

Cabinet

Tuesday 9 March 2021

11.00 am

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Supplemental Agenda No. 2

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Date: 8 March 2021

Item No. 17a.	Classification: Open	Date: 9 March 2021	Meeting Name: Cabinet
Report title:		ADDENDUM: Public Space Protection Order Extension - to address dog related anti-social behaviour	
Ward(s) or groups affected:		All Wards	
Cabinet Member:		Councillor Evelyn Akoto, Public Health and Community Safety	

ADDENDUM

The amendments to the report on the agenda are listed below followed by the amended paragraphs:

- Paragraph 4 of the foreword relates to the statutory consultation
- Waste increase added at paragraph 38
- Changes to the director of law and governance comments paragraphs 57 – 62.

Paragraph 4 of foreword

Given the time constraints, a full public consultation has not been possible for this extension proposal. Statutory consultation with our partners in the Police and all the 'Friends of' groups for significant parks and open spaces has occurred. They have been informed of the proposal and are overwhelmingly in favour of the extension. Should any concerns be raised they will be considered during the full review process that this extension will give time for.

Paragraph 38

Since the Pandemic there has been an increase in dog fouling in the borough. This increase can be reversed once the PSPO has been extended, Pandemic restrictions have eased and the wardens and park liaison officers return full time to normal duties.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

57. Legal comments are substantially embodied within the report paragraphs 39 to 45 in that a PSPO is intended 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.

58. The Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 relating to PSPOs came into force on 20 October 2014 and repealed the law under which DCOs could be ordered with the proviso that existing DCOs would continue for three years and will then automatically lapse on 20 October 2017.
59. A PSPO, if made, will last for up to three years before requiring a review under section 60(1) of the Act; however, there is no limit on the number of times an order can be reviewed and renewed. The review requirements will be different depending on the prohibitions or requirements being applied. Under section 61(1) of the Act an order can be varied or discharged at any time by the authority that made it.
60. Section 60(4) allows a PSPO to be extended under this section more than once.
61. In deciding whether to make a PSPO the local authority must have regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights. These articles are not engaged and the proposed PSPO on dogs does not restrict these freedoms. The Council took these into consideration together with its equality duties under s149 of the Equality Act 2010 at the March 2019 Cabinet meeting. These have been reviewed once again and are detailed in paragraphs 48 - 53 of this report.
62. The equality and health analysis assessment is attached as Appendix A to this report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
As set out in the main report		

APPENDICES

No.	Title
Appendix A	Equality and health analysis assessment

AUDIT TRAIL

Cabinet Member	Councillor Evelyn Akoto, Community Safety and Public Health	
Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Hugh Folkes, Regulatory Services, Catherine Snell, Research & Development Officer and Tracy Umney, Unit Manager for Environment & Community Protection.	
Version	Final	
Dated	8 March 2021	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law & Governance	Yes	Yes
Strategic Director of Finance & Governance	As set out in main report	As set out in main report
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		8 March 2021



APPENDIX A

Equality and health analysis guidance

Extension of Dog related Anti Social Behaviour Public Space Protection Order

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates		Public Space Protection Order Extension – to address dog related anti-social behaviour across the borough.			
Equality analysis author		Sarah Newman			
Strategic Director:		Matt Clubb			
Department		Environment and Leisure	Division	Regulatory Services	
Period analysis undertaken		n/a			
Date of review (if applicable)		n/a			
Sign-off	Sarah Newman	Position	Acting Head of Regulatory Services	Date	05/03/21

Section 2: Brief description of policy/decision/business plan

1.1 Brief description of policy/decision/business plan

This Equalities Impact Assessment relates to:

The proposal to extend the Dog Related Anti-social Behaviour Public Space Protection Order (PSPO) to enable enforcement with regard to dog related anti-social behaviour e.g. fouling, lack of responsible control, etc.

The PSPO covers dog related offences and enforcement relevant to all public space in Southwark including:

- public highways
- cemeteries
- parks, and
- public access open spaces.

The Cabinet report on the extension of the current PSPO sets out the reasons for extending the order without variation.

The decision maker is Councillor Evelyn Akoto – Cabinet Member for Community Safety & Public Health.

Section 3: Overview of service users and key stakeholders consulted

2. Service users and stakeholders	
Key users of the department or service	All residents and visitors in Southwark who use or travel through open public spaces as listed in 1.1.
Key stakeholders were/are involved in this policy/decision/business plan	<p>An extensive statutory and public consultation was carried out prior to the implementation of the PSPO in 2017.</p> <p>Before writing the report and its recommendations, it was not possible to undertake a full public consultation for the extension proposal. This was due to the additional and competing priorities and new work streams brought about by the COVID-19 pandemic and the need to take action to encourage and enforce behaviour change to reduce infection and mortality rates. Whilst absorbing over 30 new work streams due to the pandemic Southwark Council Regulatory Services has not had the staff resource to commit to a full reconsideration of the PSPO in the business year 2020/21.</p> <p>There was statutory review consultation with the Police and 'Friends of' groups for various public open spaces.</p> <p>There have been no calls to vary the PSPO since its introduction and common agreement from those that have commented that the PSPO should remain in place in its current form.</p>

Section 4: Pre-implementation equality analysis

This section considers the potential impacts (positive and negative) on groups with 'protected characteristics', the equality information on which this analysis is based and any mitigating actions to be taken.

The first column on the left is for societal and economic issues (discrimination, higher poverty levels) and the second column on the right for health issues, physical and mental. As the two aspects are heavily interrelated it may not be practical to fill out both columns on all protected characteristics. The aim is, however, to ensure that health is given special consideration, as it is the council's declared intention to reduce health inequalities in the borough. The Public Health Team can assist with research and data.

Age – Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Potential impacts (positive and negative) of proposed policy/decision/business plan

The PSPO seeks to enforce responsible dog ownership in terms of dog control and the cleanliness of public open space within defined publicly accessible spaces in Southwark.

It is recognised that the majority of dog owners of all ages are responsible. The enforcement measures within the PSPO were introduced to address those who do not behave in a responsible manner and also to enhance the enjoyment and opportunity for everyone using public spaces in Southwark.

The PSPO applies to all persons over the age of 18 years who are either permanently or temporarily responsible for a dog in Southwark.

The reduction in dog faeces in public space in Southwark reduces the exposure of all people using those spaces to health impacts from disease and parasites such as:

Bacterial

E.Coli
Salmonella
Campylobacter
Yersinia

Parasitic

Cryptosporidium
Giardia
Toxocariasis
Round worms,
Hook worms
Whip worms
Tape worms

It also reduces the nuisance element of irresponsible dog handling with regard to the soiling and odour

Potential health impacts (positive and negative)

The Regulatory Services Enforcement policy does not permit enforcement action on minors i.e. those under the age of 18 years. Those responsible for dogs of 17 years or under would only receive advice and guidance.

The PSPO is particularly beneficial for the protection of child health by reducing the potential transmission of disease through outdoor play and poor hand hygiene.

The soiling, odour and nuisance reduction benefits of responsible dog

elements of dog faeces and the nuisance that can be caused by dogs that are not under the effective control of their handlers.	ownership benefit all ages.
Equality information on which above analysis is based	Health data on which above analysis is based
The tests applied for age have been that of the service enforcement policy and reasonableness.	See information in previous section
Mitigating actions to be taken	
No further measures required	n/a

Disability – A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
<p>Following the acknowledgement of potential negative impact on those with some disabilities, mitigation was considered, and has been addressed in the PSPO.</p>	<p>A person is exempt from relevant enforcement action under the PSPO if:</p> <p>They are registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or</p> <p>They are deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which they rely for assistance; or</p> <p>They have a disability which affects their mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which they rely for assistance.</p> <p>The outcomes of the PSPO are also particularly beneficial for the protection of members of the public with auto-immune response deficiency.</p>
Equality information on which above analysis is based	Health data on which above analysis is based

Acknowledged negative impacts on dog handlers with poor mobility, co-ordination, hearing or sight are addressed in the PSPO report.	<p>There are acknowledged negative impacts on dog handlers with poor mobility, co-ordination, hearing or sight.</p> <p>These have been addressed through exemption/s from enforcement where appropriate.</p>
Mitigating actions to be taken	
No further measures required	n/a

Gender reassignment – The process of transitioning from one gender to another.	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
There is no negative impact from the PSPO with regard to gender reassignment	See age and disability – no further specific health impacts identified.
Equality information on which above analysis is based.	Health data on which above analysis is based
n/a	n/a
Mitigating actions to be taken	
n/a	n/a

Marriage and civil partnership – In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between same-sex persons. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favorably than married couples and must be treated the same as married couples on a wide range of legal matters. (Only to be considered in respect to the need to eliminate discrimination.)	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
The PSPO applies to all individuals in a marriage or partnership equally. There is no negative impact from the PSPO with regard to marriage or civil partnership	See age and disability – no further specific health impacts identified.

Equality information on which above analysis is based	Health data on which above analysis is based
n/a	n/a
Mitigating actions to be taken	
n/a	n/a

Pregnancy and maternity – Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
<p>There are positive impacts from the PSPO in terms of health for expectant mothers, who are most at risk from the health impacts of exposure to dog faeces.</p> <p>There are also wider benefits for all residents who may access spaces they previously avoided due to excessive fouling or dog related ASB</p>	<p>See age and disability – no further specific health impacts identified.</p> <p>Reduced exposure to disease and parasites.</p> <p>Reduced exposure to odour, soiling or nuisance impacts from irresponsible dog handling.</p>
Equality information on which above analysis is based	Health data on which above analysis is based
n/a	n/a
Mitigating actions to be taken	
n/a	n/a

Race – Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins. N.B. Gypsy,

Roma and Traveller are recognised racial groups and their needs should be considered alongside all others	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
The PSPO applies to all races and racial groups equally. There are no specifically identified impacts from the PSPO with regard to race.	See age and disability – no further specific health impacts identified.
Equality information on which above analysis is based	Health data on which above analysis is based
n/a	n/a
Mitigating actions to be taken	
n/a	n/a

Religion and belief – Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
The PSPO applies to all persons of religion and belief equally. There are no specifically identified impacts from the PSPO with regard to religion and belief.	See age and disability – no further specific health impacts identified.
Equality information on which above analysis is based	Health data on which above analysis is based
n/a	n/a
Mitigating actions to be taken	
n/a	n/a

Sex – A man or a woman.	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
The PSPO applies to all sexes equally. There are no specifically identified impacts from the PSPO with regard to sex.	See age and disability – no further specific health impacts identified.
Equality information on which above analysis is based	Health data on which above analysis is based
n/a	n/a
Mitigating actions to be taken	
n/a	n/a

Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
The PSPO applies to all sexual orientations equally. There are no specifically identified impacts from the PSPO with regard to sexual orientation.	See age and disability – no further specific health impacts identified.
Equality information on which above analysis is based	Health data on which above analysis is based
n/a	n/a
Mitigating actions to be taken	
n/a	n/a

Socio-economic disadvantage	
Potential impacts (positive and negative) of proposed policy/decision/business plan	Potential health impacts (positive and negative)
<p>Although the Equality Act 2010 does not include socio-economic status as one of the protected characteristics, Southwark Council recognises that this continues to be a major cause of inequality in the borough.</p> <p>Socio economic status is the measure of an area's, an individual's or a family's economic and social position in relation to others, based on income, education, health, living conditions and occupation.</p> <p>The PSPO simply seeks to enforce responsible dog ownership in terms of control and cleanliness within defined publicly accessible spaces. It is recognised that the majority of dog owners are responsible. These measures have been introduced to address those that are not and to enhance the enjoyment and opportunity provided by public spaces for all.</p> <p>There are no negative economic consequences for those who are compliant with the requirements of the PSPO.</p>	<p>See age and disability – no further specific health impacts identified.</p> <p>Those with socio-economic disadvantage are less likely to have private open space and more likely to be in poor health, thus are more likely to use public open space.</p> <p>The socio-economically disadvantaged could receive proportionately more benefit from the outcome of the PSPO.</p>
Equality information on which above analysis is based	Health data on which above analysis is based
n/a	n/a
Mitigating actions to be taken	
n/a	n/a

Human Rights

There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour, Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol

Potential impacts (positive and negative) of proposed policy/decision/business plan

No specific human rights impacts over and above those already identified and listed

Information on which above analysis is based

n/a

Mitigating actions to be taken

n/a

Section 5: Further actions and objectives

5. Further actions

Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.

Number	Description of issue	Action	Timeframe
1	None		
2			

5. Equality objectives (for business plans)

Based on the initial analysis above, please detail any equality objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.

Objective and measure	Lead officer	Current performance (baseline)	Targets	
			Year 1	Year 2
n/a				

5. Health objectives (for business plans)

Based on the initial analysis above, please detail any health objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.

Objective and measure	Lead officer	Current performance (baseline)	Targets	
			Year 1	Year 2
n/a				

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