

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

FOREWORD – COUNCILLOR EVELYN AKOTO, CABINET MEMBER FOR PUBLIC HEALTH AND COMMUNITY SAFETY

The Covid-19 Pandemic has had a huge and significant impact on the country. Local authorities and their services continue to face many and varied challenges to address concerns of residents and focus on the need to implement measures that will reduce the spread of Corona Virus. Southwark Council along with many other local authorities have had to divert resources from ongoing projects, initiatives and services in order to put focus on the organisational effort to support the battle against Covid-19

Due to additional competing priorities brought about by the Pandemic and the need to take action to encourage behaviour which aimed at reducing infection rates, Southwark Council has not had the staff time resource to commit to the renewal of this PSPO.

Work to renew the PSPO includes the need to go to full public consultation. This piece of work, with its additional complexities, will take 18 months and, if not renewed, would leave the boroughs parks and open spaces without the protection they are currently afforded. We are therefore looking to extend the PSPO in its current form based on the review and recommendations taken forward in January 2020.

The information below highlights the performance of the PSPO from implementation until January 2020. Where available, further details have been included to bring relevant data up to date.

Previously, Southwark Council consulted local residents on whether we should introduce new Public Space Protection Orders (PSPOs) to better manage dog-related anti-social behaviour. After careful consideration, to strike the right balance between the needs of dog-owners and other residents, the Council approved the recommended orders in October 2017. In agreeing the orders, Cabinet also agreed that these should be reviewed to ensure that they were operating as intended.

This report considers the impact of the PSPOs and demonstrates that both dog-fouling and other dog-related anti-social behaviour incidents have reduced since their introduction. Feedback to the initiative has generally been positive.

Southwark is committed to providing services that create a cleaner, greener, safer borough for all. It is now clear that these PSPOs are playing an important role in securing that vision.

In January 2020, cabinet agreed to continue the current PSPO regime for dog-related anti-social behaviour until March 2021.

Following the above-agreed recommendation it is further recommended that Cabinet extend the current PSPO regime for dog related anti-social behaviour for a further 3 years taking the validity of the PSPO regime to March 2024, when it can be reconsidered and fully consulted on.

RECOMMENDATIONS

That the cabinet:

1. Approve the continuation of Public Space Protection Orders (PSPOs) for dog-related anti-social behavior without variation until March 2024.
2. Note the findings of the review of the Public Space Protection Orders (PSPOs) to tackle dog-related anti-social behavior (ASB).
3. Note that a further review (including consultation with key stakeholders) of the PSPO to tackle dog-related anti-social behaviour will start in March 2022, with a view to renewing the PSPO by 31 March 2024, subject to the outcome of the review.

BACKGROUND INFORMATION

4. In March 2017, cabinet agreed to carry out a public consultation on the introduction of PSPOs to tackle dog-related ASB, as prescribed under The Anti- Social Behaviour Crime and Policing Act 2014.
5. The consultation ran from 24 April 2017 to 5 June 2017. The consultation resulted in 2081 responses. This was the largest response to any online consultation undertaken by Southwark at the time, with over 47% of respondents identifying themselves as dog owners.
6. The PSPO requirements agreed by Cabinet on 31 October 2017 are detailed in Table 1 below. A Fixed Penalty Notice (FPN) for not complying with the PSPO requirements and restrictions is an offence under the legislation and can result in a fine of £100 or up to £1000 if it goes to court.

7. Table 1 - PSPO requirements and restrictions

PSPO requirements and restrictions	Area
Dog faeces must be cleaned up by those responsible for their dog(s)	Borough Wide
<p>Dogs must be put on lead when instructed to do so by an authorised officer*</p> <p>* Authorised Officer is an officer of the council with delegated authority to enforce the PSPO regulations, Civil Enforcement Officer, Police Officer or Police Community Support Officer.</p>	Borough Wide
<p>Dogs must be kept on a lead.</p> <p>Maximum of six dogs with one handler.</p>	Camberwell New Cemetery and Honor Oak Crematorium – Whole site as highlighted on Map
<p>Dogs must be kept on a Lead</p> <p>Maximum of six dogs with one handler.</p>	Camberwell Old Cemetery – Areas highlighted on Map
<p>Dogs must be kept on a Lead</p> <p>Maximum of six dogs with one handler.</p>	Nunhead Cemetery – Areas highlighted on Map
Dog exclusion areas	<p>Children's Play areas** within Parks and Open Spaces</p> <p>Children's play areas** within housing estates.</p> <p>**Defined as gated children's play areas containing play equipment.</p>
Maximum of 6 dogs with one handler with 3 dogs allowed off a lead at any one time.	<p>Borough Wide (excluding One Tree Hill***)</p> <p>*** The DCO regulations as set out for One Tree Hill have</p>

PSPO requirements and restrictions	Area
	automatically become a separate PSPO provision from the 20th October 2017, as prescribed under section 76 of the ASB Crime and Policing Act.

8. Enforcement of PSPO requirements and restrictions can be undertaken by a person with delegated authority. These are currently parks liaison officers (PLOs), community wardens, police officers and police community support officers.
9. It was agreed at Cabinet on 31 October 2017 that a report must be received 12 months after the implementation to review the introduction of PSPOs.
10. The education period for all PSPO requirements and restrictions, except for dog fouling, was extended by six months from the date of implementation. This period was necessary to ensure that the public were fully aware of the new PSPO requirements and restrictions and also enabled further feedback on siting of appropriate signage. PLOs began enforcing with FPNs for all PSPO requirements and restrictions from September 2018.
11. As noted in the Anti-Social Behaviour Crime and Policing Act 2014 a PSPO may not have effect for a period of more than 3 years, unless it is extended or varied. As such, a cabinet paper must be presented by March 2021 where recommendations will be made to either extend the current period for which the PSPO has effect, or to vary or discharge the PSPO.

The Preparation Phase

12. The preparation phase ran from November 2017 to 26 March 2018. During this period a project delivery group was set up with key representatives from Parks, Housing, Legal Services, Regulatory Services, Traded Services and Service and Business Development. The project group met monthly to plan the implementation of the PSPO.
13. Key activities during the preparation phase included:
 - An audit of existing signage in parks and open spaces
 - The design and creation of PSPO signage
 - Development of the signage installation schedule
 - Consultation and site surveys for bespoke signage for Nunhead Cemetery
 - The production of a PSPO delivery plan

- The production of a PSPO education plan (see point 14 for further information)
 - The identification of authorised officers who would engage in enforcement activities
 - The reprinting of FPN books with relevant legislation.
14. A PSPO education plan was created to ensure the public were informed of the new requirements and restrictions as set out under the PSPO. The following actions were completed:
- A specific council webpage was created which provided information on the PSPO requirements and restrictions
 - A leaflet was created which detailed the PSPO requirements and restrictions; this included maps of the three cemeteries
 - A residents e-bulletin was sent out which highlighted the PSPO requirements and restrictions
 - An email sent to every TRA chair and secretary detailing the PSPO requirements and restrictions
 - An email was sent to all 'Friends of Parks' groups detailing the PSPO requirements and restrictions
 - The Safer Neighbourhood Boards and Local Policing Teams were informed of the PSPO requirements and restrictions.
 - Officers and councillors were informed about the PSPO requirements and restrictions.
 - Face to face education by the PLOs and community wardens across cemeteries and the 28 Green Flag Parks.
15. Fifteen wooden posts sympathetic to the area were fitted in Nunhead Cemetery to make the dog on/off lead areas clearer.
16. During the installation period approximately 1,500 – 2,000 PSPO leaflets were handed out by community wardens and PLOs to inform the public about the new requirements and restrictions under the PSPO.
17. On 23 March 2018 the PSPO Order was signed and sealed by our legal team and published on Southwark Council's PSPO webpage on 26th March 2018.

The Implementation Phase

18. The PSPO became effective from 26 March 2018. As previously noted the period of education was extended by a further six months for all requirements and restrictions of the PSPO apart from the requirement to pick up after your dog.
19. During the extended education period, community wardens and PLOs spoke to dog owners, professional dog walkers and the wider community to ensure that they were aware of the new requirements and restrictions under the PSPO.

20. During the extended education period it was identified that further signage across parks and open spaces would ensure communities were aware of the PSPO requirements and restrictions. 148 additional signs were installed in July 2018.

Review of the PSPO

21. A review has been undertaken, based on quantitative and qualitative data.

Quantitative data

22. In the 12 months following the introduction of the PSPO there was a reduction of 1155 kg of dog waste collected across the borough. Staff also record the amount of dog fouling removed by council staff. This reduced by 1206 in the same period.
23. Data for the 11 months to February 2021 shows that there has been an increase of 570 pickups in the amount of dog fouling removed by staff in some areas of the borough. These increases would certainly be as a result of the Pandemic issues we have faced as a local authority and the national increase in dog ownership. This increase demonstrates the need for an enforceable PSPO once the lockdown restrictions are lifted.

Fixed Penalty Notices and additional education

24. Between April 2018 and January 2020 authorised officers enforced the PSPO and provided further education on the PSPO in 234 instances. A key element of this is to encourage behavioural change of dog walkers, rather than enforcement, to ensure parks and open spaces can be enjoyed by all.
25. The PSPO requirement that needed the most additional education was for: 'Dogs must be kept on a lead and that the maximum of six dogs with one handler'. This resulted in authorised officers using the PSPO requirement 'Dogs must be put on a lead when instructed to do so by an authorised officer'. PLOs have confirmed that in these instances the majority of individuals complied fully with their requests, therefore, FPNs were not issued.
26. A total of 26 FPNs were issued between April 2018 and January 2020. The Pandemic has meant a shift in the Council's focus to support the Covid-19 containment effort and consequently no FPNs have been issued since the initial lockdown.
27. Prior to Covid-19 the majority of dog owners adhered to the request to follow PSPO requirements and restrictions and it is believed that for the most part that this has continued. Those who did not were issued FPNs and this will continue provided the PSPO can be extended in its current form for a further three years. As previously noted, the principal objective of the PSPO is to instigate long term behavioural change and to make

parks and open spaces enjoyable for all.

28. Between April 2018 and January 2020 there were 43 incidents of abusive and threatening behaviour directed at officers enforcing the PSPO. Body worn cameras are now utilised by our PLOs in order to mitigate abusive or threatening behaviour.

Qualitative data collected in 2019

29. Feedback from 'Friends of' groups

The following 'Friends of' groups provided feedback on the introduction of the PSPO:

- Friends of Nunhead Cemetery (FONC)
- Dulwich Park Friends
- Friends of Nelson Square
- Friends of Belair Park
- Camberwell Cemeteries Working Group.

The 'Friends of' groups were generally very positive about the introduction of the PSPO. FONC, in particular, stated that the application of the dog control PSPO has had a very beneficial effect on the cemetery and its visitors. FONC also put forward ideas for continuing to support the PSPO requirements at Nunhead Cemetery suggesting an education leaflet (specific to Nunhead) be produced. Some groups said they would like to see greater presence and enforcement of the PSPO requirements and restrictions. The Camberwell Cemeteries Working Group raised concerns of incorrect and confusing signage within Cemeteries (Camberwell Old and New). A review of signage within these Cemeteries was undertaken in August 2019. Dulwich Park Friends said that six dogs is too many for one handler and they would like to see a reduction in this number.

Survey

30. A short survey was undertaken for a one-week period in June 2019. This was carried out in the following locations: Nunhead Cemetery, Camberwell New Cemetery, Camberwell Old Cemetery, Burgess Park, Dulwich Park, Belair Park, Peckham Rye Park and Geraldine Mary Harmsworth Park. 106 people completed the survey.
31. Out of the 60 people that visit park(s) and cemeteries regularly 58% were aware of the dog-related PSPO in Southwark, 35% were not aware and 7% were 'not sure'.
32. Out of the 46 people that do not visit park(s) and cemeteries regularly 35% were aware of the dog related PSPO, 52% were not aware of the dog

related PSPO and 13% were 'not sure'.

33. 51% of people surveyed stated they had not noticed any difference since the PSPO was introduced, with a further 5% saying they were 'not sure'. 38% had noticed a difference.

Feedback provided to the parks liaison officers

34. The PLOs have provided feedback on the public's reaction to the implementation of the PSPO. Key findings are noted below:

- The feedback received by the PLOs was generally positive with the majority of the public in favour of the PSPO across all sites visited.
- The majority of the public were receptive to the information and education provided by the PLOs.
- Over 200 people were spoken to in Nunhead Cemetery over a period of 10 days in February and March 2018. It is estimated that about 90% of those spoken to in the cemetery were happy with the PSPO.
- There were reports that some of the public felt that signage in Nunhead Cemetery could be clearer.
- Some commercial dog walkers would prefer to have four dogs off a lead at one time rather than the PSPO requirement of a 'Maximum of 6 dogs with one handler with 3 dogs allowed off a lead at any one time'. They said it is difficult picking up after dogs that have fouled whilst some dogs are on the lead, and it can also be difficult when all of the dogs want to socialise together.

KEY FINDINGS FROM THE REVIEW

35. The recommendation from the review undertaken in 2019, was that the Public Space Protection Orders to tackle dog related anti-social behaviour should continue, without variation, until March 2021. This was based on the key findings from the review below:

- There has been a reduction of dog fouling in the borough since the PSPO was introduced
- The majority of feedback from the 'Friends of' groups has been positive. In particular, FONC have stated that the PSPO has had a very beneficial effect on the cemetery and its visitors
- PLOs have confirmed that the majority of individuals complied fully with their requests to adhere to the PSPO requirements and restrictions
- The feedback received by the PLOs was generally positive with the majority of the public in favour of the PSPO across all sites visited
- 58% of those who regularly visit parks and/or cemeteries were aware of the PSPO. However awareness drops to 35% for individuals who visit the parks and/or cemeteries less regularly.

36. From the findings of the review it is proposed that further education and

enforcement in key areas of concern should be undertaken i.e. in areas where there are high levels of dog fouling.

37. A signage review should be undertaken in the Camberwell Cemeteries. A signage audit was undertaken within the Camberwell Cemeteries in August 2019, resulting in signage being removed and relocated as appropriate. To note: a further audit was planned for February 2020 however did not take place. This review will take place in spring 2021.

Future PSPO review

38. Ordinarily the local authority would carry out a consultation prior to extending, varying or discharging a PSPO. On account of this, a further review of the PSPO was due in summer 2020. Due to the pandemic and the reallocation of resources, this review will now take place beginning in March 22 with view to renewing the PSPO by March 2024.
39. The concerns raised by commercial dog walkers and 'Dulwich Park Friends' regarding the PSPO requirement 'Maximum of 6 dogs with one handler with 3 dogs allowed off a lead at any one time' will be considered in this review.

KEY ISSUES FOR CONSIDERATION

The PSPO and its requirements have had a significant impact in tackling dog-related anti-social behaviour and encouraging responsible dog ownership. There is a marked increase in dog ownership nationally which impacts on all parks and open spaces.

If the PSPO is not extended Southwark council will in effect lose its most effective enforcement tool to tackle dog fouling and all other dog-related anti-social behaviour.

40. PSPOs were introduced under the Anti-Social Behaviour Crime and Policing Act 2014, giving provisions 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 that apply to everyone.
41. The PSPO requirements and restrictions continue to meet the two legal conditions as detailed below:
42. The first condition is that;
- Activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - It is likely that activities will be carried out in a public place within that area and that they will have such an effect.
43. The second condition is that the effect, or likely effect, of the activities;

- Is, or is likely to be, of a persistent or continuing nature
 - Is, or is likely to be, such as to make the activities unreasonable, and
 - Justifies the restrictions imposed by the notice.
44. Introduction of PSPO requirements and restrictions for dog related ASB (detailed in Table 1) still meet the conditions as set by the 2014 Act in that;
- a) Dog related ASB has a detrimental effect on the quality of life on those who experience it within the borough. Any dog related ASB is considered unreasonable and justifies the restrictions proposed.
 - b) Dog fouling, although reduced, is still a concern across the borough.
45. Southwark continues to support responsible dog ownership in parks and open spaces. The following events took place year prior to the Pandemic's initial lock down:
- On 19 May 2018, the Dogs Trust participated in a community event at Nursery Row Park. They offered the following free of charge -
 - Microchipping and nail clipping
 - Basic health and weight checks
 - Health and training advice
 - The council's Dulwich Park Fair on 20 May 2018 included a dog show run by a local vet practice.¹
 - The 'Friends of Peckham Rye' Park Fete includes a dog show each year. The last fete took place on 1 September 2018.
 - The Pasley Park fete and the Bermondsey Street festival, both last held on 15 September 2018, include an annual dog show.
 - Dogs Trust and 'Friends of Peckham Rye Common' ran a responsible dog ownership event on 18 December 2018 at Peckham Rye Common.

Policy implications

46. In 2016, Southwark Council adopted the Animal Welfare Charter, which outlines its commitment to promoting animal wellbeing and providing information and guidance on animal care and legal responsibilities. The PSPO requirements and restrictions, as illustrated in Table 1, will enable and encourage responsible dog ownership, which is also highlighted as a requirement under the charter for dog owners who are council tenants.

Community impact statement

47. The PSPO has been assessed in terms of its equalities impact in line with the Protected Groups set out in the Equalities Act 2010 and the Public

¹ <https://dulwichparkfair.wordpress.com/2018-highlights/>

Sector Equality Duty. The PSPO 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, and that these measures have been introduced to tackle those that are not and to also enhance the enjoyment and opportunity provided by public spaces for all.

48. An extensive consultation was carried out prior to the implementation of the PSPO. There are clear positive impacts in terms of health, especially for young children and expectant mothers who are most at risk from exposure to dog fouling. There are also wider indirect health benefits for all residents who may access spaces they previously avoided due to dog related ASB. No groups are being prevented from accessing the spaces set out in the PSPOs. There are positive impacts for the visually impaired. The PSPO has not resulted in a negative equalities impact on any protected group or characteristic.
49. Following the extension of the current PSPO, work will begin in 2022 on the renewal of the PSPO in time for implementation in March 2024. All areas covered as part of the community impact assessment will again be extensively reviewed to ensure the same positive outcomes as above.
50. Person(s) are exempt from PSPOs requiring dog walkers to pick up after their dogs if:
 - a) They are registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or
 - b) 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.
51. Person(s) are exempt from any PSPOs that exclude dogs from areas if;
 - a) They are registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or
 - b) 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
 - c) 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.
52. Prescribed charities as detailed below are members of Assistance Dogs UK and are accredited by Assistance Dogs International or the International Guide Dog Federation.

- Canine Partners (Registered charity no: 803680)
- Dog A.I.D. (Registered charity no: 1098619)
- Dogs for Good (Registered charity no: 1092960)
- Guide Dogs (Registered charity no: 209617)
- Hearing Dogs for Deaf People (Registered charity no: 293358)
- Medical Detection Dogs (Registered charity no: 1124533)
- Support Dogs (Registered charity no: 1088281)
- The Seeing Dogs Alliance (Registered charity no: 1156790)

Resource implications

53. Resource implications for the delivery of the review will be met within the current staffing resources of environment and leisure department.

Financial implications

54. There are no additional revenue budget requirements arising from the review of the PSPO.

Communication

55. Notification of the intended extension of the PSPOs will be sent to all friends of groups in the borough. As part of this we will also make clear our commitment to carrying out a thorough consultation exercise beginning in 2022. This will give everyone the opportunity to make valuable contributions based on their experience of the PSPOs prior to any renewal. The council website will also be updated with the extension information.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

56. Legal comments are substantially embodied within the report as noted at paragraphs 39 to 43 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.
57. 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.
58. 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.

59. 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 2017 cabinet meeting. These have been reviewed once again and are detailed in paragraphs 46 - 50 of this report.

Strategic Director of Finance and Governance

60. The strategic director of finance and governance notes the recommendation to cabinet to approve the extension of the Public Space Protection Orders beyond March 2021 until March 2024.
61. The strategic director of finance and governance notes that there are no additional financial implications arising from this report. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
PSPO Cabinet Report 21 January 2020	Environment & Leisure	Tracy Umney 0207 525 7697
Link (please copy and paste into browser): http://moderngov.southwark.gov.uk/documents/s86597/Report%20Public%20Space%20Protection%20Order%20Review%20-%20To%20Tackle%20Dog%20Related%20Anti-Social%20Behaviour.pdf		

APPENDICES

No.	Title
None	

AUDIT TRAIL

Cabinet Member	Councillor Evelyn Akoto, Community Safety and Public Health		
Lead Officer	Caroline Bruce, Strategic Director of Environment & Leisure		
Report Author	Hugh Folkes, Regulatory Services, Catherine Snell, Research & Development Officer and Tracy Umney, Unit Manager for Environment & Community Protection.		
Version	Final		
Dated	25 February 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		Yes	Yes
Cabinet Member		Yes	Yes
Date final report sent to Constitutional Team			25 February 2021