

	<h2>Environment Committee</h2> <h3>11<sup>th</sup> January 2018</h3>
<b>Title</b>	Consideration of a Public Spaces Protection Order (PSPO) for Brook Farm Open Space and Barnet Playing Fields.
<b>Report of</b>	Chairman of the Environment Committee
<b>Wards</b>	Totteridge and Underhill
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Non key
<b>Enclosures</b>	<p>Appendix 1: Motion of Councillor Alison Cornelius</p> <p>Appendix 2: Barnet Council Byelaws – Regulation of Dogs 1992</p> <p>Appendix 3: Barnet Council Byelaws – Dogs on leads and exercise areas in parks and open spaces 1993</p>
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## Summary

Following the full Council Meeting on 31<sup>st</sup> October 2017 Councillor Alison Cornelius proposed a motion, which was subsequently carried, asking the Environment Committee to investigate introducing a Public Spaces Protection Order (PSPO) limiting the number of dogs an individual can walk at once, as well as issuing licences for professional dog walkers and asking for early contact with interest groups before a statutory consultation is undertaken. The motion is attached as Appendix 1 to this report.

This report therefore asks the Environment Committee to consider, whilst supporting the current approach to managing an emerging problem using the Community Protection Notice (CPN) power, to consider a PSPO for two particularly affected areas (Brook Farm Open Space and Barnet Playing Fields).

## **Officers Recommendations**

- 1. That the Environment Committee note the current approach being implemented using the Community Protection Notice process to deal with dog nuisance and dog fouling issues highlighted in this report.**
- 2. That the Environment Committee agree to delegate to the Strategic Director for Environment, authority to instigate a consultation, consider the responses to it and decide whether to introduce a PSPO for Brook Farm Open Space and Barnet Playing Fields.**

### **1. WHY THIS REPORT IS NEEDED**

1.1 On the 31<sup>st</sup> October 2017 at the full Council meeting Councillor Alison Cornelius proposed a motion asking the Environment Committee to investigate introducing a Public Spaces Protection Order (PSPO) limiting the number of dogs an individual can walk at once, as well as issuing licences for professional dog walkers and asking for early contact with interest groups before a statutory consultation is undertaken.

1.2 This motion was carried therefore this report asks the Environment Committee to consider the possibility of a PSPO for two particularly affected areas, Brook Farm Open Space and Barnet Playing Fields, whilst noting the current approach to managing the emerging problems detailed in this report, using the Community Protection Notice (CPN) process.

### **1.3 OPTIONS TO TACKLE DOG NUISANCE ISSUES**

#### **1.3.1 Dog Control Orders**

The Clean Neighbourhoods and Environment Act 2005 gave Councils the power to make orders regarding control of dogs in their borough. These orders were known as Dog Control Orders (DCO). Such orders could cover issues such as failure to clean up dog fouling, not keeping dogs on a lead when required to, prohibiting dogs from certain areas and controlling numbers of dogs permitted on to land.

1.3.2 Breach of DCOs was an offence for which a fixed penalty notice could be issued or a court fine. The penalty for an offence of breach of a DCO was a court imposed fine (with a maximum level of £1000) or a fixed penalty notice for the sum of £80.

1.3.3 However, Barnet did not introduce any DCOs and as a result of the Anti-Social Behaviour Crime and Policing Act 2014, they are now no longer available as a tool. The Anti-Social Behaviour, Crime and Policing Act 2014 introduced PSPOs as a new tool to deal with nuisance issues, including those that a DCO would have dealt with.

## **1.4 Consideration of a Professional Dog Walkers Licensing scheme**

1.4.1 Councillor Alison Cornelius highlighted that some other local authorities have a licensing scheme for professional dog walkers.

1.4.2 For example since 2 April 2013, professional dog walkers who operate their business in a Royal Park must hold a Royal Parks Professional Dog Walking Licence. This licence enables professional dog walkers to operate in any of the eight Royal Parks.

1.4.3 Under those Park Regulations, it is an offence to operate a commercial enterprise in the Royal Parks without permission through a licence or contract.

1.4.4 The Royal Parks describe the Professional Dog Walking Licence:

- Helps maintain the environment and support the upkeep of the parks and people's enjoyment of them, through the effective management of commercial dog walking.

- Brings professional dog walking in line with Park Regulations and with other businesses - such as cafes, cycle hire and personal fitness trainers - that are licensed under the regulations. Businesses who use the parks to make money should contribute financially to the upkeep of the parks.

- Ensures that professional dog walkers have the appropriate insurance required to operate within the park. This will protect dog owners, other park users and the dog walkers themselves in the unlikely event of a negative incident.

1.4.5 This licensing scheme claims to enable The Royal Parks to regulate the numbers of professional dog walkers who operate in the parks to ensure appropriate levels of use. The fees collected will be used to maintain and preserve the parks.

1.4.6 The terms and conditions and the code of conduct outline the requirements professional dog walkers must abide by when operating in the Royal Parks. Their online documents outline:

- Where dog walkers can walk dogs in the parks - some areas of the parks prohibit dogs, e.g. children's play areas, gardens, wildlife protection areas.

- How many dogs they can walk - our existing Dogs in the Royal Parks policy states that no more than four dogs should be walked at one time – the Royal Parks state that they consider this is a safe number and minimises impact on the park and other park users.

- The level of insurance cover the Royal Parks assess as needed.

1.4.7 The Royal Parks licence fees and charges are applicable for a year, starting on 1 January and expiring on 31 December. Licences granted after the beginning of the year will be charged on a monthly proportional basis. The current fee charged by the Royal Parks is £300 plus VAT per year per Professional Dog Walker.

1.4.8 Barnet does not have a large volume of Professional Dog Walkers and those Professional Dog Walkers who are considered not to be practising safe dog handling.

## **1.5 Barnet Dog Control byelaws**

1.5.1 The London Borough of Barnet, like other councils, has wide powers to make by-laws in relation to a range of areas under its control.

1.5.2 Byelaws proposed or those proposed for variation by the council must be approved by the Secretary of State as part of the process for implementation before they are enforceable.

1.5.3 Thereafter, byelaws are given the weight of law and generally enforceable by the council. Persons who contravene an enforceable by-law may be subject to a penalty or a fine.

1.5.4 There are two byelaws in place relevant to this report, albeit the latter amends the former. Full copies of these byelaws are at Appendix 2 and Appendix 3 of this report.

### **1.5.5 Appendix 2: Barnet Council Byelaws – Regulation of Dogs 1992**

1.5.6 This byelaw, made effective in summer 1993, applies to various parks and open spaces in Barnet and covers the following:

- Dogs prohibited areas
- Dogs on leads areas
- Removal of canine faeces
- Removal of offenders
- Penalty upon breach

### **1.5.7 Appendix 3: Barnet Council Byelaw – Dogs on leads and exercise areas in parks and open spaces 1993**

1.5.8 This byelaw amended the 1992 byelaw by replacing schedule 3 of that byelaw and by amending requirement 6 to read: 'No person in charge of a dog (other than a registered blind person) shall, without reasonable excuse, permit a dog to enter or remain in the dogs on leads area unless the dog is held on a lead and is restrained from behaviour giving reasonable grounds for annoyance.'

- 1.5.9 These byelaws are area specific and person who commits an offence under them is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- 1.5.10 The particularly affected areas discussed in this report that are seeing the increase in dog nuisance issues are not currently covered by these byelaws.
- 1.5.11 Whilst amending the existing byelaw is an option, it would be a lengthy process and require Secretary of State approval.

## **1.6 The Community Protection Notice – an early intervention power**

- 1.6.1 The Anti-Social Behaviour, Crime and Policing Act 2014 also introduced the Community Protection Notice (CPN). The Community Protection Notice is intended to deal with particular on-going problems or nuisances which negatively affect the community's quality of life targeting those responsible and can be issued by Council Officers with the delegated authority, police officers and Police Community Support officers and Social landlords if designated by the council.
- 1.6.2 The Community Protection Notice must be preceded by a written warning referred to as the Community Protection Notice Written Warning.
- 1.6.3 If the written warning is breached then the Community Protection Notice can be issued and this notice can have a requirement to stop doing specified things and/or a requirement to do specified things and/or a requirement to take reasonable steps to achieve specified result.
- 1.6.4 Breach of a Community Protection Notice is a criminal offence and the penalty for breach of the Community Protection Notice can be a fixed penalty notice of £100 if appropriate; a court can impose a fine of up to level 4 £2500 for individuals, or £20,000 for businesses; or an application for a Criminal Behaviour Order can be made as a result of the breach.

## **1.7 Public Spaces Protection Orders**

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a new tool to deal with nuisance issues, including those that a DCO would have dealt with, by enabling councils to introduce Public Spaces Protection Orders (PSPOs).

The Home Office guidance for controlling the presence of dogs under the PSPO legislation advises:

*When deciding whether to make requirements or restrictions on dogs and their owners, local councils will need to consider whether there are suitable alternatives for dogs to be exercised without restrictions.*

*Under the Animal Welfare Act 2006, owners of dogs are required to provide for the welfare needs of their animals and this includes providing the necessary amount of exercise each day. Councils should be aware of the publicly accessible parks and other public places in their area which dog walkers can use to exercise their dogs without restrictions. Consideration should also be made on how any restrictions affect those who rely on assistance dogs.*

*In relation to dogs and their owners, a PSPO could, for example:*

- exclude dogs from designated areas (e.g. a children's play area in a park);*
- require dog faeces to be picked up by owners;*
- require dogs to be kept on leads;*
- restrict the number of dogs that can be walked by one person at any one time; and put in place other restrictions or requirements to tackle or prevent any other activity that is considered to have a detrimental effect on the quality of life of those in the locality, or is likely to have such an effect.*

It is considered that a PSPO could cover (by way of requirements and prohibitions) issues including:

- i. Clearing up of dog fouling.
- ii. The maximum number of dogs to be walked at any one time.
- iii. Requirements as to when dogs have to be on a lead

## **1.7 The Barnet problem profile - Complaints to the Council regarding unsafe dog control and/or people not clearing up after their dogs**

1.7.1 Members Enquiries (complaints to elected Members) with regard to dog walker's unsafe dog handling and a failure to clean up the dog fouling examples include:

In March 2017 Councillor Alison Cornelius referred the following complaint from a resident to the Council's Green Spaces Services and the Community Safety Team:

*I am writing about the increasingly dangerous behaviour of dog walkers and their out-of-control charges on the Brook Farm Open Space.*

*Because there is a car park on site this is an increasingly popular spot for commercial dog walkers.*

*Yesterday I encountered one young woman who had thirteen - yes, thirteen, dogs with her. Some were very large and only one was on a lead. They were milling around, jumping up at passers-by and*

*defacating everywhere. When I remarked to her that they were not exactly under control she was decidedly lippy.*

*This situation is very unpleasant and is clearly a nuisance to the public. With that number of excitable dogs on the loose they can easily become seriously out of control and a dangerous incident could easily happen. I have toddler grandchildren and I cannot possibly bring them on to the Open Space with things as they are, it is far too dangerous.*

In August 2017 Cllr Jess Brayne referred the following complaint from a resident to the Council's Green Spaces Services and the Community Safety Team:

*'I have received Complaints about professional dog walkers with large groups of dogs walking on the Dollis Valley Green walk in the stretch between the estate and Totteridge. What are the rules about this and what is done to enforce collecting their waste?'*

- 1.7.2 Throughout 2017 Ward Councillors, Council Services (Community Safety, Green Spaces and Street Scene Teams) and Neighbourhood Police Teams have been receiving a steadily increasing number of complaints of poor/inconsiderate or unsafe dog handling in the Borough's green and open spaces particularly against those thought to be Professional Dog Walkers. The locations mainly affected are Woodfield, Barnet and Copthall Playing Fields and Brook Farm Open Space.
- 1.7.3 The Barnet byelaw(s) state Barnet Playing Fields and King George V Playing Fields (Childrens playground) are within Schedule 1 – dogs prohibited (ie no dogs in the playgrounds at both areas) but do not include Brook Farm Open Space.
- 1.7.4 The Barnet byelaw(s) Schedule 2 – pick up the dog fouling covers all the open spaces detailed in Schedule 2 and includes Barnet Playing Fields but does not include Brook Farm Open Space.
- 1.7.5 The Barnet byelaw(s) Schedule 3 – does not apply to the Barnet Playing Fields area or Brook Farm Open Space.
- 1.7.6 Rather than seeking to amend the existing byelaws to cover the other locations affected, it is considered that a PSPO is the most appropriate and effective way to address the nuisance issues for the particularly affected areas of Brook Farm Open Space and Barnet Paying Fields.

**1.8 Excerpt from complaints to the council which express the concern and detrimental impact upon the community affected.**

*I would like to comment on the dog excrement left by dog walkers - with so many dogs - they don't bother to pick - up! They walk the dogs in the woods so they don't have to!*

*I would like to request that perhaps a restriction of 6 dogs per person be applied in parks in Barnet*

*I am a participant at Nordic Walking Classes at Copthall playing fields and the adjoining woodland walks and open spaces. The classes run between 9:30-11:30am on Wednesdays and 11am-noon on Thursdays as part of Saracens Sport Foundation's Love2Move programme, encouraging social inclusion and healthy exercise for people over the age of 50 years. I am aged 61 years and some of our participants are considerably older.*

*On our walks - particularly the Thursday session - we often encounter one of two different women who walk with a pack of the same dogs along the paths immediately behind Copthall Leisure Centre and the boundary of the Metro Golf course. This pack can consist of 10 or more dogs, 2 only, perhaps, might be on a leash. They include both a very distinctive placid, pale coloured, Malamute type and an aggressive French Bulldog type, larger than breed standard.*

*I believe this to be a nuisance as they are not kept under proper control with the walker allowing them to go where ever they please. There is no way the walker is aware of what they are all doing. They often bark aggressively when approached which many in our groups find unpleasant, aggressive and intimidating. Both walkers continually yell at the dogs and the racket may be heard from a considerable distance away.*

*On a number of occasions individual dogs in this pack have been seen to defecate with the apparent indifference of the walker who has reacted very aggressively when pointed out. On one occasion, by the fencing in the woods immediately adjacent to the path leading from Leisure Centre, we were forced to walk among the dogs where the stench was quite nauseating, likely to have been caused by several defecating simultaneously.*

*I believe the peaceful enjoyment of these open spaces is being affected by unchecked, anti-social behaviour. Additionally, there are serious health implications from dog excrement left on playing fields. There are many responsible dog walkers using the area without affecting the enjoyment of others.*

**1.8.1 Excerpts from the Re Priority Intervention Officer's notes highlight the problem, challenges and the impact of poor or unsafe dog control and/or people not clearing up after their dogs.**

*I (Re Priority Intervention Officer) spoke with park users walking from Barnet Playing fields to Brook Farm Open Space and onto Totteridge Lane. All those spoken to expressed their fear of having to walk past a lot of dogs off their leads and under no control.*

*I witnessed a cyclist using the cycle path at Brook Farm, being chased by 2 Beagle type dogs whilst the owner was standing close by. The owner made no attempt to keep the dogs under control and the cyclist was visibly shaken even though the dogs did not actually attack her.*

*At various locations along the route dog walkers with dogs of the lead were taking up large sections of the footpath and cycle path. Dogs were not under control and fouling without being seen by the owners or professional dog walkers.*

*Whilst I patrolled I saw a lady with 15 dogs most off the lead, she spent almost all of her walk on her phone not paying attention whilst the dogs fouled in various locations which she did not pick up, the dogs obstructed the cycle path forcing cyclists onto grass and also obstructed pedestrian footway. The lady did not notice one of her dogs follow another park user back to the car park, this park user was trying to 'shoo' the dog away however as the dog walker was too busy on her phone she could not see this, the park user drove away and the dog was then alone in the car park for 25 minutes until she returned and only then did she realise it (the dog) had been missing.*

*I patrolled the area (Brook Farm) and spoke to a lady who had 6 dogs all on leads, she expressed concern about dog walkers who have excessive amount of dogs and do not have control of them. She stated her dogs are often surrounded and even though she asks the walkers to keep their dogs away she is ignored and is forced to leave the area, as she was speaking to me one of the dogs walkers arrived in a car with up to 15 dogs all loose in the vehicle, she pointed this person out to me and then walked in the opposite direction as she stated she already felt intimidated. The dog walker with 15 dogs paid no attention to her animals who were chasing other dogs and fouling all over the open space; this fouling was not picked up.*

*Another lady then arrived with 10 dogs, again was paying no attention, not picking up (dog fouling) after her dogs and allowing them to chase cyclists and other dogs. Two elderly park users commented to me that I should do something about this and I advised I was gathering evidence but because I did not know the temperament of the dogs I would not be approaching her.*

*I observed a man walking 8 dogs off the lead, his vehicle was obviously set out for a dog walking business, he was not paying any attention to the dogs who were gathering around park users and other people walking their dogs who appeared unhappy with this and at least one person shouted to him, he heard them but ignored them and just carried on walking. He did not pick up (dog fouling) after any of his dogs.*

## **1.9 The Council and Partnership response to the problems being reported.**

1.9.1 An Operational Officer's Task and Finish group was formed on 20<sup>th</sup> November 2017 and agreed a local action plan to respond to the issues and problem areas identified.

1.9.2 Officers agreed to continue joint Re Community Protection, Neighbourhood Policing Team and NSL Waste Enforcement (littering) Officer deployments into the specific areas of Brook Farm and Barnet Playing Fields where the majority of the complaints are originating from.

1.9.3 Officers agreed to utilise the Community Protection Notice power as the most suitable intervention tool whilst a more comprehensive assessment of the wider issues for the Borough's open spaces could be undertaken.

1.9.4 Officers agreed that any animal welfare legal powers and referrals would be made should they have any such concerns confirmed as a result of their joint deployments.

1.9.5 Officers agreed that there were currently three main perpetrators that could be immediately identified as not managing the dogs safely or picking up dog fouling in the area thus having a persistent and ongoing detrimental impact upon other park users, the environment and spoiling its peaceful enjoyment for family and recreational use by others.

1.9.6 The key perpetrators of this behaviour being complained about have now been identified and the use of Community Protection Notices to regulate their behaviour has been agreed by the Task and Finish Group as the immediate response whilst a PSPO is considered.

## **2. REASONS FOR RECOMMENDATIONS**

2.1 For reasons stated earlier in this report, the Environment Committee is asked to approve the recommendations to address the issues being experienced by the complainants in our parks and open spaces relating to poor or unsafe dog handling and dog fouling. It is considered that the proposed option of using a PSPO is the most appropriate tool to address the issues being experienced.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 **Amending the existing or new byelaws** – As noted earlier, the existing byelaws in place under 'Regulation of Dogs 1992' and the 'Dogs on leads and exercise areas in parks and open spaces' 1993 do not adequately cover the

particularly areas proposed for the PSPO and amending them would take time and need Secretary of State approval. A PSPO for these areas would also enable us to use fixed penalty notices and take court action where appropriate. It is considered that a PSPO is the most appropriate power to use to deal with the issues being experienced, and Guidance also supports this. Amending the byelaw is **therefore not recommended**.

- 3.2 **The introduction of a Professional Dog Walkers Licensing Scheme in Barnet.** At present additional time is needed to research and understand the cost implications to the council of introducing such a scheme. A cost benefit assessment would be required to be undertaken as well as a consultation and report to members for consideration of implementation such a scheme. **This option is not recommended at this time.**

#### **4. POST DECISION IMPLEMENTATION**

- 4.1 The Operational Officer's Task and Finish Group shall continue with their current planned use of the CPN process to regulate the safe handling of dogs in the areas identified within this report and will report back to the Environment Committee of progress using the CPN process by way of a supplemental report to the Committee on progress to manage the issues identified on 14<sup>th</sup> March 2018.
- 4.2 If the Committee endorses a PSPO to be progressed as well as the use of the CPN process in the interim, then officers from the Community Safety Team and Re Community Protection Team shall undertake the required statutory consultation and seek to introduce the PSPO in the two areas proposed in this report.
- 4.3 Should a PSPO be implemented, in addition to the statutory publicity requirements, it will be advertised on the Council website as to when it comes into force. The area affected will also require a suitable amount of signage to be erected to inform the public that a PSPO is in force. The volume of signage is dictated by the area and natural entry exit points to the area.
- 4.4 The officers of the Council's Community Safety Team and Re Community Protection Team, Neighbourhood Policing Team and NSL waste enforcement Team will agree the programme of operational deployment of Partnership officers to effect a consistent and sustained enforcement of the PSPO.
- 4.5 The effectiveness of the PSPO will be reviewed every six weeks at the Community Safety MARAC meeting chaired by the Community Safety Team Manager and Area Police Inspector.

- 4.6 It is also proposed that the PSPO will be subject to a 6 month analytical review by officers and partners and a report shall be made available to the Environment Committee at a future meeting as to its impact and effectiveness.

## **5 IMPLICATIONS OF DECISION**

### **5.3 Corporate Priorities and Performance**

- 5.3.1 The Council's Corporate Plan 2015-20 sets out the following strategic objectives:

That Barnet Council, working with local, regional and national partners, will strive to make sure that Barnet is the place:

- Of opportunity, where people can further their quality of life.
- Where responsibility is shared, fairly.
- Where people are helped to help themselves, recognising that prevention is better than cure.
- Where services are delivered efficiently to get value for money for the taxpayer.

5.3.2 Agreement to the possibility of introducing a PSPO will ensure the Council's approach to regulating compliance and applying any enforcement action for the safe handling of dogs and dog fouling in the areas of Brook Farm and Barnet Paying Fields is fair, consistent and transparent and that the responsibility of being compliant is equally shared across the council, residents and professionals/businesses engage dog walking in Barnet's open spaces.

### **5.4 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.4.1 If introduced, the PSPO enforcement arrangements will be provided within the existing service staff resources and Neighbourhood Policing Team officers and should therefore be self-sufficient.

5.4.2 There are no property implications.

5.4.3 As noted above, if implemented, there is a plan to review the effectiveness of the PSPO and report back to the Environment Committee.

5.4.4 There are no staffing implications at this stage.

### **5.5 Social Value**

5.5.1 Not relevant for this report

### **5.6 Legal and Constitutional References**

5.6.1 Chapter 2 of Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014

deals with Public Spaces Protection Orders (PSPO).

5.6.2 Sections 59 – 61 inclusive deal with the power to make such orders, their duration, and their variation and discharge.

5.6.3 Under Section 59, the Council has the power to make a public spaces protection order if satisfied on reasonable grounds that two conditions are met:

1. That

- a) activities carried on 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
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

AND

2. That the effect, or likely effect, of the activities —

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) justifies the restrictions imposed by the notice.

5.6.4 A PSPO identifies the public place referred to (“the restricted area”) and —

- a) prohibits specified things being done in the restricted area,
- b) requires specified things to be done by persons carrying on specified activities in that area, or
- c) does both of those things.

5.6.5 The only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order —

- a) to prevent the detrimental effect referred to in section 59(2) of the Act from continuing, occurring or recurring, or
- b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.

- 5.6.6 Before making an Order, the Council must consult with the chief officer of police, the Police and Crime Commissioner and any representatives of the local community it considers appropriate. Orders may last for a maximum of three years, after which they may be reconsidered for renewal or discontinued. There are also requirements to publicise, and notification requirements in relation to a proposed PSPO.
- 5.6.7 Under the Act an interested party (i.e. a person who lives, works or regularly visits the restricted area) can challenge the making of a PSPO, or its variation, by application to the High Court. The grounds for such a challenge are that the local authority did not have the power to make (or vary the order) or to include certain prohibitions/requirements; or that a requirement under the Act was not complied with. There is a 6-week time limit to make such an appeal from the date of the order or variation.
- 5.6.8 Where an Order has been made and has come into effect, it is an offence to fail to comply with its provisions and this can result in an offender being issued with a Fixed Penalty Notice, and ultimately being prosecuted if s/he fails to pay.
- 5.6.9 Under Article 7 of the Council's Constitution, the Environment Committee has, amongst other things;
- (1) Responsibility for all borough-wide or cross-constituency matters relating to the street scene including, parking, road safety, lighting, street cleaning, transport, waste, waterways, refuse, recycling, allotments, parks, trees, crematoria and mortuary, trading standards and environmental health.

## **5.7 Risk Management**

- 5.7.1 If a PSPO is ultimately implemented, there will be risk of challenge to it by an interested party as noted above. By consulting on the proposed PSPO and considering any responses, as well as conducting an Equality Impact Assessment, it is hoped that this will minimise any risk of challenge.
- 5.7.2 As noted earlier in this report, there will be ongoing review of the PSPO if introduced.

## **5.8 Equalities and Diversity**

- 5.8.1 If the recommendations in this report are agreed, pursuant to the Public Sector Equality Duty under section 149 of the Equality Act 2010, the proposed PSPO will be subjected to a specific equalities impact assessment (EIA) to ensure the approach does not have a disproportionate adverse impact on persons, particularly those with protected characteristics under the Equality Act 2010.
- 5.8.2 Being fair and giving equal chances to all our residents is central to Barnet's Corporate Plan 2016 -2020 and the council's strategic equalities objective,

(SEO), that “Citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the taxpayer”. Barnet and organisations acting on its behalf are committed to fair treatment for all our citizens balancing their different needs and rights as we support our more vulnerable residents and incorporate the principles of equality into everything we do as a Council.

5.8.3 The public sector equality duty is set out in Section 149 of the Equality Act 2010. A public authority must, in the exercise of its functions, have *due regard* to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.8.4 The protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race / ethnicity
- religion or belief
- gender / sex
- sexual orientation
- marital status (including civil partnership) to a limited extent

5.8.5 As noted above, in order to mitigate/eliminate the potential impact upon the groups identified once the consultation has concluded an Equalities Impact Assessment will be undertaken. Any enforcement action will be assessed by the relevant officer on a case by case basis.

## **5.9 Corporate Parenting**

5.9.1 The decision to proceed with a pilot PSPO for safe and environmentally clean dog handling is not considered to have a direct or indirect impact on children in care.

## **5.10 Consultation and Engagement**

5.10.1 Consultation will be undertaken in accordance with the statutory requirements of the legislation and will include ward councillors from the affected wards.

5.10.2 Consultation will also be undertaken with any local community group that may be affected by the proposed PSPO; this includes local friends of green spaces and residents forum groups.

5.10.3 Consultation will also be undertaken with recognised animal/dog welfare agencies.

## 5.8 Insight data

5.8.1 Not relevant for this report

## 6 BACKGROUND PAPERS

Recent papers to various committees on enforcement and some examples of web links to the council's service specific enforcement actions are listed below.

Regulation of Dogs Law 1992/Dogs on leads; exercise areas, opens spaces byelaw 1993:  
<https://www.barnet.gov.uk/citizen-home/council-and-democracy/democracy-and-elections/council-by-laws-pdfs.html>

Anti-Social Behaviour, Crime and Policing Act 2014 – Home Office Statutory Guidance for frontline professionals.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352562/ASB\\_Guidance\\_v8\\_July2014\\_final\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf)

Dangerous Dogs Act 1991 (as amended 2014/2017).  
<https://www.legislation.gov.uk/ukpga/1991/65/section/4B>

Environmental Protection Act 1990 (and amendments).  
<http://www.legislation.gov.uk/ukpga/1990/43/contents>

CLC DPPO/PSPO paper dated 16<sup>th</sup> March 2016.  
<https://barnet.moderngov.co.uk/documents/s30238/DPPO%20Committee%20Report.pdf>

ASB, Crime and Policing Act 2014 CLC paper dated 25<sup>th</sup> November 2015.  
<https://barnet.moderngov.co.uk/documents/s27557/ASB%20Update%20CLC%2025NOV2015%20KV%20Final.pdf>

Barnet Council Corporate Enforcement and Prosecution Policy approved at the Policy and Resources Committee on 21<sup>st</sup> March 2017.  
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Environmental Crime – Fixed Penalty Notices.  
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