

# NEIGHBOURHOOD SERVICES COMMITTEE AGENDA



**Tuesday 25 April 2017**

**at 3.00 pm**

**in Committee Room B,  
Civic Centre, Hartlepool.**

NEIGHBOURHOOD SERVICES COMMITTEE:

Councillors Beck, Belcher, Hunter, James, Loynes, Robinson and Springer

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

- 3.1 To receive the Minutes and Decision Record of the meeting held on 20 March 2017 (*previously circulated*).

**4. BUDGET AND POLICY FRAMEWORK**

No items

**5. KEY DECISIONS**

No items

**6. OTHER ITEMS REQUIRING DECISION**

- 6.1 Trentbrooke Avenue Traffic Regulation Order – *Assistant Director (Environment and Neighbourhood Services)*
- 6.2 Publicity Campaign to address Seagull Related Litter - *Assistant Director (Environment and Neighbourhood Services)*



- 6.3 Responsible Dog Ownership Campaign - *Assistant Director (Environment and Neighbourhood Services)*

**7. ITEMS FOR INFORMATION**

No items

**8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

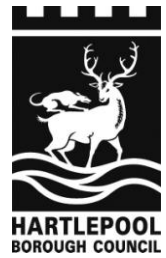
**ITEMS FOR INFORMATION**

Date of next meeting – to be confirmed



# NEIGHBOURHOOD SERVICES COMMITTEE

25 April 2017



**Report of:** Assistant Director (Environment & Neighbourhood Services)

**Subject:** TRENTBROOKE AVENUE TRAFFIC REGULATION ORDER

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non Key.

## 2. PURPOSE OF REPORT

2.1 To report on the proposals to mark double yellow lines in Trentbrooke Avenue and to seek a decision from the Committee as objections were received during the Statutory Consultation Period.

## 3. BACKGROUND

3.1 In recent years The Council has had to undertake maintenance to the footpath on the bends in Trentbrooke Avenue on a number of occasions, primarily due to vehicles parking on and overriding the area, thereby causing damage in the form of broken and loose paving flags.

3.2 In an attempt to provide a longer lasting and more sustainable solution, the Council replaced the concrete flags with tarmac patches.

3.3 However a number of residents complained to the Council about the tarmac being installed and the aesthetic appearance of this solution. Therefore it was agreed that an alternative proposal to the tarmac patches should be investigated and the Council would return the footpath to a flagged construction, and these works have been carried out

3.4 As a potential solution to the problem the installation of double yellow lines around each of the bends was advertised to prevent parking on the pavement and therefore stop potential damage to the concrete flags. As a result of the statutory advertising of the order, 16 objections have been received and these need to be considered by Committee prior to any approval and subsequent implementation of the order.

#### 4. PROPOSALS

4.1 The main reasons for objections, and a response to them by Officers, are as follows:-

- The lines would create more parking problems, by reducing availability. The areas give useful overflow parking. Less parking could lead to the road being blocked – **It is important to note that vehicles should not be parked on the footpath. The public also have a responsibility to park so as not to obstruct the road as this is an offence that can be enforced by the police.**
- There would be a danger to children - **People are able to park on the road, and get children in and out of their car from the footpath side rather than the road, without having to park on the footpath. Additionally cars parking on a public footpath are more likely to create risks to children, than those that park on the highway**
- No problem with parking on these areas. 90% of the time no one uses them, and when they do the footpath isn't blocked for pedestrians - **It is correct to say that the footpath doesn't get blocked for pedestrians walking along it due to the wide radius of the bends. However the Council are incurring increased maintenance costs due to cars continually parking on the pavement and thereby damaging the paving flags, but parking on it has led to maintenance issues.**

##### Options for consideration

4.2 The Council has identified a number of possible options that could be considered by Committee, which are outlined below:-

- **Installation of bollards** – this would physically prevent access to the areas on the corner of Trentbrooke Avenue. However when they are used on footpaths alongside narrow roads, they can sometimes prevent access for refuse collection and other larger vehicles, if residents park inappropriately.
- **Yellow lines** – As outlined in this report, this proposal will enable the enforcement of parking on the footpath.
- **Provide an alternative type of reinstatement to support parking** – This could be either tarmac or concrete, both of which will provide a longer lasting repair than concrete flags. While tarmac is a lower cost, concrete can often look better from an aesthetic point of view.
- **No change** – In some cases, it could be felt that repairing the flags and no additional measures is the best approach; however residents would need to cooperate and park in a way that reduces the frequency of maintenance and increased liability that is currently being placed on the Council.

4.3 It may be that different solutions are better suited to different areas, or that a combination of solutions could be most effective, and Members are asked to consider the options identified above to try and resolve the current issues being encountered in Trentbrooke Avenue

**5. CONSULTATION**

- 5.1 The statutory legal notices were posted on site and in the Hartlepool Mail.

**6. RISK IMPLICATIONS**

- 6.1 There are no risk implications attached to this report.

**7. FINANCIAL CONSIDERATIONS**

- 7.1 The yellow lines proposed would be estimated to cost approximately £750.

**8. LEGAL CONSIDERATIONS**

- 8.1 Should the scheme be approved, the traffic regulation order will be confirmed by the Council's Legal Section.

**9. CHILD AND FAMILY POVERTY**

- 9.1 There are no child and family poverty implications attached to this report.

**10. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 10.1 There are no equality and diversity considerations attached to this report.

**11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 11.1 There are no Section 17 considerations attached to this report.

**12. STAFF CONSIDERATIONS**

- 12.1 There are no staff considerations attached to this report.

**13. ASSET MANAGEMENT CONSIDERATIONS**

- 13.1 There are no asset management considerations attached to this report.

## **14. RECOMMENDATIONS**

- 14.1 The proposal to mark double yellow lines in Trentbrooke Avenue is based on the continued maintenance costs that the Council are incurring, and the liability we are potentially exposed to as a result of damaged concrete flags. It should be noted that since the area was returned to flags only a few weeks ago, they have again been damaged and further maintenance is likely to be required in the near future.
- 14.2 Whilst taking into account the extent of objections received to the proposed parking restrictions, due to the recurring damage to the footpath it is recommended that the order is approved.

## **15. REASONS FOR RECOMMENDATIONS**

- 15.1 To reduce the potential for damage to the footpath, and the risk of potential liability claims.

## **16. BACKGROUND PAPERS**

- 16.1 None.

## **17. CONTACT OFFICER**

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# NEIGHBOURHOOD SERVICES COMMITTEE

25 April 2017



**Report of:** Assistant Director (Environment and Neighbourhood Services)

**Subject:** PUBLICITY CAMPAIGN TO ADDRESS SEAGULL RELATED LITTER

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non Key Decision

## 2. PURPOSE OF REPORT

2.1 To consider and agree a publicity campaign to address seagull related litter.

## 3. BACKGROUND

3.1 Approved by the Neighbourhood Services Committee in February 2015, the Clean and Green Strategy outlines the Councils vision 'To create a cleaner, greener, town with everyone taking part, and that everyone can take pride in'.

3.2 The Clean and Green Strategy first year action plan (April 2017-March 2018) aims to support delivery of the strategy and incorporates an action to develop a campaign to address issues of litter associated with seagulls.

3.3 Although the term "seagull" is incorrect ornithologically; it is used throughout this document as it is generally understood by the public as a catch-all term to describe a range of local gull species including black-headed, common and herring gulls.

## 4. PROBLEMS ASSOCIATED WITH FEEDING SEAGULLS

4.1 In the wild, seagulls eat fresh fish, marine molluscs, crustaceans and earthworms; however, they are also scavengers and will eat carrion and food waste.

4.2 Human food waste is used as a food source by seagulls, and left-over food is often deliberately given to the birds by people eating "*al fresco*" on the sea

front at both Seaton and the Headland areas of Hartlepool. Anecdotal evidence also suggests that people see this as an acceptable alternative to placing food waste in the bins provided.

- 4.3 Food litter (i.e. food waste that is dropped as litter as opposed to being deliberately fed to the birds) is scavenged by seagulls and other vermin and the detritus left behind is unsightly and potentially off-putting to visitors to the sea front. This includes items like chip trays, sandwich wrappers, etc., as well as bird droppings. It is also a hazard to the birds themselves through injuries caused by litter. Birds have also been known to pull rubbish out of bins to get at the food inside.
- 4.4 Although “seagull muggings” (where birds swoop on unsuspecting diners and steal their food from their hands) does not appear to be as much of a problem in Hartlepool as in other coastal resorts, large groups of sea birds congregating waiting for food is intimidating (particularly as the larger herring gulls can have a wingspan of over 1.5m) and there is a potential for injury to both people and birds.
- 4.5 Wild birds, including sea birds, are however protected by the Wildlife and Countryside Act 1981 and many species of gulls are actually in decline. To kill them could therefore potentially threaten species. As such it is an offence to kill, injure or take any wild bird or to intentionally damage or destroy nests or eggs without a licence and a licence will only be granted if it can be proven the birds are a hazard to public health. In most cases an educational approach is preferred in conjunction with physical deterrents such as spikes or wire placed on buildings.
- 4.6 There are several landfill and recycling sites in the borough which also attract gulls. Attempting to reduce the numbers of birds on the sea front by asking the public not to feed them may not have much effect on gull numbers due to the close proximity of these alternative food sources.
- 4.7 It is therefore proposed that as a starting point to tackling seagull related litter that a communications plan be put in place to raise awareness of these issues and to educate the public and local businesses to help keep the sea fronts clean and stop feeding the birds. Action to reduce food litter will tie in with the Clean and Green Strategy and will benefit the town as a whole.

## **5. PROPOSAL**

- 5.1 The proposed ‘Don’t Feed the Seagulls’ campaign aims to educate and raise awareness of the problems associated with people feeding their food waste to seagulls in the hope that they will refrain from doing so in the future. Whilst seagulls can be seen throughout the town, the main issues are concentrated around fish and chip/fast food outlets and eating areas in Seaton and the Headland.



- 5.2 Most of the food outlets in these areas are takeaways which mean people either take their food home or eat it nearby. Both areas enjoy beautiful views and during the summer season people like to sit on the benches on the promenades to eat. There is also a year-round issue in the car parks where people park up to eat their take away and then throw the rubbish out of the car window.
- 5.3 Hartlepool Council has had signage produced previously on this topic; however, feedback on these signs has led to the development of a new design. The new signs feature a seagull of a type that is native to the area and the signs are also now much larger. The new proposed signage is clear and eye-catching and it is proposed that the design below is used to produce a range of materials.



- 5.4 Although the problem of people throwing food waste to birds and from vehicles is a year-round problem, the majority of visitors to the sea front visit during the summer season. It is therefore proposed that the signage is installed and other materials printed, ready for the launch event to take place during May half term 2017 (last week in May/first week in June), which traditionally marks the start of the summer season.

5.5 Follow up promotion activities could then be scheduled as follows:

<b>Launch event</b>	<b>May half term – 29<sup>th</sup> May-2<sup>nd</sup> June 2017</b>
<b>1<sup>st</sup> follow up</b>	<b>Start of school summer break – mid July 2017</b>
<b>2<sup>nd</sup> follow up</b>	<b>August bank holiday – 28<sup>th</sup> August 2017</b>
<b>3<sup>rd</sup> follow up</b>	<b>Mid September</b>

5.6 The campaign will adopt two key, complimentary, messages: “do not feed the gulls” and “do not drop your litter” in the target areas highlighted below.

Seaton – the Front, the promenade, the Rocket House car park, the Coach Park (larger version attached at **Appendix A**)



Headland – the Town Square, High Street, Croft Terrace path, the promenade (larger version attached at **Appendix B**)



5.7 An on line survey relating to seagull nuisance will be created and will be promoted to residents and businesses as part of the campaign to encourage people to log incidents. Over the course of the summer season this will give an indication of the scale of the problem. Future years can be measured against this base-line to ensure the continuing effectiveness of the campaign and how well received the campaign has been.

- 5.8 A range of communication materials will be used to spread the two key messages. Metal signs will be produced and installed around the front, promenade and car parks at Seaton, and around the Town Square area and promenade on the Headland. These signs will be produced with the banding fixing on the back to enable them to be bound to lamp posts and other street furniture. In addition, smaller signs will also be produced which can be attached to railings, benches, etc. in areas where the large signs are not practical.
- 5.9 Large stickers using the same artwork as the signage will also be produced and placed on to bins in the area to reinforce the message on the signage. This will be accompanied by a leaflet aimed at businesses and residents see **Appendix C**. The leaflet will contain information about gulls natural behaviours and nesting habits. It will also contain information on how business owners and residents can help reduce the problem. Both the posters and leaflets will be offered to businesses to place on their counters for customers to pick up in store. Leaflets could also be distributed to local tourism venues for inclusion in their leaflet stands to target day trippers who are likely to have picnics or takeaways as part of their visit.
- 5.10 In conclusion this will be a high profile campaign with the communication materials being supported by a PR campaign in association with the Council's press office. This will include a launch photo call in one of the target areas.

## 6. RISK IMPLICATIONS

- 6.1 There is a risk that if action is not taken to reduce the deliberate and accidental feeding of seagulls via the dropping of food waste, it could have a negative impact on residents' and visitors' perceptions of the town. Fear of "attack" by seagulls combined with the unattractive image of litter and bird-dropping-strewn outdoor eating areas has the potential to seriously impact on the promotion of Hartlepool as a family visitor destination.
- 6.2 There is a further risk that if interactions between seagulls and people are encouraged by the feeding of the birds; then the birds could become less fearful of, and correspondingly more aggressive towards, people. This has been seen in other coastal resorts such as Scarborough where "muggings" by seagulls are becoming increasingly common. This increases the potential of injury to members of the public as well as having a welfare implication for the birds.

## **7. FINANCIAL CONSIDERATIONS**

- 7.1 The cost of the campaign including production and installation of metal signage, stickers, artwork, posters and leaflets will met from within existing budgets.
- 7.2 Members are reminded that significant additional Government Grant cuts will be made over the period 2017/18 to 2019/20. By 2019/20 this means Government funding will have been cut for 9 years. In addition, the Government's current policy in relation to Council Tax, including the Social Care precept, is increasing the proportion of the overall budget funded from Council Tax. An update of the Medium Term Financial Strategy was submitted to the Finance and Policy Committee on 9<sup>th</sup> January 2017 and informed Members that the Council faces a gross budget deficit over the next three year of £20.8m. The implementation of corporate savings, forecast Council Tax increases, housing growth and increased Better Care Funding reduces this to £8.8 million over the next three years, which equates to 10% of the 2016/17 budget. Detailed savings proposals totalling approximately £6.6m were approved by Finance and Policy Committee on 9<sup>th</sup> January 2017, which means the Council still needs to make further savings of £2.2m over the next three years. This figure may increase if existing budget pressures cannot be managed by reducing demand for demand led services. Any additional budget pressures that are created will increase the level of budget cuts which will need to be made and will need to be referred to the Finance and Policy Committee for consideration.

## **8. LEGAL CONSIDERATIONS**

- 8.1 Wild birds, including sea birds, are protected by the Wildlife and Countryside Act 1981. It is an offence to kill, injure or take any wild bird or to intentionally damage or destroy nests or eggs without a licence. A licence will only be granted if it can be proven the birds are a hazard to public health. In most cases an educational approach is preferred in conjunction with physical deterrents such as spikes or wire placed on buildings.

## **9. CHILD AND FAMILY POVERTY**

- 9.1 There are no child and family poverty implications relating to this report.

## **10. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 10.1 There are no equality and diversity considerations relating to this report.

**11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 11.1 Section 87 of the Environmental Protection Act 1990 states that it is a criminal offence for a person to drop, throw down, leave or deposit litter in a public place. This includes food waste such as chip trays, takeaway food containers and uneaten food.

**12. STAFF CONSIDERATIONS**

- 12.1 The production of the original artwork for the campaign will be outsourced to a local professional graphic designer, and the production of the posters and leaflets will be carried out in-house by the Council's printing service.
- 12.2 The installation of the metal signage must be done by an officer who has received training on the safe use of the banding machine. Therefore, this will be carried out by officers within the Council's environmental enforcement team. The distribution of the posters and leaflets will be undertaken using the trading standards team mailing list.
- 12.3 It is anticipated that a reduction in food litter and other mess caused by people feeding the seagulls will reduce the burden on the Council's cleansing team in these key locations.

**13. ASSET MANAGEMENT CONSIDERATIONS**

- 13.1 The mess (i.e. droppings, litter, torn bin bags, etc.) caused by feeding the seagulls on the Headland and at Seaton occurs mainly on the promenades at Seaton and the Headland; in the Rocket House and Coach Park car parks; and on the highway at Albion Terrace/South Crescent. These are all Council land and incur a cost to keep clean and tidy. A reduction in such cleansing costs will be a saving for the Council as well as helping to preserve these assets in a clean and tidy condition for residents and visitors to enjoy.

**14. RECOMMENDATIONS**

- 14.1 It is recommended that the Committee considers the content of the report and approves the implementation of the "Don't Feed the Seagulls" Campaign.

**15. REASONS FOR RECOMMENDATIONS**

- 15.1 The Councils Clean and Green Strategy outlines the Councils vision 'To create a cleaner, greener, town with everyone taking part, and that everyone

can take pride in'. The year one action plan that aims to support delivery of the strategy includes an action to develop a campaign to address issues of litter nuisance associated with seagulls.

- 15.2 The Don't Feed the Seagulls' campaign aims to educate members of the public to understand that feeding seagulls leads to mess and nuisance for residents and visitors, as well as potentially making seagulls more aggressive towards people. The campaign also aims to improve the general cleanliness of the town by promoting anti-litter messages.

## **16. BACKGROUND PAPERS**

- 16.1 Neighbourhood Services Clean and Green Strategy Report February 2017.

## **17. CONTACT OFFICER**

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**APPENDIX A**

**SEATON CAREW TARGET AREA**



**APPENDIX B**

**HEADLAND TARGET AREA**





**APPENDIX C****“DON’T FEED THE GULLS” LEAFLET**


**Please don't feed the gulls**

It affects their health  
It encourages the stealing of food and waste  
It makes gulls aggressive towards humans  
It causes nuisance

**Information for residents, visitors and businesses**

**HARTLEPOOL BOROUGH COUNCIL**

**“Gull proofing” your premises**

- Remove all available food and make your premises less attractive as a nest site by installing physical deterrents
- Physical deterrents can include wires, netting, bird spikes, plastic owls and fake hawks on wires. **These need to be installed well before the breeding season starts in April**
- Professional falconers can be hired to scare the gulls away with hawks and falcons
- Professional pest control companies specialising in birds offer nest removal, egg oiling and egg replacement, subject to a General Licence



**HARTLEPOOL BOROUGH COUNCIL**

**Some facts about gulls**

- The term “seagull” is used to describe a range of gull species, including herring gulls, black headed gulls and common gulls
- In the wild, gulls eat fresh fish, marine molluscs, crustaceans and earthworms. They are also scavengers and will eat carrion and food waste
- Although gulls are becoming increasingly common in towns and cities, this is because they are leaving their natural environment. As a whole, gull populations are in decline and some species are listed as “at risk”
- Deliberately harming a gull is cruel and also illegal. Gulls are protected under the Wildlife and Countryside Act 1981. This makes it an offence to intentionally kill or injure any gull, or to take, damage or destroy an active nest or eggs
- Gulls can only be culled under a General Licence issued by Defra where there is evidence of a risk to public health. Gulls causing a nuisance or damaging property is not grounds for a General Licence

**Take part in our gull survey**

[www.hartlepool.gov.uk/seagulls](http://www.hartlepool.gov.uk/seagulls)



## What you can do: businesses

- It is essential that all food businesses properly contain their waste. This is also a legal requirement. Additional waste in black bags must never be left beside or on top of your trade waste bin
- Waste left outside must be in a secure bin and spilled food waste must be quickly cleared up
- Left over food must be quickly cleared up from outdoor seating areas
- Call 01429 523333 or visit [www.hartlepool.gov.uk/recycle](http://www.hartlepool.gov.uk/recycle) for information about Council trade waste services



- Consider "gull proofing" your premises - see the back page for more information
- Display our "Please don't feed the gulls" posters - download from [www.hartlepool.gov.uk/seagulls](http://www.hartlepool.gov.uk/seagulls)

## What you can do: at home

- Make sure any bags containing food waste are placed in your green bin and the lid is kept closed
- On green bin collection day, ensure that the lid of your green bin is closed and do not place any black bags beside or on top of the bin. These will not be collected and may be torn open by gulls
- Avoid attracting large birds into your garden. Many people enjoy feeding the birds but avoid putting out large items (e.g. whole slices of bread) that small birds cannot eat as these may attract gulls and vermin
- If you are concerned about gulls nesting on your roof, consider installing preventative measures. A good roofer will be able to advise you on the best solution

## What you can do: out and about

- When eating outdoors put uneaten food in the bin. Throwing chips, and other unwanted food, on the ground attracts gulls and can make them aggressive. **You could also receive a £75 fine for littering**
- If you are eating in your car, place your rubbish in a nearby bin or take it home. Do not throw rubbish out of the car window
- Do not encourage gulls to take food from your hand as it encourages them to snatch food
- Gull chicks often fall out of the nest when they start learning to fly. If you see one, do not approach it as the parents will be standing guard nearby and may swoop at you to protect their chick



Look out for the new signage on the sea front

## What the Council is doing

- Signage has been installed along the sea fronts and promenades at Seaton and on the Headland
- Stickers have also been put on bins in these areas
- Posters and leaflets requesting people not to feed the gulls have been distributed to local food businesses and visitor attractions



# NEIGHBOURHOOD SERVICES COMMITTEE

25 April 2017



**Report of:** Assistant Director (Environment and Neighbourhood Services)

**Subject:** RESPONSIBLE DOG OWNERSHIP CAMPAIGN

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## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non-key

## 2. PURPOSE OF REPORT

- 2.1 To inform the Neighbourhood Services Committee of a change in legislation regarding dog control measures, including the process and statutory obligations required to make a Public Space Protection Order.
- 2.2 To inform of the intention to develop a 'Responsible Dog Ownership Campaign'.

## 3. BACKGROUND

- 3.1 Dog control orders were introduced under Section 55 of the Clean Neighbourhoods and Environment Act 2005 to control dog fouling and nuisance dogs in public outdoor spaces. In 2014 the Anti-social Behaviour, Crime & Policing Act 2014 superseded a number of orders, including the dog control orders, and replaced them with new Public Space Protection Orders (PSPOs). Councils were given 3 years to phase in the replacement of the former orders with the new PSPOs, giving a deadline of October 2017 to put these in place, at which time existing dog control orders will automatically become Public Space Protection Orders.
- 3.2 There are currently 5 Dog Control Orders in place in certain locations across Hartlepool, namely:
- **Dogs On Leads Order** – i.e. that dogs may enter the specified area but only if they are held on a lead

- **Dog Exclusion Order** – i.e. that dogs may not enter the specified area.
- **Dogs On Lead By Direction Order** – i.e. that an authorised officer (e.g. Council environmental enforcement officer, Police or PCSO) can instruct a person responsible for a dog to put it on a lead if it is causing a nuisance. This order applies to the whole town.
- **Fouling Of Land Order** – i.e. that the person responsible for a dog must clean up its dog foul forthwith. This order applies to the whole town.
- **Specified Maximum Number Of Dogs Order** – i.e. that any one person may take out up to a maximum of 4 dogs at any one time. This order applies to the whole town.

3.3 Unless specified otherwise, the existing dog control orders apply to “*all areas open to the air to which the public have access, either with or without payment*”. Some areas have more than one order in place e.g. a park may have a “dog on lead” order on the park as a whole, but the children’s play area within the park may have a “dog exclusion order” on it. The penalty for breaching any of these orders is a fixed penalty notice of £80.

3.4 Before introducing a PSPO, the legislation requires that the Council consults with the Chief Officer of Police, the Police and Crime Commissioner, other relevant bodies, and community representatives. PSPOs are intended to deal with behaviours that are detrimental to the local community’s quality of life and are designed to ensure the law-abiding majority can use and enjoy open public spaces, safe from Anti-Social Behaviour. A PSPO can be made by the Council if satisfied on reasonable grounds that the activities carried out, or are likely to be carried out, in a public space:

- Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality
- That it is, or is likely to be persistent or continuing in nature
- Is, or is likely to be, unreasonable; and
- Justifies the restrictions imposed.

## 4 PROPOSAL

4.1 As indicated in the background to this report the existing Dog Control Orders in place will automatically become Public Space Protection Orders in October of this year. As part of this transition, the Council will be required to replace any signage to ensure it reflects the new legislation by which the PSPO’s have been implemented, as well as any Fixed Penalty Notice documents. A press release will need to be published to inform the

public of this change and information will also need to be uploaded onto our website.

- 4.2 In the lead up to this change it is proposed to introduce a ‘Responsible Dog Ownership Campaign’ and as part of this, the Council will seek the views of the public on any additional measures that they believe will enhance the Councils enforcement powers to address issues related to dog foul and nuisance.
- 4.3 Consideration could also be given to enhancing enforcement powers in relation to dog fouling, which has been identified as a key element of the Council’s Clean and Green Strategy. This resulted from the Councils recent “Your Say Our Future” consultation which highlighted that *“enhancing enforcement capabilities to tackle dog fouling”* was a key theme and priority for residents. When asked what could be improved, more than one third of respondents to the “Your Say Our Future” consultation said the condition of roads and street cleanliness *including dog fouling*. 72% of respondents to the Councils consultation on the Clean and Green Strategy also identified *‘public spaces being free from dog fouling as a priority* – this was ranked the second highest priority next to *public spaces being free from litter* at 83%.
- 4.4 However reports received from the public are often too vague to allow for effective action to be taken and better intelligence needs to be provided to the Council to enable us to target our limited resources more effectively to address this anti-social behavioural problem.
- 4.5 Therefore our ‘Responsible Dog Ownership Campaign’ will include, but will not be limited to, the following elements in order to try and tackle dog fouling and nuisance:
  - Identification and targeting of “hot spot” areas; and
  - Installation of signage, linked to the high profile “Irresponsible Dog Owners We are Watching You” campaign from Keep Britain Tidy.
- 4.6 These proposals will form part of, and complement, a local high profile publicity campaign backed by a communications plan aimed at tackling dog fouling and irresponsible ownership across the Borough which will build upon the previous work undertaken by the Councils enforcement team.

## 5. RISK IMPLICATIONS

- 5.1 If the ‘Responsible Dog Campaign’ were not taken forward it would undermine the Councils potential ability to respond to requests from residents through previous consultations and potentially carry some reputational damage to the Council from a failure to keep public spaces clean and free from dog foul and nuisance dogs.

- 5.2 There is also a clear risk of injury from dog attack to members of the public (particularly children) and other dogs from uncontrolled dogs in public places, and a further risk of injury from slips and falls caused by treading in dog faeces as well as a risk of illness from coming into contact with dog faeces. Again, children are most at risk of illness from being less likely to practice good hygiene measures (i.e. hand washing after playing outside).

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 The costs associated with the transfer to PSPO's and the implementation of a 'Responsible Dog Ownership Campaign' will be met from existing budgets.

## **7. LEGAL CONSIDERATIONS**

- 7.1 Before making a PSPO the Council must be able to demonstrate that there is a need for the order and that the behaviour it is designed to prevent or reduce meets the following legal test:

- Has had, or is likely to have, a detrimental effect on the quality of life of those in the locality
- That it is, or is likely to be persistent or continuing in nature
- Is, or is likely to be, unreasonable; and
- Justifies the restrictions imposed

- 7.2 Following the consultation, and in advance of the order coming into effect, details of the PSPO must be published in line with the regulations made by the Secretary of State. There is no longer a requirement to publish the order in the local newspaper but it should be made available on the Council's website.

- 7.3 A PSPO can be challenged by "an interested person" within 6 weeks of the order being made on the following grounds:

- That the Council did not have the powers to make the order or to include the prohibitions or requirements of the order
- That one of the requirements was not complied with

- 7.4 The fact that the legislation allows for these challenges to be made means that it is very important that each step of the process is followed and recorded to avoid potential challenges. The requirements referred to in 7.3 include a requirement to consult on the proposed orders; the requirement

to show that the legal test in 7.1 has been met; and the requirement to publish a draft version of the order in advance.

**8. CHILD AND FAMILY POVERTY**

- 8.1 There are no child and family poverty implications relating to this report.

**9. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 There are no equality and diversity considerations attached to this report.

**10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 10.1 Breaching a PSPOs would be an offence under the Anti Social Behaviour, Crime and Policing Act 2014. It is punishable by the issuing of a Fixed Penalty Notice (FPN) of up to £100. If a person refuses to pay they can be taken to the local Magistrates Court for the offence and fined up to £1,000.
- 10.2 Currently to breach a dog control order would result in a FPN of £80.

**11. STAFF CONSIDERATIONS**

- 11.1 The Responsible Dog Campaign will be developed and delivered by the Community Safety and Engagement Team.

**12. ASSET MANAGEMENT CONSIDERATIONS**

- 12.1 There are no asset management considerations attached to this report.

**13. RECOMMENDATIONS**

- 13.1 It is recommended that members consider and discuss the content of the report.
- 13.2 It is recommended that members agree to the development of a 'Responsible Dog Ownership Campaign' that supports the transition across from Dog Control Orders to Public Space Protection Orders in October 2017.



#### **14. REASONS FOR RECOMMENDATIONS**

- 14.1 Tackling dog fouling and nuisance dogs is a key element of the Council's Clean and Green Strategy.

#### **15. BACKGROUND PAPERS**

- 15.1 Council's Clean and Green Strategy: Neighbourhood Services Committee February 2017.

#### **16. CONTACT OFFICER**

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