)	
<u>Leads by Order</u> 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.	**96.00%** (1458)	3.00% (46)	1.0% (12)
<u>Dog exclusion areas</u> 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.	**88.00%** (1334)	9.0% (130)	3.0% (49)
<u>Means to pick up</u> 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	**92.0%** (1412)	7.0% (101)	1.0% (16)

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. 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:

"*The rules need to be better enforced, there are too many dogs allowed to run around loose or on extended leads so they aren't under the owners control. Too many owners who don't pick up dog poo. Its particularly bad in Woodlands, they just flick ut off the path(and sometimes they just leave it there).*

"Its ok to have an order, its another to do something about the mess that's left around. Unless action is taken against those who leave their dog mess, nothing will change. Unfortunately people who should enforce all of the above are never anywhere to be seen. I've lived in Doncaster for years and I've never seen anyone enforcing any of this".

"Understand & agree with all the details set out above, but the question is , who will Police this order? My understanding was certain dog owners just ignored it, my own experience was threats & "nowt to do with you". When I have confronted dog owners in the skate park on Wickett Hern Road".

"All good have this order in place but more dog wardens/officer needed to be in place across our borough and not just in Doncaster City Centre. Maybe the 4 locality approach area with teams targeting hot spot areas but also on a rota to not miss out a specific area or village".

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 Local Authority Support (LA support) have been undertaking focused enforcement patrols within key locations, however, this was hampered during the pandemic and lockdowns and the ability to evidence dog fouling was challenging. 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. This is particularly evident, as officers have in recent years been focused on dealing with the Covid-19 pandemic as a priority.

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.

"*More bins to deposit waste, I am tired of seeing black poo bags handing from trees. I recently watched a father and son outside the Glasshouse just walk away from the mess their dog had produced on the pavement. What can be done about this? The bins*

do not get emptied often enough"

"*Rubbish bins and dog bins overflowing on the field off Guest Lane Warmsworth have been reported many times but still overflowing and stink"*

"Here needs to be more bins available for waste and emptied more regularly. Bolton Hill does not have enough and Town fields regularly overflow"

"More Bins needed to dispose of used bags"

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 street scene, resulting in a negative impact on service delivery and further dissatisfaction from residents seeing overflowing bins. Over the past three years work has been undertaken by street scene to replace smaller bins in areas of high footfall and label these for both litter and dog waste.

This work in known hotspots will continue to be undertaken based on evidence of the requirement to relocate or install new bins with this work being undertaken as a priority.

Dogs on leads – 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.

" *As a responsible dog owner, I think that every dog should be kept under control by means of a lead in all public places where there are members of the public including other dog walkers"*

" A person in charge of a dog must keep it 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 and disproportionate 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 requirement.

30. Consultation responses were also requested of Parish Councils, Green Space Network, the dogs trust and The Kennel Club, it should be noted the Kennel Club 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

31. 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

32. The current PSPO order is due to expire on the 20th April 2023. 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.

33. 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.

34. 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.

35. 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.

36. Enforcement action will include pre-planned regular hotspot patrols as well 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.

37. 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.

38. 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

39. 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 as without a PSPO in place the Council's ability to take enforcement action is significantly reduced.
- Pursue the renewal of the PSPO as an isolated measure with an enforcement focus. This is not recommended.
- Consider the renewal of the borough wide 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

40. 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

Great 8 Priority	**Positive Overall**	**Mix of Positive & Negative**	**Trade-offs to consider** – Negative overall	**Neutral or No implications**
Tackling Climate Change		✓		
Comments: The renewal of the PSPO would not have a direct impact on climate change, however it does encourage community and environmental responsibility in correctly disposing of dog				

faeces. The removal of dog faeces does involve the use of plastic bags, which will have a negative impact on the environment where waste is taken to land fill.				
Developing the skills to thrive in life and in work	✓			
Comments: Through education and enforcement, the order would aim to improve responsibility levels within communities and target those clearly not behaving appropriately in order to keep Doncaster clean. The educational element of the order would support a childs general knowledge around responsibility out in the community in which they live. It will also help them to take pride in their local area.				
Making Doncaster the best place to do business and create good jobs	✓			
Comments: Having cleaner communities would ultimately improve the attractiveness for businesses to invest in local areas, potentially providing employment opportunities. A cleaner vibrant City will support the growth and reputation of area as a whole.				
Building opportunities for healthier, happier and longer lives for all	✓			
Comments: A reduction in dog fouling and anti-social behavior would encourage more people to use the open spaces and parks in the City. There would be more confidence knowing that a dog would be required to be on a lead when organised events such as sports matches were taking place. A reduction in dog faeces left on public land would have a positive impact on the health and wellbeing of the community both physically and psychologically.				
Creating safer, stronger, greener and cleaner communities where everyone belongs	✓			

Comments:
The order would have an impact on the ability of residents to enjoy nature and recreation, building on the success of the reduction of dog fouling in the community and having a positive impact on neighborhoods

The renewal of this order 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.

The order 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.

Officers working in the community engaging with residents and supporting a reduction in anti-social behaviour.

Nurturing a child and family-friendly borough	✓			

Comments:
The renewal of the order would have a positive impact on a child and family-friendly borough. For example the removal of dog faeces from land will reduce the negative health implications of faeces on children's hands and clothing has from toxocara canis (ringworm eggs). The control measures that are proposed will support families to enjoy the borough and to feel safe when using parks and play areas .

Building Transport and digital connections fit for the future	✓			

Comments:

Although there are no specific transport connections relating to the renewal of the order. There will be a dedicated Doncaster City Council web page relating to the dog fouling and control order. This will support understanding of the proposed prohibitions and include frequently asked questions that the public may have.

Promoting the borough and its cultural, sporting, and heritage opportunities	✓			

Comments:
The proposed order will have a positive impact on the areas sports fields and parks. Reducing the impact of dogs and faeces on organised and officiated events. It will help to provide confidence that sports pitches will be fit for purpose and provide opportunities for residents to participate in sport.

Fair & Inclusive	✓			

Comments:
If renewed the order would through both education and enforcement provide support for our most deprived communities.

It would provide reassurance with officers working in the community dealing with persistent dog fouling and control concerns. It will also provide residents with a voice to make the authority aware of issue in their area.

The proposed prohibitions are considered fair and reasonable providing a balanced approach taking into account that not all dog owners are irresponsible.

RISKS AND ASSUMPTIONS

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

- Resource levels to enable the order to be effectively delivered borough wide 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 [Neil Concannon]

42. 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 Pubic 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; and
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. The consultation 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. Should the proposed Order recommended by this report be made, the Council will then be required to publish it in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014. 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, 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 [Richard Taylor]

43. Any costs associated with replacement or additional signage will be met from existing environmental enforcement budgets (EW006). There are no other financial implications.

HUMAN RESOURCES IMPLICATIONS [David Knapp]

44. There are no direct HR Imps in relation to this report, but if in future staff are affected or additional specialist resources are required then further consultation will need to take place with HR.

TECHNOLOGY IMPLICATIONS [Peter Ward]

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

EQUALITY IMPLICATIONS [R Scarborough]

46. 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.

47. 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.

48. The Due Regard Statement is attached at **Appendix 5**.

CONSULTATION

49. 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

50. Overall, Cabinet can be content that the consultation has generated significant public and stakeholder interest in the subject of dog fouling and control. 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.

51. 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.

52. 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.

53. Cabinet should be aware that an amendment has been added to the final order in Appendix 4. This is to state that nothing in this order shall apply to a disabled person (within the meaning of the equalities act 2010) whose ability restricts their ability to comply with the order and the dog is their guide dog or assistance dog.

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

Rob Scarborough
Environmental Crime and Contracts Manager – Economy and Environment

Director Economy and Environment
Dan Swaine

Appendix 1

Doncaster Council

16th September 2022

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 April 2023, 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 16th November 2022, 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

Appendix 1

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	In 2017 a Boroughwide Public Space Protection Order under the new powers replaced outdated legislation relating to dog fouling and dog control. 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 April 2023. It is proposed that with the renewal, the original prohibitions remain and will continue to include the following 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. Exemptions to the renewal of these prohibitions will also remain and would include the following – • Where a person is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 ; or • 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

This issue is considered to be:

- Having a detrimental effect on the quality of life in the area
- Persistent and Ongoing
- Unreasonable

The following conditions were implemented as part of the original Public Spaces Protection Order in 2020 and would remain in place as part of the proposed renewal:		
PROHIBITIONS	REQUIREMENTS	WHEN
<u>Dog Fouling</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		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.
	<u>Leads must be worn</u> A person in charge of a dog on the land below must keep the dog on a lead 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.	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.

	<u>Leads by Order</u> 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.	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.
<u>Dog exclusion areas</u> 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.		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.
	<u>Means to pick up</u> A person in charge of a dog on land to which this order applies must have and produce on request the appropriate means to	At all times, unless the dog owner: (a) has reasonable excuse for failing to do so; or

	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	(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.

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: 16th November 2022

Appendix 1

Microsoft forms consultation

Public Space Protection Order Dog Fouling and Control

Doncaster Council is looking to renew the current Dog Fouling and Dog Control Public Space Protection Order (PSPO) for a further 3 years. It is currently due to expire in April 2023. 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 that 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.

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.

The consultation will run from Wednesday 14 September 2022 until Wednesday 16th November 2022. Before you answer the following questions please click the follow link to download the document that explains the wording of the proposed order and reasons why the Council wishes to extend it.
https://dmbcwebstolive01.blob.core.windows.net/media/Default/Environmental/PSPO%20Dog%20fouling%20Consultation%20Document%202022.docx.

1. Do you agree it is necessary for a dog control Public Spaces Control Order to be in place for the maximum permitted 3 year period following the expiry of the existing order?

- ◯ Yes
- ◯ No
- ◯ No Opinion

2. **Dog Fouling**

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

Do you agree?

- ◯ Yes
- ◯ No
- ◯ No Opinion

3. **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 would be relevant where a dog is witnessed to be anti-social towards humans or other animals.

Do you agree?

- ◯ Yes
- ◯ No
- ◯ No Opinion

4. **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.

Tick all options that you feel this statement should apply.

- ☐ All cemeteries, churchyards and all green burial areas.
- ☐ All footpaths around lakes and ponds (due to the protection of wildlife).
- ☐ All sports grounds, fields, parks and pitches but only when in use for officiated sporting matches.

5. **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
- ◯ No Opinion

6. **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
- ◯ No Opinion

7. Do you wish to add or clarify anything further?

Enter your answer

Submit

Summary of consultation results

1. Do you agree it is necessary for a dog control Public Spaces Control Order to be in place for the maximum permitted 3 year period following the expiry of the existing order?

More Details Insights

Yes	1331
No	75
No Opinion	101

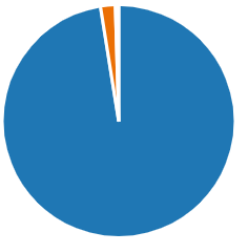
2. **Dog Fouling**

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

Do you agree?

More Details Insights

Yes	1475
No	31
No Opinion	7



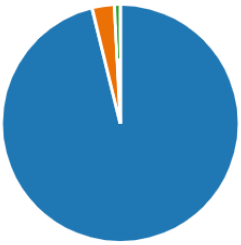
3. **Dog on leads by order**

A person in charge of a dog must put the dog on a lead when requested to do so by an authorised officer. This would be relevant where a dog is witnessed to be anti-social towards humans or other animals.

Do you agree?

More Details

Yes	1458
No	46
No Opinion	12



4. **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.

Tick all options that you feel this statement should apply.

More Details

All cemeteries, churchyards and ...	1385
All footpaths around lakes and ...	1226
All sports grounds, fields, parks ...	1301

5. **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?

More Details Insights

Yes	1334
No	130
No Opinion	49

6. **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?

More Details Insights

Yes	1412
No	101
No Opinion	16

7. Do you wish to add or clarify anything further?

More Details Insights

689
Responses

Latest Responses

Appendix 3

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
Local Elected members	16.09.2022 via members support (David Chorlton)	Email	16/09/2022 03/11/2022	Yes	Comments detailed below
Comments – Cllr Glynn Jones - I fully support the continued initiatives within the PSPO (Dog Fouling) order. Cllr Ian Pearson - • This order should continue for a greater period than 3 years. • The fines are inadequate to appropriately deal with people failing to carry bags and pick up after their dogs. • Better notification on litter bins so that dog owners are aware that all bins can be used to deposit their waste in. • The splats that are used on pavements need to be maintained to a higher standard to ensure people are aware they are in areas covered by the PSPO. • There should be a total ban on dogs being allowed on playing fields where contact sports are played by children and adults. If necessary there could be a fenced area for dog walkers to use. This should also carry an extra penalty because of the added medical danger to all users					
South Yorkshire Police Lisa Bird/Joe Hunt	16/09/2022	Letter sent by Email		Yes	See below

Comments –					
Police and Crime Commissioner	27.09.2022	Letter via Email sent to Dr Billing's office	31/10/2022	Yes	See below
Comments – Supported – Dr Alan Billings, PCC I support this application. I believe the issues the PSPO is designed to prevent – dog fouling and dogs out of control – are serious matters. They are frequently referenced by people as reasons why they are anxious about public spaces in the Doncaster district. This is especially true of the older members of the community and those who have small children. I am happy to support the application.					
DMBC Highways Enforcement David Snell	16/09/2022	Letter via email	23/11/2022	Yes	See below
Comments – David Snell In my opinion it all appears to be clear and concise and I do not have any comments to add other than I am supportive of renewing PSPO as written.					
DMBC Enforcement Team Claire Bignell, Interim Head of service Regulation and Enforcement John Davies – Enforcement manager (areas)	16/09/2022	Letter via email	22/11/2022	Yes	See below
Comments – Claire Bignell - Having viewed the proposed PSPO dog fouling and control order consultation, 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 lifetime of the order. Such action is a vital element in the engagement, education and enforcement of this PSPO. John Davies - The proposal to renew the PSPO is welcomed as the guidance/direction provided by these prohibitions educate the public on what is expected in Doncaster. They					

also provide a means to prevent individuals (and to a certain extent their dogs) causing problems in a public space that could be deemed as anti-social behaviour.

One of the most common complaints received by the Council when consulting with residents, are the problems with dog fouling so the prohibition of failing to clear up your dog mess is extremely important. As these offences are particularly difficult to witness, the additional requirement for those in control of dogs to carry suitable means to remove dog fouling is welcomed.

The keeping of dogs on leads in certain spaces is necessary in areas such as cemeteries and the exclusion from children's play areas makes sense to protect the public and ensure young children are kept safe.

The one prohibition that can lead to some confusion is the "leads by order". Members of the public misinterpret this requirement and further education may be required in some areas to ensure people understand it is only when directed by an authorised officer and this is only likely if a dog is causing concern in the area.

St Leger Homes of Doncaster Jennie Daly Tenancy Sustainability Service Manager	16/09/2022	Letter via email	16/09/2022	Yes	

Comments – Jennie Daly

I think the attached is informative, clear and straightforward

DMBC Communities team Claire Scott Head of Service	16/09/2022	Letter via email	16/09/2022	Yes	See below

Comments –

I am supportive of the PSPO extension and fully support the prohibitions , as key we tackle such issues to ensure maintenance of quality outdoor, open spaces for all residents to use and enjoy, in a safe way ,without impacts from dog fouling or the fear that some have with regards dog not being on leads.

In terms of enforcement of the PSPO, whilst the communities' service has a part to play in contributing via their early intervention and prevention core work, raising awareness when working with individuals during their casework / homes visits, education to community

groups and ensuring CLS hubs are fully aware of such use of tools and powers. Therefore the “making every contact count “approach.

There needs to be wider input and support from across other partners and agencies to contribute in the same way, perhaps use of the localities meeting to seek support and buy in and agree targeted work from across the partnership

As the stronger communities and wellbeing, officers do not have enforcement as a core lead within their job roles. I feel it would be beneficial to explore how there can be some dedicated enforcement of the prohibitions in key locations across the borough - via a schedule / rota of hotspot areas that could be prioritised specifically for enforcement operations and / or themed activity days.

DMBC Streetscene David Ridge Head of Service	16/09/2022	Letter via email	14/10/2022	Yes	See below

Comments – Fully supportive of the proposal.

Only additional comment would be the need to ensure the prohibitions are clearly displayed at all locations at all times.

Parish and Town Councils

The PSPO consultation document was sent out to all Parish and Town Councils via the relevant email contacts on the 16th September 2022 and the following responses and feedback has been received

Bawtry Parish Council	16/09/2022	Letter via email	15/11/2022	Yes	See below

Comments –

Bawtry Town Council confirms that we support the renewal of the Dog fouling and Dog control Public Spaces Protection Order for a further 3 years

Conisbrough Parish Council	16/09/2022	Letter via email	15/11/2022	Yes	See below

Comments -

Conisbrough parks parish councillors fully support the dog fouling and control public space protection order prohibitions and are therefore in agreement that they should be renewed for a further 3 years.

Blaxton Parish Council	16/09/2022	Letter via email			See below

Comments –

Discussion included points raised regarding the large number of children and adults in attendance during scheduled football/sports training and not just during officiated matches. Also, experiences of dogs being off lead when there is clear temperament/behaviour issues resulting in injury to other dogs. Therefore, Blaxton Parish Council wish to respond with the following two suggestions on the proposed renewal of the Dog fouling and Dog control Public Spaces Protection Order;

“<u>Leads must be worn:</u> 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” – That the addition of ‘Organised Sports Training’ be included and that a further requirement when ‘Leads must be worn’ be included when there is doubt in a dog’s temperament/behaviour in the presence of other people and/or other dogs in a public area.

Summary of consultation responses

In total 1545 residents and stakeholders responded to the consultation regarding the renewal of the public space protection order for a further 3 years.

As part of the consultation, residents and strategic partners were asked if a renewal of the dog fouling and control order was necessary and 88% agreed it should be for a further 3 years.

Many respondents 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.

Appendix 3

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

Proposed Prohibitions (summary)

2. 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

97.00% 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.

Many comments made reference to how the order would be enforced and that they would like to see both officers tackling these issues and prosecutions taken against people that fail to adhere to the prohibitions. This comes across very strongly within the responses received. It would be the authorities aim to target areas where intelligence and evidence exists highlighted by residents' concerns.

There were also comments made for the need for further education around dog fouling and control and for further signage and pavement stencilling to take place.

Sample of comments

- *"think that people should always pick up after their dogs and I think if an officer witnesses dog fouling then they should be allowed to ask for proof that the person can pick it up, but I don't think people walking along with their dogs should be made to prove they have bags if the dog isn't fouling at that moment or been witnessed fouling"*
- *"I would like to see more enforcement of the order"*
- *"Without enforcement officers it means nothing to the public. Staff are needed to enforce Dog control and fouling I've worked in Green spaces for six years and never seen enforcement of this pspo except posters which people ignore. More dog wardens to enforce it"*
- "Just wish there could be a way of ensuring that all dog owners pick up after their dogs. Could there be a social media campaign or more posters. Perhaps the ones with eyes, which say we're watching you! Pick up after your dog. Think more needs to be circulated about the dangers of young

children coming into contact with dog faeces, causing possible blindness".

- "*People need to be a responsible dog owner which includes clearing up after it to keep people safe*"
- "It's the enforcement that the issue. Not enough people with the power to stop all the above. I've caught people doing most of these. Challenged and reported. Nothing happens to them".
- "More clear signage amongst the borough needs to be updated and made clear enough for dog owners to be aware".
- "it would be a good idea for DMBC checked on a regular basis areas to make sure they have signs up also stencilling to encourage people to take responsibility for their own pets and not leave it to public to have to contact the council to check areas".
- "The relevant authorities (councils) must provide sufficient waste bins and a routine for maintaining and emptying them".
- "More dog bins please"!
- "There are many bins and warnings on the bins regarding picking up dog poo and the fine they will face but how often is this implemented and how? I am a litter picker employed by the Parish Council for the village of Armthorpe and would like to be involved if needed".
- "As a responsible dog owner I would like to see these enforced. Despite passing dog faeces daily I have heard of nobody being prosecuted".
- "Hefty fines for people who pick up the dog faeces but leave the bags for someone else. The plastic (and also the biodegradable ones) are harmful to the environment".
- "I believe the dog poo bin need to be emptied on a more regular basis"
- "Bins at Cantley Park are used extensively by dog owners. They need to be emptied more often, more or larger ones placed on site".
- "There is a need for more poo waste bins ad this is a problem where I live and leads to people not picking poo up"
- "I agree with it but not really much point in having these rules because they are very rarely enforceable due to no one being around to 'catch' people in the act. Dog fouling is bad on my street (Elmham road, Cantley) it is left quite often right in front of mine and my neighbours gates. There is a sign up on a lamp post close by but that does nothing".
- "Really important protection order, fully support renewal".
- "More regular emptying of bins"
- "This is a worthwhile provision that the Council do to ensure that people and places are safe and free from dog waste. I like and fully support the work the Doncaster Council do on dealing with dogs and dog fouling".
- "*I walk my dogs on the field behind the park and ride at Scawthorpe. I seem to be the only person who picks up faeces from their dogs . There has been a spread of parvo from that field. Would it help to provide bins on the field to encourage people to pick up after their dogs"?*
- "Some people need educating on these rules more if they have dogs! Maybe sanctuaries and places that sell dog products could have posters etc to advertise this order if it does continue. There are too many people on doncaster that do not pick up their own dogs faeces!"
- "*Publish on social media/local paper anyone fined for non-compliance and make sure there are enforcement officers visible and taking action"*
- "*Dog owners need to take responsibility for their dogs and pick up after them with no exceptions. Fines should be issued, although the people need to be*

caught not picking up. All dogs should be kept on a lead in public spaces unless very well trained with good recall"

- "The local authority must provide sufficient waste bins for the disposal of bagged dog faeces along public pathways and all areas as defined at Question 4 of the survey"
- "*There should be adequate bins made available in the Borough. I'm sick of seeing dog foul bags thrown into trees and dumped on the ground due to no bins, especially on housing estates"*
- "Park opposite us just opposite Bahram Road 4 bins and still dog fouling. Kids play on the grass there".

3. 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 96.00% 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

There are specific prohibitions within the order, which are covered later within this report, 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 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. This is also backed up by the data presented by South Yorkshire Police demonstrating a need for the prohibition.

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.

There were further comments made in reference for the need for more visible enforcement officers. It would be the authorities aim to target areas where intelligence and evidence exists in relation to residents' concerns.

Sample of comments

- *All dogs should be kept on a lead in public places, no matter how good a dog is other dogs may be reactive or a child/person could be scared of roaming dogs"*
- *People need to control their dogs. Running up to mine and shouting "they're friendly" well mine are not and thats not the point. There needs to be officers patrolling more to give out ASBOs for out of control dogs"*
- *I have a dog and agree with all of the above*
- I would like dog owners to be more aware of children or other adults that are not comfortable around dogs or allergic to dogs .I believe dogs should be on leads but I also believe there should be more designated dog only areas .there is always poo on the paths in Branton on the way to school it is disgusting and irresponsible .thankyou
- All dogs should be on Leads it makes it impossible taking my dog out when dogs constantly run up to us
- All dogs should be on leads at all times in public space
- *A person should put a dog on a lead when requested to do so by an officer regardless of whether it has been witnessed displaying antisocial behaviour. A person in charge of a dog should keep it on a lead at sports grounds, fields, parks and pitches regardless of whether it is in use or not.*
- *The rules need to be better enforced. There are too many dogs allowed to run around loose or on extending leads so they aren't under the owner's control, and too many owners who don't pick up dog poo. It's particularly bad in woodland, they just flick it off the path (and sometimes they just leave it there).*
- "Dogs should be on a lead at all times and must be controlled by the owner especially when approaching other dogs or small children"
- "No people around to enforce these orders .also dogs should be on leads in any public park"
- "More dog wardens on the streets and public areas"
- "Should only be used if the dog is witnessed to "anti social" and not as a "stop and search" approach to dogs that dont display any issues".

4. 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

90.04% of respondents stated their support for dogs on leads in all cemeteries and churchyards, including green burial areas. There were no adverse comments provided against this prohibition and was widely supported. 80.0% of residents supported dogs on leads around lakes and ponds with some responding with views both for and against this prohibition. 84.92% of people responding were in favour of dogs being on leads when sports pitches and

parks are in use for officiated sports matches. There were comments made in reference to this 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.

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

- *"A person in charge of a dog on the land below must keep the dog on a lead in the following areas. During organised events (at Cusworth Hall) e.g. Parkrun, food/craft fairs, weddings. Also other community football club fun days, local gala's, shows"*
- "All dogs should be kept on a lead wherever there other people. A lot of people are frightened of dogs and even if the owners say, 'it's alright, it won't hurt you'. It doesn't help the person who is afraid of dogs".
- **"***Dogs should be on a lead at all times on footpaths, not just footpaths that surround lakes and ponds"*
- **"**Don't agree with the lakes / pond exclusion except in areas of specific wildlife protection such as Potteric Carr".
- **"**All sports grounds, fields, parks and pitches AT ALL TIMES & not allowed on any marked out pitch for sport even on a lead".
- **"**Should be on leads at all times I have been bitten by a small dog whilst owner says come this way and wagging finger at said dog . Also husband got bit on arm whilst walking along canal owner said it'll not bite you it did. Muzzles should also be in this act."
- **"**I think all dogs should be kept on leads , its got to a point where we hardly walk ours now due to dogs off leads trying to get to ours .our dogs aren't good with others after nearly being attacked ,if it wasn't for the fact they are small enough to grab with there harnesses I can't imagine what would have happened. This was on a green plain space around the corner where we live that children play on . Please consider leads on at all times" .
- **"**Some lakes and ponds maybe suitable for dogs swimming so can't support leans on all paths near them"
- " Dogs" should be kept on a lead even when practice and training sessions are taking place, Dogs can easily be distracted by children running and shouting, and not respond to their owners! Note "I am a

Dog owner and have witnessed this on several occasions in our local park"

- "dogs to be kept on leads on public walking trails/paths and zero tolerance to offenders and a hefty increase in fines to deter repeat offences"
- "On a river bank near my home, there is dog faeces, some people think they don't have to pick it up, it spoils the area, a relevant sign would be good to put up.
- "Own a dog. I always pick up her faeces it makes me so angry that other people don't. Not sure how easy it will be to enforce but I have always said that anyone walking a dog should have poo bags on them or be fined . This is a particular problem in conisbrough , tired of clearing other dogs faeces from the pavement outside my house. There are cemeteries where I think it should be ok too walk your dog as I often visit two with my dog. However I do not allow her to foul or wander onto any graves"
- *"dogs should be on a lead around the lakeside footpaths as well as have witnessed very large dog not on a lead and this is dangerous for older people and children alike".*
- "Sports pitches should be dog free areas in the sport season even when feaces is picked up it leaves residue"
- Dogs on Leads. The third point should be extended to cover when NOT in use for the sport too. There are plenty of places to take dogs for runs off the lead. Sports pitches should not be used for this. I also don't see why cats are not included within the public fouling order, they are much worse than dogs.

5. 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

88.00% 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 some contributed to suggest that well behaved dogs on leads should be allowed to be in the play areas if sat with the owner. They also commented that young families would find it difficult if they were out with the dog.

There was further reference to the enforcement of the order however overall a strong response in favour of its continuation.

Sample of comments

- "Regarding play areas, some people go out together with dogs and children, to exclude dogs from play areas causes difficulties and prevents the children from playing. It would be better to allow dogs into play areas, so long as they are in a lead. Regarding bins, there are usually enough bins around, but some are not emptied often enough".
- "*Dogs should be on a lead in all public areas including pavements. Any areas that are not an enclosed area belonging to the owner should be included. Dogs should not be allowed to trespass on other people's private property either. Requiring leads at all times would help with this. My lawn is not a dog toilet, I do not accept that an owner can pick up droppings. The animal has no right to trespass on my property in the first place. Irresponsible owners should be in control at all times and subject to suitable sanctions for non compliance. Anti social behavior restricions should also be available for dogs"*
- *It's all good having these orders but I've yet to see any of this enforced.*
- *Absolutely should be on a lead in any park by law not just gated childrens areas*
- *Dogs should be on a lead in parks and where children play games ie football at all times. Too many dog attacks*
- **"***I understand & agree with all the details set out above, but the question is, WHO will police this order? my understanding was certain dog owners just ignored it, my own experience was threats & " nowt to do with you" when I have confronted dog owners in the skate park on Wickett Hern Road".*
- **"***No reason for a dog not to be allowed in an enclosed children's play are if it is on a lead as it may be a family pet".*
- **"***This is a very important proposal that needs to be accepted".*
- *"In relation to enclosed childrens play areas. It makes it difficult for families with young children and dogs to visit if dogs are excluded. They should be allowed within if on a lead and under control".*
- **"***Dogs should be banned from all sports playing fields & children's play areas"*
- **"***I think if a childrens play area is in the middle of a field which is popular with dog walkers ie Barnby Dun, dogs should be on a lead as children are running in and out of the playground. Also some people do pick up after their dog but then throw the bag into the nearest bush or tree when no one's around. Ie canal tow path barnby dun to Kirk sandal".*
- **"**Dogs should not be allowed on any play area that has designated play equipment. They aren't always fenced".
- **"**No agree 200% with all the above"

6. 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

92.00% of respondents supported the renewal of this prohibition, with comments made in reference to the authority providing bags in parks. There were also some comments made relating to dog walkers having already used the means to pick up they had brought out. However, even if that is the case there is no guarantee that their dog will not defecate again during the sane walk and so it is felt that it is reasonable to require dog walkers to have sufficient means to pick up throughout the entirety of their walk

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.

Sample of comments

- *"I do agree with question 6, however must produce on request if an officer has reasonable grounds for asking/situation warrants it."*
- "Has the possibility of the council providing poop bags in parks been looked at"?
- *"Question 6 I've answered no because it isn't clear who would be asking. I DO think everyone should clear up after their own dog and thus should have "the means to do so". I think the question probably means that an authorised person (dog warden? Park warden?) is asking - in which case – yes".*
- "Unsure about the 'produce on request' part of question 6. I feel this is rather an infringement. But cleaning up after your dog, absolutely".
- "Question 6 : means to pick up - I don't agree with this as a dog owner when out on a walk I have already picked up my dogs faeces so sometimes wouldn't have bags left however this does not mean I haven't picked it up. I don't agree with being fined for not having bags on you whilst out on a walk as the bags may have already been used. I also think more needs to be done regarding dogs out on their own particularly in balby where this seems to be a daily occursnce and Usually typically dangerous dog breeds that are roaming the streets it makes me feel unsafe. Where there are fields next to a park I don't agree that dogs should be let off of the lead as this can be dangerous if the dogs runs off and enters parks"
- "Yes I strongly believe that people should have poo bags and I keep mine in my pockets or on my running belt so to be questioned by anyone where they are I would feel annoyed and intimidated as I am 100% true dog owner that always picks up after"
- *"Lots of people don't bother picking it up anyway so it makes no difference if they're asked to produce items but can't. I think this might cause unnecessary confrontation for those expected to enforce it".*

- “I totally agree that dogs mess should be picked up, and we always do this with our dog. However I hope some leniency is shown if an owner has genuinely forgotten to bring the poo bags out with them as this has happened to us - we've usually improvised with tissues or even a face mask”!
- “I always have poo bags in all my jackets but must admit to on occasions when changing a jacket have been caught out”
- “It may be more effective if plastic bags were made available as part of the litter bins in vandal proof enclosures (ie only one bag could be pulled out at a time)”
- “unless they can prove they are on their way home having used all bags. I always take out more bags than I think I need but I can't always predict how many times my dog will go. So sometimes on my return journey I will have no bags left”.

Appendix 3

ii) Consultation responses from the Dogs Trust

Dogs Trust's Comments

Re; Fouling of Land by Dogs Order: • 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. • 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.

Re; Dog Exclusion Order: • Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries. • Dogs Trust would highlight the need to provide plenty of signage to direct owners to alternative areas nearby in which to exercise dogs.

Re; Dog Exclusion and sport pitches • 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. • 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

Re; Dogs on Leads Order: • Dogs Trust accept that there are some areas where it is desirable that dogs should be kept on a lead. • Dogs Trust would urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') that include the dog's need to exhibit normal behaviour patterns – this includes the need for sufficient exercise including the need to run off lead in appropriate areas. Dog Control Orders should not restrict the ability of dog keepers to comply with the requirements of this Act. • The Council should ensure that there is an adequate number, and a variety of, well sign-posted areas locally for owners to exercise their dog off-lead.

Re; Dogs on Lead by Direction Order: • 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. The PDSA's 'Paw Report 2018' found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog. We believe that the vast majority of dog owners are responsible, and that the majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its powers

Appendix 4

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 Public Spaces Protection Order in 2020 and would remain in place as part of the proposed renewal:			
PROHIBITIONS	**REQUIREMENTS**	**WHEN**	**AREA AFFECTED**
	<u>Dog Fouling</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:	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.	This prohibition would be in force across the borough of Doncaster
	<u>Leads must be worn</u> A person in charge of a dog on the land below must keep the dog on a lead 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	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.	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

	Exclusion', but only when in use for officiated sporting matches.		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.	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.	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		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	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

		authority having control of the land has consented (generally or specifically) to his failing to do so.	words or words and/or symbols having like effect) which is designated and marked for children's play.
	<u>Means to pick up</u> 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.	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.	This prohibition would be in force across the borough of Doncaster

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.

Exemptions
Nothing in this order shall apply to a disabled person (within the meaning of the Equality Act 2010) whose disability restricts their ability to comply with the order and the dog is their guide dog or assistance dog.

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.

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.**	*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 was extended by a further 3 years in 2020 following full consultation. The overwhelming response has been in favour of a further renewal.* *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.* *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.* *The implementation of the PSPO links in to Doncaster Councils Great 8 strategy, although it also touches wider themes as detailed within the Cabinet report.* ***The activity the renewed Public Space Protection Order will cover and prohibit is as follows –*** • ***Dog Fouling*** *- 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* • ***Leads must be worn -*** *A person in charge of a dog on the land below must keep the dog on a lead* *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* ***<u>Additional notes and definitions for the purpose of the Order</u>*** *• 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.* *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 and 1537 in 2022. The consensus was a clear agreement for the order to be renewed.*
2	**Service area responsible for completing this statement.**	*Enforcement Team, Economy and Environment Directorate* *Communities Team, Adults, Health and Wellbeing Directorate*
3	**Summary of the information considered across the protected groups.** **Service users/residents** **Doncaster Workforce**	*Protected user groups as defined by the Equalities Act 2010 are :* *Age, Disability, Race, Sexual Orientation, Religion and Belief, Maternity and Pregnancy, Gender Reassignment, Marriage and Civil Partnership.* *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.* *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 advertised via the Authority's website where the ability to translate the information forms part of the core elements of the website.*

4	**Summary of the consultation/engagement activities**	*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 –* • *Local elected members* • *South Yorkshire Police* • *Police and Crime commissioner* • *DMBC Highways* • *DMBC Enforcement Team* • *St Leger Homes of Doncaster* • *Parish and Town councils* • *Allotment Holders* • *Greenspace Network* • *The Kennel Club* • *The Dogs Trust* • *Community Groups* *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.* *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.*
5	**Real Consideration:** **Summary of what the evidence shows and how has it been used**	*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. There was a further renewal undertaken in 2020 for a further 3 years.*

		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. *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.* *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.* *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.* *In terms of consultation results all those statutory Consultees were in agreement with the prohibitions and requirements laid out.* *In terms of the boroughwide consultation 1532 responses were received with the results laid out below –* ***Question 1*** *Do you agree it is necessary for a dog control order to be in place for the maximum permitted 3-year period following the expiry of the existing order?*

		Yes – 88% *No – 5%* *No Opinion – 7%* ***Question 2*** *Dog Fouling – a person in charge of a dog must remove the faeces from any public open land across Doncaster forthwith* *Yes – 97.00%* *No – 2 %* *No Opinion – 0.45%* ***Question 3*** *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 – 96.00%* *No – 3.00%* *No Opinion 1.0%* ***Question 4*** *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* *Yes - 90.04%* *No - 9.06%* *- All footpaths around lakes and ponds* *Yes – 80.0%* *No - 20.0%* *- All sports grounds, fields, parks and pitches but only when in use for officiated sporting matches* *Yes - 84.92%* *No - 15.08%* ***Question 5***

		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 – 88.00%* *No – 9.00%* *No Opinion – 3.0%* ***Question 6*** *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 – 92.00%* *No – 7.00%* *No Opinion - 1.0%* *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.*
6	**Decision Making**	*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.*
7	**Monitoring and Review**	*The PSPO has a review life of 3 years and hence why the request to renew is being made as it was implemented in 2020.* *PSPOs are monitored through the Communities Area team Neighbourhood Action Team meetings each month.* *The PSPO will also be monitored through a monthly contract meeting with our partners LA Support 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.*
8	**Sign off and approval for publication**	**To be completed following the implementation of the PSPO**