

CABINET
12 JANUARY 2021

PUBLIC SPACE PROTECTION ORDERS FOR DOG CONTROL IN DARLINGTON

**Responsible Cabinet Member -
Councillor Jonathan Dulston, Stronger Communities Portfolio**

**Responsible Director -
Ian Williams, Director of Economic Growth and Neighbourhood Services**

SUMMARY REPORT

Purpose of the Report

1. To enable the Public Space Protection Orders (PSPOs) for Dog Control in two areas in Heighington to be amended as the restriction to exclude dogs within the two areas was not included in the original orders.

Summary

2. Cabinet approved the Public Space Protection Order – Dog Control on 14 July 2020. Due to an oversight, the exclusion of dogs from St Michael's Play Area and Parish Hall Lane Play Area and Playing Field in Heighington was missed off the original PSPO. Previously dogs were excluded from these two areas in the Dog Control Orders that the PSPO replaces. A proposed amendment to the order has been made to deal with this oversight and a six-week consultation period took place with regard to the proposed changes.

Recommendation

3. To enable the amendment to the PSPO to include St Michael's Play Area and Parish Hall Lane Play Area and Playing Field in Heighington to become 'Dog Exclusion' areas, it is recommended that Members:
 - (a) approve and agree the Public Spaces Protection Order – Dog Control, No.1 of 2021, as set out in Appendix 1, is formally made.
 - (b) that on the making of the PSPO set out in paragraph 3(a) the Public Spaces Protection Order – Dog Control, No.1 of 2020 shall be revoked.
 - (c) delegate authority to the Assistant Director, Law and Governance to make the Order.

Reason

4. The recommendation is supported by the following reasons :-
 - (a) To rectify the oversight that has been identified.

- (b) To enable a consolidated PSPO dealing with dog control to be made.

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

14 July 2020 Cabinet - report entitled - Replacement of dog control orders with Public Space Protection Orders.

<https://democracy.darlington.gov.uk/ieListDocuments.aspx?CId=137&MId=2116>

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CD

S17 Crime and Disorder	The PSPO for dog control enables the authority to take action against individuals who do not look after their dogs responsibly.
Health and Well Being	The PSPO will impact on the Health & wellbeing of the community, making sure dogs are supervised responsibly.
Carbon Impact and Climate Change	There is no impact on carbon as a result of this report.
Diversity	Exemptions are available under the PSPO to some sections of the disabled community.
Wards Affected	All Wards, but specifically Heighington and Coniscliffe
Groups Affected	The main impact on any protected characteristic as a result of introducing a Public Space Protection Order will be on residents with a disability who require an assistance dog. As detailed in the report, those individuals who have assistance dogs are excluded from relevant offences under the PSPO.
Budget and Policy Framework	No impact on the Budget or Policy Framework.
Key Decision	No.
Urgent Decision	No.
One Darlington: Perfectly Placed	The PSPO will contribute to safer Darlington.
Efficiency	There is no impact on the Council's Efficiency agenda as a result of this report.
Impact on Looked After Children and Care Leavers	There is no impact on Looked After Children and Care Leavers as a result of this report.

MAIN REPORT

Information and Analysis

5. Cabinet previously approved the implementation of the Public Space Protection Order – Dog Control on 14 July 2020 following a period of consultation. Unfortunately, two areas in Heighington, St Michael's Play Area and Parish Hall

Lane Play Area and Playing Field did not include for the exclusion of dogs. The restriction was included in the Dog Control Orders that the PSPO was replacing.

6. Once the oversight was discovered, a period of consultation was undertaken about making a change to the PSPO to exclude dogs from the two areas. The consultation took place from 16 October to 30 November 2020.
7. PSPOs were introduced in the Anti-Social Behaviour Crime and Policing Act 2014. A PSPO is designed to deal with a particular nuisance or problem in an area. The behaviour must be having a detrimental effect on quality of life of those in the community. It must be persistent or continuing and it must be unreasonable. Members are referred back to the July 2020 report and consultation responses obtained. See the background papers - a hyperlink to the July 2020 report is included (Agenda item 10).

Outcome of Further Consultation

8. No responses were received from the consultation on the changes that are proposed to the 2020 PSPO. It is therefore proposed that an amended PSPO is made with the revisions made to exclude dogs from St Michael's Play Area and Parish Hall Lane Play Area and Playing Field in Heighington. Details of the Order are attached at **Appendix 1**.

Equalities Implication

9. There are exemptions within the PSPO for disabled residents who required assisted dogs as well as for those residents who are registered blind or have mobility or disability issues.
10. Officers will obviously apply common sense when enforcing the PSPO involving residents with disabilities.

Legal Implications

11. Under Section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014, any individual who lives in the restricted area or who regularly works in or visits that area, may apply to the High Court to question the validity of either a PSPO or a variation to a PSPO. The grounds on which an application under this Section may be made are either; that the Local Authority did not have the power to make the Order or the variation, or to include particular prohibitions or requirements imposed by the Order or variation, or that a requirement under the 2014 Act was not complied with.
12. If on an application under this Section, the High Court is satisfied that:-
 - (a) the Local Authority did not have the power to make the PSPO or the variation, or to include particular prohibitions or requirements imposed by it, or
 - (b) the interests of the applicant have been substantially prejudiced by a failure to comply with the requirement under the 2014 Act, the Court may quash the PSPO or variation or any of the prohibitions or requirements imposed by it.