

Update Briefing Note

Options to Control Dogs in Higher Memorial Park Failsworth

Report to: District Executive – Failsworth and Hollinwood

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1 Purpose of Report

- 1.1 The purpose of this report is to update members on changes to legislation that could influence the response to the issues reported by petitioners at Higher Memorial Park, Failsworth.

2 Recommendation

- 2.1 For discussion at the meeting

3 Introduction

- 3.1 This report is to update members as to progress since a decision was taken to consult on the introduction of a Dog Control order for Higher Memorial Park Failsworth. On the 21st January 2014, the District Executive discussed the issues raised via a petition and decided to start the consultation process needed to establish a Dog Control Order for the park.
- 3.2 Since the Council received the petition highlighting issues with dogs running free in the park, ongoing changes to UK legislation have been finalised. These new powers, which are contained within the reform to the anti-social behaviour powers should better assist Councils across the country deal with situations such as those described in the petition.
- 3.3 These new powers will replace the Dog Control Orders and are seen as being more flexible enabling the Council, with other partners such as the Police, to react to changing circumstances allowing the law-abiding majority the ability to enjoy public spaces.

4 The new powers

- 4.1 Contained within the new Anti-Social Behaviour, Crime and Policing Bill 2014 are various powers available to the Council to address issues such as those described by the petitioner in this case. These powers have now been finalised by the Government and it is anticipated that the Bill will receive approval to be used by October this year.
- 4.2 One of these new powers within the bill is entitled a public spaces protection order (PSPO) and this order has been designed to stop individuals or groups committing anti-social behaviour in a public space.
- 4.3 A public spaces protection order (PSPO) is designed to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone such as ensuring your dog is on a lead.
- 4.4 They are designed to ensure that the law abiding majority can enjoy public spaces, safe from anti-social behaviour.
- 4.5 These orders are intended to replace the existing specific orders that currently can be used such as Dog Control Orders. These orders are more flexible and can be tailored to circumstances in an area. The order can prohibit certain activities such as the drinking of alcohol as well as placing requirements on individuals carrying out certain activities, for instance making sure that people walking their dog keep them on a lead.
- 4.6 There are a number of benefits to using these new powers and they are as follows:-

- The PSPO can be varied and include multiple restrictions and requirements in one order thus representing savings for the Authority and other agencies;
 - The order can be prescriptive about the time in which certain activities can take place. So for example, the order could state the times and/or days when dogs must be on a lead;
- 4.7 The Government's intention is that these PSPOs will replace and streamline all the other specific orders such as Dog Control Orders. PSPOs can be put in place for a maximum of 3 years before their ongoing need must be reviewed. They can be renewed so long as the Council is satisfied that there is an ongoing need for the restrictions.

5 Options for consideration

5.1 The following options are available to the District Executive:-

- 5.1.1 Continue to progress with the consultation process for the Dog Control Order. This order would then need to be amended into a PSPO within three years;
- 5.1.2 Consider using the new powers, when they are enacted later this year and develop a Public Spaces Protection Order which is very specific for the Park in conjunction with the lead petitioner, other partners and community representatives. This draft order could then be advertised and implemented as soon as the bill is enacted later this year.